

APACHE COUNTY COMMUNITY DEVELOPMENT

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**PLANNING AND ZONING COMMISSION
MINUTES FOR March 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, Project Manager
Serafina Farb, Permit Tech

Legal Council

Christopher Resare, Chief Deputy Attorney

WORK SESSION

CALL TO ORDER

Vice Chair, Bob Pollock called the Work Session to order at 4:04 p.m. (MST).

**DISCUSSION OF PROPOSED AMENDMENTS TO RENEWABLE ENERGY
DEVELOPMENT ORDINANCE**

Planning Director Matt Fish presented proposed amendments to the Renewable Energy Development Ordinance (Draft 10). He noted that revisions in the draft were identified in green text and stated that the ordinance was approximately 90% complete, with additional working session review anticipated prior to formal action.

Mr. Fish proposed moving the Renewable Energy Development Ordinance from Article 4 to a standalone Article 8 for clarity and ease of reference. No objections were raised by the Commission.

Section 436 – Purpose and Authority

Mr. Fish stated the section was well written and identified minor repetitive language in the opening paragraph for potential refinement.

Section 437 – Definitions

Mr. Fish reviewed added and revised definitions, including:

- Major highways
- Non-participating parcel
- Occupied residence
- Participating parcel

Clarifications were made to setback measurement standards to ensure consistency, including measurement from the center of the turbine foundation to the edge of the applicable setback.

The definition of “Visual Resources” was revised to be more general in scope.

Section 438 – Applicability and Preferred Criteria

Mr. Fish stated that energy projects would be restricted to Agricultural General and Industrial zones with a Conditional Use Permit (CUP) requirement.

Language in the preferred criteria section was revised to remain advisory rather than mandatory.

Section 439 – Pre-Application Meeting and Agency Review

Mr. Fish recommended retaining consistent terminology regarding mandatory actions, discussing the use of “will” versus “shall.”

Chief Deputy County Attorney Chris Resare stated both terms are generally interpreted as mandatory, provided usage remains consistent throughout the ordinance.

Commissioner Brad Jarvis recommended uniform use of either “will” or “shall” throughout the document. Commission members expressed agreement on maintaining consistency.

Mr. Fish reviewed revisions to:

- Pre-application meeting requirements
- Pre-submittal checklist updates

- Communication interference provisions, including proposed language requiring engineering verification before corrective action
- Removal of duplicative language
- Clarification that advisory agency letters (including Arizona Game and Fish Department and NRCD) would be required prior to scheduling a CUP hearing

Discussion included clarification that advisory agencies may provide recommendations but cannot mandate conditions.

Section 440 – Noise Requirements and Mitigation

Mr. Fish stated the County does not have a general noise ordinance. He proposed revising the standard to 50 dB with a ± 5 dB range, replacing the prior 55 dB standard.

Commissioner Kay Hauser and Commissioner Travis Johnson expressed agreement with the proposed 50 dB ± 5 dB standard.

Section 440(C) was amended to require any waiver of noise standards to be recorded with the Apache County Recorder.

Section 441 – Setbacks

Mr. Fish reviewed proposed setback standards for wind energy facilities:

- Residential setback: 1.5 times total turbine height or one-half mile (2,640 feet), whichever is greater, from existing residences outside the project boundary
- One-mile setback from major highways

Mr. Fish noted the standards were more restrictive than many other counties and discussed potential legal considerations.

Chief Deputy County Attorney Resare stated that setback requirements supported by reasonable justification are generally defensible and that inclusion of severability language in the ordinance would limit invalidation to specific provisions if challenged.

Commissioners discussed comparative standards in other jurisdictions, scenic highway designations, and the distinction between public roads and highways.

Mr. Fish also clarified that:

- Wind and solar setback requirements were separated for clarity.
- Solar setbacks were proposed at 200 feet from an existing residence boundary.

Section 442 – CUP Terms and Administrative Review

Mr. Fish clarified that the 60-month review would be administrative in nature and not automatically require a new CUP process. He suggested adding language addressing procedures if violations are identified during review.

Sections 443–444

Mr. Fish reported no significant changes to:

- Section 443 – CUP Suspension and Revocation
- Section 444 – Joint Agency Approvals

He stated that additional revisions would include consistent use of “turbine height” rather than “tower height.”

Louisa Quintana of Eager, spoke regarding consistent use of “shall,” “will,” and “may,” recommending uniform terminology throughout the ordinance. Vice-Chair Pollock stated the Commission had previously agreed to maintain consistency.

Alfred Dean of Vernon addressed residential setback distances, expressing concern that residential setbacks were shorter than highway setbacks.

Commission discussion followed regarding whether individuals speaking during the work session would also speak during Call to the Public in the regular meeting. Commissioners agreed public comment would be taken during the public session.

DISCUSSION ON ANY FUTURE AGENDA ITEMS.

Mr. Fish reported that he and Commissioner Bobby Fite were working on gathering names for subcommittee members for the Alpine Area Plan rewrite and stated he would present proposed names at the next work session for discussion.

Commissioners expressed agreement.

Mr. Fish reported that proposed field trip dates had lapsed and that new dates would be circulated by email. He reminded Commissioners to respond individually to avoid Open Meeting Law violations. Proposed visits may include facilities in New Mexico and Navajo County.

Mr. Fish reported that currently no formal applications for renewable energy have been submitted.

- Triple Oak is anticipated to submit an application within approximately two months.

- No recent submission from Repsol.
- One company has shifted from wind to solar development.
- Discussions with SRP and TEP are ongoing regarding renewable energy preferences.
- Solar development is reportedly becoming saturated in Arizona, which may result in additional wind proposals.

A member of the public inquired about biomass energy. Mr. Fish stated the County previously received a favorable evaluation for biomass potential; however, no active proposals are currently under consideration.

ADJOURNMENT

Vice Chair, Bob Pollock adjourned the Working Session at 4:54 p.m. (MST).

PUBLIC MEETING

Chair Brad Peterson called the Public Meeting to order at 5:07 p.m. (MST).

Chair Peterson disclosed a potential conflict of interest related to wind energy matters due to his position on the Board of Directors for Navopache Electric Cooperative and stated he may recuse himself from related items as necessary.

ROLL CALL

Commission Members Present: Bobby Fite, Brad Jarvis, Bob Pollock, Kay Hauser, Travis Johnson, and Brad Peterson.

Commission Members Absent: Carey Dobson.

Chair Brad Peterson determined a quorum with six (6) members present.

REVIEW AND APPROVAL OF THE February 4, 2026 MINUTES

Motion: Commissioner Kay Hauser moved to approve the February 4, 2026 minutes. Commissioner Travis Johnson second the motion.

No discussion.

VOTE: Unanimous six (6) aye, zero (0) nays.

Motion carried.

Chair Brad Peterson explained that the commission would discuss item 5 and come back to item 4 as Commissioner Hauser had to leave the meeting for a short time.

**CONDITIONAL USE PERMIT APPLICATION 2025-59 APPLICANT
ESCUDILLA MOUNTAIN DOMESTIC WATER IMPROVEMENT DISTRICT
CALL TO THE PUBLIC**

Request for a Conditional Use Permit to construct and operate a standpipe water dispensing site within Escudilla Mountain Estates Unit 2, Lot 53 (APN 102-64-053).

Commissioner Bob Pollock recused himself from this item due to a conflict of interest.

Staff presented the request, describing the proposed well house, 5,000-gallon storage tank, booster pump, controlled-access standpipe, fencing, and related improvements. Staff recommended approval subject to ten conditions, including controlled access, limited access hours, dark-sky compliant lighting, noise mitigation, fencing, dust control, and compliance with ADEQ requirements.

Commission discussion included access hours, lighting, and operational controls.

Applicant David Knobbe described the location, access, and posting of the property, and proposed operational controls, including keypad access and adjustable hours.

No public comments were received.

Motion: Commissioner Kay Hauser moved to recommend approval of Conditional Use Permit Application 2025-59 subject to staff's recommended conditions, with modification to condition #4 to specify access hours from dawn to dusk, seven days per week. Commissioner Brad Jarvis seconded the motion.

Conditions of approval:

1. The Conditional Use Permit shall be valid only for the Escudilla Mountain Domestic Water Improvement District and shall not be transferable.
2. Development shall occur in substantial conformance with the approved site plans and improvement plans submitted with the application.
3. All construction and operations shall comply with applicable Arizona Department of Environmental Quality approvals and requirements.
4. The standpipe facility shall utilize controlled access, such as a lock and key system, and access hours shall be limited to dawn to dusk, seven days per week.

5. Exterior lighting shall comply with dark sky standards and shall be shielded and directed downward to minimize light spill onto adjacent properties.
6. All pumps and mechanical equipment shall be housed or otherwise screened to minimize noise impacts on surrounding properties.
7. The water storage tank shall be a dark, non-reflective color to minimize visual impacts.
8. Adequate fencing shall be installed and maintained in accordance with ADEQ public water system requirements.
9. Dust control measures shall be implemented during construction.
10. Any future expansion or modification of the facilities beyond what is approved shall require additional County review and approval.

VOTE: Unanimous five (5) aye, zero (0) nays.

Motion carried

Commissioner Kay Hauser temporarily excused herself from the meeting.

Commissioner Bob Pollock returned the meeting.

ZONE CHANGE VERNON FIRE DISTRICT--2025-66 and 2025-67

Request to rezone APNs 107-38-004E and 107-38-004D from Agricultural General (AG) to General Commercial (C2).

Staff presented the request and stated it is consistent with the Comprehensive Plan and applicable zoning regulations. Staff recommended approval with the following recommendations:

1. An ADOT traffic study be completed prior to lease or development agreement.
2. Installation of turning and deceleration lanes regardless of ADOT findings.
3. Noise limits of 65 dB during daytime and 55 dB during nighttime hours.

Commission discussion included traffic safety, potential commercial uses, financial considerations for the Fire District, and responsibility for roadway improvements.

Public Comment:

Kimberly Krueel, Concho, AZ, spoke in opposition, citing concerns regarding noise, light pollution, traffic safety, wildlife impacts, rural character, emergency response times, and the permanence of rezoning.

John Dahl, identified as a developer of Stanford General Store at the “Y,” inquired whether the Vernon Community Plan had been considered. Staff responded that the request is consistent with the plan.

Public comment was closed.

Motion: Commissioner Bobby Fite moved to recommend approval of Zone Change Applications 2025-66 and 2025-67 with staff recommendations. Commissioner Travis Johnson seconded the motion.

Conditions of approval:

1. An ADOT traffic study be completed prior to lease or development agreement.
2. Installation of turning and deceleration lanes regardless of ADOT findings.
3. Noise limits of 65 dB during daytime and 55 dB during nighttime hours.

VOTE: three (3) ayes (Chair Brad Peterson, Commissioners Bobby Fite, and Travis Johnson), two (2) nays (Vice Chair Bob Pollock, and Commissioner Brad Jarvis).

Motion carried

CONDITIONAL USE PERMIT APPLICATION 2025-63 APPLICANT WILLIAM STAFFORD

Request for a Conditional Use Permit to construct and operate up to eight detached luxury stargazing cabins on Parcel No. 201-53-126 in Concho, Arizona, zoned Agricultural General.

Staff presented the proposal and recommended approval subject to eight conditions addressing site conformance, dark-sky lighting, generator use, septic and water approvals, drainage improvements, access standards, and regulatory compliance.

Commissioner Kay Hauser returned to the meeting.

Public Comment:

Kim Benelly, Concho, AZ, raised concerns regarding road conditions, dust, traffic, water usage, construction impacts, liability, and occupancy.

Public comment was closed.

Applicant William Stafford addressed road maintenance plans, anticipated occupancy rates, water usage estimates, construction methods, dark-sky compliance, and project scale.

Commission discussion included roadway access and maintenance, the construction timeline and building design, water usage and occupancy, lighting and environmental considerations, and the overall site layout.

No further questions were raised.

Motion: Commissioner Travis Johnson moved to recommend approval of Conditional Use Permit Application 2025-63 with staff's recommended conditions. Vice Chair, Bob Pollock seconded the motion.

Conditions of approval:

1. Development shall substantially conform to the submitted site plans and project narrative.
2. All outdoor lighting shall be dark-sky compliant and directed downward.
3. Emergency generators shall be used only for backup power purposes and not for routine operations.
4. Septic systems and water facilities shall receive all required approvals from Apache County Environmental Health.
5. Drainage improvements shall be constructed in accordance with the approved drainage report provided by Painted Sky Engineering.
6. Any future expansion beyond the approved number of units shall require additional County review.
7. All access improvements, if required, shall comply with Apache County Engineering standards.
8. The applicant shall comply with all applicable County, State, and Federal regulations.

VOTE: Unanimous six (6) aye, zero (0) nays.

Motion carried

CALL TO THE PUBLIC

Chair Brad Peterson opened the Call to the Public and outlined the procedures. He stated that speakers would be limited to three (3) minutes and that comments must address matters not previously discussed during the meeting.

The following individuals addressed the Commission:

Linda Weiland, Eagar, AZ – Spoke regarding the status of the Renewable Energy Ordinance update and the previously discussed Preferred Energy Generation Areas map and Comprehensive Plan amendment. She requested that the Commission place the Preferred Energy Areas amendment on a future agenda for public hearing and consideration and recommended a work session to receive public comment on the draft ordinance.

Barbara Norton yielded her time to Louisa Quintana.

Louisa Quintana, Eagar, AZ – Spoke in opposition to proposed wind energy projects. She expressed concerns regarding drought conditions, groundwater availability, wildfire risk, and impacts on surrounding communities and future generations.

Steven Hider, Vernon, AZ – Spoke in opposition to wind energy projects, expressing concerns regarding wildfire risk, groundwater depletion, noise, wildlife impacts, scenic views, and residential setbacks.

Mark Ostermann, Vernon, AZ – Spoke in opposition to wind energy development. He discussed other counties prohibiting wind projects, potential legal risks to the County, and suggested consideration of solar development in designated areas as an alternative.

Franklin Garrett, Vernon, AZ – Identified himself as a licensed professional engineer in fire protection. He stated that Section 439 of the draft ordinance was inadequate regarding fire protection and recommended adoption of National Fire Protection Association (NFPA) 850 standards and related fire risk analysis requirements.

Joan Garrett, Vernon, AZ – Spoke regarding concerns about turbine noise and infrasound, including potential health impacts and recommended increased setbacks from residences and property lines.

Anita Dean, Vernon, AZ – Spoke regarding potential impacts of turbine construction on soil, groundwater, wildlife, and human health. She recommended additional study and consideration of a moratorium.

Don Maxwell, Vernon, AZ – Identified himself as a retired civil and traffic engineer. He provided suggested revisions to ordinance provisions related to project inoperability, public hearing timeframes, encirclement of private property, engineering details required at Conditional Use Permit application, and geological borings.

Susan Maxwell, Vernon, AZ – Spoke regarding residential setback distances, ingress and egress concerns, blade failure risks, lease agreements, and impacts to residents within proposed project areas.

Peggy Miner, Concho, AZ yielded her time to John Dahl.

John Dahl, Vernon, AZ – Identified himself as an environmental scientist. He spoke regarding water quality concerns associated with turbine foundation excavation and construction, recommended baseline groundwater and surface water testing, spill control planning, aquifer protection measures, and infrastructure security.

Alfred Dean, Vernon, AZ – Spoke regarding concerns about turbine blade materials, setbacks, and potential groundwater contamination.

Andy Huyck, Vernon, AZ – Spoke regarding drought conditions, groundwater depletion, and the need for long-term research before proceeding with wind energy development.

Steve Wheeler, Vernon, AZ deferred his time.

Deena Wheeler, Vernon, AZ yielded her time to Monica Boehning.

Wendie Canfield, Vernon, AZ yielded time to Monica Boehning.

Tera Davis, Springerville, AZ – Requested clarification regarding the legal authority for preferred zones and setbacks within the ordinance and asked that statutory citations be provided at a future meeting.

Monica Boehning, Springerville, AZ – Referenced prior materials submitted to the commission and staff. Spoke regarding setback definitions, noise standards, communications interference, scenic highways, baseline environmental studies, and recommended additional ordinance revisions.

Ben Canfield, Vernon, AZ – Identified himself as a licensed electrical engineer. He spoke regarding infrastructure impacts, trenching for collector lines and substations, visual impacts, and opposition to the proposed projects.

Wink Crigler, Greer, AZ – Spoke regarding potential impacts on agriculture, grazing, livestock, wildlife, and food production.

Betsy Lagos, Concho, AZ – Identified herself as a biologist. She spoke regarding wildlife impacts, water usage, groundwater contamination risks, fire concerns, baseline environmental testing, and recommended incorporation of Arizona Game and Fish and U.S. Fish and Wildlife Service guidance into ordinance requirements.

Chair Peterson asked if any additional individuals wished to speak. Hearing none, he closed the Call to the Public.

REPORT FROM STAFF

Planning Director Matthew Fish reported that the next public meeting agenda currently includes an application for a major plat amendment. He stated that items related to

Comprehensive Plan amendments and setbacks could be placed on a future work session agenda for discussion, followed by placement on a public meeting agenda.

Commissioners agreed to place those items on a future work session.

Commissioner Bobby Fite stated that water jurisdiction in Apache County falls under the Arizona Department of Water Resources and environmental matters fall under the Arizona Department of Environmental Quality, and that the County does not have jurisdiction over water resources.

ADJOURNMENT

Commissioner Travis Johnson moved to adjourn the meeting.
Seconded by Commissioner Bobby Fite.

Vote: Unanimous six (6) ayes, zero (0) nays.

Chair Brad Peterson declared the meeting adjourned at 7:15 p.m. (MST).

NEXT MEETING

The next regular meeting of the Planning and Zoning Commission is scheduled for Wednesday, April 1, 2026.