

APACHE COUNTY COMMUNITY DEVELOPMENT

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**PLANNING AND ZONING COMMISSION
MINUTES FOR August 7, 2025**

Commissioners

District I

Carey Dobson
Bobby Fite
Brad Jarvis

District II

Kay Hauser
Dan Muth, Chair

District III

Brad Peterson, Vice-Chair
Bob Pollock
Travis Johnson

Alternate

Michael Bragiel

Staff Members in attendance

Matthew Fish, Director
Christopher Resare, Chief Deputy Attorney

Shanna Pearce, Plan Reviewer
Serafina Farb,

Assessor's Office

Barbara Gomez, Chief Appraiser

Roxanne Drye, Appraiser III

Working Lunch Session

Call to Order:

Vice Chair Brad Peterson called the working lunch session to order at 12:00 p.m.

Update on Alpine Commercial Rezone.

Mr. Fish provided an update on the Alpine Community meeting held on July 23, 2025. He reported that the primary concern expressed by residents was the fear of losing control over what happens in Alpine. The general consensus of the meeting was to “plan first” and then begin any implementation later, with interest in updating the Alpine Community Plan.

Mr. Fish confirmed that the current Alpine Community Plan (approved in 2001) is not an ordinance, and the appendices were never adopted. He also clarified that it was not staff’s intention to have a separate ordinance for every community, similar to Greer’s.

Some residents asked about rezoning since their properties are already taxed as commercial. Mr. Fish explained the rezoning process, which includes public meetings, application fees, a Planning & Zoning Commission recommendation, and final approval by the Board of Supervisors.

Mr. Fite asked if the County Plan superseded the community plan. Mr. Resare explained that the County Plan generally supersedes a community plan unless a community adopts its own ordinance, as Greer has. Mr. Fish noted that an ordinance always supersedes a plan, and that the plan is used as a guide.

The Commission agreed to move forward with updating the Alpine Community Plan. Staff was directed to organize the update process, including forming a committee and holding community meetings.

No further discussion.

Discussion regarding the proposed Conditional Use Permit (CUP) for the Juniper Springs Solar and Storage project.

Mr. Fish presented the project narrative and reviewed key public concerns, which included ingress and egress, potential road degradation from construction traffic, long-term restoration responsibilities (including decommissioning), water usage, increased surface drainage, impacts to wildlife and grazing land, visual impacts, fire protection, and county service needs such as road maintenance, snow removal, dust control, and traffic control.

From the citizen participation summary, the main issues raised were road degradation, disruption to wildlife and hunting (with recommendations from Arizona Game and Fish), impacts to grazing land, visual impacts, and accountability for decommissioning.

Mr. Fish reported on a recent meeting with the applicant, a third-party ecological consultant, and Arizona Game and Fish regarding fencing, vegetation, and antelope corridors. The group agreed that progress was being made but determined another meeting would be necessary in late August or early September. He clarified that Arizona Game and Fish is a recommending agency, and the authority to approve or deny project elements rests solely with the county.

Mr. Fish addressed road maintenance and construction traffic, he noted that construction is expected to generate approximately 120 trips per day on county roads, most within 3–5 miles of “N” Road. Staff recommended entering into a separate development agreement between the county engineering department and the developer for a per-mile maintenance cost, with a similar agreement with the Elk Valley Ranch POA.

Mr. Fish addressed commissioners’ concerns about water supply and rancher coordination. He noted that the applicant indicated they would drill an additional well for

construction, dust mitigation, and post-construction needs, and would possibly enter into a maintenance agreement with the rancher. He added that grazing rights concerns would be addressed between the developer, rancher, and state; the county would not be involved in those negotiations.

Mr. Fish noted that another key concern would be fire prevention and emergency services. He stated that the project area is within the Round Valley Fire District boundary, but service provision may fall to the St. Johns Fire Department due to access location.

Mr. Peterson asked the applicant what type of batteries they would be using. Applicant representative Alex Yachanin explained that they planned to use lithium-ion phosphate batteries and had discussed fire mitigation measures with the St. Johns Fire District.

Mr. Jarvis asked if the applicant had a purchase agreement with TEP or another entity at this time. Mr. Gallagher representative for the applicant explained the project timeline and power purchase agreement process, noting that first they must secure Arizona Corporation Commission approval for an additional gen-tie to connect to TEP, then obtain a Conditional Use Permit (CUP) before operations can begin, and finally execute a power purchase agreement with TEP or another buyer.

Mr. Fish highlighted key elements of the decommissioning plan prepared by Kimley-Horn. He noted that the total estimated cost for decommissioning and salvaging was approximately \$20 million, and they recommended that the plan be revisited every five years.

No further discussion.

Discussion on any future Agenda Items

Mr. Fish proposed amending Article 6 to include specific language about condominiums in relation to resorts. He emphasized that this is not a rewrite of Greer Article 6 but rather the addition of a few sentences to clarify permitted uses in the Greer Commercial Resort zone. No committees will be formed, the full process will not be repeated, and the changes will be publicly noticed.

Mr. Fish stated that staff discussions identified the need for minor adjustments to make the ordinance clearer and more user-friendly.

Mr. Peterson suggested adding provisions for “mini nukes” to the ordinance to anticipate future developments. Mr. Fish presented his research on the topic, agreed it should be addressed, and recommended including it in the upcoming special work session.

No further discussion.

Work session adjournment at 12:45 p.m.

Public Meeting

Call to Order.

Vice Chair, Brad Peterson called the public meeting to order at 1:00 p.m.

Roll Call/Determination of a Quorum.

Mr. Peterson determined a quorum was present by roll call. There were Seven (7) Commissioners in attendance; Brad Jarvis, Bobby Fite, Brad Peterson, Kay Hauser, Bob Pollock, Mike Bragiel, and Carey Dobson.

Review and Approval of Minutes – Special Work Session held June 25, 2025

MOTION: Mrs. Hauser moved to approve the minutes of the June 25, 2025 Special Work Session as drafted. The motion was seconded by Mr. Jarvis.

There was no discussion.

VOTE: The motion passed unanimously with six (7) ayes, zero (0) nays.

Review and Approval of Minutes – Working Lunch Session and Public Hearing held July 10, 2025

MOTION: Mrs. Hauser moved to approve the minutes of the July 10, 2025 Working Lunch Session and Public Hearing as drafted. The motion was seconded by Mr. Fite.

There was no discussion.

VOTE: The motion passed unanimously with six (6) ayes, zero (0) nays, and one (1) abstention. Mr. Dobson, who was not present at the July 10, 2025 meeting.

Review, discussion and possible recommendation for approval of the proposed Conditional Use Permit (CUP) for the Juniper Springs Solar and Storage project

Mr. Fish introduced the Juniper Spring Solar, LLC (subsidiary of EDF Power Solutions) Conditional Use Permit application for a 3,200-acre utility-scale solar and battery storage facility east of the Springerville Generating Station. The proposed 500 MW facility includes photovoltaic arrays, battery storage systems, and an on-site substation, with an approved transmission line to connect to Tucson Electric Power's (TEP) existing facility.

Mr. Gillispie provided a Power Point presentation. Key topics discussed:

Project Overview & Benefits: Location advantages, low water use, economic impact, tax revenue projections, and decommissioning plans.

Community & Agency Engagement: Ongoing coordination with St. Johns Fire District, Arizona Game and Fish, local schools, and economic development groups.

Wildlife & Habitat Concerns: Continued discussions with Arizona Game and Fish regarding pronghorn corridors and habitat mitigation.

Environmental & Visual Impacts: Vegetation removal and site restoration methods (mastication, soil protection).

Economic Impact: Projected \$21M to Round Valley School District and \$13M to Apache County Special Districts over 40 years; \$65M direct and \$14M indirect construction impacts; 320 construction jobs and 10 permanent jobs.

Timeline: Interconnection application completed in 2020, CUP consideration in 2025, power purchase agreement in 2026, construction start in 2028, operations in 2030.

Conditions Prior to Construction: Completion of ranch operation agreements, implementation of Game and Fish recommendations, finalized fire/emergency plans, executed road maintenance and development agreements.

No further discussion.

Mr. Peterson opened for public comment allowing three (3) minutes per speaker.

Stephen Urban expressed concerns regarding EDF's track record, referencing lawsuits in other countries and a past battery storage facility fire. He questioned the project's benefit to the county, potential impacts on transmission capacity, and possible decreases in Elk Valley property values. He also raised concerns about energy being stored and sold at higher peak rates, stating solar is economically viable mainly due to renewable energy mandates.

Joel Persinger confirmed that Mr. had received his letter and reiterated his general opposition to the project. He appreciated the 600-foot setback agreed upon to preserve forest near his property but requested assurance it remains permanent. He expressed concern over potential project expansion, impacts to privately owned "N" roads, and the use of Elk Valley's roads for heavy equipment. He also sought clarification regarding Game and Fish correspondence and noted anticipated resistance from Elk Valley property owners.

Linda Weiland stated that the Juniper Springs Solar project application is incomplete, lacking key details such as scaled site plans, parking loading and staging areas, extent of site clearing, fire prevention plan, vegetation plan, structure elevations and building

heights. She expressed concern over the decommissioning plan, noting missing bond requirements, unrealistic recycling transport estimates, and unclear obligations if the operator defaults. She recommended the application not be considered for approval until substantially complete, suggesting the use of a more rigorous checklist to avoid inefficiencies and unnecessary taxpayer expense. She also requested clarification on whether projected county income from the project would remain constant or depreciate over the 40-year term.

Monica Boehning stated the Juniper Springs Solar CUP application is incomplete and fails to show proof the project will meet ordinance requirements or key agency recommendations. She cited Arizona Game and Fish Department's late notification and the applicant's disregard for most of its recommendations, including the need for a 1,300-foot wildlife corridor. She noted missing protected species surveys, fire prevention and weed control plans, hazardous material handling procedures, and decommissioning details. She warned that approving the CUP without these details sets a precedent for leniency and places undue burden on county staff, urging the Commission to require a complete application before consideration.

Chuck Clark stated he has been in discussions with the applicant for over a year, including while serving on the Elk Valley Ranch Board of Directors. He noted the applicant has worked with the community to provide a 600-foot buffer zone and expressed their willingness to upgrade roads to county standards if used. He is unsure if project roads will be separate or shared but voiced overall support for the project, stating it will have minimal visibility except for a few vacant lots in Unit 2.

Randall Bates (Elk Valley Unit 3) stated he was not contacted by the applicant and only learned of the project from a neighbor. He expressed strong opposition, citing fire danger, limited emergency response times, and potential harm to pronghorn habitat and forage. He objected to removal of juniper trees, loss of open space, and questioned the recyclability and safety of lithium batteries and solar panels based on his experience in the energy conservation industry.

Karl Pew expressed concern about potential lithium battery leakage impacting washes and the lake and noted that there was a lot of state lease land near Gila Bend or by the Palo Verde power plant that would be a great alternative location to avoid environmental impacts in the proposed area.

No further public comments.

The Commission heard extensive discussion regarding the proposed solar project, focusing on the order of permitting, long-term liabilities, infrastructure impacts, and economic benefits.

- **Conditional Use Permit (CUP) Process** – While not legally mandated as the first approval step, Mr. Resare explained that obtaining a CUP before pursuing power

- transmission or purchase agreements is the standard practice. This aligns with utility companies' requirements to work only with fully permitted projects.
- **Conditions of Approval** – The applicant confirmed that key concerns (setbacks, road agreements, fire safety, battery safety, etc.) will be addressed through enforceable conditions tied to the CUP. The 600-foot setback is locked into the permit and cannot be changed without further approvals.
 - **Road Improvements** – The applicant committed to entering agreements to improve county roads used during construction, coordinating with both the county and local POAs for non-maintained roads.
 - **Economic Impact** – The project's property tax contribution will be relatively stable over the life of the facility, with straight-line depreciation to a floor value of 10% of original cost. The county assessor confirmed renewable energy projects are valued as business personal property.
 - **Construction Timeline & Phasing** – Construction is projected to last about two years, with two potential phases depending on TEP's procurement decisions. Peak construction traffic will be about 60 daily trips. The site is strategically located along an existing transmission corridor, minimizing the need for new power lines.
 - **Power Purchase Agreement** – The applicant is progressing through two separate TEP processes—interconnection (begun in 2020, nearing final terms) and power off-take—anticipating that securing the CUP and interconnection this year will strengthen their bid for a purchase agreement.

Mr. Fish noted that since 1974 the U.S. has issued only four nuclear power plant permits, while China has built 70 since 2016, emphasizing that regardless of the decision made—approval, denial, or request for more information—there will always be some opposition.

Staff recommend conditional approval of the Conditional Use Permit (CUP), contingent upon the satisfaction and approval of the following items prior to issuance of construction or grading permits:

1. **Final Development Plan**

Prior to the issuance of any construction or grading permits, the applicant, Juniper Springs LLC, shall submit a comprehensive final development plan to the Apache County Community Development Department and the Apache County Building Department for review and approval. This plan shall include, at a minimum:

- Final site plot plan showing the entire project layout, including building locations, access roads, and internal circulation.
- Elevation renderings of all proposed structures and facilities.
- Final layout and specifications of battery energy storage systems (BESS).
- Final arrangement and layout of solar panel arrays.
- Final route and location of all proposed transmission lines.
- Location of proposed water wells or other water sources.
- Documentation of all proposed on-site easements.
- Final solar panel specifications, including manufacturer, model, and materials.

- A surface drainage and stormwater management plan accounting for water runoff.
 - An estimate of water use during construction and ongoing maintenance.
 - Identification and safety documentation for any hazardous materials, including those used in the solar panels.
 - Final plans for equipment storage, parking, site signage, and lighting (including photometric lighting details).
- No ground disturbance or construction activity shall occur until the County has reviewed and approved the full development plan and all associated materials.

2. Power Purchase or Interconnection Authorization

Prior to the issuance of any construction or grading permits, the applicant shall provide documentation to Apache County demonstrating either:

- An executed Power Purchase Agreement (PPA) or similar contractual agreement with Tucson Electric Power (TEP), Salt River Project (SRP), or Tri-State Generation and Transmission for the sale of generated electricity; or
- Written authorization from one of or all three of the electrical generating companies allowing the interconnection and delivery of energy onto their high-voltage transmission system.

3. Environmental Impact Mitigation Plan

Prior to approval of the Final Development Plan, the applicant shall submit an Environmental Impact Mitigation Plan to both the Arizona Game and Fish Department (AZGFD) and Apache County for review. The applicant shall address all applicable recommendations and best management practices provided by AZGFD and the County, and incorporate these into the final project design and construction plans to the extent feasible.

4. Updated Decommissioning Plan, Bond, and Successor Obligation

The applicant shall submit an updated decommissioning plan and cost estimate to Apache County for review and approval once a final development plan has been agreed upon. The plan shall address the removal of all project facilities and full restoration of the site at the end of the project's operational life. The decommissioning plan must comply with all requirements set forth in Section 440 of the Apache County Utility Renewable Energy Systems Ordinance and must include a list of native vegetation species to be used for re-vegetation following decommissioning.

To ensure that adequate financial resources are available for decommissioning, the applicant shall also submit a decommissioning bond in a form and amount satisfactory to Apache County, as specified in Section 440 of the ordinance. The bond shall name the applicant, the landowner, and Apache County as co-beneficiaries, and shall remain in effect until the County has verified that all decommissioning obligations have been fulfilled. The bond shall not be subject to revocation, reduction, or cancellation without the prior written consent of Apache County, and must be maintained throughout the life of the project.

In the event of a transfer of ownership or operational control of the facility, the decommissioning plan and all associated obligations, including the bond requirement, shall be assigned to the new owner or operator. Apache County shall be notified in writing at least ninety (90) days prior to any such transfer. The new owner shall submit documentation of the assumption of all decommissioning responsibilities, and the existing bond shall remain in place unless replaced by a new bond or other financial assurance instrument of equal or greater value, subject to County approval. No transfer shall be considered effective until the County has approved the continuation or replacement of the financial assurance instrument.

5. Road Maintenance and Access Agreements

Prior to approval of the Final Development Plan, the applicant shall enter into a Road Maintenance Agreement or Development Agreement with Apache County for improvements to and ongoing maintenance of County Roads 6040 and 6001. Additionally, the applicant shall secure a separate agreement with the Elk Valley Ranch Property Owners Association for use of Elk Valley Ranch roads during construction and operation.

6. Permit Lapse Provision

The Conditional Use Permit shall automatically lapse five (5) years from the date of issuance unless a valid building permit application is submitted prior to that date. The permit holder may request a reasonable extension of the lapse date upon demonstration of good-faith efforts and measurable progress toward project development.

7. Fire Prevention and Emergency Services Plan

Prior to approval of the Final Development Plan, the applicant shall submit a Fire Prevention and Emergency Services Plan identifying the fire district or emergency service provider responsible for the site. The plan shall incorporate recommendations from that agency, and projected construction shall comply with all applicable fire safety and emergency access standards.

8. Final Building Permits

All required building permits shall be obtained prior to commencement of any construction activities.

The commission discussed postponing a decision on the Juniper Springs LLC CUP to allow more time for review and adjustment of conditions.

Mr. Peterson proposed tabling the CUP for at least two months to review staff recommendations and make certain items prerequisites for CUP approval rather than post-approval requirements.

Mr. Fite requested prerequisites including a finalized agreement with Arizona Game and Fish, a state-issued agreement ensuring compensation or accommodation for a rancher if grazing land is impacted, and a written agreement with residents in the affected development regarding road use and related issues, to be presented to the commission.

Mr. Peterson clarified his proposed procedure. The item will be on next month's work session agenda for discussion, and the public hearing and potential vote will occur in two months, if legally permissible.

Mr. Dobson expressed opposition to placing the project on state land, advocating for the use of private land instead.

MOTION: Mr. Peterson moved to table the CUP for two months, schedule it for next month's work session, and place it on the public agenda in two months. Seconded by Mrs. Hauser.

VOTE: The motion passed unanimously with seven (7) ayes and zero (0) nays.

Call to the Public.

Mr. Peterson provided members of the public three (3) minutes each to speak.

Amy Butcher, a realtor, warned that uncertainty over wind and solar projects near Vernon is discouraging buyers and lowering property values. She urged the commission to create enforceable industrial zones away from residences, stressing that "preferred" areas are insufficient and that clear zoning is essential to protect community integrity and the local housing market.

Mark Ostermann opposed wind generators in the county, calling them harmful to tourism and costly to decommission. He expressed conditional support for solar projects if strategically placed with community agreement, noting they are cheaper to dismantle and offer potential income without major tourism loss. He urged careful consideration of public opinion, bond requirements, and long-term costs, warning that wind projects would face strong community opposition.

Mark Seipke emphasized the importance of strong road maintenance agreements, citing a Texas example where construction traffic damaged roads and no one assumed responsibility. He recommended reviewing §ARS 11-254.07, which allows the county to establish renewable energy incentive districts, providing permanent zones for energy development without sacrificing tax revenue, and suggested this framework could guide local project siting and permitting.

Linda Weiland, supported a comprehensive plan amendment to designate appropriate energy generation areas. She emphasized that the comprehensive plan is more than "words on a page," citing Section 1107 of the zoning ordinance and §ARS 11-804/11-805, which require counties to guide land use, conserve resources, promote public welfare, and follow a formal adoption or amendment process. She stressed that the plan, expiring in 2029, is a critical tool for planning, public participation, and ensuring proposed developments align with county objectives, and encouraged commissioners and the public to familiarize themselves with its policies.

James Barratt, an Elk Valley resident, voiced serious concerns about proposed energy projects and local oversight. He noted that Arizona Game and Fish can only make recommendations, not enforce compliance. The Elk Valley POA is currently unstable, with residents considering outside legal review. Most residents oppose the use of county and POA roads for construction traffic. Operations by Proton Green on RO2-zoned residential land have negatively impacted property values and raised questions about permits, safety, and regulatory enforcement. Overall, residents feel there has been insufficient oversight of corporate activity, contributing to a lack of trust.

Mr. Fish clarified that Proton Green has not drilled new wells in Elk Valley; existing wells predate the community and are covered by a temporary use permit, which he offered to review with Mr. Barratt privately. Mr. Barratt remained skeptical, and Mr. Peterson directed that the discussion should continue outside the public meeting.

No further public comments were made.

Report from Staff to the Commission

Mr. Fish clarified that Agenda Item #5 will be discussed at next month's work session and revisited in October. Mr. Peterson emphasized to the public that no decision will be made on this item during the upcoming meeting.

Adjournment

Vice Chair Brad Peterson adjourned the public meeting at 3:15 p.m. (MST).