

APACHE COUNTY COMMUNITY DEVELOPMENT

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**PLANNING AND ZONING COMMISSION
MINUTES FOR June 12, 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 Reaser, Chief Deputy Attorney

Shanna Pearce, Plan Reviewer
Sarafina Farb, Permit Tech

Assessor's Office

Roxanne Drye, Appraiser III

Working Lunch Session

Call to Order:

Chair Dan Muth called the working lunch session to order at 12:00 p.m.

Oath and swearing in of Brad Jarvis.

Mr. Jarvis was not present.

Continued Discussion and update on Potential Properties in Alpine and proposed letters.

Mr. Fish opened the discussion by referencing a letter included in Commission packets regarding proposed commercial rezoning in Alpine. He explained that he and Mr. Fite had previously discussed questions about Article 4, Section 403 – Permitted Uses and how these relate to the Conditional Use Permit (CUP) process. Mr. Fite had raised concerns over language that suggested non-agricultural uses might not require a CUP, citing an older version of the ordinance.

Upon clarification, it was determined that Mr. Fite’s version of the ordinance lacked the correct zone heading, which outlines that Section 403 applies to Agricultural General, Residential, Commercial, and Industrial zones. Mr. Fish read from the updated ordinance and explained Section 403.A listed use permitted in commercial zones, while Section 403.E outlines those still subject to CUPs (e.g., multifamily housing, hotels, drive-throughs, high-traffic commercial operations).

Mr. Fish clarified:

- Rezoning to commercial may eliminate the need for a CUP depending on the type of proposed use.
- Certain commercial uses still require a CUP, even if the parcel is zoned commercial.
- Existing businesses may be considered preexisting nonconforming uses, potentially documented through a new “preexisting use” form.
- For new businesses, two paths are available: applying for a CUP or requesting a rezone to commercial.

Mr. Fite pressed for clarity on whether accepting the proposed rezone would waive the CUP requirement. Mr. Fish clarified that, typically yes, unless the proposed use falls under those specified in the CUP-required list in Section 403.E.

Mr. Muth elaborated that rezoning commercial generally brings a property into conformity, but expansion or change of use would still trigger CUP or other code reviews.

Mr. Bragiel raised concerns that restaurants were not clearly listed in the permitted use table. Mr. Fish acknowledged the oversight and asked Deputy County Attorney Reaser about the process for amending the ordinance to add such uses. Mr. Reaser noted it could be addressed via public notice and a resolution, with the full ordinance made available for review.

Discussion also addressed a list of questions submitted by Alpine resident Betsy McKensie:

1. Does this open the door to future commercial rezoning?
Yes – individuals may apply for rezoning at any time, though outside the county-initiated process, fees will apply.
2. Will a map be available?
Yes – staff will provide a map showing proposed commercial zoning areas.
3. How were parcels selected?
Based on visibility, road access, and existing or likely commercial activity.
4. Will zoning impact taxes?
No – tax assessments are based on current use, not zoning. Vacant land remains taxed as such until developed.

5. Will unselected or non-participating properties stay Agricultural General?
Yes, and any future commercial use would require a CUP.
6. Does this create a loophole to avoid CUPs?
No – it follows existing ordinance processes. Properties zoned commercial must still comply with applicable CUP requirements.
7. Would construction on rezoned commercial properties require public notice?
Only if a CUP is required.
8. How will public input be received?
A community meeting will be held in Alpine on Saturday, August 2, 2025 to explain the proposal and gather feedback.

Additional Discussion:

- Clarification is needed on RV parks vs. campgrounds—staff will research proper classification.
- Residences on commercial lots are generally allowed, except in Greer where a specific ordinance restricts them.
- Commissioners discussed “spot zoning” concerns; Mr. Fish affirmed that the Alpine plan outlines a defined commercial district, making it distinguishable from spot zoning. Case-by-case consideration will apply in other areas.

The Commission agreed the language in the public letter should be adjusted for clarity—changing “will require” to “may require” when describing CUP requirements—to allow more flexibility.

No further discussion.

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

Mr. Fish introduced the proposed CUP application for the Juniper Springs Solar and Storage project, located on approximately 3,000 acres (five full Sections) of State Trust Land directly east of the Tucson Electric Power Plant. The project, developed by EDF Power Solutions, is proposed to generate up to 500 megawatts of solar energy with integrated battery storage.

Mr. Fish noted this is a well-prepared application and asked Commissioners to submit questions for further review. Key considerations include site access, coordination with the State Land Department, and impacts on wildlife habitat in an area known for antelope and elk populations. These concerns are being addressed by the applicant.

Mr. Alex Yachanin, representing EDF Power Solutions, stated the full 3,000-acre boundary represents the maximum potential footprint under application. Actual land disturbance will depend on final panel selection and engineering design. He estimated approximately 5–6 acres would be required per megawatt, indicating much of the site

would be utilized, though not the entire area. Setbacks and internal roadways will be planned.

Mr. Fite asked about the impact on grazing rights.

Mr. Johnson, the current leaseholder of the grazing rights, confirmed the project would result in relinquishment of those rights.

He noted he holds the lease from the State and may be reimbursed for land improvements under standard State Land Department practice.

Mr. Yachanin confirmed that discussions are ongoing with Mr. Johnson to ensure fair handling of displaced grazing uses and continued access where appropriate.

Mr. Muth inquired about mineral rights conflicts, referencing active gas operations.

Mr. Yachanin responded that EDF's land team has coordinated with Proton Green and Kinder Morgan (the mineral rights operator), and conflicts have been addressed.

Mr. Peterson raised concerns about energy reliability, comparing solar's variable output to continuous-generation sources.

Mr. Fish acknowledged the issue, agreeing that steady energy generation is ideal but noted that utilities are moving toward renewable energy to diversify their portfolios amid administrative and policy shifts.

Mr. Yachanin added that the project is intended to complement—not replace—existing coal infrastructure and can be integrated into the current transmission grid without disruption.

Mr. Fite asked whether Navopache Electric Cooperative had been contacted for interconnection.

Mr. Yachanin explained that the current interconnection is with TEP, SRP, and Public Service of New Mexico. Navopache may be considered for future backup distribution, depending on site-specific needs. Onsite generators are planned for primary backup power.

No further discussion.

Discussion on any future Agenda Items.

Mr. Fish noted that there was a Conditional Use Permit (CUP) listed on the agenda for discussion. Commissioners had been provided with the staff report in advance and were invited to raise any questions.

No questions were presented by the Commission.

Mr. Fish reminded the Commission that a Special Work Session Meeting is scheduled for June 25, 2025, which will focus specifically on renewable energy topics, explaining the omission of Item #4 from the current agenda.

Mr. Muth asked about the timeline for incorporating "preferred areas" for energy development into the County's Comprehensive Plan.

Mr. Fish responded positively, sharing that he had recently met with representatives from Salt River Project (SRP).

He reported that both SRP and Tucson Electric Power (TEP) expressed strong interest in continued and expanded energy generation in Southern Apache County, which he described as "pro-electrical generation."

Mr. Fish stated that SRP confirmed they are seeing up to a 40% increase in electricity distribution demand over the next 5–7 years due to emerging data and semiconductor facilities in Maricopa County.

SRP supported the idea of identifying and designating preferred areas for energy generation in the County and provided a map to aid this process.

Mr. Fish committed to sharing the map with the Commission and expressed confidence that the preferred areas can be incorporated into the Comprehensive Plan without opposition.

He noted that the proposed CUP project (Juniper Springs Solar and Storage) is located within the preferred energy generation area.

No further discussion was held.

Continued Discussion and update of the Renewable Energy Ordinance propose amendments.

Mr. Muth noted receipt of a thumb drive and stated he would like to have some time to review the materials prior to engaging in formal discussion at the upcoming June 25, 2025 Special Work Session Meeting.

No additional comments or discussion were presented by the Commission.

Chair Dan Muth adjourned the working lunch session at 12:57 p.m. MST.

Public Meeting

Call to Order

Chair Dan 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

Chair Dan Muth determined that a quorum was present. Commissioners in attendance were Bobby Fite, Brad Peterson, Kay Hauser, Dan Muth, Bob Pollock, Travis Johnson, and Michael Bragiel.

Review and Approval of the Planning and Zoning Commission Working Lunch Session and Public Hearing – April 3, 2025

Motion: Mrs. Hauser moved to approve second by Mr. Bragiel.

No discussion.

Vote: 6 ayes to 0 nays with 1 abstention, Mr. Peterson was not present at this meeting.

Review and Approval of the Planning and Zoning Commission Working Lunch Session and Public Hearing – May 1, 2025

Motion: Mrs. Hauser moved to approve second by Mr. Pollock

Mr. Fish noted that only Mrs. Hauser, Mr. Bragiel, and Mr. Fite were present at the May meeting. He inquired with Deputy County Attorney Reaser whether a vote to approve the minutes could proceed given that a majority of those present at the May meeting were not in attendance today.

Mr. Reaser clarified that Commissioners may vote to approve meeting minutes even if they were not present, provided they have reviewed the minutes and found them accurate. He noted this is a common and accepted practice.

Mr. Fish publicly stated for the record that he had reviewed the May meeting minutes and found them to be correct.

Vote: unanimous.

Review, Discussion, and Possible Approval of a Proposed Letter Notifying Potential Commercial Property Owners in Alpine Regarding Proposed Rezoning Activities.

Chair Dan Muth stated that the proposed notification letter had been discussed at length during the work session and asked if there were any additional changes to be addressed.

Mr. Fish recommended changing the language from a certainty ("will") to a possibility ("may") regarding the requirement of a conditional use permit.

Chair Dan Muth agreed and recommended further clarifying language to indicate that depending on the nature of the proposed commercial use, a conditional use permit may also be required, pursuant to the use table in the ordinance. He noted updates would continue through the process as needed.

Mr. Fish stated he would incorporate those changes and could submit a revised version for formal approval at the July meeting.

He further asked if he and Chair Dan Muth could finalize and approve the updated letter language sooner, in order to proceed with mailing notifications earlier than July. The Commissioners expressed consensus in favor of that approach.

Mr. Reaser confirmed this would be permissible, provided there was clear consensus from the Commission.

No further discussion.

Conditional Use Permit Application – 2025-15 Applicant: Richard and Dana Smith

Mr. Fish presented staff's recommendation for approval of the conditional use permit, with the following conditions:

1. Submit engineered building plans and a drainage report prior to issuance of building permits.
2. Maintain compliance with stated residential use only—no commercial activity. The use is limited to a primary dwelling and accessory suite for the applicants and said mother-in-law.
3. Construction must begin within 12 months. Permits typically allow 18 months for completion to accommodate delays.
4. No commercial activity permitted without additional approval.

Chair Dan Muth asked whether Planning and Zoning would need to conduct future reviews. Mr. Fish confirmed that all necessary reviews could be handled in-house by staff.

Mr. Bragiel asked about the existing septic system. Applicant Richard Smith explained there is an outdated 600-gallon system on-site, which has been inspected and pumped. The applicant has obtained engineered plans for a new septic system sufficient for both dwellings and is prepared to install it upon approval.

Chair Dan Muth asked whether the Health Department allows two residences on one septic system. Mr. Fish confirmed that it is allowed if capacity standards are met, and that the new system has already been approved by the Health Department.

Mr. Peterson asked whether there were other similar dual-dwelling properties nearby. Mr. Fish confirmed that there are and that the request is consistent with surrounding land use. Per county ordinance, properties over five acres are eligible for two dwellings without a conditional use permit.

No further discussion.

Motion: Mr. Peterson motioned to recommend approval with staff's recommended conditions.

1. Submit engineered building plans and a drainage report prior to issuance of building permits.
2. Maintain compliance with stated residential use only—no commercial activity. The use is limited to a primary dwelling and accessory suite for the applicants and said mother-in-law.
3. Construction must begin within 12 months.
4. No commercial activity permitted without additional approval.

Seconded by Mr. Fite.

Vote: Unanimous.

Call to the Public

Monica Boehning addressed the Commission with a request to include additional protective conditions to the CUP, highlighting limitations in the current ordinance. She proposed the following nine conditions be added if the CUP is approved:

1. Battery fire safety – Require battery storage to be in separate outdoor containers with secondary containment to mitigate fire spread.
2. Containment of toxic runoff – Install non-permeable barriers beneath battery facilities to capture runoff from leaks or fires.
3. Durable solar panels – Mandate the use of high-impact, hail-resistant panels to prevent toxin leakage from damaged modules.
4. Invasive weed control – Require a detailed weed prevention and control plan prior to construction.
5. Wildlife agency recommendations – Incorporate all mitigation measures from Arizona Game & Fish and U.S. Fish & Wildlife as CUP conditions.
6. Full decommissioning – Require removal of all project components (above and below ground), including cables, foundations, roads, and any contaminated materials.

7. Native restoration – Restore the site with native soil and vegetation as required by existing ordinance.
8. Proper disposal – Prohibit onsite burial/incineration of materials; mandate transport to licensed ADEQ or EPA toxic waste facilities with leak-proof containment.
9. Liability and cost responsibility – Require full responsibility by the developer/operator for all cleanup, damages, infrastructure repairs, and injury claims related to the project.

Joel Persinger spoke in opposition to the project. He stated that his property is immediately adjacent to the proposed site and expressed concerns based on prior experience with solar projects in California. Specifically:

- Aesthetic and property value impacts, noting that previous promises of visual mitigation were not honored.
- Environmental risk, including lithium-ion battery fires that release toxic fumes and are difficult to extinguish.
- Siting concerns, questioning why forested land is being cleared instead of utilizing open, barren areas.
- Requested relocation of the project away from his property if approval proceeds.

Tera Davis advocated for a moratorium on renewable energy CUPs until the County finalizes its ordinance. She raised multiple concerns:

- Water usage, citing an estimate of 1.2 billion gallons over 33 years based on a public records request from Trinidad.
- Regulatory enforcement, citing examples like Repsol in Illinois allegedly not meeting setback requirements.
- Cultural resource protection, questioning how potential burial or artifact sites will be monitored during construction.
- Long-term tax revenue concerns, noting that after depreciation, personal property tax from such projects may be minimal.

Louisa Quintana also opposed the current proposed location of the project. She acknowledged that renewable energy development may be inevitable but emphasized the negative impacts on communities. She shared the example of Encino, NM, where wind energy infrastructure led to:

- Community decline and depopulation
- Abandonment of homes and businesses
- Diminished quality of life

She urged the Commission to consider the long-term consequences of siting decisions on Apache County's residents and future generations.

Report from Staff to the Commission

Mr. Fish reminded the Commission of the upcoming Special Work Session scheduled for Wednesday, June 25, 2025, at 4:00 p.m., to be held in the Board of Supervisors' meeting room. The purpose of the session is to continue discussion of the proposed amendments to the Renewable Energy Ordinance.

Adjournment

Chair Dan Muth declared the public meeting adjourned at 1:30 p.m. MST.