

## SU 23-15 (Winchester Solar Mod)

Special Use Authorization to modify an approval to construct, operate, and maintain a proposed Solar Energy Power Plant and Battery Energy Storage System in a Rural Zoning District

**Planning & Zoning Commission**

**July 12, 2023**

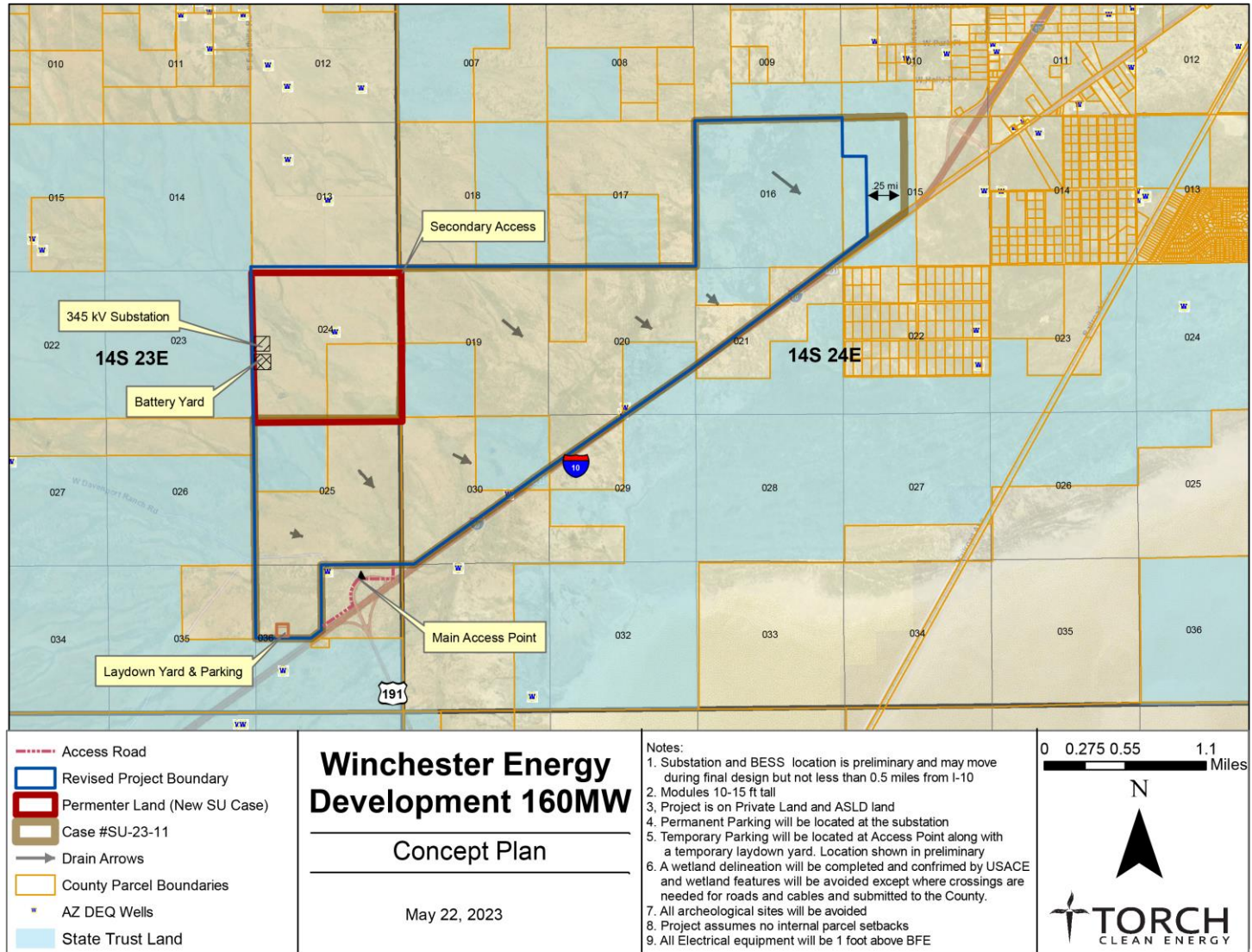


# DEVELOPMENT SERVICES

- This is a request to allow a phased solar facility with battery storage, 660 MW power generation
- Multiple parcels (see report/application), 4,080 acres (approx.)
- Winchester Solar I and II, LLC, rep. by Sara Born (applicant)
- Mostly undeveloped land in unincorporated Willcox



## Concept Plan



- Access Road
- ▭ Revised Project Boundary
- ▭ Permitter Land (New SU Case)
- ▭ Case #SU-23-11
- Drain Arrows
- ▭ County Parcel Boundaries
- AZ DEQ Wells
- ▭ State Trust Land


### Winchester Energy Development 160MW Concept Plan

May 22, 2023

- Notes:
1. Substation and BESS location is preliminary and may move during final design but not less than 0.5 miles from I-10
  2. Modules 10-15 ft tall
  3. Project is on Private Land and ASLD land
  4. Permanent Parking will be located at the substation
  5. Temporary Parking will be located at Access Point along with a temporary laydown yard. Location shown in preliminary
  6. A wetland delineation will be completed and confirmed by USACE and wetland features will be avoided except where crossings are needed for roads and cables and submitted to the County.
  7. All archeological sites will be avoided
  8. Project assumes no internal parcel setbacks
  9. All Electrical equipment will be 1 foot above BFE

0 0.275 0.55 1.1 Miles

N

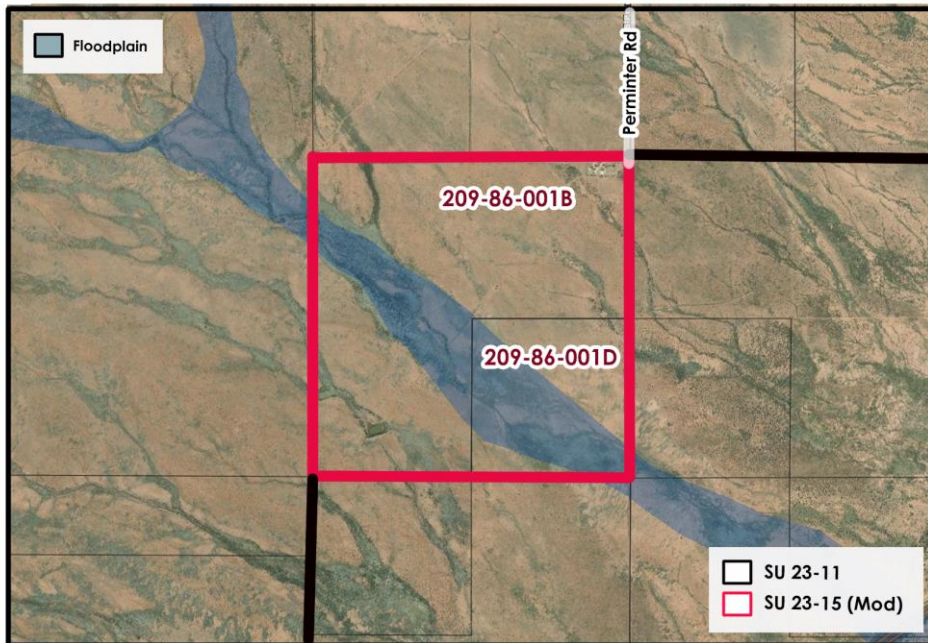


**TORCH**  
CLEAN ENERGY

## SU 23-11 Vs SU 23-15

### SU 23-11

- Up to 500 MW
- 3,435 acres



Location, Expansion Area Enlarged  
SU 23-15 Winchester Solar Mod



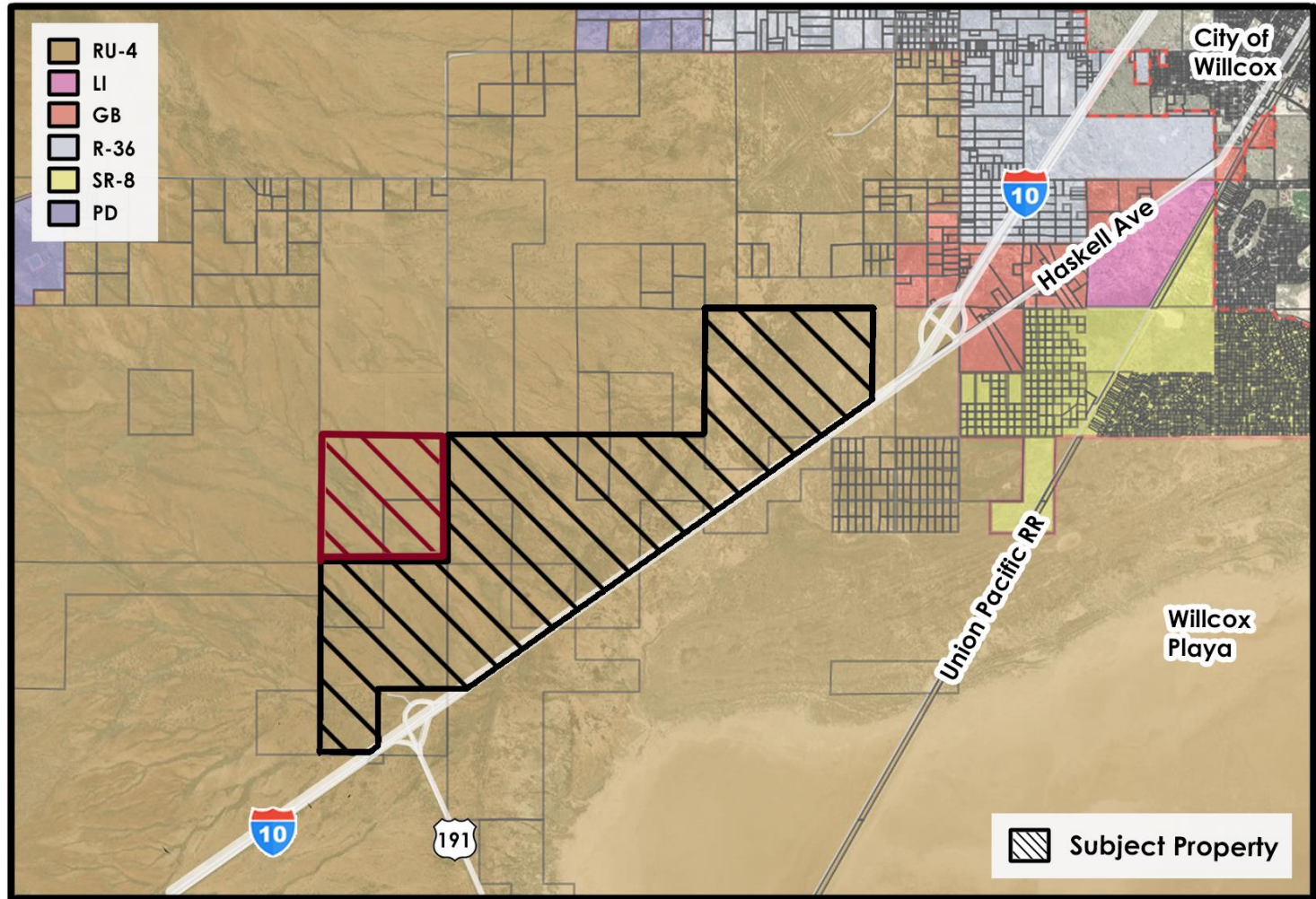
### SU 23-15 mod

- Up to 660 MW
- An additional 645-acres (contiguous)
- The proposed location of the battery yard and substation has moved approx. 0.8 miles northwest from the original location, further from Willcox

## Site Photos



## Zoning



Zoning  
SU 23-15 Winchester Solar Mod

N.T.S



# DEVELOPMENT SERVICES

**There are 10 factors used to evaluate all special use proposals. As submitted, the application:**

Complies: 7 factors

- Compliance with duly Adopted Plans
- Compliance with the Zoning District Purpose
- Development along Major Streets
- Traffic Circulation
- Adequate Services and Infrastructure
- Significant Site Development Standards
- Public Input
- Water Conservation

Complies with Conditions: 3 factors

- Significant Site Development Standards
- Off site impacts
- Hazardous Materials

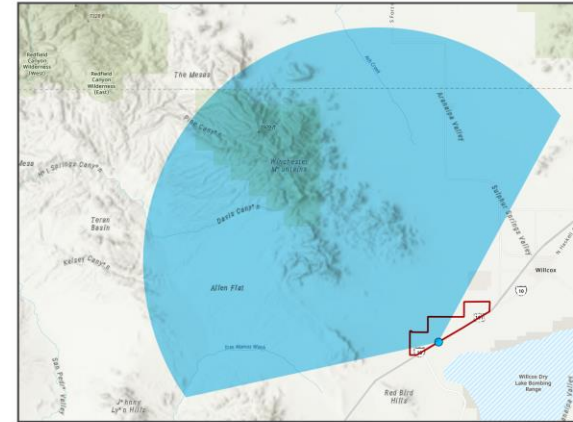


## Other studies submitted (attached to application):

- **Biological Evaluation:** no effect on any species listed under ESA
- **Potential Avian Impacts Summary:** minor potential impacts to birds, primarily passerines, doves, waterbirds and pigeons near the facility, but would not result in any species-specific population-level effects
- **Hydrology and Hydraulic Study** (for planning purposes): evaluates the approximate 100-year and 500-year ponding depths within the subject tracts.
- **Visual Study from Key Observation Points:** the visual impact of the project, in certain locations, may not register as perceivably altered “due to the presence of existing dense vegetation and the prominence of the Winchester Mountains in the background
- **Real Estate Value Impact:** cites a number of studies that indicate utility-scale solar facilities do not have a measurable impact on the value of adjacent properties.

# DEVELOPMENT SERVICES

## Key Observation Point Visual Study



● KOP    □ Project Boundary    ■ Photo Angle



### Base Photographic Documentation

Date	03/15/2023
Time	11:54:58
Viewpoint Elevation (ft)	4,196

### Proposed Infrastructure Information

Closest Distance to Panels (ft)	98
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Source: ArcGIS Pro 2023

**FIGURE 1:** Key Observation Point (KOP) 1  
Winchester Energy Development

# DEVELOPMENT SERVICES



## Other Permits Required

Permit/Compliance	Authorizing Authority	Action Item
<b>Federal Permits</b>		
Bald and Golden Eagle Protection Act (BGEPA) Compliance	USFWS and AZGFD	Biological Evaluation
Endangered Species Act (ESA) Compliance	USFWS and AZGFD	Biological Evaluation
Migratory Bird Treaty Act (MBTA) Compliance	USFWS and AZGFD	Biological Evaluation
National Historic Preservation Act (NHPA) Section 106 Compliance	Arizona SHPO	Class III Survey
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)	American Society for Testing and Materials (ASTM) Standard E 1527-13	Phase 1 ESA
Clean Water Act (CWA), Section 401 and Section 402- Water Quality Certification	U.S Army Corps of Engineers	Obtain Permit
Determination of No Hazard	Federal Aviation Administration	File 7460-1 Obstruction Evaluation
<b>State of Arizona Permits</b>		
Arizona Certificate of Environmental Compatibility (CEC)	Arizona Corporation Commission	Line Siting Committee Hearing
Clean Water Act, Section 402 - NPDES Permit (General Construction Permit)	Arizona Department of Environmental Quality (ADEQ)	SWPPP and GCP
Groundwater/Surface Management Permit	Arizona Department Water Resources - Well	Obtain Permit, if applicable
Notice of Intent to Clear Land	Arizona Department of Agriculture (ADA)	Send notice to ADA
Air Quality Permit(s)	Arizona Department of Environmental Quality - Air Quality	Obtain Permit, if applicable
Aquifer Protection Permit	Arizona Department of Environmental Quality - Aquifer Protection	Usually not needed for Solar Projects in Az.
<b>Cochise County Permits</b>		
Special Use Permit	Cochise County	Submit for permit
Clearing Permit	Cochise County	Submit for permit
Building Permit	Cochise County	Submit for permit
Driveway/ROW Permit	Cochise County	Submit for permit
Floodplain Use Permit	Cochise County	Submit for permit

## Factors in Favor of Request

1. The project is consistent with the applicable Policies of the Comprehensive Plan and the Purpose of the Rural Zoning Districts;
2. The project complies with most of the criteria used to evaluate special use requests;
3. The site plan submitted complies with most applicable site development standards and conditions;
4. Once completed the project would generate negligible levels of traffic and would use minimal water, services and infrastructure;
5. The project would serve as a source of clean energy, offsetting greenhouse gas emissions and reducing the need to generate electricity from fossil fuels; and
6. More specifically, this project replaces energy produced from the retired San Juan and the Four Corners Power Plants – both were coal powered
7. SU 23-11 was approved by the Commission on 5/10/23 (vote 6-1)



## Factors Against Approving the Request

1. Project construction will likely generate fugitive dust.
2. General compatibility and aesthetics concerns – the surrounding terrain is flat, and the area is undeveloped. The scale, visibility, and massing of the project is of concern.
3. Avian and wildlife concerns – there is potential for bird fatalities or injuries to occur if avian species mistake the solar panels for open water. The AZGFD stated in their review of the proposal that “the landscape in which this project is proposed provides important movement pathways for wildlife.” The project risks reducing habitat connectivity and wildlife movement/migration unless specific design features are incorporated to provide a pathway for the wildlife.



## Applicant Presentation/Discussion



## Staff Recommendation

Docket SU 23-15, Recommend Conditional Approval

If the Commission wishes to grant approval, staff recommends the following conditions:



## Recommended Conditions\*

1. The project owner shall maintain the project site with perennial vegetated groundcover and noncompacted soil. Where grading is not required during project construction, any existing vegetation will be mowed rather than removed completely.
2. The project owner shall exclusively use PV panels with an anti-reflectivity coating that is integral to the panel.
3. All panels shall be regularly inspected and continuously maintained by the project owner. Any broken or damaged panels shall be properly and safely removed in a timely manner from the site.
4. To reduce the optical illusion of water that closely spaced panels can create, the project shall be designed with no less a twelve-foot distance between all tracker rows.
5. The applicant shall submit a completed wetland delineation, confirmed by USACE prior to commercial permit issuance. Wetland features shall be avoided except where crossings are needed for roads and cables.



## Recommended Conditions\* (continued)

6. To the extent feasible, non-fenced, wildlife corridors within project boundaries shall be reserved near washes or in areas determined by the AZGFD to be appropriate for a wildlife highway crossing.
7. The final locations of the proposed substation and battery energy storage system may deviate from what is indicated on the concept plan, provided each are located within project boundaries a minimum of 0.5 miles from I-10.
8. Pursuant to 1824.03 of the Zoning Regulations, which mandates wildlife-friendly fencing, the applicant shall reserve a 6–8-inch gap between the ground surface and the bottom of the perimeter fencing.
9. The commission grants a waiver from setback required to internal parcel boundaries. Instead, minimum setbacks of 40' shall only be applied to the exterior boundaries of the Project indicated by the concept plan.

## Recommended Conditions\* (continued)

10. The project owner shall maintain an additional buffer from the northeastern project boundary limits, no less than ¼ mile for the life of the project. **(Added at SU-11 Hearing)**
11. The project owner shall conduct preconstruction surveys per the Migratory Bird Treaty Act (MBTA) and state-listed sensitive species guidelines ahead of any ground disturbance. The Operations and Management (O&M) team selected for the Project will perform quarterly inspections of the site, and, during this process they will also identify and report (with photo, lat/long, date, and time of sighting) any injured or dead species to Arizona Game and Fish. **(New condition)**
12. The project owner shall submit, in advance or concurrent with their first Commercial Permit, a Traffic Improvement and Maintenance Plan, which successfully mitigates project construction impacts to Permenter Road, to the satisfaction of the county. The plan shall include, but not be limited to, traffic control, new access permit(s), as well as all necessary improvements and maintenance to Permenter Road. **(New condition)**

\* Standard conditions related to acceptance of conditions, permitting timeframes, and modifications apply, and have not been modified by this request

## Sample Motion

*Madam Chair, I move to approve Docket SU 23-15 (Winchester Solar Mod), with the Conditions of Approval and waiver requests recommended by staff; the Factors of Approval constituting Findings of Fact.*

