



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases: 1. CPA2019001 – Sun Streams PVS Solar Project
2. Z2019008

Hearing Date: October 24, 2019

Supervisor District: 4

Applicant: Max Bakker, Sun Streams PVS LLC

Owners: Multiple property owners

Requests: 1. **CPA2019001** - General Comprehensive Plan Amendment to change the Old US Highway 80 Area Plan land use designation from Rural Densities (0-1 d.u./ac.) to Utilities
2. **Z2019008** - Zone Change from Rural-190 to IND-2 IUPD

Site Location: Generally located at the SWC of 355th Avenue and Baseline Rd. in the Arlington area

Site Size: Approx. 164 acres

Density: N/A

County Island: No

County Plan: Old US Highway 80 – Rural Densities (0-1 d.u./ac)

Municipal Plan: N/A

Municipal Comments: None received to date

Support/Opposition: None known

Recommendations: 1. **CPA2019001 – Approve** with conditions
2. **Z2019008 – Approve** with conditions

Project Summary:

1. This is a request for a General Comprehensive Plan Amendment (CPA) from Rural Densities (0-1 d.u./ac.) to Utilities and Zone Change from Rural-190 to IND-2 IUPD to allow a 164 acre utility-scale solar power generating facility. The site is a conglomeration of seven (7) privately-owned, vacant parcels located at the southwest corner of 355th Avenue and Baseline Road in the Arlington area. The site is within the vicinity of the Palo Verde Nuclear Generating Station, in addition to other approved and existing solar projects.
2. The first request is for a General CPA from Rural Densities to Utilities to accommodate a PV solar generation facility with energy storage and associated facilities. The area is sparsely populated and contains several existing utility scale solar projects. The narrative asserts that the amendment is consistent with existing land use patterns in the area and that the proposed development meets the Comprehensive Plan Amendment Criterial in the following manner:

Whether the amendment constitutes an overall improvement to the Comprehensive Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

The narrative states that the request is consistent with the overall intent of the comprehensive plan because the subject lands have the necessary characteristics that make them very suitable for solar energy generation. Furthermore, it would make better use of their current or proposed use and facilitate connection to a regional electrical system without development of significant transmission lines.

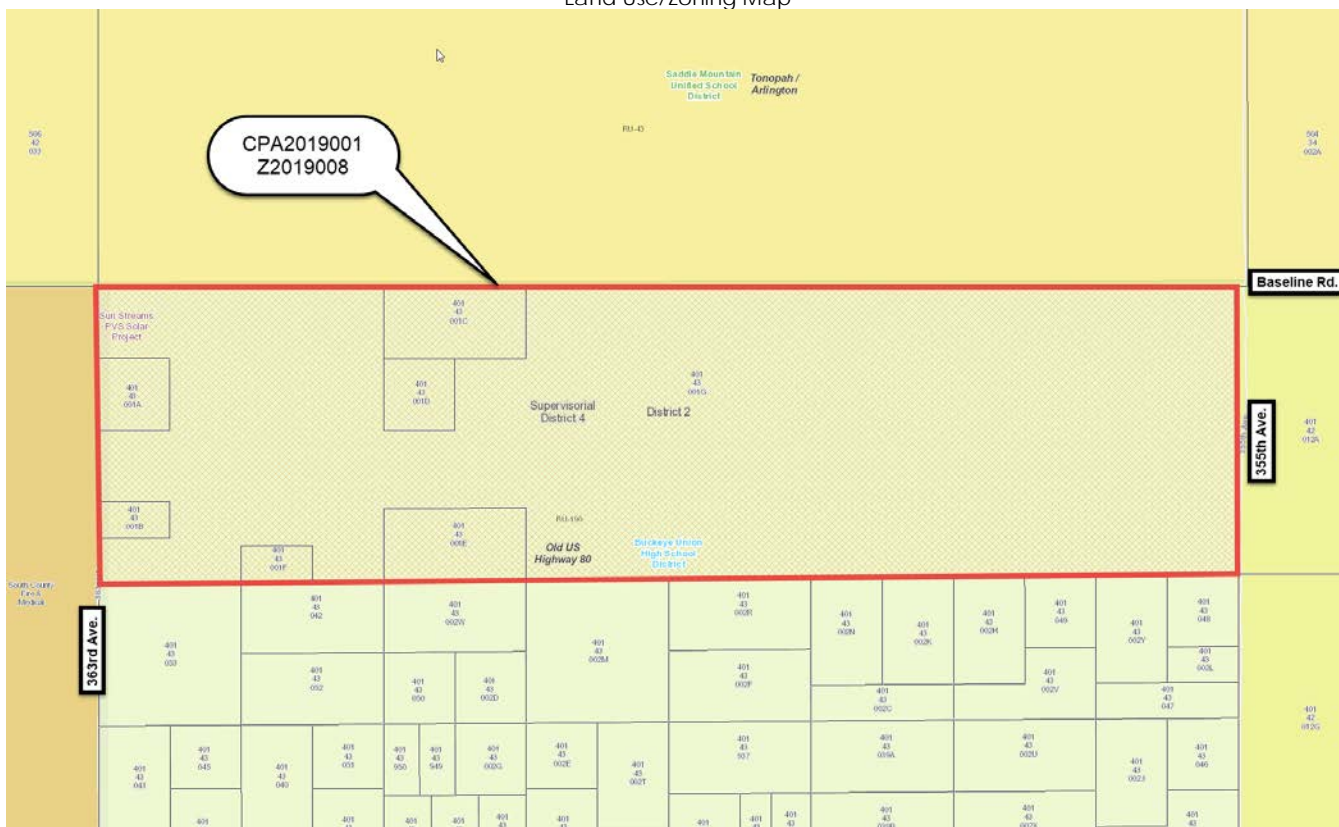
Whether the amendment will adversely impact all or a portion of the planning area.

- A. **Altering acceptable land use patterns** – The narrative states the proposed amendment would not impact any nearby land uses or patterns. The proposed solar energy use would be consistent with the other adjacent and nearby energy and utility uses and are already designated for Utilities or for Industrial use (under older County policies that pre-date the Utility designation) as solar sites.
- B. **Requiring public expenditures for larger or more expensive infrastructure** - The narrative states the proposed use would not require any additional public infrastructure and will take advantage of the local existing electrical infrastructure.
- C. **Requiring public improvements to roads, sewer, or water systems that are needed to support the planned land uses** – The narrative asserts there would be no significant increase in traffic during the operational life of the project that would require road improvements. The Project would also not require the development of any additional water resources or sewer systems on the subject property or in the area.
- D. **Adversely impacting planned uses because of increased traffic** – The narrative indicates there would be increased traffic during the relatively short construction period for the delivery of equipment / supplies and the commuting of the

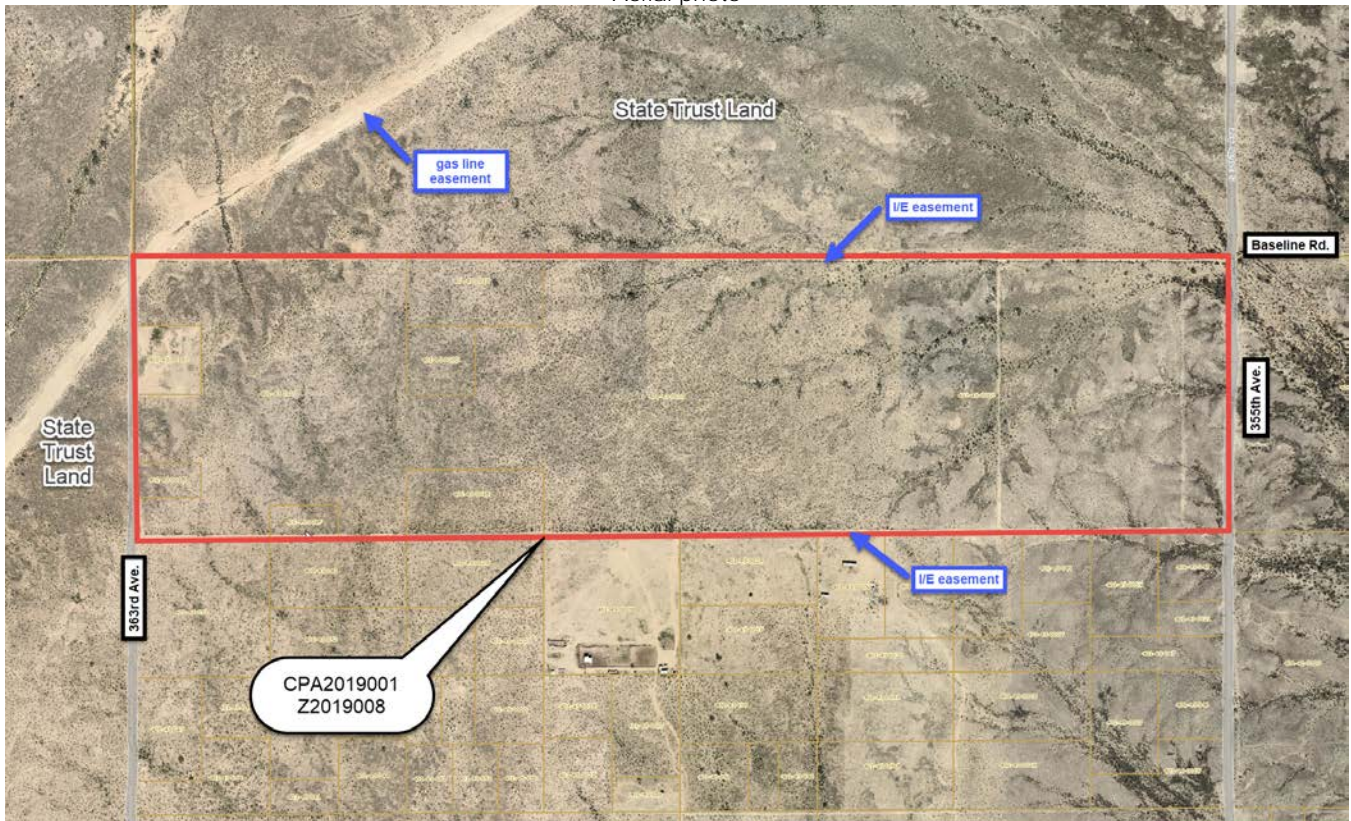
construction work force, but there would be no significant increase in traffic during the operational life of the Sun Streams PVS Project.

- E. **Affecting the livability of the area or health and safety** – The narrative indicates the proposed use of the subject lands for solar energy generation would not impact the health and safety of those individuals in the vicinity of the project. It would not utilize or store hazardous materials, would not generate significant emissions or have other potential negative effects on health and safety, and would actually reduce fugitive dust emissions.
- F. **Adversely Impacting the natural environment or scenic quality of the area** – The narrative states there would be no impacts to significant or unique natural habitats or environments. The proposed solar collector fields have a relatively low profile, would be located on relatively flat lands located low on the landscape, and would for the most part not be located near any population centers or heavily travelled roads. The project would have very limited areas where it would be adjacent to any public roads. Therefore, the proposed use would not significantly impact scenic quality.

Land Use/Zoning Map



Aerial-photo



3. The second request for the site is for zone change (with precise plan) from Rural-190 to IND-2 IUPD to allow construction of the solar field. The project would consist of 6 arrays of PV panels that absorb sunlight and directly produce electricity. The applicant's goal is to produce 25-30 megawatts (MW) of clean solar power from the project, which would meet the energy needs of up to 10,400 households.
4. It should be noted that since the applicant is proposing a site plan (required plan of development, POD) and although the zone change is a legislative approval, the POD is administratively approved. Therefore, POD approval is contingent upon prior rezoning approval.
5. To develop this project as planned, the applicant is requesting several modifications from the MCZO base zoning standards for the IND-2 zoning district through the IUPD overlay. The applicant is also using the IUPD mechanism to confirm the exclusion of arrays and substations from lot coverage calculations. The specific modifications of County development standards are set forth in the table below:

Regulation	IND-2 Zoning District Standard	Proposed IND-2 IUPD Zoning District Standard
Maximum Height	40'	40'
Front Yard Setback	10-25'	0'
Side Yard Setback	3-10'	0'
Rear Yard Setback	25'	0'
Min. Lot Area	6,000'	6000'
Minimum Lot Width	60'	60'

Parking Regulations	Article 1102.1.5: 600 square feet of floor area; 5% of parking spaces shall be handicapped parking spaces.	0 parking spaces
Loading and Unloading	Article 1103.2. - one loading and unloading space for each 10,000 square feet of floor area, or fraction thereof, devoted to such use in the building	None
Sight Visibility Triangles (SVTs)	No obstructions over 2' in height within 25' x 25' SVTs	No site triangle limitations at all driveway, section line, intersecting alignments
Additional Regulations	All uses except for parking, loading, unloading or storage shall be conducted within a completely enclosed building.	Waiver is requested from this regulation. Solar arrays will not be located inside enclosed buildings.
Site Enclosure and Screening	6' CMU wall adjacent to rural and residential zoning boundaries and for outdoor use of an industrial nature	Chain-link fencing, including concertina or barbed wire topping, and gates shall be allowed on the perimeter of the Project.

Existing On-Site and Adjacent Zoning / Land Use:

- 6. On-site: Rural-190 / Vacant
- North: Rural-43 / Vacant
- South: Rural-190 / Vacant
- East: Rural-43 / Vacant
- West: Rural-190 / Vacant

Utilities and Services:

- 7. Water: None (Water for construction purposes will be delivered to site.)
- Wastewater: None
- School District: Arlington Elementary, Buckeye Union High
- Fire: Tonopah Valley Fire District
- Police: MCSO

Right-of-Way:

- 8. Although there are no existing half-street rights-of-way around the perimeter of the site, the applicant is required to preserve 40' for future right-of-way along the perimeter

section alignments. The section lines are along Baseline Road, 363rd Avenue and 355th Avenue. The applicant is also required to preserve 25 feet along the southern property line.

Adopted Plan:

9. **Old U.S. Highway 80 Area Plan (May 2007):** The subject area is designated for Rural Densities (0-1 d.u./ac.).

Public Participation Summary:

10. The applicant posted the subject site and staff notified all property owners within 300' of the site in accordance with the county's public participation guidelines. The applicant conducted an open house meeting on July 17, 2018 at Arlington Valley Elementary School. The applicant received general questions, and there was no opposition to the request. Staff also complied with the enhanced notification procedures pursuant to state law and received several letters expressing no concern over the general CPA request.

Outstanding Concerns from Reviewing Agencies:

11. N/A.

Staff Analysis:

12. The Sun Solar PVS Solar Project will use photovoltaic technology and very little water with the exception of maintenance for cleaning the solar panels and equipment. The state and Maricopa County recognize the potential environmental and economic benefits that such solar technology can provide. A concern raised with solar facilities is the impacts to regional water supplies, but with PV technology staff believes that it does not force the County to weigh air quality benefits against potential groundwater depletion.
13. Staff believes the proposed solar facility is well suited to this rural area which requires large amounts of relatively flat land. Staff agrees with the applicant that the subject site is suitable due to proximity to electrical transmission lines and the Hassayampa Substation, and because the surrounding area is undeveloped. Staff agrees with the applicant that the project is not expected to affect the visual quality of the area. Since the area is primarily undeveloped vacant land adjacent to other existing utility-scale solar projects, staff believes there will be minimal impacts to the surrounding area.
14. Promoting the development of solar energy over the past several years in Maricopa County reinforces the County's interest in promoting the County as an economic leader for solar development. Staff believes Sun Streams PVS Solar would add to this effort in a positive way by providing temporary construction and operation/maintenance jobs. Sun Streams PVS Solar is similar to other solar generation projects planned in the County with a limited number of long-term employment opportunities for County residents.
15. Staff believes the Sun Streams PVS Solar Project meet the goals and policies of the Comprehensive Plan. Staff's position is that this project, as proposed and as governed by the recommended conditions, represent proper long-term land use planning in the

region and for Maricopa County as a whole. The subsequent zone change request is consistent with the general CPA.

Recommendations:

16. For the reasons outlined in this report, staff recommends the Commission motion for **approval** of CPA2019001, subject to conditions 'a' – 'c'.
 - a. Development and use of the site shall comply with the narrative report entitled "Sun Streams PVS Project" including all exhibits dated March 2019 and stamped received March 6, 2019 except as modified by the following conditions.
 - b. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the uses existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the land use designation that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such change of the land use. The land use enhances the value of the property above its value as of the date the land use change is granted and reverting to the prior land use designation results in the same value of the property as if the land use change had never been granted.
 - c. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of CPA2019001 which details the status of this project, including progress on obtaining necessary entitlements, licenses, and permits; compliance with the conditions of approval; compliance with the approved narrative report; compliance with the approved land use plan; and justification as to how the approved land use plan still represents appropriate land use planning for the property and unincorporated Maricopa County in accordance with the goals and policies in its comprehensive Old U.S. Highway 80 Area Plan. This report shall be scheduled for public hearing by the Maricopa County Board of Supervisors (Board), upon recommendation by the Maricopa County Planning and Zoning Commission (Commission), to consider whether the planning justification for this comprehensive plan amendment is still present, and whether the land use designations associated with this comprehensive plan amendment still represent appropriate and better long-term land use planning in accordance with the goals and policies of the Maricopa County Comprehensive Plan and Old U.S. Highway 80 Area Plan. If the Board changes the current land use designation back to Rural Densities in such an event, the comprehensive plan land use map or area plan land use map shall be altered to reflect Board action.
17. For the reasons outlined in this report, staff recommends the Commission motion for **approval** of Z2019008, subject to conditions 'a' – 'i'.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Design Submittal for IND-2 (Light Industrial Zoning) with and Industrial Unit Plan of Development", consisting of 9 full-size sheets, dated July 2019 and stamped received August 5, 2019, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Sun Streams PVS Solar Project", consisting of 44 pages, dated July 2019, and stamped received August 5, 2019 except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 - 1. Bleed-offs from retention basins must be directed to well-defined natural or manmade drainage facilities. Basins with unsuitable bleed-off conditions will require additional drywells to enable them to drain within 36 hours.
 - 2. Preservation of right-of-way (40') along the perimeter section alignments must be provided. The section lines are along Baseline Road, 363rd Avenue and 355th Avenue. Preservation of 25 feet along the southern property line must also be indicated. All improvements, including, but not limited to fencing, security lighting and drainage improvements (channels and basins) must be located outside of the above preserved widths.
- d. The following IND-2 IUPD standards shall apply:
 - 1. Front yard setback: 0'
 - 2. Rear yard setback: 0'
 - 3. Rear yard setback: 0'
 - 4. No parking required.
 - 5. No loading/unloading required.
 - 6. No site triangles required at all driveways, section line intersecting alignments.
 - 7. All uses may be conducted outdoors.
 - 8. Chain link fencing, including concertina or barbed wire topping, and gates shall be allowed on the perimeter.
- e. The IUPD overlay is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems. A public water system and public sewer system shall be required prior to establishment of any non-residential use that requires potable water.
- f. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years for the initial phase and an additional five (5) years for each subsequent phase, within which time the initial building permit or construction permit must be obtained. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of Z2019008 which details the status of this project, including progress on obtaining building and/or construction permits. The status report to be administratively reviewed by

Planning and Development with the ability to administratively accept or to carry the status report to the Board of Supervisors (Board), upon recommendation by the Planning and Zoning Commission (Commission) for consideration of amendments or revocation of zoning for undeveloped parcels. Status reports will be required until completion of the project.

- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- h. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

Presented by: Farhad Tavassoli, AICP, CFM, Planner
Reviewed by: Matthew Holm, AICP, Planning Supervisor

Attachments: Case Map (1 page)
Site Plan/Land Use Plan (reduced 8.5"x11", 9 pages)
Selection from Narrative Report for CPA request (12 pages)
Selection from Narrative Report for Zone Change request (15 pages)
MCDOT comments (2 pages)
MCESD comments for CPA (1 pages)
MCESD comments for Zone Change (1 page)