

APACHE COUNTY COMMUNITY DEVELOPMENT

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

**PLANNING AND ZONING COMMISSION
MINUTES FOR January 9, 2025**

Commissioners

District I

Carey Dobson
Bobby Fite
Brad Jarvis

District II

Kay Hauser
Dan Muth, Chair

District III

Brad Peterson
Bob Pollock
Travis Johnson

Alternate

Michael Bragiel

Staff Members in attendance

Matthew Fish, Director
Klint Heap, Building Official

Shanna Pearce, Plan Reviewer

Assessor's Office

Roxanne Drye, Appraiser III

Environmental Health Department

Michael Madrid, Division Manager

Scott Yarosh, Compliance Officer

Working Lunch Session

Mr. Muth called the working lunch session called to order at 12:00 p.m.

Mr. Fish explained that he would not be able to attend the meeting scheduled for June 5, 2025, and requested that the meeting be moved to June 12, 2025.

Discussion regarding meeting times, amending Article 11, and publishing future agenda items with application information.

Mr. Fish opened the meeting by thanking the commissioners for their hard work and dedication, recognizing the challenges of public service and the negativity often directed toward the team. He expressed his appreciation for the positive working relationships with each commissioner.

Mr. Fish acknowledged that the year ahead will present tough decisions and complex recommendations. He encouraged the commissioners to remain prepared for these challenges, emphasizing the importance of continued collaboration and dedication.

Mr. Fish addressed staff concerns about the time required to review Conditional Use Permit applications, explaining that delays often occur when additional documentation or clarification is required from applicants. Even when documentation is complete, the volume of information can necessitate extra time for a thorough review.

Mr. Fish noted that the current ordinance requires a Conditional Use Permit to be considered at the next regular meeting if the complete application, including a citizen participation report, is submitted at least 30 days in advance. However, he pointed out that the guideline can be misleading, as a thorough review may take longer.

Mr. Muth pointed out that the key phrase, "if a complete packet," is important in this context. There was general agreement that the review process may take longer than 30 days, depending on the complexity and volume of information.

Mr. Fish proposed exploring potential changes to the verbiage of the ordinance to allow for more flexibility in review timelines. He acknowledged that this conversation was in its early stages and suggested that the topic be explored further after gathering input from the attorney's office.

There was a discussion about the possibility of tabling incomplete applications to allow for additional review. Mr. Muth suggested amending the ordinance to allow for multiple tabling opportunities for complex applications without violating statutory requirements. He emphasized the need for a thorough investigation in these cases.

Mr. Fish agreed, noting that tabling could provide additional time but would need to be resolved within a reasonable period, typically by the next scheduled meeting.

Mr. Fish expressed concerns about an upcoming application from Repsol, which is expected to be complex and require external expert review. He questioned whether the 60-day review period would be feasible given the anticipated volume and complexity.

Mr. Muth and Mr. Fish agreed that any proposed amendments to the ordinance should align with state statutes to ensure consistency. Mr. Muth suggested revising the ordinance to allow for the tabling of complex applications as needed, without setting arbitrary limits, ensuring thorough and informed decision-making.

Mr. Bragiel inquired about the possibility of denying incomplete applications upfront. Mr. Fish explained that staff uses checklists to ensure completeness, and incomplete applications are returned to the applicant for correction, which can lead to delays, but the process is generally effective.

Mr. Jarvis suggested emphasizing to applicants the importance of submitting complete documentation before an application is formally accepted to prevent unnecessary delays.

Mr. Fish proposed that the department collaborate with the attorney's office to clarify the intent and application of the ordinance regarding the tabling of Conditional Use Permits. He will present the findings to the commission at a future work session.

Discussion of commercial properties in Alpine.

Mr. Fish presented a list of properties identified for potential rezoning categorized as commercial by the Assessor's Office. Mr. Fish explained that the goal is to align zoning with their actual use.

Mr. Fish outlined the rezoning process, which includes sending letters to property owners informing them of the proposed changes, providing a timeline for responses, and notifying the public through the local newspaper and businesses to ensure public awareness. Property owners who disagree with the rezoning will have the option to protest.

The commission discussed properties such as home-based businesses and residential areas being used for commercial purposes. Mr. Fish explained that each property will be evaluated individually based on its specific use of the property.

Mr. Muth inquired whether nightly rentals would be included. Mr. Fish responded that he nightly rentals would likely not be classified as commercial properties.

Mr. Fite inquired about the definition of a commercial entity. Mr. Fish stated that he would obtain a clear answer. Mr. Fite then asked how commercial activity would be identified if not explicitly defined. Mr. Fish clarified that it would depend on the specific activities taking place on the property.

Mr. Fish noted that approximately thirty to forty properties had been identified and suggested that the next step will be to visit and verify the properties in question.

Mr. Fish explained that the rezoning would be initiated by the Commission and again explained the process.

Mr. Bragiel inquired about the procedure if any properties are missed and whether a notice will be published in the newspaper. Mr. Fish confirmed that a notice will be placed in the newspaper and posted at various businesses around the community to ensure proper notification.

The commission agreed to move forward with confirming the properties and drafting a letter to inform affected property owners and proposed rezoning.

Continued discussion of amending the subdivision ordinance to include process and procedures for the Planning and Zoning Commission and Board of Supervisors regarding condominium and landminium plats and splits over ten (10) acres.

Mr. Fish provided an overview of current state statutes regarding property divisions, explaining that property can be split up to five times without notifying the state real estate office. For properties over ten acres, splits do not require going through the county's minor land division process. In Apache County, property divisions are usually handled through minor land divisions or lot combinations, though subdivisions may require a major or minor plat amendment.

Mr. Fish suggested that the county should consider having more oversight on property splits, particularly in areas with limited infrastructure. More splits in some areas could exacerbate existing challenges, such as poorly maintained roads or issues with water access. He emphasized the need for a review process that aligns property divisions with the county's development goals.

Mr. Muth referred to the county's existing plan, which recommends larger land areas further away from population centers and confirmed that the goal was to ensure that property splits align with this plan. Mr. Fish agreed and emphasized the need for a process that ensures land divisions are reviewed in accordance with the county's development goals.

Mr. Fish highlighted the issue of landlocked properties resulting from property splits without legal access. Mr. Muth referenced examples of properties split into 36-acre tracts with legal access within their boundaries but lacking access to public roads. Mr. Fish noted that the county has not been able to review these splits in the past due to inadequate oversight in the existing ordinance structure.

The commission discussed the importance of being proactive about property splits, ensuring that future divisions align with the county's development goals and address issues like legal access and infrastructure. Mr. Fish stressed that the intent was not to stop growth but to manage it responsibly.

Mr. Muth raised concerns about other developments like condominiums, where the county currently has limited authority. Mr. Fish agreed, noting that state statutes provide some guidance, but beyond zoning, the county's control is limited. Certain areas, like Greer, have clearer development standards in their zoning ordinances.

The commission agreed to further investigate property division practices, particularly regarding legal access and alignment with the county's long-term development plan.

Mr. Fish reassured those present that the goal was not to stop growth, but to manage it in a way that avoids exacerbating existing problems. He acknowledged the common concern from residents asking why certain subdivisions were allowed despite lacking legal access.

Mr. Fish proposed reaching out to individual commissioners for more feedback and direction on the matter. Mr. Muth reminded him to be mindful of open meeting laws.

Discussion on any agenda item or possible future Agenda Items.

Mr. Fish informed the Commission that Agenda Item #8 would likely require additional time due to the involvement of the County Environmental Health Department to fully address the concerns raised in the agenda item. He noted that both Scott Yarosh and Michael Madrid were present for the meeting to address any related issues. Additionally, he mentioned that Mr. Heap may need to be called upon for his input on the matter. He wanted to give the Commission a heads-up about the potential extended discussion on this item.

Working lunch session adjourned at 12:55 p.m.

Public Meeting

Call to Order.

Mr. Muth called the public meeting to order at 1:06 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 called the meeting to order and determined that a quorum was present through roll call. The following Commissioners were present: Bobby Fite, Kay Hauser, Brad Peterson, Travis Johnson, Dan Muth, Michael Bragiel, and Brad Jarvis. Staff members present included Matt Fish, Shanna Pearce, Klint Heap, Roxanne Drye, Michael Madrid, and Scott Yarosh.

Call to the Public

Monica Boehning Springerville, AZ spoke in opposition of the Lava Run Projects. She addressed the Commission regarding the current renewable energy ordinance, specifically sections 436 through 446 of Article 4 and expressed concerns about deficiencies in the ordinance that leave the county and its taxpayers vulnerable to potential damages caused by wind farms.

Specific concerns raised included: The failure of wind farm operators to adequately maintain sites, repair public infrastructure, or cover costs related to accidents. Risks of accidents such as ice throw, blade throw, tower collapses, turbine fires, and environmental contamination that may be more common than previously understood. The potential for legal and financial burdens falling on the county if responsibility is not clearly placed on the companies operating the wind farms.

She noted that while these types of accidents may be rare, they could result in catastrophic consequences and requested that the ordinance be reviewed and updated to protect the county from liability and indemnity claims, as well as to safeguard public safety and environmental health.

Mrs. Boehning recommended a six-month moratorium on renewable energy applications to allow time for a review and update of the ordinance. Providing the county the opportunity to strengthen its protections and ensure that it can effectively manage risks associated with renewable energy projects. She urged the Commission to consult with legal counsel and take action while the county is in a unique position to review the ordinance before permitting renewable energy projects.

Mr. Muth requested that staff consult with Supervisor Nelson regarding the proposed moratorium and consider placing the matter on a future agenda for further discussion. Mr. Fish agreed to follow up on this request.

Linda Weiland, Eagar, AZ spoke in opposition of the Lava Run Projects and expressed concerns highlighting that the comprehensive plan emphasizes preserving the rural character and natural beauty of Apache County, with a focus on maintaining agricultural uses such as cattle ranching and farming, which could be threatened by the proposed wind farm. She further noted that the area where the wind farm is proposed is designated as range land, meant to protect traditional agricultural activities and to be screened from views, from public rights away.

Ms. Weiland pointed out that the applicant for the wind farm has made minimal efforts in project siting, public outreach, and citizen engagement, which are components of the county's zoning requirements. She also emphasized that citizens would work with Apache County to provide a thorough review, clear conditions, and a comprehensive decommissioning plan to prevent the project from negatively impacting the county's landscape and community.

Ms. Weiland requested that the County ensure that the project is evaluated carefully, with protections in place to maintain the county's rural character and to avoid the creation of abandoned or unsightly sites in the future.

Kristin Spillman, Springerville, AZ spoke in opposition of the Lava Run Projects on behalf of the Arizona White Mountains save open Spaces, Citizens Task Force.

Ms. Spillman advised that she will be submitting a packet containing 1,250 petition signatures and 565 signed letters of opposition to the Lava Run Wind and Solar projects to the Apache County Clerk for official records, available for viewing. These documents represent opposition from both full-time and part-time residents of Apache County.

She noted that the opposition is strongest against the wind portion of the project due to concerns of its proximity to several local communities, including the Springerville Eagar area, Greens Peak Hideaway, Hidden Meadow Ranch subdivisions, and other private properties near the Little Colorado River, Becker Lake, Springerville Airport, volcanic fields, and adjacent to the Apache-Sitgreaves National Forest.

She noted that the concerns raised by the petitioners include potential risks to human health, safety, tourism, the local economy, and environmental impacts that may be irreversible or difficult to mitigate.

Ms. Spillman also expressed a lack of trust in the project developers, Repsol (GCG Apache County Wind/Lava Run), citing the company's lack of experience in completing a wind energy facility and concerns over their ability to meet commitments related to land remediation and environmental protections.

The signers believe that the full extent of the potential negative impacts is not widely understood by some members of the community, and some individuals may be motivated by financial gain at the expense of the local population.

Ms. Spillman, on behalf of all the signers respectfully request that the Apache County Board of Supervisors and other relevant authorities consider these concerns seriously, as they will represent the voices of those who would be most directly affected by the proposed project.

Review and approval of the minutes of the Planning and Zoning Commission working lunch session and public meeting held on November 7, 2024.

Mr. Muth opened for a motion.

Mrs. Hauser motioned to approve, seconded by Brad Peterson.

No discussion.

The vote was unanimous with 6 ayes, 0 nays, and 1 abstention. Mr. Bragiel was not in attendance at the November 7, 2024, meeting.

Election of a Chairperson for 2025.

Mrs. Hauser nominated Dan Muth to continue as Chair for the upcoming year. Mr. Bragiel seconded the nomination. No other nominations were presented. **Mr. Muth accepted the nomination to continue as Chair for 2025.**

Election of a Vice-Chairperson for 2025.

Mr. Muth opened for a motion.

Mr. Jarvis nominated Brad Peterson as Vice-Chair for the upcoming year. Mr. Jarvis seconded the nomination. No other nominations were presented. **Mr. Peterson accepted the nomination as Vice- Chair for 2025.**

Setting the date, time, and place of regular monthly meetings for 2025.

Mr. Muth confirmed the change of dates for June and July meetings. Mr. Fish provided an explanation, noting that the July meeting fell on or near the Fourth of July holiday and mentioned a personal scheduling conflict in June.

Mr. Muth asked if there were any objections to the proposed schedule change. With no objections, Mr. Muth called for a vote, and the change was **approved unanimously**.

PUBLIC HEARING(S)

CONDITIONAL USE PERMIT 2024-77 – Brent Sexson: Discussion, consideration, and possible recommendation for approval to convert an existing prefabricated metal garage into an in-house microbrewery for distribution to retail outlets on approximately 37 acres. The property is located at #3 County Road N8640 within the Windsor Valley Ranch Subdivision, Lot 255 in Concho, AZ, A.P.N. 201-82-255, Section 28, Township 12N, Range 25E.

Mr. Muth presented the item.

Mr. Fish provided the staff report, detailing the proposed site located in the Winds Valley Ranch area, southwest of Concho. The property is situated near a county road, with the proposed site located along the tree line, where the land starts to flatten.

Mr. Fish confirmed that the proposed site is not within a floodplain, although it is close. The metal structure on the property is currently under construction but has not yet been finalized. The property is surrounded by single-family homes, and the proposed microbrewery would not involve retail business on-site; the brewing would occur at the property, with the beer being distributed wholesale to other establishments.

He noted that the project is unlikely to create significant traffic issues, though there may be some additional trips due to the nature of the business. Mr. Fish also explained that there are some concerns raised by the Environmental Health Department regarding certain criteria that need to be met before the microbrewery can be established.

Additionally, Mr. Fish confirmed after contacting the Arizona State Liquor License Department that the applicant must secure local licenses before applying for the state liquor license, in compliance with state requirements.

Mr. Fish turned the time over to staff members, Scott and Mike, who would explain the specific environmental health concerns.

Mr. Madrid addressed the board regarding the proposed microbrewery, noting that his department had previously inspected and approved the wastewater facility for the building. He clarified that the facility was initially designated as a single-family

residence, not a commercial building. Although the facility can be retrofitted for commercial use, there are several important considerations before moving forward.

Mr. Madrid raised concerns regarding the volume of product to be processed at the facility, asking whether it would be a small-scale operation (e.g., 30-60 gallons) or a larger operation (e.g., 2,000-3,000 gallons). He explained that the current wastewater system is designed for 600 gallons per day, typical for residential use, and the facility would need to stay within that limit unless they expand the system. Expansion is possible to the south, depending on the property's topography and floodplain restrictions.

He also noted that as it has not been presented that the microbrewery would operate as a restaurant, he confirmed that there are no concerns about food preparation at this time. However, if food processing occurs in the future, the facility would need to meet the requirements for a food processor license and pass inspections to ensure sanitary conditions.

Additionally, Mr. Madrid emphasized the importance of an approved water source establishment. The water supply must be inspected and tested to ensure safety. He added that Apache County Health would work with the applicant to ensure compliance with these requirements and provide assistance in meeting the necessary standards.

Mr. Muth asked Mr. Madrid if it was correct to assume that several items or areas remained unresolved by the Health Department.

Mr. Madrid confirmed that several questions still need to be addressed. These include the volume of product to be processed, the water source for the facility, and the expected volume of wastewater. He noted that no application for a food processor license had been submitted, and the water source has not been specified. Additionally, the wastewater volume depends on the amount of product produced, with estimates ranging from 3 to 5 gallons of wastewater for every 1 gallon of beer. Once the volume of product is clarified, the department would be able to estimate wastewater production and work with the applicant to ensure compliance.

Mr. Muth asked Mr. Madrid for his opinion on how many of the unresolved items should be addressed before the conditional use permit is issued, or if they could be addressed as contingencies.

Mr. Madrid responded that, at a minimum they need to make sure that the food, water, and sewer are adequate for the facility. Mr. Muth confirmed that these issues would need to be addressed before proceeding.

Mr. Madrid further explained that while these issues should be addressed early on, there are no major red flags at this stage. However, he cautioned that if the facility planned to process significantly higher volumes of wastewater, such as 5,000 gallons per day, the existing system would not be sufficient and could lead to issues like wastewater runoff.

Mr. Peterson sought clarification, asking whether the Conditional Use Permit (CUP) could be issued with the requirement that all conditions be met before it becomes effective, or if it was necessary to wait until all items were resolved.

Mr. Madrid clarified his understanding that the CUP could not be approved until all necessary sections were checked off as part of the county's checklist. He noted that once all items, such as an approved water source and wastewater system, were confirmed, the CUP could move forward. He emphasized that he would be concerned if these requirements were not met.

Mr. Peterson clarified that if the CUP were made contingent upon all conditions being met and the Health Department signing off on all requirements, the Health Department would be agreeable to this. Mr. Madrid confirmed his agreement.

Mr. Muth explained that the issue lies in having two parallel processes where one cannot proceed without the other, causing unnecessary back-and-forth between departments. He emphasized the need to find a way to integrate these processes to prevent wasting time for both the applicants and the county. He also noted that this discussion aligns with points raised during their recent work session.

Mr. Fish proposed tabling the item. He recommended that the necessary questions be addressed in the next 30 days before bringing the agenda item back for further discussion.

Mr. Muth inquired whether the proponent had had a chance to evaluate the information being discussed.

Mr. Fish responded that the information was very recent, within the last twenty-four hours.

Mr. Bragiel asked if there was a way to monitor the volume of production.

Mr. Madrid explained that monitoring the volume would be part of their liquor board license. He mentioned that if the business has a designated well, it could be monitored using water counters to track usage. He gave an example of the Stanford General Store, which has a water counter on their well to accurately measure the amount of water being used.

Mrs. Hauser stated that, as a general comment, she didn't believe pausing processes to expedite things was the right approach. She emphasized that the traditional way of operating should be maintained and cautioned against getting into a situation where approvals are granted conditionally.

Mr. Fish acknowledged that this situation might be frustrating for the applicant. He explained that, up until yesterday, he believed the conditional use request was fully

resolved and ready to proceed. However, he admitted that he had overlooked the food-related aspect of the proposal. He took full responsibility for the oversight, apologized to the applicant, and acknowledged that he had missed an important part of the conditional use process.

Mr. Muth invited the applicant to address the commission.

Mr. Sexson introduced himself as the applicant seeking to establish the microbrewery. He stated that he was prepared to answer many of the questions raised earlier and believed it would only take a few minutes to address them. He acknowledged Mr. Fish's comment about dropping the ball but assured him that he already had the answers to the health department's questions.

Mr. Sexson expressed concern over a statement regarding water usage, clarifying that it takes three to five gallons of water to produce about a thousand gallons of beer, not one gallon. He explained that beer production, much like dairy, is highly sensitive to bacteria, and cleanliness is critical to ensuring the product's quality. Mr. Sexson offered to set up a meeting with the Environmental Health Department immediately after the meeting to address any remaining concerns.

Mr. Muth asked Mr. Sexson if he would have any objection to tabling this item until February to allow the commission time to review the new information.

Mr. Sexson stated that he had no objection to tabling the item until February, noting that there is still some work to be done. He assured the commission that they would proceed assuming no further issues arise. He addressed concerns about the aesthetics, explaining that the structure would be a simple metal building, with no towers, columns, or visible equipment. He emphasized that all brewing equipment would be contained inside the building and not visible from the outside. Regarding traffic, Mr. Sexson clarified that his son, the Master Brewer, would manage production and distribution personally, with no additional traffic or public presence at the site. He further noted that there would be no signage or advertising associated with the project.

Mr. Fish asked whether access was from the County Road to the north or through Mr. Sexson's property, where his house is located.

Mr. Sexson responded that they also own Lot 29, located just north of their property, and they run power into that lot. He clarified that they use a right-of-way from that lot and access the property via an easement

Mr. Jarvis asked Mr. Sexson what he estimated to be the weekly output and, based on that, how much wastewater would be generated on a daily basis, with a specific focus on handling six hundred gallons.

Mr. Sexson responded that he was unsure and deferred to his son Cody for clarification.

Cody Sexson shared details about the brewing process. He clarified that during the cleaning process of the brewing vessels, it takes approximately fifteen gallons of water per vessel, with one vessel being washed per week. As such, the cleaning process generates about fifteen gallons of wastewater per week.

Cody emphasized that very little wastewater is produced during the brewing process, as the majority of the water is used in the beer production itself, which is sold to establishments. He explained that the brewery uses 100-gallon tanks and brews about 100 gallons per batch.

He noted that the facility would initially produce approximately 10 to 15 kegs (15.5 gallons each) every two weeks, with a maximum output of around 14 kegs every two weeks. Cody reiterated that the facility is a small operation (a 30x30 building) with minimal water usage and wastewater production.

Mr. Fish clarified that the production of those kegs would require approximately 200 to 230 gallons of water.

Cody Sexson provided additional details about the brewing equipment, stating that the brewing kettle is 110 gallons in capacity, while the fermenters are slightly larger. However, he clarified that he does not plan to double brew into the fermenters, maintaining smaller batch sizes for production.

Mr. Peterson inquired about the byproducts of brewing, specifically asking what is done with the leftover corn mash after the brewing process.

Cody Sexson responded that the byproduct is spent grains, which are excellent for animal feed, so all the spent products will go to feed, livestock. He mentioned that local ranchers in the area are interested in using to feed their cows, and that people generally love it.

Mr. Jarvis inquired about the certification process for the well, asking if the well is being certified every month or how the certification process works.

Cody Sexson explained that he currently has a 1,600-gallon tank and plans to have it filled by a local water company, though he couldn't recall the name of the company. He further clarified that the water is tested regularly, ensuring its quality. Mr. Jarvis acknowledged that this would not be an issue for the operation.

Mr. Fish mentioned that Cody will be purchasing his water from Mr. Gonzalez, who submitted a rezone application around six to eight months ago.

No further discussion. Mr. Muth opened the floor for public comment.

Mr. McClure addressed the board, stating that he and his family purchased their property 15 years ago with the intention of retiring on horse property. They were under the

impression that the area had strong CC&Rs and zoning regulations. However, he expressed surprise upon learning that their property would be adjacent to a brewery.

Mr. McClure referred to Section 403 of the zoning code, which lists commercial uses, including breweries, and specifies that they must have direct access to a principal public thoroughfare. He pointed out that the brewery's property does not have direct access to the thoroughfare and must instead go through a different lot, with a new road being created next to his property specifically for the brewery.

He voiced his disappointment, noting that there are other areas zoned for industrial use where breweries can be located. He argued that the brewery could have purchased property already zoned for such use, leaving his property in its agricultural zoning. Mr. McClure expressed frustration that the CC&Rs and zoning agreements, which everyone agreed to when purchasing property, were being circumvented by creating a new access road through another property.

Mr. Sexson responded to Mr. McClure's comments, stating that his family owns the property in question. Mr. McClure acknowledged this but expressed frustration, stating that for the past 15 years, the Sexson's have been using his property as their personal driveway, and he had been polite about it without raising the issue until now.

A brief exchange occurred, Mr. McClure emphasizing that the access is not direct. Mr. Muth intervened, asking both parties to hold off on further discussion until after the meeting and warning that continued interruption would result in removal from the meeting.

Jean McClure, Yuma, AZ, they own Lot 30, shared several concerns regarding the proposed brewery. She expressed disappointment that the property, which they purchased under the impression it was designated for residential and recreational use, was now being used for a brewery. She cited the CC&Rs that restrict the type of structures allowed and emphasized that, had she known the rules could be bypassed, they might have approached their property differently.

After visiting the brewery, Jean noted that the building itself was small and aesthetically pleasing, which alleviated some of her concerns. Still, she remained worried about the future development of the surrounding property and whether additional industrial structures could be built, potentially affecting her ability to resell her property.

Mr. Fish responded to the concerns raised by Jean McClure and others, offering a brief explanation of the Conditional Use Permit (CUP) process. He acknowledged that some of the concerns were valid, noting that the county's zoning ordinances were established years ago, with much of the land designated as general agricultural. As a result, any use outside typical residential or agricultural activities requires a CUP.

Mr. Fish explained that Mr. Sexson had applied for a CUP specifically to operate a microbrewery. He emphasized that the permit would be very specific to that use and would not allow for other activities, unless additional approvals were sought. The CUP process includes public review, like the current meeting, and provides the county the ability to revoke the permit if the terms are violated.

Mr. Fish clarified that this process is not a rezoning of the property, but rather a method for allowing non-residential uses in agricultural zones. He reassured the attendees that, if granted, the CUP would only allow Mr. Sexson to run a microbrewery, addressing concerns about potential future industrial development.

Mr. Fite inquired about whether certain activities, such as those listed in the permitted use category, could be conducted without a conditional use permit (CUP). He mentioned that he was unsure whether a microbrewery fell into this category but noted that several items on the permitted use list do not require a CUP.

Mr. Fish confirmed that this was correct, indicating that certain activities outlined in the permitted use list can be carried out without needing a CUP.

Mr. Fite asked if the commission has jurisdiction over CC&Rs, acknowledging that they are typically a civil matter.

Mr. Fish confirmed that the commission does not have jurisdiction over CC&Rs, as they are a civil issue.

Mr. Muth asked if there were any additional comments.

Mr. Bragiel inquired about the length of time Windsor Ranch has been in existence, asking if anyone knew how long it had been established.

There was a brief exchange among attendees, with one remarking that it may have been since around 2006.

Mr. Bragiel then asked if there is an active association for Windsor Ranch, mentioning that CC&Rs typically expire after 25 years if there is no active association.

Mr. Muth requested to view the assessor's website for property details related to parcel 201-79-030.

Mr. Muth noted that the properties are in different phases and are governed by separate sets of CC&Rs, which may contribute to the confusion.

Mr. Muth asked for a motion. Mr. Peterson motioned to table the discussion until the next month. Mr. Fite seconded the motion.

Mr. Muth called for any discussion on the motion. No further discussion followed.

**The motion was put to a vote. The vote was unanimous 6 ayes to 0 nays.
The motion passed; the item was tabled to the February meeting.**

Report from Staff to the Commission.

Mr. Fish provided an update on an agenda item from the December 2024 meeting regarding a major plat amendment in Greer. Due to the inability to secure a quorum, the item was not discussed, but it will be brought back in February's meeting.

Mr. Fish also addressed questions surrounding the zoning of the property in question, specifically regarding its zoning in July or August of 2021. He emphasized that it is the county's position that the zoning for the two lots in question was correct at that time and that there are no issues with the zoning related to the current plat amendment.

Mr. Fish reiterated that this zoning issue had been thoroughly discussed and decided by the Board of Supervisors over three years ago and urged everyone to keep this in mind when the matter comes up in February.

Mr. Muth asked if there were any other reports.

Mr. Fite inquired about the status of the Verizon cell tower in Alpine.

Mr. Fish confirmed he would provide a report on the Verizon cell tower, which involves a conditional use permit related to a cell tower originally planned behind the Forest Service office in Alpine before being relocated. He noted that a report on this will be given during the work session.

Mr. Fite also requested a definition of "commercial use," to which Mr. Fish responded that he would look into it and provide a definition if it exists.

Mr. Muth asked if there were any other reports.

Mr. Fish responded, Nothing further.

Adjournment

Mr. Muth thanked everyone for attending and declared the meeting adjourned.

Adjourned at 2:12 p.m. MST.