

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

March 10, 2022
9:30 a.m.

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Phoenix, Arizona

MEMBERS PRESENT:

Mr. Jimmy Lindblom, Chairman
Mr. Lucas Schlosser, Vice Chairman
Mr. Greg Arnett
Mr. Erik Hernandez
Mr. Spike Lawrence
Ms. Kate McGee
Mr. Jay Swart

MEMBERS ABSENT:

Mr. Kevin Danzeisen
Ms. Francisca Montoya

STAFF PRESENT:

Mr. Tom Ellsworth, Planning & Development Director
Mr. Matt Holm, Planning Supervisor
Ms. Rachel Applegate, Senior Planner
Mr. Adam Cannon, Planner
Mr. Martin Martell, Planner
Mr. Joseph Mueller, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney
Mr. David Anderson, Business Engagement Manager, OET
Ms. Alisha Bach, Technical Team
Ms. Pearl Duran, Technical Team

CONTINUANCE:

Z2021115

REGULAR:

Z2021034, Z2021123, Z2021111

Chairman Lindblom made the standard announcements and asked if there were any changes or comments to the minutes for the January 27 and February 10 meeting. None.

COMMISSION ACTION: Chairman Lindblom approved the minutes from January 27, 2022 and February 10, 2022 minutes as written.

Mr. Holm said consent agenda item #2 – Z2021034 and #3 – Z2021123 are both moving to the regular agenda due to opposition received.

CONTINUANCE AGENDA

Zoning - Z2021115 (Cont. from 2/10/22)

District 5

Project name: **Elliot Corner Commercial**
Applicant: Paul Gilbert, Beus Gilbert McGroder, PLLC
Request: Rezone from R1-35 to C-2
Location: Generally located at the SWC Tuthill Rd. and Elliot Rd. in the Buckeye area

No action required by the commission.

REGULAR AGENDA

Special Use Permit - Z2021034

District 3

Project name: **Luxury Storage RV & Boat**
Applicant: Thomas Hart, RA/ Thomas A. Hart Architecture & Planning, LLC
Request: Special Use Permit (SUP) for commercial storage of RVs, boats and vehicles in the Rural-43 zoning district
Location: 600' east of the SEC of Carefree Hwy. and 12th St. in the Desert Hills area

Mr. Martell presented Z2021034 and noted the facility will consist of one office building, eight parking shade canopies, 254 storage spaces, and an RV wash bay with water provided by the Town of Cave Creek. The site will be enclosed with eight-foot-tall solid walls with one entry gate and one emergency gate adjacent to Carefree Highway. Hours of operation will be from 6 a.m. to 9 p.m. daily with 24-hour access for customers with access codes, and the site will have three employees. The applicant is requesting to vary the Rural-43 development standards and Carefree Highway Scenic Corridor (CHSC) design guidelines - Increase the maximum lot coverage from 25% to 50%; Reduce the required rear yard from 40-feet to 15-feet; Reduce the required interior side yards from 30-feet to 15-feet; Eliminate the CHSC design guideline's average 100-foot deep front yard, keeping the CHSC suggested 50-foot deep front yard. Even both the side and rear yard will be reduced to 15 feet, there will be ample landscape buffers from the adjacent residential land uses. The applicant and development will abide by all of the scenic corridor guidelines except for the average front yard depth which will create a facility to blend into the environment. During the review process the applicant received support by the New River/Desert Hills Community Association Board (NRDH) with the these requests - Outdoor Lighting must be dark sky compliant; No median cut on the Highway to prevent any left turning vehicles from the facility; the existing wash remain in a natural state; Limiting the SUP timeframe to 10-years. The developer will be incorporating all of the suggested requests from NRDH in this project, except for keeping the wash untouched. If the existing wash was left in its natural condition this will take up over half of the site, making this request unrealistic for this project. The CHSC Article 6.9, states where possible washes should be kept in their natural state and in this case it is not possible. The developer has redesigned the exiting wash by channelization and retention basins approved by Planning Engineering department to keep water flow through the site without negatively affecting the site or surrounding properties. Staff is in support of

this SUP. The proposed use is appropriate for the site located along the Carefree Highway five miles east of Interstate 17. There is a need for RV storage in the area and this use would satisfy that demand. The developer will provide landscaped buffers in the required yards adjacent to neighboring properties and will pave the driving surfaces of the site. The development will also incorporate the majority of the suggestions of NRDH demonstrating the developer's intention to create a facility in harmony with the area. Staff received five opposition letters to be included in the Board of Supervisors packet. Staff recommends approval of this case subject to the conditions listed in the staff report.

Commissioner McGee asked the location of the existing wash. Mr. Martell said the wash is located on the northwest corner of the site and takes up the entire northwest corner of the property. The intent is to channelize it with retention basins.

Mr. Shaine Alleman said he is with Tiffany & Bosco representing the property owner. A major wash on the east and a flood way in the middle of that which goes right through the property. We will be fronting on to Carefree Highway with one major access point and an emergency access. Under the Daisy Mountain / New River Area Plan approved five years ago they determined there is one commercial area that is right along the Carefree Highway, a commercial corridor all the way west to the freeway. There are two SUP's that butt up against our proposed facility that are commercial in nature. A dog training facility and another that is also commercial. This facility will be fully secured, gated and shaded for RV & Boat Storage where there is a large demand for this use. This is in an area near Lake Pleasant and close to major freeways for easy access. There will be security lights throughout the site. Residences are to the south of the site, so it is important to us to abide by the county outdoor lighting requirements. The lights will be under the canopy and be shielded away from the adjacent properties. The parking spaces will be set back 75 feet from the Carefree Highway, and on the southern boundary they are 50 feet with a large retention basin, and on the west half of the southern part of the property at 93 feet from the property boundary. There will be vegetation and an 8-foot screened wall around the entire site. The Special Use Permit is consistent with the New River / Daisy Mountain Area Plan, the Carefree Highway Scenic Corridor, and all other county ordinances. We have done a lot of outreach having discussions with the New River Preservation Group, the Anthem Community Council, New River/ Desert Hill Community Association (NRDHCA), New River / Desert Hill Group and a lot of other feedback. With the feedback we were able to incorporate into the site plan to ensure we will meet their needs. We did receive a support letter from NRDHCA and nine support letters from neighbors in the area. He also has nine additional people at the meeting today in support. An opposition letter was received from the neighbor to the east, and he spoke with him back in May and he didn't express any issues at that time. He will reach out to the four in opposition that sent letters to address any concerns. He agrees with staff's support and all of the stipulations in the staff report.

Mr. Steve Villarreal said he owns the parcel to the south of this property. He reached out to the Mr. Alleman a couple of months ago with an email and never heard anything further. He is totally against this and it doesn't benefit the neighbors at all. We all own acre properties and have ample room for our RV's or boat storage. His main concerns are traffic especially with 14th Street and drainage. The main wash to the east goes right through his yard and will heavily impact his property. They say they will be on Cave Creek

water but he thought they are not issuing any more permits for meters and taking on any more customers.

Ms. Kelly Charais said she owns the dog facility to the east. It is a misrepresentation to say her SUP is commercial in nature. Their business is invisible and they have spent lots of money, time and effort to make sure nobody knows they exist. When we got our Special Use Permit we were told it should be invisible and a benefit to the community. This project being proposed is in no way invisible and is totally commercial. This is a scenic road and it is turning in to a warehouse district. There is a big issue with the traffic and 14th and 16th Streets. It badly floods in this area and the water flow goes into the wash behind her property. The material in the asphalt will run into the basins and into the washes. We didn't receive our postcard notice in time and filed our opposition letters a little late. Every single property owner surrounding this property is in opposition. Those in support don't live anywhere near us and there is misrepresentation of two of the support letters. We are concerned about our property values with this commercial property going in. This is financially driven and there is no benefit. It will ruin the appearance of Carefree Highway and the environment we all moved out here for.

Mr. Shawn Schwanbeck said he has eight other people on the phone with him in support of this project. A lot of people along the Carefree Highway have their RV's sitting out in the sun in this Arizona heat with nowhere to park them. Within a 30 mile radius there are no RV storage facilities with no availability to park them. This is very important since these RV's are very expensive. When they are kept in storage the sun and rain stays off of them. He gets calls from the community and they want these facilities to protect and store their RV's safely.

Chairman Lindblom asked if he is the property owner. Mr. Schwanbeck said yes.

Chairman Lindblom asked if anyone from the public wished to speak. None.

Mr. Alleman said we did a robust traffic study and addressed all of the questions that came up with engineering staff and with a use like this traffic is extremely low. One of the recommendations was to add a deceleration lane to the site. RV's turning into the site do have an opportunity to decelerate and turn into the lane. There were no other concerns that came back from staff. The SUP's below their site need to be invisible because they are outside of the commercial corridor. There is a commercial corridor that is part of the Carefree Highway and we are clearly within the realms of that. We are bringing aesthetics, landscaping and setbacks, shielding the lights and conforming to all of the county standards. There were concerns about flooding and part of the SUP process, we had to go through a drainage analysis to make sure it is in conformance to all of the county standards especially with the washes to the east and west of the site. These concerns they just heard of today, during this whole process we had no opposition. They have support of the NRDHCA, the New River / Desert Hills Group and the other neighbors.

Commissioner McGee asked about the re-engineering of the wash in terms of flooding and are there any consequences if this is not successful. Mr. Holm said any type of channelization or rerouting of the natural flows have to be built to county drainage

engineering requirements. It will go through an inspection process to make sure it meets our requirements. If there is any failure that would be on the applicant to rectify those problems. They would have to meet county requirements.

Mr. Ellsworth said it is memorialized in the recommended conditions of approval that it meets those drainage policies at the time of review.

Commissioner Arnett said he likes the zoning with the SUP because it does not change this permanently to commercial, and they are protecting the scenic corridor and they addressed the traffic concerns.

Chairman Lindblom said he also likes the SUP approach. There could be a lot worse commercial applications next to residential.

COMMISSION ACTION: Commissioner McGee motioned to approve Z2021034 with conditions 'a'-'q'. Vice Chair Schlosser second. Approved 7-0. Ayes: Lawrence, McGee, Swart, Arnett, Hernandez, Schlosser, Lindblom.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Luxury Storage RV & Boat, LLC", consisting of three full-size sheets, dated December 14, 2021, and stamped received December 28, 2021, 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 "Luxury Storage RV & Boat, LLC", consisting of eleven pages, dated December 14, 2021, and stamped received December 28, 2021, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. 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.
 2. 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.
 3. The entire site and adjacent half-streets' runoff shall be retained onsite. If portions of adjacent right-of-way are controlled by other jurisdictions, the adjacent half-streets' runoff shall be retained unless separately addressed by the other jurisdictions.

4. Retention basins with stormwater depths exceeding one foot shall provide one foot of freeboard and all retention basins shall drain within 36 hours per County requirements.
- d. The Following MCDOT conditions shall apply:
 1. There shall be a Right-In/Right-Out access only to the site and there shall be no left turn from the site or left turn from westbound Carefree Hwy. thru traffic to the site.
 2. There shall be a right-turn deceleration lane at the main entry driveway to limit site traffic impact to eastbound thru traffic on Carefree Hwy.
 - e. This special use permit is valid for a period of ten years and shall expire on April 6, 2032, or upon termination of the use for a period of 90 or more days, whichever occurs first. All site improvements associated with the special use permit shall be removed within 90 days of such expiration or termination of use.
 - f. There shall be no repair of RVs or boats on the site.
 - g. There shall be a maximum lot coverage of 50% on the site.
 - h. There shall be minimum interior side and rear yards of 15-feet on the site.
 - i. There shall be a minimum front yard adjacent to the Highway right-of-way of 50-feet with no average front setback.
 - j. All landscaping shall consist of indigenous trees, plants, shrubs, and groundcover typical of the Upper Sonoran Desert, preserving existing vegetation where possible and any landscaping used shall be drought tolerant with low water consumptive landscaping materials.
 - k. Any rooftop mechanicals, ground mechanicals, parking areas, trash enclosures, and transformers shall be screened.
 - l. All materials and colors used in screening walls, buildings, covered RV wash bay, and parking shade canopies must be muted and compatible with the desert environment and the architecture of the main office.
 - m. There shall be no reflective glass used in any building.
 - n. All outdoor lighting shall be dark sky compliant, low intensity, fully shielded, and directed downward at least 20% below the horizontal plane at bottom of light fixture so that no illumination occurs off site. All light poles or standards shall have a maximum height of 16-feet from surface grade of

the parking lot, treated to minimize glare, placed at intervals, and setback a minimum of 20-feet from adjacent properties.

- o. The developer must complete habitat and special status species evaluation and submit to the Arizona Game and Fish Department for review prior to the submission of building permits.
- p. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- q. 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 Special Use Permit, 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 Special Use Permit, 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 Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

Zoning - Z2021123

District 5

Project name: **4202 & 4150 W. Sunland**
Applicant: Peter Batsholet
Request: Rezone from Rural-43 to IND-2 IUPD
Location: Generally located 670' east of the NEC of Sunland Ave. and 43rd Ave. in the Phoenix area

Mr. Mueller presented Z2021 123 and noted the applicant is proposing a zone change to industrial with no precise Plan of Development. The applicant has expressed interest in possibly using the site for outdoor storage. In response to staffs concerns of the residences to the south, the applicant is requesting an overlay to limit the uses on the site. There are no known violations on the property and staff received one letter of opposition from a nearby resident. While the proposed rezone is inconsistent with the county area plan as it is designated for open space. The proposed zone change does match the direction toward industrial uses that several adjacent properties have gone through in recent years. Two adjacent parcels are currently zoned IND-2 and another parcel has an entitled SUP for interim industrial use. There are several other industrial uses less than half a mile to the west along 43th Avenue, and the area is surrounded by other large scale mining uses. Staff recommends approval of this request.

Chairman Lindblom asked what the opposition concerns is. Mr. Mueller said the letter did not include any specific details. Chairman Lindblom asked is this the reason the case was taken off consent and moved to the regular agenda. Mr. Mueller said yes.

Mr. Peter Batschelet, the applicant said he does commercial real estate, truck terminals and outside storage predominately in the southwest valley. He bought this property to turn this into an outside storage component. He sent out letters and knocked on many doors to the south and all of the owners along 43rd Avenue. There is a doublewide home on the property where he put in new floors and paint to convert it into an office. He had a traffic impact study done and that came back with no further action needed. The ingress/egress off of Sunland with or without a tenant would not impact 43rd Avenue. When he purchased the property the road was dusty and had potholes, so he put down a bunch of asphalt millings. It is a private road that the residents have to maintain, and he took on the responsibility and spent a lot of money to maintain it from 43rd Avenue all the way to his property line. There are 22 allowable IND-2 uses, and he eliminated 13 of them. He doesn't want a manufacturing or bottling plant and doesn't want a bunch of noise. He is wants to be as friendly to the neighborhood as much as he could, and not turn this property into something that would do long term harm.

Vice Chair Schlosser said he grew up in the area and this zone change is similar to everything else in the area and he has no problem with this proposal.

Chairman Lindblom asked if anyone from the public wished to speak. None.

COMMISSION ACTION: Vice Chair Schlosser motioned to approve Z2021123 with conditions 'a'-'f'. Commissioner Swart second. Approved 7-0. Ayes: Lawrence, McGee, Swart, Arnett, Hernandez, Schlosser, Lindblom.

- a. The IUPD Overlay is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems. A public water system and public sewer system shall be required prior to establishment of any non-residential use that requires potable water.
- b. Administrative approval of a Plan of Development will be required prior to approval and issuance of construction permits to develop and establish use of the site. Prior to issuance of a building permit, written confirmation will be required from the emergency fire protection jurisdiction having authority that the facility has been designed in accordance with their regulations and requirements, and that emergency fire protection service will be provided to the facility. Prior to issuance of the certificate of occupancy, local fire protection jurisdiction review and approval will be required.
- c. Subject to the following Planning Engineering conditions:
 1. Without the submittal of a precise plan of development, no approval is implied by this review, including, but not limited to drainage

design, access and roadway alignments. These items will be addressed as development plans progress and are submitted to the County for further review and/or entitlement.

2. Any development must ensure that historic drainage patterns are maintained at the up and downstream limits of development.
 3. A traffic impact study must be submitted with any future entitlement application (i.e. plan of development).
 4. 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. 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.
- e. 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.
- f. 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, 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, 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 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.

Zoning - Z2021111

District 5

Project name: **Harquahala Sun**
Applicant: Kimley-Horn & Associates – Keith Nichter
Request: Zone Change with Overlay from Rural-43 to IND-2 IUPD
Location: Generally located at the SWC of the intersection of 483rd Ave. & Courthouse Rd.

Mr. Cannon presented Z2021111 and noted this request would allow for a utility-scale solar development and battery storage system. Staff is recommending approval with revised conditions. Staff believes the site and location are suitable for future solar development. It will have a positive economic impact, the potential creation of 240 construction jobs, and will have an environmental benefit in promoting renewable clean energy, and the proximity to nearby electrical transmission lines. The applicant has complied with citizen participation requirements. Staff received one opposition letter concerned with impacts to local wildlife such as, bighorn sheep. The Arizona Game and Fish Department (AZGFD) addressed this concern and did not believe there will be an impact on sheep movement in the area. Undeveloped agricultural areas east of the subject site would have a far greater impact to the sheep, and staff will be keeping a close eye on proposals received in that area. AZGFD said they have no concerns with this particular development. During the CPA process staff received comments from Luke Air Force Base asking the applicant to route the proposal to the Department of Defense (DOD) Clearinghouse process. This process is informal and only generating sites that are greater than 199 feet above ground. The highest potential height on this site would be 140 feet for the transmission line. The applicant has submitted this information and are awaiting the outcome of recommendations from the DOD. Staff doesn't believe there will be any substantial recommendations that will arise from the Clearinghouse review.

Chairman Lindblom asked if this case was moved to the regular agenda because of the opposition letter concerning the bighorn sheep. Mr. Cannon said yes, that is correct.

Vice Chair Schlosser said we have had a half dozen of these solar cases in the past few years, and a few months back Luke submitted a letter in opposition, and asked if that's not the case with this project? Mr. Cannon said that's correct. Luke Air Force Base (AFB) did not express opposition, but wants the applicant to route through the DOD Clearinghouse process. There is a condition in the conditions of approval that would address any sort of recommendations the Clearinghouse might have once the process is complete.

Mr. Matthew McCaffrey said he is with Birch Infrastructure and they are the owner and developer of Harquahala Sun projects. They are a renewable energy developer that serves the local communities. The site is 60 miles from the center of Phoenix in Harquahala Valley and the project connects to the Delaney Substation. This region mostly consists of agricultural land and power infrastructure with the Delaney Substation, designed to bring more renewable energy to the grid in this area, and the Harquahala Generating Station, a natural gas plant. This is an important area for energy generation and the grid. On November 1, 2021 we received a letter from Luke AFB and they said it was a standard letter that goes out to go through the DOD Clearinghouse process. We submitted for that process and address any concerns. This project is far from Luke AFB and no potential concerns with the base itself. There are Military Training Routes in this area that fly over many high voltage lines and solar power plants. The letter from AZGFD and recommendations are very standard with pre-construction bird surveys and best practices for safety. These are very common measures in this area and they have no problem meeting them. They received one comment regarding bighorn sheep, and AZGFD does not expect the sheep to be affected by the proposed project.

Chairman Lindblom asked if anyone from the public wished to speak. None.

Vice Chair Schlosser said this is the best location for more solar development and battery storage facilities because it is literally out in the middle of nowhere. He is in full support of this proposal.

COMMISSION ACTION: Vice Chair Schlosser motioned to approve Z2021111 with conditions 'a'-'k' with applicant requested modifications to conditions 'a' and 'e', and staff recommended correction to condition 'd.9'. Commissioner Swart second. Approved 7-0. Ayes: Lawrence, McGee, Swart, Arnett, Hernandez, Schlosser, Lindblom.

- 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.
- 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 491st 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:

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

Preservation:

483rd Avenue – 40' half width right-of-way
499th 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
 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.
- 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.

Mr. Holm said the Board of Supervisors has authorized the Boards and Commissions to return to in-person hearings within the next 30 to 45 days. This will be a hybrid format with an option to attend virtually or in person as well as the public.

Chairman Lindblom adjourned the meeting of March 10, 2022 at 10:45 a.m.

Prepared by Rosalie Pinney
Recording Secretary

March 10, 2022