



A G E N D A

Town of Chino Valley
Planning & Zoning Commission

January 7, 2025



Commissioner's Regular Meeting Agenda
Planning & Zoning Commission
Chino Valley Town Hall
202 N. State Route 89
January 7, 2025, 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 – DECEMBER 3, 2024 REGULAR MEETING
 - C.2. WITHDRAWALS BY APPLICANT – NONE
 - C.3. CONTINUANCES - 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
 - 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/82610810673>, or by phone: 1 888 788-0099 (Toll Free) or 1 877 853-5247 (Toll Free); Webinar ID: 826 1081 0673

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.

Planning and Zoning Commission Meeting Minutes December 3, 2024

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, December 3, 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, and Commissioner Richard Zamudio. Commissioner William Welker was absent.

STAFF MEMBERS present: Laurie Lineberry, Development Services Director, Terri Denemy, Town Manager, Jessica Barragan, Senior Planner, 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 Switzer.

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 6-0 vote.

PUBLIC HEARING #D.1 – CUP-2024-04—This is a request by Ryan Weed, on behalf of APS, for a Conditional Use Permit to allow for the expansion of an existing APS substation. The property is located at 3011 Jerome Junction, Chino Valley, Arizona.

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

Senior Planner, Jessica Barragan, presented the staff report and shared slides of the project site. She stated the project site was currently zoned AR-4, and a Conditional Use Permit was required by the Town for a public utility for service use in that zoning district. She explained that since all but two of the properties surrounding the project site were owned by the Town, a neighborhood meeting was waived. All properties within a 1000-foot radius of the subject property were notified by postcard and staff had not received any opposition from the public. Staff recommended approval. She shared that a representative of APS was in attendance.

Merritt asked the Commission if they had any questions for Town staff. There were none.

Paul Murphy stated he was with Coe & Van Loo Consultants and was the Project Manager consultant engineer for APS on the project. He did not have any additional information to share and felt staff presented the proposed project well.

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

Switzer asked if the substation expansion had anything to do with the proposed Jerome Junction solar project.

Murphy replied that the substation expansion was to upgrade equipment and had no solar relativity.

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

Jim Wagner, 9160 E. Twilight Ridge Road, stated he lived in unincorporated Yavapai County. He felt some of his questions had been already answered and had concerns the expansion would be for a solar project. He stated he believed Yavapai County already had sufficient power and that no specific projects were mentioned for the expansion. He had questions on the two property owners within the 1000-foot radius and asked if they were invited to the meeting. He had questions on the 10-foot wall instead of landscaping and had concerns about possible fires. He asked if a knox box would be installed for the Fire

Department and stated he was surprised the Fire Department could not go into an APS facility without APS personnel present.

Silver Stapleton stated she agreed with everything the prior speaker said.

Merritt closed the public hearing.

Merritt asked the applicant to explain the concerns from the public.

Murphy explained that APS would be updating the existing equipment that was already there; the addition of a control house and newer, more efficient electrical equipment. The expansion had nothing to do with any proposed solar project. He stated that the U.S. Department of Homeland Security considered the substation to be critical infrastructure and their and APS' regulations for wall height was 10-foot minimum. As the existing wall height was already 10-foot, they would be matching that. He explained that APS did not allow for any outside person to enter the substation unattended. In the event of a fire, APS would need to be there, so they do not install knock boxes. APS personnel are trained in fire.

Merritt explained what a knock box was and that it was commonly used on commercial buildings, however the substation area would be dangerous to go into and the Fire Department had already agreed that they would not want to go in without APS personnel.

Pasciak commented that when he worked at the VA Medical Center, there had been an electrical fire, and that water should never be put on an electrical fire.

Switzer asked if the final rendering for the wall would come before staff and or the Commission for approval.

Lineberry replied that the normal process was for staff to approve.

Murphy stated that in the discussion with staff, APS would try to make the wall match the conditions of the area. He further explained that the construction documents would fine tune the graphics. He stated that only emergency lighting would be used and they would conform to the Dark Sky Ordinance, that all the lighting would be downward facing.

Motion was made by Switzer, seconded by Meadors, to approve CUP-2024-04, 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.

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

INFORMATION ITEMS – FROM STAFF: COUNCIL ACTION OF PRIOR P&Z CASES: There were no information items for this meeting.

INFORMATION ITEMS – FROM THE COMMISSIONERS: **Switzer** thanked the Chair and the Commission for all the work they do and stated it had been a pleasure working with them and that he would continue to work with them at the Town Council.

INFORMATION ITEMS – FROM THE CHAIR: **Merritt** stated that Commissioner Switzer had been a solid portion of the Commission, and he looked forward to him going to the Town Council. He felt that Switzer would be a great addition to the Town Council and hoped the best for him.

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

ADJOURN – A motion was made by **Meadors** and seconded by **Pasciak** to adjourn the meeting at 6:24 p.m.

Charles Merritt - Chair

Prepared By: Gerreann Froberg



TOWN OF CHINO VALLEY
Planning Commission Staff Report
January 7, 2025
File Number TA-2024-04
Utility Solar Ordinance

At the November 5, 2024, Planning and Zoning Commission meeting, the Commission and staff received public testimony regarding the proposed **Utility-Scale Solar Photovoltaic Facility Text Amendment (TA-2024-04)** to Section 4.33 of the Unified Development Ordinance (UDO). The testimony included **21 speakers**, as follows:

- **4** Town residents
- **10** County residents
- **3** Solar project team members

Commissioners raised several questions based on the testimony, and staff refined key items for inclusion in the revised ordinance. This memorandum summarizes the summary of concerns raised during the November 7, 2025 Planning and Zoning Commission meeting along with staff response points, revisions made to the draft ordinance, and discussion topics for the Planning Commission.

Summary of Concerns:

1. Fire Mitigation Plan

- Concerns regarding the adequacy of fire mitigation measures, particularly for **Battery Energy Storage Systems (BESS)**, and the need for enhanced protections. The 2024 Building Codes are currently under review. They will be adopted by the end of 2025. Those codes address some aspects of battery storage protections that will become law for the Town. Staff is further researching protections in place in other jurisdictions that could become part of the requirements for the Fire Mitigation Plan.
 1. As these mitigation measures will vary based on the specifics of the project submitted, staff is recommending that no changes be made to the ordinance as this will be addressed through the submittal process of each project.

2. Proximity of Solar Fields to Residential Areas and the Peavine Trail

- Requests have been made to reconsider the current **¼ mile setback requirements**, from the Peavine Trail to the project area and from developed residential land to the project area.
 1. Staff is recommending discussion with the Commission to evaluate the current ¼ mile setback proposed for developed residential land.
 2. Staff is recommending no changes to the ¼ mile setback from the Peavine Trail. Currently, land along the majority of the Peavine Trail is zoned industrial. Industrial zoning allows for the most intense uses within the Town, along with a maximum building height of 35 feet with a setback of only 50 feet from the edge of the Peavine Trail. Any solar project is proposed to have a ¼ mile setback from

the Peavine Trail. Staff believes that the ¼ mile solar setback provides much greater protection of the Peavine Trail than the existing industrial zoning setback of 50 feet along the trail.

3. Impact on Property Values

- Public concerns expressed about perceived property value impacts adjacent to utility-scale solar projects. From staff's research, in a 2019 article on Planning for Utility-Scale Solar Energy Facilities, Darren Coffey, AICP, shares that the impact of utility-scale solar facilities is typically negligible on neighboring property values.

1. Staff is recommending that no changes be made to the ordinance as this will be addressed through the submittal process of each project.

4. Cumulative Acreage Limits and Minimum Distances between Solar Facilities

- Solar project representatives requested reconsideration of the **cumulative acreage limit** (3,800 acres) and minimum **distance requirements** between solar facilities.

1. Staff is recommending that the Commission discuss this topic during the January 7th 2025 meeting.

- Solar project representatives emphasized evaluating projects **on their individual merits** to allow for variances or adjustments in exchange for additional public benefits.

1. Staff is recommending that the Commission discuss this topic during the January 7th 2025 meeting.

5. Water Usage

- Discussion about how much water the facilities actually use in day-to-day operations and its resulting impact the aquifer.

1. Staff is recommending the creation of a Section F.11, Water Usage, as part of the required Project Standards. Within the section, the developer will be required to submit a Water Usage Plan for the project area that includes a water source assessment, sustainability report, Water Usage Assessment and Water Recycling and Resue Plan.

- What amount of water was estimated to be needed if a battery fire broke out.

1. Staff's recommendation to create Section F.11, Water Usage, will address this in addition to the Fire Mitigation Plan that is required to be submitted with the project.

6. Weed Maintenance and Herbicide Usage

- Discussion about how the sites would address the weed growth with concerns about herbicides expected to be used. Specific concerns were brought up regarding potential contamination of the aquifer from herbicides.

1. Staff is recommending the creation of Section F.10, Property Maintenance, as part of the required Project Standards. Within this section the developer will be required to submit a Property Maintenance Plan that not only includes the

element of weed control and herbicide applications but also the property as a whole including site infrastructure, solar panel cleaning, waste management, etc.

7. Drainage Issues

- Questions were raised about what happens to the additional runoff created with the projects. Additionally, the idea of recharge and reclaiming the runoff for aquifer recharge was also brought up.
 1. Staff is recommending the creation of section F.1.C, which establishes the requirement of a Storm Water Pollution Prevention Plan as part of the project submittal. If determined necessary, the projects drainage plan may also include a stormwater reclamation and recharge component.

8. Project Developers' Points of Concern

- Staff received comments at the meeting and **additional written comments** from project developers, (attached). Key themes from developer feedback include:
 1. The desire for **project-specific consideration** to allow flexibility in demonstrating public benefits.
 2. Reconsideration of **fixed limitations** on acreage and setbacks.
 3. Allowing variance requests to address unique project circumstances.

Revisions Made to the Draft Ordinance

The following items have been incorporated into the revised draft ordinance presented for discussion:

1. Refined Solar Facility Use Permit Process

- Clarifies application, review, and approval steps for both Preliminary and Final Solar Facility Use Permits.

2. Weed Maintenance Plan

- Requires developers to submit a Weed Maintenance Plan to ensure ongoing property maintenance and mitigate environmental impacts.

3. Water Usage Plan

- Mandates submission of a Water Usage Plan, including water source identification, usage estimates, and recycling strategies for construction and operational phases.

4. Drainage Plan

- Requires a comprehensive Drainage Plan, including a **Storm Water Pollution Prevention Plan (SWPPP)** to address pre-construction, construction, and post-construction stormwater management.

Discussion Points for the Commission

Staff recommends the Commission focus on the following discussion points during the January 7 meeting:

1. Adequacy of the revised Solar Facility Use Permit process.
2. Inclusion of **Fire Mitigation Plan enhancements** for BESS.

3. Potential adjustments to **setbacks** for residential areas and the Peavine Trail.
4. Policy considerations regarding **cumulative acreage limits** and variances based on project-specific merits.

Conclusion

The revised draft ordinance incorporates significant in response to the public comments and Commission feedback. However, several concerns remain for Commission discussion and potential policy guidance. Staff welcomes direction on these points to ensure the ordinance aligns with community needs, while providing a clear regulatory framework for utility-scale solar projects.

Attachments:

1. Revised Draft Ordinance (TA-2024-04, Section 4.33)
2. Additional Written Comments from Developers
3. Staff Report from November 5th, 2024

202_ AMENDMENTS TO CHINO VALLEY TOWN CODE
CHAPTER 154 REGARDING UTILITY-SCALE SOLAR PHOTOVOLTAIC FACILITIES

ADOPTED BY REFERENCE BY ORDINANCE NO. ####-###

SECTION 1. Chino Valley Town Code, Title XV, Land Usage, Chapter 154, Unified Development Ordinance (the “UDO”), Section 1.9, Review and Approval Processes, is hereby amended by adding the following section.

1.9.3.1 Conditional Use Permits – Utility-Scale Solar Photovoltaic Facilities

A. Authorization

1. Conditional Use Permit for Utility-Scale Solar Photovoltaic Facilities (“Solar Facility Use Permit”) may be granted only after the Planning and Zoning Commission (“Commission”) has made a recommendation, and the Town Council (“Council”) has approved the request.
2. Approval of a Solar Facility Use Permit shall be based upon findings that the proposed use:
 - a. Will not be materially detrimental to persons residing or working in the vicinity, the neighborhood, or the public welfare;
 - b. Is reasonably compatible with uses permitted in the surrounding area;
 - c. Complies with the siting requirements, development standards, and operational requirements outlined in UDO Section 4.33

B. Application Requirements

1. Applications for a Solar Facility Use Permit shall be filed on forms provided by the Development Services Department and accompanied by:
 - a. Appropriate fees;
 - b. A Site Plan;
 - c. A Public Outreach Program as required by UDO Sec 4.33 G.1;
 - d. Any additional studies, plans, maps, analyses, or programs required by Section 4.33 and determined during the Pre-Application Meeting.
2. The Preliminary Solar Facility Use Permit process must be completed prior to the submission for the Final Solar Facility Use Permit.

C. Notice and Hearing Requirements

1. A public hearing shall be conducted by the Planning Commission prior to forwarding a written recommendation to the Town Council.
2. Notice of the public hearing shall adhere to the Public Outreach Plan (Sec.4.33 G.1).

D. Specific Conditions for Utility-Scale Solar Photovoltaic Facilities

1. The Planning Commission may recommend, and the Town Council may impose, conditions or requirements specific to the Solar Energy Facility, which may include but are not limited to:

- a. Compliance with the siting requirements outlined in Section 4.33;
- b. Approval of a development agreement detailing financial commitments, including community benefit payments and decommissioning assurances;
- c. Submission and approval of all required studies, plans, maps, analyses, and programs;
- d. Adherence to a timeline requiring final approval within three years from Preliminary Permit issuance;
- e. Mitigation measures for visual impact, noise, and other potential disturbances to surrounding properties.

E. Preliminary and Final Solar Facility Use Permits

1. Preliminary Solar Facility Use Permit, Outlined in Section 4.33D:

- a. Identifies project feasibility and compliance with siting requirements.
- b. Establishes the scope of required documentation for final approval.
- c. Valid for three (3) years, after which it expires if required items are not submitted.

2. Final Solar Facility Use Permit, Outlined in Section 4.33D:

- a. Requires submission of all documentation identified in the Preliminary Permit stage.
- b. Includes a development agreement formalizing financial commitments and obligations.
- c. Final Permit applications must be submitted before the Preliminary Permit expires, with corrections or amendments completed within six (6) months of submission.

SECTION 2. Chino Valley Town Code, Title XV, Land Usage, Chapter 154, Unified Development Ordinance (the “UDO”), Section 2.2, Meaning of Words and Terms, is hereby amended by adding the following definitions and making conforming changes:

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.

SECTION 3. Chino Valley Town Code, Title XV, Land Usage, Chapter 154, Unified Development Ordinance (the “UDO”), Section 2.2, Meaning of Words and Terms, is hereby amended by amending the following definition and making conforming changes:

Solar Facility Use Permit: A permit issued through the Conditional Use Permit process that signifies that the developer has completed or agreed to complete through a

Development Agreement, all conditions and requirements of the project, per UDO 4.33.
This permit must be issued before the project is deemed approved by the Town.

SECTION 4. UDO Section 3.6 “AR-5” Agricultural/Residential, is hereby amended by adding Subsection (C)(17) to read as follows:

17. Utility-scale solar photovoltaic facilities, subject to Section 4.33.

SECTION 5. UDO Section 3.7 “AR-4” Agricultural/Residential, is hereby amended by adding Subsection (C)(17) to read as follows:

17. Utility-scale solar photovoltaic facilities, subject to Section 4.33.

SECTION 6. 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.** The purpose of this Section 4.33 is to establish requirements for the permitting, placement, design, development, and eventual decommissioning of utility-scale solar photovoltaic facilities, and for consideration of a Solar Facility Use Permit, 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. Ensures such facilities directly benefit 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 requirements of this section.
- C. **CONDITIONAL USE PERMIT.** No utility-scale solar photovoltaic facilities may be constructed without a Solar Facility Use Permit, which may be granted by the Town Council upon satisfaction of the requirements of this section and other applicable sections of this code.
- D. **PROCESS.**

Preliminary Solar Facility Use Permit – Confirmation of Siting Requirements

Pre-Application Meeting with staff. The applicant schedules a Pre-App meeting with Town staff and affected agencies. The Pre-App meeting ensures that the proposed project complies with the Siting Requirements identified in 4.33. If the site needs to be rezoned, the rezoning application is submitted and moves forward in the standard rezone process, to the Planning and Zoning Commission and then to Town Council. Next, the applicant develops and proposes their Public Outreach Program, per Section 4.33. Staff reviews, and either approves the submitted Public Outreach Program or recommends changes. The Confirmation of Siting Requirements does not move forward until the Public Outreach Program is approved by the Town.

The properly rezoned site(s) move on to the Planning and Zoning Commission and Town Council in the form of a Preliminary Solar Facility Use Permit, to conceptually approve the solar project which meets the Siting Requirements, as outlined in the adopted ordinance. The Preliminary Solar Facility Use Permit will identify all of the studies, plans, maps, analyses, and programs required of the project, to be completed in order to submit for the Final Solar Facility Use Permit process. The Preliminary Solar Facility Use Permit is valid for three years.

If the applicant has not submitted all the required studies, plans, maps, analyses, and programs from the Preliminary Solar Facility Use Permit approval by the 3rd anniversary of the council approved Preliminary Solar Facility Use Permit, the Preliminary Solar Facility Use Permit becomes null and void.

Final Solar Facility Use Permit – Project Standards

In order to submit all required studies, plans, maps, analyses, and programs required of the project, the Applicant shall schedule a Pre-App Meeting with staff. The developer is also required to submit a development agreement that contains financial commitments identified in Section 4.33. All of the approved/required studies, plans, maps, analyses, and programs will become a part of the Development Agreement as attachments, outlining the commitments being made by the developer

If the applicant submits all the required items, through a Pre-App Meeting before the 3-year time deadline of the Preliminary Solar Use Permit, the tolling clock stops, marking the date of complete submittal, and the review for all submitted items begins. The staff will review all submitted items, hiring experts on each subject for specialized reviews, at developer's expense, if necessary. Any item submitted that needs changes/amendments/corrections, must be updated within 6 months of the date of complete submittal of required items.

Once all the submitted items are reviewed and accepted as complete and accurate, they are attached to the Final Solar Facility Use Permit to process to Planning and Zoning Commission for recommendations to Council. The Council will receive all the approved/required studies, plans, maps, analyses, and programs with Planning and Zoning Commission

recommendation, along with the Development Agreement, containing financial obligations of the developer/property owner, for their review and action.

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

1. **Zoning.**

- a. Utility-scale solar photovoltaic facilities may, with a Solar Facility Use Permit, be permitted as a conditional use on properties zoned AR-4 or AR-5.

2. **Siting Criteria.**

a. Solar project areas must:

- i. Maintain a minimum separation of three miles.
- ii. Be at least 1,320 feet ($\frac{1}{4}$ 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 any developed residential property, whichever is greater.

- c. All solar panels and equipment must maintain a minimum separation of 1,320 feet ($\frac{1}{4}$ mile) from any developed residential property.

3. **Limitations.**

- a. The cumulative maximum acreage for all solar project areas within the Town is 3,800.
- 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 ($\frac{1}{2}$ mile).

F. **PROJECT STANDARDS.** Utility-scale solar photovoltaic facilities must comply with the following project standards, F.1. through F.12. All Project Standards shall be reviewed by experts in the field at the applicant's expense. The review period for plans shall not exceed 180 days. If the review identifies necessary corrections, the applicant must make the required changes and resubmit the plans for subsequent

review. This process will continue until the plans meet all requirements and are deemed satisfactory.

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 shown 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.
- c. The developer shall provide a **Drainage Plan**, identifying any storm water concerns pre-construction, during, and post construction. This will also include a **Storm Water Pollution Prevention (SWPP) Plan**.
 - i. If determined necessary the drainage plan may include a stormwater reclamation and recharge component.

2. Wildlife.

- a. The developer shall provide a **Wildlife Protection Plan** developed in concert with and approved by the Arizona Game and Fish Department (AZGF) that includes a complete and accurate list of all wildlife and plant species that exist in, on, and within five miles of the solar project area, and identifies and plans for the necessary placement and maintenance of functional wildlife corridors and wildlife-friendly fencing. The developer shall provide proof of consultation with and approval by AZGF. Any reports, agreements, and review documentation shall be included.
- b. If AZGF determines that a utility-scale solar photovoltaic facility may detrimentally impact wildlife, the **Wildlife Protection Plan** must address participation in and support for AZGF wildlife protection programs. This

may include funding wildlife studies or providing pronghorn collaring to study impacts before, during, and after construction.

- c. The developer shall place and maintain functional wildlife corridors and wildlife-friendly fencing as identified in the **Wildlife Protection Plan**.

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 the Central Arizona Fire and Medical Authority (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.
 - (b) The updated plan will receive public review and comment at the Planning and Zoning Commission and Town Council, and will also be required to receive CAFMA review and approval.
 - (c) The developer shall provide proof of CAFMA's review and approval and include any reports, agreements, and review documentation.
- 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.
- b. The **Road Improvement Plan** shall reflect continued access to existing Forest Service Roads, if applicable.

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 determine suitable project screening. Determination of additional screening requirements may be made by the town 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, support structures, and equipment must be constructed to minimize glare or reflection onto adjacent properties and roadways, and have a sufficiently low Light Reflective Value (LRV) to 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 Plan**.
 - c. Panels shall use the latest construction materials and technology for environmental safety and shall react automatically to potential panel-damaging weather 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.

DRAFT

10. Property Maintenance

- a. The developer shall prepare and submit a **Property Maintenance Plan** for the solar project area. The Property Maintenance Plan shall include the following elements:
 - i. Landscaping
 - ii. Weed control and abatement including herbicide applications (types, amounts, and frequency)
 - iii. Site infrastructure maintenance
 - iv. Panel cleaning and repair
 - v. Fencing
 - vi. Drainage system
 - vii. Access roads
 - viii. Waste management

11. Water Usage

- a. The developer shall prepare and submit a **Water Usage Plan** for the solar project area. The Water Usage Plan shall include the following
 - i. Water Source Assessment
 - (a) Source identification
 - (b) Permitting and Rights, if needed from the State
 - (c) A **Sustainability Report** showing that the water required for the project can be provided from the source.
 - ii. Water Usage Assessment
 - (a) Determination of the volume of water needed for during construction.
 - (b) Determination of the volume of water needed for post construction operation.
 - iii. Water Recycling and Reuse Plan
 - (a) Outline what equipment and policies are in place to ensure the development is recycling and reusing water as efficiently as possible.

12. Decommissioning Plan.

- a. The developer shall prepare and submit a detailed **Decommissioning Plan** for the solar project area. The **Decommissioning Plan** must contain:
- i. A description of the project components and a sequence and description of the activities required to remove the same in compliance with this section within one year of decommissioning. The **Decommissioning Plan** shall ensure the removal of all poles, concrete, and other items placed below grade, the remediation of any environmental issues caused by the project, and the restoration of the land to its original pre-project condition. The **Decommissioning Plan** shall also ensure that all decommissioned equipment and solar panels are recycled to the greatest extent possible.
 - ii. 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 Plan**.
 - iii. 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 decommissioning the project as set forth in the **Decommissioning Plan**.
 - iv. Cash, an irrevocable letter of credit, or performance bond running in favor of the Town in an amount not less than the total estimated net costs identified in the above report.
 - (a) Such security shall be in place when project construction commences and remain in effect until decommissioning is completed.
 - (b) No such security shall be canceled without notice to the Zoning Administrator and approval by the Town Council.
 - (c) Each year, the developer shall provide proof that such security is in effect.
 - (d) The developer shall have the above report updated and provide the updated report 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 above shall be adjusted accordingly.

G. ADMINISTRATIVE REQUIREMENTS.

1. Public Outreach.
 - a. An applicant for a Solar Facility Use Permit shall propose a **written Public Outreach Program** for staff approval. The program must address how the developer will, from the commencement of the utility-scale solar photovoltaic facility project, work with the Town to ensure effective public outreach and keep the public informed about the project.
 - b. The developer shall pay all costs for required notifications, facility rentals, and community meetings.
2. Development Agreement.
 - a. Issuance of a Solar Facility Use Permit is strictly conditioned on the developer executing a development agreement setting forth the developer's requirements to construct, operate, and eventually decommission a utility-scale solar photovoltaic facility in compliance with this section. The development agreement must:
 - i. Be prepared and executed in accordance with A.R.S. § 9-500.05 and any applicable requirements of this code.
 - ii. Set forth the developer's requirements under this section.
 - iii. Address and include as exhibits all applicable programs, plans, maps, lists, studies, and analyses required under this section.
 - iv. Include an annual payment-in-lieu-of-tax (PILT) 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 agreement and shall be adjusted every three years based on the average CPI for the previous three-year period.
 - b. Nothing in this section obligates the town to enter into any development agreement.
 - c. It is the intent of this section that the development agreement not reduce, waive, or otherwise exempt the developer from the requirements of this section.
3. Review and Approval.
 - a. The project's site plan and, if applicable, rezone must be reviewed by the Planning and Zoning Commission and the Town Council to ensure compliance with the siting requirements. If the Town Council approves the site plan and rezone, the applicant shall have three years to satisfy the remaining requirements of this section.

- b. The project's public outreach program, development agreement, and project standards, including all applicable programs, plans, maps, lists, studies, and analyses must be reviewed by staff. After staff reviews all the same and deems them complete, the proposed development agreement will be transmitted for review and possible approval by the Planning and Zoning Commission and the Town Council in public hearings, with the final decision made by the Town Council.

DRAFT



November 4, 2024

Development Services Department
Town of Chino Valley
1982 Voss Drive #203
Chino Valley, AZ 86323

RE: Comments and Support for TA-2024-04 — Utility Scale Solar

Dear Planning & Zoning Commission,

Our team has been eagerly anticipating the results of the Town of Chino Valley's regulatory framework for reviewing potential Utility-Scale Solar Photovoltaic Facilities within the Town. We are very grateful for the efforts made by the Town in this regard and applaud the Town for creating a framework which is comprehensive and raises all the important considerations for this development type. After reviewing the proposed ordinance, we wanted to share our feedback on certain aspects of the ordinance and ask that the Planning & Zoning Commission consider these at their November 5th meeting.

We would like clarification that the "Step 1" Conditional Use Permit is a ministerial review criterion for Town Council to approve.

For already zoned AR-4 and AR-5 properties, the Step 1 criteria listed in the Solar Ordinance appears to be largely a function of measurement, lot size calculation, and zoning verification. Our hope is that Step 1 submittals can be expeditiously reviewed by Town staff, the Planning & Zoning Commission, and the Town Council.

Separating Solar Facilities by 3-miles should be measured between respective Solar Panels and Equipment not from the Solar Project Area.

It appears that the Town's intent for the three-mile separation requirement is to ensure that no single area is overly concentrated with solar and that desired setbacks to residential property and the Peavine Trail are accomplished. With that being the intent, we feel it is important to treat the separation distance criterion uniformly with how the separation distance from Developed Residential Property is currently stated in the proposed solar ordinance, namely, that "Solar Panels and Equipment" is the measurement point between solar arrays and not the "Solar Project Area". The Solar Project Area could ostensibly be much larger than the actual area where solar facilities are located, because of buffering and grading requirements among other standards, and this could lead to scenarios where the distance requirement has no rational connection with the underlying purpose of the standard.

We therefore propose that Section 4.33(C)(2)(a) be substituted to read that “Solar Panels and Equipment must.” We note that this change would not change the Step 1 CUP process because that Step 1 process in Section 4.33(F)(1) requires submission of a site plan and that site plan would need to identify where solar panels and equipment could be located.

The Community Benefit requirement is a good requirement that will benefit the Town but we are seeking clarification as to what the expected Community Benefit Amount would be based on.

Solar development has shown to bring a variety of community benefits including increased tax revenue, road improvements, impact fee contribution, job creation, solar developers investing in local scholarships and workforce training, etc. We ask that the Town provide additional information regarding whether the Community Benefit has any direct relation to the Solar Developer’s impact on roads or other community benefits which solar projects typically bring.

Limiting construction to 8am to 5pm on weekdays will have the unintended outcome that construction will take longer.

We suggest removing this construction hours limitation and instead relying on the existing noise ordinance of the Town. If specific projects that are proposed are likely to disturb neighboring properties, then use the Use Permit process and Construction Noise Contour Impact Study Map to adjust the construction hours prior to approving a specific project. Alternatively, we request changing the construction hours to 6am to 7pm Monday through Saturday. Note, the shorter the construction hours, the longer the construction proceed will take overall.

Appropriate modifications to the Solar Ordinance should be allowed if justified by specific CUP proposals.

The Town Council needs to be equipped with the ability to appropriately modify the proposed requirements on a case-by-case basis. Currently the Town does not have a planning tool in place by which it could potentially lessen a setback requirement for a project that could have less impact on the community. Developers should be allowed to present the benefits which their specific project holds and get individual consideration before the Town. Rather than restricting the ability to bring great projects, the Town should be able to consider projects and say no to projects on their individual merits.

The Town Council should give itself flexibility to deviate from the framework of the solar ordinance. For instance, the solar ordinance requires that project site grading not exceed 20% of the total acreage. There may be a scenario where a parcel was previously disturbed in excess of 20%. Rather than reject a proposed project because of the specific conditions of the site, we propose language be added which could allow the Town Council to modify that condition, if warranted. Language such as the following could be added to Section D such as: “Modification to these Project Standards may be approved if modified standards are approved by the department in charge of reviewing the standard and if justified by submission of plans and studies showing the intent of this section is maintained.”

BESS placement requirement may result in additional safety concerns, rather than protect citizens against the very small risk of battery fire.

Please see attached opinion letter from one of our trusted electrical engineering partners on this matter.



In conclusion, these solar projects can bring a host of benefits to the Town and we appreciate the Town's work on drafting a well-conceived ordinance. We believe there is still work to be done in terms of informing residents regarding what these proposals entail and how they could benefit the Town. We are overall supportive of the ordinance and thank you for your consideration of the items raised in this letter.

Thank you,

Sarah Rypkema

Sarah Rypkema
Project Development Manager



40 E. Montgomery Avenue, Fourth Floor, Ardmore, PA 19003

843.469.4676 | sarah@prospect14.com | Prospect14.com

Technical Memo: Engineering Opinion on Large Scale Battery ESS Placement

Engineer: Roger DS Manzi | Roger.dsmz@rydbergpower.com | +1 949 466 2540

Date: 11/01/2024

Memo to:

To Whom It may concern,

Based on recent communications with a PV Solar + Battery Energy project developer with intentions to invest in a project in the Town of Chino Valley, Az — Rydberg Power, Inc. is pleased to offer our Engineering Expert opinion on ideal placements of Battery Energy Storage Systems (BESS).

Rydberg Power is an is an engineering consulting group focused on providing design & engineering services to renewable and sustainable commercial, utility scale photovoltaic (PV Solar) and BESS projects, whether during development and post-development stages. Our experience spans over 7.2+GWac (in-construction/constructed), 35.7+GWac (in development) of engineering & design experience, 422.5MWg/1538MWh of BESS, 11 EV Charging stations in 4-continent.

It is our understanding that the current draft of the Solar Ordinance states that: <<**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.**>>

Although we understand the positive intentions of placing the BESS at the center of the solar array field, this placement creates further issues that need to be carefully considered.

- I. In case of a BESS Fire, if the BESS is located at the center of the solar array field, it would put the Fire Fighting agents at risk, as they would first have to drive through the solar field which could also catch fire anytime in case the BESS fire contaminates the array field. Important to note that Solar Panels are energized with High Voltage DC power (up to 1500Vdc) as the long as the solar irradiance is available (light).
- II. Generally, by putting the BESS near the substation, and further from the array fields (at a corner point of the site, or isolated point of the site) allows the following:
 1. Easier access by the fire department,
 2. Creating an immediate fire break around the BESS,
 3. Easy isolation of the BESS by removing the need to drive back and forth to the substation isolation point,

-
4. Removes the likelihood of fires/faults due to underground cables from the BESS to the substation,
 5. Allows to cover the BESS area + substation area + Gap between the BESS/Substation and the PV Field—with gravel, which would act as a fire-retardant/passive fire break in case of a fire event.
- III. Locating the BESS in the center of the solar field will increase length of underground High Voltage cable runs- increasing fire risk and rendering the projects nearly impossible to build and operate profitably. It would be a suboptimal design, and unsafe facility to operate.
1. The project would now need to run unnecessarily long High Voltage (34, 500Volts) Underground cables from the BESS at the center of the solar field, to the Substation/or Point of Interconnection. The Substation is usually located near an existing road, ROW/Transmission Line Corridor---which tend to be at the corner or edge of the array, and rarely located at the center of the array field due to the fact that the interconnecting utility companies insist on having unrestricted direct access to the substation and point of interconnection.
 - a) Now, the longer the High Voltage Underground cable runs, the higher the risk of someone accidentally hitting one during excavation/maintenance on site, risking causing a massive High Voltage triggered fire, which would almost certainly expand to the nearby DC Solar array field, creating a cascading effect.
 - b) If we put these High Voltage Cables overhead, we risk creating a cluster of power poles/multiple cables that can easily snap/pole s falling and risk causing a fire starting with nearby grass and having so many poles too close together certainly isn't visually appealing.
- IV. Shown below is an exhibit (Image 1) showing what an Ideal arrangement for the PV Solar and the Battery ESS facilities next to each other.

Rydberg Power, Inc.

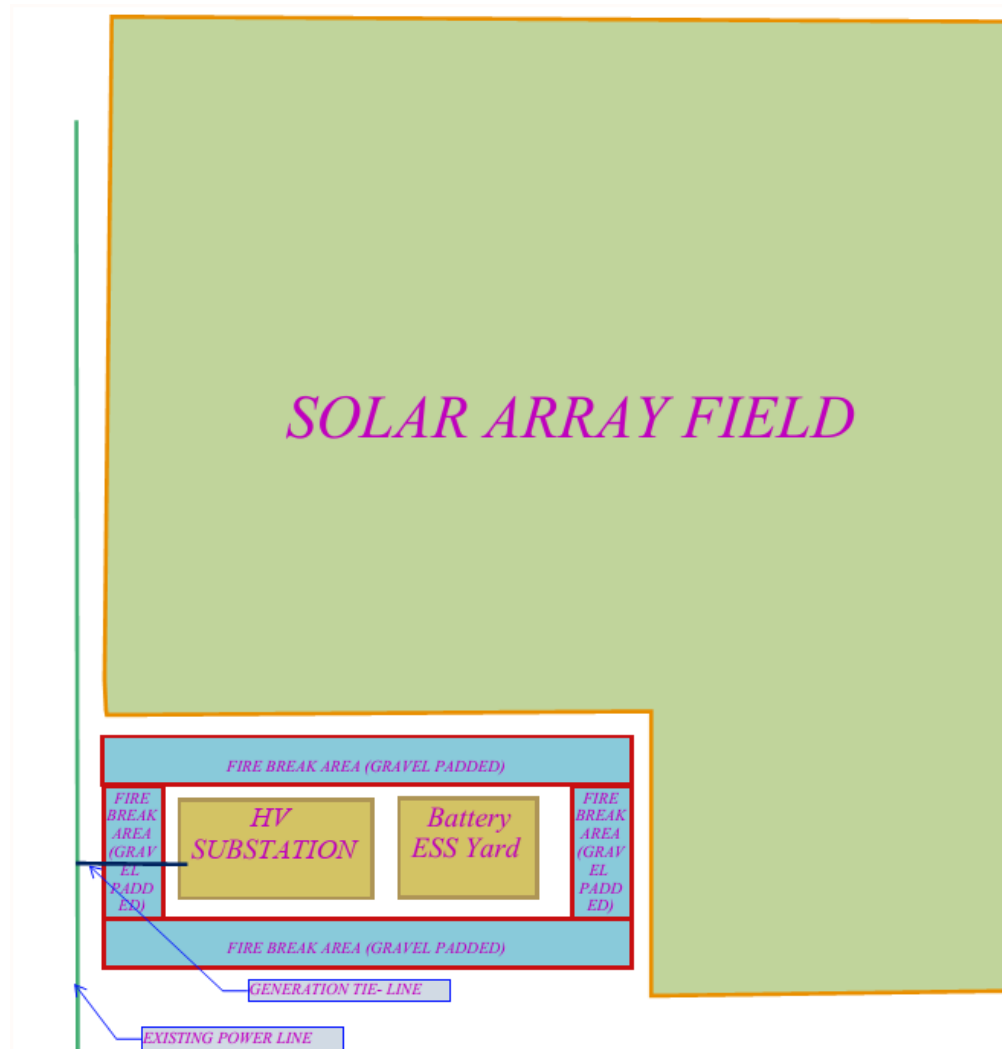
Riverside, CA 92563

www.rydbergpower.com | +1 949 466 2540



Rydberg Power, Inc.

- ❖ Ideal placement of a PV Solar Facility and the Battery Energy Storage System relative to each other.



Should you have any questions, please contact me by email at Roger.dsmz@rydbergpower.com,

Kind Regards,

Roger DS Manzi

Director of Engineering | Partner,

Rydberg Power, Inc | +1 949 466 2540 | Roger.dsmz@rydbergpower.com

Dus Rog Manzi



November 4, 2024

Development Services Department
Town of Chino Valley
1982 Voss Drive #203
Chino Valley, AZ 86323

RE: TA-2024-04 — Utility Scale Solar – Support Letter and Considerations for Proposed Solar Ordinance

Dear Planning & Zoning Commission,

We would like to first thank the Town of Chino Valley for undertaking the effort to create comprehensive regulatory guidelines for the development of Utility-Scale Solar Photovoltaic Facilities within the community. As a developer of 26 operating projects throughout the United States, Lightsource bp is committed to participating in community-based initiatives to facilitate quality projects that are harmonious with community goals and bring benefits to the areas where we operate.

We are grateful for the opportunity to work with the Town of Chino Valley to develop a future solar project that will deliver numerous benefits to the Town and its residents through job creation, enhanced local tax revenues and by creating locally generated energy.

We believe that a well-crafted solar ordinance will allow the Town to review future projects on a case-by-case basis, based on their merits and alignment with the ordinance. As with any type of development that will bring economic growth to a community, it is important that new regulations find the right balance between ensuring community safety, reasonable guidelines, and facilitating quality growth and economic investment into the community.

With that in mind, we offer brief comments and suggestions on the draft ordinance language:

1. **4.33.C.3.a (Limitations).** Limiting solar development to 3,800 acres also means that the potential public benefits are limited as well. Generally, Lightsource bp projects provide numerous benefits, while having minimal impact on public services, and generating little traffic, noise or other activity during operations. We believe that the other regulations within the ordinance, in concert with transmission and land limitations, will act as a natural limitation on development in the area. *Therefore, we recommend removing this section.*
2. **4.33.C.2.a.i (Siting Criteria – 3-mile separation).** Separating Solar Facilities by 3-miles from other similar facilities is contrary to regulations in other jurisdictions, where the emphasis has been on congregating the solar uses together. Such a large separation could cause projects to be spread throughout the community and move closer to residential areas. The other set-back criteria within this section would sufficiently address any concerns with proximity to adjacent land-uses. *Therefore, we suggest removing this section.*

3. **4.33.C.2.a.iii (Siting Criteria – setbacks from property lines).** We agree that a 50-foot setback from non-participating property lines is appropriate, and our project is including this as the minimum setback in all designs. The setback generally does not apply to parcels within the project site, as projects can be inclusive of multiple parcels. *Therefore, we suggest adjusting this section to state the setback is from non-participating parcels.*
4. **TC-2024-04 – Previously Approved definitions.** The previously approved definitions are logical and comprehensive. However, with respect to the “Solar Project Area” definition, we would like to share that Solar Projects often include areas that are under lease to the project, but that remain undisturbed or act as natural buffers and are outside of the project fence-line. In an area such as Chino Valley, we are striving to include appropriate corridors for wildlife migration and required setbacks and retain the ability to custom-design our site to minimize impacts to viewsheds. The current definition includes these as part of the project area, that then must be subject to an additional setbacks, which would lead to a potentially illogical layout. *Therefore, we suggest adjusting this definition as follows:*

Solar Project Area: The total acreage encompassed by a solar facility, including buffers, and wildlife corridors, and other areas that remain unfenced and undisturbed that are contained within the fenced project boundary.

We again thank the Town for the opportunity to comment on the draft ordinance, we look forward to working with the community to develop a quality project that will bring economic benefits to the community for many years to come.

Sincerely,

James Le Strange
Senior Manager, Project Development

Paulette Rush
Community Relations Manager

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



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 dialog 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 shown 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.