



A G E N D A

Town of Chino Valley
Planning & Zoning Commission

February 4, 2025



Commissioner's Regular Meeting Agenda
Planning & Zoning Commission
Chino Valley Town Hall
202 N. State Route 89
February 4, 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 – JANUARY 7, 2025 REGULAR MEETING
 - C.2. WITHDRAWALS BY APPLICANT – NONE
 - C.3. CONTINUANCES - NONE
 - C.4. APPROVALS – NONE
- D. PUBLIC HEARINGS – ONE
 - D.1 **TA-2025-01** — A request to amend the Town of Chino Valley Unified Development Ordinance, Section 1, Administration and Procedures, to update zoning amendment procedures for residential rezoning to include approval time periods in accordance with state law.
- 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.

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Planning and Zoning Commission Meeting Minutes January 7, 2025

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, January 7, 2025, 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 William Welker and Commissioner Richard Zamudio. Robert Switzer had resigned from the Commission as of December 9, 2024, and has accepted a position on the Town Council.

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

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

CONSENT CALENDAR – A motion was made by Commissioner Meadors to accept the consent agenda. The motion was **seconded** by Vice-Chair Pasciak and Commissioner Zamudio and passed unanimously by a 6-0 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. Merritt shared he had spoken to Councilmember Switzer regarding this item.

Will Dingee, Assistant Director, stated that this was part two of TA-2024-04. It had been brought before the Commission at the November 5, 2024, meeting. He clarified that the meeting was not a request for a zone change, nor to approve any solar project. It was to review a proposed Ordinance. He shared the changes that were proposed to the draft Ordinance based on the Commission and public concerns. He stated that Town staff had received three letters from developers within the solar community with concerns and brought up a slide that showed their concerns. Dingee explained that no changes recommended by developers were incorporated into the revised draft Ordinance. He recapped the changes made by Town staff and shared slides of these changes to the draft Ordinance. Staff recommended that the Commission forward a recommendation of “something” to the Town Council for Text Amendment TA-2024-04 as presented in the staff report subject to changes made at the meeting.

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

Pasciak asked where in the draft Ordinance the stormwater prevention plan could be found.

Dingee responded F. Project Standards - Section 1C

Penn asked what the dollar benefit to the Town would be if a project were to get approved.

Dingee replied it would be subject to the project acre size, approximately 2-3 million dollars per year to the Town of Chino Valley.

Lineberry explained it would be between \$500 to \$1,000 per acre, per year.

Merritt clarified it would be for the life of the project, through decommissioning.

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

Rhonda Ceremony, Firesky Lane, Chino Valley – “Good evening, my name is Rhonda Ceremony, I live in Firesky Lane in Chino Valley. I have five points of concerns. The land use Chino Valley General Plan approved on June 27, 2024, designates Ranch Agricultural and open space areas as suitable for solar development under the land use clarification. Utility scale solar projects given the size infrastructure requirements and potential impacts on surrounding communities should be classified as commercial land use. Water concerns - a critical issue on the source of water from these utilities scale projects. Additionally, there is no clear plan to address the financial responsibility if wells go dry due to the significant aquifer withdraws on a solar, utility scale solar. The concern is especially pertinent given that such issues already exist in Chino Valley and the Tri, greater Tri City area, since Prescott and Prescott Valley get water from Chino. It is imperative that the Ordinance includes provisions to ensure that future property owners are legally bound to adhere to the conditions agreed upon by the original project owner, because a lot of these sites get sold once they're completed. This should be explicitly covered, long-term maintenance and decommissioning responsibilities of the new owners. It is unclear whether a consultation with CAFMA (Central Arizona Fire and Medical Authority) has been conducted regarding fire suppression measures and other public safety concerns associated with the solar project. Such consultation should be required before the Ordinance is approved rather than reactive to public safety planning. The Ordinance appears to me to have been written with a specific project in mind, which raises concern about fairness and transparency in the process. It is critical to establish a clear and equitable framework and prioritize long-term interests of the community over individual commercial entities. Thank you.”

Karen Estorez, 1775 S. Johnson Lane, unincorporated County – “I’m Karen Estorez and I live at 1775 S. Johnson Lane in Chino Valley. I’m diametrically opposed to this whole project, and I totally concur with the woman before me just said and didn’t move here to have all this implode on us. Thank you.”

Doris Fossen, 1820 W Road 1 South, Chino Valley – “I’m Doris Fossen, 1820 W Road 1 South, Chino Valley, Arizona. I concur with everything Rhonda said, she summed it up pretty well. We’ve got those same discussions especially with the wells, and the wells in southern area of Chino going dry, and we don’t need any more of that.”

Cara Hamer, 210 Cottontail Drive, Chino Valley – “Hi there, good evening, that’s my alias. My name is Cara Hamer. I live off Cottontail Road in Chino Valley, Arizona. Wasn’t really anticipating to talk tonight, but there’s so many different points to hit. First off, you mentioned staff a lot in the who recommends. I don’t know who the staff is, but maybe they’re not the people that bought those homes that overlook the beautiful fields with the pronghorn. You know how you talk about oceanfront property in Arizona, well that’s it. Those beautiful pronghorns, the big grass fields. People buy those properties so that they have those views. To live there and then have it change and have solar farms kind of sucks. And for someone to say that it’s not going to affect the property value, okay let’s maybe not say it doesn’t affect it. But let’s say you have one house that looks one way on a property with pronghorn in open fields where they purchased, and then another property with all the solar farms, which one’s going to sell first, which one’s going to sell for more money, right. That’s part of the beauty of Arizona and Chino is the views, the pronghorns, the big open fields. So, if you’re going to go forward, be respectful and allow people their views and maybe hide the solar panels behind one of our beautiful rolling hills, you know. Give people that honor and I concur with everyone else. I didn’t know again I was going to talk tonight, but I was just thinking of the views and why people move here and that’s definitely one of the reasons I moved here. So, thank you everybody for listening to everyone tonight.”

Bev Wilson – 1777 W Road 2 North, Chino Valley – “I’m Bev Wilson and I live at Road 2 North here in Chino Valley. I love it here, I’ve seen you before, hi. It’s rural and I agree with the lady who just spoke. We moved here for the beauty of it. If we put those solar farms in there, it changes everything. I’m not sure, I’m not up on this and I hadn’t planned on speaking either but has there been an environmental study done on what this is going to affect, actually affect. I agree with the first lady, she was very well prepared. I respect that. Anyway, I am adamantly opposed to this because I do believe it will affect our

lifestyle here and the value of the lives that we live. I think there are other ways to have solar power that doesn't have to destroy the community, the views, the animals, the water, doesn't have to jeopardize it. And even if we make three million dollars a year in the community, is that worth it? Three million dollars in today's society is nothing, we can make it another way. Thank you."

Stacey Wagner – 9160 E. Twilight Ridge Road, unincorporated County – *"My name is Stacey Wagner, I live in Mingus Meadows, which is part of unincorporated Yavapai County, and I agree with everyone that has spoken. We lived in Prescott, up on the mountain. We could see everything, and we moved out to Prescott Valley for the wide-open land and the wide-open spaces. And this project is supposed to be right next to our property, with the power lines going right behind our property. So, it will ruin our dream of having this beautiful place. And another thing I want to say is my husband and I drove to California a couple of months ago and back, and I notice that all of their solar farms are out in the middle of nowhere. Not by properties, not by residential areas. And even their windmills are not by residential properties or anything. So, if you get approached, I would like you to consider all of those facts when it comes to solar farms. Thank you."*

Pasciak reiterated that the Commission was looking at a draft Ordinance to be able to make a recommendation to the Town Council. The Commission was not looking at any solar project, and that no projects have applied to the Town at this time. He stated that everyone said how much they like the views, and that views stop at their property lines. If someone wanted to continue to enjoy the view, then they would need to buy that land, that was reality.

Richard Huck – 12960 N. Bent Spur Court, unincorporated County – *"Hi, my name is Richard Huck, I live in unincorporated Yavapai. Excellent point about what we're talking about here. What I'm after here is setbacks. Yavapai County went for a mile from a residential house. They've got their, Yavapai County is larger than four individual states, so you guys don't have the scale that they have to be able to say that. But yet the intent should be there to try to keep this stuff away from the residents. Everyone who spoke so far was absolutely correct in that they want to look over that beautiful view and not see solar panels. Quarter mile is not far enough, please consider half mile at a minimum. If they, if you need a waiver because that half mile ruins a project, then let's do that at the waiver state. Let's not do that at the Ordinance state. Half mile, three-quarter, Yavapai said a mile, I like that a lot. Thank you for your time."*

Ann Yoshinaga – 9050 E. Pueblo Libre Road, unincorporated County – *"Good evening, Ann Yoshinaga, Mingus Meadows, unincorporated Yavapai County. So my issues, I have a few. I don't know if you just saw in the news that LaPaz County just approved a 3500-acre solar farm, but it's far away from any residence. It's against, it looks like it, from what I could tell from google maps, it looks like it's by the 10 freeway. So, when the BESS catches on fire, then they're going to shut down the 10 for a couple of days, couple weeks, who knows. If you looked at the review, of the analysis of the Peoria BESS fire, it brings up some very concerning issues that I think need to be considered when looking at an Ordinance. To protect the community, the, our personnel and the citizens. The General Plan does not really, doesn't specify utility-scale solar farms, it talks about microgrids and solar, whatever you want to call it, that support the community, not states, not looking at regional states but regional area. So, I really think we need to look at that. Kind of on a side note, if you ever saw Landman, the Taylor Sheridan, just came out. I just happened to watch it the past weekend. It's interesting because the first five minutes of that kind of gave me a preview of what's going on here, except instead of oil fields, we're talking about solar farms and huge enterprises. Unfortunately, this has to, may have to do with foreign entities capturing all this money, millions if not billions of dollars at the expense of the community. I think we really need to look at that. People moved here, we need to listen to the community, not so much big business. Big business does not live here. Thank you."*

Keng Chan – 9060 E. Twilight Ridge Road, unincorporated County – *"Keng Chan, unincorporated Yavapai County. I'm going to start by pointing out something from your General Plan, okay. We are committed to preserving our community's expansive vistas, endless grasslands, and stary nights, while supporting limited unsustainable growth. Maybe they should have changed that to say unlimited solar panels and expansive vistas of glass. Well, we keep hearing that Yavapai County or Chino Valley is promoting the health, safety, convenience, and welfare of the Town of Chino. There is nothing in the draft at all, and there's not been any mention anywhere about the dust that's produced during construction."*

We brought up the issue of water before. Guess what, what does industry always tell you, oh we don't use water to clean these panels, oh this water goes back right into the dirt, it's not a big deal and there's no contaminations. Let me tell you what it does do. We've already found, and CDC and NIH have already come out and said dust is an issue, valley fever is an issue. Look up the studies, it's there folks. Did they look at it, have they actually looked at any of the negatives or did we just talk to solar industry. Guess what, there was a solar farm that was only a thousand acres, not 3,800, a thousand acres. They used 20 million gallons of water in two months. That's 10 million gallons per month for a thousand acres to keep the dust abatement down. And that was after they were fined \$3 million for keeping, not preventing the dust, okay. So, we keep talking about where applicants are going to be required to submit a usage plan or whatever else. Well, let's look at what they're going to be submitting. Look right at Prospect 14, the paperwork you got tonight. They actually refer to a report from their expert, Ryberg Power. Well, who's Ryberg Power, look at their own webpage. They do design and consulting specializing in power and PV solar engineering, design interconnections, and land development consulting. Well, we talk about Darren Coffee who says there's no impact to property value. What size project did Darren look at? When you look at any of this research that they've done, they've done research on projects of several hundred acres, not 3,800 acres. AriSEIA (Arizona Solar Energy Industries Association), let me give you a quote directly out of their information, which is public knowledge and it's available publicly. They look at the reliability and economics. Oh, let's go back to the Ryberg Power report, it says right here in their own report, for them to operate profitably. So, when we look at what these experts are telling us, why are we allowing only experts who are pro-industry. How about we look at the experts who tell us what's real. How about we look at the experts who tell us people in this area are going to get sick. Thank you."

Laura Chan - 9060 E. Twilight Ridge Road, unincorporated County – "Hello, thank you for your time to speak. My name is Laura Chan, I live in unincorporated Yavapai County. And but I'm a lover of Chino and Yavapai County and why we all live here. I would like to say, I never thought I would say this cuz I'm not anti-solar, but I believe this Ordinance need to, needs to say no utility-scale solar in Chino Valley. We need to grandfather in the existing solar facility with no expansion. The reason I say this is when we talk about that 9.5% of grassland, that's on top of everything that we already have, that's our city. If we love our, I'm not, I don't even care about a view, I care about our way of life. If that can't be, then this Ordinance must be specific. It must provide requirements. An example, I'm running out of time, example I want to put a shed on my house, it needs to be so far. Well, I know that, I get a waiver. But in this solar, in this solar Ordinance, I want, what is it 50 feet, 200 feet, I can't even remember what it is. But, all right, they can do that, 50 feet, quarter mile off a property. Well how do you then go back and say, I'm sorry it's not appropriate for this area. It needs to be a mile and grant a waiver. Things matter, when you expect a proposal, I build a proposal based on what do I, you know, how, what I can get away with. It's economics, it's money, it's the bottom dollar. And so that's where I'm like, I'm really confused with this Ordinance. Chino, we don't need to be, our valley doesn't need to be solar fields. NIMBY, oh sorry, NIMBY (Not In My Backyard), but when I was going around and asking questions, when you ask someone do you want large-scale solar, they'll say yes. And then when you turn around and you ask, but okay, do you want it in your backyard, you know what their first response is, no, or they're silent. Let's keep Chino Valley, Chino Valley, and Yavapai County, Yavapai County. Thank you so much for your time.

John Gillespie – 7144 E. Stetson Drive, Scottsdale, Solar Development Team - Rose Law Group – "Chair Merritt, members of Commissioners, my name is John Gillespie. I'm a land use attorney with the Rose Law Group, 7144 E. Stetson, and our firm works on energy projects throughout the state and these projects certainly provide a general benefit to Arizona. But they can also provide a direct benefit to local municipalities where they're developed. Some of these solar developers are among the largest companies in the entire world, and they no doubt can do a lot of good for this town. We found that utility-scale solar development can yield great benefits to communities including construction job creation, economic boost to local businesses, significant increases in tax revenue, and investment in local public services. It also yields a land use which doesn't create noise, has minimal impact on water uses, doesn't create traffic or increase population, and ultimately is decommissioned in a way that allows the community to utilize that land differently in 30 to 40 years, when the land needs have evolved. Compliments to staff and the Commission for preparing an Ordinance which is as comprehensive as any

other Ordinance in the entire State. The reports being required will ensure that potential developments are addressing fire, water, road improvement, wildlife protection, decommissioning, views, and financial resource considerations among others, which will ensure that each proposed project yields significant information to guide good decision making. I know many people have expressed some concerns about impacts to water, but I suggest that a lot of that is the result of misunderstanding. First, solar uses almost no water, and certainly uses less, significantly less than farming, residential, or commercial uses. Next, solar does not result in the kind of chemical run, in chemical runoff. Researchers right here in Arizona have been farming and growing crops right underneath panels. The University of Arizona in Tucson has been one of the world leaders in doing this testing and research, and they have found that there are no soil contamination issues from solar, and there are actually numerous benefits of growing food, food that can be eaten, right underneath the panels. I know my time is limited here, but I think this is the kind of thing that the Town can make developers demonstrate when they consider each individual project. And, if the developer cannot make the Town comfortable at that time, then you cannot approve that proposed project. If we were drafting this Ordinance based on our experience in other jurisdictions, then we would likely have proposed some differences and standards, such as lowering setback requirements and different project separation standards. But what is being proposed does appear to align with the Town's General Plan and will at least provide the opportunity for projects to be proposed. The Town should have all the tools at its disposal to reject specific projects that it doesn't feel provide a community benefit and accept projects that do provide enough benefit. Ultimately, having this Ordinance in place as presented will ensure that the Town can reject proposals that don't meet the community needs, and that it accepts only the best projects that will show a significant benefit to the Town. Thank you."

Cyndi O'Daly - 8055 E. Dog Ranch Road, unincorporated County – "Hi there, my name is Cyndi O'Daly, I live Coyote Springs, unincorporated Yavapai County. I just want to say I do concur with both Rhonda and Mr. Chan. They had some great talking points. Our community out there, we're a very big equine community, so we have a huge concern with, there's many of us that ride out in the state land out there, and use that to ride our horses. Water contamination for our horses is a huge concern, and we're just like to keep our land our land. Thank you."

Yolanda Moneglia - 870 Sycamore Vista Drive, Chino Valley – "I'm not a speaker, but just want to let you guys know, been here since the 80's, and I have a filter on my well that comes, that's connected to, how can I say it, where you store the water (pressure tank). Just recently it's gray, it's brown. I was going to let you guys know, but something's going on with the wells, and is just now happening. I don't know, and where my property's located, the water is excellent, like 250, but I'm concerned, and I was a part of the adjudication for the water, and I'm not on the adjudication anymore, but we do have problems with water. So, I don't know much about the reasoning for you guys wanting to do the solar, but I think we do need more information because I just found out last minute. My daughter called me and this, everything's live right now, what you guys are talking about. And don't know much about solar, but I would like to know more reasoning behind, the reason why you guys want the solar, not just because of money, or you're getting a grant. Yeah, I understand that our view stops at our property line, but I like to look out of my property line too. So, I heard somebody in here when I was on my way here make a comment about that. Just remember who elects you, I didn't like that comment either. So, but yeah something's going on with the water, y'all need to find out. Another thing too, we got a lot of potholes in Chino. I would like to know what's going on with that before the solar comes in. But yeah, I just like to know more about it, not it do, does the Town want to put it in for the pot farms, the weed farms. What's the reasoning behind it, I don't know much about it. Tonight's the first night I heard about it, so, but we do have a water problem, and we ain't got no rain this year y'all. So, I worry about the fires that are coming, California is burning up right now, it's not even on any of our news channels here in Arizona, but my mother called me, the Palisades. I'm talking about millions of dollars of homes. So, I think we need to put our priorities in order. Thank you. Oh yeah, and I watched the Landman, that's a good movie. And you know what they were talking about, they're talking about gas and solar, and them windmills in California, they were talking about how expensive that is, the concrete, what to put in, gas is cheaper."

Merritt clarified that the Commission was not elected nor were they paid, that they volunteered to serve the community to the best of their efforts. He reiterated that the Commission was reviewing and discussing a draft Ordinance, and that no specific solar projects had been presented to the Town. He stated that the solar developers had been politicking the Town to get an Ordinance written, not for a

current, specific project, but for the possibility in the future. The only input the solar developers gave to the Town staff was when the staff sought them out to share their expertise, not for their position in a solar business. The Town staff had put together the best draft Ordinance possible, which far exceeded Yavapai County's Ordinance.

Brian Lantero – 9210 E. Twilight Ridge Road, unincorporated County – *“Thanks for pronouncing my name so well, that’s fantastic. Brian Lantero and I live in Mingus Meadows, unincorporated Yavapai County, and I’m really, I’m not going to dive into, you know, detailed numbers and facts because we just don’t have enough time. So, I’m a CPA by trade so I’m just trying to give, first of all, I know this Council is not here, or this Zoning Commission is not here to decide whether or not you do utility-scale solar projects, but let’s just think about solar in general, utility size scale. Do they make money, no they don’t make money. So, how’s this whole business, you think about it, if they make money, we’d have a lot more than one percent of all of our energy from solar and renewables, etc. But they get large tax breaks, and it’s all, without going into a lot of detail, it’s a very much of a balance sheet trick. We’re getting big liability, we’re going to pay a couple of million a year to the Town, but on the other hand we’re going to have this big tax credit that we’re getting from the state, from the feds, and this grant, so we’re going to pay off that liability with this credit. But just to get to the Ordinance itself, I’m a big believer that we read the General Plan. This is not what they had in mind, and I believe the Ordinance should be amended and adjusted for the kind of solar power that the plan describes, which is the way that Ann mentioned earlier, microgrids, the microgrids which would in an emergency supply energy for the Town of Chino Valley. And I did just want to bring up one point about the impact to the value of the properties, and I want to point the staff to the study that was done called the “Primary source of chronic methodology regarding damage studies”, third edition of Real Estate Damages published by Randell Bell, PhD. And just to give you a quick idea, the results of this study, which I can provide, show between a negative eight to a negative 30 percent decline in value of real estate adjacent or near solar energy generation power systems. And, if you still don’t believe that property values are impacted negatively, look at some of these plants that are out there right now. Lighthouse BP has something called the neighbor agreement, where they will pay neighboring properties anywhere from \$30,000-\$60,000 to go along with a plan, or something similar, to be a good neighbor and say that they’re in, they’re in agreement with the plan. Thank you”*

James LeStrange – Solar Development Team, Lightsource BP for Draconis Energy Project – *“Good evening everyone, James LeStrange from Lightsource BP on behalf of Draconis Energy Project. Thank you for the opportunity to speak tonight, my name is James LeStrange and I’m a developer at Lightsource BP, where we build and operate solar projects throughout the United States. Our mission is to develop projects designed with the community in mind, contributing to energy independence while aligning with local values and priorities. At Lightsource BP we respect Chino Valley’s local land use authority and greatly appreciate the thoughtful effort that went into drafting this Ordinance. We believe establishing clear community-centered guidelines is crucial to fostering responsible growth. We are evaluating bringing a solar energy project to Chino Valley, and it would bring significant benefits to Chino Valley. During construction, it would create 450-500 jobs offering substantial economic opportunities for local workers and businesses. Over the long term, the project is expected to generate tens of millions of dollars in new property tax revenue, which will directly support the Chino Valley School District, public services, and infrastructure, without increasing taxes for existing residents. Additionally, with an annual operations budget of several million dollars, largely spent within the region, the project will provide sustained support for the local economy. We’d also like to address some of the concerns that have been expressed regarding utility-scale solar. One – water contamination – Lightsource BP requires all of its solar panels to pass strict testing protocols established by the EPA to ensure they are not hazardous to people or the environment. Lightsource BP does not buy panels from any manufacturers whose panels have not passed this rigorous testing process. Protecting wildlife – environmental stewardship is a top priority; our team conducts thorough studies to minimize impacts and works with experts to implement protective measures for local wildlife and habitats. Proximity to homes – We carefully design projects with appropriate setbacks, screening and buffering, to ensure harmony with surrounding neighborhoods, and maintaining the area’s rural character. At Lightsource BP we take pride in developing projects that not only deliver clean, reliable energy, but also enhance the communities where we work. We’re committed to collaborating with Chino Valley and regional partners to ensure this project respects local values, drives economic growth and supports energy independence. In closing, we feel that solar development is*

one of the best uses of the available land for several reasons, to include quiet for neighbors, improved power grid reliability, minimal water use, designated migration corridors especially for big games such as pronghorn, little to no strain on Town infrastructure, and the added benefits to the School District and other public services. Thank you again for your time, and we look forward to continuing our work with the community.”

Merritt closed the public portion of the meeting.

Merritt led a discussion with the Commission and Town staff clarifying key points of the draft Ordinance. The discussion included:

- Setbacks, buffers and the distance requirements between projects
- Property owner's views and the possible impact to property values
- CAFMA, fire mitigation, and the placement of battery storage
- Water usage and noise levels during construction
- Benefits to the Town and financial responsibility if project site is sold
- The section of the General Plan which identified the need to look at guidelines and regulations for regional-scale solar

Lineberry explained that the General Plan had a series of policies under the goal CSF-7 – Resiliency - which talked about resiliency in redundant power sources, which specifically called out regional, aka utility-scale solar. It identified that the Town needed to look at developing guidelines and regulations.

Lineberry reiterated that it meant that the Town Council did not necessarily have to approve a project when it came in, what the General Plan stated was the need to put some regulations in place.

The Commission concluded that the draft Ordinance, as written, was the best it could be, and no further changes were required.

Merritt closed the public hearing.

Motion was made by Pasciak, seconded by Zamudio, to approve TA-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 with a 5-1 vote, with Merritt voting no.

Merritt explained his no vote. He stated he appreciated the Town staff, and they did an excellent job producing the draft Ordinance. He did not believe solar belonged in Chino Valley, that there were many other places that it could be done.

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

Meadors stated she did not believe solar should be built in Chino, that there was plenty of land between here and California. She stated she understood that property owners had a right to request this for their land, and if the Town were to deny it, the Town would be liable for years' worth of lawsuits. She suggested that the Town Council should decide.

Zamudio stated he did not want solar in the Town, but projects would come before the Commission. He reiterated that the people who own land had a right to bring in a proposal, and that having an Ordinance would protect the Town from a lawsuit.

Welker concurred.

Penn stated that he is against the idea of a project, but the reality was solar companies had untold sums of money to tie the Town up in litigation, and that would be very costly to the Town of Chino Valley.

Pasciak stated that right now the Town and staff had absolutely nothing to say what would be required for a project to come into the Town. So, if a project were to come in and the Town did not have this Ordinance, every point would have to be negotiated. These solar companies had more money than the Town, and they would debate it infinitum until they got what they wanted. Arizona Solar Energy Industries Association's letter sent to the Town was a two-page letter with a 36-page attachment, just to

comment on the Town's proposed Ordinance. The proposed Ordinance would give the Town something to stand on, which was why he voted yes.

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: none.

INFORMATION ITEMS – FROM THE CHAIR: **Merritt** stated it was his opinion this would end up in Court either way, and the Commission was totally correct. He felt that based on the comments sent in by the solar developers about the draft Ordinance, all the things the Town put in to protect the Town were the things the developers were pushing for the Town to change. He stated it showed how diligent the Town staff was in protecting the interests of the community.

INFORMATION ITEMS – FROM THE PUBLIC:

Yolanda Moneglia - 870 Sycamore Vista Drive, Chino Valley – *"My name is Yolanda. I have two successful businesses in Prescott Valley. I give back to my community. I just went through APS trying to put a big telephone pole right in the front of my sign. Did I fight them, I did. I just went through the same thing. So, what you guys talked about tonight, all the properties around what you're trying to put in, the solar, I advise everyone to contact the property owners with a letter letting them know what this Ordinance is about. And, solar people don't scare me, it's a crock of bull crap, okay. APS right now, with my business, my usage is less than the taxes that is on my bill. I pay more taxes than my usage, so this APS is full of crap. That's how I feel. People that are, people need to write to your Governor, tell them how your APS bills are. They're just trying to scare you, all those woke, blue places over there with solar, it's bull crap. You need to do your, and I was told I can't do this or that with my property. The property where y'all want to put that solar thing, those people have more rights. Okay, just contact the people.*

ADJOURN – A motion was made by **Meadors** and seconded by **Pasciak** to adjourn the meeting at 7:53 p.m.

Charles Merritt - Chair

Prepared By: Gerreann Froberg



TOWN OF CHINO VALLEY
Planning Commission Staff Report
February 4, 2025
File Number TA-2025-01
Text Amendment

PROJECT DESCRIPTION

A request to amend the Town of Chino Valley Unified Development Ordinance, Section 1, Administration and Procedures, to update zoning amendment procedures for residential rezoning to include approval time periods in accordance with state law.

BACKGROUND

During the 2024 legislative session, the State Legislature passed SB 1162, which included new mandatory timeframes for review and consideration of residential rezoning applications. Although the Town's typical review process was already within the timeframes required by the new law, the Zoning Ordinance and Town Code must be amended to include the provisions included in the new law. The changes to the UDO are included in the attached document entitled "2025 Amendments to Chino Valley Town Code Chapter 154 Regarding Residential Zoning Amendment Procedures."

STAFF RECOMMENDATION

Staff recommends APPROVAL of the text amendment to amend the Town of Chino Valley Unified Development Ordinance, Section 1, Administration and Procedures, to update zoning amendment procedures for residential rezoning to include approval time periods in accordance with state law.

SUGGESTED COMMISSION MOTION

Move to APPROVE Text Amendment TA-2025-01 as reflected in the attached document entitled "2025 Amendments to Chino Valley Town Code Chapter 154 Regarding Residential Zoning Amendment Procedures."

Effect of the Approval

By approving TA-2025-01, the Planning Commission is recommending that the Town Council approve the text amendment to amend the Town of Chino Valley Unified Development Ordinance, Section 1, Administration and Procedures, to update zoning amendment procedures for residential rezoning to include approval time periods in accordance with state law.

Prepared By: Michael Goodman

Date: January 22, 2025

Will Dingee Assistant Director
Development Services
wdingee@chinoaz.net
(928) 636-3472

2025 AMENDMENTS TO CHINO VALLEY TOWN CODE
CHAPTER 154 REGARDING RESIDENTIAL ZONING AMENDMENT PROCEDURES

SECTION 1. Chino Valley Town Code, Title XV, Land Usage, Chapter 154, Unified Development Ordinance (the “UDO”), Section 1.9.2, Amendment, is hereby amended as follows (~~deletions~~; **additions**):

1.9.2 Amendment

- A. Intent. Regulations set forth in this Ordinance and boundaries of Zoning Districts established by the Town may be amended, supplemented, changed, modified, or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety, and general welfare of the ~~citizens~~**residents** of the Town.
- B. Review. **Except as otherwise set forth in Subsection 1.9.2(C),** ~~Upon~~**upon** receipt of an application for an amendment, including requests for Planned Area Development Overlay Zoning Districts, Use Permits, and Conditional Use Permits, the ~~Development Services Director, or his/her~~**Zoning Administrator or** designee, shall review the application for completeness and applicability to this Ordinance and the General Plan, comment on the proposal, and ~~shall adhere~~**adhere** to the posting and publication requirements required by Arizona law, including compliance with the Citizen Review Process provided in Section 1.9.5, prior to the public hearing before the Planning and Zoning Commission. Requests for amendments or ~~change~~**changes** of zoning shall be considered by the ~~Planning and Zoning~~**Planning and Zoning** Commission for the purpose of making a written recommendation, which shall, after holding a public hearing at which parties of interest and citizens have been heard, include the reasons for such recommendations, to the Mayor and Council. Council may adopt the recommendation of the Commission without holding a second public hearing if there is no objection, request for public hearing, or other protest.
1. Council shall hold a public hearing if requested in writing by the applicant, or by any person appearing in opposition at the Commission hearing, or by any person who has filed a written protest, in accordance with Arizona law.
 2. If an application for amendment is denied by Council, or the application is withdrawn after Commission hearing, the Commission shall not consider an application for the same amendment within one (1) year from the date of the original hearing.
- C. **Residential Zoning Applications. This subsection applies to requests for a change of zoning from one type of zoning district to a residential-type zoning district, including from one type of residential district to another.**
1. **Administrative Completeness Review Timeframe. Within 30 calendar days of receipt of an application for a change of zoning from one type of zoning district to a residential-type zoning district, including from one type of residential district to another, the Town shall determine whether the application is administratively complete. If the Town determines the application is not administratively complete, the Town shall follow the procedures prescribed in A.R.S. § 9-835(E) until the application is determined complete. The Town shall determine whether a resubmitted application is administratively complete within 15 calendar days after receiving the resubmitted application. Upon**

determination that an application for amendment is administratively complete, the Zoning Administrator or designee shall forward the application to the Commission.

2. For residential zoning applications that do not affect land within a district of historical significance per A.R.S. § 9-462.01, an area designated as historic on the National Register of Historic Places, or a Planned Area Development, the Town Council shall approve or deny the application no later than 180 calendar days after the Zoning Administrator has determined the application to be administratively complete. This time frame may be extended beyond 180 calendar days for either of the following reasons:

- a. For extenuating circumstances, the Town may grant a one-time extension of not more than 30 calendar days.
- b. If the applicant requests an extension, the Town may grant extensions of 30 calendar days for each extension requested.

~~C.D.~~ Adoption. Adoption of an amendment may be subject to such conditions Council deems applicable to enforce this Ordinance. If one condition is a schedule for development of specific uses for which zoning is requested, and at expiration of that period the property has not been developed according to said schedule, it may be reverted to its former zoning classification by the Council.

~~D.E.~~ Application. An application for an amendment shall be filed and signed by:

1. The owner of the property;
2. One ~~(1)~~ or more of several joint owners of property whose collective ownership constitutes a majority interest in the property;
3. ~~Seventy five (75)~~ **Seventy-five** percent; or more; of the owners of property in the area to be affected; when the application affects more than one ~~(1)~~ property; or
4. An agent of any property owner(s) authorized to sign as above; when the authority of the agent is in writing and filed with the application.

In addition to other requirements that the Town may adopt, any application for amendment shall include a statement of purpose for the amendment, a statement regarding access and utility availability, and a statement demonstrating conformance with the Town's General Plan.

~~E.F.~~ Protests. If the owners of ~~twenty (20)~~ percent or more of the area of the lands included in a proposed ordinance or zoning map change, or those immediately adjacent in the rear or any side extending ~~one hundred fifty (150)~~ feet therefrom, or those directly opposite extending ~~one hundred fifty (150)~~ feet from the street frontage of opposite lots, file a protest in writing against a proposed ordinance amendment, such amendment shall not become effective except by favorable vote of ~~three fourths (3/4)~~ **three-fourths** of the Council. If any member of Council is unable to vote because of a conflict of interest, then the required

number of votes shall be ~~three-fourths (3/4)~~ **three-fourths** of the remaining Council members (provided that required number of votes shall not be less than a majority of the full Council). Written protests must be filed with and received by the Town Clerk at least three ~~(3)~~ business days prior to the date of the public hearing at which the Ordinance or zoning map change will be heard by the Council.

- F.G.** Annexation. Areas, when annexed to the Town of Chino Valley, shall, until officially zoned by the Council, be considered to be zoned to match comparable County zoning designations as shown on the Official Zoning Map of Yavapai County at the time of annexation. Such County zoning shall apply for not more than six ~~(6)~~ months.