



## Planning and Development Department

DATE: March 10, 2022

TO: Planning and Zoning Commission

FROM: Adam Cannon, AICP, Planner

SUBJECT: Z2021111 – Harquahala Sun  
Agenda Item: #4

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Since the publishing of the staff report for the above case, the applicant requested adjustments to the conditions of approval 'a' and 'e'. The specific conditions relate to the comment letter received by Luke Air Force Base on November 1, 2021 that requested the applicant route their request through the Department of Defense (DOD) siting clearinghouse process. Staff is supportive of these adjustments as the applicant is currently undergoing an informal review through the process and Staff does not expect much if any in the way of recommendations by the DOD for the applicant to implement that will substantially alter the development. Additionally, Staff is correcting a minor error in condition 'd.9.'.

Shown below are the revised conditions in leg-edit format with new language underlined and bolded and removed language struck-through.

- a. The initial Plan of Development shall be developed in substantial conformance with the Site Plan entitled "Harquahala Sun Site Plan" consisting of 17 full-size sheets, dated March 1, 2022, and stamped received March 1, 2022, ~~except as modified by the following conditions and except that a revised site plan shall be submitted to Staff and Luke Air Force Base for review and approval if required by Luke Air Force Base in accordance with Luke Air Force Base comments dated November 1, 2021. The Plan of Development may be amended administratively under separate application as long as the amendment complies with the established IUPD development standards as approved by the Board of Supervisors.~~ Staff may determine slight refinements to remain in substantial conformance with the approved site plan. Minor and major amendments to the site plan will be determined in accordance with Chapter 3 of the Maricopa County Zoning Ordinance.
- d. The following IND-2 IUPD Zoning District standards shall apply:
1. Maximum Electric Transmission Line Height – 140'
  2. Maximum Lot Coverage – 60%
  3. Parking Spaces Required – None required
  4. Loading & Unloading Spaces Required - None required

5. Landscaping – No landscaping strip required
  6. Sight Visibility Triangles – No sight visibility triangles are required at project site entry/access points and road intersection, section line, mid-section line or alignment corners
  7. Article 902.91 – All utility uses shall be permitted to be conducted outdoors
  8. Site Enclosure and Screening – Chain-link fencing and gates are permitted around the perimeter of the site boundaries except that opaque chain-link fencing with vinyl slats shall be required along any property line abutting a residential zoning boundary
  9. Pavement Required – Pavement not required for parking spaces with approval of a dust control plan by Maricopa County Air Quality Department. **Pavement shall be required**
- e. The ~~Owner or Developer~~ applicant shall ~~receive clearance~~ route their plans through the Department of Defense (DOD) siting clearinghouse process by Luke Air Force Base in accordance with the letter from Luke Air Force Base dated November 1, 2021, ~~and must receive a favorable finding from Luke Air Force Base following the process prior to the issuance of building permits.~~ Based on those findings, Aa revised site plan shall be submitted in accordance with condition 'a' if required.

Lastly, Staff would like to point out a correction in the Staff Report related to the generating capacity of 125 megawatts (MWs) of electricity. The correct amount is 150 megawatts (MWs).

Staff recommends **approval** of **Z2021111** subject to conditions 'a' – 'k' with the proposed additional conditions. Shown below are the proposed conditions in final format:

- a. The initial Plan of Development shall be developed in substantial conformance with the Site Plan entitled "Harquahala Sun Site Plan" consisting of 17 full-size sheets, dated March 1, 2022, and stamped received March 1, 2022, except as modified by the following conditions. Staff may determine slight refinements to remain in substantial conformance with the approved site plan. Minor and major amendments to the site plan will be determined in accordance with Chapter 3 of the Maricopa County Zoning Ordinance.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Harquahala Sun Narrative Report", consisting of 14 pages, dated February 25, 2021, and stamped received March 1, 2022 except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
  1. At the time of application for building permits, the plans or a drainage exhibit must identify (quantity) offsite flows entering the site,

2. At the time of application for building permits, retention basin design for basins located in a floodplain must be revised to provide excavated basins.
3. Retention basin volumes must be sized for the 100 year, 2 hour storm event. Retention basins must drain within 36 hours.
4. At the time of application for building permits, the weighted runoff coefficient to size retention basins must be verified and be based on C=0.95 for the panels, C=0.88 for gravel access roads; and C=0.5 for unimproved areas.
5. At the time of application for building permits, detailed grading and drainage plans must show diversions necessary to direct flows from solar development site to a retention basin. No flow from the solar development site shall be permitted to flow directly offsite (unretained).
6. Electrical equipment, including inverters must be elevated to be at or above the regulatory flood elevation for each respective flood zone; or otherwise floodproofed.
7. Work with the floodplains will require a floodplain use permit issued concurrent with the building permits.
8. Extension of the gen-tie across FCDMC owned properties will require procurement of a Flood Control District R/W permit.
9. Extension of the gen-tie within County (MCDOT) right-of-way may require procurement of a lease or license to occupy the right-of-way.
10. Driveways C and D along 491<sup>st</sup> Avenue, south of Courthouse Road must align.
11. The following R/W dedication and preservation will be required. R/W dedication must occur prior to issuance of building permits.

Dedication:

491<sup>st</sup> Avenue – 40' half width (80' full) right-of-way for a collector roadway  
Courthouse Road – 65' half width right-of-way

Preservation:

483<sup>rd</sup> Avenue – 40' half width right-of-way  
499<sup>th</sup> Avenue – 65' half width right-of-way

12. Based on the conceptual design nature of the information submitted, changes to the site layout may be necessitated by the final engineering design of the site's drainage infrastructure.
  13. Detailed Grading and Drainage (Site Infrastructure) Plans must be submitted with the application for Final Plat Approval and Building Permits.
  14. Engineering review of planning and/or zoning cases is for conceptual design only. 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 Zoning District standards shall apply:
1. Maximum Electric Transmission Line Height – 140'
  2. Maximum Lot Coverage – 60%
  3. Parking Spaces Required – None required
  4. Loading & Unloading Spaces Required - None required
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  7. Article 902.91 – All utility uses shall be permitted to be conducted outdoors
  8. Site Enclosure and Screening – Chain-link fencing and gates are permitted around the perimeter of the site boundaries except that opaque chain-link fencing with vinyl slats shall be required along any property line abutting a residential zoning boundary
  9. Pavement Required – Pavement not required for parking spaces with approval of a dust control plan by Maricopa County Air Quality Department.
- e. The applicant shall route their plans through the Department of Defense (DOD) siting clearinghouse process in accordance with the letter from Luke Air Force Base dated November 1, 2021. Based on those findings, a revised site plan shall be submitted in accordance with condition 'a' if required.
- f. The Owner or Developer shall address and respond to all recommendations of the Arizona Game and Fish Department (AZGFD) included in the letter dated February 24, 2022 at the time of construction permitting. The response shall be sent to AZGFD for review and consideration. The Zoning Inspector and/or their designee shall review the applicant's response, and any subsequent comments received from AZGFD, to determine whether the response issued by the Owner or Developer addresses AZGFD

comments in good faith. Should the Zoning Inspector and/or their designee decide that the Owner or Developer has not substantially addressed AZGFD comments in good faith, the Owner or Developer shall be required to propose and implement alternatives to the recommendations made by AZGFD.

- g. The Owner or Developer shall receive approval of a Cultural Resource Survey accordance with the comments received by AZSHPO in the letter dated July 8, 2021 prior to the issuance of building permits.
- h. The IND-2 IUPD shall limit the use of the site exclusively to a solar electric generating facility including ancillary offices and ancillary uses. Any other site uses shall require a Zone Change Major Amendment.
- i. 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.
- j. 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.
- k. 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 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.

Attachments: N/A