



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

PLANNING AND ZONING COMMISSION
MINUTES FOR August 3, 2023

Commissioners

District I

Carey Dobson
Bobby Fite
Brad Jarvis

District II

Oscar Miranda, Vice-Chair
Kay Hauser
Dan Muth, Chair

District III

Brad Peterson
Bob Pollock
Traegen Knight

Alternate

Michael Bragiel

Staff Members in attendance

Matthew Fish, Director
Shanna Pearce, Plan Reviewer
Ruben Aranda, Code Enforcer

Tyron Jenson, Deputy County Attorney
Sophia Rodriguez, Appraiser I

Working Lunch Session

Vice-Chair Oscar Miranda opened the working lunch session at 12:04 p.m. MST.

Planning & Zoning Commission Regulations question and answers.

Commissioner Bobby Fite requested clarification of Memorandum III "...to conform to the Comprehensive Plan..." and added that it had been stated several times in the past that the comprehensive plan was a guideline and not a law nor ordinance. Mr. Fish referred to the 1.2 of the comprehensive plan, "*The Comprehensive Plan provides a guide for decisions by the Planning and Zoning Commission and the Board of Supervisors. **This plan is strictly advisory in nature: it is not a regulatory document.***" Mr. Fite added that it was left open for the commissioners to use or not. Mr. Fish agreed.

Mr. Fish called attention to §11-812 (second page of memorandum) "*states that the zoning ordinance shall not affect existing uses of property, the right to its use, or the reasonable repair or alteration of the property for which it was used at the time the Zoning Ordinance takes effect. Likewise, it cannot prevent, restrict, or otherwise regulate the use or occupation of land or improvements for:*

*Railroad,
Mining, not including aggregate mining,
Metallurgical,
Grazing,*



General agriculture purposes if the tract is 5 or more contiguous commercial acres, Agricultural composting if the tract is 5 or more contiguous commercial acres". He stated that when taking on the task of re-zoning, the commission had to take a best fit scenario as not all areas were the same, he added after discussion with the attorney's office if a property was sold after re-zoning we could not go back and enforce that zone description; we cannot depreciate the value of the property. Deputy Attorney Tyron Jensen clarified that it depended on if they property was being purchased to use as the same purpose. He clarified further that if the property could not be re-zoned due to the pre-existing use, a new owner would have to request a change in zoning if he did not want to use the property for the existing use. Mr. Fish provided examples of the Greer Zoning process and added it would be done on a case-by-case basis.

Mr. Fite requested clarification that it would revert to a Conditional Use Permit (CUP) application. Mr. Fish stated that it would revert to a Re-Zone application, similar to a CUP.

Mr. Fite asked why the county couldn't stay zoned the way it was instead of going through a re-zoning. He added that he didn't want Alpine to have the same issues as Greer.

Mr. Fish stated that from a planning perspective zoning took a lot of the guess work and what if's out. He understood Mr. Fite's concerns and added that he felt that the benefits were greater to re-zone than to keep the zoning the way it was; there were a lot of areas that cannot continue to sustain the growth, i.e. north of St. Johns, east of St. Johns, Vernon, and the Show Low Pines area and added that their infrastructure was getting burnt to the point that action was needed.

Mr. Fite stated that the county was so diversified that a blanket zoning ordinance would not fit the many different areas, clintal, and atmosphere.

Commissioner Kay Hauser asked how the county was comparative to other counties in the state, Mr. Fish stated Navajo County was a good comparison, there were many similarities.

Commissioner Carey Dobson agreed with Mr. Fish and expressed concerns with road maintenance and asked if re-zoning would help with some of the development and growth issues.

Mr. Miranda noted the conflict when zoning Greer and recommended that the commission look at re-zoning the entire county. Mr. Fish advised that abolishing Article 6 could be considered later.

Mr. Fish explained that the first question staff asked when talking to people was "Where are you from?" and stated that the county did not need several different ordinances.



Staff report and discussion of the *County Comprehensive Plan and Apache County Ordinance Article 4 Section 10 Definitions of Residential Zones, not instituted, that would need to be rectified when amending the County Zoning Ordinance.*

Mr. Fish went over the similarities between the Comprehensive Plan Character areas and what could be proposed for zones. He shared the zones defined in Article 4; R-18, rural zone 18-acre minimum – could include those north of St. Johns 36-to-40-acre parcels. General Ag, anything over 40-acres, some private land and ranches. R-5, 5 to 9-acres minimum. RF-1 and RF-2 rural farmstead zones, 1 and 2-acre minimum. RE- 1 and RE- 2, rural estate 1 and 2-acre minimum. Commercial Neighborhood (CN), Light Commercial (C1), General Commercial (C2), zoned by use. Light Industrial (LI) and Heavy Industrial (HI), heavy industrial similar to TEP and SRP generating station.

Rural Ranch – *“to maintain the open character of land traditionally used for ranching land designated 36- or 40-acre parcels”,* similar to R-18.

Range Land – *“to allow cattle ranching, farming, and other traditional Apache County agricultural uses. The character area is designated for lands that are large private tracts or other property that is, and likely will continue to be, used for ranching purposes.”*

Similar to general agricultural.

Rural Edge – *“to provide lower density residential development adjacent to Community Village. This character area is typically designated for property adjacent to existing or planned areas of higher density and for property within two miles of a highway or other significant road.”* Similar to Alpine, Nutrioso, Vernon areas, R-9, R-5, some CN, C1 and C2.

Community Village – *“to provide large areas with higher density residential development with a mix of related commercial, industrial, and institutional uses extending from highway corridors and highway intersections. Community Village is an appropriate and encouraged location for uses such as community college campuses and hospitals or medical clinics.”* Similar to Saluda and Hacienda San Juan, 26-Bar area in Eager, South Fork between Greer and the access road to Big Lake, county pockets on the east of Springerville.

Highway Services – *“to provide small, transportation-oriented commercial development nodes along the interstate highway system and other highway-oriented development. Highway Service land uses will provide services to the travelling public, including long haul truckers and vacationers.”* Areas along I-40, highway 180, highway 60 and highway 61; zones C1, C2, LI, HI.

He added that the next step would be to define these areas, propose a map, and to send letters to residents and explained the process. He recommended re-zoning in areas as opposed to the entire county at once, starting with the area between the Salt Lake Road out to Fence Lake north and west of the New Mexico state line south of the Navajo boarder, and east of highway 180 heading to Sanders. Then west of highway 191 to 180 to Holbrook, Hunt, Witch Eells, petrified forest. Then west of the Holbrook Road to west of highway 60, Show Low Pines, most of Concho, most of the snowflake Concho highway. He noted that the commission chair suggested starting with Vernon as they were working on their area plan and in the process of designating their areas. He



suggested starting with Vernon and moving counterclockwise. He added that once all the areas had been completed the Commission would recommend to the Board of Supervisors.

Commission discussed the process of implementing the re-zoning of the count starting with definitions for each zone and a map with overlays.

Commissioner Traegen Knight asked what the goal was with re-zoning, he's heard to increase taxes to help with road maintenance. Mr. Fish responded that he did not think it would affect taxes and it would get us away from the spot ideas and have some good concrete definitions of what you can and cannot do.

Mr. Peterson noted that road maintenance was provided through the fuel/gas tax or HURF money determined by what county your gas was purchased.

Ruben Aranda stated that the re-zoning would affect taxes as the Assessor's office used class changes and added that for taxes to be low you have to apply for agricultural status. Mr. Fish added that the Assessor's office did not use our hard zoning for tax purposes.

Mr. Fish felt that the next would be to define the zones. Mr. Miranda suggested 5-6 zones. Mr. Fish need and noted that manufactured homes, RV zones, tiny home zones needed to be considered.

Mr. Fish stated that the sheriffs office and attorney's office felt the rezone could help combating some egregious crimes within the county.

Mr. Miranda commented, and the commission discussed wild cat subdivisions and the development of roads.

Mr. Fish responded to Mr. Knights question regarding the goal and stated that it would define some definitions of what could and could not do in the county.

Mr. Knight commented that he wanted to see what the benefits would be, the end goals, and to see how crime would decrease.

Mr. Dobson noted that all his property was zoned AG and asked that if his kids would be able to change the zoning if they wanted to in the future. Mr. Fish stated yes, they would have to go through the re-zoning process.

Commission and staff discussed the pros and cons.

Commissioners recommended having five (5) to six (6) zoned and having broad definitions of each. Mr. Hauser noted the past attempt to re-zone and the outcome.

Commissioners recommended to staff to have zones and definitions for next month's work session.



Vice-Chair Oscar Miranda closed the work session at 12:55 p.m. MST.

Regular Meeting

Pledge of Allegiance given by Sophia Rodriguez

Invocation given by Stacy Waite

Call to Order.

Vice-Chair Oscar Miranda called the public meeting to order at 1:07 p.m. MST.

Roll Call/Determination of a Quorum.

Chair Dan Muth determined a quorum was present by roll call, seven (7) commissioners present, Oscar Miranda, Vice-Chair; Kay Houser; Bobby Fite; Brad Peterson; Bob Pollock; Carey Dobson; and Traegen Knight.

Call to the Public

No public comment(s).

Review and approval of the minutes of the Planning and Zoning Commission working lunch session and public meeting held on July 6, 2023.

Vice-Chair Oscar Miranda opened for a motion and discussion.

Vice-Chair Oscar Miranda called the question.

Commissioner Kay Hauser motioned to approve as presented.

Commissioner Bobby Fite seconded the motion.

No Discussion

Vote, 4 ayes to 0 nays with 3 abstention, Commissioners Brad Peterson; Traegen Knight; and Carey Dobson were not present at the meeting.

Motion Carried

PUBLIC HEARING, consideration, and possible recommendation for approval of the First Amended Plat of the Cedar Ridge Unit 2 Subdivision. Allowing James Keeley to combine five (5) contiguous lots, including a portion of Eden Avenue abandoned by Resolution, recorded as Reception #2023-003640, creating one (1) +/- 5.46-acre lot. The subdivision is located in Vernon, AZ. A.P.N. 106-27-043, 106-27-



Approval 9/7/2023

044, 106-27-045, 106-27-046 and 106-27-057. Section: 4, Township: 10N, Range: 24E.

Vice-Chair Oscar Miranda presented the agenda item. Mr. Fish provided staff report and explained on behalf of the application his proposed intention and use. Mr. Fish recommended approval without any conditions.

Applicant James Keeley was unable to attend the meeting and asked Stacy Waite of St. Johns, AZ to attend on his behalf. Mr. Miranda asked if he had any additional information or anything to provide on the applicants' behalf. He stated no.

Vice-Chair Oscar Miranda opened the public hearing. No discussion or comments.

Vice-Chair Oscar Miranda closed the public hearing.

Vice-Chair Oscar Miranda opened for a motion and discussion.

No Discussion. **Commissioner Traegen Knight motioned to approve as presented. Commissioner Carey Dobson second the motion.**

Vote: Unanimous
Motion carried.

Report from Staff to the Commission.

Mr. Fish advised the commission that at this time there were three (3) conditional use permits for new cell towers and one (1) re-zone in Greer on the September agenda and possibly one (1) re-zone on the October agenda.

Mr. Fite asked what the status was for the cell towers approved in Alpine. Mr. Miranda asked the status of the cell tower approved on Picnic Hill. Mr. Fish stated he would do some research and report at the next meeting.

Adjournment.

Vice-Chair Oscar Miranda opened for a motion.

Commissioner Brad Peterson motioned to adjourn.
Commissioner Bobby Fite second the motion.

Public hearing adjourned at 1:19 p.m. MST.