

**PINAL COUNTY
PROPOSED ORDINANCE
CITIZENS WORKSHOP NOTES
OCTOBER 19, 2007**

PLANNING STAFF PRESENT:

Mr. Stabley, Deputy Director
Ms. Sherwood, Planner
Ms. McClary, Administrative Secretary

Mr. Stabley welcomed the public and began the forum at 11:20am. Mr. Stabley explained this is the first meeting; another is scheduled for October 25 from 9am – 5pm and 6pm – 8pm. Mr. Stabley asked the public to sign in so we would be able to keep them informed.

Ms. Sherwood made a power point presentation and explained the existing zoning and the new zoning classifications. Ms. Sherwood explained the existing zoning will stay in effect until a time that an owner would request a rezone. To sell property or to split property (Minor Land Division) does not change zoning. Article 1, Section 110 states that zonings SR, SH, CAR, GR, CR-1A, CR-1, CR-2, CR-3, CR-4, CR-5, TR, CB-1, CB-2, CI-B, CI-1, CI-2, Guest Ranch, Mfg Home, RVP, MHP, and PM, are all zones that will remain in effect from the 1962 Zoning Ordinance.

Due to the public response, **Article 13, Section 1302** has been revised from the original draft to read: “raising and grazing of livestock”; this is an RU-10 Zone, which a property owner would first have to request rezoning.

Mr. Stabley asked the public if they understood that this zoning does not affect them, unless they request a change, their existing zoning stays the same.

Public asked for the definition of GR Zoning. Mr. Stabley read a portion of the definition of the GR Zoning. Mr. Stabley further explained that the State has determined that dairies can locate where they wish, they are not restricted.

Ms. Sonja Schoonover asked if she should decide to move to open land, will the new zoning affect her. Mr. Stabley responded the zoning will not change unless it is requested to be changed.

Ms. Sherwood explained if property is zoned GR, SR or SH, roping facilities are still permitted as long as it is a private facility. Ms. Sherwood explained the zoning would only change IF the owner requested to change.

Ms. Sherwood explained the current Zoning Ordinance is 45 years old and does not have the tools to assist the County with the growth of the County. The Proposed Zoning Ordinance will address issues not addressed in the 1962 Ordinance.

Mr. Stabley explained one of the issues not addressed is the planning and protection of open space. The Proposed Ordinance, along with the Open Space Plan will allow the County to enforce open space.

Ms. Kathleen Rikli expressed concern that developers can come in to rezone for a higher density and squeeze out residents who prefer the rural lifestyle. Ms. Rikli asked if the new ordinance will make it easier for developers to do this.

Mr. Stabley responded developers or landowners can request to rezone for higher density now and the Proposed Ordinance will actually make it more difficult due to the standards required.

Mr. Seraphim Larsen made a request that the existing ordinances be made available online.

Mr. Stabley responded that the Ordinance is on the website.

Mr. Larsen wants to verify his property is still GR Zoning because the Assessor's website has different classification.

Mr. Stabley explained that the Assessor uses a different system and the website does not reflect zoning and directed Mr. Larsen to One Stop Shop to request zoning.

Mr. Larsen asked if the website will have the minutes from this meeting. Mr. Stabley responded they will be made available through our website.

Mr. Larsen asked if residents have input on a neighbor's zone change request. Mr. Stabley explained the process for zoning changes. The applicant must post a 4X8 sign on the property, County staff also puts out signs, sends letters to property owner's within 600' of the site and publish legal notices in local newspapers and post on the website.

Mr. J.R. Henderson stated things can change without proper notification. He was annexed without being notified and cited a deed restriction on adjacent property. Mr. Stabley responded that the County does not control annexations, they go through cities or towns. Mr. Stabley also explained that deed restrictions are private land agreements, the County does not implement deed restrictions.

Ms. Angela Martinez made comments that zone changes do impact peoples lives and is concerned this will open the doors to new development, while creating more unwanted restrictions on residents. There is no benefit to property values, uses or lifestyles.

Ms. Nancy Hawkins asked how this proposal differs from a few weeks ago, as she had understood that it was not only for future zoning but existing zoning as well. Mr. Stabley responded it was never intended to change existing zoning.

Ms. Hawkins asked if the County will allow County Islands as her property is surrounded by annexations. Mr. Stabley explained the County does not get involved in annexations and usually does not find out about it until afterwards. The County does get involved in Incorporations because it must be brought before the Board of Supervisors. Mr. Stabley stated that County Islands, by law, are not supposed to be created however they may remain as such.

Mr. Mark Seidel spoke about the animal restrictions that are in the current draft of the zoning ordinance, what is the reasoning for the restrictions in the zoning classification (R-43) and requested they be taken out.

Ms. Sherwood explained that R-43 is comparable to CR-1A which was put in place in the 1980's. It was initiated by residents in the northern part of the county to create 1-acre parcels with the animal restrictions and is guarded closely by the residents in that part of the County.

Mr. Seidel asked what is the benefit of rezoning and restricting their rights and requested that animal restrictions be removed from the Proposed Ordinance.

Ms. Kathie Leslie asked who proposed the changes and restriction of the Zoning Ordinance.

Ms. Sherwood responded that committees were formed from the Planning Commission, at the direction of the Board of Supervisors about 6 or 8 years ago. Ms. Sherwood explained the Committees worked on several drafts, along with a consultant and legal counsel. This is the first draft that has been compiled. Ms. Sherwood explained that the County currently does not have the tools to adequately regulate the growth of Pinal County, and the new Proposed Ordinance will provide the tools to enforce regulations on future growth. Ms. Sherwood reminded the public that Article 1 states that all the zoning classification presently in use from the 1962 Ordinance are remaining and being regulated by that Ordinance. The new Proposed Ordinance is written to work with future growth.

Mr. Stabley stated the public's view of animal restriction is very clear, however there are other issues the County is trying to address. Mr. Stabley shared an example that if a cell tower company wanted to put a tower next to private property, there are currently no provisions to prohibit it. The County has been working on policies but if ever challenged, the County would lose.

Ms. Maryeileen Flanagan stated she is working with the Comprehensive Plan and it states clearly the preservation of open space, however the zoning she sees, negates open space and seems to have been written by a developer. Although the animal restriction has been removed, she has other concerns, such as: Sec. 106; 810.8; 817; 6303.2; 6504; 6506; 6507; 6509; Article 67 – how will this affect arena lighting, please explain.

Ms. Sherwood responded the Article on Lighting was written by someone who was not available for this forum but is scheduled to make a presentation on October 25 at 1pm.

Mr. Stabley stated staff will research the answer regarding arena lighting.

Public member shared concern about developers rezoning higher density, water resources, traffic impacts and asked how the Proposed Ordinance will give the County more control of rezoning since one would have to submit again to rezone.

Mr. Stabley explained that under current zoning conditions, if a person is granted a particular zoning under the pretense of a specific development, and then does something entirely different which is still in that same zoning category; the County has no provision to force the applicant to adhere to the original plan. Under the Proposed Ordinance, there will be provisions that will hold the applicant to the original plan as well as a schedule of development.

Ms. Donna Guthrie asked if this is not going to change existing zoning, why change the zoning?

Mr. Stabley responded there are about 12 to 15 cases per month that come through the Planning Commission and then to the Board of Supervisors, who want to change zoning typically from 1¼ acre to 7,000 sq ft. The Proposed Ordinance would apply to these future requests.

Ms. Ann Johnson came forward to state that the horse industry is a billion dollar industry nation wide and we have the opportunity to keep Pinal County a part of this industry. Has the County ever denied a project for rezoning?

Mr. Stabley responded that the Board of Supervisors determines if zoning should be changed or not and they have denied requests for rezoning.

Ms. Darlene Sanborn stated that Arizona is an agriculture state and people are buying land around farms and then complaining about the flies, dirt, dust and smells.

Ms. Ann Boe stated the Proposed Ordinance is vaguely written and allows loopholes for developers who will take advantage. Ms. Boe commented how far will people have to move to have a rural lifestyle and still be able to travel to work to support their families.

Ms. Dawnell Haupt asked what study has been done that shows the benefit to the County to go to a metropolitan area.

Mr. Stabley responded the animal restriction has been removed from the Proposed Ordinance, with the exception of R-43. There has been no study, but the logic was that many people want a few animals. Mr. Stabley again stated the existing zonings does not change.

Mr. Dick Powell asked if the requirements for detached accessory buildings include corrals or roping arenas.

Ms. Sherwood responded that detached accessory buildings applies to workshops and sheds.

Mr. Powell stated he hopes everyone is not lulled into believing they get to keep what they have, as this is the first step to take rural property out of Pinal County. Mr. Powell continued that this is a developers mandate and it is what they want to see happen. Mr. Powell mentioned the Morrison study which shows the rural ness of Pinal County is its charm and that is why people come here and why it needs to be preserved. Mr. Powell shared concern about the setback restrictions in the Proposed Ordinance and the affect of Proposition 207. Mr. Powell also mentioned that Pinal County has the most roping arenas per capita and a lot of money is generated from the winter visitors. Mr. Powell believes that urban development should be left to cities and counties should be rural. Mr. Powell also stated he had told a Board of Supervisor that if this passes, citizens of Pinal County who have not voted before will register and vote at the next election.

A public member asked if there were any horse or farm people on the committee.

Mr. Stabley responded the committee was composed of Commission members, which included a farmer.

Mr. Stewart Thomas stated the Proposed Zoning Ordinance is written vague intentionally to provide room for developers to interpret the rules to their benefit. Mr. Thomas feels this would mean that a person would have to go to court to fight for their rights and most people here can not afford to do that. Mr. Thomas also stated the Proposed Ordinance needs to be rewritten to protect the rural lifestyle of the County to promote winter visitors which will generate money in the County.

Mr. Chip Wilson asked if the CR-1A zoning is not going away, why is there a proposed R-43 zoning? Mr. Wilson shared concern about setbacks for various structures and lighting and suggested the information be clearly written.

Mr. John Kantawski commented that those who move to this area should adapt to the rural lifestyle, we should not change to fit their suburban lifestyle.

Ms. Kristin Brown read the mission statement of the 4-H club. Ms. Brown asked if small businesses would be prohibited in the County.

Mr. Stabley responded that people can do home-based businesses as long as they do not impact their neighbors, they can also apply for Special Use Permits.

Ms. Brown asked if that meant she could not sell her rabbits for 4-H asked for clarification of the 1502.9 requirement of a minimum of 20 acres for commercial boarding facilities.

Ms. Sherwood explained that is agricultural and is allowed in that zoning. Ms. Sherwood explained that 1502.9 does not apply to Ms. Brown and that no one has that zoning; there is no limit on livestock in the GR, SR, SH zonings.

Mr. Kenny Cardon stated that roads need to be improved to handle the already congested traffic before the County allows more development. He also recommended the committee include both people from the rural and urban community so that the document is unbiased. Mr. Cardon asked if the new zoning law changes the number of animals a property owner may have on their property and it appears that there is a contradiction between 2002.2 and 4602.5.

Ms. Sherwood explained that 4602.5 addresses a manufactured home subdivision and if a property owner has one (1) acre, they are permitted two (2) large animals, however, if they have only the 8000 sq. ft., they would not be permitted the large animals.

Jody asked if the zoning codes relates to renters as well as owners and what if the owner chose to rezone the property.

Mr. Stabley stated that there is not a difference between owners and renters and if the owner rezoned the property, the animal restriction has been removed so it would not affect a renter.

Mr. Norm Short asked why the people being affected by these changes were not notified; the County has no problem finding them to pay their taxes. Mr. Short commented that the Constitution is over 200 years old and it still works, why should the Ordinance be changed because it is 45 years old and if the animal restrictions have been removed, why were they there to begin with?

Mr. Stabley explained the reasoning was that, in the future, people moving into low density master planned communities would be ok with of a limited number of large animals, but not an unlimited amount.

Mr. Short repeated a question from the audience as to why the rights of people moving in are more important than the rights of the existing property owners and how can the public know things won't change again.

Mr. Stabley responded the existing rights remain the same, however he can not guarantee the Planning Commission or the Board of Supervisors won't make changes as they go through the process but encourages the public to participate.

Mr. J. R. Henderson commented that the AQHA website states that Arizona is rated in the top 5 states for the most registered horse breeds and there are more ropers in this state than any other state per capita.

Ms. Amber Dunmire asked why property owners were not notified of these changes.

Mr. Stabley responded the two ways of notification are to advertise in local papers and the County website.

Ms. Jean Anderson requested that when changes occur in the Proposed Ordinance, that those changes be dated.

Ms. Darlene Sanborn stated she lives in Florence and was not aware of this meeting until last night at 4:00pm.

Ms. Stephanie Placia asked about building materials and parts for lawnmowers and tractors, that she and her father use to rebuild as a hobby. Ms. Placia asked, under the Proposed Ordinance, if these items need to be kept in a storage unit on her property.

Mr. Stabley responded that those restrictions are covered in the current zoning and has not changed in the Proposed Ordinance.

Mr. Steve Jones commented he lives in Valley Farms and under the Proposed Ordinance, because he has less than one (1) acre, he will have to get rid of his horses and he can not raise a beef cow and this is forcing our residents to purchase all products from overseas. Mr. Jones is also concerned about being annexed into Coolidge or Florence.

Ms. Sherwood responded that Valley Farms is GR and a non-conforming area with small lots and their zone is not going to change nor is the non-conforming status.

Public member commented that developers will build around the ¼ mile buffer and swallow up the area and change the zoning to high density. What can be done for property owners to have more control over the issues that come up around them?

Mr. Stabley explained that the changing of zoning is a process that must go before the Planning Commission and the Board of Supervisors. Mr. Stabley encouraged the residents to come to the meetings or send letters.

Ms. June Stark asked staff if they realize they work for them; they are public servants and their first obligation is to the residents, not the developers. Developers are not considered the public, the public are the residents.

Ms. Joyce Lapera stated she is glad the animal restriction has been removed. Ms. Lapera commented the Code Compliance staff of Pinal County has been very helpful. Ms. Lapera asked if CCR's can be reversed.

Mr. Stabley responded that the issue is with CC&R's which has nothing to do with zoning and CC&R's are handled at a civil level.

Ms. Bobbie Milsom asked for clarification related to one (1) acre parcels between 2002.2 and 4602.5 and asked that it be reworded to "the raising and grazing of livestock" as was done for 1602.2 that would include RU-10, RU-5, RU-3 and RU-2, so that children living in mobile homes can participate in 4-H and asked if dairies include dairy goats.

Mr. Stabley responded his understanding is that a dairy is a dairy and the State is liberal with their qualifications for dairies and the County doesn't have the ability to restrict them.

Ms. Janine Brown stated she supports comments made and suggested the County provide a livestock center so kids can have the opportunity to be involved in 4-H and FFA. Ms. Brown asked for clarification about the slaughter of animals.

Ms. Sherwood explained that under the current GR zoning, slaughtering can be only those animals raised on that property.

Ms. Kandy Cox expressed her concern of not being allowed to have 10 – 30 animals for her kids and that the County should publish meetings in all newspapers.

Ms. Bev Patek asked why staff and the County Supervisors are not stopping the developers. Ms. Patek stated the residents want this to remain a rural county.

Ms. Heather Daly asked how she will know if the state land that surrounds her, will remain state trust land, and are there any provisions to ensure it will remain rural surrounding her by way of a buffer zone.

A public member asked how cities acquire County land through the process of annexation and how does the County allow the cities to take land out of the county.

Mr. Stabley explained the cities don't own the land, but the State gives the authority to the cities, it is a petition process the cities go through to see if they meet the law restrictions and if the residents agree to be brought into the city.

Mr. Chip Wilson returned to the podium to ask how will the Proposed Ordinance affect family operated businesses and 5705.5 of the current zoning allows Special Density Permits, what happens to those.

A public member asked by what process will the Proposed Ordinance be approved or rejected.

Mr. Stabley responded the Board of Supervisors will make the decision.

Another public member asked why is it the Board of Supervisors.

Mr. Stabley responded it is State law.

Ms. Maryeileen Flanagan stated the public needs to be aware and get involved in the County Comprehensive Plan. Ms. Flanagan asked what happened to the 1¼ acre zone designation.

Ms. Sherwood responded that the GR is already there and the basic agricultural zone and it will remain.

Ms. Flanagan asked about dividing her property to donate it to family.

Ms. Sherwood explained if Ms. Flanagan's property is GR zoning and if it meets all the regulations that, she can, under the Minor Land Division, split to 5 lots and the property would still be GR zoning.

Ms. Flanagan stated that staff is incorrect (if she understood the draft correctly) that some things will change per Articles 52, 62, 63, 64, 65, 67, 70 such as storage and lighting will affect everyone in GR and violations will make them a class 2 misdemeanor. Ms. Flanagan suggested instead of rewriting the Ordinance just close the current loopholes.

Mr. Stabley stated the person who wrote the Lighting portion will be at the meeting on Thursday, October 25.

Ms. Jeri Murrieta thanked everyone who has voiced their opinion and asked staff to take these comments and concerns into consideration.

A public member asked how the County will track the zonings and know if a resident is violating a code.

Mr. Stabley responded that the County is working on a Geographical Information System (GIS), computerized mapping that the officers in the field can tell what zoning they are looking at.

Public member stated that we need a back up. Why is the County taking on more responsibility if the County can't take care of it or properly enforce it?

A public member asked if there will be a meeting like this with the Board of Supervisors and will there be a notice in the newspapers.

Mr. Stabley responded there will be meetings with the Board of Supervisors, which will be published and on the County website.

Mr. Charles Murrieta shared his concern of his future ability to have animals for his family and friends to enjoy.

Mr. Stabley thanked the public for attending and voicing their thoughts and opinions.

BREAK: 2:07PM
RECONVENED: 2:15PM

Mr. Stabley announced the next topic regarding overall approach, usability, existing zoning, churches and the cluster option.

Ms. Sherwood made a presentation and explained overall approach that the current zoning is 45 years old and does not address current issues and to be more user friendly. The new zoning categories will allow for more diversity in lot sizes, create new categories for commercial uses and create 2 new office categories. Existing zoning shall remain in effect and be referred to as the 1962 Pinal County Ordinance. Existing zoning and allowed uses will remain in effect until a property owner requests a change; minor land division or sale of land does not change the zoning classification. Churches are allowed in all rural, residential, office and commercial zoning classifications and are protected by law. Ms. Sherwood continued the presentation and gave specific detail regarding setbacks and cluster zoning.

Mr. Stabley asked the public for any comment. No response.

Mr. Stabley introduced Mr. Kent Taylor to give a presentation of open space.

Mr. Kent Taylor announced that Article 53 addresses open space and the appendix in the Proposed Ordinance contains Open Space and Recreation Design Manual. Mr. Taylor made a power point presentation. An Open Space and Trails Master Plan began about 1½ years ago. This is to provide connectivity of trails throughout the County, to provide recreation opportunities and for conservation and preservation of the rural atmosphere. The Proposed Ordinance refers to open space as Conservation Open Space and Development Open Space. Mr. Taylor explained the various required open space sizes. Mr. Taylor stated that Retention/Detention areas may be included as open space if the area meets the requirements.

A public member asked if a park area could be set aside as a horse park and if the County has a part in the planning of the Arizona trails that will be going through the County.

Mr. Taylor responded that decision would be left to the developers, the County is the regional government and wants to be the regional provider of parks. Mr. Taylor responded that the Pinal County Trails Association is not associated with the County and the County is developing an Open Space and Trails Master Plan.

Mr. Tom Wolfe asked what the enforcement capability is in regards to builders dumping dirt into a retention basin.

Mr. Taylor referred him to the Public Works and Code Compliance departments for clarification of the issue and determination of the options for enforcement.

Mr. Wolfe asked about retention/detention requirements as opposed to what may be required by Public Works.

Mr. Taylor responded that the departments review all plans to determine the size of the basin areas.

Mr. Paul Donovan made comment about slope areas and the buildable space.

A public member asks if a land has been farmed, does the owner have to make a conservation area.

Mr. Taylor responded most likely in order to bring back some of the natural environment.

Ms. Sherwood made a presentation regarding Planned Area Developments (PAD's) and explained this is the mechanism to alter a development.

No public comment.

Carol Sherwood made a presentation regarding Conditional Zoning relies upon a Schedule of Development agreed between the developer and the County. Zoning is conditional until the Schedule of Development has been completed.

Mr. Paul Donovan suggested that developers work with a time line as opposed to a Schedule of Development due to the unknown market.

BREAK: 3:20PM
RECONVENED: 4:00PM

There were no attendees; the workshop was adjourned.