



Cochise County

Development Services
Planning Division

Public Programs...Personal Service
www.cochise.az.gov

APPLICATION FOR A SPECIAL USE

Applicant's Name: Winchester Solar I, LLC and Winchester Solar II, LLC ("Project")

Name of All Property Owner(s): John L Permenter & previous Cochise 3600 and ASLD

Applicant Mailing Address:

c/o Torch Clean Energy, LLC 929 Pearl St, Suite 300, Boulder, CO 80302

Street # Town State Zip code

Subject Property Address (if different than mailing address):

4207 S Permenter Road Willcox AZ 85643

Street # Town State Zip code

Email Address: sborn@torchcleanenergy.com

Phone Number: (303) 775-1773

Tax Parcel Number: 209-86-001B & 209-86-001D; and approved case SU-23-11

Current Zoning Designation: RU-4

Comprehensive Plan Land Use Category/Growth Area: Rural D

Comprehensive Plan Land Use Designation: NA

Area Plan Designation (if applicable): NA

Size of Property (in acreage or square feet): 651.21 ac (New total = 4,080 ac)

How many acres will be cleared and developed? 1600 acres for first phase

Please note that this acreage will depend on final civil plans.

Describe your relationship to this application. (Select one)

I am the property owner

I am an authorized agent for the property owner

Bisbee Office

1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
planningandzoning@cochise.az.gov

If the applicant is not the property owner, please attach a notarized letter of authorization to this application.

The Purpose of a Special Use

Special Uses include uses or activities with a greater potential for impacts on neighboring properties than the permitted uses in a Zoning District. Examples of Special Uses are manufacturing, RV Parks, guest ranches, hospitals and schools. These more intense uses must be carefully reviewed to decide if they could make good neighbors to the existing uses. For this reason, a Special Use Permit requires a public hearing and approval by the Planning and Zoning Commission before it is allowed.

What is the Process?

1. Pre-application meeting with County planning staff.
2. Citizen Review Process – the applicant must send notice to all property owners within a radius of no less than 300 feet of the subject parcel(s), as shown on the most recent available records of the last property tax assessment. The County Zoning Inspector may expand the mailed notification area to greater than a 300-foot radius at time of application acceptance if there are compatibility concerns associated with the request.
3. Application Submittal
4. Technical review by relevant internal staff and external agencies
5. Public Hearing – Planning and Zoning Commission (Approval/Denial)

Appeals

The Commission action can be appealed to the Board of Supervisors by anyone who disagrees with the outcome. Appeals must be filed within fifteen (15) calendar days of the Commission action. The applications are available online "Appeal: Board of Supervisors."

Required Submittals

1. This application
2. Citizen Review Report
3. Site plan -drawn to scale showing the existing and proposed District boundaries and an accurate legal description of the area being petitioned for amendment. See "concept plan instructions for special uses" (included in this application). Please see our website for an example plan: <https://www.cochise.az.gov/development-services/special-uses>
4. Letter of Authorization (for authorized agents, if applicable)
5. Hazardous or polluting materials attachment (only if hazardous materials are proposed, if applicable)
6. Deed restrictions (if applicable)
7. Outdoor lighting, manufacturers specifications (if applicable)
8. Processing Fee

Concept Plan Instructions for Special Uses

Sometimes, an applicant will seek approval for a particular special use or uses on a piece of property well ahead of actual construction or operation of that use. Often the exact dimensions of structures or configuration of uses on the property are not known yet until the uses have been approved and the applicant has invested resources into site planning. The Zoning Regulations allow for the submittal of a "Concept Plan" in lieu of a site plan in the case of phased special uses on one property or a special use where construction is not anticipated within one year. However, if the use(s) are approved by the Planning and Zoning Commission, then a detailed site plan meeting the requirements of the Zoning Regulations will be required for each use or phase and shall be in substantial conformance with the approved special use. If the site plan is not within substantial conformance with the approved use and concept plan, then the special use will need to be reviewed, in a public hearing, by the Commission once again to modify the original proposal. **Note: any**

anticipated waivers of site development standards such as setbacks, screening, landscaping or parking spaces must be requested, justified, and approved by the Commission prior to the issuance of a building permit.

In order to adequately review the proposed special use(s) on a piece of property, a Concept Plan must include at a minimum the following information:

- Parcel boundaries and adjacent roads;
- The general location, size and height of all structures and uses (existing and proposed), including minimum setbacks from parcel boundaries, washes and roads;
- The general location and minimum number of parking spaces to be provided, including proposed surface and width of driveways;
- Proposed screening and landscaping;
- Any significant topographical features (washes, hills, rock outcroppings, wetlands) and cultural features of the property and adjacent parcels;
- If applicable, project phasing (approximate schedule of uses and construction) and any other information deemed necessary to effectively review the Special Use.

Please state the reason for this request and why it should be supported.

The Project is requesting an amendment to Cochise County SUP Docket SU-23-11 to include an additional two parcels (209-86-001B and 209-86-001D) to the Project area, increase the expansion potential of the Project to 660 MW of solar and battery storage, as well as permit a secondary access point. The 660 MW of power generation would provide the amount of power required for roughly 138,600 homes.

Identify the utility company/service provider for each of the following services and state if additional provisions or future connections are required in the space below.

Service Provider	Service Provider	Additional Provisions Required
Water/Well	Not applicable/needed	
Sewer/Septic	Not applicable/needed	
Electricity	Sulphur Springs	
Natural Gas	Not applicable/needed	
Telephone	Cellular	
Fire Protection	Outside County fire service area	
Waste Disposal	Construction trash to be taken off-site	

Is this request consistent with all deed restrictions or private covenants in effect for this property? If applicable, please include a copy of these restrictions/covenants with this application.

Yes
 No
 Not applicable (no deed restrictions or covenants)

Describe all **existing** structures/uses present on the subject parcel. Note: the size and location of existing structures must be shown on the accompanying site plan.

There is an existing house as well as a few structures in the northeast of the additional land for the Project.

Describe all **proposed** structures/uses on the parcel that to be placed on the parcel. Note: the size and location of proposed structures must be shown on the accompanying site plan.

The additional land would host the Project Substation, battery energy storage system (BESS) yard, as well as rows of solar modules mounted on racking equipment that tracks the sun throughout the day. Inverters will be used to convert the power from direct current to alternating current and transformers will "step up" the power to transmission voltage. A battery energy storage system (BESS) is planned to be constructed as part of the Project which will require inverters, transformers, a cooling system and fire detection and prevention.

Is the proposed special use consistent with stated purpose of the current zoning district? Explain.

The Project site is located in zoning district RU-4 and designated as Category D. The proposed solar and battery energy storage facilities are consistent with the stated purpose of these districts. Per the Plan, Category D areas are characterized by low rates of growth and large tracts of undeveloped lands, and availability of sites large enough to be used for intensive used that can't be accommodated in other growth areas. Additionally, per the Cochise County Zoning Ordinance, solar energy power plants may be permitted in RU zoning districts by Special Use Authorization only.

Describe all intermediate and final products/services that will be produced/offered/sold, if applicable.

The Project will generate electricity to be sold under long-term Power Purchase Agreements (PPAs) with an investor-owned utility and cooperative.

What materials will be used to construct the new building(s)? (Note, for an existing building(s), please also list the construction type(s), i.e., factory-built building, wood, block, metal).

There will be no buildings.

Will the project be constructed/completed within one year or phased?



One year



Phased

If this is a phased project, describe the phases here and physically depict them on the site plan. The Project's first phase will include two 80 MW solar facilities as well as two 80 MW battery storage facilities. Additional land is being permitted for an expansion in the future.

What are the days and hours of operation (if applicable)?

Days of the week: Every day

12 AM to 12 PM

Number of employees (if applicable):

Initially 120 Future: 2-4

Total average daily traffic generated (non-residential uses):

How many vehicles will be entering and leaving the site (per day)? 160 passenger vehicles (During construction)

Total trucks (e.g., by type, number of wheels, or weight)? 15-30/day during construction

Estimate which direction(s) and on which road(s) the traffic will travel from the site.

Ingress/egress will occur via the same route at the interchange of US 191 & Hwy 10.

If more than one direction, estimate the percentage that travel in each direction.

Ingress/egress via the same access point at the interchange of US 191 and Hwy 10.

At what time of day, day of week and season (if applicable) is traffic the heaviest?

Traffic will be heaviest during daylight hours midway through the construction period.

Water Use:

Estimate the total gallons of water needed for the proposed use: per day 0 per year 0

Please indicate your water source Once operational, water may be brought to site on an as-needed basis.

If your property is served by a private well, show the existing or proposed location on the site plan.

Well locations are shown on the site plan.

List any strategies you will employ, on site, to minimize water use, recycle water, and/or enhance onsite natural recharge.

The photovoltaic technology which will be utilized at the Project will not require any water consumption to generate electricity. Because of the arid nature of the Project location, module washing may be necessary on a very infrequent basis as annual monsoons should help to keep the panels clean. Should additional cleaning become necessary, water will be trucked in from an outside source because water must be free of any particles.

Will your property be served by a septic system? Yes No

If yes, show the septic tank, leach field and 100% expansion area on the site plan, and indicate whether the system is existing or proposed.

Does your parcel have permanent legal access*? If no, what steps are you taking to obtain such access? (*Our Zoning Regulations state that no building permit for a nonresidential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet. If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.)

The Project does have permanent legal access from existing roads off of the interchange from Interstate 10.

Which streets or easements will be used for traffic entering or exiting the property? (Please label on the accompanying plan)

Ingress and egress will likely both occur from the service road at the interchange of Highway 10 and US 191, as shown on the Concept Plan. A secondary access point has been proposed off Permenter Road, as shown in the Concept Plan.

What impact will this have on the traffic volume of roads serving this subject property?

The impact will be most severe during the construction period of the Project. It is estimated that there will be 15-30 delivery trucks/day on average and construction vehicles could be up to 160/day during the peak of construction. Once the Project is operational, there will be very minimal traffic as the Project will be remotely monitored through a SCADA system.

How many driveway cuts are proposed along streets or easements to allow site access? State whether this is an increase/decrease and whether any existing cuts will need relocation.

The Project's primary access point will be via an existing driveway off of the I-10 and US 191 interchange. A secondary access point is proposed off of Permenter Road using the existing driveway.

Does the subject parcel have site access onto a major road?

Yes No

Are you requesting any modifications or waivers from site development standards? If yes, explain.

A variance from the the solar ordinance section 1824.02 Setbacks is requested for internal parcel boundaries such that the setbacks are only applied to the exterior of the Project.

1824.06 Decommission and Site Restoration: Applicant is requesting this be submitted with the building permit.

Is the subject property within Sierra Vista Sub-Watershed Overlay Zone? If so, please indicate this, and that you understand that it may be subject to additional plan reviews and inspections whenever a building permit is required.

Yes, and I understand the permitting requirements

No, it's outside the boundaries

Please describe your citizen review process (if applicable). Specifically, state whether you received any responses to your mailed notice or public meeting. Explain how your special use application has incorporated the feedback you received.

The Project has mailed out notification letters to parcels within 0.25 miles of the Project area and will report back to the County as comments come in. Please note the Project was originally sited 14 miles to the west, but has moved locations due to landowner and ASLD grazing lessee concerns about impacts to grazing operations.

Describe any outdoor activity associated with your special use proposal, if applicable.

The Project will be constructed outdoors.

Will outdoor storage of equipment, materials or products be needed? If yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties.

A construction laydown yard will be needed to store equipment and materials. The preliminary location of this is shown on the Concept Plan.

Will any noise or vibrations be produced that can be heard or felt on neighboring properties on a regular basis? if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties?

Once the Project is operational, the Project will not produce any noise or vibrations that can be heard or felt on neighboring properties. The majority of the noise will be produced during the construction period, though noise impacts to neighboring properties will be minimal due to the rural location of the Project.

Will odors be created? If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties?

The Project will not produce any odors.

Will any on-site activities attract pests, such as flies or mice? If yes, what measures will be taken to prevent a nuisance on neighboring properties?

There will be no on-site activities which attract pests.

Will additional dust be created on a regular basis? If yes, what measures will be taken to prevent this dust from escaping onto neighboring properties or roadways?

Dust will be created by construction traffic and will be controlled using water from an on-site well or water trucks, as needed.

Is outdoor lighting proposed? If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please submit manufacturer's specifications for all light fixtures.



Yes



No

There will be at least two foot candles at the substation as recommended by NEC guidelines that will be switch operation.

Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)? If yes, show details on the site plan. Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.



Yes



No

A road will be graded from the access point shown on the site plan to the Project boundary.

Show on-site drainage flow on the site plan. Will drainage patterns on site be changed? If so, please indicate on the site plan and describe below.

Drainage Flow arrows are shown on the site plan. Generally drainage patterns will not change as minimal grading is needed. Included in this application is a preliminary drainage report. A more detailed drainage report that meets Cochise County requirements will be submitted with the clearing and building permits.

If more than one acre is to be cleared, describe the proposed dust and erosion control measures to be used and show on site plan, if appropriate.

A water truck, or possibly environmentally safe polymers, will be used for dust control. Silt fences; coir logs (coconut fiber), coir blankets, etc., will be used to reduce water erosion during construction. In the post-construction phase, the only permanently cleared land will be land area used for a substation, inverter and transformers skids, and the battery system. After construction is completed, soil stabilization and re-seeding efforts will serve as natural erosion control as well as a dust mitigation measure.

Do you anticipate the use of any hazardous or dangerous materials? If yes, please complete a "Hazardous or Polluting Materials Attachment" and attach it to this application.

Yes No

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit. In addition, I hereby request all inspections necessary to process this application, and if the permit is issued, I request all inspections necessary to monitor progress, and document completion, at all stages of the work related to this permit. Failure to obtain permits may result in fines or other penalties.

Sara Borman
Applicant Signature

May 31, 2023
Date