



# Cochise County

## Development Services

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### MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Christine Mclachlan, AICP, Planner II  
**FOR:** Daniel Coxworth, AICP, Development Services Director  
**SUBJECT:** Docket SU-20-18 and Z-20-15 (Ft Grant Solar)  
**DATE:** December 2, 2020 for the December 9, 2020 Meeting

### APPLICATION FOR A SPECIAL USE AUTHORIZATION AND REZONING

The Applicant, Derek Fromm of Greenstone Land Holding, LLC, requests a Special Use Authorization to approve the construction of approximately 125-140 acres of solar panels and associated equipment on 140.95 acres of land. A Rezoning Application is also included to rezone the property from R-36 (Residential, one dwelling per 36,000 square feet) to RU-2 (Rural, one dwelling per 2 acres). The proposed site, which includes parcels 202-05-018 and 202-05-002, is located near the southwest corner of the intersection of N. Fort Grant Road and N. Hamilton Road, 7.5 miles north of the City of Willcox, AZ.

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

Parcel Size: 140.95 acres  
 Current Zoning: R-36 (Residential, one dwelling per 36,000 square feet)  
 Proposed Zoning: RU-2 (Rural, one dwelling per 2 acres)  
 Growth Area: Category D  
 Comprehensive Plan Designation: Rural  
 Area Plan: None  
 Existing Uses: Fallow cotton field with dilapidated building  
 Proposed Uses: Solar field, utility scale

### Zoning/Use of Surrounding Properties

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

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

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Figure 1: Parcel Location Map

**II. PARCEL HISTORY**

The subject parcels were previously used for growing and processing cotton.

**III. NATURE OF REQUEST**

Greenstone Capital (Greenstone) is requesting a rezoning and special use authorization to construct and operate a proposed solar energy power plant. Specifically, this is a planned 20 MWac solar photovoltaic (PV) energy generation facility, which will possibly be coupled with some battery energy storage capacity. As defined by the Zoning Regulations, this use is a “non-residential, utility-scale system, the purpose of which is to supply solar-generated electricity to off-site consumers.” The primary purpose of the power generated is the sale for commercial gain, and it is typically sold to energy companies.

Proposed structures will include solar PV modules, racking systems (single-axis trackers that rotate east-to-west), inverters, transformers a small substation and a switchyard that will most likely owned by the load serving utility. The solar photovoltaic panels generate direct current (DC) power. Inverters will convert this DC power into alternating current (AC) power. Step-up transformers (in a small, fenced of area (**Substation**) will step up the AC power to the voltage of the nearby, existing overhead power lines (69-kV) and interconnect via a pole riser (“Point of Interconnection”). Depending on the solar energy customer’s requirements, the applicant may include some battery energy storage system capacity during permitting, which would enable the system to store excess solar energy generation for use at a later point in time.

As proposed, the Project would be located on vacant land. Parcel 20205002 contains some dilapidated structures that once accommodated a cotton gin. The northern end of parcel 20205018 was previously used to grow cotton. The project site is located near the southwest corner of the intersection of N. Fort Grant Road and N. Hamilton Road, 7.5

miles north of the City of Willcox, AZ. The Sulfur Springs Valley Electric Cooperative (SSVEC) “Stewart” Substation is located across the intersection of Old Fort Grant Road, at less than 500 feet from the proposed Project Site. The Project will occupy a 125-140-acre portion of the combined total acreage of 140.95 acres. The subject parcels are currently zoned R-36. Because solar facilities are not a permitted use within R-36 zoning, a rezoning is also requested to amend the designation of the subject parcels from R-36 to RU-2.

#### **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 eight (8) of the factors. The analysis of the zoning district purpose is included in Section V of this report. The proposal can be brought into compliance with the final factor with recommended conditions.

##### **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, in part, implement the County’s goals of encouraging renewable energy.

##### **University of Arizona Renewable Energy Opportunity Analysis**

The 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 report explains 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. As indicated in Figure 2, the entire site is suitable for a utility-scale solar facility. Of note, statewide, there are far fewer areas that were determined to be suitable for large-scale solar facilities versus small-scale. This is largely due to the 300’ distance buffer requirement to transmission lines of 115 KV or greater.

From: <https://rurallandscapes.extension.arizona.edu/content/renewable-energy-opportunity-analysis>. To view an online interactive map, please visit: <https://cals.arizona.edu/reoa/>

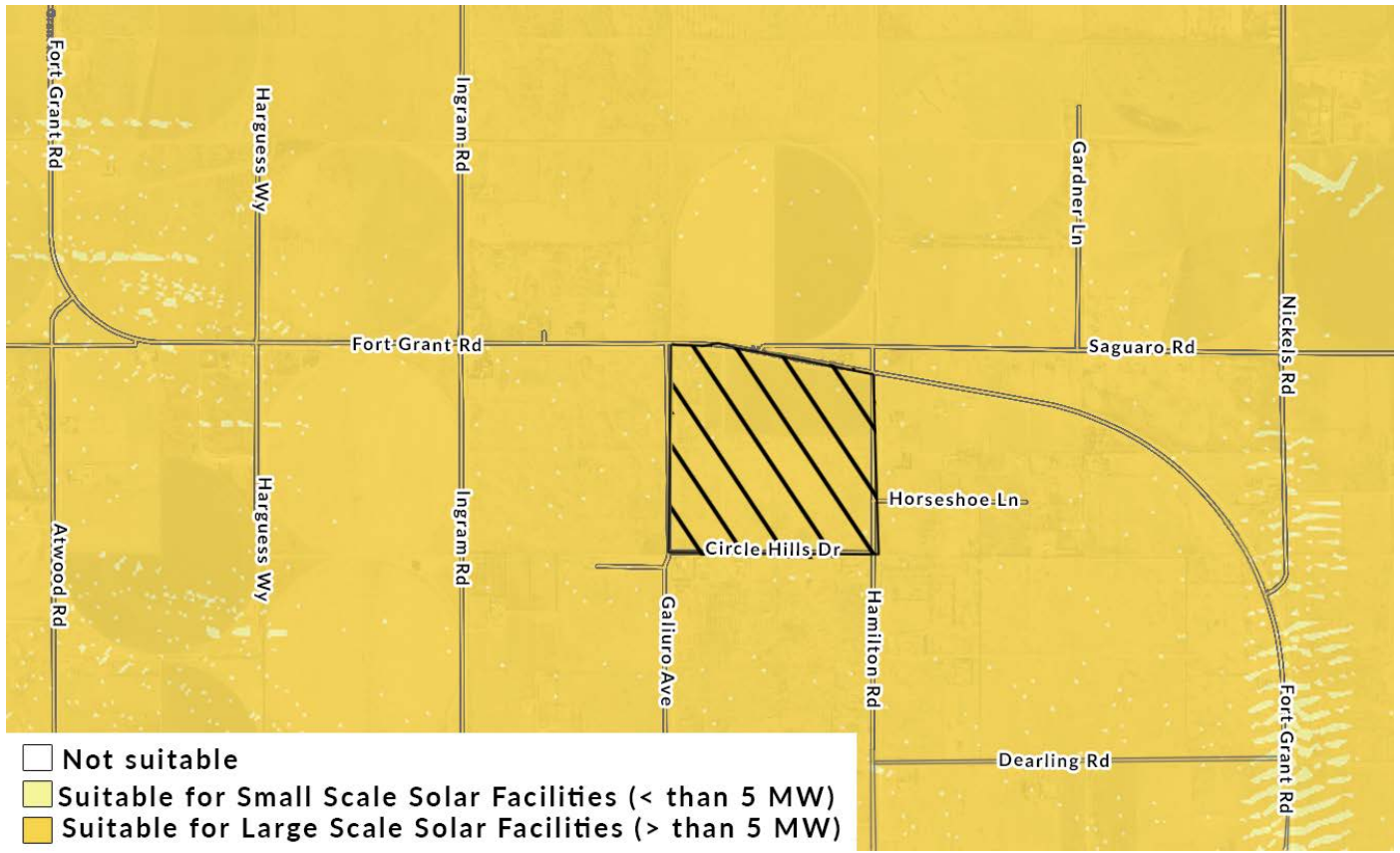


Figure 2: Renewable Energy Opportunity Analysis Map

**Statewide 2050 Carbon-Free Mandate**

On November 13, 2020, The Arizona Corporation Commission passed a proposal requiring utilities to be 100% free of carbon emissions by 2050. According to the commission, carbon free requires the use of resources that do not generate carbon emissions “resulting from the combustion of fossil fuels, such as coal, petroleum, natural gas, oil, shale, and bitumen.” Nuclear and hydroelectric generators are considered carbon free, as are wind and solar. The proposed rules include several standards for public utilities across the state. The policy would replace the 2006 Renewable Energy Standard and Tariff, which required regulated electric utilities to generate 15% of their energy from renewable resources by 2025. The construction and operation of the proposed solar energy plant would help realize this goal.

**2. Compliance with the Zoning District Purpose Statement: See SECTION V. ANALYSIS OF IMPACTS – COMPLIANCE WITH REZONING FACTORS**

This is dual special use and rezoning application. For an analysis of compliance with the proposed zoning district, see section V.



Figure 3: Site Analysis



Figure 4: Site Photo 1 (Looking southeast from Ft. Grant Road, vacant and dilapidated structures shown)



Figure 5: Site Photo 2 (Looking southeast from Ft. Grant Road, old cotton field)

### **3. Development along Major Streets: Complies with Conditions**

The subject parcels are surrounded by right-of-way. Ft. Grant Road, to the north of the subject parcels, is a County Highway. Hamilton Road, to the east of the subject parcels, is County-maintained, dirt, dedicated public right-of-way, Circle Hills Drive and Galiuro Avenue are non-maintained, dirt, dedicated public right-of-way.

As proposed, the project site will be accessed (ingress and egress) from the existing access location at N. Fort Grant Road. Alternatively, the access point could be located off N Galiuro Road to the east of the Parcels to minimize any impact on the neighborhood. This access point and any required driveway turnoffs will be permitted through Cochise County. The project sites will also include internal service roads along the inside of the perimeter fence.

The applicant has indicated on their application and concept plan that they intend to request only one ingress/egress point for the project site. They have also indicated a willingness to use the existing easement for Galiuro Road rather than direct access off Ft. Grant Road. The limiting of access points complies with the requirement to “minimize road cuts that are associated with unsafe traffic conflicts.” The case planner recommends the condition that this site be accessed off Galiuro Road. This right-of-way abuts the western side of the subject parcel and is the furthest from any residential development.

### **4. Traffic Circulation Factors: Complies**

The request is consistent with the traffic circulation factors criterion. The proposed use will not have a significant impact on the surrounding streets or their function. Traffic volume is only anticipated to increase during the early phase of construction (equipment deliveries). During commercial operations no impact on traffic volumes is expected given that the project will largely be operated remotely (via SCADA) and will not require on-site technical staff. Although the applicant will be required to obtain a right-of-way permit prior to the issuance of any building permits, no further right-of-way dedication is anticipated to be needed as a result of this special use request.

### **5. Adequate Services and Infrastructure: Complies**

The proposed use does not require the provision of water or septic as there will be no personnel working on the site. Regular water spraying (water trucks) will be provided during construction for dust mitigation purposes. The proposed use should have little to no impact on the roadway and traffic volume, once constructed. There will be no on-site employees or customers that will need to access the site. All future site access will be to provide periodic operation and maintenance of the solar panels and associated equipment.

**6. Significant Site Development Standards: Complies with conditions**



Figure 6: Proposed Site Plan

**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:**

Per the section 1824.02 of the zoning regulations, “Setbacks from all property boundaries and road travel ways for Solar Energy Power Plants shall be, at minimum, twice the minimum setback requirement for the respective Zoning District or shall equal the height of the tallest structure, whichever is greater.” The proposed solar panels are estimated to be 7-feet in height. The minimum setback within the proposed RU-2 zoning district is 20-feet. This is measured from the closest point on the property line or the edge of road travel way to the structure/use, whichever is closer. Consequently, the minimum required setback from all sides of the bisected subject parcel is 40-feet.

Circle Hills Drive (southern boundary) and Galileo Avenue (western boundary) are both 80’ in width of dedicated right-of-way. Hamilton Road (eastern boundary) is 83’ in width of dedicated right-of-way and For Grant Road is 150’ in width of dedicated right-of-way. The surrounding rights-of-way increase the physical distance between the proposed structural improvements and any existing structures. In addition, the applicant states that the project site will include a service road along the inside of the perimeter of the project site, for additional separation from nearby residential lots. Staff is recommending a condition that this buffer be increased to a minimum of 80’ from the perimeter fencing to the nearest solar panel along the southern and eastern property lines. This would still provide

approximately 130 acres of developable land. The case planner recommends conditioning that the applicant provide the type of perimeter fencing indicated in the application narrative (see figure 7, below), where indicated on the concept plan. The applicant shall provide no less than a 40-foot-wide buffer along the north and west perimeters of the site and no less than an 80-foot-wide buffer along the south and east perimeters of the site. The applicant shall provide a continuous hedge of native, drought-tolerant vegetation along the outside of the fence along the south and eastern sides of the project site. Native vegetation, where present within the buffer area, shall be preserved to the greatest extent possible. Also, the applicant must establish perennial native vegetation over the entire disturbed soil area at a minimum density of 70 percent of the native vegetative coverage.



*Figure 7: Perimeter fencing with sand-colored slats*

#### **Lot Coverage:**

The Rural Land Use district restricts lot coverage to a maximum of 25%. The plan currently shows approximately 99% lot coverage. If the project is restricted to 125 acres of lot coverage with the conditioned 80' buffer along the eastern and southern edges of the parcels, the result will still be approximately 92% lot coverage.

It is commonly thought that solar panels are not an impervious surface since they are elevated, tilted, and allow the stormwater to flow onto the ground. Staff believes that a modification is warranted due to the type of project being proposed and the relatively large percent of the area remaining as pervious surface. Moreover, the case planner recommends conditioning approval on the establish perennial native vegetation over the entire disturbed soil area at a minimum density of 70 percent of the native vegetative coverage to help stabilize the light soil in the area.



Figure 8: Typical ground mounted solar field

**Height:**

Solar Energy Systems are exempt from height pursuant to Article 20 (Height exemptions), which limits structures to 30 feet in height within rural zoning. At this time is anticipated that the panels should not exceed seven feet in height.

**Lighting:**

No outdoor lighting is proposed at this time. Any lighting required within future submittals must be shown on the non-residential permit application and will be required to be fully shielded, use (wildlife-friendly) narrow spectrum bulbs, 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 four positive responses, including the current property owner/owner of adjoining property.

The case planner 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 1 response in support and 4 responses in opposition. See Section IV. Public Comment for additional discussion.

**8. Hazardous Materials: Not Applicable**

There are no proposed hazardous materials. There is a possibility that a battery energy storage system may be incorporated, however the applicant will be required to comply with all standard safety precautions.

**9. Off-Site Impacts: Complies with conditions**

Major off-site impacts could include temporary construction traffic, dust, noise, and long-term dust, noise and visual impacts/glare. Some impacts are mitigated by the proposed concept plan, while others can be mitigated by

conditions.

- Odor – proposed special use will not generate discernable odors during construction or operation.
- Glare – the applicant proposes an east-west rotation of the panels. The panels will avoid facing Fort Grant Road and residential development to the south. The adjacent parcel to the west is vacant/grazing land. The applicant proposes the installation of fencing with sand-colored slats along the perimeter of the site. In addition, the case planner proposes the condition of a continuous hedge of native, drought resistant vegetation along the eastern and southern fencing (outside facing).
- Noise – the proposed use will not generate significant noise while in operation.
- Traffic – The project will operate remotely and will not require on-site staff; consequently, once constructed the use will not have a significant traffic impact. In addition, site access will be limited to one access point off Galiuoro Road.
- Dust - Project construction would likely generate fugitive dust, which will be mitigated with spraying from water trucks. While the placement of a solar facility will not necessarily increase dust transmission in the long-term, without soils stabilization, dust transmission will also not improve. The case planner recommends that the applicant provide perimeter fencing where indicated on the concept plan. The applicant shall provide no less than a 40-foot wide buffer along the north and west perimeters of the site and no less than an 80-foot wide buffer along the south and east perimeters of the site. Native vegetation, where present within the buffer area, shall be preserved to the greatest extent possible. Also, the applicant must establish perennial native vegetation over the entire disturbed soil area at a minimum density of 70 percent of the native vegetative coverage.

#### **10. Water Conservation: Complies**

There will be no employees or customers coming to the site. The proposed Solar PV Energy system does not require on-site water. Periodic panel cleaning will be conducted using water trucks delivered to the site and will require a minimal amount of water, particularly when compared to the current allowable use of the property, which is to develop single family houses at a density of one house per 36,000 square feet.

#### **V. ANALYSIS OF IMPACTS – COMPLIANCE WITH REZONING FACTORS**

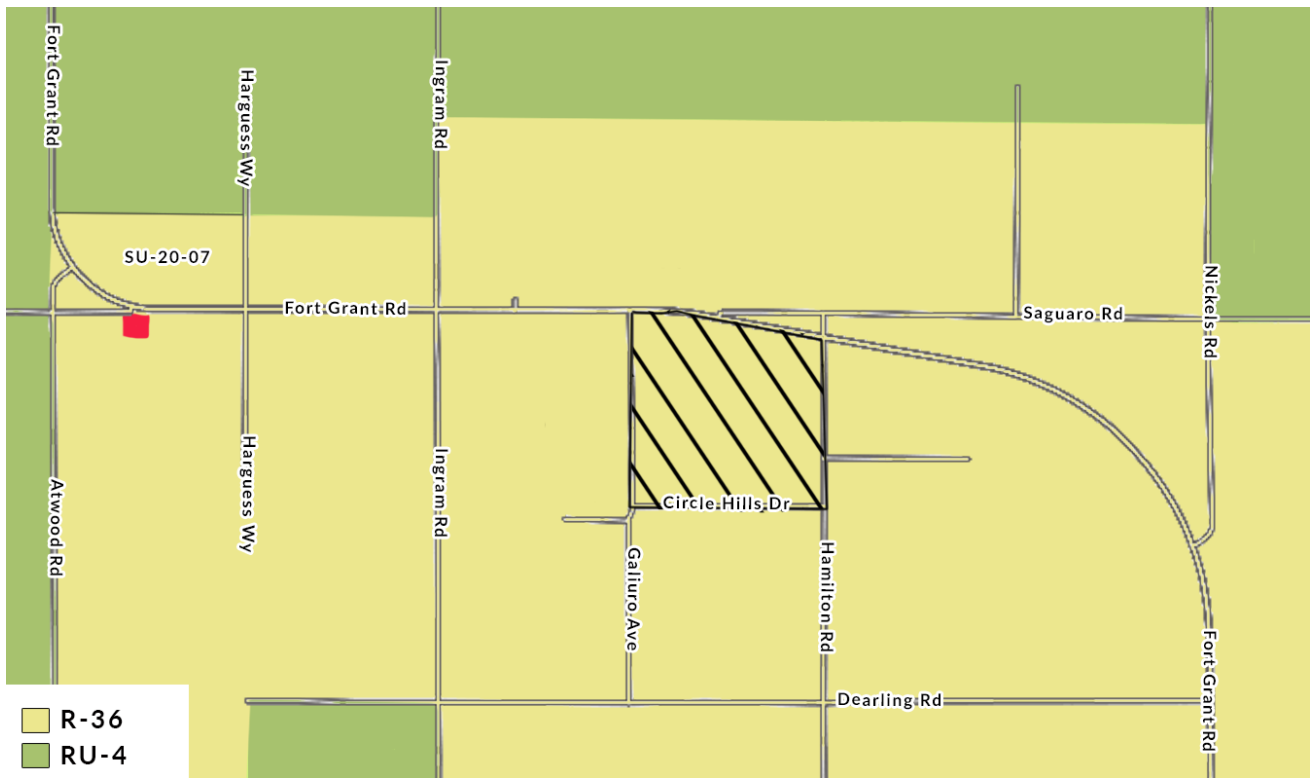


Figure 9: Current Zoning Map

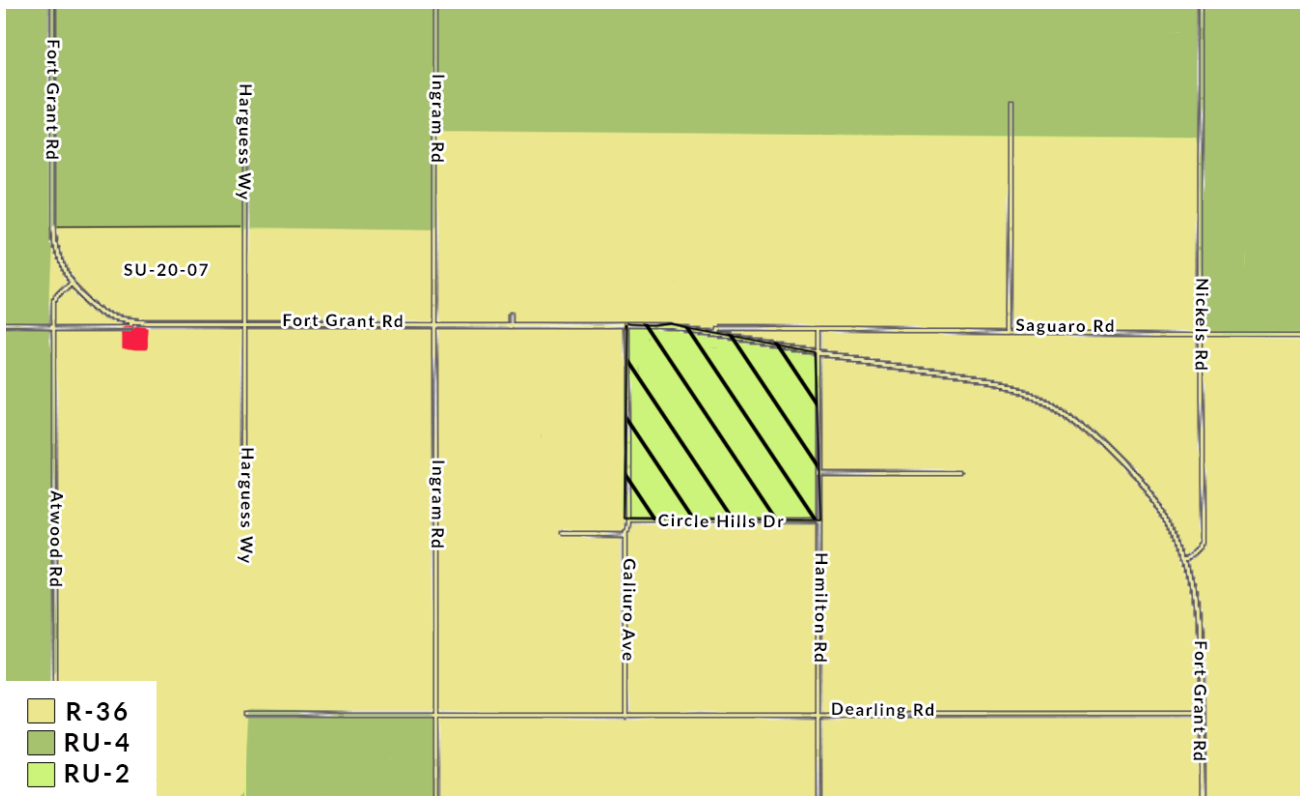


Figure 10: Proposed Zoning Map

## **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 “D” Rural per the Comprehensive Plan. RU-2 zoning is permitted in the rural land use category, and it is not subject to any area plans, therefore this request to rezone complies with the Comprehensive Plan.

## **Compliance with Rezoning Criteria**

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Twelve of the criteria are applicable to this request. Ten of the factors are met as submitted, two are met with conditions. The remaining criteria (rezoning to a more intense district, infill, hazardous materials) are not applicable.

### **1. Provides an Adequate Land Use/Concept Plan: Complies**

A site plan has been provided in conjunction with the Special Use Request. A detailed discussion of the proposed site plan is included within the Special Use portion of this report.

### **2. Compliance with Applicable Site Development Standards: Complies with conditions**

The Site Plan provided (see Figure 6) shows that the proposed solar facility would be able to meet all site development standards required by the proposed RU-2 zoning except for the maximum lot coverage requirement. The Rural Land Use district restricts lot coverage to a maximum of 25%. The plan currently shows approximately 99% lot coverage. With increased setbacks on the eastern and southern sides of the site, the proposed coverage will be approximately 92%. To help stabilize the site, which is undeveloped, staff recommends conditioning the applicant to establish perennial native vegetation over the entire disturbed soil area at a minimum density of 70 percent of the native vegetative coverage.

### **3. Adjacent Districts Remain Capable of Development: Complies**

The proposal would not result in a reduction of remaining adjoining Zoning Districts to a size or shape incapable of reasonable development for typical uses within that District.

### **4. Limitation on Creation of Nonconforming Uses: Complies**

If approved, the rezoning on this vacant parcel will not result in the creation of non-conforming uses. Moreover, the site is currently undeveloped and consequently does not contain any non-conforming uses.

### **5. Compatibility with Existing Development: Complies with conditions**

This criterion is intended to evaluate whether the proposed Zoning District(s) bears a logical relationship to surrounding Zoning Districts. The current zoning, and the zoning within the greater area, is R-36. This is a residential district. The purpose of the R-36 district is to:

- provide an area for family living at a variety of low to medium densities; and
- provide an area where single-household dwellings, rehabilitated mobile homes, and manufactured homes can co-exist.

There is no existing residential development north of Dake Road. In fact, the area is undeveloped and there has been no land division activity or residential permitting to indicate that there is a reasonable expectation that it will develop into a residential corridor within the foreseeable future.

The proposed zoning designation of RU-2 is a rural zoning designation. The purpose of rural zoning is to:

- preserve the character of areas designated as "Rural" in the Cochise County Comprehensive Plan;
- encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living;
- preserve the agricultural character of those portions of the County capable of resource production;
- provide space for people, minimize traffic congestion, and preserve the existing rural environment of unincorporated areas of the County situated outside of existing communities;
- provide recreational support services that are compatible with rural living;
- protect the quality of the natural environment as it relates to safeguarding the health, safety and welfare of the people in Cochise County; and
- allow consideration of some more intense non-residential uses as Special Uses that are inappropriate in more densely populated urban/suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural environment and harmonious and in scale with existing development near the proposed site.

The existing development includes low density residential parcels on the eastern and southern sides of the project area. It is surrounded by public rights-of-way that increase the buffer from the proposed use and existing uses.

#### **6. Rezoning to More Intense Districts: Not Applicable**

The request is for a rezoning from R-36 (Residential, one dwelling per 36,000 square feet) to RU-2 (Rural, one dwelling per 2 acres), consequently, this is a down-zoning.

#### **7. Adequate Services and Infrastructure: Complies**

See Criterion 5. Special Uses, above.

#### **8. Traffic Circulation Criteria: Complies with Conditions**

See Criterion 4. Special Uses, above.

#### **9. Development Along Major Streets: Complies**

See Criterion 3. Special Uses, above.

#### **10. Infill: Not Applicable**

This criterion only applies if the rezoning is to General Business, Light or Heavy Industrial.

#### **11. Unique Topographic Features: Complies**

The parcel is flat with little to no existing vegetation present. There are no steep slopes, severe washes or floodplains present on-site.

#### **12. Water Conservation: Complies**

The subject parcel is outside of the Sierra Vista Sub-Watershed Overlay Zone. However, the applicant will be required to comply with all applicable water conservation regulations, during any subsequent commercial permitting.

#### **13. Public Input: Complies**

As part of the mandatory Citizen Review Process, the Applicant contacted all property owners within 1,000 feet of the subject property. A list of all communications between the applicant and each of these parcel owners is included with this report.

The case planner subsequently mailed notices to neighboring property owners within 1,000 feet of the subject property on November 9, 2020. Staff posted the property on November 20, 2020 and published a legal notice in the *Sierra Vista Herald* on November 20, 2020. As of the date of this report, staff has received a total of five responses from the mailing. One of the responses is in support, while four responses are in opposition.

The intent of the Citizen Review Process is for the applicant to communicate with residents early in the process to proactively address identified community concerns prior to the application submittal for a rezoning or special use. The applicant has satisfied this requirement. See Section IV. Public Comment for additional discussion.

#### **14. Hazardous Materials: Not Applicable**

No hazardous materials are proposed.

#### **15. Compliance with Comprehensive Plan: Complies**

The subject property is designated as a Category "D" -Rural area within the Comprehensive Plan. Per the Comprehensive Plan, "this category includes the outlying rural areas between cities and unincorporated communities and characterized by a low rate of growth; unimproved roads; low density, large lot rural residential development; agricultural production; and large tracts of undeveloped private and public lands. Non-residential development is geared toward providing local services, tourism or intensive uses that are not appropriate in more the densely populated parts of the county, such as power plants and feedlots."

Moreover, these areas are described as "sparsely populated; larger lot sizes, agricultural production or grazing, availability of sites large enough for intensive industrial uses that cannot be accommodated in other growth areas, large expanses of private and public lands, and/or have developed and un-developed recreational resources."

There is no adopted area plan or master development plan applicable to this parcel. Both the current zoning designation of R-36 and the proposed zoning designation of RU-2 are permitted zoning districts within the developing plan designation.

### **VI. PUBLIC COMMENT**

The applicant mailed letters to property owners within 1,000 feet of the property prior to their application submittal.

The case planner 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 response in support and four responses in opposition.

The main concerns expressed by those opposed to the project were as follows:

- The proposed project will decrease adjacent property values;
- The proposed project will result in ugly views from adjacent property;
- The proposed project will not be beneficial to taxpayers;
- The proposed project will have long term impacts if abandoned; and
- The proposed project will produce fugitive dust which could produce dangerous road conditions

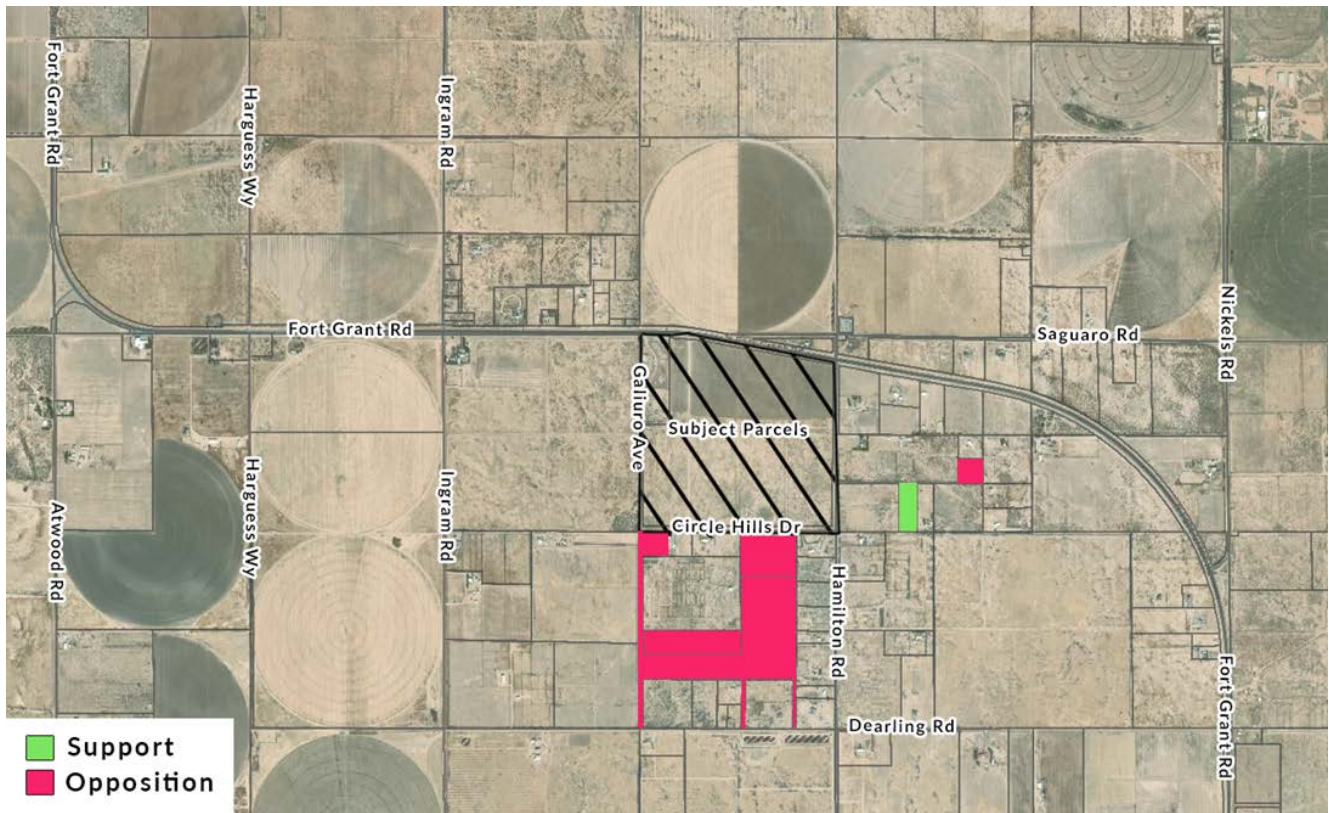


Figure 10: Public Input Map

**VII.WAIVERS**

Staff recommends waving the 25% lot coverage maximum and approving a higher 92% 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.*

In addition, while the site will physically be consumed by solar panels these are not permanent improvements and the applicant will be conditioned to remove the project and restore the site to its original condition when the system is decommissioned.

## **VIII. SUMMARY AND CONCLUSION**

Authorization to approve the construction of approximately 125-140 acres of solar panels and associated equipment on 140.95 acres of land. A Rezoning Application is also included to rezone the property from R-36 (Residential, one dwelling per 36,000 square feet) to RU-2 (Rural, one dwelling per 2 acres).

### **Factors in Favor of Approval of the Rezoning**

1. The rezoning request is permitted in Growth Category D and is in compliance with the Comprehensive Plan (Renewable Energy Element) as well as the purpose of the rural zoning district;
2. The proposed rezoning complies with most of the criteria used to evaluate rezonings;
3. The proposed use will have a minimal impact on traffic to the adjacent roads. There should also be a minimal amount of noise generated by the use;
4. The proposed use will require a minimal amount of water, particularly compared to residential or agricultural use, which is allowed by the current designation; and
5. One letter of support was received.

### **Factors Against Approval of the Rezoning**

1. Although this is a down-zoning, RU-2 zoning allows a much greater variety of permitted uses – including small grocery stores, agricultural processing and commercial riding stables – that are not permitted in the current R-36 zoning;
2. Most of the surrounding parcels are designated R-36. This would not be an expansion of a district; and
3. Four letters of opposition were received.

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

1. The project is consistent with the applicable Policies of the Comprehensive Plan and the Purpose of the Rural Zoning Districts;
2. The project complies with most of the criteria used to evaluate special use requests;
3. The site plan submitted complies with most applicable site development standards and conditions;
4. Once completed the project would generate negligible levels of traffic;
5. At build-out the project would use minimal water;
6. The site is currently not in use and contains fallow fields and dilapidated structures;
7. The site is identified as appropriate for solar facility use within the U of A Renewable Energy Opportunity Analysis;
8. The project would support Arizona's renewable energy programs by serving as a source of clean energy, offsetting greenhouse gas emissions and reducing the need to generate electricity from fossil fuels; and
9. One letter of support has been received.

### **Factors Against Approving the Special Use**

1. Project construction would likely generate fugitive dust. While the placement of a solar facility will not necessarily increase dust transmission in the long-term, without soils stabilization, dust transmission will also not improve;
2. Expense and responsibility of the eventual project decommissioning (long-term implications);
3. General residential compatibility concerns – there are existing homes directly south and east of the project site. The flat terrain and lack of existing vegetation will provide little visual relief;
4. The project could negatively impact wildlife during construction and operation;
5. Four letters of opposition have been received.

### **VIII. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends **Approval** of the Rezoning request and **Approval** of the Special Use request, subject to 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 18-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 24-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. A detailed site plan shall be provided with non-residential permits;
4. Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy project;
5. The applicant shall incorporate best management design practices of the AGFD within construction plans, to the greatest extent possible, to minimize potential project impacts to wildlife;
6. The applicant shall remove all dilapidated structures and consolidate site access into one ingress/egress point;
7. The applicant shall provide the type of perimeter fencing indicated in the application narrative, where indicated on the concept plan. The applicant shall provide no less than a 40-foot-wide buffer along the north and west perimeters of the site and no less than an 80-foot-wide buffer along the south and east perimeters of the site. The applicant shall provide a continuous hedge of native, drought-tolerant vegetation along the outside of the fence along the south and eastern sides of the project site. Native vegetation, where present within the buffer area, shall be preserved to the greatest extent possible. Also, the applicant must establish perennial native vegetation over the entire disturbed soil area at a minimum density of 70 percent of the native vegetative coverage;
8. Prior to the issuance of a building permit the applicant shall provide a decommissioning plan, which should include the anticipated life of the project and the projected cost for its removal and site restoration. The owner or operator shall be responsible for the complete physical removal of the project by the date of abandonment included within the decommissioning plan or within 12-months of the project being rendered offline (whichever is sooner). The applicant shall also submit a bond, irrevocable Letter of Credit, or other appropriate surety acceptable to the County to secure the cost of removing the system and restoring the site to its original condition to the extent reasonably possible; and
9. Any changes to the approved Special Use will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission.

#### **Sample Motions:**

*Mr. Chairman, I move to forward Docket Z-20-15 to the Board of Supervisors with a recommendation of approval; and*

*Mr. Chairman, I move to approve Docket SU-20-18, with the Conditions of Approval recommended by staff; the Factors of Approval constituting Findings of Fact.*