



Cochise County
Community Development
Planning, Zoning and Building Safety Division

Public Programs...Personal Service
 www.cochise.az.gov

MEMORANDUM

TO: Cochise County Board of Supervisors
THROUGH: Ed Gilligan, County Administrator
FROM: Robert Kirschmann, Planner II
FOR: Daniel Coxworth, AICP, Development Services Director
SUBJECT: Docket Z-18-07 (Solventix)
DATE: August 29, 2018 for the September 11, 2018 Meeting

APPLICATION FOR A REZONING

The Applicant is requesting a rezoning from R-36 (Residential; one dwelling per 36,000 square feet) to LI (Light Industry). The request is to facilitate the construction of a Solar Energy Power Plant. The subject parcel totals ~135 acres. In addition, Cochise County Development Services proposes to also rezone ~202 acres from R-36 to LI west of the Solventix site and adjacent to the City of Benson.

The subject parcels, APN 123-34-005, 123-28-006, 123-27-014, 123-35-001, 123-34-003C, 123-34-003D, 123-28-007, 123-27-024A, 123-30-046 and are located near the intersection of East 4th Street and Benson Airport Road, south of the I-10, Pomerene Exit. They are further described as being situated in Section 14 of Township 17 South, Range 20 East of the G&SRB&M, in Cochise County, Arizona.

I. PLANNING & ZONING RECOMMENDATION

On Wednesday, August 8, 2018, the Planning and Zoning Commission voted 6-0 to forward this Docket to the Board of Supervisors with a recommendation of approval. The motion included the conditions of approval recommended by staff, as well as a modification to permit the existing vegetation, berm and wash to be deemed adequate screening and no additional solid screening or landscaping would be required.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Solventix Site (Parcel 123-34-005)

Parcel Size: ~135 acres
 Current Zoning: R-36 (Residential; one dwelling per 36,000 square feet)
 Proposed Zoning: LI (Light Industrial)
 Growth Area: B – Community Growth Area
 Plan Designation: Enterprise
 Area Plan: None
 Existing Uses: Vacant, Former Benson Airport
 Proposed Uses: Solar Energy Powerplant



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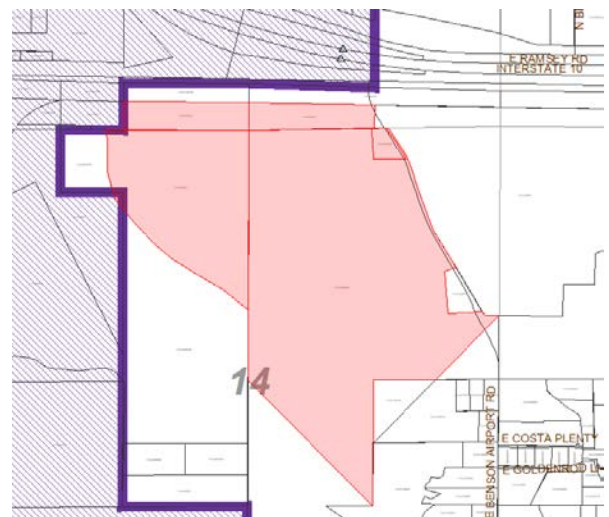
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Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	GB, R-36	Union Pacific Railroad, East 4 th Street/Interstate 10
South	R-36	Vacant Land, single family residential
East	R-36, RU-4	Vacant Land, contractor storage/warehouse, single family residential
West	R-36	Farm

Ogilvie Site (Parcel 123-28-006, 123-27-014, 123-35-001, 123-34-003C, 123-34-003D)

Parcel Size: ~202 acres
 Current Zoning: R-36 (Residential; one dwelling per 36,000 square feet)
 Proposed Zoning: LI (Light Industrial)
 Growth Area: B – Community Growth Area
 Plan Designation: Developing
 Area Plan: None
 Existing Uses: Farm
 Proposed Uses: No changes proposed to use at this time.



Zoning/Use of Surrounding Properties

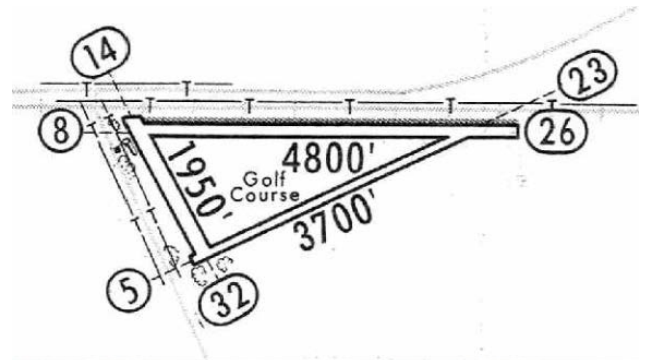
Relation to Subject Parcel	Zoning District	Use of Property
North	City of Benson, B-2(General Business), R-T (Rural Transitional)	Union Pacific Railroad, East 4 th Street/Interstate 10, Vacant Land
South	R-36	Vacant Land, single family residential
East	R-36	Vacant Land, former Benson Airport
West	City of Benson, I-2 (Heavy Industry)	San Pedro River, All the Kings Horses, Union Pacific Rail Yard

III. PARCEL HISTORY

Due to the age and nature of the airport, and the Agricultural nature of the farm, there are no permits on file. However, after conducting some research it appears that the Benson Airport was constructed in the early 1930s. After that it was opened and closed multiple times until it was no longer listed as an active field in 1974.



USGS Topo Map, 1958



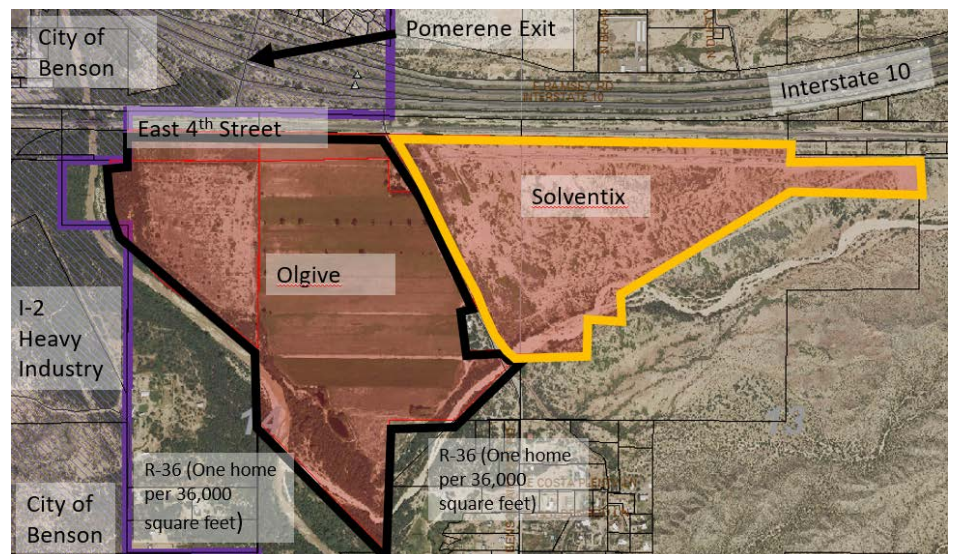
Jeppesen Airway Manual, 1964 (Chris Kennedy)

IV. NATURE OF REQUEST

Representatives from Solventix approached County Staff about establishing a Solar Energy Power Plant (1302.46) on parcel 123-34-005. This approximately 135 acre site is currently zoned R-36, Residential one residence per 36,000 square feet. Solar Energy Power Plants are not permitted in the residential districts even with a Special Use. The Parcel is located in Category B, Community Growth Area and designated as Enterprise by the Comprehensive Plan. The only zoning designations permitted in the Enterprise designation are Neighborhood (NB) and General Business (GB), Light (LI) and Heavy Industry (HI). Staff suggested that the Light Industry designation may be appropriate at the location because:

- Formerly Benson Airport
- Adjacent to the Union Pacific rail line
- Proximity to Interstate 10 and the Pomerene Exit
- Access to both Benson Airport Road and East 4th Street

As staff was evaluating options for the Solventix property surrounding properties and uses were evaluated. West of the Solventix site is a cattle farm which encompasses approximately 202 acres and is adjacent to Benson City limits. The City of Benson Zoning is Heavy Industry (I-2) and General Business.



Staff believed that continuing the Light industry designation from the Solventix parcel to Benson city limits would make sense, due to the items identified above. The City of Benson and the Farm owners were contacted to solicit input on the change in zoning. The property owners provided a letter stating that they would be interested in rezoning, although they have no plans to make any changes in the foreseeable future. The city of Benson also submitted comments and suggested that the parcels consider annexing into the City.



University of Arizona Renewable Energy Opportunity Analysis

Cooperative Extension's Land Use Planning and Sustainable Development Program was requested by several counties in southeastern Arizona to conduct analyses for solar energy development potential within their jurisdictions. Subsequently, the analysis was expanded to include every county and community in Arizona. This analysis, using the Renewable Energy Opportunity Analysis (REOA) model, will aid counties, cities and towns in developing sound land use policies for siting solar energy facilities.



While many factors go into siting solar facilities, REOA assesses fundamental physical and economic opportunities and constraints on any given piece of land, such as slope, aspect, proximity to transmission lines, sub-stations, roads, and others. The resulting outputs should help renewable energy developers, communities and decision makers begin the more complex task of focusing on specific regions of any given county or city and conducting feasibility studies. The reports explain the methodology behind the analysis, summarize the results, and provide some direction for the use of the outputs. The maps illustrate the outputs for specific regions of the state.

From: <https://rurallandscapes.extension.arizona.edu/content/renewable-energy-opportunity-analysis>

V. ANALYSIS OF IMPACTS

Mandatory Compliance

Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category "B" Community Growth Area and is considered an "Enterprise" and "Developing" area per the Comprehensive Plan. LI zoning is permitted in the Category "B," "Enterprise" and

“Developing” areas, therefore this request to rezone to LI complies with the Comprehensive Plan as detailed below.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Fourteen of the criteria are applicable to this request. nine of the factors are met as submitted, and five are met with conditions and modifications.

1. Provides an Adequate Land Use/Concept Plan: Complies with Condition

The Applicant intends to construct a Solar Energy Power Plant, a permitted use. At the commercial permit phase, a fully dimensioned site plan will be required. The submitted concept plan does show that all required site development standards may be met. The Plan shows the location of the panels, overhead utilities, and a substation. The panels are setback from all property lines to allow the natural vegetation and topography to help screen the use. A condition is recommended, requiring a fully dimensioned site plan with the Commercial Submittal. Future, nonagricultural development of the Farm site will require additional review at the commercial permit stage.



2. Compliance with Applicable Site Development Standards: Complies with modifications

A minimum of 80 feet is required from properties zoned as Residential (South and east properties) and 20 feet from the traveled roadways. The site is able to accommodate these setbacks. Staff is recommending two modifications: landscaping and screening. The Regulations require solid screening when the use abuts residentially zoned property. Staff recommends a modification to this standard. Between the setbacks, existing vegetation, and the wash adequate screening is provided. A solid screen would look inappropriate in the area. In addition, because the use is also located in Category B, landscaping is required. The site will maintain a 20 foot setback along Benson Airport Road, which will preserve a large portion of the natural vegetation and the berm. A condition has been included to insure this vegetation is maintained to screen the facility from the road.



Benson Airport Road looking South



Benson Airport Road looking East



Berm and existing vegetation on the East side of Benson Airport Road



Wash along southern property boundary



Vacant Land South of the Rezoning

3. Adjacent Districts Remain Capable of Development: Complies

The proposal would not affect the development prospects of any neighboring properties. There are several surrounding parcels that are currently undeveloped, but this request will not preclude or limit their developments. A letter was received by a property owner immediately to the south of the application. They cited concerns about devaluing their property. The proposed rezoning will not directly impact the property as there is ample screening, setbacks and a large natural wash separating the properties.



Existing home associated with the Farm

4. Limitation on Creation of Nonconforming Uses: Complies

If approved, the rezoning will not result in the creation of non-conforming uses. The Industrial zoning only allows one residence to be used as a caretaker home (1304.01), however, the existing home is associated with the Farm and therefore exempt by State Law.

5. Compatibility with Existing Development: Complies

The site abuts East 4th Street, Benson Airport Road, Union Pacific Rail Line and Interstate 10. In addition, the City of Benson has designated adjacent areas as Business and Industry. The area currently has a wide mix of uses including residential, contractor storage yards, warehousing, farming, and a rail yard. The Comprehensive Plan see this area as developing and the proposed zoning is appropriate with that vision. Below are photos of existing development found in the area.





6. Rezoning to More Intense Districts: Complies

As noted above, the proposed zoning is a reasonable extension of existing commercial and industrial zoning districts in the City of Benson. In addition, the large area of the site permits the use to be set back from the property lines preserving the natural vegetation.

7. Adequate Services and Infrastructure: Complies with Conditions

The site has existing electric, gas, water, and phone service.

Cochise County Sherriff provides law enforcement, HCI provides EMS and the fire district uncovered. The Docket was transmitted to City and County emergency responders and no comments were received.

8. Traffic Circulation Criteria: Complies with Conditions

This solar portion of rezoning request will temporarily increase traffic during construction, but thereafter will have minimal impact.

Current zoning would allow for about 278 residential units with a potential average of 2,660 new vehicle trips per day. Light Industrial allows for many different uses with a wide potential range of 1,755 to 53,711 vehicle trips per day. However, the proposed use for the subject parcel, by this applicant, of 135 acres of solar power panels, typically has a short duration impact during construction and then a very minimal maintenance schedule once in place. It is expected that industrial uses at this location would not exceed that of potential residential build-out – very likely to be far less of an impact than most Light Industrial uses if built-out as intended into solar or other power generating uses.

9. Development Along Major Streets: Complies with Conditions

The site is located adjacent to Benson Airport Road, East 4th Street and Interstate 10. These roads will be able to accommodate the proposed solar project. Depending on uses proposed on the Farm property in the Future additional improvements may be required and will be determined at the commercial permit phase. ADOT responded with no comments to the proposed rezoning. The right of way department has requested additional right of way for Benson Airport Road.

**10. Infill: Partially Complies**

Rezoning's to Light Industry are encouraged to be located in areas designated as Enterprise or Enterprise Redevelopment to discourage sprawl.

This solar site is located within an Enterprise area, which encourages these areas to be developed or redeveloped and help reduce sprawl. The Farm is within a designated a Developing Area, which is a catchall designation for mixed use areas such as this. The proposal does not alter the overall pattern of development in the area, and may push towards a re-designation of the area as Enterprise.

11. Unique Topographic Features: Complies with Conditions

Both sites are relatively flat however, the San Pedro River is located on the West side of the Farm and a major wash occurs along the southern edge of both sites. Setbacks from the wash will be enforced at commercial permitting. The southern areas of both sites are located within the designated flood plain, and the appropriate regulations will also apply during permitting. At this time the solar facility will not encroach into the designated flood plain area.

12. Water Conservation: Complies

Upon commercial permitting, all applicable regulations will require compliance.

13. Public Input: Complies

The Applicant completed a Citizen Review and received two responses. One was a phone call in support and the other a letter in support but with questions. Staff mailed notices to neighboring property owners within 1 mile of the subject property on July 9, 2018. Staff posted the property on July 12, 2018 and published a legal notice in the *San Pedro Valley Sun-News* on July 18, 2018. One written response from the adjacent property owner to the south was received. Several phone calls were received by residents living south of the rezoning and they indicated support to the request. The letter in opposition cited concerns about property values. The setbacks, existing berms and vegetation will mitigate the visual impacts.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Comprehensive Plan: Complies

The subject property lies within a Category "B" – Community Growth Area and is considered an "Development" area per the Comprehensive Plan. This designation is intended to include area with mixed uses until a clear pattern of development occurs. This request would push towards a designation of Enterprise.

The proposal is also supported by the Economic Development element of the Comprehensive Plan, by creating new employment and trade opportunities.

VI. PUBLIC COMMENT

In response to County mailings, the Planning Department has received one response in opposition.

VII. SUMMARY AND CONCLUSION

The request is for a rezoning, from R-36 (Residential; one dwelling per 36,000 sq. ft.), to LI (Light Industry) on an approximately 303 acres adjacent to the City of Benson. At this time, the area is characterized by mixed land uses, tending towards commercial and light industrial to the west, northwest and northeast and residential to the south. The Applicant proposes to use 135 acres for a Solar Energy Power Plant. The Cochise County Comprehensive Plan designates the site as Enterprise and Developing, which permits for future industry and commercial growth.

Factors in Favor of Approval

1. Allowing the request would be in keeping with the character of the existing development in the area;
2. The Comprehensive Plan policies prescribe Developing areas to grow towards build-out. This request would infill a large undeveloped area, indicating the direction of future development;
3. The Comprehensive Plan policies prescribe Enterprise areas are to be designated as commercial or industrial. This request would infill a large undeveloped area.
4. Under the University of Arizona Renewable Energy Opportunity Analysis, the Solventix property is identified as suitable for large scale solar facilities.

Factors Against Approval

1. The rezoning may create a land use with more neighborhood impacts than would be permitted under the existing zoning; and
2. One letter of opposition was received

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding the request for a rezoning, from R-36 (Residential; one dwelling per 36,000 sq. ft.) to LI (Light Industry) for approximately 303 acres located South of East 4th Street and on both Sides of Benson Airport Road to the Board of Supervisors with a recommendation of **Conditional Approval**, subject to the following Conditions and Modifications:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
3. The Applicant shall work with right-of-way staff to dedicate additional right to the County.
4. The Applicant shall maintain the existing berm and vegetation located along the east side of Benson Airport Road.

Modification - The existing vegetation, berm and wash provide adequate screening and no additional solid screening or landscaping would be required.

IX. ATTACHMENTS

- A. Application
- B. Location Map
- C. Agency Comment Memos
- D. Public Comment