

Work Session

January 14, 2015

The Pinal County Board of Supervisors convened at 2:00 P.M. this date. Chairwoman Chase called the meeting to order.

Presentations and audio files of the meeting can be found at www.pinalcountyz.gov

Present: Chairwoman Cheryl Chase; Vice-Chairman Pete Rios; Supervisor Stephen Q. Miller; Supervisor Anthony Smith; Supervisor Todd House; Chief Civil Deputy County Attorney, Chris Keller; County Manager, Greg Stanley; Clerk of the Board, Sheri Cluff and Deputy Clerk of the Board, AmberLee Taylor.

Chairwoman Chase announced that although public comment is not typically taken at work sessions, she would allow public comment on item number one.

PZ-C-001-14: Work session on a request by Sidewinder Dairy Inc. applicant, Rose Law Group agent, for a citizen initiated zoning regulation amendment to Title 2 of the Pinal County Development Services Code to amend Chapter 2.191 “Medical marijuana dispensary...off-site cultivation location and...food establishment” by deleting the requirement that cultivation be inside a completely enclosed locked building; adding off site cultivation location as a special use in the GR zoning district; modifying the development standards by removing the size limitation on cultivation facilities and secure storage areas therein; adding requirements that a cultivation location be accessible by a paved road way and that it be more than 500 feet from a existing CR-1A, CR-1, CR-2 or CR-3 zoned property; adding requirements that the cultivation location be no more than 10 acres in size; adding that no more than 6 cultivation locations are permitted in the GR zoning category (county wide), as enumerated in Section 2.191.010.C Medical Marijuana Dispensary Off Site Cultivation Location.

Steve Abraham with Community Development said this was a citizen initiated amendment and its affect is countywide. Key components of this proposal are outdoor cultivation, remove the square foot limitations on secure storage areas, allow a special use in the GR zone, growing acres have a ten acre limitation and there can be 6 total locations in the GR zoning district county wide. Staff held two community meetings, published in newspapers, posted on the County website and has held two work sessions. In comparison to other jurisdictions, staff found that outdoor cultivation is somewhat allowed in other jurisdictions but the towns and cities require the majority be inside a closed structure. He discussed the facility size recommendations and public safety. This would be a fundamental change in regulatory philosophy for the County if approved and staff recommended denial. The Planning and Zoning Commission voted 9-1 to recommend denial with Commissioner Salas dissenting.

Deputy County Attorney, Seymour Gruber said that in 2010 the County went through the process to enact the medical marijuana zoning regulations. No one has expressed challenges getting product due to cultivation regulations. Mr. Gruber discussed the advantages of cultivating in an enclosed building and the concerns expressed with outside cultivation. Growing marijuana in the open air, farm-style, increases access. The crop will not only have to be monitored, but defended. The location is in a rapidly growing corridor near Casa Grande, near Phoenix Mart and near proposed large housing developments. He added that there is a conflict with Federal law and that the cultivation in the General Rural zone runs counter to the protections associated with having medical marijuana activities in commercial zoning areas. He asked the Board to consider the concerns expressed by citizens and staff and deny the proposed amendment.

Jordan Rose with Rose Law Group who appeared on behalf of the applicant, Sidewinder Dairy, Inc., said this was an application to allow Pinal County farmers to potentially have another option to grow a small crop. The use permits are very stringent and the limits of how many cultivation sites to allow can be determined by the Board. The applicant and representatives met with the Sheriff's office and they do not want use permits issued for any sites without paved roads. The security requirements listed by state law would be listed in the ordinance as well. Home growth is not regulated as strongly as this would be.

The Board discussed the details of the proposed amendment including the determination of how many sites could be allowed and the security measures required by state law. Supervisor Smith felt the limitation of eight growth facilities was appropriate.

Briana Bowlin, Executive Director of the Casa Grande Alliance appeared in opposition of the proposed amendment stating youth as the number one concern. The federal government states that marijuana is not legal and she encouraged the Board to look at the big picture.

The presentations given by Staff, the Deputy County Attorney and the Applicant can be viewed in the "Minutes" section of the Board of Supervisors website.

3:58 P.M. – Chairwoman Chase recessed for a 10 minute break.

4:07 P.M. – Chairwoman Chase reconvened the regular meeting.

Work session to present, discuss and review the draft of Pinal County's Stormwater Quality ordinance that was drafted to maintain compliance under the AZPDES Municipal Separate Storm Sewer (MS4) permit as regulated by ADEQ.

Elise Moore with the Pinal County Flood Control District appeared before the Board. Staff came before the Board in July to discuss the ordinance and why it is needed. The ordinance will only affect urbanized areas of the County per the US Census. From 2000 to 2010, the permitted area has increased from 6.6 square miles to 47.2 square miles and is widely dispersed making it difficult to run a program at a County level. Some program costs have been passed down from the State to local municipalities and one of those was stormwater quality permits. In December staff received the new draft permit from ADEQ. It is more stringent and the County has several stakeholder groups and attorney's working on it. Ms. Moore did mention that the County will be audited by ADEQ prior to March of 2015. Funding for the program has not been determined. Ms. Moore discussed comparisons with other counties and cities and briefly talked about fees and utilities. Staff is not yet proposing a fee schedule, but it will be discussed at some point. Ms. Moore's presentation can be viewed in the "Minutes" section of the Board of Supervisors website. The draft ordinance is posted on the County website for review. Following the work session, staff would like to proceed with the official notifications to the State.

The Board directed staff to move forward in the process.

General Fund Financial Status Update.

County Manager, Greg Stanley said staff is working to analyze the latest information regarding revenues. This includes processing the claims from the fire that damaged the elections warehouse and the Assessor's abstract based on property values which will help better project the revenues. The strategic reserve continues to shrink and the County has to be more conservative with their approach to the budget. Last year staff thought they would be able to use the development impact fees to make the full payment for the debt service on the jail, but could not. The loss of the ICE contract, the decrease in the projected property tax levy and the retirement contributions have all contributed to the changes and challenges moving forward in the budget process. The cost for personnel includes the reduction in the Sheriff's budget, but is also offset by some of the actions taken by the Board. The update assumes no additional sweeps from the State.

The Board discussed the options moving forward.

Staff will have a draft of the salary survey by the end of January and there will be time to make decisions then. Some suggestions Mr. Stanley gave were to not allow the use of vacancy savings for purchases, to implement a hiring freeze and to possibly sweep funds from eligible departments under the County Manager. Mr. Stanley mentioned a 2% overall budget reduction for next fiscal year and asked all elected and appointed officials to come up with ideas for revenue enhancements.

The meeting stood adjourned at 5:12 P.M. The next regular meeting of the Pinal County Board of Supervisors will be on Wednesday, January 28, 2015 at 9:30 A.M.

PINAL COUNTY BOARD OF SUPERVISORS
AmberLee Taylor

AmberLee Taylor, Deputy Clerk of the Board