

APACHE COUNTY COMMUNITY DEVELOPMENT

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**PLANNING AND ZONING COMMISSION
MINUTES FOR October 3, 2024**

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
Shanna Pearce, Plan Reviewer

Roxanne Drye, Appraiser III

Working Lunch Session

Working lunch session called to order at 12:12 p.m.

Matt updated the commission regarding the Lava Run Wind and Solor project, he advised the commissioners that staff has not received a conditional use permit (CUP) application and explained that they were working on the time and locations for their official community meetings. Mr. Peterson asked if the waiver to protected wildlife, put in place by President Obama was still in effect and added that it may be something to research. Mr. Fish advised that staff was working on hiring a third-party engineer regarding reviewing their studies when submitted. He anticipated their CUP would be submitted by the end of this year. Commissioners discussed available locations in St. Johns and the replacement of plant taxes.

Mr. Fite requested status regarding the RV committee. Mr. Fish stated that there has not been any new development and added that it would probably be after the wind and solar CUP was completed.

Mr. Fish discussed the proposed CUP, item #5 and explained the applicant's request. He explained that he has met with some of the neighbors and heard their concerns also that staff had received a letter signed by several neighbors. Mr. Fish addressed their concerns.

- Applicants site map was not professional drawn: he referenced Apache County Ordinance 1107.C.5a, *professional drawings are required only for commercial and industrial projects*,
- The use of the property and the number of changes the applicant has made to his plans,
- Increase in traffic; he wasn't sure that a stipulation could be added to the CUP,
- Letters sent to neighbors; he noted that two (2) of the applicants had been returned, two (2) not sent compared to staff review he added that he was comfortable that everyone was aware of the meeting,
- The date of his neighbor meeting; he commented that he was confident that anyone that wanted to know about the meeting knew about the meeting,
- RVs would be used as rentals; he noted that this discussion would take place during the public meeting today,
- Applicant will add more RVs in the future: he stated that the CUP was specific, and that applicant would have to modify the CUP for adding more than the RV's approved,
- Park model as an accessory dwelling: he explained A.R.S §11-820.03 and the attorneys' response,
- Utility capacity: he referred to a letter received from Alpine Sanitation and advised he had talked with NEC and both have signed off as having plenty of service.

Mr. Fish advised that staff had sent out neighbor notifications of the public meeting with the incorrect date of the meeting, he recommended to table the item due to the clerical error.

Mr. Fish added that Mrs. Hauser had requested a site visit and if the commission wanted to set a date to visit the site. Mr. Fite stated that had seen the property and added that it appeared there were multiple RV sites already on the property. Mr. Fish stated that the site plan showed the site locations, there would be two (2). Mr. Fite asked when construction started. Mr. Fish stated water and sewer were started last fall. Neighbor Will Lanham added that the pedestals were put in three weeks ago. Mr. Fite asked if there were any CC&R's. Mr. Peterson asked if the CC&Rs were still valid. Neighbor Susan Hartman spoke to the validity of the CC&R's. Mr. Fite asked who the realtor was that told the applicant he could do anything he wanted on the property, he felt that it was the county's responsibility to educate them on the rules of the county. Mr. Bragiel added that the Supreme Court had ruled on a process to change CC&R's and that the county does not enforce them.

Commissioners discussed the surrounding area and homes. Mr. Fish recommended setting a date for a site visit. It was agreed that the commissioners would let Mr. Fish know if they wanted to visit the site before the next meeting and he would set up a time and post a Notice of Attendance.

Working lunch session adjourned at 12:50 p.m.

Public Meeting

Call to Order.

Acting Chair Mike Bragiel called the public meeting to order at 1:07 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. Bragiel determined a quorum was present by roll call. Present were Commissioners Bobby Fite, Kay Hauser, Bob Pollock, Carey Dobson, Brad Jarvis, Mike Bragiel, and Brad Jarvis. Staff present were Matt Fish, Shanna Pearce, and Roxanne Drye.

Call to the Public

No comments.

Review and approval of the minutes of the Planning and Zoning Commission working lunch session and public meeting held on August 8, 2024.

Mr. Bragiel opened for discussion and a motion.

No discussion.

Mr. Dobson motioned to approve, seconded by Mr. Pollock.

The vote was unanimous - 5 ayes to 0 nays with two (2) abstention, Mr. Jarvis and Mr. Peterson were not present at the meeting,

Motion carried.

PUBLIC HEARING(S)

CONDITIONAL USE PERMIT 2024-55 Dusty Fitzwater: Discussion, consideration, and possible recommendation of approval to add two (2) RV pads for non-commercial family use and a future cabin-built home. The property is located in the Luna Lake Village subdivision at 4 county road 2096 in Alpine, AZ. A.P.N. 101-28-029 Section 18 Township 5N Range 31E.

Mr. Fish provided a staff report and recommended tabling the item to the next meeting as discussed in the working lunch session.

Dusty Fitzwater addressed the changes made to his original plans and site plan, he explained that after they had sent the letters, they realized that the third RV would be where they had planned to place the future cabin and added that this was made then

changes very clear at his meeting. He added that the park model would be permanent until the cabin was built, and the RV would be for friends and family, seasonal use. He addressed the concerns with the letters mailed, he stated that he mailed letters to residents based on the tax code information. He added that even if the CUP was not approved, they could stay 30-days every 90 days per county policy. Mr. Fish asked if he would be ok with having the commissioners do a site visit. Mr. Fitzwater was ok with a site visit.

Mr. Bragiel asked if these would be used for nightly rentals. Mr. Fitzwater stated they were only for family and friends, not rental nor Airbnb use.

Mr. Dobson asked when he planned on building his cabin. Mr. Fitzwater stated it was dependent on the CUP, he planned two to three years.

Mrs. Hauser asked Mr. Fish what the timeline was per the CUP for completion for the cabin to be started and completed. Mr. Fish stated this could be a condition of the CUP. Commissioners discussed modifying the CUP and the requirements and process.

Mr. Fite and Mr. Fitzwater discussed the start of construction prior to the submittance of his CUP and the comment in the neighbors' letter that he can do whatever he wanted on the property. Mr. Fitzwater stated he purchased the property in 2022, utilities started last year.

Mr. Fite asked if he was aware of any CC&R's and deed restrictions Mr. Fitzwater stated that he could only find some from 1960's.

No further discussion.

Mr. Bragiel opened the public meeting.

Gail Lanham spoke in opposition and referred to the Apache County CUP application guidelines, Section 1106 Notification, Section 1107 Location, Section 1107 B (2) Harmonious Design, Section 1107 Compliance and referred to A.R.S §11-820.03 Park Model Dwellings. She felt that by approving both the park model and future cabin the county would be in violation of the statute.

Will Lanham spoke in opposition and referred to Apache County CUP guidelines Section 1107 C (5) Site Plan, C (5)e Site Design.

Susan Hartman spoke in opposition she shared personal history and the area, she stated that the CC&R's still apply and Mr. Fitzwater did not comply, concerned with the amount of people that would be using the property, concerned with the increase in traffic, and added that the applicants plans had changed and were very vague, site plan was not to scale, and was given erroneous information and asked if there would be any recourse if the CUP was approved. Mr. Dobson asked what she considered was lots of traffic. Mrs. Hartman replied that it was seasonal and hard to say. She added that the applicant had

several vehicles and ATVs, and that the density would be too much, there would be a dramatic increase during the summer.

Mr. Bragiel closed the public meeting.

Mr. Bragiel opened for discussion and a motion.

No discussion.

Mr. Dobson motioned to table the item to the November meeting, seconded by Mr. Peterson.

Vote was unanimous - 7 ayes to 0 nays

Motion carried. Table to the November 7, 2024 meeting.

Report from Staff to the Commission.

No report

Adjournment.

Mr. Dobson motioned to adjourn, seconded by Mr. Fite.

The public meeting was adjourned at 1:43 p.m. MST.