



A G E N D A

Town of Chino Valley
Planning & Zoning Commission

September 2, 2025



Commissioner's Regular Meeting Agenda
Planning & Zoning Commission
Chino Valley Town Hall
202 N. State Route 89
September 2, 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 – JUNE 3, 2025 REGULAR MEETING
 - C.2. APPROVAL OF MINUTES – AUGUST 5, 2025 STUDY SESSION
 - C.3. WITHDRAWALS BY APPLICANT – NONE
 - C.4. CONTINUANCES – NONE
 - C.5. APPROVALS – NONE
- D. PUBLIC HEARINGS – ONE
 - D.1 **TA-2025-05** – Request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, to address Renewable Energy within Town limits.
- 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

June 3, 2025

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, June 3, 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 Michael Ditta, Commissioner Teena Meadors, Commissioner Jeffrey Pizzi, Commissioner Richard Zamudio, and alternate Commissioner Joseph Morabito. Commissioner William Welker was absent.

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

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

CONSENT CALENDAR – A motion was made by Commissioner Meadors to accept the consent agenda. The motion was **seconded** by Commissioner Ditta and passed unanimously by a 7-0 vote.

PUBLIC HEARING #D.1 – TA-2025-03 – Request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, Chapter 3 by creating an Agricultural Residential 36-acre minimum (AR-36) district.

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

Laurie Lineberry, Director, presented the staff report and stated the Text Amendment was to add back in the AR-36 district. The district had been removed in 2020 because at that time there were no parcels in the Town which were zoned AR-36. The Town's new General Plan stated the need to have the district for larger parcels to offer opportunities for uses other than houses. She explained that the larger parcels would have the ability to buffer on their own site any impacts to neighbors, and that landowners would need to submit for a Conditional Use Permit (CUP) to explain their proposed uses. Lineberry stated that the draft Code went to the Zoning Advisory Workgroup, which debated, added, and removed some items. The draft Code had also been discussed at the Planning and Zoning Commission May 2025 Study Session and was now before the Commission to reinstitute the AR-36 zoning district.

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

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

Merritt closed the public portion of the meeting for this item only.

Motion was made by Vice-Chair Pasciak, seconded by Meadors, to approve TA-2025-03, as reflected in Attachment A, subject to the staff report, and information provided during the hearing. A vote was taken, and the motion passed unanimously with a 7-0 vote.

PUBLIC HEARING #D.2 – CUP-2025-01 – This is a request by Prospect14, on behalf of Running W Ranch LLC and Wilkinson Investments LLC, for the approval of a Conditional Use Permit to allow for construction of a 284-Acre Solar Facility, across two parcels, 306-02-300H and 306-01-003H, located at 3245 Jerome Junction, Chino Valley Arizona 86323.

Chair Merritt asked if anyone on the Commission had a disclosure to declare regarding this item.

Merritt shared that he had spoken with the Town staff and two Town Council members on this item.

Laurie Lineberry, Director, presented the staff report and stated that the two-parcel site consisted of 642 acres, of which 281 acres were proposed for the Wilkinson Family Solar Farm. She explained that in 2014 a Conditional Use Permit (CUP) had been approved by the Town for a 200-acre solar farm at this site and, after one year, the permit expired without beginning construction. In 2022, the Wilkinsons approached the Town to review their proposed solar farm, and at that time the Town staff had proposed a Text Amendment that revised the open space district to allow solar farms. At that point, the Planning and Zoning Commission recommended that the ordinance not move forward to change the open space to allow solar farms, but instead directed the Town staff to wait until the General Plan was in place. After the General Plan was approved by the Planning and Zoning Commission and the Town Council in June 2023, and voted on by the public in November 2023, the Wilkinson family came to the Town and said they were ready to move forward with a CUP for their solar farm. The new General Plan gave a pathway to develop an ordinance for protections for the Town, and staff again asked the Wilkinsons to wait. The Town staff then formed the Solar Advisory Workgroup, and a draft Ordinance was heard by the Planning and Zoning Commission in November 2024, and then again in January 2025. The draft Ordinance was brought to the Town Council in March 2025, and was not approved. **Lineberry** further explained that after that the Wilkinsons applied for a Pre-Application meeting to move forward with a CUP. Town staff felt that morally, ethically and legally it was the right thing to do to allow the Wilkinsons to bring their proposal forward, that they had waited patiently for a number of years to be heard on their project. Staff took the application through the standard process, a neighborhood meeting was held on May 15, 2025, and after receiving a letter with concerns from a neighbor, the Town staff added a number of conditions to the CUP to address those concerns. She stated the applicant was in attendance, and that staff recommended the Commission hold a public meeting and forward the item to the Town Council for a decision.

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

Pizzi asked for clarification on the outline of the parcels, and which part showed the proposed site.

Lineberry showed a slide of the parcels which laid out the proposed site.

Applicant, **Sarah Rypkema**, stated she was with Prospect14, and presented a PowerPoint showing their business model for the Wilkinson Family Solar Farm. She shared the Wilkinson family history with the Town. She explained that the proposed project would be a smaller scale project, with 281 acres next to an existing APS substation, and Prospect 14 had a signed APS Interconnection Agreement. She felt that solar was right for a Town like Chino Valley, and had minimal environmental impact. She stated that they agreed with all the conditions proposed in the CUP. She stated they had received letters of support from neighbors after the neighborhood meeting. She shared some community benefits they were willing to consider, and stated the project would allow the landowner to exercise their property rights and provide income to their family.

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

Meadors asked that if they would be connected to the APS grid, why would they also need battery storage, that there would be the risk of fire or chemicals wasted from them. She felt there should be no reason for the batteries.

Rypkema replied that the battery storage would be to help stabilize the grid and provide power longer. She added that the batteries helped the grid remain stable with the introduction of renewables.

Pasciak asked how long the solar farm would be active, and how a jeep trail could be on the site with the proposed security fence around site. He also asked if they had plans to develop the balance of the site, and if the 16-foot two-way traffic road proposed in the plan was a public or private road.

Rypkema replied that the lease would be for 25 years, with a possible extension to 40 years. They would ask for the CUP to be for 40 years. She explained the jeep trail would be on the other portion of the parcel, and not through the project. She stated she was not aware of any other plans to develop the

balance of the site. She replied that the two-way traffic road was a misprint, it would be an access road sufficient for fire vehicles with turnarounds, which would be within the site, not a public road.

Pasciak asked about the wildlife and stated that some of the subject areas were used for fawning by the pronghorn. He felt that other than a small amount for the schools, the Town would not be getting anything, and that they should be working with the Town to establish some fees for the lifetime of the project.

Rypkema replied that they were consulting with statewide groups and agencies for wildlife and would follow their recommendations on mitigation measures if needed. She stated that they would be open to discussing with the Town a payment in lieu of taxes.

Pizzi asked if they would be supplying power to APS and TEP.

Rypkema replied that the proposed project would only supply APS.

Morabito asked if Prospect14 would be leasing the total two parcels.

Rypkema replied that they had an option over the whole property, but the lease would only need 281 acres.

Ditta asked how the school taxes were calculated.

Rypkema replied that a tax professional calculated the assessment based on 25 years.

Zamudio asked what type of fire suppression systems would be used, and did they have a second backup if panels caught on fire, like available sand and dirt mixture to put on the actual panels if they do catch on fire. He stated it took three days for a fire to cool down on solar panels.

Rypkema explained that 20-foot containers would be used with 4-step fire suppression systems within, with detection, explosion control, and fire extinguishing functions. She stated they had no backup for fires on the panels, just for the batteries, but they would be open to looking into a backup plan for the panels if it was conditioned.

Merritt pointed out that the proposal stated the power would not go to California, but that if they were hooked into the APS grid, would that not also hook into the California grid, and no one knows where the power winds up.

Rypkema replied that since it would be 69 KV, there would be much less likelihood that it would go to California, and the California ISO was not proposed in their recent proposal to APS in the power purchase agreement.

Merritt stated that a solar farm had previously been approved at the south end of the Town, which had no battery system, however APS took the project over and installed batteries. He asked what prevented APS from taking over this project and developing the full property, that APS could enter into a new agreement and purchase the land.

Rypkema replied that Prospect14 just went through a request for proposals with APS, and APS chose a power purchase agreement, a contract to purchase the power rather than owning the power. To further develop, APS would need new permits with the Town.

Lineberry added that the proposed CUP would be for only the 281 acres, if anyone wanted to develop more of the parcels, they would have to come back to the Town for approval.

Merritt pointed out that if the Town had an ordinance in place that said the Town of Chino Valley did not allow solar, then there would be no way for Prospect14 to expand this project down the road.

Lineberry confirmed Merritt's statement.

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

Terri Denemy, Town Manager, shared she had received an email from Shelly Gordon, member of Arizonans for Community Choice, and read the letter into the record. (see attached)

Paul Hawkesworth – 3905 Old Home Manor Drive, Chino Valley, stated he bought his property from the Wilkinsons. His concerns included diminished property value, wildlife, glare, and setbacks. He shared that he had a discussion with Prospect14 and felt he received no information on their policies. He stated he would pass by the solar field every time he went to or from his house and was not told of any viewshed analysis. He felt if the CUP went through, the project would be sold to APS and shared that Prospect14's website showed several facilities sold to outside companies, and then it would no longer be local people as neighbors, but a large company who would not care about the surrounding properties. He still felt his concerns were not addressed; he had purchased his property to create legacy property for his children, and this project would prevent him from building houses for his children where he wanted to on his own property.

Andy Tobin – 20755 N. Hackamore, Paulden, stated he lived in Paulden for 25 years and worked for a non-profit, Western Way, whose function was to promote energy in all its sections, nuclear, gas or solar. He shared that he had spent three years on the Arizona Corporation Commission, eight years in the Arizona Legislature, and was currently a consultant for Yavapai County Legislature, but was present in his private capacity. He stated that Arizona was fast approaching a true power crisis and was reliably short, and new technology was prepared to replace coal, although there was a long way to go with nuclear. He reiterated that Yavapai County needed more power, and did not want to see brownouts. He expressed respect for the Wilkinson family and stated they are our neighbors too and favored this project.

Gary Denny – 2879 Arizona Trail, Chino Valley, stated that he owned El Charo Norte. He stated that he would make money whether the solar field was built or not and shared that Jay Wilkinson had been a friend of his. He stated that the current property owners were not blood relatives, and that Jay would not have wanted this project, he wanted irrigation and to raise alfalfa. He felt any money received would not be enough. He stated that nature was inviting; fences, walls and technology were not, that 115,000 square miles would be necessary to make our Country energy independent on solar. He felt that there were plenty of places in Arizona to put solar farms where no one could physically see the solar panels.

Gary Beverly – 1219 Granite Creek Lane, Chino Valley, stated he was a close neighbor, lived just outside of the notification boundary for the project, and walked past this site every day. He stated he lived in Chino Valley for 50 years and had seen a lot of changes but felt that this would be one change that was needed in Chino to become more self-reliant. He thought Chino should respect private property rights and that the landowners had a long history and investment in the land, and had the right to change the use of their land as long as it did not affect the neighbors. The neighbors bordering the site were Chino Valley's industrial park on the south, and he felt it was a great place for the project with a substation on the property. He felt there were a lot of benefits to town in terms of economics, and he supported the project.

Rhonda Ceremony – 450 Firesky, Chino Valley, stated she wanted to know where Prospect14 got the numbers for the tax stuff and did not believe that much money would come from the project. She felt that Chino Valley would not benefit at all, power goes into the grid. She applauded the Wilkinsons for wanting to better themselves and being patient with the Town, but the project would do nothing for the Town.

April Durnet – 1519 Florida Lane, Chino Valley, stated she felt the Town has had a lot of changes, and that the Town did not repair the roadways or get other benefits from those changes. She felt this project would benefit the Wilkinsons and APS, but did not benefit Chino Valley, that the roads would get beat down by the heavy equipment at all hours of the day and night and the neighborhood was not quiet anymore. She did not feel that this project was in the best interest of the community, and was exasperated by the level of traffic, the level of intensity that went on in the Town. The solar farm would be her view from her porch, and she would no longer get to see the beauty she bought the property for years ago. The Wilkinsons were not the only family that had been here in Arizona for a very long time, she married into a family that had been here for over 100 years, and they had worked hard and retired onto their property. She shared that she rode horses past the site often and did not want to see this project or stop utilizing the Peavine Trail due to construction. She stated that she was a member of the Chino Valley Equestrian Park and asked what the changes to them would be. She asked the Commission to

consider all of these things, and not just the Wilkinsons. She felt the project would run a risk of fire, and Prospect14 would not be around to contain what happens.

Jon Gillespie, Rose Law Group, 7144 E. Stetson, Scottsdale, stated he worked with the applicants and has followed the process of the solar ordinance. He felt that in placing appropriate conditions on a project, there are a lot of things that could happen, and the purpose of a CUP was to make it compatible with the surrounding properties. The Town expanded the notice area from the typical 300-foot for a CUP. What they were proposing was actually a use that conserved the rural nature of the area, it wouldn't extend infrastructure for water, wouldn't widen roads, increase traffic, create noise, or lead to population increase. He felt the project would keep the land as a legacy property for the Wilkinsons; it fits into the neighborhood and would be the right location for a proposal such as this. He stated that the project would be 1/10th the size of the proposed Draconis project, and knew that there would still be work to be done, to bring it to the Town Council, and would still like the opportunity to meet with the neighbors and mitigate some of their concerns with landscaping and roads, and add conditions to take an inventory of the existing surrounding roads and return the roads to that condition after construction was done. He felt that there would be tangible community benefits to the Town that the project would provide and would like to engage with the neighbors and the Town and also felt that Peavine Trail improvements would be a great idea, as well as pickleball courts or the water facility improvements.

Clinton Skeens – 3475 Old Home Manor, Chino Valley, stated he was Wilkinson's son and owned 1/3 of the subject property. He shared the reason they chose solar versus developing or putting low-income housing or anything similar on the property, was that it would not affect the land as much, that antelope could still run through with open spaces. He stated he felt for the neighbors and their views, but it was what it was, that they needed to support their land, and without some kind of income from this property, they would not be able to do so. He thanks the Commission for their consideration and stated his family had been in Chino Valley for over a hundred years, that his mom and dad did everything for the Town and community, he had raised his kids here and loved this place.

Merritt closed the public portion of the meeting.

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

Pizzi asked that if APS were to purchase the lease, would they need to get a new CUP, and would they be able to expand.

Lineberry explained that the CUP ran with the land, that if the land was sold, the CUP would run with the land. She further explained that if anyone wanted to expand the project, they would need to come back with a new application, which would apply to APS as a public utility as well.

Morabito asked if there could be a way to correct the CUP so that the Town could receive money.

Lineberry explained that because the draft Utility-Scale Solar Ordinance was not adopted, which would have been the Town's best way to actually get community benefit, a condition would need to be added to the CUP.

Pasciak stated that he did address the possibility of Prospect14 speaking with the Development Services department to reach some kind of agreement.

Lineberry stated that talking with Development Services and having it a condition of approval were two different things.

Ditta stated he felt that the Town could not do that legally.

Lineberry challenged that, and stated a condition could be added.

Merritt stated that the Town could add a stipulation to the CUP for further discussion to be able to add requirements for benefits to the Town, but the process had not gone in that direction as of yet.

Merritt asked the applicant to respond to the public comments.

Rypkema stated they would be open to establishing a vehicle for community benefits and would want it to be defined before moving forward with a permit. They realized that with the tax structure in Chino Valley, the Town would not receive anything, and they felt that would not be fair, they were not trying to avoid that but promote it. They would be open to a new tax analysis. She shared that in 2022 at the beginning of the process, they had talked about road improvements, but roads were very expensive and with their budget this would not be possible, only to maintain the roads in their current conditions. She stated it would not be feasible economically for the project, and the heavy equipment would only use the roads for a couple of months during construction with minimal use by pick-up trucks after the construction period.

Merritt asked the applicant to address the concerns on the battery dangers.

Rypkema replied that statistics show that the risk of fire would be very low and was rare compared to other energy generation projects. She stated that technology has improved over the last three years. She could share the data sheets on what products they planned to use and would be open to talking about further protections they could put on site to make the community feel safer.

Pizzi asked if the APS substation hooked up only when the sun was up, what would be the purpose of the batteries, and what would be the usual length of time before Prospect14 would sell the project, were they basically assisting in the building of the solar facility, that their company did not maintain the facility after it was built.

Rypkema replied that the batteries would be AC coupled with APS, so that APS could store excess energy from somewhere else and deploy it whenever they needed it. It would be stored for peak times and would be a four or six-hour storage facility. She stated that Prospect14 was a development firm and typically took the project through the permitting process and then the long-term owner would take over and operate the facility, usually a larger firm such as Goldman Sachs. The permits would carry through with the project company, so the obligations Prospect14 signed up carried through for the life of the project. Prospect14 would partner with the construction firm DEPCOM for construction and then there would be a long-term owner such as APS or another company. Because they do not have permits yet, they had not yet found a partner.

Merritt asked if the project would be built on spec, built with the thought that someone would buy it, but they did not have a buyer yet.

Rypkema replied that it would be part of the development process, and that they were still negotiating with APS, it was still up in the air, and that they work with credible companies to support the contracts for the length of the project.

Pizzi asked who the builder would be for the project.

Rypkema replied that they partnered with DEPCOM.

Merritt closed public portion of meeting.

A discussion was held by the Commission on how to proceed with a Motion.

Motion was made by Vice-Chair Pasciak, seconded by Meadors, to forward CUP-2025-01, as presented, subject to the staff report, and information provided during the hearing, and the conditions of approval in Attachment A to the Town Council for determination. A roll-call vote was taken, and the Motion was denied 4-3 with Morabito, Pizzi, Ditta, and Zamudio voting nay and Meadors, Pasciak and Merritt voting yay.

A discussion was held by the Commission on changing the Motion to approved or denied.

Motion was made by Ditta, seconded by Pizzi, to deny CUP-2025-01, as presented, subject to the staff report, and information provided during the hearing, and the conditions of approval in Attachment A. A roll-call vote was taken, and the Motion passed 4-2-1, with Morabito and Pasciak voting nay and Meadors abstaining.

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

INFORMATION ITEMS – FROM STAFF: COUNCIL ACTION OF PRIOR P&Z CASES: Lineberry shared an handout of an article written by an attorney in Florida titled “Why can’t I talk to my local city or county commissioner about a development project” which made it really clear when you were talking about creating policy, members could talk to anybody and get as much input as members wanted, because they would be creating the policy. When you were talking about a specific project, you would be applying policy that is already in place to a project/property. The article talked about the differences between the two and why the Commission members declared before each project that you heard whether you’ve had information or not from other people. It would be important that if you heard something from someone, you’re able to share it with the rest of the Commission, so that they would have the same benefit of the same knowledge.

INFORMATION ITEMS – FROM THE COMMISSIONERS: none.

INFORMATION ITEMS – FROM THE CHAIR: Merritt stated that the meeting tonight was the American process in full bloom, and he was grateful for the public attending and speaking. He thanked the public for being there, and felt the Commission did the best they could for the Town of Chino Valley and appreciated any support they got.

INFORMATION ITEMS – FROM THE PUBLIC: none.

ADJOURN – A motion was made by Meadors and seconded by Ditta to adjourn the meeting at 7:23 p.m.

Charles Merritt - Chair

Prepared By: Gerreann Froberg

Dear Town Manager Denemy,

I would appreciate your passing on my letter of support to Chino Valley Planning & Zoning Commissioners for the 52.5 MW/ac solar array with integrated 52.25 MW / 315 MWh battery storage project under consideration for development on Wilkerson private land. This meeting is taking place tonight at 6pm.

While I am not a local resident of Chino Valley, our organization, Arizonans for Community Choice, supports local renewable energy development and service. I am aware that despite a pending ordinance to prohibit utility scale solar and storage in or near the Town mainly due to misinformation about the risks of solar energy, the Wilkerson solar project can proceed under a conditional use permit.

AZ4CC is a strong advocacy organization for expansion of renewable energy projects that serve local communities, cause minimal impact to local ecosystems and habitats, reduce reliance on fossil fuels, confirmed by climate scientists from local universities and around the world, as the number one cause of greenhouse gas emissions and an increasingly warmer, dryer planet.

Prospect14 has performed due diligence to build a system designed to interconnect directly to APS's nearby substation; no long distance transmission construction is required. This is essentially a smaller scale solar energy project that is the perfect size footprint for Chino Valley and will serve the local citizenry. This solar project will have minimal environmental impact; use minimal water, which is an important consideration in Arizona; does not emit greenhouse gases or other polluting gases and is less expensive per kwh than fossil fuel or nuclear energy.

As many energy policy makers and advisors have also stated, we need to embrace the growing demand for electricity with an "all hands on deck" approach to sourcing all forms of sustainable, clean and renewable energy. The arguments from solar naysayers about the dangers of solar development are unfounded whereas coal and gas plants which are located in rural communities in Arizona have a much more toxic effect on local citizens, causing respiratory illness, cancer, death, etc.

I strongly urge Chino Valley Planning & Zoning Commissioners to vote in favor of recommending to Town Council members that they vote to greenlight the Wilkerson solar project, under the new conditional use permit provision.

Sincerely,

Shelly Gordon
State Director

www.az4cc.org

650.248.6975 – talk/text



Planning and Zoning Commission Study Session Minutes

Study Session – August 5, 2025

A study session meeting of the Town of Chino Valley Planning and Zoning Commission was held at 6:00 p.m. on Tuesday, August 5, 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 Michael Ditta, Commissioner Teena Meadors, Commissioner Jeffrey Pizzi, Commissioner William Welker, Commissioner Richard Zamudio, and alternate Commissioner Joseph Morabito.

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

Also present was Council member Bob Schacherer.

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 **Welker**.

The following topics were discussed at the August 5, 2025 Study Session:

- Commissioner training on Conditional Use Permits.
- Discussion on Statement of Direction: regarding solar generating facilities and batteries.

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

INFORMATION ITEMS – FROM STAFF: Lineberry shared that staff chose a consultant for the rewrite of the Zoning Code. A contract will be presented to the Town Council in late August for approval.

INFORMATION ITEMS – FROM THE COMMISSIONERS: Morabito asked for clarification on Land Use Permits and the new fee schedule. Staff provided an explanation of what Land Use Permits were, and the newly updated fee schedule.

INFORMATION ITEMS – FROM THE CHAIR: none.

INFORMATION ITEMS – FROM THE PUBLIC: none.

ADJOURN – A motion was made by Pasciak and seconded by Meadors to adjourn the meeting at 7:07 p.m.

Charles Merritt - Chair

Prepared By: Gerreann Froberg



TOWN OF CHINO VALLEY
Planning and Zoning Commission
September 2, 2025
File Number TA-2025-05
Text Amendment

Background:

On March 17, 2025, the Town Council made a motion “to deny Ordinance 2025-949 and direct staff to bring back for Planning Commission and Council consideration a new ordinance prohibiting any additional utility-scale solar facilities, including BESS storage, CSP, and wind within the Town of Chino Valley limits.”

The Town Attorney prepared a Statement of Direction summarizing Council’s intent and identifying the need for clear definitions, enforceable provisions, and thresholds to ensure consistent interpretation and avoid unintended loopholes. This Statement of Direction was reviewed and discussed during the Town Council Study Session on July 8, 2025, with additional clarifying questions from staff to help refine the parameters of Council’s direction.

During the July 8 study session, Council and staff worked through these questions and reached consensus on key elements, including definitions, permitted small-scale uses, and the distinction between projects designed for on-site use versus those intended for off-site sale or distribution. This direction formed the framework for preparing formal code language.

Commission Study Session:

On August 5, the Planning Commission held a study session with staff to review the process that has taken place since March 17, 2025, revisit the statement of direction, and address the questions discussed by staff and Council during the July 8 meeting. During the session, additional topics were raised, including the potential to define other types of energy generation and to consider height increases for windmills in relation to their effectiveness.

Discussion:

Based on the Council’s guidance during the July 8 study session, staff working in coordination with the Town Attorney, prepared the proposed text amendment to the Unified Development Ordinance.

The draft ordinance:

- Adds new definitions for Concentrated Solar Power (CSP), Utility-Scale Solar Facility, Utility-Scale Wind Farm, Battery Energy Storage System (BESS), Decommissioning Plan, Solar Facility Use Permit, and Solar Project Area.
- Clarifies that uses not specifically listed as permitted are prohibited, unless otherwise provided in the UDO.

- Creates a new Section 4.33 – Renewable Energy: Utility-Scale Solar and Wind, establishing clear parameters for permissible small-scale residential installations and prohibiting new utility-scale solar facilities, wind farms, and large-scale BESS intended for off-site sale or distribution.
- Provides for certain exemptions, including Town projects and small-scale on-site uses, subject to specified limitations.

The proposed code reflects the consensus direction from Council and is intended to ensure consistency in interpretation and enforcement, protect the rural character of the Town, and address potential impacts associated with large-scale renewable energy projects.

Recommendation:

Staff recommends that the Planning and Zoning Commission review the proposed text amendment, receive public input, and forward a recommendation to Town Council for adoption.

Attachments:

Attachment A: Draft Ordinance – Renewable Energy: Utility-Scale Solar and Wind

Attachment B: Statement of Direction (TA-2025-005) – July 8, 2025

PREPARED BY:



WILL DINGEE, ASSISTANT DIRECTOR

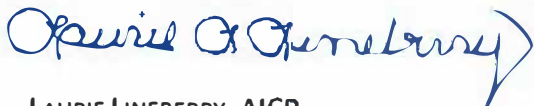
WDINGEE@CHINOAZ.NET

928 636-3472

DATE:

AUGUST 14, 2025

APPROVED BY:



LAURIE LINEBERRY, AICP

DEVELOPMENT SERVICES DIRECTOR

**2025 AMENDMENTS TO CHINO VALLEY TOWN CODE CHAPTER 154
REGARDING
RENEWABLE ENERGY: UTILITY-SCALE SOLAR AND WIND**

SECTION 1. 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:

CONCENTRATED SOLAR POWER (CSP). A power-generating system that uses focused light to generate heat, which is then converted into electricity through a mechanical or thermochemical process.

UTILITY-SCALE SOLAR FACILITY. Any solar facility or solar array where the principal purpose and operational intent is the generation of electricity primarily for sale or distribution to off-site consumers or the utility grid, rather than for on-site use by the property owner or occupant. This term does not include Town projects or residential applications where an individual property’s excess electrical power is sold back to the local electric utility provider.

UTILITY-SCALE WIND FARM. Any wind energy facility or wind turbine installation where the principal purpose and operational intent is the generation of electricity primarily for sale or distribution to off-site consumers or the utility grid, rather than for on-site use by the property owner or occupant. This term does not include Town projects.

SECTION 2. UDO Section 2.2, Meaning of Words and Terms, is hereby amended as follows (~~deletions~~; **additions**):

~~BATTERY ENERGY STORAGE SYSTEM (BESS). An electrochemical device, or multiple electrochemical devices assembled together, that stores energy to supply electrical energy at a future time. This term does not include a standalone 12-volt car battery or electric motor vehicle, or batteries for use in consumer products. 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.~~

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

SECTION 3. UDO Section 4, General Regulations, 4.2, Permitted Uses, is hereby amended as follows (~~deletions~~; **additions**):

4.2 PERMITTED USES.

1. Those uses listed as “permitted uses” shall be allowed to establish within any ~~zone~~ **zoning** district in which they are listed, subject to the specific requirements of this Ordinance. **There may be uses defined in this Ordinance that are not listed within any zoning district. Any use not specifically listed as a permitted use within a zoning district is not allowed.** ~~All other uses shall be prohibited~~ except as otherwise provided in this Ordinance.
2. Conditional uses. Those uses listed as “conditional uses” shall require a “Conditional Use Permit” in order to establish within the ~~zone~~ **zoning** district in which they are listed, and shall be subject to all conditions and requirements imposed by the Commission or Council in connection with the “Conditional Use Permit.”
3. Accessory uses. A use defined in Section 2.

SECTION 4. UDO Section 4, General Regulations, is hereby amended to add the following as Section 4.33, Renewable Energy: Utility-Scale Solar and Wind:

4.33 RENEWABLE ENERGY: UTILITY-SCALE SOLAR AND WIND.

- A. Roof-mounted solar panels are allowed on homes and parking structures, provided that making space for solar panels is not the primary purpose of the structure, and provided further that, on commercial properties, solar panels mounted on top of parking structures are limited to only the space over the minimum required parking stalls for the business. Installing additional parking stalls primarily to accommodate solar panels is not allowed.
- B. Ground-mounted solar panels and arrays are allowed on individual residential properties if the power generated is used exclusively on-site, and the installation does not otherwise meet the definition of a utility-scale solar facility.
- C. Ground-mounted wind turbines are allowed on individual residential properties if the power generated is used exclusively on-site, and the installation does not otherwise meet the definition of a utility-scale wind farm. There can be up to one turbine per acre, with a maximum of three turbines per property. No wind turbine may exceed 35 feet in height without a conditional use permit granted in accordance with Section 1.9.3, which the Council may grant in its sole and absolute discretion.
- D. Battery energy storage systems are allowed in homes and businesses if the stored energy is used exclusively on-site.



TOWN OF CHINO VALLEY
Town Council Study Session
July 8, 2025
File Number TA-2025-005
Text Amendment

Background:

On March 17, 2025, the Town Council *made a motion “to deny Ordinance 2025-949 and direct staff to bring back for Planning Commission and Council consideration a new ordinance prohibiting any additional utility scale solar facilities including BESS storage, CSP, and wind within the Town of Chino Valley Town limits.”* Following this, the Town Attorney prepared a **Statement of Direction** summarizing Council’s intent and general definitions.

However, zoning ordinances are permissive in nature, meaning that unless a use is specifically listed as permitted or conditionally permitted, it is not allowed. While Council’s direction clearly indicates a desire to prohibit these uses, the ordinance must establish clear, enforceable definitions and thresholds to ensure consistent interpretation, effective enforcement, and to avoid potential legal challenges or unintended loopholes.

Discussion:

The questions attached to this report are intended to help in clarifying the specific parameters of Council’s intent. Staff seeks guidance on:

- **Definitions:** Establishing what qualifies as utility-scale solar, BESS, CSP, and wind energy facilities in terms of size, capacity, and operational intent.
- **Applicability:** Determining whether prohibitions apply solely to commercial-scale projects or also to residential/community-scale projects.
- **Exemptions and Limitations:** Understanding if there are contexts where these facilities would remain permissible (e.g. residential solar with BESS, small wind turbines for private use).

Clear direction is critical in creating an ordinance that address the many possibilities that residents will ask about and developers will propose through slight modifications to projects in order to circumvent the ordinance, if not qualified and addressed accurately within the ordinance.

Recommendation:

Staff recommends Council review the attached clarifying questions and discuss the nuances to provide specific direction to ensure the forthcoming ordinance accurately reflects the community’s goals while remaining enforceable and defensible.

ATTACHMENTS:

A	B
Talking Draft Statement of Direction	Questions from staff for Town Council

Attachment A

Working Draft –Utility-Scale Solar Ordinance Statement of Direction

Background

In November 2023, the residents of the Town of Chino Valley ratified the Make it Chino! 2040 General Plan, which included goals and policies regarding solar generating facilities and batteries.

In December 2023, Town staff requested authorization from the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) to form a staff-level advisory committee to assist Town staff with development of a utility-scale solar ordinance for recommendation to the Planning and Zoning Commission (the “Commission”).

The advisory committee met regularly in 2024 and prepared the text of Ordinance 2025-949, which was presented to the Planning and Zoning Commission. After holding public hearings in November 2024 and January 2025, the Commission recommended approval of Ordinance 2025-949 to the Town Council.

On March 17, 2025, the Town Council voted to adopt a motion “to deny Ordinance 2025-949 and direct staff to bring back for Planning Commission and Council consideration a new ordinance prohibiting any additional utility-scale solar facilities, including BESS storage, CSP, and wind within the Town of Chino Valley limits.”

Statement of Direction

A statement of direction is not a final decision of the Town Council, nor does it bind any future action by the Town Council. This statement of direction is instead intended to provide Town staff and the Commission with a clear understanding of the Town Council's overall direction regarding solar and other power generation within the corporate limits of the Town. Therefore, the Town Council issues the following statement of direction:

1. Undefined Key Terms. The direction the Town Council provided on March 17, 2025, included a number of terms that are not defined in the Town’s Unified Development Ordinance (the “UDO”), including “utility-scale solar facilities,” “BESS storage,” “CSP,” and “wind.” Definitions for the UDO should be created for each of these terms.

2. Utility Scale Solar. In Ordinance 2025-949, the Commission recommended the following definition for “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.

The Town Council does not believe such facilities must have a solar project area exceeding 275 acres in order to be considered “utility scale.” By including the word “additional,” the Town Council indicated two things: first, that the Town already has solar generating facilities that the Town Council believes are of sufficient size and capacity to be classified as “utility-scale,” and second, that this prohibition is meant to be prospective.

Staff and the Commission should focus on developing a more inclusive definition, regardless of the existing solar facilities in the Town. Instead of starting with a 275-acre minimum, the focus should be on factors such as generating electricity primarily for sale or distribution to retail customers. Town Council recognizes there is a difference between someone generating enough electricity to power their own residential use and still being able to sell a minority remainder to the electric utility provider and someone generating electricity primarily for sale.

3. BESS. By including “BESS storage” in the motion, the Town Council intended for the new ordinance to prohibit battery energy storage systems that would similarly constitute “utility-scale” facilities based on factors like those considered for utility-scale solar. In providing definitions and operative provisions for the Commission to consider, Town staff should consider size, capacity, and whether the BESS is used as part of the process to generate electricity primarily for sale or distribution to retail customers. The Town Council intends to prohibit BESS that is used in conjunction with facilities for generating electricity for sale to retail customers, whether directly or through a utility provider. The Town Council does not intend to prohibit BESS that is used only as backup power for an individual property, subject to size, capacity and location limitations.

4. CSP or Concentrated Solar Power or Concentrating Solar Power or Concentrated Solar Thermal Power. It is the Town Council’s intent that all CSP should be prohibited within the corporate limits of the Town. Town staff is directed to provide a definition for CSP to be used in the operative provisions of the UDO to clearly prohibit all forms of CSP.

5. Wind. There is a notable difference between the farmhouse windmill depicted on the Town seal and the wind turbines that are hundreds of feet tall. The new ordinance should capture that distinction and should delineate between wind power generated for use on-site from wind power generated for sale. The definitions should clearly distinguish between the types of wind power sources, and the operative provisions should include prohibitions against wind power facilities for generating electricity for sale to retail customers, whether directly or through a utility provider.

Although the Town Council recognizes that small, localized wind power generation may be unobtrusive to neighboring properties, regulations are still required to limit the number and size of such small wind turbines so as to maintain the rural character of the Town. As an example, the Town Council desires to allow uses such as a single wind turbine that is limited to the height of the applicable zoning district and that is used for powering a personal use well serving only that property, but not a series of wind turbines used to power commercial uses such as greenhouses or warehouses.

6. Next Steps. At any time during the review process, Town staff and the Commission may request clarification or expansion of this statement of direction based on additional information. The Commission shall complete its review and make a recommendation to the Town Council prior to August 22, 2025 .

Attachment B

Questions from Staff for Town Council

- *What is Utility-Scale Solar (USS) in the Town's eyes?*
 - *Is USS limited by number of acres?*
 - *Minimum project area (if not 275 acres)?*
 - *Capacity thresholds (MW)?*
 - *Is the defining factor size, intent to sell, or both?*
- *Can someone have a solar farm without BESS?*
- *What is community-scale solar?*
 - *Is it permitted if serving only local residents?*
 - *Where is the line drawn between community-scale and utility-scale?*
- *For residential subdivisions wanting to be energy-independent (e.g. microgrid communities), is that acceptable?*
 - *Can a developer create a parcel in a subdivision for ground-mounted solar panels to provide community-scale solar for the entire subdivision?*
 - *Can someone develop a stand-alone microgrid solar energy generation facility to provide community-scale power directly to properties within Chino Valley? If so, what size is appropriate?*
 - *Does intention to sell excess power back to APS affect classification?*
- *Can an individual landowner install ground-mounted solar panels in a multi-acre portion of their property to generate electricity for their home?*
 - *Can they provide power to a neighbor?*
 - *Can multiple neighbors join together and install ground-mounted solar panels to share electricity on a separate parcel?*
- *Does Council intend for this prohibition to apply to projects designed primarily for self-use but that also sell a portion back to the grid?*

Battery Energy Storage Systems (BESS)

- *Is BESS only prohibited when paired with solar (co-located)?*
 - *Can standalone BESS facilities operate?*
- *Is BESS allowed in single-family homes?*
- *Are residential-scale BESS systems allowed?*
 - *If so, what is the maximum allowable capacity (kW/kWh)?*
 - *Can residential BESS be aggregated by a utility for grid stabilization (i.e. satellite power plants storing in private home BESS systems)?*

- *Can APS utilize individual home battery systems to store power not generated on site (satellite power plants) during non-solar generating times, thereby lessening the number of battery storage facilities they need to construct statewide? If so, how is this classified?*
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Concentrated Solar Power (CSP)

- *Is any CSP technology of any scale prohibited?*
 - *Or only CSP used for utility-scale generation?*
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Wind Energy

- *What is considered utility-scale wind?*
 - *Size? Capacity? Number of turbines?*
 - *Would a single turbine that exceeds residential needs be prohibited?*
 - *Is residential-scale wind (e.g. small personal turbines) permitted?*
 - *Define maximum allowable scale or height.*
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Public Utilities and APS Facilities

- *Are we planning on regulating solar and BESS for public utilities?*
 - *Currently, Public Utilities are allowed as a Permitted Use in CL, CH, and MHP-4 districts, and are a Conditional Use in MR, SF-12,000, SF-24,000, SR-1, SR-1.5, SR-2, SR-2.5, AR-4, and AR-5, but not listed in BP, I, or PL. How should this ordinance address any request from APS?*
 - *What does our Franchise Agreement say?*
 - *What if APS wants to add solar panels to an existing facility?*
 - *What if APS wants to add BESS to an existing facility?*
 - *What if APS simply wants to develop a BESS facility and extend power lines to it?*
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Commercial Scale Implications

- *If the prohibition is limited to commercial-scale facilities, how is 'commercial-scale' defined?*
 - *Does it include agricultural or rural installations that sell to utilities but remain on private land?*
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Policy Implementation Considerations

- *What is the intended approach for facilities that fall below whatever thresholds are set?*
 - *Example: A facility 1 acre smaller than the minimum utility-scale definition but operating functionally the same.*
- *Does Council want to prohibit future expansion of existing facilities (e.g. additional panels on existing sites)?*

- *Should the code establish a baseline ‘permitted’ size for residential or small-scale installations to avoid loophole projects?*
 - *How do we identify and continue to permit existing uses in the ordinance?*
 - *Do we limit the number of facilities in the Town? Do we limit the total acres in solar in the Town? Do we add a cap of number of solar acres per population? (for example, cap USS acres in CV to 290 acres - current APS solar acres in CV - per 50,000 population, based on the most recent decennial census?)*
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