

APACHE COUNTY COMMUNITY DEVELOPMENT

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**PLANNING AND ZONING COMMISSION
MINUTES FOR February 6, 2025**

Commissioners

District I

Carey Dobson
Bobby Fite
Brad Jarvis

District II

Kay Hauser
Dan Muth, Chair

District III

Brad Peterson
Bob Pollock
Travis Johnson

Alternate

Michael Bragiel

Staff Members in attendance

Matthew Fish, Director
Serafina Farb, Administrative Assistant
Shanna Pearce, Plan Reviewer

Assessor's Office

Roxanne Drye, Appraiser III
Amanda Crowley, Appraiser I

Working Lunch Session

Mr. Muth called the working lunch session order at 12:00pm.

Discussion of Agenda Item #4: Conditional Use Permit Application for Brent Sexson

Mr. Fish presented the staff report, recalling previous concerns about water usage for Mr. Sexson's brewing process and its impact on the septic system. He noted that, while County Health wasn't present today, he had a lengthy conversation with them, and they conducted an inspection and reviewed Mr. Sexson's system. He noted that County Health was satisfied with both the system's capacity and the water usage, confirming that the water usage is well below any concerning thresholds. Mr. Fish mentioned that a copy of the permits and system details were in the applicant's file, available for review upon request.

Mr. Muth asked if the CC&Rs in the packet were for the Windsor Valley Ranch or Windsor Valley Ranch Unit Three. Mrs. Pearce replied that the CC&Rs had been provided by the applicant.

Mr. Sexson mentioned that he had done some research, noting that his nephew owns a brewery in Tucson that produces ten times as much as what was being proposed. He added that his nephew uses about 15 to 20 gallons per tank when cleaning to recycle. Mr. Sexson emphasized that he doesn't anticipate a large amount of water consumption for his operation, based on this research.

Mr. Fish addressed a previous question regarding the byproducts of brewing and reminded the commissioners that Mr. Sexson had spoken to local ranchers and planned to feed these byproducts to local livestock.

Mr. Muth asked if there was any further discussion. Hearing none, he concluded the discussion.

Discussion on Future Agenda Items

Update on the Lava Run project

Mr. Fish provided a quick update, noting that he had met with Repsol representatives and advised that they have pushed back the timeline for submitting their conditional use application. Originally expected in early 2025, the new target is now the end of the second quarter, likely in June.

He also mentioned that Game and Fish had reached out and that he provided them with a brief update on the project. He then contacted each renewable energy company, CC'ing Megan at Game and Fish, to align any questions they might have and to request being included in any replies to ensure everyone stays on the same page.

Mr. Muth reminded Mr. Fish of their previous discussion about creating an ad hoc committee for policy recommendations and suggested that it was time to move forward. Mr. Fish responded that the issues and his recommendations have been shared and discussed with the Board of Supervisors; however, he has yet to receive their feedback.

Mr. Muth suggested that the public might have which could help move the process forward. Mr. Fish confirmed that some residents had already raised concerns with the Board of Supervisors.

Mr. Fish then raised the issue of legal concerns, specifically regarding the possibility of declaring a moratorium. Mr. Muth noted that, while a moratorium would raise questions, addressing energy production overlays in the county plan could be made immediately without the need for Board input until after a draft is created.

Mr. Fish acknowledged that the Board of Supervisors has tasked his department with exploring the process for creating an official overlay. Mr. Muth suggested this could serve as a starting point for the committee.

Mr. Fish agreed, confirming that this was the discussion with the Board. Mr. Muth asked what the next steps would be. Mr. Fish responded that they still need clear directions from the Board.

Mr. Muth clarified that he was suggesting working on the overlay policy, not a moratorium or ordinance change, to address those areas where energy production could be feasible. He expressed his belief that this was a critical issue that the commission could start working on immediately, inviting any dissent from the commissioners. Mr. Fish confirmed he would have an answer for the Commission chair early next week.

Mr. Peterson added that, in his role with Navopache, they recently lobbied in Phoenix. He noted that legislators are considering taking control of wind energy on state land, and Representative Marshall from Snowflake was in the process of proposing a bill.

Mr. Fish provided further clarification, confirming that Representative Marshall's bill to extend setback limits for wind generation was still under review in the committee and hadn't yet been brought to the floor for a vote.

Mr. Muth emphasized the importance of addressing the issue, not just for wind and solar energy, but also for long-standing CO2 fields and the growing concerns around nuclear energy.

Update on Proton Greens' Helium Extraction Project and Capital Investment Efforts

Mr. Fish mentioned that he reached out to Proton Greens' representative, Thomas White, last week. Mr. Fish explained that Proton Green was working under a temporary use permit to explore helium extraction, but the initial plant was too small and inefficient to be profitable. Mr. White said they are now in a holding pattern, as they're working on bringing in a larger, more efficient mobile plant to reduce costs and make the operation profitable. If successful, they plan to expand and explore other helium mines in southern Apache County.

Mr. Fish also asked about the potential for carbon monoxide regeneration from coal-fired power plants. Mr. White confirmed that everything was still on the table, but for now, they were in a holding pattern. Mr. Fish agreed to follow up in six months and keep the county manager, Board of Supervisors, and Planning and Zoning Commission updated. Mr. White welcomed the check-in and promised to notify Mr. Fish of any changes in the meantime.

Mr. Fish also reached out to Economic Developer Preston Raban, who indicated that Proton Greens is seeking capital investment. Mr. Fish relayed the information to Mr. Raban, who agreed to take it from there.

Discussion on Nuclear Energy Development and Site Consideration in Apache County

Mr. Fish began by discussing the transition from coal to small modular reactors (SMRs) at a coal-fired power plant in southern Wyoming. These SMRs generate about 100 megawatts per unit, and utility companies like SRP, TEP, and APS are supporting the project. Mr. Fish noted that this transition might take around ten years, though there may be ways to expedite it. He mentioned that Springerville, Eager, and Saint Johns may have already expressed interest in becoming potential sites for SMRs.

A guest provided additional information, sharing two recent press releases. She explained that SRP, TEP, and APS were merging for a three-year exploration venture to identify sites for advanced nuclear reactors. The two power plants in Apache County, along with sites in Joe City and near Phoenix, were being considered for this transition. She noted that the Wyoming project was on a five-year timeline for construction and completion.

Mr. Muth pointed out that with the increasing demand for electricity from large server farms due to AI, nuclear energy seems to be the only viable option. He mentioned Meta's purchase of Three Mile Island, which is now being revamped to meet energy demands. He added that given Apache County's remote location and water sources, he believes the county could be a prime candidate for a nuclear facility.

Mr. Fish agreed, noting the existing presence of water resources for the two plants in the county.

Mr. Muth emphasized the urgency and the need to move forward with the committee immediately.

Update on commercial properties in Alpine.

Mr. Fish provided an update on the Alpine project, explaining that he was finalizing the list of properties. He added that the Assessor's Department had some commercial properties on their list that are now being used as private residences. He noted that he had located one new property not on his list and that he planned to inspect it. He advised that once the list was complete, he would bring it to a working session for further discussion.

Mr. Muth asked if any other Commission members had additional items to discuss. With no further comments, Mr. Muth closed the working lunch session at 12:27 pm.

Public Meeting

Call to Order.

Mr. Muth called the public meeting to order at 1:00 p.m. MST in the Board of Supervisors' Hearing Room, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona.

Roll Call/Determination of a Quorum.

Mr. Muth determined that a quorum was present through roll call. The following Commissioners were present: Brad Peterson, Dan Muth, Michael Bragiel, Michale Bragiel, Bob Pollock, and Carey Dobson.

Review and approval of the minutes of the Planning and Zoning Commission working lunch session and public meeting held on January 9, 2025.

Mr. Muth opened the floor for a motion.

Mr. Peterson motioned to approve the minutes as drafted, seconded by Mr. Bragiel.

No discussion followed.

The vote was unanimous. Mr. Dobson and Mr. Pollock were not in attendance at the January 9, 2025, meeting.

PUBLIC HEARING(S)

Review and Discussion of Conditional Use Permit 2024-77 for Brent Sexson:

Mr. Muth presented the item and asked Mr. Sexson if he had any additional comments.

Mr. Sexson stated that his son, Corey, had provided the requested information to the Health Department and that the Health Department inspected and reviewed everything, and had no concerns.

Mr. Muth asked Mr. Fish to confirm that the permits discussed in the working session were the same as Mr. Sexson was referring to. Mr. Fish confirmed that they were.

Mr. Muth then asked if there was any further discussion among the Commissioners. There was no further discussion.

Mr. Muth opened and closed the public comment period, with no comments received.

Mr. Peterson motioned accepting the conditional use permit as written, seconded by Mr. Dobson.

No further discussion followed.

Mr. Muth called for a vote.

The vote was unanimous: 5 ayes, 0 nays. The motion passed and was recommended for approval.

Call to the Public

Linda Weiland, Eager, AZ

Mrs. Weiland expressed appreciation for Apache County’s proactive approach in adopting a utility and alternative energy systems ordinance. However, she found Article 4 confusing, as it required referencing both Article 4 and Article 11 for application requirements and evaluation criteria, some of which may not be suitable for large-scale projects. She noted that fire prevention plan requirements were scattered throughout Article 4, making it difficult for developers and fire departments to understand the requirements. Mrs. Weiland emphasized the need for clear, enforceable conditions and performance standards for staff tasked with monitoring these projects. Mrs. Weiland noted that she had provided Mr. Fish with a draft checklist incorporating requirements from Article 4 and Article 11, along with excerpts from two publications: one from the American Planning Association and one from the U.S. Department of Energy on wind facility siting best practices.

She referenced the U.S. Department of Energy's 2021 Wind Energy Siting Resource, which notes, *“Although many communities may already have wind energy ordinances, these may be outdated due to rapidly evolving wind turbine technologies over the past decade.”*

Mrs. Weiland also stated that at the recent Board of Supervisors meeting, they suggested a six-month moratorium on utility renewable energy applications to allow the P&Z Commission and staff time to update Article 4 to clarify requirements and criteria for the benefit of applicants, staff, and the public, while protecting the county's unique resources. She asked, *“How can we expect applicants to respect Apache County’s unique values and resources if we don’t clearly communicate what is important to the county?”*

Mrs. Weiland recommended using the Coconino County Ordinance, adopted in 2024 as a template, noting that it was well-organized, clear, and well-written. She emphasized that once a template was chosen, adjustments would be necessary to address Apache County’s specific resources, needs, and comprehensive plan goals as well as some simplification, particularly in areas like setbacks (especially from residences), noise levels, decommissioning standards, and definitions. Mrs. Weiland stated that the White Mountains Save Open Spaces Group was committed to assisting Apache County in updating Article 4 and offered their support.

Monica Boehning Eager, AZ

Mrs. Boehning addressed the Commission, stating that for the past eight months, they have been studying industrial wind farms both in the U.S. and globally. She noted that their findings have uncovered much more about the industry and Repsol than most citizens were aware of. She further stated that while Repsol claims their projects, when compatible with grazing, agriculture, and hunting, will help address global climate change noting that research from the National Academy of Sciences shows that wind

farms actually raise air temperatures and lower humidity at ground level. She reasoned that this effect will not benefit rangelands or promote the growth of forage plants for livestock or wildlife.

Mrs. Boehning expressed alarm that the dry winter has heightened concerns about wildfires and noted that, while Repsol claims fires started by turbines are rare due to new towers having lightning rods and automatic shutoffs, they don't mention that turning blades are not grounded against lightning. Once a fire spreads sparks to vegetation, shutting down the turbine is too late.

She cited two incidents, one in Iowa and another in New York, where wind turbines were struck by lightning, causing fires that shattered turbine blades and spread fiberglass across hundreds of acres. This contamination affected crops and neighboring farmland, including a nearby creek, resulting in the loss of crops deemed unsafe for consumption due to fiberglass contamination; the land remains toxic for years. She noted that the wind company involved claimed it was cheaper to clean up the mess than to maintain proper lightning protection and fire suppression but failed to adequately address the contamination.

Mrs. Boehning concluded with hope that the Commission had seen the news articles she submitted, which highlighted the need to improve Article 4 to include a cleanup bond. She mentioned speaking with the Round Valley Fire Chief and Apache-Sitgreaves Forest leadership, who reported that Repsol had not contacted them about the Lava Run Fire Protection Plan. She emphasized that now was the ideal time to revise the ordinance, with or without a moratorium.

Mr. Muth suggested to Mr. Fish that, based on public input, the Commission consider adding relevant items to the agenda for further discussion. Mr. Fish agreed.

Report from Staff to the Commission.

No report.

Adjournment

Mr. Muth asked for a motion to adjourn.

Mr. Dobson moved to adjourn, seconded by Mr. Pollock

Adjourned at 1:13 p.m. MST.