

PINAL COUNTY PLANNING AND ZONING COMMISSION
(PO NUMBER 257734)
Regular Meeting
9:00 a.m.
Thursday, July 16, 2026
Pinal County Administrative Complex
Emergency Operations Center
85 North Florence Street, Florence, Arizona

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Julie A. Fish
Quick Response Transcription Services
829 East Windsor Avenue
Phoenix, Arizona 85006
602-561-2283

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1 KLOB: I'm going to call to order the Planning and
2 Zoning Commission meeting of Pinal County for Thursday, July
3 16th. We'll start with a roll call. I apologize. Call to
4 order. Pledge of Allegiance. I've got to read my own agenda.

5 [Pledge of Allegiance]

6 KLOB: Now we can do a roll call.

7 KRAUSS: Good morning, Chair. Good morning, Members
8 of the Commission. Good morning, citizens and interested
9 parties. Chairman Klob.

10 KLOB: Here.

11 KRAUSS: Vice Chair Mooney.

12 MOONEY: Present.

13 KRAUSS: Member Hartman.

14 HARTMAN: Here.

15 KRAUSS: Member Keller.

16 KELLER: Here.

17 KRAUSS: Member Lizarraga.

18 LIZARRAGA: Here.

19 KRAUSS: Member Schnepf.

20 SCHNEPF: Present.

21 KRAUSS: Member Pranzo.

22 PRANZO: Present.

23 KRAUSS: Member Scott.

24 SCOTT: Here.

25 KRAUSS: Member Klucar.

1 KLUCAR: Here.

2 KRAUSS: Member Hansen. He's absent. So we have a
3 quorum.

4 KLOB: Very good, thank you. Do I have an approval
5 of the minutes for June 18, 2026?

6 MOONEY: Chair?

7 KLOB: Vice Chair.

8 MOONEY: I move that we approve the minutes from
9 June 18, 2026 as presented.

10 KLOB: Do I have a second?

11 SCOTT: Second.

12 KLOB: All in favor, say aye.

13 COLLECTIVE: Aye.

14 KLOB: Any opposed? That carries. Before we get
15 moving here, I want to read an opening statement. Welcome to
16 the Pinal County Planning and Zoning Commission meeting for
17 July 16, 2026. The Planning and Zoning Commission is a 10-
18 member citizen advisory body appointed by the Board of
19 Supervisors. Each Supervisor appoints two members who reside
20 in their supervisory district. Commission Members serve with
21 no compensation. State law mandates that the County have a
22 Planning and Zoning Commission who makes recommendations to
23 the Board of Supervisors on planning and zoning matters. If
24 you wish to speak on one of the agenda items, please complete
25 a speaker card with the name and agenda item you wish to speak

1 on. They're located in the front lobby there. We ask that
2 you begin your comments by clearly stating your full name and
3 address for the record since the meeting is being transcribed.
4 The Commission asks that you limit your comments to three
5 minutes or less and that your comments pertain to the agenda
6 item you're speaking about. Thank you for your attendance at
7 our Commission meeting and the interest of Pinal County's
8 growth and development. One other little housekeeping item.
9 There's been some discussion - item number 6 is a work session
10 in our agenda, it is for Major Comprehensive Plan cases.
11 That's six items A, one through four. Those are going to be
12 information only. There's not going to be a vote by our
13 Commission, nor is there going to be public comment on that,
14 and some people may be here to comment on that. There will be
15 ample opportunity for you to have your opportunity to speak
16 for or against those cases. Harvey, do you want to relay
17 those dates?

18 KRAUSS: Yes, Chair, thank you. We have a Citizen
19 Advisory Committee, and they will be holding a public hearing
20 on Friday, September 4th for these four Major Comp Plan
21 Amendments, and then it'll proceed in October to the P&Z, I
22 believe it's October 15th. And then tentatively in November
23 would be the BOS public hearing. So there's quite a few
24 opportunities for the public to provide input into those
25 cases. The items on the agenda today are just to introduce

1 the P&Z to these cases. Thank you.

2 KLOB: Thank you. So with that, we'll move into our
3 continued cases. Case number SUP-024-25, State 48
4 Microschool.

5 PANCHENKO: Good morning, Chair, Vice Chair,
6 Commissioners. My name is Valentyn Panchenko, Senior Planner,
7 here to present to you case SUP-024-25 - State 48 Microschool.
8 So as Chair mentioned, that's a continued case from June
9 public hearing. During that meeting, Commission also heard
10 some neighbors, and then just for a reminder, neighbors
11 specified that there was some concern regarding short notice
12 for the neighborhood meeting. Commission voted two motions,
13 and one of them that was approved by a majority of those
14 attended the meeting, 5-4, to continue this case to July
15 meeting without additional neighborhood meeting. That's how
16 this was continued until today's meeting. And this is a
17 request for approval of special use permit to operate
18 microschool on about 1.5-acre site within GR - General Rural
19 Zone. That's located within Chandler Heights Ranches Unit 1
20 subdivision. That's southwest of Town of San Tan Valley, at
21 intersection of Allen Road and Royce Road. It's Supervisor
22 District Number 1. And here's a typo. And applicant present
23 here today for your questions. Here's the general location
24 for the site. Here is the current zoning with GR, within the
25 subdivision, and to the east and north, that's basically San

1 Tan Valley, new incorporated town. This is proposed special
2 use as a microschool, but technically as per code, it's go
3 under this category, such other uses of the Planning
4 Commission may deem appropriate in the public interest.
5 Here's a vicinity map for larger scale of zoning for this
6 parcel. Generally, it's surrounded by the same GR properties
7 within the same subdivision. There are some properties zoned
8 as SR, with slightly larger requirements for the parcel size
9 and a smaller parcel within subdivision in San Tan Valley,
10 previously zoned by County SR-3 and SR-4, but now it's fully
11 jurisdiction of San Tan Valley. Here is aerial picture for
12 the site. There are already existing structures and applicant
13 planning to use those existing structures for the microschool.
14 Here's some pictures from the site with the notice signs and
15 some visuals from the street itself. About the current code
16 framework for this request, so Pinal County doesn't have any
17 definition for the microschools. There are only two
18 definitions for schools, it's private and public. For GR
19 zone, GR zone includes public and quasi-public schools as
20 permitted use, and based on the definition for public schools
21 and private schools, current proposal doesn't meet
22 requirements for public school and it's more close to private
23 school, that's why staff interpretation was that this use is
24 not permitted use for this location because it's only public
25 schools allowed. Just as an example, County has other zoning,

1 which is, for instance, RU-125, which is equivalent for GR,
2 and they have specifically mentioned public school as
3 permitted use and private schools as a special use permit. So
4 there are clear distinguished in our code, Pinal County code,
5 that public schools is allowed permitted use, but private
6 schools need to go through additional entitlements for those
7 rural residential areas. As well, Arizona state study defines
8 three types of schools: public, charter, and private schools.
9 This proposed use doesn't qualify by staff interpretation to
10 public and charter schools. There are also no State
11 definitions for the microschools, but the most close
12 definition for this use will be private schools, and according
13 to Arizona laws, it's only public school and charter school
14 that exempt from zoning requirements and that was basically
15 the reason why public school was put in the uses permitted
16 under GR. We have in Pinal County separate code chapters that
17 say that public schools are exempt from zoning and allowed in
18 each zoning. But State statute says nothing about private
19 schools or microschools that they are exempt, and they
20 actually specify that they need to go through the regular
21 jurisdictional zoning procedures. Meanwhile, Arizona statute
22 has a definition for other educational models, meaning except
23 public and charter schools, and those are home schools,
24 private schools, and education through the empowerment
25 scholarship accounts. While private schools generally defined

1 as non-public institution and homeschooling education
2 corresponding to the school education primarily done by
3 parents or guardians in the residence of the student. So,
4 again, while discussing this use, it's more close something in
5 between private - mix of private school and homeschool because
6 it will be volunteers and parents involved in this non-profit
7 organization who will be teachers for this education facility.
8 This is the basis of staff evaluation why it's not permitted
9 use, and then we looked for a pathway how it might be
10 permitted, and we found that based on GR special use provision
11 of the code, there are a list of specific uses that might be
12 allowed under special use permits. There is, again, no
13 microschool, no private school for the special use permits,
14 but there are other uses that may seem by the Commission
15 beneficial in the public interest. So that's a case of staff
16 bringing it to the Commission. Yeah, so, and because of that,
17 because the County doesn't have any specifics for the
18 microschool, the evaluation by the staff based on general SUP
19 criteria, Comprehensive Plan, public interest neighborhood
20 input, and other jurisdictions within Arizona and Utah, who
21 actually adopted microschools. So all of that evaluation,
22 it's not based on the code requirements to the microschool,
23 but mostly by the staff report and research based on other
24 jurisdictions, how other jurisdictions actually defines all of
25 those stuff, and we will speak to that next. So about zoning,

1 again, it's immediately surrounded by GR. There's some SR,
2 CR-3, CR-4 in larger scales. Comprehensive Plan, it has Rural
3 Living designation under the San Tan Valley special plan.
4 It's both the site and all surrounding that's Rural Living
5 designation. This land use supports large lot residential,
6 civic uses, and community facilities. That's how this use
7 might actually fall for this land use category. It's also -
8 so limited educational use actually seems by us compatible if
9 there will be a low intensity of the use, and the County will
10 be able to ensure that there is a minimum impact for the Rural
11 Living. So that's a condition for the Comprehensive Plan
12 policy. So the staff research from other jurisdictions found
13 that in most cases there are differentiation between types of
14 microschool. Generally, there are two common categories for
15 microschools. It's home-based microschool, and then there is
16 commercial microschools. Generally speaking, the major
17 criteria for those defining categories, it's the number of
18 students. Usually, up to 15 students in some jurisdictions,
19 14 in some, 16 in some, 15. So it's about up to 15 students
20 counts as home-based microschool. They usually operate 7 a.m.
21 to 6 p.m. They serve K-8 students, and they have one acre
22 minimum lot size requirements. It's statewide. That's also
23 Arizona statute requirement, the minimum lot size for one acre
24 for any schooling activities. And then, most of the
25 jurisdiction has definition for the commercial microschools,

1 and it's supposed to be more than 15 students, but all of them
2 have limits up to 49 students. So, if there will be 50
3 students, it's undefined category basically by any
4 jurisdiction, or maybe they want to push those applications to
5 apply for charter schools or something else. But there is
6 specifically in other jurisdictions, that number of 49
7 students as a higher threshold for the commercial
8 microschools. They usually have a greater operational
9 intensity, and they usually require commercial zoning in other
10 jurisdictions. But as I mentioned before, that just the
11 research-based is from other jurisdictions, it's just like a
12 guidance for the Commission to define if this use is
13 appropriate for current GR zoning and current framework within
14 the County. And the applicant proposed to have a microschool
15 on one and a half acres. That's meet one acre minimum
16 requirement. They are planning to use existing structure.
17 They have one residence, they have one detached garage and two
18 sheds that they are planning to use. Applicant stated during
19 the previous meeting that they are planning to have
20 approximately 35 students served there. In the application
21 file, they have a narrative saying that there will be students
22 aged 9 through 18 years. They got information about 7 a.m.-6
23 p.m., Monday through Friday, but according to shared
24 information today that I shared with the Commission, they
25 mentioned that the operation will be Monday through Thursday,

1 9 a.m.-3 p.m., September-May. Holidays and breaks observed.
2 So that will be a question to the applicant to confirm the
3 operation hours. And based on that, staff evaluate this site
4 as more commercially linked microschool, not as home-based.
5 And for the Commission and the recommendation from the staff,
6 it's basically based on that commercial scale and commercial
7 potential impact, that's why staff would recommend to include
8 stipulations as already included, that applicant would need to
9 go through the site plan review for the site. So that's the
10 basis for including that stipulation for the site plan.
11 Otherwise, if that would be a home-based microschool, that
12 might eliminate site plan review. But because the scale
13 potentially is commercial, County need to ensure that
14 applicant follows the requirements. And as well, during the
15 site plan, County will be able to confirm other stipulations.
16 Otherwise, it will be just a building permit without
17 reasonable tools for the County to check on the stipulations.
18 Here is the site plan for the location. Existing structures,
19 driveways provided by the applicant. They already have
20 internal, let's say, parking area and driveways. And they're
21 also providing some (inaudible) buffer to the north, but no
22 buffers to the east and west. Here's some data about
23 neighborhood and public participation. Also, for the
24 Commission, there is open code compliance case for this
25 location. It's related to unpermitted structure, school

1 activity, obviously, noise complaint and traffic complaints
2 for this location, and it's (inaudible) code compliance
3 officer awaiting for the outcome of this application for a
4 special use permit to move forward with code compliance
5 procedures. About neighborhood concerns, County received
6 three letters of opposition. There was two speakers during
7 the last meeting who spoke in opposition for this case.
8 Primarily, concerns is about traffic, parking, noise, other
9 performances, that it doesn't fit rural character of the
10 subdivision, that that will impact property values, and
11 concerns about possible future expansion of the school within
12 the property. And there was also one neutral letter. They're
13 also described pretty the same concerns, but they also
14 acknowledge that applicant improved operations, specifically,
15 there was no outdoor performance after they complained to the
16 applicant and applicant ceased those operations. And there
17 was some lower noise from the children, but still remaining
18 concerns is traffic and parking. Even the applicant in the
19 letter described that those are manageable concerns, but which
20 the neighbor can manage one-on-one with applicant on the basis
21 when those concerns will arise. There are also 16 letters of
22 support, primarily from the parents of the students attending
23 the school. They are speaking about potential (inaudible) for
24 this site, because it's small class sizes. They have
25 individualized learning for the students. They have some art

1 integrations in the lessons. Those schools are much more -
2 while those students attending those schools, they showed
3 improved performance in school. The school provide autistic
4 and ADHD support for students, so it's basically targeted
5 children who might not be successful in regular settings of
6 schools. And it also provides, obviously, additional
7 educational choice. Here's a list of factors that basically a
8 Commission needs to follow while determining if this special
9 use permit deemed to be in public interest. So basically it's
10 about traffic condition, that's the major concern from the
11 staff and from the neighbors. That might be solved by
12 reviewing a site plan and providing specific parking spaces
13 and requirements to avoid parking, restricting parking, on-
14 street parking related to this site. So everybody need to be
15 required to park within the property, not on the streets and
16 not on the neighboring streets as well. So there are
17 additional stipulations to address those ones as well.
18 Previously, traffic engineering of Pinal County stated there's
19 no traffic impact statement required for this project, but
20 staff introduced a stipulation that will require a statement
21 and maybe analysis if that will be required by the engineer in
22 the future. So the County will be actually able to evaluate
23 the volume of the traffic coming to the site as additional.
24 But traffic engineering, by the merits and by the criteria,
25 determined that this site actually doesn't require any traffic

1 impact statement because it will generate less than 100 day
2 trips. And staff provided 19 stipulations for the Commission
3 to consider, if the Commission wants to approve the site.
4 Specifically, based on the shared with staff and the
5 Commission just before the meeting, additional materials that
6 I shared with the Commission, what I already spotted that
7 applicant provided operational timing and dates, and that's
8 related to stipulation number 5. In stipulation, it's
9 mentioned 7 a.m. to 6 p.m., Monday through Friday, but
10 applicant specified more restrictive operation dates and
11 timing. Maybe applicant want to amend this stipulation or
12 Commission want to amend this stipulation based on the
13 additional information provided by the applicant. If the
14 Commission has any questions to the staff, and applicant is
15 present here and they're available for questions as well.

16 KLOB: Thank you, Valentyn. Are there any questions
17 for staff? Commissioner Klucar.

18 KLUCAR: Thank you, Mr. Chairman. Yes, I just have
19 a couple of questions. First of all, just before the - I
20 think it was the second page before this last page, you have
21 that they're in Suburban Ranch, I thought it was General
22 Rural. If you go back a couple of slides. Right there.
23 Right that one right there. The next one. Right there, it
24 says a 1.49 parcel acre in Suburban Ranch.

25 PANCHENKO: I'm sure that's a - that's a typo.

1 That's a typo.

2 KLUCAR: All right. Just wanted to make sure, it
3 was confusing to me.

4 PANCHENKO: Yeah, General Rural.

5 KLUCAR: Okay. And you said that - so, we're going
6 to be using now this term microschool for a County designation
7 of something of this type of operation? Is there a definition
8 yet in our zoning ordinance? I already know the answer to
9 that. Okay. Will there be? Are you going to be looking into
10 adding this to our definitions in the zoning ordinance in the
11 future?

12 KRAUSS: Possibly, yes.

13 KLUCAR: Okay. All right. And then my third
14 question is, where else did you look to get information on
15 microschools? Did you look in any other counties? Did you
16 look at Maricopa County? Did you look at any other cities?
17 Where did you get this information from, just to compare?

18 PANCHENKO: Thank you. So, this information comes
19 from looking for counties as Pima and Maricopa within Arizona,
20 and counties in Utah. They actually have implemented
21 microschools much more better, maybe because of religion and
22 communities that are there. Also towns, Phoenix and Gilbert
23 as well. So generally, those are two major definitions.
24 Home-based, they have some additional stuff. They might
25 differentiate third category for that based on who is

1 teaching, not just a parent, but by someone else. But
2 generally, as I told, with home-based, that doesn't require
3 any site plan and it's allowed for those residential
4 properties. They have a threshold of 14, 15, 16 children. I
5 don't know what is the basis for that, most likely some
6 building code requirements that will be triggered by those
7 numbers of students, but that's different definitions for
8 home-based that wouldn't require any site plans and it's
9 allowed for residential properties. Everything over that
10 number, those jurisdiction requires to have zoning, commercial
11 zoning for those sites. But it's not Pinal County, Pinal
12 County doesn't have that and we're using that provision that
13 Commission might recommend any uses seems to be beneficial to
14 the public interest.

15 KLUCAR: Okay, thank you.

16 KLOB: Any other questions?

17 SCHNEPF: I do.

18 KLOB: Commissioner Schnepf.

19 SCHNEPF: Valentyn, did I hear you say that they
20 wouldn't be required to have a traffic impact statement?

21 PANCHENKO: Yes. So based on the comments from
22 traffic engineering, because this site will not generate daily
23 trips over 100 trips over the day, traffic engineer cannot
24 require from the applicant to provide statement or analysis.
25 So that was departmental requirements, but in this situation -

1 SCHNEPF: Stipulation 8.

2 PANCHENKO: Yes, we do have requirements to address
3 concerns from the neighbors.

4 SCHNEPF: Okay. So that's something that we'd
5 probably want to stay in the stipulations as that option.
6 Okay. I do have a hypothetical. At one point, for those who
7 were on the Commission, we had gone through the code update
8 and there was microschools in there. So my question is, if,
9 Harvey, that we get that back before the Commission, would
10 this then have to apply to those microschool codes updates if
11 they aren't currently or would they be grandfathered in? If
12 we do a microschool option.

13 KRAUSS: That's an excellent question, Chairman,
14 Commissioner Schnepf. I think what we did was we extrapolated
15 the information from the draft code because they had done a
16 lot of research, the prior director. So it would be in
17 conformance with that, if you follow what the staff has
18 indicated, how we've defined commercial versus a residential
19 microschool. So it mirrors what the Commission recommended in
20 the draft.

21 SCHNEPF: And if there were some changes to that, if
22 that came before us again, how would that apply to this
23 property if there were some changes? Would they have to
24 conform?

25 KRAUSS: I think they'd probably be grandfathered in

1 with the stipulations. We would outline in the stipulations
2 that this SUP would be approved prior to the adoption of the
3 ordinance. Usually you don't make the ordinance retroactive
4 unless there's a public safety health issue.

5 SCHNEPF: Okay, those are a couple of questions I
6 had. Thanks.

7 PANCHENKO: Commissioner Schnepf, I can answer that.
8 So based on the draft, that would be qualified as commercial
9 only, not home-based, and that would require commercial zoning
10 from the applicant. But current framework, County framework,
11 allows to issue a SUP that's in public interest. There's no
12 threshold based on the students as of today.

13 SCHNEPF: So are you saying that if the microschool
14 came back into the code, that that would have to be a
15 commercially zoned property then?

16 PANCHENKO: Yes.

17 SCHNEPF: So they would be grandfathered in on this
18 case?

19 PANCHENKO: Mm hm.

20 MOONEY: Chair?

21 KLOB: Vice Chair.

22 MOONEY: So I actually have a copy of the code that
23 we drafted. Smile/not smile, sorry. There is a section
24 called Home-Based Microschools for Rural Zoning, and there is
25 a whole list of items in there that I don't personally see

1 addressed in this particular case. And so while I appreciate
2 the research and going to Utah and all these other areas, as
3 Commissioner Klucar had asked, looking at our own code that we
4 spent a lot of time working on would have been nice. We had
5 age limits, the grade limit that it went to. A home-based
6 microschool is subject to additional occupancy requirements
7 beyond that of a private dwelling. So if this is a private
8 dwelling, there's a lot of things that will need to be
9 addressed. And as Commissioner Schnepf was asking, I don't
10 believe this is fair to be grandfathered in, especially
11 looking at 35 students in a home-based. I just don't want to
12 read through all of them, there's so many items in here that
13 for a home-based district, it goes A through L, and they all
14 address parking and traffic and hours of operation, which a
15 few of those have been done and addressed already. One of the
16 questions I would have as far, as building codes and
17 everything - I know this is going to sound awkward, but go
18 ahead.

19 KRAUSS: Mr. Chairman, Vice Chair Mooney, just one
20 clarification. Just because we're not addressing the building
21 code issue, they still would have to comply with the building
22 code in terms of occupancy, because they're changing the
23 occupancy of this building. So there would be certain code
24 requirements, irrespective of the draft code or what we're
25 recommending. What you're looking at primarily is use, code

1 will look at occupancy, and they'll have to address those
2 issues, ADA issues.

3 MOONEY: And I just look at, you know, my house is a
4 four-bedroom, and there's not septic, but public. You know,
5 you have how many times somebody's using the restroom, how
6 many restrooms are required, all of those things. I don't see
7 addressed in here. And while I'm not opposed to microschools
8 and homeschooling and all that, I just think that there's a
9 location for it and whatnot. I just didn't see in - and
10 because you stated that it wasn't addressed, it was. And if
11 you could back up a couple. It said there was a concern on
12 one or two of the outbuildings that they weren't in
13 compliance, or were they not permitted?

14 PANCHENKO: Vice Chair, (inaudible), that's related
15 to code compliance case or?

16 MOONEY: If you could back up a couple of - I think
17 you had it listed on the right-hand side.

18 PANCHENKO: Yeah, that's code compliance. Next one.
19 Yeah, this one.

20 MOONEY: So there's unpermitted structures on that?

21 PANCHENKO: Yeah, so I didn't have access to a code
22 compliance case. It's just like basic stuff, and those
23 mentioned it. So there was some first items, some issues with
24 a building. I don't know what is the outcome of that. It's
25 just right now they're dealing with use concern. As of today,

1 they're dealing with use concern. All inspection of sites
2 checked other issues, they're already done with all other
3 issues, it's only the use of microschool, basically.

4 MOONEY: So the unpermitted structure has been
5 closed?

6 PANCHENKO: That was one concern, one complaint, and
7 they closed those items. I don't know how, that's inside the
8 code compliance, I didn't have access to that one. But
9 remaining stuff, it's use that is not permitted. And related
10 to your question for the draft code, so staff cannot be
11 regulated by any draft that wasn't adopted. Staff is
12 regulated by what is already adopted, as well, the applicant
13 is not required to follow any possible drafts. And based on
14 the staff analysis, it doesn't qualify basically for home-
15 based, it's more commercial, and that's why staff required in
16 the current County framework requires to have (inaudible) with
17 all stipulation that we can put, that we can legally require
18 from the applicant to comply with. But Commission may suggest
19 any additional stipulation if Commission wants, that's fully
20 in Commission's hands.

21 MOONEY: Well, and I appreciate that. And I do
22 understand that they can't be held to a draft code, but we
23 worked on this in late January/early February of 2025. It was
24 thrown in the trash and we are now in the end of July of '26
25 and haven't seen anything except for two items, and one was

1 required by the end of December of last year. And so I find
2 it frustrating knowing that these cases are coming. This is
3 the first microschool, and we have others that are coming up
4 later that don't have any code either, that we have had drafts
5 on and haven't come forward, and it's frustrating to not be
6 able to have something. And I say that for all that are
7 listening in never, never land out there, that we have asked
8 over and over for these things. And I know that people
9 believe we're just sitting up here making decisions, and if we
10 don't have anything to hold them on, it is just very
11 frustrating. And I don't like to see something get passed
12 because, well, we haven't done that yet. We did do this a
13 year and a half ago - not you, Valentyn, I'm just stating
14 that. But that's my concerns for now, thank you.

15 SCHNEPF: Through the Chair, one other item. I just
16 want to point the attention to stipulation 7 that says they
17 can't use any unpermitted buildings until they get those
18 required permits. So that is in the stipulations.

19 KLOB: Thank you. Any other? Oh, Todd.

20 WILLIAMS: Yeah, Chairman Klob, Vice Chair Mooney,
21 just to add to what Commissioner Schnepf just said. Todd
22 Williams, Deputy Director of Community Development. Code
23 compliance does report directly to me. Basically what happens
24 is if this SUP were to be approved, stipulation number 1, plus
25 the one that Commissioner Schnepf pointed out, would address

1 that issue. It doesn't mean the code compliance case
2 necessarily drops, but this gives them the hammer to, if they
3 truly want this SUP, they need to address that unpermitted
4 structure. So that would address the code compliance issue,
5 and that's why they basically paused the case.

6 KLOB: Thank you. Any questions for staff over on
7 this side? I have a couple things. It looks like from the
8 pictures that we got in the packet that was delivered to us
9 this morning and other information that I have, it looks like
10 this has been in operation for a while. How long has this
11 been going on?

12 PANCHENKO: Chair Klob, probably that's a question
13 to the applicants. They know the operation, they may speak
14 about that.

15 KLOB: Okay. And my other question was had they
16 been cited, but you've already covered that. Going back to
17 kind of mirroring what some of the other Commissioners have
18 said, we spent a lot of time on the draft code that we did
19 work with, and I did a lot of research in it. I had never
20 heard of microschoools when it came up, and so I dug in and did
21 a lot, and I think we beat the code up pretty well as it came
22 forward, and I really kind of like what we presented and a lot
23 of the restrictions and the guidelines that we had outlined.
24 The only one that I'll counter a little bit with my Vice Chair
25 in that, and kind of tying back into, Valentyn, what you had

1 mentioned, this is going to follow more on the commercial
2 section, and we did have a commercial section. The only thing
3 I'll add to that is homeschools, or microschools in that draft
4 code were allowed in GR zoning, they are not allowed in the
5 commercial provision of that draft. So something to think
6 about as we move forward. Actually, I have a few more
7 questions, but I'll save those for the applicant. Any other
8 questions or comments for staff before I bring the applicant
9 up? Very good. With that, I'll bring the applicant up.

10 KEMPER: Good morning, Chairman and Commissioners.
11 My name is Karli Kemper, I live at 3292 West Allen Road in San
12 Tan Valley. I'm the founder of State 48 Arts and Academics,
13 and thank you for your time today. Our family started this
14 school initially for our own special needs children who
15 require a unique learning environment, but also because we saw
16 a need for other students who were struggling to thrive in
17 traditional schools. We are a nonprofit organization whose
18 main goal is to provide a safe and personalized learning
19 environment where children can succeed academically while
20 remaining a positive part of the community. We understand
21 that today's decision is ultimately about whether our school
22 can operate in a manner that's compatible with our
23 neighborhood. We believe our actions over the past years do
24 demonstrate that commitment. Throughout our time operating
25 the school, every concern that has been brought to our

1 attention has resulted in positive changes on our part. When
2 neighbors expressed concerns about outdoor performances and
3 activities, we voluntarily moved those offsite. When concerns
4 were raised about the sound of basketballs in our front
5 driveway, we relocated our basketball hoop to the backyard and
6 away from neighboring walls. We moved all of our outdoor play
7 areas to the center of the property away from surrounding
8 homes. We completely redesigned our drop-off and pickup
9 procedures so that vehicles remain on our property only, and
10 not the neighborhood roadway. We also invested approximately
11 \$10,000 to install a privacy screen of Ficus trees along one
12 of our property lines to reduce visual and sound impacts. We
13 plan to do more of that. We have also made sincere efforts to
14 build positive relationships with our neighbors. In November
15 of 2024, before the application process began, we sent letters
16 to our immediate neighbors introducing ourselves and our
17 school. We later held the required neighborhood meeting and
18 listened carefully to the concerns that were raised. Although
19 the meeting was a challenging experience for us, we have
20 consistently responded with a willingness to make reasonable
21 accommodations rather than create conflict. Because
22 microschools are a relatively new educational model, we
23 respectfully ask that the Commission evaluate our application
24 based on the actual operation and demonstrated impacts of the
25 school. We have submitted documentation showing our onsite

1 parking, redesigned traffic circulation, centralized play
2 areas, and many operational changes that we voluntarily made
3 to reduce neighborhood impact. I did bring with me today the
4 hard copies that were given to you at the beginning of the
5 meeting. We are a family of educators with our community's
6 interests at heart. Our family lives in this community, our
7 students live in the community, we care deeply about the
8 community, and we want to continue serving it while being
9 respectful neighbors. We do believe our history demonstrates
10 that commitment, and we respectfully ask for your approval of
11 the SUP. Thank you.

12 KLOB: Thank you. Questions for the applicant?
13 Commissioner Schnepf.

14 SCHNEPF: Since the last time you were here, was
15 this the changes that were made?

16 KEMPER: Yeah, we've - to kind of circle back to the
17 question from earlier, we have actually been operating for two
18 years. We started in 2024. Last school year, we implemented
19 the parking changes and drop-off changes.

20 SCHNEPF: And was there any further conversations
21 with the neighbors since the last time you were before the
22 P&Z?

23 KEMPER: No.

24 SCHNEPF: Okay. And then one more question. Are
25 you in support and okay with the stipulations that are in this

1 case?

2 KEMPER: Yeah, we are very willing to cooperate with
3 whatever the Commission sees needs to be done.

4 SCHNEPF: Okay, thank you.

5 KLOB: Commissioner Klucar.

6 KLUCAR: Thank you, Mr. Chairman. Yes, I have a
7 couple questions. First of all, I'm just curious, how did you
8 come up with the number of 35 students?

9 KEMPER: So that was not our initial number. We did
10 start with just our own children as the kind of primary
11 source, and then we had friends and neighbors that jumped on
12 the bandwagon, and we eventually decided that that was going
13 to be our maximum number. So 35 was the cap based on the
14 space that we have and the number of teachers that we have to
15 kind of keep that model.

16 KLUCAR: Okay. And I'm just curious, you're saying
17 that you're a nonprofit organization.

18 KEMPER: We are.

19 KLUCAR: So what does that mean to you, being a
20 nonprofit?

21 KEMPER: Well, that we are not a commercialized
22 organization, that any monies that are brought in that we
23 generate from tuition and things of that nature go right back
24 into the school. There is no profit.

25 KLUCAR: Okay, so you are charging then the people

1 who come to the school.

2 KEMPER: Yes.

3 KLUCAR: Do you charge everyone the same amount, or,
4 I mean how do you base your fees?

5 KEMPER: It depends. The schedule varies for
6 certain kids. We have some kids that come and just take one
7 or two classes, we have some that come for a full day of all
8 the classes that we offer from 9 to 3. So it's on a per-class
9 basis that they pay.

10 KLUCAR: And do you publish a list of the classes
11 and what they cost so people know up front?

12 KEMPER: We do. It's on our website.

13 KLUCAR: Okay. And then how did you come up with
14 the term? How did you decide that you were a microschool? I
15 mean, how did you -

16 KEMPER: I think for us, we did similar research,
17 too, in 2020 when things were kind of shutting down everywhere
18 and so many people were homeschooling and online schooling,
19 and these microschools started popping up. And we had
20 connections with - if you've heard of Prenda, they're kind of
21 like the founding fathers of microschools, and in looking in
22 that, we decided we could do something very similar with the
23 credentialed teachers that we had interested in helping out.

24 KLUCAR: When you say credentialed teachers, are
25 they State-approved teachers?

1 KEMPER: Yes.

2 KLUCAR: Okay. Do you receive any State funding for
3 this?

4 KEMPER: We don't, we bill the parents directly.

5 KLUCAR: Just the parents are paying. Okay. And
6 are you living on the site?

7 KEMPER: Yes.

8 KLUCAR: So you personally live there?

9 KEMPER: Yes.

10 KLUCAR: Okay. And my last question is, if you did
11 not receive a code violation letter from a code compliance
12 person, would you have come in for an SUP? Did you know the
13 process ahead of time?

14 KEMPER: We did not. We had looked up vague
15 references to the code and thought, oh, schools are allowed.
16 That was the extent of our knowledge.

17 KLUCAR: Okay.

18 KEMPER: So until that came to our attention, we did
19 not realize.

20 KLUCAR: Okay, that's all I have. Thank you.

21 KLOB: Vice Chair.

22 MOONEY: I just have a couple questions. One's a
23 statement. See? If there was code in there, she would have
24 known. Sorry. I'm sarcastic sometimes. My question to you
25 is, having reviewed some of the concerns that were in the

1 draft code, if we were to add any of those in, or if it was
2 approved down the road, would you be opposed to bringing it up
3 to what the new code is, or would you prefer to be just
4 grandfathered in?

5 KEMPER: Well, I guess it would depend on what the
6 changes were. We're familiar with the draft code, we did look
7 into that. I didn't see any huge concerns for us personally,
8 aside from the age limit. We do have high school students
9 that come to our school, many of them are special needs. They
10 have struggled to find educational success in the traditional
11 place, and in order for them to get a diploma, they have come
12 to us. So I would prefer that we have the ability to school
13 them as well. And then when I think of my own kids growing up
14 and being that age, I would like for them to be able to
15 continue.

16 MOONEY: Yeah, the age limit, if they've been in one
17 sort of a structure.... I grew up with folks that traveled
18 because their parents were in the military, and a school here
19 and a school there, I think that's hard on kids, so that
20 particular stipulation or item in the draft code, I don't
21 necessarily think is what I was looking at. But just some of
22 the concerns that were in there, that's all, I was just
23 wondering what you're feeling on it. So thank you.

24 KEMPER: Yeah, for sure.

25 SCHNEPF: Chair? In the stipulations it says 7 to 6

1 p.m., and in your packet you gave us it says 9 to 3, are you
2 willing to have that changed in the stipulations to say 9 to
3 3, since that's what you were giving to us?

4 KEMPER: Sure, for the school operations, yes,
5 absolutely.

6 SCHNEPF: Yes, okay, thank you.

7 KLOB: I think my challenge with that would be if
8 that's a school operation time, what about an after-school
9 program or before-school program? You know, does that include
10 parents dropping kids off/picking them up?

11 KEMPER: Right, yeah, I don't know how strict that
12 would be. I mean if somebody came up - you know, came late to
13 pick up their student or something like that would be... So
14 maybe it's best to leave the 7 to 6?

15 SCHNEPF: It's in the stipulations and if there's a
16 complaint, then it would be you're violating the 9 to 3.

17 KEMPER: Right. So I would say for the safety
18 cushion, maybe the 7 to 6 is ideal.

19 KLOB: All right, thank you.

20 PANCHENKO: Through Chair, if I may, just to address
21 Commissioner Schnepf's question also. 7 to 6, that's a
22 general allowed time for a home-based microschool, generic,
23 across the proposed draft and other jurisdictions. So that's
24 kind of like if everybody will be in the future allowed to
25 have 7 to 6 and this site will be reduced for different hours,

1 that might be seems unfair for this, the same use, but it's up
2 to the applicant to decide. I just pointed for that because
3 that's new information that I got just before the meeting and
4 just wanted to point it, that that's a point for discussion.

5 SCHNEPF: Yeah, and it sounds like from the
6 applicant, with those things that the Chair has mentioned, it
7 seems like they would want the 7 to 6 to stay instead of the 9
8 to 3 restriction.

9 KLOB: Commissioner Scott.

10 SCOTT: How far is your school away from the
11 Eduprize San Tan Valley campus? Guess?

12 KEMPER: I don't know the exact. We're not far.
13 They're virtually around the corner.

14 SCOTT: Quarter mile, something like that?

15 KEMPER: Yeah, I think that's a good guess.

16 SCOTT: How many children attend that school, do you
17 have any idea?

18 KEMPER: Eduprize?

19 SCOTT: Mm hm.

20 KEMPER: I am not sure.

21 SCOTT: A hundred?

22 KEMPER: I would say more than that. Are they K-8?
23 It's a big school.

24 SCOTT: Okay. And then just curious, what's your
25 teacher-student ratio?

1 KEMPER: So our biggest class has 10 students in it
2 for one teacher.

3 SCOTT: Okay.

4 KEMPER: We also have assistant college volunteer
5 kids that come in and help where we have heavier special needs
6 kids that need that.

7 SCOTT: So you have certified teachers and then
8 teacher aides also or parents?

9 KEMPER: Yeah, just for a couple of the classes
10 where the need is greater.

11 SCOTT: Okay. All right, that's all I got right
12 now.

13 KLOB: Thank you. I have a couple of my own
14 regarding this. As you did your research, and as you said,
15 you're familiar with the draft code that our County staff and
16 several of us on the dais worked on, in my research it's
17 pretty clear that in most cases, anything above 15 - I've seen
18 as high as 20 students - anything above that kicks it into
19 commercial, commercial zoning, commercial requirements,
20 commercial everything. And knowing that and still kind of
21 coming in in a rural atmosphere, in a quiet suburban rural
22 environment, why did you choose to keep the 35?

23 KEMPER: I think for us, our - and this is maybe
24 just a personal opinion situation - but because the properties
25 are fairly spread out and the acreage is larger and we knew

1 that we were primarily indoors, inside structures, we didn't
2 feel like we were being terribly intrusive. I think, too,
3 that many of the microschools that you might research are a
4 one teacher, one class situation where there's 15 kids at the
5 maximum coming in for one teacher or parent that's leading
6 that. I know that's kind of the Prenda model is they have a
7 parent with 15 kids. For us, because I came out of the
8 education system teaching in public schools and decided to do
9 this, alternatively, as did my fellow teachers, family
10 members, we are a little bit different in that way because
11 it's multiple teachers with multiple classes. So I feel like
12 it felt like a necessity to have a little more space to spread
13 out, is why we bought the property. Our house is also the
14 only one that has a brick wall or stone wall around it. The
15 other houses are all farming with kind of open fencing, so it
16 looked like an ideal area, kind of a little more removed. We
17 do have San Tan Heights neighborhood that backs up to us, but
18 it's a couple streets over. So it felt like an ideal place to
19 us.

20 KLOB: But in the packet that was presented to us,
21 it was pretty clear that this was your intention of being in a
22 rural environment regardless.

23 KEMPER: Right.

24 KLOB: Even the letter from an attorney, kind of
25 going against the County and the position the County had taken

1 a couple years ago, and the citing that you had backed out on
2 a property and essentially kind of pointing the finger that
3 it's this County's fault that that happened, again, knowing
4 full well that you're trying to create a commercial
5 environment in a residential district, this is what's given me
6 a lot of pause on this. And I'll tell you, I am - my mother
7 and my grandmother were both teachers, I have a special place
8 in my heart for teachers. I was groomed to be a teacher, and
9 then I found out how much money they make, and I'm not a
10 teacher. And also, I have family members with special needs
11 and so this case is really conflicting me a lot. And I want
12 to make sure that we get it right, not just for the County and
13 the zoning and the land entitlement, but also for your
14 students and to make sure that they're in the best environment
15 possible.

16 KEMPER: I will say, I don't know that we
17 necessarily, because there isn't anything written or adopted,
18 made that distinction between, okay, well if we have over 15
19 kids, we're now a commercial operation. So we didn't - I just
20 want to clarify, we didn't move onto the property thinking
21 let's open a commercial school. That wasn't the mindset. I
22 think we just didn't really think there was much of a
23 limitation. For us, we limited ourselves to keep that model
24 of the very individualized education and the small classroom
25 size, because that is what benefits these kids.

1 KLOB: And I support that, and I agree with that.
2 But I look at other uses. We wouldn't allow a normal business
3 with 15 or 35 employees to operate on a lot like this. Yes,
4 different uses, but similar in impact. So anyway, just wanted
5 to kind of let you know where I'm having my internal
6 challenges here.

7 KEMPER: I think that's where we're hoping that it
8 would be clear that the benefit is to the community members,
9 to the parents, the kids, the neighborhood in general.

10 KLOB: Vice Chair, and then I'll, Commissioner
11 Klucar.

12 MOONEY: So is it strictly, like, where do the kids
13 come from? Are they strictly all in the area, or?

14 KEMPER: No, not all of them. Most of them do come
15 from - many of them ride their bikes over. It's a lot of
16 neighborhood kids.

17 MOONEY: But mostly in the San Tan area?

18 KEMPER: Yes.

19 MOONEY: And it's hard because once something is
20 approved, like nobody's going in and counting the students
21 every day. So that is one of the concerns that I have, is a
22 number is chosen, and then it's just like, oh well, this
23 student has a sister or a brother now, or - and so how do you
24 draw the line? I mean that's a hard one, because nobody from
25 the County's going to be knocking on your door one day and

1 just going, okay, I've got to count kids today. And so that's
2 just something that concerns, because of the impact. I
3 actually live across the street in San Tan Heights, but not
4 right across from you, but in that community. So I'm very
5 familiar with the area. And so that is what just concerns me,
6 is that, you know, you've got to be able to draw that line and
7 say, okay, until somebody graduates or moves, we are - this is
8 a hard number.

9 KEMPER: We do already do that. We have a wait list
10 as of now. So we, and again, to keep the integrity of the
11 promises that we make to the parents, to keep those class
12 sizes small. And sometimes it does mean turning away an
13 entire family if their siblings can't fit into the class, you
14 know, and that means the older one can't come or the younger
15 one can't come. It is what it is until we have space freed
16 up.

17 MOONEY: Okay, thank you. Appreciate that.

18 KLOB: Commissioner Klucar.

19 KLUCAR: Okay, I was just looking on your website,
20 and I noticed that you have Oliver the Musical coming up. So
21 this is a theater.

22 KEMPER: Yes. We do have theater activities, yes,
23 but that's offsite. That will be at Combs Performing Arts
24 Center.

25 KLUCAR: Okay. Because I was looking at the hours

1 of operation in their evening office. You're saying the
2 theater is not on this particular site.

3 KEMPER: Some of the rehearsals take place there,
4 yes.

5 KLUCAR: Okay. The evening ones?

6 KEMPER: Yes.

7 KLUCAR: Okay. So you have evening rehearsals at
8 this site.

9 KEMPER: Some of them, yes.

10 KLUCAR: Okay. So would that be going against the
11 hourly restrictions that are put here?

12 ??: 7 to 6.

13 KLUCAR: 7 to 6, okay. Okay, that's already in the
14 stipulations then. Okay, I was just curious. Thank you.

15 KLOB: Commissioner Pranzo.

16 PRANZO: Thank you. Is it Mrs. Giles? I didn't get
17 your name when you came up to the podium.

18 KEMPER: It's Karli Kemper.

19 PRANZO: Karli?

20 KEMPER: Giles is my maiden name, yeah.

21 PRANZO: All right. I raised children with special
22 needs some 40 years ago when it was impossible to find some
23 place where they could be armed with the tools to be
24 successful, and luckily for me, I did find places where they
25 could go. But it poses the question, it really has nothing to

1 do with the zoning, but teachers that are educated to handle
2 children with special needs, they're not easy to come by.
3 Typically, public school, even in a high school, has maybe one
4 or two, and they're overwhelmed. So the question I'm curious
5 about is the qualifications that your teachers will have in
6 order to handle these kids.

7 KEMPER: Yeah, several of our staff members actually
8 - came out of the public school in SPED, in special ed
9 departments, so everybody has kind of a vast experience with
10 that.

11 PRANZO: Okay, because it's quite challenging.

12 KEMPER: It is.

13 PRANZO: And I was just a parent. Okay, I commend
14 you, I really do. It's a needed task.

15 KEMPER: It is.

16 KLOB: Vice Chair.

17 MOONEY: I'm just going to go back to all over the
18 musicals. So will your practices go beyond 6 p.m.?

19 KEMPER: They do. That's something that we would
20 have to change, yes.

21 MOONEY: Okay, thank you.

22 PANCHENKO: Chair Klob, also when we are speaking
23 about this stipulation, this stipulation has also limits of
24 four days, Monday through Friday. I don't know if Commission
25 want to discuss with the applicant to reduce it for Monday

1 through Thursday, as they specified. Just a question to the
2 Commission. And they also specified that the operation will
3 be September through May. That's also an additional tool to
4 limit this use within the framework of this SUP, but that's up
5 to the Commission. 7 through 6, Monday through Friday, that's
6 a general requirement. That will be imposed to any school,
7 microschoools, if that will be approved, maybe, in the future,
8 but that's what we have provided by the applicant. And the
9 Commission might discuss with the applicant if they want to
10 reduce some of that, because that will definitely make some
11 impact, at least on those additional days.

12 KLOB: Yeah. And I think those items probably need
13 to be looked at and addressed a little deeper, I don't know
14 that that's necessarily right at this moment. We do have
15 several speaker cards. What I would recommend is if you want
16 to kind of gather your thoughts on that, we'll allow people to
17 speak and then you'll have time to come back up, and then we
18 can, you know, if that's a stipulation, you can kind of give
19 your two cents on what you think it needs to be, both the time
20 of operation, the days of operation, and the months of
21 operation.

22 KEMPER: Okay, thank you.

23 KLOB: All right. So with that, I will open up the
24 public comment portion for SUP-024-25. I have several speaker
25 cards - actually, I have three. The first one I have is Corey

1 Corcoran.

2 C. CORCORAN: Good morning, I'm Corey Corcoran, I
3 live at 3230 West Allen Road, the immediate house on the east
4 to State 48 Microschool. I think it's important to go back
5 two years ago when they moved in. This did not start as a
6 microschool, this started as a full-blown theater. They were
7 parked all along the easements. It was a nightmare. It was
8 loud. I think their hours of operation online, if we could
9 double check, it says 8 a.m. to 11 p.m. right now, as of this
10 morning. But they run until the evening. It's obnoxious.
11 The school, I think, started about a year ago. The traffic
12 levels, I know that this is deemed as commercial, as I'm
13 understanding that it wouldn't meet any traffic coding. But
14 if there's 35 students, there are no bikes being ridden onto
15 this property. This is all automotive, in and out, signs out
16 front saying parking in the rear. They have kids that come
17 out, and they have a sign from like Amazon. One side says
18 stop in green, the other side - I'm sorry, stop in red, the
19 other side says go. They walk right out and into oncoming
20 traffic and they hold a sign up so all their parents can get
21 off their lot. They stop the natural flow of traffic. It's
22 just frustrating. This is a commercial-sized venue, 35-plus
23 students, plus teachers. They have special needs kids, as my
24 sister is certified for, and Mr. Pranzo stated, it's a one-to-
25 two student per teacher scenario. My sister is strictly

1 autistic children, and it's a one-to-one ratio, that's how
2 demanding it is. So to have 10 students in one room with one
3 teacher and maybe an assistant, I mean, I'm sorry, I'm just
4 extremely frustrated. I haven't spoke before to anybody on
5 their side, but I am asking you guys to look at this as
6 commercial and not residential. Please deem this as what it
7 is. They need to move off property, as far as the business
8 goes, I'm all for their business, just not next door to us.
9 So that's all I've got, thank you.

10 KLOB: Thank you. Jennifer Corcoran.

11 J. CORCORAN: Good morning, my name is Jennifer
12 Corcoran, I live at 3230 West Allen Road. I'm the direct
13 neighbor to the east of the proposed microschool. I have
14 owned and lived in my home for the past 10 years, and prior to
15 the microschool being conducted next to us, it has been very
16 peaceful. Since they have been operating, it has been
17 anything but peaceful. The noise disturbance from the school
18 is tremendous. On a nice day, I'm unable to open any of my
19 windows or doors in my home, as there are numerous kids
20 screaming outside for hours at a time. It's not just a 15-
21 minute recess, it's all day. And I have audio, if that's
22 something that you guys would like to hear. There's loud
23 stomping from the classroom buildings that can be heard, along
24 with cars and car doors being shut during drop-off and pickup.
25 As stated before, they have around 30 to 35 kids attending the

1 school. This is on one and a half acres in a quiet rural
2 area. The sound travels. The 20 shrubs they have planted do
3 absolutely nothing. The traffic they produce is a huge safety
4 concern. They have minors outside with a stop-go sign, as
5 Corey stated, that controls the flow of traffic on Allen Road.
6 I have photos of that as well. As parents are entering and
7 exiting, they will be stopping the flow coming on their
8 street. It will only be a matter of time that there is a
9 wreck or a student hit. Our street is not meant for the
10 amount that comes and goes, nor do they have permits to
11 control the traffic. Another concern I have is my property
12 value. If I were to ever sell my home, I have to disclose
13 that a school is next door. If I wanted to live next to a
14 school, I would have moved next door to Eduprize. I can't
15 speak for everyone, but I do know that most people who live in
16 our area chose it because it's quiet and tucked away from
17 everything else. One year ago, they did hold a meeting that
18 not many neighbors were able to attend; however, the ones who
19 did were all very opposed to operation of the school taking
20 place. Our frustrations and concerns apparently came across
21 to the owners and operators as contentious. I personally do
22 not feel anyone was, as we all just want our peaceful living
23 back. Knowing you're disrupting your neighbors, holding a
24 school and running a school, and having zero regard to them, I
25 believe is contentious. These disruptions have affected our

1 ability to peacefully enjoy our own homes and negatively
2 affect our area. Thank you.

3 KLOB: Art Hargrave.

4 HARGRAVE: Good morning, my name's Art Hargrave. I
5 live on Royce Road, 32545 Royce Road, which is actually - we
6 have an adjoining fence, basically, as far as to the subject
7 at hand, as far as here. The biggest concern I have is -
8 actually, there's three of them. One is safety, the second is
9 noise, and the third, as far as the size, the size of the
10 amount of student population that they're looking at. As you
11 mentioned, the Eduprize is just down the road. As a crow
12 flies, it's about three quarters of a mile, close to a mile is
13 what it is. And of course, on that street, which is Roberts -
14 and there's three streets, Roberts, Allen, and can't remember,
15 Phillips. Eduprize is on Roberts Road, and the amount of
16 traffic going up and down that, I don't know if you ever drove
17 by a school when kids are being let out and basically being
18 picked up, it takes sometimes 10 minutes to get past that area
19 because of the amount of cars going in, as far as the ingress
20 and egress, as far as that goes. Now, the amount of traffic
21 is also a problem because of the speed that's going. They
22 ended up putting speed bumps on Roberts Road because of the
23 speed of the people traveling through the school zone. Now
24 what we're having is basically we have a school on one corner,
25 and the very next corner is also gonna have a school with

1 approximately 35 students coming in. The intent of Brother
2 Giles here and Kerry, is basically, I have to commend for
3 that. But the lot, it just isn't conducive as far as to
4 handle 35 students. And the safety factor, I can see, I can
5 see where Allen Road's gonna end up having to have speed bumps
6 put in because when the speed bumps were put on on Roberts
7 Road, a lot of people drove up Thompson and they started
8 coming down Allen to bypass that congestion. Now we're gonna
9 compound that congestion with more people coming down that
10 road at a faster speed, you're gonna have to have signs put
11 up, speed bumps put up, and it's just not conducive for that.
12 Robert, you mentioned as far as the fact that it's like a
13 commercial building is what it is, and that's what it is. I
14 bought that property for peace of mind and quiet out there,
15 and it was that until they bought the property, they set up
16 the theater - and we had all sorts of problems with that as
17 far as noise and traffic and dust - and it's just not big
18 enough or the right place for that. I do commend them for
19 that, but it's just not the right place. They just didn't do
20 their due diligence.

21 KLOB: Very good. Thank you.

22 SCOTT: Mr. Chairman, can I ask him a question?

23 KLOB: Commissioner Scott, excuse me, sir. One of
24 our chairman has a question for you.

25 SCOTT: I was just curious, you said you lived there

1 previous to this family moving in?

2 HARGRAVE: Yes, I actually bought my property back
3 in 2007. I started development in 2017, moved into it in
4 2018/2019, been there ever since. And there's a block wall, a
5 six-foot block wall that separates us from them.

6 SCOTT: So are you directly to the north of them?

7 HARGRAVE: I'm directly to the north, that is
8 correct, sir.

9 SCOTT: Okay. So when they had the theater
10 activities going on, did you ever -

11 HARGRAVE: That was a disaster.

12 SCOTT: - give them a phone call or talk across the
13 fence?

14 HARGRAVE: Actually, I went by - there was two
15 problems I had. I dropped by them twice, is what I'm saying.
16 I dropped by them once because they had big, huge theater
17 lights facing right directly into my backyard. So my wife and
18 I, when we were sitting in a hot tub, were blinded by, it
19 looks like 20 semis, with high, bright lights basically
20 shining right in front of us. I went over there and asked
21 them, as far as to alleviate that problem, because it's just
22 not really the right thing to do, as far as for a private
23 residence. So they did put a black screen up there, it was a
24 real thin black screen. It did dampen the light pollution
25 there, but it still was just not enough, as far as to take

1 care of that issue. Then the second thing was, when they had
2 the theater - they bought the property, in the first October
3 they had a Halloween event. They put up temporary buildings,
4 and a lot of noise, a lot of lights, a lot of children playing
5 outside, and from there until Christmas, they were preparing
6 for a Christmas pageant that they had on their property. So
7 they practiced everyday, over and over again, and the problem
8 with that was they had a sound system, a mic, basically, that
9 broadcast a very loud noise, as far as in their practices. In
10 fact, I have one neighbor of mine, Jason, who lives as the
11 crow flies, probably 800 feet away, and he complained about it
12 all the time. And I asked them, as far as, to quit that. We
13 got into a heated discussion, they asked me to leave the
14 property. They still had the event go on that specific night,
15 but we're talking 30, 35, 40 times that they had violated
16 noise ordinance laws that basically - I gave a copy of that to
17 Brother Giles, and they were violating that, over and over
18 again. Yes, I could have called the police, but I didn't do
19 that. I took it in my own hands, and made some noise the same
20 time that they were having the event, and they re-evaluated
21 their situation, and that's the reason why they decided to
22 have their theater offsite, because of that reason.

23 SCOTT: So it hasn't happened anymore?

24 HARGRAVE: It hasn't happened anymore. They still
25 have the school going on. As far as the number of kids, I'm

1 not gonna look over the fence and count the kids, but I'm
2 guessing probably 10 to 15, maybe 20 of them, playing ball,
3 kickball, basketball, so on and so forth, and I can always
4 tell when they're out there playing, because you can hear
5 them. And I do have - the house that I have is - I have a
6 detached garage that separates our house from their property,
7 so there's a buffer right there, and I could still tell that
8 they're having kids. The house is approximately 150 to 200
9 feet away from their property line.

10 SCOTT: So just a lot of common noises that would be
11 associated with a residential area?

12 HARGRAVE: Common noise, dust. Yes.

13 SCOTT: (Inaudible) children?

14 HARGRAVE: Yeah.

15 SCOTT: Okay.

16 HARGRAVE: And the other thing is, there's a lot of
17 dust as well, because, you know, kids are running around in
18 dirt, you're gonna have dust. I have solar panels on that
19 south side of the garage, and I have to clean that off quite a
20 bit because of the dust that they create. And another
21 nuisance, as far as it goes. I mean like I said, I bought
22 that property for having a quiet area, a quiet zone, peace of
23 mind, and we don't have that.

24 SCOTT: Thank you.

25 HARGRAVE: You bet.

1 KLOB: Thank you, sir.

2 HARGRAVE: Any other questions? May I ask one other
3 thing?

4 KLOB: You've actually used up your time.

5 HARGRAVE: Okay, very good.

6 KLOB: Thank you.

7 HARGRAVE: I appreciate that.

8 KLOB: That's the last of the speaker cards that I
9 have, is there anybody else that would like to speak to this
10 case? Seeing none, I will close the public comment portion of
11 this and bring it back to the applicant. Feel free to address
12 any of the concerns that you heard, and then also what we
13 talked about.

14 KEMPER: Well, we have been operating two years,
15 that's true. We did have theater events in the beginning, and
16 once we learned that the neighbors were upset and we were
17 disturbing, we did move it offsite. There were some things
18 that are not true. We do have many kids from the neighborhood
19 who do ride their bikes. There are no children in the
20 streets, ever. We have a gate in the front. We have a
21 college student who's a volunteer. She is very short, so
22 maybe she's being mistaken as a child, but she does stand out
23 in front of our gate on our property, not in the street, with
24 a stop and go sign to make sure that nobody's coming out of
25 the driveway, and coming in at the same time, if two cars

1 happen to be there at the same time. So that's the purpose of
2 that, to clarify. And then, I think as far as the hours of
3 operation, if we were to get the special use permit and needed
4 to adjust our numbers, our enrollment, so that we weren't
5 having all of those 35 kids on property at the same time, we
6 may need some flexibility with hours, Fridays included, to
7 adjust our class schedule, to still accommodate all the kids
8 who are interested in coming, but maybe divide them up
9 differently. So I would prefer that we still have that 7 to
10 6, Monday through Friday option that's already written in the
11 stipulation. Is that everything.

12 KLOB: Yeah, I think there was the hours of the day,
13 the days of the week, because I think you had also mentioned
14 Monday through Thursday, so that wouldn't allow you to do
15 anything on Fridays.

16 KEMPER: Right, that's - yeah, we currently operate
17 Monday through Thursday, but the stipulation, I think, says
18 Monday through Friday, 7 to 6. So it's already in there, we
19 just didn't want that to change, in case we need to do
20 something on a Friday.

21 KLOB: All right. Vice Chair.

22 MOONEY: And so one other question that you didn't
23 address was the after 6 p.m. students coming for practice,
24 plays and things, so how is that gonna be addressed, or is
25 there - can it go elsewhere?

1 KEMPER: Yeah, that's not actually students, or
2 strictly students, I should say. It's community theater, so
3 it is a separate thing from the school. Not as big, it's a
4 little bit of a different thing, and like I said, we do have
5 all of our technical rehearsals and our performances are
6 offsite. We do have small rehearsals during the weeknight.
7 Right now, it's only one night a week on Thursdays. So if we
8 had to adjust that, we would be willing.

9 MOONEY: And is that indoor, outdoor, or a
10 combination?

11 KEMPER: It's indoor.

12 MOONEY: Okay. And do you have - do you do multiple
13 plays throughout the year?

14 KEMPER: So this is the first one we've done since
15 moving into the property in two years. So it's a hit and
16 miss, it's not a regular thing.

17 MOONEY: So that is something I think the Commission
18 will have to talk about as far as, you know, you had a set of
19 hours, 9 to 3. Staff put the average of 7 to 6, and still
20 this is outside of that, so -

21 KEMPER: Correct.

22 MOONEY: When you're thinking of these things, you
23 need to think of all the different activities and what have
24 you, so we'll just have to figure out how to address that
25 part. Thank you.

1 KLOB: Any other questions for the applicant?

2 HARTMAN: I do.

3 KLOB: Commissioner Hartman, then I'll come back to
4 you.

5 HARTMAN: Thank you, Chairman. You know, I like the
6 school idea, it seems nice. I've seen your pictures, you make
7 a good presentation. My concern is it's an acre and a half,
8 and are there any other SUPs or any other businesses in this
9 area, or is it primarily residential?

10 KEMPER: I think there are other smaller businesses
11 on our street. I'm not well versed in that, I apologize, I'm
12 not exactly sure. I believe our next door neighbor does some
13 work in his yard for his business, but I don't know that for a
14 fact.

15 HARTMAN: Gotcha. Valentyn, do you know, are there
16 any other SUPs in that, or is it primarily residential?

17 PANCHENKO: No, there's no - it's residential.
18 Zoned - no SUPs in that surrounding. There was a couple of
19 requests, but that's from the western portion of this section,
20 of this subdivision, and that's related to that arterial road,
21 but not inside subdivision.

22 HARTMAN: Gotcha, yeah.

23 PANCHENKO: Next to the school, but they never apply
24 it. But yeah, so potentially they are doing some businesses,
25 but that's next to the school, to the western portion of this

1 subdivision, and they told to be - we discussed it with that
2 owner that they need to apply for a SUP or cease their uses.
3 So far, no SUPs.

4 HARTMAN: Okay.

5 PANCHENKO: And as well, regarding to your question
6 of the acreages, Arizona State Statute required from the
7 County do not impose any lot size limitation if it's over one
8 acre. So the State requires to have only one acre and do not
9 impose any additional requirements for any kind of schools
10 higher, more restrictive than one acre. And this site is 1.5.

11 HARTMAN: Okay, well that's good to know, because I
12 was thinking, man, if this was a three and a half acre
13 ranchette type community, you know, it'd be great. A little
14 bit more space. From the speakers that are opposed to you,
15 made a good, you know, in some cases, their peace and quiet at
16 night or during the day is being disruptive, during the day, I
17 guess. But that's my only concern, and - but I like the
18 school idea, and it seems like you've been doing well on it,
19 so.

20 KEMPER: Thank you. Mr. Pranzo.

21 PRANZO: Hi. Recreation is very much needed to get
22 the energy out of these kids or you can't get them to sit
23 still, but I'm wondering, what is your current student
24 population right now?

25 KEMPER: In terms of ages or the actual enrollment?

1 PRANZO: Just numbers, how many you got?

2 KEMPER: So I would say at any given time, there's
3 roughly about 20.

4 PRANZO: About 20 students?

5 KEMPER: And some of them are older and do not play
6 outside. They're high school students, so they don't have a
7 recess. We do have recess, it is not hours long, but it is
8 there, it is built into the school day. So I would say, I
9 think in our elementary grades, we have about 12 that play
10 outside at the same time during their recess break.

11 PRANZO: And recess is structured, it's not an all
12 day.

13 KEMPER: Correct.

14 PRANZO: This is a tough one. It really is. You
15 know, I really - you've demonstrated the need for school for
16 special needs children, you've demonstrated that. Then of
17 course, there's the other side of the coin, so I'll leave it
18 at that. Thank you.

19 KLOB: Any other questions? Commissioner Klucar.

20 KLUCAR: Yes, sorry to bring this up again, but the
21 rehearsal schedule for the auditions, on your website, again,
22 you post Saturday night - no, Saturday afternoon, Thursday
23 evening, and in the stipulations, it says no weekend or
24 evening activity shall be permitted. So, and you say these
25 are offsite.

1 KEMPER: Right. Many of them are offsite, some of
2 them are on the property.

3 KLUCAR: Okay. In your schedule then on the
4 website, are you gonna differentiate or let people know that
5 this Saturday we're rehearsing at so-and-so place, and so
6 people don't assume that by seeing the schedule, oh we'll just
7 go to this location and have our Saturday rehearsal. Because
8 they're all listed. There's no locations mentioned for any of
9 them.

10 KEMPER: Oh, right, yeah. Our cast members do have
11 specification of where we're rehearsing. We just don't
12 publish it on the site, but yeah, they do know.

13 KLUCAR: Okay.

14 KLOB: I'm gonna come back to staff with a question
15 on this. How are we as a County, as our code compliance team,
16 to determine when one function ends and another begins if we
17 have an existing SUP on the property? I don't care who wants
18 to jump in on that one.

19 KRAUSS: Yeah. Mr. Chairman, I'm not sure I quite
20 understand the question. You're asking how would we know?

21 KLOB: Well, the applicant is stating - so we're
22 getting an SUP for a microschool, for use of a school, but
23 there's also a secondary use on the property of a theater,
24 some type of theater production that happens in the evenings
25 or possibly weekends or outside of the time and day boundaries

1 that the SUP is allocating. But if there's a complaint, if a
2 neighbor complains and says, hey, there's a bunch of people
3 here, it's 7:00 in the evening on a Friday night, it's a
4 violation of the SUP, can they say, well no, this was not part
5 of the function of the microschool, so we're doing something
6 different here?

7 KRAUSS: Well, yeah, it's gonna be difficult. We're
8 gonna base our responses on complaints. It's gonna be
9 complaint-based. If you have concerns, specifically, about
10 after-hour activity, I think you need to stipulate that. I
11 mean, you can't restrict them from having a party or having a
12 card game with friends. There's a certain amount of activity
13 they may have after hours, but if it's related to the school,
14 then it wouldn't be permissible. How are we gonna know that?
15 It's not gonna be easy. I don't know how we'll enforce that.
16 Probably based upon number of cars and how many complaints we
17 get.

18 KLOB: Yeah, there lies my concern is - and trying
19 to be - to create clear definitions for the community and the
20 neighbors of - I don't know, we got two separate uses that
21 we're finding out about now on this same property and we're
22 discussing one, but there's another one that could be equally
23 as intrusive and may even need another SUP, I guess, I don't
24 know.

25 WILLIAMS: Yeah, Chairman Klob, now I know you can't

1 see it, but I would direct you to their website.
2 Specifically, it talks about personalized arts education for
3 your student. I think they're one and the same. You know, it
4 sounds like they do a lot of theater and it's tied to more of
5 the arts and entertainment. I think what it comes down to is
6 what you wanna do with this property and whether or not you
7 want to approve an SUP in this residential area.

8 KLOB: Okay, thank you.

9 GAREY: Chair, Vice Chair, Members of the
10 Commission, just to - I don't know if this answers or helps
11 answer your question, Chairman Klob. There is a provision
12 under our code for SUP revocation and there is a provision
13 that upon the zoning inspector's determination if there's a
14 violation, requires notice to be given, and a subsequent
15 hearing in front of the Board of Supervisors, a public hearing
16 to discuss whether or not there is a violation. So there's a
17 totally separate mechanism for revocation of special use
18 permits under our code.

19 KLOB: Okay, thank you. Vice Chair.

20 MOONEY: That is number 19 is listed as a
21 stipulation in there about at any time may result in
22 revocation of the SUP by the Board of Supervisors. So since
23 you're still up there, I'll ask, how do you wanna address this
24 after hours? Are you - I'm trying to work through this to try
25 and figure out, so we're just gonna say no after hours. If

1 you're gonna have the hours from 7 to 6, that's it, period.

2 Is that gonna work?

3 KEMPER: I mean, we can make that work if that's
4 what's needed.

5 MOONEY: I mean because that - I mean and I
6 understand, as was stated, you know, you're having a party or
7 a gathering and whatnot, that's totally different, but when
8 it's involving an activity, as we've gotten clarifications
9 kind of one and the same through the school, that's what we
10 need to address. And as, thankfully, Commissioner Klucar
11 found that on the website, I don't know, is there anything
12 else on the website that there's other activities that there's
13 - and I'm not trying to be disrespectful. I'm not on your
14 website, I don't have -

15 KEMPER: Everything else is related to the school.

16 MOONEY: Well, and that is, too, bringing the
17 students and trying to - I mean, I had that in elementary
18 school as well, and I thought that was great. So we just need
19 to figure out how we're gonna address that, and as long as
20 you're fine with, if it comes to that, we're gonna have to
21 stick to the hours that staff put in their recommendation, and
22 the Monday through Friday, so thank you very much.

23 KLOB: Any other questions for the applicant?

24 PANCHENKO: Chair, if I may, I also want to point
25 out for the stipulation number 4, which speaks about

1 enrollment shall not exceed 35 students at any time. And
2 there are some additional further limitations based on the
3 occupancy and other requirements. And applicant just told
4 that they basically can do less, and they usually have less of
5 children, and I'm wondering if Commission wanted to discuss
6 that one. Also, applicant mentioned that they want to keep
7 Friday because they want to redistribute number of kids. So
8 that 35 was based out of the maximum amount, and I don't know
9 if Commission want to discuss with the applicant that
10 stipulation as well.

11 KLOB: Sure, I'll let the applicant kind of address
12 that.

13 KEMPER: I mean, I think we would obviously prefer
14 to be able to have up to the 35 students, because kind of
15 going back to what we talked about before, it does make it
16 easier for us to allow families in, and the age group range
17 that we're teaching, but we would not - I mean, we would be
18 cooperative if the Commission found that that was problematic,
19 and we needed to reduce the numbers to fit a homeschool model,
20 rather than as defined by you guys, a commercial model.

21 KLOB: All right. Any other questions before I -

22 SCOTT: (Inaudible) got one.

23 KLOB: Commissioner Scott.

24 SCOTT: So just for clarification, you're asking for
25 a max of 35, but currently you have 20 plus or minus?

1 KEMPER: Yeah, that come at the same time, yes.

2 SCOTT: Okay. So at any given time, you're going to
3 have 20?

4 KEMPER: Yes, this year, yes.

5 SCOTT: Okay. Okay, thanks.

6 KLOB: Very good. Thank you.

7 KEMPER: Thank you.

8 KLOB: I'm going to bring it back to the Commission
9 for discussion.

10 KRAUSS: Mr. Chair, do you want to close the public
11 hearing?

12 KLOB: I thought I already closed the public
13 hearing. But with that, I'll close the public hearing portion
14 of SUP-024-25, and bring it back to the Commission for
15 discussion. I'm going to go a little bit out of order on this
16 one, because I think there's still a lot of questions, and are
17 we going to do stipulations? Are there going to be more
18 stipulations, less stipulations, modifications, whatever? So
19 before we go to a motion, I think I'm going to open it up to
20 discussion, and that way whenever we - whoever does the
21 motion, we have a little bit clearer direction. So does
22 anybody wish to speak?

23 MOONEY: Sure.

24 KLOB: Vice Chair.

25 MOONEY: Sure. Of course I do. So in our draft

1 code - and it is draft - they talked about 15, not more than
2 15 students in a home-based, and that was K-8. So if, as the
3 applicant stated, it's K-12, so you have four more years. So
4 if we were going to look at a number where she had 35 and we
5 had drafted 15 - but that was only K-8 - I just wanted to kind
6 of give that number so that we could - if we wanted to meet in
7 the middle somewhere, and at any one time, she said she had 20
8 students this particular year. So I just wanted to point that
9 particular - point out in our draft code that we did have.

10 KLOB: Any other discussion? Commissioner Pranzo,
11 you look like you wanted to say something.

12 PRANZO: Trying to noodle this thing is impossible.
13 It seems like the major complaint is noise and traffic. And
14 I'm really not familiar with the area, and it surprised me to
15 hear speed bumps. I hate speed bumps, I really do. But to
16 get away from speed bumps, the recreation part is not the
17 entire day. In other words, you don't have kids out there all
18 day long, that's why I asked if it was structured. Generally,
19 they're working with nine-year-olds to 18-year-olds. So what
20 is that, fourth grade through high school, it seems like. And
21 it takes about that long to really identify a special need.
22 So how do I get past the noise thing? The surrounding
23 properties, they really don't want it. You know, I live here
24 in town, so I always get surprised with a brand new set of
25 noise, whether it's a car with boom boxes in it, or a

1 lawnmower at 5:30 in the morning. But I chose to live in
2 town, these people have chosen to live in a rural area. The
3 impact to property value, the potential is there. It exists.
4 Not everybody wants to live next to a school, so it shrinks
5 their marketability, and therefore it shrinks their property
6 value. So as much as I see the need, and I really do feel for
7 the parents of these children, the environment just does not
8 seem to be compatible with what they want to do. The area's
9 just not large enough for this kind of an activity. And yet,
10 I really want the kids to have a place to go, because I've
11 done the public school thing, it's useless. It doesn't exist.
12 So, I don't know, I guess you gotta vote your conscience. Are
13 you willing to piss off the neighbors, or do you go with the
14 kids? That's really where I come down. And it's not
15 incorporated into San Tan yet. I'll just hold you
16 responsible, that's your job.

17 SCHNEPF: It's not contiguous.

18 PRANZO: So, that's where I am on it. I'm hoping
19 for a general consensus, because I really, I don't know which
20 way to go, I really don't.

21 MOONEY: May I address some of your concerns? What
22 are your thoughts on making the number lower than 35? And
23 also, let me ask my other part and then answer. Limiting the
24 outdoor activity to certain hours, and it would always be at
25 those certain hours. It may be contentious with some of the

1 neighbors, but if they know that from 10 to 12 is when the
2 kids are gonna be outside, maybe they can try and develop
3 their day. I know that's not fair, but I'm just asking
4 thoughts on that. Because I have heartburn, this is across
5 the street from my community as well. And I'll explain the
6 speed bumps later.

7 PRANZO: Okay. That goes, you know, what was - I'm
8 having a senior moment. What was your first - oh, the number
9 of kids. Yeah, 35 does seem like a large number to me, and it
10 seems arbitrary, that somebody just threw some mud against the
11 wall and we came out with 35, like we've seen so many times -
12 five acres to have dogs on it, that kind of stuff. So as long
13 as the school can continue to pencil, you know, limiting the
14 amount of kids is also limiting the amount of cashflow, and
15 that can impact the quality of your school immensely. And as
16 far as the noise, you know, we're saying nine to 18. So
17 that's, what does that give you? Three plus four, seven
18 different grades, and they probably go out at different times.
19 You don't wanna send a fifth grader out there with high school
20 kids, they'll just get ran over. So it seems to me that we
21 can't limit their outdoor activity as well because these kids
22 have to get the energy out, but yet the kids that are out on
23 the playground have to be age appropriate. So I can't see
24 limiting that, I can see limiting the amount of students.
25 They seem to have their head above water with 20, so maybe put

1 a cap at 25, something like that. But you can't limit outdoor
2 activity. Some classes might be in session for an hour and
3 those kids need to get out and run around so that they've
4 exhausted themselves and they'll sit still in their chairs.
5 You see where I'm going with that? And you have so many
6 different grades.

7 MOONEY: I was just putting it out there to try and
8 see if we could try and work through it somehow, because I'm
9 having heartburn like you are, but trying to talk through if
10 we could come to some consensus or not.

11 PRANZO: Yeah. I wanna see them operate, but I do
12 not want to diminish the value of the properties or the
13 quality of life around them. And I don't see a good answer to
14 that.

15 KLOB: Any other comments?

16 KRAUSS: Mr. Chairman, one of the - if I could just
17 interject. I know we talked about after-hour activity, the
18 theater. It came to my attention that there is a special
19 event permit process in the County where they would file a
20 permit to do something, a one-time event, if they wanted to do
21 something on the property, and all property owners can avail
22 themselves to that opportunity. So that may be - allow for
23 some outside activity, but on a structured basis with hours of
24 operation and a permit basis.

25 KLOB: Do we have any limits on the number of times

1 that can be applied for in the County? I mean do they have a
2 standing one every week?

3 DEOKAR: We have special event permits, usually -
4 like the country thunder is once a year. This could be - the
5 school could have twice a year, twice or thrice a year, is
6 what I was thinking, but I don't think we have any limits
7 specified for the special event permits.

8 KLOB: Thank you. I didn't think there were either,
9 but, you know.

10 KRAUSS: But it can be limited by stipulation on the
11 use permit, the SUP.

12 KLOB: Okay. Commissioner Schnepf.

13 SCHNEPF: I want to try to just be brief and to the
14 point. I love the idea. I love that there's choice that is
15 being given here to students and opportunity, and the
16 curriculum, and just the business in general. The other side
17 of it, though, it's in a rural community, and as Commissioner
18 Pranzo said, there's some concerns there. It seems like it's
19 leaning, to me it's more suited to a commercial type property
20 or otherwise this is going to be stipulated to high heaven,
21 you know, to get to some consensus. So, is it conflicting?
22 Yes, it is. But I'm almost leaning towards it's more suited
23 to another area or zone. Unfortunately.

24 KLOB: Any other comments? Commissioner Keller.

25 KELLER: Yeah, and I agree. I mean, the thought

1 process behind it and what it's for is great, right? But GR -
2 General Rural, you're allowed to run a home business when you
3 have a GR, but - when you live in a GR zoned area, but every
4 employee has to live on the property. So if employees live
5 off the property, there's that traffic and then the kids'
6 parents dropping them off, it just goes so far beyond that
7 like it's being expressed, I mean it's a great thing, but I
8 think it goes above and beyond the limit of what should be in
9 a GR area for the other residents. And just noise and traffic
10 and everything.

11 KLOB: Yeah. Yeah, and I'm going to chime in a
12 little bit here and just kind of second that same, you know,
13 those same concerns. I look back at other projects, other
14 cases, and then even some of our items that we had on the
15 draft code that we were working on, and one of the things is a
16 requirement that can't be within 1,200 feet of another school,
17 which clearly we are. Use in a GR district, we've heard about
18 possible signage. I don't know that that's stipulated. I
19 think there's paving issues here. I look at cars parked all
20 over the dirt. I think this is going to get into a
21 stipulation quagmire of we'll be writing stipulations all day
22 long, and then we run into an issue of enforcement. And
23 because we're a County that is complaint-based, that either
24 (A) the neighbors are already upset because of the operation,
25 so they're going to be complaining about everything, which is

1 100 percent their right to do, this is just going to be this
2 ongoing challenge. And this is, for me, this is clearly, as
3 much as I share my other Commissioners' feelings on this, as
4 much as I like what they're doing and 100 percent agree that
5 there's a need for this, and I support that with every part of
6 my being, just not here. And I'm just having a hard time with
7 this. And this needs to be in a commercial zone and a
8 commercial environment, is my feeling. Any other discussions
9 on that? But I'll also entertain a motion if someone wants to
10 bring something forward. So Tom, go ahead.

11 SCOTT: So would there be any - in the change, with
12 the way that we feel if the max was 15 kids? Max 15 tops,
13 just like the...

14 KLOB: For me, my own personal opinion, we're
15 getting closer, but I also, you know, I hear the neighbors.
16 And, you know, if - sometimes that we hear things about
17 projects and the people come in and they complain and they
18 live, you know, a mile away. That's their right, but they're
19 not directly affected. We've heard from two neighbors that
20 share property lines and they both had their challenges and
21 issues here. And so that weighs heavy on how I feel. Well,
22 you look like you want something to say.

23 MOONEY: Oh, I do. I always do, right?

24 KLOB: Commissioner Mooney.

25 MOONEY: So, two questions. One is for staff. If

1 we were to move forward with this, would we be able to put a
2 one year and have to not necessarily come back to us, but have
3 some sort of a review with the neighborhood to see that
4 they're adhering to these stipulations and haven't gone over
5 any of those things? Is that - I think I've asked questions
6 like this before and I get shot down, but I always gotta try.

7 PRANZO: No.

8 MOONEY: Don't all speak at once.

9 KRAUSS: Chair, Vice Chair, with an SUP, you could
10 put a time limit. I mean an hour - I mean, I'm sorry. Yeah,
11 the hour's getting late on this one item. You mean a trial, a
12 one year trial period or a one year that they'd have to have
13 it reviewed by staff or reviewed by the Commission, or what
14 would be the basis for how we'd evaluate that?

15 MOONEY: I'm not really sure, I'm just kind of like
16 grasping. Like reaching out to the neighbors that we've heard
17 from, or reaching out to the surrounding folks that are around
18 this and checking in. Has it gone outside of the scope and
19 here's the stipulations and the scope? Or if you received a
20 complaint, obviously it would be shut down sooner. It was
21 just a thought to get out there because I do feel, and like
22 what's happening here, but I'm also not just the one property
23 rights person, but everybody surrounding that piece of
24 property as you've heard on many different cases.

25 PRANZO: Chair?

1 KRAUSS: I believe - well, to answer, I believe you
2 can, unless the County Attorney's Office tells me otherwise,
3 you can put a time restriction, a limitation on the SUP, have
4 it reevaluated and come back before the Commission. But in
5 terms of how you evaluate that and how you decide whether you
6 renew it or don't renew it, just based on complaints or - that
7 might be...

8 MOONEY: Because it never comes back to us. Once we
9 do this, they just keep renewing the SUP.

10 KRAUSS: Unless we get -

11 MOONEY: Complaints.

12 KRAUSS: Yes, complaints and evidence that they've
13 violated some of the stipulations, then we would pursue
14 revocation.

15 GAREY: And Chairman Klob, Vice Chair Mooney, Daron
16 Garey, Deputy County Attorney. I've never seen anything like
17 that in terms of calling an applicant for an SUP back once
18 it's granted. There is a mechanism under our code. If there
19 are violations, then that mechanism would kick into place once
20 the zoning inspector determines there's a violation and that's
21 what would trigger the potential review. That's my opinion
22 without doing an in-depth legal dive, based on my knowledge of
23 the codes, as we sit here today.

24 MOONEY: Okay, thank you.

25 KLOB: Commissioner Pranzo.

1 PRANZO: I agree that if we recommended approval
2 with all of the stipulations and anything else we can add, but
3 mandatory review where they could lose the school puts them in
4 a - from a business standpoint, puts them in an impossible
5 situation because they don't know whether they can make
6 investments or not in order to grow with the school's needs
7 because you always have that cloud hanging over your head.
8 It's not a reasonable way to do business.

9 MOONEY: No, and I do agree with what you're saying.
10 They have, however, been operating for two years now without
11 the SUP, so they do know where the business is technically
12 going.

13 PRANZO: If a neighbor complains or whatever that
14 they're outside the stipulations, then that's an enforcement,
15 that mechanism exists.

16 MOONEY: No, I understand, I was just trying to
17 appease everybody. And you know you can't actually do that.

18 PRANZO: Unfortunately, we can't.

19 MOONEY: And so Eduprize was built prior to my
20 moving here, and if I'm not mistaken, that was GR because it's
21 across the street on Roberts and those, I believe, are all GR
22 going all the way down Roberts Road to (inaudible). Did
23 somebody say no? I'm sorry? And they are GR, and so that
24 particular piece of property has a school which is very well
25 lit, looks like New York City at nighttime, right across from

1 us who have to have dark sky. And those speed bumps came
2 along because there's 2,000 cars that drop people off. So
3 when they talk about traffic that go all the way down Roberts
4 Road and around to that area, they try and find places.
5 Because our community held a special meeting and that's how
6 those speed bumps got brought in because they were just racing
7 and people couldn't get out of their yards on either side of
8 the road. So traffic is already an issue in that area because
9 of the other schools. So I just wanted to explain because you
10 were concerned about the speed bumps, so -

11 PRANZO: I get it.

12 KLOB: Commissioner Hartman.

13 HARTMAN: Thanks, Chairman. I think we've beat this
14 horse to death. You said something, one acre, it is allowed,
15 correct?

16 PANCHENKO: Yeah, so through Chair, Commissioner
17 Hartman. So the Arizona Revised Statute says that County
18 can't restrict more for any kind of schools - public, charter,
19 or private, the minimum lot size, one acre. And even then, if
20 it's less than one acre, then the zoning need to apply for
21 those schools. But one acre, that's a threshold and the
22 County cannot impose any stricter restrictions for public,
23 private, charter schools. And technically, any public school
24 can use that GR parcel and build school next to that and they
25 will be zoning exempt. But this is a private school, so

1 they're going through the process.

2 HARTMAN: Okay, thank you. And according to your
3 staff analysis, you find it appropriate for various reasons,
4 public interest, you list a bunch of things. I'm sorry I'm
5 not familiar with the area, but is this a subdivision? Is
6 this a designed subdivision, or is this like a -

7 PANCHENKO: It's old subdivision.

8 HARTMAN: Unincorporated wildcat.

9 PANCHENKO: It's subdivision, old one, it's not to -
10 it's not that much detailed planned, but it's subdivision,
11 yes.

12 HARTMAN: Okay, so there's no HOA. Are there any
13 CC&Rs?

14 PANCHENKO: I am not aware about HOA, if there
15 exists for this subdivision.

16 HARTMAN: Okay. So I just wanted to get the answer.
17 Thank you.

18 KLOB: Would anyone like to bring a motion?
19 Commissioner Hartman.

20 HARTMAN: Chairman, and to help keep things moving
21 along, I'll go ahead and make a motion. I move that Planning
22 and Zoning Commission forward a recommendation of approval of
23 case SUP-024-25 to the Board of Supervisors, subject to the
24 following 19 stipulations.

25 KLOB: I have a motion, do I have a second?

1 SCOTT: I'll second that motion.

2 KLOB: Second by Commissioner Scott. Any other
3 discussion? And let's do a roll call.

4 GAREY: And Chair, if you could restate the motion.

5 KLOB: Yeah, the motion on the floor is for a
6 recommendation of approval of SUP-024-25, with the 19
7 stipulations as outlined in the staff report.

8 KRAUSS: Commissioner Klucar.

9 KLUCAR: Nay.

10 KRAUSS: Commissioner Scott.

11 SCOTT: Yay.

12 KRAUSS: Commissioner Pranzo.

13 PRANZO: Nay.

14 KRAUSS: Commissioner Schnepf.

15 SCHNEPF: Nay.

16 KRAUSS: Commissioner Lizarraga.

17 LIZARRAGA: Nay.

18 KRAUSS: Commissioner Keller.

19 KELLER: Nay.

20 KRAUSS: Commissioner Hartman.

21 HARTMAN: Yes.

22 KRAUSS: Vice Chair Mooney.

23 MOONEY: Nay.

24 KRAUSS: And Chairman Klob.

25 KLOB: Nay.

1 KRAUSS: The noes have it, so the SUP is denied.

2 GAREY: The motion fails.

3 KRAUSS: The motion is denied, sorry.

4 GAREY: Another motion may be put before the
5 Commission.

6 KRAUSS: You need another motion.

7 KLOB: If there's a motion - we don't need a motion
8 to deny because it's already failed.

9 GAREY: No, so the motion that was before the
10 Commission was to forward a recommendation of approval to the
11 Board of Supervisors. As stated, that motion failed because
12 it failed to carry a majority of the quorum in the
13 affirmative. With that motion having failed, another motion
14 may be put before the Commission at this time.

15 MOONEY: Chair.

16 KLOB: Vice Chair.

17 MOONEY: I move that the Planning and Zoning
18 Commission forward a recommendation of denial of case SUP-024-
19 25 to the Board of Supervisors.

20 KELLER: Second.

21 KLOB: Second by Commissioner Keller.

22 KRAUSS: It's a recommendation for denial.

23 KLOB: Denial.

24 KRAUSS: Chairman Klob.

25 KLOB: Yes.

1 KRAUSS: Vice Chair Mooney.

2 MOONEY: Yes.

3 KRAUSS: Commissioner Hartman.

4 HARTMAN: No.

5 KRAUSS: Commissioner Keller.

6 KELLER: Yes.

7 KRAUSS: Commissioner Lizarraga.

8 LIZARRAGA: Yes.

9 KRAUSS: Commissioner Schnepf.

10 SCHNEPF: Aye.

11 KRAUSS: Commissioner Pranzo.

12 PRANZO: Yes.

13 KRAUSS: Commissioner Scott.

14 SCOTT: No.

15 KRAUSS: Commissioner Klucar.

16 KLUCAR: Yes.

17 KRAUSS: Chair, that motion passed, 6-2.

18 KLOB: It passed, so the recommendation of denial is
19 going forward to the Board of Supervisors.

20 SCHNEPF: And I'll just say that with us being a
21 recommending board, the applicant has the opportunity to go
22 before the Board of Supervisors and get that before - their
23 case.

24 KLOB: Yes. All right, thank you. Thank you
25 everyone for coming. We're gonna take a 10 minute break

1 before we get into the new cases.

2 [Break]

3 KLOB: ...with our first case, SUP-007-26, AZ5

4 Heritage Road.

5 BEDWARD: Thank you, Chairman. Good morning,
6 Chairman, Vice Chair, Commissioners. My name is Tanya
7 Bedward, and I'm Senior Planner assigned the case, and will be
8 presenting on the matter, SUP-007-26. And this relates to a
9 Vertical Bridge application in relation - in coordination, or
10 collaboration rather, with Verizon for a wireless
11 communication facility. The proposal is for the construction
12 of an 85 foot high wireless communication facility, top of
13 branches, for Verizon. And just to note that the location, or
14 the site, is located west of Cumberland Road in the Arizona
15 Skies Ranches communities, and this is just to the northeast
16 of the Town of Florence in unincorporated - in an
17 unincorporated area of Pinal. The County map shows the
18 broader vicinity, location of the site within the broader
19 vicinity. The parcel is zoned GR, and also the surrounding
20 zone - surrounding parcels, rather, is also zoned GR. And
21 this falls within - under a land use designation of Very Low
22 Density Residential under the comprehensive - the Pinal County
23 Comprehensive Plan. The vicinity map shows, again, the
24 broader location and the land uses in its immediate and
25 surrounding vicinities. And this is an aerial overview of the

1 site location. Provided on the slide are photographic
2 illustrations of the parcel, of the subject parcel. And an
3 indication of the notices that were posted in relation to this
4 case. Specifically, as pointed out, the request is for 80 -
5 this should be an 85 foot tall, top of branches and wireless
6 facility, not 80, and this will be placed on a 50 by 50 leased
7 area on the parcel, the compound. This will be a stealth
8 design for a eucalyptus tree. And as outlined, the details
9 are outlined, I won't go into the technical details as
10 outlined on the slide. The site will also be located within
11 an eight foot high CMU wall as required by code. Just to
12 note, as well, that in addition to the stealth, the stealth
13 design is intended to camouflage the tower, and the finishes
14 will also be anti-glare and be done with a view of ensuring
15 that the camouflage is maintained. The setback of the tower
16 on the various sides is indicated, are indicated on the slide.
17 Access to this parcel is from Cumberland Road and this will be
18 via a 20 foot wide access utility easement. This is an
19 illustration of what the stealth design will look like
20 vertically. And this illustrates the antenna array, which
21 will be a radius of approximately 18 feet that will comprise
22 the structure. Provided on the slide is the pre- and post-
23 coverage for 4G and 5G technology. As indicated, the pre-
24 coverage before the site is developed is on the left and it is
25 anticipated that coverage will improve as shown on the post-

1 coverage map. Public participation, there were various
2 mechanisms of public participation incorporated and these are
3 outlined on the slide with the relevant dates. Just to
4 highlight that as at the time of - well yesterday, up to
5 yesterday we received one letter of opposition and this
6 morning an additional letter of opposition was received and
7 that would have been copied and a copy presented to the
8 Commission just now, Chair. So all things considered, staff
9 has put forward two motions. The first to approve the SUP-
10 007-26, and this approval is in line with the 17 stipulations
11 as outlined and presented in the staff report. Should the
12 Commission choose not to approve, there is also language
13 provided for the denial of the case as well. And that sums up
14 my presentation, I will take any questions. Just to note as
15 well that the applicant is present and the applicant is also -
16 would also like to speak when at the appropriate time,
17 Chairman. Thank you.

18 KLOB: Thank you.

19 BEDWARD: You're welcome.

20 KLOB: Any questions for staff?

21 MOONEY: I just have - I have one if I may, Chair.

22 KLOB: Vice Chair.

23 MOONEY: There are no stipulations.

24 BEDWARD: There are seven. You can see that at the
25 end of the staff report.

1 MOONEY: All right, they're in - I'm sorry, they're
2 in the back, but the motions are in the front and don't list
3 the number of - the motion I was looking at. If it was
4 approved, didn't list stipulations, but there actually isn't
5 even a motion. The draft motion. It's usually in the front,
6 so I didn't see it. I apologize for that, my misspoke. Okay,
7 thank you.

8 BEDWARD: You're welcome.

9 KLOB: Any other questions for staff? Very good.
10 With that, I'll bring the applicant up.

11 BECRAFT: Morning, Chairman Klob, Vice Chairman
12 Mooney and Members of the Planning and Zoning Commission. My
13 name is C.J. Becraft and I am here representing Vertical
14 Bridge on behalf of Verizon Wireless requesting your approval
15 of the special use permit for the wireless communications
16 facility Tanya has described. I am standing in for the
17 applicant, Christine Tucker, who had to leave town last night
18 on a family emergency. I'm happy to answer any questions you
19 may have. The purpose of this facility is to address an
20 existing gap in service in Verizon's coverage while improving
21 network reliability, data capacity, and emergency
22 communications for residents, travelers, and businesses in
23 this portion of Pinal County. The site meets the technical
24 requirements established by Verizon's engineers, complies with
25 Pinal County's development standards, and we were able to

1 reach business terms with the property owner. Many parcels
2 were evaluated within the required search area and this is the
3 only one that met all the requirements. Thank you. Open up
4 to you guys.

5 KLOB: Very good. Any questions for the applicant?
6 Very good, thank you.

7 SCHNEPF: I do. Will this site strictly be Verizon
8 or will you lease out space for other carriers?

9 BECRAFT: It is gonna be built as a co-locatable
10 facility to prevent other towers in the vicinity being built.

11 SCHNEPF: And you chose this location because of
12 need? No other cell towers nearby?

13 BECRAFT: We evaluated existing towers, the closest
14 one to our site is four and a half miles to the west, which
15 doesn't meet Verizon's need. So a new facility was required
16 to meet Verizon's need for service within this portion of
17 Pinal County.

18 SCHNEPF: Okay, got it. Thank you.

19 KLOB: Any other questions for the applicant? Very
20 good, thank you.

21 BECRAFT: Thank you.

22 KLOB: So with that, I will open the public comment
23 section for SUP-007-26. I only have one speaker card, but I
24 think we got a couple email letters of opposition. But
25 Jennifer and Paul Dunlap.

1 DUNLAP: Yes sir, good morning Commission. My name
2 is Paul Dunlap, I own the property at 25146 North Jamie Lane,
3 which is adjacent to where they wanna put the cell phone
4 tower, the 85-foot cell phone tower. My wife and I bought
5 this property five years ago. I'm building a 3,800-square-
6 foot home, it's almost complete, it's about two months from
7 completion. This cell phone tower is literally 80 feet from
8 my front door. There's nothing but open land around. We're
9 the only residents in that spot. My neighbor to the north,
10 Eric Knorr, who posed through a letter and to email, I guess,
11 he is next to me. He's planning on building a house for his
12 family as well. I brought my family with me. This will
13 greatly reduce the land value of my home. If I ever go to
14 sell this property, that cell tower is, I mean it's from here
15 to the back of this room. I mean, it's gonna be massive.
16 It's gonna be the dominant feature in that area. This is
17 drastically gonna devastate my land value. No one's gonna
18 wanna buy that property. I don't wanna live on the property
19 with an 80-foot cell phone tower. I spent \$8,000 and had
20 custom double doors made, they open up into this cell phone
21 tower. I mean, I've spent so much time and effort and money
22 and resources. I built this home myself, my family helped me.
23 There's 5G cell phone network. I have Verizon right directly
24 in front of the board that Planning and Zoning put up. I
25 provided a picture, if you guys can see that, of my phone, and

1 at the top you can see it says 5G. We have 5G everywhere. It
2 has a basement, my house. I dug a hole, had to put rebar,
3 concrete, did it in the summer. Myself, my family poured the
4 concrete. I've worked so hard on this house. But anyway, I
5 go down into my basement and I have 5G network in my basement
6 from Verizon. There's no need to put a cell phone tower 80
7 feet from my front door. This is - I don't understand why
8 they would even select this. I talked to Christine Tucker,
9 she said that they had a meeting. I never received a letter.
10 No one came out and talked to me. New Waves, I spoke to, I
11 believe it was Daniel, he owns the property one time. He's
12 never approached me, never came out to the property. I'm out
13 there all the time, business owner. I'm a good man, I'm just
14 trying to raise my family and build a home and an investment
15 for my family, and to put this cell phone tower right there is
16 really gonna hurt. Okay, I'm running out of time here. So
17 when we first purchased the property, we went to the title
18 company to close the property, and I did provide
19 documentation, if you can see it, for Arizona Skies. And it's
20 a declaration of restrictions, Arizona Skies Ranches, and
21 particularly on page 3, line 18, if you can read from line 18
22 to 21, it says that I have the right to oppose anything. They
23 can't put anything on. I have the right to object, I can take
24 it to court, have an attorney. If they lose - if you guys
25 could read through this, unless you want me to read it all

1 right now, which I can do. But I think I ran out of time, so.
2 But Eric Knorr, he has a job. This board was put up two weeks
3 ago. My father-in-law had cancer, we went to the Mayo Clinic,
4 they removed part of his colon and a tumor. It was an
5 emergency thing, they wanted to remove it immediately. I came
6 back, there was a board. So we're going back and forth to the
7 Mayo Clinic, and two weeks is really not much time to mount an
8 opposition to this massive 85-foot cell phone tower on my
9 front doorstep. So, either more time or whatever, if I have
10 to file a lawsuit. I know it says in that document for
11 Arizona Skies, which all property owners who purchased land in
12 that area for Arizona Skies, has to agree to this. I had to
13 agree to it whenever I purchased the property.

14 KLOB: We need to move along a little bit.

15 DUNLAP: Yeah, okay, so I had to agree to this, so I
16 know New Wave Homes agreed to it as well. So I'd like to
17 submit these, if you can read them. And that's all I have to
18 say, pretty much. I wish I had more time. So, thank you.
19 Sorry, I'm a little upset about it.

20 KLOB: Understand.

21 DUNLAP: It's been a lot, so thank you. I
22 appreciate your time.

23 SCOTT: Mr. Chairman?

24 KLOB: Just a minute, sir.

25 DUNLAP: Yes.

1 KLOB: Commissioner Scott.

2 SCOTT: I was just curious, what year did you
3 purchase this property?

4 DUNLAP: It was in 2021.

5 SCOTT: Okay.

6 DUNLAP: Yes, sir.

7 SCOTT: All right, thank you.

8 KLOB: All right, thank you. Oh, Commissioner
9 Hartman has something for you.

10 HARTMAN: Maybe I missed it, but you made a good
11 point, you know, good presentation, you're opposed to it. Is
12 it because of the microwaves or the site? You know, the
13 tower, the look of it? What exactly bothers you about it?

14 DUNLAP: Well, exactly what - I mean, it's land
15 value. And there's a beautiful view. I mean it's 80 foot
16 from my front doorstep, for one thing. And if - once my kids
17 are raised, we'll probably end up selling the property. It's
18 kind of, no one's - driving up to it, you'll just see a
19 massive cell phone tower, and if someone - if a buyer comes in
20 to buy my land and look at the property, they're not gonna
21 wanna purchase that with a massive cell phone tower. I don't
22 even wanna live there with a massive cell phone tower there.
23 I don't know what kind of health things, I don't know if I can
24 even say anything about that or not.

25 HARTMAN: Yeah, that's where I was curious if you

1 had a health concern.

2 DUNLAP: I do. I do have health concerns.

3 HARTMAN: We've done towers in the past has packed
4 this room, people complaining about -

5 DUNLAP: Yeah, I do. But I guess there is a federal
6 regulation or something that you can't deny on the basis of
7 that. So I brought my points, you know, in trying to. But of
8 course I have that concern. My elderly father-in-law who just
9 had cancer surgery lives with us, resides with us. My mother-
10 in-law who is 80 years old, her kidneys failed a couple of
11 years ago, she was on dialysis. We brought her home out of
12 the hospital and she lives with us as well. She's
13 incapacitated. So I even built a handicap ramp off our front
14 porch, which is about 80 feet from this cell phone tower. And
15 so I have grave health concerns. I really don't want my
16 family living there, honestly. I don't know, I'm not an
17 expert on what these towers do, but I am very concerned about
18 the health of my family. And, you know, later on down the
19 road if the research isn't there now, if they get cancer
20 because of this, because I failed as a father and I didn't
21 move them. So I'm gonna have to sell this property because,
22 you know, am I gonna be able to sell it with an 80 foot cell
23 phone tower, 80 foot from my front door, 85 foot tall, it's
24 massive. I mean - and it's a beautiful area. I mean you
25 look, you see the Superstition Mountains. I open my door.

1 Now, if there was a house there or something, it would be
2 fine, you know, but that tower is just - and I don't
3 understand why they picked that spot. New Wave Homes owns
4 five lots right in a row. They picked the one that's right in
5 front of me. So why? I don't know, you know, is it a
6 personal thing? I've never - I try to respect people, you
7 know, I respect their property, their land, and, you know, I'm
8 a good man. And if he was a good man, he would have come and
9 talked to me about this. Who does that? You know? I don't
10 know. That's just my feelings on it, you know?

11 HARTMAN: Well thank you, I appreciate it.

12 DUNLAP: Yes, sir.

13 KLOB: Anybody else?

14 SCHNEPF: Can I just commend your children for
15 sitting through this long and boring meeting?

16 DUNLAP: Yes, it's a civic lesson.

17 SCHNEPF: They have been so well, and I just wanted
18 to commend you guys for being here.

19 DUNLAP: Yes, they're good kids.

20 SCHNEPF: That's all I had to say.

21 DUNLAP: Thank you.

22 KLOB: I'll second that, thank you.

23 DUNLAP: Thank you, thank you very much. We spent a
24 lot of time and effort making them good kids, so.

25 KLOB When my kids were that age, they wouldn't have

1 sat like that.

2 DUNLAP: Yeah. Oh, wait till they leave, then it'll
3 be on. You know how it is.

4 KLOB: Very good, thank you, sir.

5 DUNLAP: Thank you.

6 KLOB: Anybody else wish to speak on this case?
7 Seeing none, I'm gonna close the public comment portion of
8 SUP-007-26, and bring it back to the applicant to add any last
9 comments.

10 BECRAFT: About property values that Paul and his
11 family have mentioned. We, while we respect Paul's opinion
12 and his concerns for the placement, everything about the
13 tower, I wouldn't claim to be appraiser, but I do know that
14 people my age, prospective home buyers - I'm 27, I am in that
15 time of my life, often look for new homes in areas with smart
16 services. Cell service is most people's only form of phone
17 service, in fact, it's 90 percent of US households use
18 wireless service. It's first responders' primary mode of
19 communication. 80 percent of the 240 million 911 calls
20 annually come from cell phones stemming from these cell
21 towers. And the site will provide benefits of improved
22 talking data service, as well as internet. So we feel that it
23 will improve the value of the ever-expanding community down
24 here in Pinal County.

25 SCHNEPF: Question. So this is basically a

1 subdivision, right? These are just lots that are residential?

2 BECRAFT: They are.

3 SCHNEPF: One of these lots that you're looking for
4 is a residential lot that you want to convert to an SUP for a
5 cell tower?

6 BECRAFT: Correct.

7 SCHNEPF: And what do you have in a comment to the
8 applicant saying that he has Verizon and has 5G out there?

9 BECRAFT: It's - it depends with, from user to user.
10 Mr. Dunlap and his family may have great service there, but it
11 is not just for everyone on his road who will eventually move
12 in, it's for the travelers of Pinal County off the highway.
13 These towers talk to each other, that's why we try to get one
14 in every five miles or so because as capacity builds, they are
15 essentially data chained to each other where they can transfer
16 the capacity and data for the internet and all the services
17 they provide.

18 SCHNEPF: Was there any other property opportunities
19 that you guys looked at as opposed to this one?

20 BECRAFT: Within our search ring, we contacted
21 several different property owners. Within our search ring, 75
22 percent of our ring was owned by one owner. We never heard
23 back from them. We - the only person, the only property owner
24 was New Waves Holding. They were communicative with us and
25 they agreed to our business terms and they were our -

1 SCHNEPF: But you're leasing the site, correct?

2 You're leasing?

3 BECRAFT: Leasing, yes, correct.

4 SCHNEPF: Okay. Okay, thank you.

5 KLOB: Commissioner Klucar.

6 KLUCAR: Yes, I would just wonder if you could
7 possibly go back to the slide that shows the coverage before
8 and after. Okay, so I don't have a real trained eye, but I'm
9 not seeing a vast difference. If the coverage has extended,
10 is it the green area that's gonna be the new coverage?

11 BECRAFT: Yes, I believe so. I, again, I'm standing
12 in for Christine. I'm not like as knowledgeable as she is,
13 but that green, I believe, is the expanded coverage post-
14 installation and construction of the tower, where the service
15 is at its peak. Again, these towers are daisy-chained from -
16 wirelessly through - and they talk to each other, so as
17 capacity builds within this new area, they can transfer from
18 tower to tower.

19 KLUCAR: Okay, so I'm just looking at this
20 photograph, this picture, and trying to figure out where.
21 Okay, so you have your tower just below that, the green, the
22 big, new green area on the upper right. So I mean is there
23 any other location you could put it that's a little bit more
24 obscure and not in a residential location like this? And
25 maybe the question's already been brought up, but to me it

1 doesn't look like there's that much more coverage that you're
2 gaining by putting it in this location. It looks like
3 there's, you know, a lot of coverage there already, except for
4 that one purple area. So, I was just curious. Is that how
5 you go by figuring out where to put it?

6 BECRAFT: Right. We're provided a search ring
7 that's sometimes, and most of the time, only a couple hundred
8 feet, and we have to find an area within that ring. So this,
9 where we have it, is really the only feasible option. The
10 landlord, he agreed to our terms and he wanted it in that spot
11 on his parcel. That's where he chose it and instructed us to
12 place it.

13 KLUCAR: Okay, thank you.

14 KLOB: Vice Chair.

15 MOONEY: And I know you're standing in, so you might
16 not know the answer, but the gentleman that came up to speak,
17 said that New Wave owned the five lots across from him. So is
18 it possible to move to one of those other lots so it isn't in
19 direct - I'm trying to appease again - it's not in direct view
20 of his front door, but it's still getting the coverage in the
21 area. There are five, he stated there were five lots and I'm
22 not sure about that, but - so I thought I'd ask.

23 BECRAFT: I am not entirely sure how far we can move
24 it. I believe it is only, at the moment, would be 20 feet
25 without a new survey, and all that comes with plotting that

1 there.

2 KLOB: The SUP would only be for this property
3 anyway. So, if they relocated, they'd have to restart the SUP
4 process.

5 MOONEY: I understand that, but just trying to see
6 if there was a way to work through it, you know?

7 KLOB: Any comments?

8 GAREY: Chair, Vice Chair, Members of the
9 Commission, if I could just chime in for one moment. I know
10 there was some discussion about health concerns, and I just
11 wanted to point out under the Telecommunications Act of 1996,
12 while the County does retain regulatory authority and zoning
13 authority over the installation of wireless cellular
14 facilities, they are handcuffed to a degree in terms of the
15 health effects and considering the health effects in terms of
16 a denial. Specifically under federal law, a County cannot
17 deny a permit based on the environmental or health effects of
18 RF emissions, provided the facility is operating within FCC
19 guidelines for those emissions. And normally there's a
20 stipulation included in these that covers that, but I'm
21 speaking only with respect to the health effects.

22 KLOB: Okay, thank you. Any other questions? Very
23 good, thank you.

24 BECRAFT: Thank you.

25 KLOB: With that, I will -

1 ??: Can I speak?

2 KLOB: No, I'm sorry. I've already closed the
3 public portion.

4 ??: (Inaudible).

5 KLOB: I'm sorry, I can't take any of your comments.
6 With that, I'm gonna close SUP-007-26 and bring it back to the
7 Commission for a motion.

8 PRANZO: Chair.

9 KLOB: Commissioner Pranzo.

10 PRANZO: I wanna bring up, this is not the first
11 time that we've had a tower - this is not the first time we've
12 had a tower plant itself in front of someone's house or
13 alongside someone's house. It seems to me that - I know this
14 is not a utility, but there's definitely a lack of planning.
15 And how do we send a message, hey, get out in front of this
16 thing. People buying property should know that the tower's
17 gonna be there before they buy, not after. This is not
18 working and it should not be our problem. It's their problem,
19 and I don't wanna own it. I'm a little frustrated with this.
20 This is the second time in a row now that we have to listen to
21 somebody who bought their dream house and is gonna look at an
22 80 foot tower. This is not going right.

23 KLOB: Well, our tool is to vote.

24 PRANZO: I'm sorry?

25 KLOB: Vote against it then.

1 PRANZO: Yeah, but I wanna bring it up, this is
2 becoming a -

3 KLOB: That's our tool. So if you'd like to make a
4 motion, we can take that.

5 PRANZO: This is becoming a habit and it needs to
6 stop. They need to start planning a lot better than they're
7 doing now.

8 KLOB: Someone like to make a motion? Commissioner
9 Scott.

10 SCOTT: I move that the Planning and Zoning
11 Commission forward a recommendation of denial of case SUP-007-
12 26 to the Board of Supervisors.

13 PRANZO: I'll second that.

14 KLOB: Got a motion and a second, any additional
15 discussion?

16 SCOTT: I do.

17 KLOB: Commissioner Hartman, no?

18 SCOTT: You know, it's just -

19 KLOB: Commissioner Scott, is your mic on?

20 SCOTT: You know, it's just you finally figure out
21 where you wanna live and you move to that area, you buy that
22 property and you set it up. You know, you're gonna move your
23 family out there, you're gonna build yourself a house, and
24 then halfway through your project, you know, shock, we're
25 gonna put a tower right there in close proximity, maybe in

1 front of a special window or the door or something like that,
2 so it's just not right to have these projects. I mean cell
3 towers are needed, you know, we gotta have the coverage, but I
4 think that we can be a little more - I think we need to -
5 developers need to understand where they're putting it and
6 who's already there and what their dreams and their
7 aspirations are. We still need the coverage, but, you know, a
8 little future planning or going around and talking to people
9 would really go a long way instead of just, you know, getting
10 a surprise letter on it.

11 KLOB: And I would agree with that and, you know, if
12 the case is - there are, you know, five other adjacent lots,
13 to purposely build one right next to someone who's already
14 building, I think is problematic. I think that, you know,
15 people expect there's a lot next door, someone's gonna build a
16 house, they don't expect an 80 foot cell tower. And you
17 combine that with most of the cell towers we see - you know,
18 there are occasions, but most of them we see, they're on
19 larger, much larger acres, not, you know, acre and a quarter
20 lots. So I'm gonna agree on this one, that while we need it
21 in that area, I can - I see the map that's on the screen, I
22 can see the new coverage that it is justified, I just don't
23 know that this actual exact location is - meets that
24 justification. Vice Chair.

25 MOONEY: If I may chime in on that. You know, this

1 - the information the gentleman provided for the Declaration
2 of Restrictions for Arizona Sky Ranches is dated 1978, and so
3 it isn't like it just popped up yesterday. And so this
4 gentleman and family may have purchased a home and someone
5 else is in the process of building as well as they are, how do
6 you go about somebody submitting an application for this?
7 That needs to be attached so that this - it's the same thing
8 with all of these approvals that have happened around the
9 County that we're finding out if, you know, that was approved
10 in 1999 and eventually it's gonna be a subdivision. You know,
11 somehow there needs to be a mechanism so that everybody is
12 aware of this. The tower may not go up for two or three
13 years, how many other houses are gonna be purchased in the
14 meantime? But they're in the process of applying for this, so
15 how do you let everybody know? And this particular property
16 is dated 1978. So I'm in agreement with Commissioner Scott
17 and Pranzo and all of you.

18 KLOB: Any other?

19 SCHNEPF: It's just odd for me to put a cell tower
20 in a residential lot area, right in - if you look at the map,
21 I just - I don't know, it's just odd.

22 KLOB: So with that -

23 SCHNEPF: Doesn't fit.

24 KLOB: We have a motion and a second. The motion is
25 to deny SUP-007-26 - or I should say a recommendation of

1 denial to the Board of Supervisors, for denial. So with that,
2 we'll try just on a voice vote and if we need to, we'll go to
3 roll call. All in favor, say aye.

4 COLLECTIVE: Aye.

5 KLOB: Any opposed? Hearing none, that motion
6 passes or fails.

7 PRANZO: That was fun.

8 BEDWARD: Thank you, Chairman.

9 KLOB: Thank you.

10 BEDWARD: You're welcome.

11 MOONEY: Okay, so what are we doing?

12 KLOB: I think I'm gonna try and just push through
13 this, push one more before we go to lunch. So with that, I'm
14 gonna call PZ-012-26, Monrow Event Venue.

15 AMAYA: Hello, Chair and Members of the Commission,
16 my name is Sam Amaya, I am the planner assigned to this case.
17 So as you said in the introduction, this is for the Monrow
18 Event Venue. So for the proposal, they are proposing a rezone
19 of approximately 4.87 acres from General Business - CB-1 zone
20 to General Commercial C-3 to facilitate development of the
21 event venue. It is located along Hunt Highway and it is west
22 of North Ann's Way and it is south of the Town of Queen Creek
23 in unincorporated Pinal County. The applicant is Shaine
24 Alleman from Tiffany & Bosco and the owner is Edgewood
25 Capital, LLC. So this shows the comparison to the rest of the

1 County of where it is located near Queen Creek. This vicinity
2 map shows a better point of where it is located in the general
3 area, as well as the current aerial. And then this shows the
4 surrounding area with the existing zoning, as well as the
5 proposed C-3 zoning. And then this is the 600 foot buffer
6 notification zone that we submitted all of our documents to,
7 per State statutes. So to break down the site plan submitted,
8 it has two events spaces, Event Space B, which is the western
9 portion and Event Space A, which is the eastern portion. For
10 Event Space B, it includes the assembly hall, a restaurant,
11 and outdoor event lawn. And then Event Space A includes the
12 assembly hall, restaurant, indoor and outdoor cocktail areas,
13 as well as the outdoor event lawn. And then a portion of it
14 is a commercial area that will be used for event planning and
15 administrative duties. And then throughout the site, there is
16 165 total parking spaces. So this shows the site photos
17 looking in all directions, as well as the broadcast sign that
18 was put up by the applicant, and then our smaller public
19 hearing information put out by staff. So for the analysis, a
20 traffic impact statement will be required at the time of site
21 plan review, and then this will determine if there's any
22 offsite improvements that need to be made to accommodate the
23 proposed development. And also for noise, landscaping and
24 other measures have been taken to reduce the light and
25 spillover. This includes having a six foot high wall

1 surrounding the venue areas with trees, and then also the
2 building location and speaker orientation, according to the
3 applicant, will help reduce excessive noise to the surrounding
4 parcel. And then lastly, there are two earth fissures that
5 have been located on the parcel. For safety of that, one of
6 the stipulation is that no permanent buildings or structures
7 shall be permitted within this area just for safety. And then
8 to sum up the consideration, they are requesting a rezone of
9 approximately 4.87 acres from CB-1 to General Commercial C-3.
10 The site does have legal access along Hunt Highway. Site plan
11 review process will be a separate process after the rezone,
12 should it get approved, as well as the traffic impact
13 statement and drainage will be submitted at the time of site
14 plan review. We have received one letter of support provided
15 by the applicant. And then should you choose to recommend
16 approval for this case, staff has provided 13 stipulations for
17 approval. And then there's also language for the deny motion
18 as well. I think that concludes my presentation, I'm happy to
19 answer any questions.

20 KLOB: Very good, thank you. Any questions for
21 staff?

22 SCHNEPF: Yeah, real quick. So I assume that area
23 between the event A and space event B, if you go to the site
24 plan, that's the fissure?

25 AMAYA: Yes, it is that one.

1 SCHNEPF: Okay. And is that just pavers or
2 something, material that will be over?

3 AMAYA: Yeah, the applicant is proposing just
4 landscaping and then there will be a bridge that goes over
5 across it. But no permanent structures are proposed within
6 that area.

7 SCHNEPF: Okay, thanks.

8 SCOTT: Mr. Chairman.

9 KLOB: Commissioner Scott.

10 SCOTT: I was just looking at this. Is there only
11 one entrance and one exit? Is it shared or is there two of
12 them?

13 AMAYA: There is, currently there is one access from
14 the northwest portion of the parcel.

15 SCOTT: Is that gonna pose a problem if people need
16 to get out of there and there's 160 cars sitting there?

17 AMAYA: That would be looked at at the site plan
18 review by our engineers, our engineering department.

19 SCOTT: Okay.

20 KLOB: Vice Chair.

21 MOONEY: I'm just gonna piggyback on that concern
22 because we've seen many come before us that are already
23 stating that they don't have that second access, I'm not even
24 sure where it would go on here. Well, getting out and going
25 over the fissures. So I do have that same concern about not

1 having the second access. But my other question - and it's a
2 question for staff and I don't know if we have an engineer on
3 hand, but the earth fissures and stuff, I just - I find it
4 interesting - and respecting that this particular location
5 isn't gonna build on top of them, there were some that were
6 behind my community and they built a road on it, so I'm just
7 trying to see if there's a reason it's okay to build a road
8 that people are gonna drive on and lots of traffic and not
9 necessarily put a building if there's anything. But I'm not
10 sure if we have a County engineer that would be able to answer
11 that or if anybody else on staff would like to. When the
12 fissures get brought up, they've been brought up on other
13 properties out in the area that I happen to live in, and
14 there's a sign on the side of Hunt Highway that tells you not
15 to cross because there are fissures and they're smoothing the
16 land and building on it. So I just don't understand because I
17 have not lived here all my life to understand the in-depth of
18 fissures, so I'm just curious.

19 KRAUSS: Mr. Chairman, Vice Chair, we don't have an
20 engineer on staff, but I mean, generally it's recommended you
21 don't build on that, a road or anything. However, there are
22 techniques you can address to build on it, it just makes it
23 more expensive and so it's best that it be avoided. In this
24 particular case, the applicant is avoiding fissures, so I
25 think he's done a good job in that regard.

1 MOONEY: I was just trying to understand why you
2 could in one area and not in another, or if this was just a
3 choice.

4 KRAUSS: I think it's a choice.

5 AMAYA: The applicant can speak to it, if you'd
6 like.

7 KLOB: Yeah. Any other questions for staff?
8 Commissioner Klucar.

9 KLUCAR: Yes, thank you. I was just wondering in,
10 let me see, item 10 under the stipulations, a landscape buffer
11 will be required. This landscape buffer shall include at
12 least a six foot high wall between the property in question in
13 a rural residential district. Now how did you come up with
14 six feet? Could you be more specific and say like eight feet?

15 AMAYA: Commissioner, that is taken directly from
16 our code in relation to commercial properties adjoining
17 residential properties.

18 KLUCAR: So that's - okay, so that's the minimum
19 then, six feet?

20 AMAYA: Yes, that is, that was directly from our
21 code.

22 KLUCAR: Okay. Okay, thank you.

23 KLOB: Any other comments for staff? Very good.
24 With that, I'll bring the applicant up.

25 ALLEMAN: Thank you so much, and now I can say good

1 afternoon. We've moved into the afternoon now. Thank you so
2 much for your patience and thank you for the opportunity to
3 speak. My name's Shaine Alleman with Tiffany & Bosco at 1850
4 Central Avenue in Phoenix. And first of all, I just wanted to
5 thank staff. As we've worked through this project, we
6 provided a lot of additional detail because we knew that there
7 would be a lot of questions that would be coming up regarding
8 an event center. We had a lot more detail that we showed on a
9 site plan that we provided. We actually did do a traffic
10 study for this, even though we know that that's not required
11 until the site plan, because we wanted to know about the
12 traffic and the circulation for this site. We've had - we had
13 a great neighborhood meeting, we had four neighbors that
14 attended. Two of those were our direct adjacent neighbor to
15 the west of us, which owns a home right there at the southwest
16 corner of our site, as well as someone that lived on Sundance,
17 a couple others. The support letter that you have today is
18 from that neighbor directly to the southwest of us. Had lots
19 of discussion with him, he's very happy with what we're
20 providing as far as the landscaping, as far as the six foot
21 wall for any mitigations. He had no issues whatsoever. He
22 was able to support our case outright. We had another
23 neighbor on Sundance, not far from us, that also expressed
24 verbal support. Could never get the formal letter, but they
25 did, they were at the meeting and expressed that support, and

1 we addressed all those issues. Just to address a couple of
2 the questions that have already come up. Regarding the
3 fissures, I'm not an engineer either, but my understanding of
4 fissures, whenever we think of fissures, we think it's just
5 gonna be this crack in the ground that just sits there. There
6 are mitigation measures that have to be done as part of the
7 engineering for the site, but because of the historical nature
8 of fissures, the load bearing weight of buildings is what is
9 recommended not to be on there. It's been found that parking,
10 driving, walking over, those things that have been mitigated
11 are safe, but any kind of load bearing building on there,
12 cannot do that and that's why we've excepted out those areas
13 on the site. As far as the access, we do have that northwest
14 access out onto our site. That has been a historical shared
15 access between the property owners to the west. They
16 currently have a nursery, Moon Valley Nurseries, that's
17 operating there directly to the west of us. Had lots of
18 discussions. We're actually in negotiations on terms for the
19 shared access because one of the things that we've heard from
20 Pinal is that because we're on that highway there, it's gonna
21 be very important for all of -, not just our property, but all
22 of the property owners that they are speaking with one another
23 to consolidate access points onto Hunt Highway. We've done
24 that. We have an agreement sitting in a draft form with our
25 neighbor with the terms, and we have to wait until we get into

1 site plan for the details of all of the driveways and the
2 access and all of that before we can finalize that. We've
3 brought this up to staff, but this is going to have to be
4 something, I think, more for the site plan level, but at the
5 southwest corner of our site, there is an opportunity to put
6 an access point there. However, we don't want to push cars
7 into a General Rural neighborhood there, and so we are open to
8 having that be an emergency access. We've discussed that with
9 our neighbors. There's no issues if we need to put an
10 emergency access for that second access point in case things
11 happen. So with that, as we get into the site plan stage, we
12 will get into those details, those fine granular details on
13 the access and the design of all of that and how that works,
14 but we have had those initial discussions and reviewed those
15 and are very aware of those potential concerns. Happy to
16 answer any questions. I do have slides, but I know, just
17 trying to be interest of time here today, so I'm happy to
18 answer any questions that you might have.

19 KLOB: Very good, thank you. Any questions?
20 Commissioner Scott.

21 SCOTT: I guess my concern with only one access
22 point is we've got to plan for something that's unforeseen,
23 and it's going to be a popular thing. Someone's going to get
24 married, every part's going to be taken, and then something
25 unforeseen happens, and then everybody needs to exit. That's

1 it, sorry. So that's, you know, it's great to share something
2 with somebody else, that's wonderful, but what happens when
3 that happens? Will it happen? I'm not sure. But if it does
4 happen, it's going to make it rough.

5 ALLEMAN: Yeah, Chairman and Commissioner Scott.
6 Yeah, and that's why, as far as the detail for an emergency
7 access point, that will be worked out during the site plan
8 phase. At the southwest corner, we have that opportunity to
9 do that, especially when discussing with our neighbor.
10 There's already a dirt path that's there that goes to the
11 south, so if that is an issue, as we do the more robust
12 traffic study that will be required during site plan, those
13 are going to be requirements that are going to be, you know,
14 put upon us by engineering and that we'll work with them to
15 make sure that that's available in case any emergency
16 circumstances occur.

17 SCOTT: Thank you.

18 ALLEMAN: Thank you.

19 KLOB: And the other thing I'll add to that is, as
20 you said, as you go through site planning, there's some other
21 things that I can tell are going to raise some red flags. I
22 mean, the fire trucks and access turning around and that kind
23 of thing as well that, you know, our city staff and whatnot
24 will make sure that that's all in compliance.

25 ALLEMAN: Absolutely, Chairman.

1 KLOB: Any other questions for the applicant?

2 PRANZO: I do, just simple questions.

3 KLOB: Commissioner Pranzo.

4 PRANZO: I know all of this is going to be addressed
5 with the site plan, but it's sitting in front of me right now,
6 okay? And so I'm wondering, is it the fissures that made you
7 put the parking lot to the south side and the load bearing on
8 the north side of this property?

9 ALLEMAN: Commissioner Pranzo, Chairman. So
10 currently the way that the layout, yeah, the fissures - so if
11 you look at the layout of the site, the way to get a better
12 configuration of the buildings, it was to put that on the
13 other side. The other thing is we didn't want parking to be
14 nearest to an existing commercial center, so we pushed that
15 away to the other side. Again, this whole configuration of
16 the site plan can be reconfigured as we go through the site
17 plan phase.

18 PRANZO: My problem is what you're presenting to me
19 doesn't work. It's that simple. It doesn't work. And I'm
20 looking for what is it going to be when you're done, and I
21 can't come up with anything. That's what bothers me. I think
22 the venue will be successful, I think it's a great idea.
23 There's plenty of people with enough cash flow available to
24 make this venue attractive, it's just the way the site plan is
25 presented here, it's not workable.

1 ALLEMAN: Yeah, and I think that'll be what we'll
2 have to do with staff and work through the site plan phase.
3 Those things can be - do it, but we note that and we
4 appreciate the feedback.

5 PRANZO: Okay, thank you.

6 ALLEMAN: Thank you.

7 KLOB: Commissioner Klucar.

8 KLUCAR: I have one more question. You mentioned in
9 item 11, you're not going to exceed 60 decibel after 10 p.m.,
10 Sunday through Thursday, then after 12 a.m. on Fridays and
11 Saturdays. 60 decibels, just give me an idea how loud that
12 is. Vacuum cleaner? Car?

13 ALLEMAN: Commissioner Klucar, I don't know if
14 anybody here on staff is a sound engineer, or if you might
15 know, our client.

16 ??: We're at 62 right now.

17 KLUCAR: I'm sorry, what was that, 62?

18 ALLEMAN: Yeah, I think that general noise and
19 people talking and some music and things like that outside.

20 KLUCAR: Okay. Then why Fridays and Saturdays till
21 midnight? Just because you might have some events that are
22 gonna go later on weekends?

23 ALLEMAN: Yeah, Commissioner Klucar, that was
24 something that was proposed by staff to us.

25 KLUCAR: Okay.

1 ALLEMAN: The stipulation, in discussions with our
2 neighbors, our immediate ones to the west, they had no issues
3 with that. They understood that we were putting the
4 mitigation with the wall and the landscaping, and so they
5 didn't have an issue with that. But yeah, really it came down
6 to what staff was comfortable with.

7 KLUCAR: And I noticed to the south, there's a, it
8 looks like a subdivision of smaller lots, are there any homes
9 there yet or is that just proposed?

10 ALLEMAN: If we could go back to the - I don't know
11 if I've got a - I have aerials here.

12 KLUCAR: That one, right there.

13 ALLEMAN: Commissioner Klucar, no, there are no
14 current residents there in that subdivision, and I don't know
15 what the status of that is.

16 KLUCAR: Okay, because they're pretty close and to
17 have that - I mean, I know the sound level isn't obtrusive,
18 but you know, I know because I have a venue close to my house,
19 but it's a lot further away than this is. At 10:00 at night,
20 the sound is off, they completely shut down at 10:00, and we
21 appreciate that as neighbors. And I'm about a half a mile
22 away, and I can hear it clear as day at 10:00, and I don't
23 know what the decibel level is there. So I'm just kind of
24 thinking about how we view it, and I don't know that midnight
25 is a good idea. If you're that close to homes, you know,

1 people go to bed early, even on Friday nights. So I'm not
2 sure I approve of that stipulation.

3 ALLEMAN: Yeah, and like I said, Commissioner, that
4 was what was recommended by staff and the discussions we had.

5 CUNNINGHAM: I'm here to support Shaine, help him
6 out. That's a tough question.

7 ALLEMAN: This is one of the property owners of this
8 site, but if that is a concern, I think that that's something
9 that we could, you know, work out in a proposed stipulation.

10 CUNNINGHAM: Yeah, so I think -

11 KLOB: If you're gonna speak, you need to state your
12 name and address.

13 CUNNINGHAM: Hi, Brian Cunningham, I am with
14 Edgewood Capital. So I think we'd love to hear from the
15 community that it was an issue. Thanks for bringing it up.
16 So we are hiring a manager who currently manages another
17 parcel, or another event venue, they do close at 10 and sound
18 off at 10. At this venue, if you look at the site plan, we
19 have a 13,000 square foot for event venue A, and event venue B
20 is 6,000 square feet. We could also encourage them to come
21 inside. So we are very, very conscious of sound. We knew
22 that that was gonna be staff's biggest objection, your biggest
23 objection, so we're willing to limit, you know, that decibel
24 rating to less. We're willing to have events end sooner, but
25 staff was the one who proposed midnight, and we just said,

1 hooray.

2 ALLEMAN: So I think what we could do is if it makes
3 sense is I know we've got two event spaces there - we've got
4 one that's closer to the Hunt Highway. If for some reason we
5 wanted to have a later event, then it could be relegated to
6 that building. But if anything's going to be happening to the
7 south, we're happy to put a stipulation on there that stops
8 that noise at 10 p.m.

9 KLUCAR: Okay, thank you.

10 KLOB: Commissioner Schnepf.

11 SCHNEPF: To put this in perspective, just to the
12 west of this property is a great little steak place, I'm not
13 plugging, San Tan Flats.

14 KLOB: I'll plug it, I like it.

15 SCHNEPF: It's great. They do have outside seating
16 and music that they play there, so they would be a great
17 resource to go to to see how they - because they're right - I
18 don't know if we have an aerial view, but they're like not, I
19 don't know, is that even 500 feet? Yeah, right there, too, as
20 the curve of Hunt Highway, they're right there. Right there,
21 that property. So they have music and everything outdoors, so
22 they have to deal with the neighbors, too, when they have
23 their entertainment. So I don't know if you keep it to how
24 they do it, I don't think it would be a problem.

25 KLOB: I think they can go to midnight, if I

1 remember correctly.

2 CUNNINGHAM: And Chairman and Commissioner Schnepf,
3 the only distinction I would make between them is I've been
4 there plenty of times with my family and it's a live, you
5 know, it's a live band, they turn it up. It's a little bit
6 different when you've got being able to control volumes and
7 things like that, but yeah, I agree, you know, those are a
8 great resource that we could go to and talk to about that.

9 KLOB: Vice Chair.

10 MOONEY: But one of the further end, it showed bride
11 and groom and stuff, so they may have their own band as well.
12 They may have a band and not just DJ, so definitely would want
13 to, yes. And I would think some of these events would
14 necessarily want to go till midnight and so I'm like, okay,
15 we're in the outskirts of San Tan Valley, we gotta shut the
16 music off, but we can stay here and talk till midnight, you
17 know? Shut the music off at 10. So I think twice, you know,
18 two nights a week, and I don't foresee any venue being booked
19 both Friday and Saturday night till midnight. I mean, that's
20 just my opinion with discussion amongst us, but San Tan Flat
21 being down the corner, you don't hear any (inaudible), and
22 everybody's familiar.

23 ALLEMAN: Thank you, Vice Chair.

24 KLOB: Any other questions, comments? The other
25 thing I'll add just real quick, is I really like what you've

1 done, as far as the design goes, as far as the layout, I think
2 it's a small site, creating function of it. Also, as a dad
3 who's had two of his daughters married off in the last five
4 years, I'll disagree with you and say finding venues that are
5 open on Friday and Saturday nights, that's not easy. They
6 book up, sometimes years in advance. My only comment is just,
7 as I said, I've done this a couple of times in the last
8 several years, or few years, I'm not sure you have enough
9 parking. That's my biggest thing. But that's for you guys to
10 figure out, and I think working around the fissures, you've
11 got the two main fissures that are going through the site,
12 working around those, bringing the angles in from an
13 architecture standpoint, I think that you're playing well to
14 that. The noise, a lot of the noise is actually gonna carry
15 back into the Moon Valley Nursery, that all their trees and
16 plants are gonna absorb a lot of that anyway. I think there's
17 just been a lot of sensitivity that's been taken into
18 consideration in this design, and I really like the general
19 direction. I know there's some challenges, but I think those
20 will get worked out, so I like it.

21 ALLEMAN: Thank you, Chairman, and I will say one
22 comment on the parking. We are actually over-parked right
23 now, but we will work through any parking issue during the
24 site plan, that is absolutely a detail we need to - because we
25 don't wanna be under-parked either.

1 KLOB: No, and as I was talking to one of our other
2 Commissioners earlier, the code is the minimum, we don't
3 always wanna just build to the minimum.

4 ALLEMAN: Yes, absolutely. Thank you, Chairman.

5 KLOB: Very good, thank you.

6 SCHNEPF: I'm sure there's a study out there that
7 shows that plants and trees thrive with music. I'm sure it's
8 out there.

9 ALLEMAN: Yeah, they do in my house.

10 KLOB: The same. Ask Moon Valley, they'll provide
11 it for you. Awesome, thank you.

12 ALLEMAN: Thank you.

13 KLOB: Oh, did we have someone from staff that
14 wanted to add anything to this? No, okay. So with that, I
15 will open the public comment portion of PZ-012-26. I have two
16 speaker cards. Derek Forrest, I'm sorry.

17 FORREST: Sorry, just wanna signify my support.

18 KLOB: Okay. He's in favor. And then also have
19 Brian Cunningham.

20 ??: There you go, he spoke.

21 KLOB: Okay, he's also in favor. Anybody else like
22 to speak to this project? Seeing none, I'm going to close the
23 public comment portion of PZ-012-26 and bring it back up to
24 the applicant if they have anything else they would like to
25 add.

1 ALLEMAN: No, thank you.

2 KLOB: Very good, staff? Thank you. So I'll bring
3 it back to the dais for a motion and discussion. Vice Chair.

4 MOONEY: Thank you, Chair. I move the Pinal County
5 Planning and Zoning Commission forward a recommendation of
6 approval to the Board of Supervisors, subject to the 13
7 stipulations listed in the -

8 LIZARRAGA: I second.

9 KLOB: Second by Lizarraga. All in favor, say aye.

10 COLLECTIVE: Aye.

11 GAREY: Chair, if you could just restate the motion,
12 please, for this vote?

13 KLOB: The motion is to approve PZ - or offer a
14 recommendation of approval to Board of Supervisors of PZ-012-
15 26. Thank you. All right. All in favor, say aye.

16 COLLECTIVE: Aye.

17 KLOB: Any opposed? Motion carries.

18 ALLEMAN: Thank you.

19 KLOB: Thank you, guys. With that, can we do a 30-
20 minute lunch so we can keep this moving today? 30 minutes,
21 good for everybody?

22 ??: Did you just say 30 minutes?

23 KLOB: Yeah. Okay, with that, I'll do a 30-minute
24 lunch.

25 [Break]

1 KLOB: Gonna bring to order the Planning and Zoning
2 Commission meeting, and I'm gonna call case PZ-009-26, Eloy
3 Valley Energy Center III, and Commissioner Hartman has a
4 statement.

5 HARTMAN: Yeah, Chairman, thank you. For the
6 record, I am a elected board member of ED3, Electrical
7 District Number Three. ED3 will provide testimony on these
8 next two cases - or on this item. So to avoid any conflict
9 of interest or appearance of bias, I will recuse myself from
10 discussion and voting at this time.

11 KLOB: And that's for PZ-009-26 and PZ-PD-009-26?

12 HARTMAN: Yes.

13 KLOB: Very good.

14 HARTMAN: Thank you, Chairman.

15 KLOB: Thank you. All right, with that, I'll bring
16 it to staff.

17 AMAYA: Thank you, Chair and Members of the
18 Commission. I am Sam Amaya, I am the planner assigned to
19 these two cases. So for PZ-PD - or to break down both of the
20 cases, PZ-009-26 is requesting approval of a rezoning of
21 approximately 1,263.1 acres from the General Rural - GR - zone
22 to Industrial zoning district I-3 to develop the site as a
23 utility scale solar generation facility, substation, and
24 battery energy storage system, or BESS. PZ-PD-009-26 is
25 requesting approval of a planned area development overlay to

1 amend the development standards and permitted uses on the
2 subject site. Because it is such a large designation, we
3 don't have just one location. So just for the general
4 location, it's located between East Greene Reservoir Road and
5 East Pretzer Road, and between South Eleven Mile Corner Road
6 and South La Palma Road, south of the City of Eloy in
7 unincorporated Pinal County. The applicant is Sean Lake of
8 Pew & Lake PLC. And then there is two owners. It is the
9 Donley Family Trust and John Patrick and Melinda Donley Trust.
10 So this shows the subject site compared to the rest of the
11 County, showing it is below, or south of the City of Eloy.
12 And then this is the vicinity map showing the entire subject
13 site compared to the rest of the surrounding area. And then
14 this is a current aerial of the site and all the parcels
15 included. And then for zoning, this shows the surrounding
16 area and then the proposed Industrial - I-3. So this shows
17 the 600 foot notification zone that all public notifications
18 were sent to. And then this shows an overlay of the entire
19 site plan. I have broken it up into three portions, the
20 northern portions, west and eastern portion. So for the
21 northern portion, it is mostly the solar arrays, but includes
22 the inverters, as well as a 50 foot industrial buffer setback.
23 And then there's the MV corridor as well. For the eastern
24 portion, it is similar with the solar array, but this portion
25 will include the BESS and substation as well. And then for

1 the western portion, it also includes the solar array
2 inverters and industrial buffer and corridors. So due to the
3 increased size of it, there were 15 broadcast signs throughout
4 the entire subject site that put out and 21 of the small
5 notification signs. I put up a couple of both for reference.
6 And then for maintenance, for vegetative maintenance, the
7 applicant stated that they will be using an herbicide and
8 site-specific plan for weed control and vegetative management.
9 And then the site will be a fully contracted within Arizona
10 Electric Power Cooperative, and this is one of the utility
11 providers that provides power to Pinal County. Actually, go
12 back one. And then for fire safety, according to the
13 applicant, it will not be requiring any additional facilities,
14 but the applicants have been coordinated with local fire
15 departments to ensure appropriate emergency response. This
16 includes early engagement information, educational outreach,
17 and then operational characteristics, and as well as safety
18 and response protocols. So a decommissioning plan hasn't been
19 submitted with this project, but according to the applicant,
20 they will submit one during the site plan review process. And
21 then those are some of the elements that will be included at
22 minimum. This includes removal of all above and below ground
23 equipment, any structures, as well as restoration of the site
24 back to what it was previously, as well as new vegetation
25 information. And then submittal of a decommissioning plan

1 will be a stipulation - at site plan review will be a
2 stipulation for approval. So for other items of
3 consideration, as I said, they are requesting the rezoning
4 from General Rural to Industrial, and then the PAD to amend
5 the development standards and permitted uses. The access, it
6 could be accessed through multiple points throughout the site.
7 This includes Eleven Mile Corner Road, Ellis Road, Sunshine
8 Boulevard, La Palma Road, and Greene Reservoir Road. And then
9 a site plan review process will be required after the rezone,
10 should it be approved. And then a traffic impact analysis
11 will be submitted at site plan review, similar to drainage.
12 And then as I said before, they will be submitting a site-
13 specific plan for vegetative maintenance. So far we have
14 received 22 letters of support from the applicant related to
15 this case, the applicant has provided 21 of those 22. And
16 then after publishing, staff has received 12 letters of
17 opposition related to this case, so that brings a total of 22
18 letters of support and 12 letters of opposition directly
19 mentioning this case. And then there were a couple other
20 emails that did not have a case mentioned, but it was similar
21 to the information that was provided. And then should you
22 approve the rezone, staff is recommending the one stipulation.
23 And then I have the language as well for a denial of motion as
24 well. If the Commission chooses to approve the PAD overlay
25 for PZ-PD-009-26, staff is recommending approving the 20

1 stipulations as well as listed in the staff report. That
2 concludes my presentation, I'm happy to answer any questions.

3 KLOB: Thank you. Any questions for staff? With
4 that, I'll bring up the applicant.

5 LAKE: Good afternoon, board members. It's a
6 pleasure to be here and I feel a little bit better after
7 getting something in my stomach, so appreciate that short
8 break. We appreciate the opportunity to be here to talk about
9 this project. This project, what we're trying to do is really
10 implement something, or approval that has already occurred by
11 Pinal County for this area. As so many of you who have been
12 on the board for a little bit will remember, this was part of
13 a 2021 case where we amended the general plan to identify
14 areas that are appropriate for green energy. This, in 2021,
15 the Pinal County Board of Supervisors approved this site for
16 green energy. Now the zoning that we're requesting is the
17 only zoning that we can put into that category, so we're just
18 taking the next step in accomplishing that. We've worked with
19 several other jurisdictions that we'll talk about in a second,
20 several others through this process over the last five years.
21 But with me here today, we have Kyle Whittier who is with
22 NextEra, he's gonna talk a little bit. We also have some
23 experts from NextEra and fire safety, if you have specific
24 questions related to that, related to safety. So let's go to
25 the third slide. There we go, and Kyle will jump in here.

1 WHITTIER: Thanks, Sean. All right, good afternoon,
2 I'm Kyle Whittier with NextEra Energy Resources. Appreciate
3 the time here. And we've been up here before, so I won't take
4 too long here. But NextEra Energy Resources, just as a quick
5 reminder, we're an American owned and operated company with
6 quite a bit of generation and storage assets across the nation
7 from nuclear, gas, renewables, and storage. Here in Arizona
8 in particular, we have a number of projects both in operation
9 and in development in Pima County, Pinal County, Maricopa,
10 Mojave, Cochise, all over the State really. And then what's
11 been a benefit of us being here and working with this project
12 and with the City of Eloy for quite some time is that we've
13 had the pleasure of supporting a number of local activities
14 and local organizations. One thing I would like to note
15 that's unique to this project, and that I'll get into here in
16 a little bit more detail, is the New Era Local Programs
17 Assistance. That's a portion of this project that is related
18 to our customer, to our partner in this project, AEPCO, and a
19 portion of what's required for some of their New Era grant
20 funding that they'll be getting. Go on to the next slide,
21 please. So just by way of another brief introduction, and
22 some of our AEPCO partners are here as well, but for those
23 that aren't aware, Arizona Electric Power Cooperative is a
24 not-for-profit, member-owned electric transmission and
25 generation service provider here, a co-op really of all the

1 electrical districts and power utilities across rural Arizona.
2 So that is our sole customer for this project. We've
3 contracted it with Arizona Electric Power Cooperative, and
4 then they subsequently have the subscription out to a number
5 of those local utilities, including ED2, 3, 4, and Trico for
6 this project in particular. We have some members from AEPCO
7 here, as well as some of the electrical districts that can
8 speak if you have any questions on that, but just wanted to do
9 a brief introduction as they might not be as well-known as
10 some of the other large utilities around here.

11 LAKE: So the question that I get often, okay, so in
12 2021, we approved this area as appropriate for Green Energy
13 Production. We changed the general plan. Sean, what have you
14 done since? And so what we have done is, once this Pinal
15 County identified this is the location or this specific site
16 is appropriate for Green Energy Production, we went and worked
17 with the City of Eloy on complying with their green energy or
18 solar location criteria. And so in working with the City of
19 Eloy in 2023, they adopted what they would like to see in
20 sites, site location criteria, and this site meets all of
21 those criteria, as well as other things that we did do with
22 other governing jurisdictions that you need to put up a solar
23 and BESS facility and working through that. So we haven't
24 been just sitting on our hands and knees, we've been working
25 to work our way through the process to get this thing approved

1 so that we can get to the end goal line of building the
2 facility. If it was as easy as building a Walmart, you get
3 approval and you go pull a permit and build it, but with these
4 types of facilities, there's multiple jurisdictions that they
5 have to get through to get to the end of the line. And that's
6 really where we're at now is to come to this, the Planning
7 Commission, and also go to the Board of Supervisors to get the
8 zoning approval so we can then move on to the site plan
9 approval and work our way down the process. During this
10 several year period, we have hosted many neighborhood
11 meetings, not only with the original general plan amendment,
12 but also in working through with Eloy as well. We've hosted
13 several neighborhood meetings in 2021, '23, and then again in
14 2025, most recently for this rezoning applications. And we
15 received a lot of support for this project. Here is the
16 locational criteria. In working with the City of Eloy in
17 2021, '22, '23, '24, they identified as, okay, this is an
18 appropriate location because you meet all of our criteria on
19 where we want to see this to go. We don't want it everywhere,
20 but there is a certain location we want it and you meet our
21 criteria. Accordingly, we have letters of support from the
22 Eloy Fire District who will be servicing, we have the former
23 Mayor of Eloy and the current Mayor of Eloy who support this
24 site. So let's talk a little bit about the site plan. Most
25 of it will be solar arrays, and then there will be a BESS

1 facility. I don't want to go through BESS because I think we
2 went through that last month, so we know what it is - a BESS
3 facility, and why it is located where it is located. You'll
4 note that along Eleven Mile, which is on the left side of that
5 exhibit, are the kV power lines and so that's where you locate
6 the BESS facility, and then the solar array will then - or
7 with the substation next to the BESS facility and the solar
8 array will then be around that and that will provide power and
9 put into the grid. This is a very low profile type of use and
10 we will have the 50 foot industrial buffer with landscaping
11 around the site and so we will accomplish those objectives.
12 Again, this is a contracted project, which is different. This
13 is, we want to put a local production so it can be contracted
14 with local providers so that those local providers can then
15 provide electricity to local users. So this is not something
16 that's speculative or something that's going to go elsewhere,
17 this is a contracted project with, as Kyle pointed out, with
18 ED2, ED3, ED4 and Trico. So as far as the checklist of why is
19 this the appropriate location - because that was a discussion
20 we had last month - why is this the appropriate location?
21 Well, it's appropriate because in 2021 Pinal County identified
22 this site as Green Energy Production. If we're going to have
23 it, this is an appropriate location. We then took it to the
24 next level and worked with the City of Eloy to say is this the
25 appropriate location? Eloy went through in 2023 their

1 criteria, we met all of those criteria. We worked with the
2 Arizona Corporation Commission, and just recently in March,
3 received approval of the Certificate of Environmental
4 Compatibility. So when I say it's not just one jurisdiction,
5 it's Pinal County and Eloy and the Corporation Commission that
6 we're all working together. We haven't been sitting on our
7 hands here, we've been working forward on this project. And
8 then the access to this is also close to the grid. There's
9 also a substation nearby. We'll have a substation and the
10 power lines are directly on our west side. You say why is
11 this needed at this time? Well, we've contracted with the
12 local utility providers and the local utility providers, as we
13 all know, that we read in the newspapers with the
14 hydroelectric power that's gonna be lost, we are gonna have a
15 27 percent decline in electricity by the year 2028, and so we
16 have to provide or come up with a power generation to meet
17 those needs, and that's why we've contracted with ED2, ED3,
18 ED4, and Trico to provide that, to put back into the grid what
19 we're gonna be losing from the loss of hydroelectric power.
20 And so we're working with the local people to accomplish that.
21 If you notice, I'm beating the drum. This is a local utility
22 and we're gonna be - this electricity will be used here within
23 the County. How will it impact local neighbors? We've had
24 many neighborhood meetings and we've worked with staff and
25 will work with staff during the site plan process to have

1 appropriate buffers and walls and fences and screening
2 mechanisms around the site to buffer the neighbors and buffer
3 those that may drive by this site, not only with screening,
4 but landscaping as well, and we will have herbicides and take
5 care and maintain that landscaping. During the site planning
6 process, we will also be submitting a decommissioning plan.
7 The reason we're doing that at site plan is because when we
8 first started this, staff asked us - or asked us in the pre-
9 app comments, they said submit a decommissioning plan with
10 site plan, so that's why we're gonna submit at that point.
11 We'll also work with the City of Eloy as well during that
12 process to make sure that they're comfortable. So in the end,
13 we think this is a great project in the right location. It
14 complies with Pinal County's general plan that was approved in
15 2021, identifying this specific site as the appropriate
16 location. We've worked with the City of Eloy to come up with
17 criteria for where they would like to see this type of a
18 project go. Then we met - after the council adopted those
19 criteria, then we met the criteria for this location and
20 continued to work with the City of Eloy as evidenced by the
21 letters of support by the district and the former and current
22 Mayor of the City of Eloy. We've met all of the County code
23 requirements and will continue as through the site planning
24 process to develop this property consistent with the code and
25 will satisfy all the requirements. We think this is the right

1 project, right location, and just carrying forward or
2 implementing the plan that we've been working on for many,
3 many years. So we hope you'll let us keep moving on to the
4 next step, after the Board of Supervisors and move on with the
5 site plan, so that we can start producing energy to put that
6 back into the grid to supplement for the loss that we're going
7 to be seeing out here because of the loss of hydroelectric
8 power. So with that, we'd urge your support and I'd be happy
9 to answer any questions. And as I said, Kyle's here from
10 NextEra and we have experts on fire or any other questions
11 that you may have.

12 KLOB: Very good. Thank you, Sean.

13 LAKE: Thank you.

14 KLOB: Any questions for the applicant?
15 Commissioner Klucar.

16 KLUCAR: Thank you. Yes, I have a question. The
17 hydroelectric power that you're talking about that we're
18 losing, where is that coming from?

19 LAKE: The Hoover and Parker dams.

20 KLUCAR: Okay. Okay, thank you.

21 KLOB: Any others on this side? Commissioner
22 Schnepf.

23 SCHNEPF: Can you go back to the site plan, the
24 proposed site plan? Yeah. Is that residence up there on
25 Sunshine Boulevard on the very north end, Pretzler Road?

1 LAKE: Sorry, my eyes, that's Pretzler Road. On
2 that very north left side of that exhibit.

3 SCHNEPF: Yeah, right behind that banner.

4 LAKE: Yes.

5 SCHNEPF: That's a residential?

6 LAKE: There is a residence up there, yes.

7 SCHNEPF: And are they in support?

8 LAKE: Kyle met with them, so -

9 WHITTIER: I didn't personally. Again, Kyle
10 Whittier, NextEra Energy Resources, Chair Klob, Commissioner
11 Schnepf. That's Mr. Longfellow up there. He recently
12 submitted a letter of opposition. He had not shown up to any
13 of our neighborhood meetings throughout the last four year
14 process, but after working with this Commission, we went out
15 and sought him out directly and did speak with him. He had a
16 couple concerns. He has three horses there, a handful of
17 horses on his property, his big concern was on the
18 landscaping. Understanding that oleanders are toxic to
19 horses, and so we changed our landscaping plan there. We also
20 have the six foot CMU wall around his property, so what he'll
21 see is a 50 foot buffer, 10 feet of which is the landscaping.
22 There'll then be a wall, and then everything will be inside of
23 that wall beyond his property.

24 SCHNEPF: Okay. And then the two pieces that are in
25 the middle there, solar array area below that?

1 WHITTIER: Yes.

2 SCHNEPF: Why is that left out?

3 WHITTIER: So we've reached out to those landowners
4 as well. The only one we were able to reach is a Mr. Jonathan
5 Cooper. This was years ago, was not interested in selling his
6 property, and then most recently this last year when our land
7 team went out and spoke with him, wasn't interested in
8 engaging either way, and hasn't shown opposition or support
9 for the project. And he also - I noted that he has not seen
10 anybody on the other parcel there. We tried to reach out on
11 what the available information was and have not gotten any
12 response, but Mr. Cooper did respond and just said he didn't
13 really want to engage with us.

14 SCHNEPF: And then to the east above Ellis Road,
15 what about that property owner?

16 WHITTIER: That's Mr. Daniel Shedd, I believe, up
17 there. Similarly, he had concerns. He has horses there, and
18 so we also changed our landscaping. He did attend the
19 neighborhood meeting, I believe it was in December, the most
20 recent neighborhood meeting here, and we have not received any
21 more letter of support or opposition from him, but did take
22 him as consideration and changed our plan there for our
23 landscaping.

24 SCHNEPF: Okay. Okay, thanks.

25 KLOB: Commissioner Pranzo.

1 PRANZO: I got a simple one, and I'm sure it's in
2 here, I just can't find it. What's your expected kilowatt
3 output?

4 WHITTIER: Thank you for the question, Chair Klob,
5 Mr. Pranzo, it's 400 megawatts of solar and 400 megawatts of
6 four-hour battery.

7 PRANZO: So when we talk about a 27 percent
8 reduction with the loss of hydroelectric, what percentage
9 would you place yours in that 27? See, I always get percent
10 numbers, but they never give me the denominator, so I never
11 know what the hell I'm talking about.

12 WHITTIER: What I can say - and I'm certainly not an
13 expert on the hydroelectric here - what I can say, I believe
14 the Hoover Dam produces 21 megawatts of power, and they're
15 losing 27 percent, and we'll round up there and say 600
16 megawatts, so we don't even - this one project does not even
17 replace just the loss of Hoover Dam, let alone the other as
18 well, so there's more work to be done.

19 PRANZO: It's just a small piece.

20 WHITTIER: It's a portion of, that's right.

21 PRANZO: So if Pinal County came out and said we
22 need to grow by 13 percent, and we're gonna lose 27 percent, I
23 don't know if that 27 is in the 13 or not, but it doesn't make
24 sense that it is. Trying to get your arms around this stuff
25 is impossible from our perspective because nobody talks

1 numbers, but I appreciate it. Would you say that kilowatt one
2 more time?

3 WHITTIER: It's 400 megawatts of solar and 400
4 megawatts of four-hour battery.

5 PRANZO: That's a nice size set.

6 WHITTIER: It is, yeah.

7 PRANZO: Thank you.

8 KLOB: Commissioner Scott.

9 SCOTT: Thank you. Should I go to lunch? Yeah?
10 Close your eyes for a minute there. You talked about the
11 donation and sponsorship and different things in the community
12 there in Eloy that you helped out. Will that continue for the
13 next 25 years? Is that what the length is for this project?

14 LAKE: I'll let Kyle speak, but I would guess yes.
15 They're already here.

16 WHITTIER: Again, Chairman Klob, Commissioner Scott,
17 thanks for the question. Yes, the sponsorships that we've
18 done as part of our early engagement with the community, and
19 just like the projects that we have operational already in the
20 County of Pinal, we continue those throughout the time. To be
21 clear, this is a 20-year contract, not 25, just wanna make
22 that point clear here, and then the New Era local program
23 portion of this, that I'm sure our folks from AEPCO can talk
24 about, is a workforce development, job creation type
25 initiative from the New Era federal grant funding that's

1 associated with this project. So there are requirements, yep,
2 long-term associated with the agreement.

3 SCOTT: So can you explain that a little bit more in
4 detail? The New Era, what'd you say, job creations and all
5 that kind of stuff?

6 WHITTIER: If it's okay with you, I would defer that
7 to our folks, our friends at AEPCO to speak to, they're the
8 ones that get the grant and might have more information than
9 me.

10 SCOTT: You know, I'm kind of - I got a little
11 heartburn on the 50-foot industrial buffer. I mean that's a
12 real rural area, people are used to seeing things off the road
13 and have it, you know, 50 feet really isn't that long,
14 probably the width of this room. Can you get that up to like
15 200 feet, you know, remove that off the sight of view. I
16 traveled down in that area quite a bit, I'm really familiar
17 with all the roads and what goes on down there.

18 WHITTIER: Chair Klob, Commissioner Scott, the 50-
19 foot I believe is the Pinal County code right there for
20 setback.

21 SCOTT: Minimum code. Are you guys minimum?
22 Minimum organization?

23 WHITTIER: What we are is ensuring that we can
24 comply and provide the power needed.

25 SCOTT: No, I get that part.

1 WHITTIER: Any additional setback reduces what's
2 possible to be built in that area, and so what we've
3 incorporated are the landscaping buffer, which is really
4 supposed to be that visual buffer there, understanding that
5 the landscape plan and the vegetation in there is taller than
6 the infrastructure, and so really what would be seen once
7 they've grown is that landscape there.

8 SCOTT: And what type of a fence is gonna be around
9 the panels and the BESS and stuff?

10 WHITTIER: Where there is residential adjacent, it
11 is a CMU wall. Where there is not residential adjacent, it is
12 a chain-link fence with the vegetation, of course, on the
13 outside of that. And then around the BESS is a CMU wall as
14 well.

15 SCOTT: So the chain-link fence, is it gonna have
16 coils of razor wire on the top? Like, welcome to the
17 neighborhood kind of stuff?

18 WHITTIER: Chair Klob, Commissioner Scott, I don't
19 believe that's part of it. I think there's codes. Certainly,
20 Eloy has a code on what their chain-link fence is, and because
21 this is adjacent to Eloy, we plan to just keep those same
22 design standards across. So it will be in accordance with
23 what Eloy has dictated.

24 SCOTT: So a lot of the conversation that was just
25 given by Mr. Lake, there's like active communication with the

1 City of Eloy, but everything stops, you said, through 2023?

2 Is there anything that's -

3 LAKE: I appreciate you bringing it up, let me
4 clarify.

5 SCOTT: Okay.

6 LAKE: So we started in 2021 with Pinal County to
7 identify a site that would be appropriate for this, and we did
8 a major general plan amendment to change the general plan on
9 this property to Green Energy. Then between 2021 and 2023, we
10 worked with the City of Eloy to come up with what they wanted
11 to. It was coming, they wanted to, so they said, okay, if
12 it's coming we want to develop some locational criteria for
13 Eloy. And so in working with Eloy during that period up to
14 2023, and in 2023 the city council adopted their locational
15 criteria. We have not stopped talking or working with Eloy,
16 as evidenced by the letter of support that just came in from
17 the current Mayor. The current Mayor, the neighborhood
18 meeting was held at the City of Eloy chambers - or there was a
19 room just off of the chambers that we held the neighborhood
20 meeting there - and so we've been working with City of Eloy
21 constantly throughout the whole process since 2023 to now.

22 SCOTT: Okay. I thought maybe you got what you
23 needed there and you just went silent. Okay.

24 LAKE: Assume the best.

25 SCOTT: No, I am. Just bring stuff up there.

1 LAKE: That's true, don't use that word.

2 SCOTT: Another thing that's kind of interesting
3 that all solar - actually all industries that come to our
4 County, they kind of want to brag on a little bit, is property
5 tax. I didn't see it in your proposal and I didn't hear it in
6 your presentation, so I was just curious.

7 LAKE: We're a little gun shy on that one, to be
8 honest with you. There is - there will be property tax
9 associated with this, but I think in the past as people have
10 brought it up, they'd gotten their hands slapped for even
11 raising it, so we didn't. But obviously this will have a
12 substantial improvement on the property and there will be
13 property tax associated with this project, and the
14 beneficiaries of that property tax, I think is primarily the
15 school district. So this will be a benefit.

16 SCOTT: We're in a County building, you know, assume
17 that maybe some of it would (inaudible).

18 LAKE: There will be development fees as well that
19 will come, and there's a lot of things associated with this
20 development that will generate fees for the benefit of the
21 whole community as well.

22 SCOTT: Yeah, the fees will be received, that's for
23 sure. The property tax will be paid.

24 LAKE: Yes.

25 SCOTT: You're not going to just skate out of that

1 one. But the property tax, for the most part, I would say
2 past experience - of course, I live in Coolidge, everybody
3 knows that now- and you know, it's less than 5 percent. So we
4 talk about big numbers, millions and millions and millions of
5 dollars and it just doesn't resonate back to where it starts.
6 That's not your fault, you know, it's our State. Maybe you
7 should get with our State and make sure we get like 50 percent
8 or something like that.

9 LAKE: I'm not sure those of us that live in Pinal
10 County would want to raise property taxes that high, because I
11 don't think they can just select one use and say you're at 50
12 percent and you're at X, you know.

13 SCOTT: No, I'm saying that the property tax comes
14 back.

15 LAKE: Oh, I follow you. Now, okay, you -
16 absolutely agree with you.

17 SCOTT: See? We can agree on things.

18 LAKE: The property tax should go back to the area
19 that's impacted, absolutely. Hundred percent agree with you.
20 I'll call Warren Peterson on my way out of town.

21 PRANZO: I have a bridge in Brooklyn if you want it.

22 LAKE: Excuse me?

23 PRANZO: I have a bridge in Brooklyn if you want it.

24 LAKE: I said I'd call Warren, I didn't say he'd
25 agree to do it.

1 SCOTT: All right. So we know you're going to pay a
2 lot of property tax and it's just not going to come back here.
3 And the large amount of property tax that's going to be paid
4 is going to be for 10 years, according to State statute. And
5 then year 11, it's going to go back to the base property value
6 plus 10 percent, according to the - sorry, according to the -
7 who does the taxes here, I forgot. Had too much for lunch.
8 Anyway, I talked to the city official last year on that, or
9 the County official, my mistake. So we know what that is. So
10 there'll be good money provided for the first 10 years, and
11 then it's going to go back. But, you know what, this is a
12 farm area, obviously. The farm pays that base tax, but then
13 there's reoccurring income that comes off there for wages and
14 tractors purchased and nuts and bolts and auto parts and
15 groceries and things like that, and that's one of the things
16 that's kind of a, in Pinal County, you know, we're not a
17 richer County by any stretch of the imagination - no offense
18 to County leaders - but we're losing reoccurring income, you
19 know, to our County, to the City of Eloy and to our County by
20 putting these types of industries in. And they don't - you
21 don't get any jobs, full-time jobs. You said in your document
22 that you provided us that, you know, there would be four or
23 five permanent jobs. I'd like to know where those might be,
24 and you know, how permanent are they? Are they like 40 hour a
25 week jobs and things like that? So, you're providing

1 electricity to us, to these EDs, which is really important.
2 You're probably, honestly, one of the first ones that the
3 electricity is going to stay local. So, you know, pat
4 yourself on the back on that one, because -

5 LAKE: Thank you.

6 SOCTT: See, I'm fair, I'm a fair man. You know,
7 and that's really important that it stays local and we do get
8 the benefits. You know, we're not getting the revenue
9 benefits, obviously, but will have electricity, you know, for
10 the future. That is going to stay 100 percent in this County,
11 correct?

12 LAKE: I can't control a molecule, but that - we
13 will be selling this to ED2, ED3, ED4 and Trico.

14 SCOTT: Okay. Well, Trico's in Pima.

15 LAKE: Yeah, but they're here, and can speak to the
16 - that as well.

17 SCOTT: Close enough there. I don't agree, in - I
18 can't remember what page it was, I read - always like to read
19 everything, you know, follow the flow. About the temperature.
20 I've talked to your official that did the study, and when we
21 do studies it's important that we do the study ahead of time,
22 say a year ahead of time. And your person that did the study
23 did it after the panels were installed, and only noticed a two
24 or three degree increase. But we know from people that live
25 around there, it's actually seven to 10 degrees at ground

1 level, and 15 degrees at a thousand feet. We know that. We
2 know that. Now, if you go around, and you're right in the
3 middle of a farm area and I'm sure Mr. Shedd here, to the east
4 of this one parcel, when you have artificially increase in
5 temperature or climate, it affects - it has a direct effect on
6 the pollination of plants - cotton, corn, and things like
7 that. Hay, you know, plants need to rest at night, they
8 pollinate at night, and when you introduce the seven to 10
9 degrees at ground level, that affects that. Now, we saw that
10 in the year 2024. We didn't see it last year, because it
11 wasn't as hot. But when the heat is elevated, and elevated
12 consistently because of the introduction of, you know, such a
13 large area, it has an economic effect on all the neighbors
14 that are out there. Now, last year there was a farmer - not
15 on this project, in the County - that grew silage corn, and
16 corn has to pollinate. And the corn that was next to the
17 panels didn't get very tall, and the ears were like that. And
18 then the further you went away from it, then it kind of
19 recovered, but it's just, it's just a fact that you're
20 introducing something that's gonna be changing the climate.
21 Now, in this - to the west of this facility, there's another
22 solar facility that's been approved, and so together you're
23 just gonna magnify that. And a lot of people don't know that
24 because they're not in and around it, but I am in and around
25 it and I know this to be true. So you're gonna change the

1 climate in this area. Now, when you change the climate and
2 you create a high - the more temperature, you get high
3 pressure. You get more high pressure, you get more wind.
4 When you get more wind, you get more dust. You see where I'm
5 going here with that? But this proposal, and its size, 1,200
6 acres, or 1,000 acres or whatever the net panels is gonna, to
7 do that, are you aware of that?

8 LAKE: Well, I'm not sure I agree with everything
9 you're saying, but I'm trying to - because the studies that
10 I've read, and we've looked at, and Kyle can speak more to
11 that as well, are saying something different, but I don't
12 wanna be argumentative.

13 SCOTT: No, I'm not trying to be that. I'm saying I
14 live here.

15 LAKE: I appreciate that, I'm just reading studies
16 that have been done on temperatures before and after, and in
17 and around and at certain distances. The ones I'm reading are
18 not saying what you're saying, but I don't wanna be
19 argumentative.

20 SCOTT: No, I'm not trying to be that way, I'm just
21 saying that the person that came up here maybe a year ago
22 stated how he did it, and I questioned him. Everything was
23 done after it was built, not before, so keep that in mind
24 there. So many questions, I don't know where to start. Would
25 somebody else like to ask some questions? I don't wanna take

1 all the oxygen out of the room.

2 ??: It's already too hot in here.

3 KLOB: I'm just gonna back up.

4 LAKE: Wise, (inaudible), wise.

5 SCOTT: You know, I just picked something out here,
6 it was like water quality analysis is like 4.2. I don't know
7 what page it was on, 11. Said PV solar arrays over large
8 grass open areas will provide water quality treatment via long
9 grass over land flow paths, filtration, absorption, deposit,
10 and filtration. I would assume that that's just a general
11 statement for other projects that you have, because we know we
12 don't have any tall grass growing around here.

13 LAKE: Just native seed.

14 SCOTT: Okay, I figured you just put that in there
15 to see if anybody was reading this stuff.

16 KLOB: Those are called Easter eggs.

17 SCOTT: Good point. Okay, Commissioner Schnepf, you
18 already asked about these properties that are kind of like
19 pockets. They've got solar on all three sides of them, and
20 you said you went and visited with those people?

21 LAKE: Yes, sir.

22 SCOTT: Okay. And then you had 30 people show up at
23 your neighborhood meeting, at least one that you posted, and
24 you had other ones? Okay, I think I'll take a break.

25 LAKE: Thank you.

1 SCOTT: Okay.

2 KLOB: Commissioner Klucar.

3 KLUCAR: Just a real simple question. I was looking
4 through all of the stipulations, I didn't see anything
5 mentioned about lighting with that new - the BESS area. Is
6 there anything particular you're gonna do to light that or
7 illuminate that, or doesn't that normally get lit up? For
8 safety, security type thing.

9 WHITTIER: Chair Klob, Commissioner Klucar, it's not
10 a safety requirement to have lights on that area. If there is
11 lights we put on there, of course we would abide by the light
12 requirements from the County, but it's not something that's in
13 the plan right now.

14 KLUCAR: Will you add that later, just to have it in
15 the plan, as far as anything called out?

16 WHITTIER: It's not something that I've seen in our
17 other projects here. If it was something that was requested,
18 of course, we can address it. It's not something that I've
19 thought about at this point.

20 KLUCAR: Okay.

21 KLOB: Any other questions for the applicant on this
22 side?

23 PRANZO: I have one, just to straighten something
24 out in my mind. Am I on? Can you hear me?

25 KLOB: Commissioner Pranzo.

1 PRANZO: Your batteries are discharging during peak
2 hours, I would assume.

3 WHITTIER: The site is - we own and operate the
4 site; however, we get what's called a set point from our
5 customer. And so at those times, it's when the customer needs
6 the power that the batteries are discharged. That most
7 commonly happens at peak load, which is after the sun goes
8 down, that's correct, but it does not exclusively have to
9 happen at that point in time.

10 PRANZO: Okay. I'm trying to get something straight
11 in my mind because once or twice now, we've had these projects
12 that we call a bus, where it's just a bank of batteries that
13 charge at night from the power company and then they discharge
14 during peak hours. So looking at solar, it kind of seems
15 (inaudible) ass backwards that the power company, their curve
16 is gonna dip at night and peak during the day, and your curve
17 is gonna dip at night and peak during the day. So you're kind
18 of redundant in that way. Do you keep a bank of batteries
19 that can charge from the power company during off peak?
20 That's where I'm going.

21 WHITTIER: Okay, I think I understand the question.
22 Again, Chair Klob, Commissioner Pranzo. The benefits of the
23 solar and storage project is such that we do have the ability
24 to charge from the grid, that is true. We can charge from the
25 grid or from the solar panels, that's how the interconnection

1 application with WAPA works. The benefit of charging from
2 solar is that commonly solar is one of the most inexpensive
3 forms of energy generation to charge from.

4 PRANZO: Yeah, I don't disagree, it just seems that
5 it's easier on the power company if they don't have to cycle
6 their equipment, if they can stay up and charge you at night,
7 then -

8 WHITTIER: If that's what's best for our ultimate
9 customer, and that's the set point they give us, then that's
10 how we would operate. We take the set point dictation from
11 the ultimate user of the power.

12 PRANZO: Okay, so you're not just sitting there
13 dormant. Got it, thank you.

14 KLOB: Vice Chair?

15 MOONEY: I have a few questions. I'm not sure who
16 will answer which ones, but you had 30 members show up at the
17 last meeting, and now it's probably, don't remember, but were
18 there a lot for, against? What was the mix?

19 WHITTIER: Thanks for the question, Chair Klob, Vice
20 Chair Mooney. The vast majority of the folks were from the
21 City of Eloy, Pinal County leadership, as well as AEPCO and
22 the electrical districts. We had one family present that was
23 - they live, I believe it's just a bit to the east of the
24 project, the Silvas family. They weren't opposed to the
25 project. They had some questions, and at the end of it, they

1 offered to lease some of their property as a laydown yard
2 should we need it.

3 MOONEY: All right, thank you for that. Stipulation
4 16, buffer requirements and wildlife friendly fencing should
5 be incorporated where required into the final site. Also, you
6 talked about chain link fence and CMU block wall, so I don't
7 find either of those wildlife friendly. So I guess maybe it's
8 for staff as to how that is supposed to play, and if it's
9 supposed to be wildlife friendly, those aren't - wildlife's
10 not gonna pass through a CMU wall or really a chain link
11 fence. So is 16 needed or does something else need to change?
12 I just am trying to get some clarification on that.

13 KLOB: (Inaudible) chain link fence.

14 MOONEY: That isn't what I had in mind, but anyway.

15 LAKE: Chair, Commissioner, that's a staff
16 condition. We can certainly work with staff on the type of
17 wildlife friendly fencing we want to have here.

18 MOONEY: Well, that's what I need to understand is
19 that's a stipulation that we are including in our
20 recommendation if we were to move forward with it, and I just
21 need to understand that stipulation. It's not making sense to
22 me how it's wildlife friendly, and I don't know.

23 LAKE: We can work with staff during site planning
24 on that.

25 DEOKAR: Exactly, at the site plan level, usually

1 when the Open Space and Trails Division gives us details of
2 what the findings are, if there are any existing connecting
3 wildlife corridors that come across. This area is really
4 large, it also abuts the site Cactus Flower solar, so at this
5 point, I'm unable to answer 100 percent, but if required, they
6 would be wildlife friendly.

7 MOONEY: And that's just for buffer walls and not
8 necessarily the walls that are surrounding like BESS and
9 things like that, correct?

10 DEOKAR: That's correct.

11 MOONEY: Okay, all right, thank you for that. And
12 then my last two questions, stipulation 19 and then 20. So
13 with industrial buffers - I'm gonna go on my little high horse
14 here again - if the zoning code had been in place, we would
15 have different requirements, I'm sure. I am frustrated with -
16 and it's nothing against the applicant, okay, it's nothing
17 against the future applicant that's got another case. We
18 don't have anything, so to throw it into I-3 that is the same
19 as so many other - you know, we have adult orientated
20 businesses, airport or landing strip, gas and flammable bulk
21 station, heliport, junk and salvage yards, and to throw this
22 solar or others into the same setback requirements gives me
23 severe heartburn. Again, so it's on record, we should have a
24 zoning code for this and it just has been going on for a long
25 time and we don't. So with that, let me just get back to

1 stipulation 19, I'm sorry. An industrial buffer shall be
2 required where the subject site abuts property zoned rural or
3 residential or arterial or collector streets. And that just
4 doesn't seem to meet - I know we've had other properties or
5 other solar and green energy meet those requirements, and then
6 some - 100 feet, 200 feet as Commissioner Scott had mentioned
7 in additional, and I know people's eyes bug out of their head
8 when we ask for that, but again, this is rural, kind of in the
9 middle of nowhere, but still there are people that live there
10 and so I'm just really - it's not really question on that,
11 it's just frustration listing. And then with the
12 decommissioning plan, I've been fighting for that since I
13 first sat on this dais up here. Sad that it isn't coming
14 before us because that is what I had requested, so I hope
15 there are a lot of details in there. I appreciate the four
16 bullet points that are here, personally, I'd like to have seen
17 some of them, but I just hope that they're a little bit more
18 detailed when it comes to that.

19 WHITTIER: Great point. Yeah, thanks again for the
20 question on the decommissioning. One of the reasons why it
21 wasn't here is that Eloy does have pretty strict requirements
22 for their decommissioning plan, and we had that meeting with
23 them just last week, and so we're developing it as we speak.
24 I'm happy to provide it once it's done. And while it is a
25 requirement for the site plan, we anticipate having it before

1 Board of Supervisors and understand that that's something that
2 you'd like to see, we're happy to provide it. It's just
3 wanted to make sure we could combine with the Eloy one and we
4 just had that meeting recently.

5 MOONEY: Okay, appreciate that, thank you. That's
6 all I have, thank you.

7 KLOB: Any other comments to the applicant? Tom,
8 you good? I just had a couple things. The first one's kind
9 of more of a statement. We're going to beat up that little
10 piece of land right in the middle. I understand doing
11 everything you can and if owners don't want to sell, it is
12 what it is. As someone that is giving approval, you know,
13 potentially giving approval for everything around it, that
14 little island, it looks like there's five, I think there's
15 five landowners or five parcels that are in that little spot.
16 It just becomes very problematic down the road for that person
17 from a resale standpoint, whether you're a fan of solar or not
18 a fan of solar, you really don't want it on all four sides of
19 your property and you probably don't want to buy a property
20 that has it on all four sides. So it really severely lowers
21 their property values. Those kind of little pockets and the
22 three-sided one down to the south, those always give me
23 heartburn, just because I know that in four or five years it's
24 probably going to be a land sale because they don't want to be
25 there and you guys will, in theory, be able to pick it up for

1 pennies on the dollar. I'm hoping that wasn't the plan all
2 along, but it's, you know, stranger things have happened,
3 we'll say. So I would hope that you would continue to keep
4 reaching out to these people and, you know, before it becomes
5 an issue where they're going to regret their decisions down
6 the road should this move forward. My second one is a
7 question that we hear on a regular basis and it contradicts
8 something you've said, and I think even NextEra's been here
9 before and talked about, you know, we produce the power and it
10 goes out into the grid and it goes - it's like someone turns
11 the faucet on and we can't control where the electrons go.
12 Yet then we hear, no, wait a minute, it's going to go to ED2,
13 ED3, you know, and so on and so forth. And why is this able
14 to - this project able to be controlled in that manner versus
15 99 percent of the other ones that we've heard are not?

16 WHITTIER: Thanks for the question, Chair Klob. One
17 of the main differences of this project and those that you
18 heard, this interconnects into the WAPA substation. So a lot
19 of what determines - and let me be clear, once an electron is
20 created from either the solar or discharge from the battery,
21 we can't track that one and regardless, there's no possibility
22 of doing that. This interconnection to the WAPA ED5
23 substation and there's only so many off-takers or ultimate
24 users where that power ends up going to. Some of the other
25 discussions that, hey, it goes and you can't track it at all,

1 those are going on other systems and really the electrons flow
2 like water to where there is the demand. So the power that
3 we're selling is to Arizona Electric Power Cooperative, it's
4 then subscribed out to other users that are on the WAPA
5 network. So can I say that the electron that's generated at
6 noon on a Wednesday is gonna go specifically to ED2?
7 Certainly can't say that. But the power that's generated is
8 sold to AEPCO and they're managing and balancing their - and
9 all the EDs are balancing their systems with the available
10 generation capacity resources.

11 KLOB: And great answer and I thank you for that,
12 but just be prepared, both of you the next time you come up
13 here, I'm gonna use that against you. So, all right, that's
14 all I have, thank you guys.

15 LAKE: Thank you.

16 KLOB: Any other questions or comments from the
17 applicant? Very good. With that, thank you Sean. I will -
18 did you guys have anybody else you need to speak? Okay, with
19 that, I'm gonna open up to the public. This is the public
20 discussion portion of PZ-009-26 and PZ-PD-009-26. I have
21 several speaker cards for this, and the first one on my stack
22 - I always butcher your name, one of these days I'll get it
23 right, but Cepand Alizadeh. Am I getting close at least?

24 ALIZADEH: (Inaudible).

25 KLOB: Okay, all right.

1 ALIZADEH: Just say hey you.

2 KLOB: Hey you. That's why I looked at him, because
3 he knew what I was talking about.

4 ALIZADEH: Chairman Klob, Vice-Chair Mooney, Members
5 of the Commission, Cepand Alizadeh, Arizona Technology
6 Council, 2800 North Central Avenue, Suite 1530 in Phoenix, in
7 support, speaking in support of this project. What Mr. Lake
8 said really stood out to me right now, that Pinal County is
9 going to be losing energy at a time when it needs energy.
10 Now, going to Commissioner Pranzo's point, one project isn't
11 gonna solve the energy needs of this growing County, but as I
12 always say, whether I'm before the ACC, Maricopa County
13 Planning and Zoning Commission, boards of supervisors, it's
14 all part of a mosaic, and what we're doing here by approving
15 this project is adding a puzzle piece to this mosaic. So when
16 I drive here, I feel like every time I come to Pinal County, I
17 feel like a new development has opened or new housing
18 subdivision, etc., and I'm amazed by the growth that we're
19 seeing. So at this point, we cannot be saying no to forms of
20 energy, it's not good policy. We need to have energy in all
21 its forms, in all of the above approach. And approving this
22 project is consistent with that all of the above approach.
23 Now, NextEra has, as you've seen, is a very, very proactive
24 company. They not only did the standard postings that they
25 have to do and the committee meetings, etc., but they have

1 tried to reach out to neighbors. They have let a neighbor
2 know, hey, we're coming in, and that neighbor has said, you
3 know what, unfortunately, I'm not a fan of this. But this is
4 the type of company you wanna see in your community, one that
5 is responsive, one that is proactive, and one that really
6 cares about the project that they are building, and that's
7 what you will get with Nexterra. So with that, once again,
8 thank you all very much. Thank you for taking my comments,
9 and I hope you will be supportive of the rezoning proposals
10 that are before you today. Thank you.

11 KLOB: Thank you. Next one I have is Jordy Fuentes.

12 FUENTES: Thank you. Good afternoon, Chairman Klob,
13 Vice Chairman Mooney, and Commissioners. My name is Jordy
14 Fuentes, I am the Executive Director of the Arizona Power
15 Authority. It's quite a name. You probably are wondering,
16 what the heck is that? It is actually a State agency. It was
17 created in the 40s to - and it was created primarily for one
18 purpose, and that is to receive Arizona's allocation of Hoover
19 hydropower. So, there were some questions earlier today about
20 what's the hydropower that's missing? There were some
21 questions over here by Commissioner Pranzo about numbers and
22 missing denominators. We could talk for hours about
23 denominators and numerators and the problems that we're facing
24 on the Colorado River, but I will tell you the reason we are a
25 part of this project, we are an off-taker through the Arizona

1 Electric Power Cooperative, who you'll hear from in just a
2 moment, who is ultimately the taker of the power from NextEra,
3 the developer, who we just heard from. We are - one of the
4 entities that is going to be receiving the power through us
5 directly is Electric District Number Two. Unfortunately,
6 Logan, the CEO, was here earlier, but he had a board meeting
7 at one and had to leave, so he left you a letter of support.
8 But this power - well let me just state this: I think it was
9 stated earlier, and this is maybe most appropriate, is the
10 green overlay has been developed by the County, that went
11 through a public process and said if you're going to do this,
12 do it there. This request is really a conforming measure to
13 make sure that the zoning matches the zoning overlay that was
14 created by the County. But if you still feel like you need to
15 scrutinize this, I still believe there's really compelling
16 reasons why. As I stated, we're a State agency, we receive
17 that hydropower. The hydropower - let me give you some quick
18 numbers here: (inaudible) capacity on that is about 2,100
19 megawatts. Currently, we're in the 1,350, -60, -70 range, and
20 with the threat that because of hydrology and because of
21 issues at Hoover Dam and with the turbines themselves, by next
22 year we may be down as low as about 370 megawatts of capacity.
23 That is a major, major problem. This - let me give you one
24 more number. The historical average for megawatt hours - so
25 there's capacity, which is megawatts, and then there's energy,

1 which is megawatt hours. This is technical stuff, but I'll
2 leave it at that. The historical average is about 4.8 million
3 megawatt hours that comes out of Hoover Dam. This year, we're
4 on target to receive about 2.6 million. Significantly less
5 than historical. Arizona's portion is 20 percent of that, so
6 roughly about - ooh, sorry about that - roughly about 30
7 percent, or about 500,000 megawatt hours comes to Arizona,
8 much of which goes to Pinal County. So this project is a
9 local project. It's meant for, it's developed here, it was
10 developed with AEPCO knowing that this was - Pinal County had
11 need, their electric districts, who are our customers, had
12 needs, and we were helping facilitate that with our
13 participation. I will leave it with that. There's a lot more
14 people, lots of additional people who can speak, but I will
15 say this. It's sort of a takeoff of what was said already.
16 And this is a great project, in a great location, for a bunch
17 of great people. And with that, I would seek your approval.

18 KLOB: Thank you. Next up, Robin Davis.

19 DAVIS: Before you start the talk, this is what you
20 guys do to me. I come with a prepared statement, and it's
21 just all scratched out. My name is Robin Davis, and I live in
22 Hidden Valley. I'm not a CEO, I'm not as slick as the
23 attorneys. I don't have all that fancy speak, but I'm a
24 resident. I'm a person who lives in these neighborhoods or
25 collaborates and helps other people who live in these

1 neighborhoods, so I'm here today to oppose the rezoning
2 request for many energy projects. Combined with the other
3 energy project rezoning requests from the past and the ones
4 that are coming through the process, we are losing Pinal
5 County. I don't care if this was done in 2021, the requests
6 are overdone. There's so many, that it's out of control.
7 There are hundreds of thousands of acres that are being
8 systematically destroyed by those that don't even live in our
9 County. So if you've noticed, the people speaking in support
10 of all these projects - we're talking for the past several
11 years - don't even live in these neighborhoods. So they're
12 coming from Phoenix and trying to tell us how we should live.
13 So time after time, these types of projects are approved to
14 move forward to the dismay and the anger of the people you
15 guys are supposed to represent. And when 200 people show up
16 at a Board of Supervisors meeting against something, that
17 should say something. So this all has got to stop someplace.
18 The beauty and the pristine deserts of Pinal County are being
19 just destroyed. These green energy projects as a whole do not
20 belong in our County. Arizona has some of the most beautiful
21 and unique land in America, and it's being destroyed. These
22 projects tend to pollute the land by putting toxic chemicals
23 into the soil, dumping toxic waste into water, into rivers and
24 waterways, and creating unwanted light and noise pollution
25 that destroy the lives of the people and the wildlife that

1 live around that area. I'm done listening to the right of the
2 landowner, especially when the rights of the current
3 landowners are being ignored. These rights are being trampled
4 on and rarely listened to. See, I'm getting lost here because
5 I've had to reorder everything. It's time to put a pause on
6 these projects. Until we get some codes and guardrails for
7 them, it's time to say no to these projects because we're
8 losing the beauty of Pinal County to out-of-control green
9 projects. We need to do something before we allow all these
10 projects to go forward. We need to have some guardrails on
11 them so we don't destroy, like Commissioner Klob said - or
12 Chairman Klob said, about the one person in the middle, and
13 he's gonna be forced to move out. And that's what's happening
14 to us out in West Pinal. It does not take a social media
15 wizard to see what is happening all across America. Data
16 centers, solar fields, battery energy storage, et al., are
17 being pushed back on by thousands of communities with some
18 outright putting bans on them. Stipulations aren't any good.
19 Over the years, I've seen all kinds of these projects have
20 stipulations added to them and who's enforcing them? So I
21 urge the denial of recommendation until our laws, codes, and
22 ordinances can catch up to the onslaught of these requests.
23 And that's coming from just a resident.

24 KLOB: Thank you, Robin. Next up, Brian Yerges.

25 YERGES: That's a tough one to follow, but I love

1 Robin's passion. I see her at public meetings all the time.
2 We're not always on the same side, but we're always
3 transparent and honest with each other what we're talking
4 about. I have a little flag here, it says, I support Pinal
5 Solar. We don't call it Eloy Valley III Solar, we call it
6 Pinal Solar. I had the opportunity to attend the AEPCO annual
7 meeting in May, which ED3 is a member of, so we are a member
8 of AEPCO. And so I'm not only representing AEPCO, but I'm
9 representing Electrical District Number Three, who's an off
10 taker of this project. But also, I am the board president of
11 Southwest Public Power Agency, which is a group of small
12 public power utilities across the State of Arizona. So this
13 project was developed specifically for AEPCO and its
14 membership. ED3 directly is benefiting from this project. We
15 have subscribed to this back in 2025. Prior to that, we were
16 working with AEPCO and our partners to develop this project
17 starting a couple years ago. So this has been part of our
18 energy plan for a number of years. I'm here to tell you, yes,
19 it is part of our plan, energy reliability plan, to replace
20 federal hydropower that is declining. Fortunately, we're in a
21 better position than some utilities, but we currently get 7
22 percent of our power from federal hydropower, okay? And so
23 this project here is helping replace that, but in addition,
24 it's helping meet peak demand by adding capacity during
25 critical hours with the battery energy storage system. And so

1 this project truly is for Pinal County, ED3 is a major off
2 taker of this, and we included it not only in our energy plan,
3 but we recently went through a bond rating. Some of you know,
4 the County has bond ratings, other entities have bond ratings.
5 We had a major bond rating upgrade. We went from A plus to
6 double A minus. If you know anything about public power, it's
7 really hard right now to get a rating upgrade because of all
8 the stresses on the electrical grid and demand, but we were
9 fortunate to get a bond rating upgrade because of our customer
10 base, because of how we've handled finances, but because we
11 were able to answer the question of, what are you gonna do if
12 the hydro goes away? And we could say, this is our plan.
13 We've already subscribed to these projects. We're developing
14 these projects. We are using these projects to backstop. And
15 so if the hydro is great, is available, great. If it's not,
16 we're doing projects like this to fill the gap and also meet
17 our needs. So thank you. I did wanna answer the question.
18 Yes, you might not be able to know where the electron goes,
19 but how this works is everything is metered and you have a
20 metering point and you know how much goes on to the electric
21 system, right? The transmission system. With that,
22 everything has a tag or an electronic tag that ties back to
23 schedules that are set, and so each utility has a day ahead
24 schedule and knows what resources are scheduled to meet its
25 load. And so in a way, it's all done electronically through

1 financial mechanisms and metering, but yes, you can't say the
2 electron goes here or here. It goes on the system, but it's
3 done through metering software and financial products. So
4 happy to answer any questions.

5 KLOB: Vice Chair.

6 MOONEY: I appreciate some of that clarity on that,
7 and I understand that, you know, it just goes in. But if you
8 - is there gonna be like checks and balances that say this
9 much was produced today and - so that there's like some sort
10 of checks and balances, you know, I mean, not that every
11 little piece needs to stay, but it sounds like it's all
12 staying with ED3, 2, 3.

13 YERGES: No, we're part of the portfolio. We
14 partner in projects that are bigger for economies of scale.
15 So if you think about - and this is a valid question, is it
16 better to develop one 400 megawatt project or would it be
17 better for the County to take that and divide it out and do
18 eight different projects in eight different locations? What
19 we're trying to do is find a project that meets the criteria,
20 meets the local needs, we can benefit from economies of scale
21 and we can all take a piece of it. ED3 is committed to 100
22 percent of the power from that project for the next 20 years.
23 It's for our customers. Ultimately, the energy that comes
24 from that, it ends up being settled on an hourly basis, on a
25 daily basis, and a monthly basis. And then guess what?

1 There's a bill because you have to pay for the power. And so
2 yes, everything gets looked at on an hourly basis, a daily
3 basis, and a monthly basis, and there's a whole reconciliation
4 process that occurs with our balancing authority, with
5 NextEra, and we get a bill. So everything is tracked.

6 MOONEY: Yes, and so I was just like, it's tracked
7 that it's staying in this area and not going to Maricopa
8 County, California, New Mexico. That was where I was going,
9 the checks and balances.

10 YERGES: Yes, so it's 100 percent subscribed to
11 AEPCO and its membership and its public power partners. And
12 so this is a project that is for the benefit of the State of
13 Arizona, a major portion of it is for Pinal County. And I
14 would just say, you know, why the developers like to say, oh,
15 we don't know where it's going to go, it's because they don't
16 have an off-taker yet. They don't know where it's going to go
17 because they don't have an off-taker, they're just trying to
18 get it approved. Here, this is different. We have a project
19 where there's off-take agreements, all have been signed, it's
20 been a partnership that's been worked on for several years,
21 and we're to the point where we want to execute and build it
22 so that we have the power available for summer 2028. And so I
23 can tell you 100 percent certain it is for the benefit of the
24 State of Arizona, and specifically a big portion of it is for
25 Pinal County.

1 MOONEY: Thank you.

2 PRANZO: Chair, may I?

3 KLOB: Yes, Commissioner Pranzo.

4 PRANZO: I'm sorry, I didn't get your name.

5 YERGES: Brian Yerges, I'm the general manager of
6 ED3.

7 PRANZO: Say your last name again.

8 YERGES: Okay, I'll do it like my mom does.

9 PRANZO: Please.

10 YERGES: Your guess is as good as mine. So, your
11 guess, Brian Yerges.

12 PRANZO: All right.

13 YERGES: I got one person to laugh. Helped when I
14 went to kindergarten.

15 PRANZO: It's nice to have you in front of me and
16 you seem to be plugged in to a lot of what goes on in power.
17 For me, I've always viewed solar, at least in this scale with
18 these techniques, as an interim step. What kind of
19 conversations do you have to finally consolidate and produce
20 power at a much larger scale to serve the State of Arizona,
21 particularly Pinal County? Is there any whispers?

22 YERGES: Well, for a fair answer is, for ED3, prior
23 to 2025, we had no solar in our portfolio.

24 PRANZO: Right.

25 YERGES: Okay? So starting in 2025 was the first

1 time we had solar in our portfolio, and we're adding this
2 project as well. Part of it is looking at your load profile.
3 We do not have the demand at 2 a.m. that we do at 5 p.m.

4 PRANZO: I have heartburn with that, so we'll just
5 let that go by.

6 YERGES: Okay. But I think the way -

7 PRANZO: What I'm looking for, is there whispers
8 about finally consolidating the needs of the State of Arizona
9 to where we're looking at a nuclear power plant or something
10 of that nature where we don't have to cover up all our farm
11 fields with solar?

12 YERGES: Yeah, so for ED3, we would have to partner
13 with other entities to do that because we're not big enough to
14 build multiple billion dollars -

15 PRANZO: Is anybody whispering?

16 YERGES: Yeah, if you look in the news, it's in the
17 news. SRP, APS, TEP, they're looking at it.

18 PRANZO: Okay.

19 YERGES: And that's a large-scale nuclear, other
20 people are looking at small-scale nuclear, but that's
21 something that is not a solution for today in the 2020s.

22 PRANZO: No, I get that.

23 YERGES: That is a solution for tomorrow. And so
24 ED3 believes in an all-of-the-above power approach, so we
25 should be looking at multiple technologies, multiple

1 resources. Just like if you have a 401k, or funds you invest
2 in the stock market - I hope you all don't put it in one stock
3 like Google or Apple, I hope you spread it around. And so
4 that's our perspective as well is we want diversity and
5 resources to mitigate risk and do it in a smart way.

6 GAREY: And Chairman -

7 YERGES: For now (inaudible).

8 GAREY: - Klob, Vice Chair, I would just remind the
9 Commission to please keep the questions directed to the direct
10 matter that's in front of the Commission.

11 KLOB: Thank you.

12 PRANZO: I got none of that.

13 KLOB: Stay on task.

14 PRANZO: Huh?

15 KLOB: Stay on task.

16 PRANZO: I'm trying - oh.

17 YERGES: Unless there's any others?

18 PRANZO: I see that as tasks, so we'll debate that
19 later.

20 YERGES: Happy to talk to you afterwards, too, if
21 you want to.

22 PRANZO: Yeah, no, I'm just curious. I see all this
23 development with solar and I have nothing against it, it's
24 free energy - quasi. It's just sooner or later we gotta wake
25 up to the point where, hey, we really do have to build

1 something.

2 YERGES: Yeah, and part of that is future gas
3 pipelines to the State of Arizona that need to be built.
4 Obviously, we don't have gas in this state, so there's lots of
5 things that are getting looked at and being worked on.

6 PRANZO: Right. To make staff happy, you and I will
7 part ways now.

8 KLOB: Thank you, Brian. All right, Logan Gernet.
9 He left, yeah. He's in favor. He's actually, he's with ED2,
10 just for the record. Patrick Ledger.

11 LEDGER: Good afternoon, Mr. Chairman and
12 Commissioners. So I represent Arizona Electric Power
13 Cooperative. I'm the CEO, I've been there for 25 years. I
14 think it might be helpful to give you a little background on
15 what we do and why we formed. We formed back in the 60s, and
16 the reason we did, as a nonprofit cooperative, is that the
17 larger utilities were just sort of ignoring ranchers and
18 farmers. That's really what it was. So, members like Trico
19 got together with other co-ops and they figured out a way to
20 create a wholesale provider that would build power and
21 transmission and provide energy services for all of the retail
22 co-op operations. So, our objective is not to make money,
23 it's to serve rural communities. That is our objective. And
24 we do it - our mantra is affordable and reliable. So let me
25 talk about affordable. I think a couple of the CEOs who were

1 up here before me said it well: A large project like this
2 provides scale that substantially brings down the cost for
3 everybody. So by getting a lot of small entities together
4 under our association, we're able to do things that none of
5 those utilities could do on their own. And so we engage in a
6 process - it takes us years and Jordy - both Jordy and Brian
7 talked about this - we've been preparing this project, and the
8 way you prepare for it is not just the practical stuff that
9 our contractor's doing, it's all of the work that goes into
10 getting everybody on board with very different perspectives,
11 very different kind of local needs and finding common ground
12 and figuring out a way to go forward with a project. This is
13 a very special project. It not only provides that offset to
14 the impacts of lower hydro, but it's an extraordinary project
15 because we have gotten a number of different entities with
16 very disparate needs together on a project that I think will
17 serve them very, very well, at a very affordable price.
18 Remember that the rural co-ops and the rural public power
19 entities serve places that the big utilities didn't wanna
20 serve. Why? Because they're lower income communities. Okay?
21 That's why affordability matters to us. We've gotta keep that
22 price low, and this project is one of the best in the western
23 United States for doing that. It's a combination of all these
24 folks coming together, it's an excellent location, it's the
25 ability for us to leverage our relationship with WAPA - sorry

1 - and that is really important as well because those
2 transmission lines actually are fundamental to providing both
3 the hydropower, but also all of the power needs that we supply
4 to all of our members. By the way, we are not pro-solar,
5 we're not pro-nuclear, we're all of the above as well.

6 PRANZO: I'm just curious as to where this bubble is
7 gonna go.

8 LEDGER: I understand. Let me just tell you very
9 quickly if I may, Mr. Chairman. We are developing natural
10 gas, we're developing natural gas resources, new pipeline
11 resources, and at the same time, we're developing new solar
12 and battery resources. These are what are available to us
13 today. And because we are much smaller than an APS, we can't
14 take down a big nuclear facility, but we can create a
15 portfolio of lower cost resources that are very flexible, that
16 when you add them together, you have something that's very
17 affordable and very reliable. And that's where we're going
18 with this, okay? We're not pursuing this for any other reason
19 than to ensure that public power in this State and in this
20 County have affordable, reliable resources. This is a perfect
21 resource for that.

22 KLOB: Thank you.

23 LEDGER: Thank you.

24 SCOTT: Could I ask him a question?

25 KLOB: Yes, Commissioner Scott.

1 SCOTT: What organization were you were? Are you
2 with, sorry?

3 LEDGER: Yeah, it's Arizona Electric Power
4 Cooperative, AEPCO. So we're the off-taker. We've been
5 around since 1961. We're about - we're the biggest small
6 utility in the State. You don't really hear about us because
7 we're the wholesale side of the equation, but we have plants.
8 We have a plant called Apache Station in Cochise County, we're
9 developing a new plant in Mojave County. And again, all of -
10 and we have another large solar that we operate. All of these
11 resources are for our rural co-ops and our rural public power
12 - folks like the EDs in Pinal County.

13 SCOTT: So will you be receiving power from that new
14 power plant, the gas-generated one that just got approved last
15 month, west of Red Rock? I can't remember the name right now.

16 LEDGER: No.

17 SCOTT: Because they're supplying power to the EDs
18 too, and TEP.

19 LEDGER: They may be.

20 SCOTT: No, they are.

21 LEDGER: So they have a portfolio of different
22 resources.

23 SCOTT: Okay, I was just curious if you were tied to
24 that.

25 LEDGER: This doesn't - this doesn't supply all of

1 their needs, but it supplies some of it.

2 SCOTT: Okay, good. Thank you.

3 LEDGER: You got it.

4 KLOB: Thank you.

5 LEDGER: Thank you.

6 KLOB: And the last speaker card I have is Kristena
7 Dugan.

8 DUGAN: It always sounds like I'm in trouble.

9 KLOB: Well, you wrote Kristena, I know you used
10 Tena. So you wanted it more formal.

11 DUGAN: Well, you know, sometimes you want to make
12 sure you get it right. Good afternoon, my name is Tena Dugan,
13 but I do put my formal name on there. And for those of you
14 that know me and have heard me speak before, I am generally
15 opposed to most every solar project that ever comes before us.
16 I'll always have concerns about converting the open desert to
17 industrial use, the impacts on wildlife, battery storage, and
18 what happens to these facilities decades from now. But I also
19 am a person that believes every project deserves to be
20 evaluated on its own merits. And this proposal's different
21 and for that reason, I'm willing to support it with
22 conditions. And the biggest reason is for every time I have
23 stood up in front of you and opposed other projects, there was
24 absolutely zero guarantee that that power is coming back to
25 Pinal County. I believe that this project will come back to

1 Pinal County, and to me, that is one of the most important
2 things as the wife of a farmer and someone who's very actively
3 involved in watching what goes on. I've watched all the
4 promises before. I watched the approvals of gas plants and
5 everything where they said we're in talks with, and I know
6 darn good and well none of that power's coming to Pinal
7 County. So as I said, my support's not unconditional. We
8 have to think beyond today. The decommissioning is very
9 important to me. What's gonna happen to that land and what's
10 gonna bring that land back to where it is now? I have
11 concerns for those people that own the property there as a
12 real estate agent. I heard earlier on the Verizon tower that
13 that doesn't affect the value. Yeah, it does, because I sell
14 those houses to people that go, yeah, I'm not paying for a
15 house to be next to that. And it's the same with solar panels
16 or any other kind of utility. Obviously, we need to verify
17 the benefits presented today are the benefits that are
18 ultimately delivered. I do believe that this is coming back
19 to Pinal County, and that is the reason for my conditional
20 support today. I appreciate all the questions that have been
21 answered, and for these reasons, I support the request, with
22 conditions. Thank you.

23 KLOB: Thanks, Tena. That's all the speaker cards
24 that I have for this case. Is there anybody else that would
25 like to speak? Seeing none, I'm gonna close the public

1 comment portion of PZ-009-26 and PZ-PD-009-26, and I'll bring
2 the applicant back up.

3 LAKE: I think Tena did a good closing argument for
4 me there. I appreciate that. But this is locally decided,
5 local built, local benefit, and for those reasons, we think
6 this will benefit the community, and we would urge your
7 support for this project. Thank you.

8 KLOB: Sean, I had a quick kind of follow-up
9 question based on, I think it was Brian Yerges mentioned
10 having this operational by 2028. Did I hear that correctly?

11 LAKE: Yes, sir. That's what this is put in place
12 for.

13 KLOB: So this is - the goal here is to move and not
14 just sit for the next 10 years, like some of the other
15 projects that we've seen.

16 LAKE: No, this is a go, go, go, go, go.

17 KLOB: Okay. Good, thank you. Any other questions
18 for the applicant before I close? All right. Commissioner
19 Scott.

20 SCOTT: Yeah, you know, we keep hearing over and
21 over that Pinal County is gonna be short of power in the
22 future, you know, over and over and over again. We already
23 got 50 plus thousand acres of solar, but the one thing that
24 we're overlooking is currently the gas-powered power plants
25 that are coming. So the one at Red Rock that just got

1 approved last week or last month at the Board of Supervisors.
2 We got Bella over there off I-8 and Midway. SRP's got Copper
3 Crossing, which is just south of San Tan Valley. We've got
4 the Coolidge Generations plant station had eight engines,
5 they're going up 20 engines, so they're gonna have 28 all in
6 together. So there's plenty of power coming, it's just not -
7 it just appeared that this project's gonna - we're gonna be
8 lacking in hydro and this project's gonna fill the gap. I
9 know it's not gonna fill the gap of some percent of the hydro,
10 but there are other mechanisms that are already in place that
11 have already been approved. You know, of course they gotta
12 get built and things like that. So we don't have to rely 100
13 percent on the 50,000 acres of solar that we already have, you
14 know, there's other things that are coming here. So I just
15 wanted to throw that in there.

16 LAKE: Chairman, Commissioner, I appreciate that,
17 and again, that's not what I hear when I talk to power
18 companies.

19 SCOTT: Well no, that's what's been approved.

20 LAKE: That's what's been approved and we're part of
21 that has been approved. When we talk about the acreage that's
22 been approved, we're part of that number. We're just
23 implementing with this (inaudible) here today what was
24 approved in 2021 for the green energy, we're implementing it.
25 All I can tell you is we've got the power companies that have

1 come here - ED2, ED3, ED4, they've come here, AEPCO, and said,
2 this is what we've contracted, this is what we need, please.
3 And so you've got the local utility providers coming and
4 saying, please, this is our plan, this is what we want, and so
5 we think this is important for this rural area, this
6 community, and these power - these local power companies, so
7 we would urge your support.

8 KLOB: All right, anybody else? Thank you, Sean.
9 All right, with that, I'm gonna close PZ-009-26, PZ-PD-009-26,
10 and bring it back to the Commission for a motion and comments.
11 Discussion.

12 LIZARRAGA: Chair.

13 KLOB: Commissioner Lizarraga.

14 LIZARRAGA: Yeah, I have a motion. I move the Pinal
15 County Planning and Zoning Commission forward a recommendation
16 of approval to the Board of Supervisors, with one stipulation,
17 as listed in the staff report. For PZ-009-26.

18 KLOB: Very good. I have a motion, do I have a
19 second?

20 KELLER: Second.

21 KLOB: Second by Commissioner Keller. There's a
22 motion on the table for approval of PZ-009-26. Any other
23 discussion?

24 SCOTT: I just want to bring up, Pinal County's not
25 out of power, okay? We got future growth coming, we

1 understand that, and it's welcome for the most part, and in
2 the right place. But there are these gas power plants that
3 didn't get highlighted. I can't remember how much they put
4 out, but they're coming. They've already been approved. More
5 power's on the way. We know that more industry is on the way
6 also, but so oftentimes we just hear the doomsday - we're out
7 of power, we're gonna run out of power. The problem was, in
8 the beginning, the gatekeepers in the County - or in the City
9 of Coolidge, or wherever - as solar was approved, we just
10 assumed, since it's in our backyard, it's gonna stay here, and
11 that hadn't been the case. And, you know, probably 40,000
12 acres of the solar that's been put together leaves, but we
13 didn't check it till later. But there is other forms of
14 energy coming. We are in a drought, everybody knows that, so
15 hydro's probably gonna take a backseat for a while, hopefully
16 not, you know, I'm sure everybody's praying for a different
17 result. But it's not doom and gloom out there. There are
18 things that are gonna take some time, and I just wanted to
19 throw that out there.

20 KLOB: Thank you. I wanna - the comment that I
21 wanna add on this one is - and I've had numerous applicants
22 ask me over the last several years, what's it gonna take to
23 get solar approved? Because we've denied a lot of solar
24 projects. We've approved a lot, but we've denied a lot, too.
25 And one of the pushbacks that I've used numerous times is show

1 me how it benefits the people I represent in this County. And
2 this is one of the first ones that's truly come to the table
3 and said, we are representing Pinal County and the people that
4 live here, and the businesses that operate here. And not just
5 saying that that's support, because we've already had
6 situations where some of these companies have claimed support
7 and we find out later, we haven't even talked to them before.
8 What we're seeing today is, not only are you claiming the
9 support, but you brought the people to say, no, we're
10 supporting it, we're writing the checks. So that means a lot
11 to me, and that speaks volumes to me, and it's cases like that
12 where I think it's in the County's best interest to approve
13 projects like this. So any other comments? Go to a voice
14 vote, unless we need to do a roll call, but we have a motion
15 and a second, all in favor, say aye.

16 COLLECTIVE: Aye.

17 KLOB: Any opposed?

18 ??: Opposed.

19 KLOB: One opposed. Motion passes. Now we have PZ-
20 PD-009-26, I need a motion.

21 LIZARRAGA: Chair?

22 KLOB: Commissioner Lizarraga.

23 KLOB: PZ-PD-009-26, I move the Pinal County
24 Planning and Zoning Commission forward a recommendation of
25 approval to the Board of Supervisors with 20 stipulations as

1 listed below.

2 KLOB: Very good, do I have a second?

3 KELLER: Second.

4 KLOB: Second by Commissioner Keller. Any other
5 discussion? Hearing none, all in favor, say aye.

6 COLLECTIVE: Aye. Any opposed?

7 MOONEY: Aye.

8 KLOB: One opposed. That motion carries. Thank
9 you, guys. I'm gonna take a quick break, but I really only
10 want to make it like five minutes or so if we can. We wanna
11 and get this, get things moving so we can all get out of here
12 within a decent hour tonight.

13 [Break]

14 AMAYA: ...case, PZ-008-26. Excuse me. They are
15 requesting approval of a rezoning of approximately 215.8 acres
16 from General Rural - GR to Industrial zone I-3 to facilitate
17 the development of a data center campus. And then PZ-PD-007-
18 26 is a planned area development overlay to amend the
19 permitted uses and development standards. It is located at
20 the southwest corner of West Selma Highway and South Midway
21 Road, and it is southwest of the City of Casa Grande in
22 unincorporated Pinal County. The applicant is Alex Hayes of
23 Withey, Morris & Baugh. And then the owner is Selma & Midway,
24 LLC. So this shows a total of the County and as well as the
25 subject site. You can see it's just a little bit southwest of

1 Casa Grande. And then this is the vicinity map that shows the
2 surrounding areas compared to the subject site. And then this
3 is a current aerial of the subject site. And then this map
4 shows the surrounding area directly surrounding the subject
5 site. It is shown it is currently GR - General Rural, and
6 they are proposed the Industrial I-3. And then this is the
7 600 foot notification zone as required by State statutes. So
8 this shows a full site plan of the project. And then I will
9 break it down a little bit more in the next slide. So on the
10 subject site, they are proposing five data center buildings,
11 each one of them is gonna be 250,000 square feet, and they
12 will each have their own backup generator yard and office.
13 They're also proposing a 298 megavolt substation and
14 equipment. And then they are also proposing 170 foot setbacks
15 between the adjoining properties and the proposed data
16 centers. Also included were internal roadways, as well as a
17 retention basin. So for water and wastewater analysis,
18 according to a wastewater and master summary, the proposed
19 development will use quote, extremely low domestic water
20 demand, this is due to the proposed development having low
21 employee count for day-to-day operations. And then domestic
22 water waste needs will be addressed through conventional
23 septic systems constructed onsite and/or using the portable
24 facilities. Industrial water demand is also intended to be
25 largely limited, which would be required for the generator

1 cooling. And this water analysis estimated approximately a
2 daily demand of 14,500 gallons per day, with a maximum of
3 35,200. And then a more detailed water demand and facility
4 information will be provided as the site planning process
5 continues. For the energy, the proposed development includes
6 an onsite generation, which will be served by El Paso Gas
7 Line, which bisects the property. As I said before, it would
8 be, according to the submitted site plan, a 298 megavolt
9 substation, and the proposed data centers will have their own
10 backup generators. The applicants are not proposing power
11 grid connectivity since they will be providing power onsite.
12 We did receive a letter from the electrical district, if they
13 are - I believe they're in attendance.

14 DEOKAR: I'm not sure.

15 AMAYA: That concerned about the power usage due to
16 - if the onsite generators were to fail. And then it is
17 actually, for traffic, they are proposed less than 100 peak
18 trips per day. So to bring items into consideration, they are
19 requesting the rezone of 215.8 acres plus or minus from
20 General Rural to Industrial I-3, as well as a planned area
21 development to amend the permitted uses and development
22 standards. The site, according to the submitted site plan,
23 would have legal access along Selma Highway and Midway Road,
24 and a traffic impact statement will be required at the time of
25 site plan approval, as well as a drainage statement. So for

1 the planned area development overlay, they are proposing
2 amending the maximum height from I-3, from 50 feet to 60 feet
3 to accommodate the building heights. They are also proposing
4 amending the permitted uses with the following - the shown
5 uses being prohibited in the PAD overlay. They are also
6 requesting a reduction of minimum parking spaces. Because
7 data centers are not listed in our code currently, we had to
8 find the most close use, and that would be the manufacturer
9 wholesale and warehouse, which requires one space per every
10 1,000 square feet. They are proposing reducing that to one
11 space per every 6,000 square feet for the data center campus.
12 And then this shows the site postings from the broadcast signs
13 that were put out by the applicant, as well as the small
14 notice signs that were put out as well with the public hearing
15 information. And then for public participation, they have
16 completed the neighborhood meeting, as well as the other
17 required notices. At the time of publishing and advertising,
18 we have received one letter of opposition. After publishing,
19 we have received two letters of support, as well as seven
20 letters of opposition. And then there were nine letters that
21 did not have any cases mentioned, but mentioned data centers
22 into it. And then for history on the site, it was a subject
23 site of a Major Comprehensive Plan Amendment to redesignate
24 the parcel from Moderate Low Density to Employment. This
25 Major Comp Plan Amendment was approved on November 19, 2025 by

1 the Board of Supervisors. For the rezone, so PZ-008-26, if
2 you choose to forward a recommendation of approval, staff is
3 recommending the one stipulation, and there's also the
4 language for the deny motion as well. For the PZ-PD-007-26,
5 if you choose to approve - to recommend approval, staff is
6 recommending approving the 21 stipulations as reported in the
7 staff report. I also have the language for the for the deny
8 motion as well. That concludes my presentation, I'm happy to
9 answer any questions.

10 KLOB: Very good, thank you. Any questions for
11 staff? Any on this side first? Any questions for staff on
12 this side? Vice Chair.

13 MOONEY: So this is the second data center that has
14 come before us, and so I'm just curious - this is not directed
15 at upper management here. Are we working on any type of a
16 zoning code? You know, that's my favorite topic today.
17 They're asking to build the buildings taller than what's
18 already allowed, and we have zero code for data centers.
19 Maybe that is required, but going into I-3, the maximum was 50
20 feet. So I just have some concerns with that and so I just
21 want to know if anything is in the works and would it behoove
22 to push - not gonna look at the people - push this off, and
23 hopefully something gets put in place soon. Thank you.

24 KRAUSS: Chairman, Vice Chair, yes, staff is working
25 on a potential ordinance or standards for data centers.

1 However, we have an application before us to evaluate and the
2 zoning, so I think you look at that individually and if you
3 have concerns or need more information, then ask staff and the
4 applicant for that additional information.

5 MOONEY: All right, thank you very much, I
6 appreciate that.

7 PRANZO: Chair?

8 KLOB: Commissioner Pranzo.

9 PRANZO: Is this final or will this come back to us
10 again when they finalize?

11 KLOB: No, this is a rezone.

12 PRANZO: Right.

13 KLOB: And then from here, it goes to the Board of
14 Supervisors.

15 PRANZO: Okay, and then they're free to move on with
16 the project.

17 KLOB: Correct.

18 PRANZO: Okay, so specific questions would be
19 acceptable at this point.

20 KLOB: Correct.

21 PRANZO: Okay, thank you.

22 KLOB: Just a question from back to staff on this
23 one, and I kind of know the answer, but I want to ask it
24 anyway. I look at the I-3 standards for setbacks, and we all
25 know, and I think we've all seen and heard the challenges as

1 it relates to data centers, it looks like, I mean, 20-foot
2 setbacks in the front, 50-foot setbacks, or zero setbacks in
3 some cases. I think with the - was there any discussion with
4 the applicant on mitigating some of these challenges, even
5 though they may not necessarily have to as it relates directly
6 to the zoning classification we're going after, but increasing
7 those setbacks?

8 AMAYA: Chairman and Members of the Commission,
9 according to the submitted site plan, there is a 170-foot
10 setback between the front of the data center and the edge of
11 the parcel, so they are meeting that standard by over 150
12 feet.

13 KLOB: So, I'm looking at the table we have in the
14 staff report. Whereas I recognize that that's what the
15 drawing says, but the table doesn't, and the table's what's
16 going to govern as this goes forward. So should we be
17 updating that table accordingly? I mean, if the applicant is
18 acceptable to 175-foot setbacks, why is it not listed here?
19 Looks like the only change that they've requested in the
20 development standards is going from a 50-foot maximum height
21 to a 60-foot maximum height.

22 KRAUSS: That's correct, Chairman, Vice Chair. This
23 is for the PAD overlay, so wherever we're varying standards,
24 we include that if there's increased standards being required.
25 However, the developer is self-imposed setback that they've

1 included on their - this is just the concept plan. So if the
2 Commission wants to add an additional front yard setback,
3 that'd be fine. You have to realize, to the north is Project
4 Bella to this site, so there's industrial around the site,
5 too. Keep that in mind.

6 KLOB: Yeah, and that's fine. I'm just, you know,
7 we see on the screen, it says, you know, minimum 170-foot
8 setback, but there's nothing in our development staff report
9 that states that, so there's nothing binding to the applicant
10 as they come and develop this site, whether it's next year or
11 in 20 years. Sometimes these things get forgotten.

12 KRAUSS: No, good point, thank you. You can add a
13 stipulation if you want to increase that setback. Put it on
14 the chart.

15 KLOB: Okay, I think that's all I had. Any other
16 questions for staff? With that, I'll bring up the applicant.

17 HAYES: Thank you, Chair and Vice-Chair, Commission,
18 my name is Alex Hayes, 2121 East Highland Avenue, here on
19 behalf of the applicant with Project Midway. I think you
20 probably recall this project from the Major Comprehensive Plan
21 amendment process. Just last year, we presented this project
22 in the fall. It is the same project we bring before you here
23 today. We'll have some more detail about how this project
24 will be powered and some of the standards that will kind of
25 govern its development. I'm happy to address that setback

1 question in a moment. I think we'd be comfortable stipulating
2 to those setbacks. We have the stipulation about the specific
3 setback for the power generation equipment, but I think we can
4 discuss what that would be for the buildings as well. I
5 wanted to just kind of - do we have the presentation? You
6 know, data centers have become kind of one of the most
7 discussed, and I think in some ways misunderstood, land use
8 that I've seen in many years. I think that's not unusual with
9 any kind of emerging or growing industry where there's gonna
10 be questions or concerns about how they operate, what are
11 their impacts around the surrounding communities, and
12 hopefully today we can separate some of the facts from those
13 perceptions and answer any questions you have about this
14 project and how it will relate to its surrounding properties.
15 You know, the reality is whether we realize it or not, we all
16 use and benefit from data centers every single day, multiple
17 times a day, whether we're accessing our banking or medical
18 records or streaming Netflix or attending a virtual meeting or
19 increasingly, you know, the various applications of artificial
20 intelligence, whether it's a ChatGPT question or the medical
21 breakthroughs that are using, you know, proprietary artificial
22 intelligence models. They've become critical infrastructure
23 for our daily lives, our economy and our public services. So
24 understanding that these are critical infrastructure, I think
25 the question is not whether data centers should exist, it's

1 whether this data center is appropriate for this location and
2 the right standards are in place for its development. So
3 we'll walk through a little bit of the subject site and its
4 context, some of the standards that we're proposing, some of
5 the analysis that we've done, and I think we'll particularly
6 focus on what I think are the three main areas of concern or
7 questions, which is water use, power use, and potential noise
8 impacts. And we can talk about how the site's been designed
9 to mitigate those concerns or whether those concerns are
10 unfounded in the first place. With me here today, we have
11 experts from - and nobody's more excited that they're here
12 than me to share the hot seat with - but experts that can
13 speak to the sound analysis and mitigation and as well as an
14 energy infrastructure consultant who can talk about our power
15 design and plan. As Sam noted - oh, you'll click, okay, all
16 right, great. So this site is located at the southwest corner
17 of Selma Highway and Midway Road. We've included the kind of
18 an overlay of the site plan for Project Bella. This project
19 is not affiliated with that project at all, but just to give
20 you a site, some context of what exists around this site. It
21 has a Comprehensive Plan designation of employment, that was
22 what was approved last fall. So the County kind of recognizes
23 that this site is appropriate for more employment-focused
24 uses, and you can see along this I-8 corridor, this is
25 definitely trending towards more employment uses, energy

1 production, a lot of different employment uses being proposed
2 here. And there's so much growth happening in Pinal County,
3 there's - initially, I think there was a lot of development
4 occurring along the I-10 corridor, and we're starting to see
5 that spread to the I-8 corridor now. This is the existing
6 zoning map. Again, I-3 to the south. Current zoning is
7 General Rural, and proposed zoning is I-3 with the PAD overlay
8 to, again, very complementary with the adjacent property to
9 the south.

10 MOONEY: Excuse me. Okay. I'm sorry, some of the
11 computers went out.

12 HAYES: Oh.

13 KLOB: Alex, can you just give us a minute? Sorry
14 about that.

15 HAYES: Yeah, sure thing.

16 ??: (Inaudible).

17 HAYES: No, we need another data center in here.

18 KLOB: Even the computer didn't like it. Sorry,
19 Alex, go ahead.

20 HAYES: Okay, great.

21 KLOB: Yeah, we're good on this side.

22 HAYES: Site's also within the Casa Grande Future
23 Annexation Area, within their planning area. The city also
24 plans for this to be more of an industrial employment-focused
25 corridor. We're about, I think, a little less than five miles

1 from their recent south industrial annexation area, about
2 three miles, I think, to the south of their boundary to the
3 north of the property. And then here you can see the
4 conceptual land use plan. Now, we've tried to build in some
5 additional standards through stipulations, one of which being
6 that setback standard, enhanced setback for the power
7 generation equipment, berming requirement along the western
8 perimeter to provide an earthen berm for visual and sound
9 screening. We've also, you can see that the green lines
10 indicate 12-foot CMU wall that's surrounding the generation
11 yard and potentially eventually the substation if
12 interconnection is pursued in the future. Those are all
13 stipulations that we have volunteered. And to Chair, to your
14 question about an enhanced setback for buildings, I think we'd
15 be happy to stipulate a building setback as what we've shown
16 on this plan. The only thing we would not want to be entirely
17 from the perimeter just because of the Project Bella
18 industrial use to the south, maybe we could just stipulate to
19 175 feet adjacent rural or residential zoning districts.
20 Again, here it shows the context of the site plan overlaid
21 with the site aerial and then how it would relate to the
22 project to the south, Project Bella. Here's the - this is a
23 conceptual rendering of the site. I mean, I think ultimately
24 this will go through a site plan process and the ultimate user
25 will probably have some influence on what the design of the

1 building looks like, but the takeaway here is that a modern
2 data center campus looks and feels more like a kind of a flex
3 industrial office park campus, more than sort of a heavy
4 industrial type use. So now turning to kind of the three main
5 areas of question and concern around data centers. One, the
6 first being power. I think the primary concern here is,
7 there's no getting around the fact that data centers require a
8 lot of power to keep, and they require 24 seven power to keep
9 the chips energized so that they can process the information
10 and store the information uninterrupted. Now, this project
11 will be bringing its own power, so there'll be onsite
12 generation. The current project design employs two
13 commercially improving technologies in the form of fuel cells
14 and natural gas reciprocating engines. Now, this project by
15 paying for its own power and not connecting to the grid - at
16 least not initially, and we can discuss that in a moment - it
17 will not have an impact on rate payers, and this is consistent
18 with what we're seeing at a national level. The White House
19 kind of released this rate payer protection pledge that
20 they're very encouraging of new data centers and supporting AI
21 development and maintaining US competitiveness, but there's
22 also encouraging data centers to pay their own way for new
23 power development or to bring their own power to bear, and
24 that's exactly what we're doing with this project. This
25 combination of generation technologies provides a reliable

1 solution and will be built in a way that is redundant, so
2 there will be reliable power to maintain that continuous
3 reliable need. And then we do want to maintain the ability
4 for potential for future interconnection. I think the
5 ultimate data center user wants to have that reliability of
6 connecting to the grid, but that will only occur after
7 additional studies. I think you'll hear from Mr. Yerges, he's
8 at ED3, he submitted a letter saying that this project has not
9 done a load impact study with ED3 and that is a hundred
10 percent true. We've communicated that we want to get through
11 the entitlement process first before we make the significant
12 investment of doing the studies within ED3's system for
13 interconnection. But I think down the line, that is probably
14 a likely scenario. And we do have Jeff Burke from Ameresco,
15 who is a former resource planning head of APS, who can kind of
16 speak to what that process might look like and why the kind of
17 the basis for the design of our power design today. If you
18 can just go to the next slide, I think this has a little more
19 detail on the two types of energy solutions for this project.
20 Again, these would be onsite. The natural gas reciprocating
21 engines are - it is clean burning utilizing natural gas, so
22 not diesel. These are modular, so they're kind of sort of
23 plug and play, can be installed in phases to support phase
24 growth of the data center project. And this is commercially
25 proven technology. This is available and operating in sites

1 around the world that include data centers. Importantly, I
2 think they use very minimal water. They use kind of a closed
3 loop system that's similar to a car engine radiator, very
4 minimal water use associated with that type of generation.
5 And the second piece is the solid oxide fuel cells. This is a
6 interesting technology, it does use natural gas as fuel, but
7 there's not a combustion process, it's a clean chemical
8 reaction process that creates electricity. They're near
9 silent, so they operate at a conversation level volume, so
10 very quiet production of energy. Again, also commercially
11 proven. These are in use for data centers and other kind of
12 large power uses around the world. And these use virtually
13 zero water. I think there's some water, but that kind of
14 startup process, but on an ongoing basis, little to no water.
15 I think maybe I'll invite Jeff up to just kind of speak a
16 little bit more about kind of the future plan for power and
17 how this data center use will be powered in the future.

18 BURKE: Greetings all, Chairman, Commissioners.
19 Thanks for having me. My name is Jeff Burke, I work at
20 Ameresco, and as discussed, I've been in the utility industry
21 for about 25 years. Formerly at APS, was the Director of
22 Resource Planning there, so have a fairly significant
23 background in Arizona infrastructure and reliable power setup
24 in that type of situation. At Ameresco, we've developed over
25 six gigawatts of resources, and from anywhere from behind-the-

1 meter resources to utility-scale CNI customers. We also have
2 a pretty large - we have a large presence in military
3 infrastructure as well. So this is not a new or novel type of
4 project, it's something that we've been doing kind of all
5 along the time. One of the projects - we have them across the
6 United States, and they range from a handful of megawatts to
7 make sure that our military bases stay up and running should
8 the grid go down, they can also - they function as an
9 islanding, and they also, in some situations, they also serve
10 the grid. The largest project that we've been working on
11 that's behind-the-meter is about 100 megawatts in total at
12 this point in time. So there is scale to these. They're
13 becoming more and more common as we kind of move along. Why
14 are we here? Well, over the last couple of years we had the
15 AI explosion, and essentially what a number of the data center
16 developers, the hyperscalers, they can't get power. And when
17 they do go to utilities, whether it's APS or SRP or anywhere
18 else, they said, you know what, we have to build a new
19 generation. We don't have existing generation, and it's gonna
20 be a number of years before we can get to that. So what we've
21 done here is we've come up with a solution that helps that
22 along, gets the customer what they need sooner with a behind-
23 the-meter solution, and then transitions into a utility-served
24 customer over the longer period of time so the utilities can
25 kind of grow into what the data centers are requesting. So

1 what does that do? It effectively reduces the risk on the
2 local utility, the local rate payers, and it assigns costs to
3 the cost causer, the data center user. And so what we do is
4 we make sure that the customer is paying for - like we showed
5 on the previous slide - the customer is paying for all the
6 infrastructure and allowing the utility at some future point
7 in time to connect them up to the grid. So why is this
8 unique? Well, it's because the load from the customer and the
9 generation from the resources are all getting brought on
10 together at the same time. So there isn't a waiting period
11 where you say, you know what, I need to go build a huge
12 generator somewhere else and then figure out how to build in
13 transmission infrastructure and get the customer connected and
14 all that sort of thing. We're cutting to the chase and saying
15 it's onsite and it's usable for the customer in the near term.
16 And again, all these customers, they want to be connected to
17 the utility in the long term. This gives them the opportunity
18 to come here to increase economic development, to expand our
19 ability to make Arizona a technology point in the U.S. where
20 data centers want to come be here. And you heard, we're all
21 users of data. Directionally, this is where we're going, and
22 we want to see Arizona be successful and we want to make sure
23 that we give all the opportunities that we can for customers
24 to locate here. So kind of talked about the load and the
25 generation, talked about how we remove the impacts on the

1 customer, and want to make sure that you're aware as well that
2 this is a reliable resource. This is something that we do,
3 again, across military infrastructure. These are critical
4 infrastructure projects that we have background in developing,
5 designing, and constructing. And so we want to be part of
6 this, we want to work with all the local folks, including the
7 local utility, but there is this speed to power initiative
8 that we have and we're trying to accommodate from a data
9 center customer perspective. On the generation resources, to
10 be clear, these resources are fill when you begin with water
11 and then radiator, put the cap on, no more water gets used.
12 Similarly, the cooling in these facilities is closed-loop
13 cooling, so minimal water demand from the power and from the
14 facility. I think that I want to take any questions that you
15 all have. I said a lot of things there, so maybe I'll just
16 pause real quick and see if there's anything that you want to
17 ask me related to the power infrastructure, the timing, the
18 natural gas, etc.

19 KLOB: Typically, we'd let you do your whole
20 presentation and then we'll come back - and then we'll come
21 back with questions.

22 BURKE: Okay, great, thanks.

23 HAYES: Thanks, Jeff. So the next critical item, I
24 think this is probably the concern you hear from most of our
25 people, is that data centers are water hogs and that they're

1 going to be draining our aquifers and we just can't have them
2 here. And I think that comment is either based on old
3 information at best, or deliberate misinformation at worst.
4 Because the reality is that maybe a data center on the
5 Columbia River in Washington uses evaporative cooling and uses
6 a lot of water, the modern data center here in Arizona does
7 not. They use either a closed loop or air-cooled cooling
8 systems. And to make sure that there's no doubt about that,
9 we've included a stipulation of approval with this zoning
10 request that any cooling system for the information technology
11 must be closed loop or air-cooled. And so in that case, their
12 estimated water demand for this project, on an average day
13 demand, 14,500 gallons per day. That equates to about 17 acre
14 feet per year. Commissioner Scott, I included both the
15 gallons per day and the acre feet for you.

16 SCOTT: I'm working on it already.

17 HAYES: I know you like to do that math. On a
18 maximum day demand, we're looking at 40 acre feet per year. I
19 mean, this is lower than pretty much any other water use. So
20 not only is it a large water user, it's much lower than
21 certainly residential, certainly agriculture, lower than your
22 traditional industrial uses. Water would be provided by - I
23 think we already talked about the generation equipment, low
24 water using, that's actually factored into those numbers as
25 well - water would be provided by Arizona Water Company.

1 Wastewater, low wastewater demands anticipated to be met are
2 addressed via conventional septic system. And then thirdly is
3 noise. There's, you know, often you hear a complaint that
4 data centers and generation and the cooling equipment is loud.
5 We've done a noise analysis to determine, you know, based on
6 the different technologies we're proposing and the different
7 scenarios, all of which are compliant with the Pinal County
8 noise ordinance, which is for residential, 60 decibels during
9 the day, 55 dB at night. All the residences, those receptors
10 in the area, are below that threshold, but nevertheless, we've
11 incorporated stipulations of approval that will further
12 address that, one being the setbacks, screening and site
13 design, which I mentioned with the generation yard having
14 either a 12 foot CMU wall or a screen by the site design and
15 building orientation. Other mitigation efforts can be,
16 include sound dampening equipment and screening of the cooling
17 equipment and the generation equipment. To go even further,
18 we've included a stipulation that prior to C of O, we'll do
19 another noise analysis to confirm that that still holds, and
20 we will also be required to submit a plan for continued
21 verification of our sound generation in this project to ensure
22 continued compliance with that noise ordinance. Fire
23 response, you know, I think nobody is more invested,
24 incentivized to have a proper fire response for this project
25 than the data center operator themselves, because these

1 facilities will include billions of dollars of equipment, and
2 so proper fire response and fire safety is very important.
3 We've been working with the Pinal County Fire and Medical
4 Authority. Chief Heaton is here, who can kind of speak to
5 their comfort level with serving facilities like this, and we
6 are happy to work with Chief Heaton and this organization to
7 help expand fire service to not only this site, but to the
8 area. And the developer is committed to making substantial
9 commitments - financial commitments - to help establish that
10 fire service for this area. From an economic impact
11 perspective, I don't need to go through this in too much of
12 detail, but suffice to say it's a very significant capital
13 investment in this area, totaling \$2.8 billion. Overall
14 revenue to the County is \$60 million over a 20-year study
15 period. That doesn't include the actual dollar figure going
16 to the special districts and the school districts or all the
17 other taxing entities. From an employee basis, you know,
18 during the construction phase, it's measured in the hundreds
19 if not thousands of employees. It's a pretty significant, the
20 construction impact from an economic impact perspective. On
21 an ongoing basis, we've heard some of the criticisms about how
22 these job figures are overstated, so we took the very lowest
23 conservative number estimate and that is about roughly 65
24 employees for the five data center buildings and the
25 generation equipment. But these are very high paying jobs

1 that average of \$93,000 per year. It's twice the average wage
2 in Pinal County, so these are significant jobs and those have,
3 you know, these are highly skilled jobs, as well, and those in
4 turn have an economic impact in the community and this area.
5 You know, our citizen outreach, obviously the County separates
6 the Major Comprehensive Plan process from the zoning process,
7 so we've kind of now gone through this twice. We held
8 neighborhood meetings through that Major Comp Plan process, we
9 held them again in the spring for this rezone process. We had
10 - we're at the good old Francisco Grande Hotel, we had five
11 attendees for that meeting, including the nearby residents.
12 And, you know, provided a general overview of the project.
13 There were some questions about the open space that we've
14 provided. What would the screening be? What would the
15 setbacks be? Those are all addressed in stipulations 12, 13,
16 16, 18, and 19 and maybe we'll have one additional stipulation
17 based on the discussion we've had. I think overall the
18 community feedback was constructive and I don't think we have
19 any of the people that came to our neighborhood meeting here
20 today. And then just to wrap up, because I know you'll have
21 questions, I've tried to move through this quickly because I
22 know the question and answer is where it's at, but, you know,
23 this really is - it will bring a quality significant economic
24 impact project to the County and it does so in a very low
25 impact way. I mean, I think you'll probably hear that this is

1 gonna be a heavy water user, it's just not, and I think we've
2 been able to stipulate to that fact. It's a low traffic
3 generator. We will not have impact on rate payers, we'll be
4 providing our own power and through future interconnection if
5 that's pursued. We will be committing to, you know, subject
6 to those studies, we're gonna be committing to funding all the
7 infrastructure improvements that are required for that
8 interconnection. Through contributions and partnership with
9 the Pinal County Fire and Medical Authority we'll be expanding
10 fire service to this broader area, contributing investments to
11 infrastructure improvements in this area, from roads to
12 electrical infrastructure to bringing fiber to this area,
13 which I know is important in our modern economy. And it's
14 gonna attract future investments to Pinal County. You've
15 seen, you know, where there are tech clusters, where there's
16 suppliers and contractors that support this type of use. So
17 with that, it's a good project. We appreciate your support
18 and happy to answer any questions you have.

19 KLOB: Very good. Thank you for that. Who would
20 like to start?

21 MOONEY: I'll steal the show from Tom.

22 KLOB: Jump in. Vice Chair.

23 MOONEY: Thank you. Thank you for your
24 presentation. The sound mitigation, what sorts of things,
25 because you - no, no, I read on social media, news outlets and

1 everything about how loud they are and I know as time goes on,
2 as with the BESS batteries, things do improve. So what sort
3 of mitigation will you be doing for those?

4 HAYES: Yeah, thank you, Commissioner. There's
5 quite a number of things, from screening around the power
6 generation equipment, setbacks, screening around the parapets
7 for HVAC equipment, and there's also sound dampening
8 technology. And I think maybe this is probably a good time to
9 bring the expert that we brought here today who can talk a
10 little bit more about the sound study and some of the
11 mitigation measures.

12 MOONEY: Okay, I'll have other questions, but yes,
13 go ahead and do that.

14 SOHM: Great, good afternoon. I'm Brad Sohm, I'm
15 with SWCA Environmental Consultants. That's 2929 North
16 Central Avenue, Suite 1900 in Phoenix. I was brought on to
17 help LPI Group, LLC with a noise study for the project. And
18 yeah, in terms of what we've looked at for this project in
19 terms of the noise that will be experienced, not only at the
20 property boundary, but nearby offsite residences or NSAs,
21 noise sensitive areas we call them. We've put all of these -
22 the buildings, the power generation, the HVAC, the gen, the
23 transformers and the backup power into a model to quantify the
24 actual noise impact. And so it's a very sophisticated model
25 that uses all the ISO 9613 methodologies for outdoor

1 propagation of noise. Things that help to minimize and
2 mitigate the sound are enclosures, screens. The buildings
3 themselves can block line of sight, which are also accounted
4 for. Positioning those is really important. These are - this
5 is a modern data center as it's been talked about. I think a
6 lot of the misconception that we hear potentially from older
7 facilities or other industrial facilities would be more
8 towards large gas turbine generators, wind projects, natural
9 gas compressor stations, and then also when you have those
10 large evaporative cooling systems, those cooling towers, those
11 can be a significant source of noise and even a significant
12 source of low frequency noise. I think the other thing that
13 is really important is when we look at the offsite receptors,
14 this project has a very significant setback from existing
15 residential structures. The nearest noise source onsite is
16 approximately 1,000 feet from any residential structure, so
17 that's a significant setback. That distance is a big key
18 factor in the attenuation of the noise. Did that answer your
19 question, Vice Chair?

20 MOONEY: Yes, yes, it did. Yes, yes, that answered
21 my question on that, so thank you.

22 SOHM: Thank you.

23 SCOTT: Can I ask a question on that?

24 MOONEY: Sure.

25 KLOB: Commissioner Scott.

1 SCOTT: While we're talking about noise, in the
2 presentation it said that the noise during the day would be 60
3 dBA, but at night it would be 55. And if this plant's running
4 24 hours a day, why would there be a difference between day
5 and night?

6 SOHM: Yes, Chair and Commissioner, thank you for
7 the question. That's the Pinal County ordinance that is
8 required to be met, so we've actually done the analysis and it
9 is below those levels that are required of the project at the
10 property boundary.

11 SCOTT: So is there a difference between day and
12 night operation?

13 SOHM: For this particular facility, no. We have
14 analyzed - our model analyzes basically 24/7 operation of all
15 the noise sources at their maximum capacity. So while the
16 standard is different between day and night, we've looked at
17 it running continuously. That's worst case.

18 SCOTT: Okay, I just wanted to get a clarification
19 on that.

20 SOHM: Okay.

21 MOONEY: Okay.

22 KLOB: Mind if I follow up on the question?

23 MOONEY: You're on the same topic.

24 KLOB: While we're talking noise, I mean sound, as
25 it relates to - the easy one is the higher frequency sound,

1 the harder one is the lower frequency sounds. And in talking
2 to people around the country, that's actually been the biggest
3 challenge that they've had in other communities that have
4 built. Not just end users, but I've actually talked to city
5 officials and received the feedback that this is what we're
6 getting. What kind of mitigation is being done for - some
7 people refer to it as infrasound, the vibrations, that low
8 hum, low, deep sound generation that is typical for these
9 facilities.

10 SOHM: Correct. Thank you, Chairman. Yeah,
11 infrasound is that low, low frequency. It's actually below
12 the human ear can hear, so it's more of a feel and a
13 vibration. That usually occurs at 20 Hertz and below. And
14 again, I think the misconception is some of these older data
15 centers that may have different types of cooling or more
16 larger, I'll say, combustion turbines generating the power,
17 those are real sources of that low level, that low frequency
18 noise. I think this project is different in that case with
19 its conventional mechanical equipment. It's not using the
20 traditional, what you would hear as the evaporative cooling
21 towers, these are enclosed air chilled units. It also does
22 not use combustion turbines, it's using engines that are in
23 enclosures and are screened. The one thing that we did look
24 at, it was not in our noise report that you may have looked
25 at, but it's something we've looked at recently, is there are

1 no Pinal County ordinances for low frequency noise that we're
2 aware of, but if we look at other corollaries, there is a
3 Navajo County wind energy guideline that they've released, and
4 we have looked at that voluntarily, and that actually sets
5 prescribed dBA - or dB limits at those lower frequencies. In
6 comparing this project at the offsite receptors, we are below
7 those benchmarks. So we have looked at it, I do not feel that
8 this modern data center, or believe that this would be a
9 significant source, and especially, as I mentioned, with the
10 1,000 foot approximate distance to offsite residences, I don't
11 think you're gonna see that, and we would not anticipate that
12 being a problem with this data center.

13 KLOB: The challenge here is - that I have with
14 that, is anticipate, envision, kind of like saying, hope,
15 pray. We can run models and it depends on the data that's
16 plugged in. I mean, I do my own modeling on different things
17 and it depends on the data that you put in, equates the data
18 you get out of it. What I have to be able to do is, when I
19 run into the people in the public at the grocery store and
20 they say you guys allowed them to build this damn thing next
21 door to me, and it rattles my teeth out of my head.
22 Exaggerating, of course, but I mean these are the questions
23 that I get. And in five or 10 years from now, I still need to
24 be able to answer that question. So I don't believe that
25 there's any kind of stipulation that we have in play as it

1 relates to that infrasound and would you be opposed to, should
2 this choose to go forward, adding a stipulation, not only that
3 establishes the County's requirements for the traditional
4 sound, but also for infrasound?

5 SOHM: Yeah, I mean that seems reasonable to me,
6 Chairman. I can't speak for the applicant directly, but that
7 would be something that could be measured as part of the
8 stipulation for the post-construction survey.

9 KLOB: Okay. Sorry for jumping in on your -

10 MOONEY: No, no, as long as it's all on the same
11 noise, and that brought up another one, whereas affecting
12 neighbors, and because it's so far away, but animals pick up
13 frequency - that was my life before this - and they pick it up
14 long before a storm comes in, long before all sorts of things
15 come in. So being that you're out in the rural area, that
16 lower one really would be concerning for me, and definitely
17 consider a stipulation so that that could be monitored, I
18 would appreciate it. Does anybody else have anything on
19 sound, otherwise, I'll go to my next question.

20 SCOTT: I got one.

21 MOONEY: On sound?

22 SCOTT: Go ahead. Commissioner Klucar has some.

23 KLUCAR: Okay, I'm a little new to this. The sound
24 or the vibration, now if I'm looking at this site plan with
25 the five generator yards, and then this substation to the

1 bottom part, where is most of the sound coming from? Is it
2 coming from the longer data buildings, or the larger one? And
3 also, is that where those power solutions are located? Those
4 two that were shown earlier, as far as where the power's
5 coming from for the data center, are those both inside this
6 larger building? And is that where some of the noise might be
7 coming from?

8 SOHM: Yes, thank you for the question,
9 Commissioner. So I think my eyes are a little bad right now,
10 but the substation and equipment area kind of in the middle
11 there, that is where the prime power would be located, so that
12 could either be the natural gas-fired engines, or the energy
13 cells. And so that is surrounded by an SMU wall, and they are
14 in enclosures, but that's a big source of the noise, is the
15 power generation in the center of that area. And then if you
16 look at the five individual data centers, the generator yards,
17 so those white squares, that is where backup engines would be
18 located. And so we've looked at both the backup scenario and
19 the prime power scenario. They would not both operate
20 simultaneously at 100 percent capacity. The backup only comes
21 on if, well one, you need to do some emergency readiness
22 testing, but not all of those are gonna operate. But they
23 would only operate all of those if the prime power were to be
24 offline in the generator equipment area.

25 KLUCAR: Okay, thank you for that.

1 SOHM: Yes.

2 SCOTT: Yeah, the generator testing, you said they
3 would come on when needed. What kind of engines are those?
4 Are those like cat diesel engines or?

5 SOHM: Well, these are natural gas.

6 SCOTT: Natural gas (inaudible)?

7 SOHM: Yeah - yes, these are natural gas engines,
8 they are not diesel engines. They are in enclosures, like
9 I've stated.

10 SCOTT: Got straight pipes on them, so they breathe?

11 SOHM: No, they have residential grade silencers, so
12 very sophisticated muffler systems.

13 SCOTT: Now, do those things, they get turned on
14 when you need them, but then do you do testing on them to make
15 sure they're in good order during the week, each week?

16 SOHM: I don't know if I can speak to that directly,
17 but in my experience, generally, yes. You need to test the
18 backup systems to make sure they're ready to be used if they
19 are called upon.

20 SCOTT: Okay.

21 HAYES: I'll just add one thing about the backup
22 generators. Those are tested about once a month, and we
23 actually added a stipulation as well that can only be tested
24 during daytime hours. I think it's 9 to 5 that's in there,
25 but that was another voluntary stipulation.

1 SCOTT: How long would that test run for?

2 HAYES: They're short, I think it's minutes.

3 SCOTT: Minutes? Okay.

4 MOONEY: All right, my next question is, it's a
5 correction, I guess, for stipulation number 11. It says the
6 perimeter boundary industrial buffering of 50 feet is required
7 where the subject site abuts rural or residential zones. So
8 are we just in agreement that that needs to be changed to 175?
9 Stip 11?

10 HAYES: Yes, Vice Chair, that - we would be - we
11 would accept 175 feet for stipulation 11.

12 MOONEY: Okay, thank you. Question on the closed
13 loop car radiator type system. Something that your radiator
14 needs to be drained and cleaned. So what happens with that
15 discharge, and is there - like, obviously it's treated, but is
16 that all onsite? Is it hauled off? How is that taken care
17 of? That's something that concerns getting into the water
18 system.

19 HAYES: Yeah, good question, Vice Chair. It's
20 really - my understanding is that they're actually not drained
21 very often. There's maybe sometimes there are additional fill
22 added if there's any type of maintenance going on, but it's
23 not actually like routinely drained and refilled, it just
24 continues to cycle. And if it does, if it is ever drained,
25 there's not any toxic chemicals in there, but whatever's in

1 there is handled according to County requirements.

2 MOONEY: We don't have any code for that yet. Or,
3 you have a question on that? Go ahead.

4 HAYES: Or ADEQ requirements.

5 MOONEY: Perfect, thank you.

6 SCOTT: I think I read in there on the closed loop
7 that it's some type of a solution, but there's also water is
8 added to that solution. How much water is needed to charge
9 that loop system? Come on, water's a big issue here, right?
10 We gotta figure out where they're coming from.

11 BURKE: Chair, Commissioner, so for the rice
12 machines, the reciprocating engines, that is about 200,000
13 gallons per 100 megawatts. So if there's 250 megawatts there,
14 then it would be roughly 500,000 gallons to fill it, seal it,
15 and that's it. So think a couple of residential annual uses.

16 SCOTT: Can you give me a specific amount for each
17 one of those engines in the closed loop system? How many
18 gallons? I mean, you gave me a megawatt, but -

19 BURKE: Yeah, so -

20 SCOTT: What'd you say it was per megawatt?

21 BURKE: We usually do per 100 megawatts, so 200,000
22 gallons per 100 megawatts. So again, kind of a couple - a
23 residential per 100 megawatts on an annualized basis or
24 something to that effect. And then on the fuel cells, they're
25 less. They're closer to 40,000 gallons to start them up, and

1 that's it. Per 100 megawatts.

2 SCOTT: So how many megawatts are we consuming here?

3 BURKE: Approximately 500.

4 HAYES: Sorry, Commissioner, I didn't realize the
5 question was actually about the total water use, but the water
6 demand, the water report we submitted and the numbers I
7 highlighted earlier, actually include the water that's
8 associated with generation equipment.

9 SCOTT: It's just peculiar that you're using water
10 to cool an interloop system, because in a car or a diesel
11 engine, a tractor or whatever, we use antifreeze because we
12 know that water breaks down after a while, and we know that
13 when the water breaks down, it's like a plaque in your
14 arteries. You know, it's got to be removed, or some
15 conditioning needs to be run through there, and if you're just
16 using groundwater, you know - where I work at, we have a big
17 RO system, and for every 10 gallons that goes in there, four
18 gallons isn't acceptable. So I'm kind of concerned about what
19 you're doing, you're gonna plug your system up because it's
20 going to be running 24 hours a day.

21 HAYES: Yeah, Commissioner, the systems will be run
22 per their standards and guidelines. I don't know exactly the
23 makeup of water to glycol or whatever the solution, anti-
24 corrosion solution that's used, but it'll be run per the
25 equipment specs.

1 SCOTT: Right. But being that you're putting so
2 much water in there, it's going to have to be changed out, and
3 then I think what Commissioner Mooney said, when you flush the
4 chemicals that are in there, just like a radiator in a car,
5 you know, they've got to go someplace, because they're kind of
6 hazardous. So if we're talking about 200,000 gallons of
7 water, that's a big chore there.

8 HAYES: Yeah, Commissioner, my understanding is that
9 these closed-loop systems do not need to be changed out very
10 often.

11 SCOTT: You're the first group that said that you're
12 going to use water in it. I'll give you a clue. Everybody
13 else doesn't use water.

14 HAYES: I'm sorry?

15 SCOTT: Everybody else doesn't use water in their
16 closed system, it's all chemicals.

17 HAYES: In their closed-loop cooling system?

18 SCOTT: Well, at least the two that I've talked to.
19 Maybe it's not everybody. Just something to think about
20 there.

21 HAYES: Okay.

22 PRANZO: Can I interrupt you? It's probably, you're
23 saying 200,000 gallons of water, but half of that's going to
24 be in ethanol, and that's a permanent. So really, our only
25 concern is how much do you need to make up to losses? Relief

1 valve openings, that's a loss. Whatever.

2 HAYES: Right.

3 PRANZO: Has your water use been approved by - and
4 I'm sorry for butting in on you, I really am, but is your
5 water use approved by the Arizona Department of Resources?

6 HAYES: We will get our water from the Arizona Water
7 Company, who would in turn have their, you know, ADWR
8 certificate of assured water supply.

9 PRANZO: And they've signed on to your water usage?

10 HAYES: Yes.

11 PRANZO: Can I continue or give it back to -

12 KLOB: The floor is still with the Vice Chair.

13 PRANZO: Did you say the floor is mine?

14 MOONEY: No, mine. Me. Well, I'm allowing if
15 people have multiple questions on the same topic. Stipulation
16 number 18 talks about your closed-loop system. I have read
17 recently that sometimes a closed-loop system, air-cooled
18 system, once the project breaks ground, you know what, that's
19 actually not going to work, so we need to go to a water-cooled
20 system. Has that ever happened in your experience?

21 HAYES: I don't know if that's ever happened.

22 MOONEY: I just read it recently, and of all places

23 -

24 ??: (Inaudible).

25 MOONEY: Yes. Well, but once you break ground, I

1 mean, this is not a \$100,000, \$200 million project, this is
2 billions of dollars. So once you break ground, some of the
3 things I've been reading about are, you know, water is needed,
4 and that is something that just isn't - well, a lot of it out
5 here in the desert, so it's concerning in the desert area, not
6 necessarily Mississippi where it rains all the time.

7 HAYES: Yes, and Vice Chair, we are confident that
8 that's not going to be a problem, and that's included in the
9 stipulation, and will be verified by the Development Services
10 (inaudible).

11 MOONEY: Okay. Just didn't know if you'd ever come
12 across that yourself in projects you've done or heard of other
13 projects, so.

14 HAYES: I've heard that question before, but I have
15 not heard - that question from the Commission before, but I've
16 not actually seen that in practice.

17 MOONEY: Okay, all right.

18 KLOB: Can I add to that?

19 MOONEY: Yes, absolutely.

20 KLOB: On that stipulation 18 where you talk about,
21 you know, the requirement to use the closed-loop system, would
22 you be opposed to adding a note onto stip 18? A water-based
23 cooling system would not be allowed on this facility at any
24 time, or something along those lines.

25 HAYES: Like a once-through?

1 KLOB: Just in 10 years, hey this isn't working,
2 we've got to change it to something else. We want to change
3 it and go to a water-based system. That's not going to be an
4 option.

5 HAYES: Yeah, evaporative cooling system will never
6 be allowed. I mean, I think that's kind of the intent of the
7 stipulation, but if we're saying the same thing there, then
8 we're happy to add additional language to clarify that.

9 KLOB: Okay.

10 MOONEY: Okay?

11 KLOB: Yeah, thank you.

12 MOONEY: Yep. There was discussion on 65 plus
13 employees, and I'm not sure if I heard you clearly, or if you
14 didn't - 65 per building, or 65 for all buildings?

15 HAYES: So Vice Chair, it's a good question. The
16 initial economic impact report that we prepared, which is kind
17 of based on industry standards, had, I think it was 40
18 employees per building, maybe 45. We heard some feedback that
19 maybe that there was some skepticism about that number, and so
20 we took the kind of most conservative, lowest range number
21 associated with the anticipated types of data center users,
22 because some types of users have different employee counts,
23 whether it's all one company or a co-locator who has different
24 tenants, and so this is the most conservative number. That
25 would be a total onsite for the whole property (inaudible).

1 MOONEY: Okay, all right.

2 KLOB: Can I ask a question on that?

3 MOONEY: Yes, absolutely.

4 KLOB: Trying to hit everything while we stay on the
5 same topics. So those 65 people, roughly, whatever it is, how
6 many of those are actually local, onsite, working there 40
7 hours a week?

8 HAYES: Good question, Chair, that is all local,
9 onsite employees. That doesn't count - that's not including
10 like the induced employee numbers, or indirect employee
11 counts, or jobs that are created onsite or offsite, that is
12 all people that would be kind of operations and maintenance
13 personnel, engineers onsite, that kind of thing.

14 KLOB: Okay, thank you.

15 MOONEY: You'll be happy to know it's my last
16 question, for now. Investing in the community, I know I can't
17 - I don't want to get into details, you're doing, but I know
18 in other projects they've given us some info, so is this -
19 you're investing in the community. As we are talking about
20 rezoning this land, will you be reinvesting in the community
21 during the build, and as it's up and running, how long is your
22 relationship with the area?

23 HAYES: Certainly, I mean the amount of capital
24 investment that goes into this project is significant in terms
25 of employment for people in the surrounding community. We

1 talked to one resident, actually, north of the property, who
2 actually was recently, or soon to be retiring from an IT job
3 in Chandler and they were very intrigued by the opportunity of
4 maybe having a job nearby. We're also contributing to, you
5 know, making financial contributions to the establishment of
6 the fire district service in this area, which will provide
7 fire service for an area that doesn't currently have it. I
8 think I've mentioned here before that we've talked to
9 residents there and they're paying, I think, an extra \$5,000 a
10 year in property insurance because they don't have fire
11 insurance, or fire coverage, or fire service. And so that
12 alone is, you know, will be a benefit to all the residents
13 around this area. And then, you know, through the process of
14 constructing this, I think there will be opportunities to, you
15 know, provide additional investment in the surrounding area.

16 MOONEY: All right, thank you, that's it for now.

17 KLOB: I want to piggyback on that as well. As I've
18 talked to different municipalities and talked to developers
19 and so on across the country as it relates to data centers and
20 what's working, what's not working, one of the things that -
21 one of those things you probably don't even realize until it
22 actually happens, I was talking to a housing developer in
23 Wyoming and he said as the data centers started coming in, you
24 know, we've got lots of open space, we've got water, we've
25 got, you know, cooling is not an issue for us, whatever, the

1 bigger issue they had was as they came in to build these
2 things, they hired all the electricians, all the plumbers, all
3 the concrete guys, all the, you know, and they said, we
4 couldn't build homes. They hired everybody, they took
5 everybody out from under us. What kind of, you know, as these
6 come in and we see, you know, your five - four or five
7 buildings, we've got another one that might be 50 some odd
8 buildings, we have others that are coming up, these are great
9 job creators, but what does it do to the other, the peripheral
10 economy? And, you know, how can - one of the things that the
11 data centers in Wyoming are doing is they're actually funding
12 programs with the local tech schools to train electricians and
13 plumbers and carpenters and what have you to (A) to feed their
14 own - because these are multi-year jobs - to feed their own
15 use, but also spread it around a little bit, and then the
16 great thing that these people are running into is they're able
17 to go become an electrician or a plumber or whatever and have
18 no student debt. And it's a great thing for the communities,
19 it's a great thing for the County, and it's a good thing for
20 you guys too, because you get that kind of steady stream of
21 workforce. So has anything - you know, the fire is great, all
22 those other things, keep doing those things, but this is an
23 area that sometimes we don't realize this is a problem until
24 after the fact, and it's like, okay, now what do we do?

25 HAYES: Yeah, Chair, it's a good question and I mean

1 I file that in one of those good problem categories, you know,
2 this is, you know, you're at kind of maximum employment of
3 your trades, but it is a problem, and I think -

4 KLOB: Problem for us as one of the fastest growing
5 counties in the country.

6 HAYES: Absolutely. Absolutely.

7 KLOB: It could become a major problem.

8 HAYES: And if there are, you know, opportunities
9 for this project to contribute to trade programs or workforce
10 training programs, I think we'd be definitely open to that
11 conversation. I don't know if I can commit to any specific
12 numbers now, but we're certainly open to that conversation
13 because it is sort of a circular thing and helpful to this
14 project too.

15 KLOB: Very good. All right, thank you. Anybody
16 else have questions? Commissioner Klucar.

17 KLUCAR: Thank you, Mr. Chairman. I have one really
18 burning question that I've been wanting to know the answer for
19 for a long time. Why Arizona? Why are we so popular for data
20 centers? I was looking on this map, data center map USA on
21 the internet, and according to this map, we're number three in
22 the country in amounts of data centers that we have in this
23 State. We have currently, it says 56. We're behind Virginia
24 and Texas. We're number three, and yet we're not number three
25 population-wise in the country, so why Arizona? I mean, why

1 are we so attractive to people who want to build data centers?
2 What is it about this State? And do we have a lot more of
3 these to look forward to?

4 HAYES: Great question, Commissioner. There's a few
5 reasons. One is no natural disasters, which is important for
6 to be kind of be able to have continuous reliable power. You
7 don't have the ice storms in Texas or the tornadoes in the
8 Midwest, or the blizzards that you see on the East Coast.
9 Two, is a historically pro-business climate. It's always been
10 a State that's been open for business. And three,
11 historically a very reliable power and abundance of land.
12 Those are kind of the four main pillars of why it's been
13 attractive.

14 KLUCAR: Thank you very much.

15 KLOB: Any other questions for the applicant on this
16 side? Come back over here. Go to Commissioner Hartman first
17 because he hasn't said anything in a while. Got to keep him
18 awake.

19 HARTMAN: Thank you, Chairman. Let's talk natural
20 gas engines. So you're going to use El Paso gas as your
21 supply?

22 HAYES: That is the most likely scenario, yeah. And
23 I think with the incoming Transwestern line, that's going to
24 free up capacity on that line, just kind of the way the
25 transactions will work.

1 HARTMAN: And do you have a firm commitment from
2 them or a contract?

3 HAYES: Not today.

4 HARTMAN: Do you foresee that they'll have a supply
5 or will they have to rely on getting that energy transfer line
6 from Texas, that gas line through?

7 HAYES: Good question. I think, you know, projects
8 like this will help drive the delivery of those pipeline
9 projects to get more gas here when there's more demand here.
10 Based on the conversations that the developers had on the
11 natural gas front, I think there's a high level of confidence
12 that they'll be able to get the capacity. But, you know, pre-
13 entitlement, it's too early to secure those commitments.

14 HARTMAN: Gotcha, pre-entitlement. Air emissions,
15 so have you applied for air emission permits?

16 HAYES: Not yet.

17 HARTMAN: Okay, because there's only a finite amount
18 of those, especially in western Pinal County, we have, you
19 know, we get in a lot of trouble for having dirty, low quality
20 air.

21 HAYES: It's a good question. One of the good
22 things about the fuel cell technology is that there's no
23 combustion and they're very, very clean. And from an emission
24 standpoint, the reciprocating engines do have some emissions,
25 but that will go through the air permitting process.

1 HARTMAN: Do you have an idea of how much emissions
2 it will emit or what you'll have to apply for?

3 HAYES: I don't. Jeff, do you have anything?

4 BURKE: Yes, there are limits that we apply to and
5 we need to make sure that we're under the thresholds for the
6 emissions. Why you saw those - that's part of the reason why
7 the fuel cells are in the mix because of the cleanness and the
8 non-emissions, the lower emissions that they provide.

9 HARTMAN: Okay. So you're in pre-entitlement type,
10 so you need to know these things, right? Because you're kind
11 of - looks like from what I'm seeing, you're building off the
12 grid. You're just gonna produce your own power here. So
13 those things go through my mind.

14 BURKE: We have worked with our emissions models to
15 indicate what the potential resource mix would be already, the
16 next step is to go take that a step further and get it
17 permitted.

18 KLOB: Good? Very good. Commissioner Pranzo.

19 PRANZO: Thank you.

20 KLOB: The floor's yours.

21 PRANZO: All right, where are we? We covered power.
22 Your last comment about the natural gas is a little bit
23 problematic if you have to switch out types of generators. I
24 don't see a diesel being applicable, you wouldn't even make it
25 on noise with a diesel. But there's nothing in the

1 stipulations that really tie you down to these gen backers.
2 With the gen backers, you're well inside your envelope of
3 noise, so I'm not sure what to do with that. Water, you've
4 already addressed. Noise has been addressed. But what hasn't
5 been addressed is fire, and there's been some recent papers
6 put out - Texas A&M, Berkeley, that sort of thing - and they
7 really point to a specialized suppression system centering
8 around arc flash. Seems to be the boogeyman with these data
9 centers. What's your plans in that area? It can't be the
10 local fire department.

11 HAYES: Yeah, Commissioner Pranzo, that's a good
12 question. As I mentioned earlier, these data centers are
13 gonna house literally billions of dollars of computer chips
14 and equipment, they will be very invested in making sure that
15 equipment doesn't go up in flames. And so there will be very
16 sophisticated fire detection and suppression technology in
17 there. These operators are very familiar with how to do that.
18 And if you wanna hear from Chief Heaton, Chief Heaton's here
19 and he can kind of talk about some of the training that goes
20 on with his -

21 PRANZO: So rest assured the investment's too big
22 for us to screw it up. Is that where you're going?

23 HAYES: There's a very, very strong business
24 incentive, which is stronger than any County requirement, to
25 make sure that this building is safe from a fire safety

1 perspective.

2 PRANZO: I'm thinking more of the firefighters than
3 I am your building that go in there and have to address arc
4 flash. It's a nasty thing.

5 HAYES: I would encourage you to hear Chief Heaton's
6 comments on that.

7 PRANZO: All right, at least it's in the record, but
8 that's not much of an answer, really. Thank you.

9 KLOB: You good?

10 PRANZO: I'm done.

11 KLOB: All right.

12 PRANZO: Yeah, we beat this horse.

13 KLOB: Tom, do you have any more?

14 SCOTT: So are you representing the end user for
15 this? You said here something about the ultimate user when
16 you find or after it gets zoned, who is the end user?

17 HAYES: So, good question, Commissioner. The
18 applicant in this case is a land developer who has done data
19 center development in the past and has relationships with the
20 ultimate data center operator and user. The way these data
21 center operators work is that they have hundreds of sites that
22 they are kind of looking at across the country and they really
23 don't actually buy the property until it's a certain period
24 away from actually turning power on. So they look to
25 developers, like the applicant, to kind of put the development

1 package together and then they come in and actually operate
2 the building.

3 SCOTT: Yeah, we've have heard that recently on
4 another data center project there that was being promoted by a
5 law firm, but who's the applicant? I mean, it's just kind of
6 peculiar that he wouldn't be here.

7 HAYES: They're here.

8 SCOTT: You know, helping you -

9 HAYES: The applicant is called LPI, Land Power
10 Infrastructure.

11 SCOTT: Okay. Okay, I talked about that. On the
12 water issue, you know, I did the math on there, 17 acre feet
13 per year is probably like 50 homes or something like that.
14 But the problem, if you look at your property, it's a piece of
15 like desert land. It's not agriculture, it's not farm, so I
16 got on the Arizona Department of Water Resources and I looked
17 up to see how many ag wells you have there. So even though
18 you're buying the water from Arizona Water, you're taking
19 water out of the aquifer that we all share, that we all have
20 rights to, and putting it on a property that doesn't have any.
21 And, you know, being that we're in a 10, 20, 50, 100 year
22 drought, I don't know where we're at, you know, that's kind of
23 concerning. You found somebody that's gonna sell it to you,
24 but yet you're pulling from the same aquifer that the rest of
25 us have, so you're kind of creating a burden on us. But the

1 burden of the water that you're gonna use is gonna be daily.
2 You know, it's not like a farm where you have a season, have a
3 crop for four months or six months and then it turns off, it's
4 just gonna be consistent, so that's kind of concerning to me.

5 HAYES: If I may just comment on that. I think at,
6 you know, between 17 and 39 acre feet per year, you're not
7 gonna find a lower water use or lower use that uses less
8 water, and so unless your position is that it probably
9 shouldn't be developed at all, I think this is a, from a water
10 perspective, a very appropriate use.

11 SCOTT: Yeah, what you're saying is absolutely
12 correct, I get that. But currently on that property, there's
13 zero, zero being used. That's my point.

14 HAYES: But however it would be developed, unless
15 you're suggesting that it should never be developed, it would
16 acquire water from a similar way.

17 SCOTT: Well, it's probably never gonna get 100 year
18 certificate. That's what we kind of gauge our development,
19 you know, here in Arizona. Where is the - I know the chief is
20 in the back, where is Pinal County Fire and Medical Authority?
21 What town are you out of?

22 HAYES: Arizona City, but they have a fire station
23 as part of the Project Bella development too. There will be a
24 fire station kind of between this property and on the Project
25 Bella property, and then there's also have facilities in

1 Stanfield. I think I'll let Chief Heaton speak to that more
2 specifically.

3 HEATON: Chairman, Vice Chair, committee, good
4 afternoon. The question is where are we currently located?
5 It's in Arizona City.

6 KLOB: Can you state your name? I'm sorry.

7 HEATON: Jeff Heaton, Fire Chief of Pinal County
8 Fire and Medical Authority. So currently out of Arizona City,
9 but with Project Bella, that'll be our nearest fire station to
10 this location.

11 SCOTT: So you'll provide fire service to this
12 project also out of the Bella facility?

13 HEATON: Fire and EMS protection, that is correct,
14 yes.

15 SCOTT: All right. Just curious where you guys
16 were.

17 HEATON: Yeah, so we're growing in that area as
18 well. So, and if I may, Chairman, a couple questions came up
19 from the other committee members as well about NFPA 70E, or
20 what you referred to as Arc Flash. Arc Flash is rated by the
21 National Fire Protection Association as NFPA 70E. We deal
22 with that every day, whether it's a substation, a step-up
23 station, or a step-down station, it's something we deal with
24 every day, and we've done advanced training to do that as
25 well. So we've prepared to go with this. Chairman, you

1 brought up many, many good points today on what is this doing
2 for the local area. This local area has no fire EMS
3 protection at this current time. So through these projects,
4 we now have expanded for being the first authority in Pinal
5 County for fire and EMS coverage. We've also stepped up our
6 daily coverage by two extra people per day, and it's going to
7 provide fire and EMS to people in this area that have not had
8 it before, and probably without these projects, won't have it
9 in any near future because the funds just aren't there to
10 support that process. So we're happy to support this project
11 to bring fire and EMS to areas that currently don't have it.
12 That'll be a significant savings for those that are in the
13 area through the reduction of the programs they have in place,
14 being homeowners insurance.

15 KLOB: Tom, can I ask a question?

16 SCOTT: Yeah.

17 KLOB: Excuse me. Based on what you just said, so
18 are these operations in place today as we speak for this area,
19 or are they predicated upon the successful build-out of this
20 project, Project Bella, and/or others?

21 HEATON: That's a great question, Mr. Chairman.
22 We've increased our manpower already. We've purchased
23 additional equipment. All we're waiting for is the approval
24 of the projects to move into those areas as well. So we've
25 started that process already. We've work with the County

1 Board of Supervisors to start to try to get this process
2 moving, to get those resources out there now. We're currently
3 running out of Arizona City, so our lead time's a little
4 great, but just for a statistical number, since March when we
5 formed the authority, we've already ran 13 fires in this area
6 that were going to not be responded to if the efforts weren't
7 in place.

8 KLOB: Okay. So - but the actual station you
9 mentioned, that won't happen until either this project or
10 Bella is actually under construction or built.

11 HEATON: That is correct.

12 KLOB: Okay, thank you.

13 PRANZO: May I?

14 KLOB: Commissioner Pranzo.

15 PRANZO: You said that you address Arc Flash on a
16 daily basis. I'm curious, Texas A&M, George Washington
17 University, University of California - Berkeley have all
18 issued papers on Arc Flash specific to data centers. If you
19 haven't read them, I would suggest you look them up. Arc
20 Flash is not new, it's been around since DC current and
21 Edison, but data centers seem to be a different animal and
22 it's worth the research to take a look.

23 HEATON: No, that's an excellent point. Sitting on
24 both the International IFSAC and Proboard Committee, I've seen
25 those papers, I've participated in some of the studies.

1 You're absolutely right, it's been around since the early 30s
2 if you look at power, how it's generated. Secondly, it has
3 changed with lithium and technology changes to power
4 generation as well, and we continue to train on that to try to
5 prepare ourselves, buy all our gear is in NFPA 70E rating as
6 well.

7 PRANZO: Like I said, I'm not worried about the data
8 center, I'm worried about your people.

9 HEATON: We are too, and we greatly appreciate you
10 having that concern. So thank you.

11 KLOB: Back to you, Tom.

12 SCOTT: Okay. You answered my question, though,
13 Chief, so I'm ready for the heavy (inaudible) out there.

14 HAYES: Commissioner Pranzo, my apologies for my
15 non-answer on the arc flash, but I knew that Chief Heaton
16 would be able to answer it a lot better than me, so thank you
17 for your patience on that one.

18 SCOTT: I was just curious, did you apply for or did
19 you get and receive a TPT tax exemption?

20 HAYES: Commissioner, my understanding is that this
21 project did apply for and it is currently certified by the
22 ACA, so eligible for a TPT tax exemption, assuming that it
23 makes the qualified investment.

24 SCOTT: But yeah, the deadline was July the 1st, I
25 was just curious if you guys - did you get it or are you still

1 -

2 HAYES: My understanding is yes.

3 SCOTT: Okay, I can be done for a while.

4 KLOB: Any other questions for -

5 HAYES: Can I go back and answer one other question
6 that was asked?

7 KLOB: Go ahead.

8 HAYES: On the makeup of the cooling of the loop
9 system, 40 percent glycol, 60 percent water.

10 PRANZO: Makes sense.

11 HAYES: Thank you for -

12 SCOTT: You said 40 percent water or 40 percent
13 glycol? 40 percent glycol, 60 percent water?

14 PRANZO: Do you know if it's ethylene or propylene.
15 Propylene you can make sweetener out of it and use it in your
16 coffee.

17 HAYES: Perfect.

18 KLOB: Vice Chair.

19 MOONEY: With the tax question that was just brought
20 up, so you are receiving a tax incentive, will you be passing
21 any of that on to the community?

22 HAYES: So the way these tax incentives work is if
23 you apply for it, you're certified and then you have to make a
24 qualified investment to receive it, meaning you have to spend
25 a certain amount of money. So by spending money on building

1 this project, we're providing jobs and contributing
2 economically to this community. Beyond that, I don't know
3 that I can commit to that. Yeah.

4 MOONEY: Thank you.

5 KLOB: All right, now it's my turn. Talk about the
6 need for the increased building height from 50 feet to 60
7 feet.

8 HAYES: The 60 feet is kind of standard with these
9 types of facilities. It allows the room for the server racks
10 and the electrical equipment that's required, so it's just
11 kind of what is typical of these types of buildings.

12 KLOB: That's a six-story building in theory. I
13 know it's not, but those are big buildings in the middle of
14 the desert that the biggest thing is maybe a saguaro.

15 HAYES: Yeah, and there's also 140 foot, 500 kV
16 transmission towers coming right through this area. But I
17 think part of that scale is mitigated through the setbacks.
18 Now that we've agreed to a minimum of 170 feet, so you do have
19 some setback in site building placement and site design to
20 kind of mitigate some of that scale.

21 KLOB: Kind of as it relates to that scale, I know
22 that Pinal County doesn't have any kind of design guidelines
23 per se on the buildings, what I'm seeing on these buildings,
24 though, even though you had your beautiful renderings up on
25 the screen, and those were great, and thank you for that,

1 that's not often what gets built. Typically it's the
2 cheapest, easiest, quickest boxes that can go up fast, and
3 especially when there are no design guidelines in place to
4 hold your feet to the fire, there's little or no building
5 articulation, there's little or no variances in height,
6 architectural character, architectural features. Maybe if
7 there's gonna be an office, maybe there's a little bit of a
8 feature at one corner, but the rest of it looks like a
9 warehouse distribution center. And when you're talking
10 200,000-300,000 square feet, this is a big presence. So - and
11 at 60 feet tall, this is a big building, and now we've got
12 times five. What kind of assurances do we have that, even the
13 drawings that you have - I know these are schematics, but as
14 someone who does these drawings every day, there's no
15 articulation on the buildings we're seeing here. You have
16 more detail in your parking lot than you do on the buildings.
17 If we're gonna - if we want these to kind of look like maybe
18 an industrial park, I don't know, you know, what guarantees do
19 we have?

20 HAYES: You know, I don't know if I can speak to
21 guarantees, but with the scrutiny that's on this type of use,
22 most of these large data center operators are, you know,
23 investing heavily in the aesthetics of their buildings to kind
24 of contribute to their overall brand. And so I think there
25 is, you are starting to see a much higher level of

1 architectural quality with these facilities.

2 KLOB: Yeah, that's not what I'm seeing. And not -
3 and in talking to these communities across the country, that
4 is one of their regrets, is we're just getting these big
5 boxes, we're not getting, you know, architecture that
6 complements the area. And granted, there's not a lot of
7 architecture out here to complement as of yet, but as some of
8 these industrial projects from Casa Grande keep moving west on
9 I-8, like they have been and are, that may change. And I'm
10 concerned that these are gonna dwarf some of those projects
11 and, you know, if they're not to that same standard, so. But
12 it's hard to hold you to a standard that we don't have, so,
13 let's see. Have you met with the cities of Casa Grande and
14 the City of Maricopa? You're kind of - you're in the overlay
15 district for Casa Grande's general plan, you're less than a
16 mile off of the boundary of Maricopa's general plan district,
17 have you talked to either of those cities and got any feedback
18 from them?

19 HAYES: We have, and we have relationships with city
20 management there and through the Major Comprehensive Plan
21 Amendment process, obviously they have responded to this and
22 they said they have no opposition to this project.

23 KLOB: Are you sure about that?

24 HAYES: That was what the correspondence we received
25 during the Major Comprehensive Plan process.

1 KLOB: It wasn't the phone call that I received from
2 a City of Maricopa official two days ago.

3 HAYES: Sorry, Casa Grande, not Maricopa.

4 KLOB: Okay. I have not talked to anybody from Casa
5 Grande, but I know for a fact Maricopa's not in favor of this.

6 HAYES: We have not talked to Maricopa.

7 KLOB: Okay.

8 HAYES: As you mentioned, this is in Casa Grande's
9 plan area.

10 KLOB: It is, but like I said, this is one of those
11 areas that could go either way. It's less than a mile off of
12 Maricopa's general plan area and that boundary shifts
13 periodically. Oxide fuel cell system, I'm not familiar with
14 the technology. How has that technology been tested and its
15 operation in a balmy desert environment?

16 HAYES: Open to (inaudible) that?

17 BURKE: Yes. So they've been, I would say that
18 they've been around for quite some time, right? They've been
19 tested across the U.S. and across North America. What's
20 happened with these is they've become available and allow for
21 a more rapid build out to the data center sites. So this is
22 an evolution. I think what you're gonna see is to date, you
23 probably are gonna see 20 or 25 megawatt facilities as the
24 upper end of some of the fuel cell type facilities, but the
25 expansion is happening. The fuel cell vendor that we're

1 working with is expanding their ability to manufacture these
2 as quick as they can, and there's been a number of
3 announcements that are going to rely upon the fuel cell option
4 on a going forward basis for speed to power.

5 KLOB: And I can appreciate that, but you didn't
6 answer the question.

7 BURKE: Okay, so how have they been tested here in
8 Arizona?

9 KLOB: My question is, let's go back two or three
10 years ago where - I don't remember the exact number, but it
11 was 110 days of 110 degrees or more consecutive, many of those
12 in the 118-120 degree range, potentially even higher. We get
13 asphalt and other things, that's gonna raise that temperature
14 even more. Fuel cell, you know, all kinds of connotations
15 come to mind all of a sudden as they're sitting out there
16 baking in 120 degree heat day after day after day after day
17 after day. At some point, they're gonna break down and what
18 testing has been done to ensure that doesn't happen to cause
19 fires, to cause meltdown. And you guys are going off grid, so
20 now downtime, that all right that's all ruined, now we gotta
21 go back on the grid, and I'll let Brian Yerges talk about that
22 here in a little bit too.

23 BURKE: Right, so the systems are built out. The
24 manufacturer has a specification for the heat rating. I
25 believe it's 60 C, but I need to check that. Meaning that it

1 can operate here in a reasonably reliable fashion. In
2 addition to that, the site is built out a little bit beyond
3 the megawatts that are required onsite. So for example, when
4 you say it's just like a utility that has a reserve margin.
5 They say, you know what, we're gonna have failures. We have
6 all these units out there, but we need to plan for 115 percent
7 of what our load is. So for example, if I have 100 megawatt
8 load, I wanna make sure that I have 115 megawatts of resources
9 because I have to account for that. And in a similar fashion,
10 the same evaluation is done behind the meter because we have
11 to be able to provide that same level of reliability. A data
12 center operator isn't gonna come here and say, oh, I can be on
13 99 percent of the year. They won't do it. And so we make
14 sure that we go the extra distance to incorporate redundancy
15 for reliability purposes. I hope that gets to what you're
16 asking. I can go back and get the temperature rating for the
17 fuel cells if you're interested.

18 KLOB: As a design professional, I've been designing
19 in our climate for all different structures for almost 40
20 years now. Knowing what our sun does to just normal, everyday
21 building products, having something that sounds like it's kind
22 of unproven in our market, causes some pause. I deal with
23 companies all the time that wanna bring their product in.
24 It's not this, it's whatever it is. Oh, have you tried
25 Phoenix? Oh yeah, we're good. And then five years later,

1 we're ripping it out and replacing it because it didn't hold
2 up. And unproven products - people that don't live here and
3 build here and work here don't understand what happens here.

4 BURKE: Understood, and I was -

5 KLOB: If you told me, hey, they're already building
6 these things and there's 1,000 of them in operation in Saudi
7 Arabia? Different discussion. But that's about the only
8 other part in the world that can relate to what we deal with
9 here.

10 BURKE: Yeah, understood. And for background, I
11 planned the electric system for a decade at APS, so I'm very
12 familiar with the heat requirements, the operating
13 characteristics that are required for these. I don't have it
14 at the tip of my fingertips for the rating, but I can get it
15 to you.

16 KLOB: Okay, thank you.

17 BURKE: Yeah.

18 MOONEY: Keller sent you some pictures just a little
19 while ago. (Inaudible).

20 KLOB: Okay. Let me just look through my notes,
21 sorry. Will the facility be completely self-powered at build-
22 out with the fuel cell or the generating system?

23 HAYES: Correct, it'll be entirely - all the power
24 of the site will be generated onsite.

25 KLOB: At or before build-out C of O?

1 HAYES: It might be phased based on availability of
2 equipment, but yes, by the time the first building is powered,
3 it would be powered onsite by the generation onsite. It won't
4 be connected to the grid, I think is what your question is.

5 KLOB: What is the contingency if onsite generation
6 fails?

7 HAYES: Define what you mean by fail.

8 KLOB: Doesn't work.

9 HAYES: You mean installed and not working?

10 KLOB: I mentioned a minute ago, we have these fuel
11 cells, we thought they would work in 120 degree heat, and then
12 they don't work. And go to turn on the lights one day and
13 they don't turn on. What happens?

14 HAYES: Well, as mentioned, the project will be
15 designed with redundancy. I mean I think in the future, we'd
16 like to pursue interconnection for reliability, but this plan
17 is to have - this is proven, commercially proven technology,
18 so there's a high level of confidence that this equipment will
19 work, and it is working on data centers around the world.

20 KLOB: Well, it doesn't sound like we have a lot of
21 data on these fuel cell things, so there lies part of my
22 question. So I'm going to steal a little bit of thunder here.
23 Probably a bigger challenge that I've run into as it relates
24 to this project is a letter that I received this morning, and
25 I'm going to - Brian, I'm sorry, I'm going to steal your

1 thunder just a little bit here, but apparently you guys have
2 been talking to ED3 to a limited degree for a little over a
3 year. They - I guess some time ago, they had sent you a
4 letter asking a bunch of questions, and then just yesterday
5 got a response back, and there's some questions. ED3 has some
6 very difficult questions as it relates to the response that
7 they received. And even - they're not even sure about the
8 legality of project - there's a quote here: The responses are
9 unable to reach a conclusion on the legality of Project
10 Midway's proposed self-supply. And there's a two-page letter,
11 there's a lot more to it, and I'm hoping you're not reading
12 something that you haven't - or I'm not saying something you
13 haven't read yet, but power is such a huge thing with data
14 centers, and in order for us to approve these things, if this
15 doesn't go well, everyone on this board will be crucified, and
16 the Board of Supervisors, and staff, and so on, and we've got
17 to answer these things, and be accountable. And when I read
18 things like this, it makes me wonder, hey, why isn't there -
19 when you were here in last October, there was some questions
20 on discussions with ED3. Now you're back again and it sounds
21 like there's still some of those questions as you're having
22 with ED3, and it's not being met. And if this is the level of
23 communication that we can expect with the local power company,
24 as a Commission - I can only speak for myself, but there's a
25 lot of red flags here. And what promises that you're making

1 here do we have to guarantee that going forward we're not
2 going to receive the same kind of challenges?

3 HAYES: Sure, good question, Chair. I mean we've
4 been fairly clear, I think, with ED3 that we didn't intend to
5 file a load impact study and go through the load impact study
6 application process until the site was entitled, because
7 that's a significant investment, requires a lot of financial
8 and engineering commitment to understand what that
9 interconnection looks like. We've been clear, I think, from
10 the start with Brian and ED3 about when that would occur. The
11 power design for this project allows for onsite, or proposes
12 onsite generation to provide all the power that's needed for
13 this project in the interim period before interconnection
14 would be pursued. Interconnection will not be pursued until
15 those studies are done and it's concluded that that is a
16 mutually beneficial situation where this project would benefit
17 from the reliability of the connection to the system, and the
18 system would benefit from the revenue generated from a large
19 user that can then be spread across the entire rate base - the
20 revenue and not the cost - and this project is committing to
21 paying for all costs associated with infrastructure upgrades
22 that are needed to support interconnection. But all of those
23 kind of detailed arrangements and agreements would come
24 following a load impact study, which we've said would come
25 after entitlement, because there's, you know, a load impact

1 study isn't very helpful if the site is not allowed to proceed
2 with the data center from a County zoning standpoint.

3 KLOB: And I would - I understand that, and to a
4 certain degree maybe agree a little bit with that. On the
5 flip side, let's go - let's step back and look at the - you
6 were here, you sat through it, the case just previous to this
7 one. Came through, solar is a hot button in our County, and
8 they came in and said, look, here's what we have. We know
9 solar is a challenge, we know there's some issues here, but
10 we've already partnered up with these electric companies. We
11 have their support. Maybe they're not getting 100 percent out
12 of it, but they're here to support it. Yeah, I get that you
13 don't wanna spend the money now and it's expensive, but
14 letters like this, what's it gonna cost if you don't get it?
15 And at what point, you know, is it worth it to, hey, let's
16 bring everybody on board and, you know... Coming here with
17 that support speaks volumes, especially when power is one of
18 the biggest challenges the data centers are being, you know,
19 faced with across the country. I think, you know, my view is
20 that was a huge mistake.

21 HAYES: Totally understand, and I think we wish we
22 had ED3 support at this stage, but I think (inaudible) with
23 that case you mentioned, they first came through in 2021, so
24 it was five years ago and there's kind of a speed to power
25 issue right now, and so this onsite generation solution allows

1 this project to move forward with a generation solution in the
2 short term, while pursuing that interconnection option in the
3 medium to long term.

4 KLOB: To that point, is there a, you know, this,
5 you know, the fuel cell power generation, is there a facility
6 operating in Arizona that we can - anybody can go see?

7 HAYES: I don't know if there's any facilities
8 operating in Arizona, there are in California and I think
9 Texas and some other states.

10 KLOB: Okay. Okay, that's all I have. Anybody else
11 have anything for the applicant?

12 SCHNEPF: Comment, question.

13 KLOB: Commissioner Schnepf.

14 SCHNEPF: So, if your power generation fails, ED3 is
15 at no obligation to have to tie into you, correct?

16 HAYES: That's correct.

17 SCHNEPF: So, you're willing and taking on the risk
18 of having this go down if your power fails. That's on your
19 client.

20 HAYES: That is correct. That is the risk that, you
21 know, they're confident moving forward with because I think
22 this is not a likely scenario. But yes, it is not - it would
23 not be connected with ED3 short of, you know, going through
24 the entire process for interconnection with ED3 at this
25 initial stage in quote/unquote island mode and the risk is all

1 on the developer.

2 SCHNEPF: It's a big risk for something that might
3 not be tested. Multi-million dollars, billion dollars or
4 whatever we said, so that's on the client. So, okay.

5 PRANZO: Did I hear you correctly? They're kind of
6 in and out. Right now you're an island, but eventually you
7 will hook up to District 3? Is that correct or is that, or
8 are you just going to remain an island forever?

9 HAYES: The goal would be to ultimately connect, but
10 there is a process to go through and a lot of studies to be
11 done and agreements to be made before that process can happen.
12 I think that is the intent for the future, but in the interim
13 basis, this would be a quote/unquote island mode and self-
14 reliant.

15 PRANZO: Will ED3 be hooked up to your substation in
16 the interim?

17 HAYES: No.

18 PRANZO: So, you're completely isolated.

19 HAYES: That's correct.

20 PRANZO: So the risk is yours.

21 HAYES: That's correct.

22 KLOB: Commissioner Hartman.

23 HARTMAN: Alex, I'm not sure that's true. Like
24 Commissioner Schnepf said, if there's a catastrophic failure
25 of some sort, I think ED3 has a CC&N for that area, so

1 they're, you know, I think they're obligated to provide power
2 at a last resort. So it puts them probably in a legal
3 situation if you have to call - you're out of power and you
4 call them and you say, hey, we need power.

5 BURKE: There won't be any physical connection at
6 that point, so until it's connected to ED3 and they have
7 resources that can serve it, be ours or their own, it would be
8 disconnected. This is a self-supply situation where the, I'll
9 say the property owner is providing electricity to themselves,
10 which I saw the letter, we believe is permissible in Arizona
11 to self-supply your own electricity.

12 HARTMAN: So you're truly planning on being off the
13 grid, then, until -

14 BURKE: We are until ED3 is ready, right? So part
15 of what we're trying to balance here is there's a need for
16 power today. And I think you saw the letter that, you know,
17 it potentially could take years to get connected to ED3, and
18 so what we're trying to do is bridge that, which has become -
19 it's become an accepted practice across the industry over the
20 last couple of years. And so what we - ultimately, we do want
21 a utility grid - a utility interconnection, but to get the
22 project up and running in a reasonable amount of time, we want
23 to do the island mode prior to utility connection.

24 SCHNEPF: I have a question.

25 KLOB: Commissioner Schnepf.

1 SCHNEPF: So does the Arizona Corporation Commission
2 govern you as your own utility? Or you're not technically a
3 utility, but you're a power supplier.

4 BURKE: Yeah, we would not be a utility, nor do we
5 want to be a utility. It's a self-supplied generation, which
6 is -

7 SCHNEPF: And so the State would have no governance
8 or authority over -

9 BURKE: The, so whenever you build any kind of power
10 plant that's over 100 megawatts, you have to go into the line
11 siting committee and get everything approved. So there's
12 that, but outside of that, we believe no.

13 SCHNEPF: Okay.

14 KLOB: Any other comments? Thank you, guys. With
15 that, I'm gonna open up the public comment section of PZ-008-
16 26 and PZ-PD-007-26. Sure. We'll start out with Brian
17 Yerges.

18 YERGES: Thank you for having me back. Again, Brian
19 Yerges, General Manager for ED3. I don't know about you guys,
20 but I heard three things. It's the same project as a year
21 ago. If you remember, I was here a year ago and the ED3 logo
22 was up here, and we're getting power from Project Bella, and
23 we're getting power from ED3 and the grid. That was the story
24 a year ago. They never talked to us. Now it's a different
25 project, it's not the same as a year ago. It's completely

1 different. We've heard that it's a behind-the-meter and a
2 island-mode configuration. Who's meter? Because behind the
3 meter would be our meter. Island configuration would mean
4 that it has the ability to go on the grid. There's been no
5 coordination with ED3 as to what that looks like. Then
6 there's the concept, well we're gonna transition to utility
7 service in the future. Okay, what does that look like? I
8 can't answer that, neither can you, neither can the applicant.
9 That's concerning. We're talking about a \$2.8 billion
10 project, and we can't make a contribution of maybe \$100,000 to
11 ED3 to start to do planning and study work around this
12 project? There's no emissions permit. There's no contract
13 for gas capacity. There's no contract for a gas supplier. Is
14 the \$2.8 billion in financing available? I highly doubt it's
15 gonna be built anytime soon. Who is the customer, the
16 ultimate customer? Whose data center is this? It's the exact
17 opposite of the solar project we presented with AEPCO, and we
18 laid out all the facts - who's involved, who's getting the
19 power, who's behind the project. Very different from this
20 sort of project. There are upwards of eight gas projects
21 proposed within ED3 service territory. Commissioner Scott,
22 I'm gonna pick on you. What if all those gas projects go to
23 data centers in island mode, not benefiting the grid or the
24 utility system?

25 SCOTT: Well, that would be a problem.

1 YERGES: It would be a problem.

2 SCOTT: Big one.

3 YERGES: And so ED3 wants to understand how is this
4 project actually gonna be developed? How can we do it safely?
5 How can we do it reliably? How can we structure it so that
6 there's mutual benefit? If there's large power outages or
7 some sort of issue, can we curtail load and still use that
8 generation to make sure the AC is on in people's homes? We
9 have a lot of questions. We're not saying to absolutely deny
10 the project, but we're basically asking to postpone action so
11 that we can work out a plan with the applicant in a
12 collaborative way so we can all be on the same page and
13 develop infrastructure which is in the best interests of the
14 residents of Pinal County. Thank you.

15 KLOB: Thank you. Brian, I think we have a
16 question. Vice Chair.

17 MOONEY: Just a quick question for you. How long
18 would that talk take? So if we were to continue the case,
19 like what timeframe?

20 YERGES: Could take upwards of a year.

21 MOONEY: Okay. All right, thank you.

22 YERGES: Depending on, again, we don't have much
23 information about the project, so we don't know how's the
24 transmission system impacted, the bulk electric system, how's
25 the distribution system? What are the controls? What are the

1 SCADA configuration? Are you part of a balancing authority or
2 are you not part of a balancing authority? How does that
3 relationship work with AEPCO and WAPA's BA, all those things?

4 MOONEY: I just want to -

5 YERGES: Complicated thing. No, I'm just trying to
6 give you an example of all the things that need to get looked
7 at, yeah.

8 MOONEY: So thank you, I appreciate it.

9 SCHNEPF: I have a question. So is there a Arizona
10 State statute or Arizona Corporation Commission that says you
11 can operate your own power supply under a certain megawatt?
12 Thus being your own power generator utility?

13 YERGES: Yeah. I am not an attorney, I don't
14 pretend to be an attorney.

15 SCHNEPF: His name's Daron.

16 YERGES: But there are legal issues around that, and
17 we cannot say whether this is structured legally or not. We
18 would like our legal counsel to engage with their legal
19 counsel and we would talk through what exactly is this
20 project, what does it look like, how is it structured, to
21 answer that question. So I can't answer it.

22 SCHNEPF: Okay.

23 YERGES: Okay, thank you.

24 KLOB: Thank you, Brian. Kristena Dugan.

25 DUGAN: Sorry, I'm falling over my lunchbox. Hello,

1 Tena Dugan again. I have spent the last several weeks -
2 actually the last two years - researching data centers,
3 speaking with experts, reading technical documents, and
4 listening careful to today's presentation. I appreciate the
5 applicant's willingness to answer questions, but I will
6 continue to have concerns about the Midway Data Center. We
7 were told that the cold loop system's filled with water once
8 and no more water is used, and I don't believe that's the
9 complete picture, and I believe you asked the same kind of
10 questions that I did. Noise is another issue that deserves
11 more discussion. I've actually gone to the data center, as
12 you might recall, in Chandler, and I knocked on people's doors
13 and I actually talked to them about the noises that they
14 heard. Most didn't care about the hum, but they definitely
15 cared about the generator testing, and I don't believe that
16 that was addressed clearly. And I truly don't believe that
17 modeling is gonna tell us how it's gonna be disruptive to the
18 animals and the people who are living a rural lifestyle. Our
19 family does own property very close to this proposed project.
20 I'm also concerned about the emergency response. We know that
21 they're working on a fire department, but just because they're
22 working on it doesn't mean that when they get ready to do this
23 project, that that fire department will be in use. It depends
24 on the Bella project being done and a lot of other variables
25 that have to go in there, and I just don't like speculating on

1 what might come. I encourage you to think beyond today's
2 presentation. Technology changes, ownership changes, and
3 promises can change. And as you might recall, and I believe
4 that Chairman Klob mentioned it, they came up here once before
5 and said they've been in talks with ED3 and we found out that
6 that was definitely not true. One thing I've learned from
7 sitting through the many hours of presentations that I've
8 watched here under Planning and Zoning and the Board of
9 Supervisors, a lot of promises are made and there's absolutely
10 nothing to make sure that they follow those promises. If this
11 project moves forward, conditions of approval should include
12 many, many stipulations, and there have to be meaningful
13 consequences if those commitments that they've made promises
14 for today are not met. This is one of the largest projects
15 we've considered and we have the opportunity to get it right.
16 I urge you to vote for denial on items E and F today. Thank
17 you.

18 KLOB: Thank you, Tena. Nancy Hartl.

19 HARTL: Thank you. This originally said good
20 morning, but good afternoon, Chairman and Vice Chairman and
21 the Members of the Commission. I'm Nancy Hartl, I live at
22 32063 North Schnepf Road, number 1003, San Tan Valley. I have
23 also scratched out and changed my entire talk today as all
24 this discussion's gone on, but I have to tell you, this is the
25 most incredibly interesting board that I've ever gone to. You

1 guys do so much work, it's been really educational. So I wish
2 more people would come and understand how difficult this
3 really is because the in-depth questions you have are very,
4 very educational and enlightening and it makes me know that
5 you really care about what you're doing, so I appreciate that.
6 This is only the second time I've been to this board. I came
7 on June 18th intending to speak against data centers. Once
8 again, the meeting went till 5:00 and I had to leave, but I
9 didn't get to speak or anything. But just prior to leaving, I
10 spoke with the people that were here who lived in Eloy and the
11 lawyers and they made me realize I didn't know enough about
12 data centers to speak negatively about them. I was here to
13 oppose them. Well, since then - well, what I did is I said
14 tell the board I've changed my mind. Well, they told you that
15 I changed my mind in support of data centers. That was
16 incorrect, I changed my mind not to speak. So I'm here today
17 to clarify I'm against data centers. I'm opposed to them. No
18 matter what he said today, I know that they are a threat to
19 our water and water is life. So I'm here today just to
20 clarify that I oppose them. Although I'm better educated on
21 data centers, I'm still not an expert, just a very concerned
22 citizen. I recently sold my home in Sun City, Anthem, mainly
23 due to the concern of the dire water situation in Arizona.
24 It's a State that's 45 percent desert with 26 years of
25 drought. Both Lake Mead and Lake Powell are down 75 percent

1 from peak. As the seven states relying on the Colorado River
2 are unable to agree on water sharing, the Trump administration
3 is considering plans to direct the Bureau of Reclamation to
4 cut the lower basin allocation of water by up to 40 percent.
5 That includes Arizona. Now the discussion today by this young
6 gentleman gives me a concept of a plan - kind of reminds me
7 when I bought a car the first year it came out and it was just
8 full of bugs, and I think this is kind of full of bugs too,
9 and I kind of think you guys all felt that same way about it.
10 There's a lot more to be learned and so forth. So Arizona is
11 a prime target for these data centers. You ask why Arizona?
12 It's mainly due to the huge tax breaks. Fortunately, the
13 Governor has put a three-year suspension on those breaks to
14 the corporations, but there are already many projects in the
15 works. Every documentary, testimony and article I've ever
16 seen about people living near these data centers is negative.
17 The high cost of these centers to our health, communities,
18 State, and our planet is immense. When speaking to boards, I
19 normally list all these possible effects, but of course I
20 don't have time now because I'm about running out of time.
21 But I just want to ask you, please be our advocates and
22 stewards of the earth. Remember it is we the people, not we
23 the corporation. So, you know, please do your best, as you
24 I'm sure will do, in making your decision. Thank you.

25 KLOB: Thank you. And Laurie Fuller statement by

1 Robin Davis. Robin, do you want to speak? We also got the
2 letter that Laurie had wrote.

3 DAVIS: Let me get to the mic and I'll (inaudible)
4 hear me.

5 KLOB: Okay. You choose how you want to spend your
6 three minutes.

7 DAVIS: Okay. Laurie's been watching and she said,
8 no, please don't read my statement because I have it here.
9 Because you guys have all done a really good job in asking the
10 tough questions that she was inquiring about. So she applauds
11 you guys and you have done a really good job. And that she
12 did ask for a continuance on this for all the reasons that
13 have been presented going on. Some things that I noted down
14 is the applicants continue to kind of really spin about this,
15 the jobs and the water. We know the jobs really aren't there,
16 there's not many people. But in the water, so that in point
17 about a closed loop system - and this is one thing I read out
18 of the *Imperial Valley Press* from El Centro, California. The
19 Imperial Irrigation District is being sued by an existing data
20 center for water rights after promising not to use IID water.
21 They were on a closed loop system and now they're suing them
22 to get water rights. Well, we all know El Centro's just the
23 other side of the desert there, so excuse me if I don't
24 believe the applicant's claim of a closed loop system and that
25 they'll never use water. So - and if you put it in the

1 stipulations - excuse me again, I don't trust the stipulations
2 because the applicants all say, oh yeah, yeah, we'll put it in
3 the stipulations and their suggestion kind of means nothing if
4 no one is watching the hen house. If they're not, if no one
5 complains and no one is watching, nobody knows that they're
6 doing anything wrong. And again, the people supporting these
7 types of projects don't live in Pinal County, so why are they
8 just going against the residents of Pinal County and the
9 people that show up at these meetings and try to display that,
10 you know, we don't like this. It's the people who live here
11 that I think ultimately should be swaying your decision,
12 instead of these lawyers who are making big bucks to try to do
13 this. So - and I agree with Nancy, this is a threat to water.
14 And one of the things - and the last item is the Pinal County
15 Fire and Water Authority, are they yet an approved entity? I
16 don't know, just asking. I'm curious, the last I heard that
17 maybe they weren't. I know that they've encroached on a lot
18 of things or made a lot of promises, as other fire departments
19 are just on paper. There's another one that's just on paper
20 and it doesn't have any facilities. So these are, I think, a
21 lot of questions that we really need to hammer down before we
22 even allow this to go forward. So I'm asking for a denial
23 recommendation to send it before the Board of Supervisors.
24 These guys are not ready for prime time. Thank you.

25 KLOB: Thanks, Robin. And Cepand Alizadeh. I'm

1 trying, man. I'm just gonna point.

2 MOONEY: Can you spell it phonetically?

3 ALIZADEH: I'm not judging, it's okay. No judgment
4 zone here. Cepand Alizadeh, Arizona Technology Council, 2800
5 North Central Avenue, Phoenix. First of all, I wanna thank
6 the residents who are here who are making comments, providing
7 comments. First, I wanna thank them. You can obviously tell
8 they are very passionate about Pinal County, and they should
9 be. This is a wonderful place to live, wonderful place to
10 call home. Also, I wanna take a moment and Vice Chair Mooney
11 knows this, I thanked you all in front of the Board of
12 Supervisors very recently because you all are the most
13 diligent Planning and Zoning Commission that I go before. I
14 mean, no question goes unanswered, or unasked. No issue is
15 overlooked, and that just shows you all really, really care
16 about this community. I mean, Chairman Klob, you said this,
17 that you have to be responsive to the residents when you see
18 them. Now, regarding this project, again, Arizona Technology
19 Council is a trade association, all the major data centers are
20 our members. And I have been all across the State over the
21 past year and a half advocating for these facilities, and the
22 one thing that really stands out to me is that the location
23 has to be right. And when I say location has to be right, it
24 needs to be set away from residences. It needs to be away
25 from homes. That's what we have with Project Midway here. It

1 is away from homes, away from residences, very good separation
2 requirements, setbacks, etc. That's the first thing you want
3 in a positive data center development. Second, you want a
4 developer who is willing to answer all the questions and know
5 that, hey, I don't have the answer to this, but I will look
6 into it or I will do my research and get back to you. And
7 that's what we have here with Mr. Hayes and his team. They
8 know that, yeah, there are a lot of questions remaining, but a
9 lot of these questions are answered after the entitlement
10 process from what I've seen. And I've advocated for over 25
11 data centers this past year and a half that I've been in my
12 role with the Tech Council. So with that, I just want to say
13 Arizona Technology Council obviously is in support of this
14 project, is in support of these rezoning proposals. Location
15 is right. This is a burgeoning tech corridor, tech hub.
16 We're going to see more industry coming in, and that's because
17 a data center is located here, because data centers help
18 manufacturers, national defense companies, etc., they all use
19 data. So whatever the end user is, they are going to be
20 working with other manufacturers who are going to relocate
21 here, and that's what we want to see. We want to see more
22 high quality jobs and more tax revenue in that sense. So with
23 that, thank you very much. Appreciate you taking the time to
24 hear my comments, and we ask that you do support Project
25 Midway.

1 KLOB: Thank you. And the last speaker card that I
2 have is Erini Pajak.

3 PAJAK Mr. Chairman and Commissioners, my name is
4 Erini Pajak and I live off of Paisano. The staff report says
5 that the burden of proof is on the applicants to provide the
6 required information at this hearing, and there are a bunch of
7 things missing from this packet. And there is nothing binding
8 about how this project makes power. It mentions fuel cells,
9 gas engines, and possible future grid connection. This is a
10 menu and there will be no further hearing about what they
11 decided to do. None of the types are stipulated. It does not
12 tell you where the heat goes. Stipulation 18 says air cooled
13 or closed loop, and only for the IT equipment. A closed loop
14 just means the coolant circulates in a sealed circuit, it says
15 nothing about where the heat goes when it leaves that circuit.
16 It can go to the air which uses almost no water or through an
17 evaporative cooling tower which consumes water continuously.
18 Both of those are closed loops. Stipulation 18 allows for
19 either. It does not establish that a water source has been
20 secured. The main memo replaced the earlier plan for an
21 onsite well, with anticipated service from Arizona Water
22 Company and refers to a water campus that is still being
23 contemplated. There is no will serve letter in this packet
24 that I saw. So we don't even know that it's gonna use Arizona
25 Water Company. We are in the Pinal active management area

1 where we are facing significant issues so this is really
2 important. It does not tell you what this project puts in the
3 air. 90 pages on noise, two memos on water, air gets one
4 sentence: a permit will be required, but after the rezoning
5 vote. The noise study models 112 Jenbacher gas engines in one
6 scenario, 54 Wärtsilä gas engines in another and fuel cells in
7 a third. Those are different projects that require different
8 water and different air. They modeled 112 engines for sound,
9 they could have modeled the same engines for emissions. They
10 did not. Project Bella sits directly south, roughly 500
11 megawatts of gas generation already approved. The Midway
12 noise study names Bella, but does not model its future
13 operation. You have no combined analysis before you. Not for
14 sounds, not for air. The stipulations before you do not
15 resolve any of these decisions, that is why this application
16 is not ready for approval today. Now consider what you are
17 actually approving. This PAD permits every use allowed in the
18 I-3 heavy industrial district, except for four. Staff says
19 the data center is not even a listed use, it is an analogous
20 one. No end user has been publicly named. I am asking you to
21 recommend denial. Please don't approve this today and don't
22 trust - don't trust me bro - that the important details will
23 get worked out appropriately later. Thank you.

24 KLOB: Thank you. I will say earlier we had the
25 family here with the kids that sat quietly all day, so I have

1 to give credit. You wouldn't have known your dog was here if
2 I didn't see you walk in with him, so thank you. That's all
3 the speaker cards that I have on this, is there anybody else
4 that would like to speak? Please step forward. Please state
5 your name and address for the record.

6 COLEMAN: Good afternoon, ladies and gentlemen. My
7 name is Delaine Coleman and I live at 8011 West Trenton Way,
8 Florence, Arizona in Sun City Anthem. And I'm really
9 concerned about the application for this data center.
10 Location to me is not the most important thing, it's
11 information, and that seems to be lacking in a lot of
12 questions that you asked this company and even the applicant.
13 They were hesitant to give the applicant's name. That in
14 itself makes me question the whole situation here. Why that
15 information is not available. And it's like putting the cart
16 before the horse. You're asking for permission without
17 providing the information, without giving the necessary
18 details from any kind of testing that was done. The testing,
19 like you said, has to be done based on Arizona conditions.
20 This State is not the same as any other state. The heat here,
21 the drought here, all of those things are a factor, and I was
22 very glad that you brought up this because to me it's very
23 important because of the pollution. A lot of people come here
24 for respiratory problems and there is pollution - water
25 pollution, air pollution, noise pollution. Data centers are

1 maybe a necessity to a point, but I think we're just moving a
2 little too rapidly before we can get regulations. I think we
3 need regulations first and you know what we're dealing with.
4 And a lot of people do not know all there is to know about
5 data centers. This is still a new process and I think we need
6 to just slow down a little bit. And from the information that
7 they provided here, it's totally inadequate. I would not
8 approve of this data center. Thank you very much, ladies and
9 gentlemen.

10 KLOB: Thank you. Please come on up. Oh, Alex, we
11 got someone else. Sorry.

12 DAVIS: Hello Commission, my name is Trey Davis.
13 I'm a Pinal County Specialist with the Land Advisors, 442 West
14 Kortsen Road. I would just like to thank you guys for all of
15 your thorough questions today. I do think that it is
16 important to get into the weeds on a lot of these items;
17 however, zoning, I've helped bring companies like Kohler,
18 Lucid Motors, Chang Chun Petrochemical, Green Bay Packaging,
19 just to name a few to this County, and all of those - oh,
20 sorry, that's the last timer - all of those companies have had
21 zoning as a threshold issue before they're willing to spend
22 money on additional entitlements. So there's things like
23 these interconnection agreements, these exact details that
24 cost tons of money to get through after - all happen after
25 your zoning has already been confirmed. None of these

1 businesses would be leaning on all of these additional studies
2 and all of these other things until they have had their zoning
3 approved, which is why I would recommend that you all proceed
4 with the zoning here. Additionally, I'm a member of Pinal 40.
5 We raise money for the children around Pinal County, I'm sure
6 you are all familiar with them, and they have donated
7 thousands of dollars to Pinal 40 over the years. Even before
8 they were trying to do business down here, they were always a
9 consistent sponsor of our events, and so I did wanna speak to
10 them as a community member. They're boots on the ground.
11 They attended the gala this year with me and they've been an
12 overall great partner, and I just wanted to clarify that
13 zoning is a threshold issue and there will remain holes until
14 zoning has been completed. And I'm sure you guys run into
15 that all the time, but that's just a prime example here of why
16 these additional studies have not been completed, as they need
17 to get through this first layer before they're able to answer
18 the rest of your questions. And there is additional governing
19 bodies, much like you guys, that will be getting into the
20 weeds on those questions. Thank you.

21 KLOB: Thank you. Please.

22 TALIA: Good afternoon, my name's Vicky Talia, I
23 live at 3864 North Hidden Canyon Drive, Florence, Arizona.
24 I'm not quite an elegant speaker as most. I do want to thank
25 you all for your questions that you have posed to them this

1 afternoon, the applicants. And I would just say that I
2 definitely - I want to say, this is going to sound weird, but
3 agree with the women here. I think that we - what I want to
4 say is AI technology is here, but I don't think that the
5 technology to run the data centers is here, it's still in
6 discovery. As we have found out here today, I want to say
7 that there's maybe other options and those options have to be
8 looked into. Maybe as far as the water problem is, they don't
9 have to get it from here first, let them go get it someplace
10 else that has it. Water to me is not just life, but gold here
11 in the desert. I would also like to say, I don't know what
12 the hurry is for these data centers. They're not really used
13 just for running our computers, making AI videos for whatever,
14 these data centers hold crypto banks for the rich,
15 cryptocurrency for the rich, and I believe that it's just
16 another way for them to hide their money. And the other
17 people that use this purpose for data center are criminals.
18 So I know, I don't speak real elegantly, but I think it's a
19 real important decision. I don't think that we are ready to
20 make that and I would suggest you decline and do not send this
21 forward to the Board of Supervisors, or if you do send it, say
22 no.

23 KLOB: Thank you and you did just fine. You did
24 great. Anybody else like to speak to this? Seeing none, I'm
25 gonna close the public comment portion of PZ-008-26 and PZ-PD-

1 007-26, and come back to the applicant for response.

2 HAYES: Thank you, Chair. I appreciate everybody
3 who came here and provided comments, both for and opposed to
4 this project. I do think that what we're requesting today is
5 the zoning, it's one step in a very long process. This is not
6 the kind of end of the road for this project, then we go out
7 and build it, there's a whole lot of other work to do. And so
8 as Trey and others said, this is not kind of the threshold -
9 or it is the threshold question for future developers or
10 future data center operators. But we did hear some valid
11 questions today and I think there's probably some answers that
12 we can come back with, and I think if the Commission's open to
13 maybe continuing this two months, we'd be open to that, to
14 September P&Z. I don't think we're gonna be able to have a
15 load impact study completed with ED3 by then, but definitely
16 try to have conversations with ED3 to understand what that
17 path will look like. I think for a better mutual
18 understanding of what this path will look like, come up with
19 some answers to questions like this generation technology, how
20 it does operate in the desert, maybe some design guidelines we
21 can craft and some additional stipulations to address some of
22 the other comments we heard. If the Commission's open to
23 entertaining that, we would appreciate that opportunity.

24 KLOB: Okay, any other questions for the applicant?
25 Oh, sorry, Vice Chair.

1 MOONEY: You're looking down, there, so.

2 KLOB: I looked there first. You just didn't make,
3 you know.

4 MOONEY: Didn't make eye contact.

5 KLOB: Commissioner Mooney - sorry, Vice Chair.

6 MOONEY: So you - that's two months. That doesn't
7 give a lot of time to do some of the things that you were
8 talking about, and if we were to do a continuance, I would
9 think a little bit more time so that maybe you could iron out
10 a few more of the details with ED3. After hearing from a
11 representative from ED3, it sounds like there's quite a lot of
12 items. And I know in the past when I've personally made a
13 motion for a continuance and, oh yeah, we'll have that
14 information, we'll be all good to go, and we get it the night
15 before, or it's hand-delivered that day, and I just don't
16 really want to - so I don't know if - I don't want that to
17 happen. I want you to have ample time to be able to do that
18 if we were to go down that road. So - and I'm not even sure
19 if there's - because even though it's been two and a half
20 years I've been here, we haven't done a lot of continuances -
21 if there's a certain amount of time that we could continue
22 something, you know, two months, four months, six months, I
23 don't know what that is to be able to get some of the - the
24 ED3 thing is really, though, in my opinion, the largest
25 concern here that I've heard. So thank you for that.

1 HAYES: Respectfully, Vice Chair, I don't think
2 we'll be able to - you know, I think we heard Mr. Yerges say
3 that it would be a year before a load-impact study would be
4 completed, and I don't think we can continue this for a year.
5 But I think two months would give us time to go have some
6 conversations about what that path looks like and maybe, you
7 know, some clarity on a path forward. And I think we can have
8 plenty of time to address some of the other questions that we
9 heard. And if we need more time, we can always, you know, ask
10 for an additional continuance. But we would respectfully
11 request that it be continued two months.

12 KLOB: If I may. My only comment on that is - and
13 Alex, you've been doing this a long time, just like I have,
14 and two months is actually one month, by the time you get
15 everything together, get it submitted, get it, you know, into
16 the County, advertised, agendized, and whatever.

17 HAYES: So I don't think we'll need to notice it
18 again if it's continued to a date certain.

19 KLOB: And that's fine, I'm just saying that it's
20 not really a two-month process in what the Vice Chair Mooney
21 had mentioned. It is frustrating sometimes getting things
22 right at the last minute, sometimes not even in our packet on
23 a case that had been continued two or three months. I'm
24 lumping you into issues that other people created, but it's
25 happened before, and I just want to make sure that there is

1 time to - because there are some items here that, in my list,
2 that may take some more time. And I would like to see some of
3 the challenges, you know, maybe not resolved with ED3, but at
4 least vetted with ED3. And I would love for the next time you
5 guys come back up here, Brian Yerges is sitting next to you
6 saying, hey, we're working with these guys, things are going
7 in the right direction. Not solved, but going in the right
8 direction. Rather than, eh, maybe. Combine that with, you're
9 only allowed to continue two times before you start over. If
10 we have to continue it again, then we use up all your chances,
11 and if something else comes up, then your client is stuck.
12 So, I'll let you respond to that.

13 HAYES: Yeah, I appreciate that, Chair. And I think
14 we will make every effort on our part to be very diligent in
15 kind of running down a lot of these questions and trying to
16 work with Mr. Yerges, if he's open to meeting with us and
17 having these discussions, and hopefully we can come back with
18 that partnership. But we would really like the opportunity to
19 do that in two months.

20 KLOB: Okay. Very good, any other questions for the
21 applicant? Awesome, thank you.

22 HAYES: Thank you.

23 KRAUSS: Mr. Chair, do you want to ask for a motion
24 to continue the item for two months? Is that the direction
25 we're going?

1 KLOB: Yeah, the request from the applicant is to
2 continue the item until the September.

3 KRAUSS: Not September - yeah, September meeting.

4 KLOB: Yeah.

5 HAYES: Sorry Chair, one other option would be to
6 not continue it to a date certain and then we could notice it
7 and then we would have the opportunity to come back to you
8 when we feel we're ready.

9 KRAUSS: When they're ready.

10 KLOB: That actually might be - for me, I think
11 that's a better solution to continue it not to a date certain,
12 and that way if it takes one month, three months, it takes
13 what it takes. Let's do it right. Okay, very good.

14 HAYES: Thank you.

15 KLOB: Thanks, Alex. So the request from the
16 applicant is to continue this to a date uncertain, however, I
17 think that if there are items - I know I have some things - if
18 there are items that we want to make sure that the applicant
19 is working on. And we can also, we can still have a vote,
20 should someone wish to make a motion to recommend approval or
21 denial as well, that is on the table. But if we do want to
22 continue it, then I think we need to have a discussion on the,
23 what stipulations, because we need to be able to give the
24 applicant some direction. So I'll put that back out to the
25 dais for discussion.

1 MOONEY: So if I may, Chair. Obviously it's quarter
2 past five and we're making a decision again. If this is to
3 continue, I would think that if we could say a date next week
4 that we could all - for anyone that has their questions, get
5 them in so that we could get them to Alex and staff next week.
6 I'm not gonna sit here and try and jot down every little thing
7 right now. I think if we went home and typed it up and sent
8 it to the staff, if they could get it to Alex. Would you be,
9 I mean, the middle of next week if we got all of our concerns?
10 Is that okay, staff?

11 KRAUSS: It may be more efficient to have them -
12 send them all too me.

13 MOONEY: Yes, to you, but I wanted to make sure he
14 was okay with next week getting those. Yes, to you and then,
15 okay.

16 KRAUSS: Well that sounded like she was sending them
17 -

18 MOONEY: No, no, no.

19 KRAUSS: Okay, that's fine.

20 KLOB: Daron, no issues?

21 GAREY: That was my initial concern, just to make
22 sure that there's no email communications amongst the quorum
23 of the public body. So if all the emails go to Harvey as the
24 planning manager, he can distribute those so there's not an
25 issue with that.

1 KLOB: Okay. So even though it's outside of our
2 formal meeting, it's still acceptable.

3 KRAUSS: Individually send me.

4 KLOB: Yeah, okay, very good. So if we choose to
5 continue this case, and if you have items that you would like
6 to see as stipulations, then email those to Harvey. So with
7 that, I will entertain a motion.

8 MOONEY: Chair?

9 KLOB: Vice Chair.

10 MOONEY: I'll make a motion to continue case PZ-008-
11 26 to a date uncertain, and we will - each Commissioner will
12 send questions to Harvey, who will forward them on to the
13 applicant.

14 KLOB: Very good, do I have a second?

15 SCHNEPF: I'll second.

16 KLOB: Second by Commissioner Schnepf. Just in
17 case, let's do a roll call. Sorry Harvey.

18 KRAUSS: Chairman Klob.

19 KLOB: Yes.

20 KRAUSS: Vice Chair Mooney.

21 MOONEY: Yes.

22 KRAUSS: Commissioner Hartman.

23 HARTMAN: Yes.

24 KLOB: Harvey, your mic's not on.

25 KRAUSS: I'm sorry. Commissioner Hartman said yes.

1 Commissioner Keller.

2 KELLER: Yes.

3 KRAUSS: Commissioner Lizarraga.

4 LIZARRAGA: Yes.

5 KRAUSS: Commissioner Schnepf.

6 SCHNEPF: Aye.

7 KRAUSS: Commissioner Pranzo.

8 PRANZO: Yes.

9 KRAUSS: That was a weak yes there. Commissioner
10 Scott.

11 SCOTT: Yes.

12 KRAUSS: And Commissioner Klucar.

13 KLUCAR: Yes.

14 KRAUSS: So that passes.

15 KLOB: Unanimous pass.

16 KRAUSS: Unanimously.

17 KLOB: So, thank you for that. Now I need a motion
18 for the next one.

19 MOONEY: Oh, I'm sorry, yes.

20 KRAUSS: You need to do one on the second case.

21 MOONEY: Falling asleep at the table, sorry. I'd
22 like to make a motion for continuance to a date uncertain for
23 PZ-PD-007-26, sending all of our questions or concerns to
24 Harvey who will forward to the applicant.

25 KLOB: Do I have a second?

1 SCHNEPF: Second.

2 KLOB: Seconded by Commissioner Schnepf. This one
3 I'm just gonna go a voice. All in favor say aye.

4 COLLECTIVE: Aye.

5 KLOB: Any opposed? Hearing none, motion passes.
6 Very good. Thank you guys.

7 MOONEY: Excuse me.

8 KLOB: Vice Chair.

9 MOONEY: I'm gonna ask the Commission first.
10 Thoughts on requesting to table this work session. It is
11 5:18, we've been here since - I've been here since 8:15, staff
12 has been here forever. Either to our next meeting or possibly
13 a special meeting, whatever staff recommends. Thoughts on
14 that before we open it to staff?

15 SCHNEPF: Yes.

16 KLOB: I'm good with that.

17 MOONEY: Okay, I'm getting thumbs up, so.

18 KRAUSS: We're good with that too. It's a difficult
19 thing is to find - we had this advertised. We can have a
20 special meeting if you have a date. Does everybody have a
21 date where we can agree on? Or we could just do it at the
22 next P&Z Commission meeting?

23 MOONEY: Well Harvey, I was looking at your - the
24 dates you gave this morning for the CAC - Citizens Advisory is
25 September 4th?

1 KRAUSS: Yes.

2 MOONEY: That's Friday before Labor Day. I'm not
3 sure that's a good date. But anyway. And then we have to
4 have ours done in time so we can have -

5 KRAUSS: Yeah, well the way the -

6 MOONEY: Our next one is the 15th of October, so
7 we're limited on -

8 KRAUSS: Yes. The way it works, what we've
9 advertised is what Sangeeta's put together, is we give a
10 briefing to you - just this is not for discussion, just to
11 introduce you to these general plan, major general plan
12 amendments, make you aware of them. The next step would be we
13 go to the BOS and make them aware of it in a work session, and
14 then we would go to the CAC September 4th. So we can do it, we
15 could do it October 15th, that would be our, I believe our next
16 - no, I'm sorry, not October. What's August 20th?

17 KLOB: August 20th.

18 KRAUSS: We do it August 20th. We'll just do it
19 August 20th and make it easier for you.

20 KLOB: My question on that is, and I know you guys
21 don't have your agendas set yet, but I think you kind of got
22 an idea of what's coming down the pike, are we gonna have
23 another packed agenda on that day and this is just gonna
24 overload it?

25 KRAUSS: Well, I don't know.

1 KLOB: Since this is continued and it's heard first,
2 so.

3 KRAUSS: I don't know. Do you know, Sangeeta, how
4 many items we have for the 20th?

5 DEOKAR: We definitely have four items.

6 KRAUSS: Four items.

7 GAREY: And if I could just chime in for a second,
8 Chair, Vice Chairman of the Commission. I know there's a
9 schedule that's been set by the department to meet certain
10 deadlines, a 2026 schedule for Major Comprehensive Plan
11 amendments, is that correct, Harvey? And so this is one
12 component, this hearing today, or the work session is one
13 component, and I haven't looked at the schedule or anything.
14 I just wanna make sure that continuing it won't mess up the
15 schedule with the 60-day review response deadline and any
16 other deadlines down the line. Just wanna make sure that's
17 not gonna cause a problem. Again, I haven't looked at that or
18 verified that, I'd have to leave that to the department staff
19 to chime in on.

20 MOONEY: Well, and that's why, because the next
21 meeting is the 4th, and that's why I brought it up. So
22 Thursday, August 6th, I don't know - trying to stay with our
23 day of the week so it doesn't interfere with your Board of
24 Supervisors and others, I don't know how the rest of the
25 Commission feels. I'm in agreement with the Chairman that

1 it's probably gonna be an overloaded agenda next month and
2 we'll just be here until - unless you're gonna buy dinner and
3 bring the cots for us to stay on, we're -

4 KRAUSS: Well, like I said, this is really not -
5 it's not for - it'll be introduction of these cases and then
6 take your questions, not for public discussion, maybe for
7 board.

8 KLOB: Could this be done on a video chat instead of
9 a live meeting? Since it's information only?

10 KRAUSS: Yes, it could be, if we had that -

11 KLOB: Typically what we've done is, anybody that
12 needs to come, they can meet in the conference room here. But
13 I'm just throwing it out there as an option.

14 DEOKAR: So if we have to do video conferencing,
15 would it be possible for doing it next week? Because after
16 that, we have the Board of Supervisors work session.
17 Everything is lined up. We can change the dates as long as it
18 falls within the year, but as Commissioner Mooney pointed out,
19 4 September being the Labor Day weekend, the CAC members have
20 not yet responded back to me. Likely, if they are not gonna
21 be available, we may need to change that to 11 September date.

22 GAREY: And Chair, Vice Chair, Members of the
23 Commission, I'm concerned, I don't know if there'll be notice
24 issues. You said a virtual hearing, and whether or not the
25 space is available for the public to gather, and if the

1 electronic system is set up. I would have some concerns with
2 having a virtual meeting from a legal standpoint. I would
3 need more time to look at it more closely to give you a
4 definitive answer, but my initial knee-jerk reaction is that
5 there may be concerns with doing it that way.

6 KLOB: That's fine, I was just throwing it out there
7 as a potential idea, yeah.

8 KRAUSS: The only thing legally we have to do is we
9 have to complete the - make some decision on the major comp
10 plans before the end of the calendar year.

11 DEOKAR: That's correct.

12 KRAUSS: That is critical. Other than that, we have
13 the 60-day review period, which has already started. I
14 believe it ends - it started - we can do things prior to that.
15 We won't have all the comments, obviously, collected to
16 present to you. The reason we do this, Sangeeta, this is an
17 extra step, this is not a requirement, it's just to introduce
18 you to these cases so you can have the information early, as
19 early as possible. That's my understanding, because this is
20 different than - I know cities and towns don't usually do
21 this, so...

22 KLOB: Well, I know we have one of the applicants
23 that's here, do they need to be - or a couple of them? Yeah,
24 do they need to be kind of a part of? Are they able to - if
25 they're going to be part of this, are they able to meet next

1 week?

2 KRAUSS: This is not for the - I mean the applicant
3 can be here, but they don't participate in the discussion.

4 KLOB: Okay, so they don't have to be, all right.

5 ?? : May I ask a clarifying question? It's my
6 understanding that we need be available for questions should
7 they be asked.

8 KRAUSS: No, no, it's not for -

9 ?? : (Inaudible).

10 KRAUSS: No, well then, no. This is just to
11 introduce them to it. It's just for work session, not for the
12 public, not for the applicant to respond. That's for the
13 public hearing.

14 ?? : So it's not allowed for the Commission to have
15 a question during work sessions?

16 KRAUSS: No.

17 ?? : Okay.

18 KRAUSS: Well, that's the Chairman's prerogative,
19 but if that's the case, then we'll be here for hours and
20 that's not the purpose in this. It's going to prolong the
21 process. It's a neces - it's not a required step in the
22 process. Well, we announced it at the beginning of the
23 meeting that we were not - it was not for public comment.

24 MOONEY: So okay, we got to, let's get going. We
25 want to try and do something next week, as Harvey asked, or do

1 we just want to put it off until our next meeting? Start down
2 here with Schnepf.

3 KRAUSS: Just make a decision, that's all.

4 MOONEY: And will this be first on the agenda?

5 KRAUSS: Yes.

6 MOONEY: Next meeting, okay.

7 KRAUSS: We'll make it first on the agenda.

8 KLOB: That's fine.

9 MOONEY: Okay, next meeting.

10 KLOB: I'm good with that. It sounds like
11 everybody's in agreement.

12 KRAUSS: No action, it wasn't for actions. So it
13 was just a work session, no actions necessary, just instruct
14 us to put it on the next agenda.

15 MOONEY: Want me to motion to move it to?

16 KRAUSS: No. Do you need a motion? You don't need
17 a motion, do you?

18 GAREY: It's scheduled for work session, so there's
19 no action that the Commission would need to take on this at
20 all. This is an informational item to be presented by staff
21 to the Commission. I believe it was noticed on the agenda,
22 though, and so any future agendas, it should be noticed also.
23 But no, I don't believe there's any action that the Commission
24 would need to take on these items.

25 KRAUSS: And under Manager's Report, I just wanted

1 to - the County Manager wanted me to extend an invitation to
2 you to attend the Board meeting on August the 12th. It is a
3 work session on data centers. We're gonna have a consultant
4 in, so you may want to tune in or be - attend. My
5 understanding is it'll be an opportunity for Commission
6 Members to ask the consultant questions about data centers, so
7 I encourage you, this may be an opportunity to learn more
8 about data centers. I know the other item, Commissioner
9 Klucar had asked for a tour, I think there's some interest in
10 a tour. I've been trying to - oh, well not trying, we are
11 coordinating with the County Manager's office to arrange for
12 actually two tours - one to Mesa and one to Goodyear, and
13 SRP's doing that on our behalf. So it'll be done in
14 conjunction with the Board of Supervisors. But the trick is,
15 we don't want to have - it's not a meeting, so we gotta be
16 careful with how many Supervisors, how many Commission Members
17 we have on these tours. So I don't have dates for you,
18 unfortunately, yet. And the other item, just real quick. The
19 BOS, they continued, if you remember, Oro Town Solar, that was
20 approved by the Commission at your previous meeting. It was
21 continued at the request of the applicant until August 5th, I
22 believe, meeting and because the owner wasn't in attendance.
23 And the other items on the agenda, the other big item on the
24 agenda was Valley Farms Solar, and that was approved
25 unanimously. It was four board members there, and it received

1 a 4-0 vote. I see Brian Hartman laughing at me. I think
2 Commissioner Scott was at that meeting.

3 SCOTT: Yeah, (inaudible).

4 KRAUSS: So that's all I have.

5 MOONEY: So just - but Harvey.

6 KRAUSS: And it was approved.

7 MOONEY: Can you believe that he spoke? And he only
8 had three minutes. We have Hillside on the 20th, and home-
9 based businesses?

10 KRAUSS: No, the home-based business, I'm just
11 giving - let you know that's posted for comment for 30 days.
12 So did you pass out? Joe is gonna pass out the - there's
13 three documents he's passing out. One will be what the
14 current code says, two will be a redlined copy of the current
15 code, and then the third document is the proposed code. So
16 it's just for your review and information, and if you wanna
17 give me comments on it, we will also have a work session on
18 that and a public hearing at a later date. So I'm just giving
19 that to you, introduce you to that one.

20 MOONEY: Thank you.

21 KRAUSS: I wouldn't do that to you.

22 MOONEY: All right, I'll make a motion to adjourn at
23 5:32.

24 ??: Second.

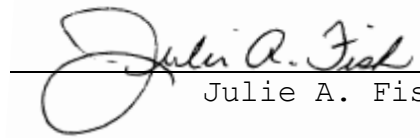
25 KLOB: Second (inaudible).

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