



MEETING DATE: NOVEMBER 15, 2023

TO: PINAL COUNTY BOARD OF SUPERVISORS

CASE NO.: **PZ-PA-009-23 (CIELO SOLAR)**

CASE COORDINATOR: PATRICK ROBERTS, SENIOR PLANNER

Executive Summary:

This is a major amendment to the Pinal County Comprehensive Plan to re-designate 1,086± acres from Employment and MLDR (Moderate Low Density Residential) to Green Energy Production for a photovoltaic Solar Power Plant.

If This Request is Approved:

If this major amendment to the Pinal County Comprehensive Plan is approved, the action will allow the applicant to begin the process of rezoning the property to develop a photovoltaic solar energy production facility on 1,086± acres.

Staff Recommendation/Issues for Consideration/Concern:

Staff offers a recommendation of denial.

LEGAL DESCRIPTION: Situated in Sections 28, 29, 32, & 33, T06S, R08E, Gila & Salt River Baseline & Meridian, tax parcels 401-42-009A, 401-42-009B, 401-46-0010, 401-46-0030, 401-47-0010, 401-47-0020, 401-47-0030, 401-47-0040, 401-47-0050, and 401-47-0060 (legals on file)

LANDOWNER/APPLICANT: HA Cielo LLC, landowner/applicant, Pattern Solar & Storage Development LLC/Amy Smolen, agent.

REQUESTED ACTION & PURPOSE PZ-PA-009-23–PUBLIC HEARING/ACTION: HA Cielo LLC, landowner/applicant, Pattern Solar & Storage Development LLC/Amy Smolen, agent, requesting approval of a **Major Comprehensive Plan Amendment** to the 2019 Pinal County Comprehensive Plan to re-designate 1086 ± acres from MLDR (Moderate Low Density Residential) and Employment to Green Energy Production for a photovoltaic **Solar Power Plant**, situated in Sections 28, 29, 32, & 33, T06S, R08E, Gila & Salt River Baseline & Meridian, tax parcels 401-42-009A, 401-42-009B, 401-43-009B, 401-46-0010, 401-46-0030, 401-47-0010, 401-47-0020, 401-47-0030, 401-47-0040, 401-47-0050, and 401-47-0060 (legals on file), located at south of east Laughlin Rd, north of Selma Highway, west of S Highway 87, and on both sides of south La Palma Rd in the unincorporated Pinal County area near Coolidge, AZ.

LOCATION: South of east Laughlin Rd, north of Selma Highway, west of S Highway 87, and on both sides of south La Palma Rd in the unincorporated Pinal County area near Coolidge, AZ.

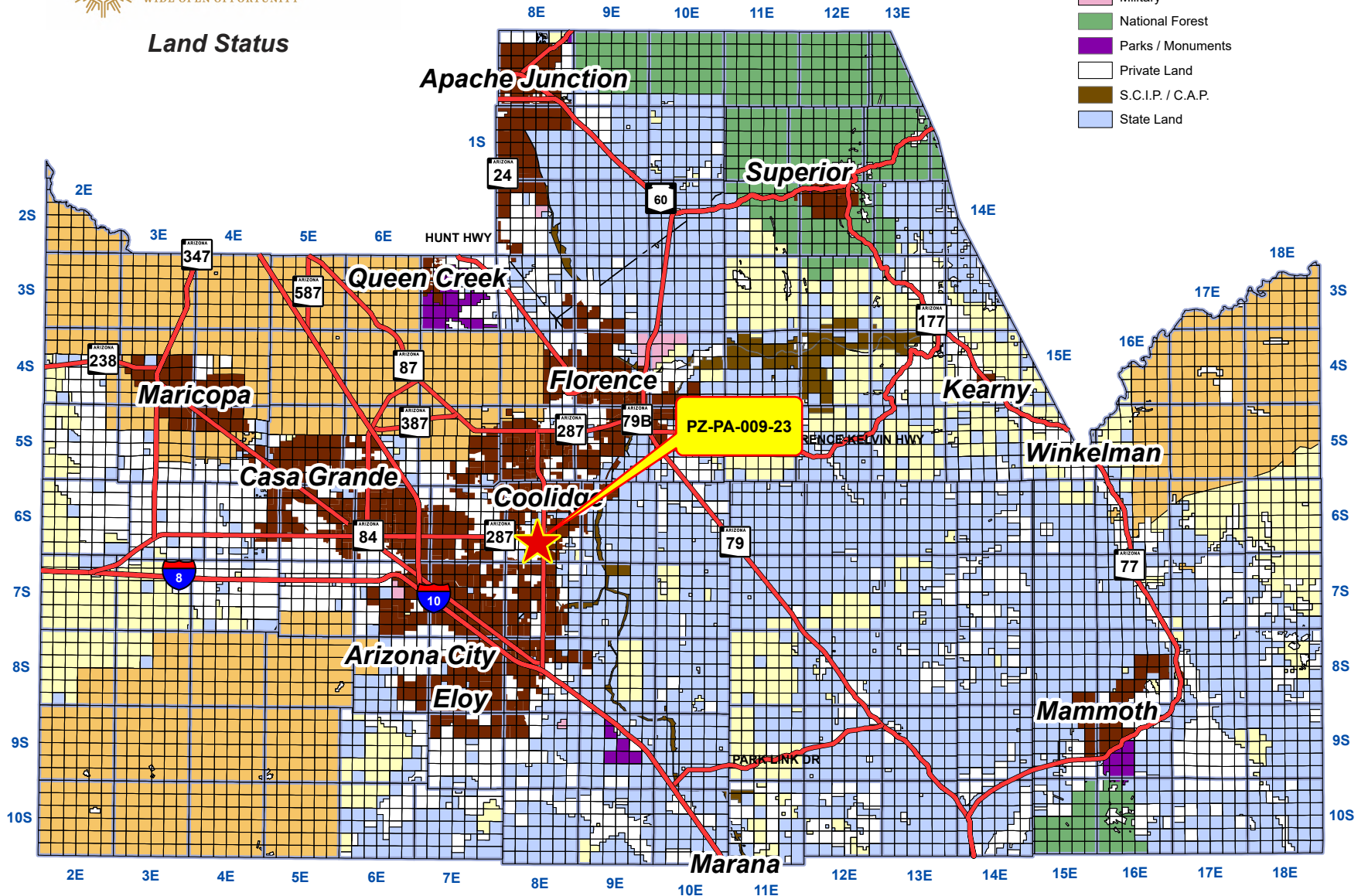


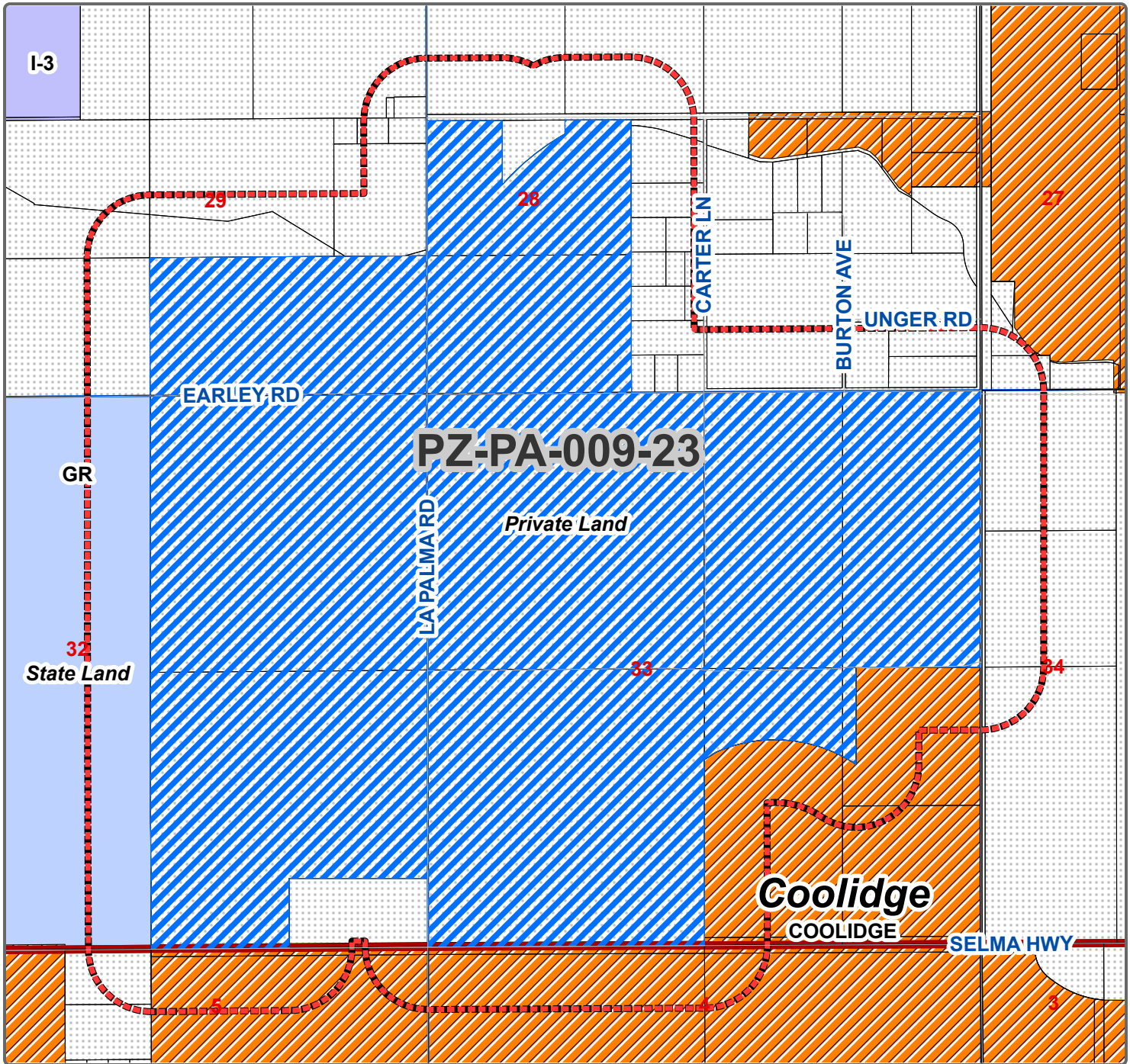
PINAL COUNTY
WIDE OPEN OPPORTUNITY

Land Status

Legend

- B.L.M.
- Indian Community
- Military
- National Forest
- Parks / Monuments
- Private Land
- S.C.I.P. / C.A.P.
- State Land





Community Development

PZ-PA-009-23—PUBLIC HEARING/ACTION: HA Cielo LLC, landowner/applicant, Pattern Solar & Storage Development LLC/Amy Smolen, agent, requesting approval of a Major Comprehensive Plan Amendment to the 2019 Pinal County Comprehensive Plan to re-designate 1086 ± acres from MLDR (Moderate Low Density Residential) and Employment to Green Energy Production for a photovoltaic Solar Power Plant, situated in Sections 28, 29, 32, & 33, T06S, R08E, Gila & Salt River Baseline & Meridian, tax parcels 401-42-009A, 401-42-009B, 401-43-009B, 401-46-0010, 401-46-0030, 401-47-0010, 401-47-0020, 401-47-0030, 401-47-0040, 401-47-0050, and 401-47-0060 (legals on file), located south of east Laughlin Rd, north of Selma Highway, west of S Highway 87, and on both sides of south La Palma Rd in the unincorporated Pinal County area near Coolidge, AZ.

Current Zoning: GR

Requested Zoning: Rezone

Current Land Use: MLDR, Employment



Legal Description:

In Sections 28, 29, 32, & 33, T06S, R08E, Gila & Salt River Baseline & Meridian, tax parcels 401-42-009A, 401-42-009B, 401-43-009B, 401-46-0010, 401-46-0030, 401-47-0010, 401-47-0020, 401-47-0030, 401-47-0040, 401-47-0050, and 401-47-0060 (legals on file), located south of east Laughlin Rd, north of Selma Highway, west of S Highway 87, and on both sides of south La Palma Rd in the unincorporated Pinal County area near Coolidge, AZ.

SEC 28,29,32 & 33, TWN 06S, RNG 08E



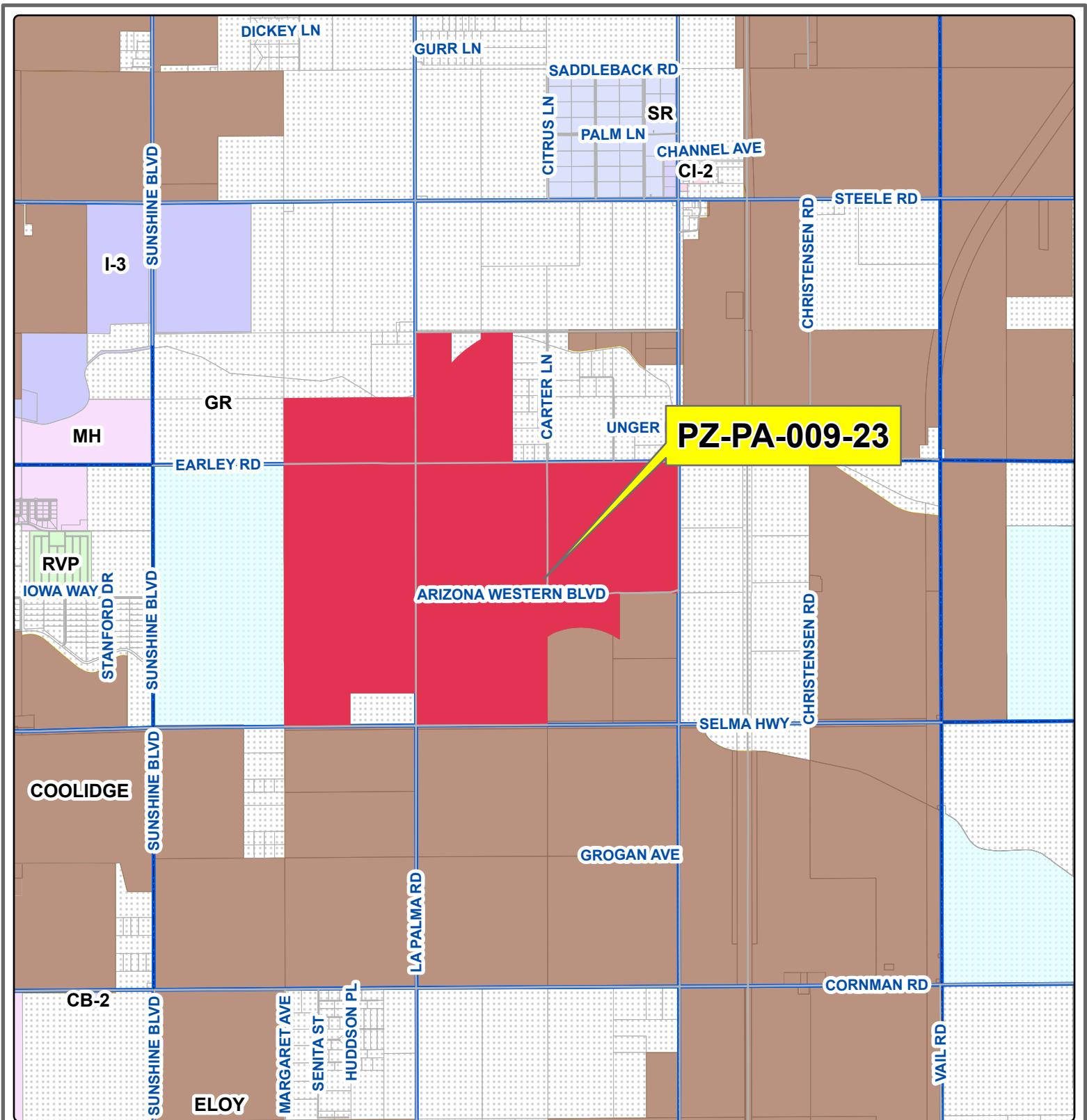
Owner/Applicant: HA CIELO LLC, LANDOWNER/APPLICANT, PATTERN SOLAR & STORAGE DEVELOPMENT LLC/AMY SMOLEN, AGENT

Drawn By: GIS / IT / SAH **Date:** 11/02/2023

Sheet No.
1 of 1

Section 28, 29, **Township** 06S **Range** 08E
32 & 33

Case Number: PZ-PA-009-23



Community Development



PINAL COUNTY
WIDE OPEN OPPORTUNITY

Legal Description:

Situated in Sections 28, 29, 32, & 33, T06S, R08E, G1a & Salt River Baseline & Meridian, tax parcels 401-42-009A, 401-42-009B, 401-43-009B, 401-44-0010, 401-46-0030, 401-47-0010, 401-47-0020, 401-47-0030, 401-47-0040, 401-47-0050, and 401-47-0060 (legals on file), located south of east Laughlin Rd, north of Selma Highway, west of S Highway 87, and on both sides of south La Palma Rd in the unincorporated Pinal County area near Coolidge, AZ.

SEC 28, 29, 32 & 33, TWN 06S, RNG 08E

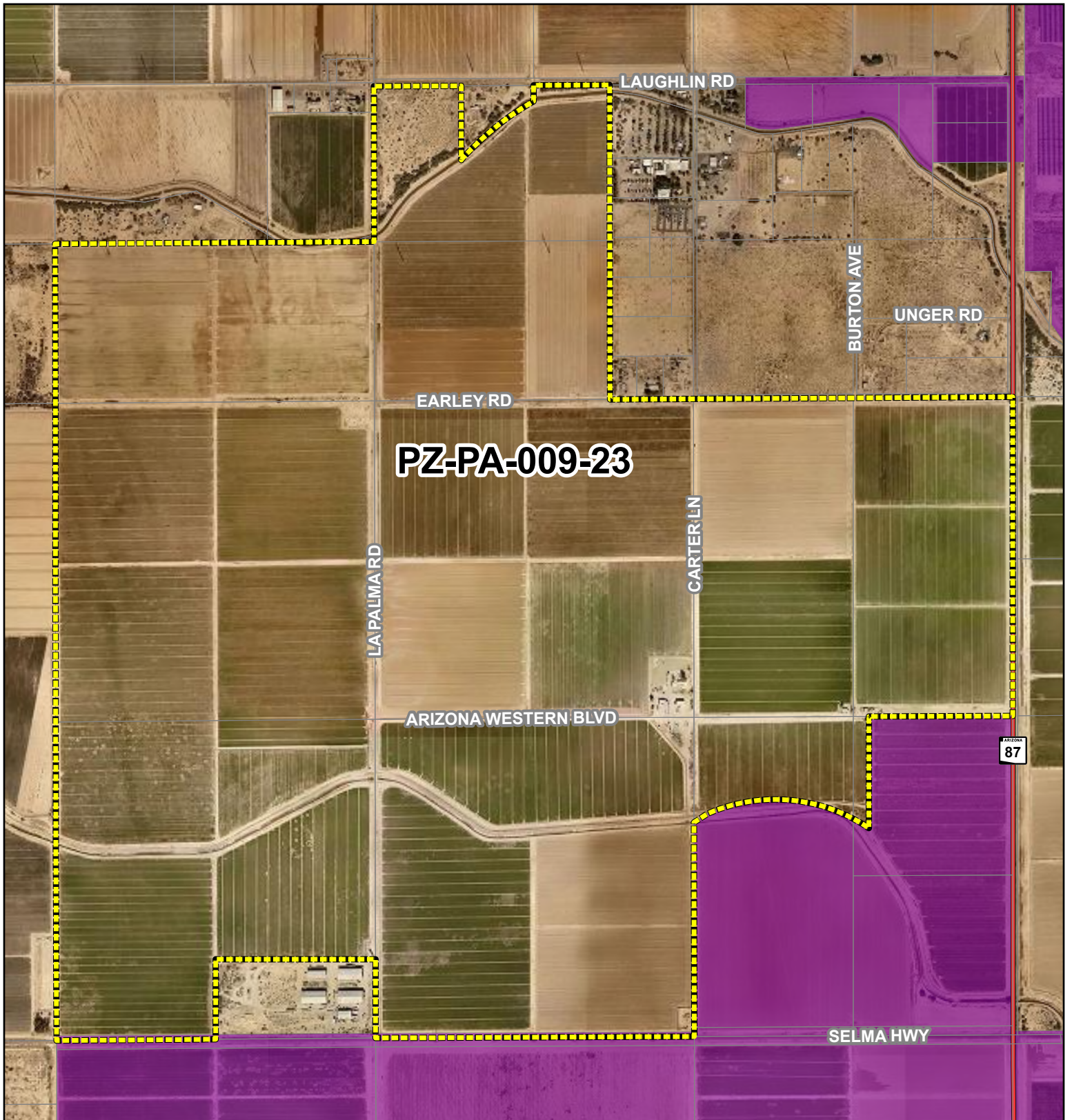


Owner/Applicant: HA CIELO LLC, LANDOWNER/APPLICANT, PATTERN SOLAR & STORAGE DEVELOPMENT LLC/AMY SMOLEN, AGENT

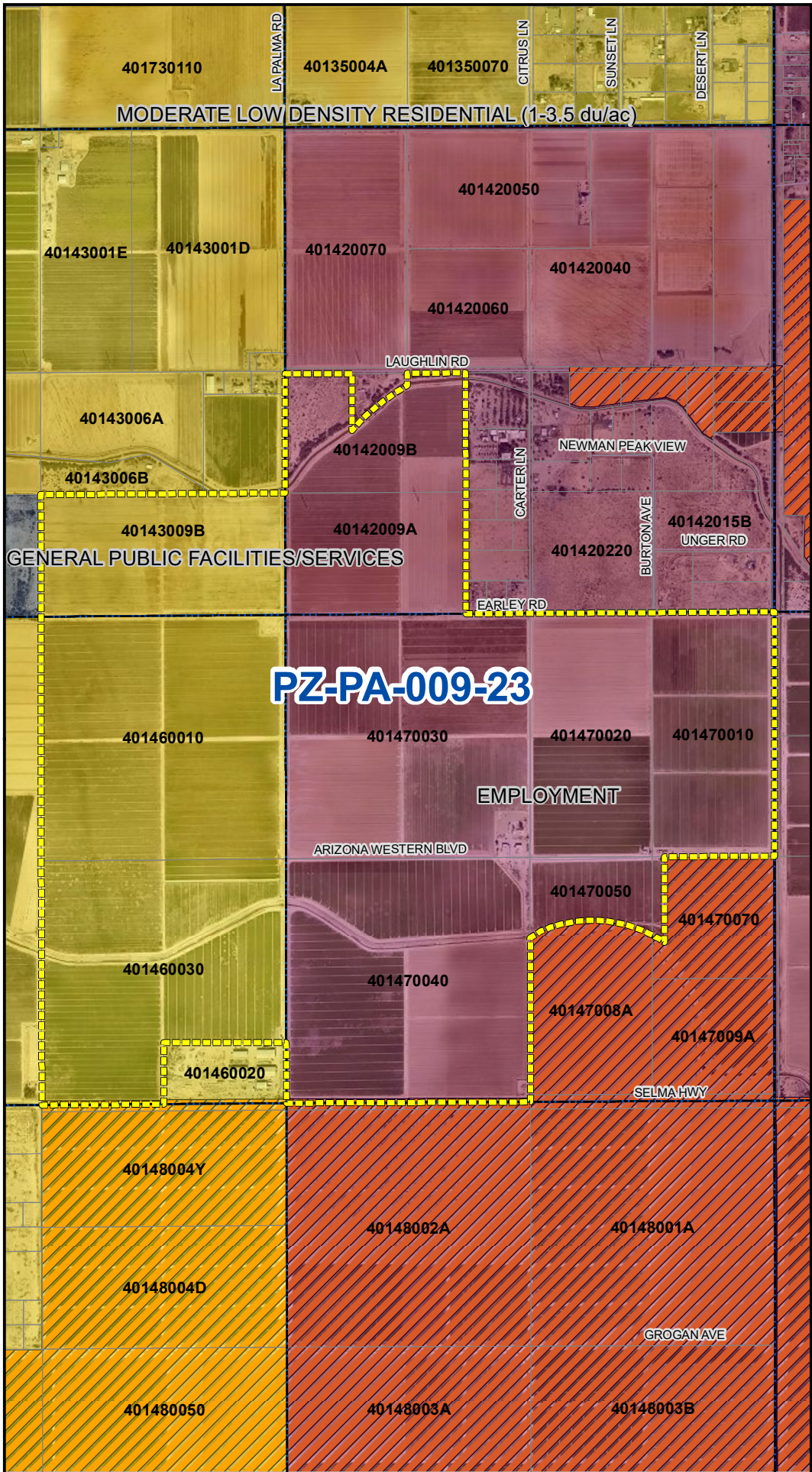
Drawn By: GIS / IT / SAH **Date:** 11/02/2023

Sheet No. 1 of 1 **Section:** 28, 29, 32 & 33 **Township:** 06S **Range:** 08E

Case Number: PZ-PA-009-23



Community Development



PZ-PA-009-23

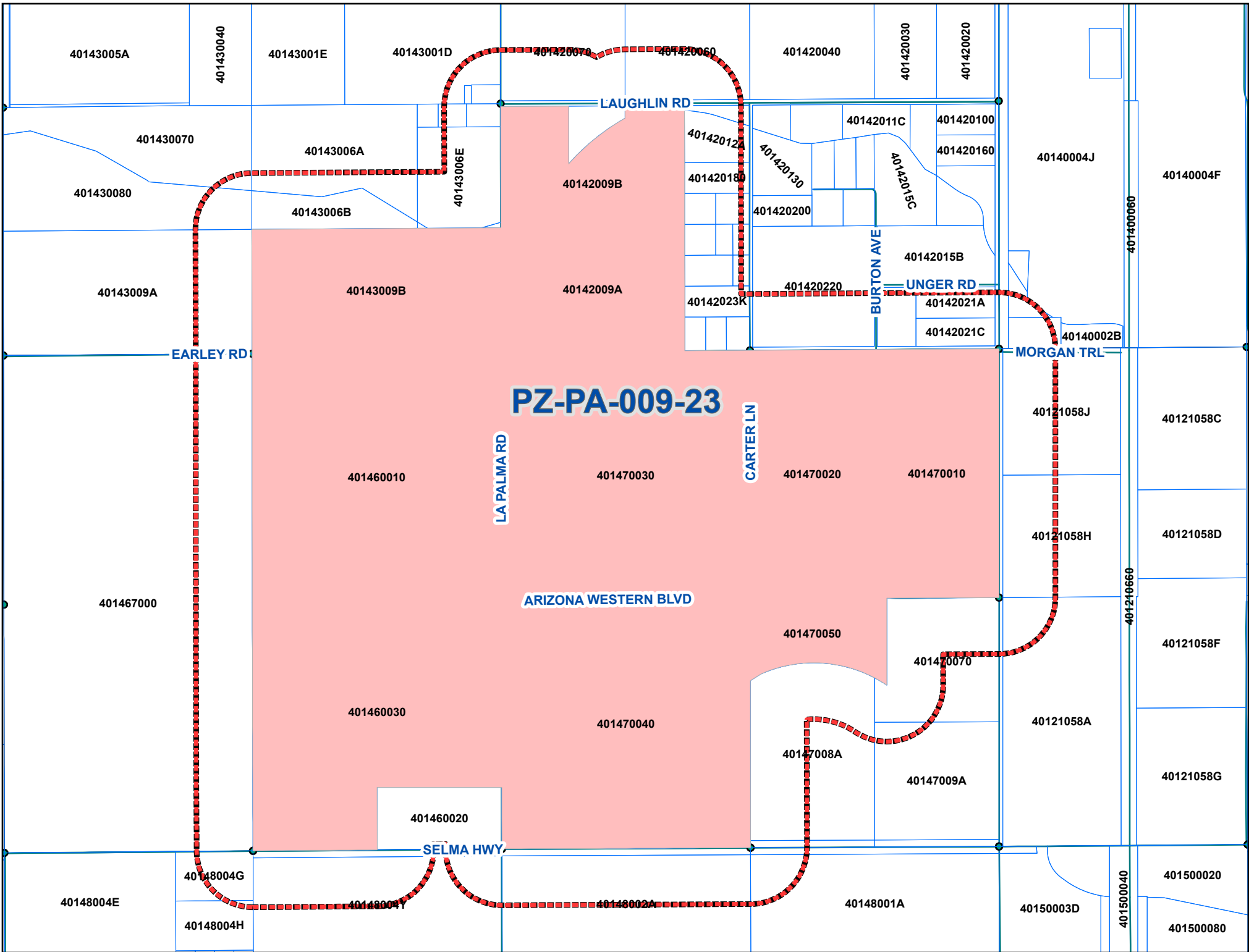
FROM:

MODERATELY
 LOW DENSITY
 RESIDENTIAL
 &
 EMPLOYMENT

TO:

GREEN ENERGY
 PRODUCTION





PZ-PA-009-23

LAUGHLIN RD

EARLEY RD

SELMA HWY

ARIZONA WESTERN BLVD

LA PALMA RD

CARTER LN

BURTON AVE

UNGER RD

MORGAN TRL

401400060

401210660

401500040

STAFF FINDINGS-

PUBLIC PARTICIPATION:

| | |
|--------------------------------|-----------------------|
| P&Z Work Session: | 7/20/2023 |
| Web posting and 60 day review: | 6/9/2023 to 8/11/2023 |
| Citizen Advisory Committee: | 9/7/2023 |
| BOS Work Session: | 9/14/2023 |

PUBLIC HEARING REQUIREMENTS:

| | |
|------------------------------|-----------|
| Broadcast Sign Installation: | 9/20/2023 |
| Notice Sign Installation: | 9/26/2023 |
| Mail-outs: | 9/20/2023 |
| Web Posting: | 9/26/2023 |
| Newspaper Publication: | 9/27/2023 |
| Neighborhood Meeting: | 8/22/2023 |

PUBLIC COMMENTS:

Comments from Pinal County Open Space & Trails division, Arizona Game & Fish City of Coolidge and the general public have been received.

Pinal County Open Space & Trails recommendations:

Regional Trail Recommendations:

- The development shall adhere to the current open space standards of the planned regional trail in all regional trail areas of the site. Refer to OSRAM standards for rural trail development. (Trail corridor width of 24')

Casa Grande Canal:

- A 25 ft. buffer around canal space to retain wildlife movement corridors.
- Direct coordination with Arizona Game & Fish before, during and after site installation.

Arizona Game & Fish Recommendations:

- Cleaning of all equipment before entering or leaving the site to prevent the spread of exotic invasive species and reporting invasive species.
- Revegetating disturbed areas with native drought-tolerant species and consulting with land management agencies.
- Nighttime project work shall have minimal lighting that limits upward light emission.

City of Coolidge Comment:

- A letter was received from Gilbert Lopez, Development Services Director for the City of Coolidge, describing concern that their General Plan does not support utility scale solar in this location and that this project proposal exceeds a 16% solar overlay zone initiated within their municipality.

- A letter was received from Jon Thompson, Mayor of Coolidge, describing concern that the expansion of solar facility is within the Coolidge Planning Area and conflicts with the 16% Solar Overlay Zone. Mayor Thompson also describes public opposition to a similar project proposed by NextEra Energy by Coolidge residents and agrees with County Staff's recommendation for denial.

Public Comment:

- A letter from a citizen was received stating concerns about the lack of data on impact to life, lead and cadmium leaks and heat radiation.

PLAN AMENDMENT DISCUSSION:**Request:**

The applicant is requesting a major amendment of the Pinal County Comprehensive Plan to amend the Land Use Plan **from Employment and MLDR (Moderate Low Density Residential) to Green Energy Production** on approximately 1,086± acres. The property is currently zoned General Rural (GR), is currently farmland, and this proposal would change 380 acres of MLDR and 706 acres of employment to Green Energy Production in the comprehensive plan.

Proposal:

The applicant is proposing to construct and operate a photovoltaic (PV) solar generation facility with an energy output of approximately 150 megawatts of solar generation and battery storage. The proposal intends to build a new 500 megawatts voltage gen-tie transmission line and connect it to infrastructure. The proposal has a projected operation date of December 2025 and a decommission date of at least 25 years in the future. The decommission plan will include reusing equipment on other projects, filling depressions from equipment, and reseeding land.

Site Data:

The site is located south of east Laughlin Rd, north of Selma Highway, west of S Highway 87, and on both sides of south La Palma Rd with access to all these of roadways. There are two canals that run east-west within the project area and are owned by the San Carlos Irrigation District. Casa Grande Canal extends north of the project and south of the project is the Florence Casa Grande Canal Extension. There is a proposed Multi-Use Trail Corridor along the Florence Casa Grande Canal Extension north of E Selma Hwy. This trail corridor is a planned regional corridor that connects the eastern and western portions of the county.

Location and Accessibility:

State Route 87 runs north-south and borders a portion of the Project site to the east. State Route 287 runs east-west one mile north to the project boundary. I-10 runs east-west approximately 8 miles southwest of the Project Site. Selma Highway is a planned Parkway that abuts the south edge of the project boundary. As required by Pinal County, the solar farm will be accessed by paved, all-weather drives that connect to overall county road network. The plan also protects the future corridor for Bella Vista Road by preserving the right-of-way and setting back from this corridor. While the project will create low traffic volume once constructed, the applicant will work with the County and Arizona Department of Transportation to implement whatever improvements may be needed to any roadway a result of the Project. The proposal is not adjacent to a platted subdivision, not in a special plan area of the comprehensive plan, or an open space and provides a buffer for existing adjacent residential uses and the City of Coolidge.

Environmental Studies:

The applicant has provided a detailed analysis of existing environmental constraints, which preliminarily show that the site is relatively free of sensitive cultural and habitat resources. Arizona Game and Fish Department online tool was used and the report showed no federally listed important wildlife area or critical habitats on the site or within five miles. No designated critical habitats are within or near the project area. The proposed project does not anticipate any impacts to endangered species. The Pinal County Comprehensive Plan does indicate a notable proximity to Biologically Sensitive Areas within five miles of the project site (Picacho Reservoir). The project also encounters the Casa Grande Canal with direct connection to Picacho Reservoir. The Pinal County Comprehensive Plan identifies canals as wildlife movement corridors on page 254.

Staff notes one property owner who has an entitled project within proximity to this project has reached out to the applicant to discuss concerns and possible mitigation strategies.

Staff Analysis and Recommendation:

This proposal, for a major comprehensive plan amendment to allow a photovoltaic solar power plant, would change 380 acres of Moderate Low Density Residential and 706 acres of employment to Green Energy Production in the comprehensive plan. The County comprehensive plan is mostly Moderate Low Density Residential and this designation calls for flexibility of uses (employment, commercial, light industrial, medium and high-density housing). The employment area of the comprehensive plan calls for employment generating businesses like industrial/commercial parks. The employment designation also includes power plants in this category but is to be interpreted as a permanent use.

This site also borders Highway 87 and is 8 miles from I-10. These major roadways are ideal for high volume access that commercial or industrial development would require.

Staff views this proposal as a loss of opportunity for future diverse commercial/industrial developments. The site does not generate dense employment typical of a commercial center and would restrict such a development from occurring for at least 25 years. The proposal would also remove the flexibility of Moderate Low Density Residential to provide for residential space.

The inclusion of a Battery Energy Storage System (BESS) presents circumstances to this project that staff finds concerning. Inclusion of a BESS system would require laying a foundation for these systems that lends to the idea of this project being a permanent use. While the project is proposed to operate for 25 years, any changes to the site will need to be captured within a decommissioning plan brought forth by the applicant during the rezoning process. Staff, the Citizens Advisory Committee, and members of the public have also raised concern regarding BESS system failures regarding fires and life-safety concerns. Such cases of Lithium-Ion battery fires has contributed to discussions of up to a half mile buffer requirement for BESS systems with regard to residential uses.

After a detailed review of the request, Pinal County Comprehensive Plan and Pinal County Development Services Code, staff recommends denial for the proposed land use change. Based on the discussion above, following are the reasons for denial:

1. Proposed change in land-use to Green Energy Production may result in a loss of opportunity for future potential commercial uses for approximately 706 acres. This is 65% of the site.
2. Location of the project area is conducive to commercial developments due to the proximity of Highway 87 and I-10.

3. Historic canal to the south of the parcel has a multi-use trail corridor requiring pedestrian linkages from neighboring land use of residential development.
4. The use is temporary and has less potential county benefit than a permanent industrial/commercial park.

STAFF RECOMMENDATION:

After a detailed review of the request, Pinal County Comprehensive Plan and Pinal County Development Services Code, staff offers a recommendation of **denial** for the land use change at this time. However, should the Board of Supervisors find, after the presentation of the applicant and together with the testimony and evidence presented at the public hearing, that this Major Comprehensive Plan amendment is needed and necessary at this location and time, will not negatively impact adjacent properties, will promote orderly growth and development of the County and will be compatible and consistent with the applicable goals and policies of the Pinal County Comprehensive Plan, then staff will recommend that the Board of Supervisors approve **PZ-PA-009-23**.

PLANNING AND ZONING COMMISSION RECCOMENDATION:

After detailed discussion and decision with consideration of public comments presented at the public hearing, the Planning and Zoning Commission voted 9-0 to approve a recommendation of **denial** for case **PZ-PA-009-23**.

CITIZENS ADVISORY COMMITTEE ACTION:

After a detailed discussion and decision, at the public hearing, the Citizen’s Advisory Committee voted 6-4 to recommend approval of case PZ-PA-009-23 with the following recommendation:

- Maintain multiuse trail access along Florence-Casa Grande Canal.
- Site BESS at least ½ mile from future or existing homes.

Date Prepared: 11/1/23 PR

Date Revised:

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PINAL COUNTY PLANNING AND ZONING COMMISSION
(PO NUMBER 249810)

Regular Meeting
9:00 a.m.
Thursday, October 19, 2023
Board of Supervisors Hearing Room
135 N. Pinal Street, Florence, Arizona

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- **PZ-032-23 & PZ-PD-007-23** - pp. 70-92

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TRANSCRIPTION PROVIDED BY

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Phoenix, Arizona 85006
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ORIGINAL PREPARED FOR:
PINAL COUNTY, ARIZONA

1 doesn't - if something happened.

2 BILLINGSLEY: Why don't we move it to the end and
3 maybe she's having - maybe she needs a little time.

4 OLGIN: Okay. Yeah, if you don't mind, can we move
5 these cases to the end so they can -

6 RIGGINS: The Comprehensive?

7 OLGIN: Yes.

8 RIGGINS: All comprehensive?

9 OLGIN: Just the first one.

10 RIGGINS: Just the first one, okay. If that is
11 acceptable?

12 ??: Sure.

13 RIGGINS: Okay.

14 BILLINGSLEY: When we say the end, is at the end of
15 the Comprehensive Plan?

16 RIGGINS: Yes, we'll just do it at the end of the
17 Comprehensive Plan section. Okay, we'll just take this down
18 below to other cases, and be back to it then. In that case,
19 we will go ahead and begin with another general, a Major
20 General Plan Amendment case PZ-PA-009-23.

21 ROBERTS: Good morning, Chair, Vice Chair, Members
22 of the Commission, my name's Patrick Roberts, Senior Planner.
23 I'm going to be presenting Cielo Solar today, PZ-PA-009-23.
24 This case is brought forward by HA Cielo LLC, landowner and
25 Storage Development LLC, Amy Smolen. This is a Major

1 Comprehensive Plan Amendment to redesignate 1,086 acres from
2 MLDR and Employment to Green Energy Production. The area of
3 this proposal is 1,086 acres and the location's south of East
4 Laughlin Road, north of Selma Highway, west of South Highway
5 87, and on both sides of South La Palma Road in the
6 unincorporated Pinal County area near Coolidge, Arizona. The
7 applicant for this project is Pattern Solar & Storage
8 Development LLC, Amy Smolen. This is a location map showing
9 the approximate area of where the solar field's going to be
10 located, south of Coolidge. This is a current Comprehensive
11 Plan showing the location and designations. You can see
12 approximately 380 acres of MLDR and 706 acres of Employment,
13 all proposed to be changed over to Green Energy Production.
14 This is a map showing the current zoning of the properties.
15 Current zoning is GR, General Rural, and surrounding zonings
16 are GR in City of Coolidge designation. This is an aerial
17 showing the location of the site. So the current conditions
18 on the property, it's relatively flat topography on existing
19 agricultural land. The proposal is to change the designation
20 to allow solar generation up to 150 megawatts of photovoltaic
21 solar energy, which will include a solar array field, battery
22 energy storage system, a project substation, a generation tie
23 transmission line. And all this is scheduled for development
24 to meet a commercial operation date of late 2026. So staff
25 has received a number of comments from a number of different

1 agencies, first of which we received from Pinal County Open
2 Space and Trails with the following recommendations. They
3 recommended to refer to our Open Space and Recreation Area
4 Design Manual for Rural Trail Development and provide a 24
5 foot trail corridor width for the regional trail area on the
6 site. Along the Casa Grande Canal, provide a 25 foot buffer
7 around the canal space to retain wildlife movement corridors,
8 and to coordinate directly with Arizona Game and Fish before,
9 during and after site installation. From City of Coolidge, we
10 received two letters of comment, one from Gilbert Lopez,
11 Development Services Director, stating the Coolidge General
12 Plan does not support utility scale solar in this location.
13 The project exceeds 16 percent solar overlay zone brought
14 forward by a voter initiative. Jon Thompson, Mayor of
15 Coolidge, also provided a letter comment saying the solar
16 expansion is within the Coolidge planning area and conflicts
17 with that 16 percent solar overlay zone, and that opposition
18 was received from Coolidge residents to similar solar projects
19 going forward within their jurisdiction. We also received
20 public comment by mail from a resident stating they were
21 concerned about life safety aspects, including lead and
22 cadmium leaks and heat radiation. As of this morning, we also
23 received an additional letter of opposition, which I'll have
24 Monica pass around to the Commission. But to summarize - or
25 to read into the record - I am writing as a concerned resident

1 and business owner here in Pinal County. I'm a long time long
2 resident of Pinal County, growing up in Queen Creek and
3 currently reside in Coolidge. I know solar has been a very
4 hot topic in Pinal the last few years. My wife and I have
5 attended several meetings, as we are very much against growth
6 and they're just downright an eyesore. We currently live two
7 miles away from the new project going in, and we can see the
8 constant glare from our homes. We moved here to raise a
9 family and enjoy our horses and cattle and build our
10 businesses and help enrich the community around us. Solar
11 does none of this. We unfortunately cannot make this meeting
12 on October 19th due to our work schedules, but want to once
13 again voice we do not support solar. This was received from
14 Christine, 3817 North Wheeler Road in Coolidge, Arizona. So
15 at the Citizens Advisory Committee meeting, after a detailed
16 discussion and decision at the public hearing, the Citizen
17 Advisory Committee voted 6 to 4 to recommend approval with the
18 following recommendations. To maintain multi-use trail access
19 across the Florence-Casa Grande Canal, and site any BESS
20 systems at least half a mile from future existing homes. So
21 items for discussion. The proposed change in land use to
22 Green Energy Production results in a loss of opportunity for
23 future potential commercial uses for 706 acres, approximately
24 65 percent of the site - that's the 706 acres of Employment
25 designation. The location of the project area is conducive to

1 commercial developments due to the proximity to the Highway
2 87, I-10 corridor and the 287 junction. The historic canal on
3 the south of the parcel has a multi-use trail corridor
4 requiring pedestrian linkages from neighboring land use of
5 residential development. The use is temporary and has less
6 potential for the County to benefit from this project than a
7 more permanent industrial commercial park. And the
8 introduction of a best uses introduce conversations regarding
9 project permanence and potential for failure, fires, etc. So
10 given those conditions and those discussion points, staff
11 offers a recommendation of denial for this Comprehensive Plan
12 Amendment. At this time, we would open up to the Commission
13 for any questions of staff.

14 RIGGINS: Commission Members, any comments or
15 questions on the staff report?

16 MENNENGA: Yeah, I do.

17 RIGGINS: Vice Chairman Mennenga.

18 MENNENGA: So in here, Pat, you mentioned this is
19 the City of Coolidge planning area, and the City of Coolidge
20 has basically said no more solar, actually, which I agree
21 with. How - since this is in Coolidge, City of Coolidge
22 planning area, how does that affect this in any way?

23 ROBERTS: I would comment that this property is
24 still considered unincorporated Pinal County. It is worth
25 considering that the City of Coolidge has provided

1 recommendations and given that they're - it's within their
2 planned - the planning area, they clearly intend to develop in
3 this direction. So I'd say it's not without comment.

4 BILLINGSLEY: Mr. Vice Chair, Mr. Chairman,
5 excellent question. Since it's in their General Plan, it's in
6 their planning area, although it's in Pinal County, the whole
7 intent of those General Plans and when those planning areas
8 are set, are areas for future growth, potential annexation,
9 etc. So staff weighs those recommendations from those
10 entities where it's in their planning area very heavily. For
11 example, you have two different cases today. One of those
12 cases has opposition from the entity where it's in its
13 planning area, the other case, the entity that controls that
14 planning area has recommended approval, and you'll see that
15 staff's recommendations align with those. It's not the
16 primary decision-making item, but it certainly weighs heavily
17 on staff when we do a review.

18 MENNENGA: Okay, thanks.

19 RIGGINS: Other questions?

20 SCHNEPF: Commissioner Riggins.

21 RIGGINS: Commissioner Schnepf.

22 SCHNEPF: Is this - is there other solar or green
23 energy located close to this?

24 ROBERTS: There are.

25 SCHNEPF: Proposed?

1 ROBERTS: Yeah, there is an existing solar site.
2 Let me go back to the map here. The aerial's probably the
3 best indicator. There's some development up here to the
4 northeast and surrounding solar here. I don't think this is
5 one.

6 BILLINGSLEY: That is.

7 ROBERTS: This is?

8 BILLINGSLEY: Yes. Sorry, there is solar in this
9 location, there is solar in this location, and there is solar
10 proposed further to the west, towards Eleven Mile Corner.

11 SCHNEPF: Are those similar or smaller in size to
12 this proposed site? Would this be a larger of the ones?

13 ROBERTS: We don't have - this one is 1,086 acres.

14 BILLINGSLEY: This one is larger than the two that
15 you see on the map. This one is smaller than the one that's
16 proposed by Eleven Mile Corner, which you guys have heard
17 previously.

18 SCHNEPF: Okay, thank you.

19 RIGGINS: Commissioners, any other questions? I
20 would like Mr. Billingsley to come back up, because I do have
21 one question. How does the County General Plan speak to the
22 eradication of Employment zones in the General Plan,
23 eliminating them in favor of non-Employment uses?

24 BILLINGLSEY: Honestly, I'm going to give you my
25 personal take on it. Comprehensive Plans are very general in

1 nature and they are suggestions of future land use. But I
2 will tell you from the staff perspective and certainly what
3 we've heard from the Board of Supervisors, the direction
4 that's been provided to us is we need to think long and hard
5 about conversion of commercial areas in the Comprehensive Plan
6 into another use because of, we have limited areas for
7 commercial development, economic development is incredibly
8 important for this County, and as you guys know, the last few
9 years we've put a lot of effort into that economic development
10 effort that has borne fruit. So from a staff perspective, the
11 direction we've been provided is think long and hard about
12 Comp Plan changes and zoning changes that impact future
13 economic viability, which would include economic development.

14 RIGGINS: And I would state that in that work that
15 has been done, which has been a great deal of economic
16 development work, one of the most successful and burgeoning
17 areas for commercial employment is the Highway 87/I-10
18 corridor, which has - I mean, that is an area that obviously
19 will get more and more industry as time goes on, and certainly
20 if you make an entirely non-Employment use go onto it, that
21 precludes that concept. Okay, very good. Thank you. Any
22 other questions whatsoever? Okay, thank you very much. Could
23 the applicant come up, please?

24 KOWALSKI: Is the PowerPoint loaded up?

25 NEIRA: If you could sign in your name?

1 KOWALSKI: Sure. Hello, my name is Matt Kowalski.
2 I'm here today representing Pattern Energy for a Major
3 Comprehensive Plan Amendment for 1,000 acres of land here in
4 Pinal County from Moderate Low Density Residential and
5 Employment to Green Energy Production. Thank you for your
6 time today everybody, I really appreciate the face to face
7 interaction. As an introduction, Pattern Energy has about 30
8 operating wind, solar, energy storage and transmission assets
9 across North America. You can see them across the map here.
10 The circles that are not filled in are assets that are
11 currently under development. I wanted to specifically
12 highlight the SunZia project. This is a transmission line
13 from Central New Mexico to Central Arizona and actually ends
14 here in Pinal County, right across from the County fairgrounds
15 and co-located with the solar project, the Cielo Solar project
16 I'll be talking to you about today. That SunZia project was
17 our introduction to Pinal County, and to introduce ourselves
18 to the community we sponsored the Pinal County Fair this year.
19 We are the main stage sponsor, we sponsor the livestock and
20 youth expos, and we actually had a booth that we attended
21 throughout the event. I was there myself Friday, Saturday and
22 Sunday talking to local residents about Pattern, about solar,
23 about transmission energy in the County. Quick overview of
24 Cielo before I get into some more details. Cielo Solar will
25 bring multiple benefits to the County. If built, it will

1 provide reliable energy through the use of a battery component
2 and low cost power generation due to where this project is
3 located within the County and its proximity to transmission
4 infrastructure. This will be a large project, but no larger
5 than the other projects surrounding it. It could provide
6 enough power for about 80,000 Americans, if built, on an
7 annual basis and we anticipate completion if we're able to
8 move forward in 2026. That means construction would be
9 starting in 2025 and continuing into 2026, which means about
10 200 to 250 construction jobs onsite. Once complete, there'll
11 be multiple permanent operations and maintenance jobs. Like I
12 said, this SunZia project is co-located with Cielo Solar.
13 SunZia is being built right now in the northwest corner, like
14 just beyond the northwest corner of the project footprint
15 outlined here. There's already about two dozen workers
16 onsite, at its peak of construction there'll be hundreds of
17 workers onsite there through 2025. So if both SunZia and
18 Cielo are built, there could be hundreds of workers at this
19 construction site from now through 2026. Those workers would
20 be in Pinal County going to gas stations, going to grocery
21 stores, going to restaurants, etc. for that whole period.
22 Beyond the jobs, the other economic benefits versus the
23 current agricultural land use, there would be a substantial
24 increase to property tax base in the County, there'd be a
25 substantial water use reduction, and this reliable low cost

1 power generation could support a new wave - could support the
2 current new wave of economic growth that the County is
3 experiencing. And we'd be a good neighbor to the County. As
4 I talked about, we sponsored the fair, we'd continue with
5 those sorts of efforts. Last year, we actually started the
6 permitting process on this project, and before our required
7 neighborhood meeting, I went out and knocked on doors for the
8 residents that live just north of the project - there's a
9 handful of residents that live up there - and based on that
10 feedback last year, we actually adjusted our plan this year
11 and included additional setbacks. So that kind of purple L on
12 the project footprint there, that's new this year based on our
13 feedback that we got from residents up there last year. So
14 beyond the County mandated setback requirements, we're setting
15 our panels back an additional 200 feet so that when those
16 residents walk out or drive down those roads, those panels
17 aren't right in their face. So to kind of frame the next
18 couple of more detailed slides, these are the approval
19 criteria for Major Comprehensive Plan Amendments as set forth
20 in the 2019 Comprehensive Plan, and as you'll see in the next
21 few slides, I believe that Cielo checks all these boxes, I
22 believe it's an appropriate land use for this location, and I
23 believe that it constitutes an overall improvement to the
24 County. So to kind of frame where this is within the County,
25 I have this screenshot here of kind of the broad portion of

1 the County that we're talking about. You can see Casa Grande
2 off to the left, the lower portion of Coolidge on the northern
3 portion of the image, and then on the south, Eloy. Cielo is
4 shown in red. And you can see it's just about the same size
5 as the other solar projects around it. The same solar project
6 that you could see on the County staff's slides before, you
7 could only see a small sliver of it in that aerial image, here
8 you can see the full extent. That project also includes a
9 battery component. The Pinal Energy Center just north of the
10 project site also includes a battery component. And there's
11 multiple projects to the south and multiple more projects
12 planned in this area. So with this broad shot of the County,
13 you might be asking why is all the solar clustering here?
14 It's because of all the attributes that make a good solar
15 project are found right here. It's minimally environmentally
16 impactful land because it's generally agricultural, it's flat
17 also because agricultural, and it's near robust transmission
18 infrastructure. There's multiple high voltage transmission
19 lines running through this property, and the Pinal Central
20 Substation is highlighted here in black as well. This is a
21 massive substation that's right across the road from the
22 County fairgrounds, you might have seen it when attending the
23 fair. And this is the point where all of these solar projects
24 plug into the larger electricity grid. I'll note that the
25 Pinal Central Substation is co-owned by SRP, Salt River

1 Project, and they would be likely offtaker for Cielo Solar.
2 We're not advanced enough in development to have begun
3 negotiations or discussions with any potential offtakers, but
4 SRP would be one of the more likely offtakers. And on this
5 map I also just wanted to highlight kind of the broader
6 current economic wave going through the County. The \$10
7 billion of commitments over the last few years, 13,000 plus
8 jobs committed. Some of those are shown here with the Lucid
9 plant, the Nikola plant, both EVs. The Ecobat plant, which is
10 a battery recycling plant, LG energy battery production in
11 Queen Creek, and then the two copper facilities. So because
12 this is agricultural land, there's generally minimal
13 environmental impact. So far from our initial analyses, we
14 have identified no sensitive biological resources, surface
15 waters, wetlands or endangered species. You can see one of
16 these analyses on this slide. This shows wetland and bird
17 areas. You can see Picacho reservoir off to the east is all
18 lit up with green and blue, showing the sensitive wetlands and
19 bird areas. And our project footprint shown in black is not
20 lit up at all. As far as equipment on site, solar facilities
21 do not produce harmful air emissions or harmful byproducts.
22 The small trace amounts of lead or cadmium in these modules
23 could only significantly impact or harm animals, humans or
24 others if these panels are ground up into a fine dust. For
25 the battery system, we commit to vetting vendors rigorously,

1 looking at their past track records of safety and selecting
2 only Tier 1 vendors. We commit to applying to design
3 standards such as the National Fire Protection Association
4 standards and during testing of equipment, making sure this
5 equipment is being tested up to UL Standards. We take safety
6 very seriously. We've already had initial conversations with
7 Rural Metro. We met with them in person on September 7th,
8 introduced the project to them. They're excited to work with
9 us and they mention that if Pattern's able to provide training
10 for them on battery safety, that they would love that and
11 we're willing to take that up with them if we move into the
12 rezoning and PAD process. We commit to continuing to work
13 with residents on viewshed concerns. We heard for the first
14 time that letter from Christine read out loud with viewshed
15 concerns. I've also met with residents on the north end of
16 the site, both on the door knocking I did last year, at our
17 neighborhood meeting last year, our neighborhood meeting this
18 year, as well as emails and phone calls. And through that,
19 we've adjusted our plan this year to include that additional
20 setback, and are willing to continue to work with residents to
21 mitigate those viewshed concerns. We want to build a project
22 that most people can get behind. We also commit to working
23 with Open Spaces and Trails to kind of highlight the canal
24 that was talked about in the County staff presentation. This
25 is the canal here running through the southern edge of the

1 site. There's currently wide dirt roads on either side of the
2 canal, we would make sure we're planning around those existing
3 roads and work with Open Spaces and Trails to make sure we're
4 meeting their proposed multi-use trail requirements. And I
5 would just note for any Arizona Game and Fish requirements,
6 any Open Spaces and Trails requirements for wildlife
7 corridors, we do not plan to fence off either end of this, it
8 would be open and the fence line would just be around the
9 module area. And finally, switching from agricultural use,
10 which it is today to solar use, will substantially reduce
11 water usage. The land is actively farmed. I'm in regular
12 communication with the tenant farmer. Last year about 3,000
13 acre feet of water were used on this property. If this went
14 into solar operations, that would be down to about two acre
15 feet per year, with about one acre foot being committed to
16 keeping the dust off the panels so that they're producing
17 effectively, and the other acre foot for the operations and
18 maintenance building that we'd be building onsite to house our
19 permanent staff. The main economic benefit I wanted to make
20 clear to everyone today is the substantial property tax boost
21 for solar versus the existing land use. I vetted these
22 numbers and assumptions on the slide with the Pinal County
23 chief deputy assessor, as well as his point of contact at the
24 Arizona Department of Revenue. The assessor's office is
25 responsible for land valuation and rates for property taxes,

1 and for solar projects we would go to the Arizona Department
2 of Revenue for a valuation of the solar equipment itself.
3 Those three components all play together into how property
4 taxes are calculated. To give you guys something that wasn't
5 just a forecast or an estimate for this particular solar
6 project, I actually dug into publicly available tax
7 information for a similar project. Luckily, there's projects
8 all around Ciela Solar that I was able to look at. So for a
9 300 acre portion of the East Line solar project just south of
10 our Cielo site, we could see that in 2021 as the project was
11 being built, it brought in \$17,000 to the County in property
12 taxes. Upon completion in 2022, it jumped by \$350,000. So
13 that's an extra \$350,000 in the property tax base in Pinal
14 County. \$105,000 to the County, \$75,000 to Santa Cruz Valley
15 Union High School, \$60,000 to Pinal Junior College, additional
16 funding as well to fire department and libraries. So looking
17 at Cielo, which is about 900 to 1,000 acres, you can just
18 multiply these solar numbers by about three. So in year one,
19 2026, we could be boosting the property tax base of Pinal
20 County by about \$800,000. Over the course of 30 years, a
21 boost of \$18 million versus the current agricultural land use.
22 Finally, Cielo supports broader economic growth in the County.
23 The population is growing rapidly, there's new manufacturing
24 and tech companies locating here that are hungry for
25 specifically renewable energy. They're locating here because

1 of the abundant sunshine and solar potential, and looking at
2 the Arizona grid as something that's going to get greener and
3 cleaner in the coming years. LG Energy, Procter & Gamble,
4 Owens Corning, they all have aggressive renewable energy goals
5 by 2030 to power all their facilities by renewable energy, and
6 Cielo could contribute to that. Arizona utilities have also
7 committed to renewables buildout. SRP plans to triple their
8 renewables by 2035, as well as add many more storage resources
9 on the grid to ensure grid reliability. So Cielo's low cost,
10 reliable renewable generation can serve the growing populace
11 and it can serve this growing manufacturing demand, and it's
12 best that it be built here because of the low cost nature of
13 this location among the County. And based on County staff
14 feedback last year of Selma Highway, which runs along the
15 south of the project and State Route 87, which runs along the
16 east of the project, being future potential economic
17 development corridors, we have made this compromise and are
18 going beyond the County mandated setback requirements by an
19 additional 200 feet and promising to work with any individuals
20 or businesses that would want to locate along these corridors
21 or other uses, non-solar uses like commercial or industrial
22 uses. So to wrap up, the project site is far from current
23 growth areas and would bring substantial property taxes to the
24 County now. Thank you.

25 RIGGINS: Commissioners, any questions or comments

1 of the applicant? Vice Chair Mennenga.

2 MENNENGA: Well actually, as I understand the tax
3 ramifications, solar centers only pay property tax for ten
4 years in Arizona. So your projections are grossly -

5 KOWALSKI: Yeah, so talking with the deputy
6 assessor, as well as Arizona Department of Revenue, solar pays
7 property taxes on a 30 year depreciation cycle, so in year one
8 -

9 MENNENGA: On property taxes, not on personal
10 property taxes.

11 RIGGINS: There is no depreciation cycle on property
12 taxes.

13 MENNENGA: Right.

14 KOWALSKI: So these numbers have been vetted and are
15 accurate according to the Arizona Department of Revenue.

16 MENNENGA: Okay. Now on the other side, and little
17 bit of things were done, which I've asked for before, these
18 numbers compared to if this property was developed eventually
19 someday, this is really only about 10 percent of what you
20 would get from a development there, you know. So -

21 KOWALSKI: I don't know that as a fact, I'm not
22 sure.

23 MENNENGA: And you know, look, we've gotten so much
24 solar crammed down our throats here the last few years. I
25 mean this area is entirely solar, it's just, it's a job killer

1 for the County, you know. Why have Coolidge and Casa Grande,
2 all these cities said we don't want any more solar? We're so
3 fortunate here to have, on your map, great - Nikola, Lucid,
4 all these plants coming in here, you're going in an area where
5 there's some plants could go and stuff.

6 KOWALSKI: Yeah, and I would just say that -

7 MENNENGA: Obviously I'm not a proponent of solar.
8 I've worked on solar years ago, did solar installs, it's kind
9 of a scam on the houses, but - and honestly, the only reason
10 this solar plant's going in here is SRP crammed that huge
11 power line down our throats years ago. We fought back on that
12 and we just couldn't get anywhere. That's really the whole
13 reason this - all this solar's going in this area.

14 KOWALSKI: Yeah, and I would just say two things.
15 Just keeping the solar clustered in this area means that
16 you're keeping other parts of the County open for other types
17 of development, and these manufacturing and tech companies
18 that are locating here are hungry for renewable energy. So to
19 maintain business attractiveness in the County, it's in their
20 interest to keep building out solar.

21 MENNENGA: Well, I disagree with that a little bit.
22 You know, we're taking out farm. We've had water a issue,
23 well we've had floods and droughts since Christ was born, for
24 crying out loud, you know, and that will continue. But I mean
25 I don't live that far. You know, the other issue is we've

1 recently seen what a small fire in a Nikola truck can do. Now
2 we're putting these humongous battery facilities on these
3 things and nobody can give us any information on what the
4 cause was. You know, it's interesting one of these solar
5 facilities about two miles from here on Selma Highway, has
6 this big battery facility. Well when we had a big rain last
7 year, you could - it was flooded, you couldn't even get to the
8 damn thing if we had to get there and that would've been
9 unusual, but, you know, there's some of this technology, the
10 batteries from what we've seen recently, it's kind of scary.

11 KOWALSKI: Yeah, and I would say some of those
12 issues are due to workmanship issues, specifically thermal
13 runaway type events, and the industry is getting smarter and
14 safer on a year by year basis. And like I said, we stick to
15 the most stringent standards we can from the National Fire
16 Protection Association, as well as UL testing, and we'd make
17 sure Rural Metro is ready and able to respond to any sort of
18 event on the site. And like the CAC members stated, we also
19 intend to make sure this is well set back from any residents
20 so that if there were some sort of harmful emissions coming
21 from the battery site, they would be well out of the way of
22 local residents. So the battery right now we intend to place
23 over in this portion of the site here, about a half mile away
24 from any current residents.

25 RIGGINS: Commissioner Hartman.

1 HARTMAN: Thank you, Chairman. Obviously, you know,
2 staff has recommended denial of this, so that's a hard hill to
3 climb, but you caught my interest when you said the power
4 would serve about 80,000 Americans, and I didn't hear
5 Arizonans, and I'm just curious if this project was to move
6 forward, where would the power go? Would it go - you
7 mentioned towards your end of your presentation about the
8 Nikola and other facilities, but would it really go there or
9 would it go out of state to the highest bidder?

10 KOWALKSI: Yeah, so the reason I used Americans is
11 because Pattern Energy has our standards for how we calculate
12 things and we use Americans. So in general, the average
13 Arizonan does use more power than the average American, I
14 think that's probably due to the air conditioning load,
15 because it's so darn hot here in the summer. So it'd probably
16 be less than 80,000 Arizonans if the power were to be local.
17 And like I said, SRP is a co-owner of Pinal Central, which
18 would be the point of interconnection for this project,
19 they're an entity that we have relationships with from an
20 offtake perspective for other projects, and they'd be the
21 likely offtaker. And with all this new manufacturing
22 electricity demand in the area, if these manufacturing
23 facilities were running, they'd be hungry for power and from
24 an energy flow perspective. If these manufacturing facilities
25 turn on something in their facility while Cielo is producing

1 power, that power will most likely flow there. Like I can't,
2 I can't guarantee exactly where the electricity flows, but if
3 you are putting electricity onto the grid, it flows to where
4 there's demand.

5 RIGGINS: Commission Members, anything else?
6 Commissioner Klob.

7 KLOB: Through the Chair, thank you for your
8 presentation. Couple of questions for you. As it relates to
9 - you mentioned under job creation, you have 250 to 300
10 construction jobs and your words were multiple permanent jobs,
11 define multiple.

12 KOWALKSI: It's 2 to 6. I didn't want to put that
13 range on the slide, but we just aren't far enough in our
14 process yet to know.

15 KLOB: All right. I don't know that I would say two
16 jobs is - I guess technically, legally it's multiple, but from
17 an economic standpoint, it's not a big, big dent like, you
18 know, a Lucid or something like that multiple.

19 KOWALSKI: I would say there would be, quote,
20 multiple permanent operations jobs as well for the SunZia
21 facility being built, so we're up to a handful of jobs between
22 the two.

23 KLOB: Okay. With the amount of - my second
24 question is, with the amount of solar arrays that are in this,
25 you know, clustered around this area, what benefit of this

1 does this provide the residents of this area and/or the future
2 residents of this area? I'm going to - I'll come back to the
3 residential side, the big selling point is put solar on your
4 roof, it'll lower your energy bills. Is - can the residents
5 of this area expect every year SRP, APS and these smaller sub-
6 electric companies are coming back wanting to raise rates, can
7 they expect lower rates because you're building a thousand
8 acre solar farm?

9 KOWALSKI: Yeah, I obviously can't predict the
10 future or tell you what electricity prices will be in the
11 2030s or 2040s, but for SRP's 2035 plan which just came out a
12 week ago, they worked through multiple scenarios from low cost
13 scenarios to any type of scenario you can think of, and the
14 mix they ended up with was a mix of low cost scenario, high
15 renewable scenario, and they view a buildout of solar energy
16 as a way to keep prices low, and the buildout of storage
17 assets to make sure that the grid is remaining stable. And
18 then additionally, building in this particular location has
19 very low build costs, which means that entities like ourselves
20 building solar in this area would not need higher prices in
21 order to make the same amount of returns. And then thirdly,
22 the SunZia project plugs into the grid here, and it's
23 connected in New Mexico to a large wind resource. Last month,
24 S&P Global came out with a study of how SunZia will be
25 affecting both the New Mexico and Arizona power prices - and

1 again, this is just a study based on S&P Global's research -
2 but bringing in that SunZia wind power that complements the
3 Arizona solar power, so that means the wind is kind of picking
4 up a little bit more in New Mexico as the sun sets here in
5 Arizona, would actually reduce power prices across the entire
6 State of Arizona, on average by about 10 percent by the time
7 it comes online. So these solar resources are low cost, they
8 have the potential to result in lower power prices, but again,
9 I can't predict prices in the 2030s or 2040s, I can just give
10 you these couple of data points.

11 KLOB: And I recognize that and I see where that
12 could be a possibility, but what I don't see is SRP coming
13 back to the Corporation Commission and saying, hey, we want to
14 - we want permission to lower rates by 10 or 20 percent every
15 year. I see the opposite happening. And the more of these
16 that keep coming in, I think the people need to start seeing
17 some benefits here, and I don't know that they are.

18 KOWALSKI: So the other benefits would be the
19 property taxes, those dollars flow into local schools,
20 libraries and fire departments.

21 KLOB: You say that, but I'm also kind of on the
22 same page as Commissioner Mennenga, that if this was a
23 commercial development between the, you know, the added
24 property taxes that a commercial development would provide,
25 combined with, you know, potential, you know, sales tax,

1 potential employee tax, things like this, you know, that would
2 have a greater economic impact than your proposed project.
3 Substantially greater.

4 KOWALSKI: Yeah, and I would say there's no
5 potential - right now - commercial or industrial projects
6 coming onto the site. We're here now with a proposed project
7 that will bring a substantial property tax boost versus the
8 current use, and as you can see from this map, there's - we're
9 far from the Casa Grande economic development areas, far from
10 Coolidge, far from Eloy. So right now, we're coming forward
11 with a proposal for a property tax boost now, versus maybe a
12 promise of 10 years from now, or 20 years from now, a
13 commercial and industrial development coming into this area.
14 There's no promise of that happening if the solar doesn't go
15 in.

16 KLOB No, there isn't and I give you that, but on
17 the flip side, there's also a reason why Pinal County's one of
18 the fastest growing counties in the entire country, and we are
19 on the radar. There's not nearly as much left in Maricopa
20 County, so they're looking at, you know, coming south. That's
21 why our housing developments are expanding and so on and so
22 forth. So whereas it might not be on the radar today, that
23 doesn't mean it's not going to be on it tomorrow. None of us
24 have a crystal ball, and I get that, but because of the
25 future, you know the highway expansions that are coming

1 through here, you know, the city, the local municipalities and
2 their expansions and their, you know, desires, and I think if
3 you came in here and you had glowing support from Coolidge and
4 Eloy and everybody, you know, hey this is an economic boost
5 for us, I think there might be a little bit different
6 discussion here. But I just don't see this as - I'm having a
7 hard time understanding why another giant solar field needs to
8 come into this area that's surrounded by you (inaudible).

9 KOWALSKI: Yeah, and going to the wave of economic
10 growth sweeping through the County right now, these companies
11 that are coming in are hungry for specifically renewable
12 energy, so this project will continue to maintain the
13 attractiveness of Pinal on that key metric of being able to
14 provide renewable energy to these companies. And then for a
15 State Route 87, which I believe you're referring to as kind of
16 the highway going through this project as a future economic
17 development corridor, again, we'll be setting back our panels
18 this additional 200 feet, so if a restaurant, gas station,
19 etc. would like to set up shop where we don't have panels,
20 we're willing to work with them on that.

21 KLOB: And I see that as a possibility, but also as
22 a design professional, 200 feet doesn't give me a lot of
23 options when it comes to a commercial development.

24 KOWALSKI: 200 feet is just the proposed, we haven't
25 gone through the rezoning or PAD process yet, and we're open

1 to further compromises to make this workable for the County.

2 KLOB: But in this proposal, there's nothing here -
3 there's nothing in here that says - and I'm just going to
4 throw something - you know, everything south of the canal is
5 designated for future commercial, future lease space. This is
6 all this, is all solar. What we're seeing here is all solar,
7 you know, what we would - what you would like to do, what you
8 might do, we can't hold you to that because it's not part of
9 the presentation. So in ten years, a warehouse wants to come
10 in and bring their trucks in, and we don't see you as a good
11 neighbor, there's nothing the County can do about it, because
12 you're allowed to stay as solar.

13 KOWALSKI: Yeah, that would be worked out in the
14 rezoning process or future, after it's been rezoned to Green
15 Energy Production.

16 KLOB: Okay, thank you.

17 RIGGINS: Other Commissioners?

18 KELLER: Question.

19 RIGGINS: Commissioner Keller.

20 KELLER: Yes.

21 RIGGINS: Yes, go ahead.

22 KELLER: Like was brought up, with all the solar
23 plants already out there, is the demand that high that another
24 facility would need to even go in and it even do any good?

25 KOWALSKI: Yes, the demand is that high. So like

1 these three entities I have on the slide here, LG Energy,
2 Procter & Gamble, Owens and Corning, they're all trying to get
3 to 100 percent renewable energy across every single plant in
4 their portfolio by 2030, and they're not there yet. They have
5 more demand. SRP came out with their plan last week to get to
6 2035 by tripling renewables versus the current amount of
7 renewables on the grid today. So there is more demand. All
8 the utilities in Arizona are going to be building out
9 renewables, and this is the location that would be a lower
10 cost location relative to other locations, and therefore
11 translate to lower power prices to consumers and manufacturing
12 entities.

13 KELLER: My only concern is the ones that are
14 already developed, have they done their job well enough to
15 reduce the cost of electricity for everyone in the local area
16 to where this would do the same? Or has that even happened
17 or?

18 KOWALSKI: I can't speak to that, I'm not sure.

19 KELLER: That's it.

20 RIGGINS: Other Commissioners? Or more Commissioner
21 Keller?

22 KELLER: No.

23 RIGGINS: Okay, other Commissioners? Then I'll join
24 in. Just a comment towards that. I do know what the cost of
25 electricity has been doing in Pinal County, and it's been

1 going up substantially and it will continue to do so. You
2 made a very interesting comment earlier on a point that was
3 very difficult to know what was going to happen in the future.
4 But at the same time, you're telling us what the future is
5 going to be. A great deal of the momentum behind these
6 concepts right now is political. It's not real, it's
7 political. Maybe it'll continue, maybe it won't. So really,
8 all the things that you've said are speculation, totally.
9 There's no demographic that states that we can see this is
10 going to happen. We're in a position where we're simply
11 blowing in the political winds and we're hearing these things.
12 Now I see no reason to be antagonistic with you. We have had
13 several people get up here and try to speak with us about the
14 tax benefits of these plants. There's a few things that are
15 inalienable here. You may have had something vetted here. I
16 don't know exactly who, why and how, but there's been other
17 groups that have vetted things, too. And the fact of the
18 issue is with these plants, is as far as property taxes are
19 concerned, there's a change but it's not substantial. The
20 large changes are on personal property tax. Now, the
21 interesting thing about photovoltaic and concentration solar
22 plants is, that unlike many other industrial assets, they are
23 not on a 30 year declining depreciation balance, they are on a
24 ten.

25 KOWALSKI: That's counter to what -

1 RIGGINS: And anyone that wishes to look that up in
2 the revenue stats can find it pretty simply.

3 KOWALSKI: I'd appreciate that information too, if
4 you could send that my way. Because that's counter to what -

5 RIGGINS: It is not 30 years.

6 KOWALSKI: - the Department of Revenue told me
7 specifically.

8 RIGGINS: Well, they needed to look a little bit
9 further into their own regulations because there are special
10 ones written for solar.

11 KOWALSKI: Yeah, and that's what I -

12 RIGGINS: That are outside the industrial concept,
13 they're special written for solar. Again, taxation is lowered
14 for solar at this point in time to make it more competitive.

15 KOWALSKI: But taxes (inaudible).

16 RIGGINS: And these subsidies won't go on forever,
17 because again, they'll become politically difficult at a
18 certain point. But back to the taxation. That personal
19 property tax is ten years, not 30, and it changes the amount
20 of money that comes back by an enormous amount. And I don't
21 mean to be antagonistic with your presentation, but I do not
22 believe that you've given an adequate representation of what
23 the tax benefits are, and you're basing a great deal of your
24 presentation on those. Another very, very interesting aspect
25 of the tax code, within personal property taxes batteries at

1 solar facilities are not taxed at all.

2 KOWALSKI: That's not what I was told by the Arizona
3 Department of Revenue.

4 RIGGINS: Well, I've read the statutes myself.

5 KOWALSI: I would love to compare - (inaudible) on
6 the phone with the Arizona Department of Revenue with you and
7 talk through it.

8 RIGGINS: I've read the statutes myself.

9 KOWALSKI: I'm sure they have as well. It's their
10 job.

11 RIGGINS: And I've read them with other people. So
12 we're in a position here to where we're a little bit nervous
13 of the claimed tax benefits because all of us, I believe -

14 KOWALSKI: Then how do you explain the boost here
15 for East Line Solar? This is publicly available tax
16 information. A \$350,000 tax boost in the first year that the
17 solar facility was (inaudible).

18 RIGGINS: Well obviously in a 1 to 10 personal
19 property tax depreciation cycle, the first year is going to be
20 quite high. But it goes away pretty quick.

21 KOWALSKI: And you look at the \$17,000 here over the
22 course of 20 years, we're just at the \$350,000. So this is 20
23 years of property tax boost in one year for a solar facility.
24 I think that's pretty (inaudible).

25 RIGGINS: And the interesting concept about that is,

1 that \$17,000 of property taxes that's on that farm has
2 thousands and thousands of dollars of additional sales tax
3 revenues, licensing and things that go on because of the
4 activity of that farm that go to the County, go to the school
5 districts, go to all participants in Pinal County. There is
6 no taxation on the energy you produce, there's zero. What you
7 produce is tax free. The jobs that you produce after the
8 construction phase are minuscule and really mean not enough to
9 even consider them. And the work crews that you'll bring in
10 here, even though they'll be in our restaurants and our motels
11 and various things, they'll almost assuredly be out-of-state
12 workers that are part of your crews that travel around, and
13 they're not local workers. The purported benefits that you
14 state for this I believe are not quite exactly what we've seen
15 happen here. And I believe the Commissioners have quite
16 vociferously stated that we've heard a lot of these things
17 before, but they didn't work out like it was said.

18 KOWALSKI: All right. Well, I'd be happy to sit
19 down with you after this and hash through this and try to come
20 to a more common understanding.

21 RIGGINS: Well, I would state that if you spent a
22 little bit of time going through the department revenue
23 website and looking up some of the specifics solar tax issues,
24 you would learn some thing.

25 KOWALSKI: I talked to them specifically about solar

1 and these are the facts that they presented and I trust them
2 100 percent.

3 RIGGINS: Okay. Well as I said, there's no reason
4 for the two of us to the argumentative about it, because I
5 truly believe that you are not stating things that are true.
6 I think it's - in fact I don't think, I'm pretty darn sure.
7 But enough said on that. Would you like to - any other
8 questions, any responses you'd like for the Commission?

9 KOWALSKI: No, thank you for your time. Appreciate
10 all the questions as well everybody.

11 RIGGINS: Any other Commissioners? Thank you very
12 much.

13 KOWALSKI: Thank you.

14 RIGGINS: At this time, we're going to open the
15 public participation portion of this case and ask if there is
16 anybody that would like to come up and speak to this case.

17 HISCOX: Good morning, my name is Brenda Hiscox. My
18 address is P.O. Box 309, Coolidge, Arizona. I'll just sign in
19 real quick. This morning I would like to begin by saying
20 thank you, Chairman, fellow Commissioners - fellow
21 Commissioners - Commissioners, and also staff for doing your
22 job. Now, let me elaborate on that just a little bit. I was
23 recently at the APS open house that they had and I spoke with
24 Supervisor McClure. And I asked him, Mr. Supervisor, how do
25 we as citizens of this County and this community make our

1 deeply held feelings against solar known to you, because we
2 don't feel like we're being heard. And his response to me
3 was, and I quote, well, the chain of action is you go make
4 your feelings known to the P&Z Commissioners, and they make
5 your feelings known to us. And I said, we did that, sir, and
6 P&Z Commissioners voted 9-0 against a deal, a solar deal that
7 you voted 5-0. And he said, oh that, sorry. So that kind of
8 spurred me to take a very unofficial poll on social media in
9 our community, and I'd like to tell you the results of that.
10 I'm taking an unofficial poll regarding utility grade solar.
11 Will you please let me know your thoughts? There's a utility
12 grade solar builder whose business statement regarding their
13 billing policy is as follows: Utility grade solar should not
14 be located anywhere near where people live, work, play or make
15 their livelihood. Utility grade solar, which is what we're
16 talking about here, should be located very far away from
17 people. That's their business model. And agree, means you
18 agree with this statement; a disagree means you believe
19 utility grade solar should be built anywhere there is land,
20 regardless of the proximity to people. Thank you. These are
21 some of the responses that I got. Agree. Strongly agree.
22 Agree 100 percent. Agree. Totally agree. Agree. Agree.
23 Agree. How far is far? Need to recommend a safe distance.
24 Agree. Agree. Strongly agree. Totally agree. Agree. One
25 gentleman wrote a thesis. Agree. Agree. Agree. Agree.

1 Agree. Agree. Another thesis. Pardon me, this one goes on a
2 few pages. Agree. Agree. Agree. Agree. Agree. Agree.
3 100 percent. This woman wrote, half the solar panels they
4 placed at La Palma are broken. First generation solar panels
5 are already 20 years old and are filling up our landfills.
6 This is really helping the environment, LOL. Agree. Agree.
7 Thank you everyone for your input, our County Supervisors need
8 to know this. Supervisor meetings are held during daytime
9 hours when most people are at their jobs. Solar issues are
10 often pushed to late in the agenda to add further difficulties
11 to attending these IDA meetings. It feels like it's on
12 purpose. It may not be, but it feels like that. Our
13 Supervisors are supposed to do what we want them to do
14 regarding our County. And I was in that Supervisor meeting,
15 and I recall one of the Supervisors saying - and I don't
16 remember his name, I'm sorry - he saw slideshows presented by
17 the solar company. He said, well, I'm looking at dirt, I
18 don't see anything in my lifetime ever going to be built out
19 there. Well, I'm not a Supervisor, but I thought the job was
20 long term planning. And that particular project was 2.5 miles
21 from my house, and the City of Coolidge had it pegged on their
22 radar for industrial growth, for businesses and some housing.
23 So that statement, it really should have no weight. You don't
24 say I don't see, because it's not about you, it's about the
25 people. The Supervisors are supposed to represent the people.

1 You guys seem to hear us. All the arguments that you were
2 giving this gentleman, we've been through those arguments with
3 the City of Coolidge, with you guys. You were so gracious to
4 us on that 9-0 vote, you let us talk for as long as we wanted
5 to, as long as it was relevant and pertaining and made sense.
6 You listened to the tax argument. We enlightened you. You
7 said, I've been looking for that information, where did you
8 find it? And Miss South provided it with you, and it came off
9 of our government site. It's right there. And you're right,
10 Chairman, there is a special section for green energy
11 taxation. It's not the tax income to the County that they
12 propose. We fully covered this in the City of Coolidge and it
13 went a long way to convince them that the tax promise isn't
14 quite the cake they say it is. It doesn't provide any
15 permanent jobs, it's transitory jobs and 2 to 5 who stay.
16 It's not the jobs any other industry would bring, including
17 leaving agriculture to function. If you take the trickle down
18 effect of what agriculture brings to this County, down to the
19 guy that is the checker at Circle K running energy bars and
20 Gatorade for the workers as they go back out to pick cotton, I
21 mean if you take that trickle down effect, we're talking lots
22 and lots of money. My husband actually did a deep dive and
23 presented it to the City of Coolidge about tax revenue
24 generated by agriculture versus solar and green energy. That
25 was a year and a half ago that they got that information.

1 They tell you all the reasons solar is good for the site that
2 they chose, it's flat, blah, blah. They never tell you how
3 it's good for the people who have to live next to it and look
4 at it. Ever. They talk about the minimal environmental
5 impact. I've been to a lot of these, I've heard a lot of
6 these salesmen. They talk to you like this and they tell you
7 all the tax benefits and they tell you no environmental impact
8 and they never break their monotone stance because it's a
9 speech, and it doesn't feel like there's any passion behind
10 it. I mean they're trying to convince you and they're not.
11 They're just monotone. There are no environmental impacts,
12 but there are. We brought to you a paid climatologist who
13 went over the very hefty climatology - climate impact. We
14 brought a soil expert in to tell you what the soil impact was.
15 And then the next solar company comes along and they just plow
16 right over all those talking points like they didn't listen.
17 They're not listening, they're not listening to us. The one
18 time gift to the community, big deal. We got a new fire
19 truck. That's great. What then? We want jobs. And please
20 understand, I came to you to present to you that I took a
21 poll, we don't want utility grade solar around people. Okay?
22 I didn't intend to turn this into, we don't want solar. We
23 don't want utility grade solar around people. But I can't
24 stand here and not go bigger and tell you more stuff. Solar
25 is still in the practicing phase, and that's what my

1 climatologist brought to the table. He brought it to the City
2 of Coolidge and he brought it to you guys. He said the
3 technology's still not there. This gentleman said, we don't
4 know everything yet, we're still learning. Yet they tell you
5 we don't know the future, but we know the future. They don't
6 know the future. And I give you a glimpse of the future
7 because when Florence was the capital and they had a choice
8 between U of A or the prison, they chose the prison thinking
9 it would bring jobs. And it has brought jobs. But look at
10 Tucson compared to Florence. Tucson has U of A, we have a
11 prison. Not knocking the prison. And then the next dance
12 partner came to town and said, oh, we want to bring a
13 landfill. And now we have that ugly eyesore forever. You
14 see, the citizens who live here and work here, and own
15 property here, and want to stay here like my friend Chris
16 Pine, who wants to build another Westworld, but he's not going
17 to stay if solar keeps encroaching. The citizens of this
18 County don't want this County to be a solar wasteland, locked
19 in with no future growth. I was born and raised in Colorado
20 Springs. When I was a child, Colorado Springs and Denver,
21 they were 85 miles apart. It was 85 miles of highway, and now
22 it's about 30. You can hitch a ride it's so close. That
23 didn't happen overnight, no it did not. I'm in my late 50s.
24 That did not happen overnight. Pinal County is the fastest
25 growing County in the Southwest by some models, I've looked at

1 those models, but we're not going to grow if we keep plunking
2 solar down. If the County Supervisors want solar, because I
3 was told - one of them told me, well I look at it from an
4 engineering standpoint. Well, if you look at it from an
5 engineering standpoint, that's great, maybe you can help them
6 make it work better. But if you look at it from an
7 engineering standpoint, then look at it further away from
8 people because we're all looking at it as a quality of life
9 standpoint. And I want to stay here. I want to lease my farm
10 out when I'm too old to do it. Heck, some of this farmland
11 that was proposed for solar that I found out too late, I'm
12 like babe, can we lease that? We want - it's not that we
13 expect the County to look the same, stay the same and have no
14 changes and not have new houses. We're not children. We
15 understand change is inevitable and change is coming, but
16 staff starts it, you guys listen, and the Supervisors need to
17 know that our vision, our long term vision is not solar as
18 this utopia that it's not. It's ugly. How long do you want
19 me to stand up here, because I don't really want to rehash the
20 year and a half of educational material that I've learned
21 researching solar and helping to convince Gilbert Lopez and
22 Jon Thompson that we don't want any more of this. I mean, I
23 can answer any questions that you have. Pretty much. I'm
24 pretty confident in that. That's not my goal today. My goal
25 is to just make the Supervisors aware, through you, that when

1 you voted 9-0 and then they flipped it and voted 5-0, we felt
2 like they were voting what they wanted. Their job is to vote
3 what we ask you, plead with you, beg you, to get them to
4 understand so that when we stay here and we have our lives
5 here and we have our grandchildren here, that it's beautiful
6 and it's green. I'm a marketing major. Part of how we won
7 with City of Coolidge when Nexterra knocked on my door, I knew
8 nothing about solar, but I did know marketing, and all solar
9 is - I swear to you - is slick marketing. I swear to you.
10 And what helped Coolidge understand this was we flipped the
11 marketing. You know what's green? Plants. You know what
12 cleans the air? Trees. You know when they have oilfields in
13 Texas, you know what's on top of those oil fields? Cows. We
14 have a 200 year oil reserve sitting under our country. Oil is
15 not dirty. Cars in America are not dirty. We have the
16 strictest CAFE standards on the planet. We have the cleanest
17 refineries on the planet. They've destroyed coal because coal
18 had a bad reputation. We have the cleanest coal plants in the
19 world. Now China and Russia have made up for what we're not
20 doing. Guess what, we all breathe the same air. We all drink
21 the same water. So what's the point of that? See, it's so
22 big and I don't want to go big. I just want to tell you that
23 we took a poll and a lot of people responded. They couldn't
24 be here today. Do you want utility grade solar where you are?
25 And they said, no, we don't. I don't want to see it two and a

1 half miles from my house. I don't care that SRP put that big,
2 expensive line in. They didn't - they weren't fully honest
3 with us when they did it. We want a highway. We want off
4 ramps. I want a Westworld. I want that kind of energy. I
5 want people to drive from all over the State like they drive
6 to Westworld for the Barrett-Jackson, or the Arabian Horse
7 Show, or the Western Horse Show. That's what I want. And we
8 have that option. We have that right now. We will have no
9 options if we take another landfill that is solar. And that's
10 pretty much all I'd like to say. I can leave this with staff
11 that that's okay. And do you guys have any questions?

12 RIGGINS: Thank you very much. Commissioners, any
13 questions for the speaker?

14 HISCOX: Thank you for your time. Oh, go ahead.

15 RIGGINS: Commissioner - Vice Chair Mennenga.

16 MENNENGA: I just - I remember your presentation
17 before.

18 HISCOX: Thank you.

19 MENNENGA: And thanks for bringing all this again,
20 you know, and I agree with you on all the points.

21 MENNENGA: Well, I can only imagine how frustrated
22 it must be for you when you take the time to listen to us. I
23 think we were here five hours a day. And then you guys go to
24 the Supervisors and they say, nah, I don't, nah, I don't see
25 anything happening. That's got to be really frustrating for

1 you, so I empathize with you of how you must feel for us.
2 That was a really sad day for us. And we've had a lot of
3 defeats, we've had a lot of defeats.

4 MENNENGA: And it has been frustrating because
5 whatever we come up with, we do get overruled, and that has
6 been frustrating (inaudible).

7 HISCOX: That is frustrating.

8 MENNENGA: And again, this area, I've built a couple
9 beautiful custom homes in the same area. It's a great area.

10 HISCOX: Yeah.

11 MENNENGA: But we need to put solar out in the
12 desert.

13 HISCOX: Utility grade solar -

14 MENNENGA: The proved some out, way out south
15 Arizona City (inaudible). But again, the industrial. Procter
16 & Gamble's going to put a plant within about a mile or two of
17 this, so this could all eventually be - you know four or five
18 years ago, a very short time, we didn't realize we were going
19 to get Nikola and Procter & Gamble, and we're here in a few
20 short years, you know? Seeing part of this front on 87 is
21 very disappointing because that's a prime, one of the primest
22 employment corridors in the State of Arizona with what the
23 city has done, bringing that property in, extending the city
24 down to I-10, which they needed to do. So, yeah, we're taking
25 some very rare prime industrial property off the market here.

1 HISCOX: For sure. And I think one thing that's
2 really important to remember - and I didn't know the
3 distinction, I was educated on the distinction - there's three
4 types of solar: residential, industrial utility grade. I'm
5 not against residential. If you want to put them on your
6 house, I'm not. Solar will not enter my life. If it was the
7 greatest thing on earth, there's one reason it will not enter
8 my life. I love people, I believe in God. I don't believe
9 one person should be treated less than another person, and I'm
10 not putting that crap on my house when it's made with slave
11 labor in China. It's not coming in my life. Number two,
12 industrial. Industrial grade solar is solar panels on the
13 Wal-Mart parking lot to light the garage. Solar panels next
14 to a Nikola plant to harness energy that the plant uses. If
15 Target built a solar generating station next to their property
16 to generate Target, that's called industrial solar. See, when
17 we first started this education process to our city, we were
18 saying that, we were saying that, we were saying that, and it
19 was actually a solar company that reached out to me - and I
20 can't use their name, but they said, we're watching what
21 you're doing in your community and we support you. You're
22 doing a great job, keep doing it. But you need to make a
23 distinction, and that distinction is industrial solar is not
24 what you guys are fighting. That's what I just described.
25 You guys are fighting utility grade solar, and that was a

1 light bulb. That was a huge moment for us, because that's
2 what this thousand, whatever 86 acres is. It's more utility
3 grade solar. A company in Tempe, utility grade solar should
4 not be located anywhere near where people live, work, play or
5 make their livelihood. Utility grade solar should be located
6 far away from people. That's how they build solar. And
7 that's how it should be built if it's utility grade. Not by
8 people.

9 RIGGINS: Any other Commissioners? Thank you very
10 much.

11 HISCOX: You're welcome.

12 RIGGINS: Would any - would anybody else like to
13 come up and speak to this case? Please come up. If you could
14 please put your name and address down on the log and then give
15 it to us before you begin speaking.

16 NEIRA: Commissioner - Chair Riggins, and also
17 Planning Manager Gilbert Olgin, I just want to let you know
18 that Commissioner Lizarraga joined the meeting, so he is
19 listening in. Just letting you know.

20 RIGGINS: Commissioner Lizarraga joined the meeting?

21 NEIRA: Mm hm.

22 RIGGINS: Well he must have left for a little bit,
23 because he was here at the beginning.

24 NEIRA: Well, it's showing that he joined in.

25 RIGGINS: Well, very good.

1 OLGIN: Thank you.

2 JOHNSON: Just a second, Mr. Chairman. If
3 Commissioner Lizarraga was off the call, I need to know
4 whether or not he was off the call and for how long, because
5 that could dictate whether or not he has a voting interest in
6 this case or not, and whether or not he heard all of the
7 evidence that was presented.

8 RIGGINS: Okay, well we had - excuse me - well,
9 let's ask him.

10 JOHNSON: Yes, let's do that. Commissioner
11 Lizarraga - Commissioner Lizarraga, the clerk indicated that
12 you popped off and came back on. How long were you off, and
13 did you hear all of the presentation?

14 LIZARRAGA: I've been on the phone all the time, you
15 know, from the beginning, but she (inaudible) to it, so they
16 finally let me in on the camera, the Google, whatever it is.

17 JOHNSON: So you've you heard the entire
18 presentation?

19 LIZARRAGA: Oh yes, very good presentation, matter
20 of fact.

21 JOHNSON: Okay. Then there are no issues with his
22 vote. Thanks.

23 RIGGINS: Okay, very good. All right, please go
24 ahead. Okay, anybody else? Anybody else like to come up to
25 speak?

1 B. VIGIL: He was trying to spare me, I just had
2 surgery. Okay, I'm Brenda -

3 RIGGINS: So both of you are signed in?

4 B. VIGIL: Yes.

5 RIGGINS: Okay. That's - so that's fine. So go
6 ahead and give us both your names, and I assume you have the
7 same address.

8 B. VIGIL: Yes.

9 RIGGINS: And then go ahead and get started.

10 B. VIGIL: I'm Brenda (inaudible) Vigil.

11 M. VIGIL: I'm Michael Vigil.

12 B. VIGIL: And we live at 3956 East Earley Road, and
13 we are - we have the high transmission lines behind us.

14 RIGGINS: And I'm going to ask you just to get a
15 little closer to that mic, because I want everybody to be able
16 to hear you, and also the recording is important.

17 B. VIGIL: Okay.

18 RIGGINS: That's better.

19 B. VIGIL: We have the high transmission lines
20 directly behind us, and now solar wants to go on three sides
21 of us. So we're like this island. And when they say that the
22 habitat is not affected, well we have burrowing owls, we have
23 migrating falcons, hawks, there's all kinds of wildlife out
24 there, as well as we have agriculture. We have agricultural.
25 Well that they said well we could move. Well we could, but

1 who would want to purchase that land? And why would we want
2 to give up family land and our home? And -

3 M. VIGIL: Sorry, I got emotional. The safety
4 aspect of this solar farm that's coming in - sorry, excuse me.

5 RIGGINS: I understand.

6 M. VIGIL: My wife's been run off the road, off of
7 La Palma and Earley Road from a water truck. You know,
8 there's no stop sign, and the water truck ran it and almost
9 hit her. The County - we didn't used to have stop signs on
10 Earley Road, the County now knows me by name, the maintenance
11 department, because I've called, had to have stop signs put
12 in, I had to have speed limit signs put up. I've got traffic
13 - this morning I didn't go to work to come here. I got
14 traffic coming down my road and as the sun's coming up,
15 they're doing 70 plus miles an hour in a 40 mile an hour zone.
16 Somebody's going to get killed, and these are my new
17 neighbors. And just, it's only going to get worse if the
18 solar goes in.

19 B. VIGIL: And we're not against the future. No, we
20 think that's wonderful, the plants, but there's got to be a
21 better place to put more solar farms. And there are several
22 houses, new houses, brand new houses - ours is 20-something
23 years old, but they've got, what, three or four brand new
24 homes built there. That's what was (inaudible).

25 M. VIGIL: I know they provided setbacks on the

1 sides, like Matt was saying, but that eastern (inaudible),
2 their property on our side, we're building another home, it's
3 going to (inaudible) us. I mean it's going to wind up,
4 they're going to drive us out of her family farm.

5 B. VIGIL: Thank you.

6 RIGGINS: Thank you. Before you step down, any
7 questions Commissioners? Thank you very much. If anybody
8 else like to come up to speak? No, we got somebody already
9 coming. No, that was you. And please get your name and
10 address into the log and then give that to us before you
11 begin.

12 EDWARDS: Okay. I have a letter from my neighbor,
13 but she's having health issues, so I didn't know if someone
14 else wants to read it.

15 RIGGINS: Now, you didn't give us your name and
16 address.

17 EDWARDS: Oh, sorry. Doskie Edwards, and I live at
18 1190 South La Palma.

19 RIGGINS: Thank you.

20 EDWARDS: So, okay. I oppose the solar plant for a
21 few reasons. Solar does not produce enough energy to even
22 justify building it on top of usable farmland. They aren't
23 clearing new land for new farm fields anymore. What would we
24 do in a real food crisis? It's not just us, but our animals.
25 Where would we grow? The more fields you take, the higher the

1 demand goes up, along with prices. It's killing the
2 community, and no one wants it here. I know you've already
3 purchased the land, but maybe you should have paid attention
4 that it was agricultural land in the first place. I travel
5 the country a lot in my profession of rodeo. When I passed
6 through Las Vegas this summer, when I got out of town I went
7 through what I felt like was 15 miles of solid solar panels.
8 And you guessed it, it was outside of town, away from people's
9 homes. I would follow their lead. No one wants to live next
10 to solar panels. Why aren't you putting these next to San Tan
11 or Chandler, or partner with the tribe and put it on their
12 land? You're crippling prosperity for this area. Not
13 everyone likes living next to a thousand people. More people
14 are moving to rural areas and building homes. And it's not
15 just me and the people that live here now, it's for the future
16 generations. I guess that is part of the green deal after
17 all, destroy small towns and get everyone into the cities.
18 What should be on the table at this meeting is a nuclear power
19 plant that actually produces not only power, but jobs as well
20 year round, constant jobs or a hotel in Coolidge for all the
21 construction workers passing through, instead of the only
22 place they can stay at is in Casa Grande. But this is what
23 we're dealing with. I would be for this if it was actually
24 going to help this area, but mine and everyone else's power
25 bills are only going up. Taking Casa Grande's sun and sending

1 it somewhere else should be illegal. It should benefit the
2 people who live here, not someone who lives a thousand miles
3 away. I will never support this, but if the Supervisors
4 refuse the will of the people, I beg that the project find it
5 in their budget to build a brick wall around the fields, not a
6 tacky, cheap chain link fence. Also, it's going to create a
7 bunch of dust and yeah, I had to deal with that during the
8 SunZia project of all the dust. So yeah. And that's what I
9 have to say. Thank you.

10 RIGGINS: Thank you. Before you step down,
11 Commissioners, any questions of the speaker?

12 EDWARDS: Yes, I guess I'll - okay. Now that I'm up
13 here and over it. Okay. All right, this is from my neighbor,
14 Anna, I do not know her address. Okay. Dear zoning and
15 public Commission board members. First off, I want to
16 apologize for not attending the hearing as I have medical
17 issues and I'm not able to be here. I would like to object to
18 the proposed project affecting Laughlin Road and La Palma, and
19 La Palma to Selma Highway. Dear board members, we moved here
20 36 years ago and fell in love with Pinal County and the area
21 due to agriculture all around us. But the last ten years it
22 appears that Pinal County has turned into the County of solar,
23 especially the area in which we live. Please, I ask you take
24 an aerial view, a 10 mile radius view and you will see solars
25 are going up around, to - oh, all around to include all around

1 my kids' school on Eleven Mile Road past 287 and Eleven Mile
2 Corner. Instead of seeing beautiful land of growing crops,
3 you will see solar. Please deny their request and ask them to
4 go elsewhere. If you need to contact me, okay, and here's her
5 phone number in there.

6 RIGGINS: Thank you. And could let letter be -
7 yeah. Thank you very much. Anybody else wish to come up?
8 Anybody else? And if you could get your name and address on
9 the log there and then give that to us before you begin
10 speaking.

11 STROM: Sure. Hi, my name is Bruce Strom and I live
12 in San Tan Valley at 29713 North Blackfoot Daisy. Excuse me.
13 I came this morning for something else - excuse me - but I
14 happened to be listening to this. And the first lady that was
15 up here and talked about all of that, I agree with her 100
16 percent on everything she said. The last presentation that I
17 saw, the gentleman, I listened to that, and really the only
18 thing I came away with that, was a question. Because in the
19 presentation he said that this would create enough energy for
20 80,000 Americans, and yet at the same time one of the
21 Commissioners - and I can't remember which one - asked the
22 question, well is there really that kind of demand to justify
23 having more solar in the Valley here? And the response was,
24 yes, and he named off several companies that are all hungry
25 for green energy. And I'm going, well if it's going to supply

1 80,000 Americans and the industry is hungry for green energy,
2 who is really going to get that green energy? And I think if
3 I remember right, most businesses pay a higher rate than a
4 normal utility customer. So that tells me that most of that
5 energy, if not all of that energy, is really going to be
6 supplied - although you can't figure it out in the pipeline -
7 but it's going to be supplied to the businesses. And so
8 really is putting in solar really pandering to businesses?
9 And I always thought most businesses, if they didn't have the
10 energy they'd put in their own power plants, do whatever, and
11 if they're really hungry for it, then I think they should be
12 paying for it and not the citizens of the of the County or the
13 city. And that's just my opinion and that's the way I saw it.
14 But I didn't see that question raised as where's that, you
15 know, that 80,000 Americans can get it, okay, it could go out
16 of state, we can't control that. But if it's all - if you got
17 all these businesses that are really looking for green energy,
18 aren't they going to be the ones that suck it up first because
19 they're going to be paying more than the average - than what
20 the citizens would? And that's all I really wanted to say.

21 RIGGINS: Thank you very much, and before you step
22 down -

23 STROM: Thank you very much of your time too.

24 RIGGINS: Commissioners, any questions of the
25 speaker? There none being, thank you.

1 STROM: Thank you.

2 RIGGINS: Would anybody else like to come up to
3 speak to this case? Anybody at all? Okay, at this time,
4 we're going to close the public portion of this case, and I'm
5 going to ask the applicant to come back up and any response,
6 any further things that he'd like to say concerning this Major
7 General Plan Amendment?

8 KOWALSKI: I'd just like to go through a few of the
9 points that were made from the people that just came up.
10 Everyone, thank you for coming up and stating your opinion, I
11 really appreciate it. On the topic of solar panels filling up
12 landfills, I would just like to mention that between now and
13 2050, globally, there's a huge push to build out solar power,
14 and looking at the potential waste that would be going into
15 landfills, we're talking about a cumulative 50 to 160 million
16 metric tons of waste. That sounds like a gigantic number,
17 that is a gigantic number. To put that into context, that's
18 about the monthly amount of coal ash that's produced worldwide
19 by coal generation. So that's one month of toxic waste from
20 coal production versus this huge build out of solar between
21 now and 2050. So just helpful context there. I'd just like
22 to say that we're placing our project here amid a cluster of
23 solar energy, solar projects, and that's keeping other parts
24 of the County open for other types of development. I'd say
25 that one health benefit of solar versus other types of energy

1 production, such as gas and coal, is that there's no
2 particulate matter emissions. Particulate matter emissions
3 are now the fourth leading cause globally of death, and that's
4 a huge health benefit if we're replacing fossil fuel
5 generation with clean energy. There was a mention of solar
6 panels being manufactured overseas. I'd like to mention that
7 many of the solar panels used here due to the high heat and
8 high efficiency of these panels and heat conditions, are First
9 Solar panels. That's a US-based company with US-based
10 manufacturing. We're too early in our project to have
11 selected any sort of vendor, but we will be targeting the US-
12 based equipment. Apologies that the contractors for the
13 SunZia project have been speeding down the Earley Road. I'd
14 like to thank the landowners for requesting those stop signs
15 and speed limits. I'm sorry that those weren't in place
16 before, that should have been something proactively thought of
17 by us. I've spoken with the construction manager onsite, and
18 after hearing you again today, I intend to call them again.
19 They've spoken with all the contractors onsite about the need
20 to slow down. Sounds like that may not be happening, and I
21 apologize for that and take responsibility for that. The sun
22 shining off the panels on the eastern side of your property, I
23 hope to work with you on putting in vegetative screening
24 walls, further setbacks of the panels, so that we can get to a
25 common understanding to move forward together. And I think

1 those are mainly the comments that I heard. There was a lot
2 of points that were made, but I just wanted to pick on a few
3 of those. Again, thank you everybody for your time today.

4 RIGGINS: Thank you very much. Commissioners, any
5 ques - before you step down - any questions or comments to the
6 applicant? There none being, thank you very much. Okay,
7 we're to the point in time to where the Commission needs to
8 decide if they have any further questions or comments to
9 staff, or discussion among ourselves, or if we're prepared to
10 make a motion. Vice Chair Mennenga.

11 MENNENGA: I move the Planning and Zoning - I move
12 the Planning Commission forward a recommendation of denial of
13 case number PZ-PA-009-23 to the Board of Supervisors.

14 RIGGINS: Okay, we have a motion for denial.

15 KLOB: I'll second that.

16 RIGGINS: I was going to ask for a second. So we
17 have a second from Commissioner Klob. I was just thinking
18 whether or not we wanted to do it by roll call, but let's just
19 call for voice vote. All those in favor of the motion for
20 denial, please signify by saying aye.

21 COLLECTIVE: Aye.

22 RIGGINS: Any opposed? The motion for denial passes
23 9 to 0 unanimously. So thank you all very much. Okay,
24 question. Do we want to go ahead to the next solar facility
25 case before we do the energy case, or what would you like?

A signed 207 Waiver was unavailable at time of packet creation. The applicant has obligated to provide a signed and notarized 207 waiver before presentation to the Board of Supervisors.

When recorded return to:
Clerk
Pinal County Board of Supervisors
P.O. Box 827
Florence, AZ 85132

**CONSENT TO SCHEDULE FOR DEVELOPMENT AND CONDITIONS/STIPULATIONS AND
WAIVER OF CLAIMS FOR DIMINUTION IN VALUE**

This Consent to Schedule for Development and Conditions/Stipulations and Waiver of Claims for Diminution in Value ("Consent and Waiver") is made in favor of Pinal County (the "County") by HA Cielo LLC ("Owner").

Owner warrants and represents that Owner is the fee title owner of the property described herein, and that no other entity or person has an ownership interest in the property. Prior to Owner's transfer, sale or conveyance of all or any part of its right, title and interest in the Property at any time within thirty (30) days of the County's approval of Owner's application described herein, Owner shall notify the County of said transfer, sale or conveyance and shall require the new Owner to execute and agree to this Consent and Waiver as part of any transfer, sale or conveyance of the property described herein.

Owner acknowledges that A.R.S. § 12-1134 of the Arizona Private Property Rights Protection Act provides in some cases that a county is required to pay just compensation to a landowner if the County approves a land use law that reduces the fair market value of the owner's property. Owner further acknowledges that A.R.S. § 12-1134 authorizes a private property owner to waive any claim for diminution in value of property in connection with any action proposed by a county or any action requested by the property owner.

Owner has submitted an application to Pinal County ("County") requesting the County approve a Major Comprehensive Plan Amendment for development of the following described property ("Property"):

LEGAL DESCRIPTION IS ATTACHED HERETO AS EXHIBIT "A."

By signing below, Owner agrees and consents to the Schedule for Development and all the conditions/stipulations imposed by Pinal County in conjunction with the approval of the Major Comprehensive Plan Amendment, Case No. PZ-PA-009-23, which are attached hereto as EXHIBIT B.

By signing below, Owner acknowledges that the approval of the Major Comprehensive Plan Amendment, Case No. PZ-PA-009-23, might affect existing rights to use, divide, sell or possess the Property. By signing below, Owner hereby waives any and all rights to claim compensation for diminution in value pursuant to A.R.S. §12-1134 that may now or in the future exist as a result of the approval of the Major Comprehensive Plan Amendment, Case No. PZ-PA-009-23, and the Schedule for Development and conditions/stipulations imposed in conjunction with the approval. Owner waives any and all rights to claim compensation for diminution in value for any action taken by the County to rescind approval of Major Comprehensive Plan Amendment in

CORPORATION, OFFICER, PARTNER OR TRUSTEE ACKNOWLEDGMENT: *[To be filled out if a corporation, partnership, or trust]*

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me, this _____ day of _____, 20_____, by _____ as
[Insert Name of Officer]
_____ of _____,
[Insert Title] **[Insert Name of Company]**
an _____ corporation, who being authorized to do so, executed the
[Insert State of Incorporation]
foregoing instrument on behalf of said entity for the purposes stated therein.

Notary Public

My commission expires: _____

ACKNOWLEDGMENT: *[Use only when a second company is signing on behalf of owner:]*

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me, this _____ day of _____, 20_____, by _____ as
[Insert Signor's Name] **[Insert Title]**
of _____, an _____ corporation,
[Insert Name of Second Company] **[Insert State of Incorporation]**
as _____ for _____
[i.e. member, manager, etc.] **[Owner's Name]**
who being authorized to do so, executed the foregoing instrument on behalf of said entities for the purposes stated therein.

Notary Public

My commission expires: _____

EXHIBIT A

Description of Property

PARCEL 1:

THE EAST HALF OF SECTION 32, TOWNSHIP 6 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA. EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE NORTH 00 DEGREES 05 MINUTES EAST, ALONG THE EAST LINE OF SAID SECTION 32, A DISTANCE OF 652.51 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES WEST, A DISTANCE OF 1322.97 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES WEST, A DISTANCE OF 652.51 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 32; THENCE NORTH 89 DEGREES 44 MINUTES EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 1322.97 FEET TO THE POINT OF BEGINNING EXCEPTING THEREFROM ALL GAS, OIL, METALS AND MINERAL RIGHTS AS RESERVED TO THE UNITED STATES AND THE STATE OF ARIZONA IN THE PATENT FROM THE STATE OF ARIZONA RECORDED IN DOCKET 165, PAGE 144. (NORTHEAST QUARTER OF SECTION 32 ONLY) EXCEPTING THEREFROM ALL GAS, OIL, METALS AND MINERAL RIGHTS AS RESERVED IN THE PATENT FROM THE STATE OF ARIZONA RECORDED IN DOCKET 47, PAGE 263. (SOUTHEAST QUARTER OF SECTION 32 ONLY)

PARCEL 2:

ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE WEST 130 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 6 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, LYING NORTH OF THE FLORENCE-CASA GRANDE EXTENSION CANAL.

PARCEL 3:

THE WEST HALF AND THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 6 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

PARCEL 4:

THE EAST HALF OF THE SOUTH HALF OF THE SOUTH HALF OF SECTION 29, TOWNSHIP 6 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

EXHIBIT A

PARCEL 5:

THE WEST HALF OF THE SOUTHWEST QUARTER AND THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 6 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA; EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE WEST, ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 600 FEET; THENCE SOUTH A DISTANCE OF 600 FEET TO THE FLORENCE-CASE GRANDE CANAL; THENCE NORTHEASTERLY, ALONG SAID FLORENCE-CASE GRANDE CANAL, TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28; THENCE NORTH, ALONG SAID EAST LINE, A DISTANCE OF 157 FEET TO THE POINT OF BEGINNING.

Notice of Hearing



Published in Pinal Central Dispatch on October 26, 2023

Location

Pinal County, Arizona

Notice Text

NOTICE OF PUBLIC HEARING BY THE PINAL COUNTY BOARD OF SUPERVISORS AT 9:30 A.M. ON THE 15th DAY OF NOVEMBER, 2023, IN THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER THE FOLLOWING REQUEST FOR A MAJOR AMENDMENT TO THE PINAL COUNTY COMPREHENSIVE PLAN: PZ-PA-009-23 ? PUBLIC HEARING/ACTION: HA Cielo LLC, landowner/applicant, Pattern Solar & Storage Development LLC/Amy Smolen, agent, requesting approval of a Major Comprehensive Plan Amendment to the 2019 Pinal County Comprehensive Plan to re-designate 1086 ? acres from MLDR (Moderate Low Density Residential) and Employment to Green Energy Production for a photovoltaic Solar Power Plant, situated in Sections 28, 29, 32, & 33, T06S, R08E, Gila & Salt River Baseline & Meridian, tax parcels 401-42-009A, 401-42-009B, 401-46-0010, 401-46-0030, 401-47-0010, 401-47-0020, 401-47-0030, 401-47-0040, 401-47-0050, and 401-47-0060 (legals on file), located south of east Laughlin Rd, north of Selma Highway, west of S Highway 87, and on both sides of south La Palma Rd in the unincorporated Pinal County area near Coolidge, AZ. ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE PUBLIC HEARING AT THE DATE, TIME AND PLACE DESIGNATED ABOVE. DOCUMENTS PERTAINING TO THIS CASE CAN BE FOUND ON THE NOTICE OF HEARING PAGE FOR THE P&Z COMMISSION AT: <https://www.pinal.gov/236/Notice-of-Hearings> AT LEAST 24 HOURS PRIOR TO THE PUBLIC HEARING, DOCUMENTS PERTAINING TO THESE REQUESTS ARE AVAILABLE FOR PUBLIC INSPECTION AT THE PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, PINAL COUNTY COMPLEX, 85 N. FLORENCE STREET, FLORENCE, ARIZONA, MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00AM AND 4:30 PM. DATED this 20th day of OCTOBER, 2023, Pinal County Community Development Dept. TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR

OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT MUST CONTAIN THE FOLLOWING INFORMATION: 1) Planning Case Number (see above) 2) Your name, address, telephone number and tax parcel number (Print or type) 3) A brief statement of reasons for supporting or opposing the request 4) Whether or not you wish to appear and be heard at the hearing WRITTEN STATEMENTS MUST BE FILED WITH: PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT PO BOX 2973 (85 N. FLORENCE STREET) FLORENCE, AZ 85132 NO LATER THAN 4:00 PM ON NOVEMBER 3rd, 2023. Contact for this matter: Patrick Roberts, Senior Planner E-mail Address: Patrick.Roberts@Pinal.gov Phone #: (520) 866-6409 & (520) 866-6442 No. of publications: 1; date of publication: Oct. 26, 2023.

Public Notice

Originally published at azcentral.com on 10/26/2023

NOTICE OF PUBLIC HEARING BY THE PINAL COUNTY BOARD OF SUPERVISORS AT 9:30 A.M. ON THE 15th DAY OF NOVEMBER, 2023, IN THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER THE FOLLOWING REQUEST FOR A MAJOR AMENDMENT TO THE PINAL COUNTY COMPREHENSIVE PLAN: PZ-PA-009-23PUBLIC HEARING/ACTION: HA Cielo LLC, landowner/applicant, Pattern Solar & Storage Development LLC/Amy Smolen, agent, requesting approval of a Major Comprehensive Plan Amendment to the 2019 Pinal County Comprehensive Plan to redesignate 1086 ± acres from MLDR (Moderate Low Density Residential) and Employment to Green Energy Production for a photovoltaic Solar Power Plant, situated in Sections 28, 29, 32, & 33, T06S, R08E, Gila & Salt River Baseline & Meridian, tax parcels 401-42-009A, 401-42-009B, 401-46-0010, 401-46-0030, 401-47-0010, 401-47-0020, 401-47-0030, 401-47-0040, 401-47-0050, and 401-47-0060 (legals on file), located south of east Laughlin Rd, north of Selma Highway, west of S Highway 87, and on both sides of south La Palma Rd in the unincorporated Pinal County area near Coolidge, AZ. ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE PUBLIC HEARING AT THE DATE, TIME AND PLACE DESIGNATED ABOVE. DOCUMENTS PERTAINING TO THIS CASE CAN BE FOUND ON THE NOTICE OF HEARING PAGE FOR THE P&Z COMMISSION AT: <https://www.pinal.gov/236/Notice-of-Hearings> AT LEAST 24 HOURS PRIOR TO THE PUBLIC HEARING, DOCUMENTS PERTAINING TO THESE REQUESTS ARE AVAILABLE FOR PUBLIC INSPECTION AT THE PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, PINAL COUNTY COMPLEX, 85 N. FLORENCE STREET, FLORENCE, ARIZONA, MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00AM AND 4:30 PM. DATED this 20th day of OCTOBER, 2023, Pinal County Community Development Dept. TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT MUST CONTAIN THE FOLLOWING INFORMATION: 1) Planning Case Number (see above) 2) Your name, address, telephone number and tax parcel number (Print or type) 3) A brief statement of reasons for supporting or opposing the request 4) Whether or not you wish to appear and be heard at the hearing WRITTEN STATEMENTS MUST BE FILED WITH: PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT PO BOX 2973 (85 N. FLORENCE STREET) FLORENCE, AZ 85132 NO LATER THAN 4:00 PM ON NOVEMBER 3rd, 2023. Contact for this matter: Patrick

Roberts, Senior Planner E-mail Address: Patrick.Roberts@Pinal.gov Phone #: (520) 866-6409 & (520) 866-6442 Pub: Oct 26, 2023

NOTICE OF PUBLIC HEARING BY THE PINAL COUNTY BOARD OF SUPERVISORS AT 9:30 A.M. ON THE **15th** DAY OF **NOVEMBER, 2023**, IN THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER THE FOLLOWING REQUEST FOR A MAJOR AMENDMENT TO THE PINAL COUNTY COMPREHENSIVE PLAN:

PZ-PA-009-23–PUBLIC HEARING/ACTION: HA Cielo LLC, landowner/applicant, Pattern Solar & Storage Development LLC/Amy Smolen, agent, requesting approval of a **Major Comprehensive Plan Amendment** to the 2019 Pinal County Comprehensive Plan to re-designate 1086 ± acres from MLDR (Moderate Low Density Residential) and Employment to Green Energy Production for a photovoltaic **Solar Power Plant**, situated in Sections 28, 29, 32, & 33, T06S, R08E, Gila & Salt River Baseline & Meridian, tax parcels 401-42-009A, 401-42-009B, 401-46-0010, 401-46-0030, 401-47-0010, 401-47-0020, 401-47-0030, 401-47-0040, 401-47-0050, and 401-47-0060 (legals on file), located south of east Laughlin Rd, north of Selma Highway, west of S Highway 87, and on both sides of south La Palma Rd in the unincorporated Pinal County area near Coolidge, AZ.

ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE PUBLIC HEARING AT THE DATE, TIME AND PLACE DESIGNATED ABOVE.

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AT LEAST 24 HOURS PRIOR TO THE PUBLIC HEARING, DOCUMENTS PERTAINING TO THESE REQUESTS ARE AVAILABLE FOR PUBLIC INSPECTION AT THE PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, PINAL COUNTY COMPLEX, 85 N. FLORENCE STREET, FLORENCE, ARIZONA, MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00AM AND 4:30 PM.

DATED this **20th** day of **OCTOBER, 2023**, Pinal County Community Development Dept.

TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT MUST CONTAIN THE FOLLOWING INFORMATION:

- 1) Planning Case Number (see above)
- 2) Your name, address, telephone number and tax parcel number (Print or type)
- 3) A brief statement of reasons for supporting or opposing the request
- 4) Whether or not your wish to appear and be heard at the hearing

WRITTEN STATEMENTS MUST BE FILED WITH:
PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
PO BOX 2973 (85 N. FLORENCE STREET)
FLORENCE, AZ 85132

NO LATER THAN 4:00 PM ON NOVEMBER 3rd, 2023.

Contact for this matter: Patrick Roberts, Senior Planner
E-mail Address: Patrick.Roberts@Pinal.gov
Phone #: (520) 866-6409 & (520) 866-6442

[Anything below this line is not for publication.]


PUBLISHED ONCE:

Pinal Central Dispatch
Arizona Republic

CERTIFICATION OF POSTING

I hereby certify that the notice(s) shown below was/were posted on the property described in the notice on October 26th, 2023.

PLANNING & DEVELOPMENT DEPARTMENT

BY:  Patrick Roberts, Senior Planner DATED: 11/3/23
[signature] [print name and title]

[Insert copy of notice(s) that was/were posted, which should be the same as the published/mailed notice.]

NOTICE OF PUBLIC HEARING BY THE PINAL COUNTY PLANNING AND ZONING COMMISSION AT 9:00 A.M. ON THE **19th** DAY OF **OCTOBER, 2023**, IN THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER THE FOLLOWING REQUEST FOR A MAJOR AMENDMENT TO THE PINAL COUNTY COMPREHENSIVE PLAN:

PZ-PA-009-23–PUBLIC HEARING/ACTION: HA Cielo LLC, landowner/applicant, Pattern Solar & Storage Development LLC/Amy Smolen, agent, requesting approval of a **Major Comprehensive Plan Amendment** to the 2019 Pinal County Comprehensive Plan to re-designate 1086 ± acres from MLDR (Moderate Low Density Residential) and Employment to Green Energy Production for a photovoltaic **Solar Power Plant**, situated in Sections 28, 29, 32, & 33, T06S, R08E, Gila & Salt River Baseline & Meridian, tax parcels 401-42-009A, 401-42-009B, 401-43-009B, 401-46-0010, 401-46-0030, 401-47-0010, 401-47-0020, 401-47-0030, 401-47-0040, 401-47-0050, and 401-47-0060 (legals on file), located south of east Laughlin Rd, north of Selma Highway, west of S Highway 87, and on both sides of south La Palma Rd in the unincorporated Pinal County area near Coolidge, AZ.

ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE PUBLIC HEARING AT THE DATE, TIME AND PLACE DESIGNATED ABOVE.

DOCUMENTS PERTAINING TO THIS CASE CAN BE FOUND ON THE NOTICE OF HEARING PAGE FOR THE P&Z COMMISSION AT:

<https://www.pinal.gov/236/Notice-of-Hearings>

AT LEAST 24 HOURS PRIOR TO THE PUBLIC HEARING, DOCUMENTS PERTAINING TO THESE REQUESTS ARE AVAILABLE FOR PUBLIC INSPECTION AT THE PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, PINAL COUNTY COMPLEX, 85 N. FLORENCE STREET, FLORENCE, ARIZONA, MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00AM AND 4:30 PM.

DATED this **9th** day of **August, 2023**, Pinal County Community Development Dept.

J:\Plan_Group\Comprehensive Plan\2023 Comprehensive Plan\9. BOS- Final\PZ-PA-009-23 Cielo Solar\4. SITE POSTING\Posting Cert 07 18 2014.docx

TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT MUST CONTAIN THE FOLLOWING INFORMATION:

- 1) Planning Case Number (see above)
- 2) Your name, address, telephone number and tax parcel number (Print or type)
- 3) A brief statement of reasons for supporting or opposing the request
- 4) Whether or not you wish to appear and be heard at the hearing

WRITTEN STATEMENTS MUST BE FILED WITH:
PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
PO BOX 749 (85 N. FLORENCE STREET)
FLORENCE, AZ 85132

NO LATER THAN 4:00 PM ON October 9th, 2023.

Contact for this matter: Patrick Roberts, Senior Planner

E-mail Address: Patrick.Roberts@Pinal.gov

Phone #: (520) 866-6409 & (520) 866-6442

[Anything below this line is not for publication.]

PUBLISHED ONCE:

Florence Reminder & Blade Tribune (and San Tan Sentinel)

Tri-Valley Dispatch

Casa Grande Dispatch

Eloy Enterprise

Superior Sun

San Manuel Miner

Copper Basin

Arizona Republic

PZ-PA-009-23, August 18, 2023 Broadcast Sign Photos



Photo 1. Broadcast Sign 1.



Photo 2. Broadcast Sign 2.

PZ-PA-009-23, August 18, 2023 Broadcast Sign Photos



Photo 3. Broadcast Sign 3.



Photo 4. Broadcast Sign 4.

PZ-PA-009-23, August 18, 2023 Broadcast Sign Photos



Photo 5. Broadcast Sign 5.



Photo 6. Broadcast Sign 6.

PZ-PA-009-23, August 18, 2023 Broadcast Sign Photos



Photo 7. Broadcast Sign 7.



Photo 8. Broadcast Sign 8.

PZ-PA-009-23, August 18, 2023 Broadcast Sign Photos



Photo 9. Broadcast Sign 9.



Photo 10. Broadcast Sign 10.

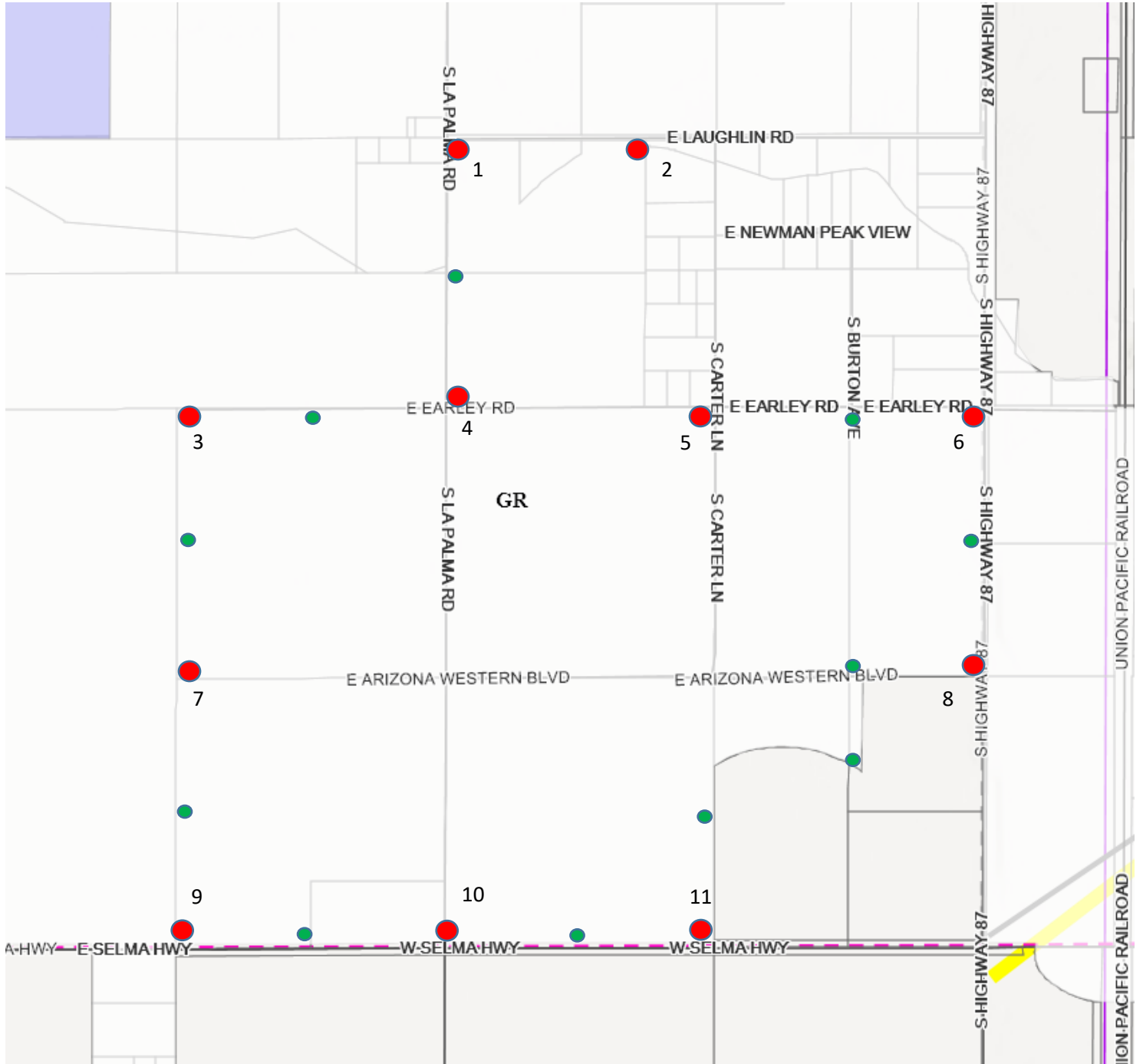


Photo 11. Broadcast Sign 11.

PZ-PA-009-23: CIELO SOLAR- SITE POSTING LOCATIONS:

Small Signs- Green Dots- 11 small sign posts (to be provided by the County and picked-posted by the applicant)

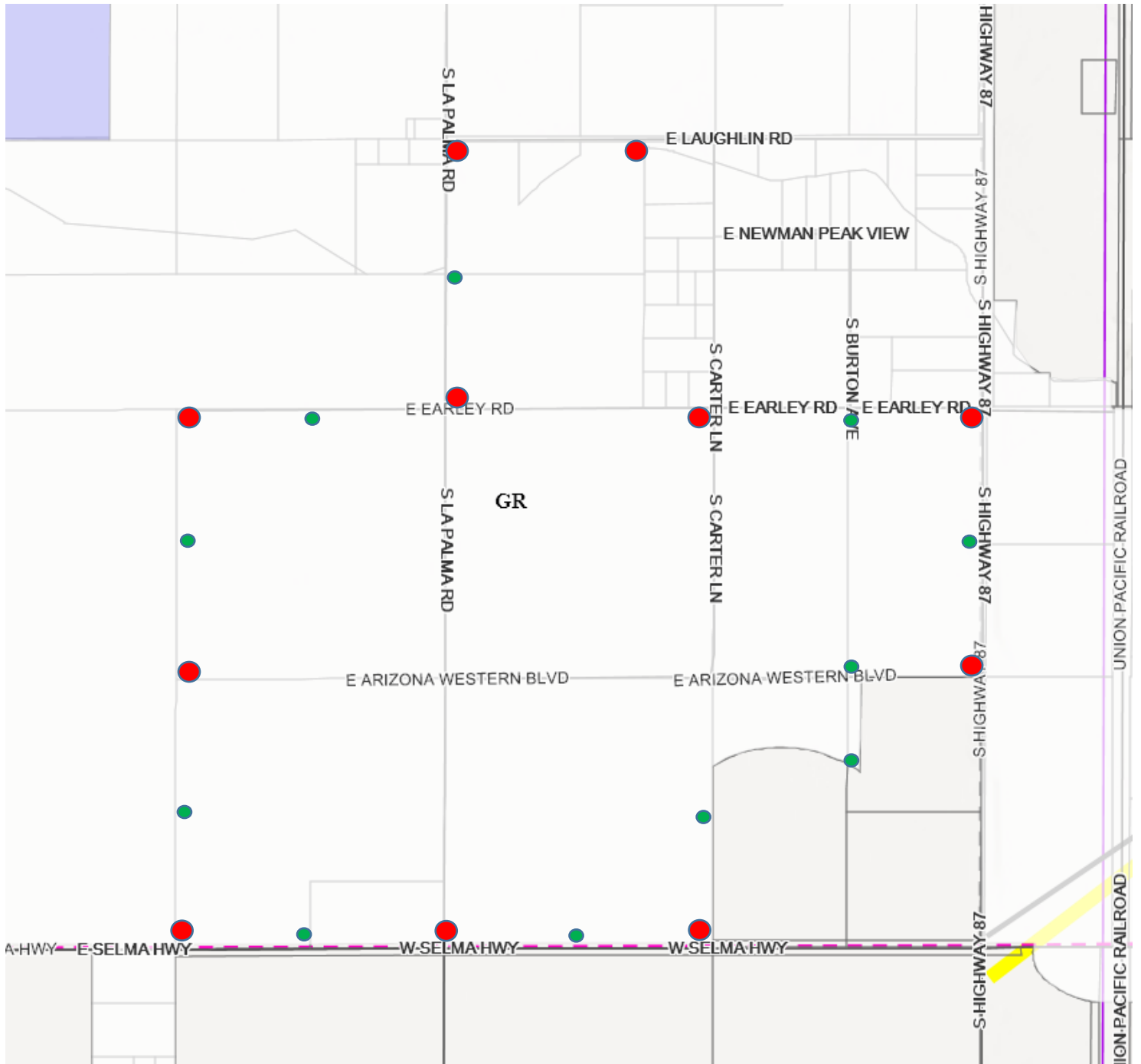
Large Signs- Red Dots-11 large sign boards (to be made and installed by the applicant)



PZ-PA-009-23: CIELO SOLAR- SITE POSTING LOCATIONS:

Small Signs- Green Dots- 11 small sign posts (to be provided by the County and picked-posted by the applicant)

Large Signs- Red Dots-11 large sign boards (to be made and installed by the applicant)





APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT IN AN UNINCORPORATED AREA OF PINAL COUNTY, ARIZONA
(All Applications Must Be Typed or Written in Ink)

Comprehensive Plan Amendment unincorporated & Property Information:

(Feel free to include answers and to these questions in a Supplementary Narrative, when doing so write see narrative on the space provided)

1. The legal description of the property: Refer to Appendix A, attached to Narrative Report

401-47-0030, 401-47-0040, 401-47-0050, 401-47-0060

2. Parcel Number(s): _____ Total Acreage: _____

3. Current Land Use Designation: _____

4. Requested Land Use Designation: _____

5. Date of Concept Review: _____ Concept Review Number: _____

6. Why is this Comprehensive Plan Amendment being requested? (You must provide a summary of the anticipated development on this page, if not provided, the application cannot be processed.): _____

7. Discuss any recent changes in the area that would support your application. _____

8. Explain why the proposed amendment is needed and necessary at this time. _____

INV#: _____ AMT: _____ DATE: _____ CASE: _____ Xref: _____

COMMUNITY DEVELOPMENT
Planning Division

PINAL COUNTY COMPREHENSIVE PLAN AMENDMENT APPLICATION

IN ADDITION TO THIS APPLICATION, YOU WILL NEED TO SUBMIT:

- A. **Certified Boundary Survey**, including legal descriptions of the proposed designations
- B. Location map which identifies the property and its relationship to Pinal County environs.
- C. Map showing the topography of the property.
- D. Site map which specifically identifies the property including parcels under separate ownership.
- E. Property owner(s) authorization for the Comprehensive Plan Amendment.
- F. Other information as may be determined necessary by the Planning staff or other information the applicant feels is pertinent to this request.
- G. Non-refundable filing fee as shown on the cover page.
- H. Narrative in PDF format.
- I. Neighborhood meeting report

***Your application must be submitted digitally via the online submittal portal site at <https://citizenaccess.pinalcountyz.gov/CitizenAccess/Default.aspx>
Please call or email the Planning Division for more information.***

I certify the information included in this application is accurate, to the best of my knowledge. I have read the application and I have included the information, as requested. I understand if the information submitted is incomplete, this application cannot be processed.

| | | |
|-------------------------------|---------|--------------|
| Name of Landowner (Applicant) | Address | Phone Number |
|-------------------------------|---------|--------------|

| | |
|------------------------------------|----------------|
| Signature of Landowner (Applicant) | E-Mail Address |
|------------------------------------|----------------|

Pattern Solar and Storage Development LLC 1201 Louisiana St, Suite 3200 713-308-5061

| | | |
|---------------|---------|--------------|
| Name of Agent | Address | Phone Number |
|---------------|---------|--------------|

Attn: Ian Evans
Houston, TX 77002

generalcounsel@patternenergy.com

ian.evans@patternenergy.com

| | |
|--------------------|----------------|
| Signature of Agent | E-Mail Address |
|--------------------|----------------|

Amy Smolen
Vice President

The Agent has the authority to act on behalf of the landowner. The Agent will be the contact person for Planning staff and must be present at all hearings. Please use the attached Agency Authorization form, if applicable

AGENCY AUTHORIZATION

(To be completed by landowners of subject property when landowners do not represent themselves. Instructions for completing required information are in bold and brackets below lines. If applicant is a company, corporation, partnership, joint venture, trustee, etc., please use the corporate signature block and have the notary fill in the notarization section for corporations not individuals and cannot be submitted digitally)

TO: Pinal County Planning & Development Services
P.O. Box 2973
Florence, AZ 85132

HA Cielo LLC, a Delaware limited liability company

[Insert Name -- If a Corporation, Partnership or Association, Include State of Incorporation]
hereinafter referred to as "Owner," is/are the owner(s) of _____ approximately 1,006 acres located at
_____ Sec 29-6S-8E; Sec 28-6S-8E; Sec 32-6S-8E; Sec 33-6S-8E, and further identified
[Insert Address of Property]
as assessor parcel number 40142009A; 40142009B; 40143009B; 401460010; 401470030; _____ and legally described as follows:
401470020; 401470010; 401460030; 401470040; 401470050; 401470060
[Insert Parcel Number]

[Legal Description is attached hereto as Exhibit A]

Said property is hereinafter referred to as the "Property."
Owner hereby appoints Pattern Solar and Storage Development LLC, a Delaware limited liability company

[Insert Agent's Name. If the Agent Is a Company, Insert Company Name Only]

hereinafter referred to as "Agent," to act on Owner's behalf in relation to the Property in obtaining approvals from Pinal County for any necessary amendment to Pinal County's Comprehensive Plan; zone changes; planned area development overlay districts; platting of the subject property; special use permit or industrial use permit; and to file applications and make the necessary submittals for such approvals.

Owner consents and agrees to be bound by all stipulations agreed to by this Agent in connection with any of above-referenced processes.

[Individual PROPERTY OWNER signature block and acknowledgment. DO NOT SIGN HERE IF SIGNING AS AN OFFICER OF A CORPORATION ON THE NEXT PAGE.]

[Signature]

[Signature]

[Address]

[Address]

Dated: _____

Dated: _____

STATE OF _____)
) ss.
COUNTY OF _____)

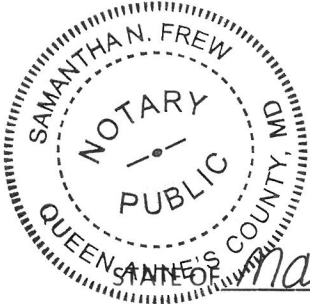
The foregoing instrument was acknowledged before me this ___ day of __, ___ by _____
[Insert Name of Signor(s)]

My commission expires _____

Printed Name of Notary

Signature of Notary Public

Corporate PROPERTY OWNER signature block and acknowledgment the appropriate corporate officer or trustee signs this signature block NOT the block on the previous page.



HA Cielo LLC, a Delaware limited liability company

[Insert Company or Trustee's Name]

By: [Signature]
[Signature of Authorized Officer or Trustee]

Its: Authorized Representative
[Insert Title]

Dated: 4/11/2023

STATE OF Maryland
COUNTY OF Queen Anne County) ss.

The foregoing instrument was acknowledged before me, this 11 day of April 2023 by Michelle Martin Authorized Representative
[Insert Signor's Name] [Insert Title]
HA Cielo LLC, an Delaware limited liability
[Insert Name of Company or Trust] [Insert State of Incorporation, if applicable] company

and who being authorized to do so, executed the foregoing instrument on behalf of said entity for the purposes stated therein.

My commission expires: 04/10/2023

[Signature]
Notary Public

ALTERNATE: Use the following acknowledgment only when a second company is signing on behalf of the owner:

STATE OF _____)
COUNTY OF _____) ss.

On this _____ day of _____, _____, before me, the undersigned, personally appeared

_____ Who acknowledged himself/herself to be
[Insert Signor's Name]

_____ of _____
[Title of Office Held] [Second Company]

As _____ for _____, and who being
[i.e, member, manager, etc.] [Owner's Name]

Authorized to do so, executed the foregoing instrument on behalf of said entities for the purposes stated therein.

My commission expires: _____

Printed Name of Notary

Signature of Notary



Cielo Solar Project Application for a Major Comprehensive Plan Amendment Narrative Report

MAY 2023

SUBMITTED TO

Pinal County Planning Division

PREPARED BY

SWCA Environmental Consultants

**CIELO SOLAR PROJECT
APPLICATION FOR A MAJOR
COMPREHENSIVE PLAN AMENDMENT
NARRATIVE REPORT**

**PRE-APPLICATION PLANNING CASE NO. Z-PA-048-23
MCPA APPLICATION PLANNING CASE NO. PZ-PA-009-23**

Prepared for

Pinal County Planning Division
85 N. Florence Street
First Floor
P.O. Box 2973
Florence, Arizona 85132
(520) 866-6442

Prepared by

SWCA Environmental Consultants
20 E. Thomas Rd. #1700
Phoenix, Arizona 85012
(602) 274-3831
www.swca.com

On Behalf of

Pattern Solar and Storage Development, LLC
1201 Louisiana Street, Suite 3200
Houston, TX 77002
Attn: Ian Evans

May 2023

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A. EXECUTIVE SUMMARY

Pattern Solar and Storage Development LLC (Pattern), is requesting an amendment to the 2019 Pinal County Comprehensive Plan (Comprehensive Plan) to construct and operate the Cielo Solar Project (Project), a photovoltaic (PV) solar facility and battery energy storage system (BESS) comprising 11 parcels (Project Site) (Figure 1). Table 1 lists the Project parcels, including the Assessor’s Parcel Numbers (APNs) and Public Land Survey System (PLSS) locations. An ALTA of the Project Site is included as a part of this narrative report (Appendix A).

Table 1. Proposed Comprehensive Plan Amendment Parcels

| APN | PLSS Location |
|------------|----------------------|
| 40142009A | 28 06S 08E |
| 40142009B | 28 06S 08E |
| 40143009B | 29 06S 08E |
| 401460010 | 32 06S 08E |
| 401460030 | 32 06S 08E |
| 401470010 | 33 06S 08E |
| 401470020 | 33 06S 08E |
| 401470030 | 33 06S 08E |
| 401470040 | 32 06S 08E |
| 401470050 | 33 06S 08E |
| 401470060 | 33 06S 08E |

The Project would include (1) a PV solar field; (2) a BESS; (3) a project substation including circuit breakers and a step-up transformer (Project Substation); (4) a short, 500-kilovolt (kV) generation intertie (gen-tie); (5) a Project switchyard, (6) an operation and maintenance (O&M) building, and (7) additional Project infrastructure, such as “collector lines” between the solar panels and the Project Substation. A 1-mile study area around the Project Site (Study Area) has been identified for land use surveys; this can be seen on Figures 2 and 3.

The Project plans to propose generous setbacks, well beyond the right-of-way requirement, along portions of the Project Site abutting Selma Highway and State Route 87 (see Figure 4). Pattern commits to working in good faith with County Staff and interested counterparties that want to subdivide and build gas stations, solar O&M offices, fire stations, etc. These additional setbacks would allow for the continued planned uses identified as Employment within the Comprehensive Plan. Paved and unpaved roads provide access to the Project Site. These roads include East Laughlin Road, East Early Road, East Arizona Western Boulevard, East Selma Highway, South La Palma Road, South Carter Lane, and State Route (SR) 87.

The amendment is needed to facilitate development of the Project, in turn allowing the contribution of clean, affordable, and renewable energy to the regional power grid. This Project would likely connect to a planned transmission infrastructure being developed separately by SunZia Transmission, LLC. Pattern anticipates that the Project will take approximately 3 years to develop, inclusive of planning, design, and construction.

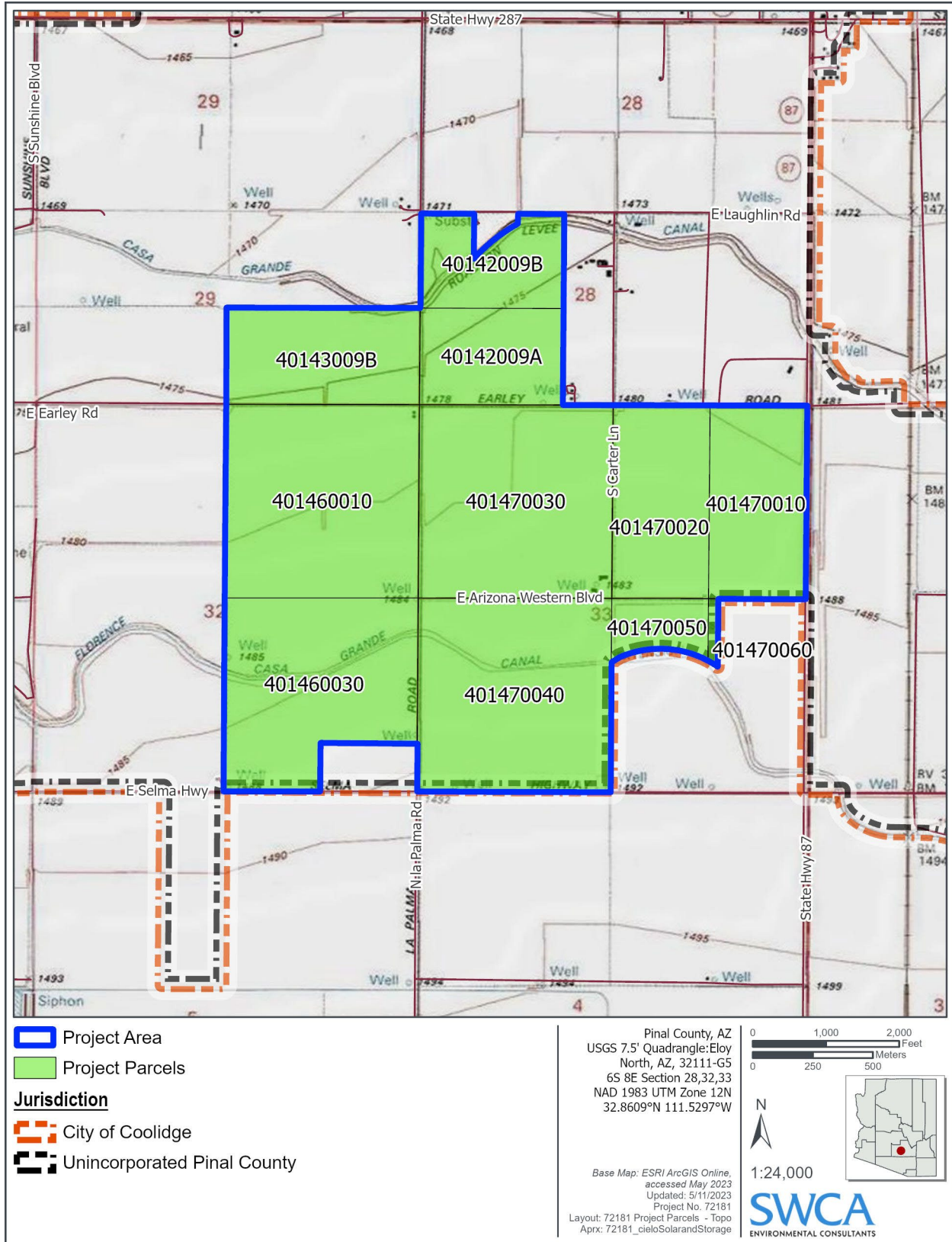


Figure 1. Project parcels.

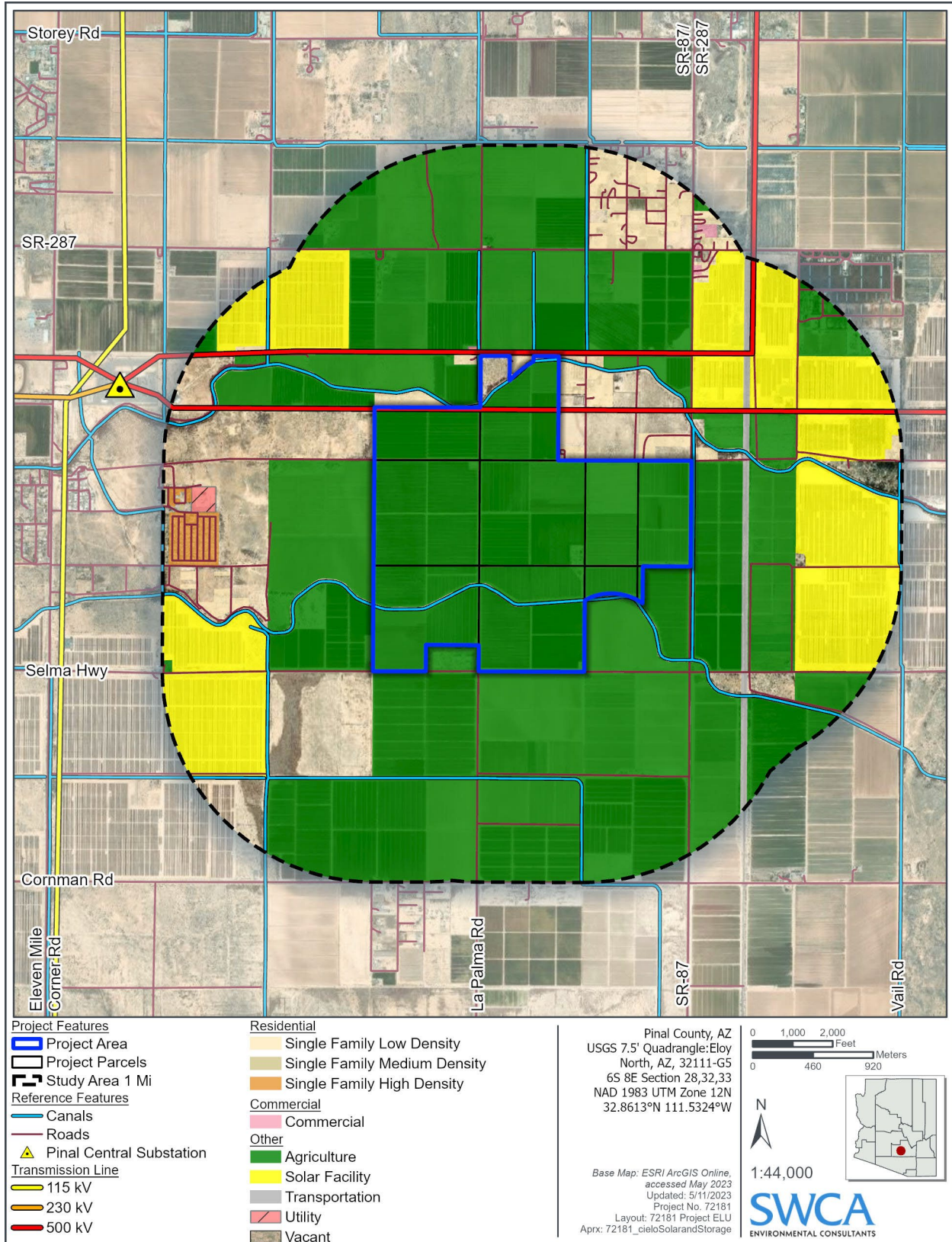


Figure 2. Existing land use.

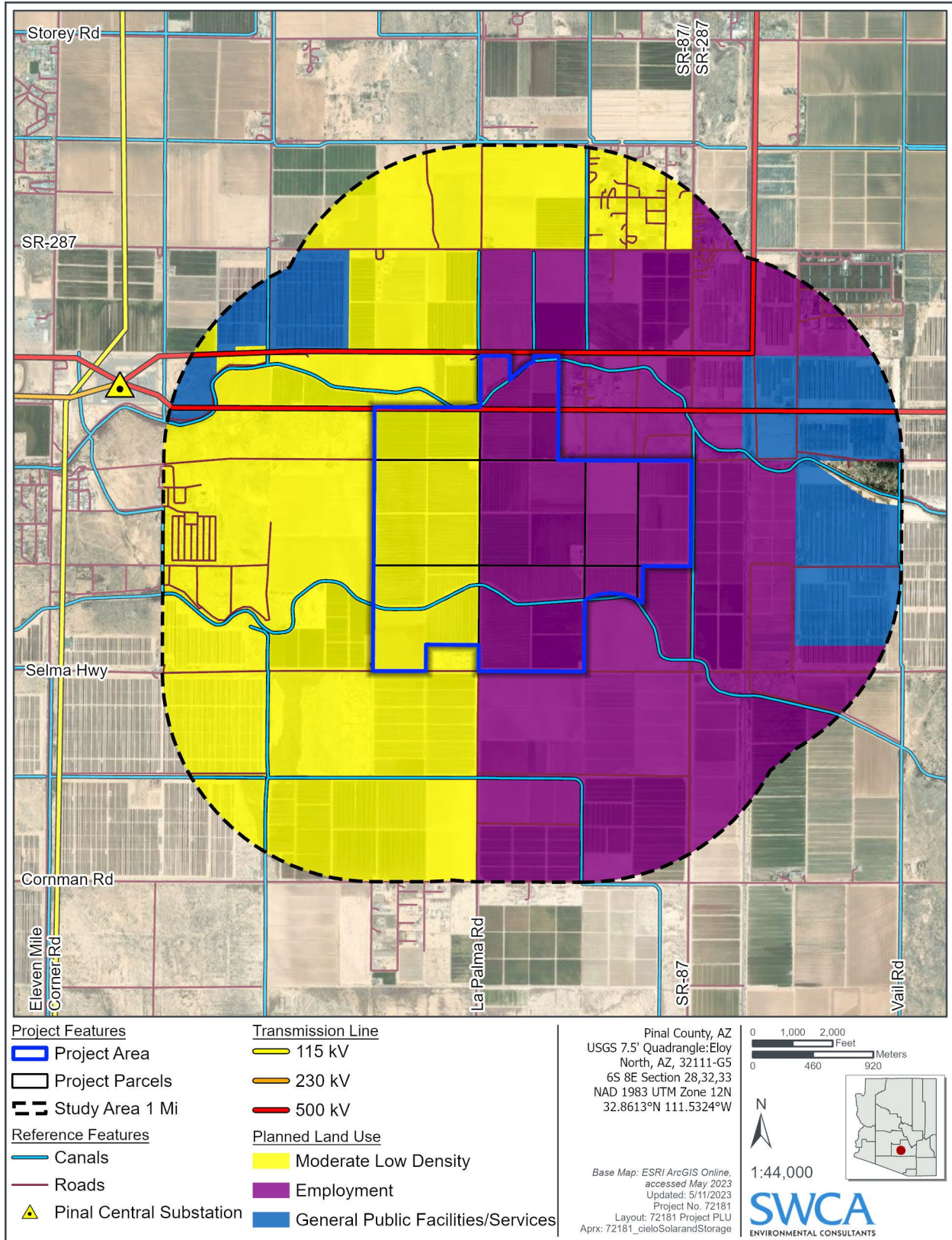


Figure 3. Planned land use.

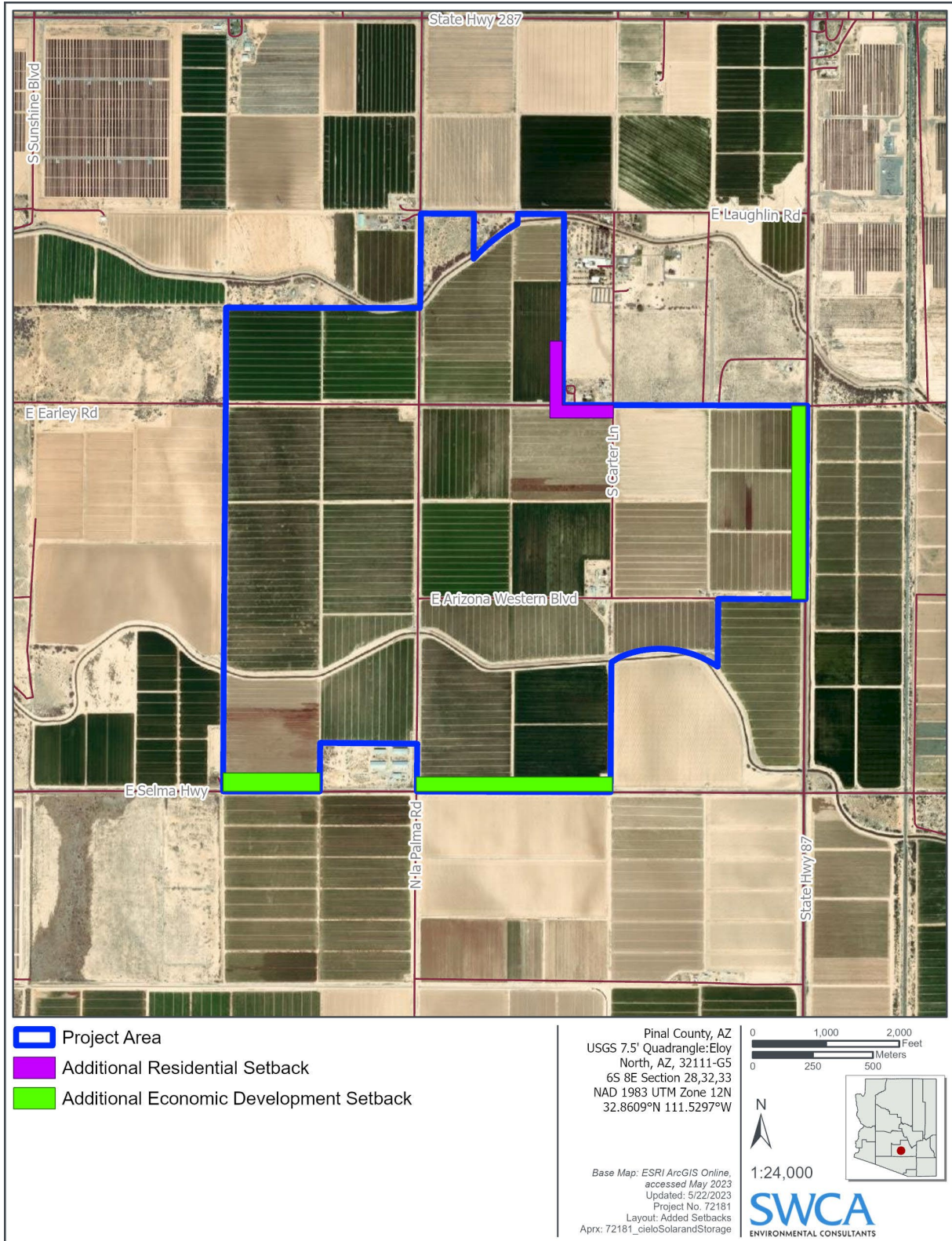


Figure 4. Preliminary Proposed Setbacks

A.1 Major Comprehensive Plan Amendment Approval Criteria

This section addresses the specific approval criteria for Major Comprehensive Plan Amendments outlined in the Comprehensive Plan.

A.1.1 The identified site is appropriate for the proposed use

The Comprehensive Plan land use designations for the Project Site include Moderate Low Density Residential and Employment. The proposed land use for the Project is Green Energy Production. The Project Site is well suited for the proposed changes to the Comprehensive Plan as the primary criteria for determining the location of power generation facilities includes the existence of compatible adjacent and nearby land uses; minimal topographic variability; and the proximity to existing electrical infrastructure. Figures 1, 2, and 3 below show the Project Site, Study Area, and existing compatible nearby land uses. The proposed land use associated with this amendment would be consistent with the goals, objectives, and policies of the current Comprehensive Plan. See Sections A through C of this application for additional information.

A.1.2 The amendment must constitute an overall improvement to the County

The Project will generate an estimated millions in property taxes for the County during its operating life. The Project will increase the land's taxable value and contribute to local employment opportunities while adding little, if any, burden to public services. The below sections of this application narrative provide support to how the Project will be an overall improvement to the County and consistent with the goals, policies, and objectives of the Comprehensive Plan.

A.1.3 The amendment will not adversely impact a portion of, or the entire County, by:

Significantly altering existing land use patterns, especially in established neighborhoods

The Comprehensive Plan does not include planning guidelines for Green Energy Production. In general, the Comprehensive Plan encourages developments that are compatible with surrounding land uses. As described in Sections B.2 and C.1.1, the Project would be located near existing large-scale solar PV developments, high-voltage transmission lines, substations, and agricultural and vacant land. Other existing and planned solar and utility developments proximate to the Project Site provide evidence of the Project's compatibility with the land use changes in this area.

Significantly reducing the jobs per capita balance in Pinal County

The amendment would further promote economic diversity and employment opportunities in the area by providing quality jobs during the construction and operational life of the facility. See sections C.1.3 and C.2.4 for additional information.

Replacing employment with residential uses

The Project does not intend to replace employment with residential uses.

Placing new development away from existing or approved development if the new development overtaxes infrastructure systems and public services when considering: future contributions to infrastructure and services through construction and dedication of improvement, payments of development fee, and other mitigation measures

As described in Sections B.2 and C.1.1, the Project would be located near existing large-scale solar PV developments, high-voltage transmission lines, substations, and agricultural and vacant land. Other existing and planned solar developments proximate to the Project Site provide evidence of the Project's compatibility with the land use changes in this area, as well as the attractiveness of this location by renewable energy developers. Additionally, no public improvements to roads, sewer systems, or water systems would be needed for the Project. See sections C.1.2, C.1.6, and C.2.8 for additional information.

Negatively impacting the existing character (i.e. visual, physical, environmental and functional) of the immediate area

Planning guidelines specify that solar projects are compatible with the county's farming heritage (Pinal County 2019). The amendment would be consistent with the Sense of Community vision as described in the Comprehensive Plan by locating the Project away from existing sensitive land uses (e.g., established residential neighborhoods) and consolidating the Project with existing energy facilities and compatible land uses such as agricultural land that is no longer considered viable (see Section C.2.5 for additional information).

Increasing the exposure of residents to aviation generated noise, and/or flight operations

The Project will not increase the exposure of residents to aviation generated noise, and/or flight operations.

Diminishing the environmental quality of the air, water, land, or cultural resources

The amendment is consistent with the Environmental Stewardship vision component of the Comprehensive Plan. Pattern has considered potential environmental impacts and is committed to minimizing impacts to the human, natural, and cultural environments that would result from the proposed development. Throughout its development and operation, the Project will comply with all applicable federal, state, and local laws, regulations, and guidelines. See sections C.1.5 and C.2.7 for additional information.

Significantly decreasing the quantity or quality of recreational amenities such as open space, parks, and trails

There are no existing dedicated Open Space areas, designated scenic resources, or designated view corridors within the Study Area. The Comprehensive Plan (Pinal County 2019) and the Open Space and Trails Master Plan (Pinal County 2007) indicate that a multi-use trail corridor is proposed along the Florence-Casa Grande Canal, which bisects the southern portion of the Project Site. Neither the proposed amendment nor the Project would conflict with this proposed land use. Pattern will work with the County to ensure the Project is minimizing any potential impacts to the proposed multi-use trail corridor. The Project is already planned to have conservative setbacks from the proposed corridor route. The Project would not impact any planned recreational uses. See sections C.1.4 and C.2.6 for additional information.

A.2 Responses to County Planning Staff Pre-Application Comments

Below is a summary of the comments made by Pinal County Planning staff from the pre-application meeting held on May 9, 2023 (Planning case number Z-PA-048-23). Responses to address these comments follow after each.

Staff Comment: Location of the project area is conducive to equitable employment compared to solar farms/projects that employ few people. Land has potential for other uses that employ more people (if rezoned) as compared to Solar facilities.

To allow for Employment permitted uses on the portion of the site categorized as Employment, coordination with the landowner to rezone the necessary parcels to a respective zoning district would be required. The land is not readily developable for employment type uses.

The amendment would further promote economic diversity and employment opportunities in the area by providing direct and indirect employment during the construction and operational life of the proposed facility. The Project would have a beneficial increase in the amount of employment currently generated at the Project Site. The Project would provide construction employment opportunities, which is considered an important employment sector for Pinal County (Pinal County 2019). As noted by the Board of Supervisors in previous proceedings, major corporation's and business' sustainability and energy goals to achieve net zero carbon emission or receive 100 percent of their energy from renewable energy sources, is growing. The project would increase Pinal County's attractiveness for these businesses to locate, contributing to the employment opportunities and economic benefits for the community. *See sections C.1.3 and C.2.4 for additional information.*

Area and location abutting major transportation corridors that has potential for residential and or commercial uses.

Power generation facilities on the Project Site would have minimal impact on planned land uses from traffic and the goals that address this vision. The Project plans to propose generous setbacks, well beyond the right-of-way requirements, along portions of the Project Site abutting Selma Highway and State Route 87 (see Figure 4). Pattern commits to working in good faith with County Staff and interested counterparties that want to subdivide and build gas stations, solar O&M offices, fire stations, etc. These additional setbacks would allow for the continued planned uses identified as Employment within the Comprehensive Plan. Paved and unpaved roads provide access to the Project Site. These roads include East Laughlin Road, East Early Road, East Arizona Western Boulevard, East Selma Highway, South La Palma Road, South Carter Lane, and State Route (SR) 87.

Pinal County currently has over 20,000 acres of land designated for Green Energy Production.

The Pinal County Comprehensive plan does not identify in its vision, goals, policies, and objectives a limit to any type of land use category. A good portion of the referenced approximately 20,000 acres of land redesignated Green Energy Production since 2019 lay within nearby incorporated municipalities (e.g., Coolidge). Other existing and planned solar developments proximate to the Project Site provide evidence of the Project's compatibility with the land use changes in this area, as well as the attractiveness of this location by renewable energy developers. As the county continues to develop, previous land use categories may no longer serve as the best identified use of land to achieve the vision and goals of the Comprehensive Plan. The Land Use Plan states that it "must be flexible enough to adjust to changing conditions and economic opportunities" (Pinal County 2019).

Historic canal to the south of the parcel has a multi-use trail corridor requiring pedestrian linkages from neighboring land use of residential development.

The Comprehensive Plan (Pinal County 2019) and the Open Space and Trails Master Plan (Pinal County 2007) indicate that a multi-use trail corridor is proposed along the Florence-Casa Grande Canal, which bisects the southern portion of the Project Site. Neither the proposed amendment nor the Project would conflict with this proposed land use. Pattern will work with the County to ensure the Project is minimizing any potential impacts to the proposed multi-use trail corridor. The Project is already planned to have conservative setbacks from the proposed corridor route. The Project would not impact any planned recreational uses.

Pinal County Comprehensive Plan designation is Moderate Low Density Residential and has versioned this area for residential development.

One of the two Pinal County Comprehensive Plan land use designations on the Property is moderate low density residential. Given its proximity to existing and planned transmission and solar energy facilities, the Project Site is less suitable for new housing developments. The Project is a sustainable land use alternative to the residential and commercial developments called for by the current Land Use Plan. The Project Site is subject to ongoing land subsidence that is actively monitored by the Arizona Department of Water Resources (ADWR). Recent ADWR mapping in the Eloy-Coolidge-Florence area indicates land subsidence rates at the Project Site as high as 0.8 inch per year (ADWR 2020, 2021). The ADWR notes that differential subsidence and earth fissures, a related hazard, can damage infrastructure, including residential structures, driveways, and fences (ADWR 2021). The Comprehensive Plan states that land subsidence and earth fissures “may cause significant damage to infrastructure” and that “development on lands that have historically experienced subsidence or fissuring require special consideration during the design-development process, and may require engineering solutions to safeguard people and property from the hazards” (Pinal County 2019). Portions of the Moderate Low Density Residential area closer to I-10 are outside of the ADWR-delineated subsidence area and, therefore, may be more suitable for housing developments. Designating the Project Site as Green Energy Production is appropriate because the Project is less susceptible to damage from land subsidence compared to residential or commercial land uses and, once operational, the Project would require little or no water.

A.3 Proposed Land Use

The Comprehensive Plan land use designations for the Project Site include Moderate Low Density Residential and Employment. The proposed land use for the Project is Green Energy Production.

A.4 Location and Accessibility

The Project Site is located entirely within unincorporated Pinal County, approximately 8 miles south of central Coolidge and approximately 11.5 miles east of central Casa Grande. The Project Site is accessible via East Laughlin Road, which runs east-west and borders a portion of the Project Site to the north, East Early Road running east-west through the Project Site, East Arizona Western Boulevard running east-west through the Project Site, East Selma Highway running east-west and bordering a portion of the Project Site to the south, South La Palma Road running north-south through the Project Site, South Carter Lane running north-south through the Project Site, and SR 87 running north-south and bordering a portion of the Project Site to the east.

The intersection of SR 87 and SR 287 is approximately 1 mile north of the Project Site. Interstate 10 (I-10) and the Union Pacific Railroad, a major transportation and freight corridor, are approximately 8.5 west of the Project Site. The Interstate 8 (I-8)/I-10 interchange is approximately 9.5 miles west of the Project Site.

A.5 Site Suitability

Pattern identified the Project Site as an optimal location for an electrical generation facility based on favorable resources available in Pinal County. These resources include large, generally level areas with a lack of sensitive biological resources, as well as close proximity to planned and existing transmission lines and electric load centers. These factors mean the build cost is low relative to other locations in Pinal County and could therefore sell power at lower cost than solar facilities built in other parts of the County. Those lower power sale prices could result in lower energy bills for Pinal County residents.

The Project Site consists of undeveloped, private lands that predominately include active and fallow agricultural areas, as well as some scrub-shrub and open areas. According to the National Hydrography Dataset, maintained by the U.S. Geological Survey, there are no perennial surface waters or wetlands on the Project Site (U.S. Geological Survey 2022). The Florence-Casa Grande Canal Extension and the Casa Grande Canal run east to west through the Project Site. The Project Site is located outside any Special Flood Hazard Areas (100-year floodplains) as identified by the Federal Emergency Management Agency or the Flood Control District of Pinal County (Pinal County 2023).

A.6 Public Services/Utilities

Existing utilities within the Project vicinity include a 500-kV, Tucson Electric Power Company-owned (TEP) transmission line, and the Pinal Central Substation (jointly owned by many utilities including Salt River Project-owned (SRP) and TEP). SunZia Transmission, LLC's transmission infrastructure, planned for construction completion in 2025, would also cross the northern portion of the Project Site. The Project's proposed switchyard would connect to the regional power grid via SunZia Transmission, LLC infrastructure. There are also numerous electrical distribution lines, communications cables, irrigation canals, laterals, and ditches on and in the vicinity of the site.

The Pinal County Sheriff's Office provides law enforcement services to the Project vicinity, and the Regional Fire and Rescue Department provides subscription-based fire and emergency medical services to the region. New or additional public services resulting from the amendment are not anticipated. Any water required for construction or operations is expected to be obtained from existing wells on-site. See Section C.2.8 for more details. Water required for construction and/or operations for the Project would be significantly less than water consumption of current farming operations. Pattern plans to work with local farmers and businesses to allocate any of its unused water rights during construction and operations.

B. PROJECT NARRATIVE

B.1 Introduction

This narrative report provides the required information to support Pattern's request for a Major Comprehensive Plan Amendment (MCPA) for the Cielo Solar Project on unincorporated land in Pinal County. Pattern is requesting this amendment to construct and operate a PV solar facility, BESS,

substation, switchyard, and other electrical infrastructure on the Project Site, which consists entirely of privately owned parcels controlled by Pattern (see Figure 1).

Should Pinal County approve the MCPA, Pattern intends to subsequently pursue and apply to Pinal County for a zoning change from *General Rural* (GR) to *Industrial Zoning* District (I-3) with a Planned Area Development overlay to allow for the development of the PV solar facility.

Changing the Comprehensive Plan land use designation from Moderate Low Density Residential and Employment to Green Energy Production and subsequently granting a zoning change from GR to I-3 would allow development of the Project. The Project would increase the production of clean, renewable energy for Pinal County and surrounding areas, where electrical demand is increasing. With its battery storage component, the Project also has the potential to boost grid reliability which may be of extra importance considering last year's cancellation of the nearby Coolidge gas plant expansion. Additionally, the Project would generate a positive economic effect in the form of local, short- and long-term job creation, tax benefits to Pinal County, and increased economic activity from Project contractors transacting with local businesses. Pattern would use local contractors and materials to the extent practical for the Project.

The Project Site is well suited for the proposed changes to the Comprehensive Plan. The primary criteria for determining the location of power generation facilities include the existence of compatible adjacent and nearby land uses; minimal topographic variability; and the proximity to existing electrical infrastructure. Figures 1, 2, and 3 above show the Project Site, Study Area, and existing compatible nearby land uses.

B.1.1 Project Description

As the solar PV panels generate power, electricity will either be dispatched to the regional grid or directed to the BESS where the energy will be stored and dispatched to the grid at a later time when that power is needed. To reach the regional grid, the power flows through inverter stations to convert the electricity to alternating current (AC) and a transformer at the Project Substation increases the voltage to 500 kV. Electricity will then flow through a short gen-tie line and into a switchyard that will connect directly to the planned SunZia Transmission LLC transmission line infrastructure. Alternatively, the power generated by the solar PV panels may be directed into the BESS via a network of underground, alternating current (AC), 34.5-kV collector circuits, and stored for later use. When it is advantageous to do so, the BESS sends electricity to the regional power grid via the Project Substation, gen-tie, and then switchyard.

Pattern plans to use solar PV panels equipped with an anti-reflective coating, mounted on a single-axis tracking system to maximize the Project's overall efficiency. The tallest position of the PV panels is expected to be 15 feet above the ground surface. When complete, the PV solar facility would have an expected nameplate generating capacity of 150 megawatt (MW) AC. The BESS would consist of approximately 300 enclosures housing lithium-ion battery cells; as currently designed, the BESS would have storage capacity of 150 MW, capable of delivering 600 megawatt-hours (MWh). Pattern plans to begin Project operations as early as December 2025.

Pattern has a well-established record of designing, constructing, and operating projects in a manner that promotes both public and worker safety. Access to the Project Site, including the Project Substation and BESS, will be restricted to authorized personnel by perimeter fencing and locked access gates. The BESS will be designed in compliance with all applicable electrical and fire safety codes, including National Fire Protection Association 855: Standard for the Installation of Stationary Energy Storage Systems. The BESS will be equipped with numerous, redundant safety features including a battery management system

(BMS), energy management system (EMS), thermal management system, fire alarm system, and container ventilation. The EMS will allow Pattern to remotely monitor BESS conditions (e.g., battery cell voltage, current, temperature) on a continuous basis. The EMS will include automated controls that would turn off and isolate equipment (e.g., battery cells) that operates outside of pre-determined tolerance levels. The thermal management system will maintain safe operating temperatures within each enclosure. The fire alarm system is expected to include optical smoke detectors, heat detectors, gas monitoring equipment, and siren alarms. In the unlikely event of a fire, a water-based fire suppression system would be utilized, and the ventilation system of the affected container would prevent the buildup of potentially hazardous gases. The BESS will be designed with proper spacing between battery containers and other electrical equipment and will be maintained free of vegetation. The Project would also include an O&M building to provide storage for parts and equipment and office space for O&M personnel. The O&M building would also house the Supervisory Control and Data Acquisition (SCADA) equipment that monitors and controls the Project's electrical output. It will be located adjacent to the Project Substation on approximately one acre of land. It will include an approximately 4,000 square foot building and parking for operations workers. Pattern plans to coordinate its plans for the O&M building with Pinal County.

Pattern will require construction contractors to install temporary erosion and sediment control features to prevent construction-period stormwater discharges. The Project Site is relatively flat and will require only minor grading. The Project will be designed with appropriately sized, permanent stormwater management features, such that post-construction stormwater discharges do not exceed existing conditions. Refer to Section C.2.8 for further information.

B.1.2 Project Decommissioning

Pattern Energy expects this Project to operate for at least 25 years. Decommissioning the Project will involve removing equipment in accordance with industry standards and appropriate site restoration. Where possible, equipment in good working condition may be repurposed for other projects. Other materials will be returned to their manufacturer, recycled by specialized contractors, or disposed of at an appropriate facility. Site restoration will include filling depressions left from removing equipment and re-seeding as dictated by agreements with private landowners. As design and equipment selection is finalized, Pattern will prepare a Decommissioning Plan for the Project outlining expected timelines, sequences, and recycle or disposal procedures for the various Project components.

B.2 Physical Settings, Existing Uses, and Relationship to Surrounding Land Uses

The Project is located entirely in unincorporated Pinal County, approximately 8 miles south of central Coolidge; the City of Coolidge borders the Project Site to the south. The entire Project Site is zoned as GR and consists of privately owned parcels controlled by Pattern. Existing land uses at the Project Site include active farmland, fallow farmland, and vacant lands. The Project Site does not contain any federal, state, or local municipal properties. The Project Site includes one residential structure and several outbuildings. The Casa Grande Canal and Florence-Casa Grande Canal bisect the Project Site; both canals are owned by the San Carlos Irrigation District, under the jurisdiction of the Bureau of Indian Affairs San Carlos Irrigation Project. Underground irrigation facilities owned by the Hohokam Irrigation and Drainage District, under jurisdiction of the Bureau of Reclamation, run parallel to portions of North La Palma Road, East Arizona Road, and East Selma Highway, within the Project Site.

Existing land uses within the Study Area (i.e., within 1 mile of the Project Site) include agriculture, single family low density, single family medium density, single family high density, commercial, solar facilities,

utility facilities, and vacant land (see Figure 2). The SRP-owned Pinal Central substation is approximately 0.5 mile west of the Project Site; high-voltage transmission lines bisect or border the northern portion of the Project Site. The nearest federal land is Bureau of Land Management–owned land located approximately 1.8 miles east of the Project Site. The nearest state-owned land is Arizona State Trust Land, adjacent to the western portion of the Project Site and within the Study Area.

Transportation and travel routes in the Project vicinity include I-10 running east-west approximately 8 miles southwest of the Project Site, SR 87 running north-south and bordering a portion of the Project Site to the east, SR 287 running east-west approximately 1 mile north of the Project Site, and several paved and unpaved local roads. In addition, the I-8/I-10 interchange is approximately 9.5 miles west of the Project Site. According to the Arizona Department of Transportation (ADOT), SR 87 and Selma Highway are designated as “major rural collectors”; the remainder of roadways intersecting or bordering the Project Site are designated as “rural local” (ADOT 2022). The Project will identify and adhere to the required setbacks along all the roadways adjacent to or that intersect the project site.

There are no areas designated as Open Space on the Project Site or in the Study Area. A multi-use trail corridor is proposed along the Florence-Casa Grande Canal, which bisects the southern portion of the Project Site (Pinal County 2007). The Project would not impact any planned recreational uses.

C. COMPREHENSIVE PLAN AMENDMENT CRITERIA

Pinal County describes the overall purpose of the Comprehensive Plan as:

The landmark document to steer the County on a positive course of action to manage growth, preserve the quality of life, and promote sustainability. It is a long-term vision that promotes effective economic vitality while ensuring environmental stewardship. The Plan articulates the vision and outlines the strategic direction to position Pinal as a vibrant, healthy, and economically sustainable region within the state of Arizona (Pinal County 2019).

The amendment is consistent with the vision components of the Comprehensive Plan, as discussed in the next section of this application. These include the following: Sense of Community; Mobility and Connectivity; Economic Sustainability; Open Spaces and Places; Environmental Stewardship; Healthy, Happy Residents; and Quality Educational Opportunities.

To ensure conformity with the Comprehensive Plan, all development proposals must meet the criteria outlined in the Plan’s compliance checklist as found in Appendix A of the Comprehensive Plan (Pinal County 2019). The following sections are provided in response to the criteria listed in the Comprehensive Plan compliance checklist, which is focused on two major components:

- Consistency with Pinal County’s Vision Components
- Consistency with the Plan’s Key Concepts illustrated on Land Use, Circulation, and Economic Development graphics.

C.1 Consistency with Pinal County’s Vision Components

The proposed land use associated with this amendment would be consistent with the goals, objectives, and policies of the current Comprehensive Plan.

The chapters of the Comprehensive Plan include the following: Sense of Community; Mobility and Connectivity; Economic Sustainability; Open Spaces and Places; Environmental Stewardship; Healthy,

Happy Residents; and Quality Educational Opportunities. These chapters are also the vision components and are discussed below with specific responses to the applicable questions included in the Comprehensive Plan compliance checklist found in Appendix A of the Comprehensive Plan (Pinal County 2019).

C.1.1 Sense of Community

Is the proposal consistent with the Sense of Community vision component?

The amendment is consistent with the Sense of Community vision component. Sense of Community is largely achieved by paying close attention to residential and commercial land uses in the area. Densities of development either encourage or discourage a sense of community based on the land uses described in the Comprehensive Plan. To that end, the Comprehensive Plan, Chapter 3: Sense of Community, includes Policy 3.1.1.5: “locate more impactful commercial and industrial uses in areas away from homes where negative impacts can be mitigated.” The Project Site is in an area predominantly characterized by rural land uses including active and fallow agricultural land, low density residential, and vacant land. As noted above, high-voltage transmission lines and canals bisect the Project Site.

Other existing and planned solar developments proximate to the Project Site provide evidence of the Project’s compatibility with the land use changes in this area, as well as the attractiveness of this location by renewable energy developers. The Pinal Central Energy Center, a 20-MW solar generating facility and 10-MW BESS, is located approximately 0.3 mile northwest of the Project Site. Saint Solar, an approximately 100-MW solar generating facility began operation in 2020. The Saint Solar site is located within the City of Coolidge, approximately 0.5 mile east of the Project Site, and includes a 230kV substation. East Line Solar, an approximately 100-MW solar generating facility began operation in 2020. The East Line Solar site is located approximately 0.5 mile east of the Project Site and includes an O&M building. Central Line Solar, an approximately 100-MW solar generating facility is under construction. The Central Line Solar site is located just south of the East Line Solar site. Storey Solar, a proposed 88-MW capacity solar generating facility and BESS, is located approximately 1.0 mile northeast of the Project Site in Pinal County and the city of Coolidge. Storey Solar is scheduled to begin operation as early as June 2023. The amendment would be consistent with the Sense of Community vision as described in the Comprehensive Plan by locating the Project away from existing sensitive land uses (e.g., established residential neighborhoods) and consolidating the Project with existing energy facilities and compatible land uses such as agricultural land that is no longer considered viable (see Section C.2.5 for additional information).

C.1.2 Mobility and Connectivity

Is the proposal consistent with the Mobility and Connectivity vision component?

The amendment is consistent with the Mobility and Connectivity vision component. Chapter 4: Mobility and Connectivity of the Comprehensive Plan explains Pinal County’s vision to strive to serve persons with multimodal transportation options in transportation corridors at appropriate locations. Under the goals, objectives, and policies in this chapter, Policy 4.1.1.4 states that “*The County will evaluate the transportation impacts of all proposed Comprehensive Plan amendments and rezonings on Pinal County’s regional transportation system*” (Pinal County 2019). Power generation facilities on the Project Site would have minimal impact on planned land uses from traffic and the goals that address this vision.

During Project construction, traffic on local roadways would increase due to contractors arriving at and departing from the Project Site and the routine delivery of equipment and materials. Pattern anticipates 260 to 360 trips per day during Project construction, lasting approximately 12 months, for contractors.

During the year of construction Pattern anticipates 1,200 to 1,800 delivery trips. Contractors and equipment deliveries would access the site predominantly from East Laughlin Road, East Early Road, East Selma Highway, North La Palma Road, and SR 87. Pattern expects that existing roadways and railroads are sufficient to accommodate construction traffic. Any internal access roadways would be constructed in accordance with all applicable state or local roadway standards. Pattern will work with Pinal County Public Works Department and ADOT to preserve the alignments of East Laughlin Road, East Early Road, East Selma Highway, North La Palma Road, and SR 87, as necessary.

During the operational phase of the Project, Pattern anticipates 15 trips per day, related to routine inspection and maintenance work performed by permanent site operations staff (2 to 6 employees). Because of the short construction process and minimal traffic to the site during operation, the transportation and traffic impacts associated with the project will be minimal and meet the standards of Pinal County's mobility and connectivity plans.

C.1.3 Economic Sustainability

Is the proposal consistent with the Economic Sustainability vision component?

The amendment is consistent with the Economic Sustainability vision component. Balancing residential growth with job creation is the central theme of the Economic Development element. The Economic Development element concentrates on the County's ability to provide quality employment opportunities for its residents by setting specific goals, objectives, and policies. Two main goals that address this vision are to:

1. *Encourage a full range of quality jobs for residents of Pinal County and increase the jobs per capita ratio.*
2. *Encourage sustainable development consistent with Pinal County's environmental preservation philosophy (Pinal County 2019).*

The amendment would further promote economic diversity and employment opportunities in the area by providing direct and indirect employment during the construction and operational life of the proposed facility. The Project would provide construction employment opportunities, which is considered an important employment sector for Pinal County (Pinal County 2019). During construction, Pattern anticipates 200 to 250 jobs, with an anticipated 2 to 4 full-time employees during the Project's operations. Given the other solar construction in the County, this project will help to sustain more than 200 permanent construction jobs in the County. Construction workers will be able to move from project to project while staying rooted in Pinal County. The Comprehensive Plan, Chapter 5: Economic Sustainability, highlights the importance of balancing employment opportunities with residential land use and suggests that, in recent years, residential development has outpaced local employment opportunities (Pinal County 2019). The Comprehensive Plan also notes that "residential land uses create more expenditure than revenues" (Pinal County 2019). Pattern notes that, elsewhere in Pinal County, datacenters and manufacturing centers have co-located adjacent to renewable energy projects. Renewable energy credits, direct service, or "micro-grid" systems are attractive propositions to energy-intensive facilities interested in lowering their carbon footprint. Pattern could accommodate direct service to a datacenter or manufacturing facility, in the instance that such a development is proposed in the vicinity of the Project. The Comprehensive Plan indicates that "industrial, office, business park, and warehousing and distribution" are consistent with the mix of uses within an Employment designation (Pinal County 2019). As noted by the Board of Supervisors in previous proceedings, major corporation's and business' sustainability and energy goals to achieve net zero carbon emission or receive 100 percent of their energy

from renewable energy sources, is growing. The project would increase Pinal County's attractiveness for these businesses to locate, contributing to the economic benefits for the community.

Additionally, the Comprehensive Plan indicates that a large portion of the County's planning area is designated as Moderate Low Density Residential. Therefore, to provide flexibility and promote mixed use concepts that will result in sustainable developments, alternative land uses may be allowed if certain guidelines are met. Within this land use designation "office and light industrial" developments would be permitted uses (Pinal County 2019). Refer to section C.1.1 for a detailed discussion of locating other existing and planned solar developments proximate to each other. Given its proximity to existing and planned transmission and solar energy facilities, the Project Site is less suitable for new housing developments. The Project will generate an estimated millions in property taxes for the County during its operating life. Unlike a residential development, the additional tax base from the Project will not substantially increase demand for municipal services such as roads, schools, or emergency services. The Project will increase the land's taxable value and contribute to local employment opportunities while adding little, if any, burden to public services.

The Comprehensive Plan establishes that the Economic Sustainability vision component is "directly impacted by energy." Specifically, the Comprehensive Plan states that "without ample and reliable energy, Pinal County will not be competitive in attracting business and industry which will bring new jobs" and that "energy costs have a direct impact on the cost of living and doing business" (Pinal County 2019). Power generated by the proposed facility could potentially support residential growth and job creation by providing clean, safe, affordable, and efficient electricity to local communities and the region. The Project Site is the ideal location for this land use due to its close proximity to existing energy infrastructure (i.e., SunZia Transmission and Pinal Central Substation) as well as its flat terrain and abundant sunshine. These factors mean the build cost is low relative to other locations in Pinal County and could therefore sell power at lower cost than solar facilities built in other parts of the County. Those lower power sale prices would result in lower energy bills for Pinal County residents.

The amendment would be compatible with the vision outlined in Chapter 5: Economic Sustainability as described in the Comprehensive Plan.

C.1.4 Open Spaces and Places

Is the proposal consistent with the Open Spaces and Places vision component?

The amendment is consistent with the Open Spaces and Places vision component. According to the Comprehensive Plan, siting of specific proposed open space and trails is based on the "suitability of activities, surrounding land uses, ecological factors, topography, viewsheds, and cultural resources" (Pinal County 2019). The Comprehensive Plan also notes that "conserving existing natural resources and cultural heritage" is an important aspect of the Open Spaces and Places vision component (Pinal County 2019). Pattern is designing the Project in a manner that minimizes impacts to the natural environment and preserves cultural resources (see Section C.2.7 for further details).

There are no existing dedicated Open Space areas, designated scenic resources, or designated view corridors within the Study Area. The Comprehensive Plan (Pinal County 2019) and the Open Space and Trails Master Plan (Pinal County 2007) indicate that a multi-use trail corridor is proposed along the Florence-Casa Grande Canal, which bisects the southern portion of the Project Site. Neither the proposed amendment nor the Project would conflict with this proposed land use. Pattern will work with the County to ensure the Project is minimizing any potential impacts to the proposed multi-use trail corridor. The Project is already planned to have conservative setbacks from the proposed corridor route. The Project would not impact any planned recreational uses.

C.1.5 Environmental Stewardship

Is the proposal consistent with the Environmental Stewardship vision component?

The amendment is consistent with the Environmental Stewardship vision component. Throughout initial Project planning, Pattern has considered potential environmental impacts and is committed to minimizing impacts to the human, natural, and cultural environments that would result from the proposed development. Throughout its development and operation, the Project will comply with all applicable federal, state, and local laws, regulations, and guidelines.

Solar generation conserves natural resources, and battery energy storage facilitates the integration of renewable energy sources into the power grid (see Section C.2.7 for additional information). The Comprehensive Plan, Chapter 7: Environmental Stewardship, states that “Pinal County will provide support for the development and location of renewable sources” and that “the expansion of renewable energy opportunities should be supported by the County through its land use planning and permitting process” (Pinal County 2019). Specifically, Policy 7.6.2.1 states that the County will “identify through specific area planning potential locations for renewable energy production” (Pinal County 2019). The Project would provide a source of renewable energy production and, therefore, is consistent with the Environmental Stewardship vision of the Comprehensive Plan as it relates to energy.

Regarding air quality and water resources, the Comprehensive Plan includes Goal 7.1.3, “improve air quality,” and Goal 7.2.2, “encourage the maximum conservation of water resources currently available in Pinal County” (Pinal County 2019). As a renewable energy source, the Project would not generate any air emissions and would require far less water compared to traditional fossil fuel-based energy sources. As such, the Project would allow the County to further its Environmental Stewardship objectives as they relate to promoting energy, without compromising air quality or water resources.

Chapter 7 of the Comprehensive Plan also notes that environmentally sensitive areas require special consideration during the development design process. Refer to Section C.2.7 for a discussion of biological and cultural resources at the Project Site.

Except for land subsidence, the Project Site does not contain any “environmentally sensitive areas” as described in the Comprehensive Plan Chapter 7: Environmental Stewardship (see Section C.2.1 for a detailed discussion of land subsidence). Pattern will continue to develop this Project in a manner that minimizes impacts to the human, natural, and cultural environments.

Should the County approve the requested amendment, Pattern intends to coordinate with the Arizona Game and Fish Department (AGFD) and Pinal County Parks and Recreation prior to submitting a rezoning application to the Pinal County Planning and Zoning Commission.

C.1.6 Healthy, Happy Residents

Is the proposal consistent with the Healthy, Happy Residents vision component?

The amendment is consistent with the Healthy, Happy Residents vision component. Factors that contribute to Healthy, Happy Residents include well-designed neighborhoods, the cost of housing and public services, and the availability of healthy foods. Refer to section C.1.1 for a detailed discussion of locating other existing and planned solar developments proximate to each other and the high costs of public infrastructure. Chapter 8: Healthy, Happy Residents of the Comprehensive Plan includes the following goals:

Goal 8.3: Promote a philosophy that new growth pays for its share of financial impacts in an equitable manner.

Goal 8.4: Maintain long-term financial sustainability for Pinal County.

The amendment would be consistent with this vision and would contribute to maintaining long-term financial stability (Goal 8.4) by increasing the tax base for Pinal County, as well as by contributing clean, safe, and affordable energy to the regional power grid. Additionally, the amendment would be consistent with Goal 8.3 because Pattern is committed to paying its proper and reasonable share of the costs of new infrastructure, services, and other public improvements that may be required for this Project. While no Project-related public expenditures are currently proposed, the Project may require internal access roads that intersect with roadways under the jurisdiction of the Pinal County Public Works Department. Pattern would pay for and construct any such access roads in coordination with the Pinal County Public Works Department and would not require public expenditures.

C.1.7 Quality Educational Opportunities

Is the proposal consistent with the Quality Educational Opportunities vision component?

As stated in the Comprehensive Plan compliance checklist found in Appendix A of the Comprehensive Plan (Pinal County 2019), this vision component may not apply to all projects. Pattern does not anticipate that this vision component would apply to this Project because no educational opportunities are associated with the Project.

C.2 Consistency with the Plan’s Key Concepts Illustrated on Land Use, Economic, and Circulation Graphics

C.2.1 Consistency with the Land Use Designation Shown on the Graphics

The Comprehensive Plan’s Land Use graphic shows that the western portion of the Project Site is designated for Moderate Low Density Residential and the eastern portion for Employment; surrounding land use designations include General Public Facilities/Services, high density residential, and general commercial (Pinal County 2019 (see Figure 3)). This application for a proposed MCPA is requesting to change the land use designations at the Project Site from Moderate Low Density Residential and Employment to Green Energy Production.

The Pinal County Land Use Plan designates a large, continuous swath of land north and west of the Project Site for Moderate Low Density Residential. If approved, the Project Site would account for a relatively small proportion (approximately 0.8%) of that area, leaving a significant, continuous area for future Moderate Low Density Residential developments. The Project Site is situated along part of the Moderate Low Density Residential area’s eastern boundary and, as such, developing the Project would not result in an “island” designated for Green Energy Production surrounded by residential land use. Furthermore, the Comprehensive Plan suggests that the most intense development in the “West Pinal growth area” will likely be focused near the juncture of I-8 and I-10 (Pinal County 2019). The Project Site is not in the immediate vicinity of the I-8/I-10 interchange and is unlikely to preclude other employment or residential developments from occurring closer to the interstate highways.

The Project Site would account for a similarly small proportion (approximately 3.6%) of the north-south-oriented Employment area identified by the Land Use Plan. To the extent that the Employment area is

intended to be a corridor along SR 87, the Project only borders the highway for approximately 0.5 miles and redesignating the Project Site as Green Energy Production would not compromise the continuity of the Employment area. The Comprehensive Plan also notes that “most of the employment opportunities will continue to occur within municipalities, due to the jurisdictions’ ability to provide needed public services and incentives for economic development” (Pinal County 2019). See section C.1.3 for further details.

The Project is a sustainable land use alternative to the residential and commercial developments called for by the current Land Use Plan. The Project Site is subject to ongoing land subsidence that is actively monitored by the Arizona Department of Water Resources (ADWR). Recent ADWR mapping in the Eloy-Coolidge-Florence area indicates land subsidence rates at the Project Site as high as 0.8 inch per year (ADWR 2020, 2021). The ADWR notes that differential subsidence and earth fissures, a related hazard, can damage infrastructure, including residential structures, driveways, and fences (ADWR 2021). The Comprehensive Plan states that land subsidence and earth fissures “may cause significant damage to infrastructure” and that “development on lands that have historically experienced subsidence or fissuring require special consideration during the design-development process, and may require engineering solutions to safeguard people and property from the hazards” (Pinal County 2019). Portions of the Moderate Low Density Residential area closer to I-10 are outside of the ADWR-delineated subsidence area and, therefore, may be more suitable for housing developments. Designating the Project Site as Green Energy Production is appropriate because the Project is less susceptible to damage from land subsidence compared to residential or commercial land uses and, once operational, the Project would require little or no water.

Finally, the Land Use Plan states that it “must be flexible enough to adjust to changing conditions and economic opportunities” (Pinal County 2019). Relatively low solar build costs, versus other locations in the County, make this an ideal location for solar development and could result in lower energy bills for Pinal County residents. Large setbacks, well beyond County requirements, maintain the potential for non-solar development along Selma Highway and State Route 87. After decommissioning, the land could be changed back to its original use or an alternative use, whereas, if a new housing development were placed at the Project Site and later the County wanted to convert the land back to farmland, the County would not be able to readily restore the land for agricultural use. Building solar at the Project Site allows for economic benefit today and maintains flexibility for new economic opportunities at the Project Site in the coming decades. Given the Project’s consistency with the County’s Vision components, described above, and the reasons noted in this section, Pattern submits that designating the Project Site as Green Energy Production would be consistent with the County’s Land Use Plan.

C.2.2 Consistency with the Mixed Use Activity Center Concepts

The Project Site does not overlap a Mixed Use Activity Center. The nearest Mixed Use Activity Center is a Mid Intensity Activity Center approximately 3.5 miles east of the Project Site.

C.2.3 Consistency with the Planning Guidelines Described in the Land Use Element

The amendment seeks to change existing designations from Moderate Low Density Residential and Employment to Green Energy Production. The Comprehensive Plan does not include planning guidelines for Green Energy Production. In general, the Comprehensive Plan encourages developments that are compatible with surrounding land uses. As described in Sections B.2 and C.1.1, the Project would be located near existing large-scale solar PV developments, high-voltage transmission lines, substations, and agricultural and vacant land.

The amendment would be a step toward adding state-of-the-art renewable energy and battery energy storage facilities, which would likely contribute toward meeting regional electric demand.

C.2.4 Quality Employment Opportunities County-Wide

The amendment is consistent with the Economic Development element. The amendment would further promote economic diversity and employment opportunities in the area by providing quality jobs during the construction and operational life of the facility. With other utility infrastructure construction in the County, this project will help sustain permanent construction jobs in the County. Construction workers will be able to move from project to project while staying rooted in Pinal County. As described in Section C.1.3, above, the amendment would be compatible with the Economic Sustainability Vision outlined in Chapter 5 of the Comprehensive Plan. Pattern notes that the Comprehensive Plan's Economic Development Plan does not identify any areas for Green Energy Production, indicating that any land designated as such must be done so via a Comprehensive Plan amendment. Additionally, a good portion of the referenced approximately 20,000 acres of land redesignated Green Energy Production since 2019 lay within nearby incorporated municipalities that do not allow for solar development (e.g., Coolidge).

C.2.5 Viable Agriculture, Equestrian, and Rural Lifestyle

The amendment would cluster industrial (utility) development into an area that now supports several existing and planned utility uses, thus limiting dispersed impacts to open space and agriculture, or sprawl. Although much of the Project Site and vicinity contain active agricultural areas the Project will occupy approximately 0.11% of irrigated croplands in the county. Additionally, with the anticipated reduction in the allocation of the canal water supply for irrigation, sustaining regular crop yields is less viable, with many farmers following their croplands to convert the land to energy generation and other uses. Just this year, the tenant farmer at the Project Site had to fallow another 300 acres due to a lack of available water. Pattern has water rights on the Project Site and plans to reallocated unused water rights to local farmers and businesses on an annual basis. After the Project decommissioning, equipment will be removed, and the Project Site will be restored and available for agricultural use. If instead a new housing development were placed at the Project Site and later the County wanted to convert the land back to farmland, the County would not be able to readily restore the land for agricultural use. Additionally, planning guidelines specify that solar projects are compatible with the county's farming heritage (Pinal County 2019).

C.2.6 System of Connected Trails and Preservation of Open Space

The Open Spaces and Places chapter of the Comprehensive Plan's vision is to site specific proposed open space and trails based on the "suitability of activities, surrounding land uses, ecological factors, topography, viewsheds, and cultural resources" (Pinal County 2019). Pinal County's Open Space and Trails Master Plan promotes the quality of life of the region by providing areas of passive and active recreational opportunities, while conserving existing resources, such as natural scenic beauty, view corridors, wildlife habitat, agricultural resources designated as at risk, and cultural heritage for the benefit of present and future generations (Pinal County 2007).

There are no existing dedicated Open Space areas, designated scenic resources, or designated view corridors within the 1-mile Study Area. The Comprehensive Plan and the Open Space and Trails Master Plan indicate that a multi-use trail corridor is proposed along the Florence-Casa Grande Canal, which bisects the southern portion of the Project Site. Pattern will work with the County to ensure the Project is minimizing any potential impacts to the proposed multi-use trail corridor. The Project is already planned to have conservative setbacks from the proposed corridor route. Neither the amendment nor the Project would impact any planned recreational uses.

The amendment would be compatible with Pinal County’s vision regarding open space and trails.

C.2.7 Natural Resource Conservation

Pattern has considered potential environmental impacts of the Project and will seek to minimize and mitigate impacts where possible by minimizing ground disturbance and instituting appropriate best practices in siting, constructing, and operating of the Project.

Based on preliminary reviews, the Project Site is in an area with minimal sensitive environmental resources. More detailed environmental studies are anticipated as development and design advance in order to minimize impacts to sensitive resources. Consultation with appropriate natural resource agencies and acquisition of permits related to those resources may also be pursued to identify best management practices and maintain compliance with applicable federal, state, and local environmental laws. Results of a preliminary environmental review of the Project Site are described below.

C.2.7.1 BIOLOGICAL RESOURCES

The U.S. Fish and Wildlife Service (USFWS) maintains a list of protected species and the critical habitat known to occur in each Arizona county. These species are currently listed or are proposed for listing as endangered or threatened under the Endangered Species Act (ESA) (16 United States Code [USC] 1531 et seq.). The list also includes candidate species proposed as threatened or endangered, species delisted from protection under the ESA, and species delisted from protection under the ESA but currently proposed for relisting. The ESA specifically prohibits the “take” of a listed species. Take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to engage in any such conduct.” Some bird species also receive legal protection under the federal Migratory Bird Treaty Act (MBTA) (16 USC 703–712).

Only species listed by the USFWS are afforded protection under the ESA. The special-status species evaluated in this document were based on the list of endangered, threatened, and proposed delisted species for Pinal County, Arizona, available at the USFWS website (USFWS 2022). The USFWS species list is provided in Appendix B.

Of the 21 species listed under the ESA for Pinal County by the IPaC Project-specific list (see Appendix B), only the monarch butterfly (*Danaus plexxipus*), a candidate species, has the potential to occur on the Project Site. For the remaining 20 ESA-listed species, the Project Site is beyond the known geographic or elevational range of the species, or it does not contain vegetation or landscape features known to support these species. No designated or proposed critical habitat occurs on the Project Site.

As is common in agricultural areas, the Study Area has flowering plants that could serve as nectar sources for monarch butterfly during migration. During a site visit conducted in 2018, there were no breeding habitat present as no milkweed species were observed at the Project Site. Given the abundance of flowering plants in the Study Area, the proposed Project *may impact individuals but is not likely to result in a trend toward federal listing or loss of viability.*

It is unlikely that the proposed Project would have an effect on the remaining 20 species listed under the ESA. Dispersal habitat requirements, potential for occurrence, and possible effects of the Project on these species are summarized in Table 2. The effects determinations for all ESA-protected species are provided for feasibility purposes only. Additional details regarding the proposed Project construction and operations (such as timing, erosion controls, and/or noise levels) could change the potential to affect species. Additionally, an on-site visit with full site access will be conducted to validate the effects determinations that are specified herein.

To help validate IPaC findings, SWCA conducted a search of the AGFD Heritage Data Management System (HDMS) database, which tracks records for federally listed species and other species of special concern. SWCA accessed HDMS through the AGFD Arizona Heritage Geographic Information System (AZHGIS) online environmental review tool to determine whether any federally proposed or designated critical habitat or special-status species have been documented on or near the Project Site (AGFD 2022). The search results are included in Appendix C, which indicates that no critical habitat exists and no federally listed species occurrences have been reported on the Project Site. Federally listed species are summarized in Table 2.

Table 2. Federally Listed Species Potentially Occurring in Pinal County, Arizona

| Common Name (Species Name) | Status* | Range or Habitat Requirements | Potential for Occurrence on Project Site | Determination of Effect |
|---|---------|--|--|-------------------------|
| Acuña cactus (<i>Echinomastus erectocentrus</i> var. <i>acunensis</i>) | E | Occurs in disjunct populations across southern Arizona on well-drained gravel ridges and knolls on granite-derived soils. It grows in the Arizona Upland subdivision of the Sonoran desertscrub plant association at elevations between 1,198 and 2,789 feet above mean sea level (amsl). This species occurs in Maricopa, Pima, and Pinal Counties. | Unlikely to occur. There are no gravel ridges or knolls with granite-derived soils, and the Project Site is not within the current range of this species. | No effect. |
| Arizona hedgehog cactus (<i>Echinocereus arizonicus</i> var. <i>arizonicus</i>) | E | Found on open slopes of rugged, steep-walled canyons with granite or dacite bedrock among boulder piles in Arizona desert grassland and in the understory of shrubs in the ecotone between Madrean evergreen woodland and interior chaparral at elevations between 3,400 and 5,300 feet amsl. This species is found in Gila, Maricopa, and Pinal Counties. | Unlikely to occur. There are no canyons, boulder piles, or slopes suitable for the species on the Project Site. The Project Site is below the elevational range for this species and is outside the known range of this species. | No effect. |
| California least tern (<i>Sterna antillarum browni</i>) | E | Forms nesting colonies on barren to sparsely vegetated areas. Nests in shallow depressions on open sandy beaches, sandbars, gravel pits, or exposed flats along shorelines of inland rivers, lakes, reservoirs, and drainage systems at elevations below 2,000 feet amsl. Found in Maricopa, Mohave, and Pima Counties. | Unlikely to occur. Suitable habitat for this species is not present at the Project Site. | No effect. |
| Chiricahua leopard frog (<i>Rana chiricahuensis</i>) | T | Historically occurred in cienegas, pools, livestock tanks, lakes, reservoirs, streams, and rivers at elevations of 3,281 to 8,890 feet amsl. It is now often restricted to springs, livestock tanks, and streams in the upper portions of watersheds where non-native predators either have yet to invade or habitats are marginal for them. | Unlikely to occur. There are no permanent water sources suitable for this species on or adjacent to the Project Site. | No effect. |
| Gila chub (<i>Gila intermedia</i>) | E | Found in pools in smaller streams, cienegas, and artificial ponds ranging in elevation from 2,000 to 5,500 feet amsl. Highly secretive, adults prefer deeper, quieter waters in pools and eddies below riffles or runs, often remaining in cover from terrestrial vegetation, boulder, and fallen logs. | Unlikely to occur. The canal on the Project Site is not suitable for this species, and no suitable habitat is present on or adjacent to the Project Site. | No effect. |
| Gila topminnow (incl. Yaqui) (<i>Poeciliopsis occidentalis</i>) | E | Occurs in small streams, springs, and cienegas at elevations below 4,500 feet amsl, primarily in shallow areas with aquatic vegetation and debris for cover. In Arizona, most of the remaining native populations are in the Santa Cruz River system. | Unlikely to occur. The canals at the Project Site are not suitable for this species, and no suitable habitat is present on or adjacent to the Project Site. | No effect. |
| Gila trout (<i>Oncorhynchus gilae</i>) | T | Occurs in small mountain headwater streams at elevations ranging from 5,500 to 9,200 feet. This species prefers streams with extensive cover such as vegetation and undercut banks, and during drought years it tends to be confined to pools with suitable depth and cover. | Unlikely to occur. The canals at the Project Site are not suitable for this species, and no suitable habitat is present on or adjacent to the Project Site. | No effect. |

| Common Name (Species Name) | Status* | Range or Habitat Requirements | Potential for Occurrence on Project Site | Determination of Effect |
|---|---------|---|--|--|
| Huachuca water umbel (<i>Lilaeopsis schaffneriana</i> var. <i>recurva</i>) | E | Semi-aquatic to aquatic perennial found in shallow water or saturated soil of cienegas or marshy wetlands at elevations between 4,000 and 6,500 feet amsl. Known from the Huachuca Mountains, Canelo Hills, headwaters of the Santa Cruz River to Black Draw, and the San Pedro River. | Unlikely to occur. There are no wetlands in the project area, and the project area is outside the range of this species. | No effect. |
| Loach minnow (<i>Tiaroga cobitis</i>) | E | Occurs in turbulent, rocky riffles of mainstream rivers and tributaries at or less than 7,200 feet amsl. Habitat that is occupied is relatively shallow and has a moderate to swift current, with gravel to cobble-dominated substrates. | Unlikely to occur. The canals at the Project Site are not suitable for this species, and no suitable habitat is present on or adjacent to the Project Site. | No effect. |
| Mexican spotted owl (<i>Strix occidentalis lucida</i>) | T | Found in mature montane forests and woodlands and steep, shady, wooded canyons. Can also be found in mixed-conifer and pine-oak vegetation types. Generally, nests in older forests of mixed conifers or ponderosa pine (<i>Pinus ponderosa</i>)– Gambel oak (<i>Quercus gambelii</i>). Nests in live trees on natural platforms (e.g., dwarf mistletoe [<i>Arceuthobium</i> spp.] brooms), snags, and canyon walls at elevations between 4,100 and 9,000 feet amsl. | Unlikely to occur. The Project Site does not contain suitable habitat for this species, and the Project Site is below the known elevational range of this species. | No effect. |
| Mexican wolf (<i>Canis lupus baileyi</i>) | EXPN | Prefers mountain woodlands where cover, water, and suitable ungulate prey occur. | Unlikely to occur. The project area is distant from known occurrences of this species and does not contain suitable mountainous habitat. | No effect. |
| Monarch butterfly (<i>Danaus plexippus</i>) | C | Habitat is complex. Generally, breeding areas are virtually all patches of milkweed (<i>Asclepias</i> sp.). The species occurs throughout Arizona during the summer and migrates to winter in Mexico and California, though small numbers do overwinter in the low deserts of southwestern Arizona. | May occur. The Project Site could be potentially used as a migratory stopover as flowering plants are present. Breeding is unlikely given that there is no milkweed present. | May impact individuals but is not likely to result in a trend toward federal listing or loss of viability. |
| Nichol's Turk's head cactus (<i>Echinocactus horizonthalonius</i> var. <i>nicholii</i>) | E | Found in Sonoran desertscrub with limestone-derived alluvium at elevations between 2,000 and 3,600 feet amsl. In Arizona, its known range is limited to the Waterman and Vekol Mountains. | Unlikely to occur. The Project Site is far from known populations in the Waterman and Vekol Mountains. | No effect. |
| Northern Mexican gartersnake (<i>Thamnophis eques megalops</i>) | T | Riparian obligate species, found in lotic and lentic habitats that include cienegas and stock tanks (earthen impoundments) and rivers containing pools and backwaters. Most frequently found between 3,000 and 5,000 feet amsl but may occur up to approximately 8,500 feet amsl. Uses adjacent terrestrial habitats for foraging, thermoregulation, gestation, shelter, immigration, emigration, and brumation. Core population areas in Arizona include mid/upper Verde River drainage, mid/lower Tonto Creek, and the San Rafael Valley. | Unlikely to occur. The Project Site is below the typical elevational range for the species, and suitable habitat for this species is not present on or adjacent to the Project Site. | No effect. |

| Common Name (Species Name) | Status* | Range or Habitat Requirements | Potential for Occurrence on Project Site | Determination of Effect |
|---|---------|---|--|-------------------------|
| Ocelot (<i>Leopardus pardalis</i>) | E | In Arizona, typically observed in subtropical thorn forest, thornscrub, and dense, brushy thickets at elevations below 8,000 feet amsl and is often found in riparian bottomlands. The critical habitat component is probably dense cover near the ground and complete avoidance of open country. In Arizona, there are five recent confirmed sightings of ocelot in Cochise County (2009–2012), one confirmed sighting near Globe (2010), and unconfirmed sightings in the Chiricahua and Peloncillo Mountains. | Unlikely to occur. The species is very rare, and there are no dense, brushy thickets or riparian bottomlands at the Project Site. In recent years, this species has been documented in several areas in southern Arizona, including a dead ocelot on U.S. Route 60 between Superior and Globe, which is about 15 miles northeast of the Project Site. | No effect. |
| Razorback sucker (<i>Xyrauchen texanus</i>) | E | Found in riverine and lacustrine areas, generally not in fast-moving water, and may use backwaters at elevations below 6,000 feet amsl. | Unlikely to occur. The canals at the Project Site are not suitable for this species, and no suitable habitat is present on or adjacent to the Project Site. | No effect. |
| Sonoran pronghorn (<i>Antilocapra americana sonoriensis</i>) | EXPN | Found in Sonoran desertscrub within broad, intermountain alluvial valleys with creosote bush (<i>Larrea tridentata</i>)–bursage (<i>Ambrosia</i> spp.) and paloverde (<i>Parkinsonia</i> spp.)–mixed cacti associations at elevations between 2,000 and 4,000 feet amsl. The only extant U.S. population is in southwestern Arizona; however, the USFWS has established a 10(j) area for reintroductions. The only current reintroduction is in and near the Kofa National Wildlife Refuge. | Unlikely to occur. The Project Site is outside the species' currently known range and is not within a potential reintroduction area. | No effect. |
| Sonoyta mud turtle (<i>Kinosternon sonoriense longifemorale</i>) | E | In Arizona, found only in pond and stream habitat at Quitobaquito Springs in Organ Pipe Cactus National Monument. This subspecies of the more common Sonora mud turtle (<i>Kinosternon sonoriense sonoriense</i>) also occurs in Rio Sonoyta, Mexico. | Unlikely to occur. This species is only found at Quitobaquito Springs, which is more than 110 miles southwest of the Project Site. | No effect. |
| Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>) | E | Found in dense riparian habitats along streams, rivers, and other wetlands where cottonwood (<i>Populus</i> spp.), willow (<i>Salix</i> spp.), boxelder (<i>Acer negundo</i>), saltcedar (<i>Tamarix ramosissima</i>), Russian olive (<i>Elaeagnus angustifolia</i>), buttonbush (<i>Cephalanthus</i> spp.), and arrowweed (<i>Pluchea sericea</i>) are present. Nests are found in thickets of trees and shrubs, primarily those that are 13 to 23 feet high, among dense, homogeneous foliage. Habitat occurs at elevations below 8,500 feet amsl. | Unlikely to occur. This species has one occurrence record within 5 miles, most likely from the Picacho Reservoir, which is approximately 1.5 miles east of the Project Site and contains suitable riparian habitat for this species. The HDMS indicates only one occurrence record in this area (not a population). It is not known if this occurrence is historical or recent. Dense riparian habitat for the species is not present at the Project Site. | No effect. |
| Spikedace (<i>Meda fulgida</i>) | E | Found in mid-water habitats, including runs, pools, and swirling eddies below 4,500 feet amsl. | Unlikely to occur. There is no suitable habitat for this species at or near the Project Site. | No effect. |

| Common Name (Species Name) | Status* | Range or Habitat Requirements | Potential for Occurrence on Project Site | Determination of Effect |
|---|---------|--|---|-------------------------|
| Yellow-billed cuckoo (<i>Coccyzus americanus</i>) | T | Typically found in riparian woodland vegetation (cottonwood, willow, or saltcedar) at elevations below 6,600 feet amsl. Dense understory foliage appears to be an important factor in nest site selection. The highest concentrations in Arizona are along the Agua Fria, San Pedro, upper Santa Cruz, and Verde River drainages and Cienega and Sonoita Creeks. | Unlikely to occur. This species has many occurrence records and a population occurrence within 5 miles of the Project Site, centered on nearby proposed critical habitat. Proposed critical habitat (Unit 29 AZ—21 Picacho Reservoir) occurs approximately 1.5 miles east of the Project Site. The Picacho Reservoir is consistently occupied by this species (USFWS 2014). Because riparian woodlands are not present at the Project Site, this species is unlikely to use the area for migration, dispersal, foraging, or breeding. Individuals using the Picacho Reservoir will not be affected by construction or operation of the proposed Project. Thus, there will be no direct effects on this species resulting from the proposed Project. | No effect. |
| Yuma Ridgway's rail (<i>Rallus obsoletus yumanensis</i>) | E | Found in freshwater and brackish marshes below 4,500 feet amsl. | Unlikely to occur. There are no wetland/marsh vegetation areas on the Project Site. Therefore, this species is unlikely to use the Project Site for foraging or dispersal. However, this species has occurrence records at the Picacho Reservoir, approximately 1.5 miles east of the Project Site. Because wetland/marsh vegetation is not present at the Project Site, this species is unlikely to use the area for migration, dispersal, foraging, or breeding. Individuals using the Picacho Reservoir will not be affected by construction or operation of the proposed Project. Thus, there will be no direct effects on this species resulting from the proposed Project. | No effect. |

Sources: AGFD (2022); USFWS Arizona Ecological Services Field Office (USFWS 2022); Arizona Rare Plant Committee (n.d.); Corman and Wise-Gervais (2005).

* USFWS Status Definitions:

C = Candidate. Candidate species are those for which the USFWS has sufficient information on biological vulnerability and threats to support proposals to list as endangered or threatened under the ESA. However, proposed rules have not yet been issued because such actions are precluded at present by other listing activity.

E = Endangered. An animal or plant species in danger of extinction throughout all or a significant portion of its range.

EXPN = Experimental Population, Non-Essential. Experimental populations of a species designated under Section 10(j) of the ESA for which the USFWS, through the best available information, believes is not essential for the continued existence of the species. Regulatory restrictions are considerably reduced under an EXPN designation.

T = Threatened. An animal or plant species likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

One species protected under the Migratory Bird Treaty Act and that is a state-protected species, the western burrowing owl (*Athene cunicularia hypugaea*), is known to occur within the Study Area. This species was observed at the Project Site and vicinity during the 2018 site visit, and the Project Site and surrounding areas are suitable habitat for this species. Pattern would comply with the MBTA when constructing, operating, and maintaining the Project, potentially by avoiding burrowing owl habitat, adhering to appropriate construction practices, and utilizing approved techniques to relocate individuals if appropriate.

A desktop review indicated that the Project Site and evaluation area are not within an Arizona Important Bird Area (Arizona Important Bird Area Program 2018).

C.2.7.2 CULTURAL RESOURCES

A desktop review of AZSITE, Arizona’s online cultural resources database, which includes records from the Arizona State Museum (ASM), Arizona State University, and the Bureau of Land Management, was conducted to identify previous cultural resources investigations and known cultural resources at the Project Site.

AZSITE identified 9 prior cultural resources surveys, accounting for approximately 99 acres (11%) of the Project Site. Previous surveys were conducted between 1996 and 2019 for various projects including telecommunication construction, a fiber optic line, a solar project, gas pipeline storage, bridge improvements, and telecommunications (Table 3). The majority of these surveys are more than 10 years old and do not meet current survey guidelines and standards for cultural resources.

Table 3. Previously Conducted Archaeological Surveys in the Project

| Agency Number | Project Name (AZSITE Data) | Consultant or Institution |
|-------------------------------|--|---|
| 1996-306.ASM / SHPO-6804 | Bridges/Coolidge, Pinal County | Archaeological Research Services, Inc., Tempe, Arizona |
| 2000-723.ASM / SHPO-2000-1717 | AT&T NexGen/Core Project Link 3 | Western Cultural Resource Management Inc., Farmington, New Mexico |
| 2003-910.ASM / SHPO-2002-1717 | Cultural Resources Survey of the 360networks Fiber Optic Lines | TRCMA |
| 2004-679.ASM | AT&T NextGen/Core Project | Western Cultural Resource Management Inc., Farmington, New Mexico |
| 2008-254.ASM | La Palma Tie Rehabilitation | San Carlos Irrigation Project |
| 2010-59.ASM | Arizona Natural Gas Storage Geotechnical Monitoring | Archaeological Consulting Services, Tempe, Arizona |
| 2010-280.ASM | Arizona Natural Gas Storage Pipeline Header and Laterals | Archaeological Consulting Services, Tempe, Arizona |
| 2012-363.ASM | TEP Pinal Central to Tortolita Survey WRI 1610.86 CR 520 | WestLand Resources, Tucson, Arizona |
| 2019-218.ASM | East Line Solar | SWCA Environmental Consultants, Tucson, Arizona |

Three archaeological sites have been previously recorded on the Project Site (Table 4). These resources (i.e., linear in-use historic-era structures with ASM site numbers) do not qualify as archaeological sites. In-use historic-era structures may still constitute historic properties, and as such, may be eligible for listing in the Arizona Register of Historic Places and the National Register of Historic Places (NRHP). Florence-Casa Grande Canal Extension and the Casa Grande Canal have both been determined eligible for listing in the NRHP under Criteria A and D.

Table 4. Previously Recorded Sites in the Project Site

| Agency Number | Project Name (AZSITE Data) | Consultant or Institution |
|----------------------|--------------------------------------|--|
| AZ AA:2:132(ASM) | La Palma Road | Determined not eligible |
| AZ AA:2:133(ASM) | Florence-Casa Grande Canal Extension | Determined eligible under Criteria A and D |
| AZ AA:3:209(ASM) | Casa Grande Canal | Determined eligible under Criteria A and D |

Additional linear historic-era structures border the Project Site. These are SR 84 (AZ AA:2:118[ASM]), Laughlin Road (AZ AA:2:330[ASM]), Selma Highway (AZ AA:2:333[ASM]), and State Route 87 (AZ AA:6:63[ASM]). SR 84 and SR 87 have been determined eligible for listing in the NRHP under Criteria A and D. Laughlin Road and Selma Highway have been recommended not eligible for listing in the NRHP.

The Project is historically used by the O’odham people and their prehistoric ancestors. It is near the reservation lands of the Gila River Indian Community. There are no known or evidently likely traditional cultural properties in the Project Site. Additionally, a review of current aerial imagery shows no formal cemeteries visible in the Project Site.

Pattern may conduct additional cultural resources surveys for compliance requirements, depending on the involvement of federal or state agencies. Pattern would need to coordinate with the lead agency (who will then coordinate with the State Historic Preservation Office) regarding the findings of additional cultural resources surveys. Consultation with these agencies would be completed to determine the NRHP eligibility of the previously known and newly discovered sensitive cultural resources, and to determine if there would be impacts to these historic resources from Project development.

C.2.8 Water Resources, Public Facilities/Services, and Infrastructure Support

The amendment has accounted for adequate services being in place or planned for within a reasonable time of the start of the new development.

The Pinal County Sheriff’s Office provides law enforcement services for the Project Site. The Regional Fire and Rescue Department provides subscription-based fire and emergency medical services to the region. New or additional public services resulting from the amendment are not anticipated. Pattern will coordinate with local emergency service providers during development, construction, and operations to provide information about Project, provide any relevant training, and ensure safe construction and operation of the Project.

No public improvements to roads, sewer systems, or water systems would be needed for the Project. Any water required for construction and operations is expected to be hauled to the site or obtained from new or existing wells on-site. Water hauled to the site would be from permitted sources, and any new or existing wells on-site would be permitted through the ADWR, as needed. Any road construction needed to access the Project would be paid for and constructed by Pattern, in coordination with Pinal County Public Works Department as necessary. As such, the Project will increase the land’s taxable value while adding little, if any, burden to public services.

Development of the Project would not impact existing water quality. The site would be designed to pass off-site stormwater through or around the site and release it in a manner similar to the existing conditions. Based on a final hydrologic analysis of the site, on-site drainage would be managed per Pinal County

Public Works regulations. The drainage design would allow the site to be developed without increasing stormwater runoff or creating an adverse impact on adjacent properties. Site design that is sensitive to existing topography and drainage patterns would also function to protect water quality.

In areas where there is any potential for contamination, all stormwater would be retained on-site to comply with Arizona Department of Environmental Quality requirements. Pattern will submit a Notice of Intent to gain authorization under the Arizona Pollutant Discharge Elimination System Construction General Permit and develop a site-specific Stormwater Pollution Prevention Plan, which describes how permit conditions will be met during construction. In addition, the Project will adhere to the Arizona Department of Environmental Quality Aquifer Protection Program and bi-annual Water Quality Assessment Report, as required by the Clean Water Act.

D. LITERATURE CITED

- Arizona Department of Transportation (ADOT). 2022. ADOT Federal Functional Classification Map. Available at: <https://arcg.is/GuC1T>. Accessed March 2022.
- Arizona Department of Water Resources (ADWR). 2020. Land Subsidence Rate in the Eloy Sub-Basin, Pinal County, 03/05/2019 to 04/16/2020. Available at: https://new.azwater.gov/sites/default/files/PicachoAreaRate03-2019to04-2020_8x11.pdf. Accessed March 2022.
- . 2021. Land Subsidence in Arizona, Earth Fissures, Impacts of Land Subsidence and Earth Fissures. Available at: <https://new.azwater.gov/hydrology/field-services/land-subsidence-arizona>. Accessed March 2022.
- Arizona Game and Fish Department (AGFD). 2023. Arizona Heritage Geographic Information System Arizona Game and Fish Department online environmental review tool. Available at: <https://azhgis2.esri.com/>. Accessed May 2023.
- Arizona Important Bird Area Program. 2018. Available at: http://aziba.org/?page_id=38. Accessed May 2022.
- Arizona Rare Plant Committee. n.d. [2001]. *Arizona Rare Plant Field Guide*. Washington, D.C.: U.S. Government Printing Office.
- City of Coolidge. 2014. City of Coolidge: the Future Today. Available at: <https://www.coolidgeaz.com/index.asp?SEC=62B5BDAF-48FC-48AE-BB3F-87EE09242ECC>. Accessed March 2022.
- Corman, T.E., and C. Wise-Gervais. 2005. *Arizona Breeding Bird Atlas*. Albuquerque: University of New Mexico Press.
- Knowles, G.W. 2018. *Recommendations related to proposed Sunshine Valley Solar photovoltaic electric facility in Amargosa Valley, Nye County, Nevada*. Memorandum. Las Vegas: U.S. Fish and Wildlife Service, Southern Nevada Fish and Wildlife Office.
- Pinal County. 2007. *Pinal County Open Space and Trails Master Plan*. Available at: <https://www.pinalcountyyaz.gov/openspacetrails/documents/final%20open%20space%20and%20trails%20master%20plan.pdf>. Accessed March 2022.
- . 2019. *We Create Our Future: Pinal County Comprehensive Plan*. Available at: <https://www.pinalcountyyaz.gov/CommunityDevelopment/Planning/Documents/CompPlan/Comprehensive%20Plan%202020.pdf>. Accessed March 2022.
- . 2022. Flood Control Map Viewer. Available at: <https://pinal.maps.arcgis.com/apps/webappviewer/index.html?id=9259e1779114435e91fe31026b1e8f11>. Accessed March 2022.
- U.S. Fish and Wildlife Service (USFWS). 2014. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Western Distinct Population Segment of the Yellow-Billed Cuckoo; Proposed Rule. *Federal Register*.

———. 2023. Information for Planning and Consultation (IPaC). Available at: <https://ecos.fws.gov/ipac/>. Accessed May 2023.

U.S. Geological Survey. 2022. The National Map, Interactive Map Viewer and Downloader. Topographic maps of the evaluation area, including National Hydrography and Watershed Boundary Datasets. Available at: <https://viewer.nationalmap.gov/advanced-viewer/>. Accessed March 2022.

APPENDIX A
ALTA
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

AMTRUST TITLE INSURANCE COMPANY FILE NUMBER: FN-45018-AZ DATED DECEMBER 12, 2022:

PARCEL 1: THE EAST HALF OF SECTION 32, TOWNSHIP 6 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE NORTH 00 DEGREES 05 MINUTES EAST, ALONG THE EAST LINE OF SAID SECTION 32, A DISTANCE OF 652.51 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES WEST, A DISTANCE OF 1322.97 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES WEST, A DISTANCE OF 652.51 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 32; THENCE NORTH 89 DEGREES 44 MINUTES EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 1322.97 FEET TO THE POINT OF BEGINNING

EXCEPTING THEREFROM ALL GAS, OIL, METALS AND MINERAL RIGHTS AS RESERVED TO THE UNITED STATES AND THE STATE OF ARIZONA IN THE PATENT FROM THE STATE OF ARIZONA RECORDED IN DOCKET 165, PAGE 144. (NORTHEAST QUARTER OF SECTION 32 ONLY)

EXCEPTING THEREFROM ALL GAS, OIL, METALS AND MINERAL RIGHTS AS RESERVED IN THE PATENT FROM THE STATE OF ARIZONA RECORDED IN DOCKET 47, PAGE 263. (SOUTHEAST QUARTER OF SECTION 32 ONLY).

TAX NUMBER: 401-46-00102, 401-46-00300

PARCEL 2: ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE WEST 130 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 6 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, LYING NORTH OF THE FLORENCE-CASA GRANDE EXTENSION CANAL.

TAX NUMBER: 401-47-00506

PARCEL 3: THE WEST HALF AND THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 6 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

TAX NUMBER: 401-47-00100, 401-47-00209, 401-47-00308, 401-47-00407

PARCEL 4: THE EAST HALF OF THE SOUTH HALF OF THE SOUTH HALF OF SECTION 29, TOWNSHIP 6 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

TAX NUMBER: 401-43-00901

PARCEL 5: THE WEST HALF OF THE SOUTHWEST QUARTER AND THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 6 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA; EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE WEST, ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 600 FEET; THENCE SOUTH A DISTANCE OF 600 FEET TO THE FLORENCE-CASA GRANDE CANAL; THENCE NORTHEASTERLY, ALONG SAID FLORENCE-CASA GRANDE CANAL, TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28; THENCE NORTH, ALONG SAID EAST LINE, A DISTANCE OF 157 FEET TO THE POINT OF BEGINNING.

TAX NUMBER: 401-42-009A1 AND 401-42-009B9

ALTA NOTES (OPTIONAL SURVEY RESPONSIBILITY NOTES) - TABLE A

- 1. MONUMENTS PLACED (OR A REFERENCE MONUMENT OR WITNESS TO THE CORNER) AT ALL MAJOR CORNERS OF THE BOUNDARY OF THE SURVEYED PROPERTY, UNLESS ALREADY MARKED OR REFERENCED BY EXISTING MONUMENTS OR WITNESSES IN CLOSE PROXIMITY TO THE CORNER.
2. VICINITY MAP SHOWN HEREON
3. THIS SURVEY IS LOCATED IN: "OTHER AREAS" ZONE X (UN-HATCHED). FLOOD INSURANCE RATE MAP; MAP NUMBER 04021C1600E, EFFECTIVE DATE DECEMBER 04, 2007.
4. THE APPROXIMATE TOTAL LAND AREA OF THIS SURVEY IS 1086.047 ACRES +/-
8. SUBSTANTIAL FEATURES ARE SHOWN HEREIN.
11(A). UTILITY PLANS AND/OR REPORTS WERE NOT PROVIDED BY CLIENT. SEE EASEMENT LABELS AND LEGEND FOR MORE INFORMATION. THE OVERHEAD ELECTRIC LINES WERE THE ONLY VISIBLE UTILITIES OBSERVED ON THE SITE AND ARE SHOWN HEREON. LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY.
13. BASED UPON TAX RECORDS PROVIDED BY CLIENT, NAMES OF ADJOINING LAND OWNERS ARE SHOWN HEREIN.
15. REMOTE SENSING DATA PROVIDED BY SAM, LLC, FLOWN MAY, 2021 FOR 1"=100' PLANIMETRIC MAPPING AND IMAGERY. IMAGERY ACCURACY IS RMSE 0.5' OR BETTER WITH LIDAR ACCURACY BEING RMSE 0.33' FOR WELL-DEFINED GROUND CONTROL POINTS. FOR ILLUSTRATIVE PURPOSES ONLY. REMOTE SENSING DATA DOES NOT COVER PARCEL IN ENTIRETY. DATA IS UTILIZED FROM A PREVIOUS SOURCE TO MEET THE NEEDS OF THE CLIENT FOR THIS PROJECT.
16. EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS ARE DEPICTED HEREIN AS APPLICABLE.
18. PLOTTABLE APPURTENANT EASEMENTS DISCLOSED IN DOCUMENTS PROVIDED TO, OR OBTAINED BY THE SURVEYOR, ARE SHOWN HEREIN.
19. DOCUMENTATION PROVIDED TO CLIENT.

SURVEY NOTES:

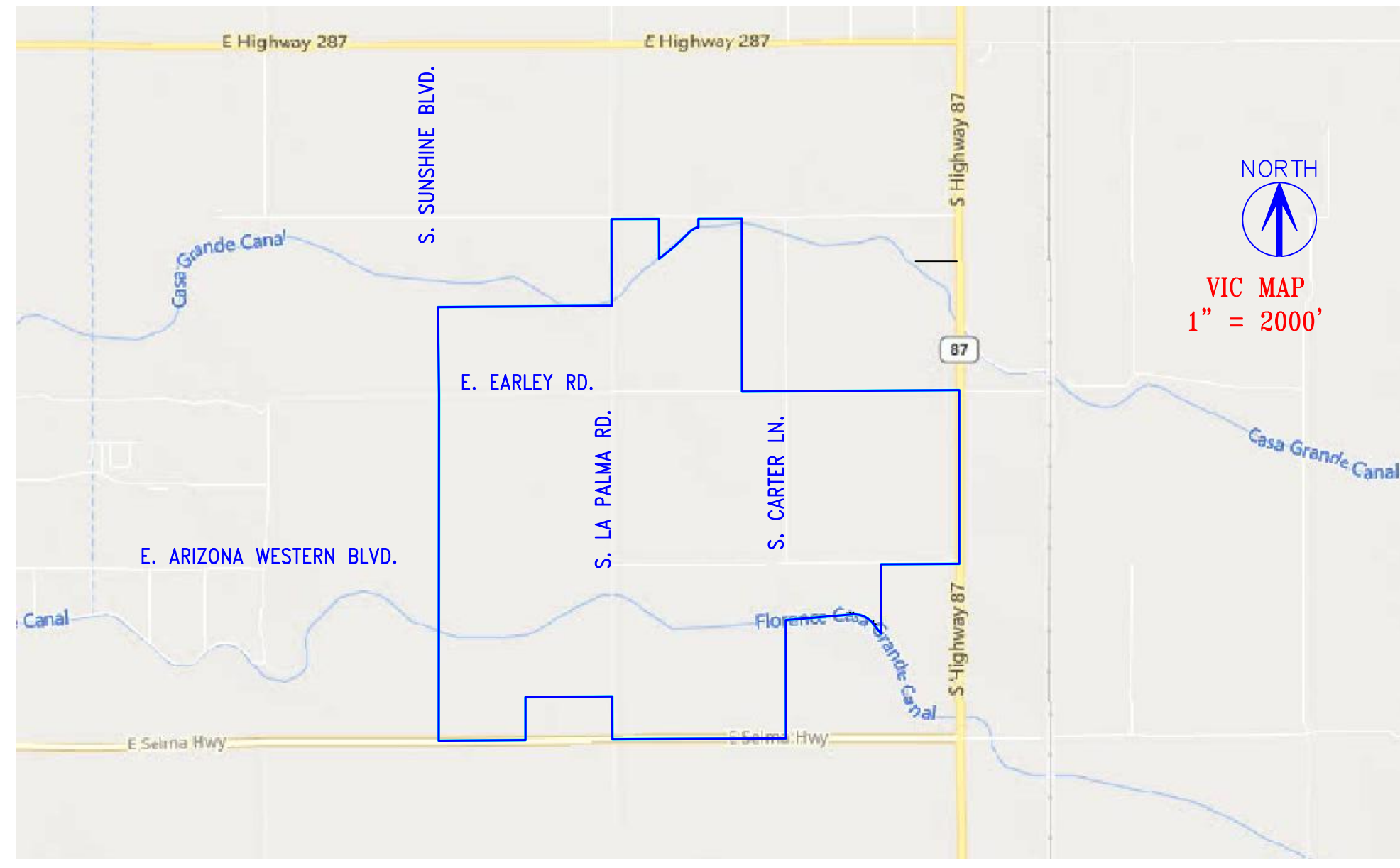
- 1. BEARINGS, DISTANCES, AND AREAS ARE ARIZONA COORDINATE SYSTEM, 1983(2011), CENTRAL ZONE, GRID, INTERNATIONAL FEET.
2. EASEMENTS, RIGHTS OF WAY, AND RECORDED DEED REFERENCES SHOWN HEREON WERE PROVIDED BY THE CLIENT, BASED UPON THE NOTED TITLE CO
3. THIS SURVEY DOES NOT SHOW THE LOCATION OF THE PROPOSED PROJECT IMPROVEMENTS PROVIDED TO THE SURVEYOR BY THE CLIENT OR CLIENT'S
4. RECORD BEARINGS AND DISTANCES HAVE NOT BEEN SHOWN HEREON.
5. THE SUBJECT TRACT HAS ACCESS FROM EARLEY ROAD, SHOWN HEREON.
6. THE PARCELS CONTAINED IN THE LEGAL DESCRIPTION ARE CONTIGUOUS WITHOUT ANY GAPS, GORES OR OVERLAPS.

TO:
A,B,C
PATTERN (CURRENTLY OPTIONEE) - PATTERN SOLAR AND STORAGE DEVELOPMENT LLC
AMTRUST TITLE INSURANCE COMPANY, and NETCO TITLE COMPANY
BUYER - HA Cielo LLC, a Delaware limited liability company, and its successors and assigns c/o HANNON ARMSTRONG CAPITAL, LLC.
SELLER - BEN FATTO, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS SUCCESSOR BY MERGER TO BEN FATTO LIMITED PARTNERSHIP, AN ARIZONA LIMITED PARTNERSHIP, AS TO AN UNDIVIDED 59.33% INTEREST; LESJOUR INVESTMENTS: HA 1070, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 30.957% INTEREST; VIEL GLUCK, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 6.8302% INTEREST; ELOY 660, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 2.373% INTEREST; PIEMONTE'S DIRECT, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 0.320% INTEREST; AND FAR WARE, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 0.1298% INTEREST.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED IN 2021 BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 11, 13, 15, 16, 18 AND 19 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED IN JULY, 2022.

DATE: DECEMBER 12, 2022

PROVISIONAL & CONFIDENTIAL



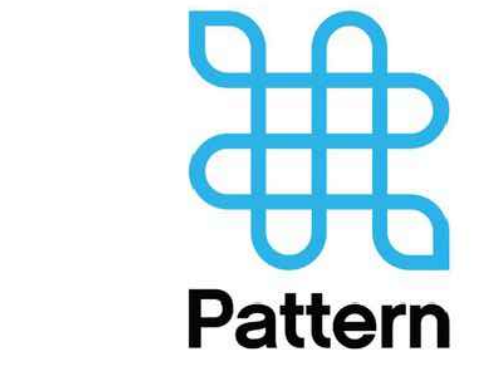
EXCEPTIONS (AMTRUST TITLE INSURANCE COMPANY FILE NUMBER FN-45018-AZ DATED DECEMBER 12, 2022 AT 8:00AM)

- STANDARD EXCEPTIONS 1-9 NOT ADDRESSED HEREIN.
SPECIAL EXCEPTIONS:
10. ROAD DECLARATION AS SHOWN IN INSTRUMENT RECORDED FEBRUARY 21, 1964, IN BOOK 375, PAGE 572, OF THE OFFICIAL RECORDS OF PINAL COUNTY, ARIZONA. (AFFECTS PARCELS 4 AND 5) (AS SHOWN HEREON)
11. RESOLUTION AS SHOWN IN INSTRUMENT RECORDED JUNE 21, 1984, IN BOOK 1231, PAGE 386, OF THE OFFICIAL RECORDS OF PINAL COUNTY, ARIZONA. (AFFECTS PARCEL 4 AND 5) (NOT A SURVEY MATTER)
12. NON-EXCLUSIVE FRANCHISE FOR SOUTHWEST GAS CORPORATION AS SHOWN IN INSTRUMENT RECORDED JUNE 21, 2016, AS FEE NO. 2016-039825, OF THE OFFICIAL RECORDS OF PINAL COUNTY, ARIZONA. (AFFECTS PARCELS 4 AND 5) (NOT A SURVEY MATTER)
13. INTENTIONALLY DELETED
14. RESOLUTION AS SHOWN IN INSTRUMENT RECORDED MAY 2, 2003, AS FEE NO. 2003-029072, OF THE OFFICIAL RECORDS OF PINAL COUNTY, ARIZONA. (AFFECTS PARCELS 4 AND 5) (NOT A SURVEY MATTER)
15. RESOLUTION AS SHOWN IN INSTRUMENT RECORDED JANUARY 20, 2000, AS FEE NO. 2000-003019, OF THE OFFICIAL RECORDS OF PINAL COUNTY, ARIZONA. (AFFECTS PARCELS 4 AND 5) (NOT A SURVEY MATTER)
16. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT AS SHOWN IN INSTRUMENT RECORDED SEPTEMBER 6, 2006, AS FEE NO. 2006-125478, OF THE OFFICIAL RECORDS OF PINAL COUNTY, ARIZONA. (AFFECTS PARCELS 4 AND 5) (NOT A SURVEY MATTER)
17. CONTRACT AND GRANT OF EASEMENT AS SHOWN IN INSTRUMENT RECORDED AS BOOK 1732, PAGE 629, OF THE OFFICIAL RECORDS OF PINAL COUNTY, ARIZONA. (AFFECTS ALL PARCELS) (AS SHOWN HEREON)
18. MINERALS OF WHATSOEVER KIND, SUBSURFACE AND SURFACE SUBSTANCES, INCLUDING BUT NOT LIMITED TO COAL, LIGNITE, OIL, GAS, URANIUM, CLAY, ROCK, SAND, AND GRAVEL IN, ON, UNDER AND THAT MAY BE PRODUCED FROM THE LAND, TOGETHER WITH ALL RIGHTS, PRIVILEGES, AND IMMUNITIES RELATING THERETO, WHETHER APPEARING IN THE PUBLIC RECORDS OR LISTED IN SCHEDULE B. THE COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS. THERE MAY BE LEASES, GRANTS, EXCEPTIONS, OR RESERVATIONS OF INTERESTS THAT ARE NOT LISTED. (NOT A SURVEY MATTER)
19. EASEMENT AGREEMENT DATED MAY 8, 2019 AND RECORDED ON MAY 10, 2019 AS DOCUMENT NUMBER 2019-036222, MADE BY AND BETWEEN LESJOUR INVESTMENTS: HA 1070, LLC, ARIZONA LIMITED LIABILITY COMPANY, BEN FATTO LIMITED PARTNERSHIP, AN ARIZONA LIMITED PARTNERSHIP, ANDUMA LIMITED PARTNERSHIP, AN ARIZONA LIMITED PARTNERSHIP, AND ELOY 660, LLC, AN ARIZONA LIMITED LIABILITY COMPANY (COLLECTIVELY "OWNER") AND SUNZIA TRANSMISSION, LLC, A DELAWARE LIMITED LIABILITY COMPANY. FIRST AMENDMENT TO EASEMENT AGREEMENT DATED DECEMBER __, 2022 AND RECORDED DECEMBER __, 2022 AS DOCUMENT __, MADE BY AND BETWEEN HA CIELO LLC, A DELAWARE LIMITED LIABILITY COMPANY ("OWNER") AND SUNZIA TRANSMISSION, LLC, A DELAWARE LIMITED LIABILITY COMPANY. (AFFECTS PARCELS 4 AND 5) (AS SHOWN HEREON)
20. EASEMENT AGREEMENT DATED DECEMBER __, 2022 AND RECORDED DECEMBER __, 2022 AS DOCUMENT NUMBER __, MADE BY AND BETWEEN HA CIELO LLC, A DELAWARE LIMITED LIABILITY COMPANY ("OWNER") AND SUNZIA TRANSMISSION, LLC, A DELAWARE LIMITED LIABILITY COMPANY. (LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT)
21. UNRECORDED FARM SUBLEASE AGREEMENT DATED DECEMBER __, 2022, MADE BY AND BETWEEN PATTERN SOLAR & STORAGE DEVELOPMENT LLC, A DELAWARE LIMITED LIABILITY COMPANY ("SUBLESSOR"); AND MDM FARMS, AN ARIZONA GENERAL PARTNERSHIP ("SUB LESSEE"). (LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT)
22. MEMORANDUM OF GROUND LEASE AGREEMENT DATED DECEMBER __, 2022 AND RECORDED DECEMBER __, 2022 AS DOCUMENT NUMBER __, MADE BY AND BETWEEN HA CIELO LLC, A DELAWARE LIMITED LIABILITY COMPANY ("LANDLORD") AND PATTERN SOLAR AND STORAGE DEVELOPMENT LLC, A DELAWARE LIMITED LIABILITY COMPANY ("TENANT"). (LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT)

SURVEYOR'S STATEMENT:

I, RANDY P. LOVELESS, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA AND THE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF ON THE DATE OF MY SIGNATURE, THIS EXHIBIT ACCURATELY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY MADE UNDER MY RESPONSIBLE CHARGE.

CLERK AND RECORDER
STATE OF ARIZONA
COUNTY OF PINAL
I HEREBY...
FEE NO:
DATE:
REQUEST
WITNESS
BY: DEPUTY



LEGEND
SECTION MONUMENT AS NOTED
MONUMENT FOUND AS NOTED
FOUND NO. 6 REBAR W/ 2 1/2" ALUMINUM CAP LS 54808
FOUND NO. 5 REBAR W/ 2IN ALUMINUM CAP LS 54808 - JOFT WITNESS CORNER
FOUND NO. 5 REBAR W/ 2IN ALUMINUM CAP LS 54808 - JPT REFERENCE MARKER
FOUND NO. 5 REBAR W/ 2IN ALUMINUM CAP LS 54808 - PROPERTY CORNER
POWER POLE
OVERHEAD ELECTRIC LINE
DOWN SLOPE
WIRE FENCE
PIPELINE
SURFACE PIPELINE
WATER LINE
WATER VALVE/ACTUATOR
IRRIGATION SPINBLE
WINDMILL
WATER WELL
GAS METER
FIBER OPTIC/TELEPHONE EQUIPMENT BOX/MARKER
DENOTES SPECIAL EXCEPTION FROM AMTRUST TITLE FN-45018-AZ DATED DECEMBER 12, 2022 AT 8:00AM
DENOTES TITLE EXCEPTION FROM PRIOR LIMITED TITLE CERTIFICATE PROVIDED BY PERCHORON
C/L CENTERLINE
TYP. TYPICAL
P.O.C. POINT OF COMMENCEMENT OF LEGAL DESCRIPTION
P.O.B. POINT OF BEGINNING OF LEGAL DESCRIPTION
T-LINE OVERHEAD ELECTRIC TRANSMISSION LINE (BORG-DIST.) RECORD CALL
SUBJECT TRACT BOUNDARY
QUARTER SECTION/ADJONER LINE
SECTION LINE
HIGHWAY/ROAD R-O-W LINE
FLOOD HAZARD ZONE LINE
CASHEMENT LINE
GRAVEL/DIRT ROAD

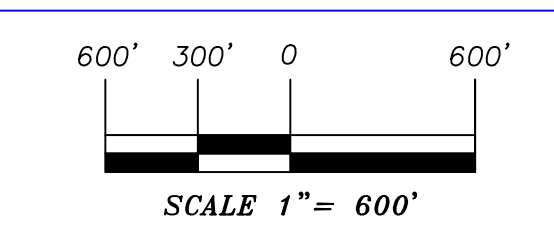
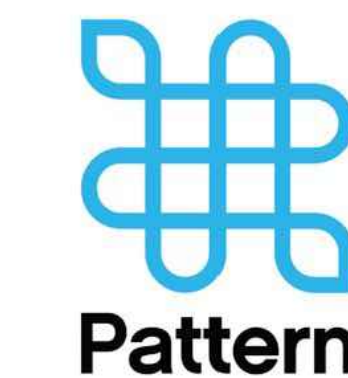
TITLE CO. AMTRUST TITLE INSURANCE COMPANY
TITLE FILE # FN-45018-AZ
EFFECTIVE DATE DECEMBER 12, 2022 at 8:00AM

DEC. 12, 2022
ALTA/NSPS LAND TITLE SURVEY OF
HA CIELO LLC,
LOCATED IN SECTIONS
28,29,32,33 T-6-S,
R-8-E OF THE GILA
AND SALT RIVER BASE
AND MERIDIAN
PINAL COUNTY,
ARIZONA

SAM
8300 E Maplewood Ave
Suite 300
Greenwood Village CO. 80111
Ofc: 303.988.5852
email: info@sam.biz

Table with columns for JOB NO., DRAFT KMF, DATE, and REV. with various dates and revision numbers.

4/26/2023 9:59 PM S. RUTZEN (S:AMINICDENPROJECTS\0210600981\0001SURVEY\06PLATS\1022070500-BEN-FATTO\060506RIVE\668EXHIBIT\BEN-FATTO-BOUNDARY-AZC_NAD83-2011-FT-ALTA-SHEETS.dwg)



- GRID**
BEARINGS, DISTANCES, COORDINATES AND ADJUSTMENTS SHOWN HEREON ARE GRD, NAD83(2011), ARIZONA CENTRAL ZONE, INTL. FEET.
- LEGEND**
- SECTION MONUMENT AS NOTED
 - MONUMENT FOUND AS NOTED
 - SET NO. 6 REBAR W/ 2 1/2" ALUMINUM CAP LS 77176
 - FOUND NO. 6 REBAR W/ 2 1/2" ALUMINUM CAP LS 54808
 - FOUND NO. 5 REBAR W/ 2" ALUMINUM CAP LS 54808 - SET WITNESS CORNER
 - FOUND NO. 5 REBAR W/ 2" ALUMINUM CAP LS 54808 - #1 FT REFERENCE MARKER
 - FOUND NO. 5 REBAR W/ 2" ALUMINUM CAP LS 54808 - PROPERTY CORNER
 - POWER POLE
 - OVERHEAD ELECTRIC LINE
 - DOWN GUY
 - WIRE FENCE
 - PIPELINE
 - SURFACE PIPELINE
 - WATER LINE
 - WATER VALVE/METER
 - IRRIGATION SPINDLE
 - WINDMILL
 - WATER WELL
 - GAS METER
 - FIBER OPTIC/TELEPHONE EQUIPMENT BOX/MARKER
 - # DENOTES SPECIAL EXCEPTION FROM AMTRUST TITLES FN-45018-AZ DATED DECEMBER 12, 2022 AT 8:00AM
 - 6 DENOTES TITLE EXCEPTION FROM PRIOR LIMITED TITLE CERTIFICATE PROVIDED BY PFDORONA
 - C/L CENTERLINE
 - TYP. TYPICAL
 - P.O.C. POINT OF COMMENCEMENT OF LEGAL DESCRIPTION
 - P.O.B. POINT OF BEGINNING OF LEGAL DESCRIPTION
 - T-LINE OVERHEAD ELECTRIC TRANSMISSION LINE
 - (BRG-DIST.) RECORD CALL
 - SUBJECT TRACT BOUNDARY
 - QUARTER SECTION/ADJOURNER LINE
 - SECTION LINE
 - HIGHWAY/ROAD R-D-W LINE
 - FLOOD HAZARD ZONE LINE
 - EASEMENT LINE
 - GRAVEL/DIRT ROAD

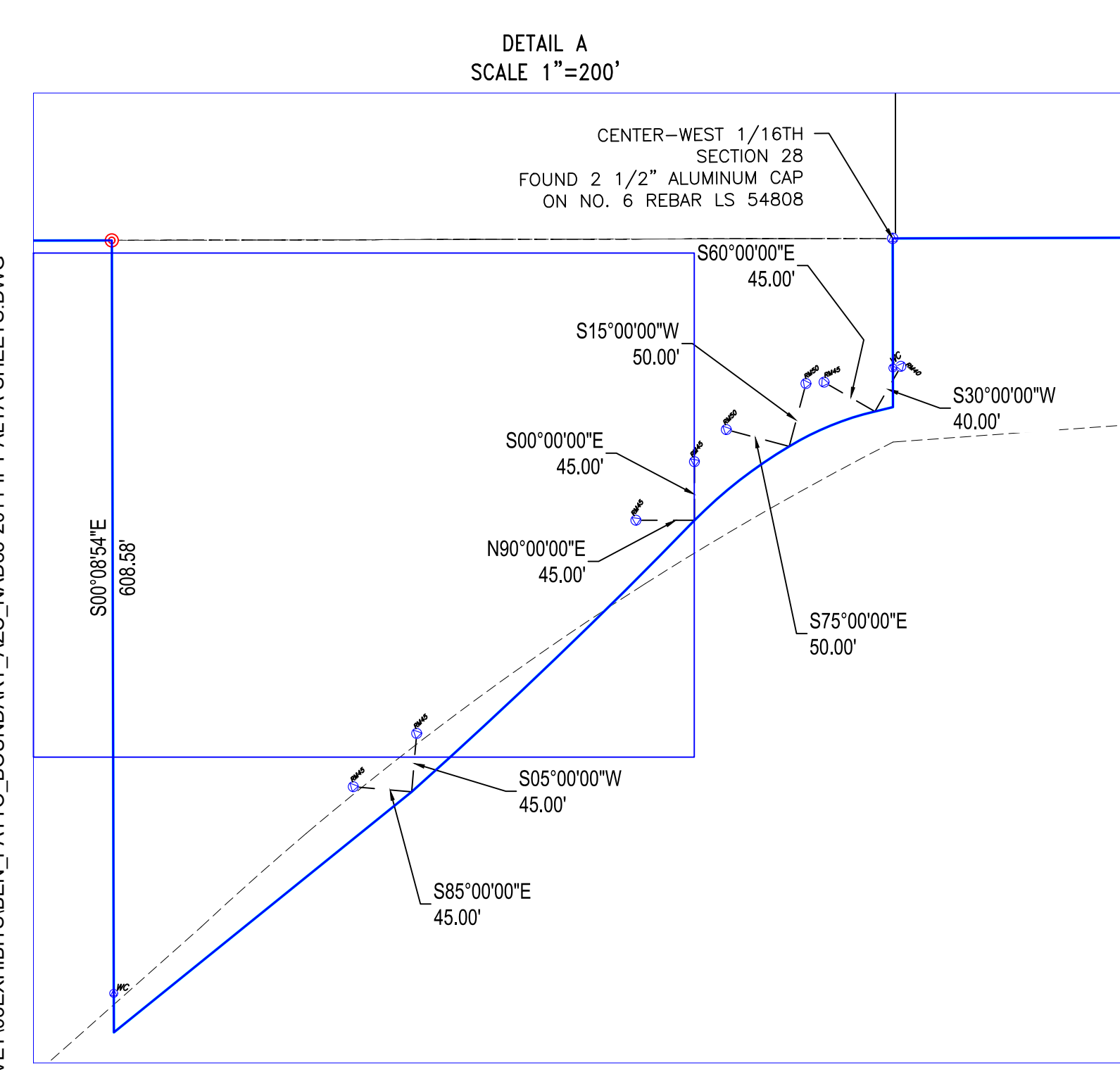
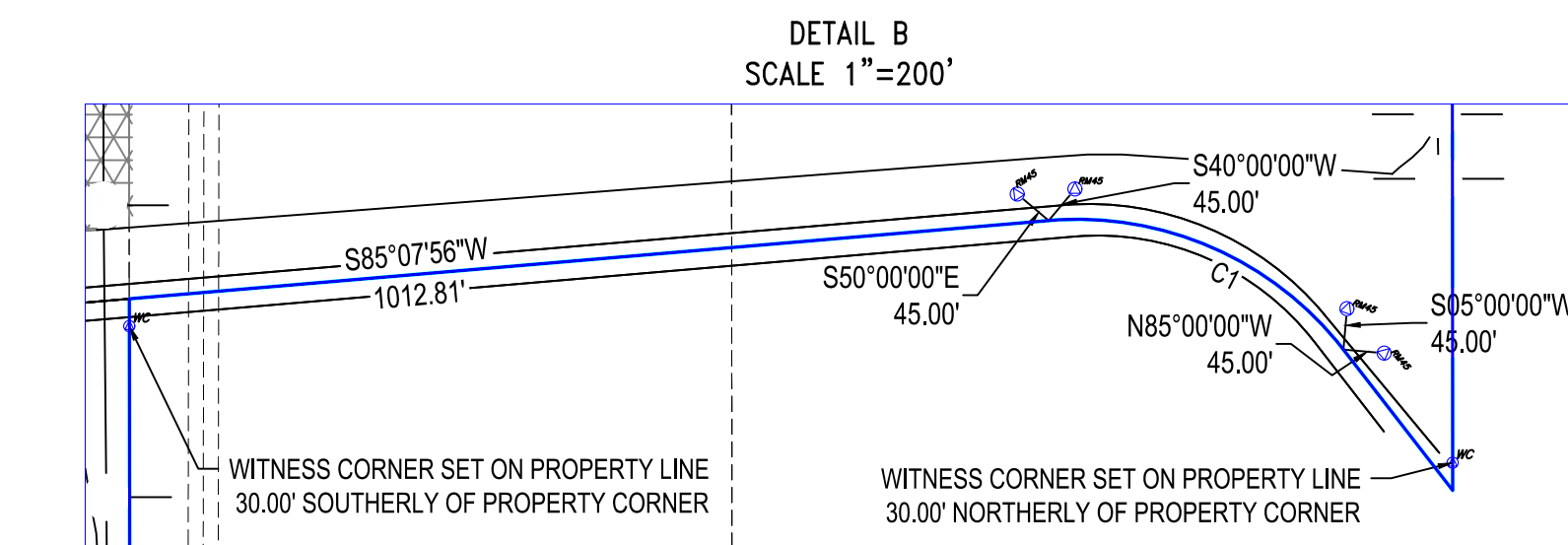
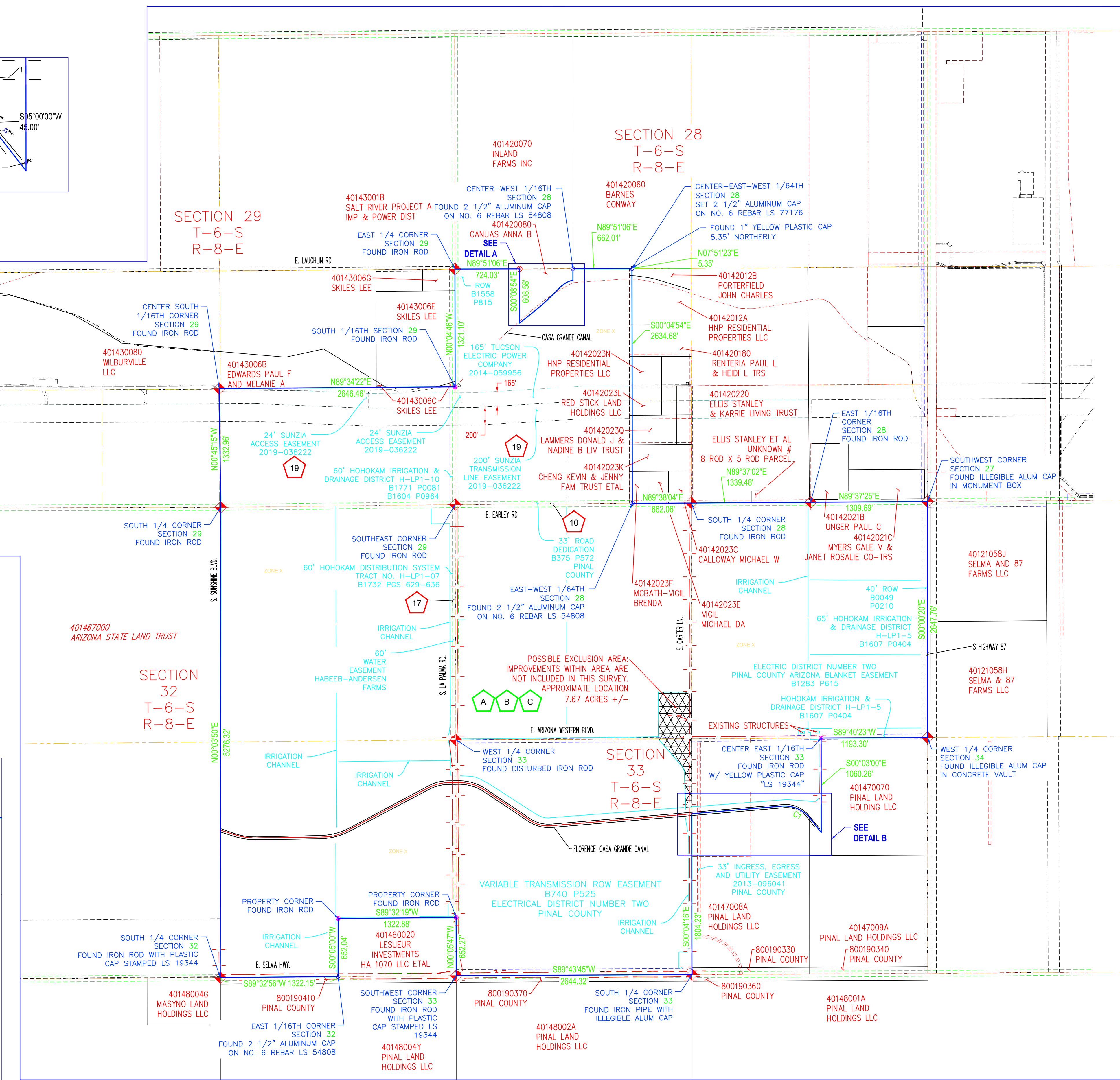
TITLE CO. AMTRUST TITLE INSURANCE COMPANY
TITLE FILE # FN-45018-AZ
EFFECTIVE DATE DECEMBER 12, 2022 at 8:00AM

DEC. 12, 2022
ALTA/NSPS LAND TITLE SURVEY OF HA CIELO LLC, LOCATED IN SECTIONS 28,29,32,33 T-6-S, R-8-E OF THE GILA AND SALT RIVER BASE AND MERIDIAN PINAL COUNTY, ARIZONA

SAM
8300 E. Maplewood Ave.
Suite 300,
Greenwood Village, CO. 80111
Ofc: 303.988.5852
email: info@sam.biz

| | |
|--------------------|--------------------|
| JOB NO. 1022070500 | FIELD BOOK DENVER |
| DRAFT KMF | CHECKED RPL |
| DATE 07/19/2022 | REV. NEW TC |
| DATE 08/23/2022 | REV. FINAL |
| DATE 12/07/2022 | REV. FINAL SRW |
| DATE 12/12/2022 | REV. CONTIGUITY WB |
| DATE 04/17/2023 | REV. UPDATED TITLE |
| DATE . | REV. . |
| DATE . | REV. . |
| DATE . | REV. . |

FILE: BEN_FATTO_BOUNDARY_AZC_NAD83-2011-IFT-ALTA-SHEETS.dwg
SHEET TITLE
ALTA/NSPS SURVEY
SHEET NUMBER
2 OF 2



CURVE TABLE

| CURVE NO. | DELTA | RADIUS | LENGTH | CHORD BEARING | CHORD LENGTH |
|-----------|-------|--------|--------|---------------|--------------|
| | | | | | |

PROVISIONAL & CONFIDENTIAL

4/28/2023 2:59 PM S. RUTZEN \SAM\CIN\PROJECTS\1022070500\SURVEY\06\PLATS\1022070500-BEN-FATTO\100\SURVEY\03\EXHIBITS\BEN_FATTO_BOUNDARY_AZC_NAD83-2011-IFT-ALTA-SHEETS.DWG

EXHIBIT A

Description of Property

PARCEL 1:

The East half of Section 32, Township 6 South, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona. Excepting therefrom that portion thereof described as follows: Beginning at the Southeast corner of said Section 32; THENCE North 00 degrees 05 minutes East, along the East line of said Section 32, a distance of 652.51 feet; THENCE South 89 degrees 44 minutes West, a distance of 1322.97 feet; THENCE South 00 degrees 05 minutes West, a distance of 652.51 feet to a point on the South line of said Section 32; THENCE North 89 degrees 44 minutes East, along said South line, a distance of 1322.97 feet to the POINT OF BEGINNING

Excepting therefrom all gas, oil, metals and mineral rights as reserved to the United States and the State of Arizona in the Patent from the State of Arizona recorded in Docket 165, page 144. (Northeast Quarter of Section 32 only)

Excepting therefrom all gas, oil, metals and mineral rights as reserved in the Patent from the State of Arizona recorded in Docket 47, Page 263. (Southeast Quarter of Section 32 only).

PARCEL 2:

All that portion of the Northwest quarter of the Southeast quarter and the West 130 feet of the Northeast quarter of the Southeast quarter of Section 33, Township 6 South, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, lying North of the Florence-Casa Grande Extension Canal.

PARCEL 3:

The West half and the Northeast quarter of Section 33, Township 6 South, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.

PARCEL 4:

The South half of the South half of Section 29, Township 6 South, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.

EXPRESSLY EXCLUDING, the West 1/2 of the South Half of the South Half of Section 29, Township 6 South, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.

PARCEL 5:

The West Half of the Southwest Quarter and the West Half of the East Half of the Southwest Quarter of Section 28, Township 6 South, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona; Excepting therefrom that portion thereof described as follows: beginning at the Northeast corner of the Northeast Quarter of the Northwest Quarter of the Southwest Quarter of said Section 28; Thence

West, along the North line of said Southwest Quarter of said Section 28, a distance of 600 feet; thence South a distance of 600 feet to the Florence-Casa Grande Canal; thence Northeasterly, along said Florence-Casa Grande Canal, to a point on the East line of said Northeast Quarter of the Northwest Quarter of the Southwest Quarter of Section 28; thence North , along said East line, a distance of 157 feet to the point of beginning.

APPENDIX B

U.S. Fish and Wildlife Service Site-specific Official List of Threatened and Endangered Species



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Arizona Ecological Services Field Office
9828 North 31st Ave
#c3
Phoenix, AZ 85051-2517
Phone: (602) 242-0210 Fax: (602) 242-2513

In Reply Refer To:
Project Code: 2023-0080996
Project Name: Cielo Solar 2023

May 11, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The Fish and Wildlife Service (Service) is providing this list under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). The list you have generated identifies threatened, endangered, proposed, and candidate species, and designated and proposed critical habitat, that *may* occur within the One-Range that has been delineated for the species (candidate, proposed, or listed) and its critical habitat (designated or proposed) with which your project polygon intersects. These range delineations are based on biological metrics, and do not necessarily represent exactly where the species is located. Please refer to the species information found on ECOS to determine if suitable habitat for the species on your list occurs in your project area.

The purpose of the Act is to provide a means whereby threatened and endangered species and the habitats upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of Federal trust resources and to determine whether projects may affect federally listed species and/or designated critical habitat. A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If the Federal action agency determines that listed species or critical habitat *may be affected* by a federally funded, permitted or authorized activity, the agency must consult with us pursuant to 50 CFR 402. Note that a "may affect" determination includes effects that may not be adverse and that may be beneficial, insignificant, or discountable. An effect exists even if only one individual

or habitat segment may be affected. The effects analysis should include the entire action area, which often extends well outside the project boundary or "footprint." For example, projects that involve streams and river systems should consider downstream affects. If the Federal action agency determines that the action may jeopardize a *proposed* species or may adversely modify *proposed* critical habitat, the agency must enter into a section 7 conference. The agency may choose to confer with us on an action that may affect proposed species or critical habitat.

Candidate species are those for which there is sufficient information to support a proposal for listing. Although candidate species have no legal protection under the Act, we recommend that they be considered in the planning process in the event they become proposed or listed prior to project completion. More information on the regulations (50 CFR 402) and procedures for section 7 consultation, including the role of permit or license applicants, can be found in our Endangered Species Consultation Handbook at: <https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>.

We also advise you to consider species protected under the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712) and the Bald and Golden Eagle Protection Act (Eagle Act) (16 U.S.C. 668 *et seq.*). The MBTA prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when authorized by the Service. The Eagle Act prohibits anyone, without a permit, from taking (including disturbing) eagles, and their parts, nests, or eggs. Currently 1,026 species of birds are protected by the MBTA, including the western burrowing owl (*Athene cunicularia hypugaea*). Protected western burrowing owls can be found in urban areas and may use their nest/burrows year-round; destruction of the burrow may result in the unpermitted take of the owl or their eggs.

If a bald eagle or golden eagle nest occurs in or near the proposed project area, our office should be contacted for Technical Assistance. An evaluation must be performed to determine whether the project is likely to disturb or harm eagles. The National Bald Eagle Management Guidelines provide recommendations to minimize potential project impacts to bald eagles (see <https://www.fws.gov/law/bald-and-golden-eagle-protection-act> and <https://www.fws.gov/program/eagle-management>).

The Division of Migratory Birds (505/248-7882) administers and issues permits under the MBTA and Eagle Act, while our office can provide guidance and Technical Assistance. For more information regarding the MBTA, BGEPA, and permitting processes, please visit the following web site: <https://www.fws.gov/program/migratory-bird-permit>. Guidance for minimizing impacts to migratory birds for communication tower projects (e.g. cellular, digital television, radio, and emergency broadcast) can be found at <https://www.fws.gov/media/recommended-best-practices-communication-tower-design-siting-construction-operation>.

The U.S. Army Corps of Engineers (Corps) may regulate activities that involve streams (including some intermittent streams) and/or wetlands. We recommend that you contact the Corps to determine their interest in proposed projects in these areas. For activities within a National Wildlife Refuge, we recommend that you contact refuge staff for specific information about refuge resources, please visit [this link](#) or visit <https://www.fws.gov/program/national->

[wildlife-refuge-system](#) to locate the refuge you would be working in or around.

If your action is on tribal land or has implications for off-reservation tribal interests, we encourage you to contact the tribe(s) and the Bureau of Indian Affairs (BIA) to discuss potential tribal concerns, and to invite any affected tribe and the BIA to participate in the section 7 consultation. In keeping with our tribal trust responsibility, we will notify tribes that may be affected by proposed actions when section 7 consultation is initiated. For more information, please contact our Tribal Coordinator, John Nystedt, at 928/556-2160 or John.Nystedt@fws.gov.

We also recommend you seek additional information and coordinate your project with the Arizona Game and Fish Department. Information on known species detections, special status species, and Arizona species of greatest conservation need, such as the western burrowing owl and the Sonoran desert tortoise (*Gopherus morafkai*) can be found by using their Online Environmental Review Tool, administered through the Heritage Data Management System and Project Evaluation Program (<https://www.azgfd.com/wildlife/planning/projevalprogram/>).

We appreciate your concern for threatened and endangered species. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office. If we may be of further assistance, please contact our Flagstaff office at 928/556-2118 for projects in northern Arizona, our general Phoenix number 602/242-0210 for central Arizona, or 520/670-6144 for projects in southern Arizona.

Sincerely,
/s/

Heather Whitlaw
Field Supervisor
Attachment

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
 - Wetlands
-

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Arizona Ecological Services Field Office

9828 North 31st Ave

#c3

Phoenix, AZ 85051-2517

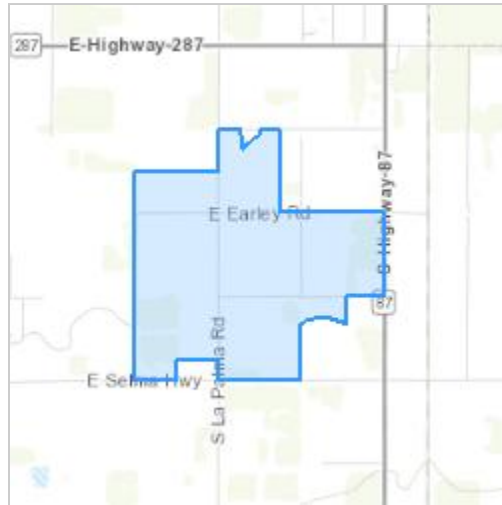
(602) 242-0210

PROJECT SUMMARY

Project Code: 2023-0080996
Project Name: Cielo Solar 2023
Project Type: Power Gen - Solar
Project Description: The proposed project involves constructing a 150 MW + photovoltaic solar facility including a battery energy storage system.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@32.8610254,-111.52814459975951,14z>



Counties: Pinal County, Arizona

ENDANGERED SPECIES ACT SPECIES

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

BIRDS

| NAME | STATUS |
|--|------------|
| Yellow-billed Cuckoo <i>Coccyzus americanus</i> Population: Western U.S. DPS There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911 | Threatened |

INSECTS

| NAME | STATUS |
|--|-----------|
| Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743 | Candidate |

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\) list](#) or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

| NAME | BREEDING SEASON |
|---|-------------------------|
| Bendire's Thrasher <i>Toxostoma bendirei</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9435 | Breeds Mar 15 to Jul 31 |
| Costa's Hummingbird <i>Calypte costae</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9470 | Breeds Jan 15 to Jun 10 |

| NAME | BREEDING SEASON |
|--|------------------------|
| <p>Gila Woodpecker <i>Melanerpes uropygialis</i></p> <p>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/5960</p> | Breeds Apr 1 to Aug 31 |
| <p>Willet <i>Tringa semipalmata</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> | Breeds elsewhere |

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

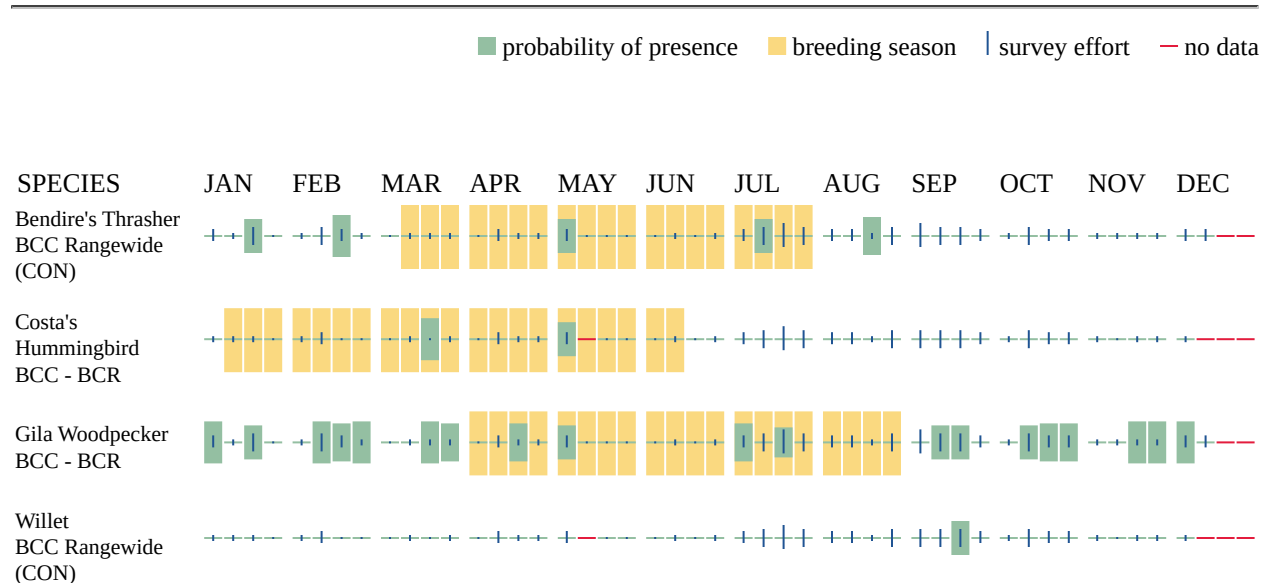
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (-)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

MIGRATORY BIRDS FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding

in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern \(BCC\)](#) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
-

2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities,

should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- [R2UBHx](#)
-

IPAC USER CONTACT INFORMATION

Agency: SWCA Environmental Consultants

Name: Tim Jordan

Address: 343 W. Franklin

City: Tucson

State: AZ

Zip: 85701

Email: timothy.jordan@swca.com

Phone: 5203259194

APPENDIX C

Arizona Environmental Online Review Tool Report

Arizona Environmental Online Review Tool Report



Arizona Game and Fish Department Mission

To conserve Arizona's diverse wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.

Project Name:

Cielo Solar 2023

User Project Number:

72181

Project Description:

The proposed project involves constructing a 150 MW + photovoltaic facility including a battery energy storage system.

Project Type:

Energy Storage/Production/Transfer, Energy Production (generation), photovoltaic solar facility (new)

Contact Person:

Tim Jordan

Organization:

SWCA Environmental Consultants

On Behalf Of:

CONSULTING

Project ID:

HGIS-19206

Please review the entire report for project type and/or species recommendations for the location information entered. Please retain a copy for future reference.

Disclaimer:

1. This Environmental Review is based on the project study area that was entered. The report must be updated if the project study area, location, or the type of project changes.
2. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area. This review is also not intended to replace environmental consultation (including federal consultation under the Endangered Species Act), land use permitting, or the Departments review of site-specific projects.
3. The Departments Heritage Data Management System (HDMS) data is not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. HDMS data contains information about species occurrences that have actually been reported to the Department. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.
4. Arizona Wildlife Conservation Strategy (AWCS), specifically Species of Greatest Conservation Need (SGCN), represent potential species distribution models for the State of Arizona which are subject to ongoing change, modification and refinement. The status of a wildlife resource can change quickly, and the availability of new data will necessitate a refined assessment.

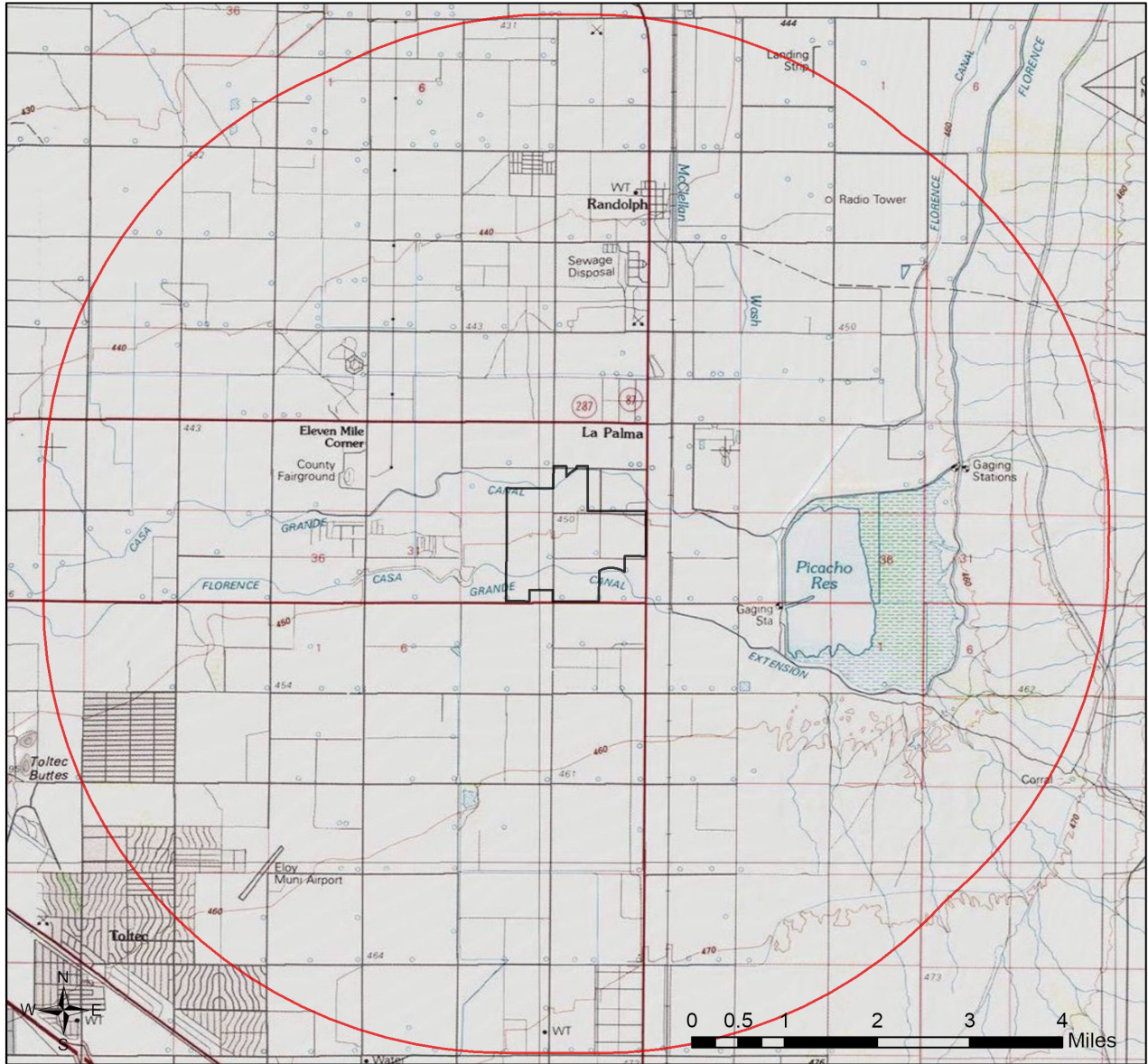
Locations Accuracy Disclaimer:

Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Report is solely responsible for the project location and thus the correctness of the Project Review Report content.

Recommendations Disclaimer:

1. The Department is interested in the conservation of all fish and wildlife resources, including those species listed in this report and those that may have not been documented within the project vicinity as well as other game and nongame wildlife.
2. Recommendations have been made by the Department, under authority of Arizona Revised Statutes Title 5 (Amusements and Sports), 17 (Game and Fish), and 28 (Transportation).
3. Potential impacts to fish and wildlife resources may be minimized or avoided by the recommendations generated from information submitted for your proposed project. These recommendations are preliminary in scope, designed to provide early considerations on all species of wildlife.
4. Making this information directly available does not substitute for the Department's review of project proposals, and should not decrease our opportunity to review and evaluate additional project information and/or new project proposals.
5. Further coordination with the Department requires the submittal of this Environmental Review Report with a cover letter and project plans or documentation that includes project narrative, acreage to be impacted, how construction or project activity(s) are to be accomplished, and project locality information (including site map). Once AGFD had received the information, please allow 30 days for completion of project reviews. Send requests to:
Project Evaluation Program, Habitat Branch
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086-5000
Phone Number: (623) 236-7600
Fax Number: (623) 236-7366
Or
PEP@azgfd.gov
6. Coordination may also be necessary under the National Environmental Policy Act (NEPA) and/or Endangered Species Act (ESA). Site specific recommendations may be proposed during further NEPA/ESA analysis or through coordination with affected agencies

Cielo Solar 2023 USA Topo Basemap With Locator Map



- Buffered Project Boundary
- Project Boundary

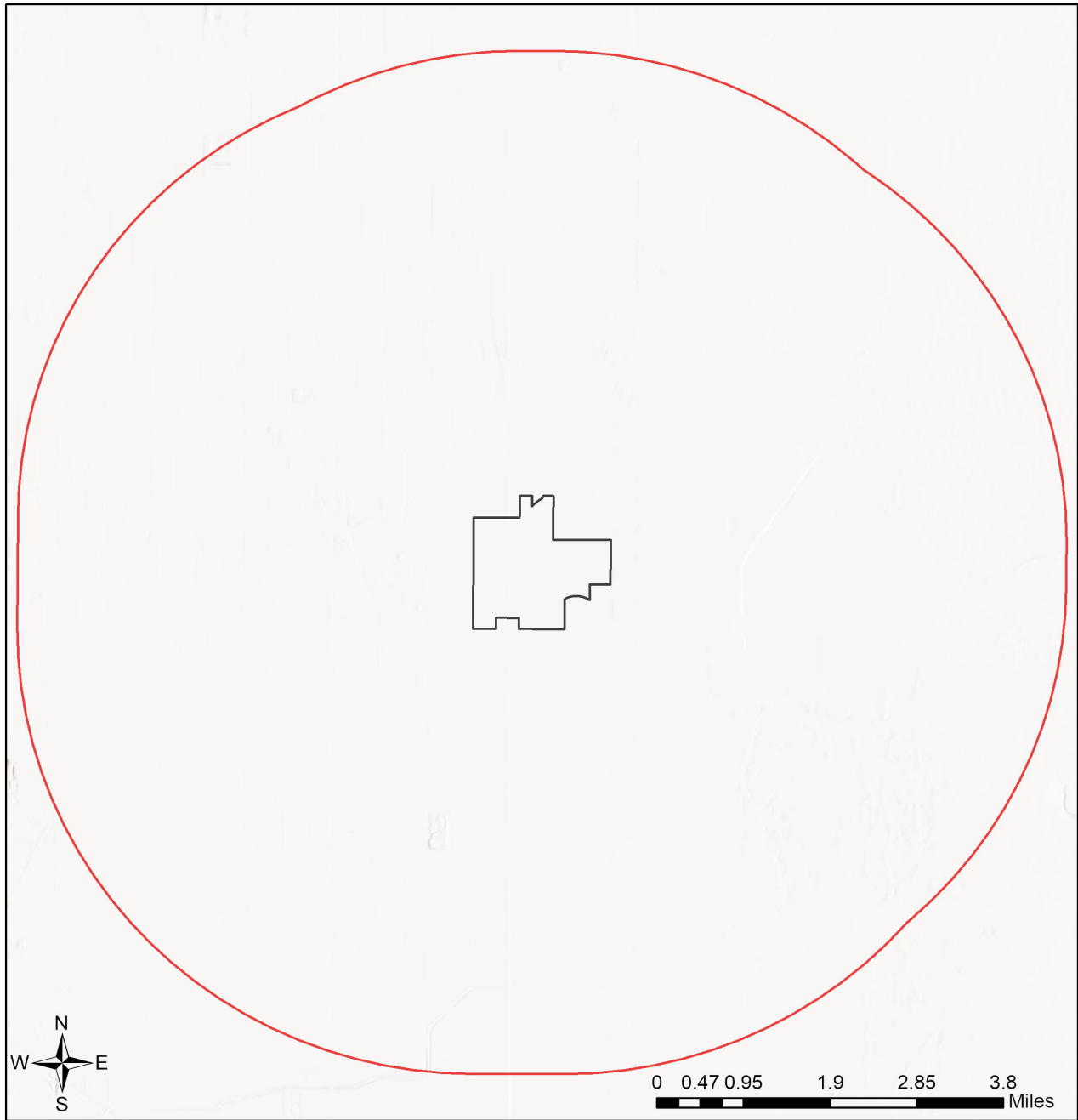
Project Size (acres): 1,000.92
 Lat/Long (DD): 32.8603 / -111.5300
 County(s): Pinal
 AGFD Region(s): Mesa
 Township/Range(s): T6S, R8E; T7S, R8E
 USGS Quad(s): ELOY NORTH



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community



Cielo Solar 2023

Web Map As Submitted By User



-  Buffered Project Boundary
-  Project Boundary

Project Size (acres): 1,000.92

Lat/Long (DD): 32.8603 / -111.5300

County(s): Pinal

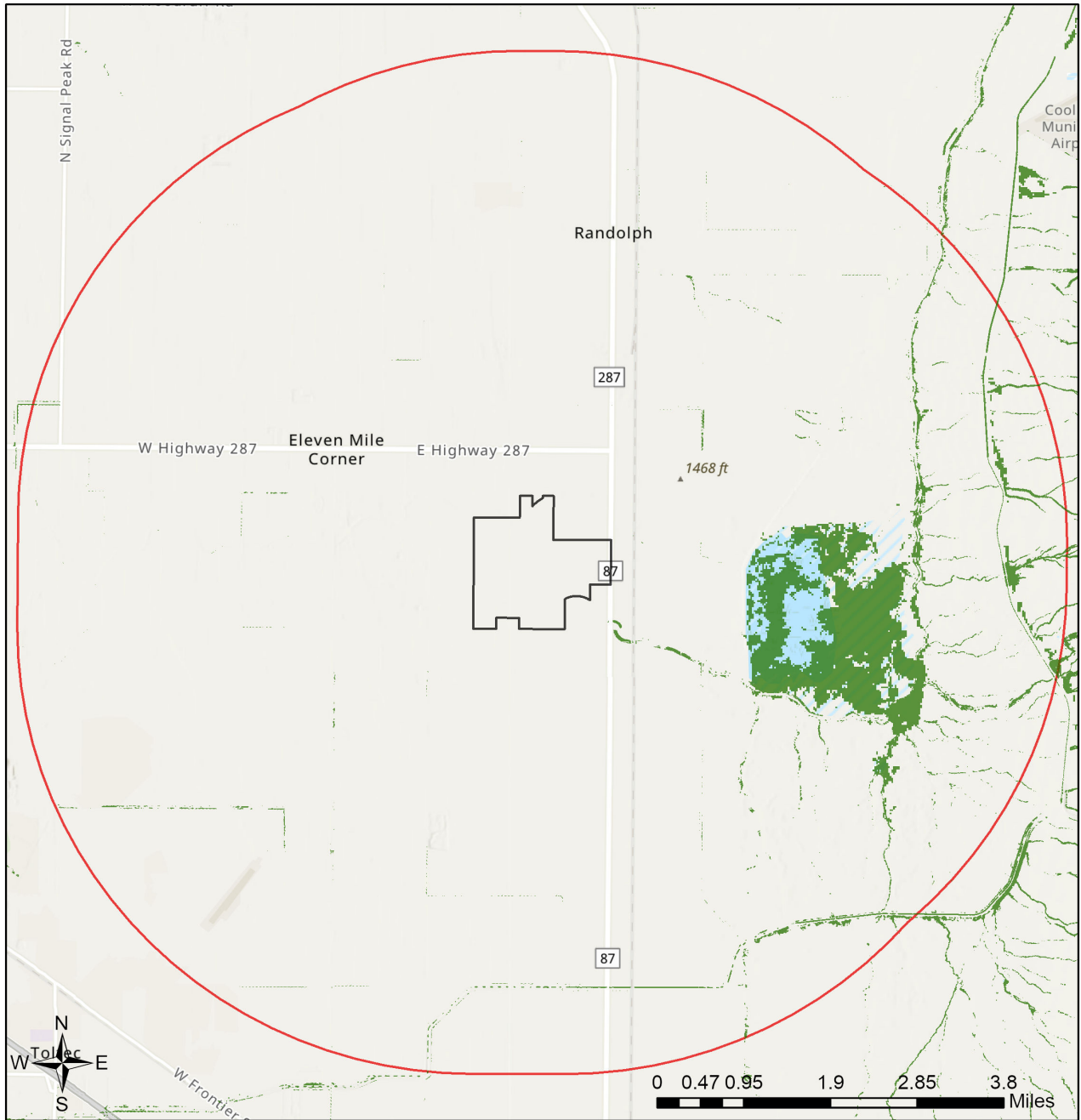
AGFD Region(s): Mesa

Township/Range(s): T6S, R8E; T7S, R8E

USGS Quad(s): ELOY NORTH

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

Cielo Solar 2023 Important Areas



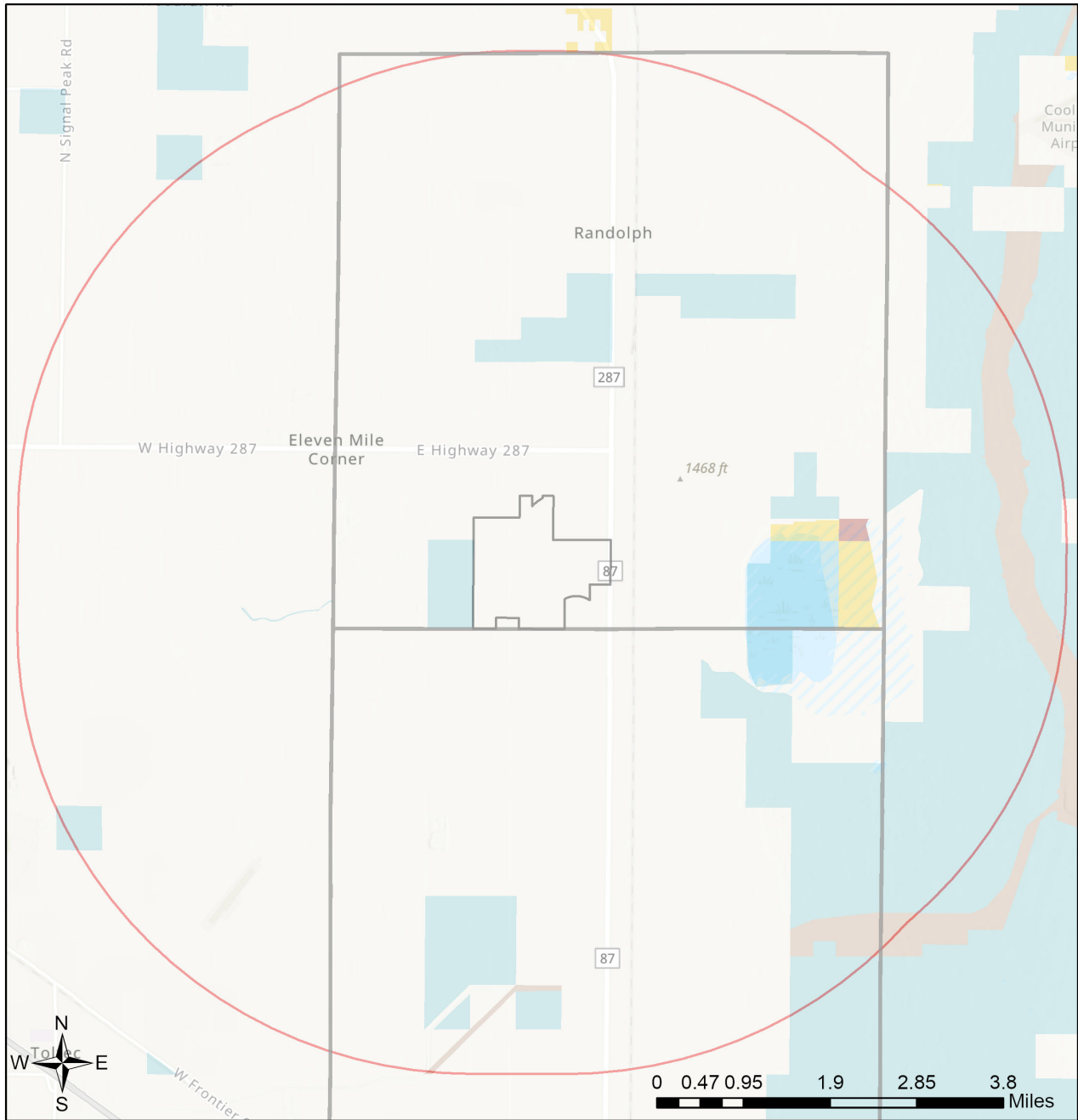
- Buffered Project Boundary
- Project Boundary
- Important Bird Areas
- Critical Habitat
- Pinal County Riparian
- Important Connectivity Zones
- Wildlife Connectivity

Project Size (acres): 1,000.92
 Lat/Long (DD): 32.8603 / -111.5300
 County(s): Pinal
 AGFD Region(s): Mesa
 Township/Range(s): T6S, R8E; T7S, R8E
 USGS Quad(s): ELOY NORTH

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community
 Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Cielo Solar 2023

Township/Ranges and Land Ownership



- | | |
|--|---|
| Buffered Project Boundary | National Park/Mon. |
| Project Boundary | Private |
| AZ Game & Fish Dept. | State & Regional Parks |
| BLM | State Trust |
| BOR | US Forest Service |
| Indian Res. | Wildlife Area/Refuge |
| Military | Township/Ranges |
| Mixed/Other | |

Project Size (acres): 1,000.92
 Lat/Long (DD): 32.8603 / -111.5300
 County(s): Pinal
 AGFD Region(s): Mesa
 Township/Range(s): T6S, R8E; T7S, R8E
 USGS Quad(s): ELOY NORTH

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community
 Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Special Status Species Documented within 5 Miles of Project Vicinity

| Scientific Name | Common Name | FWS | USFS | BLM | NPL | SGCN |
|-----------------------------|------------------------------------|-----|------|-----|-----|------|
| Athene cunicularia hypugaea | Western Burrowing Owl | SC | S | S | | 2 |
| Coccyzus americanus | Yellow-billed Cuckoo (Western DPS) | LT | S | S | | 1 |
| Empidonax traillii extimus | Southwestern Willow Flycatcher | LE | | | | 1 |
| Rallus obsoletus yumanensis | Yuma Ridgway's Rail | LE | | S | | 1 |

Note: Status code definitions can be found at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/statusdefinitions/>

Special Areas Documented that Intersect with Project Footprint as Drawn

| Scientific Name | Common Name | FWS | USFS | BLM | NPL | SGCN |
|-----------------|---------------|-----|------|-----|-----|------|
| Riparian Area | Riparian Area | | | | | |

Note: Status code definitions can be found at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/statusdefinitions/>

Species of Greatest Conservation Need Predicted that Intersect with Project Footprint as Drawn, based on Predicted Range Models

| Scientific Name | Common Name | FWS | USFS | BLM | NPL | SGCN |
|---------------------------------|------------------------------------|-----|------|-----|-----|------|
| Anthus spragueii | Sprague's Pipit | SC | | | | 2 |
| Aquila chrysaetos | Golden Eagle | | | S | | 2 |
| Artemisiospiza nevadensis | Sagebrush Sparrow | | | | | |
| Athene cunicularia hypugaea | Western Burrowing Owl | SC | S | S | | 2 |
| Auriparus flaviceps | Verdin | | | | | 2 |
| Buteo regalis | Ferruginous Hawk | SC | | S | | 2 |
| Buteo swainsoni | Swainson's Hawk | | | | | 2 |
| Calcarius ornatus | Chestnut-collared Longspur | | | | | 2 |
| Calypte costae | Costa's Hummingbird | | | | | 2 |
| Campylorhynchus brunneicapillus | Cactus Wren | | | | | 2 |
| Catharus ustulatus | Swainson's Thrush | | | | | 2 |
| Charadrius montanus | Mountain Plover | SC | | | | 2 |
| Chilomeniscus stramineus | Variable Sandsnake | | | | | 2 |
| Coccyzus americanus | Yellow-billed Cuckoo (Western DPS) | | | | | |
| Colaptes chrysoides | Gilded Flicker | | | S | | 2 |
| Columbina inca | Inca Dove | | | | | 2 |
| Cynanthus latirostris | Broad-billed Hummingbird | | S | | | 2 |
| Empidonax wrightii | Gray Flycatcher | | | | | 2 |
| Eumops perotis californicus | Greater Western Bonneted Bat | | | | | |
| Falco mexicanus | Prairie Falcon | | | | | 2 |
| Falco peregrinus anatum | American Peregrine Falcon | | | | | |
| Falco sparverius | American Kestrel | | | | | 2 |
| Gopherus morafkai | Sonoran Desert Tortoise | CCA | S | S | | 1 |

Species of Greatest Conservation Need Predicted that Intersect with Project Footprint as Drawn, based on Predicted Range Models

| Scientific Name | Common Name | FWS | USFS | BLM | NPL | SGCN |
|---------------------------|---------------------------|-----|------|-----|-----|------|
| Icterus bullockii | Bullock's Oriole | | | | | 2 |
| Incilius alvarius | Sonoran Desert Toad | | | | | 2 |
| Lanius ludovicianus | Loggerhead Shrike | SC | | | | 2 |
| Lasiurus blossevillii | Western Red Bat | | S | | | 2 |
| Lasiurus cinereus | Hoary Bat | | | | | 2 |
| Lasiurus xanthinus | Western Yellow Bat | | S | | | 2 |
| Lepus alleni | Antelope Jackrabbit | | | | | 2 |
| Lithobates yavapaiensis | Lowland Leopard Frog | SC | S | S | | 1 |
| Macrotus californicus | California Leaf-nosed Bat | SC | | S | | 2 |
| Megascops kennicottii | Western Screech-owl | | | | | |
| Melanerpes uropygialis | Gila Woodpecker | | | | | 2 |
| Melospiza lincolni | Lincoln's Sparrow | | | | | 2 |
| Micrathene whitneyi | Elf Owl | | | | | |
| Myotis velifer | Cave Myotis | SC | | S | | 2 |
| Myotis yumanensis | Yuma Myotis | SC | | | | 2 |
| Nyctinomops femorosaccus | Pocketed Free-tailed Bat | | | | | 2 |
| Parabuteo unicinctus | Harris's Hawk | | | | | 2 |
| Passerculus sandwichensis | Savannah Sparrow | | | | | 2 |
| Peucaea carpalis | Rufous-winged Sparrow | | | | | 2 |
| Poocetes gramineus | Vesper Sparrow | | | | | 2 |
| Spizella breweri | Brewer's Sparrow | | | | | 2 |
| Tadarida brasiliensis | Brazilian Free-tailed Bat | | | | | |
| Toxostoma bendirei | Bendire's Thrasher | | | | | 2 |
| Toxostoma lecontei | LeConte's Thrasher | | | S | | 2 |

Species of Economic and Recreation Importance Predicted that Intersect with Project Footprint as Drawn

| Scientific Name | Common Name | FWS | USFS | BLM | NPL | SGCN |
|---------------------|-------------------|-----|------|-----|-----|------|
| Callipepla gambelii | Gambel's Quail | | | | | |
| Pecari tajacu | Javelina | | | | | |
| Zenaida asiatica | White-winged Dove | | | | | |
| Zenaida macroura | Mourning Dove | | | | | |

Project Type: Energy Storage/Production/Transfer, Energy Production (generation), photovoltaic solar facility (new)

Project Type Recommendations:

During the planning stages of your project, please consider the local or regional needs of wildlife in regards to movement, connectivity, and access to habitat needs. Loss of this permeability prevents wildlife from accessing resources, finding mates, reduces gene flow, prevents wildlife from re-colonizing areas where local extirpations may have occurred, and ultimately prevents wildlife from contributing to ecosystem functions, such as pollination, seed dispersal, control of prey numbers, and resistance to invasive species. In many cases, streams and washes provide natural movement corridors for wildlife and should be maintained in their natural state. Uplands also support a large diversity of species, and should be contained within important wildlife movement corridors. In addition, maintaining biodiversity and ecosystem functions can be facilitated through improving designs of structures, fences, roadways, and culverts to promote passage for a variety of wildlife. Guidelines for many of these can be found at: <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>.

Consider impacts of outdoor lighting on wildlife and develop measures or alternatives that can be taken to increase human safety while minimizing potential impacts to wildlife. Conduct wildlife surveys to determine species within project area, and evaluate proposed activities based on species biology and natural history to determine if artificial lighting may disrupt behavior patterns or habitat use. Use only the minimum amount of light needed for safety. Narrow spectrum bulbs should be used as often as possible to lower the range of species affected by lighting. All lighting should be shielded, canted, or cut to ensure that light reaches only areas needing illumination.

Minimize the potential introduction or spread of exotic invasive species, including aquatic and terrestrial plants, animals, insects and pathogens. Precautions should be taken to wash and/or decontaminate all equipment utilized in the project activities before entering and leaving the site. See the Arizona Department of Agriculture website for a list of prohibited and restricted noxious weeds at <https://www.invasivespeciesinfo.gov/unitedstates/az.shtml> and the Arizona Native Plant Society <https://aznps.com/invas> for recommendations on how to control. To view a list of documented invasive species or to report invasive species in or near your project area visit iMapInvasives - a national cloud-based application for tracking and managing invasive species at <https://imap.natureserve.org/imap/services/page/map.html>.

- To build a list: zoom to your area of interest, use the identify/measure tool to draw a polygon around your area of interest, and select "See What's Here" for a list of reported species. To export the list, you must have an account and be logged in. You can then use the export tool to draw a boundary and export the records in a csv file.

Minimization and mitigation of impacts to wildlife and fish species due to changes in water quality, quantity, chemistry, temperature, and alteration to flow regimes (timing, magnitude, duration, and frequency of floods) should be evaluated. Minimize impacts to springs, in-stream flow, and consider irrigation improvements to decrease water use. If dredging is a project component, consider timing of the project in order to minimize impacts to spawning fish and other aquatic species (include spawning seasons), and to reduce spread of exotic invasive species. We recommend early direct coordination with Project Evaluation Program for projects that could impact water resources, wetlands, streams, springs, and/or riparian habitats.

The Department recommends that wildlife surveys are conducted to determine if noise-sensitive species occur within the project area. Avoidance or minimization measures could include conducting project activities outside of breeding seasons.

For any powerlines built, proper design and construction of the transmission line is necessary to prevent or minimize risk of electrocution of raptors, owls, vultures, and golden or bald eagles, which are protected under state and federal laws. Limit project activities during the breeding season for birds, generally March through late August, depending on species in the local area (raptors breed in early February through May). Conduct avian surveys to determine bird species that may be utilizing the area and develop a plan to avoid disturbance during the nesting season. For underground powerlines, trenches should be covered or back-filled as soon as possible. Incorporate escape ramps in ditches or fencing along the perimeter to deter small mammals and herpetofauna (snakes, lizards, tortoise) from entering ditches. In addition, indirect affects to wildlife due to construction (timing of activity, clearing of rights-of-way, associated bridges and culverts, affects to wetlands, fences) should also be considered and mitigated.

Based on the project type entered, coordination with State Historic Preservation Office may be required (<https://azstateparks.com/>).

Based on the project type entered, coordination with U.S. Fish and Wildlife Service (Migratory Bird Treaty Act) may be required (<https://www.fws.gov/office/arizona-ecological-services>).

Vegetation restoration projects (including treatments of invasive or exotic species) should have a completed site-evaluation plan (identifying environmental conditions necessary to re-establish native vegetation), a revegetation plan (species, density, method of establishment), a short and long-term monitoring plan, including adaptive management guidelines to address needs for replacement vegetation.

The Department requests further coordination to provide project/species specific recommendations, please contact Project Evaluation Program directly at PEP@azgfd.gov.

Project Location and/or Species Recommendations:

HDMS records indicate that one or more **Listed, Proposed, or Candidate** species or **Critical Habitat** (Designated or Proposed) have been documented in the vicinity of your project. The Endangered Species Act (ESA) gives the US Fish and Wildlife Service (USFWS) regulatory authority over all federally listed species. Please contact USFWS Ecological Services Offices at <https://www.fws.gov/office/arizona-ecological-services> or:

Phoenix Main Office

9828 North 31st Avenue #C3
Phoenix, AZ 85051-2517
Phone: 602-242-0210
Fax: 602-242-2513

Tucson Sub-Office

201 N. Bonita Suite 141
Tucson, AZ 85745
Phone: 520-670-6144
Fax: 520-670-6155

Flagstaff Sub-Office

SW Forest Science Complex
2500 S. Pine Knoll Dr.
Flagstaff, AZ 86001
Phone: 928-556-2157
Fax: 928-556-2121

This review has identified **riparian areas** within the vicinity of your project. During the planning stage of your project, avoid, minimize, or mitigate any potential impacts to riparian areas identified in this report. Riparian areas play an important role in maintaining the functional integrity of the landscape, primarily by acting as natural drainages that convey water through an area, thereby reducing flood events. In addition, riparian areas provide important movement corridors and habitat for fish and wildlife. Riparian areas are channels that contain water year-round or at least part of the year. Riparian areas also include those channels which are dry most of the year, but may contain or convey water following rain events. All types of riparian areas offer vital habitats, resources, and movement corridors for wildlife. The Pinal County Comprehensive Plan (i.e. policies 6.1.2.1 and 7.1.2.4), Open Space and Trails Master Plan, Drainage Ordinance, and Drainage Design Manual all identify riparian area considerations, guidance, and policies. Guidelines to avoid, minimize, or mitigate impacts to riparian habitat can be found at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>. Based on the project type entered, further consultation with the Arizona Game and Fish Department and Pinal County may be warranted.

HDMS records indicate that **Western Burrowing Owls** have been documented within the vicinity of your project area. Please review the western burrowing owl resource page at:
<https://www.azgfd.com/wildlife/speciesofgreatestconservneed/burrowingowlmanagement/>.



APPENDIX D

Public Participation Plan



Cielo Solar Project
Application for a Major
Comprehensive Plan Amendment
Public Participation Plan

MAY 2023

SUBMITTED TO
Pinal County Planning Division

PREPARED BY
SWCA Environmental Consultants

**CIELO SOLAR PROJECT
PUBLIC PARTICIPATION PLAN**

**PRE-APPLICATION PLANNING CASE NO. Z-PA-048-23
MCPA APPLICATION PLANNING CASE NO. PZ-PA-009-23**

Prepared for

Pinal County Planning Division
85 N. Florence Street
First Floor
P.O. Box 2973
Florence, Arizona 85132
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Prepared by

SWCA Environmental Consultants
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On Behalf of

Pattern Solar and Storage Development, LLC
1201 Louisiana St., Suite 3200
Houston, Texas 77002
Attn: Ian Evans

May 2023

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A. INTRODUCTION

This report provides the summary of the public involvement activities and materials to be completed by Pattern Solar and Storage Development, LLC (Pattern) to support their request for a Major Comprehensive Plan Amendment (MCPA) for the Cielo Solar Project on unincorporated land in Pinal County.

Pattern has already been engaged with the community as part of last year’s MCPA process. A copy of last year’s Public Participation Results Report is on file with the Community Development Planning and Zoning Department. Additionally, Pattern was the Main Stage and Youth Agricultural/Livestock Blue Ribbon sponsor at this year’s Pinal County Fair. Pattern representatives and staff were available during the fair to engage with residents and stakeholders about our projects.

B. REPORT PURPOSE

The purpose of the Public Participation Plan report is to document that Pattern intends to complete and fulfill the necessary public participation requirements for the Pinal County MCPA process, and to outline how it will be achieved. This includes providing information for each of the following topics, which are described in greater detail below:

- A description of the community involvement area.
- A list of stakeholders Pattern will contact to inform them about the application.
- A description of how Pattern will make information available to interested parties, prior to public hearings.
- A description of how Pattern will respond to stakeholders’ feedback and recommendations.
- The timeline for the public participation program.

C. PROJECT DESCRIPTION

Pattern has requested approval of a Major Comprehensive Plan Amendment (MCPA) to the 2019 Pinal County Comprehensive Plan to construct and operate the Cielo Solar Project (Project), a photovoltaic (PV) solar facility and battery energy storage system (BESS) comprising of eleven parcels (Figure 1). Table 1 below lists the Project parcels, including the Assessor’s Parcel Numbers (APNs), individual and total parcel acreage, and Public Land Survey System (PLSS) locations. The Project would redesignate approximately 1,086 acres from MLDR (Medium Low Density Residential) and Employment to Green Energy Production to allow for the Project’s intended use.

Table 1. Proposed Comprehensive Plan Amendment Parcels

| APN | PLSS Location |
|------------|----------------------|
| 40142009A | 28 06S 08E |
| 40142009B | 28 06S 08E |
| 40143009B | 29 06S 08E |
| 401460010 | 32 06S 08E |

| | |
|-----------|------------|
| 401460030 | 32 06S 08E |
| 401470010 | 33 06S 08E |
| 401470020 | 33 06S 08E |
| 401470030 | 33 06S 08E |
| 401470040 | 32 06S 08E |
| 401470050 | 33 06S 08E |
| 401470060 | 33 06S 08E |

An energy storage facility (BESS) will also be developed with the PV solar field as part of the Project. Additionally, the Project would require a project substation, switchyard, operation and maintenance building, and associated project infrastructure.

Paved and unpaved rural roads would provide access to the site and adjacent properties. These roads include South Carter Lane and North la Palma Road, both running north to south through the Project site; State Hwy 87, running north to south adjacent to the easternmost portion of the Project; East Selma Hwy, running east to west adjacent to the southernmost portion of the Project; East Arizona Western Blvd and East Earley Road, both running east to west through the central portion of the Project; and East Laughlin Road, running east to west through the northernmost portion of the Project. The intersection of State Route 287 and State Route 87 is approximately 1 mile northeast of the Project. The intersection of Interstate 10 (I-10) and State Route 87 is approximately 8.5 miles south of the Project.

The amendment is needed to facilitate development of the Project, in turn allowing the contribution of clean, safe, affordable, and reliable energy to the regional transmission grid. The Project is anticipated to start construction in 2024 and be operational by 2025.

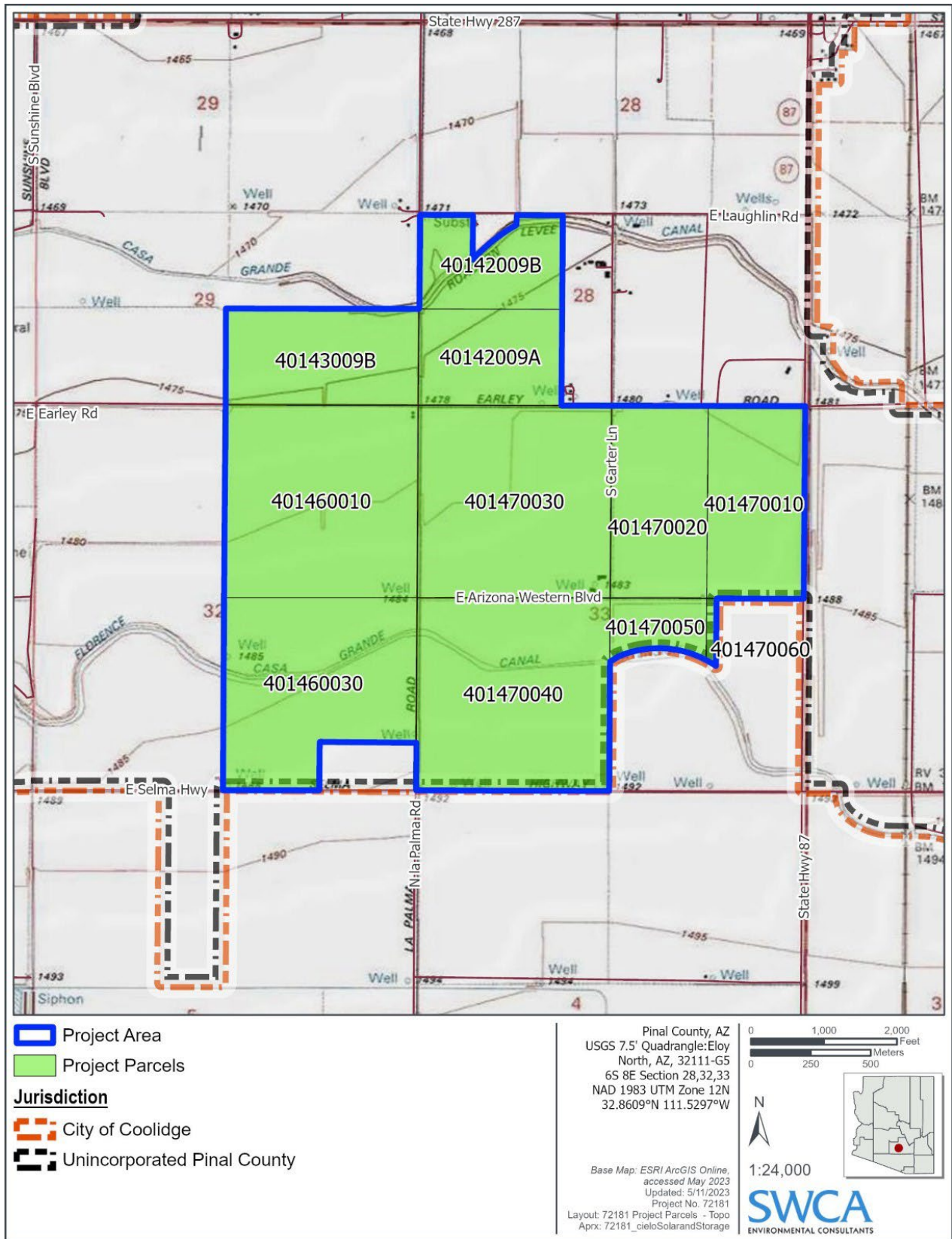


Figure 1. Project parcels.

D. DESCRIPTION OF COMMUNITY INVOLVEMENT AREA

The Project is located in unincorporated Pinal County, approximately 8 miles south of downtown Coolidge, AZ, approximately 3.5 miles south of central Randolph, Arizona, 3.6 miles north of Eloy, Arizona, and 4.8 miles southeast of Casa Grande, AZ. Existing land uses within 1 mile of the Project area include low density residential, agricultural, and utility, including two 500-kV transmission lines and one substation. Scattered single-family residences are located adjacent to the northeastern portion of the Project, including residences along East Laughlin Road and East Earley Road. No designated Open Space is located within the Project area.

Transportation and travel routes in the Project vicinity include State Route 87 running north to south, adjacent to the easternmost portion of the Project site, I-10 running east to west, approximately 8 miles south of the Project site, and several paved and unpaved local roads.

Existing utilities within the Project vicinity include a 500-kV, Tucson Electric Power Company-owned (TEP) transmission line, and the Pinal Central Substation (jointly owned by many utilities including Salt River Project-owned (SRP) and TEP). SunZia Transmission, LLC's transmission infrastructure, planned for construction completion in 2025, would also cross the northern portion of the Project Site. There are also numerous electrical distribution lines, communications cables, irrigation canals, laterals, and ditches on and in the vicinity of the site.

Land adjacent to the Project site is primarily privately owned and largely used for agricultural production; however, there is a portion of state owned ASLD land leased for agricultural use to the west of the Project. There are no areas designated as Open Space on the Project site. The Project would not impact known planned recreational uses.

The Project site is zoned as General Rural (GR), and the land uses entail a combination of active and fallow farmland.

E. PINAL COUNTY MCPA PROCESS

As part of the MCPA process, Pinal County requires the applicant to complete the following activities prior to a hearing with the Planning and Zoning Commission:

Table 2. Public Participation Activity Events and Timelines

| Public Participation Activity | Key Dates |
|---|--|
| Mail Notification letters to landowners within 1,200' of the Project | At least 15 days prior to the Neighborhood Meeting (Date TBD) |
| Install Broadcast Sign postings | At least 21 days prior to the Citizens' Advisory Committee meeting |
| Mail Notice of Hearing (NOH) to landowners within 600' of the Project | Done by County, at least 15 days prior to the Public Hearing of the Planning and Zoning Commission |
| Install Notice of Public Hearing small signs | At least 15 days prior to the Public Hearing of the Planning and Zoning Commission |

| | |
|--|---|
| Neighborhood Meeting | At least 15 days prior to the Public Hearing of the Planning and Zoning Commission, Date TBD |
| Newspaper posting of the NOH | Done by the County, 15 days prior to the Public Hearing of the Planning and Zoning Commission |
| Citizen Advisory Committee | September 7, 2023 |
| Public Hearing of the Planning and Zoning Commission | September 21, 2023 |
| Public Hearing of the Board of Supervisors | October 25, 2023 |

F. DESCRIPTION OF HOW PATTERN PLANS TO EXECUTE THE PINAL COUNTY MCPA PROCESS

Pattern’s proposed public participation activities will help to educate the public and interested parties about the proposed project and receive their input and opinions. The following mechanisms will allow for Pattern to provide opportunities for public education and input and meet Pinal County MCPA process requirements.

F.1 Stakeholders Identification

Pattern, supported by SWCA Environmental Consultants (SWCA), will develop a mailing list that will include stakeholders within 1,300 feet of the Project. Pattern plans to expand by an additional 100 feet beyond the 1,200 foot requirement to ensure any property owners on the edge of the 1,200-foot notice requirement are included. These mailing lists will be used to send out the Notification Letter to inform the stakeholders of the Neighborhood Meeting that will be held this summer 2023, date TBD (see Section F.3 and F.4 below). A detailed list of adjacent landowners within 1,300 feet of the Project will be provided as part of the Public Participation Plan Results report to be submitted to the county ahead of the Planning and Zoning Hearing.

F.2 Sign Posting

As required by the Pinal County MCPA process, Pattern will posted the recommended number of broadcast sign notifications around the project site, in accordance with the MCPA process guidelines for posting 21 calendar days prior to the Citizens’ Advisory Committee meeting. A list of sign locations along with the signed and notarized Affidavit of Posting of Broadcast Signs will be attached to the Public Participation Results report.

Additionally, as required by the Pinal County MCPA process, Pattern will install the Notification of Public Hearing small signs in accordance with the requirement for posting 15 days prior to the hearing.

F.3 Notice Mailing

Prior to mailing last year’s Notification Letter, on July 21, 2022 Pattern representatives canvassed residents located around the Project to introduce themselves, the company, and the Project. Pattern was able to answer many questions neighbors had about the project, provide a Project Fact Sheet, and leave the Project contact information for further communication. If no one was home, Pattern left a handwritten introduction note in mailboxes.

This outreach activity along with information and comments received from County Planning staff and other local residents, Pattern was able to incorporate changes to the Project and application this year to address their concerns.

Pattern intends to host a neighborhood meeting this summer 2023 and a copy of the Notification Letter Pattern intends to mail out will be included as an attachment to the Public Participation Results Report.

Pinal County Planning Department will mail the Notice of Public Hearing letter to the County’s list of surrounding landowners. Pinal County Planning Department will also have published newspaper advertisements in local newspapers.

F.4 Neighborhood Meetings

Pattern will hold a public, in-person Neighborhood Meeting on a date TBD during evening hours at a nearby the project that is accessible to the public. Last year, Pattern held a public, in-person Neighborhood Meeting on Wednesday, August 17th from 5:00 to 7:00 PM at the Eloy City Hall Community Room located at 595 C Steet, Eloy, AZ 85131. Eleven members of the public attended the Neighborhood Meeting. Pattern and SWCA conducted the in-person meeting in a “Question and Answer” format, with posterboards where stakeholders could learn more about the project displayed around the room. Pattern plans to follow a similar format for this year’s Neighborhood Meeting.

Pattern will provided meeting sign-in sheets, comment forms, posterboards, and light refreshments. A list of attendees from the Neighborhood Meeting will be attached to this Public Participation Results report.

G. PUBLIC PARTICIPATION PROGRAM SUMMARY

Table 4 provides a summary table for implementation of community outreach activities.

Table 4. Public Participation Activity Events

| Public Participation Activity | Primary Responsibility |
|--|-------------------------------|
| Mail Notification letters | Pattern |
| Install Broadcast Sign postings | Pattern |
| Mail Notice of Public Hearing letters | Pinal County |
| Install Notice of Public Hearing small signs | Pattern |
| Neighborhood Meeting | Pattern |
| Public Participation Results Report | Pattern |

H. NEXT STEPS

The overall goal of the stakeholder comment review and response process is to ensure that all substantive comments or questions are heard, responded to, tracked, and considered as part of the MCPA process.

Pattern is committed to listening and respecting the community through relationship building, open communication, and the reception of feedback. Stakeholder questions will be addressed during canvassing, phone calls, emails, and the Neighborhood Meeting. A list of additionally received comments

from the Neighborhood Meeting and their responses to date will be included in the Public Participation Results report. Pattern will consider stakeholder comments received within this context and will base responses to stakeholder comments on this premise. Pattern will respond to all comments that are substantive to the Project and its plans.

Additionally, Pattern will continue to be regularly available to answer questions from the public, as needed. Pattern representatives will keep records of the comments and/or questions provided, as well as Pattern's responses.

from the Neighborhood Meeting and their responses to date will be included in the Public Participation Results report. Pattern will consider stakeholder comments received within this context and will base responses to stakeholder comments on this premise. Pattern will respond to all comments that are substantive to the Project and its plans.

Additionally, Pattern will continue to be regularly available to answer questions from the public, as needed. Pattern representatives will keep records of the comments and/or questions provided, as well as Pattern's responses.



July 14, 2023

Ms. LaRee Mason
Pinal County Development Services
85 N. Florence Street
Florence, Arizona 85132

Electronically submitted to Laree.Mason@pinal.gov

RE: Cielo Solar Project

Dear Ms. Mason:

The Arizona Game and Fish Department (Department) appreciates the opportunity to review the proposed Cielo Solar Project (project). The Department understands that Pattern Solar and Storage Development LLC proposes to construct a photovoltaic (PV) solar facility with a battery energy storage system (BESS) and associated infrastructure on approximately 923 acres of unincorporated Pinal County lands north of Eloy, Arizona. The facility will be located just west of Picacho Reservoir in agricultural land. An estimated 2-mile 500kV generation intertie (gen-tie) transmission line would connect the facility to the Pinal Central Substation, along with on-site energy storage in the proposed BESS. The Department understands the project will involve the use of heavy equipment, large scale soil disturbance, the construction of fences, and vegetation removal.

Under Title 17 of the Arizona Revised Statutes, the Department, by and through the Arizona Game and Fish Commission, has jurisdictional authority and public trust responsibilities to conserve and protect the state fish and wildlife resources. In addition, the Department manages threatened and endangered species through authorities of Section 6 of the Endangered Species Act and the Department's Section 10(a)(1)(A) permit. It is the mission of the Department to conserve and protect Arizona's diverse fish and wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.

The Department recognizes the importance of planning efforts to develop renewable energy locations that contribute to regional and state economic growth needs and would like to work closely with Pattern Solar and Storage Development LLC and SWCA Environmental Consultants (SWCA) during the planning and development of this facility. The Department recognizes that appropriate coordination, proper planning, and voluntary implementation of best management practices allow projects to be developed that avoid, minimize, or offset potential impacts to wildlife and recreational access during development and operation of the facilities. For your consideration, the Department provides the following comments based on the agency's

azgfd.gov | 480.981.9400

MESA OFFICE: 7200 E. UNIVERSITY DRIVE, MESA AZ 85207

GOVERNOR: KATIE HOBBS **COMMISSIONERS:** CHAIRMAN TODD G. GEILER, PRESCOTT | CLAY HERNANDEZ, TUCSON | MARSHA PETRIE SUE, SCOTTSDALE
JEFF BUCHANAN, PATAGONIA | JAMES E. GOUGHNOUR, PAYSON **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

statutory authorities, public trust responsibilities, and special expertise related to wildlife resources and recreation.

Arizona has recently seen an increase in the number of proposed and in-development renewable energy generation projects and associated infrastructure. A number of solar energy projects have been built and multiple large solar facilities have been proposed within the vicinity of the project area. Although each of these projects individually may have a minimal impact on the broader landscape, these projects cumulatively could result in loss of habitat, impact wildlife movements, and affect wildlife-related recreation. Additionally, long-term effects to wildlife can extend several kilometers beyond the footprint of a solar project area ([Sawyer et al. 2022](#)¹). It is important for the County to consider all potential cumulative effects and to evaluate this project in association with other projects in the area. Department staff are available to assist in identifying potential cumulative impacts to wildlife and associated voluntary conservation measures that can be implemented for the project.

The Department recommends conducting surveys in the project area to determine wildlife species presence. These surveys should be of sufficient duration and intensity to adequately assess all habitat types and potential species occurrence in and adjacent to the project area. Department staff are available to assist Pattern Solar and Storage Development LLC and SWCA in determining appropriate surveys and identifying design features and best management practices that can help minimize potential impacts to wildlife. Based on the information provided, the Department offers the following recommendations to reduce potential impacts to wildlife and habitat; additional information can be found in [Guidelines for Solar Development in Arizona](#)². The Online Environmental Review Tool report (HGIS-19206) run for the project by SWCA provides further information about these resources and is attached as a reference.

- The western burrowing owl, a special status species that is regulated under the Migratory Bird Treaty Act (MBTA), has been documented within the project area. The Department recommends conducting occupancy surveys for this species in advance of the design phase to understand distribution of burrowing owls in the project site; avoidance of a large burrowing owl population may be advisable over removal or other conservation measures. Guidelines for conducting this survey are found in [Burrowing Owl Project Clearance Guidance for Landowners](#)³. Please note that the survey should be conducted by a surveyor who is certified by the Department or has similar training and qualifications. If an active burrowing owl burrow is detected, please contact the Department and the [U.S. Fish and Wildlife Service](#)⁴ (USFWS) for direction, in accordance with the guidelines.
- Yellow-billed cuckoo, Southwestern willow flycatcher, and Yuma Ridgway's rail, which are federally protected under the Endangered Species Act (ESA), have been documented at Picacho Reservoir, approximately 1.5 miles east of the project. Large-scale solar PV

¹ <https://esajournals.onlinelibrary.wiley.com/doi/10.1002/fee.2498>

² <https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/planningFor/wildlifeFriendlyGuidelines/FinalSolarGuidelines03122010.pdf>

³ https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/nongame/eagles/BurrowingOwlClearanceProtocol_2009.pdf

⁴ <https://www.fws.gov/office/arizona-ecological-services/contact-us>

facilities can result in a high rate of bird mortality due to habitat loss, collision with panels, attraction due to an optical illusion of water, and unknown causes ([Kosciuch et al. 2020](#)⁵). The Department encourages the use of non-reflective coatings on the solar panels to help reduce the appearance of the array as a body of water and reduce potential attraction of birds to the site. If uncertain about the effects of this project to these species or if it is anticipated the project will not be in compliance with the ESA, the Department recommends the applicant contact the USFWS for technical assistance and options to comply with the ESA.

- Conducting general avian surveys during the planning stage in order to better understand species presence and to inform potential conservation measures. Point counts are the preferred method for breeding bird surveys. These surveys are conducted twice a year during the peak breeding season, which is mid-January through late June in this area; [McLaren et al. \(2019\)](#)⁶ outline protocols. Additional surveys for Bendire's and LeConte's thrashers, two bird species of conservation concern, are recommended; a [draft protocol](#)⁷ from the Desert Thrashers Working Group is available online.
- Conducting surveys for nesting birds prior to vegetation removal and/or construction activities that occur during the breeding season. The vegetation within the project area may provide nesting opportunities for avian species that are regulated under the Migratory Bird Treaty Act (MBTA). If it is anticipated the project will not be in compliance with MBTA, the Department recommends the applicant contact the USFWS for technical assistance.
- Burrowing mammal species could occur within the project area and could be influenced by construction activities and by loss of habitat. Surveys for these species are recommended to determine their presence and to inform pre-construction activities. Department staff are available to assist in identifying suitable conservation measures, such as one-way exclosures on burrows that allow wildlife to exit the burrows and disperse to adjacent lands in advance of construction.
- In addition, a variety of other Arizona Species of Greatest Conservation Need (SGCN) have the potential to occur within the project area. If wildlife are encountered during project activities, the Department recommends moving them out of harm's way, no more than 0.25 mile outside the project boundary within similar habitat. Please note that the Arizona State Wildlife Action Plan was recently updated, and the Department has an interactive website, [Arizona Wildlife Conservation Strategy](#)⁸, that includes the most recent list of SGCN to help navigate and identify conservation opportunities.

Maintaining habitat connectivity is a priority for the Department, and wildlife movement corridors are important for wildlife to respond to changing environmental conditions. The landscape in which this project is proposed provides important movement pathways for wildlife. Additionally, riparian areas, which are important for wildlife, are adjacent to and in the northeast portion of the project area. The Department would like to meet with Pattern Solar and Storage

⁵ <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0232034>

⁶ <https://www.birdconservancy.org/wp-content/uploads/2021/03/2020-Field-Protocol-for-Spatially-Balanced-Sampling.pdf>

⁷ <https://drive.google.com/drive/folders/1d9L8Su0HPbBzo2oGSH4H2xqrwOqHpT1o?usp=sharing>

⁸ <https://awcs.azgfd.com>

Development LLC to discuss opportunities to incorporate wildlife connectivity and design features to retain the riparian values into the project design, including the following:

- It is the Department's understanding the developer intends to incorporate conservative setbacks from the proposed multi-use trail corridor along the Florence-Casa Grande Canal which bisects the southern portion of the project site. Department staff remain available to assist the County and the Developer in identifying wildlife needs in these areas such as vegetative cover and appropriate setbacks for wildlife movement across the project area. Once implementation is complete, the associated open space surrounding the canal systems will provide for wildlife connectivity through the project site to associated riparian habitats and to Picacho Reservoir. Additionally, the Department recommends incorporating unfenced areas along the canal entrances and exits to the project area to allow for wildlife movement through the project area.
- The Department recommends conducting minimal grading in the project area and, to the extent possible, retaining habitat features underneath the panels, including vegetation and soils. Keeping the existing soil and root structures intact would serve to minimize erosional run-off and help reduce biodiversity loss within the site ([Grodsky and Hernandez 2020⁹](#)).
- The Department's [Wildlife Compatible Fencing Guidelines¹⁰](#) provide information on how fencing impacts wildlife, ways to design fencing to prevent wildlife entanglement and impalement, and to ensure wildlife movement is not restricted. Department personnel are available as resources to help determine appropriate fencing design and layout that will achieve its objective while reducing impact on wildlife, such as leaving a 6–8-inch gap between the ground surface and bottom of the fence to allow for smaller wildlife species to move freely through the area and make use of any habitat within the project boundary.

The Department offers the following general recommendations to reduce potential impacts to wildlife and habitat during construction and operation of the facility:

- To minimize the potential introduction or spread of exotic invasive species, including aquatic and terrestrial plants, animals, insects, and pathogens, the Department encourages taking precautions to wash and/or decontaminate equipment before entering and leaving the site. See the [Arizona Department of Agriculture website¹¹](#) for a list of prohibited and restricted noxious weeds and the [Arizona Native Plant Society¹²](#) for recommendations on how to control them. To view a list of documented invasive species or to report invasive species in or near the project area, visit [iMapInvasives¹³](#), which is a national cloud-based application for tracking and managing invasive species.
- If trenching or digging of large holes necessary for anchoring project infrastructure will occur for the proposed project, the Department recommends trenching/digging and backfilling crews be close together to minimize the amount of open holes at any given time. Where trenches or holes cannot be back-filled immediately, the Department

⁹ <https://www.nature.com/articles/s41893-020-0574-x>

¹⁰ https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/planningFor/wildlifeFriendlyGuidelines/110125_AGFD_fencing_guidelines.pdf

¹¹ <https://agriculture.az.gov/pestspest-control/agriculture-pests/noxious-weeds>

¹² <https://aznps.com/invas>

¹³ <https://imap.natureserve.org/imap/services/page/map.html>

recommends escape ramps be constructed at least every 90 meters. Escape ramps can be short lateral trenches or wooden planks sloping to the surface. The Department recommends that slopes be less than 45 degrees (1:1) and trenches and holes that have been left open be inspected to remove animals prior to backfilling.

- The Department recommends following standards established by the Avian Power Line Interaction Committee (APLIC) for new powerlines, which can be found in [Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006](#)¹⁴ and [Reduced Avian Collisions with Power Lines: The State of the Art in 2012](#)¹⁵. Birds of prey, such as raptors, owls, vultures, and eagles, are vulnerable to powerline strikes and electrocution during construction and operation of transmission lines; power poles can also serve as perches for birds of prey. Tuk Jacobson, the Department's Raptor Coordinator, can provide further information on specific design features and best management practices; he can be contacted at raptors@azgfd.gov or 623-236-7575.
- The Department recommends revegetating disturbed areas with native drought-tolerant species that represent the natural surrounding landscape. Landscaping with native plants can help support wildlife and pollinator species in the area while reducing dust and erosion. In addition, the applicable land management agencies should be consulted regarding guidelines for revegetation efforts.
- Artificial lighting could impair the ability of nocturnal animals to navigate (e.g., owls, migratory birds, bats, and other nocturnal mammals) and may affect wildlife behavior and populations ([Davies et. al. 2013](#)¹⁶). If any portion of the project is anticipated to be completed during nighttime hours, the Department recommends using only the minimum amount of light needed for safety. If feasible, narrow spectrum lighting is wildlife-friendly and should be used as often as possible to minimize the number of species affected by lighting. It is also beneficial that all lighting is shielded, canted, or cut to minimize the amount of upward shining light.

Finally, The Department prioritizes conserving existing access and modes of access for wildlife management activities, hunting, trapping, shooting, wildlife watching, off-highway vehicle use, dispersed camping, and other responsible forms of outdoor recreational use on public lands. The Department recommends that potential impacts to recreation and Department access for wildlife management and jurisdictional activities be evaluated during project planning and implementation. Department staff remain available to assist in identifying these needs.

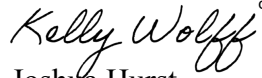
¹⁴ [https://www.aplic.org/uploads/files/2643/SuggestedPractices2006\(LR-2\).pdf](https://www.aplic.org/uploads/files/2643/SuggestedPractices2006(LR-2).pdf)

¹⁵ https://www.aplic.org/uploads/files/15518/Reducing_Avian_Collisions_2012watermarkLR.pdf

¹⁶ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3657119>

Thank you for the opportunity to provide input on the Cielo Solar Project. For further coordination, please contact Bobby Lamoureux at rlamoureux@azgfd.gov or 480-262-9427.

Sincerely,



on behalf of Joshua Hurst

Joshua Hurst

Regional Supervisor, Region 6

Attachment 1 - ERT Report (HGIS-19206) Cielo Solar 2023

cc: Ginger Ritter – Project Evaluation Program Supervisor
Tiffany Sprague – Project Evaluation Program Specialist
Kelly Wolff – Habitat, Evaluation, and Lands Program Manager, Region 6

AZGFD #M23-06153254



Cielo Solar Project Application for a Major Comprehensive Plan Amendment Public Participation Plan

MAY 2023

SUBMITTED TO

Pinal County Planning Division

PREPARED BY

SWCA Environmental Consultants

**CIELO SOLAR PROJECT
PUBLIC PARTICIPATION PLAN**

PRE-APPLICATION PLANNING CASE NO. Z-PA-048-23

Prepared for

Pinal County Planning Division

85 N. Florence Street
First Floor
P.O. Box 2973
Florence, Arizona 85132
(520) 866-6442

Prepared by

SWCA Environmental Consultants

20 E. Thomas Rd. #1700
Phoenix, Arizona 85012
(602) 274-3831
www.swca.com

On Behalf of

Pattern Solar and Storage Development, LLC

1201 Louisiana St., Suite 3200
Houston, Texas 77002
Attn: Ian Evans

May 2023

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A. INTRODUCTION

This report provides the summary of the public involvement activities and materials to be completed by Pattern Solar and Storage Development, LLC (Pattern) to support their request for a Major Comprehensive Plan Amendment (MCPA) for the Cielo Solar Project on unincorporated land in Pinal County.

Pattern has already been engaged with the community as part of last year’s MCPA process. A copy of last year’s Public Participation Results Report is on file with the Community Development Planning and Zoning Department. Additionally, Pattern was the Main Stage and Youth Agricultural/Livestock Blue Ribbon sponsor at this year’s Pinal County Fair. Pattern representatives and staff were available during the fair to engage with residents and stakeholders about our projects.

B. REPORT PURPOSE

The purpose of the Public Participation Plan report is to document that Pattern intends to complete and fulfill the necessary public participation requirements for the Pinal County MCPA process, and to outline how it will be achieved. This includes providing information for each of the following topics, which are described in greater detail below:

- A description of the community involvement area.
- A list of stakeholders Pattern will contact to inform them about the application.
- A description of how Pattern will make information available to interested parties, prior to public hearings.
- A description of how Pattern will respond to stakeholders’ feedback and recommendations.
- The timeline for the public participation program.

C. PROJECT DESCRIPTION

Pattern has requested approval of a Major Comprehensive Plan Amendment (MCPA) to the 2019 Pinal County Comprehensive Plan to construct and operate the Cielo Solar Project (Project), a photovoltaic (PV) solar facility and battery energy storage system (BESS) comprising of eleven parcels (Figure 1). Table 1 below lists the Project parcels, including the Assessor’s Parcel Numbers (APNs), individual and total parcel acreage, and Public Land Survey System (PLSS) locations. The Project would redesignate approximately 1,086 acres from MLDR (Medium Low Density Residential) and Employment to Green Energy Production to allow for the Project’s intended use.

Table 1. Proposed Comprehensive Plan Amendment Parcels

| APN | PLSS Location |
|------------|----------------------|
| 40142009A | 28 06S 08E |
| 40142009B | 28 06S 08E |
| 40143009B | 29 06S 08E |
| 401460010 | 32 06S 08E |

| | |
|-----------|------------|
| 401460030 | 32 06S 08E |
| 401470010 | 33 06S 08E |
| 401470020 | 33 06S 08E |
| 401470030 | 33 06S 08E |
| 401470040 | 32 06S 08E |
| 401470050 | 33 06S 08E |
| 401470060 | 33 06S 08E |

An energy storage facility (BESS) will also be developed with the PV solar field as part of the Project. Additionally, the Project would require a project substation, switchyard, operation and maintenance building, and associated project infrastructure.

Paved and unpaved rural roads would provide access to the site and adjacent properties. These roads include South Carter Lane and North la Palma Road, both running north to south through the Project site; State Hwy 87, running north to south adjacent to the easternmost portion of the Project; East Selma Hwy, running east to west adjacent to the southernmost portion of the Project; East Arizona Western Blvd and East Earley Road, both running east to west through the central portion of the Project; and East Laughlin Road, running east to west through the northernmost portion of the Project. The intersection of State Route 287 and State Route 87 is approximately 1 mile northeast of the Project. The intersection of Interstate 10 (I-10) and State Route 87 is approximately 8.5 miles south of the Project.

The amendment is needed to facilitate development of the Project, in turn allowing the contribution of clean, safe, affordable, and reliable energy to the regional transmission grid. The Project is anticipated to start construction in 2024 and be operational by 2025.

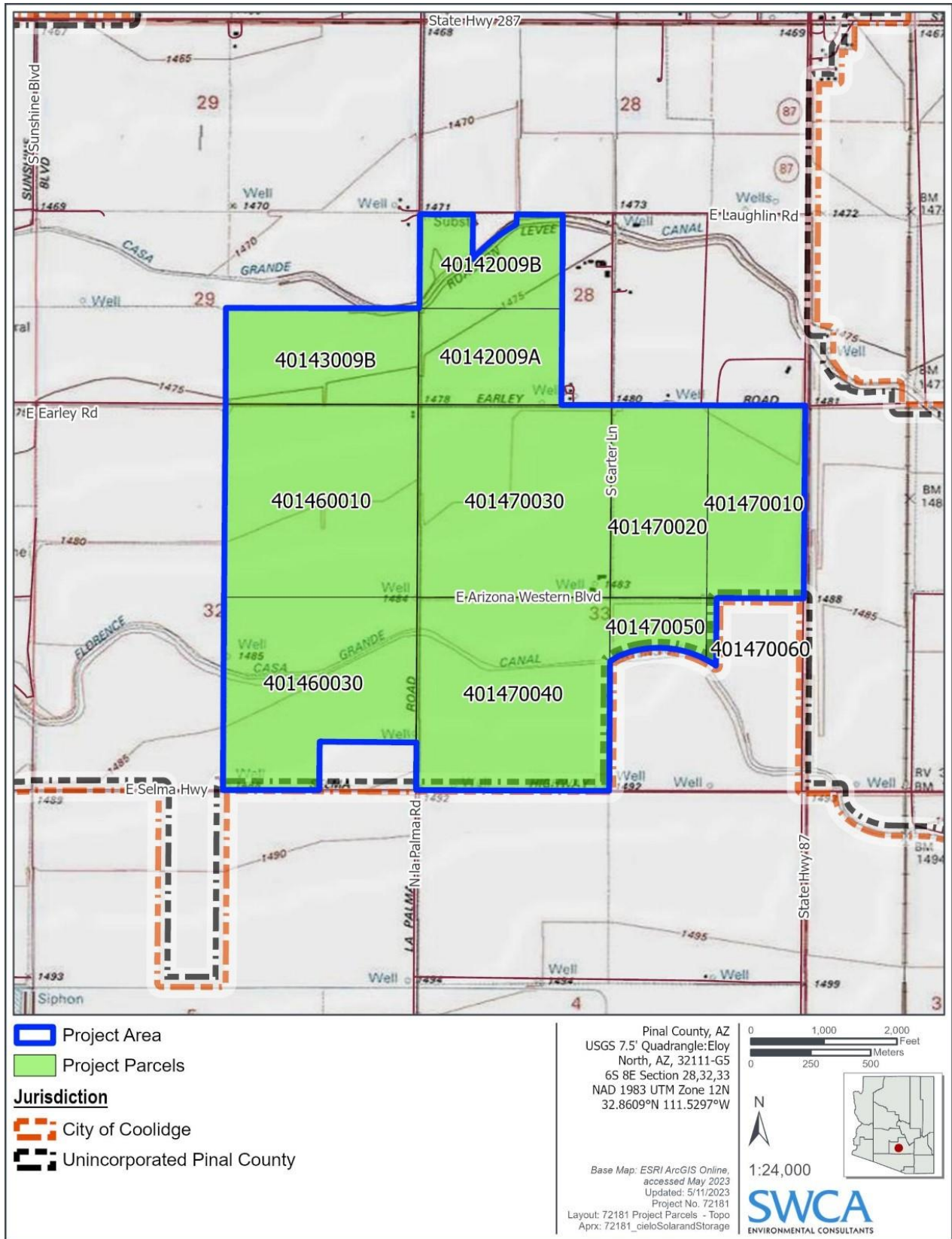


Figure 1. Project parcels.

D. DESCRIPTION OF COMMUNITY INVOLVEMENT AREA

The Project is located in unincorporated Pinal County, approximately 8 miles south of downtown Coolidge, AZ, approximately 3.5 miles south of central Randolph, Arizona, 3.6 miles north of Eloy, Arizona, and 4.8 miles southeast of Casa Grande, AZ. Existing land uses within 1 mile of the Project area include low density residential, agricultural, and utility, including two 500-kV transmission lines and one substation. Scattered single-family residences are located adjacent to the northeastern portion of the Project, including residences along East Laughlin Road and East Earley Road. No designated Open Space is located within the Project area.

Transportation and travel routes in the Project vicinity include State Route 87 running north to south, adjacent to the easternmost portion of the Project site, I-10 running east to west, approximately 8 miles south of the Project site, and several paved and unpaved local roads.

Existing utilities within the Project vicinity include a 500-kV, Tucson Electric Power Company-owned (TEP) transmission line, and the Pinal Central Substation (jointly owned by many utilities including Salt River Project-owned (SRP) and TEP). SunZia Transmission, LLC’s transmission infrastructure, planned for construction completion in 2025, would also cross the northern portion of the Project Site. There are also numerous electrical distribution lines, communications cables, irrigation canals, laterals, and ditches on and in the vicinity of the site.

Land adjacent to the Project site is primarily privately owned and largely used for agricultural production; however, there is a portion of state owned ASLD land leased for agricultural use to the west of the Project. There are no areas designated as Open Space on the Project site. The Project would not impact known planned recreational uses.

The Project site is zoned as General Rural (GR), and the land uses entail a combination of active and fallow farmland.

E. PINAL COUNTY MCPA PROCESS

As part of the MCPA process, Pinal County requires the applicant to complete the following activities prior to a hearing with the Planning and Zoning Commission:

Table 2. Public Participation Activity Events and Timelines

| Public Participation Activity | Key Dates |
|---|--|
| Mail Notification letters to landowners within 1,200’ of the Project | At least 15 days prior to the Neighborhood Meeting (Date TBD) |
| Install Broadcast Sign postings | At least 21 days prior to the Citizens’ Advisory Committee meeting |
| Mail Notice of Hearing (NOH) to landowners within 600’ of the Project | Done by County, at least 15 days prior to the Public Hearing of the Planning and Zoning Commission |
| Install Notice of Public Hearing small signs | At least 15 days prior to the Public Hearing of the Planning and Zoning Commission |

| | |
|--|---|
| Neighborhood Meeting | At least 15 days prior to the Public Hearing of the Planning and Zoning Commission, Date TBD |
| Newspaper posting of the NOH | Done by the County, 15 days prior to the Public Hearing of the Planning and Zoning Commission |
| Citizen Advisory Committee | September 7, 2023 |
| Public Hearing of the Planning and Zoning Commission | September 21, 2023 |
| Public Hearing of the Board of Supervisors | October 25, 2023 |

F. DESCRIPTION OF HOW PATTERN PLANS TO EXECUTE THE PINAL COUNTY MCPA PROCESS

Pattern’s proposed public participation activities will help to educate the public and interested parties about the proposed project and receive their input and opinions. The following mechanisms will allow for Pattern to provide opportunities for public education and input and meet Pinal County MCPA process requirements.

F.1 Stakeholders Identification

Pattern, supported by SWCA Environmental Consultants (SWCA), will develop a mailing list that will include stakeholders within 1,300 feet of the Project. Pattern plans to expand by an additional 100 feet beyond the 1,200 foot requirement to ensure any property owners on the edge of the 1,200-foot notice requirement are included. These mailing lists will be used to send out the Notification Letter to inform the stakeholders of the Neighborhood Meeting that will be held this summer 2023, date TBD (see Section F.3 and F.4 below). A detailed list of adjacent landowners within 1,300 feet of the Project will be provided as part of the Public Participation Plan Results report to be submitted to the county ahead of the Planning and Zoning Hearing.

F.2 Sign Posting

As required by the Pinal County MCPA process, Pattern will posted the recommended number of broadcast sign notifications around the project site, in accordance with the MCPA process guidelines for posting 21 calendar days prior to the Citizens’ Advisory Committee meeting. A list of sign locations along with the signed and notarized Affidavit of Posting of Broadcast Signs will be attached to the Public Participation Results report.

Additionally, as required by the Pinal County MCPA process, Pattern will install the Notification of Public Hearing small signs in accordance with the requirement for posting 15 days prior to the hearing.

F.3 Notice Mailing

Prior to mailing last year’s Notification Letter, on July 21, 2022 Pattern representatives canvassed residents located around the Project to introduce themselves, the company, and the Project. Pattern was able to answer many questions neighbors had about the project, provide a Project Fact Sheet, and leave the Project contact information for further communication. If no one was home, Pattern left a handwritten introduction note in mailboxes.

This outreach activity along with information and comments received from County Planning staff and other local residents, Pattern was able to incorporate changes to the Project and application this year to address their concerns.

Pattern intends to host a neighborhood meeting this summer 2023 and a copy of the Notification Letter Pattern intends to mail out will be included as an attachment to the Public Participation Results Report.

Pinal County Planning Department will mail the Notice of Public Hearing letter to the County’s list of surrounding landowners. Pinal County Planning Department will also have published newspaper advertisements in local newspapers.

F.4 Neighborhood Meetings

Pattern will hold a public, in-person Neighborhood Meeting on a date TBD during evening hours at a nearby the project that is accessible to the public. Last year, Pattern held a public, in-person Neighborhood Meeting on Wednesday, August 17th from 5:00 to 7:00 PM at the Eloy City Hall Community Room located at 595 C Steet, Eloy, AZ 85131. Eleven members of the public attended the Neighborhood Meeting. Pattern and SWCA conducted the in-person meeting in a “Question and Answer” format, with posterboards where stakeholders could learn more about the project displayed around the room. Pattern plans to follow a similar format for this year’s Neighborhood Meeting.

Pattern will provided meeting sign-in sheets, comment forms, posterboards, and light refreshments. A list of attendees from the Neighborhood Meeting will be attached to this Public Participation Results report.

G. PUBLIC PARTICIPATION PROGRAM SUMMARY

Table 4 provides a summary table for implementation of community outreach activities.

Table 4. Public Participation Activity Events

| Public Participation Activity | Primary Responsibility |
|--|-------------------------------|
| Mail Notification letters | Pattern |
| Install Broadcast Sign postings | Pattern |
| Mail Notice of Public Hearing letters | Pinal County |
| Install Notice of Public Hearing small signs | Pattern |
| Neighborhood Meeting | Pattern |
| Public Participation Results Report | Pattern |

H. NEXT STEPS

The overall goal of the stakeholder comment review and response process is to ensure that all substantive comments or questions are heard, responded to, tracked, and considered as part of the MCPA process.

Pattern is committed to listening and respecting the community through relationship building, open communication, and the reception of feedback. Stakeholder questions will be addressed during canvassing, phone calls, emails, and the Neighborhood Meeting. A list of additionally received comments

from the Neighborhood Meeting and their responses to date will be included in the Public Participation Results report. Pattern will consider stakeholder comments received within this context and will base responses to stakeholder comments on this premise. Pattern will respond to all comments that are substantive to the Project and its plans.

Additionally, Pattern will continue to be regularly available to answer questions from the public, as needed. Pattern representatives will keep records of the comments and/or questions provided, as well as Pattern's responses.

NOTICE OF PUBLIC HEARING BY THE PINAL COUNTY PLANNING AND ZONING COMMISSION AT 9:00 A.M. ON THE **19th** DAY OF **OCTOBER, 2023**, IN THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER THE FOLLOWING REQUEST FOR A MAJOR AMENDMENT TO THE PINAL COUNTY COMPREHENSIVE PLAN:

PZ-PA-009-23–PUBLIC HEARING/ACTION: HA Cielo LLC, landowner/applicant, Pattern Solar & Storage Development LLC/Amy Smolen, agent, requesting approval of a **Major Comprehensive Plan Amendment** to the 2019 Pinal County Comprehensive Plan to re-designate 1086 ± acres from MLDR (Moderate Low Density Residential) and Employment to Green Energy Production for a photovoltaic **Solar Power Plant**, situated in Sections 28, 29, 32, & 33, T06S, R08E, Gila & Salt River Baseline & Meridian, tax parcels 401-42-009A, 401-42-009B, 401-43-009B, 401-46-0010, 401-46-0030, 401-47-0010, 401-47-0020, 401-47-0030, 401-47-0040, 401-47-0050, and 401-47-0060 (legals on file), located south of east Laughlin Rd, north of Selma Highway, west of S Highway 87, and on both sides of south La Palma Rd in the unincorporated Pinal County area near Coolidge, AZ.

ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE PUBLIC HEARING AT THE DATE, TIME AND PLACE DESIGNATED ABOVE.

DOCUMENTS PERTAINING TO THIS CASE CAN BE FOUND ON THE NOTICE OF HEARING PAGE FOR THE P&Z COMMISSION AT:

<https://www.pinal.gov/236/Notice-of-Hearings>

AT LEAST 24 HOURS PRIOR TO THE PUBLIC HEARING, DOCUMENTS PERTAINING TO THESE REQUESTS ARE AVAILABLE FOR PUBLIC INSPECTION AT THE PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, PINAL COUNTY COMPLEX, 85 N. FLORENCE STREET, FLORENCE, ARIZONA, MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00AM AND 4:30 PM.

DATED this **9th** day of **August, 2023**, Pinal County Community Development Dept.

TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT MUST CONTAIN THE FOLLOWING INFORMATION:

- 1) Planning Case Number (see above)
- 2) Your name, address, telephone number and tax parcel number (Print or type)
- 3) A brief statement of reasons for supporting or opposing the request
- 4) Whether or not your wish to appear and be heard at the hearing

WRITTEN STATEMENTS MUST BE FILED WITH:
PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
PO BOX 749 (85 N. FLORENCE STREET)
FLORENCE, AZ 85132

NO LATER THAN 4:00 PM ON October 9th, 2023.

Contact for this matter: Patrick Roberts, Senior Planner
E-mail Address: Patrick.Roberts@Pinal.gov
Phone #: (520) 866-6409 & (520) 866-6442

[Anything below this line is not for publication.]

PUBLISHED ONCE:
Florence Reminder & Blade Tribune (and San Tan Sentinel)
Tri-Valley Dispatch
Casa Grande Dispatch
Eloy Enterprise

Superior Sun
San Manuel Miner
Copper Basin
Arizona Republic

PZ-PA-009-23

MEETING DATE: OCTOBER 19, 2023

TO: PINAL COUNTY PLANNING AND ZONING COMMISSION

CASE NO.: **PZ-PA-009-23 (CIELO SOLAR)**

CASE COORDINATOR: PATRICK ROBERTS, SENIOR PLANNER

Executive Summary:

This is a major amendment to the Pinal County Comprehensive Plan to re-designate 1,086± acres from Employment and MLDR (Moderate Low Density Residential) to Green Energy Production for a photovoltaic Solar Power Plant.

If This Request is Approved:

If this major amendment to the Pinal County Comprehensive Plan is approved, the action will allow the applicant to begin the process of rezoning the property to develop a photovoltaic solar energy production facility on 1,086± acres.

Staff Recommendation/Issues for Consideration/Concern:

Staff offers a recommendation of denial.

LEGAL DESCRIPTION: Situated in Sections 28, 29, 32, & 33, T06S, R08E, Gila & Salt River Baseline & Meridian, tax parcels 401-42-009A, 401-42-009B, 401-46-0010, 401-46-0030, 401-47-0010, 401-47-0020, 401-47-0030, 401-47-0040, 401-47-0050, and 401-47-0060 (legals on file)

LANDOWNER/APPLICANT: HA Cielo LLC, landowner/applicant, Pattern Solar & Storage Development LLC/Amy Smolen, agent.

REQUESTED ACTION & PURPOSE PZ-PA-009-23–PUBLIC HEARING/ACTION: HA Cielo LLC, landowner/applicant, Pattern Solar & Storage Development LLC/Amy Smolen, agent, requesting approval of a **Major Comprehensive Plan Amendment** to the 2019 Pinal County Comprehensive Plan to re-designate 1086 ± acres from MLDR (Moderate Low Density Residential) and Employment to Green Energy Production for a photovoltaic **Solar Power Plant**, situated in Sections 28, 29, 32, & 33, T06S, R08E, Gila & Salt River Baseline & Meridian, tax parcels 401-42-009A, 401-42-009B, 401-46-0010, 401-46-0030, 401-47-0010, 401-47-0020, 401-47-0030, 401-47-0040, 401-47-0050, and 401-47-0060 (legals on file), located at south of east Laughlin Rd, north of Selma Highway, west of S Highway 87, and on both sides of south La Palma Rd in the unincorporated Pinal County area near Coolidge, AZ.

LOCATION: South of east Laughlin Rd, north of Selma Highway, west of S Highway 87, and on both sides of south La Palma Rd in the unincorporated Pinal County area near Coolidge, AZ.

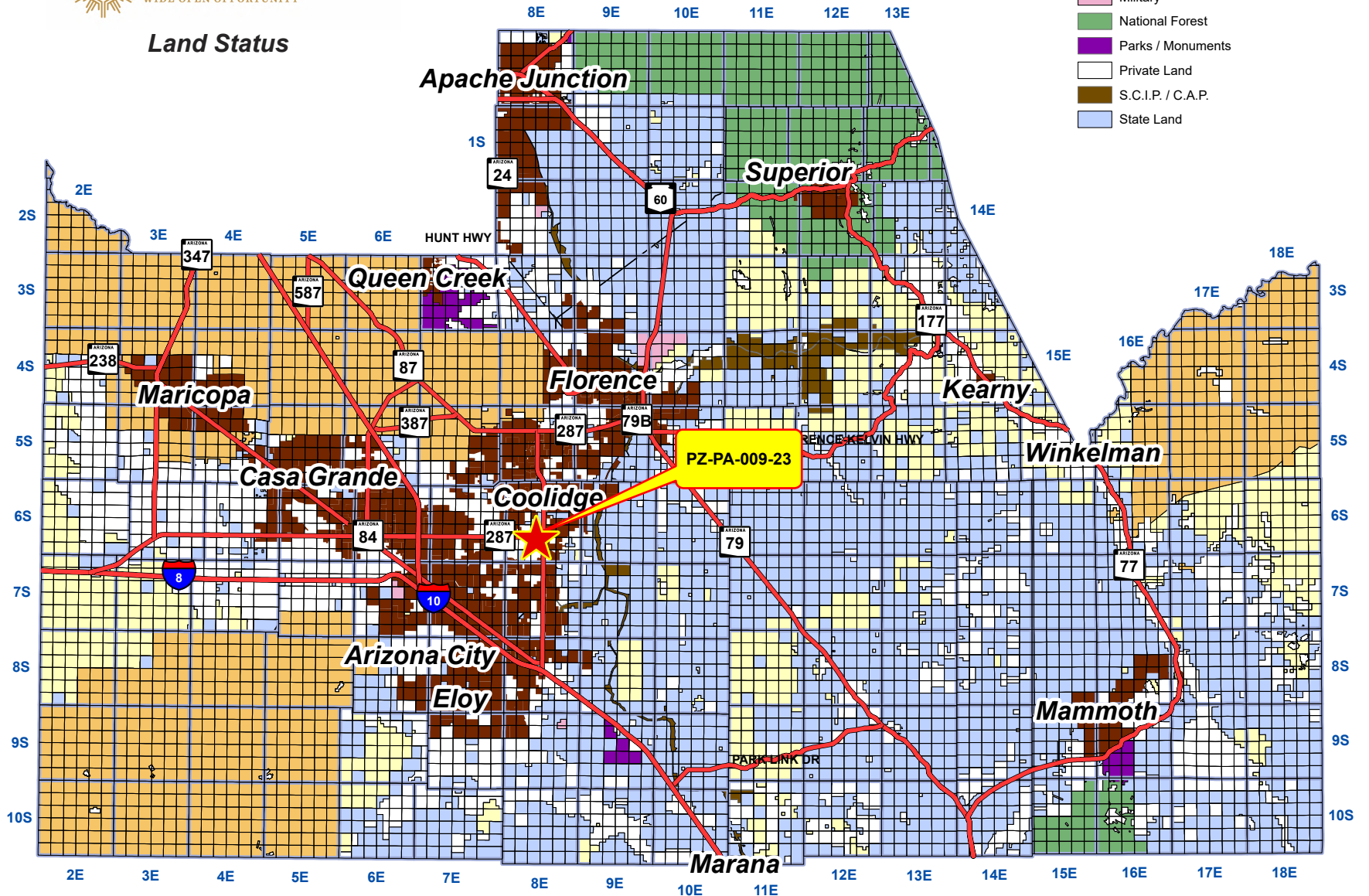


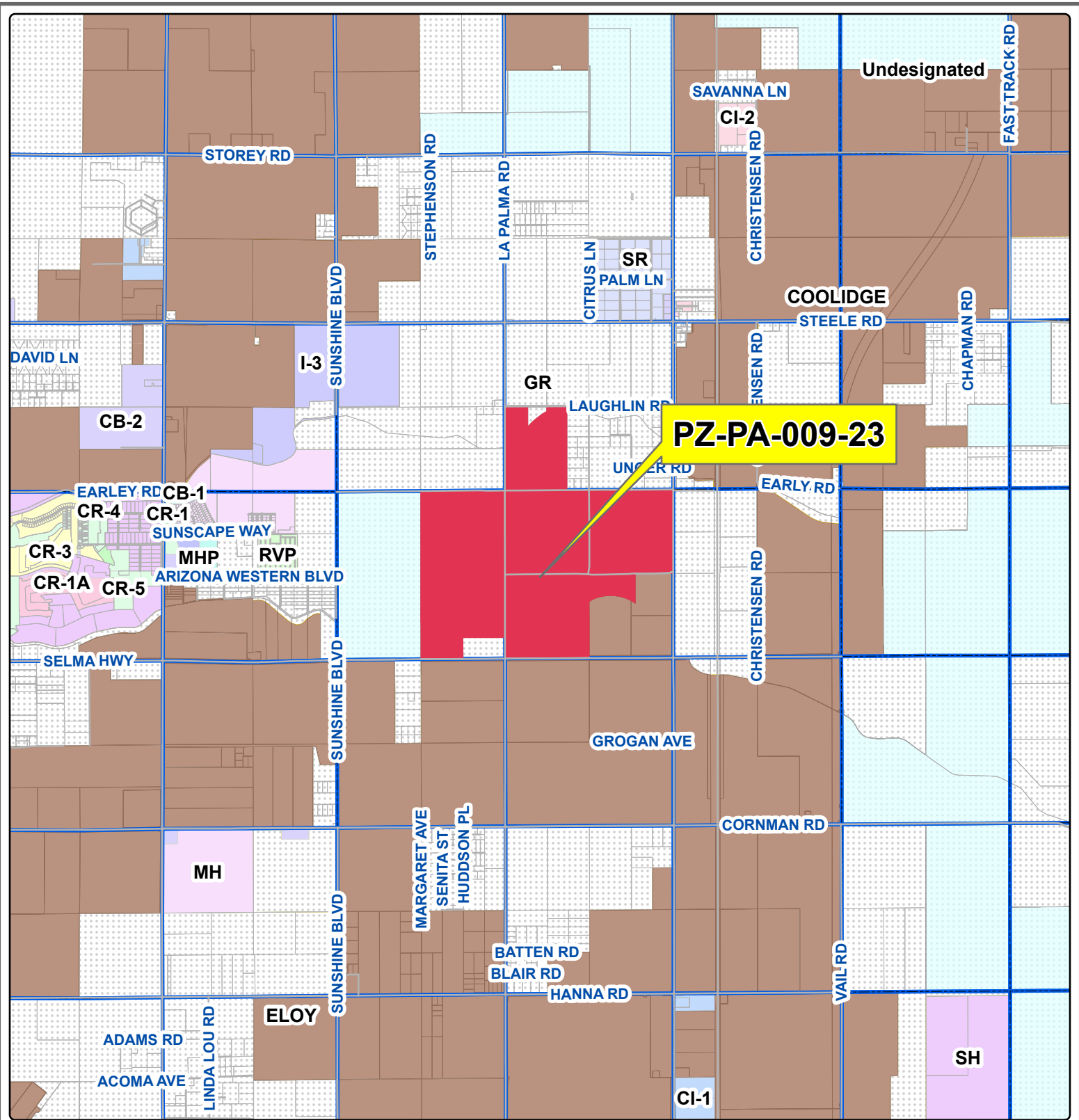
PINAL COUNTY
WIDE OPEN OPPORTUNITY

Land Status

Legend

- B.L.M.
- Indian Community
- Military
- National Forest
- Parks / Monuments
- Private Land
- S.C.I.P. / C.A.P.
- State Land





Community Development



PINAL COUNTY
WIDE OPEN OPPORTUNITY

Legal Description:

Situated in Sections 28, 29, 32, & 33, T06S, R08E, Gila & Salt River Baseline & Meridian, tax parcels 401-42-009A, 401-42-009B, 401-46-0010, 401-46-0030, 401-47-0010, 401-47-0020, 401-47-0030, 401-47-0040, 401-47-0050, and 401-47-0060 (legals on file), located at south of east Laughlin Rd, north of Selma Highway, west of S Highway 87, and on both sides of south La Palma Rd in the unincorporated Pinal County area near Coolidge, AZ.

SEC 28-33, TWN 06S, RNG 08E

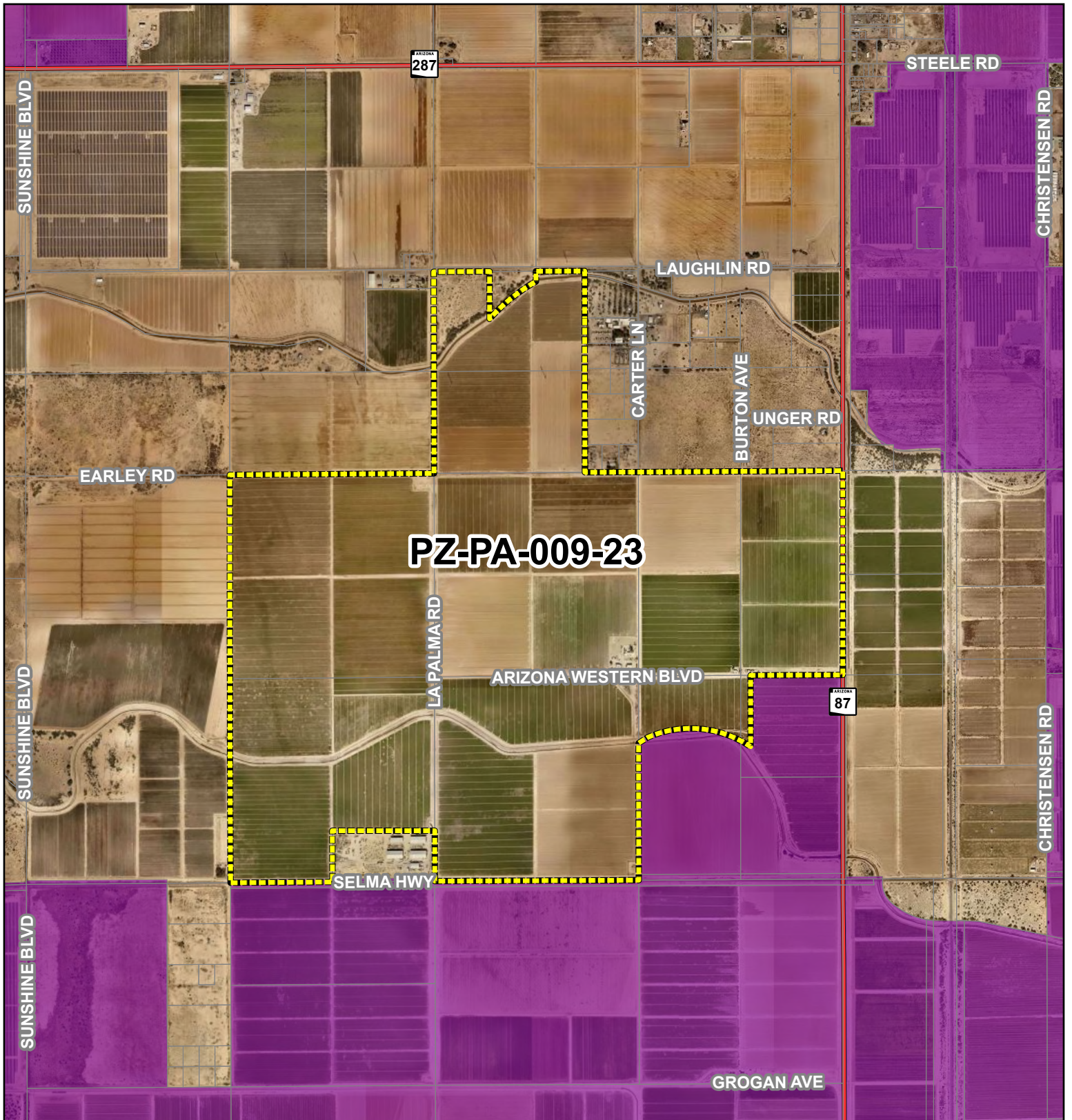


Owner/Applicant: HA CIELO LLC \ PATTERN SOLAR & STORAGE DEV LLC/AMY SMOLEN

Drawn By: GIS / IT / LJT Date: 06/23/2023

Sheet No. Section 28-33 Township 06S Range 08E

1 of 1 Case Number: PZ-PA-009-23

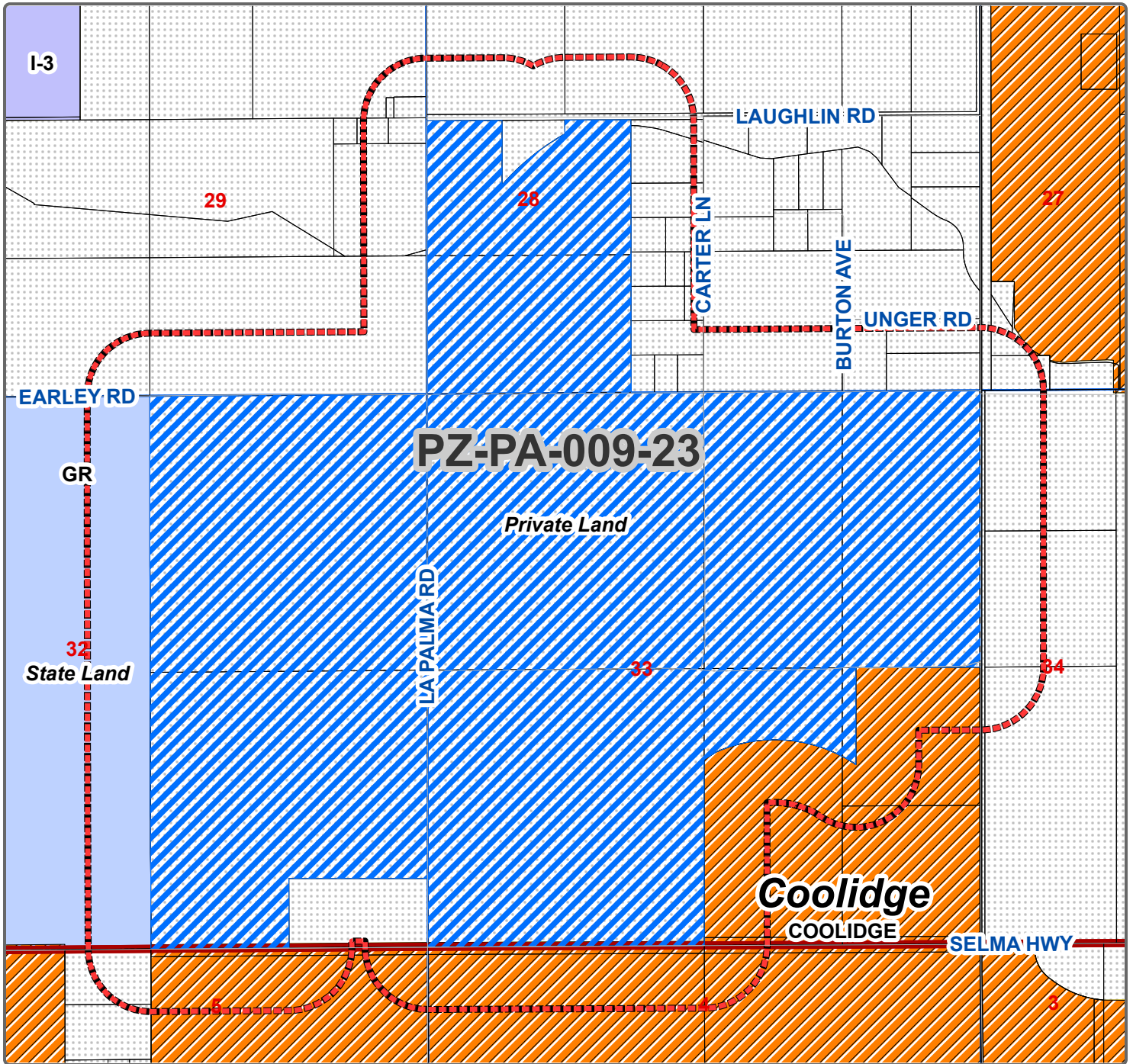


Community Development



PINAL COUNTY
WIDE OPEN OPPORTUNITY

PZ-PA-009-23



Community Development

PZ-PA-009-23—PUBLIC HEARING/ACTION: HA Cielo LLC, landowner/applicant, Pattern Solar & Storage Development LLC/Amy Smolen, agent, requesting approval of a Major Comprehensive Plan Amendment to the 2019 Pinal County Comprehensive Plan to re-designate 1086 ± acres from MLDR (Moderate Low Density Residential) and Employment to Green Energy Production for a photovoltaic Solar Power Plant, situated in Sections 28, 29, 32, & 33, T06S, R08E, Gila & Salt River Baseline & Meridian, tax parcels 401-42-009A, 401-42-009B, 401-46-0010, 401-46-0030, 401-47-0010, 401-47-0020, 401-47-0030, 401-47-0040, 401-47-0050, and 401-47-0060 (legals on file), located at south of east Laughlin Rd, north of Selma Highway, west of S Highway 87, and on both sides of south La Palma Rd in the unincorporated Pinal County area near Coolidge, AZ.

Current Zoning: GR

Requested Zoning: Rezone

Current Land Use: MLDR, Employment



Legal Description:

Situated in Sections 28, 29, 32, & 33, T06S, R08E, Gila & Salt River Baseline & Meridian, tax parcels 401-42-009A, 401-42-009B, 401-46-0010, 401-46-0030, 401-47-0010, 401-47-0020, 401-47-0030, 401-47-0040, 401-47-0050, and 401-47-0060 (legals on file), located at south of east Laughlin Rd, north of Selma Highway, west of S Highway 87, and on both sides of south La Palma Rd in the unincorporated Pinal County area near Coolidge, AZ.

SEC 28-33, TWN 06S, RNG 08E



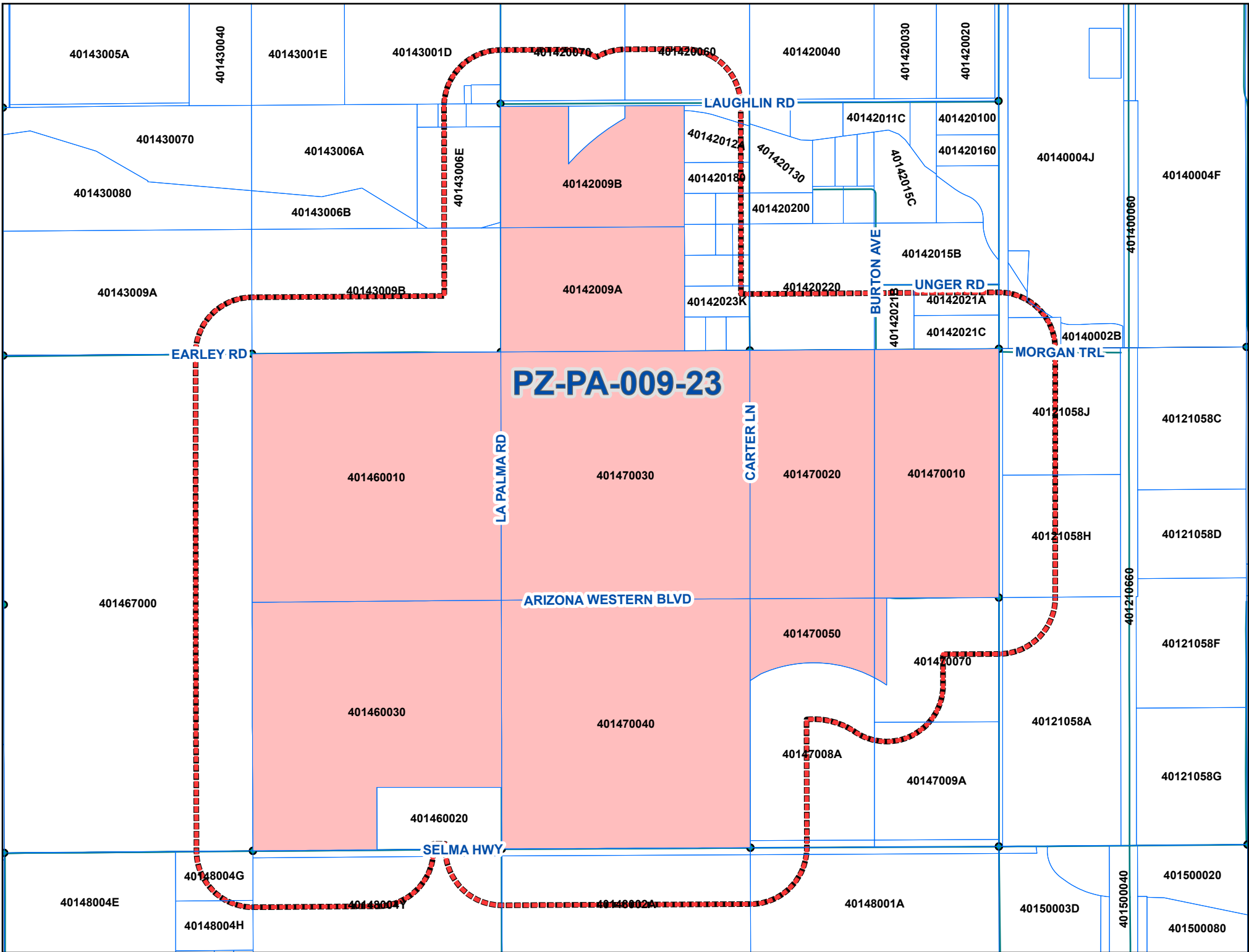
Owner/Applicant: HA CIELO LLC, PATTERN SOLAR & STORAGE DEV LLC/AMY SMOLEN

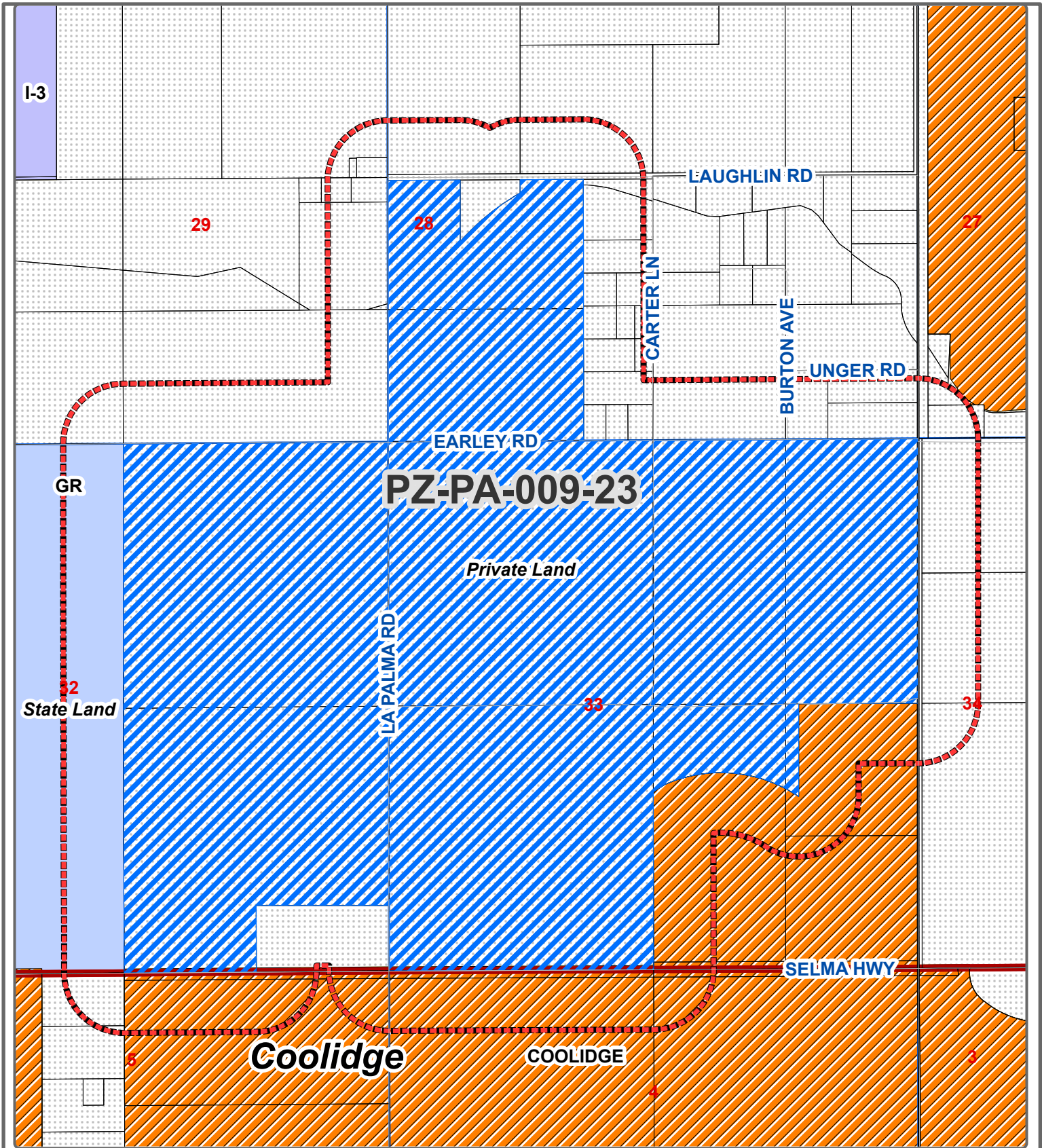
Drawn By: GIS / IT /LJT Date: 06/23/2023

Sheet No. 1 of 1

Section 28-33 Township 06S Range 08E

Case Number: PZ-PA-009-23





Community Development

| | | |
|---|-----------------|--------------|
| DanielHA Cielo LLC / Pattern Solar & Storage Dev LLC/Amy Smolen | | |
| GIS/IT - LJT | | 06/23/2023 |
| Section 28-33 | Township 06S | Range 08E |
| PZ-PA-009-23 | | |

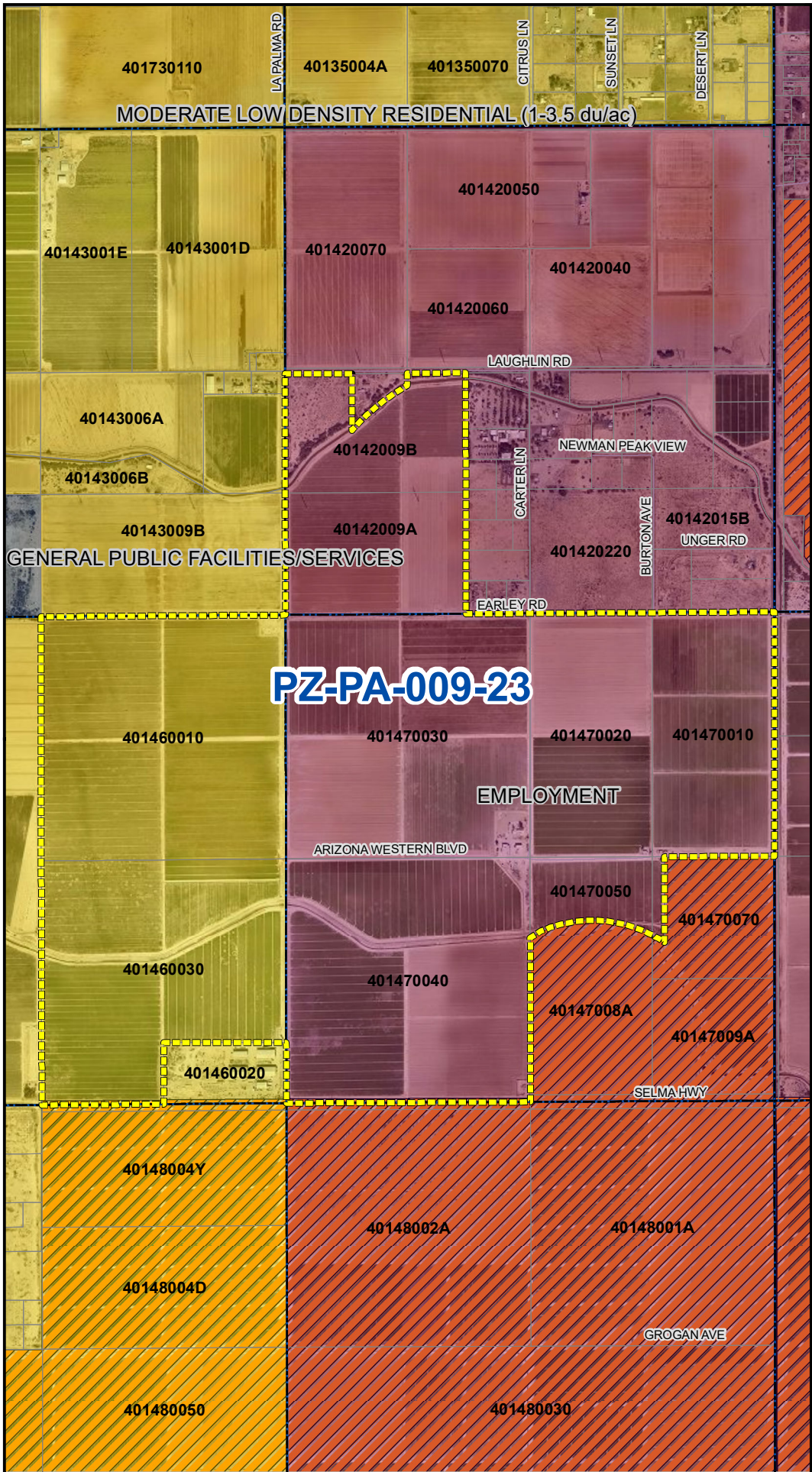
Legal Description:
 Situated in Sections 28, 29, 32, & 33, T06S, R08E, Gila & Salt River Baseline & Meridian, tax parcels 401-42-009A, 401-42-009B, 401-46-0010, 401-46-0030, 401-47-0010, 401-47-0020, 401-47-0030, 401-47-0040, 401-47-0050, and 401-47-0060 (legals on file), located at south of east Laughlin

SEC 28-33, TWN 06S, RNG 08E


 Sheet No.
 1 of 1


PINAL COUNTY
 WIDE OPEN OPPORTUNITY

Current Zoning: GR
 Request Zoning: Rezone
 Current Land Use: MLDR, Employment



PZ-PA-009-23

FROM:

MODERATELY
LOW DENSITY
RESIDENTIAL
&
EMPLOYMENT

TO:

GREEN ENERGY
PRODUCTION

PZ-PA-009-23



STAFF FINDINGS-

PUBLIC PARTICIPATION:

| | |
|--------------------------------|-----------------------|
| P&Z Work Session: | 7/20/2023 |
| Web posting and 60 day review: | 6/9/2023 to 8/11/2023 |
| Citizen Advisory Committee: | 9/7/2023 |
| BOS Work Session: | 9/14/2023 |

PUBLIC HEARING REQUIREMENTS:

| | |
|------------------------------|-----------|
| Broadcast Sign Installation: | 9/20/2023 |
| Notice Sign Installation: | 9/26/2023 |
| Mail-outs: | 9/20/2023 |
| Web Posting: | 9/26/2023 |
| Newspaper Publication: | 9/27/2023 |
| Neighborhood Meeting: | 8/22/2023 |

PUBLIC COMMENTS:

Comments from Pinal County Open Space & Trails division, Arizona Game & Fish City of Coolidge and the general public have been received.

Pinal County Open Space & Trails recommendations:

Regional Trail Recommendations:

- The development shall adhere to the current open space standards of the planned regional trail in all regional trail areas of the site. Refer to OSRAM standards for rural trail development. (Trail corridor width of 24')

Casa Grande Canal:

- A 25 ft. buffer around canal space to retain wildlife movement corridors.
- Direct coordination with Arizona Game & Fish before, during and after site installation.

Arizona Game & Fish Recommendations:

- Cleaning of all equipment before entering or leaving the site to prevent the spread of exotic invasive species and reporting invasive species.
- Revegetating disturbed areas with native drought-tolerant species and consulting with land management agencies.
- Nighttime project work shall have minimal lighting that limits upward light emission.

City of Coolidge Comment:

- A letter was received from Gilbert Lopez, Development Services Director for the City of Coolidge, describing concern that their General Plan does not support utility scale solar in this location and that this project proposal exceeds a 16% solar overlay zone initiated within their municipality.

- A letter was received from Jon Thompson, Mayor of Coolidge, describing concern that the expansion of solar facility is within the Coolidge Planning Area and conflicts with the 16% Solar Overlay Zone. Mayor Thompson also describes public opposition to a similar project proposed by NextEra Energy by Coolidge residents and agrees with County Staff's recommendation for denial.

Public Comment:

- A letter from a citizen was received stating concerns about the lack of data on impact to life, lead and cadmium leaks and heat radiation.

PLAN AMENDMENT DISCUSSION:**Request:**

The applicant is requesting a major amendment of the Pinal County Comprehensive Plan to amend the Land Use Plan **from Employment and MLDR (Moderate Low Density Residential) to Green Energy Production** on approximately 1,086± acres. The property is currently zoned General Rural (GR), is currently farmland, and this proposal would change 380 acres of MLDR and 706 acres of employment to Green Energy Production in the comprehensive plan.

Proposal:

The applicant is proposing to construct and operate a photovoltaic (PV) solar generation facility with an energy output of approximately 150 megawatts of solar generation and battery storage. The proposal intends to build a new 500 megawatts voltage gen-tie transmission line and connect it to infrastructure. The proposal has a projected operation date of December 2025 and a decommission date of at least 25 years in the future. The decommission plan will include reusing equipment on other projects, filling depressions from equipment, and reseeding land.

Site Data:

The site is located south of east Laughlin Rd, north of Selma Highway, west of S Highway 87, and on both sides of south La Palma Rd with access to all these of roadways. There are two canals that run east-west within the project area and are owned by the San Carlos Irrigation District. Casa Grande Canal extends north of the project and south of the project is the Florence Casa Grande Canal Extension. There is a proposed Multi-Use Trail Corridor along the Florence Casa Grande Canal Extension north of E Selma Hwy. This trail corridor is a planned regional corridor that connects the eastern and western portions of the county.

Location and Accessibility:

State Route 87 runs north-south and borders a portion of the Project site to the east. State Route 287 runs east-west one mile north to the project boundary. I-10 runs east-west approximately 8 miles southwest of the Project Site. Selma Highway is a planned Parkway that abuts the south edge of the project boundary. As required by Pinal County, the solar farm will be accessed by paved, all-weather drives that connect to overall county road network. The plan also protects the future corridor for Bella Vista Road by preserving the right-of-way and setting back from this corridor. While the project will create low traffic volume once constructed, the applicant will work with the County and Arizona Department of Transportation to implement whatever improvements may be needed to any roadway a result of the Project. The proposal is not adjacent to a platted subdivision, not in a special plan area of the comprehensive plan, or an open space and provides a buffer for existing adjacent residential uses and the City of Coolidge.

Environmental Studies:

The applicant has provided a detailed analysis of existing environmental constraints, which preliminarily show that the site is relatively free of sensitive cultural and habitat resources. Arizona Game and Fish Department online tool was used and the report showed no federally listed important wildlife area or critical habitats on the site or within five miles. No designated critical habitats are within or near the project area. The proposed project does not anticipate any impacts to endangered species. The Pinal County Comprehensive Plan does indicate a notable proximity to Biologically Sensitive Areas within five miles of the project site (Picacho Reservoir). The project also encounters the Casa Grande Canal with direct connection to Picacho Reservoir. The Pinal County Comprehensive Plan identifies canals as wildlife movement corridors on page 254.

Staff notes one property owner who has an entitled project within proximity to this project has reached out to the applicant to discuss concerns and possible mitigation strategies.

Staff Analysis and Recommendation:

This proposal, for a major comprehensive plan amendment to allow a photovoltaic solar power plant, would change 380 acres of Moderate Low Density Residential and 706 acres of employment to Green Energy Production in the comprehensive plan. The County comprehensive plan is mostly Moderate Low Density Residential and this designation calls for flexibility of uses (employment, commercial, light industrial, medium and high-density housing). The employment area of the comprehensive plan calls for employment generating businesses like industrial/commercial parks. The employment designation also includes power plants in this category but is to be interpreted as a permanent use.

This site also borders Highway 87 and is 8 miles from I-10. These major roadways are ideal for high volume access that commercial or industrial development would require.

Staff views this proposal as a loss of opportunity for future diverse commercial/industrial developments. The site does not generate dense employment typical of a commercial center and would restrict such a development from occurring for at least 25 years. The proposal would also remove the flexibility of Moderate Low Density Residential to provide for residential space.

The inclusion of a Battery Energy Storage System (BESS) presents circumstances to this project that staff finds concerning. Inclusion of a BESS system would require laying a foundation for these systems that lends to the idea of this project being a permanent use. While the project is proposed to operate for 25 years, any changes to the site will need to be captured within a decommissioning plan brought forth by the applicant during the rezoning process. Staff, the Citizens Advisory Committee, and members of the public have also raised concern regarding BESS system failures regarding fires and life-safety concerns. Such cases of Lithium-Ion battery fires has contributed to discussions of up to a half mile buffer requirement for BESS systems with regard to residential uses.

After a detailed review of the request, Pinal County Comprehensive Plan and Pinal County Development Services Code, staff recommends denial for the proposed land use change. Based on the discussion above, following are the reasons for denial:

1. Proposed change in land-use to Green Energy Production may result in a loss of opportunity for future potential commercial uses for approximately 706 acres. This is 65% of the site.
2. Location of the project area is conducive to commercial developments due to the proximity of Highway 87 and I-10.

3. Historic canal to the south of the parcel has a multi-use trail corridor requiring pedestrian linkages from neighboring land use of residential development.
4. The use is temporary and has less potential county benefit than a permanent industrial/commercial park.

STAFF RECOMMENDATION:

After a detailed review of the request, Pinal County Comprehensive Plan and Pinal County Development Services Code, staff offers a recommendation of **denial** for the land use change at this time. However, should the Planning and Zoning Commission find, after the presentation of the applicant and together with the testimony and evidence presented at the public hearing, that this Major Comprehensive Plan amendment is needed and necessary at this location and time, will not negatively impact adjacent properties, will promote orderly growth and development of the County and will be compatible and consistent with the applicable goals and policies of the Pinal County Comprehensive Plan, then staff will recommend that the Planning and Zoning Commission forward **PZ-PA-009-23**, to the Board of Supervisors with a favorable recommendation.

If the Planning and Zoning Commission cannot find all of the factors listed above grounds for approval, then staff recommends that the Citizen Advisory Committee forward this case to the Planning and Zoning Commission with recommendation of denial.

CITIZENS ADVISORY COMMITTEE ACTION:

After a detailed discussion and decision, at the public hearing, the Citizen's Advisory Committee voted 6-4 to recommend approval of case PZ-PA-009-23 with the following recommendation:

- Maintain multiuse trail access along Florence-Casa Grande Canal.
- Site BESS at least ½ mile from future or existing homes.

Date Prepared: 10/11/23 PR

Date Revised: 10/13/23 PR

NOTICE OF PUBLIC HEARING BY THE PINAL COUNTY PLANNING AND ZONING COMMISSION AT 9:00 A.M. ON THE **19th** DAY OF **OCTOBER, 2023**, IN THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER THE FOLLOWING REQUEST FOR A MAJOR AMENDMENT TO THE PINAL COUNTY COMPREHENSIVE PLAN:

PZ-PA-009-23–PUBLIC HEARING/ACTION: HA Cielo LLC, landowner/applicant, Pattern Solar & Storage Development LLC/Amy Smolen, agent, requesting approval of a **Major Comprehensive Plan Amendment** to the 2019 Pinal County Comprehensive Plan to re-designate 1086 ± acres from MLDR (Moderate Low Density Residential) and Employment to Green Energy Production for a photovoltaic **Solar Power Plant**, situated in Sections 28, 29, 32, & 33, T06S, R08E, Gila & Salt River Baseline & Meridian, tax parcels 401-42-009A, 401-42-009B, 401-46-0010, 401-46-0030, 401-47-0010, 401-47-0020, 401-47-0030, 401-47-0040, 401-47-0050, and 401-47-0060 (legals on file), located south of east Laughlin Rd, north of Selma Highway, west of S Highway 87, and on both sides of south La Palma Rd in the unincorporated Pinal County area near Coolidge, AZ.

ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE PUBLIC HEARING AT THE DATE, TIME AND PLACE DESIGNATED ABOVE.

DOCUMENTS PERTAINING TO THIS CASE CAN BE FOUND ON THE NOTICE OF HEARING PAGE FOR THE P&Z COMMISSION AT:

<https://www.pinal.gov/236/Notice-of-Hearings>

AT LEAST 24 HOURS PRIOR TO THE PUBLIC HEARING, DOCUMENTS PERTAINING TO THESE REQUESTS ARE AVAILABLE FOR PUBLIC INSPECTION AT THE PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, PINAL COUNTY COMPLEX, 85 N. FLORENCE STREET, FLORENCE, ARIZONA, MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00AM AND 4:30 PM.

DATED this **9th** day of **August, 2023**, Pinal County Community Development Dept.

TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT MUST CONTAIN THE FOLLOWING INFORMATION:

- 1) Planning Case Number (see above)
- 2) Your name, address, telephone number and tax parcel number (Print or type)
- 3) A brief statement of reasons for supporting or opposing the request
- 4) Whether or not your wish to appear and be heard at the hearing

WRITTEN STATEMENTS MUST BE FILED WITH:
PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
PO BOX 2973 (85 N. FLORENCE STREET)
FLORENCE, AZ 85132

NO LATER THAN 4:00 PM ON October 9th, 2023.

Contact for this matter: Patrick Roberts, Senior Planner
E-mail Address: Patrick.Roberts@Pinal.gov
Phone #: (520) 866-6409 & (520) 866-6442

[Anything below this line is not for publication.]

PUBLISHED ONCE:
Florence Reminder & Blade Tribune (and San Tan Sentinel)
Tri-Valley Dispatch
Casa Grande Dispatch
Eloy Enterprise

Superior Sun
San Manuel Miner
Copper Basin
Arizona Republic



APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT IN AN UNINCORPORATED AREA OF PINAL COUNTY, ARIZONA
(All Applications Must Be Typed or Written in Ink)

Comprehensive Plan Amendment unincorporated & Property Information:

(Feel free to include answers and to these questions in a Supplementary Narrative, when doing so write see narrative on the space provided)

1. The legal description of the property: Refer to Appendix A, attached to Narrative Report

401-47-0030, 401-47-0040, 401-47-0050, 401-47-0060

2. Parcel Number(s): _____ Total Acreage: _____

3. Current Land Use Designation: _____

4. Requested Land Use Designation: _____

5. Date of Concept Review: _____ Concept Review Number: _____

6. Why is this Comprehensive Plan Amendment being requested? (You must provide a summary of the anticipated development on this page, if not provided, the application cannot be processed.): _____

7. Discuss any recent changes in the area that would support your application. _____

8. Explain why the proposed amendment is needed and necessary at this time. _____

INV#: _____ AMT: _____ DATE: _____ CASE: _____ Xref: _____

COMMUNITY DEVELOPMENT
Planning Division

PINAL COUNTY COMPREHENSIVE PLAN AMENDMENT APPLICATION

IN ADDITION TO THIS APPLICATION, YOU WILL NEED TO SUBMIT:

- A. **Certified Boundary Survey**, including legal descriptions of the proposed designations
- B. Location map which identifies the property and its relationship to Pinal County environs.
- C. Map showing the topography of the property.
- D. Site map which specifically identifies the property including parcels under separate ownership.
- E. Property owner(s) authorization for the Comprehensive Plan Amendment.
- F. Other information as may be determined necessary by the Planning staff or other information the applicant feels is pertinent to this request.
- G. Non-refundable filing fee as shown on the cover page.
- H. Narrative in PDF format.
- I. Neighborhood meeting report

***Your application must be submitted digitally via the online submittal portal site at <https://citizenaccess.pinalcountyz.gov/CitizenAccess/Default.aspx>
Please call or email the Planning Division for more information.***

I certify the information included in this application is accurate, to the best of my knowledge. I have read the application and I have included the information, as requested. I understand if the information submitted is incomplete, this application cannot be processed.

| | | |
|-------------------------------|---------|--------------|
| Name of Landowner (Applicant) | Address | Phone Number |
|-------------------------------|---------|--------------|

| | |
|------------------------------------|----------------|
| Signature of Landowner (Applicant) | E-Mail Address |
|------------------------------------|----------------|

Pattern Solar and Storage Development LLC 1201 Louisiana St, Suite 3200 713-308-5061

| | | |
|---------------|---------|--------------|
| Name of Agent | Address | Phone Number |
|---------------|---------|--------------|

Attn: Ian Evans
Houston, TX 77002

generalcounsel@patternenergy.com

ian.evans@patternenergy.com

| | |
|--------------------|----------------|
| Signature of Agent | E-Mail Address |
|--------------------|----------------|

Amy Smolen
Vice President

The Agent has the authority to act on behalf of the landowner. The Agent will be the contact person for Planning staff and must be present at all hearings. Please use the attached Agency Authorization form, if applicable

AGENCY AUTHORIZATION

(To be completed by landowners of subject property when landowners do not represent themselves. Instructions for completing required information are in bold and brackets below lines. If applicant is a company, corporation, partnership, joint venture, trustee, etc., please use the corporate signature block and have the notary fill in the notarization section for corporations not individuals and cannot be submitted digitally)

TO: Pinal County Planning & Development Services
P.O. Box 2973
Florence, AZ 85132

HA Cielo LLC, a Delaware limited liability company

[Insert Name -- If a Corporation, Partnership or Association, Include State of Incorporation]
hereinafter referred to as "Owner," is/are the owner(s) of _____ approximately 1,006 acres located at
_____ Sec 29-6S-8E; Sec 28-6S-8E; Sec 32-6S-8E; Sec 33-6S-8E, and further identified
[Insert Address of Property]
as assessor parcel number 40142009A; 40142009B; 40143009B; 401460010; 401470030; _____ and legally described as follows:
401470020; 401470010; 401460030; 401470040; 401470050; 401470060
[Insert Parcel Number]

[Legal Description is attached hereto as Exhibit A]

Said property is hereinafter referred to as the "Property."
Owner hereby appoints Pattern Solar and Storage Development LLC, a Delaware limited liability company

[Insert Agent's Name. If the Agent Is a Company, Insert Company Name Only]

hereinafter referred to as "Agent," to act on Owner's behalf in relation to the Property in obtaining approvals from Pinal County for any necessary amendment to Pinal County's Comprehensive Plan; zone changes; planned area development overlay districts; platting of the subject property; special use permit or industrial use permit; and to file applications and make the necessary submittals for such approvals.

Owner consents and agrees to be bound by all stipulations agreed to by this Agent in connection with any of above-referenced processes.

[Individual PROPERTY OWNER signature block and acknowledgment. DO NOT SIGN HERE IF SIGNING AS AN OFFICER OF A CORPORATION ON THE NEXT PAGE.]

[Signature]

[Signature]

[Address]

[Address]

Dated: _____

Dated: _____

STATE OF _____)
) ss.
COUNTY OF _____)

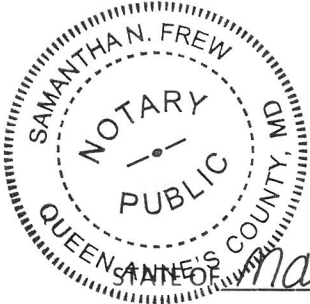
The foregoing instrument was acknowledged before me this ____ day of _____ by _____
[Insert Name of Signor(s)]

My commission expires _____

Printed Name of Notary

Signature of Notary Public

Corporate PROPERTY OWNER signature block and acknowledgment the appropriate corporate officer or trustee signs this signature block NOT the block on the previous page.



HA Cielo LLC, a Delaware limited liability company

[Insert Company or Trustee's Name]

By: [Signature]
[Signature of Authorized Officer or Trustee]

Its: Authorized Representative
[Insert Title]

Dated: 4/11/2023

STATE OF Maryland
COUNTY OF Queen Anne County) ss.

The foregoing instrument was acknowledged before me, this 11 day of April 2023 by Michelle Martin Authorized Representative
[Insert Signor's Name] [Insert Title]
HA Cielo LLC, an Delaware limited liability
[Insert Name of Company or Trust] [Insert State of Incorporation, if applicable] company

and who being authorized to do so, executed the foregoing instrument on behalf of said entity for the purposes stated therein.

My commission expires: 04/10/2023

[Signature]
Notary Public

ALTERNATE: Use the following acknowledgment only when a second company is signing on behalf of the owner:

STATE OF _____)
COUNTY OF _____) ss.

On this _____ day of _____, _____, before me, the undersigned, personally appeared

_____ Who acknowledged himself/herself to be
[Insert Signor's Name]

_____ of _____
[Title of Office Held] [Second Company]

As _____ for _____, and who being
[i.e, member, manager, etc.] [Owner's Name]

Authorized to do so, executed the foregoing instrument on behalf of said entities for the purposes stated therein.

My commission expires: _____

Printed Name of Notary

Signature of Notary



Pinal County Open Space & Trails Review Comment Letter

Project Name: Cielo Solar Project

Case Number: PZ-PD-09-23

Reviewed By: Kent Taylor, Director and Kelley Fox, Urban Wildlife Planner

Review Type: Major Comprehensive Plan Amendment- 60 Day Review

Received: June 8th, 2023

| Section | Comment # | RESPOND TO ALL COMMENTS AND REDLINES. |
|---------|-----------|--|
| A.1 | 1 | A planned regional multi-use trail, supported by Pinal County's Comprehensive Plan, is located transecting the southern portion of the project area. The applicant/developer are responsible for developing the regional trail within the project area to Pinal County Open Space and Trails standards. |
| | 2 | Minimization of impacts to the multi-use trail corridor will be achieved through coordination between the applicant/developer and the Open Space and Trails department during the trails development and the adherence to trail corridor requirements. |
| | 3 | Trail corridor requirements would include: <ul style="list-style-type: none">• Signage would need to be approved by the Open Space and Trails Department.• Decomposed granite pedestrian paths would consist of natural subsoil compacted to 95%.• The corridor would need to be dedicated to the County in a form acceptable to the County. |
| A.2 | 4 | Applicant states that "conservative setbacks" around the regional trail shall be implemented during development. Trail and open space setbacks should be consistent with the Open Space and Recreation Area Design Guidelines Manual, and/or other code requirements. [provided in the link below, comment # 8] |
| A.5. | 5 | The application narrative states that there are no sensitive biological resources within the project area. Canals have shown to have high wildlife activity in Arizona due to their presence of water and usage as a wildlife movement corridor. Areas with these features are |

OPEN SPACE AND TRAILS



PINAL COUNTY

WIDE OPEN OPPORTUNITY

| | | |
|-------|---|---|
| | | <p>considered as environmentally sensitive, stated in the Pinal County Comprehensive Plan (pg 254)</p> <p>A 25 ft buffer around the canal and wildlife friendly development is strongly recommended. Acceptable wildlife friendly development can be found in the resource link below:</p> <p>https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/planningFor/wildlifeFriendlyGuidelines/WildlifeFriendlyDevelopment.pdf</p> |
| C.1.5 | 6 | <p>The applicant has stated that they will coordinate with AZGFD and Pinal County Parks and Recreation department for site plan review. Pinal County Parks and Recreation Department does not exist. Coordination for site plan review will need to occur with Pinal County Open Space and Trails Department.</p> |
| | 7 | <p>Please review and incorporate our guidelines regarding development within/around designated and proposed open space.</p> <p>https://www.pinal.gov/DocumentCenter/View/662/Open-Space-and-Recreation-Area-Design-Guidelines-Manual-PDF</p> |
| | 8 | <p>Any clarifications regarding these comments or recommended guidelines can be directed towards Kelley Fox via email Kelley.fox@pinal.gov or via phone at 520-866-6661</p> |



Office of the Mayor

130 West Central Avenue

Coolidge, Arizona 85128

Phone: (520) 723-5361

TDD: (520) 723-4653 / Fax: (520) 723-7910

City of Coolidge
Jon Thompson, Mayor

September 15, 2023

Pinal County Board of Supervisors
135 N Pinal Street
Florence, AZ 85132

Re: Proposed Cielo LLC, Pattern Solar and Storage Development LLC, Located Within Coolidge's Planning Area: PZ-PA-009-23

Dear Board Members,

The City of Coolidge is aware of the current proposed solar facility located in an area that is surrounded by Coolidge City limits, within our planning area. We acknowledge and support sustainable clean energy while also supporting our existing agriculture businesses and farms that our community was founded upon.

Coolidge has seen its fair share of large electrical projects, like major electrical transmission lines, and utility scale solar projects. About 16% of our city has been set aside for utility scale solar, supporting substations and battery storage they need. SRP recently received permission to add twelve more gas turbines to its existing power plant on Randolph Road. APS is also adding two gas turbines near Coolidge on Sundance Road. There are also the SUNZIA project electrical transmission lines running south through Coolidge, in close vicinity of this project, bringing renewable energy from New Mexico to Arizona.

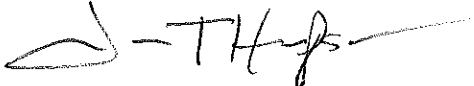
There was significant public opposition to a proposed NextEra Energy solar project in the Valley Farms area. Our citizens are beginning to say enough is enough already. The citizens of Coolidge recently initiated an overlay zone to limit utility scale solar to 16% of our municipality, which is considerably higher than a majority of cities in Arizona.

| | | | | | | |
|--|---|---|---|--|---|---|
| Police Dept. 911 S Ariz. Blvd (520) 723-5311 | Library 160 W Central Ave (520)723-6030 | Public Works 1595 W Coolidge Ave (520) 723-4882 | Parks & Rec 660 S Main St. (520) 723-4551 | Development Serv. 131 W Pinkley Ave (520) 723-6075 | Fire Dept. 103 W Pinkley Ave (520) 723-5361 | City Court 110 W Central Ave (520) 723-6031 |
|--|---|---|---|--|---|---|

Our City Manager and Development Services Director looked into this new solar project, and they're worried it's just adding to the solar projects that are already here. There is the belief that real estate development must have a balance between those different types of land uses, like businesses along main roads, instead of additional utility scale solar projects. In addition, our city's voter approved General Plan does not support utility scale solar on this property. We agree with the Pinal County Planning Staff, who think this new project should be denied.

Please feel free to contact me if you have any questions regarding my position on this matter. I appreciate the opportunity to express it and can also attend the public hearings to provide input as needed.

Sincerely,



Mayor Jon Thompson
City of Coolidge



City of Coolidge

130 West Central Avenue

Coolidge, Arizona 85128

Phone: (520) 723-5361

TDD: (520) 723-4653 / Fax: (520) 723-7910

September 18, 2023

Pinal County Community Development
Attn: Brent Billingsley, Director
31 N Pinal Street
Florence, AZ 85132

Re: Proposed Cielo LLC, Pattern Solar and Storage Development LLC, Located Within Coolidge's Planning Area

Dear Brent,

The City of Coolidge is aware of the current proposed solar facility located in an area surrounded by Coolidge City limits, to the North, East and South. We acknowledge and support sustainable clean energy while also supporting our existing agriculture businesses and farms that our community was founded on.

The citizens of Coolidge recently initiated an overlay zone to limit utility scale solar to 16% of our municipality, which is considerably higher than a majority of cities in Arizona.

We have evaluated the proposed utility scale solar project and found that our voter approved General Plan does not support utility scale solar on this property. We support the Pinal County Planning Staffs conclusions and their recommendation of denial.

Please feel free to contact me if you have any questions regarding our position on this matter. I appreciate the opportunity to express it and can also attend the public hearings to provide input if needed.

Sincerely,

Gilbert Lopez, MBA
Development Services Director
City of Coolidge, AZ 85128

| | | | | | |
|---|---|---|---|--|---|
| Police Dept. City Court 911 S Ariz. Blvd 110 W Central Ave (520) 723-5311 (520) 723-6031 | Library 160 W Central Ave (520)723-6030 | Public Works 1595 W Coolidge Ave (520) 723-4882 | Parks & Rec 660 S Main St. (520) 723-4551 | Development Serv. 131 W Pinkley Ave (520) 723-6075 | Fire Dept. 103 W Pinkley Ave (520) 723-5361 |
|---|---|---|---|--|---|



July 14, 2023

Ms. LaRee Mason
Pinal County Development Services
85 N. Florence Street
Florence, Arizona 85132

Electronically submitted to Laree.Mason@pinal.gov

RE: Cielo Solar Project

Dear Ms. Mason:

The Arizona Game and Fish Department (Department) appreciates the opportunity to review the proposed Cielo Solar Project (project). The Department understands that Pattern Solar and Storage Development LLC proposes to construct a photovoltaic (PV) solar facility with a battery energy storage system (BESS) and associated infrastructure on approximately 923 acres of unincorporated Pinal County lands north of Eloy, Arizona. The facility will be located just west of Picacho Reservoir in agricultural land. An estimated 2-mile 500kV generation intertie (gen-tie) transmission line would connect the facility to the Pinal Central Substation, along with on-site energy storage in the proposed BESS. The Department understands the project will involve the use of heavy equipment, large scale soil disturbance, the construction of fences, and vegetation removal.

Under Title 17 of the Arizona Revised Statutes, the Department, by and through the Arizona Game and Fish Commission, has jurisdictional authority and public trust responsibilities to conserve and protect the state fish and wildlife resources. In addition, the Department manages threatened and endangered species through authorities of Section 6 of the Endangered Species Act and the Department's Section 10(a)(1)(A) permit. It is the mission of the Department to conserve and protect Arizona's diverse fish and wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.

The Department recognizes the importance of planning efforts to develop renewable energy locations that contribute to regional and state economic growth needs and would like to work closely with Pattern Solar and Storage Development LLC and SWCA Environmental Consultants (SWCA) during the planning and development of this facility. The Department recognizes that appropriate coordination, proper planning, and voluntary implementation of best management practices allow projects to be developed that avoid, minimize, or offset potential impacts to wildlife and recreational access during development and operation of the facilities. For your consideration, the Department provides the following comments based on the agency's

azgfd.gov | 480.981.9400

MESA OFFICE: 7200 E. UNIVERSITY DRIVE, MESA AZ 85207

GOVERNOR: KATIE HOBBS **COMMISSIONERS:** CHAIRMAN TODD G. GEILER, PRESCOTT | CLAY HERNANDEZ, TUCSON | MARSHA PETRIE SUE, SCOTTSDALE
JEFF BUCHANAN, PATAGONIA | JAMES E. GOUGHNOUR, PAYSON **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

statutory authorities, public trust responsibilities, and special expertise related to wildlife resources and recreation.

Arizona has recently seen an increase in the number of proposed and in-development renewable energy generation projects and associated infrastructure. A number of solar energy projects have been built and multiple large solar facilities have been proposed within the vicinity of the project area. Although each of these projects individually may have a minimal impact on the broader landscape, these projects cumulatively could result in loss of habitat, impact wildlife movements, and affect wildlife-related recreation. Additionally, long-term effects to wildlife can extend several kilometers beyond the footprint of a solar project area ([Sawyer et al. 2022](#)¹). It is important for the County to consider all potential cumulative effects and to evaluate this project in association with other projects in the area. Department staff are available to assist in identifying potential cumulative impacts to wildlife and associated voluntary conservation measures that can be implemented for the project.

The Department recommends conducting surveys in the project area to determine wildlife species presence. These surveys should be of sufficient duration and intensity to adequately assess all habitat types and potential species occurrence in and adjacent to the project area. Department staff are available to assist Pattern Solar and Storage Development LLC and SWCA in determining appropriate surveys and identifying design features and best management practices that can help minimize potential impacts to wildlife. Based on the information provided, the Department offers the following recommendations to reduce potential impacts to wildlife and habitat; additional information can be found in [Guidelines for Solar Development in Arizona](#)². The Online Environmental Review Tool report (HGIS-19206) run for the project by SWCA provides further information about these resources and is attached as a reference.

- The western burrowing owl, a special status species that is regulated under the Migratory Bird Treaty Act (MBTA), has been documented within the project area. The Department recommends conducting occupancy surveys for this species in advance of the design phase to understand distribution of burrowing owls in the project site; avoidance of a large burrowing owl population may be advisable over removal or other conservation measures. Guidelines for conducting this survey are found in [Burrowing Owl Project Clearance Guidance for Landowners](#)³. Please note that the survey should be conducted by a surveyor who is certified by the Department or has similar training and qualifications. If an active burrowing owl burrow is detected, please contact the Department and the [U.S. Fish and Wildlife Service](#)⁴ (USFWS) for direction, in accordance with the guidelines.
- Yellow-billed cuckoo, Southwestern willow flycatcher, and Yuma Ridgway's rail, which are federally protected under the Endangered Species Act (ESA), have been documented at Picacho Reservoir, approximately 1.5 miles east of the project. Large-scale solar PV

¹ <https://esajournals.onlinelibrary.wiley.com/doi/10.1002/fee.2498>

² <https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/planningFor/wildlifeFriendlyGuidelines/FinalSolarGuidelines03122010.pdf>

³ https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/nongame/eagles/BurrowingOwlClearanceProtocol_2009.pdf

⁴ <https://www.fws.gov/office/arizona-ecological-services/contact-us>

facilities can result in a high rate of bird mortality due to habitat loss, collision with panels, attraction due to an optical illusion of water, and unknown causes ([Kosciuch et al. 2020](#)⁵). The Department encourages the use of non-reflective coatings on the solar panels to help reduce the appearance of the array as a body of water and reduce potential attraction of birds to the site. If uncertain about the effects of this project to these species or if it is anticipated the project will not be in compliance with the ESA, the Department recommends the applicant contact the USFWS for technical assistance and options to comply with the ESA.

- Conducting general avian surveys during the planning stage in order to better understand species presence and to inform potential conservation measures. Point counts are the preferred method for breeding bird surveys. These surveys are conducted twice a year during the peak breeding season, which is mid-January through late June in this area; [McLaren et al. \(2019\)](#)⁶ outline protocols. Additional surveys for Bendire's and LeConte's thrashers, two bird species of conservation concern, are recommended; a [draft protocol](#)⁷ from the Desert Thrashers Working Group is available online.
- Conducting surveys for nesting birds prior to vegetation removal and/or construction activities that occur during the breeding season. The vegetation within the project area may provide nesting opportunities for avian species that are regulated under the Migratory Bird Treaty Act (MBTA). If it is anticipated the project will not be in compliance with MBTA, the Department recommends the applicant contact the USFWS for technical assistance.
- Burrowing mammal species could occur within the project area and could be influenced by construction activities and by loss of habitat. Surveys for these species are recommended to determine their presence and to inform pre-construction activities. Department staff are available to assist in identifying suitable conservation measures, such as one-way exclosures on burrows that allow wildlife to exit the burrows and disperse to adjacent lands in advance of construction.
- In addition, a variety of other Arizona Species of Greatest Conservation Need (SGCN) have the potential to occur within the project area. If wildlife are encountered during project activities, the Department recommends moving them out of harm's way, no more than 0.25 mile outside the project boundary within similar habitat. Please note that the Arizona State Wildlife Action Plan was recently updated, and the Department has an interactive website, [Arizona Wildlife Conservation Strategy](#)⁸, that includes the most recent list of SGCN to help navigate and identify conservation opportunities.

Maintaining habitat connectivity is a priority for the Department, and wildlife movement corridors are important for wildlife to respond to changing environmental conditions. The landscape in which this project is proposed provides important movement pathways for wildlife. Additionally, riparian areas, which are important for wildlife, are adjacent to and in the northeast portion of the project area. The Department would like to meet with Pattern Solar and Storage

⁵ <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0232034>

⁶ <https://www.birdconservancy.org/wp-content/uploads/2021/03/2020-Field-Protocol-for-Spatially-Balanced-Sampling.pdf>

⁷ <https://drive.google.com/drive/folders/1d9L8Su0HPbBzo2oGSH4H2xqrwOqHpT1o?usp=sharing>

⁸ <https://awcs.azgfd.com>

Development LLC to discuss opportunities to incorporate wildlife connectivity and design features to retain the riparian values into the project design, including the following:

- It is the Department's understanding the developer intends to incorporate conservative setbacks from the proposed multi-use trail corridor along the Florence-Casa Grande Canal which bisects the southern portion of the project site. Department staff remain available to assist the County and the Developer in identifying wildlife needs in these areas such as vegetative cover and appropriate setbacks for wildlife movement across the project area. Once implementation is complete, the associated open space surrounding the canal systems will provide for wildlife connectivity through the project site to associated riparian habitats and to Picacho Reservoir. Additionally, the Department recommends incorporating unfenced areas along the canal entrances and exits to the project area to allow for wildlife movement through the project area.
- The Department recommends conducting minimal grading in the project area and, to the extent possible, retaining habitat features underneath the panels, including vegetation and soils. Keeping the existing soil and root structures intact would serve to minimize erosional run-off and help reduce biodiversity loss within the site ([Grodsky and Hernandez 2020](#)⁹).
- The Department's [Wildlife Compatible Fencing Guidelines](#)¹⁰ provide information on how fencing impacts wildlife, ways to design fencing to prevent wildlife entanglement and impalement, and to ensure wildlife movement is not restricted. Department personnel are available as resources to help determine appropriate fencing design and layout that will achieve its objective while reducing impact on wildlife, such as leaving a 6–8-inch gap between the ground surface and bottom of the fence to allow for smaller wildlife species to move freely through the area and make use of any habitat within the project boundary.

The Department offers the following general recommendations to reduce potential impacts to wildlife and habitat during construction and operation of the facility:

- To minimize the potential introduction or spread of exotic invasive species, including aquatic and terrestrial plants, animals, insects, and pathogens, the Department encourages taking precautions to wash and/or decontaminate equipment before entering and leaving the site. See the [Arizona Department of Agriculture website](#)¹¹ for a list of prohibited and restricted noxious weeds and the [Arizona Native Plant Society](#)¹² for recommendations on how to control them. To view a list of documented invasive species or to report invasive species in or near the project area, visit [iMapInvasives](#)¹³, which is a national cloud-based application for tracking and managing invasive species.
- If trenching or digging of large holes necessary for anchoring project infrastructure will occur for the proposed project, the Department recommends trenching/digging and backfilling crews be close together to minimize the amount of open holes at any given time. Where trenches or holes cannot be back-filled immediately, the Department

⁹ <https://www.nature.com/articles/s41893-020-0574-x>

¹⁰ https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/planningFor/wildlifeFriendlyGuidelines/110125_AGFD_fencing_guidelines.pdf

¹¹ <https://agriculture.az.gov/pestspest-control/agriculture-pests/noxious-weeds>

¹² <https://aznps.com/invas>

¹³ <https://imap.natureserve.org/imap/services/page/map.html>

recommends escape ramps be constructed at least every 90 meters. Escape ramps can be short lateral trenches or wooden planks sloping to the surface. The Department recommends that slopes be less than 45 degrees (1:1) and trenches and holes that have been left open be inspected to remove animals prior to backfilling.

- The Department recommends following standards established by the Avian Power Line Interaction Committee (APLIC) for new powerlines, which can be found in [Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006](#)¹⁴ and [Reduced Avian Collisions with Power Lines: The State of the Art in 2012](#)¹⁵. Birds of prey, such as raptors, owls, vultures, and eagles, are vulnerable to powerline strikes and electrocution during construction and operation of transmission lines; power poles can also serve as perches for birds of prey. Tuk Jacobson, the Department's Raptor Coordinator, can provide further information on specific design features and best management practices; he can be contacted at raptors@azgfd.gov or 623-236-7575.
- The Department recommends revegetating disturbed areas with native drought-tolerant species that represent the natural surrounding landscape. Landscaping with native plants can help support wildlife and pollinator species in the area while reducing dust and erosion. In addition, the applicable land management agencies should be consulted regarding guidelines for revegetation efforts.
- Artificial lighting could impair the ability of nocturnal animals to navigate (e.g., owls, migratory birds, bats, and other nocturnal mammals) and may affect wildlife behavior and populations ([Davies et. al. 2013](#)¹⁶). If any portion of the project is anticipated to be completed during nighttime hours, the Department recommends using only the minimum amount of light needed for safety. If feasible, narrow spectrum lighting is wildlife-friendly and should be used as often as possible to minimize the number of species affected by lighting. It is also beneficial that all lighting is shielded, canted, or cut to minimize the amount of upward shining light.

Finally, The Department prioritizes conserving existing access and modes of access for wildlife management activities, hunting, trapping, shooting, wildlife watching, off-highway vehicle use, dispersed camping, and other responsible forms of outdoor recreational use on public lands. The Department recommends that potential impacts to recreation and Department access for wildlife management and jurisdictional activities be evaluated during project planning and implementation. Department staff remain available to assist in identifying these needs.

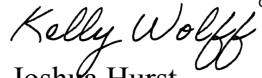
¹⁴ [https://www.aplic.org/uploads/files/2643/SuggestedPractices2006\(LR-2\).pdf](https://www.aplic.org/uploads/files/2643/SuggestedPractices2006(LR-2).pdf)

¹⁵ https://www.aplic.org/uploads/files/15518/Reducing_Avian_Collisions_2012watermarkLR.pdf

¹⁶ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3657119>

Thank you for the opportunity to provide input on the Cielo Solar Project. For further coordination, please contact Bobby Lamoureux at rlamoureux@azgfd.gov or 480-262-9427.

Sincerely,



on behalf of Joshua Hurst

Joshua Hurst

Regional Supervisor, Region 6

Attachment 1 - ERT Report (HGIS-19206) Cielo Solar 2023

cc: Ginger Ritter – Project Evaluation Program Supervisor
Tiffany Sprague – Project Evaluation Program Specialist
Kelly Wolff – Habitat, Evaluation, and Lands Program Manager, Region 6

AZGFD #M23-06153254

Arizona Environmental Online Review Tool Report



Arizona Game and Fish Department Mission

To conserve Arizona's diverse wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.

Project Name:

Cielo Solar 2023

User Project Number:

72181

Project Description:

The proposed project involves constructing a 150 MW + photovoltaic facility including a battery energy storage system.

Project Type:

Energy Storage/Production/Transfer, Energy Production (generation), photovoltaic solar facility (new)

Contact Person:

Tim Jordan

Organization:

SWCA Environmental Consultants

On Behalf Of:

CONSULTING

Project ID:

HGIS-19206

Please review the entire report for project type and/or species recommendations for the location information entered. Please retain a copy for future reference.

Disclaimer:

1. This Environmental Review is based on the project study area that was entered. The report must be updated if the project study area, location, or the type of project changes.
2. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area. This review is also not intended to replace environmental consultation (including federal consultation under the Endangered Species Act), land use permitting, or the Departments review of site-specific projects.
3. The Departments Heritage Data Management System (HDMS) data is not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. HDMS data contains information about species occurrences that have actually been reported to the Department. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.
4. Arizona Wildlife Conservation Strategy (AWCS), specifically Species of Greatest Conservation Need (SGCN), represent potential species distribution models for the State of Arizona which are subject to ongoing change, modification and refinement. The status of a wildlife resource can change quickly, and the availability of new data will necessitate a refined assessment.

Locations Accuracy Disclaimer:

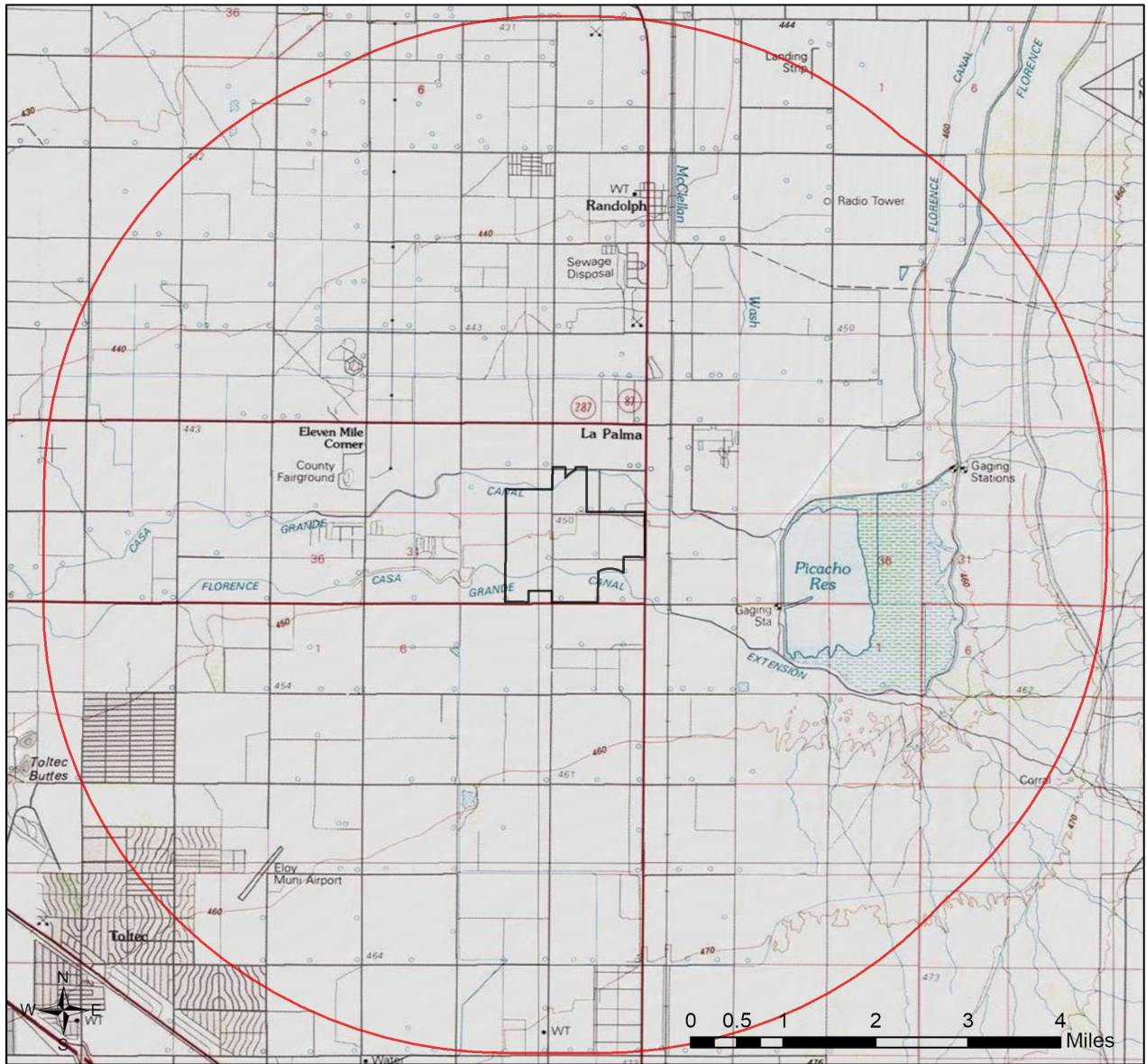
Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Report is solely responsible for the project location and thus the correctness of the Project Review Report content.



Recommendations Disclaimer:

1. The Department is interested in the conservation of all fish and wildlife resources, including those species listed in this report and those that may have not been documented within the project vicinity as well as other game and nongame wildlife.
2. Recommendations have been made by the Department, under authority of Arizona Revised Statutes Title 5 (Amusements and Sports), 17 (Game and Fish), and 28 (Transportation).
3. Potential impacts to fish and wildlife resources may be minimized or avoided by the recommendations generated from information submitted for your proposed project. These recommendations are preliminary in scope, designed to provide early considerations on all species of wildlife.
4. Making this information directly available does not substitute for the Department's review of project proposals, and should not decrease our opportunity to review and evaluate additional project information and/or new project proposals.
5. Further coordination with the Department requires the submittal of this Environmental Review Report with a cover letter and project plans or documentation that includes project narrative, acreage to be impacted, how construction or project activity(s) are to be accomplished, and project locality information (including site map). Once AGFD had received the information, please allow 30 days for completion of project reviews. Send requests to:
Project Evaluation Program, Habitat Branch
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086-5000
Phone Number: (623) 236-7600
Fax Number: (623) 236-7366
Or
PEP@azgfd.gov
6. Coordination may also be necessary under the National Environmental Policy Act (NEPA) and/or Endangered Species Act (ESA). Site specific recommendations may be proposed during further NEPA/ESA analysis or through coordination with affected agencies

Cielo Solar 2023

USA Topo Basemap With Locator Map



-  Buffered Project Boundary
-  Project Boundary

Project Size (acres): 1,000.92

Lat/Long (DD): 32.8603 / -111.5300

County(s): Pinal

AGFD Region(s): Mesa

Township/Range(s): T6S, R8E; T7S, R8E

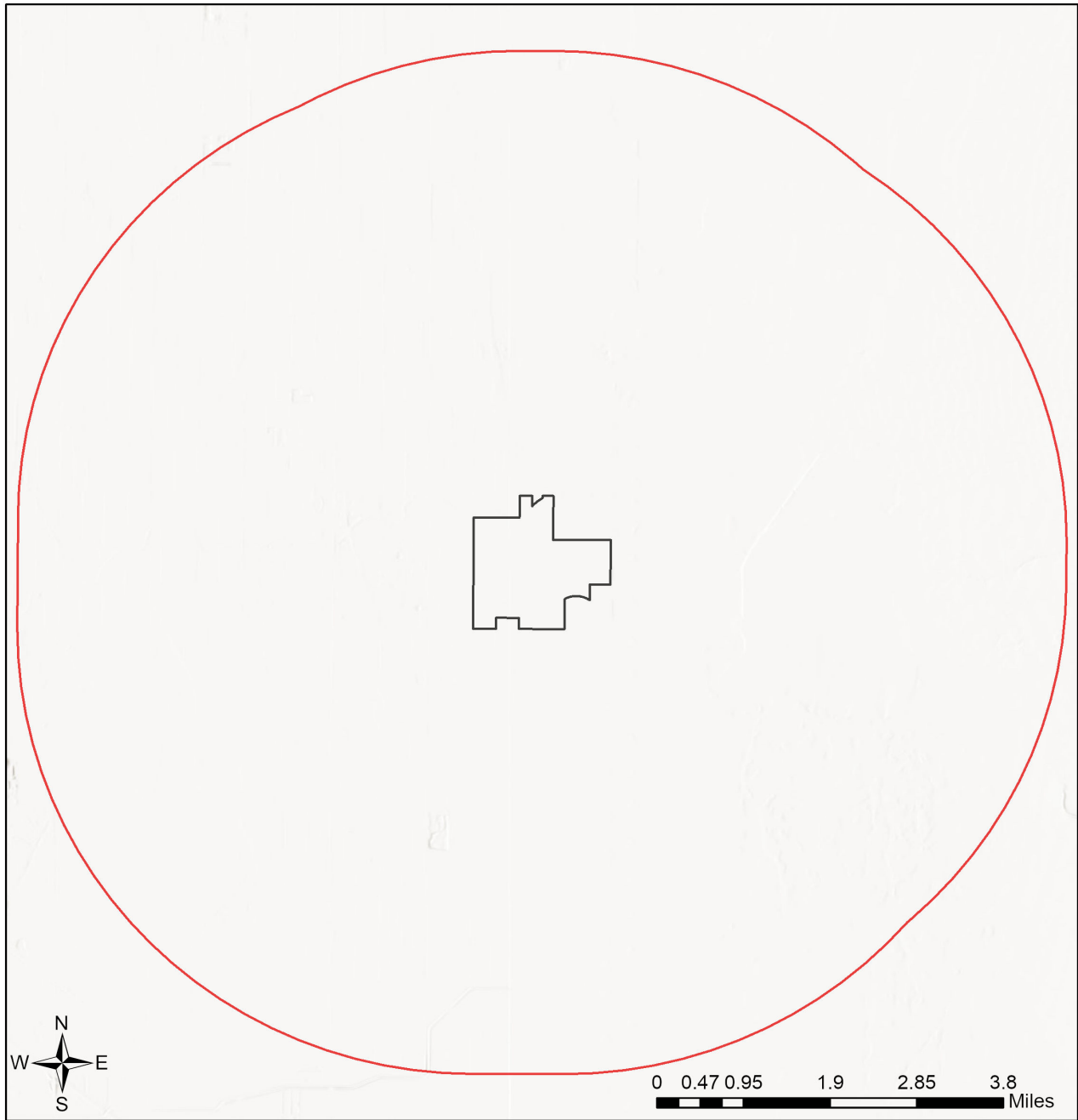
USGS Quad(s): ELOY NORTH



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community



Cielo Solar 2023

Web Map As Submitted By User



-  Buffered Project Boundary
-  Project Boundary

Project Size (acres): 1,000.92

Lat/Long (DD): 32.8603 / -111.5300

County(s): Pinal

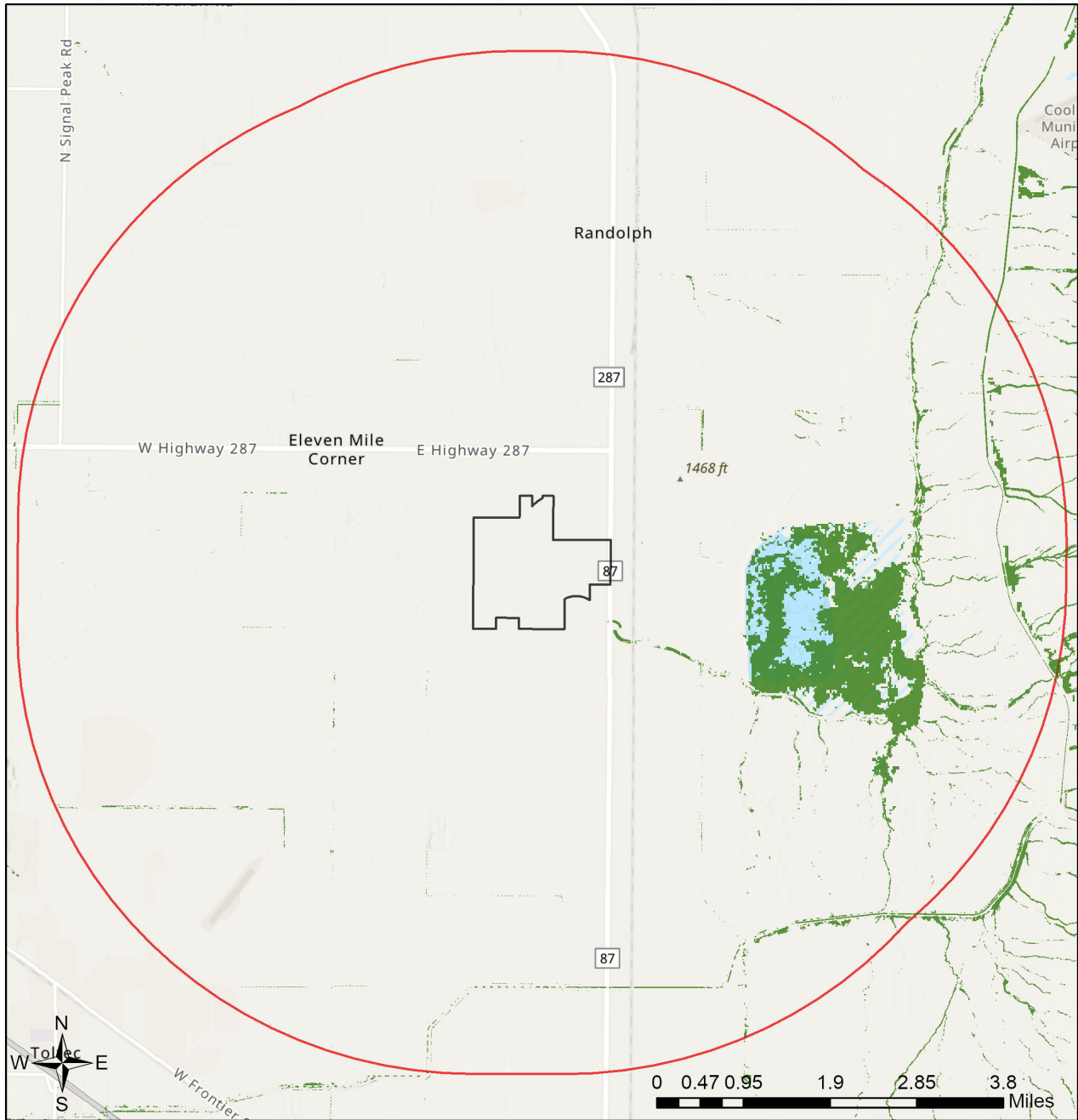
AGFD Region(s): Mesa

Township/Range(s): T6S, R8E; T7S, R8E

USGS Quad(s): ELOY NORTH

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

Cielo Solar 2023 Important Areas



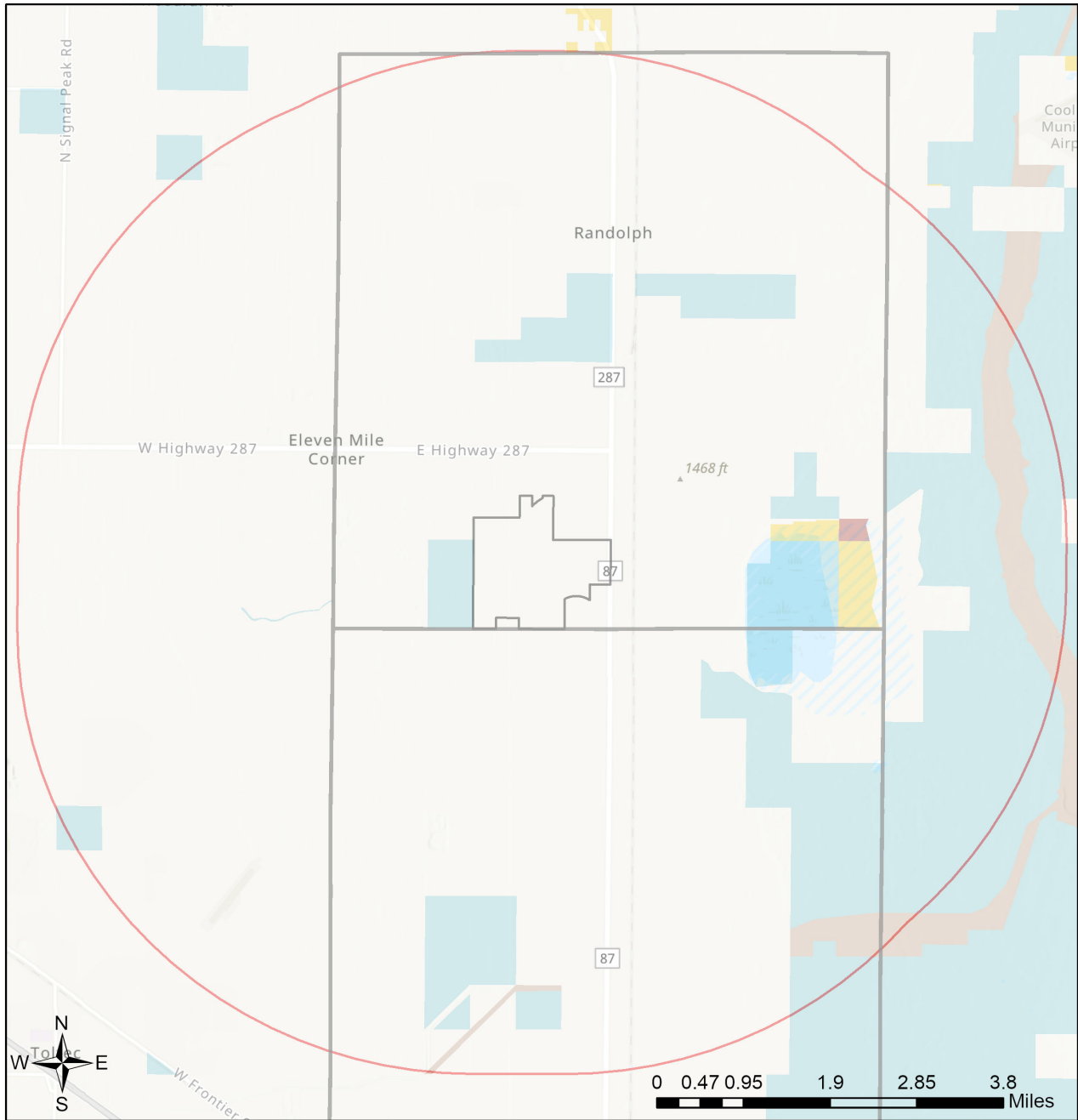
- Buffered Project Boundary
- Project Boundary
- Important Bird Areas
- Critical Habitat
- Pinal County Riparian
- Important Connectivity Zones
- Wildlife Connectivity

Project Size (acres): 1,000.92
 Lat/Long (DD): 32.8603 / -111.5300
 County(s): Pinal
 AGFD Region(s): Mesa
 Township/Range(s): T6S, R8E; T7S, R8E
 USGS Quad(s): ELOY NORTH

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community
 Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Cielo Solar 2023

Township/Ranges and Land Ownership



- | | |
|---|--|
| Buffered Project Boundary | National Park/Mon. |
| Project Boundary | Private |
| AZ Game & Fish Dept. | State & Regional Parks |
| BLM | State Trust |
| BOR | US Forest Service |
| Indian Res. | Wildlife Area/Refuge |
| Military | Township/Ranges |
| Mixed/Other | |

Project Size (acres): 1,000.92
 Lat/Long (DD): 32.8603 / -111.5300
 County(s): Pinal
 AGFD Region(s): Mesa
 Township/Range(s): T6S, R8E; T7S, R8E
 USGS Quad(s): ELOY NORTH

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community
 Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Special Status Species Documented within 5 Miles of Project Vicinity

| Scientific Name | Common Name | FWS | USFS | BLM | NPL | SGCN |
|-----------------------------|------------------------------------|-----|------|-----|-----|------|
| Athene cunicularia hypugaea | Western Burrowing Owl | SC | S | S | | 2 |
| Coccyzus americanus | Yellow-billed Cuckoo (Western DPS) | LT | S | S | | 1 |
| Empidonax traillii extimus | Southwestern Willow Flycatcher | LE | | | | 1 |
| Rallus obsoletus yumanensis | Yuma Ridgway's Rail | LE | | S | | 1 |

Note: Status code definitions can be found at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/statusdefinitions/>

Special Areas Documented that Intersect with Project Footprint as Drawn

| Scientific Name | Common Name | FWS | USFS | BLM | NPL | SGCN |
|-----------------|---------------|-----|------|-----|-----|------|
| Riparian Area | Riparian Area | | | | | |

Note: Status code definitions can be found at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/statusdefinitions/>

Species of Greatest Conservation Need Predicted that Intersect with Project Footprint as Drawn, based on Predicted Range Models

| Scientific Name | Common Name | FWS | USFS | BLM | NPL | SGCN |
|---------------------------------|------------------------------------|-----|------|-----|-----|------|
| Anthus spragueii | Sprague's Pipit | SC | | | | 2 |
| Aquila chrysaetos | Golden Eagle | | | S | | 2 |
| Artemisiospiza nevadensis | Sagebrush Sparrow | | | | | |
| Athene cunicularia hypugaea | Western Burrowing Owl | SC | S | S | | 2 |
| Auriparus flaviceps | Verdin | | | | | 2 |
| Buteo regalis | Ferruginous Hawk | SC | | S | | 2 |
| Buteo swainsoni | Swainson's Hawk | | | | | 2 |
| Calcarius ornatus | Chestnut-collared Longspur | | | | | 2 |
| Calypte costae | Costa's Hummingbird | | | | | 2 |
| Campylorhynchus brunneicapillus | Cactus Wren | | | | | 2 |
| Catharus ustulatus | Swainson's Thrush | | | | | 2 |
| Charadrius montanus | Mountain Plover | SC | | | | 2 |
| Chilomeniscus stramineus | Variable Sandsnake | | | | | 2 |
| Coccyzus americanus | Yellow-billed Cuckoo (Western DPS) | | | | | |
| Colaptes chrysoides | Gilded Flicker | | | S | | 2 |
| Columbina inca | Inca Dove | | | | | 2 |
| Cyananthus latirostris | Broad-billed Hummingbird | | S | | | 2 |
| Empidonax wrightii | Gray Flycatcher | | | | | 2 |
| Eumops perotis californicus | Greater Western Bonneted Bat | | | | | |
| Falco mexicanus | Prairie Falcon | | | | | 2 |
| Falco peregrinus anatum | American Peregrine Falcon | | | | | |
| Falco sparverius | American Kestrel | | | | | 2 |
| Gopherus morafkai | Sonoran Desert Tortoise | CCA | S | S | | 1 |

Species of Greatest Conservation Need Predicted that Intersect with Project Footprint as Drawn, based on Predicted Range Models

| Scientific Name | Common Name | FWS | USFS | BLM | NPL | SGCN |
|---------------------------|---------------------------|-----|------|-----|-----|------|
| Icterus bullockii | Bullock's Oriole | | | | | 2 |
| Incilius alvarius | Sonoran Desert Toad | | | | | 2 |
| Lanius ludovicianus | Loggerhead Shrike | SC | | | | 2 |
| Lasiurus blossevillii | Western Red Bat | | S | | | 2 |
| Lasiurus cinereus | Hoary Bat | | | | | 2 |
| Lasiurus xanthinus | Western Yellow Bat | | S | | | 2 |
| Lepus alleni | Antelope Jackrabbit | | | | | 2 |
| Lithobates yavapaiensis | Lowland Leopard Frog | SC | S | S | | 1 |
| Macrotus californicus | California Leaf-nosed Bat | SC | | S | | 2 |
| Megascops kennicottii | Western Screech-owl | | | | | |
| Melanerpes uropygialis | Gila Woodpecker | | | | | 2 |
| Melospiza lincolni | Lincoln's Sparrow | | | | | 2 |
| Micrathene whitneyi | Elf Owl | | | | | |
| Myotis velifer | Cave Myotis | SC | | S | | 2 |
| Myotis yumanensis | Yuma Myotis | SC | | | | 2 |
| Nyctinomops femorosaccus | Pocketed Free-tailed Bat | | | | | 2 |
| Parabuteo unicinctus | Harris's Hawk | | | | | 2 |
| Passerculus sandwichensis | Savannah Sparrow | | | | | 2 |
| Peucaea carpalis | Rufous-winged Sparrow | | | | | 2 |
| Poocetes gramineus | Vesper Sparrow | | | | | 2 |
| Spizella breweri | Brewer's Sparrow | | | | | 2 |
| Tadarida brasiliensis | Brazilian Free-tailed Bat | | | | | |
| Toxostoma bendirei | Bendire's Thrasher | | | | | 2 |
| Toxostoma lecontei | LeConte's Thrasher | | | S | | 2 |

Species of Economic and Recreation Importance Predicted that Intersect with Project Footprint as Drawn

| Scientific Name | Common Name | FWS | USFS | BLM | NPL | SGCN |
|---------------------|-------------------|-----|------|-----|-----|------|
| Callipepla gambelii | Gambel's Quail | | | | | |
| Pecari tajacu | Javelina | | | | | |
| Zenaida asiatica | White-winged Dove | | | | | |
| Zenaida macroura | Mourning Dove | | | | | |

Project Type: Energy Storage/Production/Transfer, Energy Production (generation), photovoltaic solar facility (new)

Project Type Recommendations:

During the planning stages of your project, please consider the local or regional needs of wildlife in regards to movement, connectivity, and access to habitat needs. Loss of this permeability prevents wildlife from accessing resources, finding mates, reduces gene flow, prevents wildlife from re-colonizing areas where local extirpations may have occurred, and ultimately prevents wildlife from contributing to ecosystem functions, such as pollination, seed dispersal, control of prey numbers, and resistance to invasive species. In many cases, streams and washes provide natural movement corridors for wildlife and should be maintained in their natural state. Uplands also support a large diversity of species, and should be contained within important wildlife movement corridors. In addition, maintaining biodiversity and ecosystem functions can be facilitated through improving designs of structures, fences, roadways, and culverts to promote passage for a variety of wildlife. Guidelines for many of these can be found at: <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>.

Consider impacts of outdoor lighting on wildlife and develop measures or alternatives that can be taken to increase human safety while minimizing potential impacts to wildlife. Conduct wildlife surveys to determine species within project area, and evaluate proposed activities based on species biology and natural history to determine if artificial lighting may disrupt behavior patterns or habitat use. Use only the minimum amount of light needed for safety. Narrow spectrum bulbs should be used as often as possible to lower the range of species affected by lighting. All lighting should be shielded, canted, or cut to ensure that light reaches only areas needing illumination.

Minimize the potential introduction or spread of exotic invasive species, including aquatic and terrestrial plants, animals, insects and pathogens. Precautions should be taken to wash and/or decontaminate all equipment utilized in the project activities before entering and leaving the site. See the Arizona Department of Agriculture website for a list of prohibited and restricted noxious weeds at <https://www.invasivespeciesinfo.gov/unitedstates/az.shtml> and the Arizona Native Plant Society <https://aznps.com/invas> for recommendations on how to control. To view a list of documented invasive species or to report invasive species in or near your project area visit iMapInvasives - a national cloud-based application for tracking and managing invasive species at <https://imap.natureserve.org/imap/services/page/map.html>.

- To build a list: zoom to your area of interest, use the identify/measure tool to draw a polygon around your area of interest, and select "See What's Here" for a list of reported species. To export the list, you must have an account and be logged in. You can then use the export tool to draw a boundary and export the records in a csv file.

Minimization and mitigation of impacts to wildlife and fish species due to changes in water quality, quantity, chemistry, temperature, and alteration to flow regimes (timing, magnitude, duration, and frequency of floods) should be evaluated. Minimize impacts to springs, in-stream flow, and consider irrigation improvements to decrease water use. If dredging is a project component, consider timing of the project in order to minimize impacts to spawning fish and other aquatic species (include spawning seasons), and to reduce spread of exotic invasive species. We recommend early direct coordination with Project Evaluation Program for projects that could impact water resources, wetlands, streams, springs, and/or riparian habitats.

The Department recommends that wildlife surveys are conducted to determine if noise-sensitive species occur within the project area. Avoidance or minimization measures could include conducting project activities outside of breeding seasons.

For any powerlines built, proper design and construction of the transmission line is necessary to prevent or minimize risk of electrocution of raptors, owls, vultures, and golden or bald eagles, which are protected under state and federal laws. Limit project activities during the breeding season for birds, generally March through late August, depending on species in the local area (raptors breed in early February through May). Conduct avian surveys to determine bird species that may be utilizing the area and develop a plan to avoid disturbance during the nesting season. For underground powerlines, trenches should be covered or back-filled as soon as possible. Incorporate escape ramps in ditches or fencing along the perimeter to deter small mammals and herpetofauna (snakes, lizards, tortoise) from entering ditches. In addition, indirect affects to wildlife due to construction (timing of activity, clearing of rights-of-way, associated bridges and culverts, affects to wetlands, fences) should also be considered and mitigated.

Based on the project type entered, coordination with State Historic Preservation Office may be required (<https://azstateparks.com/>).

Based on the project type entered, coordination with U.S. Fish and Wildlife Service (Migratory Bird Treaty Act) may be required (<https://www.fws.gov/office/arizona-ecological-services>).

Vegetation restoration projects (including treatments of invasive or exotic species) should have a completed site-evaluation plan (identifying environmental conditions necessary to re-establish native vegetation), a revegetation plan (species, density, method of establishment), a short and long-term monitoring plan, including adaptive management guidelines to address needs for replacement vegetation.

The Department requests further coordination to provide project/species specific recommendations, please contact Project Evaluation Program directly at PEP@azgfd.gov.

Project Location and/or Species Recommendations:

HDMS records indicate that one or more **Listed, Proposed, or Candidate** species or **Critical Habitat** (Designated or Proposed) have been documented in the vicinity of your project. The Endangered Species Act (ESA) gives the US Fish and Wildlife Service (USFWS) regulatory authority over all federally listed species. Please contact USFWS Ecological Services Offices at <https://www.fws.gov/office/arizona-ecological-services> or:

Phoenix Main Office
9828 North 31st Avenue #C3
Phoenix, AZ 85051-2517
Phone: 602-242-0210
Fax: 602-242-2513

Tucson Sub-Office
201 N. Bonita Suite 141
Tucson, AZ 85745
Phone: 520-670-6144
Fax: 520-670-6155

Flagstaff Sub-Office
SW Forest Science Complex
2500 S. Pine Knoll Dr.
Flagstaff, AZ 86001
Phone: 928-556-2157
Fax: 928-556-2121

This review has identified **riparian areas** within the vicinity of your project. During the planning stage of your project, avoid, minimize, or mitigate any potential impacts to riparian areas identified in this report. Riparian areas play an important role in maintaining the functional integrity of the landscape, primarily by acting as natural drainages that convey water through an area, thereby reducing flood events. In addition, riparian areas provide important movement corridors and habitat for fish and wildlife. Riparian areas are channels that contain water year-round or at least part of the year. Riparian areas also include those channels which are dry most of the year, but may contain or convey water following rain events. All types of riparian areas offer vital habitats, resources, and movement corridors for wildlife. The Pinal County Comprehensive Plan (i.e. policies 6.1.2.1 and 7.1.2.4), Open Space and Trails Master Plan, Drainage Ordinance, and Drainage Design Manual all identify riparian area considerations, guidance, and policies. Guidelines to avoid, minimize, or mitigate impacts to riparian habitat can be found at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>. Based on the project type entered, further consultation with the Arizona Game and Fish Department and Pinal County may be warranted.

HDMS records indicate that **Western Burrowing Owls** have been documented within the vicinity of your project area. Please review the western burrowing owl resource page at:
<https://www.azgfd.com/wildlife/speciesofgreatestconservneed/burrowingowlmanagement/>.



To the Pinal County Board of Supervisors

RE: Solar project # PZ-PA-009-23

It is the solar company's responsibility to make the landowners comfortable and safe and supply actual data that our land value will not decrease with valid statistics. You are wanting to alter our neighborhood not the other way around.

Solar panel systems or photovoltaic systems create dirty electricity that ultimately radiates electro- magnetic fields of radiation. There are no long-range statistics regarding harm to humans, animals, or land. Studies of this MUST occur before we do anymore damage to ourselves, animals, and destroy our fertile land.

Vegetation and wildlife (migrating hawks and falcons, badgers, and burrowing owls, livestock and pets) as well as farms lands.

Lead and cadmium leaches into the soil destroying crop production as well as ground water, there is no safe level of lead in water.

Some side effects of Cadmium include:

- *Cardiovascular**
- *High Blood Pressure**
- *Decreased Kidney Function**
- *Infertility**

Possible Effects:

- *Kidney, Liver, and blood disorders**

Fire and lack of a fire department for 8-10 miles

Dust control

Heat and radiation towards house on southwest corner as well as battery storage (BESS) concerns feet from my front door

We will be the last generation to live on this family land of 60+ years, my land value will be non-existent.

NREL RESEARCH shows a median degradation of .5% a year and higher in hot climates. Not to mention the heat that passes through the panels into the ground; 15% gets turned into electricity, the rest is returned to the environment as heat. Municipalities are just realizing the heat factor due to lack of greenery because of concrete and pavement. Certainly, seems this is increasing global warming not helping it.

I challenge the Pinal County Board of Supervisors to visit these sites as well as require studies and more research. The tax base must also be considered. Please explain what is going to make up for the lost tax base from homes and farms in this rural community. Where is all this electricity being used that is going to destroy our land?

Thank You,

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Casa Grande, Az 85194



Cielo Solar Project Application for a Major Comprehensive Plan Amendment Narrative Report

MAY 2023

SUBMITTED TO

Pinal County Planning Division

PREPARED BY

SWCA Environmental Consultants

**CIELO SOLAR PROJECT
APPLICATION FOR A MAJOR
COMPREHENSIVE PLAN AMENDMENT
NARRATIVE REPORT**

**PRE-APPLICATION PLANNING CASE NO. Z-PA-048-23
MCPA APPLICATION PLANNING CASE NO. PZ-PA-009-23**

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May 2023

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A. EXECUTIVE SUMMARY

Pattern Solar and Storage Development LLC (Pattern), is requesting an amendment to the 2019 Pinal County Comprehensive Plan (Comprehensive Plan) to construct and operate the Cielo Solar Project (Project), a photovoltaic (PV) solar facility and battery energy storage system (BESS) comprising 11 parcels (Project Site) (Figure 1). Table 1 lists the Project parcels, including the Assessor’s Parcel Numbers (APNs) and Public Land Survey System (PLSS) locations. An ALTA of the Project Site is included as a part of this narrative report (Appendix A).

Table 1. Proposed Comprehensive Plan Amendment Parcels

| APN | PLSS Location |
|------------|----------------------|
| 40142009A | 28 06S 08E |
| 40142009B | 28 06S 08E |
| 40143009B | 29 06S 08E |
| 401460010 | 32 06S 08E |
| 401460030 | 32 06S 08E |
| 401470010 | 33 06S 08E |
| 401470020 | 33 06S 08E |
| 401470030 | 33 06S 08E |
| 401470040 | 32 06S 08E |
| 401470050 | 33 06S 08E |
| 401470060 | 33 06S 08E |

The Project would include (1) a PV solar field; (2) a BESS; (3) a project substation including circuit breakers and a step-up transformer (Project Substation); (4) a short, 500-kilovolt (kV) generation intertie (gen-tie); (5) a Project switchyard, (6) an operation and maintenance (O&M) building, and (7) additional Project infrastructure, such as “collector lines” between the solar panels and the Project Substation. A 1-mile study area around the Project Site (Study Area) has been identified for land use surveys; this can be seen on Figures 2 and 3.

The Project plans to propose generous setbacks, well beyond the right-of-way requirement, along portions of the Project Site abutting Selma Highway and State Route 87 (see Figure 4). Pattern commits to working in good faith with County Staff and interested counterparties that want to subdivide and build gas stations, solar O&M offices, fire stations, etc. These additional setbacks would allow for the continued planned uses identified as Employment within the Comprehensive Plan. Paved and unpaved roads provide access to the Project Site. These roads include East Laughlin Road, East Early Road, East Arizona Western Boulevard, East Selma Highway, South La Palma Road, South Carter Lane, and State Route (SR) 87.

The amendment is needed to facilitate development of the Project, in turn allowing the contribution of clean, affordable, and renewable energy to the regional power grid. This Project would likely connect to a planned transmission infrastructure being developed separately by SunZia Transmission, LLC. Pattern anticipates that the Project will take approximately 3 years to develop, inclusive of planning, design, and construction.

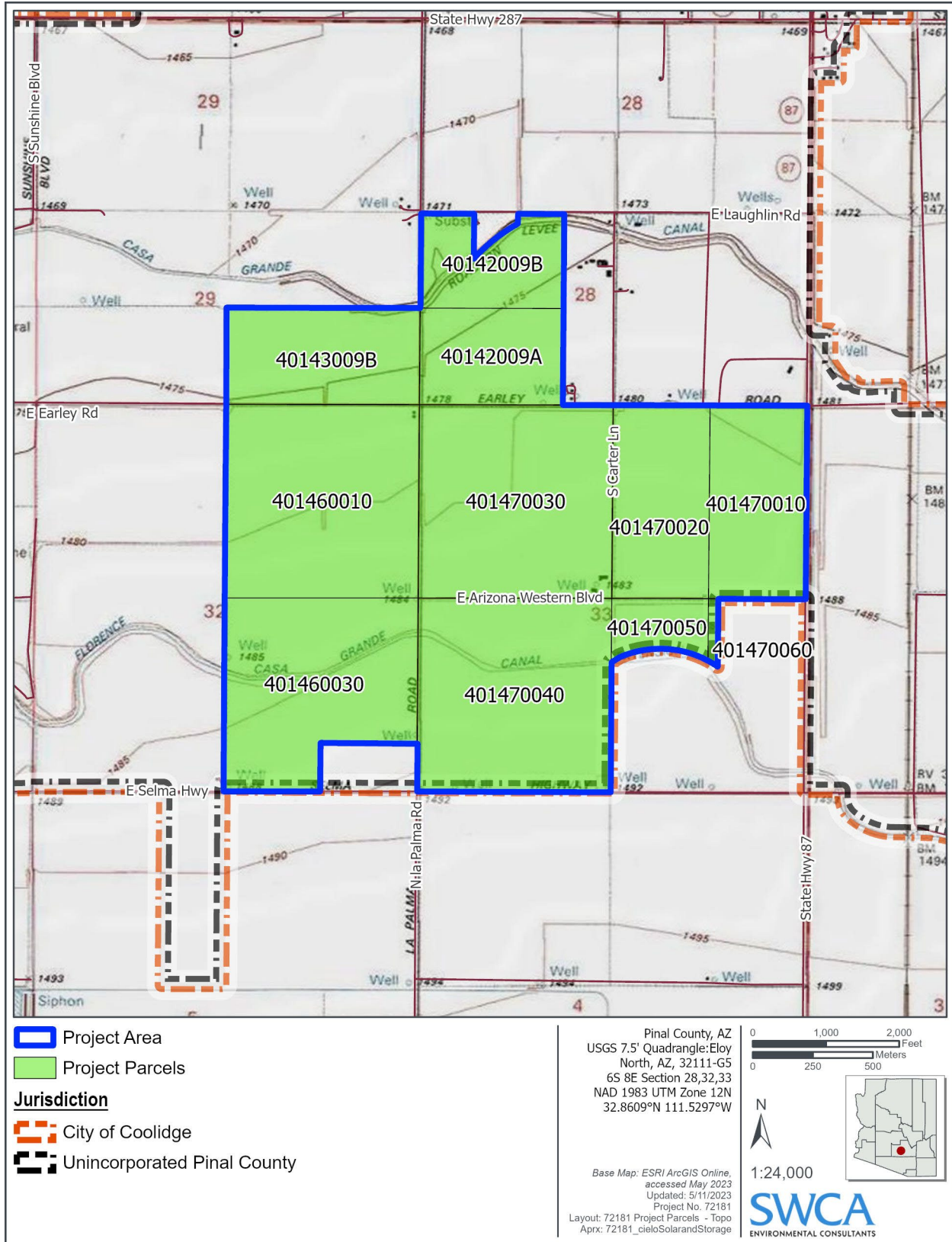


Figure 1. Project parcels.

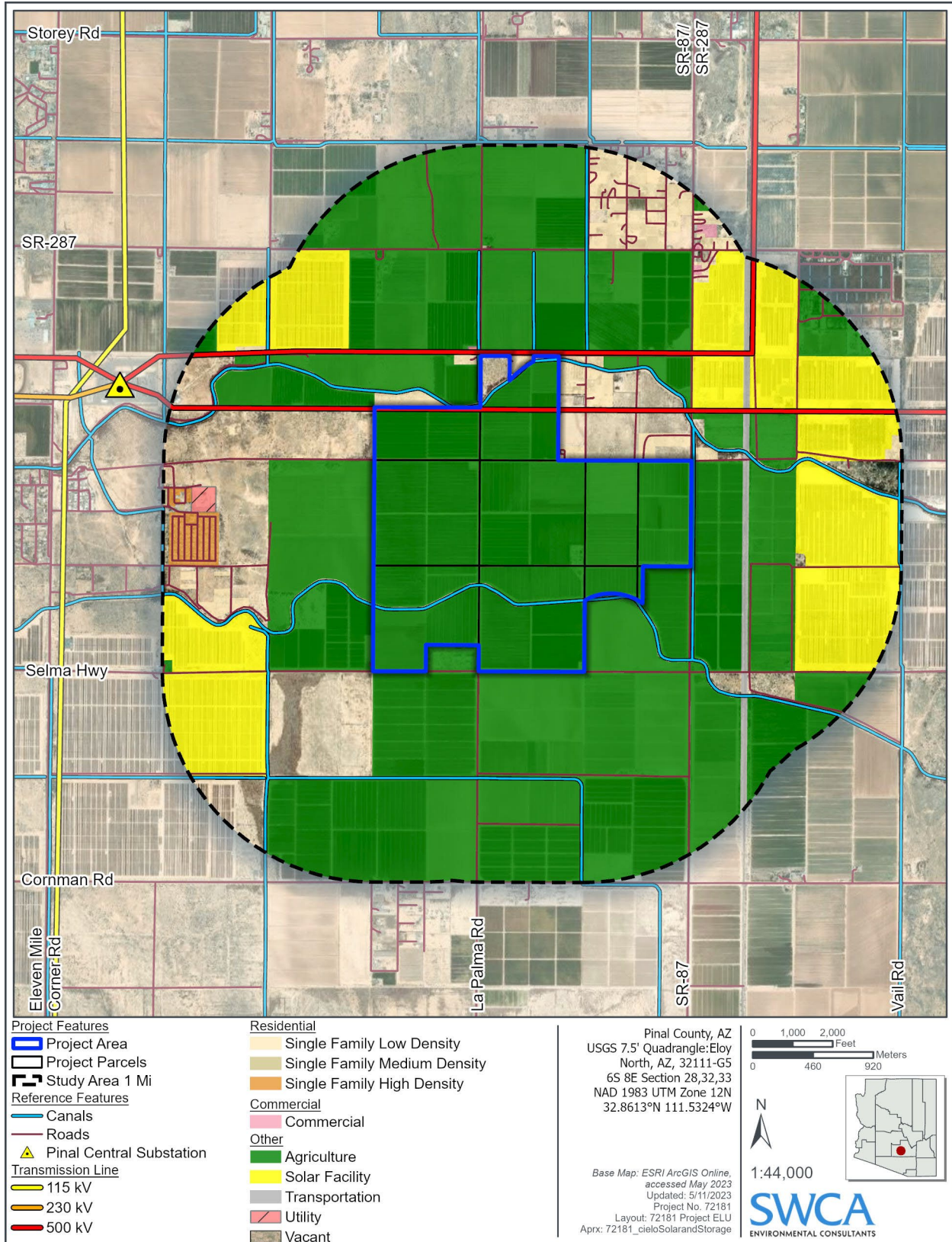


Figure 2. Existing land use.

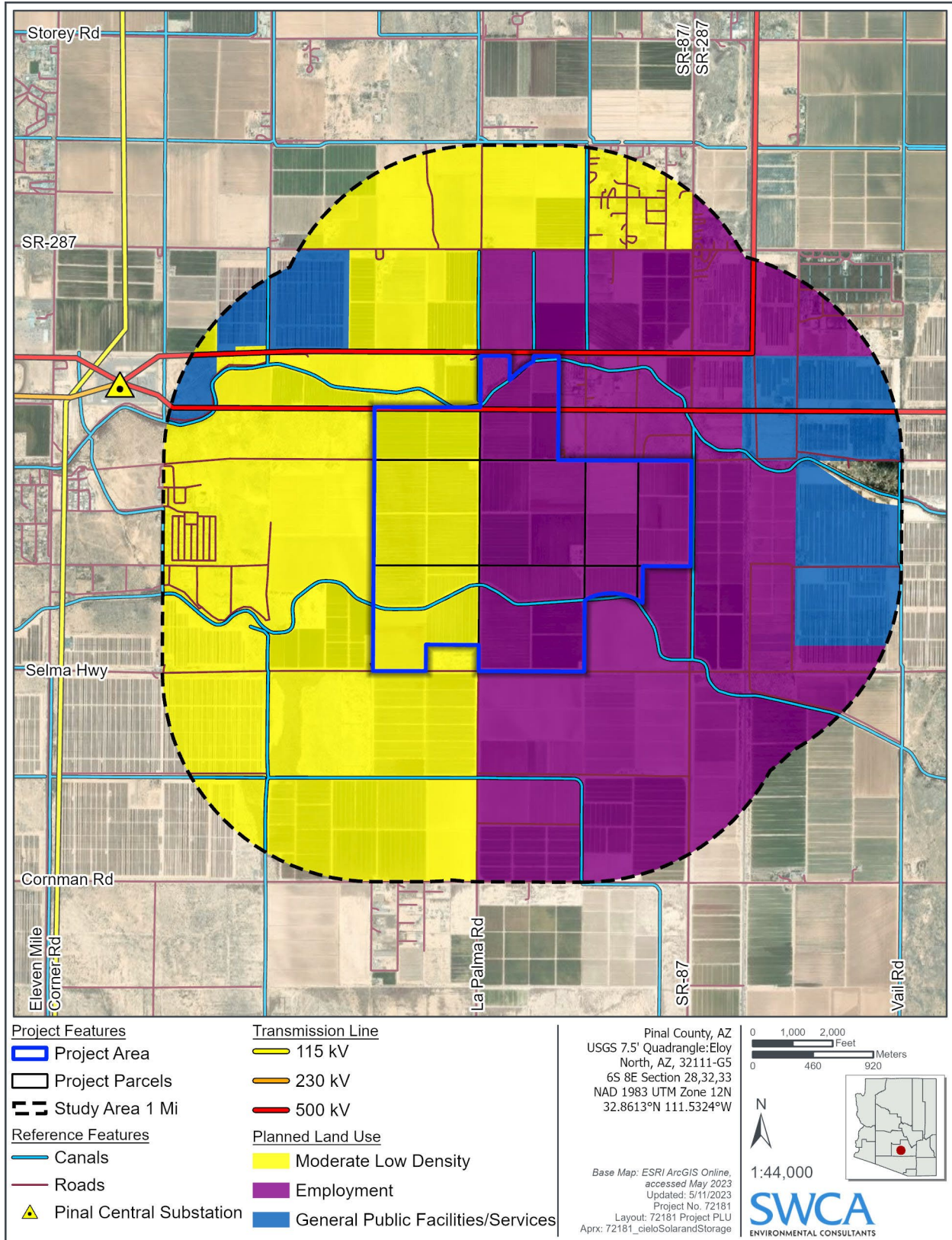


Figure 3. Planned land use.

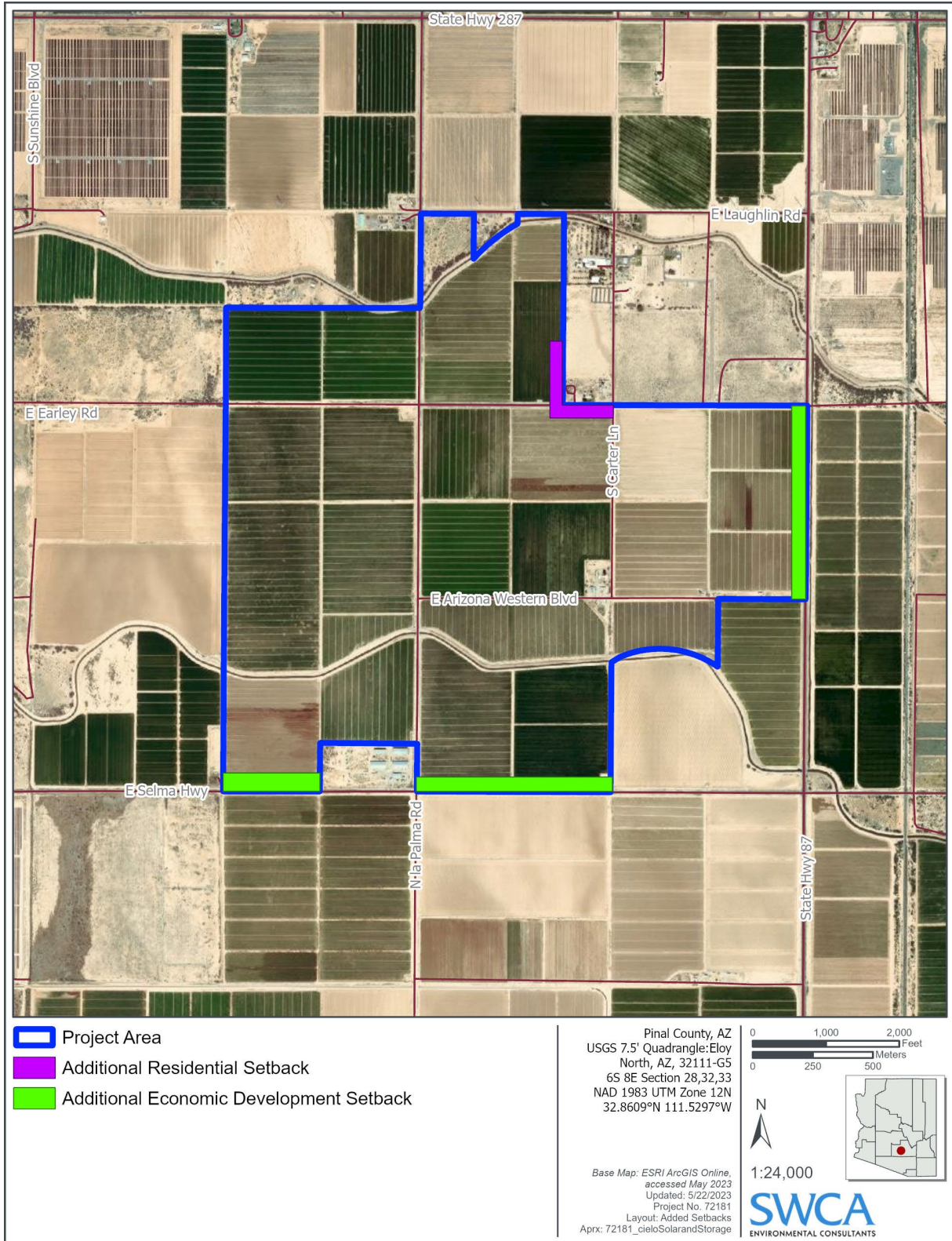


Figure 4. Preliminary Proposed Setbacks

A.1 Major Comprehensive Plan Amendment Approval Criteria

This section addresses the specific approval criteria for Major Comprehensive Plan Amendments outlined in the Comprehensive Plan.

A.1.1 The identified site is appropriate for the proposed use

The Comprehensive Plan land use designations for the Project Site include Moderate Low Density Residential and Employment. The proposed land use for the Project is Green Energy Production. The Project Site is well suited for the proposed changes to the Comprehensive Plan as the primary criteria for determining the location of power generation facilities includes the existence of compatible adjacent and nearby land uses; minimal topographic variability; and the proximity to existing electrical infrastructure. Figures 1, 2, and 3 below show the Project Site, Study Area, and existing compatible nearby land uses. The proposed land use associated with this amendment would be consistent with the goals, objectives, and policies of the current Comprehensive Plan. See Sections A through C of this application for additional information.

A.1.2 The amendment must constitute an overall improvement to the County

The Project will generate an estimated millions in property taxes for the County during its operating life. The Project will increase the land's taxable value and contribute to local employment opportunities while adding little, if any, burden to public services. The below sections of this application narrative provide support to how the Project will be an overall improvement to the County and consistent with the goals, policies, and objectives of the Comprehensive Plan.

A.1.3 The amendment will not adversely impact a portion of, or the entire County, by:

Significantly altering existing land use patterns, especially in established neighborhoods

The Comprehensive Plan does not include planning guidelines for Green Energy Production. In general, the Comprehensive Plan encourages developments that are compatible with surrounding land uses. As described in Sections B.2 and C.1.1, the Project would be located near existing large-scale solar PV developments, high-voltage transmission lines, substations, and agricultural and vacant land. Other existing and planned solar and utility developments proximate to the Project Site provide evidence of the Project's compatibility with the land use changes in this area.

Significantly reducing the jobs per capita balance in Pinal County

The amendment would further promote economic diversity and employment opportunities in the area by providing quality jobs during the construction and operational life of the facility. See sections C.1.3 and C.2.4 for additional information.

Replacing employment with residential uses

The Project does not intend to replace employment with residential uses.

Placing new development away from existing or approved development if the new development overtaxes infrastructure systems and public services when considering: future contributions to infrastructure and services through construction and dedication of improvement, payments of development fee, and other mitigation measures

As described in Sections B.2 and C.1.1, the Project would be located near existing large-scale solar PV developments, high-voltage transmission lines, substations, and agricultural and vacant land. Other existing and planned solar developments proximate to the Project Site provide evidence of the Project's compatibility with the land use changes in this area, as well as the attractiveness of this location by renewable energy developers. Additionally, no public improvements to roads, sewer systems, or water systems would be needed for the Project. See sections C.1.2, C.1.6, and C.2.8 for additional information.

Negatively impacting the existing character (i.e. visual, physical, environmental and functional) of the immediate area

Planning guidelines specify that solar projects are compatible with the county's farming heritage (Pinal County 2019). The amendment would be consistent with the Sense of Community vision as described in the Comprehensive Plan by locating the Project away from existing sensitive land uses (e.g., established residential neighborhoods) and consolidating the Project with existing energy facilities and compatible land uses such as agricultural land that is no longer considered viable (see Section C.2.5 for additional information).

Increasing the exposure of residents to aviation generated noise, and/or flight operations

The Project will not increase the exposure of residents to aviation generated noise, and/or flight operations.

Diminishing the environmental quality of the air, water, land, or cultural resources

The amendment is consistent with the Environmental Stewardship vision component of the Comprehensive Plan. Pattern has considered potential environmental impacts and is committed to minimizing impacts to the human, natural, and cultural environments that would result from the proposed development. Throughout its development and operation, the Project will comply with all applicable federal, state, and local laws, regulations, and guidelines. See sections C.1.5 and C.2.7 for additional information.

Significantly decreasing the quantity or quality of recreational amenities such as open space, parks, and trails

There are no existing dedicated Open Space areas, designated scenic resources, or designated view corridors within the Study Area. The Comprehensive Plan (Pinal County 2019) and the Open Space and Trails Master Plan (Pinal County 2007) indicate that a multi-use trail corridor is proposed along the Florence-Casa Grande Canal, which bisects the southern portion of the Project Site. Neither the proposed amendment nor the Project would conflict with this proposed land use. Pattern will work with the County to ensure the Project is minimizing any potential impacts to the proposed multi-use trail corridor. The Project is already planned to have conservative setbacks from the proposed corridor route. The Project would not impact any planned recreational uses. See sections C.1.4 and C.2.6 for additional information.

A.2 Responses to County Planning Staff Pre-Application Comments

Below is a summary of the comments made by Pinal County Planning staff from the pre-application meeting held on May 9, 2023 (Planning case number Z-PA-048-23). Responses to address these comments follow after each.

Staff Comment: Location of the project area is conducive to equitable employment compared to solar farms/projects that employ few people. Land has potential for other uses that employ more people (if rezoned) as compared to Solar facilities.

To allow for Employment permitted uses on the portion of the site categorized as Employment, coordination with the landowner to rezone the necessary parcels to a respective zoning district would be required. The land is not readily developable for employment type uses.

The amendment would further promote economic diversity and employment opportunities in the area by providing direct and indirect employment during the construction and operational life of the proposed facility. The Project would have a beneficial increase in the amount of employment currently generated at the Project Site. The Project would provide construction employment opportunities, which is considered an important employment sector for Pinal County (Pinal County 2019). As noted by the Board of Supervisors in previous proceedings, major corporation's and business' sustainability and energy goals to achieve net zero carbon emission or receive 100 percent of their energy from renewable energy sources, is growing. The project would increase Pinal County's attractiveness for these businesses to locate, contributing to the employment opportunities and economic benefits for the community. *See sections C.1.3 and C.2.4 for additional information.*

Area and location abutting major transportation corridors that has potential for residential and or commercial uses.

Power generation facilities on the Project Site would have minimal impact on planned land uses from traffic and the goals that address this vision. The Project plans to propose generous setbacks, well beyond the right-of-way requirements, along portions of the Project Site abutting Selma Highway and State Route 87 (see Figure 4). Pattern commits to working in good faith with County Staff and interested counterparties that want to subdivide and build gas stations, solar O&M offices, fire stations, etc. These additional setbacks would allow for the continued planned uses identified as Employment within the Comprehensive Plan. Paved and unpaved roads provide access to the Project Site. These roads include East Laughlin Road, East Early Road, East Arizona Western Boulevard, East Selma Highway, South La Palma Road, South Carter Lane, and State Route (SR) 87.

Pinal County currently has over 20,000 acres of land designated for Green Energy Production.

The Pinal County Comprehensive plan does not identify in its vision, goals, policies, and objectives a limit to any type of land use category. A good portion of the referenced approximately 20,000 acres of land redesignated Green Energy Production since 2019 lay within nearby incorporated municipalities (e.g., Coolidge). Other existing and planned solar developments proximate to the Project Site provide evidence of the Project's compatibility with the land use changes in this area, as well as the attractiveness of this location by renewable energy developers. As the county continues to develop, previous land use categories may no longer serve as the best identified use of land to achieve the vision and goals of the Comprehensive Plan. The Land Use Plan states that it "must be flexible enough to adjust to changing conditions and economic opportunities" (Pinal County 2019).

Historic canal to the south of the parcel has a multi-use trail corridor requiring pedestrian linkages from neighboring land use of residential development.

The Comprehensive Plan (Pinal County 2019) and the Open Space and Trails Master Plan (Pinal County 2007) indicate that a multi-use trail corridor is proposed along the Florence-Casa Grande Canal, which bisects the southern portion of the Project Site. Neither the proposed amendment nor the Project would conflict with this proposed land use. Pattern will work with the County to ensure the Project is minimizing any potential impacts to the proposed multi-use trail corridor. The Project is already planned to have conservative setbacks from the proposed corridor route. The Project would not impact any planned recreational uses.

Pinal County Comprehensive Plan designation is Moderate Low Density Residential and has versioned this area for residential development.

One of the two Pinal County Comprehensive Plan land use designations on the Property is moderate low density residential. Given its proximity to existing and planned transmission and solar energy facilities, the Project Site is less suitable for new housing developments. The Project is a sustainable land use alternative to the residential and commercial developments called for by the current Land Use Plan. The Project Site is subject to ongoing land subsidence that is actively monitored by the Arizona Department of Water Resources (ADWR). Recent ADWR mapping in the Eloy-Coolidge-Florence area indicates land subsidence rates at the Project Site as high as 0.8 inch per year (ADWR 2020, 2021). The ADWR notes that differential subsidence and earth fissures, a related hazard, can damage infrastructure, including residential structures, driveways, and fences (ADWR 2021). The Comprehensive Plan states that land subsidence and earth fissures “may cause significant damage to infrastructure” and that “development on lands that have historically experienced subsidence or fissuring require special consideration during the design-development process, and may require engineering solutions to safeguard people and property from the hazards” (Pinal County 2019). Portions of the Moderate Low Density Residential area closer to I-10 are outside of the ADWR-delineated subsidence area and, therefore, may be more suitable for housing developments. Designating the Project Site as Green Energy Production is appropriate because the Project is less susceptible to damage from land subsidence compared to residential or commercial land uses and, once operational, the Project would require little or no water.

A.3 Proposed Land Use

The Comprehensive Plan land use designations for the Project Site include Moderate Low Density Residential and Employment. The proposed land use for the Project is Green Energy Production.

A.4 Location and Accessibility

The Project Site is located entirely within unincorporated Pinal County, approximately 8 miles south of central Coolidge and approximately 11.5 miles east of central Casa Grande. The Project Site is accessible via East Laughlin Road, which runs east-west and borders a portion of the Project Site to the north, East Early Road running east-west through the Project Site, East Arizona Western Boulevard running east-west through the Project Site, East Selma Highway running east-west and bordering a portion of the Project Site to the south, South La Palma Road running north-south through the Project Site, South Carter Lane running north-south through the Project Site, and SR 87 running north-south and bordering a portion of the Project Site to the east.

The intersection of SR 87 and SR 287 is approximately 1 mile north of the Project Site. Interstate 10 (I-10) and the Union Pacific Railroad, a major transportation and freight corridor, are approximately 8.5 west of the Project Site. The Interstate 8 (I-8)/I-10 interchange is approximately 9.5 miles west of the Project Site.

A.5 Site Suitability

Pattern identified the Project Site as an optimal location for an electrical generation facility based on favorable resources available in Pinal County. These resources include large, generally level areas with a lack of sensitive biological resources, as well as close proximity to planned and existing transmission lines and electric load centers. These factors mean the build cost is low relative to other locations in Pinal County and could therefore sell power at lower cost than solar facilities built in other parts of the County. Those lower power sale prices could result in lower energy bills for Pinal County residents.

The Project Site consists of undeveloped, private lands that predominately include active and fallow agricultural areas, as well as some scrub-shrub and open areas. According to the National Hydrography Dataset, maintained by the U.S. Geological Survey, there are no perennial surface waters or wetlands on the Project Site (U.S. Geological Survey 2022). The Florence-Casa Grande Canal Extension and the Casa Grande Canal run east to west through the Project Site. The Project Site is located outside any Special Flood Hazard Areas (100-year floodplains) as identified by the Federal Emergency Management Agency or the Flood Control District of Pinal County (Pinal County 2023).

A.6 Public Services/Utilities

Existing utilities within the Project vicinity include a 500-kV, Tucson Electric Power Company-owned (TEP) transmission line, and the Pinal Central Substation (jointly owned by many utilities including Salt River Project-owned (SRP) and TEP). SunZia Transmission, LLC's transmission infrastructure, planned for construction completion in 2025, would also cross the northern portion of the Project Site. The Project's proposed switchyard would connect to the regional power grid via SunZia Transmission, LLC infrastructure. There are also numerous electrical distribution lines, communications cables, irrigation canals, laterals, and ditches on and in the vicinity of the site.

The Pinal County Sheriff's Office provides law enforcement services to the Project vicinity, and the Regional Fire and Rescue Department provides subscription-based fire and emergency medical services to the region. New or additional public services resulting from the amendment are not anticipated. Any water required for construction or operations is expected to be obtained from existing wells on-site. See Section C.2.8 for more details. Water required for construction and/or operations for the Project would be significantly less than water consumption of current farming operations. Pattern plans to work with local farmers and businesses to allocate any of its unused water rights during construction and operations.

B. PROJECT NARRATIVE

B.1 Introduction

This narrative report provides the required information to support Pattern's request for a Major Comprehensive Plan Amendment (MCPA) for the Cielo Solar Project on unincorporated land in Pinal County. Pattern is requesting this amendment to construct and operate a PV solar facility, BESS,

substation, switchyard, and other electrical infrastructure on the Project Site, which consists entirely of privately owned parcels controlled by Pattern (see Figure 1).

Should Pinal County approve the MCPA, Pattern intends to subsequently pursue and apply to Pinal County for a zoning change from *General Rural* (GR) to *Industrial Zoning* District (I-3) with a Planned Area Development overlay to allow for the development of the PV solar facility.

Changing the Comprehensive Plan land use designation from Moderate Low Density Residential and Employment to Green Energy Production and subsequently granting a zoning change from GR to I-3 would allow development of the Project. The Project would increase the production of clean, renewable energy for Pinal County and surrounding areas, where electrical demand is increasing. With its battery storage component, the Project also has the potential to boost grid reliability which may be of extra importance considering last year's cancellation of the nearby Coolidge gas plant expansion. Additionally, the Project would generate a positive economic effect in the form of local, short- and long-term job creation, tax benefits to Pinal County, and increased economic activity from Project contractors transacting with local businesses. Pattern would use local contractors and materials to the extent practical for the Project.

The Project Site is well suited for the proposed changes to the Comprehensive Plan. The primary criteria for determining the location of power generation facilities include the existence of compatible adjacent and nearby land uses; minimal topographic variability; and the proximity to existing electrical infrastructure. Figures 1, 2, and 3 above show the Project Site, Study Area, and existing compatible nearby land uses.

B.1.1 Project Description

As the solar PV panels generate power, electricity will either be dispatched to the regional grid or directed to the BESS where the energy will be stored and dispatched to the grid at a later time when that power is needed. To reach the regional grid, the power flows through inverter stations to convert the electricity to alternating current (AC) and a transformer at the Project Substation increases the voltage to 500 kV. Electricity will then flow through a short gen-tie line and into a switchyard that will connect directly to the planned SunZia Transmission LLC transmission line infrastructure. Alternatively, the power generated by the solar PV panels may be directed into the BESS via a network of underground, alternating current (AC), 34.5-kV collector circuits, and stored for later use. When it is advantageous to do so, the BESS sends electricity to the regional power grid via the Project Substation, gen-tie, and then switchyard.

Pattern plans to use solar PV panels equipped with an anti-reflective coating, mounted on a single-axis tracking system to maximize the Project's overall efficiency. The tallest position of the PV panels is expected to be 15 feet above the ground surface. When complete, the PV solar facility would have an expected nameplate generating capacity of 150 megawatt (MW) AC. The BESS would consist of approximately 300 enclosures housing lithium-ion battery cells; as currently designed, the BESS would have storage capacity of 150 MW, capable of delivering 600 megawatt-hours (MWh). Pattern plans to begin Project operations as early as December 2025.

Pattern has a well-established record of designing, constructing, and operating projects in a manner that promotes both public and worker safety. Access to the Project Site, including the Project Substation and BESS, will be restricted to authorized personnel by perimeter fencing and locked access gates. The BESS will be designed in compliance with all applicable electrical and fire safety codes, including National Fire Protection Association 855: Standard for the Installation of Stationary Energy Storage Systems. The BESS will be equipped with numerous, redundant safety features including a battery management system

(BMS), energy management system (EMS), thermal management system, fire alarm system, and container ventilation. The EMS will allow Pattern to remotely monitor BESS conditions (e.g., battery cell voltage, current, temperature) on a continuous basis. The EMS will include automated controls that would turn off and isolate equipment (e.g., battery cells) that operates outside of pre-determined tolerance levels. The thermal management system will maintain safe operating temperatures within each enclosure. The fire alarm system is expected to include optical smoke detectors, heat detectors, gas monitoring equipment, and siren alarms. In the unlikely event of a fire, a water-based fire suppression system would be utilized, and the ventilation system of the affected container would prevent the buildup of potentially hazardous gases. The BESS will be designed with proper spacing between battery containers and other electrical equipment and will be maintained free of vegetation. The Project would also include an O&M building to provide storage for parts and equipment and office space for O&M personnel. The O&M building would also house the Supervisory Control and Data Acquisition (SCADA) equipment that monitors and controls the Project's electrical output. It will be located adjacent to the Project Substation on approximately one acre of land. It will include an approximately 4,000 square foot building and parking for operations workers. Pattern plans to coordinate its plans for the O&M building with Pinal County.

Pattern will require construction contractors to install temporary erosion and sediment control features to prevent construction-period stormwater discharges. The Project Site is relatively flat and will require only minor grading. The Project will be designed with appropriately sized, permanent stormwater management features, such that post-construction stormwater discharges do not exceed existing conditions. Refer to Section C.2.8 for further information.

B.1.2 Project Decommissioning

Pattern Energy expects this Project to operate for at least 25 years. Decommissioning the Project will involve removing equipment in accordance with industry standards and appropriate site restoration. Where possible, equipment in good working condition may be repurposed for other projects. Other materials will be returned to their manufacturer, recycled by specialized contractors, or disposed of at an appropriate facility. Site restoration will include filling depressions left from removing equipment and re-seeding as dictated by agreements with private landowners. As design and equipment selection is finalized, Pattern will prepare a Decommissioning Plan for the Project outlining expected timelines, sequences, and recycle or disposal procedures for the various Project components.

B.2 Physical Settings, Existing Uses, and Relationship to Surrounding Land Uses

The Project is located entirely in unincorporated Pinal County, approximately 8 miles south of central Coolidge; the City of Coolidge borders the Project Site to the south. The entire Project Site is zoned as GR and consists of privately owned parcels controlled by Pattern. Existing land uses at the Project Site include active farmland, fallow farmland, and vacant lands. The Project Site does not contain any federal, state, or local municipal properties. The Project Site includes one residential structure and several outbuildings. The Casa Grande Canal and Florence-Casa Grande Canal bisect the Project Site; both canals are owned by the San Carlos Irrigation District, under the jurisdiction of the Bureau of Indian Affairs San Carlos Irrigation Project. Underground irrigation facilities owned by the Hohokam Irrigation and Drainage District, under jurisdiction of the Bureau of Reclamation, run parallel to portions of North La Palma Road, East Arizona Road, and East Selma Highway, within the Project Site.

Existing land uses within the Study Area (i.e., within 1 mile of the Project Site) include agriculture, single family low density, single family medium density, single family high density, commercial, solar facilities,

utility facilities, and vacant land (see Figure 2). The SRP-owned Pinal Central substation is approximately 0.5 mile west of the Project Site; high-voltage transmission lines bisect or border the northern portion of the Project Site. The nearest federal land is Bureau of Land Management–owned land located approximately 1.8 miles east of the Project Site. The nearest state-owned land is Arizona State Trust Land, adjacent to the western portion of the Project Site and within the Study Area.

Transportation and travel routes in the Project vicinity include I-10 running east-west approximately 8 miles southwest of the Project Site, SR 87 running north-south and bordering a portion of the Project Site to the east, SR 287 running east-west approximately 1 mile north of the Project Site, and several paved and unpaved local roads. In addition, the I-8/I-10 interchange is approximately 9.5 miles west of the Project Site. According to the Arizona Department of Transportation (ADOT), SR 87 and Selma Highway are designated as “major rural collectors”; the remainder of roadways intersecting or bordering the Project Site are designated as “rural local” (ADOT 2022). The Project will identify and adhere to the required setbacks along all the roadways adjacent to or that intersect the project site.

There are no areas designated as Open Space on the Project Site or in the Study Area. A multi-use trail corridor is proposed along the Florence-Casa Grande Canal, which bisects the southern portion of the Project Site (Pinal County 2007). The Project would not impact any planned recreational uses.

C. COMPREHENSIVE PLAN AMENDMENT CRITERIA

Pinal County describes the overall purpose of the Comprehensive Plan as:

The landmark document to steer the County on a positive course of action to manage growth, preserve the quality of life, and promote sustainability. It is a long-term vision that promotes effective economic vitality while ensuring environmental stewardship. The Plan articulates the vision and outlines the strategic direction to position Pinal as a vibrant, healthy, and economically sustainable region within the state of Arizona (Pinal County 2019).

The amendment is consistent with the vision components of the Comprehensive Plan, as discussed in the next section of this application. These include the following: Sense of Community; Mobility and Connectivity; Economic Sustainability; Open Spaces and Places; Environmental Stewardship; Healthy, Happy Residents; and Quality Educational Opportunities.

To ensure conformity with the Comprehensive Plan, all development proposals must meet the criteria outlined in the Plan’s compliance checklist as found in Appendix A of the Comprehensive Plan (Pinal County 2019). The following sections are provided in response to the criteria listed in the Comprehensive Plan compliance checklist, which is focused on two major components:

- Consistency with Pinal County’s Vision Components
- Consistency with the Plan’s Key Concepts illustrated on Land Use, Circulation, and Economic Development graphics.

C.1 Consistency with Pinal County’s Vision Components

The proposed land use associated with this amendment would be consistent with the goals, objectives, and policies of the current Comprehensive Plan.

The chapters of the Comprehensive Plan include the following: Sense of Community; Mobility and Connectivity; Economic Sustainability; Open Spaces and Places; Environmental Stewardship; Healthy,

Happy Residents; and Quality Educational Opportunities. These chapters are also the vision components and are discussed below with specific responses to the applicable questions included in the Comprehensive Plan compliance checklist found in Appendix A of the Comprehensive Plan (Pinal County 2019).

C.1.1 Sense of Community

Is the proposal consistent with the Sense of Community vision component?

The amendment is consistent with the Sense of Community vision component. Sense of Community is largely achieved by paying close attention to residential and commercial land uses in the area. Densities of development either encourage or discourage a sense of community based on the land uses described in the Comprehensive Plan. To that end, the Comprehensive Plan, Chapter 3: Sense of Community, includes Policy 3.1.1.5: “locate more impactful commercial and industrial uses in areas away from homes where negative impacts can be mitigated.” The Project Site is in an area predominantly characterized by rural land uses including active and fallow agricultural land, low density residential, and vacant land. As noted above, high-voltage transmission lines and canals bisect the Project Site.

Other existing and planned solar developments proximate to the Project Site provide evidence of the Project’s compatibility with the land use changes in this area, as well as the attractiveness of this location by renewable energy developers. The Pinal Central Energy Center, a 20-MW solar generating facility and 10-MW BESS, is located approximately 0.3 mile northwest of the Project Site. Saint Solar, an approximately 100-MW solar generating facility began operation in 2020. The Saint Solar site is located within the City of Coolidge, approximately 0.5 mile east of the Project Site, and includes a 230kV substation. East Line Solar, an approximately 100-MW solar generating facility began operation in 2020. The East Line Solar site is located approximately 0.5 mile east of the Project Site and includes an O&M building. Central Line Solar, an approximately 100-MW solar generating facility is under construction. The Central Line Solar site is located just south of the East Line Solar site. Storey Solar, a proposed 88-MW capacity solar generating facility and BESS, is located approximately 1.0 mile northeast of the Project Site in Pinal County and the city of Coolidge. Storey Solar is scheduled to begin operation as early as June 2023. The amendment would be consistent with the Sense of Community vision as described in the Comprehensive Plan by locating the Project away from existing sensitive land uses (e.g., established residential neighborhoods) and consolidating the Project with existing energy facilities and compatible land uses such as agricultural land that is no longer considered viable (see Section C.2.5 for additional information).

C.1.2 Mobility and Connectivity

Is the proposal consistent with the Mobility and Connectivity vision component?

The amendment is consistent with the Mobility and Connectivity vision component. Chapter 4: Mobility and Connectivity of the Comprehensive Plan explains Pinal County’s vision to strive to serve persons with multimodal transportation options in transportation corridors at appropriate locations. Under the goals, objectives, and policies in this chapter, Policy 4.1.1.4 states that “*The County will evaluate the transportation impacts of all proposed Comprehensive Plan amendments and rezonings on Pinal County’s regional transportation system*” (Pinal County 2019). Power generation facilities on the Project Site would have minimal impact on planned land uses from traffic and the goals that address this vision.

During Project construction, traffic on local roadways would increase due to contractors arriving at and departing from the Project Site and the routine delivery of equipment and materials. Pattern anticipates 260 to 360 trips per day during Project construction, lasting approximately 12 months, for contractors.

During the year of construction Pattern anticipates 1,200 to 1,800 delivery trips. Contractors and equipment deliveries would access the site predominantly from East Laughlin Road, East Early Road, East Selma Highway, North La Palma Road, and SR 87. Pattern expects that existing roadways and railroads are sufficient to accommodate construction traffic. Any internal access roadways would be constructed in accordance with all applicable state or local roadway standards. Pattern will work with Pinal County Public Works Department and ADOT to preserve the alignments of East Laughlin Road, East Early Road, East Selma Highway, North La Palma Road, and SR 87, as necessary.

During the operational phase of the Project, Pattern anticipates 15 trips per day, related to routine inspection and maintenance work performed by permanent site operations staff (2 to 6 employees). Because of the short construction process and minimal traffic to the site during operation, the transportation and traffic impacts associated with the project will be minimal and meet the standards of Pinal County's mobility and connectivity plans.

C.1.3 Economic Sustainability

Is the proposal consistent with the Economic Sustainability vision component?

The amendment is consistent with the Economic Sustainability vision component. Balancing residential growth with job creation is the central theme of the Economic Development element. The Economic Development element concentrates on the County's ability to provide quality employment opportunities for its residents by setting specific goals, objectives, and policies. Two main goals that address this vision are to:

1. *Encourage a full range of quality jobs for residents of Pinal County and increase the jobs per capita ratio.*
2. *Encourage sustainable development consistent with Pinal County's environmental preservation philosophy (Pinal County 2019).*

The amendment would further promote economic diversity and employment opportunities in the area by providing direct and indirect employment during the construction and operational life of the proposed facility. The Project would provide construction employment opportunities, which is considered an important employment sector for Pinal County (Pinal County 2019). During construction, Pattern anticipates 200 to 250 jobs, with an anticipated 2 to 4 full-time employees during the Project's operations. Given the other solar construction in the County, this project will help to sustain more than 200 permanent construction jobs in the County. Construction workers will be able to move from project to project while staying rooted in Pinal County. The Comprehensive Plan, Chapter 5: Economic Sustainability, highlights the importance of balancing employment opportunities with residential land use and suggests that, in recent years, residential development has outpaced local employment opportunities (Pinal County 2019). The Comprehensive Plan also notes that "residential land uses create more expenditure than revenues" (Pinal County 2019). Pattern notes that, elsewhere in Pinal County, datacenters and manufacturing centers have co-located adjacent to renewable energy projects. Renewable energy credits, direct service, or "micro-grid" systems are attractive propositions to energy-intensive facilities interested in lowering their carbon footprint. Pattern could accommodate direct service to a datacenter or manufacturing facility, in the instance that such a development is proposed in the vicinity of the Project. The Comprehensive Plan indicates that "industrial, office, business park, and warehousing and distribution" are consistent with the mix of uses within an Employment designation (Pinal County 2019). As noted by the Board of Supervisors in previous proceedings, major corporation's and business' sustainability and energy goals to achieve net zero carbon emission or receive 100 percent of their energy

from renewable energy sources, is growing. The project would increase Pinal County's attractiveness for these businesses to locate, contributing to the economic benefits for the community.

Additionally, the Comprehensive Plan indicates that a large portion of the County's planning area is designated as Moderate Low Density Residential. Therefore, to provide flexibility and promote mixed use concepts that will result in sustainable developments, alternative land uses may be allowed if certain guidelines are met. Within this land use designation "office and light industrial" developments would be permitted uses (Pinal County 2019). Refer to section C.1.1 for a detailed discussion of locating other existing and planned solar developments proximate to each other. Given its proximity to existing and planned transmission and solar energy facilities, the Project Site is less suitable for new housing developments. The Project will generate an estimated millions in property taxes for the County during its operating life. Unlike a residential development, the additional tax base from the Project will not substantially increase demand for municipal services such as roads, schools, or emergency services. The Project will increase the land's taxable value and contribute to local employment opportunities while adding little, if any, burden to public services.

The Comprehensive Plan establishes that the Economic Sustainability vision component is "directly impacted by energy." Specifically, the Comprehensive Plan states that "without ample and reliable energy, Pinal County will not be competitive in attracting business and industry which will bring new jobs" and that "energy costs have a direct impact on the cost of living and doing business" (Pinal County 2019). Power generated by the proposed facility could potentially support residential growth and job creation by providing clean, safe, affordable, and efficient electricity to local communities and the region. The Project Site is the ideal location for this land use due to its close proximity to existing energy infrastructure (i.e., SunZia Transmission and Pinal Central Substation) as well as its flat terrain and abundant sunshine. These factors mean the build cost is low relative to other locations in Pinal County and could therefore sell power at lower cost than solar facilities built in other parts of the County. Those lower power sale prices would result in lower energy bills for Pinal County residents.

The amendment would be compatible with the vision outlined in Chapter 5: Economic Sustainability as described in the Comprehensive Plan.

C.1.4 Open Spaces and Places

Is the proposal consistent with the Open Spaces and Places vision component?

The amendment is consistent with the Open Spaces and Places vision component. According to the Comprehensive Plan, siting of specific proposed open space and trails is based on the "suitability of activities, surrounding land uses, ecological factors, topography, viewsheds, and cultural resources" (Pinal County 2019). The Comprehensive Plan also notes that "conserving existing natural resources and cultural heritage" is an important aspect of the Open Spaces and Places vision component (Pinal County 2019). Pattern is designing the Project in a manner that minimizes impacts to the natural environment and preserves cultural resources (see Section C.2.7 for further details).

There are no existing dedicated Open Space areas, designated scenic resources, or designated view corridors within the Study Area. The Comprehensive Plan (Pinal County 2019) and the Open Space and Trails Master Plan (Pinal County 2007) indicate that a multi-use trail corridor is proposed along the Florence-Casa Grande Canal, which bisects the southern portion of the Project Site. Neither the proposed amendment nor the Project would conflict with this proposed land use. Pattern will work with the County to ensure the Project is minimizing any potential impacts to the proposed multi-use trail corridor. The Project is already planned to have conservative setbacks from the proposed corridor route. The Project would not impact any planned recreational uses.

C.1.5 Environmental Stewardship

Is the proposal consistent with the Environmental Stewardship vision component?

The amendment is consistent with the Environmental Stewardship vision component. Throughout initial Project planning, Pattern has considered potential environmental impacts and is committed to minimizing impacts to the human, natural, and cultural environments that would result from the proposed development. Throughout its development and operation, the Project will comply with all applicable federal, state, and local laws, regulations, and guidelines.

Solar generation conserves natural resources, and battery energy storage facilitates the integration of renewable energy sources into the power grid (see Section C.2.7 for additional information). The Comprehensive Plan, Chapter 7: Environmental Stewardship, states that “Pinal County will provide support for the development and location of renewable sources” and that “the expansion of renewable energy opportunities should be supported by the County through its land use planning and permitting process” (Pinal County 2019). Specifically, Policy 7.6.2.1 states that the County will “identify through specific area planning potential locations for renewable energy production” (Pinal County 2019). The Project would provide a source of renewable energy production and, therefore, is consistent with the Environmental Stewardship vision of the Comprehensive Plan as it relates to energy.

Regarding air quality and water resources, the Comprehensive Plan includes Goal 7.1.3, “improve air quality,” and Goal 7.2.2, “encourage the maximum conservation of water resources currently available in Pinal County” (Pinal County 2019). As a renewable energy source, the Project would not generate any air emissions and would require far less water compared to traditional fossil fuel-based energy sources. As such, the Project would allow the County to further its Environmental Stewardship objectives as they relate to promoting energy, without compromising air quality or water resources.

Chapter 7 of the Comprehensive Plan also notes that environmentally sensitive areas require special consideration during the development design process. Refer to Section C.2.7 for a discussion of biological and cultural resources at the Project Site.

Except for land subsidence, the Project Site does not contain any “environmentally sensitive areas” as described in the Comprehensive Plan Chapter 7: Environmental Stewardship (see Section C.2.1 for a detailed discussion of land subsidence). Pattern will continue to develop this Project in a manner that minimizes impacts to the human, natural, and cultural environments.

Should the County approve the requested amendment, Pattern intends to coordinate with the Arizona Game and Fish Department (AGFD) and Pinal County Parks and Recreation prior to submitting a rezoning application to the Pinal County Planning and Zoning Commission.

C.1.6 Healthy, Happy Residents

Is the proposal consistent with the Healthy, Happy Residents vision component?

The amendment is consistent with the Healthy, Happy Residents vision component. Factors that contribute to Healthy, Happy Residents include well-designed neighborhoods, the cost of housing and public services, and the availability of healthy foods. Refer to section C.1.1 for a detailed discussion of locating other existing and planned solar developments proximate to each other and the high costs of public infrastructure. Chapter 8: Healthy, Happy Residents of the Comprehensive Plan includes the following goals:

Goal 8.3: Promote a philosophy that new growth pays for its share of financial impacts in an equitable manner.

Goal 8.4: Maintain long-term financial sustainability for Pinal County.

The amendment would be consistent with this vision and would contribute to maintaining long-term financial stability (Goal 8.4) by increasing the tax base for Pinal County, as well as by contributing clean, safe, and affordable energy to the regional power grid. Additionally, the amendment would be consistent with Goal 8.3 because Pattern is committed to paying its proper and reasonable share of the costs of new infrastructure, services, and other public improvements that may be required for this Project. While no Project-related public expenditures are currently proposed, the Project may require internal access roads that intersect with roadways under the jurisdiction of the Pinal County Public Works Department. Pattern would pay for and construct any such access roads in coordination with the Pinal County Public Works Department and would not require public expenditures.

C.1.7 Quality Educational Opportunities

Is the proposal consistent with the Quality Educational Opportunities vision component?

As stated in the Comprehensive Plan compliance checklist found in Appendix A of the Comprehensive Plan (Pinal County 2019), this vision component may not apply to all projects. Pattern does not anticipate that this vision component would apply to this Project because no educational opportunities are associated with the Project.

C.2 Consistency with the Plan’s Key Concepts Illustrated on Land Use, Economic, and Circulation Graphics

C.2.1 Consistency with the Land Use Designation Shown on the Graphics

The Comprehensive Plan’s Land Use graphic shows that the western portion of the Project Site is designated for Moderate Low Density Residential and the eastern portion for Employment; surrounding land use designations include General Public Facilities/Services, high density residential, and general commercial (Pinal County 2019 (see Figure 3)). This application for a proposed MCPA is requesting to change the land use designations at the Project Site from Moderate Low Density Residential and Employment to Green Energy Production.

The Pinal County Land Use Plan designates a large, continuous swath of land north and west of the Project Site for Moderate Low Density Residential. If approved, the Project Site would account for a relatively small proportion (approximately 0.8%) of that area, leaving a significant, continuous area for future Moderate Low Density Residential developments. The Project Site is situated along part of the Moderate Low Density Residential area’s eastern boundary and, as such, developing the Project would not result in an “island” designated for Green Energy Production surrounded by residential land use. Furthermore, the Comprehensive Plan suggests that the most intense development in the “West Pinal growth area” will likely be focused near the juncture of I-8 and I-10 (Pinal County 2019). The Project Site is not in the immediate vicinity of the I-8/I-10 interchange and is unlikely to preclude other employment or residential developments from occurring closer to the interstate highways.

The Project Site would account for a similarly small proportion (approximately 3.6%) of the north-south-oriented Employment area identified by the Land Use Plan. To the extent that the Employment area is

intended to be a corridor along SR 87, the Project only borders the highway for approximately 0.5 miles and redesignating the Project Site as Green Energy Production would not compromise the continuity of the Employment area. The Comprehensive Plan also notes that “most of the employment opportunities will continue to occur within municipalities, due to the jurisdictions’ ability to provide needed public services and incentives for economic development” (Pinal County 2019). See section C.1.3 for further details.

The Project is a sustainable land use alternative to the residential and commercial developments called for by the current Land Use Plan. The Project Site is subject to ongoing land subsidence that is actively monitored by the Arizona Department of Water Resources (ADWR). Recent ADWR mapping in the Eloy-Coolidge-Florence area indicates land subsidence rates at the Project Site as high as 0.8 inch per year (ADWR 2020, 2021). The ADWR notes that differential subsidence and earth fissures, a related hazard, can damage infrastructure, including residential structures, driveways, and fences (ADWR 2021). The Comprehensive Plan states that land subsidence and earth fissures “may cause significant damage to infrastructure” and that “development on lands that have historically experienced subsidence or fissuring require special consideration during the design-development process, and may require engineering solutions to safeguard people and property from the hazards” (Pinal County 2019). Portions of the Moderate Low Density Residential area closer to I-10 are outside of the ADWR-delineated subsidence area and, therefore, may be more suitable for housing developments. Designating the Project Site as Green Energy Production is appropriate because the Project is less susceptible to damage from land subsidence compared to residential or commercial land uses and, once operational, the Project would require little or no water.

Finally, the Land Use Plan states that it “must be flexible enough to adjust to changing conditions and economic opportunities” (Pinal County 2019). Relatively low solar build costs, versus other locations in the County, make this an ideal location for solar development and could result in lower energy bills for Pinal County residents. Large setbacks, well beyond County requirements, maintain the potential for non-solar development along Selma Highway and State Route 87. After decommissioning, the land could be changed back to its original use or an alternative use, whereas, if a new housing development were placed at the Project Site and later the County wanted to convert the land back to farmland, the County would not be able to readily restore the land for agricultural use. Building solar at the Project Site allows for economic benefit today and maintains flexibility for new economic opportunities at the Project Site in the coming decades. Given the Project’s consistency with the County’s Vision components, described above, and the reasons noted in this section, Pattern submits that designating the Project Site as Green Energy Production would be consistent with the County’s Land Use Plan.

C.2.2 Consistency with the Mixed Use Activity Center Concepts

The Project Site does not overlap a Mixed Use Activity Center. The nearest Mixed Use Activity Center is a Mid Intensity Activity Center approximately 3.5 miles east of the Project Site.

C.2.3 Consistency with the Planning Guidelines Described in the Land Use Element

The amendment seeks to change existing designations from Moderate Low Density Residential and Employment to Green Energy Production. The Comprehensive Plan does not include planning guidelines for Green Energy Production. In general, the Comprehensive Plan encourages developments that are compatible with surrounding land uses. As described in Sections B.2 and C.1.1, the Project would be located near existing large-scale solar PV developments, high-voltage transmission lines, substations, and agricultural and vacant land.

The amendment would be a step toward adding state-of-the-art renewable energy and battery energy storage facilities, which would likely contribute toward meeting regional electric demand.

C.2.4 Quality Employment Opportunities County-Wide

The amendment is consistent with the Economic Development element. The amendment would further promote economic diversity and employment opportunities in the area by providing quality jobs during the construction and operational life of the facility. With other utility infrastructure construction in the County, this project will help sustain permanent construction jobs in the County. Construction workers will be able to move from project to project while staying rooted in Pinal County. As described in Section C.1.3, above, the amendment would be compatible with the Economic Sustainability Vision outlined in Chapter 5 of the Comprehensive Plan. Pattern notes that the Comprehensive Plan's Economic Development Plan does not identify any areas for Green Energy Production, indicating that any land designated as such must be done so via a Comprehensive Plan amendment. Additionally, a good portion of the referenced approximately 20,000 acres of land redesignated Green Energy Production since 2019 lay within nearby incorporated municipalities that do not allow for solar development (e.g., Coolidge).

C.2.5 Viable Agriculture, Equestrian, and Rural Lifestyle

The amendment would cluster industrial (utility) development into an area that now supports several existing and planned utility uses, thus limiting dispersed impacts to open space and agriculture, or sprawl. Although much of the Project Site and vicinity contain active agricultural areas the Project will occupy approximately 0.11% of irrigated croplands in the county. Additionally, with the anticipated reduction in the allocation of the canal water supply for irrigation, sustaining regular crop yields is less viable, with many farmers following their croplands to convert the land to energy generation and other uses. Just this year, the tenant farmer at the Project Site had to fallow another 300 acres due to a lack of available water. Pattern has water rights on the Project Site and plans to reallocated unused water rights to local farmers and businesses on an annual basis. After the Project decommissioning, equipment will be removed, and the Project Site will be restored and available for agricultural use. If instead a new housing development were placed at the Project Site and later the County wanted to convert the land back to farmland, the County would not be able to readily restore the land for agricultural use. Additionally, planning guidelines specify that solar projects are compatible with the county's farming heritage (Pinal County 2019).

C.2.6 System of Connected Trails and Preservation of Open Space

The Open Spaces and Places chapter of the Comprehensive Plan's vision is to site specific proposed open space and trails based on the "suitability of activities, surrounding land uses, ecological factors, topography, viewsheds, and cultural resources" (Pinal County 2019). Pinal County's Open Space and Trails Master Plan promotes the quality of life of the region by providing areas of passive and active recreational opportunities, while conserving existing resources, such as natural scenic beauty, view corridors, wildlife habitat, agricultural resources designated as at risk, and cultural heritage for the benefit of present and future generations (Pinal County 2007).

There are no existing dedicated Open Space areas, designated scenic resources, or designated view corridors within the 1-mile Study Area. The Comprehensive Plan and the Open Space and Trails Master Plan indicate that a multi-use trail corridor is proposed along the Florence-Casa Grande Canal, which bisects the southern portion of the Project Site. Pattern will work with the County to ensure the Project is minimizing any potential impacts to the proposed multi-use trail corridor. The Project is already planned to have conservative setbacks from the proposed corridor route. Neither the amendment nor the Project would impact any planned recreational uses.

The amendment would be compatible with Pinal County’s vision regarding open space and trails.

C.2.7 Natural Resource Conservation

Pattern has considered potential environmental impacts of the Project and will seek to minimize and mitigate impacts where possible by minimizing ground disturbance and instituting appropriate best practices in siting, constructing, and operating of the Project.

Based on preliminary reviews, the Project Site is in an area with minimal sensitive environmental resources. More detailed environmental studies are anticipated as development and design advance in order to minimize impacts to sensitive resources. Consultation with appropriate natural resource agencies and acquisition of permits related to those resources may also be pursued to identify best management practices and maintain compliance with applicable federal, state, and local environmental laws. Results of a preliminary environmental review of the Project Site are described below.

C.2.7.1 BIOLOGICAL RESOURCES

The U.S. Fish and Wildlife Service (USFWS) maintains a list of protected species and the critical habitat known to occur in each Arizona county. These species are currently listed or are proposed for listing as endangered or threatened under the Endangered Species Act (ESA) (16 United States Code [USC] 1531 et seq.). The list also includes candidate species proposed as threatened or endangered, species delisted from protection under the ESA, and species delisted from protection under the ESA but currently proposed for relisting. The ESA specifically prohibits the “take” of a listed species. Take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to engage in any such conduct.” Some bird species also receive legal protection under the federal Migratory Bird Treaty Act (MBTA) (16 USC 703–712).

Only species listed by the USFWS are afforded protection under the ESA. The special-status species evaluated in this document were based on the list of endangered, threatened, and proposed delisted species for Pinal County, Arizona, available at the USFWS website (USFWS 2022). The USFWS species list is provided in Appendix B.

Of the 21 species listed under the ESA for Pinal County by the IPaC Project-specific list (see Appendix B), only the monarch butterfly (*Danaus plexxipus*), a candidate species, has the potential to occur on the Project Site. For the remaining 20 ESA-listed species, the Project Site is beyond the known geographic or elevational range of the species, or it does not contain vegetation or landscape features known to support these species. No designated or proposed critical habitat occurs on the Project Site.

As is common in agricultural areas, the Study Area has flowering plants that could serve as nectar sources for monarch butterfly during migration. During a site visit conducted in 2018, there were no breeding habitat present as no milkweed species were observed at the Project Site. Given the abundance of flowering plants in the Study Area, the proposed Project *may impact individuals but is not likely to result in a trend toward federal listing or loss of viability.*

It is unlikely that the proposed Project would have an effect on the remaining 20 species listed under the ESA. Dispersal habitat requirements, potential for occurrence, and possible effects of the Project on these species are summarized in Table 2. The effects determinations for all ESA-protected species are provided for feasibility purposes only. Additional details regarding the proposed Project construction and operations (such as timing, erosion controls, and/or noise levels) could change the potential to affect species. Additionally, an on-site visit with full site access will be conducted to validate the effects determinations that are specified herein.

To help validate IPaC findings, SWCA conducted a search of the AGFD Heritage Data Management System (HDMS) database, which tracks records for federally listed species and other species of special concern. SWCA accessed HDMS through the AGFD Arizona Heritage Geographic Information System (AZHGIS) online environmental review tool to determine whether any federally proposed or designated critical habitat or special-status species have been documented on or near the Project Site (AGFD 2022). The search results are included in Appendix C, which indicates that no critical habitat exists and no federally listed species occurrences have been reported on the Project Site. Federally listed species are summarized in Table 2.

Table 2. Federally Listed Species Potentially Occurring in Pinal County, Arizona

| Common Name (Species Name) | Status* | Range or Habitat Requirements | Potential for Occurrence on Project Site | Determination of Effect |
|---|---------|--|--|-------------------------|
| Acuña cactus (<i>Echinomastus erectocentrus</i> var. <i>acunensis</i>) | E | Occurs in disjunct populations across southern Arizona on well-drained gravel ridges and knolls on granite-derived soils. It grows in the Arizona Upland subdivision of the Sonoran desertscrub plant association at elevations between 1,198 and 2,789 feet above mean sea level (amsl). This species occurs in Maricopa, Pima, and Pinal Counties. | Unlikely to occur. There are no gravel ridges or knolls with granite-derived soils, and the Project Site is not within the current range of this species. | No effect. |
| Arizona hedgehog cactus (<i>Echinocereus arizonicus</i> var. <i>arizonicus</i>) | E | Found on open slopes of rugged, steep-walled canyons with granite or dacite bedrock among boulder piles in Arizona desert grassland and in the understory of shrubs in the ecotone between Madrean evergreen woodland and interior chaparral at elevations between 3,400 and 5,300 feet amsl. This species is found in Gila, Maricopa, and Pinal Counties. | Unlikely to occur. There are no canyons, boulder piles, or slopes suitable for the species on the Project Site. The Project Site is below the elevational range for this species and is outside the known range of this species. | No effect. |
| California least tern (<i>Sterna antillarum browni</i>) | E | Forms nesting colonies on barren to sparsely vegetated areas. Nests in shallow depressions on open sandy beaches, sandbars, gravel pits, or exposed flats along shorelines of inland rivers, lakes, reservoirs, and drainage systems at elevations below 2,000 feet amsl. Found in Maricopa, Mohave, and Pima Counties. | Unlikely to occur. Suitable habitat for this species is not present at the Project Site. | No effect. |
| Chiricahua leopard frog (<i>Rana chiricahuensis</i>) | T | Historically occurred in cienegas, pools, livestock tanks, lakes, reservoirs, streams, and rivers at elevations of 3,281 to 8,890 feet amsl. It is now often restricted to springs, livestock tanks, and streams in the upper portions of watersheds where non-native predators either have yet to invade or habitats are marginal for them. | Unlikely to occur. There are no permanent water sources suitable for this species on or adjacent to the Project Site. | No effect. |
| Gila chub (<i>Gila intermedia</i>) | E | Found in pools in smaller streams, cienegas, and artificial ponds ranging in elevation from 2,000 to 5,500 feet amsl. Highly secretive, adults prefer deeper, quieter waters in pools and eddies below riffles or runs, often remaining in cover from terrestrial vegetation, boulder, and fallen logs. | Unlikely to occur. The canal on the Project Site is not suitable for this species, and no suitable habitat is present on or adjacent to the Project Site. | No effect. |
| Gila topminnow (incl. Yaqui) (<i>Poeciliopsis occidentalis</i>) | E | Occurs in small streams, springs, and cienegas at elevations below 4,500 feet amsl, primarily in shallow areas with aquatic vegetation and debris for cover. In Arizona, most of the remaining native populations are in the Santa Cruz River system. | Unlikely to occur. The canals at the Project Site are not suitable for this species, and no suitable habitat is present on or adjacent to the Project Site. | No effect. |
| Gila trout (<i>Oncorhynchus gilae</i>) | T | Occurs in small mountain headwater streams at elevations ranging from 5,500 to 9,200 feet. This species prefers streams with extensive cover such as vegetation and undercut banks, and during drought years it tends to be confined to pools with suitable depth and cover. | Unlikely to occur. The canals at the Project Site are not suitable for this species, and no suitable habitat is present on or adjacent to the Project Site. | No effect. |

| Common Name (Species Name) | Status* | Range or Habitat Requirements | Potential for Occurrence on Project Site | Determination of Effect |
|---|---------|---|--|--|
| Huachuca water umbel (<i>Lilaeopsis schaffneriana</i> var. <i>recurva</i>) | E | Semi-aquatic to aquatic perennial found in shallow water or saturated soil of cienegas or marshy wetlands at elevations between 4,000 and 6,500 feet amsl. Known from the Huachuca Mountains, Canelo Hills, headwaters of the Santa Cruz River to Black Draw, and the San Pedro River. | Unlikely to occur. There are no wetlands in the project area, and the project area is outside the range of this species. | No effect. |
| Loach minnow (<i>Tiaroga cobitis</i>) | E | Occurs in turbulent, rocky riffles of mainstream rivers and tributaries at or less than 7,200 feet amsl. Habitat that is occupied is relatively shallow and has a moderate to swift current, with gravel to cobble-dominated substrates. | Unlikely to occur. The canals at the Project Site are not suitable for this species, and no suitable habitat is present on or adjacent to the Project Site. | No effect. |
| Mexican spotted owl (<i>Strix occidentalis lucida</i>) | T | Found in mature montane forests and woodlands and steep, shady, wooded canyons. Can also be found in mixed-conifer and pine-oak vegetation types. Generally, nests in older forests of mixed conifers or ponderosa pine (<i>Pinus ponderosa</i>)– Gambel oak (<i>Quercus gambelii</i>). Nests in live trees on natural platforms (e.g., dwarf mistletoe [<i>Arceuthobium</i> spp.] brooms), snags, and canyon walls at elevations between 4,100 and 9,000 feet amsl. | Unlikely to occur. The Project Site does not contain suitable habitat for this species, and the Project Site is below the known elevational range of this species. | No effect. |
| Mexican wolf (<i>Canis lupus baileyi</i>) | EXPN | Prefers mountain woodlands where cover, water, and suitable ungulate prey occur. | Unlikely to occur. The project area is distant from known occurrences of this species and does not contain suitable mountainous habitat. | No effect. |
| Monarch butterfly (<i>Danaus plexippus</i>) | C | Habitat is complex. Generally, breeding areas are virtually all patches of milkweed (<i>Asclepias</i> sp.). The species occurs throughout Arizona during the summer and migrates to winter in Mexico and California, though small numbers do overwinter in the low deserts of southwestern Arizona. | May occur. The Project Site could be potentially used as a migratory stopover as flowering plants are present. Breeding is unlikely given that there is no milkweed present. | May impact individuals but is not likely to result in a trend toward federal listing or loss of viability. |
| Nichol's Turk's head cactus (<i>Echinocactus horizonthalonius</i> var. <i>nicholii</i>) | E | Found in Sonoran desertscrub with limestone-derived alluvium at elevations between 2,000 and 3,600 feet amsl. In Arizona, its known range is limited to the Waterman and Vekol Mountains. | Unlikely to occur. The Project Site is far from known populations in the Waterman and Vekol Mountains. | No effect. |
| Northern Mexican gartersnake (<i>Thamnophis eques megalops</i>) | T | Riparian obligate species, found in lotic and lentic habitats that include cienegas and stock tanks (earthen impoundments) and rivers containing pools and backwaters. Most frequently found between 3,000 and 5,000 feet amsl but may occur up to approximately 8,500 feet amsl. Uses adjacent terrestrial habitats for foraging, thermoregulation, gestation, shelter, immigration, emigration, and brumation. Core population areas in Arizona include mid/upper Verde River drainage, mid/lower Tonto Creek, and the San Rafael Valley. | Unlikely to occur. The Project Site is below the typical elevational range for the species, and suitable habitat for this species is not present on or adjacent to the Project Site. | No effect. |

| Common Name (Species Name) | Status* | Range or Habitat Requirements | Potential for Occurrence on Project Site | Determination of Effect |
|---|---------|---|--|-------------------------|
| Ocelot (<i>Leopardus pardalis</i>) | E | In Arizona, typically observed in subtropical thorn forest, thornscrub, and dense, brushy thickets at elevations below 8,000 feet amsl and is often found in riparian bottomlands. The critical habitat component is probably dense cover near the ground and complete avoidance of open country. In Arizona, there are five recent confirmed sightings of ocelot in Cochise County (2009–2012), one confirmed sighting near Globe (2010), and unconfirmed sightings in the Chiricahua and Peloncillo Mountains. | Unlikely to occur. The species is very rare, and there are no dense, brushy thickets or riparian bottomlands at the Project Site. In recent years, this species has been documented in several areas in southern Arizona, including a dead ocelot on U.S. Route 60 between Superior and Globe, which is about 15 miles northeast of the Project Site. | No effect. |
| Razorback sucker (<i>Xyrauchen texanus</i>) | E | Found in riverine and lacustrine areas, generally not in fast-moving water, and may use backwaters at elevations below 6,000 feet amsl. | Unlikely to occur. The canals at the Project Site are not suitable for this species, and no suitable habitat is present on or adjacent to the Project Site. | No effect. |
| Sonoran pronghorn (<i>Antilocapra americana sonoriensis</i>) | EXPN | Found in Sonoran desertscrub within broad, intermountain alluvial valleys with creosote bush (<i>Larrea tridentata</i>)–bursage (<i>Ambrosia</i> spp.) and paloverde (<i>Parkinsonia</i> spp.)–mixed cacti associations at elevations between 2,000 and 4,000 feet amsl. The only extant U.S. population is in southwestern Arizona; however, the USFWS has established a 10(j) area for reintroductions. The only current reintroduction is in and near the Kofa National Wildlife Refuge. | Unlikely to occur. The Project Site is outside the species' currently known range and is not within a potential reintroduction area. | No effect. |
| Sonoyta mud turtle (<i>Kinosternon sonoriense longifemorale</i>) | E | In Arizona, found only in pond and stream habitat at Quitobaquito Springs in Organ Pipe Cactus National Monument. This subspecies of the more common Sonora mud turtle (<i>Kinosternon sonoriense sonoriense</i>) also occurs in Rio Sonoyta, Mexico. | Unlikely to occur. This species is only found at Quitobaquito Springs, which is more than 110 miles southwest of the Project Site. | No effect. |
| Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>) | E | Found in dense riparian habitats along streams, rivers, and other wetlands where cottonwood (<i>Populus</i> spp.), willow (<i>Salix</i> spp.), boxelder (<i>Acer negundo</i>), saltcedar (<i>Tamarix ramosissima</i>), Russian olive (<i>Elaeagnus angustifolia</i>), buttonbush (<i>Cephalanthus</i> spp.), and arrowweed (<i>Pluchea sericea</i>) are present. Nests are found in thickets of trees and shrubs, primarily those that are 13 to 23 feet high, among dense, homogeneous foliage. Habitat occurs at elevations below 8,500 feet amsl. | Unlikely to occur. This species has one occurrence record within 5 miles, most likely from the Picacho Reservoir, which is approximately 1.5 miles east of the Project Site and contains suitable riparian habitat for this species. The HDMS indicates only one occurrence record in this area (not a population). It is not known if this occurrence is historical or recent. Dense riparian habitat for the species is not present at the Project Site. | No effect. |
| Spikedace (<i>Meda fulgida</i>) | E | Found in mid-water habitats, including runs, pools, and swirling eddies below 4,500 feet amsl. | Unlikely to occur. There is no suitable habitat for this species at or near the Project Site. | No effect. |

| Common Name (Species Name) | Status* | Range or Habitat Requirements | Potential for Occurrence on Project Site | Determination of Effect |
|---|---------|--|---|-------------------------|
| Yellow-billed cuckoo (<i>Coccyzus americanus</i>) | T | Typically found in riparian woodland vegetation (cottonwood, willow, or saltcedar) at elevations below 6,600 feet amsl. Dense understory foliage appears to be an important factor in nest site selection. The highest concentrations in Arizona are along the Agua Fria, San Pedro, upper Santa Cruz, and Verde River drainages and Cienega and Sonoita Creeks. | Unlikely to occur. This species has many occurrence records and a population occurrence within 5 miles of the Project Site, centered on nearby proposed critical habitat. Proposed critical habitat (Unit 29 AZ—21 Picacho Reservoir) occurs approximately 1.5 miles east of the Project Site. The Picacho Reservoir is consistently occupied by this species (USFWS 2014). Because riparian woodlands are not present at the Project Site, this species is unlikely to use the area for migration, dispersal, foraging, or breeding. Individuals using the Picacho Reservoir will not be affected by construction or operation of the proposed Project. Thus, there will be no direct effects on this species resulting from the proposed Project. | No effect. |
| Yuma Ridgway's rail (<i>Rallus obsoletus yumanensis</i>) | E | Found in freshwater and brackish marshes below 4,500 feet amsl. | Unlikely to occur. There are no wetland/marsh vegetation areas on the Project Site. Therefore, this species is unlikely to use the Project Site for foraging or dispersal. However, this species has occurrence records at the Picacho Reservoir, approximately 1.5 miles east of the Project Site. Because wetland/marsh vegetation is not present at the Project Site, this species is unlikely to use the area for migration, dispersal, foraging, or breeding. Individuals using the Picacho Reservoir will not be affected by construction or operation of the proposed Project. Thus, there will be no direct effects on this species resulting from the proposed Project. | No effect. |

Sources: AGFD (2022); USFWS Arizona Ecological Services Field Office (USFWS 2022); Arizona Rare Plant Committee (n.d.); Corman and Wise-Gervais (2005).

* USFWS Status Definitions:

C = Candidate. Candidate species are those for which the USFWS has sufficient information on biological vulnerability and threats to support proposals to list as endangered or threatened under the ESA. However, proposed rules have not yet been issued because such actions are precluded at present by other listing activity.

E = Endangered. An animal or plant species in danger of extinction throughout all or a significant portion of its range.

EXPN = Experimental Population, Non-Essential. Experimental populations of a species designated under Section 10(j) of the ESA for which the USFWS, through the best available information, believes is not essential for the continued existence of the species. Regulatory restrictions are considerably reduced under an EXPN designation.

T = Threatened. An animal or plant species likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

One species protected under the Migratory Bird Treaty Act and that is a state-protected species, the western burrowing owl (*Athene cunicularia hypugaea*), is known to occur within the Study Area. This species was observed at the Project Site and vicinity during the 2018 site visit, and the Project Site and surrounding areas are suitable habitat for this species. Pattern would comply with the MBTA when constructing, operating, and maintaining the Project, potentially by avoiding burrowing owl habitat, adhering to appropriate construction practices, and utilizing approved techniques to relocate individuals if appropriate.

A desktop review indicated that the Project Site and evaluation area are not within an Arizona Important Bird Area (Arizona Important Bird Area Program 2018).

C.2.7.2 CULTURAL RESOURCES

A desktop review of AZSITE, Arizona’s online cultural resources database, which includes records from the Arizona State Museum (ASM), Arizona State University, and the Bureau of Land Management, was conducted to identify previous cultural resources investigations and known cultural resources at the Project Site.

AZSITE identified 9 prior cultural resources surveys, accounting for approximately 99 acres (11%) of the Project Site. Previous surveys were conducted between 1996 and 2019 for various projects including telecommunication construction, a fiber optic line, a solar project, gas pipeline storage, bridge improvements, and telecommunications (Table 3). The majority of these surveys are more than 10 years old and do not meet current survey guidelines and standards for cultural resources.

Table 3. Previously Conducted Archaeological Surveys in the Project

| Agency Number | Project Name (AZSITE Data) | Consultant or Institution |
|-------------------------------|--|---|
| 1996-306.ASM / SHPO-6804 | Bridges/Coolidge, Pinal County | Archaeological Research Services, Inc., Tempe, Arizona |
| 2000-723.ASM / SHPO-2000-1717 | AT&T NexGen/Core Project Link 3 | Western Cultural Resource Management Inc., Farmington, New Mexico |
| 2003-910.ASM / SHPO-2002-1717 | Cultural Resources Survey of the 360networks Fiber Optic Lines | TRCMA |
| 2004-679.ASM | AT&T NextGen/Core Project | Western Cultural Resource Management Inc., Farmington, New Mexico |
| 2008-254.ASM | La Palma Tie Rehabilitation | San Carlos Irrigation Project |
| 2010-59.ASM | Arizona Natural Gas Storage Geotechnical Monitoring | Archaeological Consulting Services, Tempe, Arizona |
| 2010-280.ASM | Arizona Natural Gas Storage Pipeline Header and Laterals | Archaeological Consulting Services, Tempe, Arizona |
| 2012-363.ASM | TEP Pinal Central to Tortolita Survey WRI 1610.86 CR 520 | WestLand Resources, Tucson, Arizona |
| 2019-218.ASM | East Line Solar | SWCA Environmental Consultants, Tucson, Arizona |

Three archaeological sites have been previously recorded on the Project Site (Table 4). These resources (i.e., linear in-use historic-era structures with ASM site numbers) do not qualify as archaeological sites. In-use historic-era structures may still constitute historic properties, and as such, may be eligible for listing in the Arizona Register of Historic Places and the National Register of Historic Places (NRHP). Florence-Casa Grande Canal Extension and the Casa Grande Canal have both been determined eligible for listing in the NRHP under Criteria A and D.

Table 4. Previously Recorded Sites in the Project Site

| Agency Number | Project Name (AZSITE Data) | Consultant or Institution |
|------------------|--------------------------------------|--|
| AZ AA:2:132(ASM) | La Palma Road | Determined not eligible |
| AZ AA:2:133(ASM) | Florence-Casa Grande Canal Extension | Determined eligible under Criteria A and D |
| AZ AA:3:209(ASM) | Casa Grande Canal | Determined eligible under Criteria A and D |

Additional linear historic-era structures border the Project Site. These are SR 84 (AZ AA:2:118[ASM]), Laughlin Road (AZ AA:2:330[ASM]), Selma Highway (AZ AA:2:333[ASM]), and State Route 87 (AZ AA:6:63[ASM]). SR 84 and SR 87 have been determined eligible for listing in the NRHP under Criteria A and D. Laughlin Road and Selma Highway have been recommended not eligible for listing in the NRHP.

The Project is historically used by the O’odham people and their prehistoric ancestors. It is near the reservation lands of the Gila River Indian Community. There are no known or evidently likely traditional cultural properties in the Project Site. Additionally, a review of current aerial imagery shows no formal cemeteries visible in the Project Site.

Pattern may conduct additional cultural resources surveys for compliance requirements, depending on the involvement of federal or state agencies. Pattern would need to coordinate with the lead agency (who will then coordinate with the State Historic Preservation Office) regarding the findings of additional cultural resources surveys. Consultation with these agencies would be completed to determine the NRHP eligibility of the previously known and newly discovered sensitive cultural resources, and to determine if there would be impacts to these historic resources from Project development.

C.2.8 Water Resources, Public Facilities/Services, and Infrastructure Support

The amendment has accounted for adequate services being in place or planned for within a reasonable time of the start of the new development.

The Pinal County Sheriff’s Office provides law enforcement services for the Project Site. The Regional Fire and Rescue Department provides subscription-based fire and emergency medical services to the region. New or additional public services resulting from the amendment are not anticipated. Pattern will coordinate with local emergency service providers during development, construction, and operations to provide information about Project, provide any relevant training, and ensure safe construction and operation of the Project.

No public improvements to roads, sewer systems, or water systems would be needed for the Project. Any water required for construction and operations is expected to be hauled to the site or obtained from new or existing wells on-site. Water hauled to the site would be from permitted sources, and any new or existing wells on-site would be permitted through the ADWR, as needed. Any road construction needed to access the Project would be paid for and constructed by Pattern, in coordination with Pinal County Public Works Department as necessary. As such, the Project will increase the land’s taxable value while adding little, if any, burden to public services.

Development of the Project would not impact existing water quality. The site would be designed to pass off-site stormwater through or around the site and release it in a manner similar to the existing conditions. Based on a final hydrologic analysis of the site, on-site drainage would be managed per Pinal County

Public Works regulations. The drainage design would allow the site to be developed without increasing stormwater runoff or creating an adverse impact on adjacent properties. Site design that is sensitive to existing topography and drainage patterns would also function to protect water quality.

In areas where there is any potential for contamination, all stormwater would be retained on-site to comply with Arizona Department of Environmental Quality requirements. Pattern will submit a Notice of Intent to gain authorization under the Arizona Pollutant Discharge Elimination System Construction General Permit and develop a site-specific Stormwater Pollution Prevention Plan, which describes how permit conditions will be met during construction. In addition, the Project will adhere to the Arizona Department of Environmental Quality Aquifer Protection Program and bi-annual Water Quality Assessment Report, as required by the Clean Water Act.

D. LITERATURE CITED

- Arizona Department of Transportation (ADOT). 2022. ADOT Federal Functional Classification Map. Available at: <https://arcg.is/GuC1T>. Accessed March 2022.
- Arizona Department of Water Resources (ADWR). 2020. Land Subsidence Rate in the Eloy Sub-Basin, Pinal County, 03/05/2019 to 04/16/2020. Available at: https://new.azwater.gov/sites/default/files/PicachoAreaRate03-2019to04-2020_8x11.pdf. Accessed March 2022.
- . 2021. Land Subsidence in Arizona, Earth Fissures, Impacts of Land Subsidence and Earth Fissures. Available at: <https://new.azwater.gov/hydrology/field-services/land-subsidence-arizona>. Accessed March 2022.
- Arizona Game and Fish Department (AGFD). 2023. Arizona Heritage Geographic Information System Arizona Game and Fish Department online environmental review tool. Available at: <https://azhgis2.esri.com/>. Accessed May 2023.
- Arizona Important Bird Area Program. 2018. Available at: http://aziba.org/?page_id=38. Accessed May 2022.
- Arizona Rare Plant Committee. n.d. [2001]. *Arizona Rare Plant Field Guide*. Washington, D.C.: U.S. Government Printing Office.
- City of Coolidge. 2014. City of Coolidge: the Future Today. Available at: <https://www.coolidgeaz.com/index.asp?SEC=62B5BDAF-48FC-48AE-BB3F-87EE09242ECC>. Accessed March 2022.
- Corman, T.E., and C. Wise-Gervais. 2005. *Arizona Breeding Bird Atlas*. Albuquerque: University of New Mexico Press.
- Knowles, G.W. 2018. *Recommendations related to proposed Sunshine Valley Solar photovoltaic electric facility in Amargosa Valley, Nye County, Nevada*. Memorandum. Las Vegas: U.S. Fish and Wildlife Service, Southern Nevada Fish and Wildlife Office.
- Pinal County. 2007. *Pinal County Open Space and Trails Master Plan*. Available at: <https://www.pinalcountyyaz.gov/openspacetrails/documents/final%20open%20space%20and%20trails%20master%20plan.pdf>. Accessed March 2022.
- . 2019. *We Create Our Future: Pinal County Comprehensive Plan*. Available at: <https://www.pinalcountyyaz.gov/CommunityDevelopment/Planning/Documents/CompPlan/Comprehensive%20Plan%202020.pdf>. Accessed March 2022.
- . 2022. Flood Control Map Viewer. Available at: <https://pinal.maps.arcgis.com/apps/webappviewer/index.html?id=9259e1779114435e91fe31026b1e8f11>. Accessed March 2022.
- U.S. Fish and Wildlife Service (USFWS). 2014. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Western Distinct Population Segment of the Yellow-Billed Cuckoo; Proposed Rule. *Federal Register*.

———. 2023. Information for Planning and Consultation (IPaC). Available at: <https://ecos.fws.gov/ipac/>. Accessed May 2023.

U.S. Geological Survey. 2022. The National Map, Interactive Map Viewer and Downloader. Topographic maps of the evaluation area, including National Hydrography and Watershed Boundary Datasets. Available at: <https://viewer.nationalmap.gov/advanced-viewer/>. Accessed March 2022.

APPENDIX A
ALTA
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

AMTRUST TITLE INSURANCE COMPANY FILE NUMBER: FN-45018-AZ DATED DECEMBER 12, 2022:

PARCEL 1: THE EAST HALF OF SECTION 32, TOWNSHIP 6 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE NORTH 00 DEGREES 05 MINUTES EAST, ALONG THE EAST LINE OF SAID SECTION 32, A DISTANCE OF 652.51 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES WEST, A DISTANCE OF 1322.97 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES WEST, A DISTANCE OF 652.51 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 32; THENCE NORTH 89 DEGREES 44 MINUTES EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 1322.97 FEET TO THE POINT OF BEGINNING

EXCEPTING THEREFROM ALL GAS, OIL, METALS AND MINERAL RIGHTS AS RESERVED TO THE UNITED STATES AND THE STATE OF ARIZONA IN THE PATENT FROM THE STATE OF ARIZONA RECORDED IN DOCKET 165, PAGE 144. (NORTHEAST QUARTER OF SECTION 32 ONLY)

EXCEPTING THEREFROM ALL GAS, OIL, METALS AND MINERAL RIGHTS AS RESERVED IN THE PATENT FROM THE STATE OF ARIZONA RECORDED IN DOCKET 47, PAGE 263. (SOUTHEAST QUARTER OF SECTION 32 ONLY).

TAX NUMBER: 401-46-00102, 401-46-00300

PARCEL 2: ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE WEST 130 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 6 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, LYING NORTH OF THE FLORENCE-CASA GRANDE EXTENSION CANAL.

TAX NUMBER: 401-47-00506

PARCEL 3: THE WEST HALF AND THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 6 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

TAX NUMBER: 401-47-00100, 401-47-00209, 401-47-00308, 401-47-00407

PARCEL 4: THE EAST HALF OF THE SOUTH HALF OF THE SOUTH HALF OF SECTION 29, TOWNSHIP 6 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

TAX NUMBER: 401-43-00901

PARCEL 5: THE WEST HALF OF THE SOUTHWEST QUARTER AND THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 6 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA; EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE WEST, ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 600 FEET; THENCE SOUTH A DISTANCE OF 600 FEET TO THE FLORENCE-CASA GRANDE CANAL; THENCE NORTHEASTERLY, ALONG SAID FLORENCE-CASA GRANDE CANAL, TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28; THENCE NORTH, ALONG SAID EAST LINE, A DISTANCE OF 157 FEET TO THE POINT OF BEGINNING.

TAX NUMBER: 401-42-009A1 AND 401-42-009B9

ALTA NOTES (OPTIONAL SURVEY RESPONSIBILITY NOTES) - TABLE A

- 1. MONUMENTS PLACED (OR A REFERENCE MONUMENT OR WITNESS TO THE CORNER) AT ALL MAJOR CORNERS OF THE BOUNDARY OF THE SURVEYED PROPERTY, UNLESS ALREADY MARKED OR REFERENCED BY EXISTING MONUMENTS OR WITNESSES IN CLOSE PROXIMITY TO THE CORNER.
2. VICINITY MAP SHOWN HEREON
3. THIS SURVEY IS LOCATED IN: "OTHER AREAS" ZONE X (UN-HATCHED). FLOOD INSURANCE RATE MAP; MAP NUMBER 04021C1600E, EFFECTIVE DATE DECEMBER 04, 2007.
4. THE APPROXIMATE TOTAL LAND AREA OF THIS SURVEY IS 1086.047 ACRES +/-
8. SUBSTANTIAL FEATURES ARE SHOWN HEREIN.
11(A). UTILITY PLANS AND/OR REPORTS WERE NOT PROVIDED BY CLIENT. SEE EASEMENT LABELS AND LEGEND FOR MORE INFORMATION. THE OVERHEAD ELECTRIC LINES WERE THE ONLY VISIBLE UTILITIES OBSERVED ON THE SITE AND ARE SHOWN HEREON. LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY.
13. BASED UPON TAX RECORDS PROVIDED BY CLIENT, NAMES OF ADJOINING LAND OWNERS ARE SHOWN HEREIN.
15. REMOTE SENSING DATA PROVIDED BY SAM, LLC, FLOWN MAY, 2021 FOR 1"=100' PLANIMETRIC MAPPING AND IMAGERY. IMAGERY ACCURACY IS RMSE 0.5' OR BETTER WITH LIDAR ACCURACY BEING RMSE 0.33' FOR WELL-DEFINED GROUND CONTROL POINTS. FOR ILLUSTRATIVE PURPOSES ONLY. REMOTE SENSING DATA DOES NOT COVER PARCEL IN ENTIRETY. DATA IS UTILIZED FROM A PREVIOUS SOURCE TO MEET THE NEEDS OF THE CLIENT FOR THIS PROJECT.
16. EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS ARE DEPICTED HEREIN AS APPLICABLE.
18. PLOTTABLE APPURTENANT EASEMENTS DISCLOSED IN DOCUMENTS PROVIDED TO, OR OBTAINED BY THE SURVEYOR, ARE SHOWN HEREIN.
19. DOCUMENTATION PROVIDED TO CLIENT.

SURVEY NOTES:

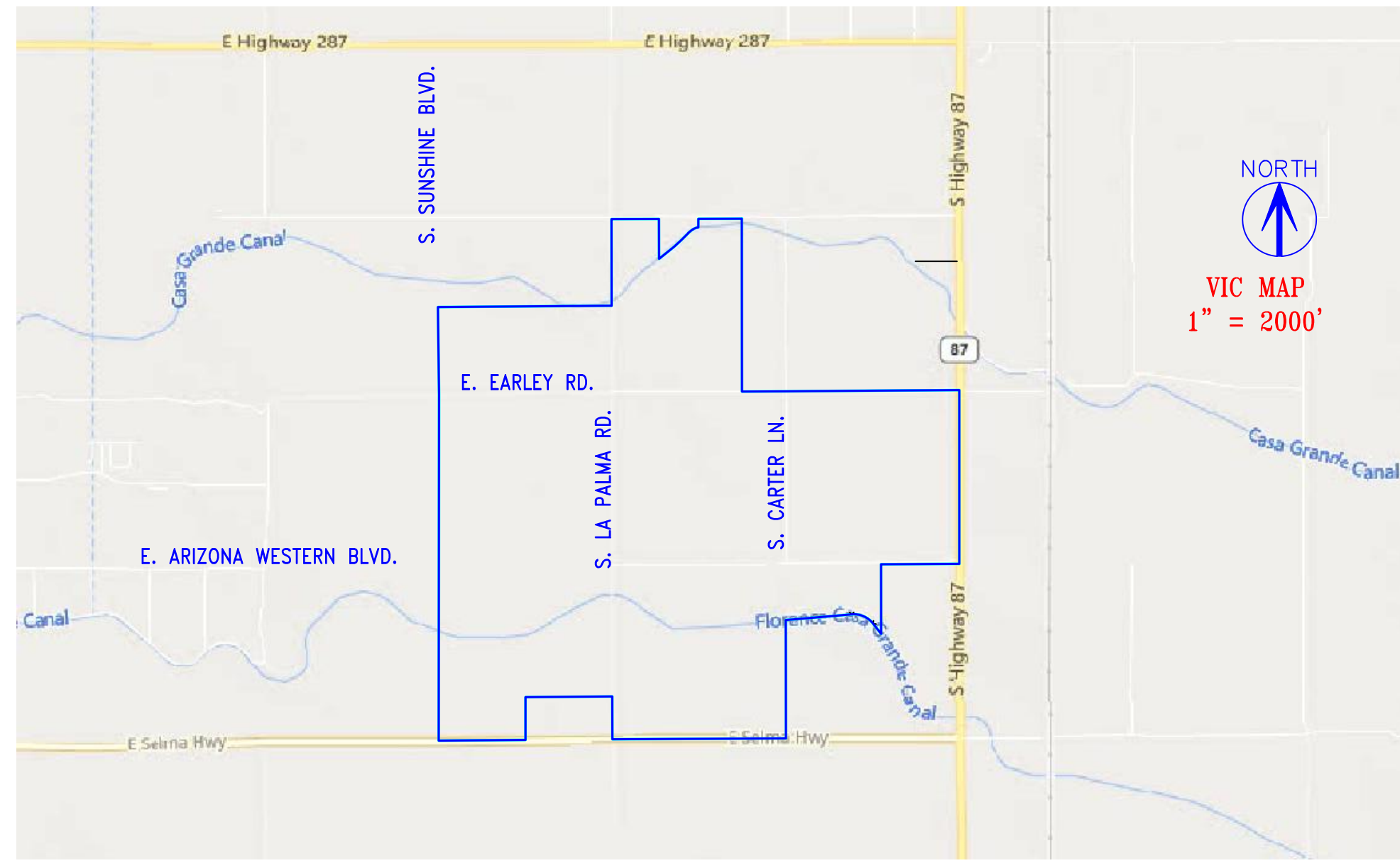
- 1. BEARINGS, DISTANCES, AND AREAS ARE ARIZONA COORDINATE SYSTEM, 1983(2011), CENTRAL ZONE, GRID, INTERNATIONAL FEET.
2. EASEMENTS, RIGHTS OF WAY, AND RECORDED DEED REFERENCES SHOWN HEREON WERE PROVIDED BY THE CLIENT, BASED UPON THE NOTED TITLE CO
3. THIS SURVEY DOES NOT SHOW THE LOCATION OF THE PROPOSED PROJECT IMPROVEMENTS PROVIDED TO THE SURVEYOR BY THE CLIENT OR CLIENT'S
4. RECORD BEARINGS AND DISTANCES HAVE NOT BEEN SHOWN HEREON.
5. THE SUBJECT TRACT HAS ACCESS FROM EARLEY ROAD, SHOWN HEREON.
6. THE PARCELS CONTAINED IN THE LEGAL DESCRIPTION ARE CONTIGUOUS WITHOUT ANY GAPS, GORES OR OVERLAPS.

TO: A,B,C

- PATTERN (CURRENTLY OPTIONEE) - PATTERN SOLAR AND STORAGE DEVELOPMENT LLC
AMTRUST TITLE INSURANCE COMPANY, and NETCO TITLE COMPANY
BUYER - HA Cielo LLC, a Delaware limited liability company, and its successors and assigns c/o HANNON ARMSTRONG CAPITAL, LLC.
SELLER - BEN FATTO, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS SUCCESSOR BY MERGER TO BEN FATTO LIMITED PARTNERSHIP, AN ARIZONA LIMITED PARTNERSHIP, AS TO AN UNDIVIDED 59.33% INTEREST; LESJOUR INVESTMENTS: HA 1070, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 30.957% INTEREST; VIOL GLUCK, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 6.8302% INTEREST; ELOY 660, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 2.373% INTEREST; PIEMONTE'S DIRECT, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 0.320% INTEREST; AND FAR WARE, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 0.1298% INTEREST.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED IN 2021 BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 11, 13, 15, 16, 18 AND 19 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED IN JULY, 2022.

DATE: DECEMBER 12, 2022



EXCEPTIONS (AMTRUST TITLE INSURANCE COMPANY FILE NUMBER FN-45018-AZ DATED DECEMBER 12, 2022 AT 8:00AM)

- STANDARD EXCEPTIONS 1-9 NOT ADDRESSED HEREIN.
SPECIAL EXCEPTIONS:
10. ROAD DECLARATION AS SHOWN IN INSTRUMENT RECORDED FEBRUARY 21, 1964, IN BOOK 375, PAGE 572, OF THE OFFICIAL RECORDS OF PINAL COUNTY, ARIZONA. (AFFECTS PARCELS 4 AND 5) (AS SHOWN HEREON)
11. RESOLUTION AS SHOWN IN INSTRUMENT RECORDED JUNE 21, 1984, IN BOOK 1231, PAGE 386, OF THE OFFICIAL RECORDS OF PINAL COUNTY, ARIZONA. (AFFECTS PARCEL 4 AND 5) (NOT A SURVEY MATTER)
12. NON-EXCLUSIVE FRANCHISE FOR SOUTHWEST GAS CORPORATION AS SHOWN IN INSTRUMENT RECORDED JUNE 21, 2016, AS FEE NO. 2016-039825, OF THE OFFICIAL RECORDS OF PINAL COUNTY, ARIZONA. (AFFECTS PARCELS 4 AND 5) (NOT A SURVEY MATTER)
13. INTENTIONALLY DELETED
14. RESOLUTION AS SHOWN IN INSTRUMENT RECORDED MAY 2, 2003, AS FEE NO. 2003-029072, OF THE OFFICIAL RECORDS OF PINAL COUNTY, ARIZONA. (AFFECTS PARCELS 4 AND 5) (NOT A SURVEY MATTER)
15. RESOLUTION AS SHOWN IN INSTRUMENT RECORDED JANUARY 20, 2000, AS FEE NO. 2000-003019, OF THE OFFICIAL RECORDS OF PINAL COUNTY, ARIZONA. (AFFECTS PARCELS 4 AND 5) (NOT A SURVEY MATTER)
16. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT AS SHOWN IN INSTRUMENT RECORDED SEPTEMBER 6, 2006, AS FEE NO. 2006-125478, OF THE OFFICIAL RECORDS OF PINAL COUNTY, ARIZONA. (AFFECTS PARCELS 4 AND 5) (NOT A SURVEY MATTER)
17. CONTRACT AND GRANT OF EASEMENT AS SHOWN IN INSTRUMENT RECORDED AS BOOK 1732, PAGE 629, OF THE OFFICIAL RECORDS OF PINAL COUNTY, ARIZONA. (AFFECTS ALL PARCELS) (AS SHOWN HEREON)
18. MINERALS OF WHATSOEVER KIND, SUBSURFACE AND SURFACE SUBSTANCES, INCLUDING BUT NOT LIMITED TO COAL, LIGNITE, OIL, GAS, URANIUM, CLAY, ROCK, SAND, AND GRAVEL IN, ON, UNDER AND THAT MAY BE PRODUCED FROM THE LAND, TOGETHER WITH ALL RIGHTS, PRIVILEGES, AND IMMUNITIES RELATING THERETO, WHETHER APPEARING IN THE PUBLIC RECORDS OR LISTED IN SCHEDULE B. THE COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS. THERE MAY BE LEASES, GRANTS, EXCEPTIONS, OR RESERVATIONS OF INTERESTS THAT ARE NOT LISTED. (NOT A SURVEY MATTER)
19. EASEMENT AGREEMENT DATED MAY 8, 2019 AND RECORDED ON MAY 10, 2019 AS DOCUMENT NUMBER 2019-036222, MADE BY AND BETWEEN LESJOUR INVESTMENTS: HA 1070, LLC, ARIZONA LIMITED LIABILITY COMPANY, BEN FATTO LIMITED PARTNERSHIP, AN ARIZONA LIMITED PARTNERSHIP, ANDUMA LIMITED PARTNERSHIP, AN ARIZONA LIMITED PARTNERSHIP, AND ELOY 660, LLC, AN ARIZONA LIMITED LIABILITY COMPANY (COLLECTIVELY "OWNER") AND SUNZIA TRANSMISSION, LLC, A DELAWARE LIMITED LIABILITY COMPANY. FIRST AMENDMENT TO EASEMENT AGREEMENT DATED DECEMBER __, 2022 AND RECORDED DECEMBER __, 2022 AS DOCUMENT __, MADE BY AND BETWEEN HA CIELO LLC, A DELAWARE LIMITED LIABILITY COMPANY ("OWNER") AND SUNZIA TRANSMISSION, LLC, A DELAWARE LIMITED LIABILITY COMPANY. (AFFECTS PARCELS 4 AND 5) (AS SHOWN HEREON)
20. EASEMENT AGREEMENT DATED DECEMBER __, 2022 AND RECORDED DECEMBER __, 2022 AS DOCUMENT NUMBER __, MADE BY AND BETWEEN HA CIELO LLC, A DELAWARE LIMITED LIABILITY COMPANY ("OWNER") AND SUNZIA TRANSMISSION, LLC, A DELAWARE LIMITED LIABILITY COMPANY. (LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT)
21. UNRECORDED FARM SUBLEASE AGREEMENT DATED DECEMBER __, 2022, MADE BY AND BETWEEN PATTERN SOLAR & STORAGE DEVELOPMENT LLC, A DELAWARE LIMITED LIABILITY COMPANY ("SUBLESSOR"); AND MDM FARMS, AN ARIZONA GENERAL PARTNERSHIP ("SUB LESSEE"). (LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT)
22. MEMORANDUM OF GROUND LEASE AGREEMENT DATED DECEMBER __, 2022 AND RECORDED DECEMBER __, 2022 AS DOCUMENT NUMBER __, MADE BY AND BETWEEN HA CIELO LLC, A DELAWARE LIMITED LIABILITY COMPANY ("LANDLORD") AND PATTERN SOLAR AND STORAGE DEVELOPMENT LLC, A DELAWARE LIMITED LIABILITY COMPANY ("TENANT"). (LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT)

SURVEYOR'S STATEMENT:

I, RANDY P. LOVELESS, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA AND THE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF ON THE DATE OF MY SIGNATURE, THIS EXHIBIT ACCURATELY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY MADE UNDER MY RESPONSIBLE CHARGE.

CLERK AND RECORDER

STATE OF ARIZONA COUNTY OF PINAL

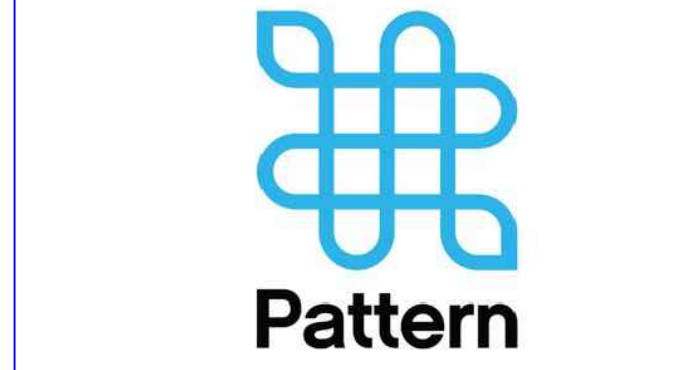
I HEREBY...

FEE NO:

DATE: _____

REQUEST WITNESS

BY: _____ DEPUTY



BEARINGS, DISTANCES, COORDINATES AND ACREAGE SHOWN HEREON ARE GRID, NAD83(2011), ARIZONA CENTRAL ZONE, INTL. FEET.

- LEGEND
SECTION MONUMENT AS NOTED
MONUMENT FOUND AS NOTED
FOUND NO. 6 REBAR W/ 2 1/2" ALUMINUM CAP LS 54808
FOUND NO. 5 REBAR W/ 2IN ALUMINUM CAP LS 54808 - JOFT WITNESS CORNER
FOUND NO. 5 REBAR W/ 2IN ALUMINUM CAP LS 54808 - JPT REFERENCE MARKER
FOUND NO. 5 REBAR W/ 2IN ALUMINUM CAP LS 54808 - PROPERTY CORNER
POWER POLE
OVERHEAD ELECTRIC LINE
DOWN SLOPE
WIRE FENCE
PIPELINE
SURFACE PIPELINE
WATER LINE
WATER VALVE/ACTUATOR
IRRIGATION SPINBLE
WINDMILL
WATER WELL
GAS METER
FIBER OPTIC/TELEPHONE EQUIPMENT BOX/MARKER

DENOTES SPECIAL EXCEPTION FROM AMTRUST TITLE FN-45018-AZ DATED DECEMBER 12, 2022 AT 8:00AM

DENOTES TITLE EXCEPTION FROM PRIOR LIMITED TITLE CERTIFICATE PROVIDED BY PERCHERON

- CLV CENTERLINE
TYP. TYPICAL
P.O.C. POINT OF COMMENCEMENT OF LEGAL DESCRIPTION
P.O.B. POINT OF BEGINNING OF LEGAL DESCRIPTION
T-LINE OVERHEAD ELECTRIC TRANSMISSION LINE (BORG-DIST.) RECORD CALL
SUBJECT TRACT BOUNDARY
QUARTER SECTION/ADJONER LINE
SECTION LINE
HIGHWAY/ROAD R-O-W LINE
FLOOD HAZARD ZONE LINE
EASEMENT LINE
GRAVEL/DIRT ROAD

TITLE CO. AMTRUST TITLE INSURANCE COMPANY
TITLE FILE # FN-45018-AZ

EFFECTIVE DATE DECEMBER 12, 2022 at 8:00AM

DEC. 12, 2022
ALTA/NSPS LAND TITLE SURVEY OF HA CIELO LLC, LOCATED IN SECTIONS 28,29,32,33 T-6-S, R-8-E OF THE GILA AND SALT RIVER BASE AND MERIDIAN PINAL COUNTY, ARIZONA

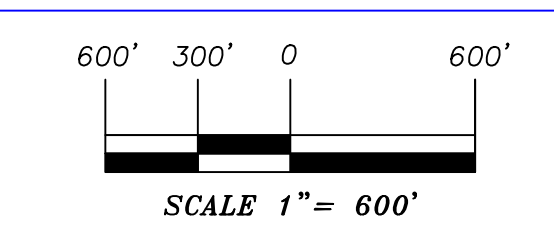
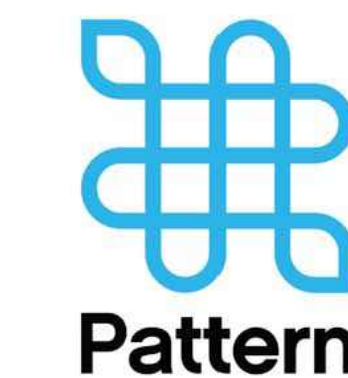
SAM logo
8300 E Maplewood Ave
Suite 300
Greenwood Village CO. 80111
Ofc: 303.988.5852
email: info@sam.biz

Table with columns for JOB NO., DRAFT, DATE, and REV. with entries for 1022070500, 07/19/2022, and various revision dates and descriptions.

SHEET TITLE ALTA/NSPS SURVEY
SHEET NUMBER 1 OF 2

PROVISIONAL & CONFIDENTIAL

4/26/2023 9:59 PM S. RUTZEN (SADMIN)C:\EN\PROJECTS\10210600981\000\SURVEY\06PLAT\SI\1022070500-BEN-FATTO\060506RVE\FE\626EXHIBIT\BEN-FATTO-BOUNDARY-AZC_NAD83-2011-FT-ALTA-SHEETS.dwg



- GRID**
BEARINGS, DISTANCES, COORDINATES AND ADJUSTMENTS SHOWN HEREON ARE GRD, NAD83(2011), ARIZONA CENTRAL ZONE, INTL. FEET.
- LEGEND**
- SECTION MONUMENT AS NOTED
 - MONUMENT FOUND AS NOTED
 - SET NO. 6 REBAR W/ 2 1/2" ALUMINUM CAP LS 77176
 - FOUND NO. 6 REBAR W/ 2 1/2" ALUMINUM CAP LS 54808
 - FOUND NO. 5 REBAR W/ 2" ALUMINUM CAP LS 54808 - SET WITNESS CORNER
 - FOUND NO. 5 REBAR W/ 2" ALUMINUM CAP LS 54808 - #1 FT REFERENCE MARKER
 - FOUND NO. 5 REBAR W/ 2" ALUMINUM CAP LS 54808 - PROPERTY CORNER
 - POWER POLE
 - OVERHEAD ELECTRIC LINE
 - DOWN GUY
 - WIRE FENCE
 - PIPELINE
 - SURFACE PIPELINE
 - WATER LINE
 - WATER VALVE/METER
 - IRRIGATION SPINDLE
 - WINDMILL
 - WATER WELL
 - GAS METER
 - FIBER OPTIC/TELEPHONE EQUIPMENT BOX/MARKER
 - # DENOTES SPECIAL EXCEPTION FROM AMTRUST TITLES FN-45018-AZ DATED DECEMBER 12, 2022 AT 8:00AM
 - 6 DENOTES TITLE EXCEPTION FROM PRIOR LIMITED TITLE CERTIFICATE PROVIDED BY PFDORONA
 - C/L CENTERLINE
 - TYP. TYPICAL
 - P.D.C. POINT OF COMMENCEMENT OF LEGAL DESCRIPTION
 - P.O.B. POINT OF BEGINNING OF LEGAL DESCRIPTION
 - T-LINE OVERHEAD ELECTRIC TRANSMISSION LINE
 - (BRG-DIST.) RECORD CALL
 - SUBJECT TRACT BOUNDARY
 - QUARTER SECTION/ADJOURNER LINE
 - SECTION LINE
 - HIGHWAY/ROAD R-D-W LINE
 - FLOOD HAZARD ZONE LINE
 - EASEMENT LINE
 - GRAVEL/DIRT ROAD

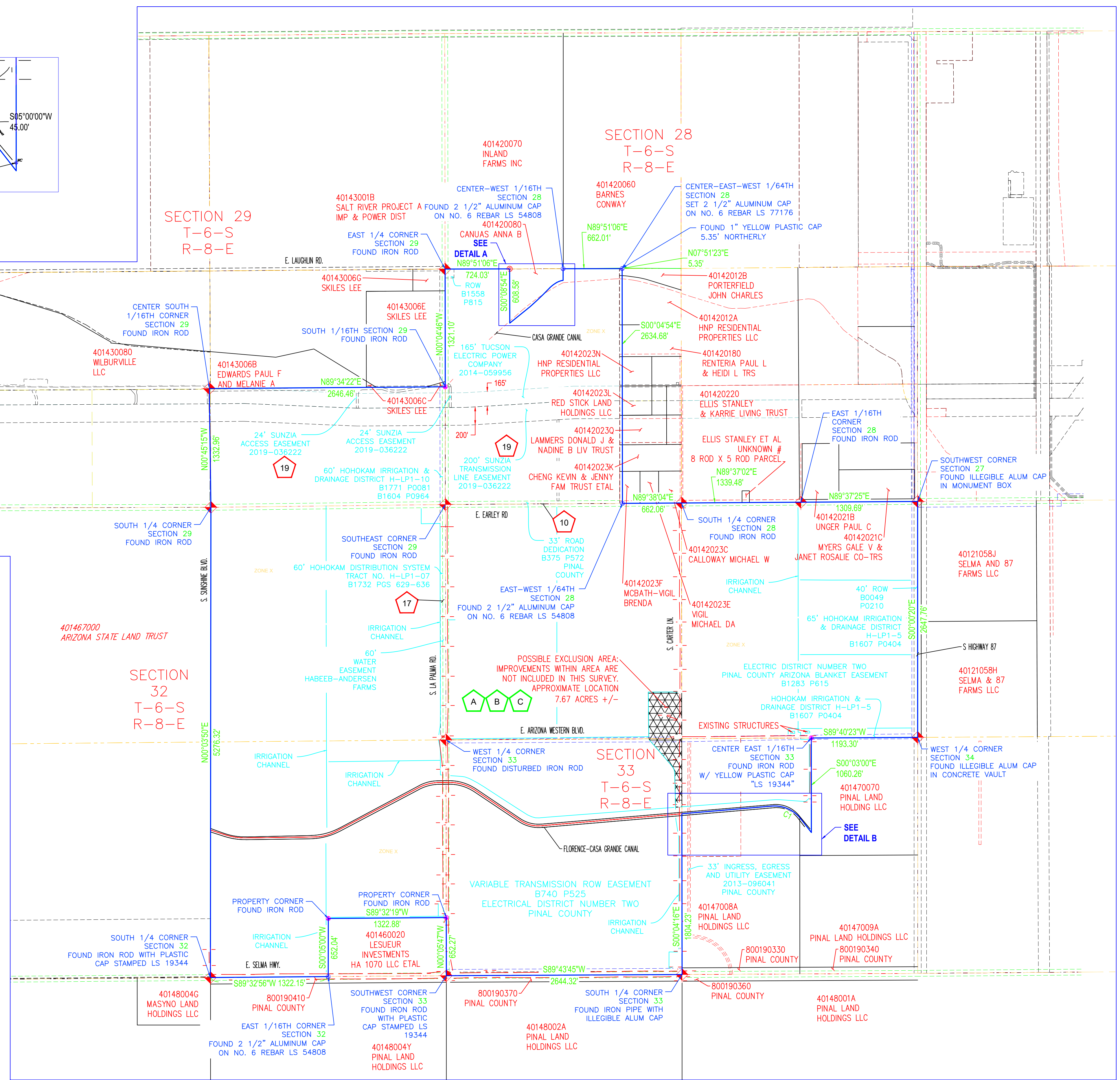
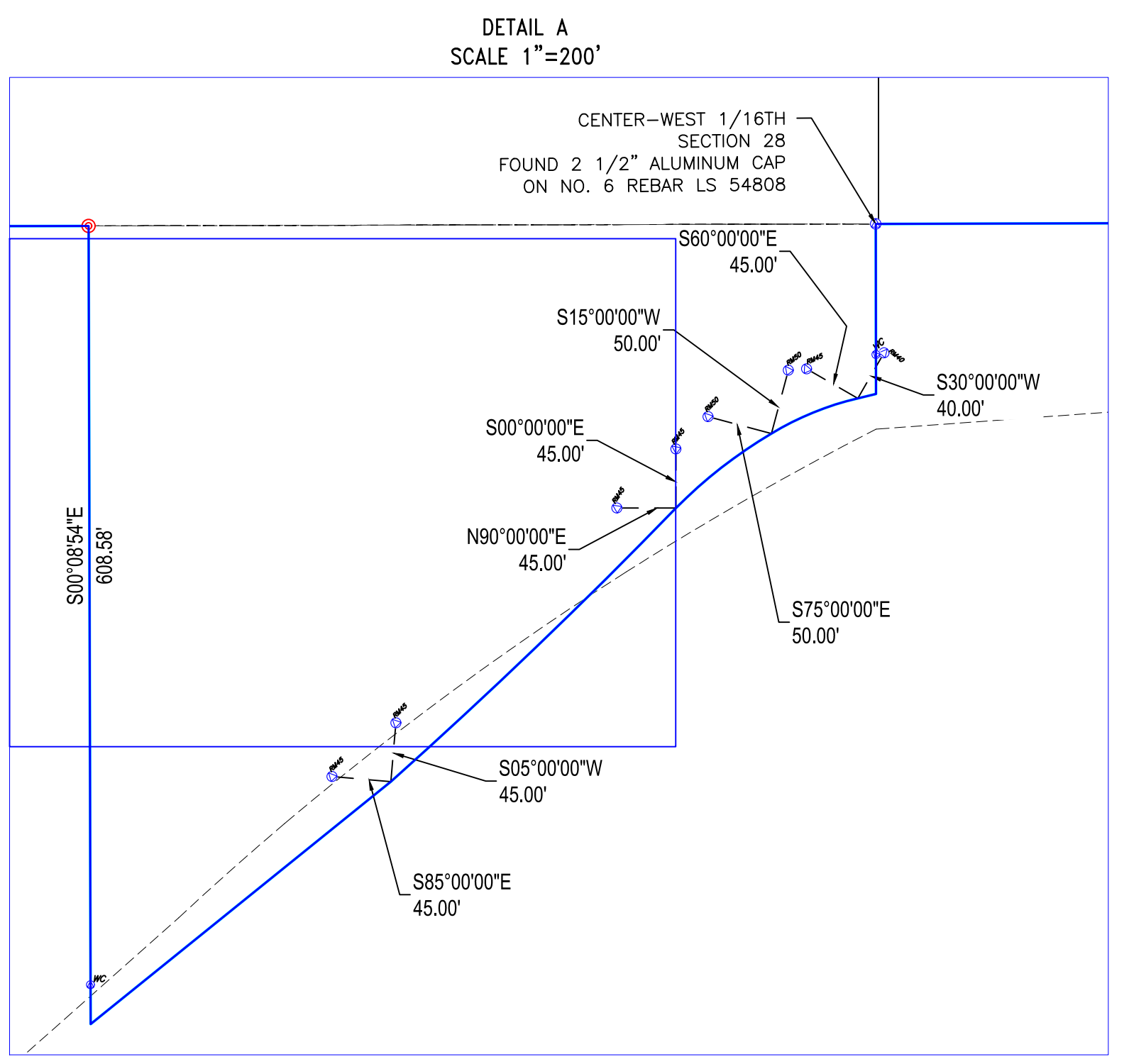
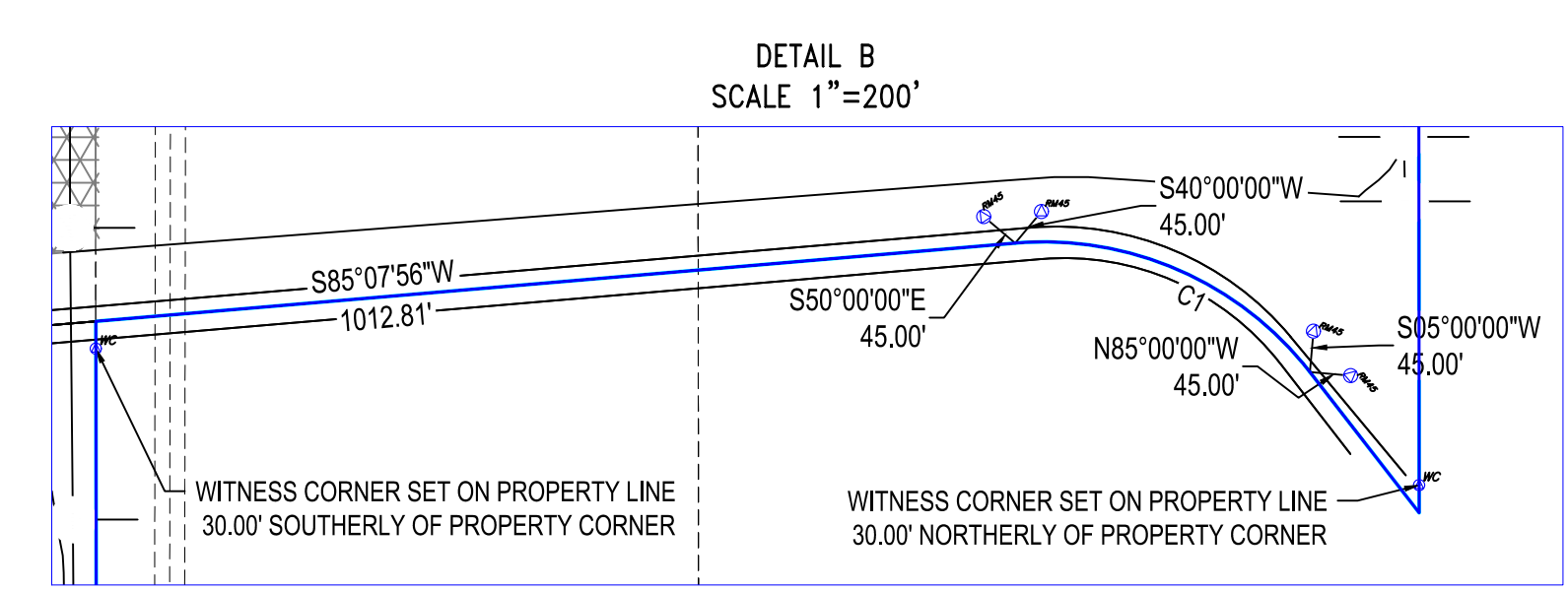
TITLE CO. AMTRUST TITLE INSURANCE COMPANY
TITLE FILE # FN-45018-AZ
EFFECTIVE DATE DECEMBER 12, 2022 at 8:00AM

DEC. 12, 2022
ALTA/NSPS LAND TITLE SURVEY OF HA CIELO LLC, LOCATED IN SECTIONS 28,29,32,33 T-6-S, R-8-E OF THE GILA AND SALT RIVER BASE AND MERIDIAN PINAL COUNTY, ARIZONA

SAM
8300 E. Maplewood Ave.
Suite 300,
Greenwood Village, CO. 80111
Ofc: 303.988.5852
email: info@sam.biz

| | |
|--------------------|--------------------|
| JOB NO. 1022070500 | FIELD BOOK DENVER |
| DRAFT KMF | CHECKED RPL |
| DATE 07/19/2022 | REV. NEW TC |
| DATE 08/23/2022 | REV. FINAL |
| DATE 12/07/2022 | REV. FINAL SRW |
| DATE 12/12/2022 | REV. CONTIGUITY WB |
| DATE 04/17/2023 | REV. UPDATED TITLE |
| DATE . | REV. . |
| DATE . | REV. . |
| DATE . | REV. . |

FILE: BEN_FATTO_BOUNDARY_AZC_NAD83-2011-IFT-ALTA-SHEETS.dwg
SHEET TITLE ALTA/NSPS SURVEY
SHEET NUMBER 2 OF 2



CURVE TABLE

| CURVE NO. | DELTA | RADIUS | LENGTH | CHORD BEARING | CHORD LENGTH |
|-----------|-------|--------|--------|---------------|--------------|
| | | | | | |

PROVISIONAL & CONFIDENTIAL

4/28/2023 2:59 PM S. RUTZEN \SAM\CIN\PROJECTS\1022070500\SURVEY\06\PLATS\1022070500-BEN_FATTO\100\SURVEY\03\EXHIBITS\BEN_FATTO_BOUNDARY_AZC_NAD83-2011-IFT-ALTA-SHEETS.DWG

EXHIBIT A

Description of Property

PARCEL 1:

The East half of Section 32, Township 6 South, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona. Excepting therefrom that portion thereof described as follows: Beginning at the Southeast corner of said Section 32; THENCE North 00 degrees 05 minutes East, along the East line of said Section 32, a distance of 652.51 feet; THENCE South 89 degrees 44 minutes West, a distance of 1322.97 feet; THENCE South 00 degrees 05 minutes West, a distance of 652.51 feet to a point on the South line of said Section 32; THENCE North 89 degrees 44 minutes East, along said South line, a distance of 1322.97 feet to the POINT OF BEGINNING

Excepting therefrom all gas, oil, metals and mineral rights as reserved to the United States and the State of Arizona in the Patent from the State of Arizona recorded in Docket 165, page 144. (Northeast Quarter of Section 32 only)

Excepting therefrom all gas, oil, metals and mineral rights as reserved in the Patent from the State of Arizona recorded in Docket 47, Page 263. (Southeast Quarter of Section 32 only).

PARCEL 2:

All that portion of the Northwest quarter of the Southeast quarter and the West 130 feet of the Northeast quarter of the Southeast quarter of Section 33, Township 6 South, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, lying North of the Florence-Casa Grande Extension Canal.

PARCEL 3:

The West half and the Northeast quarter of Section 33, Township 6 South, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.

PARCEL 4:

The South half of the South half of Section 29, Township 6 South, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.

EXPRESSLY EXCLUDING, the West 1/2 of the South Half of the South Half of Section 29, Township 6 South, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.

PARCEL 5:

The West Half of the Southwest Quarter and the West Half of the East Half of the Southwest Quarter of Section 28, Township 6 South, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona; Excepting therefrom that portion thereof described as follows: beginning at the Northeast corner of the Northeast Quarter of the Northwest Quarter of the Southwest Quarter of said Section 28; Thence

West, along the North line of said Southwest Quarter of said Section 28, a distance of 600 feet; thence South a distance of 600 feet to the Florence-Casa Grande Canal; thence Northeasterly, along said Florence-Casa Grande Canal, to a point on the East line of said Northeast Quarter of the Northwest Quarter of the Southwest Quarter of Section 28; thence North, along said East line, a distance of 157 feet to the point of beginning.

APPENDIX B

U.S. Fish and Wildlife Service Site-specific Official List of Threatened and Endangered Species



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Arizona Ecological Services Field Office
9828 North 31st Ave
#c3
Phoenix, AZ 85051-2517
Phone: (602) 242-0210 Fax: (602) 242-2513

In Reply Refer To:
Project Code: 2023-0080996
Project Name: Cielo Solar 2023

May 11, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The Fish and Wildlife Service (Service) is providing this list under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). The list you have generated identifies threatened, endangered, proposed, and candidate species, and designated and proposed critical habitat, that *may* occur within the One-Range that has been delineated for the species (candidate, proposed, or listed) and its critical habitat (designated or proposed) with which your project polygon intersects. These range delineations are based on biological metrics, and do not necessarily represent exactly where the species is located. Please refer to the species information found on ECOS to determine if suitable habitat for the species on your list occurs in your project area.

The purpose of the Act is to provide a means whereby threatened and endangered species and the habitats upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of Federal trust resources and to determine whether projects may affect federally listed species and/or designated critical habitat. A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If the Federal action agency determines that listed species or critical habitat *may be affected* by a federally funded, permitted or authorized activity, the agency must consult with us pursuant to 50 CFR 402. Note that a "may affect" determination includes effects that may not be adverse and that may be beneficial, insignificant, or discountable. An effect exists even if only one individual

or habitat segment may be affected. The effects analysis should include the entire action area, which often extends well outside the project boundary or "footprint." For example, projects that involve streams and river systems should consider downstream affects. If the Federal action agency determines that the action may jeopardize a *proposed* species or may adversely modify *proposed* critical habitat, the agency must enter into a section 7 conference. The agency may choose to confer with us on an action that may affect proposed species or critical habitat.

Candidate species are those for which there is sufficient information to support a proposal for listing. Although candidate species have no legal protection under the Act, we recommend that they be considered in the planning process in the event they become proposed or listed prior to project completion. More information on the regulations (50 CFR 402) and procedures for section 7 consultation, including the role of permit or license applicants, can be found in our Endangered Species Consultation Handbook at: <https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>.

We also advise you to consider species protected under the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712) and the Bald and Golden Eagle Protection Act (Eagle Act) (16 U.S.C. 668 *et seq.*). The MBTA prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when authorized by the Service. The Eagle Act prohibits anyone, without a permit, from taking (including disturbing) eagles, and their parts, nests, or eggs. Currently 1,026 species of birds are protected by the MBTA, including the western burrowing owl (*Athene cunicularia hypugaea*). Protected western burrowing owls can be found in urban areas and may use their nest/burrows year-round; destruction of the burrow may result in the unpermitted take of the owl or their eggs.

If a bald eagle or golden eagle nest occurs in or near the proposed project area, our office should be contacted for Technical Assistance. An evaluation must be performed to determine whether the project is likely to disturb or harm eagles. The National Bald Eagle Management Guidelines provide recommendations to minimize potential project impacts to bald eagles (see <https://www.fws.gov/law/bald-and-golden-eagle-protection-act> and <https://www.fws.gov/program/eagle-management>).

The Division of Migratory Birds (505/248-7882) administers and issues permits under the MBTA and Eagle Act, while our office can provide guidance and Technical Assistance. For more information regarding the MBTA, BGPEA, and permitting processes, please visit the following web site: <https://www.fws.gov/program/migratory-bird-permit>. Guidance for minimizing impacts to migratory birds for communication tower projects (e.g. cellular, digital television, radio, and emergency broadcast) can be found at <https://www.fws.gov/media/recommended-best-practices-communication-tower-design-siting-construction-operation>.

The U.S. Army Corps of Engineers (Corps) may regulate activities that involve streams (including some intermittent streams) and/or wetlands. We recommend that you contact the Corps to determine their interest in proposed projects in these areas. For activities within a National Wildlife Refuge, we recommend that you contact refuge staff for specific information about refuge resources, please visit [this link](#) or visit <https://www.fws.gov/program/national->

[wildlife-refuge-system](#) to locate the refuge you would be working in or around.

If your action is on tribal land or has implications for off-reservation tribal interests, we encourage you to contact the tribe(s) and the Bureau of Indian Affairs (BIA) to discuss potential tribal concerns, and to invite any affected tribe and the BIA to participate in the section 7 consultation. In keeping with our tribal trust responsibility, we will notify tribes that may be affected by proposed actions when section 7 consultation is initiated. For more information, please contact our Tribal Coordinator, John Nystedt, at 928/556-2160 or John.Nystedt@fws.gov.

We also recommend you seek additional information and coordinate your project with the Arizona Game and Fish Department. Information on known species detections, special status species, and Arizona species of greatest conservation need, such as the western burrowing owl and the Sonoran desert tortoise (*Gopherus morafkai*) can be found by using their Online Environmental Review Tool, administered through the Heritage Data Management System and Project Evaluation Program (<https://www.azgfd.com/wildlife/planning/projevalprogram/>).

We appreciate your concern for threatened and endangered species. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office. If we may be of further assistance, please contact our Flagstaff office at 928/556-2118 for projects in northern Arizona, our general Phoenix number 602/242-0210 for central Arizona, or 520/670-6144 for projects in southern Arizona.

Sincerely,
/s/

Heather Whitlaw
Field Supervisor
Attachment

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
 - Wetlands
-

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Arizona Ecological Services Field Office

9828 North 31st Ave

#c3

Phoenix, AZ 85051-2517

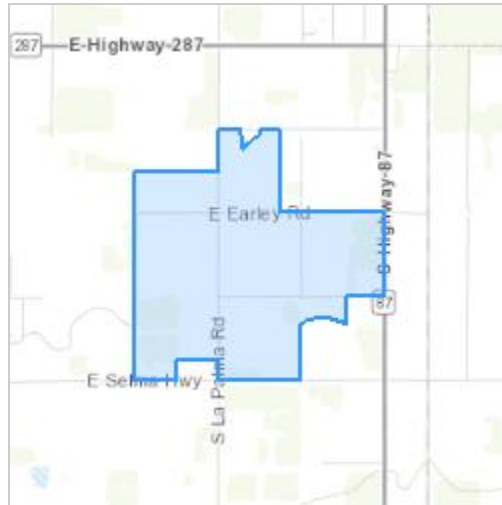
(602) 242-0210

PROJECT SUMMARY

Project Code: 2023-0080996
Project Name: Cielo Solar 2023
Project Type: Power Gen - Solar
Project Description: The proposed project involves constructing a 150 MW + photovoltaic solar facility including a battery energy storage system.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@32.8610254,-111.52814459975951,14z>



Counties: Pinal County, Arizona

ENDANGERED SPECIES ACT SPECIES

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

BIRDS

| NAME | STATUS |
|--|------------|
| Yellow-billed Cuckoo <i>Coccyzus americanus</i> Population: Western U.S. DPS There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911 | Threatened |

INSECTS

| NAME | STATUS |
|--|-----------|
| Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743 | Candidate |

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\) list](#) or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

| NAME | BREEDING SEASON |
|---|-------------------------|
| Bendire's Thrasher <i>Toxostoma bendirei</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9435 | Breeds Mar 15 to Jul 31 |
| Costa's Hummingbird <i>Calypte costae</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9470 | Breeds Jan 15 to Jun 10 |

| NAME | BREEDING SEASON |
|--|------------------------|
| <p>Gila Woodpecker <i>Melanerpes uropygialis</i></p> <p>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/5960</p> | Breeds Apr 1 to Aug 31 |
| <p>Willet <i>Tringa semipalmata</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> | Breeds elsewhere |

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

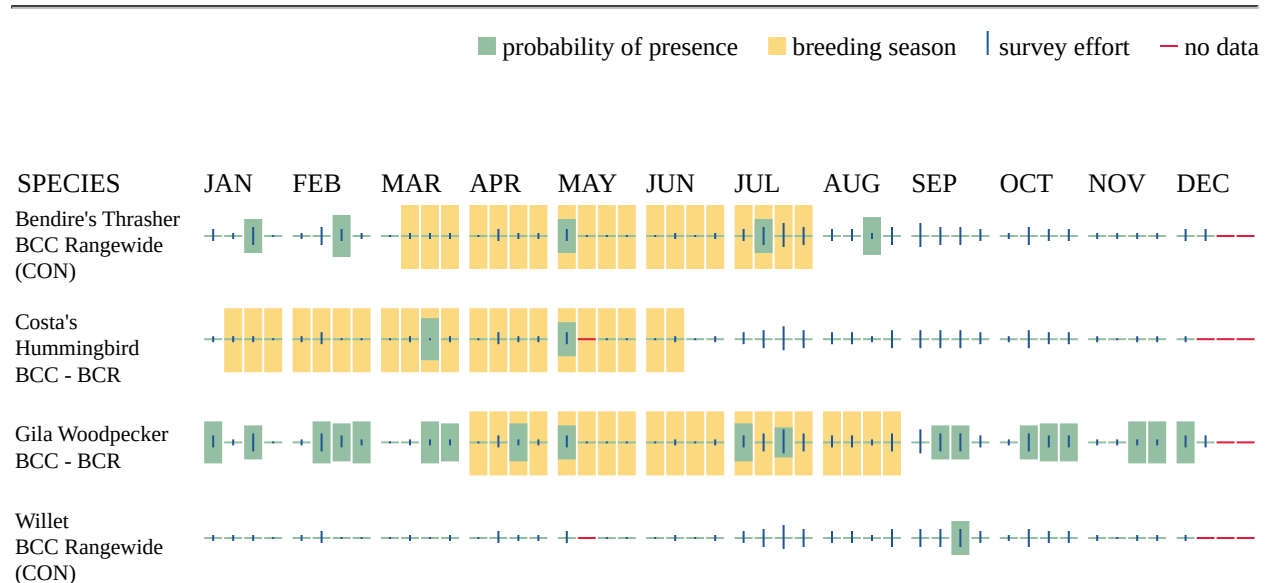
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (-)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

MIGRATORY BIRDS FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding

in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern \(BCC\)](#) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
-

2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities,

should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- [R2UBHx](#)
-

IPAC USER CONTACT INFORMATION

Agency: SWCA Environmental Consultants

Name: Tim Jordan

Address: 343 W. Franklin

City: Tucson

State: AZ

Zip: 85701

Email: timothy.jordan@swca.com

Phone: 5203259194

APPENDIX C

Arizona Environmental Online Review Tool Report

Arizona Environmental Online Review Tool Report



Arizona Game and Fish Department Mission

To conserve Arizona's diverse wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.

Project Name:

Cielo Solar 2023

User Project Number:

72181

Project Description:

The proposed project involves constructing a 150 MW + photovoltaic facility including a battery energy storage system.

Project Type:

Energy Storage/Production/Transfer, Energy Production (generation), photovoltaic solar facility (new)

Contact Person:

Tim Jordan

Organization:

SWCA Environmental Consultants

On Behalf Of:

CONSULTING

Project ID:

HGIS-19206

Please review the entire report for project type and/or species recommendations for the location information entered. Please retain a copy for future reference.

Disclaimer:

1. This Environmental Review is based on the project study area that was entered. The report must be updated if the project study area, location, or the type of project changes.
2. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area. This review is also not intended to replace environmental consultation (including federal consultation under the Endangered Species Act), land use permitting, or the Departments review of site-specific projects.
3. The Departments Heritage Data Management System (HDMS) data is not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. HDMS data contains information about species occurrences that have actually been reported to the Department. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.
4. Arizona Wildlife Conservation Strategy (AWCS), specifically Species of Greatest Conservation Need (SGCN), represent potential species distribution models for the State of Arizona which are subject to ongoing change, modification and refinement. The status of a wildlife resource can change quickly, and the availability of new data will necessitate a refined assessment.

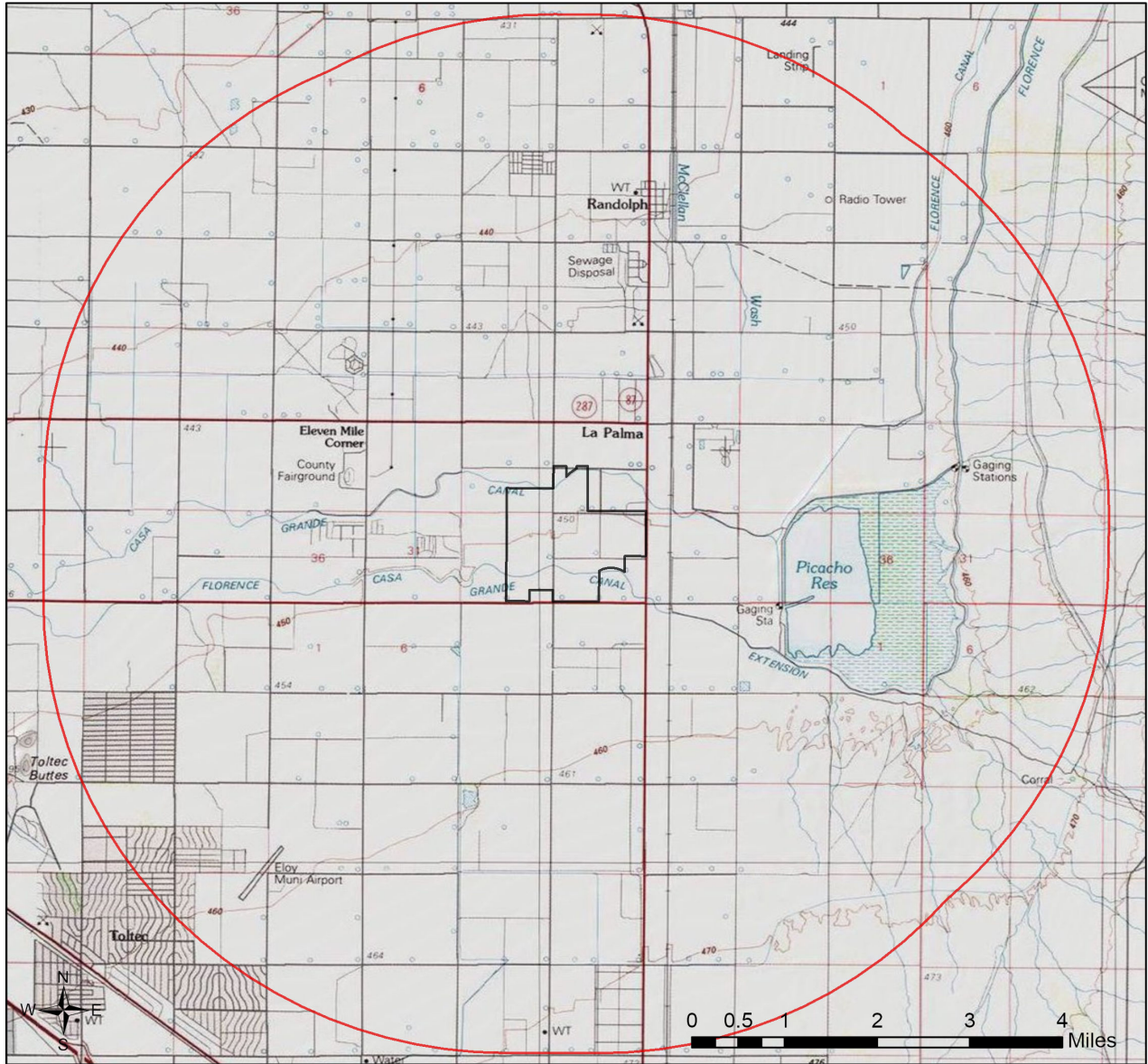
Locations Accuracy Disclaimer:

Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Report is solely responsible for the project location and thus the correctness of the Project Review Report content.

Recommendations Disclaimer:

1. The Department is interested in the conservation of all fish and wildlife resources, including those species listed in this report and those that may have not been documented within the project vicinity as well as other game and nongame wildlife.
2. Recommendations have been made by the Department, under authority of Arizona Revised Statutes Title 5 (Amusements and Sports), 17 (Game and Fish), and 28 (Transportation).
3. Potential impacts to fish and wildlife resources may be minimized or avoided by the recommendations generated from information submitted for your proposed project. These recommendations are preliminary in scope, designed to provide early considerations on all species of wildlife.
4. Making this information directly available does not substitute for the Department's review of project proposals, and should not decrease our opportunity to review and evaluate additional project information and/or new project proposals.
5. Further coordination with the Department requires the submittal of this Environmental Review Report with a cover letter and project plans or documentation that includes project narrative, acreage to be impacted, how construction or project activity(s) are to be accomplished, and project locality information (including site map). Once AGFD had received the information, please allow 30 days for completion of project reviews. Send requests to:
Project Evaluation Program, Habitat Branch
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086-5000
Phone Number: (623) 236-7600
Fax Number: (623) 236-7366
Or
PEP@azgfd.gov
6. Coordination may also be necessary under the National Environmental Policy Act (NEPA) and/or Endangered Species Act (ESA). Site specific recommendations may be proposed during further NEPA/ESA analysis or through coordination with affected agencies

Cielo Solar 2023 USA Topo Basemap With Locator Map



- Buffered Project Boundary
- Project Boundary

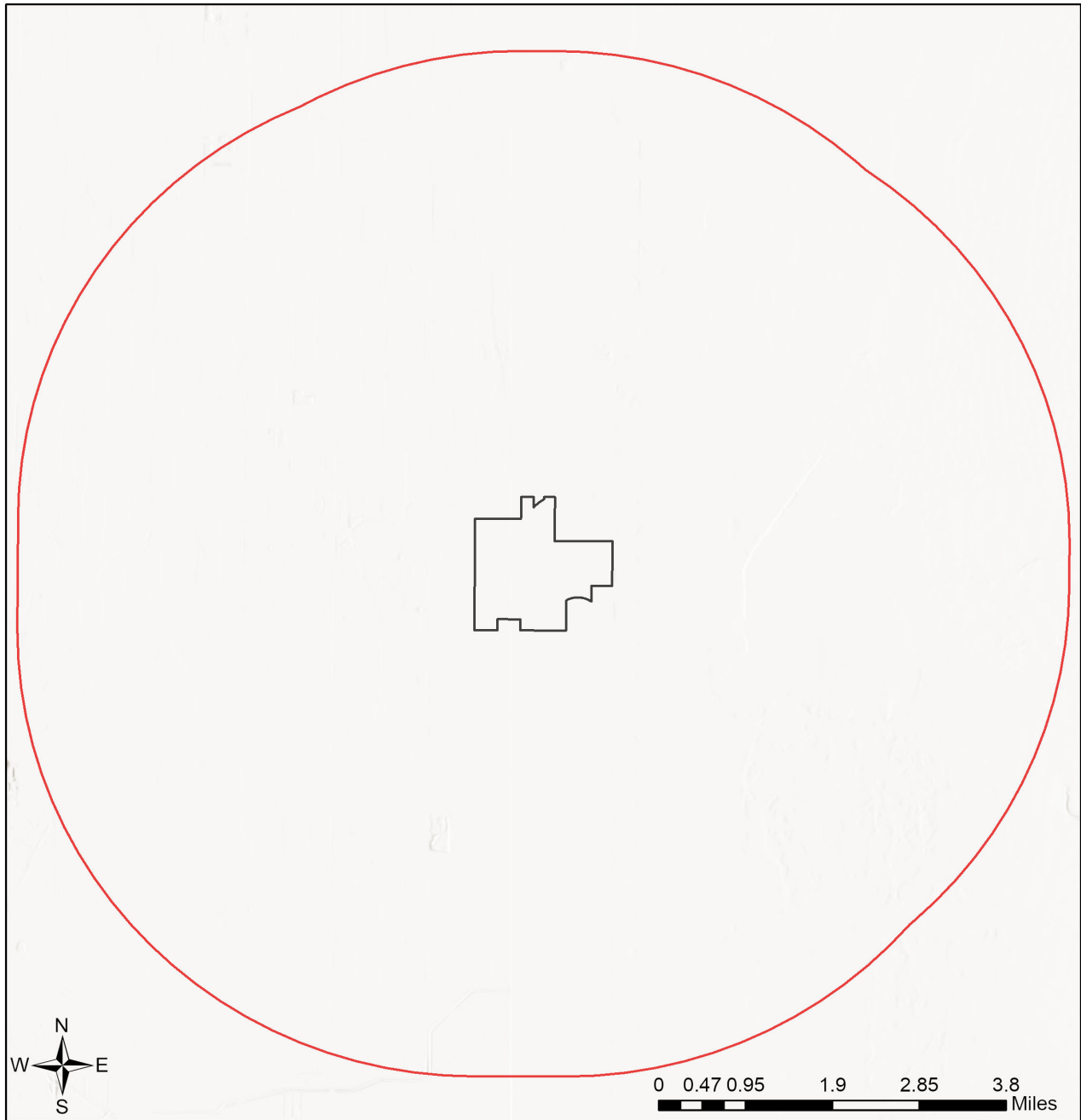
Project Size (acres): 1,000.92
 Lat/Long (DD): 32.8603 / -111.5300
 County(s): Pinal
 AGFD Region(s): Mesa
 Township/Range(s): T6S, R8E; T7S, R8E
 USGS Quad(s): ELOY NORTH



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community



Cielo Solar 2023

Web Map As Submitted By User



-  Buffered Project Boundary
-  Project Boundary

Project Size (acres): 1,000.92

Lat/Long (DD): 32.8603 / -111.5300

County(s): Pinal

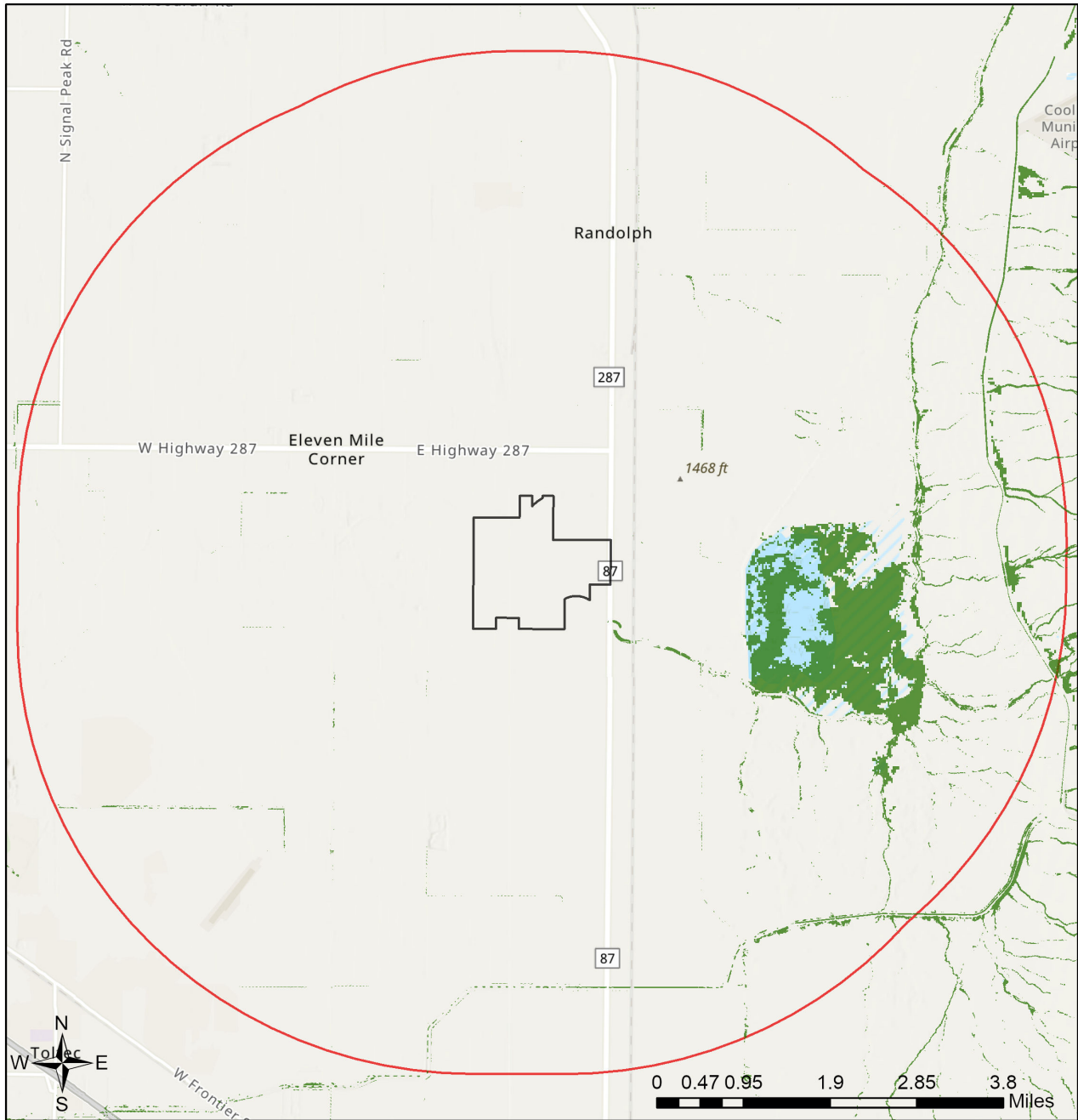
AGFD Region(s): Mesa

Township/Range(s): T6S, R8E; T7S, R8E

USGS Quad(s): ELOY NORTH

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

Cielo Solar 2023 Important Areas



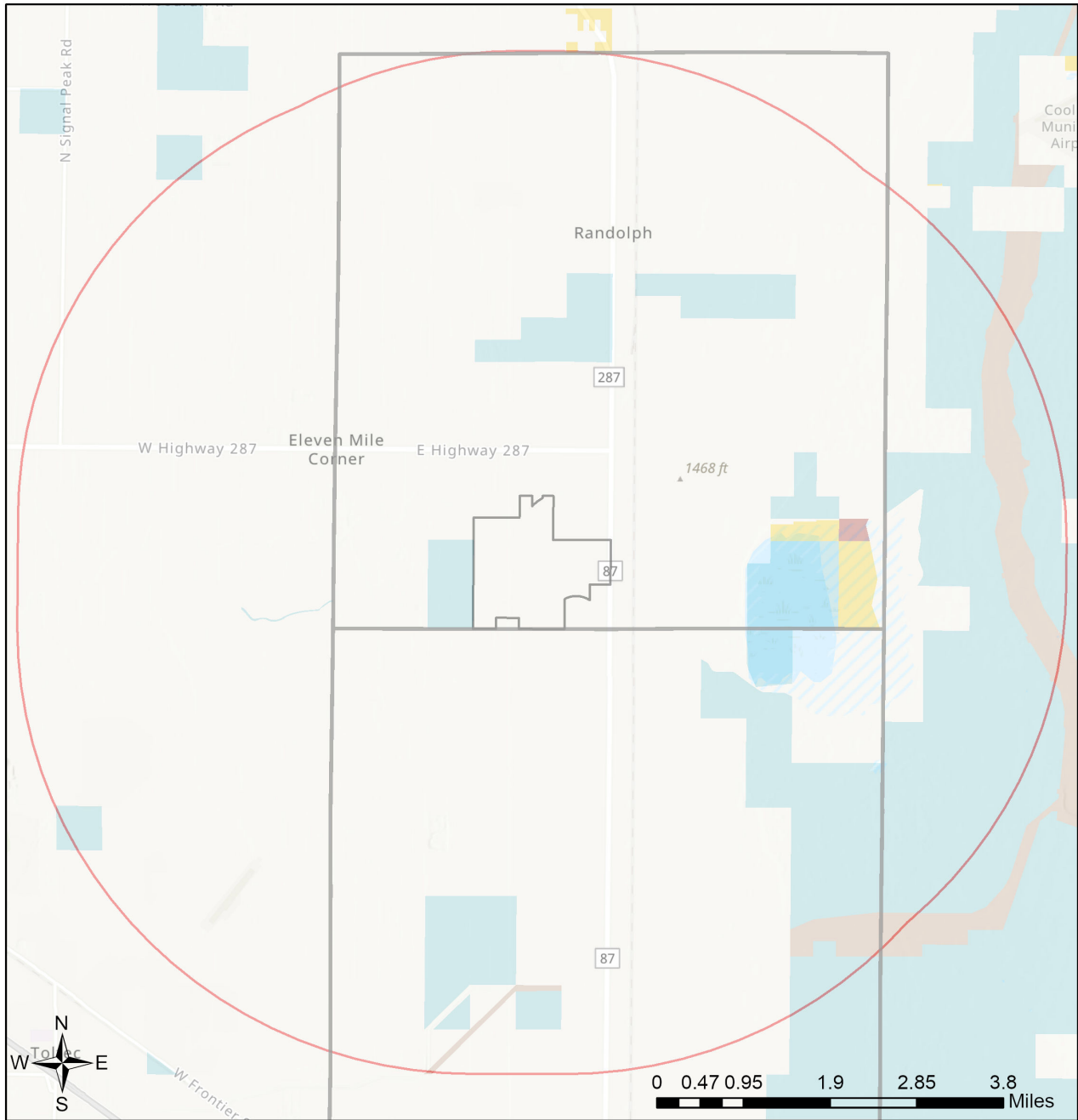
- Buffered Project Boundary
- Project Boundary
- Important Bird Areas
- Critical Habitat
- Pinal County Riparian
- Important Connectivity Zones
- Wildlife Connectivity

Project Size (acres): 1,000.92
 Lat/Long (DD): 32.8603 / -111.5300
 County(s): Pinal
 AGFD Region(s): Mesa
 Township/Range(s): T6S, R8E; T7S, R8E
 USGS Quad(s): ELOY NORTH

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community
 Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Cielo Solar 2023

Township/Ranges and Land Ownership



- | | |
|---|--|
| Buffered Project Boundary | National Park/Mon. |
| Project Boundary | Private |
| AZ Game & Fish Dept. | State & Regional Parks |
| BLM | State Trust |
| BOR | US Forest Service |
| Indian Res. | Wildlife Area/Refuge |
| Military | Township/Ranges |
| Mixed/Other | |

Project Size (acres): 1,000.92
 Lat/Long (DD): 32.8603 / -111.5300
 County(s): Pinal
 AGFD Region(s): Mesa
 Township/Range(s): T6S, R8E; T7S, R8E
 USGS Quad(s): ELOY NORTH

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community
 Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Special Status Species Documented within 5 Miles of Project Vicinity

| Scientific Name | Common Name | FWS | USFS | BLM | NPL | SGCN |
|-----------------------------|------------------------------------|-----|------|-----|-----|------|
| Athene cunicularia hypugaea | Western Burrowing Owl | SC | S | S | | 2 |
| Coccyzus americanus | Yellow-billed Cuckoo (Western DPS) | LT | S | S | | 1 |
| Empidonax traillii extimus | Southwestern Willow Flycatcher | LE | | | | 1 |
| Rallus obsoletus yumanensis | Yuma Ridgway's Rail | LE | | S | | 1 |

Note: Status code definitions can be found at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/statusdefinitions/>

Special Areas Documented that Intersect with Project Footprint as Drawn

| Scientific Name | Common Name | FWS | USFS | BLM | NPL | SGCN |
|-----------------|---------------|-----|------|-----|-----|------|
| Riparian Area | Riparian Area | | | | | |

Note: Status code definitions can be found at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/statusdefinitions/>

Species of Greatest Conservation Need Predicted that Intersect with Project Footprint as Drawn, based on Predicted Range Models

| Scientific Name | Common Name | FWS | USFS | BLM | NPL | SGCN |
|---------------------------------|------------------------------------|-----|------|-----|-----|------|
| Anthus spragueii | Sprague's Pipit | SC | | | | 2 |
| Aquila chrysaetos | Golden Eagle | | | S | | 2 |
| Artemisiospiza nevadensis | Sagebrush Sparrow | | | | | |
| Athene cunicularia hypugaea | Western Burrowing Owl | SC | S | S | | 2 |
| Auriparus flaviceps | Verdin | | | | | 2 |
| Buteo regalis | Ferruginous Hawk | SC | | S | | 2 |
| Buteo swainsoni | Swainson's Hawk | | | | | 2 |
| Calcarius ornatus | Chestnut-collared Longspur | | | | | 2 |
| Calypte costae | Costa's Hummingbird | | | | | 2 |
| Campylorhynchus brunneicapillus | Cactus Wren | | | | | 2 |
| Catharus ustulatus | Swainson's Thrush | | | | | 2 |
| Charadrius montanus | Mountain Plover | SC | | | | 2 |
| Chilomeniscus stramineus | Variable Sandsnake | | | | | 2 |
| Coccyzus americanus | Yellow-billed Cuckoo (Western DPS) | | | | | |
| Colaptes chrysoides | Gilded Flicker | | | S | | 2 |
| Columbina inca | Inca Dove | | | | | 2 |
| Cynanthus latirostris | Broad-billed Hummingbird | | S | | | 2 |
| Empidonax wrightii | Gray Flycatcher | | | | | 2 |
| Eumops perotis californicus | Greater Western Bonneted Bat | | | | | |
| Falco mexicanus | Prairie Falcon | | | | | 2 |
| Falco peregrinus anatum | American Peregrine Falcon | | | | | |
| Falco sparverius | American Kestrel | | | | | 2 |
| Gopherus morafkai | Sonoran Desert Tortoise | CCA | S | S | | 1 |

Species of Greatest Conservation Need Predicted that Intersect with Project Footprint as Drawn, based on Predicted Range Models

| Scientific Name | Common Name | FWS | USFS | BLM | NPL | SGCN |
|---------------------------|---------------------------|-----|------|-----|-----|------|
| Icterus bullockii | Bullock's Oriole | | | | | 2 |
| Incilius alvarius | Sonoran Desert Toad | | | | | 2 |
| Lanius ludovicianus | Loggerhead Shrike | SC | | | | 2 |
| Lasiurus blossevillii | Western Red Bat | | S | | | 2 |
| Lasiurus cinereus | Hoary Bat | | | | | 2 |
| Lasiurus xanthinus | Western Yellow Bat | | S | | | 2 |
| Lepus alleni | Antelope Jackrabbit | | | | | 2 |
| Lithobates yavapaiensis | Lowland Leopard Frog | SC | S | S | | 1 |
| Macrotus californicus | California Leaf-nosed Bat | SC | | S | | 2 |
| Megascops kennicottii | Western Screech-owl | | | | | |
| Melanerpes uropygialis | Gila Woodpecker | | | | | 2 |
| Melospiza lincolni | Lincoln's Sparrow | | | | | 2 |
| Micrathene whitneyi | Elf Owl | | | | | |
| Myotis velifer | Cave Myotis | SC | | S | | 2 |
| Myotis yumanensis | Yuma Myotis | SC | | | | 2 |
| Nyctinomops femorosaccus | Pocketed Free-tailed Bat | | | | | 2 |
| Parabuteo unicinctus | Harris's Hawk | | | | | 2 |
| Passerculus sandwichensis | Savannah Sparrow | | | | | 2 |
| Peucaea carpalis | Rufous-winged Sparrow | | | | | 2 |
| Poocetes gramineus | Vesper Sparrow | | | | | 2 |
| Spizella breweri | Brewer's Sparrow | | | | | 2 |
| Tadarida brasiliensis | Brazilian Free-tailed Bat | | | | | |
| Toxostoma bendirei | Bendire's Thrasher | | | | | 2 |
| Toxostoma lecontei | LeConte's Thrasher | | | S | | 2 |

Species of Economic and Recreation Importance Predicted that Intersect with Project Footprint as Drawn

| Scientific Name | Common Name | FWS | USFS | BLM | NPL | SGCN |
|---------------------|-------------------|-----|------|-----|-----|------|
| Callipepla gambelii | Gambel's Quail | | | | | |
| Pecari tajacu | Javelina | | | | | |
| Zenaida asiatica | White-winged Dove | | | | | |
| Zenaida macroura | Mourning Dove | | | | | |

Project Type: Energy Storage/Production/Transfer, Energy Production (generation), photovoltaic solar facility (new)

Project Type Recommendations:

During the planning stages of your project, please consider the local or regional needs of wildlife in regards to movement, connectivity, and access to habitat needs. Loss of this permeability prevents wildlife from accessing resources, finding mates, reduces gene flow, prevents wildlife from re-colonizing areas where local extirpations may have occurred, and ultimately prevents wildlife from contributing to ecosystem functions, such as pollination, seed dispersal, control of prey numbers, and resistance to invasive species. In many cases, streams and washes provide natural movement corridors for wildlife and should be maintained in their natural state. Uplands also support a large diversity of species, and should be contained within important wildlife movement corridors. In addition, maintaining biodiversity and ecosystem functions can be facilitated through improving designs of structures, fences, roadways, and culverts to promote passage for a variety of wildlife. Guidelines for many of these can be found at: <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>.

Consider impacts of outdoor lighting on wildlife and develop measures or alternatives that can be taken to increase human safety while minimizing potential impacts to wildlife. Conduct wildlife surveys to determine species within project area, and evaluate proposed activities based on species biology and natural history to determine if artificial lighting may disrupt behavior patterns or habitat use. Use only the minimum amount of light needed for safety. Narrow spectrum bulbs should be used as often as possible to lower the range of species affected by lighting. All lighting should be shielded, canted, or cut to ensure that light reaches only areas needing illumination.

Minimize the potential introduction or spread of exotic invasive species, including aquatic and terrestrial plants, animals, insects and pathogens. Precautions should be taken to wash and/or decontaminate all equipment utilized in the project activities before entering and leaving the site. See the Arizona Department of Agriculture website for a list of prohibited and restricted noxious weeds at <https://www.invasivespeciesinfo.gov/unitedstates/az.shtml> and the Arizona Native Plant Society <https://aznps.com/invas> for recommendations on how to control. To view a list of documented invasive species or to report invasive species in or near your project area visit iMapInvasives - a national cloud-based application for tracking and managing invasive species at <https://imap.natureserve.org/imap/services/page/map.html>.

- To build a list: zoom to your area of interest, use the identify/measure tool to draw a polygon around your area of interest, and select "See What's Here" for a list of reported species. To export the list, you must have an account and be logged in. You can then use the export tool to draw a boundary and export the records in a csv file.

Minimization and mitigation of impacts to wildlife and fish species due to changes in water quality, quantity, chemistry, temperature, and alteration to flow regimes (timing, magnitude, duration, and frequency of floods) should be evaluated. Minimize impacts to springs, in-stream flow, and consider irrigation improvements to decrease water use. If dredging is a project component, consider timing of the project in order to minimize impacts to spawning fish and other aquatic species (include spawning seasons), and to reduce spread of exotic invasive species. We recommend early direct coordination with Project Evaluation Program for projects that could impact water resources, wetlands, streams, springs, and/or riparian habitats.

The Department recommends that wildlife surveys are conducted to determine if noise-sensitive species occur within the project area. Avoidance or minimization measures could include conducting project activities outside of breeding seasons.

For any powerlines built, proper design and construction of the transmission line is necessary to prevent or minimize risk of electrocution of raptors, owls, vultures, and golden or bald eagles, which are protected under state and federal laws. Limit project activities during the breeding season for birds, generally March through late August, depending on species in the local area (raptors breed in early February through May). Conduct avian surveys to determine bird species that may be utilizing the area and develop a plan to avoid disturbance during the nesting season. For underground powerlines, trenches should be covered or back-filled as soon as possible. Incorporate escape ramps in ditches or fencing along the perimeter to deter small mammals and herpetofauna (snakes, lizards, tortoise) from entering ditches. In addition, indirect affects to wildlife due to construction (timing of activity, clearing of rights-of-way, associated bridges and culverts, affects to wetlands, fences) should also be considered and mitigated.

Based on the project type entered, coordination with State Historic Preservation Office may be required (<https://azstateparks.com/>).

Based on the project type entered, coordination with U.S. Fish and Wildlife Service (Migratory Bird Treaty Act) may be required (<https://www.fws.gov/office/arizona-ecological-services>).

Vegetation restoration projects (including treatments of invasive or exotic species) should have a completed site-evaluation plan (identifying environmental conditions necessary to re-establish native vegetation), a revegetation plan (species, density, method of establishment), a short and long-term monitoring plan, including adaptive management guidelines to address needs for replacement vegetation.

The Department requests further coordination to provide project/species specific recommendations, please contact Project Evaluation Program directly at PEP@azgfd.gov.

Project Location and/or Species Recommendations:

HDMS records indicate that one or more **Listed, Proposed, or Candidate** species or **Critical Habitat** (Designated or Proposed) have been documented in the vicinity of your project. The Endangered Species Act (ESA) gives the US Fish and Wildlife Service (USFWS) regulatory authority over all federally listed species. Please contact USFWS Ecological Services Offices at <https://www.fws.gov/office/arizona-ecological-services> or:

Phoenix Main Office

9828 North 31st Avenue #C3
Phoenix, AZ 85051-2517
Phone: 602-242-0210
Fax: 602-242-2513

Tucson Sub-Office

201 N. Bonita Suite 141
Tucson, AZ 85745
Phone: 520-670-6144
Fax: 520-670-6155

Flagstaff Sub-Office

SW Forest Science Complex
2500 S. Pine Knoll Dr.
Flagstaff, AZ 86001
Phone: 928-556-2157
Fax: 928-556-2121

This review has identified **riparian areas** within the vicinity of your project. During the planning stage of your project, avoid, minimize, or mitigate any potential impacts to riparian areas identified in this report. Riparian areas play an important role in maintaining the functional integrity of the landscape, primarily by acting as natural drainages that convey water through an area, thereby reducing flood events. In addition, riparian areas provide important movement corridors and habitat for fish and wildlife. Riparian areas are channels that contain water year-round or at least part of the year. Riparian areas also include those channels which are dry most of the year, but may contain or convey water following rain events. All types of riparian areas offer vital habitats, resources, and movement corridors for wildlife. The Pinal County Comprehensive Plan (i.e. policies 6.1.2.1 and 7.1.2.4), Open Space and Trails Master Plan, Drainage Ordinance, and Drainage Design Manual all identify riparian area considerations, guidance, and policies. Guidelines to avoid, minimize, or mitigate impacts to riparian habitat can be found at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>. Based on the project type entered, further consultation with the Arizona Game and Fish Department and Pinal County may be warranted.

HDMS records indicate that **Western Burrowing Owls** have been documented within the vicinity of your project area. Please review the western burrowing owl resource page at:
<https://www.azgfd.com/wildlife/speciesofgreatestconservneed/burrowingowlmanagement/>.



APPENDIX D

Public Participation Plan



Cielo Solar Project
Application for a Major
Comprehensive Plan Amendment
Public Participation Plan

MAY 2023

SUBMITTED TO
Pinal County Planning Division

PREPARED BY
SWCA Environmental Consultants

**CIELO SOLAR PROJECT
PUBLIC PARTICIPATION PLAN**

**PRE-APPLICATION PLANNING CASE NO. Z-PA-048-23
MCPA APPLICATION PLANNING CASE NO. PZ-PA-009-23**

Prepared for

Pinal County Planning Division
85 N. Florence Street
First Floor
P.O. Box 2973
Florence, Arizona 85132
(520) 866-6442

Prepared by

SWCA Environmental Consultants
20 E. Thomas Rd. #1700
Phoenix, Arizona 85012
(602) 274-3831
www.swca.com

On Behalf of

Pattern Solar and Storage Development, LLC
1201 Louisiana St., Suite 3200
Houston, Texas 77002
Attn: Ian Evans

May 2023

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A. INTRODUCTION

This report provides the summary of the public involvement activities and materials to be completed by Pattern Solar and Storage Development, LLC (Pattern) to support their request for a Major Comprehensive Plan Amendment (MCPA) for the Cielo Solar Project on unincorporated land in Pinal County.

Pattern has already been engaged with the community as part of last year’s MCPA process. A copy of last year’s Public Participation Results Report is on file with the Community Development Planning and Zoning Department. Additionally, Pattern was the Main Stage and Youth Agricultural/Livestock Blue Ribbon sponsor at this year’s Pinal County Fair. Pattern representatives and staff were available during the fair to engage with residents and stakeholders about our projects.

B. REPORT PURPOSE

The purpose of the Public Participation Plan report is to document that Pattern intends to complete and fulfill the necessary public participation requirements for the Pinal County MCPA process, and to outline how it will be achieved. This includes providing information for each of the following topics, which are described in greater detail below:

- A description of the community involvement area.
- A list of stakeholders Pattern will contact to inform them about the application.
- A description of how Pattern will make information available to interested parties, prior to public hearings.
- A description of how Pattern will respond to stakeholders’ feedback and recommendations.
- The timeline for the public participation program.

C. PROJECT DESCRIPTION

Pattern has requested approval of a Major Comprehensive Plan Amendment (MCPA) to the 2019 Pinal County Comprehensive Plan to construct and operate the Cielo Solar Project (Project), a photovoltaic (PV) solar facility and battery energy storage system (BESS) comprising of eleven parcels (Figure 1). Table 1 below lists the Project parcels, including the Assessor’s Parcel Numbers (APNs), individual and total parcel acreage, and Public Land Survey System (PLSS) locations. The Project would redesignate approximately 1,086 acres from MLDR (Medium Low Density Residential) and Employment to Green Energy Production to allow for the Project’s intended use.

Table 1. Proposed Comprehensive Plan Amendment Parcels

| APN | PLSS Location |
|------------|----------------------|
| 40142009A | 28 06S 08E |
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| 40143009B | 29 06S 08E |
| 401460010 | 32 06S 08E |

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| 401470060 | 33 06S 08E |

An energy storage facility (BESS) will also be developed with the PV solar field as part of the Project. Additionally, the Project would require a project substation, switchyard, operation and maintenance building, and associated project infrastructure.

Paved and unpaved rural roads would provide access to the site and adjacent properties. These roads include South Carter Lane and North la Palma Road, both running north to south through the Project site; State Hwy 87, running north to south adjacent to the easternmost portion of the Project; East Selma Hwy, running east to west adjacent to the southernmost portion of the Project; East Arizona Western Blvd and East Earley Road, both running east to west through the central portion of the Project; and East Laughlin Road, running east to west through the northernmost portion of the Project. The intersection of State Route 287 and State Route 87 is approximately 1 mile northeast of the Project. The intersection of Interstate 10 (I-10) and State Route 87 is approximately 8.5 miles south of the Project.

The amendment is needed to facilitate development of the Project, in turn allowing the contribution of clean, safe, affordable, and reliable energy to the regional transmission grid. The Project is anticipated to start construction in 2024 and be operational by 2025.

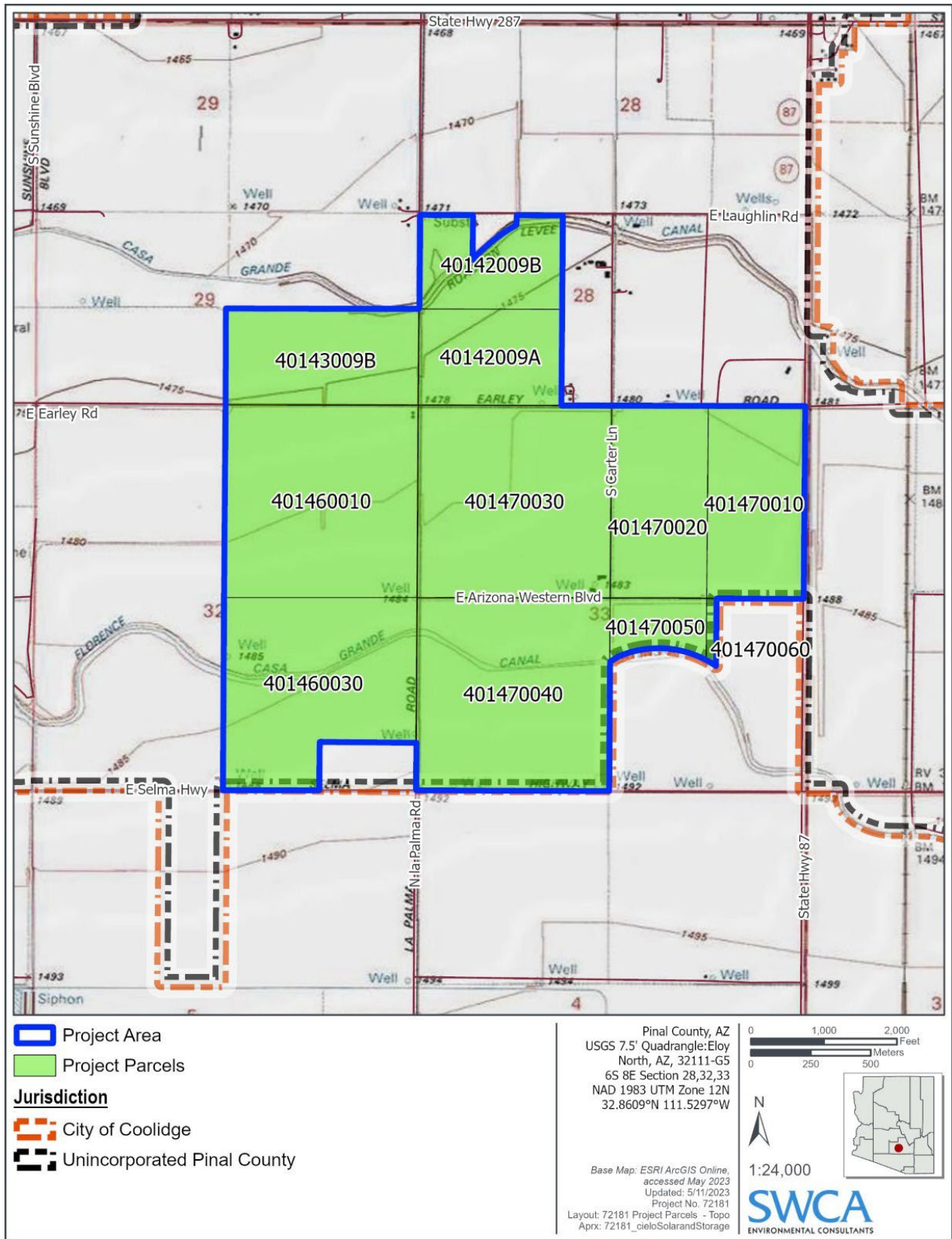


Figure 1. Project parcels.

D. DESCRIPTION OF COMMUNITY INVOLVEMENT AREA

The Project is located in unincorporated Pinal County, approximately 8 miles south of downtown Coolidge, AZ, approximately 3.5 miles south of central Randolph, Arizona, 3.6 miles north of Eloy, Arizona, and 4.8 miles southeast of Casa Grande, AZ. Existing land uses within 1 mile of the Project area include low density residential, agricultural, and utility, including two 500-kV transmission lines and one substation. Scattered single-family residences are located adjacent to the northeastern portion of the Project, including residences along East Laughlin Road and East Earley Road. No designated Open Space is located within the Project area.

Transportation and travel routes in the Project vicinity include State Route 87 running north to south, adjacent to the easternmost portion of the Project site, I-10 running east to west, approximately 8 miles south of the Project site, and several paved and unpaved local roads.

Existing utilities within the Project vicinity include a 500-kV, Tucson Electric Power Company-owned (TEP) transmission line, and the Pinal Central Substation (jointly owned by many utilities including Salt River Project-owned (SRP) and TEP). SunZia Transmission, LLC's transmission infrastructure, planned for construction completion in 2025, would also cross the northern portion of the Project Site. There are also numerous electrical distribution lines, communications cables, irrigation canals, laterals, and ditches on and in the vicinity of the site.

Land adjacent to the Project site is primarily privately owned and largely used for agricultural production; however, there is a portion of state owned ASLD land leased for agricultural use to the west of the Project. There are no areas designated as Open Space on the Project site. The Project would not impact known planned recreational uses.

The Project site is zoned as General Rural (GR), and the land uses entail a combination of active and fallow farmland.

E. PINAL COUNTY MCPA PROCESS

As part of the MCPA process, Pinal County requires the applicant to complete the following activities prior to a hearing with the Planning and Zoning Commission:

Table 2. Public Participation Activity Events and Timelines

| Public Participation Activity | Key Dates |
|---|--|
| Mail Notification letters to landowners within 1,200' of the Project | At least 15 days prior to the Neighborhood Meeting (Date TBD) |
| Install Broadcast Sign postings | At least 21 days prior to the Citizens' Advisory Committee meeting |
| Mail Notice of Hearing (NOH) to landowners within 600' of the Project | Done by County, at least 15 days prior to the Public Hearing of the Planning and Zoning Commission |
| Install Notice of Public Hearing small signs | At least 15 days prior to the Public Hearing of the Planning and Zoning Commission |

| | |
|--|---|
| Neighborhood Meeting | At least 15 days prior to the Public Hearing of the Planning and Zoning Commission, Date TBD |
| Newspaper posting of the NOH | Done by the County, 15 days prior to the Public Hearing of the Planning and Zoning Commission |
| Citizen Advisory Committee | September 7, 2023 |
| Public Hearing of the Planning and Zoning Commission | September 21, 2023 |
| Public Hearing of the Board of Supervisors | October 25, 2023 |

F. DESCRIPTION OF HOW PATTERN PLANS TO EXECUTE THE PINAL COUNTY MCPA PROCESS

Pattern’s proposed public participation activities will help to educate the public and interested parties about the proposed project and receive their input and opinions. The following mechanisms will allow for Pattern to provide opportunities for public education and input and meet Pinal County MCPA process requirements.

F.1 Stakeholders Identification

Pattern, supported by SWCA Environmental Consultants (SWCA), will develop a mailing list that will include stakeholders within 1,300 feet of the Project. Pattern plans to expand by an additional 100 feet beyond the 1,200 foot requirement to ensure any property owners on the edge of the 1,200-foot notice requirement are included. These mailing lists will be used to send out the Notification Letter to inform the stakeholders of the Neighborhood Meeting that will be held this summer 2023, date TBD (see Section F.3 and F.4 below). A detailed list of adjacent landowners within 1,300 feet of the Project will be provided as part of the Public Participation Plan Results report to be submitted to the county ahead of the Planning and Zoning Hearing.

F.2 Sign Posting

As required by the Pinal County MCPA process, Pattern will posted the recommended number of broadcast sign notifications around the project site, in accordance with the MCPA process guidelines for posting 21 calendar days prior to the Citizens’ Advisory Committee meeting. A list of sign locations along with the signed and notarized Affidavit of Posting of Broadcast Signs will be attached to the Public Participation Results report.

Additionally, as required by the Pinal County MCPA process, Pattern will install the Notification of Public Hearing small signs in accordance with the requirement for posting 15 days prior to the hearing.

F.3 Notice Mailing

Prior to mailing last year’s Notification Letter, on July 21, 2022 Pattern representatives canvassed residents located around the Project to introduce themselves, the company, and the Project. Pattern was able to answer many questions neighbors had about the project, provide a Project Fact Sheet, and leave the Project contact information for further communication. If no one was home, Pattern left a handwritten introduction note in mailboxes.

This outreach activity along with information and comments received from County Planning staff and other local residents, Pattern was able to incorporate changes to the Project and application this year to address their concerns.

Pattern intends to host a neighborhood meeting this summer 2023 and a copy of the Notification Letter Pattern intends to mail out will be included as an attachment to the Public Participation Results Report.

Pinal County Planning Department will mail the Notice of Public Hearing letter to the County’s list of surrounding landowners. Pinal County Planning Department will also have published newspaper advertisements in local newspapers.

F.4 Neighborhood Meetings

Pattern will hold a public, in-person Neighborhood Meeting on a date TBD during evening hours at a nearby the project that is accessible to the public. Last year, Pattern held a public, in-person Neighborhood Meeting on Wednesday, August 17th from 5:00 to 7:00 PM at the Eloy City Hall Community Room located at 595 C Steet, Eloy, AZ 85131. Eleven members of the public attended the Neighborhood Meeting. Pattern and SWCA conducted the in-person meeting in a “Question and Answer” format, with posterboards where stakeholders could learn more about the project displayed around the room. Pattern plans to follow a similar format for this year’s Neighborhood Meeting.

Pattern will provided meeting sign-in sheets, comment forms, posterboards, and light refreshments. A list of attendees from the Neighborhood Meeting will be attached to this Public Participation Results report.

G. PUBLIC PARTICIPATION PROGRAM SUMMARY

Table 4 provides a summary table for implementation of community outreach activities.

Table 4. Public Participation Activity Events

| Public Participation Activity | Primary Responsibility |
|--|-------------------------------|
| Mail Notification letters | Pattern |
| Install Broadcast Sign postings | Pattern |
| Mail Notice of Public Hearing letters | Pinal County |
| Install Notice of Public Hearing small signs | Pattern |
| Neighborhood Meeting | Pattern |
| Public Participation Results Report | Pattern |

H. NEXT STEPS

The overall goal of the stakeholder comment review and response process is to ensure that all substantive comments or questions are heard, responded to, tracked, and considered as part of the MCPA process.

Pattern is committed to listening and respecting the community through relationship building, open communication, and the reception of feedback. Stakeholder questions will be addressed during canvassing, phone calls, emails, and the Neighborhood Meeting. A list of additionally received comments

from the Neighborhood Meeting and their responses to date will be included in the Public Participation Results report. Pattern will consider stakeholder comments received within this context and will base responses to stakeholder comments on this premise. Pattern will respond to all comments that are substantive to the Project and its plans.

Additionally, Pattern will continue to be regularly available to answer questions from the public, as needed. Pattern representatives will keep records of the comments and/or questions provided, as well as Pattern's responses.

from the Neighborhood Meeting and their responses to date will be included in the Public Participation Results report. Pattern will consider stakeholder comments received within this context and will base responses to stakeholder comments on this premise. Pattern will respond to all comments that are substantive to the Project and its plans.

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July 14, 2023

Ms. LaRee Mason
Pinal County Development Services
85 N. Florence Street
Florence, Arizona 85132

Electronically submitted to Laree.Mason@pinal.gov

RE: Cielo Solar Project

Dear Ms. Mason:

The Arizona Game and Fish Department (Department) appreciates the opportunity to review the proposed Cielo Solar Project (project). The Department understands that Pattern Solar and Storage Development LLC proposes to construct a photovoltaic (PV) solar facility with a battery energy storage system (BESS) and associated infrastructure on approximately 923 acres of unincorporated Pinal County lands north of Eloy, Arizona. The facility will be located just west of Picacho Reservoir in agricultural land. An estimated 2-mile 500kV generation intertie (gen-tie) transmission line would connect the facility to the Pinal Central Substation, along with on-site energy storage in the proposed BESS. The Department understands the project will involve the use of heavy equipment, large scale soil disturbance, the construction of fences, and vegetation removal.

Under Title 17 of the Arizona Revised Statutes, the Department, by and through the Arizona Game and Fish Commission, has jurisdictional authority and public trust responsibilities to conserve and protect the state fish and wildlife resources. In addition, the Department manages threatened and endangered species through authorities of Section 6 of the Endangered Species Act and the Department's Section 10(a)(1)(A) permit. It is the mission of the Department to conserve and protect Arizona's diverse fish and wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.

The Department recognizes the importance of planning efforts to develop renewable energy locations that contribute to regional and state economic growth needs and would like to work closely with Pattern Solar and Storage Development LLC and SWCA Environmental Consultants (SWCA) during the planning and development of this facility. The Department recognizes that appropriate coordination, proper planning, and voluntary implementation of best management practices allow projects to be developed that avoid, minimize, or offset potential impacts to wildlife and recreational access during development and operation of the facilities. For your consideration, the Department provides the following comments based on the agency's

azgfd.gov | 480.981.9400

MESA OFFICE: 7200 E. UNIVERSITY DRIVE, MESA AZ 85207

GOVERNOR: KATIE HOBBS **COMMISSIONERS:** CHAIRMAN TODD G. GEILER, PRESCOTT | CLAY HERNANDEZ, TUCSON | MARSHA PETRIE SUE, SCOTTSDALE
JEFF BUCHANAN, PATAGONIA | JAMES E. GOUGHNOUR, PAYSON **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

statutory authorities, public trust responsibilities, and special expertise related to wildlife resources and recreation.

Arizona has recently seen an increase in the number of proposed and in-development renewable energy generation projects and associated infrastructure. A number of solar energy projects have been built and multiple large solar facilities have been proposed within the vicinity of the project area. Although each of these projects individually may have a minimal impact on the broader landscape, these projects cumulatively could result in loss of habitat, impact wildlife movements, and affect wildlife-related recreation. Additionally, long-term effects to wildlife can extend several kilometers beyond the footprint of a solar project area ([Sawyer et al. 2022](#)¹). It is important for the County to consider all potential cumulative effects and to evaluate this project in association with other projects in the area. Department staff are available to assist in identifying potential cumulative impacts to wildlife and associated voluntary conservation measures that can be implemented for the project.

The Department recommends conducting surveys in the project area to determine wildlife species presence. These surveys should be of sufficient duration and intensity to adequately assess all habitat types and potential species occurrence in and adjacent to the project area. Department staff are available to assist Pattern Solar and Storage Development LLC and SWCA in determining appropriate surveys and identifying design features and best management practices that can help minimize potential impacts to wildlife. Based on the information provided, the Department offers the following recommendations to reduce potential impacts to wildlife and habitat; additional information can be found in [Guidelines for Solar Development in Arizona](#)². The Online Environmental Review Tool report (HGIS-19206) run for the project by SWCA provides further information about these resources and is attached as a reference.

- The western burrowing owl, a special status species that is regulated under the Migratory Bird Treaty Act (MBTA), has been documented within the project area. The Department recommends conducting occupancy surveys for this species in advance of the design phase to understand distribution of burrowing owls in the project site; avoidance of a large burrowing owl population may be advisable over removal or other conservation measures. Guidelines for conducting this survey are found in [Burrowing Owl Project Clearance Guidance for Landowners](#)³. Please note that the survey should be conducted by a surveyor who is certified by the Department or has similar training and qualifications. If an active burrowing owl burrow is detected, please contact the Department and the [U.S. Fish and Wildlife Service](#)⁴ (USFWS) for direction, in accordance with the guidelines.
- Yellow-billed cuckoo, Southwestern willow flycatcher, and Yuma Ridgway's rail, which are federally protected under the Endangered Species Act (ESA), have been documented at Picacho Reservoir, approximately 1.5 miles east of the project. Large-scale solar PV

¹ <https://esajournals.onlinelibrary.wiley.com/doi/10.1002/fee.2498>

² <https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/planningFor/wildlifeFriendlyGuidelines/FinalSolarGuidelines03122010.pdf>

³ https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/nongame/eagles/BurrowingOwlClearanceProtocol_2009.pdf

⁴ <https://www.fws.gov/office/arizona-ecological-services/contact-us>

facilities can result in a high rate of bird mortality due to habitat loss, collision with panels, attraction due to an optical illusion of water, and unknown causes ([Kosciuch et al. 2020](#)⁵). The Department encourages the use of non-reflective coatings on the solar panels to help reduce the appearance of the array as a body of water and reduce potential attraction of birds to the site. If uncertain about the effects of this project to these species or if it is anticipated the project will not be in compliance with the ESA, the Department recommends the applicant contact the USFWS for technical assistance and options to comply with the ESA.

- Conducting general avian surveys during the planning stage in order to better understand species presence and to inform potential conservation measures. Point counts are the preferred method for breeding bird surveys. These surveys are conducted twice a year during the peak breeding season, which is mid-January through late June in this area; [McLaren et al. \(2019\)](#)⁶ outline protocols. Additional surveys for Bendire's and LeConte's thrashers, two bird species of conservation concern, are recommended; a [draft protocol](#)⁷ from the Desert Thrashers Working Group is available online.
- Conducting surveys for nesting birds prior to vegetation removal and/or construction activities that occur during the breeding season. The vegetation within the project area may provide nesting opportunities for avian species that are regulated under the Migratory Bird Treaty Act (MBTA). If it is anticipated the project will not be in compliance with MBTA, the Department recommends the applicant contact the USFWS for technical assistance.
- Burrowing mammal species could occur within the project area and could be influenced by construction activities and by loss of habitat. Surveys for these species are recommended to determine their presence and to inform pre-construction activities. Department staff are available to assist in identifying suitable conservation measures, such as one-way exclosures on burrows that allow wildlife to exit the burrows and disperse to adjacent lands in advance of construction.
- In addition, a variety of other Arizona Species of Greatest Conservation Need (SGCN) have the potential to occur within the project area. If wildlife are encountered during project activities, the Department recommends moving them out of harm's way, no more than 0.25 mile outside the project boundary within similar habitat. Please note that the Arizona State Wildlife Action Plan was recently updated, and the Department has an interactive website, [Arizona Wildlife Conservation Strategy](#)⁸, that includes the most recent list of SGCN to help navigate and identify conservation opportunities.

Maintaining habitat connectivity is a priority for the Department, and wildlife movement corridors are important for wildlife to respond to changing environmental conditions. The landscape in which this project is proposed provides important movement pathways for wildlife. Additionally, riparian areas, which are important for wildlife, are adjacent to and in the northeast portion of the project area. The Department would like to meet with Pattern Solar and Storage

⁵ <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0232034>

⁶ <https://www.birdconservancy.org/wp-content/uploads/2021/03/2020-Field-Protocol-for-Spatially-Balanced-Sampling.pdf>

⁷ <https://drive.google.com/drive/folders/1d9L8Su0HPbBzo2oGSH4H2xqrwOqHpT1o?usp=sharing>

⁸ <https://awcs.azgfd.com>

Development LLC to discuss opportunities to incorporate wildlife connectivity and design features to retain the riparian values into the project design, including the following:

- It is the Department's understanding the developer intends to incorporate conservative setbacks from the proposed multi-use trail corridor along the Florence-Casa Grande Canal which bisects the southern portion of the project site. Department staff remain available to assist the County and the Developer in identifying wildlife needs in these areas such as vegetative cover and appropriate setbacks for wildlife movement across the project area. Once implementation is complete, the associated open space surrounding the canal systems will provide for wildlife connectivity through the project site to associated riparian habitats and to Picacho Reservoir. Additionally, the Department recommends incorporating unfenced areas along the canal entrances and exits to the project area to allow for wildlife movement through the project area.
- The Department recommends conducting minimal grading in the project area and, to the extent possible, retaining habitat features underneath the panels, including vegetation and soils. Keeping the existing soil and root structures intact would serve to minimize erosional run-off and help reduce biodiversity loss within the site ([Grodsky and Hernandez 2020](#)⁹).
- The Department's [Wildlife Compatible Fencing Guidelines](#)¹⁰ provide information on how fencing impacts wildlife, ways to design fencing to prevent wildlife entanglement and impalement, and to ensure wildlife movement is not restricted. Department personnel are available as resources to help determine appropriate fencing design and layout that will achieve its objective while reducing impact on wildlife, such as leaving a 6–8-inch gap between the ground surface and bottom of the fence to allow for smaller wildlife species to move freely through the area and make use of any habitat within the project boundary.

The Department offers the following general recommendations to reduce potential impacts to wildlife and habitat during construction and operation of the facility:

- To minimize the potential introduction or spread of exotic invasive species, including aquatic and terrestrial plants, animals, insects, and pathogens, the Department encourages taking precautions to wash and/or decontaminate equipment before entering and leaving the site. See the [Arizona Department of Agriculture website](#)¹¹ for a list of prohibited and restricted noxious weeds and the [Arizona Native Plant Society](#)¹² for recommendations on how to control them. To view a list of documented invasive species or to report invasive species in or near the project area, visit [iMapInvasives](#)¹³, which is a national cloud-based application for tracking and managing invasive species.
- If trenching or digging of large holes necessary for anchoring project infrastructure will occur for the proposed project, the Department recommends trenching/digging and backfilling crews be close together to minimize the amount of open holes at any given time. Where trenches or holes cannot be back-filled immediately, the Department

⁹ <https://www.nature.com/articles/s41893-020-0574-x>

¹⁰ https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/planningFor/wildlifeFriendlyGuidelines/110125_AGFD_fencing_guidelines.pdf

¹¹ <https://agriculture.az.gov/pestspest-control/agriculture-pests/noxious-weeds>

¹² <https://aznps.com/invas>

¹³ <https://imap.natureserve.org/imap/services/page/map.html>

recommends escape ramps be constructed at least every 90 meters. Escape ramps can be short lateral trenches or wooden planks sloping to the surface. The Department recommends that slopes be less than 45 degrees (1:1) and trenches and holes that have been left open be inspected to remove animals prior to backfilling.

- The Department recommends following standards established by the Avian Power Line Interaction Committee (APLIC) for new powerlines, which can be found in [*Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*](#)¹⁴ and [*Reduced Avian Collisions with Power Lines: The State of the Art in 2012*](#)¹⁵. Birds of prey, such as raptors, owls, vultures, and eagles, are vulnerable to powerline strikes and electrocution during construction and operation of transmission lines; power poles can also serve as perches for birds of prey. Tuk Jacobson, the Department's Raptor Coordinator, can provide further information on specific design features and best management practices; he can be contacted at raptors@azgfd.gov or 623-236-7575.
- The Department recommends revegetating disturbed areas with native drought-tolerant species that represent the natural surrounding landscape. Landscaping with native plants can help support wildlife and pollinator species in the area while reducing dust and erosion. In addition, the applicable land management agencies should be consulted regarding guidelines for revegetation efforts.
- Artificial lighting could impair the ability of nocturnal animals to navigate (e.g., owls, migratory birds, bats, and other nocturnal mammals) and may affect wildlife behavior and populations ([Davies et. al. 2013](#))¹⁶. If any portion of the project is anticipated to be completed during nighttime hours, the Department recommends using only the minimum amount of light needed for safety. If feasible, narrow spectrum lighting is wildlife-friendly and should be used as often as possible to minimize the number of species affected by lighting. It is also beneficial that all lighting is shielded, canted, or cut to minimize the amount of upward shining light.

Finally, The Department prioritizes conserving existing access and modes of access for wildlife management activities, hunting, trapping, shooting, wildlife watching, off-highway vehicle use, dispersed camping, and other responsible forms of outdoor recreational use on public lands. The Department recommends that potential impacts to recreation and Department access for wildlife management and jurisdictional activities be evaluated during project planning and implementation. Department staff remain available to assist in identifying these needs.

¹⁴ [https://www.aplic.org/uploads/files/2643/SuggestedPractices2006\(LR-2\).pdf](https://www.aplic.org/uploads/files/2643/SuggestedPractices2006(LR-2).pdf)

¹⁵ https://www.aplic.org/uploads/files/15518/Reducing_Avian_Collisions_2012watermarkLR.pdf

¹⁶ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3657119>

Thank you for the opportunity to provide input on the Cielo Solar Project. For further coordination, please contact Bobby Lamoureux at rlamoureux@azgfd.gov or 480-262-9427.

Sincerely,

 on behalf of Joshua Hurst

Joshua Hurst

Regional Supervisor, Region 6

Attachment 1 - ERT Report (HGIS-19206) Cielo Solar 2023

cc: Ginger Ritter – Project Evaluation Program Supervisor
Tiffany Sprague – Project Evaluation Program Specialist
Kelly Wolff – Habitat, Evaluation, and Lands Program Manager, Region 6

AZGFD #M23-06153254



Cielo Solar Project Application for a Major Comprehensive Plan Amendment Public Participation Plan

MAY 2023

SUBMITTED TO
Pinal County Planning Division

PREPARED BY
SWCA Environmental Consultants

**CIELO SOLAR PROJECT
PUBLIC PARTICIPATION PLAN**

PRE-APPLICATION PLANNING CASE NO. Z-PA-048-23

Prepared for

Pinal County Planning Division
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First Floor
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On Behalf of

Pattern Solar and Storage Development, LLC
1201 Louisiana St., Suite 3200
Houston, Texas 77002
Attn: Ian Evans

May 2023

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A. INTRODUCTION

This report provides the summary of the public involvement activities and materials to be completed by Pattern Solar and Storage Development, LLC (Pattern) to support their request for a Major Comprehensive Plan Amendment (MCPA) for the Cielo Solar Project on unincorporated land in Pinal County.

Pattern has already been engaged with the community as part of last year’s MCPA process. A copy of last year’s Public Participation Results Report is on file with the Community Development Planning and Zoning Department. Additionally, Pattern was the Main Stage and Youth Agricultural/Livestock Blue Ribbon sponsor at this year’s Pinal County Fair. Pattern representatives and staff were available during the fair to engage with residents and stakeholders about our projects.

B. REPORT PURPOSE

The purpose of the Public Participation Plan report is to document that Pattern intends to complete and fulfill the necessary public participation requirements for the Pinal County MCPA process, and to outline how it will be achieved. This includes providing information for each of the following topics, which are described in greater detail below:

- A description of the community involvement area.
- A list of stakeholders Pattern will contact to inform them about the application.
- A description of how Pattern will make information available to interested parties, prior to public hearings.
- A description of how Pattern will respond to stakeholders’ feedback and recommendations.
- The timeline for the public participation program.

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Paved and unpaved rural roads would provide access to the site and adjacent properties. These roads include South Carter Lane and North la Palma Road, both running north to south through the Project site; State Hwy 87, running north to south adjacent to the easternmost portion of the Project; East Selma Hwy, running east to west adjacent to the southernmost portion of the Project; East Arizona Western Blvd and East Earley Road, both running east to west through the central portion of the Project; and East Laughlin Road, running east to west through the northernmost portion of the Project. The intersection of State Route 287 and State Route 87 is approximately 1 mile northeast of the Project. The intersection of Interstate 10 (I-10) and State Route 87 is approximately 8.5 miles south of the Project.

The amendment is needed to facilitate development of the Project, in turn allowing the contribution of clean, safe, affordable, and reliable energy to the regional transmission grid. The Project is anticipated to start construction in 2024 and be operational by 2025.

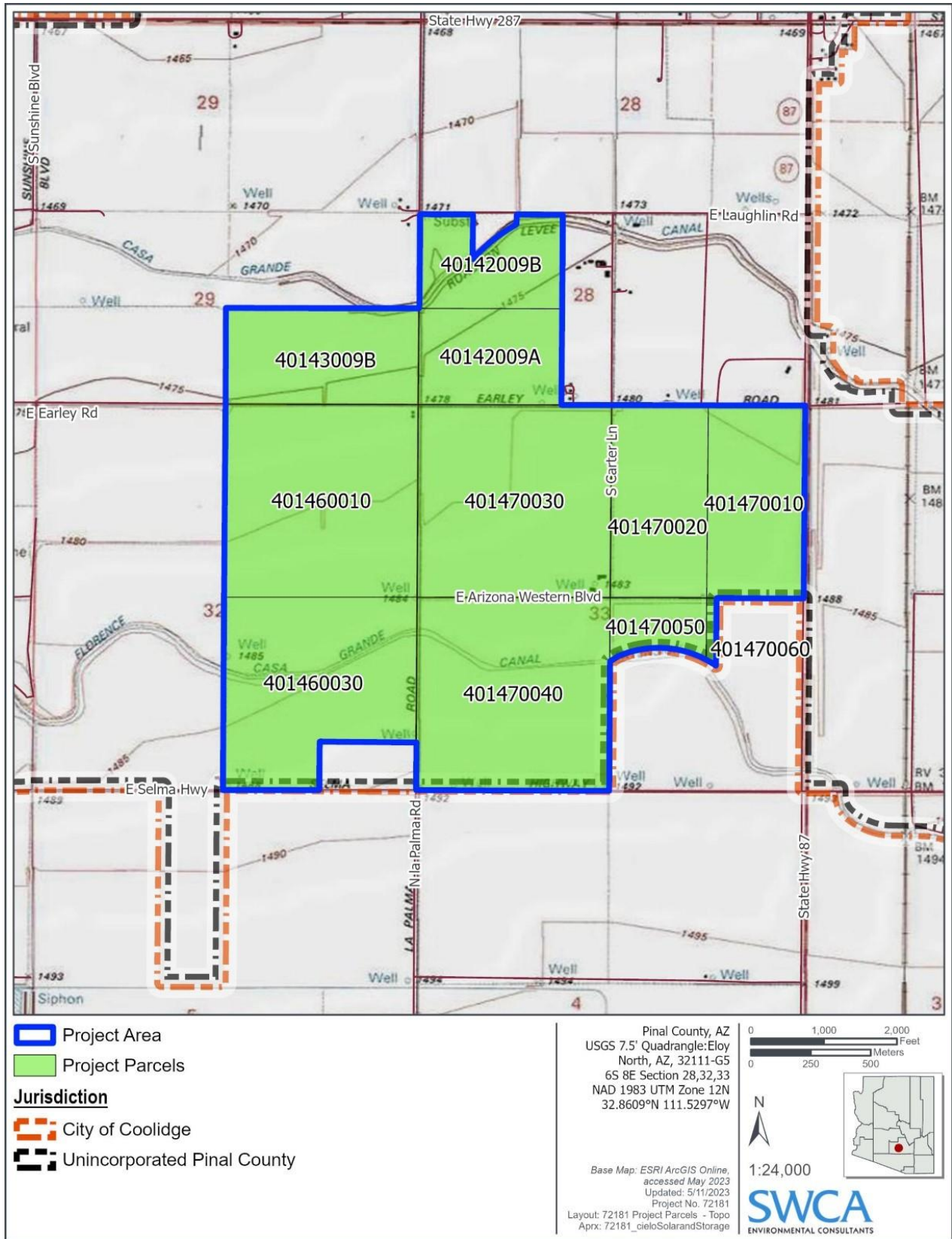


Figure 1. Project parcels.

D. DESCRIPTION OF COMMUNITY INVOLVEMENT AREA

The Project is located in unincorporated Pinal County, approximately 8 miles south of downtown Coolidge, AZ, approximately 3.5 miles south of central Randolph, Arizona, 3.6 miles north of Eloy, Arizona, and 4.8 miles southeast of Casa Grande, AZ. Existing land uses within 1 mile of the Project area include low density residential, agricultural, and utility, including two 500-kV transmission lines and one substation. Scattered single-family residences are located adjacent to the northeastern portion of the Project, including residences along East Laughlin Road and East Earley Road. No designated Open Space is located within the Project area.

Transportation and travel routes in the Project vicinity include State Route 87 running north to south, adjacent to the easternmost portion of the Project site, I-10 running east to west, approximately 8 miles south of the Project site, and several paved and unpaved local roads.

Existing utilities within the Project vicinity include a 500-kV, Tucson Electric Power Company-owned (TEP) transmission line, and the Pinal Central Substation (jointly owned by many utilities including Salt River Project-owned (SRP) and TEP). SunZia Transmission, LLC’s transmission infrastructure, planned for construction completion in 2025, would also cross the northern portion of the Project Site. There are also numerous electrical distribution lines, communications cables, irrigation canals, laterals, and ditches on and in the vicinity of the site.

Land adjacent to the Project site is primarily privately owned and largely used for agricultural production; however, there is a portion of state owned ASLD land leased for agricultural use to the west of the Project. There are no areas designated as Open Space on the Project site. The Project would not impact known planned recreational uses.

The Project site is zoned as General Rural (GR), and the land uses entail a combination of active and fallow farmland.

E. PINAL COUNTY MCPA PROCESS

As part of the MCPA process, Pinal County requires the applicant to complete the following activities prior to a hearing with the Planning and Zoning Commission:

Table 2. Public Participation Activity Events and Timelines

| Public Participation Activity | Key Dates |
|---|--|
| Mail Notification letters to landowners within 1,200’ of the Project | At least 15 days prior to the Neighborhood Meeting (Date TBD) |
| Install Broadcast Sign postings | At least 21 days prior to the Citizens’ Advisory Committee meeting |
| Mail Notice of Hearing (NOH) to landowners within 600’ of the Project | Done by County, at least 15 days prior to the Public Hearing of the Planning and Zoning Commission |
| Install Notice of Public Hearing small signs | At least 15 days prior to the Public Hearing of the Planning and Zoning Commission |

| | |
|--|---|
| Neighborhood Meeting | At least 15 days prior to the Public Hearing of the Planning and Zoning Commission, Date TBD |
| Newspaper posting of the NOH | Done by the County, 15 days prior to the Public Hearing of the Planning and Zoning Commission |
| Citizen Advisory Committee | September 7, 2023 |
| Public Hearing of the Planning and Zoning Commission | September 21, 2023 |
| Public Hearing of the Board of Supervisors | October 25, 2023 |

F. DESCRIPTION OF HOW PATTERN PLANS TO EXECUTE THE PINAL COUNTY MCPA PROCESS

Pattern’s proposed public participation activities will help to educate the public and interested parties about the proposed project and receive their input and opinions. The following mechanisms will allow for Pattern to provide opportunities for public education and input and meet Pinal County MCPA process requirements.

F.1 Stakeholders Identification

Pattern, supported by SWCA Environmental Consultants (SWCA), will develop a mailing list that will include stakeholders within 1,300 feet of the Project. Pattern plans to expand by an additional 100 feet beyond the 1,200 foot requirement to ensure any property owners on the edge of the 1,200-foot notice requirement are included. These mailing lists will be used to send out the Notification Letter to inform the stakeholders of the Neighborhood Meeting that will be held this summer 2023, date TBD (see Section F.3 and F.4 below). A detailed list of adjacent landowners within 1,300 feet of the Project will be provided as part of the Public Participation Plan Results report to be submitted to the county ahead of the Planning and Zoning Hearing.

F.2 Sign Posting

As required by the Pinal County MCPA process, Pattern will posted the recommended number of broadcast sign notifications around the project site, in accordance with the MCPA process guidelines for posting 21 calendar days prior to the Citizens’ Advisory Committee meeting. A list of sign locations along with the signed and notarized Affidavit of Posting of Broadcast Signs will be attached to the Public Participation Results report.

Additionally, as required by the Pinal County MCPA process, Pattern will install the Notification of Public Hearing small signs in accordance with the requirement for posting 15 days prior to the hearing.

F.3 Notice Mailing

Prior to mailing last year’s Notification Letter, on July 21, 2022 Pattern representatives canvassed residents located around the Project to introduce themselves, the company, and the Project. Pattern was able to answer many questions neighbors had about the project, provide a Project Fact Sheet, and leave the Project contact information for further communication. If no one was home, Pattern left a handwritten introduction note in mailboxes.

This outreach activity along with information and comments received from County Planning staff and other local residents, Pattern was able to incorporate changes to the Project and application this year to address their concerns.

Pattern intends to host a neighborhood meeting this summer 2023 and a copy of the Notification Letter Pattern intends to mail out will be included as an attachment to the Public Participation Results Report.

Pinal County Planning Department will mail the Notice of Public Hearing letter to the County’s list of surrounding landowners. Pinal County Planning Department will also have published newspaper advertisements in local newspapers.

F.4 Neighborhood Meetings

Pattern will hold a public, in-person Neighborhood Meeting on a date TBD during evening hours at a nearby the project that is accessible to the public. Last year, Pattern held a public, in-person Neighborhood Meeting on Wednesday, August 17th from 5:00 to 7:00 PM at the Eloy City Hall Community Room located at 595 C Steet, Eloy, AZ 85131. Eleven members of the public attended the Neighborhood Meeting. Pattern and SWCA conducted the in-person meeting in a “Question and Answer” format, with posterboards where stakeholders could learn more about the project displayed around the room. Pattern plans to follow a similar format for this year’s Neighborhood Meeting.

Pattern will provided meeting sign-in sheets, comment forms, posterboards, and light refreshments. A list of attendees from the Neighborhood Meeting will be attached to this Public Participation Results report.

G. PUBLIC PARTICIPATION PROGRAM SUMMARY

Table 4 provides a summary table for implementation of community outreach activities.

Table 4. Public Participation Activity Events

| Public Participation Activity | Primary Responsibility |
|--|-------------------------------|
| Mail Notification letters | Pattern |
| Install Broadcast Sign postings | Pattern |
| Mail Notice of Public Hearing letters | Pinal County |
| Install Notice of Public Hearing small signs | Pattern |
| Neighborhood Meeting | Pattern |
| Public Participation Results Report | Pattern |

H. NEXT STEPS

The overall goal of the stakeholder comment review and response process is to ensure that all substantive comments or questions are heard, responded to, tracked, and considered as part of the MCPA process.

Pattern is committed to listening and respecting the community through relationship building, open communication, and the reception of feedback. Stakeholder questions will be addressed during canvassing, phone calls, emails, and the Neighborhood Meeting. A list of additionally received comments

from the Neighborhood Meeting and their responses to date will be included in the Public Participation Results report. Pattern will consider stakeholder comments received within this context and will base responses to stakeholder comments on this premise. Pattern will respond to all comments that are substantive to the Project and its plans.

Additionally, Pattern will continue to be regularly available to answer questions from the public, as needed. Pattern representatives will keep records of the comments and/or questions provided, as well as Pattern's responses.



Photo 1. Broadcast Sign 1.



Photo 2. Broadcast Sign 2.

PZ-PA-009-23, August 18, 2023 Broadcast Sign Photos



Photo 3. Broadcast Sign 3.



Photo 4. Broadcast Sign 4.

PZ-PA-009-23, August 18, 2023 Broadcast Sign Photos



Photo 5. Broadcast Sign 5.



Photo 6. Broadcast Sign 6.

PZ-PA-009-23, August 18, 2023 Broadcast Sign Photos



Photo 7. Broadcast Sign 7.



Photo 8. Broadcast Sign 8.

PZ-PA-009-23, August 18, 2023 Broadcast Sign Photos



Photo 9. Broadcast Sign 9.



Photo 10. Broadcast Sign 10.

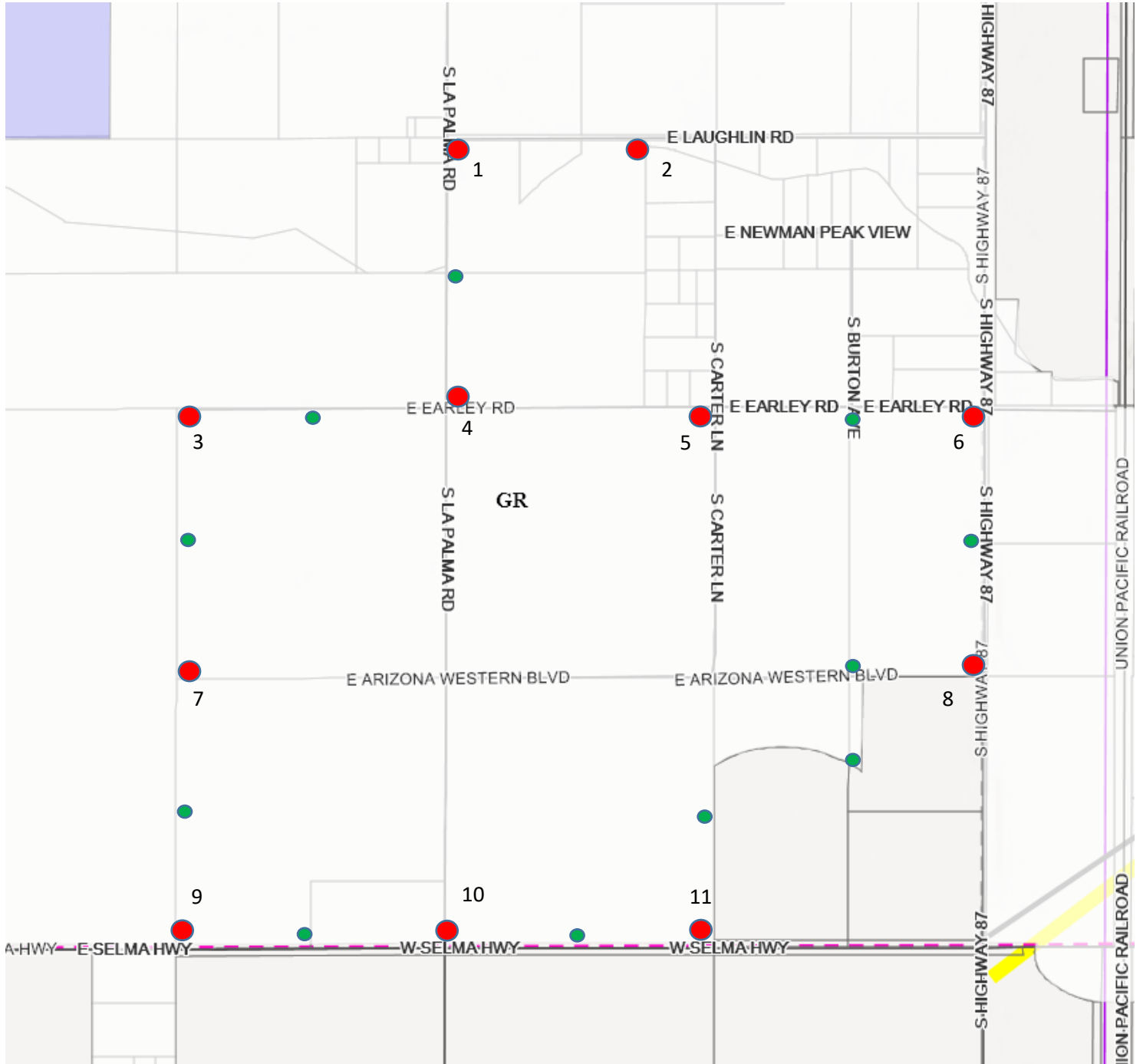


Photo 11. Broadcast Sign 11.

PZ-PA-009-23: CIELO SOLAR- SITE POSTING LOCATIONS:

Small Signs- Green Dots- 11 small sign posts (to be provided by the County and picked-posted by the applicant)

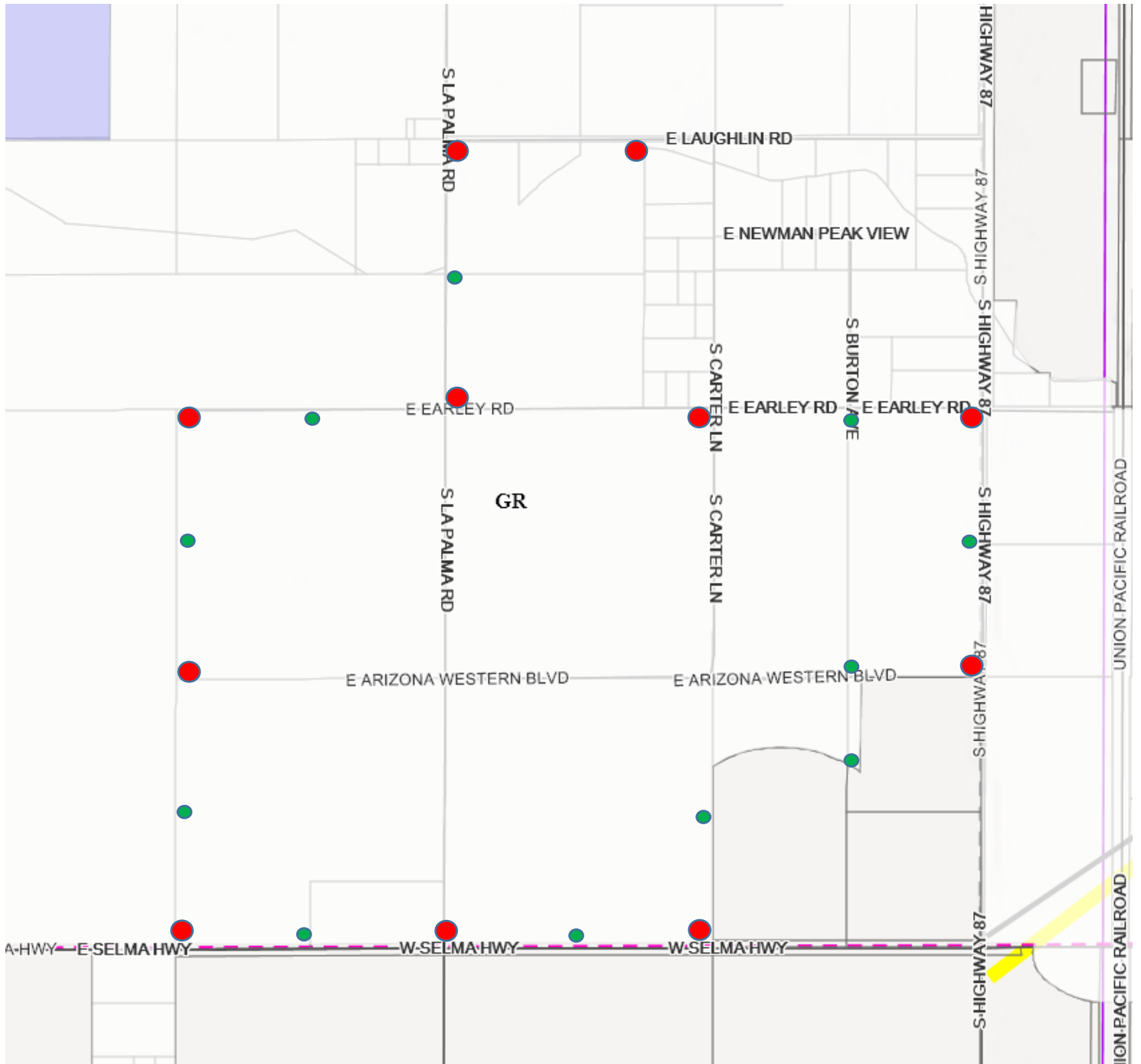
Large Signs- Red Dots-11 large sign boards (to be made and installed by the applicant)



PZ-PA-009-23: CIELO SOLAR- SITE POSTING LOCATIONS:

Small Signs- Green Dots- 11 small sign posts (to be provided by the County and picked-posted by the applicant)

Large Signs- Red Dots-11 large sign boards (to be made and installed by the applicant)



STATE OF ARIZONA

COUNTY OF PINAL

} SS.

Affidavit of Publication

NOTICE OF PUBLIC HEARING BY THE PINAL COUNTY PLANNING AND ZONING COMMISSION AT 9:00 A.M. ON THE 19th DAY OF OCTOBER, 2023, IN THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER THE FOLLOWING REQUEST FOR A MAJOR AMENDMENT TO THE PINAL COUNTY COMPREHENSIVE PLAN:

PZ-PA-009-23 – PUBLIC HEARING/ACTION: HA Cielo LLC, landowner/applicant, Pattern Solar & Storage Development LLC/Amy Smolen, agent, requesting approval of a Major Comprehensive Plan Amendment to the 2019 Pinal County Comprehensive Plan to re-designate 1086 ± acres from MLDR (Moderate Low Density Residential) and Employment to Green Energy Production for a photovoltaic Solar Power Plant, situated in Sections 28, 29, 32, & 33, T06S, R08E, Gila & Salt River Baseline & Meridian, tax parcels 401-42-009A, 401-42-009B, 401-46-0010, 401-46-0030, 401-47-0010, 401-47-0020, 401-47-0030, 401-47-0040, 401-47-0050, and 401-47-0060 (legals on file), located south of east Laughlin Rd, north of Selma Highway, west of S Highway 87, and on both sides of south La Palma Rd in the unincorporated Pinal County area near Coolidge, AZ.

ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE PUBLIC HEARING AT THE DATE, TIME AND PLACE DESIGNATED ABOVE.

DOCUMENTS PERTAINING TO THIS CASE CAN BE FOUND ON THE NOTICE OF HEARING PAGE FOR THE P&Z COMMISSION AT:

<https://www.pinal.gov/236/Notice-of-Hearings>

AT LEAST 24 HOURS PRIOR TO THE PUBLIC HEARING, DOCUMENTS PERTAINING TO THESE REQUESTS ARE AVAILABLE FOR PUBLIC INSPECTION AT THE PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, PINAL COUNTY COMPLEX, 85 N. FLORENCE STREET, FLORENCE, ARIZONA, MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00AM AND 4:30 PM.

DATED this 9th day of August, 2023, Pinal County Community Development Dept.

TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT MUST CONTAIN THE FOLLOWING INFORMATION:

- 1) Planning Case Number (see above)
- 2) Your name, address, telephone number and tax parcel number (Print or type)
- 3) A brief statement of reasons for supporting or opposing the request
- 4) Whether or not your wish to ap

WRITTEN STATEMENTS MUST BE FILED WITH: PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT PO BOX 2973 (85 N. FLORENCE STREET) FLORENCE, AZ 85132 NO LATER THAN 4:00 PM ON October 9th, 2023. Contact for this matter: Patrick Roberts, Senior Planner E-mail Address: Patrick.Roberts@Pinal.gov Phone #: (520) 866-6409 & (520) 866-6442 No. of publications: 1; date of publication: Sep. 28, 2023.

Kara K. Cooper, first being duly sworn deposes and says: That he/she is a native born citizen of the United States of America, over 21 years of age, that I am an agent and/or publisher of the Pinal Central Dispatch, a newspaper section published at Casa Grande, Pinal County, Arizona, Thursday of each week; that a notice, a full, true and complete printed copy of which is hereunto attached, was printed in the regular edition of said newspaper, and not in a supplement thereto, for ONE issue. The publications thereof having been on the following date:

09/28/2023

PINAL CENTRAL DISPATCH

By *Kara K. Cooper* agent and/or publisher of the Pinal Central Dispatch

Sworn to before me this *5th* day of *Oct.* A.D., *2023*

Vicki Morris

Notary Public in and for the County Of Pinal, State of Arizona

