

La Paz County Planning and Zoning Commission Meeting (Regular)

04/7/2022 @ 4:00pm

**La Paz County Board of Supervisors Meeting Room
1101 W Arizona Ave, Parker, AZ 85344**

MEMBERS PRESENT:

Daniel Tucker, Richard Trusty, John Newman, Richard Bierbrodt, Stefanie Hartnell, Doyle Thompson, and DeVona Saiter (Zoom)

STAFF PRESENT:

Nicole Bierbrodt
Ryan Dooley (Zoom)

MEMBERS ABSENT:

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PUBLIC ATTENDANCE: 16

1. Chairman Daniel Tucker called the meeting to order at 4:01 p.m.
2. Roll call.
3. Pledge Of Allegiance.
4. Approval of minutes from the 03/03/2022 regular Planning & Zoning Meeting.

Motion to approve by John Newman.

Seconded by Richard Trusty.

All in favor, Motion carried.

Approved. (7-0)

5. **Resolution 2021-___** - a proposed resolution of the Board of Supervisors, La Paz County Arizona, amending the Subdivision Regulations regarding subdivision lot divisions and lot line adjustments.

Daniel Tucker opens the docket for discussion.

Ryan Dooley gives the presentation about the resolution that amends the Subdivision regulations, regarding minimum lot size. This resolution eliminates the difficulties some property owners are having when it comes to developing their land that is less than the minimum required.

John Newman - questions the verbiage on page 3, paragraph 5, last sentence- where it states "herself".

Ryan Dooley explains the purpose of that portion.

John Newman- What if it's not a herself?

Ryan Dooley explains that it is just a generalized term, that it is not exclusive of all other genders, but an all-inclusive "legalese" term.

Daniel Tucker asks if there are any questions.

None.

Motion to approve as noticed by DeVona Saiter.

Seconded by John Newman.

All in favor, Motion carried.

Approved. (7-0)

6. **Docket CUP2022-005 – APN 303-14-005A** - further identified as 79375 56th Street N, Salome, Arizona 85348. Section 3, Township 3N, Range 11W of the Gila and Salt River Meridians, La Paz County, AZ- Supervisor Holly Irwin, District 3 - Property owner(s) Zain Resources LLC and their agent Hank Manning request a Conditional Use Permit whereas all conditions governing a parcel that is zoned Heavy Industrial applies and inversely all privileges and activities deemed heavy industrial are granted; this is for a proposed algae production and processing plant, to include a nursery and peat production.

Nicole Bierbrodt provides the staff report, including Public Notice notices. 10 property owners within 300-ft notified, 30 objections received, 1 approval.

Daniel Tucker - where the approval was located in regard to the parcel in question?

Nicole Bierbrodt - they were not on the list of parcel owners within 300-ft of the parcel in question so I'm not sure of their location with regard to the Zain property.

Daniel Tucker invites Hank Manning to present their project address the complaints.

Hank Manning introduces himself. Explains that he is not aware of what the complaints are except for 2 individuals that complained because of the postings.

Daniel Tucker rephrases from "complaints" to "objections".

Hank Manning explains that he understands that the equipment that is there, he understands is not acceptable for Rural Agriculture, but that they are in the design process of their project and a lot of that equipment has a part or parts that they can extract and repurpose for their project and then the carcasses are taken to a salvage yard.

Daniel Tucker - how long it's been since they've done any work on that piece of the project or has any of it even been done?

Hank Manning - no, we have not but that the last bit of equipment from another lot was delivered out there last month.

Daniel Tucker – it's just sitting out there?

Hank Manning - currently it's just being organized.

Daniel Tucker - It's being organized. How long has it been being organized?

Hank Manning - as it is brought in, it is sorted through and organized into either a pallet or a position where it can be dismantled.

Daniel Tucker - is there a log of any of that activity?

Hank Manning says he has not kept a log. There is also construction equipment that will be used when they go to build the plant.

Daniel Tucker - how long have you been planning to build the plant?

Hank Manning - we started planning this in the middle of last summer (2021).

Daniel Tucker - nothing has happened since then?

Hank Manning - we are still in design, and we have put the road in, but once we get the design in we're going to go ahead with...

Daniel Tucker - and what is this that you said, it's an algae farm?

Hank Manning - it is an algae production plant for 3 different strains of algae.

Daniel Tucker - what strains of algae?

Hank Manning - the different strains are- red spirulina, chlorella.

Daniel Tucker - what they are used for?

Hank Manning explains their uses, but primarily for astaxanthin.

Daniel Tucker – can you explain astaxanthin?

Hank Manning - it is a supplement would be the best way to put it and that it's a pretty good product to produce but it is done with fermentation where the other 2 strains are done through reactors.

Daniel Tucker - what stage of construction is the plant in?

Hank Manning - we are in design now so next we can then go into permit.

Daniel Tucker – I'm sorry I just needed to reiterate that again for myself. How long have you been in design for?

Hank Manning - we started the design for this property in the middle of last summer (2021).

Daniel Tucker – I am curious as to why there are so many objections to what he's doing out there. I've seen pictures and it just appears to be storage of vehicles out there- big vehicles, rusty vehicles, with no purpose and there seems to have been no move on construction or plans for development, have you submitted anything to the county at this point?

Hank Manning - no they're not complete.

Daniel Tucker- How long is it going to be until they're complete?

Hank Manning – We had hoped by June.

Daniel Tucker – Of this year?

Hank Manning – Of this year.

Daniel Tucker – Those are my questions.

John Newman – is there an engineering firm that you have doing your design work?

Hank Manning – yes. Ponders Engineering, they're the ones that's also done the civil.

John Newman – what was the name of that again?

Hank Manning – Ponders Engineering.

Daniel Tucker – is there anybody from Ponders Engineering here?

(Man in audience raises his hand)

Hank Manning – yes.

Daniel Tucker – Does anyone else have any more questions?

None.

Nicole Bierbrodt – we do have public comments when it's time.

Daniel Tucker – oh ok.

Nicole Bierbrodt – do you want to do those now?

Daniel Tucker – yeah let's go ahead and do those. Actually, no, I'd like to hear from Mr... (engineer). What's your name sir, would you come up and state your name and where you live?

David Pounders- Yes, I'm David Pounders, owner of Pounders Engineering. Based out of Mesa, AZ. We have an engineering firm where we do civil and architectural design. We started working with Mr. Manning on this facility- basically the real intended use of the facility is consistent with zoning agricultural activities but as a part of that, kind of the staging, construction, and build out – it's going to be a unique facility on the inside of it. We're salvaging some of those parts off some of the heavy equipment that you see out there. And I understand the concern of "Hey this is going to be a salvage yard, or somebody is just storing their old rusty junk out here." And I am aware that's what it appears, that's why we're trying to get this heavy industrial category, just in this portion of the parcel that's offset off the front of it so we can get some fencing there around the equipment as we're dismantling those and getting those staged and ready to be part of the building of the facility. But we're a little ways out from the actual design of it. We're starting to put that together and really, we're in the planning and zoning stage of that, to get those approvals that's what we're getting together and then we'll start working on the architectural which is mostly going to be pre-engineered buildings but it's going to be low volume type agricultural activity.

Daniel Tucker - low volume agricultural?

David Pounders - Yeah, so the trucking that comes in and out of there that would be taking product out of there once the agricultural activity starts would be pretty low volume because its producing algae concentrate, so you don't have huge bales of hay like you would see in a normal agricultural activity where there would be a lot of trucking involved. But really, we understand what this kind of looks like and that's why we have asked for this conditional use permit so we can take these vehicles that we're going to be salvaging parts from, push them to the center of the lot and put a fence up around them and get them quarantined off as we're finishing the design, and then you would see the whole build out. There's a conceptual design that is part of the conditional use application that shows what the algae production would look like on the rest of the property.

Daniel Tucker- but why take parts from vehicles that are already junked?

Hank Manning- I've done a few projects in the past where we've repurposed and reclaimed old materials and incorporated them into a new project. I can give you an instance of one particular one that's sitting out there right now and that's the fire truck. That high pressure pump is very expensive,

very little use to it and nothing wrong with it, but it's a piece that we intend to use. The rest of the truck is worthless, but that pump is what I'm after. And there's something like that in each one of them.

Daniel Tucker- there's so many. It seems like an endless sea of junkyard vehicles.

Hank Manning- there is a lot of truth to that. And that's part of how it's not intended to in the very beginning to be able to high grade it but to get that lot cleared off we just overrun the other one until we've weeded through what we're really going to go through and then process it out. I hope that can help.

Daniel Tucker- well I'm just kind of wondering why you didn't just get the parts from the vehicles and then have them taken to the location.

Hank Manning – the location that they were sitting at, was with a landlord that decided to sell the property. So, we had to accelerate what we were planning on doing.

Daniel Tucker – I'd like to hear what some of those comment cards say.

(Reads cards)

Nicole Bierbrodt explains that they are wanting to speak.

Daniel Tucker – oh ok, can we go ahead and do that now?

Nicole Bierbrodt- yeah, you run it. So, once they have spoken, then they (applicants) will get the opportunity to counter.

Daniel Tucker- ok. Is Kelly James here? Mr. James please step up to the podium and state your name and where you reside in the county. Reminder you'll have 3 minutes.

Kelly James – Good afternoon, I'm Kelly James and I've got the grazing allotment around the subject property. This is an issue in two parts, the initial use is Dale, the associate finds junk up in the desert. Now we have this process to grow algae. Pardon the expression but this is a smoke and mirrors campaign to avoid the real problem and moreover their true motives. The road can't handle the traffic. It will cost the county millions to upgrade the roads and there's already a sign at the beginning of 75E not to exceed 35,000 pounds yet they continue to bring semis and heavy equipment up and down 75E and they've already tore up my cattle guard 5 times. The area is currently agriculture and homestead as you well know, but the biggest factor is there's no water, no electricity, the people living on the subject property are always trying to go to the neighbors to bum water. If this is such a great business, why then, have they not made improvements and drilled a water well to make the property viable? It's just a place to dump because Maricopa has asked them to leave, or their landlord has sold their property. There's currently chemical waste being stored, and solvents, and waste oil in 2 or 3 of the van trailers on the property. They've not demonstrated any effort during any of this time to develop a viable infrastructure for the proposed project. Me, myself, I moved here from the Permian basin. Which is eastern Mexico, west Texas. I've invested over \$1,000,000.00 in La Paz County to make this my home. On the algae production side, with water scarcity and plus land that he's talking about, sits in the Harquahala INA. Which is an Irrigation Non-Expansion Area. So even if it gets past this committee, it still must go before ADWR for approval, which it won't happen. But just a little synopsis of what kind of water we're talking about for algae production, regarding biofuel, it would take 50.2 gallons of water to

produce enough biofuel for a mile to be driven. And I understand there are pharmaceutical products and all types of things, but that still doesn't negate the lack of water. We're in a tier 1 right now, and I realize a lot of that does not apply to ground water, however, farmers up and down the valley have been curtailed as much as 75% on CAP water yet we're entertaining a proposal that uses more water than conventional diesel production which requires .3 gallon of water for a mile of travel. Can algae be economically cultivated and commercially scaled to make material contribution to these liquid fuel needs...

(time)

Daniel Tucker- ok, thank you Mr. Kelly.

Kelly James - if you have any questions, I'd be glad to answer them.

Daniel Tucker- Gerald Steele.

Gerald Steele – my name is Gerald Steele and I live in the Redhill Ranch property. Basically, here representing the point of view of all 12 families at Redhill Ranch. I've learned a lot with what has happened so far about this though. I didn't even know because I got sent a letter that had no return address no way to contact the sender to discuss any of these issues. And that alone makes me certainly not favor their perspective. Other than that, we have no feelings one way or another. What these people want to do doesn't bother us, it's too far away- we're about 3-4 miles away. We have no problem with it. The type of person I am, we go out and look at it. There's a house out there. I know people that would buy that house and be happy to live there. However, the guy just before me did bring up some very interesting and serious issues near and dear to me., which is water. Am I right that there's an awful lot of ranches here that are foreign owned? Is that correct?

Nicole Bierbrodt – that's a question for the Assessor's office.

Gerald Steele – I'm under the understanding right now that the number of the ranches, Fondomonte and whatever are owned by foreign entities. When it comes to water, and I understand they came from Saudi Arabia, they left there because there's no water, so they came here to have ranches to make hay and ship back to Saudi Arabia to feed their horses. What I'm getting at is we need a way to make sure that the right people are getting the water for free. Residents, Arizonans, and whatnot. And any foreign entities that are here and are drawing on our water, there ought to be a way to make them compensate us for it. And that's the end of my argument there. But I'm very unhappy with the complainant. I don't back anything that they're looking at. I do back the issues that have brought up here today, particularly from the previous gentleman. He sounded very scientific and very practical and very real. Speaking as a rancher. I always believe in ranchers and supporting them. Any questions?

Daniel Tucker – thank you Mr. Steele.

Mr. Gray – I originally had a conversation with Dale Schwartz who is, I don't know if he is a partner, I'm not sure how he is tied to this project. But he had asked me early on if I was going to have problem with them bringing old drilling equipment out there and parking it. I said no I didn't, but I hadn't started living there yet, number one. Number two- then he would call me every week or 2 and was complaining about the cattle guard and how far apart the tubes are because he's afraid he's going to drop his foot down in between them. He also complained about the gate down there. Someone cut the gate off and it's not

theirs to do. The gate is totally missing. I don't know who, why, but it almost had to be somebody tied to him. Number three- he asked me to pump him 5000 gallons of water- luckily at that time, I didn't have my well, which is run by solar, up and running yet, so I couldn't do that. Since then, I've listened to him on several occasions tell me about what they're going to do with an algae farm. If you call Holbrook and talk to the algae farm up there, I sent them the pictures that I took by the way, if you want to know where the pictures came from, I drove around and took pictures of all that equipment- I've been in there 3 or 4 times, and there is nothing in there that would work well for an algae farm. He'll disagree with me, but if you really tear them apart you can use the nuts and bolts of them, that's true. I'm not sure where I'm at in my points or anything but Four - we're talking about a water issue. I already have extremely high nitrates in my water right now and I don't look forward to having that water table drop anymore because I don't want to drill another well. I want to live there, out in the country, without any obstruction or objection from somebody that's running an outfit. The other thing is, when they brought that equipment in, they destroyed the road. They destroyed 56th. Now Dale told me that he called the guy that runs the road grader for La Paz County, and he came out and straightened out the road and put some gravel in the bad spots, but he stopped at Dale's property or Zain's property and didn't do anything or come on down towards me. I'm about a mile away, so I'm not right next door to them, but it does affect me greatly. I can see the pile of trash there and chemicals that Kelly was talking about, even the oil running out of the equipment. Most of that equipment doesn't run without having some serious work done on it if it's going to. I'm opposed to it for those reasons as well. The next point, and I've got to say it, what is going to be done about enforcement? Now he was cited 8/23, nothing has been done. He's ignoring it.

Daniel Tucker – sir that was 3 minutes. I'm sorry.

Mr. Gray – just remember that last part.

Nicole Bierbrodt – we do have someone from public works here as well as Lauren who up until recently has been doing code enforcement for our office.

Daniel Tucker – ok I'd like to hear from the code enforcement people.

Lauren Allison – Hi guys. I've met some of you guys and some I haven't met. My name is Lauren, I'm the sanitarian for Community Development but due to some staffing issues over the last year, I've also been handling code enforcement. Back in, I believe it was August when this all started last year, Don Braska with Public Works was in talks with Chad Swanson, our Building Official, that this property had equipment and wanted to know if it was allowed to be there because it is messing up the roads and causing them issues and causing issues in our department with zoning and land use issues. I believe they are zoned Rural Agricultural, so we cited them for having a junk yard which is prohibited in that zone. (*Provides county's definition of "junk" and "junkyard"*). So basically, because everything can be seen from the road and there's dismantled motor vehicle parts, abandoned travel trailers, fire trucks like he mentioned, we wrote him up for that. Hank had been in communication with me once or twice via email that he has plans to eventually use the property for this algae farm and I believe this is an effort on their part to come into compliance and try to keep that equipment there but that's as far as we've gotten on code enforcement; we're kind of on pause in giving him a chance to come into compliance doing this and so that's basically where we're at but I know Public Works probably has some issues they want to comment on as far as this and the infrastructure that the county has in that area.

Daniel Tucker – I'd like to hear from Public Works now.

Don Braska – Don Braska La Paz County Public Works. We first got a call out there because Mr. James puts up a gate to keep the cattle off the road, someone cut it down, cattle guard was full of dirt, cattle couldn't get out and the guy was just refusing to leave the gate up. He said it was too much work, he was too old. It's a primitive road that we grade once or twice a year, it's not base material or anything. It's raw desert. The 2 or 3 people that need to travel down that road the road got so silty that we had to grade it. We did grade it to his driveway. I've never met this gentleman. It's a junkyard and that's all there is to it. I don't know where the stuff came from, but it came quick and it's tearing up our road. Like Mr. James said, there's no overweight permits to even haul it down that road; to the best of my knowledge, I don't think any of it is registered. You know the county gets stuck with this stuff when this happens, and the county is full of it. So, you need to stop it. I don't know about the algae thing, that's another issue. Junkyard. It's not zoned for that. That's all I've got.

Doyle Thompson – Did you say you know who cut down the gate?

Don Braska – Well, no. There was one person complaining about the gate, you know saying that it was too much, saying he was too old to open the gate, close the gate. He'd open it and leave it open and then one day it just got cut off and you know there's not too many people that travel that road. Side-by-sides and stuff, it's not too crazy out there. So, we went out and cleaned the cattle guard out because the gate was keeping the cattle off the road and keeping the traveling public safe. We've had other cattle guards where the owner just fills it full of dirt and then we have to go out and pull the grates and clean them out. They just don't play well with people. It just needs to be cleaned up. It obviously was a problem wherever it was at. And now the problem gets moved into La Paz County and you need to stop it. That's all I got.

Daniel Tucker – Thank you Mr. Braska.

Nicole Bierbrodt – now they have the opportunity to respond if they choose.

Daniel Tucker – would either of you like to respond to any of the comments? Come on up.

Hank Manning – For one thing, it's quite an eye opener for me, and it's good to actually get some faces to neighbors I have out there because I haven't met any.

Daniel Tucker – do you live out there?

Hank Manning – no I do not. This is a project, so I rarely go out there.

Daniel Tucker – and who is the person on the property?

Hank Manning – Dale Schultz, the name that was brought up, he's the one that I am buying the parts from. It's his equipment but I'm buying the parts off them. They do have a good point of how it looks right now, but I'd like to state that it's not going to stay like that. I've already started the process on the overflow.

Daniel Tucker - what do you mean the overflow?

Hank Manning – the stuff that we didn't haul out there went to another one of my yards and they've already been gone through so the next stage is to go out to this one, get what we need, and whatever we're not going to use goes either to a scrap yard or landfill.

Daniel Tucker – Mr. Pounders, anything?

Nothing.

Daniel Tucker – are there any other questions?

Doyle Thompson – so we, La Paz County, have an unresolved complaint and so they applied for a conditional use permit to avoid taking care of the problem.

DeVona Saiter – I would like to express a few concerns when I have a chance.

Nicole Bierbrodt – So the Conditional Use Permit, if granted, is a step towards bringing the parcel into compliance. It doesn't fix it all, but it's a step in the right direction.

DeVona Saiter – I have a couple concerns; can I speak now?

Nicole Bierbrodt – yes

DeVona Saiter – ok, I'm not sure I quite understand why we've even brought it to this point because I don't see how we can consider giving zoning or rezoning to somebody who's been in violation for so long and hasn't shown any good faith in fixing their violations. And then also, from what I understand if at least 20% or more people in the area that's 300-ft away oppose this zoning change, that this is a dead point. That it should be an automatic no, and we're at 50%. And my last thing is that nothing good comes from HI zoning or even privilege of HI zoning and that would be technically spot zoning in this area, and this would just potentially open the door to other people wanting to come in like that gentleman just said and either dump something here or take something from here. Based on those points, those are some serious concerns.

Nicole Bierbrodt – Ryan do you have anything to say to that?

Ryan Dooley explains how a Conditional Use Permit is a contract between the property owner and the county and has to be approved unanimously. That then puts the landowner on notice that they can only use the land for the very specific purposes detailed in the Conditional Use Permit. What we've heard today is that there are vehicles out there in disassembly and maybe people would refer to it as a junkyard and if that area around that junkyard were zoned Heavy Industrial that is an attempt to come into compliance. Right now, it's like a catch 22, because the board demands that the applicant due something to come into compliance, well that's what he's here for, to see if he can get a contract with the county to specifically limit the use of the land in that portion and if he fails to do that then the county can red tag him and shut him down. And remember the Conditional Use Permit is just the first step it's not the business plan, it's not the license to build things, it's just does this board believe this landowner can do what he wants to do, in this area. To the extent that the Conditional Use Permit authorizes a use on the Rural Agricultural, but it doesn't change the underlying zoning from RA to HI. You know it's not like the smelter that we had out in Wenden, where they just wanted to put an Industrial facility right next to some orchards. We've heard testimony today that the applicant wants to do an algae farm which is related to agriculture and they're looking to put the eye sore in an area that

comes into compliance with county regulations. The county, staff, take a neutral position on it, but I would just point out that if the – I mean the board has the luxury of recommending approval or denial and then there will be another public hearing where the Board of Supervisors will hear all the same testimony. A Conditional Use Permit is very strict for the applicant, and it allows for greater oversight and instead of just changing the zone, it's the use that is allowed. And that's all I have to say.

DeVona Saiter- I appreciate you defining it further. So, my other concern, the people that oppose it which is at 50%- that's not going to be given any weight? Normally that's where it just ends there.

Daniel Tucker – is that a question DeVona?

DeVona Saiter- yes, yeah, I mean that's pretty significant you know. Is that going to be weighed in heavily?

Daniel Tucker – I think it should be.

David Ponders – just to offer a few points of clarification, there are 2 issues at hand. One is the proposed use of the facility; and despite the arguments for or against, I understand the neighbors' concern of the algae production, but those details haven't been made available so it's kind of hard to make a determination. The second part is the compliance issue. I just want to clarify; it is not the intended permanent use of that area to be a processing area for junk material. I understand the neighbors' concern and per statute and per definition, it meets the definition of a junk yard. Absolutely. This was not an attempt to sidestep compliance and have a permanent junkyard there. There is going to be beneficial reuse of the materials. This is an attempt to recover certain materials and have beneficial reuse of those materials, so this was always meant to be a temporary condition. That's the reason for the conditional use, it was not meant to sidestep any kind of zoning or regulation, this all part of the buildup for the facility. And in the event that the conditional use permit is denied, we just ask for your patience while we bring a resolution to it and close it out to the satisfaction of the county and the residents.

Richard Trusty – I've got a question for the county. Do we make our user put up any bonding, or clean up fees in case the conditional use permit was violated? Or do we have to eat the bill for that? Water permits or anything go in place like that for now.

Ryan Dooley- I'm not aware of anyone putting up a bond but if they were to violate the use, the county would red tag it and if anyone is on that property without fixing the red tag then that's technically a trespass which could be a class 6 felony.

Lauren Allison- explains the code compliance process.

DeVona Saiter – I have another comment. So, this can be another potential brown site for La Paz County's future? You know that's another concern that she just helped bring up. That's a possible liability out there. And based on what they were talking about, fines, \$750 a day according to our zoning laws, when they're not in compliance so if you wanted to count back to August, that could be over \$150,000.00 in fines where they're sitting at now if that ever became an issue.

Mr. Gray – clarification of the details of the use permit? Because my understanding is that it says that it has all of the use or rights are the same thing as zoning it heavy industrial. They've got the right to do

whatever they want to and that's for that whole property not just the 5, so I'd like some clarification on that.

Nicole Bierbrodt – so the conditional use permit is very specific. They used the term “negotiate” in their wording so if the board chooses to make a decision to pass it, they can add stipulations to it like ground protection or fencing to block the view – those are just random things that I'm throwing out there – it is up to both boards discretion what they're going to put in there or exactly how much of the Heavy Industrial use they're going to allow should they choose to approve it.

Mr. Gray – ok that answered my question, thank you.

Nicole Bierbrodt – and on that same token, like I said, should they choose to approve it and they come to an agreement what is going to be in the conditional use permit, any tiny deviation from it allows the county to pull the conditional use permit back and then they are in instant violation.

Kelly James – quick question, so if the county chooses to approve the conditional use permit- before we start architectural drawings and plans and so forth, what provisions will be made to develop a suitable road to and from this heavy use facility? Does the county bare that expense? The taxpayer? Or does that fall to these gentlemen here?

Hank Manning – I'd like to address a couple of the statements. I have already planned on building that road out on our own dime depending on what was negotiated with the county, so even if the county did it and we paid for it. That was already a plan because it doesn't work in the state it's in now. And as far as the CUP, I figured there is going to be a time limit associated with it and the bonding idea is understandable, so I just want to throw it out there that I am already prepared to deal with that.

Daniel Tucker- what do you mean prepared? You have the capital or the money to do that?

Hank Manning - Well I have \$37,000,000.00 for this project. So, I imagine there's going to be some things that need to be dealt with, so yes, I put a budget aside to deal with these sorts of things.

Daniel Tucker- ok

Richard Trusty- ok so my other concern is we have to answer for all the neighbors out there and we've gotten a lot of objections to that. So, I think we all really need to search our consciences on this one and be sure of what's going to transpire when we vote.

DeVona Saiter – I have a question for Ryan. If the supervisors all approve- so then the 50% opposition from the neighbors doesn't matter, they can just override that?

Ryan Dooley – So I'm actually looking at the zoning regulations and I can't find the chapter and verse unless it's in the statute.

Nicole Bierbrodt – I think it's in the state statute, I don't think it's ours.

Ryan Dooley – (reads Conditional Use Permit criteria from regulations) The board can require a bond or letter of credit so there are things in place and planning and zoning, you can recommend certain things in your recommending motion that you recommend approval with conditions, you recommend denial, and then the Board of Supervisors can take it from there.

DeVona Saiter – I heard Nicole say that it was state, and that was my understanding that it was a state statute.

Richard Bierbrodt – I would like to know if there is an estimation as to how much water you will be using?

Hank Manning – the systems we plan on using are completely recycle/recycle so once the storage is set, the capacity and demand of every day, if we're going to look at a whole circuit, it's going to be 30,000 gallons.

Daniel Tucker – recycled from where?

Hank Manning – the system itself recycles. So, when you go through one charge, you pull your product out of it and then you recycle that water you don't discard it. Every time you do a grow cycle with these reactors, you're reusing the water over and over. We're not growing the algae for fuel by the way.

Daniel Tucker – what is it for?

Hank Manning – food, fertilizer?

Richard Bierbrodt – is that out in the sun?

Hank Manning – no, it's all enclosed.

Peggy Kimbise – we bought property out near where we're discussing. We've already put in septic, wells, and solar, and we're concerned for our investments. We bought our property for the agriculture. And there is one thing that no one has brought up today, what about mosquitos.

Daniel Tucker – I wasn't aware there was going to be a concern for that.

Peggy Kimbise – well wherever you're going to have bodies of water and algae, you're going to have mosquitos. So, has anyone even considered or done an environmental on how this is going to affect us and our animals? I mean we're trying to survive out here and I highly object to this not only for being an eye sore but we're going to have an environmental issue too.

Daniel Tucker – thank you. Anyone else from the commission have a comment or a question?

Richard Bierbrodt – what's your comment about the mosquitos?

Hank Manning - enclosed system, no ponds. We do have nurseries that will have the byproducts that come off of it and we do have the peat pads. It's not open water.

Ryan Dooley – If I could just have a minute, for clarification, I'm reading ARS § 11.814 and I think where the issue about the voting about members if there is 20% or more of the surrounding neighbors that oppose in a county with 5 or more supervisors. We only have 3 so that doesn't apply to us. For this case, the approval has to be a unanimous vote as opposed to a simple majority. So, if a protest has not been filed- simple majority; if it has, which in this case it has- unanimous vote.

Daniel Tucker – With all that said at this time I'd like to entertain a motion for this docket. This is a tough one indeed. Personally, I don't like anything that is not sustainable for the environment, that's just my thing. I'm not jazzed about junk just sitting out in the middle of an agricultural development at all. It just

doesn't seem to fit. And again, if it's not going to be sustainable for the environment, I'm just not going to support it. So, we'll leave it up to the commission, do we have a motion.

Motion to deny by DeVona Saiter.

Seconded by Doyle Thompson.

All in favor, Motion carried.

Denied. (7-0)

Ryan Dooley – and Mr. Chairman, just for clarification, I don't know if Nicole needs a roll call, but we have been reporting to the Board of Supervisors whatever the vote count was whether it's 7-0 unanimous, 4-3, if we could get that for the record.

Daniel Tucker – can we get that now.

Nicole Bierbrodt – everyone was in agreement?

Yes.

Nicole Bierbrodt- so it still goes to the Board of Supervisors, it just does not have the Planning & Zoning Commission support, correct?

Ryan Dooley – correct.

Daniel Tucker – Is there a community development update?

Nicole Bierbrodt – oh boy. Today is Chad's last day, so for the next couple of weeks, inspections might be a little squirrely while we try to sort that out. We have contracted with the Town of Parker and the Town of Quartzsite to have assistance with inspections. We also just hired Mike from Animal Control as our new Director, and we just hired Greg Rountree as an inspector but he doesn't start for a couple weeks. So, we are severely short staffed and very tired. Other than that, that's it. Now you just have to do the motion to adjourn.

Motion to adjourn at 5:05pm.

Motion to adjourn by John Newman.

Seconded by Stefanie Hartnell.

All in favor, Motion carried.

Approved. (7-0)

Ryan Dooley – I would like to add that any applicant is still free to contact Community Development to see if there's anything else to do or to address other issues.