



## Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

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**Cases:** 1. CPA2019003 – JY Energy Solar Project  
2. Z2019046

**Hearing Date:** January 30, 2020 (continued from January 16, 2020)

**Supervisor District:** 5

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**Applicant:** Mike Jang, JY Energy LLC

**Owner:** Juyun Lee

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

**Site Location:** Generally located at the southwest corner of the 571<sup>st</sup> Avenue and Northern Avenue alignments in the Harquahala Valley area

**Site Size:** Approx. 160 acres

**Density:** N/A

**County Island:** No

**County Plan:** Vision 2030 Comprehensive Plan – Rural Densities (0-1 d.u./ac)

**Municipal Plan:** N/A

**Municipal Comments:** None received

**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 160 acre utility-scale solar power generating facility. The site is a conglomeration of four (4) privately-owned, vacant parcels located at the southwest corner of the 571<sup>th</sup> Avenue and Northern Avenue alignments in the Hassayampa Valley area. The proposed facility would be the westernmost in Maricopa County to date, located approximately 2 miles east of the La Paz County line. The Mesquite Solar Power Generating Facility is the nearest existing facility, located approximately 25 miles to the southeast.
2. The first request is for a General CPA from Rural Densities to Utilities to accommodate a PV solar generation facility and associated facilities. 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.
- B. **Requiring public expenditures for larger or more expensive infrastructure** - The narrative states the proposed use would not require any additional public 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 operation. 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 temporary increased traffic during the 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 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

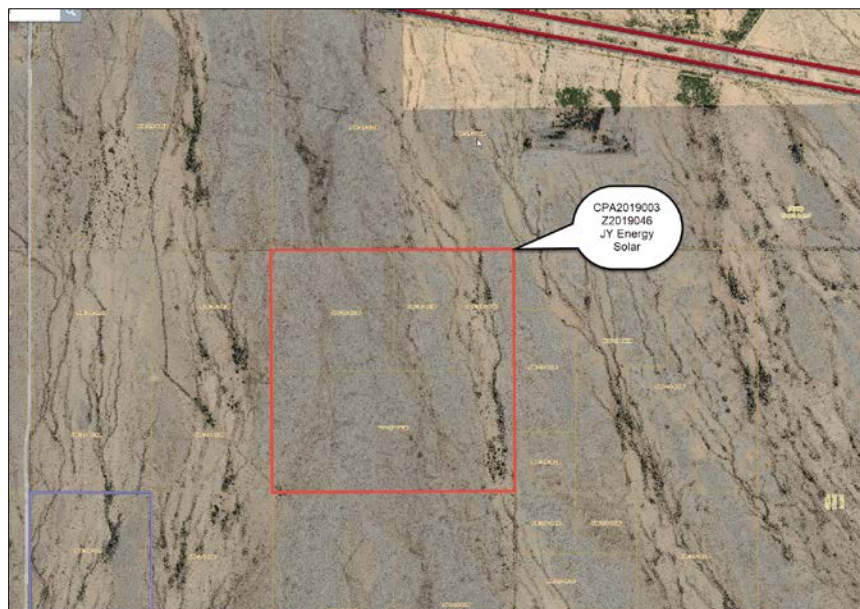
the health and safety of those individuals in the vicinity of the Project. It would not utilize or store hazardous materials, would not generate significant emissions, noise, nor have other potential negative effects on health and safety, and would actually reduce fugitive dust emissions.

- 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 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 Sun Streams PVS 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 applicant's immediate goal is to produce 20 megawatts (MW) of clean solar power from the project by developing the western half of the subject property, with the possibility of developing the eastern half for another 10MW in the future.
4. Construction will last 6-8 months. Approximately 47,000 solar modules will be installed on the site. The modules will be mounted on a steel racking structure and will range between 3 and 10 feet above ground. The modules will be facing 29 degrees toward the south so as not to reflect on traffic along I-10. There will be 9' high chain link fence around the property for screening and security. There will be a 3,500 square foot control room/storage building and portable toilet. A technician will visit the property a couple hours daily.
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		
Abutting Major Street	20'	20'
Abutting Collector Street	15'	15'
Abutting Local Street	10'	10'
Side Yard	0'	0'
Street Side Yard	0'	0'
Rear Yard	0'	0'
Min Lot Area	6,000 sq. ft.	6,000 sq. ft.
Lot Width	60'	60'
Lot Coverage	60%	60%
Parking spaces	1/600 sq. ft. of floor area	<b>3 spaces</b>
Screening		
Adjacent to residential zone	6 foot solid masonry wall	<b>9' chain link fence</b>

**Existing On-Site and Adjacent Zoning / Land Use:**

6. On-site: Rural-190 / Vacant  
 North: Rural-190 / Vacant  
 South: Rural-190 / Vacant  
 East: Rural-190 / 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: Harquahala 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 65' for future right-of-way along the Northern section alignment.

**Adopted Plan:**

- 9. **Vision 2030 Comprehensive Plan (January 2016):** 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. Staff received general questions, and there was no opposition to the request. Staff also complied with the notification procedures pursuant to state law.

**Outstanding Concerns from Reviewing Agencies:**

- 11. N/A.

**Staff Analysis:**

- 12. The JY Energy 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 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 in a remote area, staff believes there will be minimal impacts to the surroundings.
- 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 JY Energy would add to this effort in a positive way

by providing temporary construction and operation/maintenance jobs. JY Energy 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 JY Energy 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 CPA2019003, subject to conditions 'a' – 'b'.
  - a. Development and use of the site shall comply with the narrative report entitled "Project Narrative Report for JY Energy Tonopah Solar Plan General Comprehensive Plan Amendment (Revised)" consisting of 8 pages, including all exhibits, dated November 5, 2019 and stamped received November 8, 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.
17. For the reasons outlined in this report, staff recommends the Commission motion for **approval** of Z2019046, subject to conditions 'a' – 'i'.
  - a. Development of the site shall be in substantial conformance with the Site Plan entitled "Tonopah Project", consisting of 1 full-size sheet, dated August 1, 2019 and stamped received August 2, 2019, except as modified by the following conditions.
  - b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Project Narrative Report for JY Energy Tonopah Solar Plant RE-Zoning Request. (Revised)", consisting of 4 pages, dated July 31, 2019, and stamped received August 2, 2019 except as modified by the following conditions.
  - c. The following Planning Engineering conditions shall apply:

1. At the time of application for building/grading permits, an engineered design for the retention basin berm stabilization (along the wash alignment near the southeast corner of the site) must be provided. Said design must include onsite flows ( $\pm 40$  acres) not intercepted by the retention basin.
  2. At the time of application for building permits, the preserved area (65') along the northern part of the site shall be included in the retention calculations. The retention calculations contained in the Drainage Report shall govern over those shown on the grading and drainage plans.
  3. Access to the site is remote. Prior to issuance any building permits for this project, the owner/applicant/contractor must coordinate a construction access route plan and procure the required Dust Control permits from Maricopa County Air Quality.
  4. PND Engineering review of entitlement cases is conceptual. At the time of application for building/grading permits, all development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
- d. The following IND-2 IUPD standards shall apply:
1. Three required parking spaces.
  2. 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)  
Narrative Report/Exhibit for CPA request (8 pages)  
Site Plan (reduced 8.5"x11", 1 page)  
Narrative Report for Zone Change request (4 pages)  
Engineering comments for CPA & Zone Change (1 page)  
MCESD comments for CPA (1 page)  
MCESD comments for Zone Change (1 page)