Greg Stanley
Assistant County Manager
Development Services

Fritz A. Behring
County Manager

PINAL • COUNTY
wide open opportunity

PINAL COUNTY PLANNING AND ZONING COMMISSION
REGULAR MEETING
MINUTES OF August 16, 2012

PRESENT:
Mr. Hartman, Chairman
Mr. Riggins, Vice-Chairman
Ms. Aguirre-Vogler, Member
Mr. Brown, Member
Ms. Moritz, Member
Mr. Gutierrez, Member

ABSENT:
Mr. Ellis, Member
Mr. Faucette, Member
Mr. Salas, Member

LEGAL STAFF PRESENT:
Ms. Grieb, Deputy County Attorney
Ms. Weber, County Attorney

PLANNING STAFF PRESENT:
Mr. Stabley, Director
Mr. Abraham, Planning Manager
Ms. Sarkissian, Planner I
Mr. Denton, Planner II
Ms. Cortez, Administrative Secretary
Ms. Terrilyn Klucar, Code Compliance Officer

PUBLIC WORKS STAFF PRESENT:
Mr. Chow, Development Section Chief

The meeting was called to order at 9:03 a.m., this date by Chairman Hartman in the Emergency Operations Center (EOC) Hearing Room, Building F, Florence, Arizona.

DISCUSSION/APPROVAL/DISAPPROVAL OF MEETING MINUTES: June 21, 2012
Commissioner Aguirre-Vogler stated she was also in agreement with the concerns on the water issues and the lot sizes revolving the case voiced by the other Commission members on cases PZ-PA-001-12, PZ-005-12 and PZ-PD-005-12. Commissioner Aguirre-Vogler also stated there needed to be more clarification on the minutes regarding detailed information on the cases. Ms. Grieb stated the recording had been listened to and the information was not clear on the recording.

MOTION - MINUTES June 21, 2012
Commissioner Aguirre-Vogler made a motion to accept the minutes from June 21, 2012. Commissioner Gutierrez seconded the motion. Motion Passed unanimously, 6-0.

DISCUSSION/APPROVAL/DISAPPROVAL OF MEETING MINUTES: July 19, 2012

MOTION - MINUTES: July 19, 2012
Commissioner Aguirre-Vogler made a motion to accept the minutes from July 19, 2012. Commissioner Moritz seconded the motion. Motion Passed unanimously, 6-0.

PLANNING DIRECTORS DISCUSSION ITEMS
Mr. Stabley stated the Annual Board, and Commissions Conference will be held on Friday, December 7, 2012. The cost will be low, and all the nine (9) Commissioners are invited to attend.

Chairman Hartman asked if Commissioner Ellis is considered a current Commissioner. Ms. Grieb stated the Board of Supervisors has not accepted Commissioner Ellis resignation, and until that is done, he is considered a Commissioner. The Board of Supervisors will normally not accept a resignation until another Commissioner has been found.

Mr. Stabley reminded the Commission of the APA conference, Ms. MacDonald will be the one of presenters during the conference, the conference will be held in Flagstaff on September 19, 2012.

REPORT ON BOARD OF SUPERVISORS ACTION ON P & Z CASES
Mr. Stabley stated on July 25, 2012 case PZ-PD-011-11, One Community Church was approved by the Board of Supervisors.

The Board of Supervisors also approved case SUP-002-12, AZ City Carwash. Mr. Stabley stated there is nothing to report on the agenda for the Board of Supervisors for August 8, 2012.

CONTINUED CASES

CASE PZ-PA-001-12, PZ-005-12 and PZ-PD-005-12 WILL BE DISCUSSED TOGETHER
PZ-PA-001-12 - PUBLIC HEARING/ACTION: Camelhead Associates, LLC, landowner/ applicant, Lyle Richardson, agent requesting approval of a Non-Major Comprehensive Plan Amendment request from Employment to High Density Residential on 19.6± acres and from Very Low Density Residential to High Density Residential on 19.7± acres to allow recreational vehicles, park models and manufactured housing; situated in a portion of the western half of Section 14, T9S, R9E G&SRB&M (legal on file) Tax Parcel 410-05-015A (west of Interstate 10, south of Picacho Peak Road in the Red Rock area).

PZ-005-12 - PUBLIC HEARING/ACTION: Camelhead Associates, LLC, landowner/ applicant, Lyle Richardson, agent requesting approval of a rezone request from RVP (Recreational Vehicle Park)(PZ-033-84) to MHP (Manufactured Home Park Zoning District) to allow recreational vehicles, park models and manufactured housing within the 41.5± acre Picacho RV Resort parcel; pending and in conjunction with Board of Supervisors PAD Overlay District approval request case PZ-PD-005-12; situated in a portion of the western half of Section 14, T9S, R9E G&SRB&M (legal on file) Tax Parcel 410-05-015A (west of Interstate 10, south of Picacho Peak Road in the Red Rock area).

PZ-PD-005-12 - PUBLIC HEARING/ACTION: Camelhead Associates, LLC, landowner/ applicant, Lyle Richardson, agent requesting approval of a Planned Area Development Overlay District to allow recreational vehicles, park models and manufactured housing within the 41.5± acre Picacho RV Resort parcel; pending and in conjunction with Board of Supervisors zone change approval case PZ-005-12; situated in a portion of the western half of Section 14, T9S, R9E G&SRB&M (legal on file) Tax Parcel 410-05-015A (west of Interstate 10, south of Picacho Peak Road in the Red Rock area).

Ms. Sarkissian read a portion of the staff report and used a power point presentation.

Chairman Hartman called the applicant forward.

Mr. Lyle Richardson, 5310 N. Camino Real Tucson, Arizona. Mr. Richardson came forward to address the Commission, and presented handouts.

Chairman Hartman asked Mr. Richardson to provide updates concerning issues from the Commission (potable water, effluent, lot size, and fire).

Commissioner Aguirre-Vogler gave a brief history description of the water issues in the area, and voiced concerns about the quality and amount of water in the area. Commissioner Aguirre-Vogler asked Mr. Richardson why he had two (2) letters from two (2) different water companies, Picacho Peak that is their water company and another one from Picacho Water. There is no water line from Picacho Water to Picacho Peak. Mr. Richardson responded ADEQ has not been responsive to any of the documentation requests from the applicant. Staff asked ADEQ for documentation and were able to receive the letter. Staff provided the letter to the applicant. The applicant does not know why there is a different name between the water companies; the service that is being provided needs to be improved. The applicant is

willing to take the quality of water where it needs to be by ADEQ standards. ADEQ has looked at the plan that was compiled by experts, and it is an acceptable solution to the problem. If this case is not approved, nothing will change, people will continue to use the water from the well, and the quality will remain the same because the improvement plans are joined with this case. Commissioner Aguirre-Vogler asked Mr. Richardson if the applicant is willing to deepen the well. Mr. Richardson stated yes, but does not believe that will fix the problem. They are willing to improve the quality of water.

Commissioner Aguirre-Vogler stated she serves on the Avra Valley Fire Board, there was a meeting held on August 7, 2012. The board members received an email update from that meeting from the Fire Chief, and evidently, the water is not capable to support the Red Rock area. Red Rock needs their own fire station, and the best fire station to serve that area would be Eloy Fire, since they are closer than Avra Valley. Mr. Richardson stated that the fire district they had was exclusive to Avra Valley because of the ability to provide service. There is an understanding with Avra Valley on completing an agreement with the applicant until they have resolved the service issues, the fire station, and the annexation with other users in the area. Chairman Hartman stated it is not that simple to just say we will deepen the well. It is important to have another water source. Mr. Richardson stated what they are planning on doing is increasing the reservoir onsite; adding capacity to the system for when the system happens to go down so there is a backup and no interruption to service. Commissioner Aguirre-Vogler stated there is only one (1) well currently working.

Commissioner Moritz asked Mr. Richardson when the applicant is ready to follow through on the changes and improvements. Mr. Richardson responded there is a capacity issue for fire, without the line agreement and this project going through the problems will still be there. The applicant can improve the area with the project being approved and moved forward. Commissioner Aguirre-Vogler asked Mr. Richardson what are the guarantees this will be done if the zoning is approved. Mr. Richardson responded the line agreement needs to be executed; if the application is not completed successfully, the agreement has no basis. There are stipulations to be followed and we are in agreement with them.

Commissioner Aguirre-Vogler stated the lot sizes are 45 foot in width. Mr. Richardson stated the standard is what was placed in the application, 40x50 setbacks 5ft in front and back, and 3ft on the sides. The lot coverage is not being changed. Vice Chairman Riggins stated the standard and set back have not been done right; the problem is the 3-foot side setback with manufactured housing in an area that does not have fire protection, separation is one of the criteria for fire protection. Ms. Sarkissian stated their current set backs are five (5) in the rear, front, and the sides. Vice Chairman Riggins stated what they can do today with no change, is they have front, rear side, setbacks of five (5) feet. Ms. Sarkissian stated that was correct. Commissioner Aguirre-Vogler stated it is an RV park, and most likely designed under RV standards and now they want to put in manufactured homes, and have different setbacks. Vice Chairman Riggins stated moving from RV to mobile home does change the setbacks that are not in the current entitlements. Mr. Richardson stated they could put the same square footage and not do any of the changes and upgrades. They believe this is a better unit for the region and the marketing program. Chairman Hartman stated if the structures are close together, there is a bigger chance of fire, and if the homes are vacant, it is a bigger risk of fire. Commissioner Aguirre-Vogler stated the problem is the population will be more permanent. Mr. Richardson stated it is seasonal living, but there will be some people living there all year long, the homes that are vacant will have all the utilities shut down.

Mr. Richardson stated the applicant just advised him they are willing to go five (5) and five (5) on the sides, opposed to three (3) setbacks.

Chairman Hartman opened the meeting to the public.

Ms. Danna Barrett, PO Box 1087 Red Rock, Arizona 85145. Ms. Barrett came forward to address the Commission. Ms. Barrett stated she is the Secretary of the Picacho Peak Water Company. Ms. Barrett

stated she wanted to clarify the water company is only for the residents, and the upgrade on the system would be a system that goes on the RV park not on the well for the water company part, and it would only be serving the residents of the RV park. There is no more room to deepen the well, it is gone far enough. The water company did do a line agreement with the applicant, because there is a problem but they are not fixing the Picacho Peak water issues they are fixing their own problems.

Chairman Hartman asked Ms. Barrett if she believes the water issues will be fixed by them coming in and doing all the changes and upgrades. Ms. Barrett responded she is not sure; the water company does not have money to bring water in, or maintain it. They say they would be able to provide potable water for their clients. This is only for their customers not for the whole system. The well capacity is 78-80 gallons a minute, and pump #2 is down. Ms. Barrett stated she is concerned about how close the houses are. Red Rock cannot get insurance, because there is no fire protection. It is a safety hazard. Commissioner Gutierrez asked Ms. Barrett would a fire in the park community affect your water supply and ability to fight fires. Ms. Barrett responded it would drain their storage completely.

Mr. Richardson agreed with Ms. Barrett that the wells have gone as deep as they can, storage units can be provided and it will not be the applicant's infrastructure it will be the water companies. The annexation petition and the bond will be ready in November. The applicant is building and making all the improvements. By state law, they have to be turned over to the water company.

Chairman Hartman closed the public portion of the meeting.

MOTION ONE (1) - PZ-PA-001-12
Vice Chairman Riggins made a motion to forward case PZ-PA-001-12 to the Board of Supervisors with recommendation of approval. No one seconded the motion.

MOTION TWO (2) - PZ-PA-001-12
Commissioner Aguirre-Vogler made a motion to forward case PZ-PA-001-12 to the Board of Supervisors with recommendation of denial. Commissioner Gutierrez seconded the motion.

Commissioner Moritz asked would there be a solid base to set stipulations before the majority of the change takes place. Vice Chairman Riggins stated the applicant does not own the water company. The water company is their own individual entity. The applicant has agreed to make the improvements and turn them over to the water company and they can charge higher rates. It is not the applicant's responsibility to improve the water for all the other people in the area. Commissioner Gutierrez agreed with Commissioner Moritz and Vice Chairman Riggins there are many "ifs" on the presentation. The applicant has made an offer to improve at the park level. The water company does not have the support to help the park. With more residents coming in the park, that means higher use and there is a limitation on the water. What the applicant has presented is a good idea. Commissioner Moritz stated the property probably will not be easy to sell, and the water company needs investors or buyers to help them make the upgrades and support them financially. If the Commission votes for denial, nothing will change. If the vote is for approval, we are approving something that we do not feel strongly about.

Chairman Hartman asked for a roll call vote.

Commissioner Aguirre-Vogler	Yes
Commissioner Brown	Yes
Commissioner Gutierrez	Yes
Commissioner Moritz	No
Vice Chairman Riggins	No
Chairman Hartman	No

Mr. Stabley stated 3-3, tie vote. Motion failed.

MOTION THREE (3) - PZ-PA-001-12
Vice Chairman Riggins made a motion to forward case PZ-PA-001-12 to the Board of Supervisors with recommendation of approval. Commissioner Moritz seconded the motion.

Vice Chairman Riggins stated all the issues are tied in with the first vote. The applicant already stepped up to handle the quality of water with their finances, if the quantity issues comes up again, they will be forced to step up again. The funds are not there from the water company. Chairman Hartman stated a comprehensive plan is a road map of the future. Commissioner Aguirre-Vogler stated the area is rural and does not believe it has the capacity to grow. Commissioner Gutierrez stated they are so many "ifs," but the project does have merit. Commissioner Moritz stated she agrees with Vice Chairman Riggins, there will be no progress; unless a favorable recommendation is passed on. Vice Chairman Riggins stated what the applicant is requesting is not more use, or to grow, they just want to change the designation to improve the current demands in their business.

Chairman Hartman asked for a roll call vote.

Mr. Stabley stated the motion on the floor is for approval on PZ-PA-001-12.

Commissioner Aguirre-Vogler	No
Commissioner Brown	No
Commissioner Gutierrez	No
Commissioner Moritz	Yes
Vice Chairman Riggins	Yes
Chairman Hartman	Yes

Mr. Stabley stated 3-3, tie vote. Motion failed.

Ms. Grieb stated there needs to be a vote recommended to the Board of Supervisors, it cannot be a tie vote. It would be better to continue to a later date when there are more Commissioners.

Mr. Richardson asked if the Commission could make a decision in denial or approval, but not to continue the case any longer.

Commissioner Gutierrez stated he does have concerns about the case, but is in favor as the residents of the park are being guaranteed quality water. The residents surrounding the area is a concern, there should be progress in the area. Problems will surface down the line if there are no changes. Commissioner Gutierrez stated he would change his vote to approval.

MOTION FOUR (4) - PZ-PA-001-12
Vice Chairman Riggins made a motion to forward case PZ-PA-001-12 to the Board of Supervisors with recommendation of approval. Commissioner Moritz seconded the motion.

Chairman Hartman asked for a roll call vote.

Mr. Stabley stated the motion on the floor is for approval on PZ-PA-001-12.

Commissioner Aguirre-Vogler	No
Commissioner Brown	No
Commissioner Gutierrez	Yes
Commissioner Moritz	Yes
Vice Chairman Riggins	Yes
Chairman Hartman	Yes

Mr. Stabley stated the motion passes 4-2, for approval.

MOTION - PZ-005-12
Vice Chairman Riggins made a motion to forward case PZ-005-12 to the Board of Supervisors with recommendation of approval, along with eleven (11) stipulations, deleting number eleven (11). Commissioner Moritz seconded the motion.

Commissioner Aguirre-Vogler stated the developer will make the changes but it adds burden to the water company, it has been in jeopardy for so long and it cannot handle all the changes and improvements being done in the park. Chairman Hartman stated everyone needs the water. Commissioner Moritz asked if the water company is a profit company, they need to handle the business as profit and change the way they do business. Chairman Hartman agreed with Commissioner Moritz. Commissioners Brown stated if you change things someone will come around to build it.

Chairman Hartman asked for a roll call vote.

Commissioner Aguirre-Vogler	No
Commissioner Brown	No
Commissioner Gutierrez	Yes
Commissioner Moritz	Yes
Vice Chairman Riggins	Yes
Chairman Hartman	Yes

Mr. Stabley stated the motion passes 4-2, for approval.

Ms. Grieb asked Mr. Gutierrez if his change of vote was just to move the case along. Commissioner Gutierrez responded no, he has changed his vote due to the benefits to the case.

Commissioner Moritz stepped out 11:11 a.m., returned 11:13 a.m.

MOTION - PZ-PD-005-12
Vice Chairman Riggins made a motion to forward case PZ-PD-005-12 to the Board of Supervisors with recommendation of approval, along with eleven (11) stipulations. Adding two (2) more stipulations, stipulation number twelve (12) to read, "All areas within the PAD traversed by vehicles shall be paved," and stipulation thirteen (13) to read, "Side yard setbacks shall be a minimum of 5' as proposed by the applicant.". Commissioner Moritz seconded the motion.

Chairman Hartman asked for a roll call vote.

Commissioner Aguirre-Vogler	No
Commissioner Brown	No
Commissioner Gutierrez	Yes
Commissioner Moritz	Yes
Vice Chairman Riggins	Yes
Chairman Hartman	Yes

Mr. Stabley stated the motion passes 4-2, for approval.

Break 11:17 a.m.
Reconvened 11:26 a.m.

NEW CASES

CASE PZ-PA-008-12, PZ-012-11, and PZ-PD-012-11 WILL BE DISCUSSED TOGETHER.
PZ-PA-008-12- PUBLIC HEARING/ACTION: Pantano Development Bella Vista LLC & PB Bella Vista LLC applicant, Dana Belknap Gallagher & Kennedy, agent requesting approval of a non-major Comprehensive Plan Amendment from Moderate Low Density Residential (3.5 DU/AC) to High Density Residential (8 - 24 DU/AC) on 37.4± acre parcel situated in a portion of the SE¼ of Section 15, T03S, R08E G&SRB&M, Tax parcel 210-15-004 (portion thereof) (legal on file) (located approximately ½ mile east of the Schnepf Rd. alignment on Bella Vista Rd. on the north side)

PZ-012-11- PUBLIC HEARING/ACTION: Pantano Development Bella Vista LLC & PB Bella Vista LLC et. al. applicant, Dana Belknap Gallagher & Kennedy, agent requesting approval of a zone change of a total of 1478.1±acres (PZ(PD-040-98) from CB-1 to CR-2, 65.03± ac; CB-1 to CR-3, 57.6± ac; CI-1 to CR-3, 95.8± ac; CR-1 to CB-1, 69.4 ±ac; CR-1 to CR-2, 1.8± ac; CR-1 to CR-3, 127.5± ac; CR-2 to CB-1, 57.2± ac; CR-2 to CR-3, 303.8± ac; CR-2 to CR-5, 12.5± ac; CR-3 to CB-1, 57.33± ac; CR-3 to CR-2, 131.4± ac; CR-3 to CR-5 14.9± ac, CR-4 to CR-2, 26.6± ac; CR-4 to CR-3, 53.4± ac; CR-5 to CR-2, 2.3± ac. CR-5 to CR-3,14.9± ac.; SR to CB-1, 19.1± ac; SR to CR-2, 94.4± ac.; SR to CR-3, 262.5± ac; SR to CR-5, 9.97± ac; to plan and develop the Bella Vista Farms PAD; pending and in conjunction with Board of Supervisors PAD Overlay District Amendment approval request case PZ-PD-012-11; situated in a portion of Section 9, Section 10, the E ½ of Section 14, Section 15, and Section 16, T03S, R08E G&SRB&M, Tax parcels (multiple maps) 210-09, 210-10, 210-14, 210-15, 210-16 (portions thereof, parcel list on file)(legal on file) (located north of the intersection of the Schnepf Rd. alignment and Bella Vista Rd.)

PZ-PD-012-11- PUBLIC HEARING/ACTION: Pantano Development Bella Vista LLC & PB Bella Vista LLC et. al. applicant, Dana Belknap Gallagher & Kennedy, agent requesting approval of a Planned Area Development Overlay Zone amendment to allow the re-designation and relocation of open spaces/recreational amenities, removal of industrial uses, re-designate certain areas from single family residential to muti-family residential, amend development standards, create a 200 acre educational campus and increase the total number of allowed dwelling units within the 2301.4± acre Bella Vista Farms PAD previously approved under case (PZ-PD-040-98); pending and in conjunction with Zone change approval request case PZ-012-11; situated in a portion of Section 9, Section 10, the E½ of Section 14, Section 15, and Section 16, T03S, R08E G&SRB&M, Tax parcels (multiple maps) 210-09, 210-10, 210-14, 210-15, 210-16 (portions thereof, parcel list on file)(legal on file) (located north of the intersection of the Schnepf Rd. alignment and Bella Vista Rd.)

Mr. Abraham read a portion of the staff report and used a power point presentation.

Chairman Hartman called the applicant forward.

Ms. Dana Belknap, 2575 E Camelback Rd. Phoenix, AZ 85016. Ms. Belknap gave a brief history description of the case, and used a power point presentation.

Vice Chairman Riggins stated the open space was 303 acres. What was it prior? Ms. Belknap responded they had 360 acres, which provided open space for the areas that were removed.

Chairman Hartman asked on the high-density, where is the parking going to be. Will it be a multi-level garage and what type of structures will it be and where it will be located? Ms. Belknap responded the parking structure has not been addressed yet; it will be addressed during site plan review.

Mr. Court Rich, 10846 N Sundown Dr. Scottsdale, AZ 85260. Mr. Rich gave a description of the case.

Vice Chairman Riggins asked if the college is planning to build dormitories. Mr. Rich responded no not yet.

Chairman Hartman asked Mr. Chow what is the input from Public Works. Mr. Chow responded they would be accessing the road from Bella Vista and Skyline. Chairman Hartman asked if there would be deceleration lanes. Mr. Chow responded they would have to go through traffic analysis first to determine their requirements. Commissioner Gutierrez asked with the high-density college and housing, will the pedestrian traffic be adequately addressed, and will there be double tracking along the railroad. Mr. Rich responded absolutely, they would make sure people can walk, and it is a safe environment. Mr. Rich responded there are no current plans to double track the railroad tracks. Commissioner Brown asked Ms. Belknap if the open space areas would be open areas or private. Ms. Belknap responded the areas would be private but not fenced off.

MOTION - PZ-PA-008-12
Commissioner Moritz made a motion to forward case PZ-PA-008-12 to the Board of Supervisors with a favorable recommendation. Vice Chairman Riggins seconded the motion. Motion approved unanimously, 6-0.

MOTION - PZ-012-11
Commissioner Moritz made a motion to forward case PZ-012-11 to the Board of Supervisors with favorable recommendation, with Mr. Abraham's changes to the language. Vice Chairman Riggins seconded the motion. Motion approved unanimously, 6-0.

MOTION - PZ-PD-012-11
Commissioner Moritz made a motion to forward case PZ-PD-012-11 to the Board of Supervisors with favorable recommendation, along with the twenty-two (22) stipulations, with changes in language.

To stipulation nine (9) to read "Notwithstanding any State law to the contrary, Development of any use that is not for education purposes shall require, at the time of application for approval of final plat and/or site plan, that the applicant/owner submit and secure from the applicable and appropriate Federal, State, County and Local regulatory agencies, all required applications, plans, permits, supporting documentation and approvals. " Education purposes" also will include administrative offices related to education purposes, student union and athletic fields, Public buildings, including public buildings for education purposes, are subject to fire code requirements pursuant to A.R.S. § 34-461;".

To stipulation ten (10) to read "Prior to final plat or site plan, the applicant/developer/owner shall provide written verification from the wastewater/sewage disposal provider, together with associated documentation, that:

a. The wastewater/sewerage disposal provider has adequate capacity for collection, treatment, and disposal of wastewater for the development.

b. The development boundaries are located within a service area designated with an approved **Certificate of Convenience and Necessity (CCN)**.

c. The wastewater plan for the proposed development is in conformance with the **Certified Area wide Water Quality Management (208) Plan."**

To stipulation seventeen (17) to read :" Prior to applying for a zoning clearance/building permit for commercial or other uses that are not for education purposes, the applicant/property owner shall attend Site Plan Review meeting(s) for review and County approval of the site plans, including, but not limited to landscape plans. "Education purposes" also will include administrative offices related to education purposes, student union and athletic fields;" .

To stipulation twenty one (21) to read "Open space and recreational areas shall be designed to conform to the standards and diagrams indicated in the PAD document on pages 37 - 46 including exhibits; ". Vice Chairman Riggins seconded the motion. Motion approved unanimously, 6-0.

Lunch Break 12:08 a.m.
Reconvened 1:00 p.m.

NEW CASES

BSD-001-12 - PUBLIC HEARING/ACTION: Adoption of the 2012 Building Code Ordinance, an Ordinance of the Board of Supervisors of Pinal County, Arizona that adopts specific 2012 Building Codes and amendments, the 2006 International Energy Conservation Code and amendments and the 2011 National Electrical Code and amendments for application within the unincorporated areas of Pinal County. This Ordinance repeals the 2006 International Building Code Ordinance, (Ordinance No. 022107-BCO).

Mr. Tony Guasp, Interim Building Official. Mr. Guasp came forward to address the Commission. Mr. Guasp read a portion of the changes to the Building Code and used a power point presentation.

Chairman Hartman asked Mr. Guasp regarding the heating and cooling requirements that all habitable rooms be maintained at a temperature of not more than 80 degrees, 3 feet above the floor. Mr. Guasp responded they wanted to insure people have cooling, we do not want rooms to get any hotter than 80 since Arizona is so hot. Vice Chairman Riggins stated he believes that new homes will not be able to use an evaporative cooling system, because of the temperature requirements. Commissioner Brown stated you could not have only an evaporative cooling system.

Commissioner Gutierrez left at 1:15 p.m.

Vice Chairman Riggins stated that saying you cannot build a new building without an air conditioner is a new concept. There will be people who will not want to spend the money and put in an air conditioner. This rule will prevent people from obtaining a building permit.

Ms. Weber asked Mr. Guasp if this was the language in 2006. Mr. Guasp responded yes, it has been in the code for about fifteen (15) years. Vice Chairman Riggins asked why the section is being amended. Ms. Weber responded every time there is a code adopted you have to re-adopt whatever was modified.

Commissioner Moritz asked has anybody questioned it in the fifteen (15) years while applying for permits. Mr. Guasp responded no one has questioned it. Vice Chairman Riggins asked if since 1986 there were thirteen (13) pages of amendments done. Ms. Weber responded in some years there could have been less, it is different every time.

Commissioner Moritz asked if there is anything requiring the builder to supply immediate hot water. Mr. Guasp responded not at this time.

Chairman Hartman opened the meeting to the public. Hearing none, Chairman Hartman closed the public portion of the meeting.

MOTION - BSD-001-12
Commissioner Aguirre-Vogler made a motion to recommend case BSD-001-12 to the Board of Supervisors with a favorable recommendation. Commissioner Brown seconded the motion. Motion passed unanimously, 5-0.

CASES PZ-PD-007-12 and PZ-007-12 WILL BE DISCUSSED TOGETHER

PZ-PD-007-12- PUBLIC HEARING/ACTION: Jupiter Realty Associates, applicant, Pew and Lake PLC agent, requesting approval of a Planned Area Development (PAD) Overlay District Amendment to allow the removal of a one (1) acre parcel of land from the 78.95± acre Phase 4 at Gold Canyon East PAD previously approved under cases (PZ(PD)018-96); situated in a portion of the NE¼ of Section 5 & the N½ of Section 4, T01S, R09E G&SRB&M; Tax parcels (multiple maps) 104-10, 104-73, 104-74, 108-09, 108-08, 108-07 (parcel list on file) (legal on file) (located at the SWC of the intersection of Baseline Rd. and Kings Ranch Rd. in the Gold Canyon area).

PZ-007-12- PUBLIC HEARING/ACTION: Jupiter Realty Associates, applicant, Pew and Lake PLC agent, requesting approval of a Zone Change from CR-1A (PZ-021-86) & CR-3/PAD (PZ(PD)018-96) to R-9 (Single Residence zoning district to plan and develop a 14 lot single family subdivision on 5.5± acres pending and in conjunction with Board of Supervisors PAD Overlay District Amendment approval request case PZ-PD-007-12; situated in a portion of the NE¼ of Section 5 & the NW¼ of Section 4, T01S, R09E G&SRB&M; Tax parcel 104-74-236A (legal on file) (located on the east side of Don Donnelly Dr. north of Avenida de Angles in the Gold Canyon Area.)

Mr. Abraham read a portion of the staff report and used a power point presentation.

Chairman Hartman called the applicant forward.

Mr. Ralph Pew, 17445 S.Val Vista Suite 217 Mesa, Arizona 85118. Mr. Pew came forward to address the Commission. Mr. Pew gave a brief description of the case and used a power point presentation.

Chairman Hartman opened the meeting to the public.

Mr. Hunter Mattocks, 4110 S. Camino de Vida, Apache Junction Arizona 85118. Mr. Mattocks stated he is a resident at Vista Del Corazon. Mr. Mattocks spoke against the rezone case, and read a letter from the homeowners association opposing the rezoning. Mr. Mattock's stated there are thirty (30) homeowners opposing the case. One hundred (100) lot owners replied by email to the applicant opposing the case.

Ms. Sherry Harris, 4001 S. Calle Medio a Celeste, Gold Canyon Arizona 85118. Ms. Harris spoke against the rezoning case. Her concern is the ambient lighting from fourteen (14) additional dwellings; the light that comes from the homes and residents, another concern is the high traffic area.

Mr. Ryan Guthrie, 4113 S. Avenida De Angeles, Gold Canyon Arizona 85118. Mr. Guthrie spoke against the rezoning case.

Commissioner Brown asked Mr. Pew why an individual property would be given higher weight than the neighbor's collective right to expect the zoning area will not change. Mr. Pew responded that the property owner does not have the right to change the zoning. The view from your window is not a property right.

Commissioner Moritz asked Mr. Pew about the elevation of the homes in Vista del Corazon, compared to where the proposed homes will be. Mr. Pew responded the difference is forty (40) feet in elevation.

Chairman Hartman asked Mr. Pew about the designs of the homes, are the lots just going to be sold to investors? Mr. Pew responded both situations have happened. It depends on how the market is at that time. Whoever does buy will have to follow the design guidelines. Chairman Hartman asked what is going to happen to the road. Mr. Pew responded it depends on the county transportation division. Mr. Chow responded they would have to submit their plans and have a traffic analysis first to determine their requirements.

Vice Chairman Riggins asked about the intensity of the rules from the Home Owners Association. Mr. Pew responded Gold Canyon East is a beautiful community; unfortunately, he could not recall the intensity of the rules and regulations.

Chairman Hartman closed the public portion of the meeting.

Commissioner Moritz stated there are concerns about having three (3) more entrances, it does create traffic issues. Commissioner Moritz asked would there be a reconsideration of the number of units, lowering to somewhere between five (5) and fourteen (14) units? Mr. Pew responded there has not been any talk of a smaller number of units.

MOTION - PZ-PD-007-12
Vice Chairman Riggins made a motion to forward case PZ-PD-007-12 to Board of Supervisors with a favorable recommendation along with one (1) stipulation. Commission Aguirre-Vogler seconded the motion. Motion passed unanimously, 5-0.

Commissioner Brown asked Commissioner Moritz how she feels about the case since she represents the area. Commissioner Moritz responded the case should be forwarded with an approval because the project phase needs to be completed. If the number of entrances, after the traffic analysis is done is deduced that will dictate the number of lots.

MOTION - PZ-007-12
Vice Chairman Riggins made a motion to forward case PZ-007-12 to Board of Supervisors with a favorable recommendation along with eighteen (18) stipulations, changing stipulations six (6) to read "if a condition is not met at the end of the specified time period for that condition the Board of Supervisors after notification by certified mail to the property owner and applicant who requested the rezoning can schedule a public hearing to grant an extension, determine compliance with the Schedule for Development or cause the property to revert to its former zone classification;"

Changes to stipulation seven (7) to read "if at the expiration of the (5) five year time period the Property has not been developed with a single family residential subdivision, for which it is conditionally approved, or improved in accordance with the Schedule for Development, the Board of Supervisors after notification by certified mail to the property owner and applicant who requested the rezoning, shall schedule a public hearing to grant an extension, determine compliance with the Schedule for Development or cause the property to revert to its former zoning classification;".

Commission Aguirre-Vogler seconded the motion. Motion passed unanimously, 5-0.

SUP-003-12 - PUBLIC HEARING/ACTION: Verizon Wireless, applicant, James Beal, landowner, Pinnacle Consulting, agent requesting a Special Use Permit to construct and operate a 150 foot tall monopole wireless communication facility on 945 square foot lease area of a 2.59± acre parcel in the (GR) General Rural zone; situated in a portion of the NW¼ of Section 31, T09S, R16E G&SRB&M, Tax parcel 307-02-002C (legal on file) (located northeast of the intersection of Oracle Turbine Station Rd and American Avenue in the Oracle area).

Ms. MacDonald read a portion of the staff report and used a power point presentation.

Chairman Hartman called the applicant forward.

Mr. Chad Ward, 6515 S Rural Road Tempe Arizona. Mr. Ward came forward to address the commission. Mr. Ward gave a brief description of the case.

Commissioner Moritz stated it is 150ft tall, and asked why it needed to be that tall?

Mr. Ward responded the area that was chosen prior was located on a higher elevation, and this site sits at a lower elevation, so it needs to be taller. It does pass all the heliport elevations.

Chairman Hartman opened the meeting to the public.
Mr. Ross R. Hopkins, PO Box 1156 Oracle, Arizona 85623. Mr. Hopkins spoke in favor of the case.

Chairman Hartman asked Mr. Hopkins what type of lighting the tower would have. Mr. Hopkins responded the FAA regulations say below 150 you are not required to have a light.

Chairman Hartman closed the public portion of the meeting.

MOTION - SUP-003-12
Commissioner Aguirre-Vogler made a motion to approve case SUP-003-12 with a favorable recommendation with the attached ten (10) stipulations. Vice Chairman Riggins seconded the motion. Motion passed unanimously, 5-0.

TENTATIVE PLATS

S-005-06 - DISCUSSION/APPROVAL/DISAPPROVAL: Willow Springs Properties, LLC, landowner, Stacey Weaks, Norris Design, agent, requesting approval of a tentative plat extension for Willows Springs South Village Parcel 2, Neighborhood 1, Villages 1-4, 545 lots on a 447.93± acre parcel in the CR-3/PAD zone; situated in portion of Sections 22, 23, 26, & 27, T8S, R13E, G&SRB&M, Tax Parcel 304-02-008 (located approximately 12 miles northwest of Oracle).

Mr. Denton read a portion of the staff report and used a power point presentation.

Chairman Hartman called the applicant forward.

Mr. Stacey Weaks, 418 North Toole Avenue, Tucson Arizona 85701. Mr. Weaks came forward to address the Commission. Mr. Weaks gave a brief description of the case.

Chairman Hartman asked Mr. Weaks if any work had been done or testing for effluent and was there a recharge permit obtained. Mr. Weaks responded no work has been done, but the tests were conducted, and the APP was obtained.

MOTION - S-005-06
Vice Chairman Riggins made a motion to approve the tentative plat S-005-06 and the attached fifty-four (54) stipulations, modifying stipulation fifty-three (53) to extend the tentative plat to August 19, 2014. Commissioner Aguirre-Vogler seconded the motion. Motion passed unanimously, 5-0.

PZ-C-006-12 - DISCUSSION/APPROVAL/DISAPPROVAL: The Planning and Development Department requests that the Planning and Zoning Commission initiate, in accordance with A.R.S. 11-813 (D) a Zoning Ordinance Text Amendment to Title 2 of the Pinal County Development Services Code, amending Chapter 2.175 Planned Area Development (PAD) Overlay Zoning District to consider adding language to allow previously approved PADs to make amendments following the requirements of Chapter 2.175 when rezoning to the Mixed Use Zoning District, subject to criteria, and to allow administrative PAD amendments when rezoning to the Mixed Use Zoning District, subject to criteria; amending Chapter 2.176 Planned Area Development (PAD) Overlay Zoning District on or after February 18, 2012 to consider adding criteria for PAD amendments with mixed use zoning; and adding Chapter 2.360 Mixed Use Zoning District, to consider adding a new zoning district that will permit a mix of development types including residential, commercial and industrial and will provide flexibility in these development area boundaries.

Ms. MacDonald read a portion of the staff report and used a power point presentation.

Commissioner Brown stated public input should not be totally removed from the process. Vice Chairman Riggins agreed with Commissioner Brown, but is concerned with removing the commissioners' participation. There should be established criteria for these proposals, where one of the criteria is that the request would only be considered if it had to do with the RSRSM alignment. Mr. Stabley stated the request was to look at ways to be able to do it without going through the complete hearing process, if it goes to the commission it is required it to go through the whole process. Vice Chairman Riggins stated if there was an expedited process that was put into place to help alleviate the RSRSM created difficulties. Mr. Stabley stated there would have to be a new zoning category created, and staff would need to look into whether or not this new category could only apply to projects impacted by RSRSM. Mr. Stabley stated that he has equity concerns with that.

Ms. Grieb stated statute sets up the process, there is fifteen (15) days notice for public of hearings, before the Commission hearings and Board of Supervisors, the County also has resolutions that the Board passed that requires work sessions. It is difficult to expedite the process. Vice Chairman Riggins stated creating a county policy that states that is in the public good of the county to address RSRSM generated problems first would be a benefit; this would set the case up for success from the beginning. Ms. Grieb stated in the current ordinance there are minor PAD amendments that can be done administratively, this would be an extension of that.

Ms. Grieb asked Vice Chairman Riggins if he was concerned with the type of land use that can be used, and can it be restricted to only changing residential types to residential types. Vice Chairman Riggins responded it is in the public good of Pinal County to address problems that RSRSM designations have created. Vice Chairman Riggins stated this seems to have created a new set of issues and has potential problems with it moving forward. Mr. Stabley stated we are not proposing allowing new categories within the PAD; it is more about shifting existing categories. Mr. Stabley stated if there are other criteria the Commission would like to see, staff can look at that, and present it back to the Commission.

Vice Chairman Riggins stated he would like to continue the case, and filter the proposal. Commissioner Brown stated instead of stream lining the existing process use an administrative process with added safeguards. Chairman Hartman asked if it could be continued for further discussion, and return it as a work session. Mr. Stabley stated it could be rescheduled to September 13, 2012 as a work session.

PZ-C-003-12 - PUBLIC HEARING/ACTION: text amendments to the County Zoning Ordinance, Title 2 of the Pinal County Development Services Code, that amend Chapter 2.185 "Outside Storage and Parking," Chapter 2.105 "CI-1 Light Industry and Warehouse Zone," Chapter 2.325 "C-3 General Commercial Zoning District," Chapter 2.330 "I-1 Industrial Buffer Zoning District," Chapter 2.335 "I-2 Light Industrial and Warehouse Zoning District" and Chapter 2.340 "I-3 Industrial Zoning District" by:

- Amending section 2.185.010 by adding subsections B and C listing additional actions that are unlawful;
- Amending section 2.185.040 by adding definitions for commercial vehicle, heavy truck, person, telecommunications and vehicle;
- Amending section 2.185.050 by revising subsection A to start with the phrase "Unless otherwise prohibited or restricted in this chapter" and adding a new subsection B addressing parking of public service and public safety vehicles.
- Adding a new section 2.185.055 "Heavy trucks; standing, parking or storage" listing the zoning districts where heavy trucks, standing, parked or stored are prohibited, listing certain exceptions, and listing the zoning districts where they are allowed subject to certain restrictions;

- Amending sections 2.105.10, 2.335.020 and 2.340.020 by adding under uses permitted "heavy truck storage, repair, service, staging and point of operation for trucking operations and their accessory equipment;"
- Amending section 2.325.030 by adding under special uses "heavy truck parking, staging and point of operation for trucking operations and their accessory equipment;" and
- Amending section 2.330.030 by adding under special uses "heavy truck storage, repair, service, staging and point of operation for trucking operations and their accessory equipment."

Ms. Klucar read a portion of the staff report and used a power point presentation.

Vice Chairman Riggins asked how commercial vehicles are regulated. Mr. Stabley responded we are only looking at commercial vehicles that are also heavy trucks.

Vice Chairman Riggins asked where in the Ordinance is the listing of agricultural exemptions. Mr. Stabley stated they are not listed, they are state law.

MOTION - PZ-C-003-12
Vice Chairman Riggins made a motion to forward case PZ-C-003-12, to Board of Supervisors with favorable recommendation. Commissioner Moritz seconded the motion. Motion passed unanimously, 5-0.

Break 3:41p.m
Reconvened 3:50 p.m.

WORK SESSION
Discussion of the Pinal County 2012 Major Comprehensive Plan amendments

A. PZ-PA-002-12: to discuss the alignment options for the Juan Bautista de Anza National Historic Trail through Pinal County as depicted on the Pinal County Comprehensive Plan Open Space and Trails Exhibit.
B. PZ-PA-003-12: to discuss the proposed amendment to the trails alignments within the Pinal County Comprehensive Plan Open Space and Trails Exhibit.
C. PZ-PA-004-12: to discuss the proposed text amendment to add criteria to Chapter 10: Implementation; to establish when trail realignment is considered a major, non-major, or administrative amendment within the Pinal County Comprehensive Plan.
D. PZ-PA-005-12: to discuss proposed text amendments of Chapter 3: Sense of Community and Chapter 7: Environmental Stewardship; to amend and add new policies concerning urban heat islands, rain water harvesting and "Energy Star" compliant construction practices.
E. PZ-PA-006-12: to discuss the proposed text amendment to add goals and policies to Chapter 6: Open Spaces and Places; to establish criteria and purpose for the creation of a trails manual within the Pinal County Comprehensive Plan.

Discussion of the Pinal County 2012 Major Comprehensive Plan amendments was rescheduled to the regular scheduled meeting, September 13, 2012 as part of the hearing.

PZ-C-004-12 - Work session to discuss subdivision regulation amendments to Title 3 of the Pinal County Development Services Code, amending Chapter 3.20 Final Plat Additional Data and Chapter 3.60 Appeals, Modifications and Waivers, to consider adding language to address adequate water supply outside of Active Management Areas (AMAs).

Mr. Denton read a portion of the staff report and used a power point presentation.

Vice Chairman Riggins asked Mr. Denton how people believe this proposal could negatively affect their personal wells. Mr. Denton responded people thought that if this ordinance was passed it would affect the operation of their personal wells. Mr. Stabley stated Mr. Joe Singleton; Pinal County Water Augmentation Authority Executive Director, explained that in many ways it would actually help protect the wells. Vice Chairman Riggins stated no individual or entity liked being told there would be more rules and regulations to go through. The ordinance offers the best protection for the people that are there now. We have people in Pinal County buying into areas that are supplied by GRD water. It has been placed on their final plat, and recorded as GRD water, but people do not know or understand how that will affect them in the future. Water adequacy is being used in a way to protect people, not hurt them.

Chairman Hartman stated you have Mammoth, Winkelman, and Kearny in opposition. Vice Chairman Riggins stated this is something everyone wanted done; the language has already been done to initiate. Ms. Grieb stated all that has been done right now is initiate the process, there has not been a public hearing yet. At the public hearing is when the recommendation is done, today is when you can amend the initiation item.

Commissioner Aguirre-Vogler stated she does not agree with a development being allowed to truck in water. Vice Chairman Riggins stated if a person wants to build a house in the middle of nowhere, and truck in his water that is their personal right, to subdivide with the intent to truck in water is a completely different story and agrees with Commissioner Aguirre-Vogler. Chairman Hartman stated it puts that subdivision on temporary water. Vice Chairman Riggins stated more restrictions could be added and sent off to the Board of Supervisors; the Board of Supervisors makes the full decision. Chairman Hartman stated having a committee to decide what would be best. Mr. Stabley stated there was a committee and their suggestion was to approve water adequacy, Vice Chairman Riggins agreed with Mr. Stabley.

Ms. Grieb stated staff was looking for the direction on how the Commission was leaning because staff needs to note the proposed changes on the public notice. If the discretionary exemptions are included on the notice as part of the proposed changes and receive public input, during the public hearing is when the recommendations can be made in favor or against, and state the reason for the Board of Supervisors.

CONTINUED CASE

PZ-C-004-12 - DISCUSSION/APPROVAL/DISAPPROVAL: The Planning and Development Department requests that the Planning and Zoning Commission amend its earlier action initiating a subdivision regulation amendment to Title 3 of the Pinal County Development Services Code to amend Chapter 3.20 Final Plat Additional Data to consider adding language to address adequate water supply outside an Active Management Areas (AMAs) to also initiate a subdivision amendment to Chapter 3.60 Appeals, Modifications and Waivers to consider adding a process for requesting exemptions from water adequacy requirements for subdivisions outside of AMAs. (Continued from the July 18, 2012 Planning Commission meeting)

Chairman Hartman called to the public. Hearing none. Closed to the public.

MOTION - PZ-C-004-12
Vice Chairman Riggins made a motion to not initiate case PZ-C-004-12, and continue with the original initiation. Commissioner Brown seconded the motion. Motion passed unanimously, 5-0.

ADJOURNMENT

Commissioner Aguirre-Vogler made a motion to adjourn. Vice Chairman Riggins seconded the motion. Chairman Hartman accepted the motion. Meeting adjourned at 4:34 p.m.

RESPECTFULLY submitted September 13, 2012

Jerry Stabley, Planning Director