

APACHE COUNTY COMMUNITY DEVELOPMENT

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**PLANNING AND ZONING COMMISSION
MINUTES FOR May 28, 20025
Special Work Session**

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

Christopher Resare, Chief Deputy Attorney
Sarafina Farb, Permit Tech

Assessor's Office

Roxanne Drye, Appraiser III

Special Work Session

Call to Order:

Chair Dan Muth called the special work session to order at 4:00 p.m. (MST)

The Commission discussed detailed elements of the proposed Renewable Energy Ordinance. No formal public participation or votes were taken, per the work session format. However, attendees were allowed to offer input when recognized by the Chair. The meeting emphasized thoughtful, flexible ordinance language that reflects county values while preserving private property rights, public health, and environmental resources.

• Key Discussion Topics

- **Purpose of Work Session**
- Focused on refining ordinance details including **setbacks, visual resource protection, preferred development areas, and compliance with existing plans.**

- No official action taken; intent was to build consensus and outline priorities for future hearings.

- **Preferred Energy Development Areas**

- Mr. Fish outlined proposed **preferred electrical generation zones**, to be included in the **Comprehensive Plan**.
- Areas: Primarily north of US-60, east of Springerville to NM border, and north along US-191/61 toward Sanders.
- Designed to guide energy developers while protecting sensitive areas.
- Public input raised concerns about proximity to ranches and ecological resources (e.g., Little Colorado River).
- The Commission agreed to **advance this language to formal hearing** as a comprehensive plan amendment.
- **Setbacks and Visual Resources**
- Extensive discussion around setback distances from:
- Highways (including scenic byways). Residential and non-participating properties. Public lands and infrastructure

- Key points:

- **Existing ordinance:** 110% of tower height from property lines.
- **Proposed change:** 1 mile from non-participating properties and residential subdivisions.
- **Three-mile highway setback** raised concerns; developers claimed it would jeopardize project feasibility.
- Multiple stakeholders suggested a **case-by-case approach** balancing tourism, safety, and landowner rights.
- Agreement to explore **flexible, subjective criteria** with defined **minimums and maximums**.

- **Legal & Policy Considerations**

- Mr. Reaser confirmed the county can impose and enforce setbacks—even on state-leased land—under current law.
- Proposition 207 (Private Property Rights Protection Act) was cited, underscoring the need to avoid regulations that devalue private land without justification.
- Concerns about potential legal exposure from both permitting and restricting energy projects were acknowledged.

- **Biomass and Industrial Forestry**
 - Consultant Malena Hanna emphasized potential unintended consequences of setback rules on biomass and forestry industries.
 - Warned that a one-mile setback from highways could eliminate viable sites used for forest products and biomass processing.

- **Transmission Lines & Grid Tie-Ins**
 - Concerns raised about **Gen-Tie lines** (grid connection infrastructure) spanning scenic or sensitive areas.
 - Emphasized need to **cluster** projects within preferred zones to reduce widespread visual and environmental impacts.

- **Road Classification and Mapping Challenges**
 - Discussion on need to clarify road classifications (county-maintained vs. “N” roads).
 - Suggested developers should bear responsibility for verifying road types during conditional use application.

- **Public Revenue and Taxation**
 - Renewable energy infrastructure (particularly wind turbines) will be taxed, but assessment is managed by the **Arizona Department of Revenue**.
 - Apache County may see **limited direct benefit**, especially for state-leased projects.
 - Acknowledgment of the importance of attracting projects that bolster the tax base, similar to SRP and TEP.

Highlights & Takeaways

- Broad consensus emerged on the need for:
 - **Flexible setback standards** rather than rigid buffers.
 - **Distinct treatment** for wind, solar, biomass, and storage systems.
 - **Public input mechanisms** in siting decisions.
 - Recognizing **agricultural and tourism economies** as vital interests.
- Discussion included stakeholder documents, legal precedents, and references to other jurisdictions (e.g., Coconino, Cochise, San Miguel County, Buffalo County, NE).

Action Items & Next Steps

- **Mr. Fish** to:
 - Draft revised language on **setbacks**, including visual resource provisions.
 - Research **scenic and historic byway protections** under state/federal law.
 - Compile additional examples from other counties.
- **Commission** to:
 - Begin formal hearing process for comprehensive plan amendment (preferred energy zones).
 - Schedule a **follow-up special work session** on **Wednesday, June 25, 2025** at 4:00 PM.
 - Prepare for **July 10 hearing** on the **Juniper Ridge Solar Project**, under existing ordinance.
- **Future meeting in Alpine** proposed to address zoning for commercial properties.

Adjournment

Chair Dan Muth adjourned the special work session at 5:45 p.m. MST.