



# 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-20-15 and SU-20-16 (Clenera Solar North and South)  
**DATE:** December 2, 2020 for the December 9, 2020 Meeting

### APPLICATION FOR A SPECIAL USE AUTHORIZATION

The applicant requests two separate Special Use Authorizations to construct a 560 acre and a 540 acre utility scale solar power generation facilities located on an approximately 10,870 acre parcel.

The sites are located on the Babocomari Ranch south west of junction of State Route 90 and 82. The site is further identified as Parcel 106-03-038.

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

	<b>SU-20-15 (north)</b>	<b>SU-20-16 (South)</b>
Parcel Size:	10,873 acres	10,873 acres
Project sizes:	560	540
Current Zoning:	RU-4	RU-4
Proposed Zoning:	Same	Same
Growth Area:	Category D	Category B and D
Comprehensive Plan Designation:	Rural	Rural and Developing
Area Plan:	Babocomari Area Plan	Babocomari Area Plan
Existing Uses:	Ranching/grazing	Ranching/grazing
Proposed Uses:	Solar field	Solar Field

### Zoning/Use of Surrounding Properties

<b>Relation to Subject Parcel</b>	<b>Zoning District</b>	<b>Use of Property</b>
North	RU-4/LI	Scattered SFR/Vacant/grazing
South	RU-4	Scattered SFR/Vacant/grazing
East	GB/RU-4	Vacant/grazing
West	RU-4	Agricultural Pivot

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

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 Bisbee, Arizona 85603  
 520-432-9300  
 520-432-9278 fax  
 planningandzoning@cochise.az.gov



From the Application:

*The primary materials utilized in the PV module array are steel, aluminum, copper, and glass (silicon). The solar modules are connected to solar inverters which convert DC electricity to AC electricity. The inverters are then joined in series and parallel, ultimately connecting to the project substation. Within the Project substation, a main power transformer steps up the voltage from the collection system voltage to the 138kV Fort Huachuca-Vail transmission line owned by TEP.*

*Of note, there are roughly 540 modules per acre, and 2,700 modules per MW, or approximately 432,000 modules for both Facilities. The module vertical height will be approximately fifteen (15) feet from the ground-level on single-axis trackers, which track east to west to follow the sun, and the rows run north-south.*

#### **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. With the recommended conditions the project complies with two (2) 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.*

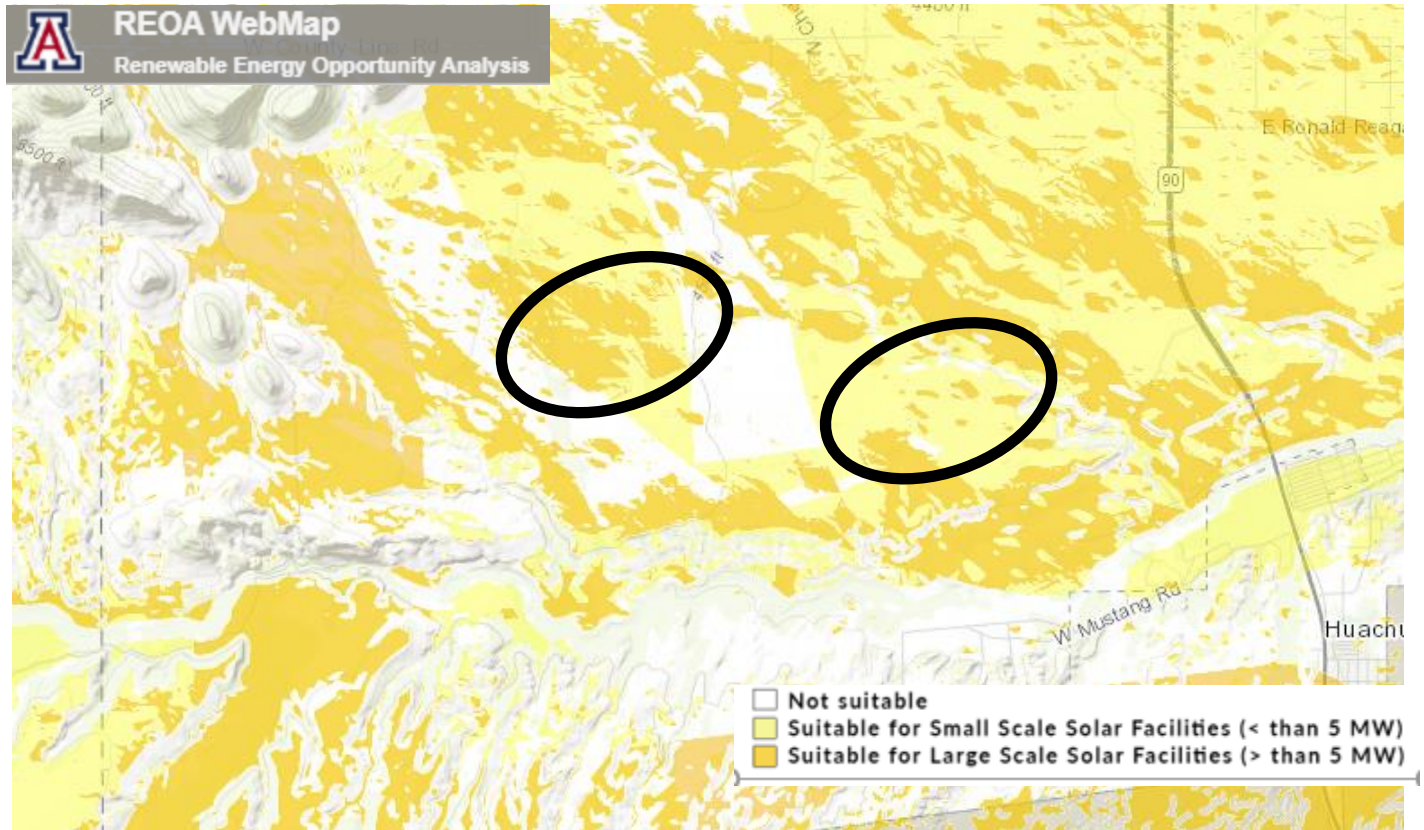
Approval of this project will implement the Counties goals of encouraging renewable energy.

##### **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>

**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: Complies**

Section 601.02 states: *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 projects are located on a 10,800 acre parcel that is used for ranching. Those activities will continue. The area immediately surrounding the solar project is very rural with a few scattered single family residences, ranches, large lots and a few lots zoned/used as commercial and industrial. The South project will be setback 3,000 feet from the southern property line and the north will be setback 150 feet.

### 3. Development along Major Streets: Complies

The parcel has several existing access points to State Route 90. The applicant will utilize the existing access and where necessary construct new dirt roads to access the sites as show on the site plan.

### 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 visiting the site, far less than if the property was developed as residential at one home per for acres or an active farm. ADOT was notified of the application and provided no comments.

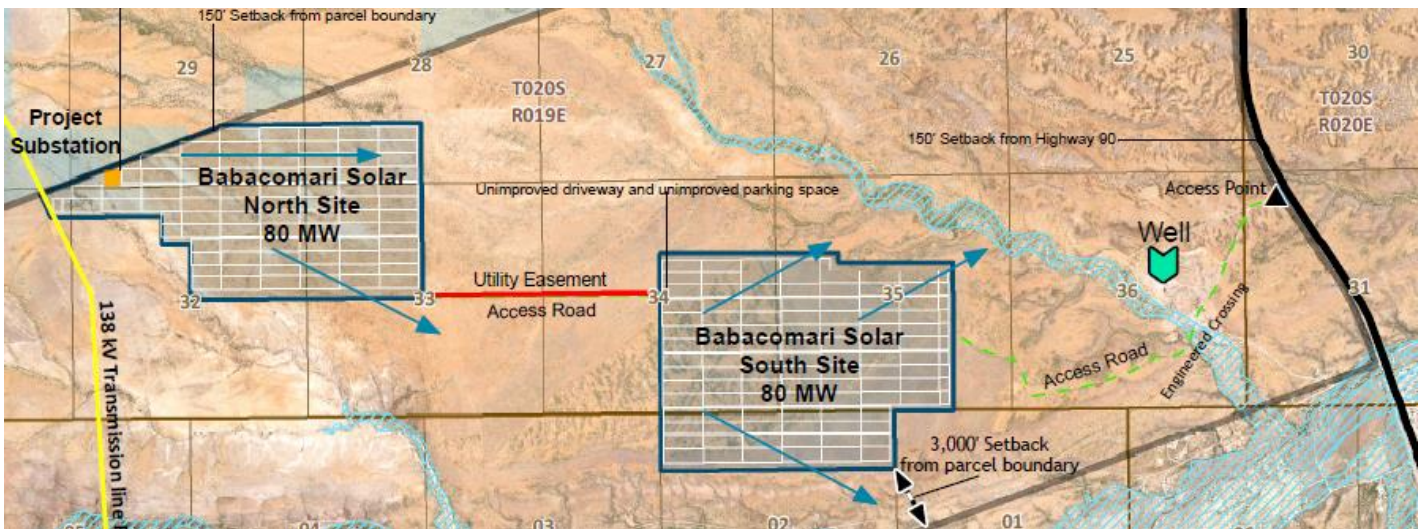


### 5. Adequate Services and Infrastructure: Complies

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

#### 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. Unimproved facilities require a minimum of a twelve foot wide unimproved driveway and one nine foot by nineteen foot parking space.

**Setbacks:**

The setbacks for Solar Energy Power Plants are at least twice the minimum setback (that would require 40 feet) or equal to the height of the tallest structure. The tallest structure would be the new utility line between the north and south projects. This may be upwards of 75 feet. The Applicant is proposing 150 feet on the north which is compliant. South project will be 3,000 feet from the southern property line and approximately 1.25 miles from the property line along SR90.



**Lot Coverage:**

The Rural Land Use district restricts lot coverage to a maximum of 25%. The plan currently shows approximately 11% lot coverage and complies.

**Height:**

At this time is anticipated that the panels should not exceed fifteen (15) 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 mile of the property prior to application submittal and received multiple letters and phone calls. Their emails, letters and responses are included in with the Application Materials.

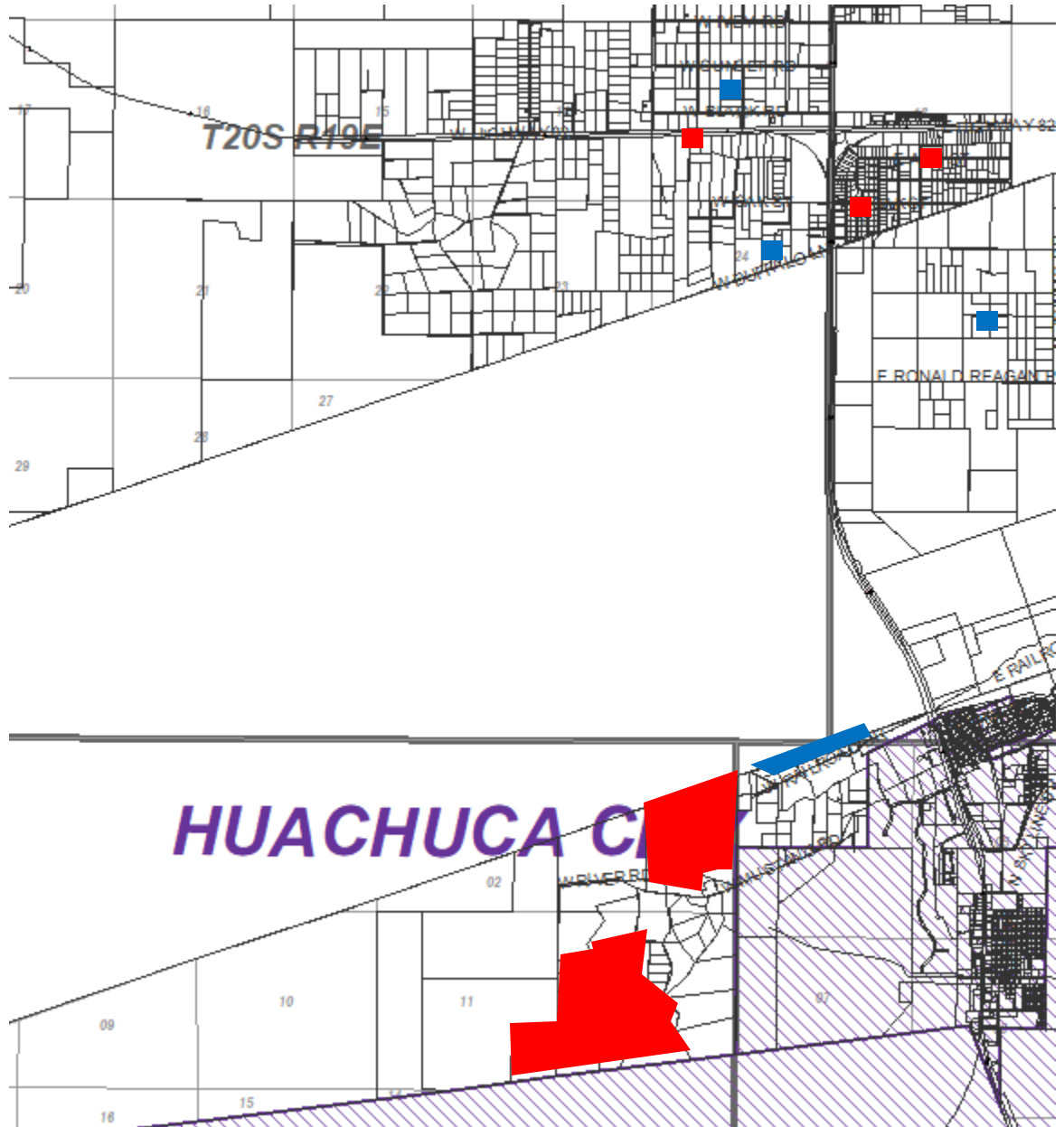
The Planning Department mailed letters to the same property owners within 1 mile of the subject property, published a legal ad in the *Sierra Vista Herald*, and posted legal notices on the property. To date, staff has received twelve (12) emails and letters. Five (5) letters are in Support and five (5) in opposition to the request. Two other letters were neutral or had questions and one was asking questions, but the email address provided was not working.

The issues raised include:

- Increase in traffic
- Visual impact
- Property values
- Opposition to Solar

**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 with condition**

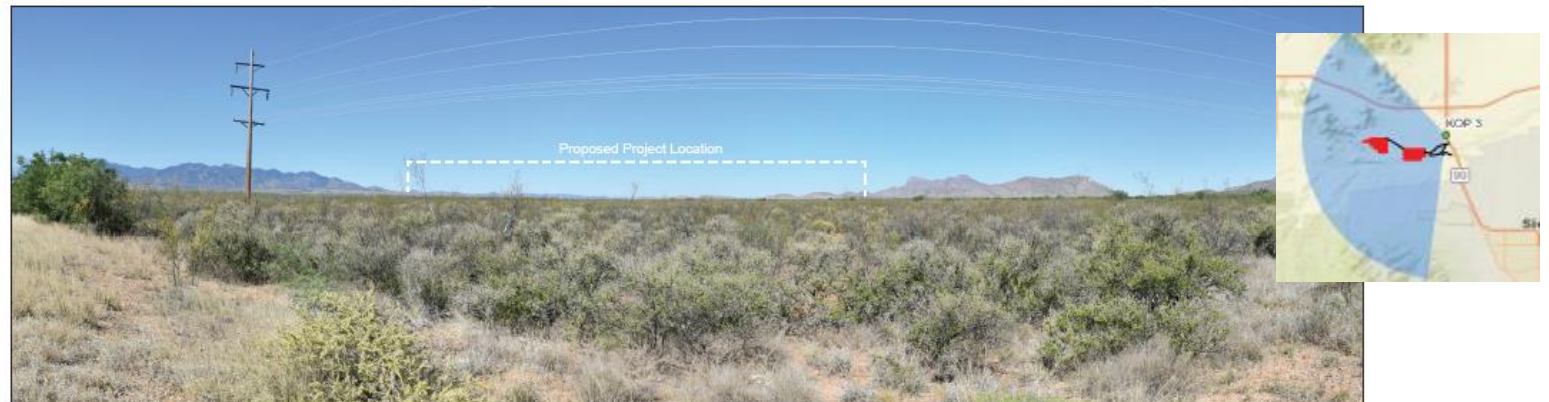
The major off-site impacts could include temporary construction traffic, dust and noise. Long term impacts would be limited to visual impacts and potential fugitive dust with out mediation. The Applicant has provided visual sims from four (4) different points. These include SR82, Rascal Ranch Road, SR 82 at Sands Ranch Road, SR90, ½ mile north of proposed entrance and SR90 and Huachuca Municipal Complex.



KOP 1 - Proposed Project: Arizona State Route 82 and North Rascal Ranch Road, looking southeast



KOP 2 - Proposed Project: Arizona State Route 82 and Sands Ranch Road, looking south



KOP 3 - Proposed Project: Arizona State Route 90, approx. 1/2-mile north of proposed access road, looking southwest



KOP 4 - Proposed Project: Huachuca City municipal buildings, looking west

**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 to clean the panels and if required it will be trucked in. If the property were to be developed with single family homes or used other commercial or industrial uses much more water would be required.

**VI. PUBLIC COMMENT**

The applicant mailed letters to property owners within 1 mile of the property prior to application submittal and received multiple letters, emails and phone calls. The correspondence is included with their application.



The Planning Department mailed letters to the same property owners within 1 mile 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 twelve (12) emails and letters. Five (5) letters are in Support and five (5) in opposition to the request. Two other letters were neutral or had questions and one was asking questions, but the email address provided was not working. It should be noted that almost 900 letters were sent out. Tjirteen (13) responses equal to less than a 2% response.

**VII.WAIVERS**

No requested or needed.

**VII. SUMMARY AND CONCLUSION**

The applicant requests two separate Special Use Authorizations to construct a 560 acre and a 540 acre utility scale solar power generation facilities located on an approximately 10,870 acre parcel.

The sites are located on the Babocomari Ranch south west of junction of State Route 90 and 82. The site is further identified as Parcel 106-03-038.

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

1. With the recommended Conditions of Approval, 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;
4. The site plan submitted complies with applicable site development standards and conditions;
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. Five (5) letters of support have been received.

**Factors Against Allowing the Special Use**

1. The Planning Department has received five (5) letters in opposition to the request;
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 of the project site.

**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. A detailed, dimensioned site plan shall be provided with non-residential permits;
5. 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.
6. 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.

7. 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.
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.
9. The applicant shall incorporate the recommendations of Fort Huachuca representatives, to the extent possible, regarding the source of materials.

Sample Motion:

*Mr. Chairman, I move to approve Special Use Docket SU-20-15 (Cleanera 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 (Cleanera 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.*