

APACHE COUNTY COMMUNITY DEVELOPMENT

P. O. Box 238
St. Johns, Arizona 85936
Phone: (928) 337-7526

**PLANNING AND ZONING COMMISSION
MINUTES FOR May 1, 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

Shanna Pearce, Plan Reviewer
Sarafina Farb, Permit Tech

Assessor's Office

Barbara Gomez, Chief Apprasier

Roxanne Drye, Appraiser III

Working Lunch Session

Call to Order:

Acting Chair Mr. Bragiel called the working lunch session to order at 12:00 p.m.

Mr. Fish provided an overview of the meeting format, noting that a quorum would not be present for the scheduled public meeting. As a result, no official action would be taken.

He explained that while public comment is not legally mandated during such sessions, it is typically allowed at the discretion of the meeting chair. The acting chair agreed to allow public comment, limited to three minutes per speaker.

Mr. Fish also addressed a recent discussion regarding individuals' constitutional rights related to self-identification at the podium. He clarified that, under Arizona state law, speakers must at least state their name when offering public comment. This requirement does not violate constitutional privacy rights. While providing an address is optional, speakers are encouraged to introduce themselves before commenting.

Update and Discussion on Potential Commercial Properties in Alpine and proposed letters.

Mr. Fish provided background on efforts to rezone certain properties in Alpine currently being used for commercial purposes. He explained the intent is to better align zoning designations with actual land use. This initiative is voluntary, and no property owner would be required to participate. Additionally, since the rezone is county-initiated, there would be no cost to landowners during this process.

Mr. Fish noted that approximately 30 to 40 properties had been identified for potential rezoning. He clarified that any landowner not currently identified but interested in participating would have the opportunity to present to the Commission.

He explained that this initiative is part of a broader effort to update and modernize zoning in Apache County, acknowledging the county is behind in this regard. While there has been some discussion about expanding residential zones, he clarified that such action is not currently planned. He added that there is little functional difference between agricultural and residential zoning, though residential zoning may limit certain agricultural activities.

Mr. Fish emphasized again that the process is entirely voluntary and intended to offer property owners a beneficial opportunity.

He also described two draft letters being prepared:

1. One letter would be sent to landowners whose properties are currently being used commercially or have a conditional use permit.
2. The other would be sent to landowners in high-visibility areas, such as at intersections or along highways.

Mr. Fish mentioned he is working on a draft email to be shared with a local Alpine group for distribution to its community email list.

To address concerns about potential tax impacts, Mr. Fish invited Roxane Drye and Barbara Gomez from the Assessor's Office.

Mrs. Drye explained that property assessments are based on the current *use* of the property, not its zoning designation. For example, a commercially zoned property being used as a residence would still be assessed at the residential rate. She shared the 2025 assessment ratios and emphasized that zoning and assessment status are separate issues.

Mr. Fish asked whether changing the zoning designation would result in a significant increase in taxes. Mrs. Drye confirmed that it would not. Mrs. Gomez added that unless the use of the property changes, landowners should see no change in their tax assessment due to zoning alone.

Mr. Fish then asked Mr. Bragiel and Mr. Pollock whether, from a real estate perspective, commercial zoning could potentially increase a property's market value. Both agreed that it typically could, although not in every case. Mr. Fish noted this could be an incentive for some landowners to consider rezoning.

Mr. Fish recommended delaying the distribution of the proposed letters until the community has had more time to become informed. He suggested holding a public meeting at the County Annex building, preferably on a Saturday, to accommodate seasonal and part-time residents. He also clarified that the purpose of this initiative is not to generate additional tax revenue for the county.

Public Comment:

Acting Chair Mr. Bragiel opened the floor for public comment.

Linda WhiteTrifaro addressed the Commission with several questions:

- She asked if legal property class matches zoning designation. Mrs. Drye clarified that it does not.
- She asked if a property zoned commercial but used as residential is assessed commercially. Mrs. Drye reiterated that assessment is based solely on current use, not zoning.
- She inquired about future use scenarios: for instance, if a vacant lot is rezoned commercial and later someone wants to build a residence, would they need a Conditional Use Permit (CUP)? Mr. Fish responded that the property would need to be rezoned again and there would be a fee.
- She expressed concern that some properties might be pushed to rezone because of location, even if the owners don't wish to. Mr. Fish confirmed participation is optional and no one will be forced to rezone.
- She asked if properties near the golf course would be reassessed if they changed zoning. Mr. Fish clarified that the County Planning Department does not control Assessor decisions. Mrs. Drye confirmed again that zoning does not affect assessment unless use changes.

Ms. WhiteTrifaro concluded by asking about the potential for a bike or walking trail to Luna Lake. Mr. Fish acknowledged the request and shared that he had begun looking into the possibility.

No further discussion was held.

**Discussion and update of the Renewable Energy Ordinance propose amendments
Draft one.**

Mr. Fish introduced the proposed amendments, acknowledging the process had proven more difficult than initially anticipated. He highlighted the preferred energy generation area and read a proposed change to the comprehensive plan:

Mr. Fish outlined the Primary and Secondary Area designated for electrical generation, which includes:

All land north of U.S. Highway 60, beginning at Springerville and extending eastward to the Arizona/New Mexico state line. From Springerville, the area continues east of U.S. Highway 191, running north to St. Johns. From St. Johns, it includes all land east of U.S. Highway 191/61, extending north to the northernmost boundary of the preferred area, adjacent to the Navajo Nation.

The Secondary Area designated includes:

From St. Johns, all land west of U.S. Highway 191/61, extending north to the Navajo Nation boundary. Additionally, all land north and east of U.S. Highway 180 from St. Johns, extending to the Apache County boundary or Interstate 40.

Mr. Fish referenced a State of Arizona map showing Average Annual Wind Resources, identifying strong wind potential areas. He noted that this region included open State Trust land north of U.S. Forest Service lands, making it particularly attractive for wind energy projects.

He emphasized that access to existing transmission lines in the preferred areas plays a significant role in the siting of renewable energy infrastructure. While the ordinance highlights preferred areas, it does not preclude development outside them. Rather, the intent is to provide clarity for the County, the public, and prospective developers about where energy development is most feasible and supported.

Mr. Fish acknowledged differing views on how restrictive the ordinance should be and stated that the current draft represents a more restrictive approach than what is presently in place.

Because a quorum was not present, Mr. Fish recommended that the Commission engage in discussion but take no formal action or make decisions at this time.

Public Comment:

Acting Chair Mr. Bragiel opened the floor for public comment.

Stephen Urban, expressed skepticism toward large-scale renewable energy, citing environmental and health concerns from wind turbines, lithium batteries, and their limited benefits to Apache County residents. Warned against being exploited by outside companies while bearing long-term environmental risks.

Mr. Fish clarified that Apache County has been transmitting power to Albuquerque and Maricopa County for over 45 years, comparing the electricity grid to water flow—power goes where demand is highest. Emphasized that energy is a commodity, traded like other resources.

Tim Grubbs, supported renewable energy, noting its low water usage, economic benefits (jobs and tax revenue), and alignment with local environmental values. Encouraged ordinance language that enables rather than restricts responsible development.

Mr. Fish clarified that while renewable projects may generate significant revenue, only about 6% enters the county's general fund. Most benefits go to schools, libraries, and fire districts.

Henery Woltag, Repsol Renewable, voiced concern that the proposed zoning changes may functionally ban wind energy by making development infeasible, effectively creating a moratorium. Urged the Commission to maintain a balanced approach that preserves opportunities for renewable energy growth and economic stability.

Monica Boehning, criticized reliance on average wind speed maps, noting that high gusts above 55 mph force turbines to shut down. Argued that proposed projects far west of transmission lines will require extensive new infrastructure. Highlighted new modular nuclear reactors using salt cooling as a potential low-water alternative.

Mr. Fish clarified that nuclear energy wasn't under discussion and reiterated that the preferred area is intended to address such concerns.

Angie McMillan emphasized the importance of environmental conservation over economic gain and warned that energy development should not come at the cost of livability in the desert environment.

Mark Ostermann, shared public sentiment that many long-term residents prefer preserving the land and its beauty over economic gain. Noted people are willing to remain in one of the poorest counties if it means protecting their way of life.

There were no further comments.

Mr. Fish went over the proposed changes in detail as outline in the Revised Utility Renewable Energy Ordinance Draft 5v4.

Key Changes:

Section 436: Added biomass to renewable energy.

Section 436.B.2: Struck "A General" zoning, limiting projects to Industrial zones only. Mr. Fish objected, recommending continued allowance in both A General and Industrial zones to avoid widespread rezoning.

436.C.12: Added definitions for Gen-tie Line, Participating Property, and Non-Participating Property.

Section 437.B: Preferred criteria include locating projects more than 10 miles from a visual resource. Location aesthetics (e.g., Repsol's site) were acknowledged as a major issue.

Section 439.7 – Performance Standards: Setbacks:

(a) From non-participating property: Increased from ½ mile to 1 mile.

(b) From residential/subdivided/open space parcels: From ½ mile to 1 mile.

(c) From any other zoning district: At least ¼ mile.

(e) and (f) From overhead utilities and public roads/trails: Changed to 150% of turbine height.

(g) From major highways/visual resources: Proposed 3 miles

Mr. Fish stated these changes would significantly restrict placement options and urged further discussion. While his goal was to finalize the ordinance by June, he acknowledged that may no longer be feasible.

Mr. Bragiel asked for clarification of “visual resource,” and Mr. Fish pointed to the draft’s definition. He emphasized efforts to maintain flexibility within the ordinance while recognizing the inherent restrictions.

Mr. Fish noted that due to open meeting laws, only one-way communication is permissible between staff and commissioners between meetings. He had declined to share draft copies with the public, explaining that the ordinance is still evolving.

Mrs. Hauser proposed a separate work session, referencing the process followed during Article Six review. Mr. Fish agreed it could be helpful but would mean an additional meeting.

The working lunch session was recessed at 12:59 p.m. to open the public meeting. The working lunch session was reconvened at 1:02 p.m.

Mike Konnecke, spoke in favor of wind, solar, and potential nuclear conversions of coal plants, emphasizing the value of existing infrastructure and the opportunity to create local jobs.

There was no further discussion.

Discussion on any future Agenda Items.

There was no discussion.

Acting Chair Michael Bragiel declared the working lunch session adjourned at 1:07 p.m. MST

Public Meeting

Call to Order

Acting Chair Michael Bragiel called the public meeting to order at 1:01 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

Acting Chair Michael Bragiel determined that a quorum was not present. Commissioners in attendance were: Kay Hauser, Bob Pollock, and Michael Bragiel.

As a quorum was not present, no discussion occurred, and no action was taken on any agenda items.

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

No discussion. No action taken.

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

No discussion. No action taken.

Call to the Public

No comments.

Report from Staff to the Commission

No report. No discussion.

Adjournment

Acting Chair Michael Bragiel declared the public meeting adjourned at 1:02 p.m. MST and reconvened the working lunch session.