



**PUBLIC NOTICE
PLANNING & ZONING COMMISSION**

Meets

Wednesday, July 17, 2024

6:00 PM

**ELOY CITY COUNCIL CHAMBERS
595 NORTH C STREET
ELOY, ARIZONA 85131**

AGENDA

- I. Call to Order**
- II. Roll Call**
- III. Invocation**
- IV. Pledge of Allegiance**
- V. Motion to approve the June 20, 2024, meeting minutes of the Planning and Zoning Commission**
 - A. June 20, 2024, Planning and Zoning Commission Meeting Minutes.
- VI. New Business: Possible discussion and/or action on the following:**
 - A. Conduct a public hearing and make a recommendation to the Eloy City Council on Case No. RZPAD2004-018.A1: Rancho Del Sol Brillante Planned Area Development - Milligan Energy Center. The proposed Zoning Map Amendment is to modify the Rancho Del Sol Brillante Planned Area Development to permit Solar, Utility Scale Generation, and Battery Energy Storage System Facility as an allowed use. Generally, the site is located north of Shay Road, south of Interstate 10 (I-10), east of Eleven Mile Corner Road and one-half mile west of the State Highway 87/Barrett Road alignment.
 - B. Conduct a public hearing and make a recommendation to the Eloy City Council on Case No. CUP2023-057: Milligan Energy Center. The proposed Conditional Use Permit is to allow Solar, Utility scale Generation, and Battery Energy Storage System Facilities on an approximately 33 acres site zoned Estate Residential (R1-43) and Light Industrial (I-1), located approximately 750 feet south and 680 feet east of the southeast corner of W. Milligan Road and S. Eleven Mile Corner Road.
 - C. Discussion and Comments on Case No. ZTA2024-002 Planning and Zoning Commission Responsibilities and Reasonable Accommodations
 - D. Discussion and Comments on Case No. ZTA2024-003: Historic Preservation Overlay Text Amendment initiated by the City Council.

VII. Informational Item:

- A. Information on the future of a Zoning Code Text Amendment open house meeting and a Text Amendment pertaining to building height exceptions.
- B. Planning and Zoning Commission members and Staff will give updates on relevant events and activities they have attended since the last meeting and any future events, activities, potential future agenda items. These items are for information only - no action will be taken.

VIII. Motion to Adjourn

POSTED BY JULY 17, 2024, AT ELOY CITY HALL, ELOY POST OFFICE, AND CITY WEBSITE:
www.elayaz.gov

THE FACILITY WILL BE OPEN TO THE PUBLIC 30 MINUTES PRIOR TO THE START OF THE MEETING AND SEATING WILL BE AVAILABLE FOR “REASONABLY ANTICIPATED ATTENDANCE.”

A handwritten signature in cursive script, reading "Mary Myers", followed by a horizontal line.

Mary Myers, MMC, CPM
City Clerk

INDIVIDUALS WITH SPECIAL ACCESSIBILITY NEEDS MAY CONTACT LORENA LaSALDE-RIOS, ADA COORDINATOR FOR THE CITY OF ELOY AT 520-466-9201 OR 520-466-7455 (TDD). IF POSSIBLE, SUCH REQUESTS SHOULD BE MADE 72 HOURS IN ADVANCE. ONE OR MORE MEMBERS OF THE COMMISSION AND/OR STAFF MAY PARTICIPATE BY TELEPHONIC OR VIDEO MEANS.



**ELOY PLANNING AND ZONING COMMISSION
CITY HALL
595 NORTH C STREET
ELOY, AZ 85131
Special Meeting
THURSDAY, JUNE 20, 2024
SUMMARIZED MEETING MINUTES**

PRESENT: Chairperson Steven Paulson
Vice-Chairperson Conrad Tolson
Commissioner Edward Saucedo
Ex-Officio Andrew Sutton

ABSENT: Commissioner Allen Crawford

STAFF: Dan Symer, Community Development Director
Belinda Cota, Planner

I. Call to Order

Chairperson Steven Paulson called the meeting to order at 6:00 p.m.

II. Roll Call

*One or more Planning and Zoning Commission members may attend by telephone.
As stated above, a formal roll call was conducted to confirm the members present.

III. Invocation

Chairperson Paulson led the Invocation and requested a moment of silence.

IV. Pledge of Allegiance

Chairperson Paulson led the recitation of the Pledge of Allegiance.

V. Public Appearances

None.

VI. Motion to approve the January 17, 2024, regular meeting minutes of the Planning and Zoning Commission

Vice-Chairperson Tolson moved to approve the January 17, 2024, Regular meeting minutes. Second, by Commissioner Saucedo, the motion was carried by a vote of three (3) to zero (0) by Chair Paulson, Vice-Chairperson Tolson, and Commissioner Saucedo.

Note: These are summary action minutes only. A complete copy of the meeting audio is available on the City of Eloy website, search agendas, minutes and public notices: [Agendas, Minutes & Public Notices | Eloy, AZ - Official Website \(loyaz.gov\)](https://www.loyaz.gov)

VII. Old Business: Possible discussion and/or action on the following:

None.

VIII. New Business: Possible discussion and/or action on the following:

- A. Conduct a public hearing and make a recommendation to the Eloy City Council on Case No. GPA2024-001: Sawtooth Energy Center, an application for a Minor General Plan Amendment to change the land use designation from Medium Density Residential to Estate Residential on approximately 50.61 acres located approximately 1,325 feet west of the southwest corner of West Milligan Road and South Toltec Road in the City of Eloy, Pinal County, Arizona. Applicant Contact: The Rose Law Group, PC, c/o Court Rich.**

Mr. Symer stated that both Agenda items comply with the City Codes and that the Staff recommends approval per the Staff COAC Report included with the meeting packet.

Mr. Court Rich, with the Rose Law Group, introduced himself and gave a PowerPoint presentation on agenda items VIII. A and B.

Vice-Chairperson Tolson moved to approve Case No. GPA2024-001 as is. Second, by Commissioner Saucedo, the motion was carried by a vote of three (3) to zero (0) by Chair Paulson, Vice-Chairperson Tolson, and Commissioner Saucedo.

- B. Conduct a public hearing and make a recommendation to the Eloy City Council on Case No. RZPAD2024-001: Eloy Valley Specific Plan PAD – Sawtooth Energy Center, an application for a Zoning Map Amendment to rezone approximately 50.61 acres of land from Single-family (R1-43) to Single-family (R1-43) PAD situated about 1,325 feet west of the southwest corner of West Milligan Road and South Toltec Road and to incorporate the property into the Eloy Valley Specific Area Plan Planned Area Development (PAD). In addition, the proposed Zoning Map Amendment is to permit a Solar, Utility Scale Generation, and Battery Energy Storage System Facility as an allowed use on the northern approximately 2,055 gross acres of the PAD located on an irregularity-shaped site located between W. Shay Road and W. Alsdorf Road, and S. Toltec Buttes Road and S. Curry Road, in the City of Eloy, Pinal County, Arizona-applicant Contact: The Rose Law Group, PC, c/o Court Rich.**

Vice-Chairperson Tolson moved to approve Case No. RZPAD2024-001 as is. Second, by Commissioner Saucedo, the motion was carried by a vote of three (3) to zero (0) by Chair Paulson, Vice-Chairperson Tolson, and Commissioner Saucedo.

- C. Conduct a public hearing and make a recommendation to the Eloy City Council on Case No. RZPAD2009-018.A1: Cooley Eloy 640 Planned Area Development – Shay Solar. The proposed Zoning Map Amendment is to modify the Cooley Eloy 640 Planned Area**

Note: These are summary action minutes only. A complete copy of the meeting audio is available on the city of eloy website, search agendas, minutes and public notices: [Agendas, Minutes & Public Notices | Eloy, AZ - Official Website \(loyaz.gov\)](https://www.loyaz.gov/Agendas, Minutes & Public Notices | Eloy, AZ - Official Website (loyaz.gov))

Development to permit Solar, Utility Scale Generation, and Battery Energy Storage System Facility as an Allowed use on a Site located between W. Shay Road and W. Phillip Road and S. Tweedy Road and S. Eleven Mile Corner Road, in the City of Eloy, Pinal county, Arizona-Applicant Contact: The Rose Law Group, PC, c/o court Rich.

Mr. Chacon of 2498 South Curry Road requested addition information regarding the proposed development, and raised concerns pertaining to the location of the development to his property.

Vice-Chairperson Tolson moved to approve Case No. RZPAD2009-018.A1 per the staff recommend condition of approval with and addition condition that the applicant resolve the neighbor concerns before the City Council meeting. Second, by Commissioner Saucedo, the motion was carried by a vote of three (3) to zero (0) by Chair Paulson, Vice-Chairperson Tolson, and Commissioner Saucedo.

IX. INFORMATIONAL ITEM:

- Mr. Symer communicated to the Commission that the City Council has initiated a request to begin a Zoning Ordinance-Chapter 21, Text Amendment as pertaining to requiring opaque walls and on fence on lots less than 1.25 acres to be constructed on the side and rear yards with the development of new home and substantial modifications to existing residences.
- Ex-Officio Sutton reported that at the March 25, 2024, City Council meeting, the City Council voted to approve the Conditional Use Permit for CASE NO. CUP2023-011.E1 LOVE'S TRAVEL STOP EXTENSION for two years.

X. MOTION TO ADJOURN

With no further business to discuss, the meeting of the Planning and Zoning Commission adjourned at 7:05 p.m.

CITY OF ELOY

REQUEST FOR COMMISSION ACTION

Agenda Item: **VI.A.**

Date: **7/17/2024**

Date submitted:
07/01/2024

Action: Other

Date requested:
7/17/2024

Subject: Conduct a public hearing and make a recommendation to the Eloy City Council on Case No. RZPAD2004-018.A1: Rancho Del Sol Brillante Planned Area Development - Milligan Energy Center. The proposed Zoning Map Amendment is to modify the Rancho Del Sol Brillante Planned Area Development to permit Solar, Utility Scale Generation, and Battery Energy Storage System Facility as an allowed use. Generally, the site is located north of Shay Road, south of Interstate 10 (I-10), east of Eleven Mile Corner Road and one-half mile west of the State Highway 87/Barrett Road alignment.

TO: Planning and Zoning Commission

FROM: Dan Symer, Belinda Cota

RECOMMENDATION:

The staff recommends that the Planning and Zoning Commission provide a recommendation to the City Council for the approval of Case No. RZPAD2004-018.A1: Rancho Del Sol Brillante Planned Area Development—Milligan Energy Center in accordance with the attached Conditions of Approval and find that the Planned Area Development Approval Criteria have been met.

DISCUSSION:

Request:

The applicant, Rose Law Group, PC, c/o Court Rich, on behalf of Milligan Energy Center, LLC, a subsidiary of Savion Renewable Energy, LLC., has submitted an application for a Zoning Map Amendment to modify the existing Rancho Del Sol Brillante Planned Area Development (PAD). The purpose of the amendment is to incorporate Solar, Utility Scale Generation, and Battery Energy Storage System Facility, also known as Solar Generation

Facility in the Zoning Ordinance (hereafter, "Utility Scale Solar") as an allowed use on approximately 1,584 acres of land.

Context

The site is primarily surrounded by farms and vacant land. The surrounding properties are primarily zoned Single-family Residential, with smaller areas of General Commercial and Light Industrial boarding the north and northeast corner of the Rancho Del Sol Brillante PAD. The General Plan land use map designations adjacent to the site are primarily Estate Residential and Medium Density Residential, with limited areas designated Commercial, High Density Residential, Medium-High Density, and Light Industrial. The General Plan land use map designations, zoning, and land uses of the property abutting and adjacent to the property are identified in the table below and in the attachments.

Direction	General Plan Land Use Map Designation	Existing Property Zoning	Existing Use of the Property
North	Light Industrial, Community Commercial, Estate Density Residential	Estate Residential (R1-43), Light Industrial (I-1), General Commercial (C-2), Single Family Residential (R1-6)	Blue Beacon Truck Wash, vacant land, agricultural use, and a Pecan Tree Farm
South	Estate Density Residential, Medium Density Residential, Medium-High Density Residential, High Density Residential, and Community Commercial	Unincorporated Pinal County, Estate Residential (R1-43), Single Family Residential (R1-6)	Vacant land and agricultural uses.
East	Estate Density Residential, Medium Density Residential, Public/Institutional, Community Commercial	Unincorporated Pinal County, Estate Residential (R1-43), and General Commercial (C-2),	Vacant land, agricultural uses, and a Pecan Processing Plant

West	Estate Density Residential, Medium Density Residential,	Estate Density Residential (R1-54), Estate Density Residential (R1-43), and Unincorporated Pinal County	Single-family residential, agricultural uses and vacant land

Zoning Ordinance Issues for Consideration:

In determining whether to approve, approve with conditions, or deny the proposed Official Zoning Map amendments, issues for consideration shall include but not limited to (Staff's analysis of the consideration is included in bold italic text, and the applicant's analysis is included in their narrative, attached):

A. Consistency (or lack thereof) with the adopted Eloy General Plan, and other adopted plans;

- ***The Utility Scale Solar use may also be allowed in any zoning district and land use designations when incorporated as an allowed use of a PAD zone. Adding the Utility Scale Solar to the PAD will assist in providing for a more sustainable community as specified in the General Plan Goal 3.1.1.1. It should be noted that according to the applicant, the Utility Scale Solar use is interim until such time that the development of the property for the zones and uses specified in the PAD is more viable and utilities are available.***

B. Compatibility with the existing zoning and conforming uses of nearby property and with the character of the neighborhood;

- ***The proposed Zoning Map Amendment and associated uses are consistent and compatible with the abutting and adjacent properties and character of the area/neighborhood.***

C. Suitability of the subject property for uses permitted by the proposed zoning district;

- ***The property is relatively flat farmland. To develop the property as a Utility-Scale Solar site and to develop it in the future for the uses allowed in its designated zoning, the property owner/developer will be required to provide all necessary infrastructure improvements to serve the property.***

D. Suitability of the subject property for uses permitted by the existing district; and

- ***The approximate 1,584-acre site is currently zoned in various districts. The property may be developed under its existing zoning designations,***

provided that the property owner/developer provides all necessary infrastructure improvements to serve it.

E. Availability of sewer and water facilities.

- ***The approximate 1,584-acre subject site currently does not have immediate Eloy water or sewer/wastewater service to the site. The nearest water and waste service line are located in S. Sunshine Boulevard, approximately 600 feet south of the W. Milligan Road and S. Sunshine Boulevard intersection. Several private well locations exist on the site. With the development of the property as a Utility Scale Solar use, the property owner/developer will be required to provide septic infrastructure for sewer/wastewater and a minimum of 25,000-gallon water storage tank for landscaping, restrooms, fire suppression, etc. purposes. When the property is developed for any other use, the property owner/developer will be required to provide all sewer/wastewater and water facilities to serve the development in accordance with city, county, and state requirements.***

Approval Criteria for a PAD:

In determining whether to approve, approve with conditions, or deny a proposed Zoning Map Amendment for a PAD, the City Council shall make a determination in accordance with the provisions specified below (Staff analysis for the considerations included in bold italic text, and the applicant's analysis is included in their narrative, attached):

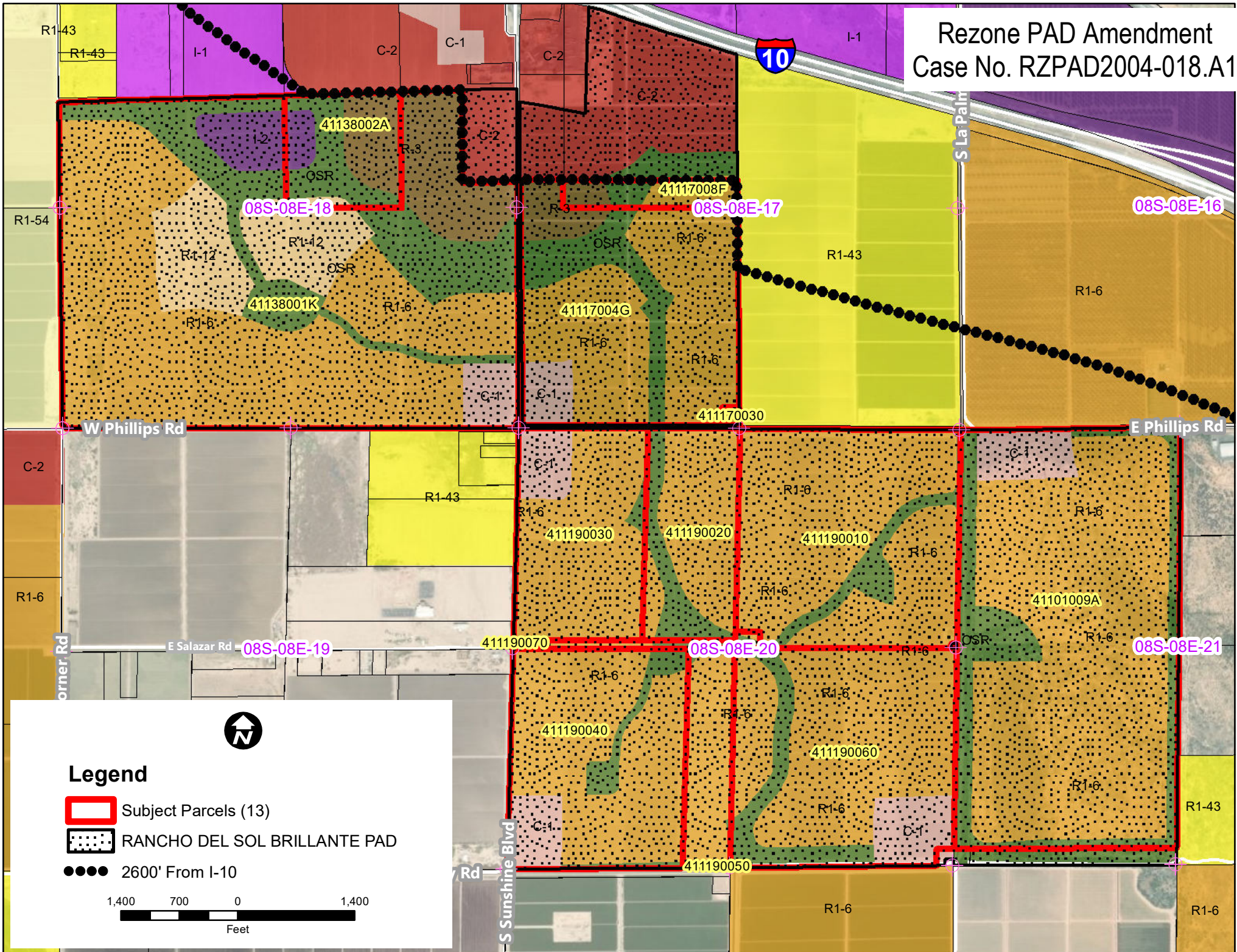
A. A PAD District may be approved only when the City Council determines that the proposed PAD would result in a greater benefit to the City as a whole than would development under conventional zoning district regulations and would not adversely affect the existing and/or future permissible uses of adjacent properties. Such greater benefits may include the implementation of adopted planning policies/design standards, natural resources preservation/conservation enhanced provision of utilities, urban design, neighborhood/community amenities, or an overall level of increased development quality.

- ***The incorporation of the Utility Scale Solar facility as an allowed use in the Cooley Eloy 640 PAD will assist in providing a sustainable community through the provision of enhanced/alternative utility-scale solar energy production (GP Goal 3.1.1.1.). The proposed modifications to the PAD are not anticipated to alter the City Council's previous determination of the PAD Approval Criteria when the Eloy Valley Specific Plan PAD was originally approved.***

FISCAL IMPACT:

There are no anticipated fiscal impacts associated with this discussion.

Rezone PAD Amendment Case No. RZPAD2004-018.A1



**1st Amendment to the
Rancho Del Sol Brillante Planned Area Development
Zoning Map Amendment Justification Narrative
Milligan Energy Center**

Submitted to:

City of Eloy, AZ

595 N. C Street Ste. 104

Eloy, AZ 85131

Prepared for:

Milligan Energy Center LLC.

A subsidiary of:

Savion Renewable Energy LLC.



422 Admiral Blvd.

Kansas City, MO 64106

Prepared by:

John Wood Group PLC.



3636 Executive Center Drive, Ste. 200

Austin, TX 78731

Applicant, on behalf of Savion LLC:

ROSE LAW GROUP_{pc}

RICH ■ CARTER ■ FISHER

7144 E. Stetson Drive, Suite 300

Scottsdale, AZ 85251

Court Rich, Attorney

crich@roselawgroup.com

Attn: Jennifer Hall, Sr. Project Manager

480-505-3938 or jhall@roselawgroup.com

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LIST OF ATTACHMENTS

1. PAD Vicinity and Context Map
2. PAD Conceptual Site Plan
3. PAD Landscapte Plan
4. PAD Land Use Map
5. PAD Zoning Map
6. PAD Phasing Plan
7. PAD Conceptual Grading & Drainage Plan
8. PAD Site Details

LIST OF TABLES

Table 1	Consistency with Eloy General Plan
Table 2	Solar Project Site Parcels
Table 3	Adjacent Properties General Plan Land Use and Existing Zoning Designation Table

1. Introduction

Milligan Energy Center, LLC (Milligan), as the Applicant, on behalf of the owners (Casa Grande West et al. and ANC Arizona I, LLC) is proposing the construction and operation of an electrical generation facility consisting of solar photovoltaic (PV) modules with related ancillary uses on adjacent property collectively referred to as the Milligan Energy Center (the Solar Project). The electrical generation capacity of the development will be up to 315 megawatts of alternating current (MWac) which will interconnect into the nearby 230 kilovolt (kV) Arizona Public Service (APS) Milligan Substation, located at the southeast corner of West Milligan Road and Eleven Mile Corner Road, adjacent to the Solar Project.

Located within the City of Eloy in Pinal County, Arizona, the Solar Project will contain approximately 1,584 acres of land (the Project Site), consisting of thirteen (13) parcels currently a part of Rancho Del Sol Brillante PAD (the Original PAD). There are four (4) additional parcels totaling approximately 33 acres outside of the Original PAD area that will provide battery energy storage system (BESS), project substation, and an Operations & Maintenance building to service the Solar Project. The BESS project site is currently being processed under a separate Conditional Use Permit (CUP) application (Case #CUP2023-57) with the full intent on providing support to the Milligan Energy Center.

2. Background

The Original PAD was approved by the City of Eloy in 2004 to promote and facilitate quality residential, commercial, recreational, community, and a small portion of industrial land use on approximately 1,721 total acres of land in Eloy, Arizona (Original PAD Area). Currently, however, the Original PAD Area is generally used for irrigated row crops, vacant or fallow fields, vacant or open desert, other agricultural uses, utilities, recreation (i.e., former Ocotillo Raceway), and limited commercial development (i.e., Flying J Travel Center at the intersection of West Milligan Road and South Sunshine Boulevard). The Original PAD focused on optimizing this area by creating recreational opportunities, a mix of housing options, commercial, a wastewater treatment plant, open space, and schools. As mentioned above the land has remained undeveloped for the past twenty (20) years.

3. Site Location and Context

The Project Site is located south of Milligan Rd and Interstate 10 and east of 11 Mile Corner Rd. As mentioned, the Original PAD encompasses approximately 1,721 acres of land and the proposed Solar Project will utilize approximately 1,584 acres of the overall Original PAD Area. **Attachment 1** is a map of the location of the property subject to this Zoning Map Amendment and adjacent property uses and zoning designations. As you will see the proposed Solar Project is within Eloy's designated solar area.

4. Purpose of Application

The purpose of this Zoning Map Amendment application is to obtain approval of an amendment to the Original PAD to add Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities as an allowed use in all zones of the Ranch Del Sol Brillante PAD, and incorporate the development standards of the Zoning Ordinance for the new use. These modifications will facilitate the development the Solar Project. The developer (Milligan Energy Center, LLC) and the property owner intend for the proposed Solar Project to be an interim use on the Project Site prior to the property owner proceeding with the Original PAD development plan that was initially contemplated in 2004. The Solar Project will operate on the property until the property owner has determined that the development of the master planned community is feasible.

Attachment 1 – Vicinity and Context Map specifies which parcels to be utilized for the Solar Project that are currently a part of Rancho Del Sol Brillante PAD, and **Attachment 2 – Conceptual Site Plans** of the PAD documents indicates the location of the Solar Project improvements. It should be noted that the proposed Solar Project is located within the area of the City of Eloy that was recently designated as potentially suitable for this type of use (Ordinance No. 23-950).

In addition to adding the Solar Project use and development standard to the Original PAD, several clerical modifications to the existing PAD property development standards and uses are proposed. These modifications include the addition of the General Industrial (I-2) and Open Space Recreation District (OSR) zones, and references to the General Development Regulations. The changes proposed are intended to provide consistency with the previously approved PAD standards, the zoning map for the PAD, and the current zoning ordinance. No changes to the intent and context of the Original PAD are being proposed. The changes will provide clarity to the existing previously approved provisions of the PAD, and are intended to minimize the need for a Zoning Administrator interpretations.

5. Zoning Map Amendment Objectives

This Zoning Map Amendment is to allow a Solar Project as an interim use on the Project Site, which is approximately 1,584 acres within the overall 1,721 Original PAD Area. The Solar Project encompasses a majority of the central portion of the greater Original PAD Area. The previously approved Rancho Del Sol Brillante PAD will remain in place for future development, thereby generating vitality and attracting future development of the Original PAD Area.

The objectives of this Zoning Map Amendment includes, but are not limited to:

- Allow for the interim use of the Project Site as a Solar Project until future development of the master planned community is warranted.
- To locate clean energy uses within the City to capture the many environmental and financial benefits thereof.
- Utilize the City of Eloy's PAD Process to plan and promote the development of a large-scale, master-planned, thriving community as a Development Option.
- Facilitate a compact development pattern.
- Manage and control growth through efficient use of land.
- Provide clarity to the existing PAD provisions and the associate zoning map designations.

6. Compliance with Zoning Map Amendment Approval Criteria

The following is analysis of the Zoning Map Amendment Criteria of Section 21-6-6.4: Issues for Consideration of the Zoning of the City of Eloy Zoning Ordinance, as it pertains to the proposed amendment changes to the Rancho Del Sol Brillante PAD and the Modified PAD's conformance to criteria.

21-6-6.4: ISSUES FOR CONSIDERATION:

In determining whether to approve, approve with conditions, or deny proposed Official Zoning Map amendments, issues for consideration shall include but not be limited to:

- A. Consistency (or lack thereof) with the adopted Eloy General Plan, and other adopted plans;

Response:

*The Applicant believes the Solar Project is wholly consistent with specific goals and policies in the Eloy General Plan and constitutes an overall improvement to the local and regional economy via regional energy production that is not solely for the good or benefit of a particular landowner or other Solar Project proponent. The Solar Project will assist the City of Eloy in promoting its goals to create a community with adequate infrastructure and utilities as well as striving to enhance and maintain regional and local air quality and encourage the creation of jobs—both temporary construction jobs and permanent O&M jobs—associated with these types of projects. Please see **Attachment 4 – PAD Land Use Map** and **Attachment 5 – PAD Zoning Map** which illustrates existing zoning of the Project Site as well as the surrounding area. The proposed amendment remains consistent with the surrounding properties.*

Table 1 – Consistency with Eloy General Plan includes a complete accounting of relevant Eloy General Plan elements, their policies, and the consistency of the proposed Solar Project with these policies.

Table 1. Consistency with Eloy General Plan

General Plan Elements	General Plan Policies	Consistency with General Plan
Land Use Element		
Goal #1	Provide a range of residential, employment and supportive land uses to encourage and maintain a sustainable community.	Consistent The Solar Project is an innovative and quality development of renewable energy generation and storage that would help the community reach sustainability goals. The Solar Project is located near existing high voltage transmission infrastructure and would connect into the Milligan 230kV Substation. Siting the Solar Project near existing infrastructure (e.g., roads, transmission lines, substations) achieves balance between the Solar Project needs and minimization of impacts. A Zoning Map Amendment to allow for solar generation and energy storage and grid connection in this location represents compatible land use strategy and efficient development patterns near existing electric utilities.
Objective #1	Maintain transitional buffers between high and lower impact land uses.	Consistent The Solar Project would help maintain transitional buffers between high and lower impact land uses in the Sun Corridor Growth Area. The Solar Project is located near existing high voltage transmission lines. The Solar Project also complies with the Locational Criteria outlined in the Eloy City Code of Ordinances Section 21-3-1.39. Sufficient buffers, as directed by the City, to provide safety exclusion zones/distancing would be incorporated to not interfere with surrounding land uses. The Solar Project will actually act as an efficient buffer by providing further separation from existing electrical infrastructure and surrounding agriculture and rural land uses.
Environmental Planning Element		
Goal #1	Encourage the preservation of the paloverde-saguaro plant community to retain high value vegetation that also provides natural area habitat.	Consistent The Applicant would coordinate closely with all applicable local, county, state, and federal agencies throughout development of the Solar Project, including environmental, land, and resource management agencies to protect sensitive species and habitats. The Project Site and surrounding area is characterized as predominately agricultural with some open desert lands. Any native plants protected under Arizona Native Plant Law, administered by the Arizona Department of Agriculture, would be identified on the Project Site prior to construction and relocated or salvaged as required. Native plant removal, relocation, or sale would be noticed as required by Arizona Administrative Code Title 3, Chapter 3, Article II.
Goal #2	Strive to enhance and maintain regional and local air and water quality.	Consistent The Solar Project would provide renewable energy generation that could result in improved air quality through reduced emissions from fossil fuel electric generation. The Solar Project would be considered a low-intensity use. Improving roads and reducing agriculture operations would provide a beneficial reduction in the area's particulate matter (PM10) levels and water usage.
		Consistent All applicable local and county fire laws and regulations would be

Goal #4	Continue to enforce zoning code and building code provisions to protect life and property from wind and fire hazards.	complied with, and all reasonable measures would be taken to prevent fires in the Project. Fire Apparatus Access Roads would be installed on the Project Site in compliance with the 75,000 lbs. load requirement to the equipment. A water supply source would be provided meeting NFPA 1142 for firefighting in a rural setting. All construction personnel would be educated on emergency response to fire events; clear away all flammable material for a minimum of 10 feet from areas of operations where a spark, fire, or flame could be generated; equipment parking areas and small stationary engine sites would be cleared of all flammable materials prior to use; "No Smoking" signs would be posted, gas and oil storage areas would be clearly marked, cleared of all flammable material, and all used and discarded oil filters, oily rags, or other waste would be disposed of in an approved manner.
Goal #5	Work with the Pinal County Flood Control District to minimize the risk and hazards associated with flooding on existing and future development and human life within the City's floodplains.	Consistent The Solar Project would not be developed in a floodway. Further, the Project would comply with Pinal County and federal regulations associated with development in a floodplain. The applicant is currently in the process with Pinal County to obtain approval of a Floodplain Use Permit (FUP).
Water Resources Element		
Goal #2	Encourage conservation measures that foster efficient potable water use.	Consistent The Solar Project would require very little water use during operations, except for as-needed maintenance for cleaning equipment and water use associated with the adjacent BESS and O&M building. Water for construction and continued operation of the Solar Project would be transported to the Project Site from offsite sources, or from onsite water wells - depending on feasibility and costs. The City of Eloy would incur no costs for any infrastructure improvements related to the Solar Project. Furthermore, the Solar Project will utilized significantly less water than agricultural uses of the land.
Public Facilities Element		
Goal #2	Continue to provide high quality municipal services – administration, public works, community development, community services (parks and recreation), library, aviation, police and municipal court, and coordinate with non-municipal service providers-fire, education, electrical, natural gas, fiber to provide adequate services.	Consistent Approving this Solar Project would enable the city to locate utility-scale solar generation and storage infrastructure near existing electrical infrastructure and transmission lines. This development would result in limited impact to the area and would provide benefits to air quality, while providing electricity for the regional electrical grid– a demonstration of efficient, sustainable growth in the city. This Solar Project would provide services and infrastructure that urban growth areas utilize and would provide a foundation for future urban growth patterns to consider. The Solar Project would be funded by private capital and all infrastructure improvements would be paid for by the Applicant and not the City of Eloy.
Economic Prosperity Element		
Goal #2	Brand Eloy as a prime regional location for business, community growth and capital investment.	Consistent The high solar irradiance of Arizona, in addition to the availability of highly suitable land for development and the proximity to existing electrical infrastructure, were prime factors that attracted the Applicant to the Project Site.. The Solar Project is a utility-scale solar generation with an adjacent battery storage development that the City of Eloy could use to leverage their leadership in this industry to attract renewable energy industries and additional development.

- B. Compatibility with the existing zoning and conforming uses of nearby property and with the character of the neighborhood;

Response:

*The Applicant has been in contact with some of the surrounding neighbors and has agreed to planting additional trees and enhanced vegetation in areas adjacent to the neighboring pecan farming operation. The panels will be setback 75-100 feet from the Rights of Way to insulate the Solar Project from surrounding uses. (See **Attachment 3 – Landscape Plans**). Additionally, the Solar Project is a quiet, low maintenance neighbor. There is no traffic generated from this use, no odor, no glare, and no noise. In addition there is existing electrical infrastructure in the area. In light of all the foregoing, the development of the Solar Project is a compatible use. Please see **Attachments 4 and 5** which identify the current zoning and land use designations of surrounding properties.*

- C. Suitability of the subject property for uses permitted by the proposed zoning district;

Response:

*The Project Site is relatively flat undeveloped agriculture land that is very well suited for the development of the Solar Project. It is also suitable for future development as the originally intended master planned community with a mix of uses: residential, commercial, and industrial. This phased development will occur after the lifespan of the Solar Project and in response to future market demands. Please see **Attachment 6 – Phasing Plan**.*

- D. Suitability of the subject property for uses permitted by the existing district; and

Response:

*As mentioned above, the Project Site is well suited for a variety of uses and can be easily developed in the preliminary phase as the Solar Project and then redeveloped for future phases as residential and commercial once the Solar Project has been decommissioned. After the lifespan of the Solar Project the property will be put back to its existing condition and will be suitable for future master planned community development. **Please see Attachment 6 – Phasing Plan.***

- E. Availability of sewer and water facilities.

Response:

The Solar Project does not require city water or sewer for its operation. Only routine maintenance trips will bring employees to the Project Site. The Solar Project will have support services from an adjacent property that will house battery storage system and an Operations and Maintenance building. The O&M building will utilize septic and water will be brought to an onsite water tank by an outside source. No connection to the city's water or sewer infrastructure is necessary for the development of the Solar Project.

Table 2

Solar Project Site Parcels

Owner	Assessor Parcel Number	Location (Quarter Section)	Size (acre)
Casa Grande West et al. and ANC Arizona I, LLC	41101009A	NW ¼ and SW ¼, Sec 20	308.00
Casa Grande West et al. and ANC Arizona I, LLC	411170030	SW ¼, Sec 17	0.94
Casa Grande West et al. and ANC Arizona I, LLC	41117004G	SW ¼, Sec 17	167.20
Casa Grande West et al. and ANC Arizona I, LLC	41117008F	NW ¼, Sec 17	16.38
Casa Grande West et al. and ANC Arizona I, LLC	411190010	NE ¼, Sec 20	158.43
Casa Grande West et al. and ANC Arizona I, LLC	411190020	NW ¼, Sec 20	63.00
Casa Grande West et al. and ANC Arizona I, LLC	411190030	NW ¼, Sec 20	90.00
Casa Grande West et al. and ANC Arizona I, LLC	411190040	SW ¼, Sec 20	126.00
Casa Grande West et al. and ANC Arizona I, LLC	411190050	SW ¼, Sec 20	31.50
Casa Grande West et al. and ANC Arizona I, LLC	411190060	SE ¼, Sec 20	159.00
Casa Grande West et al. and ANC Arizona I, LLC	411190070	NW ¼, Sec 20	7.44
Casa Grande West et al. and ANC Arizona I, LLC	41138001K	NW ¼, NE ¼, SE ¼, and SW ¼, Sec 18	420.55
Casa Grande West et al. and ANC Arizona I, LLC	41138002A	NE ¼, Sec 18	40.76
		Total Area:	1,583.77

Table 3

Adjacent Properties General Plan Land Use and Existing Zoning Designation Table

Direction	Surrounding Parcel	APN	Existing Land Use	Existing Zoning	General Plan Land Use Designation
North	Adjacent: Eloy 170 LLC	41138001D	Vacant Land	R1-43	Estate Density Residential
	Adjacent: Eloy 170 LLC	41138001E 41138001C 41138002D	Industrial Agricultural Agricultural	I-1	Light Industrial
	Adjacent: Eloy 170 LLC	41138002C 41138001H	Agricultural Agricultural	C-2	Community Commercial
	Adjacent: Solid State Eloy I LP	41117004F 41117008E	Agricultural Agricultural	C-2	Community Commercial
	Across East Phillips Road: Daybreak 1320 LLC Et Al	41116005E	Agricultural	R1-6	Single-Family Residential
East	Adjacent: New Sunshine Fund LLC	41138001L	Agricultural	C-2	Community Commercial
	Adjacent: Ham Phillips LLC	411170050	Agricultural	R1-43	Estate Density Residential
	Adjacent: Daybreak 1320 LLC	41101010J 41101010K 41101011E	Industrial Vacant Land Vacant Land	CR-2/3 – Pinal County	N/A – Outside of City Limits
	Adjacent: Apache Oak Shopping Center LLC	41101011C	Vacant Land	R1-43	Estate Density Residential
South	Across East Shay Road: Hussain Taha	41101025J	Vacant Land	R1-6	Single-Family Residential
	Across East Shay Road: Legacy Farms LLC	411010270	Agricultural	GR – Pinal County	N/A – Outside of City Limits
	Across East Shay Road: JLC Family Investments LLC	411280010	Agricultural	R1-6	Single-Family Residential
	Across East Shay Road: Shedd Daniel & Elain Family Trust	41128005G 41128005J	Agricultural Agricultural	GR – Pinal County	N/A – Outside of City Limits
	Across East Shay Road: Ben Fatto LTD Partnership Et Al	411290010 411290030	Agricultural Agricultural	GR – Pinal County	N/A – Outside of City Limits
	Across East Shay Road and South Eleven Mile Corner Road: Viel Gluck LTD Partnership Et Al	408240320	Agricultural	R1-43	Estate Density Residential

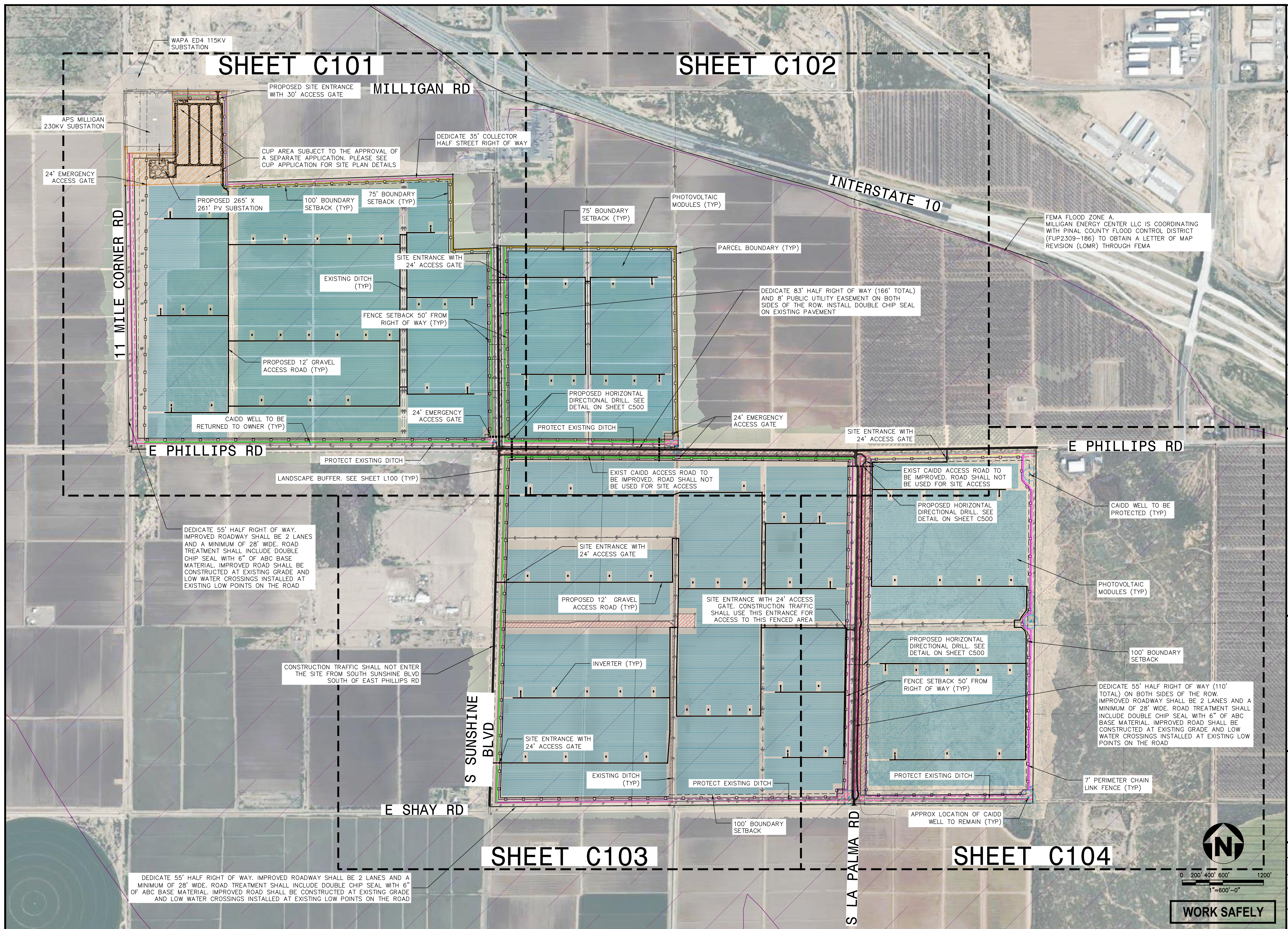
West	Across: South Eleven Mile Corner Road: JLC Family Investments Et Al	40801035A 40801035B	Agricultural Agricultural	R1-6	Single-Family Residential
	Across South Eleven Mile Corner Road: JLC Family Investments Et Al	40801035C	Agricultural	R1-6 and C-2	Single-Family Residential and Community Commercial
	Across South Eleven Mile Corner Road: MDT Investments LTD Partnership	40801022C 40801022B	Agricultural Agricultural	GR – Pinal County	N/A – Outside of City Limits

C	06/26/2024	ISSUED FOR PERMITTING	KV	RB	
B	08/24/2024	ISSUED FOR PERMITTING	KV	RB	
A	11/09/2023	ISSUED FOR PERMITTING	KV	TF	

TITLE: MILLIGAN ENERGY CENTER
INTERIM PROJECT PLAN
CONCEPTUAL OVERALL
SITE PLAN

MILLIGAN ENERGY
CENTER, LLC

DESIGN BY:		SOLAR DESIGN INC	
KV		NA	
CHECKED BY:		SCALE:	
AC		1" = 600'	
PROJECT NUMBER: 24616301			
DRAWING NUMBER: C-100			
SHEET NUMBER: 3 OF 10			



[illegible]MILLIGAN ENERGY
CENTER

INTERIM PROJECT PLAN
CONCEPTUAL SITE PLAN

MILLIGAN ENERGY
CENTER, LLC

PROJECT:

ENT:

SEA

TODD FARMER, P.E.
P.E. LICENSE NO. 4097

CIVIL DESIGN BY:	SOLAR DESIGN BY:
KV	NA

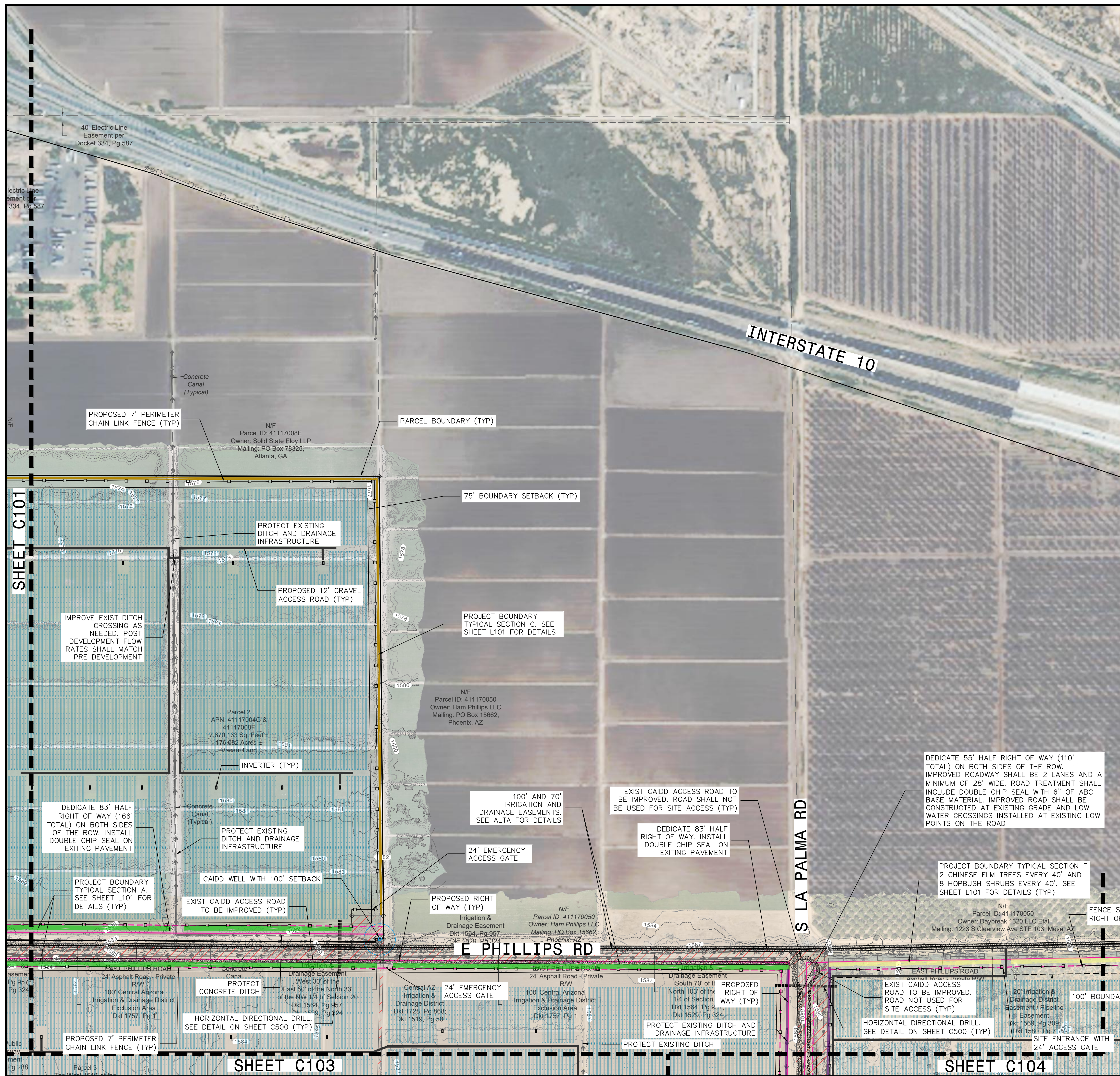
CHECKED BY:	SCALE:
AG	15 222

AC	$1^\circ = 300'$
PROJECT NUMBER:	

24616301
DRAWING NUMBER:

C-102

SHEET NUMBER:
5 OF 10

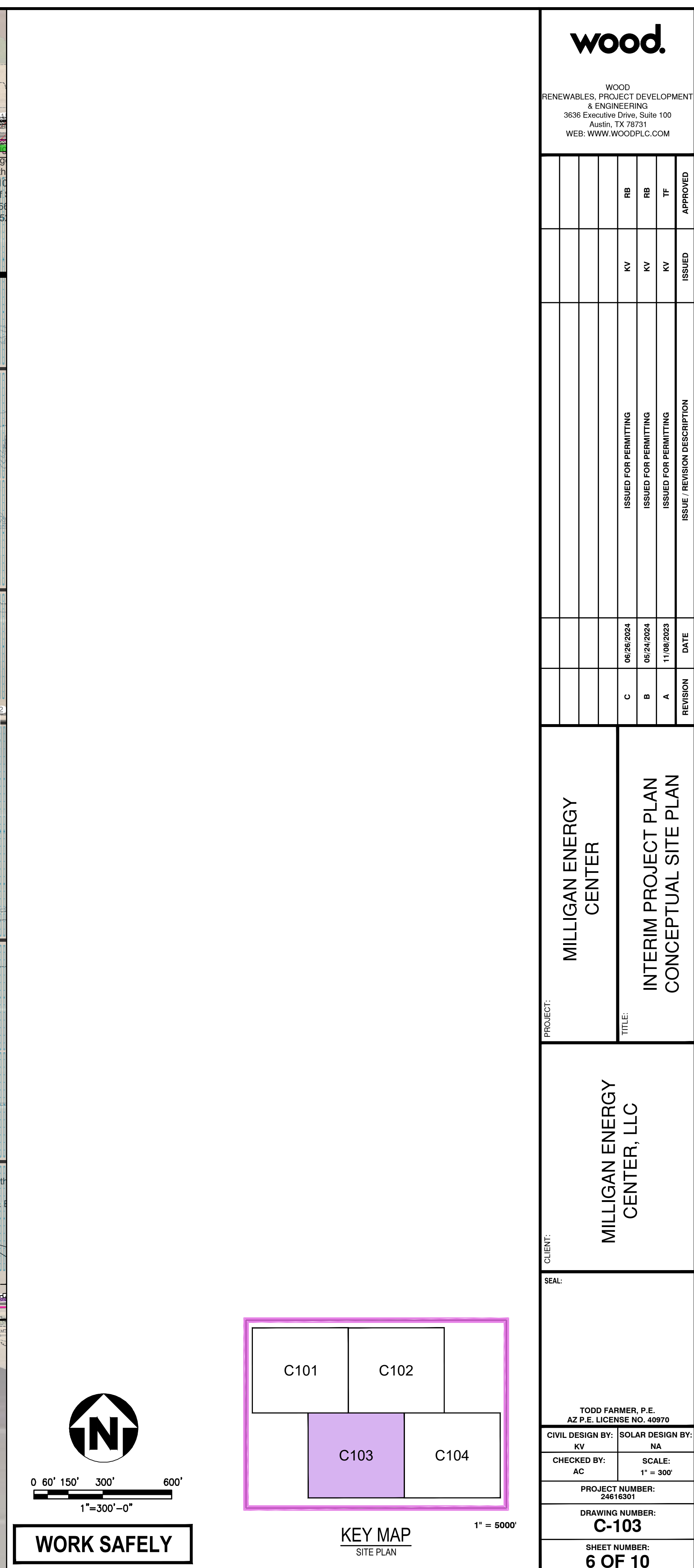


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KEY MAP

SITE PLAN

1" = 5000'



C	06/25/2024			ISSUED FOR PERMITTING		KV	R8		
B	05/24/2024			ISSUED FOR PERMITTING		KV	R8		
A	11/09/2023			ISSUED FOR PERMITTING		KV	T8		
REVISION	DATE			ISSUE / REVISION DESCRIPTION		ISSUED	APPROVED		

MILLIGAN ENERGY
CENTER

INTERIM PROJECT PLAN CONCEPTUAL DRAINAGE PLAN

MILLIGAN ENERGY
CENTER, LLC

INI:

SEAL:

TODD FARMER, P.E.
AZ P.E. LICENSE NO. 40970

CIVIL DESIGN BY: KV	SOLAR DESIGN BY: NA

RV	NA
CHECKED BY: AC	SCALE: 1" = 600'

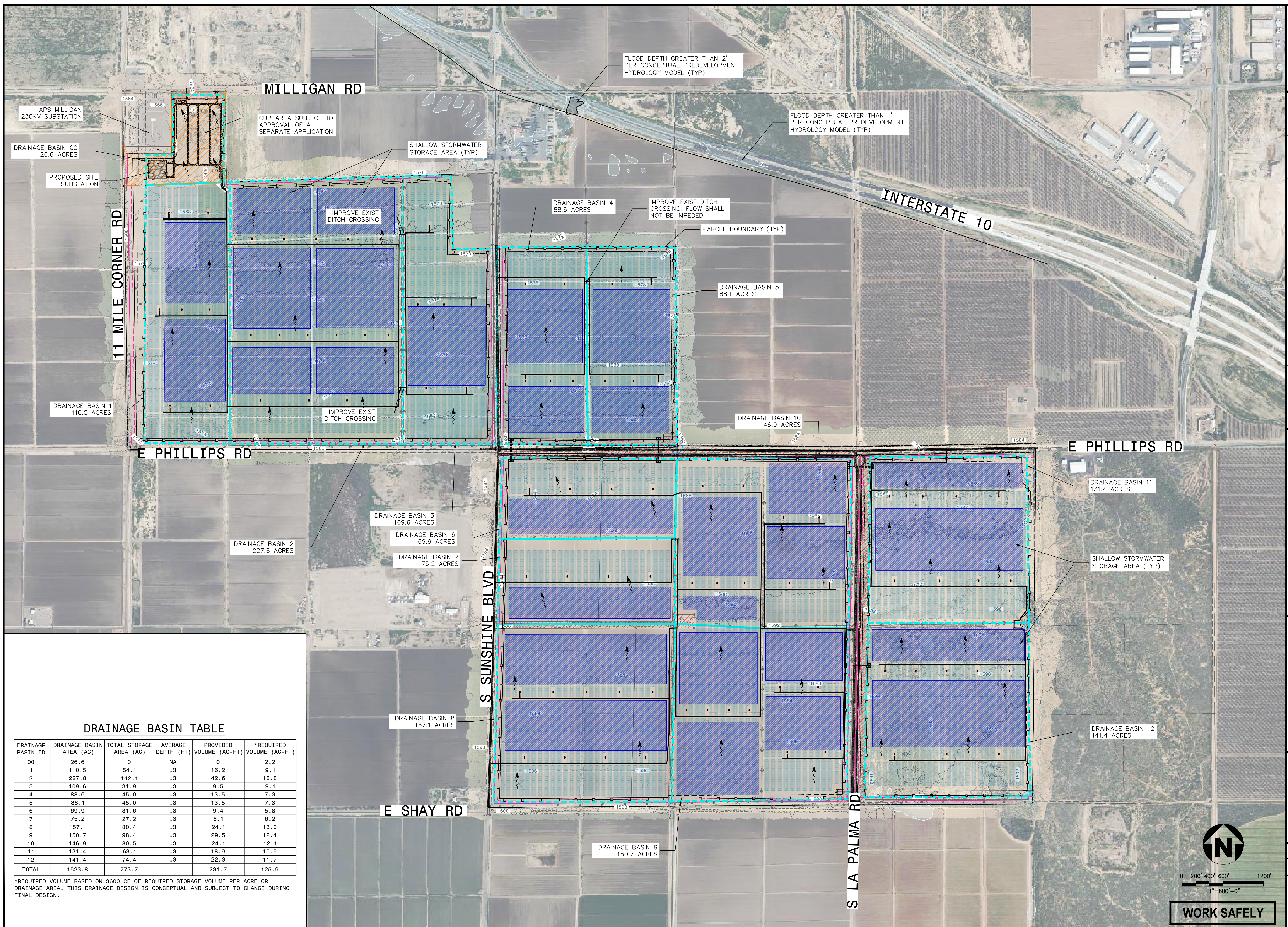
PROJECT NUMBER:
24616301

DRAWING NUMBER:

C-200

SHEET NUMBER:

8 OF 10



**WOOD
RENEWABLES, PROJECT DEVELOPMENT
& ENGINEERING**
3636 Executive Drive, Suite 100
Austin, TX 78731
WEB: WWW.WOODPLC.COM

TYPE A LANDSCAPE BUFFER

TYPE B LANDSCAPE BUFFER

TYPE B-R LANDSCAPE BUFFER

TYPE C LANDSCAPE BUFFER

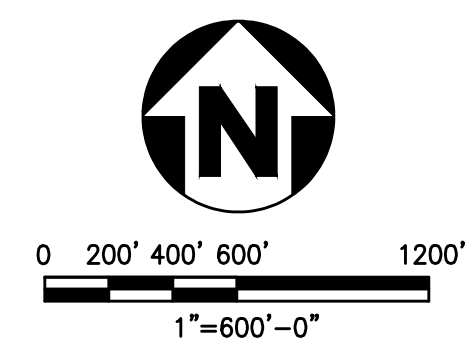
TYPE C-R LANDSCAPE BUFFER

TYPE D LANDSCAPE BUFFER

TYPE E LANDSCAPE BUFFER

TYPE F LANDSCAPE BUFFER

TYPE G LANDSCAPE BUFFER



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[illegible]

EXHIBIT Z
INTERIM PROJECT PLAN
CONCEPTUAL LANDSCAPE PLAN

CLIENT:

EAL:

TODD FARMER, P.E.
AZ P.E. LICENSE NO. 40970

CIVIL DESIGN BY: KV	SOLAR DESIGN BY: NA

CHECKED BY:
AC

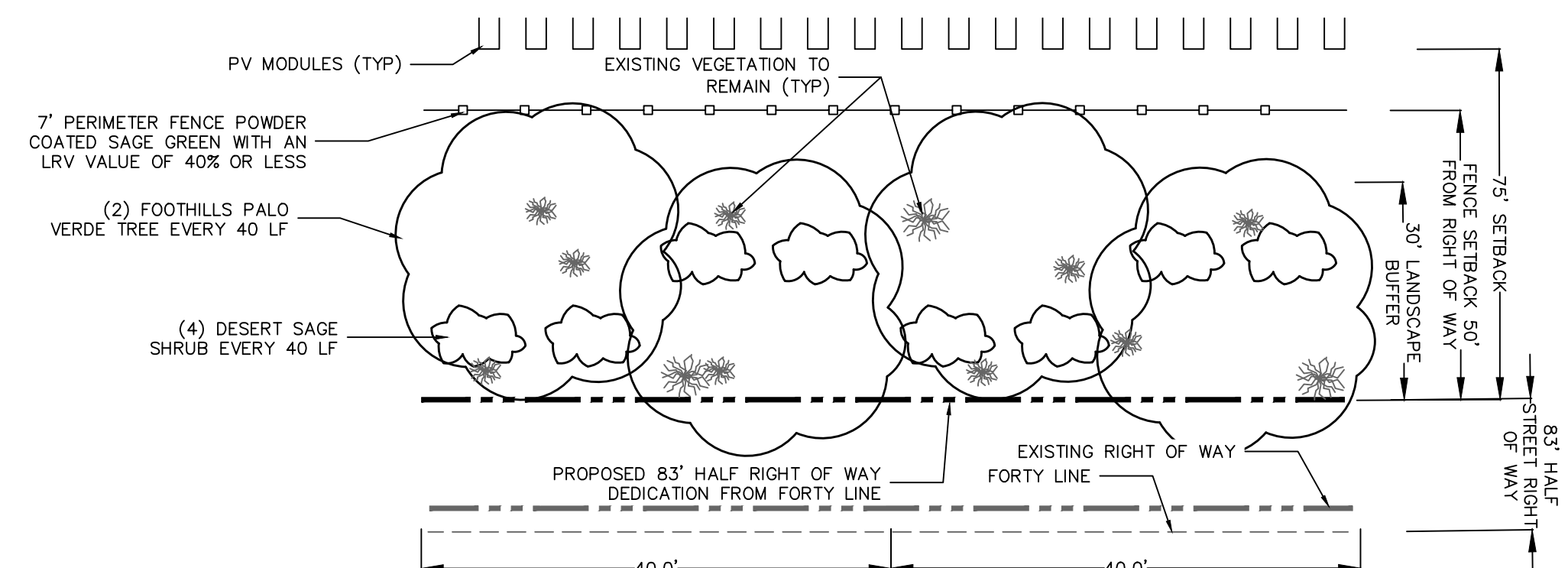
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I-100

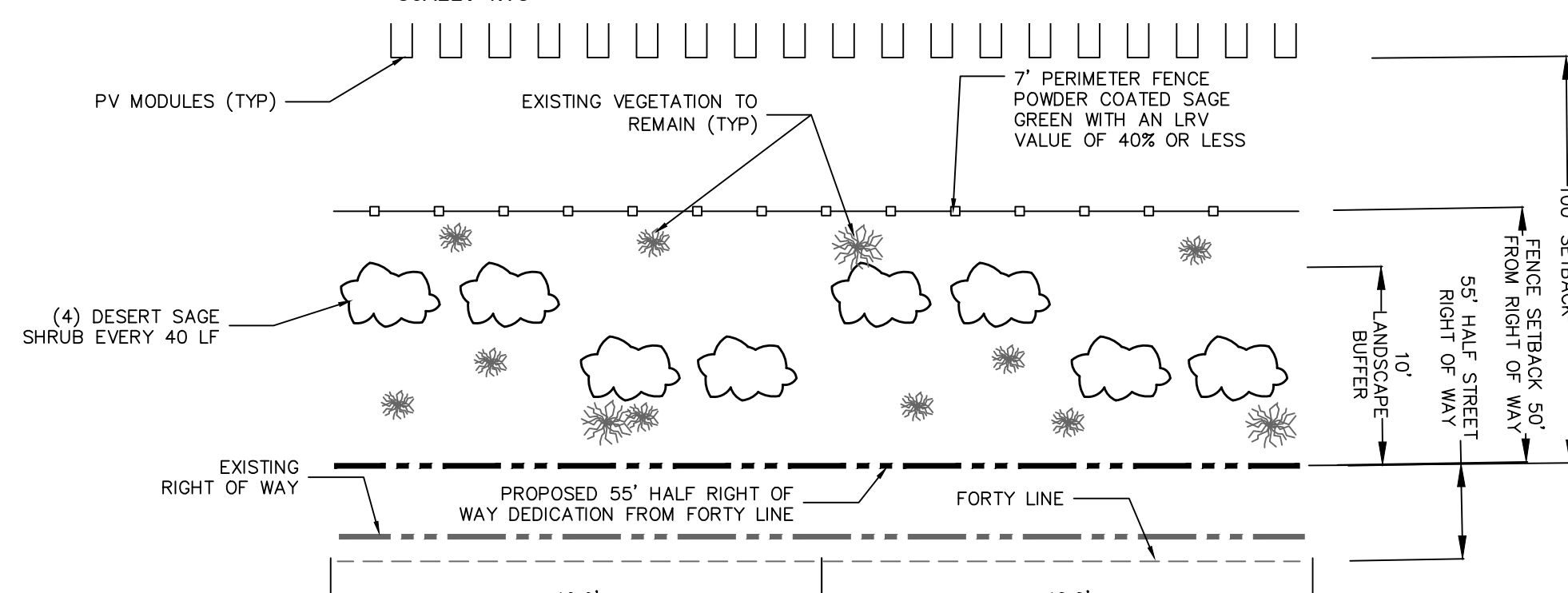
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HEET NUMBER:
1 OF 2



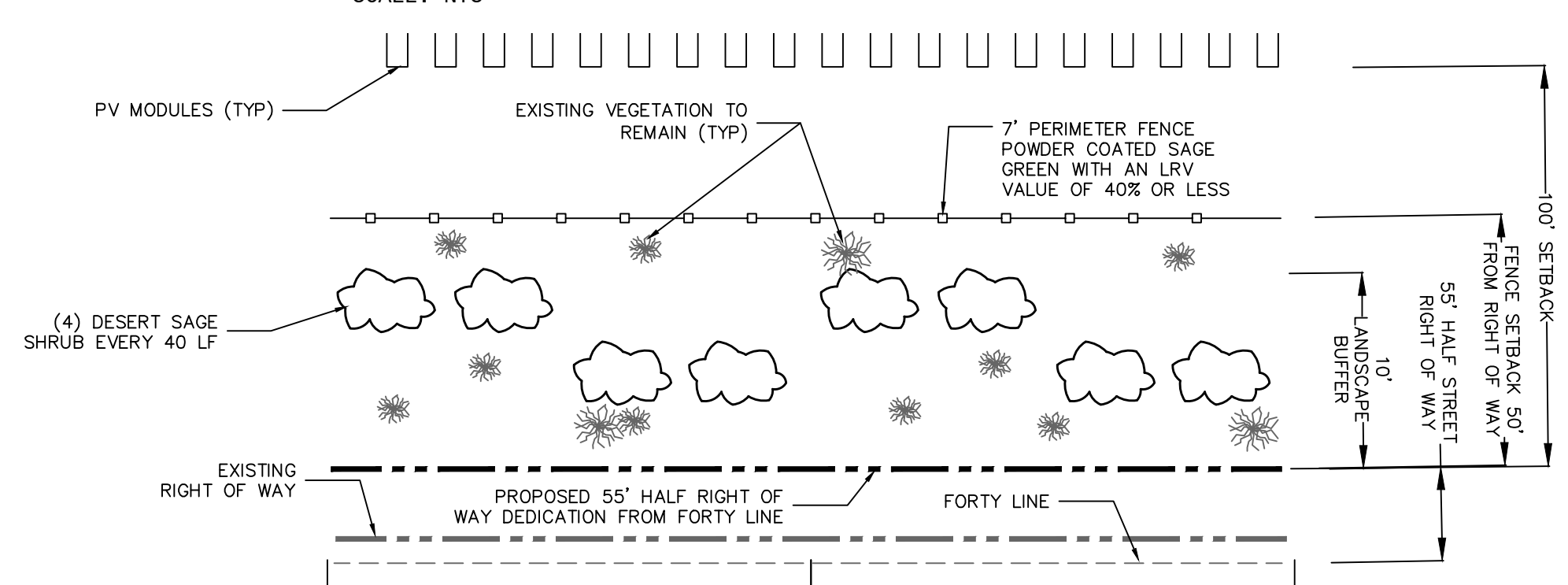
LANDSCAPE BUFFER TYPICAL SECTION A - PLAN VIEW

SCALE: NTS



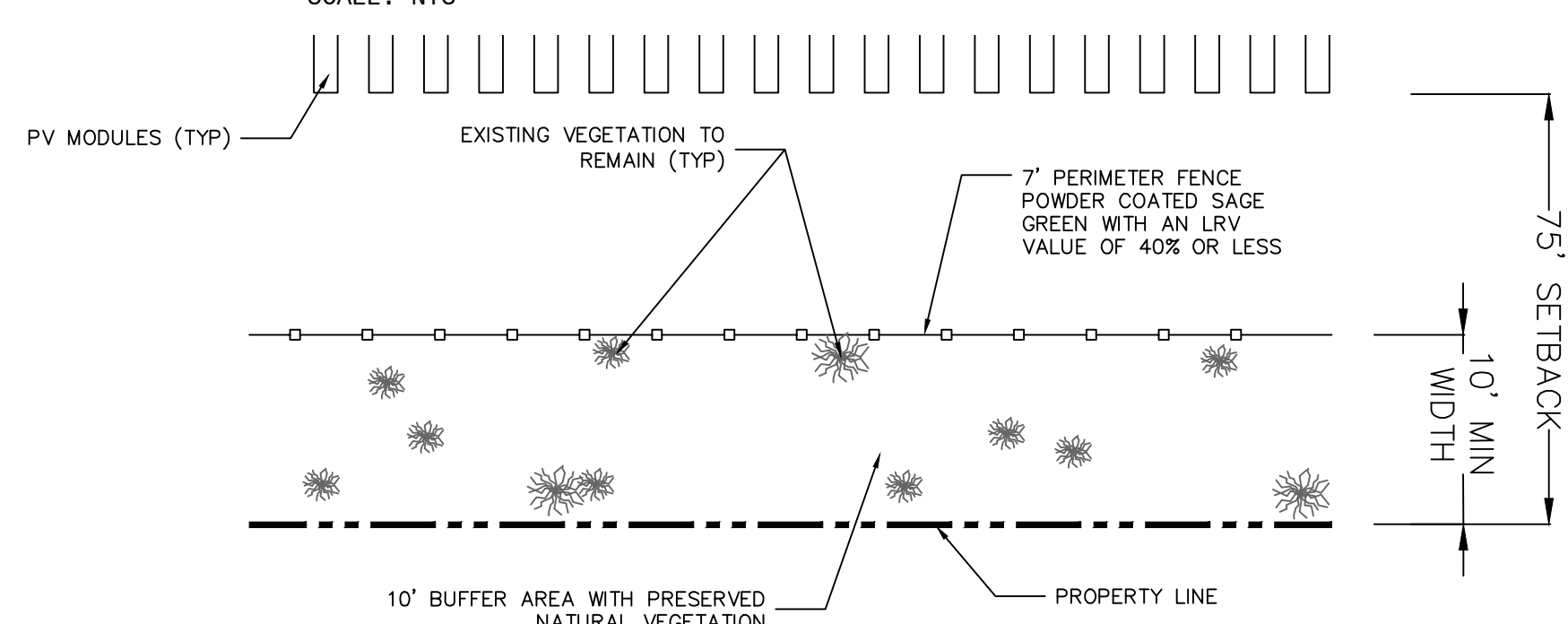
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SCALE: NTS



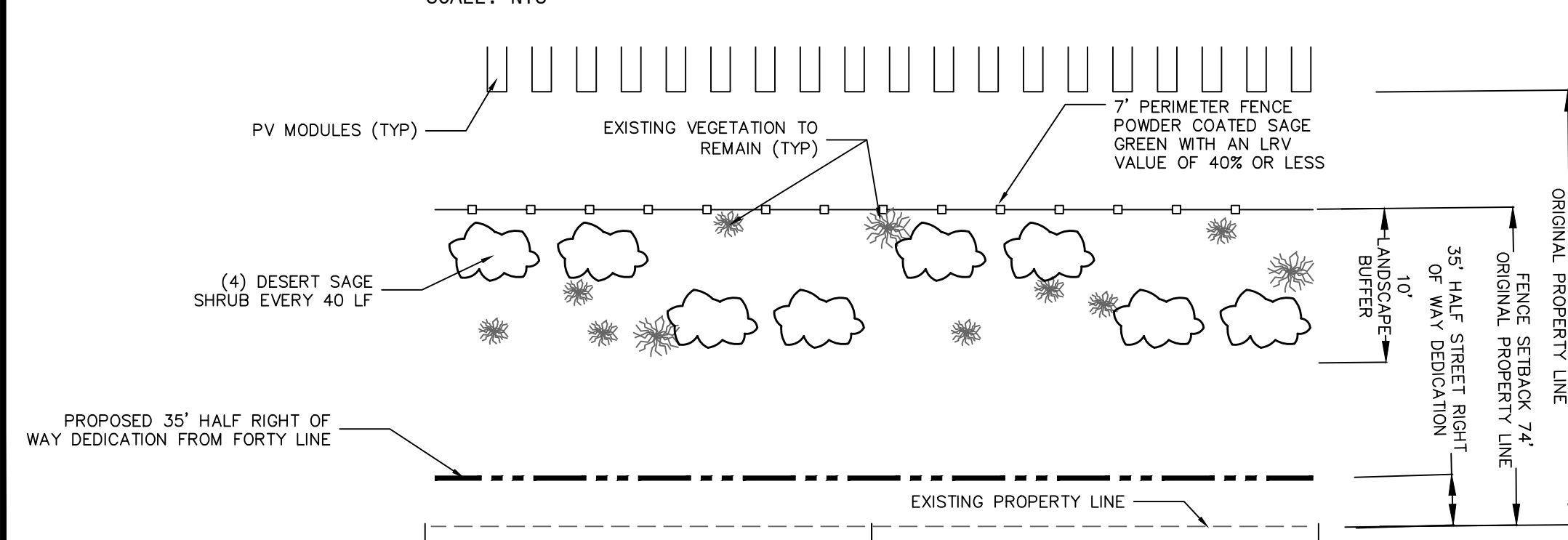
LANDSCAPE BUFFER TYPICAL SECTION B-R PLAN VIEW

SCALE: NTS



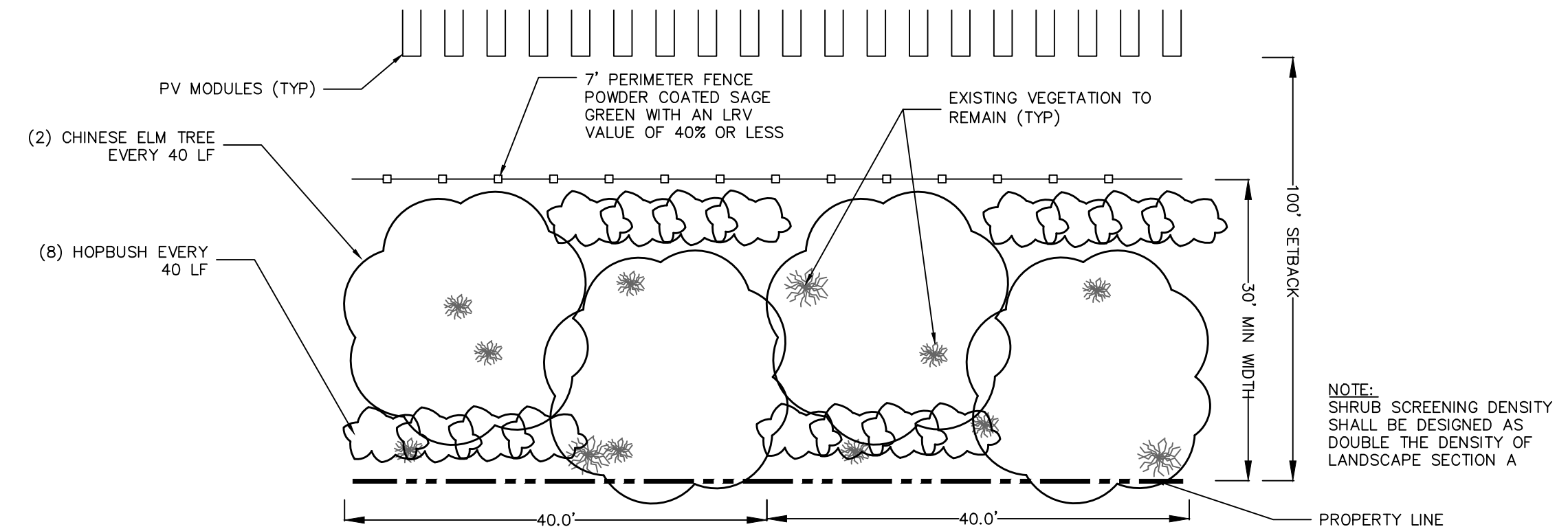
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SCALE: NTS



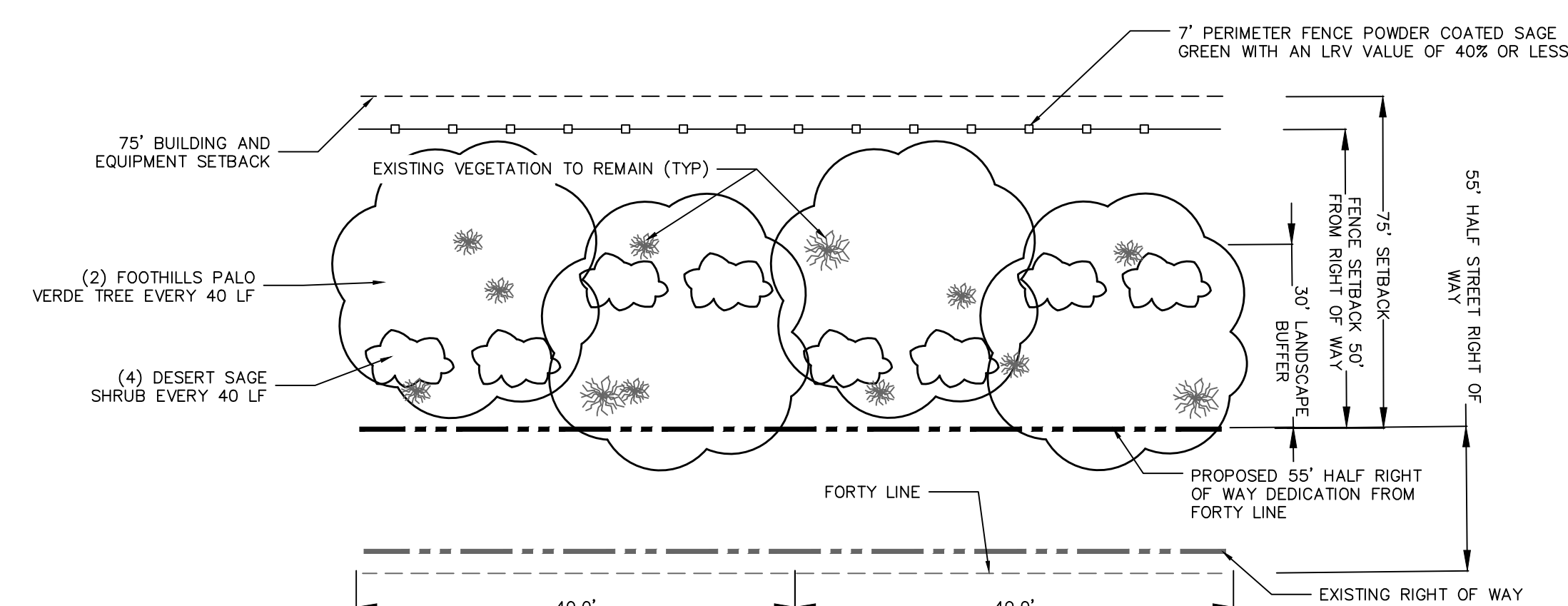
LANDSCAPE BUFFER TYPICAL SECTION C-B PLAN VIEW

SCALE: NTS



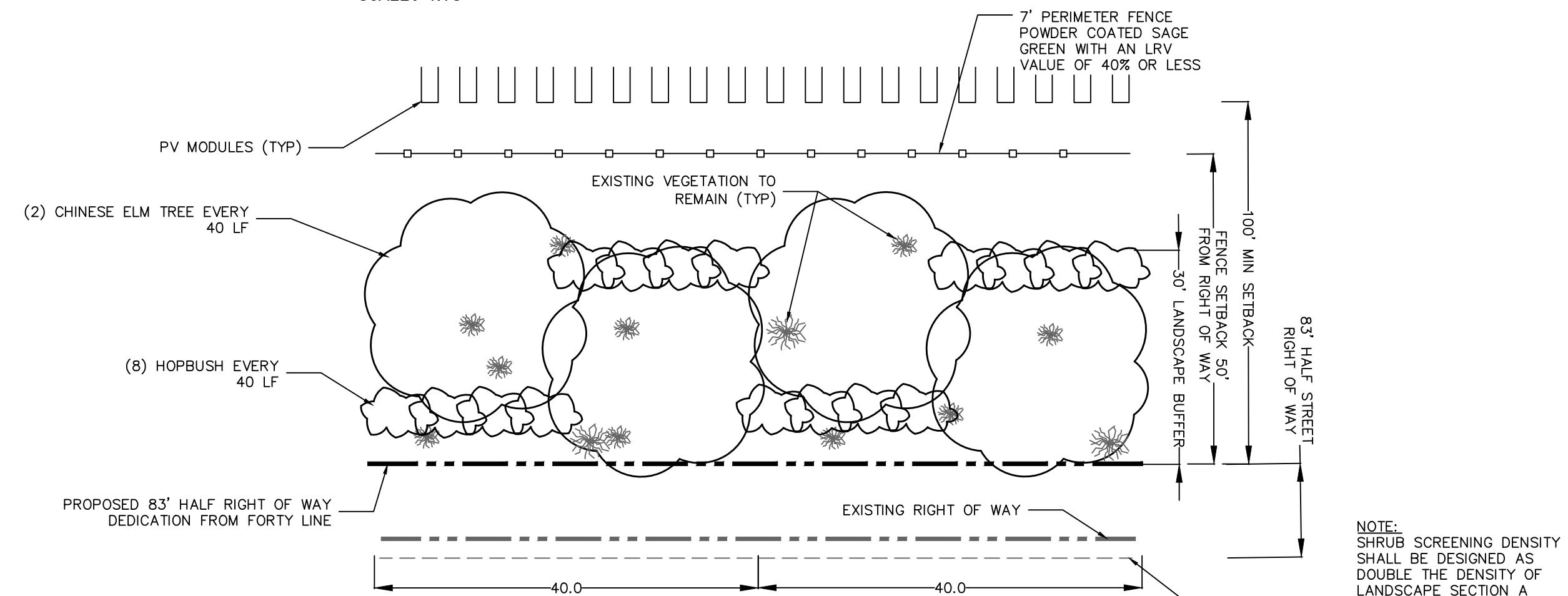
LANDSCAPE BUFFER TYPICAL SECTION D PLAN VIEW

SCALE: NTS



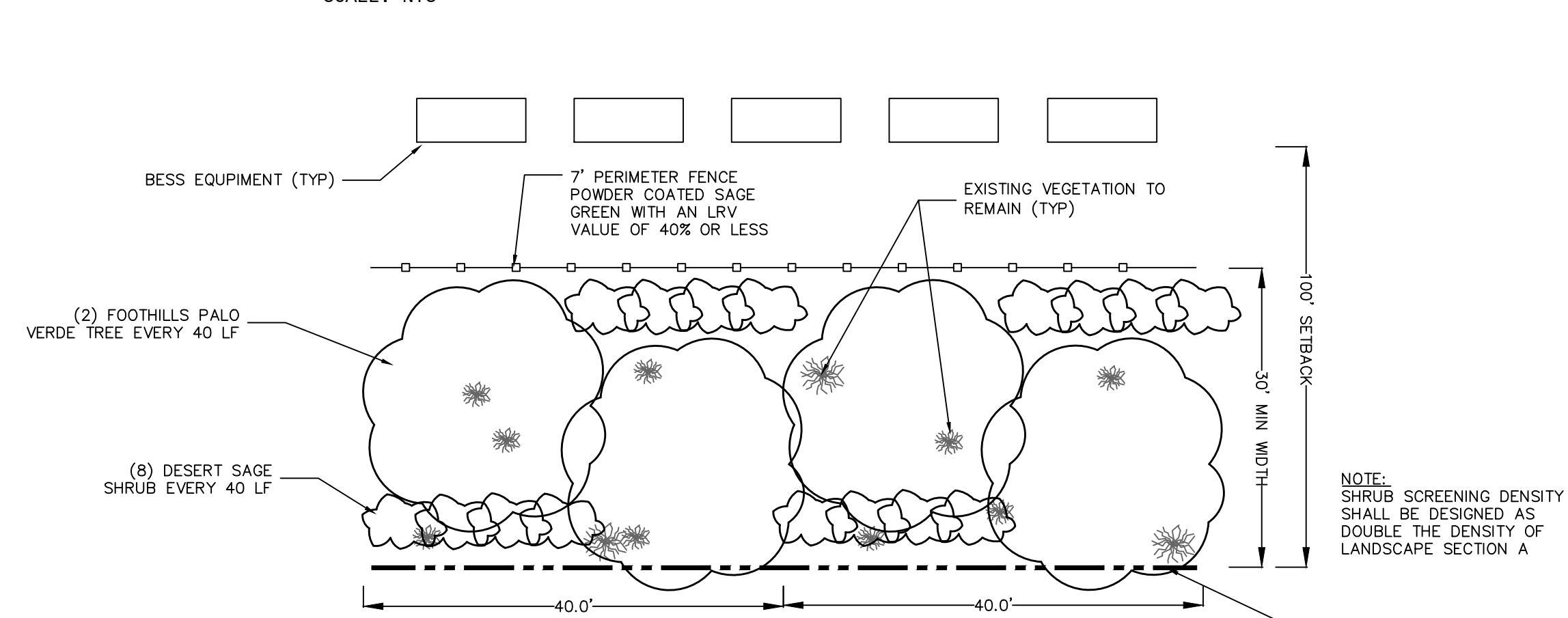
LANDSCAPE BUFFER TYPICAL SECTION E - PLAN VIEW

SCALE: NTS



LANDSCAPE BUFFER TYPICAL SECTION F - PLAN VIEW

SCALE: NTS



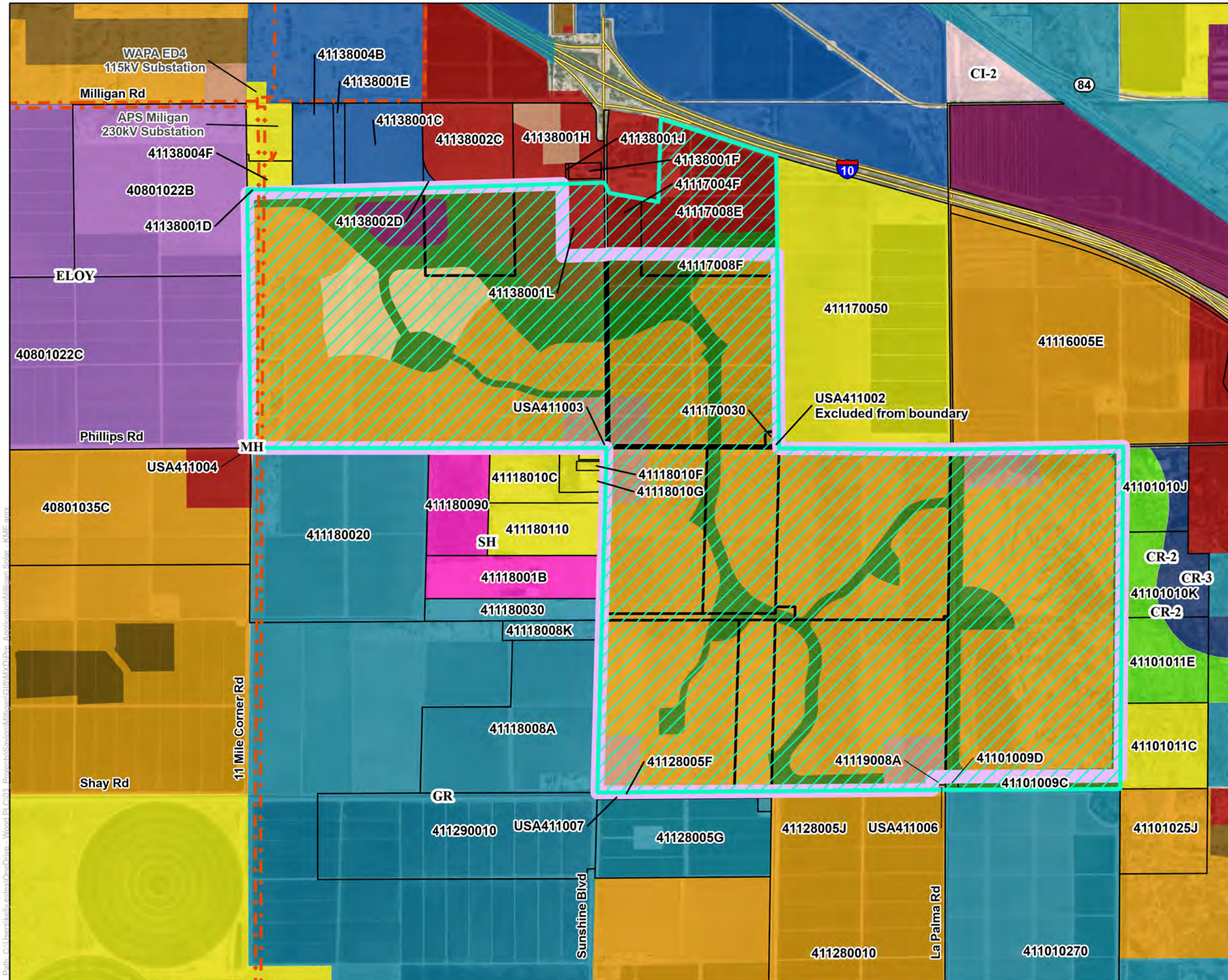
LANDSCAPE BUFFER TYPICAL SECTION G PLAN VIEW

SCALE: NTS

NOTES:

1. VEGETATIVE DENSITY OF THE PROPOSED LANDSCAPE SCREENING WILL BE DETERMINED AT A LATER DATE.
2. VEGETATION SPECIES SHOWN ARE FOR DEPICTION PURPOSES. FINAL VEGETATION SPECIES SHALL BE COORDINATED WITH THE CITY OF ELOY.
3. LANDSCAPE BUFFERS ARE TO BE SERVED WITH A DRIP IRRIGATION SYSTEM AND WATER STORAGE TANK. PLANTINGS SHALL BE IRRIGATED ON A REGULAR BASIS TO PROMOTE VIGOROUS VEGETATIVE GROWTH.
4. DEPENDING ON TREE SPECIES SELECTED, OVERALL PLANT GENERATION MAY BE NEGATIVELY AFFECTED BY PROPOSED LANDSCAPING SHADOWS.

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- Legend**
- Phase 1 - Milligan Energy Center (1,584 Acres)**
- Phase 7 - Rancho del Sol Brillante (1,721 Acres) [Also incorporating Phases 2-6 Land Area]
- City of Eloy Zoning**
- C-1 Neighborhood Commercial
 - C-2 Community Commercial
 - I-1 Light Industrial
 - I-2 General Industrial
 - OSR Open Space Recreational
 - R-3 Multiple Family Residential (10-24 du/acre)
 - R1-12 Single Family Residential (12,000 sq. ft.)
 - R1-43 Estate Residential (43,560 sq. ft.)
 - R1-54 Estate Residential (1.25 acres/du)
 - R1-6 Single Family Residential (6,000 sq.ft.)
- Pinal County Zoning**
- CR-2
 - CR-3
 - SH
 - GR
 - MH
 - CI-2
- Transmission Line**



**Milligan Energy Center
Eloy, Arizona**

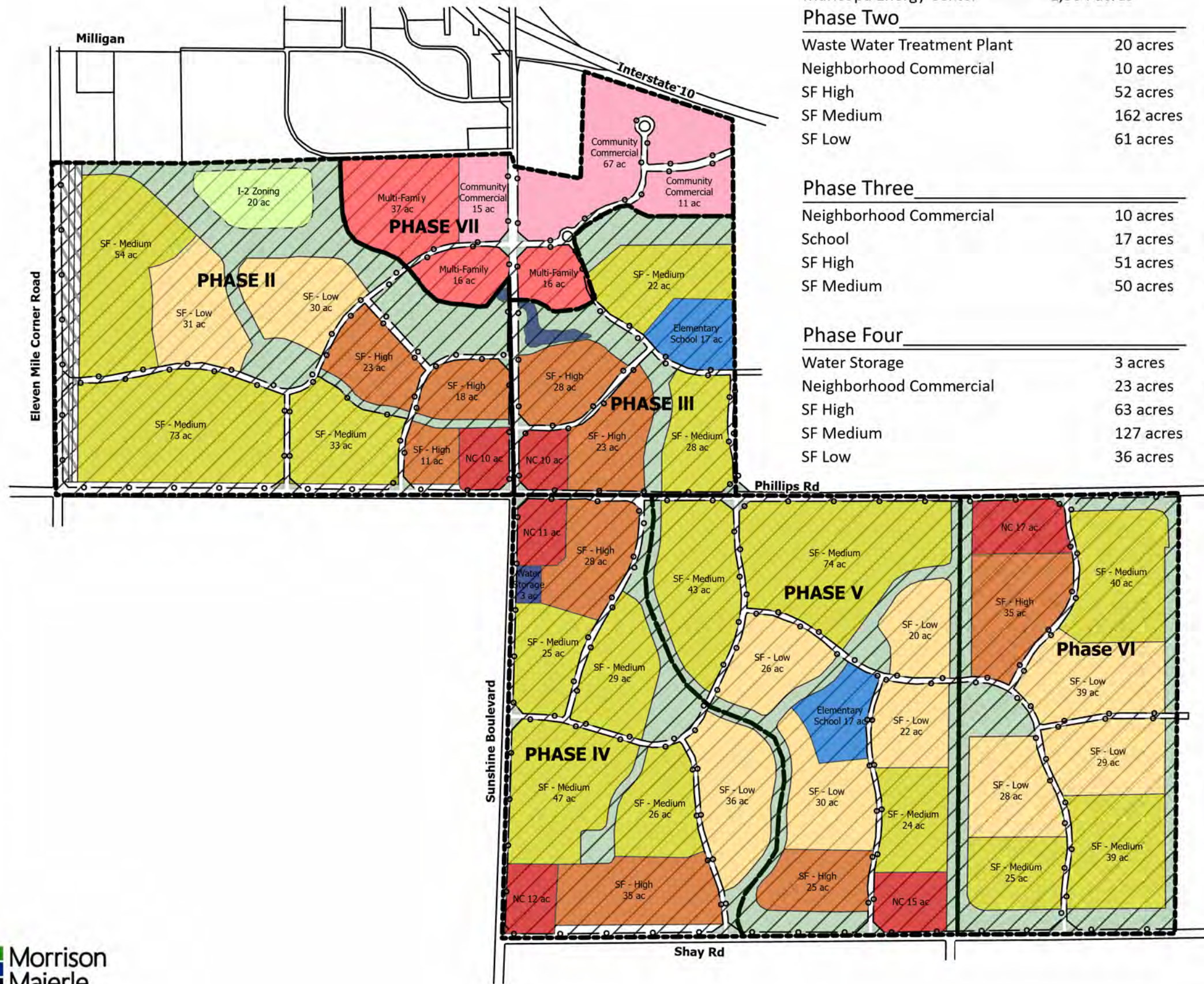
**Application Narrative Attachment 5: Site
Area and Adjacent Properties' Existing
Zoning Designation Map**

Job No. 24616304
PM: EC
Date: 5/21/2024
Scale: 1"= 1,500 feet

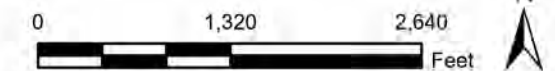
wood.

The map shown here has been created with all due and reasonable care and is strictly for use with Wood Project Number 24616304. This map has not been certified by a licensed land surveyor, and any third party use of this map comes without warranties of any kind. Wood assumes no liability, direct or indirect, whatsoever for any such third party or unintended use.

Path: C:\Users\zachary\OneDrive - Wood\PL\003 Projects\Savon\Milligan\GIS\MapDocs\Pre Application\Milligan Solar - KME.aprx



- Legend**
- Maricopa Energy Center (1,584 Acres)
 - Road Edge
 - Water
 - Green Space
 - Phase Boundary
 - Power
- Phases**
- Community Commercial
 - Elementary School
 - I-2 Zoning
 - Multi-Family
 - NC
 - SF - High
 - SF - Low
 - SF - Medium
 - Water Storage



[illegible]MILLIGAN ENERGY
CENTER

INTERIM PROJECT PLAN CONCEPTUAL DRAINAGE PLAN

MILLIGAN ENERGY
CENTER, LLC

REAL:

ODD FARMER, P.E.
E. LICENSE NO. 40970

CIVIL DESIGN BY:	SOLAR DESIGN BY:
KV	NA

CHECKED BY: AC	SCALE: 1" = 600'

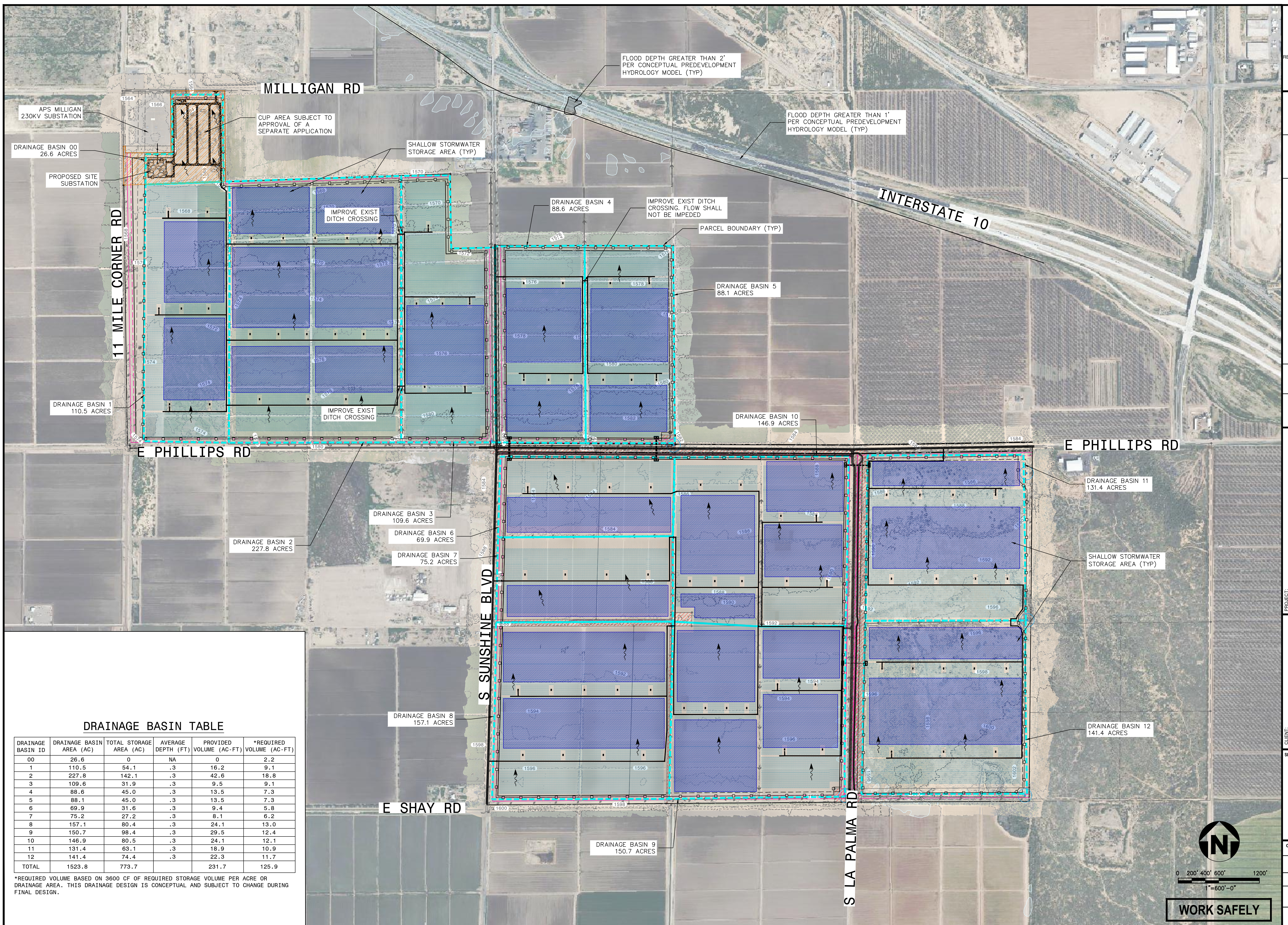
PROJECT NUMBER:
24616301

DRAWING NUMBER:
C 200

C-200

SHEET NUMBER:

8 OF 10



DRAINAGE BASIN TABLE

DRAINAGE BASIN ID	DRAINAGE BASIN AREA (AC)	TOTAL STORAGE AREA (AC)	AVERAGE DEPTH (FT)	PROVIDED VOLUME (AC-FT)	*REQUIRED VOLUME (AC-FT)
00	26.6	0	NA	0	2.2
1	110.5	54.1	.3	16.2	9.1
2	227.8	142.1	.3	42.6	18.8
3	109.6	31.9	.3	9.5	9.1
4	88.6	45.0	.3	13.5	7.3
5	88.1	45.0	.3	13.5	7.3
6	69.9	31.6	.3	9.4	5.8
7	75.2	27.2	.3	8.1	6.2
8	157.1	80.4	.3	24.1	13.0
9	150.7	98.4	.3	29.5	12.4
10	146.9	80.5	.3	24.1	12.1
11	131.4	63.1	.3	18.9	10.9
12	141.4	74.4	.3	22.3	11.7
TOTAL	1523.8	773.7		231.7	125.9

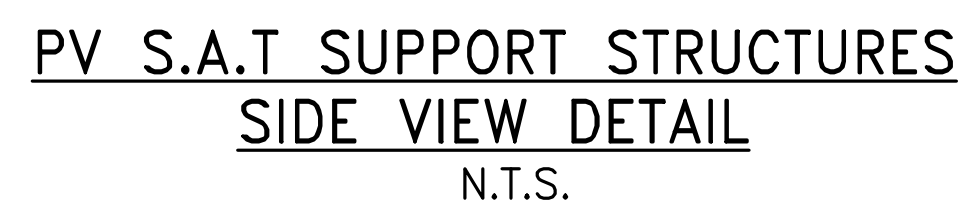
*REQUIRED VOLUME BASED ON 3600 CF OF REQUIRED STORAGE VOLUME PER ACRE OR DRAINAGE AREA. THIS DRAINAGE DESIGN IS CONCEPTUAL AND SUBJECT TO CHANGE DURING FINAL DESIGN.

UNLESS OTHERWISE AGREED IN A WRITTEN CONTRACT BETWEEN WOOD GROUP, INC. AND ITS CLIENT: (I) THIS DOCUMENT CONTAINS INFORMATION, DATA AND DESIGN THAT IS CONFIDENTIAL AND MAY NOT BE COPIED OR DISCLOSED; AND (II) THIS DOCUMENT MAY ONLY BE USED BY THE CLIENT IN THE CONTEXT AND FOR THE EXPRESS PURPOSE FOR WHICH IT HAS BEEN DELIVERED. ANY OTHER USE OR RELIANCE ON THIS DOCUMENT BY ANY THIRD PARTY IS AT THAT PARTY'S SOLE RISK AND RESPONSIBILITY.



1. FOR ALL CROSSINGS/DIRECTIONAL DRILLS THE 34.5KV COLLECTOR CABLES SHALL BE INSTALLED:
 - 6" HDPE CONDUITS
 - PERPENDICULAR TO ROADS/ UTILITIES/OBSTACLES
 - IF CABLE SPLICE REQUIRED, IT SHALL BE INSTALLED ONLY ON ONE (1) SIDE OF THE CROSSING/DIRECTIONAL DRILL.
2. MINIMUM VERTICAL SEPARATION BETWEEN OUTSIDE OF PROPOSED HDPE CONDUITS AND OBSTACLES IS 24".
ALL UNLISTED ITEMS AND UTILITY SPACING REQUIREMENTS ARE TO BE CONFIRMED BY THE CONTRACTOR AS PER THE APPROPRIATE REGULATIONS, STANDARDS AND LAWS.
3. TRANSITION FROM DIRECT BURIED SECTION TO DIRECTIONAL DRILLED SECTION SHALL BE A SMOOTH TRANSITION WITH A MINIMUM RADIUS REQUIRED BY CABLE MANUFACTURER AND IN ACCORDANCE WITH NEC REQUIREMENTS.
4. NEW DOT STANDARD SURFACE MARKERS MUST BE PERMANENTLY INSTALLED FOR ALL UTILITY CROSSINGS.
5. CONDUIT AND CONCRETE MUST EXTEND ACROSS THE FULL LIMITS OF THE PIPELINE RIGHT OF WAY.
6. EACH 6" HDPE CONDUIT SHALL ACCOMMODATE ONE(1) 34.5KV CABLE WITH MAXIMUM SIZE OF 34.5KV, 1250KCMIL, AL CONDUIT SHALL CARRY ONE(1) SOLAR FARM COLLECTOR CIRCUIT WITH MAXIMUM GENERATION CAPACITY OF 25MW OR 100MW PER BORE.
7. CABLE COUNTS SHOWN ARE FOR DEPICTION PURPOSES ONLY AND SUBJECT TO CHANGE DURING FINAL DESIGN.

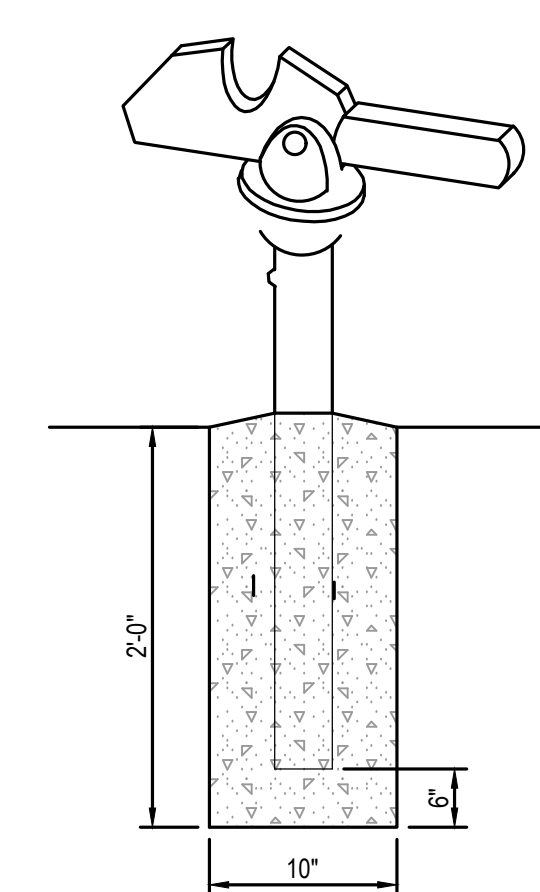
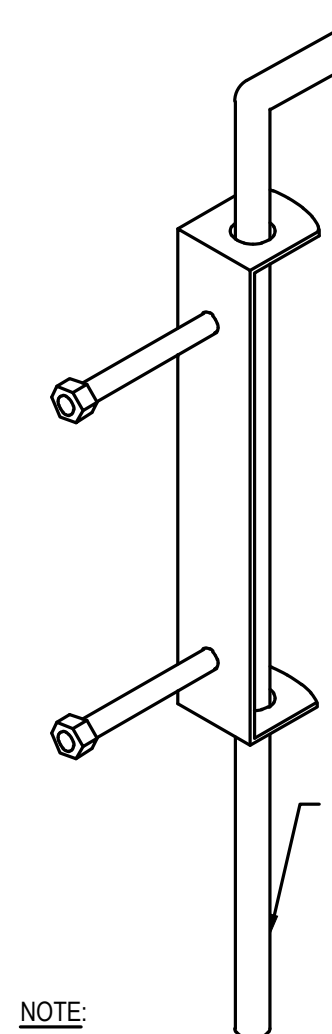
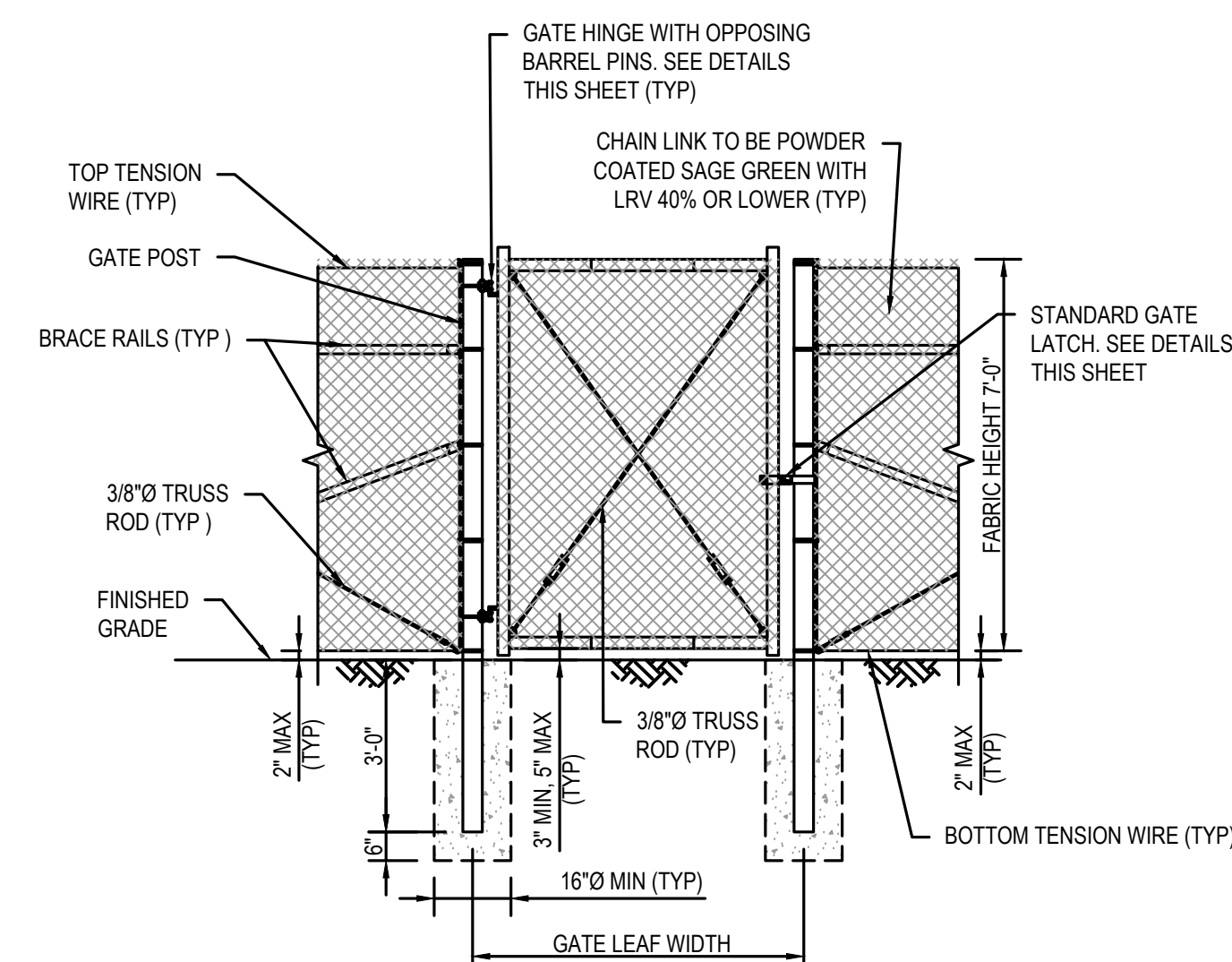
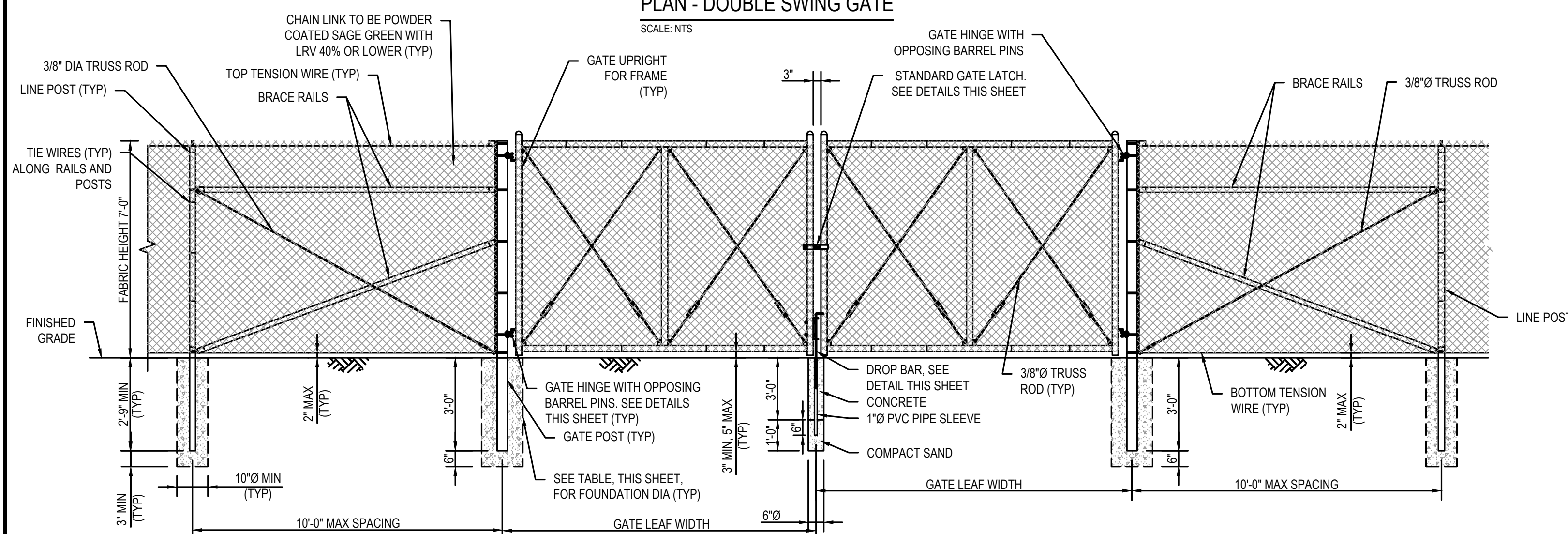
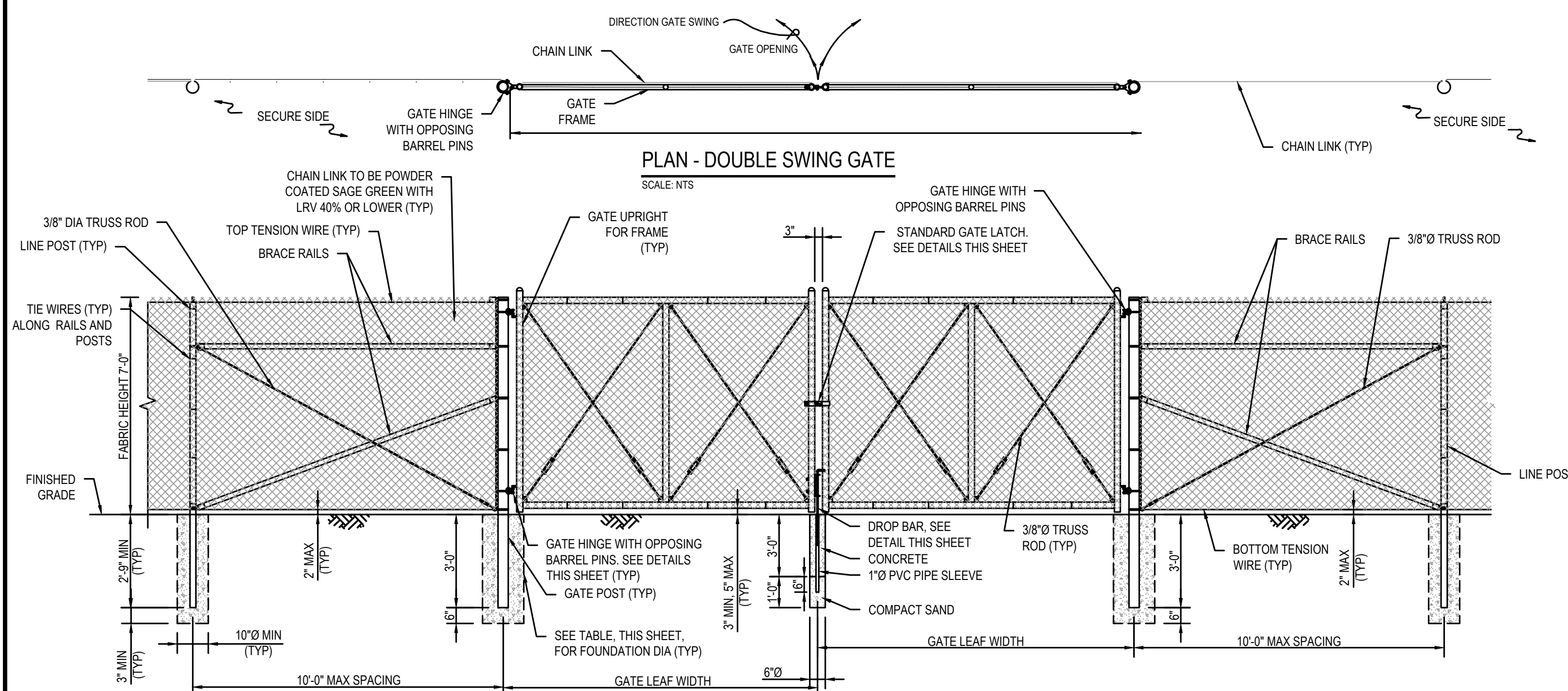
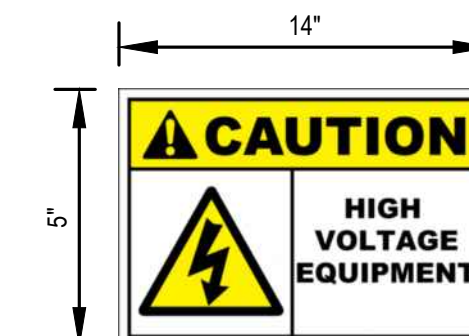
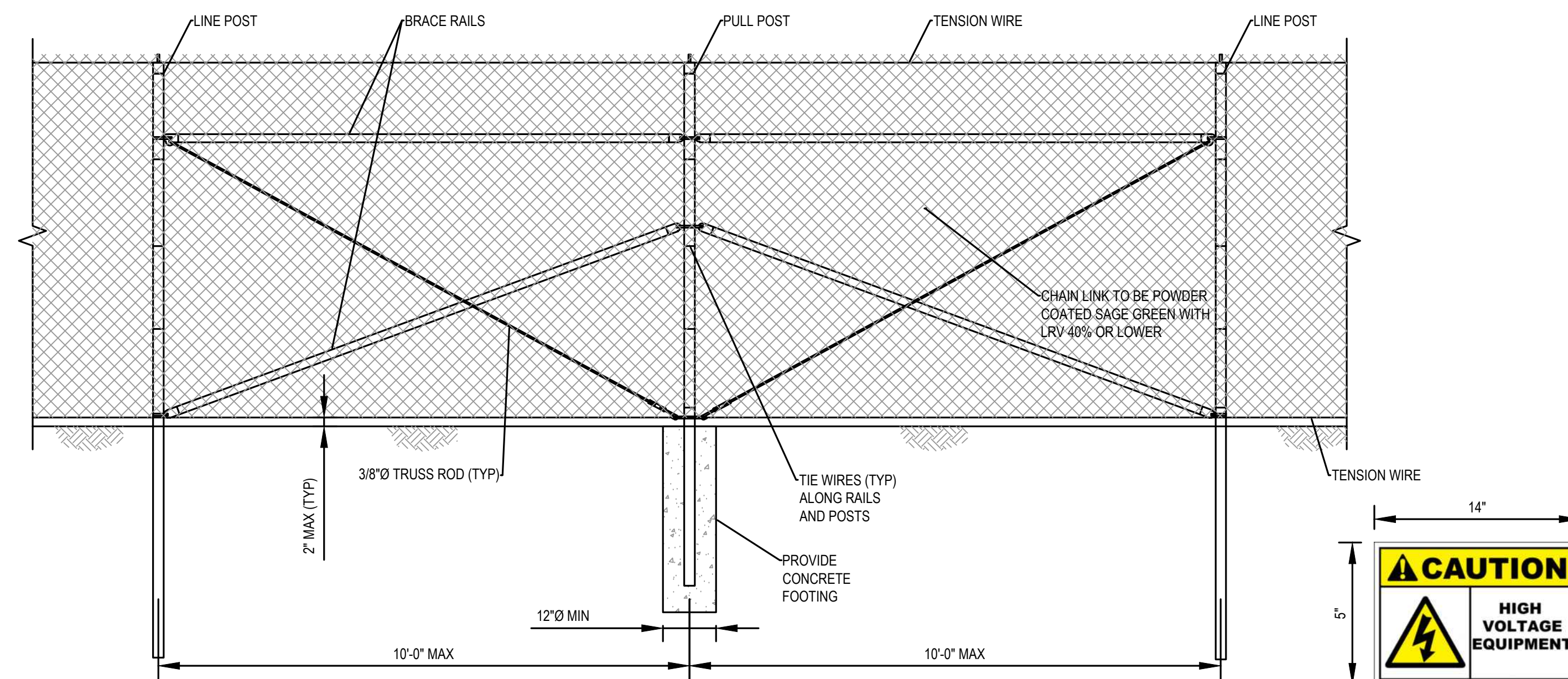
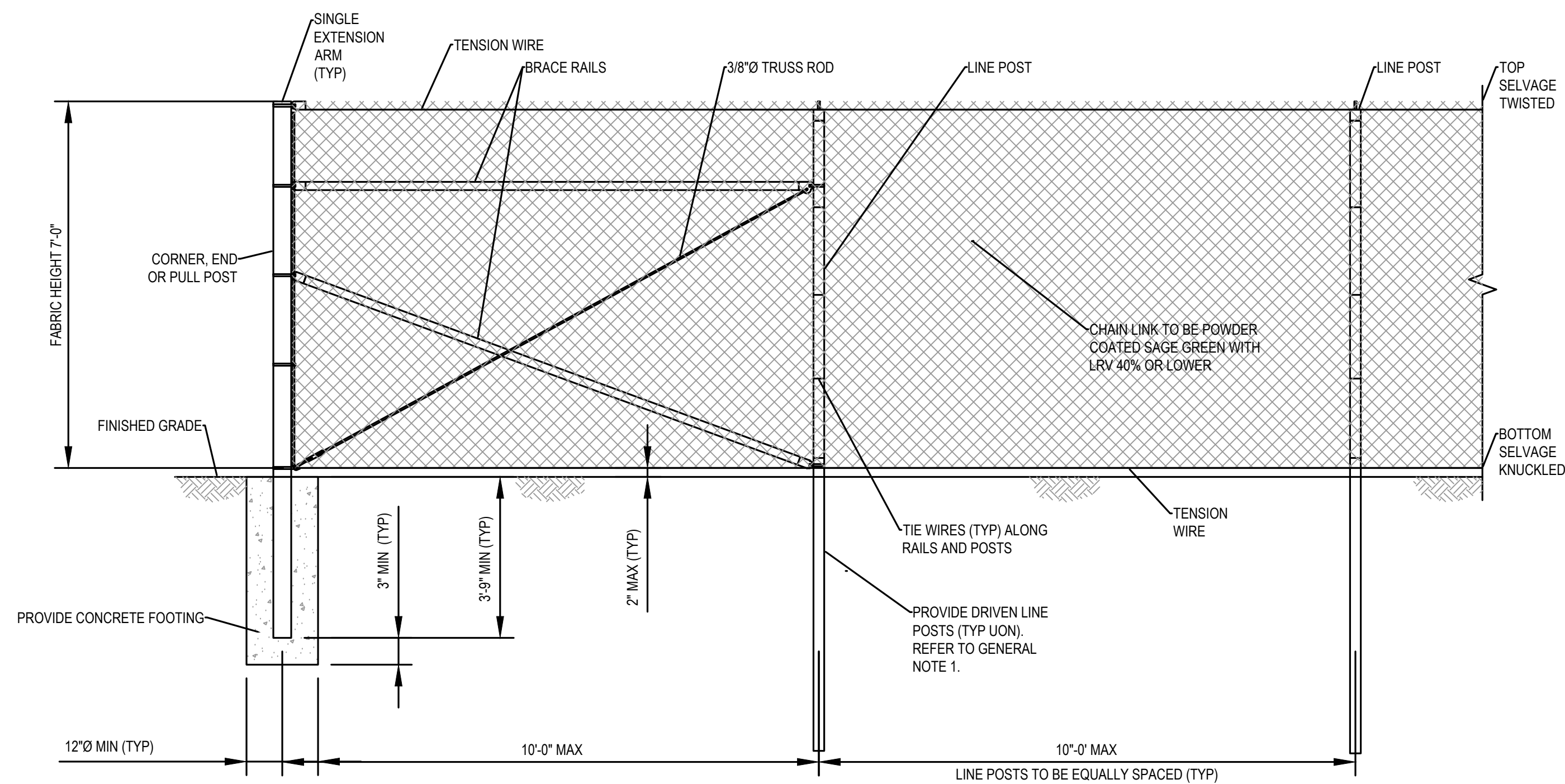
SCALE: NTS



NOTE: DETAIL IS FOR
DEPICTION PURPOSES. FINAL
POLE CONFIGURATION/DESIGN
IS SUBJECT TO CHANGE

SCALE: NTS

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NOTE:

PROVIDE ONE DROP BAR FOR EACH DOUBLE SWING GATE. ASSOCIATED SLEEVE TO BE INSTALLED FLUSH WITH GRADE AT FULLY CLOSED POSITION.

CONTRACTOR SHALL PROVIDE 6" LAYER OF #10 SAND BELOW BOTTOM OF SLEEVE TO ALLOW FOR DRAINAGE

DROP BAR

SCALE: NTS

WORK SAFELY

[illegible]

Rancho del Sol Brillante

A MASTER PLANNED COMMUNITY
Planned Area Development

Eloy, AZ

Original Prepared for:

Rancho Sol Brillante, LLC 2141 E. Highland Avenue, Suite 160
Phoenix, AZ 85016

Original PAD Prepared by:
Morrison-Maierle, Inc.

80 E. Rio Salado Parkway, Suite 201 Tempe, Arizona 85281
P: 480.517.5800
F: 480.517.5801
www.m-m.net

November 2004 - MMI Project No. 8303.006

Case No. RZPAD2004-018
Approved December 13, 2004
Ord. No. 04-579

1st Amendment
Case No. RZPAD2004-018.A.1
Approved: TBD
Ord. No. TBD

Zoning Map Amendment
1st Amendment to the
Rancho Del Sol Brillante
Planned Area Development

Submitted to:
City of Eloy, AZ
595 N. C Street Ste. 104
Eloy, AZ 85131

Prepared for:
Milligan Energy Center LLC.

A subsidiary of:
Savion Renewable Energy LLC.



422 Admiral Blvd.
Kansas City, MO 64106

Prepared by:
wood.

3636 Executive Center Drive, Ste. 200
Austin, TX 78731

Applicant, on behalf of Savion LLC:

ROSE LAW GROUP_{pc}
RICH ■ CARTER ■ FISHER

7144 E. Stetson Drive, Suite 300
Scottsdale, AZ 85251

Court Rich, Attorney
crich@roselawgroup.com
Attn: Jennifer Hall, Sr. Project Manager
Ph: 480-505-3938
jhall@roselawgroup.com

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Conceptual Low Flow Channel/Open Space Section.....	Exhibit L
Conceptual Community Park Plan.....	Exhibit M
Conceptual Neighborhood Park Plan.....	Exhibit N
Conceptual Monument Sign Section and Plan View.....	Exhibit O
Conceptual Sunshine Boulevard Street Cross Section and Plan.....	Exhibit P
Flood Insurance Rate Map (FIRM).....	Exhibit Q
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Proposed Water Master Plan.....	Exhibit T
Proposed Sanitary Sewer Collection System.....	Exhibit U
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<u>Interim Project Plan: Milligan Energy Conceptual Landscape Plan...</u>	<u>Exhibit Z</u>

I. INTRODUCTION

1. Location

The Rancho del Sol Brillante Development Plan area is 1,721 acres in size, and is located entirely within the City of Eloy. ~~'s General Plan Study Area. Currently, approximately 960 acres of the Development Plan area lie outside of the City's incorporated limits. An annexation petition and pre-annexation development agreement have been filed with the City of Eloy to incorporate that portion of the site, which is presently under Pinal County's jurisdiction. The following documents presume the entire Development Plan area will be within the City of Eloy's limits prior to development.~~

The project site occupies all of Section 20, and portions of Sections 17, 18 and 21, of Township 8 South, Range 8 East, Pinal County, Arizona. Generally, the site is located north of Shay Road, south of Interstate 10, east of Eleven Mile Corner Road and one-half mile west of the State Highway 87/Barrett Road alignment. The site is located in a largely undeveloped area, approximately 2.5 miles southeast of downtown Eloy, and about 40 miles south of Phoenix and 40 miles northwest of Tucson.

Reference Exhibit A, Vicinity Map

2. Request

Rancho del Sol Brillante is a master planned community comprised of residential, commercial, recreational, community, and a small portion of industrial uses. With the exception of a small component of industrial use, which is for a 20-acre wastewater treatment plant (WWTP) site, all of the land uses are in conformance with the General Plan Amendment that was approved for Rancho del Sol Brillante by City Council on October 27, 2003. The planned community uses include elementary schools, parks and trails. No golf courses are planned at this time.

The Rancho del Sol Brillante master planned community contains various zoning districts within the Planned Area Development- (PAD) Overlay Zoning District., ~~Given~~ the scale of the development ~~plan and~~ plan and the mixture of land uses, the PAD ~~will allow~~ allows for the ~~greatest~~ flexibility in ~~the~~ design. For example, common open space is a major element of the Rancho Del Sol Brillante master planned community; approximately 20% of the single-family residential component is planned to be open space. The Conceptual Master Plan ~~has been~~ designed so that the residential lots are smaller and clustered together, instead of larger and spread out, to allow for the required percentage of the project's area to be creatively used for open space in the form of open space corridors and parks.

This Development Plan includes the Property Development Standards, Allowed Uses, Uses, a Landscape Master Plan, a Drainage Master Plan, a Water Master Plan, a Sewer Master Plan, a Traffic Study, a Street Master Plan and a Preliminary Phasing Plan. Although the proposed project includes development regulations, following approval of this request subsequent In addition to complying with the Property Development Standards and Allowed Uses of the PAD, development of Rancho del Sol Brillante shall comply with the applicable unmodified City of Eloy's Design Guidelines, Zoning Ordinance, Subdivision Ordinance, and all other applicable provisions and guidelines in the Eloy Code.

Reference Exhibit B, General Plan Amendment Land Uses

II. EXISTING CONDITIONS

A Phase I Environmental Site Assessment conducted for the project site revealed that no prior or current site uses have caused significant contamination of the site. The Assessment found that from 1971 to 2002 portions of the site had been used for agricultural purposes and portions were vacant land. Today, the majority of the site is irrigated farmland.

Reference Appendix A, Phase I Environmental Site Assessment Executive Summary

1. Site Topography

The project site is relatively flat. A one-foot contour interval topographic survey completed for the project site shows that the land slopes at approximately 0.19% from the southeast corner of the site to the northwest corner of the site. It is expected that the general drainage pattern on the site, from the southeast to the northwest, caused by the slope of the land, will be maintained during and after construction. Notable site topographic features include existing irrigation and drainage ditches, a wash that runs along the western edge of Section 21, which is the alignment of La Palma Road, and the Santa Cruz River (seasonal/dry) as it changes from channelized flow to sheet flow.

Reference Exhibit C, Existing Conditions Map

2. Site Access

The project site is an ideal location for a master planned community in the City of Eloy because of its close proximity to existing highways. Currently the project site is accessible via existing roads and highways, and will be accessible via roads that are constructed for the Rancho del Sol Brillante development. Interstate 10 and State Highway 84 are just north of the site. State Highway 87 is just northeast of the project site. The project site is adjacent to the alignments of Sunshine Boulevard, Eleven Mile Corner Road, Phillips Road, Shay Road and Interstate 10.

Currently there are three Interstate 10 interchanges within close proximity of the Rancho del Sol Brillante Development Plan. The closest interchange is with Sunshine Boulevard, just north of the project site. Phillips Road interchanges with Interstate 10 approximately one mile east of the site. This interchange provides a fast route to Pima County/ Tucson and Maricopa County/ Phoenix. The third interchange is with Toltec Road, which is three miles west of the project site.

Phillips Road connects to State Highway 87 through the Interstate 10/State Highway 87 interchange, providing access to Coolidge and Florence.

Reference Exhibit E, City of Eloy Zoning Districts Map

3. Adjacent Land

The land adjacent to Rancho del Sol Brillantes currently under private ownership, with the exception of a 70-foot-wide parcel south of and adjacent to Shay Road, which is owned by the federal government. Presently, the land surrounding the project site is either vacant, developed with commercial uses or being used for agriculture.

According to the City's General Plan, the land surrounding the project site falls within several

Land Use Plan designations, the majority of which is designated as Rural Residential. North of the site, the adjacent land is designated as Light Industrial, Estate Density Residential, and Community Commercial. To the south, east and west of the project site, the adjacent land is designated as Rural Residential, Estate Density Residential, Medium Density Residential, Community Commercial and Parks/Open Space.

The majority of land surrounding the project site that falls within the City's limits is currently zoned Estate Density Residential (R1-43). Only a small area of land adjacent to the project site is zoned Neighborhood Commercial (C-1), Community Commercial (C-2) and General ~~Light~~ Industrial (~~I-1~~ I-2) -zoning. The majority of these commercial and industrial zoned areas surrounding -Rancho Del Sol Brillante are located west of Sunshine Boulevard and south of Milligan Road.

The 4,500-acre Eloy Valley Specific Plan area is located within the vicinity of the project site in the City of Eloy. Eloy Valley was approved recently with a Planned Area Development District overlay. The Eloy Valley Specific Plan area is located approximately one mile west of the Ranch del Sol Brillante Development Plan west of the Tumbleweed Road alignment. The Rancho del Sol Brillante and Eloy Valley developments will work well together in the City of Eloy, both providing the city with a variety of needed land uses, including community facilities.

Reference Exhibit E, City of Eloy Zoning Districts Map

III. DEVELOPMENT PLAN

Rancho del Sol Brillante is a pedestrian-friendly, master planned community that will contribute to meeting the needs of the City of Eloy and the surrounding areas. It will contribute by providing a diversity of affordable housing types, recreational facilities, commercial services, employment opportunities, as well as an additional tax base, which will be created by the commercial components of the development. Also planned within the project are two 17-acre elementary school sites, one 3-acre water storage facility and one 20-acre wastewater treatment plant. Rancho Del Sol Brillante will tie into the City's planned multi-use trail system and bike route/path along Sunshine Boulevard. The trail will run for the length of the project, as shown in the City's Circulation Plan, and become a developing, attractive, safe and usable trail system.

A community facilities district ("CFD") will be proposed to assist in the financing and construction of eligible public improvements pursuant to ARS 48-701. Eligible public improvements anticipated to be financed through the CFD include, but are not limited to: roadways, wastewater treatment plant, sewer mains, water lines, public parks/open space, and landscaping. The use of the CFD will allow the public improvements to be constructed in an accelerated manner and to a higher design standard such as: by enforcing the landscape standards for the community, which would otherwise not be possible should the CFD financing not be available.

Reference Exhibit F, Conceptual Master Plan

1. Conceptual Master Plan – Property Development Standards and Allowed Uses

A. Residential Development Standards and Uses

Approximately 1,168 acres of Rancho del Sol Brillante is residential land uses, which includes single-family and multi-family areas. Each of the residential areas is near a neighborhood park, a pocket park and/or open space corridors. A meandering trail system located within the open space corridors will provide a connection from the residential areas to the planned parks, school sites and commercial areas within the development. More details regarding the parks and trail system are described in the Landscape Master Plan section of this report.

1. Single Family Residential

The single-family residential component of Rancho del Sol Brillante is estimated to be 1,099 acres (ac) in size and is broken down into three different categories: Single-Family Low Density Residential (R-12 SF-Low), Single-Family Medium Density Residential- (R1-6 SF-Medium) and Single-Family High Density Residential (R1-6 SF-High). Further, these categories are each comprised of several parcels. There are 9 SF-Low parcels, which total 268 ac, 16 SF- Medium parcels, which total 604 ac, and 9 SF-High parcels, which total 227 ac.

The positioning of the single-family residential areas within the master plan was based on many factors including location and relationship to adjoining land uses. The SF-high parcels are adjacent to or near the planned neighborhood commercial areas, which are adjacent to arterial and/or collector road intersections; therefore, the SF-High parcels are near or adjacent to arterial and/or collector road intersections. All SF-High residential parcels are adjacent to planned open space corridors, and some are also adjacent to planned neighborhood parks. The SF-Medium

parcels, which account for the greatest number of residential parcels, are located towards the perimeters of the project area, and the SF-Low parcels are near the center. The two planned school sites are adjacent to or surrounded by SF-Medium and SF-Low residential parcels.

a. Single Family Residential Property Development Standards

The maximum density (DU/ac) of the (R1-12) SF-Low category is 3.5 DU/ac; the maximum density of the (R1-6) SF-Medium category is 4.5 DU/ac; and the maximum density of the (R1-6) SF-High category is 5.5 DU/ac. It is anticipated that the minimum lot size in the single-family residential areas will be 5,000 square feet (sf).

For every lot under 5,400 sq. feet in size, one (1) lot of 8,000 sq. feet or larger shall be provided.

The standards for the single-family residential categories are outlined in the tables below (Tables 1 and 2) except as applicable in the Additional Property Development Standards.

Table 1
Single-Family Residential Development Standards

Land Use	(R1-12) SF-Low	(R1-6) SF-Medium	(R1-6) SF-High
Min. Lot Area (Sq Ft)	8,000	6,000	5,000
Min. Lot Width (Feet)	60	50	45
Max. Building Height (Feet)	35	35	35
Min. Front Yard Setback (Feet)	20/10 with side entry garage	20/10 with side entry garage	18/10 with side entry garage
Min. Side Yard Setback (Feet)	5 & 10	5 & 10	5&5 or 0&10
Min. Street Side Yard Setback (Feet)	20	15	15
Min. Rear Yard Setback (Feet)	25	20	15
Max. Lot Coverage	45%	45%	45%

**No multi-story homes shall be built on corner or end lots.*

***Any feature shall not project further than three (3) feet into any required yard and provided further that in no case shall such projections be nearer than five (5) feet to the property line.*

Table 2

Single-Family Residential Development Standards for Accessory Buildings

Max. Building Height (Feet)	15
Min. Distance to Front Lot Line (Feet)	60
Min. Distance to Primary Dwelling (Feet)	7
Min. Distance to Side and Rear Lot Lines (Feet)	4
Maximum Lot Coverage	1/3 of the total area of the required rear and side yards

b. Additional Property Development Standards.

- i. Solar Utility-Scale Generation, and Battery Energy Storage System Facilities: These facilities shall comply with Section III.1.G., below.*
- ii. Other Uses: Comply with the provisions of the applicable underlying zoning district as specified on the zoning map.*

c. General Development Regulations.

The General Development Regulations of Article IV of City of Eloy Zoning Ordinance shall apply.

d. Allowed Uses

The following are the allowed primary uses in the (R1-12) SF-Low, (R1-6) SF-Medium, (R1-6) SF-High Zones:

- a) Detached single-family residential dwelling units
- b) Cluster single-family residential dwelling units*
- c) Open space
- d) Retention/detention areas
- e) Parks and playgrounds
- f) Public facilities, such as schools and Utility facility, minor
- g) Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities**

* Prior to submitting a site plan for cluster housing, design guidelines for this type of development will be submitted to the City for their review and approval. These guidelines will address lot sizes, setbacks, parking court design, and open space requirements.

** Use is allowed in accordance with the Additional Property Development Standards.

Accessory uses on the same parcel or lot as an established primary use that is allowed.

~~The intended uses for the single-family residential areas are single, detached dwelling units, and accessory buildings and accessory uses. The single-family detached homes may include cluster* style housing. Other uses may include open space and retention/detention areas, parks, playgrounds, and public facilities such as schools.~~

c. —

d.e. *Transfer of Density*

The designated parcels within the Rancho del Sol Brillante shall be developed at densities consistent with, or less than, the designated density ranges except as provided for in a density transfer. Modifications in the boundaries and acreage of parcels, or adjustments because of final road alignments, drainage, and retention basins, may occur during technical refinements in the preliminary plat process and shall not require an amendment to the Planned Area Development. Maximum dwelling units per parcel will thereby be adjusted. The single-family residential dwelling unit cap for the Rancho del Sol Brillante will be 4,884.

A transfer of residential density from one single-family parcel to another single-family parcel is permitted within the PAD in accordance with the following provisions:

- a. A transfer of residential density will not exceed the overall cap of 4,884 dwelling units.
- b. A transfer of residential density will not increase the existing single-family density of a parcel by more than 1.0 DU/ac.*
- c. A transfer of residential density will not exceed the capacity of the circulation system or other public facilities as established for the Planned Area Development area without a subsequent change in the infrastructure system to accommodate the increase in dwelling units.
- d. Density transfer applies only to Single-Family residential parcels.

* Densities may fluctuate and exceed the designated DU/ac, however at no time shall it exceed the next highest DU/ac classification. Any such change to a density of a higher or lower category will require the application of development regulations for that new category. This will apply only to the portion of a planning area that is adjusted by the density transfer.

** Maximum density for any parcel shall not exceed 5.5 DU/Acre.

—

2. Multiple-Family Residential

The multi-family residential component of Rancho del Sol Brillante is estimated to be 69 acres (ac) in size and consists of three parcels. There is only one category of multi-family residential, Multi-Family Residential (R-3). This category will allow for a maximum density of 16 dwelling units/acre.

The Multi-Family Residential (R-3) parcels are located in the northern part of the development,

near Sunshine Boulevard and Interstate 10. Two of the parcels have frontage on Sunshine Boulevard and are south of the planned community business center component of Rancho del Sol Brillante. The other parcel is located between the wastewater treatment plant (WWTP) site and one of the community business center parcels. There is a large open space area, varying between 300 and 500 feet in width and totaling 15 acres, which is located between the multi-family residential parcel and the WWTP, which shall be used for buffering purposes. There is also a large open space area adjacent to the south of each of the multi-family parcels, that shall be maintained by the HOA, which will serve as a buffer between the multi-family parcels and the single-family residential areas to the south.

a. Multi Family Residential Property Development Standards

The standards for the multi-family residential category are outlined in Table 3, except as applicable in the Additional Property Development Standards.

Table 3
Multiple-Family (R-3) Development Standards

Land Use	Multi-Family Residential
Min. Lot Area (Sq Ft)	7,000
Area/DU (Sq Ft)	2,420
Min. Lot Width (Feet)	60
Max. Building Height (Feet)	40
Min. Front Yard Setback (Feet)	25
Min. Side Yard Setback (Feet)	10
Min. Street Side Yard Setback (Feet)	15
Min. Rear Yard Setback (Feet)	25
Max. Lot Coverage	50%

~~The specific dwelling types planned for the multi-family residential component may include townhouses, condominiums, and apartments.~~

b. Additional Property Development Standards:

- i. Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities. These facilities shall comply with Section III.1.G., below.
- ii. Other Uses: Comply with the provisions of the applicable underlying zoning district as specified on the zoning map.

~~—Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities. The supplemental use standards of Section 21-3-1.39 (Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities) of the Zoning Ordinance, as amended, shall apply, except as modified below:~~

~~a) Interior setbacks~~

~~1) Adjacent to another solar use~~

~~2) Adjacent to any other existing use~~

~~ii. 3) These facilities shall be limited to the locations indicated on Exhibit Y.~~

c. General Development Regulations.

The General Development Regulations of Article IV of City of Eloy Zoning Ordinance shall apply.

d. Allowed Uses.

The following are the allowed primary uses in the Multiple-Family Residential (R-3):

a) Apartments

b) Condominiums

c) Townhouses

d) Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities*

* Use is allowed in accordance with the Additional Property Development Standards.

Accessory uses on the same parcel or lot as an established primary use that is allowed.

~~The specific dwelling types planned for the multi-family residential component may include townhouses, condominiums, and apartments.~~

Reference Exhibit G, Preliminary Parcel Data

Reference Exhibit H, Land Use Data Summary

B. Schools

Rancho del Sol Brillante falls within the boundaries of two elementary school districts and one high school district: Eloy Elementary District, Picacho Elementary District and Santa Cruz Valley Union High School District. Due to the expected growth in the area, each of the school districts will require additional facilities in order to sufficiently service the student population.

The Eloy Elementary District and the Picacho Elementary District do not anticipate the need for additional middle school (Levels: 7-8) sites. Therefore, The Rancho del Sol Brillante includes two 17-acre elementary school sites within the Eloy School District. The elementary school sites are

strategically located; they will be accessible via planned collector roads and the planned multi-use trail system. A 10-acre school site will be reserved in the final phase of development, for the Picacho Elementary School District, and will be available, should the demand exist for a school site in the Picacho School District.

Santa Cruz Valley Union High School is approximately 50 students away from exceeding their current capacity. Currently there is no High School designated for the site. Adjacent lands are available to the property should the School District decide to purchase a school site. If the District becomes interested in a site within the project area, the developer may make a site available for purchase. The developer of Rancho del Sol Brillante shall be committed to reaching an agreement that will be beneficial to all parties involved.

Reference Exhibit I, Elementary School District Boundaries Map

Reference Appendix B, School District Approval Letters

C. Water Storage

A 3-acre water storage site has been incorporated into Rancho del Sol Brillante. This facility site is located adjacent to the east of Sunshine Boulevard and the south of a planned 11-acre neighborhood commercial parcel, which is located at the southeast corner of Sunshine Boulevard and Phillips Road.

D. Commercial Development

E. — Land Uses

The commercial components of Rancho del Sol Brillante are intended to provide services, shopping, dining, and employment opportunities for the residents of Rancho del Sol Brillante and the outlying areas. The commercial component consists of two commercial categories, neighborhood commercial and community commercial. The development standards for these two categories are outlined in Table 4, below.

1. Neighborhood Commercial

Approximately 75 acres of neighborhood commercial uses are planned for Rancho del Sol Brillante. This category is comprised of six parcels, which are interspersed throughout the development. The parcels are located at the intersections of arterial and/or collector roads, and will provide close and convenient shopping areas for residents of Rancho del Sol Brillante as well as existing and future neighboring communities. Some of the neighborhood commercial parcels are also adjacent to the open space corridors so that residents could easily walk, bike, or skate to and from these commercial areas.

a. Neighborhood Commercial (C-1) Property Development Standards

The neighborhood commercial parcels ~~shall~~ will be developed in accordance to Neighborhood

Commercial (C-1) Zoning District standards of Table 4, except as applicable in the Additional Property Development Standards.

b. Additional Property Development Standards.

i. Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities.
These facilities shall comply with Section III.1.G., below.

ii. Other Uses: Comply with the provisions of the applicable underlying zoning district as specified on the zoning map Additional Property Development Standards:

Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities. The supplemental use standards of Section 21-3-1.39 (Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities) of the Zoning Ordinance, as amended, shall apply, except as modified below:

a) Interior setbacks

3) These facilities shall be limited to the locations indicated on Exhibit Y.

c. General Development Regulations.

The General Development Regulations of Article IV of City of Eloy Zoning Ordinance shall apply.

d. Allowed Uses.

The following are the allowed primary uses:

a) The allowed primary uses specified in the Neighborhood Commercial (C-1) ~~in~~ of the City of Eloy Zoning Ordinance, as amended.

b) Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities*

* Use is allowed in accordance with the Additional Property Development Standards.

Accessory uses on the same parcel or lot as an established primary use that is allowed.

2. Community Commercial

Rancho del Sol Brillante is designed to contain a large community business center component, which will be developed in phases. This component consists of three community commercial parcels, totaling approximately 93 acres. The parcels are located in the northeastern portion of Rancho del Sol Brillante and are either adjacent to or very near Sunshine Boulevard and Interstate 10. It is anticipated that there will be an increased daily number of trips to and from the community business center areas by visitor and commercial vehicles, therefore these areas are separated from the lower density residential

Various types of commercial uses will be allowed in the community commercial areas. The intent

is for these areas to be developed with higher intensity commercial uses that are not permitted in the neighborhood commercial areas, to not only serve the residents of Rancho del Sol Brillante also the residents of the greater community. Such uses shall be in conformance with the C-2 Community Commercial Zoning District standards.

a. Community Commercial (C-2) Property Development Standards.

The neighborhood commercial parcels shall be developed in accordance to Community Commercial (C-2) Zoning District standards of Table 4, except as applicable in the Additional Property Development Standards.

b. Additional Property Development Standards.

i. Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities.
These facilities shall comply with Section III.1.G. below.

i. Other Uses: Comply with the provisions of the applicable underlying zoning district as specified on the zoning map.

ii. _____

c. General Development Regulations.

The General Development Regulations of Article IV of City of Eloy Zoning Ordinance shall apply.

d. Allowed Uses

The following are the allowed primary uses:

a) The allowed primary uses specified in the Community Commercial (C-2) in the City of Eloy Zoning Ordinance, as amended.

b) Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities*

* Use is allowed in accordance with the Additional Property Development Standards.

Accessory uses on the same parcel or lot as an established primary use that is allowed.

~~The standards for the commercial land uses are outlined in the table below (Table 4):~~

The standards for the commercial land uses are outlined in the table below (Table 4):

Table 4
Commercial Development Standards

Land Use	Neighborhood Commercial (C-1)	Community Commercial (C-2)
Min. Lot Area (Sq Feet)	6,000	10,000
Min. Lot Width (Feet)	60	150
Max. Building Height (Feet)	35	35
Min. Front Yard Setback (Feet)	20	30
Min. Side Yard Setback (Feet)	10	10
Min. Street Side Yard Setback (Feet)	10	10
Min. Rear Yard Setback (Feet)	10 /a)	10 (al
Max. Lot Coverage	40%	60%

(a) If the property line or adjoining street abuts a residential zone the setback shall be 25 feet.

F.E. Industrial Land Uses

1. General Industrial (I-2)

The only industrial land use planned within Rancho del Sol Brillante is a 20-acre wastewater treatment plant (WWTP) with recharge basins. The plant will serve the new development with appropriate mechanisms in place for recoupment and may potentially be expanded for additional service areas. The 20-acre site is located in the northwest portion of Rancho del Sol Brillante, very close to the northern perimeter.

Open space corridors surround the site to provide buffering between the site and adjacent land uses. Ground water generated from WWTP effluent recharge credits may be utilized for lakes within Rancho del Sol Brillante.

*All lakes within the project shall be owned and maintained by the developer or the HOA.

Prior to development of the WWTP, an appropriate Conditional Use Permit will be obtained from the city, if necessary.

a. General Industrial (I-2) Property Development Standards

The General Industrial parcels shall be developed in accordance with the standards of the General Industrial (I-2) zone of the City of Eloy Zoning Ordinance, except as applicable in the Additional Property Development Standards.

b. Additional Property Development Standards:

i. Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities.
These facilities shall comply with Section III.1.G., below.

i. Other Uses: Comply with the provisions of the applicable underlying zoning district as specified on the zoning map.

~~—Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities.~~
~~The supplemental use standards of Section 21-3-1.39 (Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities) of the Zoning Ordinance, as amended, shall apply, except as modified below:~~

a) ~~Interior setbacks~~

3) ~~These facilities shall be limited to the locations indicated on Exhibit Y.~~

ii. ~~_____~~

c. General Development Regulations.

The General Development Regulations of Article IV of City of Eloy Zoning Ordinance shall apply.

d. Allowed Uses

The following are the allowed primary uses:

a) Wastewater Treatment Plant (WWTP) with recharge basins.

b) Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities

c) Utility facility, minor

Accessory uses on the same parcel or lot as an established primary use that is allowed.

e. Use that require a Conditional Use Permit

i. Any use in conjunction with a Wastewater Treatment Plant (WWTP) with recharge basins that requires a Conditional Use Permit that is allowed in the General Industrial (I-2) zone of the City of Eloy Zoning Ordinance.

F. Open Space Uses

~~1. Open Space Recreation District (OSR)~~

~~1. _____~~

a. Open Space Recreation District (OSR) Property Development Standards

The Open Space parcels shall be developed in accordance with the standards of the Open Space Recreation District (OSR) zone of the City of Eloy Zoning Ordinance, except as applicable in the

Additional Property Development Standards.

b. Additional Property Development Standards:

- i. Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities.
These facilities shall comply with Section III.1.G., below.
- i. Other Uses: Comply with the provisions of the applicable underlying zoning district as specified on the zoning map.
- ii.

c. General Development Regulations.

The General Development Regulations of Article IV of City of Eloy Zoning Ordinance shall apply.

d. Allowed Uses

The following are the allowed primary uses:

- a) The allowed primary uses specified in the Community Commercial (C-2) in the City of Eloy Zoning Ordinance, as amended.
- b) Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities

Accessory uses on the same parcel or lot as an established primary use that is allowed.

G. Additional Regulations for Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities.

1. Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities.

The supplemental use standards of Section 21-3-1.39 (Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities) of the Zoning Ordinance, as amended, shall apply, except as modified below:

- a) These facilities shall be limited to the locations indicated on Exhibit Y
- b) Interior setbacks to ~~property~~property within the PAD: 0 feet
- c) Rear setbacks to property within the PAD: 0 feet
- d) The development shall comply with the Industrial Development Requirements and Guidelines and Additional Standards of Sections 21-2-5.5 and 21-2-5.6 of the Zoning Ordinance, as amended

H. Definitions

H.

1. Solar, Utility Scale Generation and Battery Energy Storage System Facilities.

A -solar generate electrical power plant, inclusive of the equipment necessary to generate, store and convey the generated electricity and the facilities and structure to maintain and operate the power plant and electric storage system. Solar, Utility Scale Generation, and Battery Energy Storage System Facilities may incorporate several abutting and adjacent properties that are planned as a single development as interim use in the Rancho del Sol Brillante PAD.

2. Landscape Master Plan

A. Open Space System

A key component of Rancho del Sol Brillante is the comprehensive open space system. Two major open space corridors are the backbone of the planned open space system. The larger of the two corridors is located in both the western half of the project, which is west of Sunshine Boulevard, and the eastern half of the project, which is east of Sunshine Boulevard. This corridor extends from near the northwestern corner of the site in a southeasterly direction, crosses under Sunshine Boulevard, and then continues south and southeast to Shay Road. The other main open space corridor is located in the eastern portion of Rancho del Sol Brillante. This corridor runs north/south along the La Palma Road alignment, between Phillips Road and Shay Road. There is a large irrigation canal within this corridor, along the La Palma Road alignment. The canal is maintained by the CAIDD (Central Arizona Irrigation Drainage District). The nearby project site does not have any restrictions placed on it due to this canal. Other smaller open space corridors branch off of the two main corridors.

The open space corridors connect to the planned parks, school sites and to the residential, commercial and industrial areas within Rancho del Sol Brillante. The corridors also provide links to some of the adjacent properties; therefore, providing connections from adjacent land to the interior of Rancho del Sol Brillante.

The open space corridors will be developed with a natural desert character with pockets of lush landscaping interspersed throughout. There is a meandering multi-use 10 foot wide concrete trail within some of the corridors, which ties into the City's planned multi- use trail system and bike route/path along Sunshine Boulevard.

The open space areas- are maintained by the Home Owner's Association, with the exception of the community park, which- are to be dedicated to the City upon its completion and acceptance by the City.

Reference Exhibit J, Conceptual Master Landscape Plan and Master Trails Plan

Reference Exhibit K, Conceptual Low Flow Channell Open Space Plan

Reference Exhibit L, Conceptual Low Flow Channell Open Space Section

B. Parks and Lakes

One community park is planned within Rancho del Sol Brillante. The 24-acre community park site is northwest of a planned intersection at Sunshine Boulevard and a planned 4-lane major collector street within Rancho del Sol Brillante. The community park shall include recreational amenities such as: soccer fields, a softball field, basketball, volleyball and other recreation courts, a playground and/or ramadas. The conceptual plan is shown for illustrative purposes only. The final design for this park will be subject to review, input, and approval by the City.

Several neighborhood parks and several smaller pocket, or mini-parks are also included within the Rancho del Sol Brillante. The neighborhood parks will be connected by 6-foot wide meandering trails to the larger open space corridors, and to other uses within Rancho del Sol Brillante. These parks may include amenities such as: turfed play areas, basketball, volleyball or other recreation courts, playgrounds and ramadas. Smaller pocket parks that will provide places for relaxation and small family gatherings will be included in the designs of the single-family residential areas. These parks may contain ramadas with seating and barbecue areas, playground equipment (tot lots), and turfed areas.

The neighborhood and pocket parks shall be maintained by the Homeowner's Association.

Reference Exhibit M, Conceptual Community Park Plan

Reference Exhibit N, Conceptual Private Interior Subdivision Park Plan

C. Conceptual Landscaping and Entry Monument Sign

Rancho del Sol Brillante features one large entry monument sign, which is incorporated into the design of the lake near the community park. The sign will be located adjacent to the west side of Sunshine Boulevard, approximately one mile south of Interstate 10, and just north of a planned collector road.

All landscaping shall be consistent with the City of Eloy Design Guidelines, the Zoning Ordinance, and the Subdivision Ordinance. Prior to construction, the project site will be maintained in a natural, debris-free and weed-free condition.

Reference Exhibit O, Conceptual Monument Sign Section and Plan View

Reference Exhibit P, Conceptual Street Cross Sections and Plan View

3. Drainage Report and Drainage Master Plan

The following is a brief summary of a Preliminary Drainage Report prepared by Morrison Maierle Inc:

The project site is located within the Federal Emergency Management Agency (FEMA) designation Zone "A". This zone designation places Rancho del Sol Brillante in an area where base flood elevations and flood hazard factors have not been determined. However, a report published by the U.S. Geological Survey (USGS) defines peak flow values for the worst flood to date that occurred in 1983.

Pinal County is currently involved in a long process of modifying and more specifically defining the extents of this floodplain. Current mapping, which has not yet been approved by FEMA,

does show that –Rancho del Sol Brillante is outside of a designated floodplain. Due to the unavailability of the revised floodplain data from Pinal County, the USGS 1983 flood data was used to provide peak flow values. These values were determined from data collected and recorded from stream flow gauges along the Santa Cruz River. Further investigation and analysis of the off-site drainage affecting this property will be required prior to development.

Runoff impacting the proposed development is generated from the Santa Cruz River as it changes from channelized flow to braided flow. Off-site drainage may be managed through a series of open channels and levees around the perimeter, along with detention basins to mitigate anticipated runoff drainage. Runoff generated within the proposed development will be controlled via streets and open channels to on-site water harvesting retention basins. These retention basins will provide for percolation of all on-site runoff flows. The on-site and off-site runoff will not be concentrated at the overflow outfall point, but will be returned to natural sheet flow condition, therefore, these flows will not adversely affect downstream property owners. This can be accomplished through retaining all on-site flows and directing off-site flows through channels to an outfall detention pond in the northwest portion of the project.

Reference Exhibit Q, Flood Insurance Rate Map (FIRM)

Reference Exhibit R, Offsite Flow Master Plan

Reference Exhibit S, Onsite Flow Master Plan

4. Water Report and Water Master Plan

The following is a brief summary of the points addressed in the Preliminary Water Study prepared by Morrison Maierle Inc:

The Rancho del Sol Brillante project is outside the current city center of Eloy and consists largely of agricultural lands. Consequently, there is not an existing domestic water system for Rancho del Sol Brillante. There are irrigation wells within this proposed development that may be used for construction purposes. Potable water wells will have to be drilled to provide domestic quality water.

The proposed water system will consist of new wells, water storage tanks, and booster pumps. Other improvements, such as valves, hydrants, and associated appurtenances are also proposed.

Multiple well sites and a storage tank location may be needed due to the large geographic nature of the project. A hydrogeologic study for the site will be necessary to determine the flow rates that can be achieved from each well in the area.

The proposed water system is assumed to have one centralized site where the storage tanks, one well, and the distribution system booster pumps will be installed. This site would also house any treatment facilities, such as chlorine addition or arsenic removal as required. Depending on the well study, other well sites would be added as needed. These additional sites would pump to the main water site for treatment and distribution.

The water storage facility site will be located adjacent to the east of Sunshine Boulevard and the south of a planned 11-acre neighborhood commercial parcel, which is located at the southeast corner of Sunshine Boulevard and Phillips Road.

Treated wastewater effluent collected from the development will be recharged via infiltration ponds at the wastewater treatment plant (WWTP) to be constructed at no cost to the City. It is

estimated that 95% of the effluent generated by the WWTP will be recharged. Recharge credits will be obtained through ADWR upon recharge of effluent. Effluent will then be recovered via recovery wells to serve as a source of water for open areas and water features for the project. Any recharged effluent not used will be retained as a long-term storage credit.

The estimated average daily recharge will be 2.3 million-gallons-per-day (MGD), which is equivalent to 2,576 acre-feet (ac-ft) per year at full project buildout. This facility shall be located in the northern section of Phase 1 of the development, South of Milligan Road and to the West of Sunshine Boulevard.

A. Water Supply

The Arizona Department of Water Resources (ADWR) requires a 100-year assured water supply for any new subdivision. The City is a designated water provider under ADWR's assured water supply program, and is also a member service area within the Central Arizona Groundwater Replenishment District (CAGRD). Our discussions with ADWR indicate that the City of Eloy has an existing 100-year assured water supply designation of 3,319 ac-ft per year, which has already been exhausted by current uses and committed demand. ADWR indicates that the City of Eloy will have to prove additional physical availability of groundwater supplies to increase the designation quantity before any new subdivisions will be approved.

To accommodate the demand of Rancho del Sol ~~Brillante~~, ~~Brillante~~, the City's increased Assured Water Supply designation will also have to be consistent with the management goal in the Pinal Active Management Area (AMA). Because of Rancho del Sol ~~Brillante~~ existing agricultural base, the developer shall extinguish the existing irrigation grandfathered rights on the property and transfer them to the City of Eloy. Records available at the Pinal AMA indicate that Rancho del Sol ~~Brillante~~ ~~has~~ ~~Brillante~~ ~~has~~ Grand-fathered Irrigation Rights spanning 1,336 irrigation acres. Per ADWR regulations, 2,004 ac-ft of annual groundwater credits (1.5 ac-ft times 1,336 acres) are available upon extinguishment of the Irrigation Grandfathered Rights. These annual groundwater credits shall be pledged towards Eloy's designation of assured water supply, and represent a quantity of groundwater that Eloy can withdraw and deliver consistent with the management goal.

The total population of Rancho del Sol Brillante at a 15-year build-out is projected to be 19,823 residents. Multiplying this population by the standard measure of 125 gallons per resident per day, groundwater use prevailing in the Pinal AMA yields 2,776 ac-ft per year of residential demand. The non-residential demand is calculated to be 1,754 ac-ft per year for open space, schools and commercial space plus 227 ac-ft per year losses, totaling 1,981 ac-ft per year. Total demand at build-out is thus projected to be 4,757 ac-ft per year. Because this amount of water exceeds our 2,004 ac-ft per year extinguishment credit, we will rely on Eloy's membership in the CAGRD to show consistency with the management goal for the balance of the demand. CAGRD will replenish the amount of groundwater used within the subdivision each year in excess of the annual extinguishment credit, and will levy an annual replenishment assessment tax on the City of Eloy for the cost of that replenishment.

In anticipation of our need to comply with ADWR's assured water supply requirements, the developer has initiated a study of the physical availability of groundwater in the vicinity of Rancho del Sol Brillante. The following is a brief summary of The Demonstration of the Physical Availability of an Assured Water Supply for Rancho del Sol Brillante by Hydrologic Consultants, LLC (December 21, 2003). Historic agricultural pumping, prior to the implementation of

conservation measures by the Pinal AMA, resulted in decline rates in the lower aquifer system of approximately 3 to 5 feet per year. In recent years, however, even with continued agricultural water use in the area, groundwater levels have stabilized and actually increased.

The historic water use on Rancho del Sol Brillante- was approximately 4,876 ac- ft. under the existing Irrigation Grandfathered Right. Total projected demand for the subdivision and its related non-residential components is projected to be less, at 4,757 ac-ft per year, not considering recharge. Conservatively assuming a one-foot per year additional draw down for the subdivision demand, the additional 100 feet of decline in 100 years would still be within the allowable limit of total water level decline (1,100 feet) imposed in the Pinal AMA. This demonstrates the physical availability of sufficient groundwater for Rancho del Sol Brillante-.

B. Summary

Based on the above estimates, average yearly water consumption for-Rancho del Sol Brillante service area is estimated to be 4,757 ac-ft per year. These estimates are based upon full build-out of the Rancho del Sol Brillante-, using standard ADWR demand projections. Rancho del Sol Brillante- can show physical availability of the groundwater supply for a 100 year period, and can show that use of groundwater to support this demand is consistent with the management goal for the Pinal AMA by use of the irrigation grandfathered right extinguishment credits and by the City of Eloy's membership in the CAGRD. Thus, Rancho del Sol Brillante meets the necessary water supply requirements to assist the City of Eloy in expanding its designation to meet this new demand.

Reference Exhibit T, Proposed Water Master Plan

5. Sewer Report and Sewer Master Plan

The following is a brief summary of a Preliminary Sanitary Sewer Study prepared by Morrison Maierle Inc:

At present, there is not an existing collection or treatment system within the proposed development. Existing homes in the area are served by individual septic tanks and disposal systems. The City of Eloy currently operates a collection system and lift station that collects wastewater from the Flying J Truck Stop and Blue Beacon Truck Wash area and pumps it beneath 1-10 to gravity Sewer mains that direct the sewage to the City wastewater treatment plant (>NWTP).

The proposed plan is to put in place an interim package plant to accommodate the flow from the initial stages of development. Once a level of flow that is sufficient to maintain the function of the first phase of a new, regional wastewater treatment plant, that is to be constructed by the developer, is met, flows will be switched over from the package plant to the permanent facility. The wastewater treatment plant (>NWTP) will be designed to serve the Flying J Truck Stop and Blue Beacon Truck wash facilities. The WWTP would also be planned to accommodate any sewage from development in the Mesquite Landing commercial area, which is south of 1-10 and north of Rancho del Sol Brillante.

The WWTP will be located near the northwest corner of the project and will be screened with a block wall. Additional WWTP phases will be added during the course of the project development. It is anticipated this project, when fully developed, will generate an average flow of 2.3 MGD. The

plant area will be sized to accommodate an ultimate treatment capacity of 6 MGD, which will account for an additional contributing area surrounding Rancho del Sol Brillante.

There are setback requirements established by ADEQ that apply to all new WWTPs. These setbacks are based on the design flow of the treatment facility and the amount of noise, odor, and aesthetic control installed at the facility. All setback requirements will be met or exceeded within Rancho del Sol Brillante. The plant will be enclosed in order to control noise and odors.

It is anticipated the effluent will be recharged using infiltration basins to be constructed by the developer. Recharge of the effluent will allow the City to establish long-term storage credits that may be recovered at some future date. Some of the water recovered from these credits will be applied to the common areas and non-potable water demands of Rancho del Sol Brillante- subject to a separate effluent agreement. The remainder will be available for use by the City. Recovery wells will be placed within the recharge impact area to be used as a source for irrigation and water features within the development.

The WWTP will be constructed and dedicated to the City, which will operate and maintain the facility upon completion.

Reference Exhibit U, Proposed Sanitary Sewer Master Plan

6. Traffic Study and Street Master Plan

All right of way width and roadway design shall be in accordance with the City of Eloy Subdivision Ordinance unless otherwise approved by the City Engineer.

A preliminary Traffic Impact Study was prepared for Rancho del Sol Brillante by Task Engineering (October 15, 2003). The following determinations were made:

A. Section Line (Arterial) Roads

Sunshine Boulevard from Interstate 10 to Phillips Road is recommended as an ultimate six-lane arterial on 130-feet of right of way/Public Utility Easement (PUE) with a two-way left turn lane by the Year 2020. The roadway should be upgraded from its current two-lane roadway to the Year 2020 configuration when traffic volumes warrant it. Therefore, from Interstate 10 to Phillips Road, Sunshine Boulevard will be built by the developer at no cost to the City, with four lanes and an extra wide median so that the additional two lanes could be added to achieve the Year 2020 configuration, during the first Phase of the development.

Reference Appendix C, Preliminary Traffic Study

Reference Exhibit P, Conceptual Sunshine Boulevard Street Cross Section and Plan View

Sunshine Boulevard south of Phillips Road, Shay Road, Phillips Road and Eleven Mile Corner Road are recommended to be four-lane arterials on 106-feet of right of way/PUE with a two-way left turn lane.

B. Collector and Local Roads

The east-west collector serving parcels 5, 6, 7, 15, 16 and 17 of Rancho del Sol Brillante- is recommended to be constructed as a four-lane cross section with a center turn lane on 100 feet width of right of way/PUE.

The remaining collectors serving Rancho del Sol Brillante- are recommended to be built as two-lane roads with a center turn lane on 90 feet of right of way/PUE.

The local streets will be two lane roadways on 50 feet of right of way/PUE per the City's Subdivision Ordinance.

C. Traffic Signals

Traffic signals are recommended at the following road intersections at such time as traffic warrants:

~~2.1.~~ _____ Sunshine Boulevard and Phillips Road

~~3.2.~~ _____ Sunshine Boulevard and the two collector intersections between Milligan Road and Phillips Road

~~4.3.~~ _____ Phillips Road and the collector one-half mile east of Sunshine Boulevard

Road/street construction methods will be in accordance with the City of Eloy's Subdivision Ordinance. All modifications of design standards, as they relate to the right of way and pavement widths, will be submitted to City staff for review, comment, and approval at either the time of preliminary plat or during the development of final street improvement plans.

Generally, the streets will be publicly owned. However, some may be privately owned and only accessible through limited access gates. The determination of whether or not streets will be public or private streets will be made at the time of final platting. This determination will be driven by future market conditions and the perceived needs of the future residents. Private streets will be maintained by the HOA. The city will maintain the public streets, once they are accepted into the City's maintenance system.

Reference Exhibit V, Roadway Classifications Map and Street Cross Sections

7. Other Services

A. Electricity

Electric District No. 4 (ED4) will be the electrical service provider for this development. The project falls within the ED4 service territory. ED4 currently has electrical distribution facilities within the development and the capacity to serve this development without any future expansion. ~~Ren McEachern or Glinda Oakes can be contacted at (520) 466-7336 for additional information.~~

B. Communications

Telephone service and line installation will be available to Rancho del Sol Brillante.

Cable television installation and service to Rancho del Sol Brillante will also be available.

C. Natural Gas

Natural gas service will be provided by Southwest Gas. There are existing gas lines that run parallel to Sunshine Boulevard and Milligan Road. ~~Josie Zorn (520) 421-1673 or Doug Wilcher (520) 421-0719 can be contacted for service requirements.~~

D. Solid Waste Handling

Solid Waste collection/disposal will be provided by the City of Eloy through a contract with A.J. Waste Services.

E. Fire and Ambulance Protection

Fire and Ambulance protection will be provided by the Eloy Fire District. Eloy Fire Station #1, located at 500 S. Sunshine Boulevard will service Rancho del Sol Brillante. The associated hospital is the Casa Grande Regional Medical Center, which is located at: 1800 E. Florence Boulevard in Casa Grande.

Currently there are no existing fire hydrants within 300 feet of the Rancho del Sol Brillante project site ~~ectetc.~~. All etc. All fire protection improvements will be based on the City's standards.

F. Public Safety

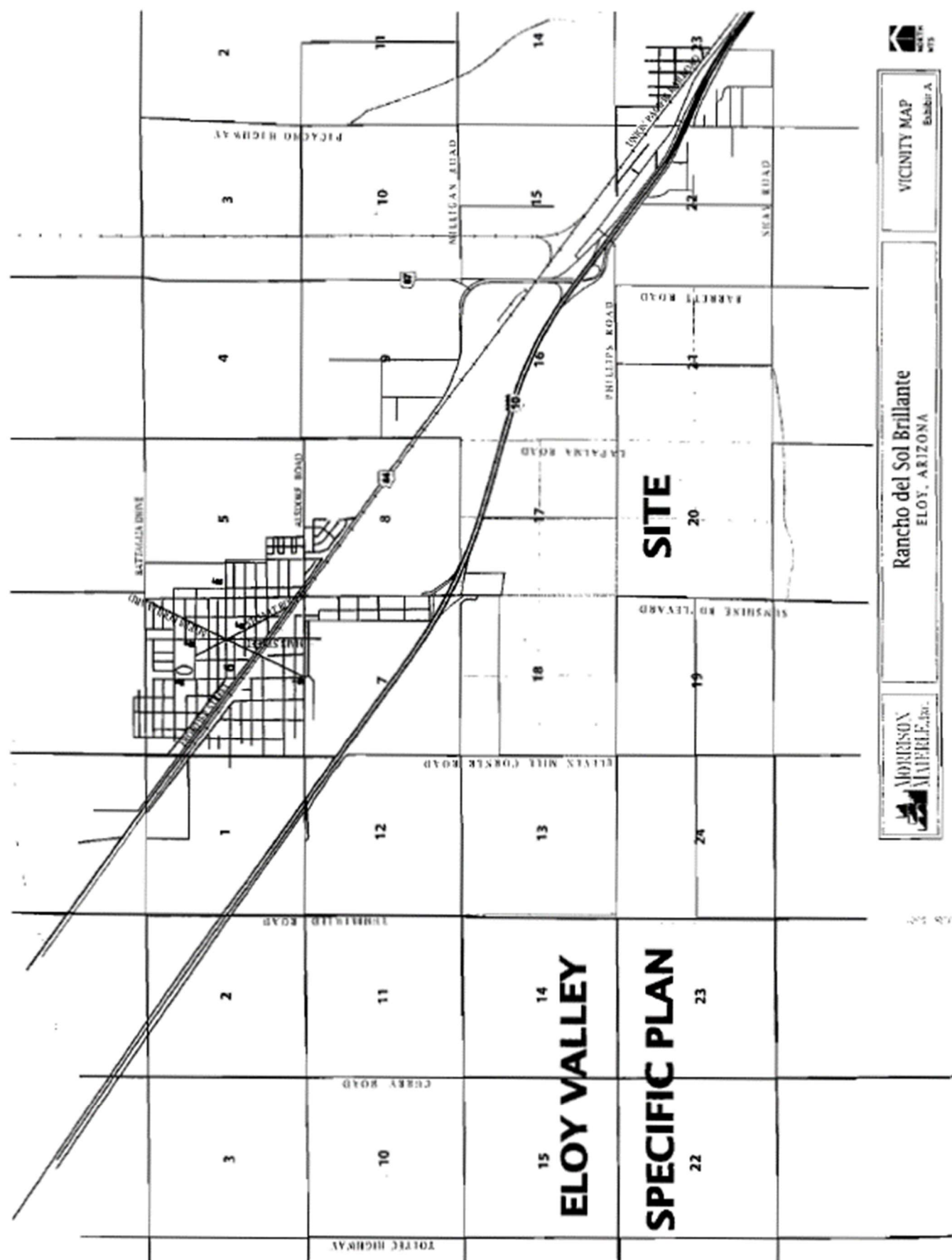
Police service will be provided by the City of Eloy. The Department is located at 630 N. Main Street in Eloy.

8. Phasing Plan/Schedule

The Preliminary Phasing Plan is conceptual and is based on current market conditions, constraints and opportunities. The actual development phasing may occur in accordance with future market and economic impacts, and construction may be commencing in multiple phase areas simultaneously.

It is anticipated that the Solar Project will be developed and utilized in the first Phase. Upon completion of the solar use on the property, Phase 2 would entail the Decommissioning of the Solar Project which will remove the solar use and ready the land for the next phase of development. Subsequent phases will involve the master planned community uses. ~~†~~The community commercial component **will** be developed in phases rather than as a one-time commercial build-out so that services can be provided as they are needed.

Reference Exhibit W, Preliminary Phasing Plan

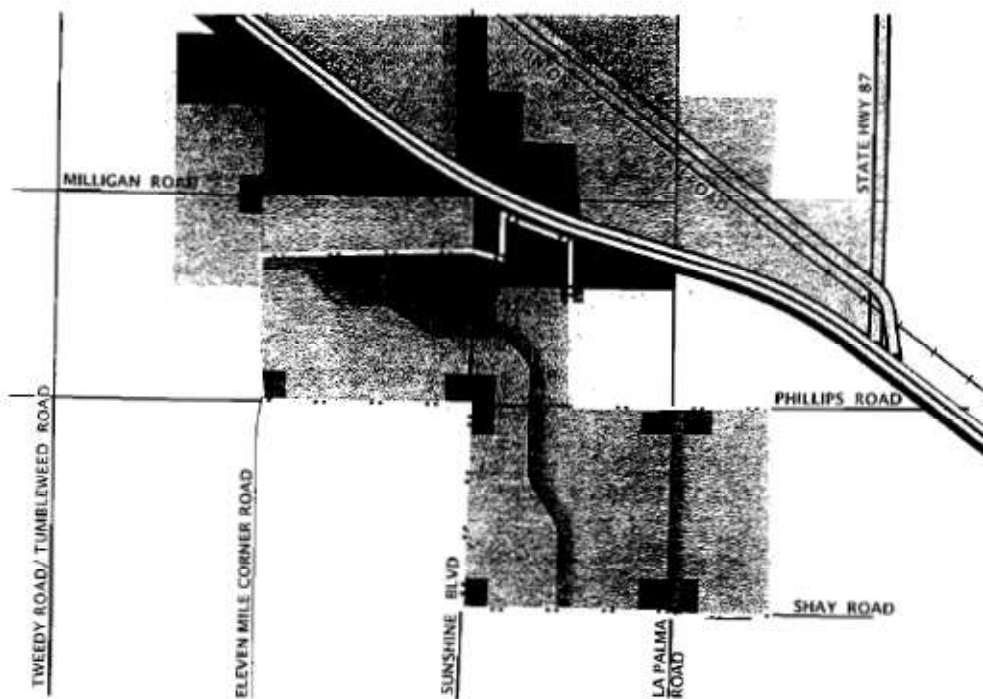


MORRISON
MAIERLE, INC.

Rancho del Sol Brillante
ELOY, ARIZONA

VICINITY MAP
Sheet A



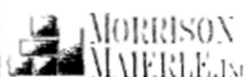


City of Eloy Proposed General Plan

LAND USE

-  Rural Residential
(.05 to .20 DU/ac)
-  Estate Density Residential
(.20 to 1.0 DU/ac)
-  Medium Density Residential
(4.0 to 6.5 DU/ac)
-  High Density Residential
(10.0 to 24.0 DU/ac)
-  Neighborhood Commercial
-  Community Commercial
-  Light Industrial
-  Parks/ Open Space
-  Public/ Institutional
-  Manufacturing/ Industrial

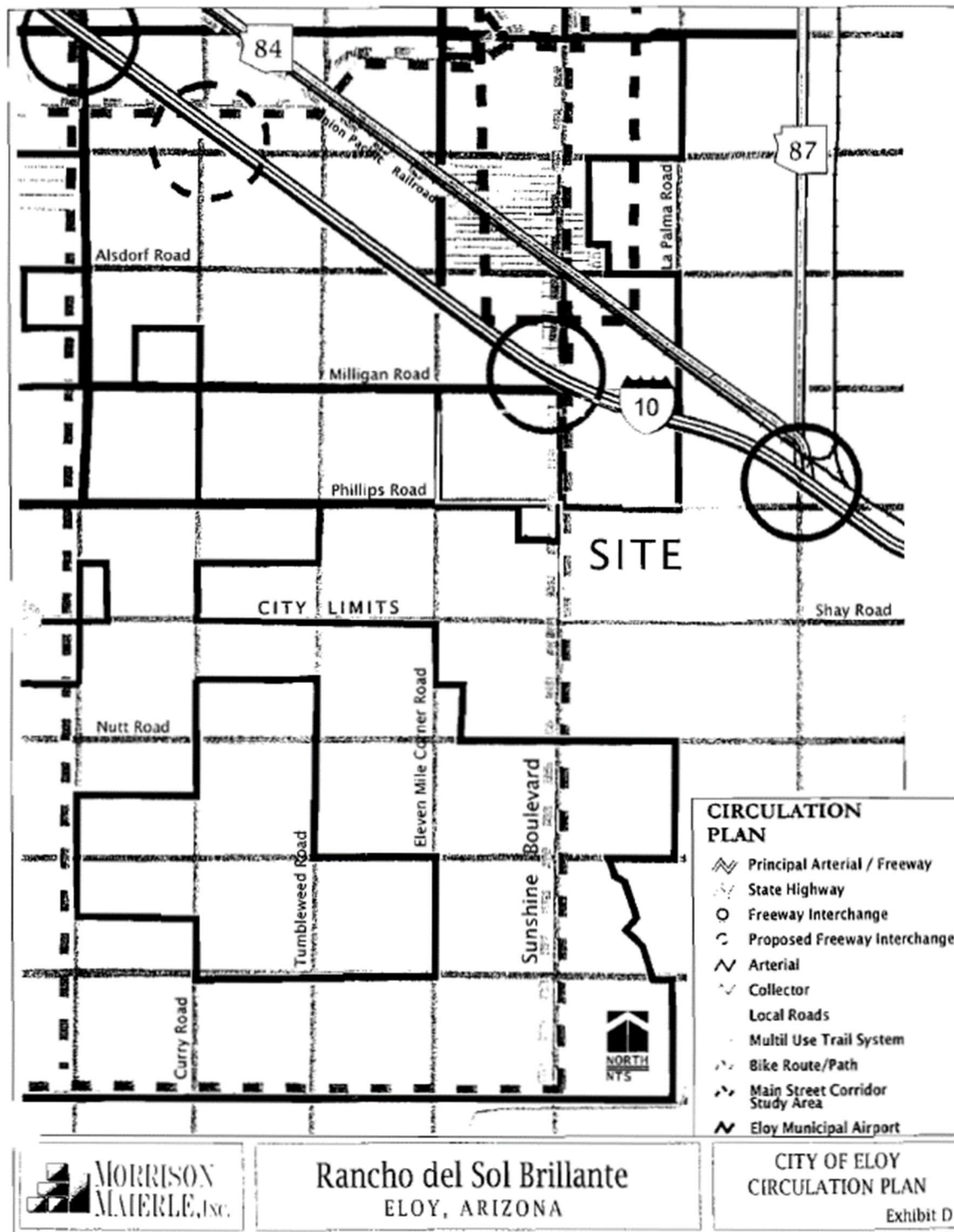


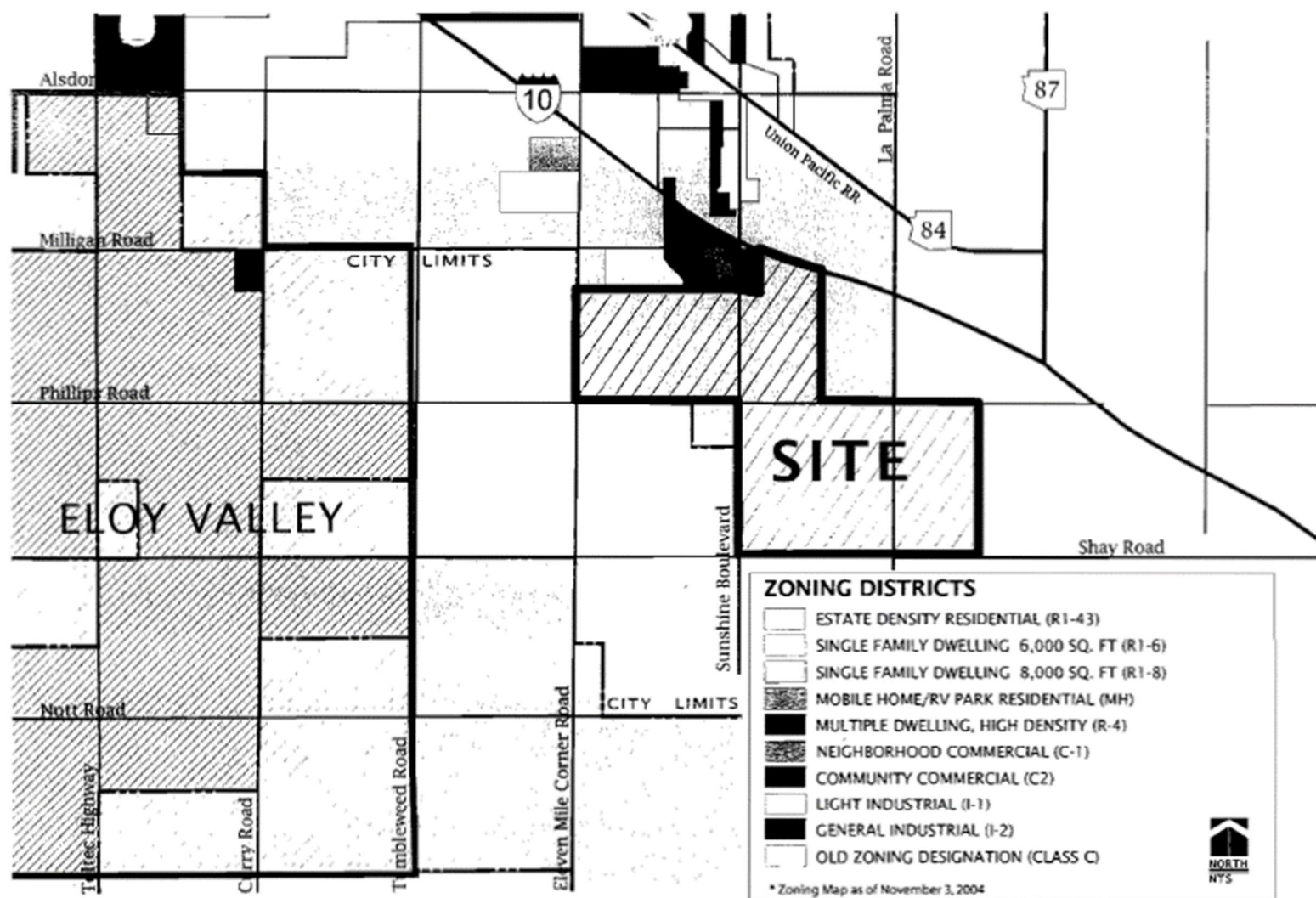


MORRISON
MAIERLE, INC.

Rancho del Sol Brillante
ELOY, ARIZONA

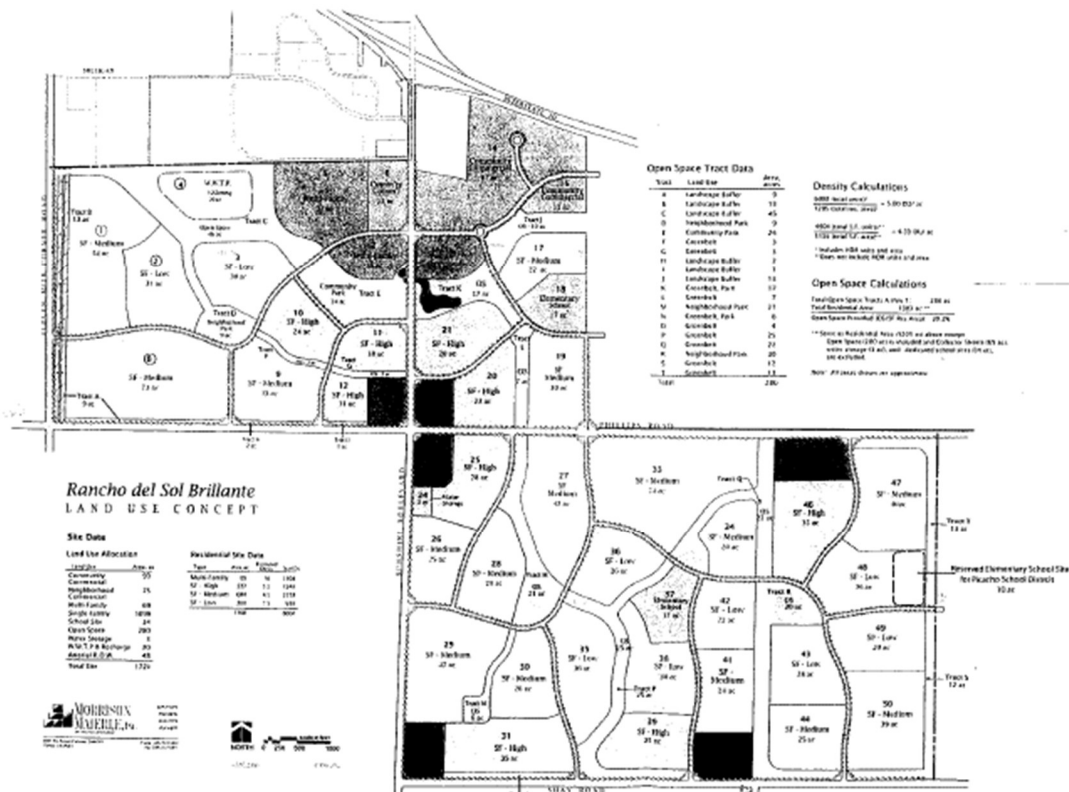
EXISTING
CONDITIONS MAP
Exhibit C

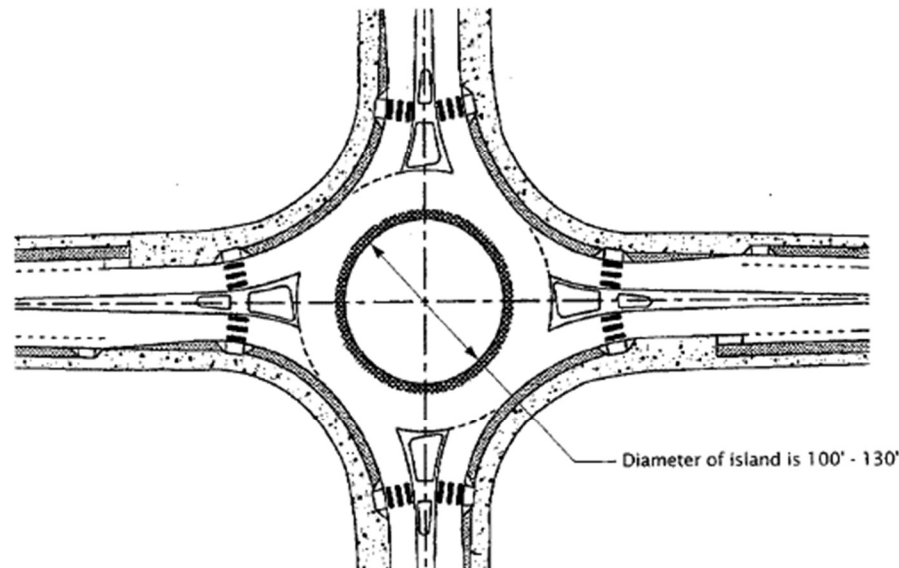




Rancho del Sol Brillante
ELOY, ARIZONA

CITY OF ELOY
ZONING DISTRICT MAP
Exhibit E





Diameter of island is 100' - 130'

TYPICAL PLAN
Collector Roundabout

Note: This is an example of a single land roundabout prepared by the Federal Highway Administration. Details of the final design for this project may vary.



Rancho del Sol Brillante
ELOY, ARIZONA

STREET
CROSS SECTIONS
Exhibit V

Preliminary Parcel Data

Parcel	Proposed Land Use Category	Land Use	Area/ Acres
1	SF-Medium	Single Family Residential Development	54
2	SF-Low	Single Family Residential Development	31
3	SF-Low	Single Family Residential Development	30
4	Industrial	Wastewater Treatment Plant	20
5	Multi-Family	Multi Family Residential Development	37
6	Community Commercial	Community Commercial	15
7	Multi-Family	Multiple Family Residential Development	16
8	SF-Medium	Single Family Residential Development	73
9	SF-Medium	Single Family Residential Development	33
10	SF-High	Single Family Residential Development	24
11	SF-High	Single Family Residential Development	18
12	SF-High	Single Family Residential Development	11
13	Neighborhood Commercial	Neighborhood Commercial	10
14	Community Commercial	Community Commercial	67
15	Community Commercial	Community Commercial	11
16	Multi-Family	Multi Family Residential Development	16
17	SF-Medium	Single Family Residential Development	22
18	Elementary School	Elementary School Site	17
19	SF-Medium	Single Family Residential Development	30
20	SF-High	Single Family Residential Development	23
21	SF-High	Single Family Residential Development	28
22	Neighborhood Commercial	Neighborhood Commercial	10
23	Neighborhood Commercial	Neighborhood Commercial	11
24	Water Storage Facility	Water Tank Storage Facility	3
25	SF-High	Single Family Residential Development	28
26	SF-Medium	Single Family Residential Development	25
27	SF-Medium	Single Family Residential Development	43
28	SF-Medium	Single Family Residential Development	29
29	SF-Medium	Single Family Residential Development	47
30	SF-Medium	Single Family Residential Development	26
31	SF-High	Single Family Residential Development	35



Rancho del Sol Brillante
ELOY, ARIZONA

PRELIMINARY
PARCEL DATA

Exhibit G

Parcel	Proposed Land Use Category	Land Use	Gross Acres
32	Neighborhood Commercial	Neighborhood Commercial	12
33	SF-Medium	Single Family Residential Development	74
34	SF-Medium	Single Family Residential Development	20
35	SF-Low	Single Family Residential Development	36
36	SF-Low	Single Family Residential Development	26
37	Elementary School	Elementary School Site	17
38	SF-Low	Single Family Residential Development	30
39	SF-High	Single Family Residential Development	25
40	Neighborhood Commercial	Neighborhood Commercial	15
41	SF-Medium	Single Family Residential Development	24
42	SF-Low	Single Family Residential Development	22
43	SF-Low	Single Family Residential Development	28
44	SF-Medium	Single Family Residential Development	25
45	Neighborhood Commercial	Neighborhood Commercial	17
46	SF-High	Single Family Residential Development	35
47	SF-Medium	Single Family Residential Development	40
48	SF-Low	Single Family Residential Development	36
49	SF-Low	Single Family Residential Development	29
50	SF-Medium	Single Family Residential Development	39
Tract A	Single-Family	Landscape Buffer	9
Tract B	Single-Family	Landscape Buffer	13
Tract C	Single-Family	Landscape Buffer	46
Tract D	Single-Family	Neighborhood Park	9
Tract E	Single-Family	Community Park	24
Tract F	Single-Family	Greenbelt	3
Tract G	Single-Family	Greenbelt	3
Tract H	Single-Family	Landscape Buffer	2
Tract I	Single-Family	Landscape Buffer	1
Tract J	Single-Family	Landscape Buffer	13
Tract K	Single-Family	Greenbelt, Park	17
Tract L	Single-Family	Greenbelt	7
Tract M	Single-Family	Neighborhood Park	21
Tract N	Single-Family	Greenbelt, Park	6
Tract O	Single-Family	Greenbelt	4
Tract P	Single-Family	Greenbelt	25



Rancho del Sol Brillante
ELOY, ARIZONA

PRELIMINARY
PARCEL DATA

Exhibit G

Parcel	Proposed Land Use Category	Land Use	Gross Acres
Tract Q	Single-Family	Greenbelt	22
Tract R	Single-Family	Neighborhood Park	30
Tract S	Single-Family	Greenbelt	12
Tract T	Single-Family	Greenbelt	13
		Arterial R.O.W.	48
TOTAL:			1721



Rancho del Sol Brillante
ELOY, ARIZONA

**PRELIMINARY
 PARCEL DATA**

Exhibit G

Land Use Data Summary

Land Use	Area, acres	Density, DU/ac	Total No. of Units
Community Commercial	93	-	-
Neighborhood Commercial	75	-	-
Multi-Family	69	16.0	1104
Single Family High Density	227	5.5	1248
Single Family Medium Density	604	4.5	2718
Single Family Low Density	268	3.5	938
School Site	34	-	-
Water Storage	3	-	-
Open Space	280	-	-
W.W.T.P & Recharge	20	-	-
Arterial R.O.W.	48	-	-
Total Site	1721		6008

Density Calculations

Residential Area was determined using: $D = \frac{DU}{Ac - (C + S + I + Ar + P)}$

D = Residential Density
 Ac = Total Site Area (1,721 Ac)
 C = Commercial (168 Ac)
 I = Industrial (23 Ac)
 S = Reserved but undedicated School Sites (34 Ac)
 Ar = Arterial Roadway (48 Ac)
 P = Parks and open space (280 Ac)

$$\frac{6008 \text{ (total units)*}}{1168 \text{ (total res. area)*}} = 5.14 \text{ DU/ ac} \quad \frac{4904 \text{ (total S.F. units)**}}{1099 \text{ (total S.F. area)**}} = 4.46 \text{ DU/ ac}$$

*Includes HDR units & area
 **Does not include HDR units & area

Open Space Calculations

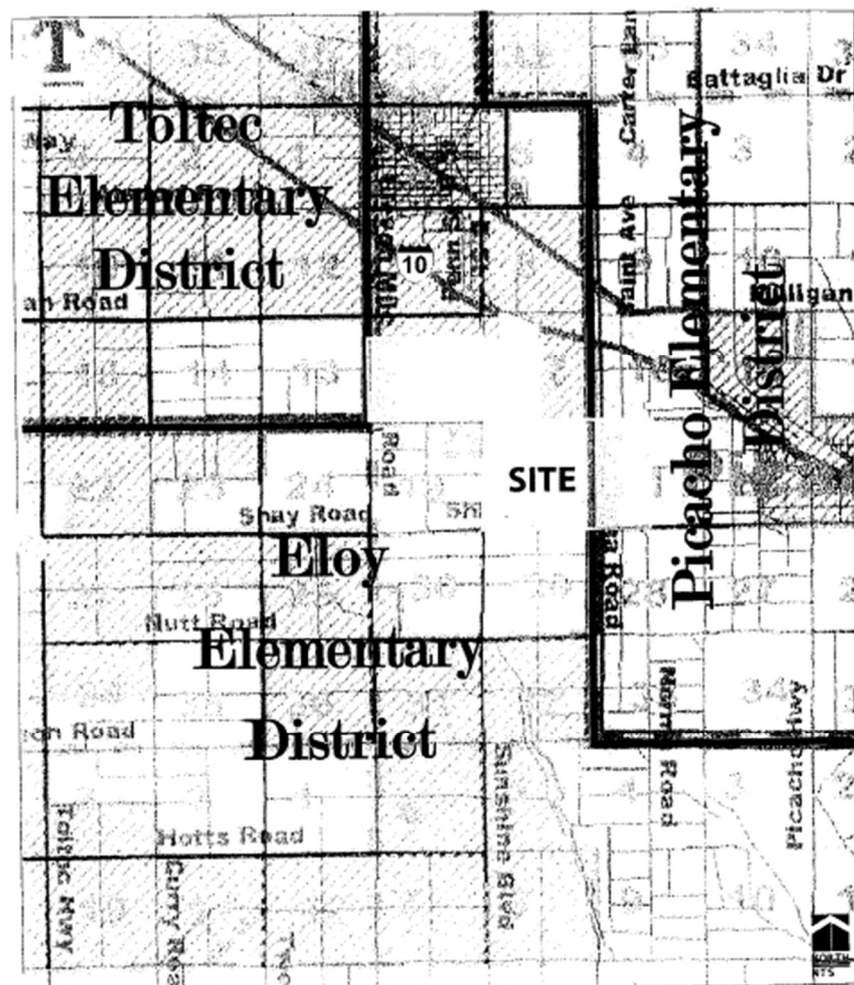
Total Open Space Tracts A thru T: 280 ac
 Total Residential Area: 1343 ac***

Open Space Provided (OS/SF Res Area): 20.8%

***Same as Residential Area (1168 ac) above except Open Space (280 ac) is included and Collector Streets (48 ac), water storage (3 ac), WWTP (20 ac), and dedicated school sites (34 ac), are excluded.

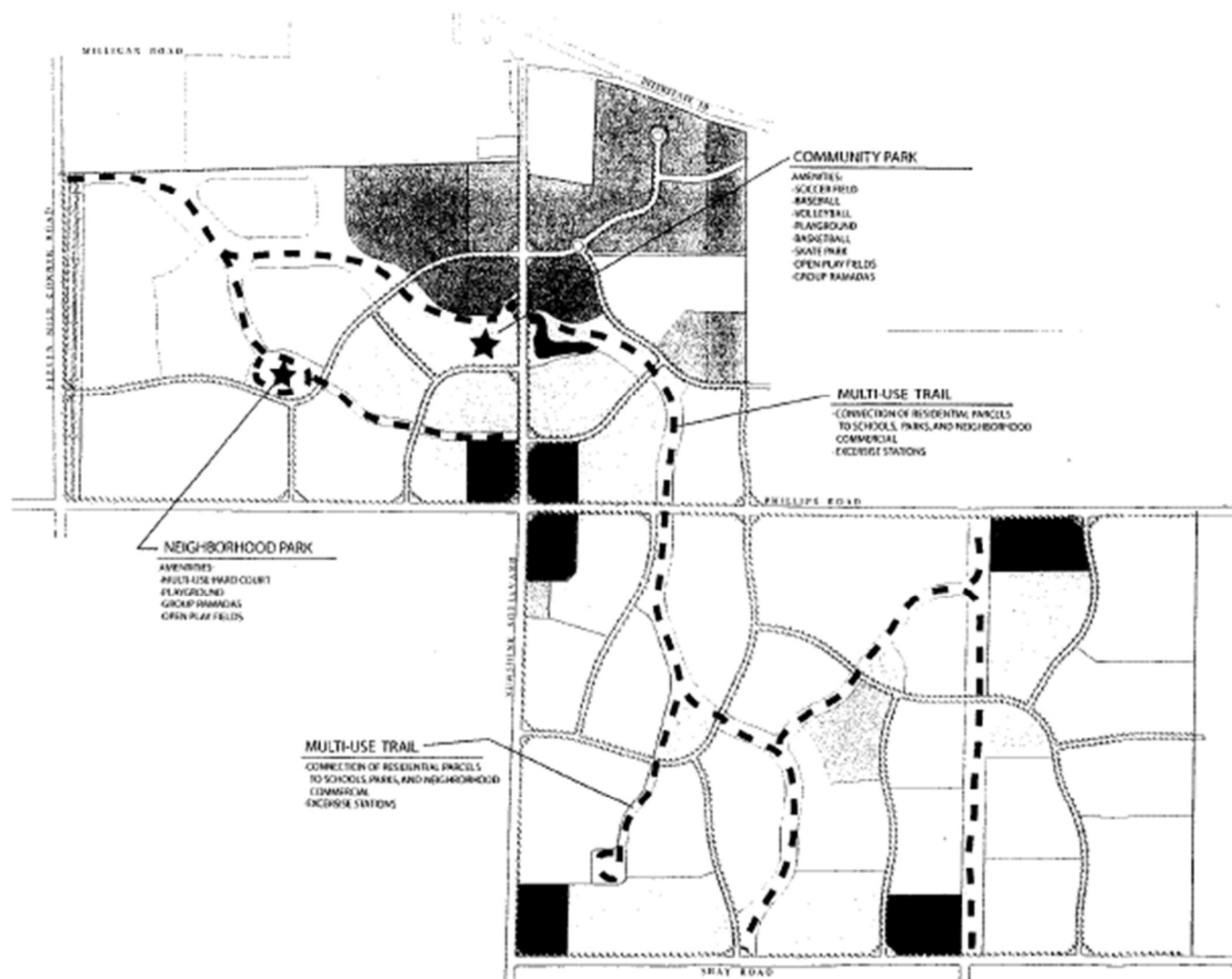
Note: All areas shown are approximate.

 MORRISON MAIERLE, Inc.	Rancho del Sol Brillante ELOY, ARIZONA	LAND USE DATA SUMMARY Exhibit H



Rancho del Sol Brillante
ELOY, ARIZONA

ELEMENTARY SCHOOL
DISTRICT BOUNDARIES MAP
Exhibit I



Rancho del Sol Brilliante
 ELOY, ARIZONA

TRAILS PLAN
 Exhibit J

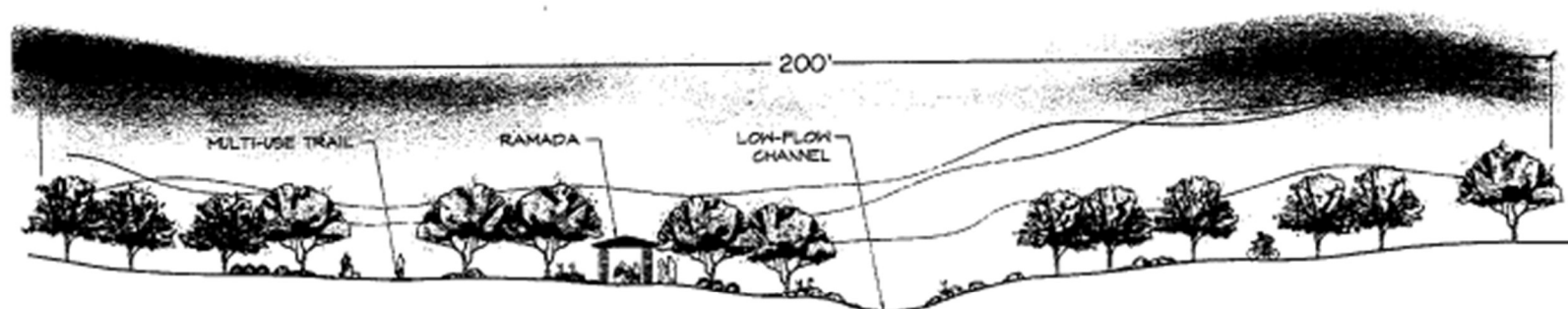


CONCEPTUAL LOW FLOW CHANNEL/OPEN SPACE

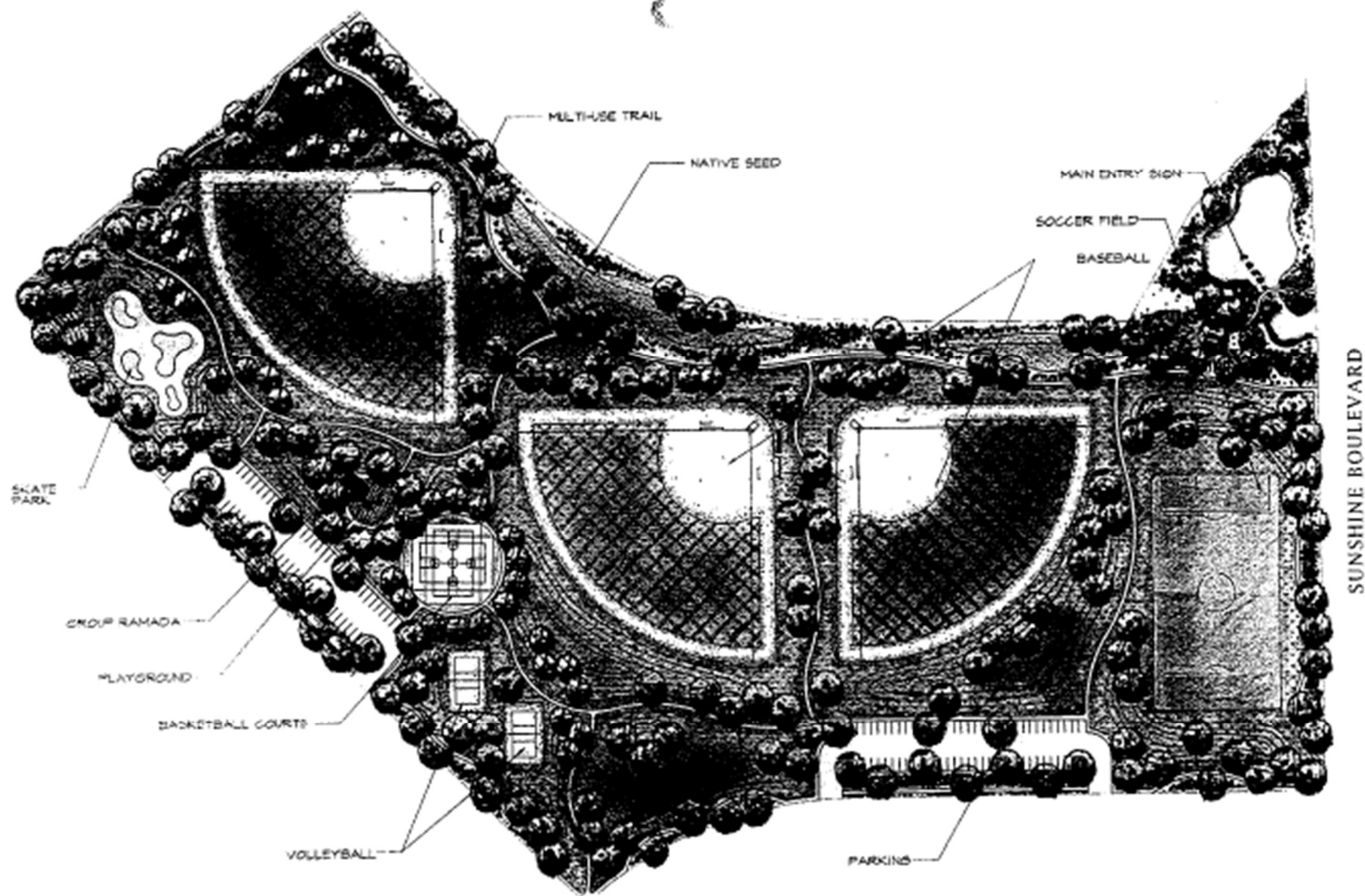
Rancho del Sol Brillante

PINNACLE
DESIGN, INC.

10/21/10 - Final Design
10/21/10 - Final Design
10/21/10 - Final Design



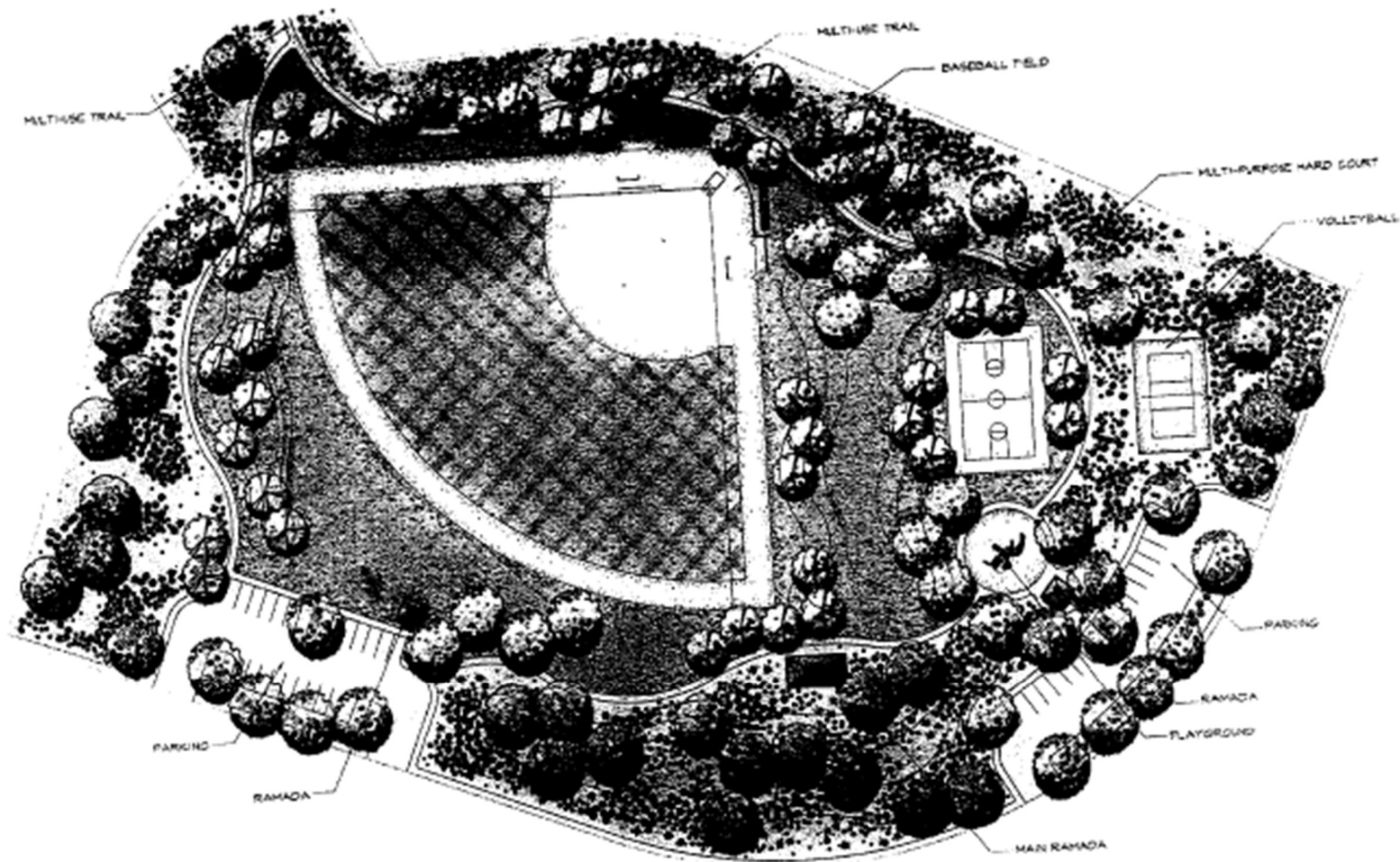
CONCEPTUAL LOW FLOW CHANNEL/ OPEN SPACE SECTION



CONCEPTUAL COMMUNITY PARK
Rancho del Sol Brillante

PINNACLE
DESIGN, INC.

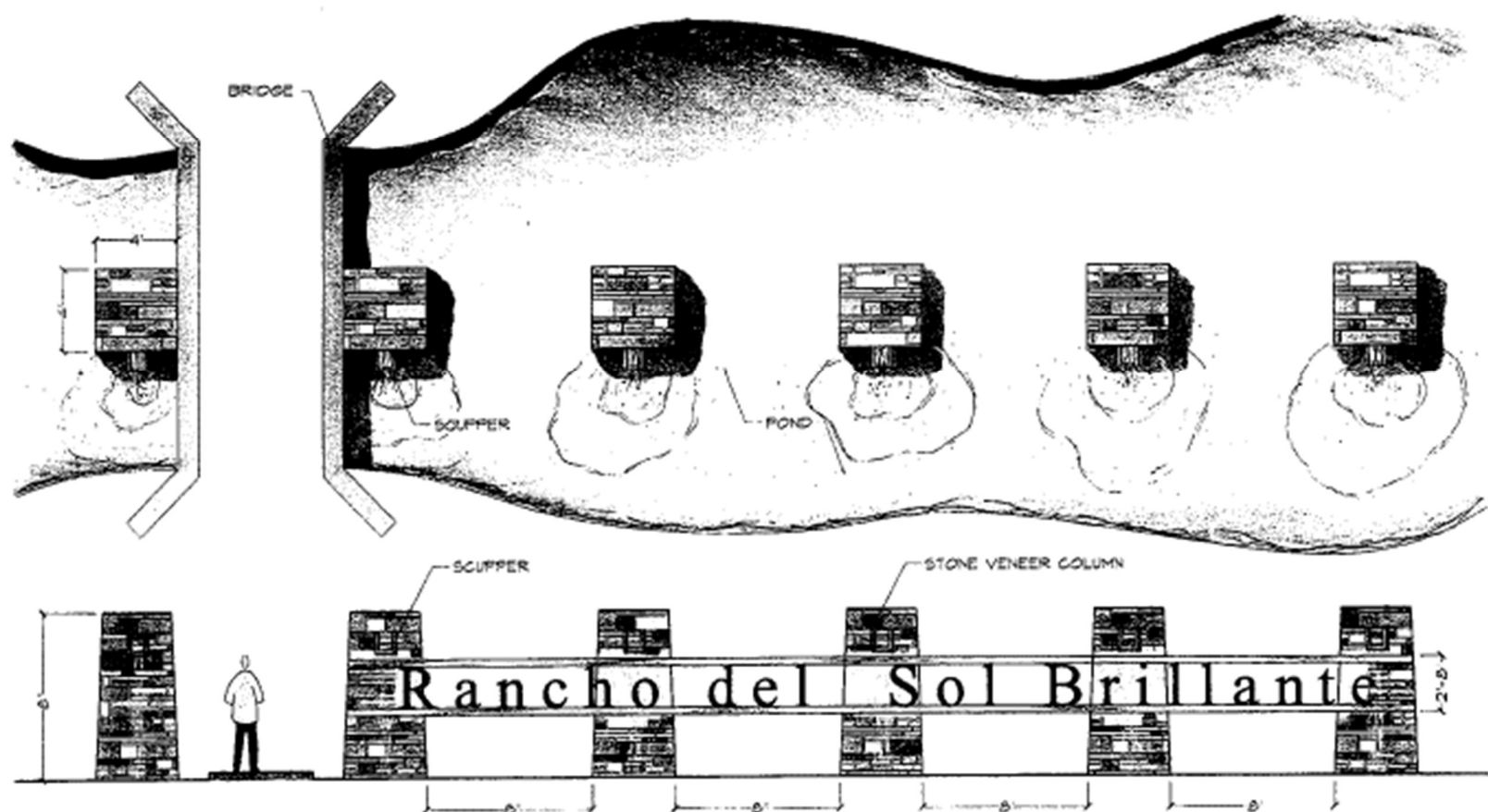
1100 N. GARDEN AVENUE, SUITE 100
DANA POINT, CALIFORNIA 92629
(949) 261-1100



CONCEPTUAL NEIGHBORHOOD PARK

Rancho del Sol Brillante

PINNACLE
DESIGN, INC.

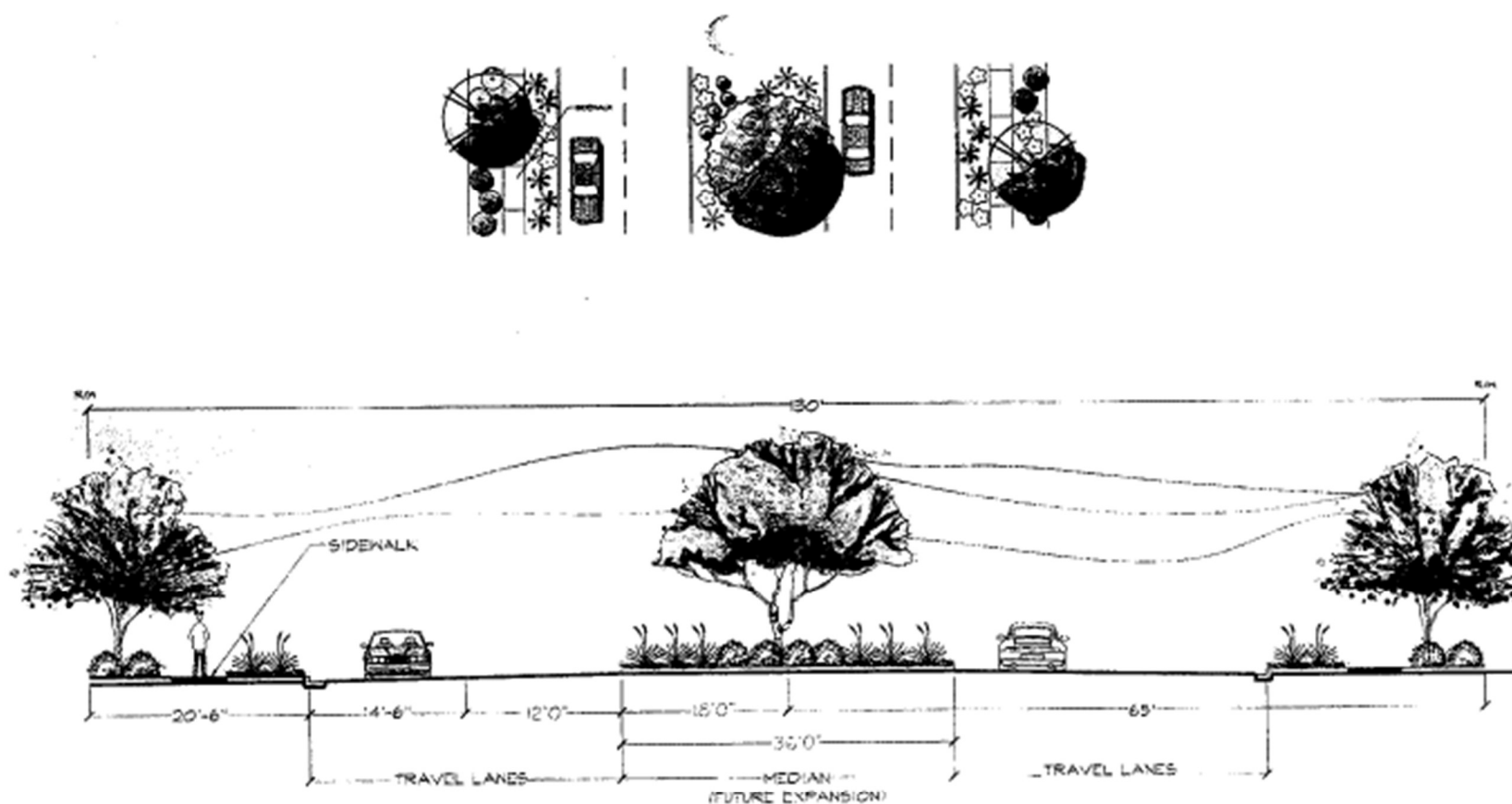


CONCEPTUAL MONUMENT SIGN SECTION AND PLAN VIEW

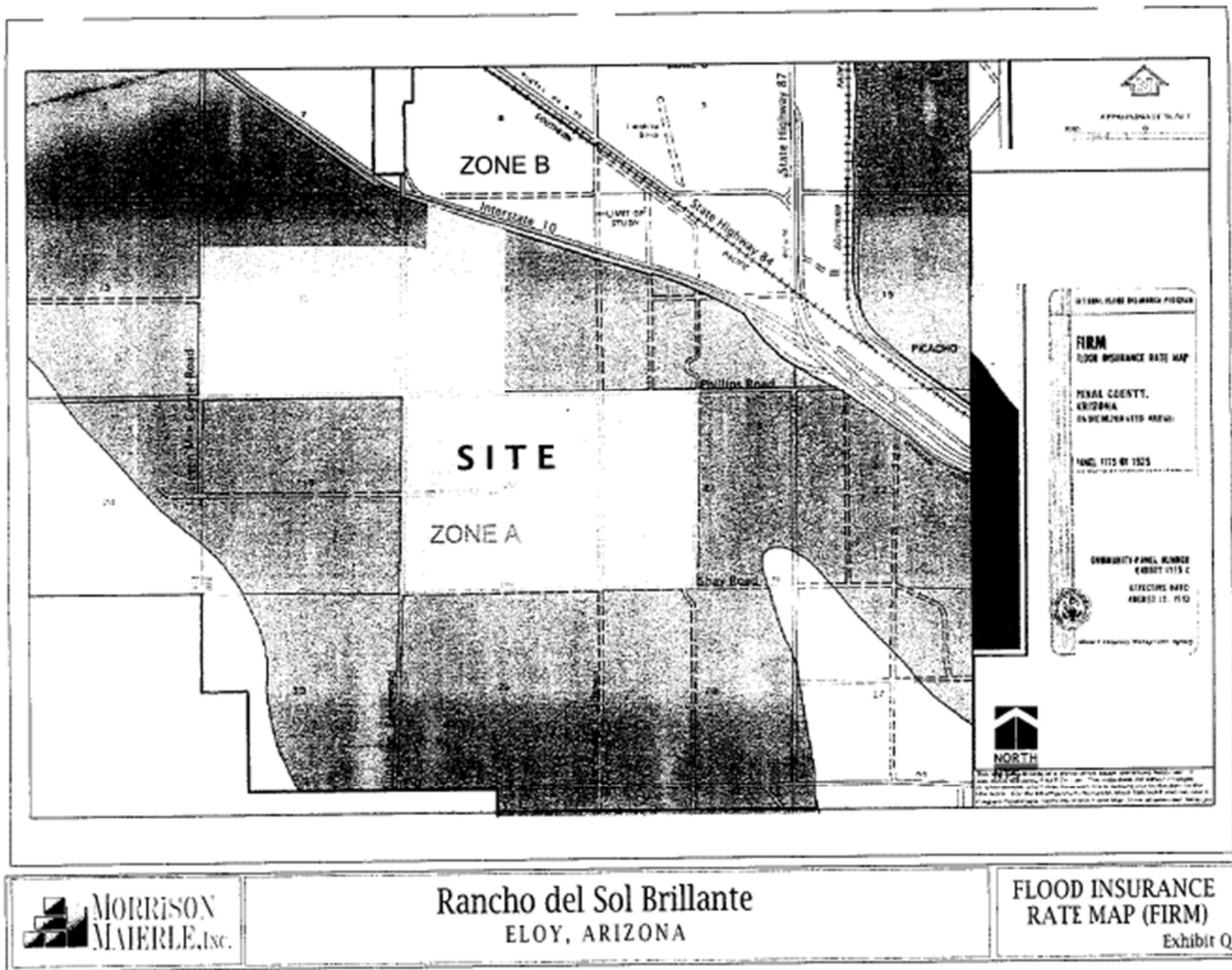
Rancho del Sol Brillante

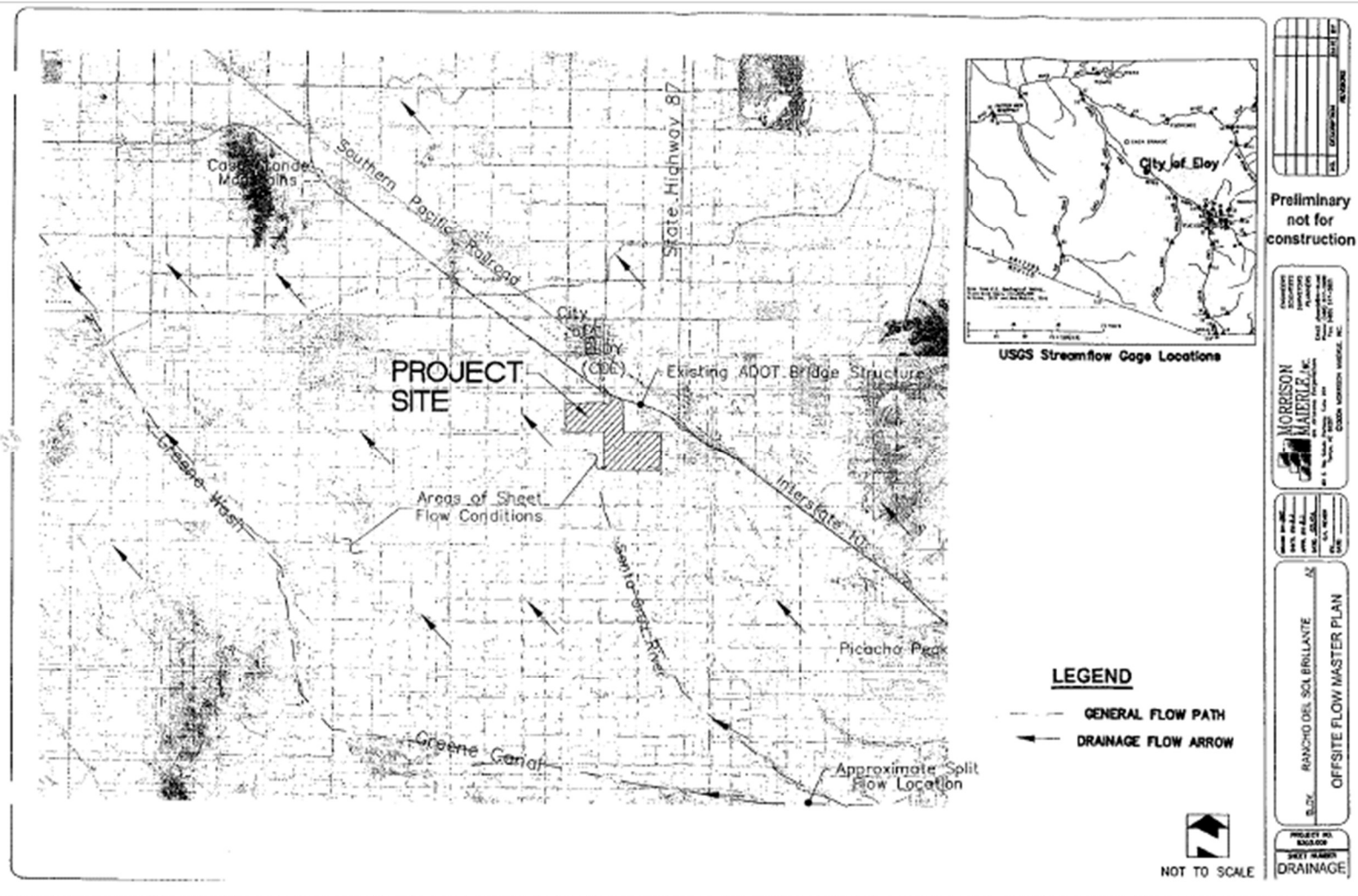
PINNACLE
DESIGN, INC.

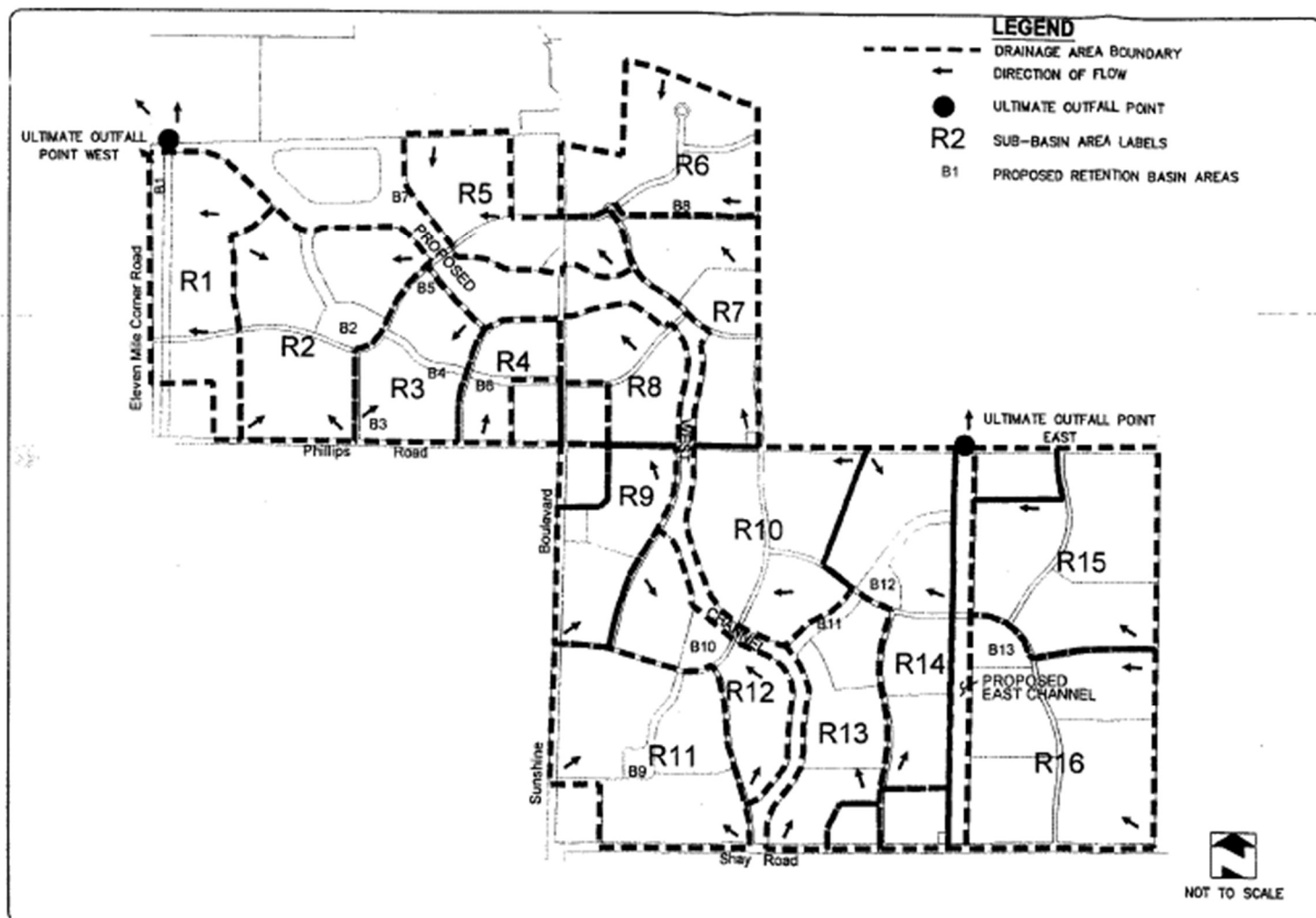
1000 E. 10th Street, Suite 100
Tulsa, Oklahoma 74103
918.462.1111



SUNSHINE BOULEVARD STREET CROSS SECTION AND PLAN VIEW





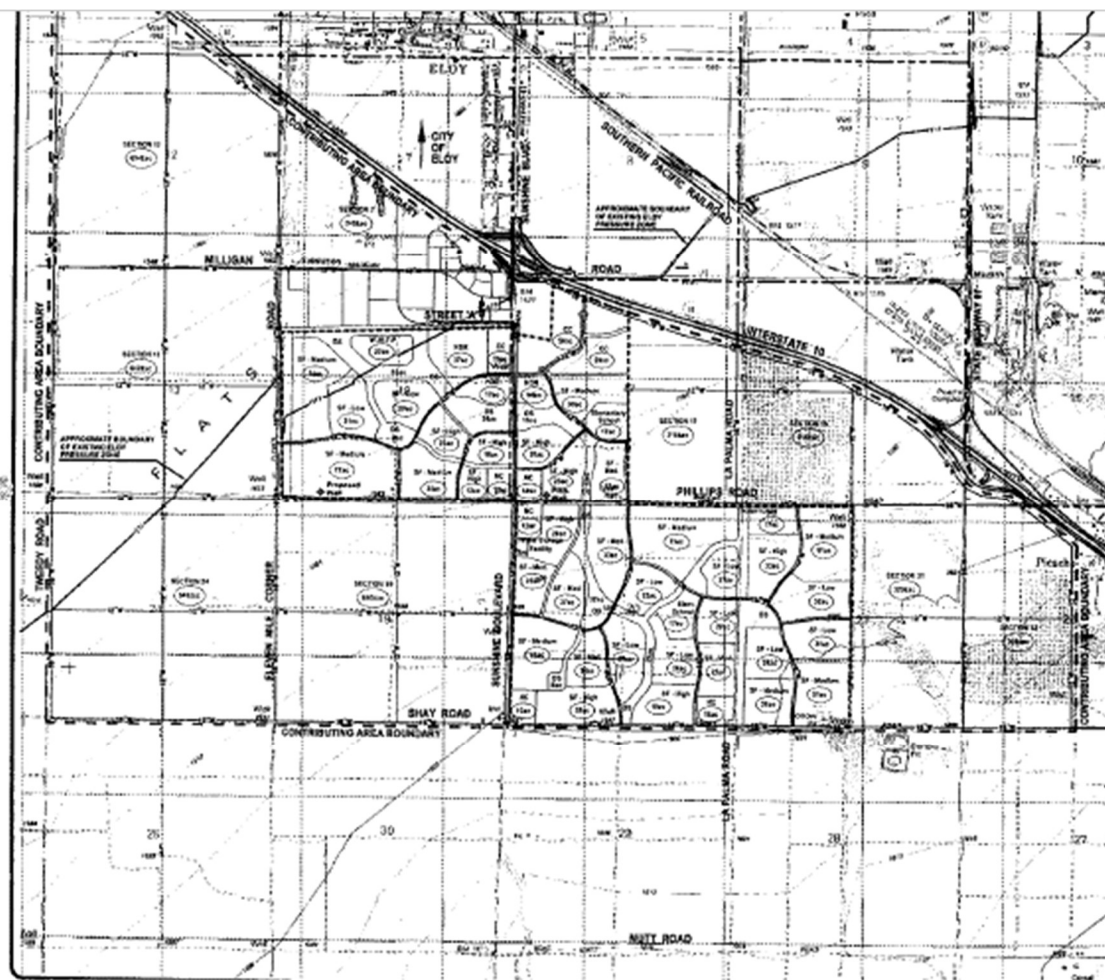


Preliminary
not for
construction



RANCHO DEL SOL BRILLANTE
PROPOSED ONSITE
DRAINAGE MAP

PROJECT NO.
SHEET NO.
DATE



- LEGEND**
- PROPOSED WELL SITE
 - RANCHO DEL SOL BRILLANTE BOREHOLE
 - CONCEPTUAL WATER SYSTEM UNITS
 - SECTION LINES
 - ADJACENT ZONED AREA
 - SF - Low SINGLE FAMILY - LOW DENSITY
 - SF - Medium SINGLE FAMILY - MEDIUM DENSITY
 - SF - High SINGLE FAMILY - HIGH DENSITY
 - HDR MULTI-FAMILY DWELLINGS
 - OS OPEN SPACE, COMMUNITY PARK
 - NC NEIGHBORHOOD COMMERCIAL
 - CC COMMUNITY COMMERCIAL
 - PROPOSED 16" WATER TRANSMISSION LINE
 - PROPOSED 12" WATER DISTRIBUTION LINE

TO PROVIDE ADEQUATE UPWELL WATER PRESSURE TO AN ASSUMED 40-acre AREA, REQUIRING 4000 gpm (2000 gpm PER LUMPED CONNECTION TO TRANSMISSION LINE) TO ACHIEVE FIVE FLOW COUNTER HEAD LOSS FROM VARIOUS SOURCES.

HEAD LOSS = VERTICAL RISE (7') + 1' MINOR FROM BORDERS, ETC. + FRICTION

(A2) = EL. 1525 - EL. 1585 = 60' OF RISE
40/2.37 = 17.32 gpm AVERAGE HEAD

1' minor = REASONABLE IMPACT

FRICTION LOSS = HAZEN WILLIAMS FORMULA:

Pipe Dia.	16 in.	Flow	2000 gpm
Area	1.48	Plan	6.48 sq ft
Velocity	3.18 ft/sec	Length	1832 ft
C	140		
Q	4.33333		
Slope	0.008	1.0614784	
Friction	20.18 ft	15.42 psi	

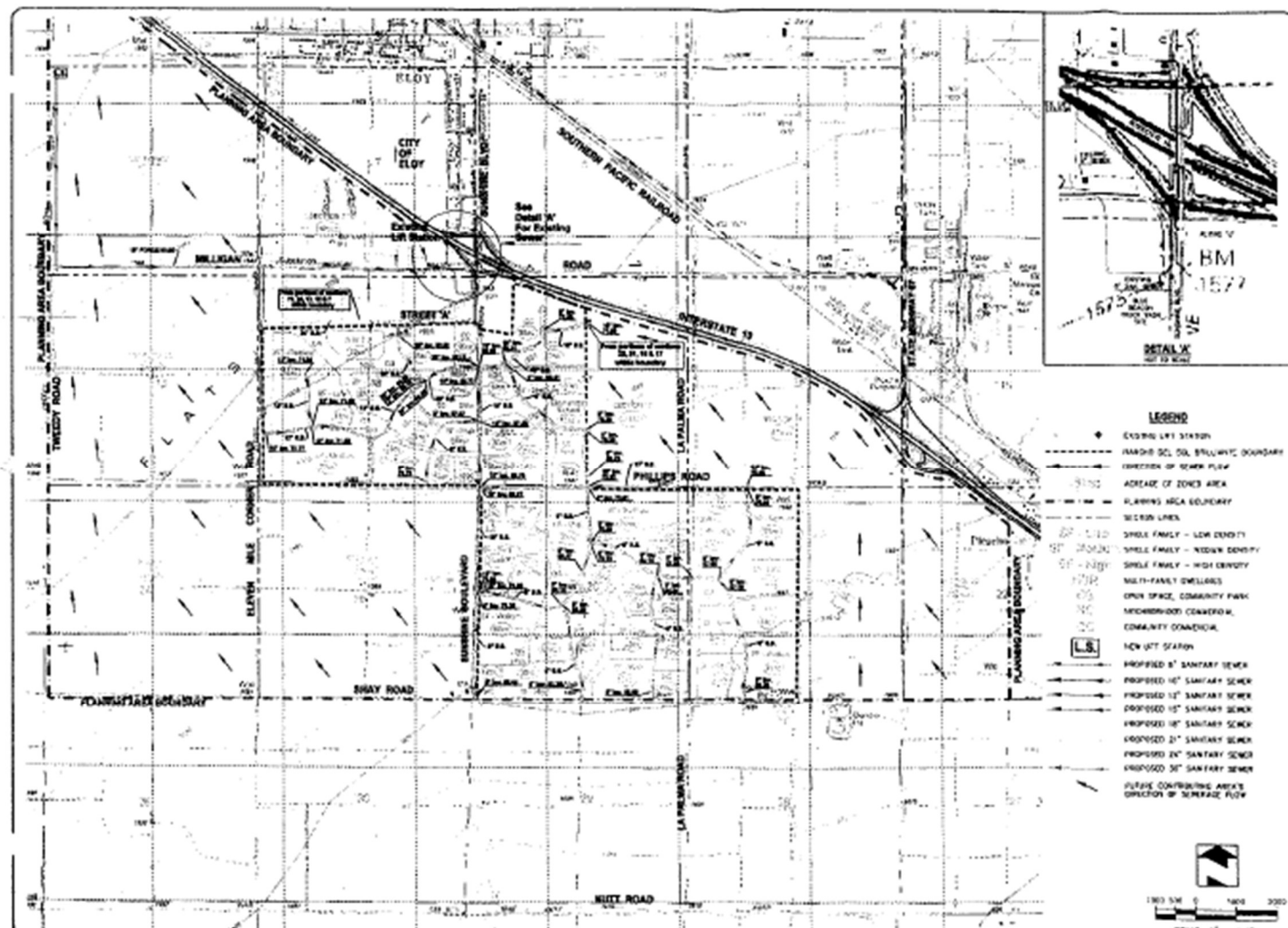


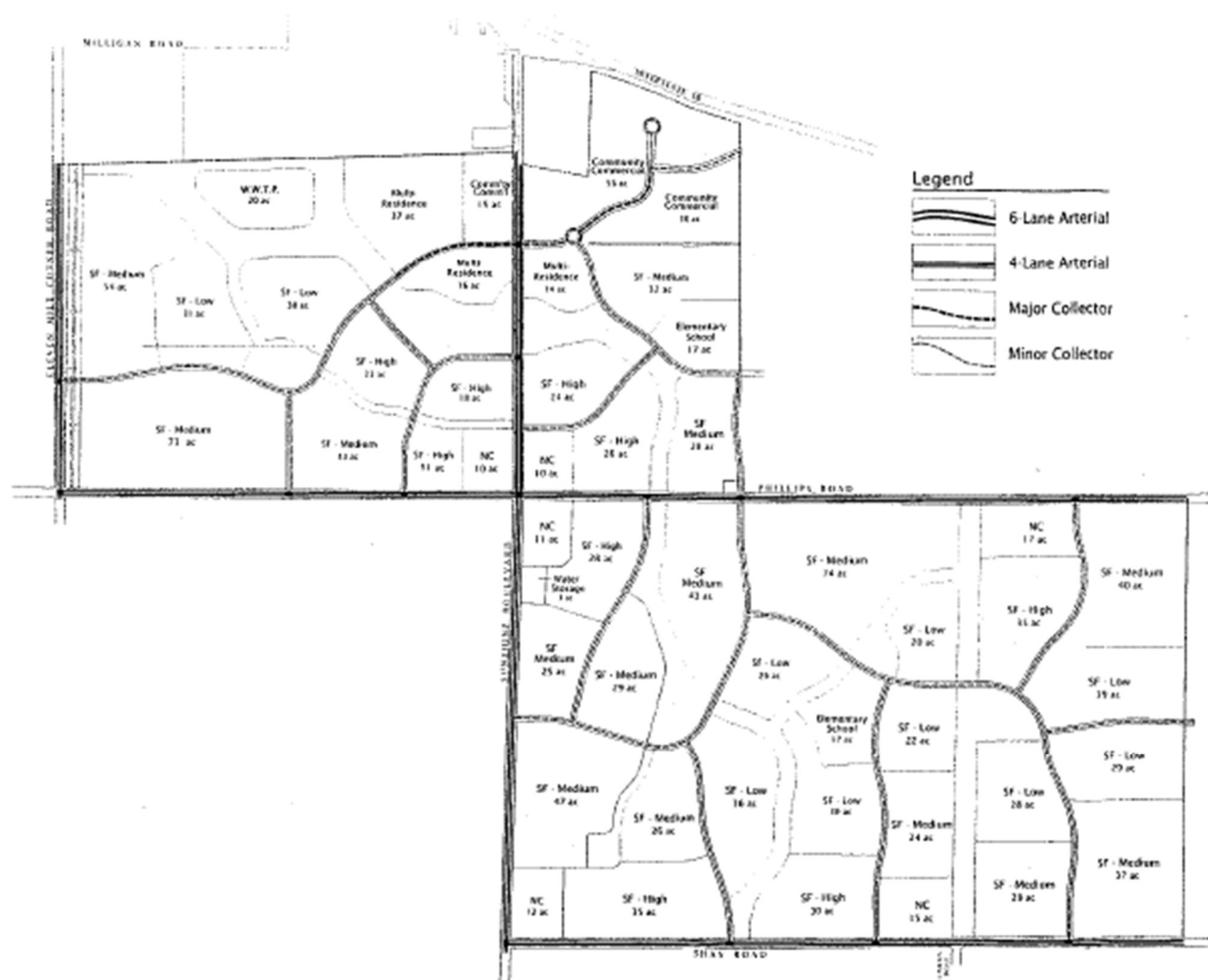
PROJECT NO. 432-09
SHEET NUMBER 1
Water

RANCHO DEL SOL BRILLANTE
EL DORADO, CALIF.
PROPOSED WATER
MASTER PLAN

MORRISON
MAIR
INC.
1000 S. 10th St.
El Dorado, CA 95762
TEL: (916) 423-1111
FAX: (916) 423-1112
WWW.MORRISONMAIR.COM

DATE: 10/1/09
BY: J. M. MORRISON
CHECKED: J. M. MORRISON
APPROVED: J. M. MORRISON

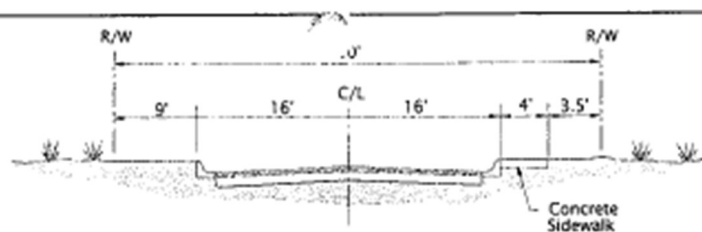




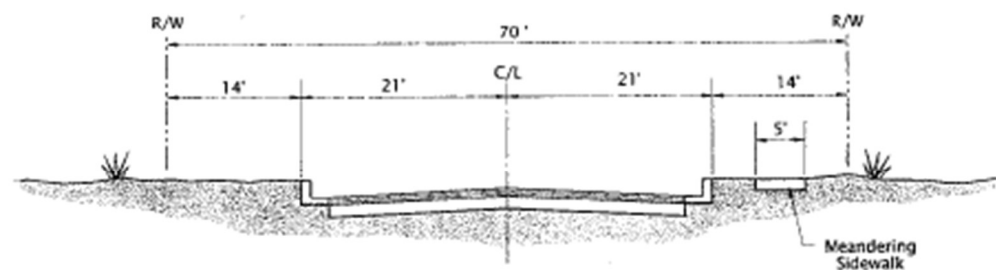
ROADWAY
CLASSIFICATIONS MAP
Exhibit V

Rancho del Sol Brillante
ELOY, ARIZONA

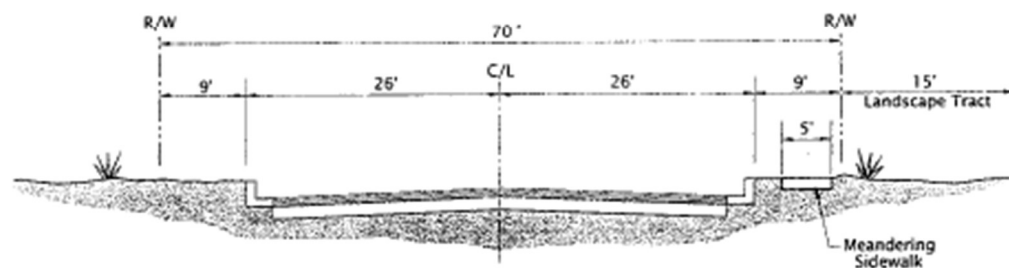
MORRISON
MAYFIELD, Inc.



TYPICAL SECTION
Local Roadway



TYPICAL SECTION
Minor Collector Roadway

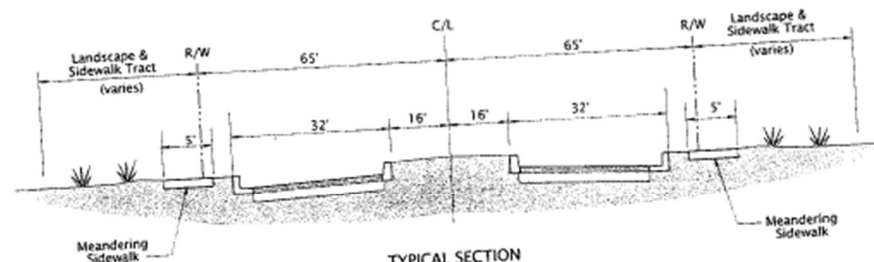


TYPICAL SECTION
Major Collector Roadway

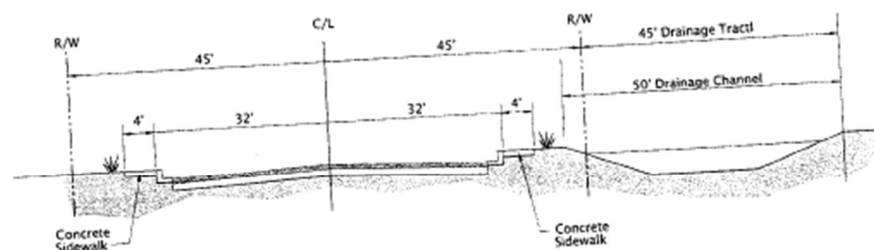


Rancho del Sol Brillante
ELOY, ARIZONA

STREET
CROSS SECTIONS
Exhibit V



TYPICAL SECTION
Sunshine Blvd

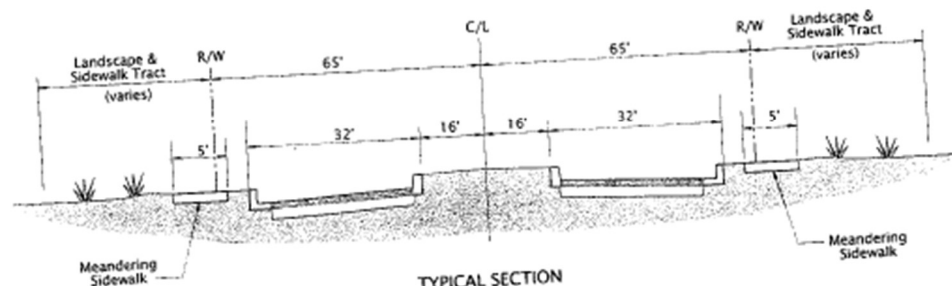


TYPICAL SECTION
Phillips Road - Looking West

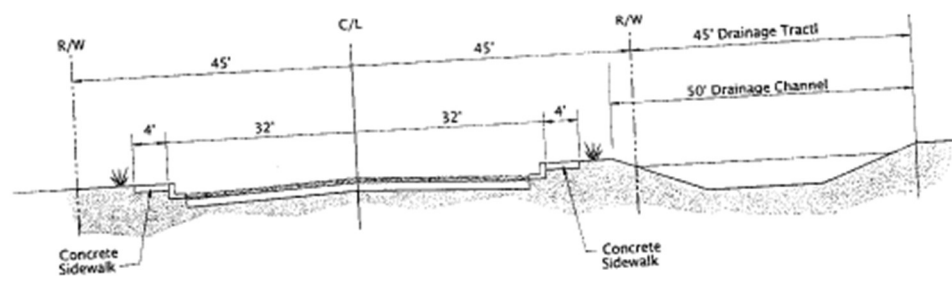


Rancho del Sol Brillante
ELOY, ARIZONA

STREET
CROSS SECTIONS
Exhibit V



TYPICAL SECTION
Sunshine Blvd



TYPICAL SECTION
Phillips Road - Looking West



Rancho del Sol Brillante
ELOY, ARIZONA

STREET
CROSS SECTIONS
Exhibit V

Exhibit X

Interim Project Plan: Milligan Energy Center Solar Generation Facility A Utility-Scale Solar Generation, and Battery Energy Storage System Facility

PROJECT SUMMARY

The proposed Milligan Energy Center Solar Generation Facility is proposed as an interim use of within the Rancho Del Sol Brillante Planned Area Development (PAD), until such time that the property owner has determined that the development of the master planned community is feasible. The Solar Generation Facility is proposed as an electrical generation facility consisting of solar photovoltaic (PV) modules, a project substation, an operations and maintenance (O&M) building and a battery energy storage system (BESS), collectively referred to as the Milligan Energy Center (the Solar Project).

The Solar Project is proposed to consist of 1,584 gross acres of the overall 1,721 acre PAD, and will have the capacity to generate 315 megawatts of alternating current (MWac). In addition, the facility will contain a BESS with the net power capacity of up to 300 MWac. The BESS is anticipated to provide no more than a single charge/discharge cycle on a 24-hour basis—storing/discharging up to 1,200 megawatt hours (MWh).

PROJECT LOCATION

The Solar Project is located approximately 0.5 mile south of Interstate 10 via South Sunshine Boulevard. The location of the proposed improvements are indicated in **Exhibit Y – Interim Project Plan: Milligan Energy Conceptual Site Plan**.

ACCESS AND SITE CIRCULATION

The Solar Project is accessible along South Sunshine Boulevard—which bisects north and south near the middle of the site— as well as Eleven Mile Corner Road along the west and South La Palma Road along the east. East Phillips Road bisects the site east to west. East Shay Road is along the south of the site and East Milligan Road is along the north of the site. Several existing graded minor/local/farm roads exist within the Solar Project Site.

OPERATIONS & MAINTENANCE

The Solar Project will operate 7 days a week and 365 days per year. Monitoring of the facility will be conducted utilizing a Supervisory Control and Data Acquisition (SCADA) system. The Solar Project will not generate audible noise more than Occupational Safety and Health Administration (OSHA) standards during the production of electricity. Employees needed to monitor the operation of the Solar Project include up to three staff for each 8-hour shift (24 hours a day). Maintenance activities include occasional security checks, addressing maintenance issues, occasional panel

washing activities, as well as emergency repair events.

WATER

It is anticipated that water will be transported to the site or sourced from on site water wells depending on feasibility and costs. Water will be used during construction, panel washing activities (once every five years), fire suppression, and domestic use within the O&M building. The Solar Project does not require water for the generation of electrical power and would require very little water for panel and equipment maintenance. Panel washing may be required if rains are not sufficient or if soiling of panels is excessive due to dust accumulation. The Applicant is responsible for sourcing the water to serve the project. The City of Eloy would incur no costs for any infrastructure improvements related to the Solar Project.

WASTEWATER

The Solar Project does not require a connection to an existing sewer system; however, connecting to the City's existing sewer infrastructure is being explored and will depend on feasibility and costs. Temporary portable toilets, serviced by a licensed provider, would be transported to the site for employee use during construction and removed upon completion. During operation (i.e., post construction), a septic system or extension and connection to the City's sewer system will be utilized for human waste disposal. The septic field would be located adjacent to the O&M building.

LANDSCAPING

Please see **Exhibit Z – Interim Project Plan: Milligan Energy Conceptual Landscape Plan** for proposed setbacks, screening and vegetation as discussed with City of Eloy staff.

All required on-site, off-site and streetscape landscape areas shall be landscaped with vegetation and/or landscape topping material as identified in the Pinal Active Management Area (AMA) Low Water Use/Drought Tolerant Plant List or approved by the City. Sizes and quantities shall meet or exceed City of Eloy regulations and guidelines. Small to medium sized shrub species and ground cover would be planted within a minimum 10-ft landscape setback. Four different types of landscape buffers will be utilized around the Solar Project boundary, and the boundary will also include a chain link fence with a height of 7 feet as approved by staff.

In addition to complying with the minimum Landscaping standards as summarized above, the project will feature enhanced landscaping along the boundary adjoining the pecan farming operations. The enhanced landscaping proposed for this portion of the project boundary includes utilizing specific plant species, which are known to dissipate greater heat via a process referred to as "transpiration." The enhanced landscaping will utilize Chinese Elm and Hopbush which are two plant species that demonstrate significantly higher levels of transpiration. These plants are both low water use and drought tolerant and appear on the Pinal AMA's approved species list. Additionally, the project is proposing a vegetation density double the standard design to further

enhance the transpiration benefits from the vegetation. The specific landscape plan will be shown on a planting palette.

ROADWAY IMPROVEMENTS

Existing roadways adjacent to the Solar Project would be improved as part of the Solar Project construction per existing City requirements. For dirt roads, treatment shall include double chip seal with 6 inches of aggregate base coarse (ABC) material constructed at existing grade. Low-water crossings would be installed at existing low points along the improved road. For paved roads, treatment shall include double chip seal on existing pavement. Seven paved entrances would allow routine and emergency access to the site. Interior access roads would be 12-feet wide and comprised of compacted gravel.

DECOMMISSIONING

The proposed life of the Solar Project is 30 years. The Applicant will develop and submit to the City for approval a Decommissioning and Reclamation Plan that complies with the requirements of the new Utility Scale Solar and BESS Ordinance. The Decommissioning and Reclamation Plan will include the methods for removing solar panels, racking system, wiring, conduit, inverters, BESS, O&M building, interconnect, and reclamation of disturbed land.

FIRE SAFETY

All applicable City and County fire laws, regulations, and requests will be complied with, and all reasonable measures will be taken to prevent fires on the site. A water supply that complies the Eloy Fire District requirements will be provided. The Solar Project will sponsor training to be provided to O&M staff and the local fire department prior to the Solar Project completion along with periodic refresher training throughout the operational period. An Emergency Action Plan for construction and operations will be available for review by local officials during the training. Fire hazard risk will be further reduced through the control or suppression of weeds and tall grasses within and directly adjacent to the site. All weed control will be conducted in compliance with regulations.

EXHIBIT Y

INTERIM PROJECT PLAN – MILLIGAN ENERGY CENTER

CONCEPTUAL SITE PLAN

PLANNED AREA DEVELOPMENT APPLICATION

MILLIGAN ENERGY CENTER, LLC

801 WEST MILLIGAN ROAD

ELOY, AZ 85131

SECTIONS 17, 18, 20 & 21, TOWNSHIP 8 SOUTH, RANGE 8 EAST

PROJECT DESCRIPTION

THE MILLIGAN ENERGY CENTER PROJECT CONSISTS OF NEW ACCESS ROADWAYS AND LAYDOWN/STAGING AREAS, PV ARRAY AREA, STORMWATER INFRASTRUCTURE, A SUBSTATION PAD, AND PUBLIC RIGHT OF WAY IMPROVEMENTS. IMPERVIOUS IMPROVEMENTS SHOWN ARE APPROXIMATELY 43 ACRES (2.9% OF THE TOTAL SITE AREA) AND INCLUDE THE BESS AREA, O&M AREA, SUBSTATION PAD, INVERTER PADS, AND ACCESS ROADS. THE SITE IS PROPOSED TO BE ACCESSED FROM MILLIGAN ROAD, SOUTH SUNSHINE BLVD, PHILLIPS ROAD, AND SOUTH LA PALMA ROAD. THE PROJECT SITE CURRENTLY CONSISTS OF MOSTLY AGRICULTURAL LAND WITH MULTIPLE ROADS AND IRRIGATION CANALS SEGMENTING THE SITE INTO VARIOUS REGIONS.

DEVELOPER CONTACT: MILLIGAN ENERGY CENTER, LLC
BILL GOLOVE
422 ADMIRAL BLVD.
KANSAS CITY, MO 64106

SURVEYOR: ALTA/NSPS LAND TITLE SURVEY
BLEW & ASSOCIATES, P.A.
3825 N. SHILOH DR.
FAYETTEVILLE, AR 72703

GEOTECHNICAL ENGINEER: GEOTECHNICAL INVESTIGATION REPORT
MILLIGAN SOLAR
WOOD
4600 E. WASHINGTON ST. SUITE 600
PHOENIX, AZ 85034

PV LAYOUT PREPARED BY: SAVION, LLC

PLANS PREPARED BY: WOOD
3636 EXECUTIVE DRIVE, SUITE 100
AUSTIN, TX 78731

NOTES

1. THE SITE LAYOUT SHOWN WITHIN THESE PLANS IS CONCEPTUAL. ARRAY CONFIGURATION, SUBSTATIONS, ROADS, AND FENCE LOCATIONS ARE SUBJECT TO CHANGE DURING FINAL DESIGN.
2. IMPROVEMENTS TO THE SITE WILL INCLUDE SOLAR PANELS, ACCESS DRIVES, AND THE ASSOCIATED ELECTRICAL SUBSTATIONS. THE PROJECT AREAS WILL BE SURROUNDED BY A 7' CHAIN LINK SECURITY FENCE.
3. THE PROPOSED IMPROVEMENTS WILL BE CONSTRUCTED AT EXISTING GRADE WHERE POSSIBLE. MINOR GRADING MAY BE REQUIRED NEAR TERRACED LOCATIONS IN ORDER TO TRANSITION THE SLOPE FOR THE PLACEMENT OF PANELS.
4. DRAINAGE WILL BE COLLECTED UNDER THE PANELS AND RETAINED ONSITE. THIS MAY BE ACCOMPLISHED BY MODIFYING THE EXISTING DRAINAGE INFRASTRUCTURE TO RETAIN SHALLOW AMOUNTS OF WATER WITHIN THE EXISTING FIELDS. THE SHALLOW RETENTION AREAS WILL ALLOW FOR RAPID INFILTRATION AND ENSURE NO IMPACT TO THE ELECTRICAL FACILITIES. ALL ELECTRICAL FACILITIES SHALL BE LOCATED A MINIMUM OF 1" ABOVE THE 100 YEAR FLOOD ELEVATION. THE STORMWATER DESIGN IN THIS SET OF PLANS IS CONCEPTUAL AND SUBJECT TO CHANGE DURING FINAL DESIGN.
5. REFER TO THE ALTA/NSPS LAND TITLE SURVEY PROVIDED BY COMMERCIAL DUE DILIGENCE SERVICE AND TITLED "SHELL-PINAL COUNTY 2020" FOR LEGAL DESCRIPTION AND TITLE INFORMATION.
6. REFER TO THE GEOTECHNICAL INVESTIGATION REPORT MILLIGAN SOLAR, PREPARED BY WOOD, FOR GEOTECHNICAL RECOMMENDATIONS.
7. THE PROPOSED IMPROVEMENTS SHOWN IN THESE PLANS MEET OR EXCEED THE REQUIREMENTS IN ORDINANCE 21-3-1-39.
8. ADJACENT PROPERTY BUILDING SETBACK IS 75' PER TABLE 3-1-1. NO ADJACENT PROPERTIES REQUIRE A 100' SETBACK.
9. LANDSCAPE IMPROVEMENTS AND FENCING COMPLY WITH SECTIONS G.2&3 OF ORDINANCE 21-3-1-39. SPECIFIC PLANTINGS SHALL BE DROUGHT TOLERANT AND COORDINATED WITH THE CITY OF ELOY. DRIP IRRIGATION SHALL BE PROVIDED FOR ALL LANDSCAPE BUFFERS.
10. RIGHT OF WAY DEDICATIONS ARE PER THE CITY OF ELOY TRAFFIC CIRCULATION MAP AND ORDINANCE 21-3-1-39 SECTION G.10&11.
11. INTERNAL ACCESS ROADS SHALL BE DESIGNED TO SERVE A VEHICLE WITH 75,000 LB GROSS WEIGHT.
12. CAIDD STRUCTURES AND TURNOUTS SHALL BE EXCLUDED FROM THE SECURITY FENCED AREA TO ALLOW UNOBSTRUCTED ACCESS TO CHECK STRUCTURES.
13. PHASED CONSTRUCTION IS NOT PROPOSED AS A PART OF THIS DEVELOPMENT.

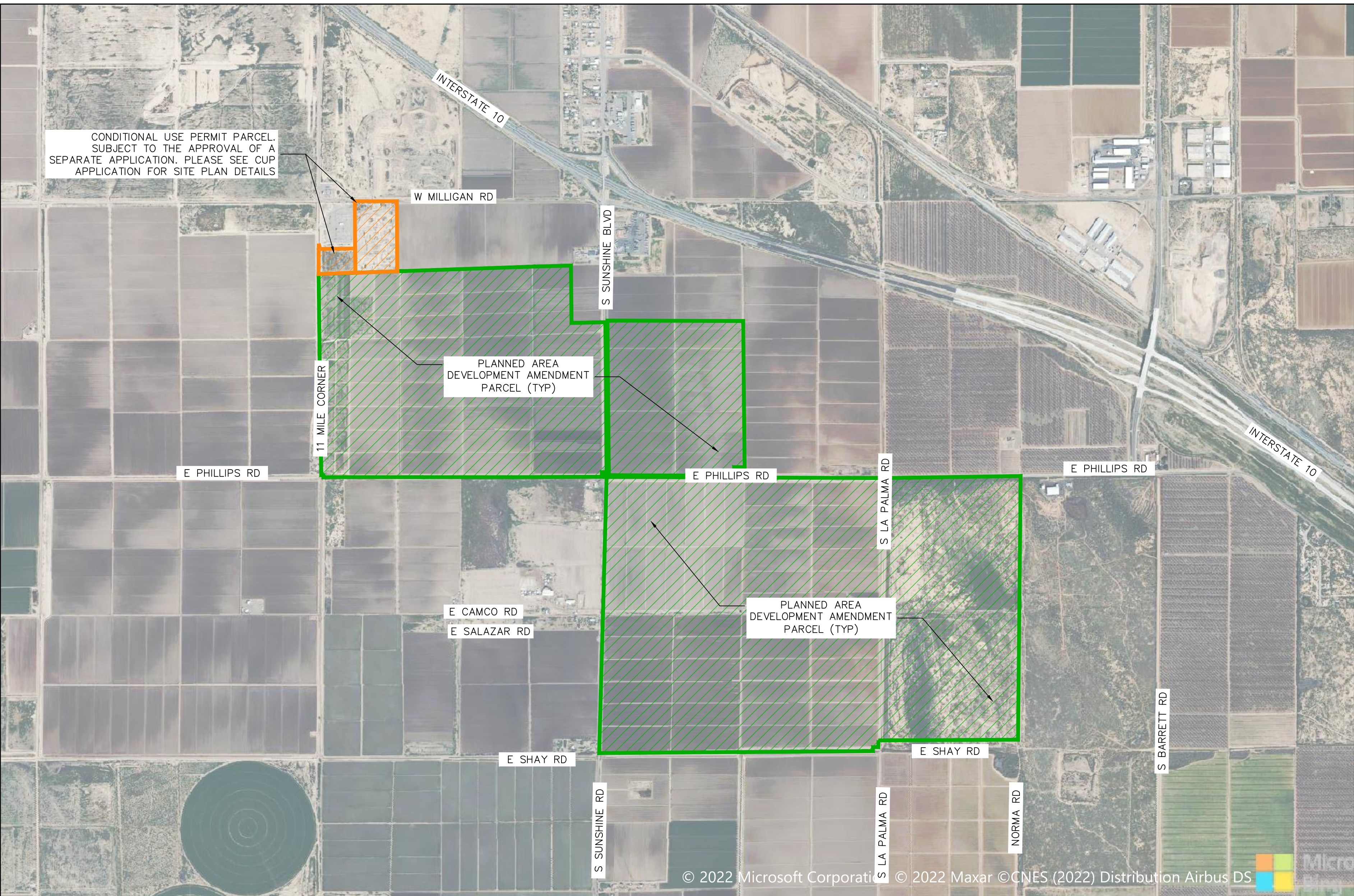
FLOOD ZONE:

THE PROJECT SITE IS LOCATED IN FLOOD ZONE A, DEFINED AS AND AREA OF 1.0% ANNUAL CHANCE FLOOD. MILLIGAN ENERGY CENTER LLC IS COORDINATING WITH PINAL COUNTY FLOOD CONTROL DISTRICT (FUP2309-186) TO OBTAIN A LETTER OF MAP REVISION (LOMR) THROUGH FEMA.

FEMA MAP NUMBERS: PANEL 04021C1975F, 04021C1956F, & 04021C1957F EFF. 05-16-2019.

BASIS OF BEARINGS:

BEARINGS AND DISTANCES ARE BASED ON ARIZONA STATE PLANE COORDINATE SYSTEM CENTRAL ZONE DATUM OF 1983 CORS 2011 US FT.



VICINITY MAP

SCALE 1"=0.25MI



DRAWING INDEX

SHEET NUMBER	SHEET TITLE	REVISION
G000	COVER SHEET	C
C050	BOUNDARY SETBACK FIGURE	B
C100	OVERALL SITE PLAN	C
C101	SITE PLAN 1 OF 4	C
C102	SITE PLAN 2 OF 4	C
C103	SITE PLAN 3 OF 4	C
C104	SITE PLAN 4 OF 4	C
C200	OVERALL DRAINAGE PLAN	C
C500	SITE DETAILS	B
C501	SITE DETAILS	B

PROPOSED FEATURES LEGEND

	TYPE A LANDSCAPE BUFFER
	TYPE B LANDSCAPE BUFFER
	TYPE B-R LANDSCAPE BUFFER
	TYPE C LANDSCAPE BUFFER
	TYPE C-R LANDSCAPE BUFFER
	TYPE D LANDSCAPE BUFFER
	TYPE E LANDSCAPE BUFFER
	TYPE F LANDSCAPE BUFFER
	TYPE G LANDSCAPE BUFFER
	PROPERTY BOUNDARY
	100' BOUNDARY SETBACK
	75' BOUNDARY SETBACK
	PROPOSED RIGHT OF WAY
	PROPOSED RIGHT OF WAY 50' SETBACK
	SECURITY FENCE
	SITE ACCESS ROAD
	PROPOSED HORIZONTAL DIRECTIONAL BORE
	CAIDD EASEMENT OR RIGHT OF WAY (FEDERAL LANDS)

wood.

WOOD
RENEWABLES, PROJECT DEVELOPMENT
& ENGINEERING
3636 Executive Drive, Suite 100
Austin, TX 78731
WEB: WWW.WOODPLC.COM

PROJECT	CLIENT	SEAL	DATE	REVISION	ISSUE / REVISION DESCRIPTION	APPROVED
MILLIGAN ENERGY CENTER	MILLIGAN ENERGY CENTER, LLC					
			06/26/2024	C	ISSUED FOR PERMITTING	RB
			05/24/2024	B	ISSUED FOR PERMITTING	RB
			11/09/2023	A	ISSUED FOR PERMITTING	TF

MILLIGAN ENERGY CENTER

INTERIM PROJECT PLAN
COVER SHEET

MILLIGAN ENERGY CENTER, LLC

TODD FARMER, P.E.
AZ P.E. LICENSE NO. 40970

CIVIL DESIGN BY: SOLAR DESIGN BY:
KV NA

CHECKED BY: SCALE:
AC NA

PROJECT NUMBER:
24616301

DRAWING NUMBER:
G-000

SHEET NUMBER:
1 OF 10

WORK SAFELY



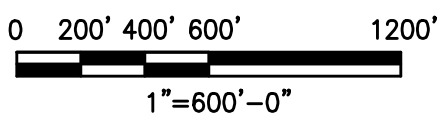
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A	06/24/2024				ISSUED FOR PERMITTING	KV	RIB			
REVISION	DATE	ISSUE / REVISION DESCRIPTION	ISSUED	APPROVED						

BOUNDARY SETBACK FIGURE

PROJECT:

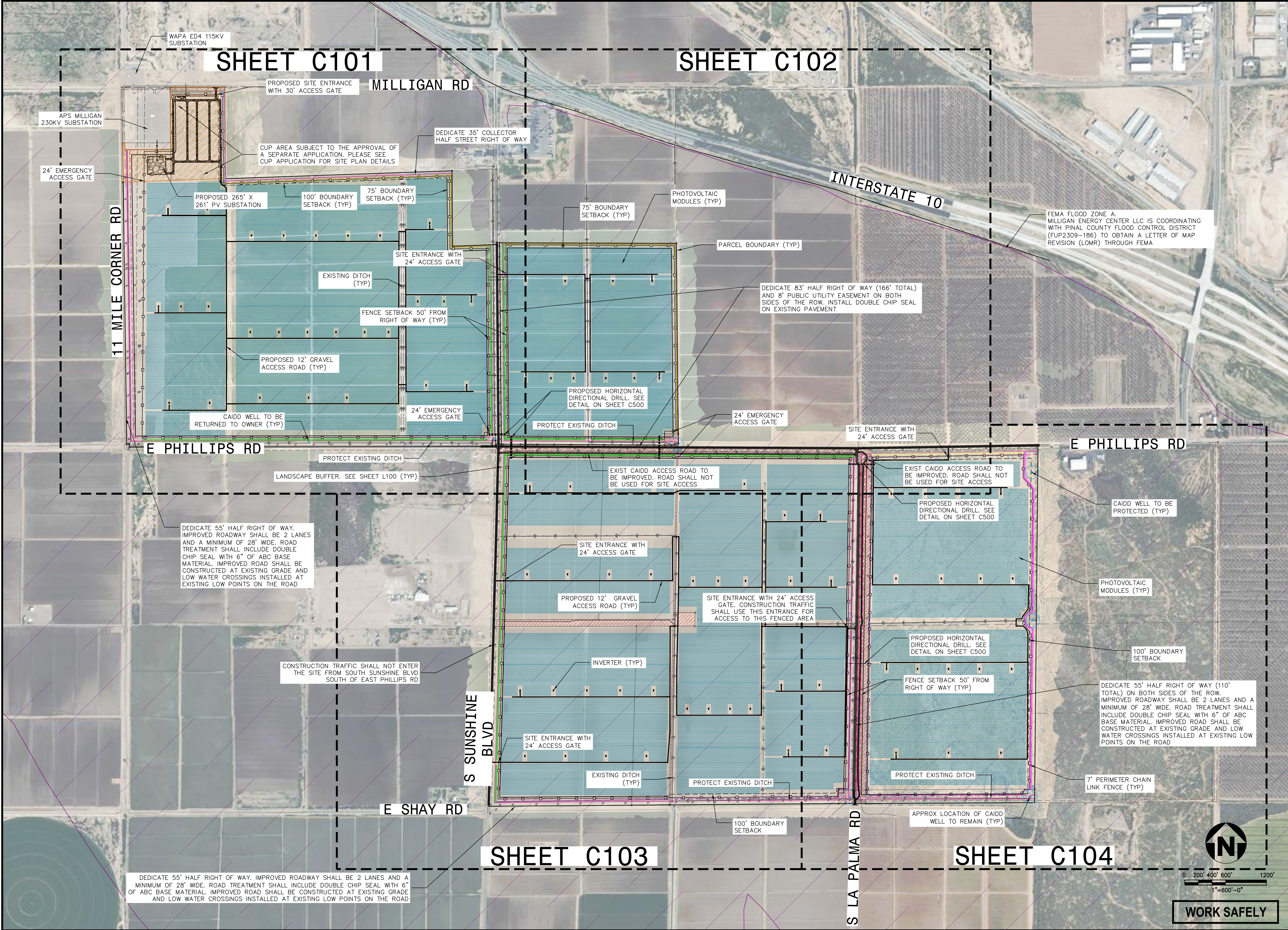
SEA

20



WORK SAFELY

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WOOD
RENEWABLES, PROJECT DEVELOPMENT
& ENGINEERING
3636 Executive Drive, Suite 100
Austin, TX 78731
WEB: WWW.WOODPLC.COM

REVISION	DATE	ISSUED / REVISION DESCRIPTION	ISSUED	APPROVED
C	06/26/2024	ISSUED FOR PERMITTING	KV	RB
B	05/24/2024	ISSUED FOR PERMITTING	KV	RB
A	11/09/2023	ISSUED FOR PERMITTING	KV	TF

PROJECT: MILLIGAN ENERGY CENTER

TITLE: INTERIM PROJECT PLAN
CONCEPTUAL OVERALL
SITE PLAN

CLIENT: MILLIGAN ENERGY CENTER, LLC

SEAL: TODD FARMER, P.E.
AZ P.E. LICENSE NO. 40970

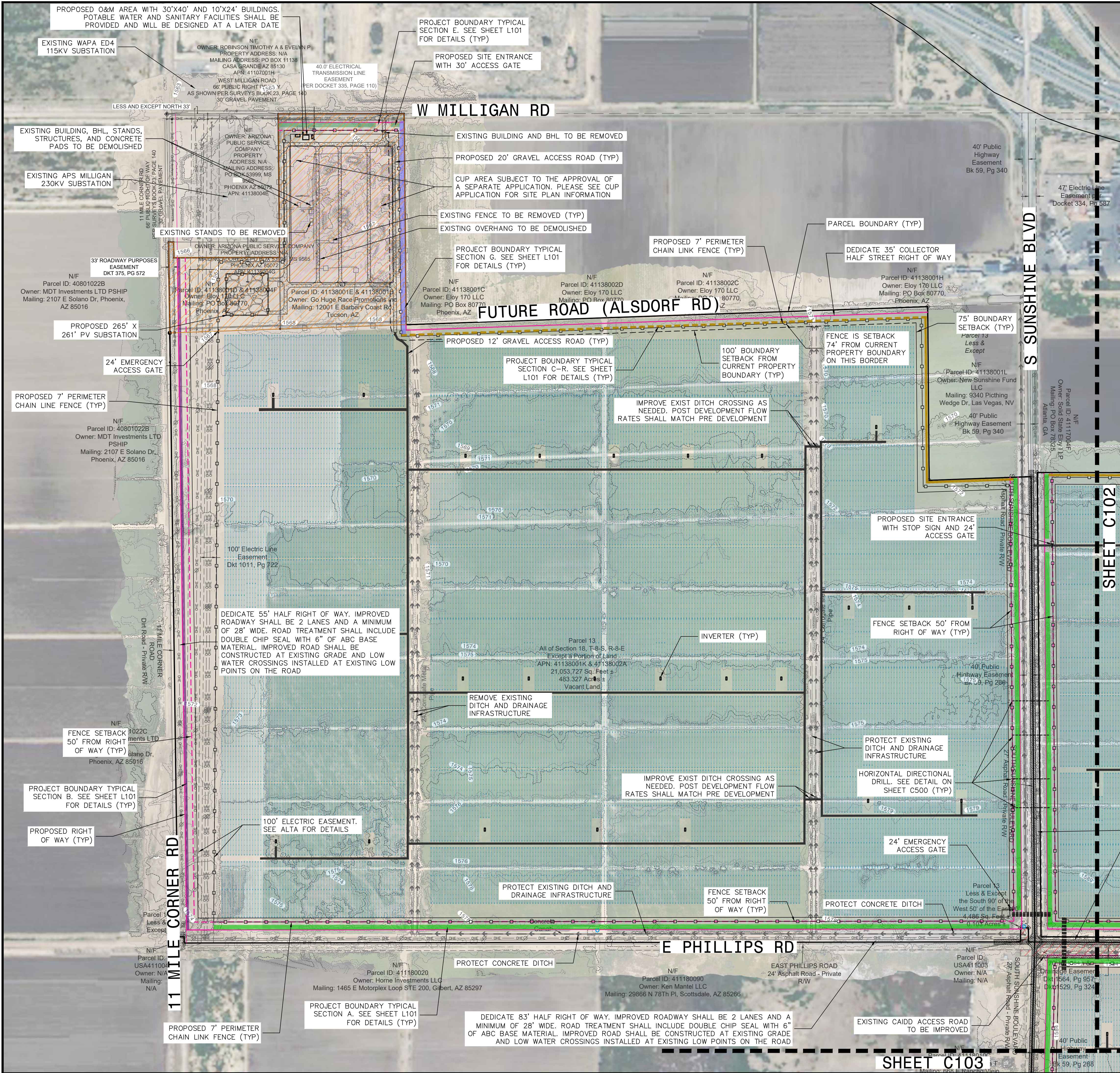
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KV NA

CHECKED BY: AC SCALE: 1" = 600'

PROJECT NUMBER: 24616301

DRAWING NUMBER: C-100

SHEET NUMBER: 3 OF 10



wood

WOOD
RENEWABLES, PROJECT DEVELOPMENT
& ENGINEERING
3636 Executive Drive, Suite 100
Austin, TX 78731
WEB: WWW.WOODPLC.COM

ISSUED FOR PERMITTING

ISSUED FOR PERMITTING

ISSUED FOR PERMITTING

ISSUE / REVISION DESCRIPTION

RB

KV

KV

KV

TF

APPROVED

DATE

REVISION

06/26/2024

05/24/2024

11/08/2023

C

B

A

MILLIGAN ENERGY
CENTER

MILLIGAN ENERGY
CENTER, LLC

PROJECT:

CLIENT:

SEAL:

TITLE:

INTERIM PROJECT PLAN
CONCEPTUAL SITE PLAN

TODD FARMER, P.E.
AZ P.E. LICENSE NO. 40970

CIVIL DESIGN BY: SOLAR DESIGN BY:
KV NA

CHECKED BY: AC SCALE:
1" = 300'

PROJECT NUMBER:
24616301

DRAWING NUMBER:
C-101

SHEET NUMBER:
4 OF 10

KEY MAP

SITE PLAN

1" = 500'

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C	06/28/2024							ISSUED FOR PERMITTING	KV	RIB
B	05/29/2024							ISSUED FOR PERMITTING	KV	RIB
A	11/09/2023							ISSUED FOR PERMITTING	KV	TF
REVISION	DATE							ISSUE / REVISION DESCRIPTION	ISSUED	APPROVED

MILLIGAN ENERGY
CENTER

INTERIM PROJECT PLAN
CONCEPTUAL SITE PLAN

MILLIGAN ENERGY
CENTER, LLC

PROJECT:

IENT:

SEA

TODD FARMER, P.E.
P.E. LICENSE NO. 4097

CIVIL DESIGN BY:	SOLAR DESIGN BY:
KV	NA

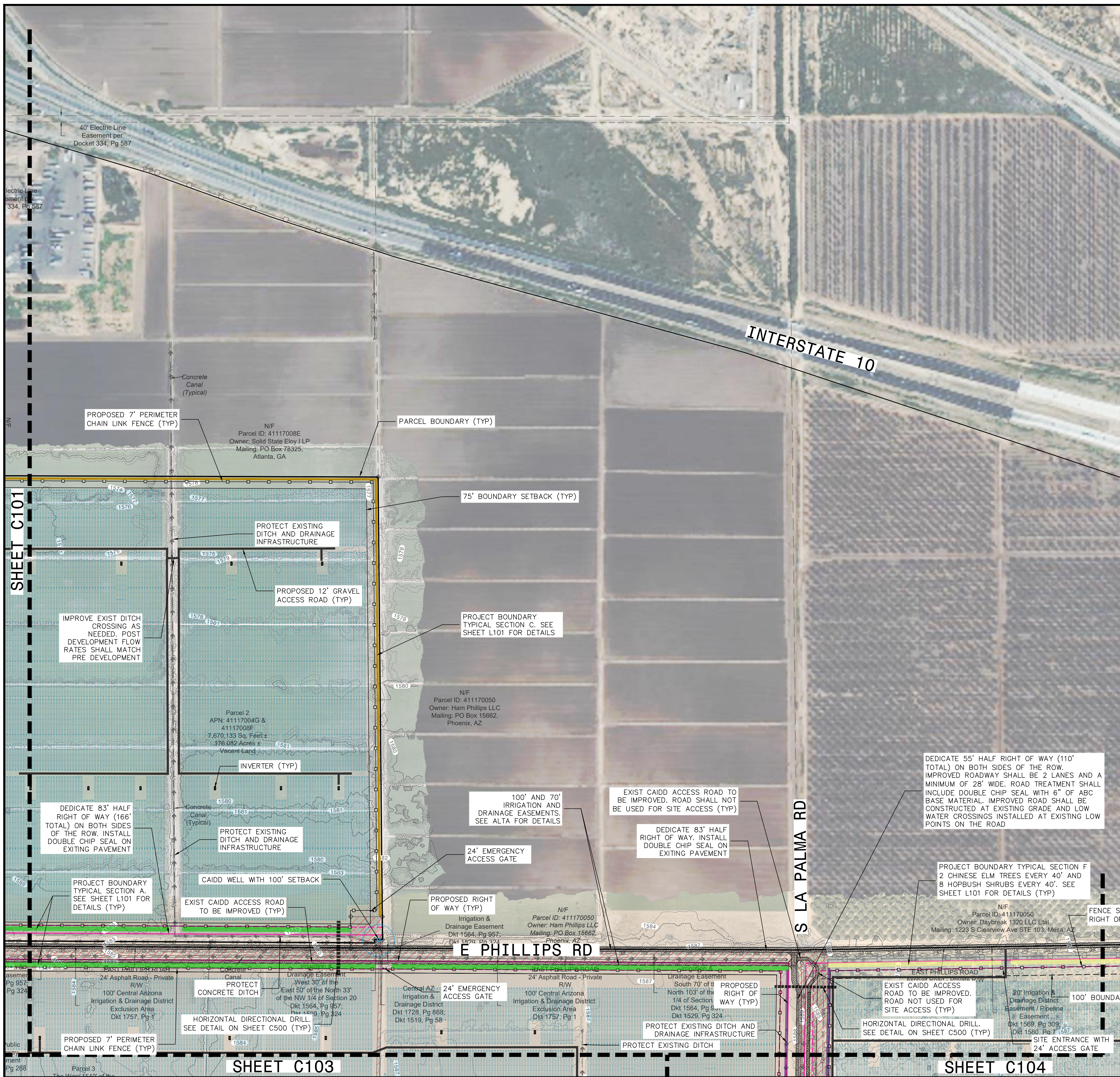
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AC	$1^\circ = 300'$
PROJECT NUMBER:	

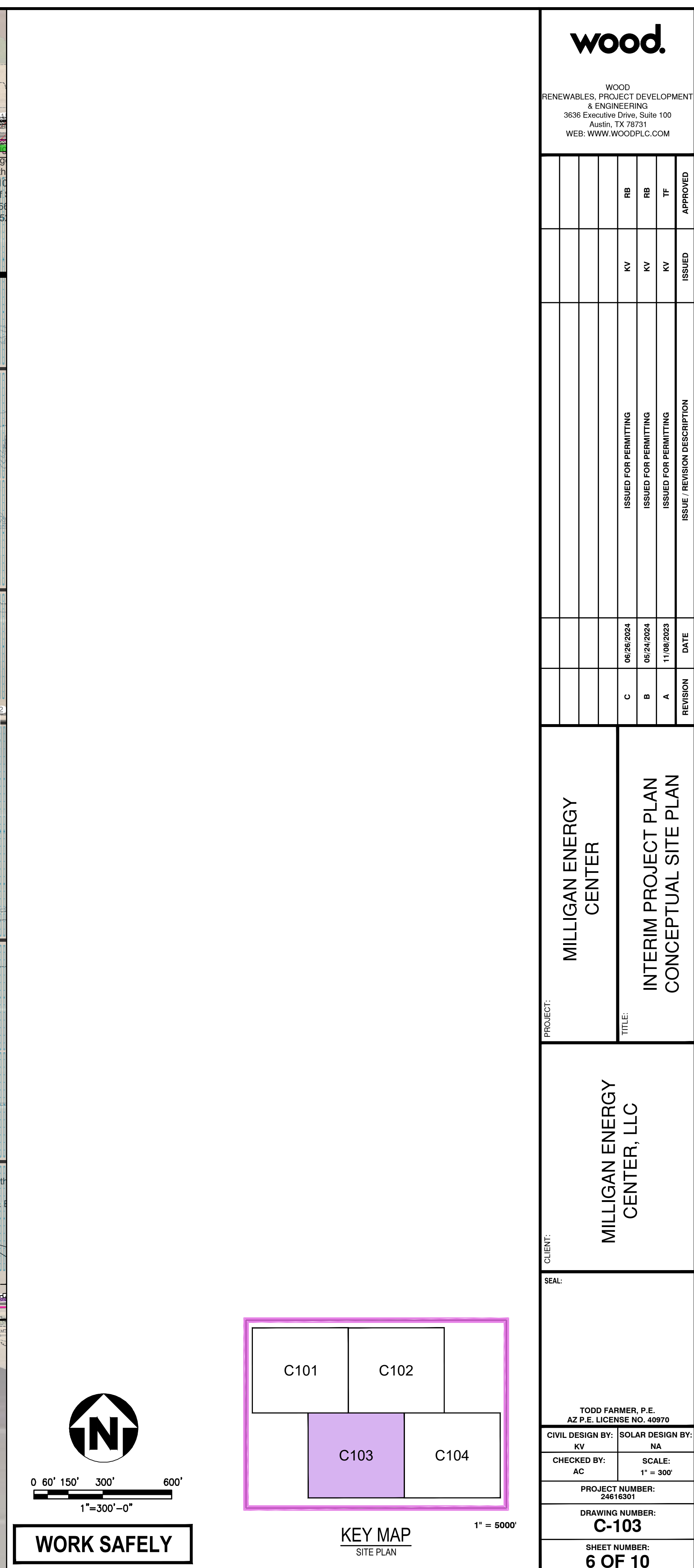
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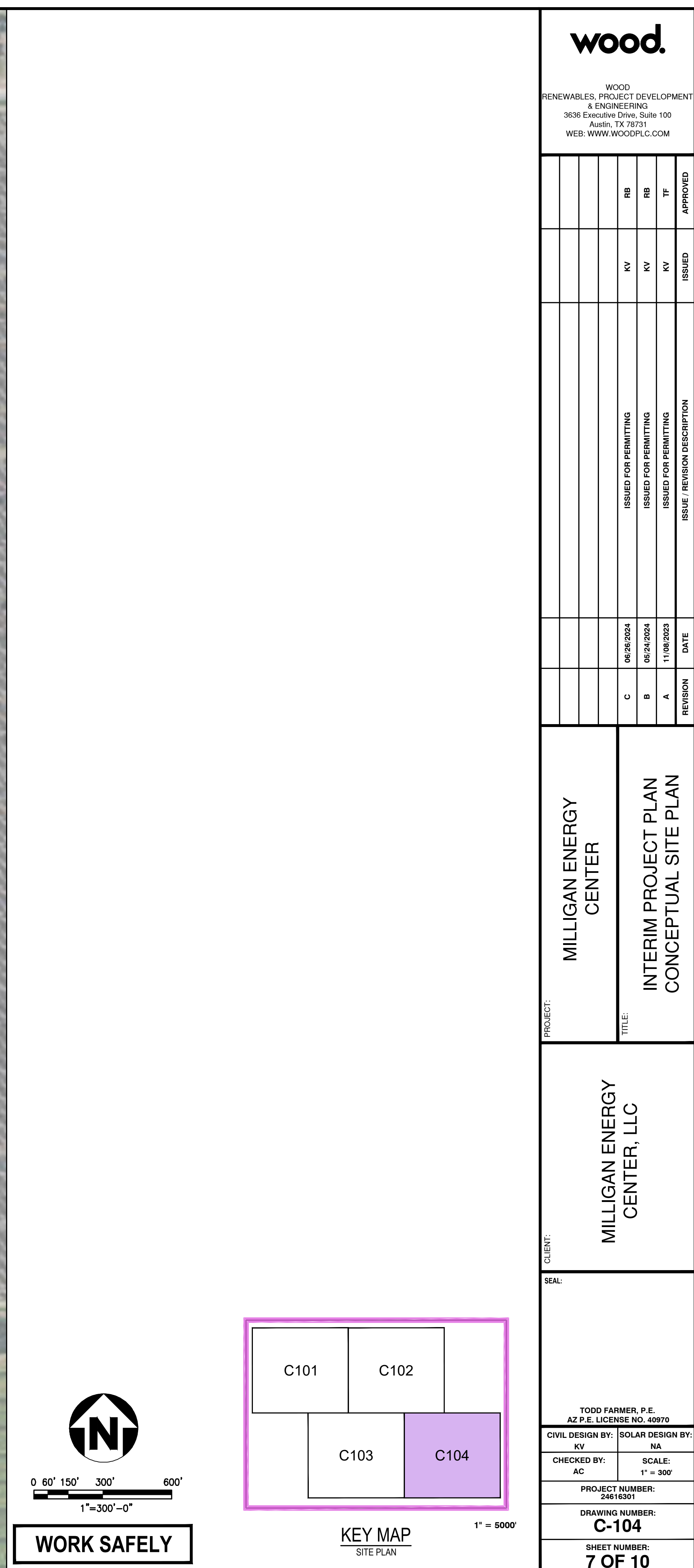
C-102

SHEET NUMBER:
5 OF 10



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C	06/28/2024		ISSUED FOR PERMITTING	KV	RB	RB
B	05/24/2024		ISSUED FOR PERMITTING	KV	RB	RB
A	11/09/2023		ISSUED FOR PERMITTING	KV	KV	TF
REVISION	DATE		ISSUE / REVISION DESCRIPTION	ISSUED	ISSUED	APPROVED

INTERIM PROJECT PLAN CONCEPTUAL DRAINAGE PLAN

PROJECT:

ENT:

SEAL:

TODD FARMER, P.E.
AZ P.E. LICENSE NO. 40970

CIVIL DESIGN BY:	SOLAR DESIGN BY:
KM	NA

KV	NA
CHECKED BY: AC	SCALE: 1" = 600'

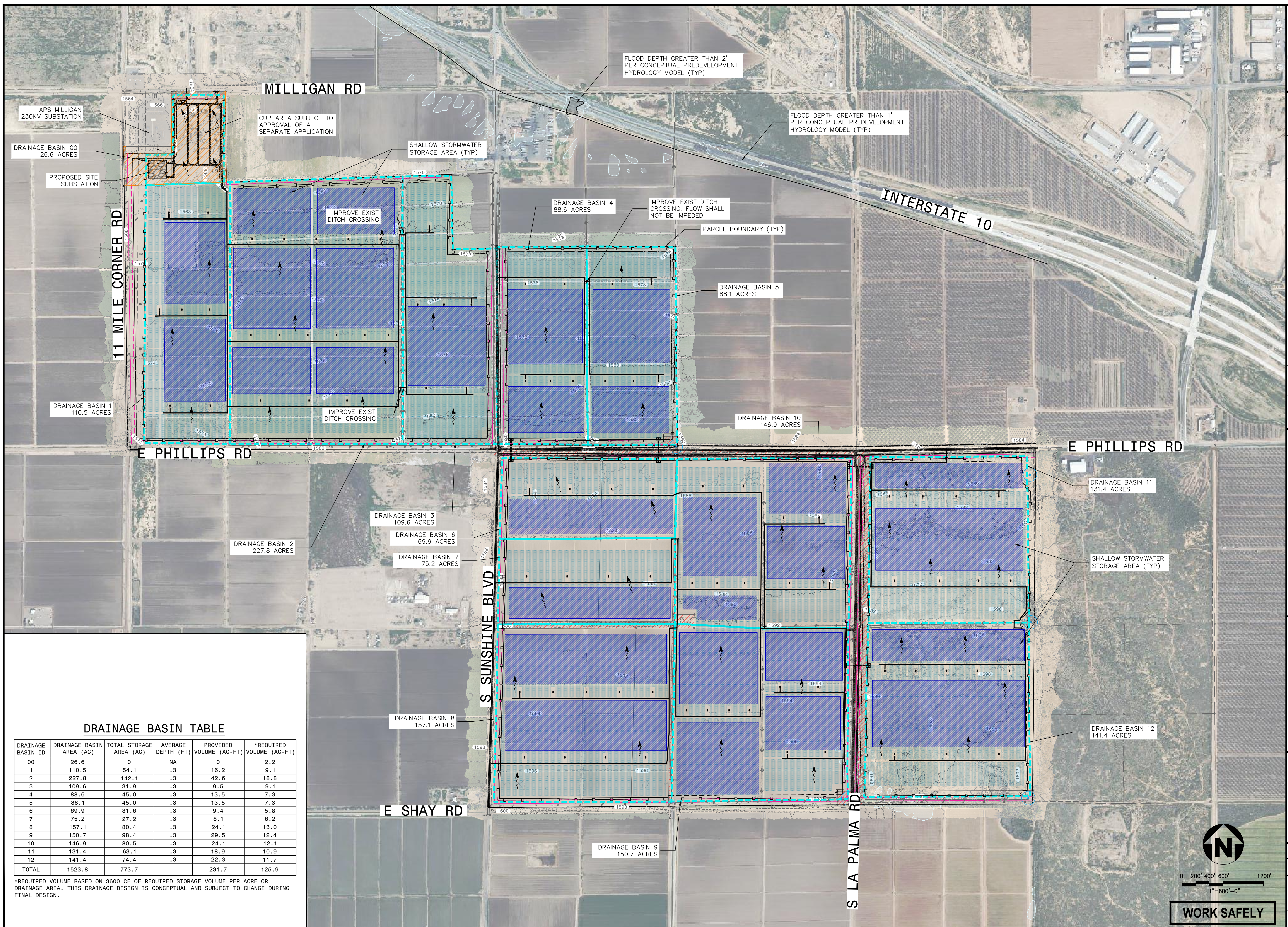
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24616301

DRAWING NUMBER:

C-200

SHEET NUMBER:

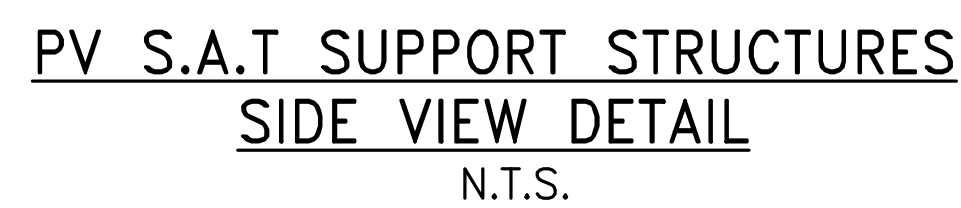
8 OF 10





1. FOR ALL CROSSINGS/DIRECTIONAL DRILLS THE 34.5KV COLLECTOR CABLES SHALL BE INSTALLED:
 - 6" HDPE CONDUITS
 - PERPENDICULAR TO ROADS/ UTILITIES/OBSTACLES
 - IF CABLE SPLICE REQUIRED, IT SHALL BE INSTALLED ONLY ON ONE (1) SIDE OF THE CROSSING/DIRECTIONAL DRILL.
2. MINIMUM VERTICAL SEPARATION BETWEEN OUTSIDE OF PROPOSED HDPE CONDUITS AND OBSTACLES IS 24".
ALL UNLISTED ITEMS AND UTILITY SPACING REQUIREMENTS ARE TO BE CONFIRMED BY THE CONTRACTOR AS PER THE APPROPRIATE REGULATIONS, STANDARDS AND LAWS.
3. TRANSITION FROM DIRECT BURIED SECTION TO DIRECTIONAL DRILLED SECTION SHALL BE A SMOOTH TRANSITION WITH A MINIMUM RADIUS REQUIRED BY CABLE MANUFACTURER AND IN ACCORDANCE WITH NEC REQUIREMENTS.
4. NEW DOT STANDARD SURFACE MARKERS MUST BE PERMANENTLY INSTALLED FOR ALL UTILITY CROSSINGS.
5. CONDUIT AND CONCRETE MUST EXTEND ACROSS THE FULL LIMITS OF THE PIPELINE RIGHT OF WAY.
6. EACH 6" HDPE CONDUIT SHALL ACCOMMODATE ONE(1) 34.5KV CABLE WITH MAXIMUM SIZE OF 34.5KV, 1250KCMIL, AL CONDUIT SHALL CARRY ONE(1) SOLAR FARM COLLECTOR CIRCUIT WITH MAXIMUM GENERATION CAPACITY OF 25MW OR 100MW PER BORE.
7. CABLE COUNTS SHOWN ARE FOR DEPICTION PURPOSES ONLY AND SUBJECT TO CHANGE DURING FINAL DESIGN.

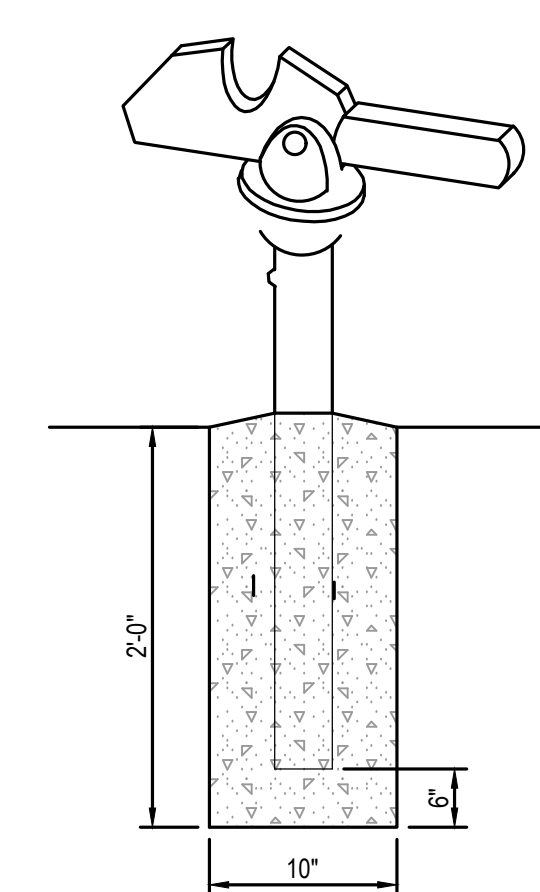
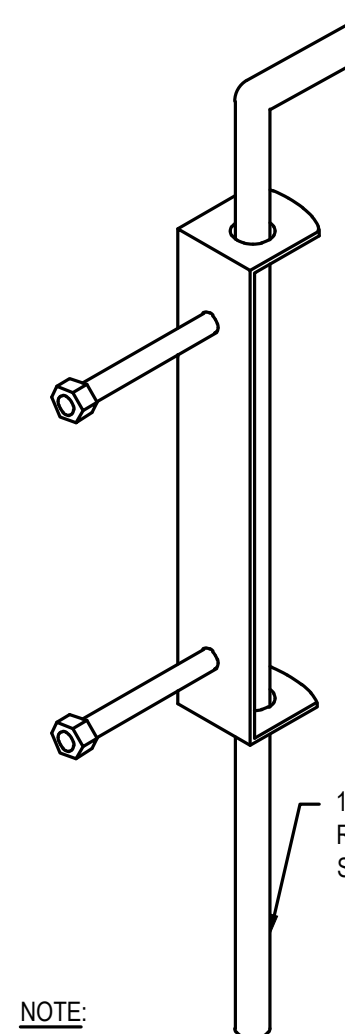
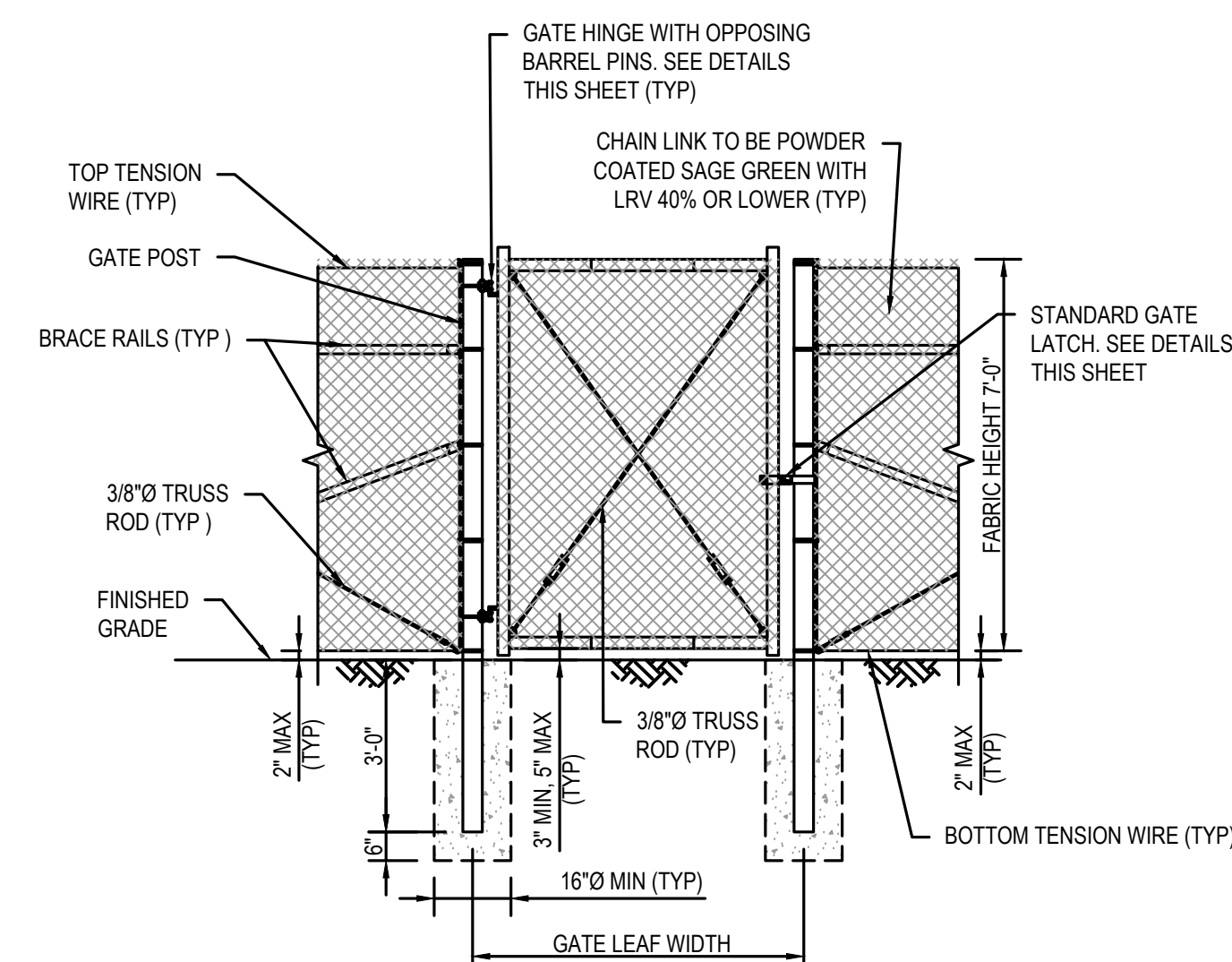
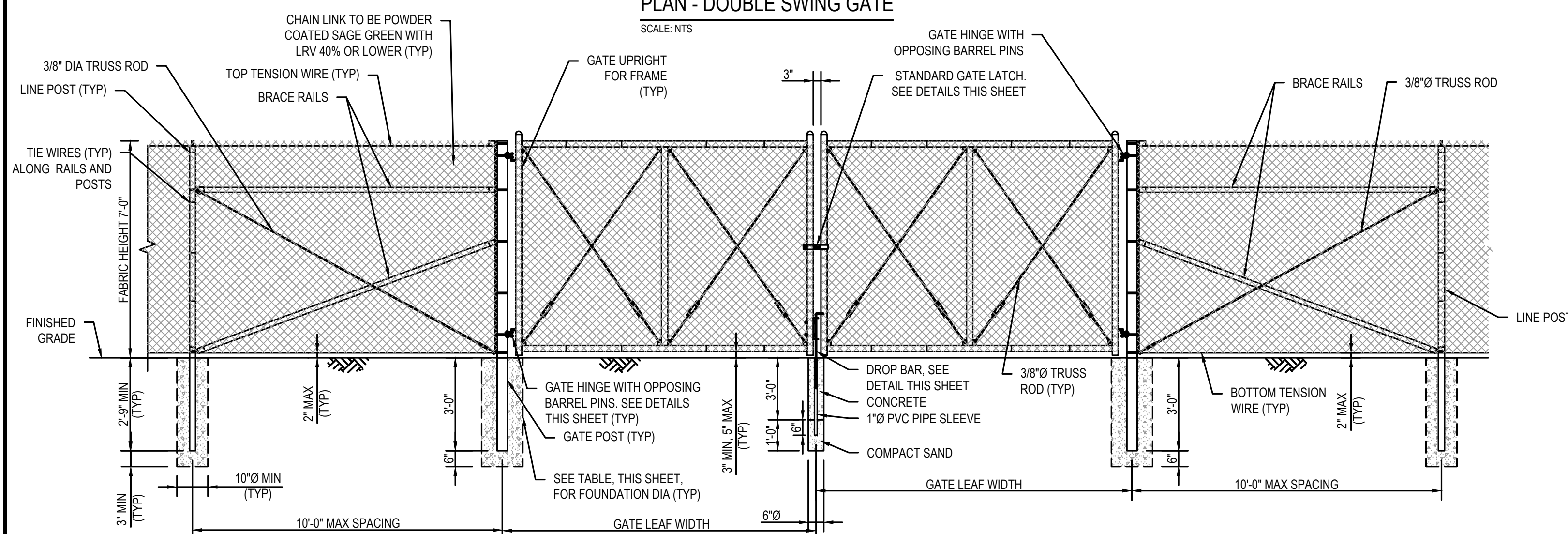
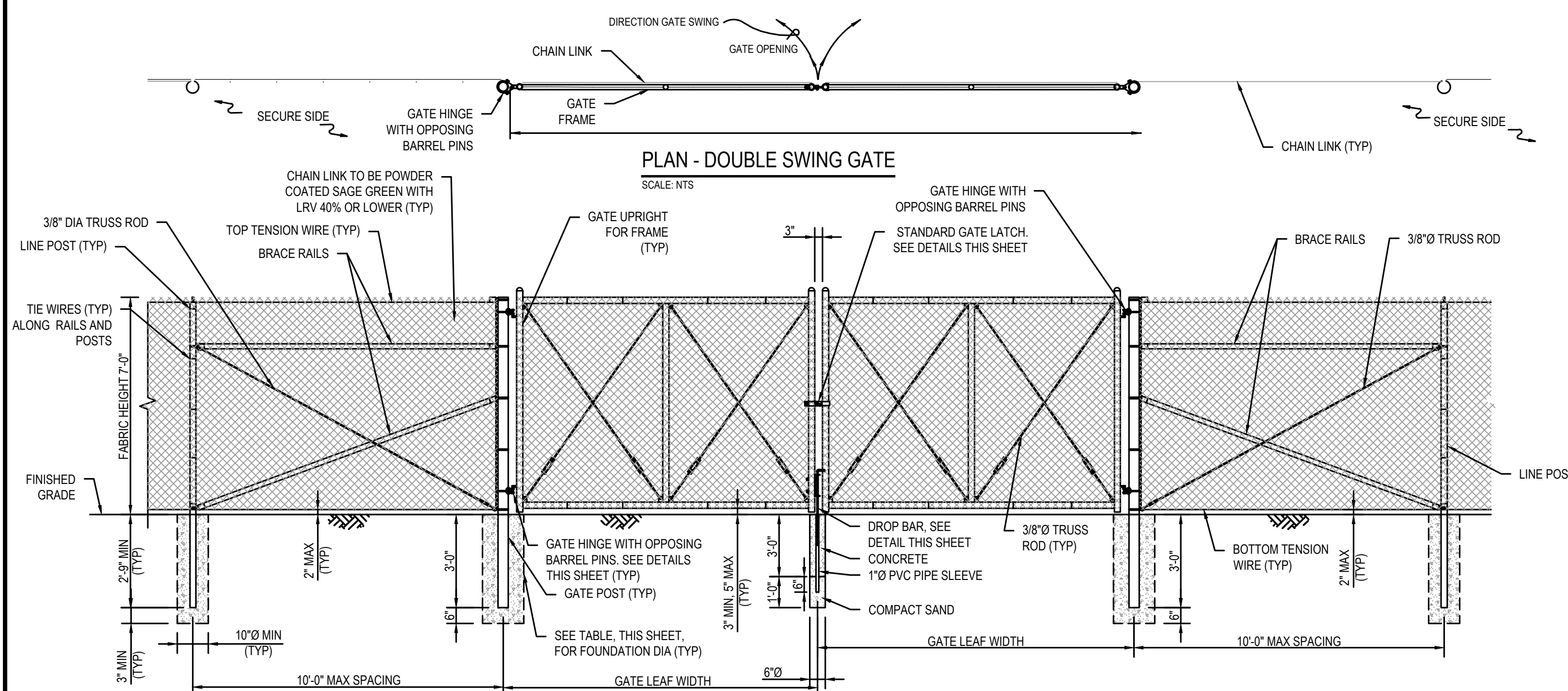
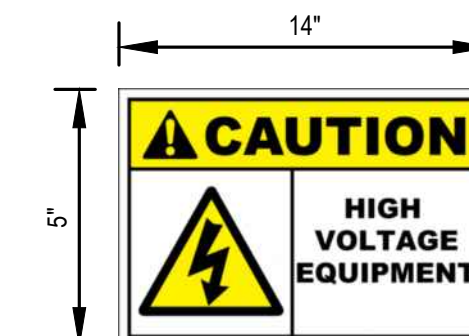
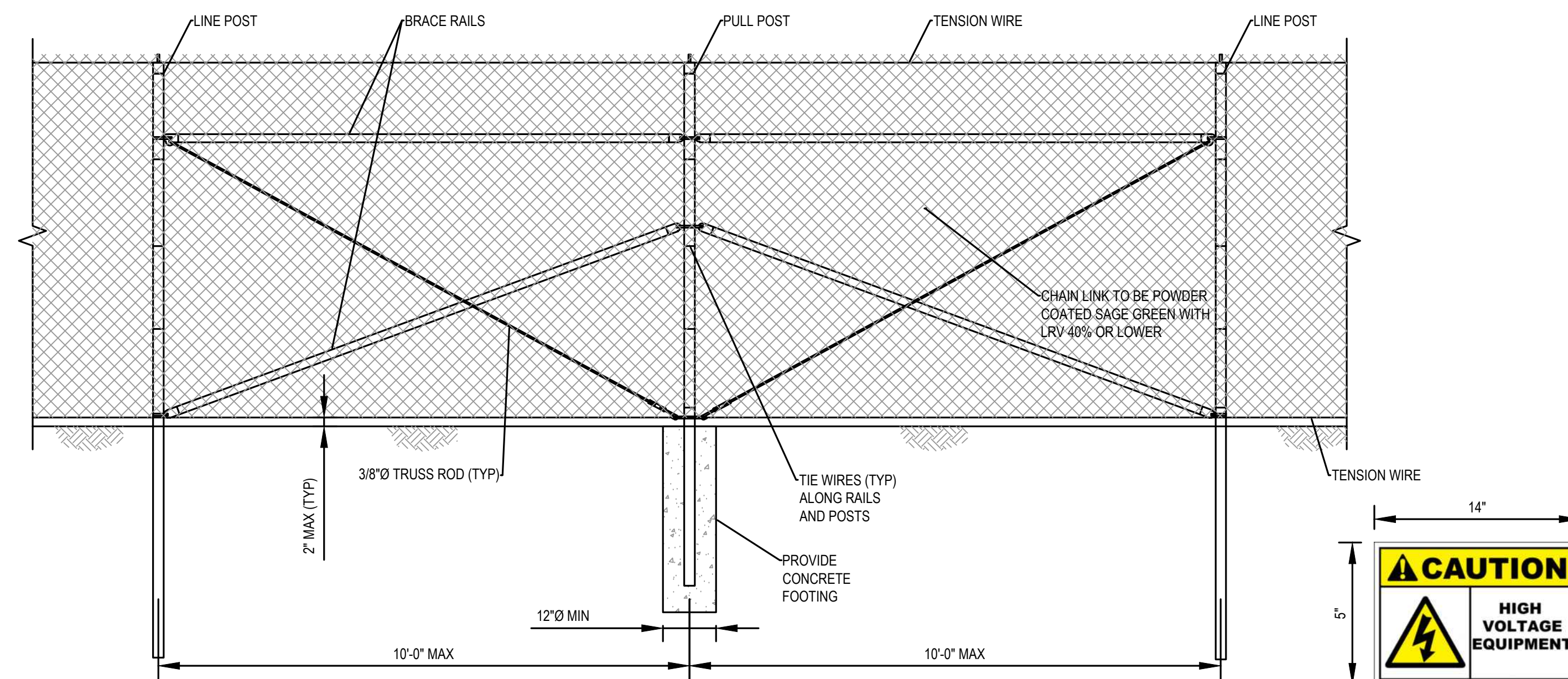
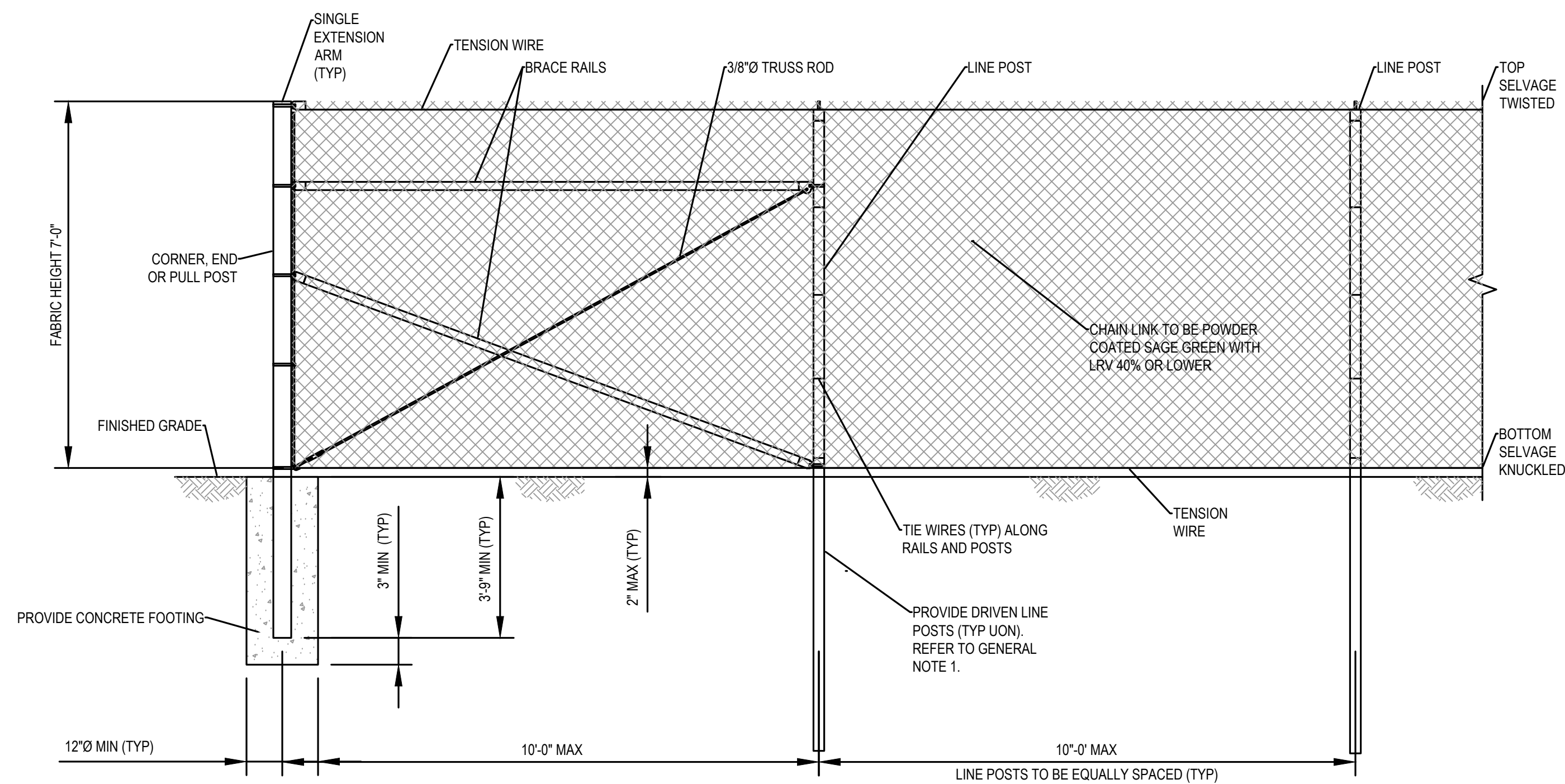
SCALE: NTS



NOTE: DETAIL IS FOR
DEPICTION PURPOSES. FINAL
POLE CONFIGURATION/DESIGN
IS SUBJECT TO CHANGE

SCALE: NTS

WORK SAFELY



NOTE:

PROVIDE ONE DROP BAR FOR EACH DOUBLE SWING GATE. ASSOCIATED SLEEVE TO BE INSTALLED FLUSH WITH GRADE AT FULLY CLOSED POSITION. CONTRACTOR SHALL PROVIDE 6" LAYER OF #10 SAND BELOW BOTTOM OF SLEEVE TO ALLOW FOR DRAINAGE.

DROP BAR

SCALE: NTS

WORK SAFELY

REVISION	DATE	ISSUE / REVISION DESCRIPTION	ISSUED	APPROVED
B	05/24/2024	ISSUED FOR REVIEW	KV	RB
A	11/09/2023	ISSUED FOR REVIEW	KV	TF

MILLIGAN ENERGY
CENTER

INTERIM PROJECT PLAN SITE DETAILS

MILLIGAN ENERGY
CENTER, LLC

INTRODUCTION

SEAL:

TODD FARMER, P.E.
AZ P.E. LICENSE NO. 40970

CIVIL DESIGN BY: KV	SOLAR DESIGN BY: NA

CHECKED BY: AC	SCALE: NA

PROJECT NUMBER: 24616301

DRAWING NUMBER:
C-501

SHEET NUMBER:
10 OF 10

**WOOD
RENEWABLES, PROJECT DEVELOPMENT
& ENGINEERING**
3636 Executive Drive, Suite 100
Austin, TX 78731
WEB: WWW.WOODPLC.COM

TYPE A LANDSCAPE BUFFER

TYPE B LANDSCAPE BUFFER

TYPE B-R LANDSCAPE BUFFER

TYPE C LANDSCAPE BUFFER

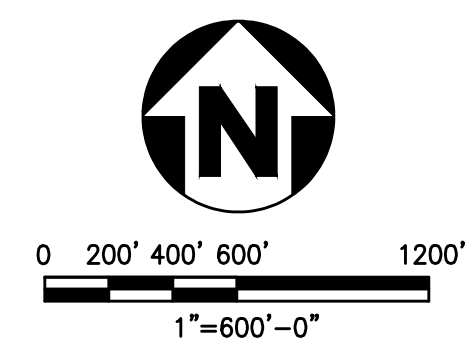
TYPE C-R LANDSCAPE BUFFER

TYPE D LANDSCAPE BUFFER

TYPE E LANDSCAPE BUFFER

TYPE F LANDSCAPE BUFFER

TYPE G LANDSCAPE BUFFER



WORK SAFELY

[illegible]

EXHIBIT Z
INTERIM PROJECT PLAN
CONCEPTUAL LANDSCAPE PLAN

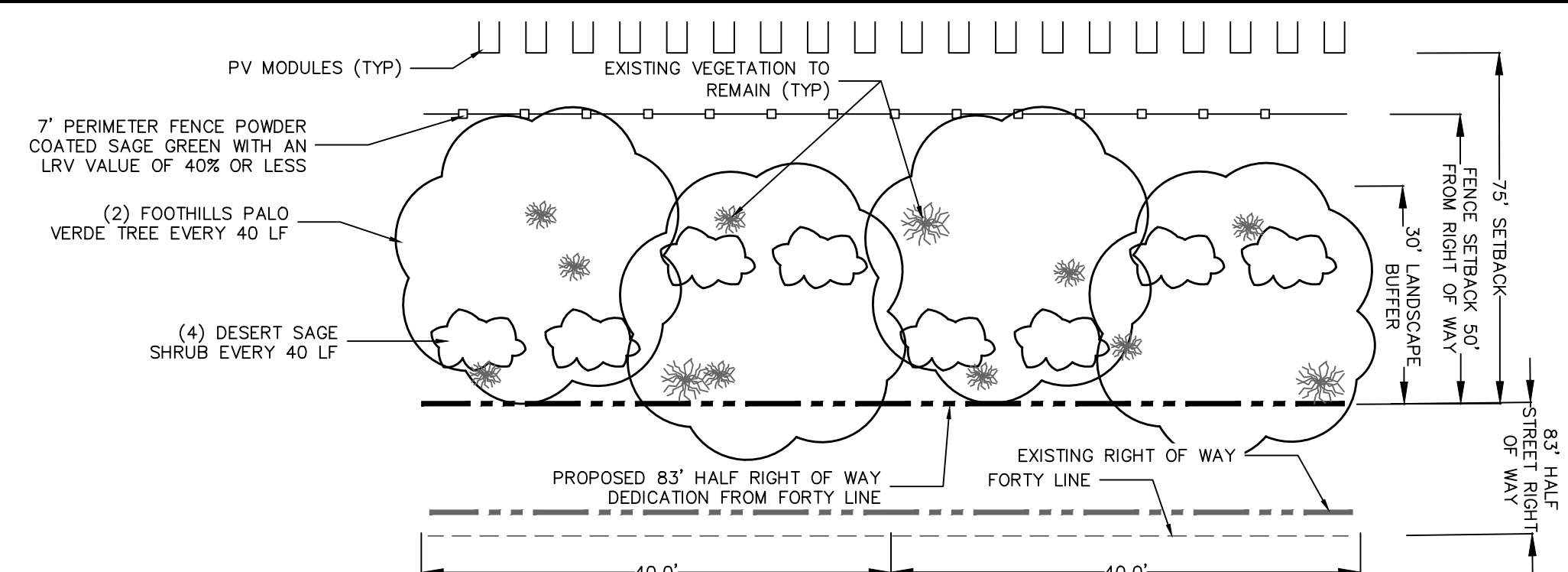
MILLIGAN ENERGY
CENTER, LLC

EAL:

CIVIL DESIGN BY: KV	SOLAR DESIGN BY: NA
CHECKED BY: AC	SCALE: NA

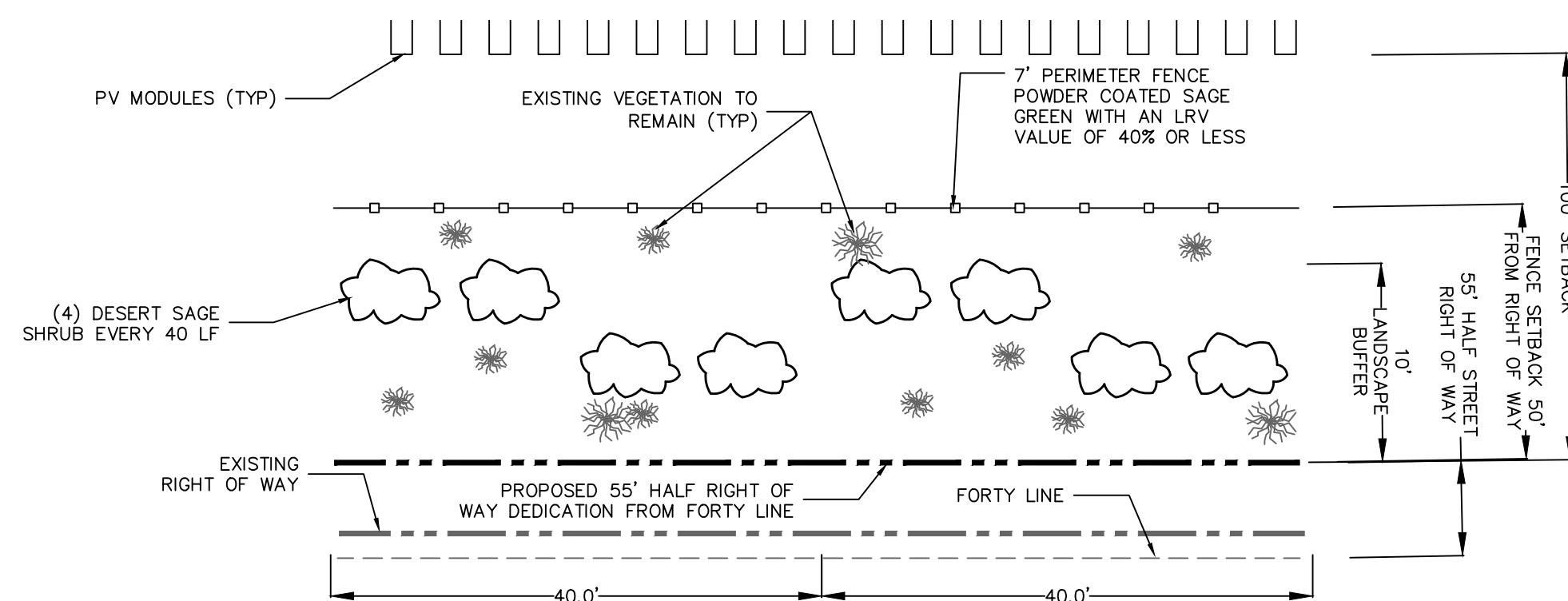
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L-100

HEET NUMBER:
1 OF 2



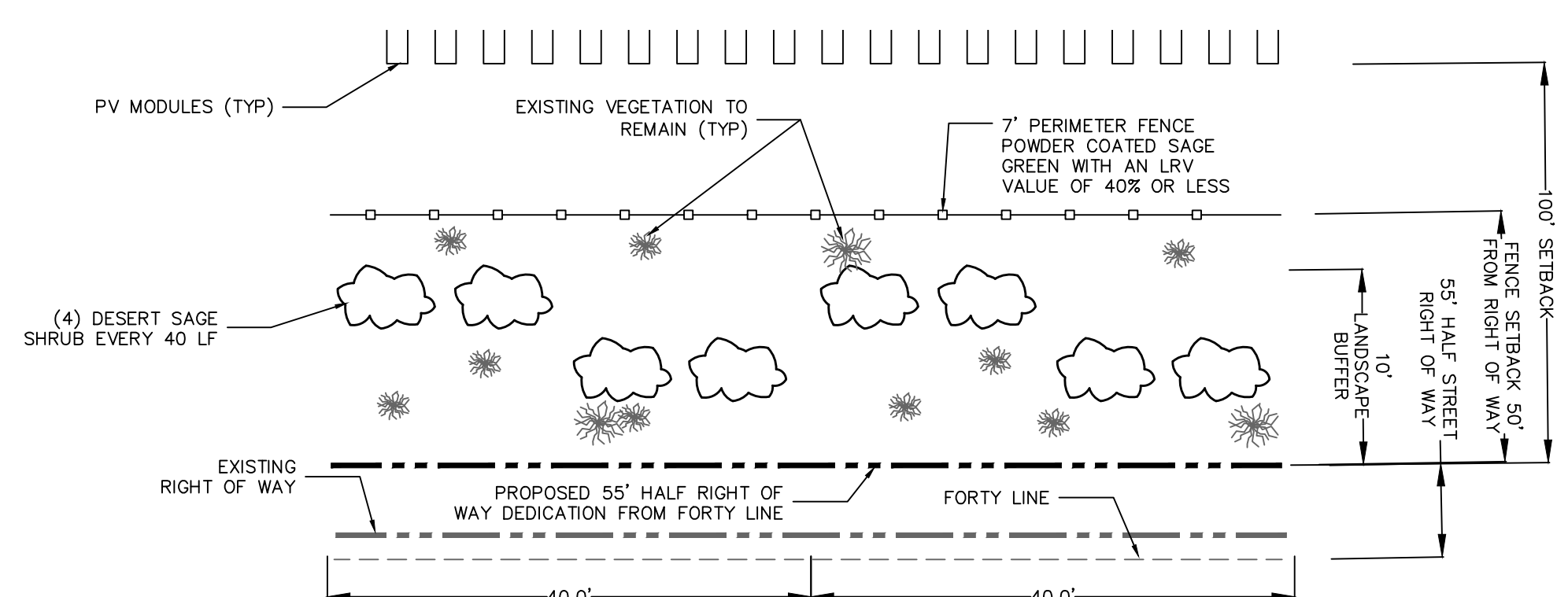
LANDSCAPE BUFFER TYPICAL SECTION A - PLAN VIEW

SCALE: NTS



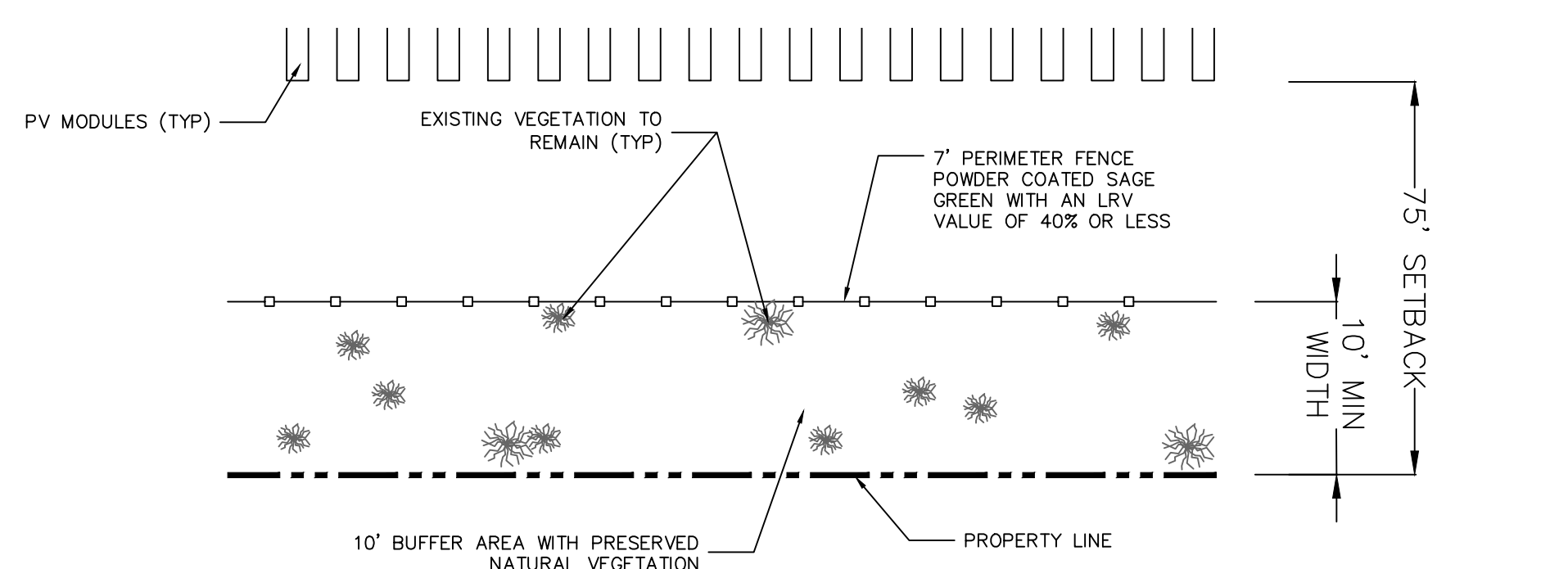
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SCALE: NTS



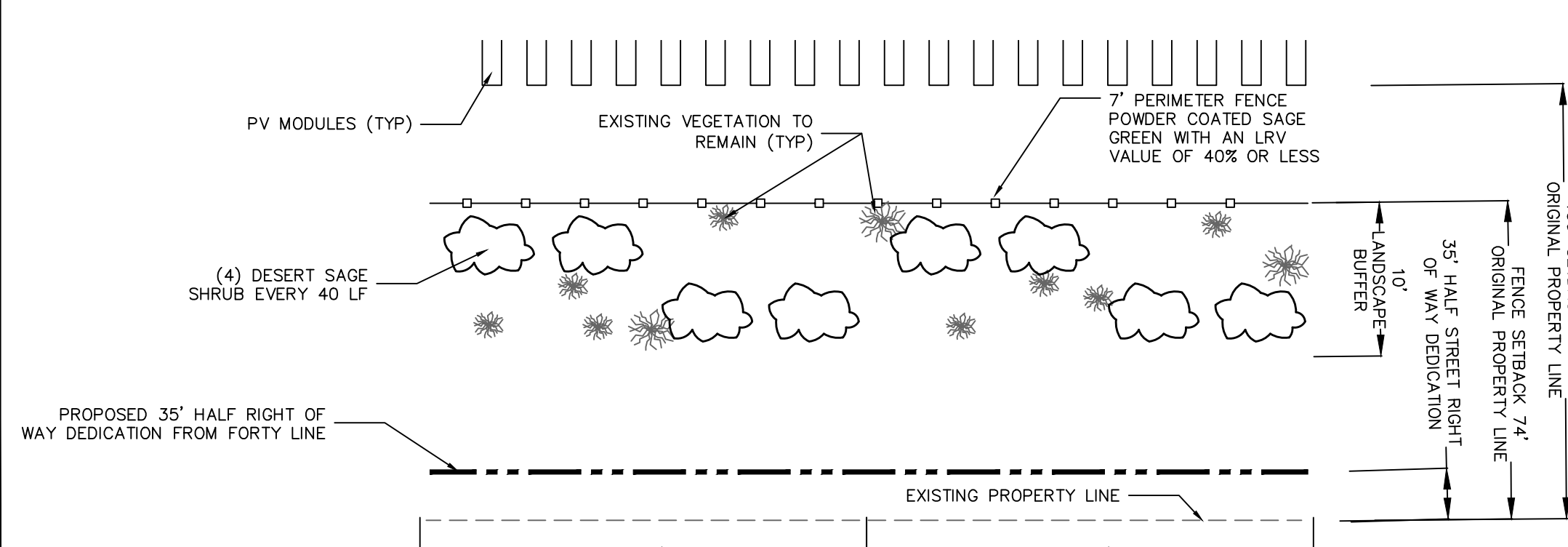
LANDSCAPE BUFFER TYPICAL SECTION B-R PLAN VIEW

SCALE: NTS



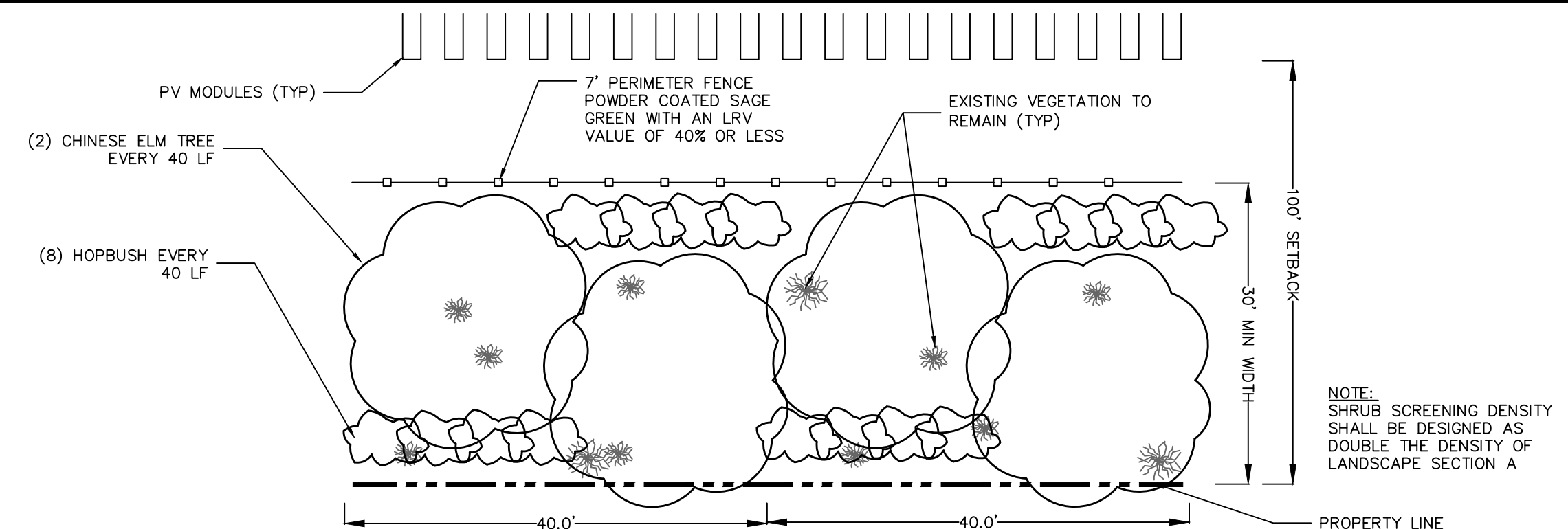
LANDSCAPE BUFFER TYPICAL SECTION C PLAN VIEW

SCALE: NTS



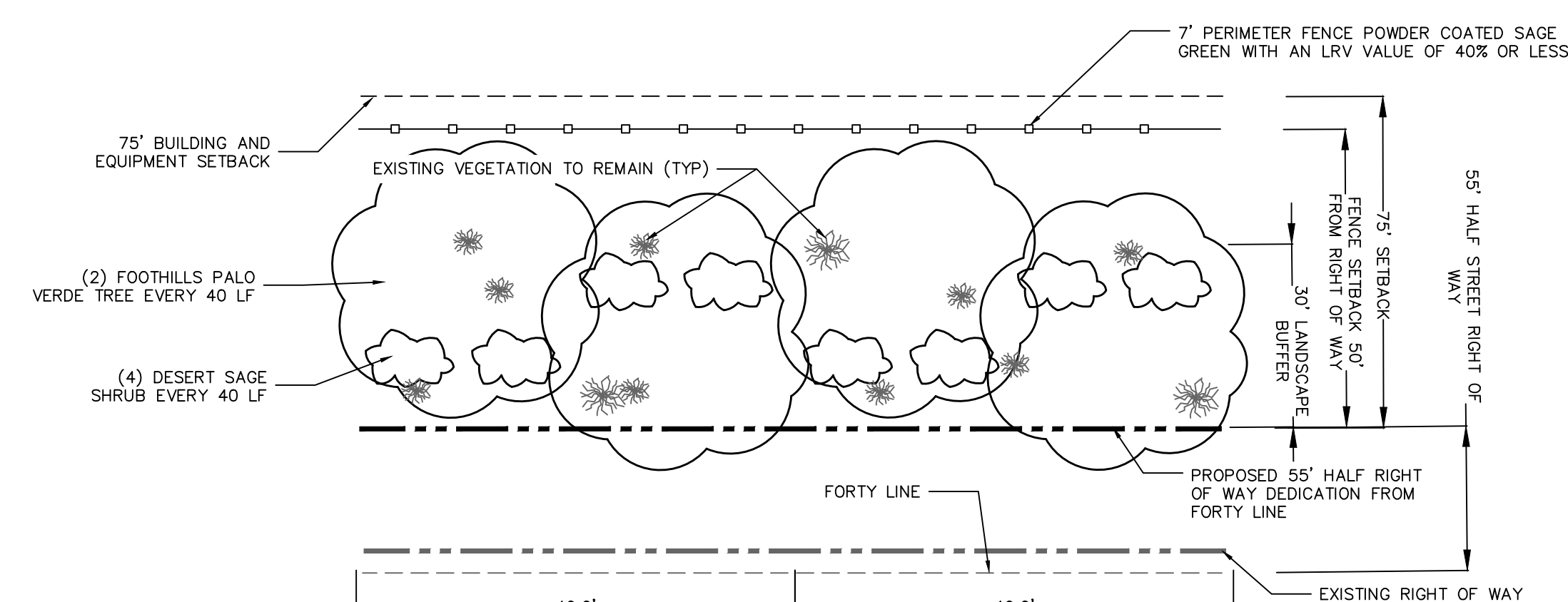
LANDSCAPE BUFFER TYPICAL SECTION C-R PLAN VIEW

SCALE: NTS



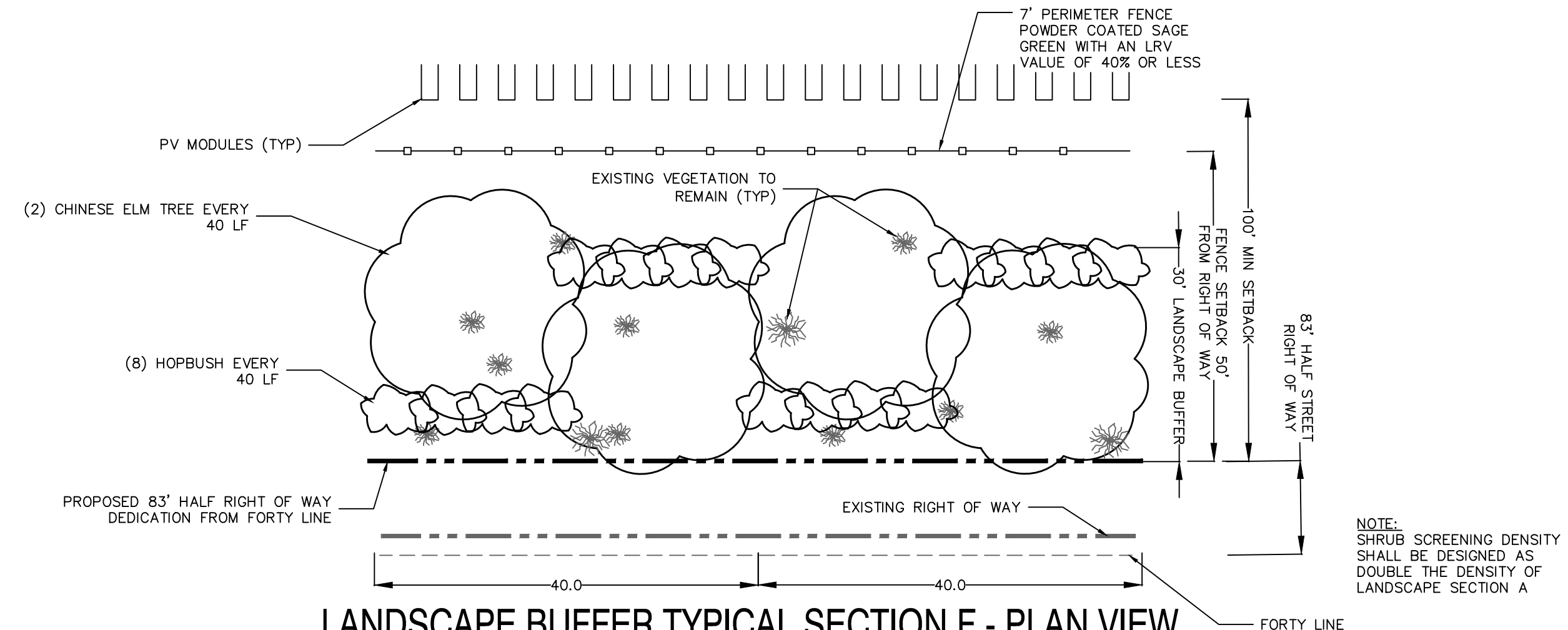
LANDSCAPE BUFFER TYPICAL SECTION D PLAN VIEW

SCALE: NTS



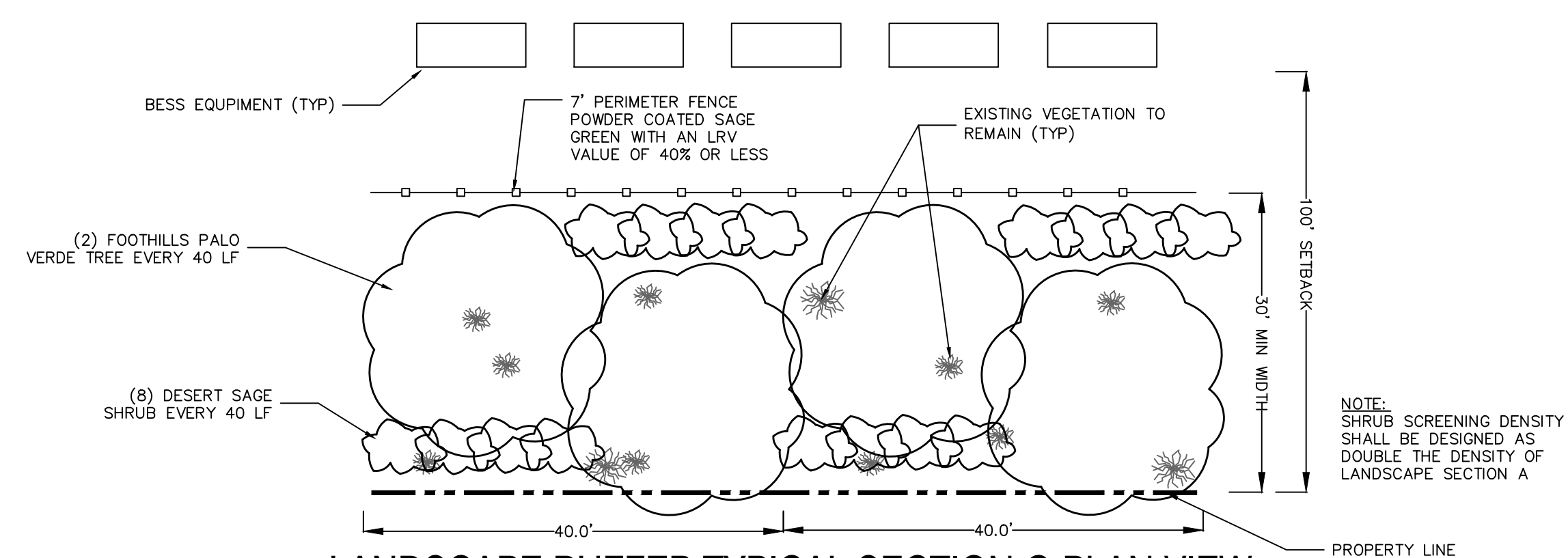
LANDSCAPE BUFFER TYPICAL SECTION E - PLAN VIEW

SCALE: NTS



LANDSCAPE BUFFER TYPICAL SECTION F - PLAN VIEW

SCALE: NTS



LANDSCAPE BUFFER TYPICAL SECTION G PLAN VIEW

SCALE: NTS

NOTES:

1. VEGETATIVE DENSITY OF THE PROPOSED LANDSCAPE SCREENING WILL BE DETERMINED AT A LATER DATE.
2. VEGETATION SPECIES SHOWN ARE FOR DEPICTION PURPOSES. FINAL VEGETATION SPECIES SHALL BE COORDINATED WITH THE CITY OF ELOY.
3. LANDSCAPE BUFFERS ARE TO BE SERVED WITH A DRIP IRRIGATION SYSTEM AND WATER STORAGE TANK. PLANTINGS SHALL BE IRRIGATED ON A REGULAR BASIS TO PROMOTE VIGOROUS VEGETATIVE GROWTH.
4. DEPENDING ON TREE SPECIES SELECTED, OVERALL PLANT GENERATION MAY BE NEGATIVELY AFFECTED BY PROPOSED LANDSCAPING SHADOWS.

[illegible]MILLIGAN ENERGY
CENTER

TITLE: EXHIBIT Z
INTERIM PROJECT PLAN
CONCEPTUAL LANDSCAPE CONCEPT

MILLIGAN ENERGY
CENTER, LLC

CLIENT:

SEAL:

TODD FARMER, P.E.
AZ P.E. LICENSE NO. 40970

CIVIL DESIGN BY: KV	SOLAR DESIGN BY: NA
CHECKED BY: AC	SCALE: NA

PROJECT NUMBER:
24616301

DRAWING NUMBER:
L-101

SHEET NUMBER:
2 OF 2

WORK SAFELY

Conditional Use Permit
Citizen Participation Results Report
Milligan Energy Center Project
City of Eloy, Arizona
Case No. CUP2023-057

Prepared for:
Milligan Energy Center LLC
422 Admiral Boulevard
Kansas City, KS 64106

Prepared by:
Wood Group USA
3636 Executive Center Drive, Suite 200
Austin, TX 78731

Raymond Banker
Raymond.banker@woodplc.com

Applicant (on behalf of Milligan Energy Center, LLC):
Rose Law Group
7144 E. Stetson Drive, Suite 300
Scottsdale, AZ 85251

Court Rich
crich@roselawgroup.com
Jennifer Hall
jhall@roselawgroup.com

June 13, 2024
Revision 0

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1.1 Stakeholder Outreach and Project Notifications	3
1.2 Project Website	3
1.3 Project Stakeholder Database.....	3
1.4 Neighborhood Meeting.....	4
1.5 Summary of Landowner Communication	4

1.0 OBJECTIVE OF THE CITIZEN PARTICIPATION RESULTS REPORT

The purpose of the Citizen Participation Results Report (CPRR) is to document the extensive and far-reaching advertisement of the Milligan Energy Center (Project) that was employed during the planning process to request a Conditional Use Permit (CUP). It is Milligan Energy Center, LLC's (Applicant's) responsibility to inform the public and solicit comments on the proposed Project by providing a variety of platforms for stakeholder participation, then address those comments at the appropriate time during the planning process. Agency, stakeholder, and public comments are a rich source of information about values and opinions associated with developments that occur in areas people live or where agencies are responsible for management of resources (e.g., wildlife habitat, water conservation). The measure of effectiveness of a stakeholder outreach program is not solely informing the public and other stakeholders of the Project, but soliciting comments in a manner that has contributed to making decisions that are feasible, environmentally sound, and enjoy the support of a significant segment of stakeholders through collaboration. This summary report describes the extensive stakeholder outreach that was employed by the Applicant about the Project to fulfill County requirements associated with requesting a CUP.

1.1 Stakeholder Outreach and Project Notifications

A list of landowners within 300 feet of the Project site and agencies/stakeholders that were identified in the Citizen Participation Plan was maintained throughout the Citizen Participation Process and approved by the City of Eloy Development Director on May 8, 2024. On Thursday, May 16, 2024, the Applicant sent notifications to the landowners and stakeholders via Certified US Mail. The Applicant mailed 50 postcards that detailed the Project, the applications currently under review, and encouraged recipients to attend the upcoming Neighborhood meeting (Attachment 1). The notification provided several opportunities for stakeholders to submit comments through the following options: 1) via postal mail using the provided address; 2) via telephone using the provided phone number; 3) via email using the provided email address; and 4) via the website through the "Contact the Team" tab.

1.2 Project Website

A website was developed for the Project (www.milliganenergycenter.com) to provide Project information, advertise the public meeting, provide educational content about solar and storage systems, and to accept comments. The public meeting was advertised online on the Project website prior to being held.

1.3 Project Stakeholder Database

The Project stakeholder database includes the 60 parcels within 300 feet of the Project, for which there are 28 landowners. In addition to landowners, the database includes 22 agency/organization contacts. See Attachment 2 for a full list of stakeholders and landowners within 300 feet of the Project. Comments received are entered and managed in a system that tracks comments throughout the process and facilitates analysis of the comments. The database can be queried in several different ways and ensure that the Applicant is able to keep track of the comments received about the Project efficiently.

1.4 Neighborhood Meeting

An in-person neighborhood meeting was held on Tuesday, June 4, 2024, from 6:00 PM to 7:00 PM in the Community Room located in Eloy City Hall. The time, date, and location of the meeting was approved by the City of Eloy Development Director on May 8, 2024. The Applicant, their consultant, and their authorized agent were in attendance to respond to comments and questions. In total, there was one attendee at the public meeting, representing nearby parcel (APN 41101025J). The attendee initially held reservations about solar as a land use for the Project site but was open to listening to the Applicant in discussing the ways that solar would be a suitable land use, and the ways that solar would benefit the public. The Applicant educated the attendee on how solar collection facilities work, explained detailed design features of the Project site, and confirmed that the project is not immediately contiguous to their parcel with adequate distance and buffers provided. The attendee had no outstanding comments or questions upon his departure from the neighborhood meeting. See Attachment 3 for sign-in sheet from the neighborhood meeting, and Attachment 4 for photos taken at the meeting.

1.5 Summary of Landowner Communication

The Applicant received one response from a landowner within 300 feet of the Project. The landowner received the notification in the mail, and contacted the Applicant via email to inquire if the Applicant was willing to lease or purchase their land (APN 411170050), which is adjacent to the northern portion of the Project boundary. The Applicant acknowledged the response from the landowner.



wood.

Attachments





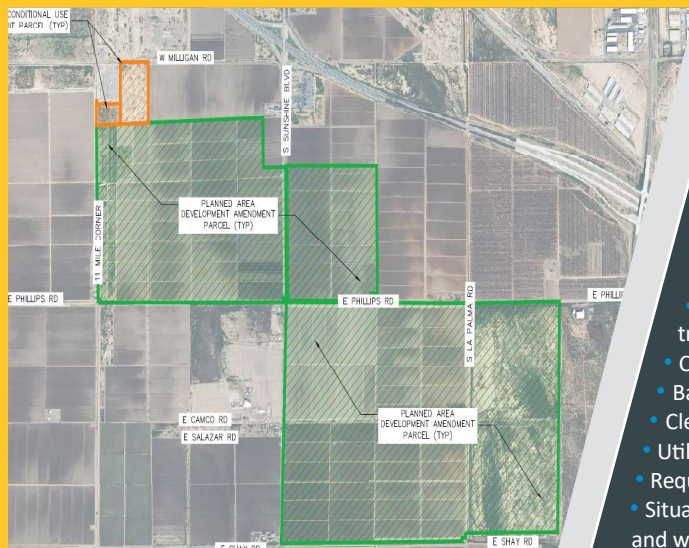
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Attachment 1

MILLIGAN ENERGY CENTER

Planned Area Development Amendment No. RZPAD2004-018.A1.
Conditional Use Permit Application No. CUP2023-057

Notification & Informational Sheet



Attend the Neighborhood Meeting!

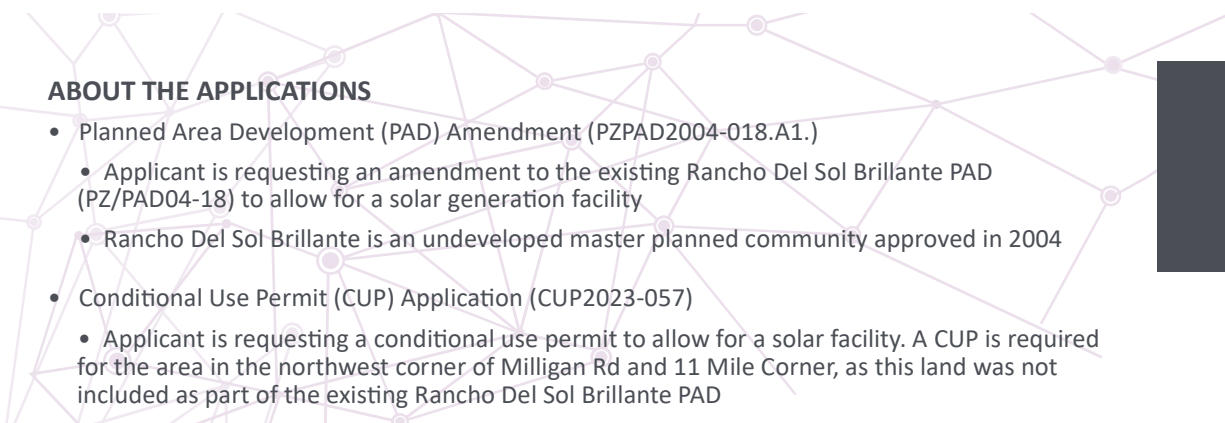
June 4, 2024, from 6-7 p.m. MST

Eloy City Hall Community Room, 595 N. C Street, Ste. 104



FAST FACTS ABOUT THE PROJECT

- Approximately 1,622 acres in Eloy, AZ
- Project consists of two concurrent applications (PAD and CUP)
- Up to 315-megawatt photovoltaic solar array on single-axis trackers, and up to 300-megawatt battery storage
- Construction in phases; first phase to begin as early as 2025
- Batteries to dispatch solar energy at night
- Clean, renewable solution to reduce dependency on fossil fuels
- Utilize lands that are most suitable for solar development
- Requested amendment to the Rancho Del Sol Brillante PAD
- Situated north of Shay Rd, east of Norma Rd, south of Milligan Rd, and west of 11 Mile Corner
- Adjacent to existing electrical infrastructure reducing environmental impacts associated with additional infrastructure
- Employ many experienced professionals and workers during construction within the city of Eloy, as well as nearby Casa Grande and Arizona City



ABOUT THE APPLICATIONS

- Planned Area Development (PAD) Amendment (PZPAD2004-018.A1.)
 - Applicant is requesting an amendment to the existing Rancho Del Sol Brillante PAD (PZ/PAD04-18) to allow for a solar generation facility
 - Rancho Del Sol Brillante is an undeveloped master planned community approved in 2004
- Conditional Use Permit (CUP) Application (CUP2023-057)
 - Applicant is requesting a conditional use permit to allow for a solar facility. A CUP is required for the area in the northwest corner of Milligan Rd and 11 Mile Corner, as this land was not included as part of the existing Rancho Del Sol Brillante PAD

GET INVOLVED & STAY CONNECTED!

For information about the project, please visit:
www.MilliganEnergyCenter.com

To submit questions or comments about the project,
please email:
info@milliganenergycenter.com

Please submit comments or questions by June 6, 2024.

Bill Golove
Milligan Energy Center
info@milliganenergycenter.com

MILLIGAN
ENERGY CENTER



wood.

Attachment 2

Parcel Number	Owner Name Or Stakeholder	Owner Name Line 2	Care Of	Postal Address	Postal City	State	Zip	Site Address	Assessor Square Footage	Gross Acres	Section/Township /Range
411010270	LEGACY FARMS LLC			PO BOX 697	ELOY	AZ	85131		27878400	1120	28/08S/08E
411117050	HAM PHILLIPS LLC			PO BOX 16562	PHOENIX	AZ	85060		10751479.2	246.82	17/08S/08E
411180090	KEN MANTEL LLC			29866 N 78TH PL	SCOTTSDALE	AZ	85266		1557705.6	35.76	19/08S/08E
411180110	NORTH PICACHO RANCH LLC			15611 N BOSWELL BLVD	SUN CITY	AZ	85351		1368655.2	31.42	19/08S/08E
411280010	JLC FAMILY INVESTMENTS LLC			6859 E REMBRANDT AVE STE 125	MESA	AZ	85212		13939200	320	29/08S/08E
411290010	BEN FATTO LLC		C/O DAYBREAK 1320 LLC	3850 E BASELINE RD STE 114	MESA	AZ	85206		27878400	640	30/08S/08E
40801022C	MDT INVESTMENTS LTD PSHIP			2107 E SOLANO DR	PHOENIX	AZ	85016		27878400	320	13/08S/07E
41101010K	DAYBREAK 1320 LLC			1223 S CLEARVIEW AVE STE 103	MESA	AZ	85209		27878400	37.49	21/08S/08E
41101011C	APACHE OAK SHOPPING CENTER LLC		C/O JAMAL GARMO	23300 TELEGRAPH RD	SOUTHFIELD MI		48034		1742400	40	21/08S/08E
41101025J	HUSSAIN TAHA			3100 S BARRETT RD	ELOY	AZ	85131		1741974.985	0	28/08S/08E
41107001H	ROBINSON TIMOTHY A & EVELYN P			PO BOX 11138	CASA GRANDE	AZ	85130		6838920	157	07/08S/08E
41117004F	SOLID STATE ELOY I LP			27 DOYLE ST SE 2ND FLOOR	ATLANTA	GA	30317		3870306	10.44	17/08S/08E
41118001B	OLAM COTTON INC			2221 LAKESIDE BLVD STE 1050	RICHARDSON	TX	75082		2613600	60	19/08S/08E
41118008A	HORNE INVESTMENTS LLC			1465 E MOTORPLEX LOOP STE 200	GILBERT	AZ	85297	19148 S SUNSHINE BLVD ELOY, AZ 85131	4716241.2	108.27	19/08S/08E
41118008K	OGLE EDMUND SALAZAR			PO BOX 471	ELOY	AZ	85131	1555 E SALAZAR RD ELOY, AZ 85131	435600	10	19/08S/08E
41118010C	VELAZQUEZ SYLVIA T			668 E RANCHO VIEJO LOOP	CASA GRANDE	AZ	85122		901692	20.7	19/08S/08E
41118010D	TARANGO JOSE E & PATRICIA			PO BOX 219	ELOY	AZ	85131	2031 S SUNSHINE BLVD ELOY, AZ 85131	376794	1.25	19/08S/08E
41118010F	GARZA SHAIN P		TARANGO YVONNE ETAL	PO BOX 2356	ARIZONA CITY	AZ	85123		58806	1.35	19/08S/08E
41118010G	TARANGO ERNEST S & ROSA L			110 E 11TH ST	ELOY	AZ	85131		376794	7.4	19/08S/08E
41119008A	CASA GRANDE WEST ETAL		C/O LOZZI TOM	4355 MICAH'S CANYON CT	LAS VEGAS	NV	89129		27878400	640	20/08S/08E
41128005H	SHEDO DANIEL & ELAINE FAM TRUST			2948 E RIVER BUSH RD	ELOY	AZ	85131		88140.34944	0	29/08S/08E
41128005J	CENTRAL ARIZONA IRRIGATION		& DRAINAGE DISTRICT	231 S SUNSHINE BLVD	ELOY	AZ	85131		43580.73456	1.000476	29/08S/08E
41138001D	ELOY 170 LLC			PO BOX 80770	PHOENIX	AZ	85060		46609.2	1.07	18/08S/08E
41138001F	BLUE BEACON INTERNATIONAL INC			PO BOX 856	SALINA	KS	67401	1172 S SUNSHINE BLVD ELOY, AZ 85131	119790	2.75	18/08S/08E
41138001J	BLUE BEACON INTERNATIONAL INC			500 GRAVES BLVD	SALINA	KS	67401		10890	0.25	18/08S/08E
41138001L	NEW SUNSHINE FUND LLC			4355 MICAH'S CANYON CT	LAS VEGAS	NV	89129		717868.8	16.48	18/08S/08E
41138004B	GRIP INC			12001 E BARBARY COAST RD	TUCSON	AZ	85749	801 W MILLIGAN RD ELOY, AZ 85131	1088128.8	24.98	18/08S/08E
41138004G	ARIZONA PUBLIC SERVICE COMPANY		PROPERTY TAX DEPARTMENT	PO BOX 53999, MS 9565	PHOENIX	AZ	85072		67518	1.55	18/08S/08E
	ARIZONA ATTORNEY GENERAL'S OFFICE			2005 N CENTRAL AVE	PHOENIX	AZ	85004				
	ARIZONA COMMERCE AUTHORITY			100 N 7TH AVE STE 400	PHOENIX	AZ	85007				
	ARIZONA DEPARTMENT OF	EMERGENCY AND MILITARY AFFAIRS		5636 E MCDOWELL RD	PHOENIX	AZ	85008				
	ARIZONA DEPARTMENT OF	AZ DEPT OF ENVIRONMENTAL	SOUTHERN REGIONAL OFFICE (SRO)	400W CONGRESS ST, STE 433	TUCSON	AZ	85701				
	ARIZONA DEPARTMENT OF	TRANSPORTATION		205 S 17TH AVE, MAIL DROP 612E	PHOENIX	AZ	85007				
	ARIZONA DEPARTMENT OF	WATER RESOURCES		1110 W WASHINGTON ST STE 310	PHOENIX	AZ	85012				
	ARIZONA DEPARTMENT OF AGRICULTURE			1688 W ADAMS ST	PHOENIX	AZ	85007				
	ARIZONA STATE HISTORIC OFFICE			1100 W WASHINGTON ST	PHOENIX	AZ	85007				
	ARIZONA STATE LAND DEPARTMENT			1616 W ADAM ST	PHOENIX	AZ	85007				
	AZ GAME AND FISH DEPARTMENT			5000 W CAREFREE HWY	PHOENIX	AZ	85086				
	ELECTRICAL DISTRICT #4			231 S SUNSHINE BLVD	ELOY	AZ	85131				
	ELOY COMMUNITY DEVELOPMENT	DEPARTMENT	DAN SYMER	595 N. C ST, STE. 102	ELOY	AZ	85131				
	ELOY ELEMENTARY SCHOOL DISTRICT			1011 N SUNSHINE BLVD	ELOY	AZ	85131				
	ELOY FIRE DISTRICT STATION 521			500 S SUNSHINE BLVD	ELOY	AZ	85131				
	MILLIGAN ENERGY CENTER, LLC		CHRISTOPHER POWERS	422 ADMIRAL BLVD	KANSAS CITY	MO	64106				
	PINAL COUNTY DEPARTMENT OF	EMERGENCY MANAGEMENT		PO BOX 749	FLORENCE	AZ	85132				
	PINAL COUNTY DEPARTMENT OF	PUBLIC WORKS		PO BOX 749	FLORENCE	AZ	85132				
	PINAL COUNTY FLOOD	CONTROL DISTRICT		31 N PINAL ST	FLORENCE	AZ	85132				
	PINAL COUNTY SHERIFF'S OFFICE			971 N JASON LOPEZ CIRCLE, BLDG C	FLORENCE	AZ	85132				
	SANTA CRUZ VALLEY UNION	HIGH SCHOOL DISTRICT		900 N MAIN ST	ELOY	AZ	85131				
	TOLTEC SCHOOL DISTRICT			4050 W TONTO RD	ELOY	AZ	85131				
	US FISH AND WILDLIFE SERVICE			8602 N ALCHESAY NFH RD	WHITERIVER	AZ	85941				



wood.

Attachment 3

Open House Meeting Sign-in Sheet

Tuesday, June 4, 2024 - 6:00 to 7:00PM

RZPAD2004-018.A1. & CUP2023-057

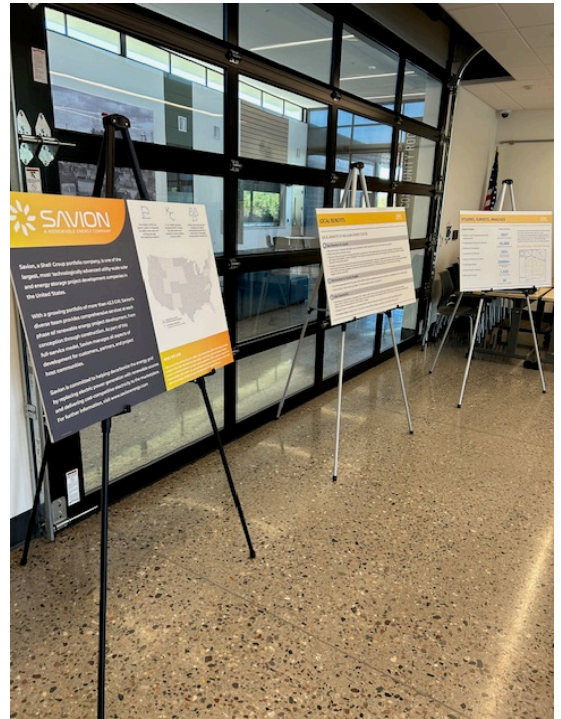
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Attachment 4

Community Meeting Photos



Conditions of Approval for Zoning Map Amendment:

Case No. RZPAD2004-018.A1

1st Amendment to the Rancho Del Sol Brillante Planned Area Development - Milligan Energy Center

These stipulations are in order to protect the public health, safety, and welfare of the City of Eloy.

SITE DEVELOPMENT

1. **APPLICABILITY.** Case No. RZPAD2004-018.A1, 1st Amendment to the Rancho Del Sol Brillante Planned Area Development - Milligan Energy Center, and Conditions of Approval herein shall supersede all previous approvals, including Ordinance No. 04-579.
2. **CONFORMANCE TO DEVELOPMENT PLAN.** The development shall conform to the Development Plan, entitled "1st Amendment to the Rancho Del Sol Brillante Planned Area Development," which is on file with the City Clerk and made a public record by Resolution No. *(To Be Determined at the City Council Hearing)* and incorporated into these stipulations and ordinance by reference as if fully set forth herein. Any proposed significant change to the Development Plan, as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning and Zoning Commission and City Council. Where there is a conflict between the Development Plan and these stipulations, these stipulations shall prevail.
 - 2.a. The location of the Utility Scale Generation and Battery Energy Storage System Facility improvements, including the fencing, along the "Future Road (Alsdorf Rd)" identified sheet 4 of 10 of Exhibit Y of the 1st Amendment to the Rancho Del Sol Brillante Planned Area Development, are allowed to be located as specified and shown on the sheet 4 of 10 of Exhibit Y. All dimensions of the aforementioned improvements shall be measured from the centerline of the "Future Road (Alsdorf Rd)" right-of-way.
3. **CONFORMANCE TO AMENDED DEVELOPMENT STANDARDS.** The development shall conform to the amended development standards included in the Development Plan. Any change to the development standards shall be subject to additional public hearings before the Planning and Zoning Commission and City Council.
4. **SCREENING.** All equipment and structures to store (e.g. batteries, etc.) and to convey electricity (e.g. substations, batteries, etc., but, excluding transmission towers) shall be screened by a minimum seven foot tall opaque wall, fence, or chain-link fence with opaque slates on all sides subject to the approval of the Community Development Director.
5. **EASEMENTS.** No development shall be constructed in publicly dedicated easements without an encroachment permit. The property owner/developer shall obtain approval from the City of an easement release for any easement determined by the City Engineer or the Community Development Director that needs to be removed to accommodate the development of the property. The property owner/developer shall dedicate all easements necessary to serve the development as determined by the City Engineer or the Community Development Director.
6. **INTERNAL ROADWAYS.** All internal roadways for a Solar, Utility Scale Generation and Battery Energy Storage System Facility shall be compacted to withstand a minimum gross vehicle weight of 75,000 pounds, and comply with the most recent Fire Code requirements of the Eloy City Code applicable at the time of permit issuance.

7. RIGHT-OF-WAY DEDICATIONS. Prior to the issuance of the building permit for the Utility Scale Generation and Battery Energy Storage System Facility all perimeter streets shall be dedicated to the City in accordance with the City Code, except that the right-of-way to be dedicated abutting the northern property line that is labeled as "Future Road (Alsdorf Rd)" on sheet 4 of 10 of Exhibit Y of the 1st Amendment to the Rancho Del Sol Brillante Planned Area Development, shall be dedicated in accordance with Condition-of-Approvals 7.a. and 7.b.
 - 7.a Prior to the issuance of the building permit for the Utility Scale Generation and Battery Energy Storage System Facility, the property owner shall dedicate the south 35-foot half street of the "Future Road (Alsdorf Rd)" in the location shown on sheet 4 of 10 of Exhibit Y of the 1st Amendment to the Rancho Del Sol Brillante Planned Area Development.
 - 7.b. Prior to the issuance of the building permit for any development other than the Utility Scale Generation and Battery Energy Storage System Facility, the property owner shall dedicate the south 35-foot half street in the alignment of the "Future Road (Alsdorf Rd)" as shown on sheet 4 of 10 of Exhibit Y, from South Eleven Mile Corner Road east to the 35-foot half street right-of-way dedicated in accordance with Condition-of-Approval 7.a.

MASTER PLANS AND STUDIES

8. MASTER INFRASTRUCTURE PLANS. Prior to the submittal of any preliminary plat, or site plan, for any part of the property for a use other than a farm or a Solar, Utility Scale Generation and Battery Energy Storage System Facility, the property owner/developer shall submit the new Master Infrastructure Plans specified below for the entire Rancho Del Sol Brillante Planned Area Development Center, by a registered engineer licensed to practice in Arizona. The aforementioned Master Infrastructure Plans shall be accepted/approved by the City of Eloy's City Engineer prior to receiving approval of any preliminary plat, or site plan. The Master Infrastructure Plans shall be sealed by the registrant no more than 30 days before the submittal date to the City, and shall be prepared to conform to the standards specified by the City of Eloy's City Engineer. Each Master Infrastructure Plan shall include a complete description and plans of the infrastructure improvements, any project phasing of the improvements, and identifying the timing and parties responsible for the construction of the improvements. The following Master Infrastructure Plans shall be submitted:
 - a. Master Transportation Systems Plan
 - b. Master Drainage Systems Plan
 - c. Master Water Systems Plan
 - d. Master Wastewater Systems Plan
9. TRAFFIC IMPACT ANALYSIS. With each site plan or preliminary plat submittal, the property owner/developer shall submit a Traffic Impact Analysis by a registered Traffic Engineer licensed to practice in Arizona for review and acceptance by the City Engineer. At a minimum, the Traffic Impact Analysis shall address on-site and off-site traffic flows, project impacts, and mitigation measures, anticipated trip generations, and level of service.

INFRASTRUCTURE

10. WATER RESERVOIR. Prior to, or concurrent with, the issuance of any building permit for a Solar, Utility Scale Generation, and Battery Energy Storage System Facility, the property owner/developer shall obtain permits to construct a minimum 25,000-gallon water reservoir tank on the property

near the battery storage facilities and substation. The water reservoir tank shall be operational and filled with water prior to any Final Inspection for the development project.

11. WASTEWATER. The developer shall provide sewer connections, or a septic field in accordance with Pinal County requirements, for all sink(s) and toilet(s)/lavatory room(s) provided on the property for the Solar, Utility Scale Generation and Battery Energy Storage System Facility. No temporary portable toilet(s) or similar facilities will be allowed on site, except during construction. All portable toilet(s) or similar facilities shall be removed prior to receiving a final inspection for the associate building permit activities.
12. STANDARDS OF IMPROVEMENTS.
 - a. With the development of the property for a Solar, Utility Scale Generation and Battery Energy Storage System Facility, the property owner/developer shall construct improvements as required by the Zoning Ordinance and the City Engineer. All required infrastructure improvements shall be constructed in accordance with the Eloy City Code, and the applicable Maricopa Association of Governments (MAG) Uniform Standard Specifications and Details for Public Works Construction, Maricopa Association of Governments (MAG) Uniform Standard Specifications and Details for Public Works Construction.
 - b. With the development of any other use, the improvements (curb, gutter, sidewalk, curb ramps, driveways, pavement, concrete, water, wastewater, etc.) shall be constructed in accordance with the applicable City of Eloy City Code, accepted/approved Master Infrastructure Plans, and Maricopa Association of Governments (MAG) Uniform Standard Specifications and Details for Public Works Construction, Maricopa Association of Governments (MAG) Uniform Standard Specifications and Details for Public Works Construction, or other standard specifications and details for public works construction accepted by the City Engineer.
13. CONSTRUCTION COMPLETED. Prior to issuance of any Certificate of Occupancy or Certification of Shell Building, or Final Inspection, whichever is first, for the development project, the property owner shall complete all the infrastructure and improvements required by the Eloy City Code and these stipulations.

CITY OF ELOY

REQUEST FOR COMMISSION ACTION

Agenda Item: **VI.B.**

Date: **7/17/2024**

Date submitted:
07/01/2024

Action: Other

Subject: Conduct a public hearing and make a recommendation to the Eloy City Council on Case No. CUP2023-057: Milligan Energy Center. The proposed Conditional Use Permit is to allow Solar, Utility scale Generation, and Battery Energy Storage System Facilities on an approximately 33 acres site zoned Estate Residential (R1-43) and Light Industrial (I-1), located approximately 750 feet south and 680 feet east of the southeast corner of W. Milligan Road and S. Eleven Mile Corner Road.

TO: Planning and Zoning Commission

FROM: Dan Symer, Belinda Cota

RECOMMENDATION:

The staff recommends that the Planning and Zoning Commission find that the Conditional Use Permit Criteria have been met, and approve Case No. CUP2023-057: Milligan Energy Center in accordance with the attached Conditions of Approval.

DISCUSSION:

Request:

The applicant, Rose Law Group, PC, c/o Court Rich, on behalf of Milligan Energy Center, LLC, a subsidiary of Savion Renewable Energy, LLC., has submitted an application for a Conditional Use Permit (CUP) to allow Solar, Utility Scale Generation, and Battery Energy Storage System Facility on an approximately 33-acre site located approximately 750 feet south and 680 feet east of the southeast corner of W. Milligan Road and S. Eleven Mile Corner Road. The applicant proposes to construct and operate a battery energy storage system (BESS), substation, and operations and maintenance (O&M) facility on the subject site. It should be noted that these facilities (hereafter, "Utility Scale Solar") are associated with the Milligan Energy Center that is proposed to be constructed on the south side of the adjacent subject site (Case No. RZPAD2004-018.A1: Rancho

Del Sol Brillante Planned Area Development—Milligan Energy Center).

Context

Primarily surrounded by farms and vacant land, the site is immediately south and east of the existing APS Milligan Substation, and the east portion of the site was formerly utilized for off-road go-kart racing. The General Plan land use map designations adjacent to the site are primarily Medium Density Residential, Light Industrial, Public Institutional, and Open Space Recreational (OSR). The surrounding properties are primarily zoned Estate Residential (R1-54 and R1-43), Light Industrial (L-I), and Open Space Recreational (OSR). West Milligan Road, a Major Arterial (65'-1/2 street right-of-way) abut the north side of the site, and Eleven Mile Corner Road, a Minor Arterial (55'-1/2 street right-of-way), abut the west property line. A future street alignment is projected to be established along the site's south property line.

Background

In August 2023, the City Council adopted Ordinance 23-950, which amended the Zoning Ordinance and established criteria for all Utility-Scale Solar developments. These provisions provide guidance to applicants, staff, and appointed and elected officials in the City of Eloy pertaining to the location and use of specific development standards for these types of developments. If this request is approved, the applicant will be subject to the provisions of Section 21-3-1.39 as well as any other conditions.

Conditional Use Permit Criteria

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly allowed after the Planning and Zoning Commission has made a recommendation and City Council has found as follows (Staff's analysis of the consideration is included in bold italic text, and the applicant's analysis is included in their narrative, attached):

A. The proposed use will not be detrimental to the health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;

- ***The proposed Utility Scale Solar facility will not be detrimental to the health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general. The applicant has indicated to staff that the facility will be remotely monitored to ensure it operates within requirements. Also, the developer will be required to provide a minimum 25,000-gallon onsite water tank to assist in providing fire protection onsite fire fighting and will be coordinating with Eloy Fire District to provide specialized training on the facility's equipment and fire service.***

B. The proposed use conforms with the purposes, intent, and policies of the adopted Eloy General Plan and its policies and any applicable area, neighborhood, or other plan officially adopted by the City Council;

- ***The proposed Utility Scale Solar facility use is consistent with specific goals and policies in the Eloy General Plan. In addition, as part of the Site Plan and permit application and approval processes, the developer will be required to demonstrate compliance with all applicable requirements.***

C. The proposed use conforms with the conditions, requirements, or standards prescribed by this chapter and any other applicable local, State, or Federal requirements; and

- ***The application narrative and plans submitted with this CUP demonstrate general compliance with the applicable CUP criteria. The developer will be required to demonstrate compliance with all finite applicable requirements as part of the site plan and permit application and approval processes. In addition, the developer is required to maintain compliance with these standards until the facilities are decommissioned and removed.***

D. The proposed conditional use shall conform to the character of the neighborhood, within the same zoning district, in which it is located. In making such a determination, consideration shall include the location, type and height of the buildings or structures and the type and extent of landscaping and screening on the site.

- ***The proposed Utility Scale Solar facility is located in an area of the City that is primarily undeveloped and used for agricultural uses. Furthermore, the development is located adjacent to existing high-voltage transmission lines and a substation. In conformance with the property development standards for the Utility Scale Solar facility use, the improvements will be setback a minimum of 75 feet, with larger setbacks (minimum of 100 feet) provided adjacent to properties with higher density residential zoning. Also, the developer will be provided landscaped buffers in accordance with the zoning ordinance provisions around the entire perimeter of the development. The development's structures will conform with the building heights allowance of the zoning ordinance, and the utility poles proposed to be generally consistent with the height of other utility poles in the area.***

E. Adequate utilities, access roads, drainage, fire protection, and other necessary facilities shall be provided.

- ***With the development of the proposed Utility-Scale Solar facility, the developer will be required to demonstrate conformance with all City of Eloy and the Eloy Fire District requirements, including providing street, utility, drainage, and fire protection improvement for the development.***

F. Adequate measures shall provide ingress and egress so designed as to minimize traffic hazards and traffic congestion on the public roads.

- ***The proposed Utility-Scale Solar facility access locations have been reviewed by City Engineering staff, and the locations are not anticipated to cause a traffic hazard or traffic congestion on the abutting public streets. To assist in minimum traffic hazards and congestion, the access gates to the facility are to be setback a minimum of 50 feet, which will allow vehicles to exit the roadways before being stopped so that the access gates into the facility may be open.***

G. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

- ***The proposed Utility-Scale Solar facility is not anticipated to produce noxious or offensive vibration, noise, odor, dust, smoke, or gas. The equipment cabinet will contain air conditioning units for cooling purposes, but the noise should be minimal and not have an impact on any adjacent properties.***

H. The proposed use shall not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted, nor substantially diminishes or impair the property values within the neighborhood.

- ***The proposed Utility-Scale Solar facility is not anticipated to be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already allowed, nor substantially diminish or impair the property values.***

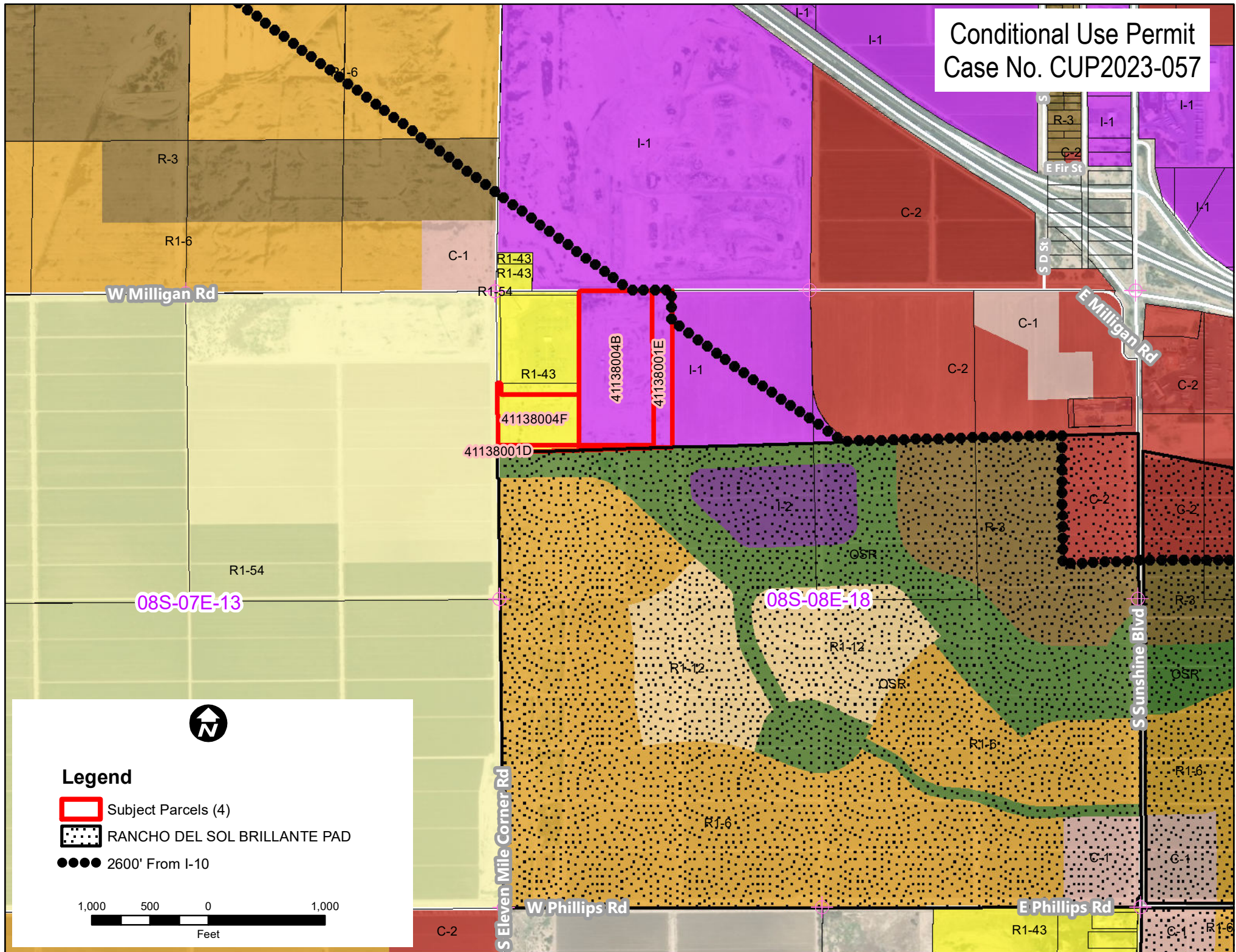
I. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

- ***The proposed Utility-Scale Solar facility is not anticipated to impede the orderly development and improvement of surrounding property.***

FISCAL IMPACT:

There are no anticipated fiscal impacts associated with this discussion.

Conditional Use Permit
Case No. CUP2023-057



Legend

- Subject Parcels (4)
- RANCHO DEL SOL BRILLANTE PAD
- 2600' From I-10



Zoning Map Amendment
Rancho del Sol Brillante Planned Area Development
Citizen Participation Results Report
Milligan Energy Center Project
City of Eloy, Arizona
Case No. RZPAD2004-018.A1

Prepared for:

Milligan Energy Center LLC

422 Admiral Boulevard

Kansas City, KS 64106

Prepared by:

Wood Group USA

3636 Executive Center Drive, Suite 200

Austin, TX 78731

Raymond Banker

Raymond.banker@woodplc.com

Applicant (on behalf of Milligan Energy Center, LLC):

Rose Law Group

7144 E. Stetson Drive, Suite 300

Scottsdale, AZ 85251

Court Rich

crich@roselawgroup.com

Jennifer Hall

jhall@roselawgroup.com

June 13, 2024

Revision 0

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1.0 OBJECTIVE OF THE CITIZEN PARTICIPATION RESULTS REPORT

The purpose of the Citizen Participation Results Report (CPRR) is to document the extensive and far-reaching advertisement of the Milligan Energy Center (Project) that was employed during the planning process to request a Zoning Map Amendment. It is Milligan Energy Center, LLC's (Applicant's) responsibility to inform the public and solicit comments on the proposed Project by providing a variety of platforms for stakeholder participation, then address those comments at the appropriate time during the planning process. Agency, stakeholder, and public comments are a rich source of information about values and opinions associated with developments that occur in areas people live or where agencies are responsible for management of resources (e.g., wildlife habitat, water conservation). The measure of effectiveness of a stakeholder outreach program is not solely informing the public and other stakeholders of the Project, but soliciting comments in a manner that has contributed to making decisions that are feasible, environmentally sound, and enjoy the support of a significant segment of stakeholders through collaboration. This summary report describes the extensive stakeholder outreach that was employed by the Applicant about the Project to fulfill County requirements associated with requesting a Zoning Map Amendment.

1.1 Stakeholder Outreach and Project Notifications

A list of landowners within 300 feet of the Project site and agencies/stakeholders that were identified in the Citizen Participation Plan was maintained throughout the Citizen Participation Process and approved by the City of Eloy Development Director on May 8, 2024. On Thursday, May 16, 2024, the Applicant sent notifications to the landowners and stakeholders via Certified US Mail. The Applicant mailed 50 postcards that detailed the Project, the applications currently under review, and encouraged recipients to attend the upcoming Neighborhood meeting (Attachment 1). The notification provided several opportunities for stakeholders to submit comments through the following options: 1) via postal mail using the provided address; 2) via telephone using the provided phone number; 3) via email using the provided email address; and 4) via the website through the "Contact the Team" tab.

1.2 Project Website

A website was developed for the Project (www.milliganenergycenter.com) to provide Project information, advertise the public meeting, provide educational content about solar and storage systems, and to accept comments. The public meeting was advertised online on the Project website prior to being held.

1.3 Project Stakeholder Database

The Project stakeholder database includes the 60 parcels within 300 feet of the Project, for which there are 28 landowners. In addition to landowners, the database includes 22 agency/organization contacts. See Attachment 2 for a full list of stakeholders and landowners within 300 feet of the Project. Comments received are entered and managed in a system that tracks comments throughout the process and facilitates analysis of the comments. The database can be queried in several different ways and ensure that the Applicant is able to keep track of the comments received about the Project efficiently.

1.4 Neighborhood Meeting

An in-person neighborhood meeting was held on Tuesday, June 4, 2024, from 6:00 PM to 7:00 PM in the Community Room located in Eloy City Hall. The time, date, and location of the meeting was approved by the City of Eloy Development Director on May 8, 2024. The Applicant, their consultant, and their authorized agent were in attendance to respond to comments and questions. In total, there was one attendee at the public meeting, representing nearby parcel (APN 41101025J). The attendee initially held reservations about solar as a land use for the Project site but was open to listening to the Applicant in discussing the ways that solar would be a suitable land use, and the ways that solar would benefit the public. The Applicant educated the attendee on how solar collection facilities work, explained detailed design features of the Project site, and confirmed that the project is not immediately contiguous to their parcel with adequate distance and buffers provided. The attendee had no outstanding comments or questions upon his departure from the neighborhood meeting. See Attachment 3 for sign-in sheet from the neighborhood meeting, and Attachment 4 for photos taken at the meeting.

1.5 Summary of Landowner Communication

The Applicant received one response from a landowner within 300 feet of the Project. The landowner received the notification in the mail, and contacted the Applicant via email to inquire if the Applicant was willing to lease or purchase their land (APN 411170050), which is adjacent to the northern portion of the Project boundary. The Applicant acknowledged the response from the landowner.



wood.

Attachments





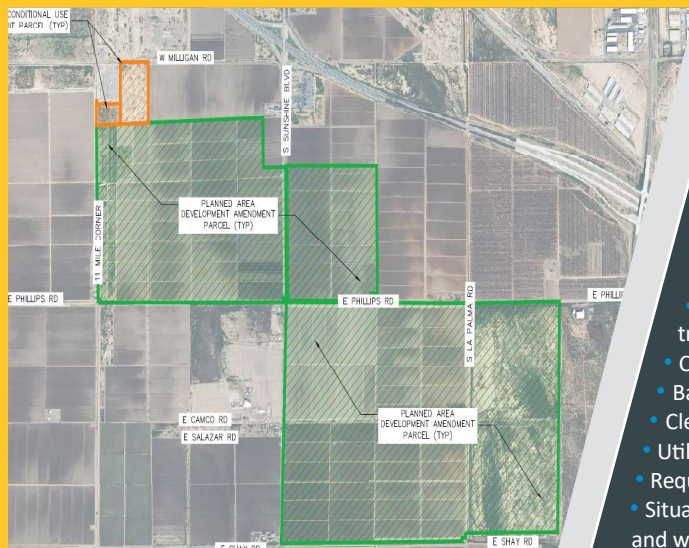
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Attachment 1

MILLIGAN ENERGY CENTER

Planned Area Development Amendment No. RZPAD2004-018.A1.
Conditional Use Permit Application No. CUP2023-057

Notification & Informational Sheet



Attend the Neighborhood Meeting!

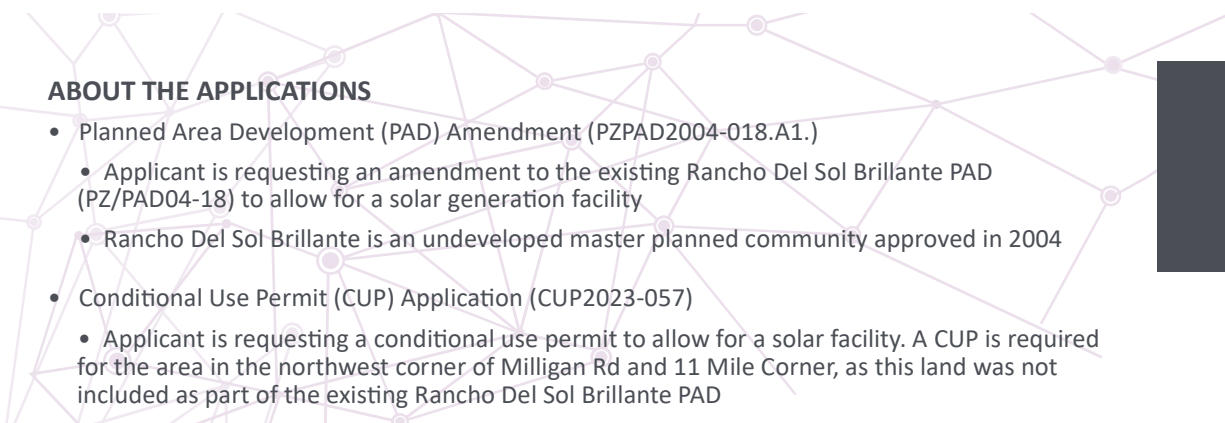
June 4, 2024, from 6-7 p.m. MST

Eloy City Hall Community Room, 595 N. C Street, Ste. 104



FAST FACTS ABOUT THE PROJECT

- Approximately 1,622 acres in Eloy, AZ
- Project consists of two concurrent applications (PAD and CUP)
- Up to 315-megawatt photovoltaic solar array on single-axis trackers, and up to 300-megawatt battery storage
- Construction in phases; first phase to begin as early as 2025
- Batteries to dispatch solar energy at night
- Clean, renewable solution to reduce dependency on fossil fuels
- Utilize lands that are most suitable for solar development
- Requested amendment to the Rancho Del Sol Brillante PAD
- Situated north of Shay Rd, east of Norma Rd, south of Milligan Rd, and west of 11 Mile Corner
- Adjacent to existing electrical infrastructure reducing environmental impacts associated with additional infrastructure
- Employ many experienced professionals and workers during construction within the city of Eloy, as well as nearby Casa Grande and Arizona City



ABOUT THE APPLICATIONS

- Planned Area Development (PAD) Amendment (PZPAD2004-018.A1.)
 - Applicant is requesting an amendment to the existing Rancho Del Sol Brillante PAD (PZ/PAD04-18) to allow for a solar generation facility
 - Rancho Del Sol Brillante is an undeveloped master planned community approved in 2004
- Conditional Use Permit (CUP) Application (CUP2023-057)
 - Applicant is requesting a conditional use permit to allow for a solar facility. A CUP is required for the area in the northwest corner of Milligan Rd and 11 Mile Corner, as this land was not included as part of the existing Rancho Del Sol Brillante PAD

GET INVOLVED & STAY CONNECTED!

For information about the project, please visit:
www.MilliganEnergyCenter.com

To submit questions or comments about the project,
please email:
info@milliganenergycenter.com

Please submit comments or questions by June 6, 2024.

Bill Golove
Milligan Energy Center
info@milliganenergycenter.com

MILLIGAN
ENERGY CENTER



wood.

Attachment 2

Parcel Number	Owner Name Or Stakeholder	Owner Name Line 2	Care Of	Postal Address	Postal City	State	Zip	Site Address	Assessor Square Footage	Gross Acres	Section/Township /Range
411010270	LEGACY FARMS LLC			PO BOX 697	ELOY	AZ	85131		27878400	1120	28/08S/08E
411117050	HAM PHILLIPS LLC			PO BOX 16562	PHOENIX	AZ	85060		10751479.2	246.82	17/08S/08E
411180090	KEN MANTEL LLC			29866 N 78TH PL	SCOTTSDALE	AZ	85266		1557705.6	35.76	19/08S/08E
411180110	NORTH PICACHO RANCH LLC			15611 N BOSWELL BLVD	SUN CITY	AZ	85351		1368655.2	31.42	19/08S/08E
411280010	JLC FAMILY INVESTMENTS LLC			6859 E REMBRANDT AVE STE 125	MESA	AZ	85212		13939200	320	29/08S/08E
411290010	BEN FATTO LLC		C/O DAYBREAK 1320 LLC	3850 E BASELINE RD STE 114	MESA	AZ	85206		27878400	640	30/08S/08E
40801022C	MDT INVESTMENTS LTD PSHIP			2107 E SOLANO DR	PHOENIX	AZ	85016		27878400	320	13/08S/07E
41101010K	DAYBREAK 1320 LLC			1223 S CLEARVIEW AVE STE 103	MESA	AZ	85209		27878400	37.49	21/08S/08E
41101011C	APACHE OAK SHOPPING CENTER LLC		C/O JAMAL GARMO	23300 TELEGRAPH RD	SOUTHFIELD MI		48034		1742400	40	21/08S/08E
41101025J	HUSSAIN TAHA			3100 S BARRETT RD	ELOY	AZ	85131		1741974.985	0	28/08S/08E
41107001H	ROBINSON TIMOTHY A & EVELYN P			PO BOX 11138	CASA GRANDE	AZ	85130		6838920	157	07/08S/08E
41117004F	SOLID STATE ELOY I LP			27 DOYLE ST SE 2ND FLOOR	ATLANTA	GA	30317		3870306	10.44	17/08S/08E
41118001B	OLAM COTTON INC			2221 LAKESIDE BLVD STE 1050	RICHARDSON	TX	75082		2613600	60	19/08S/08E
41118008A	HORNE INVESTMENTS LLC			1465 E MOTORPLEX LOOP STE 200	GILBERT	AZ	85297	19148 S SUNSHINE BLVD ELOY, AZ 85131	4716241.2	108.27	19/08S/08E
41118008K	OGLE EDMUND SALAZAR			PO BOX 471	ELOY	AZ	85131	1555 E SALAZAR RD ELOY, AZ 85131	435600	10	19/08S/08E
41118010C	VELAZQUEZ SYLVIA T			668 E RANCHO VIEJO LOOP	CASA GRANDE	AZ	85122		901692	20.7	19/08S/08E
41118010D	TARANGO JOSE E & PATRICIA			PO BOX 219	ELOY	AZ	85131	2031 S SUNSHINE BLVD ELOY, AZ 85131	376794	1.25	19/08S/08E
41118010F	GARZA SHAIN P		TARANGO YVONNE ETAL	PO BOX 2356	ARIZONA CITY	AZ	85123		58806	1.35	19/08S/08E
41118010G	TARANGO ERNEST S & ROSA L			110 E 11TH ST	ELOY	AZ	85131		376794	7.4	19/08S/08E
41119008A	CASA GRANDE WEST ETAL		C/O LOZZI TOM	4355 MICAH'S CANYON CT	LAS VEGAS	NV	89129		27878400	640	20/08S/08E
41128005H	SHEDO DANIEL & ELAINE FAM TRUST			2948 E RIVER BUSH RD	ELOY	AZ	85131		88140.34944	0	29/08S/08E
41128005J	CENTRAL ARIZONA IRRIGATION		& DRAINAGE DISTRICT	231 S SUNSHINE BLVD	ELOY	AZ	85131		43580.73456	1.000476	29/08S/08E
41138001D	ELOY 170 LLC			PO BOX 80770	PHOENIX	AZ	85060		46609.2	1.07	18/08S/08E
41138001F	BLUE BEACON INTERNATIONAL INC			PO BOX 856	SALINA	KS	67401	1172 S SUNSHINE BLVD ELOY, AZ 85131	119790	2.75	18/08S/08E
41138001J	BLUE BEACON INTERNATIONAL INC			500 GRAVES BLVD	SALINA	KS	67401		10890	0.25	18/08S/08E
41138001L	NEW SUNSHINE FUND LLC			4355 MICAH'S CANYON CT	LAS VEGAS	NV	89129		717868.8	16.48	18/08S/08E
41138004B	GRIP INC			12001 E BARBARY COAST RD	TUCSON	AZ	85749	801 W MILLIGAN RD ELOY, AZ 85131	1088128.8	24.98	18/08S/08E
41138004G	ARIZONA PUBLIC SERVICE COMPANY		PROPERTY TAX DEPARTMENT	PO BOX 53999, MS 9565	PHOENIX	AZ	85072		67518	1.55	18/08S/08E
	ARIZONA ATTORNEY GENERAL'S OFFICE			2005 N CENTRAL AVE	PHOENIX	AZ	85004				
	ARIZONA COMMERCE AUTHORITY			100 N 7TH AVE STE 400	PHOENIX	AZ	85007				
	ARIZONA DEPARTMENT OF	EMERGENCY AND MILITARY AFFAIRS		5636 E MCDOWELL RD	PHOENIX	AZ	85008				
	ARIZONA DEPARTMENT OF	AZ DEPT OF ENVIRONMENTAL	SOUTHERN REGIONAL OFFICE (SRO)	400W CONGRESS ST, STE 433	TUCSON	AZ	85701				
	ARIZONA DEPARTMENT OF	TRANSPORTATION		205 S 17TH AVE, MAIL DROP 612E	PHOENIX	AZ	85007				
	ARIZONA DEPARTMENT OF	WATER RESOURCES		1110 W WASHINGTON ST STE 310	PHOENIX	AZ	85012				
	ARIZONA DEPARTMENT OF AGRICULTURE			1688 W ADAMS ST	PHOENIX	AZ	85007				
	ARIZONA STATE HISTORIC OFFICE			1100 W WASHINGTON ST	PHOENIX	AZ	85007				
	ARIZONA STATE LAND DEPARTMENT			1616 W ADAM ST	PHOENIX	AZ	85007				
	AZ GAME AND FISH DEPARTMENT			5000 W CAREFREE HWY	PHOENIX	AZ	85086				
	ELECTRICAL DISTRICT #4			231 S SUNSHINE BLVD	ELOY	AZ	85131				
	ELOY COMMUNITY DEVELOPMENT	DEPARTMENT	DAN SYMER	595 N. C ST, STE. 102	ELOY	AZ	85131				
	ELOY ELEMENTARY SCHOOL DISTRICT			1011 N SUNSHINE BLVD	ELOY	AZ	85131				
	ELOY FIRE DISTRICT STATION 521			500 S SUNSHINE BLVD	ELOY	AZ	85131				
	MILLIGAN ENERGY CENTER, LLC		CHRISTOPHER POWERS	422 ADMIRAL BLVD	KANSAS CITY	MO	64106				
	PINAL COUNTY DEPARTMENT OF	EMERGENCY MANAGEMENT		PO BOX 749	FLORENCE	AZ	85132				
	PINAL COUNTY DEPARTMENT OF	PUBLIC WORKS		PO BOX 749	FLORENCE	AZ	85132				
	PINAL COUNTY FLOOD	CONTROL DISTRICT		31 N PINAL ST	FLORENCE	AZ	85132				
	PINAL COUNTY SHERIFF'S OFFICE			971 N JASON LOPEZ CIRCLE, BLDG C	FLORENCE	AZ	85132				
	SANTA CRUZ VALLEY UNION	HIGH SCHOOL DISTRICT		900 N MAIN ST	ELOY	AZ	85131				
	TOLTEC SCHOOL DISTRICT			4050 W TONTO RD	ELOY	AZ	85131				
	US FISH AND WILDLIFE SERVICE			8602 N ALCHESAY NFH RD	WHITERIVER	AZ	85941				



wood.

Attachment 3

Open House Meeting Sign-in Sheet

Tuesday, June 4, 2024 - 6:00 to 7:00PM

RZPAD2004-018.A1. & CUP2023-057

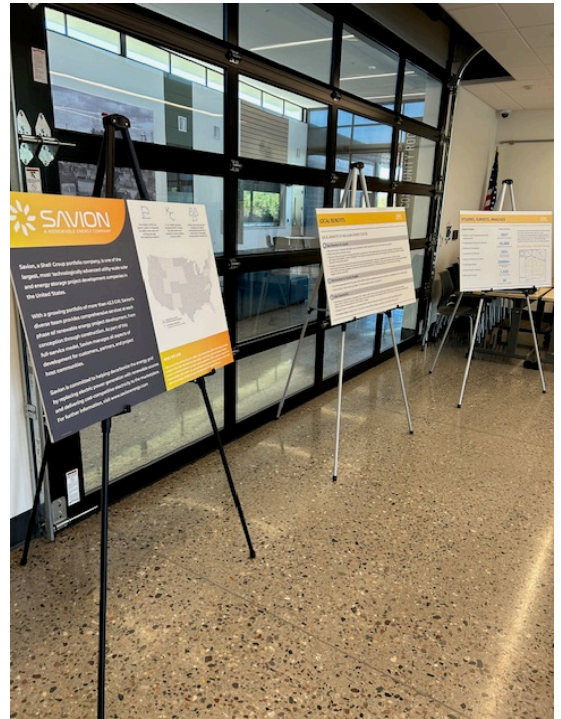
[illegible]



wood.

Attachment 4

Community Meeting Photos



Conditional Use Permit Application

(CUP2023-057)

Milligan Energy BESS Project Narrative

Submitted to:

City of Eloy, AZ

595 N. C Street Ste. 104
Eloy, AZ 85131

Prepared for:

Milligan Energy Center LLC.

A subsidiary of:

Savion Renewable Energy LLC.



422 Admiral Blvd.
Kansas City, MO 64106

Prepared by:

John Wood Group PLC.



3636 Executive Center Drive, Ste. 200
Austin, TX 78731

Applicant, on behalf of Savion LLC:

ROSE LAW GROUP_{pc}

RICH ■ CARTER ■ FISHER

7144 E. Stetson Drive, Suite 300
Scottsdale, AZ 85251

Court Rich, Attorney

crich@roselawgroup.com

Attn: Jennifer Hall, Sr. Project Manager

Ph: 480-505-3938

jhall@roselawgroup.com

**City of Eloy Date:
July 17, 2024**

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Table 2	Adjacent Properties Zoning and General Plan Land Use
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Attachment 2	CUP Zoning Map
Attachment 3	CUP Conceptual Site Plan
Attachment 4	CUP Land Use Map
Attachment 5	CUP Landscape Plan

1 PROJECT BACKGROUND

Milligan Energy Center, LLC (Milligan), as the Applicant, is proposing the construction and operation of a battery energy storage system (BESS), substation and operations and maintenance (O&M) facility (collectively the CUP Project). The BESS, substation and O&M facility will be associated with an adjacent solar energy generation facility referred to as the Milligan Energy Center (Solar Project).

The adjacent Solar Project is currently undergoing a separate Planned Area of Development (PAD) amendment process (pending case#RZPAD2004-018.A1). This application request is solely for a Conditional Use Permit (CUP) to allow for the construction and operation of the CUP Project on approximately 33 acres of vacant land located just south of Milligan Rd and east of Eleven Mile Corner Rd in the City of Eloy. (**Attachment 1 – Vicinity and Context Map**).

2 DESCRIPTION OF REQUEST

Milligan requests a CUP to allow for the construction and operations of the CUP Project on four individual parcels identified as Pinal County Assessor Parcel Number (APNs) 41138004B, 41138001E, 41138004F, and 41138001D, and collectively referred to herein as the Project Site.

3 CURRENT GENERAL PLAN DESIGNATION AND ZONING

3.1 General Plan Designation

The City of Eloy General Plan (General Plan) designates the four parcels subject of this CUP application as Light Industrial and **Table 1** provides a summary of the CUP parcels including the ownership, Assessor's Parcel Identification Number (APN), size and existing General Plan designation. Surrounding parcels are designated as a mix of future land uses including Light Industrial to the north and east, Parks/Open Space and Medium Density Residential to the south and Public/Institutional and Medium Density Residential to the west.

3.2 Current Zoning

The parcels included in this CUP request are currently zoned as R1-43 (Estate Residential) and I-1 (Light Industrial). **Attachment 2 – CUP Zoning Map** shows the current zoning of these parcels as well as adjacent properties which are zoned similarly and are listed in **Table 2**.

Section 21-2-2.3, Residential Use Standards, of the Eloy Zoning Ordinance allows Solar Generation Facilities with the approval of a CUP in R1-43 and I-1 Zoned Districts. The CUP would facilitate the utilization of the parcels for the CUP Project.

Table 1. CUP Site Zoning and General Plan Land Use

Owner	Assessor Parcel Number (APN)	Size (acre)	Zoning	General Plan Land Use
Go Huge Race Promotions, Inc	41138004B	17.72	I-1 Light Industrial	Light Industrial
Go Huge Race Promotions, Inc	41138001E	7.26	I-1 Light Industrial	Light Industrial
Eloy 170 LLC	41138004F	6.84	R1-43 Estate Residential	Light Industrial
Eloy 170 LLC	41138001D	1.07	R1-43 Estate Residential	Light Industrial
TOTAL:		32.89		

Table 2. Adjacent Properties Zoning and General Plan Land Use

Direction	Surrounding Parcel	Assessor Parcel Number (APN)	Zoning	General Plan Land Use
North	Across E Milligan Road: Timothy & Evelyn Robinson	41107001H	I-1	Light Industrial and Public/Institutional
	Adjacent: Arizona Public Service	41138004E	R1-43	
East	Adjacent: Eloy 170 LLC	41138001C	I-1	Light Industrial
South	Adjacent: Casa Grande West Et Al.	41138001K	OSR (Open Space Recreational)	Parks/Open Space
West	Across S Eleven Mile Corner Road: Agricultural (outside of City Limits)	40801022C	R1-54	Medium Density Residential

4 **EXISTING CONDITIONS**

4.1 On-Site and Regional Location

The Project Site is generally situated south of downtown Eloy, south of Interstate 10 and west of Picacho (**Attachment 1 – Vicinity and Context Map**). The CUP request consists of multiple parcels of land within Township (T) 8 South (8S), Range ® 8 East (8E), and Sections 17, 18, 20, 21 and is roughly bounded by West Milligan Road to the north and Eleven Mile Corner Road to the west. The 230 kilovolt (kV) Arizona Public Service (APS) Milligan Substation is located at the southeast corner of West Milligan Road and Eleven Mile Corner Road and is directly adjacent the CUP parcels. Topographically, the property is mostly flat and averages approximately 1,564 feet above mean sea level (amsl).

4.2 Roads/Transportation Systems Serving the Project

The Project Site is located approximately 0.5 miles south of Interstate 10 via Eleven Mile Corner Road and is accessible along West Milligan Road and Eleven Mile Corner Road—which runs along the northwest corner of the property. A graded farm road exists south of the property. This CUP Project will not generate daily traffic and will only be accessed for routine maintenance.

5 CURRENT AND PROPOSED USE

5.1 Current Use

The Project Site is currently privately owned, vacant land, a portion of which was formerly utilized for off-road go kart racing. The location is ideal for the proposed use given its proximity to existing utility infrastructure already existing in the area. There is an existing transmission line corridor to the Western Area Power Administration (WAPA) and ED4 115 kV substation runs north-south across the western portion of the Project Site. Additional transmission lines are currently located north of the Project Site at the APS Milligan 230 kV Substation which is adjacent to the property and along Milligan Road parallel to the Project Site.

5.2 Description of Proposed Use

The proposed use included in this CUP allocation would include the construction and operation of a substation, up to 300 MWac BESS, and associated O&M building (see **Attachment 3 – CUP Conceptual Site Plan**). The BESS would likely be designed to provide no more than a single charge/discharge cycle on a 24-hour basis—storing/discharging up to 1,200 megawatt hours (MWh). Preliminarily, the property would be comprised of up to 516 containers and up to 65 power conversion systems (i.e., invertors). The proposed BESS, substation, and O&M building would provide energy storage capacity to the proposed Solar Project adjacent to the south. The design life of the CUP Project is anticipated to be 40 years. Energy can be stored in the BESS facility to be injected into the electrical grid after peak generation time.

The CUP Project would interconnect to the APS controlled and operated 230 kV Milligan substation located adjacent to the property. The CUP Project's transmission interconnect would be short, less than two spans or less than 1,500 feet in length and connect to a 230 kV transmission line on 135- to 165-foot structures above grade within an up to 150-foot right-of-way (ROW). The expected maximum net output at the proposed point of interconnection is up to 315 MWac. Due to the short length of the interconnect (approximately 3 structures) the Solar Project and the CUP Project would not need to apply for a Certificate of Environmental Compatibility through the Arizona Corporation Commission.

5.3 Suitability with Surrounding Land Uses

The proposed use complies with the Locational Criteria outlined in the Eloy City Code of Ordinances Section 21-3-1.39: SOLAR, UTILITY SCALE GENERATION AND BATTERY ENERGY STORAGE SYSTEM FACILITIES. Thus, this Project Site is ideal for the proposed facility use. Furthermore, the surrounding area is comprised primarily of agricultural or open desert land some of which is designated for Light Industrial land use. (See **Attachment 4 – CUP Land Use Map**). Additionally, appropriate setbacks and fencing will be provided to screen the use from passersby and adjacent properties. (see **Attachment 5 – CUP Conceptual Landscape Plan**).

The proposed CUP Project is not anticipated to generate excessive noise or use water. Dust generation from the CUP Project is anticipated to be relatively low with minimal ground disturbance or vehicular activity compared to current agricultural activities that generates dust periodically throughout the year (e.g., plowing). The Project Site is not anticipated to have long-term negative impacts to surrounding land uses. In fact, this CUP Project would provide storage support and renewable energy that can be transferred directly into the existing APS Milligan substation.

There have been similar solar and storage projects recently approved by Pinal County in the general vicinity of the Site (e.g., Eloy Valley Solar Project [PZ-PA-005-21], Sonak Solar Project [PZ-PA-003-21], and Arizona City Solar [PZ-PA-004-21]). While these projects are outside the City of Eloy planning area, the proximity of these approved solar projects demonstrates the suitability of renewable energy development within the area and its compatibility with surrounding land uses.

6 CONFORMANCE WITH GENERAL PLAN

The CUP Project is considered a support use to the existing APS Milligan substation, transmission lines, and proposed Solar Project to the immediate south and would not change the existing visual character of the region. This is simply replacing vacant undeveloped land near the existing substation with a supportive and compatible use. The most prominent feature on the landscape would be the Project's 230 kV interconnect, which would be constructed on structures approximately 135 to 150 feet tall. While the 230 kV interconnect would be visible, it is not expected to be dominant in the landscape since it would occur in an area that already has 115 kV and 230 kV transmission lines and substations present (i.e., the 115 kV WAPA ED4 Substation and the 230 kV APS Milligan Substation); and would be relatively short, anticipated to be less than 1,500 feet in length.

The proposed use would not have a negative impact on livability, health, and safety of present or future residences within the Project area and would be managed in accordance with local, state, and federal regulations to minimize any unknown risks and exposure to the public and the environment. The CUP Project's operations would be considered a low intensity use and would not generate air emissions. The CUP Project's maintenance would generate minimal vehicle and equipment emissions and fugitive dust emissions from personnel accessing the Project site and utilizing limited vehicles or equipment. The CUP Project would provide storage of energy from nearby interconnecting renewable resources that could result in improved air quality through reduced emissions from fossil fuel electric generation. Improving roads and reducing agriculture operations would provide a beneficial reduction in the area's particulate matter (PM10) levels.

All applicable City and County fire laws, regulations, and requests would be complied with, and all reasonable measures would be taken to prevent fires on the site. Fire Apparatus Access Roads would be installed to meeting the 75,000 lbs. load requirement to the invertors, transformers, and BESS. Water supply complying with the Eloy Fire District would be installed to provide adequate water source for firefighting. The BESS site would also source and install equipment and storage components from a manufacture that adheres to industry standards (i.e., UL 9540A Test Methods). BESS sponsored training would be provided to O&M staff and the local fire department prior to site becoming operational along with periodic refresher training throughout the life of the facility. An Emergency Action Plan for construction and operations would be available for review by local officials during the trainings. Fire hazard risk would be further reduced through the control or suppression of weeds and tall grasses within and directly adjacent to the site. All weed control would be conducted in compliance with regulations.

The proposed BESS, substation and O&M building would require very little water use during operations, except for as-needed maintenance for cleaning equipment and water use associated with the O&M building. Water for construction and O&M would be supplied from offsite sources, from City water supplies extended by the Project to the site, or from onsite water wells—depending on feasibility and costs. The City of Eloy would incur no costs for any infrastructure improvements related to the Project.

The proposed use is not expected to impact biological resources. The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website and the Arizona Game and Fish Department (AZGFD) Online Environmental Review Tool have been queried for information on special status species, including federal threatened and endangered species, for the Project area. Results of the query suggest there are no federally listed plant or wildlife species that are expected to occur in the Project area. The Project is still in the early planning phases and coordination with AZGFD has been initiated on March 31, 2022, to ensure responsible practices and appropriate mitigation measures (e.g., preconstruction burrowing owl surveys) are implemented.

The Project Site and surrounding area is characterized as predominately agricultural with some open desert lands. Any native plants protected under Arizona Native Plant Law, administered by the Arizona Department of Agriculture, would be identified on the site prior to construction and relocated or salvaged as required. Native plant removal, relocation, or sale would be noticed as required by Arizona Administrative Code Title 3, Chapter 3, Article II. Appropriate best management practices (BMPs) would be included in the Project design and construction to minimize impacts to surface water runoff. A Class I Cultural Resources Assessment was completed for the Project. No features were found on CUP parcels.

Table 3 includes a complete accounting of relevant Eloy General Plan elements, their attendant policies, and the consistency of the Project with these policies.

Table 3. Consistency with Eloy General Plan

General Plan Elements	General Plan Policies	Consistency with General Plan
Land Use Element		
Goal #1	Provide a range of residential, employment and supportive land uses to encourage and maintain a sustainable community.	Consistent The CUP Project is an innovative and quality development of renewable energy storage that would help the community reach sustainability goals. The Project Site is located near existing high voltage transmission infrastructure and would connect into the Milligan 230 kV Substation. Siting the proposed CUP use near existing infrastructure (e.g., roads, transmission lines, substations) achieves balance between the CUP Project needs and minimization of impacts. Approval of this CUP Project will allow for solar energy storage and grid connection in this location represents compatible land use strategy and efficient development patterns near existing electric utilities and transmission line.
Land Use Element		
Objective #1	Maintain transitional buffers between high and lower impact land uses.	Consistent The CUP Project would help maintain transitional buffers between high and lower impact land uses in the Sun Corridor Growth Area. The proposed CUP use is located near existing high voltage transmission lines and will provide necessary support to the existing uses in the area. The CUP Project also complies with the Locational Criteria outlined in the Eloy City Code of Ordinances Section 21-3-1.39. Sufficient buffers, as directed by the City, to provide safety exclusion zones/distancing would be incorporated to not interfere with these existing land uses. The CUP Project acts as an efficient transitional use by providing further separation from these existing electrical features and surrounding agriculture and rural land uses.
Environmental Planning Element		
Goal #1	Encourage the preservation of the paloverde-saguaro plant community to retain high value vegetation that also provides natural area habitat.	Consistent The Applicant would coordinate closely with all applicable local, county, state, and federal agencies throughout development of the CUP Project, including environmental, land, and resource management agencies to protect sensitive species and habitats. The Project Site and surrounding area is characterized as predominately agricultural with some open desert lands. Any native plants protected under Arizona Native Plant Law, administered by the Arizona Department of Agriculture, would be identified on the site prior to construction and relocated or salvaged as required. Native plant removal, relocation, or sale would be noticed as required by Arizona Administrative Code Title 3, Chapter 3, Article II.

Environmental Planning Element		
Goal #2	Strive to enhance and maintain regional and local air and water quality.	Consistent The CUP Project would provide renewable energy storage that could result in improved air quality through reduced emissions from fossil fuel electric generation. The CUP Project would be considered a low-intensity use as it generates minimal traffic, noise, and odors. Also, improving roads and reducing agriculture operations would provide a beneficial reduction in the area's particulate matter (PM10) levels.
Environmental Planning Element		
Goal #4	Continue to enforce zoning code and building code provisions to protect life and property from wind and fire hazards.	Consistent All applicable local and county fire laws and regulations would be complied with, and all reasonable measures would be taken to prevent fires in the Project Site. Fire Apparatus Access Roads would be installed on-site meeting the 75,000 lbs load requirement to the BESS. A water supply source would be provided meeting NFPA 1142 for firefighting in a rural setting. All construction personnel would be instructed on emergency response to fire events; clear away all flammable material for a minimum of 10 feet from areas of operations where a spark, fire, or flame could be generated; equipment parking areas and small stationary engine sites would be cleared of all flammable materials prior to use; "No Smoking" signs would be posted, gas and oil storage areas would be clearly marked, cleared of all flammable material, and all used and discarded oil filters, oily rags, or other waste would be disposed of in an approved manner.
Environmental Planning Element		
Goal #5	Work with the Pinal County Flood Control District to minimize the risk and hazards associated with flooding on existing and future development and human life within the City's floodplains.	Consistent The CUP Project would not be developed in a floodway, and the CUP Site would comply with Pinal County and federal regulations associated with development in a floodplain. The Applicant is currently in the process with Pinal County to obtain approval of a Floodplain Use Permit (FUP).
Water Resources Element		
Goal #2	Encourage conservation measures that foster efficient potable water use.	Consistent The CUP Project would require very little water use during operations, with the exception of as-needed maintenance for cleaning equipment and water use associated with the O&M building. Water for construction and O&M would be supplied from offsite sources, or from onsite water wells. The City of Eloy would incur NO costs for any infrastructure improvements related to the proposed CUP Project and the Project Site will have NO impact on the City's services.

Public Facilities Element		
Goal #2	Continue to provide high quality municipal services – administration, public works, community development, community services (parks and recreation), library, aviation, police and municipal court, and coordinate with non-municipal service providers-fire, education, electrical, natural gas, fiber to provide adequate services.	Consistent This CUP Project would enable the City to site utility-scale solar storage infrastructure near existing electrical infrastructure, in an area that development would result in limited impact to the environment and would provide benefits to air quality, while providing electricity for the regional grid – a demonstration of efficient, sustainable growth in the City. This CUP Project provides services and infrastructure that urban growth areas utilize and would provide a foundation for future urban growth patterns to consider. The Project Site would be funded by the private capital and all infrastructure improvements will be paid for by the Developer.
Economic Prosperity Element		
Goal #2	Brand Eloy as a prime regional location for business, community growth and capital investment.	Consistent The high solar irradiance of Arizona, in addition to the availability of highly suitable land for development and the proximity to existing electrical infrastructure, were prime factors that attracted the Applicant to this area. The CUP Project is a utility-scale solar and battery storage development that the City of Eloy could use to leverage their leadership in this industry to attract renewable energy industries and additional development. It will also provide much needed support to the existing substations in the area.

7 **CONFORMANCE WITH CONDITIONAL USE PERMIT APPROVAL CRITERIA**

The Applicant provides the details within this section to justify how the Project would be in conformance with CUP approval criteria as stated in the Eloy Zoning Code as described in Section 21-6-7.4 and outlined below.

A. The proposed use will not be detrimental to the health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;

Response:

The proposed use is not anticipated to have a negative impact on livability, or health and safety of present or future residences within the Project area and would be managed in accordance with local, state, and federal regulations to minimize risk and exposure to the public and the environment. The proposed use and surrounding area is characterized as predominately agricultural with some open desert lands. There are no residences near the CUP boundary.

All applicable City and County fire laws and regulations would be complied with, and all reasonable measures would be taken to prevent fires on the site. Fire hazard risk may be reduced through the control or suppression of weeds and tall grasses within and directly adjacent to the site. All weed control would be conducted in compliance with regulations. As requested, water supplies would be provided on site for rural fire fighting and specialized training would be provided.

B. The proposed use conforms with the purposes, intent, and policies of the adopted Eloy General Plan and its policies and any applicable area, neighborhood, or other plan officially adopted by the City Council

Response:

The Applicant believes the proposed use is consistent with specific goals and policies in the Eloy General Plan and constitutes an overall improvement to the local and regional economy via regional energy production that is not solely for the good or benefit of a particular landowner or other project proponent. This Project would assist the City of Eloy in promoting its goals to create a community with adequate infrastructure and utilities as well as striving to enhance and maintain regional and local air quality and encourage the creation of jobs—both temporary construction jobs and permanent O&M jobs—associated with these types of projects. Finally, the BESS site is located within the area designated by the City of Eloy as suitable for solar, utility scale generation and battery energy storage system facilities.

C. The proposed use conforms with the conditions, requirements, or standards prescribed by this chapter and any other applicable local, State, or Federal requirements

Response:

The Applicant would coordinate closely with all applicable local, county, state, and federal agencies throughout development of the of the property, including the evaluation of enhanced gen-tie routing to adjacent and internal jurisdictions, as well as addressing topics pertaining to land and resource management, public safety, environmental and cultural resources, transportation and infrastructure, economic development, and large-scale solar electrical generation permitting.

D. The proposed conditional use shall conform to the character of the neighborhood, within the same zoning district, in which it is located. In making such a determination, consideration shall include the location, type and height of the buildings or structures and the type and extent of landscaping and screening on the site.

Response:

The CUP Project is located near existing high voltage transmission lines and existing substation. Significant buffers have been included in the site design to provide safety exclusion zones/distancing from surrounding land uses. Furthermore, the proposed project is a more compatible use to the existing substation and provides additional separation from these existing electrical features and the surrounding agriculture and rural land uses.

The proposed use is compatible with the surrounding visual character of the region because of the low-profile design of the BESS, O&M building, and other ancillary facilities, it is not expected to appreciably affect existing views or be discordant with the surrounding landscape.

E. Adequate utilities, access roads, drainage, fire protection, and other necessary facilities shall be provided.

Response:

The project is required to provide improvements to roads (e.g., paving, underground cabling, and site access), septic, and potable water system associated with the O&M building to support the planned land use. Roads surrounding the Project would be paved per request of the City of Eloy.

Fire Apparatus Access Roads would be installed on-site meeting the 75,000 lbs load requirement to the BESS. A water supply source will be provided that complies with the Eloy Fire District requirements and the Applicant will work closely with Eloy Fire District on training and operational procedures of the CUP Site.

F. Adequate measures shall provide ingress and egress so designed as to minimize traffic hazards and traffic congestion on the public roads.

Response:

The proposed use would not generate any daily traffic and therefore will not add to traffic congestion on the public roads in the area. Only vehicles coming to the site will be for routine maintenance checks.

G. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

Response:

Operations would be considered a low intensity use and would not generate air emissions. Project maintenance would generate minimal vehicle and equipment emissions and fugitive dust emissions from personnel accessing the Project site and utilizing limited vehicles or equipment. The proposed use would provide renewable energy storage that could result in improved air quality through reduced emissions from fossil fuel electric generation. With the development of the site, roadway improvement will be provided in accordance with Section 21-3-1.39. of the Zoning Ordinance.

H. The proposed use shall not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted, nor substantially diminishes or impair the property values within the neighborhood.

Response:

The proposed BESS, substation and O&M building will have no negative impact on surrounding uses as this use does not create noise, light pollution, emit gas or odor nor does it produce traffic. All owners in the immediate area will continue to enjoy the use of their property. Additionally, the project will have significant setbacks from all property lines to ensure adequate buffering from surrounding uses.

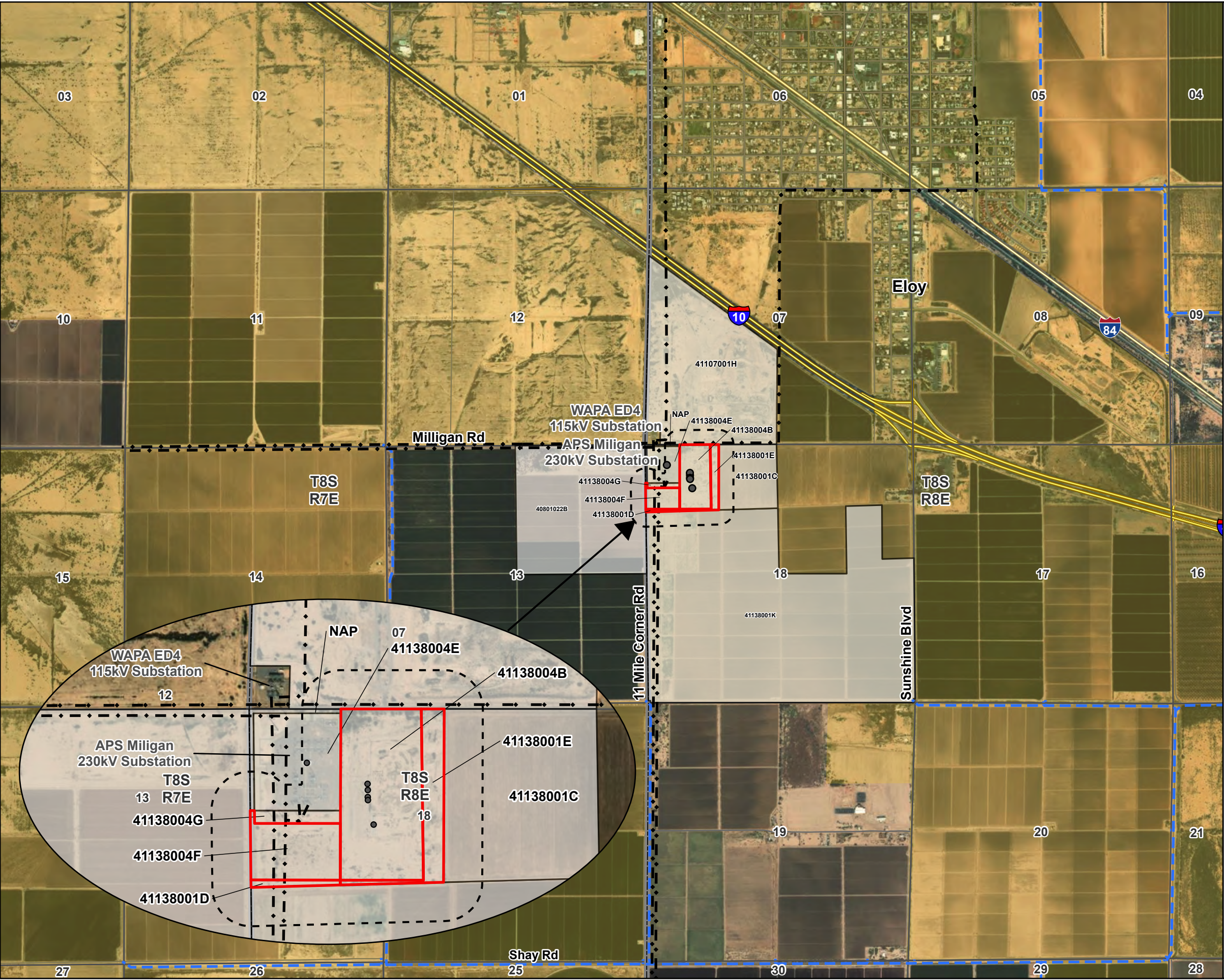
- I. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district. (Ord. 18-880, 7-23-2018)**

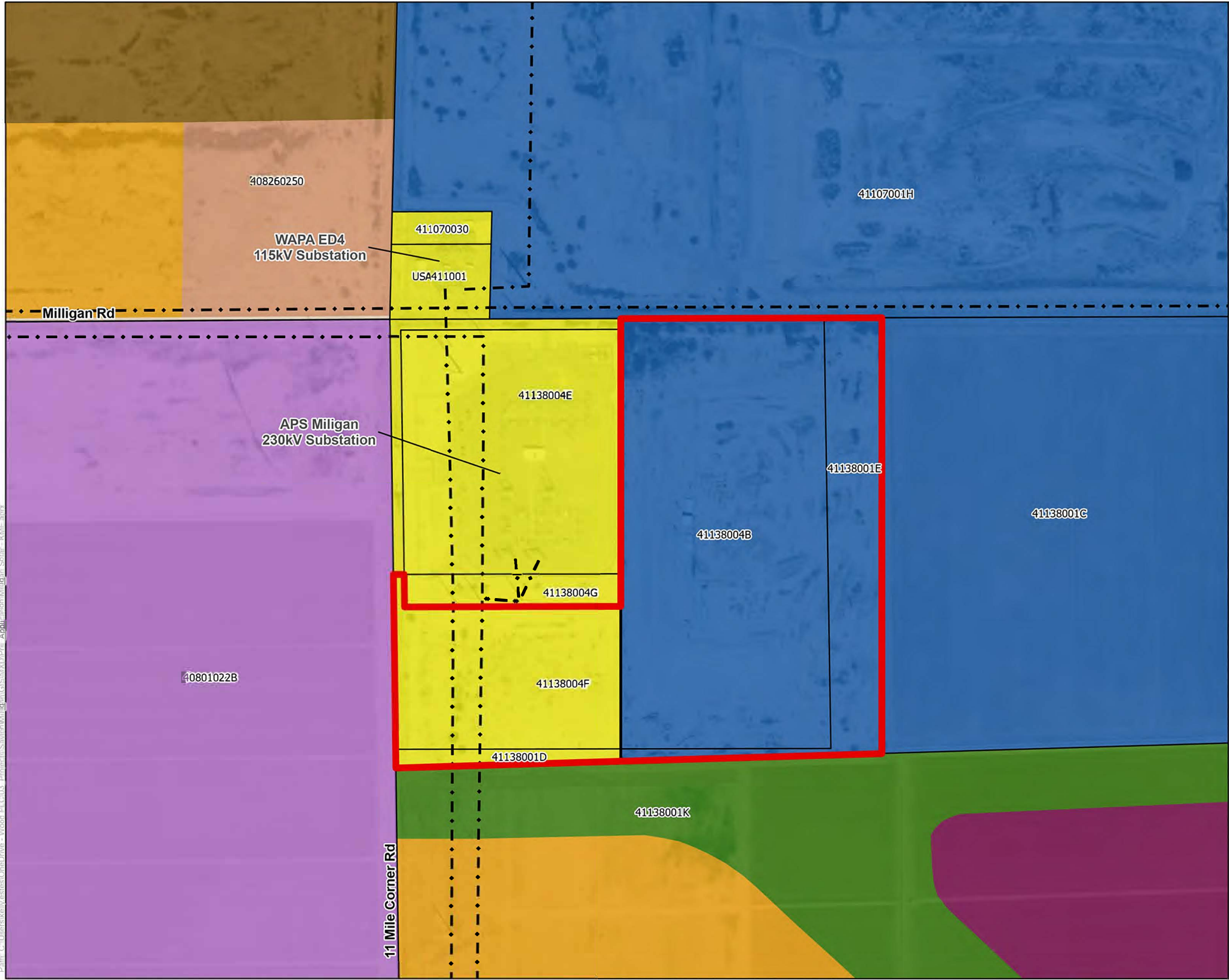
Response:

As previously mentioned the proposed use will not impede on surrounding development as it is not a noxious use. Additionally, the layout has been designed with significant setbacks from all property lines to provide adequate buffer for adjacent properties.

8 SUMMARY

The requested CUP to allow the development and operation of a BESS, substation with O&M building is justified as a needed support system located adjacent to an existing substation, near high voltage transmission lines, and adjacent to a proposed Solar Project. The surrounding area is currently vacant land or agricultural land which is compatible with the proposed use and the majority of the surrounding property is designated for Light Industrial use Approval of this CUP will allow for the storage of electrical energy that can be released into the region's electrical grid when the sun goes down. This Project Site would provide regional benefits to the City of Eloy and Pinal County at no cost to the City or local residents.





- Legend**
- CUP Project Boundary
 - • — Transmission Line
- City of Eloy Zoning**
- C-1 Neighborhood Commercial
 - I-1 Light Industrial
 - I-2 General Industrial
 - OSR Open Space Recreational
 - R-3 Multiple Family Residential (10-24 du/acre)
 - R1-43 Estate Residential (43,560 sq. ft.)
 - R1-54 Estate Residential (1.25 acres/du)
 - R1-6 Single Family Residential (6,000 sq.ft.)

0 150 300 Feet

N

**Milligan Energy Center
Eloy, Arizona**

Attachment 2: CUP Zoning Map

Job No.	24616304
PM:	EC
Date:	5/21/2024
Scale:	1"= 300 feet

wood.

The map shown here has been created with all due and reasonable care and is strictly for use with Wood Project Number 24616304. This map has not been certified by a licensed land surveyor, and any third party use of this map comes without warranties of any kind. Wood assumes no liability, direct or indirect, whatsoever for any such third party or unintended use.

DRAWING INDEX		
SHEET NUMBER	SHEET TITLE	REVISION
C100	OVERALL SITE PLAN	B
C105	SITE PLAN 1 OF 1	B
C501	SITE DETAILS	B
L101	LANDSCAPE DETAILS	B

 TYPE E LANDSCAPE BUFFER
 TYPE G LANDSCAPE BUFFER
 PROPERTY BOUNDARY
 100' BOUNDARY SETBACK
 75' BOUNDARY SETBACK
 PROPOSED RIGHT OF WAY
 PROPOSED RIGHT OF WAY 50' SETBACK
 SECURITY FENCE

**WOOD
RENEWABLES, PROJECT DEVELOPMENT
& ENGINEERING**
3636 Executive Drive, Suite 100
Austin, TX 78731
WEB: WWW.WOODPLC.COM

[illegible][illegible]

INTERIM PROJECT PLAN
CONCEPTUAL OVERALL SITE PLAN

CENTER, LLC

REAL:

REAL:

TODD FARMER, P.E.
AZ P.E. LICENSE NO. 40970

CIVIL DESIGN BY:	SOLAR DESIGN BY:
KV	NA

CHECKED BY: AC	SCALE: 1" = 600'

PROJECT NUMBER:	24616301

DRAWING NUMBER:

C-100

SHEET NUMBER:

1 OF 4

Table 4

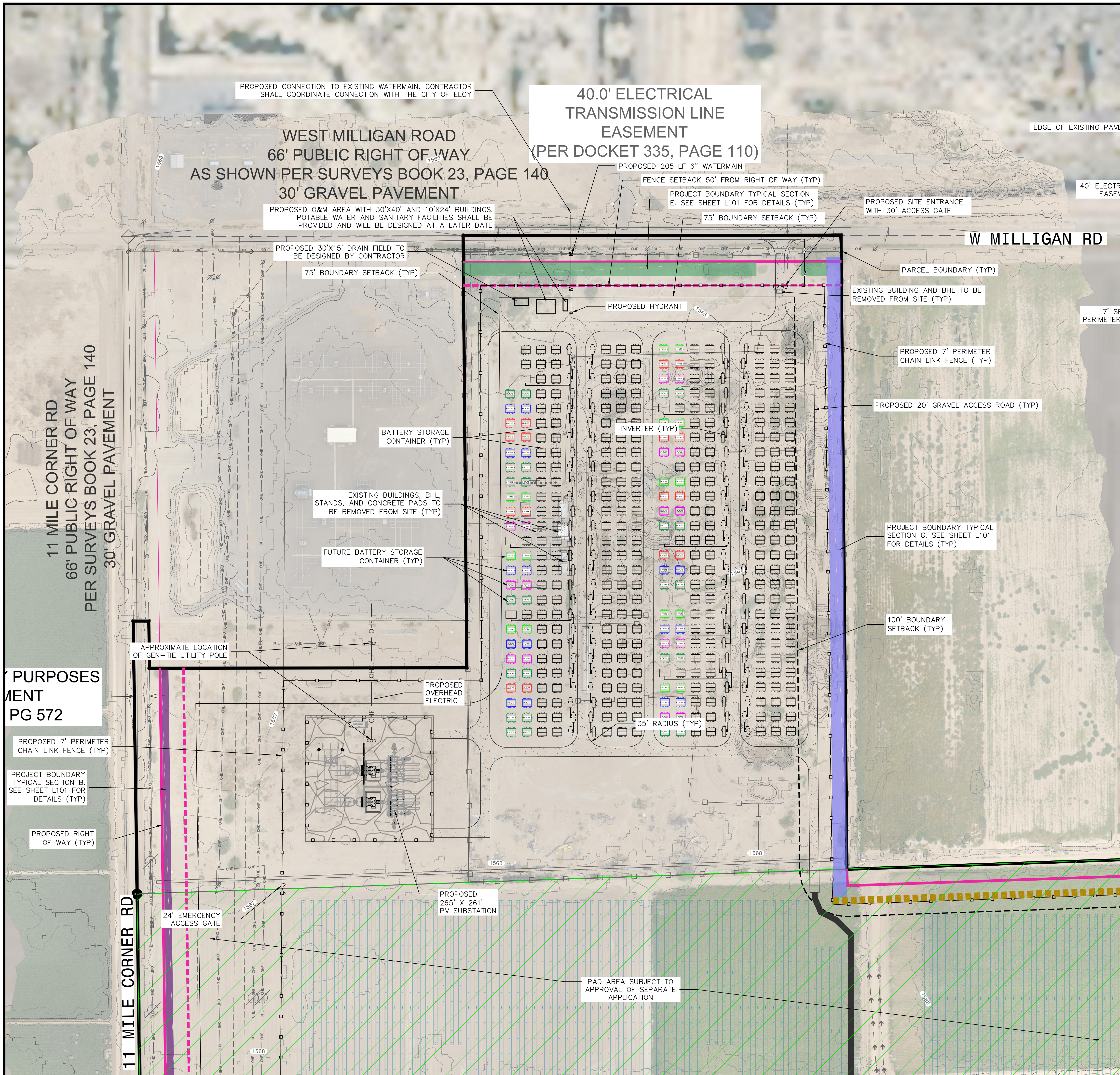
WORK SAFELY

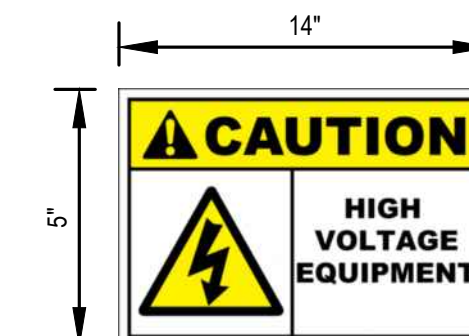
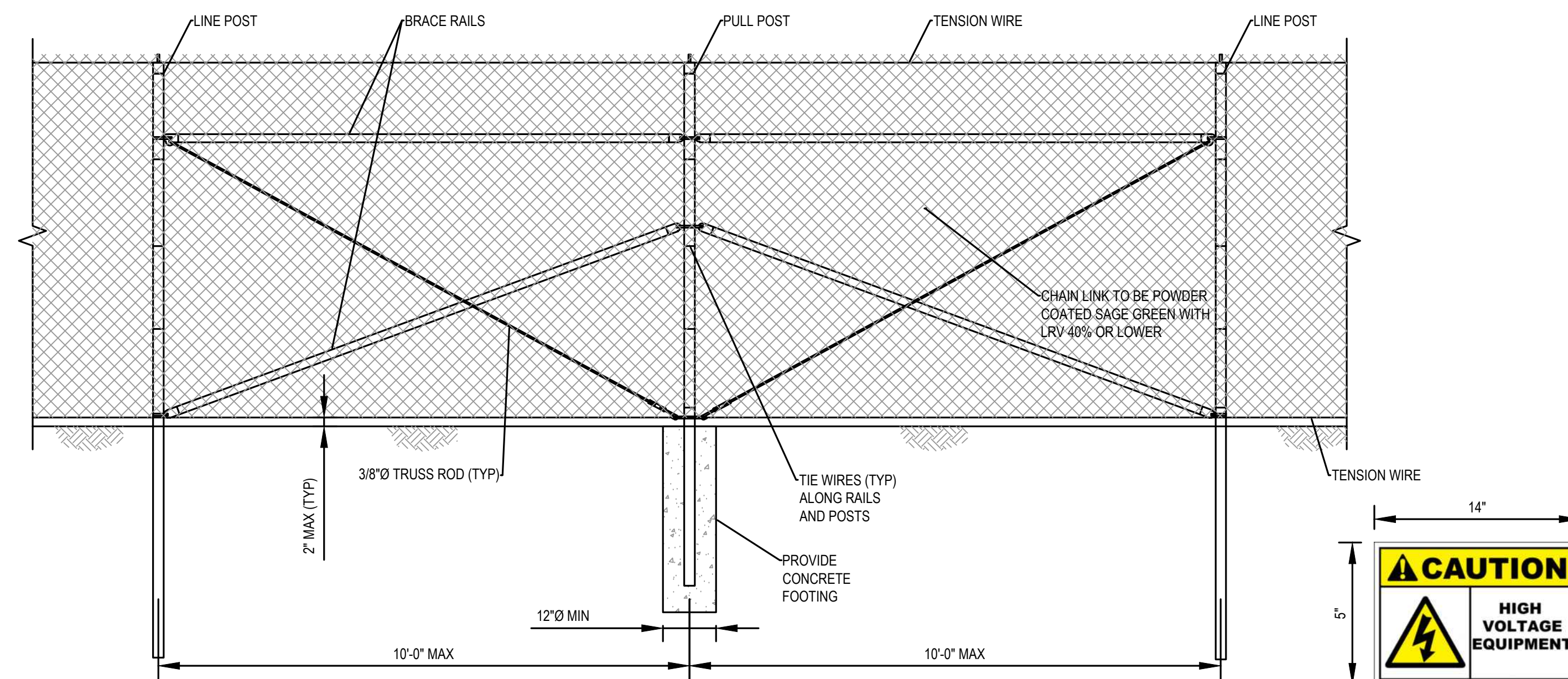
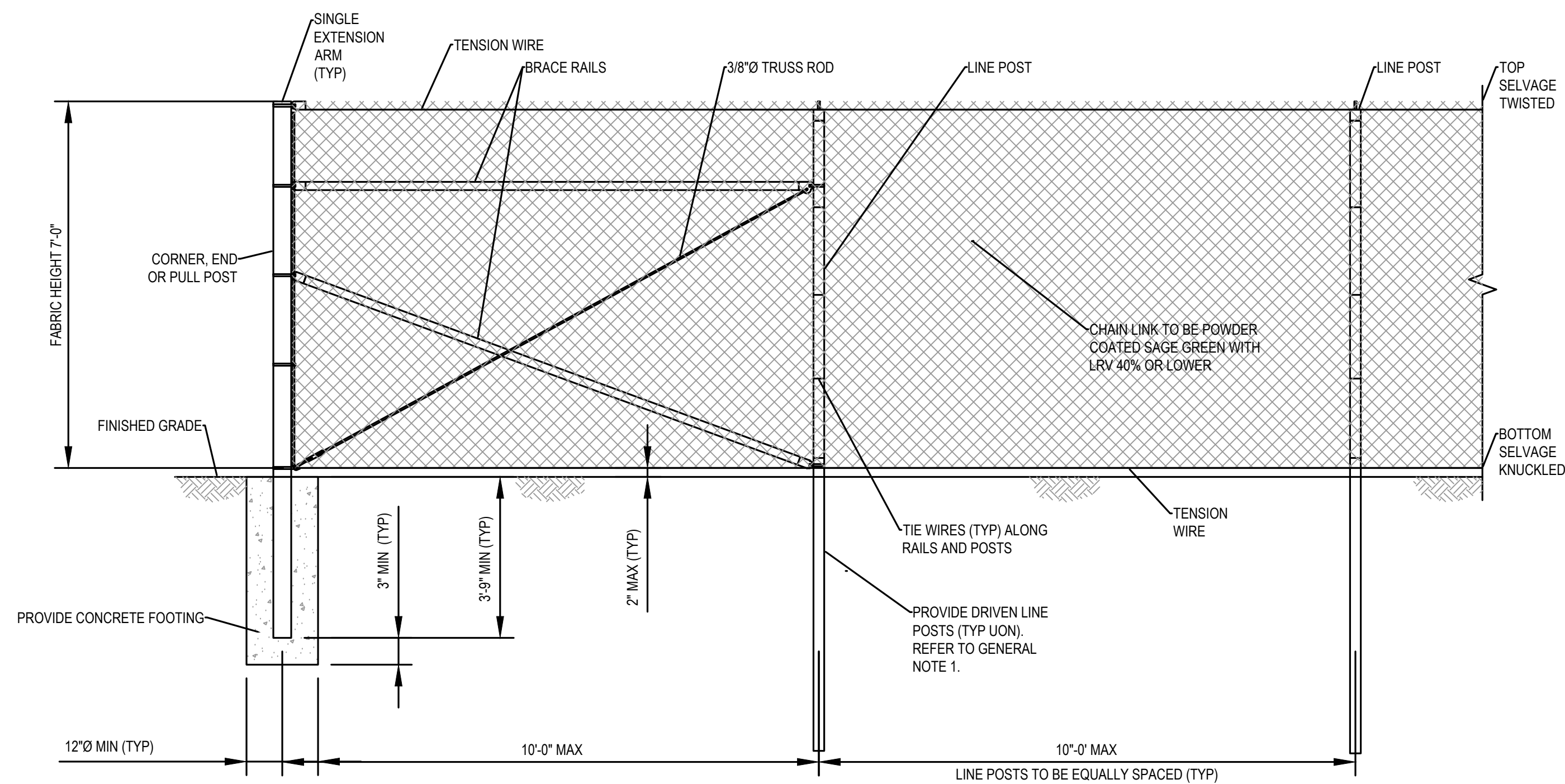
B	06/28/2024			ISSUED FOR PERMITTING	KV	RB
A	05/24/2024			ISSUED FOR PERMITTING	KV	RB
REVISION	DATE			ISSUE / REVISION DESCRIPTION	ISSUED	APPROVED

PROJECT:	MILLIGAN ENERGY CENTER
TITLE:	INTERIM PROJECT PLAN CONCEPTUAL SITE PLAN 1 OF 1

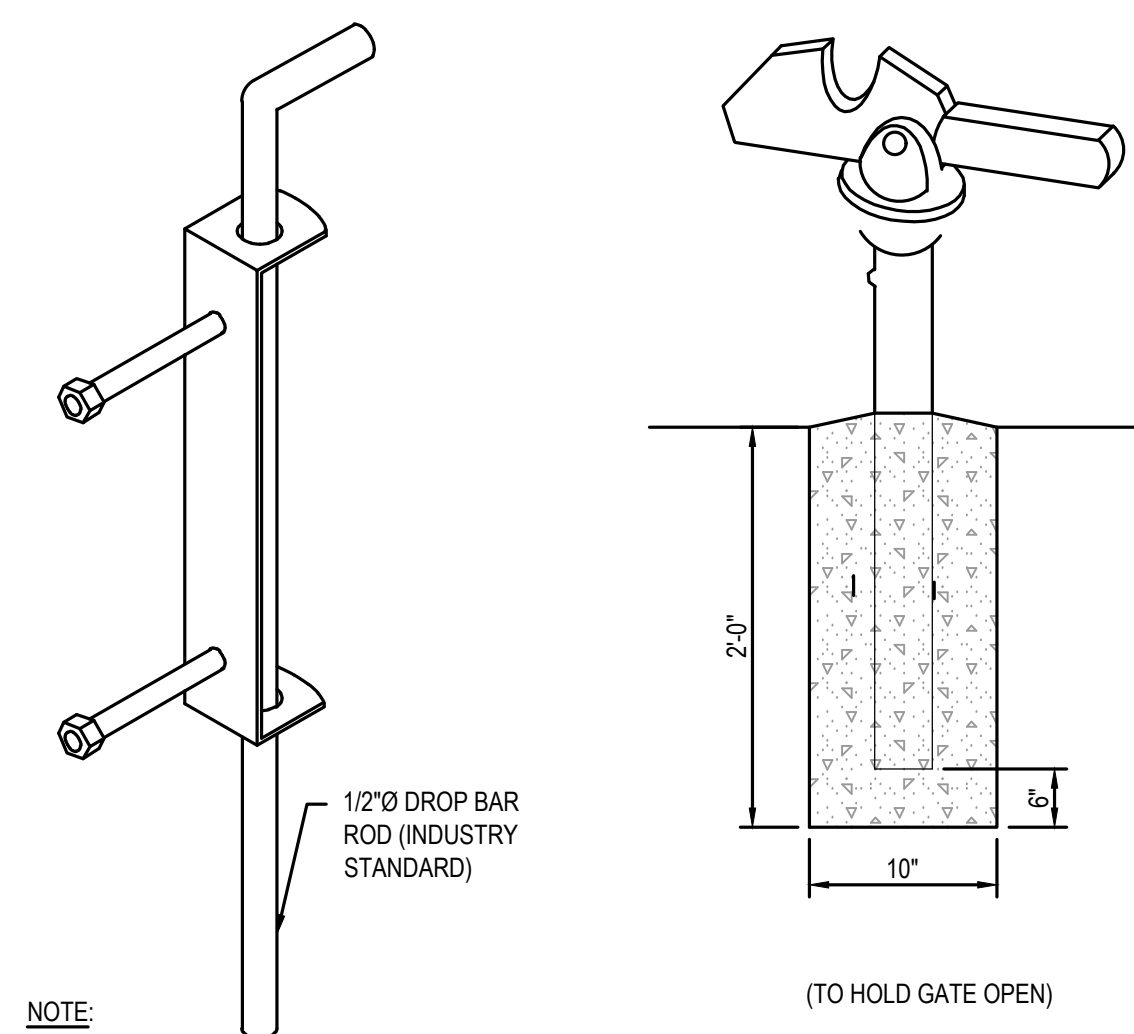
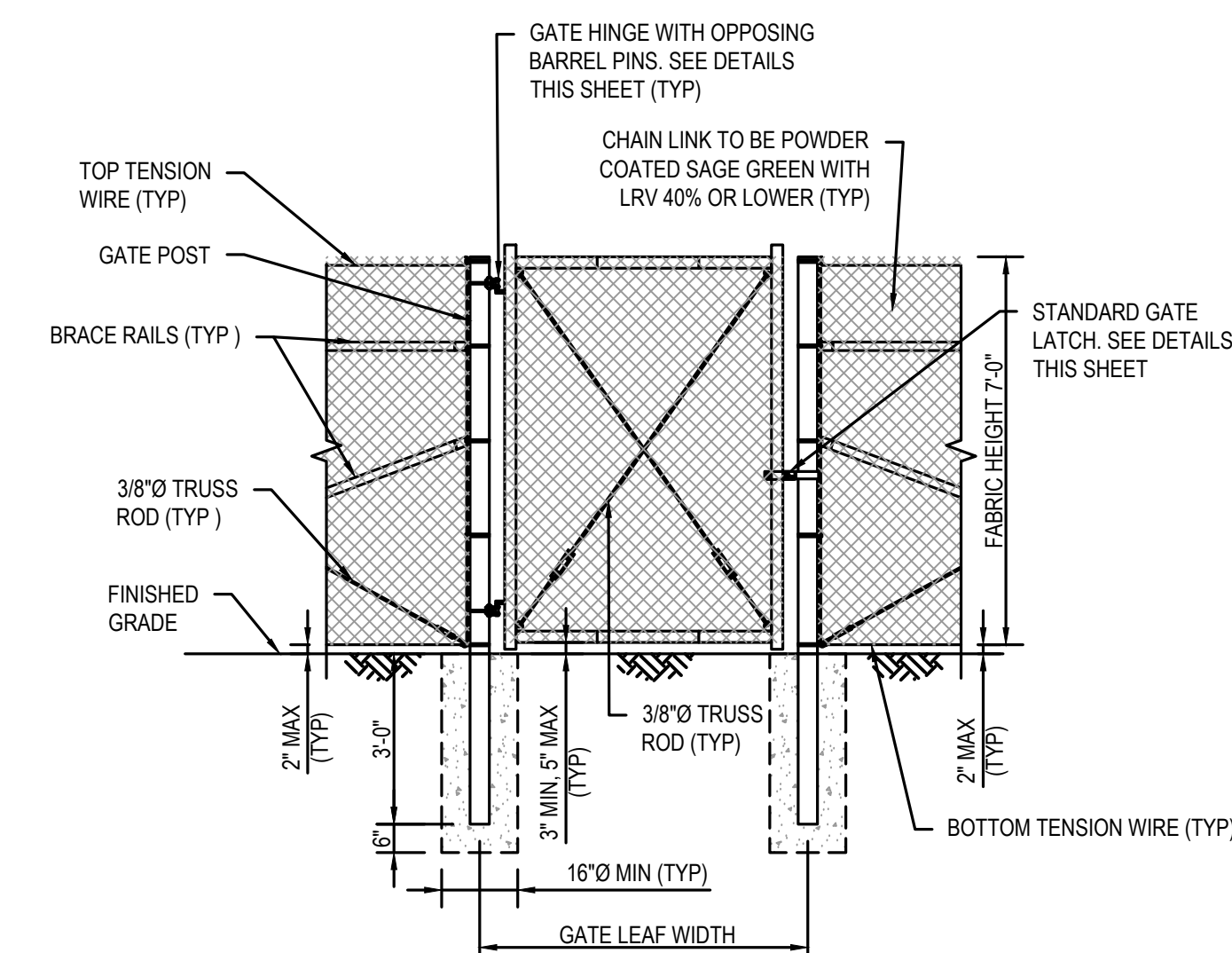
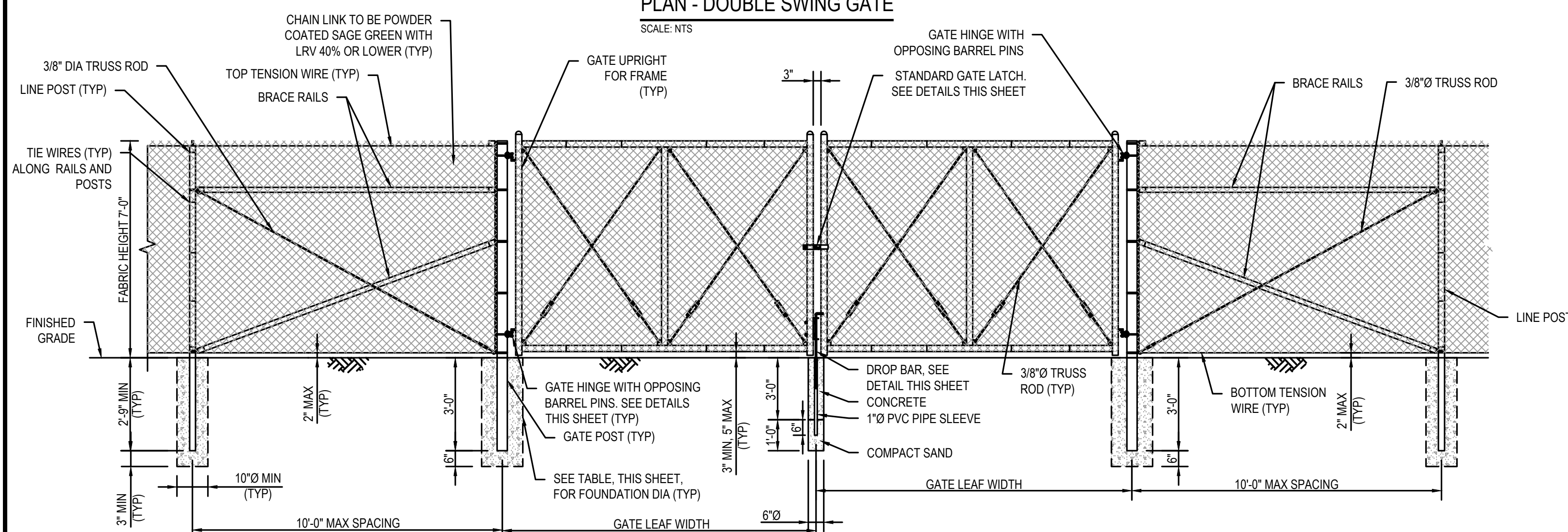
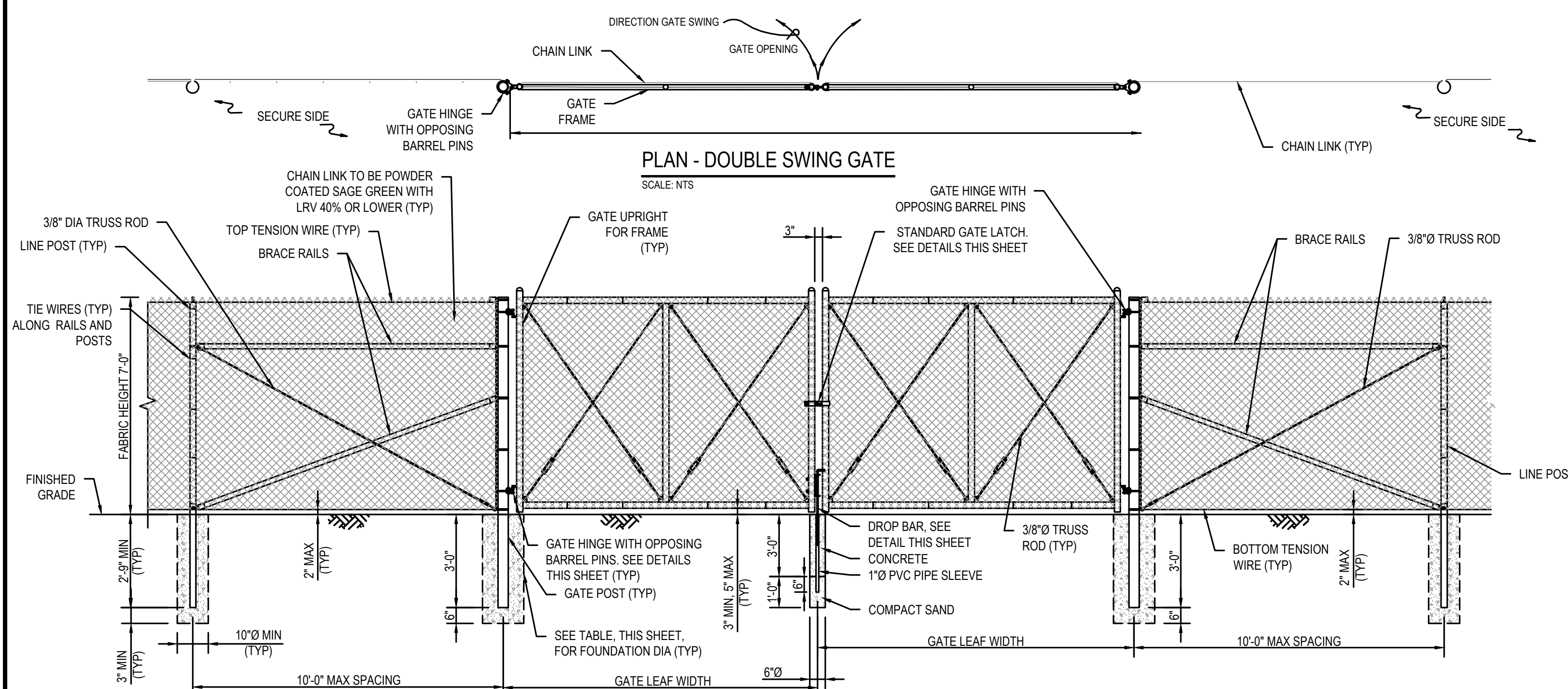
CLIENT: MILLIGAN ENERGY CENTER, LLC

TODD FARMER, P.E. AZ P.E. LICENSE NO. 40970	
CIVIL DESIGN BY: KV	SOLAR DESIGN BY: NA
CHECKED BY: AC	SCALE: 1" = 100'
PROJECT NUMBER: 24616301	
DRAWING NUMBER: C-105	
SHEET NUMBER: 2 OF 4	





PERIMETER FENCE WARNING



NOTE:

PROVIDE ONE DROP BAR FOR EACH DOUBLE SWING GATE. ASSOCIATED SLEEVE TO BE INSTALLED FLUSH WITH GRADE AT FULLY CLOSED POSITION. CONTRACTOR SHALL PROVIDE 6" LAYER OF #10 SAND BELOW BOTTOM OF SLEEVE TO ALLOW FOR DRAINAGE.

WORK SAFELY



	B	06/28/2024	ISSUED FOR PERMITTING	KV	RIB
	A	06/24/2024	ISSUED FOR PERMITTING	KV	RIB
REVISION		DATE	ISSUE / REVISION DESCRIPTION	ISSUED	APPROVED

PROJECT: MILLIGAN ENERGY CENTER

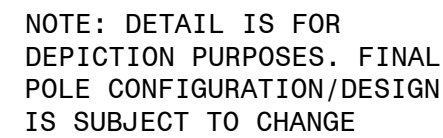
TITLE: INTERIM PROJECT PLAN
CONCEPTUAL LANDSCAPE CONCEPTS

CLIENT: MILLIGAN ENERGY CENTER, LLC

SEAL:	
TODD FARMER, P.E. AZ P.E. LICENSE NO. 40970	
CIVIL DESIGN BY: KV	SOLAR DESIGN BY: NA
CHECKED BY: AC	SCALE: NA
PROJECT NUMBER: 24616301	
DRAWING NUMBER: L-101	
SHEET NUMBER: 4 OF 4	

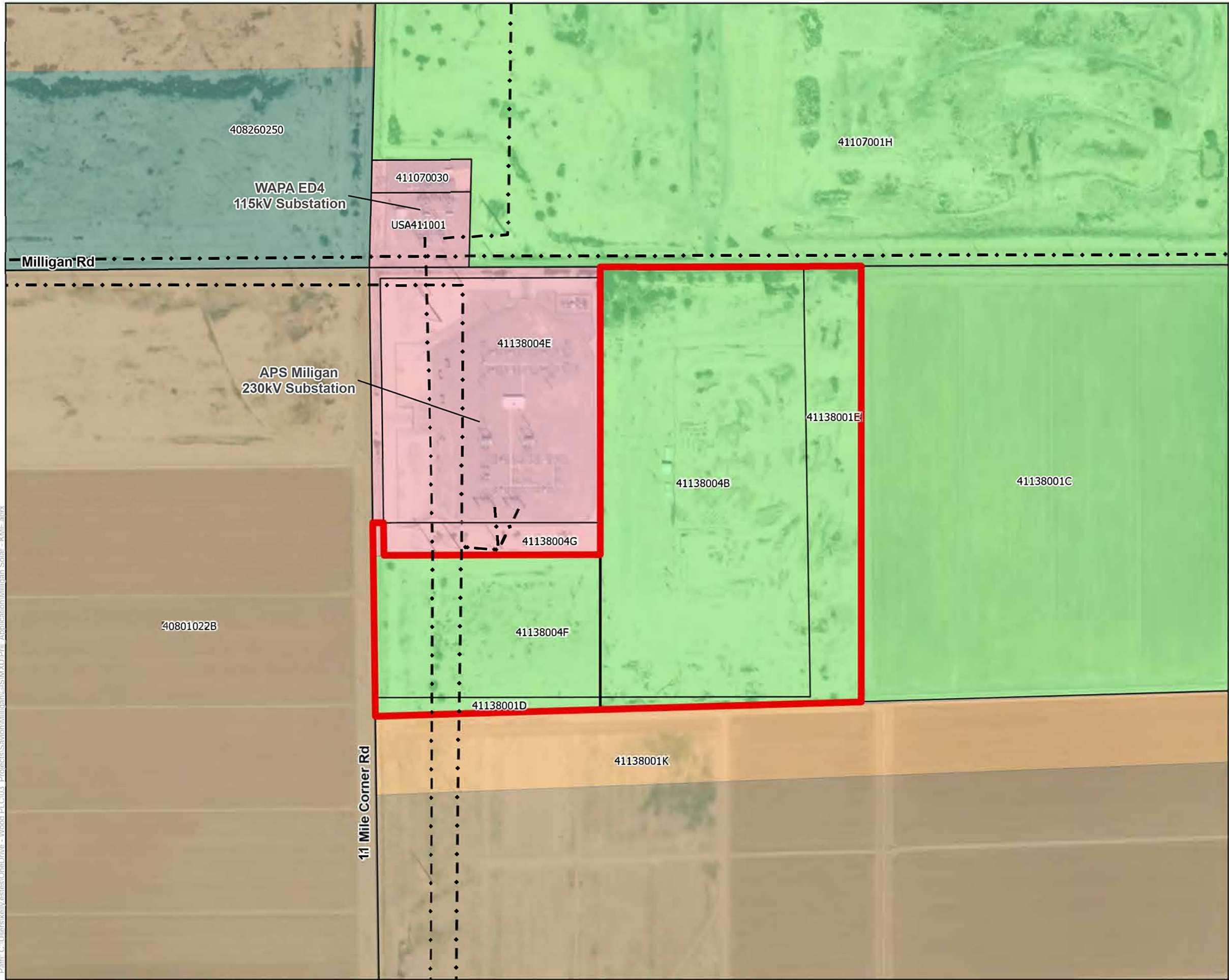


1. VEGETATIVE DENSITY OF THE PROPOSED LANDSCAPE SCREENING WILL BE DETERMINED AT A LATER DATE.
2. VEGETATION SPECIES SHOWN ARE FOR DEPICTION PURPOSES. FINAL VEGETATION SPECIES SHALL BE COORDINATED WITH THE CITY OF ELOY.
3. LANDSCAPE BUFFERS ARE TO BE SERVED WITH A DRIP IRRIGATION SYSTEM AND WATER STORAGE TANK. PLANTINGS SHALL BE IRRIGATED ON A REGULAR BASIS TO PROMOTE VIGOROUS VEGETATIVE GROWTH.
4. DEPENDING ON TREE SPECIES SELECTED, OVERALL PLANT GENERATION MAY BE NEGATIVELY AFFECTED BY PROPOSED LANDSCAPING SHADOWS.



SCALE: NTS

UNLESS OTHERWISE AGREED IN A WRITTEN CONTRACT BETWEEN WOOD GROUP, INC. AND ITS CLIENT: (I) THIS DOCUMENT CONTAINS INFORMATION, DATA AND DESIGN THAT IS CONFIDENTIAL AND MAY NOT BE COPIED OR DISCLOSED; AND (II) THIS DOCUMENT MAY ONLY BE USED BY THE CLIENT IN THE CONTEXT AND FOR THE EXPRESS PURPOSE FOR WHICH IT HAS BEEN DELIVERED. ANY OTHER USE OR RELIANCE ON THIS DOCUMENT BY ANY THIRD PARTY IS AT THAT PARTY'S SOLE RISK AND RESPONSIBILITY.



- Legend**
- CUP Project Boundary
 - Transmission Line
 - General Plan Designated Land Use**
 - Community commercial
 - Light industrial
 - Medium density residential
 - Medium-High density residential
 - Parks/Open space
 - Public/Institutional

Milligan Energy Center
Eloy, Arizona

Attachment 4: CUP Land Use Map

Job No.	24616304
PM:	EC
Date:	5/21/2024
Scale:	1"= 300 feet

The map shown here has been created with all due and reasonable care and is strictly for use with Wood Project Number 24616304. This map has not been certified by a licensed land surveyor, and any third party use of this map comes without warranties of any kind. Wood assumes no liability, direct or indirect, whatsoever for any such third party or unintended use.

**WOOD
RENEWABLES, PROJECT DEVELOPMENT
& ENGINEERING**
3636 Executive Drive, Suite 100
Austin, TX 78731
WEB: WWW.WOODPLC.COM

TYPE A LANDSCAPE BUFFER

TYPE B LANDSCAPE BUFFER

TYPE B-R LANDSCAPE BUFFER

TYPE C LANDSCAPE BUFFER

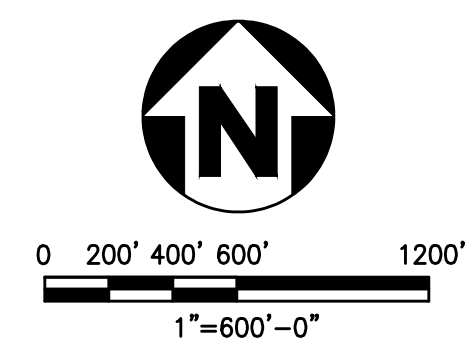
TYPE C-R LANDSCAPE BUFFER

TYPE D LANDSCAPE BUFFER

TYPE E LANDSCAPE BUFFER

TYPE F LANDSCAPE BUFFER

TYPE G LANDSCAPE BUFFER



WORK SAFELY

[illegible]

EXHIBIT Z
INTERIM PROJECT PLAN
CONCEPTUAL LANDSCAPE PLAN

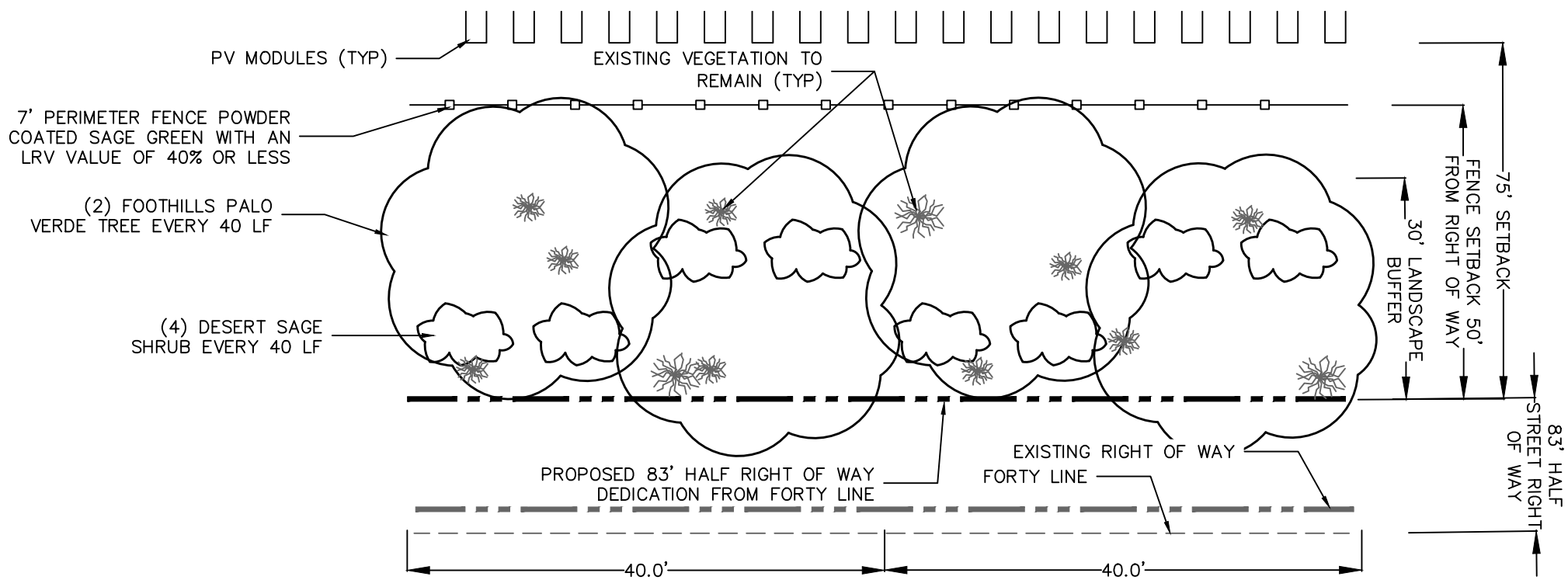
MILLIGAN ENERGY
CENTER, LLC

EAL:

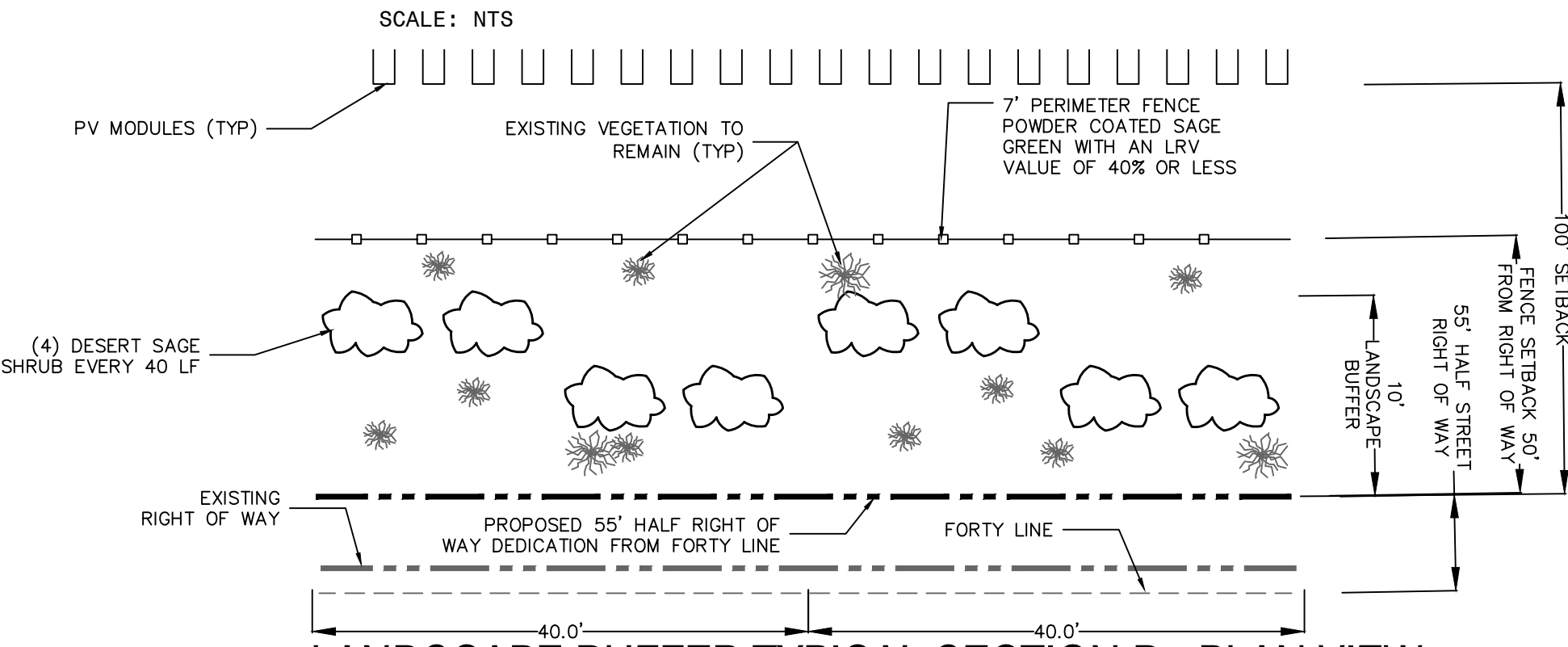
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DRAWING NUMBER:
L-100

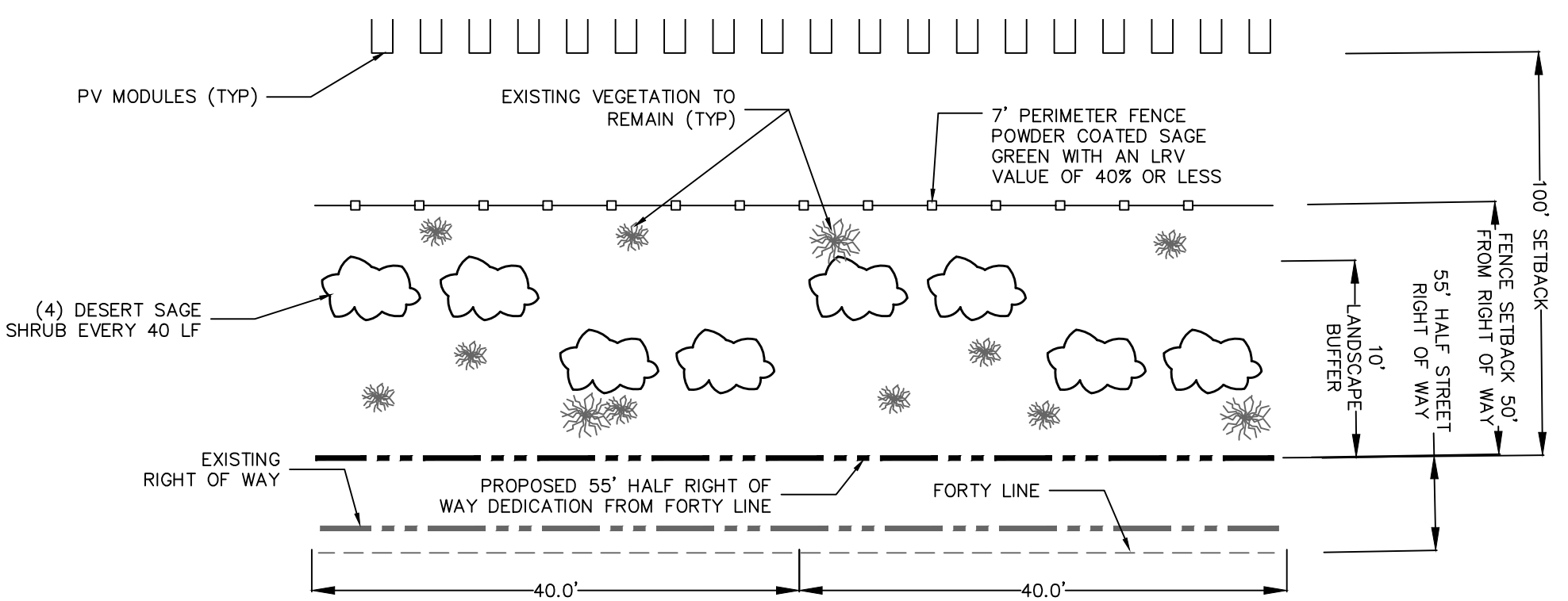
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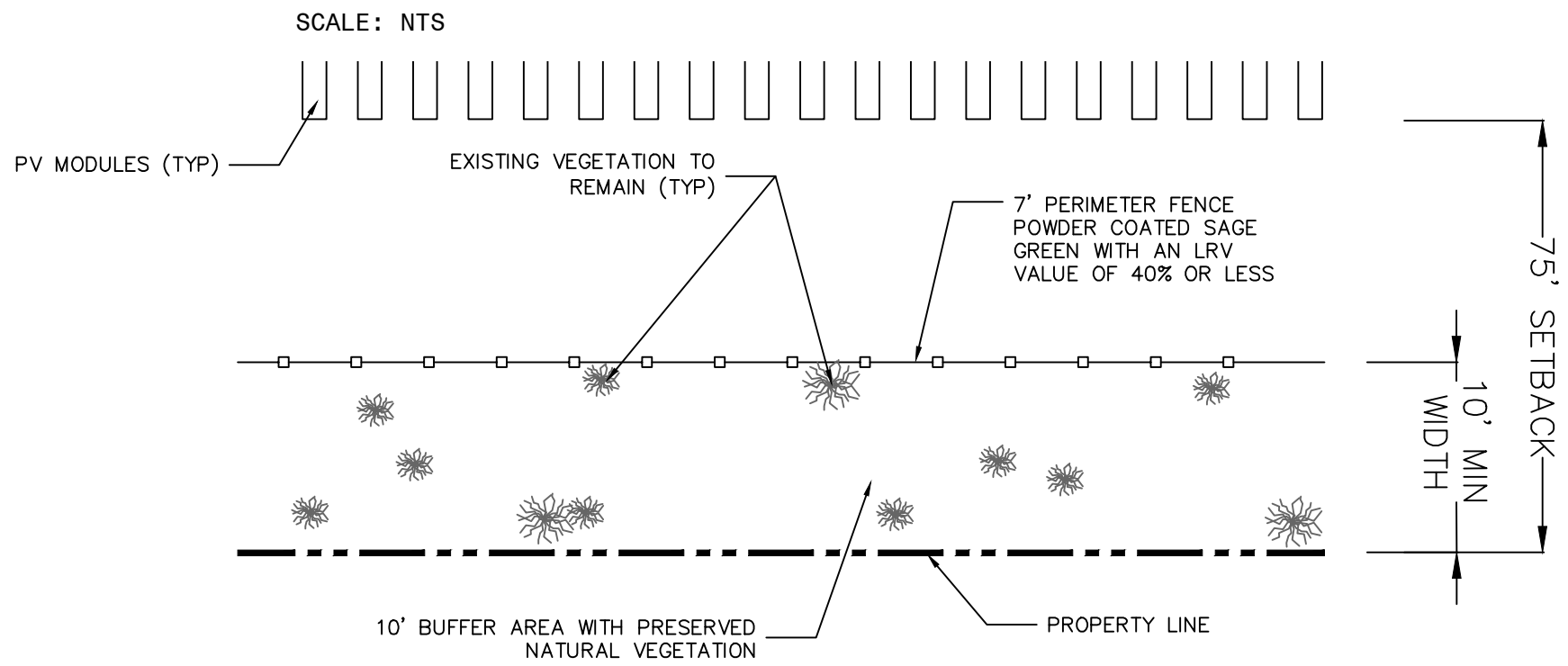
LANDSCAPE BUFFER TYPICAL SECTION A - PLAN VIEW



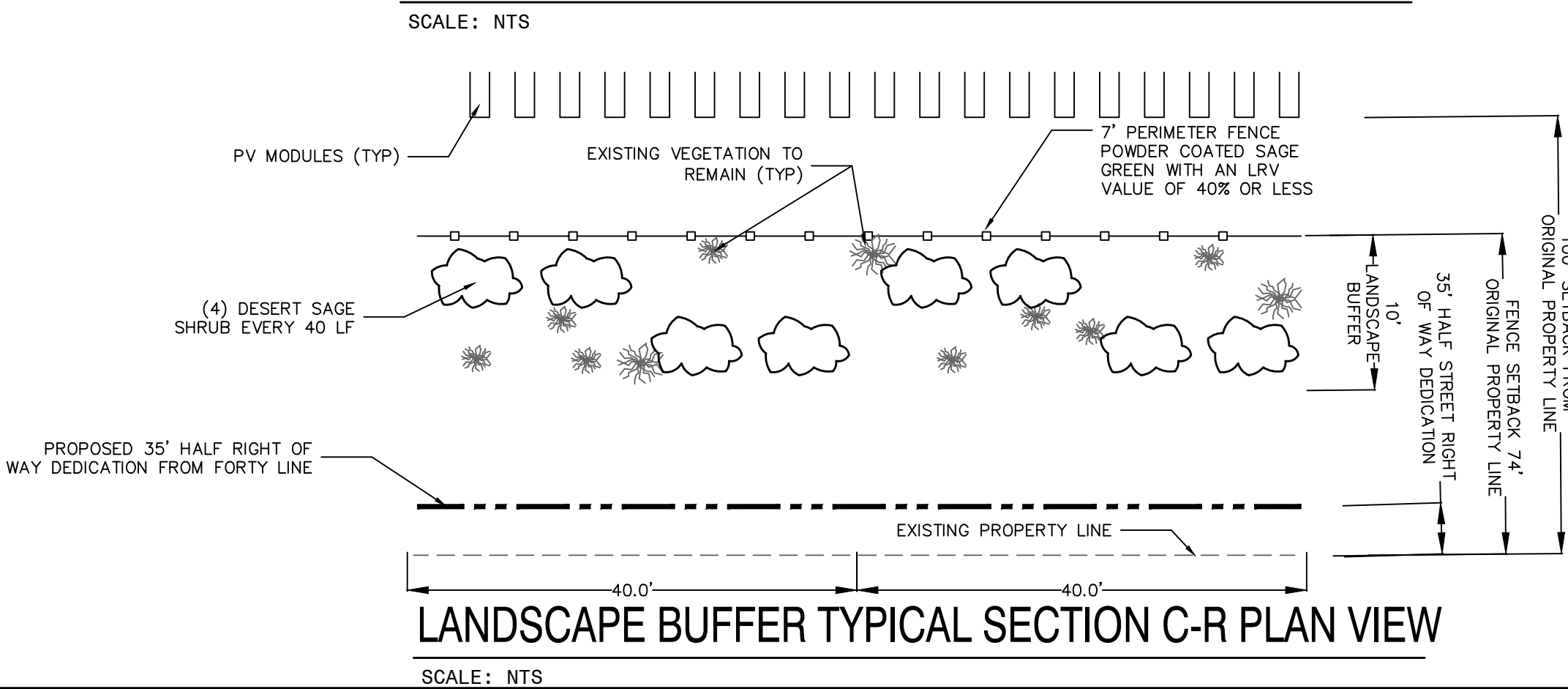
LANDSCAPE BUFFER TYPICAL SECTION B - PLAN VIEW



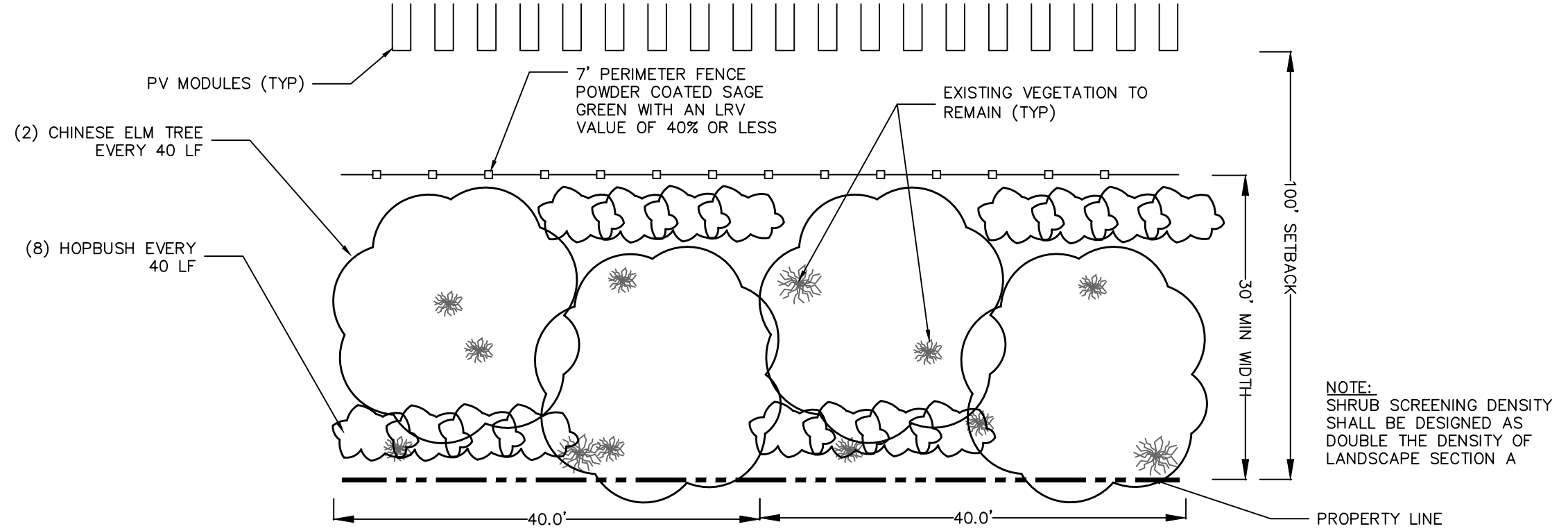
LANDSCAPE BUFFER TYPICAL SECTION B-R PLAN VIEW



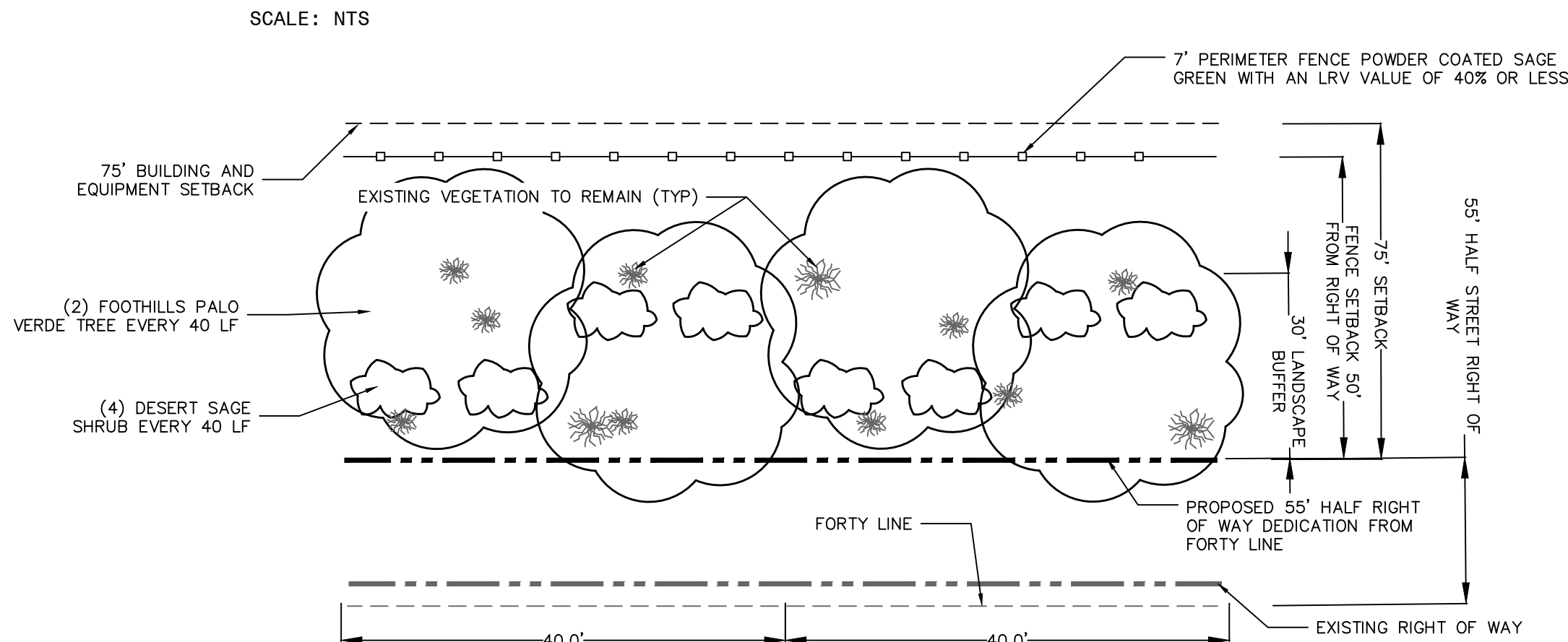
LANDSCAPE BUFFER TYPICAL SECTION C PLAN VIEW



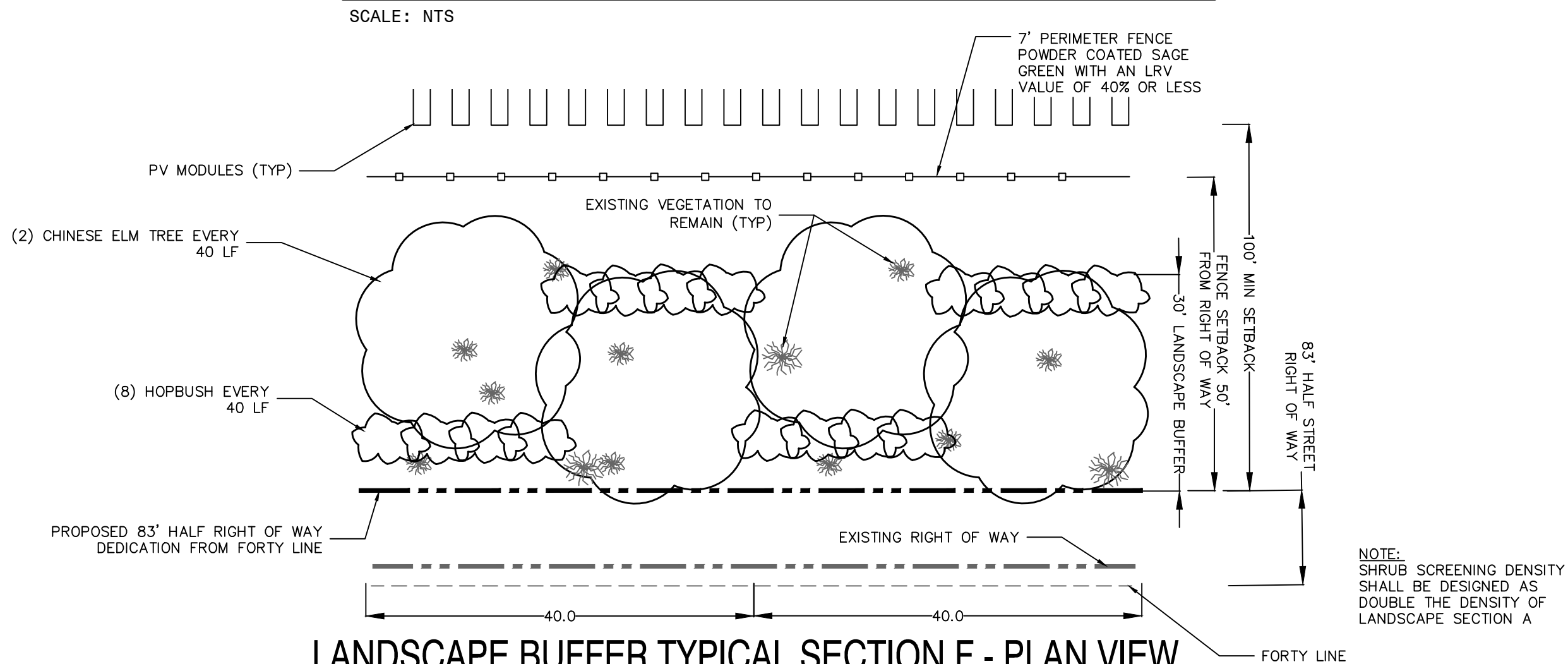
LANDSCAPE BUFFER TYPICAL SECTION C-R PLAN VIEW



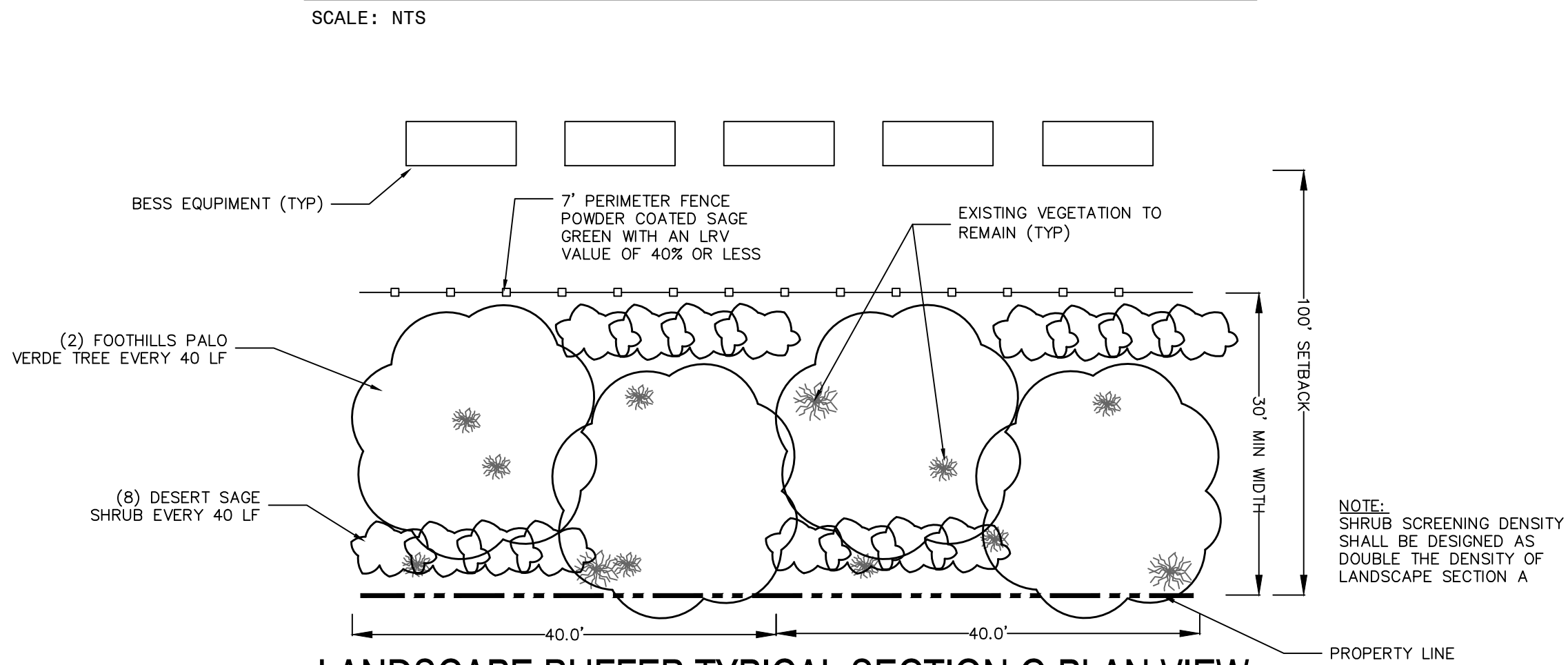
LANDSCAPE BUFFER TYPICAL SECTION D PLAN VIEW



LANDSCAPE BUFFER TYPICAL SECTION E - PLAN VIEW



LANDSCAPE BUFFER TYPICAL SECTION F - PLAN VIEW



LANDSCAPE BUFFER TYPICAL SECTION G PLAN VIEW

NOTES:

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WORK SAFELY

wood.

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& ENGINEERING
3636 Executive Drive, Suite 100
Austin, TX 78731
WEB: WWW.WOODPLC.COM

ISSUED	REVISED	DATE	REVISION
RB	KV	06/26/2024	C
RB	KV	05/24/2024	B
TF	KV	11/09/2023	A

MILLIGAN ENERGY
CENTER

EXHIBIT Z
INTERIM PROJECT PLAN
CONCEPTUAL LANDSCAPE CONCEPTS

MILLIGAN ENERGY
CENTER, LLC

CLIENT:

SEAL:

TODD FARMER, P.E. AZ P.E. LICENSE NO. 40970	CIVIL DESIGN BY: SOLAR DESIGN BY:
KV	NA
CHECKED BY: AC	SCALE: NA
PROJECT NUMBER: 24616301	DRAWING NUMBER: L-101
SHEET NUMBER: 2 OF 2	

Conditions of Approval for Conditional Use Permit:

Case No. CUP2023-053

Milligan Energy Center

These stipulations are in order to protect the public health, safety, and welfare of the City of Eloy.

SITE DEVELOPMENT

1. **DEVELOPMENT.** The Site Plan, Building Plans, and Construction of the Milligan Energy BESS Project shall be in compliance with the Conditional Use Permit Narrative and the Conceptual Site Plan (dated July 17, 2024) and the Eloy Zoning Ordinance; if mutually executed.
2. **MODIFICATIONS.** Any major changes or modifications to the subject CUP shall be reviewed and processed following those procedures outlined in the Eloy Zoning Ordinance, as may be amended from time to time. The Zoning Administrator or designee, may administratively approve minor amendments and will determine the difference between major and minor amendments.
3. **SITE PLAN.** The Property Owner/Developer shall submit and receive the Zoning Administrator or designee approval for the Site Plan for the entire approximate 33-acre site prior to the approval of construction plans for any part of the subject property.
4. **RIGHT-OF-WAY.** Prior to the issuance of a building permit for the development of site any use other than a Utility Scale Generation and Battery Energy Storage System Facility, or the decommissioning of the Utility Scale Generation and Battery Energy Storage System Facility use, whichever is first, the property owner dedicate the southernmost 35 feet of the Conditional Use Permit site as right-of-way.
5. **EXPIRATION.** The Conditional Use Permit (Case No. CUP2023-053) shall expire on August 12, 2026, unless the Conditional Use Permit has been used, or extended by the City Council.

CITY OF ELOY

REQUEST FOR COMMISSION ACTION

Agenda Item: **VI.C.**

Date: **7/17/2024**

Date submitted:
07/12/2024

Action: Other

**Subject: Discussion and Comments
on Case No. ZTA2024-002 Planning
and Zoning Commission
Responsibilities and Reasonable
Accommodations**

Date requested:
7/17/2024

TO: Planning and Zoning Commission

FROM:

RECOMMENDATION:

Hold a discussion and take public comments.

DISCUSSION:

The proposed Zoning Text Amendment to the City of Eloy Zoning Ordinance has three primary objectives. These objectives include:

1. Consolidation of responsibilities: Modify the City of Eloy Zoning Ordinance, Chapter 21, to consolidate the duties and responsibilities of the Airport Advisory Board, Board of Adjustment, and Revitalization Commission within the purview of the Planning and Zoning Commission. Remove all references to the Revitalization Commission from the chapter.
2. Align and simplify: Align and remove conflicts and redundant provisions between Chapter 2, Article IV: Commissions, Boards, and Bureaus, and City of Eloy Zoning Ordinance, Chapter 21.
3. Incorporate process for reasonable accommodation: Incorporate a methodology for the Board of Adjustment to hear and decide on requests for modifications to the Zoning Ordinance provisions to provide accommodations for persons with disabilities pursuant to federal and Arizona fair housing laws (42 U.S.C. § 3600 et seq. and A.R.S. §41-1491 et seq.).

Furthermore:

- Allow the Board of Adjustment to impose reasonable conditions in a decision to approve a variance and reasonable accommodation.

- Enable the Board of Adjustment to hear and decide on appeals alleging errors in orders, requirements, or decisions made by the Zoning Administrator in the enforcement of the subdivision ordinance (Chapter 15 Subdivisions) of the Eloy Code.

This proposed amendment to the Zoning Ordinance is necessary to align and remove redundancies and conflicts between Chapter 2, Article IV: Commissions, and Chapter 21 Zoning. It complements a separate amendment to the Eloy Code's Chapter 2, Article IV: Commissions, to consolidate the duties and responsibilities of the Airport Advisory Board, Board of Adjustment, and Revitalization Commission within the purview of the Planning and Zoning Commission.

For reference purposes, the recommended revised scope and purpose of the Planning and Zoning Commission is to act as an advisory board to the City Council on various matters including airport and airpark planning and development, architectural and site plan guidelines, code enforcement, public and private development review, downtown improvements, historic preservation, infrastructure guidelines, land use, redevelopment, public art, and zoning matters. This scope includes the duties of the Board of Adjustment and other matters assigned by the City Council within the realm of planning and zoning powers available to cities in Arizona.

Regardless of whether the City Council chooses to initiate the consolidation of the duties and responsibilities of the aforementioned boards/commissions into the purview of the Planning and Zoning Commission, modifications to Chapter 2, Article IV: Commissions, Boards, and Bureaus, and Chapter 21 Zoning are still necessary to remove redundancies and conflicts within the Eloy Code.

Additionally, new duties and responsibilities are proposed to be added to the Board of Adjustment. In accordance with both Arizona and Federal Fair Housing Acts, methods to request reasonable accommodations for dwellings are necessary. The U.S. Housing and Urban Development Department generally describes a reasonable accommodation as "a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling." Currently, the Zoning Ordinance does not contain provisions to allow for reasonable accommodation requests; furthermore, Section §9-462.04 of the Arizona Revised Statutes requires that any modification to a property development standard of ten (10) percent or greater requires a public hearing.

The proposed modifications would enable individuals with disabilities to submit requests for reasonable accommodations that would modify the property development standards of the Zoning Ordinance for a lot or parcel. In addition, the revised provisions would empower the Board of Adjustment to hear and decide on these requests for reasonable accommodations. Furthermore, the proposed modifications would allow the Board of Adjustment to impose reasonable conditions in a decision to approve a variance and reasonable accommodation.

Another recommended modification involves allowing the Board of Adjustment to hear and decide appeals concerning the Zoning Administrator's interpretation and enforcement of Chapter 15 Subdivisions. Currently, the Subdivision and Zoning Ordinances lack a mechanism for property owners, developers, and applicants to have the Zoning Administrator's decisions reviewed, other than through an action in the Superior Court. Therefore, the proposed modification would authorize the Board of Adjustment to review such appeals. Additionally, the modification includes provisions to "stay" all proceedings related to any appeal of the Zoning Administrator's decision, enforcement, interpretation, or order until the final decision on the appeal has been rendered.

FISCAL IMPACT:

Modification to Chapter 21 Zoning of the Eloy Code

How to read this document.

- *Sections and italic text are instructions* to the City Clerk and the City's codifier for amending the Eloy Code.
- Double Underlined blue text are additions to the Eloy Code.
- ~~Crossed-out red text are deletions~~ to the Eloy Code.
- Table format modifications are implemented as shown in the revised table.

Section 1.: Amend Chapter 21 Zoning, Article V. Administration, Section 21-5-3 Planning and Zoning Commission; subsections, et al therein, as follows:

21-5-3: PLANNING AND ZONING COMMISSION:

~~See City Code Chapter 2, Article IV, Sections 2-69 through 2-79.~~

A. The Planning and Zoning Commission and its' construct and authority are established in accordance with provisions of Chapter 2 Administration, Article IV. Commissions, Boards and Bureaus, Division 1. Planning and Zoning Commission of the Eloy Code.

21-5-3.1: POWERS AND DUTIES:

A. The Planning and Zoning Commission shall have the following powers and duties set forth in Chapter 2 Administration, Article IV. Commissions, Boards and Bureaus, Division 1. Planning and Zoning Commission, Division 2. Board of Adjustment, and as follows:

- ~~A.~~ 1. Initiate, conduct hearings, and make recommendations to the City Council on a proposed adoption or amendments amendment to the General Plan ~~map and text~~, pursuant to section 21-6-4 of this chapter;
- ~~B.~~ 2. Initiate, conduct hearings, and make recommendations to the City Council on a proposed ~~amendments to the~~ Zoning Map Amendment and ~~to the text~~ Zoning Ordinance Text Amendment to of this chapter, pursuant to sections 21-6-5 and 21-6-6 of this chapter;
- ~~C.~~ 3. Initiate, conduct hearings, and make recommendations to the City Council on a proposed adoption or amendments amendment to a specific plans or specific area plans Specific Plan, pursuant to sections 21-6-4 and 21-6-6 of this chapter;
- ~~D.~~ 4. Initiate, conduct hearings, and make recommendations to the City Council on a proposed ~~conditional use permits~~ Conditional Use Permits, pursuant to section 21-6-7 of this chapter;

- ~~E.~~ 5. Initiate, conduct hearings, and make recommendations to the City Council on proposed ~~modifications~~ modifications, including revocations, to approved ~~conditional use permits~~ Conditional Use Permits;
- ~~F.~~ 6. Initiate, conduct hearings, and make recommendations to the City Council on proposed preliminary plats, pursuant to chapter 15, "Subdivisions", of ~~this~~ the Eloy Code;
- ~~G.~~ 7. Initiate, conduct hearings, and ~~make recommendations to the City Council on proposed final plats, pursuant to chapter 15, "Subdivisions", of this Code~~ approve, approve with conditions, or deny an application for a Certificate of Appropriateness or Certificate of Economic Hardship, pursuant to section 21-6-13 of this chapter;
- ~~H.~~ 8. Conduct hearings ~~Hear~~ and decide ~~site-plan-review~~ Site Plan Application decisions, including imposing reasonable Condition(s)-of-Approval on an application ~~decisions~~ brought forth by the Community Development Director due to special circumstances of the application, pursuant to section 21-6-11 of this chapter;
- 9. Conduct hearings and decide on appeals of the Community Development Director's, or his/her designee's, decision, or Condition(s)-of-Approval for a Certificate of No Effect or a Site Plan Application brought forth by the property owner, or their authorized agent, pursuant to section 21-6-13 of this chapter;
- ~~I.~~ 10. On an annual ~~basis~~ basis, review and make recommendations to the Mayor and City Council concerning the General Plan as well as plans for the development of any land outside the City's planning area, which in the opinion of the commission, is substantially related to the planning of the City;
- ~~J.~~ 11. To conduct a public meeting as the required "~~citizen-review~~ Citizen Review" session prior to a public hearing on any application for ~~a~~ the adoption or amendment of the General Plan, rezoning of property, adoption or amendment of a ~~specific plan~~ Specific Plan, ~~or~~ a Zoning Ordinance ~~text~~ Text Amendment, and/or ~~map amendment~~ a Zoning Map Amendment initiated by the City. ~~The purpose of the citizen review process is to provide an opportunity for citizen involvement and public awareness~~;
- ~~K.~~ 12. To confer and advise with other City, County, regional, or State planning agencies, boards and commissions;
- ~~L.~~ 13. Exercise such other powers and perform such other duties as are provided by law and directed by the City Council.

~~21-5-3.2: MEMBERSHIP:~~

~~See city Code Chapter 2-70.~~

~~21-5-3.3: TERM OF OFFICE:~~

~~See city Code Chapter 2-70.~~

~~21-5-3.4: NONATTENDANCE:~~

~~See city Code Chapter 2-70.~~

~~21-5-3.5: REMOVAL:~~

See city Code Chapter 2-70.

21-5-3.6: PLANNING AND ZONING COMMISSION ORGANIZATION:

~~—A.— The Planning and Zoning Commission shall consist of five (5) members, two (2) alternate members and one ex officio non-voting City Council member. Alternate members shall only take part in those hearings where a regular member is absent and when appointed to do so by the chair. There shall never be more than five (5) members at any one time participating in a hearing of the Planning and Zoning Commission.~~

~~—B.— Officers: The Planning and Zoning Commission shall elect a Chairperson and Vice Chairperson from among its own members at its first meeting in January each year. The Chairperson shall preside at all meetings and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Planning and Zoning Commission. The Vice Chairperson shall perform the duties of the Chairperson in the latter's absence or disability.~~

~~—C.— Meetings: Meetings of the Planning and Zoning Commission shall be open to the public. Public input shall be permitted in public meetings on matters before the commission. The minutes of the proceedings, showing the vote of each member and records of its examinations and other official actions, shall be kept and filed with the Office of the City Clerk as a public record.~~

~~—D.— Quorum: Three (3) members of the Planning and Zoning Commission shall constitute a quorum for the transaction of business. No matter may be considered by the commission unless there are three (3) or more members present who are eligible/qualified to vote on the matter. The affirmative vote of at least the majority of the quorum present and voting shall be required to pass a motion. If a member has been present for the entire presentation of an issue that member may abstain from voting only because they have a conflict of interest. If a member has a conflict of interest, he/she shall declare said conflict of interest prior to the presentation and/or shall abstain from all discussion and deliberation on the matter in question. One or more members of the Planning and Zoning Commission may attend by telephonic means.~~

~~—E.— Rules And Regulations: The Planning and Zoning Commission shall follow "Robert's Rules of Order" for the conduct of its meetings in the event of a procedural dispute. The Planning and Zoning Commission may make and publish bylaws to govern its proceedings and to provide for its meetings. The bylaws are to be reviewed by the City Attorney and approved by the City Council.~~

Section 2.: Amend Chapter 21 Zoning, Article V. Administration, 21-5-4: Board of Adjustment, subsections, et al. therein, as follows:

21-5-4: BOARD OF ADJUSTMENT:

~~See City Code Chapter 2, Article IV, Sections 2-80 through 2-88.~~

A. The Board of Adjustment and its' construct and authority are established in accordance with provisions of Chapter 2 Administration, Article IV. Commissions, Boards and Bureaus, Division 2. Board of Adjustment of the Eloy Code.

21-5-4.1: POWERS AND DUTIES:

A. The Board of Adjustment shall have the following powers and duties set forth in Chapter 2 Administration, Article IV. Commissions, Boards and Bureaus, Division 2. Board of Adjustment, and as follows:

~~In addition to any authority granted to the Board of Adjustment by Arizona State law, the Board shall have the following powers and duties:~~

- A. ~~1.~~ 1. Appeal ~~Of~~ of Zoning Administrator Decision: To hear and decide appeals in which it is alleged that there is an error in an order, requirement or decision made by the Zoning Administrator in the enforcement of this chapter and Chapter 15 Subdivisions. This power shall include the power to reverse, affirm, or modify, wholly or partly, any order, requirement or decision of the Zoning Administrator properly appealed to the Board, and make such order, requirement, decision or determination as is necessary.
- a. An appeal shall stay all proceedings in the matter appealed from, unless the person from whom the appeal is taken certifies in writing to the Board that the stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the Board or by a court of record on application and notice to the person from whom the appeal is taken. The Board shall fix a reasonable time for hearing the appeal and give notice thereof.
- B. ~~2.~~ 2. Request ~~For~~ for Variances: To hear and decide requests for variances from the terms of this chapter. The Board of Adjustment may impose reasonable conditions in a decision to approve a variance. ~~chapter, only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of this chapter will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the same zoning district in which such property is located.~~
- C. ~~a.~~ a. Justification ~~For~~ for Variance: A variance from the terms of this chapter may only be granted upon the presentation of evidence demonstrating that the specific requirements established by State Statutes have been satisfied:
- ~~1.~~ i. There exist special circumstances or conditions regarding the land or building for which the variance or adjustment is sought, which do not apply generally to other land or buildings in the same zoning district; and
 - ~~2.~~ ii. The above special circumstances or conditions are preexisting and are not created or self-imposed; and
 - ~~3.~~ iii. The variance is necessary for the preservation of substantial property rights. Without a variance, the property cannot be used for purposes otherwise allowed in

the same zoning district and the variance or adjustment, as granted, is the minimum adjustment that will accomplish this purpose; and

- ~~4.~~ iv. The granting of the adjustment will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, or to the neighborhood or the public welfare.

~~D.~~ b. Prohibited Actions: The Board of Adjustment may not:

- ~~1.~~ i. Make any changes in the uses ~~permitted~~ allowed in any zoning classification or zoning district; or
- ~~2.~~ ii. Make any changes in the terms of this chapter, provided the restrictions in this paragraph shall not affect the authority to grant variances pursuant to State Statutes.

3. Reasonable Accommodation for a Disability.

a. A Reasonable accommodation from a development standard of this Chapter for a disability shall not be authorized unless the Board shall find upon sufficient evidence all of the following:

- i. The requested accommodation has been made by or on behalf of one (1) or more individuals with a disability protected under federal and Arizona fair housing laws (42 U.S.C. § 3600 et seq. and A.R.S. § 41-1491 et seq.);
- ii. The requested accommodation is necessary to afford an individual with a disability equal opportunity to use and enjoy a dwelling;
- iii. The standard or requirement unduly restricts the opportunity for a person with a disability from finding adequate housing within the City of Eloy;
- iv. The requested accommodation does not fundamentally alter the nature and purpose of the City of Eloy Zoning Ordinance of the City of Eloy;
- v. The requested accommodation will not impose an undue financial or administrative burden on the City, as "undue financial or administrative burden" is defined in federal and Arizona fair housing laws (42 U.S.C. § 3600 et seq. and A.R.S. § 41-1491 et seq.) interpretive case law;
- vi. The profitability or financial hardship of the owner/service provider of a facility shall not be considered in determining whether to grant a reasonable accommodation for a disability;
- vii. The requested accommodation shall not, under the specific facts of the application, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others; and
- viii. The requested accommodation shall comply with all applicable building and fire codes.

b. The Board of Adjustment may impose reasonable conditions in a decision to approve a reasonable accommodation for a disability.

~~E.—Membership: See City Code Chapter 2-81.~~

~~F.—Term Of Office: See City Code Chapter 2-81.~~

~~G.—Nonattendance: See City Code Chapter 2-81.~~

~~H.—Removal: See City Code Chapter 2-81.~~

~~I.—Organization Of Board Of Adjustment:~~

- ~~1.—Chairpersons: The Board shall elect a Chairperson and a Vice Chairperson from the members of the Board at the first meeting held in each calendar year. The Chairperson shall preside at all meetings, administer oaths and take evidence. The Vice Chairperson shall perform the duties of the Chairperson in the latter's absence or disability.~~
- ~~2.—Meetings: Meetings of the Board of Adjustment will be called as needed by the Chair of the Board. Meetings of the Board shall be open to the public, and public input shall be taken at the discretion of the Chairman. The minutes of the proceedings, showing the votes of each member and records of its examinations and other official actions, shall be kept and filed with the City Manager, City Council, and with the Office of the City Clerk as a public record.~~
- ~~3.—Quorum: Three (3) members of the Board shall constitute a quorum for the transaction of business. No matter may be considered by the Board unless there are three (3) or more members present who are eligible/qualified to vote on the matter. The affirmative vote of at least the majority of the quorum present and voting shall be required to pass a motion. If a member has been present for the entire presentation of an issue that member may abstain from voting only because they have a conflict of interest. If a member has a conflict of interest he/she shall declare said conflict of interest prior to the presentation and shall abstain from all discussion and deliberation on the matter in question. One or more members of the Board of Adjustment may attend by telephonic means.~~
- ~~4.—Rules And Regulations: The Board shall follow "Robert's Rules of Order" for the conduct of its meetings in the event of a procedural dispute. The Board may make and publish bylaws to govern its proceedings and to provide for its meetings. The bylaws are to be reviewed by the City Attorney and approved by the City Council.~~

21-5-4.2: APPEALS OF A BOARD OF ADJUSTMENT DECISION

~~J. A. Appeals Of Board Of Adjustment Decision:~~ A person aggrieved by a decision of the Board of Adjustment or an officer or department of the City of Eloy affected by a decision of the Board may, at any time within thirty (30) days after the Board has rendered its decision, file a complaint for special action in Superior Court to review the Board's decision.

- ~~1. An appeal shall stay all proceedings in the matter appealed from unless the person from whom the appeal is taken obtains relief from the Superior Court, which it has upon finding that such a stay would cause imminent peril to life or property. If relief is provided, the proceedings shall not be stayed, unless by a restraining order granted by the Arizona Appellate Court of record.~~

Section 3.: Amend Chapter 21 Zoning, Article V. Administration, 21-5-7: Revitalization Commission, to delete the section, subsection, et al., as follows:

21-5-7: REVITALIZATION COMMISSION:

There is hereby established a City of Eloy Revitalization Commission that is intended to strengthen Eloy as a social, cultural and economic center of Pinal County. See City Code Chapter 2, Article IV, Sections 2-105 through 2-105.5.

21-5-7.1: POWERS AND DUTIES:

The Downtown Advisory Commission shall have the following powers and duties:

~~—A.— Input And Guidance: Providing input and guidance to City staff, Planning and Zoning Commission and City Council on matters that pertain and are specific to downtown Eloy. These may include, but not be limited to; the Main Street and Frontier Street Facade Improvement Program, landscape designs in the rights-of-way, public artwork, infrastructure needs, parking options/requirements, architectural standards/designs, special projects, special events/festivals and community gatherings, design and construction of public improvements and/or buildings, and adopt-a-street campaigns.~~

~~—B.— Input From Community: Soliciting, accepting and reporting input from the community to the City Council.~~

~~—C.— Funding And Budgets: Funding and budgets for special projects conducted by the City or other government or utility agency in the Downtown Core, including any infrastructure earmarked in the Eloy Capital Improvement Program.~~

~~—D.— Revisions: Reviewing, interpreting and modifying revisions to the downtown streetscape standards.~~

~~—E.— Membership: See City Code Chapter 2-105.1~~

~~—F.— Term Of Office: See City Code Chapter 2-105.1~~

~~—G.— Nonattendance: See City Code Chapter 2-105.1~~

~~—H.— Removal: See City Code Chapter 2-105.1~~

~~—I.— Organization Of The Downtown Advisory Commission:~~

~~—1.— Chairpersons: The commission shall elect a Chairperson and a Vice Chairperson from the members of the commission at the first meeting held in each calendar year. The Chairperson shall preside at all meetings, administer oaths and take evidence. The Vice Chairperson shall perform the duties of the Chairperson in the latter's absence or disability.~~

~~—2.— Meetings: Meetings of the Downtown Advisory Commission will be held on the second Wednesday of each month and shall be open to the public, and public input shall be taken at the discretion of the Chairman. The minutes of the proceedings, showing the votes of each member and records of it examinations and other official actions, shall be kept and filed with the City Manager, City Council, and with the Office of the City Clerk as a public record.~~

~~—3.— Quorum: Five (5) members of the commission shall constitute a quorum for the transaction of business. No matter may be considered by the commission unless there are five (5) or more members present who are eligible/qualified to vote on the matter. The affirmative vote of at least the majority of the quorum present and voting shall be required to pass a motion. If a member has been present for the entire presentation of an issue that member may abstain from voting only because they have a conflict of interest. If a member has a conflict of interest he/she shall declare said conflict of interest prior to the presentation and shall abstain from all discussion and deliberation on the matter in question.~~

~~—4.— Rules And Regulations: The Downtown Advisory Commission shall follow "Robert's Rules of Order" for the conduct of its meetings in the event of a procedural dispute. The commission may make and publish bylaws to govern its proceedings and to provide for its meetings. The bylaws are to be reviewed by the City Attorney and approved by the City Council.~~

Modification to Chapter 2 Administration of the Eloy Code

How to read this document.

- *Sections and italic text are instructions* to the City Clerk and the City's codifier for amending the Eloy Code.
- Double Underlined blue text are additions to the Eloy Code.
- ~~Crossed out red text are deletions~~ to the Eloy Code.

Section 1.: Amend Chapter 2 Administration, Article IV. Commissions, Boards and Bureaus, as follows:

ARTICLE IV. COMMISSIONS, BOARDS AND BUREAUS

Division 1. Planning ~~And~~ and Zoning Commission

2-69: Established

2-70: Appointment ~~Of~~ of Members; Filling ~~Of~~ of ~~Vacancies~~ Vacancies; and Removal of Members

2-71: Meetings; Organization; Procedures of the Planning and Zoning Commission

2-72: Duties ~~And~~ and Functions of the Planning and Zoning Commission

2-73: Establishing a Subcommittee of the Planning and Zoning Commission and its Duties

2-74: Appointment of Members; Filling of Vacancies; and Removal of Members of a Subcommittee

2-75: Meetings; Organization; Procedures of the Subcommittee:

~~2-73~~ 2-76 - 2-79: Reserved

Division 2. Board ~~Of~~ of Adjustment

2-80: Established

2-81: ~~Membership; Terms; Vacancies~~ Board of Adjustment Members

2-82: Meetings; Organization; Procedures of the Board of Adjustment

2-83: Duties and Functions of the Board of Adjustment

~~2-83~~ 2-84: Appeals of the Board of Adjustment

~~2-84~~ 2-85 - 2-88: Reserved

Division 3. Parks, Recreation ~~And~~ and Library Advisory Board

2-89: Established; Membership; Terms; Vacancies

2-90: Meetings; Organization; Procedures

2-91: Duties ~~And~~ and Responsibilities

2-92 - 2-95: Reserved

Division 4. ~~Airport Advisory Board~~ Reserved

~~2-99: Established~~

~~2-100: Appointment; Vacancies~~

~~2-100.1: Meetings; Quorum~~

~~2-100.2: Organization; Procedures~~

~~2-100.3: Actions, Recommendations Advisory In Nature~~

~~2-100.4: Powers And Duties~~

Division 5. Pension Board

2-101: Established ~~For~~ for Public Safety Retirement System

2-102: Membership; Terms; Powers; Procedures

2-102.1: Meetings; Quorum

2-102.2: Organization; Conduct ~~Of~~ of Meetings

2-103 - 2-104: Reserved

~~Division 6. Revitalization Commission~~

~~2-105: Established~~

~~2-105.1: Membership; Terms; Vacancies~~

~~2-105.2: Meetings; Organization; Procedures; Decisions~~

~~2-105.3: Actions, Recommendations Advisory In Nature~~

~~2-105.4: Powers And and Duties~~

~~2-105.5: Responsibilities~~

- ~~2-105.6: Designation Of Landmarks Or Historic Districts~~
- ~~2-105.7: Certificate Of Appropriateness Required~~
- ~~2-105.8: Criteria For Approval Of Certificate Of Appropriateness~~
- ~~2-105.9: Certificate Of Appropriateness Application Procedure~~
- ~~2-105.10: Hardship Criteria~~
- ~~2-105.11: Hardship Application Procedure~~
- ~~2-105.12: Maintenance And and Repair Required~~
- ~~2-105.13: Violation; Penalty~~
- ~~2-105.14: Appeals~~
- ~~2-105.15: Fees~~

Section 2.: Amend Chapter 2 Administration, Article IV. Commissions, Boards and Bureaus, Division 1. Planning and Zoning Commission, as follows:

DIVISION 1. PLANNING AND ZONING COMMISSION¹

Notes

1. See also section 21-5-3 of this Code.

2-69: ESTABLISHED:

A. There is established a Planning and Zoning Commission for the City.

2-70: APPOINTMENT OF MEMBERS; FILLING OF ~~VACANCIES~~ VACANCIES; AND REMOVAL OF MEMBERS:

- A. The Planning and Zoning Commission shall be composed ~~of six (6) members (five (5) voting members and one (1) ex officio nonvoting member). One (1) alternate member shall also serve, substituting as necessary, as a voting member when any of the five (5) voting members are not present at any Planning and Zoning Commission meeting. of:~~
 1. Seven (7) voting members;
 2. One (1) ex officio non-voting City Council member; and
 3. One (1) alternate member, which shall substitute, as necessary, a voting member when any of the seven (7) voting members are not present at any Planning and Zoning Commission meeting.

- ~~B. All five (5) voting members and one (1) alternate member of the Planning and Zoning Commission shall be appointed by a majority vote of the City Council to a term of three (3) years.~~
- B. All seven (7) voting members and the one (1) alternate member shall have an interest in the planned growth and development of the City. At least one (1) of the voting member shall also have an interest in airport and airpark planning and development; at least one (1) of the voting member shall also have interests in redevelopment/revitalization and historic preservation; and, at least one (1) of the voting member shall also have interests in economic development and housing.
- C. All Planning and Zoning Commission's seven (7) voting members and one (1) alternate member shall be appointed for a term of three (3) years by a majority vote of the City Council members present.
- ~~C. D. All full-time~~ Any current or previous voting ~~Members~~ member of the Commission that is, or has, ~~serving~~ served on the Planning and Zoning Commission, as of the effective date of Ordinance No. 21-908, shall serve no more than three (3) terms ~~from the starting date of the members' initial term~~, except members currently serving on the Planning and Zoning Commission who have completed more than three (3) terms ~~at on~~ the effective date of Ordinance No. 21-908. Currently serving members of the Planning and Zoning Commission who have completed more than three (3) terms may be appointed to one (1) additional three (3) year term ~~retroactive to January 31, 2021.~~
- ~~D. A City Council member shall be appointed by a majority vote of the members of the City Council to serve as an ex officio member of the Commission without a vote. This appointment shall be made at the first regular meeting of the City Council subsequent to the Mayor and City Council elections.~~
- E. The City Council shall appoint one of its members by a majority vote of those present to serve as an ex officio member of the Planning and Zoning Commission. This appointment shall be made at the first regularly scheduled City Council meeting after the start of a new calendar year. Each term of the ex officio member of the Planning and Zoning Commission shall be for one (1) year.
- F. In order to be eligible for appointment to the Planning and Zoning Commission, a person shall reside in the City for at least six (6) months. Furthermore, a member shall maintain residency for the duration of the term to which he or she has been appointed.
- ~~E. G.~~ Absence from two (2) consecutive meetings without formal consent of the ~~Commission~~ Planning and Zoning Commission shall be deemed to constitute the retirement of such member and the position shall thereupon be declared vacant. ~~Minutes of the Commission shall be filed with the City Clerk, City Manager and City Council.~~
- H. Any voting or alternate member of the Planning and Zoning Commission may resign from the Commission by providing written notice to the City Clerk. The ex officio member of the Planning and Zoning Commission may resign from the Planning and Zoning Commission by providing written notice the City Clerk and the Mayor.
- ~~F. I.~~ Vacancies on the ~~Commission~~ Planning and Zoning Commission occurring otherwise than by expiration of the term shall be filled in the manner herein ~~set forth for the unexpired term of the member leaving the Commission.~~ to a new three (3) year term, not include a vacancy of the ex officio member of the Planning and Zoning Commission.
- J. Upon the vacancy of the ex officio member of the Planning and Zoning Commission, the City Council shall appoint a new ex officio member of the Planning and Zoning Commission to complete the remainder of vacated term in the manner set forth herein.

~~G. In order to be eligible for appointment to the Planning and Zoning Commission, a person must have resided in the City for six (6) months. Furthermore, a member must maintain residency for the duration of the term to which he or she has been appointed.~~

K. The City Council may remove a member of the Commission prior to the expiration of the member's term by a majority vote of all members of the City Council, regardless of the number of City Council members present at the time of the vote.

2-71: MEETINGS; ORGANIZATION; PROCEDURES OF THE PLANNING AND ZONING COMMISSION:

A. The Planning and Zoning Commission shall ~~prepare~~ approve its schedule of regular monthly meetings at the start of each calendar year. However, the meetings shall be held on an as needed basis as determined by the Community Development Director. ~~All meetings shall at all times be open to the; the time and place of said meetings shall be posted in accordance with any currently applicable Arizona State Statutes regulating public meetings and proceedings (Open Meeting Laws). Special meetings may be called by the Chairperson on twenty four (24) hours' notice. Three (3) members of the Commission shall constitute a quorum for the exercise of the powers and authority conferred upon it.~~

B. Special meetings of the Planning and Zoning Commission may be called by the Chairperson on a minimum twenty-four (24) hours' notice.

C. All Planning and Zoning Commission meetings and hearings shall be open to the public, except closed executive sessions that are allowed for the applicable purposes specified in the Arizona Revised Statutes.

D. The time and place of Planning and Zoning Commission meetings and hearings shall be posted in accordance with the currently applicable Arizona State Statutes regulating public meetings and proceedings (Open Meeting Laws).

E. Four (4) members of the Planning and Zoning Commission shall constitute a quorum for the exercise of the powers and authority conferred upon it.

~~B. F.~~ At the first meeting after appointment, and at the first meeting held in any calendar year ~~thereafter~~, the members of the Commission shall elect a Chairperson and Vice Chairperson. ~~"Robert's Rules of Order" shall govern the conduct of meetings in the event of a procedural dispute.~~ The term of the elected Chairperson and Vice Chairperson shall begin at the second meeting held in the calendar year. If the Chairperson or Vice Chairperson position becomes vacant, the members of the Commission shall elect a new Chairperson or Vice Chairperson to fulfill the remainder of that vacated term.

G. "Robert's Rules of Order" shall govern the conduct of Planning and Zoning Commission meetings in the event of a procedural dispute.

H. The Community Development Director or his/her designee shall serve as staff liaison and secretary to the Planning and Zoning Commission.

I. The minutes of the Planning and Zoning Commission shall be filed with the City Clerk as a public record.

2-72: DUTIES AND FUNCTIONS OF THE PLANNING AND ZONING COMMISSION:

~~A. It shall be the duty of the Commission to make a survey of the City and prepare and present to the Council a general plan to guide development and a zoning ordinance and official zoning map of all incorporated land within the City. The Commission shall further perform such other duties in connection with the planning and zoning of the City as are consistent with the Constitution and the laws of the State.~~

A. The Planning and Zoning Commission acts as an advisory board to the City Council on, airport and airpark planning and development, architectural, site plan and subdivision guidelines, policies and requirements, code enforcement, design and development review of public and private development, downtown improvements, historic preservation, infrastructure guidelines, needs and policies, land use, redevelopment, revitalization, public art and its placement, zoning matters, matters assigned to the Commission by the City Council, and any other matter within the scope of the planning and zoning powers available to cities in Arizona.

B. The Planning and Zoning Commission shall hold a public hearing(s) or public meeting(s) as required by law and make recommendations to the City Council on all matters concerning or related to the Commission's Powers and Duties specified in subsection A of this section, and Chapters 21 of the Eloy Code. Planning and Zoning Commission may continue any matter to a later date.

C. The Planning and Zoning Commission shall hold a public hearing(s) as required by law and make decisions on Historic Preservation, Preliminary Plat(s), and Site Plan(s) applications as set forth in the Commission's Powers and Duties specified in Chapters 16 and 21 of the Eloy Code.

D. The Planning and Zoning Commission may make recommendations to the City Council for the placement of Historic Markers and plaques at locations of significant events that occurred at least fifty (50) years ago and comply with the National Register Criteria for Evaluation.

E. The voting and alternate members of the Planning and Zoning Commission shall perform all powers and duties that are assigned to the Board of Adjustment specified in Chapter 21 of the Eloy Code, including holding public hearings related thereto.

1. In such matters assign to the Board of Adjustment:

a. The voting and alternate members of the Planning and Zoning Commission shall separately convene as the Board of Adjustment.

b. The Chairperson and Vice Chairperson of the Planning and Zoning Commission shall serve as the Chairperson and Vice Chairperson of the Board of Adjustment.

2. The ex officio non-voting City Council member on the Planning and Zoning Commission shall not participate as part of the Board of Adjustment when the voting and alternate members of the Planning and Zoning Commission convene to performing the powers and duties of the Board.

~~B. F. The Commission, prior to submitting any planning or zoning recommendations to the Council, shall hold public meetings at City Hall at which time citizens may appear and be heard, either for or against said proposed planning or zoning recommendations. Notice of such public meetings or and hearings shall be provided in accordance with State laws Arizona Revised Statutes.~~

2-73: ESTABLISHING A SUBCOMMITTEE OF THE PLANNING AND ZONING COMMISSION AND ITS DUTIES:

A. By a majority vote of all voting members of the Planning and Zoning Commission, the Commission may adopt a Resolution forming a subcommittee(s) to review, discuss and study information, receive public comments, and provide comments and recommendations to the City Staff and the Planning and Zoning Commission for a specific task(s) related to:

1. The General Plan;
2. Specific Area Plans;
3. The Zoning Ordinance;
4. Design and Development guidelines and requirements;
5. Airport and Airpark planning and development;
6. Historic Preservation;
7. Downtown Planning and Improvements;
8. Redevelopment and Revitalization;
9. Infrastructure Improvements;
10. Master Plans; or
11. Subject(s) assigned by the City Council.

B. In the adoption of a Resolution to form a subcommittee(s), the Planning and Zoning Commission shall specify the task(s) assigned and the maximum length of time that the subcommittee is to exist to perform the task(s). The maximum timeframe without being extended that a subcommittee can be created for:

1. The purposes of the creation, adoption or readoption of a General Plan: three (3) years.
2. The purposes of the creation, adoption or readoption of a Specific Plan or Master Plan: two (2) years.
3. Any other purpose that a subcommittee maybe created, or when a timeframe is not specified in the Resolution that created the subcommittee: 1 year from the date of the Resolution's adoption.

C. By majority vote of all Planning and Zoning Commission members, the Commission may adopt a Resolution to: 1) set a date to disband a subcommittee prior to the date specified by the Resolution that created, or extended, the subcommittee, if stated, or in accordance with subsection B.3.; or, 2) extend the subcommittee to a new date.

1. Maximum number of times that a subcommittee may be extended: two (2) times.
2. Maximum timeframe of subcommittee created for the purpose of the creating, adopting or readopting the General Plan, Specific Plan or Master Plan first extension: one (1) year.

- 3. Maximum timeframe of the first extension of subcommittee create for any other purpose: 182 days
- 4. Maximum timeframe of the second extension of subcommittee create for any other purpose: 63 days
- D. Without further action by the Planning and Zoning Commission, a subcommittee shall automatically disband upon the date specified to have completed the assigned task in the Resolution adopted by the Commission, or in accordance with subsection B. of this section.

2-74: APPOINTMENT OF MEMBERS; FILLING OF VACANCIES; AND REMOVAL OF MEMBERS OF A SUBCOMMITTEE:

- A. A subcommittee shall consist of any three (3) of the eight (8) members (voting and alternate) of the Planning and Zoning Commission. Only current members of the Planning and Zoning Commission may serve on a Planning and Zoning Commission subcommittee(s).
- B. A member of a subcommittee who's term has expired and has not have been reappointed, has been removed, resigns, or retires from the Planning and Zoning Commission shall no-longer be a member of a subcommittee without further action by the Planning and Zoning Commission.
- C. The Chairperson of the Planning and Zoning Commission shall appoint the Chairperson and Vice Chairperson.
- D. By a majority vote of the members present, Planning and Zoning Commission shall replace a vacancy on a subcommittee, or remove a member of a subcommittee.

2-75: MEETINGS; ORGANIZATION; PROCEDURES OF THE SUBCOMMITTEE:

- A. The subcommittee shall adopt its schedule of regular meetings at its first meeting. However, the meetings shall be held on an as-needed basis as determined by the Community Development Director.
- B. Special meetings of subcommittee may be called by the Chairperson on a minimum twenty-four (24) hours' notice.
- C. All subcommittee meetings shall be open to the public, except closed executive sessions that are allowed for the applicable purposes specified in the Arizona Revised Statutes.
- D. The time and place of a subcommittee meeting shall be posted in accordance with any currently applicable Arizona State Statutes regulating public meetings and proceedings (Open Meeting Laws).
- E. Two (2) members of the subcommittee shall constitute a quorum for the exercise of the powers and authority conferred upon it.
- F. "Robert's Rules of Order" shall govern the conduct of Planning and Zoning Commission meetings in the event of a procedural dispute.
- G. The Community Development Director or his/her designee shall serve as staff liaison and secretary to the subcommittee.

H. The minutes of the subcommittee shall be filed with the City Clerk and to the Planning and Zoning Commission.

2-73 2-76 - 2-79: RESERVED:

Section 3.: Amend Chapter 2 Administration, Article IV. Commissions, Boards and Bureaus, Division 2. Board of Adjustment, as follows:

DIVISION 2. BOARD OF ADJUSTMENT ¹

Notes

1. See also section 21-5-4 of this Code

2-80: ESTABLISHED:

A. There is hereby established a Board of Adjustment ~~composed of six (6) members (5 voting members and 1 ex officio nonvoting member).~~ ~~The Board shall carry out its duties~~ pursuant to Arizona Revised Statutes, Section §9-462.06 and any amendments thereto.

2-81: ~~MEMBERSHIP; TERMS; VACANCIES:~~ BOARD OF ADJUSTMENT MEMBERS

~~A. All voting members of the Board of Adjustment shall be appointed by a majority vote of the members of the City Council to a term of three (3) years.~~

A. All voting and alternate members of the Planning and Zoning Commission shall serve as the members of the Board of Adjustment.

~~B. All Members serving on the Board of Adjustment, as of the effective date of Ordinance No. 21-908, shall serve no more than three (3) terms from the starting date of the members' initial term, except members who have completed more than three (3) terms at the effective date of Ordinance No. 21-908 may be appointed to one (1) additional three (3) year term retroactive to January 31, 2021.~~

~~C. A City Council member shall be appointed by a majority vote of the members of the City Council to serve as an ex officio member of the Board but shall have no vote on any matter before the Board. This appointment shall be made at the first regular meeting of the City Council subsequent to the Mayor and City Council elections.~~

~~D. Absence from two (2) consecutive meetings without formal consent of the Board shall be deemed to constitute the retirement of such member and the position shall thereupon be declared vacant. Minutes of the Board shall be filed with the City Clerk, City Manager and the City Council.~~

~~E. Vacancies on the Board, occurring otherwise than by expiration of the term, shall be filled in the manner herein set forth for the unexpired term of the member leaving the Board.~~

~~F. In order to be eligible for appointment to the Board of Adjustment, a person must have resided in the City for six (6) months. Furthermore, a member must maintain residency for the duration of the term to which he or she has been appointed.~~

2-82: MEETINGS; ORGANIZATION; PROCEDURES OF THE BOARD OF ADJUSTMENT:

A. The Board of Adjustment shall approve its schedule of regular monthly meetings at the start of each calendar year. Meetings of the Board of Adjustment shall be held on an ~~as-needed~~ as-needed basis as determined by the Community Development Director. ~~All meetings shall at all times be open to the public. The time and place of said meetings shall be posted in accordance with any currently applicable Arizona State Statutes regulating public meetings and proceedings (Open Meeting Laws). Special meetings may be called by the Chairperson on twenty four (24) hours' notice. Three (3) members of the Board shall constitute a quorum for the exercise of the powers and authority conferred upon it.~~

~~B. At the first meeting after appointment and at the first meeting held in any calendar year thereafter, the members of the Board shall elect a chairperson and vice chairperson. "Robert's Rules of Order" shall govern the conduct of meetings in the event of a procedural dispute.~~

B. Special meetings of the Board of Adjustment may be called by the Chairperson on a minimum twenty-four (24) hours' notice.

C. The Board of Adjustment meetings shall be open to the public, except closed executive sessions that are allowed for the applicable purposes specified in the Arizona Revised Statutes.

D. The time and place of a Board of Adjustment meeting shall be posted in accordance with any currently applicable Arizona State Statutes regulating public meetings and proceedings (Open Meeting Laws).

E. Four (4) members of the Board of Adjustment shall constitute a quorum for the exercise of the powers and authority conferred upon it.

F. The Chairperson and Vice Chairperson of the Planning and Zoning Commission shall serve as the Chairperson and Vice Chairperson of the Board of Adjustment.

G. "Robert's Rules of Order" shall govern the conduct of Board of Adjustment meetings in the event of a procedural dispute.

~~C. H.~~ The Chairperson and Vice Chairperson shall have the power to administer oaths and take evidence. ~~Minutes of the Board's proceedings showing the vote of each member and records of its examinations and other official actions shall be filed in the office of the Board as a public record.~~

I. The Community Development Director or his/her designee shall serve as staff liaison and secretary to the Board of Adjustment.

J. The minutes of the Board of Adjustment shall be filed with the City Clerk as a public record.

2-83: DUTIES AND FUNCTIONS OF THE BOARD OF ADJUSTMENT:

A. The Board of Adjustment shall hold a public hearing(s) as required by law and to carry out its duties pursuant to Arizona Revised Statutes, Section §9-462.06, any amendments thereto, and those assigned to the Board of Adjustment specified in Chapter 21 of the Eloy Code.

~~2-83: APPEALS:~~

~~Appeals from decisions of the Board of Adjustment shall be governed by Arizona Revised Statutes, Section 9-462.06 and any amendments thereto.~~

~~2-84~~ 2-83 - 2-88: RESERVED:

Section 4.: Amend Chapter 2 Administration, Article IV. Commissions, Boards and Bureaus, Division 4. Airport Advisory Board, to amend the division, as follows:

DIVISION 4. ~~AIRPORT ADVISORY BOARD~~ RESERVED

~~2-99: ESTABLISHED:~~

~~There is hereby established an airport advisory board consisting of six (6) members (5 voting members and 1 ex officio nonvoting member) appointed by the city council, who shall meet as hereinafter provided, to consider and deliberate upon matters of concern to the city council and citizens that affect the operation and efficiency of the airport toward the end of providing an optimum level of services within available resources, using the airport master plan as a basic guide.~~

~~2-100: APPOINTMENT; VACANCIES:~~

- ~~A. The airport advisory board shall be composed of six (6) members (5 voting members and 1 ex officio nonvoting member).~~
- ~~B. All Members of the Airport Advisory Board shall be appointed by a majority vote of the members of the City Council to a term of three (3) years. Members serving on the Airport Advisory Board, as of the effective date of this Ordinance No. 21-908, shall serve no more than three (3) terms.~~
- ~~C. A city council member shall be appointed by a majority vote of the members of the city council to serve as an ex officio member of the board without a vote. This appointment shall be made at the first regular meeting of the city council subsequent to the mayor and city council elections.~~
- ~~D. Absence from two (2) consecutive meetings without formal consent of the board shall be deemed to constitute the retirement of such member and the position shall thereupon be declared vacant. Minutes of the board shall be filed with the city clerk, city manager and the city council.~~
- ~~E. Vacancies on the board occurring otherwise than by expiration by term shall be filled in the manner herein set forth for the unexpired term of the member leaving the board.~~

~~F. In order to be eligible for appointment to the airport advisory board, a person must have resided in the city for six (6) months. Furthermore, a member must maintain residency for the duration of the term to which the member has been appointed.~~

~~2-100.1: MEETINGS; QUORUM:~~

~~The board shall hold regular quarterly meetings, which shall at all times be open to the public. The time and place of said meetings shall be posted in accordance with any currently applicable Arizona state statutes regulating public meetings and proceedings (open meeting laws). Special meetings may be called by the chairperson on twenty four (24) hours' notice. Three (3) members of the board shall constitute a quorum for the exercise of the powers and authority conferred upon it.~~

~~2-100.2: ORGANIZATION; PROCEDURES:~~

~~At the first meeting after appointment and at the first meeting held in any calendar year thereafter, the members of the board shall elect a chairperson and vice chairperson. "Robert's Rules Of Order" shall govern the conduct of meetings in the event of a procedural dispute.~~

~~2-100.3: ACTIONS, RECOMMENDATIONS ADVISORY IN NATURE:~~

~~All discussion, deliberation, actions and recommendations of the board shall be advisory to the council, and such advisories as the board may from time to time make, shall be forwarded to the city council through the city manager.~~

~~2-100.4: POWERS AND DUTIES:~~

- ~~A. It shall be the duty of the airport advisory board to prepare and submit to the city council recommendations for the improvement, equipping, maintenance and operation of the Eloy municipal airport.~~
- ~~B. The airport advisory board, subject to the approval of the city council, may recommend regulations and establish fees and charges for the operation of the municipal airport.~~
- ~~C. The airport advisory board shall have periodic inventories made of airport services that exist or may be needed and interpret the needs of the public to the city council and to the city manager.~~
- ~~D. The airport advisory board shall aid in coordinating airport services with the programs of other governmental agencies and voluntary organizations.~~
- ~~E. The airport advisory board shall review the effectiveness of airport programs with the city manager and the city council.~~

Section 5.: Amend Chapter 2 Administration, Article IV. Commissions, Boards and Bureaus, Division 6. Revitalization Commission, to delete the division, as follows:

DIVISION 6. REVITALIZATION COMMISSION

2-105: ESTABLISHED:

~~There is hereby established a Revitalization Commission (formerly Downtown Advisory Commission) for the City. The Commission shall provide recommendations upon matters of concern that implement the City's strategic objectives for both potentially historic structures and the revitalization/redevelopment of buildings and structures within the City. These objectives shall be achieved using adopted plans, standards, ordinances, guidelines and other supportive directives previously adopted by the City Council.~~

2-105.1: MEMBERSHIP; TERMS; VACANCIES:

- ~~A. The Commission shall consist of eight (8) members (7 voting members and 1 nonvoting members) who may be, but are not required to be, qualified by experience and training to consider matters pertaining, but not limited to, architecture, historic architecture, landscape architecture, engineering, economic development, marketing, real estate, law, finance, banking, historian, contractor, etc., and/or who own commercial or industrial land within the City. Commission members may not be currently employed by the City during any portion of their term.~~
- ~~B. All voting Members serving on the Revitalization Commission (formerly Downtown Advisory Commission), as of the effective date of Ordinance No. 21-908, shall serve no more than three (3) terms.~~
- ~~C. A City Council member shall serve as an ex-officio member, but shall have no vote on any matter before the Commission. The City Council member shall be appointed by a majority vote of the members of the City Council. This appointment shall be made at the first regularly scheduled meeting of the City Council subsequent to the Mayor and City Council elections.~~
- ~~D. All voting members of the Revitalization Commission shall be appointed to serve staggered and overlapping terms by a majority vote of the members of the City Council.~~
- ~~E. Absence from two (2) consecutive Commission Meetings without formal consent of the Commission shall be deemed to constitute the retirement of such member and the position shall thereupon be declared vacant.~~
- ~~F. Vacancies on the Commission, occurring otherwise than by expiration of the departing member's term, shall be filled in the manner set forth herein for that remaining portion of their unexpired term.~~
- ~~G. In order to be eligible for appointment to the Revitalization Commission, a person may reside in the City and/or work in the City or may be involved in a profession or with an entity that would be advantageous for representation on the Commission.~~

2-105.2: MEETINGS; ORGANIZATION; PROCEDURES; DECISIONS:

- A. ~~Meetings shall be held on an as needed basis as determined by the Community Development Director. The time and place of said meetings shall be posted in accordance with any currently applicable Arizona State Statutes regulating public meetings and proceedings (open meeting laws). Special meetings may be called by the chairperson on twenty four (24) hours' notice. Four (4) members of the Commission shall constitute a quorum for the exercise of the powers and authority conferred upon it.~~
- B. ~~The time and place of said Commission meetings shall be posted in accordance with any currently applicable Arizona state statutes regulating public meetings and proceedings (open meeting laws). Special meetings may be called by the Chairperson on twenty four (24) hours' notice.~~
- C. ~~At the first meeting held in any calendar year, the members of the Commission shall elect a Chairperson and Vice Chairperson to serve for that calendar year. "Robert's Rules of Order" shall govern the conduct of meetings in the event of a procedural dispute.~~
- D. ~~The City's Community Development Director shall designate a staff person to assist in recording the proceedings of the Commission meetings. The Community Development Department shall transcribe the proceedings and transmit them to Commission members prior to the next scheduled meeting to be reviewed and approved.~~
- E. ~~The Chairperson shall provide notice of a meeting to the members of the Commission a minimum of four (4) calendar days preceding the meeting.~~

2-105.3: ACTIONS, RECOMMENDATIONS ADVISORY IN NATURE:

~~All discussion, deliberation, actions and recommendations of the Commission shall be advisory to the City Council, and such advisories as the Commission may from time to time make, shall be forwarded to the City Council through the City Manager.~~

2-105.4: POWERS AND DUTIES:

~~It shall be the duty of the Commission to prepare and submit to the City Council recommendations for the revitalization/redevelopment of buildings and structures within the City, and serve as the Historic Preservation Commission.~~

2-105.5: RESPONSIBILITIES:

~~The responsibilities of the Commission shall include:~~

- A. ~~Promulgation of rules and regulations as necessary for the conduct of its business.~~
- B. ~~Review of criteria for the identification of significant historic, architectural, and cultural landmarks and for the delineation of historic districts.~~

- C.— Review existing surveys of significant historic, architectural and cultural landmarks and historic districts within the City and periodically update the survey.
- D.— Recommending to the City Council the designation of identified structures or resources as landmarks and historic districts.
- E.— Acceptance on behalf of the City of the donation of facade easements and development rights; the making of recommendations to the City Council concerning the acquisition of facade easements or other interests in real property as necessary to carry out the purposes of this chapter.
- F.— Increasing public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.
- G.— Making recommendations to the City Council concerning the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the City, and recommending programs and projects for the revitalization/redevelopment of buildings within the City to improve the aesthetics of buildings to further enhance the economic base of the community.
- H.— Recommending acquisition of a landmark structure by the City where its preservation is essential to the purposes of this chapter and where private preservation is not feasible.
- I.— Approval or disapproval of applications for certificates of appropriateness pursuant to this chapter. (Ord. 21-908, 5-24-2021)

2-105.6: DESIGNATION OF LANDMARKS OR HISTORIC DISTRICTS:

- A.— Individual Property: The Revitalization Commission may recommend to the City Council that an individual property be designated as a landmark if it:
 - 1.— Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation; or
 - 2.— Is identified with historic personages; or
 - 3.— Embodies the distinguishing characteristics of an architectural style; or
 - 4.— Is the work of a designer whose work has significantly influenced an age; or
 - 5.— Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the community.
- B.— Group of Properties:
 - 1.— The Revitalization Commission may recommend to the City Council that a group of properties be designated as an historic district if it:
 - a.— Contains several properties which meet one or more of the criteria for designation of a landmark; and
 - b.— By reason of possessing such qualities, it constitutes a district section of the City; and
 - c.— The majority of owner(s) of the properties concur with the designation.

~~2. The boundaries of each historic district designated henceforth shall be specified in detail and shall be filed, in writing, in the City Clerk's office for public inspection.~~

~~C. Notice of Proposed Designation: Notice of a proposed designation shall be sent by registered mail to the owner(s) of the property proposed for designation, either by the Commission or by the owner, describing the property proposed and announcing a public hearing by the Commission to consider the designation. Where the proposed designation involves so many owners that individual notice is infeasible, notice may instead be published at least once in a newspaper of general circulation at least fifteen (15) calendar days prior to the date of public hearing. Once the Commission has issued notice of a proposed designation, no building permits shall be issued by the City's Chief Building Official until the Commission has made its decision.~~

~~D. Public Hearing: The Commission shall hold a public hearing prior to designation of any landmark or historic district. The testimony or documentary evidence at the hearing will become part of a record regarding the historic, architectural, or cultural importance of the proposed landmark or historic district. The record may also contain staff reports, public comments or other evidence offered outside of the hearing.~~

~~E. Notify City Council and County Recorder: The Commission shall forward notice of each proposed property designated as a landmark and of the boundaries of each designated historic district to the City Council for final designation, and subsequently to the office of the Pinal County Recorder for recordation, as appropriate. (Ord. 21-908, 5-24-2021)~~

2-105.7: CERTIFICATE OF APPROPRIATENESS REQUIRED:

~~No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark, or property within a historic district, nor shall any person make any material change in the appearance of such a property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley which affect the appearance and cohesiveness of the historic landmark or historic district, without first obtaining a certificate of appropriateness from the Revitalization Commission.~~

2-105.8: CRITERIA FOR APPROVAL OF CERTIFICATE OF APPROPRIATENESS:

~~A. Principles for Consideration:~~

~~1. In passing upon an application for a certificate of appropriateness, the Revitalization Commission shall not consider changes to interior spaces, unless they are open to the public, or to architectural features that are not visible from a public street or alley.~~

~~2. The Commission's decision shall be based upon the following principles:~~

~~a. Properties, which contribute to the character of the historic district, shall be retained, with their historic features altered as little as possible;~~

~~b. Any alteration of existing historic landmark properties shall be compatible with its historic character. Any alteration of existing properties within a historic district shall be compatible with its historic character as well as with the surrounding district; and~~

- ~~c. New construction shall be compatible with the district in which it is located.~~
- ~~B. Compatibility Factors: In applying the principle of compatibility, the Commission shall consider the following factors:~~
 - ~~1. The general design character and appropriateness to the property of the proposed alteration or new construction.~~
 - ~~2. The scale of proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood.~~
 - ~~3. Texture, materials, color and their relation to similar features of other properties in the neighborhood.~~
 - ~~4. Visual compatibility with surrounding properties, including proportion of the property's front facade, proportion and arrangement of windows and other openings with the facade, roof shape, and the rhythm of spacing of properties on streets, including setback.~~
 - ~~5. The importance of historic, architectural or other features to the significance of the property.~~
- ~~C. Guide to Rehabilitation Work: As a guide to rehabilitation work, the Commission shall utilize the latest published edition of the Secretary of the Interior's Standards for Rehabilitation.~~

2-105.9: CERTIFICATE OF APPROPRIATENESS APPLICATION PROCEDURE:

- ~~A. Contents of Application: Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate with the Revitalization Commission. The application shall contain:~~
 - ~~1. Name, address and telephone number of applicant.~~
 - ~~2. Location and photographs of property.~~
 - ~~3. Elevation drawings of proposed changes, if available.~~
 - ~~4. Perspective drawings, including relationship to adjacent properties, if available.~~
 - ~~5. Where the proposal includes signs with lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination and a plan showing the sign's location on the property.~~
 - ~~6. Any other information, which the Commission may deem necessary in order to visualize the proposed work.~~
- ~~B. Building Permit: No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Revitalization Commission. The certificate of appropriateness required by this chapter shall be in addition to, and not in lieu of, any building permit that may be required by any other ordinance of the City.~~
- ~~C. Commission Action; Hearing: The Commission shall approve, deny or approve the permit with modifications/stipulations within twenty-one (21) calendar days from receipt of the completed application. The Community Development Director, at his/her discretion, may direct the~~

~~Commission to hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views.~~

- ~~D. Commission Decisions: All decisions of the Commission shall be in writing. A copy shall be transmitted to the applicant by registered mail and a copy filed with the City Clerk's office for public inspection. The Commission's decision shall state the reasons for denying or modifying any application.~~

2-105.10: ~~HARDSHIP CRITERIA:~~

- ~~A. Proposed Demolition: An applicant whose certificate of appropriateness for a proposed demolition has been denied may apply for relief on the grounds of hardship. In order to prove the existence of hardship, the applicant shall establish that:~~

- ~~—1. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;~~
- ~~—2. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which could result in a reasonable return; and~~
- ~~—3. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.~~

- ~~B. Proposed Alteration: An applicant whose certificate of appropriateness for a proposed alteration has been denied may apply for relief on the grounds of hardship. In order to prove the existence of hardship, the applicant shall establish that the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.~~

2-105.11: ~~HARDSHIP APPLICATION PROCEDURE:~~

- ~~A. Right to Commence Hardship Process: After receiving written notification from the Commission of the denial of a certificate of appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Commission makes a finding that a hardship exists.~~
- ~~B. Hearing: The Commission may hold a public hearing on the hardship application at which an opportunity will be provided for proponents and opponents of the application to present their views.~~
- ~~C. Seeking Alternative: The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.~~
- ~~D. Commission Decision: All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the City Clerk's office for public inspection. The Commission's decision shall state the reasons for granting or denying the hardship application.~~

2-105.12: ~~MAINTENANCE AND REPAIR REQUIRED:~~

- A. ~~Ordinary Maintenance and Repair Allowed: Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district, which does not involve a change in design, material, color or outward appearance.~~
- B. ~~Deterioration of Exterior Architectural Features: No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Revitalization Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.~~
- C. ~~Examples of Deterioration: Examples of such deterioration include:~~
- ~~1. Deterioration of exterior walls or other vertical supports.~~
 - ~~2. Deterioration of roofs or other horizontal members.~~
 - ~~3. Deterioration of exterior chimneys.~~
 - ~~4. Deterioration or crumbling of exterior stucco or mortar.~~
 - ~~5. Ineffective waterproofing of exterior walls, roofs or foundation, including broken windows or doors.~~
 - ~~6. Deterioration of any feature so as to create a hazardous condition, which could lead to the claim that demolition, is necessary for the public safety.~~

2-105.13: VIOLATION; PENALTY:

- A. ~~Any person found guilty of violating any provision of this chapter shall be guilty of a misdemeanor and shall be punished in accordance with Section 1-8 of this Code.~~
- B. ~~Any person who demolishes, alters, constructs or permits a designated property to fall into a serious state of disrepair in violation of this chapter shall be required to restore the property and its site to its appearance prior to the violation. Any action to enforce this subsection shall be brought by the City Attorney. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty.~~

2-105.14: APPEALS:

~~Any person aggrieved by a decision of the Revitalization Commission relating to hardship or a certificate of appropriateness may, within fifteen (15) calendar days of the decision, file a written application with the City Council for review of the decision.~~

2-105.15: FEES:

~~No fees required.~~

CITY OF ELOY

REQUEST FOR COMMISSION ACTION

Agenda Item: **VI.D.**

Date: **7/17/2024**

Date submitted:
07/12/2024

Action: Other

**Subject: Discussion and Comments
on Case No. ZTA2024-003: Historic
Preservation Overlay Text
Amendment initiated by the City
Council.**

Date requested:
7/17/2024

TO: Planning and Zoning Commission

FROM: Dan Symer

RECOMMENDATION:

Hold a discussion and take public comments.

DISCUSSION:

The proposed amendment is to create a new overlay zone called the Historic Preservation Overlay (HP). The purpose of this overlay zone is to implement the General Plan through the recognition, preservation, and enhancement of landscape features, objects, structures, and sites that represent distinctive events, and cultural, political, architectural, and archaeological elements (hereafter “Resources”) that have historic and heritage significance within the Eloy. Furthermore, the HP zone is intended to encourage the economic reuse of resources when appropriate, to promote cultural awareness through the recognition and preservation of the Resources, and to provide for the education and general welfare of the public.

Many of the existing historic preservation provisions are located in Eloy Code’s Chapter 2, Article IV: Commissions, Board and Bureaus under the Revitalization Commission duties. Upon review of the provisions, it was found that the existing regulations need to be updated. Some of the recommend updates include:

- Providing a clear method for property owners to obtain a Landmark or Historic District designation;
- Aligning the regulations with the provisions, guidelines, and publications of the Arizona State Historic Preservation Office and U.S. Department of the Interior’s National Park Service’s National Register Criteria for Evaluation;
- Incorporate regulations to accommodate zoning provisions that may be necessary to ensure the property is able to maintain compliance with the Zoning

Ordinance property development standards and to allow uses that are vital to the Landmark's preservation; and

- A method to identify and track properties that have received a Landmark or Historic District designation.

In accordance with the enabling zoning provisions of Section §9.462.01 of the Arizona Revised Statutes that address historic preservation zoning, the proposed Historic Preservation Overlay (HP) would be created with updated regulations that are consistent with the State and National guidelines and criteria. Furthermore, the method to apply for designation would be incorporated, and would follow the existing rezoning process. In addition, the application process for designation, modifications, and economic hardship determinations would be incorporated in the zoning procedures section of the Zoning Ordinance that houses the process for all other applications. Also, provisions would be incorporated into the Historic Preservation Overlay (HP) to allow for modification to the land use and property development standards to assist in zoning compliance and preservation. The overlay also allows staff and the public to track Landmarks and Historic Districts since they will be mapped on the Zoning map.

It should be noted that this proposed amendment to the Zoning Ordinance is also necessary to align and remove redundancies and conflicts between Chapter 2, Article IV: Commissions, and Chapter 21 Zoning. Also, it complements a separate amendment to the Eloy Code's Chapter 2, Article IV: Commissions, to consolidate the duties and responsibilities of the Airport Advisory Board, Board of Adjustment, and Revitalization Commission within the purview of the Planning and Zoning Commission.

FISCAL IMPACT:

Modification to Chapter 21 Zoning of the Eloy Code

How to read this document.

- *Sections and italic text are instructions* to the City Clerk and the City's codifier for amending the Eloy Code.
- Double Underlined blue text are additions to the Eloy Code.
- ~~Crossed-out red text are deletions~~ to the Eloy Code.
- Table format modifications are implemented as shown in the revised table, including shading of cells.

Section 1.: Amend Chapter 21 Zoning, Article II. ZONING DISTRICTS, Section 21-2-1.1: ZONING DISTRICTS ESTABLISHED; *including modifications to the table format and shading, as follows:*

21-2-1.1: ZONING DISTRICTS ESTABLISHED:

All lands located within the incorporated limits of the City of Eloy are hereby zoned and organized into a coordinated set of Residential and Non-Residential Zoning Districts and Overlay Districts. These districts are established to implement the goals, objectives and policies of the Eloy General Plan and to conserve and promote the public health, safety and general welfare. Residential Zoning Districts are primarily intended to create, maintain and promote a variety of neighborhoods that allow a range of compatible densities to accommodate the desired physical character of the City. Nonresidential Districts uses are also allowed to improve the overall quality of life by providing a convenience of services and goods for Eloy residents and provide public facilities necessary to create a healthy and safe environment in which to live. Overlay Districts are intended to address specific unique land use and development regulation situations and alternative.

~~—TABLE 2.1-1~~

~~ZONING DISTRICTS ESTABLISHED~~

<u>TABLE 21-2-1.1: ZONING DISTRICTS ESTABLISHED</u>		
Abbreviation	Zoning District	Previous Zoning
Residential Districts:		
(RR-20)	Rural Residential; minimum 20 acres per du	Rural Residential
(RR-5)	Rural Residential; minimum 5 acres per du	Rural Residential
(RR-2.5)	Rural Residential; minimum 2.5 acres per du	New

(R1-54)	Estate Residential; minimum 54,450 sq. ft. per du	New
(R1-43)	Estate Residential; minimum 43,560 sq. ft. per du	Estate Residential
(R1-12)	Single-Family Residential; minimum 12,000 sq. ft. per du	Low Density Residential
(R1-6)	Single-Family Residential; minimum 6,000 sq. ft. per du	Medium Density Residential
(R-2)	Small Lot Residential; 6 - 10 dus per acre	Medium High Density Residential
(R-3)	Multiple-Family Residential; 10 - 24 dus per acre	High Density Residential
Commercial and Mixed- Use Districts:		
(C-1)	Neighborhood Commercial District	Neighborhood Commercial
(C-2)	General Commercial District	Community Commercial
(MU)	Mixed-Use	New
Business and Industrial Districts:		
(BP)	Business Park	New
(I-1)	Light Industrial	Light Industrial
(I-2)	General Industrial	General Industrial
Open Space Districts:		
(OSC)	Open Space Conservation District	Open Space Conservation
(OSR)	Open Space Recreation District	Open Space Recreation
Overlay Zoning Districts:		
(PAD)	Planned Area Development Overlay	Planned Area Development
(MHS)	Manufactured Home Overlay Subdivision	Manufactured Home
(MHP)	Manufactured Home Park	Manufactured Home
(RVP)	Recreational Vehicle Park	New
(AO)	Aviation Overlay	Airport
(DCO)	Downtown Core Overlay	Community Core
(PF)	Public Facilities District	New
(HP)	Historic Preservation Overlay	New

Section 2.: Amend Chapter 21 Zoning, Article II. Zoning Districts, Section 21-2-7.1: PLANNED AREA DEVELOPMENT (PAD);, as follows:

21-2-7.1: PLANNED AREA DEVELOPMENT [OVERLAY](#) (PAD):

Section 3.: Amend Chapter 21 Zoning, Article II. Zoning Districts, to add Sections 21-2-7.23 through 21-2-7.36 and subsection therein in numerical order, as follows:

21-2-7.23: HISTORIC PRESERVATION OVERLAY (HP):

21-2-7.24: GENERAL PURPOSE:

A. The purpose of the Historic Preservation Overlay (HP) zone is to assist in implementing the General Plan through for the recognition, preservation, and enhancement of landscape features, objects, structures, and sites that represent distinctive events, and elements of cultural, political, architectural, and archaeological significance (hereafter "Resources") that have historic and heritage significance within the City. Furthermore, HP zone is intended to encourage economic reuse of resources when appropriate, and to promote cultural awareness through the recognition and preservation of the Resources, and provide for the education and general welfare of the public.

21-2-7.25: CRITERIA TO REZONE TO THE HISTORIC PRESERVATION OVERLAY (HP):

A. In addition to the Issues for Consideration criteria for a Zoning Map Amendment of Article VI of this Chapter, to be eligible to be zoned with the Historic Preservation Overlay:

1. The City Council shall first find that the property(ies) identified in the application meets the criteria to be designated a Landmark or Historic District as specified in this Chapter; and
2. The Resources on the property occurred at least fifty (50) years ago; younger properties may be eligible when a significant event or improvement has occurred on the property that complies with the National Register Criteria for Evaluation.

21-2-7.26: CRITERIA FOR LANDMARKS OR HISTORIC DISTRICTS:

A. Landmarks.

1. The City Council may designate a Resource(s) as a Landmark that complies with the following criteria:
 - a. The Resource possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation;
 - b. The Resource is identified with historic personages or events;
 - c. The Resource embodies the distinguishing characteristics of an architectural style;
 - d. The Resource is the work of a designer whose work has significantly influenced an age; or
 - e. Because of a Resources unique location or singular physical characteristic, represents an established and familiar visual feature of the community.

B. Historic District.

1. The City Council may designate several properties as a Historic District that complies with the following criteria:
 - a. Contains several properties which meet one or more of the criteria for designation of a landmark;
 - b. By reason of possessing such qualities, it constitutes a district section of the City; and
 - c. The majority of owner(s) of the properties concur with the designation.

21-2-7.27: NOTIFICATION REQUIREMENTS FOR CITY INITIATED APPLICATIONS

- A. The Community Development Director shall notify the property owner(s) by registered mail of an application initiated by the City Council, Planning and Zoning Commission, or the Zoning Administrator within 15 days of the application submittal to zone the property with the HP overlay.

21-2-7.28: STAY OF BUILDING PERMITS

- A. The Building Official shall not issue any building permits, and no construction or demolition activity shall occur unless allowed by the Building Official for emergency purposes, that the City Council or Planning and Zoning Commission has initiated an application, or that application has been submitted to rezone the property to the HP overlay. The stay of the building permit and construction or demolition activity shall remain in place until the City Council has made a decision on the application, the application has been withdrawn, or one (1) year has passed since the City Council or Planning and Zoning Commission initiated the application.
- B. By a majority vote of those present, the City Council may extend the stay of the building permits, and construction and demolition activity on the property of an application for a period not to exceed four (4) months from the stay's expiration date. The stay of the building permits, and construction and demolition activity for an application on a property may be extended no more than twice.

21-2-7.29: USE STANDARDS

- A. The applicable underlying zoning district's use regulations shall apply to the HP Overlay, except that the City Council may approve additional land uses included as part of the Landmark's Historic Preservation Plan. To approve additional land uses, the City Council shall find that the proposed land use(s) are necessary to:
 1. Maintain the integrity of the Landmark's purpose for which it received its designation;
 2. Maintain the economic vitality of the Landmark; and
 3. Promote the general welfare of the public.
- B. The City Council may impose requirements on additional land uses.

21-2-7.30: DEVELOPMENT STANDARDS AND MODIFICATIONS

- A. The applicable underlying zoning district's development standards shall apply to the HP Overlay, except that the City Council may approve modifications to the development standards as part of the Landmark's or Historic District's Preservation Plan. To approve modifications to the development standards, the City Council shall find that the proposed modifications are necessary to:
1. Maintain the integrity of the Landmark on the property for which it received its designation;
 2. Maintain the integrity of the properties of the Historic District for which it received its designation;
 3. Maintain the economic vitality of the Landmark or Historic District; and
 4. Allow the Landmark or Historic District to maintain conformance with the Historic Preservation Plan.
- B. If there is a conflict between the development standards of the Historic Preservation Plan and the development standards of the underlying district, the development standards of the Preservation Plan shall control.

21-2-7.31: HISTORIC PRESERVATION PLAN

- A. All Zoning Map Amendment applications to zone property with the HP Overlay zone shall include a Historic Preservation Plan that is to be approved by the City Council as part of the application to zone property to the HP Overlay. The Historic Preservation Plan is to include a comprehensive set of documents for the proposed Landmark or Historic District that involves compiling information about the Resource(s), which may include information about the archaeological assets, building(s), historical events, improvement, sites, structures, etc. The Historic Preservation Plan typically includes such information as Historic Structure Reports, Conditions Assessment Reports, archaeological surveys, and technical analyses. Furthermore, the Plan is essential for addressing present conditions, providing an action plan for the future use and preservation of the Resource(s) and implementing plan recommendations. All Historic Preservation Plan shall include a set of guidelines for additions, modifications, repairs, rehabilitation, and restoration of the resource. In addition, the Historic Preservation Plan shall include modifications to the land use and development standards that are necessary to maintain and preserve the integrity and economic vitality of the Resource(s). For additional information and submittal requirements, refer to the Historic Preservation Plan Submittal Guide and Zoning Map Amendment Application checklist available from the Community Development Department.
- B. Modification to a Historic Preservation Plan. A modification to the land use, development standards, and design standards of a Historic Preservation Plan shall be processed with a Zoning Map Amendment and receive the approval of the City Council.

21-2-7.32: RECORDATION OF ORDINANCE

- A. The City Clerk shall cause the Ordinance adopted by the City Council to rezone the property with HP Overlay to be recorded in the Office of the Pinal County Recorder. The Ordinance shall include a map of the boundaries of the HP overlay.

21-2-7.33: CERTIFICATE OF APPROPRIATENESS OR CERTIFICATE OF NO EFFECT, WHEN REQUIRED:

- A. Ordinary maintenance or repair of any structure or site improvement zoned with the HP Overlay that does not alter or modify the historic character of the structure or property does not require the approval Certificate of No Effect or a Certificate of Appropriateness.
- B. No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction, move of a Landmark or structures in a Historic District, or make modifications any material change to the appearance of property, including its light fixtures, signs, sidewalks, fences, steps, paving, roof, or other exterior elements visible from a public street or alley which affect the appearance and cohesiveness of the Landmark or Historic District, without first obtaining a Certificate of No Effect from the Community Development Director or Certificate of Appropriateness from the Planning and Zoning Commission.
- C. An application for a Certificate of Appropriateness or Certificate of No Effect shall be submitted and decided upon in accordance with the provisions and procedures of Article VI. Zoning Procedures of this Chapter.

21-2-7.34: CERTIFICATE FOR ECONOMIC HARDSHIP:

- A. A property owner may submit a Certificate of Economic Hardship when:
 - 1. Certificate of Appropriateness for a proposed alteration has been denied.
 - 2. The Landmark or contributing property in a Historic District is damaged or destroyed by fire, flood, or similar abnormal and identifiable event.
- B. An application for a Certificate for Economic Hardship shall be submitted and decided upon in accordance with the provisions and procedures of Article VI. Zoning Procedures of this Chapter.

21-2-7.35: MAINTENANCE AND REPAIR REQUIRED:

- A. Maintenance and upkeep of Resources and properties of a Historic District is required.
- B. Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a Landmark or property within a Historic District, which does not involve a change in design, material, color or outward appearance.
- C. No owner or person with an interest in real property designated as a Landmark or included within a Historic District shall allow the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Planning and

Zoning Commission, produce a detrimental effect upon the character of the Landmark or Historic District as a whole or the life and character of the property itself.

C. Examples of such deterioration include:

1. Deterioration of exterior walls or other vertical supports.
2. Deterioration of roofs or other horizontal members.
3. Deterioration of exterior chimneys.
4. Deterioration or crumbling of exterior stucco or mortar.
5. Ineffective waterproofing of exterior walls, roofs or foundation, including broken windows or doors.
6. Deterioration of any feature so as to create a hazardous condition, which could lead to the claim that demolition, is necessary for the public safety.

21-2-7.36: FEES:

- A. There shall be no fees for a Zoning Map Amendment application to zone property to the HP Overlay, a Certificate of No Effect, a Certificate of Appropriateness, or a Certificate for Economic Hardship.

21-2-7.36: VIOLATION; PENALTY:

- A. Any person found guilty of violating any provision of this chapter shall be guilty of a misdemeanor and shall be punished in accordance with Section 1-8 of the Eloy Code.
- B. Any person who demolishes, alters, constructs, or permits a designated property to fall into a serious state of disrepair in violation of this chapter shall be required to restore the property and its site to their appearance prior to the violation. The City Attorney shall bring any action to enforce HP Overlay. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty.

Section 4.: Amend Chapter 21 Zoning, Article VI. ZONING PROCEDURES, to add Section 21-6-13 HISTORIC PRESERVATION, and subsections therein in numerical order, as follows:

21-6-13: HISTORIC PRESERVATION:

21-6-13.1: PURPOSE:

- A. The purpose of this section 21-6-13 is to provide procedures for the review of a Certificate of No Effect, Certificate of Appropriateness, and Certificate for Economic Hardship for property zoned with the Historic Preservation Overlay.

21-6-13.1: APPLICATION PROCESS:

(insert process flow chart)

- A. Pre-Application Conference: Prior to the submission of an application for Certificate of No Effect, Certificate of Appropriateness, or Certificate for Economic Hardship, all applicants are required to schedule a meeting with the Zoning Administrator, as set forth in section 21-6-2.1, "Pre-Application Meeting", of this article.
- B. Application Submittal: A complete application for Certificate of No Effect, Certificate of Appropriateness, and Certificate for Economic Hardship approval shall be submitted to the Zoning Administrator as required by Section 21-6-2.2 Application Submittal (Administrative Completeness Review) of this Article, and Section 21-6-13.2 Required Application Information.

21-6-13.2: REQUIRED APPLICATION INFORMATION

- A. Application Information for a Certificate of No Effect, Certificate of Appropriateness, Certificate of Hardship:
 - 1. Contents of Application: Prior to the commencement of any work for modifications, the owner shall file an application for a Certificate of No Effect, Certificate of Appropriateness, Certificate of hardship to the Zoning Administrator. The application shall contain:
 - a. Name, address and telephone number of applicant.
 - b. Location and photographs of property.
 - c. Site Plan drawings of proposed changes, if available.
 - d. Elevation drawings of proposed changes, if available.
 - e. Perspective drawings, including relationship to adjacent properties, if available.
 - f. Where the proposal includes signs with lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination and a plan showing the sign's location on the property.
 - g. Any other information, which the Community Development Director may deem necessary in order to visualize the proposed work, or justify the proposed hardship.

21-6-13.3: BUILDING AND DEMOLITION PERMITS

- A. No building or demolition permit shall be issued for any proposed work until the associated Certificate of No Effect, Certificate of Appropriateness, or Certificate of Hardship has been issued. The Certificate of No Effect, Certificate of Appropriateness, and Certificate of Economic Hardship is in addition to, and not in lieu of, any building or demolition permit that may be required by Chapter 5 Buildings of the Eloy Code.

21-6-13.4: CRITERIA AND DECISION FOR CERTIFICATE OF NO EFFECT:

- A. The Community Development Director may approve an application and issue a Certificate of No Effect if:

1. It is determined the proposed modification is minor and clearly within the context of the adopted Historic Preservation Plan, and
 2. The property owner, or the owner authorized agent, agrees to modifications to the proposed work that are necessary for compliance with the Historic Preservation Plan, and
 3. The proposed modification will not diminish, eliminate, or adversely affect the Landmark or District of the subject property; or,
 4. The proposed modification is in an area of the proposed property that not covered by the Historic Preservation Plan, and the Community Development Director determines the proposed work will not diminish, eliminate, or adversely affect the Landmark or the District.
- B. An application that does not comply with the criteria for a Certificate of No Effect shall be sent to the Planning and Zoning Commission for a decision on a Certificate of Appropriateness for the proposed modifications. The Community Development Director may require additional information to be provided for the Planning and Zoning Commission to review the request as a Certificate of Appropriateness.

21-6-13.5: CRITERIA AND DECISION FOR CERTIFICATE OF APPROPRIATENESS:

- A. The Planning and Zoning Commission may approve an application and issue a Certificate of Appropriateness for modifications to a Landmark or Historic District upon finding that the criteria have been met.
- B. Criteria for a Certificate of Appropriateness to make modifications to a Landmark or a property within a Historic District:
1. The proposed alterations are consistent with the applicable Historic Preservation Plan;
 2. The proposed alterations to a Landmark or contributing property of a Historic District shall be compatible with its historic character, and the historic features altered as little as possible;
 3. The proposed alterations or additions are consistent with the applicable Standards and Guidelines of Section 21-6-13.7.
- C. Addition Criteria for property within a Historic District.
1. Alterations of non-contributing properties within a historic district shall be compatible with the Historic District.

21-6-13.6: COMPATIBILITY CONSIDERATION.

- A. In applying the principle of compatibility, the Planning and Zoning Commission shall consider the following:
1. The general design character and appropriateness to the property of the proposed alteration or new construction;
 2. The scale of proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood;

3. Texture, materials, color and their relation to similar features of other properties in the neighborhood;
4. Visual compatibility with surrounding properties, including proportion of the property's front facade, proportion and arrangement of windows and other openings with the facade, roof shape, and the rhythm of spacing of properties on streets, including setback; and
5. The importance of historic, architectural or other features to the significance of the property.

21-6-13.7: STANDARDS AND GUIDELINES.

- A. The following standards and guidelines shall be used in the review and decisions pertaining to cultural resource studies and Certificate of Appropriateness:
 1. Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines as currently amended and annotated by the National Park Service.
 2. The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.
 3. Guidelines and preservation briefs and other similar best practice documents published by the National Park Service.

21-6-13.8: EXPIRATION OF A CERTIFICATE OF NO EFFECT AND CERTIFICATE OF APPROPRIATENESS

- A. The approval of a Certificate of Appropriateness and a Certificate of No Effect shall expire two (2) years from the date of issuance, unless the related construction work has begun. If work has begun and it has been over two years, the Certificate of No Effect shall expire when the Building Permit(s) has expired, or if a Building Permit is not required, there has not been any documented construction activity within 182 days and the work has not been completed.

21-6-13.9: CRITERIA AND DECISION FOR CERTIFICATE FOR ECONOMIC HARDSHIP:

- A. Proposed Alteration: An applicant whose Certificate of Appropriateness for a proposed alteration has been denied may apply for relief on the grounds of economic hardship. In order to prove the existence of economic hardship, the applicant shall establish that the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.
- B. Proposed Demolition.
 1. An applicant whose Certificate of Appropriateness for a proposed alteration has been denied:
 - a. Shall consult in good faith with the Planning and Zoning Commission, local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in the preservation of the property. Evidence of the applicant's good faith effort shall be submitted with the application for a Certificate for Economic Hardship.
 - b. May apply for relief on the grounds of economic hardship to demolish a Landmark or improvement within a Historic District on the grounds of hardship. In order to prove the existence of an economic hardship, the applicant shall establish that:

- i. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
 - ii. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which could result in a reasonable return; and
 - iii. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- 2. The Community Development Director may approve or refer an Certificate of Economic Hardship to demolish a Landmark, or a structure or improvements in a Historic District to the Planning and Zoning Commission upon consultation with the Building Official and Fire Marshal, finds that it has been damaged or destroyed by fire, flood, or similar abnormal and identifiable event, and more than fifty percent (50%) of the current assessed value.

21-6-13.10: APPEALS:

- A. Any person aggrieved by a decision of the Planning and Zoning Commission on an application for a Certificate of Appropriateness or Certificate of Economic Hardship may, within fourteen (14) calendar days submit to the City Clerk a request for the City Council for review of the Commission's decision. The City Council shall review the application de novo, and may uphold, reverse, or the decision.