

Planning and Zoning Commission Meeting Minutes November 5, 2024

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, November 5, 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 Ron Penn, Commissioner Robert Switzer, Commissioner William Welker and Commissioner Richard Zamudio.

STAFF MEMBERS present: Laurie Lineberry, Development Services Director, Will Dingee, Assistant Director, Jessica Barragan, Senior Planner, Terri Denemy, Acting Town Manager, Cyndi Thomas, Community Services Director, 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 7-0 vote.

PUBLIC HEARING #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.

Chair Merritt asked if anyone on the Commission had a disclosure to declare regarding this item. Commissioner **Switzer** and Commissioner **Zamudio** both stated they were on the Solar Committee. Chair Merritt shared he had spoken to Switzer and the Town staff regarding this item.

Assistant Director, **Will Dingee**, informed the Commission about the expected public turn out for the item and that staff had implemented a system to ensure that everyone who wanted to speak had the opportunity to do so without exceeding the occupancy of the Chambers.

Dingee began his presentation by explaining that the draft Ordinance did not approve any specific project. The Ordinance established requirements that must be met in order for the Town of Chino Valley Town Council to consider a project. The Town Council held the final decision on not only the Ordinance language, but also on any projects proposed in the Town limits.

Dingee continued with providing a history of utility-scale solar in Chino Valley and explained that the first facility came to Chino Valley in 2011 with the Sun Edison (now APS) facility on East Road 4 South. This 290-acre facility, zoned AR-5, received a Conditional Use Permit (CUP) from the Chino Valley Town Council in May 2011. The facility began construction in early 2012 and was completed in 2013. Subsequently, RES America Development obtained a CUP from the Town Council in January 2013 for a 200-acre facility, zoned AR-4, located on East Road 4 North; however, their permit expired in 2014 as construction never began.

Dingee explained that both facilities that were granted CUPs were based on interpretations by previous Zoning Administrators of how the Zoning Code defines "Public Utility." The current Zoning Administrator, however, does not agree with the prior interpretations and does not apply the code in the same way.

Dingee continued and explained that three separate developers had presented proposals to town staff. The Draconis proposal under landowner Perkins initiated discussions with the Town in 2020. Following the direction of the then-Director, Draconis submitted an incomplete application to rezone the project area to Industrial to meet APS's interconnection requirements. This application, however, did not advance and

ultimately expired in October 2021. In 2022, Clean Energy, under landowner Arizona Eco Development, proposed the 1,600-acre Eagle Solar project. Similarly, YA-Jerome – ERM, under landowner Wilkinson, proposed the 642-acre Prospect 14 project, which aimed to revive the expired 2013 Conditional Use Permit (CUP). Each of these proposals were advised to wait for the completion of the General Plan.

Dingee explained that in November of 2023, the Town received a legal challenge regarding the interpretation of the definition of “Public Utility” and that the challenge was intended to force the Town to accept a CUP application like had been done in 2011 and 2013.

Development Services Director, **Laurie Lineberry**, then discussed why the Utility-Scale Solar Ordinance was necessary, explaining that it provided protections to the town that a Conditional Use Permit process would not provide. She then shared the policy information provided in the General Plan about solar energy.

Lineberry then outlined the process taken by the Town, from the seating of the Solar Committee members by staff through a staff-generated process, through 9 months of staff advisory committee meetings, to the generation of the draft ordinance.

Next, **Lineberry** addressed the Siting Requirements contained in the draft Ordinance.

Dingee explained the following Project Standards outline in the Ordinance:

- Site Grading Plan
- Post Graded Elevation Map
- Wild life Protection Plan
- Fire mitigation plan
- Natural Disaster Mitigation Plan
- Traffic Impact Analyses
- Road Improvement Plan
- Viewshed analysis and protection Plan
- Fencing Master plan
- Decommissioning Plan
- Lighting Plan
- Drone Utilization Plan
- Construction Noise contour impact study map
- Post Construction/Operational facility Noise Contour Impact Study Map
- Public Outreach Program

Dingee continued with explaining how the project standards would be a part of a Development Agreement that would prohibit any waivers to the standards.

Dingee explained that another part of the Development Agreement was the Community Benefit provision which would be an annual payment made directly to the Town of Chino Valley solely for road maintenance.

Dingee continued with explaining how the Town of Chino Valley did not have a property tax. One was on the ballot in 2019 specifically for funding road maintenance. The measure failed overwhelmingly with the

feedback from the community being “The Town needs to find a way to fix Chino’s roads without raising taxes on current residents or triggering explosive growth.”

Dingee explained that the intent of the community benefit payment would be to off-set the town’s road maintenance fund shortfall which has been made larger by diminishing federal funds. The annual contribution amount expected would be between \$1.9 million and \$ 3.8 million across all projects.

Lineberry concluded with outlining the Process for Review of solar projects.

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

Switzer asked staff to bring up on the screen Section 6 Page 22 of the General Plan. He stated he felt that nothing in the General Plan stated allowing for large scale solar utility supplying power outside of Chino Valley. His interpretation was that if utility scale solar were wanted in the Town, it would have been included in the General Plan as a section and not under resiliency.

Lineberry replied that each of the policies in the General Plan were not necessarily intertwined with all of the others, that they could be stand-alone policies. She stated that in the General Plan, Section CFS-7.4 did include regional-scale solar energy development proposals.

Meadors asked if the decommissioning plan and fire mitigation plan would require the developer to put money in an escrow account and would it accumulate interest.

Dingee replied yes, in a bond, escrow account, or a letter of credit, to be updated every three years to ensure it is an accurate sum.

Lineberry added interest would accumulate in the escrow account, and reiterated the amount would be reviewed every three years to ensure there is enough for the decommissioning process as costs increase over time.

Pasciak pointed to an administrative correction to Section 2, to include UDO Section 3.7, “AR-4” to the section and the draft Ordinance. He felt it was a well-presented draft Ordinance.

Meadors asked about larger zoning, AR-40, AR-60 and open spaces.

Dingee replied that AR-36 was not a current zone, that AR-5 was the largest zoning district currently in the Town. He stated staff considered making open space a reserved zoning district, however, under State legislation, open space has a minimum home requirement of one per acre.

Zamudio stated he felt the fire mitigation plan was inadequate, he understood that CAFMA would review it and asked what recourse the Town had to ensure it would be implemented properly going forward.

Lineberry replied that staff would reach out to California and/or Texas Fire Departments, who have a large number of solar fields and have had to deal with various issues that come with them. Currently CAFMA was who the Town relied on for fire suppression. Staff would consult with other experts to bring in the latest knowledge based on experience from other places.

Merritt stated that Commission Switzer brought up the General Plan and asked if the General Plan required a Solar Ordinance to be adopted to allow for large-scale solar facilities.

Lineberry replied no.

Pasciak asked if the Town Council directed the staff to write the draft Ordinance.

Lineberry replied it was directed by the General Plan and Town Council, and staff had been working on it for over a year.

Merritt opened the meeting for public comments and shared the rules for speaking to the Commission.

Cathy Middlested, 380 Lauren Lane, Chino Valley - *"Cathy Middlested, resident of the Town of Chino Valley. My personal opinion is I am not for large scale solar plans, especially four of them that are identified on the map. When I was working on the Steering Committee for the General Plan, public outreach said that they wanted to keep Chino Chino, they wanted to keep the ruralness of Chino. We did not foresee anything large scale like this, and I am not for it. I know you are not approving or denying it tonight, my only question to you is, at the point that you review some of these numbers, and some of the acreages and the amount of money that the Town, that is the only benefit to the Town is the money that they would receive. I would ask you that you consider raising some of the money value if the project is approved, whenever a project comes in and hopefully lessening the square footage or the miles, and a little bit more distance from the Peavine Trail and residences. I think a quarter acre is just not near long enough, but that's my personal opinion. Thank you."*

Tim Smith, 12925 N Bent Spur Court, unincorporated County - *"Tim Smith, Mingus Meadows, right on the Chino boundary. I would urge you to table this utility scale thing until it has been fully vetted by the public. There are so many issues in here. This affects property values, it can negatively affect property values, views, and many of the other things that have been mentioned, and I would just urge you to table it so that the public can give input, and as you brought up, Commissioner, I think it needs to be looked at thoroughly. And thank you for your time."*

Clinton Skeens, 3745 Old Home Manor Drive, Chino Valley - *"Hello folks, my name is Clinton Skeens and I live in the Town of Chino. Ten years ago, my mother, Vickie Wilkenson, started working on her solar project, and I wanted to quickly mention some of the reasons why we chose solar over some of the other types of development on our land. The main one being it doesn't create a strain on our infrastructure like most developments do. For example, solar projects do not need water to operate. Solar projects do not increase traffic or have long-term wear and tear on our roads. Actually, they help build the roads by the money they create. They do not increase population density like a development would. Finally, solar projects do not increase light pollution. In fact, keeping tracts of land like this intact and not subdivided will help preserve the dark, open skies of Chino Valley. Instead, these projects will quietly bring in taxes to improve our utilities, fund our schools and support our emergency services departments. Thank you."*

Bud Woodhurst, 3245 Jerome Junction, Chino Valley - *"Good evening, Bud Woodhurst, Town of Chino Valley. Mr. Chair, Mr. Co-Chair, I would like to thank you for putting this Committee together, spending all the time. I know that it has been almost a year, it's a lot of work that these people went through to put this together. A lot of information. I moved here in 1972; I wanted to keep Chino Chino. Obviously, that didn't happen. Everybody else came here too. We're going to need power, that's just a fact of life. Would you rather look at solar panels or apartments, Lowes, Home Depots? You know, when the project is over and done, the next generation gets to figure out what they are going to do with the land. So, my vote's for solar, thank you for your time."*

Gary Beverly, 1219 Granite Creek, Chino Valley - *"My name is Gary Beverly, I lived in Chino Valley for 50 years and things have changed a lot already. I am speaking as the Chair of the local Sierra Club group, the Yavapai group. The Sierra Club representing over 700 paying members in west Yavapai County. The Sierra Club has a national policy on Siting Renewable Energy Facilities. I have given a copy of that to Will. Basically, this Ordinance that you're looking at fits within those guidelines well. And so, the Sierra Club encourages renewable energy projects when they can be done in an environmentally conscious manner and when they consider the needs of the people in the area. So, I'm pleased to see that you have a requirement for a public process, and that you've had a stakeholder group, that you've developed this in a rational way. Yavapai County can learn a couple of things from you here. So, I'm also pleased to see the dark sky limitation restrictions in there. And we are also pleased to see the setback from the Peavine Trail, which is a really important recreational facility. So, I think this Ordinance gets a lot of things right. I don't understand the need for a three-mile separation between different projects and there is no justification for that, so I'd be interested in hearing the rationale behind that. And I have one suggestion for things you might add. There is no consideration in the Ordinance for storm water management, so the glass surface panels are going to have pretty quick run-off, and precipitation is*

going to hit the ground. Now what would be really great to do would be to have a requirement for detention ponds that would recharge water, not evaporate water, that is my suggestion. Thank you."

Susan Anderson, 9990 N. Coyote, Springs Road, unincorporated County – "Hi, my name is Susan Anderson and I live on Coyote Springs since 2014. One of the things that I witnessed that brought to my mind was the fire that we had over in Viewpoint. Trying to get animals out of that was a disaster. People had their, you know you couldn't just drive over, and you couldn't take your animals out. They shut the road down, and Coyote Springs is one way in and one way out. Which is kind of dangerous when you think about a disaster when nobody wants a disaster. I didn't think we would have had that one, it was two miles from our house. We had 17 animals at our house, and it was hard getting them out. I had airplanes flying over us and I don't think that our fire, the Central Arizona Fire, is adequate taking care of a fire. We all saw what happened in Missouri with the lithium batteries and we have wind. So, I was concerned about the wind. I'm not a person that thinks about natural disasters too much, but I do think about if something happens and that's a big concern. Lithium batteries and getting my animals out safely and having another way to get out. Thank you."

Keng Chan, 9060 E. Twilight Ridge Road, unincorporated County – "My name is Keng Chan and I live in unincorporated Yavapai County. I reviewed the draft Ordinance. I do appreciate the work that staff and the Committee have put into it, but I think there is a lot of holes that potentially leave it industry based, and that is a significant concern for me. I want to give you a couple of examples. 4.33 A1 refers to Section 1.92A, ensures public safety, welfare and convenience. How? Let's look at 1.9.2A, what does it say? Ensures public health, safety, welfare and convenience. Wait a minute, how does that work? Where do we actually define how it does that? 4.33 C1 states that all utility scale solar photovoltaic facilities must be zoned AR-4 and AR-5. At the last Council meeting, just a week and a half ago, there was an agenda item where staff actually said that there is a need for housing for the proposed business park that is going to go on Old Home Manor. Wait a minute, we need housing, yet we are talking about possibly building over 3,000 acres and taking that out of potential for residences. On top of that, let's look at it. Separation. It's important that we have three-mile separation between solar facilities, but yet you can put it a quarter of a mile off of my fence line. How does that work? I'm a little concerned about a little bit of transparency going on here. We're part of the trust in government, we're required to trust in Committees. We keep hearing that we kept this Solar Ordinance simple so that we can actually specify things in the Development Agreement. But yet we've actually have problems with this, ok. I believe there has been a lack of transparency with this Solar Energy Committee. I believe that is actually a violation of the Arizona Open Meeting Act. Where were these meetings announced? Where were the agendas? Where were the minutes to them? I know there was presentations from two solar companies and APS."

Merritt asked the audience to please not applaud.

Laura Chan, unincorporated County – "Hi, my name is Laura Chan. I live in unincorporated Yavapai County. I had prepared a presentation, and I just have to say I am floored to hear one comment about this Ordinance and the development of it. And I might have it slightly off cuz I was so upset, and it said we did not write out any of the projects. Basically, this Ordinance as written, there is no defense and there is nothing for the residents of Yavapai County. You don't write it out? Wait a minute, this isn't about solar industry, we heard about all the solar industry and approved solar groups. What did we hear about? What about the responsible solar industry? What about water safety? What about protections for the people who are already here? Chino, Yavapai matter. This solar Ordinance is not for the solar industry, or for utility. This Solar Ordinance is for us and the people. It matters, and it's, you can't just have one group walk in and say ok, here it is. We are going to fit this together. There is nothing in the General Plan. I'm sorry, I had a plan. I apologize for being so upset, but that should have never happened. And my recommendation is you transparent. I would like to see the minutes, who came in, who attended these meetings, and I want to see representation from the people to be heard. Thank you."

Ann Yoshinaga, 9050 E. Pueblo Libre Road, unincorporated County – "Good evening, Ann Yoshinaga, Mingus Meadows unincorporated area. Your vision statement says that Chino Valley is a peaceful, rural community that supports recreation and regional tourism. We are committed to preserving our community's expansive vistas. So, a part of my thing is, if you are allowing 3,800 acres total for this City, 300 is already taken up, so conceivably one company could come in 3,500 acres of expansive vistas? To

me that is not a very nice thing to see. Anyways, my concern is that I think that we should really look at our water source. There have been issues with vast facilities catching fire, exploding. The water that is going to need to protect the other batteries areas, it's going to take a lot of water, the contaminates from the batteries that are on fire. Where is that going to go. It's going to go into our groundwater. And something in the Ordinance needs to say that no solar facility or vast facility can be over our aquifers or any other groundwater source that the residents of this community use. Another thing that I have issue with is, why is this solar facilities on residential property? This is a commercial investment, why isn't it over on commercial areas. Why are you taking residential areas for this type of a facility? Those are my big things, thank you."

Karen Estorez, 1775 S. Johnson Lane, unincorporated County – "Karen Estorez, I live on Johnson Lane, (Chino Vally). I haven't been here 100 years like a lot of people, but the reason I moved here is because of the recreation, the open space. I have horses, I have friends. We do side-by-sides, we get to enjoy this lovely area and for what you're proposing is absolutely disgusting. Trying to turn us into something in California or Texas is horrible, it absolutely upsets me beyond belief that this would even be proposed for these horrible things coming to us. We don't need it, everything that it'll do is destroy our way of life. It will destroy the animals. It will cause fires we can't deal with, again what she said about the groundwater. It's despicable, thank you."

Brian Lantero, 9210 E. Twilight Ridge Road, unincorporated County – "Brian Lantero, Mingus Meadows unincorporated Yavapai County. I can see the corner of Chino Valley just out my back yard. So, kind of took my thunder, had it all written out and everything, but I did want to touch also on the transparency issue. I only know what I read and I was surprised to see that there was immediately after the Town plan was approved that for a year there was a subsidiary committee ongoing that have been meeting with selected individuals that they brought to their meeting, which I'm sure was under the best intentions. Like, you know, the people who know this how to build this, how to build a solar project utility scale solar project the best are utility sale, utility scale solar companies, right? What they are not going to tell you is any of the downside, it's a for-profit company, it's not a non-profit or even a public utility company. This is a for-profit company. We're not going to talk to you about asset retirement obligations, what this is a personal property tax and 20% of this depreciated over 40 years is really what you're going to get tax revenue. So, I was hoping that, you know in the sense of fair play, and maybe you did, maybe I'm just not aware, but had some environmental groups that come in and could talk to you about the danger of putting a solar utility scale solar field over an aquifer or fire hazards, and a place like you know, our plains out there and how windy it is. I'm going to go ahead and go over this anyway because I wrote it out, so what the heck. The Chino Town Plan, as I read it, said specifically that has goals related to solar, but they are not related to utility scales size ups. Those are my notes. And you said that it was only general policies in general, ideas, but right here it says on November 7, 2023, they ratified the 2024 General Plan explicit goals. If this is taken verbatim from the Town Plan, it says explicit goals and policies, which does not sound like General Plan. So, thank you for letting me speak, appreciate it."

Silver Stapleton, 9015 E. Twilight Ridge Road, unincorporated County - "Good evening, madam, gentlemen. My name is Silver Stapleton, I reside at 9015 E. Twilight Ridge Road (Prescott Valley). Because of a physical condition, you will see a lot of shaking going on up here, my voice gets weak, and I have to stop and take deep breathes occasionally, but I'm just fine. First, thank you each for your service to community and thank you for hearing our concerns and our comments. My main concern is not the possibility but the probability of contamination of our underground water caused by solar farms. Surely you are informed, or should be, about lithium battery fires. Those fires are very difficult to extinguish, water and chemicals are used to put them out. Where do you think that water and those chemicals will go? Even if there is not a fire, what about the fact the entire area under solar farm is kept completely free of weeds with pre-emergent and chemical sprays. What about that concentration of chemicals? Where will those go? Bayer Monsanto have paid out more than 11 billion dollars in settlements for people who have been diagnosed with non-Hodgkins lymphoma and other cancer related illnesses due to glyphosate spray which likely they would be using. Note, that was not from consumption, those settlements. That was from physical contact. How much worse could consumption, consuming it in our water be? Can you promise us they won't be using harmful chemicals to debride the area of weeds? Information shows that keeping the ground free of weeds under and around solar farms is constant and ongoing. If solar farms are placed over local aquifers, where do you think that poison will go when it rains or worse, if they do

have to put out a fire, where will that lithium and the accumulated carcinogens go? If our local aquifers are polluted, how far will that reach. We have hundreds or maybe thousands of wells, water wells in the near proximity to the proposed project. Beyond that, how many communities or towns downstream from our local aquifers could be affected. You are responsible for laying the groundwork. You must make sure when you plan for construction of a solar farm, that in five to ten years from now, we don't find out there's a new environmental disaster."

Christopher Pirone, 12960 N. Lodestar Road, unincorporated County – "Good evening, I just have a few questions. I live in Antelope Meadows at the far back, Chino Valley is my back fence where it is proposed currently that you are maintaining a 50-foot setback. That will actually put solar panels in my backyard, 15 feet tall, making a complete obstruction. It also will be 100 feet from my well head which brings me quite concern for runoff chemicals, things of that nature. Things that I'd like for you to consider before passing this is, has there been any impact studies done with the EPA or any environmental on weather changes over large-scale solar facilities. What is the effect of the Big and Little Chino aquifers, a lot of people have touched on that but when you have a 20-acre lithium battery facility that requires water to keep it cool, they're going to be taking a lot of water from those aquifers. Also are they going to train in hazmat for God forbid there is a lithium fire, because it doesn't just take water and hundreds of thousands of gallons of it, but it also takes hazmat materials to put them out. And just so you also know, this large-scale facility is, from what I am to understand, what Draconis has proposed is over 5,000 acres, not 3,200. And, according to their attorney, the power is going to Nevada and California. It is not going to benefit Chino, Prescott Valley, Yavapai County, at all. And then, of course, me, being my fence is directly behind where they want to put approximately a thousand panels, do you know what that'll do to my property value, I won't be able to sell it along with all of the people that run that fence line. I think the setbacks need to be changed. It should never be 50 feet from a residential area. I think that really needs to be touched on, it needs to be minimally a quarter to a half a mile minimally. But the impacts on that alone, what is the length of time that Draconis is planning on having this facility, because when it decommissions, do we have any answers to any of this. Thank is all I have, thank you."

Valerie James, 9220 E. Circling Hawk Road, unincorporated County – "Hi, I'm Valerie James, I live in unincorporated Yavapai County in Mingus Meadows and many of these things have been touched upon but I am disappointed that better research wasn't done regarding the battery fires. That's a huge risk, we've seen some that have been burning in other parts of the country. That there was no mention of water contamination or the use of water for cleaning the panels and all of the other things that they plan to do with water. The fact that the General Plan does not have large scale solar is an important factor, I believe. I don't think that's what the people of Chino Valley and one of the ladies who was spoke before said that she was around when the plan, the General Plan was made, and that was not the intent of it. I don't think people understand that the power does not stay in this area. And I would, I, you know, we have plenty of rooftops, the rooftop solar technology is not quite as, doesn't sound quite as dangerous as the lithium batteries and all of those storage units. So, I am definitely, I was originally for solar, oh how bad can it be. It's going to be clean, you know it's not going to bring in more people or more cars. But now when I've done my research, I have found out that it can be very toxic, and we're in the land of wildfires. We don't need that added danger for power that is not even going to be generated here. So, thank you for listening."

Sarah Rypkema, 3745 Old Home Manor Drive, Chino Valley, Solar Development Team - YA-Jerome – "Sarah Rypkema, I work for Prospect 14, I'll be speaking on behalf of the Jerome Project. Good evening, great to see some of you again. We at Prospect 14 greatly appreciate the work that went into creating the Town of Chino Valley's Ordinance for utility scale solar facilities. These projects can actually bring in a lot of benefits to the Town, and through this Ordinance the staff and the Solar Committee are ensuring that they will. A lot of ordinances don't do that that we see. Our team has been and still is committed to being a constructive partner in this process, which is why I wanted to speak today. In our view, ordinances work best when they serve as adaptable guides. An overly prescriptive ordinance can hinder the Town's ability to use common sense, good judgment, and capitalize on some of the potential benefits new opportunities can bring. We urge you to consider incorporating flexibility into the Ordinance. This will empower the planning staff, the Commission, and the Council to evaluate projects on a case-by-case basis, approving ones that they feel fit best in the community. Just one quick example that I wanted to bring up was the three-mile restriction. What if there's a project that's 2.5 miles away that might fit better

with the surrounding land uses than if it were to be moved an extra half mile. Or, what if one day, you decide you'd rather all the solar be designated to one area. You should build in some language to allow you to bring in that discretionary review. The Ordinance as written is a great guide, but that's what it should be, is a guide. If there aren't any deviations allowed, the framework could severely limit the benefits, like tax revenue, clean reliable energy, and community improvement initiatives that these projects could otherwise bring to the Town. I think that this could just be handled with the simple sentence or two added to the Ordinance allowing for the variances at the discretion of the staff. This will allow Chino Valley to bring the same thought and care into every project review that you put into the General Plan update last year and put into this Ordinance. Thank you for your consideration."

Jack Steele, Solar Development Team - Draconis – "Good evening, thank you for the opportunity to speak tonight. My name is Jack Steele, I'm not from the area, but I grew up in a small town in Montana that feels charming and quite similar to the area of Chino Valley. I'm a developer with Lightsource BP working on the Draconis project. We build and operate solar projects throughout the United States. Our goal is always to develop projects that are designed with the community in mind, and to put power on the grid that helps strengthen energy independence throughout the United States and also address the issue of climate change. At Lightsource BP we respect Chino Valley's local land use authority and very much appreciate all the proactive work that's gone into drafting this Ordinance. We believe it's essential to create guidelines that foster growth while also respecting community's values. We've reviewed the draft Ordinance and provided a few minor suggestions through written comment. We also want to share that our solar energy project, Draconis, will bring meaningful benefits to Chino Valley. Our project is expected to create around 450 to 500 jobs during construction, infusing the local economy with opportunity. The project will also bring long-term benefits to the community, including tens of millions in new property taxes paid directly from the project. This is a significant increase in what is currently being paid by the property we hope to utilize, and these funds will directly support local public services, schools and infrastructure without raising taxes on existing residents. Additionally, with an annual operating budget of several million primarily spent within the region, the project would provide ongoing economic support to local businesses. Additionally, we agree wholeheartedly with the city's desires to improve roads and will work collaboratively to support this effort. We're committed to working closely with Chino Valley to develop a project that enhances the local character, drives economic growth, and delivers clean, locally generated energy. Thanks again for your time tonight. We look forward to working with the community."

Samatha DeMoss, 7144 E. Stetson Drive, Scottsdale, Solar Development Team - Rose Law Group – "Hi, my name is Samantha DeMoss, I live outside of the County now, but I originally grew up here. I am also a land use attorney, and I assist with development projects all over Arizona. So, I think I have a unique perspective on this, I think the Ordinance is very fair, and I compliment staff on its hard work. I think what bothers me is that there are so many false stories about solar and batteries being thrown out, and I don't blame people for being concerned, but the truth is that many of the concerns currently are false. To name just a few, solar does not heat up surrounding area, it uses almost no water. Batteries are actually very safe, despite what you hear. There are also misconceptions and flat out mistakes that I keep hearing circulating about solar, and it's clear that education would be the solution to that. If there is one thing I would recommend to the Town, it would be to judge each project on its own merits, and see what type of public benefits each project is willing to propose. Some of these solar developers are among the largest companies on Earth, and they can no doubt do a lot of good economically for the Town. These projects can be a great way to get things done in the Town without putting traffic in more residents on the road. Quiet neighbors with a lot to offer would be something to think about. I know that many are concerned about large solar projects, but you have to keep the alternatives in mind. For example, the one project that's around 3500 acres, if under current SR-2 zoning could currently be 1,800 homes by right if they wanted to, and I think the community would benefit a lot more from a quiet solar project than more homes and more cars on the road. Additionally, at the end of a 30-year life of a solar project, the land is returned to its natural state through the decommissioning plan in the process by the developer, offering a way for the Town to receive benefits now while still knowing they'll have viable land in the future to meet the community's needs. I also want to bring to attention what the Commission is being asked to do here today, and that's not for approve any particular project, but to reserve for themselves and the community the discretion to review and approve a project that works for them on their terms in the future."

For this reason, I would like to advocate for a reconsideration of the cumulative acreage limits and hard setback distances between solar projects, and suggest these elements be considered on a project specific basis at the time of review. This would allow the Town and the residents to make decisions on the project location and size appropriateness in the context, considering the needs of the Town at that time rather than having to estimate what would happen in the future. If you don't like the solar project, and they are not doing enough for the community, then you should definitely turn it down. I am just suggesting you keep the opportunity open to consider good and bad projects, and only approve the best. Thank you for the opportunity to speak."

Merritt stated that the next speaker request card was from Jon Gillespie, a representative of the Rose Law Group, and according to the rules, they've already had an opportunity to speak. He offered Ken Chan the opportunity to speak again as there was a timer issue prior.

Keng Chan – *"Again, I started off by saying that I believe that the Solar Committee actually was a violation of the Arizona Open Meetings Law, so I'd like to actually have a copy of all the agendas, the minutes, submitted documents that were sent through the Committee. I'd like a list of the people who actually were there and who they represent if a foyer is requested, I'd be happy to do that. The elephant in the room, the Draconis project. To my, the best of my knowledge, there has never been a project where a Solar Committee or governing body has been so shortsighted as to approve a utility scale solar project over or immediately adjacent to an aquifer. We've heard about chemical contamination, they keep telling us that there is no odds, there's no danger. Okay, let's just go pour a gallon of herbicide or pesticide or a pre-emergent on your bed and sleep next to it for a while. Why don't you tell us how well you like that. Don't damage our water source. Our water means more than your bottom dollar. Thank you."*

Merritt asked Dingee to explain the necessity for moving forward with this Ordinance at this point in time.

Dingee replied that the staff Solar Advisory Committee had completed its research, and staff had successfully drafted the proposed Ordinance and were presenting it to the Commission for its public discretionary review.

Merritt stated that the Committee and staff had been working on this for a year, he commended staff on an awesome job, and shared the Commission had one study session as well as meetings between himself, Laurie Lineberry and Will Dingee about this project. He felt it seemed staff and the Commission could talk about it a little bit more and asked why should it be nailed down at this point in time. He stated that the public had concerns about the separation between projects and setbacks, and asked Dingee to further explain them.

Dingee explained that there is a standard under the sighting criteria A-3, a 50-foot setback from all property lines as far as the beginning of any panels themselves. All solar panels and equipment must maintain separation of a quarter mile from any developed residential property. He stated that if a project is directly adjacent to a developed residential piece of land, it would preclude the 50-foot setback and would require a quarter mile separation from the property line of a residentially developed property.

Lineberry reiterated that the 50-foot setback requirement would be within the project property itself, the distance of the quarter mile would be from the project property to other properties. Therefore, it would require a quarter mile from residential properties plus the 50-foot setback, which is required according to the Industrial zoning setback code.

Merritt brought up a concern from the public regarding why a project would be allowed in residential zoning when clearly it was for commercial use.

Dingee explained that with a prior Development Service Director, Draconis wanted to rezone the entire acreage to Industrial. Although that recommendation had expired, staff presented the idea of a rezone for future projects to the staff Solar Advisory Committee and they recognized that these projects had a lifespan and at the end of their 20 to 30-year lifespan, you are left with anywhere from 200 to 3,500 acres of raw industrial land that could be used for anything within the Town's Industrial Zoning district or Commercial Zoning district. It was deemed an AR district was more suited because once decommissioning was completed, the land would still be zoned AR-4 or AR-5, which is one home per 4 or

5 acres with agricultural residential entitlements. Industrial zoning is the most intense, where slaughterhouses and junkyards could exist.

Merritt asked Lineberry to explain the transparency of the staff Solar Advisory Committee and how it functioned.

Lineberry replied that the Town's attorney confirmed that only the Town Council appointed Committees, Commissions, and Boards are required to meet Open Meeting Law. The Solar Advisory Committee was a staff advisory group, made up of people who live in the community. They gave staff advice, input or insights based on their living here in the community. The Committee did not dictate anything, they were guiding people for staff, they gave staff information and helped shape the draft Ordinance. The staff advisory group did not fall under the open meeting laws as they were not appointed by the Town Council.

Dingee responded to the public's concerns on water, that if the Commission wanted to add a water usage plan to the draft Ordinance, it could be included, which would add protections for the aquifer. The grading and drainage plans could be required to include runoff, reclaiming water, and solar panel cleaning. He explained the units were self-contained, that they recycled the water for cleaning, and were very low water usage for overall cleaning of the panels. Water usage would happen during construction but should diminish once construction was completed.

Switzer asked if staff knew for a large 360-megawatt project, what a vast facility of that size would use for cooling.

Dingee replied that the developer would need to provide that information as part of their proposal. He stated that the staff had conferred with the Town's water consultant, Mark Holmes, and in his opinion, chemicals used for weed control were not as detrimental as claimed.

Merritt stated that he felt the use of retention ponds to reclaim the storm water runoff would not be a good idea as pesticides used for weed control would be ongoing, and there would be a possibility of accumulation of glycate or other chemicals. He asked about the public's concern for possible fires and the gallons of water to be used putting a fire out and the toxic chemicals from the batteries and asked if staff had any idea of how much water would be required to put out a fire at a solar facility.

Dingee explained that it would be based on the scale of the project and would need to be outlined as part of their fire mitigation plan specifically within their BESS element. They would need to show how much water would be needed if the whole entire facility or a portion caught on fire, and what procedures they would have to contain and extinguish.

Zamudio stated that being with a Fire Department and familiar with fires, you would not want to put water on battery fires, it was the last thing you would want to do, it would only make it worse. A dirt and sand mixture would be better.

Merritt asked if CAFMA had the facilities, equipment, personnel and training to tackle something like this. He stated that the power from these projects would not stay in Chino Valley, but he understood it just goes into a power grid.

Dingee explained that part of CAFMA approval of the fire mitigation plan for one of these facilities would be to ensure that if CAFMA did not have the proper equipment, the developer would need to provide it, as well as provide proper training. The Town staff had a commitment from CAFMA that they could and were willing to perform fire mitigation on these projects. **Dingee** stated that where the power produced would be sent was not in the Town's control.

Merritt asked if anyone on the Commission had questions for staff.

Switzer asked if any research had been done on any large solar farms nationwide, what was the proximity to towns or residential areas on projects this size.

Dingee responded that staff did not have information on proximity to residential areas on other large projects nationwide.

Zamudio asked staff to explain what the deterrent would be to not having an ordinance in place.

Lineberry reiterated it would be better for the Town to have an ordinance in place for protections.

Zamudio stated he felt that if the Town did not have an ordinance, it would be an opening for a project to come in, which could be ten times worse.

Merritt asked if the Town had an ordinance that excluded commercial solar production facilities in Chino Valley, where would that put us. He stated that if the Town did not have an ordinance, there would be lots of opportunities for large solar facilities to chisel their way in through a back door, and if the Town does put the ordinance in place, it would severely control the development of the solar project. If the Town puts an ordinance in place that said it does not allow solar, then there is a State Proposition that had been passed that if a government entity diminished property values to a person, they can sue because they planned on some things when they bought the property that they assumed were going to happen. So, there were several ways the Town could be sued, and the consequences for the Town could be brutal. He reminded the public that the solar companies had tremendous resources. He felt the draft Ordinance was extremely well written and left good flexibility for things to be decided that were a circumstance conditional to the project itself. Whether the Commission passed the draft Ordinance or not, it would be forwarded to the Town Council for final approval, or the Commission could ask staff to strengthen the draft Ordinance a little bit more or possibly the Town will decide not to have any solar commercial projects.

Zamudio asked if staff saw, based on the meeting tonight, anything that needed to be added or changed in the draft Ordinance. He felt the draft Ordinance was well written but wanted to make sure that it covered every concern that was shared at the meeting.

Dingee replied that based on valid concerns from the public, if the Commission was not comfortable forwarding the draft Ordinance to the Town Council, there would be an opportunity to amend the draft Ordinance, if that was what the Commission desired.

Switzer asked if all the proposed project sites required a zone change.

Dingee replied no, that the Jerome project was already within the AR-4 district. The other proposed sites would need to start with a zone change.

Switzer added that zone changes were not a property owner's right. A property owner had the right to apply for a zone change, but not the right to be approved for one. A zone change would be a privilege based on the General Plan and other factors in the Town.

Merritt closed the public hearing.

Motion was made by Meadors, seconded by Zamudio and Switzer to table TA-2024-04. Discussion was held by the Commission. **The Motion was rescinded by Meadors and seconded by Zamudio.**

Motion was made by Meadors, seconded by Zamudio to return TA-2024-04 back to staff to be amended, subject to the staff report that was presented tonight, information provided during the hearing, and the Planning and Zoning Commission discussion. A roll-call vote was taken, and the motion passed with a 5-2 vote, with Merritt and Switzer voting no.

Merritt asked the Commissioners who voted no to explain their votes.

Switzer explained that he was against putting forward a zoning ordinance for utility-scale solar in the Town of Chino Valley limits for several reasons. He believed it went against the General Plan and he was against this plan. He commended the staff Advisory Solar Committee and Town staff on all of their work, and felt staff did their job as they were told to do by the Town Council. He felt it was fantastic, staff did a great job, but felt utility-grade solar projects were not right for anywhere in the quad cities.

Merritt stated he thought the draft Ordinance was awesome, but he did not believe Chino Valley was a place to put large-scale solar facilities. He stated that there were a lot of places in the State that were barren property that didn't have large communities or small communities next to them where there were

a bunch of aquifer and herds of different sorts of wild animals traversing them on a daily basis. He felt if there were no batteries involved with a project, solar would be appealing. He stated he firmly believed that the Town did not need large-scale solar in the Town, he voted for the smaller one on the south end of Town as a Conditional Use Permit with no batteries. It was ultimately circumvented through some things that the Town had to deal with, with their franchise through APS, and it showed in his mind that what the Commission did here could be undone by people who were more clever and had more money. He reiterated he felt the Town staff's draft Ordinance was excellent. It was his opinion, that if the draft Ordinance had passed, the Town would not get too hurt, but it was his hope to not have an ordinance, but going back to staff with all the good ideas heard here, which the extra time would be valuable, and should be the way the Commission did things.

Merritt asked the Commissioners who voted yes to explain their votes.

Zamudio stated that he felt that the Commission needed to hear the public's opinions and incorporate them into the draft Ordinance. He felt that if the Town did not have an ordinance, he saw major issues going forward, and it would cost the Town money. The draft Ordinance gave the Town a starting point or boundary where the Town did not want to go.

Meadors stated she felt the draft Ordinance should go back to staff to clarify some of the points brought up by the citizens of the Town and surrounding areas. She agreed that there were plenty of land between here and California to put their solar panels on, but the Commission needed to protect the Town from being sued into bankruptcy.

Welker stated that right now the Town did not have any teeth, but with an ordinance, it would.

Penn stated that he felt the public raised some valid points that needed to be looked into further. He personally did not think Chino Valley should even entertain a project of this size.

Pasciak stated he agreed with other Commissioners on sending the draft Ordinance back to staff, and also thought staff did a wonderful job on what was presented and the work they did. He agreed the solar companies had deep pockets, and the Town had one attorney versus the solar companies had many. He felt the Town needed something in place so we could state there were requirements to bring forth a project, and that maybe these requirements would make it not viable for a solar project.

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 October 22, 2024, TA-2024-05 – Definitions, was approved by Town Council.

INFORMATION ITEMS – FROM THE COMMISSIONERS: Meadors stated she would like to see the Town incorporate into the UDO a ban on private swimming pools due to our water situation, as large amounts of water are required for only a couple of months of use.

INFORMATION ITEMS – FROM THE CHAIR: Merritt explained that the Commission did not get to pick what came before them, and the Town staff had this pushed on them by circumstance and he felt they did a wonderful job putting the draft Ordinance together. He shared a livestock ordinance would come before the Commission as well and encouraged the public to contact the Town staff or the Commission members to gain ideas and information. He felt that this meeting was the way the American process was supposed to work with everyone getting a chance to speak. He felt the decision that was made would be beneficial to the Town and looked forward to seeing the draft Ordinance come back in a new form. He thanked the public for coming and sharing their input.

INFORMATION ITEMS – FROM THE PUBLIC:

Silver Stapleton thanked the Commission and the Staff for listening to the public.

Brenda Steelman thanked the Commission, and stated she felt that the sound system was not great. She added that it was sometimes hard to hear what was being said and missed a lot of important information.

ADJOURN – A motion was made by **Meadors** and seconded by **Pasciak** to adjourn the meeting at 8:09 p.m.



Charles Merritt - Chair

Prepared By: Gerreann Froberg