



As stipulated by the Board of Supervisors, the following are conditions of approval for Special Use Permit 23-17:

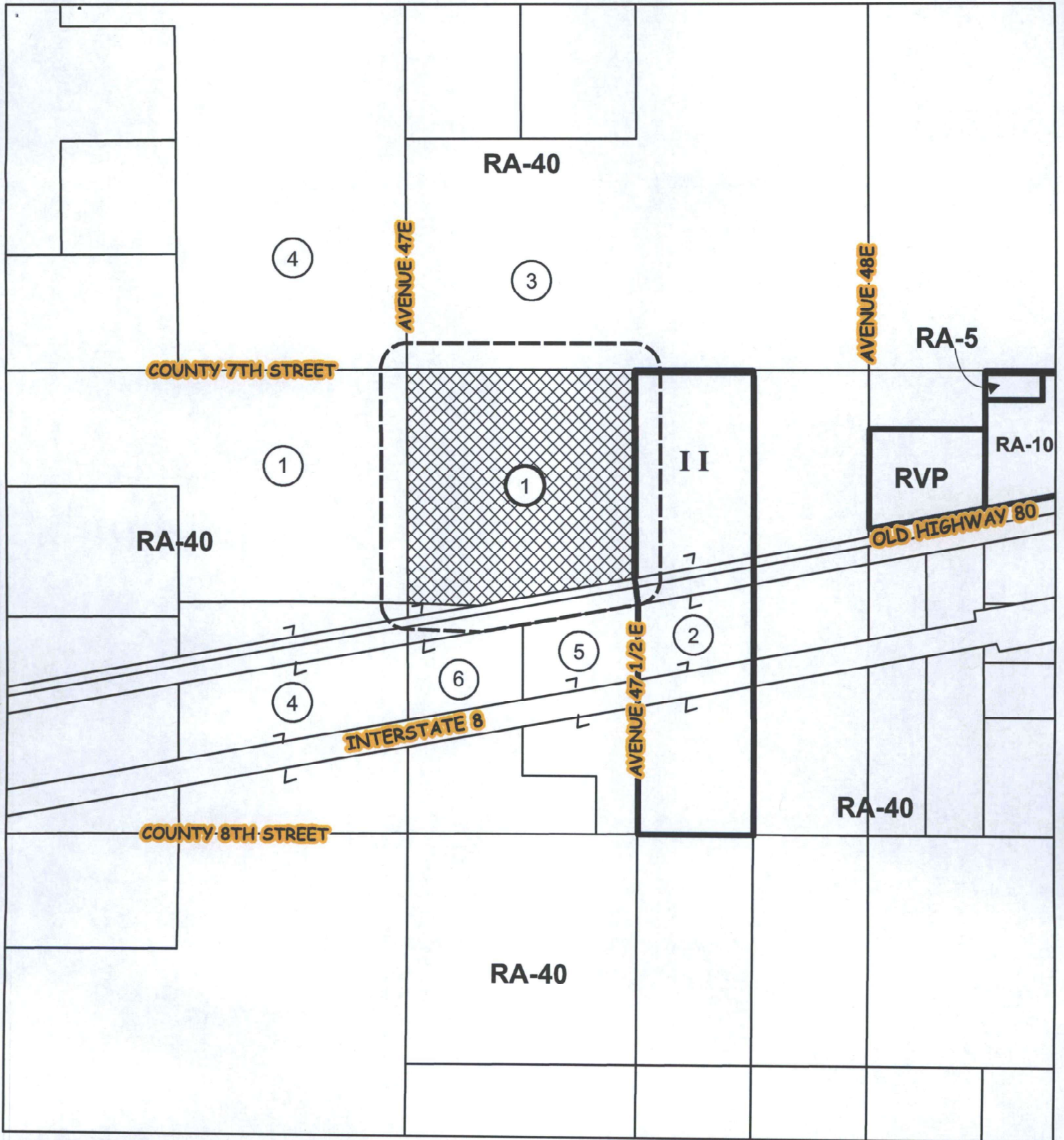
**Performance Condition.**

- 1) Within 60 days of the Board of Supervisors approval, the owner or applicant, must provide the following documents:
  - a) A.R.S. §12-1134 waiver.
  - b) Record an infrastructure disclosure statement
  - c) Record an Instrument Route-218 disclosure statement

**Operational Conditions.**

- 1) The owner/operator shall maintain and make copies available to Yuma County, current copies of all permits and notices from submissions to any federal, state, or local regulatory authority.
- 2) The owner/operator shall employ a chief safety professional and provide a 24-hour emergency contact phone number.
- 3) The approval of the Special Use Permit is based on the site plan submitted by the applicant. Any change from the site plan will require approval by the Planning Director pursuant to the Yuma County Zoning Ordinance.
- 4) The applicant must install and maintain a security fence with a minimum of seven feet in height along the perimeter of the area of the installation of solar panel modules.
- 5) The applicant must install and maintain a sign warning of the high voltage associated with the solar farm at the entrance to the facility. The sign must also provide the emergency contact information.
- 6) Prior to construction, applicant must provide to the Planning Director evidence of a valid decommissioning bond; if not verifiable to the County's satisfaction, then, the applicant / SUP holder shall maintain a bond in the amount of the full decommissioning cost at the end of the anticipated life of the project, 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 Yuma County Engineer. 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 County Engineer for review and approval. The decommissioning bond shall be adjusted in accordance with the renewed cost estimate within 30 days after approval by the County Engineer.

- 7) Prior to construction, a Traffic Impact Analysis (TIA) shall be completed per Yuma County Public Works Volume 4, Section 4.5; covering expected construction period, and it shall be completed in accordance with Section 204 of the Arizona Department of Transportation's traffic engineering guidelines and processes (TGP), which analysis shall address: A) projected daily average traffic volumes, peak morning, and afternoon hourly traffic volumes for privately-owned vehicles during construction along with any variations anticipated during construction; B) volumes, weights, and maximum lengths for trucks; C) directional analysis of the traffic; D) a queuing analysis according to the TGP; and, E) any recommendations for mitigations measures. Yuma County will manage and solicit bids. The Developer shall construct all required improvements recommended by the TIA.
- 8) The Special Use Permit shall be valid for a period not to exceed thirty (30) years from the date of approval by the Board of Supervisors.



**DEPARTMENT OF  
DEVELOPMENT  
SERVICES**

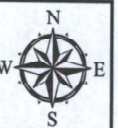
PLANNING & ZONING DIVISION  
2351 W. 26TH STREET  
YUMA, AZ 85364

FOR INFORMATION ONLY - NO LIABILITY ASSUMED




**CASE NO:** SUP23-17  
**LOCATION:** WITHIN THE VICINITY OF  
**APNs:** OLD HIGHWAY 80 & AVE. 47-1/2 E  
188-20-001

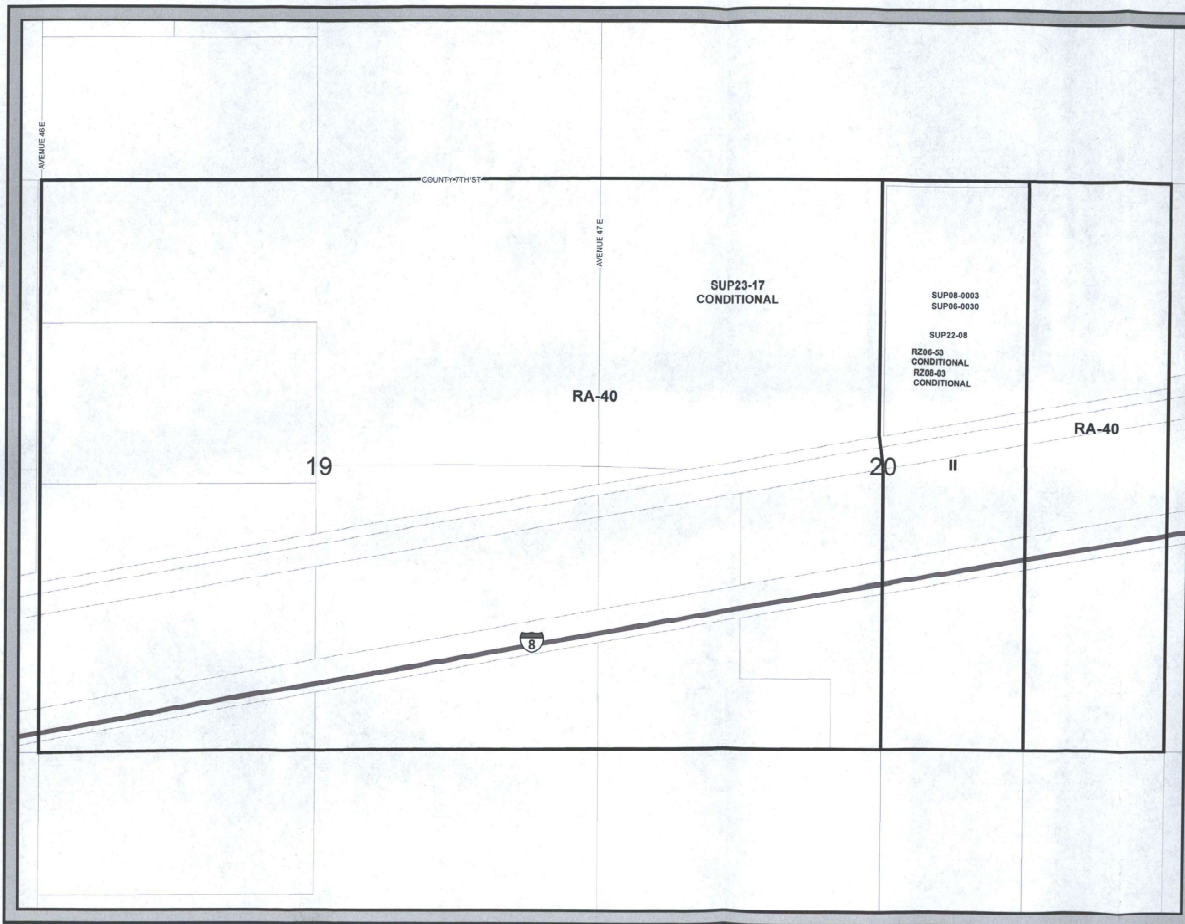
**Case Planner: Javier Barraza.**  
**Drawn by : Javier B On 11-06-2023**  
**Reviewed: Javier B 11-06-2023**

**SCALE**  
1" = 1500'



**Legend**

-  Subject Property
-  300' NOTIFICATION AREA
-  Municipality

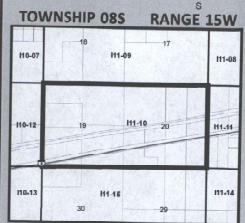
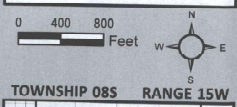


# OFFICIAL ZONING MAP

## Map Sheet 111-10

### LEGEND

-  Zoning
-  Parcels



INFORMATION TECHNOLOGY SERVICES  
 3201 WEST 26TH STREET - YUMA, AZ 85364 - 924.817.2000  
 THIS IS AN UNOFFICIAL ZONING ATLAS. FINAL FOR INFORMATION ONLY. NO LIABILITY ASSUMED.

1.

**Yuma County Board of Supervisors**  
**NOTICE of OFFICIAL BOARD ACTION (NOBA)**  
**REZONINGS, SPECIAL USE CASES, MAJOR & MINOR AMENDMENTS,**  
**SUBDIVISION REGULATION MODIFICATIONS, and COMMISSION INITIATIVES\***  
*\*Non-Zoning Ordinances/Amendments*

11-1

Meeting Date: 02-05-24	To:	P&Z DIRECTOR MAGGIE CASTRO	Date sent: 02/06/24
Item No: ZE 1	Agency:	DEVELOPMENT SERVICES	

**Agenda Wording:** *Development Services/Planning & Zoning Division: Special Use Permit Case No. 23-17: Evelution Energy LLC requests a Special Use Permit per Section 601.03(T) of the Yuma County Zoning Ordinance to allow a solar power generating facility and associated equipment on a parcel 154.0 gross acres in size zoned Rural Area-40 acre minimum (RA-40), Assessor's Parcel No. 188-20-001, located on the northwest corner of the alignment of Avenue 47½ E and Old Highway 80, Tacna, Arizona.*

**2. RECORD OF ACTION(S)**

**Public hearing conducted:** In matters requiring public hearing, this certifies the below constitutes official action after a legally advertised public hearing and duly called meeting of the Yuma County Board of Supervisors (or Board of Directors per agenda wording) and will be recorded without amendment or modification in the official records of said political body. •Public comments: \_\_\_ In favor \_\_\_ Opposed \_\_\_ Neutral  No comments

Approved on Consent.     Approved as recommended by Staff.  
 Approved recommendation of Planning Commission.  
 Denied                       No Action  
 Approved as amended\*:  Other: \_\_\_\_\_  
 \*Amendment: \_\_\_\_\_

**Vote Results:**

DS Motion    TR Second     Passed  
 Voice Vote: 5 Ayes    0 Dissent  
 Roll Call: \_\_\_\_\_ Ayes    \_\_\_\_\_ Nays  
 Supermajority Vote Required

CONDITIONS OF APPROVAL: Performance Condition #1  
Operational Conditions #1-8

<input type="checkbox"/> Item continued:	Date & Time:	<input type="checkbox"/> Agency submits AIR-Form for future meeting.
<input type="checkbox"/> Public Hearing set:	Date & Time:	<input type="checkbox"/> Agency submits AIR-Form for future meeting.

**3. CLERK OF THE BOARD CERTIFICATION**

Signature: <u>Desarue Woten, Deputy Clerk for:</u> Ian McGaughey, County Administrator/Clerk of the Board	Date: 02-05-24
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**4. FOLLOW-UP (FU) ACTIONS REQUIRED:**

Agency notifies agent/applicant regarding Board action.  
 Agency\*     Clerk of Board causes publication of \_\_\_\_\_  
 Agency     Clerk of Board causes recordation of (list): \_\_\_\_\_  
 Other instructions/actions: \_\_\_\_\_

For minor and major amendments only: The Certification of Minutes will be forwarded under separate cover after the minutes for this meeting have been approved on \_\_\_\_\_.

ENCLOSURES	<input type="checkbox"/> Resolution: <input type="checkbox"/> Original(s) <input type="checkbox"/> Copy(ies) <input type="checkbox"/> Resolution will be recorded <input type="checkbox"/> Resolution will not be recorded
	<input type="checkbox"/> Other (list): _____
COPIED TO	<input type="checkbox"/> County Attorney <input checked="" type="checkbox"/> Craig Sellers <input checked="" type="checkbox"/> Javier Barraza <input type="checkbox"/> Others (list): _____

**Questions/information regarding this agenda item contact:**

Name/Title: <u>Amber Simonds Admin Tech</u>	Phone #: <u>373-1009</u>
---	--------------------------

**PLANNING & ZONING AGENDA:** Full legal descriptions of property sites for all Rezoning Cases are available for public review at the Yuma County Board of Supervisors' Office.

**EXPEDITED REZONING and PUBLIC HEARINGS:** These items will be opened as a group for public hearings and acted upon by one motion to adopt the recommendation of the Planning & Zoning Commission, except for any item that is removed by a Board member for separate consideration. That item will be discussed and acted upon separately following action on expedited items.

**No. 1: Development Services/Planning & Zoning Division:**

**Special Use Permit Case No. 23-17: Evelution Energy LLC requests a Special Use Permit per Section 601.03(T) of the Yuma County Zoning Ordinance to allow a solar power generating facility and associated equipment on a parcel 154.0 gross acres in size zoned Rural Area-40 acre minimum (RA-40), Assessor's Parcel No. 188-20-001, located on the northwest corner of the alignment of Avenue 47½ E and Old Highway 80, Tacna, Arizona.**

Chairman Porchas opened the public hearing. No comments were received. The public hearing was closed.

MOTION (SIMMONS/REYES): Approve as recommended

VOICE VOTE: The motion carried 5-0.

**The following conditions were approved:**

**Performance Condition:** 1) Within 60 days of the Board of Supervisors approval, the owner or applicant, must provide the following documents: a) A.R.S. §12-1134 waiver. b) Record an infrastructure disclosure statement c) Record an Instrument Route-218 disclosure statement

**Operational Conditions:** 1) The owner/operator shall maintain and make copies available to Yuma County, current copies of all permits and notices from submissions to any federal, state, or local regulatory authority. 2) The owner/operator shall employ a chief safety professional and provide a 24-hour emergency contact phone number. 3) The approval of the Special Use Permit is based on the site plan submitted by the applicant. Any change from the site plan will require approval by the Planning Director pursuant to the Yuma County Zoning Ordinance. 4) The applicant must install and maintain a security fence with a minimum of seven feet in height along the perimeter of the area of the installation of solar panel modules. 5) The applicant must install and maintain a sign warning of the high voltage associated with the solar farm at the entrance to the facility. The sign must also provide the emergency contact information. 6) Prior to construction, applicant must provide to the Planning Director evidence of a valid decommissioning bond; if not verifiable to the County's satisfaction, then, the applicant / SUP holder shall maintain a bond in the amount of the full decommissioning

cost at the end of the anticipated life of the project, 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 Yuma County Engineer. 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 County Engineer for review and approval. The decommissioning bond shall be adjusted in accordance with the renewed cost estimate within 30 days after approval by the County Engineer. 7) Prior to construction, a Traffic Impact Analysis (TIA) shall be completed per Yuma County Public Works Volume 4, Section 4.5; covering expected construction period, and it shall be completed in accordance with Section 204 of the Arizona Department of Transportation's traffic engineering guidelines and processes (TGP), which analysis shall address: A) projected daily average traffic volumes, peak morning, and afternoon hourly traffic volumes for privately-owned vehicles during construction along with any variations anticipated during construction; B) volumes, weights, and maximum lengths for trucks; C) directional analysis of the traffic; D) a queuing analysis according to the TGP; and, E) any recommendations for mitigations measures. Yuma County will manage and solicit bids. The Developer shall construct all required improvements recommended by the TIA. 8) The Special Use Permit shall be valid for a period not to exceed thirty (30) years from the date of approval by the Board of Supervisors.

**No. 2: *Development Services/Planning & Zoning Division:***

**Special Use Permit Case No. 23-18: Mario and Angeline Garcia request a Special Use Permit per Section 602.03(E) of the Yuma County Zoning Ordinance to allow an accessory dwelling unit on a parcel 2.35 acres in size zoned Suburban Ranch-2 acre minimum (SR-2), Assessor's Parcel No. 754-45-011, located at 2770 West County 17½ Street, Somerton, Arizona.**

The following conditions were approved:

**Performance Condition:** 1) Within 60 days of approval by the Board of Supervisors, the owner or agent shall: (a) Record an agriculture disclosure statement (b) Record an aviation disclosure statement (c) Record an Infrastructure disclosure statement

**Operational Condition:** 1) The approval of the Special Use Permit is based on the site plan submitted by the applicant. Any change from this site plan requires prior approval by the Planning Director.

**DISCUSSION REGARDING LEGISLATIVE ISSUES:**

**No. 1: *County Administration:*** Discussion and possible action regarding State and Federal legislative updates, which may include international issues, status of bills affecting Yuma County, timelines and composition of the legislatures, and legislative strategies and priorities.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Evolution Energy Corp  
 17680 LAS REPOSAS, ST. 140  
 RANCHO SANTA FE, CA 92067



9590 9402 1207 5246 3393 09

2. Article Number (Transfer from service label)  
 7015 1520 0000 8651 8946

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 *Anita Lalani*  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*Anita Lalani*

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

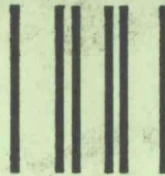
3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

USPS TRACKING #



SAN DIEGO CA 920

5 FEB 2024 PM 2 L

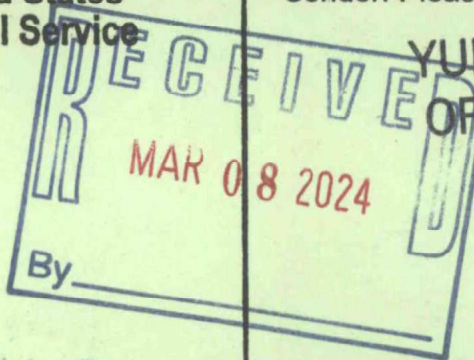


First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 1207 5246 3393 09

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•



YUMA COUNTY DEPARTMENT  
OF DEVELOPMENT SERVICES  
2351 W 26TH STREET  
YUMA, AZ 85364

SUP23-17 BUS JB

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Evektion Energy Corp  
17880 LAS Repolas, STE 110  
Santa Fe, CA 92067



9590 9402 8259 3094 2103 77

2. Article Number (Transfer from service label)

7021 2720 0001 0024 2457

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

USPS TRACKING #



9590 9402 8259 3094 2103 77



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

YUMA COUNTY DEPARTMENT  
OF DEVELOPMENT SERVICES  
2351 W 26TH STREET  
YUMA, AZ 85364

JB

8UP23-17

Richard Colwell County Recorder, YUMA County AZ



Please send original to:  
Department of Development Services  
C/O Javier Barraza, Senior Planner, SUP23-17  
2351 W. 26<sup>th</sup> Street  
Yuma, AZ 85364

**DISCLOSURE STATEMENT  
(Restricted Airspace and/or Military Training Routes)**

YUMA COUNTY RANGE DISCLOSURE – The undersigned acknowledges that as a result of the subject property being located under Restricted Airspace and/or Military Training Routes, occupants may be subjected to discomfort, inconvenience and vibrations from military aircraft operations associated with the nearby Marine Corps Air Station/Yuma International Airport and/or Yuma Proving Ground (YPG) Libby Army Airfield. Occupants should be prepared to accept aircraft flyovers at altitudes as low as 200 feet Above Ground Level (AGL) as normal and necessary to the functioning of the Air Station/Airport and Proving Ground.

The terms and conditions indicated above apply to the property described as follows:

Legal Description: Section: 20 Township: 08S Range: 15W; NW4 Less Railroad and Highway 80 right-of-way of the Gila & Salt River Base & Meridian, Yuma County, Arizona

NAVAID ALAM

STATE of ARIZONA            )  
  ) ss.  
County of YUMA                )

Subscribed and sworn to before me this 2<sup>nd</sup> day of April, 2024 by

Lezli Mendoza ~~and~~ \_\_\_\_\_

My Commission Expires: 02/22/2027

\_\_\_\_\_  
Notary Public



**Applicant and/or Agent shall: Sign, Notarize and Record this statement.**

**Yuma County Recorder will send original to:  
Department of Development Services  
C/O Javier Barraza, Senior Planner, SUP23-17  
2351 W. 26<sup>th</sup> Street  
Yuma, AZ 85364**

2024-07817 PZ DISCLOSURE STATEMENT  
04/02/2024 09:35:30 AM Pages: 1 Fees: \$30.00  
Requested By: ALAM NAVAID

Richard Colwell County Recorder, YUMA County AZ



### DISCLOSURE STATEMENT

YUMA COUNTY INFRASTRUCTURE DISCLOSURE – The undersigned acknowledges that Yuma County will be held harmless and not obligated to make improvements to the roadway infrastructure supporting these properties.

The terms and conditions indicated above apply to the property described as follows:

Legal Description: Section: 20 Township: 08S Range: 15W; NW4 Less Railroad and Highway 80 right-of-way of the Gila & Salt River Base & Meridian, Yuma County, Arizona

NAVAID ALAM

### Notarial Acknowledgement

STATE OF ARIZONA       )  
  ) ss.  
County of Yuma            )

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of April,  
2024 by lezli Mendosa and \_\_\_\_\_.



Amendoza  
Notary Public



Yuma County, Arizona  
**DEPARTMENT OF DEVELOPMENT  
SERVICES**

2351 W 26<sup>th</sup> Street, Yuma, Arizona 85364  
Phone (928) 817-5000  
Fax: (928) 817-5020

Craig Sellers, P.E.  
DDS Director  
(928) 817-5000

February 5, 2024

Evelution Energy Corporation  
C/o Navaid Alam.  
17880 Las Repollas, Suite 160  
Santa Fe, CA 92067

**Subject: Special Use Permit No. 23-17**

Dear applicant,

On February 5, 2024 the Yuma County Board of Supervisors **approved** your request for a Special Use Permit per Section 601.03(T) of the Yuma County Zoning Ordinance to allow a solar power generating facility and associated equipment on a parcel 154.0 gross acres in size zoned Rural Area-40 acre minimum (RA-40), Assessor's Parcel Number 188-20-001, located on the northwest corner of the alignment of Avenue 47½ E and Old Highway 80, Tacna, Arizona.

Subject to the following Performance Conditions and Operational Conditions:

**Performance Condition.**

- 1) Within 60 days of the Board of Supervisors approval, the owner or applicant, must provide the following documents:
  - a) A.R.S. §12-1134 waiver.
  - b) Record an infrastructure disclosure statement
  - c) Record an Instrument Route-218 disclosure statement

**Operational Conditions.**

- 1) The owner/operator shall maintain and make copies available to Yuma County, current copies of all permits and notices from submissions to any federal, state, or local regulatory authority.
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- 3) The approval of the Special Use Permit is based on the site plan submitted by the applicant. Any change from the site plan will require approval by the Planning Director pursuant to the Yuma County Zoning Ordinance.

- 4) The applicant must install and maintain a security fence with a minimum of seven feet in height along the perimeter of the area of the installation of solar panel modules.
- 5) The applicant must install and maintain a sign warning of the high voltage associated with the solar farm at the entrance to the facility. The sign must also provide the emergency contact information.
- 6) Prior to construction, applicant must provide to the Planning Director evidence of a valid decommissioning bond; if not verifiable to the County's satisfaction, then, the applicant / SUP holder shall maintain a bond in the amount of the full decommissioning cost at the end of the anticipated life of the project, 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 Yuma County Engineer. 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 County Engineer for review and approval. The decommissioning bond shall be adjusted in accordance with the renewed cost estimate within 30 days after approval by the County Engineer.
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- 8) The Special Use Permit shall be valid for a period not to exceed thirty (30) years from the date of approval by the Board of Supervisors.

**Pursuant to Section 402.05 (B)(1) – Validity of Permit: Approval of a special use permit application, as well as any County permit or approval granted pursuant to the approval, shall automatically become void if: The approval authorizes development that requires a building permit and the building permit has not been issued within two (2) years after the application's approval date. Extensions can be requested to the Planning Director.**

Sincerely,

Javier Barraza, Senior Planner

Attachments: NOBA, one disclosure statements (to be recorded)



QUORUM (9)  
MOTION: VAN W...  
2nd - Bob's  
NOTE - (90)

STAFF REPORT TO THE COMMISSION

December 19, 2023

**Special Use Permit Case No. 23-17**

**REQUEST:** A Special Use Permit per Section 601.03(T) of the Yuma County Zoning Ordinance to allow a solar power generating facility and associated equipment on a parcel 154.0 gross acres in size zoned Rural Area-40 acre minimum (RA-40), Assessor's Parcel Number 188-20-001, located on the northwest corner of the alignment of Avenue 47½ E and Old Highway 80, Tacna, Arizona.

**APPLICANT:** Evelution energy LLC

Application is within Supervisor District 3, Supervisor Darren Simmons. Planning Commissioners Scott Mulhern and Danny Bryant. Staff report prepared by Javier Barraza, Senior Planner.

**LOCATION:** From Yuma, take Interstate 8 (I-8) to Exit 42 and turn north (left) onto Avenue 40 E. Travel one quarter mile and turn east (right) on Highway 80 and travel 7½ miles. The property is located on the northwest corner of the alignment of Avenue 47½ E and Old Highway 80.

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**INTENT:** To develop a solar power generation facility and associated equipment.

**Project Description submitted by the applicant:**

The intent, is to build a 28.6 mw solar power plant which may include a thermal solar power unit and solar battery storage units as well. This solar power plant will be connected to the Cobalt Processing Facility being built on the adjacent parcel 188-20-002 which already has a special use permit for such use (SUP22-08). Such original special use permit for the cobalt processing facility contemplated the solar power plant being on Parcel 188-20-002 and such solar power plant is now being moved to parcel 188-20-001. The solar power plant will also connect to the Wellton Mohawk Irrigation and Drainage District (WMIDD) grid and supply excess solar power of up to 8 mw back to the WMIDD grid for use by the local farmers and other users of power supplied by WMIDD.

**SITE CONDITIONS:**

The property is undeveloped in desert terrain and is largely level. The subject property has legal and physical access from Highway 80.

**Surrounding zoning and land uses:** All parcels to the north, northwest, west, and south are zoned RA-40 and are in desert terrain. Parcel 2 to the east and southeast is zoned Intensive Industrial (RZ06-53 and RZ08-03) and is the future location of a cobalt sulfate production facility (SUP22-08).

The purpose of the RA zoning district is to conserve and preserve farms, agriculturally related resources, continued agricultural use and other open space land uses for fostering orderly growth in rural area, preventing urban and agricultural land use conflicts, and allowing rural lot development with an emphasis on preserving the character of farming communities. Permitted uses in this zoning district include residential uses on large parcel sizes, farms, agriculturally related land uses, and open space or recreational uses.

The subject property is located in the Dome Valley/Wellton County Planning Area of the 2030 Comprehensive Plan. The land use designation is Agricultural/Rural Preservation (A-RP) which allows a residential density of one dwelling unit per 40 acres. The RA zoning district allows public or private utility installations for gas, electric, water, and wastewater with a Special Use Permit therefore, approval of this request does not trigger an amendment to the Comprehensive Plan.

The subject property is under Restricted Airspace and Instrument Route-218. The Yuma County Zoning Ordinance, Section 202.00 defines Restricted Airspace as: *Airspace established pursuant to 14 CFR Part 73 that is assigned by the Federal Aviation Administration and identified by an area on the surface of the earth within which the flight of aircraft, while not wholly prohibited, is subject to restrictions. Restricted airspace denotes the existence of unusual, often invisible hazards to aircraft such as artillery firing, aerial gunnery, guided missiles, or unmanned aerial vehicles, and unauthorized use of restricted airspace may be extremely hazardous to an aircraft and its occupants.*

The soil type is the Rosita Sands. The Rositas series consists of very deep, somewhat excessively drained soils formed in sandy eolian material. Rositas soils are on dunes and sand sheets. Slope ranges from 0 to 30 percent with hummocky or dune micro relief. Mean annual precipitation is about 4 inches and the mean annual air temperature is about 72 degrees F. Rositas soils are used for rangeland and wildlife habitat, and growing citrus fruits, grapes, alfalfa, and truck crops. Present vegetation is creosotebush, white bursage, desert buckwheat and mesquite<sup>1</sup>.

### **CRITICAL ISSUES:**

The subject parcel is under the Dark Sky Overlay District (DSOD). The purpose of the DSOD is to protect and enhance the lawful nighttime use of property and to specify lighting practices and systems that will minimize the adverse man-made light pollution effects of sky-glow, glare and light trespass.

The subject property is not within the ten-minute response time by the Yuma County Sheriff's Department. The nearest substation is the Sheriff's substation District 5, which is located at 10260 Dome Street, Wellton, AZ., approximately 18 miles.

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<sup>1</sup> [https://soilseries.sc.egov.usda.gov/OSD\\_Docs/R/ROSITAS.html](https://soilseries.sc.egov.usda.gov/OSD_Docs/R/ROSITAS.html)

The subject property is not within the six-minute response time by the Rural Metro Fire Department. The closest station is the Tacna Volunteer Fire Department, located at 40140 East Missouri Avenue, Tacna, AZ., approximately 7.25 miles.

Required Conclusions from Yuma County Zoning Ordinance: (Section 402.01)

- 1. The proposed development will not materially affect or endanger the public health, safety or welfare.**

Staff finds the proposed solar power generating facility will not materially affect or endanger the public health, safety and welfare for the following reasons: The proposed solar power generation facility will support internal consumption of a future cobalt processing facility to be built on the parcel to the east. Any additional traffic and its effect will be addressed with a traffic impact analysis (TIA). The proposed use will be served with an on-site water system.

- 2. The proposed development complies with all regulations and standards applicable within the zoning district, specifically applicable to the particular type of special use or class of special uses.**

The proposed solar power generating facility is among those uses listed as an eligible use with the approval of a Special Use Permit in the RA-40 zoning district. The applicant shall comply with all applicable regulations and standards of the RA-40 zoning district including, but not limited to, setbacks, height, parking, buffering and screening, dark sky overlay district requirements, as well as recommended conditions. The site plan submitted with this request shows the proposed use will meet the zoning setbacks on all sides

- 3. The proposed development will not substantially change or materially affect the adjoining property or the surrounding area.**

Staff finds the development of the solar power generating facility will not substantially change or materially affect the surrounding area as the proposed development is surrounded by undeveloped land on the north, west and south. The nearest residential property is located 0.5 miles to the east which is zoned Recreational Vehicle Park and is currently undeveloped. Staff is recommending requiring a traffic impact analysis as a condition of approval to determine the volume of traffic and the road improvements needed to accommodate the potential increase in traffic.

- 4. The proposed development will be in harmony with the area in which it is located.**

Staff finds the proposed use will be in harmony with the area in which it is located since the subject property is surrounded by undeveloped land in desert terrain. This request is in compliance with the 2030 Comprehensive Plan's goals and objectives of the Dome Valley/Wellton Planning Area since it does not create a detrimental impact on the preservation of the local agricultural industry and feed lots. The proposed development will also require appropriate buffers to mitigate possible conflicts with surrounding land uses.

**ORDINANCES, CODES AND REGULATIONS THAT PERTAIN TO THE APPLICATION:**

- Yuma County 2030 Comprehensive Plan
- Yuma County Zoning Ordinance
- Yuma County Comprehensive Building Code
- 2003 International Fire Code
- Environmental Health Laws (ARS Titles 36 and 49)
- Yuma County Flood Control District
- Yuma County Public Works Standards Volumes I, II and III

**SUMMARY NOTES:**

Support Staff Summary: The application is on file along with the comments from Yuma County staff.

- Building Safety Division: Comments are pending.
- Engineering Department: Traffic Impact Analysis will be required per Yuma County Public Works Standards Volume 4 Section 4.5. The Developer shall construct all required improvements. The County manages the study and will solicit bids.
- Flood Control District: A grading permit will be required before any improvements begin.

LETTERS OF SUPPORT, OPPOSITION, AGENCY, MILITARY, SPECIAL INTEREST, etc.: Various agencies responded with a "no comment" or "satisfactory" response. The following agencies provided more specific comments:

- Arizona Game & Fish Department (AGFD): comments are pending.
- Wellton-Mohawk Irrigation and Drainage District (WMIDD): The proposed site is within the power service territory of the Wellton-Mohawk Irrigation and Drainage District (WMIDD), a political subdivision of the State of Arizona. WMIDD is aware of a planned cobalt processing facility at this site (SUP22-08). WMIDD has had no recent communication with Evelution Energy regarding this project. Refer to attached WMIDD comment letter for the remaining of the comment.
- Arizona Department of Transportation (ADOT) provided the following comment: ADOT requests the applicant complete a traffic study. Such a study would provide both ADOT and Yuma County an opportunity to review and comment on the project's effects on traffic along the state highway system and local roads. The study would not need to be a full blown traffic impact analysis meeting all the criteria in Section 240 of the Department's traffic engineering guidelines and processes (TGP). This section is available on-line at the webpage <https://azdot.gov/business/engineering-and-construction/traffic/guidelines-and-process>. All we need for this study are the projected daily average traffic volumes, peaks, morning and afternoon hourly traffic volumes for privately-owned vehicles during construction along with any variations anticipated during the construction period; volumes, weights, and maximum lengths for trucks; directional analysis of traffic; a queuing analysis according to the TGP; turning templates for the largest vehicles during construction, and recommendations for mitigation measures, if any. The study would allow ADOT and Yuma County to identify any road improvements needed to maintain safe and efficient traffic flow during the construction period.

- The Arizona Game and Fish Department (AGFD) provided the following comment: The Department recognizes the importance of planning efforts to develop renewable energy locations that contribute to regional and state economic growth needs and would like to work closely with the applicant and Yuma County during the planning and development of this facility. The Department recognizes that appropriate coordination, proper planning, and voluntary implementation of best management practices allow projects to be developed that avoid, minimize, or offset potential impacts to wildlife and recreational access during development and operation of the facilities. For your consideration, the Department provides the following comments based on the agency's statutory authorities, Public trust responsibilities, and special expertise related to wildlife resources and recreation. Arizona has recently seen an increase in the number of proposed and in development renewable energy generation projects and associated infrastructure. Although each of these projects individually may have a minimal impact on the broader landscape, these projects cumulatively could result in loss of habitat, impact wildlife movements, and affect wildlife-related recreation. Additionally, long-term effects to wildlife can extend several kilometers beyond the footprint of a solar project area (Sawyer et al. 2022). It is important to consider all potential cumulative effects and to Evaluate this project in association with other projects in the area. Department staff are available to assist in identifying potential cumulative impacts to wildlife and associated voluntary conservation measures that can be implemented for the project. The Department offers the following recommendations to reduce potential impacts to wildlife and habitat; See AGFD attached document.

**Citizen Comments:** As of the redaction of this staff report (11-14-2023), staff has not received comments about the request from the general public.

**Development Evaluation Checklist (DEC):** The Development Evaluation Checklist identifies the following Impact Categories: Conformance to Existing Plans; Land Use Compatibility; Natural Resources; Public Infrastructure; Natural Environmental Conditions; Manmade Environmental Conditions; and Health, Safety and Welfare. A point system is used to score whether a proposal should likely be approved or denied. Of a possible maximum score of 300, the total score for this proposal is **265**. A score of 250 to 274 represents a moderate score and a score falling in this category represents a proposal that likely contains some redeeming qualities but is lacking in one or more areas. Proposals within this score range typically should be more carefully considered.

The project site's remote location is the primary reason for the Development Evaluation Checklist score being less than 300. The proposed use is not the same or similar to the uses in the surrounding vicinity. The site is not situated within a 6-minute emergency response radius and a 10-minute sheriff department response radius.

### **CHRONOLOGY:**

11-06-2023	Application received
11-29-2023	Legal ad appears in the Yuma Daily Sun for the Planning Commission's public Hearing.
12-01-2023	Property posted for the Planning Commission's public hearing
12-01-2023	Public notice mailed to properties within 300 feet of the request, the City of Yuma

- and all relevant agencies/stakeholders
- 12-08-2023 Letter mailed informing applicant of item being placed on Planning Commission's public hearing agenda
- 12-08-2023 Staff report emailed to applicant and/or agent
- 12-19-2023 Planning Commission's public hearing.

**RECOMMENDATION:**

Staff recommends approval of this request for the following reasons: 1) The proposed development will not materially affect or endanger the public health, safety or welfare; 2) The proposed development will not substantially change or materially affect the adjoining property or the surrounding area; 3) The proposed development will be in harmony with the area in which it is located. Staff suggests attaching the following Operational and Performance Conditions.

**Performance Condition.**

- 1) Within 60 days of the Board of Supervisors approval, the owner or applicant, must provide the following documents:
  - a) A.R.S. §12-1134 waiver.
  - b) Recorded Agriculture disclosure statement.
  - c) Recorded infrastructure disclosure statement

**Operational Conditions.**

- 1) The owner/operator shall maintain and make copies available to Yuma County, current copies of all permits and notices from submissions to any federal, state, or local regulatory authority.
- 2) The owner/operator shall employ a chief safety professional and provide a 24-hour emergency contact phone number.
- 3) The approval of the Special Use Permit is based on the site plan submitted by the applicant. Any change from the site plan will require approval by the Planning Director pursuant to the Yuma County Zoning Ordinance.
- 4) The applicant must install and maintain a security fence with a minimum of seven feet in height along the perimeter of the area of the installation of solar panel modules.
- 5) The applicant must install and maintain a sign warning of the high voltage associated with the solar farm at the entrance to the facility. The sign must also provide the emergency contact information.
- 6) Prior to construction, applicant must provide to the Planning Director evidence of a valid decommissioning bond; if not verifiable to the County's satisfaction, then, the applicant / SUP holder shall maintain a bond in the amount of the full decommissioning cost at the end of the anticipated life of the project, 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 Yuma County Engineer. The