



APACHE COUNTY — Community Development Department

P.O. Box 238 • St. Johns, AZ 85936 • Phone: (928) 337-7527 • Fax: (928) 337-7633

CONDITIONAL USE PERMIT APPLICATION

APPLICANT

Name _____

Mailing Address _____

Contact Person _____

Phone _____ Fax _____

Email _____

PROPERTY INFORMATION

Assessor's Parcel # _____

Township _____ Range _____ Section _____

Subdivision _____

Unit # _____ Lot # _____

Address/Location _____

Existing Zoning _____

Existing Land Use _____

Lot Size _____

CONDITIONAL USE PERMIT REQUEST

Please provide a brief description of the request.

Temporary Use: ___ Yes ___ No

SUBMITTAL CHECKLIST

- Pre-application meeting with a staff planner.
- A non-refundable filing fee.
- Proof of Ownership.
- Application, photographs, diagrams, site plans with the setbacks noted, drainage report and any other required information. Please be precise and detailed.
- Citizen Review Process as listed in ordinance Section 1106. A list of names and addresses of all the property owners within 300 feet of subject property.
- ADOT permit granting ingress / egress assess
- Map to property.
- All required items need to be submitted to Planning & Zoning at least 30 days prior to the next scheduled meeting.

CERTIFICATION & SIGNATURE

Submittal of this application constitutes consent of the applicant in granting the Community Development Department access to the subject property during the course of project review. No further consent or notice shall be required.

I hereby certify that the information in this application is correct and agree to abide by the regulations of this jurisdiction.

Signature of Applicant

_____ Date _____

Signature of Property Owner (if not the applicant)

_____ Date _____

OFFICE USE ONLY

Received By _____ Date _____

Receipt # _____ Fee _____

Permit # _____

Related Cases _____

Appeal Filed By _____ Date _____

Receipt # _____ Fee _____

COMMISSION ACTION

Approved with Conditions Denied

Resolution # _____ Date _____

Chairman _____ Date _____

BOARD ACTION

Approved with Conditions Denied

Ordinance # _____ Date _____

Supervisor _____ Date _____

December 1, 2021



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Guidelines for Requesting a Conditional Use Permit

Important Information When Submitting an Application:

1. Please include photographs and an 8 1/2" X 11" diagram illustrating the structure. Also please indicate the distance from the structure to your property line on each side of the structure. If this is for a business, please present a **professionally** drawn map. If this is for a subdivision, we will need a digital copy in AutoCAD format. **Please include septic and water information for the Environmental Health Division.**
2. Information will need to be submitted to **Planning and Zoning at least 30 days prior to the next scheduled meeting** to avoid the application being delayed into the following month. Application should be typed.
3. Materials submitted have to be circulated to the Planning and Zoning Division, the Environmental Health Division, the Building Inspections Division, and the Engineering Department for their review and approval.
4. If there are items that need to be addressed, the applicant will be notified after the submitted material has been reviewed.
5. Please remember to keep information **precise and detailed**. The applicant should attend the meeting when the request is reviewed and discussed by the Planning and Zoning Division.
6. A total of seventeen (17) copies of all pertinent paperwork (e.g., applications, maps) must be submitted, along with the originals, for all permits that go through the Planning and Zoning Commission.
7. Mailing address labels of all neighbors within three hundred (300) feet of the property line must also be submitted.

Please call Planning and Zoning 24 hours in advance of the meeting date to ensure the meeting is still on schedule.

The phone number is (928) 337-7527.

Thank you for your cooperation.



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Guidelines for Requesting a Conditional Use Permit

THIS INFORMATION HAS BEEN SELECTED
FROM THE APACHE COUNTY ZONING ORDINANCE.



ARTICLE 11

Planning and Zoning Commission

Section 1106. Citizen Review Process

- A. Purpose. The purpose of the citizen participation plan is to achieve the following:
1. Ensure that applicants pursue early and effective citizen participation in conjunction with their application, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community or neighborhood;
 2. Ensure that the citizens and property owners of the county have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and
 3. Facilitate ongoing communication among the applicant, interested citizens and property owners, county staff, and elected officials throughout the application review process.
- B. **Citizen Participation plan.** Every zone change and conditional use permit application shall include a citizen participation plan that must be implemented prior to the first public hearing. The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.
1. Requirements. At a minimum, the citizen participation plan shall include the following:
 - a. Which residents, property owners, interested parties, and public and private agencies may be affected by the application;
 - b. How those interested in and potentially affected by an application will be notified that an application has been made;
 - c. How those interested, and potentially affected parties will be informed of the substance of the zone change, amendment, or development proposed by the application;
 - d. How those interested, and potentially affected parties will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing;

- e. The applicant's schedule for completion of the citizen participation plan; and
 - f. How the applicant will keep the Community Development Department informed on the status of citizen participation efforts.
2. **Neighborhood meeting.** Applicants must conduct a neighborhood community meeting prior to submitting an application for a zone change or a conditional use permit.
 - a. The meeting must be conducted in the general vicinity of the property involved in the application. The meeting serves as a forum for information exchange between applicants and affected members of the public.
 - b. An applicant may make a written request and receive a written determination whether, due solely to impractical circumstances, the requirement for a community meeting should be waived by the Community Development Department. At a minimum the request must explain why the applicant's Citizen Participation plan provides other adequate, alternative opportunities for citizens to express any concerns, problems, or issues they may have with the proposal in advance of the public hearing. The Community Development Department shall make its determination a part of the written record in the case.
 3. Notification area. The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The applicant will determine the target area for notification after consultation with the Community Development Department. At a minimum, the target area shall include the following:
 - a. Only that portion of a lot or parcel of record situated within 300 feet of the property to which the application applies (county property and public rights-of-way not included in calculating the owner by number or area);
 - b. The head of any property owners' association within the notice area required by other sections of this Ordinance;
 - c. Other potentially affected property owners outside of the legal notice area as determined by the Community Development Department; and
 - d. Other interested parties who have requested that they be placed on a list of interested parties maintained by the Community Development Department.
 4. Pre-application meeting. The applicant may submit a citizen participation plan and begin implementation prior to formal application at the applicant's discretion. This shall not occur until after a pre-application meeting and consultation with the Community Development Department.
- C. **Citizen Participation report.** Subsections (C) through (C) (2) (c) apply only when a citizen participation plan is required by this Ordinance. The applicant shall provide a written report on the results of the applicant's citizen participation effort prior to the notice of public hearing. This report shall be attached to the staff report submitted to the Commission. At a minimum, the citizen participation report shall include the following information:
1. Details of the techniques the applicant used to involve the public, including:
 - a. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
 - b. Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters, and other publications;
 - c. Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located;
 - d. The number of people who participated in the process; and
 - e. The percentage of those notified who participated in the process; and
 2. A summary of perceived or real concerns, issues, and problems expressed during the process, including:
 - a. The substance of the concerns, issues, and problems;

- b. How the applicant has addressed or intends to address perceived or real concerns, issues, and problems expressed during the process; and
- c. Perceived or real concerns, issues, and problems the applicant is unwilling or unable to address, including an explanation of such reason

Section 1107. Conditional Use Permits

- A.** Purposes. In certain zones, conditional uses are allowed subject to the granting of a conditional use permit by the Board of Supervisors. Because of unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the Zoning Ordinance, and site characteristics' effects on surrounding properties. The Commission reviews and makes recommendations to the Board of Supervisors, which grants or denies applications, and may apply reasonable conditions to the approval of such uses.
- B.** Evaluation criteria and general standards. The Commission may grant conditional uses applying the following criteria and standards:
 - 1. The proposed use will be harmonious and in accordance with the general and specific objectives of the Apache County Comprehensive Plan and any subarea plans.
 - 2. The proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
 - 3. The traffic generated by the proposed use shall be mitigated so as not to burden the traffic circulation system in the vicinity.
 - 4. The proposed use will be adequately served by facilities and services such as highways, roads, law enforcement, fire protection, storm water drainage, refuse disposal, domestic water and sanitary sewers, and schools, or those persons or agencies responsible for the establishment of the proposed use shall provide adequate services.
 - 5. The proposed use will not create any additional requirements at public cost for public facilities and services.
 - 6. The proposed use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or general welfare by reasons of excessive production of traffic, noise, smoke, fumes, vibration, glare, or odors.
 - 7. Proposed ingress and egress, driveway widths, parking, and road improvements shall be approved under applicable Articles of the Zoning Ordinance and the county's Design Standards and Engineering Specifications for Roadways.
 - 8. Adequate buffering devices such as fencing, landscaping, or topographical characteristics shall be in place in order to mitigate and protect adjacent properties from potential adverse impacts of the proposed use, including visual or auditory effects.
 - 9. Conditional use permits shall comply with the Zoning Ordinance and all applicable local, state, and federal regulations.
 - 10. A conditional use shall ordinarily comply with the standards of the zone within which the use is located and with the other applicable provisions of the Zoning Ordinance, except as modified by the approval of the conditional use permit and the standards of this Section or as otherwise specified in the Zoning Ordinance.
 - 11. The Commission may, in addition to the standards and regulations specified in the Zoning Ordinance, establish other conditions found necessary to protect the health, welfare, safety, and interest of surrounding properties, the neighborhood, and the county or community as a whole. These conditions may address the following:
 - a. Increasing the required lot size or yard dimensions;
 - b. Limiting the coverage or height of buildings;

- c. Mitigating traffic impacts through on-site and off-site improvements;
- d. Increasing the number of off-street parking and loading requirements;
- e. Limiting the number, location, design, and size of on-site signs and illumination devices;
- f. Increasing required landscaping components to reduce noise and visual impacts, including glare;
- g. Specifying time limits for construction and operation;
- h. Requiring performance assurances acceptable to the county attorney;
- i. Specifying time frames for compliance review; and
- j. Other conditions deemed appropriate to address the requirements and intent of this Section, the Zoning Ordinance, and the Apache County Comprehensive Plan.

C. Conditional use permit application. Application for a conditional use permit shall be filed with the Community Development Department on a form prescribed by the Director and shall include the following data and maps:

1. The name and address of the applicant shall be given.
2. A statement shall be made that the applicant is the owner or the authorized agent of the property on which the use is proposed to be located.
3. The address and legal description of the property shall be provided.
4. A list shall be made of all owners of property located within 300 feet of the exterior boundaries of the subject property excluding county property or public rights-of-way.
5. **A site plan** is required for all proposed conditional uses and buildings and shall be drawn to scale, showing structures, heights, property lines, lot sizes, setbacks, adjacent roads, yards, parking and traffic flow, drainage, proposed sign location and design, location of leach fields or sewers, and any other information needed to properly evaluate the proposal. Site plans shall show that the following requirements have been met:
 - a. Site plans for commercial or industrial zones require professionally drawn maps. The scale shall be 1" = 200'.
 - b. Subsequent design of water supply systems, septic systems, and sewer systems shall meet all county health regulations.
 - c. Subsequent design of increased surface drainage shall be channeled to natural or man-made drainage structures and not allowed to flow uncontrolled onto neighboring properties, unless an easement or other written permission has been granted. Necessary measures shall be taken to prevent erosion.
 - d. Traffic from a proposed conditional use will not be excessive for the land area involved and will not create or significantly increase congestion or cause safety hazards.
 - e. Where possible, the site design will preserve and enhance existing trees, watercourses, hills, and other natural features, as well as vistas and historic locations, and will be compatible with existing adjoining development.
 - f. With regard to parking, the provisions of Article 6 shall apply.
 - g. With regard to lighting, the provisions of Article 7 shall apply.
6. The Community Development Department may require additional information in order for the Board of Supervisors to determine compliance with any other conditions that in its opinion are necessary to protect the public health, safety, and general welfare.
7. When signs are to be erected as part of a conditional use, a diagram showing the on-site location, size, and design of the sign together with lighting details, construction materials, and landscaping details shall be submitted. The Board of Supervisors shall approve sign usage as part of the conditional use permit, and no changes may be made without further approval by the Board of Supervisors. In general, the following guidelines shall be considered by the Board of Supervisors in approving sign usage:

- a. Signs shall be constructed in a safe manner that prevents collapse, wind damage, electrical hazards, or other unsafe conditions.
 - b. Signs shall be placed so as not to obstruct vision necessary for safe pedestrian or vehicular traffic movement nor inhibit traffic movement.
 - c. Signs shall be placed so as not to obstruct views of adjoining properties or views from adjoining properties.
 - d. Signs shall be of a minimum size and number for the purpose served.
 - e. Signs shall be landscaped where possible.
 - f. Signs attached to buildings shall appear to be an integral part of the building. Guy wires and similar appurtenances shall not be exposed.
8. Applicants for a conditional use permit **for a commercial or industrial use** shall submit with the application an **impact statement** to assist the Board of Supervisors in its evaluation. This statement shall include the following:
- a. Number of employees;
 - b. Estimated amount of traffic by day of week;
 - c. Parking, storage, loading, and service areas needed;
 - d. Amount of water use and source;
 - e. Method of handling increased surface drainage;
 - f. Nearest residences;
 - g. Amount and types of refuse and sewage;
 - h. Any pollutants and method of handling;
 - i. Site changes necessary including tree removal;
 - j. Landscaping and recreation provided;
 - k. Use of natural resources;
 - l. Fire prevention and protection systems;
 - m. Services required of the county, such as road maintenance and snow removal; and
 - n. Method of controlling dust from traffic areas and other sources.
- D.** Fee. The application shall be accompanied by a fee established from time to time by the Board of Supervisors to cover the cost of handling the application as prescribed in this Article.
- E.** Commission action:
1. The Commission shall consider the application at its next regular meeting if the complete application was filed with a citizen participation report a minimum of 21 days prior to such meeting. Otherwise, it shall be carried over until the next regularly scheduled meeting.
 2. Notice of the meeting shall follow the public hearing requirements set forth in subsections 2805(C) (2) and (3).
 3. The Commission may reach a recommending decision, continue the matter to a specified date (but not later than the next regularly scheduled meeting), or set the matter for public hearing.
 4. The Commission may recommend such conditions in connection with the use permit as it deems necessary to secure the intent and purposes of this Ordinance and may require such bonds, guarantees, and evidence that such conditions are being or will be complied with.
- F.** Board action. After proper review and recommendation by the Commission, the recommendation shall be scheduled, after a minimum of 15 days, for the next Board of Supervisors meeting. All recommendations shall be on the consent agenda unless an appeal is filed (See 1107 (G)). The Board of Supervisors shall enter all final decisions regarding an application. In providing a decision, the Board of Supervisors may continue the hearing, approve, approve with modifications, or deny the use permit.
- G.** Appeal of recommendation of Commission:

1. Appeal. Any person or persons desiring to file an appeal concerning a recommendation of the Commission must do so within 15 days from the date of the recommendation by filing a letter of appeal with the Director. The appeal shall state in writing the reasons for the appeal.
 2. Fee. An appeal shall be accompanied by a fee, established from time to time by resolution of the Board of Supervisors, to cover the cost of processing the appeal.
- H. Board action on appeal.** The Board of Supervisors shall hold at least one public hearing on a recommendation of the Commission that has been appealed. The hearing shall be held within 60 days from the filing of the appeal; the public hearing process shall follow subsection 2805(C) (2). The Board of Supervisors may affirm, modify, or reverse a recommendation of the Commission. The decision of the Board of Supervisors shall be final.
- I. Lapse of a conditional use permit:**
1. A conditional use permit shall lapse and shall become void **one year** following the date on which the use permit became effective, unless prior to the expiration of one year:
 - a. A building permit is issued, and construction is commenced and diligently pursued toward completion on the site that was the subject of the use permit application,
 - b. A certificate of occupancy is issued for the structure that was the subject of the use permit application, or
 - c. The site is occupied if no building permit or certificate of occupancy is required.
 2. A use permit for a public utility installation may be valid for a period longer than one year if specified by the Commission.
 3. A conditional use permit subject to lapse may be renewed, provided that prior to the expiration date, an application for renewal of the use permit with fees is filed with the Commission. The fees shall be set from time to time by the Board of Supervisors.
 4. The Commission may grant or deny an application for renewal of a conditional use permit subject to the modification of existing conditions of approval, the addition of new conditions of approval, or both.
 5. A conditional use permit **shall also lapse if** the use for which the permit is approved is **terminated for a period of two years**. Recommencement of the use after the two-year period of inactivity shall require filing a new application and following the requirements and processes specified in subsections (C)(1) through (8)(n) and (D).
- J. Pre-existing conditional uses:**
1. A conditional use legally established prior to the effective date of this Ordinance or prior to the effective date of subsequent amendments to the regulations or zone boundaries shall be permitted to continue, provided that it is operated and maintained in accordance with the conditions prescribed at the time of its establishment, if any.
 2. Alteration or expansion of a pre-existing conditional use shall be permitted only upon the granting of a conditional use permit as prescribed in this Section, provided that alterations not exceeding in value 25 percent of the valuation of the existing use or building as determined by the building official shall be permitted without the granting of a conditional use permit.
 3. A conditional use permit shall be required for the reconstruction of a structure housing a pre-existing conditional use if the structure is destroyed by fire or other calamity, by act of God, or by the public enemy to a greater extent than 50 percent. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the county engineer and building official and shall be based on the minimum cost of construction in compliance with the Building Code.

- K.** Amendment of conditional use. If a proposed change in a conditional use substantially (10 percent or more) modifies the layout, use, or design of a permit as determined by the Director, the applicant shall apply for an amendment to the conditional use permit. The amendment process shall be the same as the conditional use permit process and require the same processing fee.
- L.** Suspension and revocation. Upon violation of any applicable provision of this Ordinance or, if granted subject to conditions, upon failure to comply with conditions, a conditional use permit shall be suspended automatically. The Commission shall hold a public hearing within 60 days in accordance with the procedure prescribed in subsection 2805(C)(2), and if not satisfied that the regulation, general provisions, or conditions are being complied with, may revoke the conditional use permit or take such action as may be necessary to ensure compliance with the regulation, general provisions, or conditions. The decision shall become final 30 days following the date on which the use permit was revoked unless an appeal has been filed within the prescribed 15-day appeal period, in which case subsection (H) shall apply.
- M.** Time limit:
 1. Use permits become effective on approval by the Board of Supervisors.
 2. No person shall reapply for the same or substantially the same use permit on the same or substantially the same plot, lot, or parcel of land within a period of one year from the date of denial or revocation of said use permit.
- N.** Use permit to run with the land. A use permit granted under the provisions of this Section shall run with the land and shall continue to be valid upon a change in ownership of the site or structure that was the subject of the use permit application.
- O.** Use permit and change of zone filed concurrently. Application for a conditional use permit may be made at the same time as an application for a change in zone boundaries including the same property, in which case the Commission shall hold the public hearing on the zoning reclassification and the use permit at the same meeting and may combine the two hearings. For the purposes of this Section, the date of the Commission decision on the use permit application shall be deemed to be the same as the date of enactment by the Board of Supervisors of an ordinance changing the zone boundaries, provided that if the Board of Supervisors modifies a recommendation of the Commission on a zoning reclassification, the use permit application shall be reconsidered by the Commission in the same manner as a new application.

A non-refundable filing fee will be required for the following permits:

- | | |
|---|----------|
| 1. Conditional Use Permit: | \$500.00 |
| 2. Additional Residence: | \$300.00 |
| 3. 15 years or older MH's: | \$300.00 |
| 4. Appeals: | \$300.00 |
| 5. Amendment to Conditional Use Permit: | \$500.00 |

Failure to obtain a permit will result in double fees.