

COCHISE COUNTY

**SU-20-18 and Z-20-15
(Fort Grant Solar)**

**Special Use Authorization and Rezoning
For a Solar Energy Facility
in a Rural Zoning District**

**Planning & Zoning Commission
December 9, 2020**



Public Programs...Personal Service

COCHISE COUNTY

Background

- **Concurrent application for Special Use (SU-20-18) and Rezoning (Z-20-15)**
- **SU-20-18 is a request to allow the construction of 125-140 acres of solar panels and associated equipment on 140.95 acres of land**
- **Z-20-15 is request to rezone the subject parcel from R-36 to RU-2**
- **The Applicant is Mr. Derek Fromm from Greenstone Land Holding, LLC**

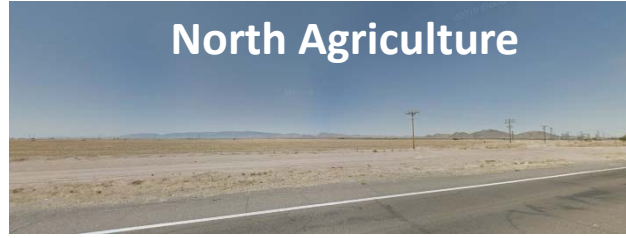


COCHISE COUNTY **Location**

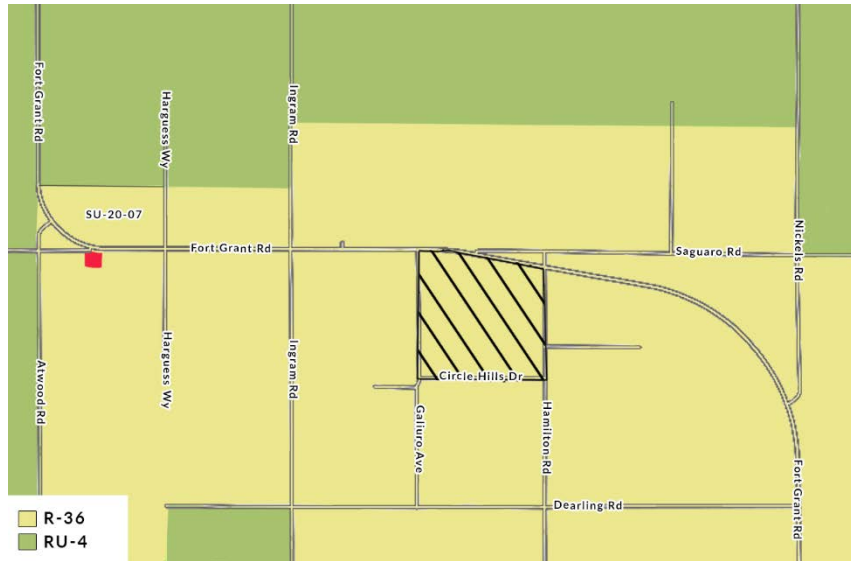
- The subject property includes parcel 202-05-018 (130.02 acres) and parcel 202-05-002 (10.93) acres. Former cotton field, includes abandoned cotton gin buildings
- The location is 7.5 miles north of Wilcox, between the intersections of Ft. Grant Rd with Hamilton Rd and Galiuro Ave



COCHISE COUNTY **Site Analysis**



COCHISE COUNTY **Current and Proposed Zoning**

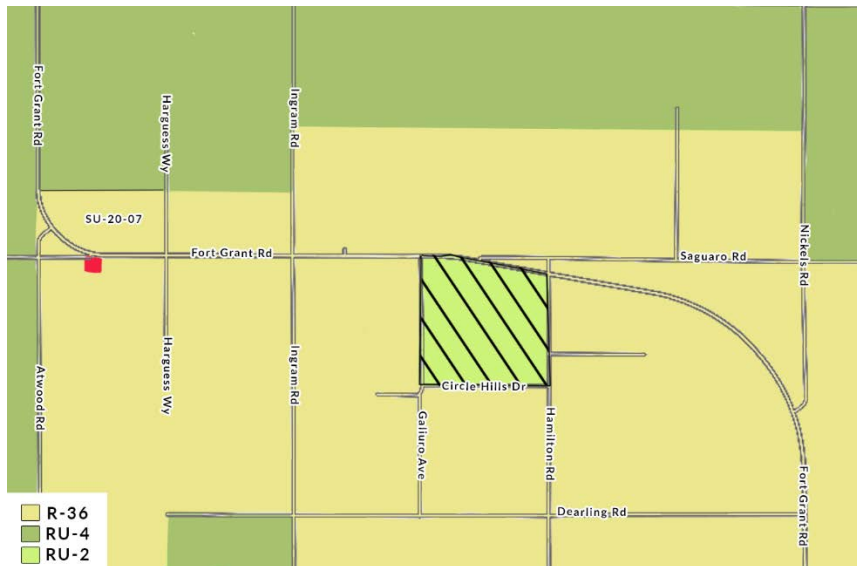


R-36 (Current)

- R (Residential) Zoning Districts are established 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.

Minimum lot size: 36,000 SF (0.82 acres)

Solar facilities are not permitted



RU-2 (Proposed)

- RU (Rural) Zoning Districts are established to:
- To encourage non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living;
 - To protect the quality of the natural environment as it relates to safeguarding the health, safety and welfare of the people
 - Minimum lot size: 2 Acres

Solar facilities are permitted *by special use authorization*

COCHISE COUNTY **Proposed Site Plan**



COCHISE COUNTY **Evaluation Criteria Analysis**

There are 15 factors used to evaluate all **rezoning** proposals. As submitted, the application:

- Complies: 9 criteria
- Complies with conditions: 3 criteria
 - Not applicable: 3 criterion

There are 10 factors used to evaluate all **special use** proposals. As submitted, the application:

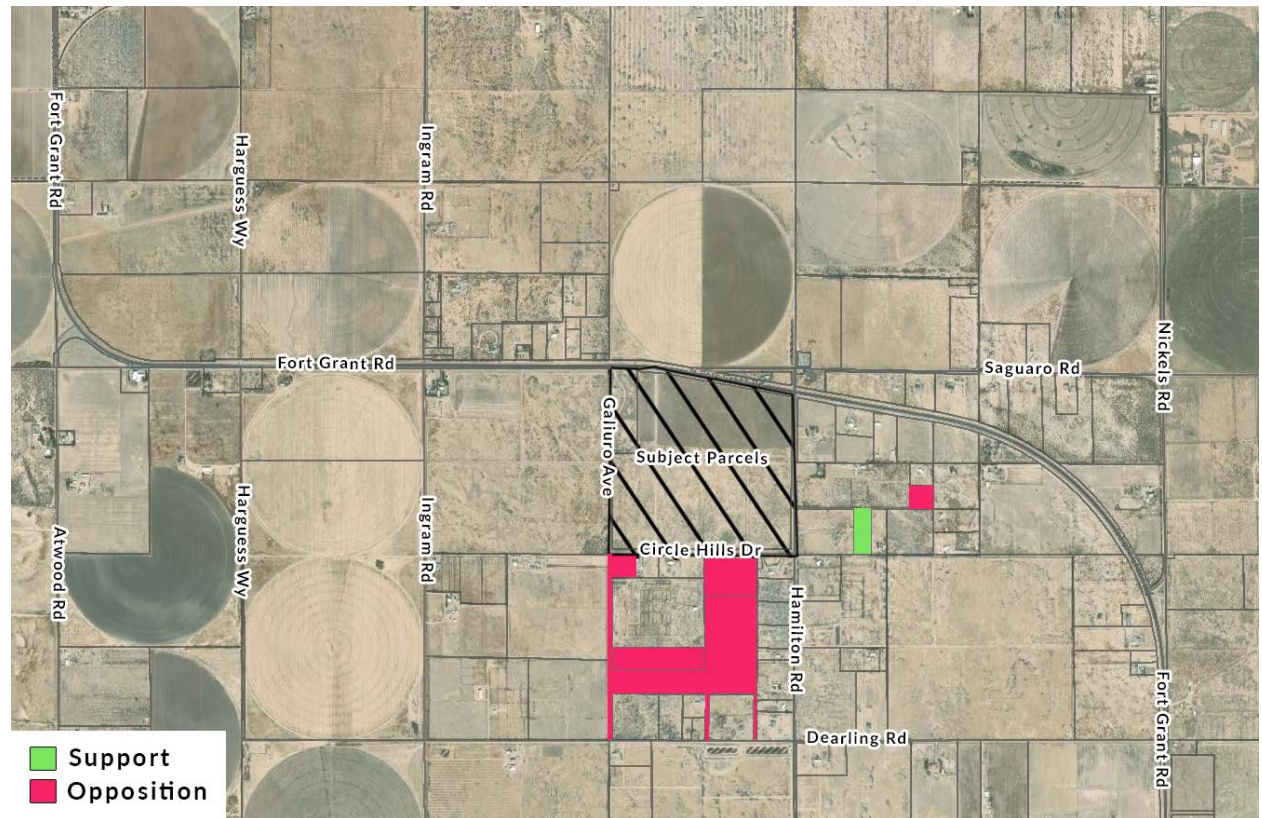
- Complies: 6 criteria
- Complies with conditions: 4 criteria



COCHISE COUNTY **Community Input**

4 letters of opposition have been received. Concerns raised include:

- Dust
- Views
- Property value
- Value to taxpayers
- Long-term commitment project commitment



COCHISE COUNTY **Factors in favor of approval**

Rezoning Z-20-15

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 a majority of the criteria used to evaluate rezonings;
3. The proposed use will have a minimal impact on traffic to the adjacent roads;
4. The proposed use will generate a minimal amount of odors, noise or light pollution;
5. 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
6. One letter of support was received.



COCHISE COUNTY **Factors Against Approval**

Rezoning Z-20-15

1. Although this is a down-zoning, RU-2 zoning allows a 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. The majority 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.



COCHISE COUNTY **Factors in favor of approval**

Special Use (SU-20-18)

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 identified as appropriate for solar facility use within the U of A Renewable Energy Opportunity Analysis;
7. The site is currently not in use and contains fallow fields and dilapidated structures;
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.



COCHISE COUNTY **Factors Against Approval**

Special Use SU-20-18

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;
4. The project could negatively impact wildlife during construction and operation; and
5. Four letters of opposition have been received.





COCHISE COUNTY **Staff Recommendations**

- Docket Z-20-18, Forward a Recommendation of Approval
- Docket SU-20-15, Recommend Approval (with conditions)

If the Commission wishes to grant approval, 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 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 be applicable 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 shall 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.

