

MINUTES

HEARING OF THE NAVAJO COUNTY PLANNING AND ZONING COMMISSION

October 21, 2010

ATTENDANCE

P & Z Commissioners

ATTENDED

Joel Lawson, Vice Chairman
Bob Hall
Carol Davis
Ruth Ann Smith
Randy Murph
Rick Slone
Jason Hatch

ABSENT

Wendell DeCross
Chuck Teetsel
Evelyn M. Meadows
Robert K. Black, Jr.
Bill Rawlings

Staff Attendance

Greg Loper
Homero Vela
Bill Fraley

Bill Bess
Lance Payette
Peggy Saunders

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 6:02 p.m. to 8:46 p.m.

Vice Chairman Joel Lawson called the meeting of the Navajo County Planning & Zoning Commission to order at 6:02 p.m. Mr. Lawson led the Pledge of Allegiance, and then explained the meeting procedures and house-keeping rules to the public. He acknowledged that the item on the agenda is highly emotional to some, but asked the public to direct their comments to the Commission, not the audience, as well as to maintain order during the public meeting.

Item # 1 – AMENDMENT TO THE NAVAJO COUNTY ZONING ORDINANCE: Discussion and possible Commission action on an amendment to Article 20 of the Zoning Ordinance to define and regulate Renewable Energy Generation (such as wind and solar) through the issuance of Special Use Permits.

Greg Loper presented an overview of the Draft Ordinance which was continued from the last Commission meeting and now includes comments from the Game & Fish Department, Iberdrola, and the public into the Ordinance, Application Materials, and Sound Requirements. Four small changes were made since the revision was sent to the Commissioners;

1. Incorporating bats into the discussion regarding avian studies;
2. Clarifying when the interconnection agreement and power purchase agreement are to be provided;
3. Eliminating the requirement regarding interior property line setbacks,
4. How the Special Use Permit is treated in the event of a change of ownership or applicants.

Copies of emails and letters received were provided to Commissioners. Staff was asked to attend meetings with the Taylor, and Snowflake Town Councils, as well as the Economic Development group for Navajo and Apache Counties (RADDC). Those entities submitted Resolutions in support of the ordinance and are attached. Comments from the Game & Fish Department, and the Petrified Forest, were incorporated as well.

Greg Loper noted that because several Commissioners were seeking that main materials that staff was utilizing in the draft of the Ordinance staff has provided each Commissioner with a very thick binder of the main articles, reports and other documents that guided the recommendations. World Health Organization documents and ANSI Standards, in regard on how to measure wind and sound, and what constituted sleep disturbances in terms of decibels etc. Also provided to the Commissioners were a number of documents from those who have concerns with energy, most notably, Dr. Nina Pierpont's, Wind Turbine Syndrome book, (staff included a summary), the Amanda Harry Study, and the George Kamperman and Richard James study, entitled "Simple Guidelines for Siting Wind Turbines to Prevent Health Risks". Documents supporting wind energy were also provided including studies by Epsilon Associates, a number of articles provided to us by RES Americas, a Canadian Wind Study, Geoff Leventhall, and others. Staff has attempted to provide a cross-section from both sides of the spectrum. Staff included study information on property appraisal and property value impacts including which show there is little to no impact on property values from Wind Turbines.

Staff noted that the preparation of the draft Ordinance, Sound Guidelines and other materials are the culmination of a yearlong and that staff found there were a lot of studies on one end of the spectrum and a lot of industry led studies on the other end of the spectrum, but not a lot that met in the middle. For Staff, the middle ground goes to the recognized scientific studies, primarily those by the World Health Organization. In recognizing the World Health Organization's recommendations for interior sound levels, staff was able to recommend a comparable physical setback of one-half mile. The Ordinance, Application Materials, and/or Sound Requirement Guidelines also include recommendations for Low Frequency Sounds, as well as a number of different criteria.

Questions: Commissioners had no questions at this time.

Vice Chairman Lawson announced that the Public Input portion would be changed, so that everyone who wished to address the Commission could be heard. The Vice Chairman would ask individuals to speak in order one a row, at a time, with a limit of 3 minutes per person.

In Favor - Dannette Weiss, of the Arizona Game & Fish Commission requested that minor changes be made on Section 4 Paragraph h. to include, "any wildlife impact discovered during formal post-construction surveys shall be identified in the formal annual report submitted to the Arizona Game & Fish Department and U. S. Fish and Wildlife Service with a copy to the Public Works Department. The formal annual report shall include avian bat deaths due to the project. The wording needed to be tweaked to clarify that the Arizona Game & Fish Department would like only one annual report.

Opposed - James Mills, of East Snowflake, thanked the Commissioners and Staff for the hard work on this complicated process. He also acknowledged and thanked those citizens in the area, for their hard work and considerable time and effort put into the process in sounding the alarm, Steen Hviid, Kathy Hemenway, Christen Warwick, Kay Turner, the new head of ARENA, Gary Gumbel, Susan Malloy Christine Clemente, Rhoda McGuire, and others, Mr. Mills said these people are here to partner with Navajo County, to protect the Petrified Forest, to participate in early evaluation of permits, and follow through on the complaint process. Mr. Mills requested that the setbacks be at least one mile from the property line.

Greg Loper added that Kathy Hemenway, was ill, and that despite any differences staff may have on the outcome of our research we wish her the very best. **Mr. Loper** also said that **Commissioner Teetsel's** father had passed away so he was unable to attend the meeting.

Opposed - Gary Gumbel feels the set back should be one mile or more. He is concerned about property values. Seven people near Dry Lake I have lost their land because they are surrounded by that Wind Farm. It is a concern.

In Favor - Dan Sample believes the project will bring financial security directly and indirectly to the community. Through taxes and revenues received from this project. He related an experience in

Bismarck, North Dakota which now has an unemployment rate of 3.4% making them one of the lowest unemployment rates in the nation. He also noted that this is a positive financial opportunity that only comes around once or twice in a lifetime.

Opposed - John Bowers of the Mogollon Connection, noted that in studies he has read from the University of Hawaii, infrasound does injure people. He said the setback should be no less than two (2) miles away, which is the safest distance cited in the study. He also questioned energy production costs, recourse in the event of injury from a wind farm, emergency services, and the effect of wind farms on property values.

In Favor - Chris Bergen from Iberdrola, the business developer for Dry Lake II said this was a thoughtful decision; as far as the economic contribution to the area, Iberdrola has two hundred million dollars invested in Navajo County, 120 megawatts with 61 wind turbines. Both projects will contribute over \$600,000 in property taxes annually along with K-12 contributions for rental, and royalty payments to land owners. Each phase produced 200 key construction jobs. Mr. Bergen thanked staff for taking all the comments into consideration. Because of the landowners concerns, a one half mile setback is acceptable to Iberdrola, but the industry standard is one quarter mile. Their project in Ohio averaged about 5 land owners per section, and they have received no complaints from the property owners. Doubling the setback amount could eliminate a lot of future development. With respect to boundaries from the tiered structure setbacks for smaller parcels, that is unique to Navajo County, but would favor the larger land owners. Recommended the 750' setback from property boundaries go back down to 110% consistent with public land setback. The reason is that if you apply that set back now, 23% of the Dry Lake II Project would have been eliminated. If setbacks near industrial areas or the railroad are kept at 150% that land is taken out of production, it would discourage them from co-locating with the railroad or power lines. The setbacks are too stringent; it would push the development into the more pristine areas. Suggest that the setbacks to the Rail Road and Utility lines be set back to 110%. Regarding Sound, if they've done their homework and the project is sited well away from receptors, there would be no need to force a developer to do a study. Base them on complaints, and give developers credit for siting the project appropriately.

In Favor - John Sherman lives in Taylor and is the Plant Manager for Dry Lake I and will oversee Dry Lake II. Iberdrola has hired 11 people for Dry Lake I with a half million dollar payroll, and a pay scale above medium pay in Navajo County. Dry Lake II will hire six more technicians: four of which are local, one who lives outside Navajo County but has lived in Arizona all his life, and one administrator. They look for employees with a electrical-mechanical background.

Opposed - Christen Warwick lives east of Snowflake area, and is a participant in land use planning in his community and Navajo County in general. He thanked the Commission for their decision to table the ordinance to allow more time to consider the ordinance. Mr. Warwick encouraged the Commission to recommend to the Board of Supervisors a setback of one mile from property line of any adjacent land that is zoned for residences. He doesn't have a problem with the waiver provision would be okay for those wishing to waive the setback requirements. He encouraged the Commission to stand on the principle that public welfare comes first and requested a setback of one mile.

In Favor - Kristen Goland – Senior Permit Manager with Iberdrola Renewables, Ms. Goland addressed two misconceptions on flicker and blasting, Flicker only causes a problem in Northern Europe, not in the US. Blasting models show that at 1,000 meters the blast is undetectable. Blasting is precise and controlled. The blast measured 200' at 1.28" per second Vibration was virtually undetectable at 200' from blast area and at 1000 feet wouldn't even register.

In Favor - Steve Brophy, President of Aztec Land & Cattle. One proposed project that would be affected by this ordinance is partly on Aztec's land south of Antelope Valley towards Heber. Navajo County enjoys a commercially viable wind source. Land patterns show that this is a reasonable use. Mr. Brophy supports approval

In Favor - Carey Kling, with RES Americas, is a developer for renewable energies who is interested in developing a project in Navajo County. She respects the rigor that has gone into developing the ordinance but the one mile setback would significantly lower the ability to develop the site they were considering.

In Favor - Christopher Moore. Nature Energies, There are only two elements that can extend beyond the property boundaries and that is shadow flicker and sound. The ordinance, as currently written has language regarding required mitigation for issues regarding shadow, and for sound. Those elements are both contained. There is no reason for an additional setback, and he supports the ordinance as written without any addition setback restrictions.

In Favor - David Fink, a resident of Snowflake works at the Wind Farm and the income he receives allows him to keep his family's house. Fifteen jobs were created in our communities for people who live locally and support families with these jobs from the wind farms. Taxes and the input into the economy have helped our communities.

In Favor - Steve Rees represents Langley Properties, F Bar Ranch and the Bar J Bar Ranch. This is a very comprehensible and responsible ordinance. The setback provisions has a gap between the acreage which goes from 39.9 to 40 acres, there is only a tenth of an acre difference. The majority of the 40 acre parcels they bought fall in that gap. He recommends staff tweak the language so that you go up to 40 acres rather than 39.9 acres. If the setbacks for railways and utilities stay at 150% it is pretty restrictive. He supports the setbacks in general, but a one mile or longer setback restricts development.

Opposed - Doug Verduin wanted to rebut statements made by others regarding the blasting, an upward blast causes a downward reaction. Mr. Verduin requested that bond money be added to the Ordinance in an amount sufficient to take care of a disaster. We need to insure the public with a bond. Lawsuits are already out there against the ordinance.

Opposed - Sandy Verduin said the proposed project will be one half mile from their front door. They can see Dry lake I and II from their upstairs deck. People don't want to live, hunt or camp by a sea of wind farms. She understands that jobs are necessary, and doesn't want to restrict what someone can do with their property, but people don't want a wind farm in their front yard, it will diminish their property values. She was a pyro-technician for 11 years and feels that if they keep blasting they will either end up with contaminated water for the entire mountain, or no water at all. The aquifer is in danger, she asked that they please consider the small land owners too.

Opposed - Lana Hansen came into this with an open mind, but since then she has learned a lot. Personally she feels there should not be a wind farm within ten miles of a residential area; she doesn't feel she can live there, so how will she be compensated for her property? We will reap what we sow

Opposed - Trudy Lipsys said most people have put their life savings into their property for a life away from traffic, crime, and crowds in the city. They should put wind farms far away from homes and compensate them for their property value loss. They should be guaranteed compensation if they have to move. Human life should be more important than money.

In Favor - Kathleen Sullivan lives outside the Iberdrola wind farm and has five turbines going up within a mile of her home. The area was checked out very well by the environmentalists, the workers have been very courteous, and always picked up after themselves. Ms. Sullivan suffers from a head injury, and is very sensitive to light, vibrations, and sound, but she is not bothered at all by the wind turbines. The flicker effect they are talking about, (the strobe effect) supposedly caused by the sun through blades is no worse than the sun blowing through trees. If you are traveling down a tree lined road, the flicker is much worse than the windmills. When they were blasting, she didn't feel anything. Sound bothers her a lot; but the blades make a gentle whooshing noise. Normal wind out there is much worse than the blade noise, and the vibration is nil. She has walked up to the wind turbines and touched them and you don't feel anything from the turbine or the ground. The red light is less offensive than the pig farm that is growing

with all their lights. They don't conflict with the habitat; it's better than power lines, the wind turbines are high tech, quieter, and safer. Plant life is coming back and so are the animals; there is no visual evidence of bird carnage whatsoever. Even while the blasting was going on, the animals were back in a day. The animals have adapted to the wind mills, why can't humans? If property values are an issue, it's because of the ruckus that has been raised. If we would just accept windmills the way we do power lines there would not be an issue, and property values wouldn't take a plunge. You want alternatives, but you don't want them on your doorstep. This is where the wind is, and that is why they want to build here.

Opposed - Steen Hviid presented documents to the Commissioners, Mr. Hviid holds a Masters Science Degree in Engineering. For over a year he has studied acoustics involving wind turbines. He lives near Hay Hollow and is surrounded on three sides by possible future wind farm projects. Some of the rural areas of Navajo County that is of interest to wind developers are also some of the quietest areas in the nation. This has been documented by a study conducted a few weeks ago. In the Cedar Hills-Hay Hollow area ambient sound levels was found to be 18 to 22 dBA in Antelope Valley the levels were slightly lower at 18-19 dBA. Levels at SR77 are closer to 20-24 dBA which is still very quiet. Published material from the developer shows how loud the noise can be at various distances. The table shows, that at two miles away the noise is well above the background level, which is four times as strong as before development. A Map published by Iberdrola was displayed. Showing how model noise tapers off graphically. The model does not include Low Frequency Noise which travels further. Even at one mile away, getting the land owners permission should be a normal practice. When you look at the map, Mr. Hviid hoped you would agree that a one mile setback, with an opt-in provision, is not unreasonable. You won't stop good projects, and you may discourage some of the bad ones, and everyone can verify complaints through the tape measure.

Opposed - Itasca Small lives in Antelope Valley, and she read a statement that "zoning laws are legal only as a constitutional use of police power which is only given for the protection of other property owners from those who would use their property in a way that causes damage to others. The power is to deny any such use, not to force the innocent to accept which in violation of their Constitutional right. This is the basis of all zoning laws, which are intended to restrict, not to allow what ever a particular land owner desires to inflict on his neighbors, nor is it legally used to line anyone's pockets at the expense of others. The document you are presented with again tonight is a blatant attempt to create and have legislative zoning law as a sub section to article 20 Special Use Permit. That Article is an administrative implementation of special allowances to the legislative zoning classification. You cannot create legislation subservient to administration, which is what this technically is. The Public Works Department obstinately continues to cling to the propaganda issued by those who have a financial or philosophical stake in the wind energy industry. They continue to ignore, disregard, and dismiss legitimate discourse counter to that agenda. They have drunk the Kool-Aid, and Mr. Loper continues to show his willingness to throw citizens to the wolves, because there are always guinea pigs whenever something new is tried. The people of Snowflake are about to get a bigger dose of what five people are experiencing from Dry Lake I. Ms. Small is an engineer and has a well founded theory regarding the propagation of low frequency noise, infrasonic sound wave radiation, sound waves over about ten to eleven miles in at least two directions from Dry Lake I. Along with the propagation to the air, these waves are known to travel through rock and water. The geological structure of our region is mainly the Coconino sandstone aquifer which is very near the surface and in many areas is actually exposed. This is why blasting will damage our water supply. This structure and the water it contains are very likely carrying the lower frequencies at least that ten to eleven miles. In the case of the Housel's geodesic dome, in northwest Snowflake, the standing waves they produce inside the structure are strong enough to vibrate it to the point of damaging the home and to cause serious health effects. Two more people are prepared to describe health effects they are experiencing in Antelope Valley. Everything falls on the county; all other governmental entities can only issue guidelines. We do not have to allow these monsters to destroy our County, it is up to us. Copies are available of the documents she referred to, along with a formal complaint form she is submitting against Dry Lake I for her health affects.

In Favor – Chris Weiman is a quality control technician the decibel figures given to you might be hard to understand but he put them into perspective. He gave an example that a car going down the freeway is

between 65 – 80 decibels every six is half that level. The numbers shown at 40, 50, and below, shows how little sound comes off those machines. The new technology is so quiet you can stand 500 feet away and not hear a thing. He also lives very near these machines and they have no noise and zero vibration. Could this be psychosomatic phenomena, or mass hysteria?

In Favor - Reed Flake whose family owns a portion of the property that the Dry Lake II development sits on. He supports wind development in Navajo County. As with any new development there are concessions and drawbacks, but in this situation the benefits outweigh those concessions that would be made. As a rancher there are very few developments that can allow them to peacefully co-exist with grazing. Wind Energy is one of the few. The animals experience minimal impacts from wind turbines and infrastructure involved with the wind turbines. Turbine owners have been up front and honest to do a first class job on this project. Their local Engineering firm was able to do some of the work on Dry Lake II which helped out during a time when development projects are scarce. He appreciates the work staff as well as the Commissioners, and the research that was done to putting an Ordinance together to promote responsible wind energy development.

In Favor - Lynn Hatch is a contractor that worked on the Dry Lake wind farm, and he wanted to thank Iberdrola and Blatner for the opportunity to have some work this year, if they hadn't gotten the work, their company would have been in dire need. Work has been pretty slim during the down turn. He feels we have a problem throughout the nation; no one wants anything in their back yard, everyone wants to go forward and they are in favor of developing safer energy, but no one wants a coal power plant near them. Tax revenues received from this development are a big help to the economy. This county hurts for revenue because every time a development tries to come into the area the people send it away. We need to think about what we are doing and strive to bring some of this development in to help our communities. If you aren't interested in wind farms, figure out what development you are interested in to bring into area and help the community as a whole.

In Favor - John Sorenson is with the International Brotherhood of Electrical Workers (IBEW), and he represents the electrical workers in this area. He has been involved in all types of electrical generation, and what he has heard today is complaints about vibration and flicker. A lot of these power plants such as the coal fired plants do pollute. He would much rather put up with a slight flicker than seeing the smog over the city any day. Renewable energy there is plenty of coal right now, but what happens when the coal is gone? A Windmill does not pollute, but it does put money back into our economy. The development will keep jobs in the area for our young people. We need to participate with the renewable energy developers to have a future for our people in this area.

In Favor - Nick Abrams is a wind energy developer with Iberdrola Renewables – Navajo County has a great opportunity to pass the wind ordinance to help with development. He wanted to focus his comments on wind energy projects and their perceived impacts on local property values. Just as when you appraise a home or an office building, the best system for modeling the impacts of wind development on local real property values would involve a methodology that is objective, systematic, quantitative and based on actual market data. The analysis and conclusions presented in a report completed in 2009 by Lawrence Berkley National Laboratory. The Berkley Report is objective and is funded by the Department of Energy without support from any partisan groups or companies engaged in wind energy development. It is peer reviewed report, and the authors responded publicly to comments by individuals and groups. This report is systematic and based on quantitative modeling, and the conclusions are a result of a rigorous economic modeling technique known as hedonic analysis which is accepted throughout academia, financial and real estate industry publications. It is also based on actual market data on home sales that occurred in close proximity to wind farms. Overall the report shows that wind energy does not have an impact on property values. The McCann report was not backed up by an independent, peer reviewed study. There may be isolated instances of home value depreciation connected to some wind farm developments, but over all if the impacts do exist they are either too small or too infrequent to result in any statistically observable impact. The benefits of wind development outweigh any potential impact on home values.

In Favor - Seth Bowman, was born and raised in Holbrook Arizona. He is one of those who moved to the valley to find work because there were no local jobs here. He now works for the wind farm and wind energy is much quieter. While growing up, he lived a quarter of a mile from the rail road tracks but he never considered throwing the rail roads out.

In Favor - Gary Solomon is a Taylor resident, also had to leave area because there were no job opportunities in this area. When he spent time in California he had an occasion to sleep in an area that was right under an airport, he didn't get much sleep. Flagstaff has the railroad, and even with the vibrations and noise those people who live in Flagstaff sleep well. You get used to the noises. He supports the movement.

In Favor - Joe Martinez is a worker for IBEW out of local 518. He thanked the Commission for approving the first wind farm because he wouldn't be here if they hadn't support wind energy. He is a member of the Navajo Nation and believes they support wind energy because it is green energy.

Opposed - Kay Turner – Woodruff - Ms. Turner asked Greg Loper a question in regards to the 45 decibel at the property line, **Greg Loper** answered by saying the setbacks are established by whoever is there first. So if a wind farm goes in, they would do sound modeling to ensure 45dBA at the exterior of any existing residence at that time. If you don't have a residence on the property, the assumption is that you would move in knowing the wind farm exists next to you and you have options in both the house construction and orientation to address any potential issues. Ms. Turner said if she purchased the land before the wind farm went in and the County cannot guarantee the 45dBA at the exterior, the land is totally worthless to me. Since she purchased the land prior to the wind turbines going in there, the land is not sellable, and not livable. She is not against wind turbines or wind energy, she is against encroaching in on people who can't fight back. All they are asking is for a mile setback. In Dry Lake II they embedded several different people, they can't use the property and they can't sell the property, they are stuck with property of no value; 1,000 meters doesn't sound like much until you put it into feet. That's 4,000 feet which is three quarters of a mile. She asked the Commission to err on the side of the people's health.

Opposed - Donna Denzer, Antelope Valley, is opposed to the ½ mile setback. She wants at least one mile. There is a conference being held at the end of the month composed of experts from the US, Canada, UK. They realize this wind turbine issue is more serious than they ever thought and the setback needs to be greater. They are reviewing the new standards. It would be nice if the Ordinance could be held up until this information is brought forth. Wind energy is not "green". There are people experiencing health problems that can be associated with the wind turbines at Dry Lake I. one man has this "burning up" sensation, is hot to the touch and looks red all the time, only when he is at his home in Antelope Valley. She asks, is ½ mile adequate?

Opposed - Lois Hunt of Antelope Valley is opposed to the ½ mile setback. She wants at least a mile. She read an email she sent to Greg Loper (which was included in the Commission packet) outlining her outrage over the setbacks. She stated that no one has the right to do something to his property that will damage everyone else's forever. Mr. Brophy identified three locations where he may develop wind farms on his 228,000 acres. Nowhere in his plan is anything said about the humans living in Antelope Valley. She states nobody is going to drive out there to buy a retirement home that has 40-90 humming flashing machines looming over it. It would be like living at the midway at the Arizona State Fair.

In Favor - Scott Haynes is a Meteorologist with Iberdrola. He laid out the turbines at Dry Lake II, and quantifies performance of turbines. Last year in the US, the wind industry installed 10,000 megawatts. Here in AZ, we have Dry Lake I which is 63 megawatts, a very small fraction of what was built last year. The energy coming from this facility has exceeded Iberdrola expectations, no accidents or major incidents have happened in operations. Dry Lake II will produce 65.1 megawatts and they are expecting exactly the same thing. Wind farms are laid out with the primary wind direction. Navajo County's wind direction is South West. The setbacks of a mile that have been discussed would really put Iberdrola in a straightjacket when laying out wind turbines, because there would simply be nowhere to put them.

In Favor - Mark Stacy, a developer with Iberdrola, is in charge of managing the development activities in the entire region. He has been involved in wind industry for nearly two decades. In general, wind energy develops in such a way that is very responsible. He stated that although they don't own the land, they do take it upon themselves to become part of the communities where their wind farms are located, and that if they didn't do that, the wind industry would be out of business. He stated that this is their business model and is always first and foremost in their minds. He stated that in areas with close proximity to homes and farms, due to smaller lot sizes, that the industry works very well with these homes and farms, and that there are no major problems. He stated that he has testified at a couple of similar proceedings in the last couple of months, and heard a lot of complaints about sound, vibration, blasting, and property values, and that what is being said tonight is a repudiation of these charges leveled against the industry. He stated that they are approaching this in a rational, scientific and fact-based manner, and that they are professionals, do not use innuendo, and want to be as open as they possibly can with the decision makers. Through the permitting process of Dry Lake II, they held numerous open houses, funded a consultant that was selected by County Staff, worked with staff to give them fact based information, and hired sound consultants to answer questions from the staff. Iberdrola has brought a team of internal subject matter experts to this meeting tonight, and have been totally transparent through this process and have done our best to contribute to the fact-based free flow of information. The proposed setbacks are a concern, as they are double the industry standard is. However, a ½-mile setback is acceptable. There are a few other things that do still cause concern, and they do hope to keep working with the county to work those out. He urged the Commission to support the Ordinance as written.

In Favor - Robert Hill – IBEW. Mr. Hill stated that there were 25 electrical jobs at Dry Lake I, and are now 22 electrical jobs at Dry Lake II, and that these two projects have created a lot of jobs for local people. He noted that many people have apprenticeships so they can keep working here.

In Favor - T.J. Burke, Site Manager for Blatner Energy, which built Dry Lake I and II. In Dry Lake II, 26 of the 30 holes were blasted. They used 8.2 million gallons of water for the duration of six months. All above ground processed water from our local paper mill. During construction they have environmental inspectors and archaeologists uncovering artifacts. They hire local subcontractors and have local hands working for them. Safety is a number one concern for all employees. Our Snowflake fire department is trained for any accidents or events that may happen inside the turbines. All employees are trained as well.

In Favor - Sandi Hill, is from Taylor and works for Hatch Construction. She spoke in favor of the proposed Ordinance, and stated that with the recession as it is in the US, and with construction in Arizona being as down as it has been, Hatch Construction actually has had forty employees during this time that have actually worked on this Dry Lake 2 project, and that these people would not have had a job otherwise. She stated that she can understand where the people of Antelope Valley are coming from, that no one likes change and likes things to be the way they always have been. She stated that the Commission needs to look at Navajo County as a home, as the county in its entirety and not just as individuals, and what this wind farm can mean for industry and the future.

In Favor - Tom Poscharsky, is a member of the Snowflake Town Council. He noted that the Snowflake Town Council passed a resolution in support of the County's Ordinance, and that it is important to keep these projects as economical as possible. He noted that both Taylor and Snowflake have passed resolutions in support of the half mile setbacks. He stated that he is also a member of the Economical Development Commission established by the City of Snowflake, and that a similar Commission has been established recently by the City of Taylor as well. He stated that they are trying to work towards generation of more jobs in the community, that they believe that renewable energy resources will help attract industries, and that they believe this type of renewable energy will also attract other renewable energy industries.

Opposed - Karen Ingersoll, Woodruff Road. Her experience with the County has been that the County is largely unresponsive to the will of the public, and that the county is charging ahead with its agenda of

industrial wind energy. She further stated that the county has hired a consulting firm and professionals to assist them in writing the ordinance, but that this firm has had no experience in industrial wind industry. She stated that the County has been provided with numerous reports on adverse health effects and property devaluation; however, they are not being informed with professional facts. The public has been patronized and ignored, and it seems the loyalty oath taken by those in county government has also been ignored. She stated that these wind turbines don't just spring forth from the ground of their own accord, it is the county that gives these companies – sometimes irresponsible companies – permission to put people's health at risk and diminish property values. The sound requirements and setbacks proposed in the draft ordinance are unacceptable.

Opposed - Tom Layman - Representing Chevelon Alliance. Today Navajo County has become ground zero for out-of-state wind farm companies, and that there are currently 80 local projects in the planning stage. He stated that if they are allowed to proceed, wind farms will stretch from the Mogollon Rim to Navajo reservation land. He stated that these farms are not built for power production, there is very little generated, but for cash subsidies and tax write-offs.

In Favor - Mark Bastasch works for Iberdrola on the Dry Lake II permitting process. He thanked everyone for all the comments regarding sound issues, and encouraged the County to consider a simplified permitting path for projects that are remote, where noise sensitivity is not an issue, and that have agreements with surrounding neighbors. He also stated that the County may want to consider a sound level based on a fixed standard, one that does not adjust to existing sound levels.

Commission Comments & Motion:

Randy Murph asked Mark Stacy of Iberdrola if he was aware of a project in Snyder, Texas. **Mr. Stacy** stated that he was somewhat familiar with the project but was not involved in the project. **Randy Murph** asked Mark Stacy if they had done projects with close proximity to homes, Mr. Stacy responded that they developed a project that went into commercial operation in 2009 in Northwest Missouri. The nature of the land holdings in that area are smaller parcels; and this was a 12,500 acre project with about 60 land owners within that boundary. There are 73 wind turbines in that area and the people continue to live on their farms. By necessity, wind turbines are in fairly close proximity to these homes, and that he believed that the setback was 1,200 feet. Mr. Murph asked if they visited with the people so close to the turbines, and if what was their mood and feelings towards these turbines? **Mr. Stacy** responded that they have visited with them since operations began, and that there was a dedication for that project this past summer that he attended and that the community was extremely happy with the project. He again stated that he supports a ½ mile setback, although the industry standard is ¼-mile. He said that there are families in Joseph City that live ¼-mile from coal powered generators, and that people have moved into that close proximity with the Cholla Power Plant. **Randy Murph** spoke about the 100,000 acre wind farm in Snyder Texas, and noted that some wind generators are within 600 feet of homes, and that those persons living in those homes are very happy to have them there, that they are glad for the work, for the money, and that there seems to be no health defects. **Randy Murph** stated that everything he has read has implied that there is no impact from low frequency noise and no side effects from infrasound. He noted that the Commission has heard a lot of things on both sides, especially from those people that don't live anywhere near these turbines, but their opinions are not based on facts. He also noted that those people who own the land with proposed turbines on them need to be considered.

Ruth Ann Smith stated that she is still opposed the ½-mile setback, and that if people choose to have them in close proximity that is great, but this could impact many people who have been there before a wind farm project develops. She stated that she would still like to see a one-mile setback.

Carol Davis stated that she would prefer a ¾-mile setback for the same reasons, but that the County doesn't have the right to prohibit projects for alternative energy. She noted that she supports the proposed Ordinance because if an Ordinance is not passed then Navajo County won't have a plan to work by and projects will come in piece meal.

Rick Slone stated that a one-mile setback would eliminate a large percent of projects, will be devastating to owners, and is 4 times the industry standard. He noted that requiring a one-mile setback will stop wind development and that he is not prepared to do that. He stated that he has heard and read a lot of the evidence, and that a ½-mile setback would err on side of caution. He noted that even with a 20-mile setback you will still see them, and that if you buy property next to A-general zoning you run the risk of being next to a pig farm. He believes that the Commission has to consider the best uses for the property, and that the Commission shouldn't prohibit uses if they fall within the best use of land. He supports a ½-mile setback for safety and caution.

Jason Hatch thanked the public for their comments, and stated that he learns something new at every Commission hearing on this subject. He stated that he has come to the Commission hearings with an open mind, and that the County doesn't have an Ordinance in place but needs one. He thanked Staff for their efforts on the Ordinance, and for "taking the heat" to get all the facts to prepare an Ordinance for all of Navajo County. He stated that the current economic conditions are hard, and that energy is important – without it nothing happens. He stated that he is interested in trying to move forward and to do something for residents in the future. He stated that he is struggling with the ½-mile setback which is double the standard industry setback.

Joel Lawson stated that he believes that Staff has worked hard, and that Commissioners have a hard decision. He stated that he believes in property rights, but that runs both ways. He stated that he believes that our society needs energy. **Mr. Lawson** asked staff if they could still impose project-specific stipulations on a Special Use Permit that is sent to the Board of Supervisors based on the circumstances of a particular project, and staff confirmed that project-specific stipulations can be placed on a specific Special Use Permit. He noted that an Ordinance is needed, otherwise projects won't have a "base" standard to look to in designing their project, and Navajo County won't have a standard to use in their review. He noted that numerous public meetings had been held, and that he supports the Ordinance as written.

With no other comments or questions for staff, **Vice Chairman Joel Lawson** said he would entertain a motion on this Ordinance. **Randy Murph** made a motion to approve the Ordinance as written with the additional wording suggested by the Arizona Game & Fish Department. **Jason Hatch** seconded the motion. **Vice Chairman Joel Lawson** called for the vote: There were 5 votes in favor, and 1 opposed (Ruth Ann Smith). The motion passed.

Vice Chairman Lawson called for a quick break, after which they would resume the Planning & Zoning Commission meeting.

Planning & Zoning Commission Meeting Recessed at 8:24 p.m.
Planning & Zoning Commission Meeting Resumed at 8:38 p.m.

Item # 2 – Special Use Permit; Discussion and possible Commission action on a request by Lenie W. Smith for a Special Use Permit to allow a target/shooting range on APN # 110-38-007, located at 5528 Blue Sky Ranch Road, Hay Hollow, Woodruff Area.

Chairman Lawson addressed the Commissioners and reported that they will not be hearing the Special Use Permit request. Staff asked that the item be pulled until a later date at the owner's request. **Ruth Ann Smith** made a motion to Table the Action. **Jason Hatch** seconded the motion. The motion passed unanimously.

Item # 3 – Possible approval of minutes from the Commission hearing of June 17, 2010 and September 16, 2010.

Jason Hatch made a motion to approve the June 17, 2010, minutes as presented. **Bob Hall** seconded the motion, and it passed unanimously. **Bob Hall** made a motion to approve the September 16, 2010 minutes as presented. **Carol Davis** seconded the motion and it passed unanimously.

Item # 4 – Report from Staff to the Commission. Nothing to report at this time.

Item # 5 – Commissioner’s comments and/or directions to staff. **Greg Loper** thanked the commissioners for all their work, and also the public for bringing issues to staff’s attention. **Joel Lawson** thanked everyone for all their hard work, and also thanked staff for providing information both for and against wind energy. Other Commissioners also thanked staff for their efforts.

With there being no further business to come before the Planning and Zoning Commission, a motion was made to adjourn the meeting by **Jason Hatch**. **Rick Slone** seconded the motion, and it passed unanimously. The meeting was adjourned at 8:46 p.m.

Approved this _____ day of _____, 2010

Vice Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Secretary, Navajo County
Planning & Zoning Department