



**PINAL COUNTY PLANNING AND ZONING COMMISSION
REGULAR MEETING
DRAFT MINUTES OF November 17, 2011**

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

ABSENT: Mr. O'Neil, Member

LEGAL STAFF PRESENT:
Mr. Johnson, Deputy County Attorney
Ms. Weber, Deputy County Attorney

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

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

The meeting was called to order at 9:00 a.m., this date by Chairman Hartman in the Emergency Operations Center (EOC) Hearing Room, Building F, Florence, Arizona.

DISCUSSION/APPROVAL/DISAPPROVAL OF MEETING MINUTES: October 20, 2011

MOTION:
Commissioner Salas made a motion to accept the minutes dated October 20, 2011. Commissioner Brown seconded the motion. Motion passed unanimously.

PLANNING DIRECTORS DISCUSSION ITEMS:

Mr. Abraham stated the staff reports have been re-formatted in order to conserve paper. If there are multiple cases for the same project, the staff report will be merged into one report. Each case will continue to require a separate vote.

Vice-Chairman Riggins arrived at 9:02 a.m.

Chairman Hartman stated merging the information is a very good idea; it limits all the duplicate paper work being provided.

Mr. Abraham stated the Board of Adjustments approved the variance on case BA-001-11 which was requesting a variance to Section 2.150.170 to increase the front wall height from a maximum four (4) feet and six (6) inches to eight (8) feet on a .83-acre ± portion of a parcel in the CB-1 zone.

Commissioner Ellis arrived at 9:04 a.m.

REPORT ON BOARD OF SUPERVISORS ACTION ON P & Z CASES

Chairman Hartman stated the Commission appreciates the minutes being attached with the packets; and would like to continue to receive them every month.

Mr. Stabley stated there were no items for the Board of Supervisors on the November 9, 2011 agenda.

SUP-011-11- PUBLIC HEARING/ACTION: Selma & 84th Inc., landowner, DCLW Enterprises, LLC., applicant, requesting approval of a Special Use Permit to operate an aluminum can and plastic bottle recycling center on a 4.05± acre parcel in the (CB-2) General Business Zone; situated in a portion of the NE¼ of Section 3, T07S, R06E, G&SRB&M, Tax Parcel 511-22-002A (legal on file) (located adjacent to Selma Highway and Jimmie Kerr Boulevard, approximately ¼ mile west of the City of Casa Grande) (Continued from the October 20, 2011 Planning Commission meeting).

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

Chairman Hartman called the applicant forward.

Mr. David Cook, 13420 W Jimmie Kerr Blvd, Casa Grande, Arizona came forward to address the Commission. Mr. Cook gave a brief description of the changes made to the proposed project.

Vice-Chairman Riggins suggested where it reads, "containers" in the stipulations to change to "fully enclosed containers." Chairman Hartman asked Mr. Cook if he would be working with semi-trailers. Mr. Cook responded no, they would be using a one (1) and half ton cargo truck. Vice-Chairman Riggins stated everything that is stored would be in the enclosed containers, the trucks being used need to be arranged and approved by ADOT (Arizona Department of Transportation). Mr. Cook stated in order to use a semi-trailer it would need to be justified with a large quantity of product and it is not needed now.

Commissioner Ellis asked Mr. Cook if the container is only half-full does it have to be removed from the property every day. Mr. Cook responded the product is removed weekly. Commissioner Ellis stated the product is all being stored in the containers nothing is left out in the open. Commissioner Salas stated the city does not have the authority to tell Mr. Cook what to do; he is in the county.

Commissioner Aguirre-Vogler asked Mr. Cook if that is the area of the old swap meet and asked if he will be working on the roads in that area, since they are hard to drive on. Mr. Cook responded that this is the old swap meet, and stated The County had worked on the roads. Jimmie Kerr Boulevard is much smoother to drive-on. Commissioner Aguirre-Vogler also asked Mr. Cook about the letter from the fire department. Mr. Cook responded the fire hydrant is 500 feet from the property, and has not spoken to them as of yet.

Commissioner Moritz asked Mr. Cook if the trucks have graphics along the sides and on the box portion. Mr. Cook responded no, there are no graphics on the truck.

Vice-Chairman Riggins asked staff why there is not a stipulation covering the littering part of the case. Mr. Denton responded since the product is going to be kept inside the containers, a littering stipulation did not seem relevant. Vice-Chairman Riggins suggested adding a stipulation to make sure the area is kept clean. Chairman Hartman stated the stipulations are the conditions for the case and it would be best to add that stipulation.

Commissioner Ellis asked staff if the fire hydrant being 500 feet is acceptable by the county.

Mr. Denton responded that would need to be addressed with the fire provider. Commissioner Ellis stated the fire provider does not agree with the fire hydrant being 500 feet and it has not been addressed. Chairman Hartman asked Mr. Cook if there are fire extinguishers on site. Mr. Cook responded yes.

Chairman Hartman opened the public portion of the hearing.

Mr. Benjamin Bitter, City of Casa Grande, City Manager Office, City Hall Bldg B 510 East Florence Boulevard, Casa Grande, AZ 85122. Mr. Bitter spoke against the project. The City of Casa Grande would like to have the project in an enclosed facility.

Chairman Hartman gave a small history on the Jimmie Kerr Boulevard and thanked Mr. Bitter for coming forward and speaking in behalf of the City of Casa Grande.

Commissioner Moritz asked Mr. Bitter if the consensus from the City is that the project is an eye sore. Mr. Bitter responded not necessarily but they would like projects of this nature to be in an enclosed facility. If in the future this area became part of the City of Casa Grande, it would need to be an enclosed facility. Commissioner Moritz stated it is very important to have the Cities and Counties working together. Commissioner Salas stated the location is in a commercial zone, as long as the applicant abides all the rules it should not be a problem. Commissioner Brown agreed with Commissioner Salas.

Chairman Hartman closed the public portion of the hearing.

Commissioner Aguirre-Vogler asked staff if there would be a stipulation put in place for an annual review. Mr. Denton stated stipulation sixteen reads (16) "Violation of these conditions at any time may invoke revocation proceedings by the Pinal County Planning & Development Department." Chairman Hartman asked Mr. Denton what about entering the property when a stipulation is violated. Mr. Abraham stated if there is a complaint filed the county has right of entry.

MOTION:

Vice Chairman Riggins made a motion to forward case SUP-011-11 to the Pinal County Board of Supervisors with a favorable recommendation with the attached sixteen (16) stipulations. Amending stipulation eight (8) to read, "All aluminum cans and plastic bottles shall be stored inside enclosed containers." Adding stipulation seventeen (17) to read, "The applicant shall keep the area free of trash, litter and debris at all times." Commissioner Aguirre-Vogler seconded the vote.

Roll Call vote:

Commissioner Aguirre-Vogler	Yes
Commissioner Faucette	Yes
Commissioner Brown	Yes
Commissioner Moritz	No, it is not in the best interest of the citizens of Pinal County to continue this type of activity on major roads.
Commissioner Salas	Yes
Commissioner Ellis	Yes
Vice Chairman Riggins	Yes
Chairman Hartman	Yes, a recycling business is beneficial for everyone.

Mr. Stabley stated the vote was seven (7) to one (1), motion passed.

PZ-PA-010-11 - PUBLIC HEARING/ACTION: Tapia Acencion, landowner/applicant, requesting approval of a Non-Major Comprehensive Plan Amendment from Very Low Density Residential (0-1 DU/AC) to Employment on 3.3± acres to allow parking for 10 semi-trucks for business use; situated in a portion of the northeast quarter of Section 23, T05S, R04E G&SRB&M (legal on file) Tax Parcel 502-44-014 (located approximately ¼ mile west of Russell Road and south of Trading Post Road in the Casa Grande area).

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

Chairman Hartman called the applicant forward.

Mr. Ernesto Tapia 32621 W. San Lorenzo Dr. Maricopa, AZ 85138. Mr. Tapia gave a brief description of the work done on the site and the business. Mr. Tapia stated they currently have ten (10) trucks and are going to be selling some to only keep four (4) operational trucks for the business.

Commissioner Ellis stated stipulation eight (8) allows having ten (10) semi-trucks on the property, but it does not stipulate how many trailers they can have. Commissioner Ellis asked Mr. Tapia if changing the hours of operation from 4:00 a.m. to 5:00 p.m. would be better. Mr. Tapia responded yes, changing the hours would not cause a problem. Commissioner Ellis asked Mr. Tapia if the trucks ever come back to the site with cargo in the back. Mr. Tapia responded no, they are always empty when they return. Commissioner Ellis asked Mr. Tapia if the area where the trucks are parked is just a dirt area. Mr. Tapia responded they had rock on the ground but it has settled and are planning to add more rock.

Chairman Hartman stated Anderson Road is very congested and a traffic analysis will be required. Chairman Hartman asked Mr. Chow if the Commission could limit ingress and egress to Russell Road and if there will be any improvements done on the roads in that area. Mr. Chow responded there is no limit to truck movement in that specific area. Mr. Chow stated the Commission could not limit the roads.

Vice-Chairman Riggins asked Mr. Tapia if any materials are kept on the property including fuel, and if there is any mechanical work done on site. Mr. Tapia responded that in the past there was mechanic work done, now that they are aware of zoning of the area all the work is done at tire shops and mobile services elsewhere. Mr. Tapia stated they own a fuel truck and it is not stored on this site. Vice-Chairman Riggins stated there are many issues with the case. It is currently on residential roadways, the business needs to comply with commercial roadways, and the current stipulations are not protecting the public.

Commissioner Brown asked Mr. Tapia why they do not use Russell Road 100% of the time rather than just 70% and how long has the business been in operation. Mr. Tapia responded there are occasions when Anderson Road is more convenient depending on the direction the trucks are headed.

Commissioner Ellis stated he agrees with Vice-Chairman Riggins on the concerns of the enterprise and the equipment being stored on site. Vice-Chairman Riggins suggested continuing the case and have staff work on the stipulations.

Commissioner Ellis asked Mr. Johnson if the Commission has the right to stipulate the roads used as ingress and egress on the applicant. Mr. Johnson responded yes, the limitation could be made.

Commissioner Salas asked Mr. Tapia how many homes are surrounding the property. Mr. Tapia responded four (4). Three (3) homes share a fence with this property and one (1) across the street. Commissioner Salas stated the area is low density.

Chairman Hartman opened the public portion of the hearing.

Ms. Lorna Hawley, 32585 W. Trading Post Rd. Maricopa, AZ 85138. Ms. Hawley is Mr. Tapia's neighbor and spoke in favor of the business. Ms. Hawley suggested not limiting the roads used to only Russell Road.

Commissioner Salas asked Ms. Hawley how many trucks she sees on a normal day. Ms. Hawley responded about five (5) in the morning and then again in the afternoon. Commissioner Salas asked if the trucks contribute to the congestion. Ms. Hawley responded no. Chairman Hartman asked, your residence is north of the property; does the light bother you in the morning? Ms. Hawley responded no, the lights do not shine into our residence.

Mr. Allen R. Mooney, 32681 W. San Lorenzo Dr. Maricopa, AZ 85138. Mr. Mooney residence is adjacent to the property and spoke in favor of the business.

Mr. Eddie Rivera, no address given. Mr. Rivera spoke in favor of the business.

Chairman Hartman closed the public portion of the hearing.

Vice-Chairman Riggins stated it speaks very highly of the applicant to have neighbors speak in his behalf of his business, and suggested a continuance to allow staff and applicant to resolve the issues. Commissioner Moritz stated the Tapia Family wants to comply with all the requirements and agrees with Vice-Chairman Riggins on requesting a continuance, Commissioner Ellis also agrees.

MOTION:

Vice Chairman Riggins made a motion to continue case PZ-PA-010-11 for sixty (60) days to January 19, 2012 at 9 a.m. Commissioner Ellis seconded the motion. Motion passed by unanimous decision.

SUP-013-11 - PUBLIC HEARING/ACTION: Tapia Acencion, landowner/applicant, requesting approval of a Special Use Permit to allow parking for 10 semi-trucks for business use on a 3.3± acre parcel in the Suburban Ranch Zone; situated in a portion of the northeast quarter of Section 23, T05S, R04E G&SRB&M (legal on file) Tax Parcel 502-44-014 (located approximately ¼ mile west of Russell Road and south of Trading Post Road in the Casa Grande area).

MOTION:

Vice Chairman Riggins made a motion to continue case SUP-013-11 for sixty (60) days to January 19, 2012 at 9 a.m. Commissioner Ellis seconded the motion. Motion passed by unanimous decision.

Break 11:03 a.m.
Reconvened 11:17 a.m.

Commissioner Faucette left at 11:17 a.m.

PZ-PA-008-11- PUBLIC HEARING/ACTION: Montana Resources, LLC., landowner/ applicant, United Engineering Group, agent requesting approval of a Non-Major Comprehensive Plan Amendment from Moderate Low Density Residential (1-3.5 DU/AC) to General Public Facilities/ Services to allow a 7MW Photovoltaic (PV) Solar Power Generation Facility within the 29± acre Bolo Solar PAD; situated in a portion of the northwest quarter of Section 28, T4S, R10E G&SRB&M (legal on file) Tax Parcel 210-43-012B (east of Cooper Road, south of Judd Road in the Florence area).

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

Chairman Hartman called the applicant forward.

Mr. Chris Lenz, 3205 W Ray Rd., Chandler, AZ. Mr. Lenz used a power point presentation.

Chairman Hartman asked Mr. Lenz if there is any problem with drainage in the area. He responded that the drainage goes to the southwest. Vice Chairman Riggins stated it is directly below the Magma Flood Control Dam. Mr. Lenz responded he was made aware of some of the issues that were going on in the southwest corner of the property. The area does flood, and the drainage stays on Cooper Road. Vice Chairman asked Mr. Lenz if he had any discussions with the Magma flood control structure not being in compliance and not having the money to fix it. Mr. Lenz responded they are aware of the issues, and it does state in the stipulations, when they go through site plan they will have to look at the potential break and failure of the dam. The solar panels do sit above ground.

Ms. Sarkissian stated they have allocated funds for the work now, and are currently working on the Dam. The first phase is on the Arizona Farms side and will continue north, they expect to be in full construction within the next couple of months. The Dam is going to be moved slightly to the south, to add a new layer of filtration. They have a 36-month period for completion, beginning in 2013.

Chairman Hartman opened the public portion of the hearing.

Mr. Frank Bartomeo, 28585 W Roses Way. Mr. Bartomeo stated when there is rain the property is flooded. The area will be an eye sore; the fencing will make the area look like a prison. Mr. Bartomeo spoke against the case. Commissioner Brown asked Mr. Bartomeo if he was aware they would have vegetation and landscaping throughout the area. Bartomeo responded no, he was only aware of the landscaping being in the front area. Ms. Sarkissian stated the landscaping would only be along Cooper. Mr. Lenz stated that there will be landscaping along Cooper & Tennyson.

Mr. Gary Bauer, 28961 N Palos Dr. Mr. Bauer is concerned about the electricity from the panels causing heat. He is not against the project, but does have concerns. About what this type of project would do to the property value.

Mr. Randy and Ms. Julie Manassa, 28955 N. Roses Way. Mr. and Ms. Manassa spoke against the project. Mr. Manassa is worried about being caged in by an industrial area. There will not be any security guards on site, which means they will have cameras and bright lights. Ms. Manassa stated she visited another project from this developer on another site, and it looks like a prison and the lights were extremely bright. Commissioner Brown asked Ms. Manassa if they had any communication with the applicant about their concerns. Ms. Manassa responded no they have not spoken. Ms. Manassa responded an approval letter was Fed Exed to their property for them to sign but Ms. Manassa refused to sign it due to all the concerns about the project.

Chairman Hartman asked Mr. Stabley what would go in that site if the company fails, what would be allowed with that zoning and the industrial use permit. Mr. Stabley responded it would be tied to the uses allowed in the site plan, as it is right now it would only be a solar plant. Commissioner Salas asked if the company went bankrupt do they have any obligation for restoration. Mr. Stabley responded when a business goes bankrupt they have no responsibility to tear the business down. They would leave it as is.

Ms. Sarkissian stated stipulation five (5) reads "if at the expiration of the (5) five year time period the Property has not been developed with a solar facility, for which it is conditionally approved, or improved in accordance with the Schedule for Development, the Board of Supervisors after notification by registered mail to the property owner and applicant who requested the rezoning, shall schedule a public

hearing to grant an extension, determine compliance with the Schedule for Development or cause the property to revert to its former zoning classification.”

Commissioner Ellis asked Ms. Manassa during the community meeting if she was on record agreeing with the project. Ms. Manassa responded she did agree with the project until she looked at the other site.

Mr. Larry Pomeroy, 11427 E Reksom Rd. Mr. Pomeroy spoke against the project. He enjoys the rural area, and wants to keep it rural. He does not want to see aluminum and glass outside his window.

Ms. Sandra Leatherwood, 28489 N Roses Way. Ms. Leatherwood spoke against the project. Ms. Leatherwood researched the area before purchasing her property to make sure she lived in a rural area.

Mr. Oscar Casdorff, 28673 N Roses Way. Mr. Casdorff spoke against the project. Mr. Casdorff reiterated the concerns from the community.

Commissioner Salas asked the public what made them change their mind, were you misled by the applicant. Mr. Casdorff responded he was not aware of the meeting. Ms. Manassa responded she was not aware of the meeting either, but attended because a neighbor advised her it was going on. Ms. Manassa stated she never agreed or disagreed. She was misled.

Lunch Break 12:24 p.m

Reconvened 1:24 p.m

Chairman Hartman called the applicant forward.

Mr. Lenz stated all property owners within twelve hundred feet were notified. The contact information was pulled from the Pinal County Assessor's website and records. Silverado, the applicant, does want to work with the community. There was no intent in misleading anyone. The traffic during the construction portion there will be more traffic than normal but after the completion of the site, the traffic will be minimal. Solar panels are not reflective; there should not be any heat impact on adjacent properties.

Vice-Chairman Riggins asked staff if the site would need to meet the light ordinance, or if it only pertained to commercial.

Commissioner Salas asked Mr. Lenz how many jobs would the project bring. Mr. Lenz responded during the construction portion it would bring forty (40) jobs. After it is completed, it will bring five (5) positions, a combination of part-time and full-time.

Commissioner Brown asked Mr. Lenz if they had looked at the surrounding neighborhood. Mr. Lenz responded they did do their research and the area seems to work well for the project.

Mr. Abraham responded to Vice-Chairman Riggins that the site would be subject to the light ordinance. Vice-Chairman Riggins stated they could not have escaped fugitive light.

Chairman Hartman asked Mr. Lenz what is there need on water. Mr. Lenz responded with the use of solar panels water is only needed on occasions to clean the panels. For the vegetation, Johnson Utilities will be the provider.

Chairman Hartman closed the public portion of the hearing.

MOTION:

Commissioner Ellis made a motion to forward case PZ-PA-008-11 to the Pinal County Board of Supervisors with a recommendation for denial. Commissioner Salas seconded the motion. Motion passed unanimously.

Roll Call vote:

Commissioner Aguirre-Vogler	Yes
Commissioner Brown	Yes
Commissioner Moritz	Yes
Commissioner Salas	Yes
Commissioner Ellis	Yes
Vice Chairman Riggins	Yes
Chairman Hartman	Yes

PZ-010-11 - PUBLIC HEARING/ACTION: Montana Resources, LLC., landowner/ applicant, United Engineering Group, agent requesting approval of a rezone request from GR (General Rural) to CI-2 (Industrial) to allow a 7MW Photovoltaic (PV) Solar Power Generation Facility within the 29± acre Bolo Solar PAD; situated in a portion of the northwest quarter of Section 28, T04S, R10E G&SRB&M (legal on file) Tax Parcel 210-43-012B (east of Cooper Road, south of Judd Road in the Florence area).

MOTION:

Commissioner Ellis made a motion to forward case PZ-010-11 to the Pinal County Board of Supervisors with a recommendation for denial. Commissioner Salas seconds the motion. Motion passed unanimously.

PZ-PD-010-11 - PUBLIC HEARING/ACTION: Montana Resources, LLC., landowner/ applicant, United Engineering Group, agent requesting approval of a Planned Area Development (PAD) Overlay Zone to allow a 7MW Photovoltaic (PV) Solar Power Generation Facility within the 29± acre Bolo Solar PAD; situated in a portion of the northwest quarter of Section 28, T04S, R10E G&SRB&M (legal on file) Tax Parcel 210-43-012B (east of Cooper Road, south of Judd Road in the Florence area).

MOTION:

Commissioner Ellis made a motion to forward case PZ-PD-010-11 to the Pinal County Board of Supervisors with a recommendation for denial. Commissioner Salas seconds the motion. Motion passed unanimously.

IUP-004-11 – PUBLIC HEARING/ACTION: Montana Resources, LLC., landowner/ applicant, United Engineering Group, agent requesting an Industrial Use Permit to allow a 7MW Photovoltaic (PV) Solar Power Generation Facility within the 29± acre Bolo Solar PAD; situated in a portion of the northwest quarter of Section 28, T4S, R10E G&SRB&M (legal on file) Tax Parcel 210-43-012B (east of Cooper Road, south of Judd Road in the Florence area).

MOTION:

Commissioner Ellis made a motion to forward case IUP-004-11 to the Pinal County Board of Supervisors with a recommendation for denial. Commissioner Salas seconds the motion. Motion passed unanimously.

PZ-PA-006-11 – PUBLIC HEARING/ACTION: To consider changes proposed by the Pinal County Board of Supervisors (“Board”) to the Major Comprehensive Plan Amendment request case PZ-PA-006-11: Arizona State Land Department, applicant, Jackie Guthrie, Agent, requesting to amend the text of Chapter 3: Sense of Community by amending and adding certain policies, and amending the text of the

name and definition of the Major Open Space land use designation, graphically amending the Land Use Plan in areas situated in T01N, R09E; T01N, R10E; T01S R08E; T1S R09E; T01S, R10E; T02S, R08E; T02S, R09E; T02S R10E; T02S, R11E; T03S, R08E; T03S, R10 E; T03S, R11E; T04S, R11E; G&SRB&M (legal on file) located in northern Pinal County, The Economic Development Plan, the Multi Modal Circulation Plan (Chapter 4: Mobility and Connectivity), and the Open Space and Trails Plan (Chapter 6 Open spaces and Places), recommended by the Planning and Zoning Commission on September 15, 2011, that are referred by the Board for the Commission's recommendation as required by A.R.S. § 11-805.

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

Chairman Hartman called the applicant forward.

Ms. Jackie Guthrie, 1710 W. Black Knob St. Casa Grande, AZ 85122. Ms. Guthrie used a power point presentation. Ms. Guthrie stated there are a couple of solid reasons it to do planning so early. The west side on 79; the north south corridor, is important to show them and have people see that the corridors someday will go through the Superstition Vistas area. The other reason is east of 79; people are concerned about preserving washes, native vegetation, and preserving slopes. What we are proposing is two (2) single dwellings per acre. We believe it provides enough density for a developer to cluster and be cost effective.

Vice-Chairman Riggins stated the argument you are making always applies to the private sector because of possibility of lot splitting. This block of land is owned by the State Land Department. Are they anticipating splitting the land if they do not get the amendment? Ms. Guthrie responded they are not proposing that. Vice-Chairman Riggins stated the Commission is being asked to put in a change on land that might not develop for another hundred years. Ms. Guthrie stated they do not believe two (2) single dwellings per acre are excessive. Commissioner Brown stated an area that large, 276,000 acres developing over one hundred years, and maybe having water, that is speculative. Everything can change in the next one hundred years.

Commissioner Ellis stated Supervisor Snider had concerns about the water, and more research needs to be done. Arizona Game and Fish want further research, as well before anything continues. The Land Department needs to listen to the Board of Supervisors, Resolution Copper, and Game and Fish. There is not an emergency to complete this; more research needs to be done. Ms. Guthrie stated we have increased the potential amount of open space. The difference in overall density 1.75 per acre is not a major change.

Vice-Chairman Riggins asked Ms. Guthrie, with your experience as a planner in Pinal County, would there be a reason why the County and Commission should approve a project that us this speculative. Ms. Guthrie responded a Comprehensive Plan is not looked at as speculative. This case is unique. Vice-Chairman Riggins stated he agrees with the case being unique, the area that this encompasses is an area where if they had had water would have been farmed for a long time. There is no water there. There are densities now that went through public process.

Chairman Hartman stated the State Land Department has policies on road developments; does a developer have to pay for the rights-of way? Ms. Guthrie responded the developer does have to pay for the rights-of way. That is a Constitutional requirement. Chairman Hartman asked Ms. Weber if there are roads in Pinal County where the road was established in the 1880's but never paid for. Ms. Weber responded that is a very difficult area to address.

Chairman Hartman stated amending the Comprehensive Plan might be too premature. Chairman Hartman asked Ms. Guthrie if the sections would still be shown in grids. Ms. Guthrie responded yes the grids would still be there. The only roads shown with that detail are the roads from the County's transportation plan. Chairman Hartman asked when you develop the roads, what will be the access.

Commissioner Aguirre-Vogler asked Ms. Weber what can be done to prevent them from just coming back with something new with no studies, we all know there is no water. Ms. Weber stated all you can do at this point is discuss.

Mr. Abraham went over a couple of slides from the previous power point presentation.

Vice-Chairman Riggins stated there is a request from the State Land Department to take approximately one hundred square miles to double the Comprehensive Plan density. Commissioner Ellis states he agrees with Vice-Chairman Riggins they would be doubling the potential population.

Chairman Hartman called the speaker for Resolution Copper to come forward.

Mr. Adam Hawkins Resolution Copper, 402 W. Main St Superior, AZ 85173. Mr. Hawkins stated Resolution Copper no longer has an issue with the proposal along the Magma Railway. They will conduct a study to look at the best uses of the land, and would ably to the results of the study.

Vice-Chairman Riggins asked Mr. Hawkins if they are willing to in the mean time have the major Comprehensive Plan go into effect and have the existing corridor taken out, and then see if the study conducted will reinstate. Mr. Hawkins responded that having to conduct the study it puts all parties in a better position, of moving forward with an understanding of the best purpose of the land. Resolution Copper will be funding the study and no longer has issues with altering the employment corridor on the existing Comprehensive Plan.

Chairman Hartman opened the public portion of the hearing.

Ms. Gina D'Abella, 5619 S. Spyglass Rd, Tempe, AZ 85283. Ms. D'Abella spoke against the case. Ms. D'Abella stated she believes in planning. They talk about developing in consideration of the environment guidelines, they are making sure that is recommended in their amendment. Ms. D'Abella would like to see that plan and see the topography. They are talking about taking care of the waterways and the wild life corridors, why cannot they just show it. Provide a land use map that shows the developing partners in the future and demonstrate to future land owners where you can possibly develop. Ms. D'Abella stated the density scares people, when they see all that area in yellow. It is too large.

Chairman Hartman stated agrees with Ms. D'Abella, when it comes to sales they will need to provide all the information for the buyers.

Mr. Stabley stated what is being shown on the map does not affect the Open Space and Trails Plan, that plan is where the washes, trails, and corridors are shown. On the Land Use map, we provided the wash corridors information and the lines became too wide that it took over half of the property; we decided to pull the washes off the Land Use Plan. It is being covered in the Open Space Plan.

Ms. D'Abella asked if the map could be made bigger to show the topography. Mr. Stabley responded it was too hard to put on the Land Use map but it does show it on the Open Space Plans, and it is part of the Comprehensive Plan.

Commissioner Salas stated the Commission is also concern about the density. Commissioner Salas stated he has concerns about the dwelling sizes; developers always develop under the larger numbers. It is all about making the most money on the development. The people that propose the one (1) acre dwellings understand the resources are not there to sustain such density. We cannot do anything about private properties but we do believe we can make an impact on State Land, with this Comprehensive Plan we believe we have voiced what the people care about. Resolution Copper is going to come in and claim as many acres as they can that surround their property because they do not want people to come in and establish more liability for them. We want to keep open space for our children to enjoy it. We are not saying no to develop, we are just trying to be reasonable.

Mr. John Enright 6556 E Hacienda La Colorada Dr. Gold Canyon, AZ 85118. Mr. Enright spoke against the case. Mr. Enright stated there is a Comprehensive Land Plan the citizens of Pinal County agreed on. We have a plan for the future. People want to preserve the land. We need to stay with what the people wanted.

Mr. Mike Hutchison, 535 W Baseline Rd, Mesa, AZ 85206. Mr. Hutchison spoke in favor of the case. Suggested adding the concerns the commission might have as stipulations.

Commissioner Moritz stated to Mr. Hutchison that four (4) years after the Comprehensive Plan was changed you are coming back with new changes, because this is what you really wanted four (4) years ago. Mr. Hutchison stated that is correct we were not ready. We are ready now for the changes to Superstitions Vistas.

Mr. Dick Powell, 505 W. Main Ave Casa Grande, AZ 85122. Mr. Powell spoke against the change. There is not enough water; the plan as it is right now is fine. Nothing can happen without water; it needs be put off for the future members to decide.

Commissioner Brown stated he has concerns about putting things off for the future; we always have to stay ahead. It has not resulted in the best situations. You have a vision, and before that vision is completed, you have new population that wants something different and the original aspirations can get lost. Commissioner Brown asked Mr. Powell why he believes it should be put off. Mr. Powell responded control of the project should stay with the Planning and Zoning Commission and the County's Supervisors. The original suggestion was to make everything moderate density, if you do that there is no way to control anything. If the State owns it, the State controls it. There is no water, and nobody knows where to get it.

Ms. Janean Rohovit, 1521 N. Project Drive, Tempe, AZ 85287. Ms. Rohovit is with Salt River Project, spoke in favor of the case. Ms. Rohovit stated they do have a one hundred year vision. This is a starting point; a lot of work does remain and this is a very good beginning.

Commissioner Ellis asked Ms. Rohovit if she would agree the current Comprehensive Plan is a good beginning. Ms. Rohovit responded it is a good plan.

Mr. Clark Smithson, 1700 S. Weaver Dr. Apache Junction, AZ. Mr. Smithson spoke in favor of the case. Mr. Smithson stated the current plan states 0-1 per acre dwelling, and that violates the constitution. Mr. Smithson recalls that this portion of the Comprehensive Plan for the County was a holding pattern and it would be looked at a different time. Mr. Smithson stated if you send this back, what you are saying is that you are sending something unconstitutional back to them; it appears there are only three (3) ways (to achieve residential density less than 1 du/ac). You can change the constitution; You can have the top portion purchased by somebody for the purpose of open space; Alternatively, you can allow higher density in some areas with the provisions that it compensative somehow providing greater open space

in other areas. The State Land Department has modified their request in order to accomplish that. Several of you mentioned you liked some of the aspects, but denied the whole thing. Why not approve it with provisions. The water element of the plan does state if there is no water, there is no development. Mr. Smithson stated he supports the proposal from the State Land Department.

Mr. Stabley asked Mr. Smithson what he means when he says 0–1 per acre dwelling not being constitutional. Mr. Smithson responded that the constitution says open space needs to have a minimum density of one (1) unit per acre. Mr. Stabley stated under State Law if an area is designated as open space then it becomes open space or one (1) dwelling unit to the acre. Areas outside of open space do not have that mandate; the 0–1 per acre dwelling is constitutional and it is within State Law. Commissioner Ellis agreed with Mr. Stabley.

Ms. Sandie Smith, 4415 S. Primrose Dr. Gold Canyon, AZ 85118. Ms. Smith spoke in favor of the case. Ms. Smith stated the results of not doing anything might mean it goes into another governing entity. As the west continues to plan to the east that area might be removed from the citizens of Pinal County and the governing staff. Future people may be deciding (on areas) that might not be under Pinal County's jurisdiction.

Commissioner Moritz asked Ms. Smith when you say "from the west" who are you referring to. Ms. Smith responded Mesa amongst others. At one point, it was a big issue. The current Mayor of Mesa works very well regionally. If we have a good plan in place that everyone is a part of, there will be something that governs what he or she might do.

Mr. Abraham read a letter from Bill Maynard addressed to the Board of Supervisors.

Chairman Hartman closed the public portion of the hearing.

MOTION:

Vice-Chairman Riggins made a motion to forward case PZ-PA-006-11 to the Pinal County Board of Supervisors with a recommendation for denial. Commissioner Aguirre-Vogler seconds the motion.

Roll Call vote:

Commissioner Aguirre-Vogler Yes

Commissioner Brown No, Commissioner Brown referenced Ms. Smith's comments and stated Maricopa County could not annex to another County. Maricopa County was looking to acquire some resources in Pinal County and what was difficult to locate in their own county, for example water. They originally wanted to annex to Mesa.

Commissioner Moritz No, there have been people who have worked hard on the proposed plan. Would prefer to see Pinal County retain that area, it is a great project. We have a lot of open space and should continue, nobody has the intent to get rid of it.

Commissioner Salas Yes, there has been a lot of work done by the public and the Commission. The Comprehensive Plan should not be picked apart every time a group comes in and say we do not agree with your current plan.

Commissioner Ellis Yes, we currently have a plan, a very good plan and many people have worked very hard on the plan.

Vice Chairman Riggins Yes

Chairman Hartman Yes, and would like to see the rail corridor. There are transportation issues.

Mr. Stabley stated the vote passed five (5) to two (2), motion passed.

Chairman Hartman thanked The State Land Department for the presentation and there diligent work.

ADJOURNMENT

Commissioner Ellis moved to adjourn. Vice-Chairman Riggins seconded the motion. Chairman Hartman accepted the motion. Meeting adjourned at 4:21 p.m

RESPECTFULLY submitted December 15, 2011.

Jerry Stabley, Planning Director