

RESOLUTION NO. 2024-1278

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING CONDITIONAL USE PERMIT 2024-04 FOR THE EXPANSION OF AN EXISTING APS SUBSTATION LOCATED AT 3011 JEROME JUNCTION, CHINO VALLEY, ARIZONA.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) is responsible for reviewing and approving conditional use permits for land use and development within the Town; and

WHEREAS, the applicant, Ryan Weed with CVL Consultants, on behalf of Arizona Public Service Company (APS) (the “Owner”), applied for a conditional use permit to allow for the expansion of an existing APS substation with perimeter walls up to ten feet in height; and

WHEREAS, the proposed request is subject to the conditional use permitting process set forth in Section 1.9.3 of the Unified Development Ordinance of the Town of Chino Valley (the “UDO”); and

WHEREAS, the Chino Valley Planning and Zoning Commission (the “Commission”) has conducted a public hearing to consider the applicant’s request, including reviewing the site plan, proposed operational procedures, and findings of fact, and has recommended approval of the conditional use permit subject to certain conditions; and

WHEREAS, the Town Council has reviewed the Commission’s recommendation.

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

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

SECTION 2. The conditional use permit (“CUP-2024-04”) to allow for the expansion of the existing energy substation generally located at 3011 Jerome Junction, Chino Valley, Arizona (Yavapai County Assessor Parcel No. 306-02-300B), and currently zoned Agricultural-Residential Minimum 4 acres (AR-4), as described in the application submitted and the Commission staff report dated December 3, 2024, is hereby approved, subject to the requirements of Ariz. Rev. Stat. §§ 28-7201 *et seq.* and the following conditions:

1. The Owner/applicant shall comply with all conditions, codes, rules, fees, and regulations applicable to this action.
2. The Owner/applicant shall sign a Waiver of Claims form, which the Town will provide and record with the Yavapai County Recorder’s Office, prior to the public hearing and final decision on this item by the Town Council.
3. The Owner/applicant shall install an exterior project wall, subject to approval by Town staff, in lieu of required landscaping.
4. The Owner/applicant shall use dark sky-compliant lighting for the facility.

5. Deviations from the site plan and/or non-compliance with any of the prescribed conditions of CUP-2024-04 shall be grounds for revocation and/or reconsideration by both the Planning and Zoning Commission and the Town Council.
6. The Owner/applicant shall satisfy the Central Arizona Fire and Medical Authority conditions noted in Attachment B to the Planning Commission Staff Report from December 3, 2024.
7. The Owner/applicant shall construct the wall within three years of January 14, 2024, at which time CUP-2024-04 will expire if the wall is not constructed.
8. The proposed southerly block wall shall be setback more than 40' north of the south line of Section 1 to accommodate the future right-of-way of E Road 4 North.
9. During the Technical Review process, the Owner/applicant shall provide grading plans and a drainage report by an Arizona Registered Civil Engineer in accordance with Town Code and all other applicable rules and regulations. The project shall detain to historic rates and discharge at the same location. Off-site flows on-site need to be accommodated.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this resolution 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.

(SIGNATURES FOLLOW)

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 14th day of January 2025.



Tom Armstrong, Mayor

ATTEST:



Erin N. Deskins

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney
Gust Rosenfeld PLC

I hereby certify that the above foregoing Resolution No. 2024-1278 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on January 14, 2025, and that quorum was present thereat and that the vote thereon was 6 ayes and 1 nays and 0 abstentions. 0 Council members were absent or excused.

Erin N. Deskins

Erin N. Deskins, Town Clerk