



# Cochise County

## Development Services

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### MEMORANDUM

TO: Cochise County Planning and Zoning Commission  
FROM: Robert Kirschmann, Planner II  
FOR: Daniel Coxworth, AICP, Development Director  
SUBJECT: Docket SU-20-10 (SSVEC Solar)  
DATE: September 2, 2020 for the September 9, 2020 Meeting

### APPLICATION FOR A SPECIAL USE AUTHORIZATION

The applicant requests Special Use Authorization to construct an approximately 120 acres of solar panels and associated equipment on 160 acres.

The site is located on Ranch House Road and is identified as parcels 201-16-003 and 004. The Applicant is Ms. Megan Resor of SSVEC.

### I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 160 acres  
Current Zoning: RU-4 (Rural; one dwelling per 4 acres)  
Proposed Zoning: Same  
Growth Area: Category D  
Comprehensive Plan Designation: Rural  
Area Plan: None  
Existing Uses: Vacant land  
Proposed Uses: Solar field

### Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Vacant subdivision/grazing
South	RU-4	Vacant/ grazing
East	RU-4	Vacant/ grazing
West	RU-4	Agricultural Pivot

### II. PARCEL HISTORY

None

### **Planning, Zoning and Building Safety**

1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9278 fax  
planningandzoning@cochise.az.gov

III. NATURE OF REQUEST

Sulphur Springs Valley Electric Cooperative is requesting approval of a new solar project in the Willcox area. The total acreage of the site is 160 acres, of which approximately 120 acre will be dedicated to the solar panels and associated improvements. The overall height of the panels and support are expected to be approximately ten (10) feet.

IV. ANALYSIS OF IMPACTS COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Authorization, as well as to determine what Conditions and/or Modifications may be needed.

With the information provided, ten (10) factors apply to this request. The project, as submitted, fully complies with seven (7) of the factors. With the recommended conditions/modification, the project complies with three (3) additional factors.

1. Compliance with Duly Adopted Plans: Complies

The Comprehensive Plan encourages the use of solar energy resources in Element E, Renewable Energy. Goal 1 states: Support the development of local renewable energy projects and technologies This is implemented by several policies including:

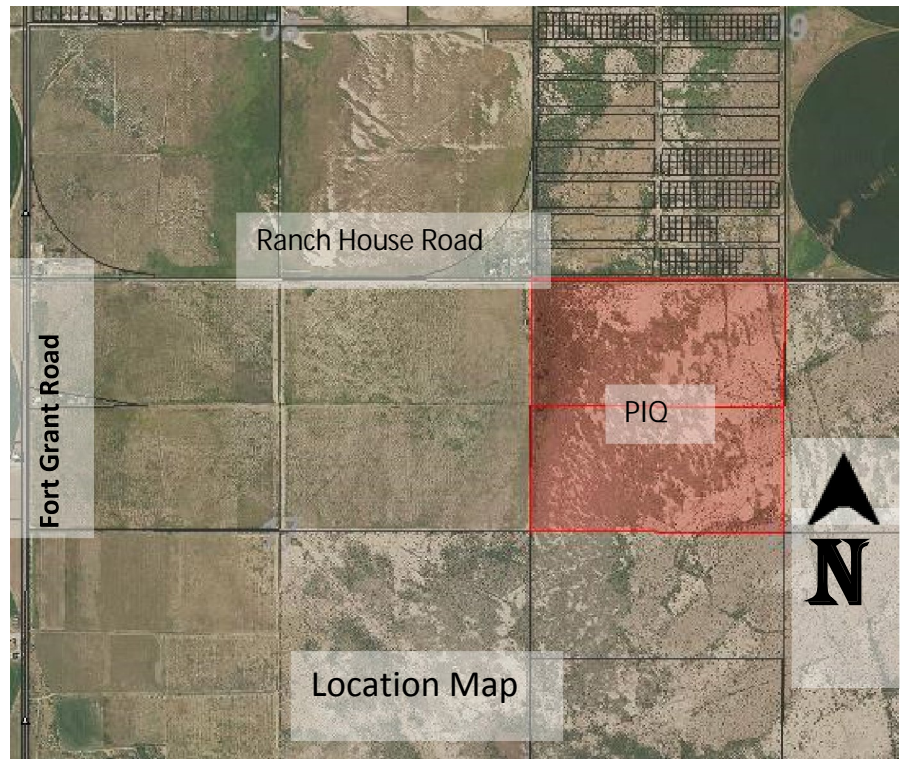
- a. Encourage utility-scale renewable energy projects, using the University of Arizona's Renewable Energy Opportunity Analysis and other resources as a guide for determining the suitability of proposals in any one location.
- b. Encourage renewable energy business development.
- d. Permit flexible site development standards.

Approval of this project will implement the Counties goals of encouraging renewable energy.

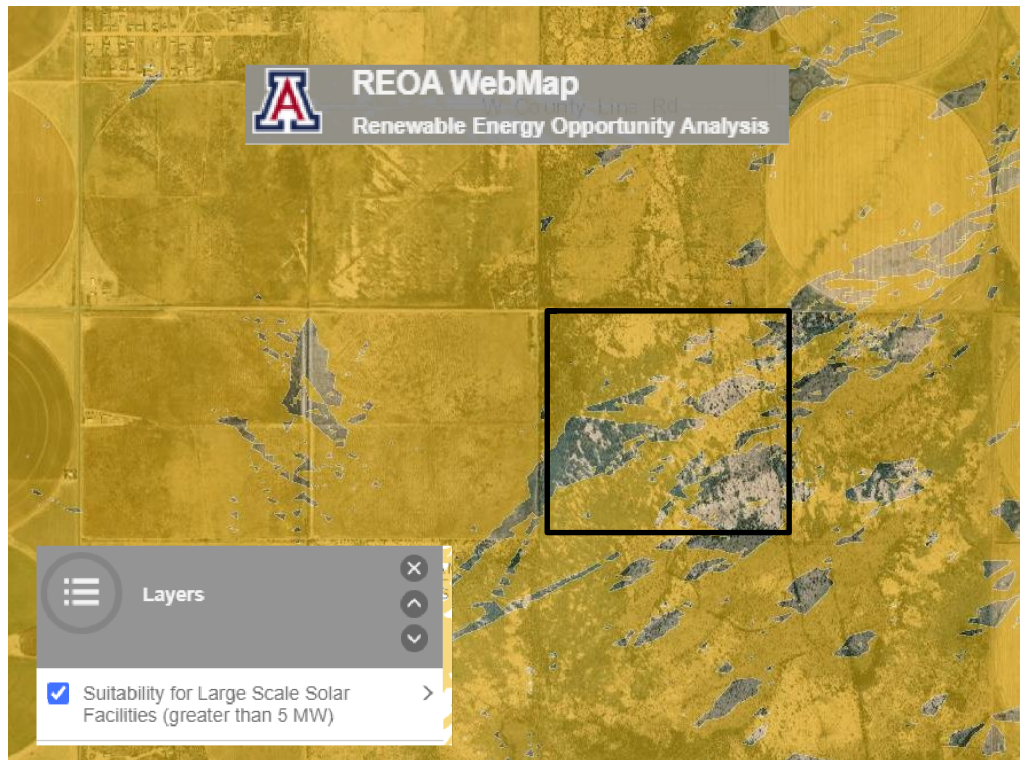
**University of Arizona Renewable Energy Opportunity Analysis**

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>

2. Compliance with the Zoning District Purpose Statement: Complies with conditions

601.02 To encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living

The area immediately surrounding the solar project is very rural with a few scattered single family residences, large pivots and cattle grazing. The structures will be only ten (10) feet in height which will help with the visual aspect to surrounding properties. Setbacks for Solar Energy Power Plants are required to be at least twice the minimum required setback or equal the height of the tallest structure. Since the tallest structure is proposed at 10 feet, and the required setback is 20 feet, the applicant will be required a minimum 40 foot setback around the parcels. Staff is recommending a condition that requires the existing native vegetation located within the required setback area surrounding the site remain undisturbed to the greatest extent possible.



3. Development along Major Streets: Complies with condition

The parcel will provide access to Ranch House Road meeting the requirements of the County right-of-way department. Ranch House Road is County

maintained up to the parcels in questions. A condition of approval is included requiring a Private Road Maintenance Agreement for the portion along their property.

4. Traffic Circulation Factors: Complies

There will be a temporary increase in traffic during construction of the project, however once the project is built it will only have periodic maintenance vehicles vesting the site, far less than if the property was developed as residential at one home per for acres or an active farm.

5. Adequate Services and Infrastructure: Complies

The property will not need water or septic as there will be no personnel working on the site. Initially, water will be trucked in to help with dust control during construction.

6. Significant Site Development Standards: Complies with conditions and modifications

Site Plan:

In conjunction with the non-residential permit submittal the applicant shall provide a detailed and fully dimensioned site plan. This plan will show all setbacks, panel locations, travel ways, parking location, etc. Unmanned facilities require a minimum of a twelve foot wide unimproved driveway and one nine foot by nineteen foot parking space.

Setbacks:

As discussed above the minimum setback on all four sides is 40 feet. Staff is recommending a condition that requires these area be left undisturbed to help screen the facility for surrounding areas.

Lot Coverage:

The Rural Land Use district restricts lot coverage to a maximum of 25%. The plan currently shows approximately 75% lot coverage.

Staff believes that a modification is warranted due to the type of project being proposed and the large native buffer that will be provided along the perimeter of the site.



Height:

At this time is anticipated that the panels should not exceed ten feet in height. Solar Energy Systems are exempt from height pursuant to Article 20 (Height exemptions), however even if they were not exempt the height would be under the 30 feet allowed by the Rural Zoning District.

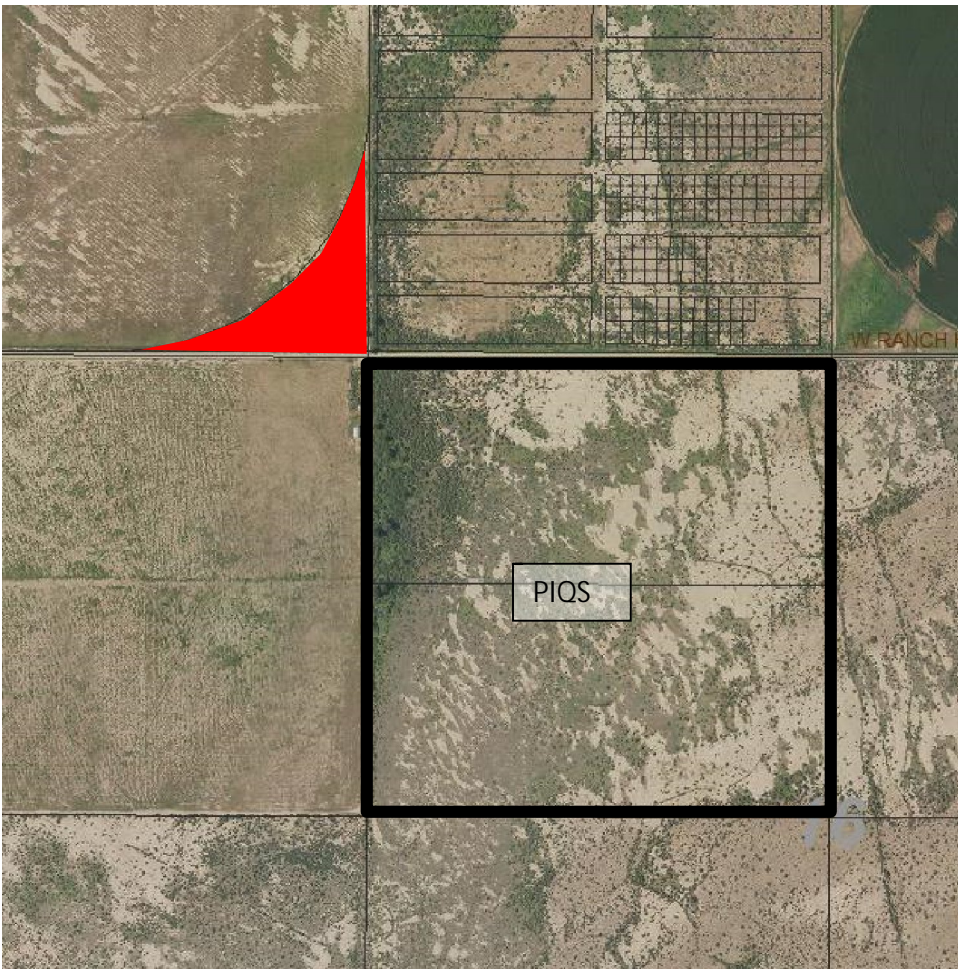
Lighting:

Any lighting required shall be shown on the non-residential permit application and will be required to be fully shielded and comply with the Outdoor Lighting Regulations.

7. Public Input: Complies

The applicant mailed letters to property owners within 1,000 feet of the property prior to application submittal and received three phone calls asking if they were interested in purchasing their property.

The Planning Department mailed letters to the same property owners within 1,000 feet of the subject property, published a legal ad in the Sierra Vista Herald, and posted legal notices on the property. To date, staff has received one (1) email in opposition, which is not major public opposition to the request.



The issues raised include:

- Increase in traffic
- Flooding
- Water usage
- Visual impact

8. Hazardous Materials: Complies

There are no proposed hazardous materials. There is a possibility that battery storage may be utilized, however they required to comply with all standard safety precautions.

9. Off-Site Impacts: Complies

The major off-site impacts could include temporary construction traffic, dust and noise. Long term impacts would be limited to visual impacts. The condition

requiring preservative of the surrounding vegetation will help to mitigate the impact.

10. Water Conservation:  
Complies

There will be no employees or customers coming to the site. The cleaning of the panels does not use a large amount of water. If the property were to be developed with 40 single family homes or used for agriculture the water use would be much greater.

VI. PUBLIC COMMENT

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VII. WAIVERS

Staff recommends waving the lot coverage requirement and approving the plan as presented at approximately 75% lot coverage.

The comprehensive Plan supports the County in being flexible with development standards.

Element E, Renewable Energy. Goal 1 states:

Support the development of local renewable energy projects and technologies. Policy e. states Permit flexible site development standards.

VII. SUMMARY AND CONCLUSION

This request is for a Rezoning and a Special Use authorization to legitimize an existing well drilling business.

Factors in Favor of Approval of the Rezoning

1. The request complies with eleven of the applicable Rezoning factors used by staff to analyze this request;
2. The request would be in keeping with the character of the existing development in the area;
3. Three letters of support were received

4. The business has existed at this location for a few years, and no complaint has been received.

#### Factors Against Approval

1. Two letters in opposition were received;
2. The request only partially complies with one Factor.

#### Factors in Favor of Approving the Special Use

1. With the recommended Conditions of Approval/modification, the proposed use would fully comply with ten of the ten Special Use factors used by staff to analyze this request and would comply with two additional factors if the Conditions of approval are met;
2. The Comprehensive Goals and Policies support renewable energy;
3. Under the University of Arizona Renewable Energy Opportunity Analysis, the majority of the property is identified as suitable for large scale solar facilities.

#### Factors Against Allowing the Special Use

1. The Planning Department has received one (1) email in opposition to the request;

### VIII. RECOMMENDATION

Based on the factors in favor of approval, staff recommends Approval of the Rezoning and Special Use request.

Should the Commission approve the Applications, staff recommends the following Conditions:

1. Within 30-days of approval of the Special Use, the applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval otherwise, the Special Use may be deemed void upon 30-day notification to the applicant;
2. It is the applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may apply to the proposed use pursuant to other federal, state, or local laws or regulations;
3. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission;
4. The applicant shall enter into a private maintenance agreement(PMA) for the portion of the road adjacent to their property;
5. A detailed, dimensioned site plan shall be provided with non-residential permits;
6. Native vegetation within the 40 foot setback area shall be preserved to the great extent possible.

#### Sample Motion:

Mr. Chairman, I move to approve Special Use Docket SU-20-10 (SSVEC Solar)), located on parcels, 201-16-003 and 004 with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.