

COCHISE COUNTY PLANNING & ZONING COMMISSION
FINAL MINUTES
April 9, 2014
REGULAR MEETING at 4:00 p.m.

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

Vice-Chair Martzke admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. He explained the time allotted to speakers when at the podium. He then explained the composition of the Commission, and indicated there were two Special Use dockets and a Regulation change on the agenda. He explained the consequences of a potential tie vote and the process for approval and appeal.

ROLL CALL

Mr. Martzke noted the presence of a quorum and the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; seven Commissioners (Tim Cervantes, Jim Lynch, Gary Brauchla, Pat Edie, Jim Martzke, Carmen Miller and Joe Garcia) indicated their presence. Staff members present included Beverly Wilson, Planning Director; Britt Hanson, Chief Civil Deputy County Attorney, Michael Turisk, Planning Manager, Dora Flores, Permit and Customer Service Coordinator, Keith Dennis, Planner II, and Peter Gardner, Planner I.

APPROVAL OF THE MINUTES

Motion: Approve the minutes of the March 12, 2014 meeting striking a phrase referencing the Staff member present from the Attorney's office. **Action:** Approve with correction. **Moved by:** Mr. Lynch **Seconded by:** Mr. Brauchla

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

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

CALL TO THE PUBLIC:

Mr. Jack Cook of Bisbee spoke of various matters.

NEW BUSINESS

Item 1

PUBLIC HEARING

Docket SU-14-06 (Torch Renewable Energy, LLC): A Special Use authorization request for a Solar Energy Power Plant on one Section of land located approximately 14-miles west of Willcox.

The proposed utility-scale solar array would be constructed on private land, and the accessory infrastructure would be constructed on adjacent state trust land. The Applicant is Torch Renewable Energy, LLC, Glenn Holliday, Agent for Applicant.

Vice-Chair Martzke called for the Planning Director's report. Planning Manager, Michael Turisk presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. He explained the support and opposition from neighbors. Mr. Turisk also explained Staff's analysis of the Special Use factors. He closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Martzke asked if the Applicant wished to make a statement. Mr. Glenn Holliday from Torch Renewable Energy spoke, explaining the concept of the project. He explained that a buyer existed for the power, and that the solar was replacing a portion of the previously approved wind energy solar plant. He explained the private access to the site and technical details of the system proposed. Mr. Holliday explained the approved siting of the transmission lines. He also explained how runoff would be controlled and how flooding and erosion would be prevented on the site as well as on adjoining properties. He also discussed the plant and wildlife studies required, and discussed the studies required in the Conditions, explaining that requirements were different on private land as opposed to State Trust land. Mr. John Kilberg from Torch Renewable Energy spoke about the economic basis for the project.

Mr. Martzke then opened the Public Hearing.

Ms. Patricia Gerrodette of Sierra Vista asked to speak twice, once as a private citizen, and once representing the Huachuca Audubon Society. She spoke on behalf of the Huachuca Audubon Society first, noting that the Society had appealed the wind farm to the Board to ensure that Game and Fish's concerns were attached to the permit as Conditions, and asked that a similar Condition be applied on the solar proposal. Ms Gerrodette then spoke as a private citizen, asking for information regarding the property owners, stating that she could not find the LLC listed online, and asked for individual names of the owners. Mr. Turisk deferred to the Applicant. Ms. Gerrodette stated that she believed that the Fort wanted all power lines to be buried. Mr. Turisk stated that the Condition requiring burial of the lines had been removed. Ms. Gerrodette asked for clarification of a memo expressing concern from County Staff regarding the flood report. She closed by stating a request that the Commission require the Applicant to meter and report all water use on the site.

Mr. George Scott of Benson spoke representing the Southeast Arizona Economic Development Group, and stated that the group supported the project as an economic driver for the County.

Mr. Alan Baker of Willcox spoke as the executive director of the Willcox Chamber of Commerce and Agriculture, and stated that the project would be a good fit for the area.

Ms. Mignonne Hollis of Sierra Vista spoke as the director of the Sierra Vista Economic Development Foundation. Ms. Hollis expressed support for the project as an example of economic development in the region.

There being no further speakers, and the Applicants not wishing to rebut, Mr. Martzke closed the Public Hearing and invited discussion. Mr. Lynch asked for clarification of the ownership of the property. Mr. Holliday explained the ownership and gave the names of the owners. Mr. Martzke then called for the Planning Director's summary and recommendation. Mr. Turisk recommended Conditional Approval and explained the Conditions recommended by Staff. Mr. Martzke asked for clarification regarding the Condition requiring lines to be buried. Mr. Turisk explained that the Condition had been struck as the Applicant had negotiated a compromise with Fort Huachuca that precluded the need to bury the lines. Mr. Martzke called for a motion. Mr. Lynch asked Staff for clarification regarding the language regarding the required studies. Mr. Turisk deferred to the Applicant. Mr. Holiday again explained the requirements. He noted that only the transmission lines were on State Trust land and explained the required studies. Mr. Korenkavich, an avian biologist working with Torch Energy spoke to explain the requirements from the Federal and State governments regarding the required studies. He clarified the nomenclature and which studies were required. Mr. Martzke asked if the studies were equivalent. Mr. Korenkavich explained that they were not, and clarified the recommendations from the State agencies. Mr. Lynch suggested rewording the Condition to read that all studies required by the State and Federal governments be done rather than noting particular studies. Mr. Martzke concurred. Mr. Turisk noted that the Condition would have to be altered as part of the motion. Mr. Lynch made a motion for Conditional Approval replacing Condition 1 with "Applicant shall submit all required Federal and State studies and provide copies to Community Development" and striking Condition 7 requiring burial of transmission lines. Mr. Hanson clarified with Mr. Lynch that the motion was to reference the Conditions presented at the meeting rather than the Conditions in the packet. Mr. Brauchla seconded the motion and Mr. Martzke asked for discussion. Mr. Martzke then called for a vote. The motion passed 7-0.

Motion: Motioned to grant the Special Use with the Conditions as recommended by Staff, replacing Condition 1 with "Applicant shall submit all required Federal and State studies and provide copies to Community Development" and striking Condition 7 requiring burial of transmission lines.

Action: Approve with Conditions **Moved by:** Mr. Lynch **Seconded by:** Mr. Brauchla

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

Yes: Mr. Lynch, Mr. Cervantes, Mr. Martzke, Ms. Edie, Ms. Miller, Mr. Garcia, and Mr. Brauchla

No: 0

Abstain: 0

Item 2

PUBLIC HEARING

Docket SU-14-05 (Sierra Vista Economic Development Foundation): A Special Use authorization request to establish and operate an Unmanned Aerial System (UAV) test facility. The project would reactivate existing runways and place new structures at the site to test small UAVs. The subject parcel is located at 2940 N. Four Pillars Road in Huachuca City. The Applicant is the Sierra Vista Economic Development Foundation.

Vice-Chair Martzke called for the Planning Director's report. Planner I, Peter Gardner presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. He explained the Modifications requested by the Applicants, and explained Staff's assessment of the requests and the support and opposition from neighbors. Mr. Gardner also explained Staff's analysis of the Special Use factors. He closed by listing factors in favor of and against approval and invited questions from the Commission. Ms. Miller commented that her personal airspace had been impacted in recent years including drone over flights, personal flights, as well as border patrol and medivac flights. She emphasized the importance of privacy. Mr. Gardner clarified Staff's Conditions regarding flight rules and how such Conditions had impacted the previously granted Special Use Authorizations. Ms. Miller asked about limitations on the size of the systems to be tested. Mr. Gardner explained the Conditions limiting the units, as well as economic limitations on testing of larger units. Ms. Miller asked who would be contacted regarding violations of the Conditions. Mr. Gardner clarified the multiple options for contact and consequences of potential violations.

Mr. Martzke invited the Applicant to make a statement.

Ms. Mignonne Hollis of the Sierra Vista Economic Development Foundation (SVEDF) clarified the details of the operation of the site, noting that the site would not be sublet to customers, but they would be charging for use of the site. She also explained the various bodies that governed the testing of UASs on the site and the details of the operation and the test site manager. Ms. Hollis emphasized that a manager would be on site for all testing. She also explained the limitations of the site and how they precluded larger, more intrusive units. She also explained the details of what would be tested. Ms. Hollis closed by inviting questions. Ms. Edie expressed amusement that a UAS greater than 55-pounds would require a tower but a tower would not be required for a civil manned aircraft. Mr. Lynch asked about the background of the SVEDF. Ms. Hollis explained that it was a private non-profit governed by a Board of Directors and a charter. Mr. Lynch asked if the testing would involve airframe and avionics testing. Ms. Hollis deferred to the testing manager, Louis Brock. Mr. Brock explained the details of the testing process. Mr. Lynch expressed concern about testing a proven production device versus testing an experimental, uncertified airframe and the risks associated with such flights. Ms. Hollis stated that uncertified units would be tested, and Mr. Brock explained the fail-safes built in to prevent harm to neighbors.

Mr. Martzke opened the Public Hearing.

Mr. George Scott of Benson spoke representing the Southeast Arizona Economic Development Group, expressing support for the project. He stated that his organization had been working with the Applicant to pursue similar opportunities for economic development.

Mr. Paul Hollinshead of Cochise County spoke first as a UAS instructor at Cochise College and emphasized his confidence in the safety systems built into UAS vehicles. He stated that the site would provide potential employment for his students. As a private citizen, he expressed a desire for more employment, and stated that this proposal was a no-impact way to create more jobs.

Ms. Patricia Gerrodette of Sierra Vista spoke, disputing the previous speaker's claim that there would be no impact. Ms. Gerrodette asked about Staff's statement regarding the Applicant's financial interest in compliance with the Conditions. Mr. Gardner stated that lack of compliance could result in the Authorization being revoked and the business would cease. Ms. Gerrodette expressed disappointment in Staff's support for the requested Modification to eliminate the requirement for gravel in the roadways. Mr. Gardner stated that a large road network existed on the property and that all the roads in the area were dirt. Ms. Gerrodette asked if those roads had less traffic. Mr. Gardner explained that the proposed traffic that would be generated was within the range for a single-family dwelling. Ms. Gerrodette questioned Staff's assertion that with the requested Modifications the project complied with the eight applicable Special Use factors, asking if Modifications were required to comply with four of the factors. Mr. Gardner explained that the Modifications applied to only one of the eight factors, and that the other seven factors were in compliance without modifications. Ms. Gerrodette then questioned water usage and asked the Commission to require the Applicant to meter and report all water usage. Mr. Gardner clarified that the listed water usage was specifically for the additional use, not the existing single-family dwelling.

Mr. Mark Pitts of Sierra Vista stated he owned property adjacent to the site, and encouraged the Commission to approve the proposal. He stated that the project fit with the culture of the area.

Mr. Louis Brock of Sierra Vista identified himself as the contracted test site manager and addressed the privacy issue and explained the operations manual for the site and how it would protect surrounding property owners. He also stated how it would be enforced, emphasizing that any video shot that was not applicable to the test must be deleted.

Mr. Dale Hurtt of Huachuca City spoke as a neighboring property owner and stated he had no problem in general with the project, but had some remaining concerns. He expressed a concern about allowing users to fly in and the size of aircraft on the field. He also asked about the hours of operation and the number of units that may be operating at once. Mr. Hurtt expressed a desire for Conditions to codify the requirements for the future. He specifically expressed a desire to prohibit helicopters on site. He also expressed concern for the road.

There being no one else interested in speaking, Mr. Martzke closed the Public Hearing and asked if the Applicant wished to rebut. Ms. Hollis thanked the Commission and the public speakers for their input. She expressed support for Staff's Conditions and noted that they were similar to their own self-imposed Conditions. She clarified that there would be no more than one client on site at a time, which would limit both traffic and the number of units flying at any given time.

Mr. Martzke then asked for discussion from the Commission. Mr. Cervantes asked if the residence was a private one and asked if the unit would be used for the operation. Ms. Hollis stated that the residence would not be used for the operation, and future structures may be built for the use.

Mr. Martzke then called for the Planning Director's summary and recommendation. Mr. Gardner recommended Conditional Approval and explained the Conditions and Modifications recommended by Staff.

Mr. Cervantes asked about adding a Condition requiring monitoring and metering of commercial water usage. Mr. Gardner and Mr. Hanson offered clarification of the Commission's powers to impose Conditions at the time. Mr. Lynch asked if a similar requirement existed for other businesses, and if not, stated he felt the Commission should not impose such requirements only on selected businesses, and stated that they were not water regulators. Mr. Cervantes conceded the point. Mr. Lynch stated that if the Commission wished to require water metering and reporting it should be built into the regulations rather than imposed piecemeal via Conditions on permits. Mr. Cervantes agreed and expressed concern about water usage in the area. Ms. Miller and Mr. Martzke concurred with Mr. Lynch. Mr. Cervantes expressed concern about the Sierra Vista Sub-watershed, and Mr. Gardner clarified that the site was just outside the designated Sub-watershed area. Mr. Lynch asked if the site was currently authorized as an airfield. Mr. Gardner stated that one runway was currently authorized for manned aircraft by the FAA, but neither runway currently had County approval for such use. Mr. Lynch asked for clarification if such authorization was currently before the Commission. Mr. Gardner explained that it was. Mr. Lynch asked what sort of aircraft would be permitted. Mr. Gardner stated that Staff was not requesting any such limits. Mr. Martzke called for a motion. Mr. Lynch made a motion for Approval of the Special Use with Conditions and Modifications given by Staff. Ms. Edie seconded the motion and Mr. Martzke asked for discussion. Mr. Martzke then called for a vote. The motion passed 6-1, with Mr. Garcia dissenting.

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

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

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

Yes: Mr. Lynch, Mr. Cervantes, Mr. Martzke, Ms. Edie, Ms. Miller and Mr. Brauchla

No: Mr. Garcia

Abstain: 0

Item 3

PUBLIC HEARING

Docket R-14-06 (Amendments to the Zoning Regulations): Consideration of proposed amendments to the current Zoning Regulations (adopted October 22, 2013; Zoning Ordinance 13-05). The intent of the proposed amendments is to provide for more simplification and clarification of the current regulations.

Mr. Martzke called for the Planning Director's report. Customer Service and Permit Coordinator, Dora Flores presented the Docket, explaining the nature of the changes. Mr. Lynch interrupted, stating that he had reviewed the changes, and found them simple and easy to understand and offered to make a motion. Mr. Martzke agreed and asked for input from the Commission. Ms. Edie stated that she had previously asked Staff for one clarification which she shared with the Commission. There being no other input, he called for a motion.

Mr. Lynch made a motion to forward the proposed changes to the Board of Supervisors with a recommendation of Approval. Ms. Edie seconded the motion and Mr. Martzke called for a vote. The motion passed 7-0.

Motion: Motioned to forward the changes as proposed to the Board of Supervisors with a recommendation of approval.

Action: Forward with a recommendation of approval **Moved by:** Mr. Lynch **Seconded by:** Ms. Edie

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

Yes: Mr. Lynch, Mr. Cervantes, Mr. Martzke, Ms. Edie, Ms. Miller Mr. Garcia, and Mr. Brauchla

No: 0

Abstain: 0

Item 4

PLANNING DIRECTOR'S REPORT:

Planning Director, Beverly Wilson offered the Director's Report, informing the Commission that there would be three Rezoning requests for the May meeting. She noted that a Work Session with the Board had been held regarding the Light Pollution Code and sign regulations.

CALL TO COMMISSIONERS ON RECENT MATTERS:

No Commissioners wished to comment.

ADJOURNMENT – Vice-Chair Martzke called for a motion to adjourn: Mr. Lynch moved, Mr. Garcia seconded and the meeting was adjourned at 6:30 p.m.