A G E N D A

Town of Chino Valley
Planning & Zoning Commission

November 5, 2024

Commissioner's Regular Meeting Agenda
Planning & Zoning Commission
Chino Valley Town Hall
202 N. State Route 89
November 5, 2024, 6:00 p.m.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. CONSENT CALENDAR – All items listed under the Consent Calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item. In which case, the Chair will pull the item from the Consent Calendar to be heard.

C.1. APPROVAL OF MINUTES – OCTOBER 1, 2024 REGULAR MEETING

C.2. WITHDRAWALS BY APPLICANT – NONE

C.3. TIME EXTENSIONS – NONE

C.4. APPROVALS – NONE

D. PUBLIC HEARINGS – ONE

D.1 **TA-2024-04** — Utility Scale Solar – A request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 4 General Regulations, to provide requirements for the consideration of placement, design, development criteria, and ultimate removal of large Utility Generation Facilities, to ensure that such facilities protect the natural environment and native wildlife of Chino Valley, provide a direct benefit to the Town of Chino Valley, are compatible with the neighboring uses/land owners, and are safely operated during their life cycle.

E. ACTION ITEMS - NONE

F. INFORMATION ITEMS

F.1 Staff - Prior Cases to Town Council: TA-2024-05 - Definitions
F.2 Commission
F.3 Chairman
F.4 Public

G. ADJOURN

Zoom Instructions: Please use the link to join the webinar: https://us02web.zoom.us/j/87273067654, or by phone: 1 888 788-0099 (Toll Free) or 1 877 853-5247 (Toll Free); Webinar ID: 872 7306 7654

A copy of the agenda packet is available for viewing 12 days prior to the Planning Commission Public Hearing date, at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona.

The Town endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 636-2646 (voice) or use 711 (Telecommunications Arizona Relay Service) to request accommodation to participate in this meeting.

CONSENT CALENDAR

Planning and Zoning Commission Meeting Minutes
October 1, 2024

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, October 1, 2024, at the Town of Chino Valley Council Chambers, 202 N. State Route 89, Chino Valley, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present: Chair Chuck Merritt, Vice-Chair Gary Pasciak, Commissioner Teena Meadors, Commissioner Robert Switzer, Commissioner Richard Zamudio and Commissioner William Welker (entered at 6:05 p.m.) Commissioner Ron Penn was absent.

STAFF MEMBERS present: Laurie Lineberry, Development Service Director, Will Dingee, Assistant Director, Jessica Barragan, Senior Planner, Terri Denemy, Acting Town Manager, Gerreann Froberg, Senior Processing Coordinator, and Nicholas Harwick, Audio/Video.

CALL TO ORDER: Chair Merritt called the meeting to order at 6:00 p.m. A quorum was declared. The Commission meeting began with the Pledge of Allegiance led by Commissioner **Zamudio**.

CONSENT CALENDAR – A motion was made by Commissioner **Meadors** to accept the consent agenda. The motion was seconded by Vice-Chair **Pasciak** and passed unanimously by a 5-0 vote. (Commissioner **Welker** was not yet present for the vote.)

PUBLIC HEARING #D.1 – TA-2024-05 — Definitions – A request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154 Section 2, Definitions.

Chair Merritt asked if anyone on the Commission had a disclosure to declare regarding this item. There were none.

Laurie Lineberry, Development Service Director, shared the Staff Advisory Solar Committee had been meeting since February 2024. With the input from the Solar Committee, the Staff was preparing a draft Ordinance that will be presented to the Commission at the November regular meeting. The meeting tonight was about a Text Amendment for definitions, not just about solar, to put them in place beforehand and not complicate the solar Ordinance being brought forth in November.

Commissioner **Welker** joined the meeting.

Assistant Director **Will Dingee** presented the staff report and shared a slide of the proposed definitions. (See Attachment A) Staff recommended forwarding the Text Amendment, as presented, to the Town Council for approval.

Merritt asked if the Commission had any questions for Town staff.

Pasciak stated in the definition of Decommissioning Plan, he felt it would be more appropriate to call it “Solar Facility”, as that was already defined.

Lineberry explained the Staff would be providing a definition for Utility-Scale Solar Photovoltaic Facility at the next meeting, and it would also include a minimum number of acres required to meet the definition. Staff felt it was more important to have that discussion at the next meeting when the solar Ordinance would be discussed.

Pasciak asked for clarification on the definition of “Frontage, Cul-de-sac and Knuckle Lots” where it states “measure the distance between the two points” was it a straight line or arched. He stated on the definition for Photovoltaic, it should read “into direct current electricity”.

Dingee replied the distance between the two points was a straight line.

Switzer asked that “remove up to four feet” be omitted from the Decommissioning Plan definition.

Merritt suggested to include “remove all concrete and rebar above and below the ground”.

Dingee made the changes to the Text Amendment as requested by the Commission.

Meadors asked about a definition for transmission lines.

Switzer replied that transmission line was already included in the definition of Solar Facility.

Merritt opened the meeting for public comments.

Keng Chan thanked the Commission for the opportunity to speak and stated he lived in unincorporated Yavapai County. He stated he was concerned about solar companies’ influence on their regulation, he felt the solar companies’ priorities were liability and economics, not the community, environment, water or wildlife. He wanted the Commission to take a good look at solar and if it would be something we wanted in our community and would it be safe. He felt the public had been lied to by other large corporations like big pharma and tobacco and Monsanto. He did not trust that solar companies would be honest in their disclosures about safety.

Merritt closed the public hearing.

Dingee stated the Staff would present a more detailed explanation of what that would look like at the November meeting. He shared that any solar company wanting to build in the Town would have to present a Development Agreement to the Town which would include a plan to remediate the area after any disaster.

Switzer reiterated the draft Text Amendment is just to address general definitions and was not an Ordinance for approval of any solar facility in the Town.

Merritt stated he felt these definitions were adequate and more precise and inclusive material would be added to the Solar Ordinance when drafted.

Dingee replied yes.

Motion was made by Pasciak, seconded by Switzer to approve TA-2024-05, as presented, subject to the staff report, and information provided during the hearing. A roll-call vote was taken, and the motion passed unanimously with a 6-0 vote.

Merritt thanked the public for coming and providing valuable feedback. He stated the Commission would do everything in their power to provide as much safety, protection and lifestyle values for the Town in consideration of solar projects.

ACTION ITEMS: There were no action items for this meeting.

INFORMATION ITEMS – FROM STAFF: COUNCIL ACTION OF PRIOR P&Z CASES: Dingee updated the Commission about prior cases heard by Town Council. On September 10, 2024, TA-2024-01 - Metal Storage Containers was approved by Town Council and on September 24, 2024, ZC-2024-05 -Christopher Barrett rezone was approved by Town Council. **Lineberry** shared that the Town received an award for the new General Plan. The new General Plan was entered into a competition with the American Planning Association Arizona Section, and received the highest award for a General Plan with a Town population under 50,000.

Merritt stated that the Town staff and General Plan Committee spent long hours and dedicated time to this project and provided great input, and he congratulated the Staff on the award.

INFORMATION ITEMS – FROM THE COMMISSIONERS: none

INFORMATION ITEMS – FROM THE CHAIR: **Merritt** reiterated solar and livestock Ordinances were coming up, and the Commission pledged to do everything they could to do what was best for the Town. He encouraged the public who had an interest in the livestock Ordinance to attend public meetings and provide information on the care of animals to the Town staff, the Commission welcomed comments. He expressed that he felt more solar education was needed and the Commission would do their due diligence.

INFORMATION ITEMS – FROM THE PUBLIC: there were no comments from the public.

ADJOURN – A motion was made by **Meadors** and seconded by **Switzer** and **Pasciak** to adjourn the meeting at 6:33 p.m.

_____ _____

Charles Merritt - Chair Prepared By: Gerreann Froberg

ADDED DEFINITIONS

Battery Energy Storage System (BESS): An electrochemical device that charges or collects energy from the electrical grid or an electricity generating facility, such as a Utility-Scale Solar Photovoltaic Facility and then discharges that energy at a later time to provide electricity when needed.

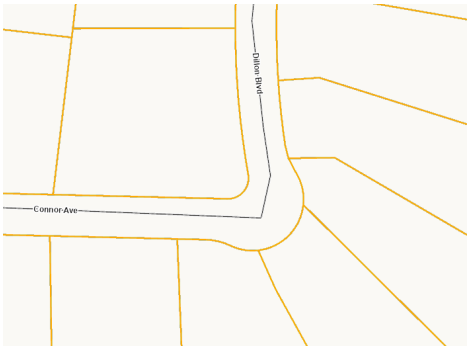
Decommissioning Plan: A Plan that guides the dismantling and disposal of the deactivated Utility-Scale Solar Photovoltaic Facility, and restores the site to its pre-construction condition, remove all concrete and rebar above and below ground.

Frontage, Cul-de-sac and Knuckle lots: To determine the minimum lot frontage for cul-de-sac and knuckle lots, begin at the points where the side property lines touch the road, measure back along the side property lines a distance of 30 feet, measure the distance between the two points.

Frontage, Double: Interior lots that have frontage on two non-intersecting streets.

Front Yard Setback: The minimum allowable distance from the ultimate street right-of-way line to the closest point of the foundation of a building or projection thereof, parking lot, or any accessory structure. In commercial, industrial and multi-family zones, the front yard setback is required to be landscaped.

Knuckle: The outermost edge of a rounded or curved area of roadway or land that connects other sections of road, often used in subdivisions where roads bend. See **Frontage, Cul-de-sac and Knuckle.**



Photovoltaic: Arrays of cells containing a solar voltaic material that converts solar radiation into direct current electricity.

Private Utility: A company or entity that provides essential services such as electricity, water, sewer, natural gas, or telecommunications directly to the general public and is NOT owned by a government entity, by a political subdivision of the State of Arizona, or entity operating within the corporate limits of the Town pursuant to a franchise or license agreement permitted by State law and granted by the Town. These do not include Utility Generation facilities.

Solar Array: A large number of Solar Panels, or an interconnected system of Solar Panels, or an integrated system of Solar Panels, that deliver the on-site generated electricity to a single connection point and at the desired voltage.

Solar Facility: A place that converts sunlight into electricity using Photovoltaics or other sunlight conversion technology, along with the necessary equipment for generating electricity. A solar facility may also include electrical substations, transformers, transmission lines and Battery Energy Storage Systems.

Solar Facility Use Permit: A permit required to be issued by the Town of Chino Valley that signifies that the developer has completed or agreed to complete through a Development Agreement, all conditions and requirements of the project. This permit must be issued before the project is deemed approved by the Town.

Solar Panel: Multiple Photovoltaic cells interconnected in an electrical circuit, which may be connected to an exterior circuit at a single point.

Solar Project Area: The total acreage encompassed by a Solar Facility including buffers, wildlife corridors, and other areas which remain unfenced and undisturbed.

Tract: Piece of land that is identified for a specific purpose within a subdivision. Land with this identification is not intended as a **Lot.**

Utility Generation Facilities: A facility or installation that generates electricity for distribution to the public through a utility grid. These facilities can utilize various energy sources, including fossil fuels (such as coal, natural gas), nuclear power, or renewable resources (such as solar, wind, hydroelectric, or geothermal). The primary purpose of a utility generation facility is to produce electrical power on a large scale, typically for sale to public or private utilities, which then distribute the electricity to consumers

Wildlife Linkage: The areas of land used by wildlife to move between or within habitat areas to complete activities necessary for survival, reproduction, and maintenance of the population. Such areas are identified by the Arizona Game and Fish Department and consist of interconnecting wildlife corridors and undisturbed lands that provide contiguous connection between habitat areas.

Wind Farm: A group of Wind Turbines in the same location used to produce electricity.

Wind Turbine: A device that converts the kinetic energy of wind into electrical energy.

REVISED DEFINITIONS

Lot: A piece or parcel of land, ***excluding tracts***, legally created, whether by subdivision plat, lot split, or otherwise, as permitted by law to be used or occupied in conformance with this ordinance.

Public Utility: A company or entity that provides essential services such as electricity, water, sewer, natural gas, or telecommunications directly to the general public and is owned by a government entity, by a political subdivision of the State of Arizona, or entity operating within the corporate limits of the Town pursuant to a franchise or license agreement permitted by State law and granted by the Town. These do not include Utility Generation facilities. ~~Private or public facilities for distribution of various services, such as water, power, gas, communications, etc., to the public.~~

PUBLIC HEARING

TOWN OF CHINO VALLEY
Planning Commission Staff Report
November 5, 2024
File Number TA-2024-04
Text Amendment

PROJECT DESCRIPTION A request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 4 General Regulations, to provide requirements for the consideration of placement, design, development criteria, and ultimate removal of large Utility Generation Facilities, to ensure that such facilities protect the natural environment and native wildlife of Chino Valley, provide a direct benefit to the Town of Chino Valley, are compatible with the neighboring uses/land owners, and are safely operated during their life cycle.

Staff Analysis:

Over the past several years, the Town of Chino Valley has seen increased interest in utility-scale solar energy projects, necessitating a comprehensive regulatory framework. The process to develop this framework has involved numerous steps, including the evaluation of previously approved and proposed projects, the creation of a Solar Advisory Committee, and efforts to incorporate relevant policies into the Town's 2040 General Plan.

Previously Approved and Proposed Projects in Chino Valley

Several solar energy projects have been approved or proposed in Chino Valley and started back in 2011:

1. **APS Facility (1900 East Road 4 South)**
    - **Size**: 298 acres
    - **Zoning**: AR-5
    - **Approval**: A Conditional Use Permit (CUP) was approved by the Town Council on May 24, 2011, under Ordinance 11-747. The CUP remains valid until May 24, 2041.
    - **Construction**: The building permit was issued on January 12, 2012, and construction was completed on November 13, 2012.
    - **Development**: The project was a collaboration between Sun Edison LLC and Arizona Public Service (APS), later sold to APS after construction.
2. **RES America Development/Wilkinsons Investments (3245 Jerome Junction)**
    - **Size**: 200 acres
    - **Zoning**: AR-4
    - **Approval**: A CUP was approved by the Town Council on January 14, 2013 (CUP13-003), with one year allowed for construction to commence.
    - **Outcome**: Construction never started, and the CUP expired on January 14, 2014.

In addition to these projects, several other proposals have emerged over the past four years:

- **2020**: Draconis – LightSource BP, under landowner Perkins, initiated discussions with the Town and, at the direction of the Director at the time, submitted an incomplete application for

rezoning to Industrial in order to meet APS interconnection requirements. The rezone application expired in October of 2021.

- **2022**: **Atlas Renewable Power – Clean Energy** proposed the Eagle Solar project but was directed to wait for a forthcoming text amendment. Similarly, **YA-Jerome – ERM**, which aimed to revive an expired CUP from 2013 (CUP13-003), received the same guidance.

Work by Town Staff on the Solar and Wind Farm Text Amendment (TA-2022-09)

In response to the rising interest in solar developments, town staff began preliminary research in April 2022 for a Text Amendment regulating utility-scale solar and wind farms. On May 10, 2022, staff presented the concept to the Town Council, which directed staff to draft language for the proposed amendment.

On November 1, 2022, the draft Text Amendment was presented to the Planning and Zoning Commission as a discussion item. After extensive dialoug between the Public, Commission and Staff, the Commission recommended that utility-scale solar issues be addressed through the General Plan process instead of a standalone ordinance.

Incorporation into the 2040 "Make it Chino" General Plan

On November 7, 2023, the Town ratified its 2040 General Plan, which includes explicit goals and policies related to solar energy, reinforcing the need for a sustainable and resilient energy strategy for Chino Valley. The following goals and policies were established:

- **Goal CSF-7**: Enhance town resiliency by seeking redundant power sources to support stable utility systems and minimize service disruptions.
- **Policy CSF-7.1**: Evaluate community-scale solar policies and their potential benefits.
- **Policy CSF-7.2**: Ensure solar facilities do not disrupt wildlife movement.
- **Policy CSF-7.3**: Create guidelines for solar facilities addressing performance standards, distances from land uses, visual impact mitigation, and wildlife migration.
- **Policy CSF-7.4**: Require solar developers to submit reclamation plans.
- **Policy CSF-7.5**: Explore microgrid solar energy facilities in agricultural zones.
- **Policy CSF-7.6**: Review revenue mechanisms applicable to solar energy generation.

Staff Advisory Committee Work

In December 2023, staff asked the Council for authority to form a staff advisory committee to assist them on the development of a utility-scale solar ordinance. The Department advertised and received applications in January 2024, seating all but one applicant, who had a direct connection to one of the proposed solar projects in Town. The Solar Committee began meeting with staff in February, and met every month except July, culminating with a review of the provisions of the draft ordinance in October.

The meetings included presentations from two prospective solar companies interested in locating in Chino Valley, APS, Arizona Game and Fish and a discussion with the Town Attorney. In these meetings the group learned about, discussed, and challenged the following:

- Terms and definitions of various aspects of solar facilities, power generation, storage, and transmission.
- Best practices for utility-scale solar projects.

- Area wildlife and potential impacts to that wildlife from utility-scale solar projects, and how to mitigate potential impacts.
- Possible guidelines/regulations including: performance standards, minimum distances to existing uses, minimum distances from other land use categories, minimum/maximum acreage for utility-scale solar projects, taxation, visual impact mitigation, buffering requirements.
- Reclamation planning.
- Possible micro-grid usefulness in Chino Valley.
- Utility tax, fees, licenses, or other revenue mechanisms applicable for Solar Power Generation Facilities.

The Committee took a field trip to physically see the known proposed solar locations and the existing APS solar facility with battery storage. The committee's last meeting included final vetting of the provisions of the draft ordinance.

The Ordinance – A Two-Step Process

The ordinance outlines a two-step process. The **first step** addresses the following Siting Requirements:

- Utility-Scale Solar Photovoltaic Facilities are only allowed in the AR-4 and AR-5 zoning district, with a Conditional Use Permit (Solar Facility Use Permit).
- There is a minimum distance of 3 miles required between Utility-Scale Solar Photovoltaic Facilities.
- All facilities must be a minimum of ¼ mile (1320 feet) east of the Peavine Trail.
- All facilities must maintain a 50' setback from all property lines.
- Battery Energy Storage Systems must be centrally located within the project or maintain a separation of 1 mile from any developed residential property, whichever is greater,
- All solar panels and equipment must maintain a minimum separation of ¼ mile (1320 feet) from any developed residential property.
- The cumulative maximum acreage for all solar project areas within the Town is 3800 acres.
- If a Utility-Scale Solar Photovoltaic Facility comprises multiple parcels or portions of parcels, the parcels cannot be separated by more than ½ mile (2640 feet).
- The property must be rezoned to either AR-4 or AR-5.

The **first step** is review and approval of the site plan and rezone (if necessary) by Planning Commission and Town Council, ensuring that the Zoning, the Siting Criteria, the Limitations, and Spatial Buffers are met. Once the Town Council has approved the site plan and rezone of the property, the Applicant shall have three (3) years to satisfy the balance of the requirements outlined in the ordinance (and included as exhibits in the required Development Agreement).

The **second step** addresses Project Standards. Before any proposed project can move forward, it must meet the Project Standards identified in the ordinance. The Project Standards include the following:

- **Site Grading** - Developers must submit a Site Grading Plan, showing the proposed changes to the terrain, and a Post-Graded Elevation Map for comparison. Grading should not exceed 20% of the total area, and solar panels are prohibited on slopes greater than 5%; blasting is also not allowed.

- **Wildlife** - A Wildlife Protection Plan, approved by the Arizona Game and Fish Department (AZGF), must list all wildlife and plant species within five miles of the project area. The developer must maintain wildlife corridors, install wildlife-friendly fencing, and participate in AZGF protection programs, including funding studies if necessary.

- **Public Safety** - The solar facility must be annexed into a fire district, and the developer must provide a Fire Mitigation Plan, with a specific focus on Battery Energy Storage Systems (BESS). A

Natural Disaster Mitigation Plan is also required to ensure the facility can respond appropriately to emergencies.

- **Traffic and Roads** - Developers must provide a Traffic Impact Analyses to evaluate the effects of construction and operation on traffic and create a Road Improvement Plan for any affected or newly built roads. These plans must address both the construction phase and the long-term operation of the facility.

- **Screening Requirements** - Utility buildings and storage areas must be screened by a seven-foot-high concrete masonry wall. A Viewshed Analysis will help determine the need for additional screening, and perimeter fencing must be outlined in a Fencing Master Plan detailing security measures and accessibility.

- **Glare and Panel Safety** - Solar panels and equipment must have a low Light Reflective Value (LRV) to prevent glare, be built to minimize reflection, and comply with local, state, and federal regulations. They must also utilize advanced materials and technology to withstand adverse weather, and recycling of damaged or decommissioned panels is encouraged.

- **Outdoor Lighting** - All lighting must adhere to Dark Sky regulations to minimize light pollution, and a Lighting Plan must be submitted. This plan should include fixture details, placement, lighting schedules, and a photometric map of the site to ensure compliance.

- **Drones** - If drones are used for inspection or security, a Drone Utilization Plan is required, detailing flight paths, noise levels, operational hours, and adherence to federal and state regulations. This plan ensures drones are used safely and without disruption to surrounding areas.

- **Noise** - Construction is limited to weekdays between 8:00 AM and 5:00 PM, and developers must submit a Construction Noise Contour Impact Study Map. Post-construction noise levels must not exceed 55 dB during the day and 40 dB at night, with a corresponding Post-Construction/Operational Facility Noise Contour Impact Study Map to monitor compliance.

- **Decommissioning/Reclamation** - The developer must provide a detailed Decommissioning and Reclamation Plan, outlining the process for dismantling the facility and restoring the land to its pre-project condition. This plan must be updated every three years, and financial security must be in place to cover the removal and restoration costs.

Once the above Project Standards work is complete by the developer, staff will review all their submitted components and required accompanying plans, maps, studies, lists, analyses, possibly consulting with experts in specialized areas to review some of the submittals. Along with all the Project Standards work, the developer is required to provide a Public Outreach Program, outlining how and when information should be disseminated to the public, ahead of their required Public Hearing. Staff will review and revise (if needed) that outreach plan.

All of this information will culminate in a Development Agreement, along with the Community Benefit amount that the developer agrees to pay annually to the Town. No deviations, waivers, or exceptions from this ordinance shall be allowed by the Development Agreement. All of this is addressed in the required CUP (Solar Facility Use Permit) that will be heard by the Planning Commission and Town Council at public hearings. The final decision on the project will be made by the Town Council.

It is important to note that approval of this ordinance does not guarantee approval of any submitted project. Having an ordinance in place is important as it requires thoughtful plans and studies produced by

the developers, it puts limits on the size, number and location of solar developments, and it protects the Town of Chino Valley and residents in proximity to any proposed Utility-Scale Solar Photovoltaic Facilities.

Staff Recommendation: Staff recommends **APPROVAL** of the text amendment to amend the Town of Chino Valley Unified Development Ordinance, Chapter 4 General Regulations, to provide requirements for the consideration of placement, design, development criteria, and ultimate removal of large Utility Generation Facilities, to ensure that such facilities protect the natural environment and native wildlife of Chino Valley, provide a direct benefit to the Town of Chino Valley, are compatible with the neighboring uses/land owners, and are safely operated during their life cycle.

SUGGESTED COMMISSION MOTION: Move to **APPROVE** Text Amendment TA-2024-04 as reflected in Attachment 1 as amended by the Commission, subject to the staff report, information provided during this hearing, and the Planning Commission discussion.

Effect of the Approval: By approving the Text Amendment, the Planning and Zoning Commission is recommending that the Town Council approve the text amendment to provide the ability to construct Utility Scale Solar Facilities with a Solar Facility Use Permit subject to Councils approval

Prepared By: **Date: October 23**, 2024

Will Dingee
Assistant Director
Development Services
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Attachment 1

Proposed Language

TC-2024-04

Planning and Zoning

UDO Section 4, General Regulations, is hereby amended to add the following as Section 4.33, Utility-Scale Solar Photovoltaic Facilities:

4.33 UTILITY-SCALE SOLAR PHOTOVOLTAIC FACILITIES

A. PURPOSE. This section establishes reasonable requirements for the permitting, placement, design, development, and eventual decommissioning of utility-scale solar photovoltaic facilities in a manner that:

1. Ensures public health, safety, welfare, and convenience as enumerated in Section 1.9.2(A) of this code.

2. Ensures such facilities protect the natural environment and native wildlife.

3. Provides a direct benefit to the Town.

4. Ensures such facilities are compatible with neighboring land uses.

5. Ensures safety during such facilities' entire life cycle.

B. APPLICABILITY. All utility-scale solar photovoltaic facilities constructed after [EFFECTIVE DATE] shall comply with the regulations set forth in this section.

C. SITING REQUIREMENTS. The following siting requirements shall apply for the permitting, construction, and operation of utility-scale solar photovoltaic facilities:

1. Zoning. All utility-scale solar photovoltaic facilities must be zoned AR-4 and AR-5 and obtain a solar use permit.

2. Siting Criteria.

a. Solar project areas must:

i. Maintain a minimum separation of three miles.

ii. Be at least 1,320 feet (¼ mile) to the east of the Peavine Trail.

iii. Have 50-foot setbacks from all property lines.

b. Battery Energy Storage Systems (BESS) must be centrally located within the solar project area or maintain a minimum separation of one mile from developed residential property, whichever is greater.

c. All solar panels and equipment must maintain a minimum separation of 1,320 feet (¼ mile) from any developed residential property.

3. Limitations.

a. The cumulative maximum acreage for all solar project areas within the Town is 3,800 acres.

b. If a utility-scale solar photovoltaic facility comprises multiple parcels or portions of parcels, such parcels must not be separated by over 2,640 feet (½ mile).

D. PROJECT STANDARDS. Utility-scale solar photovoltaic facilities shall meet the following project standards:

1. Site Grading.

a. The developer shall provide a **Site Grading Plan**, identifying changes of slopes and amounts of earth proposed to be moved, and a **Post-Graded Elevation Map** for comparison.

i. Completed grading shall be in reasonably close conformity to the grades shows in the **Site Grading Plan**. The Public Works Director shall determine the limits of reasonably close conformity in each individual case and the Public Works Director's judgment shall be final and conclusive.

ii. Project site grading must not exceed 20% of the total acreage.

iii. Existing property features with a slope of 5% or greater cannot be graded.

iv. Solar panels are not allowed on grades over 5%.

b. Blasting is not permitted.

2. Wildlife.

a. The developer shall provide a **Wildlife Protection Plan** approved by the Arizona Game and Fish Department (AZGF).

i. In concert with AZGF, the developer shall provide a complete and accurate **list of all wildlife and plant species** that exist in, on, and

within five miles of the solar project area. This list must be included in the **Wildlife Protection Plan**.

b. Where needed to protect wildlife, as determined by AZGF, the developer shall maintain functional wildlife corridors and install wildlife-friendly fencing.

c. Any utility-scale solar photovoltaic facility that may impact wildlife, as determined by AZGF, must participate in AZGF wildlife protection programs. This may include funding wildlife studies or providing pronghorn collaring to study impacts before, during, and after construction.

3. Public Safety.

   a. The utility-scale solar photovoltaic facility must be annexed into a fire district.

   b. The developer shall provide a **Fire Mitigation Plan** developed in concert with CAFMA for the entire solar project area.

      i. The Battery Energy Storage Systems (BESS) area of the project requires a specific section in the **Fire Mitigation Plan** to ensure timely and effective extinguishment of any fire in the BESS, with minimal environmental impact.

         (a) This portion of the plan is required to be reviewed and updated with the latest fire suppression techniques every three years. The updated plan will receive public review and comment at the Planning Commission and Town Council, and will also be required to receive CAFMA review and approval.

   c. A **Natural Disaster Mitigation Plan** is required to ensure appropriate and timely response in the event of a natural disaster.

4. Traffic and Roads.

   a. The developer must conduct **Traffic Impact Analyses** to assess traffic impacts during construction and operation of the facility, and provide a **Road Improvement Plan** for all roads impacted and created by the project. The Plan shall reflect continued access to existing Forest Service Roads.

5. Screening Requirements.

    a. All utility buildings and equipment storage areas shall be screened with a concrete masonry unit (CMU) wall at least seven feet high.

    b. The developer shall provide a **Viewshed Analysis and Protection Plan** of higher elevation and slope areas to aid in determining appropriate screening for the project. Additional screening may be required based on such analysis.

    c. Perimeter fencing around the project is required. Specifics such as height, construction type, screening, ingress and egress, and security measures must be outlined in a **Fencing Master Plan**.

6. Glare and Panel Safety.

    a. All solar panels and equipment must have a low Light Reflective Value (LRV), must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways, and must not interfere with traffic, including air traffic, or create a safety hazard.

    b. Utility-scale solar photovoltaic facilities shall be maintained in good condition and repair and comply with applicable local, state, and federal regulations. Except during periods of regular maintenance and planned curtailments, such facilities must remain functional and operational until decommissioning is initiated pursuant to the approved **Decommissioning and Reclamation Plan**.

    c. Panels shall use the latest construction materials and technology for environmental safety and shall react automatically to potential panel-damaging weather conditions to avert broken panels and other environmental issues.

    d. Solar panel height shall not exceed 15’ when oriented at maximum tilt (perpendicular to the ground). Such height is measured from the foundation.

    e. To the greatest extent possible, all solar panels and other material removed due to damage or through the decommissioning process must be recycled.

7. Outdoor Lighting.

a. All lighting on-site before, during, and after construction must comply with Dark Sky regulations.

b. The developer shall provide a **Lighting Plan** that includes, at a minimum, fixture cut sheets, numbers, locations, and types of lights, schedule of which lights used and their hours of operation, the purpose of the lighting, the lumens of each light, and a photometric plan of the project area.

8. Drones.

   a. If the project utilizes drones for inspections or security, the developer shall provide a **Drone Utilization Plan** outlining their usage, flight heights, noise levels, hours of operation, travel routes, and lighting, and providing proof of compliance with all applicable federal and state regulatory requirements.

9. Noise.

   a. Construction is limited to between the hours of 8:00 AM and 5:00 PM (Arizona time) Monday through Friday. A **Construction Noise Contour Impact Study Map** is required for the construction phase of the project.

   b. Post-construction noise levels must not exceed 55 dB during the day (8:00 AM to 5:00 PM) and 40 dB during the night (5:00 PM to 8:00 AM). A **Post-Construction/Operational Facility Noise Contour Impact Study Map** is required.

10. Decommissioning/Reclamation Plan. The developer shall prepare and submit a detailed **Decommissioning and Reclamation Plan** for the solar project area. Such plan shall contain the following:

    a. A description of the project components and a sequence and description of the activities required to remove the same in compliance with this section, including restoration of the land to its original state, prior to construction, to be completed within one year days of decommissioning. The Decommissioning and Reclamation Plan shall ensure that poles, concrete, and all other items placed below grade are removed and the ground restored to pre-project conditions, and that all decommissioned equipment and solar panels are recycled to the greatest extent possible.

    b. Assurances that the developer has included the Town as an additional insured party (amount to be determined), and that all project owners,

developers, and successors shall be bound to the Decommissioning and Reclamation Plan.

c. A report prepared by a qualified third-party (to be approved by the Town Council in advance) setting forth the procedures and estimated net costs associated with the removal of components to a depth of six feet from the original grade and the accompanying restoration of the surface.

d. Cash, an irrevocable letter of credit, or performance bond running in favor of the Town in an amount no less than the total estimated net removal/restoration costs as determined by said report. Said security shall be in place at the time construction of the project commences and shall remain in effect until decommissioning is completed. No such security shall be canceled without notice to the Zoning Administrator and approval by the Town Council. Each year, the developer shall provide proof that such security is in effect.

e. The report prepared under section (c) above shall be updated and provided to the Town at least every three years, and upon any proposed transfer of the solar facility use permit. Should any update indicate a change in the decommissioning costs, the security required under section (d) shall be adjusted accordingly.

E. ADMINISTRATION.

1. Public Outreach Program. The developer shall coordinate with the Town for public outreach during the project. The developer shall pay for all required notifications, facility rentals, and community meetings required to adequately inform the impacted public of the proposed project. The developer shall propose a **Public Outreach Program** for staff approval.

2. Development Agreement. The developer shall enter into a **Development Agreement** with the Town that outlines all the requirements the developer must fulfill to remain in compliance with the solar facility use permit over the course of the Development Agreement. No deviations, waivers, or exceptions from this ordinance shall be allowed by the Development Agreement. The Development Agreement shall include the following:

    i. PILT/Community Benefit. The developer shall agree to an annual Payment-in-Lieu-of-Tax to provide a Community Benefit to the Town for the sole purpose of road maintenance. The benefit amount shall never be less than the initial amount determined in the Development

Agreement, and shall be adjusted every three years based on the average CPI for the previous three-year period.

ii. All required plans, maps, lists, and analyses identified in Section 4.33(D)

F. PERMITTING. A solar facility use permit is required before the Town can approve a utility-scale solar photovoltaic facility project. Application for a solar facility use permit is a two-step process.

1. The first step is review and approval of the project's site plan and rezone (if necessary) by the Planning Commission and Town Council. This step ensures that the siting requirements set forth in Section 4.33(C) are met. Once the Town Council has approved the site plan and rezone, the applicant shall have three years to satisfy the balance of the requirements outlined in Sections 4.33(D).

2. The second step includes a review of all the components and accompanying plans, maps, lists, and analyses identified in Section 4.33(D), along with the Development Agreement. After staff reviews all the same and deems them complete, the proposed Development Agreement, complete with all such plans, will be reviewed by the Planning Commission and Town Council in public hearings, with the final decision made by the Town Council.

Definition:

UTILITY-SCALE SOLAR PHOTOVOLTAIC FACILITY. A ground-mounted solar facility that has a solar project area exceeding 275 acres and that generates electricity for distribution to the public through a utility grid.

Attachment 2

Previously Approved Definitions

TC-2024-04

Planning and Zoning

BATTERY ENERGY STORAGE SYSTEM (BESS). An electrochemical device that charges or collects energy from the electrical grid or an electricity generating facility, such as a Utility-Scale Solar Photovoltaic Facility, and then discharges that energy at a later time to provide electricity when needed.

DECOMMISSIONING PLAN. A plan that specifies how a utility-scale solar photovoltaic facility will be dismantled, removed, and disposed of after the end of its useful life or upon deactivation and how its site will be restored to its pre-construction condition.

PHOTOVOLTAIC. Arrays of cells containing a solar voltaic material that converts solar radiation into direct current electricity.

SOLAR ARRAY. A large number of solar panels, or an interconnected system of solar panels, or an integrated system of solar panels, that deliver the on-site generated electricity to a single connection point and at a desired voltage.

SOLAR FACILITY. A facility or site where sunlight is converted into electricity using photovoltaics or other sunlight conversion technology, along with the necessary equipment for generating electricity. A solar facility may also include electrical substations, transformers, transmission lines, and Battery Energy Storage Systems.

SOLAR FACILITY USE PERMIT. A permit signifying that the developer has completed, or agreed to complete through a development agreement, all project conditions and requirements. A solar facility use permit is required before the Town can approve a project.

SOLAR PANEL. Multiple photovoltaic cells interconnected in an electrical circuit, which may be connected to an exterior circuit at a single point.

SOLAR PROJECT AREA. The total acreage encompassed by a solar facility, including buffers, wildlife corridors, and other areas that remain unfenced and undisturbed.

WILDLIFE LINKAGE. The areas of land used by wildlife to move between or within habitat areas to complete activities necessary for survival, reproduction, and maintenance of the population. Such areas are identified by the Arizona Game and Fish Department and consist of interconnecting wildlife corridors and undisturbed lands that provide contiguous connections between habitat areas.