

# Planning and Zoning Commission Meeting Minutes

## September 2, 2025

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, September 2, 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 Jeff Pizzi, Commissioner William Welker, Commissioner Richard Zamudio, and alternate Commissioner Joseph Morabito. Commissioner Michael Ditta was absent.

**STAFF MEMBERS** present: Laurie Lineberry, Development Services Director, Will Dingee, Assistant Director, Terri Denemy, Town Manager, Gerreann Froberg, Senior Processing Coordinator, 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 **Meadors**.

**CONSENT CALENDAR** – A motion was made by Commissioner **Meadors** to accept the consent agenda with a correction to the June 3, 2025 minutes. The motion was **seconded** by Commissioner **Pasciak** and passed unanimously by a 7-0 vote.

**PUBLIC HEARING #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.

**Chair Merritt** asked if anyone on the Commission had a disclosure to declare regarding this item. **Pasciak** shared he had spoken with staff regarding this item. **Merritt** entered into record two letters that had been received by staff and shared with the Commission, one from Arizona Technology Council, and one from Arizona Solar Energy Industries Association. (See attached).

**Will Dingee**, Assistant Director, presented the staff report and shared the timeline and the Statement of Direction from the Town Council, which the Town staff used to prepare the draft Ordinance. He brought up a slide and explained the sections of the Town Code which would be changed if the draft Ordinance were to be passed. **Dingee** further explained that the Town Attorney had been involved in the process throughout. Staff recommended holding a public hearing and that the Commission forward a recommendation of approval to the Town Council.

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

**Pasciak** asked about Section 4.21, why the language stated, "except as otherwise provided in this Ordinance".

**Dingee** replied that there were certain uses, like medical marijuana for example, that with a Conditional Use Permit (CUP) there was a separate section within the Town Code that laid out additional criteria requirements for that use. This language allowed for continuation of code as present per the Town attorney.

**Merritt** reiterated that if it was not allowed except as otherwise provided in the draft Ordinance, then if it was not in the Ordinance, it would not be allowed.

**Lineberry** shared that Development Services had people ask what was allowed on a parcel in the Town. She explained that the way the Town Code was written, it did not list all the prohibited uses, it only listed permitted uses. Upon direction from the Town attorney, Town staff listed what would be allowed, so if challenged, the staff would have a place to show that if it was not listed, it would not be allowed.

**Meadors** asked if it would apply to the conditional use descriptions.

**Dingee** replied yes, that was correct.

**Pasciak** stated he felt that roof mounted wind turbines should be added to Section 4.33.

**Merritt** stated that the discussion came up in a Study Session, and ground, roof and structure mounted turbine language should be added to the draft Ordinance, with no change to the height limitation.

**Dingee** replied that it could be added to the draft Ordinance, if the Commission agreed.

**Lineberry** explained that the language needed to be added when the Motion was made, and added that there was never technology for wind power that would work on a roof.

**Merritt** opened the meeting for public comments and shared the rules for speaking to the Commission. There were no comments.

**Merritt** closed the public portion of the meeting.

**Motion was made by Vice-Chair Pasciak, seconded by Welker, to approve TA-2025-05, as presented, subject to the staff report, and information provided during the hearing, with one change to add roof and structure to Section 4.33 as discussed. A roll-call vote was taken, and the motion passed unanimously with a 7-0 vote.**

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

**INFORMATION ITEMS – FROM STAFF: COUNCIL ACTION OF PRIOR P&Z CASES:** **Dingee** updated the Commission about prior cases heard by Town Council. On June 24, 2025, CUP-2025-01 – Wilkinson Family Solar Project, was denied by Town Council, and TA-2025-03 – Agricultural Residential 36-acre minimum district, was approved by Town Council.

**INFORMATION ITEMS – FROM THE COMMISSIONERS:** none.

**INFORMATION ITEMS – FROM THE CHAIR:** **Merritt** stated that the Commission and Town staff would be discussing and working on a livestock draft Ordinance for the Town in the near future. He thanked the Town staff for their long, hard work on the Renewable Energy draft Ordinance.

**INFORMATION ITEMS – FROM THE PUBLIC:** none.

**ADJOURN** – A motion was made by **Meadors** and seconded by **Pasciak** to adjourn the meeting at 6:22 p.m.

  
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Charles Merritt - Chair

  
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Prepared By: Gerreann Froberg

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

**September 3, 2025**

Dear Chino Valley Planning and Zoning Commission Members,

As president and CEO of the Arizona Technology Council, the state's premier trade association representing more than 750 science and technology companies, I am writing to respectfully request that the Chino Valley Planning and Zoning Commission consider the following information before adopting text amendments which would restrict the siting and operation of proposed utility-scale solar energy systems within the town limits.

Our association's mission is to "*empower innovators who drive impact that positively transforms the world.*" With support from the Council, this mission is achieved daily by our members — many of them in the field of utility-scale clean and renewable energy technologies, such as solar plants and facilities. As Arizona continues to lead in renewable energy, restricting and limiting utility-scale solar developments within Chino Valley's town limits would be detrimental for the community's growing economy and long-term energy security.

Solar investment brings good-paying jobs, increased tax revenue, and economic growth, all without raising taxes on residents. The proposed ordinance's language will restrict where utility-scale solar projects can be sited within town limits. If approved, Chino Valley risks losing out on millions of dollars in potential investments that support public services, schools, and infrastructure. Additionally, by embracing solar technologies, each of you will help lower electricity costs for town residents, protecting Chino Valley families and businesses from volatile energy prices.

I respectfully urge you to consider these recommendations when deliberating on the ordinance and oppose restrictive measures on solar and support an ordinance that encourages investment and expands Chino Valley's energy options.

Sincerely,

Steve

**ARIZONA TECHNOLOGY COUNCIL & SCITECH INSTITUTE**



Steven G. Zylstra  
President & CEO



August 29, 2025

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

RE: Request to Amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, to address Renewable Energy within Town limits on the September 2, 2025 Planning and Zoning Commission agenda as D.1.

Council, Commissioners, and Staff,

The Arizona Solar Energy Industries Association (AriSEIA) wrote to you regarding your pending solar ordinance in December 2024 and appeared at your March 2025 Council meeting on this topic. We have reviewed the moratorium on all utility scale renewable energy and battery storage. **We strongly recommend *against* adoption as it is illegal and exposes the Town to unnecessary liability. It will also contribute to increasing electricity prices and decreased grid reliability, as well as the erosion of private property rights within the Town.**

Proposed Moratorium is Illegal

This very issue came up recently at an Apache County Planning and Zoning work session on August 26, 2025. At that meeting, the Assistant County Attorney explained that the jurisdiction cannot just prohibit a land use. There must be a compelling reason and viewshed and loss of tourism are not compelling reasons to eliminate personal property rights.

Arizona Revised Statutes (ARS) 9-463.06 specifically limits a city's ability to adopt a moratorium on land development absent a justification based on a compelling need, demonstrated with reasonably available information. The Town has done no such thing. Indeed, Town Staff prepared an entirely different ordinance (2025-949), which you completely rejected and then upon a rushed and spontaneous vote at the end of a multi-hour meeting, directed Staff to simply draft an ordinance "prohibiting any additional utility-scale solar facilities, including BESS storage, CSP, and wind within the Town of Chino Valley limits." The Town's own recitation of your July and August study sessions includes no findings sufficient to satisfy Arizona law.

Further, there is no compelling need for the moratorium. The information presented in the various public meetings was entirely based on misinformation spread by renewable energy detractors, not science or economics or existing land use law.

ARS 41-194.01 allows any member of the legislature to request that the Arizona Attorney General investigate "any ordinance, regulation, order or other official action adopted or taken by the governing body of a county, city or town... that the member alleges violates state law." If the

Attorney General concludes that a violation has occurred, the Town has 30 days to cure the violation or the state treasurer “shall withhold and redistribute state shared monies from the county, city or town.” According to the League of Arizona Cities and Towns, the state shared revenues for Chino Valley are approximately \$7.5 million.<sup>1</sup>

As a result of Prop 207, ARS 12-1134 states that “if existing rights to use, divide, sell or possess private real property are reduced by the enactment or applicability of any land use law enacted after the date the property is transferred to the owner and such action reduces the fair market value of the property the owner is entitled to just compensation from this state or the political subdivision of the state that enacted the land use law.” The Town would effectively be eliminating the ability of any property owner in Chino Valley to sell or lease their own private property for the purposes of utility scale renewables development. Therefore, the Town would be liable for reparations.

### Proposed Moratorium will Contribute to Increased Electricity Prices

Electricity prices are rising at twice the rate of inflation.<sup>2</sup> They will continue to increase as long as demand outpaces supply. This is the law of supply and demand. Renewables are the cheapest electricity resources<sup>3</sup> and the fastest to build.<sup>4</sup> Local jurisdictions impeding the development of the least cost and easiest to deploy resources will contribute to increasing costs.

### Proposed Moratorium will Contribute to Decreased Grid Reliability

There is currently a 5-7 year wait for new gas turbines nationwide.<sup>5</sup> Arizona has no existing gas pipeline capacity and a new gas pipeline will not be available until at least 2029.<sup>6</sup> New nuclear will not be available in Arizona until the 2040s.<sup>7</sup> Therefore, the only resources that can be built to meet increased demand now are solar, wind, and storage. The utilities all set new peak demand records this summer.<sup>8</sup> Further, a diverse resource mix and geographic diversity of those resources are essential for grid reliability because an outage in one area likely will not impact an outage in another part of the state, such as a storm.

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<sup>1</sup> AZ League Data Portal, State Shared Revenues – Final FY 2026 Budget Estimates, June 3, 2025, *available here* <https://azleaguedata.org/state-shared-revenues-final-fy26-budget-estimates/?utm>.

<sup>2</sup> National Public Radio, Electricity Prices are Climbing More than Twice as Fast as Inflation, August 16, 2025, *available here* <https://www.npr.org/2025/08/16/nx-s1-5502671/electricity-bill-high-inflation-ai>.

<sup>3</sup> Lazard, Levelized Cost of Energy, June 2025, *available here* <https://www.lazard.com/news-announcements/lazard-releases-2025-levelized-cost-of-energy-plus-report-pr/>.

<sup>4</sup> Solar Energy Industries Association, We Need Solar and Energy Storage to Address the Energy Emergency, February 4, 2025, *available here* <https://seia.org/blog/we-need-solar-and-storage-to-address-the-energy-emergency/>.

<sup>5</sup> S&P Global, US Gas-Fired Turbine Wait Times as Much as Seven Years; Costs Up Sharply, May 20, 2025, *available here* <https://www.spglobal.com/commodity-insights/en/news-research/latest-news/electric-power/052025-us-gas-fired-turbine-wait-times-as-much-as-seven-years-costs-up-sharply>.

<sup>6</sup> Salt River Project, Arizona Utilities Work to Lock in Critical Natural Gas Delivery to Power Growth, August 6, 2025, *available here* <https://media.srpnet.com/arizona-utilities-work-to-lock-in-critical-natural-gas-delivery-to-power-growth/>.

<sup>7</sup> Apache County Planning and Zoning Commission work session, August 26, 2025.

<sup>8</sup> Utility Dive, 3 Arizona Utilities Set Peak Demand Records, August 12, 2025, *available here* <https://www.utilitydive.com/news/arizona-aps-tep-srp-peak-demand-record/757395/>.

Conclusion

**AriSEIA asks you to vote NO on the 2025 Amendments to Chino Valley Town Code Chapter 154 Regarding Renewable Energy: Utility Scale Solar and Wind.** This text amendment is a moratorium on all utility scale solar, wind, and battery storage in the Town and is illegal.

Respectfully,

Autumn Johnson

*Executive Director*

**AriSEIA**

(520) 240-4757

[autumn@ariseia.org](mailto:autumn@ariseia.org)