

COCHISE COUNTY

**Docket SUA-20-15 and SUA-20-16
(Clenera Solar North and South) Appeal**

**Appeal of the Planning & Zoning Commission
Approval of two Special Use Authorizations
For two Utility Scale Solar Projects**

Board of Supervisors
January 26, 2020



Public Programs...Personal Service

Docket SUA-20-15 & 16 (Clenera Solar North & South) Appeal

COCHISE COUNTY

- The request is to construct two separate utility scale solar power generation facilities
 - North ~560 acres
 - South ~540 acres
- The sites are on the Babacomari Ranch south west of junction of State Route 90 and 82.
- Parcel 106-03-038
- The Zoning is RU-4



Public Programs...Personal Service

**Docket SUA-20-15 & 16 (Clenera Solar North & South)
Appeal**

COCHISE COUNTY

- On December 9, 2020, the Planning and Zoning Commission voted 4-3-1 to approve the Special Use requests.
- The Appellant seeks to overturn the Commission's decision on the basis:
 - The time limit of five minutes to speak was not stated prior to the Hearing and therefore her full statement could not be made to the Commission.
 - "The Arizona Corporation Commission voted 4-1 last month to move forward to reduce 100% carbon emissions from regulated utilities by 2050 with targets of 50% by 2032 and 75% by 2040.
- The Appellant is Ms. Maureen G. McBride

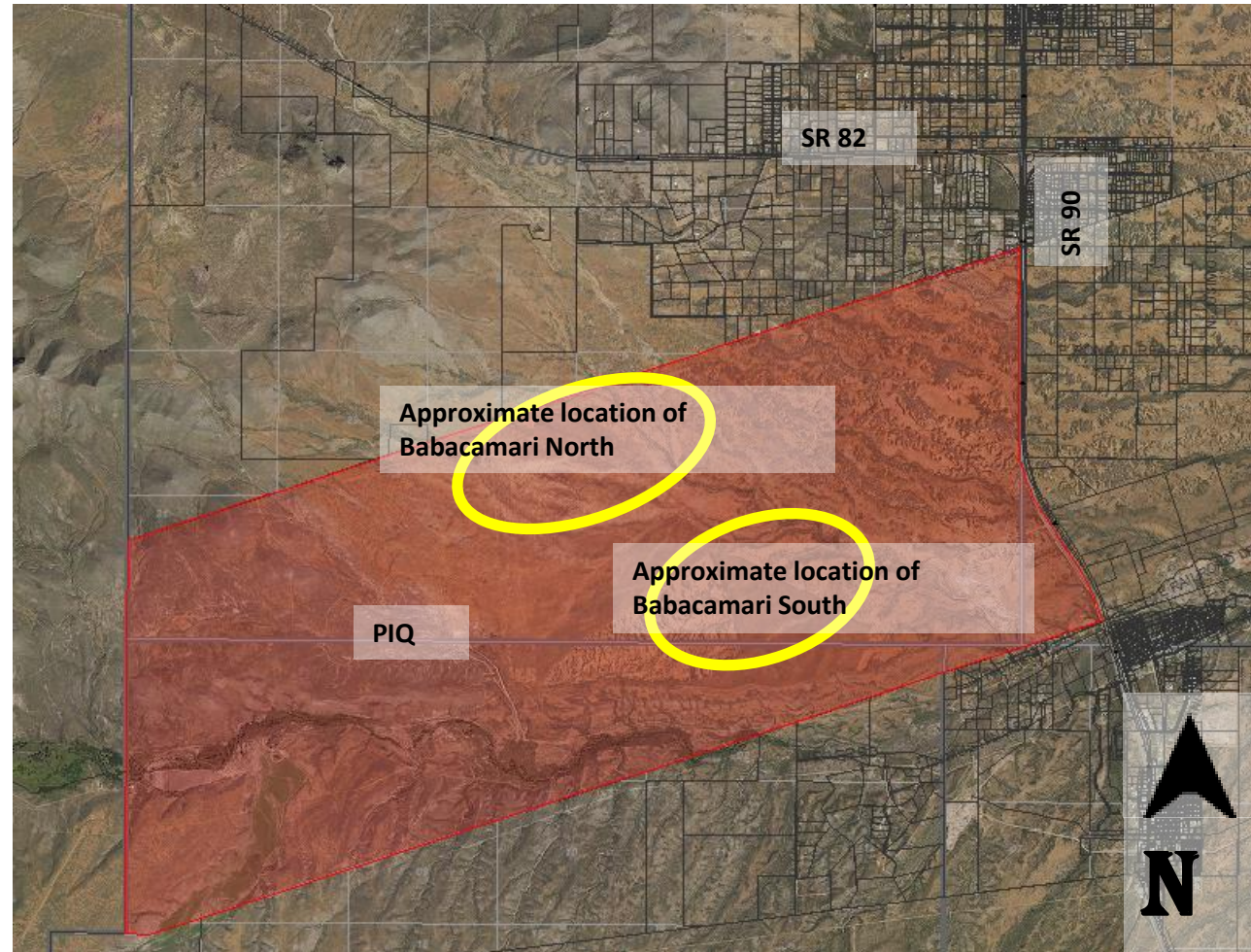


Public Programs...Personal Service

Docket SUA-20-15 & 16 (Clenera Solar North & South) Appeal

COCHISE COUNTY

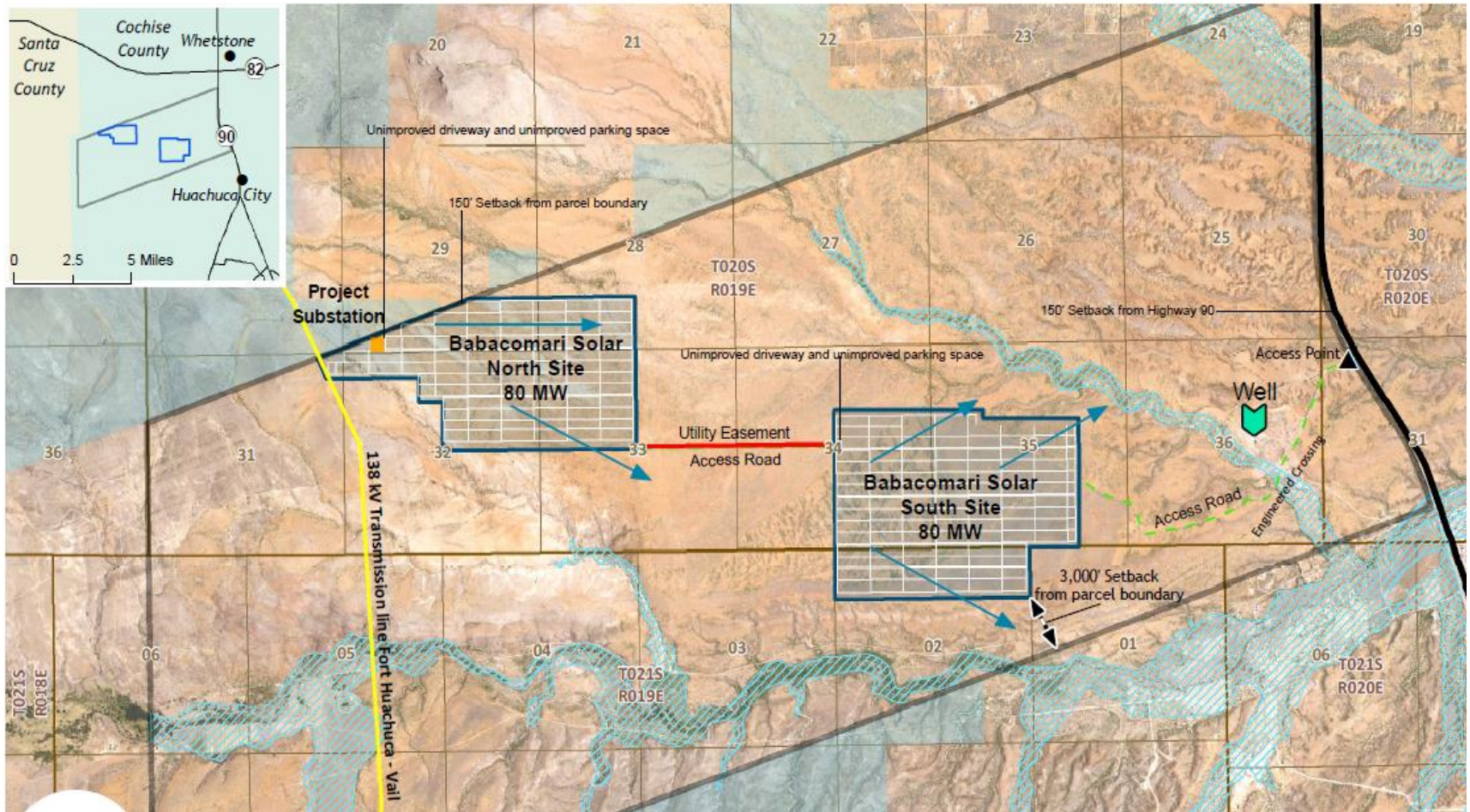
Location



Docket SUA-20-15 & 16 (Clenera Solar North & South) Appeal

COCHISE COUNTY

Site Plan



Factors for or Against a Proposed Special Use Authorization

- Zoning Regulations have 10 factors used to evaluate a proposal
 - Ten of the criteria apply to this request
 - As submitted complies with eight criteria
 - Two criteria comply with conditions
 - Site Development Standards (detailed site plan)
 - Offsite Impacts (COA for soil treatment, removal of structures)



Docket SUA-20-15 & 16 (Clenera Solar North & South) Appeal

COCHISE COUNTY

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.*
- c. Permit flexible site development standards.*



**Docket SUA-20-15 & 16 (Clenera Solar North & South)
Appeal**

COCHISE COUNTY

Section 1716.04 of the Zoning Regulations governs the appeal of Special Use Authorization Decisions.

The Appeal shall include:

1. An identification of the decision being appealed; **The Appellant requests that the entire decision be overturned for both projects.**
2. A complete statement of all reasons why the appellant believes that the decision, or any part of the decision, was erroneous, arbitrary, capricious, or an abuse of discretion; **The Appellant states:**
 - **The time limit of five minutes to speak was not stated prior to the Hearing and therefore her full statement could not be made to the Commission**
 - **“The Arizona Corporation Commission voted 4-1 last month to move forward to reduce 100% carbon emissions from regulated utilities by 2050 with targets of 50% by 2032 and 75% by 2040.**
3. Written presentation of additional testimony and evidence, a full explanation of the additional testimony and evidence that will be submitted, with an explanation of why this was not presented to the Planning Commission. **The Appellant provided several pages as to why she has filed the appeal**

Factors in Favor of Denying the Appeal

1. The Planning and Zoning Commission voted 4-3-1 to approved the Special Use applications;
2. With the recommended Conditions of Approval, the proposed use would fully comply with eight 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;
3. The Comprehensive Goals and Policies support renewable energy;
4. Under the University of Arizona Renewable Energy Opportunity Analysis, the majority of the property is identified as suitable for large scale solar facilities;
5. Once completed the project would generate negligible levels of traffic
6. At build-out the project would use minimal water;
7. 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
8. Nine (9) letters of opposition to the appeal have been recieved.

Factors Against Approval the Appeal

1. Three (3) letters in support of the appeal have been recieved;
2. Expense and responsibility of the eventual project decommissioning (long-term implications);
3. General residential compatibility concerns – there are a few existing homes directly south/north of the project site.

Recommendation:

Based on the Factors in Favor of Denial of the Appeal, Staff recommends **Denial** of the Appeals, thereby upholding the Planning and Zoning Commission's Approval of SU-20-15 and SU-20-16, with the original Conditions of Approval.



Sample Motion

Mr. Chairman, I move to approve Special Use Docket SU-20-15 (Clenera Solar North), located on parcel, 106-03-038 with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.

Mr. Chairman, I move to approve Special Use Docket SU-20-16 (Clenera Solar South), located on parcel, 106-03-038 with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.

