

## **2.51.220 SDS SOLAR ENERGY POWER PLANTS**

1. **Intent.** Solar Energy Power Plants are constructed primarily for the purpose of providing electricity to off-site consumers.
2. **Applicability.** Solar Energy Power Plants shall be allowed as a Permitted Use in LI and HI and may be permitted in RU and GB Zoning Districts by Special Use Authorization only. They may also be approved as part of a PD or Master Development Plan. This does not include residual power returning to the grid provided by small-scale systems, which primarily provide on-site power, subject to Arizona Corporation Commission regulations. Site-specific conditions and/or project scope may require that Applicants provide drainage and soil reports, water budgets and conservation measures, environmental assessments or environmental impact statements, visual impact analyses, FAA obstruction analysis, and/or cultural resources assessments with their application.
3. **Design Standards.** The following site development standards shall apply for the permitting, construction, and operation of Solar Energy Power Plants:
  - a. **Height.** Ground or pole-mounted solar energy systems shall not exceed twenty (20) feet in height when oriented at maximum tilt. Roof-mounted solar energy systems shall not exceed ten (10) feet in height from roof surface, when oriented at maximum tilt.
  - b. **Setbacks.**
    - (1) Setbacks from all property boundaries and 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.
    - (2) Setback distance should be measured from the edge of the solar energy system array, excluding security fencing, screening, or berm.
  - c. **Distance Between Structures.** There shall be no minimum distance required between Solar Energy Power Plant components or design features and other structures on a property.
  - d. **Lot Coverage.** Ground-mounted systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained with perennial vegetated groundcover and not compacted.
  - e. **Groundcover.** Ground around and under solar panels and in project site buffer areas shall be planted, established, and maintained for the life of the solar project with a vegetated perennial ground cover.
  - f. **Power and Communication Lines.**
    - (1) All on-site utility and transmission lines, including power and communication lines running between banks of solar panels and/or interconnections with buildings shall be buried underground to the maximum extent feasible.
    - (2) Power and communication lines between the project and the point of interconnection with the transmission system may be overhead.
  - g. **Fencing.** Perimeter fencing for the site shall incorporate wildlife-friendly fencing

standards specific to the site to the greatest extent possible.

#### **4. Transfer or Sale.**

- a. No transfer of any Solar Energy Power Plant or Special Use Permit, nor sale of the entity owning such facility shall occur without written acceptance by the transferee of the obligation of the transferor under this Local Law. No transfer shall eliminate the liability or responsibility of an applicant or of any other party under this Local Law for acts or omissions occurring prior to such transfer or sale.
- b. In the event of a transfer of unit ownership, the County reserves the right to reassess the amount of the bond and request an additional amount to be posted in order to provide adequate surety. Any costs to the County associated with these activities shall be reimbursed by the current project owner or operator.

#### **5. Cessation of Use/Abandonment or Damage.**

- a. Should any part of the Solar Energy Power Plant be damaged, or should a Solar Energy Power Plant violate a permit condition, the owner or operator shall cure any deficiency within ninety (90) days after written notice from the County.
- b. If any Solar Energy Power Plant remains non-functional or inoperative for a continuous period of (1) one year, the applicant and or its successors or assigns, without any further action by the County, shall remove said system and restore the site at its own expense, subject to the provisions of the Decommissioning Plan.

#### **6. Decommissioning and Site Restoration.**

- a. A building permit application for a new Solar Energy Power Plant must include a Decommissioning Plan, acceptable to the County, to ensure that all system components are properly decommissioned upon the end of their operational life, cessation of use, or determination of abandonment.
- b. The Decommissioning Plan shall state how the facility will be decommissioned and will include a Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the financial assurances necessary to fund the decommissioning.
- c. Removal of the system shall include, but not be strictly limited to the following:
  - (1) All above ground components including but not limited to, Solar arrays, transformers, battery energy storage systems, above ground collection cables and poles and fencing.
  - (2) Foundations and buried project components, other than buried collection lines, must be removed to a depth of thirty-six (36) inches.
  - (3) Buried collection lines must be removed to a depth of thirty-six (36) inches. Collection lines below a depth of thirty-six (36) inches may remain in place.
  - (4) Removal activities must be completed within one year of decommissioning initiation unless otherwise approved by the County.
- d. Restoration of each site shall include:
  - (1) Ground disturbance must be minimized to the extent practical, and the site

restored to its original ground contours if possible.

- (2) Disturbed on site soils and vegetation will be reasonably restored and re-established using native seed mix and with proper soil nutrients (fertilizer, lime and other amendments) to provide and sustain growth or in coordination with the landowner to allow desired vegetation to be planted.
- (3) Roads must be adequately restored to their original condition following decommissioning activities.
- (4) Access roads, fencing associate drainage improvements, and residual minor improvements may remain with written consent from the landowner.
- (5) Removal and remediation of any hazardous materials.
- (6) The County shall be granted the right of entry onto the site, pursuant to reasonable notice to the property owner, to effect or complete decommissioning pursuant to the Decommissioning Plan.

## 7. Financial Assurance Required.

- a. The owner/operator shall continuously maintain financial assurance in the amount of the decommissioning costs. Examples of such include a performance bond, surety bond, trust instrument, cash, escrow, or irrevocable letter of credit, or other form approved by the County. This financial assurance shall be in place before the commencement of construction and will be in the amount of the decommissioning costs, to be determined by a qualified independent engineer licensed to practice in the State of Arizona. All costs of this financial assurance shall be borne by the owner/operator. The cost estimate shall be updated at no more than five-year intervals by the owner/operator to ensure an accurate estimation of costs associated with equipment value and site restoration, adjusted for inflation.
- b. The financial assurance may further be utilized by the County for the costs of correcting any other acts of non-compliance with these regulations or directives of the County.

### HISTORY

Amended by Ord. [09-04 \(R-09-04\)](#) on 9/22/2009

Amended by Ord. [16-02 \(R-16-01\)](#) on 7/26/2016

Amended by Ord. [23-02 \(R-22-04\)](#) on 2/10/2023