APACHE COUNTY COMMUNITY DEVELOPMENT

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PLANNING AND ZONING COMMISSION
MINUTES FOR August 5, 2026

Commissioners

District I	District II	District III
Carey Dobson		Brad Peterson, Chair
Bobby Fite	Kay Hauser	Bob Pollock, Vice-Chair
Brad Jarvis		Travis Johnson

Alternate

Michael Bragiel

Staff Members in attendance

Matthew Fish, Director

Shanna Pearce, Project Manager

Legal Council

Chirstopher Resare, Chief Deputy Attorney

WORK SESSION

CALL TO ORDER

Chair Peterson called the work session to order at 12:00 p.m. He explained that the work session was for Commission discussion and that public participation would occur during the public meeting. The Pledge of Allegiance was led by Chair Peterson, and Commissioner Dobson gave the invocation.

DISCUSSION OF THE PROPOSED AMENDMENTS TO THE APACHE COUNTY RENEWABLE ENERGY DEVELOPMENT ORDINANCE. SECTIONS 803.A 3, 4, AND 5, SECTIONS 804-807.

The Commission reviewed proposed amendments to Article 8, including Sections 802, 803.A.3–6, and 804.A–E. Discussion of the remaining noticed sections was not reached during the recorded work session.

Section 802 — Definitions

Mr. Fish proposed adding a definition for Battery Energy Storage System (BESS). The Commission agreed to include the definition. Mr. Fish stated that the revised document would be identified as Draft 9. At Commissioner Hauser's request, Mr. Fish agreed to date future drafts so the current version could be identified.

Section 803.A — Preferred Criteria

3**. Distance from Population Centers**

Mr. Fish presented revised language favoring remote and sparsely populated locations while avoiding an exact distance. Commissioners discussed whether renewable energy facilities should be limited to preferred and secondary preferred energy-generation areas, whether a minimum distance should apply from municipalities and established communities, and whether exceptions could be considered through the conditional use permit process. Mr. Fish stated that he would research the requirements and legal implications of making preferred areas mandatory and report back. The Commission directed that the working draft begin with a four-mile mandatory distance from population centers, subject to later revision.

Commissioners also discussed wildlife corridors and coordination with the Arizona Game and Fish Department. Mr. Fish stated that the two pending wind applicants, Triple Oak and Repsol, had communicated with Game and Fish and that the applications had not yet been evaluated in a Commission work session.

4. Compatibility With Existing Land Uses

The Commission reviewed replacement language giving preference to locations that support continued agricultural and grazing operations, provide opportunities for supplemental agricultural income, and minimize conflicts with neighboring ranches, private property owners, and established rural land uses. The Commission agreed to use the proposed replacement language.

5. Topographic Suitability

The Commission discussed a suggestion to remove topographic suitability as an engineering constraint rather than a land-use qualification. Chair Peterson and Commissioner Hauser supported retaining the criterion, and the Commission agreed.

6. Consistency With Preferred Energy Generation Areas

The Commission reviewed proposed language describing Preferred Energy Generation Areas in the Apache County Comprehensive Plan as planning guidance that would neither guarantee nor prohibit project approval. Because the discussion overlapped with the

question of making preferred areas mandatory, the Commission deferred this item pending legal review.

Section 804 — General Development Standards

A. Preapplication Meetings

No textual changes were proposed. Chair Peterson stated that the Apache Natural Resource Conservation District should be involved in preapplication review. The Commission agreed with Commissioner Bragiel noting that the district's advice should not be mandatory.

B. Roads and Access

The Commission reviewed revised language requiring an access and roadway plan identifying proposed temporary and permanent roads, access points, and connections to public or private roads; review by the Apache County Engineering Department during the conditional use permit process; and later review or approval of final roadway design, construction, drainage, and access improvements during applicable permitting. The Commission agreed to remove the word "conceptual" from the proposed language. Mr. Fish stated that each conditional use permit should be evaluated on its own merits and that limited adjustments could be addressed during later technical review.

C. Electrical Infrastructure

The Commission discussed underground and overhead electrical lines, including cost, cooling, engineering, safety, environmental, and terrain considerations. The Commission expressed no objection to the draft provision allowing overhead infrastructure when approved by the County because of engineering, safety, or environmental constraints and agreed to leave the provision unchanged.

D. Fire Protection and Emergency Response

The Commission discussed fire protection for projects located outside a local fire district, the role of the State Fire Marshal, possible agreements with existing fire districts, and project-specific facilities such as water storage, equipment, and cross-trained personnel. Commissioners emphasized that a preliminary fire-prevention and emergency-response plan should be submitted with each conditional use permit application and that final plans should be approved by the authority having jurisdiction before building permits are issued.

At the Chair's request, Frank Garrett identified himself as a retired fire protection engineer with professional experience in electrical-generation facilities. Mr. Garrett recommended that the ordinance expressly require compliance with NFPA 850. Mr. Fish stated that proposed language under preparation included NFPA 850 and NFPA 855. The

Commission supported adding both standards for wind, solar, and battery-storage facilities, and Mr. Fish agreed to circulate recommended language.

E. FAA and FCC Compliance

The Commission discussed compliance with FAA and FCC requirements and potential interference with microwave, public-safety, utility, amateur-radio, cellular, and other communication systems. Commissioners discussed requiring contact with affected communication providers, conducting an RF/microwave baseline study at the conditional use permit stage, defining verified interference, and identifying qualified consultants. Chair Peterson and Commissioner Hauser stated that the County should select or approve consultants and that applicants should pay the associated review costs. Mr. Fish agreed to prepare suggested language.

DISCUSSION REGARDING THE POSSIBLE ESTABLISHMENT OF A PLANNING & ZONING COMMISSION SUBCOMMITTEE TO ASSIST STAFF IN THE REVIEW AND DEVELOPMENT OF PROPOSED AMENDMENTS TO THE APACHE COUNTY RENEWABLE ENERGY ORDINANCE.

The scheduled work-session time had expired, the Commission discussed whether to continue after the public meeting or schedule another work session. Mr. Fish suggested a special work session approximately two weeks later without a fixed discussion limit. The Commissioners agreed. Chair Peterson stated that the Commission would also discuss the proposed subcommittee during the public meeting.

DISCUSSION ON ANY FUTURE AGENDA ITEMS

No discussion

No motions were made and no votes were taken during the work session. The Commission provided direction by consensus as summarized above.

ADJOURNMENT

The work session adjourned at 1:04 p.m.

PUBLIC MEETING

Chair Brad Peterson called the public meeting to order at 1:15 p.m.

ROLL CALL

Chairman Peterson determined a quorum with seven (7) members present by roll call.

Present were Chair Peterson and Commissioners Bob Pollock, Brad Jarvis, Bobby Fite, Kay Hauser, Carey Dobson, and Michael Bragiel. Commissioner Travis Johnson was not in attendance.

REVIEW AND APPROVAL OF THE JULY 1, 2026 PLANNING AND ZONING COMMISSION WORK SESSION AND PUBLIC HEARING MINUTES

MOTION: Commissioner Dobson moved to approve the July 1, 2026 work-session and public-hearing minutes. Commissioner Fite seconded the motion.

VOTE: 7–0. Ayes: Chair Peterson, Commissioner Pollock, Commissioner Jarvis, Commissioner Fite, Commissioner Hauser, Commissioner Dobson, Commissioner Bragiel. Nays: None.

Motion carried

CONDITIONAL USE PERMIT CUP 2026-39 – SANDRA BOND HOSTING OF EQUINE TRAIL SPORTS AND WORKING EQUITATION CLINICS AND EVENTS AT AN EXISTING EQUINE FACILITY.

Mr. Fish summarized the request to hold equine trail-sport and working-equitation clinics and events at an existing equine facility on APN 212-24-008L. He described the anticipated event frequency, attendance, temporary camping, existing improvements, citizen-participation results, Environmental Health concerns, and nine recommended conditions concerning the approved scope, event frequency, daylight hours, on-site parking and camping, dust control, future site changes, regulatory compliance, wastewater capacity or portable restrooms, and sanitation requirements.

Applicant Sandra Bond stated that participants generally arrive in self-contained horse trailers or recreational vehicles. She described an owner-provided portable restroom and wastewater tank and stated that pumping service would be used. She confirmed that she had no objection to the recommended conditions. In response to Commission questions, Ms. Bond stated that the CUP parcel contains 80 acres, adjoins a 40-acre parcel, and that she typically anticipates two or three events including possible 4-H training.

Mr. Fish reiterated that Environmental Health would evaluate the sanitation arrangements. He noted that staff had received a letter of opposition the day prior to the meeting and had provided a hard copy to the commission for their review. He asked if the commission wanted him to read or summarize it for them. Chair Peterson confirmed with the commissioner that they had read the opposition. Mr. Fish also responded to Commissioner Fite’s question regarding the amount of events submitted on the application and presented. Mr. Fish noted that for flexibility he presented to hold as many as six events per year.

Public comment

Lisa Brekke, supported the request and described the facility, participants' sanitation practices, and the availability of self-contained accommodation.

Toni Beetham, supported the request and described prior events as quiet, clean, and sanitary.

Debbie Dahlquist, supported the request based on her experience volunteering, participating, and riding at the property, and stated that the applicant was respectful of neighboring properties.

MOTION: Commissioner Dobson moved to recommend approval of CUP 2026-39 with the nine staff-recommended conditions. Commissioner Bragiel seconded the motion.

Application Conditions:
1. The cup shall authorize only equine trail sports and working equestrian clinics substantially consistent with the submitted application
2. Events shall be limited to no more than six per calendar year unless an amendment is approved
3. Events shall generally occur during daylight hours
4. All parking and camping shall remain on the subject property
5. Dust shall be controlled as necessary
6. Future grading, drainage, modifications, or expansions beyond the approved scope shall require County review
7. The applicant shall comply with all applicable County, State, and Federal regulations
8. Before any event involving overnight camping or participant use of the on-site sanitary facilities the applicant shall either obtain Environmental Health approval for an adequately sized wastewater system or provide sufficient portable restrooms and
9. The applicants shall comply with all applicable environmental health sanitation and wastewater requirements.

VOTE: 7–0. Ayes: Chair Peterson, Commissioner Pollock, Commissioner Jarvis, Commissioner Fite, Commissioner Hauser, Commissioner Dobson, Commissioner Bragiel. Nays: None.

Motion carried

CONDITIONAL USE PERMIT 2026-26 – SRP, REPRESENTED BY PEW & LAKE, PLC, TO CONSTRUCT AND OPERATE A STORAGE RESEARCH AND DEVELOPMENT FACILITY WITHIN THE CORONADO GENERATING STATION

Mr. Fish summarized SRP's request, represented by Pew & Lake, PLC, to construct and operate a long-duration energy-storage research and development facility within the

existing Coronado Generating Station. He stated that the project would remain within the existing industrial footprint, that staff waived the ADOT report, and that staff recommended four conditions addressing substantial conformance, construction dust, regulatory compliance, and hazardous-material handling and emergency-response plans.

Reese Anderson introduced SRP and Energy Dome representatives and presented the proposed carbon-dioxide energy-storage technology. The applicant team addressed Commission questions regarding the charge-and-discharge cycle, anticipated construction and permanent employment, project cost, water use, carbon-dioxide containment, dome materials and wind design, concrete, end-of-life removal, recyclability, the 20-year lease, and possible future deployment. The representatives stated that requested details not then available would be confirmed later and that engineering plans would be submitted for County review.

Public comment

Donald Maxwell, described the project as a long-duration storage alternative and recommended that the record include project investment, a County cost-benefit analysis, expected useful life, and a decommissioning plan.

Linda Weiland, stated that the presentation clarified the proposal but raised concerns regarding application detail, zoning and development standards, pollutants, fire protection, traffic and staffing estimates, carbon-dioxide release, and whether the Commission had enough information to evaluate the experimental use.

MOTION: Commissioner Jarvis moved to recommend approval of CUP 2026-26 with the staff-recommended conditions. Commissioner Pollock seconded the motion.

Application Conditions:
1. Development shall substantially conform to the submitted site plan and project narrative
2. Dust shall be controlled during construction
3. All applicable Federal, State County, Fire Codes and Building Code regulations shall be met
4. Appropriate hazardous material handling and emergency response plans shall be maintained in accordance with all applicable regulations.

VOTE: 7–0. Ayes: Chair Peterson, Commissioner Pollock, Commissioner Jarvis, Commissioner Fite, Commissioner Hauser, Commissioner Dobson, Commissioner Bragiel. Nays: None.

Motion carried

CONDITIONAL USE PERMIT AMENDMENT CUP 2026-38 – VERTICAL BRIDGE TO AMEND PREVIOUSLY APPROVED CONDITIONAL USE PERMIT CUP 2014-1

Mr. Fish summarized the request to increase the previously approved communications-tower height to provide a microwave connection and read nine staff-recommended conditions.

Reg Destree, representing Vertical Bridge, explained that the tower had not been constructed because backhaul service was unavailable at the approved height and that a tower near Snowflake now made a point-to-point microwave connection possible at the proposed height.

No public comments were offered.

MOTION: Commissioner Fite moved to recommend approval of CUP 2026-38 with the staff-recommended conditions and the additional condition that construction commence within one year. Commissioner Dobson seconded the motion.

Application Conditions:
1. Development shall substantially conform to the submitted site plan
2. Maximum tower height shall not exceed 199 feet including the lightning rod
3. The tower shall remain available for future co-location when technically feasible
4. Exterior color shall remain non reflective in FAA compliant
5. Outdoor lighting shall be limited to FFA requirements and security lighting necessary for maintenance
6. Access shall utilize the approved ADOT access easement
7. The applicant shall obtain all required building permits before construction
8. The applicant shall comply with all applicable FAA, FCC, County, State, and Federal regulations
9. Any substantial modification to the approved facility shall require review by the Apache County Community Development and may require amendment to the conditional use permit.
10. Construction of the tower must commence within one year after approval of CUP.

VOTE: 7–0. Ayes: Chair Peterson, Commissioner Pollock, Commissioner Jarvis, Commissioner Fite, Commissioner Hauser, Commissioner Dobson, Commissioner Bragiel. Nays: None.

Motion carried

MODIFICATION TO CONDITIONAL USE PERMIT, 2026-32 - PINNACLE CONSULTING DBW SUN STATE TOWERS AND VERIZON TO MODIFY CONDITIONS OF THE CONDITIONAL USE PERMIT 2025-51

Mr. Fish summarized the request to modify Condition 6 of CUP 2025-51 concerning construction access and road repair and maintenance.

Applicant Logan Williams stated that the applicant would restore the road to its prior condition, would provide a $10,000 performance bond, and sought a workable condition so construction could proceed before winter.

Commissioners discussed the applicant's prior commitment to seek agreements with affected owners, the absence of post-approval contact with those owners, the private access easement, County inspection authority, the length and condition of Road N2131, the proposed bond, construction traffic, and ongoing maintenance.

Public comment

Stan Zumbrunnen, did not oppose the tower but requested protection from construction impacts. He stated that he had not been contacted after the prior approval and requested mandatory County enforcement, a $10,000 bond lasting one year after completion, inspection-linked maintenance and repair, continued access, dust control, and protection against unauthorized entry or damage to private property. After staff read the revised conditions, he stated that they addressed his concerns on his own behalf.

Ronald Pearce, did not oppose the tower and requested conditions prohibiting parking or blockage on the narrow access road, protecting ingress and egress, addressing construction timing and dust, and requiring a performance bond.

The Commission questioned Sterling Simpson, about the site and construction access. Mr. Simpson stated that the five-acre site had room for construction activity and that equipment could be staged off the road, subject to conditions.

Mr. Fish read revised Conditions: the applicant would repair construction-related road damage; Apache County would require inspections, repair, or corrective measures necessary to restore Road N2131 to a condition equal to or better than its preconstruction condition; the applicant would provide a $10,000 performance bond for one year after the certificate of completion; construction equipment would not block Road N2131; the applicant would provide dust control during construction; and no private property would be damaged or entered without prior authorization from the owner. All other original CUP conditions would remain.

MOTION: Commissioner Fite moved to approve the modification with the revised conditions stated during the meeting. Commissioner Jarvis seconded the motion.

Modified Number 6 Application Conditions:
6. The applicant shall be responsible for repairing any construction-related road damage to roads resulting from construction of the approved telecommunication facility. Apache County will require inspection, repair, or corrective measures necessary to ensure County Road N2131 is restored o a condition equal to or better than its preconstruction condition.
7. The applicant shall provide a $10,000 performance bond for one year after the certificate of completion on the communication tower.
8. County Road N2131 will not be blocked by construction equipment during construction.
9. Dust control will be provided by the applicant during construction.
10. No private property will be damaged or trespassing on private property without prior authorization from the owner.
11. All other original CUP 2025-51 approved conditions shall remain.

VOTE: 7–0. Ayes: Chair Peterson, Commissioner Pollock, Commissioner Jarvis, Commissioner Fite, Commissioner Hauser, Commissioner Dobson, Commissioner Bragiel. Nays: None.

Motion carried

ZONE CHANGE APPLICATION – 2026-37 – RYAN ELLSWORTH, FOX CANYON LLC TO REZONE FROM AG (AGRICULTURAL GENERAL) TO C-1 (LIGHT COMMERCIAL).

Mr. Fish summarized the request to rezone APNs 106-36-020F and 106-36-020G from Agricultural General (AG) to Light Commercial (C-1). He stated that staff recommended no special conditions because the request was a legislative zoning-map amendment and that no protest had been received.

Applicant Ryan Ellsworth explained that the zone change was requested to maintain state licensing compliance for the existing recovery center and described the program and improvements to the property.

Commissioner Dobson described his visit to the facility. Mr. Ellsworth responded to questions regarding the program and related facilities. No public comments were offered.

Motion: Commissioner Dobson moved to recommend approval of Application 2026-37. Commissioner Bragiel seconded the motion.

Vote: 7–0. Ayes: Chair Peterson, Commissioner Pollock, Commissioner Jarvis, Commissioner Fite, Commissioner Hauser, Commissioner Dobson, Commissioner Bragiel. Nays: None.

Motion carried

RENEWABLE ENERGY ORDINANCE AMENDMENT – SUBCOMMITTEE

Chair Peterson stated that, although there is currently no moratorium in place, he believes the proposed subcommittee can complete its work within 120 days, consistent with the anticipated timeframe previously associated with a moratorium. He emphasized that the subcommittee would focus specifically on the ordinance work with continued assistance and input from others.

Mr. Fish discussed the length of the review process, the role of Community Development, the need for defined schedules and deadlines, and the administrative requirements for subcommittee meetings.

Commissioners discussed whether the full Commission could complete the remaining ordinance sections through twice-monthly special work sessions and invite subject-matter experts as ad hoc participants.

Commissioner Bragiel noted that approximately eight sections remained to be addressed and that the moratorium had not yet gone into effect. He stated that the Commission therefore had more than 120 days and believed the remaining sections could be completed within four months by dedicating additional meeting time each month and having members review the sections in advance.

The Commission reached consensus to use the full Commission rather than a subcommittee, meet on the second and fourth Tuesdays at noon when facilities were available, and begin the next review with the communications-compliance provisions.

Staff stated that dates could change based on room availability and would be posted.

Public comment

Donald Maxwell, supported review by the full Commission with invited experts and requested clearer project location information, consideration of pending CUP materials during ordinance review, and additional public input.

Susan Maxwell, asked the Commission to use pending CUP materials to identify ordinance provisions and requested a method for residents to submit written concerns in advance.

Monica Boehning, raised concerns about the timing of agenda publication and distribution of her written comments concerning FCC and communications provisions.

Carol Whitney, supported a resident subcommittee with subject-matter experts, local environmental testing, community outreach, participation by persons without financial interests in proposed projects, soil and engineering review, and voter input.

Mark Schaff, attempted to comment on CUP 2026-39 after action had been taken and requested that the Commission reconsider or reschedule that matter.

No further comments.

MOTION: Commissioner Bragiel moved to schedule Special Work Sessions for the commission continued work on the Renewable Energy Ordinance amendments for the second and fourth Tuesdays at noon, subject to room availability. Commissioner Dobson seconded the motion.

Recommended Special Work Session Dates:

August 11th and 25th;
September 8th and 22nd;
October 13th and 27th;
November 10th and 17th;
December 8th and 15th;
January 12th and 26th

VOTE: 7–0. Ayes: Chair Peterson, Commissioner Pollock, Commissioner Jarvis, Commissioner Fite, Commissioner Hauser, Commissioner Dobson, Commissioner Bragiel. Nays: None.

Motion carried

MOTION: Commissioner Fite moved to recommend that a subcommittee not be appointed. Commissioner Pollock seconded the motion.

VOTE: 7–0. Ayes: Chair Peterson, Commissioner Pollock, Commissioner Jarvis, Commissioner Fite, Commissioner Hauser, Commissioner Dobson, Commissioner Bragiel. Nays: None.

Motion carried

CALL TO THE PUBLIC

Linda Weiland, raised concerns about differences among ordinance drafts, changes to applicability provisions, access to twice-monthly meetings, opportunities for public input, and the status of the moratorium recommendation.

Mr. Fish responded that the moratorium recommendation had been forwarded to the Board of Supervisors and that staff and the Commission had no further authority over the Board action.

Monica Boehning, recommended adding definitions and standards for biomass, solar, battery storage, erosion and stormwater controls, recycling, agrivoltaics, compressed-carbon-dioxide storage, and advanced nuclear technologies, and favored standardized protections with project-specific CUP conditions.

Brian Burke, supported specific and enforceable ordinance language to protect communities, including firm setbacks without embedded exceptions, while allowing exceptions to be considered through individual CUP proceedings.

Rob Warner, read excerpts from a newspaper article concerning statements attributed to the County Economic Development Director and requested clarification of a reference to an alternative or "back door" approval path.

Betsy Lagos, stated that her intended comments had already been covered.

Kimberly Autrey, read excerpts from an article critical of renewable-energy development and urged consideration of natural-resource impacts and limits on energy consumption.

Paulina Schubel, was called but had left the meeting.

Samantha Whitmire, speaking as First Vice President of the White Mountain Association of Realtors, raised concerns about the scale, location, community support, and potential property-value and quality-of-life effects of the Lava Run and Black Ridge proposals and requested further action before approval.

Commissioner Fite clarified that the Planning and Zoning Commission serves as a recommending body and that final decisions are made by the Board of Supervisors. He stated that a proposed moratorium had already been forwarded to the Board of Supervisors and advised that comments regarding final action should be directed to the Board.

Terry Tignor stated that his comments would be reserved for the Board of Supervisors.

Peggy Miner expressed appreciation for the Commission's work and stated that public opposition should be considered in CUP decisions, citing earlier proposals involving the Concho Golf Course property.

Mark Ostermann, stated that the Commission's ordinance recommendation would materially affect the Board's decision, supported restrictive protections that do not ban renewable energy, and raised concerns regarding potential impacts of large wind projects.

Commissioner Fite reiterated that the Commission serves in an advisory capacity and noted that the Board of Supervisors has, on numerous occasions, taken action different from the Commission's recommendations.

Lonnie Randall, described views from his property and nearby State Trust land and raised concerns about effects of wind development on natural landscapes.

Susan Maxwell, asked when the Repsol CUP application would be posted, thanked the Commission, and reiterated concerns regarding homes, wildlife, water, communications, health, and community character.

Donald Maxwell, encouraged consideration of emerging energy technologies, including small nuclear, fusion, peaker plants, and alternative wind-generation designs, rather than conventional wind projects.

Chair Peterson commented on the importance of scenic views, including the view from his property, and stated that he believes in alternative energies; I just think we need what's right for our county at this time.

REPORT FROM STAFF

Mr. Fish reported that staff expected the Commission to review a proposed subdivision of approximately 280 lots near Concho Lake in a future work session. He stated that staff would post the Repsol CUP materials as soon as possible and that staff was still in the preliminary stages of review. He also thanked the Commission for addressing implementation details.

ADJOURNMENT

Chair Peterson adjourned the public meeting at 4:07 p.m. MST.

Approved this 7th day of October 2026.

/s/ Brad Petrson
Chairman of the Commission

/s/ Matthew Fish
Planning & Zoning Secretary

NEXT MEETING

The next regular meeting of the Planning and Zoning Commission is scheduled for Wednesday September 2, 2026.

Disclaimer: These minutes are intended as a summary of actions taken and discussions held and are not intended to be a verbatim transcript.