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PINAL COUNTY PLANNING AND ZONING COMMISSION
(PO NUMBER 230372)

Regular Meeting
9:00 a.m.
Thursday, May 21, 2015
EOC Room - Building F
31 N. Pinal St., Florence, Arizona

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ORIGINAL PREPARED FOR:
PINAL COUNTY, ARIZONA

1 RIGGINS: ...meeting of the Pinal County Planning and
2 Zoning Commission. Thank you. I did get a call from
3 Commissioner Gutierrez. He is still, I believe he said in
4 Jordan or Syria, so that's probably a pretty good reason not
5 to be here. So he definitely will not be coming in. Let's go
6 ahead and first of all I see we have a discussion of the
7 Action Item Report.

8 ABRAHAM: Mr. Chairman, good morning and good
9 morning Commission Members. We prepared your Action Item from
10 two months ago, so we had - we didn't have a meeting last
11 month. Any questions on any of that material in front of you
12 today? Then just moving along to the Board of Supervisors,
13 this would be back all the way in March, the Vowell property
14 which is located on the northeast corner of Ocotillo Road and
15 Meridian Drive. That was approved unanimously. And then
16 Westcor Queen Creek LLC which is on Gary Road just before you
17 get to Queen Creek at the train tracks there, that was
18 approved 7 to 2. And both of those - oh, there's some more.
19 The PAD (inaudible) that was passed as well. Now San Tan
20 Heights, that was the one for the community center located on
21 the south portion of that subject property. At the Board
22 meeting (inaudible) getting remanded back to the Planning and
23 Zoning Commission. We received a request from the applicant
24 that they're still working on many of the issues that were
25 brought up at the Commission meeting and the Board of Supers

1 meeting, and asked that be delayed for (inaudible) back to
2 this body until June. So we were going to now (inaudible)
3 that you'll be seeing that very shortly.

4 SALAS: Now are they dealing with the (inaudible)
5 issues that we brought up?

6 ABRAHAM: They are. They're putting together a plan
7 for traffic and working to (inaudible).

8 SALAS: (Inaudible) issues that I recall.

9 ABRAHAM: Mm hm.

10 HARTMAN: Mr. Chair?

11 RIGGINS: Vice Commissioner Hartman.

12 HARTMAN: Steve is - are they actually looking at
13 utilizing that school facility that is closed? Leasing that?
14 Was that discussed?

15 ABRAHAM: It is, and I think that turned out not to
16 be feasible for them, so they're, they're going back to the
17 neighborhood to see if they can smooth out some of the issues
18 the neighborhood brought up.

19 HARTMAN: Okay.

20 ABRAHAM: I think it's all still - a lot of things
21 are still up in the air with that one at this point. So that
22 one's not done yet. Then the last one which would be the -
23 what is that one? That is the Ponderosa Botanical Care, that
24 is a medical marijuana dispensary out in Maricopa. That was
25 also approved by the Board of Supervisors. So that is your

1 sum of the last three months of action.

2 RIGGINS: Okay, very good. Any questions or
3 comments by the Commission? There none being, we'll move
4 right into new cases, which is case number SUP-002-15. And
5 who'll be doing the presentation on that? Okay. Ashlee.

6 MACDONALD: Thank you Chairman and Commissioners.
7 Okay, this is case SUP-002-15. It is a request for approval
8 of a special use permit to operate the Healing Healthcare
9 Medical Marijuana Dispensary. It is on a total of 12.2 acres
10 in the CB-2 zone, located off of Highway 79, just south of the
11 Florence Town limits here. The applicant is Healing
12 Healthcare 3 with Rose Law Group as their agent. The subject
13 property, again, is located just outside of Florence, off of
14 Highway 79. You can see the subject parcel in red. The
15 comprehensive plan designation on site is very low density
16 residential. This comprehensive plan category does support
17 commercial uses up to 20 acres in size, so the proposal is in
18 accordance with the comprehensive plan. Existing zoning on
19 site is CB-2 and CB-1. The medical marijuana dispensary will
20 be limited to the CB-2 portion of the parcel. An aerial
21 photograph of the property shows that is developed. The use
22 onsite previously was an automotive repair facility. Much of
23 the site does remain vacant. This is the applicant's site
24 plan. They are proposing to use the existing structure.
25 Staff has included some stipulations to make some improvements

1 to the site, that would include adding a block wall where the
2 existing chain link is, and removing barbed wire that you'll
3 see in some of my site photos, as well as adding some
4 landscaping. Photos were taken from the entrance of the
5 property. This is looking east from the entrance towards the
6 structure. Looking southeast along Highway 79. Looking
7 southwest across the highway. Northwest. And then from about
8 the middle of the, of the property looking northwest back
9 towards the building. There are 24 stipulations associated
10 with this case. I do want to also inform the Commission that
11 after your staff reports went out, we received additional
12 letters of support, so there are now a total of 9,361 letters
13 in support. You can see them on the back table of the room.
14 If anybody has any questions, though, I am happy to answer
15 them.

16 RIGGINS: Okay. Vice Chairman Hartman.

17 SALAS: Well I have a question, is there any
18 opposition?

19 MACDONALD: There is one letter of opposition that
20 was included in your packet.

21 HARTMAN: Chair Riggins.

22 RIGGINS: Vice Chairman Hartman.

23 HARTMAN: Ashlee, I didn't see anything from the
24 City of Florence. Is there any comment from the City of
25 Florence?

1 MACDONALD: They were provided a copy of the
2 application and, and asked for their comments, and they did
3 not provide any.

4 RIGGINS: Okay. Commissioner Smyres.

5 SMYRES: Ashlee, now we would be looking at the
6 entire 12.2 acres, even though the facility itself takes
7 approximately one acre?

8 MACDONALD: That's correct. The application
9 encompasses the entire parcel. So the SUP would cover the
10 entire parcel. However, the stipulations stipulate that it
11 would be in substantial conformance to the site plan that
12 they've submitted and it limits it to, to the existing area
13 that has been developed.

14 SMYRES: So nothing else could take place on that
15 12.2 acres.

16 MACDONALD: Correct. The special use permit is for
17 the medical marijuana dispensary specifically. So additional
18 commercial uses could develop on the remainder of the parcel,
19 but the dispensary itself is limited to the site plan that you
20 see.

21 SMYRES: Okay, I didn't under - so are there any
22 other uses that could be on that parcel with the dispensary?
23 In other words the dispensary's taking roughly an acre, so
24 that leaves 11 acres to do something else with. Could
25 anything else come in there so - and open a business on that

1 same parcel under this current zoning?

2 MACDONALD: The zoning would support additional
3 commercial uses on that parcel.

4 SMYRES: Okay, thank you.

5 RIGGINS: Just to go on the back of that, but that
6 new use would have to come in for a slight - site plan review
7 and all those other things. As long as - it would have to
8 conform with the zoning.

9 MACDONALD: Yes.

10 RIGGINS: Yes. Okay, so there would be another
11 action.

12 HARTMAN: Chair Riggins?

13 RIGGINS: Vice Chairman Hartman.

14 HARTMAN: Ashlee, I do notice that it's zoned CB-2,
15 though. There could be other businesses there, could there
16 not? It's zoned CB-2.

17 MACDONALD: That is correct.

18 HARTMAN: Okay.

19 SALAS: Ashlee, could they, could they grow on the
20 other 11 acres relative to the dispensary? Grow their own
21 there?

22 MACDONALD: The cultivation of medical marijuana
23 goes through the same process as the dispensary does. So if
24 they wanted to move forward with that type of application,
25 they would have to obtain a special use permit.

1 SALAS: The question is yes they can do it, if it is
2 approved, right?

3 MACDONALD: Correct.

4 SALAS: Okay, thank you.

5 RIGGINS: And also to go on the backside of that
6 response, this piece of property is a piece of desert and does
7 not have a grandfathered irrigation right. So to grow outdoor
8 medical marijuana, I think, would be a very, very difficult
9 thing to be able to be entitled.

10 HARTMAN: Would they not be able to use City water?

11 RIGGINS: If you were - the source of the water is
12 not what's important, it's the use. If you're, if you're
13 irrigating properties for agriculture, it requires an
14 irrigation grandfathered right on the property.

15 HARTMAN: Okay.

16 ???: Could they do a indoor - Mr. Chair, could they
17 do an indoor facility.

18 RIGGINS: That is a - that's something that I don't
19 know. That I do not know. The outdoor cultivation would
20 almost assuredly require that. Any other questions from the
21 Commissioners?

22 HARTMAN: Makes sense.

23 RIGGINS: Okay. Let's go to the applicant and hear
24 what, hear what we have to hear.

25 Good morning, Mr. Chairman and Commissioners. My

1 name is Court Rich with the Rose Law Group. It's good to see
2 you all this morning. We have a presentation and I'll get to
3 that, but I did - just, just because those questions just came
4 up, I just wanted to maybe address those really quickly.
5 There's a stipulation, one of the 24 stipulations is that you
6 cannot use the property for growing of medical marijuana. So
7 that's - right now, they're stipulated that they cannot do
8 that and I believe that if you also look at the County
9 ordinance, they wouldn't meet the setback requirements for
10 doing that. They're too close to residential for that use,
11 under the new County code. So there's no chance that that
12 would happen. And then finally on the can other commercial go
13 in at that location, I think the Chairman's comment that you
14 would - we would need to come back for a site plan and
15 something would come back before you all is a good one. Also
16 just to note that anyone who would move in there afterwards
17 would obviously do so knowing that the dispensary's there
18 already, so it's not, you know, not a surprise and they would
19 have to determine that, that it was compatible with their use.
20 But let me, let me take you through. I think we can all get
21 kind of caught up in the fact that this involves medical
22 marijuana and that's, you know, a controversial issue. But I
23 want to, I want to step back and just - I think this is a
24 pretty straightforward special use permit application. It
25 complies with all of the County requirements. I'm happy to

1 see that your staff is recommending approval of it today.
2 It's in the right location, and I want to take you through
3 that in more - with more specifics. Unprecedented support.
4 You just heard 9,000 letters of support. Obviously that's
5 because this is such an important issue to a lot of people
6 that they care enough about this. But that's a lot of
7 support, and, and the staff recommendation of approval. And
8 so just, I'm going to say it up front again, this is not about
9 medical marijuana. This is about a use permit for a use
10 that's allowed in this zoning district. And I know there's a
11 lot of folks that are here in support of this and we certainly
12 appreciate the folks in the green shirts that are here today.
13 But it's not about medical marijuana, it's just about this use
14 and the location. And so when you look at the County code,
15 you find that there's a test for if a use permit is
16 appropriate, it has to meet certain tests, and that's what I
17 just want to take you through that really quickly, or as quick
18 as I can and show you that we meet each of those requirements.
19 So number one, it will not materially affect or endanger the
20 public health, safety or welfare. So one of the big benefits
21 of having a medical marijuana dispensary is that under state
22 law, you draw a 25 mile circle around that dispensary and no
23 one with a medical marijuana card is allowed to grow marijuana
24 on their own within that 25 mile zone. So the alternative, if
25 you don't have dispensaries, state law says that anyone with a

1 medical marijuana card is allowed to, in essence, in an
2 unregulated way, go and just grow marijuana at their house.
3 And it's harder, harder to track and it's far less controlled.
4 So this will establish a 25 mile circle where that is not
5 allowed. And here, the way that the state's set up these
6 dispensaries, is that you're allowed one in each of these
7 different geographic areas that they, that they drew around
8 the State, and there's 124 of them, I believe. And so we've
9 got the, the area here of Florence that's allowed to have one
10 dispensary and it doesn't today, and so this would, this would
11 fill that need and then shut the door forever for another
12 dispensary to be built within that, that area. It complies
13 with all regulations and standards within the zoning district.
14 You can read your staff report and certainly staff is
15 recommending approval. This is allowed under the zoning
16 ordinance, and we do comply with all of the regulations. And
17 there's just the zoning map and Ashlee showed you that
18 already. So the next, the next test is, is it compatible with
19 existing adjacent uses, and will it not change or materially
20 affect adjoining property or the surrounding area. And I
21 think this one's actually pretty simple. My button's not
22 working. Here's the last use that was out there. You had a,
23 you know, a car kind of fix it up place that was not frankly
24 all that pretty, and as Ashlee explained to you, in the
25 stipulations there are requirements that we get rid of the

1 barbed wire fence, that we fix up the building. They're going
2 to be building a block wall around it. It's going to look - I
3 mean it couldn't possibly look worse than that use that was
4 there, and in fact what you're replacing it with is a - I'm
5 sorry, this button isn't working as quickly as I'd like - is,
6 is really a medical establishment. This is not a building
7 that's open to the public. This is a building that you can
8 only go into if you have a license from the State that says
9 you're allowed to enter the premises of a building like this.
10 So the traffic will be minimal, the, the building will be a
11 much nicer, a much nicer presentation than what's there today.

12 RIGGINS: Commissioner Salas.

13 SALAS: Court?

14 RICH: Yes.

15 SALAS: Why is it necessary to have a block wall
16 around it?

17 RICH: We were asked, I believe -

18 SALAS: Staff?

19 RICH: Yes. I think that's part of your development
20 code for site plan is to build a wall around it.

21 SALAS: Might as well say I'm against it. I'd
22 rather see what the hell's going on behind the block wall.
23 Have it, you know -

24 RICH: And we can ask staff if that's a code
25 requirement, which I think it - it might be.

1 MACDONALD: It's not a code requirement. Where
2 parking adjoins with a residential land use, that's when you
3 are required to do a block wall. The reason that staff
4 included that stipulation is because there is an existing
5 block wall that on their site plan was proposed to remain,
6 along with an existing chain-link fence, and just to improve
7 the appearance of the site, you know, understanding that, that
8 perhaps the applicant wanted it to remain enclosed, we wanted
9 to see the appearance of the existing chain link fence, and
10 the appearance of that existing block wall improved. So
11 that's something certainly if the Commission doesn't, doesn't
12 want that block wall there, can be considered, because it is
13 not a code requirement.

14 SALAS: So is the chain link in the front of the
15 would-be building, or whatever?

16 MACDONALD: We can go back to some of - to staff's
17 presentation and I can show you.

18 SALAS: The reason I, I'm making that request is
19 because I visited another dispensary and it's pretty much out
20 in the open. It's in plain view of the public and so if any
21 suspicious activity was taken on, you know, you couldn't tell.

22 MACDONALD: This, this picture here you can, you can
23 see the existing - I don't know if you can see my mouse
24 pointer - you can see the existing block wall that exists that
25 has chain link. Once if you can, if you can see my mouse,

1 right here is where that, that existing block wall ends, and
2 the chain link begins.

3 SALAS: Is that a, is that a fence or is that a gate
4 right there?

5 MACDONALD: That -

6 SALAS: (Inaudible) gate. I can't make it our very
7 well.

8 RICH: It looks like it may be a slotted, slotted
9 fence.

10 SALAS: Okay.

11 RICH: And Commissioners what, I mean whatever your
12 pleasure is on that, we're happy to -

13 SALAS: Well I'm expressing my opinion, that's all.
14 We've got some other people if they agree with it or not, it's
15 up to them. I'm just saying what I think.

16 RICH: Okay.

17 SALAS: And I think it should be as open as possible
18 to the public, you know, in case there's any unnecessary
19 activities going on.

20 RICH: And on behalf of the applicant, whatever the
21 Commission prefers in that, in that regard is fine with us.

22 SALAS: (Inaudible) about it.

23 RIGGINS: Okay, any other questions or comments on
24 that, or we continue? Vice Chair Hartman.

25 HARTMAN: Chair Riggins, thank you. What, what is

1 the height of that block wall?

2 RICH: Six feet.

3 HARTMAN: Six feet. Six feet. And it, and it does
4 exist most the area around the perimeter of the property?

5 RICH: Correct, yeah, as, as Ashlee's picture
6 depicted. Around the building, not around the 12 acres, but
7 around the building area. Yeah.

8 HARTMAN: Okay. Thank you.

9 RIGGINS: Any other questions or comments? Let's go
10 ahead.

11 RICH: Great, thank you. And so I think the site is
12 uniquely appropriately suited for a use like this, and I want
13 to take you through that. There's a lot of - there are a lot
14 of things that make this location good for this. First of
15 all, as was mentioned, it's a 12 acre site, but we're looking
16 at only this one small portion of it, 1.4 acres. So you've
17 got a natural buffer onsite to make sure there's no
18 incompatible uses, you know, immediately adjacent. And
19 there's that buffer. Then you've got the State highway, so
20 it's not, certainly not on a residential street or on a small
21 scale community street or something like that that may cause
22 any sorts of issues, and the right-of-ways associated with the
23 State highways are large and create another buffer. You've
24 got vacant land behind it. You've got the canal, which again
25 is a natural buffer. People aren't going to be walking over,

1 or very often from the north there. So I think that that, you
2 know, that takes care of that last, that last issue. So
3 traffic circulation. We're stipulated to work with ADOT and
4 do whatever they say through the site planning process to make
5 sure that access and traffic are taken care of, because we are
6 located on that - on the business highway portion. And I'll
7 note, just to go back to this picture, but the point being
8 this is a far less intense use as far as traffic, it's a -
9 it's not open to the public again, it's only folks that have a
10 State-issued medical marijuana license are able to go and go
11 in there, so this is not something where you'll have a high
12 volume of public open to everybody traffic in and out. The
13 next factor is does it adequately address the significant site
14 development standards, including drainage? Your stipulations
15 and the site plan process require us to deal with those
16 issues. Have adequate measures been take to mitigate offsite
17 impacts, such as dust, smoke, noise, odor, lights, and storm
18 run - storm water runoff. The State law for medical marijuana
19 facilities requires them to make sure and insure that there
20 are no, you know, smells that escape, and that they have all
21 of that taken care of. And again, through the site plan
22 process and complying with your code, there are none of these
23 issues remaining. Here's that picture with all the, the
24 appropriate stuff in the area. So the number and locations of
25 other same special uses already established within the zoning

1 district. Well we already know that Pinal County has very few
2 of these and this area does not have the one that the State
3 law calls for, so you're not - by approving this special use
4 permit, you're not creating some glut of these in the area,
5 and in fact you're making sure that no other one can go in
6 this area ever again. And the need for the proposed special
7 use in the community is one of the factors. Whether you agree
8 or disagree with medical marijuana, State law says that this
9 area is, is entitled to have one of these facilities. Medical
10 marijuana patients right now would have to drive, in some
11 cases, much further to go and, and get their medicine in a
12 legal way, and so, you know, this is something that when you
13 look at the fact that the law says they can have one here, and
14 only one, we believe it meets this, this part of the test.
15 And this is that map again to show you the area that we, we
16 will take basically off the table from other dispensaries in
17 the future. And public input is to be considered, and I think
18 it's obvious that on this category, 9,000 to 1 letters to your
19 docket, or to your staff, is a pretty impressive showing of
20 public support. And I think I can just leave it there. So if
21 you have questions about anything, I'm happy to answer them.
22 The applicant is here and obviously there's lots of folks
23 here. I'm not sure that - I don't believe that most of them
24 intend to speak, but I think there are a few people that have
25 mentioned they wanted to say a few words, so.

1 RIGGINS: Okay.

2 HARTMAN: Chair Riggins?

3 RIGGINS: Commissioners? Vice Chairman Hartman.

4 HARTMAN: Court?

5 RICH: Yes.

6 HARTMAN: Have you had any contact with the City of
7 Casa Grande on this proposed use?

8 RICH: With the City formally, no. But actually
9 several thousand of the letters that we received were from
10 residents of the City of Casa Grande.

11 HARTMAN: We have a Commission Member that was on
12 the Florence Planning and Zoning.

13 RICH: On Florence or Casa Grande, sorry?

14 HARTMAN: On Florence.

15 RICH: Florence, okay.

16 HARTMAN: And I, I just wondered, I haven't heard
17 any comment from the City of Florence, and you know, being
18 that right adjacent -

19 RICH: Yeah.

20 HARTMAN: That's the only thing that bothers me.

21 RICH: Chairman, Commissioner Hartman, I think - and
22 you had said Casa Grande, and caught me off guard.

23 HARTMAN: I'm sorry.

24 RICH: But with Florence I did go and meet with the
25 planning director in Florence and talked to him about this,

1 and the applicant has met with community members in Florence
2 and councilmembers on many occasions. I know the feedback I
3 got from the planning director, from Mark Eckoff, was that
4 they viewed this as, you know, it's outside of the town
5 limits, they had some concerns about some other locations and
6 in his mind this location made the most sense. It's not in
7 the Town of Florence, but obviously if they're here today,
8 they can, they can tell you what they, you know, if they have
9 an official position. But I know that the Town Council did
10 not take an official position on it, and as far as I know they
11 haven't any written any letters or anything like that, but I
12 know that they're aware, they're well aware of it.

13 SALAS: How far is it to the (inaudible), Florence
14 High School?

15 RICH: I don't know the exact distance.

16 RIGGINS: Probably a little less than a half a mile.

17 RICH: That probably sounds about right. It
18 certainly meets all of the setback requirements.

19 GRUBB: Mr. Chair?

20 RIGGINS: Commissioner Putrick.

21 GRUBB: No not Putrick. He's not here.

22 RIGGINS: I'm sorry. Commissioner Grubb, I'm sorry.

23 GRUBB: That's quite all right. You know, being
24 Larry wouldn't be a bad (inaudible). A couple of things. How
25 big is this building that they're proposing to put this

1 dispensary in?

2 RICH: 2,000 square feet.

3 GRUBB: 2,000 square feet, and you know, I've been
4 through a couple of the other dispensaries and they - they're
5 so much smaller than that because, you know, I mean they're -
6 just makes me nervous the amount of space that's left over
7 that has - what's the function going to be with the rest of
8 that building? I mean you don't need 2,000 square feet to be
9 a dispensary.

10 MACDONALD: Chairman Hartman - or I'm sorry -
11 Chairman Riggins. If I can just interject for one second.
12 The building is actually 3,200 square feet, but the site that
13 they can use for the dispensary is limited to 2,000. So I
14 just wanted to add that clarification.

15 GRUBB: Okay.

16 RICH: Chairman, Commissioner Grubb, just really
17 quick, and I'm told by the applicant, they're going to use
18 1,600 square feet of the building. I think you're, you're
19 absolutely right, I mean it's an existing building. So that's
20 - it is what it is. But they're only 1,600 square feet.

21 GRUBB: Okay. The State-designated boundaries for
22 the Florence dispensary, what is the southern boundary of
23 that? Where does that fall in on the map?

24 RICH: Go back to that map if we can -

25 GRUBB: It's really hard to tell.

1 RICH: Yeah, it is hard to tell on there. I agree
2 with you.

3 ABRAHAM: (Inaudible) Junction, or Oracle Junction.

4 RICH: You know, I don't have that overlaid on a -
5 let me see if we go

6 ABRAHAM: Yeah, that's the County boundary.

7 RICH: Yeah, I mean if you see, for example, to the
8 west -

9 GRUBB: County line?

10 RICH: You can see the Ak-Chin Community to the
11 west, which might give you some perspective, but it is a
12 rather large geographic area.

13 GRUBB: County boundary, that satisfies what I was
14 looking for. I just wondered how close we were that there
15 couldn't be another one a mile down the road.

16 RICH: Right. No -

17 GRUBB: Because it was in a different area. And
18 then, you know, the one that I'm famous for is who provides
19 fire protection to this? This is not in the Town of Florence.

20 RICH: Right, and that's a good question. I
21 anticipated that one. We - first of all we're stipulated,
22 obviously we have to have fire protection. We are in the
23 process of talking to both the Town of Florence and Rural
24 Metro, and investigating any other options that are out there,
25 including, you know, a fire district if need be, so we know we

1 can't open until that, that is taken care of.

2 GRUBB: Yeah, that - well the closest Rural Metro
3 station is in Copper Basin.

4 RICH: Right.

5 GRUBB: And, and Florence, I know they run calls
6 south of the area and they've done that for years, and
7 typically Florence will go with them under an automatic aid
8 agreement that they do have to respond down there, but I, I -
9 yeah, I would like to see a letter of commitment from somebody
10 that says they're going to protect this area.

11 RIGGINS: Are there questions, Commissioners?
12 Commissioner Smyres.

13 SMYRES: I got, really just for my own - the 9,000
14 letters which as you say is unprecedented, how did you achieve
15 that? I notice there's form letters. Were those mailed out
16 to people? How did we get this much participation that just
17 seems to stagger my mind that that many people responded to
18 anything. We can't get that kind of people turnout for an
19 election.

20 RICH: Sure, and that's a good question. So we
21 worked with an organization that goes out and does petition
22 gathering and letter gathering, so they went out and they met
23 with community members, talked with people, and those that
24 agreed, they, they, they signed up, and those that didn't, did
25 no, so.

1 SMYRES: Okay, and the other question is is the
2 applicant is leasing this property, I assume, he's not buying
3 it, is that correct?

4 RICH: I'm told they have a lease with an option to
5 buy.

6 SMYRES: Thank you.

7 RIGGINS: Okay.

8 SALAS: I have a question.

9 RIGGINS: Commissioner Salas.

10 SALAS: Did you pay the people that were soliciting
11 these votes?

12 RICH: We didn't pay the who wrote the letters, we
13 paid people to go out and interact with the community.

14 SALAS: Went out to solicit the votes.

15 RICH: Sure, yes, absolutely.

16 SALAS: They were paid.

17 RICH: Yeah, and let me be very clear, not the
18 people that wrote in the letters or that signed the petitions,
19 but yeah, but certainly the people that were out there in the
20 community working on behalf of the, the applicant were paid
21 to do that.

22 SALAS: Now get them to go out and make the
23 (inaudible).

24 RIGGINS: Sir, sir. Court, Court, he needs to stay
25 down until he's identified and comes up.

1 RICH: Sorry Chairman, and what the applicant was
2 telling me is that also he personally went and knocked on
3 doors himself and so, you know, certainly there's a mix of, of
4 different ways that they did a community outreach.

5 RIGGINS: I saw a question - yes.

6 ABRAHAM: And thank you Mr. Chair, I was going to
7 say that about Mr. Pahwa. Two quick questions and comments.
8 Commissioners, we have a stipulation on the SUP that limits
9 the floor area that can be occupied for the medical marijuana
10 use, and also in their plans they can't access that, that open
11 area, so if they were going to do a remodel, it would come
12 through our process and our zoning folks would, would catch it
13 at, at, at permit and they would have to come back through
14 this process again. The second question was for you, Court,
15 what precautions are you going to take in the event of a power
16 outage if the security measures that are powered by power go
17 out?

18 RICH: Chairman, the applicant informs me that
19 they'll have a backup power system, a battery backup or
20 generator power system.

21 RIGGINS: Okay. A question I had, because it came
22 up when Vice Chair used Casa Grande instead of Florence, how
23 many of these letters came from within this district, this -
24 what are they called the CHAAS? Yes. How many came within
25 this and how many were outside of it?

1 RICH: We have - is it the next slide? Well it's
2 kind of hard to read, but this is from the various cities, and
3 I've got a - I can talk you through it, because I've got it
4 here. From Casa Grande there were 3,375; Apache Junction,
5 1,676; Maricopa, 1,634; Florence, 610; and if you're talking
6 about the CHAA area itself, knowing that that expands south,
7 another 412 from Eloy which would fall into that area.

8 RIGGINS: So, so roughly 10 percent or 15 percent
9 came from within this CHAA.

10 RICH: Well I think -

11 RIGGINS: There's not many people live in the
12 southern part of it.

13 RICH: Correct, correct.

14 RIGGINS: I'm not saying that is -

15 RICH: Yeah, and I'm -

16 RIGGINS: (Inaudible) statement, I'm just saying
17 that's just pretty much how the facts are.

18 RICH: Sure, which leaves you with about 1,000,
19 which I think is still pretty impressive.

20 RIGGINS: No, no, I'm not - just, I was just trying
21 to understand it.

22 RIGGINS: Yeah. Yeah, and the geography of the
23 CHAA, we broke up the signature by resident of what city, so
24 it doesn't quite track with the geography of the area.

25 RIGGINS: Not, not a problem anyway. I saw another

1 question over here? Any questions? Any comments?

2 Commissioner Smyres.

3 SMYRES: One quick question, and I don't know if it
4 would be to you or to staff. Within this 25 mile radius that
5 we have now from this location, if someone now has a card and
6 is growing their own marijuana, should this facility set up,
7 is that person grandfathered in so he can continue? Or does
8 he - should he dispense and use the facility?

9 RICH: Chairman, Commissioner, I can, I can answer
10 this. They're required to stop growing.

11 SMYRES: Okay. I thought that was it. Thank you.

12 RIGGINS: Okay.

13 MORITZ: Mr. Chairman?

14 RIGGINS: Commissioner Moritz.

15 MORITZ: Just out of curiosity, how far is this
16 location from the prison facilities?

17 ??: Three-quarter mile.

18 MORITZ: Okay. All right, thanks.

19 RIGGINS: Vice Chair Hartman?

20 HARTMAN: Chair Riggins. Court, the stipulations,
21 you - there's 24 that I see, but number one this, this special
22 use permit is issued for two years. Do you realize that? You
23 gotta come back in two years?

24 RICH: We do realize that, and we think that we'll
25 have demonstrated that, you know, they're running a good

1 business and that it's a positive impact on the Community.

2 HARTMAN: Okay, my next question is to Mark. This -
3 normally we seem to be going toward, for legal purposes, to
4 the land, not to the applicant, so is it - and I don't see
5 anything where it says is issued to the land or issued to the
6 applicant. Which is this issued to?

7 MACDONALD: The code in relation to medical
8 marijuana uses actually specifies that it's issued for two
9 years, and to the applicant. So special use permits for these
10 types of facilities differs from special use permits elsewhere
11 in the code.

12 HARTMAN: All right, I like that.

13 RICH: And I did want to -

14 HARTMAN: I'm the one that thinks it ought to be
15 issued to the individual that's applying for it. Okay, thank
16 you.

17 RICH: And if I could just point out too, they're
18 already - they've been through the State process and they've
19 been, they've been awarded this ability to open this, so
20 they've been vetted by the State and we fill strongly that
21 they'll be good operators in this location.

22 RIGGINS: Okay. Commissioners, any other comments
23 or questions? Commissioners Smyres.

24 SMYRES: Within in the two year framework should the
25 applicant say to heck with this, I want to stop doing this,

1 and walk away from the facility, does the land automatically
2 revert back to the CB-2 zoning, or does it have to come in and
3 be rezoned or reclassified again?

4 MACDONALD: The CB-2 zoning exists on the land and
5 it will remain. This is an additional permit on top of that.

6 SMYRES: That's what I thought, thank you.

7 RIGGINS: Okay.

8 GRUBB: Mr. Chair? A follow-up question to that.

9 RIGGINS: Commissioner Grubb.

10 GRUBB: Thank you. So if, if they decide not to
11 move forward and to sell their operation to somebody else,
12 does the new owner have to come through the process?

13 MACDONALD: Yes.

14 GRUBB: Thank you.

15 RIGGINS: Okay. Anyone else?

16 SALAS: We can't hear you, Court.

17 RICH: Yes, yes.

18 SALAS: Okay, thank you.

19 RICH: Yeah.

20 RIGGINS: Any further? Okay. Any other comments
21 from you?

22 RICH: Not from me at this time, thank you.

23 RIGGINS: Okay, well then we will go ahead and - any
24 other comments, questions from staff? Then we will open the
25 public portion of this meeting. I see a lot of people out

1 here, so I'm going to ask a couple of questions. Could I get
2 a raise of hands of how many people intend to testify, not
3 testify, but speak? Okay, not too many. All right. Very
4 good then, well in that case let's -

5 SALAS: Are you going to incur the time limit?

6 RIGGINS: I only see four or five people say they're
7 willing to speak.

8 SALAS: (Inaudible).

9 RIGGINS: And I would, I would ask everybody, please
10 listen to what's been said before you, and if you just want to
11 say the exact same thing, maybe curtail yourself just a little
12 bit. But say what you need to say, but let's not have a whole
13 lot of repetition. So, who would like to come forward and
14 begin? Please come forward. You'll need to write your name
15 down and tell us who you are and where you're from.

16 HASLET: I can talk and write at the same time.

17 RIGGINS: Certainly.

18 HASLET: My name is Kimberly Haslet. I'm from Oro
19 Valley, Arizona, but I will be the manager of the Healing
20 Healthcare Dispensary. I'm sorry. Is it on? I will be the
21 manager of the Healing Healthcare Center. I'm also a patient,
22 a medical cannabis patient. We have worked with Rocky for a
23 long time. I'm particularly working with Rocky. I've been
24 offered a lot of positions with medical cannabis. I chose to
25 work with Rocky because of his professionalism. I promise

1 this Town and I promise this County, Health Healthcare will be
2 run to the letter of the law. We will be run professionally
3 because I'm going to be a big part of that, and I would not
4 work for anyone who treats anyone like this is just
5 recreational. This is medical. And I chose to use the
6 natural medicine. The - your people that live in this town,
7 or in this County, also choose to use the natural medicine.
8 You don't know who they are. We're not boogie man. We're
9 taxpayers. We, we, we are families, we own our own
10 businesses. You probably sit next to them in church, you
11 probably shop, grocery shop with them, we don't have big horns
12 or anything else, we're just citizens. And I want to
13 reiterate that Healing Healthcare will be run to the letter of
14 the law. And it has been proven that all of the other
15 dispensaries that are here, most people - myself included, and
16 I'm a patient - I don't even know where they are. That's how
17 little impact they've had on the community. I couldn't tell
18 you where all of them are in Tucson, or all of them are in
19 Phoenix, they don't stand out. They're very discreet. Most
20 of them are very professional. There are some, I have to say
21 that aren't, but that has more to do with the owners and I can
22 promise you I would not be standing here if I thought that
23 Rocky was not the person that would run this professionally.
24 And as a medical.

25 RIGGINS: Go ahead and cont -

1 HASLET: I'm sorry. I'm sorry. I did want to also
2 stipulate that the laws and rules and regulations for medical
3 cannabis call for very heavy regulation, surveillance,
4 lighting, so it's not going to be a dark, creepy place. There
5 will be surveillance cameras everywhere, there will be
6 lighting everywhere. It's going to be a well lit facility.
7 Again, it's a medical facility, this is what this is. It's
8 not a pot shop, it's a medical facility. And I just want to
9 reiterate of course you all have been through this, I guess, a
10 couple of times now because there's dispensaries open in Pinal
11 County, as I, as I understand, and I don't think anybody has
12 seen an influx of crime in any of these dispensaries or any of
13 the neighboring buildings, so I think we have - we're proving
14 that we are a part of this community, that we are citizens.
15 We vote, we pay taxes, and I would hope that we would get the
16 same respect of anybody else that is ill. And that's all I
17 have to say. (Inaudible) my name.

18 RIGGINS: Thank you very much.

19 SALAS I have a question.

20 RIGGINS: Commissioner Salas.

21 SALAS: This is a personal one (inaudible) work in
22 your favor. Are you presently on the medication right now?

23 HASLET: Right now?

24 SALAS: Yes.

25 HASLET: No.

1 SALAS: Because you said you're a patient.

2 HASLET: Well yes. I mean I do take medical
3 cannabis, but right this minute, absolutely -

4 SALAS: You're not taking it right - you haven't
5 used it right now.

6 HASLET: No sir.

7 SALAS: And the reason I ask is because it could be
8 in your favor. Because nobody can tell whether you are or
9 not.

10 HASLET: (Inaudible) if I was or wasn't, nobody
11 knows. I'm not -

12 SALAS: That's exactly why I'm asking you because
13 that would probably work in your favor.

14 HASLET: Yes. No I'm not.

15 SALAS: Thank you.

16 RIGGINS: Other Commissioners, questions? Okay,
17 thank you very much.

18 HASLET: Thank you very much.

19 RIGGINS: All right. Our next person. Who would
20 like to come up and speak? And if you could please sign and
21 give your address and tell us the same.

22 YASIN: Certainly sir. Good morning Commissioners
23 and Mr. Chairman. Thank you for letting - affording me the
24 opportunity to speak. My name is Sami Yasin and I am a
25 medical marijuana cardholder. I'm a patient.

1 RIGGINS: And what's your, what's your residence?

2 YASIN: I live in Florence sir. In - just on the
3 outskirts. Very near to Anthem, the Oasis at Magic Ranch
4 Development. Well I wanted to start by addressing one of the
5 concerns that Commissioner Salas had about the block wall and
6 not having suspicious activity possibly going on there. All
7 of these facilities that I've seen, Mr. Salas, are very well
8 regulated and monitored. They all have cameras, not just
9 watching the patients, but also watching the employees. I was
10 lucky enough to get a ride over here from Mr. Pahwa and he, he
11 explained to me a little bit of his financial investment in
12 this, in this venture and it would certainly not be in his
13 interests or anyone else's for any illegal activity to be
14 carried on there whatsoever. I understand that you are
15 against this, sir, and that's, that's fine. You are entitled
16 to that opinion.

17 SALAS: How do you know I'm against it?

18 YASIN: You said so at the outset of the meeting,
19 sir.

20 SALAS: I didn't say I was against it.

21 YASIN: Oh, I'm sorry. I didn't mean to assume.

22 SALAS: The block wall, I said. (Inaudible).

23 YASIN: Okay. No sir. I'm sorry, I misunderstood.

24 RIGGINS: Please go ahead and continue.

25 YASIN: Anyone who might be against this is

1 certainly entitled to that opinion. However, they are not
2 entitled to disenfranchise others who are not of that opinion.
3 This is a legal right as has been approved by voter, voter
4 approval, excuse me, and so, you know, although some people
5 are against it, it does not afford them the opportunity to
6 disenfranchise others from pursuing what is within the bounds
7 of the law. As far as for financial - excuse me - I've just
8 grown a very healthy respect for fear of public speaking.

9 RIGGINS: Understand.

10 YASIN: On a financial basis, purely, I don't know
11 if anybody's been paying attention to what's going on in the
12 State house, but there is currently legislation that they're
13 introducing to try to preempt the, the legalization for
14 recreational use that's on the ballot in 2016. They are
15 attempting to pass their own legislation, and therefore they
16 would be able to regulate it instead of having it pass by a
17 voter-approved measure. So the, the tide is going in one
18 direction. We can see which direction it's going in. It
19 would be in Pinal County's financial interests to allow this.
20 There would be significant tax revenue generated for the
21 County, and, and you know, so this is a, is an enterprise that
22 is growing and it doesn't - it's only going one way. So, you
23 know, I mean it's, it's fine to be against something, but it
24 really - you can see which way it's going and, and I mean it's
25 very important to be prepared for the future. Thank you.

1 SALAS: I have a question.

2 RIGGINS: Mr. Salas.

3 SALAS: And it's the same one that I - the same
4 question I asked the previous speaker.

5 YASIN: No sir, no I'm not.

6 SALAS: Okay, thank you.

7 YASIN: Thank you.

8 RIGGINS: Any other questions? Okay, could we have
9 our next speaker up, please. Okay. Here we go. And if you
10 could sign in and give us your name and address, please.

11 KOLLERT: Good morning. My name's Denise Kollert.
12 I live here in Florence. Unlike the two previous speakers, I
13 am not a card carrier. I wish I could afford it. I have
14 neuropathy very badly and I've read different articles of how
15 much medical marijuana can help that. Unfortunately, I'm not
16 financially able to do that. The voters of this State spoke
17 and said yes, so I think the only issue here should be, is the
18 applicant meeting the requirements that the State put out to
19 have a clinic. And if they do, then your vote should be yes.
20 Thank you.

21 RIGGINS: Very good, is there any questions or
22 comments by the Commission? Do we have another speaker?
23 Anybody?

24 JOHNSON: Is it open?

25 RIGGINS: Yes, yes. Yes, please, please come

1 forward. And if you could sign in and give your address and
2 then tell us the same.

3 JOHNSON: My name's Linda Johnson and I live here in
4 Florence. I'm actually like within throwing distance of this
5 place. My concern is they had to redo the road on the one
6 side for 79 business and 79 because of all the accidents, and
7 the intersection at Burger King is also really bad and it's a
8 one way street through there. Accidents are very, very
9 common. There's a lot of gravestones and stuff like that. My
10 concern is how much more traffic, what hours is this going to
11 be open 'til? Are people from like the prison going to be
12 able - that have medical marijuana, walk from the prison, sit
13 out there for hours until it does open, you know, what kind of
14 - my property's right there. Are people are going to be now
15 wandering around there? You know, for security issues? Also,
16 the lighting. How is that going to affect? We have a
17 mountain view there. You know, how much more lighting and
18 stuff like that? I mean it affects us that lives right there.

19 RIGGINS: Okay. Commissioners, any comments or
20 questions? Thank you very much.

21 JOHNSON: Can I add just a little bit more?

22 RIGGINS: Yes, go right ahead. If you watch on, for
23 Colorado, it started out with just the medical marijuana, and
24 what people don't understand is they pay three times more for
25 it there at these controlled, then they do at the other. It's

1 not a cheap thing. And if you look at Colorado's, it's
2 getting worse and worse, and now they've lost control of
3 everything there. So -

4 SALAS: Mr. Chair.

5 RIGGINS: Are you done ma'am? Yes, Commissioner
6 Salas, with a question.

7 SALAS: I guess the street value is cheaper than
8 having a dispensary? Are you saying that it's cheaper to go
9 in the street and buy this stuff than it is to have a
10 dispensary?

11 JOHNSON: Oh, definitely it is.

12 SALAS: Oh, so you'd prefer that somebody just go
13 out in the street and buy it illegally?

14 JOHNSON: People are already going out on the street
15 and buying it illegally.

16 SALAS: Of course. Of course. But there's an
17 effort to make it legal enough so that people don't break the
18 law.

19 JOHNSON: Well it's against federal law.

20 SALAS: It was approved here in Arizona, ma'am, and
21 whether I'm for it or not is beside the point, you know. If I
22 would have something in favor would be, at least to be up
23 front with it. I believe that our prisons are full enough
24 with non-violent crimes, such as smoking or carrying this
25 stuff.

1 JOHNSON: But what's that going to do to the area
2 (inaudible).

3 RIGGINS: And also I'm going to intercede, I'm going
4 to intercede just a little bit and I'm going to remind both
5 the audience and the Commission this is a zoning case. We're
6 here, we're here with a zoning case, and the large overlaying
7 cases that are obviously on people's minds either for or
8 against, really are not in this venue. This is a zoning.

9 JOHNSON: (Inaudible).

10 RIGGINS: The lighting and all the various aspects
11 of running their business are covered through the zoning of
12 the parcel and its entitlements and stipulations. So it's
13 controlled the same way any other business would be
14 controlled.

15 SALAS: There are stipulations that they have to
16 comply with that are already listed out.

17 RIGGINS: And I would - it was just pointed out also
18 that there - the traffic issue that you mentioned, there is a
19 traffic analysis that will have to be done as a stipulation to
20 conform with the various - with difficulties of the site and
21 what they need to do. And they'll have to pass all that
22 before they can open.

23 JOHNSON: Do you know the hours of operation and -

24 RIGGINS: The hours of operation. 9 to 7.

25 JOHNSON: Okay.

1 RIGGINS: Okay. Any other -

2 SALAS: Thank you for your comments.

3 RIGGINS: Any other questions or comments for the

4 Commission? Okay. Thank you. Anyone else with comments?

5 Okay. It looks like we don't have anyone else. So we will -

6 yes, of course. We'll close the public meeting and have the

7 applicant come back up with any closing comments or questions

8 he may have.

9 RICH: Mr. Chairman, Commissioners, I don't have
10 anything else to add. If you have any other questions, I'm
11 happy to answer them, but thank you for your time today.

12 RIGGINS: Commissioners? Yes, Commissioner Aguirre-
13 Vogler.

14 AGUIRRE-VOGLER: I don't believe you said anything
15 about the applicant. Are we entitled to know anything about
16 why he's able to run this dispensary?

17 RICH: Absolutely. If you - I mean you - I can
18 introduce him to you and you can -

19 AGUIRRE-VOGLER: You can summarize.

20 RIGGINS: Would you like him to come up and speak?

21 AGUIRRE-VOGLER: You can summarize.

22 RIGGINS: Could we, could we please have the

23 applicant, himself, come up? And if you please could sign

24 your name and put your address and tell us the same, and then

25 I think that some of the Commissioners have some questions.

1 PAHWA: Good morning, Mr. Chairman, and respective
2 Commission. My name is Rocky Pahwa and I have a radiology
3 business.

4 RIGGINS: Could you tell us where you - what your
5 address is.

6 PAHWA: I live in Ahwatukee, and I have businesses
7 in Casa Grande, Apache Junction, and I have business, medical
8 offices, in Florence where we had four doctors and mobile x-
9 ray. So I've been a part of the Florence community for the
10 last 12 years, and I've been in the medical field for the last
11 16 years, and like Chairman pointed out, this meeting is about
12 zoning and it's not about the, the legality of medical
13 marijuana. But to answer somebody's questions and their,
14 their inquiries, I have a license for Medicare and AHCCCS and
15 I'm not going to jeopardize my licenses in the healthcare
16 industry to do anything illegal or any activity which promotes
17 drug - this is medical marijuana, this is not drug. What
18 Commissioner Salas said that if people can grow on the houses
19 and go in the alleys and distribute, that is drug, because we
20 don't know the what is the source of that growth. Whether
21 it's grown properly or whether it's grown under unhealthy
22 conditions. That is drug. What we will cultivate and what we
23 will deliver to our patients will be absolute medical
24 standards. Thank you very much. Any questions?

25 AGUIRRE-VOGLER: If this goes -

1 RIGGINS: Commissioners Aguirre-Vogler.

2 AGUIRRE-VOGLER: If this goes well, when do you
3 anticipate opening?

4 PAHWA: We anticipate opening probably by -
5 depending on all the site commission reviews and all that,
6 probably in August.

7 AGUIRRE-VOGLER: Okay, thank you.

8 PAHWA: Yes ma'am.

9 RIGGINS: Commissioner Smyres.

10 SMYRES: Do you have a facility like this in this
11 State or any other State? In particular there's one in Apache
12 Junction, are you associated with that one in any way?

13 PAHWA: No sir. Not, not - I have in Apache
14 Junction a radiology clinic, that is my radiology clinic, but
15 not the medical marijuana facility.

16 SMYRES: Do you have any marijuana - medical
17 marijuana facilities anywhere?

18 PAHWA: No sir.

19 SMYRES: So this will be your first one?

20 PAHWA: Yes sir.

21 SMYRES: Thank you.

22 RIGGINS: Commissioner Salas.

23 SALAS: Are you the sole financier of this project?

24 PAHWA: Sir?

25 SALAS: Are you the sole person financing this

1 project?

2 PAHWA: Me and my partner.

3 SALAS: Who's your partner?

4 PAHWA: Ben (inaudible).

5 SALAS: Okay. Thank you.

6 RIGGINS: Okay, other questions, Commissioners?

7 None being. Okay, thank you very much.

8 PAHWA: Thank you.

9 RICH: Thank you.

10 RIGGINS: Good. I will, I will turn it to the
11 Commissioners now for discussion prior to a motion. Do we
12 have - Commissioner Aguirre-Vogler.

13 AGUIRRE-VOGLER: We would discuss the wall a little
14 bit, I guess.

15 RIGGINS: If you wish.

16 AGUIRRE-VOGLER: Well I'd like some comments, I -

17 DEL COTTO: If I could.

18 RIGGINS: Commissioner Del Cotto.

19 DEL COTTO: I think, I think that it would be a bit
20 safer of an environment if you could possibly maybe leave what
21 wall is existing in concrete, if you feel comfortable with
22 that, but possibly try to keep the surrounding area as, as
23 exposed as you can in regards to visibility, because I think
24 that that might not only be a bit easier for you to open, in
25 your operating, you know, your cost related to getting open,

1 but I think that it's an important part of whether it, whether
2 it be a law enforcement or yourselves coming and going, or
3 people that are coming in regards to receiving their medical
4 marijuana, I think that there may be a bit more of a comfort
5 level there than coming up to this big block wall that I feel
6 may be a bit unnecessary.

7 ??: You're 100 percent right.

8 RIGGINS: Go right ahead, Court.

9 RICH: Chairman, Commissioner. On behalf of the
10 applicant, they would be fine with that.

11 DEL COTTO: I just think all in all it, it, it's a,
12 it's a bit - it's a bit of a - it's a bit of a closed in, more
13 unsafe in my opinion, area being totally blocked in than it
14 would be if there was some visibility. I think with some
15 visibility it's going to help everybody that's, that's
16 involved. So whether it's comfort level for the patients,
17 whether it's an easier way for law enforcement to see what's
18 going on or what may not be going on; let's just say an alarm
19 goes off, something of that nature. And, and then of course
20 for you coming out of your pocket to, trying to, trying to
21 build this big monster wall around it, I think might not be so
22 necessary. So I would hope maybe some of the Commissioners
23 could respond to that.

24 AGUIRRE-VOGLER: So I have another question.

25 RIGGINS: Commissioner Aguirre-Vogler.

1 AGUIRRE-VOGLER: I don't believe that the fence is
2 identified as to how much around it is. It's not the entire
3 12 acres, it's just around a certain vicinity or what? And
4 the other one, number 17 stipulation says the barbed wire
5 should be removed. Is that the serpentine wire up on, on top
6 of the fence? Where is that at?

7 MACDONALD: That is the wire that you can see along
8 the fencing.

9 AGUIRRE-VOGLER: On the block wall, right?

10 MACDONALD: Correct.

11 AGUIRRE-VOGLER: Why could you want to remove that?
12 I mean why -

13 MACDONALD: The code actually does not allow for
14 that, except in industrial zones. So the code prohibits that
15 being on top of the fence today.

16 AGUIRRE-VOGLER: Oh, okay.

17 RIGGINS: I would just - looking at the site plan in
18 discussing this, the way I see the site plan, the existing
19 concrete wall that will need to have the concertina taken from
20 the top of it, is in the front of the building. It is along
21 the western portion of Highway 79, and then goes to the west
22 of the building, and then comes back almost clear past the
23 building. So that existing concrete wall is already there.
24 And the, the chain link portion that we're talking about, is
25 in the back of the building where it doesn't screen anything

1 from anybody, but does, however, provide security on the back
2 of the building that is already kind of invisible. I, I, I
3 believe maybe we're making a bigger issue of this than we
4 should because the transparency of being able to see it, the
5 concrete wall is already in front of it. Where we're talking
6 about a new concrete wall is behind it. So the stipulations
7 are already writ - already written, they've already been
8 agreed to by the applicant. To rewrite them on the fly right
9 now is always a difficult thing. Everyone's agreed to it and
10 I don't think the issue of transparency on the front is being
11 compromised by this at all, because it's already there. Any
12 comments or questions to that?

13 GRUBB: Yes Mr. Chair.

14 RIGGINS: Commissioner Grubb.

15 GRUBB: I agree with you. I think - I've been out
16 to the site and, and I think it provides a level of security
17 and - for the building as it exists. I don't see where
18 anything needs to be changed, other than, than removing the
19 concertina wire. I think it's, it's, you know, it's
20 sufficient for the property for security purposes, and for
21 privacy purposes. There's a lot of people who, who carry a
22 license to purchase that maybe they just don't want people to
23 know and it gives them a little bit of privacy when they go to
24 the dispensary to get their medically prescribed medication.
25 So, you know, I'm not against it. I've been out to the site,

1 and I think that the - with the exception of the concertina
2 wire, I think it's sufficient the way it is.

3 RIGGINS: Okay, any other questions or comments?

4 AGUIRRE-VOGLER: So I'm confused. I'm confused.

5 Are we going to leave 16 as well with a wall, or just leave it
6 as it is with just wire, the way it is now?

7 RIGGINS: Commissioner Aguirre-Vogler, in asking an
8 opinion, my opinion is the way that it is written, is well
9 written.

10 HARTMAN: Stipulations.

11 RIGGINS: Stipulation number 16.

12 AGUIRRE-VOGLER: It says it shall replace, shall
13 replace the chain link fence with a wall.

14 RIGGINS: The chain link fence is behind the
15 building.

16 AGUIRRE-VOGLER: With a wall.

17 RIGGINS: Yes, that's correct.

18 AGUIRRE-VOGLER: Okay.

19 MORITZ: Mr. Chairman?

20 RIGGINS: Commissioner Salas.

21 SALAS: I just want to comment that since it's going
22 to be - and it (inaudible) - since it's going to be a medical
23 facility, why should it appear any different than any other
24 medical facility that's available to the public, you know? To
25 me it gives the impropriety of being behind a closed wall or

1 whatever, that something illicit might happen to go on. You
2 know, when I go to a hospital clinic or whatever, nobody's got
3 a wall around their place. Nobody's got a fence around it,
4 and if I'm truly ill and I need, I need a joint or whatever
5 I'm going to go get there, you know, I don't care who knows
6 it. I'm ill and I need the medication (inaudible) I go get
7 pain medication from a doctor. So that's my only concern that
8 I was saying, okay?

9 RIGGINS: Yes sir. And I again will reiterate in
10 looking at the site plan, the visual portion of the concrete
11 wall is already in existence. It's already there in front of
12 the building. The portion of fence replacement that
13 stipulation number 16 adheres to, is what's behind the
14 building. And I think everybody can concede that security is
15 an issue. There is no visual that's being imposed on this
16 property because what's in front of it is already there. You
17 can see it in the picture. The concrete wall is already in
18 front of the building. It exists.

19 MORITZ: Mr. Chairman?

20 RIGGINS: Commissioner Moritz.

21 MORITZ: I think stipulation 16 indicates that that
22 chain link fence should be - the way I read it - the chain
23 link fence should be removed and a CMU wall built in its
24 place. So stipulation 16 would need to change if we leave it
25 as is. I think leaving the block wall in front is somewhat of

1 a moot point. It will cost the applicant money to remove that
2 wall, so I think it's fine the way it is with changing
3 stipulation 16 to read that a block wall does not need to
4 replace the chain link.

5 GRUBB: Mr. Chair.

6 RIGGINS: Commissioner Grubb.

7 GRUBB: That was my point as well. Is I think
8 stipulation 16 just needs to be removed.

9 MORITZ: Mr. Chairman?

10 RIGGINS: Commissioner Moritz.

11 MORITZ: We still need to leave the barbed wire
12 issue.

13 GRUBB: That's addressed in a different stipulation.

14 MORITZ: Good, thanks.

15 RIGGINS: Other questions and comments? Vice Chair
16 Hartman?

17 HARTMAN: Chair Riggins, that, that 16, I think it's
18 pretty well written. I think Ash - our staff has done a real
19 good job with that. Normally the Commission adds to an SUP
20 with stipulations because that's the only thing that controls
21 an SUP are the stipulations. The wall shall be painted a
22 neutral earth tone color approved during the site plan review
23 process. I think that's a good idea, just like number 6, the
24 applicant shall keep the property free of trash and litter,
25 and other debris. I mean these are kind of standard things

1 that we want this site to be really fit into the landscape and
2 to be accepted by the community and not, not just to be
3 another little place that stands out all on its own and can,
4 can be observed as objectionable. So I, I, I personally like
5 number 16 the way its written. So anyway.

6 MORITZ: Mr. Chair?

7 RIGGINS: Again, to give some further discussion on
8 Vice Chair Hartman's comment, this is a zoning case. If this
9 was another business going into this spot, stipulation 16 is a
10 stipulation to improve the appearance and the fit of the site
11 into the community. It has nothing to do with medical
12 marijuana. If this was another business, that fence would be
13 asked to have the same treatment done with it. It has nothing
14 to do with medical marijuana, it's zoning.

15 SALAS: The aesthetics of the property then?

16 RIGGINS: Commissioner Salas.

17 SALAS: That refers to the aesthetics of the
18 property then.

19 HARTMAN: Right.

20 RIGGINS: Yes. It does.

21 SALAS: And it wasn't my intent to knock anything
22 down or anything else. I wanted to have the appearance of a
23 legal business. That was my intent.

24 RIGGINS: Okay.

25 MORITZ: Mr. Chairman?

1 RIGGINS: Commissioner Moritz.

2 MORITZ: I'm still not sold on the idea that you
3 have wording in there that requires that a chain link fence be
4 replaced by a CMU wall. What, what is a CMU wall? Maybe
5 everybody needs to know that.

6 RIGGINS: Concrete masonry unit.

7 MORITZ: There you go. So you're - you were say -
8 sounds contradictory to me. You're saying leave it as it is,
9 remove the barbed wire and be done with it, which is what I'm
10 saying, but you still have wording in there that says you need
11 to replace that chain link fence with a block wall, which we
12 all just agreed isn't necessary. What am I not getting?

13 RIGGINS: I will, I will describe as what I said as
14 when I said leave it as it is, I said leave stipulation 16 as
15 it is. I did not say leave the fence as it is.

16 DEL COTTO: Mr. Chairman, if I could.

17 RIGGINS: Commissioner Del Cotto.

18 DEL COTTO: If I could. Now I think I'm confused.
19 I, I may make a suggestion that stipulation 16 that says the
20 applicant, owner, operator shall replace the existing chain
21 link with a CMU wall and shall finish the CMU wall with stucco
22 be removed, and then I would add possibly I see nothing in
23 there in regards to a sign. Do we have any?

24 RIGGINS: You have to go through a sign permit
25 process.

1 DEL COTTO: Okay. Well then I would suggest maybe
2 that we use that existing CMU wall which, which faces the
3 road, does it?

4 RIGGINS: Yes.

5 DEL COTTO: And possibly incorporate your sign into
6 that wall. That way, that way you can possibly kill two birds
7 with one stone. People will know where you're - excuse me one
8 sec - people know where you're at. I, I see that being a big
9 problem with these medical marijuana facilities, that nobody
10 ever seems to be able to figure out where they're located, so
11 I would highly suggest appropriate signage would be, would be
12 something that would, that would help. But once again, to get
13 back to the CMU wall in stipulation 16, we did talk about
14 removing that part of stipulation 16, which suggests that that
15 wall replace the chain link. So I'm all, I'm all for the fact
16 that the wall ought to be painted, and the earth tones are
17 fine on the existing wall. Does that make sense?

18 RIGGINS: What you said makes sense. One of the
19 problems with doing these things on the fly, again when you
20 incorporate the concept of signage, there are signage
21 ordinances and to sit here and try to, on the fly, come up
22 with how signage should be done is not the appropriate place
23 for it to be done. It's to be done when they're, they're
24 doing all the things to get to the stipulations and building
25 permit and go forward. I think what we have here is a

1 difference of opinion among the Commissioner Members. I don't
2 think anybody's agreed to anything. I think actually
3 everybody's agreed to disagree. So on the fence issue, I
4 guess we'll see how this comes down when we make motions.
5 Yeah, Commissioner Aguirre-Vogler.

6 AGUIRRE-VOGLER: I'd like to ask staff how they
7 interpreted our discussion. Ashlee, would you give - would
8 you give a comment on that, Ashlee.

9 LANGLITZ: Mr. Chair, Ashlee and I are debating who
10 wants to actually address the question. It's my understanding
11 from discussions with Community Development, the wall issue is
12 really dispensary-neutral. It has nothing - it wasn't
13 intended as any type of security measure. If it - it was
14 intended to make the site look good aesthetically. If any
15 business came in, it - I believe it was the view of Community
16 Development that the chain link fence kind of adds an
17 industrial sort of look, and to replace that with something
18 that looked a little nicer right there, that was the purpose
19 for the wall, and then having it stuccoed and painted.

20 RIGGINS: And I would, I would also call on the
21 Commissioners, if you'll look at the third or fourth page in,
22 from the - actually it's the narrative section of the
23 applicant's book - if you'll look at the map, there's a
24 residence within a few hundred feet to the north of this
25 property. Obviously a stuccoed CMU wall would look very,

1 very, much more attractive to them than looking at an old
2 slatted chain-link wall. This is an appearance issue, this is
3 a zoning case, we're considering surrounding properties. This
4 has nothing to do with medical marijuana, it strictly has to
5 do with zoning.

6 AGUIRRE-VOGLER: Okay, so, I mean I just - let me
7 ask Court. As an attorney, how do you interpret this 16
8 stipulation? The whole chain link fence that is now existing
9 to be stucco? Is that how you're interpreting this?

10 RICH: Chairman, Commissioner, correct. The
11 existing - the way I interpret that is that the existing
12 chain-link fence would be replaced with a wall, and then that
13 wall and the existing wall would be beautified, based on what
14 it says.

15 AGUIRRE-VOGLER: Okay. Okay. And that's been
16 agreed to, I guess, when they had the review and everything.
17 So we're okay? I'm finally understanding it.

18 MORITZ: Thank you.

19 RIGGINS: Okay, Commissioners. Any other questions?
20 Or comments? Vice Chairman Hartman?

21 HARTMAN: Chair Riggins, if you're ready for a
22 motion, I'm ready -

23 RIGGINS: I'm prepared for a motion.

24 HARTMAN: I think we're kind of debating a moot
25 point, so with that, I would like to make a motion that SUP-

1 002-15 be sent to the Board of Supervisors with a favorable
2 recommendation.

3 SALAS: Second.

4 HARTMAN: With the 24 stipulations so as written.

5 SALAS: I second.

6 RIGGINS: We have a second from Commissioner Salas.

7 SALAS: I second.

8 RIGGINS: And all in favor, would you indicate by
9 saying aye?

10 COLLECTIVE: Aye.

11 RIGGINS: Opposed? It passes unanimously. You'll
12 all have your day before the Board of Supervisors.

13 GRUBB: Mr. Chair, one, one brief comment.

14 RIGGINS: Commissioner Grubb.

15 GRUBB: Doctor, thank you very much for, for what
16 you're doing for the community. It's, it's appreciated.

17 PAHWA: Thank you very much. I'm a healthcare
18 professional, not a doctor. I just -

19 SALAS: I would like to know if we're going to get a
20 sample.

21 GRUBB: So am I.

22 RIGGINS: Okay. That was a parting shot, Frank.

23 SALAS: (Inaudible) request for a break.

24 RIGGINS: There's a request for a break. So it's
25 10:15. We'll be back at 10:25.

1 HARTMAN: (Inaudible) mention who made that comment.

2 SALAS: That was, that's on the record.

3 [Break]

4 RIGGINS: Okay. We will get back onto the agenda.

5 Our next item is new case SUP-004-15. Arizona City Fire
6 District about a wireless monopole. So who's going to present
7 the case to us?

8 DENTON: That would be me, Mr. Chairman. And good
9 morning Mr. Chairman and Members of the Commission. This is
10 SUP-004-15. The applicant is requesting an approval for a
11 special use permit to operate a 70 foot monopalm wireless -

12 SALAS: Can you amplify just a little bit?

13 DENTON: A 70 foot monopalm wireless communication
14 facility. It is on a 780 square foot leased area on a 3.2
15 acre parcel in a transitional zone. We did receive two
16 letters of support, and there was no letters in opposition.
17 The site is located northwest - in the northwest corner of
18 Sunland Gin Road and Wenden Drive in Arizona City. The
19 applicant is Verizon Wireless and their agent is Wireless
20 Resources.

21 AGUIRRE-VOGLER: Can I ask a question?

22 DENTON: Sure.

23 RIGGINS: Commissioner Aguirre-Vogler.

24 AGUIRRE-VOGLER: At the neighborhood meeting?

25 DENTON: Yes.

1 AGUIRRE-VOGLER: And it's written here, they want a
2 65 foot pole. Why are you asking for 70?

3 DENTON: I think they revised theirs. I thought you
4 guys revised it? She said to the top of the fronds. I think
5 the actually antenna itself is going to be located at the 65
6 foot height.

7 AGUIRRE-VOGLER: I just wondered, thank you.

8 DENTON: The subject property is located south of
9 Casa Grande and west of Eloy in the southwest portion of the
10 County. Zooming in, the site is located on the west side of
11 Sunland Gin and on the north side of Wenden Drive in the
12 Arizona City area. The Comprehensive Plan is designated
13 Moderate Low Density Residential, and the existing zone is
14 transitional. And there is some commercial zoned property
15 adjacent to the south side of the subject property, also to
16 the north side of the subject property. And there's some
17 residential zoning classifications to the west and also to the
18 east. The subject property is currently occupied by the
19 Arizona City Fire District, and just to the north of the site
20 there is a sheriff's substation, and then to the north and
21 west, I believe that is Qwest. Kind of hard to read here, but
22 this is the applicant's site plan. The proposal's going to be
23 north of the existing 80 foot monopalm - I mean monopole
24 that's existing. And this is a picture of the monopalm that
25 the applicant is proposing on the site. The picture on the

1 west, I believe is the west elevation, the one on the right is
2 the north elevation. This is the applicant coverage map. The
3 picture on the left is the current coverage. If you look at
4 the picture on the right, if you see the circle that's around
5 - that they show on that particular picture, they do have a
6 service gap in the area that they're trying to cover, so the
7 installation would take care of the service gap in that area.
8 And I don't know, you don't have a pen, do you? Okay. No
9 problem. The photos were taken on Sunland Gin. And this is
10 looking north. And the subject property is on the west side
11 of Sunland Gin. And this is looking east. The building in
12 the background is a church. Looking south, down Sunland Gin.
13 And this is looking west towards the site, and that's the
14 Arizona City Fire station, and there's a 80 foot lattice tower
15 there, and there's also a 80 foot monopole there as well.
16 There's 10 stipulations with this case. And that concludes
17 staff presentation. I'm available for any questions that the
18 Commission may have, and the applicant is also present.

19 RIGGINS: Any questions from the Commission of
20 staff? If there isn't, then if the applicant will come
21 forward and present your case.

22 WAECHTER: I wrote my name down already because I
23 can't talk and write at the same time. Good morning Mr.
24 Chairman and Commissioners. My name is Danielle Waechter.
25 I'm with Wireless Resources Incorporated and I'm here on

1 behalf of Verizon. I'm an agent. I'll try not to be too
2 redundant. So we're proposing the 70 foot monopalm at the
3 fire station. There are currently no Verizon Wireless towers
4 within two miles. The next tower is five miles to Eloy and
5 four miles to Sacaton Mountain. The site is driven by RF
6 Engineering of the surrounding Verizon Wireless sites and the
7 need for coverage, and 911 emergency services within Arizona
8 City. This tower will offer capacity issues on the - of the
9 existing site on Sacaton Mountain and the site we have in
10 Eloy. Dropped call areas are SR387, SR187 and I-10. The
11 (inaudible) encompasses mostly residential, or vacant land,
12 which I believe is for sale. Co-location is a priority for
13 Verizon Wireless when it's possible, and they - a lot of co-
14 location opportunities were investigated. The self-support
15 tower on the fire station, the AT&T monopole on the fire
16 station, as well as some power lines, and then new towers were
17 also investigated on the church property, the police station
18 property, and a commercial property kind of further south. In
19 addition to the pole, a prefabricated shelter which housed the
20 equipment cabinet to the generator and the pole will be
21 located to the west of the pole and surrounded by a 12 foot
22 high block wall, and this is all matching what's there. The
23 enclosure is for the other carriers are exactly the same.
24 Access to the site will be via the main driveway from the east
25 to - into the fire station, and will only be used once per

1 month for maintenance. Power and fiber utilities will be
2 coming from the east, over to the west, and to the north to
3 the site. Public services such as water and sewer are not
4 applicable. And I believe that Verizon Wireless has made
5 every effort to comply with the wireless ordinance, and I
6 respectfully request your approval today. And I'll try to
7 answer any questions.

8 RIGGINS: Okay. Commission, do we have any
9 questions? Commissioner Salas.

10 SALAS: I'm just curious, what is the range of these
11 towers? Communication range.

12 WAECHTER: Well, we are hoping - we're - this tower
13 will cover most of Arizona City at least, at least two to
14 three miles. So we're hoping to catch up with the site that's
15 either - it'll meet up with the other sites, basically.

16 SALAS: The reason I ask is because it seems that
17 they have such a short range and putting up more poles all
18 over the place, and you would think that with today's, you
19 know, technology, that we'd have something with range a lot
20 more than just (inaudible).

21 WAECHTER: Well, it's not even just that. It's
22 capacity. There's more callers than ever and more data is
23 being used, and that's why there's also a need for more
24 towers. The antenna technology is, I mean we're upgrading
25 everyday. I mean I've got, you know, 30-40 upgrades just in

1 Phoenix alone and, and it's all capacity driven, mostly.

2 SALAS: Well I'm just curious, you know, you listen
3 to the radio and you can pick up a signal for hundreds of
4 miles, you know, and here (inaudible) this technology
5 supposedly now 21st Century and they (inaudible) 70 foot poles
6 only carry out about three miles out, you know.

7 WAECHTER: Well that's job security for me.

8 SALAS: Well you might shape them up like Saguaro's
9 here in the southwest then.

10 HARTMAN: They have them.

11 WAECHTER: Yeah, we do a lot of them.

12 SALAS: We don't grow any palms here in the
13 southwest - naturally.

14 WAECHTER: Right. I think there's a few out there.

15 RIGGINS: Any other questions or comments?

16 SALAS: That's all.

17 RIGGINS: Commissioners. Vice Chairman Hartman.

18 HARTMAN: Chair Riggins. My question to you is the
19 benefits to Pinal County residents and also the Pinal County
20 government, I know it's a benefit to Verizon or you wouldn't
21 be spending the dollars to go ahead and do this, but I want to
22 kind of search out some of the other benefits. Like does,
23 does any of Pinal County government use Verizon at all?

24 WAECHTER: Yeah, the fire station does.

25 HARTMAN: The fire station does.

1 WAECHTER: I think they use both, AT&T.

2 HARTMAN: All right, so that's the kind of things
3 that I need to hear because then it, it'll enable callers to
4 be able to address areas that -

5 WAECHTER: And there were a few, the people that did
6 show up at the neighborhood meeting, there was, I think eight
7 of them, all of them that were residents and not part of the
8 fire station, did use Verizon and had complaints that they
9 dropped calls all the time, and they've actually gone into the
10 Verizon store and asked when we were going to put a new - if
11 Verizon was going to install towers, so that's good.

12 HARTMAN: Well that - today, we're - I have seen a
13 lot of - my individuals that I know in the Maricopa area
14 switched over to a wireless cellphones because one of the
15 things is the landline, the callers, there's that toll free
16 numbers that just keep calling -

17 WAECHTER: Telemarketers?

18 HARTMAN: All day long and they haven't really
19 penetrated that to the extent on the cellphones, so -

20 WAECHTER: They call me all the time.

21 RIGGINS: Speak for yourself.

22 HARTMAN: They do. Well I'm glad they haven't
23 gotten mine, and I'm Verizon, so. All right, thank you.

24 WAECHTER: You're welcome. Thank you.

25 RIGGINS: Commissioners? Any other questions of the

1 applicant? Okay.

2 WAECHTER: Thank you.

3 RIGGINS: We'll call you back up. We'll go ahead
4 and open the public portion of this meeting. Does anybody
5 wish to speak concerning this case? It doesn't appear to be
6 so. So we will close the public portion of this meeting, and
7 I'll ask the Commission for any questions or comments
8 concerning the case. Questions of staff, questions of the
9 applicant? None being, I'll ask if there's a motion.

10 SALAS: Mr. Chairman.

11 RIGGINS: Commissioner Salas.

12 SALAS: I move that SUP-004-15 be forwarded to our
13 Supervisors with a favorable recommendation.

14 HARTMAN: (Inaudible) stipulations.

15 AGUIRRE-VOGLER: I'll second.

16 RIGGINS: How many stipulations? Along with its
17 attached ten stipulations?

18 AGUIRRE-VOGLER: I'll second the motion.

19 RIGGINS: And Commissioner Aguirre-Vogler seconds
20 the motion. All in favor, signify by saying aye.

21 COLLECTIVE: Aye.

22 RIGGINS: Opposed? The motion passes unanimously.

23 And you can take that up to the Board of Supervisors. And,
24 and since I have a Verizon person here, and the case is done,
25 why is there such an enormous Verizon hole right at Highway

1 287 and Steele?

2 SALAS: You need another pole there.

3 RIGGINS: There's a pole there like nothing I have
4 ever seen. It wasn't there a year and a half ago. What's
5 that?

6 WAECHTER: What do you mean a hole?

7 RIGGINS: A service hole. There's just nothing
8 there.

9 WAECHTER: Where is it?

10 RIGGINS: Highway 287 and Steele. So it's La Palma.

11 WAECHTER: Is that northwest?

12 RIGGINS: It would be south of Coolidge.

13 WAECHTER: (Inaudible).

14 RIGGINS: It's okay, I was just - I mean there's no
15 place else that I drive anywhere that the call's - every
16 single time, the call falls off there, and nowhere else does
17 that happen, so I was just curious.

18 WAECHTER: (Inaudible).

19 RIGGINS: Okay.

20 WAECHTER: Let me get your card.

21 RIGGINS: Thank you. Well okay, let's move on down
22 the agenda. Our next case is - if I can get there - our next
23 case, new cases, SUP-006-15. And who will be presenting the
24 case?

25 BALMER: (Inaudible).

1 RIGGINS: Okay.

2 BALMER: Mr. Chairman, Members of the Commission,
3 this is case SUP-006-15. The proposal is for approval of a
4 special use permit to operate a seasonal 32 space recreational
5 vehicle and horse boarding facility. The property's just
6 under 15 acres. It's located off of Peralta Road and it's
7 about a mile and a half past the Peralta Trail subdivision in
8 the Gold Canyon area. The applicants are Dennis and Robin
9 Harris. On the County map you can see we're kind of on the
10 northern end of the County near the Gold Canyon area. Here
11 you can see the subject property highlighted in red, and I'd
12 like to point out that there's actually four parcels there
13 that are kind of surrounded by State land. The Comprehensive
14 Plan designation on this site is Very Low Density Residential.
15 Current zoning is GR, and that's the same zoning for all four
16 of those parcels there. Here's an aerial photo of the site.
17 I have two slides with the site plan. The first one is kind
18 of an overall view that, that shows the entire parcel. The
19 second slide is in a little bit closer, so you can see how the
20 spaces are oriented. Did take some photos at the location.
21 The first photo - this is actually looking east at the, the
22 entrance to the subject property. I took some more photos
23 kind of in the center of the property where the actual RVs
24 would be. This is looking north. This is east. And south.
25 There are 11 stipulations with - associated with this case. I

1 would be happy to answer any questions the Commission may
2 have. Our applicant is also present.

3 RIGGINS: Okay, Commissioners, any questions of
4 staff?

5 HARTMAN: Chair Riggins?

6 RIGGINS: Vice Chairman Hartman.

7 HARTMAN: Evan, my, my question is ingress/egress.
8 What, what is there - what guarantee do they have that they
9 can continue and use as a commercial basis this property?

10 BALMER: Sure. One of the stipulations associated
11 with this case is that prior to site plan approval, after the
12 zoning is cleared, the next step is the site plan review
13 process, and prior to that process being approved, the
14 applicant would need to demonstrate that they have legal
15 access to operate the commercial business on Peralta.

16 HARTMAN: Which would be good for the property-
17 owner.

18 BALMER: Yes it would.

19 SALAS: Evan about how far is the (inaudible) what
20 is it, Highway 60?

21 BALMER: From Highway 60 it's probably two miles,
22 two miles-ish.

23 SALAS: Dirt Road?

24 BALMER: The last mile and a half or so is. The
25 Peralta Trails, there are a few subdivisions on Peralta right

1 off of the 60, and that is all paved. When you get back a
2 little bit farther, is when it switches to a dirt road.

3 RIGGINS: It's the, it's the road, Frank, that goes
4 up to Peralta Trailhead and (inaudible) camp.

5 SALAS: Okay. Been a long time. Thank you, Evan.

6 RIGGINS: Okay, any other questions of staff? In
7 that case, then, can the applicant please come forward and
8 present the case? If you could please sign in and your
9 address, and give us the same.

10 HARRIS: I did. I cheated during the break. Thank
11 you for listening to us. Just real quick -

12 RIGGINS: But could you give us your name.

13 HARRIS: Oh, Dennis Harris. I'm sorry.

14 RIGGINS: Yes, Dennis, and your address is on the -

15 HARRIS: Yes sir.

16 RIGGINS: Okay.

17 HARRIS: And my lovely wife, Robin, who is in the
18 audience. You know, real basic, basically we came here last
19 year as kind of a break and get out from plowing snow from
20 Wyoming where we're from, and we brought a couple of horses
21 down to, to play and give them some exercise. Well we came
22 down here and we literally drove from Phoenix to Tucson and
23 could not find a place to overnight with our horses.
24 Everything was crowded, booked up, some of them have waiting
25 lists up to ten years which was a shock - excuse me. So

1 anyway, make a long story short, we started putzing around and
2 we went up the Peralta Trail and there's a for sale sign on
3 this particular piece and two later we ended up buying it with
4 the hopes of providing people like ourselves an opportunity to
5 come and enjoy the place and provide extra income for Gold
6 Canyon and Arizona, and, and truly, neither one of us ever
7 thought we'd be one of them coming from the north down to the
8 south to recreate, but there's a lot more living down here,
9 I'll guarantee you that. So anyway, our hope is, is to
10 provide a - I hate to use the word boutique - but a nice
11 facility where people have a lot of space in between their
12 RVs, not packed in like a bunch of sardines, and then more
13 importantly, to provide better living conditions for the
14 horses. A lot of these, a lot of these horse facilities here,
15 you know, our horses, he's a large horse and he couldn't lay
16 down without bumping his butt against the, the paddock, so
17 we're trying to create a place that the humans will have a
18 nicer time, as well as the horses have a much more
19 comfortable, comfortable place. Shoot, I don't know, I could
20 keep going on, but questions would probably be adequate. Oh
21 yeah, and this property is sandwiched between two commercial
22 operations. On the south end, I'm sure you guys have well
23 known, the D-Spur Ranch. They offer horse boarding and also
24 trail riding, and cookouts on their, their property. Shelly
25 Donnelly -

1 MORITZ: Donnelly?

2 HARRIS: Donnelly, yeah, thank you. Richardson.
3 You know, she was concerned that we were going to come in and
4 screw her whole thing up, but I think what would happen is we
5 would actually enhance her operation. We in no way want to
6 compete, we don't want to board horses, it's just for people
7 to come down and be able to ride out. And also I think they
8 would attend her cookouts and, you know, when our clients,
9 their family or friends come, they're gonna want extra horses
10 to go riding, and Shelly can provide that. And I think we
11 would - it would be a good marriage. So anything else? Oh
12 yeah, then the team building, but that's a different deal, so.

13 R: HARRIS: Team building where you hang onto
14 (inaudible).

15 RIGGINS: You'd need to come up if you - all right,
16 well very good then. Any questions from the applicant by the
17 Commissioners? Commissioner Moritz.

18 MORITZ: Thank you. Have you owned businesses like
19 this before?

20 HARRIS: Like this particular business? No. But I
21 have - we bought - have businesses more than I can count.

22 MORITZ: Okay.

23 HARRIS: That deal with public. All of them have
24 been service businesses, no retail, just all service oriented.
25 Charter fishing to recreational businesses, as far as having

1 fun.

2 MORITZ: Okay. And that Peralta Road is a - it's
3 used primarily for getting to the school, the residents with
4 their entrances, and the trailhead. I, I don't see any
5 opposition, but I wonder if people - because the signage is at
6 the location - if people were aware that this was going - a
7 possibly in the neighborhood. So - but again, the road and
8 all that is done under your regular process, so I won't dwell
9 on that. Every year, just to mention, the first thought that
10 came to my mind was every year the Soroptimists gets a whole
11 group of people together and we go up and clean that area.
12 It's amazing what has been pulled out of there, so my initial
13 thought was oh more traffic, more horses, more trash. But
14 then I got to thinking that probably since these are horse
15 people, that they're more aware of a clean environment. I
16 don't think it's the horse people who do that, I think it's
17 the, the people who come up in their trucks and jeeps at night
18 and build a bonfire and do whatever they want. But I just
19 wanted to make sure that you're aware of what's taken place up
20 there and we have an issue in the County with - and I don't
21 want to say illegal, but that's the only word that's coming to
22 my mind, about people being on property with their motorhomes
23 or their trailers and plugging in their electricity to a
24 friend's house. So I think the concept is marvelous and it's
25 definitely needed, as you mentioned, and also definitely

1 needed in the Gold Canyon area. So I think it's a positive.

2 HARRIS: Well thank you. Yeah, we, we looked at
3 that too. I mean I don't - did you see that couch that
4 somebody left? Oh, it's crazy. And speaking for ourselves, I
5 know when we ride, if we do see trash on the trail or
6 anything, I usually pick it up and put it in the saddlebags.

7 MORITZ: Yeah, but not a sofa.

8 HARRIS: Pardon?

9 MORITZ: Not a sofa.

10 HARRIS: No, that's a little too big.

11 RIGGINS: (Inaudible). Maybe a settee.

12 HARRIS: Yeah, and our hope was to reduce the amount
13 of traffic. I mean that road, I was shocked at how much
14 traffic is actually occurring there, and our feeling was that
15 well if we have the camp, people will have a one -

16 MORITZ: Stop.

17 HARRIS: Yeah, one stop deal and ride out of there,
18 and then maybe group together and ride to the top - or ride to
19 the trailhead if they wanted. So we're hoping it was going to
20 be a positive.

21 RIGGINS: Okay. Commissioner Salas.

22 SALAS: Dennis, do you intend to do any roping, like
23 you know, rodeo style roping or whatever on the property?

24 HARRIS: We do - our intent - we train horses,
25 mainly trail horses and our intent is to have a nice arena on

1 the, on the property. I'm not a roper myself. I know there's
2 - we were shocked at the amount of activities, here, but maybe
3 - I'm not setting it up for roping, because then you got cows
4 and all of that. I, I see maybe some clinics, some horse
5 training clinics that would be open the the public, if that's
6 what you're referring to.

7 SALAS: My concern was the dust problem.

8 HARRIS: Correct, and ours is too. I don't want to
9 live in dust. We will, we will have - they have this stuff
10 called rhino snot, which is a dust guard that will be applied
11 and I don't want to ride in dust either, so that's a, that's
12 major concern.

13 SALAS: Far be it for me to have Jill complaining
14 about all that dust (inaudible) Gold Canyon over there.

15 HARRIS: Yeah, no I don't blame her. It's - yeah.
16 We might have some, have some ranch sorting or some low level
17 stuff, but maybe, maybe with less traffic and the one stop
18 shop, it'll reduce the dust. There won't be so many -

19 SALAS: (Inaudible) having cookouts and kind of
20 picnic style stuff?

21 HARRIS: No, no cookouts. No, this isn't a job for
22 us. This is some place - we just came up with this, thinking
23 it was a low level business that was - that we would have a
24 camp host, maybe take care of it. I just want to ride horses
25 and kind of play the back nine of life. Easy. I don't want -

1 this isn't a job for us. So.

2 SALAS: Okay. Thank you.

3 HARRIS: Yeah, and I know she doesn't want to cook.

4 RIGGINS: Other Commissioners. Vice Chairman
5 Hartman.

6 HARTMAN: Chair Riggins, thank you. Dennis, is
7 there going to be any kind of a min - I don't see in any of
8 the stipulations any kind of a minimum stay. In other words,
9 somebody go up there one night and rent a spot and party and
10 go on a trail ride and leave the next evening or something?
11 Is there a minimum stay?

12 HARRIS: No sir.

13 HARTMAN: So you could actually go over there for
14 overnight.

15 HARRIS: Yes sir.

16 HARTMAN: If the spots were available.

17 HARRIS: Yes.

18 HARTMAN: Okay.

19 SALAS: That's the minimum?

20 RIGGINS: Commissioners Smyres.

21 SMYRES: Mr. Harris, I, I see you're from Wyoming.
22 I've heard this malicious rumor I'm sure it's not true, that
23 it's cooler there in the summertime than it is here. I assume
24 if that's the case, you will not be staying here year around.

25 HARRIS: No, our -

1 SMYRES: Will there be anybody here year around as a
2 caretaker for the facility?

3 HARRIS: No sir, we'll shut the thing down.

4 SMYRES: Thank you.

5 RIGGINS: Other Commissioners? Commissioner Moritz.

6 MORITZ: The one thing I forgot to ask about was
7 water. I noticed that you had a restroom and what - did it
8 say shower or am I making that up? It did. Is there access
9 to water on that land already? Shelly must have it, so it
10 must be available.

11 HARRIS: Yes, Shelly does have a well and we punched
12 a hole and we're getting - we've got adequate water. We're
13 actually - in clearing the land, I actually found another
14 casing, and I just don't think they went deep enough. But
15 yeah, we have adequate water, and we'll have tankage and all
16 that.

17 MORITZ: Okay, all right.

18 HARRIS: I might add too that while we're talking
19 about utilities, our goal is to have this park 100 percent
20 solar. We did look at bringing power in from the Peralta
21 School, but my land's - I mean actually it would, dollar-wise
22 it would probably be cheaper than the solar, but to try to get
23 access through the State Land to get up there, it was like I'm
24 not going to live long enough. So we're dealing with a
25 company that - out of Texas that's all U.S. made solar panels.

1 They're actually colored, so they're not the hideous-looking,
2 you know, black, black glass. They actually will be colored,
3 and we'll make them so - we don't want to look at them either,
4 so we'll, we'll try to have them blend into the environment.
5 There will be generator backup, but our goal is to have a
6 complete 100 - actually it'd be the only park in the nation
7 that has a - would be 100 percent solar.

8 RIGGINS: Commissioner Grubb.

9 GRUBB: I applaud you for what you're trying to
10 accomplish. You know, tourism is a very important part of the
11 economy in our State, and, and, and the Superstition Mountains
12 are one of the most majestic mountains, you know, in the
13 southwest. And so I think this is very attractive. I think
14 the clientele that you're going to be attracting to a facility
15 like this is more, as Commissioner Moritz said, they're more
16 sophisticated people, they're more interested in the
17 environment than just some place to party, and I think that
18 that's, you know, a nice addition to our County. Maybe the
19 beginning of something that, you know, could grow. Because I
20 know, I know people from around the country that like to bring
21 their horses here and they've run into the same problem you
22 did.

23 RIGGINS: Other questions or comments of the
24 applicant? There being none, thank you very much.

25 HARRIS: Thank you guys.

1 RIGGINS: I'll go ahead and open the public portion
2 of the meeting and see if there's any public comment that
3 wishes to come forward. And as there appears to not be any,
4 I'll close the public portion of the meeting and turn it back
5 to the Commission for any discussion.

6 SALAS: Mr. Chair.

7 RIGGINS: Commissioner Salas.

8 SALAS: Dennis, just a comment that I want to make,
9 and I wish you a lot of luck on your property, and I hope that
10 you're a very good steward for the desert. You know, more and
11 more our desert mountains and desert in general are under
12 attack, you know, and so I would just suggest that you be as
13 good a steward of that desert and our mountains as you
14 possibly can. Thank you.

15 RIGGINS: Okay. Any other questions or comments, or
16 are we ready for a motion?

17 HARTMAN: Ready for a motion.

18 RIGGINS: Vice Chair Hartman.

19 HARTMAN: Chair Riggins, I would - and Commissioner
20 Members - I'd like to send SUP-006-15 to the Board of
21 Supervisors with a favorable recommendation, with the 11
22 stipulations as so written.

23 SALAS: Second.

24 RIGGINS: Commissioner Salas is the second. Would
25 all those signify aye that favor the recommendation?

1 COLLECTIVE: Aye.

2 RIGGINS: All opposed? Passes unanimously. Good
3 luck with it.

4 HARRIS: Thank you very much.

5 RIGGINS: Okay. We're moving onto Tentative Plats.
6 Our next case is S-050-04.

7 DENTON: Mr. Chairman and Members of the Commission,
8 this is S-050-04. The applicant is requesting approval of a
9 two year tentative plat extension for the Bella Vista
10 subdivision. It is 650 acres in a CR-3/PAD zone and it was
11 approved for 1,840 lots. The subject property is located
12 adjacent to the west side of Quail Run Lane, and the south
13 side of Bella Vista Road in the Florence area. The applicant
14 is Volken Foundation and AZ Farm Investors 126 and BV23. And
15 the applicant is W Holdings. The subject property is located
16 just north of Florence in the northern portion of the County.
17 The subject property is highlighted in red. It is surrounded
18 by some State Land. Florence is to the east, and the larger
19 Bella Vista is just to the north and west of this site. The
20 existing zoning is CR-3/PAD, and there's a little bit of SR
21 zoning just to the north and you can see some State Land to
22 the north, and also to the south and to the west. An aerial
23 photograph of the subject property, you see a lot of
24 agricultural and vacant land currently. And this is the cover
25 sheet on the approved tentative plat that shows the layout of

1 the subdivision. As staff has 45 recommendations, and staff
2 also recommends to extend the tentative plat to May 18, 2017.
3 And that concludes staff presentation. I'm available for any
4 questions that the Commission may have, and the applicant is
5 also present.

6 RIGGINS: Does the Commission have any questions of
7 staff? None being, will the applicant please come forward and
8 present his case. Sign in and give us your name and address.

9 KEELER: Good morning Chairman Riggins, Members of
10 the Commission. My name is Seth Keeler. I'm with W Holdings.
11 My address is 1121 West Warner Road, Suite 201, Tempe, Arizona
12 85284, and we respectfully ask for a two year extension.
13 We've had this piece for quite some time. The last time I
14 came and asked for an extension, we had a different ownership
15 group. Our partner, between that time period wanted to put
16 his money in a different venture, and so we've brought in some
17 more investors. That's why there's now four partners in this
18 deal compared to the one that we had before. We are
19 optimistic in this area. We had sold another part of our farm
20 that is north of Bella Vista about three years ago to Harvard
21 Investments. They in turn sold 208 acres to the college,
22 which is now built and is open. And in addition to that,
23 another developer came in adjacent to them and purchased 400
24 acres. That was El Dorado. Both El Dorado and Harvard
25 Investments last year processed a tentative plat and received

1 approval from Commission. So the area is getting a lot more
2 attraction than it has over the, the previous time that we've
3 held it. In addition, about five years ago, I think, we, we
4 deeded property over to Johnson Utilities and the million
5 gallon storage tank and well, and booster station is built.
6 That's really important when you look at the infrastructure
7 requirement as you move forward for development. I'm happy to
8 answer any questions if the Commission has any.

9 RIGGINS: Commissioners? Do we have any questions?

10 HARTMAN: Chair.

11 RIGGINS: Vice Chair Hartman.

12 HARTMAN: Chair Riggins. Seth, I appreciate your
13 kind of overview of what you're thinking's happening in the
14 future and it looks like there's already some action in the
15 time that's a pretty tough time, so - and your location is -
16 location, location is always very important. I thank you for
17 your testimony today before us on this.

18 KEELER: Chairman and Vice Chair, thank you. I -
19 you know, we try to keep our finger on the pulse. As, you
20 know, I don't need to tell anyone on the Planning Commission
21 how rough it's been out there for quite some time for people
22 in my line of work. The beginning of last year we saw some
23 momentum that we thought was gonna help push us through and
24 ended up with 11,000 permits last year for new builds. And
25 that's, you know, I think we, in a healthy market, hope to

1 have something around 35 maybe 40,000. At the peak of the
2 market, I think we were close to 70,000 permits, so we just
3 had a big swing up and a huge drop and we're just kind of
4 chewing our way back up to what we hope to have be healthy.
5 But I agree with you, that there is some good signs happening.

6 RIGGINS: Okay. Good luck.

7 KEELER: Thank you very much.

8 RIGGINS: Commissioner Smyres.

9 SMYRES: If I understand it correctly, your group
10 owns the property, but you actually aren't going to move dirt,
11 that type stuff. You will find a developer to come in and
12 actually put in the streets, blah blah blah, and sell it to a
13 builder or - is that correct?

14 KEELER: Chairman and Commissioner Smyres. What our
15 group has done A through Z approach the - we've done
16 everything. We've held land just as an investment and sold it
17 to a developer who will come in and, you know, do a master
18 developer role. We've also sold it to builders where we have
19 played the role as master developer and, you know, we've done
20 a lot of stuff. Rancho Vistoso was a development that we did
21 25 years worth of work down in the Tucson area. We've done
22 developments throughout the valley. As it stand today, we are
23 just in hold pattern. We haven't made any decision whether or
24 not we will play the role of developer, or whether we will
25 sell it to a developer and have them move forward with the

1 builder. So we have not yet determined that part of our
2 business model. We're still in the holding pattern.

3 SMYRES: Thank you.

4 KEELER: Yes.

5 AGUIRRE-VOGLER: I have a question.

6 RIGGINS: Commissioner Aguirre-Vogler.

7 AGUIRRE-VOGLER: My question is, is basically - and
8 I don't know how to - water's getting so complex now and
9 evidently staff just, I guess everybody just keeps extending
10 this out. I know our Chairman probably can answer the
11 question better, but as the water just keeps going and going
12 and going, and I'm just wondering are - when you do this
13 subdivision, you've kind of already done it, but have you made
14 different provisions for water? Like, like for instance to
15 reuse the water? Are you going to put different piping in for
16 reusable water? Are you doing a golf course on here?

17 KEELER: Chairman, Commissioner Aguirre-Vogler, we,
18 we are in the CC&N for Johnson Utility, and Johnson Utility
19 has a designation of assured water supply, and that's granted
20 by the Arizona Corporation Commission and they're giving,
21 essentially like an umbrella, of how many units they can
22 provide for. When we started this development, we went to
23 that as one of the first things that we did and we entered
24 into a master utility agreement, where they have committed to
25 provide water for us. In that master utility agreement, we

1 are required to have reclaim water lines. So the water that
2 is produced in our development is recaptured and reused.

3 There is not a golf course on our property.

4 AGUIRRE-VOGLER: There is not?

5 KEELER: There is not.

6 AGUIRRE-VOGLER: So as far as the entitlements for
7 Johnson Ranch Utilities, what is the top that they can
8 actually - because there's so many entitlements out there yet
9 to go. Is there really going to be enough water for
10 everybody, or is it going to be first come, first served? I
11 mean I don't know what kind of entitlement - I mean do they
12 have like 100,000 - I mean there's already 80,000 people out
13 there, I guess. That's what I've heard. I mean and, and the
14 entitlements, maybe there's 200 on the planning, I don't know
15 what there is, but does he have an exact entitlement that the
16 Arizona Department of Water gave him that he can only provide
17 so many houses?

18 KEELER: Unfortunately I'm not prepared to answer
19 that specific question about the Johnson Utility franchise's
20 ultimate capacity for water. It is certainly something that I
21 could research and get back to you with that. I do know that
22 with regard to water that's available, when a development has
23 been issued, a certain proportion of a utility designation of
24 water supplies total output, it is a first come, first served
25 basis. Once all that is used up, Johnson Utilities would have

1 to go back and redo their hydrology report, find where they
2 can get extra water and process that through the Arizona
3 Corporation Commission. I know that much about how they are
4 able to service. So if there's forthcoming developments and
5 if Johnson Utilities has already reached their maximum output,
6 they'd have to go expand their CC&N area and do the
7 engineering to support the fact that they could provide more
8 water for future development.

9 AGUIRRE-VOGLER: Okay, so my question then would be
10 for staff. Are these questions asked when they come in for
11 these extensions so we are provided that information?

12 DENTON: Well it's - when they - when they submit
13 their final plat, it's a requirement that they would have to
14 get a, either a will serve letter from the utility company,
15 along with their agreement that they have with Johnson
16 Utilities where they have to get a certificate of assured
17 water supply from the State.

18 AGUIRRE-VOGLER: All right. So my point is is
19 basically they're going to be doing a lot of work and a lot of
20 money being spent, and then in ten years there's no water. So
21 what good is it?

22 DENTON: Well if -

23 AGUIRRE-VOGLER: So I just wonder sometimes on the
24 final plat that they get this certificate, instead of finding
25 out about it before they spend all this money and then, what,

1 where does the County come in on overlooking all this stuff?

2 DENTON: Well that's left to the State, to the water

3 -

4 AGUIRRE-VOGLER: Well I know, but if the County is
5 spending money, I guess -

6 RIGGINS: If I may.

7 AGUIRRE-VOGLER: Yeah, please.

8 DENTON: Go ahead.

9 RIGGINS: This parcel is not in the Pinal AMA, it's
10 in the Phoenix AMA. And the rules are quite different. The
11 portfolio of waters in the Phoenix AMA virtually do not
12 include ground water. They are various sources that have to
13 be renewed and reported to the Department of Water Resources
14 by a designated provider, which Johnson Utilities is, on a
15 periodic basis. That, that periodicity changes depending on
16 how much they're changing their demand load. If a lot more
17 people are coming in, they will have to do the calculations
18 and present them more often to the Department of Water
19 Resources. There will undoubtedly be a point at some time
20 that they probably won't be able to find a new basket of
21 waters to put into their, their service requirements, and it
22 is absolutely irrelevant to our process. It is absolutely a
23 State issue and will, will, will somebody at a certain point
24 in time with entitled properties find that they have a very
25 difficult time finding somebody to give them a will serve

1 letter that will stand up? Yeah.

2 AGUIRRE-VOGLER: Okay. I just want to bring it it
3 up so they know that we're concerned about it.

4 RIGGINS: Well it really, unfortunately, it is not
5 an issue of our concern. It is a concern of the State
6 Department of Water Resources.

7 DENTON: And Mr. Chairman, I would like to also add
8 too, if they don't get that certification or that will serve
9 letter from the County standpoint, their final plat doesn't
10 get approved by the Board.

11 RIGGINS: That's correct. Yeah, there is no final
12 plat without a will serve.

13 AGUIRRE-VOGLER: Thanks.

14 SALAS: Water's everybody's concern.

15 RIGGINS: Yep. Okay. Any other questions or
16 comments? Thank you very much.

17 KEELER: Thank you.

18 RIGGINS: Since is a tentative plat, we do not have
19 a public portion of the meeting, so is there any other further
20 discussion between the Commission concerning this case, or is
21 there a motion to be made?

22 HARTMAN: Chair, Chair Riggins, I would like to make
23 a motion for the Commission.

24 RIGGINS: Vice Chair Hartman.

25 HARTMAN: I move to approve the following

1 stipulations for the tentative plat at Bella Vista,
2 stipulations 1 through 45, modifying stipulation 45 to extend
3 the tentative plat period to May 18, 2017 as set forth in the
4 staff report.

5 RIGGINS: Okay. Have a motion, do we have a second?

6 GRUBB: Second.

7 RIGGINS: Commissioner Grubb seconded the motion.

8 All those in favor would you signify by saying aye.

9 COLLECTIVE: Aye.

10 RIGGINS: Opposed? The motion passes unanimously.

11 Good luck in your continual holding. We will move onto our
12 next case. I'm going to - with the Commission's approval,
13 it's 15 minutes after 11, nearly, we have two more tentative
14 plats and a work session. I feel if we get after this, we can
15 be done by lunch time. Is that to everybody's desire? Okay.
16 Well let's plow forward, then.

17 SALAS: I move we approve both of them.

18 RIGGINS: Now, now Frank. Now, Frank. I mean we
19 gotta - we can't do it that way. All right, our next case is
20 case number S-042-05.

21 DENTON: Our next case, the applicant is requesting
22 a two year tentative plat extension for the Promontory at
23 Magic Ranch. It's 240 acres in the SR, CR-1 and CR-3 PAD
24 zone. It's approved for 919 lots. The subject property is
25 located in the southeast corner of Quail Run Lane and Heritage

1 Road in the Florence area. The applicant is SFD Magic Ranch,
2 and their agent is Otak. The subject property is located just
3 west of Florence, and actually is adjacent to Florence in the
4 northern portion of the County. The subject property is shown
5 in red and there's a mixture of uses in the area, and the
6 brown area to the northeast and south is the Town of Florence.
7 The existing zone is CR - is SR, CR-1 and CR-3/PAD. The
8 current - the property is currently vacant, and this is the
9 approved tentative plat that shows the layout. And there is
10 59 recommended stipulations, and staff recommends to extend
11 the tentative plat to May 18, 2017. And that conclude staff
12 presentation, and the applicant is present.

13 RIGGINS: Okay. Any questions of staff by the
14 Commission? None being, will the applicant please come
15 forward to present his case? And if you'll sign in and give
16 us your name and address, please.

17 GREEN: Thank you, Chairman. My name is Tom Green,
18 I'm a civil engineer with Otak and I'm here representing Magic
19 Ranch SFD on the matter of Promontory Magic Ranch's tentative
20 plat extension application. If I may continue. We're
21 requesting this two year extension to hopefully bring this
22 project to fruition. The client is very interested in, in
23 this, this area, developing in particular within the Town of
24 Florence. This is a part of the annexation that's currently
25 in court action. It's before a judge, and this project may or

1 may not end up in the Town of Florence, depending on what the
2 courts decide. To the best of my knowledge, there's a,
3 potentially a bench ruling going to be issued in the near
4 future. What the judge's mind is on the matter, nobody can
5 tell until he issues his ruling. But right now, as it stands,
6 there were some concerned members of the public that were
7 against the annexation, but it's my understanding the
8 overwhelming weight of, of, of the law and of the developers
9 in the area is that it will ultimately end up annexed into
10 Florence. It's just a matter of when. This project is
11 bordered by another project to the south. It's within the
12 Magic Ranch PAD that's not been developed, but has had at
13 least one portion of the tentative plat that's been final
14 platted for development. That's the Village at Magic Ranch
15 project to the south. And then of course State Land is - not
16 State Land - Bureau of Land Management land to the southeast.
17 There's a mining operation on it, but the existing subdivision
18 to the west is going to look somewhat similar to what we get
19 to build, hopefully in the near future.

20 RIGGINS: Okay. Commission Members, any questions
21 or comments to the applicant? All right, there none being, go
22 ahead and sit down.

23 GREEN: Thank you very much.

24 RIGGINS: All right. Commission Members, are there
25 any questions or comments between ourselves or are we ready

1 for a motion?

2 HARTMAN: Motion.

3 RIGGINS: Vice - Commissioner Grubb.

4 GRUBB: I move to approve the following stipulations
5 for the (inaudible) Promontory at Magic Ranch. Stipulations 1
6 through 59 modifying stipulation 50 to extend the tentative
7 plat May 18, 2017 as set forth (inaudible).

8 RIGGINS: Okay, we have a motion, do we have a
9 second?

10 SMYRES: Second.

11 RIGGINS: Commissioner Smyres seconds the motion.
12 All those in favor please indicate by saying aye.

13 COLLECTIVE: Aye.

14 RIGGINS: Any opposed? None being, the case passes
15 unanimously. Good luck on your project. And we will move
16 onto our last tentative plat case -

17 SALAS: Moving right along.

18 RIGGINS: Which is S-002-15.

19 BALMER: Thank you Mr. Chairman, Members of the
20 Commission, this is case S-215. The proposal is for approval
21 of the Ironwood Crossing Unit 3 Tract K tentative plat. It's
22 10.28 acres in the CR-3/PAD zone. They're proposing 47 lots.
23 It's located on the west side of Barnes Parkway, just north of
24 Witt Avenue in the Ironwood Crossing subdivision. The
25 applicant is Fulton Homes, and the agent is Rose Law Group.

1 Here you can see on the County map that we are in the San Tan
2 Valley area. Getting a little closer, the subject property's
3 highlighted in red there. Again, it's within the Ironwood
4 Crossing subdivision. The zoning is CR-3/PAD, and that's
5 consistent with all of the adjacent properties there. The
6 minimum lot size - well the development standards dictate a
7 minimum lot size of 5500 square feet, a minimum lot width of
8 48 feet. The setbacks are 15 and 20 in the front, 20 feet to
9 the garage, five feet and eight feet on the sides, and 20 feet
10 in the area. Here's an aerial. There was a minor PAD
11 amendment that was approved back in February to take the
12 subject property from a proposed school site to single family
13 residential. And here's a copy of that PAD. The tentative
14 plat showing the overall view. I did take some pictures at
15 the site. This is looking north along Barnes. East across
16 Barnes. South, and then west into the subject property.
17 There are 11 stipulations for this case. I'd be happy to
18 answer any questions the Commission may have. We also have an
19 applicant present.

20 AGUIRRE-VOGLER: I have a quick question.

21 RIGGINS: We have a question of Aguirre-Vogler.

22 AGUIRRE-VOGLER: Yeah, as you were going through
23 that - sorry, as you were going through that, I noticed that
24 you got a new format for us here, is that correct?

25 BALMER: As far as your staff report?

1 AGUIRRE-VOGLER: Yeah.

2 BALMER: We're trying to make them more consistent.

3 AGUIRRE-VOGLER: Okay. The reason I'm bringing it
4 up, because when you were going through it, you offered the
5 agent's information, whereas we're not offered that when you
6 do this report, and it's kind of nice to know who the agent
7 is. So if you'd now continue to have the agent put on there,
8 I would appreciate it. Perhaps others would to, and - because
9 a lot of times they come up and they identify themselves and
10 sometimes we don't get it. So if it's written down, it's a
11 little more helpful for me, anyway. Thank you.

12 RIGGINS: Any other - Vice Chairman Hartman.

13 HARTMAN: Chair Riggins. Evan, I'm just kind of
14 wondering, we jumped from - now this is actually a new
15 tentative plat, but why, why are the stipulations so less than
16 they used to be? There used to be like 50 stipulations.

17 BALMER: Sure. We're working on cutting down on the
18 duplication. There's a lot of the, the standard stipulations
19 you would see in a tentative plat are also in the PAD, so
20 we're working on kind of minimizing the number of stipulations
21 for a tentative plat because they're all addressed in the
22 zoning case too.

23 HARTMAN: So basically you just had boilerplate
24 before, and you kind of followed those stipulations, and now
25 we're just kind of specifically addressing the, the tentative

1 plat as -

2 DENTON: And Mr. Chairman and Members of the
3 Commission, I would also like to add that back in 2007 we did
4 update our subdivision regulations and a lot of those things
5 that we stipulated to back in the past are covered in the
6 regulations now. So we don't need to go back and add those
7 stipulations because they're already covered.

8 HARTMAN: That makes sense.

9 SALAS: D, do I understand that's within the
10 comprehensive plan?

11 DENTON: The Subdivision Regulations. So we have a
12 - the County does have a subdivision regulations, and we also
13 have the Design Manual as well and all of the developers and
14 applicants, they have to conform to those regulations, and
15 also to that manual. So a lot of the things in the past that
16 we stipulated to, we no longer have to anymore because they're
17 covered.

18 SALAS: Does the Commission have, you know, any of
19 these manuals or whatever?

20 DENTON: Well they're online, and if you guys wanted
21 a copy of it, we can provide a copy to you as well.

22 SALAS: I would appreciate a copy.

23 AGUIRRE-VOGLER: I believe we did have them as
24 drafts, didn't we?

25 DENTON: I know back in the past -

1 AGUIRRE-VOGLER: I got all these copies that are in
2 my storage unit.

3 DENTON: I know back in the past - I know - well
4 back in the past I know we did include copies in your book for
5 you, because I know we did have like the zoning ordinance in
6 there, and then we also had the subdivision regulations in
7 there as well, but if any of the Commissioners need a copy,
8 we'll be welcome - you know, we can get you a copy of it.

9 SALAS: That would be easier for us to follow some
10 of these things, you know, to more or less get a better hand
11 on it.

12 DENTON: Right. Get a better understanding too, as
13 well. So you know, you guys can just contact me and I can get
14 you guys a copy if you'd like to have one.

15 RIGGINS: Okay, Commissioner Smyres.

16 SMYRES: Denton, or Evan, since this is a new
17 tentative plat, am I understanding this correctly? How are we
18 bound - where are the development standards come from that are
19 here? How are we bound by those since this is a brand new
20 plat?

21 BALMER: The development - the development standards
22 are actually set in the PAD process. So the development
23 standards were set for the CR-3 zone, and this being within
24 the CR-3 portion of the - of Ironwood Crossing, that is the
25 development standards that they follow.

1 SMYRES: So we're locked into this 5 and 8 foot
2 setbacks.

3 BALMER: I'm sorry?

4 SMYRES: So we are all locked into these setbacks,
5 then, on this, is that correct?

6 BALMER: That is correct.

7 RIGGINS: They've been prior approved.

8 SMYRES: Thank you.

9 RIGGINS: Any other questions or comments? In that
10 case, will the applicant please come forward and give us your
11 name and address, and your presentation.

12 HALL: Thank you Chairman Riggins and Commission
13 Members. My name is Jennifer Hall, I'm a senior project
14 manager with Rose Law Group, 7144 East Stetson Drive. I am
15 not the - Chris Webb is listed as the agent and unfortunately
16 he had some difficulties with his vehicle on - in route, so
17 I'm going to be taking his spot. Thank you very much for
18 having us before you today. We are here on behalf of Norm
19 Nichols with Fulton Homes, and we'd like to say thank you to
20 staff for working with us on this tentative plat. This is -
21 one of the things that I would like to bring to your attention
22 is Ironwood Crossing has been the top selling community for
23 Fulton Homes, which, I think, speaks volumes to the quality of
24 this development. We are here today to request your approval
25 for an additional 47 lots. And with that, I'd be happy to

1 answer any questions.

2 RIGGINS: Okay, Commissioners, do you have any
3 questions of the applicant? Vice Chair Hartman.

4 HARTMAN: Chair Riggins. Jennifer, when, when did -
5 when do you expect to actually really start construction on
6 this? Have you got that far in your projections?

7 HALL: I, I, can't answer that question, but I would
8 say since this is a top selling community, they would most
9 likely want to keep going with the success of the community.

10 HARTMAN: So that - but it is in the immediate
11 plans.

12 HALL: Yes.

13 HARTMAN: Okay. It's not a speculation thing.

14 HALL: No sir.

15 HARTMAN: Okay, thank you.

16 RIGGINS: Commissioners, any other questions of the
17 applicant? Okay, thank you very much.

18 HALL: Thank you.

19 RIGGINS: Any questions among the Commissioners or
20 comments? Or is a motion ready to be made?

21 GRUBB: I think we're ready for a motion.

22 RIGGINS: Yeah, Commissioner Grubb.

23 GRUBB: I move to approve findings 1 through 7 as
24 set forth in the staff report, and approve the tentative plat
25 in planning case S-002-15 with the 11 stipulations as

1 presented in the staff report.

2 RIGGINS: We have a motion, do we have a second?

3 HARTMAN: I'll second.

4 RIGGINS: Commissioner - Vice Chair Hartman seconds
5 it. All in favor, signify by saying aye.

6 COLLECTIVE: Aye.

7 RIGGINS: Opposed? It passes unanimously. Thank
8 you. And okay. We go into Work Session, which relaxed all
9 sorts of formal rules.

10 ABRAHAM: Mr. Chair, Commissioner Members, this last
11 Work Session item started as a discussion a couple months ago
12 about adding a call to the Commission. We had kind of an
13 informal discussion. After talking it over with Himanshu and
14 Mark, we thought that it'd probably be best to actually change
15 our operating regs to include that into your operating regs as
16 an item for call to the Commission. So while I was doing that
17 and noodling your operating regs, I took the opportunity to
18 look at some other community operating regs and see, you know,
19 what if anything, is different or new just, just to - for
20 exposure, and I noticed that a lot of communities have what's
21 called a no recommendation due to impasse, which is a
22 procedure that the Commission adopts in case there's a tie
23 vote. So seeing that we have ten members, you know, that
24 seems like something plausible that might happen in the
25 future, so why not, you know, have something like that in

1 your, in your operating regs. I wrote it, and this is brand
2 new, we haven't talked about this at all, but I thought it'd
3 just be a good time to talk about. So I wrote it so that if
4 we - there is a tie vote, nobody feels compelled to change
5 their vote to move something along. Basically what would
6 happen is that you'd vote on it, if there is a tie, it can
7 either be moved forward as no recommendation due to impasse,
8 or you can continue it, talk about it again, then at that
9 continuance if there's still a tie vote, then it would go
10 forward with no recommendation due to impasse. That way, you
11 know, nobody has to feel like their opinions are being
12 compromised. That's certainly that's something you can add,
13 you don't have to add it, but also I thought it would be good
14 to have just because we have five, five member board. And
15 then a couple other things, I had changed references to
16 Planning and Development to Community Development. So we put
17 - those are the three things. No, no action is due on this
18 today, I just wanted you to take a look at it and we'll take a
19 look at it again next month.

20 RIGGINS: I would, I would jump in on the comment of
21 a new category no recommendation due to impasse. This
22 Commission always has the opportunity to have an even number
23 of people in it, by people not showing up it's always been
24 that way. We have the potential to have odd numbers in at any
25 time now. And in the length of time that I've sat on this

1 Commission, I've, I've never seen to where that was a
2 difficulty that caused any heartburn at all, personally, and
3 I, I guess I always liked to adhere to the concept of why fix
4 something if it's not broken. What's the point of adding
5 something if it hasn't been needed?

6 SALAS: (Inaudible) had an impasse?

7 RIGGINS: We've had, we've had, we've had tie votes
8 to where we resubmit them to another motion.

9 SALAS: (Inaudible) not an impasse per se, but you
10 know -

11 RIGGINS: No, it's never happened.

12 SALAS: (Inaudible).

13 RIGGINS: It's never happened.

14 SALAS: At least since I've been here I don't
15 recollect that we have.

16 RIGGINS: The only, the only times that I can ever
17 remember - and my memory isn't sterling and remembers every
18 single instance - but it seems to me that generally when we
19 get into a position where things are pretty close, it's
20 because of some minor point on a stipulation or some various
21 thing to where - we're in the non-formal part of the meeting,
22 aren't we, so we can say something like hardheaded - when
23 something like that happens, and then, and then generally a
24 motion is made that - to change it slightly, and then it
25 passes and flows through. I, personally I think the fashion

1 that it's worked has been a good fashion, and I don't really
2 see the need for a new category. The call to the Commission,
3 well yeah, okay. I suppose. I don't know if it'll ever be
4 used, but it is a standard format in meetings, so -

5 ABRAHAM: The reason for that is I wanted to kind of
6 formalize the - if you had a direction to staff, I would like
7 to see, just for, for you know, staff's edification, a general
8 discussion about that concept and maybe a couple head bobs of
9 like yeah, that's something that we want to see. Because you
10 do have the authority to direct staff to start comp plan
11 amendments, zoning ordinance amendments, and I'd like to have
12 some discussion with that - it's the consensus of the
13 Commission.

14 RIGGINS: One, one thing by having a call to the
15 Commission agenda item, if indeed a Commissioner had a burning
16 topic that they were wanting to discuss, it does give the
17 opportunity exactly at that point to do so, other than trying
18 to put it in some place where it really doesn't belong. So -
19 and most, most meetings do have calls to the, the Commission
20 or the Board, and go that direction. I - to me I'm neutral on
21 it, but I can see how it could actually be beneficial. What's
22 the rest of the Commission think on it?

23 GRUBB: I think that I agree on a couple of things.
24 The, the, the call to the Commission, I think, should be
25 earlier. It should be one of the first things that we do. So

1 if there's somebody that has come from, you know, outside who
2 wants to address the Commission, they don't have to sit here
3 until, you know, noon to make a three minute statement about
4 something that's at issue -

5 RIGGINS: No, the call to the Commission is us. No,
6 it's not -

7 GRUBB: Oh, it's not for the public?

8 RIGGINS: That would be a call to the public.

9 HARTMAN: Yeah, call to the -

10 RIGGINS: Yeah, this is call to the Commission.

11 GRUBB: Oh okay. And call to the Commission can be
12 -

13 RIGGINS: (Inaudible) beginning we'd make everybody
14 else have to sit there while we have this discussion.

15 GRUBB: Okay. And then the other is on the impasse,
16 and, and I have to agree with the Chairman. You know, we - we
17 were put here by the Supervisors to make a decision to send to
18 them, you know, up or down. And so I think that we have to
19 stay here until we come to an up or down decision, or continue
20 something so that we can do more research. If we pass it onto
21 the Board of Supervisors, then it really negates our need to
22 exist.

23 RIGGINS: I concur.

24 SALAS: I think (inaudible) too easy to say well
25 we're going to have an impasse and then just pass it onto the

1 Board.

2 RIGGINS: Right, it makes us useless.

3 SALAS: That's the way I feel (inaudible). You
4 know, we're here, we're here to make the decision (inaudible).

5 RIGGINS: And then we do - and then we're forced to
6 it, we make some hard decisions and then finally come up to
7 where it passes or fails, in life. And what - give us a, give
8 us a - what is this agenda order section?

9 ABRAHAM: That was another thing I saw that was
10 fairly consistent across other planning commissions operating
11 regs, that there's an order that's called out of how things
12 go. Now I've - in the time that I've been here, I know that
13 we've rearranged it multiple times, so I put that in there
14 that the Chair can rearrange it for administrative
15 convenience. That's basically where that came from.

16 RIGGINS: So basically it's an order agenda that
17 we're changing the public agenda after the meeting starts.

18 ABRAHAM: Oh yeah, that's correct. Yes.

19 RIGGINS: Well we've done that before when there's
20 been some cases that were canceled, or sometimes we've done it
21 when there's been a case of incredibly high public
22 participation, to where we moved it in the beginning and in
23 that case probably having a formalized spot to discuss that
24 would probably be a good idea.

25 ABRAHAM: I thought so.

1 RIGGINS: From a public meeting law point of view.
2 Instead of doing it informally, because that's what we have
3 been doing, is doing it informally.

4 ABRAHAM: Yeah.

5 RIGGINS: We don't do it that often, but it - I
6 remember it used to happen often.

7 ABRAHAM: (Inaudible) time, yeah. Mm hm.

8 RIGGINS: What's the thoughts of the Commission on -

9 GRUBB: Yeah, it makes sense.

10 RIGGINS: Okay.

11 GRUBB: But I still would like to see, you know, on
12 the call to the Commission, even if the public's not -
13 although I think there should be an opportunity for somebody
14 to come in and address the Commission on something that's not
15 on the agenda. There should be, there should be a way for
16 them to do that.

17 RIGGINS: In other words a call to the public.

18 GRUBB: Call to the public. The call to the
19 Commission, I think if somebody on the Commission has a
20 burning something that they want to bring up, if we make it at
21 the end of the day, it's going to come up in one of the other
22 cases, they're gonna speak, you know, they're going to weave
23 it in. So if somebody's got something they want to hear -

24 RIGGINS: You mean the Commission.

25 GRUBB: The Commission, if they have something that

1 they really want to say to the other Commissioners, it should
2 be gotten out of the way in the beginning of the meeting and
3 be done, rather than waiting until the end of the meeting and
4 let it boil all day.

5 RIGGINS: I will, I will state that you could get
6 into a position to where somebody brought up something that
7 was contentious that all of a sudden could take an hour of the
8 agenda.

9 GRUBB: It's going to take that hour whether it's at
10 the beginning of the -

11 RIGGINS: But you're not making, you're not making
12 everybody sit and hear it.

13 AGUIRRE-VOGLER: (Inaudible) call it to them to
14 bring it up, but then we'd have to -

15 GRUBB: No, no, we're talking about the Commission.

16 RIGGINS: We're talking about a call to the
17 Commission. So in other words, in other words at some point
18 in the agenda there's a - the Chairman would say okay, we're
19 at the agenda point for call for Commission. Any Commissioner
20 can bring up anything they want to for action, basically
21 discussion, or suggestion of action.

22 LANGLITZ: Well yeah. Mr. Chair and Commission
23 Members, I'm going to - let me talk to Himanshu about that. I
24 understand this was something that the Town of Florence has
25 done, but I tell you, I'm almost having a heart attack sitting

1 here and listening to that and the potential open meeting law
2 violation (inaudible).

3 RIGGINS: I agree totally.

4 LANGLITZ: So let me - it just - yeah, I don't know.
5 It's just, it's killing me. But let me -

6 RIGGINS: And let me, and let me dovetail right in
7 exactly what you said. There was also - Steve, a potential of
8 call to the public, and I said hold up. A call to the public
9 means somebody's going to stand up and they're going to want
10 to talk about this individual thing. Then we say we can't, we
11 can't talk about that. For a call to the public, for it to
12 stay absolutely 100 percent general, is almost (inaudible)
13 impossible, and so they're going to be asking us to speak
14 about individual cases and give opinions. So call to the
15 public is a no-go, and we can do the exact same - we're going
16 to have the exact same problems with a call to the Commission.

17 LANGLITZ: Yeah, Mr. Chair, the call to the public,
18 how it's supposed to work is first of all it's matters that
19 are not on the agenda, because if it's a matter that's on the
20 agenda, then they can address the Board or Commission when the
21 agenda's called. People get confused, so there will be some
22 administrative discussions with people to say, you know, wait
23 until that. And then the other big problem you see is a call
24 to the public is supposed to be about matters only that are
25 within the jurisdiction of the particular body or Commission.

1 So in other words, someone may want to stand up and talk about
2 how lousy the County Attorney's Office is, or why aliens, you
3 know, shouldn't be allowed to land spaceships in the - you
4 know.

5 ??: Why not?

6 RIGGINS: But actually Mark, what they're gonna,
7 what they're gonna bring up is their gonna bring up the sign
8 that they saw go up, and they're going to want to talk about a
9 case that isn't on the agenda yet. They're going to want to
10 talk about specific things that we can't talk about.

11 SALAS: And I believe that you got the power of the
12 hand there, because if a guy stands up here and starts to went
13 off the road here, you say wait a minute this is a subject
14 matter that we're going to stick to, and it might sound a
15 little rude, you know, but we started to do that a little
16 earlier today, you know, when this lady started to say
17 something about whatever the hell we were talking about. And
18 so the subject matter was do we extend the, you know, the SUP
19 or not, not whether somebody likes pot or doesn't like it or
20 whatever we were talking about it. And I think, I think that
21 our Chair had the power to steer us right back to what the
22 topic is at hand.

23 RIGGINS: But I have, I have a very positive
24 suspicion that what it will turn into is just that. You get
25 up - no you can't talk about that. No, you can't talk about

1 that. No, you can't talk about that. I don't think there is
2 a whole lot in the call to the public that really can be
3 discussed that we can discuss, because they're going to want
4 to talk about something specific.

5 LANGLITZ: Yeah, like a specific application.

6 SALAS: They're not running for office anyway.
7 (Inaudible).

8 RIGGINS: But we're not going to allow - it's not
9 going to benefit anybody. Nobody's going to be benefited by
10 it that I see. I don't see there's, I don't see there's a
11 need for it.

12 LANGLITZ: Yeah, I've seen too - I mean sometimes it
13 becomes a, an opportunity for a public gripe session about
14 somebody's neighbor, and they don't like what they're doing,
15 and you guys should do something about it, and -

16 HARTMAN: (Inaudible).

17 LANGLITZ: Yeah, I think it's probably essential for
18 elected officials. I'm not sure how much - again, this is all
19 within your discretion. I'm just trying to share some, you
20 know, experience that I've had with these type of things,
21 that's all.

22 SMYRES: (Inaudible). The City of Apache Junction.
23 We were - I was at some of their meetings and they had a
24 knockdown drag out session like this, and people would get up
25 and talk about stuff that was like - and the council was just

1 sitting there looking at each other. It was nothing that we
2 can talk about or do about this situation. Like say well his
3 dog's running on my yard. Hey, that's not what we're here
4 for. So opening it up like that, I mean you're just opening
5 the barn door, you know. It's nice that people can get up and
6 - but that's not the place for it. It has nothing to do with
7 why the ten of us are here today. It's just - like you say,
8 it's an open gripe session.

9 RIGGINS: There's enforcement officers in an office
10 to hear that kind of stuff. That isn't what this place is
11 for.

12 SMYRES: Yeah. I can't go and call animal control
13 and say go out there and check his dogs coming on my yard to
14 take care of his business.

15 MORITZ: Mr. Chairman?

16 RIGGINS: It's a work session.

17 MORITZ: I just want to be heard.

18 RIGGINS: You got a mike.

19 MORITZ: Oh, everybody talks all the time. The -
20 I'm not in favor of opening it to a public. The Board of
21 Supervisors does that. They are paid to listen to those
22 things, and so I'm not in favor of it here, but I do like the
23 call to the Commission because on occasion there might be a
24 question or a topic regarding our performance in our
25 assignment that we would like to have answered or discussed,

1 or other Commissioner's opinions on.

2 RIGGINS: And, and I can see exactly that point.
3 The point you made about the potentials, obviously in a call
4 to Commission, if you are the attorney representative sitting
5 here, you're going to have to be listening to things very
6 carefully to say wait a minute, you can't talk about that.
7 And I understand that.

8 LANGLITZ: Yeah, it's really just a, just making
9 sure that there's not too much discussion between members of
10 the same item that wasn't on the agenda. For instance, let's
11 say a Commission Member raises a legitimate point about an
12 issue that should be addressed. And then another Commissioner
13 says well me too, I agree. And now you're getting into the
14 area of having discussion, which is considered a legal action,
15 not just a vote, and then you run into problems because it
16 wasn't on the agenda. So if you did decide that that's what
17 you wanted to do, I mean this is just my recommendation. It
18 would be if one person - you know, each Commission Member can
19 say something, but then no one else add on to that, you know,
20 if they want to say something different. And again, there's
21 not right -

22 RIGGINS: I believe if you had a call to Commission
23 on the agenda item, a call to Commission, there would have to
24 be constructed a caveat that went on it that said Commission
25 Members need to remember that this has to be limited to - and

1 that would have to be right there so the chair, the chair
2 could instantly say wait a minute, you've gone outside the
3 bounds of what we can talk about and it can be stopped. So
4 there would be -

5 GRUBB: That's why we have Mark. Mark is our
6 measuring stick. He stops us.

7 RIGGINS: But also a printed, a printed caveat means
8 that the Chair could just like that stop it.

9 SALAS: (Inaudible). And also I would, I believe as
10 a Chair, you can say time out, we need a recess for about five
11 minutes so that this thing can be clarified immediately, if
12 Mark doesn't say you guys are (inaudible).

13 RIGGINS: And I know those things need to be
14 incorporated in the concept, so now that you've opened that
15 up, Steve, you can figure out how you want to deal with it.

16 LANGLITZ: Oh, I was (inaudible) probably the reason
17 why I'm object - raising objections, because that
18 responsibility is going to fall on whoever's sitting here,
19 whether it's me or whoever else, and we don't like to say, you
20 know, stop, timeout, you can't talk about it.

21 RIGGINS: It seems to me the recommendation of the
22 Commission was to go no further with the no recommendation due
23 to impasse. I believe that was expressed. I believe the
24 Commission decided that the agenda order section would
25 probably be a good idea because we would do something

1 formally, we've done informally. And it sounds to me like a
2 call to the Commission's all over the place. Is that the, is
3 that the thought of everybody?

4 GRUBB: I think we should continue that discussion
5 to the next meeting.

6 RIGGINS: Okay.

7 MORITZ: Are we at an impasse?

8 RIGGINS: I don't think anybody cares that much, but
9 we just have -

10 GRUBB: I'm just saying I'm hungry. I'm saying I'm
11 hungry, let's move it to the next meeting.

12 HARTMAN: Chair Riggins?

13 RIGGINS: Yes.

14 HARTMAN: And Commission. There's one thing that I
15 didn't see here, and Steve, is we still retain the right to go
16 into executive session, so if we do want to discuss something
17 that we don't want to talk about in front of the public.

18 ABRAHAM: Absolutely, yeah, that - yeah that's -
19 that actually bypasses your operating regs. That's provided
20 for in State law, so you don't have to declare that. Just -
21 so the impasse thing, that - I don't get rid of it, we
22 probably still want to talk about it, right?

23 RIGGINS: I think everybody decided to get rid of
24 it.

25 ABRAHAM: They did?

1 RIGGINS: Yep.

2 ABRAHAM: Okay.

3 LANGLITZ: Mr. Chair, let me - there's one advantage
4 to it, and this would be a situation. Let's say - and this is
5 inherent with a problem when you have an even number Board, or
6 Commission, it's a ten member Commission. Let's say a person
7 makes a motion to approve a particular action, five vote in
8 favor, five vote against. The motion doesn't carry. The
9 other side makes the motion to recommend denial. Five in
10 favor of the motion, five against. It's an item that should
11 move forward then to the Board, for them to decide instead of
12 I don't know where it, it - I guess it would go to the Board
13 and it would say - I don't know what we would say. It - we
14 would have to move it forward and say well it was a -

15 HARTMAN: No vote.

16 LANGLITZ: No vote, and that's the situation where
17 this would come -

18 RIGGINS: In that, in that circumstance you just
19 described, first of all, the fact that this is an even
20 numbered Commission changes nothing. Because you can have an
21 even number of people sit here any different meeting. You
22 know, an odd number any different meeting. When it was nine
23 or when it was ten, that same phenomena exists. I remember
24 one continuance in the entire time I've sat here, I remember
25 one continuance because there could not be a way to take it

1 forward. And you know what, if it's that strong, then it
2 needs to be rethought. And if I remember correctly, that
3 particular one, it was good that it was rethought. There were
4 things that needed to be done. I believe Frank stated it
5 perfectly, it's our job to come to some sort of consensus.
6 And I believe that's a bad thing. I don't believe it's just a
7 neutral thing, I believe it's a bad thing.

8 AGUIRRE-VOGLER: Yeah, I, I agree because I think we
9 would go to impasse too often.

10 GRUBB: It's a copout.

11 AGUIRRE-VOGLER: Yep.

12 RIGGINS: So I believe we - in the work session, I
13 believe that we kind of said let's leave that one go.

14 LANGLITZ: Yeah, that's fine. I was just offering
15 some, you know, some rationale for why it might be beneficial.
16 But then we gotta think what happens in the event of the
17 stalemate. I guess it goes - it would have to move into the
18 Board, right?

19 HARTMAN: There hasn't been one in years.

20 [Many people talking at once.]

21 SALAS: We've got guys here that are working so that
22 there is no stalemate.

23 AGUIRRE-VOGLER: Yeah, yeah, and like he just said -

24 LANGLITZ: Yeah, okay. Yeah.

25 AGUIRRE-VOGLER: We just continue it and they have

1 to rethink it.

2 LANGLITZ: Again, it's totally within your
3 discretion, I was just offering one side, or one argument, but
4 you know, the other arguments you're making are great too.
5 It's your decision, not, you know, not ours.

6 RIGGINS: I think we decided.

7 MORITZ: We had that one recently where the vote was
8 even, and one of us changed to the other side, so that at
9 least - and I, I don't like continuances unless they're
10 absolutely necessary, and I really don't like indecision.

11 ??: Continuances cost the applicant money.

12 RIGGINS: Yeah, I don't, I don't think anybody on
13 this Commission would allow something to go into a continuance
14 over a minor detail. And that, that way it forces the minor
15 detail to be decided on. The time the continuance is actually
16 there, is the time to truly some thing needs to be worked out.

17 GRUBB: And I believe then, I think that that's
18 where staff comes in, is because they understand a lot of
19 things aht we don't, and where staff clarifies things for us,
20 whether the attorney tells us this or Steve tells us that,
21 might be that little thing that we need to say okay, I can
22 live with that.

23 SALAS: Anytime you let an attorney mix into things,
24 it just screws things up.

25 GRUBB: Yeah, turn off your hearing aides Mark.

1 LANGLITZ: I don't disagree with that.

2 MORITZ: Frank's on a role today.

3 RIGGINS: Yeah, really.

4 ??: Did you stop at the little marijuana shop and -

5 RIGGINS: It's a good start.

6 ??: Frank, did you stop at the little marijuana
7 shop up there in AJ?

8 MORITZ: Yeah, you're on a roll today.

9 AGUIRRE-VOGLER: Are we ready for a motion?

10 RIGGINS: Is somebody ready for a motion.

11 AGUIRRE-VOGLER: I did, I just made a -

12 RIGGINS: Frank Salas makes a motion for
13 adjournment. Do we have a second?

14 AGUIRRE-VOGLER: Second.

15 RIGGINS: We have a second from numerable people.
16 All in favor?

17 COLLECTIVE: Aye.

18 GRUBB: Aye, yes. Thank you.

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Julie A. Fish