



MEETING DATE: NOVEMBER 2, 2022

TO: PINAL COUNTY BOARD OF SUPERVISORS

CASE NO.: **PZ-PA-009-22, AZ STATE TRUST LANDS "SPECIAL DISTRICT"**

CASE COORDINATOR: LARRY HARMER, SENIOR PLANNER

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***Executive Summary:***

*This is a Major Comprehensive Plan Amendment to the 2019 Pinal County Comprehensive Plan to allow for the creation of a "Special District" land use classification for Arizona State Trust lands and to apply accompanying updates to the Plan's minor comprehensive plan amendment regulations.*

**If This Request is Approved:**

This County-initiated amendment will allow Pinal County to amend select portions of the Pinal County Comprehensive Plan and to better accommodate future growth and economic development across the County.

**Staff Recommendation/Issues for Consideration/Concern:**

Staff recommends approval of the request.

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LEGAL DESCRIPTION: County-Wide

TAX PARCEL: Multiple Locations

LANDOWNER/APPLICANT: Pinal County on behalf of the Arizona State Land Department

REQUESTED ACTION & PURPOSE: **PZ-PA-009-22 – PUBLIC HEARING/ACTION:** Michael Baker on behalf of Pinal County, requesting approval of a Major Comprehensive Plan Amendment to the 2019 Pinal County Comprehensive Plan to allow for the creation of a "Special District" land use classification for Arizona State Trust lands and to apply accompanying updates to the Plan's minor comprehensive plan amendment regulations.

**STAFF FINDINGS**

**PUBLIC COMMENT:**

Comments have been received from:

- Arizona State Land Department

COMMUNITY DEVELOPMENT  
Planning Division

- Citizen Advisory Committee (CAC) Committee  
Comments received have been addressed in the final document.

**PUBLIC PARTICIPATION:**

60 Day Review Ended:	8/12/2022
P&Z Work Session:	7/21/2022
BOS Work Session:	8/10/2022
Citizen Advisory Committee:	9/01/2022
P&Z Public Hearing/Action:	9/15/2022
Newspaper Ad:	Week of 10/03/2022
Web Posting:	10/10.2022

**OTHER REVIEW AGENCY COMMENTS:**

As of the writing of this report no additional agency comments have been received.

**PLAN AMENDMENT DISCUSSION:**

A significant portion of Pinal County is comprised of Arizona State Trust Land. The lease and/or disposition of State Trust Lands is governed by strict statutory regulations. Further, Arizona Revised Statutes (ARS) require counties to coordinate with the Arizona State Land Department to ensure for the harmonious integration of Trust Lands into the Land Use Plan of a county's Comprehensive Plan.

While the Pinal County Comprehensive Plan and associated Land Use Plan articulates a long-term vision for accommodating growth across the County, given the nature, location, and amount of Trust Land within Pinal County, these lands frequently require the facilitation of a Major Comprehensive Plan Land Use Amendment (MCPA) in order to appropriately respond to near-term development conditions. However, ARS specifies that all MCPA shall be presented at a single public hearing during the calendar year the proposals are made. Consequently, these conditions create a situation where certain Trust Lands that are suitable for disposition, may not be presented for auction because the strict "once per year" timing requirements of the MCPA process don't align with the specific development needs of the subject area.

In response, and to better accommodate future growth and economic development across the County, this request seeks to amend select portions of the Pinal County Comprehensive Plan to allow for the creation of a "Special District" land use classification and to apply accompanying updates to the Plan's minor comprehensive plan amendment regulations.

This text amendment seeks no specific land use change to the proposed "Special District" land use classification. It is desired to first establish this land use classification. Then consider and transition Trust Lands as needed, followed by the County's robust zoning entitlement process. Therefore, approving this request is the necessary first step in a multi-point process.

**CITIZENS ADVISORY COMMITTEE ACTION:**

After a detailed discussion and decision, the Citizen's Advisory Committee voted 6-2 to recommend approval of case PZ-PA-009-22. Staff notes the consensus for more than half of the

CAC Committee was to allow for the creation of a “Special District” land use classification for Arizona State Trust lands to provide flexibility to help attract interest/development by reducing time needed to for entitlements.

**PLANNING AND ZONING COMMISSION ACTION:**

On September 15, 2022, after a detailed discussion, the Planning and Zoning Commission voted 5-3 to recommend approval of case PZ-PA-009-22 to the Board of Supervisors.

Date Prepared: 10/14/22 LH

Date Updated: 10/20/22 SD

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PINAL COUNTY PLANNING AND ZONING COMMISSION  
(PO NUMBER 247994)

Regular Meeting  
9:00 a.m.  
Thursday, September 15, 2022  
Pinal County Administrative Complex  
Board of Supervisors Chambers Historic Courthouse  
135 N. Pinal Street, Florence, Arizona

**INDEX:**

**CALL TO ORDER & ROLL CALL:** p. 1

**PLANNING MANAGER DISCUSSION ITEMS:** - None

**NEW CASES:** No Action

- SUP-005-22 - pp. 2-9
- SUP-006-22 - pp. 9-23

**MAJOR COMPREHENSIVE PLAN AMENDMENT CASES:**

- PZ-PA-006-22 - pp. Withdrawn
- PZ-PA-007-22 - pp. 55-93
- PZ-PA-008-22 - pp. 94-113
- PZ-PA-009-22 - pp. 113-163
- PZ-PA-011-22 - pp. 163-190
- PZ-PD-048-21 & PZ-043-22 - pp. 191-204
- PZ-PA-049-21 & PZ-PD-049-21 - pp. 204-209
- PZ-042-21 & PZ-PD-042-21 - pp. 24-54

**WORKSESSION:** Rescheduled

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ORIGINAL PREPARED FOR:  
PINAL COUNTY, ARIZONA

1 not taking your questions wrong at all. I welcome the  
2 questions.

3 RIGGINS: Any other Commissioners, questions? There  
4 none being, we'll again put it back to the Commission, if we  
5 have any discussion among ourselves, any further questions for  
6 staff, or a motion.

7 SCHNEPF: Commissioner Riggins.

8 RIGGINS: Commissioner Schnepf.

9 SCHNEPF: I'd like to make a motion. I'd like to  
10 move the Planning and Zoning Commission to forward PZ-PA-008-  
11 22 to the Board of Supervisors with a favorable  
12 recommendation.

13 RIGGINS: We have a motion, do we have a second?  
14 Commissioner Del Cotto seconds. All those in favor signify by  
15 saying aye.

16 COLLECTIVE: Aye.

17 RIGGINS: Any opposed? The motion -  
18 ?? Nay.

19 RIGGINS: Pardon me?

20 ??: There's one nay, please.

21 RIGGINS: Oh, there is a nay. Okay. It does not  
22 pass unanimously then, it passes 7 to 1. So it does pass.

23 OLGIN: Thank you.

24 RIGGINS: Okay, thank you very much. We will move  
25 on then, now to case PZ-PA-009-22.

1                   KLYSZEIKO: Okay. Thank you, Chair, fellow  
2 Commissioners. As the Chair mentioned, this case PZ-PA-009-  
3 22. The request is that this is a County initiated Major  
4 Comprehensive Plan Amendment to facilitate a text provision  
5 for select portions of the Comp Plan to create a special  
6 district land use classification for Arizona State Trust Lands  
7 and to apply accompanying updates to the Plan's Minor  
8 Comprehensive Plan Amendment Regulations. I know we've had a  
9 work session on this topic, but I will walk everyone through,  
10 just be comprehensive, and then turn it back over to you,  
11 Chair, for questions. As we all know, Pinal County has a  
12 significant portion of Arizona State Trust Land within the  
13 County boundary, and so for those in the audience, the blue  
14 areas on this map identify those State Trust Lands. So as you  
15 can imagine, it's very important to plan and accommodate  
16 growth and development on these lands in a comprehensive  
17 manner. So some of the history behind this request, why are  
18 we bringing this to the Commission this afternoon? One of the  
19 first considerations of this is that Arizona Revised Statutes  
20 specifies - sorry for the typo there - Major Comprehensive  
21 Plan Amendments shall be presented at a single public hearing  
22 during the calendar year a proposal is made. That can create  
23 a challenge when we're trying to coordinate with the State  
24 Land Department in terms of putting potential land up for  
25 auction, because the second bullet there is the lease and/or

1 disposition of State Trust Land is governed by strict  
2 statutory regulations. And so the steps and procedures that  
3 the State Land Department has to follow in order to prepare  
4 property for auction is involved and very specific, and it  
5 makes it unique in comparison to private land. And so that  
6 once per calendar year Major Comprehensive Plan Amendment  
7 component has in the past challenged some properties that  
8 could have moved forward in Pinal County for auction to  
9 advance economic development goals, or certain specific  
10 preservation goals within the County. And so part of this  
11 effort is recognizing that statute emphasizes that you need to  
12 coordinate with the State Land Department to plan for these  
13 lands for the long term. And so that's really the primary  
14 aspects that triggered the need for examining this potential  
15 text amendment. And so as you can see from the last bullet,  
16 to better accommodate that growth in economic development  
17 across the County and be competitive with employment growth  
18 within the County, this request is introducing that concept of  
19 a special district land use classification, and I'll get into  
20 the specifics of that request in a few slides.

21           So an overview of the request, again, is that it  
22 really is captured in three locations within the Comprehensive  
23 Plan itself. So I know the text language is in your packets,  
24 but Chapter 3 on page 48 kind of introduces the specific  
25 district within the Trust Lands. Then when we get to the land

1 use designations, obviously that's the most comprehensive  
2 aspect of the text amendment where it introduces the specific  
3 district and then identifies the parameters associated with  
4 that district. And Chapter 10, with the plan amendments,  
5 looks at trying to address that once per calendar year major  
6 amendment cycle by identifying the reclassification of these  
7 lands as a minor amendment instead of a major amendment. So  
8 some of the key considerations I think that it's important to  
9 pause on with this request, is that while we recognize from a  
10 County standpoint that it's - that we're trying to move  
11 forward with a concept that will enhance economic development,  
12 it also needs to make sure that we preserve and protect  
13 existing neighborhoods in the County. And so there was a goal  
14 from the County perspective to try to balance, right, those  
15 two interests, and so we focused on trying to narrowly craft  
16 this text amendment to accomplish that. And so the first item  
17 to consider is that this amendment only creates the district,  
18 as a reminder. We are not making a request to change any land  
19 on the actual Comprehensive Plan map itself. And so the  
20 distinction there would be that if this were to move forward  
21 to the Board of Supervisors with a favorable recommendation,  
22 and then ultimately approved, this would only create the tool  
23 in the Comprehensive Plan. At some point in the future, State  
24 Land Department would have to come forward with a specific  
25 request to this special district to actually apply it. And so



1 the thought and expectation is that that would still have a  
2 public process associated with it. And then secondarily, we  
3 did specify that when they get into the more in-depth  
4 entitlement process, that this special district would only be  
5 allowed to utilize three specific zoning districts. And those  
6 districts were specifically selected because they are the  
7 master plan, if you will, zoning districts within the current  
8 zoning ordinance, and so they require a more comprehensive set  
9 of master plan reports that would ensure a higher level of  
10 scrutiny for these projects, and therefore, the County felt  
11 like this was a better approach of trying to properly place  
12 review at the specific time in the development process. So  
13 because at a Comprehensive Plan level, the State Land  
14 Department might not know what the ultimate use of the  
15 property is going to be because they have to put the land up  
16 for auction and the highest bidder is awarded that land. And  
17 so the checks and balances on this, again, are looking at not  
18 making any map amendments with this request so that those have  
19 to come forward and justify on their own merit whether they  
20 should be - apply this district, and then secondarily, even if  
21 that was approved, they would then have to come back and  
22 provide comprehensive master plan reports to further detail  
23 and gain entitlement for such a project. Now I know it's been  
24 a long morning and there's other cases. I move this slide up,  
25 Chair. We can certainly go into the specific text amendments

1 if you would like and look at that together, or if the  
2 Commission feels that they're, based off prior work sessions,  
3 ready for questions and responses, we can jump into it at this  
4 time.

5 RIGGINS: Commissioners?

6 FLISS: Mr. Chair.

7 RIGGINS: Commissioner Fliss.

8 FLISS: Yeah, and I apologize. I'm sure if you  
9 introduced yourself at the beginning.

10 KLYSZEIKO: Thank you. Matt Klyszeiko, Michael  
11 Baker International, representing Pinal County on this  
12 request.

13 RIGGINS: We need to have that on the log also.

14 KLYSZEIKO: I will definitely fill that in, Chari.

15 FLISS: Okay, so you're representing Pinal County.

16 KLYSZEIKO: This is a Pinal County request, so I am  
17 representing Pinal County in this aspect.

18 FLISS: Okay. And I know we've spoken about this  
19 many times and perhaps I'm a bit dense, but I just want to be  
20 really clear on kind of generally what we're saying. We're  
21 saying all State Land within Pinal County we would like to  
22 designate as a special district. Or is that what we're  
23 calling it?

24 KLYSZEIKO: No, actually. So we're just trying to  
25 create the special district land use classification in the

1 Comprehensive Plan. It would in essence be a land use type.  
2 Like we have in the Comprehensive Plan right now, all, you  
3 know, different types of residential and commercial and  
4 industrial land use types, the special district would be a  
5 land use type, but it could only be utilized by Trust Land.  
6 But the nuance there, right, is it doesn't apply to anything  
7 unless you make an amendment to the map. So we're not making  
8 any requests to actually change a comprehensive land use  
9 designation on Trust Land on the map itself.

10 FLISS: Sure. And I'm just very confused why State  
11 Trust Land would get special access to this and nobody else  
12 would.

13 KLYSZEIKO: Right. And that's a conversation that  
14 staff had and, you know, from a discussion standpoint, there  
15 has been points in the past where certain Trust Lands have  
16 been viewed as possibly being favorable to helping move  
17 forward development potential in a certain area, in terms of  
18 San Tan or other areas, but the timing from a State Land  
19 Department aspect didn't align because of all of the  
20 parameters. And so we're trying to recognize that Trust Land  
21 has to utilize or go through specific steps that are in  
22 addition, or above and beyond what a private property or a  
23 private property owner would have to do. So they can be a  
24 little more reactive and respond to public comment on a  
25 specific type of project, whereas State Land Department

1 doesn't necessarily always have that information available.  
2 And so there's a rub there of wanting to release maybe land  
3 for economic development that would enhance Pinal County, but  
4 then the State Land Department being off maybe from a timing  
5 standpoint because some of the procedures they need. So this  
6 would allow them to try and properly, or right size the  
7 process so that they can provide the entitlement information  
8 at the point in the process where they have that, because the  
9 land would have been auctioned at that point and then they  
10 would have been able to provide more detail for the public's  
11 review. And so it's not trying to give favor to Trust Land,  
12 it's trying to recognize that they have different processes,  
13 and so is there a way that this could be mutually beneficial  
14 in the sense of Pinal County getting the ability in their  
15 toolbox for select properties, which they'd have to justify at  
16 a later date.

17 FLISS: Right, and just to be clear, I think one of  
18 the very specific parameters is, is that once a year we review  
19 major Comprehensive Plan changes, is that correct?

20 KLYSZEIKO: That's correct.

21 FLISS: So then just to be really specific, that's  
22 the problem State Land's bumping up against primarily, is that  
23 right, or at least the primary one.

24 KLYSZEIKO: Yeah, that is - to be, you know,  
25 reactive with the market and to recognize if a certain

1 property, private property were to go through the  
2 Comprehensive Plan amendment adjacent to Trust Land and change  
3 the dynamic of an area, State Land may want to respond to  
4 that. But from a timing standpoint, sometimes that, you know,  
5 doesn't align and it's in relation to the disposition process  
6 as well as that major Comprehensive Plan process. So, you  
7 know, there's those two procedures that don't necessarily  
8 always align that this text amendment is trying to address.

9 FLISS: Okay. And so the special use designation  
10 would be applied before auction? Like hey, we're the State  
11 Land, we're going to auction this piece of land off, we'd like  
12 to go ahead and use a special use.

13 KLYSZEIKO: In - yes and no. Yes, it would be  
14 applied at the Comprehensive Plan level, and then most ideally  
15 then would initiate the auction process, but -

16 FLISS: So not after the fact.

17 KLYSZEIKO: Well, some trust -

18 RIGGINS: Wouldn't be State Land after.

19 FLISS: Well, I know that. I still wanna -

20 KLYSZEIKO: Yeah, good point, but they're - Trust  
21 Land that is not utilizing this district would move forward as  
22 it currently is. So there's property, the Trust Land right  
23 now does not have any of this designation on it, so it could  
24 move forward without even utilizing this tool.

25 FLISS: Right, but we haven't - nobody - there's no

1 Trust Land right now that has this designation.

2 KLYSZEIKO: Correct.

3 FLISS: So I'm still just trying to figure out when  
4 this designation is utilized.

5 KLYSZEIKO: At the point in time where the State  
6 Land Department identifies a property that they think would  
7 benefit from this tool, they would bring a project forward and  
8 make a request to the Commission, and then obviously to the  
9 Board, and have the discussion to see if it's applicable for  
10 this particular property, in this particular portion of Pinal  
11 County to utilize this district.

12 FLISS: Okay. And again, I'm not trying monopolize  
13 this, so I'll be done after this. So practically, practical  
14 application. Last, I think a year ago, we had 11,000 plus  
15 acres in the Gold Canyon area. If we were to - we had to go  
16 through the process State - I think or was that last year?  
17 Would this have been applicable, this special use, at that  
18 moment? And how it would have worked. Just so I understand.

19 KLYSZEIKO: Yeah, no, I - if the tool was available,  
20 it would have been an option. But again, it's still a  
21 decision at that point in time whether that particular  
22 property would desire to utilize this. So we're recognizing  
23 that some properties that might be adjacent to existing  
24 development are not going to be suitable for this tool.  
25 Whereas some properties that might be a larger landholding

1 that don't have significant impacts, maybe everyone  
2 acknowledges that yes, a flexibility of land uses could make  
3 that property a economic driver and thus be suitable for this  
4 tool. But not all properties are going to be suitable for  
5 this tool.

6 FLISS: Well I think, yeah, they'd have to be a  
7 certain size, for example, based on the three zonings we would  
8 allow, right?

9 KLYSZEIKO: Good point, yes.

10 RIGGINS: No, no. Planned area development is one  
11 also.

12 FLISS: That's one of the three?

13 RIGGINS: Yeah, that -

14 FLISS: Okay, so the first two have size limits.

15 RIGGINS: The first two have size limits, the third  
16 does not.

17 FLISS: But the third one doesn't. Okay.

18 RIGGINS: I would like to ask a - I guess make a few  
19 statements and also ask some questions. In your experience,  
20 how many from inception to closings, from the inception of  
21 desire to auction, to closings of State Department Land, you  
22 know that take place in less than a year?

23 KLYSZEIKO: Unfortunately, I wouldn't be able to  
24 answer that for you, Chair.

25 RIGGINS: You would think it would be darned small,

1    though, wouldn't you?

2

3           KLYSZEIKO:  Again, I can't speak on behalf of State  
4 Land Department.

5           RIGGINS:  Okay, well that's fine.  I'm going to  
6 assume it's darn small, and I think most the people that are  
7 familiar with the way that State Land Department does things,  
8 would also think it's darned small.  And also, there's - a  
9 little of the discussion you had of nuances I feel was a  
10 slight bit disingenuous.  I think it was exactly correct in  
11 stating that this is not a special district ordinance, this is  
12 a special owner ordinance.  That's who it's for, one owner.  
13 This district doesn't get utilized unless the owner is the  
14 State Land Department.

15           KLYSZEIKO:  That is true.

16           RIGGINS:  So it is a special owner ordinance, giving  
17 the State Land Department regulatory flexibility that no one  
18 else has, purportedly because they need extra ability to  
19 maneuver because they have to be very, very quick.  But yet we  
20 all know that very rarely does any auction of State Land  
21 happen very, very quick.  They take their time and look at  
22 things for a long time, more than anybody.  They check things  
23 out very carefully before they go forward.  And I also  
24 believe, Commissioner Fliss stated exactly, had this been in  
25 place when the Gold Canyon scenario happened last year, one of



1 the things that it could have been used for - not necessarily,  
2 but could have been used for - was to accelerate the process  
3 to get it in a position where public outcry could no longer  
4 reach it. That's one of the phenomena of the general plan  
5 concept in having big things only be able to change a year, it  
6 gives time for the public to respond to big changes. That's  
7 part of the reason that initiative was passed. I think this  
8 is a very bad idea. Every bit of me thinks it's a very bad  
9 idea, because we're not only - we're using this concept of  
10 wanting to change this because of the general plan frequency  
11 amendment process. But yet as soon as this is in place, then  
12 the flesh comes on the bones of what other things can happen  
13 also. And we both know that that's the way this is.

14 KLYSZEIKO: I think I certainly, as you hopefully  
15 always know, respect your observations and you always put  
16 great care into your reviews, and so I would emphasize that  
17 this particular request, there was a methodical look at this  
18 in that this is a County initiated request, that if State Land  
19 wanted to make it, they could have come forward with a  
20 request, but the County was looking at this of this is not  
21 necessarily a - while we want to coordinate with State Land  
22 Department, this was something driven by the County to be more  
23 - to have more tools for economic development. And so I  
24 understand your points, and the Major Comprehensive Plan  
25 Amendment process does have obviously more, or longer review

1 periods. That's not something that, I think to be totally  
2 transparent, we weren't trying to circumvent that aspect, it  
3 was the timing aspect. And so that's why we started to look  
4 at the zoning districts of how can we preserve more scrutiny  
5 on this, but work within that aspect of the timing. And so -

6 RIGGINS: And I appreciate that. But I'll also come  
7 forward and state it seems to me that what we're doing here,  
8 is we're taking a State agency that receives fees and sells  
9 public Trust Land. I'm sure it gets certain allocations out  
10 of the general fund for aspects that it runs, I'm sure that  
11 all sorts of things give it last ability and flexibility that  
12 no private owner could ever dream of having, but we are  
13 prioritizing a government abilities - a government agency's  
14 abilities to go through the zoning process in a easily more  
15 facilitatable fashion than a private taxpaying landowner. And  
16 I don't see how that's defensible in any way. I don't  
17 understand it. I'm amazed that it's gotten to this point.

18 KLYSZEIKO: I understand your perspective. You  
19 know, State statute emphasizes upfront when you're  
20 coordinating the Comprehensive Plan to ensure that you  
21 collaborate with the State Land Department. So even at the  
22 State statute level, they're recognizing a nuance between  
23 State Trust Land and private land, and so to some degree I  
24 think there's recognition that there is a difference between  
25 the two, and -

1           RIGGINS: And we just passed two different zoning  
2 categories for very large parcels of land that very much  
3 benefit the State Land Department, very much benefit them over  
4 somebody that doesn't hold those very, very large parcels of  
5 land. So I think we've already done that.

6           FLISS: Mr. Chair?

7           RIGGINS: Yes. Commissioner Fliss.

8           FLISS: Is it also State statute that dictates the  
9 time period right now or is that County?

10          KLYSZEIKO: That's State statute.

11          FLISS: So State statute dictates the time period  
12 within which we can change, make a major comprehensive change,  
13 and now they're asking for us to work better with them - or  
14 we're suggesting we need to work better because of their  
15 statute? It just - seems like they've cleared the roadblock,  
16 why can't - if that's such an issue, why can't they go back  
17 into the State statutes and change how Comprehensive Plan  
18 amendments are made? Why are we going - it seems like going  
19 backwards.

20          KLYSZEIKO: Yeah, well I think the - I, you know,  
21 obviously can't speak to the legislature and their decision  
22 making, but I guess we have to be mindful of the fact that  
23 while these are being discussed together, they're not  
24 necessarily requirements that were contemplated together, if  
25 you will, that the coordinating with the State Land Department

1 is one requirement, the Major Comprehensive Plan Amendment is  
2 another. They're not necessarily jointly put together, but I  
3 understand -

4 FLISS: It sounds like a State issue to me at this  
5 point, and why would we carve out again for a special owner, a  
6 really specific owner, and I'm not sure there's a precedent  
7 anywhere else in our County, in our plan where we've done  
8 that, and now we're proposing to do that. So if there - if we  
9 have, please let me know.

10 KLYSZEIKO: Well, I mean there's - we have certain  
11 land use classifications that look at land, obviously  
12 individually, Green Energy being one. And so this in some  
13 ways is similar in the fact of a land ownership standpoint,  
14 but -

15 FLISS: But we're talking about many potential  
16 owners there, and not just one specific owner, right?

17 KLYSZEIKO: Oh, in terms of -

18 FLISS: In terms of -

19 KLYSZEIKO: - who can utilize.

20 FLISS: Yeah, any applicant can come before us and  
21 say, hey, we want to utilize this, as opposed to hey, we're  
22 carving this out for just for one specific entity or person.

23 DEL COTTO: Chair Riggins?

24 RIGGINS: Are you done Commissioner Fliss?

25 DEL COTTO: I'm sorry.

1           RIGGINS: No, that's okay. I just -t o recognize  
2 you, I need to make sure -

3           DEL COTTO: I'm always (inaudible).

4           RIGGINS: Commissioner Del Cotto.

5           DEL COTTO: Is it safe to say that if we could adopt  
6 or include something like this in our toolbox, or however  
7 you'd like to put it, that it would help maybe the County or  
8 the people in Pinal County as much as it would the State Land,  
9 or as much as it would the end user by providing the space  
10 that they may need, or for whatever that endeavor may be, and  
11 is it simply the fact that by not having to wait that period  
12 of time and let that calendar year pass or get through, that  
13 sometimes we may lose the ability to capture, you know, a  
14 viable business for our County, for our community, so on and  
15 so forth?

16           KLYSZEIKO: Yeah. Chair, Commissioners, that is - I  
17 think you summarized it well, in the sense that again, this  
18 was something that the County initiated and wanted to control  
19 the submittal because of wanting to be able to determine the  
20 parameters associated with it for the ultimate focus of -  
21 while economic development is an opportunity, I could see,  
22 again maybe it's not the driving force, but this could also be  
23 a preservation tool. If this is going to be on a - applied to  
24 a specific area that maybe it also allows a higher  
25 preservation of Open Space in order to plan for a different

1 land use type, and so it's not necessarily just giving more  
2 intensity to something, it might allow for better planning -  
3 or that's the envision, is that it allows for better planning  
4 because we can be responsive. So it is always viewed from a  
5 County standpoint that we're trying to protect both interests,  
6 grow economic and employment development, but be obviously  
7 attentive and respectful to the existing context and character  
8 of the neighborhoods in Pinal County. So I would agree with  
9 your observation.

10 DEL COTTO: Would it also be safe to say that  
11 sometimes we, as the Commission, don't always have all the  
12 tools necessary to make the right educated decision in regards  
13 to which way we approach and/or vote on things like this?

14 KLYSZEIKO: Well, I think I have participated in a  
15 lot of Commission discussions, and I think the Commission is  
16 very diligent, so I would say that I don't know if it's a  
17 matter of not having the right things at your disposal, but  
18 this was looking at it of how can we always look further of  
19 separating Pinal County from other counties, or competing  
20 cities, to grow jobs, to preserve neighborhoods, and so that's  
21 where the mindset was.

22 DEL COTTO: I had one other - would it also be safe  
23 to say that if we would adopt something like your request  
24 today, that we would then become in a more competitive arena  
25 in regards to future development that could seriously, you

1 know, grow our neighborhoods, our communities, our east side  
2 of Pinal County, our west side of Pinal County, so on and so  
3 forth?

4 KLYSZEIKO: I would say it is a driver of looking to  
5 be more competitive, but I would say that that wasn't blindly  
6 the objective, and so by having this as a County initiative  
7 helps control that. And again, when this was crafted, that  
8 was a key consideration of making sure that there was checks  
9 and balances along the way. I recognize the Commission  
10 pointing out some of the nuances of what that change would  
11 present, but it's trying to, again, balance that with the  
12 benefits of the tool.

13 DEL COTTO: Would also be safe to say maybe that  
14 because of the checks and balances that we have today in the  
15 County, like with the Comprehensive Plan and having to go  
16 through that calendar year or whatever that time period is, is  
17 that not what kind of maybe prohi - or stop us from engaging,  
18 some of what possibly may come up in front of the County or  
19 people or businesses, corporations, businesses, whatever, that  
20 come to the County with a request. But is that how we should  
21 be understanding this little formality that you're trying to  
22 get us to adopt, isn't as much to give the State of Arizona  
23 the upper hand on what happens or how fast they can get  
24 through something in Pinal County, but it gives maybe the end  
25 user more of a direct, or at least helps them with the

1 timeline, let's just say, if they'd like to move forward on  
2 something?

3 KLYSZEIKO: Well yeah, I think yes, we wanted this  
4 to certainly not just benefit the State Land Department, the  
5 focus was how can we understand some of their challenges and  
6 marry those up with what Pinal County is trying to do. What I  
7 would complement that with is, as I think we discussed in our  
8 work sessions, recently the legislature did go into State  
9 statute and change major - or general plan amendment  
10 requirements for cities and towns that opened that process up  
11 to any point in the calendar year. So that was another aspect  
12 of, now cities and towns can do a major general plan amendment  
13 at any point in the calendar year, counties are still with the  
14 current language that limits it to once per calendar year. So  
15 now it's trying to balance, you know, that aspect out as well.

16 DEL COTTO: Is that for every County in the State?

17 KLYSZEIKO: All the counties are once per calendar  
18 year currently, but the legislature did change the  
19 requirements for cities and towns relative to general plans,  
20 which are the same as a comprehensive plan.

21 DEL COTTO: So this is something that you're trying  
22 to possibly get us to engage in, but at the same time, does it  
23 have to be that same way with every other County in the State  
24 for it to happen?

25 KLYSZEIKO: No. If I follow your question -



1 DEL COTTO: If we decided that that would be okay,  
2 would with that then allow Pinal County to be in the same  
3 position that Casa Grande's in, or -

4 KLYSZEIKO: That is some of the intent, is that then  
5 this allows consideration throughout the calendar year, just  
6 as a city and town would have.

7 DEL COTTO: Yes, and that's, that's a lot - that  
8 sounds a lot better than possibly us not wanting to do  
9 something because we think that the State is, you know, you  
10 know, maybe needs another tool in their toolbox, versus what  
11 we may need in our County in regards to continue to grow and  
12 create more jobs and build stronger, better communities and so  
13 on and so forth.

14 RIGGINS: If I may, I believe it is certainly -  
15 careful in this word - it is certainly not totally descriptive  
16 to say that the passage of this in allowing a position of  
17 superior competitiveness to the special land owner district,  
18 would undoubtedly lead to better outcomes. It could just as  
19 well lead to worse outcomes, could it not?

20 KLYSZEIKO: Well, that's why -

21 RIGGINS: It's hard to see once you open this up  
22 exactly how that works, is it not?

23 KLYSZEIKO: And I think I can say from our  
24 perspective, when we were trying to be devil's advocate in  
25 this process, we asked that same question, and the outcome

1 was, we're not changing anything on the map. Therefore, those  
2 projects have to come forward on their own merit and justify  
3 it. That was the checks and balances.

4 RIGGINS: Under a reduced set of requirements and  
5 other things that will be added to this once it is begun.  
6 There will undoubtedly be other things hung on this once it is  
7 done to enhance that position. So again, what we're doing,  
8 what we're doing here - and the last time I checked, Casa  
9 Grande is in Pinal County. If Casa Grande does well, Pinal  
10 County's doing well. There are reasons why municipalities  
11 have certain things that counties don't. You know, last time  
12 I checked, it's pretty hard to get a community funding  
13 district in the County, but you can get one in the city.  
14 There's reasons for that. But Casa Grande's in the city, if  
15 it does well, if Maricopa does well, if Florence does well,  
16 the County is doing well. I think we have to understand that  
17 all we're talking about here is we are giving a single  
18 landowner a leg up on every other landowner there is, and it's  
19 a government landowner, and it is putting a burden of  
20 competition on taxpaying citizens who own things privately.  
21 Who, by the way, can do a really good job generating economic  
22 activity as well. And in response to one statement that you  
23 made when it was asked, you know, what are we doing in our  
24 County, why doesn't the State go and do something about this?  
25 And you made the comment, well, the legislature probably - I

1 don't know what they would want to do. Well, I'll tell you  
2 one thing the legislature wouldn't want to do, they wouldn't  
3 want to vote on a special owner bill that gave one landowner  
4 competitive advantage over everybody else. Elected  
5 legislatures, I don't think - legislators - I don't think  
6 they'd want to put themselves in that position, but that's  
7 exactly what we're trying to do in a different fashion right  
8 here.

9 FLISS: And in fact, Mr. Chair, they did -

10 RIGGINS: Commissioner Fliss.

11 FLISS: They did vote, the State legislators did  
12 vote for cities and towns to do exactly what I asked about  
13 earlier, which was

14 RIGGINS: But everybody (inaudible) the same.

15 FLISS: That's what I'm saying, is that they changed  
16 it to hey, you can do this any time of year or something like  
17 that, right? And so I go back to my second question, if this  
18 is an issue with the State and us coordinating with them, why  
19 isn't it something they can fix? Now that I learned that  
20 actually oh, they've already addressed this with states and  
21 cities. And to be really clear, it's not the same of what  
22 we're trying to do right now with what they did with the  
23 states and cities. We're talking about allowing what used to  
24 be a major Comprehensive Plan change to become a minor plan  
25 change, which is very different than being able to make a

1 major Comprehensive Plan change any time of year. So I just  
2 want to be really clear on that. Unless I'm wrong on that.

3 DAVIS: Mr. Chairman?

4 RIGGINS: Commissioner Davis.

5 DAVIS: So in full disclosure, I work for the  
6 Governor's office as the Natural Resource Policy Advisor, as  
7 many of you know, one of - State Lands is under my purview,  
8 and so I have that perspective. But I view things a little  
9 bit different than some of the Commissioners. I see State  
10 Land is a different beast because it is government. The  
11 beneficiaries of the trust are our schools, are our  
12 universities, are our corrections facilities. The people of  
13 the State, the interests of the State are not adverse to the  
14 interests of the County. There's a reason that Pinal County -  
15 and you've brought this up many times - is the one who brought  
16 this forward because this is mutually beneficial to the County  
17 and to the State. This is not either/or, one or the other, us  
18 versus them, that the people, the constituencies of the County  
19 are the constituencies of the State, and this is a broad,  
20 broad benefit to the State. Now, if we were talking about one  
21 private landowner that we were giving special interest to,  
22 that's how we're talking about this thing, but no, we're  
23 giving the people of the State, a broad swath of folks, the  
24 ability to develop, to be able to bring in, to have that  
25 flexibility. This benefits, as was said, what is good for the

1 State is good for Pinal County in the sense, because it gives  
2 us the ability to bring in some development. So I, again,  
3 knowing that I have the perspective of being able to look at  
4 this from both sides, and I often am put in that position, I  
5 don't see how this is an either/or situation here. So put my  
6 thoughts on the record there.

7 RIGGINS: Well, I would have to say that I have a  
8 fundamental disagreement with the opinion you've expressed,  
9 because if you carry that out to its full logical conclusion,  
10 it would be much better for everyone if there was no private  
11 ownership of land and government to manage all of it, because  
12 they would do such a lot better job looking after everybody's  
13 interests.

14 DAVIS: Mr. Chairman, yeah, and I certainly am not  
15 saying that.

16 RIGGINS: I was just carrying your argument to a  
17 logical conclusion.

18 DAVIS: No, the argument is that the State Lands  
19 owns the State Lands as given us by the federal government in  
20 the Enabling Act and this land owned that. And it is the duty  
21 of State Lands to get that in private hands and I'm in favor  
22 of that, and because it benefits the State, so this allows  
23 that to get it into private hands, so private hands can  
24 develop it. So this isn't trying to grow government, in fact,  
25 it's the opposite. It's trying to get that land, the State

1 Land into private hands.

2 DEL COTTO: Chair Riggins.

3 RIGGINS: Commissioner Del Cotto.

4 DEL COTTO: If I could just - and that was great  
5 information that we just heard. But if we could just get our  
6 arms around the fact that this one little amendment, or  
7 whatever we're trying to do today, would just loosen up the  
8 timeline, it would give the end user the ability to be able to  
9 march forward, plan ahead, put the shovel in the ground,  
10 whatever it may be, that anyone's wanting to do then it does -  
11 it is for the people, it is for the community, not just as the  
12 owner of the piece of land, but as the working stiff or  
13 whatever that needs the job that's going to be created by  
14 whoever it is that comes to Pinal County and wants to create  
15 an environment that may employ 5,000, 10,000, 20,000 people.  
16 And if that ends up being adjacent to the City of Gold Can -  
17 or the area of Gold Canyon or down south in Stanfield, then  
18 those - that's probably stuff that we need. And if all we're  
19 doing here today is just allowing that freedom or that  
20 flexibility in regards to the timeline needed for that  
21 developer and user, corporation, whoever it may be that wants  
22 to come here, hang their hat, provide jobs and so on and so  
23 forth, to our communities that we have, then that's something  
24 I feel like we should do or we - and then also the way I  
25 understand it, that doesn't just give the State Land the upper

1 hand and it's not just a slam dunk for them to come and do  
2 whatever they want to do with the land, it's the fact that  
3 they may have an end user that's on a timeline and they need  
4 an answer and they need it now. And they can't wait until the  
5 end of the period with this - with the way that this general  
6 plan thing is, or the, whatever we call it.

7 RIGGINS: Doesn't that apply to any landowner,  
8 Commissioner Del Cotto? Doesn't that apply to everybody else?  
9 Is government the only one that can bring businesses in?

10 DEL COTTO: I'm not saying that they're the only one  
11 that could bring businesses in.

12 RIGGINS: But you are making the inference that this  
13 is such a fabulous thing because the State Land Department  
14 will do it so much better than anybody else will.

15 DEL COTTO: No, I'm not saying that, I'm saying that  
16 by allowing this that we're going to allow or afford the  
17 people, or whoever it is at the end of the road that wants to  
18 get - that wants to hang their hat here in the County, this  
19 may be the tool that they need, or this may provide them with  
20 the timeline that they need in order to get the job done.

21 RIGGINS: And it sure may not as well. It is not a  
22 given that this is going to go the direction you think, and as  
23 I say, this gets into regulation, starts going forward, wait  
24 and see all the bobbles that get hung on it. You'll be seeing  
25 them here, you'll be asked about them. Because that's the

1 direction it'll go. We've seen that happen before.

2 FLISS: Mr. Chair.

3 RIGGINS: Yes, Commissioner Fliss. And we probably

4 -

5 FLISS: This is not the -

6 RIGGINS: No, no, no, please, please go ahead, but  
7 I'm going to go ahead and I'm going to give up on my comments  
8 at this point, because we do need to get to a point where we  
9 have a vote on this eventually. So, Commissioner Fliss, go  
10 ahead.

11 FLISS: Well again, I'm just going to ask my  
12 question, why has a County preferred to go down this route of  
13 changing - or adding a new district, let's say, as opposed to  
14 petitioning the State to have the legislators look at changing  
15 the timeframe for when we could do a major Comprehensive Plan  
16 amendment.

17 KLYSZEIKO: Well I think there was, you know, a  
18 couple - I mean the biggest one is time. Is that this is a  
19 process that the County can control to a higher extent in  
20 terms of making this request and having this conversation,  
21 rather than trying to work through the State-wide legislative  
22 process.

23 FLISS: They just did that for cities and towns.  
24 Did that take years?

25 KLYSZEIKO: I don't know the discussion process or



1 who brought it forward from the cities.

2 FLISS: My point is, we're making a huge change in  
3 effort on our end. And I understand that the argument is,  
4 it's for the County, it's just giving the County another tool,  
5 but it seems really, from my perspective, to be giving the  
6 State just a very big tool. And it doesn't seem to be at that  
7 point equal application. Whereas right now, every single  
8 applicant, no matter who you are, has to operate within this  
9 timeframe and under these parameters. So I think that's all  
10 I'll say.

11 DEL COTTO: Chair Riggins, if I could. Just one  
12 more time, just in regards to what Commissioner Davis said.

13 RIGGINS: Commissioner Del Cotto.

14 DEL COTTO: I'm sorry. Just in regards to what  
15 Commissioner Davis said. It's not the State you're doing it  
16 for, it's the people in our County. It's the business people  
17 that want to advance, it's the small business people that want  
18 a chance, it's all of the people that don't have a job today  
19 that could use one. That if a company or a corporation came  
20 in next month, next quarter, next year, instead of two years  
21 from now, three years from now, four years from now, based on  
22 all the red tape and everything it takes to get something  
23 done, we could call it a fast track if you'd like, but it is,  
24 after hearing from Commissioner Davis, it is for the people.  
25 It isn't, I believe it isn't just this upper hand that we're

1 giving the State of Arizona. Why on God's green earth would  
2 Pinal County be asking for it if all they thought it was going  
3 to do is help the State?

4 RIGGINS: That's a question that can have a very  
5 long answer, but we'll keep out of that. I do believe it is  
6 very, very dangerous to assume that by giving a single entity  
7 competitive advantage over everyone else, that all sorts of  
8 benefits will flow and accrue to the people of Pinal County  
9 and make everything so much better than it could have been  
10 otherwise. I do believe that it's a very long reach logically  
11 to go there with this. It sounds good, but all we're doing is  
12 we're taking every taxpaying private owner of property and  
13 we're putting them to a disadvantage of the special owner  
14 district. That's all that's going on here. Nothing else.  
15 Shall we all agree to disagree and see where we go with this?

16 FLISS: Well, I think we're going to have to,  
17 because I think we can keep going in this vein.

18 RIGGINS: Yeah, I think it's time to cut to the  
19 chase and see where we are.

20 QUIST: Mr. Chairman, you know, I may have missed  
21 it, but I don't think we done a public comment session.

22 RIGGINS: You know what, with all the fun we've been  
23 having, I believe you're correct. I believe that we have been  
24 mistaken not done that, and I apologize. I will at this time  
25 open the public participation portion of this case and see if

1 anybody wishes to come up to speak to it out of the audience.

2 ROSE: Chair and Vice Chair and Members of the  
3 Commission, for your records, I'm Jordan Rose with Rose Law  
4 Group, and I'm here today just because we represent so many  
5 economic development projects that are coming forward to the  
6 State, and oftentimes especially in Pinal County, which has a  
7 land constraint because so much of Pinal County's land is  
8 owned by the State Land Department, in order to do a project  
9 in the location that these, you know, job producing economic  
10 development, big projects want, they have to go to State Land.  
11 They can't go to a private developer or landowner because it's  
12 either not located right or it's not with utilities or it's  
13 not large enough or whatever it is. And in my experience, you  
14 can get a State Land auction within four months, that's the  
15 statutory, you know, minimum timeframe that they can do. And  
16 certainly some are going to take longer, some of them, you  
17 know, can go that fast. But if you're an economic developer,  
18 or if you're a large corporation that comes into Arizona and  
19 wants to locate in Pinal County, personally I would love to be  
20 able to say to them, we don't have to wait until next year to  
21 process a major general - or Comprehensive Plan amendment.  
22 That's all this does, it just allows us to go through the  
23 process and come to you and say hey, this is the project that  
24 we want to do. And I mean the legislature tied the County's  
25 hands by saying, you can only do this once a year, and, you

1 know, the cities got out of that this last session, as you've  
2 discussed, but the County still has that constraint. And so  
3 we're just, I think this particular amendment just gives a  
4 tool to allow for economic development to come to Pinal  
5 County, and I don't see anything bad about that from a, you  
6 know, a person who gets those calls from big employers and  
7 really wants to see good things happen. So I would just  
8 encourage you to support this today, and I appreciate all the  
9 conversation.

10 RIGGINS: And I certainly appreciate your opinion on  
11 this, but that still doesn't negate the fact that we aren't  
12 untying the hands of Pinal County, we're untying the hands of  
13 the State Land Department, the special owner, no one else,  
14 just the special owner.

15 ROSE: Chair and Members of the Commission, I guess  
16 from my perspective, Pinal County's hands are tied right now  
17 because the State has said you can only hear this once a year  
18 and, in fact the only time once a year is in November or  
19 December. So like if right now, if somebody called me, the  
20 greatest development project ever, whatever that means to you,  
21 and said hey, we want to put 5,000 jobs in a super great  
22 location where everybody would agree. I'd have to say, well,  
23 in Pinal County you got to wait for a whole year. You know,  
24 we can maybe get you approval by December of 2023, and that's  
25 not great. So then they go, all right. So that's all.

1           FLISS: Mr. Chair.

2           RIGGINS: Yes.

3           FLISS: But that's not just Pinal County, that's  
4 Maricopa County, Pima County and every other County in  
5 Arizona, correct? And again, it's not that we don't want you  
6 to have that ability to say hey, we can get this done quickly,  
7 it's just the means of which we're attempting to do it, which  
8 is still very different than what the towns and the cities.  
9 And to equate those two, it's not quite fair because we're  
10 saying the means are actually very different and some of us  
11 are suggesting that it's unfair to certain, or certain groups  
12 of people, mainly private landowners. So again, it's the  
13 means by which we're trying to get there, which (inaudible)  
14 disagreeing with.

15           ROSE: And I totally respect that Chair and  
16 Commissioner Fliss. I think from the private landowner,  
17 because we represent a lot of them too, I mean it generally,  
18 when these big projects come, if they want to locate in a  
19 location that happens to be on State Land, it benefits  
20 everybody around it, because their suppliers come and all of  
21 that. So normally they're happy for that. But I appreciate  
22 that, I just, any time that we can do anything to create a  
23 situation where Pinal County's ahead of Maricopa County and  
24 any other County, I'm all for it.

25           RIGGINS: So you're indicating that in your opinion,

1 any very large State Land Department, streamlined zoning  
2 practice that gets done real fast is going to make everybody  
3 around it happy?

4 ROSE: Oh Chair, I've been doing this long enough in  
5 front of you to know that that is definitely not the case, but  
6 I sure hope so.

7 RIGGINS: That's the way you said. That is the way  
8 you -

9 ROSE: Oh, I mean that, you know, when a large  
10 development project comes, like for example, Lucid or Nikola,  
11 you know, they bring all these suppliers with them and so many  
12 private owners are then able to sell their lands or lease  
13 their lands for those private developers. And then many of  
14 our residents get jobs and so on and so on and trickle down.

15 RIGGINS: So did that go on - did that go on State  
16 Land?

17 ROSE: No, no, certainly not.

18 RIGGINS: Oh, but that's one of the big drivers in  
19 Pinal County right now, and there's other things that west of  
20 Casa Grande and south and east of Maricopa and various places  
21 that are all on private land that are entertaining some very  
22 large employment concepts right now. So it does seem to me  
23 that we get back to the same concept. We're benefiting a  
24 special owner, making them - you know, when you look at the  
25 big blue eastern Pinal County State Land ownership, it's a big

1 block. Great, big thing. Very special. You go over to the  
2 western side, they've got small parcels all interspersed among  
3 lots and lots of private land. So we give them a special  
4 situation, that they have a better ability to negotiate and  
5 work than the taxpayers that support them?

6 ROSE: Chair and Commission Members, I, you know, I  
7 don't represent State Land, so I'm not here to do that. I  
8 just simply am saying the more tools that we can have, the  
9 easier. And if you want to give private developers as many  
10 opportunities to get through the process quicker, I would be  
11 all for that too. What's before you today happens to apply to  
12 the State. And remember the State Land, when they sell the  
13 land, it benefits the trust, it's not - it doesn't go to the  
14 government, it doesn't go to a government agency, it goes to  
15 the actual you know, mostly to the schools. Like it's an  
16 actual benefit to everyone in Arizona. And again, I don't  
17 represent the Land Department, but I just wanted to stand up  
18 here to say that, you know, on behalf of clients that we have  
19 and communities that are - or companies that are trying to  
20 locate here, this would certainly be very helpful.

21 RIGGINS: And I will state that if this discussion  
22 was about changing the general plan timing for everybody, it  
23 would be a different discussion.

24 ROSE: I would be standing here in favor of that  
25 too.

1           RIGGINS: It'd be a different discussion, but that's  
2 not what we're discussing. So okay. Is there anybody else  
3 that wishes to come up to speak to this?

4           OBERHOLTZER: Mr. Chairman, Commissioners, still  
5 Carolyn Oberholtzer, for your records with Bergen, Frakes,  
6 Smalley and Oberholtzer. But I am here on behalf of the Land  
7 Department for this afternoon session. I get the pleasure of  
8 being before you twice today, when I'm not usually here at  
9 all. So I appreciate all of the time that you guys take to  
10 dive into these issues, no matter how late or heavy the agenda  
11 is. And I'll just be very brief to say that the County  
12 initiated this, I think in reaction to flexibility that other  
13 jurisdictions do have. So I just wanted to answer a few  
14 questions, at least as it relates to the Land Department.  
15 There is a specific statute both for cities and for counties.  
16 They say a little bit different thing, but the gist is the  
17 same, that both before enacting an amendment or a  
18 Comprehensive Plan in the case of a County, or a general plan  
19 in the place of a city, must confer with the State Land  
20 Department for planning State Trust Lands. So it's a very  
21 specific ownership called out in the statute for you guys.  
22 It's 11-805(C) and (D), and it says very specifically that the  
23 Commission shall coordinate the production of the  
24 Comprehensive Plan with the creation of the conceptual State  
25 Land plans, and they cite the statute. and those are the ones



1 for specific to State Trust Land. So State Trust Land is not  
2 public land, it is held for the benefit of beneficiaries. And  
3 so it is not a general fund agency - it is a general fund  
4 agency in that they receive the money to plan their lands from  
5 the general fund, but that is all. They do not participate in  
6 the revenues generated from the sale, or the leases from the  
7 lands. So there's 9.2 million acres in the State, but Pinal  
8 County has a very heavy concentration of State Trust Land.  
9 And so as you heard from Jordan, there's a declining supply of  
10 private land to go where the Nikolas, the Lucids, go, and so  
11 there's been a lot of pressure as of late on the department to  
12 figure out a way to bring more land to auction faster, to  
13 respond to the market. And so when the County approached the  
14 Land Department, it was in the context of the statute that  
15 demands that the County confer with the State Land Department  
16 before planning its land, to figure out the special tools that  
17 might be necessary to address it. The question was asked,  
18 does anybody else do anything special like this for an owner?  
19 Chairman Riggins you're absolutely right, this is specific to  
20 an owner. And again, the statute puts us in a position where  
21 we have to consider the specific owner specially, and  
22 especially. And in the context of general plans, some cities  
23 have done that. The Town of Marana has a special State Land  
24 category, so does the Town of Queen Creek, and it's similar to  
25 what is being proposed by the County today, which is that for

1 some areas of Trust Land, you can apply to this special  
2 category, and in your effort to do that, it's a minor  
3 amendment. The County has the control in its Comp Plan,  
4 whether it's State Land or not, to determine what constitutes  
5 a minor amendment or not. And while it's true that the  
6 legislature - I think it goes into effect next week - just  
7 changed the rules for cities and towns where now you can hear  
8 it once a year, any time in the year, maybe that'll happen for  
9 the County in the future, and that's great. But it hasn't  
10 happened yet and the State Land Department is not the State  
11 legislature. So while we're in the situation where we don't  
12 have that tool from the legislature to adjust the schedule for  
13 plan amendments, you do have the tool to be able to decide  
14 what is a major amendment, what is the minor amendment, and  
15 how do we react to our statutory responsibility of conferring  
16 with the Land Department before applying any land use  
17 designation to the trust? So we support - the Land Department  
18 supports the County's application, and that, again, as you've  
19 outlined, it establishes a process. Now, what it also does  
20 when you are allowed to apply at any time for a minor  
21 amendment, is you can package that with a zoning application  
22 as well. And so the idea is you don't know what's going to be  
23 in it, you're concerned about this is going to open some huge  
24 can of worms. So what this does is it establishes a category  
25 that then you will be able to apply to. It really - if you

1 are comparing it with one of three zoning districts. So that  
2 is different than any other category because it applies to a  
3 specific owner, but it doesn't change the process at all with  
4 regard to how you - what you consider in a Comprehensive Plan  
5 amendment, what you consider in a zoning case. So I just  
6 leave you with that information. I'm happy to answer any  
7 questions that you have about the Land Department, but  
8 certainly we support the effort to create something that will  
9 enable the department to react (inaudible) to the responses  
10 from the private sector, which are we're running out of large  
11 tracts of private land and there's a lot of pressure on State  
12 Land. And Jordan hit the nail on the head when she said that,  
13 you know, if you tell a major employer that they can't even  
14 start the process until next year, and next summer at that,  
15 they're going to look elsewhere.

16 DEL COTTO: Chair Riggins?

17 RIGGINS: I will recognize you, but I do wish to say  
18 one thing because you said it twice. I am in agriculture in  
19 other parts of my life and I drive through Pinal County quite  
20 often, and it sure seems to me like there's large amounts of  
21 blank private land in Pinal County. There's no scarcity of  
22 it, there's plenty of it. So it isn't an issue that we are  
23 having a scarcity of land issue, because there's plenty of  
24 private land that's available for all sorts of things in Pinal  
25 County.

1            OBERHOLTZER: But Mr. Chairman that's true, and  
2 those private landowners can plan their land whenever they  
3 want and however they want. This is in reaction to this  
4 dynamic that the Land Department is the single largest private  
5 landowner in Pinal County. So while there may be, you know,  
6 are on your agendas every month lots of private landowners  
7 coming before you, you will probably find if you look back  
8 that the largest land applications are probably going to be  
9 related to State Trust Land.

10           RIGGINS: (Inaudible).

11           OBERHOLTZER: And so they are the largest landowner.  
12 So that's not to say that small projects aren't worthy of  
13 these considerations as well, it's just the tools in the  
14 toolbox, the Land Department has so much acreage, they can't  
15 go out and micro plan all of their land. And so when you have  
16 a flexible category that you can go to, that you can establish  
17 the land uses in the zoning and not have to be so specific in  
18 a Comprehensive Plan - because that's the other piece of this,  
19 is that it's really just creating a flexible category that you  
20 can apply to, that you then have to pair with a specific  
21 zoning. It's again, a tool. It is not to say that that  
22 wouldn't be a useful tool in other contexts, it's simply to  
23 recognize that the size of the State Trust Land, the State  
24 legislature when it created Growing Smarter and the whole  
25 statutory construct for these Comprehensive Plans that you all

1 have to adopt, it did specifically carve out consideration for  
2 State Trust Land and that it is given special consideration.  
3 So I just wanted to recognize that you're right about that, it  
4 is different and unique to this, but because of the dynamic of  
5 how this is constitutionally limited and how it is managed, we  
6 are not on equal playing field with private landowners, and  
7 this would actually place the Land Department on more equal  
8 footing with private landowners, because of how they can  
9 package this with a rezoning case and structure their timing.

10 RIGGINS: We can agree to disagree.

11 FLISS: I'd like to understand that.

12 RIGGINS: Let's - Del Cotto's (inaudible ) first.

13 DEL COTTO: Chair Riggins, a couple of things.

14 RIGGINS: Yeah, you were first.

15 DEL COTTO: A couple of things. Would it then not  
16 also benefit the private landowner that's adjacent to the  
17 State Land who may need additional property?

18 OBERHOLTZER: So the beauty of this is that you  
19 would be able to evaluate every case on a case by case basis.  
20 So if there was a Land Department application to this new  
21 category, then the notices would go out, like they do for any  
22 other case, to the surrounding landowners. And whether or not  
23 it would benefit them would be something that we would be  
24 talking about at a hearing like this at a later date.

25 DEL COTTO: And then would it also be safe to say

1 that the State of Arizona or the County of Pinal is losing  
2 business at a rapid rate relative to other states that have  
3 open arms to these big, bigger developers or bigger  
4 corporations based maybe on this timeframe that we're - that's  
5 really - is that not really what all we're trying to do here,  
6 is a little bit of a fast track? The cases still have to come  
7 in front of us, they still have to go in front of the Board of  
8 Supervisors, it's not like it's a slam dunk, it's just a  
9 matter - is it not as much or more of a timing issue than  
10 anything?

11 OBERHOLTZER: That's precisely it. It's actually  
12 only a timing issue, that is literally the only piece of this  
13 is that it allows you to process that type of application at  
14 any time.

15 DEL COTTO: Thank you.

16 RIGGINS: And I'll (inaudible ) to you.

17 FLISS: Sorry, Mr. Chair.

18 RIGGINS: And I'm going to just make one statement.  
19 I do believe that, if I understand correctly, the philosophy  
20 of planning and zoning ordinances around the United States,  
21 that there is a pronged, two fork bifurcated concept behind  
22 those philosophies. One is the development, the hoping to  
23 get, the quality of development and the direction of the  
24 development to go in the way that the jurisdiction and  
25 basically the voters all wish it to go in; but on the exact

1 other side of that, there is a protection for the already  
2 existing landowners on their uses and their desires and what  
3 they have going too, and the two work together to find an  
4 accommodation between them both. And shortening the period of  
5 time for very large things to happen is something that the  
6 Arizona voters, by initiative, decided they didn't want to  
7 have. They wanted really large things to take a little bit  
8 more time. And what we're saying is here, let's get rid of  
9 the time. So - and that is a - again, we need to not debate  
10 all these things because we'll be here forever, but there's  
11 certain things that are said that just have to - there's the  
12 other side of that.

13 OBERHOLTZER: And Mr. Chairman, the Commission  
14 generates the County's Comprehensive Plan. It is the  
15 Commission that makes a recommendation to the Board of  
16 Supervisors, but all the statutory authority is placed in the  
17 Commission to generate the Comprehensive Plan and amendments  
18 to it. And so it is up to you. The statute lays out a  
19 framework for how you're going to decide what you want to put  
20 into your Comprehensive Plan, and it is your prerogative to  
21 determine what is a major and what is a minor. And there  
22 really isn't a framework or a structure for that. We get to  
23 make it, you get to make it, and then recommend it. So it's  
24 true that major is a function of the statute that says that  
25 you can only hear major amendments once a year, but none of

1 that suggests that by placing it into a minor plan amendment,  
2 you have then accelerated it. I have had minor plan  
3 amendments that continued for over a year. So a minor plan  
4 amendment, the difference is a major must be heard in the  
5 calendar year that the application is made. Statutorily, you  
6 must. Just like this amendment that the County has put  
7 forward to make this text change. It must be heard because it  
8 qualifies as a major, it must be heard in this calendar year.  
9 If it is not, it cannot exist and it has to go into a whole  
10 new cycle. So a minor amendment does not suggest a shorter  
11 process, it just suggests you can initiate it at any time.  
12 It's about the start, and it has no predetermined finish  
13 whatsoever. So in theory, it could actually extend far beyond  
14 a year. And if it's a very large case, like the one I was  
15 here before you earlier today on 158 acres, we applied for  
16 that last August and it took us a year to get here. I would  
17 envision that there are certain scenarios where that would  
18 absolutely be the case for anything that was coming in before  
19 you to apply to this category.

20 RIGGINS: Which is what everybody has to do.

21 OBERHOLTZER: And we would be too.

22 RIGGINS: Yes. Except the fact that some minor plan  
23 amendments go for a long time certainly does not mean that  
24 they all do.

25 OBERHOLTZER: Absolutely correct. Case by case.



1 RIGGINS: So, okay.

2 OBERHOLTZER: Thank you.

3 FLISS: Mr. Chair. Right here.

4 RIGGINS: Commissioner Fliss.

5 FLISS: No, I just - because it keeps getting  
6 brought up as a main point here, I just want to understand,  
7 does State Trust Land believe that Pinal County is complying  
8 with our statutory obligation to coordinate with them right  
9 now?

10 OBERHOLTZER: We are in support of this application  
11 -

12 FLISS: No, not if we pass this, right now as we  
13 speak, before we even recommend this or don't to the  
14 Supervisors.

15 OBERHOLTZER: Oh, we absolutely appreciate the  
16 partnership with the County, because we don't have the ability  
17 to participate in the revenues generated from the Trust Land  
18 to plan the land. So when the County or any other municipal  
19 partner - and we partner with all of them - say hey, we have  
20 this way to structure entitlements for this property in  
21 particular, or in general, the State Land Department devotes  
22 its time to consider whatever that is, because they don't have  
23 the resources to go do that on their own. They have to - they  
24 operate just from whatever the legislature gives them in the  
25 general fund. So this effort to provide a tool is supported

1 by the Land Department as meeting those obligations under the  
2 statute.

3 FLISS: Okay. But even if we're not initiating this  
4 new tool -

5 OBERHOLTZER: Right.

6 FLISS: I would venture to guess that we already are  
7 complying with our statutory obligation to coordinate with  
8 State Land Department, just like every other County, because  
9 I'm pretty sure not every other County's looking at this tool  
10 right now.

11 OBERHOLTZER: So anytime a County or a town - it's  
12 true for both - any time there's an amendment of any sort of  
13 impact to the Land Department, it's a statutory requirement to  
14 confer with the Land Department. So that's how you meet the  
15 obligation.

16 FLISS: So we're meeting it.

17 OBERHOLTZER: Yes.

18 FLISS: Yes. Okay. So it's not necessary for our  
19 statutory obligation to coordinate to do - to initiate this  
20 and add this tool to our toolbox.

21 OBERHOLTZER: Certainly not, no. I made reference  
22 to the statute simply to say that it does treat the Land  
23 Department differently. When we're talking about this is a  
24 special owner type of a district, that's true.

25 FLISS: I understood that.

1 OBERHOLTZER: And that's authorized by the  
2 legislative structure for Comprehensive Plans.

3 FLISS: Right. But I think, again, just to bring  
4 that point up, I wouldn't emphasize it, I guess is what I'm  
5 saying. And again, I can't get over the fact that it seems  
6 that we're saying that by law, the State Land Department is  
7 going to be held separate and have an advantage over private  
8 landowners, and therefore, we should be giving them this  
9 special tool.

10 OBERHOLTZER: I'm certainly not saying that.

11 FLISS: Okay.

12 OBERHOLTZER: No, certainly not saying that.

13 FLISS: Because that's what it's - I know you're not  
14 saying it, but that's what it seems like we would be doing by  
15 allowing this.

16 DEL COTTO: Chair Riggins.

17 RIGGINS: Let's see if Commissioner Fliss is done.

18 FLISS: I'll be done or done.

19 RIGGINS: Oh, you're done? Okay. I would suggest  
20 that statement, rebuttal, rebuttal, statement, statement,  
21 rebuttal, rebuttal, statement, we can we can keep doing this  
22 all day.

23 FLISS: Just one more.

24 RIGGINS: You get to be last? You get to be last,  
25 huh? Okay, well let's see if you get to be last. Go ahead.

1 Commissioner Del Cotto.

2 DEL COTTO: (Inaudible) I would suggest that this  
3 would probably be doing for us as Pinal County, would be  
4 providing us with the tool that we need to stay competitive  
5 and to allow people the opportunity to hang their hat here,  
6 and I think it's a great idea. Thank you.

7 RIGGINS: Perfect. And there is another feeling of  
8 thought on that, that it would not do anything like that of  
9 any nature, and there's no way to prove that a bit. So, and I  
10 won't go into it past that, but it is important that the two  
11 different concepts be lined up. So this has been very  
12 interesting. I mean you actually should have got up as the  
13 applicant, not during the public period, but we got, we got a  
14 little bit crazy there for a while and I understand.

15 OBERHOLTZER: And we are not the applicant, so I am  
16 here to just support it.

17 RIGGINS: But you do represent the applicant.

18 OBERHOLTZER: Not really. The applicant is  
19 definitely the County, this was not initiated by the Land  
20 Department. We're in reaction.

21 RIGGINS: All right, no, then you got up precisely  
22 the right time then. I apologize for that. As I told you,  
23 you see how confused this has become. So are you, are you  
24 finished?

25 OBERHOLTZER: Yes sir. Unless you guys have more

1 questions.

2 RIGGINS: Do we have any more questions? Let's try  
3 not. Okay, well thank you very much. Does anybody else from  
4 the audience wish to come up and speak to this case? There  
5 none being, we'll go ahead and close down the public  
6 participation portion of this case and we will turn it back to  
7 the Commission. And as always, the Commission has the ability  
8 to begin more discussion among ourselves. We have the ability  
9 to ask staff, applicant, whomever, more questions at this  
10 point. If there's something that's a burning desire to  
11 somebody, I suggest you go ahead and do that. But we  
12 certainly talked about it for a long time. So, okay.

13 DEL COTTO: So if I may, then -

14 RIGGINS: Commissioner Del Cotto.

15 DEL COTTO: We're simply looking at allowing this to  
16 happen, and it would provide more of an opportunity, and  
17 possibly a faster track, which may not always be the - like we  
18 talked about, faster track to getting something done. But I  
19 think it's an important part of what we may need as - in the  
20 County in regards to future growth. And it isn't initiated by  
21 the State, it's initiated by our County, and I feel it's  
22 important for us to take a good, hard look at that. And I'd  
23 just like to let you know that I'm in favor of it.

24 RIGGINS: Very good. Any other comments? And since  
25 I thought you were going to do a motion, but you decided to do

1 a narrative, I will, again, because I feel it's important that  
2 both of these things stand absolutely in front of this  
3 Commission as they make a decision. Any purported benefits to  
4 the citizens of this County are specious at best. The  
5 directions that create that kind of growth come from a myriad  
6 of directions, and this indeed could very easily - a logical  
7 argument can be made - how it could cause more problems than  
8 benefits. Just to say that it will do these wonderful things  
9 for the citizens of Pinal County, is not provable by any  
10 means. However, beyond the shadow of the doubt, we are  
11 creating a special owner ordinance. We are benefiting one  
12 owner of land, over all the rest of owners of land in the  
13 County, in Pinal County. That is not an opinion, that's a  
14 fact. Right on the pages that we're looking at. So obviously  
15 everybody has their opinions here, and there's no doubt about  
16 it, and I suggest that we've talked it to death. I think we  
17 should go in on it and let all these people that want to get  
18 on with other cases and do everything, get going. I think  
19 that's where we should go. Unless there's something really  
20 important that somebody wishes to say. So who will make a  
21 motion on this? I can't.

22           DAVIS: I'll make a motion, Mr. Chair.

23           RIGGINS: Okay. Commissioner Davis.

24           DAVIS: I move that we - let's see where are we  
25 here. Move PZ-PA-009-22 dash - and that's it. To the Board

1 of Supervisors with a favorable recommendation.

2 RIGGINS: We have a motion, do we have a second?

3 Commissioner Del Cotto seconds the motion, and could we please  
4 call for a roll call vote?

5 BILLINGSLEY: Commissioner Davis.

6 DAVIS: Aye.

7 BILLINGSLEY: Commissioner Hardick.

8 HARDICK: No.

9 BILLINGSLEY: Commissioner Fliss.

10 FLISS: No.

11 BILLINGSLEY: Commissioner Lizarraga.

12 LIZARRAGA: Aye.

13 BILLINGSLEY: Commissioner Heaton.

14 HEATON: Aye.

15 BILLINGSLEY: Commissioner Schnepf.

16 SCHNEPF: Aye.

17 BILLINGSLEY: Commissioner Del Cotto.

18 DEL COTTO: Aye.

19 BILLINGSLEY: Chairman Riggins.

20 RIGGINS: No.

21 BILLINGSLEY: We have a vote of 5 approving, 3  
22 opposed, motion passes.

23 RIGGINS: Motion passes. It will be sent to the  
24 Board of Supervisors with a favorable recommendation. Let's  
25 go ahead and move onto the next case. Case is PZ-PA-011-22.

When recorded return to:  
Clerk of the Board  
P.O. Box 827  
Florence AZ 85132

**RESOLUTION NO. 2022-PZ-PA-009-22**

A RESOLUTION OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS APPROVING A 2022 MAJOR COMPREHENSIVE PLAN AMENDMENT AND TO ALLOW FOR THE CREATION OF A “SPECIAL DISTRICT” LAND USE CLASSIFICATION FOR ARIZONA STATE TRUST LANDS AND TO APPLY ACCOMPANYING UPDATES TO THE PLAN’S MINOR COMPREHENSIVE PLAN AMENDMENT REGULATIONS; IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. PZ-PA-009-22

WHEREAS, the Pinal County Board of Supervisors (“Board”) is authorized pursuant to Arizona Revised Statutes § 11-805 and Pinal County Development Services Code § 2.170.110 to approve Major Comprehensive Plan Amendments; and

WHEREAS, on September 1, 2022, the Pinal County Citizens Advisory Committee met and approved Case No. PZ-PA-009-22 by a vote of 6-2, Major Comprehensive Plan Amendment to the 2019 Pinal County Comprehensive Plan to allow for the creation of a “Special District” Land Use Classification for Arizona State Trust Lands and to apply accompanying updates to the Plan’s minor Comprehensive plan amendment regulations; and

WHEREAS, on September 15, 2022, the Pinal County Planning and Zoning Commission held a public hearing on Case No. PZ-PA-009-22, after providing notice pursuant to statutory requirements, and following the public hearing voted 5-3 in favor of forwarding a recommendation of approval to the Board to allow for the creation of a “Special District” Land Use Classification for Arizona State Trust Lands and to apply accompanying updates to the Plan’s minor Comprehensive plan amendment regulations; and

WHEREAS, on November 2, 2022, the Board held a public hearing on Case No. PZ-PA-009-22, after providing notice pursuant to statutory requirements, and considered the application for the Major Comprehensive Plan Amendment.

NOW, THEREFORE, BE IT RESOLVED by the Pinal County Board of Supervisors that the application for the Major Comprehensive Plan Amendment in Case No. PZ-PA-009-22, as described in “Exhibit A”, is hereby approved.

PASSED AND ADOPTED this 2nd day of November, 2022, by the PINAL COUNTY BOARD OF SUPERVISORS.



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Chairman of the Board

ATTEST:

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Clerk/Deputy Clerk of the Board

APPROVED AS TO FORM:

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Deputy County Attorney

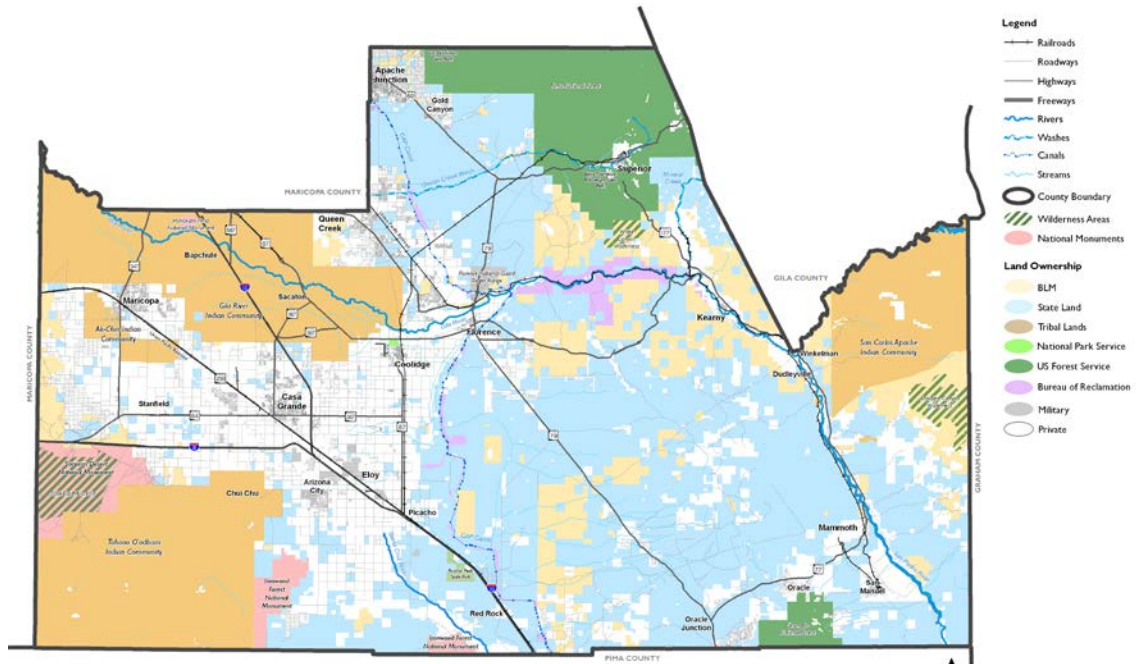
# EXHIBIT A

PZ-PA-009-22

Comprehensive Plan Text Amendment

Arizona State Trust Lands

### 3-3: Land Ownership Map



### Arizona State Trust Land

48

Growing Smarter legislation states that counties are required to work closely with the ASLD “for the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the County.” A requirement of this legislation is that the ASLD develop conceptual land use plans for urban trust lands. The conceptual plans are intended to be integrated into the comprehensive or general plans of jurisdictions. ASLD works with the County to integrate the ASLD’s conceptual land use plans into the Comprehensive Plan. Exhibit 3-3 depicts land ownership in Pinal County. ASLD also works collaboratively with municipalities on lands within cities.

[This Comprehensive Plan maintains a variety of specific land use classifications as well as a "Special District" classification to assist in facilitating detailed land use planning and coordination with the ASLD.](#)

Two additional planning projects that are occurring on state trust lands include areas called the Lost Dutchman Heights (City of Apache Junction) and Superstition Vistas (northern Pinal County). The Lost Dutchman Heights property is being master planned for disposition to potential developers, and the ASLD is also participating in the master planning of Superstition Vistas led by the East Valley Partnership. These parcels are being planned for eventual sale or lease and development. A portion of the Superstition Vistas area has been identified as a Growth Area in the Pinal County Comprehensive Plan, and goals, objectives,

- ✓ Provide appropriate amenities in relationship to the natural infrastructure (e.g., benches and trash receptacles in parks).
- ✓ Where appropriate, recreational activities should be explored throughout the County, including off-road vehicle parks and other active recreational opportunities to reduce environmental degradation of other areas.

## Additional Land Use Designations

The following are additional land use designations indicated on the Pinal County Land Use Plan (3-4).

**Military** represents the Florence Military Reservation, Silver Bell Army Heliport (SBAH) and other ancillary facilities.

**General Public Facilities/Services** includes large public and quasi-public facilities that require significant space such as power plants, landfills, solid waste transfer stations, wastewater facilities, water campuses, and concentrations of public buildings.

**Green Energy Production** indicates areas that are designated specifically for the location of large scale photovoltaic solar panel power generation facilities.

**Page-Trowbridge Landfill** is owned by the University of Arizona and was used for disposal of radioactive and hazardous waste produced from University research activities. The facility closed in 1986 and is now in Post-Closure status with ADEQ.

**Native American Community** indicates a sovereign nation, operating under its own tribal government laws.

A large portion of Pinal County is comprised of Arizona State Trust Lands. These Trust Lands can be found in both developed and undeveloped portions of the County, resulting in areas that have their own distinct character, preservation opportunities, development potential, and demand timeline.

Special District provides flexibility to promote new development needed to accommodate economic growth and new businesses so that residents can find jobs in Pinal County, provide new housing to accommodate the County's expanding population, and encourage integrated conservation design that will result in sustainable developments. This designation allows for a carefully planned, deliberately designed use or mix of compatible uses within the same development area or unit, including housing, retail, employment, public/quasi-public, open space and recreation, and green energy production uses, with a range of densities and formats depending on the implementing zoning.

A Special District may be designated on Trust Lands only, and shall be implemented through the zoning process in association with the following zoning districts:

- Multi-Purpose Community Master Plan (MP-CMP)
- Large Master Plan Community (L-MPC)
- Planned Area Development (PAD)

While this Special District can be applied to any State Trust Land, the general intent is to apply the designation to State Trust Land that is of regional significance and/or the State Land Commissioner has determined is well suited for disposition.

## Planning Guidelines

The following additional “Planning Guidelines” are intended to provide direction and guidance to potential landowners or developers, staff and elected or appointed officials in developing or reviewing the various topics discussed below.

**Transfer of Development Rights** Open space can be preserved in a variety of ways. One concept that is encouraged is the transfer of development rights (TDR). This concept refers to the transfer of the right to develop or build from one property to another property. Allowing the transfer of development rights may result in an increase in density on one property, in order to preserve large swaths of sensitive land or to preserve open space on another property. It is not the intent of Pinal County to use this technique to just increase densities but to preserve large areas of open space in accordance with the Vision. This technique is commonly used to transfer development rights from one piece of property to another.

### **Transfer of Development Rights Planning Guidelines**

- ✓ Pinal County encourages landowners to transfer density from environmentally-sensitive areas to land more suitable for development.

**Conservation Easements** Another technique to preserve open space is to encourage “conservation easements.” Conservation easements allow landowners to retain their property while limiting development in perpetuity. A portion of a piece of property is purchased at fair market value and a governmental entity, non-profit organization (such as The Nature Conservancy) or land trust holds the conservation easement. To achieve its open space goals,

*Non-Major Amendments* are changes to the Pinal County Comprehensive Plan that do not fall under the “Major Amendment” criteria listed above. Additionally, the following also constitute a non-major amendment.

- ✓ Any proposed one-step change in a functional roadway classification (either higher or lower).
- ✓ Land uses that meet the Vision, or the applicable private development goals, objectives, policies, and location criteria of the Plan but may not be specifically shown on the Land Use or Economic Development Plans.
- ✓ Any proposed change of Arizona State Trust Land from any land use classification to the Special District land use classification or reversion from a Special District land use classification back to the prior land use classification.
- ✓ Changes mandated by any new state laws.
- ✓ Text changes and corrections that do not compromise the intent or impact the substantive mixture and balance of the Plan.
- ✓ Fails to meet the additional criteria within the Moderate Low Density Residential category for no Comprehensive Plan amendment or for a non-major amendment as set forth in Chapter 3 of this Plan.
- ✓ Fails to meet the additional criteria within the Mixed Use Activity Center category for no Comprehensive Plan amendment as set forth in Chapter 3 of this Plan.

**NOTICE OF PUBLIC HEARING** BY THE PINAL COUNTY BOARD OF SUPERVISORS AT 9:30 A.M. ON THE **2nd** DAY OF **NOVEMBER, 2022**, IN THE PINAL COUNTY ADMINISTRATIVE COMPLEX, BOARD OF SUPERVISOR'S HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER THE FOLLOWING REQUESTS FOR MAJOR AMENDMENTS TO THE 2019 PINAL COUNTY COMPREHENSIVE PLAN:

**PZ-PA-009-22-PUBLIC HEARING/ACTION:** Pinal County, requesting approval of a Major Comprehensive Plan Amendment to the **2019 Pinal County Comprehensive Plan to allow for the creation of a "Special District" land use classification for Arizona State Trust lands** and to apply accompanying updates to the Plan's minor comprehensive plan amendment regulations.

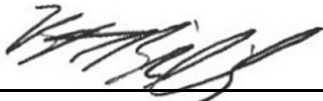
ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE PUBLIC HEARING AT THE DATE, TIME AND PLACE DESIGNATED ABOVE.

DOCUMENTS PERTAINING TO THIS CASE CAN BE FOUND ON THE NOTICE OF HEARING PAGE FOR THE BOARD OF SUPERVISORS AT:

<http://pinalcountyz.gov/CommunityDevelopment/Planning/Pages/NoticeofHearing.aspx#>

AT LEAST 24 HOURS PRIOR TO THE PUBLIC HEARING, DOCUMENTS PERTAINING TO THESE REQUESTS ARE AVAILABLE FOR PUBLIC INSPECTION AT THE PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, PINAL COUNTY COMPLEX, BUILDING F, 31 N. PINAL STREET, FLORENCE, ARIZONA, MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00AM AND 4:30PM.

DATED this **28th** day of **September, 2022**, Pinal County Community Development Dept.

By:  \_\_\_\_\_

Brent Billingsley, Community Development Director

TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT MUST CONTAIN THE FOLLOWING INFORMATION:

- 1) Planning Case Number (see above)
- 2) Your name, address, telephone number and property tax parcel number (Print or type)
- 3) A brief statement of reasons for supporting or opposing the request
- 4) Whether or not you wish to appear and be heard at the hearing

WRITTEN STATEMENTS MUST BE FILED WITH:  
PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
PO BOX 2973 (85 N FLORENCE ST)  
FLORENCE, AZ 85132

**NO LATER THAN 5:00 PM ON October 24, 2022.**

Contacts for this matter: Larry Harmer, Senior Planner  
E-mail Address: [larry.harmer@pinal.gov](mailto:larry.harmer@pinal.gov)  
Phone: #(520) 866-8233 Fax: (520) 866-6530

***Anything below this line is not for publication.***

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PUBLISHED ONCE:

Florence Reminder & Blade Tribune (and San Tan Sentinel)  
Tri-Valley Dispatch  
Casa Grande Dispatch  
Eloy Enterprise

# THE ARIZONA REPUBLIC

PO Box 194, Phoenix, Arizona 85001-0194

Phone 1-602-444-7315

Fax 1-877-943-0443

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PNI-Arizona Republic

## AFFIDAVIT OF PUBLICATION

**PINAL COUNTY- FINANC  
PO BOX 1348  
FLORENCE, AZ 85132-3027**

**This is not an invoice**

Order # 0005441196 # of Affidavits 1

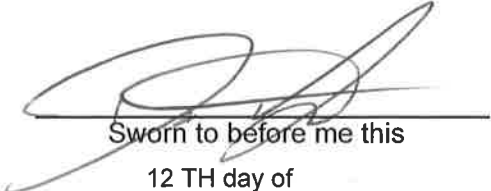
P.O # PZ-PA-009-22

Issues Dated:

10/12/22

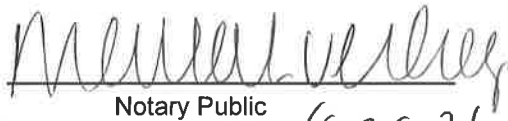
**STATE OF WISCONSIN }  
COUNTY OF BROWN } SS.**

I, being first duly sworn, upon oath deposes and says: That I am the legal clerk of the Arizona Republic, a newspaper of general circulation in the counties of Maricopa, Coconino, Pima and Pinal, in the State of Arizona, published weekly at Phoenix, Arizona, and that the copy hereto attached is a true copy of the advertisement published in the said paper in the issue(s) dated indicated.



Sworn to before me this

12 TH day of  
OCTOBER 2022



Notary Public

8 25 26

My Commission expires: \_\_\_\_\_

NOTICE OF PUBLIC HEARING BY THE PINAL COUNTY BOARD OF SUPERVISORS AT 9:30 A.M. ON THE 2nd DAY OF NOVEMBER, 2022, IN THE PINAL COUNTY ADMINISTRATIVE COMPLEX, BOARD OF SUPERVISOR'S HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER THE FOLLOWING REQUESTS FOR MAJOR AMENDMENTS TO THE 2019 PINAL COUNTY COMPREHENSIVE PLAN;

P Z - P A - 0 0 9 - 2 2 - P U B L I C HEARING/ACTION: Pinal County, requesting approval of a Major Comprehensive Plan Amendment to the 2019 Pinal County Comprehensive Plan to allow for the creation of a "Special District" land use classification for Arizona State Trust lands and to apply accompanying updates to the Plan's minor comprehensive plan amendment regulations.

ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE PUBLIC HEARING AT THE DATE, TIME AND PLACE DESIGNATED ABOVE.

DOCUMENTS PERTAINING TO THIS CASE CAN BE FOUND ON THE NOTICE OF HEARING PAGE FOR THE BOARD OF SUPERVISORS AT: <http://pinalcountyz.gov/CommunityDevelopment/Planning/Pages/NoticeofHearing.aspx#>

AT LEAST 24 HOURS PRIOR TO THE PUBLIC HEARING, DOCUMENTS PERTAINING TO THESE REQUESTS ARE AVAILABLE FOR PUBLIC INSPECTION AT THE PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, PINAL COUNTY COMPLEX, BUILDING F, 31 N. PINAL STREET, FLORENCE, ARIZONA, MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00AM AND 4:30PM.

DATED this 28th day of September, 2022, Pinal County Community Development Dept.

By: /s/ Brent Billingsley, Community Development Director

TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT MUST CONTAIN THE FOLLOWING INFORMATION:

- 1) Planning Case Number (see above)
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PO BOX 2973 (85 N FLORENCE ST)  
FLORENCE, AZ 85132  
NO LATER THAN 5:00 PM ON October 24, 2022.

Contacts for this matter: Larry Harmer, Senior Planner  
E-mail Address: [larry.harmer@pinal.gov](mailto:larry.harmer@pinal.gov)

Phone: #(520) 866-8233  
Fax: (520) 866-6530  
Pub: Oct 12, 2022

MARIAH VERHAGEN  
Notary Public  
State of Wisconsin



Superior Sun  
San Manuel Miner  
Copper Basin

**PZ-PA-009-22**



MEETING DATE: SEPTEMBER 15, 2022

TO: PINAL COUNTY CITIZEN ADVISORY COMMITTEE

CASE NO.: **PZ-PA-009-22 (AZ STATE LAND DEPARTMENT “SPECIAL DISTRICT”)**

CASE COORDINATOR: GILBERT OLGIN

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***Executive Summary:***

*This is a Major Comprehensive Plan Amendment to the 2019 Pinal County Comprehensive Plan to allow for the creation of a “**Special District**” land use classification for Arizona State Trust lands and to apply accompanying updates to the Plan’s minor comprehensive plan amendment regulations.*

**If This Request is Approved:**

If this major amendment to the Pinal County Comprehensive Plan is approved, the action will allow to better accommodate future growth and economic development across the County, this request seeks to amend select portions of the Pinal County Comprehensive Plan.

**Staff Recommendation/Issues for Consideration/Concern:**

Staff recommends approval for the applicant’s request.

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LEGAL DESCRIPTION:N/A

TAX PARCEL: N/A

LANDOWNER/AGENT: Arizona State Land Department & property owners, Pinal County on behalf of the National Guard, applicant.

REQUESTED ACTION & PURPOSE: **PZ-PA-009-22 – PUBLIC HEARING/ACTION:** Michael Baker on behalf of Pinal County, requesting approval of a Major Comprehensive Plan Amendment to the 2019 Pinal County Comprehensive Plan to allow for the creation of a “Special District” land use classification for Arizona State Trust lands and to apply accompanying updates to the Plan’s minor comprehensive plan amendment regulations.

LOCATION: County Wide/Text Amendment

SIZE: N/A

**STAFF FINDINGS-**

**PUBLIC COMMENT:**

To date no comments in writing have been received.

**PUBLIC PARTICIPATION:**

P&Z Work Session:	7/21/2022
BOS Work Session:	8/10/2022
Web posting and 60 day review:	6/10/2022 to 8/12/2022
Citizen Advisory Committee:	9/01/2022

**OTHER REVIEW AGENCY COMMENTS:**

As of the writing of this report staff has received no public comment.

**PLAN AMENDMENT DISCUSSION:**

A significant portion of Pinal County is comprised of Arizona State Trust Land. The lease and/or disposition of State Trust Lands is governed by strict statutory regulations. Further, Arizona Revised Statutes (ARS) require counties to coordinate with the Arizona State Land Department to ensure for the harmonious integration of Trust Lands into the Land Use Plan of a county’s Comprehensive Plan.

While the Pinal County Comprehensive Plan and associated Land Use Plan articulates a long-term vision for accommodating growth across the County, given the nature, location, and amount of Trust Land within Pinal County, these lands frequently require the facilitation of a major comprehensive plan land use amendment (MCPA) in order to appropriately respond to near-term development conditions. However, ARS specifies that all MCPA shall be presented at a single public hearing during the calendar year the proposals are made. Consequently, these conditions create a situation where certain Trust Lands that are suitable for disposition, may not be presented for auction because the strict “once per year” timing requirements of the MCPA process don’t align with the specific development needs of the subject area.

In response, and to better accommodate future growth and economic development across the County, this request seeks to amend select portions of the Pinal County Comprehensive Plan to allow for the creation of a “Special District” land use classification and to apply accompanying updates to the Plan’s minor comprehensive plan amendment regulations.

This text amendment seeks no specific land use change to the proposed “Special District” land use classification. It is desired to first establish this land use classification. Then consider and transition Trust Lands as needed, followed by the County’s robust zoning entitlement process. Therefore, approving this request is the necessary first step in a multi-point process.

**STAFF RECOMMENDATION:**

After a detailed review of the request, Pinal County Comprehensive Plan and Pinal County Development Services Code, staff recommends approval for the land use change. However, in addition to staff comments, should the Citizen Advisory Committee find, after the presentation of the applicant and together with the testimony and evidence presented at the public hearing, that this Major Comprehensive Plan amendment is needed and necessary at this location and time, will not negatively impact adjacent properties, will promote orderly growth and development of the County and will be

compatible and consistent with the applicable goals and policies of the Pinal County Comprehensive Plan, then staff recommends that the Citizen Advisory Committee forward **PZ-PA-009-22**, to the Planning and Zoning Commission with a favorable recommendation. If the Citizen Advisory Committee cannot find for all of the factors listed above, then staff recommends that the Citizen Advisory Committee forward this case to the Planning and Zoning Commission with recommendation of denial.

**CITIZENS ADVISORY COMMITTEE ACTION:**

After a detailed discussion and decision, with no public input at the public hearing, the Citizen’s Advisory Committee voted 6-2 to recommend approval of case PZ-PA-009-22. Staff notes the consensus for more than half of the CAC Committee was to allow for the creation of a “Special District” land use classification for Arizona State Trust lands to provide flexibly to help attract special interest/development by reducing time needed to for entitlements.



APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT IN AN UNINCORPORATED AREA OF PINAL COUNTY, ARIZONA  
(All Applications Must Be Typed or Written in Ink)

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**Comprehensive Plan Amendment unincorporated & Property Information:**

(Feel free to include answers and to these questions in a Supplementary Narrative, when doing so write see narrative on the space provided)

1. The legal description of the property: N/A (Text Amendment)  
\_\_\_\_\_

2. Parcel Number(s): \_\_\_\_\_ Total Acreage: \_\_\_\_\_

3. Current Land Use Designation: \_\_\_\_\_

4. Requested Land Use Designation: \_\_\_\_\_

5. Date of Concept Review: \_\_\_\_\_ Concept Review Number: \_\_\_\_\_

6. Why is this Comprehensive Plan Amendment being requested? (You must provide a summary of the anticipated development on this page, if not provided, the application cannot be processed.): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Discuss any recent changes in the area that would support your application. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Explain why the proposed amendment is needed and necessary at this time. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

INV#: \_\_\_\_\_ AMT: \_\_\_\_\_ DATE: \_\_\_\_\_ CASE: \_\_\_\_\_ Xref: \_\_\_\_\_

COMMUNITY DEVELOPMENT  
Planning Division

# PINAL COUNTY COMPREHENSIVE PLAN AMENDMENT APPLICATION

IN ADDITION TO THIS APPLICATION, YOU WILL NEED TO SUBMIT:

- (N/A)  A. **Certified Boundary Survey**, including legal descriptions of the proposed designations
- (N/A)  B. Location map which identifies the property and its relationship to Pinal County environs.
- (N/A)  C. Map showing the topography of the property.
- (N/A)  D. Site map which specifically identifies the property including parcels under separate ownership.
- (N/A)  E. Property owner(s) authorization for the Comprehensive Plan Amendment.
- F. Other information as may be determined necessary by the Planning staff or other information the applicant feels is pertinent to this request.
- G. Non-refundable filing fee as shown on the cover page.
- H. Narrative in PDF format.
- (pending)  I. Neighborhood meeting report

***Your application must be submitted digitally via the online submittal portal site at <https://citizenaccess.pinalcountyz.gov/CitizenAccess/Default.aspx>***  
***Please call or email the Planning Division for more information.***

I certify the information included in this application is accurate, to the best of my knowledge. I have read the application and I have included the information, as requested. I understand if the information submitted is incomplete, this application cannot be processed.

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Name of Landowner (Applicant)	Address	Phone Number
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N/A

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Signature of Landowner (Applicant)	E-Mail Address
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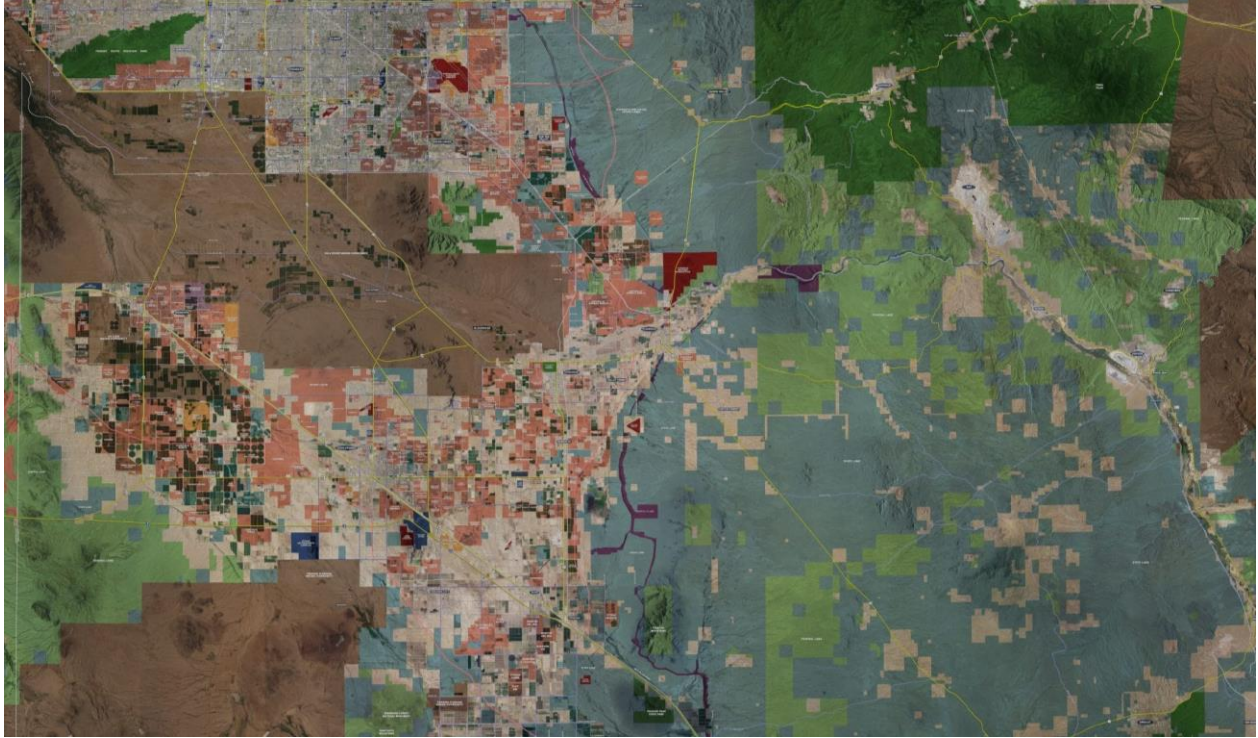
Name of Agent	Address	Phone Number
---------------	---------	--------------

brent.billingsley@pinal.gov

---

Signature of Agent	E-Mail Address
--------------------	----------------

The Agent has the authority to act on behalf of the landowner. The Agent will be the contact person for Planning staff and must be present at all hearings. Please use the attached Agency Authorization form, if applicable



# **Pinal County**

## **Major Comprehensive Plan Amendment**

Special District Text Amendment

May 27, 2022



**PINAL COUNTY**  
WIDE OPEN OPPORTUNITY





**1.0 COMPREHENSIVE PLAN AMENDMENT APPLICATION NARRATIVE**

**1.1 Why is this Comprehensive Plan Amendment being requested?**

*A significant portion of Pinal County is comprised of Arizona State Trust Land. The lease and/or disposition of State Trust Lands is governed by strict statutory regulations. Further, Arizona Revised Statutes (ARS) require counties to coordinate with the Arizona State Land Department to ensure for the harmonious integration of Trust Lands into the Land Use Plan of a county’s Comprehensive Plan.*

*While the Pinal County Comprehensive Plan and associated Land Use Plan articulates a long-term vision for accommodating growth across the County, given the nature, location, and amount of Trust Land within Pinal County, these lands frequently require the facilitation of a major comprehensive plan land use amendment (MCPA) in order to appropriately respond to near-term development conditions. However, ARS specifies that all MCPA shall be presented at a single public hearing during the calendar year the proposals are made. Consequently, these conditions create a situation where certain Trust Lands that are suitable for disposition, may not be presented for auction because the strict “once per year” timing requirements of the MCPA process don’t align with the specific development needs of the subject area.*

*In response, and to better accommodate future growth and economic development across the County, this request seeks to amend select portions of the Pinal County Comprehensive Plan to allow for the creation of a “Special District” land use classification and to apply accompanying updates to the Plan’s minor comprehensive plan amendment regulations.*

*There are three specific text amendments that are presented for consideration. They are briefly introduced below:*

- Chapter 3, Arizona State Trust Land, page 48  
*Revised text to describe and reflect the variety of land use classifications that can be used to facilitate land use planning on Trust Lands.*
- Chapter 3, Additional Land Use Designations, page 92-93  
*Establish the reason for and description of the Special District land use classification.*



- Chapter 10, Plan Amendments, page 338  
*Introduce a coordinating text edit to meet Arizona Revised Statutes and clarify the amendment criteria associated with the newly proposed “Special District” land use classification.*

Please see the attached “track-changes” version of the Pinal County Comprehensive Plan to view each text amendment within the context of the entire Plan.

### **1.2 Discuss any recent changes in the area that would support your application.**

*Pinal County has experienced significant growth over the recent past across all development types (i.e. residential, commercial, and industrial). As developable land within adjacent Maricopa County becomes more and more limited, it is expected that development interest in Pinal County will only continue to increase. In addition, the concentration of large tracts of Trust Land within the County makes it uniquely favorable to select end users with larger land use needs.*

*In order to effectively and responsibly plan and respond to this growth, Pinal County believes this text amendment request will establish the regulations needed to accommodate a variety of potential project types, while still preserving the important aspect of protecting the quality of life and natural environment that residents of the County place great importance on.*

### **1.3 Explain why the proposed amendment is needed and necessary at this time.**

*While development interest in Pinal County continues to grow and become more dynamic, competition from other Counties and Cities for desired economic development is equally expanding. In order to position Pinal County for continued prosperity, this text amendment is needed to establish a more modern land use planning approach, that will allow Pinal County to capitalize on its unique inventory of Trust Land. This creates an immediate and direct advantage that is only recognized if enacted at this time.*

*In addition, this text amendment seeks no specific land use change to the proposed “Special District” land use classification. It is desired to first establish this land use classification. Then consider and transition Trust Lands as needed, followed by the County’s robust zoning entitlement process. Therefore, approving this request is the necessary first step in a multi-point process.*



**2.0 COMPREHENSIVE PLAN AMENDMENT CHECKLIST (PART ONE)**

**2.1 “Sense of Community”** Pinal County is a collection of unique communities, each of which has something special to offer residents and visitors. Balancing emerging urban centers and Pinal County’s rural character is important to residents; ensuring that the threads of Pinal County’s history, heritage, and culture are woven into its future is what makes Pinal County unique from other regions. Ensuring places exist for people to gather and for communities to showcase the diversity of places, people, lifestyles, cultures, and opportunities will help to define Pinal County’s identity.

*The basis of this request is rooted in improving Pinal County’s planning tools in a manner that will help to create diverse opportunities for Pinal County residents, yet also maintain protections for the established history, culture, heritage and close-knit communities that are strongly present in the County today.*

*This is evident in the fact that the “Special District” this text amendment would create, only allows a narrow list of implementing zoning districts that all require the development and approval of a Master Plan. This approach ensures that detailed planning for proposed projects within this Special District land use classification will occur at a more appropriate time within the development process, while still maintaining opportunities for community members to review and participate in the land use planning process.*

**2.2 “Mobility and Connectivity”** Ensuring Pinal County has adequate transportation corridors and a variety of multimodal transportation options addressing all populations is essential for moving goods and people throughout the County and State with minimal effect on Pinal County’s native wildlife. Offering multiple mobility and communication options, to effectively connect communities and activity centers throughout the County, will reduce congestion and improve air quality while enhancing the area’s quality of life.

*This request will help to nurture appropriate development on Trust Land across the County. Some of this land is located in areas that need or could benefit from improvements to select transportation corridors. By facilitating development projects and the infrastructure improvements that go along with them, this request could help to advance many transportation related initiatives within Pinal County.*

**2.3 “Economic Sustainability”** Expanding opportunities for residents to live, work, learn, and play in close proximity promotes long-term economic viability. Pinal County desires activity centers that serve the current and future residents’ needs offering services, businesses and employment opportunities, including high-tech and environmentally-friendly employers who champion Pinal County’s conservation philosophy. The creation



of the full range of quality jobs that allow residents to start their career, raise a family, and move up instead of out of Pinal County for career advancement is essential.

*One of the more direct outcomes of this request will be the ability to create substantial job opportunities for Pinal County residents, ranging from highly skilled positions to a variety of supporting entry level roles. While this outcome will advance the Economic Development goals of the County and the State, by generating long-term employment, it will also create career opportunities that will truly allow residents to “move up instead of out of Pinal County”.*

- 2.4 “Open Spaces and Places”** Residents value the large connected open spaces and unique places of Pinal County, not only as part of their quality of life, but as an important resource to sustain the region’s immense wildlife habitat and their corridors. From the majestic mountains rising from the desert floor in the west to the high desert and rugged mountain terrain to the east, enjoyment of and respect for the natural surroundings is a big part of why people choose Pinal County to live and visit.

*While this request seeks to specifically guide growth and development on Trust Lands, it is important to further recognize that Arizona Revised Statutes prohibits Counties and Cities from designating Trust Lands exclusively for open space preservation without the consent of the Arizona State Land Department. However, Arizona’s Enabling Act requires that Trust Lands be sold (or leased) “to the highest bidder at public auction.” Consequently, the sale of Trust Lands and the resulting more detailed master planning process that is required by this text amendment will be one of the strongest tools available to Pinal County to facilitate long term open space preservation.*

- 2.5 “Environmental Stewardship”** People value the views of the mountains and open vistas during the day and the stars at night. These values have translated to a strong conservation ethic that stresses the importance of maintaining the quality of Pinal County’s natural resources for future generations. Pinal County is the leader in environmental stewardship, and rewards and encourages sustainable practices such as innovative land use planning, sustainable agriculture, water conservation, green building development, and the use of renewable and alternative energy sources.

*If approved, this text amendment will facilitate one of the most innovative approaches to land use planning on Trust Lands within any County in the State of Arizona. This approach has been specifically crafted with the unique aspects of Pinal County in mind, which includes consideration for environmental sustainability and most applicable to Pinal County, the provision of water conservation.*



*This is achieved by promoting flexibility in the planning process to explore alternative development concepts, while maintaining the detailed and comprehensive master planning entitlement process that is associated with the prescribed Multi-Purpose Community Master Plan, Large Master Plan Community, and Planned Area Development zoning districts.*

- 2.6 “Healthy, Happy Residents”** Access to quality healthcare and healthy lifestyle choices is a priority. Pinal County is a healthy, safe place where residents can walk or ride to activity centers and where interaction in Pinal County’s clean, natural environment is encouraged. Ensuring residents are healthy, safe and happy in their community is a priority for Pinal County.

*As previously stated, some of the positive outcomes of this text amendment will be the potential for local job creation and improved transportation connectivity as Trust Lands are more effectively planned and developed. When combined, these elements help to reduce the average commute time for residents resulting in more time that can be dedicated to family commitments and/or healthy lifestyle activities.*

- 2.7 “Quality Educational Opportunities”** Quality, community-based Pre-K - 12 programs that provide youth with a competitive edge along with a wide variety of post-secondary educational opportunities and technical or specialized workforce training are necessities. Pinal County residents seek out life-long opportunities that help to expand their minds and diversify their experiences.

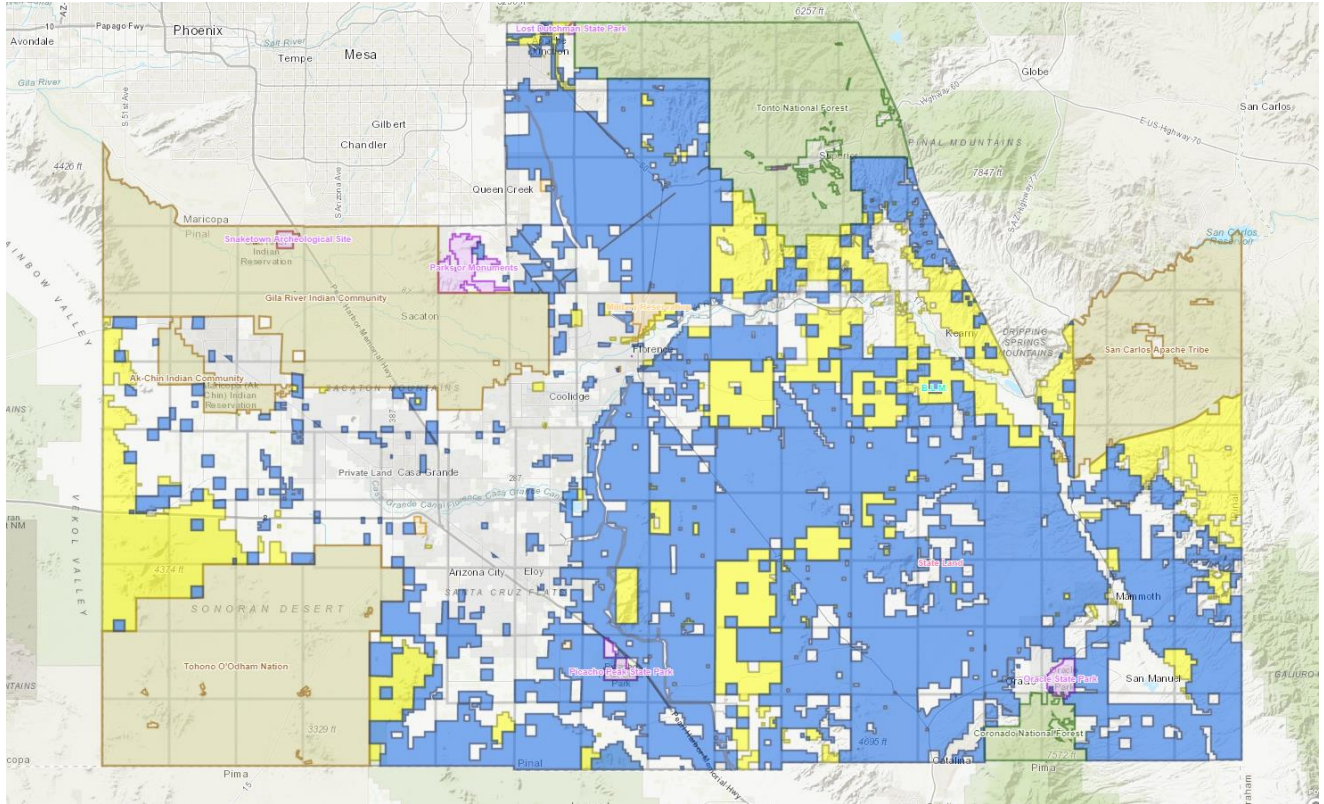
*Supporting diverse and innovative development as this request does, gives students within Pinal County improved access to and realization of educational and career opportunities. As various industries expand into Pinal County, it is also anticipated that technical or specialized workforce training will become more widespread as companies seek to compete for qualified employees. Further, the revenue from the sale of Trust Land goes directly to 13 different beneficiaries including K-12 Public Schools and State Universities, and thus positively impact many of the existing educational facilities located throughout Pinal County.*

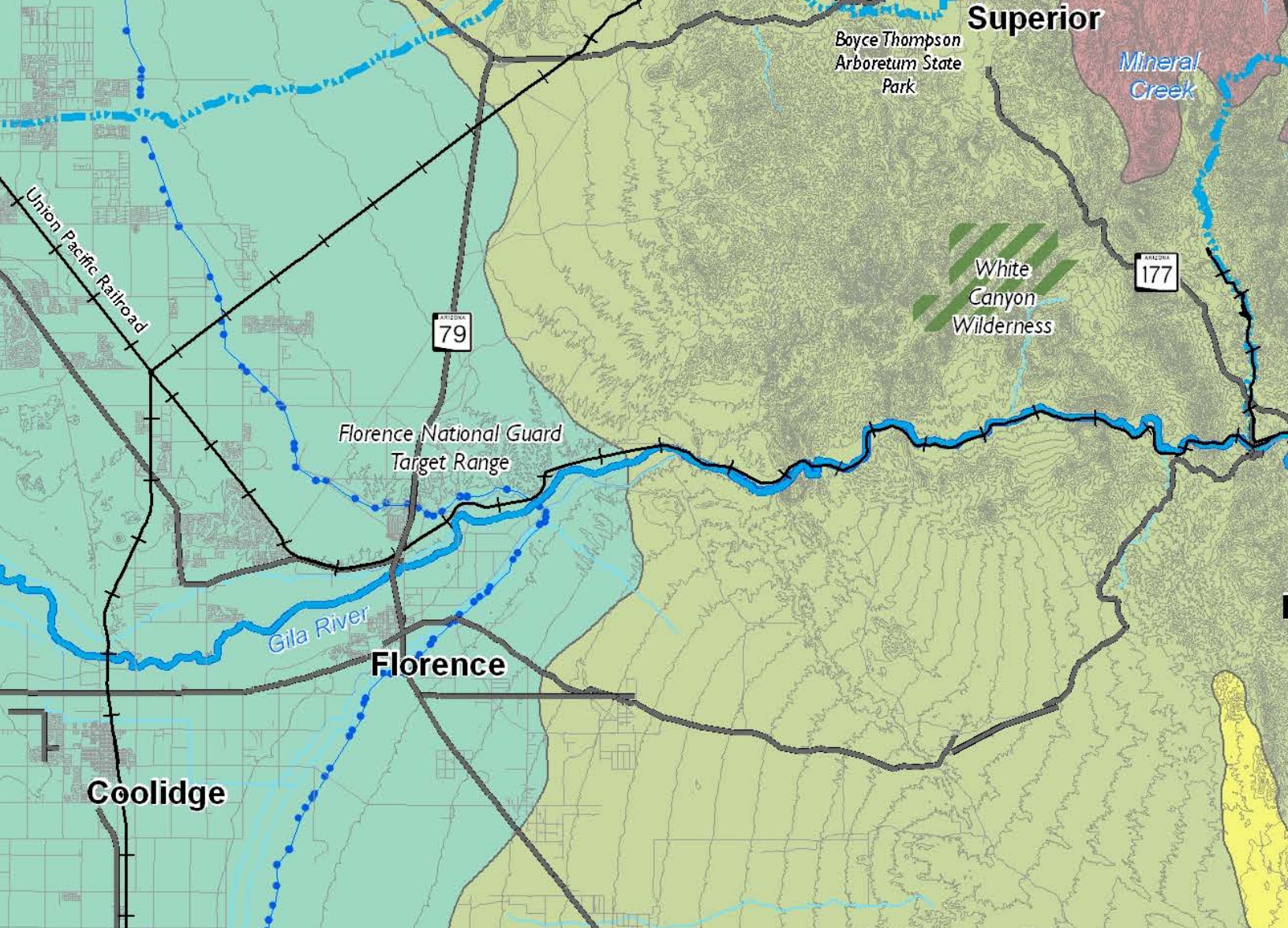
### **3.0 COMPREHENSIVE PLAN AMENDMENT CHECKLIST (PART TWO)**

**Consistency with the Plan’s Key Concepts illustrated on Land Use, Economic, and Circulation graphics:** Not Applicable – Text Amendment



### 3.0 Arizona Trust Lands in Pinal County





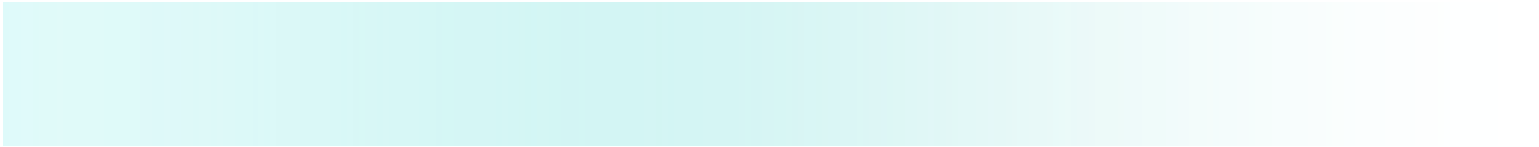
We Create Our Future

# Pinal County Comprehensive Plan



**Adopted November 20, 2019**

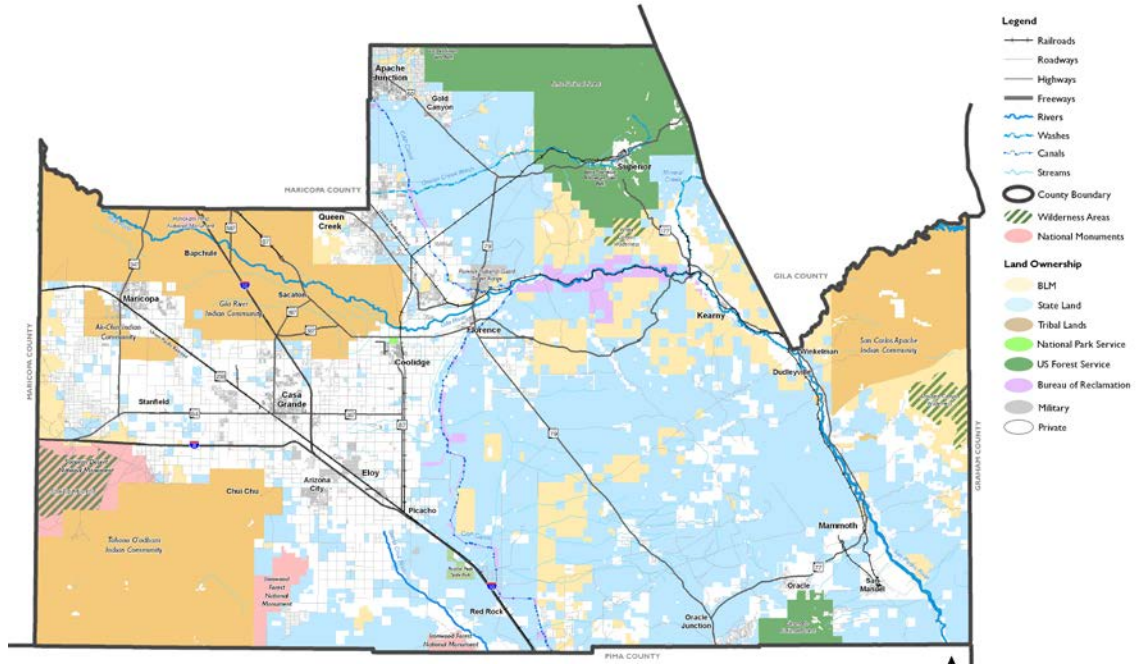
Updated January 21, 2021



# Chapter 3: Sense of Community



### 3-3: Land Ownership Map



### Arizona State Trust Land

48

Growing Smarter legislation states that counties are required to work closely with the ASLD “for the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the County.” A requirement of this legislation is that the ASLD develop conceptual land use plans for urban trust lands. The conceptual plans are intended to be integrated into the comprehensive or general plans of jurisdictions. ASLD works with the County to integrate the ASLD’s conceptual land use plans into the Comprehensive Plan. Exhibit 3-3 depicts land ownership in Pinal County. ASLD also works collaboratively with municipalities on lands within cities.

[This Comprehensive Plan maintains a variety of specific land use classifications as well as a "Special District" classification to assist in facilitating detailed land use planning and coordination with the ASLD.](#)

Two additional planning projects that are occurring on state trust lands include areas called the Lost Dutchman Heights (City of Apache Junction) and Superstition Vistas (northern Pinal County). The Lost Dutchman Heights property is being master planned for disposition to potential developers, and the ASLD is also participating in the master planning of Superstition Vistas led by the East Valley Partnership. These parcels are being planned for eventual sale or lease and development. A portion of the Superstition Vistas area has been identified as a Growth Area in the Pinal County Comprehensive Plan, and goals, objectives,

- ✓ Provide appropriate amenities in relationship to the natural infrastructure (e.g., benches and trash receptacles in parks).
- ✓ Where appropriate, recreational activities should be explored throughout the County, including off-road vehicle parks and other active recreational opportunities to reduce environmental degradation of other areas.

## Additional Land Use Designations

The following are additional land use designations indicated on the Pinal County Land Use Plan (3-4).

**Military** represents the Florence Military Reservation, Silver Bell Army Heliport (SBAH) and other ancillary facilities.

**General Public Facilities/Services** includes large public and quasi-public facilities that require significant space such as power plants, landfills, solid waste transfer stations, wastewater facilities, water campuses, and concentrations of public buildings.

**Green Energy Production** indicates areas that are designated specifically for the location of large scale photovoltaic solar panel power generation facilities.

**Page-Trowbridge Landfill** is owned by the University of Arizona and was used for disposal of radioactive and hazardous waste produced from University research activities. The facility closed in 1986 and is now in Post-Closure status with ADEQ.

**Native American Community** indicates a sovereign nation, operating under its own tribal government laws.

A large portion of Pinal County is comprised of Arizona State Trust Lands. These Trust Lands can be found in both developed and undeveloped portions of the County, resulting in areas that have their own distinct character, preservation opportunities, development potential, and demand timeline.

Special District provides flexibility to promote new development needed to accommodate economic growth and new businesses so that residents can find jobs in Pinal County, provide new housing to accommodate the County's expanding population, and encourage integrated conservation design that will result in sustainable developments. This designation allows for a carefully planned, deliberately designed use or mix of compatible uses within the same development area or unit, including housing, retail, employment, public/quasi-public, open space and recreation, and green energy production uses, with a range of densities and formats depending on the implementing zoning.

A Special District may be designated on Trust Lands only, and shall be implemented through the zoning process in association with the following zoning districts:

- Multi-Purpose Community Master Plan (MP-CMP)
- Large Master Plan Community (L-MPC)
- Planned Area Development (PAD)

While this Special District can be applied to any State Trust Land, the general intent is to apply the designation to State Trust Land that is of regional significance and/or the State Land Commissioner has determined is well suited for disposition.

## Planning Guidelines

The following additional “Planning Guidelines” are intended to provide direction and guidance to potential landowners or developers, staff and elected or appointed officials in developing or reviewing the various topics discussed below.

**Transfer of Development Rights** Open space can be preserved in a variety of ways. One concept that is encouraged is the transfer of development rights (TDR). This concept refers to the transfer of the right to develop or build from one property to another property. Allowing the transfer of development rights may result in an increase in density on one property, in order to preserve large swaths of sensitive land or to preserve open space on another property. It is not the intent of Pinal County to use this technique to just increase densities but to preserve large areas of open space in accordance with the Vision. This technique is commonly used to transfer development rights from one piece of property to another.

### **Transfer of Development Rights Planning Guidelines**

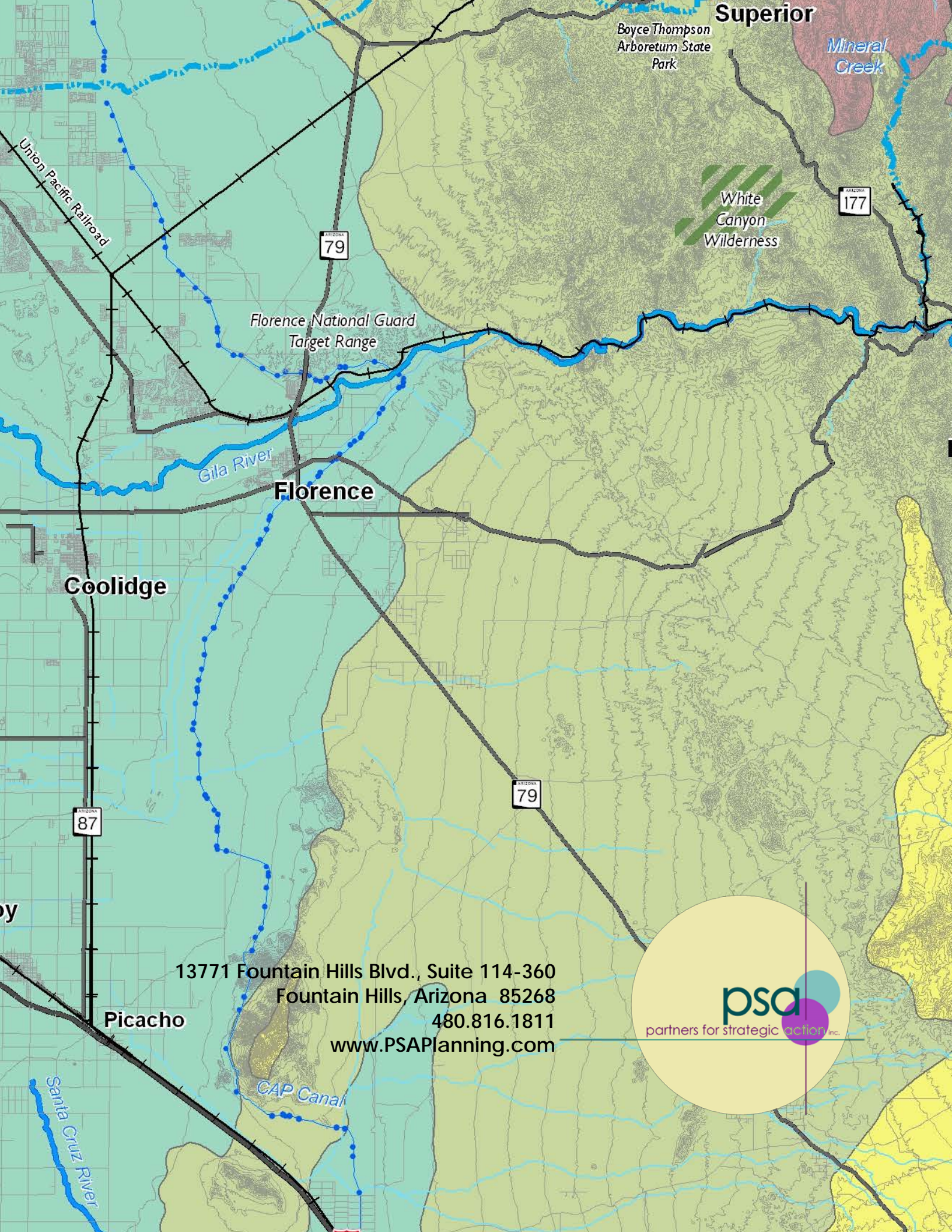
- ✓ Pinal County encourages landowners to transfer density from environmentally-sensitive areas to land more suitable for development.

**Conservation Easements** Another technique to preserve open space is to encourage “conservation easements.” Conservation easements allow landowners to retain their property while limiting development in perpetuity. A portion of a piece of property is purchased at fair market value and a governmental entity, non-profit organization (such as The Nature Conservancy) or land trust holds the conservation easement. To achieve its open space goals,

# Chapter 10: Implementation

*Non-Major Amendments* are changes to the Pinal County Comprehensive Plan that do not fall under the “Major Amendment” criteria listed above. Additionally, the following also constitute a non-major amendment.

- ✓ Any proposed one-step change in a functional roadway classification (either higher or lower).
- ✓ Land uses that meet the Vision, or the applicable private development goals, objectives, policies, and location criteria of the Plan but may not be specifically shown on the Land Use or Economic Development Plans.
- ✓ Any proposed change of Arizona State Trust Land from any land use classification to the Special District land use classification or reversion from a Special District land use classification back to the prior land use classification.
- ✓ Changes mandated by any new state laws.
- ✓ Text changes and corrections that do not compromise the intent or impact the substantive mixture and balance of the Plan.
- ✓ Fails to meet the additional criteria within the Moderate Low Density Residential category for no Comprehensive Plan amendment or for a non-major amendment as set forth in Chapter 3 of this Plan.
- ✓ Fails to meet the additional criteria within the Mixed Use Activity Center category for no Comprehensive Plan amendment as set forth in Chapter 3 of this Plan.



Boyce Thompson  
Arboretum State  
Park

Superior

Mineral  
Creek

White  
Canyon  
Wilderness

79

177

Florence National Guard  
Target Range

Gila River

Florence

Coolidge

87

79

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480.816.1811  
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Picacho

CAP Canal

Santa Cruz River

