

**PLANNING AND ZONING COMMISSION
MINUTES FOR August 5, 2021**

In Attendance:

Commissioners

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

Staff

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

Working Lunch Session

Called to order at 12:05 p.m.

Item #1 Possible final review and discussion of a proposed Utility Renewable Energy Systems ordinance.

Mr. Fish explained grammatical changes.

Commissioners, staff and legal discussed:

439.H – wildlife studies provided by Game and Fish.

439.N – compliance with applicable laws, ordinances, and regulation will be determined by Community Development.

439.T.1 a.i – three feet below grade is standard

Mr. Young is working on the bond verbiage.

Commissioners discussed bond vs. letter of credit and agreed to remove “letter of credit” from throughout the ordinance.

439.1.a.iii – landowner can retain the right to keep roads, fences, etc.

439.T.1.e – commissioners agreed to change “shall” to “may.”

441 – “shall” vs. “may” and agreed to leave as is and the Board of Adjustments will handle any disputes.

441.B.2 – commissioners discussed the setback of 2640 feet and agreed to leave as is.

441.B.4 – commission agreed to add EMS and Fire “district” will determine setbacks for all commercial solar projects.

442.B – commissioners agreed to add at the “community development” directors’ discretion.

442.C – commissioners agreed to change the sentence to...The new holder “assumes the financial obligation” to all existing conditions and shall provide a “bond” as outlined in Section 439.T.1.b to demonstrate that the holder “assumes” financial ability to fulfill the obligations as specified in the CUP.

443.B.1 – staff clarified the amount of electricity for 360 consecutive days is 1 megawatt to be considered operable.

443.C – commissioners and legal discussed creating a liability for the county and adding bond verbiage. Legal advised the verbiage could be added if the commissioners wanted but wasn’t needed but would make sense to have verbiage to address the band at the end of the project. Commissioners agreed to add that if the implementation was not begun by the expiration of the time-period for decommission the county will seek restitution of the bond.

445.A.4 – commissioners discussed what constituted an “unincorporated official.” Agreed to leave in and add “and other public venues.”

439.U – commissioners discussed the towers being affixed per wind patterns and the degree of rotation. Commissioners agreed to change the verbiage to read “...shall be situated to minimize glare or interference with recreation areas...and occupied structures.”

Commissioners agreed this was ready to be on the next agenda for recommendation to the Board of Supervisors.

Chairman John Freeman postponed the work session at 1:05 p.m.

Chairman Johns Freeman reconvened the work session at 1:15 p.m.

Item #2 Discussion of amending Article 23 Medical Marijuana Ordinance by adding Adult/Recreational Use, HEMP grow and processing.

Commissioners and staff discussed the current ordinance and the need for an amendment to include for Adult Use and HEMP. Mr. Young explained the law and restrictions.

Commissioners agreed to amend to ordinance and to create a subcommittee to expedite the completion. Mr. Freeman appointed a subcommittee to include Dan Muth, Brad Jarvis and Traegen Knight and Director Matt Fish and Chairman John Freeman as ex-officio members.

Item #3 Educational Workshop presented by the Apache County Attorney's office: Roberts Rules of Order and Conflict of Interest.

Mr. Young provided information regarding Roberts Rules of Orders.

Mr. Young and commissioners' discussed Conflict of Interest A.R.S. §38-503

Recessed at 1:00 pm

Reconvened pm

Closed the work session 2:05 p.m.

Regular Meeting

Item #1 Call to Order.

Chairman John Freeman called the regular meeting to order at 1:10 p.m.

Item #2 Roll Call/Determination of a Quorum.

Chairman John Freeman determined a quorum was present with eight (8) commissioners.

Item #3 Call to the Public

No public comments.

Item #4 Approval of the minutes from the June 17, 2021 meeting

No discussion.

Chairman John Freeman opened for a motion.

Vice-Chairman Dan Muth motioned to approve the minutes as presented.

Commissioner Bobby Fite second the motion.

Vote, unanimous

Item #5 Approval of the minutes from the July 1, 2021 meeting.

No discussion.

Chairman John Freeman opened for a motion.

Commissioner Kay Hauser motioned to approve the minutes as presented.

Vice-Chairman Dan Muth second the motion.

Vote, unanimous

Item #6 Report from Staff to the Commission

Matt Fish mentioned that hard zoning may be a discussion that needed to be started.

Commission and staff discussed the pro's and con's.

Mr. Fish explained that staff was starting the process of hiring a code enforcement and hearing officer.

Commissioners discussed the need and enforcement.

Item#7 Adjourn

Chairman John Freeman opened for a motion to adjourn.

Commissioner Traegen Knight motioned to adjourn.

Commissioner Carey Dobson seconded the motion.

Vote, unanimous.

Adjournment 2:05 p.m.