PINAL COUNTY PLANNING AND ZONING COMMISSION
(PO NUMBER 233382)

Regular Meeting
9:00 a.m.
Thursday, October 15, 2015
EOC Room – Building F
31 N. Pinal St., Florence, Arizona

INDEX:

ELECTION OF CHAIR AND VICE CHAIR OF THE PLANNING COMMISSION – pp. 1-2

DISCUSSION OF ACTION ITEM REPORT:
- Action Item Report – p. 2

REPORT ON BOARD OF SUPERVISORS ACTION ON P & Z CASES – p. 2-3
- August 26, 2015
- September 2, 2015 No cases

PLANNING MANAGER'S DISCUSSION ITEMS:
- Administrative review of Tentative Plat extensions – p. 3-18
- Re-appointment of Commissioner Salas – p. 3

CONTINUED CASES: PZ-001-15 & PZ-PD-001-15 – pp. 20-53

NEW CASES:
- PZ-005-15 – pp. 19-20

TENTATIVE PLATS:
- S-042-14 – pp. 53-59
- S-013-15 – PP. 59

WORK SESSION – PZ-C-002-15 – pp. 59-104

CALL TO THE COMMISSION: None

ADJOURNMENT – p. 104

TRANSCRIPTION PROVIDED BY

Julie A. Fish
Quick Response Transcription Services
829 East Windsor Avenue
Phoenix, Arizona 85006
602-296-5178

ORIGINAL PREPARED FOR:
PINAL COUNTY, ARIZONA

RIGGINS: We'll go ahead and call the regular meeting of the Pinal County and Zoning Commission to order.

AGUIRRE-VOGLER: So where's Steve?

RIGGINS: Where is Steve?

??: He's on vacation.

DENTON: On vacation.

RIGGINS: Oh, okay.

AGUIRRE-VOGLER: Dedrick, are you doing it, or?

DENTON: No, Ashlee will be running the meeting.

RIGGINS: Oh, Ashlee?

AGUIRRE-VOGLER: Where is she?

MACDONALD: Good morning.

RIGGINS: I see the second order of business on the agenda is election of Chair and Vice Chair.

SALAS: Why don't we take care of that first?

RIGGINS: We'll take care of that right now.

AGUIRRE-VOGLER: Okay, I'll make -

RIGGINS: So is there a motion from the –

AGUIRRE-VOGLER: I'll make a nomination or a motion to actually keep it status quo, if you don't mind, if the two Chair and Vice Chair will accept their position again, I'm going to nominate it's status quo.

GRUBB: I second that.

MORITZ: I second it.

RIGGINS: Okay, we have a motion and we have a

second. Everybody in favor signify by saying aye.

COLLECTIVE: Aye.

RIGGINS: All opposed? Okay, well thank you all very much. We'll continue with status quo, then. Our next agenda item is a discussion of Action Item Report. And I would assume that would be Ashlee.

MACDONALD: It is. The action item from the last meeting is in your packet. I would be happy to answer any questions that you have regarding that. If there aren't any, then I can just move onto the item number 4 on your agenda.

RIGGINS: Okay, any questions from the Commission? Appears to be none.

AGUIRRE-VOGLER: Remind everybody to turn their phones down.

RIGGINS: Well thank you, Mary. I'll turn mine down too.

AGUIRRE-VOGLER: I just did too.

RIGGINS: Yes. Mary just made a comment that we probably should all remember to take care of our cellphone issues. And I shall. Okay. Report on Board of Supervisors Action on P & Z cases.

MACDONALD: The only Board items that have gone since your last Commission meeting was on September 23rd – that's not on your agenda – that was Saddlebrooke Ranch, which the Commission saw just at your September meeting, the

Commission recommended approval, and the Board adopted that recommendation of approval. So that is it for items on the Board agenda.

RIGGINS: Okay.

SALAS: I move for adjournment.

RIGGINS: Now Frank.

??: Second.

RIGGINS: We got to finish my coffee anyway. All right, the next is the Planning Manger's Discussion Items.

MACDONALD: I actually am going to just quickly jump ahead to the reappointment of Commissioner Salas. That was on the August Board hearing, or Board meeting, and Commission Salas was reappointed until August of 2019, with –

RIGGINS: Congratulations.

[Applause.]

MACDONALD: And the second item that we have listed there, administrative review of tentative plant extensions, I'm going to turn that over to Dedrick.

DENTON: Good morning, Mr. Chairman and Members of the Commission. I would just like to take this moment just to announce to the Commission that there's been a change in the way that we're going to process two of the plat extensions for subdivisions that are under the old subdivision regulations. It was determined by our legal counsel that since in 2007 we adopted the current subdivision regulations, it repealed the

old so they no longer exist. So I just wanted to announce to the Commission that we're going to process subdivisions that was approved under the old regs, under the current subdivision regulations, which basically means that they can get – they can ask for one request for an additional year. So you guys are no longer going to see the older extension request, except for the ones that they have a development agreement, and that development agreement locks them to the old code. And I believe we might have like one or two of them out there, so overall you're not going to see too many extension requests for old tentative plats, that they're going to be processed under the current subdivision regulations.

RIGGINS: Okay, questions on that.

HARTMAN: Yes.

RIGGINS: Vice Chair Hartman.

HARTMAN: Chair Riggins, Planner Denton. Excuse me – Planner Denton what – who's going to do the review of that now?

DENTON: That will be handled through staff and our director.

HARTMAN: Okay. So we were kind of having some questions in the Commission after we've done it for like six, seven, eight, ten years and whatever, and we were kind of wondering if we should not limit this or whatever. So you will be the ones, staff will be the ones that makes that

decision now.

DENTON: That is correct. Except for the ones if they have a development agreement -

HARTMAN: Yes, I got that.

DENTON: - you guys will continue to see those. Other than that, it’s going to be handled through staff and our director.

HARTMAN: All right, thank you. Thank you Chair.

DENTON: That’s per code.

??: (Inaudible).

DENTON: Yes, the current subdivision regs.

RIGGINS: So any other Commissioners with questions? I have one. So what will be the parameters of a reissuance of a tentative plat after it’s expired then?

DENTON: Well, there’s a couple in the code, parameters that the director has to follow. One of them he can look at if there’s been like a substantial change in the area that surround that tentative plat and it affects the layout, he could deny the request based off of that. And then also if there haven’t been any activity done, which means that if they haven’t submitted a final plat and they’re currently are not working on it, then he can deny their request. So they have to be actively processing a final plat in order to get it extended, and the conditions in the areas hasn’t changed, that would require a change in their layout. And

then what basically happens if it gets denied by the director, then they would need to come through you guys to get it reapproved. It would be basically just filling out a new subdivision application, and then come back to P & Z for your consideration.

RIGGINS: Commissioner Salas.

SALAS: (Inaudible) going back to square one?

RIGGINS: That's, that's correct. Not back down to the zoning level, but back down to the platting level.

RIGGINS: Okay. Just out of curiosity, what was the, what was the impetus to make this change?

DENTON: Back in 2007, the old subdivision code was repealed by the current code. So it doesn't exist anymore, so all those rules and regulations that were under the old subdivision code, doesn't exist anymore.

RIGGINS: So the new subdivision code has this entire time called for the Commission not to review tentative plat extensions?

RIGGINS: Correct. Until we got our opinion from the – our legal counsel that because it was repealed, that those should be handled administratively per the current code.

RIGGINS: Okay, so this was a legal opinion that –

DENTON: Correct.

RIGGINS: - initiated this.

DENTON: Correct.

RIGGINS: Okay.

LANGLITZ: Mr. Chair, Mark Langlitz, Deputy County Attorney. I believe that the legal opinion that Dedrick is referring to probably came from me. Basically what we did is we looked at what to do when these extension requests came in. Now, the old development services code, it was 2007?

DENTON: It was in 2007 when the current code was passed.

LANGLITZ: Okay, so the new code was adopted in 2007, so that becomes effective then. The only time we can go back to the old code is if there's a development agreement which locks in that old code. Some of the old agreements did that. It's not a great thing to do, you never want to lock in any code at any particular time. So now in going forward, the old code doesn't exist anymore. It's gone. So now under the new code - and I had no involvement in drafting that – but these procedures for plat extensions have been in the new code since, since 2007.

RIGGINS: And the procedures in the new code call for it to be done totally administratively.

DENTON: That's correct.

RIGGINS: Okay.

LANGLITZ: You know, it's just like any time the County changes its laws, the new laws take effect then. Otherwise there's – you can't make new law and then say well

the old law, you know, we're still going to apply the old law that -

RIGGINS: It sounds like we have an eight year layover on that particular concept here.

LANGLITZ: Well, I don't know. I guess so.

SALAS: How many of these do we have grandfathered in? You say they can go back to the old code, some of these guys.

DENTON: Yeah, there's not too many out there that has a development agreement. There might be maybe one or two. I know Robson Ranch, their development agreement expired, so they no longer have a development agreement. So it might be like maybe one or two out there.

LANGLITZ: Yeah, some of these old development agreements had a provision in there that the development of the property shall be pursuant to the development services code in effect as of the date of this agreement. So when that happens, that by contract it freezes in all the old provisions, so we have to use those. But if there is no development agreement which does that, the new requirements come into effect and govern the matter.

RIGGINS: Okay. Any other questions concerning this by the Commission? I have a, I have a request, and I'll run it by the Commission. Renewal of tentative plats is an issue that gives us some information on some of the activities that

are going on around the County and keeps us up to date on some of the things that we need to know for doing current decisions. And I would recommend that if this is the direction we're going administratively, that we add an agenda item to our meeting every month to get a report on administratively, which tentative plats have been renewed or denied to keep us totally, 100 percent in the loop of exactly what's going on. Because it's an important part of what we do and does the Commission consider this to be a –

??: that's good idea.

RIGGINS: Valid thing to do?

SALAS: An update monthly?

RIGGINS: Yes, monthly. Every month, to know exactly what's happened with tentative plats.

AGUIRRE-VOGLER: I think, though, in a way we should get that ahead of what they're going to say.

RIGGINS: I don't know how they can give us information on what they're going to do before they do it, if it's an administrative issue. I don't know how they can do that, and it sounds like we don't have a say in it anyway.

AGUIRRE-VOGLER: Well, it comes up.

RIGGINS: But I do definitely believe that that is something that would valuable to retain for an information base for the Commission.

??: Absolutely, yeah.

RIGGINS: Do we, do we have that by acclamation? We're just a consensus?

HARTMAN: Yes.

RIGGINS: Okay. We would definitely like them, to see the current meeting format modified to where we get a report on tentative plats at every regular meeting.

SALAS: As part of our agenda.

RIGGINS: As part of our agenda.

DENTON: If it's acceptable to the Commission, what I can do – because we don't get them like every month, so we might go through a little dry – but -

RIGGINS: Well, you know, obviously if there's nothing, there's nothing to say.

DENTON: Okay.

RIGGINS: No, no, I understand that.

DENTON: I was just going to say, every time we get one in and if it's been approved or denied, then we can inform the Commission.

RIGGINS: Mm hm. And of course in the report, we would want to know administrative why it was approved, or why it was denied. You know, that would be part of the format.

SALAS: (Inaudible) all you got to do is the status is the same.

RIGGINS: Yeah. If there's nothing there, there's not an issue.

MORITZ: Mr. Chairman? Personally –

RIGGINS: Commissioner Moritz.

RIGGINS: It's me. Personally I think it's a good thing. Part of our consternation on these renewals is the age of the ongoing renewal process. So I like that concept, and I think would be helpful to know if you have renewed one that we have worked on in the past, or – and most of them are ones that have been worked on in the past, obviously. So that would be nice, just an agenda item that says either we don't have any, or we have this one and we renewed it under the 2007 forward rules.

RIGGINS: And I think I'll – I believe the format that would be best to issue with this, is have it be a permanent agenda line item, and it can easily say there were none this month. But I think it needs to be addressed and line itemed everything since regular Commission meeting, so we can keep track of this and we can have an understanding of what's going on with this, because it's an important function of what we do.

LANGLITZ: Mr. Chair, under the new code, part of what's going to happen is there will be no lengthy periods of extensions. Under the new code you get the tentative plat is good for one year, and then basically if the developer's made good faith efforts to do something to advance it, you know, maybe some things out of their control will happen, so you

know, they weren't able to complete it, but I think a good faith showing that they're not just sitting there, then they can get a one year extension, and that's it. And after that, then they got to – if the final plat isn't completed by then, then it's gone and they go back to square one with their plat. So we won't see these continuous ten year extensions.

RIGGINS: But by the same token, what's going to happen with this is there will be active tentative plats that might be inactive, but all of a sudden they're going to be coming off the books. And so areas are going to change with how they're in title and how fast they can go forward. That's important information for us to have. It sounds as if what I'm hearing, that there are a lot of tentative plats out there that are about to get expired, is what it sounds like to me, if this administrative process is going to go the way you're stating.

SALAS: Mr. Chair?

RIGGINS: Commissioner Salas.

SALAS: Seems to me that I'm hearing some noise over there like they're not in agreement with that.

MORITZ: Yeah.

SALAS: I don't see what the problem is. You know, we come up to that agenda item, one or two or whatever it might be, you say there is no report, the status is the same, and we go on. If there is a change and there's a report that

has to be made, then you go ahead and make the report.

DENTON: We don't have an issue with it.

RIGGINS: Perfect.

SALAS: Okay, let's go on, then.

RIGGINS: Then we'll see a new agenda item on the Commission report starting next month. So that sounds fabulous.

LANGLITZ: My comments weren't intended to reflect any disagreement with it, just to let you know that these long term extensions and that shouldn't occur any more.

RIGGINS: And again, just as an aside, that means that there's going to be a lot of things expiring here over the next year then. Okay. All right. I don't know – I won't say very good, because I'm sure there's going to be some people who think that isn't very good, but if that is the direction that we are going to go, and everybody is understanding it and cognizant of it, we'll go ahead and move onto the next agenda item.

LANGLITZ: The other possible alternative is if you wanted to take a look at it – and I don't want to – I'm starting to get a little bit some concerns about open meeting law, because this item wasn't on the agenda for action and that, but it's not – everything that's occurred so far is fine, but in the future if you wanted the County to take a look at it, the remedy would be -

RIGGINS: Take a look at what?

LANGLITZ: Well if you wanted to have plats come back to the Commission, all you have to do is just revise the development services code.

RIGGINS: Okay.

LANGLITZ: I'm just trying to be helpful and provide options.

RIGGINS: And I will state unequivocally that I am in total disagreement that anything even came close to an open meeting law issue here, because this is an agenda item that we're discussing. It was brought up on the agenda, and this is just a decision of the item, so we're not – there's not an open meeting law issue here, we're just responding to what was said.

SALAS: How much open can you get? It's on the agenda in a public meeting.

RIGGINS: Okay, very good then. Any – Vice Chair Hartman.

HARTMAN: Chair Riggins, Mark, I appreciate you making that comment, though, if the Commission felt like we wanted to have some input into it, we could have input into it. I – as a Commission Member, I'm kind of shake my head every time certain obligations of the Commission get taken away from the Commission, and it's need to hear you say that at least we can discuss it further. So thank you. That's my

comment.

MORITZ: Mr. Chairman?

RIGGINS: Commissioner Moritz.

MORITZ: Just one last comment.

RIGGINS: There we are.

MORITZ: I have no desire to have control over anything. I think it – again, I'll repeat, very wise decision to take the action you've taken, and we look forward to seeing those listed on the agenda item on the monthly meetings. Thank you.

RIGGINS: Very good.

SALAS: Mr. Chairman, one last comment.

RIGGINS: Commissioner Salas.

SALAS: I just think that we're trying to make chicken soup out of chicken feathers, so let's get on with our agenda.

RIGGINS: Very good. And we have another comment from Commissioner Smyres.

SMYRES: Just one quick question to staff. Under the new – or under the system where it expires after the year or whatever, will the developer be notified that this thing is fixing to expire in case they've been sitting around twiddling their fingers for a year?

DENTON: No, that's their responsibility.

SMYRES: Or, that's their responsibility.

DENTON: Right. But since we're making the switch, what I'm going to do is go back through and see which ones are active and just let – notify them to let them know that the process has changed, so that they can, at least, make an attempt to give us an extension request if they choose to do so.

RIGGINS: Right. And I am very, I'm very glad to hear that because this is a marked change over what we've been doing. It would be unfair to catch a bunch of people unawares.

DENTON: That's correct.

SMYRES: Thanks, staff.

AGUIRRE-VOGLER: One last.

RIGGINS: And Commissioner Aguirre-Vogler.

AGUIRRE-VOGLER: So, am I hearing that maybe we want to change the development service code?

RIGGINS: I would – and I'll respond to that. I can see some wisdom in this concept. What I would say we should do, is we should take all the (inaudible) that we've asked for, take a look at it, see how it runs for the next few months and see what we think about it. And then if we decide to put it as an agenda item, to discuss it further, then we can.

GRUBB: Mr. Chair.

RIGGINS: Commissioner Grubb.

GRUBB: One very last, and it's directed to Mark. Over the last period of time, from 2007, when this was enacted that said only a one year extension could occur, how many have been approved – and I guess this includes staff – that went beyond that, and therefore may be in violation of the code, that we have been violating our own code. Because I know since I've sat on here, we've done two year, and three year extensions, and if that violates the code, where does that leave us as a Commission and staff, and you know, the whole development group, have we been violating our own code, and do we – and what do we have to do to fix it?

LANGLITZ: Mr. Chair, Commissioner Grubb, I don't know the number, I would have to rely on staff to provide you with that information. But no, there's been no violation of the code. It's just a matter of different interpretation, so those plats that were approved under the prior code, they're not in any jeopardy of being held to be invalid. They're, they're good and they will continue up until their expiration date. So let's say for example earlier this year a plat extension under the old code was approved for two to three years, they'll have that two or three years. Then if at the end of that time they need another extension, the new code will apply and they will be told okay, you get one more one year extension, and then that's it, so that the rug isn't pulled out from underneath them, and they'll know, okay, we

have one year now to decide if we're going to proceed and if, and if it doesn't work out, then after one year we'll have to go back and do a new tentative plat.

GRUBB: Okay, thank you. My concern was that we had given these extensions, you know, I didn't want to have to call these developers and say whoops, well sorry. You know -

RIGGINS: (Inaudible).

GRUBB: Yeah, we gave them something that maybe we couldn't have, and I just wanted to make sure that I was clear on that.

LANGLITZ: No, no, no, yeah, no we're not doing that. That's not fair. They're entitled to rely on what they're agreeing to, and they'll be able to do that.

GRUBB: Thank you.

RIGGINS: And of course, I'll have one last comment too. And of course one thing that could not necessarily, but any means, but one thing that could thing that could happen from this, is some day we might have an agenda item here for the industry to come in and have a chat with us about what they think about this new change. That's always possible too. So we're entering into a, into a new situation and we'll see how our new report goes, and we'll see how everybody is affected, and how it all works forward. So, any other questions or comments whatsoever? Vice Chair Hartman?

HARTMAN: You're moving on up to a new subject, I

hope?

RIGGINS: Yes.

HARTMAN: Okay. My comment is yes I see a whole pack of cards that – I want to say this is more cards than I have for my business, but I look on here and there's two tel – there's a telephone number and a fax number, and I wondered if I give this card to somebody, who are they going to be getting in touch with? With that 866-6442?

MACDONALD: Chairman, Vice Chair, that is our main line, so they will be contacting the Planning Division.

RIGGINS: And we certainly wouldn't want our own personal phone numbers on this, so that is correct.

MACDONALD: Correct.

HARTMAN: That was a question. Thank you.

MACDONALD: That email address on there, as well, comes to us for our public records requests, so everything will be directed to staff.

RIGGINS: Okay. Perfect. Well, let's, let's go ahead and get on with the business of the Commission. We have a continued case. It's case PZ-001-15.

MACDONALD: Chair Riggins, before we jump into that case, if we can just do some quick housekeeping items.

RIGGINS: Well certainly.

MACDONALD: Just for the benefit of the audience in case they're here for any particular items. On your agenda,

new case item number 8, Arizona Water Company, there was a notice deficiency on that, so that won't be heard today. That will come back at a later date. And then also item number 10, the plat for Morning Sun Farms, there is a continuance request on that to our November 19th hearing. So if the Commission would like to take action on that and move that forward, you can certainly do that, or we can move onto the continued case.

RIGGINS: Okay, so we're being ask to continue that case?

MACDONALD: Correct.

HARTMAN: It's a continuance, yeah.

RIGGINS: Okay, well we can do it in order. We can do it in order. Okay? Any other housekeeping issues? Anything else?

MACDONALD: That's it.

RIGGINS: Okay. Well then let's go on to PZ-001-15.

MACDONALD: Thank you. This is a case that you have had on your agenda for a couple of months now. This was continued last month to today. The request is for approval of a rezone from CR-3/PAD, and CB-2/PAD to I-3, and approval of a Planned Area Development Overlay District for the Resolution Copper Concentrate Transfer Facility. It's on 559.88 acres located on the north side of Skyline Drive, two miles east of the Felix Road alignment. The applicant is Integrity Land and Cattle with Rose Law Group acting as their agent. The

property is, as you can see on this map, on the northern portion of the County. It is west of Highway 79, on the north side of Skyline Road. It's surrounded largely by State Land. You can see at the northwest corner of that section is some privately-held property that is residentially zoned. Skyline Road is the southern boundary, and you can see the railroad track runs diagonally, bisecting the two parcels that are part of this application. The Comprehensive Plan designation onsite is employment. Last year as part of your major amendment cycle you saw this case come forward. They did an amendment to change the designation of this land use parcel to employment. So it is in conformance with our Comprehensive Plan. Existing zoning onsite is CR-3 and CB-2, with a Planned Area Development Overlay. It was originally intended to be a master planned community. Surrounding properties are General Rural, with the exception of that northwestern corner, like I mentioned that is residentially zoned. Aerial photograph of the property. It's currently vacant, desert. You can see that there was some grading that took place in anticipation of development of that master planned community that never came to fruition. This is the applicant's development plan. You can see that the development of the site is concentrated to the northern boundary of the site. There will be a rail spur that goes through the site bringing in the copper concentrate, and then all activity will occur primarily at the northern

portion of the site, within enclosed structures. Some elevations of the proposed structures. Photos of the site were taken along Skyline Drive. The Skyline Drive is currently closed prior to the site, about a mile and a half before you get to the site, so these photos were taken at the closure of the gate, so this is not at the site itself, but just showing the road that is there and the gate closure. And then from the site itself, some photos looking north into the site. And then farther along where the railroad bisects the two parcels. You can see the railroad there on the site. This is looking south. This is from the – where the pavement ends, looking back along Skyline. Looking northeast. Staff has one stipulation for PZ-001-15. There are 24 stipulations for PZ-PD-001-15. While we're getting some more information, I did receive a letter from the adjacent property owner that owns that portion in the northwest corner. This came in after your packet went out just earlier this week, indicating that they are in opposition to the request. Ultimately in their letter they were asking for a continuance to continue negotiations with Resolution Copper, but their letter is in opposition. I guess they had been working with somebody that wanted to buy the property, and that's been delayed and so they're not longer in support of the proposal. I can get copies of this if the Commission would like. I – they had intended on coming, but I don't see them here today. That's

it for this.

RIGGINS: Would the Commission like to take a pause for just a moment to receive that so we can be looking at it during the case? It seems like they would, so. And this was, this was received just in the last couple of three days?

MACDONALD: Yeah, I believe it was not yesterday, the day before.

RIGGINS: Okay, and they had not been opposition up until that point?

MACDONALD: They had not.

RIGGINS: Okay. All righty. Well we'll just, we'll just wait for a copier to do its magic. Commissioner – Vice Chair Hartman?

HARTMAN: Chair Riggins, what – I think this is the third continuance that we've – we're having right now. I think the Commission had originally decided that three continuances was really all we were going to do, so I, I don't know whether that's – whether we as a Commission have authority to say three and now we're getting a request for a fourth continuance, is legitimate.

RIGGINS: I would see – let's see what the applicant has to say.

HARTMAN: Okay. I have a comm – Chair Riggins, I have a question of Ashlee.

RIGGINS: Okay, go right ahead.

HARTMAN: Ashlee, I did not see – you said staff has included a stipulation requiring – requiring - the dedication of an easement for a trails corridor. What stipulation is that? I couldn't find that stipulation, so I wrote 25.

MACDONALD: That is stipulation 16.

HARTMAN: 16?

MACDONALD: Prior to site plat approval, the applicant property owner shall dedicate a 50 foot easement along (inaudible).

HARTMAN: Oh, I got you. That's it. Okay.

AGUIRRE-VOGLER: I have a question.

RIGGINS: Commissioner Aguirre-Vogler.

AGUIRRE-VOGLER: I don't know if the Commissioners have noticed kind of a different format that has come before us, where the staff now is recommending approval, and that seems to be swaying an opinion, I believe, and I don't know what the rest of the Commissioners think, but I don't know if I like that, that consideration. It's a different format.

RIGGINS: If the Commissioners will correct me if I'm wrong, but in my recollection there has always been, due to the facts put together by the staff, where they have said they recommend approval or denial.

AGUIRRE-VOGLER: No, it's different now, it's different. On the first page is different. It's different. Yes, I remember they would always say if for some reason you

approve, if you some reason deny, but now, now on the very first page they're recommending what they think we should do.

MORITZ: Mm hm. It doesn't mean we have to do it.

AGUIRRE-VOGLER: Well no, I understand, but I don't know if the other Commissioners –

HARTMAN: Mr. Chair, yeah, we did discuss that last time, and staff said that they felt like they were the professionals and it was within their powers to give us a professional view of what –

AGUIRRE-VOGLER: I just wonder what the other Commissioners feel.

RIGGINS: I, I do agree that the page format, it's not in the same place it used to be, but at the back of the narrative, it always said what the staff's opinion was, and always has. As far as I recall.

AGUIRRE-VOGLER: Yeah, approval or denial it used to say. Does the staff have an opinion on that, or the attorney?

RIGGINS: Well, we are, we are in the middle of just about to start somebody's case, so that seems to me a little bit more of a housekeeping issue.

AGUIRRE-VOGLER: Okay.

RIGGINS: But Jordan, if you could just – let's get that letter.

AGUIRRE-VOGLER: It's on the case, that's why I brought it up.

RIGGINS: We'll get that letter out to everybody and then we'll get started.

HARTMAN: There is a difference in the format between these two.

RIGGINS: I know there's a – that's changed. I'm sorry, pardon me.

LANGLITZ: Mr. Chair, Mark Langlitz, Deputy County Attorney. Just a couple of comments in following up from Ashlee's presentation. The letter that she mentioned that was received from the law firm Sacks Tierney, it really involves a private matter, it has nothing to do with the County. It sounds like they're asking for a continuance so that discussions can continue between the parties regarding a sale. That really is completely irrelevant to this matter, and it wouldn't be appropriate, it's not a basis to continue it. And then they're also asking for a stipulation that would require – let me see – that would require the Resolution Copper to buy their land, which totally isn't appropriate either. I just wanted to mention that in case anyone had any qualms or issues, so really this letter is – doesn't do anything in this matter.

RIGGINS: It is a, it is a input from the affected community that needs to be at least seen by the Commission. I, I didn't know those were the issues that were going to be in it, but obviously that weighs to what its validity is in

the case.

LANGLITZ: Oh absolutely, yeah, they – anybody can make any comments that they want regarding a case, but I just wanted to indicate that that wasn't really anything that we could deal with. The other factor is in the stipulations, there are a couple of stipulations relating to public infrastructure improvements, and the parties have been working pretty diligently in – at coming up with a development agreement that ultimately will address those issues, and we're working – both sides are working real hard with each other in good faith, and we're getting there, but those things just take time. So we had some initial thought about well, should we wait until we complete that agreement before we proceed with this, but we figured no, let's, let's keep it going. The Board is adverse to continuing matters past a certain point, which is fine. So we are suggesting that we add a stipulation at the end, it would be stipulation number 25, and I will ask – you want to hand – so that you can see it, but basically stipulation 25 would read prior to Board of Supervisors approval of this rezoning request. Now, are these stipulations in the rezoning or the PAD?

MACDONALD: PAD.

LANGLITZ: Oh, in the PAD. Okay. Then let me change that. If you substitute the word rezoning for PAD, it would read prior to Board of Supervisors approval of this PAD

request, the owners of the land and the rail line shall enter a road construction development agreement with the County, acceptable in form and substance to the County, in connection with public infrastructure improvements, including, without limitation, improvements to Skyline Drive and the rail crossing, through the rail line. Those are the public infrastructure improvements that we were referring to, so what we anticipate will happen is the stipulations are attached to the case, the 24 stipulations. That's fine. We expect that we will subsequently, probably change what those stipulations state in the development agreement, and then it will proceed and go to the Board. So in that way we're maintaining a cooperative relationship in moving this forward and not delaying it, or asking for a continuance. So we would ask that if the Commission takes action on this, that it include that stipulation 25 as corrected.

RIGGINS: Thank you for the explanation. Do we have the opposition letter done yet, or are we still waiting for that? Okay, let's go ahead and hand those all out so we don't have to interrupt Jordan's case, as we already have done but it's all pertinent. Vice Chair Hartman.

HARTMAN: Chair Riggins. Mark, I want to just state as a Commission Member, that I was kind of under the impression that you were going to say well maybe we ought to wait until the agreement on the road is done before we pass it

onto the Supervisors, but what you have just said is what this Commission has done prior, is to let it go onto the Board, but have that decided prior to being presented to the Board. That's, in my opinion as a Commission Member, that's a wise statement.

LANGLITZ: Mr. Chair, Mr. Vice Chair, yes that's it. And you know, I want to make sure you understand, we're working cooperatively to get this thing done. It just I've worked on some development agreements that have taken years to get completed. I'm not suggesting that's the case here, I just want to make the point that it takes a little bit – and whenever you get lawyers involved, we, you know, we got to disagree on everything. Lawyers have ruined more business deals than – I'm kidding, kind of, but I mean it's, it's the details that, you know got to -

RIGGINS: Okay, well let's go ahead and get to the case. Ms. Rose, if you'll come up and sign in as the normal procedure and provide your address, and then tell us, tell us what we're doing here.

ROSE: Okay. Chair Riggins and Vice Chair Hartman, Members of the Commission, for your records I'm Jordan Rose and with me today is my senior planner Jennifer Hall. And I wanted to first thank staff, Himanshu and Ashlee, Lester and (inaudible) and also Mark Langlitz. We've been working really closely with them over the last months, and even in the last

few days, so we really appreciate the time that you guys have taken, so thank you. I'll just run through this – and Mark and I can agree on that letter. I don't want you to necessarily have to read the letter while I'm talking, because I have actually featured the letter in my review here, so maybe I can point some things out and then you can read it after. Or if you want, I can take a pause and you can finish reading it now. Whenever you're – okay, perfect. Okay. All right, so we've worked with you and on – can you all see that over – okay great. Okay. So Resolution Copper is very excited about this. I think they've been working on this even before we got involved, up until the last time you amended your general plan, they amended the general plan in part of this property and left out a little other part, which is what we came to you last year. So this is the transfer facility. I'm going to show you kind of how that works. But a year ago we came back and both you and the Board of Supervisors unanimously amended the cleanup plan to make the entire site employment. You remember a part of it was employment, and then a part of it wasn't, and it was – just seemed like some sort of an error. But in any case – and not by the County, but by – whatever. So they searched for the ideal location for this transfer facility, and this is an essential overall operational element of their mining, which will occur in Superior. And so let me show you how or why that this was

essential. So first of all, it's, it's right adjacent to the Mag railroad. And then it's surrounded almost entirely, except for this little property right here, by Arizona State Land Department land for about a mile and a half, actually. And actually, and actually, I think, four miles this way, but a mile and a half to the closest home which is down here. Previously it's been disturbed, as Ashlee showed you in some pictures. So they're very sensitive to not creating any additional environmental impact by any of their operations. So this was kind of like wow, this is a great site, and it happens to be on the railroad. So their mining operation is here in Superior, and I'm going to show you how this works. But basically the copper concentrate is delivered through a – it's basically when they dredge up the copper, they water – essentially they water it down, and they water it down to make it into what's called copper concentrate, which is a liquefied copper, that will then run through this pipe, that runs right along the Magma Railroad line, which they own – or another company that they own owns - to the, to this future transfer facility site here. And then once it gets to the facility site – is there a trick to – okay, there we go. Okay, so at this point it, it goes – and let me show you a close-up of this. All right. So here's a close-up of the actual site, and you can see here's the Magma Railroad, here's where the pipe was coming into the site, and then once the copper

arrives, it’s additionally piped up this part of this site and into a totally enclosed filter plant. And that building, what happens is basically the copper is taken from the pipe and it’s drained of the water that was in it, and so you essentially get a moisture level of wet sand, right, so it’s – but it’s copper. And then there are small trains in this load out facility here, right next to the filter plant. And the wet sand, the copper is delivered onto those trains and loaded into the train cars and then the train, which has come up this way, and isn’t that cute – but then goes and takes it offsite to a smelter plant, which is not generally in Arizona, but in any case, it goes down to the UP railroad line, which is what Magma connects up to. So that’s just basically the function of this, is a load out, it’s filter it, put it on the train and move it, move it out. It’s not a noxious use, which is why I think, I think you may recall like three months ago when we first started the case, there were a couple neighbors that were here, and they were – and they stood up and we asked for a continuance to go work with them. We did work – well I shouldn’t say we – I should say Jennifer and the folks from Resolution Copper worked with them and explained the situation, and they – and I think they stood up and said our houses are going to turn green or something like that. And once they understood what it was, you could see it or not here, and some of them wrote – I think they actually, the one

that –

SALAS: They actually turn blue.

ROSE: Blue. Yeah. Thank you. Thank you, that's prefect. Well, in any case, they weren't worried about this. And they wrote a letter that said they were in support, which is really kind of great. I think they gave that to you two months ago. So – but it just was a question of what was going on, and I think they thought this was going to be the cop – the actual copper mine. Okay. I don't know why my clicker's not doing it for me today. Oh, thank you. And maybe it's just not going to work.

DENTON: Excuse me, Jordan, our computer's getting ready to restart, so you're going to lose your PowerPoint just briefly.

MACDONALD: For 14 minutes.

DENTON: Yeah.

ROSE: Oh.

AGUIRRE-VOGLER: 14 minutes?

ROSE: Okay, so you're saying –

AGUIRRE-VOGLER: 14 minutes to restart?

DENTON: And finish up with –

ROSE: No, that's okay. All right. Can I, can I – can it go to the next slide? I can finish this in one minute if it can proceed. Or I can talk about it. Okay, great. All right. So let me just talk to you about the adjacent

neighbors. So we actually worked really well with the adjacent neighbor. He hasn't made any comment until his lawyer made a comment three days ago, because he had asked us – or the lawyer had asked us to do some buffering and record an easement, and so we, we pushed – we put a six foot solid foot wall on the property line there, which is what he asked. And then he asked that we move our original entrance, which we did. You can see we switched that for that property owner, we moved it here. And then we put all of that into revegetating 180 acres of revegetated open space, which we thought was great. And then we actually agreed upon, and they haven't recorded it yet, which is curious, but in any case, a 28 foot easement for them to have private ingress and egress, because they wouldn't otherwise have that access. So we thought we were great with them until a few days ago, when they sent this peculiar letter that said that they were going to oppose us because they were in escrow to sell the property.

SALAS: Can you leave that back down so I can read it?

ROSE: Oh yes, I think I can. Okay. Yeah, so it says the basis – Mr. Talebi, and I may be mispronouncing his name, but in any case – is the neighbor, and this is his lawyer's letter. It says the basis for his opposition now lies in the recent failure of the buyer of his property to close on purchasing the property. So we knew that he was in

escrow with a buyer who really likes the property because it's going to be next to a facility surrounded by State Land. It's the only private property. You know, you could potentially put a supplier on or whatever. In any case, I guess that fell out for whatever reason, and we're not privy to that. So then it came as a little bit of a further surprise to us – okay, I know I'm on a time crunch here - okay, so he said that – wait, let's see if I can get – I think I have (inaudible) right. The buyer had expressed no dissatisfaction with our rezoning efforts, and had in fact supported and expected to benefit from our rezoning. And so then he says – or his lawyer says he requests that Pinal Community Development Planning Division – whatever – include an additional stipulation to staff's recommended approval that the applicant purchase the Talebi property. So he wants – which I'm not – I don't mean to laugh, that's not actually laughter, like maybe, maybe Resolution should purchase it. I don't know, but that's certainly not something that we – it was something that came as a surprise, and it was in writing, so that was interesting for us. So now we can consider that, I suppose, but that'll be private, you know, discussion. So anyhow. But it was interesting. Okay, so this nobody can see, but basically as Mark said, we would – don't, just don't worry about it, because it's illegible, I think - but Mark said we would agree with that stipulation 25 because we are in the midst of

working diligently with Mark and his team on the development agreement, and so while we have questions with stipulation 16 and 19, those will be addressed in the development agreement, one way or the other, and so that's where we're at. The only stipulation we would ask to change – and I think that – and Ashlee and Mark, you can – or Himanshu, tell me if this is okay. I think we talked about it, but here's how we've written it. Is in stipulation 15, after the fist semicolon, it says the masonry – this is about the masonry wall that'll be around the perimeter, or on the Skyline Drive portion – and it's – and we would like to make a little bit more specific, because we don't know – we just want to make sure that when it goes to build, it's specific. The masonry wall shall be constructed with wall cap and at least one row of split face block in a natural earth tone to be approved during the site plan review. So I can hand that to – and it doesn't say much different than what it says here, it's just more specific, because in this it just says with split face block and a wall cap, so.

AGUIRRE-VOGLER: I have a question.

ROSE: Yes. So I'll hand this to Ashlee if you don't mind, so that she – or maybe I'll hand it to somebody.

RIGGINS: Commissioner Aguirre-Vogler, question?

AGUIRRE-VOGLER: Did you – did we – or did I not see a comment from the State Land Department?

ROSE: Chair and Vice Chair, Commissioners, I have not seen a comment, but we were – they visited with the State Land Department last, last week, in fact, and we've been keeping them, you know, abreast of everything, so –

AGUIRRE-VOGLER: Should be have a comment for the record, staff, or not?

ROSE: I worked with them for ten years or so on this.

MACDONALD: I can confirm that they have been working with State Land. Earlier this week I got a call from Rochelle Green with the State Land Department stating that they are working with Resolution Copper and Rose Law Group on the matter, and that continued discussions will happen after the Planning Commission, because they understand that they couldn't really come to a resolution on some of their concerns prior to your meeting today. But they were comfortable with this moving forward today.

AGUIRRE-VOGLER: And so they'll have something before the Board?

MACDONALD: That is my understanding.

AGUIRRE-VOGLER: (Inaudible) comment?

ROSE: And just to clarify Chair and Commissioner, their issue is really the same as ours with the trail.

AGUIRRE-VOGLER: I just thought it would be good for record.

RIGGINS: Commissioner Salas.

SALAS: The vegetation of native – nature, is that native vegetation?

ROSE: Chair and Commissioner, yes, the revegetated area will be of native plant species. Yes. Good question.

RIGGINS: Okay, any other questions of – Vice Chair Hartman.

HARTMAN: Chair Riggins, Jordan, a question. I actually have several questions. That – number 16 where staff is requesting a 50 feet easement for a trail, to me that seems like probably more feet than I would want to give off of my personal property. I know when I have a power company come through and they want a ten foot easement to bury a line and it takes a four inch trench to put the line in, I have a hard time giving them ten feet because that could turn into a road or whatever, but I just want your comments. And you probably have read the stipulations and probably agree with the stipulations, I hope.

RIGGINS: Chair and Vice Chair, actually on stip 16 we don’t agree with stipulation 16, but as I said, we’re working on the development agreement that we’re hopeful may address that. The reason we don’t agree with it is actually not as much the width, because that is in your trails and Master Plan that you decided on, but it’s more the adjacency to a rail line and we’re really concerned, as is – and I don’t

speak for State Land, so (inaudible) discussions with just – and I understand why it's happened, why the County has placed a trail next – a rural trail next to a railroad track, but we're really worried about that, so – or my client's very worried about that, very concerned about the safety. So we'll talk with the County staff about it and we'll –

HARTMAN: I had another question in mind, was that I didn't read anywhere in here where you have control over the railroad, it just says you're using the railroad, so I – you know, my question.

ROSE: Yeah. Chair and Vice Chair, Resolution Copper, one of its entities recently purchased the railroad. So they do have (inaudible) for the railroad. Yeah.

RIGGINS: Commissioner Salas.

SALAS: Rose, can you, can you put that stip up there where their property is relative to Resolution's there, so I can more or less get a picture what those guys talking about and what area you have?

ROSE: Yes, possibly. Hold on one second. Dedrick, can you help me?

RIGGINS: (Inaudible) challenge.

ROSE: Okay, perfect. I have that same computer at my office, so. Okay. Okay. So, Chair and Commissioner Salas, this is the Resolution property here, and the blue area which is 76.95 acres is the Talebi property. And as you can

see, everything that they, that they have asked us to do, we have done. They asked for this six foot high block wall, they asked us for this 28 foot ingress/egress easement. Otherwise they would not have access, I guess, to their property.

SALAS: Where's that 50 foot road at?

RIGGINS: 50 foot trail easement.

ROSE: Chair and Commissioner Salas, this is the railroad – this is the Magma Railroad track right here, and then this would be the 50 foot wide trail easement running right along it.

SALAS: Beside the railroad track.

HARTMAN: Right.

SALAS: On the opposite side, it looks like, to me.

AGUIRRE-VOGLER: And it's going over the pipe.

RIGGINS: Well it, it does seem to me that stipulation 16 is an ongoing discussion that will be covered in the application of the new stipulation 25, and probably this is not the place to debate that particular thing, because it sounds like – Commissioner Salas.

SALAS: Does he have any structures on that – his property right now?

ROSE: Chair and Commissioner Salas, totally undeveloped land.

RIGGINS: Okay. Any, any other questions of – Vice Chair Hartman.

HARTMAN: To carry on with my questions, question number 23, a route of regional significance, that Skyline, and I didn't read anywhere in here where – but except under the stipulations I read, where you were going to give the County and the public a right of way to cross your properties with Skyline, and that probably – is that the other one that you're discussing?

ROSE: Chair and Vice Chair, yes. That's the primary discussion that we're having is the width and – well not the width, but the configuration and what we'll do and what we won't do, and what the County will do, and how that partnership will work with improvements and railroad crossings.

HARTMAN: I just want to express to you that I could see real benefit to you, if you left Skyline open because that would give you a route to Superior that would save you going – from going clear around to Phoenix Road and coming on around with any travel that you had between – for mine business from Superior down.

ROSE: Chair and Vice Chair, the interesting thing about this site is that it won't have much, if any – it will have some truck or car traffic for the workers that work there, but it's really not something where the mining community's going to be driving to see copper loaded out into, you know, rail cars. That said, we will absolutely – we're

going to agree to allow Skyline to go through. The issue is that there's, I think three, and they can probably correct me if I'm misstating this – but three miles of Skyline Road that is owned right now by the State Land Department that would connect to the 79, that we really have no control over, so that's another question. But I believe that the Public Works Department at the County has actually submitted right of way application for Skyline with State Land, so that's good.

SALAS: Mr. Chair.

HARTMAN: Just a second. And Jordan, I think that Superstition Vista would greatly be enhanced by having some access into the center, basically of the Superstition property State Land, trust land in other words, by having Skyline be a continuous. Okay.

RIGGINS: Commissioner Salas.

SALAS: Just an idea, Jordan, about your traffic in and other of there. So you've got a rail line there, I think it would behoove the company to put on a couple of cars on there to just take their employees down to the property or when they have to go there. Just something to think about. You'd eliminate the - unless during the shifts that they work, they'd have to be having traffic in and out of there, other than somebody that's in a salaried position or whatever the situation might be, but you know, if you can have a point out here on the other side of 79 or wherever they're going to be

meeting, to have a car that's going to take your employees down there.

ROSE: Chair and Commissioner, I appreciate that. And I think our employee count is – it's like seven people who will work at that site, so yeah.

SALAS: You don't need more than one car.

RIGGINS: Commissioners, other comments and questions of –

GRUBB: Mr. Chair.

RIGGINS: Commissioner Grubb.

GRUBB: Okay, I'm just trying to understand what exactly occurs on this site. So, so there's no sulfuric acid.

ROSE: Zero, no, zero.

GRUBB: All that's happening is the water's draining of the slurry to make it a sludge to go into cars, so that there's no hazardous materials onsite whatsoever.

ROSE: Chair and Commissioner Grubb, that's correct.

GRUBB: Thank you.

ROSE: Thank you.

RIGGINS: And as a, as a secondary comment to that, in reading the narrative, the water that is creating the slurry for the transport from Superior when it is removed, it actually is pumped back to Superior for a second trip. So from the narrative I see here, this is a very low impact-style side. Okay.

ROSE: That is correct.

RIGGINS: Okay. Commissioner Salas.

SALAS: Bill, what they're doing is they mill, they mill the copper, okay? Once they crush it and mill it and whatever, put it in the concentrate form – because they do use chemicals, arsenic and whatever it is – then it's going to ship it out there to have this thing dried out, washed out, then resent back to wherever they're going to be situating the concentrate. So whether they're going to ship the concentrate out (inaudible) or whether – I don't know what smelter they're going to use or refinery or whatever, Jordan, but I'm just trying to explain (inaudible) that's what they do.

ROSE: Thank you. I should probably have you up here to give the presentation since you've lived it and I just read about it.

RIGGINS: And just a point of information for the Commission, when it ships out, where is it being smelted?

ROSE: That is a good question Chair, and Vice Chair. I should know that and I feel like I know it, but I don't remember it offhand, but it's not in the State of Arizona. There's two smelter plants. Is that it? Oh, somebody remind me. I can't remember. Texas? Okay. In Miami, that's right. There's one in Miami. So it'll either be Miami or potentially Texas, if that's right.

PUTRICK: Mr. Chair.

RIGGINS: Commissioner Putrick.

PUTRICK: I just have a – kind of an odd question. So the slurry pipe comes down from Superior, alongside the railroad, how is it going to get across 60? Is it going under?

ROSE: I'm done. Let me – Chair and Commissioner Putrick. Let me just look at my map here so that I can – I was going to try to show it to you.

PUTRICK: It has to cross 60 where the railroad tracks are.

ROSE: Right, yes. And it – yes, it will go under – I wish I could show this to you, but it's only one – there's one point where it needs to just traverse under the roadway, so.

PUTRICK: Okay, so it's going to go under.

ROSE: Yes.

RIGGINS: Okay. Commissioners, any – Commissioner Salas.

SALAS: So for clarification, the slurry is going to come all the way down from up there?

ROSE: Chair and Commissioner Salas, yes.

SALAS: And then at the point of demarcation there, then it's going to be slurried back up to the plant where they're going to dry it there?

ROSE: Chair and Commissioner Salas, in – at the

Superior mine it'll be made into the copper concentrate, so the chemical process will happen in – at the Superior mine, and then the concentrate, which is just the water and copper, which the slurry if that's the correct term – will go through the piping and it'll come to the site. The pipe will essentially end there, and the copper concentrate will be drained and then put into the railroad cars, and then the railroad cars will take it around, go to the UP's main line and either go to Miami or wherever the other smelter is.

RIGGINS: Okay. Any other questions whatsoever? Vice Chair Hartman.

HARTMAN: Chair Riggins. Jordan, I looked at the deletion of uses that were taken off, and one of them was a helipad, do you not ever plan to have a helicopter fly down and land on your property?

ROSE: Did we take it off? We took it off? Okay. Then yes, Chairman and Vice Chair, I guess we don't intend that to occur anymore. Okay.

RIGGINS: Okay, one question that I would like to address while Jordan is still up, and to staff also. There seems to be questions on stipulations 16 and 23. It seems to me that as far as further discussions by the Commission on those stipulations are really not needed because they will be covered with the addition of stipulation 25, and those will take place at a – at a place between us and the Board of

Supervisors? Is that the correct understanding?

MACDONALD: That is correct.

RIGGINS: Okay. So the Commissioners will know that we are adding stipulation 25 because of continuing discussions, and I don't believe that we probably need to have extensive discussion, unless somebody just as to. But I think that's the direction that this. Do you comment on that?

ROSE: Chair and Vice Chair, and I don't know if Mark would comment on this, but maybe we can add just the numbers of the stipulations that we wanted to address, 16, 19 and 23 in this stip 25, because now I'm looking at it, it doesn't say anything about the rural trail. The number 25 that we proposed, or the County proposed and we agreed to. It doesn't say anything about the trail, I just want to make sure that we have a conversation about – that we note that the Planning Commission wants us to discuses that.

MORITZ: Mr. Chairman.

RIGGINS: Commissioner Moritz.

MORITZ: Was 15 under discussion also because of the block wall requirement?

ROSE: Chair and Commissioner, I think 15 if you -

RIGGINS: (Inaudible) discuss that one here.

ROSE: Okay. I mean the rest of the County's in agreement.

RIGGINS: Is staff willing to modify stipulation 25,

probably not with a stipulation number, but just with the words the rural trail development easement? Or do they not wish to do that?

LANGLITZ: Mr. Chair yes, that's fine. And also the way the stipulation is read, if we happen to forget something, the list isn't all inclusive. So in other words it says including without limitation, so if another item comes up that we have a whoops, we forgot that one, then that'll be addressed too, but no, your suggestion is – no, yeah that's perfect.

RIGGINS: It's a public infrastructure improvements, and I think that would definitely cover – I think probably it's better not to rewrite this. Then I think it's general enough to where we don't need to do that.

ROSE: (Inaudible) understand we're talking about that.

RIGGINS: Okay. Very good.

LANGLITZ: It's your call, Mr. Chair.

RIGGINS: I think –

LANGLITZ: Good either way.

RIGGINS: I think this is general enough that it covers the concerns there. So – and you all will have more work to do and hopefully the lawyers won't get involved and it won't take years. So – but does the Commission have any further questions of Jordan before we have her sit down and

discuss this? Okay, well thank you very much.

ROSE: Yeah, I appreciate you taking the time.

RIGGINS: And we'll call you back up and Commissioners, discussion on the case? Well it seems like the case has been prevented – presented very well, and everybody has their questions answered. Does staff have any comments at any point in time on the case? Okay. Does anybody desire to have the applicant come back up for any other questions or comments? It would seem to be then, that we are ready for a motion on this case. Would anybody like to do that?

MACDONALD: Chairman? Chairman Riggins.

RIGGINS: Yes.

MACDONALD: Did you open it to the public?

RIGGINS: I did not. I am sorry. I am sorry. Pardon me for my, my not getting that done. I will at this point in time open the case PZ-001-15 to the public for comment. Anybody that wants to come up to speak for or against? There none being, I will go ahead and close the public portion of the meeting, and we seem to be at the point in time for a motion.

SALAS: I move, Chairman?

RIGGINS: Commissioner Salas makes the motion. Would you like to –

SALAS: We forward PZ-PZ-PD-001-15 to the Board of Supervisors -

RIGGINS: No, it'll just be the PZ.

SALAS: Okay.

RIGGINS: There's two.

SALAS: PZ-PZ-

AGUIRRE-VOGLER: No (inaudible).

RIGGINS: No, just PZ.

SALAS: I got two PZs here.

HARTMAN: PZ-001 – PZ-001.

SALAS: Okay, PZ-001-15 with a favorable recommendation, including all the stipulations.

RIGGINS: Which I believe on that one is simply one. One stipulation.

SALAS: Okay.

RIGGINS: Okay. We have a motion.

HARTMAN: I'll second.

RIGGINS: Vice Chair Hartman seconds. All in favor signify by saying aye.

HARTMAN: Aye.

RIGGINS: All opposed? The Commission – or the, the motion carries unanimously. We have another motion to make on another case. Who would like to make that motion?

HARTMAN: Chair.

RIGGINS: Vice Chair Hartman.

HARTMAN: Chair Riggins, I would like to make a motion that we send PZ-PD-001-15 to the Board of Supervisors

with a favorable recommendation, with the 25 stipulations as so presented.

SALAS: I'll second.

RIGGINS: And that, just for clarification, there is 24 stipulations on the staff report, and we are adding the provided stipulation 25 with its change of rezoning request, a PAD request.

MACDONALD: Is there any discussion on stipulation 15?

RIGGINS: There was no discussion on stipulation 15. A motion for – a second to the motion?

SALAS: Second.

RIGGINS: We have a second from Commissioner Salas. Everybody – everybody's looking at you. Something about 15. Okay, is there a desire – we have a motion and a second on the floor. Is the – does the second desire to have discussion? No? No discussion. So there is no, there is no discussion on stipulation 15.

LANGLITZ: Mr. Chair, for purposes of clarification, though, staff is requesting that stipulation 15 be revised as follows -

RIGGINS: Well we should have said that before we got to this point, shouldn't we have?

LANGLITZ: This is just for purposes of clarification.

RIGGINS: Okay. Well, we have a motion and a second. We have discussion and so what is the discussion concerning stipulation 15?

MACDONALD: Stipulation is – stipulation 15 is the one referring to the masonry wall. What Jordan had presented during her portion of the presentation, staff is agreeable with, to modify the language so that it reads that it be a masonry wall with a wall cap and at least one row of split face block.

RIGGINS: Okay. First of all, would the second be willing to modify the motion to accept the new lang –

SALAS: (Inaudible).

RIGGINS: Okay, and would the primary motion be willing to modify?

HARTMAN: Yes.

RIGGINS: Okay. Then in that case, let the motion and the second reflect that stipulation 15 is changed to reflect the language that was just presented, since we don’t have it written down here, I might have a hard time remembering it exactly to put, but it seems like both the applicant and staff are happy with that. And the rest of the stipulations stand as they are, along with the addition of the stipulation 25 that was presented to be added to the stipulation list. So we have a motion and a second with these provisions. Is there – we’ll call for a vote. Everybody in

favor of the motion signify by saying aye.

COLLECTIVE: Aye.

RIGGINS: Opposed? It passes unanimously. So. Okay, we are done then with case PZ-001-15 And PZ-PD-001-15. PZ-005-15 has been postponed. Then we move into tentative plats. Our first tentative plat is S-042-14.

MACDONALD: Before we jump into that case, can we take a five to ten minute recess? We're having some technical difficulties after our computer restart.

RIGGINS: Let's go ahead and take a ten minute recess until 10:30. [Break.] Let's go ahead and reconvene the public hearing and move onto case S-042-14. Tentative plat.

DENTON: Mr. Chairman, and Members of the Commission, having some issues with the projector, so I'm just going to give you a quick summary, then we can jump into questions and then bring the applicant forward. And this is case S-042-14, San Tan 30. The applicant is proposing approval of the San Tan 30 tentative plat. It is approximately 30 acres in a CR-3 zone, and it's 106 lots located in the southeast corner of Ocotillo Road and Coyote Road in the San Tan Valley area. The applicant is CSWR131 Mortensen, LLC. And this subdivision is located in the northern portion of the County in the San Tan area. And it is situated adjacent to Ocotillo Road to the south, and adjacent

to Coyote Road to the east, just east of Ironwood Road. The zoning is CR-3, and their development standards are a minimum of 7,000 square foot lots, 60 foot minimum lot width, and the setbacks for CR-3 is 20 in the front, eight on the side, and 25 in the rear. The tentative plat does show two forms of access, one on Ocotillo Road and the other one on Coyote, and they do conform. The lots do conform to the CR-3 zone. And then with that, there's ten stipulations associated with this case, and that concludes my presentation.

RIGGINS: Commissioners, any questions of staff? Then would the applicant please some up? Please write your name and address down.

MARKAKIS: Chairman Riggins, Vice Chairman Hartman, Members of the Commission, my name is Michael Markakis with Community Southwest, 7001 North Scottsdale Road, Suite 1015, in Scottsdale. I think that the application's pretty straightforward. I don't think I have too much to say, but I am open to any questions that you might have.

RIGGINS: All right. Commissioners, do we have any questions concerning the case presented to us?

HARTMAN: Chair Riggins.

RIGGINS: Vice Chair Hartman.

HARTMAN: Excuse me, turn my mike on. Chair Riggins, my question is to Michael. Skyline, I haven't driven that. Is Skyline already approved – I mean widened and all

that, adjoining your property?

MARKAKIS: Ocotillo I think you're referring –

HARTMAN: Is it Ocotillo? I thought Skyline was on one.

RIGGINS: No, you're on the, you're on the wrong one.

HARTMAN: Oh wrong one, okay. That question then is not – is Ocotillo, is Ocotillo approved, or are you going to be required and approve that?

MARKAKIS: Our – what, should I turn this over to Dedrick for comment on that first or?

HARTMAN: No, you can answer it if you can.

MARKAKIS: Yeah, mean the traffic impact analysis does not call for any improvements to Ocotillo Road, so there is – obviously there's activity on Ocotillo Road, there's traffic on Ocotillo Road as of today, but the traffic impact analysis does not state that any improvements are going to be required, or necessary or needed.

HARTMAN: Okay.

DENTON: Chairman Riggins, Vice Chair Hartman. Ocotillo's currently in front of the property to – paved, two lane roadway, one lane each direction. As part of their requirement, they will be doing their half street improvements, but beyond that, the traffic analysis has not identified any improvements beyond their half street

improvement.

MARKAKIS: Thank you. I appreciate that clarification. That is correct.

HARTMAN: Okay, because on my plat it shows a wider road next to your property than it does to adjacent property to the left, or to the west of you.

MARKAKIS: Just that northwest corner is an existing church site that did their improvements.

HARTMAN: Okay.

AGUIRRE-VOGLER: I have a question.

RIGGINS: Commissioner Aguirre-Vogler.

AGUIRRE-VOGLER: Is that part of a PAD?

MARKAKIS: Commission Member Vogler, no it is not. There was no PAD done for this property. It’s currently under the hard zoning.

AGUIRRE-VOGLER: Because I notice you’re over three and a half, right? A little over three and a half to the acre. And then the other question I have for staff is do they – if they sell those lots, do they have to notify that they’re what, about a quarter of a mile from the military reservation? Have to notify anybody about that?

DENTON: If they, if they sell those lots?

AGUIRRE-VOGLER: Yeah, I don’t know what’s on the mili – if they do activities or if there’s ammunition in that area, or anything like that. I was just curious.

DENTON: That part I'm not necessarily familiar with, but I know a part of their public report they have to describe what's in the area.

RIGGINS: I do believe that military reservation is one of the old air sites, is it not? I mean it's not a –

GRUBB: Yes, there's an old air strip working –

DENTON: The Rittenhouse?

GRUBB: Yeah, it's the old airstrip they used for touch and goes back there in the second world war, and it's used by light aircraft now. Ultralights and things like that.

RIGGINS: Okay.

AGUIRRE-VOGLER: Thank you.

RIGGINS: Any other questions or comments? Commissioner Smyres.

SMYRES: I am looking at the, again, the development standards. Have you built any houses at all in this area using these standards?

MARKAKIS: No sir. We are, we are not a home builder, we are a development firm, a land development company, so the intent or the business plan for this site would be to sell these lots to a future home builder.

AGUIRRE-VOGLER: So individual septic tanks?

RIGGINS: Oh no. No, that would have to be an acre and a quarter.

SMYRES: My big concern, of course, we're seeing a

20 foot setback on the front, which we all know will not work. You can’t get a full sized car in a 20 foot setback. Eight foot side, is that on each side or is that eight foot total on each setbacks?

DENTON: It’s hard zone.

RIGGINS: One thing I will bring up is that this is a hard zone case. This isn’t a PAD, so they are following non-discussable development standards.

SMYRES: Okay, thank you.

RIGGINS: Any other questions or comments to the applicant? Okay, thank you very much. As this is a tentative plat, we don’t call to the public on this meeting, so we’re ready for discussion from the Commission or a motion.

MORITZ: I’ll make a motion.

RIGGINS: Commissioner Moritz.

MORITZ: I move to approve findings one through seven as set forth in the staff report, and approve the tentative plat in planning case S-042-14, with the ten stipulations as presented in the staff report.

RIGGINS: Do we have a second to that?

GRUBB: I’ll second that.

RIGGINS: We have a second, Commissioner Grubb. All those in favor signify by saying aye.

COLLECTIVE: Aye.

RIGGINS: Opposed?

AGUIRRE-VOGLER: No.

RIGGINS: Have a single nay. So 1, 2, 3, 4, 5, 6, 7, 8 to one. Okay, very good. You are approved and good luck. Okay, we'll move onto case number S-013-15, and I understand that there is a request for a continuance on this case?

DENTON: That's correct. That is correct to the November 19th meeting.

RIGGINS: The November 19th meeting at 9 a.m. Okay. What is the Commission's pleasure? Would someone like to make a motion?

MORITZ: Make a motion.

RIGGINS: Commissioner Moritz.

MORITZ: I make a motion that we approve a continuance on S-013-15 to the November 19, 2015 meeting.

RIGGINS: At 9 a.m.

MORITZ: At 9 a.m.

AGUIRRE-VOGLER: I'll second that.

RIGGINS: We have a second by Commissioner Aguirre-Vogler, all those in favor signify by saying aye.

COLLECTIVE: Aye.

RIGGINS: Opposed? Motion carries unanimously. Okay, our next order of business is a work session. And there goes the vineyards. And there goes the vineyards.

MACDONALD: This next item on your agenda is an

ordinance amendment that the Commission last saw and initiated in, I believe it was July of this year. You've seen this a number of times prior to that. We've been working on it since 2013, you know, taking a pause each year when the winter visitors are gone, so that's why we're seeing it pick back up now. And everybody has their handouts, right. So I just wanted to take time today to go over it, make sure that I understand any issues that the Commission has. If I don't have the answer for you today, be able to get those answers for you when it come back to public hearing. We're anticipating bringing this back to the Commission next month for public hearing, so that we can move it through the process. So that's essentially why we're here today, talking about this item again. What has started this is our zoning – our existing zoning regulations, they're outdated. They define an RV as eight by 40 and we all know that RVs these days can be much larger than that, so we want to make some updates to that. Additionally our ordinance says that only vehicles owned by the property owner or the resident can be parked on a residential lot. So this doesn't allow for any guest parking of any kind within our ordinance, but we all know that that happens pretty regularly; that visitors come and they stay in RVs on other people's property, and of course they're violating our ordinance. So we want to be able to address that issue. Also the ordinance currently doesn't

allow any type of hookups, whether it's an RV being stored on the property by the property owner, or if it's being used for those guests, so we want to allow for trickle charging of batteries, allow them to have those hookups. So that's one of the things that we're looking to update as well. So how staff has approached this issue in the past, since as I indicated we don't allow guest parking at all, is we've had kind of a friendly enforcement approach. We've allowed a grace period when we get these complaints that come in about somebody occupying an RV. But with the growing County and these urban areas, there's been a lot of abuse of that and we really need to reexamine our approach at this point; it's becoming a larger and larger issue. So in 2013, we started this process of looking at our ordinance. We went out County-wide and did public meetings to try and get the feel for what residents thought, how they felt and we kind of saw the gamut of people not wanting it at all, and other people wanting, you know, the freedom to do what they want to do on their property. So we hope that this ordinance is a good balance, while still protecting the best interests of the County as a whole, being in compliance with our environmental health code, as well. That was one of the things that's kind of delayed this project, as well as making sure that we are in line with what the environmental health or sanitary code says. So, we have come up with some ordinance ideas. You've got the draft in

your packet. Essentially we are redefining RV, because as we know they can be larger than eight by 40, that's discussed now in our ordinance, and we want to allow residents to be able to leave their RVs in to trickle charge the battery. And as far as the residing or using them as housing, we want to allow RVs for temporary guest housing for no more than six months, and no more than one RV. This no more than one RV would mirror the language that's in the health code, that limits RVs not within an RV park to one. So we want to make sure that our code is in line with that, so that's why we settled on that number of one. We would allow this in our rural lots only, you know, our suburban ranch, general rural, those types of zones, and then we want them to meet the side and rear setbacks of detached accessory buildings, and the front setbacks of a main structure. So in the ordinance you'll see that we have set up those kind of development standards for these RVs, and we've also outlined a process for applicants to receive a temporary RV permit. The final thing that you'll see in the draft is a reduction in the minimum size of an RV park. So if some – currently the ordinance says that an RV park must be a minimum of ten acres. This proposal will reduce that to five acres so that if somebody had a smaller parcel, they would have to come through our rezoning process, so it's not something that would be allowed by right, but it would just grant a little bit more freedom in some of these

areas to develop an RV park potentially if they meet, you know, the other zoning code requirements and come in and get approval from our Planning Commission and the Board of Supervisors. The last thing that you'll see on the handout that I gave you is a typical single family residential development. One of the things that we heard as we did our community outreach was that some residents wanted to be able to allow these guest houses on – or these RVs as guest quarters on their single family residential lots, and staff has some serious concerns with that. This image kind of shows a typical single family residential development and, you know, our thought is that these types of lots can't accommodate an RV for a six month period. So as we go through this process, that's something that you might hear from the residents that, you know, they want to see it in these residential areas, and staff has some concern. So that's why I included that image just so we can have that discussion a little bit, and you can understand where staff is coming from in only allowing it in our rural zones.

RIGGINS: And just to jump right into that, I believe that Commissioner Smyres just made a comment on the last case concerning separation of buildings and everything else, we're talking about the only place most of these people could put one of these things is on the street, so I think, I think the Commission shares that concern equally.

MACDONALD: And that actually concludes my presentation. Like I said, I'm hoping to get some feedback from the Commission, because we want to bring this back to public hearing next month, and I can understand any questions you have so that if I can't answer them, I have time to get those answers for you.

RIGGINS: I do have one question, just as a clarification. In your presentation here, you have friendly enforcement of a seven day grace period, but the way I read the definitions, duration not to exceed 15 days or up to six months with a temporary RV, so it's really a 15 day grace period.

MACDONALD: That's what we'll be going to. Right now when we get a violation - it's not allowed at all now, so when we get a violation now, they kind of just handle it just real delicately and, you know, give them, you know, seven days to move out. The draft proposes to let them have it up to two weeks without receiving any type of approvals from us. Once they exceed that, they have to get a permit, show us where it's locating, that they have adequate facilities, whether it's septic hookups or, you know, what they're going to do.

RIGGINS: And who – how – obviously one of the biggest, in my opinion, one of the biggest hurdles for the people that want to use this is going to be the septic system situation, and who's going to oversee that? Is that going to

be handled in-house or is it -

MACDONALD: It will be. It'll be within the Community Development Department. Our septic division will take a look at that. They'll have to – the applicant will be required to provide us sufficient information showing that their septic has capacity or not, and then that'll be our determination.

RIGGINS: Well – and the question I ask with that - and again this is just for informational purposes, I think this is all good, I'm not – but just one of the difficulties, a – something that's been built fairly recently that used – (inaudible) not the 1960 rules - the septic system is sized for the size of the house, that's what it's sized for is the size of the house. So what's going to happen on a 3,000 square foot house when somebody wants to put a trailer on it and you say no, you're not big enough to do it, but then they say yeah but there's only two of us living in the house. How's that – I mean it's just a technical issue, I'm just curious to see how that's going to be handled.

MACDONALD: Well my, my experience, not relating specifically to RVs, but just other projects, is that they have to show that their septic has capacity for any existing use, regardless of the number of occupants, because I believe it's based on fixtures, or –

RIGGINS: Well, and indeed what's going to happen –

and again, we're just, it's a work session, so we're just – I'm not a naysayer in any way, but I'm just bringing up a potential problem – basically most people will have followed the regulations and used the minimum size septic system allowable for their home, and to put a guesthouse on it in the strict interpretation of the law, will not be possible. So I'm just – so basically if you set this thing up like this, and then have them go through the whole thing and tell them well no it's, you know, it's impossible. I'm just curious how we're going to deal with that.

MACDONALD: Well if we determine that their septic doesn't have the capacity, they won't, they won't make it farther in the process. That's something they'll be required to submit initially.

RIGGINS: But if everybody is – again, the people that use the modern regulations and size things the way it's supposed to be, it's not sized for another building to be on it. And so that means it's a de facto no you can't. So I'm just curious how we go through all this, but then we have something that's an absolute block.

MACDONALD: And you know we really haven't gotten too in depth in the discussions of what happens in that case, but if they can show – we've had preliminary discussions that if they can show us, you know, that we'll be dumping here or something to that effect, you know, that's something that we

may consider. It'll be part of the application that we haven't developed on how we would handle that.

RIGGINS: What I would suggest, we're in a – and I'm going to turn it over to Frank in just a second – but the reason I brought this up, I like what's here. I think this is all good work. I think in the next work session we have to discuss this, I think we need to discuss the technical aspects of this one, because everything else here is doable. Everything else here works, it all works out. The issue with septic systems will be difficult and we need to have kind of a knowledge of how we're going to go forward with that. And with that, I'll turn it over to Frank.

SALAS: Well, my concern is you're wagon or whatever you park on there, they're going to use their own facility inside that, right? So where are they going to dump? There are no facilities any place around, other than some place that's an RV park that has that type of facility.

RIGGINS: Well Frank, a lot of residential homes built on rural lots, have hookups for sewer for their trailers. They dump it into their own septic system.

SALAS: In the area that I'm talking about, I don't see that, Scott, and my concern is enforceability. Who's going to enforce this, who's going to check on it, because we've got people that go out there and of course once they see they can park there for the year, they're going to go back

east over there and spend their, spend their summer back there, whatever the exchange is, and spend the winter out here, you know? How is that going to be enforced? What facilities are going to be used, like say in my town, there's no facilities for an RV to go over there and dump his, you know.

RIGGINS: Well, as any – again, in my opinion here, any other type of regulation along this line, enforcement will be directed towards complaints. So if you've got somebody that's dumping their sewage on somebody's property, there's going to be somebody that calls. And it's not very expensive if somebody wants to do this to put, you know, another 15 or 20 feet of four inch ABS and a sewer hookup, to go into their septic system. I think that's going to be more along what's done here.

GRUBB: And again, it's on a short term basis, so -

RIGGINS: Well it's six months.

GRUBB: It could be.

RIGGINS: Yeah.

MORITZ: And I think six months is way too long. That is not temporary housing in my book. To me, three months would be plenty, and if they want to come during that winter, it's that January-February timeframe that's most critical for most of them. Sometimes December if they don't have holidays somewhere. And most of the areas we're talking about right

now are not regulated by HOAs, but when you show a picture of the subdivisions, obviously it is. So they have their own rules and regulations to dictate that. I had a question on this B, it says here an established permitted use must exist on the property prior to a recreational vehicle being permitted as short term guest housing. But up under 1 you have – it sounds like you have to have a permit process on the property, not on the vehicle for the residence. I'm not sure that – that that makes the point in which it should be.

MACDONALD: Well item 1 talks about them obtaining a temporary RV permit, and then B? B is that there has to be a home or something, they can't just put – they can't just put an RV on a vacant piece of property, that's the, that's the intent.

RIGGINS: I would, I would like to ask a question, a polling of the Commission for some direction for staff. Your point is a good one concerning duration. What, what do – I mean just open discussion here, what do people think about this direction. Is – do the agree with Jill or?

DEL COTTO: Mr. Chair, if I could. I just think that for right now, I think everything that's kind of in this language is stuff that's just going to cripple our little neighborhood out there, just basically because everybody lives on 3.3 acres, so we've got five square miles of pretty populated 3.3 acre lots. So all of a sudden the five acre

thing doesn't fit in with our 3.3 acre lots. There is some surrounding property around us in the Hidden Valley area, but in regards to Thunderbird Farms North, Central, South, where all of this activity is going on today, unfortunately what we've come up with here doesn't quite answer that problem. The other problem I think we're going to see out in our neighborhood, is so you've got 3.3 acres, you maybe have a mobile home from 1970s, 1980s, 1909s, the year 2000, 2010 mobile homes out there, now you've got people that are paying taxes, owning real estate in Pinal County that aren't here for the whole year, so their septic system in some regards is getting some opportunity to kind of, kind of relax a little bit, if you will, because they're not here for the whole summer.

RIGGINS: And that's the reason I asked them to address that issue.

DEL COTTO: So that's going to be such a – there's just going to be – there's so many other things in my opinion on my side of the County that need code compliance, that this isn't one of them, because you're going to, you're going to have to code compliance there. You're going to have to go and you're going to have multiple places on multiple streets, and there's just no way you're going to be able to take care of it. So, so there has, there has to be some kind of – you know, I made a suggestion a year or so ago that maybe there be

some kind of permit process so that we have to find a way not to penalize people for coming to Pinal County to winter. At the same time, the people that own these properties that have put two, three, four, five, eight, ten RV hookups in their backyard, some of them may even be more than ten, maybe 12, 14, 16, 18 RV hookups in their backyard. The point, the point is, is that you’ve got all these people coming to the County, spending their winter, enjoying the weather, most of them horsing around, eating out, whatever, so it’s just – it’s unfortunate that we always can’t find the right answer to the problem all the time and that – where, where it makes sense for the whole County, but in my neighborhood, in Thunderbird Farms and Papago Buttes, right off the get-go we’re – we don’t fall in that five acre category, so that’s a strike against us. The second strike would be that there are going to be maybe not 50, but maybe 40 or 30, or some, some crazy amount of backyards that have allowed or contractors have come in and set these, set these places up like little RV parks. So no you’ve got people traveling 2-3,000 miles to get here, think they’ve got a place to spend the winter, and this thing – I don’t, I would be more interested in taking care of other health issues we have in our particular neighborhood that we can’t seem to get a handle on, like people just using the ground to go to the bathroom, rather than dumping their RV into a, into a septic. The one thing that I can say about the

septic system, like I said these people aren't here for six, seven months out of the year, so in reality or whatever, their system might be able to accept whatever they've got going on for a one, two, three, four month period. Some of them stay five months. Some of them want to stay as – they want to push it to the limit if they're allowed to be here for six months, they want to be here for five months, three weeks and six days.

RIGGINS: One thing I would, one thing I would say to that, obviously you live over there and you know the fabric of your community much better than I do, but anybody that put that kind of infrastructure on their suburban ranch lot, any single person that's a property owner over there can call and make a complaint and get a cease and desist order on that in a day. It's a totally illegal use. Now you know, you know your bunch, but I'll tell you something I've seen here; you go up here on the Ironwood corridor where those suburban ranch lots are, and you propose an increase in trailer use, and they go ballistic. So the very thing that you say that you guys want on suburban ranch, they would flood us and tell us what are you even thinking about?

DEL COTTO: Well I'm not suggesting that everybody in the neighborhood wants it, and I think that's how a lot of this came up was because we've got a handful of neighbors over the years have complained, and rightfully so, because a lot of

what I've seen over the years is whoever put the septic – the leech line – or not the leach lines, but the sewer lines in for the septic, the homeowner that lives there, he wants his guests as far away from him as possible, so typically they take these and they set them right on the lot line, so all of a sudden we don't have setbacks, now all of a sudden you may have, you know, you may have some Hispanic family that's used to being here all year long playing their music, doing what they want to do in their backyard, and now you've got six trailers full of Canadian people coming in, so there's your conflict gets, you know, gets that way. So that could be problem too.

RIGGINS: And the northern bunch that I've heard in here, that's what they want to have hammered and not let happen. They don't want that to happen in their community.

DEL COTTO: I think unfortunately for Thunderbird Farms and Papago Buttes, or the Hidden Valley area, we seem to have – we seem to be so disconnected from Pinal County in some respects that people have had their way with the development, if you will, the ability to call the septic tank man up and put a septic system in, if you will, and un – more than that, even, it's really not putting the septic sys – some of them have actually, I think, snuck additional septic tanks in, which makes sense to hold the capacity.

RIGGINS: Or make even cesspools. Maybe –

DEL COTTO: But I would say the majority of them have just relied on tying into, like you suggested, put 40 foot of four inch ABS on , and it's probably in some respects it probably works for them. You know what I mean? They learn to go use the restroom at the local restaurant or whatever the case may be, and then they don't kind of overload the system that way. But I just don't see it right now. I think it's going to take our little neighborhood, which has been a – kind of a winter wonderland – I've heard that before at the County - a winter wonderland for roping, so on and so forth. We've seen Canadian people come in and say we like to come here, we like to rope, horse around, that's what our neighborhood really, really – the majority of the people that come in the winter are cowboys, so I don't know what the – I don't know what the – I don't know what the answer to the problem is going to be, I just know that as much as some of this makes good sense, I don't think it kind of really just ties into, or works well with our suburban ranch, with we have going on, so.

RIGGINS: Everything that you have out there right now, in the nature that you're talking about, it's all in noncompliance. Every single bit of it is in noncompliance, and any neighbor, anybody they – anybody out there – if they wanted to, could go get a – and an enforcement officer would have to come out and they would issue a cease and desist and they would be under a spotlight.

DEL COTTO: I'd like to make a comment on that.

RIGGINS: Okay.

DEL COTTO: I would propose that Pinal County take their code compliance people that they pay to do their job, and send them out there. Because none of us want to – I hear it all the time from people at the County, call up and complain, call up and complain. Well, I've talked to code compliance numerous times, verbally and complained about stuff. I think only until you put something in writing does maybe anything kind of, you know, get maybe closer to being taken care of. The point is is that none of us people in the neighborhood, we don't want to, we don't want to push our winter visitors away, we don't want to stop them from vacationing in their backyard. We're already scared to death because of the dollar in Canada today, the fact that oil's at $40 a barrel or wherever it's at today, we're already scared to death that we're not gonna – and we have heard quite a bit this year, and even last year, that we haven't had as many winter visitors as we certainly did in the past five, six, seven, eight, nine years prior to the last couple of years. So, so that's a big important part of our neighborhood in regards to, you know, how we, how we survive. And there is the truth too with them, is they do generate sales. They come, you know, I know if you've heard this before – probably – they come, they live in their friend's backyard, they fall

in love with the neighborhood, and then they go buy themselves a place. So I'm not suggesting that that, that that's a reason why you should allow it to happen, but -

RIGGINS: And I don't disagree with you at all on that, and if a community decides that they want to have all sorts of things that everybody will group together and make sure that they can do things that are outside the code, and make it work that way and make dollar investments that are totally at risk, you know, that's the way of the world. Sometimes it happens that way. But I have no doubt, and any other Commissioner can comment on this statement; I know people, I know individuals that if you try to open up suburban ranch to a whole bunch of trailers and whole bunch of stuff, there would be people that would come unglued over that proposal.

DEL COTTO: Well I think we're seeing that is our neighborhood now, and I think that's how a lot of this ultimately got started, and maybe even – I've been there for 25 years, so I see that we need a little RV park, just simply because we've got so darn many of them right now that shouldn't be there. So it's kind of a Catch 22. We have to – I think it all starts with – you know, it's probably unfortunately it all starts with code compliance, and me in particular, I don't want to, I don't want to do somebody's job for them at code compliance. I don't want to, I don't want to

get out in the street and start X-ing the lots off that are in violation. I don't know if any of you want to come out and take care of that for the County, but that's kind of what we're up against right now, there. And it's not a, it's not a good – you know, a lot of the people that winter here, they have attitudes. They want to – you know, and maybe rightfully so in some respects they want their way, you know, but if they're breaking the code or the zoning, we understand how that goes on right now, and we're seeing that more in our District 4, I think, right now than anywhere. And a lot of that, I think, has to do with the fact that maybe there were contractors that helped put the pieces to the puzzle together when they shouldn't have. You know -

RIGGINS: (Inaudible) their state licenses are in jeopardy and (inaudible).

DEL COTTO: And another one was this, I think that a couple of these – I know that the Lucas family is one of them, they have literally been out there with a permit for 25-30 years, so they were smart enough to go to the County 30 years ago and say I want to have four – and I think it was only four RVs – but I want to have four RVs in the backyard, so there are people that kind of did conform, and I think there may be multiple, maybe two, three, four families.

RIGGINS: And I can tell you in cases, because I recall them very distinctly, again in the area I'm talking

about to the north, where one landowner on a three and a half acre parcel has wanted to do something more intensive in this way, and there's been 30 people out here to complain because they don't want to let that to start even beginning to think about it, so it's one of those things. You can't pass ordinances that apply one way in one part of the County, and one way in another part of the County.

MORITZ: And sometimes they should.

RIGGINS: I think that's, I think that's a difficulty. But back to – I would again, I would again like to get to the concept, what do people think about the duration of this? What do the Commissioners think about six months? Is that too long? Is it –

DEL COTTO: If I could, I've heard some different – I've heard some different stuff now that they say that Canadian people can't be here for any more than four months now. I heard they were trying to make it eight months, and it was six months, and now maybe it's four months. So I'm not sure what the law is, but that would be a good thing for us to find out what duration they're allowed to be here, because I think a lot of them do try to take advantage of the full length of the, of what they're allowed to be here. So -

RIGGINS: What's the rest? What's everybody else's opinion on six months?

MORITZ: Now that I've heard Rand's take on it, yes

we do want to encourage people coming to Pinal County, to Arizona. I still six is a little too long, but if - the Canadians used to be six months. If that has changed, maybe you look at it and reconsider that. My thing is going back too, to the acreage. If his area has this influx and they are 3.3, then maybe it needs to be three acres and not five acres, so they can continue doing what they're doing.

RIGGINS: If you want to do that –

MORITZ: Just a thought.

RIGGINS: I'm just telling you, if you want to make it so you can put that on a suburban ranch lot –

MORITZ: I didn't say -

RIGGINS: There's not enough space in here to hold the people that'll be here.

DEL COTTO: I understand that too. The only problem we have now is there's so much of it that is going on in our neighborhood.

RIGGINS: But that's –

DEL COTTO: That the first suggestion that I made, the first suggestion that I made at the County level was to try to put some type of permit in place to allow the people that are already – that already have this use, as long as their neighbor's within a certain amount of space around them, as long as they weren't impacting their neighbors, that possibly they could get their two month, three month, four

month, five month, whatever permit that they were looking for. And then, and then here's the other thing that I'd like to address. You're not going to be able to tell whether it's my aunt, my uncle, or my best friend from back home, in regards to who's living in that trailer in the backyard. Chance are, 90 percent of the time, it's not going to be a relative. So, so we are – we do have that issue there, meaning that, meaning that is it allowed -

RIGGINS: This doesn't mean it has to be a relative.

DEL COTTO: Okay, well I thought I read that about a -

RIGGINS: It says a guest.

HARTMAN: No rent.

RIGGINS: It's just a guest, you just can't charge money.

DEL COTTO: Well that's the other point I'm making. They pay dearly to be here. They pay dearly to be here, so.

RIGGINS: Any other thoughts on duration? This is a work study session. Any other thoughts?

HARTMAN: Yeah, I – the duration part doesn't bother me, though. The whole thing bothers me. I – we went through this whole thing with Jerry three years, and staff, going through all the public hearings and the came – and we passed it onto the Supervisors and they told Jerry to take a hiatus. He sat over there and said, Supervisors have told me to take a

hiatus on this subject. Well it hasn't got any better since they haven't done anything in the last three – two or three years. I mean there's, there's more out there. And one of the things that is not even addressed in here is the fact that I remember that the water company – Thunderbird Water I think it is, was definitely against the additional connections to the water company because they don't have the capacity to carry more residents on three and a third acres. I mean they had it designed for so many people.

RIGGINS: They do in the winter time.

HARTMAN: Yeah, you talk to the water company chair on that, Scott, because he, he was definitely against more connections – who was going to determine whether it's winter or summer. The permits don't say winter or summer.

RIGGINS: Nobody wants to stay in their trailer for six months during the summertime, so there's a little bit of –

RIGGINS: Well one thing I would say on this, I believe it is very short-sighted to just pretend that we don't need to do something about this, because it'll just happen regardless if we don't. And that's one of the reasons why I brought up, right from the get-go, the concepts of how you determine sewer capacity. Because if you do it in the normal fashion, then none of this can happen. It won't happen. That you can write all this stuff up, but nobody will be able to get a permit. And there is no point whatsoever to do this in

such a fashion that it won't function at all. Because then you get right back to everybody going okay, then we're just in noncompliance, so we do it anyway. So I'll give to that.

HARTMAN: Okay, Scott. Let me make one more comment.

RIGGINS: Just jump in.

HARTMAN: Over the years, I've tried to get this Commission – we used to have field trips to different areas of the Supervisors, different districts with our Supervisors, and I, and I've tried to get us to go over to Rand's area with our Supervisor – with our current Supervisor, and we have not had the opportunity for this Commission to go there. And you, unless you go over into that area, you don't realize how much different that is. You might compare it to Arizona City or something, and that's in his district also. But that's a unique district over there, and the Commission – definitely, I think the Commission definitely, before this goes to public hearing and Ashlee, I see the way this is written, you're telling us that this is going to come before us next month as a public hearing for a motion? For –

MACDONALD: That was the plan, but you know, we haven't advertised it yet, so depending on, you know, what we hear today we may – I mean there's room to move our schedule.

HARTMAN: And that was kind of my other complaint was that normally it takes a motion from this Commission to

direct staff to bring it to a public hearing, and I did not see that and you just requested that we go on (inaudible) with a motion.

MACDONALD: The Commission has already done that.

RIGGINS: We've already done that.

AGUIRRE-VOGLER: Has anybody from this County been over there to evaluate the situation, say come January?

PATEL: Over where?

AGUIRRE-VOGLER: Over to Thunderbird just to see what he's talking about. I don't know, I know that the County has to be, it has to be all over the County, but maybe somebody from the County should go over there and – has code compliance gone over there?

MORITZ: Who covers code compliance for that area?

PATEL: Mr. Chairman and Members of the Commission, Himanshu Patel. Our department also handles code compliance, and so our staff has gone over there. We've – actually I've even toured the area and Mr. Del Cotto has kindly taken me around there. This issue, as you know, has evolved from a variety of different interest groups. Interest groups from Arizona City, there's a group there that really wants the ability to put in these temporary housing, even on the single family dwelling – single family residential lots, as well as areas in which like Mr. Del – Commissioner Del Cotto indicated. But I want to touch on a couple of things. As

part of this process that started two – two-plus years ago, we actively kind of slowed down the compliance side so that we could provide a conduit to change our rules to allow for community input so that they – we can decide on how we want to go about regulating this. And so currently there is no allowance of these RV units on properties, and so this was two and a half years of discussions to figure out a way to create a conduit to allow temporary housing. Also I wanted to make a point on – I want to make sure the Commission is clear on the issue regarding temporary housing, and the five acre issue. There's two separate issues here. Recognizing that there's an interest of our – in our community that this particular type of housing is of interest, we also wanted to make some approaches to minimizing our requirements for acreage for an RV zoning district. So a RV zoning district in which RV parks – permitted RV parks are allowed in the maximum – or the minimum amount that they need is ten acres. So in looking at a way to see if we can promote more RV parks to decrease that acreage size from ten to five. Completely different issue than a temporary RV housing issue.

RIGGINS: And can I jump in with a question on that. Board of health issues require a single family home to have an acre and a quarter to have a septic tank. You can't have a septic tank with a single family home with less than an acre and a quarter. So as you go into smaller facilities that

require septic, you know, on five acres you can put a bunch of trailers, I mean a bunch. How do you get that permitted with the Department of Health? How do you create a septic system for, you know, how many people could live on five acres in trailers? I mean a lot. There's no way in the world that a septic system could be permitted for that.

DEL COTTO: Mr. Chair, if I could because I -

RIGGINS: No, that's (inaudible).

PATEL: You have it now on acres that are ten acres or more. RV parks.

RIGGINS: No, no, I understand that. I understand that. But they still, but they still have to pass – you might be able to do it, but you've got to figure out how you're going to deal with the sewage flow.

DEL COTTO: If I could, because I've been learning a little bit about this. I think if you keep the permit under the County regulations, without going to the State for a septic permit, that you're allowed – you're ten gallons shy of 12 units for ten acres. So, so I think you're allowed to have 11 units, RVs, on a ten acre parcel, and you're under the maximum that you're allowed per the County regulation. Now I just heard that from an engineer. So – and that's staying under the County for a septic tank.

RIGGINS: But obviously on that ten acre parcel, now you've got a lot of open space.

DEL COTTO: Yes, yes you do.

RIGGINS: A whole lot of open space. There's no density on it.

DEL COTTO: And so five acres would be, would be five, five trailers, I think, or five or six trailers or something, something like that. One of the things that I'd like to kind of share with you guys, if I could, just in regards to our neighborhood: There are some winter visitors that have been here for 20-30 years and they've managed to buy the lot next to their 3.3 acre lot, so maybe they would be the type of people that could continue to do what they're doing, based on the fact that they live on 3.3 acres, but they have another 3.3 acre lot next to them, which would be 6.6 acres, and they're already doing some of this horsing around. So that would be a way for people – and there seem to be a handful – handful maybe ten families or something like that – that have managed to buy multiple lots, so maybe that would help them conform to what you're talking about on the five acre. Now, now I'm a little confused too, because -

RIGGINS: (Inaudible) suburban ranch.

PATEL: Yeah, we're talking about a zoning district.

RIGGINS: (Inaudible) lots, they're still zoned suburban ranch.

DEL COTTO: So you're only allowed to have on a 3.3 acre lot, you're only still going to be allowed to have one

RV.

PATEL: Under this proposal, you'll be allowed to have one temporary housing RV for whatever duration that gets decided, through a permit, and you will – you have to have an established use already, so there has to be a residency, or you know, some mobile home or a, you know, a single family housing unit, under this proposal. It's designed to promote – legalize what – lot of, you know, things that are going on right now as a way to allow that opportunity to have one – if you go beyond one, it then triggers, as Ashlee indicated – it doesn't – well, it requires the health department to permit, because they constitute two or more as a trailer park. Regardless if you are an RV, or a mobile home, anything with axle and registered through Motor Vehicle Division, two or more is considered a trailer park or a mobile home park, or an RV park under DHS's rules.

DEL COTTO: So that would bump it from one – from a 3.3 acre lot, if somebody has two RVs in the backyard, they would be required to not have 3.3 acres, but to have five acres because they're not going to have one mobile home, they're going to – or one RV, they're going to have multiple, which turns them into an RV park.

RIGGINS: And I remember a case –

DEL COTTO: It's going to be hard for us because, because everybody's on a 3.3 acre lot, and people have

multiple trailers there.

RIGGINS: I remember a case in here several years ago, again, up there, where somebody was trying to get out some of the restrictions of suburban ranch. They owned two adjacent lots, and what they were trying to do is create one lot out of it. They were trying to eliminate it and make it a single 6.6 because the acreage let them do things. Again, this room was full past the doors to stop them from doing that.

DEL COTTO: One thing if I could, I would certainly hope that we could – and I mentioned this last year, our winter visitors - it seems like they may be few and far between this year, we've heard a lot of that I don't know how true it is - but we would certainly like them to have an opportunity, if it were something that was going to take place here, that they could voice their opinion. So I would hope that it could be after the first of the year, because it seems like they do typically stay home for the holiday and –

MORITZ: Every year we say that, you're going to postpone it until the winter visitors are back, and last year we didn't do it –

DEL COTTO: February would be a great month.

RIGGINS: Actually this gives everybody a lot more right to do things than what they have now.

PATEL: Right.

RIGGINS: Right now it's all illegal. Every single bit of it is. And if somebody, if somebody out there would decide to go on – they got mad and they wanted to really get with it court, there could be a wreck out there. This gives some protection.

PATEL: I'm sorry. Mr. Chairman, we also know that this similar proposal was presented to some of the stakeholders group that have shown interest in allowing this to happen, like in Arizona City, and they're not in support of the restriction of only one per lot, if you're in the proper zone, as well as the setback issues. So there's, there's been – that's why this discussion has taken place for so long, period of time, is that there are a lot of community members and stakeholders that really aren't – don't want to be regulated to this level when – when we – this was just enough proposal that was, after much discussions internally and externally in how we could as the department manage this in a way where we would be looking at it in a cohesive public safety manner, this was the best proposal that we could come up with.

RIGGINS: And the thing of it is, this is a – this is truly a classic zoning conundrum, and that is there are people that want to do a whole lot more with their property, and then there's a whole lot more people that say wait a minute, we have protections by our zoning and we don't want

you to do that at all. Our zoning says this. And you know what, the people that want the second scenario? They're the right ones. They're the right ones. This is an allowed use to go into something that people didn't expect prior. And because of the rural nature of the County and the way things are, I think this is an excellent approach. That if somebody wants to have a four acre parcel land and be able to do just virtually anything with it, well they impinge on every neighbor they have. And particularly they impinge on health standards as far as wastewater disposal. Those are huge. You know, if somebody has a – you know, if you are in one of these suburban ranch neighborhoods and three or four of these three and a half's, right around where the community well was, decide to have eight or nine trailers on every one of those things, you'd start having coliform like heck wouldn't have it. You would have a real problem.

DEL COTTO: I think we got to go back to what Mac said, and have a field trip. I think it would be a good idea, maybe in January or February. Try not to make a whole day of it. But in – and yeah, maybe set up for the people – and they know, they know what they're doing. The people that have done what they've done, they know what they're doing. They know that it probably wasn't a proposed, or it wasn't an accepted use, so, so –

AGUIRRE-VOGLER: (Inaudible) economic value.

MORITZ: Oh yes.

DEL COTTO: Yes. I think I've heard that one 3.3 acre lot can generate $8,000 a month.

RIGGINS: And they could sell (inaudible) substance (inaudible) and generate, there's lot of things you can do that are illegal.

DEL COTTO: Well if you – yes, well I'm just saying that's kind of – I'm not saying it's the norm, but it's certainly what goes on. That can be on just one 3.3 acre lot, so there is some taxable whatever there. So -

MORITZ: And yet it's that thing where obviously someone can own property there. It's that thing where well if they're going to give us this much grief, let's go some place else. And that will happen.

HARTMAN: One of the things was Scott said well these are all winter visitors. They're gone in the summertime. This permit doesn't show certain months that you can get it, and certain months you can't, and there's a lot of people that live in Rand's area that are summer laborers that live in these houses.

DEL COTTO: We have so many different little quirky things about our neighborhood, meaning we have half of the year it's immigrant farm workers, and the other half of the year we have winter visitors, so we've got quite a busy, quite a busy year of people turning in and out and in and out, and

in and out in our neighborhood. So I will say this, we still, we still will get winter visitors, regardless of what direction this thing goes in, we still see people coming, more of the city folks, you could, you could say that would live in the Town of Maricopa, so, so it – it's both – it goes two ways.

RIGGINS: One thing, I think, that has to be recognized about what is going on here, this isn't occupancy. This is having the trailer there at all. If the trailer's there year-round, it's out of compliance. It's not allowed. That's the law.

HARTMAN: Is there anything that restricts them from getting back and getting another permit for the rest of the year? Is it only going to be an issue for six months, and no re, no re-write?

RIGGINS: That's a good question. If somebody gets a six month permit and then takes the thing off for a day and comes back –

HARTMAN: Or doesn't take it off.

RIGGINS: For another six month permit, does that happen?

MACDONALD: The intent is that it would be six months over, you know, a calendar year, or like a rolling year.

RIGGINS: Well you would have – you would certainly

have to write it that way then.

PATEL: What's your pleasure? Any thoughts on that from your standpoint?

RIGGINS: I think that that would be the way that it would need to be written, because if you're allowing a year-long occupancy with a trailer, again if that community wants that and they don't want to talk about enforcement, and they want to make those improvements and be totally outside the code, with chances of enforcement action, that's what they're going to do. But on a County-wide basis, there's other suburban ranch stuff that – this is going to be a push for them, to even take it to this point.

PATEL: So one six month permit for – that would be -

RIGGINS: Six months in a calendar year.

MORITZ: Or rolling –

PATEL: Rolling year.

RIGGINS: Rolling 12 months, you could do it either way.

AGUIRRE-VOGLER: What happened to the meeting in January? Just you're putting it off until January, until we get more input. Would that – would that do any good at all, or? You just think about it a little bit more, or talk to code compliance, or?

RIGGINS: Well I could make a comment. One of the –

well, I don't know whether all the Supervisors – no, they're not – but this Supervisor that is in this area is up for reelection. He put his name in for reelection, and I – this is an election year, and this is a hot subject. I –

AGUIRRE-VOGLER: And then how far away from Maricopa annexing it?

HARTMAN: To annex it? Oh, they're a long ways from annexing it. Maricopa, that would be the only direction they could go basically.

DEL COTTO: I will say this, that they do leave – a lot of the people do leave their trailers all year long.

HARTMAN: Yes they do.

DEL COTTO: They wrap them up and –

MORITZ: They're not in use.

DEL COTTO: No, they're not in use, but they do.

HARTMAN: Summer-ize them, or whatever.

DEL COTTO: They winter – summer-ize them.

AGUIRRE-VOGLER: So is there a provision for that as well, or is that out of compliance?

RIGGINS: Out of compliance.

DEL COTTO: I would think if it's one trailer for one household, that they could leave their trailer, right?

PATEL: Yeah, there is a storage component, yeah.

RIGGINS: Right, and it can't be hooked up.

PATEL: Right.

RIGGINS: It can have a battery trickle charger, but it has to be unoccupied and not connected to utilities.

MORITZ: Yes.

HARTMAN: But this change says that it can hooked up.

RIGGINS: Only when it has the permit.

HARTMAN: I don’t know about that. Isn’t it under storage, can’t it be hooked up so that the battery will be charged?

PATEL: Yes.

RIGGINS: Yes, but it can’t – this is an occupancy. There’s a different set of provisions for storing your own trailer.

HARTMAN: Well that’s what we’re talking about. The other one is storing a trailer and you say that they need a permit to store their own trailer?

RIGGINS: No, but there’s requirements in storing your trailer. When you store your trailer on your own general rural parcel, you have the ability to have a trickle charger on it to keep the batteries up. And that’s it.

HARTMAN: Now, but under these rules -

RIGGINS: Still the same. Still the same.

SMYRES: It says not in use for sleeping or living purposes.

RIGGINS: Yes, nobody can be in it during that

period of time.

SMYRES: (Inaudible) trickle charge, but basically you got it wrapped in plastic.

RIGGINS: And also the way this would work too, if you had a trailer on storage on your parcel that nobody was in, could you get a permit to have another trailer there for six months at the same time? That would be the way I would see this as written. So you could have two trailers there, provided nobody was living in one of them.

MORITZ: Can you word the thing that instead of a six month period in a 12 month rolling, that it's non-occupancy between the two permits of more than 90 days.

HARTMAN: Unenforceable.

MORITZ: Okay. Well a lot of this is. What's new?

RIGGINS: You know, actually it depends on the community. I guarantee you, I guarantee you on Ironwood the suburban ranch lots up there, they will police themselves.

MORITZ: Oh yeah.

RIGGINS: Totally. They'll police themselves and make everybody else follow the letter of the regulation. Evidently out here, they don't want any regulation.,

MORITZ: And they would in Gold Canyon too.

RIGGINS: So that certainly is difficult. Any other questions by anybody? Do we want to see this case up for a vote in the next meeting, or do we want two meetings? We want

another work study session on it next time?

AGUIRRE-VOGLER: Another work study.

RIGGINS: Okay. We're requesting another work study on it with more input. And I particularly would like to see, I would like to see some of the technical concepts about handling the septic system problem. Because I'd like to see how we handle that. No point in doing it if nobody can qualify.

HARTMAN: And written also how you would handle the six months. Could you come back and issue another six months, or do they have to wait six months before you reissue it, and it goes into storage.

GRUBB: Mr. Chair.

RIGGINS: Yes.

GRUBB: I've sat back and listened to this and listened to this and listened to this, and to me this sounds like a Comprehensive Plan Amendment, where you can specifically identify a zoning that's going to allow what happens out there, out there. To change the zoning for Thunderbird Farms.

RIGGINS: Change everybody's base zoning?

GRUBB: Everybody's base zoning to something that allows something. I mean you're talking about we know that this violation is going to continue and continue, and overwhelm code enforcement.

RIGGINS: Don’t you believe that a significant number of the people that live out there don’t like this, and would fight that?

GRUBB: Well that’s – there’s only one way to find out.

AGUIRRE-VOGLER: That’s why we have to have meetings.

GRUBB: There needs to be a public hearing out there and find out what the community wants.

RIGGINS: Who’s going to initiate it?

GRUBB: And then that doesn’t apply to our friends on Ironwood.

RIGGINS: But the thing of it is, the thing of it is, you can go ahead and rezone everything the way you want to, you can do anything you want, you still can’t get around the health requirements of septic systems.

GRUBB: And I understand that. I understand that. More information, because to me this sounds like we need some kind of zoning, blanket zoning, because we have an area of the County that is going to be in constant – and again, it’s not the only one, Thunderbird Farms isn’t. You can go up here on Joy and Judy and everything east of the canal, and you find the same thing. It occurs there every year, and there’s multiple, multiple units on the 3.3 acre parcels down in there. There’s multiple units on the one acre parcels down

there.

RIGGINS: I guarantee you after this passes, there'll still be.

GRUBB: And they'll still be there. So this doesn't fix the problem. It doesn't fix the problem. It's a bigger, it's a bigger issue than to just say well we're going to do this, but it's going to be impossible to enforce. That's a wasted effort.

RIGGINS: The limiting factor I see here, is you have a public health, safety and welfare issue –

GRUBB: Understood.

RIGGINS: - with waste stream flow, and there's no way that you can allow everybody to do what they want.

GRUBB: Oh, I understand that.

RIGGINS: Because it won't work.

GRUBB: And I understand that. But we're trying to put a band aid on a problem, and the band aid's not big enough. There's more to this than coming back next month and saying, you know, we're going to pass this and, you know, I think there's a lot more.

RIGGINS: You know sometimes you do things in increments.

GRUBB: And I understand that, but I think we need a good public hearing, and it needs to be there. You need to go out there and listen to that community, just like Rand said.

We need to listen to that community about what they want and try and address it –

MORITZ: Then if we don't do what they want –

GRUBB: No, I'm not saying what they want, you know, we're going to do what they want; we want to go hear what they want, and then find out if there's a way –

MORITZ: Of accomplishing that?

GRUBB: Of accomplishing a compromise that meets the needs of the community without -

RIGGINS: Just as a question, and I'll – you know, Himashu's sitting right here. To me, if the County were to go out and initiate that for the people that want to do that, I think they would infuriate the people that don't like what's going on. And the County to be the progenitor of that concept?

GRUBB: Well if the community comes out, you know, 90 percent anti, then that is the sentiment of the community and the County has an answer.

RIGGINS: Maybe the better way to do it is go out and hold a poll and not start with a case. Because I think, I think that would be fraught with great problems.

PATEL: Mr. Chairman and Members of the Commission, I'm not sure – and perhaps my predecessor may have shared the history of this topic, the County did formally conduct 16 public hearings throughout the County on this matter, and

based on their input of what we heard at these public hearings, the initial draft was done about a year-plus ago, and then after that, we had – that's when you took action and initiated it. We went before the Board of Supervisors with work sessions and there was areas of concerns there, and based on the comments that we've received - there's been two, two groups that have been very vocal about this. There's one that's in the Arizona City area that's very much supportive of wanting to have the ability to have this RV uses on their lots in Arizona City, which makes it very complicated because they are on a CR-3 single family residential, and that's something that staff is not in support of. We also heard, and had work sessions with the Board in which groups presented at the Board of Supervisors on this matter. Representatives from the Hidden Valley area that made presentation to the Board of Supervisors, opposing any changes to even open this avenue up for permitting or – because of the impact it has had, both environmentally and public safety-wise, water and other issues. So there's been a numerous amount of discussions going on regarding this topic, and we'll be happy to perhaps have continue on with this work session, but also provide you the minutes associated with those work sessions we had at the Board Supervisors, which would allow you to review what transpired there, as well as view the meetings, that you will be able to view either at your pleasure or at home, or what,

because they have been broadcasted publicly.

RIGGINS: And again, I urge everybody to consider in this issue, I mean we have very serious regulations and enforcement if you're caught not doing it correctly, concerning wastewater streams. And to put hands in front our eyes and say we have – we're going to let people, you know, we're not – we're going to let them do something where it's all wrong. But the thing of it is, that controls density. Just as simple as that. It controls it. You know, try to go out and do a dry lot subdivision on half acre lots and see how far you get. Zero, it won't happen, because it won't fit – it won't defend public health, safety and welfare.

AGUIRRE-VOGLER: Are we ready for a motion to adjourn?

RIGGINS: I guess we talk about it again next week with renewed fervor. Obviously there's a lot of thoughts about this and any other questions. Next month, I'm sorry, we don't want to come back next week. Any other questions or comments from staff or the Commission?

HARTMAN: Yes, is it – Himanshu, is it impossible that we might have a field trip, the Commission, to that area? Maybe – those areas, it's both the same Supervisor.

PATEL: It's possible, but why don't we first review some of the materials that you may not have seen from the work session.

HARTMAN: I agree.

RIGGINS: And you know, and the other thing is – and maybe – and this is a work study session, so we can be a little bit more open and say things – to me, a field trip out there to look at that gets me saying where was code compliance out here?

DEL COTTO: I was just going to suggest that maybe instead of – I'd love to have everyone out at the raceway for pizza, but maybe what we need to do is get ahold of code compliance, have code compliance go out and do an overview of our neighborhood, and then maybe they can report back to us. And then we can -

RIGGINS: I have a feeling it'll be a very interesting report.

DEL COTTO: Yes, then that way, that way we're not all getting dragged out there and –

MORITZ: And when do you suggest that that be done for the November meeting, or later?

DEL COTTO: Whatever is convenient for Himanshu, I would say. Whatever works.

PATEL: Yeah, we'll work through this and figure out a way to get you a visual perspective of what's happening over there.

DEL COTTO: There you go. Perfect.

RIGGINS: Because we want to pass – we want good

regulations to make things work, and one thing that I don't like is handling this problem by just pretending it doesn't exist. That's a bad way to do it. Okay, do we have a motion for adjournment?

AGUIRRE-VOGLER: Motion.

RIGGINS: Motion, a second?

MACDONALD: Chair Riggins?

RIGGINS: It's adjourned.

I, Julie A. Fish, Transcriptionist, do hereby certify that the foregoing pages constitute a full, true, and accurate transcript in the foregoing matter, and that said transcription was done to the best of my skill and ability.

I FURTHER CERTIFY that I am not related to nor employed by any of the parties hereto, and have no interest in the outcome hereof.

Julie A. Fish

Julie A. Fish