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PINAL COUNTY PLANNING AND ZONING COMMISSION  
(PO NUMBER 233382)

Regular Meeting  
9:00 a.m.  
Thursday, September 17, 2015  
EOC Room - Building F  
31 N. Pinal St., Florence, Arizona

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**DISCUSSION OF ACTION ITEM REPORT:**

- Action Item Report - pg. 1-2

**REPORT ON BOARD OF SUPERVISORS ACTION ON P & Z CASES - p. 2**

- August 26, 2015
- September 2, 2015

**PLANNING MANAGER'S DISCUSSION ITEMS: None.**

**CONTINUED CASES: PZ-001-15 & PZ-PD-001-15 - p. 3-6**

**NEW CASES:**

- PZ-003-15 & PZ-PD-001-15 - pp. 6-52
- SUP-009-15 - pp. 52-92
- PZ-006-15 - pp. 93-122

**PUBLIC HEARING/DISCUSSION ON THE FOLLOWING MAJOR AMENDMENT REQUESTS TO THE 2009 PINAL COUNTY COMPREHENSIVE PLAN:**

- PZ-PA-001-15 - pp. 179-204
- PZ-PA-002-15 - pp. 204-220
- PZ-PA-004-14 - pp. 12-179

**CALL TO THE COMMISSION: 221-224**

**ADJOURNMENT - p. 224**

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ORIGINAL PREPARED FOR:  
PINAL COUNTY, ARIZONA

1           HARTMAN: Good morning. If everyone will take their  
2 seats, we will proceed with our regular meeting of Pinal  
3 County Planning and Zoning Commission meeting here on  
4 September 17<sup>th</sup> in EOC Room, Building F. Thank you public,  
5 applicants, staff, Commission Members. I'm proud of the  
6 Commission Members, we have - I was told last month that Scott  
7 Riggins would not be here, so I can start the meeting on time.  
8 Normally if he doesn't come in, well I kind of hold off. But  
9 today -

10           SALAS: You're four (inaudible).

11           HARTMAN: We're starting on time. Thank you,  
12 Commission Members for being here, we appreciate it very much.  
13 Today we have a good, good old fashioned workload, and it's  
14 going to be all day, probably, so those of you that are on the  
15 tail-end, I'm sorry, but we'll try to work it through as  
16 fairly and as fastly as we can. So with that, the first item  
17 on the - I call the meeting to order - the first item on the  
18 agenda is the Discussion of Action Item Report. Action Items,  
19 it's number two on the agenda. Steve, if you would, take  
20 that?

21           ABRAHAM: Sure, absolutely. Good morning Chair and  
22 Commission Members. I'll just cover item two and three on  
23 your agenda here. Last month's action report, we just had a  
24 couple plats we were looking at in a work session. No other  
25 public hearing items. I'm available if you have any questions

1 or if there are any corrections on that. Moving forward on  
2 your agenda, that should actually say August 26<sup>th</sup> and September  
3 2<sup>nd</sup>, rather than July 22<sup>nd</sup> and August 5<sup>th</sup>. That was actually  
4 last month. But on the Board of Supervisors hearing for  
5 August 26<sup>th</sup>, the Board looked at the San Tan Heights case with  
6 the community center, ended up approving that case with 15  
7 stipulations. So wanted to actually thank the Commission and  
8 the Board on that one. That's one of those cases where I  
9 think if, you know, sometimes if you take a deep breath and  
10 look at it from a higher viewpoint, sometimes the better  
11 project comes along. So I know some folks weren't happy with  
12 the outcome of that one, but I think the Commission did a  
13 really good job of working through that. And then there  
14 wasn't any action items on the 2<sup>nd</sup> of September, so that was  
15 the only item that the Board looked at that you gave them last  
16 month. If you have any questions, I'm ready to answer them.

17 HARTMAN: Okay, Commission Members, any questions?  
18 If not, let's go to item number 4. Steve, if you'll take that  
19 one.

20 ABRAHAM: Sure. Because of our heavy workload  
21 today, I was going to move that one to the end of the agenda  
22 and that way we can dive right into the Action Items today.

23 HARTMAN: That sounds good.

24 ABRAHAM: Okay.

25 HARTMAN: Okay, then let's go on and we'll open it

1 to the public. Continued cases. The case is number 5. PZ-  
2 001-15. Ashlee, I believe you're the lead on this. Mark?

3           LANGLITZ: Thank you, Mr. Chair and Commissioners.  
4 We're just deciding who wanted to address you on this. This  
5 is a matter where the applicant and staff have been working on  
6 a couple of issues and there's been some really good progress.  
7 We anticipate that it, you know, in a relatively short period  
8 of time we will have agreement on these issues. So in the  
9 meantime, we respectfully request that the Commission grant a  
10 continuance of this matter, and also the companion case,  
11 agenda item number 6, PZ-PD-001-15, until the Commission's  
12 meeting in October, and then I think we'll have a good  
13 presentation and - for you folks to look at and make a  
14 recommendation on.

15           HARTMAN: Mark, will it be appropriate for us to  
16 have a motion on both of those cases in one for a continuance,  
17 or do you want a motion individually on each?

18           LANGLITZ: One motion continuing both items until  
19 the meeting in October will be fine, Mr. Vice Chair.

20           HARTMAN: All right, thank you Mark. I will - I see  
21 Ms. Rose is here in the audience, if she would maybe like to  
22 make a comment? Or we understand you would like a  
23 continuance. The Commission has a policy that we established  
24 year ago that three continuances is what we stop at, so we're  
25 two now.

1           ROSE: Chair and Commission Members, I'm Jordan Jose  
2 for Resolution Copper, Integrity Land and Cattle, the  
3 applicant. We are working well with your staff and your  
4 County Attorney, and we'd like to come back to you in October  
5 with something that we can all agree upon. So we appreciate  
6 that.

7           HARTMAN: Thank you, Jordan. With that, Mark, do I  
8 need to call to the public on this?

9           LANGLITZ: Mr. Vice Chair, no. You will just  
10 continue the public hearing and the agenda item until the  
11 meeting - do we know the date of the -

12          HARTMAN: October?

13          LANGLITZ: October 15<sup>th</sup>, all right. Thank you, Mark.  
14 All right Commission Members, you've heard the request by the  
15 applicant and staff.

16          SALAS: Are you a ready for a motion?

17          HARTMAN: I am ready for a motion.

18          SALAS: Chair?

19          HARTMAN: Commissioner Salas.

20          SALAS: I move that PD-001-15 and PZ-PD-001-15, be  
21 granted an extension until October the 15<sup>th</sup> - continuation,  
22 rather.

23          HARTMAN: A continuance, exactly.

24          SALAS: With stipulations and everything.

25          MORITZ: Second it.

1 HARTMAN: Commissioner Moritz second the motion.

2 With that, Commission Members, any discussion?

3 AGUIRRE-VOGLER: Could I -

4 HARTMAN: Discussion?

5 AGUIRRE-VOGLER: Can I ask a question?

6 HARTMAN: Discussion? Go ahead.

7 AGUIRRE-VOGLER: Could somebody remind me about -  
8 there was a letter here, said something about we denied it.  
9 Let's see it says here County staff has already recommended  
10 the zoning change transfer be denied. It's in here in the  
11 packet. What does that mean?

12 HARTMAN: That was actually - I don't know how that  
13 got put in there, but that was referring -

14 AGUIRRE-VOGLER: Can the staff remind me about - or  
15 maybe remind all of us?

16 HARTMAN: Ashlee, it's your case, would you, would  
17 you - that verbiage that was written in our information packet  
18 that we had.

19 MACDONALD: Yeah, Vice Chair and Commission Member,  
20 that was a letter that we received from the public. That  
21 particular neighbor came and spoke at your last hearing, and  
22 at the time I think she was, she was a little bit confused  
23 about the cases as they were moving forward, and since the  
24 time of that letter was written and your packet went out, she  
25 actually wrote us another letter that she has since met with

1 Rose Law Group and Resolution Copper and doesn't have any  
2 issues with the project. That didn't make it into your packet  
3 because it came in after, after the staff report was ready.  
4 So there was just some confusion on that particular neighbor's  
5 part.

6 HARTMAN: Ashlee, I maybe have a suggestion and see  
7 what the Commissioners think about it, that you could actually  
8 black things like that out, because I notice there are  
9 duplication of pages, page two I see here, page two, page two.  
10 And it's a little bit confusing as you read through it, you  
11 know, and it might not hurt to put a little X or something -

12 AGUIRRE-VOGLER: Summarize or analyze or something.  
13 Sometimes you do a good job with that, but this time I'm  
14 totally confused.

15 HARTMAN: Yeah.

16 AGUIRRE-VOGLER: As we get older, I guess maybe that  
17 is a problem.

18 HARTMAN: All right, I think we have a consensus of  
19 that. Without any further discussion, let's call for a voice  
20 vote. All those in favor say aye.

21 COLLECTIVE: Aye.

22 HARTMAN: Opposed? Hearing none, motion carried.  
23 Continuance, October 15<sup>th</sup>. Last time. All right. Okay, with  
24 that, let's move into new cases. The new case is - the first  
25 case is SUP-003-15. All right, I - is that - Ashlee, is that

1 you?

2 MACDONALD: It is.

3 HARTMAN: It is. All right. Ashlee, if you would.

4 All right, has everybody got SUP-009?

5 ABRAHAM: Mr. Chair? Before we get started with  
6 this, I'd like to request that we go into Executive Session to  
7 discuss this case with our attorney before we get started with  
8 the staff's presentation.

9 HARTMAN: With that -

10 AGUIRRE-VOGLER: 009, it's 003, isn't it?

11 HARTMAN: No, mine says S - 3? Okay.

12 AGUIRRE-VOGLER: Which one are we going into?

13 HARTMAN: Oh yeah, I moved to the cell tower. Okay,  
14 003. Thank you. Do I have a motion to adjourning to  
15 executive session?

16 AGUIRRE-VOGLER: I'll make the motion to go into  
17 executive session.

18 HARTMAN: A second?

19 PUTRICK: I'll second that.

20 HARTMAN: Putrick seconds it. With that, we'll call  
21 for a voice vote. All those in favor, say aye.

22 COLLECTIVE: Aye.

23 HARTMAN: Okay, Commission will - Steve, do you  
24 want, do you want the public to leave or do you want us to  
25 leave?

1 ABRAHAM: Yes please. I'd like the public to leave.

2 HARTMAN: Yes please. Okay, public if you will.

3 We'll be calling you back shortly. We need a motion to  
4 (inaudible) from our executive session.

5 GRUBB: Mr. Chairman, I propose that we reconvene  
6 our regularly scheduled session.

7 HARTMAN: Thank you Bill.

8 MORITZ: I second it.

9 HARTMAN: Thank you Bill, for that motion.  
10 Commissioner Moritz seconds the motion. All those in favor  
11 say aye.

12 COLLECTIVE: Aye.

13 HARTMAN: Aye. Opposed? Hearing none motion  
14 carried unanimously. All right, with that, we'll move on with  
15 case SUP-003-15. Ashlee?

16 MACDONALD: Thank you Vice Chair and Commission  
17 Members. This is case SUP-003-15. It is a request for a  
18 approval of a special use permit to operate a medical  
19 marijuana offsite cultivation location on a 50 acre parcel in  
20 the General Rural zone. Staff has received one letter in  
21 opposition to date, and none in support. It is located on the  
22 north side of Highway 287, half a mile west of Eleven Mile  
23 Corner, kind of in that (inaudible), Casa Grande, Coolidge  
24 area. The applicant is Sidewinder Dairy with Rose Law Group  
25 acting as agent. Again, the subject property is in the center

1 of the County as indicated by the red star on the map. An  
2 area map of the property shows that it is again on the north  
3 side of Highway 287, Eleven Mile Corner to the east. The  
4 property is surrounded, as you can see, by private property.  
5 This is the Comprehensive Plan. The Comprehensive Plan  
6 designation on the site is Moderate Low Density Residential.  
7 This proposal is not in compliance with the Comprehensive  
8 Plan. Existing zoning on site is General Rural, surrounding  
9 the property is the General Rural zone, however you can see to  
10 the west there is some commercial zoning. As to the east,  
11 there is industrial zoning where the gray block is. An aerial  
12 photograph of the property showing that it is currently a  
13 farming operation, there is a dairy and some agricultural  
14 uses. The applicant site plan, I don't have - I don't have a  
15 pointer. The - you can see the kind of hashed area on the  
16 right of the image is where the outside cultivation would be,  
17 and then just below that on the map here is where the drying  
18 and curing and processing would occur within an enclosed  
19 building. Photos of the site were taken from Highway 287.  
20 This is looking north into the site. Looking south away from  
21 the subject property. Looking east. And looking west. And  
22 then a little bit farther west along Highway 287, this is just  
23 looking west towards that agricultural field. Some of the  
24 issues with the subject case, again as I mentioned when we  
25 looked at the Comprehensive Plan map, this request is not in

1 compliance with our Comprehensive Plan. Medical marijuana  
2 cultivation is an industrial land use and is not appropriate  
3 in a residential land use category. The SUP should - an SUP  
4 shall be consistent with and conform to the Comprehensive  
5 Plan. That language is included in our zoning code, so  
6 approval of this request would violate the code. The Board of  
7 Adjustment is the designated authority to rule on it,  
8 interpretation, appeals. This request moving forward today  
9 circumvents the director's authority in making that  
10 determination, that interpretation, and it circumvents the  
11 Board of Adjustment hearing process. And then finally, the  
12 code specifically states that the County shall not permit more  
13 than one offsite cultivation location for each dispensary  
14 located in the County, absent a showing of unnecessary  
15 hardship. The affiliated dispensary to this cultivation site  
16 is one located in Mesa, outside of Pinal County, so this does  
17 not meet that requirement of the code as well. With that,  
18 staff recommends denial of the submitted application. I would  
19 be happy to answer any questions that the Commission may have.

20 HARTMAN: All right, staff? I mean Commission  
21 Members, would you like to ask any questions of Ashlee? If  
22 not -

23 MORITZ: Mr. Chairman?

24 HARTMAN: Yes?

25 MORITZ: I have a question.

1 HARTMAN: Yes, Commissioner Moritz.

2 MORITZ: Has the applicant - have you discussed the  
3 proper process to have this approved with the applicant?

4 MACDONALD: We have. The application was originally  
5 submitted early this year, and from our very first  
6 communication with them after our review, we did indicate that  
7 a Comprehensive Plan amendment was required.

8 MORITZ: And why hasn't that been done?

9 MACDONALD: I will let the applicant address that  
10 question.

11 MORITZ: Okay.

12 HARTMAN: And Ashlee, does, does the applicant know  
13 that - and I could ask the applicant this, but have you had  
14 any communication with the applicant about Pinal County  
15 dispensary being involved with this cultivation site?

16 MACDONALD: We have. We've had discussions related  
17 to that as well. And again I'll let the applicant kind of go  
18 over, you know, the communication that they have had with the  
19 dispensaries in the County, and why they're not complying.

20 HARTMAN: All right. Commission Members, any  
21 further questions of Ashlee? If not, thank you Ashlee. At  
22 this time we'll call the applicant to come forward, and if you  
23 would, state your name and address for the Commission. And  
24 then tell us what -

25 ROSE: Yes. Chair and Members of the Commission,

1 for your records, I'm Jordan Rose with Rose Law Group, and  
2 with me today is my client Sean and Jasmine Dugan. And this  
3 is really - oh thank you Ashlee, I appreciate. This is just a  
4 continuation of the conversation what we had many months ago  
5 with you when you approved the text amendment. This - I know  
6 the staff had stood up and lawyers stood up during that  
7 conversation and showed maps of my goodness, if this is  
8 approved, there's going to be all these, you know, use permits  
9 coming forward. We were always doing that on behalf of Dugans  
10 and they were right that Dugans would come forward with the  
11 use permit. I know we alluded to that, and during that text  
12 amendment conversation we, we would always come back to this  
13 as a text amendment and we didn't talk about the specific  
14 site. So today we're applying for the use permit. It's for  
15 one year. And as you know, in the text amendment that you all  
16 approved, it's a one year annually-renewable use permit. So  
17 if the use is great, then you can renew it, and if the use  
18 doesn't work for some reason, then you'll have that discretion  
19 in a year. This is on a maximum of five acres of Dugans'  
20 property, and let me just take you on a little bit of a drive.  
21 Or Jennifer help me and see if I can do that. Okay, hold on a  
22 second. Can you make it drive? All right, I wanted to show  
23 you where we - oh thank you. Okay, it's a little slow. So we  
24 were driving down - we were driving west on the 287 from  
25 Eleven Mile Corner and I know many of you are familiar with

1 this, but oops, now we have to take a right into the Dugan's  
2 Dairy here. And I show you this because I want to show you  
3 that the roads are very improved and it's not the middle of  
4 nowhere. And that was a big issue for you all, as you  
5 remember, when we did the text amendment, you were like we  
6 don't want these in the middle of nowhere, and dirt roads, and  
7 here we've got an improved dairy. There's one point of  
8 access. There will be no signage, and that's the current  
9 access that'll remain. There's an improved egress and ingress  
10 leading to the rear of the property, and this is what it looks  
11 like today. And you're more than welcome to come out and look  
12 at it. There's smooth aggregate for driving and parking, so  
13 we don't have dust control issues or anything like that. This  
14 is not a high traffic use, obviously, this is a farming use.  
15 But I just wanted you to understand that. Here's an aerial,  
16 I'm going to show you how this site will function. So right  
17 now that's the existing Dugan Dairy, Sidewinder Dairy there,  
18 and they're in production. Here is the fulltime operation  
19 manager's home, and he lives there all the time. And then  
20 that's the five acres of potential grow. And that building  
21 right there will be 9,600 square feet of indoor drying. And  
22 in your ordinance you talked about, if you remember when you  
23 adopted it, that there should be an enclosed facility for  
24 drying and for safety purposes during the harvest. So that's  
25 how that's going to work. So the secured facility, and I'll

1 show you some of the security measures that we're taking.  
2 First of all, they only allow licensed workers by the State of  
3 Arizona to even enter the facility or that portion of the  
4 farm, which will be walled off, and I'll show you. That is a  
5 State law and they'll be key cards or pass cards, so there's  
6 no ability for anyone else to enter. So here's the security  
7 that the Dugan family will install. You can see all those red  
8 dots are the 24-hour surveillance cameras with night vision.  
9 The yellow depicts the wall that they'll be - the ten foot  
10 wall that they'll be constructing around that five acres of  
11 farm fields. The indoor facility will also have the cameras  
12 and a pass code that you can't, you know, you can't get in  
13 unless you're licensed by the State of Arizona. So the  
14 Department of Health Services has a lot of regulations, and  
15 I'm just going to show you a few of the things that the Dugans  
16 are going to do, and they're in your, I think in your packet.  
17 But intrusion alarms, panic buttons, backup batteries and all  
18 the video cameras, and these are the things that are required  
19 by the State, so they cannot open without these. Video  
20 cameras at all points of entry and access, high resolution  
21 video, recording to produce any kind of still images. Video  
22 cameras identifying all the activity within the grow and then  
23 storage of the video recordings. So there's criminal  
24 activity, there's cameras everywhere, so it seems very  
25 improbable that this would be a place where you'd want to

1 commit a crime. They're going to be very open and obvious  
2 about the cameras. They're totally, you know, safeguarded  
3 with the passcodes, and that all said, if this becomes an  
4 issue, you have the chance to look at it again a year from  
5 now. So that's, that's in your ordinance and that was  
6 something that you wanted in there. The other thing is, is as  
7 you may recall when we, when we talked with the Pinal County  
8 Sheriff's Office, they wanted a three day notice of any  
9 harvest or transportation of - at the medical marijuana  
10 facility. Now that's not something that you've done at your  
11 dispensaries and you have seven of those in Pinal County, but  
12 here at the cultivation will do that. So that's, that's an  
13 extra measure of protection and we're on the, again we're on  
14 the 287, which is certainly not a hidden street by any means.  
15 Okay. So the - by state law, dispensaries are only allowed to  
16 contract with one cultivation site in the whole state. Okay,  
17 and so your - so Sidewinder, the Dugans, tried to contract  
18 with any Pinal County dispensary, and when they found that  
19 that, at the time, wasn't possible, they went to the closest  
20 dispensary to the County which is in Mesa, Kind Meds, and they  
21 have negotiated a contract. Now that said, there's one - we  
22 don't think that your - and we know that when we went through  
23 this, this conversation with the Board of Supervisors and with  
24 you, that the intent was not that the cultivation site had to  
25 contract with a Pinal County dispensary, it was just that

1 cultivation sites, you shouldn't have more than seven. You  
2 shouldn't have more than how many dispensaries you had. It  
3 would certainly be some sort of unlawful restraint - of course  
4 this is my opinion, not your County Attorney's but - of  
5 commerce to require that cultivation sites only be allowed to  
6 contract with Pinal County dispensaries. And you certainly  
7 don't require any dispensaries to contract with Pinal County  
8 cultivation, in fact just the opposite. What's happened here  
9 is we went to Coolidge. They're currently working on getting  
10 their own grow site. Casa Grande contracts with one in  
11 Phoenix at McDowell Avenue. Florence has not opened yet, but  
12 they have a prospective grow partner in Tempe. The Oracle San  
13 Manuel site contracts with a site in Phoenix at Deer Valley  
14 and 7<sup>th</sup> Street. Superior gets their product from McDowell  
15 Avenue in Phoenix, and Eloy has a Prescott Valley grow.  
16 Apache Junction has a grow in Apache Junction, and then  
17 there's one other dispensary, Ponderosa, and the gentleman  
18 that owns Ponderosa is here today. He's in Maricopa, the  
19 Maricopa CHA in the County, and we are attempting to contract  
20 with him. They were in some litigation and they were unable  
21 to sign a contract, but we're very hopeful that that will  
22 resolve. We don't think we have to do that, and I could come  
23 here today and say we are pretty certain that we're going to  
24 do that, but I just want to make sure that we know that, you  
25 know, we're making our best efforts and that's where we're at.

1 So one, your use permit's going to create great jobs in Pinal  
2 County for the use, and that's what I - and I do want to just  
3 mention because Ashlee brought it up and I assume that you  
4 talked about this before this in executive session, and  
5 Jennifer do we have - after all this - okay, I just wanted to  
6 talk a little bit about the Comp Plan, because - hold on a  
7 second - okay. So I know that the staff has said that this is  
8 an industrial land use. That doesn't make much sense to us,  
9 considering that you have always allowed - oh, now it's just  
10 doing it by itself - you've always allowed this use in only  
11 CB-1 or CB-2. So before today, or before a few weeks ago -  
12 frankly, before our text amendment was approved and then we  
13 went to come forward with the use permit, the County staff was  
14 always saying you're going to come back with a use permit  
15 immediately, and we're like yes, we actually are. And then  
16 all of a sudden we submit and they say well no, it's illegal  
17 because somehow we allowed our Board of Supervisors to pass  
18 something that doesn't comply. And that's, that's just  
19 bizarre. So we looked at it and we're like well you don't,  
20 you don't have - and let me - sorry this has got its own mind,  
21 I guess, today for me. Jen, can you help me? Okay, so - all  
22 right. So before it was allowed, it was considered, I guess,  
23 by the staff as commercial. And then we did a text amendment  
24 to make it allowed an agg, right, and that's what you all  
25 approved. And so now they're saying well no, it's not even

1 commercial, it's industrial and I just don't, I don't know how  
2 that changed. But in any case, if it's commercial as it was,  
3 you know, a few months ago, then you allow commercial 25 acres  
4 or less in MLDR. So ours is five acres, or ten acres maybe,  
5 and I just - it's very strange. Now, you approved this text  
6 amendment and discussed in really great detail the Board of  
7 Supervisor actually had several sessions where they instructed  
8 the staff to accept our special use permit, our use permit  
9 application and move it forward. So the question I think  
10 someone asked was is the applicant aware that the staff  
11 disagrees with - thinks that this is against the Comp Plan?  
12 Yeah, we were aware of it, but we weren't aware of it until  
13 the text amendment passed and we went to a - we went to submit  
14 our use permit and we honestly - and I don't mean to be rude,  
15 but I'm just telling you what my client has expressed, and I  
16 don't - we felt it was kind of a gotcha. Like we're up there,  
17 you know, making all these maps that show immediately people  
18 are going to come in with use permits and then we turn  
19 something in, and then we're told that oh in fact we allowed  
20 the Board of Supervisors to pass something that now we think  
21 is illegal. It just doesn't, it doesn't make much sense to  
22 us. So anyhow, that's - I guess that particular issue is  
23 probably a Board of Supervisors issue, you're a planning body,  
24 you're looking at the use, is this an appropriate location for  
25 the use, and so I really focus my presentation on the use and

1 the location for, for that and why this, we think, makes a lot  
2 of sense as a follow-up to your text amendment. So I'm happy  
3 to take any questions and I appreciate your time today.

4 HARTMAN: Okay. Before we - Commission Members,  
5 before we - I turn it back to you for questions, I'd like, I'd  
6 like from Mark, we're kind of - Jordan, we're kind of getting  
7 into some legal things that we don't really have that much  
8 control on, and know about. I'd like to have Mark maybe  
9 comment on the legality of what Jordan just said, and what,  
10 what we have been directed. Greg Stanley, back in July 8<sup>th</sup>  
11 suggested that we go on with an amendment to the Comprehensive  
12 Plan, and we're not doing that now, we're asking for an SUP.  
13 So Mark, if you would.

14 LANGLITZ: Mr. Vice Chair, yeah. I think Ms. Rose  
15 made a lot of statements. I don't know that I remember all of  
16 them, or can comment, can comment on all of them. But yeah,  
17 there's a disagreement regarding the requirement for a  
18 Comprehensive Plan amendment. And when the Board approved the  
19 ordinance, they approved the use with a, and only with, a  
20 special use permit. In doing that, the Board in essence then  
21 took all of the special use permit requirements and  
22 incorporated those into the ordinance. The ordinance itself -  
23 and I heard one comment about that the Board action was  
24 illegal. The Board action was never illegal, there's no legal  
25 issue with the Board action. What the Board did not do, and

1 what the ordinance did not do, is approve offsite medical  
2 marijuana cultivation in a GR zone, period. It approved it  
3 with an SUP. So now you go to the SUP process, and in the  
4 County's development code there's a specific provision that  
5 requires that the use permitted through an SUP be consistent  
6 with the County's Comprehensive Plan. Now the Comprehensive  
7 Plan is the overall master planning document of how the County  
8 wants to see itself in the future, where it wants areas of  
9 growth to be. And the Comprehensive Plan includes both land  
10 use designations by title in a narrative as to what's  
11 permitted in those designations, and what goes together with  
12 that is a map which shows the areas, and all of the areas have  
13 a certain color, yellow, blue, red, green. So when an  
14 application comes in for an SUP in a GR zone, staff has to  
15 take a look at the Comprehensive Plan designation. In this  
16 particular instance, the Comprehensive Plan designation is  
17 Moderate Low Density Residential shown in yellow, and the  
18 Comprehensive Plan lists authorized uses in that land use  
19 designation. Unfortunately, whether medical marijuana offsite  
20 cultivation is considered or industrial, industrial or  
21 agriculture, that doesn't answer the question. Neither one of  
22 those uses is allowed in the yellow Moderate Low Density  
23 Residential. So very shortly after the Board approved the  
24 ordinance, which was February 18<sup>th</sup> of this year, there was a  
25 telephone conference with the Rose Law Group and staff, and

1 after - for this site, it was looked at, what was required for  
2 an SUP, it was realized that it's a Moderate Low Density  
3 Residential, you need to do a Comp Plan amendment. And to try  
4 to assist them, it was determined that well employment is a  
5 Comprehensive Plan land use designation that arguably would  
6 accommodate medical marijuana cultivation as an activity that  
7 would lead to employment opportunities, so the applicant's  
8 representative was advised that just do a minor Comprehensive  
9 Plan amendment, change the land use designation to employment  
10 and that way you wouldn't need a comp - you, you know, you'd  
11 be able to proceed with a SUP application. But again, for  
12 whatever reasons, that, that wasn't followed. And one other  
13 point I'll mention is there was some discussion that medical  
14 marijuana dispensaries, or medical marijuana uses was previous  
15 allowed in commercial, so it was considered a commercial  
16 activity. Well yeah, dispensaries were permitted. There was  
17 no provision for offsite medical marijuana cultivation, that's  
18 what the ordinance created. So a dispensary is a retail sale  
19 of medical marijuana, and a dispensary is a commercial  
20 activity. There's no doubt offsite medical marijuana  
21 cultivation is not and it doesn't fall within that category.  
22 Those are the main points that I can think of. If there's a  
23 specific question, I'll be glad to try to answer it.

24 HARTMAN: Mark, on the dispensary, should it not be  
25 a dispensary in Pinal County? I know Ms. Rose has showed that

1 other cultivation is out of, out of the County and that we're  
2 kind of thinking that it should be in - the dispensary should  
3 be part of it in the County, in Pinal County.

4           LANGLITZ: Yeah, Mr. Vice Chair, there is no legal  
5 issue that the dispensary that grows or cultivates medical  
6 marijuana - which by the way under State law only a dispensary  
7 can cultivate it, but I think Jordan indicated that by saying  
8 anyone onsite has to have the card issued by the health  
9 department, so only a dispensary can cultivate; and our zoning  
10 code allows only Pinal County dispensaries to cultivate in  
11 Pinal County, with the reason being that it meets the needs of  
12 the residents of, you know, serves the interests of the  
13 residents of Pinal County. But yes, there is no legal issue  
14 that it has to be connected with a Pinal County dispensary,  
15 and I believe the Board is in agreement on that. So that's  
16 not really an issue going forward.

17           HARTMAN: All right, Mark. Thank you. Now I'm  
18 going to let the Commissioner Members, includes you Mark,  
19 before we move on. Mary Aguirre-Vogler, who would you like to  
20 address? Mark? Legal?

21           AGUIRRE-VOGLER: Well, in a way. Looking at this  
22 book here that says a lot of issues weren't addressed and the  
23 Rose Law Group addressed all of them. There's seven issues  
24 here, and the last issue was made by the County Manager. Are  
25 you familiar with that statement, Mark?

1 HARTMAN: What page?

2 AGUIRRE-VOGLER: It's page three of three. It says  
3 it's referring to the Comprehensive Plan. It says not  
4 addressed. Conformance to adopted Comprehensive Plan, this is  
5 not - basically what I'm getting at is there's so much  
6 confusion, I'm just wondering if all these issues can be  
7 solved by a continuance, because you know - but basically the  
8 County Manager is saying - he's instructing staff to process  
9 the SUP without a Comprehensive Plan amendment. Are you  
10 familiar with this statement?

11 LANGLITZ: Yeah, yes, Mr. Vice Chair, Commissioner.

12 AGUIRRE-VOGLER: I'm totally confused here.

13 LANGLITZ: That's not a - that comment is a little  
14 bit out of context.

15 AGUIRRE-VOGLER: That's why I'm asking to see if we  
16 can do a continuance, because it seems like there's just too  
17 many issues.

18 LANGLITZ: Well I can answer that issue right now.  
19 The instruction was to process the SUP application, make the  
20 legal argument that a Comp Plan amendment would be necessary,  
21 and then let it proceed as follows. That does not say, and it  
22 was not the intent, to process an SUP application without a  
23 requirement of a Comprehensive Plan amendment. Does that help  
24 clarify that?

25 AGUIRRE-VOGLER: No, I'm totally confused on so many

1 matters here, that it's impossible for me to make any - except  
2 for a continuance.

3 HARTMAN: Commissioner Salas?

4 SALAS: Jordan?

5 HARTMAN: Your microphone, please.

6 SALAS: Excuse me. It thought I could speak loud  
7 enough. But anyway, Jordan before this thing gets muddied up  
8 within the Commission, I have two questions. Can this be done  
9 simply by incorporating the app to comply with the  
10 Comprehensive Plan? That's, that's the thing that we're  
11 under, because we have a Comprehensive Plan that says that  
12 these applications have to go through that rule. So the other  
13 one would be that we need Pinal County as a dispensary for  
14 distribution. That would be one of the stipulations that this  
15 Commission would put on the applicant. And so I don't see the  
16 difficulty that it would take for both items, incorporation of  
17 the Comp Plan. I don't think it would be a prolonged process,  
18 which would be benefit for you. I know you have your reasons  
19 for not wanting to go through that process, but however, since  
20 this is going to go on forward, the answers to you would have  
21 to come from the Board. Therefore if there's any disagreement  
22 on what's to go through the litigation, would go through the  
23 Board and not with the Commission. So I think, you know,  
24 without further ado, we don't need to make this a drag out  
25 trying to explain whatever items we don't understand, so I'm

1 throwing the ball back into the ballpark, and the Supervisors,  
2 if I have an opportunity to do so.

3 ROSE: Chair, and Commissioner Salas, I think to  
4 answer your question because you are a land use planning  
5 Commission and it is a very complicated legal issue, that you  
6 certainly could understand, but we could also spend a lot of  
7 time debating it, obviously, as you can see as we have. We  
8 think there's absolutely no reason for a Comp Plan amendment,  
9 that's ludicrous and I can go through so many different ways.  
10 But like you said Commissioner Salas, that's a Board decision,  
11 they can make the decision whether or not they think it  
12 complied or didn't comply. You need to make a decision is  
13 this a good place for what you decided could be done in Pinal  
14 County. And so with that, I would say we would take a - we  
15 would absolutely accept a stipulation that said - or a  
16 suggestion in your motion that said we'd like the Board of  
17 Supervisors to decide on if it complies with the Comp Plan or  
18 not, because that's not our purview, and then secondly, we'd  
19 prefer if they would contract with a Pinal County dispensary,  
20 knowing that you can't legally require us to, as Mark just  
21 said, but - and we'd prefer it too. I mean the owner of the  
22 Maricopa dispensary is sitting here and he really wants to  
23 contract with the Dugan family. So that's good. So yes, we  
24 would absolutely, if that could definitely short - could allow  
25 that debate to happen where it should happen, frankly. And

1 then Mark and I can keep talking. We'd love that.

2 SALAS: We represent Pinal County, I don't see why  
3 we would support the money flow going into Maricopa County.  
4 That's my own personal opinion, okay?

5 ROSE: That would be the Dugan's preference as well.

6 SALAS: I think that the shortcut at this point over  
7 the argument that we're going to develop here and get the  
8 water muddied up any further, would be to make a - well hell -

9 MORITZ: Mr. Vice Chair?

10 HARTMAN: Frank, are you finished?

11 SALAS: I'm done.

12 HARTMAN: Okay. Yes, Commissioner Moritz.

13 MORITZ: First of all, I want to say to the  
14 applicant, it's a gorgeous property, beautifully maintained.  
15 If there were to be a cultivation site, this would be it in my  
16 opinion. And I agree with Commissioner Salas, I think we can  
17 move forward and get this thing going. You've been on it a  
18 long time.

19 ROSE: Yes, and so have you. So have you. We  
20 appreciate that.

21 HARTMAN: Okay, Commission Members, any further -  
22 yes. David Gutierrez.

23 GUTIERREZ: Ms. Rose, other than you don't think it  
24 doesn't need it, what's the objection to filing an application  
25 requesting an amendment to the Comprehensive Plan so that it

1 would comply with the Pinal County Comprehensive Plan?

2 ROSE: Chair and Commissioner Gutierrez, two things.  
3 One is the first suggestion is - and in fact when we first,  
4 you know, looked at the site, before we made, before we came  
5 through with the text amendment to allow it in an ag  
6 district, we looked at would we just change the Comp Plan to a  
7 commercial, you know, use, or an industrial use. And we  
8 looked at that particular site, and that location, and said  
9 no, that's not good. I mean you're looking at a Comp Plan.  
10 That's a future, you know, goal of what should go there. The  
11 dairy will stay here for a very long time, but it won't stay  
12 here forever, and the farming operation with medical marijuana  
13 cultivation will be here for some time, but again, this is a  
14 transitional use. I mean I don't know if it's, you know, ten  
15 years or 20 years, but to put a designation of employment or  
16 something like that on this property, that's just not - it  
17 doesn't make any sense. It's not - it's just (inaudible).  
18 But then the second thing is when the staff came back and  
19 suggested that they do a major Comprehensive Plan amendment,  
20 which would go through the year process, right, because that's  
21 what it would take, and that's what you saw was withdrawn from  
22 your major Comp Plans, because it was directed - the Board  
23 directed them, you know, not to go forward with that. But  
24 that was a year process, and that added medical marijuana as a  
25 specific - as something specific in the Comp Plan. That's not

1 done for anything else. You don't have - you can go all sorts  
2 of crops, and it's not designated specifically. You can do  
3 all sorts of uses, and they're not designated specifically.  
4 So it's just totally unnecessary. I've never seen anything  
5 like that in Arizona, and you know, we've seen lots and lots  
6 of difference ordinances. So it doesn't make much sense. You  
7 can look at the actual ordinance, you know, that you passed  
8 and you can see it's permitted in GR, C-3 - it says right here  
9 - permitted location, I wish I could project it for you, but  
10 medical marijuana dispensary offsite cultivation location -  
11 this is your ordinance - is only permitted in CB-2, general  
12 business zoning district; GR, general rural, which is what we  
13 have zoning district, or C-3 - general commercial zoning  
14 district. And the State, you know, State law says you - this  
15 complies with the general plan. I mean that - so it's very -  
16 again, we can sit here forever and talk about the legal  
17 issues, but that's my, my really con, convoluted answer to  
18 your simple question, so I'm sorry, Commissioners. I could  
19 keep going on and on. But I do like, I like Commissioner  
20 Salas', his approach is fine for us. We can - yes. Because  
21 you're a planning body, so.

22 HARTMAN: Commissioner Smyres.

23 SMYRES: A question for Mark, should this be  
24 approved, does this SUP cover the entire 50 acres, plus or  
25 minus? In other words, would it have any affect on the dairy

1 operation at this point, since that is a different use than  
2 the SUP calls for?

3 ROSE: It's specific. We made it specific.

4 LANGLITZ: Yeah, Mr. Vice Chair, Commissioner. No,  
5 it wouldn't really affect the entire parcel. Because of the  
6 limitation of five acres, it would allow the area where they  
7 want to utilize it for cultivation, it would allow that, but  
8 it doesn't open up the entire 50 acres. Does that answer your  
9 question?

10 SMYRES: Yes, thank you. I had forgot the five acre  
11 stipulation. Sorry.

12 LANGLITZ: Okay.

13 ROSE: And Chair, and Commissioner, you could also  
14 stipulate us to the site plan that is - yes, so it can't move  
15 anywhere.

16 GRUBB: Mr. Chair?

17 HARTMAN: Bill, Commissioner Grubb.

18 GRUBB: Thank you. I'm still not satisfied that we  
19 got the answer that Mr. Gutierrez was looking for, and why you  
20 don't want to do this. Why don't you take the five acres and  
21 move into a compliant zoning? Because if, if they want to  
22 change it in the future because it doesn't work anymore, or  
23 because one of the republicans from last night got elected and  
24 started enforcing the federal laws - because they all kind of  
25 commented on that - and it stops all of this, then come back

1 and change it to where you want it to be. I mean that's how  
2 that process - there's a process that says I want to make a  
3 change to the plan, and I want to grow marijuana on this piece  
4 of property. What do I have to do to do that? I want to  
5 change the plan to do that. Okay, now it's a year later, it's  
6 five years later, it's ten years later, they come back and say  
7 you know what, I want to go back to being this, or I want to  
8 put a Wal-Mart there. Now I've got to go in and get it  
9 changed again. I'm all for property rights. I believe that,  
10 you know, doing on your land and it's your land, you do what  
11 you want to do, but you got to - there's rules. There's rules  
12 that have to be met. They were set by the Comprehensive Plan.  
13 This is what we want it to look like. And if you want to  
14 change that, then follow the rules. Because yes, general  
15 rural allows this, but the SUP process doesn't give you the  
16 right to put medical marijuana there, because it's not  
17 agricultural. I mean that's the decision. I mean that  
18 decision, I think, came from the State legislature. It is not  
19 - it's not agricultural. You're growing a hallucinogenic drug  
20 and if this was a drug company that wanted to grow poppies,  
21 we'd be in the same boat. So I'm still not sure why - what  
22 the challenge is to file some paperwork and pay a fee and get  
23 the change that you want, and we wouldn't be here doing this,  
24 and I'm just having a hard time with that. You know, I  
25 realize what you've been through, and it's a struggle

1 sometimes. Dealing with any government can be a struggle at  
2 times, but the rules were set up for the best interests of  
3 Pinal County, and at the same time trying to respect property  
4 rights. So let's follow the rules.

5 ROSE: Chair and Commissioner Grubb, I certainly  
6 appreciate that. And the thing is, and I don't know what you,  
7 you know, previously talked about behind the doors, but we  
8 have. We came in and we changed - we spent a year, right,  
9 because we looked at this and said in GR, before we came  
10 through with the text amendment, we were zoned GR, right? The  
11 Comp Plan is MLDR and we know that that - we needed to add the  
12 GR to your ordinance, which currently - before that, permitted  
13 the offsite cultivation growing in CB-1, CB-2 commercial, and  
14 dispensaries. They were all limited to that. So, so the  
15 Dugan family, following the rules said then we need to see if  
16 the County will accept our text amendment so that we can do  
17 this. And so we did. We changed the text so that it is  
18 allowed. And I will tell you that I - and again, I'm not -  
19 obviously I'm not your attorney, but I don't even think  
20 there's a chance that this is not allowed in your  
21 Comprehensive Plan. I don't even think there's like one  
22 percent chance that if that actually - I mean so when we heard  
23 that, we were like what? You got to be kidding me. First of  
24 all, why would, why would the County Attorney's Office allow  
25 this to go all the way through knowing that the only - that

1 the idea was in GR you're going to get special use permits to  
2 grow marijuana, right? And no one ever said - in fact, no one  
3 ever said during that conversation that oh by the way, you  
4 actually can't do it in GR. No, in fact you had - remember  
5 that map that was thrown up that had all those colors and said  
6 this could be on any farm land with a use permit, with just a  
7 use permit. And that was said over and over, and it was said  
8 kind of in that manner, you know? So I mean all of a sudden  
9 oh voila, now you need to change the Comp Plan again? Like  
10 that makes no sense. We just went through a text amendment to  
11 follow the rules, so I guess what I'm saying is there is  
12 nothing that we believe that even slightly, legally requires  
13 us to go change the Comp Plan, which is, I know, totally the  
14 opposite of what now the County Attorney said, but that was  
15 never, that was never - that wasn't anything the County  
16 Attorney ever thought before we filed our special permit.  
17 They never mentioned it, in fact they mentioned the contrary.  
18 They agreed with us until they realized this was a way to stop  
19 it. So - and I don't mean to insult him, but we just have a  
20 very different opinion, and they evolved in their opinion very  
21 late in the game. This was not mentioned. So I would have to  
22 say if - you know, I've asked other land use attorneys like  
23 does this make any sense? No. I can't find anyone who agrees  
24 with the County Attorney's Office on this particular issue.  
25 That doesn't say that I'm right and he's wrong, it just means

1 we disagree and it's like you all said, it's a Board of  
2 Supervisors issue.

3 GRUBB: Just to follow up to that. I don't think  
4 it's that anybody on this panel is against the Dugans doing  
5 what they want to do on their property. That's not the issue.  
6 We're looking at the set of guidelines we were given that says  
7 this is what you can approve and this is what you can't  
8 approve. And if I remember correctly, the vote on this to  
9 send it up to the Board of Supervisors, was for denial, and  
10 they overturned that. So we didn't approve - and I won't -  
11 you know, we don't approve or disapprove anything, we just  
12 make recommendations. Our recommendation was denial because  
13 the question about whether or not marijuana is an agricultural  
14 product was brought up and never clearly answered. It's - and  
15 it's not. It's not an agricultural product. Yes it grows out  
16 of the ground. But if you look at the definitions of things,  
17 and what the State has done in trying to have a very tight set  
18 of rules on something that, you know, on a global basis is  
19 illegal, so let's be very tight on how we do this. They said  
20 no.

21 LANGLITZ: Mr. Vice Chair, Mark Langlitz, Deputy  
22 County Attorney. You know, I don't want this to evolve into a  
23 low-level name calling spat between the Rose Law Group and the  
24 County, and the County Attorney's Office, but you know, if  
25 we're going to be - it's - I wish we weren't going down this

1 road, but apparently the County Attorney's Office is being  
2 accused of not advising the Rose Law Group, the legal  
3 representative of the Sidewinder Dairy, how to do what they  
4 want to do. The County Attorney's Office does not advise an  
5 applicant's attorney about what they need to do and don't need  
6 to do, and what they should do, and what they shouldn't do.

7 ROSE: I would -

8 LANGLITZ: Now the ordinance was not drafted by  
9 staff, it was not drafted by the County Attorney's Office.  
10 The County Attorney's Office made a couple tweaks to it in an  
11 effort to make it hopefully somewhat enforceable. The County  
12 Attorney's Office is under no obligation to advise the Rose  
13 Law Group what they need to do. Now, clearly the ordinance  
14 approved the use with a special use permit. If the Rose Law  
15 Group had looked at the requirements for a special use permit  
16 - which it should have, that's not the County Attorney's  
17 Office responsibility to tell them how to practice law - if  
18 they had looked at it, they would have seen the language that  
19 a special use permit must be consistent with the Comprehensive  
20 Plan. Then they would have looked at the Comprehensive Plan  
21 and the definition of what consistency with the Plan means,  
22 and they would have come to the realization themselves of what  
23 they needed to do. So to now turn around and attempt to blame  
24 the County Attorney's Office for their own failure to  
25 recognize and know what they were doing, that's inappropriate.

1           ROSE: Mark, I apologize if that's how you took it.  
2 I was just saying when you instructed your client in public,  
3 you didn't - you were saying that these people are going to  
4 come in by the droves with use permits. There wasn't hey and  
5 they have to get - and look, here's - I just popped this up  
6 here.

7           LANGLITZ: And that wasn't me. I never said  
8 anything to that effect. I just want to clear that up. I  
9 don't know who you're thinking of, it wasn't me or anyone else  
10 from our office, so -

11           ROSE: I just remember that colored map, the tens of  
12 - hundreds of thousands of acres. I apologize, Mark, I don't  
13 - I certainly, I certainly would never expect that you would  
14 advise us. But the zoning regulations, you know, say that  
15 anything that's adopted has to be consistent and conform to  
16 the Comp Plan, and so when you adopted that text amendment,  
17 you, you consis - it was adopted as conforming to the Comp  
18 Plan. I mean I can go through all these slides and we can go  
19 - have this same conversation circularly over and over, but  
20 you're looking at - like Commissioner Moritz said, I mean this  
21 is a site, it's being considered to be for a grow. Do you  
22 like this site for a grow facility for a year or do you not  
23 think it's appropriate? And if you need to stipulate that  
24 with we're just worried about this Comp Plan and the Board  
25 needs to figure it out, because it's a legal issue, then

1 that's, that's fine. I totally get that and I respect that.

2 HARTMAN: All right, Jordan. I think that, I think  
3 that pretty much sums it up. Let's get on with the public -  
4 we've got to go through a public frame. Commissioner Salas,  
5 we've got to go through the proper -

6 SALAS: I need to make one more comment and then we  
7 go to the public.

8 HARTMAN: All right, all right, go ahead. Go ahead.  
9 Commissioner Salas.

10 SALAS: Jordan, I hope you under - excuse me. I  
11 hope you understand and this is repetitious, what we're  
12 working under is the Comp Plan. So we could tear up a Comp  
13 Plan every time some applicant comes in and says I don't agree  
14 with it. And we're not going to do that. That's why I said  
15 (inaudible) further because it's becoming a capricious thing.  
16 Now you're there on the attack that we did this wrong, blah  
17 blah blah, whatever your arguments are going to be, now we  
18 have to respond in kind. So it's becoming a capricious issue.  
19 Knock it off, you know, take it to the next step.

20 ROSE: Appreciate that. And Chair and Commission, I  
21 don't mean that you did anything wrong, I actually think what  
22 you adopted just allows this. That's it. Just what you  
23 adopted allows what we're doing if you think it's a good  
24 location, period. That's the only argument I'm making, so.

25 HARTMAN: Okay, thank you Jordan for your

1 presentation. Now Jordan, I'll reserve the right to call you  
2 back if there's anything that needs to be said about what we  
3 have from the public. And I will call to the public. I want  
4 to remind the public that don't be rep - repetitive - excuse  
5 me, I'm getting tongue-tied here - don't be repetitive on  
6 saying the same thing over each one of you as you come and  
7 testify. So with that, and if you will state that you're  
8 either for or against this special use permit, that helps us  
9 out. We've had individuals talk and they're - they talk and  
10 they don't really tell us, and then I have to ask them well  
11 yes or no, you know. So if you would. First person that  
12 wants to come. Anybody in the audience? Yes, yes sir.

13 WORKMAN: Chairman and Members of the Board, my name  
14 is Jerry Workman and I'm a owner and the CEO of Ponderosa  
15 Botanical Care. We've received - it's a dispensary -we've  
16 received two special permits from you guys, one was for two  
17 years and then we just got it renewed this last year. I have  
18 known Sean for some time now, a we have been working with him,  
19 from the very beginning. But we cannot contract, we're only  
20 allowed one grow facility. And so therefore we can't contract  
21 with somebody that doesn't have a special use permit and  
22 cannot move forward. So we would like to work with him, we've  
23 been to the facility, we looked it over, we've had many hours  
24 of conversations with him about it, how to grow, how to build  
25 it, etc. I have an extensive education in agriculture, and so

1 we've spent a lot of time. But we are unable to do anything  
2 until they're able to get a special use permit to grow. So we  
3 don't have a signed contract, but we've done everything we  
4 possibly can do up to this point, until you guys make your  
5 decision. So as a CEO of Ponderosa, we are hopeful and  
6 support him to get an SUP and be able to grow in Pinal County,  
7 so that we're able to finish contracting with him.

8 HARTMAN: Thank you, Jerry. Jerry one minute. Did  
9 you sign in?

10 WORKMAN: Yes I did.

11 HARTMAN: Okay. Commission Members, any questions  
12 of Jerry? All right, thank you Jerry. Okay. Yes sir, if you  
13 would come forward please. State your name and address for  
14 the panel, Commission. For the Commission.

15 BOYLE: I'm Bill Boyle. My address is 2437 West  
16 Windsor in Coolidge. I believe the pictures we were shown are  
17 somewhat misrepresentative of the area. Just to the south of  
18 the dairy property, there's a fairly nice subdivision, and  
19 there's people living there with kids. Further to the east is  
20 the Pinal County Fairgrounds. There's, at times, a very big  
21 crowd at that fairgrounds. To the east of the property  
22 there's a couple of commercial buildings, or businesses.  
23 There's also a school, there's a low income housing district.  
24 I don't know, I think all these things ought to be taken into  
25 consideration when we do this, when we change the zoning, if

1 we're changing it. And I'm against the marijuana operation.

2 HARTMAN: All right. Commission Members, any  
3 questions of Joel?

4 BOYLE: Bill.

5 HARTMAN: Pardon? Bill, excuse me. Gosh darn.  
6 Okay. Bill, thank you.

7 MORITZ: Mr. Vice Chair?

8 HARTMAN: Yes, Commissioner Moritz.

9 MORITZ: Bill.

10 HARTMAN: Bill.

11 MORITZ: Come back Bill.

12 BOYLE: Where are you?

13 MORITZ: I'm here. You're pointing out locations  
14 where you feel it might be difficult to have this type of  
15 operation near, and I would like to ask why.

16 BOYLE: You know, I think this operation will  
17 attract crime.

18 MORITZ: And it has a block wall around it, it's an  
19 enclosed building, what do you think - do you think people are  
20 going to break into that?

21 BOYLE: You know, when I read the paper, when I  
22 listen to the news, there's just a tremendous amount of crime  
23 connected with marijuana, and it doesn't matter where it is.  
24 Sometimes in Phoenix at a grow operation. Sometime going down  
25 the road by Marana, or Stanfield, but it seems like where

1 marijuana is, it leads to crime.

2 MORITZ: Okay. Thank you.

3 HARTMAN: All right, Commission Members? Other  
4 questions? Okay, back to the audience. Anyone else who would  
5 like to come and speak before us? Yes sir.

6 DUGAN: Commissioners, Chairman. My name's Sean  
7 Dugan, I'm the applicant. I just wanted to tell you guys  
8 thank you very much for your time and consideration in looking  
9 at this, and also, you know, all the confusion over, over what  
10 we need, what we don't need. I just want to say thank you  
11 guys for your opinions and your inputs and just thank you. If  
12 you've got any questions for me (inaudible).

13 HARTMAN: Okay. Commission Members, any questions  
14 of Dennis?

15 [MULTIPLE]: Sean.

16 HARTMAN: Sean. I'm going back, aren't I? All  
17 right, Sean. Sean, do you as the owner of the dairy have any  
18 resistance in changing the Comp Plan?

19 DUGAN: You know, it's just, it's - this whole thing  
20 has been so frustrating from the beginning. I mean do we even  
21 know that the special use permits that have been issued by -  
22 to the dispensaries in Pinal County, if their, their site  
23 matches up with the County's Comprehensive Plan? I mean I've  
24 never even looked into that, but I don't know any other  
25 dispensaries that had to get that use - or the general plan

1 amendment. And that's - it was just never, never brought up.  
2 And then, I mean, to go ahead and change that zoning ordinance  
3 right there for the - I would have preferred just from the get  
4 to make a zoning change. I could have changed it to  
5 industrial from the get, from the very start if that would  
6 have been recommended. Hey - as a matter of fact, Scott had  
7 mentioned, he goes get a zoning change. Well now even if I  
8 would have got that zoning change, I still would have had to  
9 go back and get a general plan amendment, even after the  
10 zoning change.

11 HARTMAN: Comprehensive.

12 DUGAN: A Comprehensive Plan, yeah. So it just, it  
13 just doesn't make any sense to me at all, why we would have to  
14 do that.

15 HARTMAN: Yes sir, go ahead.

16 PUTRICK: He forgot my name too. Well I think  
17 everybody knows that this is all new territory for all of us.  
18 We're all kind of stumbling around trying to figure out what  
19 the right thing to do is. I think our concern here on the  
20 Commission is that if we go - if we do the SUP without  
21 changing the Comp Plan, we're establishing a precedent and we  
22 think that is - that's an area of concern. And then I just  
23 had a thought for you, it doesn't mean much. But in aviation  
24 we used to have a saying that we see the light at the end of  
25 the tunnel, but be aware that the light at the end of the

1 tunnel may be the headlight of an oncoming train. So you got  
2 to go with the flow, I guess. But I think we have a way to  
3 go, Mr. Chairman, and I think we ought to just do that. Thank  
4 you.

5 HARTMAN: Thank you, Mr. Putrick.

6 GUTIERREZ: Mr. Chair?

7 HARTMAN: Gutierrez. Commissioner Gutierrez.

8 GUTIERREZ: Mr. - you know, you mentioned that about  
9 changing the ordinance, you know, or putting the different  
10 application early on.

11 DUGAN: Right.

12 GUTIERREZ: In the thing. When I was going through  
13 the notes it was back in July, I think, that it was brought up  
14 before the Board of Supervisors, that it was mentioned at that  
15 point, you know, that maybe a change to the Comprehensive Plan  
16 may be needed. I think one of the things that we all also  
17 have to recognize is that this is kind of a new thing, it's  
18 kind of a living law, if you will, you know, it keeps evolving  
19 and changing, and this is being a grow facility versus, you  
20 know, the dispensary. It also has different ramifications.  
21 And one of the concerns is doing it right from the get-go,  
22 because this, this may be one of the first, but it's not going  
23 to be the last, I don't think unless there's, you know,  
24 changes that take place in the future. So one of the things  
25 we're trying to do is do it correct from the beginning and get

1 this all straightened out.

2 DUGAN: Completely understood, that's why I wanted  
3 to make sure and express my thanks to you guys, because like  
4 you said, you are setting a precedent. But I mean it can  
5 always be changed after the fact as well. If we do decide  
6 yeah, okay, we are going to need that general plan amendment,  
7 the next guy that comes through or in a year, maybe you guys  
8 say hey look, you need to go back and get a - you know, it's  
9 kind of up to you guys, you know? Up to the Supervisors and  
10 all that kind of stuff. So I'll go whatever direction you  
11 guys - thank you.

12 GUTIERREZ: Thank you.

13 HARTMAN: Sean, I kind of want to ask you a  
14 question. Do you realize that one of your neighboring cities  
15 will allow cultivation of marijuana?

16 DUGAN: Yeah, and they got one up right there, right  
17 there in Coolidge that they just put one up and actually would  
18 have saved a lot of time and frustration to put it in  
19 Coolidge.

20 HARTMAN: Yeah, you could have asked to be annexed  
21 into the City.

22 DUGAN: Yeah they (inaudible) too as well.

23 HARTMAN: All right. Commission Members?

24 GRUBB: Mr. Chair. It's the rule of unintended  
25 consequences. When you get something changed, if you haven't

1 looked forward to see how that change is going to affect you,  
2 you could be surprised. So the Board of Supervisors said  
3 okay, you can have it in general rural, but now you have to  
4 follow the rules that come with that. Not just make a change  
5 and think that it's all done. You're never done when it comes  
6 to the government because there's - and I'm not criticizing  
7 the government because again, it was done for the betterment  
8 of our County. But you've got to look and make sure, as you  
9 move forward, that what you're trying to do isn't going to put  
10 up a roadblock. And in this instance, it did.

11 DUGAN: I actually have another question. I have a  
12 - my father owns a couple pieces of property right there that  
13 are zoned what is it, CB-1 or - C-1 and C-2 or whatever. If I  
14 were to put the facility right here, would I still have to get  
15 the general plan amendment, because those are already zoned in  
16 that commercial-type property. So would I have had to go back  
17 and get another special use permit?

18 GRUBB: For the staff for that. Staff looks those  
19 things up.

20 DUGAN: Because it wouldn't comply with the general  
21 plan, but it's already zoned to industrial commercial, I mean.

22 HARTMAN: Steve, I guess the question we direct to  
23 you on that one.

24 ABRAHAM: I'm looking through the code right now.

25 DUGAN: Because that wouldn't comply with the

1 general plan either.

2 HARTMAN: Steve, you're - you want to -

3 ABRAHAM: Yeah, let's come back to that.

4 HARTMAN: Yeah.

5 ABRAHAM: Not really pertinent.

6 HARTMAN: We can get you an answer to that one,  
7 Sean.

8 DUGAN: Okay. That's okay.

9 MORITZ: Mr. Vice Chair?

10 HARTMAN: Yes, Commissioner Moritz.

11 MORITZ: This seems like a difficult situation,  
12 because I get very frustrated dealing with red tape and  
13 ongoing, and I hate continuances and this, that and the other.  
14 Would you say it's fair to say that this changed midstream for  
15 you? That all along you thought the SUP would work, and then  
16 all of a sudden staff came in and said oh wait a minute, you  
17 need to do this? Is that kind of how it went?

18 ??: (Inaudible).

19 MORITZ: And the SUP would be for a year. And I  
20 think some of it, too, is that, I think legal looked at it and  
21 determined we need to do this now to be legal, and now has put  
22 this constraint on you. How long ago did you actually start  
23 this process?

24 DUGAN: Oh shoot, it's been over a year and a half,  
25 I believe, since - from the start of the text amendment and

1 all that kind of stuff, so quite a while.

2 MORITZ: Okay. All right. And how long - staff,  
3 how long does it take to process an amendment to the  
4 Comprehensive Plan?

5 ABRAHAM: It would be - in this case it would be a  
6 non-major Comprehensive Plan, and that would run concurrently  
7 with this SUP, which would be about four months.

8 MORITZ: Oh, okay. Thank you. Thank you.

9 ABRAHAM: Now just to clarify, because Ms. Rose just  
10 said something - that it's going to be - the changed land use  
11 designation. I want to make sure we're not mixing concepts  
12 with - the thing that we brought to the Board of Supervisors  
13 was a major amendment to address medical marijuana. The  
14 Dugans specifically would have required a change to their  
15 land, which would have gone the four month process.

16 LANGLITZ: Mr. Vice Chair, Mark Langlitz. I want to  
17 address one comment.

18 HARTMAN: Okay Mark, if you would.

19 LANGLITZ: I'm probably speaking on behalf of staff,  
20 but I think it's important that this Commission understand.  
21 Certainly everyone has nothing but the highest level of  
22 respect for Mr. Dugan. The issue has never been with Mr.  
23 Dugan. I think it's generally accepted that when a site goes  
24 in, he's exactly the right type of person, that's exactly the  
25 right type of site for this. However, the frustration that

1 felt, should not be directed at staff. Staff was cut out of  
2 the process from the get-go. There was no interest in  
3 consulting staff with this ordinance. There was no guidance  
4 received from the professionals who could have looked at this  
5 and done a better job. Staff was absolutely cut out, and it's  
6 not their fault that when it did come back to them and they  
7 began to their job, that now they are advising the applicant  
8 what needs to be done. They weren't consulted before, and as  
9 I mentioned they were told we're not interested in dealing  
10 with you. So I think in fairness to staff, that's the source  
11 of the problem. And I'll also mention that, you know, there's  
12 been some more shots to the County Attorney's Office. The  
13 County Attorney's Office didn't originate anything. We give  
14 legal advice. That's all. We don't run the process, we don't  
15 take charge of the process, we're not the engine running this  
16 thing, so I just want to make sure that the Commission  
17 understands that too. Thank you.

18 HARTMAN: Okay, thank you Mark. All right, Shane.  
19 Bill. Sean, excuse me, Sean. Thank you. Commission, we're  
20 good. Bill did -

21 GRUBB: No, I have nothing.

22 HARTMAN: Okay. Putrick. Okay. Smyres?

23 SMYRES: I just - quick question. Assuming this  
24 process goes forward and Board of Supervisors meets - let's  
25 say you have a permit, you're ready to go first of November.

1 First of November. You have to put a ten foot wall around  
2 this five acres, is that the - I guess what I'm getting at is  
3 how long is it going to take for you to actually be in  
4 production? Will you be in production within the first year  
5 before you're up for review?

6 DUGAN: You know that's, that's a really good  
7 question. As soon as we're through, we got to wait for the  
8 weather to be right as well, so you can't plant in the middle  
9 of the winter. So the closest time I'd be able to plant would  
10 be in the spring, and I'd have to blow up a big pot plant  
11 population by that time. So - because it wouldn't be from  
12 seeds, you'd have to do cloning.

13 SMYRES: So you could conceivably be up for review  
14 before you actually produce anything, is that my understanding  
15 of the process?

16 DUGAN: Possible. Yes.

17 SMYRES: Thank you.

18 HARTMAN: All right, Commission Members, if - no  
19 more questions? Thank you, Sean.

20 DUGAN: Thank you guys.

21 HARTMAN: Okay, is there anyone else in the  
22 audience? If not, we'll close it to the audience. Jordan,  
23 would you like to come back up? All right, thank - I  
24 appreciate that. Yes, okay. Commission Members, I'm going to  
25 close it to the audience and come back to the staff - I mean,

1 excuse me, come back to the Commission. We'll probably go to  
2 the staff too, but come back to the Commission for discussion  
3 and comments, and then a motion. Commission Moritz.

4 MORITZ: I'd like to make a motion that we forward  
5 SUP-003-15 to the Board of Supervisors with an approval,  
6 adding a stipulation that an application for a Comprehensive  
7 Plan amendment be made.

8 HARTMAN: Anything else?

9 MORITZ: Maybe.

10 HARTMAN: We've kind of talked about -

11 LANGLITZ: Mr. Vice Chair, it's Mark Langlitz.  
12 Another Board member can ask to amend the motion if they  
13 wanted to add something to that.

14 HARTMAN: Okay -

15 LANGLITZ: Which would be fine, so it would be  
16 Commissioner Moritz's motion, then with something added on if  
17 a member wanted to do that. Or not, maybe not.

18 MORITZ: That is my motion.

19 HARTMAN: Okay. Do we have a second to that motion?

20 DEL COTTO: I'll make a second.

21 HARTMAN: Who seconded?

22 [MULTIPLE]: (inaudible).

23 HARTMAN: Ah. Okay. With that we have a second to  
24 the motion. Is there any discussion on the motion? Yes,  
25 Commissioner Smyres.

1           SMYRES: (Inaudible). Now we're asking him to do  
2 the very thing that they said they didn't want to do. They  
3 did not want to come for a Comprehensive Plan amendment, but  
4 if we forward this to the Board of Supervisors, we're asking  
5 them to do exactly what they said they didn't want to do, if  
6 my understanding is correct.

7           MORITZ: Mr. Vice Chairman?

8           HARTMAN: That's exactly right. Commissioner  
9 Moritz.

10          MORITZ: The Board of Supervisors will do what they  
11 want to do with that.

12          HARTMAN: That's exactly right, and that - well  
13 without getting into any detail, I think that we don't need to  
14 have a lot of discussion on that. But one of the - but thank  
15 you for the discussion. One of the, one of the thoughts that  
16 I was thinking that maybe we should also include the fact I  
17 think it's written, if from what I'm picking up from Mark,  
18 that it's written that this cultivation, offsite cultivation  
19 needs to be connected with somebody in Pinal County also, and  
20 I just thought it is a Commission Member's right to make  
21 stipulations. Normally we don't do the stipulations, staff  
22 does them, but on an SUP we have the right to make a  
23 stipulation, and I just thought maybe we would include the  
24 fact that it needed to be -the dispensary needed to be  
25 connected with Pinal County as dispensary. Mark?

1           LANGLITZ: Mr. Vice Chair, yes that's correct. And  
2 procedurally, I believe - the motion was seconded?

3           HARTMAN: Yes it was.

4           LANGLITZ: Okay, the motion was made -

5           HARTMAN: On the floor.

6           LANGLITZ: Right.

7           HARTMAN: (Inaudible) discussion of the motion.

8           LANGLITZ: Right. So before any changes were made,  
9 that motion would have to be voted on, and then if it carries,  
10 it carries. If it doesn't, then an alternative motion could  
11 be made. You probably already know that, though.

12          HARTMAN: Yeah.

13          LANGLITZ: Okay.

14          HARTMAN: I'm with you.

15          LANGLITZ: You know that a lot better than me.

16          HARTMAN: All right. Commission Members, without  
17 any further discussion, we'll call for a voice vote. All  
18 those in favor of the motion as so stated, with one  
19 stipulation. All those in favor say aye.

20          COLLECTIVE: Aye.

21          HARTMAN: Those opposed

22          COLLECTIVE: Nay.

23          HARTMAN: Nays - motion defeated. Okay. Let's work  
24 on another motion.

25          SALAS: Jill, make the motion (inaudible).

1 MORITZ: I'd like to make a motion that we forward  
2 SUP-003-15 to Board of Supervisors with two stipulations. The  
3 first one being that the applicant needs to file for a  
4 Comprehensive Plan amendment, and the second being that it  
5 comply with having a dispensary and the cultivation in Pinal  
6 County.

7 HARTMAN: Okay, do I have a second to the motion?

8 SALAS: Second.

9 HARTMAN: Commission Salas seconds the motion. With  
10 that, Commission Members any discussion? If not, I'll call  
11 for a voice vote. All those in favor say aye.

12 HARTMAN: Aye. Opposed?

13 ??: Nay.

14 ??: Nay.

15 HARTMAN: Two, two against. Okay, motion carried.  
16 Jordan, you heard the Commission's motion. All right. Good  
17 luck with the Supervisors. We're just a recommending body,  
18 remember that. All right. Let's take a ten minute recess.  
19 So I can get my mind back together. [Break.] ...after our  
20 recess, and the next case is SUP-009-15. Ashlee has that  
21 case.

22 MACDONALD: I do, thank you Vice Chair and  
23 Commission. This is a special use permit request for approval  
24 a special use permit to operate 120 foot tall wireless  
25 communication facility. It's on a 50 by 50 foot lease area on

1 a seven acre parcel in the GR zone. To date staff has not  
2 received any letters in support or in opposition. It's  
3 located off of Henness Road, east of I-10 in the Casa Grande  
4 area. The applicant is Sun State Towers, with Pinnacle  
5 Consulting acting as agent. Again, the subject property is in  
6 the Casa Grande area, just east of I-10, Casa Grande being on  
7 the other, the other side of that interstate. Area map of the  
8 property. It is accessed off of Henness Road. You take the  
9 McCartney Road exit off of I-10, and then kind of circle  
10 around to get to the subject property. On the west side of I-  
11 10 is the City of Casa Grande limits. The Comprehensive Plan  
12 designation on the site is both Moderate Low Density  
13 Residential and Mid Intensity Activity Center. So this is an  
14 area that our Comprehensive Plan sees as a future growth  
15 center with that activity center. The existing zoning onsite  
16 is General Rural, as surrounding properties have the same zone  
17 of general rural. State Land being immediately to the east.  
18 An aerial photograph of the property shows that it is  
19 currently developed. This is part of a larger special use  
20 permit that already exists to do equestrian type events. So  
21 the building that you use on there historically has been used  
22 for storage, and there's some lights on the property for those  
23 equestrian events. This is the applicant's site plan. You  
24 can see to the, kind of southeast of the property is where  
25 this facility would be located, the 50 by 50 foot lease area.

1 And then these are elevations of the tower. You can see here  
2 that it is not designed to be stealth in nature, so there is  
3 no camouflaging of this site, it is 120 feet tall. And then  
4 staff also included the coverage map so that you can take a  
5 look. One of staff's concerns that you read about in the  
6 staff report is that this tower, in addition to it not being  
7 stealth design or colocated and the height of 120 feet, is  
8 that it doesn't really fill a coverage gap. The area in red  
9 on the map, you can see there is coverage, it may not be as  
10 good as the ultimate user Verizon wants it to be, but there is  
11 coverage in the area, so this tower does not fill a gap.  
12 Photos were taken from Henness Road. This is looking west  
13 into the subject property. Another one of the comments that  
14 you read about in the staff report is that there are existing  
15 vertical elements onsite that the applicant didn't provide  
16 evidence that they couldn't be colocated on those. And within  
17 this picture you can see an existing water tower onsite, you  
18 can also see a light pole of which there are numerous that  
19 potentially could be replaced with another light pole that,  
20 perhaps a little bit taller, that could accommodate a tower.  
21 This is looking east away from the property. Looking south.  
22 Looking north along Henness Road. And then some photos from  
23 off of the interstate. This is looking southeast along I-10.  
24 Again, you can see that water tower there in the distance.  
25 Looking northwest. Looking west. You can see a residential

1 subdivision. This is looking into the city. And then looking  
2 east. In this picture you can see some additional light  
3 poles. Again, as I mentioned, as I went through the  
4 presentation, some of the concerns that staff has with this  
5 proposal is that it is not stealth design. There isn't any  
6 sufficient evidence supported - submitted by the applicant  
7 showing that shorter towers that may accommodate stealth  
8 design or colocation is not possible. Existing vertical  
9 elements on the property weren't - there was no evidence  
10 submitted that those weren't sufficient. Again, not filling a  
11 cover gap. And finally, there is an industrial property south  
12 of the subject site that the applicant could locate a tower  
13 like this on without having to obtain a special use permit.  
14 With that, staff's recommendation on this case is for denial.  
15 Should the Commission wish to make a recommendation of  
16 approval, staff has included stipulations within the staff  
17 report for your consideration. Stipulation number seven, I  
18 wanted to address that one real briefly. That was a  
19 stipulation submitted by the applicant that essentially says  
20 that the tower will be designed to accommodate multiple  
21 carriers and that they would respond timely to colocation  
22 requests. And the reason that I wanted to address this is  
23 that staff could only enforce that they build the tower to  
24 accommodate additional carriers. We really would have no  
25 enforcement authority on them responding timely to colocation

1 requests on this tower. But it, you know, it does show some  
2 good intent on their part, so we went ahead and left it in.  
3 With that, I would be happy to answer any questions that the  
4 Commission has.

5 HARTMAN: Commission Members? Questions of Ashlee?  
6 Ashlee thank you for preparing this as you have, and giving us  
7 stipulations. If we want to vote for it, we have the  
8 stipulations. If we want to deny it, we have the reasons to  
9 deny it. And I appreciate that very much, and I - the number  
10 one, the number - item number one in the stipulations that the  
11 permit is issued to Sun State Towers, not to the land. I've  
12 seen us kind of flip-flop on that land designation and I  
13 certainly am a believer that it should be to the applicant and  
14 not to the land, and I'm glad to see that, that staff has kind  
15 of reverted back from the fact that they used to just say it  
16 goes with the land, and I appreciate that. Because I'm not  
17 going to go into any further detail, but thank you. That's -  
18 I appreciate that stipulation. Okay, Commission Members, if  
19 no further questions from staff, we'll call the applicant to  
20 come forward if you would. State your name and address and  
21 give us your reason why you think that this cell tower should  
22 be located at this site.

23 BRIXIUS: Good afternoon, almost, Planning  
24 Commission, Vice Chair. Looking for my PowerPoint up here.

25 HARTMAN: I didn't get your name.

1           BRIXIUS: My name is Adam Brixius, I'm with Pinnacle  
2 Consulting.

3           HARTMAN: Thank you, Adam.

4           BRIXIUS: Our address is 1426 North Marvin Street,  
5 Gilbert, Arizona 85233. So I will just give you guys a head's  
6 up. Some of this is going to be a very good educational  
7 session on wireless communications, how our cellphone works.  
8 Why I'm here today. Why Verizon's doing what they're doing.  
9 In addition to answering some of staff's concerns regarding  
10 the proposal. So this is Pinal County. A huge chunk of it.

11          HARTMAN: Adam, speak into the mike a little better,  
12 please.

13          BRIXIUS: A huge portion of Pinal County. We see  
14 interstate 10 on this, this slide. We see existing wireless  
15 commination facilities on this slide. The dash redline is 90  
16 square miles. That's a box. We should be very familiar with  
17 the far east boundary, Tweedy Road, that's right where the  
18 previous SUP was, right on the limits there. I believe right  
19 to the east of that line. For some reason there's a red line  
20 there, it's just not showing up on the screen. Right on  
21 Tweedy Road.

22          ABRAHAM: Adam, there's a pointer, a laser pointer  
23 in that clicker there. It's the little red button on there.

24          BRIXIUS: There is a red line right here. You can  
25 kind of see it. So we have 90 square miles right there. It's

1 very important as I move forward with - in the solid red  
2 square, we have our site location proposed right against the  
3 I-10, right north of McCartney. We actually see four proposed  
4 Verizon -

5 SALAS: Excuse me, are you talking about the blue  
6 line up - going up?

7 BRIXIUS: That's Interstate 10.

8 HARTMAN: That's I-10.

9 BRIXIUS: And so inside the bigger dashed square is  
10 a smaller red box. That red box is a specific location that  
11 this tower needs to be located, based on Verizon Wireless'  
12 other existing sites on air. And we can see them. There are  
13 only five in this 90 square miles that I know of. There could  
14 be some hiding. Especially there could be some hiding around  
15 Highway 387, Florence Boulevard. Just let me go one slide  
16 further. Here's that same 90 square miles. An aerial photo,  
17 we see the huge urban area right there on 387 and Florence  
18 Boulevard. That would be the City of Casa Grande. That blue  
19 line is basically the buffer or the edge of growth for the  
20 City of Casa Grande. Now there is some Pinal County islands  
21 in there, there is some Casa Grande, City of Casa Grande in  
22 there, but as we can see, the urban area really occurs on 387  
23 and Florence Boulevard. So there may be some smaller wireless  
24 facilities, I don't see any, but I do pick up some on Trekell,  
25 and 387 - and McCartney and Trekell. Yep. So we see two of

1 them, and we also see an orange circle right there on 387.

2 SALAS: Can you use that apparatus please?

3 BRIXIUS: We also see - so there's two right here  
4 and an orange circle. This orange circle is one of the  
5 locations that staff came back and said please put a facility  
6 on the high school, Casa Grande Union High School ballfield  
7 light. They said put it there. And our response was Verizon  
8 already has a site there on the rooftop, concealed, so you  
9 don't even know it's there. It was obviously permitted  
10 through Casa Grande, but it is a stealth facility at the high  
11 school, already existing there, that shows on the propagation  
12 maps as submitted to Pinal County. And then we have at the  
13 very north end, these two - oh, and that's an AT&T tower right  
14 here. So AT&T and Verizon, and where staff told us to go, but  
15 Verizon is already there. Then on the north here, we have 387  
16 and I-10 interchange. There are two towers there. Verizon  
17 recently just installed their antennas there on an existing  
18 250 foot lattice structure, and there's two matching ones,  
19 basically. One's on the east side of I-10, and the other one  
20 is on the west side. A lot of the presentation revolves  
21 around this, this slide, and we'll see it again one more time.  
22 And then we have one right here. This is right north of the  
23 Casa Grande Mall. This is a windmill. This is a Verizon  
24 windmill. So Verizon already has locations basically  
25 everywhere that wireless communication facilities exist in

1 this 90 square miles, in addition to ours, basically right in  
2 the center. This new proposed one right here, right north of  
3 McCartney, right along I-10, 120 foot monopole in the  
4 prescribed search area, based on existing sites on air, that  
5 would be the one on 387 and Interstate 10, that would be the  
6 one at Casa Grande Union High School in a rooftop apparatus,  
7 and that would also be a windmill facility north of the Casa  
8 Grande Mall. The second location staff told us to look at is  
9 this other dot right here, right on the curb of I-10, in an  
10 industrial district that would be a permitted by a right, per  
11 the Pinal County ordinance. And that just doesn't work. That  
12 is a mile and a quarter away from the edge of the ring, it's  
13 about a mile and a half from our actual location where this  
14 site is being proposed. That's way too far. This is a big  
15 ring, these are huge towers. This a rural community, this is  
16 rural Pinal County. This is not Casa Grande, like I showed  
17 you. The next slide where there's a lot more sites that are  
18 occurring in dense urban areas. This is a rural site, that's  
19 why these larger towers are needed for the backbone  
20 infrastructure of LTE technology. So the latest and greatest  
21 in wireless communications. That'd be high speed data  
22 transfer, an alternative to a Cox or a CenturyLink or your  
23 local phone provider. So a wireless provider providing the  
24 same types of service for wireless internet. Okay, so there's  
25 one, then we have another one being proposed. This was just

1 approved in the City of Casa Grande, an 80 foot monopole.  
2 Again a more urban area, a little shorter tower. This was  
3 approved a Cactus Middle School. This one right here,  
4 Overfield Fire, this is on Overfield and McCartney. This is  
5 making its way through Pinal County right now. This - we'll  
6 see this in about two to three months, show up in front of  
7 you. And then we also have this one here on Dugan's Dairy in  
8 the City of Casa Grande. So the point is, this is a huge  
9 infrastructure investment for LTE technology for Verizon  
10 Wireless. These towers are all colocatable, meaning that it's  
11 setting a precedence. There is no other wireless carrier. T-  
12 Mobile, AT&T, Sprint, nobody has towers like this, and I think  
13 this slide demonstrates that because Verizon has three towers  
14 existing here - wherever you have towers in Pinal County, and  
15 they're trying to add four more. So this is one of the four.

16 HARTMAN: Adam can I interrupt you in your  
17 presentation? Why - if this is state of the art and  
18 everything, is it going to replace any of these other towers,  
19 or it just compliments?

20 HARTMAN: It's actually a reengineering of this  
21 whole area, which will expand coverage. So fill gaps in  
22 coverage, expanding coverages, new coverage area, and out by  
23 Tweedy Road, that's going to now have good wireless coverage.  
24 That's as far as this, this 90 square miles, this proposal in  
25 front of you, the whole thing, the whole engineering

1 masterpiece that the engineer in charge for Verizon Wireless  
2 has put together to build LTE infrastructure in Pinal County.  
3 This doesn't exist today. There might be some portions on  
4 your phone where you see the LTE emblem show up. This is LTE.  
5 You don't have it here in Pinal County, it's in Mar -

6 HARTMAN: What does that stand for?

7 BRIXIUS: Long Term Evolution. This 4G. You've  
8 also seen - that's just what they call that technology. It  
9 used to be - in my narrative, I explain all of the  
10 technologies that wireless carriers use, like PCS and UMTS, so  
11 those details are in the narrative. All of these are  
12 different functions. Some do text messaging, some do voice  
13 services, some do data transfer, some do locating, GPS - many  
14 technologies that are propagated through federally licensed  
15 spectrum issued to Verizon Wireless by the FCC. So Verizon  
16 has a commitment to fulfill the use of this spectrum and  
17 service its customers and abide by the guidelines of their  
18 licenses issued by the federal government. So that's a good  
19 question. So again, LTE doesn't exist in Pinal County. We  
20 probably saw it show up in Maricopa County five years ago, we  
21 see it show up in Pima County. We're building out in Pima  
22 County currently. More so being that's a more dense area, you  
23 see towers at 50-70 feet overall heights. To cover this rural  
24 area, as we see out here, that just isn't substantial. You  
25 don't have the population out here to do it. This, again, is

1 the backbone infrastructure. Trying to accomplish 90 square  
2 miles of LTE coverage in Pinal County. So here's our subject  
3 site, our aerial photo. We're on the bottom seven acres.  
4 This is a 50 acre parcel. Parcels, a combination of them.  
5 But we are on a seven acre parcel at the bottom of this  
6 property owner's property with full access by arterial roads  
7 or collector roads to the site from McCartney north on Cox,  
8 west and down to Hennes, down south on Hennes and we arrive  
9 here. That's where our utilities will be fed from, is through  
10 Hennes. We'll see CenturyLink or Cox or another fiber  
11 provider hopefully come down that way, along with our power  
12 connection from the San Carlos Irrigation District. So  
13 they'll come in Hennes Road and over to our site right at the  
14 southern end of the property. Just a brief summary of the  
15 proposal, showing the access and the site location close up.  
16 This process has been lengthy. I just heard 18 months. This  
17 is two and a half years in the making. That's when this was  
18 issued to, to a company like mine, to Pinnacle Consulting to  
19 go find this site. That's when Verizon approved their budget  
20 to go build LTE infrastructure in Pinal County, and it's just  
21 taken this long for all of the plans to kind of come out, and  
22 that's where we see this 90 square miles. This is just not  
23 one site, this is a bigger piece of eight sites, actually.  
24 These are just complimenting what's existing. They'll  
25 reengineer the ones existing on the 347 - or 387, which is

1 brand new. There's a couple other ones in there north of the  
2 Casa Grande Mall. I pointed those out. Each one is serving  
3 its own individual purpose, but they'll reengineer what they  
4 have, and build for the future to accomplish this 90 square  
5 miles. We did the zoning analysis. Basically this whole area  
6 is general rural. We had multiple candidates, State Land,  
7 developers, land holders, all kinds of interests. Ultimately  
8 this is the best one that the candidates had fallen out for X,  
9 Y or Z reasons, there's many reasons why a candidate could  
10 fall out. This one, we - is leasable, buildable and zonable,  
11 per the ordinance of Pinal County. We had a pre-application  
12 meeting with Pinal County on 4/28, a neighborhood meeting on  
13 5/8, nobody attended. We scheduled two meetings outside of  
14 just the normal hearings to try to discuss comments coming  
15 from planning staff as what aren't you getting? We're  
16 explaining everything within our narrative as to what, what  
17 the objective is. I think I just showed you that 90 square  
18 miles of LTE infrastructure, wireless infrastructure is trying  
19 to be accomplished here. And we saw their comments, and I'm  
20 going to come and address some of the smaller sites, those  
21 existing structures on sites. We changed our plan as one of  
22 their comments, instead of surrounding it with a chain link  
23 fence, we're going to use a block wall. More secure, it's  
24 better for everybody. Posted the site on 8/20, and now we're  
25 here on September 17<sup>th</sup>. The neighborhood meeting also was

1 noticed late April it's coming. So notice has been out there  
2 since late April of this proposal, with my phone number,  
3 contact information, and also staff's - Pinal County's. And  
4 no opposition has been reported to date. Here's a zoomed in  
5 area of that same search area. I showed this on the 90 square  
6 mile picture right in the center. We see our alternate  
7 candidates. Six of them. Casa Grande Fire Station is number  
8 six, five is our same property owner on the north end of it;  
9 that didn't work. This was more superior, just like it was  
10 inside the ring. Number four is our proposed site.

11 SALAS: Can you use that again, please.

12 BRIXIUS: Yep, sorry. So here's our proposed -  
13 here's our proposed site right here, this blue four. And  
14 within that search ring, I have four candidates, and number  
15 five and six are right on the fringe. They just didn't work.  
16 They weren't suitable for RF engineering. All of those were  
17 submitted to RF Engineering. Five and six. Six is the Casa  
18 Grande Fire Station, right at south side of McCartney Road.  
19 Five is right on the north side of I-10 or the east side of I-  
20 10. And basically this search ring is about a mile by a mile  
21 and a half on the intersection of I-10 and McCartney. And so  
22 that's a very large search ring. Downtown Phoenix you might  
23 see it a quarter mile. 1200 feet by 1200 feet, because it's a  
24 lot denser, there's topograph - you know, topography issues,  
25 there's building obstructions. Maybe in large housing

1 communities, you might have vegetation interfering with the  
2 signal strength because dense vegetation will weaken the  
3 signal as it moves down its path of propagation. I also show  
4 here the sites that Casa Grande - or Pinal County wanted us to  
5 look at, the high school as I explained earlier. Verizon's  
6 already here, and then over a mile outside of our area. So  
7 they rejected five and six. Our landlord would have preferred  
8 it at number five on the north end of this property because  
9 that's where his cattle are. But our RF engineer was  
10 particular and we settled on the south side of the 50 acres.  
11 So that's just how sensitive these engineers are when it comes  
12 to these search rings. They're based on the other existing  
13 sites that are on air today. And then we have this over a  
14 mile away. CI-1 industrial zone district as pointed out from  
15 staff's presentation. And we'll see it later in the slides  
16 just as a reminder. Again, outside of my search area. So we  
17 had two sets of comments coming from Pinal County. July 6<sup>th</sup>  
18 and August 6<sup>th</sup>, and combining, most of them carried forward.  
19 There was a new recommendation on the second set of comments  
20 to go to the CI-1 zone, and I've just showed you that's a mile  
21 southeast of my site and a mile to the west. A mile and a  
22 half to the west is a high school where they already exist.  
23 So staff's recommendations on alternative siting do not work.  
24 It's just not a feasible option. So we talk about  
25 Comprehensive Plan conformance, we talk about the possibility

1 of colocation - that means where you can have more than one  
2 carrier on a tower. So - or you collocate on a utility pole  
3 where that was the other site by the high school, AT&T is  
4 collocated on an APS utility pole. Those are great sites.  
5 There are no utility poles in that search area, or anywhere  
6 near, anywhere near that type. There's nothing over 50 feet  
7 anywhere near this area. 50 feet. Nothing. And I'll have a  
8 picture of that in a second. So existing height, there's  
9 nothing, except a 30 foot water tank on the property, and the  
10 collocation on existing wireless communication facilities.  
11 Verizon already has facilities out there, there are no other  
12 ones. Light poles. There's a 24 foot one on the property.  
13 Utility transmission structures, there are no 69 KB or larger  
14 structures. Those would accomplish close to what the proposal  
15 is here at 116 feet, or 120 foot overall height of this  
16 monopole. So for more shorter towers, the RF engineer  
17 statement is right now this area lacks LTE coverage footprint.  
18 Thus, 100 foot or higher towers are needed to cover as much  
19 area as possible. Shorter sites may leave out coverage gaps  
20 in key areas. So that's the response from Verizon's principle  
21 engineer regarding shorter sites. And that's also provided in  
22 the narrative. Make the propagation maps more legible, those  
23 are attached to your packet, along with - we'll have a slide  
24 further detailing those. Camouflage options explored. Those  
25 are also in the packet. I will address those here. Removal

1 of the facility. We followed the code, and that's whatever  
2 Pinal County requires, we'll remove that. And the ability to  
3 collocate, the tower will be built to accommodate three more  
4 providers, in addition to Verizon Wireless. So conforming to  
5 the Comprehensive Plan, Chapter 3 requires or asks for  
6 adequate telecommunications, network infrastructure. That's  
7 LTE, 4G, that's what we see on TV, that is what's being  
8 proposed to you. Wireless communication networks that will  
9 facilitate telecommuting. Like I told you, Cox, CenturyLink,  
10 other DSL providers that are in Pinal County, Verizon Wireless  
11 will no offer a suitable solution at commercial businesses,  
12 public safety, you and me, everybody can utilize to  
13 telecommunicate whether - whatever the nature of your business  
14 is. Receiving speeds from 25 to 40 megabytes, uploads and  
15 download speeds. That would be what LTE is programmed for.  
16 Myself, I've only seen 25 upload and downloads speeds. That's  
17 plenty of data, unless you're running a huge commercial  
18 business. So Chapter 4 promotes telecommuni - and Chapter 5,  
19 Pinal County wants enhanced telecommunications infrastructure  
20 and supports efforts to provide high speed broadband service  
21 County-wide, and expand wireless capabilities. That's exactly  
22 what's proposed in front of you. So this proposal conforms to  
23 three chapters and requests of the Pinal County Comprehensive  
24 Plan. Publication opportunities. Here's those - the water  
25 tank and the light pole. A 30 feet water tank that is a

1 safety hazard. It's not its intended use, and would promote  
2 many additional wireless communication facilities. If they  
3 were to put antennas on top of that, call it a 40 foot  
4 structure, you can see it definitely wasn't designed for that.  
5 The cables that connect the antennas to the gear are thicker  
6 than the pipes that are holding this faux tank up. The light  
7 pole that's 24 feet, again this would promote many other  
8 facilities. There's a reason this is being proposed at 120  
9 feet. We saw the RF engineer's statement earlier about  
10 exceeding heights of 120 feet just to cover large vast rural  
11 areas, that's what we're doing. Here's a picture of almost a  
12 search ring, and if I turn the camera and faced it south, this  
13 is taken from I-10 and McCartney overpass, it would be almost  
14 an identical picture where we see no existing verticality.  
15 There is actually the exit for McCartney. There's a vertical  
16 sign element on I-10 right here. It's probably no higher than  
17 30 feet either. Other than that, there's nothing in our  
18 search area or beyond for quite some time that has existing  
19 height that we can locate on. Like we see maybe two miles to  
20 the west at Casa Grande Union High School where there is a  
21 stealth rooftop application of Verizon's. It's already there.  
22 If that was here, again it's a different site. This is a  
23 freeway capacity site. This is an industrial corridor. One  
24 of the heaviest traffic corridors in the country, Interstate  
25 10, due to the traffic coming out of Mexico, all the way to

1 Canada. I-10 is one of the largest traveled interstates in  
2 the country. Here is the alternative forms of camouflage that  
3 were looked into at this location. Per the code, stealth  
4 designs, monopalms are regulated at 70 feet. Monopines, a  
5 fake pine tree, is regulated at 90 feet, and a saguaro cacti  
6 is regulated at 50 feet. Again, 90 feet's getting close, but  
7 really the antennas are sitting at about 75 feet, because of  
8 the disguise, the way they top off the pine trees, so that's  
9 still very far from what we're proposing today at 116 feet,  
10 and we also see that the code says it calls for a design that  
11 mimics surrounding vegetation. There are no palms, there are  
12 no monopines, and there definitely are no 50 feet cactus here.  
13 There are cactus, but not, not too tall. I wanted to put a  
14 picture of all the different types of sites. Obviously  
15 there's other creative sites, stealth sites that are specific  
16 to the proposal. Ours is similar to this monopole. This  
17 isn't it, but I mean this - these are just general ideas of  
18 different types of sites. Here's that, here's that pine that  
19 I was talking about where the antennas are hiding with socks,  
20 so they even have pine needles on the antennas. They use a  
21 ball field light, like staff requested at Casa Grande Union  
22 High School. These are nice because they're existing. A  
23 small cell, or shorter sites, this is a picture of it. This  
24 is what it looks like. Pinal County hasn't seen any of these.  
25 City of Casa Grande is getting ready to install one, actually

1 very close to that proposed 80 - or the approved 80 foot tower  
2 that I pointed out earlier. No less than a half mile from an  
3 approved macro site, like this one in front of you today, a  
4 macro site. A small cell, and a (inaudible) site. That's the  
5 way these wireless carriers get their signals out. A removal  
6 provision. This is how we would address that. We'll remove  
7 it as the Pinal County ordinance requires. The colocation  
8 provision, the stipulation was provided to staff. We're okay  
9 with that. That's the intent of this site. This is for other  
10 carriers to come here. This is a solution for the next  
11 carrier to come locate its antennas there. Just like we see  
12 on the 387 and I-10, it's full. All four carriers are there.  
13 Spring, T-Mobile, AT&T and Verizon. There are no other towers  
14 in - south of that. This would be the first one, this is four  
15 and a half miles away. Here's our site-specific coverage.  
16 This is how the facility will be engineered, approximately to  
17 cover 12 square miles of the 90 square miles. That's what  
18 this site specifically is doing. 12 square miles. Improving  
19 coverage at McCartney. McCartney Road is recently improved,  
20 significantly. This is a, just like staff pointed out, this  
21 is a major development area for Pinal County. They intend to  
22 use it. This facility supports those users. Commercial  
23 business, residents. There's a residential community 1200  
24 feet to the west. This supports every person in that  
25 community. It's important to note that this green is perfect

1 coverage, everybody's getting service here in your basement,  
2 in your car, outside, inside your house. There's no problems  
3 in this area are red. The basement probably will be a little  
4 spotty. There could be some capacity issues. Have you ever  
5 had that problem with your phone where it says your network is  
6 not available right now, please try again later. And you can  
7 just call right back. That means that if, if you called, then  
8 your call just drops. Your tower that your phone is  
9 connecting to at that moment in time is full. You can call  
10 back one second later because somebody has transferred off  
11 that tower to another tower down the line, or they hung up the  
12 call. And so it freed up capacity of that tower. So again,  
13 this is not only a expansion in coverage, this 90 square miles  
14 on this site, but an increase in wireless capacity. Mainly  
15 driving - the driving force is data capacity from what feeds  
16 these sites. They're massive telecommunication hubs for the  
17 carriers. And then blue, these are gaps in coverage. You  
18 would definitely get a signal and make a phone call, but you  
19 could potentially drop calls, you could get in your car, the  
20 phone call could drop. Blue is not desired and needs to be  
21 improved in the future. This is showing the gaps in coverage,  
22 or the expansion in wireless coverage where there is none, or  
23 it's - if it is, it's extremely weak and unreliable. We also  
24 improve locating in these areas. The GPS technology. If you  
25 make a call from your farmhouse out on Tweedy Road and over -

1 or Tweedy Road and McCartney, that locating device built into  
2 your phone will locate you very accurately if the fire  
3 department needs to reach you, based on their computer systems  
4 that are probably be driven - are driven from other wireless  
5 networks on where the call is being made from. That  
6 information is given to the 911 dispatcher, where your  
7 location is from the cellphone, from the GPS device, it's  
8 measuring it from the distance of the tower. So here's the 90  
9 square miles. We see this all the way from the Gila River  
10 Indian Community, down to Florence Boulevard. And again,  
11 there's sites further from Florence Boulevard, but I'm  
12 focusing in on this northern area. East side is Tweedy Road,  
13 and the west side is Highway 387. This is just a picture of  
14 wireless technologies in use. Small cells, macro cells,  
15 (inaudible) in building coverage. I'm going to show you these  
16 pictures because this is very important to why, why this 120,  
17 and why the water tank at 30 feet will not work for us, why  
18 the light pole at 24 feet will not work for us. There's a  
19 specific reason we're proposing 120 feet. Again, it's  
20 covering 12 square miles. This is a great planning project.  
21 This is downtown City of Phoenix. Cityscape they call it.  
22 City of Phoenix has been planning this forever. This is a  
23 place where kids play in water fountains. You have nightlife  
24 here, you have historic buildings, like the Luhrs Building in  
25 the background. You have mixed use development. On the left

1 side of that picture it's work, live, be urban. That's  
2 something that we don't really see here in the desert, but  
3 Phoenix has made an effort, and it's beautiful, a beautiful  
4 example of it working. Also we see the light rail is also  
5 running down Jefferson here. This is Central and Jefferson.  
6 So pretty, pretty busy area. It's encompassing a lot of  
7 wireless devices in this picture. This is the painted picture  
8 that I'm showing to you, because it's so important that we see  
9 that there's so many different reasons why we can't go a mile  
10 from our site to the south, or to the west. I told you that  
11 the ones that were 500 feet north of my search ring were  
12 excluded from the approvals. It had to be inside the search  
13 ring, based on other sites. So we see AT&T is on top of this  
14 historic building right here. We see T-Mobile is on top right  
15 here. This is one sector of the three. These are rooftop  
16 applications. We see a Verizon small cell right here. This  
17 would be a 30 foot site, very similar to the one that the  
18 water tank would consume. This is not - that's not I-10 and  
19 McCartney, that is an intersection that's specifically  
20 focusing on Central and Jefferson. That is - and the light  
21 rail. It's probably going up and down Jefferson right there,  
22 to target light rail users as the train goes back and forth on  
23 Jefferson, that hits all of these urban centers. It has  
24 comedy clubs in here. It has bars, it has residents in this  
25 tower. It has commercial users in this building. Huge

1 activity center, plus thousands of people visit this center  
2 daily because of all the restaurants in this area. And the  
3 water fountains, and the events that go on in here. So again,  
4 AT&T shooting into there, T-Mobile shooting into there,  
5 Verizon has a site on the outside, but where is Verizon? So  
6 we go just to picture, if I can pan just a little bit to the  
7 east, Verizon's inside that center, you know, shooting - it's  
8 on a rooftop mounted application, and if it all works right,  
9 if it all works right, it doesn't even look bad. Because we  
10 were looking at this picture and it just - we thought that oh,  
11 this is great. And really there's three facilities in this  
12 picture, and there's really a fourth one right here in this  
13 beautifully planned area. If it's done right, every  
14 application serves a purpose and -

15 SALAS: Excuse me, Mark, what is the height on  
16 those?

17 HARTMAN: Adam.

18 BRIXIUS: Again, this is specific to them. These  
19 are 20 feet. Adam. These are 20-25 feet, and these ones are  
20 140 feet.

21 SALAS: I'm sorry.

22 BRIXIUS: That's okay. These are 140 feet up on the  
23 Luhrs Building on here. So - and then we have a 25 foot site  
24 down here on Central and Jefferson. So again, and it's  
25 Verizon's. So if Verizon has one here, a small cell, a 30

1 foot site, just like on the water tank, and then not less than  
2 400 feet away, you have a macro site shooting right into the  
3 center core. The small cell's right here. It's right around  
4 the corner. So when you have 30 foot sites, those are very  
5 specific to an intersection. Not to 12 square mile area like  
6 this site is -

7 HARTMAN: Okay, Adam, I don't want to cut you off or  
8 anything, but it's good that you're showing us other sites and  
9 all that, but let's speak specifically to this site, and you  
10 don't want to give us an overload of information.

11 BRIXIUS: I know, but that's real key to show you  
12 that they could have two sites within 300 feet of each other,  
13 and Verizon has very low sites right there. AT&T and T-Mobile  
14 might be fine with 140 foot site right there. They don't need  
15 two different sites. So we don't - we just don't want to see  
16 a proliferation of wireless communication facilities. That's  
17 another, another point. So as we see - back to my proposal in  
18 front of you, we see that wireless subscribers have been  
19 growing and we expect them to continue to grow. The devices  
20 that are utilizing these wireless networks are tablets,  
21 computers, cellphones, refrigerators, security systems. A  
22 typical family could have over 14 connections, right? I mean  
23 if - that's the way it is. So that's why these carriers are  
24 trying to plan for the future. That's what we see in front of  
25 you. People who have benefits, state agencies, public safety,

1 medical, education. 90 - 70 percent of the 911 calls have  
2 been made by wireless devices.

3 HARTMAN: All right, Adam. Let me, let me start by  
4 asking you questions. And the first question is, Jimmie Kerr  
5 Boulevard and I-10 overpass, what is the relatively height of  
6 120 feet to that overpass? In other words, is it as high as  
7 that overpass? 120 feet, is that as high as that overpass or?

8 BRIXIUS: It's higher.

9 HARTMAN: It's higher? 120 feet's higher?

10 BRIXIUS: Yeah, it's higher than an overpass at a  
11 stack. Like I-10 and I-17.

12 HARTMAN: Yeah, and with a rail crossing and all  
13 that, with a double -

14 BRIXIUS: Yeah, with two interstates crossing, yeah.  
15 120 feet is probably about two interstates crossing. It  
16 depends on how that engineering took place and how, how deep  
17 they dug their, their cross-through ramps.

18 HARTMAN: It's level.

19 BRIXIUS: Sometimes they go under the, under the  
20 grade to -

21 HARTMAN: Yeah, but it - that -

22 MORITZ: Mr. Vice Chair?

23 HARTMAN: Yes, Commissioner Moritz.

24 MORITZ: Could I ask a question please? Where on  
25 the property will it be located? If you go back to the map

1 with the - or in relation to the equestrian shed, or whatever  
2 they call it.

3 BRIXIUS: So it'll be located about 100 feet south  
4 of this equestrian shed here.

5 MORITZ: And will it be east? Is it in, in the -  
6 off the freeway side?

7 BRIXIUS: Yeah, it's setback more than one to one  
8 height from the property line.

9 MORITZ: Okay.

10 BRIXIUS: 300 feet of right of way there. Central  
11 Arizona governments doesn't anticipate any future expansion  
12 through (inaudible), through their plan published in 2014 of  
13 that portion. We also see three lanes of travel on Interstate  
14 10, three and a half miles southeast of here with the same  
15 right of way width, 300 feet that we see in front of here, so  
16 there definitely is room for the freeway to expand, without  
17 taking other properties for the next 25 years.

18 MORITZ: Okay. And 120 is very high, and you - I  
19 think you mentioned before it's going to be the monopole  
20 style?

21 BRIXIUS: Correct.

22 MORITZ: And that's not a problem with winds or  
23 haboobs or that kind of thing?

24 BRIXIUS: Absolutely not.

25 MORITZ: Okay.

1           BRIXIUS: No, these things are structurally  
2 engineered from the foundation all the way to the top.

3           MORITZ: Okay, thanks.

4           HARTMAN: Commissioner Putrick.

5           PUTRICK: Yeah, I, I have to tell you I'm coming  
6 from the standpoint that I think Verizon service is not very  
7 good, and I know it's partly because of the location of  
8 towers. But I'm interested to know, what's the frequency  
9 spectrum that you're - are you in VHF, UHF, what, what  
10 spectrum are you broadcasting?

11          BRIXIUS: Right, so they would be four spectrums.  
12 They would be broadcasting 700, which is -

13          HARTMAN: Microphone, please.

14          BRIXIUS: They would be broadcasting four spectrums.  
15 That would be LTE 700. They - in the future we'll use 850.  
16 Currently that's - they're trying to empty that spectrum.

17          PUTRICK: Megahertz.

18          BRIXIUS: Yep, 850 megahertz. They're trying to  
19 empty that spectrum so it can become LTE, but currently it is,  
20 it is using voice as it historically is, so 700, 850. They'll  
21 also be UMTS, which is 1200 megahertz. There's 1900, which is  
22 PCS, and then there's 2300 which is WCS. So those are five  
23 spectrum -

24          PUTRICK: We're talking line of sight.

25          BRIXIUS: Line of sight, yeah, with panel antennas.

1 PUTRICK: What kind of power are you using?

2 BRIXIUS: The east side is individual. Like we saw  
3 on this photos where you saw two, two antennas that were  
4 hanging on the wall, versus what this site is being proposed  
5 as, is four antennas or per sector, so total of 12. That  
6 would have been a total of six. That's to project all of  
7 those frequencies that I just mentioned - five of them - LTE,  
8 WCS, UMTS, 850 and PCS. Those are all different spectrums  
9 that Verizon owns and operates from the FCC, all done by line  
10 of sight coverage.

11 PUTRICK: What kind of power is it? 10 watts? 50  
12 watts? 100 watts?

13 BRIXIUS: Again, that would be site specific to the  
14 antenna configuration, and I don't have those numbers  
15 available for this site, as it isn't approved. We don't know  
16 if 12 antennas is viable, if -

17 PUTRICK: Okay, I'm going to just relate a little  
18 story so that you guys can - I've had more trouble with  
19 Verizon this year, and I live right up the road here in  
20 Anthem. And I sit in my house, the back of my house I have  
21 one bar. In front of my house I have two bars, and out in the  
22 middle of the street I have three bars. So sometimes I have  
23 to go stand in the middle of the street to make a phone call.

24 BRIXIUS: That would be like one of those blue  
25 areas.

1           PUTRICK: Yeah, well I think it's probably a white  
2 area. There's no color. So I called and I got - I went  
3 through a whole thing, and Verizon's solution was that I  
4 should go to the company store in Queen Creek and buy a signal  
5 enhancer for \$250. That is not good service. I am not going  
6 to pay \$250 for your service to be usable. I'm already paying  
7 to have a usable service. So I'm very critical about these  
8 towers. I'm also very critical about the fact that you - that  
9 these companies provide a service that a lot of times is not  
10 very good. And if we weren't so reliable - I'm sorry we have  
11 to rely on these things so much. If we didn't have to rely on  
12 these things so much, I'd throw this thing about as far as I  
13 could. So my point on this is, I don't understand, because I  
14 worked in aviation and at VHF and UHF, but VHF particularly,  
15 with 25 watts at 25,000 feet, you can talk to God. I don't  
16 understand why at 120 feet you can't, you can't get better  
17 coverage. It doesn't make any sense to me. I don't  
18 understand with all the hills that are around here, why you're  
19 not putting towers on the hills around here to get better  
20 coverage. Because I understand line of sight, I understand  
21 the horizon and what it is, so I don't know with all these  
22 arguments about well we got to have a little tower over here,  
23 and a big tower over here, it just - as far as I'm concerned  
24 it's baloney. There should be, there should be some pretty  
25 straightforward service available through the use of nice

1 well-powered transmitters, coherent detection receivers so  
2 that you aren't having all this influence from other things.  
3 The fact that you have a tower that's overloaded, is not our  
4 problem. That's the provider, the service provider's problem.  
5 If you're providing a service, it shouldn't matter whether  
6 there's 100 people or 10,000 people on the service, you're  
7 providing that service, and it's an unspoken agreement between  
8 consumers and those companies, and you're not providing good  
9 service. So being very specific about these towers and we  
10 need it over here and over here, and over here, I don't  
11 understand it. I'm an engineer. I don't, I don't understand  
12 what the problem is. I don't understand why there can't be a  
13 compre - let's talk about a Comprehensive Plan for cell  
14 towers. Why do you guys not have - why isn't there a  
15 Comprehensive Plan for that? I know part of the reason is  
16 that you don't have enough people in a certain area. That's  
17 probably our problem up at Anthem. We have a tower two miles  
18 away, and it doesn't, it doesn't help us at all. So I just  
19 wanted to get that out of my craw. Thank you.

20 HARTMAN: All right, Commission Members?

21 MORITZ: Mr. Vice Chair?

22 HARTMAN: Yes, Commissioner Moritz.

23 MORITZ: Now that I have this map in front of me  
24 again, and the location is close to the freeway, how is that  
25 location - you can't set it back further? How was that

1 location determined?

2           BRIXIUS: Because it meets the setbacks of one to  
3 one or more from property lines of - so they would actually  
4 exceed some of the setbacks from certain property lines on  
5 there. But that location was determined by the RF engineer  
6 and the property owner and the best design characteristics as  
7 the property's being utilized today with - as he uses that  
8 shed for storage, it needs to have a tractor, ability to turn  
9 into that shed that's right north of the proposed tower.

10           MORITZ: Yep.

11           BRIXIUS: So, so that location - I mean it could one  
12 or two feet east, or one or two feet west, but I mean it does  
13 exceed certain setbacks required by the Pinal County  
14 Ordinance.

15           MORITZ: All right.

16           BRIXIUS: Just to kind of show you just maybe what  
17 we see here in front of us, I'd like to show a photo sim of  
18 what this proposal will look like. And to address Mr.  
19 Putrick's question - or response. I mean that's why we're  
20 building this. I mean this is to improve service because  
21 people like you record dropped calls, or need enhanced  
22 coverage. Why can't a UHF antenna that's 25 watts work? That  
23 technology's a lot different than what these wireless carriers  
24 are utilizing. I mean you're, your radio up in the airplane  
25 is a lot different than the device you hold in front of you.

1 They do a lot of different things. They're specific to the  
2 area, they're specific to the demand and when you don't have  
3 that, you know, we rely on that daily, then we have issues.  
4 And you did get a little stressed out there because you don't  
5 have service at your house.

6 PUTRICK: They in fact - let me, let me correct you  
7 on that. They are not necessarily different, because  
8 everything is digital now on airplanes. There's a system  
9 onboard, a datalink system onboard airplanes now called -

10 LANGLITZ: Mr. Vice Chair, I think - I don't mean to  
11 interrupt Commission Putrick, but I think we're beginning to  
12 get a little off the subject and I wouldn't want anybody to  
13 say that a decision was based on something that really wasn't  
14 critical to the decision-making process. We're getting off  
15 into an area that really wouldn't reasonably be considered  
16 part of the agenda. So I, I, you know, apologize for that  
17 interruption, but again, just, just to keep things going  
18 appropriately, I make that comment.

19 HARTMAN: Thank you, Mark. We do need to move  
20 along. We've already spent almost an hour on your case,  
21 listening to your explanations.

22 BRIXIUS: And just - so a photo simulation of what  
23 it's going to look like. Again, from the I-10 and McCartney  
24 overpass. And then this is (inaudible). So what we're  
25 looking at, you obviously can't see it too well, but it's

1 important to see that, that there's other sites back there.  
2 Those are four and a half miles to the north, those are 250  
3 foot towers. We see our proposed site four and a half miles  
4 southeast at 120 foot, half the size of the existing sites to  
5 the north. And again, the next site that we see on the south  
6 is Verizon's site. Right, so, so in between the - in between  
7 our - through existing sites on air, we're splitting that,  
8 we're splitting that hole and trying to fill that to expand  
9 coverage, to reengineer the existing sites on air.

10 HARTMAN: Okay, Adam. Let's go back to our  
11 Commission Members. They have some specific questions they'd  
12 like to ask. David Gutierrez, Commissioner Gutierrez.

13 GUTIERREZ: Adam, pretty thorough presentation  
14 there, but I had a question, a quick question, regarding the  
15 safety features of the, the tower. Is there going to be  
16 lighting, that type of thing? Are you going to have, you know  
17 - I mean I've seen hang gliders and those, you know, those  
18 little motorized things fly in that area and stuff like that,  
19 are there going to be any safety features on that, on that  
20 thing? Lights, whatever?

21 HARTMAN: I guess the only safety feature that's  
22 it's really present, besides all the engineering that goes  
23 into the foundation of the tower, is the block wall for  
24 security. There will be no beacons on the top of this as -  
25 unless the FAA requires it. There is a permit that the FAA -

1 or authorization, they will permit the facility, and if they  
2 recommend due to the proximity of an airpark or an airport,  
3 then the tower would be lit if FAA deemed necessary.  
4 Otherwise there is no lighting apparatus.

5 HARTMAN: Okay, Mary Aguirre-Vogler. Commissioner  
6 Vogler.

7 AGUIRRE-VOGLER: About how much longer do you have  
8 to go on your presentation?

9 BRIXIUS: That's it.

10 AGUIRRE-VOGLER: Did you go over all this with  
11 staff?

12 BRIXIUS: Yes, twice.

13 AGUIRRE-VOGLER: Okay, because their recommendation  
14 was like I guess you didn't provide enough information, or  
15 something.

16 BRIXIUS: I did. And all of this information is in  
17 my narrative that you have in front of you in your packet.

18 AGUIRRE-VOGLER: Right.

19 BRIXIUS: I don't know why it wasn't looked at or  
20 further questions.

21 AGUIRRE-VOGLER: You say you've got to get a federal  
22 license?

23 BRIXIUS: A federal clearance.

24 AGUIRRE-VOGLER: I think there's a, there's a  
25 height, right?

1           BRIXIUS: Anything over 199 would require  
2 automatically the red light.

3           AGUIRRE-VOGLER: Because there is an airport a few  
4 miles away from -

5           BRIXIUS: So the FAA will dictate that and deem it  
6 necessary, should it be necessary, per the (inaudible).

7           AGUIRRE-VOGLER: Okay, thanks.

8           HARTMAN: Okay Commission Members, any more  
9 questions? Adam, thank you for your presentation. I'll call  
10 to the public and then reserve the right to call you back.  
11 Okay, is there anyone that would like to speak for or against  
12 this cell tower? SUP-009-15? If not, I close it to the  
13 public and turn back to the Commission for further discussion  
14 and a motion. Yes, Mary - Commissioner Vogler.

15           AGUIRRE-VOGLER: So, so this is for staff. So after  
16 the presentation here, are you all right with all this, or you  
17 still have all these concerns?

18           MACDONALD: Yes, staff still has concerns regarding  
19 the proposal. You know, as I, as I mentioned, you know, the  
20 Comprehensive Plan designation on this site designates it as a  
21 Moderate Low Density Residential and Mid Intensity Activity  
22 Center. So, you know, Adam in his presentation showed what  
23 Phoenix looks like and how those towers are situated and kind  
24 of hidden, and that activity center that's located there is  
25 how we envision that area of the County developing. You know,

1 it'll be high intensity uses, high density uses, so once you  
2 place 120 foot tall tower there, what provisions are in place  
3 to make sure that in this high density, high intensity area  
4 it's not a real eyesore? And how does it become, you know,  
5 what we're looking at today and - or how does it go from what  
6 we're looking at today to what he showed Phoenix looking like?  
7 So those are some of the concerns we have. There's no stealth  
8 design. You know, I know the applicant talked about, you  
9 know, why they, why they didn't propose numerous shorter  
10 towers, but the question still remains from staff if they did  
11 have, you know, multiple shorter towers, can they then do  
12 stealth design? Can they then colocate, and we don't feel  
13 that those questions were adequately addressed.

14 AGUIRRE-VOGLER: No, I don't. And especially the  
15 one that you say here on the last one is an alternative site  
16 south of the subject that can accommodate a tower, and some -  
17 well actually I don't think he answered any of your questions.

18 PUTRICK: He said it was too far away.

19 AGUIRRE-VOGLER: Oh. Well he went over all the  
20 engineering aspect with you and everything. Okay. Thank you.

21 HARTMAN: Okay, Commission Members, any further  
22 questions? Or comments.

23 MORITZ: Mr. Chair, yes. If this were to  
24 materialize, this center of residential and businesses and  
25 whatever in that area, can you then - can it be relocated on a

1 building such as in Phoenix, if that ever comes to fruition?

2           MACDONALD: You know, that is one of the things that  
3 we talked about with the applicant. You know, we asked them  
4 if they, if they could take a look at some stipulations or  
5 something that they would be in favor of, that accounted for  
6 relocation of this tower in the future, and there wasn't  
7 anything that their client was agreeable to, was my  
8 understanding. Maybe Adam can, can further address that. But  
9 we heard back that there wasn't anything.

10           MORITZ: Thank you.

11           HARTMAN: Okay, Commission Members? Further  
12 comment? If not, I'll call to the public, is there anyone  
13 that would like to speak either for or against this SUP-009?  
14 If not, we'll turn it back to the Commission for further  
15 discussion. I, I would like to maybe start it with 120 feet,  
16 we one time, I think, were talking about 100 feet is -

17           AGUIRRE-VOGLER: 80.

18           HARTMAN: 80? Yeah, so we're, we're well above the  
19 perimeter (inaudible) - the height elevation that we  
20 originally kind of agreed on. I know nothing's permanent, set  
21 in stone and all that, but that 120 feet kind of bothers me.  
22 That's actually taller than, I guess in listening to the  
23 conversation, than the Kerr - I-10 overpass over the railroad  
24 and Jimmie Kerr Boulevard. Anyway, Commission Members, any  
25 other comments?

1 SALAS: I have a question.

2 HARTMAN: Yes, Commissioner Salas.

3 SALAS: (Inaudible). What does our Comprehensive  
4 Plan call for? I don't remember very well. I think we had a  
5 set amount. And like you say, it's not set in stone, but I  
6 think we had a recommendation in our, in our Comprehensive  
7 Plan. And if we do, and we approve this SUP, it goes against  
8 what we just did was it last applicant, that because of our  
9 Comprehensive Plan we made a denial there, and now we come up  
10 with this one, and if our Comprehensive Plan calls for  
11 something other than 120 feet - or below - then I think we  
12 have a conflict there.

13 HARTMAN: Ashlee, you need to answer that, if you  
14 would.

15 MACDONALD: Sure, Chairman, Commissioner Salas. The  
16 Comprehensive Plan doesn't get into regulating the height of  
17 the cell tower, so that wouldn't be an issue on this.

18 SALAS: Okay.

19 HARTMAN: Mark appreciates that, because we have had  
20 kind of instructions, legally on that height thing, I think.  
21 Okay, Commission Members are we ready for a motion? I'm  
22 looking both ways. Putrick, would you like to make a motion?

23 PUTRICK: I make a motion that we forward  
24 recommendation of denial on this case, and I don't have it in  
25 front of me because my computer's off, what's the number?

1 HARTMAN: 009-

2 PUTRICK: 009-

3 HARTMAN: Dash 15.

4 PUTRICK: Dash 15.

5 SALAS: I'll second that.

6 HARTMAN: Okay, we have a motion and a second from

7 Commissioner Salas. Putrick made the motion. Okay, with

8 that, is there any further discussion on the motion? If not,

9 I'll call for a voice vote. All those in favor say aye.

10 [MULTIPLE]: Aye.

11 HARTMAN: Opposed?

12 [MULTIPLE]: Nay.

13 ABRAHAM: Can we get a roll call?

14 HARTMAN: Roll call. If you would, Steve, roll

15 call.

16 ABRAHAM: Commissioner Putrick.

17 PUTRICK: Aye.

18 ABRAHAM: Commissioner Grubb?

19 GRUBB: Nay.

20 ABRAHAM: Commissioner Moritz.

21 MORITZ: Nay.

22 ABRAHAM: Commissioner Smyres.

23 SMYRES: Aye.

24 ABRAHAM: Commissioner Del Cotto.

25 DEL COTTO: Nay.

1 ABRAHAM: Commissioner Salas?

2 SALAS: Aye.

3 ABRAHAM: Commissioner Gutierrez.

4 GUTIERREZ: Nay.

5 ABRAHAM: Commissioner Aguirre-Vogler?

6 AGUIRRE-VOGLER: Yes.

7 ABRAHAM: And Vice Chair Hartman.

8 HARTMAN: Aye.

9 ABRAHAM: One, two, three, four, five. Five to  
10 four, the aye's have it.

11 HARTMAN: The aye's have it.

12 ABRAHAM: I mean as they've denied recommendation.

13 HARTMAN: All right, so that, that motion goes -

14 DEL COTTO: And if I could, I was for the tower.

15 ABRAHAM: I have you down - because it was a denial  
16 vote - or recommendation for denial.

17 SALAS: The ayes still have it.

18 HARTMAN: Yeah. All right, so what did we do? Did  
19 we deny the tower?

20 ABRAHAM: You're forwarding a recommendation of  
21 denial.

22 HARTMAN: Recommendation for denial. Adam, you  
23 heard this Commission's recommendation. This is - you still  
24 go to the Supervisors, so good luck. With that, I'm going to  
25 call a recess. Let's come back at 1:30. 1:30 for lunch.

1 Adjourned. [Break.] If I can have your attention, now that  
2 Steve's back, we can reconvene. Steve, you have the next  
3 case, PZ-008-15.

4 SMYRES: Eight or six?

5 ABRAHAM: Six.

6 ??: 006-15.

7 HARTMAN: 6, excuse me, 006-15. It looked like an  
8 8. Take my glasses off.

9 ABRAHAM: Thank you. And I brought Dedrick in since  
10 he's the Robson expert too. So he will, he will help with any  
11 historical questions that you may have. While this is loading  
12 up, this is PZ-006-15. It's an approval for a 34 acre rezone  
13 inside the Robson - or excuse me, the Saddlebrooke Ranch  
14 planned area development, which is located north of the - of  
15 Oracle Junction. Why is this going so slow here? There we  
16 go. Okay, from CR-3 - the request is from CR-3/PAD to MD/PAD,  
17 and I think this is the first MD rezone we've had in the  
18 County since we adopted the new zoning ordinance. So that's  
19 pretty monumental for Todd there. You can put that in your  
20 memoirs. And it's basically to allow a duplex unit, dwelling  
21 unit-type within Unit 14 of Saddlebrooke Ranch. In Unit 14  
22 there's going to be a total of 166 dwelling units. 18 are  
23 single family residential, and the remainder is going to be  
24 duplexes, which is zero property line. To this point we've  
25 received no letters in support or opposition. It's located

1 off of Robson Circle inside of Saddlebrooke Ranch, and the  
2 applicant today is Robson Ranch Mountains, LLC and B&R  
3 Engineering. And Todd Fitzgerald will be representing them  
4 today. Located here in the southern part of our County as  
5 indicated by the red star on the map. Here's a location of  
6 the proposal inside of Saddlebrooke Ranch and basically  
7 Saddlebrooke Ranch kind of works its - it's a 7,000 acres  
8 approximate - or 2,000 acres, excuse me, and this parcel is  
9 inside of it. Surrounded on the - all sides by CR-3/PAD.

10 AGUIRRE-VOGLER: Excuse me, can I ask a question?

11 ABRAHAM: Sure.

12 AGUIRRE-VOGLER: You said 7,000 acres.

13 ABRAHAM: I meant to say two thousand -

14 AGUIRRE-VOGLER: And you meant to say 7,080 dwelling  
15 units.

16 ABRAHAM: That's right. Yeah.

17 AGUIRRE-VOGLER: For the record, that's quite a  
18 difference.

19 MORITZ: Somebody was listening.

20 ABRAHAM: 2,528. So I'll rely on the Commission to  
21 correct me because I'm - there's a lot of numbers going to be  
22 bouncing around here in a minute. This is an aerial photo of  
23 the subject site. It's a little bit dated as you'll see by  
24 some of the onsite photography. Now here's the copy of the  
25 tentative plat that was submitted with the corresponding case,

1 and it's probably a little easier to see in your packets, but  
2 basically this is the layout. The single family residences  
3 are on there with yellow highlight. The rest are going to be  
4 zero lot line duplexes. So imagine if you will two single  
5 family residences glued together with a singular property  
6 line. How this proposal relates to the overall PAD, that was  
7 the approved approved development plan for Saddlebrooke Ranch,  
8 and then our parcel's kind of right smack dab in the middle.  
9 The resort activity center - activity core is to the west, and  
10 access is off of the main drag there from the, from the  
11 highway. Some photos. This is looking west off of Robson  
12 Circle. Looking east. Looking south, and that's some of the  
13 development that's occurred since that aerial photograph's  
14 been taken. Looking due north into the subject site. Very  
15 pretty. And staff recommendation is approval on this one.  
16 Some discussion points, or I think really the primary question  
17 is, is are duplexes an allowed, okay dwelling unit type in  
18 this zoning and in this area. Now in the - in this particular  
19 case, as I kind of briefly mentioned in the staff report, the  
20 properties develop - is subject to a development agreement  
21 that was approved many, many years ago. What that development  
22 agreement did is locked it into a certain amount of dwelling  
23 units, in a certain procedure by which certain land use  
24 changes were approved. So that means that with this one, the  
25 development agreement did not cover changes in dwelling unit

1 types and the fundamental changes to the underlying zoning.  
2 So what that means is that this case cannot really modify the  
3 overall PAD. That it's got to basically just handle the  
4 underlying dwelling unit type. The Robson folks are going to  
5 come back and ask for what's a minor PAD, which is what  
6 they're allowed to do under their development agreement, which  
7 is, just a point of note, it would not be the minor PAD  
8 procedure that we have today, it's actually the one that we  
9 had back in 1999. So in a regulatory sense this is almost  
10 like a snapshot in time back from two code amendments ago, so  
11 it's a little like a round peg in a square hole to some  
12 degree. But staff has already talked with the Robson folks  
13 about what they need to do in terms of their minor PAD  
14 amendment request, which is to do two things. One is they  
15 have to create development standards for this MD zone, which,  
16 I guess Todd will probably get into this in a little bit, but  
17 that he intends to use the CR-5 standards that were already  
18 approved in the PAD and just apply that to the new category.  
19 And then the second thing they need to do is actually move  
20 dwelling units around from inside the PAD to cover that  
21 increase that I talked about in the staff report, so that  
22 they're going to effectively go and grab units from maybe the  
23 north side or some other category in the - internally in the  
24 PAD so that overall category's not - or the overall dwelling  
25 unit count is not exceeded. Now if they do exceed it, they'd

1 actually have to come back through this process (inaudible) a  
2 major PAD amendment, which would then make them subject to all  
3 of our modern regulations, and then we'd be processing it like  
4 normal. So this one is a little strange in that it's -  
5 there's no corresponding PAD amendment, in that the request is  
6 so focused, that it's really just dealing with Unit 14. So it  
7 includes a stip that basically goes to that effect that  
8 whatever surplus units that are approved in Unit 14, they  
9 cannot be transferred out. They need to stay there. And  
10 further, that this is only approving 166 units. So kind of a  
11 roundabout way of saying that they have to come back through a  
12 minor process to actually get this thing finally approved.  
13 I'd be happy to answer any questions if the Commission has any  
14 at this point.

15 AGUIRRE-VOGLER: I have a question.

16 HARTMAN: Mary Aguirre-Vogler, Commissioner Mary  
17 Aguirre-Vogler.

18 AGUIRRE-VOGLER: So you said - what was the first  
19 density? What was the density that we okayed?

20 ABRAHAM: For this particular spot it would have  
21 been four dwelling units per acre.

22 AGUIRRE-VOGLER: Yeah, and now it seems like the  
23 analysis says they want 136 more units, is that correct?

24 ABRAHAM: Correct. Now if you - the important thing  
25 to - that the minor PAD will cover the movement of those units

1 from other spots in the PAD, because we stipulated 166 is the  
2 max that Unit 14 can get.

3 AGUIRRE-VOGLER: Well, already, though, at four,  
4 that was an earlier type of PAD, you know, we're trying to  
5 keep it down to three and a half. So they got four, now they  
6 want more.

7 ABRAHAM: In this spot, yes.

8 AGUIRRE-VOGLER: Well, I mean it's going to be like  
9 you said, I think you used the term that said jammed in. You  
10 didn't use that term, but it was similar. What did you say?  
11 You basically said they're glued together or something?

12 ABRAHAM: Glued, well those are - that's the  
13 dwelling unit type, it's a duplex.

14 SALAS: (Inaudible), was it?

15 AGUIRRE-VOGLER: Yeah, all these units, 7,000 units,  
16 plus 136, so it makes it over four DU, right?

17 ABRAHAM: Mm hm.

18 AGUIRRE-VOGLER: It'll probably be four and a half.  
19 Even though they're all in one little section, it doesn't make  
20 any difference. They're putting all these people on a road  
21 that's a two lane road and I don't think that there's any  
22 commercial there that I know of, so everybody is going on  
23 Oracle, 77 to 79, or 79 to 77, I can't remember. Have you -

24 SALAS: (Inaudible) 77.

25 AGUIRRE-VOGLER: Have you been there lately? I know

1 Pima County has done some widening, or the State has, or  
2 somebody.

3 ABRAHAM: Yeah, there was a joint improvement  
4 project between Pima and the State further south, once you got  
5 past by Catalina.

6 SALAS: The construction has been right in Catalina,  
7 Steve.

8 ABRAHAM: Right. Yeah, and they're working on a  
9 bridge.

10 SALAS: (Inaudible) from Catalina where they're  
11 putting in a bridge for wildlife.

12 AGUIRRE-VOGLER: Right.

13 SALAS: A tunnel for that.

14 AGUIRRE-VOGLER: Right.

15 SALAS: Talking about what, \$8 million bucks,  
16 whatever it is.

17 ABRAHAM: Yeah, wherever that shopping center is on  
18 the west side, the north of that a couple miles, and south of  
19 that a couple miles is all torn up.

20 AGUIRRE-VOGLER: If you go -

21 SALAS: (Inaudible) junction, though.

22 ABRAHAM: No, it does not.

23 AGUIRRE-VOGLER: Yeah, it's pretty, pretty heavily  
24 traveled there, isn't it?

25 SALAS: Right in Catalina, right in -

1           AGUIRRE-VOGLER: In the junction. In the junction,  
2 in the junction itself.

3           SALAS: Yes.

4           ??: (Inaudible).

5           AGUIRRE-VOGLER: And then like the original  
6 Saddlebrooke, they, I believe they have some shopping in the  
7 original one down the road?

8           ABRAHAM: There was some commercial zoning in that.

9           AGUIRRE-VOGLER: But see, with the 7,000 units,  
10 there's nothing there, is there yet? And do they have any  
11 intentions? Is there any commercial planned in that  
12 community?

13          ABRAHAM: There's commercial zoning, but nothing's  
14 been proposed there.

15          AGUIRRE-VOGLER: Okay, thank you.

16          ABRAHAM: And just to that point, they can't over  
17 the 7,080 that they've already been authorized.

18          AGUIRRE-VOGLER: Oh so - but it says here net gain  
19 136.

20          ABRAHAM: That's right, they'll have to come back  
21 with a PAD amendment and cover that, that from other areas of  
22 the, of the PAD.

23          AGUIRRE-VOGLER: Why are they saying duplex instead  
24 of condos?

25          ABRAHAM: Maybe Todd can talk about that. Because

1 they're - the units are just duplexes. They're not actually  
2 condominiums.

3 SALAS: They're going after the young crowd, Mary.

4 MORITZ: Are they owned by the same person?

5 ABRAHAM: No, they'll be individual lots with zero  
6 property lines.

7 MORITZ: Well then they're condos, or townhomes.

8 Duplexes are typically owned by the same person.

9 SMYRES: Steve, have we seen any development  
10 standards as far as lot sizes, setbacks, any of that kind of  
11 stuff of this proposed additional 166-something units?

12 ABRAHAM: We have. On the tentative plat -

13 SMYRES: That's this map?

14 ABRAHAM: Yeah, if you go to this pullout here, it's  
15 a little bit easier to see. It's the 11 x 17 page. The lot  
16 area, approximately would be - this is average - would be  
17 approximately 4,000 square foot, and you'd be looking at a ten  
18 foot front yard, ten foot rear yard, five yard on the non-  
19 connected side is obviously zero where the two homes meet.

20 SMYRES: Did you say ten foot front and back?

21 ABRAHAM: Correct.

22 SMYRES: How are you providing for parking?

23 ABRAHAM: In the garage.

24 HARTMAN: But what about outside the garage?

25 ABRAHAM: Can I have Todd talk about that?

1 HARTMAN: (Inaudible) feet.

2 SMYRES: Yeah. I kept looking at the (inaudible)  
3 plan and I'm thinking this - (inaudible).

4 ABRAHAM: Maybe Todd can -

5 HARTMAN: Okay. Steve, let me, let me call the  
6 applicant to come forward and answer some of these mind  
7 stumbling questions. If you would, state your name and  
8 address for the record and write it down also.

9 FITZGERALD: Thank you, Chairman, Members of the  
10 Commission. My name is Todd Fitzgerald, I'm with B&R  
11 Engineering, 9666 East Riggs Road, Sun Lakes, AZ 85248.  
12 Sorry, bear with me one second, please.

13 HARTMAN: Mary, let Mary Aguirre-Vogler start by  
14 asking you some question before you give your presentation.  
15 Maybe I should do it the other way, but let's, let's let some  
16 of the questions get resolved before you give your  
17 presentation.

18 AGUIRRE-VOGLER: It's 55 and older, right?

19 FITZGERALD: Correct. There's a handful of rules  
20 beyond that, but that's the basic rule. There's some  
21 exceptions, no children and different turns of events that  
22 allow it to wiggle, but -

23 AGUIRRE-VOGLER: How far away is it from that  
24 landfill?

25 FITZGERALD: The northern - the northeastern

1 boundary has pretty close proximity. I'll guess at 500 feet.  
2 I don't really know the answer off the top of my head.

3 There's a cutout of the property line. (Inaudible).

4 AGUIRRE-VOGLER: I know all about that landfill.

5 It's pretty - I don't even know the word -

6 SALAS: (Inaudible), wasn't it?

7 AGUIRRE-VOGLER: No. This was where all the  
8 hospital people - that was a very controversial landfill at  
9 one time. Is it completely done with?

10 FITZGERALD: As far as I know, it is. They monitor  
11 it. We get periodic updates on the results, but -

12 AGUIRRE-VOGLER: And so according to this map, where  
13 is it?

14 FITZGERALD: The little cutout midway on the  
15 east/west line. I could point that out, otherwise -

16 AGUIRRE-VOGLER: You don't have it up here?

17 FITZGERALD: Right, right there. That cutout, that  
18 circle. It makes that piece of ground kind of squares off in  
19 that area. If that makes sense.

20 AGUIRRE-VOGLER: Why are you calling it a duplex  
21 instead of condos? Townhouses?

22 FITZGERALD: It isn't proposed to be a condominium.  
23 It's freehold, with separate ownership. We call it our villa  
24 product. That's what we've called it, but it's a duplex with  
25 separate ownership.

1           AGUIRRE-VOGLER:  When's the commercial going to go  
2 in?

3           FITZGERALD:  There are different sites slated for  
4 commercial.  We don't have any deadline right now.  They're -  
5 realistically there aren't enough rooftops to justify it.  
6 We're looking at different options of what we can add and some  
7 other members at Robson oversee that type of facility, but -

8           AGUIRRE-VOGLER:  How many rooftops do you have right  
9 now?

10          FITZGERALD:  Around 430, including ones under  
11 construction.

12          AGUIRRE-VOGLER:  So the net gain is going to be,  
13 you're going to have 136 added to 7,080?

14          FITZGERALD:  I kind of want to speak on that, and  
15 make sure that I'm understanding it the same way I thought I  
16 did.  The 7,080 I understand to be an upper limit between a  
17 three step range, of a low, a target and a max.  We - I  
18 wouldn't want to commit to it and take it off the table, I  
19 don't see us ever getting close to 7,080.  We didn't see this  
20 as a gain in units, and I think the stipulation prohibits it  
21 from being a gain in units.  That this is converted, a  
22 different type that was located in other locations.

23          AGUIRRE-VOGLER:  As a net gain of 136 units over the  
24 entire PAD, so to me a gain means a gain.

25          FITZGERALD:  Yeah, I don't understand.  I think

1 7,080 is still the limit, and there was no gain, was my  
2 understanding.

3 ABRAHAM: Right, maybe that's the wrong terminology  
4 is to use net gain. The whole PAD will not go over 7,080  
5 units. If it does, they will come back here to the  
6 Commission.

7 FITZGERALD: If I can (inaudible) may not. There's  
8 different orange parcels. There's one up there. So everybody  
9 can see up that way. This orange parcel, this one right here,  
10 and this one over here, were all slated - the underlying  
11 zoning slated for CR-5 with this product in mind, an attached  
12 duplex. Now along the way, this first one right in here,  
13 which is the closest to current development, was developed as  
14 single family residential CR-3 back in 2007, I believe. The  
15 other ones are too far away from existing development and  
16 infrastructure to be viable. That brought us to this Unit 14  
17 location, right onto Main Luke Road, close to the amenity  
18 complex as Steve pointed out, which made it a desirable  
19 location for this product. So what we're trying to do is  
20 shift an area that was previously slated for it and not used,  
21 to address this now need that's come up due to market demand.

22 AGUIRRE-VOGLER: And you said it was 55 and older.

23 FITZGERALD: In general, that is the rule. 55 and  
24 older. There's some other rules, I believe, the State sets  
25 them as to what can be done and consider -

1 AGUIRRE-VOGLER: Are there two stories there?

2 FITZGERALD: We don't offer two story models  
3 currently, but I believe there are some that showed up in our  
4 entitlement documents.

5 ??: (Inaudible).

6 FITZGERALD: As a two story?

7 ??: (Inaudible).

8 SMYRES: I've got a question.

9 FITZGERALD: Yes sir.

10 SMYRES: As the land sets right now, how many units  
11 can you put on it? What are the lot sizes and setback  
12 requirements as it sets right now, without any changes? If  
13 you walked in today and said I want to start building permits,  
14 what could we put on that property right now?

15 FITZGERALD: I appreciate it, and I think it's a bit  
16 of a fuzzy answer. I'm glad you brought it up, I want to get  
17 into that. Well because of the low, the target and the range,  
18 we have land use maps we point at and that we think is  
19 reasonable, that we've done mass grading work on in order to  
20 support some unit count. We haven't been able to get to  
21 anywhere close to 7,080. So to say what it could really hold  
22 after the fine design and lot sizes don't change?

23 SMYRES: No, I'm talking about on Unit 14 right now.

24 FITZGERALD: Oh, I see. I see.

25 SMYRES: Just what is before us today, how many

1 units can we put on that as it sits right now, under the  
2 current zoning?

3 FITZGERALD: Yeah, I don't have the answer on the  
4 top of my head. We looked at these limits. It wasn't a  
5 defined unit, previously, so we don't have a number of what it  
6 used to be compared to what it's being proposed at now. I  
7 would guess in the range of 130 or so. Maybe Steve's done the  
8 math.

9 ABRAHAM: Yeah, I came up with the max being 136.

10 FITZGERALD: 36. So they would go away, and these  
11 new 166 would show up for this area, a net gain of some 30  
12 lots, but overall understanding there's no ability to exceed  
13 the 7,080, and therefore in our opinion no net gain, nor one  
14 requested.

15 SMYRES: At that number, what are setback standards  
16 as far as what size are the lots and setback and all that, on  
17 this hundred and whatever you came up with, Steve?

18 ABRAHAM: Well, let's see. So - now just important  
19 differentiation. What they've been approved to do under the  
20 CR-5 or the modern (inaudible) setbacks?

21 SMYRES: If they came in and said I want building  
22 permits today, what could we look at?

23 ABRAHAM: Let's see. If they - all right.

24 FITZGERALD: While Steve's doing that. Cut me off,  
25 Steve, please when you're ready.

1 ABRAHAM: Okay.

2 FITZGERALD: I believe it's a ten foot front and a  
3 eight and a half foot back, setback. And then there's  
4 different lot sizes. There's 60 feet wide, 70 feet wide lots,  
5 and we offer 80 feet wide. The entitlements, I think, went  
6 down to 55 and 65 as widths, but they've kind of been - as  
7 product grew and the lot sizes, of course, grew with them, and  
8 now they're 60s and 70s and 80s. I'm not sure if that answers  
9 your questions.

10 SALAS: (Inaudible).

11 SMYRES: So how, how did - how'd you get away with  
12 not having 21 feet from the face of the sidewalk to the, to  
13 the garage door?

14 FITZGERALD: Within the PAD, I know the standards  
15 are set up to be a ten foot front, and typically the front lot  
16 line is nine feet back at curb. So it would be 19 feet from  
17 the back of curb to the face of the building, if it were all  
18 the way at the front. But those dimensions were established  
19 within the PAD, that's - those are the ones I'm quoting.

20 AGUIRRE-VOGLER: It's an old one. Old.

21 SALAS: Mary, you voted for that, huh?

22 FITZGERALD: Part of that is the reason for our  
23 request. Given that maybe 30-40 year buildout of these  
24 projects, where 15 years maybe into the entitlements and these  
25 changes are showing up, and that's as can be expected.

1 There's been a lot of market twists and turns over the last  
2 recent past, I'll just say.

3 SMYRES: Is there anything, topography-wise, that  
4 makes us want to do these small lots? Or is it just a  
5 marketing situation?

6 FITZGERALD: Well our request is really based on  
7 recent market demand. There's been a need for low maintenance  
8 lock and leave product where some seven or eight years ago the  
9 desire was bigger, better large yards, private walls, there's  
10 starting to be a trend toward less maintenance, provided  
11 landscaping with the HOA. This is a - there's already been  
12 three different projects we've rolled this out at to great  
13 success, and we expect the same - with approval, of course -  
14 we expect the same at Saddlebrooke Ranch.

15 SALAS: (Inaudible) coming in, right?

16 FITZGERALD: There's some of that. Widows, just  
17 different people that, for whatever reason, have other  
18 interests. A lot of our residents are very active, so if it's  
19 a golf game or any of a million things that they'd rather do  
20 than mow a big lawn, I could relate.

21 AGUIRRE-VOGLER: So can I just ask one more time?

22 FITZGERALD: Please.

23 AGUIRRE-VOGLER: So could you do a comparison of  
24 what you have right now that you're allowed, like he said,  
25 what are you allowed today - I mean sometimes there's a table

1 in here - but like what are you allowed? What did we allow  
2 you in whatever, two thousand - probably it was 1900 and  
3 something else.

4 ABRAHAM: Okay. I think I got the answer to that.  
5 So in this particular area, this was going to be the luxury  
6 premier, which would have been four dwelling units per acre,  
7 so 34 times 4, which was 136. Yeah, okay.

8 SMYRES: 136.

9 ABRAHAM: 136. So that's the total number of  
10 dwellings in that spot. Then the - now to answer your  
11 question - or let me stick with this one. In Unit 14 under  
12 the luxury, it would have been 20 foot front yard, 25 foot  
13 rear yard, eight foot side. No. Ten foot front yard, eight  
14 and a half foot rear yard, five foot side. That was for the -  
15 what was previously planned for this area. Now with the CR-5  
16 standards that they're already allowed to do, it was ten foot  
17 front, ten foot rear, five foot side. Which is what they've  
18 said they wanted to apply to this area.

19 AGUIRRE-VOGLER: So today it's an eight foot side?

20 ABRAHAM: Five.

21 AGUIRRE-VOGLER: Okay, I got it mixed up here. Now  
22 I hope Mr. Grubb comes up and -

23 FITZGERALD: If I can jump in on one more, just to  
24 finish the list. Excuse me, today's maximum count 7,080,  
25 should this be approved, maximum count, 7,080. Is my

1 understanding and our expectation. No net increase in units.

2 GRUBB: Mr. Chair? Down here.

3 HARTMAN: Yes, go ahead Mr. Grubb.

4 GRUBB: Couple things. On your tentative plat of  
5 Saddlebrooke Unit 14, page one of two, it says maximum  
6 building height, in parenthesis two story, 30 feet. But  
7 you're telling us you're not going to do two story, but your  
8 plat calls for it.

9 FITZGERALD: Right, as a maximum limit to be that of  
10 a two story. Currently our models don't provide for two  
11 stories, but within our entitlements there was two story  
12 provision for, I guess I should say. I believe it was written  
13 into the entitlements to be an option, we don't currently  
14 offer one as one.

15 GRUBB: Okay, I'm just wondering because we did  
16 already approve one of these at Encanterra. It's under  
17 construction. This style of home, and they are putting up two  
18 stories. They're actually selling very well. In that  
19 product, the lock and leave product, it became very popular,  
20 very fast.

21 FITZGERALD: This product - oh, sorry.

22 GRUBB: Are these public streets?

23 FITZGERALD: They are not. They're private streets.

24 GRUBB: And what's the width?

25 FITZGERALD: 50 feet right of way total, and 32 feet

1 back to back. Back to curb.

2 GRUBB: Back of curb?

3 FITZGERALD: Yes.

4 GRUBB: And all streets.

5 FITZGERALD: Yes sir.

6 GRUBB: 32 feet. Parking allowed on the street?

7 FITZGERALD: It's allowed within each way  
8 regulations, which comes with a discouragement and it's  
9 heavily policed, and not commonly done. But I can't tell you  
10 it's not allowed. So it is allowed, but two car garages, and  
11 enough room in driveways to park an additional car for  
12 visitors, etc.

13 GRUBB: I just get a little concerned when I hear  
14 private streets, having been in the fire service as long as I  
15 was and being sued for pushing cars out of my way with a fire  
16 truck in this type of development. And they never won, but I  
17 just get a little concerned when we start narrowing the  
18 streets from 40 feet gutter to gutter, or curb to curb, just -

19 FITZGERALD: We work -

20 GRUBB: Has this been signed off by Gold Ranch?

21 FITZGERALD: It has. I was just going to mention we  
22 work hand in hand with Gold Ranch and they're involved in all  
23 our approvals.

24 GRUBB: Okay.

25 HARTMAN: Commission Members? Yes? David Gut -

1 Commissioner Gutierrez.

2 GUTIERREZ: Yes sir. When was the date of the  
3 original plan that was submitted?

4 FITZGERALD: The original PAD, I believe 2000.

5 GUTIERREZ: 2000? I'm using an iPad so it's kind of  
6 hard to find those specifics, and I thought it was something  
7 along those lines. Back then the master water study was done,  
8 is - has there been an update on that master water study to  
9 see if there is realistic water to continue to support these  
10 projects?

11 FITZGERALD: There's been several studies, in terms  
12 of providing up 100 year assured water supply through DWR, and  
13 then adding those studies into our actual distribution water  
14 studies, that's been approved through Arizona Water Company,  
15 who are the provider. But yes, there have been.

16 GUTIERREZ: Okay, because we are in, you know, we  
17 are in and continue to be in a heavy drought. I mean there's  
18 - water's limited and -

19 FITZGERALD: There's only so much.

20 GUTIERREZ: We're, you know, we're looking at  
21 expanding here quite a bit and stuff, and will an updated  
22 water study be submitted prior to or is the 2000 water study  
23 what's going to be submitted?

24 FITZGERALD: We haven't submitted an additional one.  
25 This development is proposed to carry on pursuant to the

1 existing assured water supply certificate.

2 GUTIERREZ: So the assured water supply certificate  
3 is dated 15 years ago?

4 FITZGERALD: I believe so, thereabouts.

5 GUTIERREZ: And we've been in a drought for about 15  
6 years, more or less.

7 SALAS: 20, probably.

8 GUTIERREZ: Or 20. Okay, thank you.

9 SALAS: Excuse me. Vice Chair?

10 HARTMAN: Go ahead, Commissioner Salas.

11 SALAS: Where is your water supply coming from now?  
12 Or is there wells located?

13 FITZGERALD: There are wells throughout the property  
14 that provide.

15 SALAS: Right on the property?

16 FITZGERALD: Correct. I believe. I don't really  
17 understand their operational strategy, but I believe Arizona  
18 Water has the ability to bring it in from Highway 77 or 79, as  
19 well. Whether they do that or not, I can't speak to.

20 SALAS: (Inaudible) Junction area.

21 FITZGERALD: I believe. But there's a large water  
22 tank been constructed in this project to provide and to my  
23 knowledge that's, that's where it stored and that's what  
24 provides a service.

25 SALAS: (Inaudible) located to the east on Highway

1 77, I mean - yeah, 77, right off the junction to the north,  
2 there's a large water tank. I don't know if that, you know,  
3 is a service for you guys. A lot of it goes up to Oracle.

4           FITZGERALD: To that end, this system was made to be  
5 designed at a higher pressure, I believe, to interact with  
6 that system. I think it more sends it north if there's any  
7 exchange. There's a large tank was developed as part of that  
8 agreement with Arizona Water on this property, and that's  
9 where the wells feed. Whether or not they continue to push it  
10 around elsewhere, or vice versa, I can only speculate.

11           GUTIERREZ: If I may.

12           HARTMAN: David Gutierrez.

13           GUTIERREZ: Yeah. I mean I really would like to see  
14 updated master water studies submitted with a lot of these  
15 proposals, and not just this one, but everything else. I mean  
16 it - you know, the water supplies change drastically in 15  
17 years. There isn't, you know, we're, we're - we're getting  
18 close to having some real issues, and if we keep submitting  
19 and accepting old master water supply studies, I mean we're  
20 actually approving things on faulty information. I mean it's  
21 - bottom line. Would it be feasible to get a master water  
22 study completed for this area prior?

23           FITZGERALD: I'm thinking the best way to answer  
24 that. Feasible, given that anytime there is a new study they  
25 say PADS a physical - determine physical availability

1 termination, or an analysis of assured water supply, or a  
2 certificate would need to contemplate existing certificates or  
3 analyses, and then this quantity that's been locked up for  
4 this project, would show up on that need. I'm a bit outside  
5 of my ability, it's not something I do myself, but I  
6 understand those studies need to contemplate anywhere that has  
7 a water provision for it, through either an analysis or a  
8 certificate, not a physical determination. And to go back and  
9 take those certificates and then try to again provision for  
10 that volume, I'm not sure how that would work out. But so far  
11 that development has been pursuant to that certificate of  
12 assured water supply.

13 GUTIERREZ: Okay. Thank you.

14 AGUIRRE-VOGLER: I have another question.

15 HARTMAN: Commissioner Aguirre-Vogler.

16 AGUIRRE-VOGLER: So going back, the staff here, I'd  
17 like to ask you a question. I know a long time ago when we  
18 did all these things on the development agreements and  
19 everything, and they've only got like 400 homes, but they have  
20 projected 7,000, that's, that's a lot, is there any kind of an  
21 expiration date on this buildout, because if they've only got  
22 400 in 15 years, where's the water going to be in another - I  
23 mean like I think I'm adding to David here on, on the water  
24 issue. You know, it was bad enough that we okay'd this in  
25 2000. I know you're only asking for a few more units, but it

1 really is a concern now.

2 ABRAHAM: Well unfortunately the State handles  
3 issues with water.

4 AGUIRRE-VOGLER: Right.

5 ABRAHAM: And as part of our platting process, we  
6 require certified water for 100 years, and that's really all  
7 we're legally allowed to do.

8 AGUIRRE-VOGLER: So Arizona Water provides them  
9 water anyway.

10 ABRAHAM: That's correct.

11 AGUIRRE-VOGLER: Okay, thanks.

12 ABRAHAM: Sure.

13 HARTMAN: And on - if I might add, on the water  
14 question, we as Commissioner Members, weren't even allowed to  
15 ask any questions on the water availability. It is all  
16 Department of Water Resources. Steve, is that right? And  
17 then the Supervisors initiated a water board and discussed  
18 this, and then after that, we could ask about the water, which  
19 is very important to us. But I used to wonder why we couldn't  
20 quiz you about your water source and supply, and projections,  
21 whatever, but we can today, so you're getting the questions.

22 FITZGERALD: Questions are always welcome.

23 SALAS: (Inaudible).

24 HARTMAN: Yeah. In ground. All right, Commission  
25 Members, any further questions? All right.

1           FITZGERALD: I had a point, please.

2           HARTMAN: Go ahead and give us a discussion on what  
3 you were - well we kind of started out asking you questions.

4           FITZGERALD: And that's fair, and (inaudible)  
5 understand a lot of what I planned to discuss we've been  
6 through. The one thing I'd like to touch on is in terms of  
7 the next step and how the dwelling units get shifted around  
8 and not exceed the 7,080. The only challenge we have is that  
9 we don't have a land plan that has 7,080 homes to take and  
10 take five out of here and add them over here, and generate the  
11 30 that would have been needed for this unit. If there's any  
12 way that the stip - there would be a stipulation or something  
13 to say this not be allowed to exceed 7,080, and we manage it  
14 internally. And the very likely event is we're nowhere near  
15 that. But to try to create an exercise where there's a - they  
16 come out of one area and into another would be an  
17 administrative hassle to try to - we'd have to produce  
18 documents to generate a layout to try to do a tradeoff that  
19 just seems like a lot of work. If there's a way to protect  
20 the County in saying you cannot exceed this unit count, and we  
21 manage it as we proceed, that would be our preference. If  
22 that's doable, if that suits staff and, of course yourselves.

23           ABRAHAM: Mr. Chair, we'd be okay with a stipulation  
24 like that, but it would be handled under the PAD process  
25 anyway, so at the end of the day we would still need some sort

1 of documentation showing the new allocations of where they're  
2 going to what Todd's saying. If you take a look at their PAD  
3 document, those ranges and columns that they have of dwelling  
4 unit allocations, we would look simply to see 36 come out of  
5 one of those columns and go to another, basically, more or  
6 less.

7 HARTMAN: I don't see anything on open space. Does  
8 - how has that affected the open space?

9 FITZGERALD: I believe it's built into the PAD and  
10 we far exceed the minimum requirements. I think 20 percent is  
11 a number that shows up in the PAD. I don't know off the tip  
12 of my tongue, but between all of it and it continues to grow  
13 with this new approach to adding (inaudible) open space and  
14 common areas to units, it only continues. It far exceeds the  
15 minimum requirements.

16 HARTMAN: Okay. Meet the minimum requirements  
17 anyway.

18 FITZGERALD: Exactly, and we're looking to appeal  
19 and create a high-end product which has been, and will  
20 continue to be the case.

21 HARTMAN: All right, Commission Members, any further  
22 questions? If not, I'll let you sit down and I'll call to the  
23 public, and then we'll proceed from there.

24 FITZGERALD: Thank you sir. If I can make one more,  
25 just in case I don't get the mike -

1 HARTMAN: Yes, go ahead.

2 FITZGERALD: Just wanted to thank staff for all  
3 their help and cooperation working through all these. It's  
4 very much appreciated, as always.

5 ABRAHAM: Thanks, Todd.

6 HARTMAN: Thank you. All right, I'll call to the  
7 public. Is there anyone that would like to speak on this  
8 case? PZ-006-15? If not, we'll close it to the public at  
9 this time, and come back to the Commission, and discussion and  
10 a, and a motion. Motion?

11 SALAS: Mr. Chair, I'll make the motion.

12 HARTMAN: Commissioner Salas.

13 SALAS: That PZ-006-15 be forwarded to the Board  
14 (inaudible) approval of the rezone will require at the time of  
15 application for development that the application submit -  
16 owner submit and secure from the application and appropriate  
17 federal, state, county and local regulatory agencies all  
18 required application plans, permits, (inaudible) documentation  
19 and approvals.

20 PUTRICK: Second.

21 SALAS: Two, the approval is for the 34 acre Unit 14  
22 only, with 166 dwelling units. Any remaining dwelling units  
23 may not be transferred out of Unit 14 to other areas of the  
24 PAD. Number three, all stipulations for case PZ-00 - I mean  
25 03300 are still in full force and effect. Forwarded with a

1 (inaudible) approval.

2 HARTMAN: Commissioner Putrick.

3 PUTRICK: I'll second.

4 HARTMAN: Commissioner Putrick seconds the motion.

5 Is there any further discussion on the motion? If not, I'll  
6 call for a voice vote. All those in favor say aye.

7 [MULTIPLE]: Aye.

8 HARTMAN: Opposed?

9 [MULTIPLE]: Nay.

10 HARTMAN: Two?

11 ??: Three.

12 SALAS: Three nays.

13 HARTMAN: Three nays.

14 ABRAHAM: Mr. Chair, can we do, can we do a roll  
15 call?

16 HARTMAN: Yes we may.

17 ABRAHAM: All right. Thank you. I got it.

18 HARTMAN: Steve, if you would.

19 ABRAHAM: All right. Okay. Commissioner Putrick.

20 PUTRICK: Aye.

21 ABRAHAM: Commissioner Grubb.

22 GRUBB: Aye.

23 ABRAHAM: Commissioner Moritz.

24 MORITZ: Aye.

25 ABRAHAM: Commissioner Salas.

1 SALAS: Aye.

2 ABRAHAM: Commissioner Smyres.

3 SMYRES: Aye.

4 ABRAHAM: Commissioner Del Cotto.

5 DEL COTTO: Aye.

6 ABRAHAM: Commissioner Gutierrez.

7 GUTIERREZ: Nay.

8 ABRAHAM: Commissioner Aguirre-Vogler.

9 AGUIRRE-VOGLER: No.

10 ABRAHAM: And Vice Chair Hartman.

11 HARTMAN: Aye.

12 ABRAHAM: 1, 2, 3, 4, 5, 6 in favor, three opposed.

13 The motion carries for approval.

14 HARTMAN: Motion carries.

15 GUTIERREZ: Mr. Chairman. I'd like to, I'd like to  
16 explain the reason why.

17 HARTMAN: Okay, David Gutierrez. David?

18 GUTIERREZ: Yeah. And my vote of nay basically is  
19 do we in fact - I mean we're facing some real water issues and  
20 when these things are approved and they're based on a 15 year  
21 old water study, I think we're dealing with some faulty  
22 information. So - that could be updated. So prior to  
23 approval, I think an updated water - master water supply study  
24 should be submitted for consideration prior to approving. And  
25 that's my reason for the nay vote.

1           HARTMAN: All right. Thank you, Commissioner  
2 Gutierrez. Thank you. Okay, you've heard the Commission's  
3 ruling. You're clear to go.

4           FITZGERALD: Thank you.

5           HARTMAN: With that, item - let's move onto Item 10.

6           ABRAHAM: All right. Mr. Chair, if I may. Actually  
7 two things real quick. One, we've had a request from one of  
8 our applicants who's on case PZ-PA-004-15, if we could move it  
9 forward a little bit, and staff is perfectly okay with that,  
10 if - let the paying customers go first before we do the staff-  
11 initiated ones. If that's okay with the Commission. And then  
12 second, I'd like to say that this is our annual Comprehensive  
13 Plan Amendment, major amendment process, so this is our once a  
14 year update and look at the Comprehensive Plan. Just to  
15 remind the Commission, we have two that are staff-generated.  
16 One from an individual in the County. And also I'd like to  
17 remind the Commission that the Citizens Advisory Committee is  
18 a group of individuals from various parts of the County. They  
19 met on this, I don't know, about two weeks ago, and you know,  
20 at the meeting I professed my thanks to them for volunteering  
21 and taking time out of their day to go ahead and do that, and  
22 also thank the Commission as well for being part of and  
23 enforcing our Comprehensive Plan. So if it's okay with you,  
24 Mr. Chair.

25           HARTMAN: It is. The Commission I'm sure approves

1 the fact that we're going to a public request, which is PZ-PA-  
2 004-15, Item C. With no other comments from the Commission, I  
3 assume we're good to go.

4           BALMER: All right, Mr. Vice Chair, members of the  
5 Commission. So this is case PZ-PA-004-15. As Steve  
6 mentioned, you heard it in a work session last month. There  
7 hasn't been any major changes to it, but just to kind of get  
8 you back up to speed. This is a request to change the  
9 Comprehensive Plan designation from Very Low Density  
10 Residential to Low Density Residential, which allows up to two  
11 dwelling units per acre on approximately 320 acres on the  
12 south side of Phillips, approximately a half mile west of  
13 Thompson Road, adjacent to the San Tan Mountain Regional Park.  
14 The applicant is San Tan 320 LLC. You can see the County map.  
15 We're in the northern end of the County. Getting in a little  
16 closer, the subject property is highlighted in yellow on that  
17 graphic there. The green surrounding it is the San Tan  
18 Mountain Regional Park. Here's two maps, kind of outlining  
19 the proposal. The map on the left is the current designation  
20 of Very Low Density Residential. That's the same designation  
21 to the north and to the east of the site. The orange a little  
22 further east are rural ranchettes with a minimum lot size of  
23 three and a third acres. The yellow to the north is the San  
24 Tan Heights development. The image on the right shows what  
25 the map would look like if this were to be approved with the

1 change to Low Density Residential on the subject property.  
2 Aerial of the site. You can see the entrance to the park in  
3 the northwest corner. Here's the applicant's conceptual site  
4 plan that was submitted. You can see it offers a range of  
5 housing types, different lot sizes on the south, which would  
6 be the left half of the site plan here. Those are Very Low  
7 Density dwelling units there, with some Low Density to the  
8 north and to the west on the site plan. Right in the middle  
9 is some multi-family casitas which would be adjacent to the  
10 community recreation area. There's also a trail system shown  
11 in red and a multi-use path system shown in yellow. So a few  
12 things to consider when we're looking at this. The  
13 Comprehensive Plan gives planning guidelines that staff uses  
14 as a guide to evaluate cases as they come in. The Low Density  
15 Residential would fall under suburban residential planning  
16 guidelines, and the intent in that area is really to provide a  
17 rural lifestyle with options for compatible suburban  
18 development. And one of the aspects that staff takes a close  
19 look at is how, how is it compatible with surrounding land  
20 uses. How would this proposal fit in with some of the lower  
21 density uses in the area. And one of the ways that the  
22 applicant is looking to accommodate this is the integration of  
23 open space. They're proposing approximately double what the  
24 code would require of them, and (inaudible) is the  
25 conservation open space, which is conservation of washes,

1 natural topography, things like that that really would help it  
2 integrate more thoroughly with the surrounding neighborhoods.  
3 There are a few other considerations. One would be how would  
4 this impact the transportation system. It's - the applicant,  
5 although they aren't looking to go all the way to two dwelling  
6 units per acre, they are asking for up to two dwelling units  
7 per acre, which represents the doubling of the low density  
8 that's there now, which could have potential impacts on the  
9 transportation system. Going forward when they get to the  
10 zoning phase of the process, the applicant will be required to  
11 submit a TIA that more thoroughly addresses the, the traffic  
12 concerns. And another specific, a point specific to this  
13 property is how it would impact the San Tan Mountain Regional  
14 Park, because it is directly adjacent to it. The applicant is  
15 proposing a 2.3 acre parcel adjacent to the park, which could  
16 provide some sort of potential interface between the  
17 development and the park. They're also proposing an  
18 equestrian path along Roberts Road to facilitate some of the  
19 residents in the surrounding neighborhoods access to the park  
20 for equestrian activities. Citizen Advisory Committee did  
21 vote unanimously to recommend approval of this, of this  
22 project. And staff, staff's recommendation would be to  
23 forward to the Board of Supervisors with a recommendation of  
24 approval as well. I would be happy to answer any questions  
25 the Commission may have.

1 HARTMAN: Okay. Commission Members. Questions?

2 All right, let's call the applicant forward, if you will, and  
3 state your name and address for the record.

4 BARNEY: Thank you very much. My name is Jason  
5 Barney, I'm with Circle G. My address is 4915 East Baseline,  
6 Suite 105 in Gilbert, Arizona. I appreciate your time today.  
7 I'm very sensitive to how long the meeting's gone today. It's  
8 been a long day. So definitely want to be thoughtful to that.  
9 You did get a preview of this. I listened carefully at the  
10 preview that there was some concern there. I want to make  
11 sure that I've taken the time to address concerns and really  
12 give the project the amount of time it deserves to kind of  
13 understand the value of what we're proposing. So kind of help  
14 me out here if I'm going too slow, you know, speed me up; and  
15 if I'm going too fast, slow me down. I'm just trying to be  
16 sensitive to your time. My presentation will actually take  
17 about a half an hour. I can speed that up, though, for the  
18 sake of, you know, simplifying. So -

19 HARTMAN: We appreciate that.

20 BARNEY: Try not to, try not to grind on too much.  
21 But there's a lot of stuff and I did hear a lot of concern,  
22 and I want to make sure we address that. So again, Circle G  
23 at the San Tans is the project. I'll be referring to quite a  
24 few images on the screen. And thank you, Evan, for all your  
25 help so far on this project. He's kind of oriented you as to

1 where this sits. It's - you've got, you know, Hunt Highway up  
2 here, Thompson - oops, we're going way too fast. There we go.  
3 Thompson, Phillips, and then right there at the entrance to  
4 the park. This is a special piece of property. It's special  
5 to us, and it's special to the people that live out there, and  
6 that is probably the primary driver as to what we do, how we  
7 do it, why we do it, it's all based around this notion that  
8 it's, it's a unique and special piece of property. Why?  
9 Because of the proximity to the park, and we'll get into that.  
10 Circle G, we've been around 40 years, we're family (inaudible)  
11 a lot of stuff. Shopping centers, office parks, you name it.  
12 We're best known for the custom home neighborhoods that we  
13 built throughout the southeast valley. Here's a shot of the,  
14 of the site and you can see that you've got Phillips Road here  
15 on the right, and there in the back you've got the entrance to  
16 the park, and this is - the property sits all right here, 320  
17 acres. The property itself is actually fairly flat. Not a  
18 whole lot of rise in the property. There are two little hills  
19 inside the property that I'll show you, but other than that,  
20 it's fairly flat. And then after you get off the property and  
21 into the park, it starts to rise up into some of the foothills  
22 of the park. I heard somebody mention at the last meeting a  
23 little bit of concern about hillside issues, and we don't  
24 encroach into any of the hillsides there. We'll get into  
25 that. We're currently part of the San Tan Heights PAD. This

1 was approved many years ago as part of that process. San Tan  
2 Heights is up here, we're actually part of that PAD. An  
3 important point of clarification I should make right now: What  
4 we're hearing today is for a Comprehensive Plan amendment. We  
5 are not here today to hear a PAD application. I can tell you  
6 we are coming forth very quickly with a PAD application to  
7 come on the heels of this, but I will say this, by definition  
8 Comprehensive Plan amendments are very high level, very non-  
9 detailed, whereas the PAD is where you get into the nuts and  
10 bolts of all the detail. And so because we're in such a  
11 special area and there's, you know, so many expectations about  
12 what needs to happen with this area, I am going to go into  
13 some of the detail about what we're planning to bring forward  
14 with the PAD - not because that's what we're - you're making a  
15 decision on, but I think it's definitely beneficial for you to  
16 make a decision to know the level of care that we're putting  
17 into taking care of the land out here. Okay. So that really  
18 is the goal is to, you know, if you should - and the Board of  
19 Supervisors approve a Comprehensive Plan amendment, we'll be  
20 coming forth with a PAD and you'll have a lot of detail. So  
21 here comes the question, and I heard this loud and clear last  
22 time: There's a big sigh of what in the world are you  
23 thinking? Why in the world would you come out here to this  
24 fantastic property next to the San Tan Park and want to  
25 increase density out there? That's kind of what I heard. And

1 that's a darn good question. And really the answer to that  
2 is, if that's all I was doing was just bringing more houses,  
3 just for the sake of bringing more houses, and that's all  
4 there was to it, that's a pretty hard pill to swallow and I  
5 would be shocked if you did not say no to that. Okay? But  
6 what I'd like to do today is make the case that there's a  
7 whole lot more to what we're doing than just bringing more  
8 houses. In fact, back to, you know, this land is special, we  
9 are trying to bring forth a plan that would actually take  
10 better care of the land, and the park, and some other factors,  
11 than the plan that's currently approved. So ask the question  
12 today - could a new plan be better than the existing one?  
13 That's really the fundamental question. Can we do a better  
14 job with a new plan than we could with the old plan that's in  
15 place? Could a new plan be more protective of that park  
16 that's next door, than what the existing plan is? And we'll  
17 talk about that. Could a new plan do a better job of  
18 protecting the natural desert that's out there, the washes,  
19 the terrain, the plants, the wildlife connectivity? Can we do  
20 a better job of taking care of that stuff with a new plan than  
21 the old one? I believe the answer is yes and you'll be the  
22 judge of that. Can a new plan introduce a softer, more  
23 thoughtful, more ecologically sensitive design than the old  
24 plan? As in, in other words, can we avoid a more gridded,  
25 just kind of spread the peanut butter as far as you can across

1 the land, or can we do something that's a little smarter, a  
2 little softer, and has softer edges and better treatment of  
3 the natural features? Can we do that? Can a new plan - and  
4 this is very important to me - can a new plan be more  
5 accommodating of a larger range of types of families that can  
6 go live here? With the current plan that's approved - and I  
7 should say that the current plan is approved for 239 lots.  
8 And I'll get to it, but the new plan is we're going to end up  
9 looking for around 461 lots, okay? If we stick to the old  
10 plan, there's only a certain amount of kind of families that  
11 can afford to live on that large expensive home that's going  
12 to end up going there. If we bring sort of a range of home  
13 options, is there going to be more families that can live  
14 there? This is an important concept to me, because I live in  
15 this kind of an environment. I live in a place where I'm the  
16 oldest of ten kids, my mom lives about four or five houses  
17 over in a house that's one size. I live in a house that's  
18 another size. I've got a sister who lives in a little tiny  
19 house over here, and another sister who lives in a medium  
20 house. We've got cousins on bikes riding around the  
21 neighborhood going to grandma's house, going to cousin's house  
22 and because - we can do that because we have this whole range  
23 of housing types and sizes and prices that people can live in.  
24 The old plan will not accommodate that kind of the scenario.  
25 It'll just be a bunch of expensive houses, which means a very

1 narrow kind of range of families that can live there. All  
2 right, so, so ask all those questions. Can we do better at  
3 the park? The natural desert? You know, more families, all  
4 that kind of thing. I believe the answer to that is yes, and  
5 we're going to walk through how we accommodate that. Now, let  
6 me talk a little bit how we got to this point. I've been  
7 working on this for about three years, and you know, it's  
8 pretty typical for a guy like me to, to go do my, you know,  
9 regulatory prescribed neighborhood meetings and all that kind  
10 of thing and try to show up here and hope a whole bunch of  
11 people don't come up here and oppose my project, and that's  
12 kind of a typical way of things get done. But that's not what  
13 we did here. I've been going out for three years. I've been  
14 talking to neighbors. I've been talking to people who care  
15 about this park. I've been talking to people who care about  
16 the ecology. Not just to this - of this location, but the  
17 ecology across the entire County, and I've asked the  
18 questions. You know, I'm in this pristine high desert place,  
19 this special piece of property, how should I design this  
20 property? And what I got out of that is I got pages and pages  
21 and pages of do this and do this and do this and do this, and  
22 I went back and I have with me the designers and the engineers  
23 on this project. We sat down and we tried to figure out how  
24 to accommodate that. Now, I've got five slides that I'm going  
25 to go through here pretty fast. Every one of these slides has

1 tons of details. I don't have time to hit every little bit of  
2 detail, but what you're going to see is all the stuff that  
3 these people said we ought to do. And this is all the stuff  
4 that we did do, in terms of trying to accommodate this design.  
5 Okay? I'm going to hit some high points, but for the sake of  
6 time I'll move quickly. Design criteria - and I should back  
7 up and say in other words what I'm telling you, this wasn't  
8 just designed by me, it wasn't just designed by my engineer  
9 who's an awesome engineer and land planner, it was designed by  
10 the stakeholders. It was designed by the people who live out  
11 there and the people who care about the ecology. So, the  
12 biggest thing think we heard was that that park is important.  
13 There's this attitude out there that the people who live  
14 around there, they believe that that park is their park. And  
15 you know what? I agree. It is their park. Do you know why I  
16 know that? Because they've been out there for literally  
17 decades, cleaning up trash, doing things, working on  
18 committees, making that park be what it is today. So that  
19 park's important, we got to treat it as such. For me that,  
20 that prompts us to do what I call stewardship-driven  
21 development . We've got a stewardship kind of obligation to do  
22 something right with this. So, the park is the amenity. And  
23 this, I love this picture because if you've ever ridden a  
24 horse or hiked out in that park, which I have done, when you  
25 come up over that saddle, that's the view that you see, and

1 you see those rock formations back there. That's something we  
2 got to take care of. So the park is the amenity. This isn't  
3 one of those neighborhoods down in Queen Creek where you just,  
4 you know, throw up a blue slide and call that the amenity.  
5 This park is the amenity. A beautiful thing. All right,  
6 next. We're introducing a significant amount of open space,  
7 far above and beyond what is the minimal standard, approaching  
8 the range of 40 percent, in terms of open space. Most of that  
9 comes in the form of these wash protections that we're doing  
10 and these huge setbacks we're doing from Phillips Road, and  
11 huge setbacks that we're doing from the park boundary. In  
12 addition to that, we're taking the edges of our houses.  
13 Instead of taking a bunch of houses and just kind of lining  
14 them up in a row, you know, chuck chuck chuck like that, we're  
15 breaking them apart. We're separating them, we're curving  
16 them (inaudible). We're undulating the lines. So we're also  
17 introducing lots of trails. We'll have a few kind of, you  
18 know, hard surface trails in there, but we're going to put a  
19 lot of emphasis on more soft surface, more natural condition  
20 type trails. I think that is really important for this. And  
21 I'll tell you what really drives the design concept on this is  
22 instead of me coming in and taking my preconceived, you know,  
23 Maricopa County notion of how things get developed, I come in  
24 and say - I look at the land, and I've walked this land, top  
25 to bottom, top to bottom, in a - whole bunch of times. Let

1 the land tell you what needs to go here. An incredibly  
2 thoughtful way to go do a development. Other things is ton of  
3 preservation of natural conditions. You'll see where the wash  
4 is, we have these major setbacks. We are not taking out -  
5 you'll see there's this wash system in there that's really  
6 phenomenal. We're preserving those washes. We're not even  
7 touching them. We're just kind of working our way around them  
8 and tucking our way into them. There will be no large scale  
9 mass grading. We're not going to start of the bottom of this  
10 thing and scrape to the top of the thing, and then go  
11 recreate, you know, Disneyland there. Disneyland's already  
12 there. And so we're going to try to not wreck Disneyland and  
13 just kind of tuck our way into it. Okay. So, so vegetation.  
14 We actually - and I've already done this - we've gone out  
15 there and tagged the very important species of trees and cacti  
16 that are out there, and walked - I myself personally walked it  
17 and said oh, that's an awesome ironwood. We got to figure out  
18 how to either keep it where it's at, or if we have to move it,  
19 let's build a nursery system so that we can preserve that tree  
20 and then replant it and make it a, make it a part of our  
21 project. Wildlife corridors. We're making sure that that's  
22 happening. As the wildlife comes off, and you'll see there's  
23 a letter from Arizona Fish and Game that is very supportive of  
24 this project, and believe it's an exemplary project in terms  
25 of this kind of thing. I'll be sitting down with them and

1 saying okay, what's the wildlife out there, and where are they  
2 coming in? And can I make sure my fences accommodate that,  
3 and that sort of thing. So, you've got all these - this is  
4 picture onsite, and you can see how much awesome vegetation is  
5 out there, natural washes, it's a pristine environment, and  
6 these are the things - we're just not going to touch that.  
7 We're just going to work our way around it. Okay. I will say  
8 that the people who are moving here, this kind of, this kind  
9 of development is a more expensive way to develop. It - I've  
10 already run the numbers. I don't know if this'll mean  
11 anything to you. It's \$250 a foot more expensive to build  
12 this way than it is to build in some kind of a conventional  
13 thing. And I can tell you that translates into about a 40  
14 percent more expensive kind of a number. And all - what that  
15 means is that the people who are going to come buy here are  
16 going to be paying more to be here. Well, what that means is  
17 that they see this as a valuable place. They see this as an  
18 important place. And what are they buying into? They're  
19 buying into that park being next door. They're buying into  
20 this really pristine preservation that we're trying to do  
21 within the project. And guess what also happens? These  
22 people come in and they are stewards of that park. They too,  
23 just like all the other neighbors that I've talked to out  
24 there that think they own the park and they do, now I'm going  
25 to bring a whole bunch of other people in here who are going

1 to think they own the park and they do. Which means they're  
2 going to protect it, and take care of it, and cherish it the  
3 way it ought to be. All right, moving on. Nature is the  
4 amenity. Protect it. You know, this is again - and I - and  
5 we do a lot of development - we did Val Vista Lakes, you know,  
6 many, many decades ago, and we had to bring in all kinds of  
7 amenities into that. You don't have to bring in those kind of  
8 - we'll do some - we'll be doing some amenities, but very, you  
9 know, context appropriate kind of amenities. But really, the  
10 real amenity is the trails, the vegetation, the terrain, the  
11 washes, and of course the park. Okay. The product options  
12 available for all family sizes and ages and multiple  
13 lifestyles. This is the one I talked about a minute ago that  
14 are near and dear to my heart. I want lots of different kind  
15 of families out here. I don't want it just to be a bunch of  
16 million dollar houses where a bunch of people with a lot of  
17 money are living up in, you know, next to this pristine park.  
18 I want young families out here. I want old families. I want  
19 medium size families. I want people who are more retired to  
20 be able to live out here. And when we get into those casitas  
21 that you heard mentioned, that's an opportunity for those  
22 folks. So simply put, what's the design criteria that drives  
23 this project? Remember the design criteria that I came up  
24 with was driven by stakeholders telling me how this ought to  
25 happen? The overriding principle is protect and preserve.

1 Protect and preserve. Protect the vegetation, protect the  
2 habitat, and preserve it. All right. And I've talked to  
3 this. Here's the shot of it. You can see the Phillips Road  
4 on the left, you can see the park on the right. Not only do  
5 you protect and preserve, but you design to the land. You  
6 know, when I do a normal flatland project, I don't have to  
7 really look at the land that closely, you know, before I start  
8 - I can just kind of go blade it and start building houses - I  
9 mean it's more complicated than that, but on this piece of  
10 land, I can't do anything until I've walked it, seen it, seen  
11 where the train is, figured out what's special, figured out  
12 what I just got to keep my hands off, and then start working  
13 my way into that. In other words, instead of me walking up to  
14 this piece of property and saying hey I need to squeeze 600,  
15 800, 900 houses out of you, you look at the land and let the  
16 land tell you. You know? Here's about how many we can give  
17 you, and that's about all you're going to get, because the  
18 land really tells the story as to what can happen. So, the  
19 way we did that, how we designed to the land, we built a  
20 constraints map, and a constraints map is where you basically  
21 say here's all the washes, start out with that as the number  
22 one kind of sacred space; start with the washes, design around  
23 that. And that's how we came up with - come on - is that  
24 thing working? Would you advance that to the next slide, or  
25 is it froze up? There we go. All right, this is the

1 constraints map and you already saw it previously. See all  
2 those big open areas that that are coming through, those are  
3 all the washes that I referred to, and you'll note - I did  
4 mention that this is mostly flat which it is, the one  
5 exception is that right here is a fairly large hill, and right  
6 there is a smaller hill; those we're not touching. We're not  
7 doing anything on top of it - I mean we can put that cell  
8 tower right up there, but no, that's a joke. You like that?  
9 So we're not touching those, but the rest of this is we've  
10 taken those washes and we've said let's, let's leave that  
11 alone and then let's put these pockets inside of there, and  
12 then let's build inside the pockets. So there's no  
13 masquerading here, all those washes they just don't get  
14 touched. We're going to have to cross them and things like  
15 that, but in terms of really doing any kind of changes to  
16 that, we just don't touch them. Now I'm going to tell you  
17 something, the existing plan has 404 designations in the  
18 bottom of many of these washes, but if you, but if you know  
19 404 designations, they're actually fairly narrow designations.  
20 And so with the existing plan, there's some of these areas  
21 that I wouldn't be able to touch with the existing plan. But  
22 I can tell you this, I'd be able to push that grader right up  
23 to the edge of those 404s and you know what, all this  
24 preservation stuff that I'm talking about would not be  
25 happening if that was the case. Now, if I did have to develop

1 the existing plan, I would really try to do a nice job with  
2 that too, so don't get me wrong there, but I'm telling you the  
3 level of protection that we have with this land, as you can  
4 see here, is dramatic compared to the kind of protection that  
5 would already be in place. 10, 30, 40, 50 feet of setback.  
6 Okay, so moving on, but that really amounts to is we've got  
7 this soft design, we've got soft edges inside the pockets,  
8 we've got soft edges along Phillips, we've got soft edges  
9 along, along the park edges, and how do we accomplish that?  
10 This is the lot plan that you have not seen yet, but this is  
11 the kind of thing that you're going to see in the PAD when it  
12 comes forward. And when we bring this forward, you see that  
13 we've basically taken those development pockets and we've kind  
14 of carefully tucked the lots down inside of that, and if  
15 you'll look at the edges here, you take along Phillips right  
16 here, you don't see a long row of houses right there. You see  
17 when you drive up on it, the first thing you see is open  
18 space, wash; open space, one lot; open space, entry; open  
19 space one lot; that tucks back and angles back so that it  
20 doesn't have a prominent effect. More open space, wash; open  
21 space; more lots then instead of backing them up against  
22 Phillips, they're tucked away, and then more lots, tucked  
23 away; there is not a single example of a gridded line of  
24 houses up and down that. And then we do the same thing, you  
25 know, on the edges in terms of trying to soften it up.

1 There's a couple of places like right here where we turned the  
2 houses facing out to the park, instead of, you know, turning  
3 their back just so that it just opens it up even more. And  
4 then of course the trail system that goes through there. Now,  
5 let me - let's talk about this thing about density, because  
6 density's a bad word right? I see head nodding here. I  
7 understand, and I really do understand and respect the concern  
8 that density in and of itself just kind of plopped into a  
9 place, is problematic. Especially density that's not handled  
10 properly, that's not done right, it can be a problem. But I  
11 would like to promote to you the concept that not all  
12 density's created equal. Some density can be problematic,  
13 some density when implemented in a thoughtful, in a proper  
14 way, can actually be a good thing. And so that's what I'm  
15 hoping to bring here. By adding more houses, I'm able to pull  
16 them in farther away from the natural spaces, leave the  
17 natural spaces more open, and now I've got a better project.  
18 So if you'll look here, this is the way to illustrate what I'm  
19 talking about. Here on the left, here's what you're looking  
20 at. That's the conventional development style. That's the  
21 way it's normally done - it's actually in San Tan Heights,  
22 which is, it's a fine project, nothing wrong with it per se,  
23 but it definitely demonstrates what a standard kind of a  
24 development pattern. It's very gridded out, it's linear, it's  
25 rectangles, and there's no soft edges to that. You've got

1 houses backed up in a line along the side here. What I've got  
2 over here, this is an example of - pulled right out of our  
3 project - this is the exact same size of houses, the exact  
4 same size of lots, but instead of being all clumped together  
5 like this, they're spread out. And this is, actually what  
6 you're looking at here, is coming along Phillips Road, and  
7 then the very first thing you see is this: And it's just like  
8 what I talked about before, what do you see? You see open  
9 space, wash. Open space, open space all the way down.  
10 Instead of here, what you see? Just a row of houses. So,  
11 this is an example of not all density's created equal. This  
12 is density where when you, when you spread it out and open it  
13 up in the middle, it can be a much more attractive and  
14 effective way to build, and it's much more protective of the  
15 natural ecology. Same thing here. This is still Phillips  
16 Road. Here's the entrance to the park. Here's the equestrian  
17 center. Again, here's these houses over in San Tan Heights,  
18 very clustered together in a tight grid system. Here they're  
19 spread out with a wash coming through, and all the soft edges  
20 that we've been talking about. So again, not all density is  
21 created equal. Some density handled thoughtfully, can be not  
22 only effective, but also much more protective of the natural  
23 environment. And as you recall a design - a guiding design  
24 principle for us is to preserve and protect. Okay, and then  
25 the last thing I've got here is - oops let's go back - okay.

1 Here I'm showing that same thing just in the context of a  
2 whole map. You just saw this close-up, here it is in the  
3 context of a whole map. Again these big open spaces coming  
4 through. Now, one of the questions that came up is how is  
5 this going to look from the street? Well what you're looking  
6 at right there - let me back up here - you're looking at  
7 standing on Phillips Road, standing right there, so you're  
8 almost to the park entrance, and you're looking at the back of  
9 these houses right here, okay? That's the way it looks today.  
10 That's the way it looks today. When we come in with the  
11 project that we're talking about, with all the softened edges  
12 and all that, you're going to see that. Now this rendering is  
13 starting to get a little bit old. We did it quite some time  
14 ago, some things have changed since then. For example, we're  
15 talking about instead of having a hard surface trail right  
16 here, make that a soft surface trail. So that will kind of,  
17 kind of soften it go away. You'll see some solid fences in  
18 here, we've had a lot of conversations about having view  
19 fences instead, so that sort of the hard structure of the  
20 fence goes away. So as it sits, you can see that that is a  
21 very soft impact, compared to what you would see anywhere else  
22 in the County, what you would see over at San Tan Heights; and  
23 then when we do some additional things to soften up, it'll  
24 just be all the better. This is - probably don't want to  
25 drill down on this too much, other than it shows you the

1 distances that we have from the street down to the lots, and  
2 as you can see, we're talking instead of the typical, you  
3 know, I think is what, 30 feet is the typical, or 20 to 30 feet  
4 is the typical buffer, you know, we're going up to 40, 50,  
5 even 100 feet, well over 100 feet in several cases. So it's  
6 pretty dramatic. I will not speak to this, because there's  
7 several people from the Superstition Area Land Trust here that  
8 will speak to this, but it's a group of people who is very  
9 focused on protecting natural spaces, and they have written  
10 you a letter, you've probably seen it in your packet, and I'll  
11 let them speak to this. I mentioned that the Arizona Game and  
12 Fish is supportive of this project as being something - I like  
13 to read this here at the bottom. Through this ecologically -  
14 through this ecologically services sensitive design,  
15 protection of natural washes, increase in open space and  
16 clustering of low density houses, the ability for wildlife to  
17 move through the community would be increased. And then they  
18 mention all the things that we're doing from a design  
19 standpoint in terms of increased open space and preservation  
20 of natural features, dark sky. This is all stuff in the  
21 letter. It was mentioned that in the middle of the project  
22 that we're going to have - the word multi-family can just  
23 scare people to death. And this is not a big apartment  
24 complex out in the middle of this project nearest to the San  
25 Tans. What it really is is casitas. You know, we've called

1 them villas, but casitas is probably a good word for it.  
2 They're low-profile, low intensity. Here's some examples of  
3 what they might look like. It's really geared toward more of  
4 a lifestyle kind of thing. People who want more of a, what  
5 they call a lock it and leave it lifestyle, which is another  
6 way of saying they come here in the winter, they enjoy it in  
7 the winter, they leave for the summer and they want to come  
8 back, and they don't want to have to worry about a lot of  
9 maintenance while they're gone. A little bit of a smaller  
10 footprint. And partially the reason that we're putting those  
11 there, is because we ended up with a piece of land in the  
12 middle of there. It was really too small to go to, you know,  
13 typical single-family houses, so we wanted to come up with  
14 something creative and thoughtful to put in the middle there.  
15 I mentioned before that we're not really encroaching into  
16 hillsides, you can see that it sits on quite flat piece of  
17 property in the middle, with the terrain and hillsides that  
18 are outside of the bounds of the property. Again, another  
19 look at the property. You can see again a fairly flat piece  
20 of property. So to - something that's critical that we're  
21 trying to accomplish here, is not only are we trying to do a  
22 really nice job of this property on our own, but I think we  
23 can really set a high standard for what other development can  
24 happen both in the San Tans, as well as other places in the  
25 County. Say, you know, the Superstitions for example, where

1 there's other places where there's pristine areas that are  
2 ecologically valuable and ecologically sensitive. We've  
3 brought all these design guidelines that say to the world hey,  
4 here's a smart way to develop in those kind of places. So is  
5 the new plan better? That's for you to decide, I believe it  
6 is. And why? Because we have increased so much in terms of  
7 open space, in terms of setbacks, in terms of protection of  
8 (inaudible). The old plan just doesn't have that stuff in it.  
9 Does that mean if we had to go build the old plan, that we  
10 just, you know, do something ugly? No, we would still do a  
11 very nice job. But with this plan we can do so much better of  
12 a job of pulling away from the washes, pulling away from  
13 Phillip's Road, pulling away from the edges of the park,  
14 preserving wildlife corridors, and that's the project we'd  
15 like to build and I would take any questions.

16 HARTMAN: All right. I'll start out with the  
17 questions. As you were speaking I was writing down. Okay,  
18 you're planning on going from a very low to a low density.  
19 Right?

20 BARNEY: Yes.

21 HARTMAN: Okay. So how many homes in addition will  
22 that allow you to put on this acreage, this 320?

23 BARNEY: Well let me answer that this way. What we  
24 were going to be asking for - so there's two parts of this -  
25 what we're going to ask for and what we could ask for. What

1 we're going to ask for is 461 homes. So the differences 461  
2 minus 239, so whatever that number is. How many? 232. 202.  
3 Okay, so an additional 202 homes. Now, the other - what would  
4 be - 232? Okay, there we go. What's also implied in your  
5 question is a very important nuance of the process, and that  
6 is this: We're actually trying to go - if I do the 461 homes,  
7 that's actually one and a half units per acre, not two, okay?  
8 So it's not doubling, it's just going halfway to that. Now  
9 you would say well if you approve this Comprehensive Plan  
10 amendment today, that means I can come in with a PAD that, you  
11 know, just kidding, I don't want 461, I want the whole, you  
12 know, two units per acre, I want more. Here's the reality: We  
13 already have an existing PAD that locks us into 239. So at  
14 the Board of Supervisors, was to - if you were to recommend  
15 and then the Board of Supervisors approved, we would not be  
16 able to go out and do that plan until a PAD gets approved,  
17 which you will have to see, which the neighbors that are very  
18 vigilant out here will have to see, and so there's virtually  
19 no chance of me coming, you know, sort of under the radar  
20 somehow, getting the Comp Plan to go up to two units per acre,  
21 and somehow I get more than the actual one and a half that I'm  
22 telling you here today is what we really want to go  
23 accomplish. So does that answer your question?

24 HARTMAN: That answers my question. Now, the  
25 question that follows that is each one of these residences

1 will have an automobile, for sure.

2 BARNEY: Yes.

3 HARTMAN: At least one, maybe two.

4 BARNEY: Yes.

5 HARTMAN: Okay, so the number of automobiles you're  
6 going to increase is 232 for sure, and you're using the same  
7 Phillips road as infrastructure in egress - ingress and  
8 egress, so how is that going to work? And then I read  
9 someplace where you're going to narrow down the roads to  
10 decrease the runoff, and I'm having a problem with the  
11 subdivisions we have today not having wide enough roads  
12 because if somebody parks on one side, somebody parks on the  
13 other side, a fire truck can't go down through the middle.

14 BARNEY: I heard you mention something about that.  
15 I'd like to see you run one of those cars off the road by the  
16 way.

17 HARTMAN: I have an ex-fire chief here, so I've got  
18 expertise behind what I'm saying.

19 BARNEY: No, really important question.

20 HARTMAN: Yes.

21 BARNEY: And let me answer it this way. For the  
22 PAD, we have to do a traffic impact analysis and study, which  
23 we've all actually already done. We just got a final version  
24 of it yesterday. And it is there impacts? Absolutely, of  
25 course there are. There's more cars. Are there impacts that

1 are significant enough to really offset the serviceability of  
2 the roads that are there? No. According to the impact  
3 studies that we have - and you'll, you'll get a chance to  
4 evaluate that when the PAD comes forward, but, you know, we  
5 have just a very moderate impact on Hunt Highway. We just  
6 have a very moderate impact on Thompson, and as we get into  
7 this, if the County comes back and says you know what, you're  
8 going to have to widen some of Phillips road here, and maybe  
9 some turn lanes and things like that, in order to accommodate  
10 this traffic coming in and out, great, that's what we'll do.  
11 So that's actually part one of your question is the off-site  
12 traffic. Part two of your question is related to the internal  
13 traffic and the fire trucks running cars off the road and that  
14 kind of thing. But to just close the loop on the first part  
15 of that, according to the traffic analysis that we're looking  
16 at right now, it is not as significant enough impact to really  
17 become a problematic issue.

18 HARTMAN: Okay, so I own one of the homes and I have  
19 a birthday party, which all of us have at least one birthday a  
20 year, all right, so I have a lot of friends, they come and  
21 they park their cars in the road, it does get almost -

22 BARNEY: Now we're talking about the next question,  
23 which is the internal question.

24 HARTMAN: Yeah.

25 BARNEY: Let me address that.

1           HARTMAN: Okay, let me, let me throw a little bit  
2 further to you. I have seen where these roads are so narrow  
3 that it's almost impossible to traverse back and forth on that  
4 road, that they've had areas where residents could go and park  
5 their cars within walking distance - not a quarter of a mile,  
6 but down the street a little ways, they widened the road,  
7 widened out and you could park your cars. Now, are you going  
8 to - are you thinking about anything like that or are you just  
9 going to - go ahead.

10           BARNEY: We are, we are thinking about that. It's a  
11 very important question, and here's the thing; we're - when we  
12 go design this, we're trying to strike a balance, and the  
13 balance is we are - we're trying to do the soft design where  
14 we've minimize hardscapes as much as we can, and so that's one  
15 of the drivers as to why we would want to see if there's  
16 places to have a street be a little bit narrower. But on the  
17 other hand, we don't want to damage the functionability of  
18 this thing, or the safety of the thing. And so from a  
19 marketing standpoint, we've got to keep those streets wide  
20 enough so that we don't create this parking problem, so that  
21 we don't create this situation where two cars park and they  
22 can't get through, that kind of thing, and so we are very  
23 carefully going through this plan and making sure that these  
24 road sections are wide enough that they don't create the  
25 problems that you're talking about, and if we can bring them

1 in a little bit without creating those problems, great; and if  
2 not we have to push them back out. But I will tell you this,  
3 that kind of a detail is the kind of stuff we'll be addressing  
4 in the PAD, and so should the Comprehensive Plan amendment go  
5 forward, we're still going to have to come back here and  
6 answer those questions. And by that point time we'll have,  
7 you know, specific street sections and street widths kind of  
8 defined in this thing, and that's a great time for you to say,  
9 you know, no or yes, I like it or I don't, or it causes a  
10 problem or doesn't. So, very valid, yes we're thinking about  
11 it, and it'll really get broken down in the PAD.

12 HARTMAN: Okay. Equestrian center, you mentioned  
13 equestrian center in the center of the development.

14 BARNEY: It's not in the center.

15 HARTMAN: It's not in the center?

16 BARNEY: It's not in the center. I'll show you  
17 here. It's going to be - it's right at the entrance to the  
18 park. It's going to be right there. So here's the entrance  
19 to the park, here's the big parking lot where people park  
20 their horse trailers and unload, we're talking about putting  
21 that right there.

22 HARTMAN: And that's what the equestrian center's  
23 going to be, is a place to park your horse trailer?

24 BARNEY: No, we haven't totally figured out exactly  
25 what it's going to be. What it's probably going to be is some

1 kind of boarding stables that's either owned and operated by  
2 the HOA, probably mainly available to the residents, maybe we  
3 open it up to other people - we haven't totally figured out  
4 the best way to handle that. We've been looking at some other  
5 places around the Valley that have done this kind of thing.  
6 But the essence of it is, is you're not going to be able to  
7 keep your horses on the property, but this is a place that you  
8 would be able to keep a horse so that you can go riding, and  
9 obviously that is a phenomenal place to go ride a horse if you  
10 haven't done it.

11 HARTMAN: Okay. Trails, trails to the park. You  
12 talked about trails to the park.

13 BARNEY: Yes.

14 HARTMAN: Are they going to go through the  
15 subdivision? Where will these trails -

16 BARNEY: We'll have an entire trail network internal  
17 to the subdivision itself. In fact that trail system internal  
18 to the subdivision will be good enough that if there was no  
19 park, those trails alone would be great. But that park is  
20 there and it's phenomenal, so all of our trails are designed  
21 to eventually connect into the park. Now there was some  
22 discussion about would the park be amenable to us having a  
23 dedicated entrance into the park at some of these points, they  
24 said they don't want that at this point, and so we're not  
25 currently pursuing that. If something about their policy

1 should change over time, we could reopen that, but right now  
2 the main connection into the park is come down here and go  
3 through the main entrance to the park.

4 HARTMAN: Okay, the trails would be limited to  
5 horses only?

6 BARNEY: There will be no, there will be no horses  
7 internal to the site. You can't go ride a horse -

8 HARTMAN: Okay.

9 BARNEY: You can't go ride a horse inside of our  
10 property. Now of course you can go ride it in the park, but  
11 of course we will have a horse trail, it comes along Phillips  
12 here. So the people who live down here have a way to ride the  
13 horse and get to the park.

14 HARTMAN: Is that in the buffer area?

15 BARNEY: Yes, that's in the buffer area.

16 HARTMAN: Okay, so the trails will be either walking  
17 or what? Motorized?

18 BARNEY: Walking. No motorized. Mountain bikes and  
19 walking.

20 HARTMAN: Okay.

21 BARNEY: And strollers.

22 HARTMAN: Okay. The casita. The size. How many  
23 square feet are you talking in the casitas?

24 BARNEY: We haven't really design them yet. I gave  
25 you that picture that just kind of gives you a feel for what

1 they would look like, but this is not like apartment buildings  
2 kind of thing, it's more a smaller footprint. There might be  
3 some duplex attached kind of things, but really it's just a  
4 low profile way to put a few more houses in there so people  
5 who want more of a lock it and leave it environment, yeah.

6 HARTMAN: What kind of setbacks are you going to  
7 have between the houses that will be in this subdivision?

8 BARNEY: It depends on the product type, so on some  
9 of the larger product we're going to have what's called non-  
10 disturbance areas around the houses to where there's going to  
11 be, you know, pretty huge setbacks between the houses.

12 HARTMAN: What's that? Huge?

13 BARNEY: Huge -

14 HARTMAN: Ten feet?

15 BARNEY: No, no, no. On those it'll be like 20, 30  
16 feet, 40 feet in some cases.

17 HARTMAN: Okay.

18 BARNEY: So those will be significant. Now when we  
19 get down to some of the - and let me just point to the map.  
20 When you get up here in the southern end of the project, with  
21 the more custom estate homes, that's where you're going to  
22 have the big setbacks. And then when you get up into here,  
23 we'll have some of those houses that are going to have like 10  
24 foot and 5 foot setbacks, 10 on one, five on the other, and  
25 some of the other ones it'll be more like 10 and 10. So, you

1 know, typical to what you might see in some of the other, you  
2 know, communities that you see, but the difference is that  
3 stead of taking those houses and lining them up in a grid,  
4 we've kind of tucked them into smaller pockets. Okay?

5 HARTMAN: Okay. I'm not really excited because I -  
6 I'm a native Arizonan like you, and I've been here a long time  
7 and I've been here through, let's see my grandfather, about  
8 for generations, and I've seen Arizona grow, and if we were  
9 from Chicago and we didn't have a crowd around us, we would  
10 really be hurting. But if we're from Arizona and you start  
11 getting a crowd around you, we are hurting. So a lot of the  
12 residents that you have come into these subdivisions are not  
13 native Arizonans, and so I guess they don't mind having a  
14 crowd around them, but I'll tell you what, a lot of the people  
15 over in my area, in the Western part of the County, they want  
16 a little space. Now the subdividers - the newest  
17 subdivisions, they're pretty high density, but there's a lot  
18 of people that don't particularly like that. They have their  
19 open space and everything, but they don't particularly like  
20 that high density. And I, I'm always an individual that likes  
21 the lower density and like to stay that way. So - and we -  
22 our roads are not designed for this high density subdivisions.  
23 I mean look what we've done in the San Tan area. Yeah, it's  
24 going to improve, and it is improving, but we have obstacles  
25 in the Maricopa area that railroad tracks and things like

1 that, that are major obstacles for traffic, vehicular traffic.  
2 So anyway, -

3 BARNEY: I really appreciate what you're saying and  
4 very respectful about it. I mean coming from my own  
5 background, you know, growing up in Arizona, you know for my  
6 family growing up, you know there was a time when you had to -  
7 there was a five minute ride to go see your neighbor. So, I  
8 understand, I understand what you're talking about. I will  
9 say this, though, there's a couple of different different kind  
10 of high densities. When you go to what San Tan Heights is,  
11 and you look at this picture up here, that's like three,  
12 sometimes four units per acre. That's high density. And that  
13 some of the stuff you're talking about in Maricopa. What  
14 we're talking about is actually only one and a half units per  
15 acre, so is it higher than one? Yeah. Is it high density in  
16 the same kind of context as what you might see in Maricopa, or  
17 what you might see in San Tan Heights, or Johnson Ranch? It's  
18 not. It's an entirely different thing.

19 HARTMAN: But with this, this lower density that  
20 you're talking about, I still not - am not convinced that it  
21 won't ruin the prestigious pushing of your (inaudible).

22 BARNEY: Let me - that is an important concern. In  
23 fact, remember, my guiding principle here is to protect the  
24 land, right? And so let me suggest this - two things. I'm  
25 already approved to go build 239 lots, I could do that today,

1 okay? Now if I did that, I'm Circle G, Circle G really tries  
2 very hard to build real nice stuff, we do a nice job with  
3 that. But here's the reality of what would happen if we did  
4 that. First thing, they'd be very large lots, which means  
5 very expensive homes, million dollars plus, and that means  
6 that the only people who are living up there, there's no young  
7 families up there, there's no, you know, retired grandmas  
8 living up there, it's just big expensive homes with people  
9 with a lot of money. That's what that is, okay? So there's  
10 number one. And number two, number two, what's going to go on  
11 is this - and Circle G is very well known in the southeast  
12 Valley for doing equestrian, you know, horse lots kind of  
13 thing. More than likely that would end up being, you know,  
14 allowing people to put their horses on some of these  
15 properties, for example. And the reality is is what does more  
16 to preserve the natural habitat? Taking the houses and  
17 pulling them in tight and leaving these big open natural  
18 spaces? Or getting this big lot where you got a horse pen  
19 here, and you got a barn over there, and much like you see in  
20 some other, you know, parts of the Valley, which is fine down  
21 to the flatlands, but when we get up in here, you know, by  
22 what we're doing, we're actually limiting the kind of  
23 encroachment and infringement that we put on the land by doing  
24 these kind of things; by limiting the kind of, you know,  
25 vegetation people can put in their yard, that sort of stuff.

1 So I believe that if I go back and do the old plan, it's not  
2 going to protect the land nearly as effectively as the new  
3 plan is.

4 HARTMAN: Okay Jason, one more, one more, then I'll  
5 let the Commission quiz you. My thought is that when you have  
6 the higher costs, lesser - fewer homes, higher costs, you have  
7 individuals that are more stable, that probably don't - are  
8 pretty much semi-retired. When you go to the smaller, higher  
9 density, more homes, you're going to have individuals that  
10 need jobs, and one of the problems in Pinal County is we don't  
11 have the jobs to support the people we have already.

12 BARNEY: I hear you loud and clear.

13 HARTMAN: It's all going to Maricopa County.

14 BARNEY: I hear you loud and clear. And I've got a  
15 lot of projects going on, and I currently am in the process of  
16 trying to develop about 400 acres - about three or 400 acres -  
17 of employment lands just about four miles north of this site,  
18 that once it gets - you know, once the market supports it to  
19 go put offices and warehouses and manufacturing buildings,  
20 it's going to happen there, and there's going to be coming  
21 jobs to this area. So what you're identifying is a very real  
22 problem, and I will tell you if you'll look across the  
23 entirety of Pinal County, one of the most high potential  
24 places to get jobs is this area, because of Gateway Airport  
25 and some of the things that are going to be happening out

1 there. So what the reality is, you know, the people need to  
2 come before the jobs get there, that's just the way it works.  
3 And so, you know, the question is in the meantime, what kind  
4 of stuff are you building here? Are you building stuff that  
5 is really going to be awesome a long time from now, or are you  
6 building stuff that, you know, isn't as awesome as it could  
7 be? I think this is, this is good stuff.

8 HARTMAN: All right. Commission Members? Frank?

9 SALAS: You talk about soft trails. What kind of a  
10 dust condition is going to create for this park area?

11 BARNEY: That's a good question. I would like to  
12 actually spend a little bit more time making sure I'm giving  
13 you good answers on that. I'll tell you this, those trails  
14 are for basically mountain bikes and hikers, so I don't think  
15 that the mountain bikers and hikers are going to be - now if I  
16 had motorized vehicles on there, that'd be a problem, but  
17 those won't be allowed. So I don't think it's going to be a  
18 major dust issue. I'll spend some time and really make sure I  
19 verify that.

20 SALAS: You know, the terrain lends itself to that  
21 out here in the desert.

22 BARNEY: Well, and you need to know that a lot of  
23 these, when I say soft trail, what I'm actually trying to do  
24 is literally the existing desert flora that's out there, you  
25 know, let that kind of stuff be the foundation of the trail,

1 or what the trail is, so yeah. Very much like just like just  
2 go walk out there today. Yea. Okay?

3 HARTMAN: All right, next? Bill Grubb?

4 GRUBB: Sure. Welcome back. First off, I'd like to  
5 say that I like the concept. I think it's really a unique  
6 community and hopefully the houses won't be so expensive that  
7 people can afford them, because I think the concept is a great  
8 idea and I'd like to see more of it in the County. I am  
9 concerned about the roads, and I'll be keeping an eye on that  
10 for emergency access, and I want to thank you for bringing  
11 Gordon with you here today because I asked you last time to  
12 bring them with you, and to talk about this because, you know,  
13 I'm very concerned how the coalition feels about this.

14 BARNEY: Thank you. Darrell Wilson with  
15 HilgartWilson Engineering, is the guy working on the road  
16 design, and we will be incredibly thoughtful about that  
17 concern. You've mentioned it too, thank you.

18 HARTMAN: Okay, Commission Members. Smyres? No?  
19 All right. Mary Aguirre.

20 AGUIRRE-VOGLER: I'm just assuming there's going to  
21 be two-story homes, is that right?

22 BARNEY: Yes, although on the edges we will not -

23 AGUIRRE-VOGLER: Yeah, I saw that, but that's what  
24 made me prompt the question because out there in that pristine  
25 area, I don't really believe the two-story should be there.

1 Of course I don't believe all that capacity should be there  
2 either, so -

3 SALAS: You're bringing your eastern roots back into  
4 the desert.

5 BARNEY: I don't really have eastern roots.

6 HARTMAN: All right, Commissioner Moritz? No  
7 questions?

8 BARNEY: Thank you.

9 HARTMAN: All right, Jason, thank you. We'll at  
10 this time, if you don't have any expert witnesses you want to  
11 bring at this time, we'll call to the public. All right, at  
12 this time we'll call to the public. Anybody that would like  
13 to speak either for or against this project? PZ-PA-004-15?

14 LANGLITZ: Mr. Vice Chair, I'm sorry, Mark Langlitz.  
15 Just a quick comment. The way this is set up with a once a  
16 year major Comp Plan amendments, I guess they all have to be  
17 heard at once and there's one public hearing, this is getting  
18 really technical. But I think if you would open the public  
19 hearing for all three, but then we just hear each one at a  
20 time separately. That's - yeah, then it would just be you're  
21 opening the public hearing right now for all three Comp Plan  
22 amendments, A, B and C, but we're just going to address C  
23 indiv - separately right now.

24 HARTMAN: Okay. Let the record show that Mark has  
25 addressed a problem that he saw and that I, as your Vice Chair

1 concur with, if the Commission does. We'll hear, we'll be  
2 opening it to all three of these Comprehensive Plan  
3 amendments, A B, and C, and at this time we're covering C.  
4 Okay, somebody in the audience? Yes sir, in the back. Yes.  
5 Thank you Mark, I didn't catch that one. Steve just directed  
6 me to go to the last, the last -

7           LANGLITZ: No, no, yeah, no that's fine. I - you  
8 know, sometimes I have to decide well is it really necessary  
9 to say something, but just because - and it's the crazy  
10 legislature that set it up this way and they said all Comp  
11 Plan amendments will be heard under one public hearing. So  
12 I'm being hyper technical and I apologize for that. Just  
13 that's all I can say. Thank you.

14           HARTMAN: All right. If you would introduce  
15 yourself to the Commission, write down your name and address.  
16 Tell us your name and address also.

17           TOMKIEWICZ: Okay, my name is Stan Tomkiewicz, and I  
18 live at - on Pamela Road, which is about three miles from the  
19 proposed Circle G development that we're talking about. And  
20 I'm here to speak in favor of the change in the Comprehensive  
21 Plan that's being proposed, along with looking at the PAD  
22 issues that come along later on. I think it's really  
23 interesting, because this project represents possibly the most  
24 successful interaction I've seen over the course of months,  
25 and actually years, I guess, between land use planners and

1 engineers, housing developers and more importantly than all of  
2 that group, the local people in the area - the residents of  
3 the foothills. I think it's actually something - the process  
4 and the proposal and the implementation, I think are good  
5 model for the way development should occur in the County. In  
6 short, I think it's something that went right. I live in the  
7 foothills, a rural area, and my neighbors and I have talked a  
8 lot about this. We've gone to a number of public meetings  
9 that Circle G has organized, and had discussion groups on  
10 this, and the, the biggest thing is that we were wary of  
11 exactly what has been mentioned here by Vice Chairman Hartman,  
12 of increased densities and the concerns of setting a bad  
13 precedence that would go and start to spillover everywhere,  
14 with really high densities. My neighbors and I are committed  
15 to maintenance of a permanent rural community, with transition  
16 zones to the park on one side, and more densely developed -  
17 and transition zones to the more densely developed  
18 neighborhoods in San Tan Heights and Johnson Ranch on the  
19 other sides. Any new project like this that proposes the  
20 changes in the status quo, or adjust the Comprehensive Plan,  
21 alters the zoning, it resets the bar a little bit. A model is  
22 in place for the future, and in this case the model that we're  
23 talking about here promotes, we believe, people moving into  
24 the land, rather than just simply onto the land. Because of  
25 the sum of all of the attributes that we're talking about

1 here, we think that sort of has a balance with the density.  
2 The additional open spaces, we value that. We think affords  
3 better protection to the land, if it's done this way. And I'm  
4 surprised to hear myself say this over having 1.25 acre lots  
5 that might just be gridded up. I've seen what happens in  
6 those situations sometimes. Sometimes they're not very  
7 ecologically sensitive. We like having some of these areas  
8 remain natural corridors for water, and for wildlife, and for  
9 the native vegetation and the preservation of that native  
10 vegetation, and we think that's a good interface to the park,  
11 and to the rural community for that matter. But at that same  
12 time, with that bar being reset, I guess I would like to  
13 reaffirm the position of the rural community that if other  
14 developers are looking at this to open up essentially just  
15 more density, without those compensatory attributes that this  
16 plan offers - the preservation of the washes, the vegetation,  
17 the open spaces that have been committed to here, we'll come  
18 back and oppose them. We don't want to see that precedent  
19 set. So the real trick in this thing is how do you allow  
20 something like this to progress and become a new model, and  
21 yet, you know, still be wary that it's not misused, that it's  
22 the whole package that makes this work, not just one element  
23 of the package. And that, to us, is extremely important. We  
24 don't want a bad precedent set. So that's a big concern. And  
25 I think another thing that we do think may happen as a result

1 of this, is that it may set a model for some of the State  
2 Trust Lands that surround this area. There's a lot of land  
3 out there - I don't know the exact amount, but I think it's a  
4 few thousand acres of land that is in State Trust, and we know  
5 that there's a for sale sign on that eventually, and that  
6 State Trust Land will be developed. And I suspect - I think,  
7 if I understand the rulings correctly, it doesn't have  
8 underlying zoning at this point, it will have to be zoned.  
9 And we are looking to see models for the future, for how that  
10 land may develop. I, although it might be a nice thing and  
11 appealing to me personally to see that all is 3.3 acres, or  
12 2.2 acres, or 1.25, I don't think the practical reality is  
13 that it will all be that way. And to have a good model in  
14 place, to look at the future and say look at that property,  
15 and Circle G is still in existence, it didn't go under as a  
16 result of developing it that way, it was economically feasible  
17 and ecologically sound, that seems to be a greater way to  
18 point the way to the future than just saying I've got this  
19 stuff on paper here and people arguing with you about whether  
20 it's on paper or not. And so we're looking to see that kind  
21 of model develop, and I hope it can be developed in this  
22 particular case, and that's why my neighbors and I have found  
23 that surprisingly we're kind of endorsing this project. Well  
24 not just kind of endorsing it, we're endorsing it.

25 HARTMAN: We appreciate you coming forth and telling

1 this, because this is kind of different than what we've always  
2 heard from this area, so your support as a neighbor is is  
3 good.

4 TOMKIEWICZ: But it's a special set of conditions,  
5 Mr. Chairman - or Vice Chairman

6 HARTMAN: Exactly. Exactly.

7 TOMKIEWICZ: Special set of conditions.

8 HARTMAN: All right, Commission Members, any  
9 questions of Stan? Thank you Stan, appreciate it. Okay,  
10 anybody else like to come forward? Now one thing I didn't  
11 mention is don't be - if you will - don't be repetitive in  
12 your comments. We've heard it from one, we don't need to hear  
13 it twice.

14 BROWN: Yeah, there's plenty of fodder to -

15 HARTMAN: Now Mr. Brown, would you introduce  
16 yourself?

17 BROWN: Gordon Brown. There's plenty of fodder for  
18 discussion, I don't think we need to be repeating ourselves.  
19 One of the things was - that was mentioned was with the, with  
20 the roads, and the, and the diversity, and I think Jason had  
21 mentioned that this would not have a substantial impact there.  
22 But overall the infrastructure in that area is problematic,  
23 and it is problematic that basically that whole population  
24 gets up every morning, migrates over to Maricopa County for  
25 their jobs, goes shopping with a left-hand turn in Maricopa

1 County, and to buy whatever they're buying, and then comes  
2 back home to be - and the only people that are able to share  
3 the tax if you don't have the industry - you not only don't  
4 have the jobs, no matter how cheap the home is, if you've got  
5 to commute 50 miles to work every everyday, that's a  
6 substantial cost. And the tax burden falls wholly on these  
7 people. And San Tan Valley is way too narrow a demographic.  
8 I think it's something like 90% of the housing products in San  
9 Tan Valley, a population of somewhere around 100,000, fits in  
10 the hundred to \$200,000 range. Who is going to create these  
11 jobs? The industry's executives aren't going to move into an  
12 area that has no amenities. We don't have a symphonic  
13 orchestra. You know, we don't have penthouse apartments.  
14 What we got is that San Tan Mountain Regional Park, and this,  
15 and this creates a place where there will be a product for  
16 them that's in keeping with what our community has always  
17 been, which is pretty egalitarian. We've had developers come  
18 in and try to tell the people - we all kid each other - we've  
19 got the old farm families and say I don't know what you people  
20 are. You know, I say - they say your lots are too big for a  
21 lot, and too small for a farm. We have people that we kid out  
22 there about having an acre house on an acre and a quarter lot,  
23 and we have, and we have folks that live in single wide  
24 trailers, and we all get together for fire pit parties. And  
25 this community is representative of that. It's a cross-

1 section, it isn't all one demographic. It carries on what we  
2 are. What we get is not a lot of people that want to live lot  
3 - next to a lot of other rich people, we've got people that  
4 want to live next to a park. That's what we want. Those are  
5 people that are going to get along with us. We want, like Ed  
6 mentioned, that this might not be a product that certain in -  
7 that Chairman - Vice Chair Hartman - I'm used to calling you  
8 chairman because you've been chairman forever - but the - that  
9 might not be perfect for you. But it's perfect for people  
10 like us. That's the thing. We had - we have developers that  
11 come out there and say you guys don't understand, we've been  
12 doing this for 40 years and people buy our product. And we  
13 say yeah, but they aren't people like us. And if the  
14 demographic changes out there, then the inclination to have  
15 product that comes out there and neighbors that are going to  
16 be supportive of what our neighborhood is, is going to evolve.  
17 We're trying, as Stan said, we're trying to keep up  
18 permanently rural community option open, and that's people  
19 that don't want to live in a manufactured environment. That's  
20 kind of what it is. And this is a scary time for us, because  
21 we know that this isn't normal. We know that we're setting a  
22 precedent for the future. We know all that, and we know  
23 there's going to be resistance like I'm worried that this  
24 isn't the right density and - if we designed by checklist, you  
25 got that density check. You've got big blue plastic slide,

1 check. You know, you get something normal. And normal to me  
2 is just a kind way of saying mediocre. And what we want to do  
3 is set the bar higher for the future for other development,  
4 and it scares the heck out of me. But by the same token, I  
5 wouldn't have it done by any place other than the folks out  
6 there. I don't know anybody that's going to be watching  
7 closer or being more active and being what better watchdogs  
8 than us. So it scares me and I'm hoping to get the support  
9 for what we want, but please don't set our ideas and tell us  
10 what we want, you know. So we want help in getting it, but we  
11 don't want somebody else picking out what we should want. So  
12 that's -

13 SALAS: Gordon, I'm relying on you.

14 HARTMAN: All right, is there anyone else?

15 GRUBB: I am too, Gordon. I asked for you to be  
16 here for a reason, and I appreciate you coming down and  
17 commenting today.

18 HARTMAN: Yes ma'am, if you would. Ladies before  
19 gentlemen.

20 RUEHL: Good afternoon, Vice Chair Hartman and  
21 Commissioners. My name is Cindy Ruehl, I live at 2650 North  
22 Prospector Rd. in Apache Junction. I am the executive  
23 director for the Superstition Area Land Trust. The  
24 Superstition Area Land Trust also known as SALT has been  
25 firmly established as a conservation group, a 501(C)(3) in

1 Pinal County for 23 years. We're not a newcomer. I am a  
2 nearly native Pinal County resident myself. Besides being an  
3 executive director, I am also a desert ecologist, which I  
4 teach at Arizona State University. And I would just like to  
5 say, first of all, that we did make a written comment speaking  
6 on behalf of the Superstition Area Land Trust. We did submit  
7 a written comment which you should have in your package, I  
8 hope. And so I'm not going to go through that whole paper,  
9 but just to highlight some of our points. First of all, I  
10 think you should take a picture of this event, because I don't  
11 think very often you're going to see a conservation  
12 organization standing in front of Planning and Zoning and  
13 saying I like increased density. This is a rare occasion, a  
14 rare species. I might also add that for seven years I chaired  
15 the Pinal Partnership Open Space and Trails Committee, so I am  
16 all about open space. So I understand the ecology, I  
17 understand the conservation, I understand community, and I  
18 understand about open space and connectivity. With all of  
19 those things considered, I think, and the Superstition Area  
20 Land Trust thinks, that this is a really, really good idea. I  
21 want to be really clear that - I hate having to lean over so  
22 far for this microphone - I want to be really clear that when  
23 a County overlays a very low density zoning, 0 to 1 dwelling  
24 unit per acres overlarge landscapes, that has nothing to do  
25 with addressing sustainable smart growth. That can do more

1 damage putting in one acre lots with walls around them,  
2 completely cutting off all connectivity to the watershed.  
3 That kind of zoning could do more damage than a carefully  
4 considered clustered density kind of development, which Circle  
5 G is proposing here. So what does achieve sustainable growth?  
6 Sustainable development? And by the way, I want to bring us  
7 back to the Comp Plan. In the Comp Plan - and I cite some of  
8 the policies in our submitted comments - there are eight  
9 policies, just as a cursory view. Just as a really first  
10 glance view across four, five or six chapters in the Comp Plan  
11 that talk about preservation of riparian area, preservation of  
12 topography, preservation of wildlife connectivity,  
13 preservation of watershed connectivity. Preservation of  
14 natural drainage - I could go on and on. Because these  
15 policies in the Comp Plan say this is where we need to be  
16 going as a County. We're all in agreement of that. We all  
17 know where that Comp Plan came from, it came from the people  
18 in a two-year process. I was part of that. So how do you,  
19 how do you develop smarter? It's not about zoning, it's about  
20 what you do on that land. And so the land needs to dictate  
21 the design. That's how you do sustainable growth, sustainable  
22 development, and when the developer goes out and studies the  
23 topography, studies the vegetation, knows that that big  
24 ironwood tree is out there, knows that those saguaros are  
25 there, knows what kind of wildlife moves through there, and

1 then designs according to that, density is a moot point. What  
2 we believe, and I believe as a desert ecologist and open space  
3 expert, and a land conservationists, is that these designs  
4 have considered at this level that I can see now, they have  
5 considered our natural resources, they have considered the  
6 riparian areas, the drainages, etc. Jason has talked a lot  
7 about washes. You will be seeing in the next couple of months  
8 - I'm part of a group that is releasing a white paper - on  
9 protection of natural washes and riparian areas. So that is  
10 coming down the pike in this County, and Jason's ahead of the  
11 game in addressing this. The policies, one of the policies in  
12 the Comp Plan does talk about - I won't talk about the number  
13 - explore flexible zoning that promotes open space  
14 preservation and protection of natural resources. So back to  
15 my point about just because a place - you overlay zero to one  
16 dwelling unit per acres, does not really address natural  
17 resources, the connectivity, etc., and so the policies say  
18 explore flexible zoning, be flexible about it. So that's part  
19 of, I guess, your position as Commissioners, how (inaudible)  
20 flexible about the zoning in order to achieve what the Comp  
21 Plan is wanting us to achieve - protection of our natural  
22 resources, protection of our riparian areas. So kind of in  
23 closing then, this is the beginning of our discussion about  
24 cluster density. Cluster density, we need to get that off of  
25 our dirty word list, and I'm here as a desert ecologist and

1 conservationists to say cluster density is not a bad word. It  
2 is how you open space. He shows 40 percent open space, he's  
3 only required to do 15 percent. He shows 40 percent open  
4 space. That's because he's got cluster density going. That's  
5 how we need to start developing. That's how we have open  
6 spaces. That's why how we have wildlife connectivity and  
7 riparian connectivity, and natural flood control connectivity,  
8 is with cluster density. So even though this project is not  
9 directly applicable to every project that's going to come in  
10 down the board and - or down the pike in this County, what is  
11 applicable is the thinking behind this - the thinking outside  
12 the box, the going to the community and the stakeholders, like  
13 he's done around the San Tan Valley, and walking the land, and  
14 knowing the land, and designing to the land, letting the land  
15 dictate the design; that's the model I want to see go forward  
16 as being a lifetime resident of this County. I'm planning to  
17 be here the rest of my lifetime. So just to be clear, the  
18 Superstition Area Land Trust is in favor of, approves of the  
19 proposed amendment to the Comprehensive Plan to increase the  
20 density in this one specific case, because it's site-specific  
21 how it's been addressed, which what turns my stomach is when  
22 developers would come in here a million times, year after year  
23 after year, and increase density and get it passed and they've  
24 not - the increased density is only for their pockets, and has  
25 done nothing for the rest of the community, the rest of the

1 Sonoran Desert, or to the County. But this is considering all  
2 of those things. I thank you for your time.

3 HARTMAN: Commission Members, any questions of Ms.  
4 Ruehl? Thank you.

5 RUEHL: Could I add one more thing? You talked  
6 about - Vice Chairman Hartman - about how you - it might -  
7 feel - get claustrophobic, feeling squeezed in, and I just  
8 wanted to add this, because in another life I was  
9 environmental psychologist and I can tell you there are  
10 studies that show that those people on the left, that picture  
11 on the left, are going to be feeling much more crowded and  
12 claustrophobic than those people on the right because they've  
13 got open space around them.

14 HARTMAN: All right, all right. That makes sense.  
15 Okay, anybody else would like to come before us? If you  
16 would, state your name and address.

17 LANGE: My name is Thomas Lange. I live at 6875 W.  
18 Hunt Hwy., Pinal County, not Queen Creek. I moved out here  
19 for a reason, is like you said, 31 years I've been living out  
20 at my place and I love open space. I have several kind of  
21 different animals - I don't want to say it because if my wife  
22 ever gets this tape or hears this, she'll say I want an  
23 elephant and a giraffe. I have 4.9 acreage and it scared me  
24 the other day Mr. Grubb was saying millions of people are  
25 coming out here. It scares the death out of me, but I know

1 that is my property. What Jason is doing here - like he said,  
2 he could bring in a grader and just clear that all out and  
3 that's what properties next me have done, and I have to smell  
4 that dust everyday and they're not - they're slowly building.  
5 It drives me crazy to see this. And what they're - they took  
6 the desert and completely - now no more nighthawks, no more  
7 desert toads, because there were low places where toads could  
8 actually stay - you know, I'm talking nature here, but it's  
9 all gone because someone - one of these developers came in  
10 there and just I'm going to build a home, I don't think care  
11 what you think. And I put up a good fight. You find out in  
12 the San Tans we fight for what we believe in. I think what  
13 Jason here is a good idea. It's his land. I live on the  
14 other side of the mountain which we consider the San Tans as  
15 our neighbors. It's not where do you live? Oh you live on  
16 the other side of the mountain, well so what. Why does that  
17 bother you? It bothers me because he's my neighbor, he lives  
18 on the other side of the mountain, and we all consider  
19 ourselves neighbors out there. We are a tightknit - tightly  
20 knit neighborhood and we all see the good and we all see the  
21 bad, and we try to bring it in front of you guys to understand  
22 our reason why something doesn't work and something like this  
23 does. Thank you.

24 HARTMAN: Thank you. Commission Members, any  
25 questions? All right, anyone else from the audience? All

1 right, Jason, I don't think that there was anything said that  
2 you could add to. All right, with that -

3 SALAS: I have that question, Mr. Chairman, about  
4 Jason. About your flood Jason, what controls or whatever  
5 issues you might have with any flooding in that area. If any.

6 BARNEY: A lot of water comes through this property  
7 from the san Tans. We do have a lot of hills and so as we get  
8 into the PAD, and especially as we get into the engineering,  
9 we're going to have to have a very, very rigorous and  
10 engineering defensible plan to convey those floodwaters and  
11 on-site where necessary, to retain or detain the floodwaters;  
12 but I can tell you this, God already figured out how to get  
13 water to go through that property, and he put those washes  
14 there. And we're going to preserve those washes for a whole  
15 lot of reasons, but a big one of them is because that is  
16 already such an effective and efficient way to convey water.  
17 So what we're not going to be doing is going and doing a bunch  
18 of artificial channelization and things like that. We're  
19 going to have to do some stuff, but we're going to do as very  
20 minimal amount of that as we can and, you know, really relying  
21 on the existing terrain to be the flood control to the extent  
22 that we can.

23 SALAS: That's one of my concerns. Every time that  
24 we have some big rains back in here, and we have developers  
25 come in here and say we're prepared for the 100 year rain or

1 flood, or 15 year flood and whatever, and some of those guys  
2 don't understand that those 50 year, 100 year floods come  
3 every three or four years, or the following year, whatever,  
4 and they're not that familiar with what the hell's going on  
5 out there. And that concerns me. And I voice that just about  
6 with every new development that comes in. And what happens is  
7 is that when they don't care of that situation, who pays for  
8 it? The rest of us do.

9           BARNEY: I remember about a year ago this time there  
10 was the big rain, the one that flooded out so much of Mesa and  
11 all that, the morning that happened I got in my truck and  
12 raced out to this property as fast as I could because I wanted  
13 to see the water moving on this site, and I've got pictures of  
14 it I can show you. I take it real seriously. We're going to  
15 work real hard to make sure that we handle that the very best  
16 way possible, but very much relying on the existing natural  
17 conditions.

18           SALAS: Thank you.

19           HARTMAN: All right, thank you Jason. All right  
20 Commission, I'm going to turn it back to you for discussion  
21 and a motion. And Mark, I'm not closing it to the public.  
22 The reason, the reason I say that is we are - we're  
23 considering these Comprehensive Plan amendments and we're  
24 leaving it open. Is that right Mark?

25           LANGLITZ: Mr. Vice Chair, exactly.

1 HARTMAN: All right. All you need is a motion for  
2 approval of this request.

3 SALAS: Where is it?

4 HARTMAN: PZ-PA-004-15. Circle G at San Tan.

5 SALAS: I move for approval of the request of PZ-PA-  
6 004-15, Circle G at San Tan, forwarded with a favorable.

7 HARTMAN: Actually, it's not forwarded, is it not?  
8 Does it go to the Supervisors?

9 LANGLITZ: Yes, Mr. Vice Chair, it does.

10 HARTMAN: Okay. All right.

11 LANGLITZ: It would be forwarded to the Board with a  
12 recommendation - a favorable recommendation, or recommendation  
13 of approval.

14 SALAS: It includes all stipulations.

15 HARTMAN: All right, do I have a second.

16 GUTIERREZ: Second.

17 HARTMAN: David? Okay, Commission Gutierrez seconds  
18 the motion. Commission Members I've tried to - even though I  
19 might mess up sometimes - I try to always mention name because  
20 when it goes on the recording they have a hard time trying to  
21 figure out who seconded, who made the motion and who seconded,  
22 whatever, so with that let's call for a vote - if there's no  
23 further discussion, let's call for a voice vote. All those in  
24 favor say aye.

25 COLLECTIVE: Aye.

1 HARTMAN: Opposed? Hearing none, motion carried.

2 All right, Evans let's jump back on our agenda to our first  
3 Comprehensive Plan amendment, PZ-PA-001-15.

4 MACDONALD: Thank you Vice Chair and Commission.

5 This is PZ-PA-001-15, it is a County-wide amendment, with the  
6 applicant being Pinal County. The request is to add a  
7 subsection, Health Places within Chapter 8. There is a  
8 growing trend to support local and healthy food sources,  
9 specifically more widely available food such as farmer's  
10 markets, community gardens and urban agriculture, so we feel  
11 that this Health Places will address the availability of  
12 healthy foods, and the text of it includes a series of goals,  
13 objectives and policies. The impacts, this further reiterates  
14 and passes on our agricultural heritage to future residents  
15 and will let staff look into and will support future zoning  
16 ordinance amendments to address the growing trend to build  
17 healthy communities. As the Comprehensive Plan went through  
18 the public process as it was being adopted in 2009 and the  
19 years prior and the public outreach that was done, the vision  
20 components were created to kind of outline how the residents  
21 and the County wanted to see - or, you know, what was  
22 important to us. And through that we identified vision  
23 components. We feel that this amendment will impact two of  
24 those vision components and kind of reiterate the goals. One  
25 of those being sense of community. We feel that this

1 amendment will create gathering places that will create a  
2 sense of place within the community, so we feel that this  
3 amendment will further that vision component. And then the  
4 other vision component that we feel this impacts is the  
5 healthy, happy residents in that it will encourage interaction  
6 with the natural environment. I wanted to cover the specific  
7 language outlined in the goals, objectives and policies.  
8 Specifically one of the policies, because we made some tweaks  
9 to it from what went out during our 60 day agency review at  
10 the recommendation of one of the Supervisors, something that  
11 we heard during our work session before the Board of  
12 Supervisors, and the policy is 8.5.1.3, and the text that you  
13 see underlined and in blue is what we would be adding. So  
14 ultimately it would read amend zoning regulations to allow the  
15 colocation of farmer's markets and community gardens at school  
16 locations, recreational areas and worship sites within planned  
17 area developments. So we're adding in community gardens and  
18 worship site - and that that could happen at worship sites.  
19 The public participation that we've had through this process  
20 started with a neighborhood meeting. We didn't have any  
21 attendees at that. Then we went out for our 60 day agency  
22 review. We received no comments on this particular text  
23 amendment through our agency review. We had our Board of  
24 Supervisors work session, our Planning Commission work  
25 session, and then finally the Citizen Advisory Committee. Now

1 at the Citizen Advisory Committee, they did forward this to  
2 the Commission with no recommendation. They couldn't come to  
3 a consensus on it, the vote was 4 to 4. And essentially the  
4 reason behind that was, you know, some of them felt that it  
5 didn't do any harm, and then others felt like it was just  
6 unnecessary, it didn't really do anything. So that's kind of,  
7 you know, why they moved forward with no recommendation to the  
8 Planning Commission. Staff's recommendation, however, is for  
9 you to forward this to the Board of Supervisors with a  
10 recommendation of approval. If you have any questions, I  
11 would be happy to answer them.

12 HARTMAN: All right, Commission Members, questions  
13 of Ashlee? She's our presenter.

14 MORITZ: Mr. Vice Chair?

15 HARTMAN: Yes, Commissioner Moritz.

16 MORITZ: I'm with the part that says what do we need  
17 this for? To me it just sounds like a government issue of  
18 what neighborhoods and people should do based on their own  
19 volition.

20 AGUIRRE-VOGLER: And so adding to that comment -

21 HARTMAN: Okay, Mary Aguirre-Vogler.

22 AGUIRRE-VOGLER: Adding to the comment, I noticed  
23 there's 4 to 4, so there's no recommendation. What were some  
24 of their comments? And I kind of tend to agree with Jill.  
25 Why do we need any more regulations or whatever?

1           MACDONALD: Well this isn't really work regulation.  
2           Ultimately it's saying that this is something that we think  
3           it's important to foster these healthy communities, making  
4           these things more widely available, and ultimately we feel  
5           like it's going to ease the process for these community  
6           gardens as they come through and farmer's markets, if they can  
7           locate in PAD's without having to go through a process to  
8           rezone. So we - we're just trying to say that this is  
9           important to us and we want to support it. It gives us policy  
10          direction as we move forward, as these projects come in to say  
11          that we support them.

12          AGUIRRE-VOGLER: She didn't answer my question. You  
13          didn't answer really my question. Why, why is there no  
14          recommendation from the Advisory Committee, and why was it  
15          four to four?

16          MACDONALD: Well, that like I said they, they were  
17          concerned that - the four that voted against it were - what  
18          basically was said was that this is a feel-good text amendment  
19          that doesn't really accomplish much. And the side that was  
20          for it didn't see any harm in it because it was easing the  
21          process, and ultimately there wasn't a lot of dialogue beyond  
22          that. They voted a second time with the same result and just  
23          decided to forward it with no recommendation.

24          SALAS: Question.

25          MORITZ: So, Mr. Chair?

1 HARTMAN: Commissioner Salas.

2 SALAS: So what are we supposed to do? Recommend  
3 it? Turn it down?

4 HARTMAN: Well it's up to you.

5 SALAS: Send it up to the board, or what?

6 MACDONALD: Well staff would recommend that you  
7 forward it with a recommendation of approval, but if you have  
8 further concerns then certainly we can talk about those and,  
9 you know, you can make whatever recommendation you see fit.

10 SALAS: What I'm listening is it's such a neutral  
11 issue that the people before us didn't even, you know, try to  
12 make a recommendation.

13 HARTMAN: They just had a tie vote.

14 SALAS: Well, you know.

15 HARTMAN: Four of them agreed, and four of them  
16 didn't. Okay, on page 2, now Ashlee one of the problems that  
17 I have is when we mix the Advisory Committees minute's in with  
18 our information, I'm getting more page twos than I know which  
19 page 2 to look at. But anyway I'm looking at - and I'm going  
20 to be a little critical on this because I've seen a couple  
21 other mistakes in typing and stuff that makes it - I'm kind of  
22 the old school and have a hard time with a lot of things, and  
23 when it's not spelled right and written right, I have a hard  
24 time with it. Because you have to assume, and I - and we has  
25 a Commission aren't really supposed to assume anything, we're

1 supposed to have the information in front of us. So with that  
2 comment, on page 2, that has the policies on the top, if you  
3 go down one, two, three, four, the fourth paragraph and it  
4 says this amendment will have the effect of supporting  
5 requests for farmer's markets, community gardens and urban  
6 agriculture. It will make healthy foods more accessible to  
7 Pinal County residents and will support future zoning  
8 ordinance amendments that will make - that will make allow -  
9 and that's where I have a problem - that will make allow for  
10 the collection of farmer's markets on school sites and in  
11 recreational areas of planned area development. That - I have  
12 a hard time with that. Can you tell me what that really  
13 means?

14           MACDONALD: Sir, you are correct. There is a typo  
15 in there. The word make shouldn't be in there, so it should  
16 read -

17           HARTMAN: Will allow?

18           MACDONALD: Yeah, that will allow for the colocation  
19 of farmer's markets on school sites and in recreation areas of  
20 planned area developments.

21           HARTMAN: Okay, do we, do we not do that today? Do  
22 we not allow - do we not make for the colocation of farmer's  
23 markets or school sites and in recreational areas of planned  
24 area development? Don't we do that today?

25           MACDONALD: We do not.

1 HARTMAN: Do we need to?

2 MACDONALD: That's the idea is that we would, we  
3 would make it easier for somebody who wanted to do a community  
4 garden, a farmer's market, to do that. This kind of eases the  
5 process. They can do it within land area developments, where  
6 they can't now.

7 HARTMAN: If I want to have - let's put it on a  
8 personal. I could use other individuals names, but if I put  
9 it personal - if I wanted to have a farmer's market, do I need  
10 to come to the Planning and Zoning Commission to have a  
11 farmer's market on my farm?

12 MACDONALD: You do.

13 HARTMAN: If I want to sell watermelons on my farm,  
14 do I need to come to the Commission and get a permit to sell  
15 watermelons on my farm?

16 MACDONALD: Yeah, it gets a little tricky. If  
17 you're agg exempt, then that's another story. But something  
18 like this, where if you remember a number of months of ago, we  
19 had a property come in to rezone and kind of the impetus  
20 behind that - they had other issues with it - but the impetus  
21 behind that was the farmer's market. So on a kind of  
22 commercial scale, that wouldn't be permitted. But in  
23 agricultural use, if you wanted to set up a stand, you're  
24 agricultural exempt, that's another issue.

25 HARTMAN: Okay, so I as an agg producer don't have

1 to have a permit to sell my farm products - hay, melons, a cow  
2 or two, whatever. Okay.

3 MACDONALD: On your property.

4 HARTMAN: On my property.

5 SALAS: So what about our garden, Ashlee? If I want  
6 to grow a garden. You're talking about urban or whatever it  
7 is, what was it?

8 MACDONALD: A community garden.

9 SALAS: Community garden. What does community mean?  
10 Does that mean if I have a personal garden, or is it in  
11 conjunction with the rest of the community?

12 MACDONALD: This is talking about like a community  
13 garden, so not an individual garden. And, you know, the idea  
14 again is to say that this is an important value to us. So if  
15 a project came in a master planned community, and it offered  
16 that feature, we could point to our Comp Plan and say you know  
17 what, this is important to us, our Comp Plan says it is. So  
18 you know, that, that makes your project a little bit better,  
19 perhaps, than (inaudible). So it's just kind of letting  
20 people know what's important to us.

21 SALAS: So on that - so is there some kind of  
22 liability on these particular community markets? Because  
23 let's say the community decided to raise the garden here.  
24 Supposedly somebody gets poisoned or salmonella or some damn  
25 thing out of the garden because they're selling or giving it

1 out, so then what? Under what, what rule or whatever does  
2 that fall in?

3 LANGLITZ: Well Mr. Vice Chair, Commissioner, it  
4 would have no impact whatsoever on the County. I mean there's  
5 no public liability. If individuals want to engage in an  
6 activity, and no matter what anybody does, there's going to be  
7 some risk. But the concern, from our perspective is does it  
8 impose any greater liability on, let's say the County? Then  
9 no, absolutely not. I think -

10 SALAS: So then why do I need the County's  
11 permission to do that?

12 LANGLITZ: For a community garden? It depends on  
13 the zoning, right, I think. You know, it's going to be  
14 allowed in some places, and not allowed in others. My guess  
15 would be in a residential subdivision, this residents probably  
16 don't want to have a community garden.

17 SALAS: So isn't a community all-encompassing? I  
18 mean it all depends on what neighborhood I live in, if that  
19 neighborhood decides to, you know - if I live in a million  
20 dollar neighborhood and as a community we decide to raise a  
21 bunch of garden goods to maybe help somebody, so what  
22 difference does it make?

23 LANGLITZ: And a neighbor up there doesn't want you  
24 to do it, that's where you're going to have a problem and  
25 they're going to complain about it, and if it's not permitted

1 under zoning, then it'll be stopped. This whole - this is,  
2 you know, I think - this is the first time I've really  
3 listened to this here, but remember the Comprehensive Plan is  
4 an acknowledgement and a statement of goals and aspirations,  
5 and I think what you're being asked to hear is add an  
6 acknowledgment that local agriculture, farmer's markets,  
7 community gardens, is something that the County wants to  
8 acknowledge. That yes, that is a good thing, it is of some  
9 value, and some people may think it isn't. Apparently the  
10 Citizens Advisory Committee, some, you know, well they, you  
11 know, what do we need for? Well, you know, if you think  
12 healthy food is important, then you're in favor of it. If  
13 not, then you're not. So I think that -

14 SALAS: (Inaudible) if it's an HOA that says these  
15 are the rules under, under, you know, (inaudible) abide by in  
16 a homeowners association, but if I live in a community that  
17 isn't ruled by, you know, homeowners or whatever and we decide  
18 to get together and put a few garden goods together, why in  
19 the hell do I have to, you know -

20 HARTMAN: Go to the County.

21 SALAS: Get somebody's permission, other than the  
22 agreement of the people that are, you know, taking part in it?

23 HARTMAN: That's right.

24 LANGLITZ: Well this would actually go to further  
25 that, and make it easier, so that you wouldn't have problems

1 that you might otherwise have.

2 HARTMAN: Okay, one of the other things that I have  
3 a problem with in that same sentence is what I read, farmer's  
4 market on school sites. Do we have any - do we have control  
5 of school sites since -

6 ABRAHAM: Let me jump in here for a second.  
7 Basically the farmer's market concept, we've seen a massive  
8 increase in people wanting to do those lately, and the only  
9 way to really permit these things where they want them to go,  
10 because the zoning doesn't allow a bazaar. It's like an open  
11 air market.

12 HARTMAN: Right.

13 ABRAHAM: You know, farmer's markets actually kind  
14 of a real fluffy term for these places that sell food,  
15 agriculture, vaping, tools, they're almost like miniature swap  
16 meets that have opened up and they call themselves farmer's  
17 markets. Now, they want to locate in places that are near  
18 their customers, which are usually at school sites,  
19 neighborhoods, churches is a real popular place to have them,  
20 because these places have the facilities that are already  
21 there to accommodate additional traffic. One of the major  
22 issues we've run across lately is farmer's markets that are  
23 trying to locate in areas that have no infrastructure, have no  
24 accessibility, have no visibility, and they get frustrated  
25 with us because we're saying well the zoning doesn't allow it.

1 And then they get frustrated hat the County's not helping them  
2 find locations to do this. One of the - a meeting we had with  
3 a local farmer's market coordinator, I don't know, about a  
4 month or two ago, you know, was like look the community wants  
5 this, help me find a place where I can do this where one, I  
6 don't have to go through a process to approve it, which would  
7 be either a special use permit or rezoning; or look the other  
8 way, which we're not going to do. So what this Comprehensive  
9 Plan does is set up some framework where we can move forward  
10 in the future and say okay, if you meet these parameters,  
11 okay, then you can go ahead and locate in these areas that are  
12 already established to accommodate extra traffic. So that is  
13 really the driving force behind it.

14 SALAS: So I live in an area where a number of  
15 people have goods to sell, and they, they do it in any little  
16 open space that we might have in town or whatever, they get  
17 together and -

18 HARTMAN: Like your tamales you buy.

19 SALAS: Individually. Like let's say in Mammoth,  
20 you know? The cemetery there, the miner's memorial that's  
21 there, they've got tables, they've got, you know, there's an  
22 open space there, and people go buy - I mean go buy and they  
23 sell their goods there, you know? It isn't unusual during the  
24 watermelon season and the cantaloupe season that you see  
25 people out there in pickups selling these goods. So why do

1 they have to get somebody's permission to do that?

2 ABRAHAM: Well, you're not really supposed to sell  
3 stuff unless you're in a commercial zone.

4 SALAS: Well, that's a commercial zone. It's a  
5 service area.

6 DEL COTTO: Mr. Vice Chair, if I could.

7 ABRAHAM: Okay.

8 SALAS: Except, you know, they're not going to buy  
9 anything.

10 HARTMAN: Commissioner Rand Del Cotto.

11 DEL COTTO: I think that this kind of rings, rings a  
12 bell close to home for me. We've had a farmer's market for 15  
13 years without a bathroom, with no facilities, kind of a free  
14 for all, you don't know what you're getting half the time when  
15 you're there. And it would probably do a neighborhood like  
16 ours quite a bit of justice to get some sense of a community  
17 going, and to me I think it makes sense, at least it makes  
18 sense for a neighborhood like mine, that doesn't have any kind  
19 of stability that way in regards to what's going on now or  
20 what's been going on for a lot of years. So I can see it  
21 being a big help, versus it being a problem, and I could  
22 almost kind of see its ability to maybe tie to a learning  
23 environment or school too as well, if that's what the school  
24 is all about. But I think it's a problem in some communities,  
25 more so than others, when there's, when there's no rhyme or

1 reason to what's going on, and I think we have that quite a  
2 bit out where I'm at, so to me it looks like it makes a little  
3 bit of sense.

4 HARTMAN: Okay. David - Commissioner Gutierrez.

5 SALAS: You're from Chicago.

6 GUTIERREZ: Yeah, my brain is starting to fry a  
7 little bit, so I'll trying to be succinct. I like the concept  
8 of this, I like the - I like farmer's markets, I've gone to -  
9 we have several of them into Casa Grande that are done  
10 periodically and stuff and they're, they're are a good source  
11 of income for a lot of people, a lot of good trademark and  
12 stuff, so I like the concept. I realize what the County's  
13 doing is trying to make it easier and stuff, and that's an end  
14 goal. My only concern with the verbiage here is that it, it  
15 presents three criteria. You know the schools, places of  
16 worship, and recreational areas. If somebody wants to, say  
17 there's a gigantic vacant lot in the neighborhood, and they  
18 have a community garden in that area, and they want to have a  
19 little farmer's market, there's - you know, something like  
20 this may prove - the way it's written - may prove to be more  
21 restrictive than it opens up the situation. I think it may be  
22 if the verbiage were changed a little bit and make it more  
23 general, like instead of being specific about the locations,  
24 maybe specify some of the criteria that's needed in order to  
25 have a farmer's market. As an example, you know, a safe

1 environment, ample parking, something like that - electricity,  
2 if it's needed - in order to accommodate the farmer's market.  
3 That would open it up to, I think, more venues where it could  
4 be done. And like I said, I like the concept of farmer's  
5 market, I mean to me that's - those are people's markets where  
6 you can get some - and I like the fact that the County's  
7 trying to, trying to ease it up, but I think the verbiage here  
8 is, like I said, more restrictive, and if it were done in a  
9 little bit more of a general term, it'd open it up for more  
10 areas. Just something to consider, what I'm thinking.

11 HARTMAN: Okay, I have an example that I, I used to  
12 work for school, the University of Arizona, and we had a big  
13 kitchen and we would sell lunches to the staff. And it wasn't  
14 very long, and the health - Pinal County Health Department  
15 came in and closed that school kitchen down, as far as selling  
16 - it was Pinal County Health, I remember it. And the reason  
17 they did, is we did not have an oven that was certified to  
18 certain degrees that it had to be, and it would've cost  
19 thousands of dollars to get that oven. So I always was under  
20 the impression that when it came to food service or community  
21 farmer's market-type thing where edibles were being prepared  
22 and served, that the health department was the one that was  
23 responsible for that. And at these - you go to these chili  
24 cook-offs and stuff like we have in Maricopa and everything,  
25 they've got to, they've got to be certified by the health

1 department. That's the health department's job. They come  
2 and checked the degrees that the beans or whatever were  
3 cooked, and all that kind of stuff. So I really don't see a  
4 need for this. I don't think the - unless you think that your  
5 staff needs to get involved with it, or maybe they're going to  
6 work with the health department and proliferate government  
7 involvement. I just - I have a hard time. Okay.

8 MORITZ: Mr. Vice Chair?

9 HARTMAN: Yes, Commissioner Moritz.

10 MORITZ: I have a question here. Are you saying  
11 that if - and there's a couple different things here. The  
12 health department would get involved if it's food preparation.  
13 If you're selling squash and tomatoes, I don't think they'd be  
14 involved. But I remember when we did that Gold Canyon farmers  
15 - it wasn't a farmer's market, we called it something else -  
16 but there had to be a permit that was issued. In what case  
17 does a permit need to be obtained to have a farmer's market or  
18 sell produce at a church, or have a community garden?

19 LANGLITZ: Mr. Vice Chair, Commissioner, I'm going  
20 to take a step back. I'm going to defer to Steve for the  
21 specific permit question. But in this activity, it's two  
22 separate roles what's going on. The health department  
23 regulates the operation of it, just like the State alcohol,  
24 beverage control board operates bars. Labor department  
25 operates labor. This just deals with location, land use, of

1 where a farmer's market or one of these other type of things  
2 would go. So no matter what happens, you're always - it's two  
3 separate functions that's going on. The County doesn't  
4 transfer land use decisions to the health department, the  
5 health department doesn't transfer, you know, how those things  
6 are operated. That's all. Just a quick distinction I wanted  
7 to make. And then -

8 HARTMAN: Yeah, are you going to answer  
9 Commissioner Moritz question?

10 LANGLITZ: No I'm not, I cannot do that. I'm going  
11 to defer to Steve to do that. I just wanted to make that  
12 quick comment because -

13 HARTMAN: I - I'd go along with you, but I've got to  
14 come back -

15 LANGLITZ: I'm shutting up now.

16 SALAS: I just wanted to include something else at  
17 Jill's request. What about garage sales? You know? You go  
18 through some places, people are selling their goods from their  
19 own little gardens there that they might raise, or whatever.  
20 You know? So how does that go? How does that affect it?

21 ABRAHAM: And to answer Commissioner Moritz's  
22 question first. We have what's called a special event permit,  
23 where event coordinators come down to the County and basically  
24 sit around a, you know, a table and meet with the sheriff,  
25 they meet with everybody, basically. It's a humongous pow

1 wow. And one thing that I can see that this amendment would  
2 do is actually create areas that we already want these places  
3 to go into and make that a buy white facility. So you come in  
4 there and you, you know that you can put your farmer's market  
5 here in this location because it has - it has access, it has  
6 power, it has bathrooms, which is - you'd be surprised how  
7 many of these farmer's markets just, that's the last thing  
8 they really think about. There's safety. This last farmer's  
9 market had parking on one side of Ocotillo and the other - the  
10 farmer's market's on the north side, people are crossing a  
11 busy four-lane highway that had no traffic control on it to  
12 get a farmer's market. So by finding these places that we  
13 want to put them in and that have these facilities, I think  
14 you get - you don't necessarily get around the special event  
15 process, because we'll always have, you know, special events -  
16 Country Thunder and all that stuff - glow - it creates this  
17 environment that irony know where I can go. You know, it  
18 takes the question out of it in having to come down to the  
19 County and go help me, help me, help me, now I know where I  
20 can go and I can set up these facilities. So I hope that  
21 answers your question.

22 MORITZ: Isn't a special event permit for a 1,000  
23 people or more?

24 ABRAHAM: No, actually there's two types. There's a  
25 small event and there's a large event. The small event - and

1 it's based on attendees, length of time, event type - there's  
2 certain type of events that automatically graduate to a large  
3 event. So - and although that's a very fun process to go  
4 through for an applicant, it's very labor intensive on the  
5 County's side. It takes about a month to coordinate these  
6 meetings, the large events have to be approved by the Board of  
7 Supervisors. A lot of people - there's - some folks have to  
8 provide massive amounts of insurance to provide to indemnify  
9 the County, things along those lines. Oh yeah, and it doesn't  
10 solve the problems of repetitive farmer's markets. They'd  
11 have to come back in over and over again, which we've heard  
12 becomes cost prohibitive after a certain amount of time. So -  
13 now all of that is really sort of the hypothetical result,  
14 possible result of this. This is a Comp Plan that says we  
15 like healthy food, we like community gardens, we like farmer's  
16 markets, that would all all come in Phase 2 of this way in the  
17 future. We don't even have any plans of bringing forward a  
18 zoning amendment at this point, so what this does is set that  
19 policy direction in that, in that - get that ball rolling in  
20 the right direction.

21 GRUBB: Mr. Vice Chair.

22 HARTMAN: Commissioner Grubb.

23 GRUBB: So if, if we send this up for approval,  
24 we're saying that if an HOA wants to put in a community  
25 garden, they don't need a permit now? If they want to sell

1 the produce from that, they don't need a permit now? If this  
2 goes through? Or are they still going to be required to get a  
3 permit? And here's why I ask. Recently I was over in  
4 Southern California where, you know their schools are  
5 struggling just like ours. And almost every school I went by  
6 while I was there, had a garden on the campus where they were  
7 growing produce and selling it to support non-funded events of  
8 the school. And I think that that would be, you know, a  
9 remarkable thing to happen here, because the history of  
10 farming in this County is one of our heritages, and yet we  
11 have all these people that are moving here that have no idea,  
12 you know, they don't even know that a tomato is afraid and not  
13 a vegetable. And, you know, when we stopped at the farmer's  
14 markets in California, the kids were educated on what they  
15 were growing, they knew how they planted, they knew the  
16 planting cycle, they knew all this stuff about how to be - to  
17 raise sustainable food and, you know, I guess it's because  
18 when the earthquake comes and they float out to sea, they're  
19 going to have to raise her own stuff. But I think that, you  
20 know, if we can encourage this type of activity that happens  
21 at her schools and in our communities - you know you go, you  
22 go to the eastern part of the country and community gardens  
23 are a huge thing, where you've got, you know, several acres  
24 and 200 people have gardens in this community garden and  
25 they're all sharing and then they, on Saturdays they open up

1 and sell their stuff to the public. And I just think it's a  
2 great idea. And if that's the direction we're going, then I'm  
3 very much in support of this.

4 HARTMAN: All right, I still keep looking at this  
5 paragraph and it says farmer's markets on school sites and  
6 recreational areas of planned area development.

7 PUTRICK: Mr. Chairman?

8 HARTMAN: Okay, I think that's - I don't know, it's  
9 too, too restrictive to me. I mean it - farmer's markets on  
10 school sites and recreational areas of planned area  
11 development. PADs, in other words. (Inaudible) talking about  
12 homeowners association deals, whatever.

13 GRUBB: It addressed worship sites and schools.

14 HARTMAN: But they don't have to have that now, they  
15 can do that now, but now you're going to require them to come  
16 to the County.

17 SALAS: You know (inaudible) we had FFA in high  
18 school when I was going to school here, and my project was to  
19 raise Swiss chard, and of course whatever we harvest - I don't  
20 know what, what was done with the money, for some charity or  
21 whatever, you know school (inaudible) whatever, and some of us  
22 raised chickens, some of us raised hogs, you know whatever the  
23 project - 4H or FFA or whatever it was, you know, and so I  
24 don't know if that was done under the auspices of the County  
25 or I don't know, you know, you don't investigate it.

1 GRUBB: (Inaudible) we're going to allow it to  
2 happen.

3 HARTMAN: Well it already happens.

4 GRUBB: I know it happens.

5 AGUIRRE-VOGLER: Without regulation.

6 HARTMAN: Without regulation.

7 GRUBB: Without regulation it happens.

8 HARTMAN: Most agriculture's that way.

9 PUTRICK: Mr. Chairman?

10 HARTMAN: Okay.

11 PUTRICK: Can I make a comment?

12 GRUBB: This allows it and says it's okay, you're  
13 doing this, and the guidelines come later and say -

14 SALAS: I think we're all in favor of it.

15 HARTMAN: No, not really.

16 SALAS: No? No we're not in favor of markets and  
17 gardens and all -

18 HARTMAN: But without - but with more regulations is  
19 what you're talking about. Okay, Commission Members, we're  
20 going to finalize the discussion on this pretty quick and call  
21 for a -

22 PUTRICK: Let me make a couple of comments.

23 HARTMAN: Putrick.

24 PUTRICK: I - frankly I think in terms of the  
25 schools, that there are too many distractions at the the

1 schools as there is. We don't need things like farmer's  
2 markets or markets or, you know gardens are things to further  
3 distract the students, because American students have fallen  
4 to, I think, something like 35 - 35<sup>th</sup> place in the world. So I  
5 think I'd like to see them concentrate on the basic 3Rs. That  
6 doesn't mean that you can't grow food on the school, but I'd  
7 like to, I'd like the schools to concentrate on teaching the  
8 kids the basic rules and things. And another comment that I  
9 have - and I've used this before - I have a concern about  
10 these markets because we as consumers don't really know how  
11 these things are grown, like what kinds of pesticides, what  
12 kinds of fertilizer, any of that kind of stuff, and I would  
13 remind you that 100 years ago, all food was organic and life  
14 expectancy was about 45 years.

15 HARTMAN: So we're living longer eating what we eat  
16 today.

17 MORITZ: Mr. Vice Chair?

18 HARTMAN: Yes, Commissioner Moritz. Finalize this  
19 for us, please.

20 MORITZ: Are you ready for a motion?

21 HARTMAN: Yes.

22 MORITZ: Are you ready for a motion?

23 HARTMAN: That's good. Thank you. Yes ma'am.

24 MORITZ: I make a motion that we forward PZ-PA-001-  
25 15 to the Board of Supervisors with a denial.

1 HARTMAN: Do I have a second?

2 SALAS: With a what?

3 LANGLITZ: Mr. Vice Chair, Mr. Vice Chair. Mark  
4 Langlitz. First, I think, before that, I just want to make a  
5 statement on the record that it's understood that the public  
6 hearing has been open and if anybody was here, which there  
7 isn't, but if anybody was here from the public that wanted to  
8 address it, they would have had that opportunity to speak to  
9 it. But obviously no one's here, so the, the - right, the  
10 motion and the vote will be made, but the public hearing has  
11 been open and will continue open to the next agenda item. I  
12 just want to make sure you don't have any problems. Thank you  
13 very much.

14 HARTMAN: Thank you, Mark, for being on record.  
15 Okay, we have a motion on the floor. Do I have a second?

16 PUTRICK: I'll second.

17 HARTMAN: Okay, Putrick seconds it. Putrick,  
18 Putrick. Okay, we got the right Commissioner (inaudible).  
19 Okay, with that, I'm going to call for a roll call vote. This  
20 might be close and it might be far.

21 ABRAHAM: This is a recommendation of denial. So an  
22 approval vote - a for would say we want to deny this.  
23 Commissioner Putrick.

24 PUTRICK: Aye.

25 ABRAHAM: Commissioner Grubb.

1 GRUBB: No.

2 ABRAHAM: Commissioner Moritz.

3 MORITZ: Aye.

4 ABRAHAM: Commissioner Salas.

5 SALAS: Aye.

6 ABRAHAM: Commissioner Smyres.

7 SMYRES: Nay.

8 ABRAHAM: Commissioner Del Cotto.

9 DEL COTTO: No.

10 ABRAHAM: Commissioner Gutierrez.

11 GUTIERREZ: No.

12 ABRAHAM: Commissioner Aguirre-Vogler. This has  
13 come down to you here, yeah I know.

14 AGUIRRE-VOGLER: I'm going no because I don't know  
15 how the County's going to regulate it. I would go yes if the  
16 County went out there and built all the restrooms where all  
17 (inaudible).

18 HARTMAN: Well wait a minute, you got your voting  
19 backwards.

20 AGUIRRE-VOGLER: I said yes, didn't I, for denial.

21 MORITZ: You said no.

22 HARTMAN: You said no.

23 AGUIRRE-VOGLER: Did ? Yes (inaudible).

24 SMYRES: Yes means no.

25 ABRAHAM: Okay.

1 HARTMAN: She says, she says yes.

2 ABRAHAM: Okay, yeah, just for the record and poor  
3 Julie - you're voting to - you -

4 AGUIRRE-VOGLER: Deny it.

5 ABRAHAM: To deny it, okay. Thank you. Oh now,  
6 Vice Chairman Hartman.

7 HARTMAN: I'll vote to deny, yes.

8 ABRAHAM: So 5 to 4, the vote to recommend denial  
9 carries.

10 HARTMAN: To the Board of Supervisors.

11 ABRAHAM: That's correct.

12 HARTMAN: Okay. We did, we did better than the  
13 Advisory Board. We're at least sending a vote to the  
14 Supervisors. Okay, let's move on Commission Members. Look  
15 at, look at the time up there on the wall. Okay, our next  
16 case is PZ-PA-002-15. And that is Steve. All right, Steve.

17 ABRAHAM: Let me - how do I get this thing going?  
18 It's not used to this. Here we go. Okay. PZ-PA-002-15.  
19 This is the green energy designation. And what this is is to  
20 allow a new land-use type and allow requests up to 640 acres  
21 to be processed as non-major Comprehensive Plan amendment. So  
22 when someone comes in and asks for this is designation,  
23 anything up to 640 acres would then be processed as a non-  
24 major. Now what this addresses is that this designation is  
25 specifically for utility scale photovoltaic power plants.

1 We've noticed throughout the processing, and several last  
2 couple years in processing of a bunch of requests, that these  
3 are somewhat unique uses and don't necessarily fit into the  
4 traditional employment classification or general public  
5 services and facilities scope. And many times they can be  
6 next to residential. And just to give a little bit of  
7 background to the Commission, right now a utility grade  
8 photovoltaic facility, which is basically a facility run by a  
9 power company or some other private individual selling power  
10 directly into the power grid, multiple megawatts, several -  
11 possibly several hundred acres in size - this is not for  
12 residential facilities. Now what we noticed throughout the  
13 process in these things is that market forces dictate a  
14 bidding process for solar siting, meaning that there is a  
15 degree of speculation. And this was very apparent during the  
16 processing of a photovoltaic facility that we saw last year.  
17 You can recall that there was a facility out off of  
18 Bonnybrooke Road which you take the right at the McDonald's  
19 there and keep driving about three or four miles, and one of  
20 the things that the neighboring property owner brought up is  
21 said hey, because of these marketing forces - market forces -  
22 what happens if this solar facility goes away and we have  
23 approved a general public services and facilities designation  
24 at this site? What are you left over with? Well, one of the  
25 things was that you could have - I remember this very clearly

1 - you could have a wastewater treatment plant there, or you  
2 could have a landfill, or a waste transfer station, because  
3 that's what the public services and facilities designation  
4 allows. On the flipside of that, if you went to employment  
5 what would you have? Possibly an industrial park. There's no  
6 - the roads, there's flooding, there's all kind of issues out  
7 there that don't lend themselves to either. So therefore,  
8 because we can't get surety and confidence that this thing's  
9 actually going to show up here, we were kind of locked in  
10 place. The applicant, if you recall, didn't do himself much,  
11 you know, help by saying I will not disclose who my potential  
12 client will be, which you know, that's up to them. You know,  
13 the staff advised them that's probably the last thing you want  
14 to say in a public hearing setting; but nevertheless, they did  
15 and the case was ultimately withdrawn before it got to the  
16 Board of Supervisors. The applicant felt that there wasn't  
17 enough evidence there to support it, and what ended up  
18 occurring, looking back at that - and that one, and some other  
19 facilities that we've dealt with in the past as well is that  
20 the - I think it would help these facilities get sited if  
21 there was some way to take the speculation out of it. If  
22 there was some way to insure that our policy documents  
23 wouldn't be permanently negatively affected by a solar  
24 facility, which as staff is concerned, and as our Comp Plan is  
25 concerned, is compatible with our agricultural heritage and a

1 goal we want to forward, but we don't want to be left over  
2 with something that we can't do anything with. So the result  
3 of that was to say let's make a special designation for these  
4 places. This does not mean that they can just come in and  
5 just site wherever they want. They have to come in and  
6 actually go through a process to create a, you know, a  
7 designation. Where are they going to go, we get to handle all  
8 that. It goes through public hearings, we get to look at all  
9 the things that we normally would look at, however we don't  
10 have the worry, I guess, is if it falls through do we have a  
11 transfer station on our hands or a industrial park that's  
12 improperly located. Now through the public notification  
13 process of this, we got some feedback that said well, you  
14 know, the size of these things is pretty, pretty large. If we  
15 have a designation, why don't we look at possibly saying well,  
16 if there's 640 acres, that could be treated as a minor, that  
17 way it could be coupled with a zoning proposal, which means  
18 the potential applicant would then be able to submit for a  
19 non-major Comprehensive Plan Amendment, and as staff we could  
20 look at that and say hey, where's your zoning proposal, which  
21 would further lock them into this land use allocation. Now as  
22 you know right now when you do a major amendment, there's a 31  
23 day cooling off period between when the Comp Plan amendment  
24 gets approved to when zoning can be acted on, which again was  
25 brought up as part of the last one saying well that's even

1 more reason. We don't - they haven't even submitted a zoning  
2 app yet, how do we know they're actually going to move through  
3 it. So there's a, there was a lot of distrust. And really to  
4 take that out of the equation and take that out of the  
5 discussion, staff felt well let's make a special designation,  
6 let's look at making these minor amendments and that way they  
7 could all move forward as a package. You know, short term as  
8 it - you know, just kind of going over what I just said, it  
9 creates this designation for a non-major amendment, and I  
10 think long-term - because you got to look at kind of both  
11 dimensions of this, as we did with the other proposal - you  
12 know, it could create a placeholder for future green energy  
13 possibilities, of course, when the technology becomes more  
14 benign. You know, there's certain types of solar facilities  
15 that, that don't belong next to residential. There's no way,  
16 I don't - they couldn't make it work. But if something comes  
17 along that is more benign along the level of photovoltaic  
18 solar, this might be a good spot to stick it through a  
19 Comprehensive Plan amendment and allow it. So, the discussion  
20 points addressing what I characterize as a soft spot in our  
21 Comp Plan, addressed on our end convoluted process,  
22 possibility reduce regulatory barriers. It still can be, but  
23 not necessarily located employment designation and public  
24 services and facilities. Now the interesting point about that  
25 is that since they are land intensive and our Comp Plan allows

1 these facilities to go into employment, there may be an angle  
2 you can look at that from an economic development standard and  
3 saying do we really want to consume our employment designated  
4 land with a solar field? Do we want to keep this available  
5 for other employment-generating, tax-based generating land  
6 uses. So that's one angle to kind of look to that. And as I  
7 said earlier, through the public outreach we heard a request  
8 to up that up to 640 acres. So public participation up to to  
9 this point, we did our neighborhood meeting. Nobody attended  
10 that one. 60 day review. What came out of that was the  
11 comments from the Game and Fish Department, which I'll talk  
12 about in just a second. Had a Board of Supervisors work  
13 session, had a work session with you folks, and then the  
14 Citizens Advisory Committee, they took a look at it and as the  
15 minutes show, some folks had some problems with it. In fact,  
16 all of them did. So - now there are a variety of reasons that  
17 I gleaned from that, that meeting, that some were against the  
18 size of the 640 acres, that hey we need this major  
19 Comprehensive Plan amendment process, it needs to be intact.  
20 That if you're going to do a new designation, you need to  
21 stick with the current proposals. Others didn't like the  
22 designation at all. They felt that these uses should be  
23 considered employment and public services and facilities  
24 designation. So of the folks that spoke and gave some  
25 feedback, I think there were maybe two folks who said that

1 they wanted to see the acreage drop down. So basically just  
2 create the new designation, keep everything the same along  
3 those lines. However, that certainly didn't sway the day, so  
4 they ended up recommending denial. So wanted - and one thing,  
5 the other thing that I gleaned out of that, and I'll walk the  
6 Commission through this - that you know, the Comprehensive  
7 Plan - and this new designation doesn't actually re-designate  
8 anything. The Comprehensive Plan land use map stays the same.  
9 A property owner would have to approach the County and ask for  
10 this new designation. So one, we'd have our typical pre-app  
11 meeting where they would identify their site and staff would  
12 kind of give it that first, you know, go through the ringer,  
13 you know, is it adjacent to existing infrastructure, you know,  
14 are we looking at sensitive ecological areas, things like  
15 that. Then they'd have to submit a Comp Plan designation  
16 change. So it would not be a free pass. Then would still  
17 have to come back through the zone change process. It would  
18 be an I-3. Staff would then recommend a PAD overlay to then  
19 filter out those other uses that are in I-3. So that would,  
20 that would all still occur under this process. So there's  
21 really two parts to this, and the CAC kind of reflected on  
22 that somewhat, is that one, it's a new designation. And then  
23 one, we're talking about what kind of size of a parcel we can  
24 process as non-majors. You do have options of what you want  
25 to forward. If, of course if the whole thing is, you know, no

1 way, then of course recommend denial. But you can forward to  
2 the Board, kind of along the lines of what the CAC was talking  
3 about, we're okay with the designation, but not size. Or  
4 everything - of course if everything's okay, go ahead and  
5 forward it with a recommendation of approval. So I'd like to  
6 really - as staff, I think the major point would be is to  
7 create the new designation. That way that addresses some of  
8 the functional issues that we experienced through the  
9 processing last year with some other sites. The size, you  
10 know, that was kind of something we got to kind of help move  
11 it through the process a little bit, but if that's something  
12 that - I think that looking at it where it's gone from this  
13 point, if the Commission feels the need to jettison that 640,  
14 or bump that down, I think staff would be okay with that from  
15 this point. Oh, if you have any questions I can certainly  
16 answer them, or if you need more insight on what the CAC said,  
17 I can certainly do that too.

18 HARTMAN: Well Steve, my question is you've said the  
19 landowner will still have to come before you, it sounds like  
20 they have to do pretty much what they have to do today to get  
21 their site for a solar area.

22 ABRAHAM: Right.

23 HARTMAN: I don't see why the 600 acres. I mean  
24 what is that - I don't know, that's - 640 is a section, it's  
25 not even a - that's not a section.

1 AGUIRRE-VOGLER: Yeah it is.

2 HARTMAN: So I don't know.

3 AGUIRRE-VOGLER: What would drop it down to?

4 HARTMAN: Well, I have some other questions too, but  
5 let's let the Commission go ahead and ask some questions.

6 Commission Members? Jill? Commissioner Moritz.

7 MORITZ: Thank you. Are solar farms, are they tax  
8 exempt?

9 ABRAHAM: No.

10 MORITZ: Okay. And how many do we have in Pinal  
11 County?

12 ABRAHAM: Well in unincorporated, we only have two.  
13 But they're run by power companies.

14 MORITZ: Right, okay.

15 ABRAHAM: The privately ones are the cities.

16 MORITZ: And do you know how many are in the cities?

17 ABRAHAM: I don't.

18 MORITZ: Okay.

19 HARTMAN: Jill, question, how many acres are those  
20 in the County? What size? Okay, Steve. What size are the  
21 ones in the County that are run by the utilities?

22 ABRAHAM: Well, they're colocated at the APS power -  
23 gas fired power plant down there off of I-10.

24 HARTMAN: Right.

25 ABRAHAM: And there's a one at - out towards you, I

1 want to say 83 runs it, maybe 86?

2 GUTIERREZ: Frito-Lay has one.

3 ABRAHAM: Frito-Lay has one, yeah, but that's for  
4 their personal use.

5 HARTMAN: Yeah, but that's in the City of Casa  
6 Grande.

7 GUTIERREZ: Right.

8 ABRAHAM: Right.

9 SALAS: We don't have any out in God's country, do  
10 we?

11 HARTMAN: Yeah, you said there's one over there by  
12 the old Williams Air Force Park, in that area, Pinal County?

13 ABRAHAM: Yeah.

14 HARTMAN: There's a couple of them.

15 ABRAHAM: Yeah.

16 HARTMAN: What size, how many acres are those?

17 ABRAHAM: I don't know. Because - since they're  
18 colocated with the power plant, several hundred. But the  
19 actual area devoted to solar is actually quite small.

20 HARTMAN: Yeah, so 600 acres is a tremendous amount  
21 of acres.

22 SALAS: Sure is.

23 HARTMAN: Okay.

24 SMYRES: Mr. Chair. Mr. Vice Chair?

25 HARTMAN: Yes.

1           SMYRES: This way.

2           HARTMAN: Smyres, Smyres.

3           SMYRES: (Inaudible) down by Yuma. Do you know  
4 (inaudible) that facility is?

5           HARTMAN: Gila Bend is the one, Gila Bend.

6           SMYRES: Gila Bend, I'm sorry, Gila Bend, yes.

7           ABRAHAM: Agua Caliente, that's several thousand  
8 acres.

9           ??: 4,000.

10          ABRAHAM: It's 4,000 acres. Yeah.

11          [Multiple Commissioners speaking at once.]

12          HARTMAN: And why, why don't we include wind farms  
13 in this solar?

14          ABRAHAM: Well wind farms are a whole - that's a  
15 whole different deal. Yeah, that would -

16          GRUBB: Mr. Vice Chair.

17          HARTMAN: All right, Commissioner Grubb.

18          GRUBB: So if we, if we would forward it without an  
19 acreage, then at what acreage does it become a major?

20          ABRAHAM: One.

21          GRUBB: Is it - at one acre it becomes a major?

22          ABRAHAM: No, 160.

23          GRUBB: At 160.

24          ABRAHAM: Yeah.

25          GRUBB: So if we send it with no acreage, I think

1 that's the answer we we're looking for. If we send it up with  
2 no acreage, then it cuts at 160.

3 ABRAHAM: And that's in line with other  
4 designations, changes. Like the one we just looked at is 200?  
5 Is that what it was? No, it was actually one - it was  
6 actually right at the limit. 320 for residential, when you go  
7 from residential to residential. When you go to residential  
8 to non-residential, it's 160.

9 GRUBB: And then my second question, you had said  
10 something about Arizona Game and Fish?

11 ABRAHAM: Oh yes, thank you for reminding me. You  
12 know, one of the comments of CAC was that the solar farms are  
13 not respectful of the environment, and the Game and - I think  
14 the Game and Fish letter kind of spurned that on, but I wanted  
15 to make the point that they're not actually recommending  
16 against the amendment. Those are guidelines that they provide  
17 on every single solar case that we send them saying hey, adopt  
18 this, making sure there's wildlife family - family - wildlife  
19 friendly fencing, the riparian corridors, if they're  
20 identified, preserve them. They have a number of things in  
21 the back of that, that massive document they sent you where  
22 they're, they're doing some either internal research or having  
23 the colleges look at what are the affects of solar facilities  
24 on wildlife in general. This is sort of like a state-wide  
25 effort to understand what do photovoltaic facilities have.

1 It's not geared towards this request or Pinal County,  
2 specifically. Just wanted to add that about Game and Fish.  
3 They actually didn't say we're against this.

4 GUTIERREZ: If I can just to add a comment to that.  
5 I went to a solar farm forum last year. But anyway, one of  
6 the things that was addressed was the bird population and  
7 stuff. A lot of them get cooked flying over those things.  
8 They just pfft - out of the air. The other - they're not a  
9 big tax generating facility for any cities or anything. So  
10 that's why cities a lot of times kind of shy away a little  
11 bit, and they do use water. So - , you know, at some of these  
12 facilities. So solar farms, I think are one of those things  
13 you have to be a little careful about, you know, as far as  
14 trying to get them in, because they're not, not a big producer  
15 for the government in any - you know, tax-wise.

16 GRUBB: Mr. Chairman?

17 HARTMAN: All right, Mark this question's to you.  
18 This - I'm looking at this as a request for 640 acres in a  
19 minor amendment - the Comprehensive Plan, and it's for the  
20 solar field. But if we do this for a solar field, then what  
21 about the rest of the major Comprehensive Plan amendments? I  
22 mean we're setting a - it looks like to me we're setting a  
23 precedence, and that - and I was talking to Himanshu earlier  
24 and I suggested that maybe we should have Comprehensive Plan  
25 amendments twice a year for major, because this would give

1 major developments the opportunity to do something in half the  
2 time. Now half the time is probably two years, but maybe they  
3 could shorten it down to one year. So maybe that would be  
4 another solution to this problem that we're looking at.  
5 Because I don't know about changing the major to a minor on  
6 640 acres, for solar.

7           LANGLITZ: Yeah, Mr. Vice Chair, it's the timing of  
8 it is set by statute. The County can only do it once year.  
9 So if that was going to be changed, it would require a change  
10 with the legislature. Yeah.

11           HARTMAN: The State legislature?

12           LANGLITZ: Yeah, yeah, the State legislature would  
13 have to change the law. The question of establishing a  
14 precedent and that, probably not illegal, but of course  
15 somebody's always going to come in and say hey, gee you did it  
16 for them, you know, why not for us? So, so while not legally,  
17 someone's going to raise that argument. I -

18           HARTMAN: All right, you helped me out.

19           GRUBB: Mr. Vice Chair? Mr. Chairman?

20           HARTMAN: Which one? Who? Bill.

21           GRUBB: Is the applicant willing to reduce to 160  
22 acres?

23           ABRAHAM: Absolutely. Yeah, at this point I think  
24 if you just wanted to adopt the designations and scrap the  
25 acreage idea, I think that that would be fine.

1 GRUBB: Thank you.

2 SALAS: (Inaudible).

3 PUTRICK: Mr. Chairman? I just thought I'd comment  
4 from the Town of Florence standpoint. We have two approved  
5 and operating solar farms up on Val Vista. We have approved  
6 two more, one down here at Monterra, and we did, we did  
7 Bonnybrooke. That project came to us. They moved further  
8 west on Diversion Dam Road, and they bought somebody's  
9 property there, and they're, they're going to put the solar  
10 farm there. It's going to be right off Diversion Farms Road -  
11 or Diversion Dam Road. So I don't, I don't know what the  
12 acreage is per site. I don't know that we need to designate  
13 an acreage in terms of - I think it's whatever the project  
14 says they need. And the other thing I wanted to comment on,  
15 I'm kind of surprised, David, that somebody said that birds  
16 flying over a photovoltaic solar farm would get fried, because  
17 there is no energy, there is no reflective power, there's no -  
18 there may be some heat, but certainly not enough to fry a  
19 bird. The water is only used -

20 ??: (Inaudible).

21 PUTRICK: No there's not - I mean if you go out to  
22 the two that we're operating out here, you won't see any dead  
23 birds. The water use is pretty minimal, because they have a  
24 maintenance - the efficiency of photovoltaic goes down as  
25 they're covered with dust, and so they have a cleaning

1 process, and it's like months, it's not days or weeks, it's  
2 like months. And that's the only water usage that they have  
3 for those. So, so I guess I just thought I'd throw that in  
4 for information.

5 HARTMAN: The only, the only thing that I can see  
6 that's not - well right - is the fact that if you say down to  
7 zero, then you open it up to any acreage they want and this,  
8 this at least limits it to 640 acres.

9 PUTRICK: Do you think we should say not to exceed?

10 HARTMAN: But you're saying - you said more down -

11 PUTRICK: Yeah, I know I said, but maybe we add not  
12 to exceed 640 acres.

13 HARTMAN: Well, I think that's what it said.  
14 Designate up to 640 acres.

15 PUTRICK: Yeah, okay.

16 HARTMAN: That's what it says, and that's - and I  
17 think most of us are in agreement that's too many acres.

18 GRUBB: Mr. Vice Chair?

19 HARTMAN: Too big, so it's either no or some  
20 acreage.

21 GRUBB: Mr. Vice Chair?

22 HARTMAN: Yes.

23 GRUBB: In keeping with other major or minors, the  
24 applicant has agreed to reduce it to 160 acres.

25 ABRAHAM: Right. I have.

1 HARTMAN: All right.

2 SALAS: 160.

3 HARTMAN: Then could I call to the public, and  
4 public's not here, so no comment from the public. I'll turn  
5 it back to the Commission for a motion.

6 GRUBB: Mr. Chair, I'll make a motion that we  
7 forward PZ-PA-002-15, the green energy production amendment to  
8 the Board of Supervisors, amended to say allow requests up to  
9 160 acres, in keeping with our Comprehensive Plan.

10 SALAS: Are we saying no more than (inaudible)?

11 GRUBB: No more than 160 acres.

12 PUTRICK: I'll second.

13 GRUBB: As a minor amendment.

14 HARTMAN: Putrick, did you say - okay. Thank you.  
15 We have a motion and a second. We'll do a voice vote on this.  
16 All those in favor say aye.

17 COLLECTIVE: Aye.

18 HARTMAN: Opposed? Motion carried unanimously. You  
19 have a strong vote to take to the Supervisors.

20 SALAS: No opposition from the public.

21 ABRAHAM: Right.

22 HARTMAN: Okay, Commission Members. Steve, anything  
23 else to be brought before us. Yes, we've got our session that  
24 we are supposed to go into that Commission Members could say  
25 something, or something like that?

1 ABRAHAM: And plus, I'm going to defer item 4. What  
2 I'll do, I'll email everybody about where to find that  
3 information just because of the lateness of the day today.

4 HARTMAN: Okay.

5 ABRAHAM: Yeah.

6 HARTMAN: So the last item on the agenda is Call to  
7 the Commission.

8 ABRAHAM: Yes.

9 HARTMAN: Commission Members?

10 DEL COTTO: (Inaudible), can you get me a full size  
11 battery because it -

12 ABRAHAM: It burned out, huh?

13 SALAS: I have something. Chairman?

14 HARTMAN: Okay. All right.

15 SALAS: Steve.

16 ABRAHAM: Yes sir.

17 HARTMAN: Commissioner Salas, go ahead.

18 SALAS: We used to have some of this Comprehensive  
19 Plan changes on a special day sometimes, and I - this is, you  
20 know, this is too long at the end of a full agenda, and I  
21 think at least speaking for myself, some of us are going  
22 crazy, you know. We're not really fully comprehending some of  
23 the stuff that we're talking about - and I'm talking for  
24 myself again, I don't want to offend anybody - but the thing  
25 is that we used to have a separate day, and when we have

1 enough of these, as in no less than three that are important,  
2 I think the changes are important, or (inaudible), but there  
3 has to be more attention (inaudible) than at the end of a long  
4 agenda, tired, you really are not paying maybe that much  
5 attention, or whatever the thing is, but I would like for you  
6 to take that into consideration.

7 ABRAHAM: Absolutely.

8 SALAS: We used to do it before.

9 HARTMAN: Okay, Steve, I had one that I addressed  
10 you earlier about, was APA, Arizona Planners Association. The  
11 conference was, I guess, last week Mary?

12 AGUIRRE-VOGLER: No, it's in November.

13 HARTMAN: November, okay.

14 ABRAHAM: Yeah, and this is for all the  
15 Commissioners. Just to remind you, we're doing a rotation, so  
16 some years some folks will go. This year Commissioner Putrick  
17 and Commissioner Grubb will be going. And then next year  
18 we'll be able to send some more Commissioners. Kind of like a  
19 rotation.

20 SALAS: (Inaudible) Bill and Larry?

21 AGUIRRE-VOGLER: But I don't remember you actually  
22 asking. I don't know how that came about.

23 ABRAHAM: Well, we're going in order just to get the  
24 folks who hadn't, hadn't gone yet. Like I don't think Larry's  
25 been to one, and Commissioner Grubb had to skip one a couple

1 years ago because of issues.

2 SALAS: I think they should have preference.

3 Anybody that hasn't attended one, I believe they should be  
4 going.

5 HARTMAN: That's what he -

6 ABRAHAM: Yeah, so we'll catch, we'll catch  
7 everybody.

8 HARTMAN: Okay, the next in our American Planners  
9 magazine, I saw in there where there's an election for  
10 president, and you - the County spends money on each one of  
11 us. Each one of us are members of the American Planners  
12 Association. We're not, we're not getting the information  
13 that we used to, probably because they're changing their  
14 format. It's done by computer. But what I'm getting at is  
15 there's an election for the president, the vice chair, and  
16 then board members, and then regional members, and I remember  
17 one time - this is - and they - the person got in trouble for  
18 doing it - but intentionally the staff didn't send it out to  
19 us because staff wanted to do all the voting. Now I'm not  
20 accusing anybody of that, but I'm totally negligent on how to  
21 vote.

22 ABRAHAM: Sure. This year the APA went fully  
23 digital, which means you have to log onto a computer to log  
24 your vote. I'm - what I'm going to do is I want to say that  
25 there's a few more days left before the voting window closes.

1 I'll email you the link and then what I'll do is I'll talk  
2 with the APA to make sure they have individual emails for you  
3 guys. You got it? Okay.

4 [Multiple Commissioners speaking at once.]

5 ABRAHAM: I didn't vote myself, so.

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

7 HARTMAN: But eventually we'll probably go to a  
8 national convention and we'll see if we elected the person  
9 (inaudible).

10 AGUIRRE-VOGLER: Some day. Some day. So are you  
11 waiting for a motion to adjourn?

12 HARTMAN: All right, a motion to adjourn.

13 AGUIRRE-VOGLER: Motion to adjourn.

14 MORITZ: I'll second.

15 HARTMAN: I have a second. All those in favor say  
16 aye.

17 COLLECTIVE: Aye.

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Julie A. Fish