

APACHE COUNTY COMMUNITY DEVELOPMENT

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**PLANNING AND ZONING COMMISSION
MINUTES FOR February 4, 2026**

Commissioners

District I

Carey Dobson
Bobby Fite
Brad Jarvis

District II

Kay Hauser

District III

Brad Peterson, Chair
Bob Pollock, Vice-Chair
Travis Johnson

Alternate

Michael Bragiel

Staff Members in attendance

Matthew Fish, Director

Shanna Pearce, Plan Reviewer
Serafina Farb, Permit Tech

Legal Council

Christopher Resare, Chief Deputy Attorney

WORKING SESSION

CALL TO ORDER

Acting Chair Michael Bragiel called the Work Session to order at 4:00 p.m. (MST).

**PROPOSED AMENDMENTS TO RENEWABLE ENERGY DEVELOPMENT
ORDINANCE**

Matthew Fish explained the purpose of the working session as an informal discussion focused exclusively on potential amendments to the County's Renewable Energy Development Ordinance. He clarified agenda limitations and noted that public comment on other matters would occur during the subsequent regular public meeting. He addressed prior public concerns regarding alleged expedited processing of conditional use permits, stating that no permits had been approved and that established procedures were being followed. He requested civil conduct during the meeting.

Mr. Fish introduced Monica Boehning and Linda Weiland to provide a presentation related to visual resource analysis and renewable energy facilities.

Linda Weiland described her professional background and outlined the purpose of the presentation: to summarize visual impact assessment research related to wind and solar projects and to inform discussion on setbacks from scenic roadways. She reviewed definitions of visual impact, federal guidance, and principles used in visual impact assessments. She referenced distributed handouts addressing assessment methodology, visibility mapping, and key observation points.

Monica Boehning discussed viewer perspectives (observer level, superior, and inferior) and how elevation and terrain influence visibility and perception of large-scale renewable energy facilities.

Ms. Weiland reviewed federal land management distance zones and summarized findings from a 2011 Bureau of Land Management and U.S. Department of Energy study examining wind farm visibility in western states. She described visibility ranges, impact thresholds, and limitations of photographic simulations. She also summarized a 2022 GIS-based study and provided observational comparisons to the Borderlands wind project in New Mexico. Based on the cited studies, she discussed potential setback distances from scenic roads and recommended consideration of a minimum 5-mile setback distance.

Matthew Fish presented photographs and observations from visits to existing wind energy projects. He discussed turbine height, spacing, visibility at various distances, and comparisons to high-voltage transmission lines.

Mr. Fish proposed considering a commission field visit to an existing wind energy facility. Commissioner Kay Hauser provided insights regarding the location of a Navajo County project previously visited.

Mr. Fish summarized setback standards from Coconino County and Navajo County ordinances, including setbacks from residences, adjacent parcels, roadways, utility lines, and provisions allowing for reduced setbacks with recorded landowner consent. He explained that Apache County's existing ordinance was largely patterned after Navajo County's prior standards and reviewed proposed setback language currently under consideration.

Commissioners asked questions regarding turbine height measurements, blade-tip height definitions, and calculation of setbacks. Mr. Fish clarified that total height includes blade-tip height as defined in the current zoning ordinance (Section 441 Setbacks).

County Attorney Chris Resare addressed legal considerations related to setback distances, explaining the need to justify regulations under the State's police powers based on health, safety, welfare, or morals. He stated that arbitrary setback distances could increase

litigation risk if not supported by articulated reasons. Scenic quality could be considered as part of a broader justification but would likely not be sufficient on its own.

Commissioners discussed potential differentiation of setback distances based on roadway classification, geographic area, or preferred siting zones. Mr. Fish confirmed that differentiated standards could be incorporated into the ordinance.

Commissioners discussed concerns related to proximity of wind facilities to residential areas, scenic landscapes, ranching, recreation, and checkerboard land ownership patterns. The Commission acknowledged challenges in balancing private property rights with community impacts.

Mr. Fish proposed conducting additional research on justification used by other counties for expanded setbacks and communicating individually with Commissioners prior to the next meeting to gather feedback.

Mr. Fish briefly summarized additional proposed ordinance changes, including:

- Revisions to wildlife protection language and agency references.
- Adjustments from “shall” to “may” in Section 439 – Wildlife Protection to provide administrative flexibility.
- Added provisions addressing site management, noxious weeds, and disturbance minimization.
- Clarification of cleanup timelines to allow reasonable scheduling.
- Clarification that five-year reviews of conditional use permits are administrative compliance reviews, not re-approvals.
- Updates to pre-application requirements and inclusion of local fire districts.
- Proposed fee structure consistent with Navajo County, including a base conditional use permit fee plus a per-acre charge with a maximum cap.

Mr. Fish explained procedures for members of the public wishing to speak during the subsequent public meeting under Call to the Public.

DISCUSSION ON ANY FUTURE AGENDA ITEMS.

No discussion.

ADJOURNMENT

Acting Chair Michael Bragiel adjourned the Working Session at 5:03 p.m. (MST).

PUBLIC MEETING

Chair Brad Peterson called the Public Meeting to order at 5:11 p.m.

ROLL CALL

Commission Members Present: Bobby Fite, Brad Jarvis, Michael Bragiel, Kay Hauser, Carey Dobson, Travis Johnson, and Brad Peterson.

Commission Members Absent: Bob Pollock.

Chair Brad Peterson determined that a quorum was present.

REVIEW AND APPROVAL OF THE JANUARY 14, 2026 MINUTES

Motion made by Commissioner Michael Bragiel, second, by Commissioner Hauser, to approve the minutes of the January 14, 2026 Planning and Zoning Commission Work Session and Public Hearing..

No discussion.

VOTE: six (6) aye, zero (0) nays, one (1) abstention. Commissioner Carey Dobson, not present at the January 14 meeting.

Motion carried.

Mr. Fish clarified that per conversations with the county attorney's office, it did not matter if commissioners were at the meeting as long as they've had an opportunity to review the minutes or asked his opinion then they can go ahead and either vote or not vote.

REVIEW AND APPROVAL OF THE DECEMBER 4, 2025 MINUTES

Motion made by Commissioner Kay Hauser, second by Commissioner Michael Bragiel, to approve the minutes of the December 4, 2025 Planning and Zoning Commission Working Lunch Session and Public Hearing.

VOTE: seven (7) ayes, zero (0) nays.

Motion carried.

REVIEW AND APPROVAL OF THE AUGUST 26, 2025 MINUTES

Motion made by Commissioner Kay Hauser, second by Commissioner Brad Jarvis, to approve the minutes of the August 26, 2025 Planning and Zoning Special Work Session.

Vote: seven (7) ayes, zero (0) nays.

Motion carried.

CALL TO THE PUBLIC

Chair Brad Peterson explained Call to the Public procedures, including time limits (3-minutes) and restrictions on Commission response.

Barry Weller, Concho: Spoke regarding renewable energy ordinance considerations, including police powers, moral and ethical considerations, use of the Comprehensive Plan as a guiding document, cost-benefit analysis to the County, wildlife impacts, and the importance of thorough justification for ordinance provisions. He urged the Commission to take the time necessary to properly justify any ordinance changes so they would stand up legally.

Shanna Penrod, Vernon: Spoke regarding scenic impacts, tourism, wildlife, hunting, public safety, and potential costs associated with wind energy development. She asked the Commission to consider how these developments would permanently change our communities and whether those impacts were worth it.

Mark Ostermann, Vernon: Spoke regarding strong public opposition to wind energy projects. Other counties have pushed back on similar developments, and encouraged the commission do some research. Cleanup and bonding are major concerns—once these projects are no longer profitable, taxpayers could be left responsible. The Commission should represent the will of the people and protect the County from long-term environmental and financial harm.

Connie Coronado, Vernon/Concho: Spoke regarding visual impacts, groundwater concerns, wildlife, noise, transparency of communications; transparency is extremely important, including access to public records and communications. Reliance on the Comprehensive Plan, and the importance of public records; the public deserves clear and open information about what is being proposed and how decisions are being made.

Spence Platt, St. Johns: Spoke as a landowner and rancher regarding property rights; If nobody has any individual rights, then we don't have any public rights. Economic diversification for ranching operations, drought impacts, potential project revenue, and considerations for long-term community sustainability.

Lonnie Randall, Concho/Vernon area: Opposed to large-scale renewable energy facilities. Concerned about transparency, governance, and the influence of large corporations. These projects can negatively affect quality of life, scenery, and the environment. Many people feel this is being pushed forward without adequate public awareness.

Nathan Wengert, St. Johns: Spoke in support of economic development and renewable energy investment, Apache County needs growth to support infrastructure and future generations. Messaging to investors matters, and we should be careful not to discourage responsible development that could bring jobs and long-term benefits to the County.

Kristi Huyck, Concho: Spoke regarding groundwater usage, drought conditions, construction water demands, and concerns based on experiences in other communities. Water is a limited resource, and this needs to be seriously considered before moving forward.

Betsy Lagos, Concho: Spoke regarding environmental impacts, wildlife, soil conditions, solar and wind development effects, public notice inadequacies, and review of scientific studies being carefully reviewed for independence and accuracy.

Amy Bowen, Concho: Spoke regarding proximity to proposed wind projects, health and safety concerns, wildfire risk, groundwater contamination, turbine failure rates, recycling of turbine materials, and recommended setback distances.

Daniel Hochstein, Vernon: Spoke regarding visual impacts, property values, groundwater concerns, public notice, quality of life considerations, and opposition to wind energy development. There has not been enough study done to justify moving forward.

Beth Peterson, St. Johns: Yielded her speaking time to Monica Boehning.

Monica Boehning, Springerville: Spoke regarding litigation trends, recommended Commission field visits to existing projects, staffing and quorum vacancy concerns, workload impacts, suggested a moratorium on renewable energy applications until ordinance revisions are complete, setback justification research, and offered to provide past supporting materials for setbacks.

Linda Weiland: Declined to speak.

REPORT FROM STAFF

Mr. Fish advised that the March meeting agenda would be full and would include items that could not be noticed at the prior meeting due to lack of a quorum.

Mr. Fish asked whether the Commission had any questions or direction for staff following the public comments.

Commissioner Carey Dobson expressed support for conducting an on-site field trip.

Mr. Fish asked commissioners which days of the week would generally work best. Commissioner Kay Hauser indicated a preference for midweek. Mr. Fish suggested

Tuesday, Wednesday, or Thursday. Commissioner Bobby Fite requested that the visit not be scheduled at 4:00 p.m. Mr. Fish stated the visit would not be scheduled in the morning. Commissioner Dobson noted he would be unavailable for approximately two weeks following February 27 due to a medical procedure.

Mr. Fish stated that any field trip would need to be properly noticed and that staff would follow up with commissioners by email. He advised that potential destinations could include a site in Navajo County or a location in Catron County, New Mexico, noting that travel distance would be comparable. Commissioner Hauser stated she would like to visit both locations if possible. Mr. Fish indicated staff could schedule two dates.

A member of the public suggested that an individual she knew with prior wind turbine construction experience accompany the Commission. Mr. Fish stated that the decision would be up to the Commission. Chair Brad Peterson stated the matter would need to be discussed.

Commissioner Bobby Fite asked about filling the two Commission vacancies. Mr. Fish stated that names had been submitted and were currently under consideration by the Board of Supervisors.

Chair Peterson asked if there were any further questions. There were none.

ADJOURNMENT

Commissioner Bobby Fite moved to adjourn the meeting, second by Commissioner Carey Dobson. Vote was unanimous. Meeting adjourned at 6:00 p.m. (MST)

NEXT MEETING

The next regular meeting of the Planning and Zoning Commission is scheduled for Wednesday, March 4, 2026.

Approved this day of , 2026.