



**APACHE COUNTY COMMUNITY
DEVELOPMENT**

P.O. Box 238
75 West Cleveland
St. Johns, Arizona 85936
(928) 337-7526 • Fax (928) 337-7633

Director:
Matthew Fish

Senior Staff
Plan Reviewer:
Shaunna Pearce

July 20, 2026,

To: Apache County Planning & Zoning Commission

From: Matthew Fish, Community Development Director

RE: Modification of Conditional Use Permit 2025-51

Staff Report

REQUEST

The applicant requests approval of a modification to an existing Conditional Use Permit (CUP 2025-51) approved by the Apache County Board of Supervisors for the construction of a wireless telecommunications facility on Assessor's Parcel Number 101-35-011.

The requested modification pertains solely to **Condition No. 6** of the approved Conditional Use Permit. No changes are proposed to the approved site plan, tower location, tower height, equipment compound, or any other condition of approval.

BACKGROUND

On October 21, 2025, the Apache County Board of Supervisors approved Conditional Use Permit 2025-51 subject to six conditions of approval. Condition No. 6 states:

"Applicant must obtain a written agreement with affected property owners addressing road access and responsibilities for road repair/maintenance during construction before construction may commence."

Following approval, the applicant began contacting neighboring property owners in an effort to satisfy this condition. Although some property owners have cooperated, the applicant has been unable to obtain written responses from every affected owner, preventing compliance with the condition despite making reasonable efforts.

The applicant has therefore requested that Condition No. 6 be modified.

PURPOSE OF THE MODIFICATION

The original intent of Condition No. 6 was to protect surrounding property owners and ensure that any road damage resulting from construction activities would be repaired.

Community Development has reviewed the condition and determined that Apache County already possesses sufficient regulatory authority through the Conditional Use Permit, Building Permit process, and County Code to require correction of construction-related impacts to County-maintained roads.

Additionally, approval of a Conditional Use Permit neither grants nor determines private roadway access rights. Questions regarding the legal right to use private easements or private roads remain civil matters between the affected property owners and are outside the scope of Apache County's land use authority.

Staff therefore finds that requiring written agreements from neighboring property owners is no longer necessary to accomplish the original purpose of the condition.

APPLICABLE ORDINANCES

This request is reviewed pursuant to:

- Article 11 of the Apache County Zoning Ordinance
- Section 1107 – Conditional Use Permits
- Apache County Comprehensive Plan

COMPREHENSIVE PLAN ANALYSIS

The Apache County Comprehensive Plan encourages development that:

- protects public infrastructure,
- minimizes impacts to neighboring properties,
- provides reliable public utilities and communications infrastructure, and
- promotes fair and efficient land use administration.

The requested modification does not alter the approved land use or increase the project's impacts. Rather, it replaces an administrative requirement with a condition that more directly accomplishes the County's responsibility to protect public infrastructure.

Staff finds the modification remains consistent with the Comprehensive Plan.

STAFF ANALYSIS

The requested modification does not alter:

- the approved use;
- tower height;
- site location;
- equipment compound;
- visual impacts;
- traffic volumes;
- utility infrastructure; or
- compatibility with surrounding land uses.

The only proposed change concerns how construction-related impacts to access roads will be addressed.

Community Development finds that requiring written agreements from neighboring property owners exceeds what is necessary to protect County interests because Apache County retains the authority to enforce compliance with all applicable permit conditions throughout construction.

STAFF FINDINGS

Community Development finds:

1. The requested modification does not change the approved land use.
2. The requested modification does not increase impacts to neighboring properties.
3. The requested modification does not affect compatibility with surrounding land uses.
4. Apache County possesses sufficient authority through the Building Permit and Conditional Use Permit processes to require correction of construction-related impacts to County-maintained roads.
5. Private roadway access rights remain matters between private property owners and are not determined by approval of a Conditional Use Permit.
6. The modification continues to satisfy the intent of the original CUP approval while eliminating an unnecessary administrative burden.

STAFF RECOMMENDATION

Community Development finds that the requested modification maintains the original intent of the Conditional Use Permit while providing a more practical and enforceable condition. The modification does not increase the impacts of the approved project, does not alter the approved use, and remains consistent with the Apache County Zoning Ordinance and the Apache County Comprehensive Plan.

Accordingly, Community Development forwards the requested modification to the Planning and Zoning Commission for its consideration and recommendation to the Apache County Board of Supervisors.

Community Development recommends that **Condition No. 6** be replaced with the following:

6. The applicant shall be responsible for repairing any construction-related damage to roads resulting from construction of the approved telecommunications facility. Apache County may require inspection, repair, or other corrective measures as necessary to ensure County roads are restored to a condition equal to or better than that existing prior to construction.

Matthew Fish

A handwritten signature in black ink, appearing to read "Matthew Fish". The signature is written in a cursive, flowing style.

Apache County Community Development Director

When recorded return to:

Planning & Zoning

2025-007448 2025-007448

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OFFICIAL RECORDS OF APACHE COUNTY, AZ

Larry Noble Recorder

12/02/2025 04:57 PM Recording Fee: \$0.00



APPLICATION

Caption

Cover Sheet

DO NOT REMOVE

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APACHE COUNTY — Community Development Department
P.O. Box 238 • St. Johns, AZ 85936 • Phone: (928) 337-7526 • Fax: (928) 337-7633

CONDITIONAL USE PERMIT APPLICATION

APPLICANT

Name Pinnacle Consulting
Mailing Address 1426 N Marvin St #101
Gilbert, AZ 85233
Contact Person Logan Williams
Phone (480) 529-6617 Fax (480) 664-9850
Email logan.williams@pinnacleco.net

PROPERTY INFORMATION

Assessor's Parcel # 101-35-011
Township 5N Range 31E Section 28
Subdivision N/A
Unit # N/A Lot # N/A
Address/Location COUNTRY RD. N2131 #32
Alpine, AZ 85920
Existing Zoning Agricultural
Existing Land Use Residential
Lot Size 5 acre

CONDITIONAL USE PERMIT REQUEST

Please provide a brief description of the request.
Proposed 185' wireless communication
facility of self support design. 50'x50'x6' chain
link fence, with 3 strand barbed wire.

Temporary Use: Yes ☒ No

SUBMITTAL CHECKLIST

- ☒ Pre-application meeting with a staff planner.
- ☒ A non-refundable filing fee.
- ☒ Proof of Ownership.
- ☒ Application, photographs, diagrams, site plans with the setbacks noted, drainage report and any other required information. Please be precise and detailed.
- ☒ Citizen Review Process as listed in ordinance Section 1106. A list of names and addresses of all the property owners within 300 feet of subject property.
- ☒ ADOT permit granting ingress / egress access
- ☒ Map to property.
- ☒ All required items need to be submitted to Planning & Zoning at least 30 days prior to the next scheduled meeting.

CERTIFICATION & SIGNATURE

Submittal of this application constitutes consent of the applicant in granting the Community Development Department access to the subject property during the course of project review. No further consent or notice shall be required.

I hereby certify that the information in this application is correct and agree to abide by the regulations of this jurisdiction.

Signature of Applicant

Logan Williams Date 7/24/2025

Signature of Property Owner (if not the applicant)

Shurt Shurtliff Simpson (Aug 1, 2025 16:13:03 PDT) Date 01/08/2025

OFFICE USE ONLY

Received By [Signature] Date 9/15/25
Receipt # 6809 Fee 500
Permit # 2025-51
Related Cases _____
Appeal Filed By _____ Date _____
Receipt # _____ Fee _____

COMMISSION ACTION

☒ Approved ☒ with Conditions ☐ Denied

Resolution # _____ Date _____
Chairman [Signature] Date 11/6/25

BOARD ACTION

☐ Approved ☐ with Conditions ☐ Denied

Ordinance # _____ Date _____
Supervisor [Signature] Date 12/2/25
December 1, 2021



Apache County
Community Development

Conditional Use Permit Condition(s)

Name: Pinnacle Consulting

A.P.N. 101-35-011

Permit #2025-51

1. Applicant shall obtain a valid Apache County address prior to building permit issuance.
2. Tower, fencing, and equipment shall be painted in muted, non-reflective earth-tone colors.
3. Applicant/contractors shall repair or restore any construction-related damage to "N" roads used for access.
4. All power and communication connections must comply with Navopache and Apache County code.
5. Upon discontinuance of use, the tower and equipment shall be removed within 12 months and the site restored to pre-construction conditions.
6. Applicant must obtain a written agreement with affected property owners addressing road access and responsibilities for road repair/maintenance during construction before construction may commence.

Shanna Pearce

From: Apache County
Sent: Tuesday, July 14, 2026 7:07 PM
To: Shanna Pearce
Subject:

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Sent by: Dalen Edington

Subject: Public Comment Support: Modification to CUP 2025-51 (August 5 Hearing)

Dear Planning & Zoning Commission,

I am writing to express my strong support for the proposed modification to CUP 2025-51 regarding the Verizon Wireless cell tower project (Parcel 101-35-011).

As a resident living within 200 yards of the proposed site, I am directly and personally affected by the current lack of reliable cellular coverage. A few years ago, our handicapped grandson was attacked by a bear on our property. Through the grace of God, his older brother and dad were able to rescue him. While we were ultimately able to contact first responders and get help that night, our cell coverage is incredibly spotty. In another emergency, we might not be so lucky and could be forced to drive away from our property just to find enough signal to call for help.

This tower is not just about convenience; it is a vital piece of public safety infrastructure. Improved wireless coverage will save lives when seconds count.

I fully support the recommendation to remove the restriction delaying this project so that construction can proceed without further delay. Please include my comments in the official record for the August 5, 2026, meeting.

Sincerely,

Dalen Edington

Sent by Contact List Pro