



NAVAJO COUNTY PUBLIC WORKS DEPARTMENT
PLANNING & ZONING

STAFF REPORT

PLANNING & ZONING

Hearing Date: October 17, 2019

Case No: 19-80

Action: Zoning Ordinance Amendment

Applicant: Planning & Zoning Staff

Project Name: Solar Energy Power Plants Zoning Ordinance Addition

TITLE:

Policy Discussion on Proposed Amendments to Zoning Ordinance Article 20.

RECOMMENDED ACTION:

Staff will be seeking Planning and Zoning Commission direction on any policy issues associated with proposed amendments to Article 20 of the Navajo County Zoning Ordinance.

EXECUTIVE SUMMARY:

This request is intended to start discussion and potentially come to a recommended resolution with the Planning and Zoning Commission on the amendments of Article 20 of the Navajo County Zoning Ordinance for the inclusion of regulations for Solar Energy Power Plants. With this request, staff will introduce the proposed amendments to the Planning and Zoning Commission, explaining the reason for them and why new amendments are being proposed. The Planning and Zoning Commission will be able to identify any policy issues that warrant a more in-depth discussion, either at the current meeting, or in a future meeting.

COMPREHENSIVE PLAN:

The Navajo County Comprehensive Plan supports the update and amendment of the Navajo County Zoning Ordinance with the following goal(s) (policies only included where needed to clarify a goal):

Goal 2: To administer the Land Use Element of the Navajo County Comprehensive Plan so as to further the purposes of the Plan.

Policy 2-C: Revise the Navajo County Zoning Ordinance, as desired and necessary, to support newer aspects of this Comprehensive Plan, including possible addition of new and different

commercial districts, revision of development standards to mitigate impacts between uses, etc.

Goal 3: To preserve and protect archaeological and historic resources for their aesthetic, scientific, educational, and cultural value.

Policy 3-A: Where probable cause for discovery of cultural or archaeological resources exists, encourage property owner(s) to contact the Arizona State Historic Preservation Office.

Goal 4: Improve the overall appearance of the County.

Policy 5-A: Maintain natural scenic qualities of the County by identifying and protecting cultural resources; protecting wildlife habitat; natural plant communities and riparian areas; and encouraging protection of scenic vistas.

POLICY AMENDMENT:

The amendments identified by staff may require a more in-depth policy discussion with the Planning and Zoning Commission and are summarized in the tables in the first attachment (The Planning and Zoning Commission may also identify additional policy issues as they review the proposed amendment).

Attached are two documents that contain all the amendments proposed for the addition of assisted living facility regulations and definitions within the Navajo County Zoning Ordinance, including:

- The additions to the Zoning Ordinance in Article 20.
- A track changes version of the amendment to Article 20.
- A clean version with all changes accepted for the addition to Article 20.

**Summary of Policy Issues
Proposed Amendments to the Zoning Ordinance
Article 20 (Special Uses)**

Article 20 (Special Uses)

Policy Question(s)

- Should there be the addition of requirements and regulations for utility scale energy facilities such as Solar Energy Power Plants within Navajo County’s Zoning Ordinance under Article 20?

Existing Zoning Ordinance	Proposed Amendment to the Zoning Ordinance
The current Zoning Ordinance allows for the Special Use of, “Electric power generating plants and facilities, including but not limited to those operated by nuclear or fossil fuel or solar, wind or geothermal energy.”	Much like the previously passed Wind Energy Generation Facilities Ordinance, the proposed amendment is looking to add clarity to regulations and necessary documentation for large-scale energy operations like Solar Energy Power Plants as a Special Use in order to create a smoother, more transparent application and public process.

Analysis:

The Navajo County Zoning Ordinance currently allows for facilities such as Solar Energy Power Plants if they are approved for the Board of Supervisors for a Special Use Permit. The addition of requirements and regulations will do nothing specifically to alter this. The intent of these additions is to add greater guidance and clarity as to what are expected from utility scale solar facility proposals so that applicants are able to proceed through the Special Use Permit process in a clear and timely fashion. The addition of these guidelines will serve much in the same way as the previously adopted Wind Energy Generation Facilities Ordinance.

RESOLUTION NO. 19-80P

A RESOLUTION OF THE NAVAJO COUNTY PLANNING & ZONING COMMISSION, RECOMMENDING AN AMENDMENT TO THE NAVAJO COUNTY ZONING ORDINANCE

WHEREAS, Planning & Zoning Staff has recommended the amendment of the Navajo County Zoning Ordinance, adding provisions for Solar Energy Power Plants to Article 20.

WHEREAS, a duly noticed public hearing on said amendments was held by the Planning & Zoning Commission on October 17, 2019; and

WHEREAS, the Commission finds that said amendments are in the public interest and should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Planning & Zoning Commission recommends to the Board of Supervisors that Article 20 should be amended within the Navajo County Zoning Ordinance as follows:

SECTION 1. That Article 20 is hereby amended as follows (new text is shown in underline, and text proposed to be deleted is shown as ~~strikeout~~):

Section 2009: Solar Energy Power Plants

1. Introduction and Purpose

The purpose of this section is to:

- Specify Special Use Permit application requirements for the development of utility-scale solar energy projects.
- Establish standards for the permitting, construction, operation, maintenance, and decommissioning of utility-scale solar energy generation facilities.

This section does not apply to personal or institutional solar energy generation equipment that is intended to generate electricity or heat water for use primarily on the property on which the equipment is located.

2. Definitions

The following terms are defined as follows for purposes of this section. Other definitions may be found in Article 30.

Director: The duly appointed Director of Planning & Zoning Department of Navajo County, Public Works Director or designee.

SUP: A Special Use Permit approved by the Board of Supervisors pursuant to this section and the other applicable provisions of this ordinance.

Project boundary: The boundary of a Solar Energy Power Plant as set forth in the project site plan and incorporated into the SUP

Setback distance: The distance from the closest point of a structure to the nearest property line, edge of a public road right-of-way or railroad right-of way, third-party transmission line, above-ground pipeline, communication tower, or other structure or other boundary established by Navajo County.

3. Zoning Districts in Which Allowed / SUP Required

Solar Energy Power Plants are only allowed in the A-General, Rural, and Industrial Zoning Districts, subject to securing a SUP and to the applicable site development standards set forth herein. The SUP application shall comply with the submittal application requirements of Navajo County for the particular project.

4. General Development Standards for Solar Energy Power Plants

- a. Parcel Size:** Solar Energy Power Plants shall be permitted on all parcels in the allowed Zoning Districts regardless of size, provided that all applicable site development standards can be met.
- b. Height:** Solar Energy Power Plants are subject to the height limits within their Zoning District.
- c. Setbacks:** Setbacks for Solar Energy Power Plants shall be, at minimum, twice the minimum setback allowed for permitted and accessory uses or the height of the tallest structure, whichever is greater.
- d. Distance Between Structures:** There shall be no minimum distance required between Solar Energy Power Plant components.
- e. Construction:** Building permits are required for all Solar Energy Power Plants. All Solar Energy Power Plants must comply with the prescriptive requirements of the National Electric Code (NEC).
- f. Grading:** Grading of a project site may not commence until required State and Federal approvals are in place and assurances for site restoration are approved.
- g. Decommissioning:** Prior to commencement of construction, the applicant shall submit a decommissioning plan, to include:
 - (1) Plan:** A plan for the removal of the facilities and restoration of the site. This plan must address the anticipated life of the project, how all safety hazards created by the installation and operation of the Solar Energy Power Plant shall be removed, and how the site shall be restored to its pre-project condition to the extent reasonably possible.
 - (2) Bond:** The SUP holder shall maintain a decommissioning bond in the amount of the full decommissioning cost at the end of the anticipated life of the project and net of salvage value, as estimated by a Professional Engineer registered in the State of Arizona. Said bond shall be reviewed and approved as to form, substance, and amount by the Public Works Department. The engineer's estimate of decommissioning cost shall be renewed no less than every five years by a Professional Engineer registered in the State of Arizona, and a

copy of each renewed estimate shall be provided to the Public Works Department for review and approval. The decommissioning bond shall be adjusted in accordance with the renewed cost estimate within 30 days after approval by the Public Works Department. The SUP holder shall provide proof that the bond is in place no later than the date of the commencement of construction. Bond(s) shall be provided for the benefit of Navajo County and all private lessors on whose land any portion of the project will be located. This requirement shall be a condition of approval of the SUP. The Board of Supervisors, upon the recommendation of the County Attorney and the Director of Public Works, may approve variations from the requirements of this paragraph if warranted by the particular circumstances of a project.

h. Ceasing of Operations: If the project ceases to perform its intended function for more than twelve (12) consecutive months, the project shall be removed, and the site restored in accordance with the decommissioning plan.

5. Application and Meeting Standards

a. Pre-application Meeting: Because additional information may be required for effective review, a pre-application meeting with a representative from the Department is recommended. The level of detail and analysis necessary is dependent on the type of project proposed, its location, and the currently available information relevant to the proposal.

b. Information Meeting: For a solar project that can generate five (5) MW or more, the project applicant is responsible for holding at least one informal community meeting within the County, as near project location as is practicable, to inform the public about the proposed Solar Energy Power Plant. The project applicant shall provide public notice of the community meeting through written letter by first-class mail to owners of the property within one (1) mile, or by publication in a newspaper of general circulation in the community affected, and electronic notification to persons who have placed their names on a notification list maintained by the Department. The meeting may be held before the project application is deemed complete and must be held a minimum of four weeks before the meeting at which the Planning and Zoning Commission hears the project proposal. The applicant will provide the Department a copy of the attendance list from the meeting and any written comments received by the applicant no more than five business days after the information to be provided to the Commission in advance of the Commission hearing. A copy of written comments received by the applicant after the community meeting will be provided to the Department as soon after the meeting as is practicable.

c. Application: Minimum information to accompany an application for a Special Use Permit will be determined by the Director. The application shall provide a standard Special Use Permit application accompanied by a narrative description sufficient to adequately describe the proposal and its impacts. The application should include:

- (1) Existing power infrastructure.** Identify the location of the proposed interconnection to a utility, the utility company to which the project will connect, and the voltage of the power line to which the project will connect. If the proposed interconnect site is not on the project property, the distance between the property and the interconnect site and whether there are existing utility lines or easements for that purpose. The applicant should provide a letter

from the utility company indicating whether the proposed interconnect location is acceptable to the utility and whether the existing power lines are sufficient to carry the proposed production. If a letter from the utility company is not available, an approval may be conditioned to require approval of the interconnection by the utility prior to the issuance of any County permits.

- (2) Photographs or other graphic representations of the site as it presently exists and with the project superimposed from at least two perspectives.
- (3) A statement of the maximum megawatts proposed to be produced by the project, the total square footage of buildings to be constructed, and the maximum number of solar panels.
- (4) Length of roads and power lines that will require construction or upgrading and transportation impacts.
- (5) A list of all property owners within one (1) mile of the project, and within one-half (1/2) of a mile of the route of any power line necessary to make the interconnection.
- (6) A list of permits, approvals, or other actions that the applicant has requested or will request from other government agencies or from public or privately-owned utility companies. If these approvals are unknown or not available at the time of application, an approval may be conditioned upon obtaining the required approvals prior to the issuance of any permits.

SECTION 2. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 3. Clerical Corrections

The County Clerk is hereby authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary related to this ordinance as amended herein, and to make formatting changes needed for purposes of clarity and form, or consistency, within thirty (30) days following adoption by the Board of Supervisors.

SECTION 4. Effective Date

This ordinance shall become effective thirty (30) days following adoptions by the Board of Supervisors.

PASSED AND ADOPTED by the Planning & Zoning Commission by a vote of

_____ yeas and _____ nays on October 17, 2019.

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Secretary, Navajo County
Planning & Zoning Commission

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