

APACHE COUNTY COMMUNITY DEVELOPMENT

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**PLANNING AND ZONING COMMISSION
MINUTES FOR November 6, 2025**

Commissioners

District I

Carey Dobson
Bobby Fite
Brad Jarvis

District II

Kay Hauser
Dan Muth, Chair

District III

Brad Peterson, Vice-Chair
Bob Pollock
Travis Johnson

Alternate

Michael Bragiel

Staff Members in attendance

Matthew Fish, Director

Shanna Pearce, Plan Reviewer
Serafina Farb, Permit Tech

Legal Council

Christopher Resare, Deputy County Attorney

Assessor's Office

Roxanne Gillespie, Appraiser III

Working Lunch Session

Call to Order

Chair Dan Muth called the working lunch session to order at 12:05 p.m.

Chair and staff discussed and agreed to move Items 2 and 3 discussions to the public meeting for discussion and determination during their respective agenda items.

**Discussion Regarding Article 6 Ordinance – Condominium Clarification
(Greer)**

Mr. Fish presented the item for discussion.

Commissioners Bragiel and Bob Pollack recused themselves from the discussion, noting a conflict of interest.

Discussion regarding recusals and having a quorum. Commissioner Kay Hauser was present via phone. Commissioners in attendance; Bobby Fite, Brad Petersom, Dan Muth, Brad Jarvis, and Kay Hauser (via phone).

Mr. Fish introduced the agenda item and stated the purpose of the discussion is to review proposed updates to Article 6—Section 601B (Definitions) and Section 605 (Uses) to incorporate clear language addressing condominium developments within the Greer Commercial Resort (GCR) zoning district. Mr. Fish provided history on the interpretation of Article 6, explaining that the current language has led to differing conclusions regarding whether and how condominiums may be permitted in Greer. He stated the issue raised numerous questions and legal concerns related to density, permissible use, and the intent of resort zoning. Mr. Fish turned the discussion to the County Attorney's Office.

Christopher Resare, Deputy County Attorney, explained that zoning decisions function under the County's police powers—public health, safety, morals, and general welfare. He stated that the County may regulate how and where condominiums are developed, but a complete prohibition on condominiums in Greer would likely not be legally defensible. He clarified that zoning authority allows regulation of land use, but restrictions on property ownership structure (e.g., determining who may own units) could be beyond the County's authority.

Chair Muth stated his belief that Article 6 already contains adequate regulatory authority but that the process has been reactionary. He suggested creating a supplemental administrative policy/checklist outlining standards for condominium proposals, such as parking, density, recreational amenities, and resort-related uses. He asked whether staff could prepare such a policy without amending the ordinance.

Mr. Resare stated that clarifying policy may be developed as long as it does not conflict with existing ordinance language.

Mr. Fish agreed and stated that a draft policy could be presented to the Commission during a public working session for input. Mr. Fish reported that staff received approximately eight letters from Greer property owners expressing support for stronger regulation of condominium development due to concerns such as density, traffic, water resources, and wildlife impacts. He noted that although some community members advocate for prohibiting condominiums, legal direction indicates that a ban is not allowed.

Mr. Fish reviewed the proposed amendments to Article 6:

Section 601B added the definition of “Resort”, consistent with Article 2 of the County Zoning Ordinance.

Section 602D Greer Commercial Resort Zone removed language stating that GCR is not intended to provide for residential condominiums, multifamily dwellings, or timeshares.

Section 605 clarified in the Use Table that certain uses within Greer Commercial Resort must be associated with resort activity, including:

- Candy and ice cream stores
- Childcare facilities
- Churches, museums, schools, libraries, community centers
- Restaurants, bars, and cocktail lounges
- Condominiums, timeshares, and fractional ownership units

When located in GCR, these uses must operate in conjunction with resort lodging or hotel/motel facilities.

Mr. Fish noted that there may no longer be any undeveloped property zoned GCR remaining in Greer. Any future condominium proposal would likely first require a rezoning request.

Chair Muth asked whether condominium regulations could be addressed countywide within the subdivision ordinance while still applying Greer-specific development standards. Mr. Fish stated Greer has its own ordinance, separate from the rest of the County, and the two regulatory structures would need to be carefully coordinated.

Commissioner Fite clarified that the agenda item applies specifically to Greer.

The Commission discussed the “80/20 ownership model” used in Wickenburg (where 80% of condominium units must be owned by a single entity). The County Attorney cautioned that regulating ownership, rather than land use, is legally problematic.

Chair Muth, Vice-Chair Peterson, and Commissioner Fite expressed opposition to regulating ownership percentages and stated development standards should guide review of condominium proposals.

Commissioner Jarvis cautioned against regulatory approaches that could artificially inflate property values or create exclusivity, citing Jackson Hole, Wyoming as an example.

Mr. Fish stated his understanding that Greer property owners wish to maintain the small-scale character of Greer and avoid excessive congestion or resort commercialization.

Consensus of the Commission was to:

1. Move forward with the proposed amendments to Article 6, and
2. Direct staff to begin developing a condominium/resort development policy or checklist to accompany ordinance interpretation.

Mr. Fish stated staff will prepare the amendments for public notification and schedule the item for public hearing on the next Planning & Zoning Commission agenda.

No further discussion.

Discussion – Setting 2026 P&Z Meeting Dates and Times

Mr. Fish recommends adjusting Planning & Zoning work session and public meeting times to better accommodate commissioners' schedules. He noted Tuesday, Wednesday, or Thursday at 4:00 p.m. as potential options and asked the Commission to discuss preferences.

Commissioner Fite expressed concern about winter road conditions when traveling from Alpine, stating that driving after dark can be hazardous.

Vice-Chair Peterson requested avoiding the fourth Wednesday of the month.

Mr. Fish recommended keeping the established pattern of holding meetings on the first Thursday of each month, with the only change being the start time.

The Commission discussed the option of allowing remote participation via Zoom during hazardous winter weather. Staff confirmed that remote access could be arranged if needed.

Commission agreed to move the Planning & Zoning work sessions and public meetings to the first Wednesday of each month at 4:00 p.m., beginning January 2026. A formal vote will be scheduled for the December public meeting.

No further discussion.

Discussion Regarding Renewable Energy Development proposed amendments.

Public comment:

Daric Knight, Chairman of the Apache Natural Resource Conservation District, addressed the Commission. He stated that the NRCD had previously submitted a letter to the Commission requesting to be formally included as a third-party reviewer in county Planning & Zoning decisions, particularly for conditional use permits related to renewable energy projects.

Mr. Knight explained that the NRCD is a subdivision of state government and covers approximately two million acres within Apache County. Arizona law recognizes NRCDs for their expertise in land, soil, water, and natural resource management. He stated that involving the NRCD in the review process would provide an informed, non-regulatory perspective to help balance development with long-term natural resource stewardship.

The NRCD offered to provide technical review, mapping support, and community outreach as needed, and requested possibly being placed on a future agenda to further address this item again.

Mr. Fish stated that, regarding NRCD's involvement as a third-party reviewer, he believed the Commission had already discussed this during the prior meeting. He noted that NRCD received the report for the conditional use permit (CUP) recommended last month and that staff understood NRCD would participate in reviewing future CUP applications.

Vice-Chair Peterson agreed, stating his understanding, that the motion made by Commissioner Dobson applied to that CUP and all future CUPs.

Mr. Fish noted that NRCD would not have had sufficient time to review the current item before it went to the Board of Supervisors.

Mr. Fish stated the Commission needed to clarify whether NRCD's review applied to the current CUP already recommended to the Board of Supervisors, or only to future CUPs.

Commissioner Dobson confirmed that his intent was for NRCD to review both the current CUP and all future CUPs. Commissioner Jarvis asked that the motion language be clearly restated.

Mr. Fish noted that the wording of the original motion was vague and read into the record the motion as documented:

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

Mr. Fish explained that NRCD's report would fall under the condition requiring submission of final development plan materials before any construction or grading permits are issued. He stated that the Board of Supervisors may approve the CUP, but all required reports and plans must be submitted before permits are issued.

Mr. Resare noted that this discussion appeared to relate to clarification of the previous meeting's motion and stated that such clarification should occur when the Commission reviews and approves those minutes on the regular meeting agenda.

Mr. Fish stated that staff's objective was to review Sections 436 through 442 of the draft ordinance.

Section 436.3 – Purpose Statement

Mr. Fish noted the addition of: “Further the County’s goals of protecting public health, safety, convenience, welfare, and its natural, cultural, and scenic resources through clear and enforceable siting standards.”

No comments were offered.

Section 437 – Definitions

Mr. Fish introduced the definition of Project Boundary and asked whether setback measurements should be taken from the project boundary or property boundary.

Commission agreed that setbacks should be measured from the project boundary, as the CUP authorizes development within that defined area.

Mr. Fish presented a definition for Visual Resource. He noted concern that ridgelines—where wind resources are ideal—might be impacted by the definition.

Commission agreed that such concerns could be addressed as applications arise.

Section 438B – Preferred Siting Criteria

Mr. Fish asked whether both “Preferred Criteria” in the ordinance and “Preferred Energy Generation Areas” in the Comprehensive Plan were needed.

Commission agreed that both should remain.

Mr. Fish relayed a request from Arizona Game and Fish to consider modifying the Preferred Energy Generation Area due to significant pronghorn habitat south of St. Johns.

Chair Muth suggested revising the boundary to avoid Lyman Lake and habitat areas.

Commissioner Peterson recommended that any direction be documented in writing.

Mr. Fish stated staff's recommendation is to retain the current boundary, with Game and Fish input considered during project reviews.

Commission agreed.

Mr. Fish raised concerns voiced by others that visual impact criteria may conflict with private property rights.

Chair Muth stated property rights claims would fall under state constitutional processes, not this commission.

Section 439 – Application Requirements

Mr. Fish asked whether to list reviewing entities (Engineering, NRCD, Game and Fish) or reference them more generally.

Chair Muth suggested referencing “County-approved advisors”, with a list maintained that includes NRCD, Engineering, Planning & Zoning, and others as needed.

Mr. Fish discussed language requiring transmission lines to be underground, noting utilities advised this is not feasible for high-voltage transmission.

Chair Muth and Vice-Chair. Peterson agreed to modify the requirement to: Collection and distribution lines underground; transmission lines overhead.

Mr. Fish requested requiring radar-activated tower lighting.

Chair. Muth agreed the requirement was reasonable.

Mr. Fish recommended explicitly adding Apache NRCD under wildlife and resource consultation.

The Commission agreed.

Section 440 – Termination and Decommissioning

Mr. Fish noted proposed replacement language requiring restoration of the site according to an approved decommissioning plan.

Vice-Chair Peterson questioned limiting foundation removal to three feet and asked why the concrete could not be fully removed.

Chair Muth, Vice-Chair Peterson, and Commissioner Fite agreed that all non-native materials should be removed in full.

Direction was given to revise the language accordingly.

Mr. Fish requested to work with Ms. Monica to include provisions regarding proper disposal of renewable energy components.

Ms. Monica agreed.

The Commission approved staff working with Ms. Monica on final language.

Vice Muth suspended the working session to reconvene after the regular meeting.

Discussion on any future Agenda Items.

Chair Muth adjourned the working lunch session at 1:02 p.m.

Public Meeting

Call to Order

Chair Dan Muth called the public meeting to order at 1:10 p.m.

Roll Call/Determination of a Quorum

Chair Muth determined a quorum was present by roll call. There were eight (8) Commissioners in attendance, Bobby Fite, Brad Peterson (Vice-Chair), Dan Muth (Chair), Bob Pollock, Brad Jarvis, Michael Bragiel, Carey Dobson, and Kay Hauser (via phone).

Review and Approval of Minutes – October 2, 2025 Meeting

Chairman Muth called for a motion to approve the minutes of the October 2, 2025 Planning and Zoning Commission working lunch session and public meeting.

MOTION: Commissioner Pollock moved to approve the minutes. Second, by Commissioner Bragiel.

Commissioner Dobson requested clarification regarding his motion from the October 2 meeting. He stated that his intent was for the NRCD to be included as an advisor on the Juniper Ridge [Springs] project and on future conditional use permits involving green energy.

Deputy County Attorney Resare advised that meeting minutes cannot be amended to reflect new wording or intent. The Commission's role is only to determine whether the minutes accurately reflect what was stated at the meeting. Any changes to a prior action would need to be amended for a future meeting.

Chairman Muth asked whether the recorded motion from the meeting reflects what was stated.

Mr. Fish reported that the motion recorded was:

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

Mrs. Pearce advised the wording was taken directly from the recording. Staff agreed to double-check to ensure accuracy.

Commissioner Bragiel asked if the minutes could be passed if the verbiage is correct.

Chairman Muth stated that if ambiguity remains, the item may need to be pulled from the Board of Supervisors and placed back on a future agenda. Minutes cannot be approved if uncertainty exists regarding their accuracy.

VOTE: one (1) aye, four (4) nays, three (3) abstentions. The motion to approve the minutes failed. Commissioners Bobby Fite, Brad Jarvis, and Dan Muth abstained, as they were not present at the October 2 meeting.

Mr. Fish asked Commissioner Hauser if she could hear the discussion.

Commissioner Hauser stated that she could hear the meeting very well and that she had been on the entire time since the work session started.

The approval of the October 2, 2025 minutes was continued to the December meeting, pending verification of the recorded motion.

CONDITIONAL USE PERMIT, 2025-46, TOM JOHNSON DBA TSJ CONSULTING INC

Chairman Muth opened the public hearing and invited public comment.

David Perley, Hunt, AZ – Opposed.

Citing lack of floodplain and drainage analysis, absence of legal access, and failure to meet required tower setbacks under zoning ordinance. Requested denial or continuance until a hydrology study and setback verification are completed.

Sarah Hart – Opposed.

Adjacent property owner. Expressed concerns regarding safety, tower fall zone proximity to her home and garden, potential flooding, obstruction of views, and impact on her homestead. Submitted packet of supporting materials and prior appeal.

Julie Fernatt – Not present to comment.

Richard Rogness, Hunt, AZ – Opposed.

Stated tower would negatively impact scenic character. Asked for a show of hands, audience indicated unanimous opposition among residents in attendance.

Vicki Shook, Hunt, AZ – Opposed.

Submitted a petition signed by area residents expressing concerns regarding health, safety, aesthetics, and property value impacts.

Sonya Perley, Concho, AZ – Opposed.

Stated the tower location lacks “common sense” due to drainage, proximity to homes, and valley placement. Expressed concerns regarding rural character, dark-sky impact, property values, and personal electromagnetic sensitivity.

William Gramin – Yielded speaking time to Riley Neilson.

Riley Neilson, Hunt, AZ – Opposed.

Stated that the tower location would affect future development, discourage homebuilding, and reduce county tax revenue. Offered assistance in identifying alternative sites farther from residences.

Mr. Fish provided staff’s report he acknowledged and commended Ms. Hart’s written appeal. Clarified the zoning ordinance defines “buildings” separately from “structures.” Communication towers are classified as structures, and Apache County currently has no setback requirements for towers. He confirmed the need for improved cellular coverage in the area; personal knowledge of a significant coverage gap. Property value impact is subjective and speculative.

Staff recommended approval with the following conditions:

1. Applicant shall obtain a legal county address prior to building permit issuance.
2. Tower and equipment shall be finished in muted, non-reflective tones.
3. Applicant/contractor shall repair any construction-related road damage.
4. All power/utility connections must comply with code and provider standards.
5. Decommissioning: removal of tower/equipment within 12 months of discontinued use.

Tom Johnson with TSJ Consulting Inc. stated the tower is needed to provide cellular/emergency communication services in an area with no coverage. Floodplain concerns are addressed by elevating tower foundations above grade. Offered to obtain an engineering letter confirming fall zone would remain within the parcel. FAA approval is pending; tower is not expected to require lighting. Stated communication towers do not diminish property values and are often desired due to modern wireless needs.

Commissioner Jarvis requested clarification on site choice. Applicant explained a ¼-mile “search ring” limits where the tower can be placed to maintain required coverage.

Commissioner Peterson recalled a prior CUP for a nearby Verizon tower that was never built and discussed past tower setback requirements for other tower types.

Staff confirmed the site is not within a mapped floodplain per County floodplain management.

Commissioner Fite asked about unchecked items on the application checklist. Staff confirmed the CUP application was received on September 3, 2025, satisfying the 30-day submittal requirement.

Chairman Muth requested a motion.

MOTION: No motion was made. **No action taken.**

The item received no motion and therefore did not move forward.

**CONDITIONAL USE PERMIT, 2025-51, PINNACLE CONSULTING
DBW SUN STATE TOWERS AND VERIZON.**

Chair Muth opened the public hearing and invited public comments.

Ronald Pearce, Alpine, AZ

Stated he is not opposed to the project but requested that the County acknowledge N2131 is not a public right-of-way and that approval of the CUP does not grant access or roadway use rights. Asked that the applicant be required to mitigate construction impacts, maintain the road during construction, and comply with the submitted design specifications.

Stan Zumbrunnen, Alpine, AZ

Not opposed to the project but expressed concerns regarding visual impact and proximity to neighboring properties. Cited Article 11, Section 1107 of the Zoning Ordinance requiring compatibility with surrounding area and mitigation of adverse impacts. Requested a performance/maintenance bond related to road use due to heavy equipment during construction.

Mr. Fish confirmed road maintenance concerns are valid. Staff find the request consistent with the Comprehensive Plan and Article 11 criteria and recommend approval subject to conditions:

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.

Logan Williams, Pinnacle Consulting / Verizon stated willingness to comply with staff-recommended conditions and to document road repair responsibilities. Could not commit

to long-term road maintenance or a maintenance bond without corporate approval.
Estimated construction duration: 60–90 days.

Commissioners emphasized concerns regarding road width, access easements, and construction impacts.

Discussion clarified that N2131 is not a county-maintained road, but a series of private ingress/egress easements assigned an "N" number for addressing purposes only.

Applicant confirmed they have a recorded lease/easement with the tower site landowner but may require additional easement agreements along the access route.

Applicant stated camouflage is not feasible due to the height and structure type (lattice tower); staff noted it would be similar to an existing lattice tower near Nelson Reservoir.

Applicant confirmed that visits after construction are typically once per month and added that road access and mitigation responsibilities may be addressed through a private agreement between applicant and affected property owners.

MOTION: Commissioner Peterson moved to recommend approval of CUP 2025-51 with staff's five (5) conditions plus an additional condition requiring the 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. Motion was second by Commissioner Dobson.

Conditions of approval:

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.

Staff clarified that per Section 1107(L)(1), a CUP automatically lapses after one year if construction has not commenced; therefore, no additional completion condition was needed.

VOTE: Eight (8) ayes to zero (0) nays.
Motion carried.

Call to the Public

Commissioner Kay Hauser stated that she served on the Commission when the first cell towers were installed in Apache County, before the designation of the New Lands, and noted that precedent at that time required tower setbacks at least equal to the height of the structure from all property lines.

Monica Boehning addressed the Commission regarding the status of the August 26, 2025 special work session minutes. She noted that, as of the morning of this meeting, the minutes were not yet finalized or posted on the County website. She recalled that at the October 2, 2025 meeting, Commissioner Hauser had proposed an amendment to include statements made by SRP and TEP representatives during that session. Ms. Boehning requested that the Commission ensure those minutes are completed and posted with the amendment included.

Chair Muth directed staff to look into the matter.

Mr. Fish confirmed he would do so.

Amanda Ormond, Executive Director of the Just Energy Transition (JET) Center at Arizona State University, commended staff for their comprehensive work on the draft Renewable Energy Ordinance. She emphasized that a well-crafted ordinance provides certainty for both the County and businesses, helping attract appropriate development while ensuring community benefits. Ms. Ormond highlighted the economic impact of coal plant closures in the region and noted that renewable energy projects in Navajo County have replaced or exceeded lost tax revenues. She encouraged timely completion of the ordinance to position Apache County for similar long-term economic benefits.

Daric Knight, Chairman of the Apache Natural Resource Conservation District (NRCD), stated that the NRCD requests to be included as a required third-party reviewer for all renewable energy Conditional Use Permits in Apache County. He clarified that the NRCD seeks formal recognition in the CUP process to provide technical review and ensure responsible natural resource management in coordination with renewable energy developers.

Fred Fiastro, representing the Greer Coalition, presented written materials and a petition signed by over 150 members expressing concern about condominium developments within the Resort Zone. He stated that earlier approvals of freestanding condominiums without associated resort use conflicted with the intent of the zoning ordinance. Mr. Fiastro commended the Commission's attention to the issue but recommended tightening ordinance language to prevent developments from bypassing resort-use requirements. He suggested defining "resort" as a unified ownership entity providing overnight accommodations and amenities, rather than multiple individually owned short-term rentals operating under a shared label. He also encouraged

consideration of an “80/20 rule” similar to Wickenburg’s to preserve resort integrity and protect residential areas from excessive overnight rentals.

Report from Staff to the Commission

Mr. Fish stated there was nothing to report.

Adjournment

Chair Dan Muth announced that the public meeting was adjourned at 2:36 p.m. (MST)

Chair Dan Muth reconvened the working lunch session at 2:36 p.m.

Mr. Fish referred to page 7, Section 440B, noting revisions based on previous discussion and input from Navajo County and public attendees. The section now requires the decommissioning bond to be reviewed every five years during the Conditional Use Permit (CUP) renewal process to ensure adequacy and reflect inflation or cost updates.

Chair Muth asked who the bond is issued to.

Mr. Fish explained that bonds have traditionally named the property owner, applicant, and county, but this has caused complications when interests conflict. He recommended revising the ordinance to list only Apache County as the bondholder, as is common practice, citing that in the Juniper Springs CUP, the State of Arizona is a third-party landowner unlikely to act on the bond.

Commissioner Dobson asked about projects crossing private property and whether landowners should also be named.

Chair Muth noted that if the bond is all-encompassing under the County, it should protect private landowners as well.

Mr. Fish agreed but stated legal clarification is needed.

Chair Muth suggested staff seek legal advice on whether the County can serve as the fiduciary for private landowners under the bond.

Mr. Fish confirmed he would draft an inquiry for legal review.

Vice-Chair Peterson raised concern about material disposal, noting that excavation from projects could produce large quantities of malapai rock and asked how that material would be handled.

Mr. Fish responded that excavated material is typically reused to grade and level areas around tower sites. He agreed to include requirements in the ordinance addressing proper

use and disposal of excavated material, likely under Section 439 – Development Standards.

Mr. Fish continued discussion on Section 441 – Noise Requirements, stating the standard remains at 50–55 decibels. A new provision allows applicants to obtain written waivers from affected property owners to acknowledge and accept expected noise levels. These waivers must be recorded with the Apache County Recorder and should run with the land, not the individual owner.

Mr. Fish added that staff will incorporate today’s revisions and prepare recommendations for Section 442 – Setbacks, the pre-application checklist, and submission requirements for the December work session. Staff aim to complete 90% of the revisions by next month, present the final draft in January, and forward the Commission’s recommendation to the Board of Supervisors by February or March.

Chair Muth encouraged Commissioners to review the red-lined draft and submit any additional comments or concerns to Mr. Fish for consideration before the next meeting.

Mr. Fish confirmed that all sections remain open to revision since no formal action has been taken.

Chair Muth asked for additional comments. Hearing none, he closed the work session at 2:49 p.m.