



**PINAL COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
MINUTES OF May 16, 2013**

**PRESENT:**

Mr. Hartman, Chairman	Mr. Riggins, Vice-Chairman
Ms. Aguirre-Vogler, Member	Mr. Salas, Member
Mr. Grubb, Member	Mr. Gutierrez, Member
Ms. Moritz, Member	Mr. Del Cotto, Member
Mr. Anderson, Member	Mr. Smyers, Member

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

**PLANNING STAFF PRESENT:**

Mr. Stabley, Planning Director	Mr. Abraham, Planning Manager
Ms. MacDonald, Planner II	Ms. Fisk, Drafting Specialist
Mr. Denton, Planner II	Mr. Ashbaugh, Planner I

The meeting was called to order at 9:03 a.m., this date by Chairman Hartman in the Hearing Room, Building A, Florence, Arizona.

Commissioner Anderson arrived at 9:04 am.

Chairman Hartman introduced Commissioner Grubb and asked him to tell the Commission a little about himself.

Commissioner Salas arrived at 9:05 am.

**DISCUSSION/APPROVAL/DISAPPROVAL OF MEETING MINUTES: March 21, 2013**

Commissioner Aguirre-Vogler stated that she did not think staff had changed the notes to reflect her concerns about Red Rock interchange.

Ms. Grieb consulted with a staff member who stated that all of the notes in the minutes had been changed and there was not any more to add.

**MOTION**

Commissioner Salas made a motion to approve the minutes from March 21, 2013. Commissioner Gutierrez seconded the motion. Motion passed unanimously.

**DISCUSSION/APPROVAL/DISAPPROVAL OF MEETING MINUTES: April 18, 2013**

**MOTION**

Commissioner Salas made a motion to approve the minutes from April 18, 2013. Commissioner Moritz seconded the motion. Motion passed unanimously.

### **PLANNING DIRECTORS DISCUSSION ITEMS**

Mr. Stabley apologized for having to meet in the old Board of Supervisors Room. The EOC cannot be used for the next couple of months due to an unforeseen problem.

Mr. Stabley stated that the amount of marijuana to be sold was 2.5 ounce every two weeks and not 8 ounces that was brought up in the last meeting.

Commissioner Moritz stated that the Commission Attorney Ms. Grieb was going to check into federal vs state law on the medical marijuana. Ms. Grieb addressed the Commission on the conflict between federal law and state law. The County Attorney's Office brought this issue up to the Board of Supervisors at their meeting that even though the state has passed it, the federal government still prohibits the sale of marijuana. The County Attorney stands behind the federal law. The Board of Supervisors have considered what the County Attorney has said and have still approved a dispensary SUP. The federal government is looking for people who are trafficking drugs, breaking the law and not those who are under the state law.

Vice-Chairman Riggins asked counsel what other counties are doing. Ms. Grieb stated that Maricopa County has really backed away from this issue and sides more with Federal Law. Ms. Grieb stated that other surrounding counties are standing behind State law and continuing to open these dispensaries.

### **REPORT ON BOARD OF SUPERVISORS ACTION ON P & Z CASES**

**April 24, 2013** – The Board of Supervisors voted on and approved SUP-001-13

**May 8, 2013** – No cases were heard.

### **TENTATIVE PLATS: None**

**PZ-PA-002-13 - DISCUSSION/APPROVAL/DISAPPROVAL:** The Planning and Development Department requests that the Planning and Zoning Commission initiate, in accordance with PCDSC 2.170.110, a major amendment of the **Pinal County Comprehensive Plan** to amend the **Land Use Plan** to re-designate 1379± acres of land from **Major Open Space (or 1 DU/AC)** to other **residential land use categories** in the Queen Valley area; situated in portions of Sections 26, 33, 34, T1S, R10E G&SRB&M, and portions of Sections 3, 4, T2S, R10E G&SRB&M; located approximately 3.5 miles northeast of Florence Junction.

Mr. Abraham read a portion of the staff report and used a PowerPoint Presentation. At the conclusion of Mr. Abraham's PowerPoint he stated there would be a neighborhood meeting on May 29, 2013 at 6:00 pm for any Commission member to attend.

Commissioner Aguirre-Vogler expressed concerns about the high density with only one road in or out.

Vice-Chairman Riggins stated there are two roads in and out of the area.

Mr. Abraham commented that Silver King and Queen Anne Rd will take you out of the area.

Commissioner Salas wants to know how far Queen Valley is from Superior. Mr. Abraham stated that Queen Valley is about fifteen miles from Superior. Vice-Chairman Riggins stated there was a sign off the freeway to Queen Valley.

Commissioner Moritz wanted to know how many acres Mr. Abraham is talking about. Mr. Abraham responded approximately 1300 acres of land are included in the designation change

Commissioner Moritz asked if there was fire, water, power, and sewer. Mr. Abraham stated yes, all are, but some lots are on septic systems.

Chairman Hartman stated there was fire, power, water and a cell tower.

Commissioner Aguirre-Vogler asked what the population was in Queen Valley. Mr. Abraham told the Commission that he did not know but could find out.

Mr. Abraham stated that Queen Valley had been in existence since the 1970's and the proposed action would not affect zoning. He stated the zoning in the area was primarily for residential and not commercial. Mr. Abraham stated that we just want to change one (Comprehensive Plan) designation to another (Comprehensive Plan) designation. He stated that he had a map that would clarify things better so the Commissioners will have a better understanding of the whole area.

Chairman Hartman told the Commission that our Comprehensive Plan is a roadmap to the future and like many of our roadmaps it needs to be updated.

Vice-Chairman Riggins made a motion to approve PZ-PA-002-13. Commissioner Gutierrez seconded the motion. Motion passed unanimously.

## **WORK SESSION**

### **Discussion on future work session topics**

Mr. Stabley stated Ms. Janeen Rohovit from SRP has met with some of Pinal County Board Members and discussed having a joint session with BOS and Commissioners.

Chairman Hartman requested that if the meeting between the Board of Supervisors and Commissioners did not take place could she just come to a Commissioners Hearing and talk to them.

Mr. Stabley confirmed that he has requested this meeting. Mr. Stabley asked if there were any other questions on the SRP water agreement. There were none.

Commissioner Aguirre-Vogler requested a new Commissioners roster and district maps.

Mr. Stabley stated there were going to be twelve cases for them to hear in June so he would try to get work sessions scheduled in the next few sessions after June.

Chairman Hartman stated that new owners don't know what they can or can't do on their properties. He wants to know what staff is doing to communicate to new property owners.

Mr. Stabley explained it is extremely difficult to reach out to all of Pinal County residents and provide them with that kind of information. He stated that his staff attends community meetings, and goes to businesses to explain when codes have changed. Mr. Stabley told Commissioners that he would keep them informed of what his staff was doing. Chairman Hartman stated that he hoped so.

Commissioner Aguirre-Vogler asked about HURF and how the roads were being taken care of. She stated that many people think the roads are being taken care of out of their property taxes and asked Mr. Stabley to give them more information on it.

Chairman Hartman then stated that he does not have zoning R7 in his book and asked for clarification on it from Mr. Stabley.

Mr. Stabley stated it is one of our new code districts and they added R7 but it is close to the old CR3. They are still using old zoning categories along with the new ones. Mr. Stabley stated that the most up

to date codes are on the Pinal County website. He also stated that any printed information is antiquated as soon as it is printed since there are changes being made constantly.

Commissioners requested information on how to get to the Pinal County website to look at Planning and Zoning information. Mr. Stabley told Commissioners he would have written instructions for them at the next Commission Hearing.

Commissioner Moritz requested information on acronyms the County uses. She wants to know what the letters stand for. Last revision was 3/11. Mr. Stabley asked if there was a page number on it so he could look at it.

Chairman Hartman asked for an update on Fritz Behring the Pinal County Manager. Mr. Stabley stated that he knew only what he has read in the papers but didn't know if there was a time frame on the City of Scottsdale's decision.

Commissioner Gutierrez has some general questions for Ms. Grieb He wanted to know if there was anything that would preclude them from attending the meetings Mr. Abraham was talking about for Queen Valley on May 29, 2013.

Ms. Grieb stated that as long as they went as a resident or for information purposes only and not in a Commission capacity there would be no problems. If someone recognized them as a Commissioner to let them know they were only there to get information. If someone has questions encourage them to come to a Commission Hearing. Ms. Grieb stated that if more than one Commissioner attended a meeting they would have to have six for a quorum. She also stated that sometimes two of the three Board of Supervisors would attend a training class or attend a meeting, that did not mean they were there for a meeting, but what they did was post that more than one Board of Supervisor would be attending and they were not there in Board capacity.

Commissioner Del Cotto stated there have been problems with the zoning in District 2 area. He expressed concerns that the County has changed zoning that he was not privy to. Commissioner Del Cotto went on to talk about a Holiday trailer and how the County has now come to decide how big the trailer can be dependent on how big your dwelling is. He stated when he purchased his property he received a copy of the CC&R's that had the do's and don'ts of the community. He also stated that some Holiday trailers were now larger than the dwelling for those who live here in the winter only. He then stated that maybe the County could look at these new Holiday trailer zoning laws that are now in effect

Mr. Stabley stated that he was not aware of any new Holiday trailer laws that are in effect.

Commissioner Del Cotto stated that the County should make people aware of what zoning areas they are in. He stated that the Supervisor for his district had a meeting that turned into a heated discussion. He stated that he was aware that some were zoning violations and said just maybe take the zoning violations one by one. He stated that he felt that it was really up to your neighbor if they approved of what you were doing or not.

Commissioner Moritz asked Commissioner Del Cotto what he wanted from the County, do mass mail-outs, suggest changing zonings, or a walk- through of the area?

Commissioner Del Cotto stated he knew of people being cited for zoning violations and did not know why. He also stated that if you were friends with your neighbor then nothing would probably happen but if you were not then a citation would be issued.

Ms. Grieb stated that they were getting off the agenda for Work Sessions and would have another meeting with Staff to discuss the best way to handle the SUP's in Commissioner Del Cotto's district. She

stated staff would look into this new Holiday trailer rule that no one was aware of and bring it to future topics.

Chairman Hartman asked Mr. Stabley to put it on a future agenda.

Commissioner Gutierrez asked Mr. Stabley if San Tan Valley would be going through the same plan amendment Queen Valley is going through. Mr. Stabley stated he was not aware of any problems with San Tan Valley. Commissioner Gutierrez stated there was a pit that had a mobile home on it and chickens running around. Mr. Stabley said he would look into it.

#### **ADJOURNMENT**

Commissioner Moritz made a motion to adjourn. Commissioner Aguirre-Vogler seconded the motion. Chairman Hartman accepted the motion.

Meeting adjourned at. 10:19 am.

RESPECTFULLY submitted June 20, 2013.



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Jerry Stabley, Planning Director