

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.

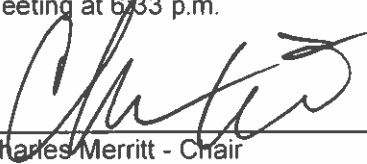
Merritt stated that the Town staff and General Plan Committee spent long hours and dedicated time to this project and provided great input, and he congratulated the Staff on the award.

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.~~