

MEMORANDUM

TO: Board of Supervisors
FROM: Christine McLachlan, Planner II
THROUGH: Dan Coxworth, Director
FOR: Richard Karwaczka, County Administrator
SUBJECT: Docket R-22-04 Solar Energy Power Plants, Zoning Regulation Amendment
DATE: December 19, 2022

I. PROPOSED CHANGES AND BACKGROUND

Docket R-22-04 is a staff-initiated amendment to the Cochise County Zoning Regulations, Section 1824 Solar Energy Power Plants. Solar Energy Power Plants are defined by the Zoning Regulations as follows, “A Non-Residential, utility-scale Solar Energy System, the purpose of which is to supply solar-generated electricity to off-site consumers. Accessory structures may include buildings, substations, and associated electrical infrastructure. The term does not include stand-alone Solar Energy Systems for on-site use.”

State law requires all Counties to identify policies and practices to encourage greater use of renewable energy within the Comprehensive Planning Process. The Cochise County Comprehensive Plan includes a renewable energy element, which directs the county to permit flexible site development standards.



Within the Zoning Regulations, solar energy power plants (SEPPs) are a permitted use in Heavy Industry and Light Industry zoning districts. All permitted uses are staff reviewed and approved. SEPPs are considered special uses within Rural and General Business zoning districts. All special uses must be reviewed and approved by the Planning and Zoning Commission. Unless appealed, the decision of the Planning and Zoning Commission is final. Because of their unique characteristics and oftentimes high potential to adversely impact surrounding properties, Special Use Authorizations may be permitted within the Zoning District only

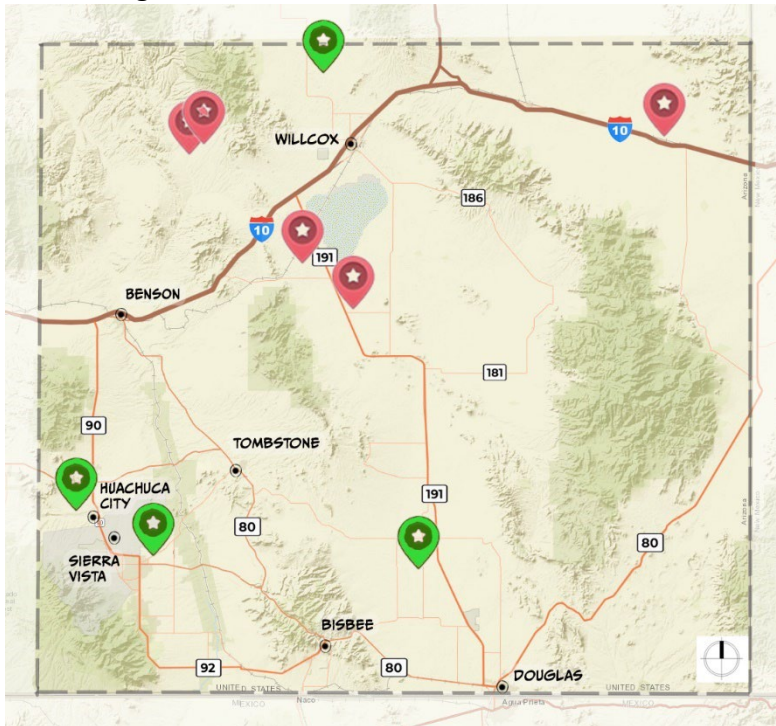
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when they can demonstrate that potentially negative off-site impacts have been mitigated. In addition, all SEPP applicants must also comply with the site development standards contained in Section 1824 of the Zoning Regulations. Currently there is only one site development standard, which is as follows

- Mandatory setback requirement - twice the minimum setback requirement for the respective Zoning District or shall equal the height of the tallest structure, whichever is greater.

Section 1824 also provides a height exemption and a distance between structures exemption. There are no height limits or minimum distances between structures for SEPPs in Cochise County.



SEPPs require a lot of acreage. Most utility-scale solar energy systems require at least 20 acres to produce five mega-watts (Mw). This can vary significantly depending on system efficiency and site conditions. According to the Solar Energy Industry Association, one Mw can power roughly 190 homes. Earlier this year, Sulfur Springs Valley Electric (SSVEC) issued a Request for Proposals (RFP) for the development of solar generation projects in Cochise County. A project associated with the RFP was approved by the Planning and Zoning Commission on June 8, 2022. This 158-acre, 20-Mw SEPP is currently being reviewed for non-residential permits by Development Services. In the past 20 years, five solar projects have been constructed (indicated in red on the map to the left), and at least four

other projects (shown in green on the map) were granted approval and are eligible for permitting. Arizona Public Service (APS), which is another major energy corporation in the County, has pledged to continue on their path to serve customers with 100% clean energy by 2050. Tucson Electric Power plans to provide 70% of its power from wind and solar by 2035.

Staff is requesting some modifications to Section 1824 of the Zoning Regulations. The changes proposed will incorporate additional best practices into our regulations. Also proposed are measures intended to limit County liability in cases of abandonment, damage, transfer/sale, cessation of use, and the end of the useful life of the SEPPs. Solar panels are equipment. All equipment wears out over time. The typical lifespan of a SEPP is 30-35 years. Nationwide, approximately 70% of the SEPPs have come online within the past five years. As is the case with WEPPs, SEPPs decommissioning and remediation is loosely regulated at the federal and state levels. Because of the amount of acreage involved with SEPP projects, each project decommissioning can exceed \$1 million dollars.

More specifically, staff recommends changes to section 1824 of the Zoning Regulations, to:

- Increase consistency among staff recommendations to the Planning and Zoning Commission for conditions
- Increase best practices of SEPP site design (maximum height, groundcover requirement, bury on-site transmission lines, wildlife friendly fencing...)

- Exempt lot coverage limits if the soil under the collector is maintained with perennial vegetated groundcover and not compacted
- Better guide transfer/sale of projects
- Specify what constitutes cessation of use and SEPP owner responsibilities
- Define acceptable decommissioning and site restoration.
- Require SEPP owner to continuously maintain financial assurance in the amount of the net decommissioning cost to for the removal of equipment and the restoration of the site.

II. SUMMARY AND RECOMMENDATION

The proposed changes would amend Article 18 of the Cochise County Zoning Regulations, as indicated in Exhibit A of the attached document.

- Staff recommends approval.
- The Planning and Zoning Commission recommends approval (12/14/22 meeting, 7-0)