



A G E N D A

Town of Chino Valley
Planning & Zoning Commission

October 1, 2024



Commissioner's Special Meeting Agenda
Planning & Zoning Commission
Chino Valley Town Hall
202 N. State Route 89
October 1, 2024, 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 – AUGUST 27, 2024 SPECIAL MEETING
 - C.2. APPROVAL OF MINUTES – SEPTEMBER 3, 2024 REGULAR MEETING
 - C.3. WITHDRAWALS BY APPLICANT – NONE
 - C.4. TIME EXTENSIONS – NONE
 - C.5. APPROVALS – NONE
- D. PUBLIC HEARINGS – ONE
 - D.1 **TA-2024-05** – Definitions – A request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154 Section 2, Definitions.
- 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/87273067654>, or by phone: 1 888 788-0099 (Toll Free) or 1 877 853-5247 (Toll Free); Webinar ID: 872 7306 7654

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 Special Meeting Minutes August 27, 2024

A special meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, August 27, 2024, at the Town of Chino Valley Council Chambers, 202 N. State Route 89, Chino Valley, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present: Chair Chuck Merritt, Vice-Chair Gary Pasciak, Commissioner Teena Meadors, Commissioner Ron Penn, Commissioner Robert Switzer and Commissioner William Welker. Commissioner Richard Zamudio was absent.

STAFF MEMBERS present: Laurie Lineberry, Development Service Director, Will Dingee, Assistant Director, Jessica Barragan, Senior Planner, Gerreann Froberg, Senior Processing Coordinator, Spencer Guest, 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 Penn.

CONSENT CALENDAR – A motion was made by Commissioner Meadors to accept the consent agenda. The motion was seconded by Vice-Chair Pasciak and passed unanimously by a 6-0 vote.

Chair Merritt stated he was changing the order of the meeting and would start with the Information Items from Staff to update the Commission and the public on the Solar Ordinance. He stated that there would be no opportunity for public discussion tonight, nor would the Commission take any action on that item.

INFORMATION ITEMS – FROM STAFF: Will Dingee, Assistant Director, gave the Commission an update on the Solar Ordinance and reminded the Commission and the public of the Draconis group public meeting to be held at 5:30 p.m. on Thursday, August 29, 2024, at the Community Center. The public meeting was for an APS line extension for a potential future solar project. He shared that no project had come before the Planning and Zoning Commission yet. He reminded the Commission about not having a quorum at the Thursday public meeting. Commissioner Switzer stated he would be attending.

Laurie Lineberry, Development Service Director, stated that the General Plan, voted on by the public, required the Town staff to meet with a committee to help determine the rules for any potential new solar projects in Town. She shared they had been meeting with the committee monthly since January, and together they were working on writing regulations to be brought to the Commission on November 5, 2024, and to the Town Council on December 10, 2024. She stated that these were public hearings with opportunities for the public to ask questions and state comments which would become public record.

Merritt reiterated that the Thursday meeting was for an APS line extension and that there were no solar projects on the table with the Town at this time. He thanked the public for coming and invited them to come back when the Solar Ordinance was being presented to the Commission.

PUBLIC HEARING #D.1 – Case # TA-2024-01 — Metal Storage Containers - A request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, to create regulations for Metal Storage Containers.

Chair Merritt asked if anyone on the Commission had a disclosure to declare regarding this project. Merritt stated he had spoken to Switzer for about 3 minutes on this item.

Assistant Director, Will Dingee presented the staff report and stated this was the third time it was being presented to the Commission this year. He shared there were two open houses held on June 5, 2024, at the direction of Council, and that the staff had presented the public comments from the two study sessions held on July 9th and 10th. He shared that the public did not want any regulations on metal storage containers. When this information was presented to the Town Council, the Council discussed it and sent it back to the Planning and Zoning Commission for consideration of additional regulations.

Dingee shared a slide that reflected the proposed language and provisions for the new Ordinance,

recommended a discussion and public hearing of the Town Council's items of concern, and forwarding of language to the Town Council for their September 10, 2024, meeting.

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

Switzer asked what the total attendance was of the two open houses and wanted to know if there was a current building code on commercial properties for the limit of how much of the land could be occupied.

Dingee replied approximately 20 people total attended the open houses. He stated currently commercial land had no maximum lot coverage requirements, but would still need to accommodate for parking, drainage, landscaping and setbacks.

Lineberry stated the lot coverage limits would be addressed with update of the Zoning Code to include around 50% coverage for commercial and industrial land.

Switzer replied he believed the same standards should be applied to metal storage containers.

Merritt stated the residential rules looked good, and the Commission agreed. He stated that on commercial land, the containers would be considered as an accessory structure and would be subject to current Codes for setbacks and lot coverage limits.

Lineberry shared that commercial and industrial zones do not have the same setback rules as residential and that became a point of contention at the Council meeting when a commercial or industrial lot backed up to a residential lot. The Current Code required the commercial or industrial lot to have a setback when backed up to a residential lot. The general practice is that higher density residential had to set back further when backing up to a single-family residential lot.

Merritt stated language would need to be added to the Ordinance to include protection for residential lots for setbacks on metal storage containers when backed up to commercial or industrial lots.

Dingee confirmed the language was already in the proposed Ordinance for setbacks on metal storage containers to adhere to the same standards already set forth for accessory structures.

Merritt discussed no allowance for stacking of containers except through an issuance of a CUP.

The Commission discussed and agreed on the following for the new Ordinance:

- No deviations from the setback standards already in place for accessory structures.
- Containers may not be stacked unless a CUP is applied for and approved by the Commission.
- CL, CH and Industrial Zones need to have a five metal storage containers limit per acre with a CUP available for additional metal storage containers above the 5/acre.
- Metal storage containers shall be painted to match the primary structure on-site, or an earth-tone consistent with the surrounding terrain. Commercial properties can utilize screening instead of paint.
- Temporary/Seasonal (6-week) placement of metal storage containers is permissible with Administrative Approval of a Temporary Use Permit.
- Grandfathering of existing metal storage containers on all properties, with the requirement that containers on residential properties be painted to match the primary structure on-site or an earth-tone, within one year of Ordinance adoption.
- Attaching a non-structural façade to the outside of metal storage containers to match the main structure on the property would not be allowed as it would compromise the integrity of the engineered structure.
- The setback for a container on a commercial or industrial property needs to respect the residential adjacent property.

Switzer wanted the public to know that currently it is illegal to place a container on a property and that Code Enforcement was watching for people who were trying to place any before the Ordinance was adopted by Planning and Zoning.

Lineberry confirmed that Code Enforcement had stepped up to monitor for any new containers and had already had situations where containers had to be removed.

Chair Merritt opened the meeting for public comments.

James Walker asked if no modification included insulation, roofing or matching sheeting on the outside. He was also concerned that it would not be safe to bring in electrical, that some 40-foot containers fall into the confined space air-restricted area and without adequate ventilation the air could become unsafe to breathe. He thought there should be the addition of a 20-amp 110 feed so someone could run a fan if they wanted to.

Cathy Middlested commented that when she lived in another state, she had two 40-foot shipping containers for storage of plumbing equipment, household items, etc. and had lights in her containers. She was in favor of allowing for an electrical outlet on containers for lights or fans.

Chair Merritt closed the public hearing.

Dingee explained that containers were not currently covered by ICC/IBC/IRC construction code standards, and with the next Building Code update planned for early next year, there is an Appendix in the Code that addresses how to treat containers as buildings. Adding electrical, plumbing, etc. would fall under that Appendix to the new building codes, allowing for the Town to then issue permits for alterations to metal storage containers.

Lineberry shared that a building permit could be obtained from the Town for an electrical box on a pedestal outside of the container, which could be used with an extension cord for a portable light or fan.

Walker stated most after-market façade or exterior attachments require drilling, mounting or attaching to the engineered structure and then may not meet the load-bearing requirements, etc. He felt they should not be allowed, that a permitted carport would be a better option. Metal buildings were metal boxes and were usually on a slab. And anyone who brought in electrical to a metal storage container would need to ground it properly. He stated it was not uncommon to set the container on concrete if needed for extra piece of mind. It would be safer to have an electrical contractor come in and put a ground rod in to provide the electrical to the unit.

Merritt thanked him for his input and stated the new Building Codes would address some of these issues. Not everyone knows to ground, and by having a permit, the work would then be inspected for safety.

Penn stated he would be more comfortable with only one 20-foot container allowed on SR-1 and SR-1.6, he wanted to state that for the record.

Motion was made by Switzer, seconded by Pasciak to approve TA-2024-01 as reflected in the Attachment and as amended by the Commission, as presented, subject to the staff report and information provided during the hearing, and the Commission discussion. A roll-call vote was taken, and the motion passed unanimously with a 6-0 vote.

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

INFORMATION ITEMS – FROM THE COMMISSIONERS: no comment.

INFORMATION ITEMS – FROM THE CHAIR: **Merritt** shared an item coming before the Commission was for a livestock Ordinance and asked the public to please contact Town staff or Commissioners with any questions or concerns.

INFORMATION ITEMS – FROM THE PUBLIC:

Brian Lantero asked how you grandfather something that is illegal.

Merritt replied the Commission was limited on this item, to what was directed to them by the Town Council.

ADJOURN – A motion was made by **Meadors** and seconded by **Switzer** to adjourn the meeting at 7:00 p.m.

Charles Merritt - Chair

Prepared By: Gerreann Froberg

DRAFT

Planning and Zoning Commission Meeting Minutes September 3, 2024

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, September 3, 2024, at the Town of Chino Valley Council Chambers, 202 N. State Route 89, Chino Valley, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present: Chair Chuck Merritt, Vice-Chair Gary Pasciak, Commissioner Teena Meadors, Commissioner Ron Penn, and Commissioner Robert Switzer. Commissioner William Welker and Commissioner Richard Zamudio were absent.

STAFF MEMBERS present: Laurie Lineberry, Development Service Director, Will Dingee, Assistant Director, Jessica Barragan, Senior Planner, Frank Marbury, Public Works Director, Terri Denemy, Acting Town Manager, Gerreann Froberg, Senior Processing Coordinator, Lawrence Digges 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 Meadors. Merritt stated Terri Dememy, the new Acting Town Manager, was in attendance and welcomed her.

CONSENT CALENDAR – There were no consent calendar items for this meeting.

PUBLIC HEARING #D.1 – ZC-2024-05 – This is a request by Christopher Barrett, on behalf of LJCC Properties LLC, for a rezone of approximately 3 acres of land from Agricultural Residential, minimum 5 acre (AR-5) to Single Family Residential, minimum 1 acre (SR-1). The property is located at 772 W Road 1 North, Chino Valley, Arizona.

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

Senior Planner Jessica Barragan presented the staff report and recommended approval.

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

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

Penn asked if the applicant planned on hooking up to the Town water and sewer.

Christopher Barrett, applicant, stated that there were two existing wells currently on the property and they did not plan on hooking up to the Town water and sewer.

Merritt asked if there were any Town infrastructure close to the subject property.

Marbury replied that there were not. He stated that the parcels would comply with the Town and State rules for septic and well on one-acre minimum parcels in that area.

Penn asked how many houses the applicant would be building on the three-acre property.

Barrett replied that after the rezone was approved, they planned on splitting the parcel one time and planned on two homes maximum.

Merritt opened the meeting for public comments. There were none.

Merritt closed the public hearing.

Meadors stated there had been complaints of flooding along Messenger Lane and asked if Town staff were addressing the situation.

Marbury replied there was a recommended zoning stipulation to address flooding. The Town Engineer would look at the finished floor elevations on the project. He shared that with the proposed layout the water would generally flow between the two houses.

Motion was made by Switzer, seconded by Meadors to approve ZC-2024-05, as presented, subject to the staff report and information provided during the hearing, and the Conditions of Approval in Attachment A. A vote was taken, and the motion passed unanimously with a 6-0 vote.

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

INFORMATION ITEMS – FROM STAFF: **Lineberry** shared that there were no items for the Commission's October meeting, therefore the Commission would not meet in October.

INFORMATION ITEMS – FROM THE COMMISSIONERS: **Switzer** stated he would be starting as a Council member with the Town Council on December 10, 2024.

INFORMATION ITEMS – FROM THE CHAIR: **Merritt** – no comment.

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

ADJOURN – A motion was made by **Meadors** and seconded by **Pasciak** to adjourn the meeting at 6:15 p.m.

Charles Merritt - Chair

Prepared By: Gerreann Froberg



TOWN OF CHINO VALLEY
Planning Commission Staff Report
October 1, 2024
File Number TA-2024-05
Text Amendment

PROJECT DESCRIPTION

TA-2024-05 – Definitions – This is a request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154 Section 2, Definitions

Staff Report:

The staff has been maintaining a list of definitions needing to be revised or added to the Unified Development Ordinance (UDO). With the recent work on a possible solar ordinance, staff identified key aspects of solar development that are important to understand, with definitions. Those definitions play a role in reading and interpreting the existing zoning code, as it relates to solar inquiries the Town receives.

In the meantime, staff is in the process of procuring a consultant to assist with the rewrite of the UDO. That process will take a few more months. After a consultant is engaged, it will take between 18 and 24 months before the new code is in place. Since this list is ready to be reviewed for a code update, staff is bringing this amendment of definitions forward for consideration by Planning Commission and Town Council.

The proposed definitions are as follows:

ADDED DEFINITIONS

Battery Energy Storage System (BESS): An electrochemical device that charges or collects energy from the electrical grid or an electricity generating facility, such as a Utility-Scale Solar Photovoltaic Facility and then discharges that energy at a later time to provide electricity when needed.

Decommissioning Plan: A Plan that guides the dismantling and disposal of the deactivated Utility-Scale Solar Photovoltaic Facility, and restores the site to its pre-construction condition, including concrete and rebar up to four (4) feet below the disturbed surface of the ground.

Frontage, Cul-de-sac and Knuckle lots: To determine the minimum lot frontage for cul-de-sac and knuckle lots, begin at the points where the side property lines touch the road, measure back along the side property lines a distance of 30 feet, measure the distance between the two points.

Frontage, Double: Interior lots that have frontage on two non-intersecting streets.



TOWN OF CHINO VALLEY
Planning Commission Staff Report
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Text Amendment

Front Yard Setback: The minimum allowable distance from the ultimate street right-of-way line to the closest point of the foundation of a building or projection thereof, parking lot, or any accessory structure. In commercial, industrial and multi-family zones, the front yard setback is required to be landscaped.

Photovoltaic: Arrays of cells containing a solar voltaic material that converts solar radiation in direct current electricity.

Private Utility: A company or entity that provides essential services such as electricity, water, sewer, natural gas, or telecommunications directly to the general public and is NOT owned by a government entity, by a political subdivision of the State of Arizona, or entity operating within the corporate limits of the Town pursuant to a franchise or license agreement permitted by State law and granted by the Town. These do not include Utility Generation facilities.

Solar Array: A large number of Solar Panels, or an interconnected system of Solar Panels, or an integrated system of Solar Panels, that deliver the on-site generated electricity to a single connection point and at the desired voltage.

Solar Facility: A place that converts sunlight into electricity using Photovoltaics or other sunlight conversion technology, along with the necessary equipment for generating electricity. A solar facility may also include electrical substations, transformers, transmission lines and Battery Energy Storage Systems.

Solar Facility Use Permit: A permit required to be issued by the Town of Chino Valley that signifies that the developer has completed or agreed to complete through a Development Agreement, all conditions and requirements of the project. This permit must be issued before the project is deemed approved by the Town.

Solar Panel: Multiple Photovoltaic cells interconnected in an electrical circuit, which may be connected to an exterior circuit at a single point.

Solar Project Area: The total acreage encompassed by a Solar Facility including buffers, wildlife corridors, and other areas which remain unfenced and undisturbed.

Utility Generation Facilities: A facility or installation that generates electricity for distribution to the public through a utility grid. These facilities can utilize various energy sources, including fossil fuels (such as coal, natural gas), nuclear power, or renewable resources (such as solar, wind, hydroelectric, or geothermal). The primary purpose of a utility generation facility is to produce electrical power on a large scale, typically for sale to public or private utilities, which then distribute the electricity to consumers



TOWN OF CHINO VALLEY
Planning Commission Staff Report
October 1, 2024
File Number TA-2024-05
Text Amendment

Wildlife Linkage: The areas of land used by wildlife to move between or within habitat areas to complete activities necessary for survival, reproduction, and maintenance of the population. Such areas are identified by the Arizona Game and Fish Department and consist of interconnecting wildlife corridors and undisturbed lands that provide contiguous connection between habitat areas.

Wind Farm: A group of Wind Turbines in the same location used to produce electricity.

Wind Turbine: A device that converts the kinetic energy of wind into electrical energy.

REVISED DEFINITIONS

Lot: A piece or parcel of land, **excluding tracts**, legally created, whether by subdivision plat, lot split, or otherwise, as permitted by law to be used or occupied in conformance with this ordinance.

Public Utility: A company or entity that provides essential services such as electricity, water, sewer, natural gas, or telecommunications directly to the general public and is owned by a government entity, by a political subdivision of the State of Arizona, or entity operating within the corporate limits of the Town pursuant to a franchise or license agreement permitted by State law and granted by the Town. These do not include Utility Generation facilities. ~~Private or public facilities for distribution of various services, such as water, power, gas, communications, etc., to the public.~~



TOWN OF CHINO VALLEY
Planning Commission Staff Report
October 1, 2024
File Number TA-2024-05
Text Amendment

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission forward to the Town Council a recommendation of **APPROVAL** for the text amendment of definitions.

SUGGESTED MOTION:

Move to **APPROVE** Text Amendment TA-2024-05 as presented, subject to the staff report and information provided during this hearing.

EFFECT OF THE APPROVAL:

By approving this Text Amendment, the Planning and Zoning Commission is recommending approval of the Text Amendment to Town Council, subject to the staff report and information provided during this public hearing.

ATTACHMENTS:

A
Draft Ordinance

PREPARED BY:

LAURIE LINEBERRY, AICP
DEVELOPMENT SERVICES DIRECTOR
llineberry@chinoaz.net

DATE:

OCTOBER 1, 2024

APPROVED BY:

LAURIE LINEBERRY, AICP
DEVELOPMENT SERVICES DIRECTOR

ATTACHMENT A
ORDINANCE

ORDINANCE NO. 2024-943

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE CHINO VALLEY TOWN CODE, TITLE XV, LAND USAGE, CHAPTER 154, UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, BY AMENDING SECTION 2.2, MEANINGS OF WORDS AND TERMS.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the "Town Council") desires to amend the Chino Valley Town Code, Title XV, Land Usage, Chapter 154, Unified Development Ordinance of the Town of Chino Valley (the "UDO"), by amending Section 2.2, Meanings of Words and Terms; and

WHEREAS, the Town Council has determined that the Text Amendment is not in conflict with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or any other plan; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

WHEREAS, the Town Council has determined that this ordinance, although a "zoning ordinance text amendment of general applicability" as described in A.R.S. § 9-462.01(J), does not, because of its limited applicability to the added definitions, have any relationship to, or impact on, housing; therefore, the Town Council has determined it is not possible to prepare or consider a housing impact statement regarding the impact of the Text Amendment that includes the information required by A.R.S. § 9-462.01(J)(1)-(3).

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. The above recitals are hereby incorporated as if fully set forth herein.

Section 2. UDO Section 2.2, Meanings of Words and Terms, is hereby amended by adding the following:

ADDED DEFINITIONS

Battery Energy Storage System (BESS): An electrochemical device that charges or collects energy from the electrical grid or an electricity generating facility, such as a Utility-Scale Solar Photovoltaic Facility and then discharges that energy at a later time to provide electricity when needed.

Decommissioning Plan: A Plan that guides the dismantling and disposal of the deactivated Utility-Scale Solar Photovoltaic Facility, and restores the site to its pre-construction condition, including concrete and rebar up to four (4) feet below the disturbed surface of the ground.

Frontage, Cul-de-sac and Knuckle lots: To determine the minimum lot frontage for cul-de-sac and knuckle lots, begin at the points where the side property lines touch the road, measure back along the side property lines a distance of 30 feet, measure the distance between the two points.

Frontage, Double: Interior lots that have frontage on two non-intersecting streets.

ATTACHMENT A

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Solar Facility: A place that converts sunlight into electricity using Photovoltaics or other sunlight conversion technology, along with the necessary equipment for generating electricity. A solar facility may also include electrical substations, transformers, transmission lines and Battery Energy Storage Systems.

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ATTACHMENT A
ORDINANCE

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Section 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Amendments adopted herein is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 22nd day of October 2024.

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld P.L.C.

I hereby certify that the foregoing Ordinance No. 2024-XXX was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on October 22, 2024, and that quorum was present, and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Erin N. Deskins, Town Clerk