

# DRAFT

Present: Kim DePew, Chair; Nathan Watkins, Member; Jim Martzke, Member; Pati Fickett, Member; Gerry Gonzalez, Member; Randall Limbach, Member; Larry Saunders, Member

Absent: Albert Young, Member; Robert Montgomery, Vice Chair

Staff Present: Matthew Taylor, Planner II  
Christine McLachlan, Planning Division Manager  
Dan Coxworth, Development Services Director  
Paul Correa, Civil Deputy Attorney

## PLEDGE OF ALLEGIANCE AND ROLL CALL

Chairman DePew called the meeting to order at 4:01 p.m. She requested observation of a moment of silence in honor of the victims of September 11th prior to the pledge of allegiance.

## CALL TO THE PUBLIC

*No one present or online wished to speak during call to the public.*

Approval of the August 2024 Meeting Minutes

Motion by Member Jim Martzke, Second by Member Gerry Gonzalez

**Vote:** 7 - 0 Approved

## PUBLIC HEARING

1. Docket RZ24-13: Rezoning request for APN 202-12-010A from R-36 (Single-Household Residential, one dwelling per 36,000 square feet) to RU-4 (Rural, one dwelling per 4 acres). The parcel is located east of Fort Grant Road in Willcox.

Motion by Member Jim Martzke, Second by Member Larry Saunders Case planner Taylor provided a staff presentation, which is preserved in the files. Applicant Cythia Griffin provided an applicant's statement following staff's presentation. No one present spoke in favor or against the request. The applicant waived her rebuttal.

Commission discussion: No Commission discussion.

Staff recommended forwarding a favorable recommendation to the Board of Supervisors with no conditions attached.

**Vote:** 7 - 0 Approved

2. Dockets RZ24-14 / CPA24-04: Applicant-initiated requests to change comprehensive plan designations from Neighborhood Conservation to Rural and Growth Area C - Rural Community Areas to Growth Area D - Rural Areas and zoning district classification from R-36 (Residential District, one dwelling per 36,000 square feet) to RU-4 (Rural District, one dwelling per four acres). The subject property is located at 653 E. Border Road (APN 101-48-005).

Motion by Member Randall Limbach, Applicants Steve and Arlene Eastman were not present for the meeting. After commission discussion, the commission accepted staff's recommendation to move forward without their presence. Case planner Taylor provided a staff presentation, which is preserved in the files. The applicants were not present to provide an applicant's statement. No one present spoke in favor or against the request.

Commission discussion: Chair DePew commended the applicants for preserving the rural continuity of the area as they are exiting it.

Staff recommended forwarding a favorable recommendation to the Board of Supervisors with no conditions attached.

**Vote:** 7 - 0 Approved

3. Docket SU24-15: An applicant-initiated Special Use Authorization request to allow a communications facility featuring low Earth orbit linked satellite dishes to provide internet service to rural customers. The property is located at 5590 N. Rocky Road (APN 407-53-021) and is zoned R-36 (Residential District, one dwelling per 36,000 square feet).

Motion by Member Jim Martzke, Second by Member Larry Saunders Case planner Taylor provided a staff presentation, which is preserved in the files. Applicant Pyramid Network Services, represented by Allison Squires and Erin Lane, provided an applicant's statement following staff's presentation, which included a powerpoint presentation. No one present spoke in favor or against the request. The applicant waived her rebuttal.

Commission discussion: Member Limbaugh asked about the upload and download speed compared to cable. The applicant said they were comparable and could be faster. Chair DePew asked staff about health impacts related to telecommunication facilities. Case planner Taylor summarized the review parameters for telecom installations. Member Watkins stated that these were very common in Cochise County.

Staff recommended conditional approval of the request with only the standard conditions applied.

**Vote:** 7 - 0 Approved

4. Docket SU24-16: An applicant-initiated Special Use Authorization request to allow a cabinet shop. The property is located at 3183 W. Williams Road (APN 124-14-036B) and is zoned RU-4 (Rural District, one dwelling per four acres).

Motion by Member Larry Saunders, Second by Member Pati Fickett Case planner Taylor provided a staff presentation, which is preserved in the files. Applicants Todd and Vanessa Mattox provided an applicant's statement following staff's presentation. Dan McBride, a neighbor, spoke in opposition to the request. He had concerns about noise, wildlife, and incompatibility with nature. The applicant provided a rebuttal.

Commission discussion: Member Martzke asked for a clarification on the permitted hours of operation.

Staff recommended conditional approval of the request, which included business hours and indoor material storage, no noxious odors, and hard surfaced driveway.

**Vote:** 7 - 0 Approved

5. Docket SU24-17: An applicant-initiated Special Use Authorization request for a private dog rescue/sanctuary. The property is located at 5520 S. San Juan Avenue (APN 107-67-052B) and is zoned R-36 (Residential District, one dwelling per 36,000 square feet).

Motion by Member Randall Limbach, Second by Member Pati Fickett Case planner Taylor provided a staff presentation, which is preserved in the files. Applicant Annette Engols provided an applicant's statement following staff's presentation. Francisco Molina, a neighbor, spoke in opposition to the request. The applicant provided an applicant's rebuttal. Commission discussion: Member Limbach stated he was grateful for her work helping dogs but he was concerned about the neighbor complaints. He read some details from the complaint reports. He asked about feeding and grouping of dogs. Member Gonzales commended the applicant for her work and dedication. The applicant stated she does not allow the dogs to continually bark. Member Saunders asked about the total number of dogs onsite. The applicant stated 35, and most were old.

Staff recommended conditional approval of the request, which included a total number of dogs permitted, maintenance, and limits on advertising attached. After a motion by Member Martzke, Member Limbach suggested an amendment to condition 1: stating the applicant will allow the natural attrition of the dog population to occur and take in no additional dogs, which would allow the existing dogs to remain but no new dogs to be placed on site. Member Gonzalez stated that he felt the applicant was entitled to keep as many personal dogs as she would like. Member Limbach stated he only wanted to ensure that the natural population decrease would occur. The amended condition passed by a vote of 5-2, Gonzalez and Martzke voting against the amendment. The special use request with the amended condition passed by a vote of 6-1.

**Vote:** 6 - 1 Approved

NO: Member Gerry Gonzalez

6. Docket SU24-07 (*continued from June 12, 2024*): An applicant-initiated Special Use Authorization for a 75 MW Solar Energy Power Plant on 597-acres at 4283/4355 W. Prince Roads near McNeal (APNs 407-17-001 and 407-18-003). The project site is located at the southeast and southwest corners of Central Highway and Prince Road, approximately 6 miles north of W. Highway 80. The parcels are zoned RU-4 (Rural District, one dwelling per four acres).

Motion by Member Jim Martzke, Second by Member Randall Limbach Case planner Taylor provided a staff presentation, which is preserved in the files. Applicant WestLand Resources, Inc. / Horus Energy AZ 1, LLC, represented by Diane Sandoval, Joel Diamond, Anthony Newton, and Georgi Velero provided an applicant's statement following staff's presentation. Kelly Savage spoke in opposition to the request. Christine Atchison spoke in opposition to the request. Dan Baker spoke in opposition to the request. Kathleen Gomez spoke in opposition to the request. George Morin spoke in opposition to the request. Ben Lepley spoke in favor of the request. Pierre Potgieter spoke in opposition to the request. Kathryn DeMar spoke in opposition to the request. Kathleen Long spoke in opposition to the request. Barry Hodges spoke in opposition to the request. Hoang Quoon spoke in opposition to the request. Kim View spoke in opposition to the request. The applicant provided a rebuttal.

Commission discussion: Member Gonzalez stated the property they selected was fragile. It was a wildlife corridor. He did not see a requirement for soil sampling. He felt the community was not in support and he was not clear on the environmental impacts. He did not feel this was the right place. Member Saunders stated he was concerned about the impact on aircraft. The applicant responded the panels were low glare and there would be additional approvals from the FAA and the DoD to follow. Member Gonzalez asked about the purchase vs lease of the property. Member Fickett asked about the tax impact on bordering properties and whether this would increase others property taxes. Member Watkins stated he was pro-solar and mentioned that the alternative residential development could have a much greater impacts. He asked whether the applicant had requested an APS tie-in. The applicant stated not yet. Member Watkins stated he heard this was not the right place. Member Limbach asked about the draft emergency management plan and its status. The applicant stated additional design work needed to occur. He was concerned that there was not enough emergency plan guidance. He asked about the status of an interconnection agreement with APS and whether Cochise County residents would benefit. Member Martzke asked whether they had any contact with other utilities other than APS. The applicant responded that the special use permit was a pre-requisite to negotiate with APS or SSVEC.

Staff recommended conditional approval of the request, which included conditional requirements for traffic improvement, dust control, emergency response planning, rack spacing, and wildlife fencing. Member Watkins mentioned that an industrial water permit would be required because of the AMA. Member Martzke stated there were a lot of questions about transmission capabilities. Member Gonzales stated he felt there was a better way to evaluate these requests, and maybe areas within the county should be designated for solar fields. Member Limbach stated he researched the FEMA risk index for various natural disasters and he felt this could make solar farms more risky. Member Limbach voted no due to the reasons previously stated. Member Watkins voted no because of neighbor concerns. Member Gonzalez voted no because he did not see the community benefits. Member Martzke voted no. Member Saunders voted no, he was concerned about air traffic, Member Fickett voted no because she would not want one near her property. Chair DePew voted no because there were already many solar farms in Cochise County and the profitability during construction had not been demonstrated.

**Vote:** 0 - 7 Disapproved

**PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**

**CALL TO COMMISSIONERS ON RECENT MATTERS.**

**ADJOURNMENT**

Chairman DePew adjourned the meeting at 7:16 PM.

APPROVED:

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Kim DePew, Chairman

ATTEST:

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Daniel Coxworth, Development Services Director