

COCHISE COUNTY PLANNING & ZONING COMMISSION
DRAFT MINUTES
January 8, 2014
REGULAR MEETING at 4:00 p.m.

The regular meeting of the Cochise County Planning and Zoning Commission was called to order at 4:00 p.m. by Chair Weissler at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room.

Chair Weissler admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. She explained the time allotted to speakers when at the podium. She then explained the composition of the Commission, and indicated there was one Special Use Docket, and one Regulation Amendment Docket on the Agenda. She explained the consequences of a potential tie vote and the process for approval and appeal.

ROLL CALL

Ms. Weissler noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; eight Commissioners (Tim Cervantes, Jim Lynch, Gary Brauchla, Liza Weissler, Pat Edie, Jim Martzke, Joe Garcia, and Carmen Miller) indicated their presence. Staff members present included Beverly Wilson, Planning Director; Adam Ambrose, Chief Civil Deputy County Attorney, Keith Dennis, Planner II; and Peter Gardner, Planner I. Ms. Weissler then noted that she had asked Staff to place Approval of the minutes before Call to the Public to comply with the Commission's Bylaws. She then moved the Call to the Public to the end of the meeting, prior to the Planning Director's report and moved on to Approval of the Minutes. Mr. Mike Jackson of McNeal, interrupted from the floor. Ms. Weissler declared him out of order. Mr. Jackson stated that he couldn't hear, and Ms. Weissler proceeded. Mr. Jackson interrupted again to ask where the Call to Public was. Ms. Weissler stated again that it was moved to before the Planning Director's report. Mr. Jackson claimed that this was a violation of the bylaws. Ms. Weissler again declared Mr. Jackson to be out of order and asked him to be quiet and offered two corrections to the minutes. Several members of the public interrupted to state that they could not hear. A discussion between Mr. Jackson, Mr. Ambrose, and Ms. Wilson regarding the bylaws and moving the Call to the Public occurred, with Mr. Jackson asserting that a vote was necessary to reorder the agenda. Mr. Ambrose and Ms. Wilson showed Mr. Jackson the bylaws, and admonished Mr. Jackson to return to his seat.

APPROVAL OF THE MINUTES

Motion: Approve the minutes of the December 11, 2013 meeting with the two corrections offered by Ms. Weissler. **Action:** Approve with corrections. **Moved by:** Mr. Martzke, **Seconded by:** Mr. Lynch

Vote: Motion passed (**Summary:** Yes = 7, No = 0, Abstain = 1)

Yes: Mr. Lynch, Mr. Cervantes, Mr. Brauchla, Mr. Martzke, Ms. Weissler, Ms. Edie, Ms. Miller
No: 0 **Abstain:** Mr. Garcia

NEW BUSINESS

Item 1

Election of 2014 Officers: Ms. Weissler asked for nominations for Chair. Mr. Lynch nominated Ms. Weissler, and Mr. Brauchla seconded. There being no other nominations, Mr. Martzke moved to close the nominations, and Mr. Lynch seconded. There being only one nomination, no vote was called, and Ms. Weissler was elected Chair. She then asked for nominations for Vice Chair. Ms. Edie nominated Mr. Martzke, and Mr. Lynch seconded. There being no further nominations, Mr. Lynch moved to close nominations, and Mr. Brauchla seconded. Again, there being only one nomination, there was no vote called for, and Mr. Martzke was elected Vice Chair.

Item 2

PUBLIC HEARING

Docket SU-14-01 (McIntyre): A Special Use request to establish and operate a Halfway House and Residential Re-Entry Facility at 6768 S. Wayward Winds Road in unincorporated Willcox, AZ,

Chair Weissler called for the Planning Director's report. Planner Peter Gardner presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. He explained access issues and solutions. He explained the modifications requested by the Applicants, and explained Staff's assessment of the requests and the support and opposition from neighbors. Mr. Gardner also explained Staff's analysis of the Special Use factors. He addressed questions regarding access concerns raised by neighbors, explaining the concerns and Staff's analysis of the access and the County's jurisdiction. He also noted that concerns raised about the use exceeding the existing well-share agreement were not within the jurisdiction of the County. He closed by listing factors in favor of and against approval and invited questions from the Commission.

Ms. Weissler invited the Applicant to make a statement. Ms. Vanessa McIntyre spoke, explaining the planned program and whom it would serve. She emphasized that the program would serve "petty offenders" and would offer counseling and vocational training. She emphasized that the program would be strictly voluntary, and stated that drug and alcohol testing would occur. Ms. McIntyre also stated that the residents would be expected to work full time. Mr. Lynch asked how the program would be financed. Ms. McIntyre stated that initially the program would be financed by her own funds, with the goal of receiving state and/or federal funding in the future. She explained that she would apply for licenses from the State of Arizona and the Federal Bureau of Prisons. Mr. Brauchla asked about the licensing requirements. Ms. McIntyre explained that the zoning clearance was a precursor to such licensing. Mr. Brauchla asked if Ms. McIntyre currently owned the property. Ms. McIntyre responded that she did not currently own the property. Ms. Edie asked about the availability of jobs and transportation to said jobs. Ms. McIntyre stated that she had several agricultural operations that had expressed interest in hiring the residents, as had several businesses in the City of Willcox. She explained her intent to purchase a 15 passenger van to transport the residents to work.

Ms. Weissler opened the Public Hearing. She opened with speakers in favor of the docket.

Ms. Denice Barney of Willcox spoke supporting the docket. She explained her background with similar uses, and stated that there is a lack of such resources in Cochise County. She expounded on what the program would offer for its residents.

Ms. Concha Estrada of Willcox, stated that she was a longtime resident of Willcox and urged the Commission to approve the docket.

Mr. Bryan Garibaldi of Willcox stated that he felt the proposed residents deserved a second chance, and that an isolated area was a good location.

Mr. Gilberto Garibaldi of Willcox stated that he sees prisoners working at his school and other locations around town, and asked why they shouldn't be allowed to live in a neighborhood when prisoners are allowed to work at the schools. He also pointed out that the use would house free men rather than prisoners.

Mr. Marcus Hinton of Willcox stated that he felt there was a need for such a program in Cochise County. He stated that prisoners are currently released and given no options or skills and that the program would teach these people new skills and prevent them from offending again. He noted that he would be present and working at the center himself.

Ms. Bonnie Lewis of Willcox introduced herself as the manager of a local winery. She stated that the winery's owner was very supportive of the request. She expressed surprise that winery and vineyard owners would oppose the project, stating that about ten years ago the wineries and vineyards faced similar opposition when moving into the area, and are now the primary industry in the area. She closed by offering support for the project.

There being no further speakers in support, Ms. Weissler asked for speakers in opposition.

Mr. Robert Binkley of Willcox stated he was a longtime resident of Willcox. He stated that he felt that the facility was "in the middle of nowhere" and stated that when it rains the property is inaccessible. He expressed concern about the response time from emergency services. He stated that the facility should be in the city where more services and jobs were available.

Mr. R.L. Robbs of Willcox stated he lived in the area for over forty years. He stated that the proposed location was not appropriate for the proposed use, and asked the Commission not to allow the use.

Ms. Sally Lou Robbs of Willcox stated that she appreciated what the Applicant was trying to do, but did not want it in her neighborhood. She expressed concern about emergency services response times; safety; the Applicant's ability to hire and maintain staff; and if a future operator might run the facility as well as the Applicant. She also mentioned that the property was currently listed for sale.

Ms. Shirley Seplak of Willcox expressed concern about the photos shown. She claimed that the secondary access shown by Staff was not passable, and expressed concern over her irrigation well. She also stated that the primary access was not passable in the rain. Ms. Seplak expressed

concern about individuals driving over her property and stated that she would block off access. She stated that she, as a real estate agent, had listed the property as a bed and breakfast, and claimed that the Applicant did not have legal access.

Mr. Stephen Seplak of Willcox expressed concern about drainage and flooding. He stated that the secondary access was washed out and not driveable. He also expressed concern about his irrigation well and damage caused to it by the drainage. Mr. Seplak also expressed concern for emergency services access.

Ms. Deborah White of Willcox disagreed with Staff's analysis, quoting the Zoning Regulations. She expressed concern about the travel aspect of the project. She also expressed concern about employees and stated that one van would not be sufficient. Ms. White stated that she felt the remoteness of the facility would prevent the residents from reentering into society. She stated that she felt there were no jobs available, particularly to the individuals that may be at this facility. She also disagreed with Staff's finding on the road, and stated it would become a civil matter, claiming that the Applicant did not have the right to use the road in a manner of her choosing. She stated that the neighbors applaud the effort, but disagreed with the location.

Mr. John Arbuthnot of Willcox noted that he had lived in the neighborhood for 40 years, and that he had 25 years of experience in corrections. He stated that in his experience, he could not think of a less appropriate location for such a project. He stated that the roads were "almost impassable" and stated that it would not support parole and law enforcement officers. He also stated that there were few jobs or services for the residents. Mr. Arbuthnot stated that the location would adversely affect the individuals it is meant to serve. He closed by stating that he "resent(s) that Ms. McIntyre would propose this facility in his backyard", and claimed that the Applicant has stated publicly that she would not live in the area.

Ms. Susan Arbuthnot of Willcox concurred with previous speakers. She stated that she was a retired social worker in the Willcox area and stated that there were no job opportunities or services for the residents of the proposed project. She stated that she felt this was not the right location for such a project.

There being no one else wishing to speak, Ms. Weissler invited the Applicant to rebut the speakers in opposition. Ms. McIntyre stated that she understood her neighbors' concerns. She stated that she lived at the property now, and had never stated that she would be leaving the area. She explained that she had held a meeting with neighbors to discuss the issues at hand. She noted that of all the opposition speakers present, only the Seplaks had attended the meeting and discussed the issues with her. Ms. McIntyre stated that she had never had an access issue, even during monsoon season. She addressed the issues of distance, noting that the prisoners are often working at the schools without direct supervision. She noted again that her residents would not be prisoners, but would be free men. She stated that she would prefer to see such a facility as hers in a rural area rather than adjacent to a school. Ms. McIntyre stated that these men are coming back into society regardless, but she wanted them to come back in a controlled fashion. She explained that she had Staff lined up who were coming from the Bureau of Prisons, and provided an example of an individual who would use her program. She also addressed the transportation issues. Ms. Weissler asked the Applicant if she lived at the property now and

would continue to do so. Ms. McIntyre stated that she lived there currently, but if the project was approved, she would not live on site. Ms. Weissler asked about the sale listing, and Ms. McIntyre clarified that the property is not currently listed for sale. Mr. Garcia asked how many employees would be present. Ms. McIntyre explained that she would begin with four, but might expand to six or seven to cover shifts. Mr. Garcia asked if there would be on site security. Ms. McIntyre explained that she had a security system that she could monitor, including cameras and door and window alarms. She explained that these same concerns would be raised anywhere and stated that these individuals had to go somewhere. She stated that she felt it would be better for them to be in a structured environment rather than on the streets. Mr. Brauchla asked if the employees would live on site. Ms. McIntyre explained that she did not want any staff living on site to preclude fraternization issues.

Ms. Weissler closed the Public Hearing and asked for discussion from the Commission.

Ms. Weissler then called for the Planning Director's summary and recommendation. Mr. Gardner noted that the Sheriff's Department had received the Docket, and had not responded, and then recommended Conditional Approval and explained the Conditions and Modifications recommended by Staff. Ms. Weissler called for a motion. Mr. Martzke made a motion for Approval of the Special Use with Conditions and Modifications given by Staff. Ms. Edie seconded the motion and Ms. Weissler asked for discussion. Mr. Martzke and Mr. Lynch expressed concern about the docket, and stated that they could not support it. Ms. Weissler stated that she felt the opposition would occur in any location. Mr. Garcia expressed concern about the location and stated he could not support it. Ms. Weissler asked where might be a good place for such a use. Mr. Brauchla asked about what the duty of the Commission was, wondering if they should look at the factors in the Zoning Regulations or if they should take more subjective factors into consideration. Mr. Lynch agreed that while their job is to deal with land use, but they must take human factors into consideration. Mr. Martzke expressed concern about the lack of job opportunities. Ms. Weissler called for a vote. The motion failed 1-6.

Motion: Motioned to grant the Special Use with the Conditions and Modifications as recommended by Staff.

Action: Approve with Conditions and Modifications **Moved by:** Mr. Martzke **Seconded by:** Ms. Edie

Vote: Motion failed (**Summary:** Yes = 1, No = 7, Abstain = 0)

Yes: Ms. Weissler **No:** Mr. Lynch, Mr. Cervantes, Mr. Martzke, Ms. Edie, Ms. Miller, Mr. Garcia, and Mr. Brauchla

Abstain: 0

Item 3

PUBLIC HEARING -- Docket R-13-02: Proposed revisions to Section 1820.02 of the Cochise County Zoning Regulations (*Water Conservation Measures – Sierra Vista Sub-watershed Overlay Zone*). The proposed revisions are intended to reflect more recent water conservation technologies for and methods of water conservation for uses within the Sierra Vista Sub-watershed.

Planner Keith Dennis offered a brief introduction to the Docket, apprising the Commission of the history of the proposed amendments. He offered the rationale behind the proposed regulations, and reminded the Commission that the amendments would apply to the Sierra Vista Sub-Watershed only.

Planning Director Beverly Wilson introduced Building Inspector Lee Sipe, and clarified the definition of a single-pass evaporative cooler, correcting comments from the previous month. Mr. Dennis then explained to the Commission that a number of petition signatures opposing the regulations did not make it into the packet, and said that these were distributed to the Commission and public subsequent to the packet being published.

Chair Weissler declared the public hearing open and invited Douglas Benkhe to speak. Mr Benkhe asked if it were appropriate to impose Sierra Vista regulations on County residents. He quoted Article 2, Sections 1 and 2 of the Arizona State Constitution. He suggested that city residents are more well-disposed towards certain types of regulations than are County residents, owing to the nature of urban versus rural lifestyles. He offered that the anticipated water savings for County residents would be a “drop in the bucket” compared with what the City can achieve. He stated that comments opposing the new regulations outnumber those in support two-to-one. He suggested that the proposed regulations would be more appropriate if they were instead made into recommendations.

Mike Jackson then spoke, and suggested that Commissioners Weissler and Cervantes have a conflict of interest that should prevent them from deliberations on this issue. He offered his understanding of conflict of interest laws and definitions, and how these issues bear on the eligibility of these Commissioners to participate in the decision making process regarding the proposed water regulations. He stated that in November of 2013, Commissioners Cervantes and Weissler were the only two to vote to pass the proposed water amendments at their first hearing, while each of the remaining Commissioners voted for further discussion. He suggested that to avoid a conflict of interest, these Commissioners should neither discuss nor vote on the proposed amendments. He cited a study conducted by the Upper San Pedro Partnership, which concluded that water users in rural areas already use less water than their city counterparts.

Helene Jackson then spoke. She opposes the regulations. She said if the regulations are to pass, they should apply only to new home construction, and not to remodels of existing homes.

Jere Fredenburgh spoke next, stating that she represented 45 persons opposing the regulations. She said that building permits were required for work exceeding \$1000 in value, but that several fixture types, such as new toilets and faucets, were exempted from this requirement. Further, because the County does not regulate manufactured homes, these were also going to be exempt. Based on permit records, she stated that the proposed regulations might apply to as many as 24 homes per year. The City of Sierra Vista, meanwhile, has approved construction of 7,000 new homes. Based on this, she said the water regulations would have little effect.

Winston Winford then spoke. He described photographs of the San Pedro River from 100 years ago, and how the vegetation regime of the area had changed. He repeated the 24 home figure cited by others, saying that the effect of the new regulations would be a “drop in the bucket.” He

offered an anecdote about a gentleman who removed mesquite trees from his property, which helped to restore a spring that had stopped flowing. He said that persons who thin mesquite trees near the river can have a significant effect on the water level in the river, and suggested thinning vegetation along the river as a means of saving water. He suggested that a marketing or education campaign could be started, informing new homeowners of good water saving methods, including the thinning of vegetation and its benefits to the water table. He offered supporting material (Attachment A).

Lance Domann was then called, who asked to yield a portion of his time to Gilbert Reeves. Chair Weissler informed Mr. Reeves that he would have five minutes for his testimony.

Gilbert Reeves said that he was a former County Planning Commissioner, and during that time, he tried to protect rural residents. He suggested that the proposed water regulations were related to Agenda 21, and invited those assembled to research Agenda 21 for themselves. He then said he is not an alarmist. He said the previous speaker was right about the mesquite trees, and said cottonwoods used as much as 300 gallons of water per day. He said that a previous election voted down “city” water regulations. He said “the water monster is Sierra Vista.” He said area golf courses and swimming pools should be closed to save water, and new development should be prohibited. He said he fears Sierra Vista will aggressively pursue water resources at the expense of rural residents. He said he has tried low-flow fixtures and finds them ineffective. He said rural residents chose to live as such for freedom, and that the previous election results should be respected. “Let the water monster solve its problem.”

Lance Domann then approached the podium. He stated his opposition to the proposed water regulations, and said his choice to live in a rural area was informed by a desire not to be subject to city regulations.

Chair Weissler asked if anyone else wished to speak. Daniel La Chance spoke, and said he read in the press that there were issues of conflict of interest and was alarmed. He suggested that the Commissioners who appeared to have such a conflict recuse themselves. He said that advancing regulations are taking away the liberties of the people. He spoke about the recently amended zoning regulations and asked how the current proposal related to the overall zoning regulations. He concluded by again saying the two Commissioners should recuse themselves. He said a vote by the people would be more appropriate.

Chair Weissler then invited Joanne Daily to the podium, who offered solutions, such as to retain the existing water conservation regulations as adopted, or use a list of recommended fixtures and offer incentives to use these, such as permit fee discounts. She said that new generation evaporative coolers are more efficient than air conditioners. She said that there were less than 30 new building permits issued last year, and this situation is not anticipated to change much in the coming years. The proposed regulations would micro-manage a small number of residential homes while not being effective overall. She again encouraged the Commission to adopt an incentive-based approach.

The chair then closed the public hearing.

Mr. Ambrose offered an explanation of conflict of interest laws and how they related to the situation at hand. He said there is a state conflict of interest statute in Arizona (ARS 38-501). He said the Cochise Water project and the Friends of the San Pedro do not stand to benefit financially from the outcome of the proposed water amendments. He said the professional and personal interests shared by Commissioners and their families does not automatically make for a conflict, but does make for informed opinions. And such free accusations of conflicts of interest can have a chilling effect on the willingness of those individuals who feel strongly about a particular issue to offer their service to the public as Commissioners. Mr. Ambrose offered that the law has nothing to say about the particular situation represented by Commissioners Weissler, or her husband, or Mr. Cervantes. He said the law speaks to direct pecuniary benefits resulting from the issue being voted on. Because there would be no direct or indirect monetary or economic benefit to be had by these Commissioners, or their families, as a result of the deliberations on the water regulations, there is no conflict of interest as defined by state law. He said that Chair Weissler and Commissioner Cervantes both had sought his counsel to determine if or how they could participate in these proceedings, mindful of the possibility of a conflict, or the appearance of such. Mr. Ambrose stated that his review of case law was such that there is none. Chair Weissler, at his suggestion and as per her attorney-client privilege, provided his legal opinion on this matter to the public, which is available to anyone who wishes to peruse it. He said the opinion includes citations of the relevant state law, and advised that those interested rely on these, and not on “wild opinions” which he suggested owe more to a desire for a specific outcome rather than legal concerns. He said his opinion on these matters is wholly neutral and limited to the scope of the legal ramifications on these matters, regardless of the outcome. And that his opinion is based on a close reading of every instance of case law germane to this subject. He suggested that “what has happened here tonight is a string of people getting up without taking a look at that law, and making wild accusations that are frankly insulting to the people who are here to try to do the right thing for the public’s benefit.”

Chair Weissler silenced the audience and invited discussion from the Commission. Commissioner Martzke spoke, and read into the record the comments of Commissioner Miller, who had to excuse herself. (Ms. Miller’s statement is attached as Attachment B).

Mr. Lynch said that “society is a structure of rules” and that this structure of rules applies to families, to individual conduct, and to banks, governments, traffic patterns, and every aspect of society. He said too many people in society are “only in this for me.” He said these rules are about the future, and about saving water so that future generations can have enough. He made a motion that the regulations be forwarded to the Board of Supervisors with a recommendation of approval. Mr. Brauchla seconded. Lynch clarified that his motion was to forward these regulations as they may be amended by the Commission at this hearing.

Ms. Edie asked if 1820.02 in the current regulations, is an amendment to the same section shown as 1819.02 in the proposed regulations. Mr. Dennis said that the proposed regulations did come before the Commission as part of the zoning regulations update of 2013, but that it was thought best to consider water issues separately. There was a numbering discrepancy owing to the zoning regulation changes. Mr. Dennis clarified for Ms. Edie that the water conservation regulations already in effect for the sub-watershed were re-adopted with no changes when the Board of Supervisors approved the 2013 regulation update. She offered individual comparisons of the

existing and proposed regulations and concluded that the proposed does not differ substantially from what is already codified. As such, she asked if there were “anything wrong with sticking to what we already have.” Ms. Weissler said this was a valid question, and said that the reason for the new regulations was to make the County and city water codes consistent, with the goal being to establish consistent codes throughout the incorporated and unincorporated areas of the watershed.

Ms. Weissler offered what she said are corrections to figures about water use by cottonwoods. She said mature cottonwoods use, not 300 gallons of water per day as suggested, but instead used “between 200 to 500 liters per day, which is 53-102 gallons per day,” and only when leafed out, which is about 9 months per year. She said a study from 2002 made similar conclusions. She said the BLM is considering a thinning project for the riparian area and that vegetation thinning may in fact be coming. She invited more discussion.

Mr. Martzke asked if the regulations would mandate specific products, or specific performance standards. Mr. Cervantes said these refer to performance standards, particularly regarding hot water on demand systems and WaterSense standards. He said the systems should not be timer-based, but rather on an on-demand type. Timer-based systems would be prohibited under these regulations.

Ms. Weissler said the Commission would now consider each suggested change to the proposed regulations and vote on them individually, and then vote to forward the whole of regulations after making those changes. She moved to add the word “remodels” from proposed Section 1819.02.A. Mr. Lynch seconded, and the motion passed 5 to 2 (Edie and Garcia opposed). It was clarified that the Commission was voting on changes that were discussed during the work session. Mr. Lynch said his motion was to approve the document as it came in to the work session, understanding that the Commission would then vote on each amendment resulting from the work session.

Moved by: Ms. Weissler **Seconded by:** Mr. Lynch

Vote: Motion passed (**Summary:** Yes = 5, No = 2, Abstain = 0)

Yes: Ms. Weissler Mr. Lynch, Mr. Cervantes, Mr. Martzke, and Mr. Brauchla **No:** Ms. Edie and Mr. Garcia.

Abstain: 0

The next item was Section 1819.02.A.3, where it was suggested that the words “or replacement” be struck. She moved to strike these words, Mr. Lynch seconded and the motion passed 5 -2 with Martzke and Weissler opposed.

Moved by: Ms. Weissler **Seconded by:** Mr. Lynch

Vote: Motion passed (**Summary:** Yes = 5, No = 2, Abstain = 0)

Yes: Mr. Lynch, Mr. Cervantes, and Mr. Brauchla **No:** Ms. Weissler and Mr. Martzke

Abstain: 0

Regarding Section 1819.02.A.3, the language “New single family construction shall not offer evaporative coolers as the only source of cooling” was moved to be struck by Ms. Edie. Seconded by Mr. Garcia, and failed 3 – 4. (Lynch, Weissler, Brauchla and Cervantes opposed).

Moved by: Ms. Edie **Seconded by:** Mr. Garcia

Vote: Motion passed (**Summary:** Yes = 3, No = 4, Abstain = 0)

Yes: Ms. Edie, Mr. Garcia, and Mr. Martzke. **No:** Ms. Weissler, Mr. Brauchla, Mr. Cervantes and Mr. Lynch. **Abstain:** 0

Section 1819.02.A.6, Weissler moved to add the language “when a building permit is required pursuant to Article 17.” Edie seconded and the motion passed 7 – 0.

Moved by: Ms. Weissler **Seconded by:** Ms. Edie

Vote: Motion passed (**Summary:** Yes = 7, No = 0, Abstain = 0)

Yes: Ms. Edie, Mr. Garcia, Mr. Martzke, Ms. Weissler, Mr. Brauchla, Mr. Cervantes and Mr. Lynch. **No:** 0 **Abstain:** 0

Section 1819.02.A.7: Weissler moved to strike the remainder of this section, following “All hot water fixtures shall be WaterSense labeled. Insulation for hot water pipe with a minimum thermal resistance (R-value) of R-4 shall be applied.” Lynch seconded and the motion passed 6 - 1, Garcia opposing.

Moved by: Ms. Weissler **Seconded by:** Mr. Lynch

Vote: Motion passed (**Summary:** Yes = 6, No = 1, Abstain = 0)

Yes: Ms. Edie, Mr. Martzke, Ms. Weissler, Mr. Brauchla, Mr. Cervantes and Mr. Lynch. **No:** Mr. Garcia. **Abstain:** 0

Section 1819.02.A.7.a: Cervantes moved to amend A.7.a to keep the language stating “All hot water fixtures shall be WaterSense labeled. Insulation for hot water pipe with a minimum thermal resistance (R-value) of R-4 shall be applied.” Under this motion, all text after this statement would be replaced with “Systems that are activated based solely on a timer and/or temperature sensor do not meet this requirement.” Weissler seconded and the motion passed 6 – 0, with Commissioner Edie abstaining.

Moved by: Mr. Cervantes **Seconded by:** Ms. Weissler

Vote: Motion passed (**Summary:** Yes = 6, No = 0, Abstain = 1)

Yes: Mr. Martzke, Ms. Weissler, Mr. Brauchla, Mr. Cervantes and Mr. Lynch. **No:** Mr. Garcia. **Abstain:** Ms. Edie.

Section 1819.02.B: Weissler moved to add “and remodels.” Seconded by Edie and passed 7 – 0.

Moved by: Ms. Weissler **Seconded by:** Ms. Edie

Vote: Motion passed (**Summary:** Yes = 7, No = 0, Abstain = 0)

Yes: Ms. Edie, Mr. Martzke, Ms. Weissler, Mr. Brauchla, Mr. Cervantes, Mr. Lynch, and Mr. Garcia. **No:** 0 **Abstain:** 0

Section 1819.02.B.1. Weissler moved to remove “waterless urinals” and replace with “Flushing urinals (only for custodial cleaning) or water-free.” Seconded by Lynch and passed 7 – 0.

Moved by: Ms. Weissler **Seconded by:** Mr. Lynch

Vote: Motion passed (**Summary:** Yes = 7, No = 0, Abstain = 0)

Yes: Ms. Edie, Mr. Garcia, Mr. Martzke, Ms. Weissler, Mr. Brauchla, Mr. Cervantes and Mr. Lynch. **No:** 0 **Abstain:** 0

Section 1819.02.B.2. Weissler moved to remove “waterless urinals” and replace with “Flushing urinals (only for custodial cleaning) or water-free.” Seconded by Edie and passed 7 – 0.

Moved by: Ms. Weissler **Seconded by:** Ms. Edie

Vote: Motion passed (**Summary:** Yes = 7, No = 0, Abstain = 0)

Yes: Ms. Edie, Mr. Garcia, Mr. Martzke, Ms. Weissler, Mr. Brauchla, Mr. Cervantes and Mr. Lynch. **No:** 0 **Abstain:** 0

Section 1819.02.B.6. Weissler moved to remove “air cooling” language pertaining to misters. Seconded by Lynch and passed 7 – 0.

Moved by: Ms. Weissler **Seconded by:** Mr. Lynch

Vote: Motion passed (**Summary:** Yes = 7, No = 0, Abstain = 0)

Yes: Ms. Edie, Mr. Garcia, Mr. Martzke, Ms. Weissler, Mr. Brauchla, Mr. Cervantes and Mr. Lynch. **No:** 0 **Abstain:** 0

Commissioner Lynch moved to forward the proposed regulation changes, with each of the amendments voted on by the Commission, with a recommendation of approval to the Board of Supervisors. It was reiterated that Mr. Brauchla had earlier seconded the motion. Ms. Weissler invited further discussion.

Mr. Ambrose reminded the Commission of their voting options for the motion on the floor.

Ms. Edie said that the technology of evaporative coolers was changing, and that by over-regulating evaporative coolers there was the potential to impede energy and water efficiency improvements that may arise in the future.

Mr. Lynch agreed, but suggested that the issue may be revisited, as can any or all of the proposed regulations, as circumstances change in the future.

The motion passed 7 – 0.

Motion: To recommend forwarding Docket R-13-02 to the Board of Supervisors with a recommendation of approval as brought forward by staff and as amended by the Commission.

Moved by: Mr. Lynch **Seconded by:** Mr. Brauchla.

Vote: Motion passed (**Summary:** Yes = 7, No = 0, Abstain = 0)

Yes: Ms. Edie, Mr. Garcia, Mr. Martzke, Ms. Weissler, Mr. Brauchla, Mr. Cervantes and Mr. Lynch. **No:** 0 **Abstain:** 0

Item 4

PLANNING DIRECTOR'S REPORT:

Planning Director Beverly Wilson offered the Directors Report, informing the Commission that there were four Dockets before the Board of Supervisors on the previous day. One of these involved clarifying the Zoning regulations as they relate to agricultural processing. There were also building code amendments acted upon by the Board, relative to the size of accessory structures and fire sprinklers.

She said that there would be a Special Use for indoor/outdoor recreation at the February 12 meeting.

Shea said there would be changes to both the sign regulations (Article 19 of the zoning regulations) as well as the county Light Pollution Code, and that there would be public meetings on these in February.

She also said that the staff was preparing to bring forward a Comprehensive Plan amendment, and that this would be coming forward in the next few months.

She informed the Commission that a new Commissioner for District 2, Nathan Watkins, would be seated in February.

Finally, she addressed issues concerning the County email system for Commissioners. Mr. Lynch said the email system was working very well now. Chair Weissler concurred.

CALL TO THE PUBLIC:

Mr. Jack Cook of Bisbee spoke of various matters.

Mr. Mike Jackson then took the podium. He addressed the comments of Mr. Ambrose earlier, and took issue with his opinion regarding the conflict of interest issue discussed earlier. He referred to his own research and opinion on the matter, which led him to disagree with Mr. Ambrose on the substance of his position that there is no conflict of interest. He said that anyone can read case law, whether or not that individual is a lawyer. He invited Mr. Ambrose to debate with him on the issue.

CALL TO COMMISSIONERS ON RECENT MATTERS:

None

ADJOURNMENT – Chair Weissler called for a motion to adjourn: Brauchla moved, Edie seconded and the meeting was adjourned at 7:05 p.m.