




Development Services

 520-432-9300

 planningandzoning@cochise.az.gov

 www.cochise.az.gov

 1415 Melody Ln, Bdg F
Bisbee, Arizona 85603

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Christine McLachlan, AICP, Planning Division Manager
FOR: Daniel Coxworth, AICP, Development Services Director
SUBJECT: SU 23-27 (Herbie Solar), Application for a Special Use Authorization
DATE: November 30, 2023, for the December 13, 2023, Meeting

APPLICATION FOR A SPECIAL USE (SU 23-27 Herbie Solar)

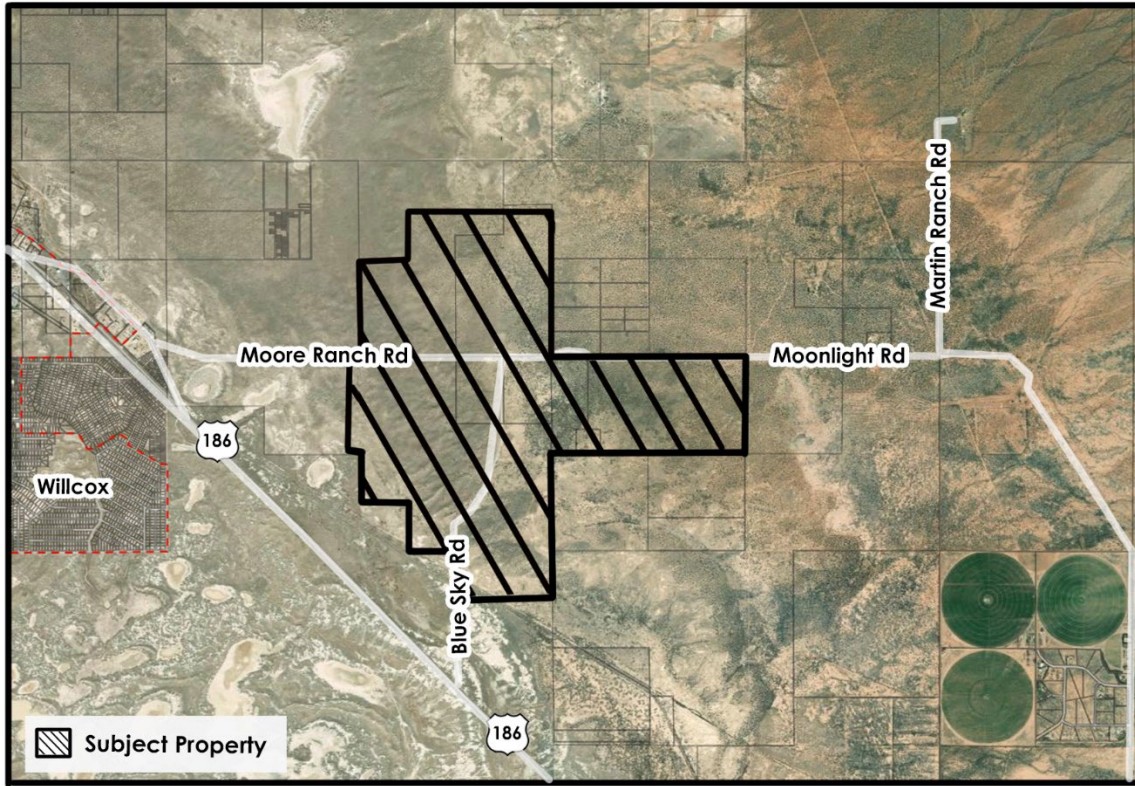
The County has received a Special Use application request from Herbie Solar LLC (applicant). The applicant requests a special use authorization to develop an 80-megawatt (MW) utility-scale solar facility, an 80-MW battery energy storage system (BESS), and a substation, on a portion of seven parcels of which 784.5-acres will be dedicated for the solar development area/special use request. More specifically, this request includes portions on the following APNs: 20316005, 20316059, 20316061, 20316063, 20316064, 20316067, and 20316068. The proposed Project Area is zoned Rural (RU-4). All parcels are undeveloped, privately-owned, and partially used as rangeland currently. The subject area is approximately one mile east of the City of Willcox.

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: 784.5-Acres (approximately)
Zoning: RU-4 (Rural, 4-acres minimum parcel size)
Growth Area: Category D/Category B
Plan Designation: Rural/Developing
Area Plan: None
Existing Uses: Undeveloped/rangeland
Proposed Uses: Utility Scale Solar and Battery Energy Storage System to generate/store up to 80-MW of energy on 784.5-acres of land with accessory uses including a substation

Figure 1: Request Location



Location
 SU 23-27 (Herbie Solar)



Surrounding Zoning and Uses (See Figure 6)

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Undeveloped
South	RU-4	Undeveloped
East	RU-4	Undeveloped
West	RU-4	Undeveloped

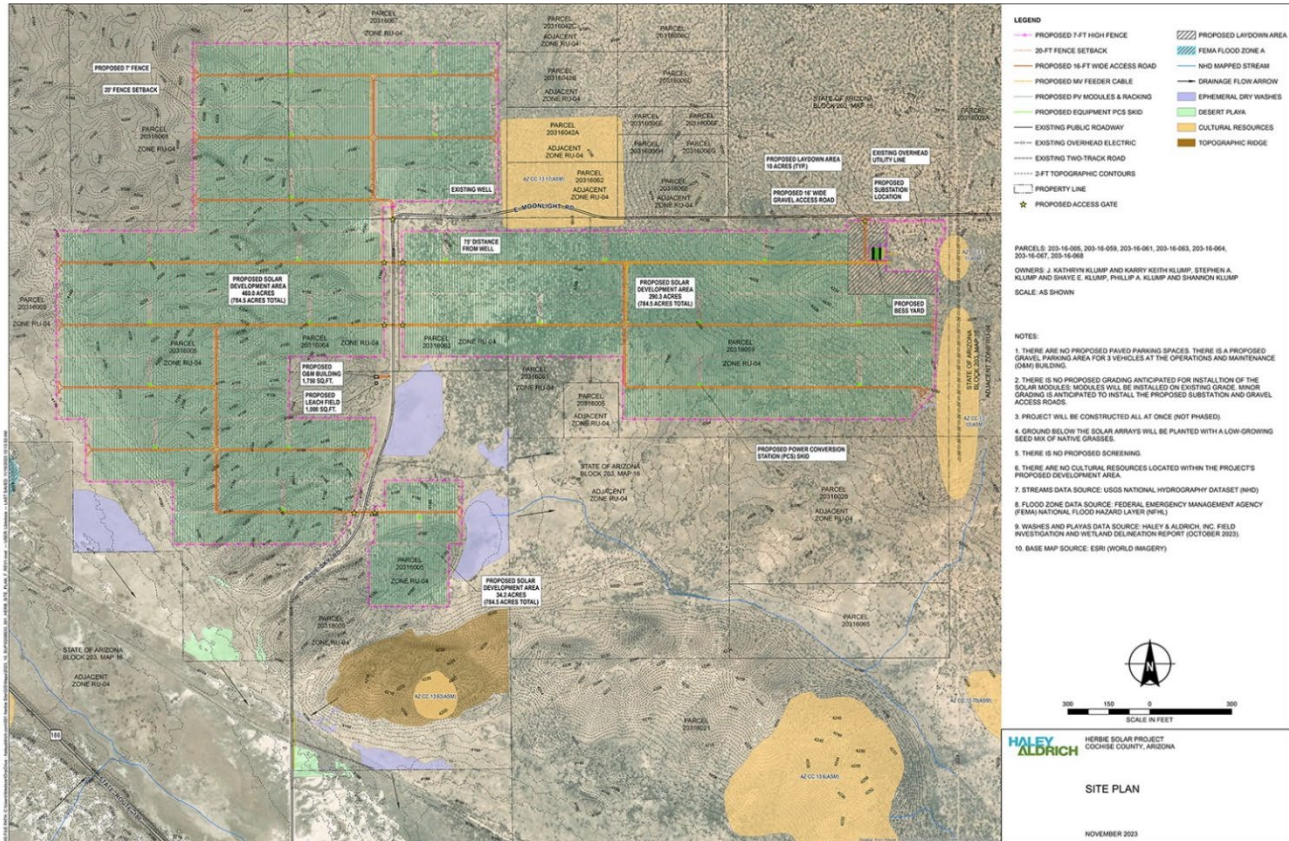
II. SITE HISTORY

As stated in the application, “The project site consists of privately owned, undeveloped rangeland. The access road on site is South Blue Sky Road, a county-maintained road that provides access from State Route 186 south of the project area. The Arizona Department of Water Resources (ADWR) Groundwater Site Inventory indicates there is one field-verified private well located directly south of Moonlight Road, which runs along the northern edge of the project, and east of Blue Sky Road within the Project Area; the well is used with a water pump for cattle. During a site visit in August 2023, a small wind turbine was observed directly south of Moonlight Road within the Project Area. It is assumed this turbine operates the water pump for the groundwater well.”

There are no current or historical county permits within the project area.

III. REQUEST DESCRIPTION

Figure 2: Conceptual Site Layout



As stated in the application, “The Project will include 220,164 photovoltaic modules (PVs). PV solar modules will be used to convert sunlight into direct current (DC) electricity which will then be converted to alternating current (AC) electricity using inverters that will be placed throughout the Project Area. At the inverter locations, integral low voltage transformers will increase the voltage before reaching the medium voltage collection cabling. Electrical collection lines (either below ground or in trays below panel height) will deliver the generated electricity to a substation serving the Project, where a generator transformer will increase (or step up) the AC electricity to match the existing electrical system. The Project will also include a battery energy storage system (BESS) that will store energy generated by the PV solar modules and supply stored energy to the grid when demand is high.”

“Project components within the fence will include PV solar modules (groups of panels) mounted on single axis trackers that will allow the solar panels to follow the sun throughout the day. The PV solar modules will be supported by racking systems and oriented in rows running from north to south. A small motor at the pivot point slowly moves the panels to track with the position of the sun throughout the day. The modules will be connected using DC cables that can be buried underground. The DC cables gather at the end of the racking systems to combiner boxes which are connected to cables routing to an inverter. From the inverters, AC collection lines will extend toward the Project substation to allow generated electricity from all the modules to interconnect at that point. The AC collection system is anticipated to be underground.

A total of 22 inverters will be installed throughout the Project Area to convert the DC power from the DC collection system to AC power. The equipment will be placed on a concrete slab or pier foundation, which may be precast and assembled off-site.”

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 southeast



1. Compliance with Duly Adopted Plans: Complies

The majority of the project area is within D-Rural land use, although the southwest portion of the site (south of Moore Ranch Road, west of Blue Sky Road) is within B-Developing land use. The project is not within an Area Plan. The following is a description of categories D and B.

Category D—Rural Areas: This category includes the outlying rural areas between cities and unincorporated communities and characterized by a low rate of growth; unimproved roads; low density, large lot rural residential

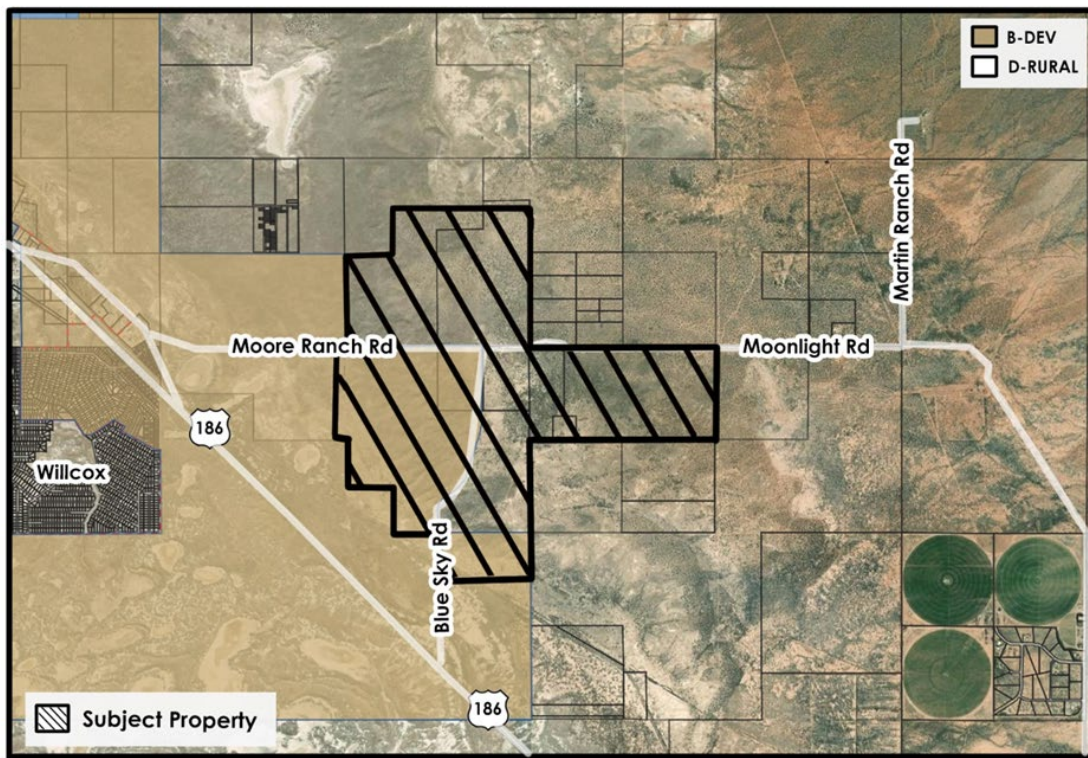
development; agricultural production; and large tracts of undeveloped private and public lands. Non-residential development is geared toward providing local services, tourism or intensive uses that are not appropriate in more the densely populated parts of the county, such as power plants and feedlots.

Category B—Community Growth Areas: This category includes those areas adjacent to Category A Urban Growth Areas as well as the larger unincorporated communities of the County, which are experiencing growth. These are areas in transition from a traditional rural environment to something more urbanized.

In this case, there is no category A land use adjacent in the area. The B categorization is due to the proximity to the city of Willcox and Highway 186. The development potential of the category B area is hampered by the presence of state land between Highway 186 and the project limits.

The “Developing” category is described as follows: “The “Developing” (DEV) plan designation is used to describe areas experiencing non-rural growth rates that are developed with scattered, mixed residential, business or industrial and agriculture-related uses and that ultimately will accommodate future growth as the more populated areas reach build-out. Since these areas are assumed to be in transition, the Planning Department will periodically re-evaluate these areas to determine if the rate of new development warrants a new designation or growth area that is either more or less intense. The Developing designation may occur in Growth Category A, B, and C Areas that do not meet the criteria of the other designations.” In this case, a re-evaluation would likely suggest a less intense growth area is appropriate in the B-Dev area to match the D-Rural of the remainder of the project area.

Figure 4: Land Use Map



Land Use
SU 23-27 (Herbie Solar)

N.T.S

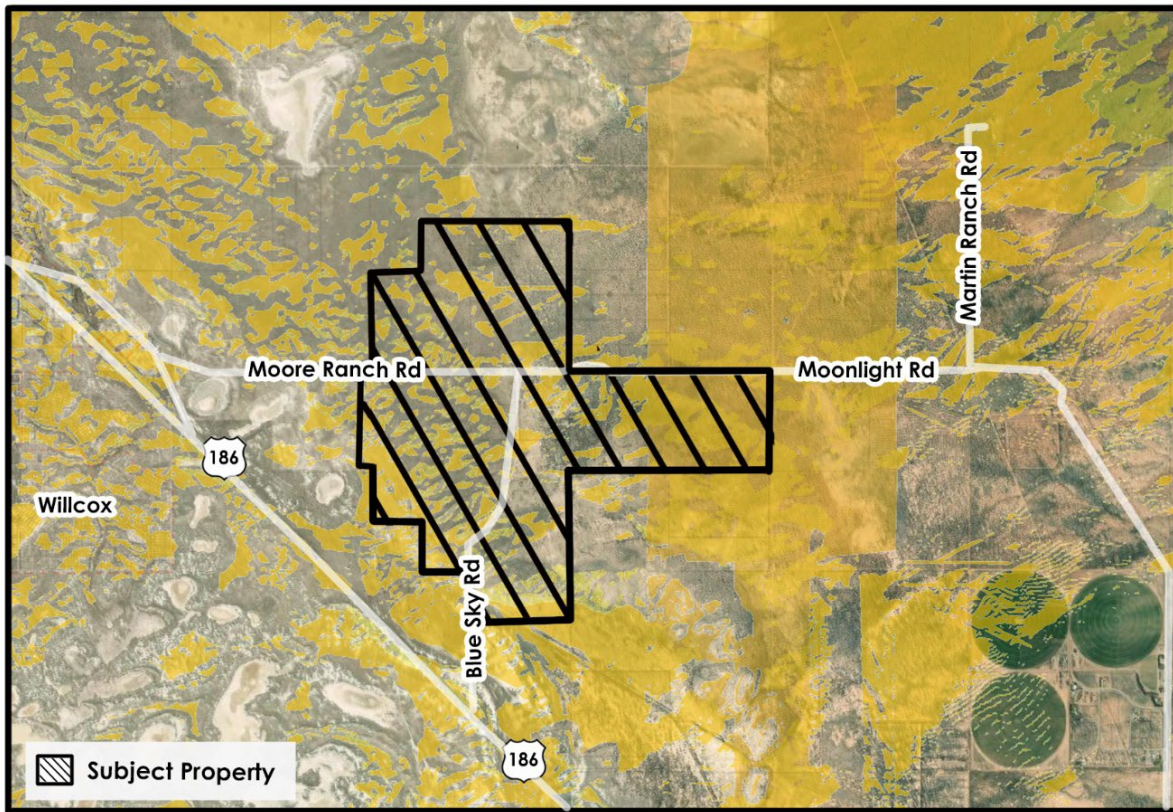


The Comprehensive Plan encourages the use of solar energy resources in Element E, Renewable Energy. Goal 1 states: *Support the development of local renewable energy projects and technologies.* This is implemented by several policies including:

- 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 5: University of Arizona Energy Opportunity Analysis Map



Renewable Energy Opportunity Analysis
SU 23-27 (Herbie Solar)



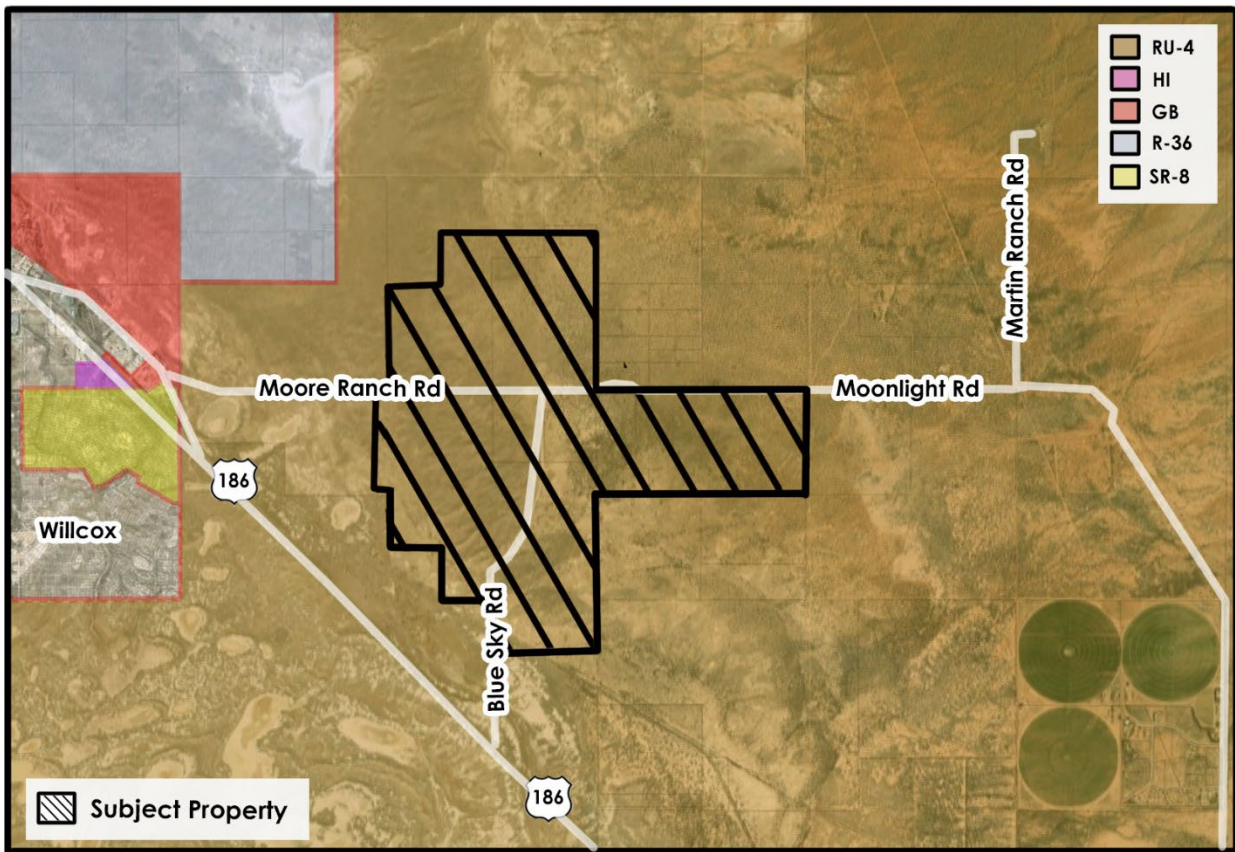
2. Compliance with the Zoning District Purpose Statement: Complies

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 6: Zoning



Zoning
SU 23-27 (Herbie Solar)



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 Project Area will be accessed from State Route 186 and Blue Sky Road from the south. State Route 186 is under the jurisdiction of the Arizona Department of Transportation (ADOT), while Blue Sky Road is a county-maintained road.

An internal network of gravel roads will be constructed that will allow access to the equipment located throughout the Project Area. Design of the roads will allow for safe passage of Project vehicles and emergency vehicles. While all equipment will be accessible within the Project, not all panels will necessarily have direct road 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 to operations and maintenance phase (estimated to be 25 years) of the project.

Construction Traffic Impacts: According to the application, during construction there will be approximately 600 employees during construction. This equates to 160 vehicles entering and leaving the site daily, which includes 30 roundtrips for 18-wheel trucks. Ingress and egress will be from state route 186 to Blue Sky Road. All construction will occur during daylight hours, Monday through Friday.

Operations and Maintenance Traffic Impacts: According to the application, once construction is complete and the site is operational, two to four employees will need to regularly access the site. The proposed solar energy power plant will be remotely monitored through supervisory control and data acquisition system.

- **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 Blue Sky Road (from Highway 186 to Moore Ranch Road) and Moore Ranch Road/Moonlight Road (from Blue Sky Road to the eastern 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 Blue Sky Road (from Highway 186 to Moore Ranch Road) and Moore Ranch Road/Moonlight Road (from Blue Sky Road to the eastern 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.*

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. Currently the land is undeveloped and serving as rangeland for cattle. The applicant proposes constructing a small septic system to serve a future operation and maintenance building onsite. Regarding fire and emergency service, the applicant has met with the nearest fire department, which is the Willcox Department of Public Safety. Although the project is not within city limits, it is approximately 1-mile east of the city.

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: 20316005, 20316059, 20316061, 20316063, 20316064, 20316067, and 20316068, which equates to approximately 784.5-acres of rural-zoned land, which will be dedicated for the special use request. 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, located on the far eastern edge of the 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 privately owned by a single landowner. The closest house is approximately 0.5 miles northeast of the project boundary.

- ***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.***

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. The applicant proposes a 7' tall perimeter fence. The fencing will be broken up by Blue Sky Road and Moore Ranch Road, which bisect the project site. Although this serves primarily for vehicular access and travel, it is in-line with the Arizona Game and Fish Department (AZGFD) recommendation to incorporate unfenced corridors across the project area into the project design to facilitate wildlife movement.

- ***Recommended COA: 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.***

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.

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 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.*

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 not exceed fifteen (15) 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 states that there are no proposed hazardous materials. However, solar panels often contain lead, cadmium, and other toxic chemicals. While these materials are sealed and cannot be removed without breaking apart the entire panel, leaching from broken panels damaged during natural events, like hail storms, and at decommissioning can be of concern. Two conditions of approval are recommended to address these concerns. Also, because a battery energy storage system is part of the application, the applicant will be required to comply with all standard fire safety precautions.

- **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.*
- **Recommended COA:** *The project owner shall submit a waste disposal plan to ensure proper waste disposal. Plan shall be submitted in conjunction with building permit submittals for County 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. The project was transmitted to the Department of Defense for an informal review request on October 31, 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 project owner 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. As stated in the application, “Operational sounds from the Project are expected to be primarily associated with the inverters, which will be roughly equivalent to the sound of a refrigerator. Construction noise will vary over time and will include relatively loud activities for short periods, primarily during the initial post embedment period. Noise associated with site visits and maintenance activities including individual operator vehicles and mowing will be negligible as they are similar to the existing ambient noise resulting from the surrounding agricultural activities.”
- 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 Blue Sky Road (from Highway 186 to Moore Ranch Road) and Moore Ranch Road/Moonlight Road (from Blue Sky Road to the eastern 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, Blue Sky Road (from Highway 186 to Moore Ranch Road) and Moore Ranch Road/Moonlight Road (from Blue Sky Road to the eastern project limits), 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

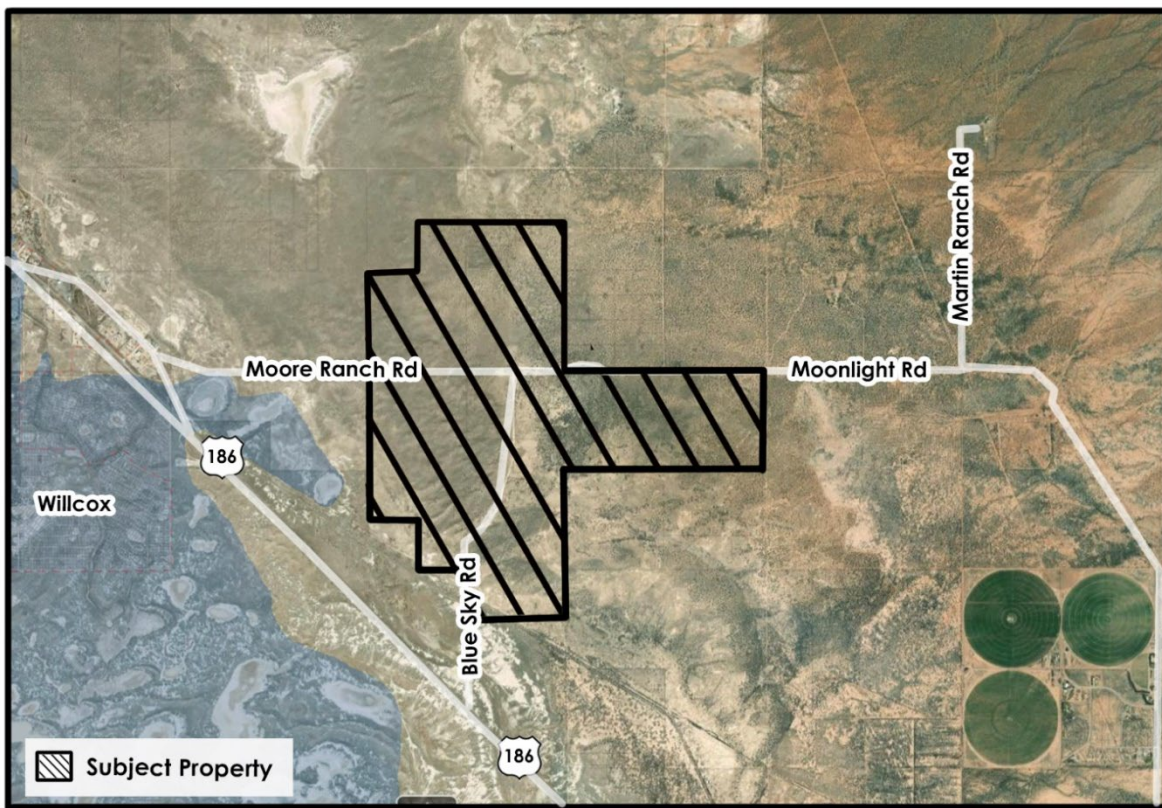
On October 18, 2023, the Arizona Game and Fish Department (AZGFD) provided a review of the proposed project. It is the mission of the Department to conserve and protect Arizona's diverse fish and wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations. The project is outside of, but immediately adjacent to Willcox Playa/Cochise Lakes Important Bird Area. The Willcox Playa/Cochise Lakes area is of state and regional significance and serves as an important overwintering ground for sandhill cranes and other avian species, including several shorebirds. 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.**

The AZGFD also encouraged the use of both bird diverters and near-ultraviolet light Avian Collision Avoidance Systems (ACAS) on any new powerlines needed for this project. However, the applicant does not propose the construction of additional transmission infrastructure.
 - Project security: As stated in the application, "Access to the Project will be controlled in accordance with applicable guidelines of the North American Electric Reliability Corporation, National Fire Protection Association, the National Electric Safety Code, and the Occupational Safety and Health Administration for the Project. A locked access gate will be provided at the entrance to the Project. Appropriate signage will be installed for the Project as needed, in locations visible to the public to warn potential trespassers, including areas where electrical equipment could pose particular hazards.
-

- Stormwater and Floodplains: The site is not within the regulatory floodplain, As stated in the application, "A wetland and stream delineation was completed on-site in August 2023. Siting of Project components has avoided impacts to delineated resources to the extent practicable. If wetland and stream permits are necessary, Herbie will obtain permits and certifications from the U.S. Army Corps of Engineers and the Arizona Department of Environmental Quality. [The applicant] will provide notice to Arizona Department of Environmental Quality of its intent to be covered by the Arizona Pollutant Discharge Elimination System (AZPDES) General Construction Activity Permit regarding stormwater for construction activities disturbing more than 1 acre." In addition, "The Project will maintain the pre-existing drainage patterns. Minor grading is anticipated to install the proposed substation and access roads. The solar panels are anticipated to be installed on the existing grade."

Figure 7: Floodplain Map



Floodplain
SU 23-27 (Herbie Solar)



10. Water Conservation: Complies

The proposed Solar PV Energy system does not require on-site water to function daily. According to the application, "module cleaning will not require water. The project layout was designed to avoid natural discharge to allow for continued on-site conveyance and natural recharge, as applicable."

VIII. PUBLIC COMMENT

As stated in the application, “In efforts to engage the Cochise County community, the Herbie team instituted multiple outreach efforts, including mailing notifications of the proposed Project, circulating newspaper ads, establishing a project website, holding an open house, and providing Project informational flyers to open house attendees.”

On October 2nd, 2023, the Herbie Project team mailed notification of the proposed development of the Herbie Solar Project to all landowners within 500 feet of the site via certified mail in both English and Spanish. The applicant placed a newspaper ad in the Sierra Vista Herald, which ran on October 18, 21, and 22, 2023. And they placed a newspaper ad in the Arizona Daily Star, which ran on October 9, and 13, 2023 (digitally)/October 11, 2023 (in print). A project website <https://www.korsail.com/herbie-solar-project/> was created and maintained to provide project and contact information to all interested parties. Finally, The applicant Team held an informal open house on October 25th, 2023, at 6pm at the Willcox Community Center.

The case planner mailed letters to the same property owners within 1,320’ of the subject property (October 31, 2023), published a legal ad in the *Sierra Vista Herald* (November 22, 2023), and posted legal notices on the property (November 15, 2023). To date, staff has received no responses.

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 an 80-MW solar power generation facility and 80-MW Battery Energy Storage System (BESS) on 784.5-acres of land.

Factors in Favor of Approval

1. The project would serve as a source of clean energy, offsetting greenhouse gas emissions and reducing the need to generate electricity from fossil fuels;
2. The electricity generated by this project offers enhanced grid resiliency and support for future load growth needs;
3. The project is consistent with the applicable Policies of the Comprehensive Plan and the Purpose of the Rural Zoning Districts;
4. The project complies with most of the criteria used to evaluate special use requests;
5. The site plan submitted complies with most applicable site development standards and conditions; and
6. 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. 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 Blue Sky Road (from Highway 186 to Moore Ranch Road) and Moore Ranch Road/Moonlight Road (from Blue Sky Road to the eastern 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.
2. The project owner shall apply a chemical stabilizer, such as Magnesium Chloride, to Blue Sky Road (from Highway 186 to Moore Ranch Road) and Moore Ranch Road/Moonlight Road (from Blue Sky Road to the eastern 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.
3. The project owner shall reserve a 6 to 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 project owner shall exclusively use PV panels with an anti-reflectivity coating that is integral to the panel.
6. 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.
7. The project owner shall submit an Emergency Response Plan in conjunction with building permit submittals for County and fire responder review and approval.
8. The project owner shall submit a waste disposal plan to ensure proper waste disposal. Plan shall be submitted in conjunction with building permit submittals for County review and approval.
9. The project owner shall include all BMPs listed under factor 9 of the staff memo for dust mitigation on their Stormwater Pollution Prevention Plan.
10. 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.
11. 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-23-27 (Herbie Solar), with the Conditions of Approval recommended by staff and waiver requests requested by applicant; the Factors of Approval constituting Findings of Fact.*