

**MEETING MINUTES OF  
THE CITY OF ELOY  
PLANNING AND ZONING COMMISSION  
Regular Meeting  
Wednesday, September 21, 2022  
6:00 p.m.**

**I. CALL TO ORDER**

Chairperson Paulson called the meeting to order at 6:02 p.m.

**II. ROLL CALL**

\*One or more members of the Planning and Zoning Commission may attend by telephonic means.

**Members present:**

- Chairperson Steven Paulson
- Vice-Chairperson Conrad Tolson
- Commissioner Larry Brown
- Commissioner Allen Crawford

**Members Absent:**

- Commissioner Edward Saucedo (Excused Absence)
- Ex-Officio Sara Curtis (Excused Absence)

**Staff present:**

- Jon Vlaming, Community Development Director
- Belinda Cota, Planner

**Others present:**

- Dawn Fortuna, Bowman
- Malik Brown, Bowman
- Brent Grizzle, Materra
- Michael S. Buschbacher II, Earl & Curley, P.C.
- JD Rulien, NextEra Energy Resources
- Stephanie Johnson, NextEra Energy Resources
- Ed Brown, Pastor-First United Methodist Church

**III. INVOCATION**

Chairperson Paulson led the Invocation and requested a moment of silence.

**IV. PLEDGE OF ALLEGIANCE**

Chairperson Paulson led the recitation of the Pledge of Allegiance.

## **V. PUBLIC APPEARANCES**

Mr. Ed Brown introduced himself as the Pastor at the First United Methodist Church and President/CEO of the Hope Coalition and the Eloy Food Bank that are 501 (3) (c) organizations. He commented that about six months ago, he was approached by NextEra Energy who indicated that they wanted to partner with community groups by helping fund things going on in the City. He indicated that they received their first donation and were able to: get one-thousand refillable water bottles for the Toltec Elementary School; they funded five-hundred dollars to a Santa Cruz Valley Union High School teacher; and they also funded five-hundred dollars to the Veteran's Center Food Pantry as well. They also started a diaper bank with that money to help people who are in need of diapers. He noted that a lot of the time, CAHRA runs out of them and people are in need. He commented that those are a few of the things they have accomplished with the donation money they have received so far. He added that NextEra has been a very great partner and have come out to serve at the Food Bank, and added when Ms. Catherine Clarke-Pounders was present, the energy level was out of this world and that NextEra has stepped up to help Eloy out. He concluded that they are a great partner and that the Commission should give them what they are asking for this evening.

## **VI. MOTION TO APPROVE THE AUGUST 17, 2022 MEETING MINUTES OF THE PLANNING AND ZONING COMMISSION.**

Chairperson Paulson asked for a motion to approve the meeting minutes of the Planning and Zoning Commission. Commissioner Brown made a motion to approve the August 17, 2022 meeting minutes as presented. Commissioner Allen seconded the motion as presented. The motion was approved with a vote 4-0.

## **VII. OLD BUSINESS: POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:**

### **A. IF NECESSARY, COMMISSION TO POSE ANY QUESTIONS/DISCUSS THE TWO MAJOR GENERAL PLAN AMENDMENT SUBMITTED FOR CALENDAR YEAR 2022 (NO ACTION WILL BE TAKEN BY THE COMMISSION AT THIS TIME).**

Mr. Vlaming commented for calendar year 2022, two applications have been submitted and are currently under the formal 60-Day Review Process pursuant to the Arizona Revised Statutes, which would close on September 27, 2022. So far, staff has not received any comments on either of these two Case No's: MGP2022-025 Arica and Sunshine and MGP2022-029 Picacho Heights. He continued that the proposed narratives were provided in the meeting packets last month and he wanted to provide an opportunity if the Commission had a chance to review them. He asked if they had any questions this evening. He continued that the upcoming events for these two cases included the following: on October 5, 2022, City Staff will host a community meeting regarding these two applications at City Hall-Community Room between 5 p.m. to 6 p.m.;

on Wednesday, October 19, 2022, the Planning and Zoning Commission will hold a public hearing to make a recommendation to the Eloy City Council; on Monday November 14, 2022, the City Council will hear the proposals (no action required) and on November 28, 2022, the City Council will take action.

Chairperson Paulson asked if anyone had any questions at this time. Hearing none, he moved to the next agenda item.

**VIII. NEW BUSINESS: POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:**

- A. CONDUCT A PUBLIC HEARING ON CASE NO.: RZPAD2021-006. A REQUEST BY PETERSEN ARIZONA LAND AND ENTITLEMENT FUND (PALEF) WHICH IS PROPOSING 574 ADDITIONAL AND CONTIGUOUS ACRES TO THEIR PREVIOUSLY APPROVED (DECEMBER 2019) PLANNED AREA DEVELOPMENT (PAD) ON THE SUBJECT PROPERTY. THE PROPERTY NOW TOTALS 1,192 ACRES AND ALL OF THE ADDED ACREAGE IS REQUESTED TO BE REZONED THE SAME (I-2, GENERAL INDUSTRIAL WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY) AS THE ORIGINAL REZONING REQUEST. THE SUBJECT PROPERTY IS GENERALLY LOCATED EAST OF SUNLAND GIN ROAD, SOUTH OF FRONTIER STREET, NORTH OF INTERSTATE 10 AND WEST OF TOLTEC ROAD. (PROJECT NAME: INTERSTATE 10-8 BUSINESS PARK).**

Chairperson Paulson opened the Public Hearing.

Mr. Vlaming gave a brief introduction and commented this project was presented to the Commission back in the fall of 2019. This item was brought to the Commission as a “PAD” (Planned Area Development) with an underlying zoning of I-2, which allowed it to deviate from the Zoning Code in terms of development standards and uses. That submittal was approved by the Eloy City Council in December of 2019. Subsequent to that time, the applicant is been working on assembling additional acreage that now extends the ownership east towards Toltec Road. He noted that the project is now bounded by Sunland Gin Road, South of Frontier Street, North of Interstate 10 and West of Toltec Road. He continued that more or less, this request is an acreage amendment to the original application to create an entire document for the entire area so it may be master planned and improved as it moves forward through the Site Plan process. Mr. Vlaming commented there was representation present from the applicant who had a short power point presentation that he would like to share.

Mr. Michael S. Buschbacher II with Earl & Curley introduced himself and gave a brief power point presentation to the Commission members and those present. This application for the requested amendment seeks approval of the I-2 General Industrial Zoning District as the base zoning district for an additional 574 acres being added to

the 618 acres from the original PAD. The total project acreage would now be 1,192 acres. He added the same buffering and visibility still applies such as: 150' Landscape drainage corridor, 170 feet railroad buffer plus 130-foot roadway buffer along Frontier Street, 1,800 feet to 6,100 feet away from the closest residences (5 to 17 football fields), distant views for the Casa Grande Mountains remain, average building heights of 55 feet (2-story home is 24 feet), visible location for business along the freeway, create a sense of arrival when entering Eloy, and lighting will be shielded from Robson Ranch.

Vice-Chairperson Tolson wanted to make a clarification regarding the existing acreage of 618 and the additional 574 acres would total 1,192 acres.

Commissioner Brown commented that if the applicant could not get the existing project started, why is the applicant adding more acreage now. Mr. Buschbacher responded that their intent to the additional acreage is to make the site more attractive to several potential investors that have come forward and have an interest to buy a large portion or buying the entire site. He continued that it makes the property more attractive to have the increased frontage on Interstate 10 (I-10) and the easterly connection of a collector road from Sunland Gin Road to Toltec Road.

Hearing no other comments, Chairperson Paulson closed the closed the Public Hearing.

**B. CONSIDERATION, DISCUSSION, AND RECOMMENDATION TO THE ELOY CITY COUNCIL FOR APPROVA, APPROVAL WITH CONDITIONS, DENIAL OR CONTINUANCE OF CASE NO.: RZPADA2021-006. (PROJECT NAME: INTERSTATE 10-8 BUSINESS PARK).**

Being no further comments, Chairperson Paulson asked for a recommendation. Vice-Chairperson Tolson made a motion to approve Case No.: RZPADA2021-006 per narrative dated August 19, 2022 and to clarify the agenda item A regarding the existing acreage of 618 and the additional 574 acres would total 1,192 acres. Commissioner Brown seconded the motion. The motion passed with a vote 4-0.

Ayes: Commissioner Brown, Commissioner Allen, Chairperson Paulson, and Vice-chairperson Conrad.

Nays: None.

**C. CONDUCT A PUBLIC HEARING ON CASE NO.: CUP2022-022: APPLICATION SUBMITTED BY CHARLES WOOLSEY ON BEHALF OF ELOY VALLEY ENERGY CENTER, LLC IN CARE OF JD RULIEN TO REQUEST A CONDITIONAL USE PERMIT PROPOSING TO CONSTRUCT AND OPERATE A PORTION OF THE ELOY VALLEY SOLAR AND STORAGE PROJECT, A SOLAR GENERATING FACILITY CONSISTING OF 320 ACRES WITHIN FOUR PRIVATELY OWNED PARCELS (ASSESSOR'S PARCEL NUMBERS: 411-41-043, 411-41-044, 411-41-045 AND 411-41-046, IN A PORTION OF SECTION 8, TOWNSHIP 9 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL**

**COUNTY, ARIZONA) IN THE CITY OF ELOY. THE SOLAR FIELD IN ELOY WOULD BE PART OF THE LARGER ELOY VALLEY SOLAR PROJECT, INCLUDING EIGHT PRIVATELY OWNED PARCELS WITHIN UNINCORPORATED PINAL COUNTY, CONSISTING OF APPROXIMATELY 1,252 ACRES ADJACENT TO, AND TO THE SOUTH OF, THE REQUESTED CUP. (PROJECT NAME: ELOY VALLEY SOLAR AND STORAGE PROJECT)**

Chairperson Paulson opened the Public Hearing. Mr. Vlaming gave a short introduction and commented that Eloy Valley Solar is requesting a Conditional Use Permit (CUP) to construct and operate the Eloy Valley Solar Project, a solar generating facility consisting of four privately owned parcels totaling 320 acres within the City of Eloy limits as part of a larger development that would include additional acreage south of Pretzer Road (unincorporated Pinal County). The applicant previously went in front of the Pinal County Board of Supervisors in November of 2021 for a major comprehensive plan amendment on approximately 1,265 acres for a designation of Green Energy Production where they will locate all the battery storage. The project involves approximately 1,585 acres of privately owned land. Mr. Vlaming mentioned that within the last forty-eight hours, two letters of support were submitted: one by Pinal Alliance for Economic Growth on behalf of Patti King, Executive Manager dated September 19, 2022 and one from Angela Meade with the Eloy Chamber of Commerce who submitted an email to Mr. Vlaming dated September 21, 2022. Mr. Vlaming commented that the applicant was present and they wanted to give a short presentation.

Mr. JD Rulien with Eloy Valley Energy Center, LLC introduced himself and presented a PowerPoint presentation. He thanked the Commission and commented it was great to be present as he spent quite some time in his previous career most of his time in the skydiving industry and that it was wonderful to be here and second he wanted to thank Ms. Cota and Mr. Vlaming for their assistance since November of 2021 and for being a professional staff. He commented NextEra Energy Resources is an America owned and operated company, has made investments in 48 states and Canada, it has more than 30,000 MW in operation, is a renewable energy leader, and is a world leader in energy storage.

He continued that the Company's investments in Arizona total approximately \$1.3 billion, their subsidiaries own and operate two wind, three solar, and three energy storage sites and a portfolio of private or distributed generation solar facilities, with several projects in development. The company paid \$1.3 million in property taxes in the year 2021 to local counties and cities; \$1.8 million annual land payments to landowners; and approximately \$1.5 million in annual payroll for solar and wind technicians and site managers.

He described the purpose and need-the State of Arizona's elected clean energy goals: in May 2021, Arizona Corporation Commission (ACC) proposed an amendment to their renewable portfolio standard requiring Arizona utilities to reduce carbon emissions 50% by 2032, and reach zero emissions by 2070. APS (Arizona Public Service) is committed to supplying 100% carbon-free energy by 2050; ending all coal-fired generation by 2031. SRP (Salt River Project) is committed to 90% carbon

reduction by 2050; adding 2,025 more megawatts of solar by 2025. TEP (Tucson Electric Power) is committed to 80% carbon reductions by 2035; 70% renewables by 2035. He continued that the planned closure of the Navajo Generating Station (2.25 gigawatts) and the Cholla Power Plant (1.02 gigawatts), leave excess capacity for energy-the Eloy Valley Solar and Storage is positioned to fill that gap. APS Green Power Partners Rate Rider Schedule passed in August 2021 to fuel demand.

He stated that the Eloy Valley project provides community benefits: Up to \$35 million property taxes over the lifespan of the project that will benefit Pinal County, local schools and the Eloy Fire District. Up to 300 construction jobs. Up to 5 full-time good paying permanent jobs. This project would also increase local business to supply materials for the construction phase of the project-an increase in worker activity supports local service industries like hotels, restaurants and retail stores. Their project would also build academic, civic and environmental partnerships to advance research, build robust talent pipelines, provide advisory support and serve the unique needs of communities. Their project would also foster work initiatives, fast track solar field construction programs, and use repurposed solar equipment, be economic pollinators and agrivoltaics research.

His presentation continued with Eloy Valley Solar and Storage proposes 1,800 acres of private land located on the corner of Eleven Mile Corner and Greene Reservoir Roads. Maximum capacity of 750–1000 MWs-. He noted it will be built in three phases, the first phase will be 150 MW to produce electricity to approximately 80,000 homes and it is estimated to being in commercial operation by the end of 2025. It will be interconnecting into 230kV ED-5 substation or the new APS substation.

His slide on Eloy Valley Siting Criteria: Existing transmission infrastructure-Numerous electrical distribution lines, communications cables, and irrigation canals, laterals, and ditches within and in the vicinity of the Project parcels. Existing road infrastructure. The requested land use is consistent with current County zoning-for the area to the south-currently zoned General Rural; suitable for low density style residential development. No known subdivision and platting. Remote location, located 6.5 miles south-east of City of Eloy suggesting parcels are not in a location that would naturally lead to residential style development, compatible with Pinal County's vision concerning open space and trails; no existing dedicated Open Space areas. He indicated that the landowner is interested in a partnership. He indicated that there were no significant environmental constraints and no designated or proposed critical habitat for federally protected species is known to occur in or within 5 miles of the Project. The project lacks the suitable habitat for five of the six federally listed species potentially occurring in the area and no archaeological sites have been recorded within the Project.

His next slide, Benefits of Solar Energy-Cost competitive, clean, renewable source of energy, no air, water or soil pollution. Creates jobs. Places no burden on local services, minimal water use during operations. Payments to landowners, taxes & contributions to communities. Purchase of local goods and services after decommissioning, the land continues to be used as before.

His next slide: Fire Safety Planning-Solar panels are primarily metal and glass—no fuel source to support a fire, battery containers are installed with chemical based fire suppression systems which minimize the risk of a significant fire. Each storage facility is equipped with its own air conditioning to ensure operation within a prescribed temperature range. He indicated the company would work with local first responders and fire officials to coordinate any response, in the unlikely event of fire. Off-site, there will be a 24-hour control room with trained technicians constantly monitoring each site and can remotely shut down the facility, if necessary. The company has also made significant investments into local fire department capabilities.

He noted in the Project Timeline-2021 identify and sign-up land; 2021 Measure Solar; 2021-2024 Permitting and Surveys; 2024 Site Plan final; 2024-2025 Construction and by 2025 Begin operations.

His next slide, Project Construction Overview: Install a fence for safety, build roads, construct a substation, install solar arrays, install transmission line, construct battery pad and install batteries, test and commission the completed arrays.

Being no further comments, Chairperson Paulson closed the public hearing.

**D. CONSIDERATION, DISCUSSION, AND RECOMMENDATION TO THE ELOY CITY COUNCIL FOR APPROVAL, APPROVAL WITH CONDITIONS, DENIAL OR CONTINUANCE OF CASE NO.: CUP2022-022. (PROJECT NAME: ELOY VALLEY SOLAR AND STORAGE PROJECT)**

Being no further comments, Chairperson Paulson asked for a recommendation. Commissioner Crawford made a motion to approve Case No.: CUP2022-022 subject to the following eight (8) conditions. Commissioner Brown seconded the motion. The motion passed with a vote 4-0.

Ayes: Commissioner Brown, Commissioner Allen, Chairperson Paulson, and Vice-chairperson Conrad.

Nays: None.

1. That all undeveloped portions of the subject property will be maintained in a natural, debris-free, and weed-free condition;
2. That development of the Eloy Valley Solar and Storage Project shall be in compliance with the Conditional Use Permit Narrative (dated August 2022) and/or the Eloy Zoning Ordinance; if mutually executed;
3. That any major changes or modifications to the subject CUP shall be reviewed and processed in accordance with those procedures outlined in the Eloy Zoning Ordinance, as may be amended from time to time. The Zoning Administrator, or designee, may administratively approve minor amendments and will determine the difference between major and minor amendments;
4. That the Property Owner/Developer shall submit and receive Zoning Administrator or designee approval for the Site Plan for the entire 320 acres prior to construction;

5. That the Property Owner/Developer shall submit and receive Zoning Administrator or designee approval of the decommissioning plan for the Eloy Valley Solar and Storage Project;
6. That the Property Owner/Developer shall work with City Staff to select appropriate landscape vegetation from the Pinal AMA Low Water Use Plant List prepared by the Arizona Department of Water Resources to support butterfly migration patterns and other fauna;
7. That the Property Owner/Developer provides a landscape buffer zone between the project and any adjacent residential homes; and
8. That the Property Owner/Developer contacts Kitt Peak Observatory to confirm that this project does not create reflective light that would negatively impact their observations.

## **IX. INFORMATIONAL ITEMS:**

### **A. PRESENTATION TO BRIEF COMMISSIONERS ON A POSSIBLE UPCOMING GENERAL PLAN AMENDMENT AND PLANNED AREA DEVELOPMENT AMENDMENT TO THE ESPERANZA PROJECT LOATED AT THE NORTHEAST CORNER OF MAIN STREET AND BATTAGLIA ROAD (NO ACTION)**

Malik Brown with Bowman gave a brief presentation on the approximate 645 acres remaining of the original approved PAD as well as additional acreage for the Esperanza Project, located north of Main Street and Battaglia Road. Their request intends to amend the Eloy General Plan and its Planned Area Development (PAD) document with approximately 5,000 future single family residential homes (4-6 dwelling units per acre) generating the potential of 14,000 new residents. He noted in summary, this project would create a balanced lot diversity, create new neighborhood roots, physical and social connections, and support Eloy's economic growth with residential homes for future employers.

Chairperson Paulson thanked Mr. Malik Brown and moved to the next agenda item.

## **X. COMMUNICATIONS:**

### **A. EX-OFFICIO MEMBER ANNOUNCEMENTS**

- None.

### **B. COMMUNITY DEVELOPMENT DIRECTOR ANNOUNCEMENTS**

Mr. Vlaming noted the following for the Commission:

- National Gypsum is under construction
- Owen's Corning facility restarted production
- Vext Science will be open in 60-90 days
- Downturn in the housing permits
- Staff continues to take a lot of questions of interest in industrial land in Eloy

## **XI. MOTION TO ADJOURN.**

Chairperson Paulson asked for a motion to adjourn. Commissioner Crawford made a motion to adjourn and was seconded by Vice-Chairperson Tolson. The adjournment passed with a vote of 4-0 and the meeting adjourned at approximately 7:19 p.m.