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PINAL COUNTY PLANNING AND ZONING COMMISSION  
(PO NUMBER 230372)

Regular Meeting  
9:00 a.m.  
Thursday, November 20, 2014  
EOC Room - Building F  
31 N. Pinal St., Florence, Arizona

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**WORK SESSION:**

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TRANSCRIPTION PROVIDED BY

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Phoenix, Arizona 85006  
602-296-5178

ORIGINAL PREPARED FOR:  
PINAL COUNTY, ARIZONA

1           HARTMAN: ..your attention. We'll call our regular  
2 session of Pinal County Planning and Zoning Commission to  
3 order. Commission Members, thank you for being in attendance.  
4 I will be acting as chair this morning, as Chair Scott Riggins  
5 will be absent today. So, I see we're here, except for David  
6 Gutierrez is the one individual that is not present, besides  
7 Scott. So with that, welcome to the regular commission  
8 hearing here in Pinal County at the County Complex at EOC Room  
9 - Building F. With that, Commission Members, going on down -  
10 well discussion, discussion on the minutes. You, you know we  
11 don't sign off on the minutes any more, but you had an  
12 opportunity to look through the minutes, is there any comment?

13           COLLECTIVE: No.

14           HARTMAN: All right, if there's not. Steve, it's  
15 your turn. Steve Abraham.

16           ABRAHAM: Yes, good morning, Mr. Chairman. On your  
17 action report, if you had any questions about those cases, but  
18 yesterday the Major Comprehensive Plan amendments came to  
19 their conclusion at the Board of Supervisors. The Planning  
20 and Zoning Commission over the last couple months was looking  
21 at two cases, the one for the copper concentrate separator off  
22 on Skyline was obviously approved about a month ago, but then  
23 the Board took a look at the solar facility out on Bonnybrooke  
24 in Diversion Dam Road, west of - east of town here. The  
25 applicant on that case ended up withdrawing on that proposal.

1 So there was no vote of approval or denial, but they withdrew  
2 their case and that project won't be occurring. So the solar  
3 folks, when I talked to them, they didn't say if they were  
4 going to come back and ask for a (inaudible) request or look  
5 for some place else, but basically just closed the book on  
6 that proposal. That was - and then the other two, Mesa Solar,  
7 which was a smaller-scale solar facility and the other one  
8 that were asked by the same applicant, Mesa and Mini Mesa,  
9 those both were approved, so that was where the - that was the  
10 action yesterday.

11 HARTMAN: All right. Thank you Steve. Commissioner  
12 Members, if there's no further discussion, we're timed to move  
13 on to new cases. Steve, on this, on this case number four,  
14 would you explain what's going on there, if you will for the  
15 record?

16 ABRAHAM: Sure. Absolutely. IUP-002-14 was a  
17 industrial use permit that was requesting a de - septic sludge  
18 dewatering facility. The applicants on that case have also  
19 withdrawn, no additional action is needed by the Commission,  
20 and you don't have to look at that one today.

21 HARTMAN: All right. With that, let's move onto  
22 item number 5, PZ-PD-008-14, if you would.

23 DENTON: Mr. Chairman and Members of the Commission.  
24 Can you give us a second to get the PowerPoint pulled up?

25 HARTMAN: All right, are we ready?

1 DENTON: I'm getting there.

2 HARTMAN: Okay Dedrick. I will mention, we have  
3 Mark - Mark say your last name for me?

4 LANGLITZ: Good morning, Mr. Chairman, it's  
5 Langlitz.

6 HARTMAN: All right.

7 LANGLITZ: Langlitz.

8 HARTMAN: Thank you. I have generally a hard time  
9 with names and we'll get this name - thank you for being our  
10 legal person present today, we appreciate it.

11 LANGLITZ: Thank you Mr. Chair.

12 HARTMAN: All right, Dedrick?

13 DENTON: Excuse me. Our first case is Bella Camino.  
14 It's located on the northwest corner of Gantzel Road and Bella  
15 Vista Road in the San Tan Valley area. The applicant is  
16 proposing approval of a PAD amendment to reconfigure the open  
17 space, the lot arrangement and the streets for the Bella  
18 Camino PAD to allow for a church site. The property is on 81  
19 acres, and the development plan shows 224 dwelling units. The  
20 applicant is Harvard Investments. The site is located in the  
21 northern portion of the county in the San Tan Valley area,  
22 just north of Hunt Highway as shown on the county map.  
23 Zooming in, the subject property is adjacent to the north side  
24 of Bella Vista Road, the west side of Gantzel Road. There is  
25 a PAD adjacent to the west side of the (inaudible) and to the

1 north and to the east is state land. This is an aerial  
2 photograph of the site. Currently a majority of it is  
3 agriculture. The applicant is proposing a - to place a church  
4 in the northeast corner of the property, and then west of the  
5 property you can see the current houses. The existing zoning  
6 is R-7 and C-1/PAD. This PAD was approved back in February of  
7 2014. It's not working, Steve. The Comprehensive Plan is  
8 Moderate Low Density residential. And this is the applicant  
9 proposal. The diagram on the left-hand was the existing one  
10 that was approved back in February of this year, and then on  
11 the right-hand side is what - this is what the applicant is  
12 proposing. Like I stated earlier, the church is located in  
13 the northeast corner. As you can see, there is a  
14 reconfiguration of the streets, and then some of the lots.  
15 The configuration on the street on the right-hand portion of  
16 the site is a little bit better than what they was showing in  
17 the previous plan, and allowed a little bit more connectivity  
18 for the site. This photo was taken on Gantzel Road and this  
19 is looking north along Gantzel. And you can see the school  
20 back there in the background. And this is looking east. And  
21 this is looking south towards Bella Vista Road, and the  
22 subject property's on the right. And this is looking west  
23 into the subject property. And the next photo was taken on  
24 Bella Vista Road and this is looking north into the subject  
25 site. This is looking east along Bella Vista. Looking south

1 into the adjacent neighborhood. And this is looking west.  
2 Staff would like to add a stipulation for clarification in  
3 regards to the engineering stips and we would like to add that  
4 stipulations 25 through 31 approved under planning case PZ-PD-  
5 005-13 are still in full force and effect with the exception  
6 of the church site which is under a case PZ-PD-008-14. And  
7 with that, there's 31 stipulations and that concludes staff  
8 presentation and the applicant is present.

9 HARTMAN: Okay, thank you, Dedrick. Commission  
10 Members any, any questions of Dedrick before we get started?  
11 Okay, Putrick.

12 PUTRICK: On the Sonoqui Wash that cuts across the  
13 property there, in the past we've had flooding around the area  
14 at Poston Butte High School, has that been, has that been  
15 mitigated? From staff?

16 DENTON: Excuse me, can you repeat that?

17 PUTRICK: Yeah, the Sonoqui, the Sonoqui Wash cuts  
18 across this property and then across Gantzel towards Poston  
19 Butte High School, in the past we've had flooding in the area  
20 around the signals and the school, have we taken care of that  
21 in the past?

22 DENTON: I'm going to let Lester answer that  
23 question.

24 CHOW: Currently there is a flood control project  
25 along Bella Vista to the east of Gantzel Road, and I believe

1 that will - is part of the solution for that.

2 PUTRICK: Okay, and so -

3 CHOW: It is partly under construction, yes.

4 PUTRICK: This development won't -

5 CHOW: No, it won't.

6 PUTRICK: Thank you.

7 HARTMAN: Thank you. Commissioner Grubb.

8 GRUBB: Chair, thank you. My first question is  
9 this, is this being segregated out as a new parcel? As a  
10 separate parcel from the parcel that exists? I mean is this a  
11 totally different - are they carving out a piece of the  
12 property and it's going to be its own parcel, or is it part of  
13 the community?

14 DENTON: In the future they're going to have to  
15 carve out a parcel for the church site. The applicant  
16 probably can speak more on that, but I know they're going to  
17 have to carve out a parcel for the church site. But it's a  
18 part of the PAD.

19 GRUBB: Okay. And the second issue is - I lost my  
20 place here - on the drainage study that's in the - this  
21 packet, the drainage study that's in there refers to the  
22 original drainage study and does not identify the church  
23 parcel. So the drainage study was all done based on, on how  
24 it was going to be, and there's no addressing in here how it's  
25 going to be going forward with the church now impacting the

1 property.

2 DENTON: Part of the process is when the church  
3 comes back in, they're going to have to attend a site plan  
4 review and part of that process, they're going to have to  
5 submit a drainage study.

6 GRUBB: But how does that affect the drainage study  
7 on this property, on the, on the parcel?

8 DENTON: Well without the report for the church, I  
9 guess we wouldn't necessarily (inaudible). And we can, and we  
10 can let the applicant address -

11 GRUBB: Okay, thank you.

12 DENTON: More on that.

13 GRUBB: Thank you.

14 SALAS: Mr. Chairman?

15 HARTMAN: Yes, Commissioner Salas.

16 SALAS: One of the concerns that I had about this is  
17 the egress and the ingress on this particular lot, and I  
18 couldn't see any place where they're going to be going in or  
19 out, especially on that corner right there at the light.

20 HARTMAN: I concur with that. If I may call Public  
21 Works Lester Chow to speak on that ingress/egress, traffic  
22 flows, and what this will do to the community. How it will  
23 benefit or how it will impede the normal lifestyle of people  
24 with the increased traffic to the church.

25 CHOW: Chairman Hartman for which portion are you

1 talking, because the subdivision or development already has  
2 accesses shown. You have accesses off of Bella Vista, and  
3 then you have an access off of the Stardust Road which is on  
4 the western boundary.

5 HARTMAN: That's, that's - as I read through this  
6 it's 6.5 acres and I think it's like 20 - reduction of 24  
7 homes.

8 CHOW: Yes.

9 HARTMAN: Will there be a new traffic analysis?

10 CHOW: This project itself will require a new  
11 traffic analysis for itself, and then part of that traffic  
12 they will have to address the commercial parcel that is - at  
13 the southeast corner and then the traffic study for the  
14 development itself will probably mention what the church site  
15 will be, and then when each of those come in for their own  
16 site plan, the church and the commercial parcel, they  
17 themselves will be required to do a traffic study.

18 HARTMAN: On this particular case, I didn't see any  
19 real diagrams of the location of the church, it's just - what  
20 I'm looking at is just a 6.5 acres, the request for a church  
21 to be there, I guess, Dedrick, later on you will go ahead and  
22 have a plat laid out of - a schematic of the church and the  
23 parking and the exact location. Did I miss something when I  
24 was reading through that?

25 DENTON: The church site would be - it wouldn't be

1 handled through the platting process, but it would be handled  
2 through site plan review.

3 HARTMAN: All right.

4 DENTON: Yeah, and we'll look at the parking and  
5 drainage and traffic and all that during that process.

6 HARTMAN: So, and the parking space size will be a  
7 Pinal County requirement and not the narrower size that was  
8 tried to -

9 DENTON: That's -

10 HARTMAN: Moved through the County?

11 DENTON: That's correct, it'd be per the zoning  
12 regulations.

13 HARTMAN: I notice the problem out there in our  
14 parking lot here, it seems like it's getting narrower or  
15 something, or something's happening, because it's getting  
16 tighter. Anyway.

17 DENTON: Yeah.

18 HARTMAN: So I want to make sure that the parking is  
19 adequate, that's for sure.

20 DENTON: It'd be per the zoning ordinance.

21 HARTMAN: I have to leave my dually at home, I  
22 guess. Anyway, all right. With that, Commission Members,  
23 any, any further questions of staff before I call the  
24 applicant forward? If not, will the applicant come forward  
25 and identify yourself to the Commission and then go ahead and

1 sign in.

2 BRISLIN: My name is Tim Brislin with Harvard  
3 Investments. 17700 North Pacesetter Way, Scottsdale, Arizona.  
4 I got a brief presentation. Okay.

5 DENTON: Steve, he ran out. He's going to get the  
6 clicker for you, Tim, so I can go through the slide.

7 BRISLIN: Okay, got it. So just as we said, this  
8 was, this plan was approved by the Commission and the Board of  
9 Supervisors in February of this, of this year. In the  
10 meantime, the LDS church came to us, wanted a church site on  
11 our property. We were able to create a six and a half acre  
12 parcel for them in the northeast corner of the property which  
13 was - the place where they wanted to be. They were looking to  
14 be close to the Poston Butte High School and so we were able  
15 to do that for them. That's why we're here today, to get  
16 approval to change our site plan to accommodate that. But  
17 really, we're not making any changes to the zoning,  
18 (inaudible) design standards, everything staying the same,  
19 it's really just changing the use of one area that's  
20 (inaudible) use residential zoning. Commercial area stays the  
21 same - really everything on the south half of the property is  
22 the same, same lot sizes, everything. The northern half where  
23 we created the six and a half acre parcel, we had to adjust  
24 the streets and lot layouts and the Sonoqui Wash that runs  
25 through there to accommodate that. And we were able to do

1 that. Then at the end of the day we, you know, with the  
2 density on our site, we have 250 units allowed, we're only  
3 asking for - doing 224 now, so there's been a reduction in  
4 units. Our density is about 3.1 and we've maintained our open  
5 space as well. Again, you've seen the plan, I think it's a  
6 great plan, two lot sizes, commercial on the hard corner,  
7 great mix of uses now in the project. And it's nice that the  
8 church will start the development there, so we'll have early  
9 next year, once they get through the site plan process and  
10 their plan's approved by the county, we can get dirt moving  
11 out there. Here's the landscape plans. We still have great  
12 open space, nice parks throughout, a linear trail that runs up  
13 the middle of the project from Bella Vista all the way up to  
14 the northern, northern part. This is - well a little hard to  
15 read, but it's in your book, it just goes through the change  
16 of land use and the lot sizes that we have. Here's a  
17 rendering of the church. It's a nice looking building. It's  
18 going to be a larger size one, it'll have lots of classrooms,  
19 basketball court inside, so a lot of different instruction for  
20 their folks, as well students and whatnot, so it's - the  
21 church is very excited about it and they're really looking  
22 forward to getting going very quickly, so.

23 SALAS: Tim, is that the, is that the best spot you  
24 guys could find on that property?

25 BRISLIN: Yes. The key for them was one, having

1 good ingress and egress, so they have that on Ironwood Road,  
2 they have a north and a south entrance and exit. They also  
3 needed to be as close to the high school as possible. They do  
4 some instruction time with the students there, so having as  
5 close a proximity as possible, and everything surrounding the  
6 high school is state land. So this was the only - the closest  
7 piece of private land that they could be on, and it's - that's  
8 why this made sense for them.

9 SALAS: It seems to me like that would create an  
10 obstruction right there at the lights.

11 BRISLIN: What light?

12 SALAS: Right on the corner of Gantzel and Bella  
13 Vista Road on that particular corner there.

14 BRISLIN: Well I mean the lights are a half mile to  
15 the south. I can go back.

16 DENTON: Mr. Chairman, can I remind you guys to use  
17 (inaudible).

18 HARTMAN: Yes, go ahead Dedrick.

19 DENTON: Can I remind you guys to turn the mikes on  
20 when you speak?

21 HARTMAN: Commissioner Salas.

22 SALAS: Mine's on right here.

23 MORITZ: And then speak into it.

24 HARTMAN: Turn both of them, we're not picking you  
25 up.

1 SALAS: Don't tell me I'm hard to hear.

2 BRISLIN: The light - the existing lights are on the  
3 south portion of the property, it's a half mile from the north  
4 to the south, so there's quite a distance away from that, from  
5 that light. There shouldn't be any, any interaction at all  
6 with that light. So like - one closing slide. Really, you  
7 know, so that's - it's a fairly simple request. We're not  
8 making any major changes at all to any underlying zoning or  
9 design guidelines, it's really coming back in and trying to  
10 add an additional use to the property, so we got residential,  
11 we got commercial, we got a nice community use with the  
12 church, so a good diversification with really a relatively  
13 small project. So -

14 HARTMAN: All right, Tim - the church - what  
15 activities - I mean how many days of the week will the church  
16 be active?

17 BRISLIN: That's a good question. I think they're  
18 active on most days. They may have students - they obviously  
19 have their church on Sunday and I don't really know their  
20 hours. I'm not a member of the church, so I don't really know  
21 their hours, but it's not a - it's not like a commercial  
22 corner that's constantly open and active and cars coming and  
23 going. So.

24 HARTMAN: All right. It was mentioned in the  
25 writings that there is no community center for this

1 subdivision and I was thinking in my own mind that, that the  
2 church would maybe be advantageous as far as you mentioned  
3 something like basketball stadium and something like that?

4 BRISLIN: Yeah, they have a basketball court inside.

5 HARTMAN: Not a stadium, but a court, yes, yes sir.

6 BRISLIN: Yeah, I don't know if that'll be open to  
7 residents. I mean obviously any residents we have that are  
8 members of the church obviously could use it, and we will have  
9 some connectivity for our residents to be able to walk up to  
10 the church if, if they attend. We want to have that  
11 connectivity as part of the, as part of the community. The  
12 community will have parks within, that's open for the HOA to  
13 use, but I can't speak to whether or not that'll be open for  
14 the public to use.

15 HARTMAN: All right. Commission Members, questions?  
16 Commissioner Moritz? No? Grubb?

17 MORITZ: No.

18 GRUBB: Sure. Again, I'll ask on the drainage  
19 issue. I just don't see that the drainage has been addressed  
20 with the change in the plan, that's all. I just - if you have  
21 any comments on that. I realize that the Sonoqui bifurcates  
22 the property and probably is how you're going to address that,  
23 but it's just not addressed in here.

24 BRISLIN: There will be a drainage plan that gets  
25 submitted for the, the church when they come in for site plan

1 review. We'll have one for the overall residential and  
2 commercial, but at the end of the day it's still the same  
3 concept; we need to collect the water. Everything's flowing  
4 from south to north, so we need to collect water that comes  
5 across Gantzel, run it through the site, spread it out and  
6 then release it back, historical flows, to the farmland to the  
7 north. We're still doing that with this site, and then the  
8 church will have its own onsite retention plan.

9 GRUBB: Okay it - I guess the question is are you  
10 going to - in here is there addressing of the issue of the  
11 flow across Gantzel?

12 BRISLIN: Yes.

13 GRUBB: I mean are you going to lift the road? Are  
14 you going to box culvert? How are you going to address the  
15 water as it comes onto your property?

16 BRISLIN: Let's go back here.

17 GRUBB: I guess my question is are you going to be  
18 participating in some way of remedying the flow across the  
19 road?

20 BRISLIN: Well the County has long-term regional  
21 plans to do that.

22 GRUBB: Understood. Are you participating in that?

23 BRISLIN: No, our job is, is to collect the water as  
24 it comes - as (inaudible) flows across, we have a large green  
25 space just south of the church which acts as a collection

1 area, then it's channeled through the site and then it gets  
2 spread out on the north boundary and goes through - into the  
3 farms to the north.

4 GRUBB: Okay.

5 BRISLIN: So that's our responsibility.

6 HARTMAN: Okay, if we may call on Lester Chow to  
7 maybe embellish what the County's plans are on that?

8 CHOW: That (inaudible) in their CIP, so I'm not -  
9 the area manager would be, you know, handle that, but  
10 currently they do have a Gantzel Project that's coming in, but  
11 basically for that portion of Gantzel they are only improving  
12 a pedestrian access to the south. They will be continuing  
13 Gantzel to the, to the south of Bella Vista, but the  
14 requirement for this applicant would be to do their  
15 (inaudible) along Gantzel Road, curbs, gutters, sidewalks, but  
16 they will be required (inaudible) that water as it crosses  
17 Ironwood today and then channel it through their site.

18 HARTMAN: As I was looking through my information, I  
19 don't recall how many CFS it was, but it was a pretty good  
20 flow that comes through there. That's quite a few CFS.

21 CHOW: Yes. I am not aware or - of how much CFS is  
22 going through there. Our flood control looks at the drainage  
23 report and they're the ones that would (inaudible)  
24 recommendations of the applicant.

25 HARTMAN: So it will be addressed.

1 CHOW: Yes.

2 HARTMAN: All right. Commissioner Aguirre-Vogler.

3 AGUIRRE-VOGLER: How many units totally on this PAD,  
4 I couldn't see it.

5 BRISLIN: Well our density allows 250, we're doing  
6 224.

7 AGUIRRE-VOGLER: Oh, totally on the whole PAD. I'm  
8 looking at your whole, not the project site alone, but the  
9 whole Rancho Bella Vista PAD, because it's all inclusive.  
10 When you're, when you're -

11 BRISLIN: We're not part of the Rancho Bella Vista  
12 PAD, we're just Bella Camino.

13 AGUIRRE-VOGLER: Okay.

14 BRISLIN: So our site - our plan now shows 224  
15 units.

16 AGUIRRE-VOGLER: Okay.

17 BRISLIN: Is the reduction from -

18 AGUIRRE-VOGLER: And those little pockets are all  
19 little, just little green areas?

20 BRISLIN: Well we have two parks that have activated  
21 open space per our (inaudible) plan, that meet all the  
22 guidelines. One on the north, one on the south. And then we  
23 have greenbelts that (inaudible), link up everything as a  
24 trail system.

25 AGUIRRE-VOGLER: Thank you.

1           HARTMAN: All right, Commission Members? Steve, did  
2 you raise your hand?

3           ABRAHAM: I did.

4           HARTMAN: Steve Abraham.

5           ABRAHAM: I just wanted to clarify the drainage  
6 report discussion, that when the drainage report is submitted  
7 as part of the PAD, it becomes part of this plan, so I'm sure  
8 Tim's folks looked at how wide that needs to be and how the  
9 depths and things like that, because if he comes back and  
10 there's substantial changes to that open space area, they'll  
11 have to come back through this process again. So the final  
12 drainage report will reflect how to take water off of  
13 Ironwood, how to transfer it through the site effectively. If  
14 there are any major changes of that open space into the church  
15 site or into the lots, they'll have to come back and amend  
16 their PAD again, so the plan will arrive, the drainage report,  
17 and then it will become part of this case.

18           HARTMAN: Thank you, Steve. Commission Members, if  
19 there's no further questions, Tim thank you for your  
20 presentation. I'll reserve the right to call you back, but I  
21 will call to the public and have comments from the public if  
22 they so wish.

23           BRISLIN: Thank you very much.

24           HARTMAN: Thank you Tim. All right, with that, I'll  
25 turn to the public and ask is there anyone in the public that

1 would want to come forward and speak either for or against  
2 this case? PZ-PD-008-14. Seeing none or hearing none, I'll  
3 turn it back to the Commission, I'll close the public at this  
4 time, the opportunity for the public, and we'll turn it back  
5 to the Commission and call for any discussion and a motion.

6 AGUIRRE-VOGLER: I'll make a motion.

7 HARTMAN: Commissioner Aguirre-Vogler, motion.

8 AGUIRRE-VOGLER: I recommend the Commission forward  
9 PZ-PD-008-14 to the Board of Supervisors with a favorable  
10 recommendation with the attached - was there 30 or 31?

11 HARTMAN: No, 31.

12 AGUIRRE-VOGLER: 31, 31 stipulations.

13 MORITZ: (Inaudible) read by staff, the -

14 HARTMAN: With additional, the additional  
15 stipulations.

16 AGUIRRE-VOGLER: The additional thirty - additional  
17 one, making it 31.

18 MORITZ: As recommended by staff.

19 HARTMAN: And do I have a second?

20 AGUIRRE-VOGLER: As read by staff.

21 HARTMAN: Commissioner Grubb seconds the motion.

22 Dedrick, if you would, read that additional stipulation for us  
23 again, please. I didn't really get it too clear and -

24 AGUIRRE-VOGLER: I didn't either.

25 DENTON: The additional stipulation states

1 stipulations 25 through 31 approved under planning case PZ-PD-  
2 005-13 are still in full force and effect with the exception  
3 of the church site which is under case PZ-PD-008-14.

4 HARTMAN: All right, Commission Members? Call for a  
5 voice vote, all those in favor?

6 AGUIRRE-VOGLER: I haven't got a second.

7 HARTMAN: Yeah we did, Commissioner Grubb seconds  
8 your motion. Okay, I heard one aye. Commissioners.

9 COLLECTIVE: Aye.

10 HARTMAN: Okay. All those opposed? Hearing none,  
11 motion carries unanimously. All right Tim, move forward.  
12 Okay, with that, that closes our new cases and we move into  
13 tentative plats. Review, discussion, action of tentative  
14 plats is not a public hearing. The public may attend and  
15 listen to the proceedings, but may only address the Commission  
16 with its permission. With that, we'll go into tentative plat  
17 S-039-03. Dedrick, I believe you're the representative on  
18 that.

19 DENTON: I am. Mr. Chairman and Members of the  
20 Commission, our next case is Heritage Estates. The subject  
21 property is located approximately one mile south of Arizona  
22 Farms Road and approximately  $\frac{3}{4}$  of a mile (inaudible) Road.  
23 The applicant is requesting approval of a tentative plat  
24 extension for Heritage Estates, 193 lots on a 48 acre parcel  
25 in the CR-2 and CR-3/PAD zone. The landowner is Howard Hawks

1 and their agent is Pew & Lake. The subject property is  
2 located just north of the Town of Florence as shown on the  
3 county map. Zooming in, the subject property is highlighted  
4 in red or outlined in red as shown on the map just north of  
5 Florence. Staff recommendation is to modify stipulation 34 to  
6 allow an additional two years to November 20, 2016 for a total  
7 of 37 stipulations and the applicant's agent is present. And  
8 that concludes staff presentation.

9 HARTMAN: Thank you. Commission Members, any  
10 questions of Dedrick? If not I'll call the applicant to come  
11 forward if you will.

12 PEW: Good morning Mr. Chairman, Members of the  
13 Commission.

14 HARTMAN: Good morning, Ralph.

15 PEW: Ralph Pew from Mesa. Listening to your prior  
16 comment, I thought we were going to look at a site plan  
17 approval on the County complex here as it related to parking  
18 stalls and locations. I'm with you on that one, it's  
19 difficult out there. So, Commissioners thanks for letting us  
20 be here. On behalf of Mr. Howard Hawks, we respectfully  
21 request a two year extension to the tentative plat. This  
22 property got caught up in the sweep of the annexations in  
23 Florence. This is a small 48 acre parcel of these huge  
24 annexations that were occurring and you know they've been  
25 challenged through litigation now, so we had it timed

1 perfectly so we would get into the town, move forward, but  
2 because of that gap in the litigation now that's pending, we  
3 can't move forward there, and we would respectfully ask you to  
4 extend the time on our preliminary plat, and we concur with  
5 the staff's comments. I'd be happy to answer any questions,  
6 Mr. Chairman.

7 HARTMAN: Thank you, Ralph. With that I'll turn it  
8 back to the Commission. Commission Members, any comments? If  
9 not -

10 PEW: Thank you.

11 HARTMAN: Thank you, Ralph. With that Commission  
12 Members, it comes time for a motion if you would. This is on  
13 case S-039-03. A motion?

14 MORITZ: Mr. Chairman?

15 HARTMAN: Commissioner Moritz.

16 MORITZ: I move to approve the following  
17 stipulations for the tentative plat of Heritage Estates  
18 stipulations 1 through 37, adding a modification to number 34,  
19 as read by staff to extend the tentative plat to November 20,  
20 2016.

21 HARTMAN: All right, do I have a second?

22 GRUBB: I'll second that, Mr. Chairman.

23 HARTMAN: Okay, Commissioner Grubb seconds the  
24 motion. With that Commission Members, is there any further  
25 discussion? If not I'll call for a voice vote, all those in

1 favor say aye.

2 COLLECTIVE: Aye.

3 HARTMAN: Opposed? Hearing none, motion carried  
4 unanimously. Mr. Pew, you heard the decision of the  
5 Commission, two years.

6 PEW: Thank you.

7 HARTMAN: All right. With that, we will move onto  
8 case S-038-05. Oh excuse me, 35, 35.

9 DENTON: Our next case is Solana Ranch North. The  
10 subject property is bounded by Anderson Road, Miller Road,  
11 Barnes Road and Russell Road, approximately a mile and a half  
12 west of the City of Maricopa. The applicant is requesting  
13 approval of a tentative plat extension for Solana Ranch North,  
14 2,335 lots on a 689 acre parcel in the CR-3 and CB-1/PAD zone.  
15 The landowner is Anderson & Miller 694, LLP, and their agent  
16 is Philip Miller Consulting. The subject property is located  
17 west of the City of Casa Grande, and just south and east of  
18 the town or - I mean the City of Maricopa as shown on the  
19 county map. The subject property is outlined in red as shown  
20 on the area map, just west of the town - not the town - but  
21 the City of Casa Grande. Staff recommendation is to modify  
22 stipulation 49 to allow an additional two years. That date  
23 will be December 16, 2016 for a total of 58 stipulations, and  
24 that concludes staff presentation and the applicant is  
25 present.

1           HARTMAN: Thank you, Dedrick. At this time I'll  
2 call the applicant to come forward if you will. State your  
3 name and your address and then write it down on that roster.

4           HALL: Good morning Chairman Hartman and Commission  
5 Members. My name's Jennifer Hall with Rose Law Group. I am  
6 actually here on behalf of the applicant who unfortunately  
7 could not be here this morning. As Dedrick said, first of  
8 all, thank you very much for working with us Dedrick, as  
9 always. The staff report does, and the staff recommends an  
10 extension of two years. I do know, however, in the past this  
11 Commission has approved three year extensions and with that,  
12 the applicant is requesting a three year extension.

13           AGUIRRE-VOGLER: I have a question.

14           HARTMAN: All right, Commission Members. Questions?  
15 Ms. - Commissioner Aguirre-Vogler.

16           AGUIRRE-VOGLER: You're so close to Casa Grande, are  
17 you going to be annexed?

18           HALL: I do not know the answer to that question, I  
19 apologize. To my knowledge, nothing's been discussed about  
20 that.

21           AGUIRRE-VOGLER: Thank you.

22           HALL: The reason for the request of three years is  
23 just basically as you know, the market is coming back, it's  
24 just not coming back at the speed that the applicant would  
25 like, so that additional year would just give them ample time

1 to be able to come back to you with a final plat.

2 HARTMAN: I have a question. On arterial access,  
3 Anderson Road is the major access to these properties and  
4 between this case and the next case, we're talking about a lot  
5 of homes and this Commission always is quite concerned with  
6 access. And I have heard some talk about an east/west access,  
7 have you been involved - you and your properties - been  
8 involved in any of the discussion of east/west access of what  
9 would be the alignment of that access?

10 HALL: Chairman Hartman, I'm going to defer to  
11 Dedrick on that. Has there been any discussion about that  
12 that you know of?

13 DENTON: Not that I know of. Do you know anything  
14 Lester? Nope.

15 HALL: I apologize, I don't - I'm not familiar with  
16 that as well.

17 HARTMAN: I think that maybe I have heard some  
18 comments on - okay, Ms. Rose.

19 ROSE: Chair and Commission Members, I am Jordan  
20 Rose with Rose Law Group. Thanks for letting me speak. Yeah,  
21 there is some discussion with ADOT right now about the  
22 east/west access and they're siting some sort of alignment  
23 through Pinal County. It hasn't been decided, but it's going  
24 through a process and certainly that particular client is  
25 incredibly interested in seeing that happen, so - as is I know

1 the City of Maricopa.

2 HARTMAN: I've heard some discussion on Barnes, on  
3 the Barnes Road alignment, and that definitely would be an  
4 advantage to ingress/egress to these properties, which that  
5 Maricopa area definitely needs improvement that way, and so  
6 the - in reading through the letter, it was stated that  
7 probably 2018 would be the startup period time, and I think  
8 that that does give a little bit of time to really design some  
9 of the important things like arterial access and - other than  
10 Anderson Road.

11 ROSE: I appreciate that, Chair and Commission  
12 Members. In fact, I think the rea - one of the reasons aside  
13 from the market that this applicant needs three years is  
14 because if you get on the ADOT website you can see the various  
15 alignments that they're looking for - looking at right now to  
16 go east/west through Pinal County, and it has to be decided so  
17 that this can move forward in a, in a, I guess, quicker way,  
18 so.

19 HARTMAN: For the information of the Commission,  
20 I've had the opportunity through Pinal Partnership to listen  
21 to ADOT talk about access from the, from the east/west and  
22 they - to my disappointment, they keep throwing everything to  
23 I-8 and that's not for benefit of Pinal County, that's not  
24 really bene - that might benefit traffic coming from Gila Bend  
25 to I-8, but it doesn't really benefit the western part of

1 Pinal County, and so I hope that you and others will keep  
2 working on this because we do need it and this subdivision  
3 does need it.

4 ROSE: And Chair and Commission Members, I can  
5 assure you that this client and a couple other clients have  
6 had us pretty active in trying to get that figured out, so  
7 hopefully it'll move fast.

8 HARTMAN: Commissioner Salas.

9 SALAS: Jordan, I don't think you convinced the  
10 staff about three years. I don't know why our Commission  
11 should deviate from what they recommend.

12 ROSE: Chair and Commissioner Salas, I appreciate  
13 that. I think - and staff can correct me if I'm incorrect  
14 (inaudible), they are just recommending the two years in that  
15 that's what their normal process is, and so we're just asking  
16 for three because we would like to not be back in front of you  
17 and hopefully it'll - we'll be commenced construction in a  
18 year, but that's -

19 SALAS: Nice try.

20 ROSE: Wishful thinking, right? Thank you.

21 SALAS: Ready for a motion?

22 HARTMAN: All right. Commission Members, any  
23 further questions? If not, thank you Jordan.

24 ROSE: Thank you, I appreciate it.

25 HARTMAN: All right, Commission Members, we turn it

1 back for further discussion and a motion. Commissioner Salas.

2 SALAS: I move to approve the following stipulations  
3 for the tentative plat of Solana Ranch North. Stipulations 1  
4 through 58, modifying stipulation 49 to extend the tentative  
5 plat through December 16<sup>th</sup> 2016, as set forth in the staff  
6 report.

7 HARTMAN: All right, do I have a second?

8 DENTON: Wait, before we second it, the applicant  
9 did request for three years, so if the Planning and Zoning  
10 Commission like the three years, then the date would be 2017  
11 and not 16.

12 HARTMAN: I heard a motion, 16.

13 MORITZ: Mm hm, so let it go.

14 DENTON: You can change your motion.

15 HARTMAN: Yes we can, but -

16 DENTON: Okay.

17 HARTMAN: If it fails, if it fails to come to a - if  
18 it's either -

19 DENTON: Got you.

20 HARTMAN: Mark, if you will, if it's either defeated  
21 - if it's either defeated or I don't get a second, then we'll  
22 have to reconsider another motion, is that right?

23 LANGLITZ: Yes, Mr. Chair. The motion doesn't need  
24 to be amended or changed at this point in time. It was as  
25 it's been - it was made - has the motion been made?

1 HARTMAN: Yes.

2 LANGLITZ: Has it been seconded?

3 DENTON: No.

4 LANGLITZ: Okay, then we just wait for a second and  
5 then there will be a vote.

6 HARTMAN: Is there a second? No second. Would -  
7 Frank, Commissioner Salas, would you -

8 SALAS: (Inaudible).

9 HARTMAN: No, we can amend your motion. Come on,  
10 amend it.

11 MORITZ: Mr. Chairman?

12 HARTMAN: I don't have a-

13 SALAS: I don't want to amend it.

14 HARTMAN: We don't have a second.

15 MORITZ: Yes.

16 SALAS: We don't have a second, so the motion dies.

17 HARTMAN: All right, I tried to keep your motion  
18 alive.

19 MORITZ: Mr. Chairman? Would you like a motion?

20 HARTMAN: Yes, Commissioner Moritz.

21 MORITZ: I move to approve the following  
22 stipulations for the tentative plat of Solana Ranch North,  
23 stipulations 1 through 58, modifying stipulation 49 to extend  
24 the tentative plat to December 2, 2017.

25 HARTMAN: All right, with that do I have a second?

1 GRUBB: Second.

2 HARTMAN: Commissioner Grubb seconds the motion.

3 With that, is there any discussion?

4 AGUIRRE-VOGLER: Yeah, hopefully it gets annexed.

5 HARTMAN: All right, all right. So with that, a  
6 call for a voice vote. All those in favor say aye.

7 COLLECTIVE: Aye.

8 HARTMAN: Opposed?

9 SALAS: Nay.

10 HARTMAN: Hearing one in opposition. All right,  
11 motion carries. Jordan and Kelly. All right, with that we'll  
12 move onto our next case and if I can find it, which I did, S-  
13 036-05.

14 DENTON: Our next case is Solana Ranch South. This  
15 is in the same area of the case that you previously heard.  
16 The request is for a tentative plat extension for 2,030 lots  
17 on a 579 acre parcel in a CR-3/PAD zone. Location is in the  
18 same location as the previous case, and staff is recommending  
19 to modify stipulation 48 to allow an additional two years to  
20 December 16, 2016 for a total of 57 stipulations. That  
21 concludes staff presentation and the applicant is available.

22 HARTMAN: All right. I'll call the applicant to  
23 come forward if you will, please. And you already signed in,  
24 but sign in again, please.

25 ROSE: All right, we'll do it. Chairman and members

1 of the Commission, it's Jordan Rose for your records, here  
2 with Jennifer Hall on behalf of the applicant, and this is a -  
3 really just the southern portion of the project you just  
4 approved, so if you have any other questions or if you want  
5 any other discussion, but we're asking for the same request.  
6 So thank you.

7 HARTMAN: There was a discussion by one of the  
8 Commission members about annexation to Casa Grande, you also  
9 are close to Maricopa, so had - is there any thought going on  
10 about future annexations?

11 ROSE: Chair and members of the Commission, we over  
12 the last, gosh, I think it's been now eight years or so since  
13 the project started, or maybe it's not, but my memory has  
14 lapsed with the recession or something - they have talked with  
15 both Maricopa and Casa Grande. Neither of those cities at the  
16 time were interested in annexation, or if they were, there was  
17 no movement towards that, and so that's kind of where we are.  
18 We have our entitlements in the County and want to move  
19 forward there.

20 HARTMAN: So with what I know that the City of  
21 Maricopa has jumped the tracks south, you might say, and so  
22 they could eventually annex this property or the City of Casa  
23 Grande, which is on the eastern side of this property, could  
24 jump the Santa Cruz and annex this property, so.

25 ROSE: And Chair and Commissioner Members, if they

1 want to talk about that then, you know we've always been open,  
2 the property owners have always been open to those  
3 discussions.

4 AGUIRRE-VOGLER: (Inaudible).

5 HARTMAN: Mary Aguirre-Vogler.

6 AGUIRRE-VOGLER: The reason I'm concerned about  
7 annexation is counting here real briefly it's like 4,360 lots  
8 jammed in. Is there any commercial or any community center or  
9 anything?

10 ROSE: Chair and Commission Members, you heard this  
11 case many years ago.

12 AGUIRRE-VOGLER: Yeah, I know.

13 ROSE: And yeah, and it does. I don't have the - I  
14 don't think we have the site plan here, but it's, it's really  
15 a live, work and play kind of community. It's heavily  
16 amenitized. It exceeds your, you know, open space which I  
17 think you can see in your pre-plat that's, that's in front of  
18 you. So it's - it will be a very nice community.

19 AGUIRRE-VOGLER: The problem there is the roads,  
20 that's the problem. Everybody goes to Phoenix.

21 ROSE: And they're stipulated to improve those  
22 roads. Your Public Works staff was very clear about that in  
23 the stipulations.

24 AGUIRRE-VOGLER: Yeah, a miracle.

25 HARTMAN: One of the other things, Jordan, that was

1 in the early stages of this a problem was the fact of water  
2 service. Would you mention what the water service is on this  
3 property now?

4 ROSE: Chair and Commission Members, it's Global  
5 Utilities, so the problem had been solved. At the outset,  
6 you're right, when we started developing this there was no  
7 water or sewer in the area, now there's a sewer plant, there's  
8 certainly a robust water provider, and so that's, that's good  
9 news.

10 HARTMAN: So that's - you've moved forward in that  
11 part, which is, for sustainability, you have to have water and  
12 sewer.

13 ROSE: Yes. Yes.

14 HARTMAN: Roads are - roads -

15 AGUIRRE-VOGLER: Is she - did you actually answer my  
16 question because I'm looking at a plat but I don't really see  
17 a community center. Was there one?

18 ROSE: Chair and Commissioner, I don't believe there  
19 is an actual building that is a community center in the zoning  
20 that you approved, I think it's a large -

21 AGUIRRE-VOGLER: And my comment is always, you know,  
22 no community center and 4,000 units.

23 ROSE: And Chair and Commissioner, I think there's,  
24 there's so much open space and it's all very amenitized with  
25 different sort of play structures and adult - and this is not

1 - obviously this is not the zoning case, you've already  
2 approved that, this is just -

3 AGUIRRE-VOGLER: Yeah, I understand.

4 ROSE: Extension of the plat.

5 AGUIRRE-VOGLER: We've made a lot of mistakes in the  
6 past.

7 ROSE: I hope this - I don't think this was one of  
8 them, though. I really don't. I mean you just haven't seen  
9 it built yet. The things that you approved six years ago are  
10 really -

11 AGUIRRE-VOGLER: No I'm just - I'm commenting  
12 because I live by one that's being built. It's 4,000 units  
13 and absolutely no community center, no commercial, I mean  
14 there is commercial, but no commercial. There's a commercial  
15 area, but no commercial. There's no commercial within 30  
16 miles, so I don't know how far it is from Maricopa, but - and  
17 I don't know how far it is from any commercial, but that's one  
18 of my problems with things in the past that we made mistakes  
19 on. Thanks.

20 GRUBB: Mr. Chair?

21 HARTMAN: Who - okay, Commissioner Grubb.

22 GRUBB: Jordan, another thing, and you know it's my  
23 pet peeve, is the fire service in the area. At the time this  
24 was done six years ago, regional fire and rescue did actually  
25 provide service in that area, and since that time they no

1 longer do, and so I'm hoping to see some kind of addressing  
2 for fire service, whether it, you know - somehow, that you're  
3 going to get fire and EMS response, if you're going to put  
4 4,000 people in it - or 4,000 homes. You know, you're  
5 talking, you know, 10,000 people and, and I think that needs  
6 to be addressed as you come forward.

7 ROSE: Chair and Commissioner, just to address that,  
8 I appreciate that. This property owner, along with several  
9 others in that area had agreed at the time of - when they come  
10 forward, to build, to do a fire district so that's -

11 GRUBB: Thank you.

12 ROSE: Yeah. Thank you.

13 HARTMAN: And I - Jordan, on this, this is the third  
14 application for an extension and I think that what we're kind  
15 of hearing from the Commission is that sometimes these carry  
16 on long enough that they kind of become outdated and your  
17 people that you're representing, I know are in the market and  
18 they realize that and they, they're going to have to maybe  
19 bring it up to the modern requirements, or the current  
20 requirements, and the future requirements, which fire  
21 protection, road access, we've got the sewer and water taken  
22 care of, but there's other things, community centers, as Mary  
23 mentioned, and this is why when we have a hearing like this we  
24 kind of discuss the problems that we see.

25 ROSE: Well and Chair and Commissioners I wish we

1 would have brought the full - because this isn't a zoning  
2 hearing, I didn't bring and didn't show the zoning maps and  
3 show you all the amenities that you had approved, but I would  
4 say - and I would say this confidentially - if you put this  
5 project, both the one that you just approved and this one,  
6 because they're really, they're just, they're touching each  
7 other, one's the north and one's the south, up against any  
8 project in Chandler, Gilbert that has a similar 3.5 unit count  
9 density, that's a master plan of this size, this is going to  
10 have more amenities. I'm just telling you it will. I do  
11 these all over the state and it does. I mean we - because,  
12 and I will tell you why, it's because of what you all demanded  
13 at planning commission eight years ago.

14 AGUIRRE-VOGLER: It was actually December of 2005.

15 ROSE: That's exactly what it was.

16 AGUIRRE-VOGLER: 2005, it was almost ten years and  
17 things do change and we did make a lot of mistakes.

18 ROSE: But you guys look the same.

19 SALAS: (Inaudible) the Commission either.

20 AGUIRRE-VOGLER: Right. Nor the Supervisors, and we  
21 don't have the roads yet. So - and if we turned it down, that  
22 will be a big problem too for you guys, so a lot of money. So  
23 - but we do have comments and the comments are like that.

24 PUTRICK: Mr. Chairman? Mr. Chairman?

25 HARTMAN: Who? Mr. Putrick.

1           PUTRICK: Putrick. I think the discussions are well  
2 timed, however, I think that waiting for roads is a  
3 significant issue throughout Pinal County. We can't stop  
4 building because the roads are inadequate. You can see we're  
5 working on Hunt Highway, and Hunt Highway is long past due on  
6 being widened and it has a significant impact because the  
7 amount of traffic going north. I think there's almost as much  
8 traffic coming south sometimes when I'm out on Hunt Highway,  
9 so I don't - I - although it's a factor, it's not - there's  
10 nothing these folks can do about the roads and the roads  
11 aren't going to have the funding until there's some rooftops,  
12 and the commercial isn't going to be there until there are  
13 rooftops, and people to - I mean we, we have here at Anthem,  
14 as an example, a Safeway and Pulte had to do a deal with  
15 Safeway, a ten year deal, to get them to come and put in a  
16 grocery store. They gave them the land, essentially, and, and  
17 for ten years Safeway, you know, subsidized that operation  
18 because there were not enough people. Finally it broke even  
19 last year. So those are the kinds of things that we have to  
20 look at as a Commission in building Pinal County. We have to  
21 be flexible, we have to be strong about getting the State to  
22 spend some money here to improve the roads, and that's my  
23 comment for now. Thank you.

24           HARTMAN: Commissioner Putrick that - you're exactly  
25 right as far as I'm concerned too, it's, it's the developers

1 that initiate the changes that are required to sustain  
2 whatever they're trying to develop and that's exactly - it's  
3 not the County that goes out and builds the roads all in  
4 advance so that the developer can come in, it's the developer  
5 has to have the goals and idea and the money behind them, and  
6 the influence.

7 MORITZ: But Mr. Chairman, Mr. Chairman?

8 HARTMAN: Commissioner Moritz.

9 MORITZ: I just want to clarify, if I could, that by  
10 the term community center we're talking a retail commercial  
11 location or are you talking a community center for community  
12 activities?

13 AGUIRRE-VOGLER: I'm talking about activities for  
14 the community.

15 MORITZ: Okay, thanks.

16 GRUBB: Mr. Chair, I would hope -

17 HARTMAN: Commissioner Grubb.

18 GRUBB: I would hope that the - if this group is  
19 talking about forming a fire district, that they would address  
20 that as part of their fire station and just include some kind  
21 of community building within that, make it a central part of  
22 the community rather than looking at two separate buildings,  
23 it would be less expensive to do that and maybe we - the  
24 builders would all chip in a little bit to make that a  
25 reality.

1           ??: That's a good idea.

2           HARTMAN: All right. And with these comments that  
3 you're hearing Jordan, I assume that you're probably going to  
4 ask for three years on this also?

5           ROSE: Chair and Commission Members, yes.

6           HARTMAN: So we're talking three years of additional  
7 planning period to update. All right.

8           ROSE: Thank you.

9           HARTMAN: Commission Members, no other questions of  
10 Jordan, I will turn it back to - thank you, Jordan - turn it  
11 back to the Commission for further discussion and a motion.  
12 Commissioner Moritz, you're putting your -

13           MORITZ: Are you ready for a motion?

14           HARTMAN: You're ready, I'm ready.

15           MORITZ: I move to approve the following  
16 stipulations for the tentative plat of Solana Ranch South,  
17 stipulations 1 through 57, modifying stipulation 48 to extend  
18 the tentative plat to December 21, 2017.

19           HARTMAN: With that do I have a second?

20           DEL COTTO: I'll second.

21           HARTMAN: Del Cotto got the (inaudible) first, thank  
22 you. Okay, with that we have a motion and a second, if  
23 there's no further discussion, call for a voice vote, all  
24 those in favor say aye.

25           COLLECTIVE: Aye.

1 HARTMAN: Opposed?

2 SALAS: Nay.

3 AGUIRRE-VOGLER: Nay.

4 HARTMAN: One in opposition. Two?

5 AGUIRRE-VOGLER: Yes, two.

6 HARTMAN: Two. Motion carried.

7 SALAS: (Inaudible).

8 HARTMAN: All right. With that, the next case is -  
9 on your agenda is number 9, and it's S-033-14. Did I miss  
10 one?

11 DENTON: No, just give us one moment. Steve is  
12 going to check something really quick.

13 HARTMAN: All right. Steve, if you would.

14 ABRAHAM: We're almost there.

15 HARTMAN: Okay.

16 ABRAHAM: Just got to write some notes really quick.

17 HARTMAN: Don't let the staff slow us down, now.

18 ABRAHAM: It's normally like the other way around,  
19 right?

20 HARTMAN: Yeah, right.

21 DENTON: Okay, our next case is Sundance Ridge, it's  
22 S-033-14. This property is located northeast of (inaudible)  
23 Place and Middle Bear Lane North of the Saddle Brook  
24 development. The applicant is requesting approval of a  
25 tentative plat for Sundance Ridge, 55 lots on an 85 acre

1 parcel in the GR zone. The landowner's Canada Partners. The  
2 subject property is located in the southeast portion of the  
3 County as shown on the County map. On the area map, the  
4 subject property is located just north of the Saddlebrook  
5 Development, south of State Route 77 and east of State Route  
6 77. This is the cover sheet on the tentative plat which you  
7 guys have in your packet. It shows the proposed layout. The  
8 first photo was taken on Middle Bear Lane. This is looking  
9 north. This is looking east. Looking south towards  
10 Saddlebrook. And this is looking west into the subject  
11 property. Staff had had some discussions with the applicant  
12 and internally we had some discussions with our attorney and  
13 then also with our community development director, and with  
14 that we would like to modify stipulations 9H 9I and number 14,  
15 and the reason for the stipulations because in the subdivision  
16 code and also in our Comprehensive Plan and the zoning  
17 regulations, we don't have like any way to restrict building  
18 above the 15 percent slope line. So with that, we will like  
19 to modify stipulation 9H to read subdivision design and  
20 hillside area shall include preservation of existing ridge  
21 line and scenic vistas and safe construction and public and  
22 private improvement per Section 3.25.020 of the Development  
23 Services Code. So that language basically comes out of the,  
24 the subdivision regulations, so we want to strike no  
25 development above 15 percent slope contour and ridge line and

1 then insert that language that comes straight out of the  
2 subdivision code. And for 9I we want to strike out and that -  
3 and that the plant list from San Tan Park General Plan be  
4 followed, which is in error, and put down - so the stipulation  
5 will read prepare/provide indigenous plant list for re-  
6 vegetation within the building envelope. And then for  
7 stipulation 14 we want to strike out on the face of the final  
8 plat and note on the face of the final plat, no structural  
9 development is allowed above the 15 percent slope line, and  
10 the stipulation will read plot with a dash line, the 15  
11 percent slope contour line, which would be - it would be in  
12 accordance to the subdivision code. And with that, there's 19  
13 stipulations for this case, the applicant is present and that  
14 concludes my presentation.

15 HARTMAN: Thank you, Dedrick. It - Commission  
16 Members, any, any questions on those changes in the  
17 stipulation? We'll probably call on you again, Dedrick, to  
18 review that for us. Okay, with that I'll call the applicant  
19 to come forward if you will. State your name and your address  
20 for the record and also write down on the roster if you will.

21 MARTIN: Thank you Mr. Chairman, my name is Chuck  
22 Martin, Rick Engineering in Tucson, Arizona.

23 HARTMAN: Chuck, while you're writing, Dedrick has  
24 brought you up to speed on the stipulations and the changes in  
25 the stipulations?

1           MARTIN: Yes. I think we have a concern about the  
2 number 9H, the preservation of the existing ridge lines. The  
3 plat is designed to try to have minimal impact when we're  
4 preserving the slopes on the ridgelines, but as written, I  
5 don't believe we can develop it the way it is currently  
6 designed and I think we'd like to ask for a continuation to  
7 work out with staff. This is something that I think there was  
8 some interpretation of that requirement that we need to work  
9 out.

10           HARTMAN: I - Chuck, I appreciate that. I was up in  
11 Sedona and looking at acreages the other day and I was in one  
12 subdivision where the parcels are built along Oak Creek and  
13 from each lot site, the way it's designed, it protects the  
14 ridgelines and it also makes it so the home sites are not  
15 really totally visible. It's not like a subdivided community  
16 that we normally see down in the lower areas of Pinal County,  
17 so what, what are your thoughts on that? I mean if I can have  
18 you elaborate a little bit on that, density-wise and location  
19 of the structures themselves.

20           MARTIN: Mr. Chairman, thank you. I think we looked  
21 at trying to preserve the side slopes of the ridge. This is a  
22 real challenging property. The Hillside Development  
23 Ordinance, you know, talks about having reasonable ways to  
24 develop property that, you know, are challenging like this, so  
25 like there's two ways to look at it. We're trying to put the

1 houses at the top and preserve the slopes. We could redesign  
2 it where the houses were along the slopes, you know, I think  
3 that's a personal preference of, you know, the - how that  
4 would look, so - but I think we're at a point where we need to  
5 go back and kind of work this out a little bit more with staff  
6 and -

7 HARTMAN: I appreciate that. Mary Aguirre-Vogler.

8 AGUIRRE-VOGLER: You also have to work some things  
9 out with the fire department, I think, too, huh?

10 MARTIN: We, I did - got comments from Mr.  
11 (inaudible). We added turnarounds.

12 AGUIRRE-VOGLER: If you're going to continue it, I  
13 guess all of that will be straightened out, but I couldn't  
14 figure out how you're accessing either.

15 MARTIN: We're accessing off -

16 AGUIRRE-VOGLER: Off of what road?

17 MARTIN: I think it's (inaudible) or Middle Bear, I  
18 can't -

19 AGUIRRE-VOGLER: Yeah, Middle Bear but it -

20 MARTIN: Off of Middle Bear's there's an easement  
21 that goes through Saddlebrook to that location.

22 AGUIRRE-VOGLER: You're going to go through  
23 Saddlebrook.

24 MARTIN: Right. Correct.

25 AGUIRRE-VOGLER: What's the main road? I can't

1 really read it. There's a main road that comes in and goes  
2 into Middle Bear.

3 MARTIN: That's Peregrine.

4 AGUIRRE-VOGLER: And then above that.

5 MARTIN: Access goes all the way out to Saddlebrook,  
6 you know, the public road.

7 AGUIRRE-VOGLER: What's the name of that road, do  
8 you know?

9 MARTIN: I'd have to look at the plat, I don't -  
10 it's on the cover sheet of the plat. We, we named all the  
11 roads, let me get that.

12 AGUIRRE-VOGLER: Well, just tell me what kind of  
13 shape that road's in because it comes off of some boulevard.  
14 I've been back there a couple of times, but -

15 MARTIN: (Inaudible) roads adjacent to the property  
16 aren't paved.

17 AGUIRRE-VOGLER: Yeah, but I what I was seeing when  
18 the pictures were coming out, there were some dirt roads or  
19 something, but off of a boulevard and then there's like a  
20 winding road, is that paved?

21 MARTIN: No, and one of the stipulations is that  
22 that would be paved prior to the subdivision.

23 AGUIRRE-VOGLER: Okay. That whole road will be  
24 paved.

25 MARTIN: Paved access all the way to the

1 subdivision. Whether it's put in by the developer on  
2 Saddlebrook or -

3 AGUIRRE-VOGLER: All right, I just want to make that  
4 clear because it wasn't clear to me.

5 MARTIN: Staff has already addressed that.

6 HARTMAN: All right, Commission Members, any other  
7 comments before we ask for a motion?

8 MORITZ: Mr. Chairman?

9 HARTMAN: Yes, Commissioner Moritz. I noticed the  
10 water and the sewer were going to be private onsite, has -

11 MARTIN: Excuse me, the water district is being - in  
12 the process of being created.

13 MORITZ: Okay.

14 MARTIN: The - we submitted information to the  
15 Department of Environmental Quality, I believe, that - for  
16 onsite septic disposal systems, so that - and we got approval  
17 in the process.

18 MORITZ: All right, thank you.

19 HARTMAN: Commissioner Salas.

20 SALAS: Who is the provider for your water you said?

21 MARTIN: They're creating a new water district.

22 SALAS: Creating a new water district, and how are  
23 they? I know it says private there, but I want to know who  
24 they are.

25 MARTIN: I don't know the - I don't know the actual

1 name at this point, but they have submitted the application  
2 for that.

3 HARTMAN: I think, I think some of the questions  
4 that are coming before us show that probably a continuance  
5 would be appropriate.

6 GRUBB: Mr. Chairman.

7 HARTMAN: All right -

8 PUTRICK: I'd like to just ask the question, along  
9 with looking at reviewing the 15 degree slope, would you also  
10 address in staff, address the stability of those hills? I  
11 have a concern - I don't know if it's a real concern for here  
12 - but I grew up in California where the problem is water.  
13 It's either too much or not enough, and I don't know if that's  
14 a problem here, but can we address the stability of those  
15 hills? I mean I don't want you to go out and do a great big  
16 study, but somebody must, must certainly know how stable this  
17 area is.

18 AGUIRRE-VOGLER: Right.

19 PUTRICK: Thank you.

20 HARTMAN: I think probably - Lester, does - what did  
21 - on the soils, stability of soils, Public Works is -

22 CHOW: We do not get into the stability of the  
23 slopes for the, for the lots themselves. That is not part of  
24 what Public Works would be looking at.

25 HARTMAN: All right.

1 CHOW: And then that will be all part of when they  
2 come in for their - under the building permit.

3 HARTMAN: All right.

4 CHOW: They would be looking at the foundations for  
5 those, those custom homes.

6 HARTMAN: And there's no - and if there were faults  
7 or anything like that, that would show up in the plat, would  
8 it not?

9 CHOW: In the plat? No. Unless, like the San Tan  
10 area, you have known fissures, but in their, in their report  
11 they do a geotechnical report. It may, but not necessarily  
12 would show up in the plat.

13 HARTMAN: All right, thank you. Putrick.  
14 Commission Salas.

15 SALAS: Are you south of the Biosphere?

16 MARTIN: That's correct. It's between the Biosphere  
17 and Saddlebrook. And Mr. Chairman, the - each lot's require  
18 to provide an individual grading plan for building permits, so  
19 the geotechnical information would be provided with each  
20 grading plan as it came in.

21 HARTMAN: And the compaction on any fills and things  
22 would be part of that.

23 MARTIN: Correct.

24 HARTMAN: All right, thank you. If no further  
25 questions, thank you Chuck for, for your presentation. And we

1 will move forward with the continuance. If I can have a  
2 motion, Commission Members?

3 SALAS: (Inaudible) moved.

4 HARTMAN: Commissioner Salas makes a motion for  
5 continuance of this case.

6 AGUIRRE-VOGLER: For what, 30-60 days?

7 HARTMAN: it will be up to staff to come back before  
8 us, it's not -

9 AGUIRRE-VOGLER: But we have to put a date, I think.

10 HARTMAN: We're asking for a motion to continuance.  
11 The applicant is asking for a motion to continuance.

12 DENTON: Next month date would be December 18<sup>th</sup>.

13 HARTMAN: Can - is that adequate time?

14 DENTON: The applicant said yes, and it's adequate  
15 for us too.

16 HARTMAN: All right. Who wants to make a motion?

17 GRUBB: Mr. Salas.

18 HARTMAN: Salas, okay and you included in that the  
19 date?

20 SALAS: Yes.

21 HARTMAN: All right. But you didn't have a date in  
22 your original motion. Okay. All right, we have a motion, do  
23 I have a second?

24 GRUBB: Mr. Chair, I'll second that we continue  
25 until December 18<sup>th</sup>.

1 HARTMAN: Commissioner Grubb, thank you. With that,  
2 is there any further discussion? If not, call for a voice  
3 vote, all those in favor say aye.

4 COLLECTIVE: Aye.

5 HARTMAN: Opposed? Hearing none motion carried  
6 unanimously. Chuck, you have until next month.

7 SALAS: December the 18<sup>th</sup>, isn't it?

8 HARTMAN: Yes it is. All right. The next case is -  
9 on our list is item 10-S-035 -

10 ??: 14.

11 HARTMAN: 035-14.

12 DENTON: Our next case is Morning Sun Farms, Unit  
13 4B. The subject property is located adjacent to the south  
14 side of Empire Road approximately 1/10 of a mile west of Gary  
15 Road. The applicant is requesting approval of a tentative  
16 plat for Morning Sun Farms Unit 4B, 254 lots on a 72 acre  
17 parcel in the CR-3/PAD zone. The landowner's Beazer Homes.  
18 The subject property is located in the northern portion of  
19 the, of the County in the San Tan Valley area. On this map  
20 you can see that the subject property is just south of the, of  
21 the - of Maricopa County and the San Tan Valley area, and just  
22 north of Hunt Highway. This is the cover sheet on the - for  
23 the tentative plat which is in the Planning and Zoning  
24 Commission packet. This sheet shows the layout of the  
25 tentative plat. The photo was taken on Village - on North

1 Village Lane, and this is looking north. The subject property  
2 is there in the background, just on the east side of the  
3 fence, and this is looking east towards the subject property.  
4 Looking south. And this is looking west. There is 14  
5 stipulations attached to this case and that concludes staff  
6 presentation and the applicant is present.

7 HARTMAN: Thank you Dedrick. Any questions of  
8 Dedrick before we move on? If not, I'll call the applicant  
9 forward if you would. State your name and address and then  
10 write on the roster.

11 MILOVANOVIC: Good morning, Mr. Chairman,  
12 Commissioners. My name is Michael Milovanovic with Beazer  
13 Homes, address 1600 North Desert Drive, Suite 301, Tempe,  
14 Arizona 85281.

15 HARTMAN: All right. If you'd just give us a short  
16 description.

17 MILOVANOVIC: Absolutely. Also in attendance we  
18 have, for any technical questions, our engineer Matt Olson,  
19 and our construction manager being represented by Silver Fern  
20 Companies. If could discuss a little bit about Morning Sun  
21 Farms. This was a PAD started originally in 2001.  
22 Approximately - Beazer Homes was the original developer and we  
23 originally in the PAD had 1600 homes slated for. We are on  
24 the last remaining parcels within Morning Sun Farms. On this  
25 exhibit I'd like to kind of just point out several years ago

1 we had just completed developing parcel 4A. We have now  
2 completed all the homes there, we've moved in and completed  
3 the parcel 4C, which is adjacent to Parcel 4B which we're  
4 acting for the tentative plat approval. We have just  
5 completed the right-of-way, the entire right-of-way for  
6 Village Lane, which is adjacent to 4B. We have also, within  
7 the PAD, completed the additional community part site. This  
8 is one of our last remaining parcels. It was originally in  
9 the PAD slated for 80 foot wide lots. We had originally put  
10 in the sewer and the water infrastructure and all the services  
11 within the parcel. We're asking to re-plat to 50 and 60 wide  
12 lots, which is similar lot sizes to 4C which we're selling in  
13 right now. Thank you.

14 HARTMAN: All right. Commission Members, questions.

15 MORITZ: Mr. Chairman?

16 HARTMAN: Yes, Commissioner Moritz.

17 MORITZ: I just had one quick question. On the  
18 setbacks, you have the side yard as five feet, is that in each  
19 lot?

20 MILOVANOVIC: On the setbacks, yes they are, however  
21 the way we have plated this for 50 and 60 wide lots, we are  
22 putting a 35 wide product and a 45 wide product the existing  
23 (inaudible) we have in 4C. The reason why we're doing 50 and  
24 60 wide lots is to provide larger setbacks on the sides. Our  
25 intention is to provide them five foot and ten foot side yard

1 setbacks.

2 MORITZ: Thank you.

3 HARTMAN: And on the setbacks, I'm always kind of a  
4 stickler on the access to the garage, the distance between the  
5 garage and it used to be to the curb, but now it's to the  
6 sidewalk, because we're - there's so many of the original  
7 subdivisions, early subdivisions in Pinal County that they  
8 actually used 18 feet to the - and that was not enough.  
9 Vehicles sucked into the, well blocked the access on the  
10 sidewalks, so you're 20 feet?

11 MILOVANOVIC: Mr. Chairman, that is correct, we are  
12 at 20 feet. On the plat, I think Dedrick we do show 20 feet  
13 on that?

14 DENTON: That's correct.

15 HARTMAN: Exactly. You do. Okay, I just want to -  
16 want that to be on the record. All right, Commission Members,  
17 further questions?

18 MORITZ: Mr. Chairman?

19 HARTMAN: Yes Commissioner Moritz.

20 MORITZ: That's 20 on the larger size lot.

21 MILOVANOVIC: That is correct.

22 MORITZ: Ten on the smaller size lot.

23 MILOVANOVIC: It's 20 on the smaller also, but 10  
24 with (inaudible) with garage forward.

25 MORITZ: Right, okay thanks.

1 HARTMAN: Exactly. And it's 18 to the structure.

2 MILOVANOVIC: Correct.

3 HARTMAN: But it's to the sidewalk, not to the curb.

4 MILOVANOVIC: Right.

5 HARTMAN: (Inaudible) to the curb.

6 MILOVANOVIC: Correct.

7 HARTMAN: All right. All right, Commission Members?

8 No further questions? Thank you for your presentation.

9 MILOVANOVIC: Thank you.

10 HARTMAN: We'll move back to the - we'll move back  
11 to the Commission for further discussion, and if there's not,  
12 we'll call for a motion.

13 MORITZ: Are you ready for a motion?

14 HARTMAN: Yes, Commissioner Moritz.

15 MORITZ: I move to approve findings 1 through 7 as  
16 set forth in the staff report, and approve the tentative plat  
17 in planning case S-035-14 with the 14 stipulations.

18 SALAS: Second.

19 HARTMAN: Commission Salas seconds the motion. With  
20 that, if there's no further discussion on the motion, we'll  
21 call for a voice vote. All those in favor say aye.

22 COLLECTIVE: Aye.

23 HARTMAN: Opposed?

24 AGUIRRE-VOGLER: Nay.

25 HARTMAN: Hearing one.

1 MILOVANOVIC: Thank you.

2 HARTMAN: Thank you. Michael. All right, with that  
3 we, we change planners and we'll call Evan Balmer to take our  
4 next case if he will. Evan. Case, if I have it right, S-037-  
5 14. Evan, if you will.

6 BALMER: All right, Mr. -

7 HARTMAN: Good morning.

8 BALMER: Good morning. Mr. Chairman, Members of the  
9 Commission, this is case S-037-14. It's Shea Homes at Johnson  
10 Farms Neighborhoods 4A, 4B, 4C, 5A, 5B, 6A, and 6B. The  
11 property is located on the east side of Gantzel Road, south of  
12 Combs in the San Valley area. They were - are requesting  
13 approval of a tentative plat for Shea Homes at Johnson Farms  
14 Neighborhoods 4A, 4B, 4C, 5A, 5B, 6A, and 6B. It's 827 lots  
15 on 39.96 acres. The parcel's located in the CR-3/PAD zone.  
16 Landowner is Trilogy Encanterra LLC. The engineer is Coe &  
17 Van Loo. Here's the county map. You can see where you're in  
18 the San Tan Valley area. Zooming in a little bit, here's the  
19 subject property. We kind of straddle Hash Knife Draw on the  
20 east side of Gantzel. See cover page from the tentative plat  
21 that's in your packet. This shows the proposed lot layout.  
22 Photos were taken on Hash Knife Draw. This is looking north.  
23 East along Hash Knife. South. And then west along Hash  
24 Knife. There are 15 stipulations attached to this case, and I  
25 would be happy to answer any questions you may have. The

1 applicant is also present.

2 HARTMAN: All right. Commission Members, any  
3 questions of Evan? If not, I'll call the applicant to come  
4 forward. If you would, state your name and your address and  
5 write it down also.

6 IZER: Mr. Chairman, Commission Members, Rob Izer  
7 with Shea Homes. In the San Tan Valley. Good morning, by the  
8 way. We're here - this is actually a remap of an existing  
9 tentative. We began about a year ago studying a couple  
10 different things: One, drainage. We recognized some changes  
11 had been occurring. We also recognized that we needed to take  
12 into account our particular nature we call the panhandle and  
13 how certain water was coming at us over the, over the history,  
14 so with that, we also began to understand open space. And yes  
15 you're on it? You got me? Thanks. Okay, go to the next one  
16 real quick. There is, right on. Laser beam.

17 SALAS: Flood water?

18 AGUIRRE-VOGLER: No.

19 IZER: The first one?

20 ??: That's one of my lakes.

21 HARTMAN: It's irrigation.

22 IZER; Right on, I'm going to get it. Here we go.  
23 All right. It's going to be a little bit difficult to see,  
24 but let me just kind of point out the one on the left is our  
25 original plan that you all approved. We began studying that

1 over the last year, again on drainage, open space, but one  
2 other really important thing that I know we've all talked  
3 about and that's trail connectivity, pedestrian connectivity.  
4 Realized in the original plan we did not handle that as best  
5 we could, so we took all those things and we began working  
6 with the County staff and working through some of those things  
7 and what we came up with is what you see on the right and what  
8 is in front of you today. And the results of that study and  
9 that extensive analysis and back and forth with the team is  
10 that eight additional open space acres, a more communal park  
11 and trail connectivity throughout, and that is really it. All  
12 the lots, all the different things that have been approved at  
13 the original submittal have all not changed. We focused  
14 heavily on the panhandle, and if you can kind of see what,  
15 what it was, was what happens in a lot of typical subdivisions  
16 where you end up with all these little tiny spaces, so you get  
17 the end and not to, not to bash my engineering friends because  
18 they do a great job, but sometimes we don't take into  
19 consideration the human element, and we end up with just great  
20 lots, but not necessarily great community spaces. So that was  
21 one of the things that challenged us, is that we needed to  
22 rethink the drainage and accommodate for some of those things,  
23 how could we also come up with better open spaces; open spaces  
24 that you could actually use and not just end up at the end of  
25 the street. So that's what we really came up with. So the

1 left side really represented a lot of those broken up little  
2 tiny open spaces that were left over. What we came up with is  
3 much more consistent open spaces, longer expanses of open  
4 spaces, and a community park which is three acres, and Mr.  
5 Grubb, I'm happy you're the first to hear this: We were  
6 approved to enhance that park just recently as of yesterday,  
7 to include a new studio, some new amenities such pickle ball  
8 in which you and our members will be happily seeing those very  
9 soon. So with that, I'll show you a little bit of a snapshot  
10 of that. It's been something our members have really, really  
11 asked us to consider. I think I've mentioned it, this is our  
12 flagship. Throughout the country we sell more homes here than  
13 any other Trilogy in the country. It is - we currently have a  
14 68,000 square foot club, which is the largest in the country  
15 and we are about to add about 3,000 more square feet to that,  
16 and 9,000 square feet under roof, actually, so that'll include  
17 a new pool, it'll, as I said - pickle ball, if you don't know,  
18 is the fastest growing sport in the country. So our members  
19 have been very adamant about asking for more interest in that,  
20 so we are pursuing that and so again, one of the reasons we  
21 came back to this was really how can we create open spaces  
22 that can be really a vital element to the community. The  
23 trail system that we've created all throughout - let me see if  
24 I can point it out, but literally on all sides of that  
25 community and throughout, there's a six foot, if not an eight

1 foot trail, connecting all of those different open spaces. So  
2 the 68,000 square foot facility that we currently have and the  
3 new facility, there will be an eight foot trail that connects  
4 those two. So again, putting a lot more emphasis on the  
5 pedestrian than our previous plan. There's a snapshot of it.

6 HARTMAN: Rob?

7 IZER: Yep.

8 HARTMAN: Can I interrupt you a second? On the  
9 trails, the width of the trails, is, is that - is - are ATVs  
10 permissible on that trail or is it a foot trail only?

11 IZER: It is a foot trail only.

12 HARTMAN: All right, because a lot of these homes  
13 they - people have - we used to call them golf carts, but now  
14 some of them are kind of -

15 IZER: Yeah, even our golf carts are required to be  
16 on the street.

17 HARTMAN: All right. Thank you.

18 IZER: In some cases where - in and around our club,  
19 we do allow those golf carts, but those specific for that  
20 reason. I had to show you this, though. That pretty much  
21 concludes it, but you know, we were just in front of you and  
22 if you - you just approved a couple months back the attached  
23 unit, and I know you were concerned about it, but let me show  
24 you what we came up with. That was two days ago, and we're  
25 building it, and that's what it's going to look like. I mean

1 that's what we created. You know, I don't - you don't get to  
2 - I don't get to come back and show you some of this  
3 sometimes, so I thought I'd take the opportunity. The rear of  
4 the homes were just as important to us, so that's the rear of  
5 the homes. And let me go back and I'll show you where that  
6 was. It's not part - so right - now my pointers not doing -  
7 but right below - allow me to show you. It's right here  
8 (inaudible). That's the old plan that you guys reviewed. And  
9 I was just excited about it, I wanted to show it to you.  
10 Anyway, thanks for you time. That's why we're here. It's a  
11 simple update to the plan. Results again, I just wanted to  
12 emphasize, we end up with more open space, better connectivity  
13 for the pedestrians, and better drainage, really analysis and  
14 just planning overall. Thank you.

15 HARTMAN: Commissioner Salas.

16 SALAS: On those golf carts - excuse me - are they  
17 mainly used for the maintenance personnel?

18 IZER: No sir, golf carts, because we are a golf  
19 course, we are a private country club, those golf carts are  
20 for our members as well.

21 SALAS: All right.

22 HARTMAN: All right. On the - I don't really know  
23 what direction it is, to tell you the truth. So many times  
24 our maps are turned different ways and I can't tell north from  
25 east or west, or whatever. But on the upper portion of the

1 properties, the property line is really irregular, why, why -  
2 explain to us why that's that way. Is there a drainage there  
3 or what is - or why was it originally laid out as a property -

4 IZER: Are you referencing the very northwest?

5 HARTMAN: Yes, yes I hope so.

6 IZER: There's a school there. That is the J. O.  
7 Combs School.

8 HARTMAN: And it's not terrain, it's not - the  
9 boundary's - okay. I thought maybe it had something to do  
10 with terrain or something, a roadway or arterial or something.  
11 It's a property, actual physical property of the school  
12 properties.

13 IZER: Yep, it's a school.

14 HARTMAN: All right, Commission Members. Any, any  
15 further questions of Bob? If not, thank you Bob. We'll turn  
16 it back to the Commission for further -

17 AGUIRRE-VOGLER: It's Rob.

18 HARTMAN: Rob - no it - Rob, excuse me Rob, you're  
19 right. Okay. All right. All right, with that we'll go back  
20 to the Commission for further discussion. If there's not, I  
21 will entertain a motion. Commissioner Moritz.

22 MORITZ: Can I make a motion?

23 HARTMAN: Yes, Commission Moritz.

24 MORITZ: I move to approve findings 1 through 7 as  
25 set forth in the staff report and approve the tentative plat

1 in planning case S-037-14 with the 15 stipulations.

2 GRUBB: Mr. Chairman, I second.

3 HARTMAN: Do I have a second?

4 GRUBB: Mr. Chairman, I second that.

5 HARTMAN: All right. Commissioner Grubb seconds the  
6 motion. With that, if - is there any discussion on the  
7 motion? If not, we'll call for a voice vote. All those in  
8 favor, say aye.

9 COLLECTIVE: Aye.

10 HARTMAN: Opposed? So signify, if not, motion  
11 carried unanimously. All right, Rob. Thank you. Proceed.  
12 Okay, with that, let's take a, let's take a ten minute - that  
13 concludes our tentative plats and we're going to go into our  
14 work session. The next item on our agenda is the work  
15 session, so let's take a ten minute recess and be back at a  
16 quarter of 11, quarter of 11. [Break.] If I can have you  
17 attention, we'll reconvene our session. We're, we're going to  
18 go into item number 12, PZ-C-001-14, and in this, this is a  
19 work session and we normally don't have the public speak at  
20 this work session. What happens is later on this is - Steve,  
21 explain how this initiative is being generated, because I've  
22 been on the Commission quite a while and it used to be that  
23 the Commission initiated a case and at - a case of this nature  
24 as a Commission initiative, and Steve explain that further, if  
25 you will. What's happened?

1           ABRAHAM: Sure, Mr. Chair. Yeah, this is a little  
2 different than what you're normally used to. 90 percent of  
3 the time staff brings forward code amendments and those are  
4 initiated. As part of our 2010 zoning ordinance update, we  
5 included a section in our code that allowed the general public  
6 to initiate and request that the Board and the Commission  
7 review a citizen-initiated code amendment and that's what that  
8 - this is today. That basically a member of the community,  
9 Sidewinder Dairy, the folks who own Sidewinder Dairy, have  
10 asked the County to take a look at our medical marijuana  
11 requirements and they are proposing it. So this change is not  
12 coming from staff, and part of the way to look at this is kind  
13 of like a zoning case where the applicant is basically  
14 presenting a proposed change, the onus is really on them to  
15 say why it's a good idea, demonstrate public outreach efforts.  
16 Staff's relationship to this is basically making sure that  
17 they follow our advertising requirements, procedural, and then  
18 of course we get to weigh in as staff, you know, about some  
19 changes or any talking points that we think need to occur, so  
20 that's why this one's a little bit different. So the work  
21 session is, is basically required by our code to get your  
22 first blush at this and interface directly with the applicant  
23 and that way they can have an opportunity to talk with you  
24 directly. You can direct them to bring back additional  
25 information, look at some changes, feel free to direct staff

1 if you want us to go do some additional information or some -  
2 get some knowledge on the subject, which the Board of  
3 Supervisors has looked at this, they asked that all code  
4 amendments go in front of them as part of a work session.  
5 They've given us some homework on this as well, and I'm going  
6 to get into that a little bit more in my presentation, so  
7 without further ado, I'll go - just to lay out how this will  
8 work, I'll do a presentation like normal, the applicant, Ms.  
9 Rose will be - she'll have a presentation, just kind of like a  
10 case, and then we can have a discussion about the item as  
11 well.

12 HARTMAN: And as Chair, Commission Members, as a  
13 work session, we don't really get involved with the public  
14 comments. That will come later on when we have a public  
15 hearing, but we will - the applicant will have the right if  
16 they have some person of, of knowledge that they could, they  
17 could probably ask to come up and speak to us. So with that,  
18 without any further discussion, let's, let's call the  
19 applicant to come forward. And Steve, you can, if you would,  
20 go ahead and give your comments. Mark, you look like you're  
21 getting ready to attack me.

22 LANGLITZ: No, not attack. I just wanted to mention  
23 that it's within the discretion of the Chair to allow the  
24 public to make comments. The Board of Supervisors did allow  
25 comments to be made, and I know that several folks have come

1 here and have been sitting here for a while and would like  
2 address the Commission, but again, it's within the discretion  
3 of the Chair.

4 HARTMAN: Thank you, Mark. That's kind of what my  
5 thinking is. We - we're not going to really carry this on as  
6 a public hearing, as such, with participants from the audience  
7 unless they're an expert witness chosen by the applicant  
8 that's coming before us. So at this time, Steve if you want  
9 to give any further directions and then we'll call the  
10 applicant forward?

11 ABRAHAM: Absolutely. Okay, basically today we're  
12 going to introduce you to a proposed code amendment and it's  
13 in your packets that basically what the proposal is, is to  
14 allow the outdoor cultivation of medical marijuana in the GR  
15 zone. Those are the two major components of it, and just as a  
16 background, when the medical marijuana section was updated,  
17 which would have been about 2009, there were specific  
18 requirements that were put on where dispensaries could be  
19 located, where cultivation locations could be located, and  
20 basically they're relegated to CD-2 and C-3 zoning. So let me  
21 go forward just a little bit out of order here. And I have a  
22 handout for you of this slide that you can take with you as  
23 part of your packets, but in the distance on that kind of  
24 bright slide there, there are some red dots - actually you  
25 know what, Dedrick, would you mind handing that? Dedrick's

1 going to hand out the copy of this slide here that basically  
2 shows that there's a series of like red dots on this map, and  
3 that's basically where these facilities could be located. The  
4 proposal today would allow an SUP to be requested on the sort  
5 of peach colored/flesh colored tone on that map. So you can  
6 see how right now the philosophy behind the current code is to  
7 have them in these specific locations that are really not a  
8 large land mass in our county. With the proposal, I think the  
9 most apparent affect would be that it would open it up to much  
10 more land area. Now the proposal is not to allow it outright,  
11 you'd still have to come through the public hearing process,  
12 you'd have to go talk with, you know, this body here would  
13 make a recommendation to the Board of Supervisors, there'd be  
14 notification requirements, it would be just like allowing a  
15 dispensary now, except the code would say we could accept an  
16 application on a GR zone property. Backing up just a second  
17 here. Now the process, the Board of Supervisors has asked us  
18 in the past that any code amendment come to them first, so we  
19 did that about two weeks ago. The Board of Supervisors  
20 directed us to do a couple things; one take a look at what  
21 other communities are doing, which is you know a standard  
22 practice, and we're working on that right now. I've got a  
23 list of what the - of counties, what they're requiring. I'm  
24 putting together with help with the applicant some of what the  
25 towns and cities are requiring. One Board of Supervisors

1 asked me to go take a look at what Colorado is looking at  
2 right now. You may or may not be aware, but Colorado it's  
3 basically completely legal at this point for recreational  
4 purposes, so we're seeing how they handle cultivation, just to  
5 get some more input on the subject. So the plan right now is  
6 that next month you will have this case as a public hearing.  
7 So that will be where you'll get a chance to vote on it, tell  
8 us any changes, or if you'd like to make any changes now,  
9 those - that's certainly - this is certainly the time to do  
10 that. Then we're looking at a January Board of Supervisors  
11 public hearing. Both P and Z and Board of Supervisors will be  
12 public hearings, they will be noticed, they'll be - and then  
13 advertised in the manner prescribed by State law. So some  
14 discussion points, because this is really - it's sort of right  
15 now staff hasn't really formulated opinion on whether or not  
16 this is something that, that's good, but when we're - what  
17 some discussion points could be is that you could obviously  
18 limit the size of the facility, you could talk about possibly  
19 requiring locations and proximities to residential be  
20 increased or decreased. A concern that was voiced to Ms. Rose  
21 and the Rose Law Group at the beginning from us is, from  
22 Planning staff, is what are the aesthetics of these types of  
23 facilities that GR zone and farming operations generally have  
24 an agricultural look and feel to them. If the facility needs  
25 to be secured, which would require a ten foot wall and

1 possibly some video surveillance, what does that do to the  
2 agricultural aesthetic of our community? Furthermore, with  
3 the processing, drying, security of the actual product itself,  
4 do we get away from agriculture and start looking more like an  
5 industry or warehouse type thing? And then naturally public  
6 safety. At the Board of Supervisors meetings the, the County  
7 Attorney, Lando, commented on the case. Paul - Sheriff Paul  
8 Babeu commented on it as well, and I'm sure that those voices  
9 of public safety will come up again and again throughout this  
10 process, but that's just something to talk about as well. So  
11 that kind of generally outlines the process, procedures, some  
12 talking points. We'd be happy to get your thoughts on it. If  
13 you want us to, again, to look at some other codes or  
14 ordinances, things along those lines, but I definitely would  
15 let the applicant make her presentation, see if there's  
16 anything beyond that as well. That concludes my presentation  
17 if you have any additional questions.

18 HARTMAN: Steve, thank you for going into the  
19 description that you've gone into. That answered a lot of my  
20 questions. I had, I had my personal questions when, when will  
21 this take place. Now will the Supervisors vote on it this  
22 year?

23 ABRAHAM: No. It will be January or possibly  
24 February. And that all depends on how it moves through out  
25 system. If there are some changes that need to be made or it

1 needs to be re-advertised, that could delay that process, but  
2 no, it won't be done before the end of the year.

3 HARTMAN: Okay. Some of, some of my thoughts, and  
4 Commission Members, I know you have your thoughts too, but one  
5 of my thoughts is size and whether we go by square footage or  
6 whether we go by acreage. That's a question. Location;  
7 whether - who decides where they'll be located. If it's the  
8 public will come in and apply for this, this permit, location.  
9 Separation, distance, is there going to be separation like  
10 there has been in some of the other cases, distance-wise. And  
11 the paved road, the paved road portion that staff has  
12 recommended, I've got a question on that. And then of course  
13 the protection. Most of us have - or some of us in farming  
14 have grown watermelons and different produce and different  
15 things and we know that when we get in field size protection  
16 of these commodities is kind of tough, and so that - the  
17 protection part of it is something that I'm interested in.  
18 And I know we are, all of us, so without any further comment,  
19 I would like to call the applicant to come forward. And we're  
20 talking about case PZ-C-001-14.

21 ROSE: Chair and members of the Commission, for your  
22 records I'm Jordan Rose with Rose Law Group and with me today  
23 is our client, Sean Dugan from Sidewinder Dairy and my law  
24 partner Ryan Hurley, and the director of our medical marijuana  
25 department, and Jennifer Hall, Senior Project Manager. First

1 of all, I just would like to say we're not - and I wanted to  
2 make this clear, today we're not talking about whether or not  
3 you voted for medical marijuana. I can tell you that I  
4 didn't, I didn't vote for the medical marijuana ordinance.  
5 Maybe some of you did, some of you didn't. But what I found  
6 since it passed is that there are so many people that I know  
7 who have had illnesses, kids who have had epilepsy, who have  
8 used this drug to, to live, to go to work everyday, to carry  
9 through and, you know, if my loved one is, is sick I'd let  
10 them eat nails if that's what they want to do, if it's going  
11 to make them feel better. So we're not talking about that  
12 here today, and the folks in the audience from the alliance,  
13 we appreciate your hard work on behalf of keeping drugs away  
14 from our children and our families, and we respect that. And  
15 Sean Dugan told me that this morning, he just said, you know,  
16 what those guys are doing is so important and it has nothing  
17 to do with what we're doing here today. What we're doing here  
18 today is we're implementing a law that was passed by the  
19 voters, and frankly we're just asking that the law that works  
20 in Coolidge and Casa Grande, the surrounding communities, be  
21 implemented here. The tweaks - this is really a technical  
22 correction to your zoning ordinance.

23           LANGLITZ: Mr. Chair, I'm sorry, at this point I'm  
24 going to interrupt this speaker. It is inappropriate for the  
25 speaker to provide the Commission with legal conclusions or

1 her opinion as to law. The Code of Professional  
2 Responsibility does not allow an attorney to make legal  
3 statements to a party that the attorney knows is represented  
4 by another attorney. In this case, the Commission is  
5 represented by the Pinal County Attorney's Office, she does  
6 not have consent to draw legal conclusions and present legal  
7 arguments or provide legal opinions to the Commission. This  
8 has nothing to do with whether this is a good idea or a bad  
9 idea and she can make whatever presentation she wants to, as  
10 long as she does not provide legal advice. The conclusion  
11 that her proposal is in compliance with law is a legal  
12 conclusion and we strongly urge her to discontinue that. I  
13 don't know that the Commission can necessarily do anything  
14 about it, but the County Attorney's Office objects to any  
15 legal conclusions being made by the speaker. She does not  
16 have our consent to do so.

17 HARTMAN: All right, thank you Mark. Jordan.

18 ROSE: Chair, yeah, Commissioners, I apologize,  
19 Mark. I'm not certain exactly what set that off, but I will -  
20 if I say anything that I - I never, ever, and I have always  
21 been very clear with you, I never advised you of legal advice,  
22 you have your own attorneys and they're very good, so I  
23 appreciate that, Mark. So this is a technical correction to  
24 the zoning ordinance.

25 LANGLITZ: There's an example right there, it's not

1 a technical correction to a zoning ordinance. That's the  
2 second time I've advised the speaker to not make legal  
3 conclusions to this Commission today.

4 ROSE: Okay, Chair and Commissioners, we are  
5 changing the zoning ordinance - we are asking for the  
6 ordinance to be changed, to be altered. Is that, is that  
7 better? And I don't mean to be goofy, I just - I'm not  
8 certain. Okay. Okay. The current ordinance needs a slight  
9 modification and the modification is so when the, when the  
10 state law was passed it said cities, towns, counties may enact  
11 reasonable zoning regulations that limit the use of land for  
12 registered nonprofit medical marijuana. You can see here that  
13 in Pinal County you adopted an ordinance, kind of quickly, as  
14 a lot of the - most of the cities and towns and counties did  
15 that, that laid out certain things, and one of the things that  
16 you had in yours is a 2,000 square foot limitation.

17 SALAS: (Inaudible).

18 ROSE: Yes.

19 SALAS: I have a question.

20 HARTMAN: Commissioner Salas.

21 SALAS: Mark, is the text that was handed to us have  
22 any conflicting language with what Jordan is talking about?

23 LANGLITZ: Mr. Chair, Commissioner Salas, that's,  
24 that's probably a matter that should be addressed, not at this  
25 time. I think legal questions that the Commission has can be

1 discussed with the County Attorney's Office in an executive  
2 session, would be the most appropriate way of handling that.

3 ROSE: And Chair and Commissioners, I'm assuming -  
4 and Mark correct me if I'm right - are you just, because the  
5 County Attorney has taken the position that medical marijuana  
6 is not something that they think is legal under the Arizona  
7 state law, is that why - is that what the conversa - because I  
8 just want to make sure I understand what I'm, what I'm trying  
9 to avoid saying, because I'm -

10 LANGLITZ: Mr. Chair, no, again it's - this, this  
11 has nothing to do whatsoever with whether medical marijuana is  
12 good or bad or it's - the issue is the speaker giving legal  
13 advice and giving her legal opinion to this Commission. She  
14 is not permitted to do that. For instance, if she were to  
15 claim that this is in compliance with a certain law, she's not  
16 permitted to inform you of that. She can simply state what it  
17 does without staying - without stating what it's legal impact  
18 is. Legal questions that the Commission may have should be  
19 directed to your attorney who is the County Attorney's Office,  
20 and the reason for that - and this is in the Code of  
21 Professional Responsibility - an attorney can only represent  
22 their client's interests, period. It would be a violation of  
23 the ethical rules to give anybody advice that goes beyond, or  
24 anything other than what serves their client's interests; they  
25 don't address and they can't address what's in the County's

1 interest. That's why legal issues have to go to your  
2 attorney, and that's why the Code of Professional  
3 Responsibility does not allow that to be done. So again, this  
4 doesn't seem to be a complicated issue. The presentation can  
5 be made without legal statements.

6 HARTMAN: Thank you Mark. Jordan.

7 ROSE: Chair and Commissioners, I just don't want to  
8 say anything that is going to be upsetting to anybody. Mark,  
9 is it - do you want me to just preface it with these, these  
10 are just my opinions, because that - or the opinion of my  
11 client, is that helpful? Would that be helpful? I don't want  
12 to, I don't want to make it - I'm making it very clear, I am  
13 not giving you legal advice, I have no desire to do that.  
14 That's not my role in life, you know that, you have a very  
15 capable attorney here.

16 HARTMAN: And, and Jordan, you're just a presenter,  
17 and you're -

18 ROSE: I'm just telling you what we think.

19 HARTMAN: That's good, just don't get on the legal  
20 issue of it, whatever.

21 ROSE: Right, well stop - I know you will stop me if  
22 - yes.

23 HARTMAN: Mark, go ahead.

24 LANGLITZ: Mr. Chair, let me say no, the speaker, I  
25 am not going to stop you. I am not going to direct you as to

1 what is correct, what is incorrect. That's a decision you're  
2 going to have to make yourself. I just told you that you do  
3 not have our permission to address this Commission and make  
4 legal arguments. That - the rest is up to you from this point  
5 forward.

6 SALAS: Jordan, did you author this, this material  
7 that we have before us?

8 ROSE: Chair and Commissioner, I'm not sure what it  
9 is that you have, so I don't want to answer that. Can I come  
10 approach you or -

11 HARTMAN: Commissioner Salas, there was some  
12 highlighted changes in the code and Jordan, you did initiate  
13 those, along with staff, did you not?

14 ROSE: Yes, along with staff, we did, we proposed  
15 this amendment.

16 HARTMAN: Exactly.

17 ROSE: Correct.

18 SALAS: Well this public report says that it was  
19 prepared by you and -

20 ROSE: Then I'm sure it - if it does, I'm sure it  
21 was. I just don't see what you're - if I can approach, I can  
22 tell you if I authored it, if we authored it. Okay, then -

23 MORITZ: Mr. Chairman?

24 ROSE: Then we did.

25 HARTMAN: Commissioner Moritz.

1 MORITZ: It is the medical marijuana dispensary  
2 offsite cultivation location prepared by Rose Law Group,  
3 Jordan Rose, on behalf of Sidewinder Dairy. I think that's  
4 what Commissioner Salas is referring to.

5 SALAS: Well I don't know if you're making any, you  
6 know, going (inaudible) as whatever law is involved. If I  
7 read it, I don't know, you know, what interpretation I read  
8 out of it. Whatever it's, you know, pointing out some law  
9 situations that we might -

10 HARTMAN: And Commissioner Salas that - I don't  
11 think any of us do really, to tell you the truth. That's -  
12 and we're not - we're here on a work session and not wanting  
13 to be, according to Mark, not be involved in the legal aspects  
14 of it. Is that right, Mark? Is that what you're saying?

15 LANGLITZ: Mr. Chair, yes, and Commissioner Salas,  
16 the speaker can, can present the text change, that's fine,  
17 there's no problem with that, and if she wants to make  
18 statements it's beneficial to the community, it's not  
19 beneficial, this has nothing to do with whether it's good or  
20 bad or certainly there can be discussion; the point I'm trying  
21 to make is she can't be giving legal advice and legal  
22 conclusions to this Commission. If there's a legal question  
23 that comes up, it should be directed by the Commission to the  
24 County Attorney's Office. In other words, right now there  
25 doesn't need to be any discussion as to whether these are

1 legal or not legal. She's just proposing these changes and  
2 just presents it in as factual a manner as possible. I don't  
3 see any problem with that.

4 ROSE: Okay -

5 HARTMAN: Okay Jordan, are we on the same page?

6 ROSE: I think so, Chair, and Commissioners and  
7 thank you, Mark, I appreciate that. I will - I think I will  
8 proceed and - okay. So right now unlike Coolidge and Casa  
9 Grande where their laws allow for an unlimited size for a  
10 cultivation facility, your, your ordinance has a 2,000 square  
11 foot medical marijuana cultivation facility limit, and just,  
12 you know, you can imagine growing say cotton in 2,000 square  
13 feet, but to understand what medical marijuana in 2,000 square  
14 feet, that would provide just enough medication for 50  
15 patients annually, and currently there's over 50,000  
16 registered patients in Arizona. So right now, for example, a  
17 child who has epilepsy pays \$800 a month for the medication -  
18 or the family does - and a lot of that is transportation  
19 costs, lighting costs, because these are much of the time  
20 grown indoors with lots of heavy lights, and by bringing it  
21 closer to the patients and in an outdoor setting, that can be  
22 reduced, that cost. This modification will reconcile the -  
23 okay, I won't talk about that. Okay. Sorry. Okay. So I  
24 will, I will, though share with you, this is factual, I  
25 believe, this is the statute, I pulled out of the statute.

1 This would be in an enclosed locked facility and that means  
2 that it would have security devices and be permitted only by  
3 the cardholder. I froze up here.

4 HARTMAN: Commissioner Members, Jordan, this is a  
5 work session and Commission Members I'll allow you in a work  
6 session just to come forward with your questions like  
7 Commissioner Salas has come forward with. And Jordan, if we  
8 can, we'll interrupt you -

9 ROSE: Yeah, do it.

10 HARTMAN: If we have a question. This is a work  
11 session.

12 ROSE: Yes.

13 HARTMAN: Okay.

14 MORITZ: Mr. Chairman?

15 HARTMAN: Yes, Commissioner Moritz.

16 MORITZ: Then could I ask the comparison of the  
17 2,000 limit that is Pinal County has, Pinal County? Would  
18 supply 50 patients, but then we have 50,000 patients in  
19 Arizona, can we equate that on an even basis? How many in  
20 Pinal County so far?

21 HURLEY: (Inaudible).

22 HARTMAN: If you'll identify yourself.

23 ROSE: Chair and Commissioner Moritz, we'll, we'll  
24 find that number for you. My partner Ryan Hurley says he  
25 doesn't know the exact number right now.

1 MORITZ: All right, thanks.

2 ROSE: But we'll, we'll get that. Okay. So -

3 HARTMAN: Okay Jordan, if I might interrupt you.  
4 You said an area that is confined, what was the definition?

5 ROSE: Yeah, let me show you. Here's actually a  
6 good question, it leads into this. This is taken directly  
7 from the Department of Health Services rules. The Department  
8 of Health Services regulates, inspects and permits these  
9 things, so it's very regulated, and their definition is closed  
10 area when used in conjunct - means outdoor space surrounded by  
11 a solid ten foot wall constructed of metal, concrete or stone  
12 that prevent any viewing of the marijuana plants and a one  
13 inch thick metal gate. So that's the definition of enclosed,  
14 and that's the State law and that's what Department of Health  
15 Services would require and that's what we're proposing here.  
16 We've also talked with Sheriff Babeu and he had suggested that  
17 we limit it to only paved roadways, and so you'll see that  
18 incorporated into the, the ordinance change.

19 HARTMAN: I - when you talk about the paved roadway,  
20 I kind of have a problem with that. I don't know - that means  
21 it's gotta be on a main thoroughfare almost, I mean normally  
22 agricultural sites don't have paved roads.

23 ROSE: Chair and Commissioners, what - at least my  
24 understanding from talking with the sheriff about this, was  
25 that he was concerned with - there's a lot of parts of Pinal

1 County that are really hard to reach with a - for the  
2 sheriff's department, for really anyone without off-road  
3 vehicles, and so by putting it on a, you know, quote  
4 paved/unpaved, there would be the ability to police that site  
5 better. So, so that was, that was something that he really  
6 wanted to see in there, and we were happy to comply with that.  
7 In addition, the Dugan Dairy - now remember this, this  
8 proposal's not to allow this on all agricultural land, it's  
9 only to allow an agricultural owner to come in and ask you to  
10 allow it with a use permit. So they would have to come back  
11 through your hearing process with a use permit. Sean Dugan  
12 and the Dugan family plans, if this were to pass, to do that,  
13 and his property is on - is not in the middle of nowhere, so -

14 HARTMAN: Okay, now you're - I know you're going to  
15 go through - you went through the paved road part of it, then  
16 the setbacks and all the other kind of requirements that, that  
17 you're proposing.

18 ROSE: Yes. Chair and Commissioners, so right now  
19 you talked about the separation requirements, now again this  
20 doesn't have anything to do with dispensaries, right? There's  
21 what, seven dispensaries allowed in Pinal County, this has  
22 nothing to do with that. It doesn't change anything. This is  
23 just about cultivation, okay? And the separation, we are -

24 HARTMAN: Let me, let me interrupt you again, and  
25 most of the language in here says dispensary, dispensary, and

1 I'm, I'm confused with whether it's dispensary or whether it's  
2 -

3 ROSE: Chair and Commissioners, I don't know what  
4 you're looking at, but I'm assuming you have a redline that  
5 shows just what we changed, and it's very minor. We just  
6 changed the part - or we haven't changed anything, but we're  
7 asking you to consider changing the part about cultivation.  
8 So if you don't have a redline, we'll make sure that we go  
9 back and look at - you do, okay. Great.

10 ABRAHAM: Commissioners, it's Exhibit B in the, in  
11 the back there.

12 HARTMAN: Steve, excuse me again, Steve your  
13 comment. Yeah, you're on mike.

14 ABRAHAM: Yeah, it's Exhibit B in the back of the  
15 packet there. That's the strikeout version that you have,  
16 Exhibit B, redline zoning ordinance proposed (inaudible).

17 AGUIRRE-VOGLER: And to give you an example, there's  
18 no page on here, but it's G. It says you're asking to change  
19 to be conducted completely within an enclosed locked building.  
20 You're asking that to be eliminated.

21 ROSE: Chair and Commissioners, yes. So let me show  
22 you - actually I'm going to get to that and - because I have  
23 some exhibits that might be helpful in talking about that, and  
24 let me just address the separation that the Chairman brought  
25 up. We're not changing the separation requirements that you

1 already have from schools and churches and all those things,  
2 but we are adding one. We're adding one to make it more  
3 restrictive within 500 feet of residential, so we've added  
4 more restrictions than what you already have in your ordinance  
5 today. I just wanted to show you how the crop grows. It's a  
6 September planting and December harvest; February, March  
7 planting, a May/June harvest. I just think that's important  
8 to understand. So as Commissioner Aguirre-Vogler just asked,  
9 we're restricting the drying and storing to indoors because  
10 that we think is important. So let me just show you what  
11 that's going to look like. And the staff has mentioned many  
12 times - not many times, but a couple times now - about the  
13 aesthetics of the buildings and I think we hear you loud and  
14 clear and we'll have some further conversations with Steve and  
15 his team about how we might incorporate some aesthetics into  
16 the ordinance itself. We had thought you could do that at the  
17 use permit, you could stipulate to what the building's going  
18 to look like at the use permit, but if we want to do it here  
19 in this ordinance we can try that too. So here's an example  
20 and you all know a tractor storage building, and then dairy  
21 buildings, and this is just regular, you know, what we have in  
22 Pinal County. And here's a medical marijuana building. And  
23 we took this - we superimposed - this is from another state.  
24 Okay. And here is a dairy farm building and here's a medical  
25 marijuana building. This would be for the dry and storage.

1 So inside the buildings there's state of the art technology  
2 for the drying and the storage, the product. So we already  
3 talked about the paved roads, not having any affect on your  
4 dispensaries, we're not increasing those in any way. We  
5 talked about how you have eight dispensaries allowed under  
6 state law here in Pinal County, and what I did want to mention  
7 is these cultivation facilities, not only are they regulated  
8 by Department of Health Services, but then they would also  
9 have to get a use permit from you, but in addition to that  
10 they can't - the cultivator can't even come and make  
11 application unless they are associated with an already  
12 registered and regulated dispensary. So, for example, if  
13 there's eight - let's say - how many are there right now in  
14 Pinal County open?

15           ??: Six.

16           ROSE: Six? Okay, five or six, so each of those  
17 dispensaries has to have a relationship with a cultivation  
18 facility. So, so if you're cultiva - if you're - you can't  
19 just go cultivate medical marijuana and sell it, you can't do  
20 that. You have to go through and be regulated twice, right,  
21 through the dispensary and then through the cultivator.

22           MORITZ: Mr. Chairman?

23           HARTMAN: Commissioner Moritz.

24           MORITZ: I think I just heard that each dispensary  
25 has to be affiliated with a cultivator, I - wouldn't it seem

1 that the cultivator has to be affiliated with a dispensary?

2 ROSE: Chairman and Commissioner, you're right, I -  
3 yes. Correct. Thank you. That was inaccurate. Okay. And I  
4 did want to mention that we're - and I think I mentioned it  
5 earlier, but we're not asking for any sort of size restriction  
6 or any restriction that's not allowed in Casa Grande or  
7 Coolidge, or some of the other surrounding communities, and I  
8 think your staff's doing sort of a study on that and they'll  
9 bring that back to you probably at the next hearing. I just  
10 put in here which no one can see, basically all of the  
11 security requirements that DHS has for the, for the  
12 cultivation facilities, and I don't know, Ryan, if you - okay,  
13 so electronic monitoring, video - so you have to video  
14 everything and continually capture that activity on the site.  
15 So, you know in, in other communities the sheriff's office has  
16 not wanted a direct feed to that monitor, but they could if  
17 they wanted to, but you're continually videoing and the  
18 cameras are all around the property. There's panic buttons,  
19 there's restricted access areas, and I will have this  
20 submitted for you to put into your packets for next time so  
21 you can look at it in more detail. So what we're really  
22 asking is this would allow Pinal County dispensaries and other  
23 dispensaries to buy their product locally from Pinal County  
24 farmers. The water, just as a aside, the water used to  
25 cultivate this medical marijuana is a third less than the

1 water used to cultivate cotton. And this really minor  
2 modification allows Pinal farmers just one more choice in crop  
3 production and we all know how hard it is to, to be a  
4 successful farmer. Do you want to add anything? No? Okay.  
5 And that's all, that's all I have for today, but I'd be happy  
6 to take any questions and I certainly appreciate and respect  
7 your County Attorneys' opinion on that and I apologize if I  
8 started off with an opinion.

9 HARTMAN: All right, Commission Members.

10 PUTRICK: Yeah, I just thought I would -

11 HARTMAN: Putrick.

12 PUTRICK: Go over what the Town of Florence has, has  
13 been through with trying to approve a dispensary. I believe  
14 we have had five iterations over the last three years, the  
15 final iteration was the River Bottom Restaurant over here on  
16 79, and that fell apart because the partnership that had  
17 formed to operate that had fell apart, and I think they're  
18 suing each other, and I think that's the last of that. But in  
19 the course of, in the course of looking at data and trying to  
20 make up our mind on how to approve a dispensary, you're  
21 certainly right, Mr. Chairman, that the most significant thing  
22 is security because in discussions with friends of mine who  
23 are in law enforcement, security is a big issue because the  
24 folks that - and this is, this is a general opinion and it is  
25 not only law enforcement here locally - I have a friend who is

1 a commander in the Seattle Police Department; I have a friend  
2 who is a detective sergeant in the (inaudible) Police  
3 Department; I have a friend who is a retired LA County Sheriff  
4 deputy, he retired as a lieutenant and their, their opinion is  
5 very strong about security, so my main concern is security  
6 based on what they're saying. So I think whatever we do, we  
7 have to make sure that the sites are secure. We have to make  
8 sure that we provide accessibility to our local law  
9 enforcement to make sure these places are secure, because  
10 there's such a, a demand for this product, and some people  
11 don't want to pay for it and they think if they can, if they  
12 can steal it or however they may obtain it, and so that was my  
13 only comment. We - I don't know when we're going to see the  
14 dispensary issue resolve itself in the Town of Florence, but  
15 as I said it's been three years, so it's not an easy, it's not  
16 an easy thing to do because some people have - you may have a  
17 personal opinion of it, but, but essentially your hands are  
18 tied because the voters of the State of Arizona approved it,  
19 and you can maybe express an opinion of those things, the only  
20 thing that, that - the only statistic that I know that's  
21 important is that in the State of Washington where it is now -  
22 recreational use is now approved, the incidents of DUI are up  
23 37 percent, so there is a, there is a concern about that  
24 aspect and that's all I have to say.

25 MORITZ: Mr. Chairman?

1 HARTMAN: All right. Commissioner Moritz.

2 MORITZ: Was that 37 percent due to drugs, alcohol,  
3 or has that been separated?

4 PUTRICK: I don't, I don't know the specific number,  
5 but the incident - the 37 percent increase occurred subsequent  
6 to the approval of medical marijuana - or I'm sorry,  
7 recreational marijuana usage.

8 MORITZ: Okay.

9 HARTMAN: All right, Commissioner Moritz are you -

10 MORITZ: I did have one other thing, thank you. On  
11 the coordination of each dispensary, has to - reverse that.  
12 Each cultivator, it wouldn't really give a huge advantage to  
13 our agriculturists because they still have to have a  
14 dispensary to - and if we have a limit on the number of  
15 dispensaries in the county, it's not so much a great benefit  
16 at this point, which could change, who knows. But the thing I  
17 think is interesting is that if we do have people who are in  
18 agriculture already, or in farming to support their dairy or  
19 their eggs or whatever, and they have that land, it doesn't  
20 seem like a bad idea if it's limited, it's contained and again  
21 we can say - you still have theft in every high value item -  
22 electronics and that kind of thing. The thing is that it,  
23 electronics don't harm someone else necessarily, and this may  
24 not harm someone else necessarily either, but I think it does  
25 bring a lot of financial benefit where we're finally

1 controlling what some of these people do and we're getting tax  
2 money or production money within the County that we didn't  
3 have before, because again, you know, everything is under the  
4 table that's done with drugs and growing and that kind of  
5 thing. Just my thoughts.

6 ROSE: Chair and Commissioner, I appreciate that,  
7 and if, if you want I can have - because some - because both  
8 you and Commissioner Putrick mentioned security and Ryan you  
9 might address - my partner Ryan Hurley could probably address  
10 the growth seasons and why we don't think there's much of a  
11 theft risk, I think that's important. I didn't understand it  
12 and I think it's important to understand.

13 SALAS: Jordan, I'd like to comment before you speak  
14 to that. My concern about it is not that you have  
15 dispensaries dispensing this and whatever, as a patient I can  
16 be authorized to get the treatment, but I can also give some  
17 to teenagers, underage kids. That's where the problem lies  
18 for me. You can, you can have a permit to get it, to be  
19 treated by it, but it goes like anything else, a kid can go  
20 get somebody to buy him a gallon of booze or whatever, as much  
21 alcohol as he wants, and it goes on everyday and the same  
22 problem is going to go on with, with the dispensation of this  
23 marijuana. That's, I think where, where our authorities have  
24 to look the most - not so much as a dispensary selling it  
25 under the table or whatever, they're going to do as much as

1 they can to stay legal, but when it gets out past their  
2 dispensary or whatever, there's already problems with it right  
3 now that some of the, some of the stuff that's getting to the  
4 underage kids is not being put out by the dispensaries, it's  
5 being put out by those that, that have authority to buy it,  
6 that are being treated. I don't know how you're going to  
7 regulate that, because we've never regulated alcohol.

8           HARTMAN: Commissioner Salas, I'm going to kind of  
9 interrupt you there right now. We're trying to work on  
10 whether this code is beneficial, and you're kind of giving  
11 your personal opinion, pre-decision of what we're working  
12 towards and I don't - you know, you're like maybe agreeing  
13 with or not agreeing with, and I'm going to ask you please -  
14 and Frank, am I speaking properly on that, on my conclusion to  
15 kind of limit what our Commission Members are in favor of or  
16 against marijuana and what it happens and all that, with the  
17 use of it, as compared to drugs or other, alcohol or whatever.  
18 I mean to me that doesn't have really that much correlation  
19 with what we're trying to decide today. We're trying to  
20 decide a code amendment.

21           SALAS: It's all correlated, I think.

22           LANGLITZ: Well Mr. Chair, that's a matter between  
23 the Commission. I mean that, that's for you folks. I don't -  
24 I have no input on that, that's not our role that - the Comm -  
25 you decide - you work as a Commission and decide what you want

1 to do. There's - I have no comment on that, and no input.

2 GRUBB: Mr. Chair?

3 HARTMAN: I - the Chair right now thinks it's really  
4 not appropriate that we get into the advantage or  
5 disadvantages of this, let's talk about this code amendment  
6 that Ms. Rose is trying to present to us. Commissioner Grubb.

7 GRUBB: Thank you, Mr. Chair. And I echo your  
8 thoughts. I think that, however, in a work session, each  
9 member should be entitled to speak their mind about items,  
10 even if it is down the road from what we're talking about  
11 today, but I agree with you, the point today is do we keep  
12 this inside a building or do we let it go outside of a  
13 building? It's pretty simple that, you know, how this is  
14 grown we leave to the cultivators. How this is distributed,  
15 we leave to the State of Arizona. They have regulations that  
16 talk about how it's distributed. The question for us in our  
17 County, is it going to be okay for people to use larger tracts  
18 of land to grow this, as long as they follow the security  
19 procedures as set out by the State of Arizona, and I think  
20 that - I agree with you - that's what the point of today's  
21 discussion is, are we going to allow that to happen in our  
22 County, and in my opinion, you know, I don't use marijuana and  
23 I probably qualify to use it under the statute, I choose not  
24 to use it at this time. But there are - in my world that I  
25 spent 45 years in and in my influence now with a medical

1 practice, there are a lot of people who do need to use this  
2 and - because nothing else works. There's people that can,  
3 you know, can overdose or whatever, they can use the  
4 oxycodones and the hydrocodones and all the other narcotics  
5 with, by the way oxycodone has been moved up to a type two  
6 narcotic from type three, because of the overuse. But that's  
7 not what we're here to decide is whether - where it's going to  
8 go. We're here to talk about is it appropriate in our County,  
9 to allow the cultivators who have been approved to grow more  
10 that will ultimately reduce the price for those that require  
11 this as part of their daily living, and I for one am in favor  
12 of something like that, that allows that to happen. It's not  
13 whether or not I want to use it, it's not whether or not I  
14 approve the use of it, that's regulated by somebody else.  
15 It's a very simple question, is can we grow it in larger  
16 quantities, without having to put a roof over it. As long as  
17 it follows the state regulations, are they allowed to grow  
18 more and that's it. Are we going to allow them to grow more.

19 HARTMAN: And my point as Chair is I don't want the  
20 Commission Members to express themselves whether they're for or  
21 against this, that's not what we're decided today.

22 GRUBB: Right.

23 HARTMAN: That's something that we're discussing,  
24 and you know, I'm not - Jordan got in trouble for saying some  
25 person things -

1 ROSE: Don't tell your (inaudible)

2 MORITZ: Mr. Chairman?

3 HARTMAN: Yeah, so I don't want you to be able to  
4 look at the Commission and say hey we have six for, and  
5 whatever, and you know, nothing today. Nothing today.

6 MORITZ: Mr. Chairman?

7 HARTMAN: Yes, Commissioner Moritz.

8 MORITZ: I think Commissioner Grubb did a great job  
9 summarizing that. I find it hard to discuss something in a  
10 work session without incorporating personal opinion, and I  
11 don't know if the other Commissioners feel the same way, I  
12 think sometimes that's necessary to voice what you're  
13 thinking, but I still, but I still want to say that the whole  
14 concept is bi-locally.

15 HARTMAN: But your, but your opinion is so important  
16 to us that if you give an opinion, we're liable to be swayed  
17 by your opinion and this is not a time to be swaying the  
18 Commission.

19 MORITZ: Oh, I don't think so.

20 HARTMAN: Okay.

21 MORITZ: It gives you, it give you openings for  
22 consideration from different points of view for when we  
23 actually hear this as a case and we make our decision.

24 HARTMAN: Mary Aguirre-Vogler.

25 AGUIRRE-VOGLER: In different cases here, or

1 sentences, paragraphs, you refer to A.R.S. -

2 SALAS: Use your mike, Mary, please.

3 ABRAHAM: Use your mike, please.

4 AGUIRRE-VOGLER: Sorry. In different cases here you  
5 refer to the statute. I don't believe any of us have access  
6 to the law library, so I don't know what that statute says  
7 because you're just referring to it. Is it going to be  
8 possible to include that whole statute rather than just refer  
9 to it?

10 ROSE: Chair and Commissioners, we will look at the  
11 packet that you have and I will absolutely - we absolutely,  
12 yes. Yes. That's an oversight if we, if we don't have  
13 (inaudible).

14 AGUIRRE-VOGLER: Thank you.

15 HARTMAN: Okay, proceed Jordan, if you will.

16 ROSE: Okay. Chairman and Commissioners, I was  
17 going to get you -

18 HARTMAN: Hopefully we didn't get you off the track.

19 ROSE: No, no, no. I was off track at the  
20 beginning, now I'm good. Ryan, come up here. I wanted my  
21 partner Ryan Hurley, who's director of our medical marijuana  
22 department to address the security issue, because that's being  
23 talked about.

24 HURLEY: Thank you, good morning Chairman, Members  
25 of the Commission. My name is Ryan Hurley, I'm with the Rose

1 Law Group. I did want to reiterate that these groves have to  
2 be associated with a licensed dispensary. Currently there are  
3 only 99 licensed dispensaries, license issued throughout the  
4 whole state. There are approximately seven or eight in the  
5 general - in the greater Pinal County area, many of which fall  
6 within local municipalities - Casa Grande, Coolidge, Eloy.  
7 The State Department of Health Services has an incredibly  
8 rigorous regulation program that goes along with these. We're  
9 not talking about simply growing open in a field like we would  
10 be growing watermelon, for example. You have to have ten foot  
11 solid walls, every single inch of that perimeter of that wall  
12 has to be covered by security cameras and has to be lighted.  
13 In addition, the front entrance has to be a metal one inch  
14 thick metal gate. That entrance has to be security camera'd  
15 as well and lighted, and entrance has to be restricted to only  
16 people that have dispensary agent cards that are issued by the  
17 Department of Health Services. Those dispensary agent cards  
18 can only be issued after a background check, fingerprinting on  
19 an FBI format; and the precludes anybody that has a felony  
20 from having that, that card. I can tell you that since  
21 dispensaries have opened approximately two years ago, there  
22 has not been a single security issue at any licensed  
23 dispensary or grow in the State for over two years, and if you  
24 look at the evidence that - from other municipality - other  
25 states that have adopted these medical marijuana laws, the

1 evidence suggests in fact that the crime does not increase,  
2 and that locally around areas where there are dispensaries and  
3 grows, the local crime actually decreases because of the  
4 increase security presence associated with the, with the use.  
5 So that's all I have. I'm happy to answer any specific  
6 questions about, about the DHS program.

7 HARTMAN: Mark - Ryan, excuse me. Ryan, on one of  
8 your comments, a one inch steel gate? What, what does that  
9 mean? It's just - it's not one inch thick?

10 HURLEY: That's what the rule says, is a one inch  
11 thick metal gate, yes.

12 HARTMAN: Solid?

13 HURLEY: For, for the entrance, for the entrance.

14 HARTMAN: Not bars? One inch bars?

15 HURLEY: It says inch thick, yeah.

16 SALAS: A little heavy, huh?

17 HURLEY: Yeah, and I also want to reiterate that,  
18 you know, the tendency for us to want to think that there's a  
19 security issue, I think is right. We want to, we want to make  
20 sure that this is secure, we don't people to be seeing this  
21 easily, have easy access to it, but the, the times when there  
22 really is a security risk is when the product is harvested and  
23 stored and cured, and that's why we're proposing to keep any  
24 of those activities inside a locked facility. To rip a live  
25 plant out of the ground is - most thieves that are familiar

1 with the plant, know that that's a fool's errand because it  
2 would die.

3 HARTMAN: All right.

4 MORITZ: Mr. -

5 HARTMAN: Mary Aguirre-Vogler.

6 AGUIRRE-VOGLER: This question is for staff, because  
7 even though Arizona passed it, there's still a federal  
8 problem, isn't there?

9 GRUBER: My name is Seymour Gruber, Mr. Chairman,  
10 other members of the Board. I worked on - I know Commissioner  
11 Vogler, Commissioner Hartman and Commissioner Salas might  
12 remember me and Jerry Stabley advising the Board as we worked  
13 on the original text amendment, and if you're question's  
14 regards to the federal problem, it is still against federal  
15 law, marijuana, medical marijuana. Federal law will not  
16 recognize it. The Deputy Attorney General James Cole in the  
17 fall of 2013, provided guidance to local jurisdictions, to  
18 states, counties that have either recreational marijuana or  
19 medical marijuana of instances in which the federal government  
20 will step in and will regulate if, if there is a challenge to  
21 the federal law. One of the things they did mention, for  
22 instance, is public health and safety. If the regulatory  
23 framework is not put in place, powerful enough in order to  
24 guard against a risk to public health and safety, that's when  
25 the federal government might step in. If there's a risk of

1 accessibility, of marijuana going to others that are not  
2 entitled to it, that don't have a medical problem, the federal  
3 government might step in. And when the County created the,  
4 the medical marijuana regulations that are before you today,  
5 we took that into consideration and that is why it's 2,000  
6 square feet, has to be within a completely enclosed building,  
7 that is why it's in areas only allowed for the commercial  
8 business zone, and that is why by being in commercial business  
9 zone, it is something that could be more easily monitored by  
10 DHS or law enforcement to make sure that it is a legitimate  
11 business, rather than going into the wrong direction. So  
12 that's something to consider, that rather than the regulatory  
13 framework that's been in place for the last four years, to  
14 change the regulatory framework under this text amendment,  
15 instead of right now under the commercial business zone, the  
16 medical marijuana cultivation sites are only available in  
17 3,900 acres. This change will make it close to three-quarters  
18 of a million acres. The present regulation to try to comply  
19 with the concerns of the federal government, has to be within  
20 a completely enclosed building. The change in this regulation  
21 is not going to be, it's going to be in open air. It's not  
22 going to be - it's going to be in general rural. These are  
23 things to be concerned about as to the federal problem that  
24 you have phrased. By changing this, are we now going to be  
25 causing the concern of the federal government, where the

1 federal government will look at this more closely and if they  
2 consider that the regulatory framework is no longer effective.

3 HURLEY: May I address that?

4 AGUIRRE-VOGLER: Well, and that's why I made the  
5 point, that when you crossed out and redline stuff, you just  
6 put a statute. I have no idea what that statute means or  
7 says, so I mean when you come back to us, are we going to have  
8 enough time to understand all of it?

9 HURLEY: Thank you Commissioner and Chairman. We  
10 certainly will be happy to provide you a definition in that  
11 statute. I believe what you're referring to is we make a  
12 reference to the, to the definition of what an enclosed locked  
13 facility is within the state statute. We did have that up on  
14 the slides, but we were a little concerned as to their  
15 concern, so we didn't want to state any legal conclusions, but  
16 we'd certainly be happy to provide a text of that of what an  
17 enclosed locked facility is, both in state statute and in DHS  
18 regulation. I would like to address the federal issue for one  
19 moment, if I may. The original federal memo that came out in  
20 2009 that authorized state programs to proceed, indicated that  
21 size might be one of the factors that they look at.  
22 Noticeably in the 2013 Cole memorandum that just came out in  
23 November of last year, that, that requirement, that  
24 restriction, that guideline has been removed. So no longer is  
25 size, on its, on its face, a concern for the federal

1 government, the federal government is really looking at  
2 whether the state is effectively licensing and regulating  
3 these, these outlets and they're not diverting product to, to  
4 patient - to non-patients, essentially.

5 AGUIRRE-VOGLER: So clearly we need more  
6 information.

7 HURLEY: We're happy to provide you that statute,  
8 absolutely.

9 MORITZ: Mr. Chairman?

10 HARTMAN: Commissioner Moritz.

11 MORITZ: Of the 99 dispensaries - did I get that  
12 right - within Arizona, how many of those are associated with  
13 a cultivation area within Arizona?

14 HURLEY: Thank you Commissioner, Chairman. If they  
15 are associated with a cultivation operation, it must be within  
16 the State of Arizona.

17 MORITZ: Oh, okay.

18 HURLEY: All activity has to take place, licensed  
19 within the State. Cannot bring - be brought in from other  
20 jurisdictions.

21 MORITZ: Okay. Thank you.

22 HARTMAN: Now that's a good question. I didn't know  
23 that myself. I don't know everything, but you cannot bring it  
24 across the border?

25 HURLEY: No, that implicates one of the federal

1 priorities that they have maintained is to prevent diversion  
2 outside of states where it's, where it's not legal. So it is  
3 impossible for somebody to bring product down from California  
4 - from California or Colorado into the state right now and not  
5 -

6 HARTMAN: So in any agricultural crop, supply and  
7 demand has, has a great influence upon the price, so are, are  
8 we seeing the prices really elevated because of a limited  
9 supply in Arizona?

10 HURLEY: Without a doubt, sir. That's, that's one  
11 of the reasons we're here today. You know, if you look at the  
12 prices since the medical marijuana program has been adopted,  
13 they largely mirror what exactly the black market had been  
14 beforehand. Trying to create a legal market out of thin air  
15 has been a challenge and to create - to create a sufficient  
16 supply to meet that demand of 55,000 patients, particularly  
17 when across the state is has been challenging to find local  
18 zoning and jurisdictions that, that allow these on any given  
19 size. So the, the prices essentially remain flat from, from  
20 the black market transition to the medical marijuana market.  
21 So that's what we're concerned about. One of these things,  
22 patients, especially children with epilepsy are spending \$600-  
23 800 a month on their medication. A lot of that has to with  
24 the size limitations and the electricity costs that go into  
25 growing this.

1           HARTMAN: So, so Ryan, what you're telling us is if,  
2 if ever marijuana becomes recreational like Washington and  
3 Colorado, then we're definitely going to be short on  
4 commodity, marijuana as a commodity.

5           HURLEY: Thank you Chairman, Members of the  
6 Commission, I'm hesitant to respond to that because we're not  
7 here today to talk about recreational, we're here to talk  
8 about medical marijuana. But even, even fulfilling the needs  
9 of those 55,000 patients has, has been a challenge from a  
10 demand side.

11          HARTMAN: But that is one of the future uses if it  
12 ever came within the law, recreational.

13          HURLEY: It is, it is very difficult to meet, meet  
14 the demand with the legal supply.

15          HARTMAN: Okay, that's, that's the point. All  
16 right, Commission Members. Rand.

17          DEL COTTO: Well if I could, I think that the way I  
18 understand what's going on today in the medical marijuana  
19 field, it would be a lot like if our local farmers here didn't  
20 have a square mile to farm their corn or didn't have a square  
21 mile to farm their cotton, if you would, or their alfalfa, and  
22 then not have the ability to take care of the consumer. And I  
23 think that in a nutshell that may be what we're talking about  
24 here. That that little, on that first diagram with that  
25 little red square on that big piece of land is a bit relative

1 or mirrors or shows us what it's like in our state today, so I  
2 think that if we're going to continue to have the marijuana  
3 thing going on in our state, I think we should probably try to  
4 figure out how we could help make it work better. So.

5 HARTMAN: Okay. Commission Members? Commissioner  
6 Smyres. You're shaking your head.

7 SMYRES: No, no comment.

8 HARTMAN: Not at this time, huh? Okay, this is a  
9 work session, so anything you're thinking about, bring it up.

10 MORITZ: So, where are those 99 facilities getting  
11 their product? How many cultivation sites are in Arizona?

12 HURLEY: Thank you, Commissioner, Chairman, that  
13 information is confidential with the Department of Health  
14 Services. I am real - I'm probably more familiar with the  
15 industry than I would say most people in the state. My best  
16 estimation is that of those 99 licensees, there are  
17 approximately half, are associated with a cultivation site. I  
18 would say a majority of those cultivation sites are under  
19 10,000 square feet. So it has been a real challenge. There  
20 are dispensaries that are running out of product, there are  
21 dispensaries that maintain their prices, you know, much, much  
22 higher than the street market, so unfortunately a lot of  
23 patients are probably driven back to the black market to  
24 obtain their, their medication.

25 HARTMAN: And that, that supply that's on the black

1 market is probably coming from outside the State of Arizona.

2 HURLEY: Without a doubt.

3 HARTMAN: Without a doubt. All right. Commission  
4 Members? Putrick? No? Smyres? Salas. Mary's poking you  
5 over here.

6 AGUIRRE-VOGLER: No. Steve wants to say something.

7 HARTMAN: Steve.

8 ABRAHAM: Just some closing thoughts. We're going  
9 to look at, and to recap, look at size, location, security, up  
10 to and possibly beyond what the State requires. Equates size  
11 with consumption, which I think is an interesting concept,  
12 very good. Also (inaudible) in favor here, so look at  
13 accessibility, and then keep moving forward with seeing what  
14 other folks do and we'll come back to you next week - I'm  
15 sorry, next month - with some additional information.

16 HARTMAN: Thank you, Steve. I - Commission Members,  
17 there's one thing that, that bothers me is whenever rezoning  
18 properties we talk about fire and fire districts and  
19 everything, but we don't talk about the sheriff department,  
20 and the sheriff department is the police department for the  
21 County, and when we do something as proposed here, larger  
22 acreage, it sounds like to me that the sheriff department is  
23 going to be the one that takes care of that. Now my problem  
24 is that the sheriff department is paid for by all county  
25 residents, so I'm worried the fact that the sheriff is always

1 telling us he doesn't have enough money to do what he needs to  
2 do now and then ask for additional funding, I worry that this  
3 will be a burden on the sheriff department in policing these  
4 properties. I don't know how many are going to want to be  
5 growers and all that, that's all questions that we all are  
6 going to have to work on after Steve tells us how many acres  
7 is the maximum and things like that, but I, I do worry about  
8 that on the sheriff department. The security. So that's one  
9 of the things that you're, you really need to - as far as I'm  
10 concerned, and I'm sure the Commission too.

11 ABRAHAM: I'll see if I can get the sheriff to  
12 comment at this stage. He did render a brief opinion at the  
13 Board work session, which was more neutral than anything. But  
14 the - which is in severe contrast to what the County Attorney  
15 provided which was just, you know, this is not a good idea at  
16 all. So I'll see, I'll see what I can get from the sheriff  
17 and if he wants to render something in writing to the  
18 Commission.

19 HARTMAN: Thank you, Steve. Appreciate that.  
20 Commission Members, any other suggestions? Commissioner  
21 Grubb?

22 GRUBB: Yeah, I think adding, adding grow areas is  
23 no different than adding a pharmacy anywhere in the county  
24 because, you know, that's where the other drugs are kept, and  
25 you know, it's not as big a problem as everybody would like to

1 believe it is - you know, the stuff getting stolen from  
2 pharmacies - and I think that the sheriff has addressed the  
3 issue of - the sheriff and the County Attorney - with their  
4 deposit boxes that they continue to distribute to the County,  
5 you know, as a, as a public service for people to turn over  
6 those medications that they no longer need or want, and they  
7 go into a disposal system. So, you know, I don't think it  
8 presents that much of a challenge for the sheriff, and that  
9 may be why he chooses to be somewhat neutral is because he and  
10 the County Attorney are addressing issues of illegal substance  
11 use - not just marijuana, but all illegal substances - and,  
12 and I think they're doing a really good job of it in this,  
13 these pickup boxes that they've distributed around the County.

14 MORITZ: And as a reminder, the harvest time is  
15 twice a year, so it's not a 12 month demand for policing or -

16 HARTMAN: Our crops almost grow a year round. They  
17 might still be out in the field, something like that. You  
18 know, it might not be harvested, but still - we're still  
19 seeing cotton out there. All right. I want to, I want to  
20 thank Jordan, the applicants for coming forward with this,  
21 because it is progressive, it's progressive thinking and the  
22 way it has been presented today, I think it's really fair to  
23 all, legally or otherwise, information-wise, and I want to  
24 thank the audience for respecting us today for, you know, not  
25 getting - calling to the public and public come up and give

1 their comments, and, and they will have - you will have that  
2 opportunity at the public hearing, and we'll call anybody that  
3 would like to speak either for or against and we'll go through  
4 that. I think we're building the - right now, building the  
5 basic structure of what this code will really look like, and  
6 Jordan with your help and when we see it again, with our staff  
7 and our legal department, we'll, we'll have those things  
8 ironed out. So with that, Commission Members, motion to  
9 adjourn?

10           ??: Move we adjourn.

11           AGUIRRE-VOGLER: Motion to adjourn.

12           HARTMAN: Mary Aguirre-Vogler makes a motion to  
13 adjourn.

14           GRUBB: Second.

15           HARTMAN: Commissioner Grubb seconds it, and the  
16 Commissioner accepts that without a voice vote. Meeting  
17 adjourned.

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Julie A. Fish