

**PLANNING AND ZONING COMMISSION
MINUTES FOR January 6, 2022**

In Attendance:

Commissioners

Oscar Miranda, Vice-Chairman
John Freeman (Absent)
Dan Muth, Chairman
Kay Hauser
Carey Dobson (Absent)
Bobby Fite
Brad Peterson (Absent)
Traegen Knight
Michael Bragiel
Brad Jarvis (Absent)

Staff

Matthew Fish, Director
Shanna Pearce, Plan Reviewer
Joe Young, Deputy County Attorney

Working Lunch Session

Called to order at 12:05 p.m.

Item #1 Discussion of the P&Z agenda items below.

Chairman Dan Muth reminded guests to fill out request form to speak on a specific item, provided in the back of the room, and to turn down cell phones.

Item #5. Mr. Fish explained the proposed amendment to include for Adult Use/Recreational Use and HEMP, renaming the Article to “Cannibals” and proposed setbacks, dispensaries, state vs. county regulations

Item #6. Mr. Fish explained the process of getting here today and discussed camping, fees, permitting and the emails he had received from community.

Mr. Fish made a recommended definition for RV and went over Section 804 RV Camping permit and explained the recommended changes and the need to have a time-limit. Screening and clarified the need for screening for storing more than three. Fee structure and the District III Supervisors stand on fees.

Mr. Miranda noted concerns of the subcommittee goal for defining RV. He felt that the statement “Can be put on wheels” left it very open and felt it would be an exception when put on a trailer.

Mr. Bragiel questioned if licensing and registration would be a requirement as discussed in past subcommittee meetings. Mr. Fish agreed and explained his understanding of state requirements and would automatically fall under the policy. Chairman Miranda clarified the requirement.

Mr. Fish shared emails received from residents occasionally camping on their property and concerned with the time-limit and explained the county's intent of the policy; to help with health, safety, welfare of the general public and enforcement.

Mr. Bragiel questioned the storing of RV's and septic requirements. Mr. Fish explained it was not a requirement for storing nor camping. Mr. Fish explained the difference between permanent dwelling vs. camping, fees and reviewing on a case-by-case basis.

Mr. Fish explained the policy was a living document and the reason for the public meeting.

No further discussion.

Item #2 Director's report on current events.

No discussion.

Item #3 Discussion of the roles of the P&Z commission and Community Development Department.

No discussion.

Work Session adjourned at 12:30 p.m.

Regular Meeting

Item #1 Call to Order.

Chairman Dan Muth called the regular meeting to order at 1:00 p.m. and reminded guests to fill out request form to speak on a specific item, provided in the back of the room, and to turn down cell phones and advised of the time-limit to address their concerns and the possibility to yield time to a spokes person with the same concerns.

Item #2 Roll Call/Determination of a Quorum.

Chairman Dan Muth determined a quorum was present with six (6) commissioners.

Item #3 Call to the Public

Chairman Dan Muth extended the time for forms to be turned in as community members were still arriving and filling out forms.

Mr. Fish confirmed that only non-agenda items will be discussed. Chairman agreed.

Quinn questioned what was acceptable to use for sewer. Chairman referred him to the county health department.

No further comments.

Item #4 Approval of the minutes from the December 2, 2021 meeting

Chairman Dan Muth opened for a motion.

Commissioner Kay Hauser motioned to approve the minutes as presented.

Vice-Chairman Oscar Miranda second the motion.

No discussion

Vote, 0 nays, 4 ayes with Commissioner Bobby Fite and Traegen Knight abstaining as they were not present at the December 2, 2021 meeting.

Item #5 PUBLIC HEARING, consideration and possible recommendation for approval to amend Article 23 Medical Marijuana of the Apache County Zoning Ordinance by adding Adult / Recreational Use and HEMP regulations and by changing the name of the article.

Mr. Fish provided staff report and referred to his comment made in the work session and explained the involvement of the county attorneys.

Mike Campbell, Eagar, AZ commented regarding HEMP and noted there were no setbacks protecting neighboring residents. Recommended adding regulations for lighting pollution, odor, to address soil contamination, and having same setbacks as marijuana.

Thomas Tanner, St. Johns expressed concerns with county fees vs. state fees and requested a breakdown. Chairman Muth explained. Discussed state involvement vs. County involvement.

Chairman closed the public session.

Chairman Dan Muth opened for a motion.

Vice-Chairman Oscar Miranda motioned to approve as presented.

Commissioner Traegen Knight second the motion.

Vote, unanimous.

Motion passed.

Item #6 PUBLIC HEARING, consideration, and possible recommendation for approval of Recreational Vehicle Placement policy, to allow for the placement or storage of a Recreational Vehicle (RV) outside of an approved RV Park. This policy does not regulate the placement or storage of an RV within the boundaries of an approved RV Park, National Forest, National Park, State Park or County Park.

Mr. Fish provided staff report and referred to his comments during the work session. Specific discussion on the RV definition recommended by County attorney's office and

General provisions #4 changing “connected” to disposed. He also advised that the county health department regulated septic and waste disposal system. He also explained the proposed camping provision and recommended solutions he received. He noted an email received regarding camping and the intent of the policy, permitting, storage of, and fees.

Chairman Dan Muth opened the public meeting.

Mark Langdon, St. Johns, AZ, agrees with government, law and order; concerned with more government control over use of own property.

Marlena Muffoletto, Concho Valley, AZ opposed with the writing of the policy, concerned it would make it more difficult for residents and create more homelessness and take away livelihoods.

Thomas Schmidt, German/US citizen, supported the proposed policy and recommended more friendly fees and explained better.

David Goodman, Woodland Valley Ranch, spoke in favor but was opposed to the delivery to the public, camping permitting; recommended to table for further discussion and clarifying points.

Ed Sauer, Woodland Valley Ranch, spoke in favor but was concerned with permanent living permits and fees; recommended to table to clarify policy.

Garrett Velder, River Springs Ranch, spoke in opposition recommended to table.

Elizabeth Clark no comment.

Heidi Brown, Vernon, AZ spoke in opposition concerned with unfair timeline due to contractor availability and suggested county focus on the real issue of cleanup.

David Troncoso yielded his time to his friend Lee Fidasy.

Lee Fidasy, non-resident, recommended giving time for the residents to form a council to advise the commission on progressive sustainable development regenerative farming and ranching and offered his services to help them.

Susan Boudreau, Sierra Highlands Ranch, spoke in opposition concerned with living in fear of compliance, waste management fees and would like to see more options.

Ted Newman yielded time to his wife Karen.

Karen Hansen, outside of St. Johns, spoke in opposition concerned with the rights and liberties of all people and the restrictions to the 5th constitutional rights; life, liberty and the pursuit of happiness, and giving one person the right to decide. Concerned with fencing, additions, on-site wastewater systems and questioned the health departments jurisdiction.

Todd Fitts, north of St. Johns, spoke in opposition and recommended possible solutions for on-site wastewater treatment systems.

Stephen Urban, River Springs Ranch, spoke in opposition concerned with use of personal land.

Gary Bernard, Sierra Mountain Ranch, spoke in opposition concerned with costs and grandfathering.

Gary Bochnianz, Horizon Ranch, agreed with a policy but felt we could work together for a better plan and expressed concerns of community with fines for non-compliance.

John Derrick, St. Johns, AZ spoke in opposition and his experience with off-grid living, concerned with county involvement in personal property rights.

Piper, P.O. Box St. Johns, AZ, spoke in opposition concerned with the timing of the proposal and current economy, the effects on generations, camping, educating residents on Article 10 and current non-compliance uses.

Michael Serrano, St. Johns, AZ, spoke in opposition of item #5 as it did not contain language concerning THC levels in marijuana vs. HEMP; recommended to revise.

Alane Ferreira, St. Johns, AZ spoke in opposition, concerned with policies, off-grid restrictions and non-traditional housing effects on residents, recommended tabling for the betterment of the community.

Robert Sacra, Concho, AZ, agreed with a policy and spoke in opposition concerns with human rights violations and asked if any studies had been done that supported what the county was proposing.

Louie L'Heureux, River Springs Ranch, spoke in opposition concerned with identifying problems, inadequate communication, cooperation, recommended offering seminars for residents, working together to correct the problems and non-enforcement of established laws.

Charles Hicks not in attendance for comment.

Harold Nash, Carrizo Ranch, spoke in opposition concerned with property rights; threatened the county.

Harry Dumas, Concho Valley, AZ, spoke in opposition concerned with the current dilapidated buildings caused by no enforcement of code compliance from the county.

Fen Tyler, Sierra Mountain Ranch, spoke in opposition concerned that realtors are selling information that didn't comply with county regulations.

Sam Head, lives in St. Johns, AZ has property in River Springs Ranch, spoke in opposition concerned with taking away basic rights.

John Nylander, St. Johns, AZ, spoke in opposition concerned with requirements for waste management and spoke in opposition of item #5 concerned with the law and marijuana fees being imposed.

Chairman Dan Muth closed the public meeting.

Chairman Dan Muth opened for a motion.
Commissioner Michael Bragiel moved.
Commissioner Bobby Fite seconded to motion.

Chairman Dan Muth opened commission discussion.

Commissioner Michael Bragiel felt there were too many issues for a final vote. He addressed residents' concerns with camping time-limit, dwelling permitting, screening, fees, and property rights. He explained the role of the commission and the decision-making process, he felt that although the permit fee may be difficult for some was reasonable and added that there was not an effective date, and the county could work with the residents.

Mr. Fish shared his discussion with District III Supervisor regarding fees and added that he was willing to work with residents with fees on a case-by-case basis.

Chairman Dan Muth clarified that there was an existing RV ordinance, and that this was a policy statement for staff. Mr. Fish agreed.

Vice-Chairman Oscar Miranda noted staffs past work on the policy, working with staff, legal, other counties, and subcommittee. He felt there were issues that needed to be addressed.

Commissioner Bobby Fite recommended tabling to address the concerns of residents and work with a community subcommittee.

Mr. Fish explained his role as the director and agreed with commissioner Fite, to table the policy and address residents' concerns.

Vice-Chairman Miranda advised that the policy was a "living document" and changes were going to be made as needed.

Commissioner Traegen Knight reminded those in attendance that the commissioners were members of the public as well and private property proponents. He explained the role of government was to protect you from your neighbors; there is a time and need for government involvement, there is a role and necessary.

Guest disruption. Escorted from the meeting.

Mr. Knight continued and spoke to community concerns regarding fees, waiver, and verbiage for continuance of the policy after director's tenure. Mr. Knight addressed residents request for additional resources and the additional costs required.

Commissioner Hauser confirmed that the commission heard their concerns today.

Chairman Muth asked Commissioner Bragiel if he would like to amend his motion after the discussion.

Commissioner Bragiel amended his motion and moved to table the policy.

Commission Traegen Knight seconded the amended motion.

Vote, unanimous
Item tabled.

Item #7 Report from Staff to the Commission

No report.

Item #8 Adjourn

Chairman Dan Muth opened for a motion to adjourn.
Vice-Chairman Oscar Miranda motioned to adjourn.
Commissioner seconded the motion.

Vote, unanimous

Adjournment 3:15 p.m.