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Arizona

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Christine McLachlan, AICP, Planning Division Manager
FOR: Daniel Coxworth, AICP, Development Services Director
SUBJECT: SU 23-26 (Cochise Stronghold Solar), Application for a Special Use Authorization
DATE: November 27, 2023, for the December 13, 2023, Meeting

APPLICATION FOR A SPECIAL USE (SU 23-26 Cochise Stronghold Solar)

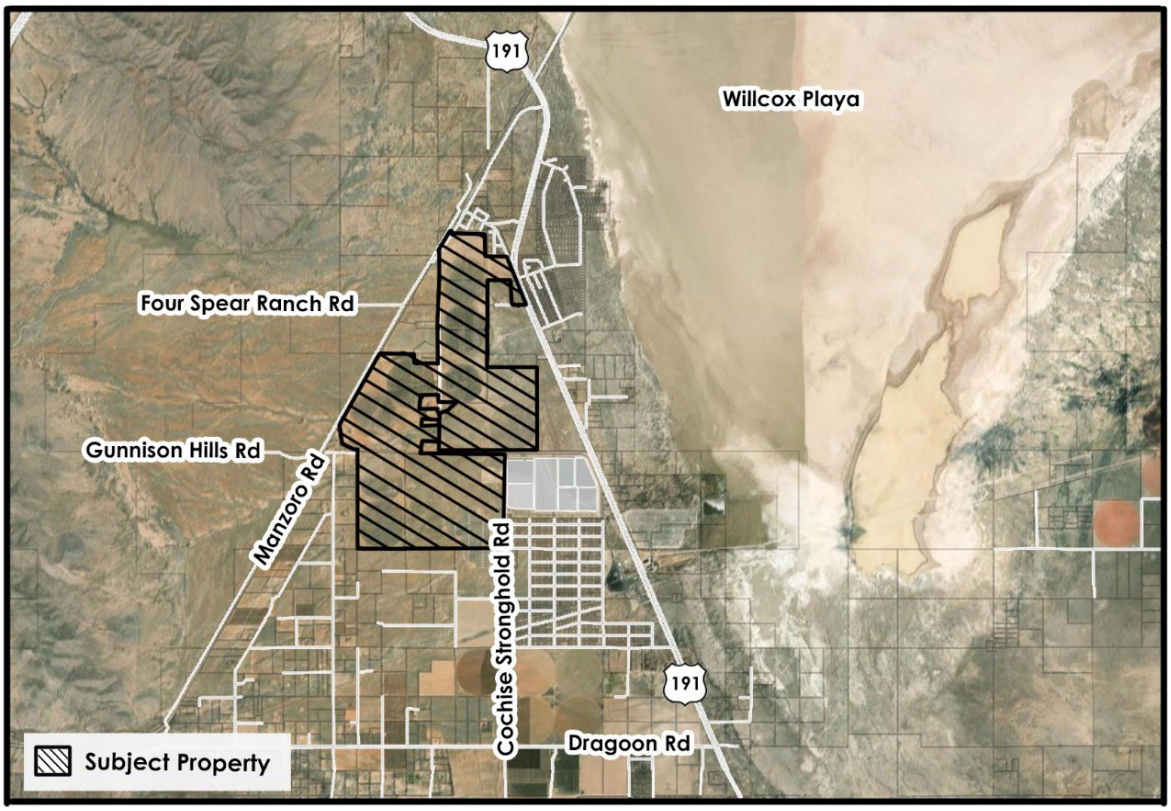
The County has received a Special Use application request from Arizona Electric Power Cooperative, Inc. (AEPCO)/Roadrunner, LLC (applicant). The applicant requests a special use authorization to develop a 235-megawatt (MW) utility-scale solar facility, a 235-MW battery energy storage system (BESS), and a substation, on AEPCO owned land near the existing Apache Generating Station at 3525 N. Highway 191, Cochise, Arizona. More specifically, this request includes portions on the following APNs: 20401020 (237.89 Ac), 20401022C (427.2 Ac), 20418001 (159.43 Ac), 20418003A (198.74 Ac), 20422001G (488.53 Ac), 20506004 (612.17 Ac), 20507001 (313.08 Ac), which equates to approximately 2,437-acres of rural-zoned land. All parcels subject to the request are currently owned by the project applicant.

The installation of a solar energy power plant and a BESS, is subject to site development standards contained in the Cochise County Zoning Regulations and requires Special Use Authorization from the Planning and Zoning Commission in a rural zoning district.

I. Description of Subject Parcel and Surrounding Uses

Site Size: 2,437-Acres (approximately)
Zoning: RU-4 (Rural, 4-acres minimum parcel size)
Growth Area: Category D
Plan Designation: Rural
Area Plan: None
Existing Uses: Undeveloped/retired farmland
Proposed Uses: Utility Scale Solar and Battery Energy Storage System to generate/store up to 235-MW of energy on 2,437-acres of land with accessory uses including a substation

Figure 1: Request Location



Location
SU 23-26 (Cochise Stronghold Solar)

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COCHISE COUNTY Arizona

Surrounding Zoning and Uses (See Figure 4)

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Residential/town of Cochise/school
South	RU-4	AEPCO solar farm/undeveloped
East	RU-4	Undeveloped/high density res/Apache station
West	RU-4	Low density res/agric/undeveloped

II. Site History

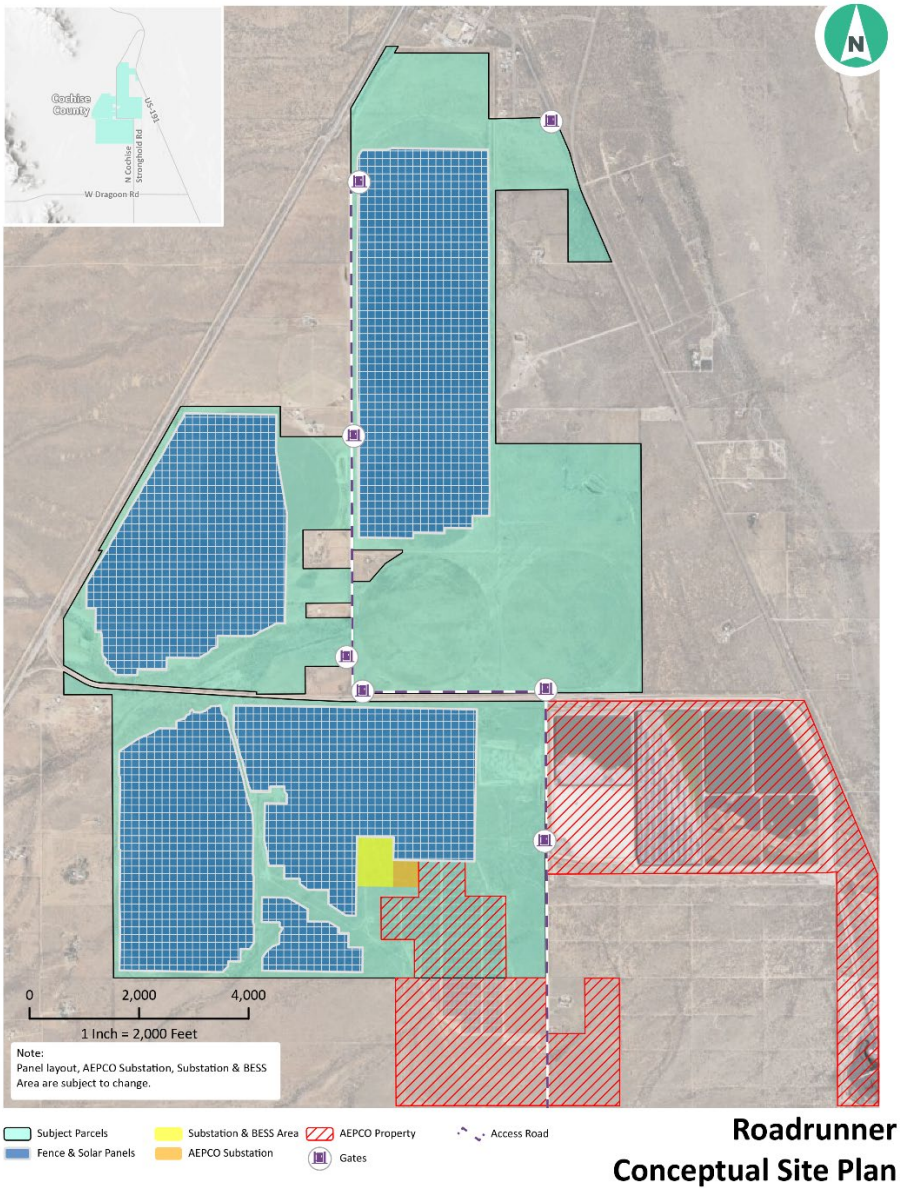
As stated in the application, "The project site consists of a combination of vacant land and retired agricultural land. Parcel 205-06-004 has an existing well field that is owned and utilized by AEPCO for Apache Generating Station operations. Additionally, and a smaller utility scale solar facility is located on AEPCO owned property and leased to Sulphur Springs Valley Electric Cooperative who operates the solar facility."

According to the Apache Generation Station website, "the Apache Generating Station currently generates a total of 625-MW of energy. AEPCO seeks to diversify of its energy portfolio with the addition of the proposed solar farm and BESS. AEPCO transmits wholesale electric power from Apache Generating Station in Cochise, Arizona, to a six-member distribution co-ops, which serves residents in Arizona, California, and New Mexico.

III. REQUEST DESCRIPTION

As stated in the application, "AEPCO proposed the installation of a 235-MW utility scale solar facility, a 235-MW battery energy storage system, a 264MW substation and ancillary structures." More specifically, the Project would be comprised of rows of solar modules mounted on racking equipment that will track the sun throughout the day. The maximum tilt of the panels is 4 meters (13.1 Feet). The panels will include axis tracking and anti-reflectivity coating. A battery energy storage system is also planned to be constructed as part of the Project. That system will require inverters, transformers, a cooling system, and fire detection and prevention system. As stated in the application, "the Project is being developed for the benefit of rural electric distribution cooperatives and public power members served by AEPCO. AEPCO plans to use the solar facility in conjunction with existing resources to continue to provide reliable energy."

Figure 2: Conceptual Site Layout



IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 2.48.160 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 six (6) of the factors. The proposal can be brought into compliance with the remaining four factors with recommended conditions.

Figure 3: Aerial photo of site, looking east from the train tracks

1. Compliance with Duly Adopted Plans: Complies

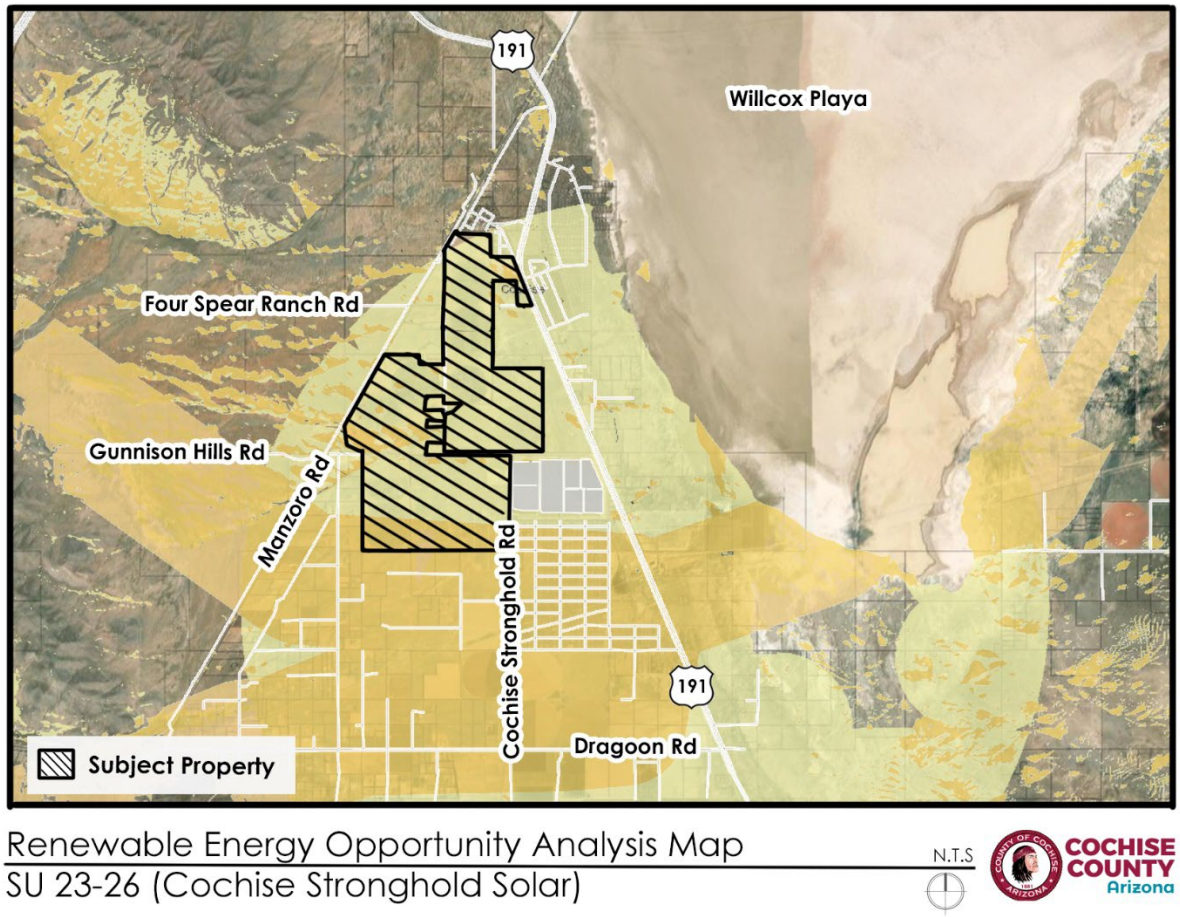
The entire project area Is within D-Rural land use. It is not within an Area Plan. The Comprehensive Plan encourages the use of solar energy resources in Element E, Renewable Energy. Goal 1 states: *Support the development of local renewable energy projects and technologies.* This is implemented by several policies including:

a. *Encourage utility-scale renewable energy projects, using the University of Arizona's Renewable Energy Opportunity Analysis and other resources as a guide for determining the suitability of proposals in any one location.*

b. Encourage renewable energy business development.
d. Permit flexible site development standards.

Approval of this project will, in part, implement the County's goals of encouraging renewable energy. Policy A of Goal 1 refers to the University of Arizona's Renewable Energy Opportunity Analysis to help determine locational suitability. Figure 5 superimposes this analysis on top of the proposed project site limits. Areas in yellow and orange are very well suited for solar energy production.

Figure 4: University of Arizona Energy Opportunity Analysis Map



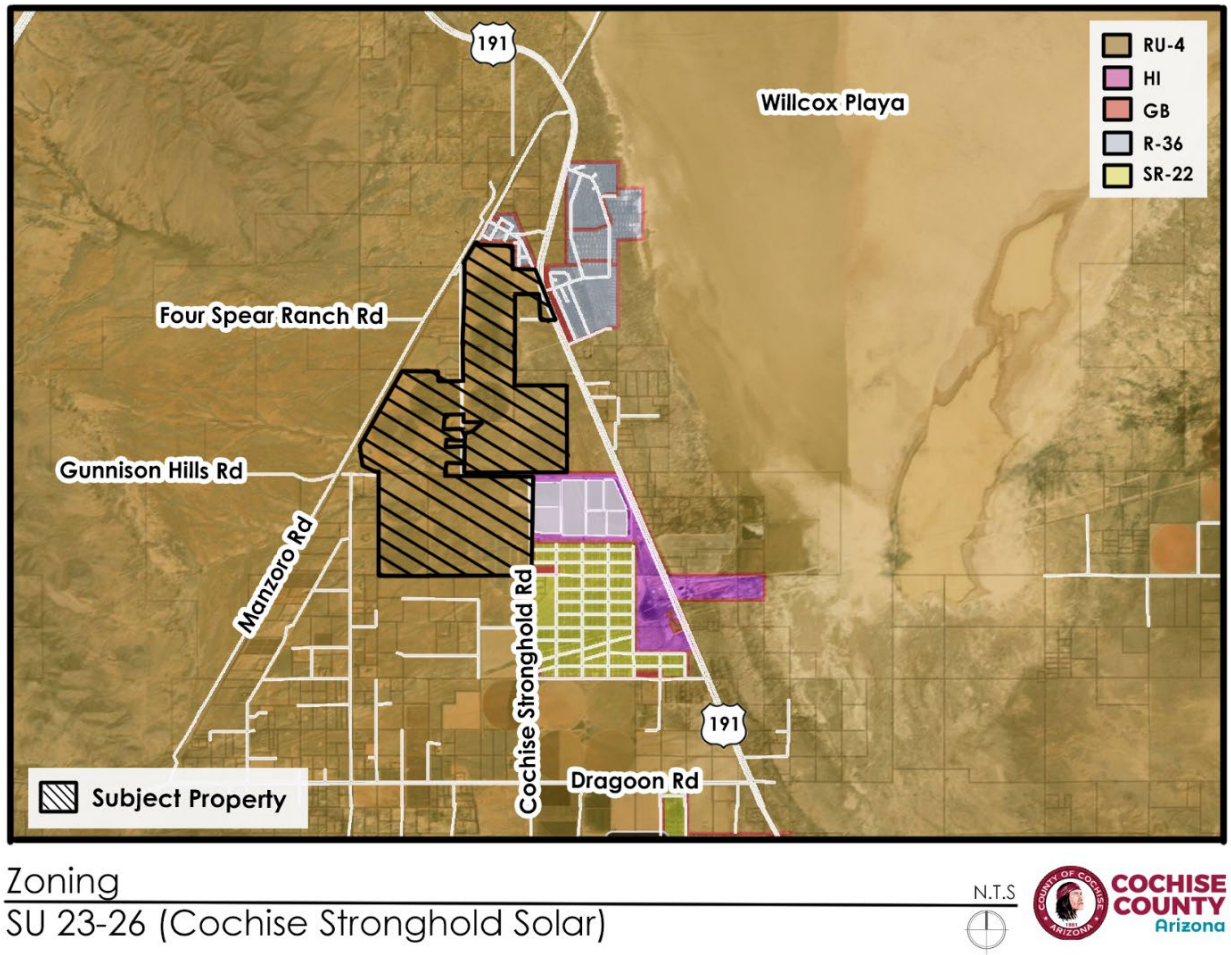
2. Compliance with the Zoning District Purpose Statement: Complies

The entire project area is zoned RU-4 (Rural, one dwelling per four acres). Section 2.15.010 of the Zoning regulations lists six purpose statements for this zoning designation.

Specifically, Section 2.15.010.7 of the Zoning Regulations states: "RU (Rural) Zoning Districts are established 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 this section."

Solar energy power plants are considered special uses with the rural zoning. These are land intensive non-residential uses that are not appropriate, or even viable, in more densely population urban/suburban areas of the county.

Figure 5: Zoning



3. Development along Major Streets: Complies

This criterion seeks to minimize road cuts that create unsafe traffic conflicts, hazardous traffic congestion and obstruct the functioning of arterials. The Applicant proposes direct ingress/egress from Dragoon Road (east-west from Highway 191) and Cochise Stronghold Road (north-south and east-west within project boundaries). Both roads are county-maintained. Within proximity of the project, Dragoon Road is paved, while Cochise Stronghold Road is a dirt road. The project will connect with the Apache station. As stated in the application, "AEPCO will utilize the existing driveways on several parcels, but additional access points will be necessary. We will work with Cochise County Engineering & Natural Resources to obtain a right-of-way permit for new access." The limited amount of access points and the low traffic demand of the use, once constructed, complies with the requirement to "minimize road cuts that are associated with unsafe traffic conflicts."

4. Traffic Circulation Factors: Complies with conditions

The traffic impact will vary significantly from construction phase (estimated to be 18-months) to operations and maintenance phase (estimated to be 25-40 years) of the project.

***Construction Traffic Impacts*:** According to the application, "During construction there will be an increase in heavy equipment traffic, personnel vehicles and delivery trucks." Construction is planned to last 18-months. It will occur in one-phase Although not specifically stated in the application, this will include daily passenger vehicle traffic for construction workers, which could exceed over 100 vehicles, equipment delivery, which would arrive on container and flatbed trucks. Heavy equipment, including cranes, and forklifts, will be delivered during the construction, will remain on site until completion of construction.

Operations and Maintenance Traffic Impacts: According to the application, "Once construction is complete there will not be a measured increase [in traffic]." Solar energy power plants are remotely monitored. There are some onsite AEPCO staff within the Apache Generating Station, which is adjacent to this project site, to perform scheduled maintenance.

- ***Recommended COA: The project owner shall submit, in advance or concurrent with their first Commercial Permit, a Traffic Improvement and Maintenance Plan, which successfully mitigates project impacts to Cochise Stronghold Road, to the satisfaction of the county. The plan shall include, but not be limited to, a traffic control plan, a dust control plan, a road stabilization plan, and a road maintenance plan.***
- ***Recommended COA: The project owner shall apply a chemical stabilizer, such as Magnesium Chloride, to Cochise Stronghold Road, where it is indicated as an access road on the concept plan, as further specified in the Traffic Improvement and Maintenance Plan during the project construction phase. Road preparation and application shall follow best practices to improve product performance and shall be in accordance with manufacturer's specifications.***

5. Adequate Services and Infrastructure: Complies

As this is an unmanned site that is intended to collect energy, the requirements for services and infrastructure, once constructed, are minimal. Regardless, the proposed project will occupy 2,437 acres of land for approximately 40 years, and consequently requires serious consideration prior to approval. The land considered in this request is almost all vacant, undeveloped, and/or previously used for agriculture. Unique to this application is the fact that the facility is served by the Apache Fire Brigade, which should improve fire response time in the case of an emergency.

6. Significant Site Development Standards: Complies with conditions

Site Plan:
See Section III: Request Description and Figure 2: Conceptual Site Plan. This request includes portions on the following APNs: 20401020 (237.89 Ac), 20401022C (427.2 Ac), 20418001 (159.43 Ac), 20418003A (198.74 Ac), 20422001G (488.53 Ac), 20506004 (612.17 Ac), 20507001 (313.08 Ac), which equates to approximately 2,437-acres of rural-zoned land. It is immediately adjacent to the Apache Station and a permitted solar energy power plant that is leased to SSVEC. The concept plan indicates the location of the subject parcels, fence line, solar panels, as well as a future substation with a BESS. Both the substation, which is a permitted use in rural zoning, and the BESS are internal to the project site. As is typical for these projects, the BESS and substation are co-located.

Setbacks:

Per the section 2.51.220.b. of the Zoning Regulations, "Setbacks from all property boundaries or edge of road travel ways for Solar Energy Power Plants shall be, at minimum, twice the minimum setback requirement for the respective Zoning District or shall equal the height of the tallest structure, whichever is greater. Setback distance should be measured from the edge of the solar energy system array, excluding security fencing, screening, or berm." The application consists of several contiguous parcels. All parcels within the project site are owned by the applicant.

There are a small handful of residential lots within project boundaries. There are also existing homes and a school north of the project in the town of Cochise. To the west of the project site are platted, but mostly undeveloped, small residentially zoned lots. The case planner recommends preservation of a larger buffer near adjacent residential lots and the nearby school to the north, as stated below.

- ***Recommended Waiver: 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 COA: The project owner shall preserve no less than a 100-foot buffer from the edge of all developed residential lots to the edge of a solar-panel array. No less than a 1,320-foot buffer shall be provided from Cochise Elementary school to the edge of any solar panel array.***

Fencing:
Section 2.51.220 of the Zoning Regulations includes the following design standards for solar energy power plants, "Perimeter fencing for the site shall incorporate wildlife-friendly fencing standards specific to the site to the greatest extent possible." AZGFD's "Wildlife Compatible Fencing Guidelines" provides information on how fencing impacts wildlife, ways to design fencing to prevent wildlife entanglement and impalement, and to ensure wildlife movement is not restricted. This condition would apply to all new project-related fencing.

- ***Recommended COA: The project owner shall reserve a 6–8-inch gap between the ground surface and the bottom of all new project-related perimeter fencing.***

Lot Coverage and Solar Panel Spacing:
The Rural Land Use district restricts lot coverage to a maximum of 25%. However, Section 2.51.220.d. of the Zoning Regulations exempts Ground-mounted systems from lot coverage or impervious surface standards if the soil under the collector is maintained with perennial vegetated groundcover and not compacted. As stated in the application, a phase 1 ESA and hydrology report have been completed.

From a project functionality standpoint, recent studies have shown that increased spacing of solar panels comes with benefits. Moving rows of solar panels farther apart can increase efficiency and improve economics in certain instances by allowing greater airflow to direct heat away. The increased spacing also allows greater wind flow, which can result in lower module temperatures and higher energy output. Greater spacing is also believed to reduce the "lake effect," in which continuous closely spaced panel arrays create an optical illusion of water. For these reasons, staff recommends a condition, specifying clearance distance between array rows. As stated in the AZGF review letter, "Large-scale solar photovoltaic facilities can result in bird mortality due to habitat loss, collision with panels, attraction due to an optical illusion of water, and unknown causes." The Department [AZGFD] encourages exploring conservation measures that aim to reduce potential impacts to cranes and other avian species, such as the following: The Department understands that the project proponent plans to use solar panels with non-reflective coatings, which can reduce the appearance of the array as a body of water and reduce attraction of birds to the site. To the extent feasible, the Department recommends maximizing the spacing

between solar panels to reduce the "lake effect," in which continuous or closely spaced panel arrays create an optical illusion of water.

- ***Recommended COA: 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.***
- ***Recommended COA: The project owner shall exclusively use PV panels with an anti-reflectivity coating that is integral to the panel.***
- ***Recommended CO***A: ***All solar racks shall be installed to maintain no less than a twelve (12) foot minimum clear distance, measured from outer edge of panels, between all tracker rows (north-south). The applicant shall not exceed a 35% ground cover ratio, defined as panel area to total project area, for the project site.***

Height:
Per section 2.51.220 of the Zoning Regulations, ground or pole-mounted solar energy systems shall not exceed twenty (20) feet in height when oriented at maximum tilt. The applicant has stated that the panels will be a maximum of four (4) meters/13.12 feet in height at maximum tilt.

7. Public Input: Complies

See Section IV. Public Comment for additional discussion.

8. Hazardous Materials: Complies with conditions

The applicant submitted a hazardous materials questionnaire with the application. There are some hazardous materials associates with the substation, solar panels (PVs), and BESS. This includes, but is not limited to, FR3, lead, Cobalt lithium manganese nickel oxide, DEC, copper, graphite, and lead. As stated in the questionnaire, "Little to no waste is expected to occur on an annual basis from the routine operations of a solar facility, but in the event of materials being replaced and discarded then hazardous material would be transported to a waste disposal center that is authorized to handle hazardous materials. No wastes or byproducts are produced by the operations of the solar facility."

- ***Recommended COA: The project owner shall submit an Emergency Response Plan in conjunction with building permit submittals for County and fire responder review and approval.***

9. Off-Site Impacts: Complies with conditions

Major off-site impacts could include temporary construction traffic, dust, noise, and long-term dust, noise and visual impacts/glare. Some impacts are mitigated by the proposed concept plan, while others can be mitigated by conditions. The following section considers all off site impacts and potential mitigation measures.

- Communication interference – The Project is located outside of the Ft. Huachuca Electronic Testing Range complex. It is also near an existing AEPCO line. The project was transmitted to the Department of Defense for an informal review request on October 4, 2023. The Department of Defense requires 50-calendar days for a response, which is beyond the typical special use review window. The Project is not expected to interfere with normal radio reception. The Project must also comply with all Federal Aviation Administration and FCC rules and requirements. Any additional comments or concerns from the Department of Defense will be considered during commercial permitting if the special use is approved.

- Odor – proposed special use will not generate noticeable odors during construction or operation.
- Glare –The applicant proposes using anti-reflectivity panels. These coatings help retain maximum solar energy. At the same time, this can lessen potential visual distraction to drivers and lessen the appearance of the project as a body of water to birds, reducing bird attraction to the site. In addition, Maximizing the spacing of panels can reduce the visual optical illusion of water.
    - ***Recommended COA: The project owner shall exclusively use PV panels with an anti-reflectivity coating that is integral to the panel.***
    - ***Recommended COA: All solar racks shall be installed to maintain no less than a twelve (12) foot minimum clear distance, measured from outer edge of panels, between all tracker rows (north-south). The applicant shall not exceed a 35% ground cover ratio, defined as panel area to total project area, for the project site.***
- Noise –Noise impacts associated with utility-scale solar and battery projects occur primarily during construction. Heavy equipment is needed for site preparation and construction, like any construction project. Once operational, as stated in the application, "No noise or vibrations will be produced that can be heard by neighboring properties by the proposed use."
- Traffic – See Section IV. Traffic Circulation for discussion and recommended conditions.
- Lighting: Solar energy power plants are not light-intensive uses. Typically, lighting associated with the use is located near site entrances and the substation. To a lesser degree, additional lighting may be included around the solar equipment, batteries, and inverters. According to the response from AZGFD "Artificial lighting could impair the ability of nocturnal animals to navigate (e.g., owls, migratory birds, bats, and other nocturnal mammals) and may affect wildlife behavior and populations. The Department [AZGFD] recommends using only the minimum amount of light needed for safety. If feasible, narrow spectrum lighting is wildlife-friendly and should be used as often as possible to minimize the number of species affected by lighting. It is also beneficial that all lighting is shielded, canted, or cut to minimize the amount of upward shining light. All proposed lighting will be required to comply with the County's light pollution code (Section 2.45, Zoning Regulations).
- Dust - The construction phase of the Project is likely to temporarily cause fugitive dust related to grading, vehicle traffic and other construction activities. Dust is produced when loose soil and dirt particles escape from the ground surface and fly into the air. Dust is harmful due to the negative effects it can pose on people's health, as those who are exposed to large amounts of dust can have difficulty breathing and experience excessive coughing. Dust and erosion control measures will be addressed in a future Stormwater Pollution Prevention Plan, if the use is approved. The Construction General Permit must follow ADEQ and EPA requirements. A Notice of Intent to Clear Land will be filed with the Arizona Department of Agriculture, prior to clearing/trimming vegetation. The following BMPs are recommended to minimize fugitive dust and wind erosion:
    - Minimize grading and vegetation removal. Landscaping with native plants can help support wildlife and pollinator species in the area while reducing dust and erosion.
    - In areas where vegetation removal and/or grading is required, schedule the process of vegetation removal to the minimum time required prior to module installation.
    - Limit vehicle speed on Cochise Stronghold Road within project limits, during facility construction, to 15 miles per hour.
    - Apply water to disturbed soil areas using water trucks to control dust and maintain proper moisture levels for soil compaction. Minimize over application of water to prevent runoff and ponding.
    - Suspend grading during periods of high wind.

- Cover all trucks hauling soil or other loose material in and out of the proposed Project site.
- Gravel or aggregate should be used where access roads meet paved roads to limit offsite disturbance and prevent mud and dirt track-out.

- ***Recommended COA: The project owner shall include all BMPs listed under factor 9 of the staff memo for dust mitigation on their Stormwater Pollution Prevention Plan.***
- ***Recommended COA: The project owner shall submit, in advance or concurrent with their first Commercial Permit, a Traffic Improvement and Maintenance Plan, which successfully mitigates project impacts to Cochise Stronghold Road within project limits, to the satisfaction of the county. The plan shall include, but not be limited to, a traffic control plan, a dust control plan, a road stabilization plan, and a road maintenance plan.***
- ***Recommended COA: The project owner shall apply a chemical stabilizer, such as Magnesium Chloride, to Cochise Stronghold Road, within project limits, as further specified in the Traffic Improvement and Maintenance Plan during the project construction phase. Road preparation and application shall follow best practices to improve product performance and shall be in accordance with manufacturer's specifications.***

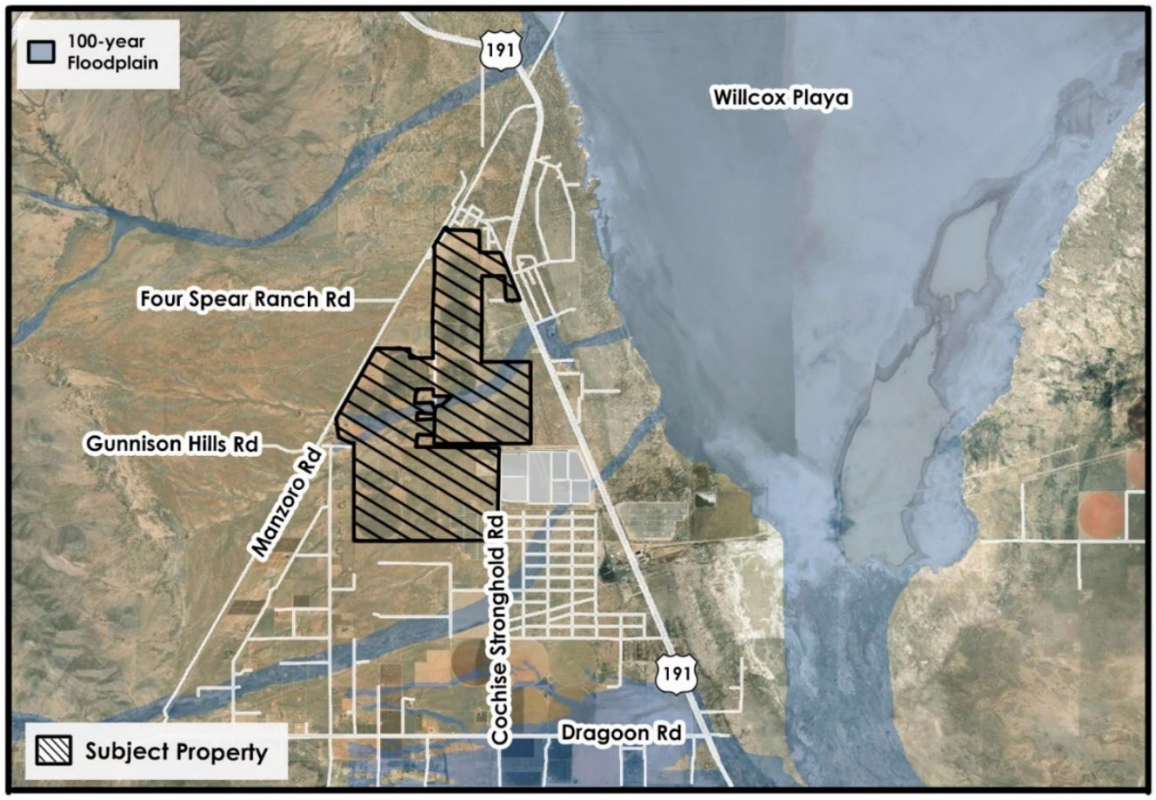
- Wildlife Impacts
  On October 23, 2023, the Arizona Game and Fish Department (AZGFD) provided a review of the proposed project. It is the mission of the Department to conserve and protect Arizona's diverse fish and wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations. The AZGF provided the following recommendation that is a recommended project conditions of approval:

  - ***Recommended COA: The project owner shall conduct preconstruction surveys per the Migratory Bird Treaty Act (MBTA) prior to vegetation removal or ground disturbance associated with project construction.***

- Stormwater and Floodplains: A portion of the site is within the 100-year floodplain, as indicated on the graphic, below. The County will require a drainage analysis and floodplain use permit for the site during commercial permitting, if approved for special use authorization.

  - ***Recommended COA: Area within the 100-year floodplain shall remain free of any solar modules, batteries, inverters, transformers, and internal security fencing.***

Figure 6: Floodplain Map



Floodplain
SU 23-26 (Cochise Stronghold Solar)

N.T.S

COCHISE COUNTY Arizona

10. Water Conservation: Complies

The proposed Solar PV Energy system does not require on-site water to function daily. According to the application, the project site will use the "existing AEPCO well; water will be used during construction but not necessary for daily operations." According to the Arizona Department of Water Resources, "Irrigated agriculture is the largest user of water in Arizona, consuming about 74 percent of the available water supply." The project area includes over 1,800 acres of land previously irrigated fallow farmland. The conversion from the agricultural use to use by a solar utility will offer a significant water savings.

VI. VISUAL SIMULATIONS

visual simulations were generated for five discrete locations near the project. All locations were outside project boundaries, facing the project. Distance from nearest object ranged from 95 feet to 810 feet. The visual simulation report is attached to the application.

Figure 7: Visual Simulations

VIII. PUBLIC COMMENT

The applicant mailed letters describing the proposed project to 240 property owners within a 1,320-foot (1/4 mile) radius of the project site. At this time of application submittal (September 29, 2023), the applicant had not received any responses. AEPCO subsequently hosted an open house on October 17th, at the Cochise Elementary School from 5:00 pm to 7:00 pm. Open house information was included in the letters sent to adjacent property owners and was advertised on social media platforms.

The case planner mailed letters to the same property owners within 1,320' of the subject property (October 4, 2023), published a legal ad in the *Sierra Vista Herald* (October 18, 2023), and posted legal notices on the property (October 6, 2023). To date, staff has received twelve letters of opposition, five letters of support. All written responses that were received by November 27, 2023, have been attached for the commission's review. In addition, the case planner was forwarded over twenty letters of support from various members of the Cochise County community, outside of the notification radius.

Letters of support included some of the following statements:

- The County is in a good position to increase energy production
- In favor of clean energy
- In favor of clean, quiet renewable energy source, which reduces reliance on coal

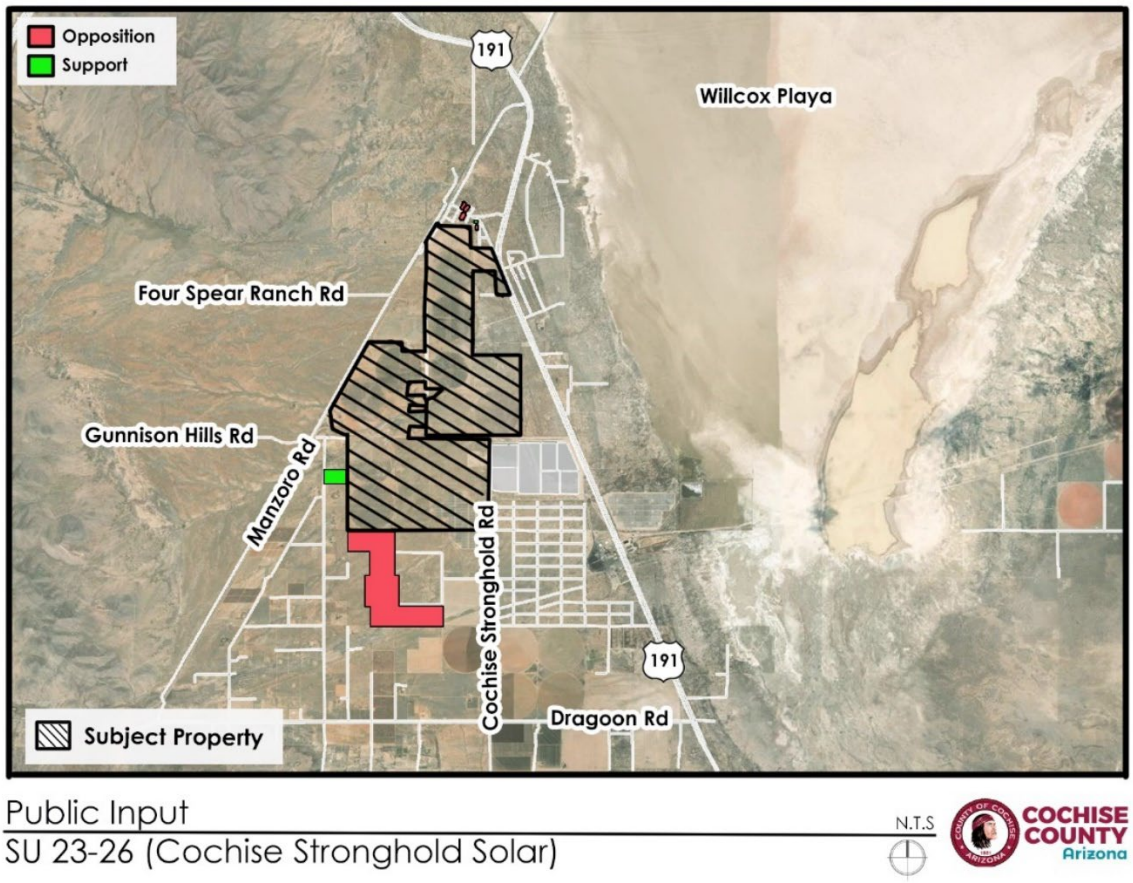
Letters of opposition included some of the following statements:

- Proximity to town of Cochise/Cochise Elementary School
- Property value concerns

- Preference for locating the use on the Willcox Playa [note: this is not private land, it is under military jurisdiction]
- Proposed use is too industrial
- Loss of animal habitat
- Ecosystem impacts
- Health risk concerns
- Visual concerns
- Inappropriate use in rural zoning
- Water consumption concerns
- Hazardous materials/fire concerns
- Heat island concerns

Recommended COA: The project owner shall preserve no less than a 100-foot buffer from the edge of all developed residential lots to the edge of a solar-panel array. No less than a 1,320-foot buffer shall be provided from Cochise Elementary school to the edge of any solar panel array.

Figure 8: Public Input



IX.WAIVERS

The case planner supports a waiver from setback required to internal parcel boundaries. Mandated setbacks shall only be applied to the exterior of the Project.

X. SUMMARY AND CONCLUSION

This is a request to approve the construction of a 235-MW solar power generation facility and 235-MW Battery Energy Storage System (BESS) on 2,437-acres of land.

Factors in Favor of Approval

1. The Project is being developed for the benefit of rural electric distribution cooperatives and public power members served by AEPCO;
2. The project would serve as a source of clean energy, offsetting greenhouse gas emissions and reducing the need to generate electricity from fossil fuels;
3. The electricity generated by this project offers enhanced grid resiliency and support for future load growth needs;
4. The project is consistent with the applicable Policies of the Comprehensive Plan and the Purpose of the Rural Zoning Districts;
5. The project complies with most of the criteria used to evaluate special use requests;
6. The site plan submitted complies with most applicable site development standards and conditions; and
7. Once completed the project would generate negligible levels of traffic and would require minimal water, services and infrastructure.

Factors Against Approval

1. Cumulative area impacts in project vicinity;
2. Fugitive dust associated with construction;
3. General compatibility and aesthetics concerns – the surrounding terrain is flat, and the project has a large footprint;
4. Neighbor concerns (8 letters of opposition)
5. Avian and wildlife concerns – the project is adjacent to the Willcox Playa/Cochise Lakes Important Bird Area. Also, AZGFD considers this general area to be an important wildlife connectivity zone. The project risks reducing habitat connectivity and wildlife movement/migration unless specific design features are incorporated to mitigate project impacts.

XI. RECOMMENDATIONS

Based on the factors in favor of approval, staff recommends **Conditional Approval** of the Special Use request, subject to the following conditions*:

1. The project owner shall submit, in advance or concurrent with their first Commercial Permit, a Traffic Improvement and Maintenance Plan, which successfully mitigates project impacts to Cochise Stronghold Road, to the satisfaction of the county. The plan shall include, but not be limited to, a traffic control plan, a dust control plan, a road stabilization plan, and a road maintenance plan.

2. The project owner shall apply a chemical stabilizer, such as Magnesium Chloride, to Cochise Stronghold Road, where it is indicated as an access road on the concept plan, as further specified in the Traffic Improvement and Maintenance Plan during the project construction phase. Road preparation and application shall follow best practices to improve product performance and shall be in accordance with manufacturer's specifications.

3. The project owner shall reserve a 6–8-inch gap between the ground surface and the bottom of all new project-related perimeter fencing.
4. 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.
5. The applicant shall submit an Emergency Response Plan in conjunction with building permit submittals for County and fire responder review and approval.
6. The project owner shall exclusively use PV panels with an anti-reflectivity coating that is integral to the panel.
7. All solar racks shall be installed to maintain no less than a twelve (12) foot minimum clear distance, measured from outer edge of panels, between all tracker rows (north-south). The applicant shall not exceed a 35% ground cover ratio, defined as panel area to total project area, for the project site.
8. The project owner shall include all BMPs listed within section 9 of the staff memo for dust mitigation on their Stormwater Pollution Prevention Plan.
9. The project owner shall conduct preconstruction surveys per the Migratory Bird Treaty Act (MBTA) prior to vegetation removal or ground disturbance associated with project construction.
10. Area within the 100-year floodplain shall remain free of any solar modules, batteries, inverters, transformers, and internal security fencing.
11. The project owner shall preserve no less than a 100-foot buffer from the edge of all developed residential lots to the edge of a solar-panel array. No less than a 1,320-foot buffer shall be provided from Cochise Elementary school to the edge of any solar panel array.
12. 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.

* 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-23-26 (Cochise Stronghold Solar), with the Conditions of Approval recommended by staff and waiver requests requested by applicant; the Factors of Approval constituting Findings of Fact.*