

ORDINANCE NO. 11-747

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO CONSTRUCT OPERATE AND MAINTAIN AN ACTIVE SOLAR ELECTRIC ENERGY SYSTEM LOCATED ON ASSESSOR'S PARCEL NUMBER 306-34-001

WHEREAS, the Property Owner/Applicant: James Deep Well Ranch #1, LLC/SunEdison LLC., has filed an application with the Town of Chino Valley requesting a Conditional Use Permit for a period of 30 years to expire on May 24, 2041 for Assessor's Parcel Number 306-34-001; and

WHEREAS, the requested Conditional Use Permit was noticed in conformance with the applicable State Statutes and Local Ordinance; and

WHEREAS, on April 6, 2011, a "neighborhood meeting" was held in conformance with the requirement set forth in the Town of Chino Valley Unified Development Ordinance; and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on April 21, 2011 and continued the hearing until May 3, 2011, during which information was presented by Town staff, the property owner, the applicant and members of the general public; and

WHEREAS, subsequent to the Public Hearing and discussion, the Commission elected by a 7-0 vote to forward the application to the Town Council with the recommendation for approval with certain Findings and Stipulations; and

WHEREAS, at their regular meeting of May 24, 2011, the Town Council confirmed the recommendation of the Commission by electing to adopt this Ordinance and thereby approve the requested Conditional Use Permit with the Findings and Stipulations cited in Section 1 of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:

Section 1. That the issuance of a Conditional Use Permit is hereby issued for the property located East of South Road 1 East and between East Road 2 South and East Road 4 South and described as Assessor's Parcel Number 306-34-001 (approximately 298 acres) with the following Findings and Stipulations:

FINDINGS - Required by Section 1.9.3 of the UDO:

1. That the Conditional Use Permit will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare; and
2. That the proposed use is reasonably compatible with uses permitted in the surrounding area. The AR-5 Zoning District allows as a Conditional Use Permit in Section 306.F (of the Unified Development Ordinance as adopted by the Town) Public utility buildings, structures, or appurtenances thereto for public service use.

ADDITIONAL FINDING:

1. That the Citizen Participation protocols and Notice as prescribed by the Unified Development Ordinance (UDO) have been complied with.

ZONING CONDITIONS:

1. Applicant agrees that the approval of this Conditional Use confers no entitlements or rights to the owner or applicant other than those that are vested as a Conditional Use in the AR-5 Zoning District.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley's Unified Development Ordinance.
3. That the Conditional Use Permit is granted for a period not to exceed 30 years from the date of Town Council approval. Noncompliance with any of the stipulations of approval, as determined by the Development Services Director, will be considered grounds for the Planning Commission, to conduct a Public Hearing whereby the Commission may recommend that the Town Council amend, modify or revoke the Conditional Use Permit. The Council may thereafter amend, modify or revoke the conditional use permit. .
4. Landscaping is required to be in conformance with the Town of Chino Valley's Unified Development Ordinance Section 4.26, as depicted in **Exhibit "A."**
5. Development and operation of the subject property shall be maintained as a photovoltaic solar energy generating facility only and shall be constructed in substantial conformance with the terms and conditions of the Conditional Use Permit, application narrative and preliminary site plan (sheets and conditions of the Conditional Use Permit, application narrative and preliminary site plan sheets 1-4, dated March 1, 2011), which includes a not to exceed 9-foot height limitation. In the event future modifications or replacement of parts or equipment become necessary for any reason, said modifications shall not materially alter the solar array footprint, orientation, height, reflectivity, landscaping, noise or designated open spaces. .

ENGINEERING CONDITIONS:

1. Legal access to the property is to be defined.
2. All drive aisles and parking areas are required to have a dust free hard surface, chip seal is adequate.
3. An engineered stamped grading and drainage report is required.

4. A 50 foot right-of-way dedication on the entire frontage along East Road 4 South is required.
5. Provide a perpetual offer to dedicate East Road 3 South.
6. Define how access over the Santa Cruz Wash will be accomplished.

Section 2. This Ordinance repeals any prior enactment by the Town of Chino Valley, which is inconsistent herewith.

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

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 24th day of May, 2011.

Jim Bunker, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, P.C.
Town Attorney



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LANDSCAPE ARCHITECTURE

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