

Opposition To The Current Proposed Location Of The Natural Gas Fired Peaker Power Plant In Fort Mohave

Mac Mckeever MSTM

Overview

- ▶ History
- ▶ Current Status
- ▶ Reasons For Our Opposition
- ▶ Actions We Have Taken
- ▶ Recommendations
- ▶ Options
- ▶ Summary
- ▶ Questions

History

- ▶ Mar 2018--15 Acres In Parcel 221-35-024 Was Rezoned From R-E/10 A Residential To M-X Heavy Manufacturing
- ▶ The Purpose At That Time Was For An Indoor Mineral Reclamation Facility
- ▶ P&ZC And The BOS Approved This Request With Conditions

APPLICATION FOR A REZONE

Dear Sir:

I (We) B & R Land Development of Mohave County hereby request the rezoning of:

(See Figure A)

(legal description of subject property)

Assessor's Parcel Number (APN): 221-35-024 Parcel Size 15 Acres

Will all parcels comply with the minimum lot size requirements of the new zone? YES NO

From: RE-10A Proposed to be: M-X
(Current Zoning) (Proposed Zoning)

From: Low Density Residential Proposed to be: Heavy Industrial
(Current General Plan Designation) (Proposed General Plan Designation)

From: Low Density Residential Proposed to be: Heavy Industrial
(Current Area Plan Designation) (Proposed Area Plan Designation)

NOTE: AN APPLICATION FOR A MINOR AMENDMENT TO THE MOHAVE COUNTY GENERAL PLAN MAY BE REQUIRED IN CONJUNCTION WITH A REZONE REQUEST

For the purpose of earth materials processing operation.
(Proposed Use of Property)

And request that the Board of Supervisors set this matter for public hearing following evaluation by the Planning and Zoning Commission.

Present Use of Property: Vacant Land

Owner: (proof required*) B & R Land Development of Mohave County

Original Rezoning Application Stated "Earth Minerals Processing Operation"

History

- ▶ Conditions Placed On This Rezoning Application And Property
 1. Rezoning Was Only Approved For A Mineral Reclamation Plant, Enclosed In A Building
 2. Conditions Were Not Met Within 2 Years, And The Property Had Not Been Improved, The Board Of Supervisors Would Schedule A Public Hearing To Grant An Extension, Determine Compliance With The Schedule, Or Cause The Property To Revert Back To Its Former Zoning Classification R-E/10A Residential

WHEREAS, a review of FEMA FIRM Panel #04015C-5056H indicates the parcel described to be partly in Zone AO, in the Special Flood Hazard Area, and partly in Zone X, not in the Special Flood Hazard Area, and

WHEREAS, the following described Findings of Fact are for the above-captioned item:

- a. All notices have been advertised and posted according to regulations.
- b. The proposed action and effect does comply with the Mohave County General Plan and the South Mohave Valley Area Plan as amended by the related item.
- c. The site is adequate for the action intended.
- d. The neighboring area does not contain other uses similar to the above-proposed action.
- e. The site appears to have legal access.
- f. The noted flood plain and washes are significant environmental features effecting the site.

WHEREAS, at the public hearing before the Mohave County Planning and Zoning Commission on March 14, 2018, the Commission recommended APPROVAL of this Rezone subject to the following:

- 1. The southern portion of the property as defined by Figure A will be rezoned to M-X (Heavy Manufacturing) for a mineral reclamation plant, enclosed in a building, only.
- 2. The submittal and recordation of a Parcel Plat prepared in accordance with Chapter 7, Minor Land Divisions, of the Mohave County Land Division Regulations, and 102.01-03 of the Standard Specifications and Details is required.
- 3. The applicant shall comply with all the applicable provisions of the Mohave County Zoning Ordinance. A site plan, prepared in accordance with Section 37.N (Site Plan Requirements), must be completed and approved prior to approval of permits and before establishing the use. In addition, the applicant may be required to provide a view-obscuring fence, if required by Section 37.E.4 of the Mohave County Zoning Ordinance, prior to establishing the use.
- 4. The appropriate permits and licenses will be obtained prior to construction.
- 5. If these conditions are not met within two (2) years of this approval, and if at the expiration of this period the property has not been improved to meet the use for which it was conditionally approved, the Board of Supervisors (after notification by registered mail to the owner and the applicant who requested the rezoning) shall schedule a public hearing to grant an extension, determine compliance with the schedule for development, or cause the property to revert to its former zoning classification. This action is in accordance with Arizona Revised Statutes Annotated, Title 11, Chapter 6, 11-814.I.
- 6. The Rezone shall not become effective until at least 30 days after final approval of the change in classification by the Board of Supervisors, as per A.R.S. 11-814K.

WHEREAS, the notice of hearing was published in the Kingman Daily Miner, a newspaper of general circulation in Kingman, Mohave County, Arizona, on March 18, 2018, and was published in Mohave Valley Daily News, a newspaper of general circulation in South Mohave Valley, Mohave County, Arizona, on March 18, 2018, and was posted on March 16, 2018, as required by Arizona Revised Statutes and the Mohave County Zoning Regulations.

Findings of Fact
Item D:
“Does Not Contain
Other Uses Similar”

Rezone Was Subject
To The Following
“If The Conditions
Were Not Met
Within Two Years”

Approved on April
2, 2018

History

3. The Mineral Reclamation Facility Was Abandoned In Mid 2018 But Not Reflected In County Records
4. In May 2022, MEC Purchased Parcel 221–35–024 And In October 2023 Requested Mohave P&Z Commission To Remove The Condition For A Mineral Reclamation Plant Only And To Allow An Extension Of Time For The Completion Of Improvements Because Of A Change Of Ownership

Owner Name(must match current deed): Mohave Electric Cooperative Incorporated
Owner Street Address: 1999 Arena Drive City: Bullhead City State: AZ Zip: 86442
Phone number: (928)758-0528 Email: jmartell@mohaveelectric.com

Agent Information (to be completed if owner has appointed an agent to complete the application process)

Agent Name: _____
Agent Street Address: _____ City: _____ State: _____ Zip: _____
Phone number: _____ Email: _____

Request

I (we) hereby request an amendment to the conditions of an approved B.O.S. Resolution.

The following is the current condition language:

The southern portion of the property as defined by Figure A will be rezoned to M-X

(Heavy-Manufacturing), for the purpose of a mineral reclamation plant, enclosed in a building only.

The following is the portion of the condition owner requests be stricken:

for the purpose of a mineral reclamation plant, enclosed in a building only.

The following is the new proposed language for condition #1:

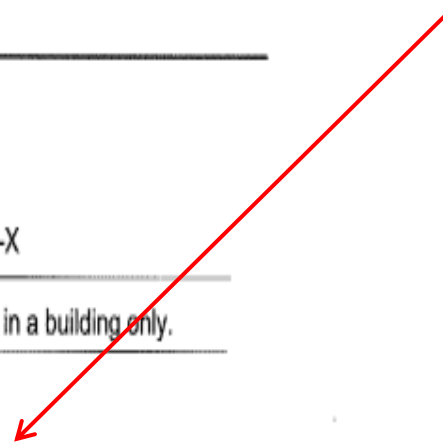
The southern portion of the property as defined by Figure A will be rezoned to M-X

(Heavy-Manufacturing).

The anticipated date for completion of conditions is 08/31/2025

Authorization

Request Only
Stated to
Remove the
Condition
“For The
Purpose of A
Mineral
Reclamation
Plant,
Enclosed in a
Building”



Agent Street Address: _____ City: _____ State: _____ Zip: _____

Phone number: _____ Email: _____

Request

I (we) hereby request an extension of time to complete conditions of an approved B.O.S. Resolution.

The following conditions HAVE been met:

The following conditions have NOT been met:

Submittal and recordation of a Parcel Plat, Site plan, prepared in accordance with Section 37.N

The conditions have not been completed because:

Change of Ownership

The anticipated date for completion of conditions is 08/31/2025

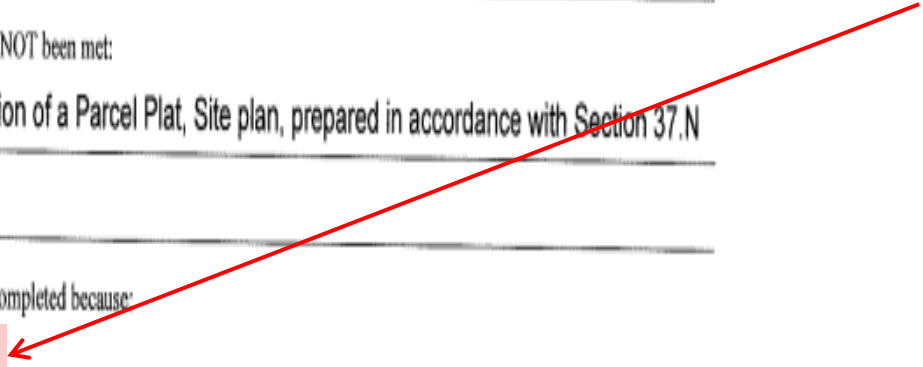
Authorization

By signing below I certify I am the current property owner, concur with the request, and all the information is correct to the best of my knowledge. If agent information is completed I allow them to act on my behalf regarding this application.

Jane M. [Signature]

Reason For
The Request
“Change of
Ownership”

Nothing
Stated a
Completely
Different
Project



Legal Notice

Published in Mohave Valley Daily News (Bullhead City) on October 22, 2023

Location

Mohave County, Arizona

Notice Text

NOTICE OF HEARING

Notice is hereby given that on WEDNESDAY, NOVEMBER 8, 2023, the Mohave County Planning and Zoning Commission will hold its regular meeting. At this time, all interested persons may appear and be heard at 10:00 A.M. in the Board of Supervisors Auditorium, 700 West Beale Street, Kingman, Arizona, regarding the following items:

REGULAR AGENDA

SOUTH MOHAVE VALLEY AREA

01. Evaluation of a request for an AMENDMENT TO B.O.S. RESOLUTION NO. 2018-041, for a portion of Assessor Parcel No. 221-35-024 to remove the condition that it is for a mineral reclamation plant, enclosed in a building only; and to allow an EXTENSION OF TIME for the completion of improvements to allow for an energy facility in the Fort Mohave vicinity (north of Antoinette Avenue, west of Ashley Street), Mohave County, Arizona Mohave Electric Cooperative AP

Complete legal descriptions and proposals are on file with the Mohave County Development Services Department, 3250 E. Kino Ave., Kingman, Arizona.

Pursuant to the Americans with Disabilities Act (ADA), Mohave County endeavors to ensure the accessibility of all its programs, facilities, and services to all persons with disabilities. If you need accommodation for this meeting, please contact the Development Services Department at (928) 757-0903 ext. 5816.

MOHAVE COUNTY DEVELOPMENT SERVICES DEPARTMENT

Timothy M. Walsh Jr., P.E., Director

Publish: October 22, 2023

Legal Notice
Published in
the MVDN on
22 Oct 23
states
“To Allow For
an Energy
Facility”
There is
Nothing
Relating to a
Gas Fired
Peaker Plant

NOTICE

NOTICE IS HEREBY GIVEN that a hearing will be held by the Planning and Zoning Commission of Mohave County, Arizona at the regular meeting room of the Commission, 700 W. Beale Street, Kingman, Arizona, on the 8th day of November 2023, at 10:00 A.M.

As Follows:

Evaluation of a request for an AMENDMENT TO B.O.S. RESOLUTION NO. 2018-041, for a portion of Assessor Parcel ID: 221-15-074 to remove the condition that it is for a mineral reclamation plan, enclosed in a building only and to allow an EXTENSION OF TIME for the completion of improvements to allow for an energy facility in the Fort Mohave vicinity (north of Astor Avenue, west of Ashley Street), Mohave County, Arizona Mohave Electric Cooperative AP

FOR MORE INFORMATION, CONTACT THE PLANNING & ZONING DIVISION AT

Posting on Lot from P&Z states "Energy Facility" There is Nothing Relating to a Gas Fired Peaker Plant

Current Status

- ▶ Nov 8 The Request For The Extension Was Approved By The Planning And Zoning Commission Without Opposition As None Of The Residents Were Aware Of The Request
 1. Written Notifications Are Only Required To Residents Within 300 Ft Of The Project
 2. The Posted Signs Were No Longer Visible Due To The Winds In That Area
 3. The Legal Notice In The MVDN Was Vague And Stated An Energy Facility; We Assumed Solar Fields

SOUTH MOHAVE VALLEY AREA

02. Evaluation of a request for an AMENDMENT TO B.O.S. RESOLUTION NO. 2018-041, for a portion of Assessor Parcel No. 221-35-024 to remove the condition that it is for a mineral reclamation plant, enclosed in a building only and to allow an EXTENSION OF TIME for the completion of improvements to allow for an energy facility in the Fort Mohave vicinity (north of Antoinette Avenue, west of Ashley Street), Mohave County, Arizona **Mohave Electric Cooperative AP**

Amy Patze, Planner I, read the item and staff recommendations. The applicant was available for questions.

Chairperson Gillette opened and closed the public hearing as no one wished to speak.

Commissioner Alexander asked why an extension of time was needed.

John Martell, the applicant, stated they had recently purchased the property and needed an extension of time in order to get the project going.

Commissioner Bradshaw asked for clarification regarding the project not going forward.

Mr. Martell stated that they had purchased the property and it was found that they needed to request the extension of time and the amendment in order to proceed with their current project.

Commissioner Bradshaw asked if the project was going to have the reclamation outside of the building. He asked about water, air quality and noise concerns.

Mr. Martell stated the project was to build a quick start natural gas turbine. He stated the previous project was for a mineral reclamation inside a building. The current project is for an energy facility to provide much needed power generation in the area. It will not necessarily be for any minerals or reclamation.

Commissioner Bradshaw asked if the project was for a completely different use.

Mr. Martell stated correct.

Commissioner Hubbard asked the applicant if it was a solar project.

Mr. Martell stated no it was a quick start natural gas turbine.

Not Once At The P&Z
Did MEC Representative
Jon Martell Identify The
project As A Peaker
Plant.

“Needed an Extension
to Get The Project
Going”

P&Z Asked About Water,
Air Quality, and Noise
Jon Martell

“Never Answered The
Questions”

“Build a Quick Start
Natural Gas Turbine”

Current Status

- ▶ Dec 4 Meeting Of The Board Of Supervisors A Request Was Made To Remove The Rezoning Application Item 9 From The Consent Agenda And Put It Back On The Floor For Open Discussion
- ▶ Request Was Granted And Several People Spoke For And Against The Power Plant Project Including
 - **23** Board Members, Employees Or Contractors Of Mec Spoke In Favor Of The Facility But Failed To Identify As An Agent or Employee Of The Company

Current Status

- ▶ We Felt That Was A Conflict Of Interest And An Unethical Business Practice To Represent Your Opinion As A Member Of The Public
- ▶ The Board Of Supervisors Approved The Zoning Extension In A Vote Of 4-1 With Supervisor Gould Being The Only Opposition

WHEREAS, the site is within Fort Mojave Mesa Fire District. Water and sewer services do not appear available. Electric service appears to be available. The unnamed road is not paved and is not on the County’s road maintenance system, and

WHEREAS, a review of FEMA FIRM Panel #04015C-5056H indicates the site described to be partly in Zone AO within the Special Flood Hazard Area, and partly in Zone X, not within the Special Flood Hazard Area, and

WHEREAS, the following described Findings of Fact are for the above-captioned item:

- a. All notices have been advertised and posted according to regulations.
- b. The proposed action and effect comply with the Mohave County General Plan.
- c. The site appears adequate for the intended action.
- d. The neighboring area contains other uses similar to the above-proposed action.
- e. The site appears to have legal access via unpaved roads.
- f. The noted flood zone is a significant environmental feature affecting the site.
- g. Water and sewer services do not appear to be available. Electric service appears to be available.

WHEREAS, at the public hearing held before the Mohave County Planning and Zoning Commission on November 8, 2023, the Commission recommended APPROVAL of this Extension of Time and Amendment to B.O.S. Resolution No. 2018-041 outlined herein (wording to be deleted has been struck):

- 1. The southern portion of the property as defined by Figure A, will be rezoned to M-X (Heavy Manufacturing) for a mineral reclamation plant, enclosed in a building, only.
- 2. Compliance with the conditions of B.O.S. Resolution No. 2018-041, as amended by this item.
- 3. This Extension of Time will be in effect until August 31, 2025.

Findings Of Fact
Item D
“Area Contains
Other Uses Similar”

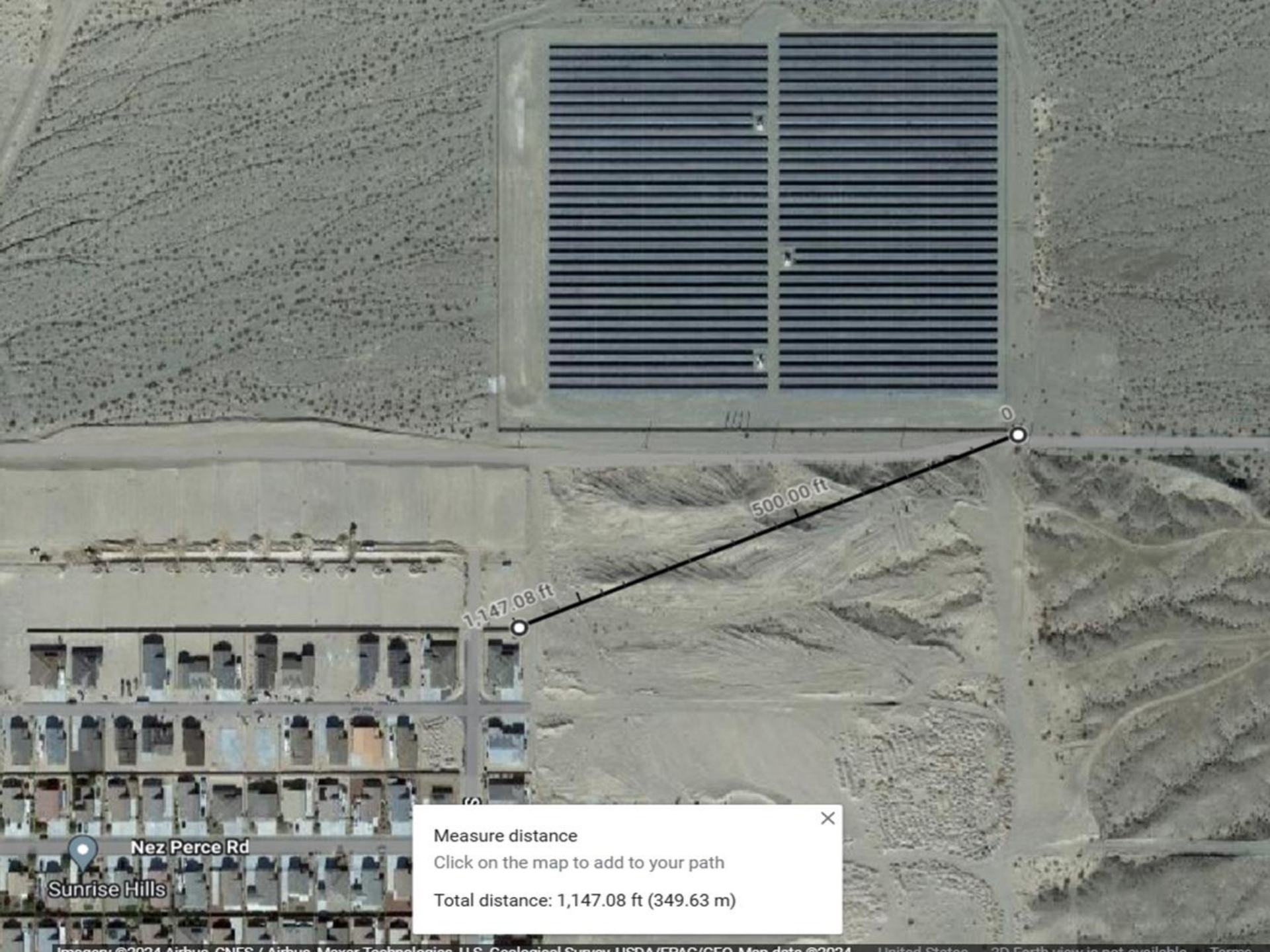
Rezoned To M-X
“Remove The
Conditions For A
Mineral
Reclamation Plant”

“Extend the Time”

Reasons For Our Opposition

- ▶ The Property Location Is Within Approximately 1150 Feet Of Current Residences In Sunrise Hills At Valley View
 - 1. Decrease In Property Value Estimated Between 9 and 15 %
 - A. Neighborhood Is Primarily Retires And This Was To Be Their Forever Home. Most Cannot Afford To Take A Loss On Their House And Relocate Due To This Power Plant.

- ▶ Reduced Air Quality And Pollutants
 - 1. EPA Study Published May 2023 Reports On The Health Risk/ Environmental Justice (EJ) concerns To Neighboring Communities Within 3 Mile Radius Of The Plant
 - A. Currently Approximately 6,500 Residences Along With 9 Daycares, Elementary And Middle Schools Are Within That 3 Mile Radius Closest Communities are predominately over 64



1,147.08 ft

500.00 ft

Measure distance ✕

Click on the map to add to your path

Total distance: 1,147.08 ft (349.63 m)

Nez Perce Rd

Sunrise Hills



2,067.12 ft

1,500.00 ft

1,000.00 ft

500.00 ft

Measure distance ×
Click on the map to add to your path
Total distance: 2,067.12 ft (630.06 m)

S

Reasons For Opposition

- ▶ Natural Gas Combustion Releases Sulfur Dioxide, Nitrogen Oxide, Carbon Dioxide, Mercury, Benzene, Methane, Formaldehyde And Particulate Matter
[1.4_natural_gas_combustion.Pdf \(Epa.Gov\)](#)
 1. Release Of NO_x And SO₂ Contribute To And Lead To The Development Of Respiratory And Cardiovascular Problems
 2. Mercury, Methane, Formaldehyde And Particulate Matter Can Increase The Possibility Of Cancer And Immune System Disorders
 3. Benzene Is An Extremely Dangerous By Product From Releases of Unburned Natural Gas And Has Been Linked To Causes Of ALS And Non-Hodgkin's Lymphoma

Reasons For Our Opposition

- ▶ Storage of 11,000 Gallons of 19% Aqueous Ammonia/ Other Unknowns
 1. Ammonia vapor, when mixed with air, may be flammable within certain limits (15% to 28% gaseous ammonia by volume).
 2. Unlike Anhydrous Ammonia, Ammonium Hydroxide storage systems do not have to comply with any published regulatory standards or specifications
 3. Hazard Statement From MSDS: May displace oxygen and cause rapid suffocation. Causes severe skin burns and eye damage. May cause respiratory irritation. Very toxic to aquatic life

Reasons For Our Opposition

▶ Water Usage

1. Approximately 100 Residences Worth

A. Average Household Use 300 Gallons Per Day

$$300g \times 365d \times 100h =$$

10,950,000

Gallons Per Year

Actions We Have Taken

- ▶ Spoke At Three BOS Meetings: 4 Dec, 2 Jan, 16 Jan
- ▶ Spoke At The Bullhead City Chamber Of Commerce
- ▶ Spoke and Attended A Community Meeting At Station 91
- ▶ Wrote Letters/ Emails to the BOS, Governor, Legislative Representatives
- ▶ Contacted Representatives From the Sierra Club

Actions We Have Taken

- ▶ Filed Complaints With The Attorney General's Open Meeting Law Enforcement Team (OMLET)
- ▶ Created Facebook Pages, Instagram, Web Site
 - Protest the Location Of the Fort Mohave Gas Power Plant
 - NotInAnyNeighborhood.org
- ▶ Contacted The MVDN and The Arizona Republic
 - Placed a Full Page Add in the MVDN
- ▶ Distributed over 4000 Fliers

Actions We Have Taken

- ▶ Contacted The Arizona Center For Law In the Public Interest
- ▶ Two Billboards on Hwy 95 Continuing Through 15 March
- ▶ Over 1400 Signatures On Our Petition
- ▶ Formed and Participated in a Protest Rally on Hwy 95
- ▶ Attended the MEC Town Hall on 12 Feb



Recommendations

- ▶ Asked MEC To Determine A New Location That Is More Acceptable To The Local Community
 1. Work With The Community Not Against Them To Reach An Agreeable Solution
 2. Several Residents In The Area Adjacent To The Proposed Location Are Unisource Energy Service Customers And Do Not Stand To Benefit From This Plant
- ▶ Develop Additional Solar Fields To Expand On Renewable Energy Sources

Options

- ▶ Meeting With MEC, Supervisor Angius and Super Gould and Bob Hooker
 - MEC Showed Us the Current Proposed Location
 - MEC Talked About A Possible Optional Location
- ▶ I told Them I Would Share That With This Group But I Was Not Sure That Was Acceptable
 - Think On This And Wait to See What MEC Has To Say In The Town Hall Meeting February 12 From 5:30 –7:30PM At Los Lagos Golf Club



2,067.12 ft

1,500.00 ft

1,000.00 ft

500.00 ft

Measure distance ×

Click on the map to add to your path

Total distance: 2,067.12 ft (630.06 m)

S

JOY LANE

ASHLEY ST

ANTOINETTE AVE

2,000.00 ft
3,964.55 ft

Theodore E...
on, Architect

B-Y Ranch

ns Index

Crossroads RV Park

Measure distance ×
Click on the map to add to your path
Total distance: 3,964.55 ft (1.21 km)

Summary

- ▶ I Want To Emphasize That The Members Of The Community Are Not Against This Plant Or Progress But Against The Current Proposed Location
- ▶ I Feel That We Should Not Be Dealing With This As The Zoning Should Have Reverted Back To R-E/10 A Residential In Mar 2020

Summary

- ▶ We Believe If MEC Would Include The Community Instead Of Trying To Hide Their Plans From Us, An Agreeable Solution To Both Parties Could Be Reached: Example Of The Solar Field Next To Joy Lane And Ashley

Questions

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