

APACHE COUNTY COMMUNITY DEVELOPMENT

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**PLANNING AND ZONING COMMISSION
MINUTES FOR April 3, 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

Assessor's Office

Roxanne Drye, Appraiser III

Richard Waite, Appraiser I

Working Lunch Session

Mr. Muth called the working lunch session order at 12:00 pm.

Discussion on Property Zoning and Rezoning in Alpine

Mr. Fish provided an update and presented two draft letters intended for distribution to Alpine residents. He explained that the first letter is directed to property owners within areas currently being used for commercial purposes, acknowledging these zones as potential formal commercial designations. And that the second letter is addressed to property owners of vacant properties identified as having strong potential for future commercial development based on their location.

Mr. Fish reported that he had received a call from a member of the Alpine Alliance, who informed him of an active email chain involving several Alpine residents. The member suggested that staff provide a clear explanation of the proposed rezone that could be shared with residents through this email chain.

Mr. Fish asked for direction from the commissioners regarding this suggestion. The commissioners expressed their agreement and support for staff to move forward with providing the explanation.

Mr. Fite shared a comment from a letter issued by the Alpine Fire District, expressing appreciation to all individuals and organizations that contributed to the successful mitigation of a potentially catastrophic incident in the community. The letter extended gratitude to multiple area emergency response teams and neighboring businesses for their swift action and effective collaboration in ensuring the safety of the Alpine community. Mr. Fite also emphasized the importance of ongoing community participation in fire management efforts to help mitigate future risks.

Discussion on the formation of a subcommittee to review and propose amendments to the Renewable Energy Ordinance.

Mr. Muth shared that, upon further consideration, he did not believe the formation of a subcommittee was necessary. He suggested that the commission, along with any interested parties, could engage in the process independently and participate directly without the need for a formal subcommittee structure.

Mr. Fish agreed with Mr. Muth's assessment and noted that, given the time constraints, forming a subcommittee would present challenges in organizing, aligning goals, and completing necessary tasks within the recommended timeline. He expressed that it would be more efficient to keep the process within the commission.

Mr. Fish also emphasized the importance of adhering to notification requirements and outlined steps he had already taken to compare the current ordinance with several others from communities across the Southwest. He concluded by stating that staff is well-equipped to take on this task effectively.

Mr. Fish asked the commissioners to provide input on their desired timeline and whether they would like to address renewable energy-related issues within the county as part of an update to the Comprehensive Plan. He recommended that a working rough draft be prepared and presented at the commission's next working lunch session. The commissioners agreed with this approach.

Mr. Muth directed staff to prepare a preferred area map, along with a definition of that map, so that both the ordinance and the map could be developed concurrently. The commissioners agreed that the ordinance and the map should be coordinated and worked on together.

Mr. Muth also noted that any updates to the Comprehensive Plan would have a direct impact on the Conditional Use Permit (CUP) process.

Mr. Fish asked the commission whether they desired to identify specific areas as potential locations for renewable energy development. Mr. Muth responded that the commission would like to take a proactive approach by defining preferred areas that are clearly identifiable and accessible to the public.

Mr. Fish recommended that the language used in the ordinance be conducive to potential development, clearly outlining the designated area and key factors to consider for such projects. The commission agreed with this recommendation.

Review and discussion of item #4 the proposed Major Plat Amendment submitted by Pietro Di Giammarino.

The commission reviewed and discussed Item #4; the proposed Major Plat Amendment submitted by Pietro Di Giammarino.

Mr. Fish informed the commission that staff had received several letters of opposition regarding the proposal, all of which up to just before the start of this meeting had been provided to the commission for their consideration.

Mr. Muth inquired whether the application was complete. Mr. Fish confirmed that it was and provided a summary of agency responses and technical considerations related to the proposal:

Navopache Electric Cooperative (NEC): Confirmed their ability to supply sufficient power to all proposed residences.

Greer Fire District: Expressed satisfaction with the proposed ingress and egress routes. The development will include the installation of five 5,000-gallon water storage tanks to ensure adequate water flow. Additionally, the applicant has agreed to install two fire hydrants—one on the east and one on the west side of the property—which can be used for fire suppression in the surrounding area.

Painted Sky Engineering / Little Colorado Sanitation District (via Dog Brimhall, Chief Engineer): Indicated that the sanitation design had been developed with this location in mind. While some infrastructure upgrades may be necessary to accommodate the additional flow, the district is supportive of the development and willing to work with the applicant. Mr. Fish noted that the developer is aware of, and accepts, the potential additional costs associated with these improvements.

Highland Water Resources Consultation (via Michael Ploughe, P.G.): Noted that the development would include two wells that will supply a 20,000-gallon reservoir. They estimated that the water usage would be 80 gallons per day per unit, totaling approximately 1,680 gallons per day for the entire project. In their opinion the proposed water supply did not pose a risk to the long-term availability of groundwater for the community or nearby wells.

Mr. Fish noted that the applicant has been in contact with the Apache County Engineering office regarding ingress and egress. The office provided the county's minimum road and infrastructure standards, and the applicant has agreed to construct all infrastructure within the development to meet these requirements.

Mr. Fite noted that the commission does not have jurisdiction over water resources, acknowledging the limitations of their authority in that area.

Mr. Fish added that several of the opposition letters received by staff raised legitimate concerns about the density of the development in Greer. He pointed out that this issue is not exclusive to Greer but is a concern throughout the mountain area and should be considered in future discussions and planning. Mr. Fish further explained that in the four years since he became the Director of Community Development, the Building Safety Department issued 24 new home permits, surpassing the number of units proposed in this development. While he acknowledged the argument that this development could contribute to increased density and congestion in Greer, Mr. Fish emphasized that this concern should be considered in the overall context of the recommendation.

There was no further discussion.

Discussion on any future Agenda Items.

There was no discussion.

The working lunch session adjourned at 12:30 p.m.

Public Meeting

Call to Order.

Mr. 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.

Mr. Muth determined that a quorum was present through roll call. The following Commissioners were present: Brad Peterson, Bobby Fite, Kay Hauser, Bob Pollock, Dan Muth, Travis Johnson, Brad Jarvis, and Carey Dobson.

Mr. Muth proposed moving the discussion of Item #4 (the Proposed Major Plat Amendment) to Item #7 and moving Item #7 (Report from Staff to the Commission) to Item #4.

MOTION: Mr. Peterson moved to approve the proposed reordering of the agenda, seconded by Mrs. Hauser.

VOTE: The motion passed unanimously with 8 ayes, 0 nays.

Review and approval of the minutes of the Planning and Zoning Commission working lunch session and public meeting held on March 6, 2025.

Mr. Muth read in the item and opened the floor for a motion and discussion.

MOTION: Mr. Dobson moved to approve the minutes as drafted, seconded by Mr. Peterson.

There was no discussion.

VOTE: The motion passed unanimously with **8 ayes, 0 nays.**

Report from Staff to the Commission

Mr. Fish stated that staff had no updates to report.

Discussion, review, and possible approval of Renewable Energy Subcommittee members

Mr. Muth reminded the commissioners and attendees of the previous discussion held during the working lunch session regarding the formation of the Renewable Energy Subcommittee. He noted that, in the interest of time, the formation of a formal subcommittee was deemed unnecessary.

Mr. Muth then opened the floor for a motion and discussion.

MOTION: Mrs. Hauser motioned approval of not creating a subcommittee, seconded by Mr. Fite.

There was no further discussion.

VOTE: The motion passed unanimously with **8 ayes, 0 nays.**

Call to the Public

Stephen Urban addressed the commission, expressing concerns about renewable energy and warning against what he described as a "wealth transfer scam." He cited potential environmental issues with wind, solar, and battery storage, referencing a recent fire in a California electricity storage area that was left to burn because the lithium in the batteries could not be extinguished. He cautioned against pursuing such projects, suggesting that they waste money and benefit companies receiving government funds without providing tangible benefits to the community.

Mr. Urban also commented on the discussion of density in Greer, speculating that it would apply county-wide, and stated that overdevelopment could ruin the White Mountain experience.

Mr. Muth reminded Mr. Urban that public participation in the Call to the Public was not for discussing agenda items and warned that his comments about growth in Greer were approaching that line.

Mr. Urban continued, expressing concerns about county development strategies. He argued against prioritizing property tax revenue by over-developing parcels, likening it to the development style seen in Show Low. He warned that such density would create fire hazards, as thinning properties to reduce wildfire risk would eliminate the trees, thereby undermining the natural experience of the mountains.

PUBLIC HEARING(S)

Review and Discussion of Subdivision Major Plat Amendment 2024-75 Pietro Di Giammarino

Mr. Muth presented the item and reminded attendees that each person would be allowed three minutes to address the commission on this item.

Mr. Muth invited the applicant to address the commission.

Mr. Kahlich addressed the commission, stating that his team is considering purchasing the property in question. He noted that he has developed five subdivisions in Pinetop and built over 200 homes in the area over the past 25 years and has been a resident of the area for approximately 20 years. He clarified that his involvement in the project was due to the existing zoning, which he thought allowed for multiple units.

He acknowledged the concerns expressed regarding density and overdevelopment in small communities and stated the project was designed to remain within or exceed zoning standards. Specifically, he noted that the development proposes 21 units (fewer than the 28 allowed), building heights of 16 feet (below the 24-foot limit), and unit separations averaging 22 feet (above the 15-foot minimum).

Mr. Kahlich stated that the project was designed with community integration in mind, including architectural styles and materials suited to the area, and involvement of a Tucson-based architect with experience in small-scale developments. He highlighted community benefits such as the installation of fire hydrants with signed agreements to allow use for area fire protection, full compliance with county road and fire access standards, and coordination with utility providers.

He also emphasized the implementation of Firewise practices, including tree trimming and selective replanting. Mr. Kahlich concluded by expressing the development team's interest in working collaboratively with the community, stating the project aims to bring both economic and quality-of-life benefits in a planned and responsible manner.

There were no questions from the commission.

Mr. Fish provided the staff report, noting that the applicant and developer had submitted a well-prepared proposal that had been scrutinized for the last several months. He clarified details not previously mentioned during the work session, specifically addressing density and open space requirements under Greer Zoning Article 6.

He stated that while Article 6 is somewhat vague regarding density, it permits lot coverage of either 20% or 25%. The proposed development footprint totals 27,278 square feet, amounting to 19% of the lot coverage. The total lot coverage, including buildings and infrastructure, is approximately 43%, well below the 70% maximum allowed, leaving at least 30% open space as required.

All setback requirements have been met, accounting for variations due to surrounding zoning. Mr. Fish confirmed that utilities including water, sewer, electricity, and fire protection had been addressed and reviewed as noted in the work session.

STAFF RECOMMENDATION: Staff recommended approval of the proposal noting that if the project is approved by the Board of Supervisors, the developer must provide:

1. A dust and damage mitigation report
2. A noise impact report
3. A clearly posted phone number for public complaints related to construction noise, debris, or traffic
4. The complaint contact signage must remain visible during construction

This will be enforced during the building permitting process.

Mr. Muth clarified with Mr. Fish that no formal stipulations were being proposed as conditions to the plat amendment itself. Mr. Fish confirmed, stating that he didn't think that neither staff nor the commission could apply conditions directly to the plat amendment. He noted that the requirements discussed would be enforced during the building permit process.

Mr. Fish added that another consideration during the building permit phase would be traffic management related to construction activity. He emphasized the need to plan for trade workers' parking in a way that maintains clear access for emergency medical services (EMS) vehicles throughout the site during the construction period.

Mr. Muth opened public comments, allowing three minutes for comments.

Marcus Clarke: I find myself a little shocked by the theater going on here about this project, as if it's already a done deal. I'd like to provide a bit of historical context for some of the folks here.

Article 6, which is what we are discussing, was adopted in 2010 to modernize the zoning categories and apply each of the four categories to existing properties consistent with their historic usage. In 2014, Greer Commercial Resort (GCR) zoning was offered on a one-time basis to all properties in Greer that were historically run as resorts and requested this zoning. The parcels included in this condo proposal were not among those that requested GCR zoning at that time.

Meeting minutes from the Board of Supervisors' approval indicate it was determined that any subsequent rezonings to GCR in Greer would be subject to the standard Apache County zoning process, as required by law.

In 2018, the community plan was codified into the Apache County Comprehensive Plan. That plan designates these parcels as Greer Commercial—not Greer Commercial Resort.

In December 2021, the property owner for the parcels ending in 13 and 14—those we are discussing today—sought GCR zoning for both. At that time, there was no public notice nor any involvement of neighbors within 300 feet. County staff recommended only residential zoning, and the required rezoning process was not followed.

In July and August of 2022, a major amendment to Article 6 revised the use of recreational vehicles in Greer. A new zoning map was adopted that inexplicably included a GCR zone on these properties. Again, appropriate rezoning procedures were ignored. The required legal compliance with the Comprehensive Plan was bypassed. Ordinance 11-811 clearly states that the zoning ordinance—and all rezonings and zoning regulation amendments under this Article—shall be consistent with and conform to the adopted Comprehensive Plan.

Greer citizens never envisioned Greer Commercial Resort zoning to be used for anything other than resort development. To use it as a back door for a stand-alone condominium development is a corruption of the rules and an affront to the vast majority of the Greer community. These are residences. They are high-density residences, and our zoning requirement is one acre per residence—for good reason.

Given the unresolved and unlawful steps in the rezoning of these parcels, we respectfully request that the commission deny this application.

Ken Western: I own property almost directly across the street from the proposed high-density condominium project under consideration. I am also a member of the Greer Coalition Board, which represents more than 150 property owners in Greer.

We believe the proposal to build 21 cabins on 3.34 acres along Main Street violates the intent of Article 6 of the Apache County Zoning Ordinance, the Greer Comprehensive Community Plan, and the purpose of the Greer Commercial Resort (GCR) zoning designation.

The purpose of GCR zoning is to support the development of resorts, lodges, hotels, motels, and bed and breakfasts—not to provide for exclusively high-density condominium projects such as this. As currently proposed, this is a standalone condominium development, with none of the supporting structures or amenities that define a resort, lodge, hotel, motel, or bed and breakfast under GCR zoning. It's simply 21 cabins packed closely together.

This proposal conflicts with Article 6, which clearly states that when questions arise about the application of GCR zoning, both the Apache County Comprehensive Plan and the Greer Community Plan should be used for guidance. There is no evidence that this requirement has been met.

Furthermore, this attempt to work around lawful zoning regulations threatens to open the floodgates to other dense developments along Main Street and throughout areas designated—or potentially designated—as Greer Commercial Resort. This would radically alter the landscape and character of Greer, with significant impacts on roads, water, sewage, wildlife, and neighboring properties.

Two additional points:

First, under GCR zoning, a project is required to maintain 30% open space. Initially, it appeared that this threshold had not been met. However, Mr. Fish stated that the project does meet the requirement, with approximately 57% open space. This discrepancy needs further clarification.

Second, neighbors are particularly concerned about the project's reliance on well water and sewer services. The Greer Community Plan requires full disclosure of the impact on neighboring wells. In a letter to Mr. Fish, neighbor Steve Williams noted that the consultant's two-page water review makes no mention of aquifer testing to determine recharge rates or aquifer size. Without this critical information, the impact on neighboring wells cannot be accurately assessed.

This project is clearly an attempt to circumvent GCR zoning by maximizing the number of cabins on limited acreage. Greer residents, through the existing residential ordinance, have made it clear that they support one residence per acre to preserve the community's rural character.

On behalf of property owners across Greer, we strongly urge you to reject this proposal for high-density condominiums as a misuse of GCR zoning.

Stephanie Deir: I own property north of parcel 013, and we oppose the combining of parcel 013 with parcel 014 to allow for the construction of 21 condominium buildings. This property adjoins the meadows and contains saturated soils, making it an environmentally sensitive area.

The open space and natural environment are key reasons people come to Greer. The Little Colorado River flows through the meadow, which is home to abundant wildlife and represents a significant natural asset to both Greer and its community.

Through the development of Article 6 and the Greer Community Plan, residents have consistently supported the principle of one residence per acre and have opposed condominium developments. This is well-documented in multiple community surveys. In the 1980s, there was a plan to develop condominiums in the meadow, but the residents of Greer took action to protect it. They worked with the U.S. Forest Service to trade the privately owned meadow property for National Forest land in Butler Canyon.

Now, we are once again faced with an unwanted high-density development that threatens the surrounding area. This condominium project does not align with the intent of the community, Article 6, or the Greer Community Plan.

According to the 2018 Greer Community Plan: It is the responsibility of the Planning and Zoning Board and the Board of Supervisors to give precedence to the Greer Community Plan whenever making decisions or recommendations pertaining to the Greer region. The maximum densities allowed under GCR zoning are not entitlements, they require careful review, and the developments should have a nominal impact on adjacent properties.

This proposed development fails on all three points. It would have significant negative impacts on adjacent properties, including decreased property values, increased noise, lighting, and traffic, interruption to the quiet enjoyment of nearby homes, and direct effects on runoff and water supply.

For these reasons, the application to combine parcels 013 and 014 and to approve the condominium plat should be denied.

Valerie Steinbronn: I own property north of parcel 102-11-013, and I oppose the combining of this parcel with 014 to allow for the construction of 21 condominiums. This parcel adjoins the meadow, which contains low, saturated soils and is environmentally sensitive to development.

We have three specific concerns:

First, the effect on our well and water supply. The proposal includes 20,000 gallons of water storage, which could benefit the community, along with two fire hydrants. However, will there be metering of these hydrants? Will there be a designated community day when residents who run out of water can access them? I also have a well in Pima

County, where we've had issues with water supply, so I understand the importance of a thorough evaluation. The 2018 Greer Community Plan requires an adequate assessment of the water impact, and one must be completed for this project.

Second, we are concerned about drainage and water runoff. Has an engineering plan been completed to evaluate this? Main Street runoff has previously been diverted down our county road, and we are constantly submitting work orders to Apache County. We've already experienced significant flooding under our home during a storm in August a few years ago. I hope the development will include proper planning to absorb rain and snowmelt—otherwise, it could direct additional water toward our property from both the south and from Main Street to the west.

Third, it is highly likely these condominiums will be used as private short-term rentals. According to Article 24 of the Apache County Zoning Ordinance, private residences used as rentals in Greer are subject to requirements for registration, occupancy limits, health and safety standards, parking, and management. However, properties zoned Greer Commercial Resort (GCR) are exempt from these requirements, based on the assumption that rentals in GCR zones would be part of a managed resort. Clearly, this is not the case here, as there is no resort affiliation. If these condos are privately owned and rented out, they must comply with Article 24 requirements just like other private residences.

As my sister Steph noted, the 2018 Greer Community Plan states: "*The use of maximum densities in GCR zoning are not entitlements and require careful review.*" Article 6 does allow eight housekeeping units per acre, but these proposed condos do not reflect what most would consider housekeeping units. The proposed density is not an entitlement and should be denied.

The plan also states that developments should have only *nominal* impact on adjacent properties. This proposal would have a *significant* impact on our property, including water, noise, traffic, and drainage concerns.

With respect, we urge the commission to deny the application to combine parcels 013 and 014 and to reject the proposed condominium plat.

Mr. Fish asked Ms. Steinbronn to clarify the location of her home. She responded that she lives north of parcel 013. Mr. Fish asked if she was on the other side of the restaurant, and she confirmed that she was.

Lorraine Shumway: My comments today are going to be a little different. I'm not as focused on zoning because I'm not well-versed in the zoning regulations. However, I did send a letter to all of you back in December. Matt responded to me quickly, and he assured me that each of you would have read it before this meeting. I'm going to summarize my key points here.

As part of your decision-making, I hope you will consider the following:

First, I'd ask that we don't broad-brush this issue as simply a "White Mountains" issue. Greer is a very small part of the White Mountains—a tiny community with one road in and one road out. That uniqueness matters, and I'd like us to keep that in mind.

Regarding water, I heard today that a report was issued with an opinion stating that there is enough water. I would like to see actual testing to confirm there is enough water for 100 years, not just an opinion. This is critical for long-term sustainability.

Regarding parking, is the property large enough to accommodate all the vehicles that will arrive—trucks, trailers, and off-road vehicles—especially on weekends from spring through summer? If the condos are rented by parties with multiple vehicles, there must be enough space to accommodate them all. Otherwise, people will start offloading and parking trailers wherever they can find an empty spot. That just can't happen. This part of the village already experiences significant congestion, and adding more lodging will undoubtedly increase both traffic and noise.

Greer already struggles with a lack of respect from some (not all) short-term visitors—people who disregard speed limits, noise ordinances, and fire restrictions. Nothing is more disconcerting than seeing a campfire on a red flag day. If you're in Alpine, I think you can appreciate the danger of that.

As this conversation has unfolded, I've been reminded of another concern: evacuation planning. I'm pleading not just for approvals but for real planning. The county has done very little to regularly maintain or address road conditions in Greer. The influx of off-road vehicles speeding down dirt roads will only make this worse.

Since my first letter, I will acknowledge that Northwoods Road was addressed—it was in atrocious condition. Of course, now we'll be dealing with the dust problem.

My concerns stem from a desire to preserve the beauty of Greer for everyone to enjoy, while also protecting public health and safety. I urge you to address these issues—at the very least during peak season.

Greer has fewer than 150 full-time residents. I am one of them. In the summer, our population explodes. For the sake of emergency medical, fire, and public safety, could we not stage an ambulance at the Greer Fire District? If someone crashes flying up Northwoods Road without a helmet, they shouldn't have to wait 30 minutes for help. Response time can be the difference between life and death.

We also need law enforcement presence—not just occasional visits. We need active, consistent coverage. This has to be part of the conversation.

So, as I wrap up, I have more comments, but I'll stop here—I just want to say: please include a plan with your decision. If you haven't been to Greer recently, I invite you to

come. My husband and I would be happy to take you to lunch. Come and see what's happening along Main Street, and you'll understand what we're talking about.

Please remember: Greer is a tiny, unique community, and it deserves thoughtful consideration.

Louanne Scott: I'm a part-time resident in Greer and serve as a liaison not only for the Greer Lodge Estates Homeowners Association but also for the Greer Community Center. I'm here today to express the concerns of both groups.

First, I want to address Main Street, which is the primary road through Greer. It is already heavily used and shows considerable wear and tear. Construction related to the proposed development will further disrupt traffic, increase congestion, stir up dust, and place additional stress on the road. The presence of dump trucks, cement mixers, and flatbed trucks delivering materials will be a major source of irritation and frustration for both residents and visitors. The routine cost of maintaining and repairing the roads will escalate as a result.

Additionally, there is no clear place for construction vehicles to park, especially during the summer when traffic increases dramatically. In Greer Lodge Estates, we're already challenged by large pickup trucks towing flatbed trailers with off-road vehicles. We work hard to manage traffic flow and educate people about where and how to park, but it's a constant battle. This leads directly to safety concerns. How will those concerns be addressed? Will the developer take responsibility for covering the cost of repairing and maintaining roads and managing construction-related disruptions?

Another concern is parking availability. There is already not enough parking in the area to accommodate visitors, and this proposed development will make the situation worse, especially while also trying to meet open space requirements. Setbacks for lighting, parking, and signage have not been addressed, yet they are required under the Greer Community Plan.

Lastly, I want to speak about the impact on local wildlife. Last night, I spent about three hours watching over 100 elk out in the meadow. That meadow directly backs up to our cabin and borders the area proposed for this development. The elk were moving from the meadow through the proposed development site and toward Main Street. I would truly hate to see that natural movement disrupted.

We've already noticed that elk tend to leave when the summer visitors arrive. They return in the fall and stay through winter into spring, which is exactly what we're experiencing now. This is a sensitive wildlife corridor, and the presence of more buildings and activity could change that forever.

In summary, this proposal raises serious concerns about road conditions, traffic, parking, regulatory compliance, and environmental impact. I ask that you take these concerns seriously as you consider the future of Greer.

Gail Clarke yielded her time to Marcus Clarke.

Marcus Clarke (continued): Approval of this application would make a mockery of the Greer Community Plan. While the parcel is zoned Greer Commercial Resort (GCR), as we've heard, this is not a resort. This is a very clever developer building 21 single-family residences under the guise of a resort, with an HOA.

There is a reason for the one-acre-per-residence requirement: we are not a city, or even a town—we are a rural community, and most of us want it to stay that way. If approved, these high-density residences will destroy the Greer we know and love.

Right now, I have four neighbors, people my wife and I know and respect. We are considerate of one another. But what happens if one of those homes is replaced with 21 separate families, all exercising their right to pursue happiness? What are the odds that one or two of them won't be so considerate?

As many residents have already experienced, fire insurance in Greer is becoming prohibitively expensive—or even impossible—to obtain. Can the developer guarantee that all 21 future homeowners will be able to get fire insurance? If not, and things fall apart, will we be left with an abandoned eyesore in the heart of our community?

Approving this application would set a dangerous precedent—not just for GCR property owners who could now build eight single-family condos per acre, but also for anyone to rezone land into GCR and maximize profit. What more could an unscrupulous developer ask for?

Let's consider whether this project aligns with the community's values, which this Planning and Zoning Board is charged to uphold. In the 2006 survey conducted as part of the Greer Community Plan, the community made itself clear: 84% said no to allowing condominium-type developments. 89% said no to allowing duplex-type developments and 96% said that the ordinance should retain a one-residence-per-acre requirement.

Greer citizens never envisioned GCR zoning as anything other than a way to grandfather in existing resort developments, with very careful consideration for any new ones. To use GCR zoning as a back door for high-density residential development is a corruption of the rules and a slap in the face to the vast majority of the Greer community.

With respect, I urge you to deny this application.

John Riel yielded his time to John Freeman.

John Freeman: This proposal appears to be an intentional attempt to circumvent the Apache County Zoning Ordinance. It raises serious procedural, legal, and substantive concerns regarding zoning compliance, the intent of the ordinance, and alignment with the Greer Community Plan. As the licensing authority, Apache County must ensure that all zoning requirements are satisfied, including the validity of the zoning designation and adherence to lawful procedures—before granting any approvals.

Under the U.S. Constitution, the power to regulate land use has been delegated to states, counties, municipalities, and towns. A.R.S. §11-802 requires county supervisors to establish a Planning and Zoning Commission. According to Section 104 of the Apache County Zoning Ordinance, the Commission exists to further the intent of that ordinance.

Commissioners take an oath—on their sacred honor—to uphold the laws of the United States, Arizona, and Apache County. That oath binds them to act in accordance with the law, not personal ideology, and to make decisions that advance the intent of the ordinance.

In this case, there are multiple legal and procedural failures:

Invalid Zoning Designation:

The Greer Commercial Resort (GCR) zoning designation for this development appears invalid. Apache County established procedures in 2014 for future GCR rezonings, which were not followed. No staff member’s opinion can substitute for a formal, lawful rezoning process.

Violation of the Comprehensive Plan: The Apache County Comprehensive Plan outlines clear processes and criteria to ensure all zoning actions reflect the community’s vision. These steps were disregarded. This is a violation of A.R.S. §11-811, which requires rezoning actions to be consistent with the comprehensive plan.

Failure to Resolve Ambiguities: Article 6, Section 601A of the Apache County Zoning Ordinance states: *“In the case of ambiguities or confusion, refer to the Apache County Comprehensive Plan or the Greer Community Plan for clarity.”* There is no evidence that these documents were consulted to resolve key ambiguities or ensure alignment with zoning intent.

Misuse of GCR Zoning: GCR zoning was intended for resorts, lodges, hotels, motels, and short-term accommodations—not high-density residential use. According to the ordinance, a resort must be a self-contained establishment offering meals and personal services. This project does not meet that definition. It represents a misapplication of GCR zoning and undermines its original purpose.

If this development is approved, it will set a dangerous precedent, allowing GCR properties, most of which are along Main Street—to be converted into high-density residential condo rows, completely transforming the character of Greer.

Nick Shumway yielded his time to Mr. Freeman.

Mr. Freeman (continued): This development threatens to erode the protections codified in the Greer Community Plan, which emphasizes the preservation of Greer’s unique character, property values, and aesthetic harmony. By bypassing the intent of the zoning ordinance and disregarding the community plan, this proposal undermines the trust that residents and property owners have placed in county governance.

The proposed use is incompatible with Greer’s land-use goals. It prioritizes high-density residential development over the community’s vision. Residents have relied on the Zoning Ordinance and the Community Plan for clear, enforceable protections—and now those expectations are being ignored.

Some have mentioned the need to prepare for the future. But the Greer community has already prepared—through the adoption of a comprehensive plan and zoning ordinances designed to preserve and protect its future. It is the responsibility of this Commission to uphold those protections.

As outlined in Section 104 of the Apache County Zoning Ordinance, the Commission’s primary responsibility is to further the intent of the ordinance. Approving this development—without addressing the zoning’s validity and compliance—would directly contradict that sworn duty.

Rejecting this application is not just a matter of technical compliance; it is a reaffirmation of the Commission’s commitment to the community it serves, to public trust, and to responsible development that aligns with Greer’s character and values.

Apache County’s own codified ordinances and comprehensive plan have made clear commitments to uphold public health, safety, welfare, property rights, and values. Approval of this application would violate those commitments, erode confidence in governance, and jeopardize the community’s future.

I respectfully request that the Commission act with honor, integrity, and in accordance with its legal obligations—and reject this application to protect the Greer community and preserve its vision for the future.

Following public comment, Mr. Muth informed Mr. Freeman that he had three minutes remaining for his remarks.

Mr. Freeman responded by asking, “Why wasn’t the Comprehensive Plan consulted?” He emphasized that the proposed development is clearly outside the intent and purpose of the Greer Commercial Resort (GCR) zoning designation, and that proceeding without referencing the Comprehensive Plan undermines the integrity of the zoning process.

Mr. Fish reminded the Chair that the session was not a question-and-answer format. Mr. Muth agreed and clarified that Mr. Freeman still had three minutes remaining to address the commission. Mr. Fish then noted that Mr. Freeman had already used his allotted nine minutes, six of which were provided by two other attendees.

Mr. Freeman stated that he had one question, more of a point of order, and inquired if any member of the commission had financial involvement in the proposed project. Mr. Pollock responded that his participation in the commission was not contingent upon the approval of this decision. He clarified that he would recuse himself from voting on the matter when the time came. Regarding his participation in the meeting, Mr. Pollock explained that he faced criticism from both sides, one group would argue he should not participate, while the other would claim he was avoiding the issue and not fulfilling his responsibilities. He reaffirmed that he would not be voting on this issue.

Mr. Muth closed the public comment and asked Mr. Fish if the property was currently zoned at Greer Commercial Resort and was that ratified by the Board of Supervisors. Mr. Fish replied yes. Mr. Muth asked if it was the position of the Administration of Apache County that the zoning is Greer Commercial Resort. Mr. Fish replied that he would not speak for anyone else but to the staff it was zoned correctly. Mr. Muth asked if there was a question with regard to the zoning that matter would have to be in the form of a complaint to Apache County Board of Supervisors and get resolution to that process. Mr. Fish stated that he was not sure of the avenue but that it would have to be protested in some way.

Mr. Muth inquired whether condominiums were considered a permitted use, conditional use, or nonuse within the Greer Commercial Resort zone. Mr. Fish responded that, according to Article 6 of the Greer Zoning Ordinance, specifically the 605 Use Table, it does state that "Condominiums, time shares, and fractional ownership" are permitted uses within the Greer Commercial Resort zone.

Mr. Muth inquired whether there was anything in the subdivision ordinance that precluded the commission from adding stipulations to the current proposal for the re-plat of the subdivision. Mr. Fish responded that, to the best of his knowledge, he could not definitively say yes or no. He noted that since this was not a conditional use permit, the commission likely could not impose stipulations on the plat itself. However, he expressed that if the commission had suggestions or proposals, there should be a way to address them, though he was uncertain of the appropriate process.

Mr. Muth asked Mr. Fish whether the proposal met the development standards for the zoning under which it was currently designated. Mr. Fish confirmed that it did.

Mr. Freeman requested to address the commission to clarify and correct staff's response to the use table. He stated that there are 30 allowed uses within the GCR ordinance, and in no reasonable interpretation would one singular use satisfy the intent of the ordinance. The ordinance's intent is clearly outlined, and it could not be more straightforward. The

primary purpose of the Greer Commercial Resort zoning is to allow for the development and operation of resorts, lodges, motels, hotels, bed and breakfasts, and guest accommodations for short-term visitors, along with the amenities that support these uses. Nowhere does the ordinance suggest high-density residential development.

Mr. Freeman further explained that the interpretation applied by staff was, in his view, a misapplication and misinterpretation of the ordinance's intent. He described it as an intentional workaround of the ordinance. While it is true that resorts often have condominiums, whether rental or privately owned, these condominiums are always associated with the resort's ancillary uses. He emphasized that staff's interpretation was a mistake and did not align with what the ordinance actually requires.

Mr. Jarvis asked Mr. Fish how legal had interpreted this issue and what advice they had provided on how to proceed. Mr. Fish responded that he would not have made the statements he did if he had not consulted with legal, adding that legal had interpreted the issue in the same manner.

Mr. Jarvis then reminded Mr. Freeman that he had sat on the commission and voted on the very matters being discussed. Mr. Freeman stated that he would be happy to disclose the reasons for his actions in a deposition.

Mr. Fish reminded the commission and the audience that this was not a back-and-forth discussion.

Mr. Muth called a point of order, noting that the commission was not discussing zoning, as zoning was not the issue at hand. The question before the commission was whether to approve the re-plat of the Kimball Tract subdivision. Zoning concerns would need to be addressed through a different process. Based on the information he had reviewed and the published ordinance, it had already been approved. The commission's role today was to discuss the re-platting of the subdivision.

Mr. Muth asked if there was anything preventing the commission from discussing the matter, aside from the zoning question that had been raised. No further comments were made.

Mr. Muth then opened the floor for a motion.

MOTION: Mr. Peterson moved to approve the Major Plat Amendment as presented, seconded by Mr. Fite.

Mr. Muth confirmed there was a motion and a second and asked if there was any discussion on the motion. Seeing none, he called for a vote.

VOTE: The motion passed unanimous with 7 ayes, 0 nays. Mr. Pollock recused himself from the vote.

Motion carried.

Adjournment

MOTION: Mr. Peterson moved to adjourn the meeting.

Mr. Muth adjourned the meeting at 2:05 p.m. MST.