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PINAL COUNTY PLANNING AND ZONING COMMISSION  
(PO NUMBER 233382)

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

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ORIGINAL PREPARED FOR:  
PINAL COUNTY, ARIZONA

1           RIGGINS: We'll go ahead and call the Thursday,  
2 December 17, 2015 regular meeting of the Pinal County Planning  
3 and Zoning Commission to order, and the first item on the  
4 agenda -

5           GRUBB: Mr. Chair? Mr. Chair, over here.

6           RIGGINS: Yes sir.

7           GRUBB: If I could, I'd like to ask for a moment of  
8 silence for the pilot and the nurse that passed away the night  
9 before last up in the mountains near Superior when their  
10 medical helicopter crashed and the paramedic -

11          SALAS: (Inaudible).

12          GRUBB: Yeah, and he was - the paramedic who used to  
13 work for me was still alive and is at Maricopa Medical Center  
14 in serious condition. So I'd ask for a moment of silence,  
15 please.

16          RIGGINS: Very good, if we could.

17          GRUBB: Thank you.

18          RIGGINS: And thank you. The Action Item Report.

19          ABRAHAM: Good morning Mr. Chairman and  
20 Commissioners. Happy Holidays. Any questions on the action  
21 item report?

22          RIGGINS: Commission Members, anything? There none  
23 being, let's move onto the Report of the Board of Supervisors  
24 Action on P & Z cases.

25          ABRAHAM: In your packets there is a brief summary

1 of cases. The big case that we had been working on for a  
2 couple months just got concluded yesterday. That was the  
3 Sidewinder case, and just for the Commissioners to recall,  
4 that was an SUP to allow a combination indoor/outdoor medical  
5 marijuana grow facility on the Dugan Dairy in the Coolidge  
6 area, south Coolidge area. The Board took a look at that and  
7 ultimately ended up adopting the SUP to allow indoor grow  
8 only. They included 17 stipulations that are included  
9 typically with SUPs about how to operate the facility. That's  
10 kind of along the lines of some of the things you've seen with  
11 dispensaries, but - so the SUP's going to be good for one year  
12 for an approximately 9,000 square foot indoor grow facility,  
13 rather than outdoor. But that was probably the only addition  
14 to that report, other than the ones you had in your packets  
15 there.

16 RIGGINS: Okay. Any questions from the  
17 Commissioners? None being, we'll move onto the Report on  
18 Tentative Plan Extensions.

19 ABRAHAM: This is a new feature of our report, and  
20 what we're going to do is basically include a line item on  
21 your agenda saying if we did any of those administrative  
22 extensions - and we didn't have any this time around - so  
23 that's - if there was one, we'd put it in your packet and talk  
24 about it and you can ask questions on the merits of the  
25 extension.

1 RIGGINS: That's another short report, so we'll go  
2 ahead and move right onto agenda - or item number 5, the  
3 Planning Manager's Discussion Items.

4 ABRAHAM: Mr. Chair, please excuse me. I'm sorry, I  
5 was looking at the wrong page. We actually did have one  
6 tentative plat extension. A lot of fun with packets this  
7 morning.

8 RIGGINS: Okay.

9 ABRAHAM: It's Sherwood Parks was administratively  
10 amended - or I'm sorry, administrative extended, and that is a  
11 128 acre, 444 lot subdivision located off of Bella Vista Road  
12 in San Tan Valley. It was administratively extended to  
13 December 18, 2016. And that one - that one was done, man,  
14 that was all the - that was about two years ago now, of the  
15 original zoning case, and it's across the street from the  
16 Central Arizona College out there, just for reference.

17 RIGGINS: So this was the first extension.

18 ABRAHAM: That is correct.

19 RIGGINS: Okay. And what is going to be the policy  
20 concerning the number of extensions?

21 ABRAHAM: If they do not submit a final plat and get  
22 it approved within one year, the tentative plat will expire.

23 RIGGINS: Okay. So that is the system now.

24 ABRAHAM: It is.

25 RIGGINS: Okay. One time.

1 ABRAHAM: That is correct.

2 RIGGINS: Okay. Very good.

3 ABRAHAM: And to that point, we do have notification  
4 on our website. I have contacted many of our partners in the  
5 development community about that policy change, so they're  
6 trying to get the word out as best as possible, and I've made  
7 contact with several people about that already.

8 RIGGINS: Okay. Vice Chair Hartman.

9 HARTMAN: Chair Riggins, Commission Members. I just  
10 wanted to make a comment that it was a policy of Planning and  
11 Zoning to have planning staff originally go ahead and okay  
12 these tentative plats, and then when Dennis left, we - the  
13 policy was changed. And so this is not, this is not totally  
14 new to us to - and I feel much more comfortable with our staff  
15 doing it. All right, thank you Chair.

16 RIGGINS: Okay, very good. Any other comments?  
17 None? Well now we'll move into the Planning Manager's  
18 Discussion Items category.

19 ABRAHAM: Thank you Mr. Chair. A number of Planning  
20 Manager Discussion Items. A bunch of them we're going to take  
21 care after our business items today, and those are some of the  
22 things the Commissioners asked me to provide or take a look at  
23 as a result of the Call to the Commission last month and some  
24 ongoing things we're working on. The big one is going to be -  
25 we have a presentation, a special guest by Mr. Kent Taylor

1 today. Kent and the Board of Supervisors worked very  
2 diligently to adopt a - well two things, one is a Peralta Park  
3 Master Plan which I'm not too sure we've done something like  
4 that in the County before. So that's brand new for us, which  
5 is a really neat thing. It's a management plan and activity  
6 programming for one of the County's regional parks up in -  
7 it's east of the Gold Canyon area. And then the other thing  
8 was to formally adopt the CAP Trail, and Kent's going to have  
9 a detailed presentation on that. So I wanted to bring him in  
10 front of you because this was adopted, I think, last month and  
11 he's got a great update for the Commissioners about this  
12 really exciting project. Kent Taylor.

13 TAYLOR: All right, thank you Steve. Good morning.

14 RIGGINS: Good morning.

15 TAYLOR: Good morning Chair, Commissioners. For  
16 those of you who don't know me, my name's Kent Taylor. I am  
17 the Director of Open Space and Trails with Pinal County. I  
18 think about a year ago I was in front of you, just kind of  
19 giving you an update of where the department was and what some  
20 of our priorities were going forward. So as Steve mentioned,  
21 this is a follow-up to that presentation and where we've been  
22 in the last year on a couple of big projects. These projects  
23 also relate to the Comprehensive Plan that you deal with on a  
24 regular basis. So, as I visited with you last year, one of  
25 the things the Board has tasked me with is implementation of

1 our Open Space and Trails Master Plan, and in respect to that  
2 we've laid out some short-term priorities and intermediate  
3 priorities in the next two to five years on things we needed  
4 to work on. As you can see, that lists some of our regional  
5 parks and recreation trails, and the San Pedro River corridor.  
6 So last year when I visited with you, I spoke to you about  
7 some master planning processes that we were going to  
8 undertake, and I'm going to show folks. One of them is this  
9 regional park right there. And that's Peralta Regional Park.  
10 And the other we looked at was the CAP canal, which is this  
11 piece right here, and the recreation trail that goes adjacent  
12 to that Central Arizona Project canal. So the first thing I'm  
13 going to visit with you about is our Peralta Regional Park.

14           So for the last year we've been working on  
15 developing what we call a site-specific recreation area master  
16 plan for that park. San Tan, or the Peralta Regional Park is  
17 one of seven identified regional parks in our master plan.  
18 It's adopted also as part of your Comprehensive Plan, and it  
19 is one of the - is related and aligned with one of the Board  
20 of Supervisors strategic plan items for increasing both park -  
21 regional park acreage and regional trail mileage. So that's a  
22 picture of the park, and the dotted lines. It's just off of  
23 Peralta Road, south of the Tonto Forest and the Superstition  
24 Wilderness area, before you get to the actual boundary with  
25 the forest. It's about five miles from US60, in a

1 northeasterly direction.

2           So last year we convened a working group of agency  
3 stakeholders, user groups, affected communities, the adjacent  
4 leaseholders - there's a couple of grazing leaseholders that  
5 are adjacent to that parcel - and began work from a working  
6 group perspective on developing what would be the best use for  
7 that recreation, or that recreation area and that park. And  
8 what we were looking at is what, what we could do with that  
9 parcel. So just to give you some context, that's about 480  
10 acres. It is the smallest regional park that we've identified  
11 in our master plan, and it's one of the reasons we started  
12 with that park - just to get our feet wet with that process.  
13 What we wanted to do is identify what was going to be the use  
14 recreationally for that parcel; where those amenities might  
15 occur within that footprint; who we could work with and  
16 collaborate to develop that recreation amenity; how we would  
17 phase that possibly, and where the funding might come from as  
18 we develop that; and then possible future expansion  
19 opportunities of that park if that were to present itself.

20           The working group met seven times over the last 12  
21 months. We took a couple of field trips out to the site,  
22 walked around, viewed what was on the site, and those,  
23 actually those field trips actually became very useful because  
24 some uses came out of those field trips that both staff and  
25 some of our working group members never imagined until we set

1 foot on the parcel, so it was really useful. Obviously we did  
2 some public outreach with public open houses, several press  
3 releases. In October my park's advisor of the Open Space and  
4 Trails Advisory Commission approved recommending to the Board  
5 approval of that park plan and the Board of Supervisors  
6 approved that in November.

7           So the park features for this (inaudible) remember  
8 480 acres. It's not a huge site, but it is a little limited  
9 as far - constraint-wise - as far as what can go in that 480  
10 acres, and these are kind of a selling points, the big picture  
11 items that we identified within that 480 acres that we could  
12 do - that we could have. We've got some camping sites in  
13 there. It's got great access to the Superstitions, and it is  
14 the only real camping area close that wilderness area. Dark  
15 sky and stargazing was one of the things that came out of the  
16 site visit that we hadn't thought of at the beginning of the  
17 process, and we're real happy to kind of preserve that dark  
18 sky opportunity in the area. A few miles of non-motorized  
19 multiuse trails. Some picnic areas, there's some flat  
20 previously disturbed areas that have on the parcel that we  
21 think made good group and individual picnic areas. And then  
22 the last thing was rock climbing. We were out on our field -  
23 one of our field trips and one of our, and actually one of  
24 equestrian members turned around and looked at this rock face  
25 that happens to sit on the site and said can we climb that?

1 We're like I don't know, I'm not a rock climber. So we  
2 actually went out and gauged the climbing community to  
3 determine is this an actual viable opportunity on this site.  
4 And while it's not highly technical, it's a pretty short rock  
5 face. We think that it can develop into a great  
6 beginner/intermediate rock climbing opportunity, kind of  
7 similar to a rock gym, only in the outdoors, better than the  
8 indoors. So that's the site map. And real quickly I'll -  
9 because I know my pointer's not going to work on there - what  
10 you see the lines here are basically the blue and white lines  
11 there, and then the red line there, the non-motorized trails.  
12 The shaded areas here are car camping. And this is unimproved  
13 or primitive camping, so it'd be car or tent camping only. We  
14 do not intend to add any kind of infrastructure in here for RV  
15 sites due to the location and how we have to get to the site.  
16 We also included way over in that corner a spot where if  
17 people want to use that as a hike-in camp area, and then use  
18 that as a jumping off point to get to the Superstitions and do  
19 multi-day excursions out in the Superstitions, they'll have  
20 that opportunity over in that far corner. Again, no  
21 improvements over there except for maybe clearing a couple of  
22 campsites and providing that opportunity. That area there are  
23 the rock faces where we can - we think we can get some rock  
24 climbing in. And then entrance off of Peralta Road on the  
25 west side. Parking facilities here. Picnic areas, and again,

1 in that flat area, and a spot for a volunteer park host to  
2 help us manage that facility once we get it up and running.

3 RIGGINS: Question. Will there be any water  
4 provided on the site at all?

5 TAYLOR: Yes. Water, we know of two existing wells  
6 on the site that we'll pursue as part of the development. One  
7 of them actually is right in the central area there, and then  
8 we've got another one, I think it's right on the border, right  
9 on that side. So this is existing. As you may recall, for  
10 those of you who have been around for a while for the Open  
11 Space and Trails Master Plan, our regional parks are built on  
12 identified BLM-owned lands, and this is a BLM parcel, so these  
13 - those wells were developed as part of, I think, the ranching  
14 and mining activities that used to go on on the site.

15 AGUIRRE-VOGLER: Can we ask questions in the middle?  
16 Can we ask in the middle of your conversation?

17 RIGGINS: Sure.

18 AGUIRRE-VOGLER: When you said the rock climbing, I  
19 was concerned about the liability. How is anything happen  
20 here, because you know Picacho Peak they're always getting  
21 stuck up there and I wonder a lot of times; and the other  
22 thing was the bike trails.

23 TAYLOR: Sure. First on liability, the climbing  
24 activity, obviously we'll have to have some kind of management  
25 plan in place for that, just was we will the trails and any

1 other activity that goes on. But from a park management's  
2 perspective, Arizona has a, what's called a recreation  
3 immunity statute, so from a jurisdictional perspective, as  
4 long as we're doing our due diligence on the management side  
5 and we're setting those rules and regulations, and posting  
6 signs and information, material, then we're covered on that.  
7 So really a rock climbing area is no different than a trail in  
8 that perspective. As far as bike trails, yeah, multiuse, non-  
9 motorized, so equestrian, hikers, runners and cyclists would  
10 be able to use that trail network. And there's about eight  
11 miles of trails within that footprint.

12 SALAS: Is that limited to a certain area, or is it  
13 throughout the whole park that you're going to have bicycles  
14 going through there?

15 TAYLOR: It would be just on the trails.

16 SALAS: Other question, are you close to Globe? How  
17 close are you?

18 TAYLOR: No. No. Not even, yeah, not even. Yeah,  
19 we're in a - as the crow flies, we're about three miles from  
20 Gold Canyon proper.

21 RIGGINS: You're almost to our -

22 SALAS: Okay, so you're not close to Roosevelt.

23 TAYLOR: No.

24 SALAS: You're close to Canyon Lake, I guess?

25 TAYLOR: Not even. No, just right off of US60, yeah

1 in the Gold Canyon area.

2 SALAS: Okay. (Inaudible).

3 TAYLOR: Any others? Okay, great. So what our next  
4 steps are, now that we've got the master plan in place, again  
5 that's the framework we need to work with BLM. This  
6 particular parcel is part of what they call a parcel that's  
7 been identified for disposal. So that lets the County acquire  
8 that parcel for a nominal fee and some environmental work that  
9 we'll have to do in the process for that parcel, and that's  
10 their R&PP process, which is the Recreation Public Purposes  
11 Act. So a long-term work with BLM 25 years down the road,  
12 hopefully the County will be able to acquire that parcel. In  
13 the interim we'd have an agreement with BLM to operate that  
14 park within those - within the framework of that master plan.  
15 So we'll begin working with BLM on their checklist, one of  
16 that is going to be environmental surveys and the compliance  
17 we'll have to do at the federal level for that. We'll - as we  
18 progress through that, then we do site design and management  
19 planning, and operations planning, and then somewhere down the  
20 road we, you know, actually begin the implementation of that  
21 park as we move forward.

22 SALAS: Are you going to have a permanent park  
23 ranger or?

24 TAYLOR: Yes. Semi. So we anticipate this is a  
25 site that will probably be used primarily October through

1 April, as are most desert-situated sites. We intend to have a  
2 volunteer park host that is there 24/7 during the season, and  
3 then we'll kind of explore how that management works on the  
4 interim in between April and October.

5 SALAS: Will his duties will include the trash  
6 management on the park?

7 TAYLOR: Yes.

8 RIGGINS: Vice Chair Hartman.

9 HARTMAN: Chair Riggins. Kent, on the - if it's BLM  
10 land, then firearms? Can - you didn't mention any use of  
11 firearms on the property, hunting and firearms.

12 TAYLOR: Use of or? So they would have to follow  
13 our exiting park rules within that. We have carry  
14 regulations, but depending on the park, there may be no  
15 shooting. This particular one, there would be no shooting.  
16 Typically on this size of a location, there just isn't enough  
17 room to shoot safely and have other recreation activities.

18 HARTMAN: All right. Now is this the sole BLM land,  
19 or is there adjacent BLM land?

20 TAYLOR: This is an isolated parcel with State Land  
21 surrounding it on all four sides. Yep. And that's why they  
22 have identified it as a disposal property, because it is not  
23 near any other property that they currently manage. That's  
24 how they do that through their process.

25 HARTMAN: Thank you.

1 RIGGINS: Gutierrez.

2 GUTIERREZ: Yes sir. Once, once the park is  
3 established, is it going to be maintained by County employees  
4 or is it going to be a volunteer?

5 TAYLOR: I think it's going to be a combination of  
6 both - County staff and volunteers. And we've - we - if you  
7 looked at our - the previous slide that kind of identified  
8 those working group, our partners, we have several nonprofit  
9 groups in the area - Superstition Area Land Trust is a big one  
10 - that we already partner with with management of our Lost  
11 Gold Mine Trail up in that area, so we anticipate that this  
12 will be another partnership opportunity as part of that  
13 management plan. Again, what we needed to do was develop the  
14 framework for what goes in there so that we can begin having  
15 those discussions, both at the BLM level and with other groups  
16 to figure out how to manage that.

17 RIGGINS: Any other Commissioners?

18 GRUBB: Mr. Chair.

19 RIGGINS: Commissioner Putrick.

20 GRUBB: The Park Host -

21 RIGGINS: Grubb.

22 HARTMAN: Yeah, that's the one.

23 GRUBB: I miss one meeting and you forget me.

24 RIGGINS: I'm sorry.

25 GRUBB: The park host site, is that going to be full

1 hookups for that person, including septic?

2 TAYLOR: Yeah, that's what we anticipate at this  
3 point. And probably solar power of some type is what we're  
4 anticipating.

5 GRUBB: Okay, thanks.

6 RIGGINS: Not that far from the line.

7 TAYLOR: Oh, we actually, we are.

8 RIGGINS: Well I suppose.

9 TAYLOR: Yeah at this time we're not - yeah, no,  
10 we're solar power. Definitely. Okay, great. So - and here  
11 just a couple of - I brought a couple of photos so you can  
12 kind of get a feel for the property. This is kind of high  
13 desert Sonoran landscape. This is the winter foliage. This  
14 was taken in February, I think February and March. It's a  
15 pretty tremendous site as far as what is available from a, you  
16 know, from a plant and wildlife perspective. And that's not  
17 something you see very often in the desert, but that's also a  
18 photo, I think in February of last year, after a rain storm,  
19 it was about a week after the rain storm and that water was  
20 still there in that area.

21 SALAS: (Inaudible).

22 TAYLOR: That's actually a part of a wash structure  
23 that goes through there, and that's actually hard rock that  
24 goes through there. Yeah. Okay. Next item I'm going to talk  
25 to you about, the CAP National Recreation Trail, and the

1 planning we've done with that over the last year. So those of  
2 you, and I know Chairman Riggins and Vice Chair Hartman are  
3 very familiar with the Central Arizona Project Canal. But  
4 just the big picture, that's a 336 mile long canal that pulls  
5 water from the Colorado River and dumps it out south of  
6 Tucson. Traverses through several counties, including Pinal  
7 and connects a variety of communities throughout that -  
8 throughout the length of that canal. In the original legis -  
9 U.S. legislation for the CAP canal, the folks that were  
10 working on that, I really give them a lot of kudos for looking  
11 forward. They're developing this water carrying structure  
12 through the middle of the desert and in the initial  
13 legislation, they actually have language about a recreational  
14 trail corridor paralleling that canal from the Colorado to  
15 Tucson. And this was done in the 50s, I think, 50s and 60s, I  
16 think, is when they did the original legislation for this. So  
17 those folks had the foresight to say hey this is a great  
18 linear feature, it can connect communities in the future,  
19 let's make sure that that's provided for within the  
20 legislation. In 2002 the CAP Board made that a little easier.  
21 They adopted a policy that said yes, we think this is  
22 important, and we want to make sure that we move this forward  
23 and we're going to work with communities and jurisdictions to  
24 see that that happens. And you can see kind of the other -  
25 our neighbors on both the north and south have done some

1 planning on that, and actually in the Phoenix area several  
2 municipalities have sections of the CAP trail open for public  
3 use. If you travel on I-17 north of Phoenix, there's a large  
4 bridge where the canal crosses, that is actually over the I-17  
5 freeway, that's actually part of the CAP trail. So our job on  
6 this was to plan a 65 mile segment of Pinal County basically  
7 from the north end of the Picachos to the northern line with  
8 Maricopa County, just outside of Apache Junction. You'll ask  
9 well why didn't you do that little southern finger from the  
10 County line to the Picachos? Well we had actually partnered  
11 with Pima County when they did their master plan in 2008 and  
12 they included that portion in their segment, so we didn't have  
13 to do that, luckily. So we were just focused on that one; get  
14 from the north end of the Picachos to Maricopa County.

15           Again, we had a pretty vigorous planning process.  
16 This one's a little different. We worked with - I like to say  
17 we worked with every federal agency and state agency that had  
18 a three or four letter acronym in their name. So we - and  
19 some that we didn't anticipate when we first started the  
20 process. But these are just a - this is a partial list of who  
21 we had to work with on this process. The largest landowner,  
22 obviously, is the Bureau of Reclamation, because they own the  
23 property that the canal sits on. Second to them is the  
24 Central Arizona Project folks. And they manage the actual  
25 facility. But we also had several flood control districts and

1 flood structures that we had to deal with in this planning  
2 process, and we also had to deal with the Army National Guard  
3 because of their site just north of Florence there. And then  
4 several municipalities. Some of the things we looked at  
5 through that planning process. As you know, we - ADOT's  
6 planned some corridors kind of paralleling or crossing that  
7 canal, stretching south from Apache Junction. So we had to  
8 look at that. Some of Pinal County's own planning documents,  
9 as far as transportation and PAD. There's already approved  
10 PADs and subdivision along the corridor in some areas. And  
11 also some parallel irrigation district canals that are due for  
12 some work and we have to cross some of those, get from Point A  
13 to Point B. And just, kind of just lays out what the plan  
14 has, you know, as far as in the plan, along with the trail  
15 alignments and some trail design guidelines, we've also got  
16 information on there on how to cross roadways like State Route  
17 79. And information on where possible trailheads may be the  
18 best to locate within the trail development.

19           A typical trail map looks kind of like this, and  
20 this is the furthest south segments close to the north end of  
21 the Picacho Mountains. Basically again we're just identifying  
22 that trail corridor, which side of the canal it's on, and this  
23 is a little - a better close-up view. This one's kind of  
24 unique because it's actually on the opposite side that we're  
25 on most of the - for most - what we recommended for most of

1 the trail, and it's actually on the west side of the trail, or  
2 the canal. And then you'll notice that up towards the top of  
3 the picture there, that actually crosses the canal, and what  
4 our proposal is there is to use a gate, a cattle crossing  
5 that's existing in that area to get back across to the east  
6 side or canal left, as the CAP folks call it. So that's a  
7 typical trail configuration for most of the trail. And so the  
8 trail, what we've done in most areas is we've tried to iden -  
9 we tried to identify the quickest, easiest way to implement a  
10 trail plan within the footprint that BOR has given us. And  
11 for most of areas it's on, if you're traveling from north to  
12 south, okay, if you're on the east side of the trail, it's  
13 what we call canal left - on that side of the canal, there's  
14 actually a bermed maintenance road that sits outside of the  
15 security fence. So that's this piece. There's a security  
16 fence somewhere in this area. Sometimes there's some land  
17 within - between the canal and that's that dike. The canal,  
18 another existing or maintenance road within the security  
19 fence, and then the outside security fence and the right-of-  
20 way. The reason we did that is we're looking, again, looking  
21 at ease of construction, ease of maintenance, and from a trail  
22 user experience. So if you can picture that dike, that dike  
23 actually sits up above the canal. So as you walk either way,  
24 north or south, that sits you up above and gets you vistas out  
25 to both the Picachos, the Superstitions, the Pinal Mountains

1 even further, if you're looking to the east, and so it's just  
2 a great trail experience. And - so that's in real life what  
3 that looks like. So from a trail builders perspective, that  
4 trail's done. Okay? BOR doesn't agree with us quite yet, but  
5 we're getting there in discussions with them. But our idea is  
6 to use that side that's already done, and really once you get  
7 past the environmental clearances that we'll have to get,  
8 you're really only talking about some gate changes, okay, at  
9 road crossings, and some signage, and boom, you've got a trail  
10 on that side. So wherever we could, we tried to take  
11 advantage of this particular layout within the planning. And  
12 that's just another - this is just a cool picture I like to  
13 include. This is the trail, and if you were heading, again,  
14 north to south, this is just outside of Florence as it cuts in  
15 the bigger, some bigger hills in that area, just before you  
16 get to Highway 79, and you're looking east towards what's  
17 called Twin Buttes, out in the Kearny-Kelvin area. So  
18 questions on the CAP?

19 RIGGINS: Vice Chair Hartman.

20 HARTMAN: Chair Riggins. Kent, you mentioned users,  
21 you mentioned foot traffic, what about motorized? Is  
22 motorized?

23 TAYLOR: No. The legislation kind of dictates what  
24 we can use in that, and this is designated as a non-motorized,  
25 multiuse trail. So that's how we are progressing in our

1 planning is non-motorized multiuse.

2 RIGGINS: I'm sure that CAP has -

3 TAYLOR: Yes.

4 RIGGINS: Motorized vehicles off of that road.

5 TAYLOR: Yes they do, and they want to continue  
6 that. And that's been part of the discussion with both BOR  
7 and CAP and some of the concerns initially. Prior to 2002,  
8 CAP staff really had some objections to being up on that dike  
9 because of deterioration or, you know, maintenance needs or  
10 whatever might occur on that dike. Through a change of  
11 personnel or someone just got tired of arguing, I'm not sure  
12 what, but that policy is when - at CAP is when that changed.  
13 Said you know, this - we're already driving heavy equipment  
14 and trucks on this dike, a few walkers and horseback riders  
15 and bicyclists aren't going to destroy it any more than the  
16 vehicles we're already using. So that's when the policy  
17 changed and said okay, we can use this as an option for the  
18 trail.

19 RIGGINS: Is the phenomena that you're going to use  
20 a pedestrian opening in the fence where the gates are?

21 TAYLOR: Yeah, it'll be some kind of, yes, a managed  
22 gate so that your foot traffic/bike traffic can get through,  
23 but motorized traffic can't, yep. So whether that's a, where  
24 that's a step over, or a chicane or some kind of access point,  
25 all of the gates and fencing, signage, will all have to be

1 approved by BOR through the planning process.

2 RIGGINS: Commissioner Salas.

3 SALAS: What about the animals? You going to have a  
4 passage for them?

5 TAYLOR: Well the animals will still be able to get  
6 in where they've normally gotten in. That's been a discussion  
7 with our partners at Arizona Game and Fish at CAP, but yeah,  
8 there's not going to be any change to that access as far as  
9 the, as far as the wildlife movement.

10 SALAS: There will be no added passages?

11 TAYLOR: Across the canal?

12 SALAS: Yes.

13 TAYLOR: No.

14 RIGGINS: Commissioner Gutierrez.

15 GUTIERREZ: Sir, are these PowerPoints on the Pinal  
16 County website?

17 TAYLOR: Yes, actually. So if you go to the Open  
18 Space and - and actually the more robust - I kind of cut these  
19 down from our presentation to the Board a month ago - on our  
20 Open Space and Trails Departments we have a page for regional  
21 park and trail planning, and you can click on that and it will  
22 give you Peralta CAP trail, and you can look at all the  
23 documents there, including these presentations.

24 RIGGINS: other Commissioners? Commissioner  
25 Aguirre-Vogler.

1           AGUIRRE-VOGLER: So when's your anticipated signage  
2 and whatever's going on with BOR going to be solved?

3           TAYLOR: Well that's a great question, Commissioner  
4 Vogler. I will - I'll share a couple of experiences that  
5 we've had working with BOR as - without - there's nobody from  
6 BOR in the room, is there? Okay good. All right, so I can  
7 speak semi-freely. So they're a little slow, at least at the  
8 speed I work. So we've - there's a series of things that I  
9 have to do on my checklist to get this process rolling. One  
10 of those is that BOR and Pinal County has to come with - to a  
11 development agreement, what they call a recreation agreement.  
12 So what happens in the County is we will be the signatory on a  
13 recreation agreement that covers the whole County, and then as  
14 portions of that trail develop, let's say within Florence,  
15 Florence and us will do an intergovernmental agreement to take  
16 care of that. So Florence, you take care of your section,  
17 we're still gonna take care of all the County sections. We  
18 started the process of Bureau of Reclamation a little over two  
19 years ago on that recreation agreement, and I still don't have  
20 a document that's signed yet. So that has to get done. I  
21 also have to do a management plan for that. But on the  
22 positive side though, what we're hoping for, the Town of  
23 Marana and Pima County are currently working on a seven mile  
24 segment through Marana that goes up to our County line, so  
25 they're doing the construction documents, they're doing the

1 fencing, the gates, the needed NEPA and environmental  
2 clearances through that process, and luckily we're going to be  
3 able to, you know, learn from what they're doing and their  
4 process, and hopefully if we can get all our agreements in  
5 line and we can, you know, go through their process, hopefully  
6 that's going to pave the way for other sections to go a little  
7 quicker on the BOR side, plus we'll have learned what, you  
8 know, the do's and don'ts of, you know, this worked, this  
9 didn't work on that section. So our hope would be in the  
10 next, you know, three or four years maybe we could have an  
11 opening on a section of the CAP. That'd be my good hope.

12 HARTMAN: Chair Riggins. Kent, are you working with  
13 any other municipalities in Pinal County, like Maricopa or  
14 Eloy or -

15 TAYLOR: I am, and I have something for that one  
16 real quick, but after I - so on the CAP, the other thing - and  
17 just so I clarify - that's a partnership agreement. We had,  
18 again, Apache Junction, Florence and Coolidge that the CAP  
19 goes through each of those, their jurisdictional boundaries,  
20 and we'll partner them as they get ready to develop those  
21 segments to get those open. Doesn't go close to Maricopa yet.  
22 Although we - there's plans in our Open Space and Trails  
23 Master Plan for connectors actually that go from the CAP all  
24 the way to Maricopa. So maybe not in my lifetime, but in  
25 somebody's lifetime.

1 RIGGINS: Commissioner Gutierrez.

2 GUTIERREZ: Are you having to redo all the  
3 environmental plans or assessments and stuff, or will the old  
4 existing ones that were done (inaudible) suffice?

5 TAYLOR: I swear I did not prep him for that  
6 question. That happens to be one of the - has been a  
7 discussion item between the County and BOR from pretty much  
8 when we started this planning process. One of the reasons, as  
9 I said, we want to you use that existing road as all the  
10 environmental - in our perspective, all the environmental's  
11 been done. BOR has a different picture on that and they would  
12 like us to redo significant amounts of environmental  
13 compliance. So that's been kind of the argument and the  
14 sticking point between us and the County, or us and BOR, and I  
15 know Marana's had that same discussion with them as they've  
16 gone through there's, so that's why we're kind of working with  
17 Marana. We have a real good relationship on their trails  
18 folks so that we - we're all on the same page from a  
19 jurisdictional standpoint, that this is previously disturbed,  
20 it's already got all the studies done, the most we should have  
21 to do is the cursory review to make sure that we didn't - that  
22 nothing was missed in that process, and we should be done.  
23 That's what our hope is.

24 RIGGINS: Other Commissioners? Okay.

25 TAYLOR: So real quick, I know that - Mark's going

1 to kick me off of here - it's not a - good. So real quick,  
2 and I just wanted to leave you with one other planning  
3 exercise now that we've finished those two planning exercises.  
4 What we just started over in Vice Chairman's Hartman's area,  
5 we have on our short list of our priority items is what we  
6 call Palo Verde Regional Park. So this is more representative  
7 of the size of the regional parks that we have identified in  
8 our master plan, it's about 21,000 acres of BLM land on the  
9 far western side of the County, and we have just begun the  
10 planning process for this park. And again, this is to develop  
11 a Master Plan, that framework for what recreation  
12 opportunities would fit best within this footprint. So that's  
13 an idea of what the footprint looks like on the far west side  
14 of the County, and it's just adjacent to the City of Maricopa,  
15 the Ak-Chin Indian Community. It pretty much stretches from  
16 two - Highway 238 on the north end to Interstate 8 on the  
17 south end. We anticipate, again, that this is going to be  
18 about a year-long master plan process and just sets the  
19 framework for us to move down the path to sometime have that  
20 open as a future recreation amenity for Pinal County. Again,  
21 this is BLM land. This is going to be a long process. We're  
22 just setting the framework in that first - in the first year  
23 to develop the master plan. We - kind of the what we're doing  
24 as far as our planning framework, we're just in the resource  
25 analysis and recreation opportunities analysis. I know one of

1 the Commissioners attended a public meeting last week that we  
2 had over in the Hidden Valley area, so we're doing that  
3 outreach and trying to find out, you know folks, here's a  
4 blank slate, here's some recreation opportunities, tell us  
5 what you'd like to see within that, within that framework.  
6 And then that just gives you our, kind of our - a real quick  
7 snapshot of what our planning process looks like. We antici -  
8 we have several other open houses scheduled in addition to  
9 public meetings with both my advisory commission and the Board  
10 of Supervisors. There's going to be ample opportunity for  
11 folks to put, you know, give input to that. One of the things  
12 that we did, if you want to look on the website, after last  
13 week's meeting we had a - as folks attended the meeting, we  
14 gave them some dots and said here take these dots and put them  
15 on recreation opportunities you'd like to see in this area,  
16 and put your dots there. Well we've also done that for the  
17 next 30 or so days. We have an online survey that you can do  
18 the same thing. Go on, check your ten dots, click done, and  
19 we'll - we're going to roll that information in with the  
20 public meeting information that we've had to date. So if  
21 you've got any input or if you know of anybody that wants some  
22 input in that, just direct them to the website.

23 RIGGINS: Okay.

24 HARTMAN: Ken, I want to thank you as a Pinal County  
25 resident for including all of the County in your future

1 planning for Parks and Recreation, because that is exciting.  
2 You have just concentrated on the eastern side, but now you're  
3 kind of moving clear to the west. Yeah.

4 TAYLOR: Yes we are.

5 AGUIRRE-VOGLER: Well excuse me.

6 RIGGINS: Commissioner Aguirre-Vogler.

7 AGUIRRE-VOGLER: And while he makes that comment,  
8 then you need to kind of move south a little bit, right?

9 TAYLOR: And we're - yes. And we actually are.  
10 Tortolita Mountain Park is kind of on our to-do list. And we  
11 are doing some work in that area.

12 AGUIRRE-VOGLER: Okay, so the reason I'm bringing  
13 that up, obviously, is the airpark, you know, Pinal, and I'm  
14 not sure where Marana is on that and this County, so -

15 TAYLOR: That's outside of my purview.

16 AGUIRRE-VOGLER: Well it's still in the County.

17 RIGGINS: Very good. Any other questions? Thank  
18 you for your presentation.

19 TAYLOR: Thank you very much.

20 RIGGINS: Very good. Move onto notice of  
21 attendance.

22 ABRAHAM: Commissioners. That notice of attendance  
23 is an announcement, again keeping with the requirements for  
24 when there's going to be a gathering of the Commissioners that  
25 may constitute a quorum. After the meeting or - let's see,

1 how do I have it noted - it says 1:00 or after the Commission  
2 meeting, whichever comes later, we're going to be screening a  
3 documentary film called Tiny, which is a film that was put  
4 together by some folks documenting their experiences with the  
5 tiny home movement. So for folks, it is open to the public.  
6 The Netflix and the producers of that film had wanted me to  
7 read a few words before we start about copyright stuff, but  
8 it's open to the public and it will be at one or the  
9 conclusion of your regular business. And obviously attendance  
10 isn't mandatory and if you want the link, I can forward it to  
11 you to watch at your own, your own leisure.

12 RIGGINS: What is the length of the film?

13 ABRAHAM: It's one hour and 40 minutes long. It's  
14 kind of a longer film, yeah.

15 RIGGINS: Link would be fine.

16 SALAS: Mr. Chair? I'll be gone (inaudible).

17 RIGGINS: Yes. Commissioner Salas states  
18 unequivocally that he will not be here for Tiny. So very  
19 good. Okay.

20 ABRAHAM: Thank you.

21 RIGGINS: Let's move on. Other discussion items.

22 ABRAHAM: We're going to take care of those after  
23 our public hearing notice items and move right into new cases.

24 RIGGINS: Okay. In that case, we will begin on our  
25 new cases. Our first case is SUP-012-15. And Ashlee

1 MacDonalld will be our case coordinator. If Steve ever gets  
2 out of the way.

3 ABRAHAM: There it is, okay. And 15. Today. All  
4 right.

5 MACDONALD: Okay, thank you for your patience. This  
6 is SUP-012-15. It is a request for approval of a special use  
7 permit to allow construction and operation of a 100 foot  
8 wireless communication facility. It is a guyed radio tower.  
9 It's on a 10.07 acre parcel in the GR zone. To date staff has  
10 not received any letters or - in support or in opposition of  
11 the request. It is located in the Eloy area on the north side  
12 of William Sears Drive. The applicant is the Desert Rose  
13 Baha'i Institute. Again, the subject property located in the  
14 Eloy area. On this photograph you can see it is that red  
15 parcel right in the center of the map, Eloy immediately to the  
16 north and kind of surrounding that unincorporated area. The  
17 Comprehensive Plan onsite is Very Low Density Residential.  
18 Existing zoning onsite and surrounding is General Rural.  
19 Again, to the north is Eloy, that is undeveloped area. An  
20 aerial photograph of the site, you can see on the subject  
21 property there is an existing community center, I believe is  
22 what it's used for, and then to the east is the remainder of  
23 that Desert Rose Baha'i Institute facility. The portion that  
24 you see on the very south of the subject parcel, that is an  
25 existing cemetery onsite. The applicant site plan. Up at the

1 corner of the property on the left where that A and circle is  
2 where the tower would be located. It's 100 foot tower, again,  
3 set back from any existing structures onsite or any property  
4 boundaries more than 100 feet. Photos were taken from William  
5 Sears Drive. This is looking north. So kind of out in the  
6 distance if you can see that white light pole, kind of out  
7 towards that area is where the tower would be. This is  
8 looking south. And then looking east. And west.

9 RIGGINS: One question, Ashlee. This says  
10 triangular tower, is this a lattice tower?

11 MACDONALD: It is.

12 RIGGINS: Is this a guyed tower?

13 MACDONALD: It is.

14 RIGGINS: Okay, thank you.

15 MACDONALD: And there - staff has nine recommended  
16 stipulations with this case. I would be happy to answer any  
17 other questions that the Commission has. The applicant is  
18 also here today.

19 RIGGINS: Okay. Commissioners, any questions? No?  
20 Let's go ahead and call up the applicant to discuss the case.  
21 And could you please sign in and sign your name and address  
22 please?

23 HEALY: I did.

24 RIGGINS: Thank you.

25 HEALY: Virginia Healy. I'm representing Desert

1 Rose Baha'i Institute. I'm the business manager and part of  
2 the management team.

3 RIGGINS: Okay. Would you present your case to us  
4 and tell us what you intend to do?

5 HEALY: Yes. This is a low power FM station. The -  
6 and it's considered community radio. So the broadcast area is  
7 quite limited. Generally a ten mile radius, although it could  
8 be wider if there's no buildings or mountains interfering. As  
9 Eloy is an impoverished area, we feel that the - having  
10 community radio could improve the lives of the residents and  
11 help promote economic development. What we are thinking about  
12 for programming and - well, we're thinking about an advisory  
13 board that would be mainly made up of Eloy residents and a few  
14 people from Desert Rose. For programming, we would like to  
15 have all of the local civic groups have a weekly time on the  
16 radio to reach out to residents. We'd like to make available  
17 whatever information would be available to improve their  
18 lives, such as County services, Red Cross, city council,  
19 police department, local groups, and also have an outlet for  
20 music, poetry readings from local residents, interviews of  
21 local residents.

22 RIGGINS: Okay. Very good. Commissioners, any  
23 questions for the applicant? Vice Chair Hartman.

24 HARTMAN: Chair Riggins. Virginia is it?

25 HEALY: Yes.

1           HARTMAN: Thank you, Virginia. My - let me turn my  
2 mic on. Thank you Virginia. My question, I noticed you're in  
3 floodplain X, which means that you can be flooded in that  
4 area. Have you - are you going to be required to raise the  
5 tower site above the floodplain elevation in the engineering?

6           HEALY: Not that I'm aware of. And we have not had  
7 - I've lived here since the end of 2007, and we have not had  
8 any flood problems.

9           HARTMAN: Well, but it is, according to the County  
10 in a floodplain area, and I certainly would recommend that the  
11 PAD be raised above floodplain for the stability of the tower,  
12 and also the guys, the guy wires. Ashlee, do you know what -  
13 I see an elevation on here, but I don't - I can't relate that  
14 to a floodplain elevation.

15           MACDONALD: There won't be any requirement for them  
16 to elevate that. Flood zone A is the flood zone that really  
17 we get concerned about. So X is not really a concern.

18           HARTMAN: Okay, that's my question.

19           RIGGINS: Okay, other Commissioners? Commissioners  
20 Gutierrez.

21           GUTIERREZ: In the future if there's - in the future  
22 if there's a need or a want, can the power of the station be  
23 boosted to increase the coverage?

24           HEALY: No. Not under FCC rules. We're limited to  
25 100 watts and 100 foot tower. Those are both FCC regulations.

1 GUTIERREZ: Okay. That would be a separate request.

2 Okay, thank you.

3 RIGGINS: Okay, other Commissioners? Questions?

4 None being, thank you very much.

5 HEALY: Thank you.

6 RIGGINS: And I'll call to the public. Is there  
7 anybody else that would wish to come up to speak in favor or  
8 opposition of this case? If there none being, we'll go ahead  
9 and close the public portion of this case and I'll turn it  
10 back to the Commissioners for discussion or a motion.

11 HARTMAN: Chair Riggins?

12 RIGGINS: Vice Chair Hartman.

13 HARTMAN: I would like to make a motion that we send  
14 SUP-012-15 to the Board of Supervisors with approval with the  
15 nine stipulations as so written.

16 SALAS: I second.

17 RIGGINS: We have a motion, do we have a second from  
18 Commissioner Salas. All in favor stipulate by saying aye.

19 COLLECTIVE: Aye.

20 RIGGINS: Opposed? It passes unanimously. Good  
21 luck, that'll take it to the Board of Supervisors. Okay,  
22 let's move onto our second new case, which his case SUP-014-  
23 15.

24 ABRAHAM: Commissioners and Mr. Chairman, Dedrick's  
25 going to be handling that one, but before he gets into that

1 one, we do have an announcement about your work session, and I  
2 neglected to say this at the beginning. That was placed on  
3 your agenda erroneously by staff, so we didn't have anything  
4 additional to talk about on that unless you did. But want to  
5 let everyone know in the audience if you're here for that,  
6 that wasn't noticed as a public hearing, but if you'd like to  
7 submit comment on that or get more information, get with a  
8 staff person and we can certainly help you.

9 RIGGINS: Okay. That would be fine.

10 SALAS: Mr. Chairman.

11 RIGGINS: Yes sir. Pardon me. Very good. Dedrick  
12 Denton for the case.

13 DENTON: Mr. Chairman and Members of the Commission.  
14 This is SUP-014-15. The applicant is proposing approval of a  
15 special use permit to operate a motorsports park on a 48 - I  
16 mean on a 46 acre parcel in the GR zone. To date we have  
17 received no letter in support. We have also received eight  
18 letters in opposition, and we also received one petition  
19 letter which is included in the Commission's packet. The site  
20 is approximately located seven miles southwest of Stanfield  
21 and the applicant is Dirt Brothers Land Management. The site  
22 is located in the western portion of the County, basically  
23 north of Interstate 8 and south of State Route 84. The  
24 subject property is outlined in red. Adjacent to the west  
25 side of the property is Liebre Road, and basically you would

1 be coming off of State Route 84, then turning on Liebre  
2 heading south towards the subject property. East of the  
3 subject property is some state land, and there's some  
4 scattered residents, and there's some BLM land to the south,  
5 and CR-3 zoning to the north. The Comprehensive Plan  
6 designates this area as employment. The existing zone is GR  
7 and surrounding the property is GR as well. The aerial  
8 photograph shows this property vacant. There are some  
9 scattered homes in the area. To the north you can see State  
10 Route 84. And this is a more - a little bit more current  
11 aerial photograph than the previous one. As you can see, the  
12 subject property has been disturbed and I believe that is part  
13 of the track. It could be line Track 1 as part of the - as  
14 shown on the applicant's site plan. And you can see some of  
15 the houses in the area. This is the applicant site plan. He  
16 is proposing three tracks and two parking areas. His ingress  
17 and egress is going to come off Liebre Road, and there's track  
18 one to the south, and there's two other tracks to the north  
19 towards State Route 84. The photograph was taken on Liebre  
20 Road. And this is looking north towards 84. And this is  
21 looking east into the subject property. And this is down on  
22 the south end of the entire site. And this is looking south.  
23 The subject property's on the left-hand side. And this is  
24 looking east.

25 RIGGINS: West?

1           DENTON: I mean west, excuse me. That is west. And  
2 there are 15 recommended stipulations with this case, and that  
3 concludes my presentation.

4           RIGGINS: Okay.

5           DENTON: And the applicant is present.

6           RIGGINS: Commissioners, any question of staff on  
7 the report? None being, we'll open the public portion of this  
8 meeting and ask the applicant to come forward and let us know  
9 what he is wanting to do. And if you could make sure your  
10 name and address are written down there and give us your name  
11 to begin your presentation.

12           FAY: Good morning everyone, thanks for being here  
13 for me. My name is Michael Fay. I am the landowner and  
14 would-be track owner and operator of the business.

15           RIGGINS: Is your mic -

16           FAY: I'm sorry, can you hear me now?

17           RIGGINS: Better.

18           FAY: Okay. I'm sorry. Again, my name is Michael  
19 Fay. I am the landowner, currently, and would be the track  
20 operator and owner if this SUP is approved. I purchased this  
21 land approximately a year and a half ago. I am also a  
22 Maricopa resident and homeowner. I have a family, I'm raising  
23 two boys, a two and a five year old son. I'm currently self-  
24 employed and paying for this whole project through the money  
25 that I make with my other business, selling motorcycle parts

1 online. I do work from home now, so I am raising my sons at  
2 the same time and trying to get this going for myself. I have  
3 been a motorcycle enthusiast my whole life. I started riding  
4 at the age of five. I've raced on and off professionally  
5 through my whole life, and this is something that I've been  
6 looking to do for a long time. I feel there's definitely a  
7 need for something like this in the area because it provides a  
8 safe and a controlled environment for people to ride their  
9 motorcycles in, as opposed to riding out in open spaces or  
10 trespassing on land where they're not supposed to be. There  
11 are some tracks like this scattered throughout Arizona that do  
12 get used and people do benefit from them, but there have been  
13 some in this area that have closed in the last few years. So  
14 there is again a need for something like this in the area to  
15 give people a safe place to ride. It will be very organized  
16 and very structured. This is not a sort of seat of the pants  
17 sort of deal, where people can just show up and ride around  
18 and do whatever they want. They're not allowed to ride off of  
19 the track areas that are designated for riding. They will be  
20 supervised to make sure that they are riding in a safe way and  
21 following the rules. There are three different tracks  
22 proposed on that site plan that are actually already built.  
23 They are designed so that people of all ages and skill levels  
24 can ride and progress and learn. You could be four years old  
25 for your first time on a bike, or you can be 75 years old and

1 have been doing it your whole life. We are working with two  
2 different people right now that are professional coaches and  
3 trainers that would be able to provide instruction and  
4 coaching to riders, so it's not just a, again, an open free  
5 for all, it's a more controlled environment. It's basically  
6 for practice with very few race events, if any. At this point  
7 we have no plans for race events. If we were to in the  
8 future, it would definitely be no more than one a month, but  
9 again that's just potential down the road, but nothing that we  
10 have plans for right now. It would be strictly for practice,  
11 with people coming and going at their leisure, not necessarily  
12 a regimented schedule like a race day would have. I do have -  
13 I did not realize at the time that I was supposed to bring  
14 letters of opposition - or I mean letters of support ahead of  
15 time, so Dedrick did not prepare those for you. But I do have  
16 485 names of people in support of my project, and I do also  
17 have some demographics that show where the people are from.  
18 And they're actually scattered all around the state. While 43  
19 of my supporters are from Maricopa, there's 100 from Phoenix,  
20 63 from Mesa, 30 from Gilbert, 26 from Chandler, 25 in Tucson,  
21 20 in San Tan Valley, 13 in Peoria and 11 in Tempe. So it  
22 will bring people and money to Pinal County that don't  
23 necessarily live there or spend their time there now. Right  
24 now from Maricopa I drive 93 miles to the north part of - over  
25 by Lake Pleasant to ride on a track that's open similar to

1 this. So people do travel to ride on these type of tracks.  
2 So it will bring revenue, it will bring people to gas  
3 stations, convenience stores, hotels, things of that nature  
4 when they're coming to this facility to use it. We've had  
5 some concerns that I'm going to raise a lot of noise and dust.  
6 I do have a water truck onsite, it was visible in one of those  
7 pictures. I do get water from the well that is a mile down  
8 the road, and we keep the area wet when there's going to be  
9 people on there, so there will actually be less dust when  
10 we're there because of the watering, than if it was just dry  
11 and the wind was blowing the dust around. I'm not asking for  
12 anything to be provided by the County. We're not looking for  
13 any septic, any sewer, any water, any electricity. We're  
14 going to be completely self-sustained with solar power, and we  
15 would like to have our own well at some point. I do have  
16 questions about some of the stipulations and I was told that I  
17 could raise those issues and you guys could vote with or  
18 without those stipulations. One of the stipulations asks me  
19 to pave Liebre Road. I am definitely not able to do something  
20 like that. I'm a, you know, a single guy trying to start a  
21 business and I don't have the sort of funding to do anything  
22 like that, so I would ask that you would consider removing  
23 that stipulation. The other stipulation that I do have a  
24 little bit of an issue with is it states I can only operate  
25 during daylight hours. I don't have any plans currently to

1 operate in the evening or after sunset, but I would like to  
2 leave that open potentially down the road, because in the  
3 summer months the other tracks that do these sorts of  
4 activities are allowed to be open at night, and if I were to  
5 be open for some time and get some money generated, then I  
6 could potentially buy some lights down the road. So I would  
7 just like to leave that opportunity open moving forward.

8 RIGGINS: Okay. Any other comments for the  
9 Commission? I'll call to the Commissioners. Are you finished  
10 with your presentation?

11 FAY: Yes.

12 RIGGINS: Very good. Commissioner Salas.

13 SALAS: Where do you get your water from?

14 FAY: It's called Maricopa DWID. It's the well  
15 system off of Route 347 that the residents also get their  
16 water from. I had to pay to start an account with them, and  
17 then I just fill my water truck there and drive back and forth  
18 to my property.

19 SALAS: How close are you to your nearest neighbor  
20 there?

21 FAY: I don't know exactly in terms of feet how  
22 close I am to the neighbors. Those aerial views do show  
23 pretty closely -

24 ??: 36 feet.

25 SALAS: 36 feet? Are there - are you taking any

1 measures to reduce noise?

2           FAY: Yes, the way I designed this, the parking  
3 areas that are there are exactly in line with the two closest  
4 neighbors, so that the track itself is moved away from the  
5 houses and the people would be parking cars and trucks to  
6 provide a barrier between my tracks and the neighbors. And  
7 the way that we also built the track, it's kind of hard to  
8 tell from that aerial photo because it's far away, but there's  
9 still a lot of natural flora. We built the track with the  
10 idea of leaving the natural landscape as much as possible so  
11 that there's - there i's really a lot of green shrubs and  
12 bushes, all the trees and cactus that were there have been  
13 undisturbed. In some of the earlier photos where Dedrick took  
14 from Liebre Road, you can actually see onto the property, and  
15 I gave him some photos that he may be able to put up for us  
16 too, that show - when you're standing at the property line,  
17 you can't even see the tracks. When we had our neighborhood  
18 meeting there, one of the neighbors that showed up asked when  
19 we were going to start construction. They didn't even realize  
20 that it was done already. You can drive by this property from  
21 Highway 84 and you don't even know there's anything going on  
22 there. So it was really built with nature to keep it as quiet  
23 and hidden and as unin - as not damaging the land as possible.  
24 We can do things to provide sound barrier if there are issues.  
25 Right now I don't have water to the property, other than the

1 water trucks, so planting new plants may be difficult, but  
2 it's something that I am open to in the future if we need to  
3 do more.

4 SALAS: Let's say you do get the permit, do you look  
5 forward to being able to pave the road that you were requested  
6 to if you could?

7 FAY: If I could, I would love to. But I don't see  
8 how I could have the resources to do that.

9 SALAS: Well, not right now, but in the future is  
10 what I'm asking.

11 FAY: Sure. I think that would benefit the area and  
12 it would benefit me.

13 SALAS: (Inaudible).

14 RIGGINS: Okay. Other Commissioners, questions of  
15 the - Commissioner Smyres.

16 SMYRES: Is the track basically flat track, just  
17 follow the natural terrain, or does it have the jumps and all  
18 that like the one on Ironwood?

19 FAY: It has jumps. It's mostly natural terrain,  
20 but it does have some jumps and some berms, turns built into  
21 it too. That, that - I'm sorry, that's the main track. Of  
22 the three, there's one that's more like that that has more,  
23 then the two smaller ones are more for the recreational riders  
24 and the younger riders that do not have the bigger jumps.

25 SMYRES: (Inaudible) designing those, do you have to

1 have any type of engineering, or are you just by the fact that  
2 you know how to do it, go out and do it.

3           FAY: Yeah, it's done by, you know, just years of  
4 riding these types of tracks, build it the way I wanted it to  
5 be.

6           SMYRES: Okay, thank you.

7           FAY: You're welcome.

8           RIGGINS: Commissioners? Vice Chair Hartman.

9           HARTMAN: Chair Riggins. Planner Denton, I didn't  
10 see anything on here who this special use permit is issued to.  
11 I read Dirt Brothers and I read Michael, so I don't know if  
12 you had a name of who it would be issued to and if it's issued  
13 to the land or an individual.

14           DENTON: Our ordinance requires it to be issued to  
15 the land.

16           HARTMAN: To the land. All right. And my other  
17 question is, what is the length of time of this SUP? When  
18 does it have to be reviewed? Or does it ever have to be  
19 reviewed?

20           DENTON: Well we review those - I think we do review  
21 those, yeah, yearly.

22           HARTMAN: And that's - in the review it's on  
23 complaints, is it not for -

24           DENTON: For compliance.

25           HARTMAN: For compliance, all right. That makes

1 sense. All right, my next question is for Lester. We're  
2 talking roads, Lester. The applicant is asking that the  
3 access road not be paved, what is the - your - from Public  
4 Works, what is your comment on that?

5 CHOW: Well Vice Chair Harman, the Liebre Road right  
6 now is what, about a half mile to his entrance of dirt road.  
7 So one, it's an air quality, you know, dust control concern,  
8 and it's a requirement that we put on all these rezone and SUP  
9 cases, that they have a paved access to their site.

10 HARTMAN: So it is a half mile?

11 CHOW: Approximately. It might be under, about  
12 2,000 feet, something like that, but close to a half mile.  
13 More than a quarter mile, though.

14 HARTMAN: So to - I don't know what County standard  
15 you would have - he would have to pave to and what that would  
16 cost.

17 CHOW: And I don't have a cost for that either.  
18 Normally we require an asphalt pavement, but if you look at  
19 the stipulation on there, it does say as approved by the  
20 County engineer. It allows the applicant to come in, discuss  
21 options with the County. But we have to, you know, air  
22 quality requires it to be paved also because of their, you  
23 know, their dust concerns.

24 HARTMAN: And so many times those roads turn into to  
25 be water carrying conveyance, and therefore they're really

1 sandy and everything, so you'd probably have to - they would  
2 probably take some engineering. I don't know whether you  
3 could just do a chip seal on something like that.

4 CHOW: Yes, and without looking at the area I can't  
5 tell you exactly what -

6 HARTMAN: Yeah. All right.

7 DEL COTTO: Mr. Chairman.

8 RIGGINS: Yes, Commissioner Del Cotto.

9 DEL COTTO: If I could, is there a possibility that  
10 if the SUP were approved and that the applicant could start by  
11 using Liebre and he had a water truck and he would start the  
12 day out, let's just say by throwing water down on Liebre to  
13 and from the location, is there a possibility if this starts  
14 to possibly work in his favor in regards to not imposing on  
15 the neighbors and so on and so forth, that he possibly get a  
16 permit to enter egress on Highway 84, because it looks like  
17 his property is adjacent to Highway 84? I know that takes  
18 some time, but might that be a possibility that he could  
19 possibly start - I did go look at the Liebre Road, and it  
20 seems like it's quite a bit of a road that the water travels  
21 down through, through our neighborhood. So I almost - I don't  
22 know engineering-wise what the County would require or what  
23 they would even think they may need to do in regards to  
24 shedding the water at the same time that they would try to put  
25 a brand new asphalt, or a paved road down. So I think that

1 that would, that would create some challenges there on Liebre.  
2 But possibly, possibly if it started to make some sense in  
3 regards the business plan that he might have, maybe he could  
4 then start the process of an egress/ingress off of Highway 84,  
5 which looks like it would make a lot more sense for a long-  
6 term solution to the road, without having to pave a quarter to  
7 a half a mile of road.

8 RIGGINS: I would say that probably is a question to  
9 consider during the Commissioner discussion after the public  
10 portion of the meeting is over and see what the Commissioners'  
11 thoughts are on that. Other Commissioners for the applicant?  
12 Commissioner Aguirre-Vogler.

13 AGUIRRE-VOGLER: You mentioned about the road. Of  
14 course, that's the issue, I guess. But there are a lot of  
15 other stipulations here that cost a lot of money. The  
16 drainage report. Actually it's number 9, 10, 11 and 13, 14.  
17 Well anyway, I'm going to make a comment that personally I  
18 think something like this is kind of needed and necessary if  
19 you allow other, like four wheelers and things like that? I  
20 don't know.

21 FAY: Yes.

22 AGUIRRE-VOGLER: Okay. Because the reason I make -

23 FAY: (Inaudible) clarifying that.

24 AGUIRRE-VOGLER: The reason I'm making the comment  
25 is because I live around a lot of State Land along the

1 Interstate 10, and these people go out there on the State  
2 Land, you know, just stirring up dust without any control. So  
3 I feel a track is needed. But whether or not the County's  
4 going to, you know, help you out with these stipulations,  
5 that's another concern. But I, like I say, I mean these kids  
6 are going out at random, there's no - there's nothing, you  
7 know, helping them or doing anything like you're suggesting.  
8 So that's my comment.

9           FAY: Okay. And yes, we would have four wheel  
10 vehicles as well. We are also the only track in the Valley or  
11 in the area that would allow the new side-by-side-style  
12 vehicles that people drive, that are kind of like the dune  
13 buggies or the sand rails. They've become much more popular  
14 in the last five or so years. And we have one track that is  
15 dedicated just for those. So it would eliminate, like you  
16 talk about people going on State Land and giving them a people  
17 to drive those, where there is not a place to drive those at  
18 all right now.

19           AGUIRRE-VOGLER; Right. And from what I'm looking  
20 at on that road, Liebre is kind of like a canal, I guess.  
21 They would probably require you to build it up and all this.  
22 It would be very costly for you. So I'm hoping that there can  
23 be some sort of agreements. Thank you.

24           RIGGINS: Commissioners, further discussion?

25           HARTMAN: Mr. Chair?

1 RIGGINS: Vice Chair Hartman.

2 HARTMAN: Chair Riggins. Michael, this one's  
3 directed to you. Okay, I notice that there's - up to your  
4 northwest corner is some BLM land, and then down to the south  
5 and southeast there's some BLM land. Where does that  
6 wilderness - now let's go south - where does the wilderness  
7 area start? Is it south of I-8 or does it actually come  
8 closer to you than that?

9 FAY: Well south of my property is completely vacant  
10 all the way to the I-8. You can see straight down to the  
11 highway, there's nothing there.

12 HARTMAN: Okay. Let me interrupt you. How far are  
13 you from I-8? Because noise is a concern. That's one of the  
14 things that -

15 FAY: Okay. I don't know that distance.

16 HARTMAN: Is it a quarter mile? Half mile?

17 FAY: No, it's several miles.

18 HARTMAN: Several miles, okay.

19 FAY: Yeah.

20 HARTMAN: Okay, so now back to the BLM land.

21 FAY: I'm not familiar with where they are in  
22 relation to me, other than that they're south of me. If I was  
23 looking at that map, I would say that's probably a mile.

24 DEL COTTO: It looks like it might be closer to two  
25 miles, we were just looking at it.

1 HARTMAN: Well, okay. If those are sections, maybe  
2 not. On my map.

3 PUTRICK: Two miles to the highway.

4 HARTMAN: Okay, but to the BLM land.

5 RIGGINS: Those aren't sections, those are parcels.

6 HARTMAN: Parcels?

7 RIGGINS: Well, take it back. It's a mile  
8 (inaudible).

9 HARTMAN: Yeah, I would say so.

10 SALAS: (Inaudible) significant.

11 HARTMAN: Okay, is there any motorized vehicles  
12 running on that BLM land?

13 FAY: I couldn't tell you. I don't know. I'm sure  
14 there are, but I don't know who or what or when.

15 HARTMAN: And on BLM land a lot of times there is  
16 shooting, firearms? Firearms going? Do you hear any  
17 firearms?

18 FAY: I have heard shots while I was working, yeah.

19 HARTMAN: Okay. All right, thank you Michael.

20 RIGGINS: Commissioners Grubb.

21 GRUBB: Did you approach ADOT about accessing your  
22 property off the 84?

23 FAY: I did make a few phone calls and I do have a  
24 contact person that I need to speak with - or I can speak with  
25 about getting a permit. At this point, it's a little too

1 involved for me to afford it because of the engineering  
2 required, but it is something that I am open to doing and  
3 would like to do in the future.

4 GRUBB: Okay. Thanks.

5 RIGGINS: Okay, Commissioners, any other questions  
6 of the applicant? Commissioner Gutierrez.

7 GUTIERREZ: Michael, the majority of the - and I'm  
8 just trying to make it clear that the purpose of the track  
9 it's training, or is it - because you said there possibly a  
10 race once a month. The rest of the time would it be training,  
11 practice, a learning facility?

12 FAY: Exactly, yeah. Open practice that would be  
13 supervised. There would be someone responsible for overseeing  
14 each track, making sure that everyone's, you know, going the  
15 right direction, nobody's crashed, and it would basically be  
16 open practice. People could come and go at any time during  
17 the business hours and ride, you know, while they're there on  
18 and off at their own, their own leisure.

19 GUTIERREZ: Would this be - would they mainly be  
20 motocross-type bikes of, or -

21 FAY: I think that's what the majority is going to  
22 be. There will be some four wheel ATVs and side-by-sides. I  
23 think the side-by-sides would probably be the second largest  
24 crowd to the motocross bikes, mainly.

25 GUTIERREZ: Okay. Also in your parking area, you

1 know, is it going to be large enough for trailers and -

2           FAY: Yeah.

3           GUTIERREZ: And that type of thing to make the turns  
4 to park?

5           FAY: Yeah, park, the parking isn't going to be an  
6 issue there. And the way, again, I designed it to work with  
7 the natural terrain of the land, and to try and keep it as  
8 having minimal impact as possible, so it's really set back  
9 from the Highway 84, even though my property goes all the way  
10 up there, that's completely vacant and can be used for  
11 overflow parking, if there was, you know, for some reason to  
12 be ten guys show up with fifth wheel trailers one day and we  
13 don't have enough parking, then they could - there is a road  
14 that brings them up to the front part of the property where we  
15 could have overflow parking as well.

16           GUTIERREZ: Okay. There was one other - looking at  
17 the - your access, your entrance to the - to your park there,  
18 it's down on the - let's see, okay that one's, that one's  
19 turned around sideways, but yeah. Is there any, any way that  
20 with your property that you can access more toward 84 as  
21 opposed to driving all the way down to the south end there,  
22 and then going in?

23           FAY: No, there's a property owner between my  
24 property and Liebre Road that would keep me from doing that.  
25 And it is worth noting that there are no residences between

1 Highway 84 and my entrance, so they're not passing by any  
2 houses to get to me.

3 GUTIERREZ: Okay. There's two structures that I'm  
4 looking at with the - I haven't been out there, I hadn't - but  
5 there's two structures that I'm looking at, one on the north  
6 end, and one toward the south end, those are private  
7 residences?

8 FAY: On Liebre Road there?

9 GUTIERREZ: Well just south of 84.

10 FAY: Oh yeah.

11 GUTIERREZ: On the north end of your property there,  
12 and then on the south end there's another, it looks like a  
13 structure. Those are the two residences that are near your  
14 property there?

15 FAY: Yeah, the one that's up along Highway 84 has  
16 been vacant and abandoned as long as I've owned the property.  
17 I don't know how long it was vacant before that, but nobody  
18 lives in it currently. And then the ones you see that are  
19 just to the left of my parking area there, are trailers or  
20 mobile homes.

21 SALAS: Can you point that out? I can't see very  
22 well on that map.

23 FAY: Is it okay to walk over there and point -

24 GUTIERREZ: Is there a pointer?

25 RIGGINS: It's here in your packet.

1 GUTIERREZ: In your packet there. It's right here,  
2 over here.

3 FAY: Oh.

4 RIGGINS: Please, please, you can leave that, but  
5 please go back and sit down and we'll open it up to the public  
6 here in a moment.

7 GUTIERREZ: You should have it in your packet. What  
8 is the access, that one property that you mentioned that's  
9 abandoned off 84, what is, what is their access to their  
10 property?

11 FAY: They have a driveway from Highway 84.

12 GUTIERREZ: So they have a driveway directly from  
13 Highway 84 on there?

14 FAY: Yes sir.

15 GUTIERREZ: Now if - have you done any study or  
16 anything regarding the amount of noise that's going to be  
17 generated? I assume that the property south end - on the  
18 south end of your property, there is occupied, is there - has  
19 there been any study done on the type of noise or the amount  
20 of noise that they're going to be -

21 FAY: Yes. Yeah. All motorcycles sold in this  
22 country have to pass an 84 decibel sound test, and it's  
23 actually stamped right in the muffler. The County noise  
24 ordinance for - I got the exact terminology here, but - let's  
25 see. For a motorized sporting event 120 decibels at the

1 property line is the sound limit - or restriction, and all of  
2 these motor vehicles would be at 84 decibels or less.

3 GUTIERREZ: Okay. Would the, would the bikes be  
4 inspected prior to entering the track to assure that they're  
5 compliant with the regulation?

6 FAY: I -

7 GUTIERREZ: In other words I've been to motocross  
8 events and, you know, a lot of them are free flow, so it's -

9 FAY: Yeah, I could definitely make sure that  
10 anybody who is suspect or has a bike that's clearly louder  
11 than the rest than it should be, that I do go inspect them and  
12 potentially ask them to leave if they have an issue.

13 GUTIERREZ: Okay. Because I know a lot of the  
14 baffling is -

15 FAY: Yeah, even the performance mufflers that they  
16 sell nowadays still have to pass those sound tests, because  
17 they do sound test at professional races now.

18 GUTIERREZ: Okay. That's all for now.

19 RIGGINS: Commissioners, any other questions of the  
20 applicant? There none being, thank you very much. If you'll  
21 go sit down, we'll probably call you back up after we hear  
22 from the rest of the public, but we'll open this up for the  
23 public for comments in favor or opposition. If you'd like to  
24 come up and speak to the Commission, please do so now. Good  
25 morning, and if you could please put your name and address,

1 very good, and tell us your name.

2 PHILLIPS: My name is Patt Phillips and I live right  
3 next to the dirt bike park.

4 RIGGINS: Okay. Could you identify for us on the  
5 map that we have which - we have this map - which property do  
6 you live in?

7 PHILLIPS: You look at those pictures I gave him?

8 RIGGINS: Well, we have the map right here. Could -

9 PHILLIPS: Hold on.

10 RIGGINS: Okay, that's a picture. We're looking for  
11 your property here. This is Liebre.

12 PHILLIPS: Okay. This one right here.

13 RIGGINS: That's you, okay. All right, so you're to  
14 the, just to the west of the property, by his entrance road.

15 PHILLIPS: Yes.

16 RIGGINS: Okay, thank you.

17 PHILLIPS: I was wondering, is it still open range  
18 out there?

19 RIGGINS: I don't know if anybody on the Commission  
20 is -

21 HARTMAN: It is. Arizona State law.

22 (Inaudible).

23 HARTMAN: Yes, unless you fence it.

24 GUTIERREZ: (Inaudible) fence out, not fence in.

25 PHILLIPS: I just wrote what I wanted to say, is

1 that okay?

2 RIGGINS: That was it.

3 PHILLIPS: Okay. My name is Pat Phillips, I live at  
4 the property located at 47375 West Plata Road, and this  
5 property is co-owned by my two brothers and my sister and  
6 myself. And my brother and his wife and my sister and her  
7 husband come and spend part of the winter and spring on this  
8 property, and they all plan on moving to this property in the  
9 coming year. I also have friends from out of state who come  
10 to visit in winter and spring. All of these people and myself  
11 are against this motocross park going in. We all love where  
12 we live because it is so pretty and so quiet, and it's a joy  
13 for me to live there. I love it there. Even though we might  
14 not be a neighborhood like any of you live in, we are an  
15 established neighborhood all the same. We all live there  
16 because of the peace and quiet. There is no place farther out  
17 we can live unless we live along the interstate going to Gila  
18 Bend. But now we have been forced to listen to dirt bikes all  
19 day long. We have already been forced to listen to  
20 ambulances, police sirens and an emergency helicopter flying  
21 over our homes and landing on Mr. Fay's property. There's a  
22 great possibility that we will have to listen to all of this  
23 siren noise every time this park is open. Mr. Fay stated that  
24 in Maricopa magazine that in a monitored park setting it's a  
25 safe and controlled environment, but that has already been

1 proven not to be true. Even Mr. Fay himself has had a  
2 rollover on his property. A lot of us have lived in this area  
3 for a long time; my neighbor to the south for 20 years, me 39  
4 years, and other of my neighbors longer than 40 years. My  
5 daughter was raised here and her and her husband are going to  
6 sell their home and use that money to build them a house on  
7 their property so that my grandchildren can be raised here.  
8 They can't wait to live back out here where there are no city  
9 noises and sounds of sirens all day. Now there's a chance  
10 that this area will be just as busy and noisy. Home is a  
11 place where you should be able to relax and enjoy sitting out  
12 in your yard or on your porch. All of this noise will pretty  
13 much destroy that. I can't help but wonder how Mr. Fay would  
14 feel if we all went and parked next to his house and honked  
15 our horns all day or turned up our radios full blast and made  
16 all kinds of noise for him and his family to be forced to  
17 listen to. I'm sure he wouldn't like it. But he, without any  
18 consideration for all of us who enjoy living there, is making  
19 us do just that. There is nowhere on our properties where we  
20 can go to get away from the noise, not even in our homes. The  
21 Pinal County Mission Statement starts out by saying Pinal  
22 County government protects and enhances its citizens quality  
23 of life. If this is true, then you need to protect our  
24 quality of life. We were told that our taxes would go up if  
25 this park is approved. How fair is that to any of us who

1 don't even want this park there? I recently retired from  
2 working for the Pinal County Highway Department for 26 years.  
3 I finally get to sleep longer than four in the morning, and I  
4 love sleeping outside on my porch at night when the weather is  
5 nice. And there is just nothing like being woke up at sunrise  
6 by dirt bikes and dust. My porch is my favorite part of my  
7 house. I am always on my porch reading to my granddaughter or  
8 working on something, but the dirt bikes ruin that for us. My  
9 brothers Larry Day and his wife, and Terry Day and his wife,  
10 my sister Deanna Sanders and her husband, my daughter Jesse  
11 and Aaron Nietzel who own property right adjacent to mine, and  
12 my granddaughter and myself area all against this motorsports  
13 park and stadium - whatever stadium means, I don't know.

14 RIGGINS: Okay.

15 PHILLIPS: Thank you.

16 RIGGINS: Thank you. Stay up for just a moment.

17 Please come back. Commission Members, do we have some  
18 questions? Commissioner Gutierrez.

19 GUTIERREZ: Thanks for presentation there. You  
20 mentioned that, you know, right now you already have  
21 motorcycle noise and stuff, where is that noise coming from?

22 PHILLIPS: (Inaudible) park. He was using it all  
23 spring.

24 GUTIERREZ: If the park weren't there, would there -  
25 prior to the park being there, was there off road vehicles and

1 stuff using that area?

2 PHILLIPS: (Inaudible).

3 GUTIERREZ: Okay. Okay, that's it.

4 RIGGINS: Very good. Other Commissioners?  
5 Commissioner Salas.

6 SALAS: I'd like to get a little more clarification,  
7 because you stated that in addition to all the noise that you  
8 get from ambulances and whatever else, cop cars and whatever,  
9 this noise will be in addition to, so is there that amount of  
10 traffic there that this is going to be in addition to?

11 PHILLIPS: Well he's had an accident already on his  
12 property.

13 SALAS: No, no, no. What I'm saying is that all  
14 this will be in addition to all the noise that you already  
15 have there, so where does all that other noise come from?

16 PHILLIPS: I don't understand.

17 SALAS: Well that's what I don't understand, because  
18 you said this will be in addition to, that's the way I  
19 understood it. If I'm wrong, you know, somebody correct me.

20 PHILLIPS: Excuse me. It's already happened that  
21 we've had to listen to ambulances and police cars over there,  
22 and helicopter. Well that's not to say that it isn't going to  
23 happen every time this park is open.

24 RIGGINS: Are you indicating that that's happening  
25 because of the activities that are already going on at the

1 park?

2 PHILLIPS: Yeah.

3 RIGGINS: She's saying those noises are part of the  
4 activities at the park.

5 SALAS: Okay. Well that's - because to begin with,  
6 she said in addition to, that's why I was saying you must have  
7 a lot of traffic out there to begin with.

8 PHILLIPS: No.

9 RIGGINS: Other Commission Members, questions for  
10 the presenter? Commissioner Putrick.

11 PUTRICK: Yeah, the question I have is isn't there  
12 already a lot of noise associated with Highway 84?

13 PHILLIPS: No.

14 PUTRICK: No traffic on 84.

15 PHILLIPS: I don't hear it. It's not having dirt  
16 bikes right next door.

17 PUTRICK: Yeah, I understand. I sympathize with you  
18 about dirt bikes. Two cycle engines are annoying, so I  
19 understand that part of it. On the other hand, this gentleman  
20 wants to start a business and we like not to impeded business  
21 where we can, so it's - that's all I wanted to say. Thanks.

22 RIGGINS: Okay. Commissioner Gutierrez.

23 GUTIERREZ: Just for clarification, like Frank was  
24 saying there, the - you mentioned sirens and the police and  
25 the ambulances and stuff, was that a direct result because of

1 the property there, that you heard?

2 PHILLIPS: (Inaudible).

3 GUTIERREZ: Now often does that occur? I mean has  
4 it been just a couple of times, or?

5 PHILLIPS: The park isn't open yet, so I don't know.  
6 But there's a chance (inaudible) every time it's open.

7 GUTIERREZ: Okay, that's what I was wondering. If  
8 it's occurring constantly now or if it's a possibility that it  
9 might occur.

10 PHILLIPS: And because he hasn't really used a park  
11 (inaudible) complaining.

12 GUTIERREZ: Okay. That's fine, thank you.

13 RIGGINS: Vice Chair Hartman.

14 HARTMAN: Chair Riggins. Patt, I noticed on the  
15 plat layout, that he's got parking just to the east of your  
16 property, does that - that doesn't excite you at all. You  
17 mentioned radios playing and the guys do start their dirt  
18 bikes up, you know, they bring them in on their trailers and  
19 then they take them off their trailers and they start them up  
20 in the parking lot before they go out on the track, so.

21 PHILLIPS: Yeah, it's a lot of noise.

22 HARTMAN: Yeah, and then -

23 PHILLIPS: (Inaudible) house with the doors closed  
24 and the TV turned all the way up, and we can still hear the  
25 noise.

1 HARTMAN: Yeah, I know what you're saying. Okay.

2 Thank you.

3 RIGGINS: Other Commissioners, questions. Mr. Del  
4 Cotto.

5 DEL COTTO: Are you suggesting that if you're in the  
6 house and the TV's up full blast, that you can hear the  
7 motorcycles outside?

8 PHILLIPS: Yes sir. I can record it for you if you  
9 want to prove it.

10 RIGGINS: Other Commissioners. Question. To the  
11 best of your knowledge, when did this activity start at this  
12 site?

13 PHILLIPS: In the spring.

14 RIGGINS: Spring of this year.

15 PHILLIPS: Mm hm.

16 RIGGINS: Roughly a half a year ago.

17 PHILLIPS: Yeah.

18 RIGGINS: Okay. All right. Thank you. Any other  
19 questions at all? Thank you very much. Would anybody else  
20 like to come up to speak to this? If you could please, if you  
21 could please sign in and -

22 JUAREZ: Already done that, thank you.

23 RIGGINS: Thank you, if you could give us your name  
24 and address.

25 JUAREZ: My name is Dyani Juarez, I live at 10305

1 North Battleford Drive in Casa Grande, Arizona. I own the  
2 property that you were questioning earlier that has the  
3 Highway 84 access with the abandoned house. I kind of had my  
4 thoughts together for what I was going to say to you this  
5 morning, but I think Patt did a very good job of summing that  
6 up, and after hearing some of the discussion this morning, I'd  
7 like to clarify some other points. Patt was talking about how  
8 the residents in this area have been there for a long time. I  
9 bought my property probably somewhere around six or seven  
10 years ago, and that was the Miller homestead. The Millers  
11 lived there about 40 years, and I am friends with some of  
12 their children that were raised in that home. I ended up  
13 purchasing the property, there were some medical issues, the  
14 family needed some money and that's why I purchased the  
15 property to help out the family. My intention with my  
16 property that the home - the original home, there is an  
17 addition on it, is from the 50s. It's kind of rough, rundown,  
18 my intention with the property - and I had contacted the  
19 County a couple times about what I needed to do to get permits  
20 to remove the portion that's from the 50s and rebuild that to  
21 bring it up to code, and I'm thinking to myself if I bring  
22 this property up to code and get it to the point where I can  
23 sell it, who's going to want to live next to this motorsports  
24 park? My property to, I believe, the south borders Track 2  
25 and based on the pictures he has up there, it looks like it's

1 probably less than - I don't know - it looks pretty close to  
2 my property line. I'd question whether it's 10 or 20 feet  
3 from my property line, and that is Track 2. Mr. Fay's come  
4 here today, he claims he's got 400 supporters all over the  
5 state, I didn't hear him say anything about having any  
6 supporters for the motorsports park is going to be. Listening  
7 to some of the comments from some of the Commissioners, it  
8 sounds like you all believe that there is a need for something  
9 like this, somewhere for people to go, people have four  
10 wheelers, dirt bikes, driving across the desert, I've never  
11 observed that. In the years I've owned my property, I'd go  
12 out there on the weekends, recreation, just kind of walk  
13 around, enjoy the fresh air. Now we've got dirt - he claims  
14 he's got a water truck, the water truck doesn't do anything if  
15 you don't move it. If you're not out there watering  
16 everything down, you've got dust kicking up. These activities  
17 have already been going on, Patt already explained some of the  
18 activities that have been going on, some of the accidents that  
19 have been going on; if you allow this special use permit and  
20 he opens up a business and operates this on a regular  
21 business, there's going to be increased traffic, increased  
22 accidents, and who knows what else besides the noise and  
23 pollution and everything else that's already going on, when he  
24 doesn't even have permission to use the property in that way.  
25 Thank you.

1           RIGGINS: Thank you very much. Commissioners, do  
2 you have any questions to the presenter? None being, thank  
3 you very much. Thank you very much. Do we have anybody else  
4 that would like to come up to speak? Good morning.

5           T. FULTON: Good morning.

6           RIGGINS: And if you could please make sure your  
7 name and address is listed on the sign-in sheet, and then tell  
8 us who you are and where you're from.

9           T. FULTON: Yeah, my name is Tina Fulton, I live at  
10 46651 Sanchez Road. I'm the property that's the big one,  
11 that's cleared, on - yeah, that one. East, yes east of the  
12 property.

13          RIGGINS: Thank you.

14          T. FULTON: That's my property. And he's been out  
15 there, let's see, about, yeah about spring is when he was out  
16 there and the helicopter went land - it looks like it was  
17 going to land in my yard, because somebody had gotten hurt.  
18 My neighbors came in, had just bought the house next door and  
19 they're from Canada, they had just came in with their horses.  
20 It scared them to death. The horses went crazy. He's got  
21 motorcycle running up and down on the property, and he says  
22 that he runs that water truck. My husband filmed him just a  
23 couple weeks ago and they were riding on there, that water  
24 truck never moved. He had the tractor moving dirt, that water  
25 truck never moved. And we can hear those motorcycles clearly

1 in my living room. And that's in a closed house. It's, it's  
2 not liable - I mean like she said, it's something we need.  
3 Okay, it's something we need; put it in an area where there  
4 isn't residents. And that's my point. He wouldn't like it if  
5 it was next to his house. I moved out here three years ago  
6 for medical reasons and for the peace and quiet. And I should  
7 have moved to the city if I want noise. It is so quiet out  
8 there. And he, she misspoke about the ambulance stuff. It's  
9 when he did this is when all the noise was. But other than  
10 that, it is extremely quiet out there. We like to sit out  
11 there and look up at the stars because it's something you  
12 can't see in the city, and enjoy the peace and quiet. You  
13 can't do it when the motorcycles are doing it. And the dust  
14 is ridiculous, for us that are asthmatic. So that's all I've  
15 got to say.

16 RIGGINS: Thank you very much. Commissioners, any  
17 questions?

18 SALAS: I have a question.

19 RIGGINS: Commissioner Salas.

20 SALAS: Did you bring those pictures?

21 T. FULTON: He's got them in his phone.

22 SALAS: Pardon?

23 T. FULTON: He has them on his phone.

24 SALAS: My question was did you bring them.

25 T. FULTON: No.

1 SALAS: I don't care where they are at. I just want  
2 to know -

3 T. FULTON: Oh, yes. He says he's got them on his -  
4 yes.

5 SALAS: Okay, well he's going to have an opportunity  
6 to speak. That's all I'm asking.

7 T. FULTON: Okay.

8 SALAS: Thank you.

9 RIGGINS: Commissioners, any other questions of the  
10 presenter?

11 DEL COTTO: If I could.

12 RIGGINS: Commissioner Del Cotto.

13 DEL COTTO: If I could, Chairman. I don't know if  
14 this is a question for this young lady or if it's a question  
15 for the County, but at some point we look like we designated  
16 this as an employment district. I don't know when that  
17 happened, if that were prior to these people living there, or  
18 if it's something that was just recently put in place in  
19 regards to providing an environment for employment, and so on  
20 and so forth? Does anybody have any -

21 RIGGINS: I would think that's probably a staff  
22 question after - I don't think she can answer that for you.

23 T. FULTON: No.

24 DEL COTTO: Okay.

25 RIGGINS: Okay. All right, thank you. Any other,

1 any other Commissioners questions. Thank you very much.

2 Anyone else wish to come up?

3 K. FULTON: Yeah, I'm Kenneth Fulton, live at 46651  
4 West Sanchez Road. I was outside -

5 RIGGINS: And please sign in for us before you -

6 K. FULTON: Okay, I'm Kenneth Fulton, 46651 West  
7 Sanchez Road. I was outside helping my neighbor fix his  
8 corral for his horses when he came in, and the helicopter came  
9 overhead, was hovering and scared, you know, scared the horses  
10 and my neighbor says I thought it was supposed to be quiet out  
11 here, why is there a helicopter? And we found out that a guy  
12 had wrecked on a motorcycle, broke his ribs, and he's  
13 supposedly an expert rider and he keeps saying that nothing's  
14 going to happen over there, no wrecks, no dirt's going to be  
15 flying. He done rolled his four runner over there, so on and  
16 so forth. I have videos on my phone showing on three separate  
17 occasions motorcycles on the other side of the track making  
18 dust and everything else, and the water truck sitting in the  
19 same place. And they're like 15-20 minutes apart, it's on the  
20 video. That water truck has not moved since day one that he's  
21 been out there building big old mountains of dirt out there  
22 with no permits and so on and so forth, messing up the canals  
23 to where the water's not coming down the canals on the rainy  
24 days, it finally busted open and I almost got flooded at our  
25 house. And I got a few pictures of that also, of the water

1 going through the canal that, you know, he says he did not,  
2 you know, do any damage to when he digs the dirt out and he  
3 piles it up 30 feet in the air of these motorcycles to ride  
4 on. And you've got cabin fever and all that other stuff, and  
5 the dust that's coming through and everything else that's  
6 blowing over because he's not using his water truck. You  
7 know, my grandson lives with us, he's asthmatic and I'm sure  
8 my neighbors that are, you know, three acres over that get the  
9 dust too that are on oxygen and everything else, you know,  
10 that couldn't make it here, don't need all that extra dust  
11 blowing around either.

12 RIGGINS: Okay sir, very good. Commissioners, any  
13 questions or comments?

14 SALAS: I have a question.

15 RIGGINS: Okay, Commissioner Salas.

16 SALAS: On how many occasions did you take these  
17 pictures?

18 K. FULTON: Like I said, I think it was October or  
19 beginning of November they were out there riding on the -  
20 riding with the dirt, I took about a 10-15 minute video, then  
21 I took about a 10 minute break and went back and - I was  
22 standing in my window of my family room looking out over the  
23 track, watching them over there kicking up dust, and I made  
24 three different videos about 15-20 minutes apart on the same  
25 day.

1           SALAS: Oh, I was going to ask that, if they were on  
2 the same day. Were there any other occasions, other days that  
3 you -

4           K. FULTON: Not that I took videos, no.

5           SALAS: So this is a one day occasion.

6           K. FULTON: Yeah one - like I said, you know, I'd  
7 been out there - every time I hear a motorcycle I go out  
8 there, and like I said, I seen - I went over there and asked  
9 him if he was okay when he rolled his four runner, and he had  
10 to go get his tractor to flip it over.

11          SALAS: Well, I was concerned with the use of the  
12 water truck. You know, you say that -

13          K. FULTON: And -

14          SALAS: Never moved and that you filmed, you know -

15          K. FULTON: Yeah, and my neighbor's property that  
16 we're thinking about buying off him, the property line is  
17 right there, and his track is like five feet over from it,  
18 from the property line, that he was running his four runner  
19 down where he rolled it. So yeah, I mean - and he says well  
20 nobody's going to come into your property and roll - you know,  
21 they can't get over through that little barb wire fence. A  
22 barb wire fence is not going to stop anything.

23          SALAS: Was the distance to the property or was it  
24 to the house? How close was the house situated?

25          K. FULTON: My house is about an acre over.

1 SALAS: The one - you're talking about your neighbor  
2 there.

3 K. FULTON: My neighbor, the property line - his  
4 track is like six feet, if that, from the property line.  
5 Because the property line's right here, and then he cut his  
6 little road over here that he, you know, he's running on.

7 SALAS: I'm asking about -

8 K. FULTON: He said he ain't been kicking no rocks  
9 or anything up, there's a turn right there that throws the  
10 rocks over into the neighbor's property.

11 SALAS: Okay, let me put it this way. Are there any  
12 structures right there where you're describing there, that  
13 close.

14 K. FULTON: Not right at this moment, no.

15 SALAS: Okay, thank you.

16 K. FULTON: Other than my house, you know, it's  
17 still within rock throwing distance.

18 SALAS: Thank you.

19 RIGGINS: Commissioners. Commissioner Gutierrez.

20 GUTIERREZ: Yes sir. Can you kind of generally  
21 where your house is on that map? I mean does it show up?

22 K. FULTON: Yes, the big (inaudible) on the other  
23 side there. I don't know if you can zoom it in. That is it  
24 right there.

25 GUTIERREZ: Right there.

1           K. FULTON: Yeah. The track runs right along side  
2 that property. I mean there's - my neighbor's property there  
3 is maybe 30 feet wide, if that, you know, on that side of the  
4 property.

5           RIGGINS: Okay. Commissioners, any - Commissioner  
6 Smyres.

7           SMYRES: The incident that you're talking about, is  
8 it only the one vehicle, the one motorcycle that's there, the  
9 gentleman that owns the property, or is there more people, or  
10 -

11          K. FULTON: There's multiple bikes there. On the  
12 video I've got, there's at least three bikes.

13          SMYRES: At least two?

14          K. FULTON: Three.

15          SMYRES: Three?

16          K. FULTON: And they have a little tent set up like  
17 they were, you know, taking money for the people or, you know,  
18 set up on the other side. I had to get in my - I got my  
19 binoculars and put it on the camera phone so I can zoom in a  
20 little bit further to see the water truck and whatnot, so you  
21 know, because your video - your video on your phone only goes  
22 so far, and I got a little bit clear - and you can see the  
23 three or four bikes over there kicking up dust.

24          SMYRES: But you can't tell whether they're his  
25 personal bikes or -

1           K. FULTON: I have no idea. They were on the other  
2 side of the track.

3           SMYRES: Okay, thank you.

4           GRUBB: Mr. Chair.

5           RIGGINS: Commissioner Grubb.

6           GRUBB: I'm the emergency responder on the Board, so  
7 I look at things from an emergency response standpoint. And  
8 you're complaining about - and I've heard about the sirens and  
9 the police cars and helicopter, and would your neighbors be  
10 here complaining if the helicopter came to pick up your  
11 grandson and landed on your property and stirred up the dust?

12           K. FULTON: No, that's -

13           GRUBB: See, helicopters are a necessary thing, you  
14 know, and so are the fire trucks and the ambulance and the  
15 police cars. No matter what the incident is, you know, they  
16 are necessary and it's going to happen in your neighborhood  
17 whether there's a track or not. So, you know, for me that's  
18 not a valid complaint unless it was happening, you know, five  
19 days a week or whatever.

20           K. FULTON: Well the track hasn't opened up yet.

21           GRUBB: And I understand that, and I think that  
22 maybe the work that you saw him doing with the motorcycles,  
23 you know, I don't know, maybe he's testing the track and  
24 working towards perfecting it so that there is less chance of  
25 an incident occurring on the property. You can't just dump

1 dirt and assume that nobody's going to get hurt, you have to  
2 go through a process, and obviously he has a background that  
3 he understands that. But, you know, it bothers me when people  
4 use helicopters and ambulances as a reason not to have  
5 something happen, until it happens on your own property, and  
6 then you want to know why didn't they come for me, so. Yeah,  
7 I just - and I'm not criticizing you, and I understand why you  
8 moved out there, and you know, I wish I could live in a rural  
9 area like that as well, but nobody's monitoring what you're  
10 doing on your property. And so he's doing something, he's  
11 asking for permission to do something on his property, and  
12 that's what he's in front of us to talk about. And it's very  
13 nice that some of you were able to come in and speak your  
14 minds, and I do appreciate that because it does have an impact  
15 in discussions. But, you know, I just ask please don't use  
16 helicopters and ambulances as a reason not to have something  
17 in the neighborhood.

18 K. FULTON: But there is also 30 acres of land on  
19 John Wayne Drive and 84 that is already commercial land that's  
20 for sale, that he could build his track and it won't interfere  
21 with any homes.

22 GRUBB: He doesn't own that land.

23 K. FULTON: I know he doesn't own -

24 GRUBB: He's talking about the land that he owns.

25 K. FULTON: Right, and I understand that, but I'm

1 saying instead of buying residential land to put a business  
2 on, he could have bought the commercial land, you know,  
3 instead of, you know, that way he don't have to get the permit  
4 to run a business in residential prop - areas.

5 GRUBB: And there again you're asking us to regulate  
6 somebody's land purchase, and nobody stopped you from buying  
7 the home that you have.

8 K. FULTON: Thank you sir.

9 RIGGINS: Any other questions or comments? Thank  
10 you very much. Does anybody else wish to come forward to  
11 speak? Please come forward.

12 SALAS: Mr. Chairman?

13 RIGGINS: Commiss -

14 SALAS: Never mind.

15 RIGGINS: Okay. Could you please sign in and give  
16 us your address and then tell us the same.

17 BECK: My name's John Beck, 47467 West Highway 84.  
18 I've got property corners -

19 RIGGINS: Could I ask you to get that written down  
20 before you - okay, yes sir, go right ahead now.

21 BECK: Okay. My name's John Beck, 47467 West  
22 Highway 84. Back corner of my property is 93 foot away from  
23 the fence of that property. I'm also straight across the road  
24 from Patt Phillips. I've lived there since '95, so I've seen  
25 a little bit about what's happening. And there's a couple

1 things, Rand, Mr. Del Cotto asked about that employment deal.  
2 When that came up, I think that come out of the Maricopa Wild  
3 Range Plan, because (inaudible) gave me a copy of it and  
4 that's when it started showing the employment down through  
5 there, 20, 50 or whatever they might get happening. Is also  
6 planned on that Highway 347, go down make a new interchange  
7 off of Interstate 8. So I know that's the first I heard about  
8 that part of it. Now this track, it don't really bother me  
9 that much. The wind blows away from me toward the track 98  
10 percent of the time of the year, so the dust, I'm not worried  
11 about. I'll have the noise. I can live with that, I guess.  
12 If they get out there too early, I guess I'll have to get up  
13 early. Either that or go somewhere. The concerns on that  
14 Liebre they talk about wanting to pave it. I would love to  
15 see that. But, the way our County, the road people do, and  
16 they've done it since day one, I guess, so they use the roads  
17 as the waterway for whenever it rains for the place for the  
18 water to run, and Liebre gets pretty much unpassable. I've  
19 got a four wheel drive truck, most of the time I can get out  
20 that way, but I've seen times I didn't even want to take it.  
21 I have to go around the other way. They'd have to bring - if  
22 they brought that up enough to where they could pave it, then  
23 you've got Plata, is another waterway coming down into Liebre  
24 right there at that corner, what are you going to do then?  
25 You going to raise it up and get it above grade too? Right

1 now that road's - Liebre's over two foot below grade. It's  
2 dug down that deep, so that - I don't know how the County  
3 would do that. I know it'd be nice if they'd make him fix it.  
4 The County would like that. All of us taxpayers would, but  
5 it's not, it's not really feasible. Well that's the biggest  
6 part I can think of right now. I know there was a couple  
7 other items, but I can't remember exactly because I didn't  
8 have notes.

9 RIGGINS: Very good. Commissioner Members, any  
10 questions of the -

11 DEL COTTO: If I could.

12 RIGGINS: Commissioner Del Cotto.

13 DEL COTTO: I would just like to make that point,  
14 you know, we sometimes - I sometimes feel like the County  
15 requires or at least requests so many things to happen for  
16 individuals that want to come and open up a business, and this  
17 is a perfect example when you have a road like Liebre, but  
18 then you have another road like Plata that may be running the  
19 water to Liebre, and all we've done over the years is brought  
20 it down another half inch, brought it down another half inch,  
21 brought it down another half inch, and we've literally got  
22 washes for roadways. And so I can see when an applicant asks  
23 for a stipulation to possibly be removed, or maybe just some  
24 additional grading that needs to go on from time to time,  
25 grading and additional water, versus trying to, you know, turn

1 a half a mile of dirt road that's a wash into a paved road, so  
2 I think you made a good point there.

3 BECK: My place is - how does the light work on  
4 this? My property goes right here. This place right there.  
5 Patt, her - she's right in this area. And then, you know, of  
6 course the track is right here. I know exactly where it's at  
7 because I helped walk it out and find the corners when he was  
8 first getting read to look at it, decide what to do with it.  
9 I'm not for it, I'm not against it, so.

10 RIGGINS: Commissioners, other questions or  
11 comments? Thank you very much, sir. Do we have anybody else  
12 that would wish to come up and speak to this case in favor or  
13 in opposition? Yes, would the applicant please - actually  
14 we're going to close the public participation portion, and the  
15 applicant please come back to speak to your case before the  
16 Commission. To the applicant. Go ahead, Commissioner Salas,  
17 go ahead.

18 SALAS: Mike, how often have you had any accidents  
19 out there that have required a helicopter or ambulance  
20 service?

21 FAY: One time.

22 SALAS: One time. In the year that you've been  
23 there.

24 FAY: Yes sir.

25 SALAS: Thank you.

1           RIGGINS: Go ahead. Give us your discussion after  
2 hearing the people that have been up to speak.

3           FAY: I just wanted to offer a little clarification  
4 on a few of the things, and one was that there has been one  
5 accident, and there was one time that happened. But I have  
6 actually kept a log of the times that I've been out there  
7 since I've bought the property that I've ridden on it, and  
8 it's been six times since January 1<sup>st</sup> that I've actually been  
9 out there and had motorcycles with me. At no time has there  
10 ever been anything where it's been open to the public or open  
11 for business. I've never taken any money or advertised that  
12 people could come and use the property. So a lot of these  
13 statements about constant noise and it goes on all day that  
14 are in some of those letters and complaints that were sent  
15 out, are just completely inflammatory and not based on  
16 reality. And also there's been some claims of washes being  
17 diverted and dirt being taken in and out of them, but again,  
18 that's just - it's inflammatory and it's being used to create,  
19 you know, an unnecessary cause for concern. All the washes  
20 have been not disturbed. People from Pinal County Flood  
21 Planning have walked the property with me and inspected the  
22 washes. When we had the neighborhood meeting, I offered to  
23 walk the property with any concerned neighbors and walk the  
24 washes with them. There has been no backups and no issues  
25 with water drainage whatsoever, either.

1           RIGGINS: Okay. Any other - any, okay, Vice Chair  
2 Hartman.

3           HARTMAN: Okay, let me turn my mic on. Michael,  
4 then you're saying that you - in the washes you haven't  
5 diverted the flows, the natural drainage flows of any of those  
6 washes.

7           FAY: That's correct.

8           HARTMAN: All right, because that's important, even  
9 if you were subdividing. You know, people are concerned about  
10 what you're doing with your land, but you're General Rural,  
11 which means acre and a quarter. You could subdivide that and  
12 there could be 30-plus lots in there, and would that be more  
13 of a problem to the surrounding neighbors to have 30-some  
14 horse or motorcycle individuals, or other land uses of your  
15 property than what you're proposing? And one thing, you are  
16 applying for a special use permit. I notice that there was  
17 some industrial comments made, industrial zoning, but it's not  
18 that, it's a special use permit.

19          FAY: That's correct. We switched gears in this  
20 process. At one point we were considering a hard rezone, but  
21 we're back to the special use permit.

22          HARTMAN: All right, and I appreciate that, because  
23 as long as you do things right, and there's no real  
24 complaints, valid complaints, you can operate under a special  
25 use permit. So - but there is some problems. We mentioned

1 the road, we're talking about a half mile of paving, that's a  
2 problem. So the access to your property, that's a problem.  
3 The noise, the decibel level could be, because the two cycles  
4 and the motorcycles. Motorcycles are noisy in themselves, and  
5 most motorcycle riders like to make them noisy for some  
6 reason. So - and anyway, so that noise is a problem. The  
7 other thing is the air quality, and I realize that you might  
8 use your water truck, and I'm sure you have a record of how  
9 much water - with the water company - you have a record of how  
10 much water you have purchased and used on your property,  
11 although in Arizona and especially in your area - my area too  
12 - you can water a road and 15 minutes later it's not. But I  
13 know for a fact my grandsons ride motorcycles and they need it  
14 wet. They don't like to just ride in pure sand. If they did,  
15 they'd go down to Yuma and ride down there in that area. So  
16 air quality is a problem. So I basically see you have three  
17 problems, you know, the road access, the noise and the air  
18 quality.

19           FAY: I have no problem addressing any noise issues  
20 down the road if they should arise. I am open to planting,  
21 you know, a row of trees or bushes in areas where people may  
22 be living close by. Again, I go back to the noise ordinance  
23 of 110 decibels. I would not be in violation of that, and I  
24 kind of feel that's almost like comparing to a speed limit.  
25 You know, if you have a speed limit of 55 miles an hour and

1 you're only driving 45, they can't give you a ticket for  
2 speeding. So if these bikes are producing 84, 86 decibels and  
3 the noise ordinance is 110, while it might be noisy to some  
4 people, it's still not in any violation or breaking any law.  
5 With that said, again, I still don't have a problem helping to  
6 control the noise so it doesn't carry, so that people who do  
7 live close-by don't have to endure noise that's not welcome to  
8 them. I just don't have the ability to put that on my site  
9 plan and do it tomorrow. But I'm totally willing to work with  
10 people on that. And the other thing with the air quality,  
11 just watering the track and keeping it fresh, like you said.  
12 I would be doing it constantly throughout the day, and even  
13 prepping it ahead of time before people got there, because  
14 like you said, they don't want to ride in dusty conditions or  
15 sandy conditions, but it would actually improve the air  
16 quality to the surrounding neighbors because I'm controlling  
17 the dust above and beyond what you would get if I wasn't out  
18 there. If there was nobody out there and no motorcycles, it  
19 would be bone dry and the wind would be blowing dust  
20 everywhere anyways. So I think contrary to the idea that I'm  
21 going to make dust, I'm actually going to help contain the  
22 dust that occurs naturally out there.

23 RIGGINS: Okay, Commissioners.

24 GUTIERREZ: Mr. Chair.

25 RIGGINS: Commissioner Gutierrez.

1           GUTIERREZ: Thank you. How many bikes were - or  
2 side by sides do you anticipate would be running the track at  
3 any one given time? At a high point.

4           FAY: At a high point, there might be 25 to 30  
5 people at a time. The main track is a little over a mile  
6 long, so it can fit a decent number of bikes on it without  
7 having traffic issues or safety issues. And on - that's based  
8 on what the local tracks get on a high traffic day already.

9           GRUBB: Mr. Chair.

10          RIGGINS: Commissioner Grubb.

11          GRUBB: Do you live on or near the property?

12          FAY: I do not live on the property, I live 12 miles  
13 away.

14          GRUBB: Is your intent to move onto the property?

15          FAY: Potentially it could be something that I could  
16 do down the road. I have discussed it with my wife, but right  
17 now living in Maricopa and having one boy in school and then  
18 another boy who's going to be in school, I think we're going  
19 to stay closer to his schools for the time being.

20          GRUBB: Okay. Is there something other than water  
21 that you can use to help control the dust off your track? I  
22 know ET Motopark uses some -

23          ??: Dust problem.

24          GRUBB: Yeah, they use the straw and stuff from the  
25 cattle farms, which are pretty close to you too, and they use

1 that to help pack the track and keep the dust control down, is  
2 that something that you've considered?

3           FAY: It's something that I need to look into a  
4 little bit further. I know that there are some tracks that  
5 have used hay and there's some that have used manure, but I  
6 think the manure poses some issues with public safety and  
7 health, so I wouldn't be interested in that. But I - if the  
8 hay is something that can be safe, I would do that to keep  
9 some more moisture in the soil for sure.

10           GRUBB: Okay, thanks.

11           RIGGINS: Commissioners? Commissioner Del Cotto.

12           DEL COTTO: Mike, is it safe to say that before you  
13 purchased the property, did you, did you at any point, did you  
14 realize that you were in an employment district there, and  
15 that you had a possibility of possibly opening your business  
16 there, prior to purchasing the land?

17           FAY: Yeah. I was unaware of what that meant at the  
18 time, but I spoke with the person who sold me the land, and he  
19 really pushed that this was an area where they're predicting  
20 growth with the Comprehensive Plan and that it was in the  
21 employment zone, even though it was General Rural. So I then  
22 came down and met with Planning and Zoning before I even  
23 bought the property and explained what I was looking to do and  
24 then they steered me towards the special use permit process.

25           DEL COTTO: Thank you.

1           RIGGINS: Other Commissioners? Question I have. In  
2 your stipulations you're not limited anywhere to the number of  
3 people that could be there at one time, but you said that you  
4 thought maybe 30 would be as much as would be there at one  
5 time.

6           FAY: Yeah.

7           RIGGINS: And you also made a statement that the  
8 modern mufflers on these bikes are rated to go no higher than  
9 84 decibels. Do 30 bikes at 84 decibels still only produce 84  
10 decibels?

11          FAY: Yes. I actually asked my engineer about that,  
12 and the term he used was you can't compound decibels. And  
13 what that means is exactly what you said, 30 bikes at 84  
14 decibels is still 84 decibels of noise.

15          RIGGINS: So one child in a classroom makes the same  
16 noise as 50?

17          FAY: If we're measuring decibels, the loudest one  
18 would be the highest decibel rating.

19          RIGGINS: Yeah. Okay. That is the opinion that  
20 you've given at this time. Very good. Any other questions?

21          SALAS: If they're at the same level of noise,  
22 that's what it (inaudible).

23          RIGGINS: Okay. Very good. So thank you very much.  
24 We'll totally close the public portion of the meeting and I'll  
25 turn - no ma'am. You had your chance when you were up. I'll

1 turn it back to the Commission for questions and questions to  
2 staff and discussion among the Commissioners. Vice Chair  
3 Hartman.

4 HARTMAN: Chair Riggins, Commission Members, I have  
5 a question on that road. I - we have a lot of roads in our  
6 County that should be paved that aren't paved, and you can't  
7 ask a private individual to take on a burdensome amount of  
8 expense to pave a road because of -

9 SALAS: A public road.

10 HARTMAN: Yeah, it's a public road, but anyway you  
11 can't ask an individual to do that, so I have a problem with  
12 that, the paving of the road. And I think maybe the access  
13 that we were talking about that was mentioned coming off of 84  
14 through ADOT would be a logical solution. So I have a problem  
15 - I know that there is a need for this type of recreational  
16 entertainment or sporting event, and I do know that it needs  
17 to be addressed and it needs to be done, but it's got to be  
18 done right. And so I put it to the Commission to -

19 RIGGINS: Okay, other comments, questions?

20 SALAS: I'd like to comment, Mr. Chair.

21 RIGGINS: Commissioner Salas.

22 SALAS: I think that Mike has expressed the fact  
23 that he wants to cooperate with the neighborhood, however many  
24 there are in the neighborhood, and I think that if they could  
25 possibly work together provided this goes through, that they

1 could eliminate most of the problems. There is going to be  
2 some dust control. Like Mike said, that'll be an added plus  
3 because there's no dust control at the present. As the  
4 gentleman back there said, the wind blows 98 percent of the  
5 time away from the property. It'll blow the noise 98 percent  
6 away from the property as well - I mean the dust, as well as  
7 the noise if it's the way that it really blows. So we also  
8 have the question of property rights. The gentleman owns the  
9 property, he's in an area where the County wants to promote  
10 employment. If anybody else were in his shoes and it was your  
11 property, I think you would want that consideration as well.  
12 So I believe that he has expressed himself very cooperative in  
13 trying to work with his neighbors. That's all.

14 RIGGINS: Okay. Thank you. Commissioners,  
15 questions or discussion? Sure, Commissioner Grubb.

16 GRUBB: I agree with Commissioner Salas. I think  
17 that, you know again, we look at property rights and Gordon's  
18 not in the room is he? I'm going to say this again. As an  
19 employment area, there is a variety of things that could be  
20 placed on this land that would cause even more traffic, even  
21 more issues, even more noise than what he's looking at. The  
22 County determined this was an employment area and - that went  
23 through a process and, you know, I don't know if anybody stood  
24 up in opposition to that, but this is a - you know, we're  
25 looking at this - it's a major crossroads and with all the

1 attention that's given to this area from the 84 interchange  
2 all the way down to where the 8 meets the 10, and up through  
3 Casa Grande. I mean this area is going to be developed  
4 tremendously over the next 50 years as commercial and commerce  
5 and entertainment and you name it, it's all going to happen in  
6 here. And, you know, if I own land out there, I might be  
7 opposition to somebody that wanted to build something there,  
8 but it's his property. He's following the rules. He did his  
9 research before he purchased the land. This is - this fits  
10 into the designation of the land. So - but I agree that  
11 asking, you know, a small business owner to pave a half a mile  
12 of County road, even if it's only half of it, you're probably  
13 still looking at a half a million dollars for the improvements  
14 that have to be done, and I think that's extraordinary to ask  
15 a private property owner to do when you're not asking the rest  
16 of the people that use that road to help pay for those  
17 improvements. So I just have a hard time with it. Sorry  
18 Lester.

19 RIGGINS: Okay. Commission Members? Commissioner  
20 Del Cotto.

21 DEL COTTO: And if I could, it does say in that  
22 stipulation, it does say that there possibly is require to  
23 site, or as approved by the County engineer. I don't know  
24 what exactly that may be, but maybe someone at the County  
25 level could share some, share some light on that in regards to

1 an alternative.

2 CHOW: Commissioner Del Cotto, what that does is it  
3 allows the applicant, should this case get approved, or for  
4 approval, is the stipulation's not taken away. Some dust  
5 control measure has to be done, but the applicant has to  
6 present it to the County engineer with different alternatives.  
7 That doesn't mean that, you know, it'll be taken away. The  
8 County engineer may still say you, you know, they want the  
9 road paved, maybe you can do chip seal - a different  
10 alternative. It just allows the applicant to come in to  
11 discuss what options. But it's at the approval of the County  
12 engineer.

13 RIGGINS: Commissioners? Commissioner Gutierrez.

14 GUTIERREZ: Regarding the SUP, one of the issues - I  
15 mean, and I'm all for property rights and owners rights with  
16 their property, however the adjacent owners' properties, the  
17 adjacent - the people that own property adjacent to this  
18 property also have rights, and by the certain properties, you  
19 know, with certain expectations. So, you know, the use of the  
20 property, although I staunchly protect an owner being able to  
21 use their property the way they want to within the confines of  
22 the law, I think that property owner also has the obligation  
23 to protect the rights of adjacent properties with regard to  
24 the use of the property. So, you know, I think there's  
25 certain things that we have to look at that the - that on an

1 SUP like this, would also have to address the rights of the  
2 adjacent property owners, one being the noise issue. That  
3 would be my main concern. I also have a question probably for  
4 Planning and Zoning regarding the road. Have other special  
5 use permits been issued to people that want to create  
6 businesses, where they were obligated to - obligated and paved  
7 the roads to their properties?

8 CHOW: Commissioner Gutierrez, yes there has been in  
9 the past. But of course every case is different. Some may  
10 only be a matter of a few hundred feet, some are half a mile,  
11 a mile, but we have had cases with SUPs that have had that  
12 requirement.

13 GUTIERREZ: Okay. And have others been able to use  
14 alternative methods, other than paving and heavy engineering?  
15 Because I know once you start on a road like this, I mean  
16 there's some heavy engineering that goes into it.

17 CHOW: Yes. And there have been other alternative,  
18 or other options that have come up that the County in past  
19 have been agreeable to.

20 GUTIERREZ: Okay. Thank you.

21 RIGGINS: Other Commissioners?

22 HARTMAN: Chair Riggins, I -

23 RIGGINS: Vice Chair Hartman.

24 HARTMAN: And Commission Members, I have, on David  
25 Gutierrez, Commissioner Gutierrez's question, I have seen this

1 Commission say or initiate the idea that watering of the road  
2 to the facility would suffice until paving could be done. So  
3 that has - I've seen that happen, but it's only on the days -  
4 it was only on the days of events, like a rodeo areas and -  
5 arenas and stuff like that is where we've seen that. So  
6 that's a possibility. And that's a costly - that - it won't  
7 be cheap to water a road, you know, but air quality. We're  
8 talking - that's one of my concerns, air quality. So anyway.

9 RIGGINS: Other Commissioners? Well then at that  
10 point, I'll weigh in with discussion. Certainly in the  
11 general plan that employment is an underlayment of this  
12 particular request, every style of employment is not justified  
13 in every spot. I believe all of us could agree - and  
14 certainly the surrounding properties would definitely agree -  
15 that a motocross facility is not the least intrusive of  
16 activities that you can have next to you, and indeed is quite  
17 an intrusive activity, particularly when there is no buffering  
18 of space whatsoever. You know, this isn't a 160 acre parcel  
19 or an 80 acre parcel where something's happening in the center  
20 of it, this is roughly an eighth of a mile wide by a half a  
21 mile long piece that all the obtrusive activities happen right  
22 on the borders of the property. My looking at this, this is  
23 one of the most egregious examples of trying to fit something  
24 into a misapplied parcel that I've ever seen. Obviously other  
25 people on this council haven't - or this Commission haven't

1 felt so. But to be sticking motocross tracks on the property  
2 boundary with houses within a couple of hundred feet, this is  
3 not a fit in my opinion. And to further that particular  
4 concept, with a lessening of stipulations required to make it  
5 less obtrusive in that fit, to whenever the applicant can kind  
6 of financially get around to it, that to me is another very,  
7 very interesting concept. What exactly does that mean? Does  
8 it mean in one year he has to? Or does it mean that every  
9 year he gets checked out and he says well you know I'm not  
10 quite ready to do it yet, my business hasn't got successful  
11 enough. This type of a business is a serious business. It's  
12 a serious impact to the neighborhood it sits in. Whether or  
13 not he has the ability down the road to do what he needs to  
14 do, needs to be decided in hard stipulations right up front.  
15 Simple as it can be. And again, I am just quite amazed that  
16 other times that activities of this sort have been looked at,  
17 have required some pretty large spaces. Pretty large outline,  
18 pretty large footprints to put something in it to give some  
19 buffering of space. I fully concur with the statement that  
20 Commissioner Gutierrez made that when you consider the zoning  
21 case, you definitely consider the rights of the landowner  
22 making the application, but you certainly consider the rights  
23 of the landowners around the application. And I don't believe  
24 this is a fit for that in any way, shape or form. And that's  
25 my discussion, and I will open it up for further discussion,

1 or a motion.

2 SALAS: Are you ready for a motion?

3 RIGGINS: Do we have discussion?

4 AGUIRRE-VOGLER: Yeah.

5 RIGGINS: Okay, we have discussion still up.

6 Commissioner Aguirre-Vogler.

7 AGUIRRE-VOGLER: I - this is really to me a  
8 difficult situation because as I think it's needed, I think  
9 what Mr. Riggins just said, I really agree that possibly the  
10 track could have been a little bit better designed as to not  
11 bother the neighbors so much, and therefore in a way I would  
12 like to continue this because of the fact that it needs to be  
13 redesigned. And it's already been designed, that's the  
14 problem with me too. I'm really in a quandary of knowing that  
15 we need something like that, but the design has already taken  
16 place to offend the neighbors, and if it could have been  
17 redesigned, it probably would have been a better situation.

18 RIGGINS: Any other discussion with the Commission?  
19 There none - yes, commissioner Gutierrez.

20 GUTIERREZ: I'd just like to make a quick comment.  
21 I completely agree. Something like this is needed, something  
22 like this is good. I think it's good recreation for the  
23 residents of Pinal County, the residents of Maricopa, but I  
24 think I would be much more supportive, probably, if it were in  
25 an area that would gain the support of the residents in the

1 area. A redesign may be the thing, and maybe further  
2 discussion with residents in the area, to gain the support.  
3 But I'm all for landowner rights and employment, however, I do  
4 have some concerns here.

5 RIGGINS: Any other discussions? Okay. Do we have  
6 a motion that needs to be made?

7 SALAS: Mr. Chairman.

8 RIGGINS: Commissioner Salas.

9 SALAS: I make the motion - before I make the  
10 motion, I do have some concerns about everything that we've  
11 discussed today, and I think it's hard to say that not  
12 everybody - I mean that everybody didn't have a really good  
13 argument over what we're talking about. That's what makes  
14 this motion so difficult, because you've got two groups here  
15 that have these rights as well. Keeping into the plan that  
16 our County has put forth for us, I would be remiss in not  
17 trying to follow that particular guideline. Like I say, once  
18 again, it is very difficult. We do need - we do need the  
19 business as much as possible. There's a lot of destruction  
20 going on on this beautiful desert, quite simply because there  
21 are not enough places such as the one that's being proposed.  
22 Even with whatever shortcomings there might be in this  
23 proposal, in the future maybe these situations could be  
24 corrected. Who knows, I don't., and I'm not an expert at race  
25 tracks or anything else. I do know that we approved one by

1 Apache Junction over here a couple years ago, and we had  
2 almost the same concerns with it - the noise, the dust, the  
3 injuries, the availability to emergency services, and we  
4 approved it. To this point, I don't know and I don't know if  
5 the staff has received any complaints about injuries, about  
6 the noise, about the dust. Evidently it's been going along  
7 pretty well. So having said that, and I guess I could say a  
8 lot more things right now, but we're getting a long time here,  
9 I move that the staff forward - or the Commission, excuse me,  
10 forward SUP-014-15 to the Board of Supervisors with a  
11 favorable recommendation, and to include all the requested or  
12 - and attached stipulations.

13 HARTMAN: I'll second the motion.

14 RIGGINS: Okay, we have a motion, we have a second  
15 from Vice Chair Hartman. And could we please conduct a roll  
16 call vote?

17 ABRAHAM: This is a motion to forward a  
18 recommendation of approval with the attached stipulations.  
19 Commission Member Smyres.

20 SMYRES: Nay.

21 ABRAHAM: Commissioner Del Cotto.

22 DEL COTTO: Aye.

23 ABRAHAM: Commissioner Gutierrez.

24 GUTIERREZ: Nay, and I'd like to justify my vote. I  
25 have concerns, I continue to have noise concerns. I think a

1 redesigning of the track and some other work, and buy-in from  
2 the residents in this general rural zoning would be  
3 beneficial, not only to the track in the future, but the  
4 residents and future residents of the area.

5 ABRAHAM: Commissioner Putrick.

6 PUTRICK: Aye.

7 ABRAHAM: Commissioner Grubb.

8 GRUBB: Aye, and I would ask the applicant take to  
9 heart what he heard earlier today, and think about how he can  
10 become a better neighbor in this, but aye.

11 ABRAHAM: Commissioner Salas.

12 SALAS: Aye.

13 ABRAHAM: Commissioner Aguirre-Vogler.

14 AGUIRRE-VOGLER: I'm going to say aye, but I really  
15 wish - I can concur with Commissioner Grubb saying that we  
16 need to do better with the neighbors and redesigning that a  
17 little bit better. And I'm going along with it because it is  
18 a SUP and it can be turned down real quick by the neighbors, I  
19 guess.

20 ABRAHAM: Vice Chairman Hartman.

21 HARTMAN: I'll vote aye. I do want to stipulate  
22 that I have some problems and I think what - basically what -  
23 if the vote count that I think is going to turn out sends it  
24 onto the Supervisors, they'll have to address some of the  
25 problems that we as a Commission have addressed that we

1 haven't really changed anything. Because the stipulations  
2 stay the same as what the staff has recommended. Aye vote.

3 ABRAHAM: Chairman Riggins.

4 RIGGINS: Chairman Riggins votes nay and will also  
5 address one comment that was made. There is indeed a similar  
6 facility that was voted on in a positive in the Apache  
7 Junction, northern Superstition Vistas area, and I will remind  
8 the Commission that it bears absolutely no comparison with  
9 this whatsoever, because it has absolute hard road access  
10 right down the center of it, and it has enormous distances  
11 around it, with no one there whatsoever. And even with all  
12 those distances, these exact same things were talked about and  
13 indeed some of the ordinance for sound were generated because  
14 of that case. And I am very, very surprised that we would  
15 vote in the affirmative to put a facility like this in the  
16 middle of a general rural neighborhood. But, you know.

17 ABRAHAM: Motion carries 7-2 to recommend approval  
18 to the Board of Supervisors.

19 SALAS: Mr. Chairman, can I make a comment?

20 RIGGINS: Certainly.

21 SALAS: Over what we voted in. I don't know where  
22 any other place in the area would fit to make such a facility.  
23 Look at that map. Sure there are some homes there, maybe I  
24 count about - what I can see - about five or six, if that's  
25 correct or not. But what other area do you find around so

1 isolated? Look at that map. You know? So where else could  
2 we fit something that would provide some kind of revenue for  
3 our County? That's all.

4 RIGGINS: Okay. The case is heard, so you will be  
5 before the Board of Supervisors with our recommendation, and  
6 they will make the ultimate decision what direction things go.  
7 So thank you very much. I have found from the - or I've heard  
8 from Steve that the work session is something that we are not  
9 doing, so that takes us to the end of the agenda, which is  
10 Call to the Commission. And does anyone from the Commission  
11 have any issues or - not issues, I suppose, but thoughts.

12 ABRAHAM: Right, no discussion.

13 GRUBB: I do, Mr. Chair.

14 RIGGINS: Yes, Commissioner Grubb.

15 GRUBB: I would - and this is to Lester - and I'm  
16 very confused about - and I don't know who made the decision  
17 to close Ironwood Road, one lane of it. The traffic on that  
18 road is atrocious as it is, and yet for the next four to six  
19 months the right lane is going to be closed from Baseline all  
20 the way down to Pima - or to Germann, and it closes at 7:00 in  
21 the morning when the peak of the traffic is going northbound  
22 and it doesn't reopen until 5:00 in the afternoon, halfway  
23 through the rush hour again, and, you know, I've driven this  
24 road even during the day when they've got - and I realize that  
25 we have to close roads to do construction, but during rush

1 hour? You know, I find that just extraordinary that that's  
2 happening.

3 CHOW: Commissioner Grubb, that I believe one of  
4 Public Works has a COP or a safety project going on. That's -  
5 that is done by the area manager for that area. As far as the  
6 traffic control, as far as the restrictions they do that, that  
7 is handled through the inspections section of Public Works. I  
8 do not control traffic control, limits of when they can get on  
9 the road, when they have to be off the road, if the traffic  
10 control stays up, or if they have to break it down to open it  
11 back to two lanes. I can surely get the information and get a  
12 contact for you to ask that question, but yeah, that - I  
13 believe that's a Public Works, they have a maintenance or a  
14 safety program for Ironwood Road. Because as you know now,  
15 currently there is nowhere along Ironwood from Baseline to  
16 Germann to pull over safely if you had a stalled vehicle or a,  
17 you know, a breakdown.

18 GRUBB: Right, and I do understand that they're  
19 doing that. My concern - I'm very happy that they're doing  
20 the safety improvements, however closing the road right before  
21 rush hour and not opening it until halfway through the  
22 afternoon rush hour... I was in there the other day and it  
23 took me 30 minutes to go three miles. 30 minutes for three  
24 miles.

25 CHOW: I understand your concerns. Like I said -

1 GRUBB: You know, it's bad timing. It really is bad  
2 timing.

3 CHOW: And if you would like, I can give you a  
4 person to contact. I don't have control over the timeframe of  
5 when that traffic control goes up and when it's broken down  
6 for the evening or the restrictions, but I can get you a  
7 contact so you can ask that question and voice your concerns  
8 so I will - I'll do that for you.

9 RIGGINS: Commissioner Del Cotto.

10 DEL COTTO: Mr. Chairman, first of all I'd like to  
11 thank you guys for giving this young man the opportunity to  
12 possibly jump through the hurdles or whatever that it may be  
13 at the County level in order to put the park together, or put  
14 this little motorsports park together.

15 LANGLITZ: Yeah, Mr. Chair, that - this matter's  
16 over. You're continuing discussion on an agenda item and I  
17 would advise against doing that.

18 RIGGINS: We're still during the Call to the  
19 Commission.

20 DEL COTTO: Well one of the things that I was going  
21 to second that with is that in District 4 people do what they  
22 want to do and they ask questions later. Or they ask for  
23 support, or they ask for permission later - most of the time.  
24 And so if I'm referring to the fact that this gentleman came  
25 in and went through the process, that's what I was trying to

1 get that point across that we at some point - that we have the  
2 ability to listen to and/or walk through that. I feel like we  
3 have so many issues in regards to so many things or code  
4 violations that happen in the County, and this was a perfect  
5 example of somebody coming to us for something without doing  
6 it first and then asking for forgiveness later. So the point  
7 I'm trying to make is - one point I'm trying to make is is I  
8 don't think we as a Commission or we as neighbors in a  
9 community should be out there having to police our  
10 neighborhoods and having to be the code compliance people for  
11 our community. I think it's a big problem and I think we need  
12 some more support at the County level, whether it be the code  
13 compliance department. There are always multiple things going  
14 on without people coming in front of the Commission or without  
15 people coming to Planning and Zoning, and this to me was an  
16 example of the opposite; somebody coming in and going through  
17 whatever it took to get permission to do what he was doing.  
18 And so I hopefully - okay.

19 RIGGINS: Chair - Vice Chair Hartman.

20 HARTMAN: Motion, are you ready for a motion to  
21 adjourn?

22 RIGGINS: No. No. Commissioner Gutierrez.

23 GUTIERREZ: Take a second. I'd like to get a little  
24 more clarification, I guess, from our esteemed counsel there  
25 on when we can ask a question or not, and stuff like that.

1 Because there's times that I've got - and you don't have to  
2 answer now, even a link would help that I can read on it later  
3 or something. But there's times I, you know, it's just like a  
4 discussion but I know there's concerns from counsel regarding  
5 the discussion. I'm trying to avoid violating all sorts of  
6 rules, regulations, laws and stuff, but I'm not, I'm not -  
7 personally I'm not real clear on when. I mean even if Frank  
8 asks me a question, you know, like do I have an extra napkin,  
9 you know? It looks like we're doing something that's not in  
10 compliance. So if there's something I can read or a reference  
11 or something you could draw up - cliff notes. I mean that  
12 would help me in the long run.

13           LANGLITZ: Mr. Chair, Commissioner Gutierrez, are  
14 you referring to like a side discussion between a couple  
15 council members?

16           GUTIERREZ: No, just, you know any - yeah, side  
17 discussions, like sometimes we're discussing something, you  
18 know, and there's limits there. I'm just not clear on them.  
19 You know, I - if there's something I could read, that always  
20 helps me because I -

21           RIGGINS: Counsel, could I just make a statement?  
22 This is a public commission, and there really is no such thing  
23 as a private side discussion that can ever occur here. Never.  
24 Anything that's the business of this Commission is public. So  
25 to have any kind of - now to ask for a napkin, you know what,

1 that's just fine. And for somebody to get up and get me a cup  
2 of coffee, I really appreciate that. But to have any  
3 discussion whatsoever of the business of this Commission is  
4 incorrect. And also, as far as questions concerning anything,  
5 they just need to be during the case. If you don't understand  
6 the particular regulations or the law, ask them during the  
7 case. Then they're all absolutely 100 percent answerable and  
8 we can go any direction we wish. But they need to be public.  
9 Yes, go right ahead.

10 PUTRICK(?): Yeah, Mr. Chair, I agree with that.  
11 The other part of that, and it's if you go through open  
12 meeting law, they also talk about not only are things that you  
13 do, but the appearance of things that you do, and when you  
14 have side discussions during a meeting, people can misperceive  
15 what's going on and make an issue if they so choose. So you  
16 have to be very careful about not only what you do, but the  
17 appearance of what you do.

18 LANGLITZ: Yeah, that's it exactly, Mr. Chair. I  
19 mean it's - if Steve and I were on a Board or Commission and I  
20 may just lean over and say what are you getting your kids for  
21 Christmas, I mean - but the public has a right to attend and  
22 listen, so they don't know what I'm saying, so they are  
23 assuming that I'm saying, you know, possibly oh I'm going to  
24 vote against this, are you? Or something that's supposed to  
25 be public, that's all. So while it's really a harmless

1 statement you may be making, it's really not fair to the  
2 public because then they're left with oh my God, what's going  
3 on back there? We don't trust this Board or Commission,  
4 that's all.

5 RIGGINS: So in other words lift the napkin high  
6 when you're passing it over. That's right.

7 GUTIERREZ: So if I'm handing him a ten dollar bill  
8 -

9 RIGGINS: Yeah.

10 GUTIERREZ: Just hold it high.

11 RIGGINS: Do that way low, do that way low.

12 SALAS: (Inaudible) ten bucks I owed you.

13 RIGGINS: Okay, any other discussion in Call for the  
14 Commission?

15 SALAS: I have a -

16 RIGGINS: Commissioner Salas.

17 SALAS: A suggestion. There are general projects  
18 that are going within the County, I assume, like what's the  
19 deal with this transportation proposal that they're trying to  
20 make? Why are certain projects not announced, or whatever the  
21 thing. I get questions about stuff like that and they expect  
22 for me as a Commissioner to know some of these things that are  
23 going in within the, you know, the confines of our County and  
24 I can't question that. I think it would be a good idea to at  
25 least let us know the general information, you know, this is

1 going on. This is what, you know, people have proposed. The  
2 Resolution Mine over there is on hold because of this, that or  
3 the other, whatever it might be that you know has to do with  
4 the activities within our County. It would be nice to know,  
5 get some information on that.

6 RIGGINS: So Frank, are you asking for a regular  
7 briefing item?

8 SALAS: Yes, something like that. It wouldn't have  
9 to be long, just a, you know, our staff is looking at whatever  
10 it is that we're working on or whatever.

11 RIGGINS: Have them pick up some of the bigger  
12 headline issues each month?

13 SALAS: Could be. Yeah. Are you guys open for  
14 suggestions on some of this road work that we're trying to do?  
15 I would say yes. Why don't we pave Kelvin Road all the way  
16 through? They're wanting - well you know we wanted that for  
17 ages, but now they're proposing that we're going to vote on  
18 the, what is it, \$20 million road propos - transportation bill  
19 or whatever is what I read. And they say we're trying to  
20 connect the east with the west. I would say don't create any  
21 new roads. My God, we've got a good road back there between  
22 Kelvin and Florence that could be widened and paved that would  
23 be great to get our east neighbors over there from Hayden,  
24 Winkelman and that area to make it a shorter trip to see their  
25 County (inaudible).

1           RIGGINS: Frank, I - you know, as far as getting  
2 some briefings, some headline briefings from the staff at the  
3 meetings on transportation plans and various things like that,  
4 I think that's an excellent idea. By the same token, I don't  
5 believe the Pinal County Planning and Zoning Commission has a  
6 seat at the venue whatsoever about road projects. I don't  
7 think we really even have the ability to comment on them.

8           SALAS: Well maybe we don't, but you know, those are  
9 questions that I can't answer when somebody says, and it would  
10 be nice to say we, you know, we're not at the table on this,  
11 or we can't be.

12          AGUIRRE-VOGLER: But it helps when a big subdivision  
13 or something comes in to know what roads are coming up, or if  
14 they're going to be done.

15          RIGGINS: I believe a briefing - I mean the  
16 transportation plan is go - you know there's things working on  
17 it right now -

18          SALAS: I'm just using that as an example.

19          RIGGINS: Oh no, I understand that. But to discuss,  
20 you know, discuss the light (inaudible), just kind of what it  
21 is once or twice a year. To discuss the overall  
22 transportation plans in a briefing sense, those are, those are  
23 germane items that are background knowledge that the  
24 Commission should be briefed on. And I think, you know, as  
25 far as the meetings, you know, we got a trail briefing today,

1 you know? A transportation - certainly the transportation  
2 plan is germane to the decisions that is made.

3 AGUIRRE-VOGLER: And I asked for the County Manager  
4 to come before us, which running into him he said that all he  
5 had to do was have an invitation.

6 SALAS: Well, you know, we're talking about rail  
7 stuff, I have an idea. Why don't you extend the railroad from  
8 San Manuel down to Benson? Look what an advantage that would  
9 be, not only for the mining company, but you know, you could -

10 GRUBB: But I don't think the County's going to  
11 build a rail.

12 SALAS: No, no, no I'm saying build - that maybe a  
13 suggestion of building a consortium of some sort with people  
14 like BHP, with people like - from the Pinto Valley area, you  
15 know, instead of having to go all the way around, if that's  
16 what they're looking for. That's all I'm saying, you know?  
17 (Inaudible) is going to cost a lot of money.

18 GRUBB: And also, you know, I had asked about  
19 getting ongoing permit issues so that we know what - when we  
20 get approached in our district and said hey what's going up  
21 over there, that we have a knowledge of a permit that was  
22 issued that was compliant and therefore didn't come in front  
23 of us. So those kind of things, you know, we - I had a gas  
24 station pop up and a lot of people were wondering what it was.  
25 Now we know, a Valero.

1           RIGGINS: Pinal County got Oracle to do a lot of  
2 that for them.

3           LANGLITZ: Mr. Chair, this doesn't fall directly  
4 under my jurisdiction, but let me just make a comment. The -  
5 any business dealing with the Commission - for the Planning  
6 and Zoning Commission, should come to the Commission.  
7 Individual members of the Commission are as welcome as any  
8 other member of the public to check the County website, go to  
9 Board meetings, go to other advisory committee meetings to  
10 find out what's going on. The problem is we don't want to get  
11 to the point where the Commission is causing excessive  
12 expenditures of public funds to have managers and other  
13 supervisory people come in and talk about stuff over which you  
14 have no jurisdiction. So just, you know, a complimentary type  
15 of, you know, thing in respect I think is fine, but once - if  
16 you're going to start demanding that other - has nothing to do  
17 with you come in and advise you, I would argue against that.  
18 That's all I want to say.

19           GRUBB: And I would expect that.

20           SALAS: The only thing is that if you don't have the  
21 knowledge that you don't - you can't involve yourself in that  
22 type of conversation, it doesn't take but two seconds, you  
23 know what -

24           LANGLITZ: But you have the same opportunity to get  
25 that knowledge as any other member of the public by going

1 through the proper channels, that's the point that I'm trying  
2 to make.

3 SALAS: (Inaudible) of discussing it with my fellow  
4 guys. You know, it's not in a -

5 LANGLITZ: Well it doesn't fall within your ability  
6 to discuss it with other Commission Members.

7 RIGGINS: As far as the Pinal County Transportation  
8 Plan, we would never have the opportunity to have an agenda  
9 item that said we're going to discuss it and give what our  
10 opinion is on it. That wouldn't happen.

11 SALAS: I understand.

12 RIGGINS: Now we would have the ability to get a  
13 briefing on the six month outlook given in a five minute or  
14 ten minute briefing to hear that, to help us with zoning  
15 decisions. And I think that is a very good idea. I think  
16 some of those general things should be part of the agenda  
17 every now and then, because they are germane to the decision-  
18 making process. But I do concur, absolutely, that this  
19 Commission does need to remember what is its job and what is  
20 not.

21 AGUIRRE-VOGLER: And can I just ask -

22 RIGGINS: Commissioner Aguirre-Vogler.

23 AGUIRRE-VOGLER: Steve, you were going to elaborate  
24 on the possibility of us not staying and giving us a link, or  
25 giving us some information on the screening of the

1 documentary.

2 RIGGINS: I would love to have the link right now.  
3 I was going to ask for you after the meeting, but why don't  
4 you give it to us.

5 ABRAHAM: Absolutely. I don't - I can put it on a  
6 piece of paper, but can we continue - finish the call to the  
7 public real quick before I jump -

8 RIGGINS: Very good.

9 ABRAHAM: I mean Commission, Call to the Commission,  
10 sorry.

11 RIGGINS: Okay, Call to the Commission. Anyone  
12 else? Yes, Commissioner Del Cotto.

13 DEL COTTO: I think that that's a great - and you're  
14 saying that it's our responsibility maybe to go look at  
15 whatever County website that there may be in regards to  
16 whatever's going on within the County, but if you ask me in  
17 District 4, it doesn't seem like there's a whole lot of  
18 anything going on. So if there was something that passed or  
19 there was something that was going on, I think that would be a  
20 great gauge for us, monthly, quarterly, whatever the case may  
21 be, to actually get an update or realize what the heck is  
22 going on in our neighborhood. And that was one of the reasons  
23 I was excited about our case today because I think in almost  
24 the two years that I've been here, I don't know that we've  
25 heard two, three, maybe - or so items in our district that,

1 you know, that things were going on. So I think it does help  
2 us get a handle on, or realize maybe what's happening or what  
3 growth, or what - so maybe we need to just be more in tune  
4 with whatever that link may be and update ourselves if that be  
5 the case, and so that's it.

6 RIGGINS: And I will state that Steve this month  
7 just absolutely denied me a copy of my packet, so I didn't  
8 have one. But it actually forced me to get on the link to  
9 print the agenda so I'd have any kind of idea what was going  
10 on at all, and I was going to download the packet but it  
11 looked to me like it was going to take about an hour and a  
12 half to just download it to where I could print it, so I  
13 didn't do that. But the reason, the exercise of me stating  
14 this is you would be amazed how many questions that you've all  
15 just made reference to that would be totally answered by a  
16 perusal of that website. And I think the Commissioners owe it  
17 to themselves to actually look at that every now and then,  
18 because you can keep yourself up on a lot of the information  
19 that's there. There's been a lot of work that goes - that  
20 went into it, I - and as being somebody that doesn't like to  
21 communicate with the internet, that's a big thing for me to  
22 say. So we've still got the Call to the Commission going.  
23 Yes, Commissioner Gutierrez.

24 GUTIERREZ: I want to capitalize on what you said.  
25 A lot of the questions that we do have are on the - on that

1 website. A lot of information on that thing, you know?  
2 Number of permits, where the permits are being blah blah blah,  
3 a lot of it's on there. And then for you old timers and stuff  
4 that still need hard copies, the more I use this thing -

5 RIGGINS: Hey, you better be careful, fella, you're  
6 as old as most of us here anyways, so don't you get onto that  
7 now.

8 GUTIERREZ: The easier this thing is, I'd encourage  
9 it because it's - you can page through everything, read stuff.  
10 Like Frank said, you know, he doesn't want to pay for a  
11 computer, well -

12 SALAS: I can't afford to pay 800 bucks for a  
13 computer and (inaudible).

14 RIGGINS: Okay, Vice Chair Hartman.

15 HARTMAN: I would like to make a comment. This is  
16 an opportunity for individuals of our Commission who are sent  
17 at the expense of the County to conferences, to make some  
18 comment if they would. I've heard Commission Members say that  
19 it's totally worthless to go to such and such a meeting, but I  
20 hope that our two Commission Members that went to Tucson would  
21 have something to share with us.

22 PUTRICK: Yes, I think both Bill and I could share  
23 lot. First of all, I think that these conferences are  
24 worthwhile. We learned, by attending the different sessions,  
25 we learn about what other cities and towns and municipalities

1 and counties, the kinds of things they're doing. And it's  
2 very worthwhile. I'm sorry I had to miss the last meeting,  
3 because I would have been a little more prepared. I kind of  
4 put it out of my mind as it's -

5 SALAS: You wouldn't have had to buy lunch.

6 PUTRICK: Yeah, I know, thanks. So yes, I think  
7 it's very worthwhile. And there are - sometimes you get in a  
8 session and you go all right, why did I pick this one. But  
9 there are plenty enough activities to participate in, and the  
10 important things are to look at who's doing what. We sat  
11 through - I did - the City of Phoenix presentation and it was  
12 one of those that I thought I'm not sure I should be here  
13 because it was more about the guy making the presentation and  
14 how brilliant he was, as opposed to talking about what was  
15 happening.

16 SALAS: (Inaudible) everyday.

17 PUTRICK: But by the same token, by the same token,  
18 Pima County, some of the stuff that Pima County and the City  
19 of Tucson are doing with Davis-Monthan as a cooperative  
20 venture to keep Davis-Monthan open, because it is an asset  
21 when you think about they have air rescue squadrons there,  
22 which means they have rescue helicopters and para rescue men  
23 available, that the County does not have and local fire  
24 department don't have, so it covers a great territory. So  
25 just from that aspect alone. The other operation is the A10

1 operation. They've worked with landowners, City of Tucson,  
2 Pima County to work out some problems with noise, as we talked  
3 about here, noise dealing with the operation of Davis-Monthan  
4 and particular the A10s. Helicopters are pretty noisy too.  
5 And so what they do is they restrict all of their operations  
6 to the north. Everything goes south, and they protected  
7 property owners on the north, and they've also been proactive  
8 in contacting property owners to the south to tell them hey,  
9 Davis-Monthan is over here and you should know if you build  
10 something, you're going to have airplanes flying over your  
11 house. So you can't come to us and complain about after the  
12 fact. That kind of community outreach. And as we kind of  
13 divorced ourselves from - I just lost the name of the County -  
14 and joined up more with Pima, those things become more  
15 important because of our border down here, the things with  
16 Marana Airpark - or I'm sorry, that's dating myself, isn't  
17 it? Pinal County Airpark. There are a lot of activities in  
18 that direction. There's a recognition that an airpark or an  
19 airport is extremely vital to the growth of an area, something  
20 that if you take by example the Town of Florence and the Town  
21 of Coolidge, had joined ownership of the airport over here.  
22 The Town of Florence decided it wasn't necessary. The Town of  
23 Coolidge is marching right along, extending the runway.  
24 They're talking to different people about putting in - they've  
25 talked to Boeing about coming to the airport down here to do

1 some flight test operations, which is going to increase  
2 activity, and Boeing had a simple request: We need a hangar X  
3 square feet and they can do that. And so I think it - I think  
4 from an information standpoint that it is a vital exchange of  
5 information, and it's a learning experience for us to attend  
6 those things.

7 GRUBB: And I'll echo that. We spent a lot of time  
8 interacting with planners, interacting with municipal people,  
9 other county people, and finding out that, you know,  
10 everybody's talking about the same thing. We had a good - I  
11 had a good discussion with a group of people about the whole  
12 marijuana issue and what's going on around the state. We  
13 talked at length about that, but I didn't miss a session  
14 because there was so much information that I didn't miss one  
15 session in the entire time I (inaudible). And -

16 AGUIRRE-VOGLER: Where is it?

17 GRUBB: We were in Tucson.

18 AGUIRRE-VOGLER: Where is it next year?

19 GRUBB: Pima County has issue with the marijuana  
20 stuff that's going on.

21 AGUIRRE-VOGLER: Where is it next year? They always  
22 give you an ad on when it's going to be -

23 GRUBB: Oh, it's going to be in Phoenix, because the  
24 national is coming to Phoenix. So there'll be no state -

25 AGUIRRE-VOGLER: (Inaudible) budget.

1 GRUBB: There'll be no state event next year because  
2 the national event will be held in Scottsdale and -

3 ??: In April.

4 GRUBB: In April. So I found it extremely rewarding  
5 to be down there and to attend the sessions, and I was one of  
6 the last people to leave because I had a really good time.  
7 There's a few vendors down there, and then they had a vendor  
8 of time, when there was even more. And it just was an  
9 extraordinary event. I've been to public safety events that  
10 were dry. This was not a dry session at all. It was very,  
11 very entertaining, and very informative. So I appreciate  
12 being sent, thank you.

13 SALAS: Merry Christmas to all of you. (Inaudible).

14 HARTMAN: Where are you going? We haven't - we  
15 haven't closed the meeting, Frank.

16 RIGGINS: We haven't closed the meeting, but Frank's  
17 leaving anyway.

18 GRUBB: I'll make a motion to adjourn.

19 RIGGINS: Well before we make the motion, you know,  
20 we're not allowed to have any comments concerning anything  
21 that was on the agenda. And this isn't on the agenda, but  
22 it's strictly a scientific comment, and that is for those of  
23 you that haven't looked at it, the relationship of sound  
24 magnitude and decibels is the same exact relationship of  
25 electrical amps and volts. One is peak, and one is flow, and

1 I assure you that in electricity, volts don't kill you, amps  
2 do. So just a scientific thing to contemplate as you ruminates  
3 on the activities of the day. However, do we have a motion  
4 for adjournment now?

5           ??: So moved.

6           RIGGINS: We have a second, second from Vice Chair  
7 Hartman. All in favor?

8           COLLECTIVE: Aye.

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