



COCHISE COUNTY PLANNING DEPARTMENT

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December 15, 2009

2009-30120

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Requested By: COCHISE COUNTY PLANNING DEPT

Christine Rhodes - Recorder

Cochise County, AZ

12-15-2009 04:04 PM Recordins Fee \$0.00

To whom it may concern:

I request 'Exhibit A' be recorded as an attachment to Zoning Ordinance 09-04 (recorded on 6 October 2009); at that time, 'Exhibit A' was not included with Zoning Ordinance 09-04.

Sincerely,

Michael Turisk
Senior Planner

2009-24455
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Requested By: COCHISE COUNTY PLANNING DEPT
Christine Rhodes - Recorder
Cochise County, AZ
10-06-2009 09:03 AM Recording Fee \$0.00

ZONING ORDINANCE 09-04

AMENDING THE COCHISE COUNTY ZONING REGULATIONS TO PERMIT SOLAR ENERGY SYSTEMS AND SOLAR ENERGY POWER PLANTS AS PERMITTED ACCESSORY USES AND SPECIAL USES AND ESTABLISHING SITE DEVELOPMENT STANDARDS AND PROVIDING CERTAIN EXEMPTIONS FOR THOSE USES

WHEREAS, it is the purpose of this Ordinance to promote the safe, effective and efficient use of solar energy systems and solar energy power plants to reduce on-site consumption of utility-supplied electricity; and

WHEREAS, the Cochise County Board of Supervisors recognizes that:

- (1) Solar energy is an abundant, renewable and non-polluting energy resource;
- (2) Converting solar energy to electricity will reduce our dependence on non-renewable energy resources and decrease air and water pollution that results from the use of conventional energy sources; and
- (3) Distributed solar energy development will help diversify the County's energy supply portfolio and help the County participate in achieving State-mandated renewable portfolio standard targets; and
- (4) Facilitating distributed solar energy development will encourage grid-connected and off-the-grid property owners in achieving energy independence; and
- (5) Establishing development standards to facilitate permitting, installation, construction and operation of residential-scale and utility-scale solar energy facilities subject to reasonable restrictions, are intended to preserve public health, safety and environmental quality; and

WHEREAS, Arizona's Renewable Portfolio Standards (RPS) require each supplier/provider that sells electricity to retail customers in Arizona to provide a percentage of their retail electricity sales from renewable energy sources, beginning in 2001 and increasing to 15% by 2025; and

WHEREAS, electric energy producers in the County will seek new sources for solar energy power generating facilities which are not currently well-defined by the County's Zoning Regulations; and

WHEREAS, the Planning and Zoning Commission held a duly noticed public hearing on the proposed amendments to the Zoning Regulations, hereby known as Docket R-09-04, which will facilitate the development of solar power facilities for both residential and commercial use, and attached hereto as Exhibit A; and

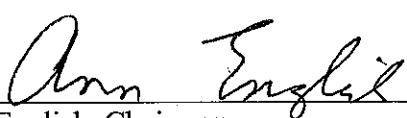
WHEREAS, existing local zoning regulations do not adequately address residential- and utility-scale solar energy development; and

WHEREAS, the Board of Supervisors finds that it is necessary to standardize the requirements for solar energy systems and solar energy power plants so that this clean, renewable energy resource can be utilized in a cost-effective and timely manner in our County,

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Cochise County Zoning Regulations be amended to define solar energy systems and solar energy power plants as distinct land use categories.


IT IS FURTHER RESOLVED that said regulations be amended to establish where such solar energy systems and solar energy power plants shall be permitted as either principal accessory or special uses, and to establish site development standards and certain exemptions for those uses as described in Exhibit A.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this 22nd day of September, 2009.



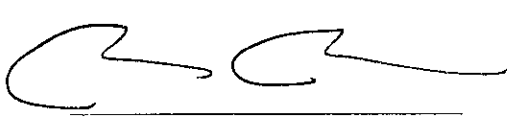
Ann English, Chairman 9-22-09
Cochise County Board of Supervisors

ATTEST:



Katie A. Howard,
Clerk of the Board

APPROVED AS TO FORM:



Adam Ambrose,
Civil Deputy County Attorney

EXHIBIT "A" TO ORDINANCE 09-04

AMENDMENTS TO THE COCHISE COUNTY ZONING REGULATIONS FOR SOLAR ENERGY SYSTEMS AND SOLAR ENERGY POWER PLANTS

Article 18 (Site Development Standards) should be amended to add Sections 1823 (Solar Energy Systems) and 1824 (Solar Energy Power Plants).

Article 2 (Definitions)

Article 2 (Definitions) should be amended to add the following:

Solar Energy System – A device or devices, structural design feature, series of mechanisms, or combinations thereof, designed for the primary purpose of producing electrical or mechanical power for use primarily on premises; some conveyance of electricity to the grid is allowed.

Solar Energy Power Plant – A commercial-scale solar energy system, the purpose of which is to supply solar-generated electricity to off-site consumers; accessory structures may include buildings, substations and associated electrical infrastructure. The term does not include stand-alone, small scale Solar Energy Systems for on-site residential or agricultural use.

Zoning Districts

Articles 6 through 15

Add a section to the Permitted Accessory Uses portion of Articles 6 through 14, allowing Solar Energy Systems in those Zoning Districts, and a section to the Permitted Uses portion of Article 15 (PD Zoning District), subject to the site development standards set forth in Section 1823.

Articles 6, 12 and 13 through 15

Add a section to the Special Uses portion of the RU (Rural), GB (General Business), LI (Light Industry) and HI (Heavy Industry) Zoning Districts and a section to the Permitted Uses portion of the PD (Planned Development) Zoning District, subject to the site development standards set forth in Section 1824.

Article 6 RU (Rural Zoning Districts):

Permitted Accessory Uses:

605.07 Solar Energy Systems

Special Uses:

607.50 Solar Energy Power Plants (in Category D Areas only)

Article 7 R (Residential Zoning Districts):

Permitted Accessory Uses:

705.06 Solar Energy Systems

Article 8 SM (Single-Household/Manufactured Home Residential Zoning Districts):

Permitted Accessory Uses:

805.06 Solar Energy Systems

Article 9 SR (Single-Household Residential Zoning Districts):

Permitted Accessory Uses:

905.06 Solar Energy Systems

Article 10 MR (Multiple-Household Residential Zoning Districts):

Permitted Accessory Uses:

1005.06 Solar Energy Systems

Article 11 NB (Neighborhood Business Zoning Districts):

Permitted Accessory Uses:

1104.05 Solar Energy Systems

Article 12 GB (General Business Zoning Districts):

Permitted Accessory Uses:

1204.03 Solar Energy Systems

Special Uses:

1205.17 Solar Energy Power Plants

Article 13 LI (Light Industry Zoning Districts):

Permitted Accessory Uses:

1304.03 Solar Energy Systems

Special Uses:

1305.13 Solar Energy Power Plants

Article 14 HI (Heavy Industry Zoning Districts):

Permitted Accessory Uses:

1404.04 Solar Energy Systems

Special Uses:

1405.11 Solar Energy Power Plants

Article 15 PD (Planned Development Zoning Districts):

Permitted Accessory Uses:

- 1502.53 Solar Energy Systems
- 1502.54 Solar Energy Power Plants

Article 18 (Site Development Standards)

1823 Purpose

The purpose of this section is:

- A. To establish development standards to facilitate permitting, installation, construction and operation of residential-scale and utility-scale solar energy facilities subject to reasonable restrictions, which intend to preserve public health, safety and environmental quality;
- B. To encourage responsible solar energy development in Cochise County;
- C. To encourage grid-connected and off-grid property owners in achieving energy independence; and
- D. To help Cochise County participate in achieving State-mandated renewable energy portfolio standard targets.

1803.01 Solar Energy Systems

Solar Energy Systems shall be constructed for the purpose of providing electricity primarily for on-site use only. Installations constructed for the purpose of providing electricity to off-site consumers shall be considered Solar Energy Power Plants. Solar panels under six (6) square feet in size are exempt under this definition to allow for solar-powered driveway lights, parking meters, lighted signs, etc.

The following standards shall apply to the development of Solar Energy Systems:

1823.02 Zoning Districts:

Solar Energy Systems are permitted as Accessory Uses in all Zoning Districts (save for the PD; Planned Development Zoning Districts, where they are Permitted Uses).

1823.03 Parcel Size:

Solar Energy Systems shall be permitted on all parcels regardless of size, provided that all applicable site development standards can be met.

1823.04 Height:

Solar Energy Systems are exempt from height limits, per Section 2002.03 (Height Exceptions) of the Zoning Regulations.

1823.05 Setbacks:

Setbacks from all property boundaries and road travel ways for Solar Energy System arrays or pole-mounts shall comply with the minimum setback requirements for the respective zoning district or shall equal the height of the tallest structure associated with the Solar Energy System, whichever is greater.

1823.06 Distances Between Structures:

There shall be no minimum distance required between Solar Energy System components or design features and other structures on a property.

1823.07 Construction:

- A. Building permits are required for all Solar Energy Systems and Solar Energy Power Plants. Permits for Solar Energy Systems may be expedited; however, due to rapidly changing technologies that may be unfamiliar, longer review times may be necessary. Solar Energy Power Plant permit applications require more detailed plan review.
- B. All Solar Energy Systems and Solar Energy Power Plants must comply with the prescriptive requirements of the National Electric Code (NEC). The Building Official may require additional engineering for rooftop photovoltaic (PV) panels.
- C. If the system is to be grid-connected, copies of an approved interconnect agreement with the power company and proof of construction by a licensed contractor is required prior to the issuance of a Certificate of Occupancy. For off-grid or battery systems, construction by a licensed contractor is encouraged, but not required.

1824 Solar Energy Power Plants

Solar energy projects constructed primarily for the purpose of providing electricity to off-site consumers shall be considered Solar Energy Power Plants and shall be allowed in the RU (Rural) Districts (in Category D Areas and by Special Use Permit only). Furthermore, Solar Energy Power Plants are allowed in the GB (General Business), LI (Light Industry) and the HI (Heavy Industry) Districts by Special Use Permit only and may be approved as part of a PD (Planned Development) or MDP (Master Development Plan). Site-specific conditions and/or project scope may require that Applicants provide drainage and soil reports, water budgets and conservation measures, environmental assessments, visual impact analyses and/or cultural resources assessments with permit applications.

1824.01 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.

1824.02 Height:

Solar Energy Power Plants are exempt from height limits, per Section 2002.03 (Height Exceptions) of the Zoning Regulations.

1824.03 Setbacks:

Setbacks from all property boundaries and road travel ways for Solar Energy Power Plants shall be, at minimum, twice the minimum setback allowed for permitted and accessory uses, per Special Use Permit requirements, or the height of the tallest structure, whichever is greater.

1824.04 Distances Between Structures:

There shall be no minimum distance required between Solar Energy Power Plant components.