

APACHE COUNTY COMMUNITY DEVELOPMENT

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

**PLANNING AND ZONING COMMISSION
MINUTES FOR October 2, 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
Serafina Farb, Permit Tech

Assessor's Office

Roxanne Gillespie, Appraiser III

Working Lunch Session

Call to Order

Vice Chair Brad Peterson called the working lunch session to order at 12:03 p.m.

Discussion regarding the Greer Article 6 Ordinance

Mr. Fish provided a summary of previous discussions, noting that a prior plat amendment raised questions regarding whether condominiums, timeshares, and fractional ownerships were allowed in the Greer Commercial Resort (GCR) zone. Staff's interpretation had been that such uses were permitted; however, during public comment it was stated that the intent of Greer Article 6 was to allow them only in association with resort activity.

Mr. Fish explained that staff and the County Attorney's Office reviewed the ordinance. Article 2 defines a "Resort" *as a hotel or motel serving as a destination point and providing recreational facilities, meals, and customary hotel services*. In Article 6, Section 602, the purpose of the GCR zone is clarified to exclude residential

condominiums, multifamily dwellings, or timeshares, except when associated with resort activity.

Staff's recommendation is to amend the Use Table to specify that condominiums, timeshares, and fractionals are permitted in GCR only when operated in conjunction with a resort, lodge, hotel, or motel facility. Mr. Fish noted that while state statute prevents an outright prohibition, the County may restrict these uses to resort-related development in GCR.

Mr. Fish also raised the timing of a future public hearing, noting whether to hold it in November/December or wait until spring when more Greer residents are present. He emphasized that county business continues year-round, though both approaches have merit.

Mr. Dobson supported limiting condominiums, timeshares, and fractionals to designated resort areas.

Mr. Peterson agreed, emphasizing the importance of restricting changes to the scope discussed and not reopening Article 6 broadly.

Mr. Fish confirmed that neither staff, the County Attorney, nor policymakers wish to make major revisions, only clarification for condominiums, timeshares, and fractionals.

Mr. Fish stated he will consult further with county policymakers and the County Attorney's Office regarding the proposed Use Table clarification. Depending on the response, the amendment could be placed on the November or December agenda for public hearing.

The Commission supported staff moving forward with the proposed clarification, subject to legal review and policymaker input.

No further discussion.

Discussion regarding the proposed Conditional Use Permit (CUP) 2025-43 for Laura Mattox.

Mr. Fish reported that Ms. Mattox and her family are requesting approval of a Conditional Use Permit (CUP) to allow two single-wide manufactured homes on a 2.01-acre parcel (APN 106-25-006C) in the Hidden Paradise Subdivision, Vernon. The property is zoned Agricultural General (AG). Since second dwelling units on parcels under five acres require a CUP, this request is before the Commission.

Mr. Fish provided background on the subdivision, noting its location between Highways 60 and 61 ("the Y"), and its ongoing growth.

The required neighborhood meeting was held on July 25, 2025, with no objections. Public notification letters were mailed on September 16, 2025, and no objections have been received.

Staff reviewed the application under Article 11 and determined the proposed use is compatible with the AG zone and surrounding rural residential uses. No significant negative impacts are anticipated regarding density, traffic, or noise. Adequate infrastructure exists, including county-maintained roads, approved septic systems, legal access from County Road 8405, and utilities. The request is consistent with public health, safety, and welfare.

Mr. Fish stated staff will provide a formal recommendation at the public meeting.

Mr. Peterson asked if there were any further questions from commissioners. None were raised.

No further discussion.

Discussion regarding the proposed Conditional Use Permit (CUP) 2025-45 for Linda Schaefer.

Mr. Fish reported that Ms. Schaefer demolished an existing structure on her property and currently has a residence on site. She is requesting approval to place an additional manufactured home.

A neighborhood meeting was held on April 19, 2025; no neighbors attended, and no concerns were raised. Public notification letters were mailed, and no objections were received. All relevant county departments reviewed the application with no objections. Environmental Health confirmed that an ADEQ septic report is on file and adequate for the proposed use. Staff determined the request is compatible with the area, as multiple properties nearby contain two residences. The application complies with Article 11 requirements.

During discussion, Mr. Fish noted that demolition debris remains on the property in piles. He asked Ms. Schaefer about disposal. Ms. Schaefer explained she has filled four roll-off containers and, due to cost, is waiting to secure additional roll-offs. She plans to sort through the piles, burn what is permitted, and remove the rest as funds allow. Mr. Fish stated cleaning up of the remaining debris may affect staff's recommendations.

Staff will provide a formal recommendation at the public meeting.

No further discussion.

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

Mr. Fish reported that the applicant is seeking a Conditional Use Permit (CUP) for the Juniper Spring Solar Project, located approximately 15 miles southeast of St. Johns, behind Tucson Electric Power (TEP). The proposal is for a 500-megawatt solar and battery storage facility with interconnection to TEP through the Springerville substation.

John Gillespie, Rose Law Group, presented on behalf of EDF Renewables. He stated the project is in a remote location adjacent to existing transmission corridors, avoiding the need for new long-distance power lines. The site is not visible from St. Johns or Round Valley.

Key points included:

Wildlife: All Arizona Game and Fish recommendations have been incorporated. Game and Fish have confirmed project plans are consistent with their guidance. Adjustments were made to accommodate pronghorn movement.

Road Improvements: A detailed analysis of 19.9 miles of road was conducted; EDF will maintain roads during construction and contribute to ongoing maintenance. A road agreement is under county review.

Fire Safety: The St. Johns Fire Department has reviewed the project and supports it. EDF will provide additional training and use the latest self-contained battery storage technology with fire containment measures.

Ranching Operations: EDF has coordinated with the local rancher (Mr. Johnson), and design modifications support continued ranching use.

Public Concerns: Project setbacks were increased by 600 feet from property lines in response to neighbor feedback.

Economic Benefits: The project will generate local tax revenues for schools, healthcare, and county services. Construction is expected to create over 320 jobs, with long-term operations jobs prioritized for local hiring. A decommissioning plan with a financial bond will be in place before construction begins and updated every five years.

Mr. Pollock asked about EDF's long-term involvement. Mr. Gillespie confirmed EDF develops, constructs, and operates its projects for their full lifecycle.

Mr. Dobson supported the location near TEP and transmission lines. He asked about wildlife access and grazing under panels, as well as fire safety of battery storage. Mr. Gillespie stated pronghorn will be fenced out per Game and Fish recommendations, and the project will use state-of-the-art, self-contained battery systems. Mr. Fish noted sheep or goat grazing may be considered as an alternative weed control method.

Mr. Dobson also noted water development could increase local antelope populations. Mr. Gillespie confirmed water infrastructure is included and coordinated with Game and Fish.

Mr. Fish confirmed EDF submitted a road improvement and maintenance proposal to the county, now under review. He noted that Game and Fish support the revised site plan, and staff will present eight conditions of approval at the public meeting. He emphasized that timely CUP approval is important for EDF to move forward with transmission and service agreements, while details can continue to be refined with public involvement.

Mr. Dobson asked about transmission line length and cost. Mr. Gillespie stated EDF will fund the line, which will be approximately three miles within the existing corridor.

Commissioners expressed general support for the project. Staff will finalize recommendations, including conditions, for presentation at the public hearing.

No further discussion.

Discussion Regarding Renewable Energy Development proposed amendments.

Mr. Fish reported a comparison of the Navajo County Renewable Energy Ordinance (Article 12) with Apache County's current Renewable Energy Systems Ordinance (Article 4) and Apache County's Conditional Use Permit process (Article 11 and CUP Packet).

Structure & Scope

- *Apache County (Art. 4)*: Applies to utility-scale solar and wind projects ≥ 1 MW. All standards (design, setbacks, decommissioning, enforcement) are grouped into a single article. No pre-application process or checklist.
- *Navajo County (Art. 12)*: Organized in sections (definitions, pre-application meeting, required studies, CUP review, operations, decommissioning). Provides a clear procedural roadmap for staff and applicants.
- *Key Difference*: Navajo's ordinance is more structured and user-friendly; Apache's is dense and lacks pre-application steps.
Mr. Fish emphasized the value of a pre-application checklist to guide applicants, staff, and the public.

Conditional Use Permit (CUP) Process

- *Apache County (Art. 11 / CUP Packet)*: CUPs allowed in Agricultural General and Industrial zones. Reviewed every 60 months, transferable with notice. Requires a Citizen Participation Plan, neighborhood meeting, and notice to owners within 300 feet. Application materials are limited to a site plan, ownership proof, and narrative.
- *Navajo County (Art. 12)*: Requires a pre-application meeting with staff, fire district, and engineers before a CUP is filed. Detailed technical studies (sound,

glare, traffic, cultural, wetlands) must be completed before filing. Applications only proceed once the pre-application checklist is complete.

- *Key Difference:* Navajo requires studies upfront; Apache waits until after CUP filing.

Development Standards

- *Apache County:* Requires underground lines where feasible, fire plan, FAA/FCC compliance, AZGFD wildlife letter, noise ≤ 55 dBA, setbacks of $\frac{1}{2}$ mile from homes and $1.1 \times$ tower height from roads. Allows recorded waivers for setback reductions.
- *Navajo County:* Similar standards plus glare study, traffic impact analysis, cultural/wetlands review, and a stricter noise threshold (≤ 45 dBA) with waiver provisions.
- *Key Difference:* Navajo's standards are stricter, particularly on noise, and require more upfront studies.

Decommissioning

- *Apache County:* Requires removal of facilities 3 feet below grade, soil restoration, revegetation, and posting of a bond indexed to inflation, reported annually.
- *Navajo County:* Similar, but mandates bond renewal every 5 years.
- *Key Difference:* Apache has strong bond terms; Navajo adds mandatory renewal.

Mr. Fish noted the benefit of a 5-year review to account for inflation ($\approx 2.3\%$ annually).

Preferred Criteria vs. Preferred Areas

- *Apache County:* Current ordinance references "Preferred Energy Generation Areas" mapped in the Comprehensive Plan.
- *Navajo County:* Uses "Preferred Criteria" directly in the ordinance, giving them regulatory weight.

Mr. Fish stated staff prefers criteria in the ordinance, as it provides enforceable standards rather than guidelines. He also noted potential involvement of the State Land Department in determining renewable projects on state lands.

Setbacks

- *Apache County:* Wind turbines must be $\frac{1}{2}$ mile (2,640 feet) from residences; $1.1 \times$ tower height from property lines/roads. Waivers allowed.
- *Navajo County:* Requires the same $\frac{1}{2}$ mile residential setback but increases property line setbacks to $1.5 \times$ tower height. Waivers allowed.
- *Key Characteristics:* Both counties align on residential buffers; Navajo is stricter on property line safety.

Mr. Fish suggested $1.5 \times$ tower height with waivers may provide better protection while preserving flexibility.

Mr. Fish reported receipt of 169 signatures and a letter from business owners requesting a less restrictive renewable energy ordinance to encourage development in southern Apache County for economic benefits.

Mr. Dobson inquired how many megawatts each turbine produces.

Alex (APEX Energy) stated turbines generally range from 3.8–6 MW depending on site and height; taller towers may reduce visual impact by requiring fewer turbines.

Mr. Fish added that preliminary proposals from turbine companies suggest 4–5 MW per turbine.

Mr. Fish stated he can prepare draft revisions or a new ordinance version for Commission consideration in November, with primary areas of debate likely being setbacks and “preferred areas” vs. “preferred criteria.”

No further discussion.

Mr. Peterson stated that the Commission was moving into the next meeting and called for a five-minute break.

Mr. Fish asked whether the Commission wished to return to the renewable energy ordinance discussion after the public meeting or resolve it at this time and added that he could prepare a draft rewrite of the ordinance and present it in November.

Mr. Peterson stated he would like to see a draft in November for the Commission to review. The Commission agreed.

Discussion on any future Agenda Items.

Mr. Peterson noted that the “Times and Dates of Planning and Zoning Work Sessions and public meetings” would be addressed after the public meeting.

Mr. Peterson recessed the working lunch session at 1:03 p.m.

Vice Chair Brad Peterson reconvened the working lunch session at 3:00 p.m. (MST).

Discussion on setting time and dates of 2026 P&Z work sessions and public meetings.

Mr. Fish suggested moving the remaining agenda item to the November work session, noting that no decision would be made until December or January. He asked Commissioners to consider whether the meeting time should be adjusted, either to the afternoon around 4:00 p.m. or in the morning at 8:00–8:30 a.m. He noted the need to

avoid the Board of Supervisors meeting, which is held the first Tuesday of each month at 8:30 a.m.

Mr. Fish recommended 4:00 p.m. either Tuesday or Wednesday, but not Thursday, and further noted the first week of the month would remain appropriate.

By consensus, the Commissioners agreed to Tuesdays at 4:00 p.m.

Vice Chair Peterson adjourned the working lunch session at 3:01 p.m.

Public Meeting

Call to Order

Vice Chair, Brad Peterson called the public meeting to order at 1:10 p.m.

Roll Call/Determination of a Quorum

Mr. Peterson determined a quorum was present by roll call. There were five (5) Commissioners in attendance, Bob Pollock, Carey Dobson, Brad Peterson, Kay Hauser, and Mike Bragiel.

Call to the Public

David Brown – President of the St. Johns Chamber of Commerce, Chairman of the St. Johns Economic Development Group, rancher, and attorney. Encouraged the Commission to respect private property rights and support economic development. Recommended looking at Navajo County’s ordinance format to establish rules up front. Stated that Apache County should send the message it is “open for business.”

Linda Weiland – Stated that Juniper Spring is likely the first of many solar projects in the County. Emphasized that conditional uses require enforceable conditions for the life of the CUP, with clear wording specifying responsibilities. Recommended developing standardized CUP conditions for utility-scale solar projects based on American Planning Association guidance. Suggested stormwater runoff and erosion control plans should receive third-party engineering review. Urged that standardized conditions would streamline CUP review and enforcement. Recommended the Commission move forward with the preferred energy areas amendment for public hearing in November, but take time on any ordinance update to ensure protections for health, safety, and welfare.

Julie Fernatt – Reported that many northern Apache County residents cannot attend daytime meetings due to distance and work schedules. Noted that many residents support renewable energy projects, but their voices are underrepresented compared to frequent

attendees. Suggested that the County consider tools such as rotating meeting locations or implementing remote participation.

Stephen Urban – Raised concerns that Arizona Game and Fish had recommended siting the project elsewhere. Questioned access routes, road impacts, and traffic volume (construction trucks and employees). Expressed concern about lithium battery fire risks, grass fire spread, and fire department response limitations. Noted examples from Europe of rising energy costs tied to renewable reliance. Suggested alternative access routes through Springerville to minimize residential impact.

Vaughn Wilhelm – Former Apache County Economic Developer. Encouraged the County to remain “open for business.” Noted that Apache County has historically attracted projects based on natural assets and infrastructure (e.g., water, rail). Suggested the County leverage existing assets and infrastructure, including maintaining rail for future opportunities.

Randall Bates – Cited recent lithium battery fires elsewhere as a safety concern. Raised concerns about fire response time and lack of sufficient water infrastructure in rural areas. Expressed opposition to siting a solar project with battery storage in a residential area, citing fire safety, wind conditions, and lack of benefit to local residents.

Melissa Cordero – Air Force Veteran and Arizona Lead Organizer with Veterans Power America. Shared experiences of using solar energy during military deployment. Reported gathering signatures in support of renewable energy projects. Stated benefits include local income, jobs, and tax revenue. Expressed concern that restrictive ordinance changes could limit landowner rights and opportunities. Encouraged the County to move forward responsibly with stronger standards while allowing projects such as Juniper Spring to proceed.

Thomas Fraser – Expressed concern about fire risks, wildlife impacts, and siting near residents. Suggested the Commission consider alternate access routes, including through TEP property near Springerville.

Gail Clarke – Yielded time to Marcus Clarke.

Marcus Clarke – Spoke regarding Greer zoning (Article 6). Stated that residents oppose high-density housing and support one house per acre. Requested removal of “condominium” from the use table, arguing it conflicts with community intent. Suggested other communities have zoning definitions that effectively prohibit condominiums. Urged the Commission to align Article 6 with the wishes of Greer residents.

Joel Persinger – Urged the Commission to take time with the CUP review process. Raised concerns about battery fire safety and road impacts in Elk Valley. Questioned whether agreements had been reached with property owners whose roads would be affected. Asked how setbacks would be enforced if violated.

Richard Mosher – Spoke on the Greer zoning issue. Provided historical context of Greer’s planning efforts since 1989 to preserve one-acre residential character and limit density. Stated that defining 21 condominiums as a “resort” is inconsistent with community intent. Reported that the Greer Coalition’s attorney has issued a legal opinion stating condos can be banned in Greer.

Monica Boehning – Stated she supports solar power but raised concerns about large-scale projects without proper conditions. Emphasized that recommendations from Game and Fish and the Natural Resource Conservation District must be incorporated as enforceable CUP conditions. Expressed that local residents’ voices should carry greater weight than outside commenters.

Steve Dalton – Raised concerns about County Road 6040 being unsuitable for heavy construction traffic due to deterioration and safety issues. Stated that adding project traffic would further damage the road. Questioned whether the County would be willing to invest in paving and patrolling the road. Recommended reconsidering access routes, suggesting use of paved alternatives near the power plant.

Review and Approval of the minutes of the Planning and Zoning Commission Special Work Session held on August 26, 2025.

MOTION: Commissioner Michael Bragiel moved to approve the minutes of the August 26, 2025, Special Working Session as presented by staff. The motion was seconded by Commissioner Carey Dobson.

Mrs. Hauser requested to amend the motion to add to the minutes the question regarding the capacity of the transmission lines and answer from Buchanan Davis.

Both Mr. Bragiel and Mr. Dobson accepted the amended motion.

No further discussion.

AMENDED MOTION: Commissioner Michael Bragiel moved to approve the minutes of the August 26, 2025, Special Working Session with adding the question and answer as recommended by Commissioner Kay Hauser. The amended motion was seconded by Commissioner Carey Dobson.

VOTE: The motion passed unanimously with five (5) ayes, zero (0) nays

Review and Approval of the minutes of the Planning and Zoning Commission working lunch session and public hearing held on September 4, 2025.

MOTION: Commissioner Carey Dobson moved to approve the minutes of the September 4, 2025, as presented by staff. The motion was seconded by Commissioner Michael Bragiel.

No discussion.

VOTE: The motion passed unanimously with four (4) ayes, zero (0) nays with one abstention. Ms. Hauser was not present at this meeting.

Conditional Use Permit, 2025-43, Laura Mattox

Mr. Fish stated the applicant is requesting a Conditional Use Permit (CUP) to allow placement of two single-wide manufactured homes on a 2.01-acre parcel. Because the parcel is under 5 acres, the second dwelling requires CUP approval under Article 7, Section 750 of the Zoning Ordinance.

A neighborhood meeting was held on July 25, 2025; no objections were raised. Public notification letters were mailed to surrounding property owners on September 16, 2025, and no concerns have been submitted to staff.

The request has been reviewed against the conditional use criteria in Article 11. Staff finds that the proposed use is consistent with Agricultural General (AG) zoning, compatible with surrounding development, adequately served by existing infrastructure, and poses no health, safety, or welfare concerns.

Staff recommend approval with the following conditions

1. The two manufactured homes shall be placed in accordance with all building, fire, and zoning code requirements, including required separation distances and setbacks.
2. Homes shall be connected to the permitted on-site wastewater treatment system and not exceed its approved capacity.
3. The second unit shall be used as a guesthouse or accessory dwelling unit and shall not be sold or conveyed separately from the primary dwelling.
4. Building permits shall be obtained for the installation of both manufactured homes prior to placement or occupancy.
5. The property shall remain in compliance with all applicable Apache County ordinances and Apache County Building regulations.

No discussion.

Applicant Laura Mattox presented no comments.

MOTION: Commissioner Michael Bragiel moved to recommend approval of CUP 2025-43 as recommended by staff. The motion was seconded by Commissioner Carey Dobson.

Conditions of approval:

1. The two manufactured homes shall be placed in accordance with all building, fire, and zoning code requirements, including required separation distances and setbacks.
2. Homes shall be connected to the permitted on-site wastewater treatment system and not exceed its approved capacity.
3. The second unit shall be used as a guesthouse or accessory dwelling unit and shall not be sold or conveyed separately from the primary dwelling.
4. Building permits shall be obtained for the installation of both manufactured homes prior to placement or occupancy.
5. The property shall remain in compliance with all applicable Apache County ordinances and Apache County Building regulations.

No further discussion.

VOTE: The motion passed unanimously with five (5) ayes to zero (0) nays.

Conditional Use Permit, 2025-45, Linda Schaefer

Mr. Fish provided the staff report. The applicant, Linda Schaefer, is requesting approval to place a second manufactured home on her 2.5-acre parcel. One existing dilapidated home has been removed and will be replaced with a new unit. Because the property is under 5 acres and would continue to have two dwellings, a Conditional Use Permit (CUP) is required under Article 7, Section 750 (Guesthouses).

A neighborhood meeting was held on April 19, 2025, with no opposition or comments received. Public notices were mailed to surrounding property owners, and no concerns have been raised. The application was reviewed by all relevant County departments, and no objections were identified. The property has an ADEQ-approved septic system on file and adequate access from a County-maintained Road.

Staff find that the request is consistent with Agricultural zoning, compatible with surrounding residences, and meets the Article 11 conditional use application criteria. Staff recommended approval of CUP Application 2025-45.

Staff recommend approval of the CUP application 2025-45 with the following conditions

1. The new manufactured home shall be placed in accordance with all building, fire, and zoning code requirements, including required separation distances and setbacks.
2. The home shall be connected to the existing approved on-site wastewater treatment system and shall not exceed its permitted capacity.

3. The second unit shall be used as a guesthouse or accessory dwelling unit and shall not be sold, leased, or conveyed separately from the primary dwelling.
4. Building permits shall be obtained for the installation of the manufactured home prior to placement or occupancy.
5. The property shall remain in compliance with all applicable Apache County ordinances and regulations.

Mr. Fish added a condition that the prior piles from the demolition of the old, dilapidated building will be cleaned up prior to placement. Ms. Schaefer accepted the condition.

Applicant, Linda Schafer provided no additional comments.

MOTION: Commissioner Carey Dobson moved to recommend approval of CUP 2025-45 as recommended by staff. The motion was seconded by Commissioner Bob Pollock.

Conditions of approval:

1. The new manufactured home shall be placed in accordance with all building, fire, and zoning code requirements, including required separation distances and setbacks.
2. The home shall be connected to the existing approved on-site wastewater treatment system and shall not exceed its permitted capacity.
3. The second unit shall be used as a guesthouse or accessory dwelling unit and shall not be sold, leased, or conveyed separately from the primary dwelling.
4. Building permits shall be obtained for the installation of the manufactured home prior to placement or occupancy.
5. The property shall remain in compliance with all applicable Apache County ordinances and regulations.
6. The prior piles from the demolition of the old, dilapidated building will be cleaned up prior to placement.

There was no further discussion.

VOTE: The motion passed unanimously with five (5) ayes to zero (0) nays.

CONDITIONAL USE PERMIT APPLICATION – 2025-24 APPLICANT: JUNIPER SPRING SOLAR, LLC

Mr. Fish presented the staff report, noting several concerns raised during public comments. He stated that multiple access routes into the property have been identified and that final access details can be resolved as the process continues. He emphasized that the applicant must obtain either a transmission agreement or a power purchase agreement with one of the three companies operating at TEP. While access through the TEP road is not currently available, the 6040 and 6001 routes are viable and remain the primary option. He noted

that the Round Valley route is in worse condition, in some places no more than a two-track road.

Mr. Fish clarified that the 6040 and 6001 roads exist because of long-term ranching operations, and they have been in use for over 100 years. A road service agreement is still being negotiated, with EDF proposing a version that would cost approximately \$3.5 million annually to widen sections and maintain public access. County staff and department heads are still evaluating the proposal. He emphasized that this issue should not delay consideration of the conditional use permit, as these agreements can be finalized before ground is broken or building permits are issued.

Addressing setback compliance, Mr. Fish explained that, as with any building permit, site plans are reviewed by staff to ensure requirements are met. If the applicant submits plans inconsistent with agreed conditions, permits will not be issued until compliance is achieved.

Staff recommended conditional approval of Juniper Spring Solar, LLC CUP 2025-24 with several conditions.

1. Final Development Plan

Prior to the issuance of any construction or grading permits, the applicant, Juniper Spring LLC, shall submit a comprehensive final development plan to the Apache County Community Development Department and the Apache County Building Department for review and approval. This plan shall include, at a minimum:

- a. Final site plot plan showing the entire project layout, including building locations, access roads, and internal circulation.
- b. Elevation renderings of all proposed structures and facilities.
- c. Final layout and specifications of battery energy storage systems (BESS).
- d. Final arrangement and layout of solar panel arrays.
- e. Final route and location of all proposed transmission lines.
- f. Location of proposed water wells or other water sources.
- g. Documentation of all proposed on-site easements.
- h. Final solar panel specifications, including manufacturer, model, and materials,
- i. A surface drainage and stormwater management plan accounting for water runoff.
- j. An estimate of water use during construction and ongoing maintenance.
- k. Identification and safety documentation for any hazardous materials, including those used in the solar panels.
- l. Final plans for equipment storage, parking, site signage, and lighting (including photometric lighting details). No ground disturbance or construction activity shall occur until the County has reviewed and approved the final development plan and all associated materials.

- m. Final emergency response plan coordinated and approved by the emergency response agency responsible for serving the plant site.

2. Power Purchase or Interconnection Authorization

Prior to the issuance of any construction or grading permits, the applicant shall provide documentation to Apache County demonstrating either:

- a. An executed Power Purchase Agreement (PPA) or similar contractual agreement with Tucson Electric Power (TEP), Salt River Project (SRP), or Tri-State Generation and Transmission for the sale of generated electricity; or
- b. Written authorization from one of or all three of the electrical generating companies allowing the interconnection and delivery of energy onto their high-voltage transmission system.

3. Environmental Impact Mitigation Plan

Prior to approval of the Final Development Plan, the applicant shall submit an

Environmental Impact Mitigation Plan to both the Arizona Game and Fish Department (AZGFD) and Apache County for review. The applicant shall address all applicable recommendations and best management practices provided by AZGFD and the County and incorporate these into the final project design and construction plans to the extent feasible.

4. Updated Decommissioning Plan, Bond, and Successor Obligation

The applicant shall submit an updated decommissioning plan and cost estimate to Apache County for review and approval once a final development plan has been agreed upon. The plan shall address the removal of all project facilities and full restoration of the site at the end of the project's operational life. The decommissioning plan must comply with all requirements set forth in Section 440 of the Apache County Utility Renewable Energy Systems Ordinance and must include a list of native vegetation species to be used for re-vegetation following decommissioning.

To ensure that adequate financial resources are available for decommissioning, the applicant shall also submit a decommissioning bond in a form and satisfactory amount to Apache County, as specified in Section 440 of the ordinance. The bond shall name the applicant, the landowner, the State of Arizona, and Apache County as co-beneficiaries, and shall remain in effect until the County has verified that all decommissioning obligations have been fulfilled. The bond shall not be subject to revocation, reduction, or

cancellation without the prior written consent of Apache County and must be maintained throughout the life of the project.

In the event of a transfer of ownership or operational control of the facility, the decommissioning plan and all associated obligations, including the bond requirement, shall be assigned to the new owner or operator. Apache County shall be notified in writing at least ninety (90) days prior to any such transfer. The new owner shall submit documentation and the assumption of all decommissioning responsibilities, and the existing bond shall remain in place unless replaced by a new bond or other financial assurance instrument of equal or greater value, subject to County approval. No transfer shall be considered effective until the County has approved the continuation or replacement of the financial assurance instrument.

5. Road Maintenance and Access Agreements

Prior to approval of the Final Development Plan, the applicant shall enter into a Road Maintenance Agreement or Development Agreement with Apache County for improvements to and ongoing maintenance of County Roads 6040 and 6001. Additionally, the applicant shall secure a separate agreement with the Elk Valley Ranch Property Owners Association for use of Elk Valley Ranch roads during construction and operation.

6. Permit Lapse Provision

The Conditional Use Permit shall automatically lapse five (5) years from the date of issuance unless a valid building permit application is submitted prior to that date. The permit holder may request a reasonable extension of the lapse date upon demonstration of good-faith efforts and measurable progress toward project development.

7. Fire Prevention and Emergency Services Plan

Prior to approval of the Final Development Plan, the applicant shall submit a Fire Prevention and Emergency Services Plan identifying the fire district or emergency service provider responsible for the site. The plan shall incorporate recommendations from that agency, and project conditions shall comply with all applicable fire safety and emergency access standards.

8. Final Building Permits

All required building permits shall be obtained prior to commencement of any construction activities.

Mr. Gillespie noted this was the third public hearing for the project and commended the progress made in addressing concerns. He emphasized that the site plan, reviewed by Game and Fish, the county, and the fire department, includes a 600-foot setback that is on record and enforceable.

Condition #5: Coordination with Elk Valley Ranch roads. The roads are county-owned, not owned by Elk Valley Ranch or individual property owners. Improvements will be made to certain roads within Elk Valley Ranch. He acknowledged differing opinions but stated EDF's commitment to road improvements as a positive step. Alternative entrances will continue to be evaluated, though the TEP route remains unlikely due to security and restricted access.

Mr. Gillespie addressed fire concerns, noting that past incidents (e.g., Glendale) involved older technology and were contained without harm to adjacent properties. EDF has prepared emergency response plans and will continue coordination with St. Johns Fire Department.

Mrs. Hauser asked about liability for fire, leakage, or evacuation.

Mr. Gillespie confirmed that EDF would be legally obligated to provide remedies, with liability resting on EDF Power Solutions. He emphasized that the conditions of approval bind EDF to its commitments.

Mr. Fish added that the Commission controls "the fine print."

Mr. Dobson suggested requiring an insurance policy for protection.

Mr. Peterson asked if EDF was self-insured.

Ms. Heberdeen (EDF Power Solutions) responded that EDF carries comprehensive insurance covering construction and operations. Certificates can be provided to the county. She noted that EDF has presented a draft prevention plan to staff and the Commission and will continue working with St. Johns Fire Department to ensure transparency and safety.

Mr. Gillespie further detailed EDF's financial commitments:

- \$3.7 million in improvements to bring the road to construction standards.
- \$2 million during construction for road upkeep.
- \$150,000 annually for ongoing maintenance during operations.

He highlighted ongoing coordination with Game and Fish, noting their support after review. While Game and Fish suggested relocating the project nearer the coal plant, private land restrictions prevented that option.

Mr. Pollock asked about preferred access routes and whether TEP negotiations were still possible.

Mr. Gillespie responded that while the TEP site is controlled by multiple entities (TEP, SRP, Tri-State), access has not been granted. EDF is committed to improving the 6040/6001 route but remains open to future alternatives.

Mr. Fish confirmed TEP owns and manages the Springerville Generating Station and has denied access at this time.

Mrs. Hauser asked about project timeline if TEP interconnection were granted.

Mr. Gillespie explained that EDF's interconnection agreement with AAC is complete. The next step is responding to TEP's RFP in 2026. Additional county reviews would occur in 2027, with construction expected to begin in 2028 and operations by 2030.

Mr. Bragiel asked about vegetation management inside the fenced project area to reduce fire risk.

Mr. Gillespie stated that the site plan includes a non-vegetated buffer between the fence and panels. Herbicides are not preferred, and alternative controls will be considered.

Mr. Fish asked if a vegetation management condition should be added.

Mr. Gillespie noted that weed control is already addressed within county code.

Public comments

James Barratt stated that 66 properties in Unit 3 and another 66 in Unit 10 would be directly and negatively affected by the project. He estimated a loss of over \$5 million in property value, not including improvements residents had made. He criticized the applicant for focusing on road improvements without addressing the negative impact on residents.

He noted that no benefits were being offered to property owners, while wells were being proposed for the Cattleman's Association. He referenced the Ivanpah Solar Power Facility in California, which shut down early despite \$2.2 billion in funding, citing underperformance and environmental concerns. He questioned whether consumers would benefit from this project through lower electric bills, or if it primarily served local business interests.

Mr. Barratt concluded by emphasizing the lack of outreach to Elk Valley residents and his concern that property owners were bearing negative impacts without compensation.

Daric Knight, Chairman, Apache Natural Resource Conservation District (NRCD, a fifth-generation rancher, spoke representing the Apache NRCD. He explained that NRCDs are

locally elected subdivisions of state government with expertise in soil, water, and natural resources. He requested that the NRCD be included as a third-party reviewer on any conditional use permit for renewable energy projects, including Juniper Spring.

Mr. Knight emphasized that while he supports solar energy on ranches, commercial-scale projects must be managed properly. He highlighted the lack of a formal noxious weed program in Apache County and offered NRCD expertise to help address invasive weed control as part of project mitigation.

Mr. Fish noted no issue with involving NRCD as a third-party consultant.

Mr. Peterson indicated the Commission could consider it.

Mr. Knight asked if the CUP were approved, NRCD's role be formally included.

Keegun Young has worked with Tesla on renewable battery systems, spoke in favor of the project. He stated that renewable energy brings job opportunities, especially for youth, and provides farmers and ranchers with additional income. He suggested solar development could also support tourism and eco-tourism through educational opportunities and renewable energy conferences.

Cora Rudd expressed support for renewable energy jobs, particularly for youth in the area. She noted that while not everyone will be satisfied, the Commission must decide what is best for the community. She highlighted the lack of opportunities for young people in the region and said the project could help create a more sustainable and livable community for all ages.

John Brooks yielded his time to Steve Urban.

Steve Urban a 17-year Marine combat-disabled veteran, spoke against the project. He noted that the military uses solar primarily for logistical reasons in combat zones, not because it is cost-effective. He argued that all military solar installations are backed up by diesel generators because of reliability concerns.

He raised concerns about toxic smoke from lithium fires, noting it contains heavy metals and poses permanent health risks. He questioned road impacts from construction traffic, estimating 300 employees plus heavy trucks would overwhelm local roads, creating safety and enforcement challenges. He argued that EDF's \$3.7 million road commitment would be insufficient to maintain 20 miles of road.

Mr. Persinger owns property adjacent to the proposed site, thanked the Commission for the 200-yard setback but expressed concern about toxic smoke from potential lithium battery fires. He noted strong winds in the area and questioned whether smoke could be contained or would damage surrounding properties.

Evan Balcombe, Fire Risk Alliance, Captain of Engine 239 in New York City and an expert in lithium-ion fire response, addressed concerns regarding battery fire emissions.

He explained that most modern battery systems use lithium iron phosphate (LFP) chemistry, which differs from older NMC/NCA batteries.

He stated that 90% of the plume from an LFP fire consists of CO, CO₂, and hydrogen, which dissipates quickly and generally rises rather than traveling outward. Testing has shown that dangerous concentrations do not extend beyond the fence line of containerized systems.

He acknowledged that toxic gases such as Freon and other byproducts can be released, similar to emissions from house or industrial fires, but emphasized that safety standards (NFPA 855, UL 9548 testing) require containment within modules and that monitoring at real-world fires has not shown hazardous emissions at the property line.

MOTION: Commissioner Carey Dobson moved to recommend approval of CUP 2025-45 with conditions as recommended by staff and adding NRCD as a third-party consultant. The motion was seconded by Commissioner Michale Bragiel.

Conditions of approval

1. Final Development Plan

Prior to the issuance of any construction or grading permits, the applicant, Juniper Spring LLC, shall submit a comprehensive final development plan to the Apache County Community Development Department and the Apache County Building Department for review and approval. This plan shall include, at a minimum:

- a. Final site plot plan showing the entire project layout, including building locations, access roads, and internal circulation.
- b. Elevation renderings of all proposed structures and facilities.
- c. Final layout and specifications of battery energy storage systems (BESS).
- d. Final arrangement and layout of solar panel arrays.
- e. Final route and location of all proposed transmission lines.
- f. Location of proposed water wells or other water sources.
- g. Documentation of all proposed on-site easements.
- h. Final solar panel specifications, including manufacturer, model, and materials,
- i. A surface drainage and stormwater management plan accounting for water runoff.
- j. An estimate of water use during construction and ongoing maintenance.
- k. Identification and safety documentation for any hazardous materials, including those used in the solar panels.
- l. Final plans for equipment storage, parking, site signage, and lighting (including photometric lighting details). No ground disturbance or construction activity shall occur until the County has reviewed and approved the final development plan and all associated materials.

- m. Final emergency response plan coordinated and approved by the emergency response agency responsible for serving the plant site.

2. Power Purchase or Interconnection Authorization

Prior to the issuance of any construction or grading permits, the applicant shall provide documentation to Apache County demonstrating either:

- a. An executed Power Purchase Agreement (PPA) or similar contractual agreement with Tucson Electric Power (TEP), Salt River Project (SRP), or Tri-State Generation and Transmission for the sale of generated electricity; or
- b. Written authorization from one of or all three of the electrical generating companies allowing the interconnection and delivery of energy onto their high-voltage transmission system.

3. Environmental Impact Mitigation Plan

Prior to approval of the Final Development Plan, the applicant shall submit an

Environmental Impact Mitigation Plan to both the Arizona Game and Fish Department (AZGFD) and Apache County for review. The applicant shall address all applicable recommendations and best management practices provided by AZGFD and the County and incorporate these into the final project design and construction plans to the extent feasible.

4. Updated Decommissioning Plan, Bond, and Successor Obligation

The applicant shall submit an updated decommissioning plan and cost estimate to Apache County for review and approval once a final development plan has been agreed upon. The plan shall address the removal of all project facilities and full restoration of the site at the end of the project's operational life. The decommissioning plan must comply with all requirements set forth in Section 440 of the Apache County Utility Renewable Energy Systems Ordinance and must include a list of native vegetation species to be used for re-vegetation following decommissioning.

To ensure that adequate financial resources are available for decommissioning, the applicant shall also submit a decommissioning bond in a form and amount satisfactory to Apache County, as specified in Section 440 of the ordinance. The bond shall name the applicant, the landowner, the State of Arizona, and Apache County as co-beneficiaries, and shall remain in effect until the County has verified that all decommissioning obligations have been fulfilled. The bond shall not be subject to revocation, reduction, or

cancellation without the prior written consent of Apache County and must be maintained throughout the life of the project.

In the event of a transfer of ownership or operational control of the facility, the decommissioning plan and all associated obligations, including the bond requirement, shall be assigned to the new owner or operator. Apache County shall be notified in writing at least ninety (90) days prior to any such transfer. The new owner shall submit documentation and the assumption of all decommissioning responsibilities, and the existing bond shall remain in place unless replaced by a new bond or other financial assurance instrument of equal or greater value, subject to County approval. No transfer shall be considered effective until the County has approved the continuation or replacement of the financial assurance instrument.

5. Road Maintenance and Access Agreements

Prior to approval of the Final Development Plan, the applicant shall enter into a Road Maintenance Agreement or Development Agreement with Apache County for improvements to and ongoing maintenance of County Roads 6040 and 6001. Additionally, the applicant shall secure a separate agreement with the Elk Valley Ranch Property Owners Association for use of Elk Valley Ranch roads during construction and operation.

6. Permit Lapse Provision

The Conditional Use Permit shall automatically lapse five (5) years from the date of issuance unless a valid building permit application is submitted prior to that date. The permit holder may request a reasonable extension of the lapse date upon demonstration of good-faith efforts and measurable progress toward project development.

7. Fire Prevention and Emergency Services Plan

Prior to approval of the Final Development Plan, the applicant shall submit a Fire Prevention and Emergency Services Plan identifying the fire district or emergency service provider responsible for the site. The plan shall incorporate recommendations from that agency, and project conditions shall comply with all applicable fire safety and emergency access standards.

8. Final Building Permits

All required building permits shall be obtained prior to commencement of any construction activities.

There was no further discussion.

VOTE: The motion passed unanimously with five (5) ayes to zero (0) nays.

Report from Staff to the Commission

No report.

Adjournment

Vice Chair Brad Peterson adjourned the public meeting at 2:59 p.m. (MST)

Vice Chair, Brad Peterson reconvened the working lunch session