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PINAL COUNTY PLANNING AND ZONING COMMISSION  
(PO NUMBER 230372)

Regular Meeting  
9:00 a.m.  
Thursday, March 19, 2015  
EOC Room - Building F  
31 N. Pinal St., Florence, Arizona

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- March 4, 2015 - none

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TRANSCRIPTION PROVIDED BY

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ORIGINAL PREPARED FOR:  
PINAL COUNTY, ARIZONA

1           HARTMAN: Good morning. We'll call on the regular  
2 session of the Pinal County Planning and Zoning (inaudible) my  
3 microphone. First thing, Steve had some notes in there and  
4 one of the things was that the mikes are really sensitive and  
5 if we're going to have any conversation, which we shouldn't  
6 have, but we please turn off your mikes, so - and then turn  
7 them back on when you speak. So with that, we'll call the  
8 regular meeting of Pinal County Planning and Zoning session to  
9 order here on Thursday, March 19<sup>th</sup> in CO - EOC Room, Building  
10 F. You've all been given your agenda, and with that, we're  
11 ready to proceed with Discussion of Action Items. Steve, if  
12 you will take that.

13           ABRAHAM: Thank you and good morning Commission  
14 Members and Mr. Chair. Your Action Items. The, let's see,  
15 out of your items that you worked on, the only one that went  
16 forward to the Board was the 13-14, the Vowell property, that  
17 was the one at the corner of Ocotillo and Meridian. The -  
18 that one got approved. So that was just done yesterday.  
19 Otherwise the Westcor Queen Creek subdivision didn't go, and  
20 that one's planned for early next month. So that's really the  
21 update we have on those items.

22           HARTMAN: Okay, let's go to Item 3. Commission  
23 Members, any questions of Steve? If not, Steve if you would,  
24 go onto Item 3 please.

25           ABRAHAM: Sure. Commissioners, last month you asked

1 me to put together a brief update on the outdoor medical  
2 marijuana growing ordinance that was recently adopted and I  
3 wanted to put together a little bit of a PowerPoint, and a  
4 description of what happened because that, that, that code  
5 amendment went on a bit of a journey since you saw it, and it  
6 - and the end result was, I think, a lot different than what  
7 you looked at as part of your review. So I put together this  
8 real brief presentation, and I put a copy of the final version  
9 in your code to go over what ended up happening. And that  
10 code will actually go into effect on Friday at 5:00, so that  
11 one will, barring any referendum petitions that are submitted,  
12 that one will go into effect at that point. Just as a recap,  
13 it was a citizen-initiated zoning code amendment to allow the  
14 outdoor cultivation of medical marijuana. It applied county-  
15 wide and our - the applicant on that one was Rose Law Group on  
16 behalf of the Sidewinder Dairy. Now the key components of the  
17 proposal when it got adopted was, obviously, outdoor  
18 cultivation. Remove the square foot limitation. It was  
19 allowed as a special use in the GR zone. Now growing areas  
20 ended up getting a five acre size limitation, so important  
21 component that - I've got a lot of feedback from the community  
22 on this, and one thing that I keep getting asked was that  
23 there's no acreage minimum, there's an acreage maximum, so  
24 it's a five acre maximum. It still could go on any GR zoned  
25 property with a special use permit. The second thing that

1 needs some clarification that I get a lot of questions about  
2 was that it's - the end result of the amendment was that there  
3 will be eight total locations in the GR zoning district  
4 County-wide. Now that - there's no numerical limit, but it's  
5 linked to a dispensary. So each growing location has to be  
6 linked to a functioning dispensary in Pinal County. That has  
7 the effect of creating eight sites. So - now granted the  
8 State in the future, we don't know if this is happening or  
9 not, could adjust their CHAS, those community health impact  
10 districts. They made this map that had a lot of areas  
11 (inaudible), that could increase. Maybe it decreases, who  
12 knows. But right now it's going to be up to eight. The four  
13 CHAS that cover the Indian communities, those aren't subject  
14 to our jurisdiction so it, it - they could have as many as  
15 they want over there. Just talked about linked to the  
16 dispensary, now I think a real important component compared to  
17 the one that you saw was that the Board of Supervisors was  
18 gracious enough to give staff the opportunity to weigh in on  
19 some of the things that we felt were some real weak spots in  
20 the proposal, one of them being we added a distance  
21 requirement of 1500 feet from single family, multi-family  
22 transitional, multi-dwelling or the RUC, which is a Rural  
23 Commercial zoning category. That's zoning districts. So  
24 whether it's developed or not, they have to be 1500 feet away  
25 from the zoning category.

1 HARTMAN: That's good.

2 ABRAHAM: Yeah, I thought, I thought that was a  
3 great addition. Also pavement-to-pavement access, we thought  
4 that was a component because we will still maintain to this  
5 day that the outdoor cultivation of medical marijuana is not a  
6 function of agriculture, it is a industrial use, it is a - you  
7 know, it's not farming. So you have to put pavement down  
8 because of the traffic to control dust and make sure that  
9 there's good access for folks from the Sheriff's Department to  
10 get there in case of an emergency. Also with the sheriff,  
11 there's a three day notice that they have to notify the  
12 sheriff - that the grower has to notify the sheriff of when  
13 they're going to ship the product. So that 1500 foot thing,  
14 and it's best sort of illustrated by this map that way at the  
15 beginning of this staff put this map together for the  
16 Commission that it's - well it's probably best (inaudible) on  
17 the TV, it's every - all - when it was first proposed, all  
18 those areas that are pink color plus there's some red dots  
19 there, scattered in there, those would be areas that were  
20 eligible for the SUP, so you'll see that there's large swaths  
21 of the County were included in that. Now the net effect of  
22 that change, adding the 1500 feet, substantially reduce the  
23 amount of property that's eligible for the SUP, and I think  
24 the best way to illustrate that is looking at San Tan Valley,  
25 that red line there is Hunt Highway kind of going on the north

1 side of that map, so go back to this map, you can see that all  
2 of these red dots and all of this peach colored property was  
3 eligible and it went from that to basically that. You're  
4 talking several hundred acres down to maybe - that's probably  
5 about a quarter, quarter section right there. Another good  
6 illustration is north of Apache Junction. Basically the whole  
7 north side of the city was eligible. It went down to about  
8 that. So these are just some illustrations. Now keeping in  
9 mind, of course, that there are still large parts of the  
10 County that are far away from population centers that would  
11 still be eligible. Basically the whole, you know, the whole  
12 west side of the Maricopa area is still eligible. Down here  
13 along I-8 that would still be eligible. Down here in Eloy,  
14 parts of San Manuel, SaddleBrook, north of SaddleBrook and  
15 Oracle would still be eligible, so these maps are just simply  
16 to illustrate where these facilities could be located that are  
17 in close proximity to residential zoning. There is a good  
18 example, too, outside of Casa Grande. A former County  
19 employee lives right here. I'm not going to say who it is,  
20 but you'd recognize him if he walked in the door, so that area  
21 you can see, without going back to the other map, this was all  
22 eligible for SUPs and it went down to basically this. And  
23 then here's one that's, that's - where is this - this is  
24 Oracle area, that it went from basically most of the ground  
25 surrounding oracle, north and south of the freeway down, down

1 to - or the state route down to this. Now granted Mammoth, if  
2 you're not familiar with that area of town, went out and  
3 annexed a large, large swaths of ground that aren't developed,  
4 so you know, if you're - Mammoth is, you know, maybe about a  
5 square mile, but the city limits compose several square miles  
6 surrounding it. That would be them, that would be up to them  
7 whatever they end up doing with their, their requirements. So  
8 anyway, what to look for moving forward, because it is  
9 feasible that you could get a SUP application, not only like  
10 the Dugans ones that may be coming forward, which is a farming  
11 activity, but you may see GR-zoned property because it still  
12 is one of the most prevalent zoning categories in the entire  
13 County. It's important to look for our established SUP  
14 criteria that we have in our code, look at the Comp Plan  
15 moving forward, proximity to public safety and/or other  
16 services. Proximity to the dispensary, population centers,  
17 things like that, and of course public involvement because  
18 when you get closer to these population areas, the 1200 foot  
19 radii that we're - that folks are required to do would most  
20 certainly hit some of those populated places. So, that's it  
21 in a nutshell, what the Board ended up doing. If you have any  
22 questions, I'd be happy to answer them.

23 HARTMAN: Steve, I have one question. I noticed in  
24 there that it's a one year SUP. Now that, for the investment,  
25 I mean they got to pave roads, and they got to build all kinds

1 of protective whatever for public and for the facility itself,  
2 I mean that, that seems like a short time. Two years is what  
3 we have for the medical marijuana. I'm surprised they didn't  
4 use two years. Your comment?

5 ABRAHAM: That was something that the Board of  
6 Supervisors talked about at the meeting and was a solution  
7 that was created at the - at that hearing date. I, I really  
8 don't know if I could -

9 HARTMAN: Mark, yes.

10 LANGLITZ: Mr. Vice Chair, Commission Members, Mark  
11 Langlitz, Deputy County Attorney. Yeah, the two changes were  
12 proposed by Supervisor Smith. He asked the Rose Law Group and  
13 Sean Dugan if it would be acceptable to him if the Board  
14 reduced the acreage from ten acres to five acres. They  
15 indicated that it would be acceptable. Actually, maybe that  
16 was the second thing he did. But then he also asked if a SUP  
17 review process, if that could be reduced from every two years  
18 to one year, and they indicated that that would be acceptable,  
19 so Supervisor Smith made the motion with those two changes.  
20 That, that's how that came about. And then real quickly, I  
21 just wanted to add onto just one component of what Steve  
22 mentioned; we are taking a look at, legally, we have not  
23 reached a conclusion, but in the next step of this is a  
24 requirement that an applicant obtain an SUP. In the  
25 development code it's clear that an SUP has to be consistent

1 with the Comprehensive Plan. This isn't really a county-wide  
2 issue, it's now becoming a specific location by location  
3 issue. For example, the Sidewinder Dairy is located in a  
4 moderate low density residential comp plan designation.  
5 Cultivation of marijuana, we, we - again, we haven't reached a  
6 conclusion - but that may not be allowed in that comp plan  
7 designation. If that's the case, then they're going to have  
8 to come back and get a comp plan amendment. And again, what  
9 the best way would be to do that, we haven't reached any  
10 conclusions yet; either a major text comp plan amendment or  
11 maybe a specific re-designation of the comp plan land use to  
12 allow this. But there's more to do here before one of these  
13 cultivation sites come in. And again, just the - I just  
14 wanted to let you know that we're taking a look at, a look at  
15 that, so that may be very possible that the next step is  
16 they're going to have to come in with a comp plan amendment.

17 MORITZ: Mr. Vice Chair. Excuse me.

18 HARTMAN: Commissioner Moritz.

19 MORITZ: Going back to your one comment regarding  
20 the one-year/two-year issue, would that question of Supervisor  
21 Smith not have only pertained to that particular case, and not  
22 to the revision of the ordinance?

23 LANGLITZ: Mr. Vice Chair, Commissioner Moritz, no,  
24 that is County-wide. That went to the ordinance, so  
25 regardless of who the applicant for the SUP is, they're going

1 to have to come back and get that reviewed and renewed every  
2 year.

3 MORITZ: Okay. Because I agree with Vice Chair  
4 Hartman, that that seems a little bit of an imposition on the  
5 applicants and the - to go through that process again, and  
6 again, they're our customers and part of our job here in the  
7 County, I would think, is to make their life a little easier.  
8 So that's disappointing that that's only a year.

9 LANGLITZ: Mr. Vice Chair, Commissioner Moritz,  
10 yeah, staff had nothing to do with that. That was a decision  
11 - yeah, yeah, with the Supervisors.

12 HARTMAN: Okay, Commission Members. Any other -  
13 David? Commissioner Gutierrez.

14 GUTIERREZ: Yeah, regarding the 1500 foot zone. If  
15 after a cultivation site is approved and now you've got a  
16 building permit that's issued within that 1500 feet or a  
17 church trying to establish itself within 1500 feet, what's  
18 going to be the course at that, at that point in time? Is it  
19 going to be grandfathered, or how is that going to be dealt  
20 with or -

21 ABRAHAM: Well, since the SUP would expire in a  
22 year, they would no longer be eligible for an SUP after that.

23 SALAS: So Steve, that would essentially shut that  
24 place down?

25 ABRAHAM: If the dispen - I'm sorry, not dispensary

1 - the grow facility were to locate and then the next day they  
2 get their SUP, they build, they're operating, the next day a  
3 church - well it's not use, it's zone - let's put it zone,  
4 change the conversation to zone. Say the County then rezoned  
5 a piece of property that's within that 1500 feet, the next  
6 time the SUP comes due, it would no longer be eligible.

7 HARTMAN: Okay. Commissioner Putrick.

8 PUTRICK: I just (inaudible) request. We have no  
9 microphone. So I just want to mention that Ruben and I don't  
10 have a microphone so we're - the right flank is without a  
11 voice today.

12 HARTMAN: Does that - that means something?

13 PUTRICK: Was that a hint?

14 HARTMAN: All right. Yes it does, all right.

15 MORITZ: Oh, Vice Chair?

16 HARTMAN: Yes. Commissioner Moritz.

17 MORITZ: Do you want any grammatical corrections or  
18 will you do that when you type this up for real?

19 ABRAHAM: Which one? The presentation or the  
20 ordinance?

21 MORITZ: Ordinance.

22 ABRAHAM: Sure.

23 MORITZ: It's just quick.

24 ABRAHAM: We'll look at, we'll look at it.

25 MORITZ: On page 11, under G, I think the word be -

1 B-E - needs to be added to be transported. Just minor but  
2 it's nice to have it right when you do the real thing. Oh,  
3 okay, page 5 of the ordinance.

4 ABRAHAM: Oh yeah. Is to -

5 MORITZ: Okay.

6 ABRAHAM: That's a scrivener's error.

7 MORITZ: I just want you to know I read it.

8 HARTMAN: Is that the only thing you could find  
9 wrong? Grammatically? All right, thank you. All right,  
10 Commissioner Members. Steve, we're ready to move onto the  
11 next bullet.

12 ABRAHAM: Let's see. Oh, well we're going to have  
13 those two next discussion items after the public hearing  
14 cases. It's a discussion on impact fees by our director, and  
15 then I have some changes in agenda procedures and action items  
16 on your agenda I'd like to propose to the Commission.

17 HARTMAN: All right. Did you already give us the  
18 Supervisors Actions?

19 ABRAHAM: There was no zoning cases on February 18<sup>th</sup>  
20 or March 4<sup>th</sup>.

21 HARTMAN: All right. With that, Commission Members,  
22 staff, public, we're ready to move into new cases. The first  
23 case is item number 5, SUP-001-15. Ashlee, I believe that's  
24 yours.

25 LANGLITZ: Mr. - excuse me - Mr. Vice Chair, Mark

1 Langlitz again. Before we get started, we just wanted to let  
2 the Commission know that Commissioner Del Cotto has indicated  
3 that he may have a conflict of interest in this matter because  
4 he owns the building in which the medical marijuana dispensary  
5 is located. So he is voluntarily recusing himself from this  
6 matter and will not participate in any discussion or  
7 deliberation. Is that correct Commissioner Del Cotto?

8 DEL COTTO: Yes sir.

9 LANGLITZ: Okay, thank you very much, and I'll hand  
10 it over to Ashlee, thank you.

11 HARTMAN: I appreciate that comment, and I  
12 appreciate our Commissioner saying that he will step down.  
13 And that - let me, let me say one thing too. When a  
14 Commissioner - when a Commissioner steps down, he actually -  
15 you're really supposed to leave the room but I've seen other  
16 public officials move to the front row, but I think it, it -  
17 if he moves to the rear of the room it ought to be  
18 satisfactory. Mark, your comments on that.

19 LANGLITZ: Mr. Vice Chair, yes I agree. I don't  
20 know that there's any hard and fast rule. Certainly it some -  
21 I like to leave it up to the individual Commissioner or  
22 director as to their comfort level. I've even seen some  
23 remain seated and not participate. That's probably not the  
24 most common type, but no, absolutely. He's clearly not  
25 participating in this at all and being at the back of the room

1 is fine.

2 HARTMAN: All right, thank you. With that, Ashlee,  
3 it's - the show is yours.

4 MACDONALD: Thank you Vice Chairman and Commission  
5 Members. This is case SUP-001-15. It is a request for  
6 approval of a special use permit to operate the Ponderosa  
7 Botanical Care medical marijuana dispensary. It's on 3.3  
8 acres in the CB-2 zone. To this point, staff has not received  
9 any letters in support or in opposition of the proposal. It  
10 is located south of Papago Road, east of White Road in the  
11 Maricopa area. The applicant is Ponderosa Botanical Care,  
12 doing business as Ponderosa Relief with their agent Andy  
13 Workman. Again, the subject property is located in the  
14 western portion of the County, southeast - southwest of  
15 Maricopa in Ak Chin Indian Community. You can see the  
16 property to the north is bordered by Papago Road, White Road  
17 is to the west. The Comprehensive Plan designation onsite is  
18 moderate low density residential. The Comprehensive Plan does  
19 allow for commercial uses under 20 acres in any zone. The  
20 existing zoning onsite is CB-2, to the east and west is also  
21 the CB-2 zoning category. The aerial photograph shows that it  
22 is currently developed with a commercial center. To the west  
23 is some additional commercial development, and then to the  
24 east is a residential building that I don't believe is  
25 occupied. The applicant did submit a site plan showing the

1 commercial center that exists today. There is an existing SUP  
2 on this property to operate this very same dispensary. It is  
3 expiring on April 24<sup>th</sup> which is why the applicant is here  
4 today. The plan on the right is the floorplan that was  
5 submitted by the applicant of the dispensary that exists  
6 today. Photos were taken from Papago Road at the north of the  
7 site. This is looking north away from the subject property,  
8 currently vacant. Looking into the property. Looking east  
9 along Papago, and looking west along Papago. There are 15  
10 stipulations associated with this special use permit. I will  
11 be happy to answer any questions that the Commission has.

12 HARTMAN: Commission Members, any questions of  
13 Ashlee? If not, thank you Ashlee. I will call the applicant  
14 to come forward. If you will, state your name and your  
15 address and then be sure and write it down so that you get  
16 correspondence from the County. And that's two - if both of  
17 you are gonna speak, need to identify each, each of -

18 A. WORKMAN: All right, Vice Chairman,  
19 Commissioners, I'm Andy Workman. I live 2415 East Cloud  
20 Drive. This is our CEO, also my dad, Jerry Workman. Resides  
21 at the same address. I just kind of want to get up here and  
22 kind of give you some history to kind of what we've been  
23 doing. We've open July 3, 2013, that's about a year and eight  
24 months. We now have served a little under 1200 patients from  
25 all over, not just Pinal County. We do about 40 patients a

1 day. We get about 30 new patients a month, which is pretty  
2 cool because they come down from the Phoenix area, also from  
3 Casa Grande, even some up from Oro Valley, Tucson. We have  
4 passed two compliance state audits, that is procedural  
5 compliance, labeling, patients records, all that. We've had  
6 zero issues for the year and eight months on our property.  
7 Zero complaints. And we have just recently - some positive -  
8 recently dropped the prices. We've been able to do that and  
9 our patients are very happy about it. So we're, we're kind of  
10 enjoying interacting with the patients and it's actually quite  
11 fun.

12 J. WORKMAN: Yeah, I wanted to - I'm Jerry Workman,  
13 and I reside at 2415 East Cloud Drive, and Mr. Chairman and  
14 Commissioners, I just wanted to - any questions that we could  
15 possibly have. This is our renewal at two years and it would  
16 perhaps be better if we had one a little bit longer than two  
17 years as it, as it does take us three or four months to go  
18 through this process, and you guys go through the process, and  
19 hopefully you'll get to know us more as time goes on. But  
20 we'd like to reconsider that you guys issue another SUP so we  
21 can continue in business. And if you have any questions, we'd  
22 be happy to answer them for you.

23 HARTMAN: My, my questions were answered right off  
24 the bat by, by Andy. I wanted to know how many per day and  
25 things like this, and so he answered my questions. Commission

1 Members, questions? David, Commissioner Gutierrez.

2 GUTIERREZ: Just real quick, and I think you  
3 answered it and stuff, you said no issues, but have you had  
4 any security issues, any, any, any problems there at the  
5 facility or in the transport or anything at all?

6 A. WORKMAN: We've had zero issues and part of the  
7 State compliance every six months is actually going through  
8 security footage and being able to pull certain reports from  
9 different times and dates, and so we've had zero issues.

10 HARTMAN: Commission Members? Commissioner Grubb.

11 GRUBB: Thank you Mr. Chair. Where's your grow  
12 facility in relationship to your dispensary?

13 A. WORKMAN: So you guys are kind of understanding  
14 the laws that Arizona has put in place as you've been going to  
15 all these hearings. So we actually - our grow facility right  
16 now is in Vicksburg. We are actually in, in contact with the  
17 Dugans and we're hoping to work something out so we can kind  
18 of keep it Pinal County-based.

19 GRUBB: Thank you.

20 HARTMAN: Smyres? Putrick? No? Well that  
21 concludes the question portion. At this time anyway, we'll,  
22 we'll open it to the public and see what questions arise from  
23 the public and then give you the right to come back before us  
24 if, if need be.

25 A. WORKMAN: Thank you.

1           HARTMAN: Thank you for your presentation. All  
2 right, with that, we'll call to the public. Is there anyone  
3 that would like to speak for or against this zoning - this  
4 SUP-001-15? If not, we'll close it to the public and move  
5 back to the Commission for further discussion.

6           AGUIRRE-VOGLER: Can I make a comment then?

7           HARTMAN: Yeah, you may.

8           AGUIRRE-VOGLER: Should we entertain a thought of  
9 having it longer than two years? What does staff think?

10          MACDONALD: The zoning ordinance has a limitation of  
11 two years within the ordinance.

12          AGUIRRE-VOGLER: Okay, and it's good to find out all  
13 this information that he just presented, and if you're ready  
14 for a motion I'll make it.

15          HARTMAN: And personally I, I kind of understand why  
16 it was set for two years because this is something new to our  
17 County, something that a lot of people don't agree with,  
18 although the majority of the residents of the State of Arizona  
19 voted for medical marijuana so it is something that is  
20 permissible, and I think it's - this just basically let's us  
21 keep an eye on what's going on.

22          AGUIRRE-VOGLER: Just wanted to ask the question.

23          HARTMAN: Yes.

24          AGUIRRE-VOGLER: So we'll make a motion?

25          HARTMAN: I'm ready for a motion.

1 AGUIRRE-VOGLER: Okay, I'll make that motion.

2 HARTMAN: Mary Aguirre-Vogler.

3 AGUIRRE-VOGLER: I'd like the Commission to forward  
4 SUP-001-15 to the Board of Supervisors with a favorable  
5 recommendation with the attached 15 stipulations.

6 SALAS: I second that.

7 HARTMAN: Commissioner Salas seconds it. Is there  
8 any discussion on the motion? If not, I call for a voice  
9 vote. All those in favor say aye.

10 COLLECTIVE: Aye.

11 HARTMAN: Opposed? Hearing none, motion carried.  
12 You're good to go.

13 A. HARTMAN: Thank you.

14 HARTMAN: And, and this - does this still have to go  
15 to the Supervisors? It does. Your next - this is kind of a  
16 dress rehearsal before you go to the Supervisors. All right.  
17 Thank you. And with that, I'm going to turn this gavel over  
18 to our chair, Scott Riggins. Chair Riggins, we're on the  
19 second item.

20 RIGGINS: Thank you very much. I certainly  
21 apologize for my tardiness.

22 HARTMAN: Actually I didn't want to take over the  
23 chair because you said we were going to be here, but we've  
24 spent 38 minutes.

25 ??: (Inaudible) forced him to take over.

1 RIGGINS: I had some -

2 HARTMAN: Yeah, the forced me to.

3 RIGGINS: Sometimes they (inaudible). Sometimes it  
4 can cause a blowup.

5 HARTMAN: All right.

6 RIGGINS: Okay, we are in new case number 6, item  
7 number 6, PZ-C-001-15. And could the staff begin the  
8 presentation please?

9 ABRAHAM: Thank you, Mr. Chair. This is a staff  
10 initiated zoning code amendment change, and it has to do with  
11 cell towers and their locations in areas that have PAD  
12 overlays. I provided a copy of the wireless section for the  
13 Commissioners to take a look at, and the - and the PAD - or  
14 the special use section as well, and if you take a look at the  
15 second page of the wireless section which is Section H, it  
16 requires that any facility that doesn't meet the stealthing  
17 requirements or the location requirements or any of the  
18 dimensional requirements has to go and get an SUP. Compare  
19 and contrast that with the fact in the special use permit  
20 section that in areas that have PAD overlays, you can't use an  
21 SUP to alter the use of an underlying PAD. So right now it  
22 would be a two step process. You have to actually modify the  
23 PAD to allow cell towers as a special use, then come back and  
24 get a special use permit to get the tower that you're okaying  
25 as an allowed - or a use that is allowed as a special use. So

1 what we figured to try and streamline and make the language  
2 work a little bit better was just come and get a special use  
3 permit. The process would still go in front of the Planning  
4 and Zoning Commission, it would go to the Board of Supervisors  
5 for review and approval, and move forward in that regard.  
6 With this case, it would be the standard public outreach.  
7 We're going to go ahead and do our neighborhood meetings, we'd  
8 do our public involvement battery of options, get with our  
9 wireless providers. We worked very closely with them the last  
10 time we updated and I'm sure they wouldn't have a problem with  
11 this. But we'll come back with you, to you, and let's see not  
12 April, but hopefully in May we'll have that, all that public  
13 participation section wrapped for a recommendation to the  
14 Board of Supervisors. So right now this is just an initiation  
15 to allow us to start that study. I'd be happy to answer any  
16 questions that the Commission may have.

17 HARTMAN: Chair Riggins.

18 RIGGINS: Question, Hartman.

19 HARTMAN: Steve, I was talking to our Director  
20 earlier, there's some other cases where PADs need to be  
21 amended for special use permit and I think we're going to  
22 eventually need to look at that. I know specifically what  
23 this is and I know that - I totally agree with staff on this.  
24 I mean it, it's simplifies things to a great degree and not so  
25 much hodgepodge and whatever, you know. Because once you

1 change a PAD, you've changed the PAD, do you not?

2 ABRAHAM: Well yeah, permanently.

3 HARTMAN: Permanently. And a special use permit is  
4 a special use permit.

5 ABRAHAM: That's correct.

6 HARTMAN: So if you allow a special use to change a  
7 PAD, I don't think it's too good. Okay. All right.

8 RIGGINS: Do we have any other comments?

9 GRUBB: Mr. Chair. I'm confused. So we're going to  
10 allow cell towers to get a special use permit in a PAD  
11 overlay, are we going to allow other special use permits in a  
12 PAD overlay, or is this exclusive to cellphone towers?

13 ABRAHAM: Just cellphone towers. Yeah.

14 ??: I have a, I have a quick question -

15 GRUBB: I'm a little concerned about that because a  
16 special use permit is a special use permit. It goes against  
17 whatever the zoning is and, and if we allow cell towers then  
18 why don't we allow the swimming instructors to do a special  
19 use permit at their home swimming pool, and why don't we allow  
20 a special use permit for automobile repair in a residential  
21 property. I think that there has to be a different tweak to  
22 this to not exclude - or find some way to make it exclusive of  
23 cell towers without offending the rest of the special use  
24 permit applicants.

25 ABRAHAM: Well, the change would occur in the

1 wireless communication section, so it would (inaudible)  
2 pertain directly to cell towers. And the idea came about was,  
3 was that sometimes it's okay to put a cell tower in a  
4 residentially zoned PAD when it's co-located with a ball field  
5 light or maybe there's a situation where, you know, it's a  
6 ball field light, but they need an extra radius around it to  
7 make the coverage requirements, just to give them the option  
8 of doing that. The way that this proposal's written and the  
9 way the initiation's written, it would just directly be for  
10 wireless communication facilities. The other issues that  
11 you're talking about would have to come up as a separate code  
12 amendment.

13           ??: Mr. Chair.

14           GRUBB: It just didn't sit right with me that we're,  
15 we're allowing one thing that, you know, we have process to go  
16 into zoning areas and allow something, but we won't allow it,  
17 but we'll allow this under the same guidelines. It just - it  
18 didn't sit right with me when I read it.

19           ??: Mr. Chair?

20           RIGGINS: Commissioner Salas first.

21           ??: Sure.

22           SALAS: The way I understand it, Steve, was that we  
23 allow this and it's an open, it's an open book for everybody.  
24 So if I'm one of these guys making the application on the next  
25 PAD, why do I have to come in front of the zoning committee to

1 say okay give me a permit so that I can put my cell tower over  
2 here at this particular place, because I think you're opening  
3 the whole process to eliminating that process and saying okay,  
4 it's, it's approved by, by the staff here and we don't have to  
5 bother with that particular portion of, of our meetings or the  
6 staff requirement. So it's carte blanche to give these guys  
7 an open book to say okay I don't need to go before the, the  
8 staff or the zoning, other than the application because I've  
9 already got that as far as this particular one is concerned.  
10 That's the way I look at it.

11           LANGLITZ: Chair Riggins, Commissioner Salas, and  
12 I'd like to return to Commissioner Grubb's question, wireless  
13 communication facilities, this is a unique animal. They are  
14 getting different treatment because they are actually  
15 regulated by the federal government. The federal government  
16 is in control, really, of where and how wireless communication  
17 facilities can go up. They do allow certain local regulation  
18 if it's reasonable and if it is not overly onerous. It would  
19 be difficult to have an absolute rule precluding a wireless  
20 communication facility to go into a PAD area, or to prohibit  
21 that with an SUP. Let's say there's a school maybe located in  
22 there, and it really isn't detrimental to allow a wireless  
23 communication facility in there. The absolute rule that we  
24 have now doesn't work and that's the reason why staff is  
25 looking to change this so - to, you know, to keep the County

1 out of lawsuits.

2 RIGGINS: I have a question concerning that. Could  
3 you elaborate a little bit more on exactly why the rule we  
4 have now is not working, because I've seen it work through  
5 this Commission for several years.

6 LANGLITZ: The - if a wireless communication  
7 facility wanted to locate in an area, let's say that was in a  
8 PAD, they have the right to do that if they can demonstrate  
9 that, let's say there's a hole in the coverage of their  
10 system, it would - the cost-wise it'd be too expensive to look  
11 to alternative locations. As a local government we, we don't  
12 have any choice in that. We - they, they would prevail and be  
13 allowed to locate there. So the absolute prohibition against  
14 allowing a wireless communication facility in a PAD doesn't  
15 work. We have to have an opportunity to at least consider it.  
16 Now, maybe they don't make their showing, or you know, they  
17 don't satisfy - submit enough proof to satisfy you and you can  
18 - you could deny the SUP, I suppose, but it just opens up more  
19 options, I think. I hope I explained that all right.

20 RIGGINS: No, I understand that but in my  
21 recollection of the process as it's existed in the past, there  
22 has always been the scenario if there truly is an absolute  
23 lack or coverage in a universal fashion, in an area, and  
24 there's no place else really that can achieve it, then it is  
25 very - and they can make the proof through their, their tests

1 they've done and the various aspects there are, then, then  
2 really it becomes very difficult to say in a zoning issue they  
3 can't have it there, that, that gets back to the issue that  
4 you stated that the fed says there will be coverage. However,  
5 there's also the other times that it's strictly a commercial  
6 thing and there's other coverage there and it might be  
7 competition and it might be a desire to, to do something else  
8 that's different there that really isn't something the fed  
9 would say well you have to allow this, because there certainly  
10 are those circumstances there too, because I know of times  
11 that we definitely have had cell towers that have not gone up  
12 because of this process. You know, obviously the ones that  
13 have been here long enough to remember the Oracle cell tower  
14 scenario that they had. It was, it was something that the  
15 community - I mean this room was full, out the hallway and  
16 outdoors about this. So I take same view that I've heard from  
17 a couple of the Commissioners here that, that I'm a little bit  
18 nervous to open this up to take some of those safeguards out.  
19 I don't think anybody's wanting to make it impossible for  
20 somebody to put up a cell tower, and in fact, as you say, they  
21 can't anyway, but we're in a little bit different age than we  
22 were five and six years ago. There isn't a whole lot of true  
23 holes out there anymore. There's people jockeying for  
24 competitive spots and sometimes some of those competitive  
25 spots might be in places that the, the residents truly don't

1 like what's going on and want to come in here and voice their  
2 opinions in a very large way. So any, anybody else with -  
3 Commissioner Moritz.

4 MORITZ: Thank you. Do I understand this correctly,  
5 that as something has either been said or eluded to, that all  
6 we're doing is illuminating one step. You still have the  
7 right on this Commission to deny the SUP - forward it to be  
8 denied to this Board of Supervisors - so what is our threat in  
9 not having the ability to deny something if all we're doing is  
10 eliminating one step, which I give credit to. To me, again  
11 I'm customer-oriented and when people come in and have to do  
12 two steps and they can do one and be just as efficient and go  
13 through the same process, what's the problem with that? I  
14 appreciate that.

15 LANGLITZ: Mr., Mr. Chair, if I may, and  
16 Commissioner Moritz, yeah I think you're exactly right. This  
17 change doesn't give a cell tower - a communication, Verizon or  
18 AT&T - it doesn't give them the right to locate in a PAD, all  
19 it does is remove the absolute prohibition against them asking  
20 to locate in a PAD. They still have to go through the SUP  
21 process and submit sufficient proof to you folks to justify  
22 why it should be located there. It's just - as I mentioned,  
23 it's just we can't have an absolutely prohibition, basically.

24 RIGGINS: But we, but we don't.

25 LANGLITZ: But that's exactly what it is, because an

1 SUP is not allowed in a PAD under the current code. That's  
2 what we have to change, is to allow them to come and apply.  
3 Right now if Verizon submitted an application for an SUP to  
4 locate, let's say on a high school lighting football field  
5 tower that's located in a PAD, the County has no right to  
6 grant it, they have to deny it. That's what we can't do.

7 RIGGINS: But no, again what -

8 LANGLITZ: Steve is correct, we do allow it, but  
9 they have to amend their PAD.

10 RIGGINS: Exactly.

11 LANGLITZ: Okay.

12 RIGGINS: I think that was, I think that was the  
13 very important piece of this. There is no prohibition against  
14 it now. What this is is a shortening of a step and the SUP  
15 process actually remains the same. There is no difference.  
16 This is a shortening of a step, so truly what this discussion  
17 about on this change is, is in the process of creating a PAD,  
18 which is where somebody comes and petitions the Commission and  
19 then gets approval by the Supervisors to have something that  
20 really is not exactly as the zoning categories would allow it,  
21 unless it were taken as a whole and then given special  
22 consideration because of what it is, and then it becomes a  
23 PAD, well that is then a special thing. They've got special  
24 considerations. They got zoning passed what normally might  
25 have been allowed. They've got things to go next to things

1 that might not have been allowed to be that way. That's what  
2 a PAD grants. So when you're in a PAD, you have gotten  
3 special considerations to make things in a certain way, and  
4 then to be able to go back in without visiting that special  
5 consideration of the hole that you've got and just say okay,  
6 now I want to have an SUP for this, I think that's the  
7 discussion that the Commission should be talking about,  
8 because the SUP provision about the telecommunications towers  
9 is not changing. Really what's changing is whether or not  
10 after a PAD is granted, should they not have to come back and  
11 address what they've done in the PAD to put up a  
12 telecommunications tower, that's the discussion.

13           LANGLITZ: Mr. Chair, yeah, I understand and of  
14 course that's a decision for, for your folks - for you folks  
15 and the Board to make. The only response that I have to that  
16 is the regulation, the zoning regulation can't be overly  
17 burdened. I can't tell you that making them go do a PAD  
18 amendment before an SUP could not be shown to be overly  
19 burdensome. It may not be, but I think what we want to do is  
20 we don't want to pick a fight with one of these large  
21 companies. You know it depends on we, we may have denied  
22 access before and it depends on their appetite for how badly  
23 they want it in a, in a particular location. I just think  
24 it's, in my view, it would be better to change it so that you  
25 wouldn't need a PAD amendment, but again I, I can't tell you

1 that that's absolutely necessary.

2 GRUBB: Mr. Chair.

3 RIGGINS: Yes, Commissioner Grubb.

4 GRUBB: Again, if we change Chapter 2.151, if that's  
5 the area you're looking to change about the SUP, it doesn't  
6 specify cell towers, it just says SUPs. So are we going to  
7 give preferential treatment to one group of people that says  
8 you don't have to come back and go through this, but anybody  
9 else that wants to do business in that PAD, does have to go  
10 through that process. I think that's setting us up for, for  
11 more of an issue going down the road and a lawsuit that says  
12 yeah, if you're a cell company, we, we bow down and you can  
13 put your towers pretty much wherever you want because the  
14 federal government says you can do that, but if you want to  
15 run a small business out of your garage, no. And I'm just  
16 concerned that we're allowing that process. The cell  
17 companies can afford to go, go through a PAD amendment. If  
18 they really want to put a tower there, they should go through  
19 a PAD amendment, because that's what has been said and, and I  
20 agree with our attorney that I don't think he specifically  
21 said it, but people that were denied in the past are going to  
22 come forward and say hey, what happened with Verizon? They  
23 got one, I didn't get one there because you guys changed your  
24 ordinance. I didn't say those are your words, I said you  
25 eluded that, that, you know, something could happen.

1           LANGLITZ: Mr. Chair, Commissioner Grubb, no I did  
2 not elude any - in any way toward that at all, and as a matter  
3 of fact my opinion would be directly opposite of that.

4           GRUBB: Well, that's how I heard it, and that's why  
5 I didn't say I put - these are the words from your mouth, but  
6 this is what I understood you to say that - or elude to that  
7 somebody from the past can come forward and say I didn't get  
8 treated fairly because now you have changed your ordinance and  
9 that, you know, and those kind of things. But my thought is  
10 that that's where the lawsuit's going to occur if say Verizon  
11 comes in and, and this has been changed and they beat T-Mobile  
12 to a tower site, you know, we could have issues. But my  
13 bigger concern - I don't care about cell towers, I care about  
14 SUPs, and the SUP process to me is being undermined a little  
15 bit and who's going to be - not that anybody's behind this  
16 one, I don't know, but who's going to be next to come in and  
17 say well this isn't fair either so you need to get this out of  
18 the ordinance for us too. We shouldn't have to go through a  
19 PAD amendment because we want to put up, you know, wireless  
20 internet for everybody that's not on a cell tower, you know,  
21 we don't know what's coming in the future with the whole world  
22 is becoming wireless and, and, and more and more is going to  
23 happen and I just think it's - you know, my personal opinion  
24 as I read through this is we're undermining our SUP process.

25           ABRAHAM: I think that's an important - I'm sorry.

1 RIGGINS: Let me, let me recognize Vice Chair  
2 Hartman.

3 HARTMAN: Okay. Thank you Commissioner Riggins.  
4 Chair Riggins. As I stated in my first comment was I see some  
5 holes in this that there is other SUPs that need to be  
6 addressed and - but when you read this thing, Chapter 2.205  
7 wireless communication facilities, this, this amendment is  
8 directed strictly to that and I guess this is the leading  
9 problem right now, but I did mention that there's other cases  
10 where SUPs, PAD - PAD amendments were required and I didn't  
11 think it was right that we not address those, but this is  
12 specifically for the wireless communication facilities. So it  
13 -

14 RIGGINS: Mr. Chair. If you, if you move on in your  
15 pages to 2.251.

16 HARTMAN: Pardon?

17 RIGGINS: More forward in your pages to 2.251 which  
18 is also what's being discussed. Move a few pages.

19 HARTMAN: Yes, and with an arrow over there 2 -  
20 205.040, general provisions to all wireless communications.

21 RIGGINS: I understand that. But move on to page 3  
22 of 26 of Chapter 2.151 Permits, Special Use, Special Density  
23 and Temporary Use, where it's specifically addressing the  
24 special use permit. That was also brought up in the initial  
25 discussion, and I don't have - it's page three of that, and

1 it's indicated number 9.

2 HARTMAN: Yes.

3 RIGGINS: Commissioner Moritz.

4 MORITZ: Steve, did you want to add something before  
5 I -

6 ABRAHAM: No, you first please.

7 MORITZ: Okay. The SUP process that would take  
8 place for a cell tower in - from a wireless provider, we would  
9 - when it's presented, we would still be given the information  
10 if there were existing other businesses in that area that we  
11 would take into consideration prior to approving an SUP for  
12 that wireless tower. The only difficulty is if the SUP comes  
13 in prior to anything else being in that area, and we would  
14 have to make a decision that should we or should we not  
15 approve forwarding this to the Board with approval, to have  
16 the first item in that PAD be a cell tower. And I think that  
17 would determine in subsequent uses whether or not some other  
18 entity wanted to be on that property with a cell tower. So I  
19 still think we have the SUP process to determine whether we  
20 approve a cell tower in any PAD within that zoning district.  
21 Did you get that?

22 RIGGINS: Yes, Steve, please go ahead.

23 ABRAHAM: Yes, I did. Yeah you're - the application  
24 you'd get or an SUP for a cell tower would be exactly what you  
25 get now. You'd get an analysis of coverage, locations, any

1 other options that they looked at for stealthing, a really  
2 good explanation of why they couldn't meet our co-location  
3 requirements first, and then they'd have to come to you in the  
4 first place. It'd be the, it'd be the exact same thing, it  
5 just wouldn't have the PAD discussion with it. It'd be the  
6 SUP and they couldn't do it without the SUP.

7 RIGGINS: And again, therein to me lies really the  
8 discussion of what this is about. This really isn't about the  
9 SUP process for cellular towers. That's not what this is  
10 about. That's what we're discussing, but it's not about that.  
11 What we're discussing is about the concept of when a PAD has  
12 been approved and it runs its course through certain  
13 iterations and phases, and it gets to a point to where it's  
14 pretty well built out and there's one or two or three pieces  
15 left, it's very, very common for somebody to come back in and  
16 take maybe those outlier pieces where they gave up stuff in  
17 the past to get their big stuff in the front, and then all of  
18 a sudden now they're asking after seven or eight or ten years  
19 of running, the stuff they agreed upon on the backside, now  
20 they want it to come up. They want it to be better. And I  
21 can't remember how many times in this Commission we've had the  
22 discussion, we need to see exactly what was all done, the  
23 calculations and stuff on the front side, because all you're  
24 wanting now is a, is a backside issue of getting better  
25 entitlements. I do believe that if you have a PAD on one side

1 of the main street and you have a non-PAD on the other side of  
2 the street that has not been tied up in an overall design  
3 concept, it should be a little easier to put that SUP there,  
4 because they haven't got all the benefits that they got off  
5 the front side. I think it's still appropriate to have it be  
6 a two-step process. The very same things that would determine  
7 whether you would allow an SUP to go forward if the - if it  
8 was a coverage area that had to be met and all that stuff, if  
9 that was the case, the PAD portion would be a slam dunk. It  
10 would, it would just happen because they could make that  
11 argument on the front side and you couldn't stop it at that  
12 point. But if there were other sites that were very good,  
13 just, you know, a block down the road that wasn't in that SUP,  
14 then that piece should only have one to it and the PAD should  
15 have two in my opinion. Other, other Commissioners?  
16 Commissioner Salas.

17 SALAS: I'd say (inaudible) Chair mentioned on the  
18 article issuance of that SUP, we, we didn't allow that one  
19 because of safety reasons. But the people in Oracle have  
20 another site which they thought was adequate and eventually I  
21 guess it was adequate because the company that, that accepted  
22 it moved there. But in that particular case, because of the  
23 fact that they did come - or have to come to the Commission,  
24 it was proven that it was an unsafe situation for the people  
25 of Oracle. That's - therefore that's how it got changed. So

1 in my opinion, maybe I'm not understanding it -

2 RIGGINS: You turned off, Frank.

3 SALAS: Oh. Maybe I'm not understanding this  
4 correct, you know, we give that up.

5 ABRAHAM: No, it's pretty much what Chairman Riggins  
6 said, is that you just cut out the PAD discussion and you go  
7 right to SUP. So I don't - I guess it's up to the Commission  
8 to decide what you're giving up.

9 RIGGINS: And I, I concur totally, and I think it's  
10 a - personally, I think it's a mistake to confuse this with  
11 talking about the SUP cell tower process, because they're the  
12 same either way. They're exactly the same. And so all we're  
13 really talking about is do you allow somebody to come into an  
14 existing PAD at some point down the line after they've already  
15 got enhanced entitlements through the PAD process, and have a  
16 thoroughfare road to not deal with that if they want to go  
17 with cell towers. That's all that's about in my opinion,  
18 because all the issues about whether or not you can prohibit  
19 it are the same. They just have another step to prove that  
20 what they're doing is fine in their PAD process, unless it's  
21 absolutely necessary for the spot, and then it's going to  
22 happen anyway. Other Commissioners? Vice Chair Hartman.

23 HARTMAN: Are you ready for a motion?

24 RIGGINS: Any time the Commission decides they're  
25 done with discussion, I'm certainly ready for a motion.

1 HARTMAN: Okay, if there's no more discussion.

2 RIGGINS: Is there any more discussion on the issue?

3 GRUBB: Mr. Chair.

4 RIGGINS: Commissioner Grubb.

5 GRUBB: We have two ordinances in front of us that  
6 we're talking about. 2.205 and 2.151, and the discussion was  
7 to amend both of those. 2.151 is the special use permit  
8 process where we're going to change special use permit in a  
9 PAD, not for cell towers, special use permit in a PAD. So  
10 whatever comes up as an SUP - two separate, two separate  
11 ordinances, we're discussing two separate ordinances here and  
12 I think you guys need to look at your page, 3 of twenty or -  
13 yeah, 3 of 26 on 2.151, is the discussion. The SUP process  
14 cannot be used to eliminate or modify an entire PAD overlay  
15 zoning district and/or the uses within in the PAD overlay  
16 zoning district. And that's what they want to change.  
17 That's, to me, that's what they're asking for, it's not about  
18 cell towers. If you go into that ordinance, it doesn't say  
19 cell towers, it says special use permits. So there - that's  
20 my concern is that we have two ordinances in front of us and  
21 we keep talking about the cell tower, but the other one that's  
22 got a proposed amendment in here or a discussion for the  
23 amendment, deals with special use permits and, and if they  
24 don't have to amend the PAD for one type of special use  
25 permit, this - if we amend this, it says any special use

1 permit no longer has to go through the PAD process. That's,  
2 to me, what is being asked for.

3           LANGLITZ: Mr. Chair, Commissioner Grubb, no that's  
4 not what is being asked for. What would happen is there would  
5 be one ordinance amending the development code. That section  
6 that states an SUP cannot be used to change a use in a PAD  
7 would contain an exception for a wireless communication  
8 facility. It, it wouldn't affect any other, any other SUPs.  
9 You can trust me on that one.

10           GRUBB: Mr. Chair, but I don't see that in front of  
11 us.

12           [Inaudible.]

13           RIGGINS: I will suggest, hopefully to - because I  
14 can see the two confusions here and I believe what's happening  
15 is this isn't the final work product, this is the beginning -

16           GRUBB: I understand that, but we're still -

17           RIGGINS: This is the beginning, and what they're  
18 asking for is an initiation to create the final work product.

19 So I -

20           GRUBB: Just voicing my opinion that I -

21           MORITZ: Mr. Chairman.

22           GRUBB: I fear the SUP process.

23           RIGGINS: I, I -

24           GRUBB: Having been through it a number of times in  
25 front of this Commission, I've stood in front of this

1 Commission in the SUP process and, and it worked because of  
2 what these say. So -

3 RIGGINS: Commissioner Moritz.

4 MORITZ: What I see here on page 8 of 8, is Chapter  
5 2.205, wireless communication facilities and everything under  
6 that heading should only apply to wireless communication  
7 facilities, is the way I read it. So it's not a cover for  
8 every topic within any ordinance or any - it's Chapter 2.205,  
9 and the two subsequent articles apply to this particular  
10 chapter, whatever you want to call it.

11 ABRAHAM: Right. The SUP section was put in the  
12 packet to just show where the conflict lies. It's not what's  
13 going to be amended. And just as a reminder, Commissioners,  
14 the, the reason why we don't talk about the ordinance text is  
15 the initiation, is because it's not a public hearing, this  
16 hasn't been advertised in any way, it's really just the  
17 concept are you okay with the concept of possibly amending the  
18 code. You could still turn this down when I bring it back if  
19 you, if you want.

20 RIGGINS: That's true. That's true.

21 HARTMAN: Mr. Chair.

22 LANGLITZ: Yeah, one more comment. You know, now I  
23 understand the confusion and that was probably caused by me.  
24 There would be two ways of doing this. The first way would be  
25 go to that SUP section that does now allow an SUP to be used

1 to change a use in a PAD and put an exception in for wireless  
2 communication facility. The other way, and I think this is  
3 the source of the confusion, is to go to the wireless  
4 communication code part 2.205.040, and put the exception in  
5 there. In other words say notwithstanding Section so and so  
6 in the SUP, an SUP can be used to locate a wireless  
7 communication facility in a PAD. I apologize for that, I  
8 forgot and I think initially this, this agenda item is, is set  
9 up to go to the second way, not the first way. I hope I  
10 clarified that, and again, I apologize for causing the  
11 confusion.

12 SALAS: So my question is -

13 RIGGINS: Commissioner Salas.

14 SALAS: Excuse me. My question is you're saying  
15 there that an SUP can be used, or shall be used for that  
16 proposal?

17 LANGLITZ: Can, can be used would be fine.

18 SALAS: So if they decide that they're not going to  
19 use it -

20 LANGLITZ: Okay, I understand the question. No,  
21 they - it - the requirement will be that they have to apply  
22 for an SUP.

23 SALAS: And the word should be should then.

24 LANGLITZ: Or shall, yes. Yeah, I'll take a look at  
25 the language, but yes, it will not be worded so that the

1 applicant has an option or a choice whether to get an SUP. If  
2 they want to locate in a PAD, they're going to have to get, to  
3 get an SUP, yes.

4 RIGGINS: Okay. I would, I would just like - and I  
5 know we're about to get a motion. I think discussion is  
6 getting thin, but I would like to just define, again, so we're  
7 sure that we don't have any confusion about this, staff has  
8 indicated that the issue with general SUP changing will not  
9 happen with this particular amendment. I believe it can be  
10 done that way, so I believe that particular hazard has been  
11 addressed, and we would get to see it again anyway and look at  
12 it, so I believe that portion has been addressed. I do  
13 believe that the SUP system between the way it's done now and  
14 the way that it's being proposed to be done, the SUP system is  
15 the same. There's no change. That's the same also. We're  
16 really only talking about a single thing here and it really  
17 isn't cell towers. What we're talking about is the ability to  
18 go back in with a use which happens to be cell towers, into an  
19 existing PAD and not have to address that PAD for a change.  
20 That's what we're talking about. So if we consider a PAD to  
21 be something that once it's set up should have to be revisited  
22 by the Commission to have a change in it, then we really  
23 should not vote to take this forward. If that's not important  
24 because it's a cell tower, then I suppose it's fine to take it  
25 forward, but I think it's very important to realize what the

1 effect of this is. And I'll ask Mr. Abraham, is there any  
2 piece of that that I misconstrued?

3 ABRAHAM: No it's - that's right on target

4 RIGGINS: Okay.

5 ABRAHAM: Yeah.

6 RIGGINS: All right, so do we have any more  
7 discussion?

8 MORITZ: Mr. Chairman, yeah we do because I'm, I'm  
9 still uncertain. Does it apply to wireless communications  
10 cell towers or does it apply broad scope, yes or no?

11 ABRAHAM: It's just wireless, so just wireless.

12 MORITZ: Okay.

13 RIGGINS: It is, it is just wireless, but it gives  
14 wireless cell towers the exclusive ability to go into an  
15 existing PAD without addressing the modification that nobody  
16 else has.

17 MORITZ: Okay.

18 RIGGINS: And so if you have a, a situation to where  
19 there's various competing sites that all would be  
20 technologically feasible, somebody on the backside of an  
21 existing PAD would have no greater bar to jump over than  
22 somebody that's on a piece of land that doesn't have that at  
23 all. So that's what we're - and Commissioner Gutierrez.

24 GUTIERREZ: Yeah, Mr. Chair. One of the things that  
25 I - that's unique, I think, to the cell tower situation is the

1 fact that there's a certain relationship, if you will, with  
2 the federal government and federal regulations. The, you  
3 know, so I think that's one added thing to the, to the  
4 discussion regarding cell towers. There is a relationship  
5 between the federal government - federal, under FCC rule  
6 regulations can turn around and say yeah, there will be a cell  
7 tower here to address this dead zone, if you will. And in  
8 which case I don't know what the power of the County is to say  
9 no to the federal government. I think that's probably a  
10 limited ability to say no to a certain, to a certain structure  
11 that the federal government is approving. Is this, is this -  
12 so it - under those circumstances I kind of see this as a  
13 unique situation addressing solely cell towers when you're  
14 talking about the relationship between the County and the  
15 federal government. I, you know, I don't want to ramble on or  
16 confuse things, but -

17 RIGGINS: I, I -

18 GONZALES: That's one thing that my thought process,  
19 that's one thing I'm looking at.

20 RIGGINS: I would like, I would like to address that  
21 just a minute just because of some history that I happen to  
22 have because I've been here for a while. Many years ago when  
23 an applicant for a cell tower would come in, and if they had  
24 all the bandwidth data and transmission data and coverage data  
25 and everything and they could affirm that there was a hole in

1 coverage that nobody was covering, they pretty much got it.  
2 Simple as that. Now when somebody comes in to ask for one of  
3 these things, they don't bring that stuff in anymore, because  
4 there's not many holes anymore. I mean there's pretty good  
5 coverage around most of this County where they want to build  
6 these things. So if there's not a hole, if there's  
7 adequately-provided cellular service, there's no federal law  
8 that says that seven different companies all have to have  
9 adequate service, there's just a law that there has to be  
10 adequate service. So from when it used to be that if they  
11 could show that there wasn't coverage, you couldn't say no,  
12 now if there's totally adequate coverage, you can say no. If  
13 there's reasons why it shouldn't be there from a zoning basis,  
14 you can say no, as long as there's adequate coverage there  
15 already. So it's not the way it was before. It's different.  
16 Commissioner Gutierrez.

17 GUTIERREZ: I agree with the coverage area. The  
18 situation I'm - what I'm thinking about is there aren't  
19 technology changes within the communication systems. There's,  
20 there's different technology out there that's probably going  
21 to come into play in the future, and I know I sat on the other  
22 side, I sat on the federal side putting up certain  
23 communication changes, certain systems that were changing the  
24 scope of what we previously had been approved for and under  
25 the federal guidelines we did it anyway, regardless of what

1 the city or the government thought of it, you know, under  
2 federal guidelines we were able to do it. And ask, ask  
3 forgiveness, not permission type thing. But under the federal  
4 guidelines we were - we had the ability to do that. So it's  
5 not only coverage of a dead zone, but it's also - I think this  
6 type of thing changes, or kind of addresses changes in  
7 technology and what's out there and what's coming. So -

8 RIGGINS: Commissioner Putrick.

9 PUTRICK: Yeah, just a little background. With the  
10 FCC, the major function of the FCC is to assign frequency. So  
11 they, they review whatever frequencies are being used. They  
12 also have a concern about RFI - radio frequency interference,  
13 radio magnetic interference, hazards to navigation coincident  
14 with the FAA, who is concerned about having the tower. FAA  
15 has to be notified that the tower is there, what its height  
16 is, because they have to issue a notice to airman to say the  
17 tower is there and it operates at this frequency, and it could  
18 interfere with your aircraft. And it's very critical these  
19 days with all of the, all the digital flight control systems  
20 because a tower can actually bring down an airplane if it's  
21 broadcasting and has enough energy, it can bring down an  
22 airplane, if a guy flies too close to it. And those are the  
23 major concerns that, that the FCC and the FAA would bring up,  
24 and so those are issues that would be closely monitored,  
25 particularly with the frequency assignment and any of the

1 interference that that tower may create, and so it would be  
2 not only a matter of is there a hole or is there - is this a  
3 competitive thing, but the FCC could deny a permit just based  
4 on the fact that there's already a tower somewhere that's  
5 operating at the frequency, and so it would, it would not be  
6 an issue. So -

7 RIGGINS: Okay. Any more discussion? And I, I'm  
8 afraid that I still have one more thing to say on it because I  
9 still believe that we're confusing this too much as a cell  
10 tower issue, because I don't believe it is. I believe this is  
11 a PAD amendment issue, and what I see happening here is a PAD  
12 that's on the backside of its available building area and  
13 finds that the things that they gave up to get what they  
14 wanted don't make sense anymore can now come in and put a cell  
15 tower there just because it makes more economical sense, when  
16 indeed it might should have been restricted from a PAD point  
17 of view when there's something across the road that could be  
18 fine. That to me is the issue here, it's not the ones we've  
19 been discussing. But I've said that enough and I'm not going  
20 to say it again, so is there, is there any more discussion  
21 that anyone would like to have, because I'm ready for a motion  
22 if someone would like to make it.

23 HARTMAN: Chair Riggins, I'd like to make a motion.

24 I -

25 RIGGINS: Commissioner - Vice Chair Hartman.

1           HARTMAN: Thank you. I do want to say that I was  
2 mentioning earlier that once - Kate (inaudible) used to say,  
3 past chair here of the Planning and Zoning, she used to say  
4 once the nose of the camel gets through the door, the hump  
5 soon follows. So I see this, the one with the wireless tower,  
6 I see it as the nose of the camel, and I think we have some  
7 problems, as everybody has expressed, either pro or con, on  
8 PAD SUP usage. So I would like to make a motion that the  
9 Commission approve case PZ-C-001-15 to initiate the ordinance  
10 amendment and allow staff to proceed with the zoning ordinance  
11 amendment process and, and I - that basically is what it is,  
12 it's zoning ordinance amendment process. With that, that's my  
13 motion.

14           RIGGINS: Do I have a second?

15           MORITZ: I'll second it.

16           RIGGINS: Commissioner Moritz seconds it. So we  
17 have a motion and a second on the floor, we'll call for a  
18 vote. All those in favor signify by saying aye.

19           PORTION: Aye.

20           RIGGINS: And all those oppose signify by saying  
21 nay.

22           PORTION: Nay.

23           HARTMAN: Three.

24           RIGGINS: Do we need a voice count to get that -

25           ABRAHAM: Can we go to a role?

1 RIGGINS: Let's do a - yeah, let's do a role call  
2 vote.

3 ABRAHAM: Mr. Chairman, this is a motion to approve  
4 the initiation of case PZ-C-001-14 - 15, 15. 001-15.  
5 Commissioner Putrick.

6 PUTRICK: Aye.

7 ABRAHAM: Commissioner Grubb.

8 GRUBB: Nay.

9 ABRAHAM: Commissioner Moritz.

10 MORITZ: Yes.

11 ABRAHAM: Commissioner Salas.

12 SALAS: No.

13 ABRAHAM: Commissioner Smyres.

14 SMYRES: Yes.

15 ABRAHAM: Commissioner Del Cotto.

16 DEL COTTO: Aye.

17 ABRAHAM: Commissioner Gutierrez.

18 GUTIERREZ: Aye.

19 ABRAHAM: Commissioner Aguirre-Vogler.

20 AGUIRRE-VOGLER: Aye.

21 ABRAHAM: Vice Chair Hartman.

22 HARTMAN: Si.

23 ABRAHAM: Chairman Riggins.

24 RIGGINS: No.

25 ABRAHAM: The motion carries seven to three.

1           RIGGINS: Okay. Very good. I guess we will go  
2 ahead and readdress it when it gets in a further form.

3           HARTMAN: Chair Riggins, if I might ask Steve a  
4 question. Steve, now what, what is the zoning amendment -  
5 explain to us basically the zoning amendment process. What  
6 are you going to do? Are you going to go out to these PADs, I  
7 hope or something. You're going to get involved.

8           ABRAHAM: Well the plan would be to begin a public  
9 information campaign. We would - we have an email blast list  
10 that we do, we contact the providers, that's the - since  
11 they're - they would be affected by this. We put it out on  
12 our website, we provide an advertisement in the paper, we'd  
13 probably provide at least two open houses that we - that staff  
14 would attend and give people the opportunity to attend.

15           HARTMAN: And then bring it back to us?

16           ABRAHAM: Right, yeah, and then what I would do is  
17 May is - hopefully in May - get a draft ordinance language put  
18 together, notice that. You'd have a chance to look at it.  
19 And you guys gave me some great - great discussion topics that  
20 I think I can address in the staff report, and then you'd make  
21 a recommendation to the Board of Supervisors.

22           SALAS: Steve does that mean that, that the with a  
23 application for a PAD that they're going to include an  
24 application for an SUP for a cell tower just in case they're  
25 going to use it or need it?

1 ABRAHAM: Well no. Under the current proposal, I  
2 think that would be inappropriate for them to do that. We'd  
3 probably want them to take that out of there.

4 RIGGINS: And I would - and I would suggest that  
5 oftentimes certain actions have (inaudible) results, and I  
6 would suggest that what this might actually end up doing is  
7 make the choice of cell sites almost always go onto a PAD now,  
8 because that is where somebody has a - has a larger bunch of  
9 land assembled or they're trying to find other uses, and they  
10 are wanting to have something to fill a hole, and they no  
11 longer have to consider the PAD ramifications of doing that.  
12 So what we might find is that individuals with, with single  
13 pieces of land may not very often have a cell tower  
14 application on theirs anymore, this might go mostly to PADs  
15 because of the nature of development, which is exactly what I  
16 think it will.

17 GRUBB: I do too, and I think that it's a - you  
18 know, they have the infrastructure already in place for it.

19 RIGGINS: That's right.

20 GRUBB: It makes the cost of installation a lot  
21 cheaper if they go on a PAD as opposed to a, you know, an acre  
22 of land just sitting there.

23 RIGGINS: I believe that's correct.

24 GRUBB: I just worry, I agree with Vice Chairman  
25 Hartman's statement that this is the nose of the camel and I

1 think that -

2 HARTMAN: Oh yeah, it is.

3 GRUBB: I think there's, there's going to be some  
4 problems with this, but you know, we'll rely on staff and the  
5 attorney's office to make sure that we don't do something we  
6 regret.

7 RIGGINS: Well it's, it's - once the ordinance is  
8 passed to change it in that fashion, then that's just the way  
9 it is.

10 ??: Well it hasn't passed yet, has it?

11 RIGGINS: Well no, I understand. Okay, I'm  
12 (inaudible), okay so -

13 HARTMAN: U of A's going to play here at 10:30, you  
14 know.

15 RIGGINS: Well heavens. So - no we have, we have  
16 other, we have other amendment items. We're going back to our  
17 original agenda item 3 and the presentation on impact fees by  
18 Community Development Director Himanshu Patel.

19 ABRAHAM: Yes Commissioners. This is an ongoing  
20 item in your - kind of an informational session. This is  
21 becoming a pertinent issue coming forward, and without further  
22 ado, our Director, Mr. Himanshu Patel.

23 RIGGINS: Good morning.

24 PATEL: Good morning Members of the Commission.

25 Thank you for your time. Now that we've discussed some on

1 telecommunication, let me draw your attention to a project  
2 that we initiated last summer, that's a overall review of the  
3 County's impact fee program. Some of you may remember, we  
4 initiated impact fees in the County in 2006, and as part of  
5 that program, we on every four to five year cycle review our  
6 program, and in addition to that, our capital improvement  
7 needs associated with our services. With impact fees, there's  
8 a variety of factors that are, that are part of when  
9 developing a program, and that, that's a driven - the driven  
10 factor is the capital improvement program. What type of  
11 capital does the County need to accommodate for growth. In  
12 our County, we have initiated three categories of impact fees.  
13 That is the streets, the parks and public safety. Those are  
14 the three that are allowed by state statute and in 2006 is  
15 when we first initiated that program. This is - this will be  
16 a third revisit of our program and so that was initiated last  
17 summer and we had begun to formulate a draft of the impact fee  
18 report that would support what would be the new program. And  
19 where we're at currently is in a preliminary stage I wanted to  
20 share with you where - what, what we're developing in terms of  
21 capital improvement needs, as well as what those rates, rates  
22 are coming in at. And so what will happen, and in the coming  
23 months, is the statutes require us to first do a report, and a  
24 report will be made public. Once that report is enacted or  
25 acted by the Board of Supervisors as a notice of intent, so we

1 have to provide the public a notice of intent that we are  
2 going to be modifying our impact fee program. Then there's a  
3 120 day waiting period. So within that 120 days, I'll be back  
4 in front of you as well as the community, we'll be going out  
5 doing some open houses to get input from the public and  
6 showcasing them what our program is, in terms of our new  
7 geographic areas, and in terms of our new fees, and our  
8 capital improvement needs. That process hasn't started yet,  
9 so it will be coming up shortly. But prior to that, I wanted  
10 to give you some insight as to where we're at. This was clips  
11 from a presentation we made to the Board in a work session in  
12 February, and so if I could - if you could draw your attention  
13 to the - any of the monitors here, if you're able to see  
14 those. Those are difficult. This is our current IFA areas,  
15 Impact Fee Areas. We have seven. It's a - it was established  
16 like this in 2006 and it was re-established in 2010, and as we  
17 look at our current program and we look at modifying our  
18 current program, that IFA areas are now going to be changing.  
19 And I'll get into that in a little later on in our  
20 presentation here. So the entire County is broken up  
21 currently in seven IFA areas, and that IFA area draw - is  
22 driven by the type of projects that are needed. So when you  
23 have roadway projects, let's say an IFA one, well those  
24 projects that are being developed growth-wise need to pay for  
25 those projects. You don't want to charge someone an IFA 7 for

1 projects that are in IFA 1. Is there a pointer on here? No?

2 ABRAHAM: Yeah, there's a red button on the - on  
3 there, laser.

4 PATEL: So what I mean by that is if you got a  
5 roadway project down here, you don't want people up here  
6 paying for it, or vice versa. So we created these IFA zones  
7 and so whenever building permits occur in any of these zones,  
8 they get assessed the appropriate fees associated with the  
9 capital improvement plans per IFAs. Capital Improvement plans  
10 based on the three categories, streets, public safety, and  
11 parks. Very complex program we have right now, 21 variables,  
12 right? Three times seven - is that 21? Yeah. So 21  
13 variables, 21 fee schedules, it gets very complex and it takes  
14 a lot of management of it. This is our current fees. Sorry  
15 if it's too - are you able to zoom in? In any case, the way  
16 our fee schedule is broken up is we have a residential area,  
17 so a project that's residential, they have two categories,  
18 single family or all others. And then there's nonresidential  
19 categories, so that encompasses manufacturing, industrial,  
20 commercial, retail, gets into like things like hospitals,  
21 schools, and so it's detailed out as to the specific types of  
22 project, and the impact fees on the non-residential is per  
23 square footage. So if you have a 10,000 square foot project  
24 and the fee is a dollar, then you pay \$10,000. On the  
25 residential it's a flat fee. So you got a parks fee and a

1 public safety and a streets fee. And each IFA area, is most  
2 of the time the street fee varies because of the street impact  
3 fee projects. So let me share with you where we're at today  
4 in terms of the pre-intents overall of our program. If you  
5 could, Steve, go ahead and - there is a way you can just  
6 create it up -

7 AGUIRRE-VOGLER: Can I make a comment? I believe  
8 all this is online at this point or not? It has been  
9 previously.

10 PATEL: It is. It is. I'm not going to go over the  
11 60-something slides because obviously you'll be falling asleep  
12 here because it's quite intense, but I just want to do some  
13 recap of it. And go ahead and zoon out some. That's good.  
14 So what - based on our capital improvement programs in the  
15 three categories, we're looking at parks a little differently.  
16 We're going to establish parks as a County-wide program.  
17 Instead of seven IFAs, we're going to do one, which his  
18 County-wide. Taking in consideration the large regional parks  
19 and open spaces, and so that particular category we're going  
20 to focus on it to be County-wide. As well as public safety.  
21 Public safety, most of the capital projects in public safety  
22 include capital facilities like detention center, judicial  
23 services and the courts. Now keep in mind, impact fees are  
24 directly related to capital, not personnel. Bricks and  
25 mortar, so things that go vertical, or horizontal in terms of

1 roadway, so it has to be for purposes of facilities or  
2 roadway projects or park improvements or acquisition of land,  
3 so it has no bearings whatsoever on personnel costs, or  
4 replacement cost. You cannot use impact fees to replace  
5 stuff. So if you got a vehicle that's torn up, now you need  
6 to replace it. Impact fees are not for that. Impact fees  
7 were - are for growth-related. So if you added additional  
8 service capacity, you need to add a vehicle, you need to add  
9 additional roadway miles, growth-related. So it cannot be  
10 used for ongoing operation and maintenance, it has to be  
11 growth-related. And it cannot be used for personnel. So in  
12 terms of parks and public safety, we're focusing on one IFA  
13 area, that's Count-wide, not specific to zones. Mainly  
14 because the types of projects that are there are cross-  
15 collaborative between the geographic areas, so detention  
16 facilities, judicial facilities, 911 system that, that we're  
17 going through a process to upgrade our entire 911 system,  
18 patrol vehicles. The only exception to public safety is the  
19 substation that is part of the CIP within the, the San Tan  
20 Valley area. On the street side, again the types of projects  
21 here are going to be lane miles associated with growth, so if  
22 you have an existing roadway that's servicing current capacity  
23 but growth is going to trigger a need to widen that road or to  
24 add additional lane miles, that's eligible for impact fee  
25 capital improvement program. In addition to vehicles and

1 equipment associated with those new lane miles for  
2 maintenance. New lane miles for maintenance purposes. So if  
3 you're going to widen a road and you also now need a street  
4 sweeper to help clean that road, that's eligible for impact  
5 fees. Capital improvement projects. So in the street side  
6 we've consolidated the IFAs from seven to four. We've created  
7 a larger approach, we've said - and we just preliminarily name  
8 them right now, north central, south central, east and west.  
9 So going away from the seven IFA areas to four IFA areas.  
10 Just on the streets. Parks are going to be planned to be one  
11 IFA and public safety one IFA County-wide. Any questions so  
12 far?

13 SALAS: I think I might have a question.

14 PATEL: Sure.

15 SALAS: (Inaudible) been with me, and I think I  
16 mentioned it before, is that when you're talking about service  
17 equipment, mileage stuff, you know, you've got, you've got a  
18 sheriff's department here that uses probably the most expensive  
19 means of - let's see - enforcing whatever, speed limits or  
20 whatever. So instead of using a regular normal car that's  
21 going to give you about 28-30 miles a gallon or whatever it  
22 might be, that is more, more effective as far as cost-wise, so  
23 we - what do we do, we get a four wheel vehicle that, that has  
24 passenger service for about five people or whatever, and so  
25 that is a costly item. You know, and we have a lot of people

1 that say well we gotta be cognizant of what the costs are for  
2 the County, our budget etc., and yet I believe in some respect  
3 that's one of those costliest items that we have. And I  
4 don't, you know, and personally I think it was - the idea was  
5 designed to run around the desert there a hunting for, for  
6 people that are coming across the border illegally, and I  
7 don't think that's particularly our reason for having that -  
8 but that's another story. But my, my concern is the amount of  
9 money that's, that's afforded these vehicles, which I think is  
10 unnecessary. So you know, you're talking dollars here, you  
11 know. How much does it cost to maintain this, or that and the  
12 other, and that's an item that I would believe is kind of  
13 costly to the County. I think it's something for you to  
14 consider, that's all.

15 PATEL: Sure. And probably more in line with the  
16 existing operation side of things. This particular project  
17 and the purpose of the program is to analyze what the growth  
18 projections are going to be for the next five years, how is  
19 that going to impact our three areas of services, and what  
20 kind of capital improvement projects do we need to prepare  
21 ourselves to finance when that growth occurs, on a continual  
22 basis. And in this scenario you'll see that it's a two to two  
23 and a half growth projection, so it's very stagnated. That's  
24 what we're anticipating for the next five years is a, a kind  
25 of a staggering growth projections, and so understanding your

1 concern is more in relationship how the operations of the PCSO  
2 and what type of capital that they utilize, I'm going to share  
3 with you the kind of capital projects that are going to be  
4 eligible under public safety. So they're all related to just  
5 patrol vehicles, vehicles associated with any detention  
6 growth, so if you're seeing a two to two and a half percent in  
7 growth projections in the County, you're anticipating a two to  
8 two and a half percent growth factors that are going to be  
9 related to capital needs and so - and the total estimated  
10 cost. So when we say one patrol vehicle that what is the  
11 total estimated cost that we need to build into these models,  
12 depending on the type of vehicle that the department wants,  
13 whether it's a \$40,000 or \$45,000 fully-equipped, or \$50,000  
14 fully-equipped, those are what we're, what we're utilizing as  
15 a base to come up with the capital need. The other component  
16 is remembering not to incorporate the replacement side of  
17 things into here, so a department may need 50 vehicles in the  
18 next three years, but how much of that is replacement? It may  
19 be 30 of those 50 are for replacement, and 20 is for - related  
20 to growth. So that's -

21 SALAS: So are you considering what's growth is  
22 going to be in the area. Are we talking about permanent  
23 growth, or are we talking about growth that somebody's coming  
24 across and being sent back, whatever the situation might be.  
25 I would, I would believe that you're talking about permeant

1 growth in the area.

2 PATEL: I'm talking about the growth projections  
3 that are counted for Pinal County, unincorporated population.  
4 It's got nothing to do with immigration or illegal or those  
5 that aren't supposed to be here that are here, it's got to do  
6 with growth projections that are counted for census purposes,  
7 for, for population estimates, for purposes of state share  
8 revenue, for purposes of projecting out property tax revenue,  
9 sales tax revenue. The actual permanent growth.

10 RIGGINS: One other factor too, in the discussion of  
11 impact fees, you are discussing about growth being assessed  
12 impact fees, paying for growth. You have to have the growth  
13 to have the impact fees.

14 PATEL: Right.

15 RIGGINS: So it's not something that's done outside  
16 of it, you know, just with a statistical model of growth, it  
17 takes the growth to get the impact fees.

18 PATEL: Right. And this is only assessed, these  
19 fees when adopted as Chairman indicated, is when, you know,  
20 new construction is being seeked. When they're pulling  
21 building permits, that's when it's assessed. To go back to  
22 what your question was, can this - can these be deferred  
23 payments? Unfortunately not. Okay. Really quick, probably -  
24 okay.

25 RIGGINS: One question on that statement, when you

1 say they can't be deferred payments, well they are, they are  
2 done at time of drawing the building permit.

3 PATEL: Correct.

4 RIGGINS: So, so they are deferred as far as the  
5 entitlement process is concerned.

6 PATEL: Correct.

7 RIGGINS: Yes.

8 PATEL: But the question Mr. Del Cotto had, at a  
9 earlier session I came to is, is there a way we could develop  
10 our program where when an applicant is advised that their  
11 impact fee is \$10,000, can they make four installment  
12 payments, or can they make two installment payments throughout  
13 the year to help minimize the financial burden, and  
14 unfortunately that's not a process that we would be allowed to  
15 do, because it's only imposed at the time the pulling of the  
16 building permit.

17 RIGGINS: Gutierrez.

18 GUTIERREZ: Just a quick question, by breaking down  
19 - by going from seven zones to four zones, or - and then like  
20 for example the parks, is there going to be - you know, most  
21 of the growth probably in the north, north county areas and  
22 stuff, is there assurances, I guess, that the impact fee -  
23 fees, are going to be equally distributed? I mean, or  
24 correctly distributed? I don't know if I'm saying that right.

25 PATEL: Yes. And so what, what we plan on doing is

1 the impact fees that have been collected - well I'll address  
2 that on a map that I'll show you here in a little while. So  
3 this is the, the impact fees that were collected -

4 RIGGINS: Commissioner Salas has a comment that he'd  
5 like to make.

6 PATEL: Sure.

7 SALAS: On the comment that we're not allowed to  
8 defer from - what was it that we're talking about, delayed  
9 payments? To me that isn't consistent of what we call the  
10 plan in Pinal County, or even for that matter in the State  
11 that we're going to help the little guy out. We're always  
12 saying we're going to help the small businessman so that he  
13 can succeed here and that, and well I think it should be  
14 considered that if that is truly something we want to do  
15 instead of a lot of hot wind, that that should be taken into  
16 consideration. You know, that there are occasions where a  
17 guy's trying to get ahead and he's trying to establish a  
18 business and we're talking about these impact fees and I don't  
19 know if that's, that's covered, taking into consideration what  
20 that businessman can, can afford, or whether he has to say  
21 well the impact fees are so huge or so high, that I can't  
22 afford to go ahead with my project. I'm just saying that  
23 that's something that should be considered.

24 PATEL: Point well taken. And there are other tools  
25 that we're going to be talking about next Tuesday with the

1 Board of Supervisors to help address some of your concerns  
2 there. Now one thing we can't do is base our impact fees on  
3 income levels or, you know, areas that depending on who the  
4 person is trying to do the project, where their financial is,  
5 and that we fluctuate our impact fees based on that. That  
6 cannot happen. That's - we have to be consistent to the need  
7 of the County and how the fees have been established, but that  
8 doesn't mean that we can't establish certain things like  
9 business districts or infill districts to help distressed  
10 areas and help minimize some of the financial burden when it  
11 comes to a project and their particular projects. But that's  
12 something we're going to get in a discussion next Tuesday with  
13 the Board of Supervisors. Okay, so did I address your  
14 question?

15 SALAS: Yes.

16 PATEL: Okay. We'll come back to your- are we going  
17 to distribute those proportionately in terms of the current  
18 seven IFAs and then when you, when you develop the four IFAs,  
19 how are you going to maintain those funds and insure that  
20 those capital projects that were planned still be implemented  
21 within the areas that they were collected. So what this map  
22 here shows you are the four kind of IFA zones on the street  
23 side, so remember I said parks and public safety is one IFA,  
24 all the County. This is the street side. So we've clustered  
25 these into the east over here, south central over here. North

1 central and west. Now, please remember this is all  
2 preliminary and proposed, nothing's final yet. There's going  
3 to be a tremendous amount of time for a lot of input to make  
4 any adjustments or changes. On the street, the reason why we  
5 did this with street is we just took a major cluster of  
6 projects and what we said here is this hashed area, there are  
7 no street major projects, and so we want to make sure any  
8 projects that have cars in these hashed areas are not imposed.  
9 Anything related to lane miles. Most of the roadways that are  
10 part of the east area are all within the northern part of San  
11 Tan, southern part of AJ. Ironwood is a primary road that's  
12 part of that. Okay. North Central Fee Summary. So this is  
13 where we're at currently. There are - there is some  
14 adjustment being made on this. So this will give you an  
15 indication. This is where our current preliminary fees are  
16 coming in. One thing we are proposing is changing on the  
17 residential category, base it on square footage rather than  
18 basing it on type. And then on the nonresidential side,  
19 cluster these up into industrial, institutional, commercial,  
20 office. South Central, there's some fluctuation here. You're  
21 going to likely see some of these numbers change to the lower  
22 because we have made some additional changes since last week.  
23 But the point I wanted to draw your attention to is not  
24 necessarily in the fees itself, I know that's where all the  
25 eyes goes to, but it's the change in the methodology, in the

1 residential customer class and the nonresidential customer  
2 class. East. You can see a huge - because there aren't that  
3 many capital projects in the east, especially on the street  
4 side, the preliminary numbers go down substantially, both on  
5 the residential and the nonresidential. Same way on the west.  
6 The, the categories for customer class are all the same, you  
7 know, all four IFAs. But remember, in the public safety and  
8 parks, the IFAs are one County, so it's a County as a whole.  
9 The reason why we're - this chart is like this is primarily  
10 for the purpose of street, because the variation is on the  
11 street side. And, and, and even today, and it will be when  
12 this - depending on if this gets adopted, parks are not  
13 assessed for nonresidential projects. The park impact fee.  
14 These are the kind of projects in the parks, you know, you  
15 have major, major trailways and identify major regional parks.  
16 These are the trails. So rather than, you know, creating  
17 different zones what we've said is these are so large in  
18 nature and they go County-wide, we need to make it one IFA.  
19 This is just the methodology of how you get per square foot on  
20 the park side. Let me draw your attention to - these are the  
21 kinds of projects that are part of the park's CIP, right here.  
22 I can't even read some of these. San Tan Mountain, Palo  
23 Verde. San Pedro River. The key part to remember is what  
24 we're focused on is the one to five years in the capital.  
25 Even though we have a ten year capital need, one to five years

1 is a factor that's used to come up with the rates, and how  
2 much of that project is attributed to growth. And in some  
3 cases it could be 10 percent, 25 percent, 50 percent or 100  
4 percent. And that's what drives the numbers is how much  
5 dollars needed in the one to five years, and how much  
6 percentage of that dollar is needed, is attributed to growth.  
7 In this scenario you'll see 30 percent is attributed to  
8 growth, and in the one to five years you need about two - is  
9 it 1.2 million? Yeah, 1.2 million for parks. And the trails,  
10 the same goes in that category. So let me talk to you a  
11 little bit about the public safety side of it, of the fees  
12 itself. The types of projects there are attributed to  
13 vehicles that are needed for, for police and law enforcement  
14 and detention. The expansion associated with the judicial  
15 system, courts and facilities. The jail, and those are the  
16 kinds of projects that are, that are part of - and excluding  
17 out the substation associated with the San Tan Valley area.  
18 We're also incorporating debt service. So existing projects  
19 that we financed like the jail expansion and the superior  
20 court, a portion of that debt service need to be factored into  
21 growth because the growth needs to pay their share when it  
22 comes to those facilities that were built for growth purposes.  
23 This is judicial courts. Our 911 communications system. This  
24 is a project, in the recent months you've probably have read  
25 the Board has financed a couple of these major CIPs. One is

1 the complete overhaul of our 911 communications system, a \$19  
2 million project. Accelerated the funding of Hunt Highway.  
3 We're borrowing money so we can go ahead and finish all the  
4 way up to Phase 5. We've also borrowed money to expand the  
5 superior court, expanding the courtrooms there, as well as  
6 making improvements to Ironwood. This gives you an indication  
7 of vehicles, so in this scenario the PCSO law enforcement is  
8 indicating that within a five year period we need 240  
9 vehicles, and that detention would need about 29 vehicles.  
10 Unit cost and then a total cost. A little under 16 million.  
11 So now the important factor to remember is the percentage  
12 attributed to growth is a small factor there. So you may have  
13 a \$15.5 million need, but if a portion attributed to growth is  
14 just 3.6 million. Follow me? Yeah.

15 HARTMAN: Covered by impact fee?

16 PATEL: Correct. That's what we're using to build a  
17 model of what the rate needs to be. The portion attributed to  
18 growth. And there's the CIP for the San Tan Substation.  
19 Again, here, although the project's \$8 million, we need to  
20 only factor in a percentage of that for, for growth. Because  
21 one of, one of the reasons why we need this is the deficiency  
22 of service. We don't have an adequate facility that, that  
23 would currently provide for that. Now we, we've band-aided it  
24 by leasing out commercial spaces and other things, but a  
25 functioning approach would be a standalone police public

1 safety center right in San Tan. Okay, so this is just a  
2 detail of the, of the, of the street side now. Now in the  
3 north central, again, we'll identify roadways that were part  
4 of the CIP. In this case there are a couple of roadways,  
5 Ironwood, Hunt Highway, and these are the different roadways  
6 here. Again, to remember here, is attributed to growth.  
7 Growth share, how much of that roadway needs to be attributed  
8 to growth. So each of these IFAs will have each - and each  
9 of the categories will have a CIP associated with it. Let me  
10 get to, real quick - okay, sorry for the delay. Technical  
11 difficulties. So what this map shows, or showed - what I  
12 wanted to show you is when you superimpose the current IFAs to  
13 the proposed new four IFAs, well what we'll be doing is  
14 extracting the building permit data and the impact fees that  
15 are collected from the current IFAs and making sure that  
16 they're accounted for in that particular area, so that those  
17 impact fees that have been collected remain in the area for  
18 the projects that were identified, even with changing the IFA  
19 areas. Yes ma'am.

20 MORITZ: And how long would that be in effect?

21 PATEL: Well we will go back to the last time we did  
22 the update, which was in 2010 and look at all of the, the  
23 revenue - because we already have a tally of all the impact  
24 fees that have been collected, and the ones that haven't been  
25 used will be re-appropriated in the new IFA areas in which

1 they were collected.

2 HARTMAN: Do the impact fees go into the general  
3 fund?

4 PATEL: They do not. They are standalone funds that  
5 are accounted for differently and can only be used for the  
6 projects that have been identified as part of the impact fee  
7 program and the capital improvement plan that's adopted.

8 RIGGINS: Which means they can't be swept.

9 PATEL: They cannot.

10 MORITZ: And is that - what is the size of that fund  
11 right now?

12 PATEL: On the street side I think we're about 4 or  
13 5 million. Parks probably about 2 million. Public safety we  
14 just did a \$6 million payment for debt service, so there's I  
15 think about 2 million left there. So I'll be happy to - we  
16 have - every year by law we have to also do a public report of  
17 the impact fee, and that has to be filed with the County, but  
18 also it has to be filed with the State. Our impact fee annual  
19 reporting, and it identifies all the dollars that are being  
20 collected and what's been used, and what the balance is. So  
21 the colored area's identified kind of the IFA areas, but the  
22 green lines show the current IFAs on the seven areas. Keep in  
23 mind, you know, these areas here, these areas here, these  
24 areas here, are all reservation land.

25 MORITZ: Are there any cities in Pinal County that

1 don't have any County property in them?

2 PATEL: County-owned properties or County islands?

3 MORITZ: Oh, both. Is there any city that is  
4 totally free of any Pinal County property, designated  
5 property.

6 PATEL: I would say no.

7 MORITZ: Okay.

8 PATEL: We own some level of properties within the  
9 city jurisdictions of every city.

10 MORITZ: Okay.

11 PATEL: There's likely County islands that are also  
12 - which is where our jurisdiction would fall.

13 MORITZ: Right.

14 PATEL: So you have an area that surrounded by the  
15 City and town, and then you've got a little island that's a  
16 County, when they come in for a permit, our impact fees are  
17 the ones they impose.

18 MORITZ: Okay.

19 PATEL: So in kind of looking at this, we also  
20 wanted to - see if we can go to the next one. So this  
21 particular map will show you the supervisory districts. So we  
22 know how this has implications on the supervisory districts,  
23 and so the colored area again is kind of the preliminary  
24 proposed IFAs for streets. And then the, the yellow/golden  
25 boundaries identify the supervisory districts. So we made

1 sure that they didn't follow any political -

2 RIGGINS: And that was my question, why don't we  
3 follow political boundaries? We already have five districts.

4 PATEL: Because the projects don't necessarily  
5 follow that, that particular political boundary that's -  
6 projects are driven by where the growth are, not where the  
7 political boundaries are.

8 RIGGINS: Just wondering.

9 PATEL: So in the case of District 1, you know, most  
10 of it's in the east, but there's part, a large chunk for south  
11 central, as well as here, the west includes parts of south  
12 central. I think the one district that's all in one IFA is  
13 just supervisor Chase's right here. Next, I think that's it.  
14 Right?

15 RIGGINS: (Inaudible) to be gray. Oh right. Okay.  
16 All right. So that kind of concludes my presentation. So  
17 what we're at in the State is that there's some finishing  
18 touches to be made on the modeling. Primarily what will  
19 happen is it's going to reduce the fees in what the changes  
20 will be from what you preliminary see, it's going to reduce  
21 the fees in the south central and north central because we're  
22 having a lower growth factor there, as it relates to the  
23 growth share of the CIPs. Not, not a growth factor, sorry, a  
24 growth share of the CIPs. In some areas we're attributing 100  
25 percent of the roadways for the CIPS, but we're going to notch

1 that down to a 50 percent threshold. So that's going to  
2 likely reduce the impact fees in south central and north  
3 central by a factor of two to five percent. But overall, you  
4 could see what we've tried to do is demonstrate an approach to  
5 really, really fine tune our capital improvement projects and  
6 both the east and the west are being driven down substantially  
7 due to the CIP and the needs, there, there are very minimal  
8 capital projects attributed to those areas, and we're  
9 modifying the IFA areas, we're modifying the customer class,  
10 taking a change to the residential as well as the  
11 nonresidential. So trying, trying to create a little more  
12 simpler program than the complex program that we have in place  
13 now. The current step is we will be going before the Board in  
14 the coming month to have the Board consider the report and  
15 adopt the report, and issue the notice of intent. All that  
16 does is establish the 120 day starting period for review of  
17 the, of the impact fee report and the capital improvement  
18 plan. Then at the end of the 120 - prior to the end of the  
19 120, within 15 days we'll have a public hearing to, to  
20 formally adopt the program and then once the Board - if the  
21 Board adopts the new program, we have a 90 day collection  
22 period - wait. So we have to wait until 90 - unlike typical  
23 ordinances which are 30 day, this has a 90 day requirement.  
24 So it won't be until some time in the fall where we'll, we'll  
25 - if it - if the timing goes, where we'll be implementing the

1 new program. There will be numerous public outreach  
2 opportunities in that 120 day waiting period. We'll be coming  
3 back to you to give you more update on what's happening also.  
4 Any changes from what we saw today. Thank you for your time.

5 RIGGINS: Thank you very much. Any other questions?  
6 Very good. Thank you.

7 AGUIRRE-VOGLER: Are you ready for a motion to  
8 adjourn?

9 RIGGINS: No, we have one more agenda item. We have  
10 the, Mr. Abraham, the changes in the agenda procedures.

11 ABRAHAM: Real briefly. There were two ideas that I  
12 had that I'd like to run by the Commissioners, about changing  
13 your agendas. Also, if you noticed in the staff report, I  
14 wanted to bring up the executive summary that we added at the  
15 beginning of the report. I don't know if that helped or not,  
16 but it - we're going to do that from here on in and bring up  
17 sort of like issues right at the beginning that we think are  
18 pertinent to the case, so just wanted to let that slight  
19 change - let you know about that as well. Two ideas I had.  
20 One was to add a call to the Commission to your agenda. And  
21 what that is is the opportunity at the end of each meeting  
22 there'd be an agenda item where you get to talk to me about -  
23 if you have anything on your mind, you'd like staff to do  
24 anything, look at stuff, bring stuff back to you for possible  
25 action, or you just want to vent, and then it gives the

1 Commission the opportunity maybe to vote on certain items  
2 you'd like to take a look at, and/or discuss at a future  
3 meeting. So if you'd like to - me to do that, I'm just - I'd  
4 start with Mr. Chairman, if you - that's something you'd like  
5 to see on there, I'm certainly okay with doing that, of if  
6 you'd like to open it up for discussion to the Commission.

7 RIGGINS: Let's go ahead and open that up for  
8 discussion.

9 AGUIRRE-VOGLER: I think that's a good idea.

10 HARTMAN: Call to the Commission would be a good  
11 idea because it's not on the agenda normally and we can't  
12 really discuss it, but it would be a - give us an opportunity.

13 AGUIRRE-VOGLER: Good idea.

14 ???: So over at the Town and we have that - we have  
15 a call to the Commission, a call to the public, if the public  
16 wants to address particular commission members about an issue,  
17 we do both of those. And the other one that I'd like, I'd  
18 like -

19 ???: It's the second one I don't know.

20 ???: Yeah, we don't get much of it. The other thing  
21 that I would like to suggest that we add as an agenda item is  
22 the pledge of allegiance beginning of the meeting.

23 RIGGINS: Other Commissioners? Discussion?

24 AGUIRRE-VOGLER: Just call to action's great.

25 RIGGINS: It sounds like the call to the Commission

1 is something that is popular with the Commission then. Okay.

2 ABRAHAM: Did you want to continue that discussion  
3 about the pledge? Or let me, let me do my second idea, and  
4 then we can talk about it altogether. The second idea was to  
5 put tentative plat extensions on a Commission consent agenda.  
6 That if you go to a Board meeting they have a whole litany of  
7 items that they vote once on. If you want to take it off, you  
8 can take it off and discuss it further, but these, these  
9 tentative plat extensions that we go through, those would all  
10 - of course if there's multiple ones, you know, three or more,  
11 we put a group of them together, you have the opportunity to  
12 look at them and if there's any - if there's no additional  
13 comment, one vote would take care of all of them.

14 AGUIRRE-VOGLER: Great idea.

15 ??: I think that's a great idea.

16 ABRAHAM: Again, up to the Chair if you'd like me to  
17 add that or discuss it amongst the Commission Members.

18 RIGGINS: Again, I think it's important to know what  
19 the feeling of the Commission is. I, I personally think that  
20 reviewing tentative plat modifications, because that's  
21 generally what they are, is an important function and I  
22 believe just finding something to spend less time with it is  
23 not necessarily the direction to go. The ones that come in  
24 for a two year extension, it doesn't take us very long to go  
25 through those things, but we look at them, we see them, we

1 actually take the time to review them. I'm afraid if we go to  
2 a consent agenda item we'll just - we just cease to really be  
3 doing our job and doing what we're supposed to do. That's my  
4 personal opinion on it. And what's the, what's the thoughts  
5 for the rest of the Commission?

6 MORITZ: Mr. Chairman? I know I've had several  
7 comments in just general discussions that it's frustrating to  
8 see somebody come in who has already ten years into their  
9 process and still asking for another two or three year  
10 extensions and that's kind of questionable because you don't  
11 know whether that's something that still is pertinent to the  
12 actual subdivisions - and I'm talking residentially, of course  
13 - should there be different changes to it because now it's ten  
14 years later, and maybe the setbacks are not according to what  
15 we want now versus what we wanted ten years ago or five years  
16 ago, or whenever the last extension was granted, and the two  
17 or three year issue has become an issue now, and the water,  
18 and so I don't know that it could be done on a one vote thing.

19 RIGGINS: I believe that was a very good list of the  
20 reasons why. I believe that was very well said.

21 HARTMAN: Mr. Chairman?

22 RIGGINS: Yes.

23 HARTMAN: We don't really take that much on the  
24 tentative plats. They're at the end of the meeting and they  
25 go pretty darn fast.

1 RIGGINS: I think so.

2 HARTMAN: And there are - I am curious about what's  
3 going on and whatever.

4 RIGGINS: And there is, there is a number of items  
5 as they come through that things have changed and they  
6 actually have to discuss the changes, and there are actually  
7 things that change in the stipulations because of those  
8 changes. So I think it's important just to review them.

9 HARTMAN: Yep, yep.

10 MORITZ: Mm hm.

11 GUTIERREZ: If I may (inaudible). Yeah, I -  
12 although I like the timesaving idea of that, I think it's,  
13 it's kind of critical to review sometimes on those PADs,  
14 especially with the situation, with the one you mentioned is  
15 water. You know, everybody comes in and says yeah, we have  
16 100 year supply. California doesn't have a one year supply  
17 and they're going to turn around and start taking more  
18 Colorado water, so I think those are things that need constant  
19 attention.

20 MORITZ: Could I just mention one thing, you know,  
21 given all of that, we still sit here and say do we actually  
22 look at a developer and say nuh uh, no more. They've invested  
23 all of these years, all this money, how do we say you have to  
24 reconfigure it to have ten foot side setbacks - whatever the  
25 case may be - it's a difficult decision. It really is.

1           RIGGINS: And I would like to answer that first. We  
2 will undoubtedly at some point in time in the Pinal AMA - that  
3 isn't all of Pinal County, but that's the Pinal AMA, the part  
4 that's south of more or less Arizona Farms Road - more or less  
5 - we will come to a point in time if development begins again  
6 that not too long after that we will find that physical  
7 determinations for availability of water will cease to be able  
8 to be happening. So there will come a point in time to where  
9 water will actually not be a, a phantom out there, it won't be  
10 something that everybody can say that you know, that's not  
11 something we have to do until final plat. You know, we have  
12 it, they'll give it to us. All of a sudden, boom, something  
13 happens and in certain areas it won't.

14           MORITZ: Just can't do it.

15           RIGGINS: And so obviously at that point in time  
16 somebody that wants to come in for a tentative plat renewal  
17 will obviously have to have some source of water other than  
18 ground water to be able to go forward and that's - then  
19 they're going to become very important, incredibly important  
20 review.

21           AGUIRRE-VOGLER: Proof of water?

22           RIGGINS: Well no, actually they'd have to have an  
23 alternative source. They'd have to join - they'd have to show  
24 that they're going to join the GRD, or they'd have to show  
25 that they have - they're going to use purified gray water, or

1 you know, something, but if they don't have anything they've  
2 done or gonna do, then renewing it's problematic.

3 MORITZ: We may have to start sending forward a  
4 denial on some of these based on those criteria.

5 GUTIERREZ: If I may make - and regarding Jill's  
6 comment there. You know, I mean a lot of these things were  
7 approved ten years ago, well the County kept progressing and  
8 changing things, and improving, and they are - the builders  
9 are the one that took the risk of saying, you know, I'm not  
10 going to build now, I'm not going to build now. I'm not going  
11 to build now. So as far as their expense goes, that should  
12 have been written up into their plan that they postponed it.  
13 The County needs to continue progressing, so I don't worry  
14 about their expense, frankly. They're just going to pass it  
15 on anyway. So.

16 SMYRES: I agree there. Our purpose should be what  
17 is best for the people of Pinal County. If - and I can't  
18 think of one of the developer's names - if they bought land  
19 ten years ago, we're not living ten years - we're living now.  
20 And a three foot setback or a five foot setback is absolutely  
21 ludicrous.

22 ABRAHAM: Commissioners, this is just a discussion  
23 about consent agendas. So I - loud and clear, it sounds like  
24 you don't want to do the consent agenda.

25 RIGGINS: I do believe that's the indication that

1 came -

2 ABRAHAM: So last couple things before we move  
3 along, on your desk I put the agenda for the joint P and Z  
4 session, Tuesday, 9:30 over there in the old Board of  
5 Supervisors chambers. That's this Tuesday. And 9:30. 9:30.  
6 Yeah, I know that was -

7 RIGGINS: Scott had a pretty big blowup this  
8 morning, so I apologize for being late.

9 ABRAHAM: And lastly, there's not going to be a  
10 meeting next month, so your April is free. And if - oh, and  
11 then want to look at doing the pledge? Put that on there as  
12 well?

13 RIGGINS: I believe that it would, again, does the  
14 Commission wish to have discussion on that item now?

15 AGUIRRE-VOGLER: No. We'll have discussion at  
16 another time.

17 RIGGINS: Discussion at another time? Is that the -

18 ABRAHAM: Okay. All right.

19 RIGGINS: That seems to be the issue, is discussion  
20 at another time.

21 ABRAHAM: Fair enough, we can bring it up at a later  
22 date. Then that concludes staff's, and if the Commission had  
23 anything else, we're ready to go.

24 RIGGINS: Any Commission Members have any other  
25 questions or comments?

1 HARTMAN: I make a motion to adjourn if you'll -

2 AGUIRRE-VOGLER: I'll second that.

3 ??: I'll third that.

4 RIGGINS: All in favor?

5 COLLECTIVE: Aye.

6 RIGGINS. Okay.

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Julie A. Fish