



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 SU22-02 (Clovis)
DATE: February 26, 2022, for the March 10, 2022, Meeting

APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant requests Special Use Authorization to approve a bit coin mining business. The project will include an approximately 13,000 square feet of solar canopy with a 48-foot semi-trailer parked underneath housing data mining equipment.

The project is located near 13804 S Clovis Road, Pearce Arizona. The project will be located on a future 4-acre parcel which presently is identified as Assessor Parcel Number 401-27-001A consisting of approximately 306 acres.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: ~4 acres of a 306 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: Ranching
Proposed Uses: Same, with new 4-acre parcel dedicated to bit coin mining

Zoning/Use of Surrounding Properties

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

Planning, Zoning and Building Safety

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Bisbee, Arizona 85603
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II. PARCEL HISTORY

No permit history, uses for ranching

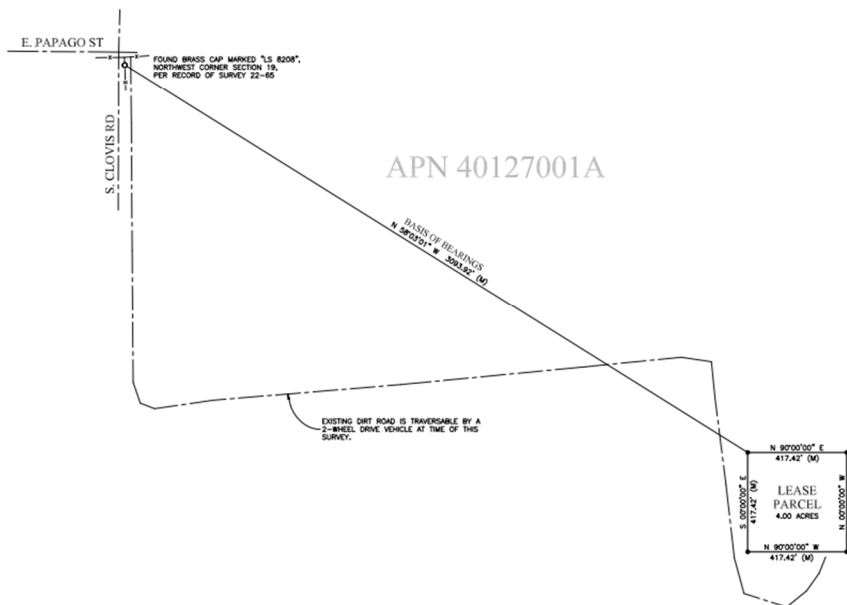
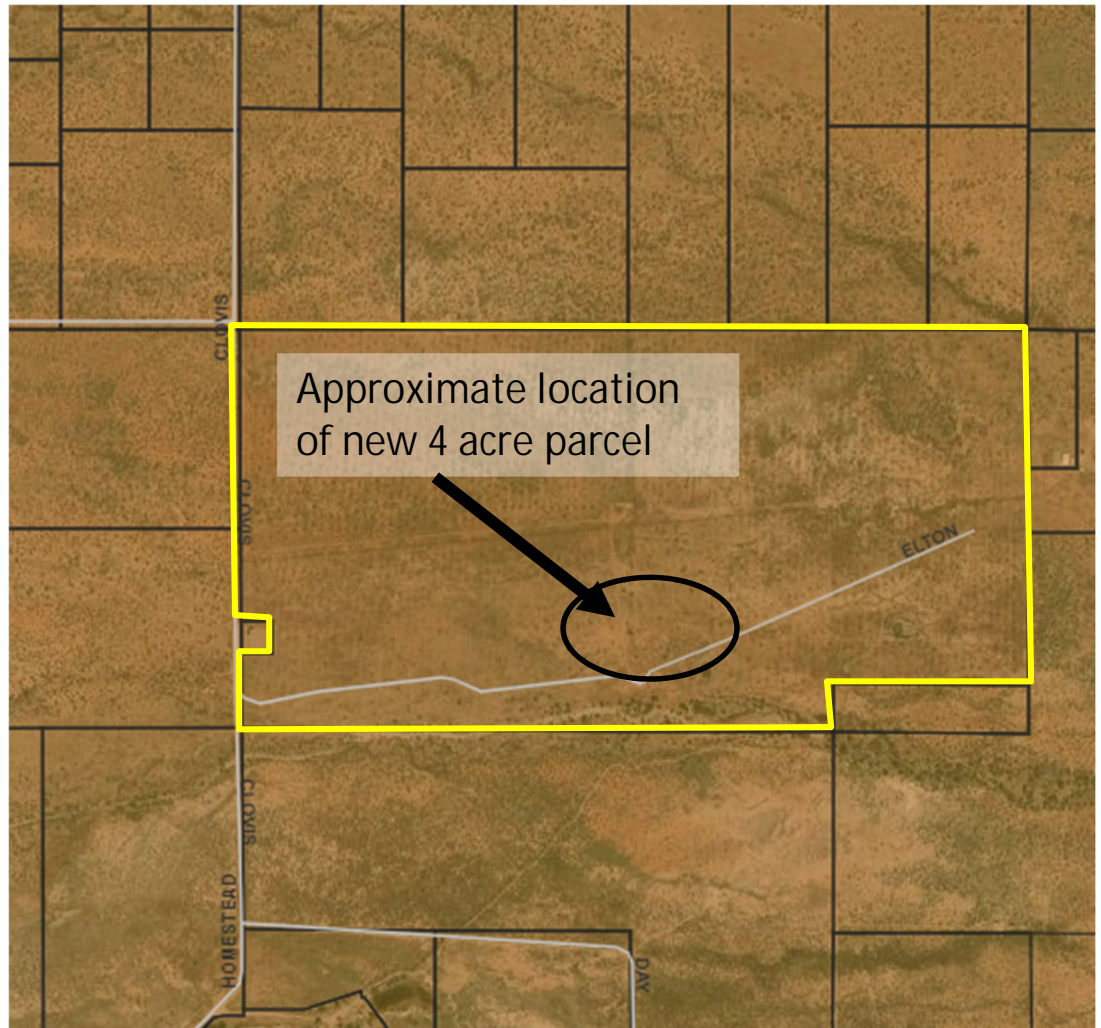
III. NATURE OF REQUEST

The Applicant requests Special Use Authorization to approve a bit coin mining business. The project will include approximately 13,000 square feet of solar canopy with a 48-foot semi-trailer parked underneath housing data mining equipment.

The project is located near the south-central portion of the 300 plus acre parcel as show to the right.

The area is sparsely populated with the area consisting of large parcels and ranches. A wash is located south of the proposed parcel and project site.

The new parcel is located outside of the FEMA designated flood zone.



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 nine (9) of the factors. With the recommended conditions/modification, the project

complies with three four (4) additional factors.



1. Compliance with Duly Adopted Plans: Complies

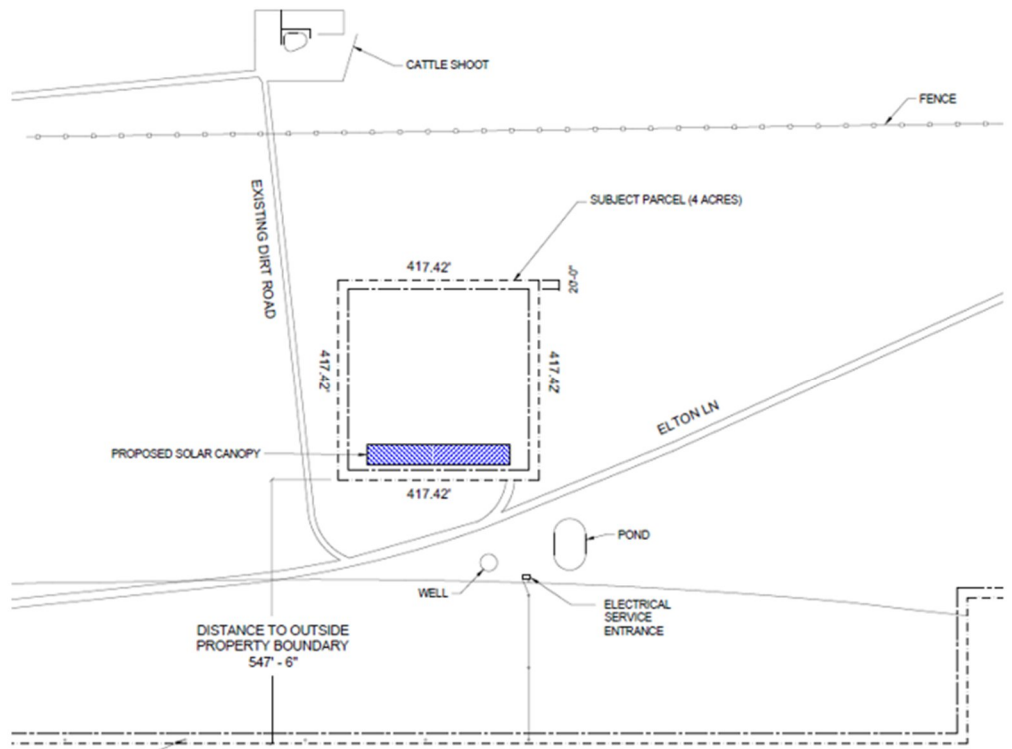
The property and all surrounding properties are designated as Category B, Developing. These are areas which are expecting to have a moderate level of residential and/or non-residential growth.

The Economic Development Element states Goal 1. Support the preservation and expansion of the Cochise County's tourism, technology, agriculture, security, renewable energy, and transportation sectors. Policy a. Continue to support Fort Huachuca, the Ports of Entry, and related businesses as regional economic clusters. Policy d. Encourage development in areas with access to existing infrastructure and services.

The Plan also states: Education, creativity, and entrepreneurship are essential and should be encouraged as part of an economy-based land use policy. Supporting small businesses will not only spur diversified income opportunities and ensure economic competitiveness but will also foster resilience in the face of economic challenges such as natural disasters.

This project will provide the diversity discussed within the Plan by providing support of entrepreneurship of a different type of business in the County.

It should also be mentioned that the project includes a large amount of solar to be constructed. Bit coin mining requires a significant amount of energy due to the computers running constantly. The panels are meant to off-set the energy requirements needed. The Applicant has already been put on notice by SSVEC that the electricity capabilities in the area are limited. This solar not proposed to be a utility scale. This would not be an allowable use within the residential zoning.



2. Compliance with the Zoning District Purpose Statement: Complies

RU (Rural) Zoning Districts are established to achieve the following purposes:

- 601.01 To preserve the character of areas designated as "Rural" in the Cochise County Comprehensive Plan;
- 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;
- 601.03 To preserve the agricultural character of those portions of the County capable of resource production;
- 601.04 To provide space for people, minimize traffic congestion, and preserve the existing rural environment of unincorporated areas of the County situated outside of existing communities;
- 601.05 To provide recreational support services that are compatible with rural living;
- 601.06 To protect the quality of the natural environment as it relates to safeguarding the health, safety, and welfare of the people in Cochise County; and
- 601.07 To 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 and in conformance with Section 601.06.

This project is proposed near the center of a 300-acre parcel. It will not be highly visible to the few surrounding homes in the area. The maximum height is 22' which is 8' less than the maximum allowable height.



3. Development along Major Streets: Complies



The project is not located along a major street. Clovis is privately maintained. Both County ROW and ADOT were notified of this project. ADOT had no concerns due to this being an unmanned facility. ROW initially had concerns about legal access to the site, however a plat was located showing dedication of Clovis.

4. Traffic Circulation Factors: Complies with condition

There are no onsite employees. The site is remotely accessed except during unusual circumstances. Therefore, following construction there will be no regular traffic to the site. One neighbor who maintains the road expressed concern about the increase in



usage of the road. The applicant is willing to work with this landowner to ensure any potential impacts to the road due to construction are mitigated. Staff is recommending a condition that following construction the applicant shall contribute to or repair the road to preconstruction condition.

5. Adequate Services and Infrastructure: Complies

The site will be unmanned, and power will largely be provided by the solar array. The applicant has been informed by SSVEC that electric services in the area are limited.

6. Significant Site Development Standards: Complies

Site Plan:

The site plan provided shows the new 4-acre parcel almost 550 feet away from the southern boundary. The equipment will be an additional 20 feet from the new property line. There is adequate room on the new parcel for maneuvering, parking, detention/retention etc.

Setbacks:

Setbacks to all property lines shall be maintained at twenty feet as shown on the conceptual site plan.

Lot Coverage:

The residential Land Use district restricts lot coverage to a maximum of 25%. Proposed lot coverage is less approximately 7%.

Height:

Maximum height proposed is 20 feet. The Ru-4 allows for a height of up to 30 feet. Any proposed fencing shall be less than eight (8) feet.

Lighting:

All 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.

Landscaping: No landscaping or screening is required.



7. Public Input: Complies

The applicant mailed letters to property owners within 300 feet of the property prior to application submittal.

The Planning Department mailed letters to the same property owners within 300 feet of the subject property, published a legal ad in the Sierra Vista Herald, and posted a legal notice on the property. To date, staff has received two (2) letters in opposition and one in support which is not major public opposition to the request.

The issues raised include:

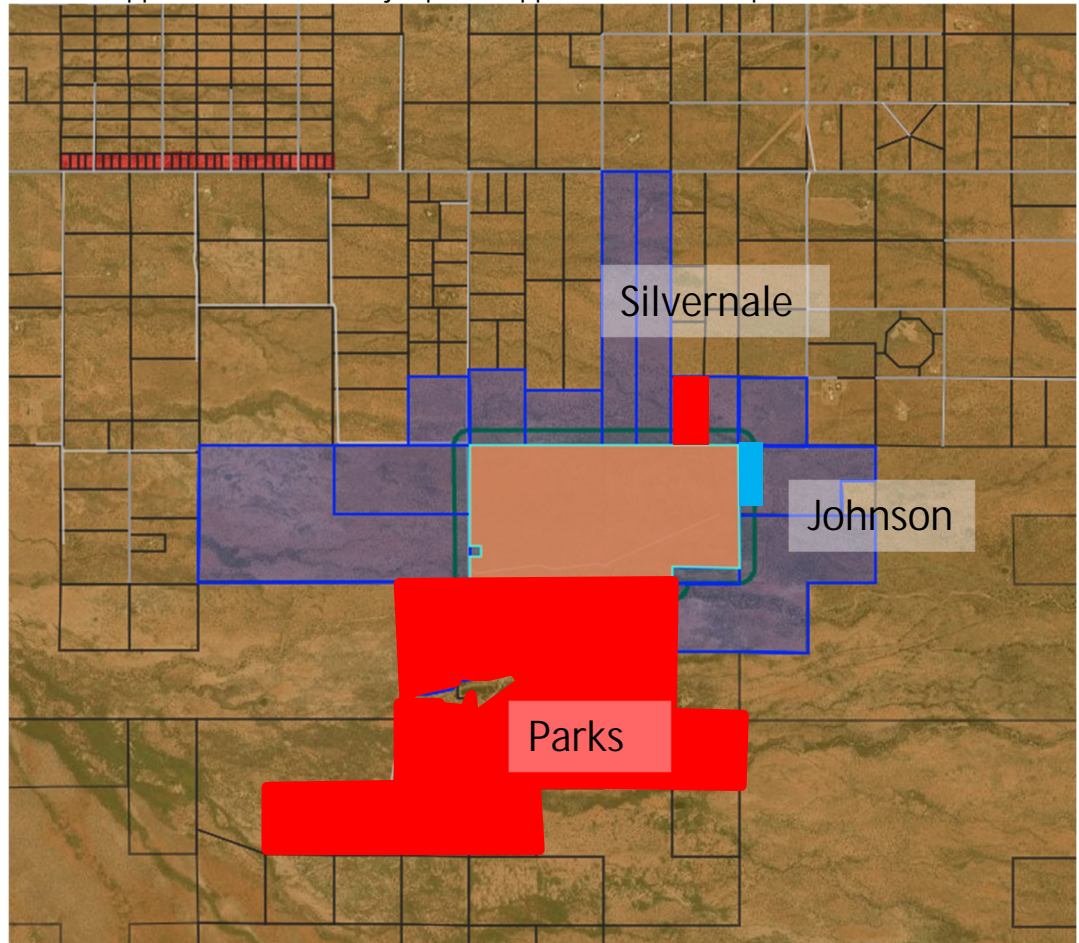
- Aesthetics
- Drainage
- Traffic/road maintenance
- Future subdividing concerns

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 only potential off-site impacts could include temporary construction traffic, dust, noise. Long term impacts would be limited to visual impacts. The applicant will have twenty-foot setbacks and the parcel is almost 550 feet away from the southern boundary of the 300-acre parcel.



10. Water Conservation: Complies

There will be no employees onsite. No offices, septic, etc. are required. The only water usage would be for dust control during construction.

V. WAIVERS

No requested.

VI. SUMMARY AND CONCLUSION

This request is for a Special Use authorization to allow a phased warehousing project and associated solar panels.





Factors in Favor of Approving the Special Use

1. With the recommended Conditions of Approval/modification, the proposed use would fully comply with nine of the ten Special Use factors used by staff to analyze this request and would comply with one additional factors if the Conditions of approval are met;
2. This project will provide the diversity of business discussed within the Comprehensive Plan by providing support of entrepreneurship of a different type of business in the County.
3. The Comprehensive Plan states: Education, creativity, and entrepreneurship are essential and should be encouraged as part of an economy-based land use policy. Supporting small businesses will not only spur diversified income opportunities and ensure economic competitiveness but will also foster resilience in the face of economic challenges such as natural disasters. This business adds to that diversity.
4. The Comprehensive Goals and Policies support renewable energy;
5. One letter of support received.

Factors Against Allowing the Special Use

1. The Planning Department has received two (2) letter in opposition to the request.

VII. 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. Non-compliance can result in the Special Use being revoked upon a 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 Division and may require additional modification and approval by the Planning and Zoning Commission;
4. Following construction, the applicant shall contribute to or repair the road to preconstruction condition.

Sample Motion:

Mr. Chairman, I move to approve Special Use Docket SU22-02 (Clovis) located on parcel, 401-27-001A with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.