



Cochise County

Development Services

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Susan Bronson, AICP, Planner
FOR: Daniel Coxworth, AICP, Development Services Director
SUBJECT: Docket SU23-07; AEPCO Natural Gas Turbines
DATE: March 28 for the April 12, 2023 Meeting

APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant, Arizona Electric Power Cooperative, Inc. (AEPCO), requests a Special Use Authorization to expand its existing Special Use Authorization (SU02-01) to allow the addition of two natural gas turbines that are 85' in height in an HI Zoning District. The Applicant requests a waiver of the 50' height limitation of the HI Zoning District.

The project is located at 3525 N. Highway 191, Cochise, Arizona. The property is also identified as Assessor Parcel Numbers 205-14-006, 205-14-002. It consists of 208.72 acres.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 208.72 acres
Current Zoning: HI (Heavy Industry)
Proposed Zoning: Same
Growth Area: Category D
Comprehensive Plan Designation: Rural
Area Plan: N/A
Existing Uses: 40 MW gas turbine at the Apache Generating Station
Proposed Uses: Two 85' Natural Gas Turbines

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	HI	Vacant land
South	SR-22	Vacant land
East	RU-4	Vacant land
West	SR-22	Vacant land

Planning, Zoning and Building Safety

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Bisbee, Arizona 85603
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Vicinity Map

II. PARCEL HISTORY

Commercial permit CP15-0000844 was issued for the substation. Numerous permits have been issued for accessory structures that serve the power plant.

III. NATURE OF REQUEST

The Applicant requests Special Use Authorization to expand its existing Special Use Authorization to allow the addition of two natural gas turbines that are 85’ in height. The subject property is located in an HI Zoning District. The Applicant requests a waiver of the 50’ height limitation of the HI (Heavy Industry) Zoning District. Specifically, **Section 1403.01 of the Cochise County Zoning Regulations states “maximum height-structures 50 feet above grade (except communication tower).”** The proposed natural gas turbines exceed the height limitation by thirty-five (35) feet.





IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of ten (10) factors with which to evaluate Special Use applications. Staff uses these factors to evaluate whether the Special Use request complies with the Comprehensive Plan and the Zoning Regulations. The factors are also used to determine whether Conditions and/or Modifications are needed.

1. Compliance with Duly Adopted Plans Section: Complies

The proposed use is located in the Category D growth area in the Comprehensive Plan. In this category, “non-residential development is geared toward providing local services, tourism or intensive uses that are not appropriate in more densely populated parts of the country, such as **power plants** and feedlots.” The Comprehensive Plan specifically calls out power plants as being appropriate in this Growth Area.

2. Compliance with the Zoning District Purpose Section: Complies

Section 1401.01 states “the Heavy Industry Zoning District is established to encourage the establishment of heavy industrial uses in locations that are suitable and appropriate, taking into consideration land uses on adjacent and nearby properties, adequacy of access to major streets and highways, rail services and other means of transportation, and availability of public utilities”. Section 1401.02 further states “to allow within safe limits industrial uses and structures having physical characteristics which may be offensive.”

The subject parcels have access to Highway 191 and are serviced by rail services. The neighboring parcels are either vacant or owned by the power company.

3. Development along Major Streets: Complies

This factor states "the development limits the number of access points on major thoroughfares or arterial streets, and County collectors through the use of frontage roads, shared access, no access easements, or other safe methods designed to minimize road cuts that create unsafe traffic conflicts, hazardous traffic congestion and obstruct the functioning of arterials."

The property is accessed from an existing ingress/egress from Highway 191. An additional access is not proposed.

4. Traffic Circulation Factors: Complies

This factor provides:

- 1) **The Special Use Authorization request is consistent with the preservation of the functions of surrounding streets as defined in the County Comprehensive Plan.**
- 2) **The Special Use Authorization request does not result in the use of any residential street for non-residential traffic.**
- 3) **Consideration of future circulation needs in the surrounding area has been considered through right-of-way dedication and off-site improvements if warranted.**

The additional gas turbines are on the same site as the existing gas turbine and power plant infrastructure. The use of the access road and traffic circulation will not change. Also, the proposed use will not generate additional traffic.

5. Adequate Services and Infrastructure: Complies

The following factors are used to determine if there are adequate services and infrastructure to serve the Special Use Authorization request:

- 1) **The Applicant has provided adequate information to evaluate the impacts on roads, other infrastructure, and public facilities. The Applicant must demonstrate that there are adequate provisions to address the impacts identified; the Applicant shall provide data supporting the estimated traffic volume as part of the application.**
- 2) **If the site accesses a road where existing demonstrable traffic problems created by incremental development have already been identified, such as a high number of accidents, substandard road design or surface, or the road is near or over capacity. If so, the Applicant has proposed a method to address these problems.**
- 3) **The proposed development meets or will meet the applicable requirements for street, sewer, or water improvements.**
- 4) **The site has access to streets that are adequately designed and constructed to handle the volume and nature of traffic typically generated by the use.**

The applicable reviewing agencies did not recommend that street, sewer, or water improvements be required for this Special Use Authorization.

6. Significant Site Development Standards: Complies if Requested Waiver is Granted

This factor specifies that "the Special Use Authorization request adequately addresses the significant applicable site development standards, including development in or near a floodplain. The Applicant has requested and adequately justified, in writing, any requests for modifications or waivers from site development standards."

The proposed natural gas turbines will be 85' in height. The maximum height for structures allowed in the Heavy Industry Zoning District is 50'. The Applicant requests a waiver of this height limitation.

7. Public Input: Partially Complies

This factor states "if there is major public opposition to a proposed Special Use Authorization request, this may indicate that the technical evaluation regarding the compatibility of the use does not concur with the view of residents, and a recommendation of denial may be appropriate. If public concerns have been raised, it is fair to ask if the Applicant has made a reasonable effort to address these concerns through the Citizen Review Process. If there is major public support for a proposed use, this may be a factor in favor of the request.

The Applicant mailed letters to property owners within 300 feet of the property before submitting his application. The Development Services Department mailed letters to the property owners within 900 feet of the subject property; published a legal ad in the *Sierra Vista Herald*; and posted a legal notice on the property. To date, three letters of opposition have been received. One letter expressed concern about the expansion of the power plant. Another expressed concern about the ability to build a residence on property within 900' of the power plant. The third letter expressed concern that the addition would decrease property values.

8. Hazardous Materials: Complies

This factor states "impacts from Special Use Authorization requests that may involve hazardous materials have been adequately mitigated."

The power plant uses a Powin Stack 750E Centipede Battery. This material makes up the lithium-iron phosphate batteries that are sealed, prefabricated installations. No containment or ventilation is required. The systems have undergone performance testing to ensure that they operate safely under normal use and under a variety of operating parameters. At the end of their useful lives, the batteries will be recycled consistent with applicable regulations.

9. Off-Site Impacts: Complies

This factor requires that "adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, lights, or stormwater run-off.

The proposed use will not increase off-site noise, odors, dust, lights, or stormwater run-off.

10. Water Conservation: Complies

This factor states "the Special Use Authorization request shall incorporate water-saving measures that meet or exceed all Cochise County requirements included in the Comprehensive Plan, Strategic Plan, adopted area plan, Building Code, or Zoning Requirements. For each request, the applicant shall identify the source of the water being used, an estimate of water quantity required for the proposed use, water-use minimization measures to be implemented, water-recycling measures to be implemented, and any measures used to enhance onsite recharge.

The proposed use complies with Cochise County water conservation requirements.

V. WAIVERS

The Applicant requests a waiver of Section 1403.01 which prohibits structures in excess of 50' above grade. The natural gas turbines are 85' in height.

VI. SUMMARY AND CONCLUSION

This request is for a Special Use Authorization to allow two additional natural gas turbines that are 85' in height in an HI Zoning District.

As referenced in the table below, the proposed use fully complies with eight (8) of the ten (10) factors, will comply with the Site Development Standards if the requested waiver is granted, and partially complies with one factor.

Factors for a Special Use Authorization	Complies/Not applicable
Compliance with Duly Adopted Plans	Complies
Zoning Purpose Section	Complies
Development along Major Streets	Complies
Traffic Circulation	Complies
Adequate Services and Infrastructure	Complies
Significant Site Development Standards	Complies if Requested Waiver is Granted
Public Input	Partially Complies
Hazardous Materials	Complies
Off-Ste Impacts	Complies
Water Conservation	Complies

VII. RECOMMENDATION

Based on the factors in favor of approval, staff recommends **Approval** of the Special Use request.

WAIVER:

1. Section 1403.01 of the Zoning Regulations that prohibits structures greater than 50’ in height shall be waived.

Sample Motion:

Madam Chair, I move to approve Special Use Docket SU23-07 located on parcels 205-14-006 and 205-14-002. The Factors in Favor of Approval constitute the Findings of Fact. I also move to waive Section 1403.01 of the Zoning Regulations that prohibits structures greater than 50’ in height.