



## Planning and Development Department

**DATE:** March 25, 2021

**TO:** Planning and Zoning Commission

**FROM:** Adam Cannon, Planner

**SUBJECT:** Z2020075 – Sun Streams Expansion Solar Project  
Agenda Item: #2

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Since the publishing of the staff report for the above case, the applicant presented additional conditions of approval related to the Sun Streams Expansion Solar Project zone change case. It is our understanding that the applicant communicated with concerned parties of the Maricopa Audubon Society (MAS) and that the conditions were crafted in consultation with Mark Horlings of MAS.

Shown below are the additional conditions in leg-edit format with new language underlined and bolded.

- j. **Prior to commencement of construction, a qualified biologist will delineate a suitable nesting habitat for LeConte's and Bendire's Thrashers.**
- k. **All costs or expenses associated with the biologist and their work in association with the development shall be borne by the property developer.**
- l. **The property developer shall submit a letter from AFGD approving the credentials of the selected biologist.**
- m. **Construction will be phased so that ground-disturbing activities in a suitable nesting habitat for LeConte's and Bendire's Thrashers will be conducted outside of the breeding season for LeConte's and Bendire's Thrashers (defined as January through June) to the greatest extent practicable.**
- n. **If ground-disturbing activities in a suitable nesting habitat for LeConte's and Bendire's Thrashers must be conducted during the breeding season (defined as January through June), a preconstruction survey to identify active nests would be performed by a qualified biologist prior to the commencement of ground-disturbing activities.**
- o. **If active LeConte's or Bendire's Thrashers nests are found during pre-construction surveys or during construction, a spatial buffer would be established around the nest and monitored by the qualified biologist.**

**Ground-disturbing activities within the buffer would be postponed until the qualified biologist confirms that the nest is no longer active.**

- p. **Written documentation of the biologist's findings regarding active nests shall be provided in writing to and for acceptance by the Zoning Inspector or his or her designee prior to initiating construction activity.**

Additionally, Engineering Plan Review provided an updated memo to correct requested conditions related to ROW preservations; however, Staff was able to update the preservation requirements prior to the publishing of the Staff report. The memo is included as an attachment for informational purposes only.

Staff recommends **approval** of **Z2020075** subject to conditions 'a' – 'p' with the proposed additional conditions. Shown below are the proposed conditions in final format:

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Sun Streams Solar Expansion", consisting of 20 full-size sheets, dated March 3, 2021, and stamped received March 3, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Sun Streams Expansion Solar Project", consisting of 22 pages, dated February 26, 2021, and stamped received March 1, 2021 except as modified by the following conditions.
- c. Subject to the discretion of the Zoning Administrator or their designee, alterations of a substantial nature to the conservation area provided in Figure 3 on page 22 of the Narrative Report entitled "Sun Streams Expansion Solar Project" shall be grounds for requiring a Zone Change Major Amendment.
- d. The following Planning Engineering conditions shall apply:
  1. Final design of drainage infrastructure shall be based on Rational Method calculations, except in situations where drainage areas significantly exceed 160 acres.
  2. Drainage Waiver case DRB2021002 must be approved prior to issuance of building permits.
  3. Detailed Grading and Drainage Plans showing the new site improvements must be submitted for the acquisition of building permits. On-site (solar field) areas must be designed in such a manner so that flows area directed to retention basin(s). Basin bleed-offs and overflows must be directed to well defined drainage corridors, to the maximum extent possible.

4. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
5. Owner or owner's agent shall be responsible for identifying and procuring any permit(s) for disturbance of, or work within delineated jurisdictional (404) washes.
6. Any work within a regulated SFHA (floodplain) will require as Floodplain Use Permit (issued concurrent with the required building permit(s) for the site improvements).
7. Pads for inverters and other electrical equipment; and any buildings within the Zone A or AE Floodplain must be elevated to the regulatory flood elevation or otherwise designed to meet the requirements of the Floodplain Use Regulations. All development and engineering design shall be in conformance with the most current version of the Floodplain Use Regulations for Maricopa County.
8. The following right-of-way preservations shall be required and shown on the plans submitted for building permits:

Required Preservation:

- a. 65' half width, 130' full width right-of-way for Salome Highway
- b. 65' half width, 130' full width right-of-way for 331<sup>st</sup> Avenue
- c. 55' half width, 110' full width right-of-way for Dobbins Road
- d. 65' half width, 130' full width right-of-way for Baseline Road (east of Salome Highway)
- e. 65' half width, 130' full width right-of-way for 339<sup>th</sup> Avenue (north of Salome Highway)
- f. 100' half width right-of-way for Southern Avenue
- g. 30' half width right-of-way for 339<sup>th</sup> Avenue (between Baseline and Dobbins Road)
- h. 40' half width right-of-way for 335<sup>th</sup> Avenue (between Dobbins and South Mountain, and Vineyard and Southern)
- i. 40' half width right-of-way for South Mountain Avenue
- j. 40' half width right-of-way for Vineyard Road
- k. 55' half width right-of-way for Elliot Road
- l. 55' half width right-of-way for Baseline Road (west of Salome Highway)
- m. 55' half width right-of-way for 347<sup>th</sup> Avenue (section line alignment)

- e. The following IND-2 IUPD Zoning District standards shall apply:
1. Min. Front Yard – 25’ except as shown on sheet C1.2 of the Site Plan
  2. Min. Side Yard – 0’ except as shown on sheet C1.2 of the Site Plan
  3. Min. Rear Yard – 0’ except as shown on sheet C1.2 of the Site Plan
  4. Max. Lot Coverage – 60%; Solar panels shall not be counted as lot coverage
  5. Parking Spaces Required – None required
  6. Loading and Unloading Spaces Required – None required
  7. Landscaping – No landscaping areas required
  8. Sight Visibility Triangles – No sight visibility triangles are required at driveways, mid-section lines intersecting alignments, section line intersecting alignments
  9. Article 902.91 – All utility uses shall be permitted to be conducted outdoors
  10. Site Enclosure and Screening – Chain-link fencing including 1’ of barbed wire permitted; Slatted chain-link fencing required in all areas abutting subdivided parcels in accordance with sheet C1.2 of the Site Plan
- f. The IND-2 IUPD shall limit the use of the site exclusively to public utility treatment and generating plants including sewage, wastewater, power, electrical, nuclear and solar, and including ancillary offices. Attendant facilities and appurtenances to the above uses as well as uses associated with service to the public of water, gas, telephone and cable television. Where an electrical generating plant is in operation, evaporation ponds and other appurtenances may be permitted provided such evaporation ponds or appurtenances are associated with the facility being served. All other site uses shall require a Zone Change Major Amendment.
- 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, and at the time of expiration of the Zone Change, 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, or the expiration of the Zone Change, 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 or expiration of the Special Use Permit. 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.

- j. Prior to commencement of construction, a qualified biologist will delineate a suitable nesting habitat for LeConte's and Bendire's Thrashers.
- k. All costs or expenses associated with the biologist and their work in association with the development shall be borne by the property developer.
- l. The property developer shall submit a letter from AFGD approving the credentials of the selected biologist.
- m. Construction will be phased so that ground-disturbing activities in a suitable nesting habitat for LeConte's and Bendire's Thrashers will be conducted outside of the breeding season for LeConte's and Bendire's Thrashers (defined as January through June) to the greatest extent practicable.
- n. If ground-disturbing activities in a suitable nesting habitat for LeConte's and Bendire's Thrashers must be conducted during the breeding season (defined as January through June), a preconstruction survey to identify active nests would be performed by a qualified biologist prior to the commencement of ground-disturbing activities.
- o. If active LeConte's or Bendire's Thrashers nests are found during pre-construction surveys or during construction, a spatial buffer would be established around the nest and monitored by the qualified biologist. Ground-disturbing activities within the buffer would be postponed until the qualified biologist confirms that the nest is no longer active.
- p. Written documentation of the biologist's findings regarding active nests shall be provided in writing to and for acceptance by the Zoning Inspector or his or her designee prior to initiating construction activity.

Attachments: 3/16/21 E-mail – Applicant Requests Conditions (1 page)  
3/17/21 Engineering Comments (2 pages)

**From:** [Carolyn Oberholtzer](#)  
**To:** [Adam Cannon \(PND\)](#)  
**Cc:** [Randy Schroeder](#)  
**Subject:** FW: Stipulations for Sunstreams V IUPD  
**Date:** Friday, March 19, 2021 7:21:44 AM

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Adam- please see the language below that we would like to add as a stipulation to our zoning case. I will present this to the Commission on Thursday.

Thanks!

Carolyn

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**From:** Carolyn Oberholtzer  
**Sent:** Tuesday, March 16, 2021 11:26 AM  
**To:** Mark Horlings <markhorlings@yahoo.com>  
**Subject:** Stipulations for Sunstreams V IUPD

Mark - hope it's a beautiful day in San Francisco. Following our conversation this morning we created the following set of stipulations to add to our zoning case. I will share with our case planner at the County as well but wanted to get them to you first.

- *Construction will be phased so that ground-disturbing activities will be conducted outside of the breeding season for LeConte's and Bendire's Thrashers (their nesting season is defined as January through June) to the greatest extent practicable.*
- *If ground-disturbing activities must be conducted during the breeding season, a preconstruction survey of suitable nesting habitat for LeConte's and Bendire's Thrashers would be performed by a qualified biologist prior to the commencement of ground-disturbing activities.*
- *If active LeConte's or Bendire's Thrashers nests are found, a spatial buffer would be established around the nest and monitored by the qualified biologist. Ground-disturbing activities within the buffer would be postponed until the qualified biologist confirms the nest is no longer active.*

Carolyn



# Maricopa County

## Planning & Development Department

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Bob.Fedorka@Maricopa.gov

**Date:** March 04, 2021 (*Revised 3/8/2021*) (*Revised 3/17/2021*)

**Memo To:** Darren Gerard, AICP, Deputy Director, Department of Planning & Development

**Attn:** Adam Cannon, Planner, Planning & Development Services

**From:** Robert Fedorka, P.E., Engineering Supervisor, Planning & Development Services

**cc:** Michael Norris, P.E., Engineering Manager, Planning & Development

**Subject:** Z2020075 – Re-Zone & IUPD for Sun Streams Solar Expansion  
(E3 Memo-Rev)

**Job Site Address:** 33102 W. Baseline Road, Tonopah

**APN(s):** Various // State Land

I have reviewed the 3<sup>rd</sup> submittal Plans and Drainage Report, routed for review on March 4, 2021, for the subject application. PND Engineering review has no objections subject to the following stipulations:

### STIPULATIONS

The following stipulations will apply:

1. Final design of drainage infrastructure shall be based on Rational Method calculations, except in situations where drainage areas significantly exceed 160 acres.
2. Drainage Waiver case DRB2021002 must be approved prior to issuance of building permits.
3. Detailed Grading and Drainage Plans showing the new site improvements must be submitted for the acquisition of building permits. On-site (solar field) areas must be designed in such a manner so that flows area directed to retention basin(s). Basin bleed-offs and overflows must be directed to well defined drainage corridors, to the maximum extent possible.
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Please contact me if you have any questions or require clarification of these comments.