

DRAFT

PROCEEDINGS OF THE COCHISE COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING HELD ON Wednesday, DECEMBER 13, 2023

A regular board meeting of the Cochise County Planning and Zoning Commission was held on Wednesday, DECEMBER 13, 2023 at 4:00 p.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Kim DePew, Chair; Robert Montgomery, Vice Chair; Gerry Gonzalez, Member; Randall Limbach, Member; Jim Martzke, Member; Larry Saunders, Vice Chairman; Nathan Watkins, Member

Absent: Nancy Welch, Member; Albert Young, Member

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

Attendees: Tom Fitzgerald, SU 23-26 Cochise Stronghold
Daniel Wilson, SU 23-26 Cochise Stronghold
Janna Wu, SU 23-26 Cochise Stronghold
Michelle Freeark, SU 23-26 Cochise Stronghold
Debra Ban, SU 23-26 Cochise Stronghold
Frank Dowas, SU 23-26 Cochise Stronghold
Joe Konrad, SU 23-26 Cochise Stronghold
Sara Ransom, SU 23-26 Cochise Stronghold
Jason Bowling, SU 23-26 Cochise Stronghold (applicant)
Teresa Murphy, SU 23-26 Cochise Stronghold (applicant)
Kathy Klump, SU 23-27 Herbie Solar
Conner Klump, SU 23-27 Herbie Solar
Raegan Klump, SU 23-27 Herbie Solar
Charlene Harris, SU 23-26 Cochise Stronghold
Patrick Ledger, SU 23-26 Cochise Stronghold (applicant)
Bruce Hart, SU 23-28 Diamond Bar Commercial Nursery (applicant)
Andrea Tuzzolino, SU 23-28 Diamond Bar Commercial Nursery (applicant)
Don Buchholz, SU 23-27 Herbie Solar (applicant)
Phil Cook, SU 23-26 Cochise Stronghold
Reuben McBride, SU 23-26 Cochise Stronghold
Mandi Greenmyer, SU 23-26 Cochise Stronghold
Amber Parker, SU 23-26 Cochise Stronghold
Eileen Brien, SU 23-26 Cochise Stronghold
Brett Bergeson, SU 23-26 Cochise Stronghold
Pete Scott, SU 23-26 Cochise Stronghold
Marcus Harsten, SU 23-26 Cochise Stronghold

Wayne Gregan, SU 23-26 Cochise Stronghold
Bonnie Samuel , SU 23-26 Cochise Stronghold
JD Samuel, SU 23-26 Cochise Stronghold
Hannah Alford, SU 23-27 Herbie Solar (applicant)
Jim Pippin , SU 23-27 Herbie Solar (applicant)
Nancy Olmstead, SU 23-26 Cochise Stronghold
Michael Nelson, SU 23-26 Cochise Stronghold
George Scott, SU 23-26 Cochise Stronghold
Jared MckEE, SU 23-26 Cochise Stronghold (applicant)
Eleanor Gladding, SU 23-26 Cochise Stronghold (applicant)

Chair DePew called the meeting to order at 4:00 p.m.

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

PLEDGE OF ALLEGIANCE

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

CALL TO ORDER

ROLL CALL (Introduce Commission members and explain quorum and requirements for taking legal action).

CALL TO THE PUBLIC – Pursuant to A.R.S . § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Commission on any issue within the Commission’s jurisdiction. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.

Shawna Herrera, member of the public, spoke during call to the public

APPROVAL OF THE PREVIOUS MONTH’S MINUTES

Motion by Vice Chair Robert Montgomery, Second by Member Jim Martzke Chair DePew noted two errors: correction of the docket number for Cochise Stronghold Solar, it was noted as SU 23-27, while it should have been SU 23-26. And there was inconsistent spelling of Commissioner Limbach's name. Staff subsequently corrected both errors, as requested, to the published minutes.

Vote: 5 - 0 Approved

PUBLIC HEARING

1. An applicant-initiated Special Use Authorization request to construct and operate a proposed 235-MW Solar Energy Power Plant and 235-MW Battery Energy Storage System on 2,437 acres of rural zoned land. [Item tabled from November 8, 2023 Regular Planning and Zoning Commission Meeting]

Motion by Member Jim Martzke, Second by Member Randall Limbach Chair DePew asked for the commission to consider removing this docket from the table, which it was placed on during the November 8, 2023 regular meeting. Member Martzke made the motion, Member Saunders seconded the motion. This item was removed from the table by a vote of 7-0.

Staff provided a presentation, which is preserved to the file. Applicants Patrick Ledger and Jason Bowling provided the applicants' statement, which included a powerpoint presentation.

Shanna Wu spoke in opposition to the request, Jason Wu spoke in opposition to the request. Nancy Olmstead spoke in opposition to the request. Mike Nelson spoke in favor of the request. Bill Cook spoke in favor of the request. George Scott spoke in favor of the request. Wayne Gregan spoke in opposition to the request. Joe Konrad spoke in favor of the request.

The applicants provided a rebuttal.

Commission discussion: Member Limbach requested additional information about insurance coverage for acts of god. Member Watkins asked about the number of acres under panels and asked about the water savings of solar panels versus steam generation. Member Gonzalez asked whether additional coordination could occur between the applicant and those impacted by the project. Vice Chair Montgomery asked whether the impetus for the project was federal mandates related to clean energy production. Member Watkins asked about the projected lifespan and improvement plans for the facility. Vice Chair Montgomery asked about the ground coverage ratio. Member Gonzalez asked about avian impacts, wildlife impacts, and environmental remediation. Member Watkins asked about avian impacts on the existing solar facility. Vice Chair Montgomery asked about the maintenance and security schedule for the facility. Chair DePew asked why the applicant was moving away from current technology to solar. She asked about the ownership of the panels following project construction. Member Limbach read a statement which encompassed his concerns regarding the request. Staff recommended conditional approval. The request was approved (5-2).

Vote: 5 - 2 Approved

NO: Chair Kim DePew
Member Randall Limbach

2. A Special Use Authorization request for a commercial plant nursery on APN 123-08-003S. The subject parcel consists of 5.8 acres and is located on the east side of Ocotillo Road, approximately 2/3 mile north of Interstate 10 between Four Feathers Lane and Aviation Drive.

Motion by Member Jim Martzke, Second by Vice Chairman Larry Saunders Staff provided a presentation, which is preserved with the file.

Applicant Bruce Hart provided the applicant's statement,

Commission discussion: Member Limbach noted a water usage typo on the application. Staff recommended conditional approval. The request was approved (7-0).

Vote: 7 - 0 Approved

3. An applicant-initiated Special Use Authorization request to construct and operate an 80-megawatt (MW) utility-scale solar facility, an 80-MW battery energy storage system (BESS) on a portion of seven rural-zoned parcels, of which 784.5-acres will be dedicated for the solar development area/special use request.

Motion by Member Randall Limbach, Second by Member Jim Martzke Staff provided a presentation, which is preserved with the file.

Applicant Don Buchholz provided the applicant's statement, which included a clarification of the request's energy production.

Kathy Klump spoke in favor of the request. Teresa Murphy provided a request for additional information. The applicant provided an applicant rebuttal.

Commission discussion: Member Watkins emphasized remoteness of the location.

Member Limbach asked additional clarification questions regarding the decommissioning plan and bond financing (attached to the application). Vice Chair Montgomery asked about adjacent uses and infrastructure. Chair DePew asked staff to further explain the recommended use of Magnesium Chloride. member Watkins asked staff whether decommissioning is mandated or whether it needed to be attached to a condition. Vice Chair Montgomery asked the applicant about avian impact mitigation. He also asked about project construction timing and the status of an agreement with AEPCO. Member Watkins asked where the location of the closest transmission line. Vice Chair Montgomery asked whether fellow commissioners could confirm the remoteness of the area. Member Limbach stated during the vote that he had economic and environmental concerns, which is why he was voting no.

Staff recommended conditional approval. Request was approved (4-3).

Vote: 4 - 3 Approved

NO: Chair Kim DePew

Member Gerry Gonzalez

Member Randall Limbach

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

CALL TO COMMISSIONERS ON RECENT MATTERS.

ADJOURNMENT

Chair DePew adjourned the meeting at 7:00 PM.

APPROVED:

Kim DePew, Chair Planning and Zoning Commission

ATTEST:

Daniel Coxworth, Development Services Director