

**PLANNING AND ZONING COMMISSION  
MINUTES FOR June 17, 2021**

**In Attendance:**

**Commissioners**

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

**Staff**

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

**Working Lunch Session**

Called to order at 12:15 p.m.

**Item #1      Discussion of the proposed Utility Renewable Energy Systems ordinance establishing development standards.**

Mr. Fish explained the recommended changes made from the last meeting and changes made after his discussion with legal.

Mr. Fish explained the change made is Section 437 Definitions to “Utility-Scale Renewable Energy Production Facility” for clarification.

Commission and staff discussed

Section 443.B being in conflict with 442B. Legal did not feel there was a conflict.

Section 443.D adding bonding verbiage; setting a standard bond amount for decommissioning, who would determine the amount for each project, and who is named in the bond. Commission recommended for staff to work with legal on the proper verbiage and to contact outside council for the cost.

Section 442.B to change “renewed” to “reviewed” and remove time period from the ordinance but to include it in a procedural policy.

Section 445.4 recommended to add “all community officials”

**Item #2      Discussion of the proposed recreational vehicle policy.**

Staff and commissioners discussed

Section 806 added #6 to include county overlay zones.

Section 804 removed verbiage and changed 60-day to 14-day permitting. Mr. Fish explained the enforcement issues and monitoring temporary use vs. permanent living. He noted that there is no fee for the 14-day permit.

Legal and commissioners discussed enforcement of CCR's; they do not void county ordinances; county ordinances do not apply to incorporated areas and grandfathering.

Section 803.1 to leave in "Greer Zones."

Section 802.1 clean up the language.

Section 804 How many camping permits can be obtained? Recommended to add verbiage that the 14-day permit does not run consecutively and is not a rental property.

Mr. Freeman appointed a RV Policy subcommittee consisting of Commissioner Oscar Miranda, Vice-Chairman Dan Muth, Commissioner Traegen Knight, including Director Matt Fish and Chairman John Freeman as ex-officio members. Their purpose is to construct a final draft and resolve any conflict within the ordinance. Discussed open meeting law, notification, conducting meetings electronically and timeline for completion.

Closed work session 12:52 p.m.

### **Regular Meeting**

#### **Item #1 Call to Order.**

Chairman John Freeman called the regular meeting to order at 1:00 p.m.

#### **Item #2 Roll Call/Determination of a Quorum.**

Chairman John Freeman determined a quorum was present with nine (9) commissioners.

Mr. Fish introduced new commissioner Brad Jarvis. Mr. Jarvis provided additional background.

#### **Item #3 Call to the Public**

No public comments.

#### **Item #4 Approval of the minutes from the May 6, 2021 meeting.**

No discussion.

Chairman John Freeman opened for a motion.  
Vice-Chairman Dan Muth motioned to approve the minutes as presented.  
Commissioner Oscar Miranda second the motion.

Vote, unanimous

**Item #5 PUBLIC HEARING, consideration and possible recommendation for approval of a Conditional Use Permit to allow Gunther Haffke and Judy Jameson to operate an FFL/gun dealership and workshop and to construct a seasonal outdoor dining area to place and operate a food trailer. Property is located in Vernon, AZ. A.P.N. 106-44-012B.**

Mr. Muth recused himself as he had a conflict of interest.

Mr. Fish provided staff report, recommended approval with conditions. Mr. Bragiel confirmed the FFL Gun Dealership/workshop and outside trailer presented as one permit.

Gunter Haffke presented his CUP request and stated that alcohol would not be served.

Mr. Miranda questioned if he would be having any firearm workshops. Mr. Haffke agreed and stated that there would not be a shooting range. Mr. Miranda confirmed that no shooting would take place, that would violate state law. Mr. Haffke agreed.

Mr. Miranda confirmed they would be working with the County Health Department for any food handling permitting. Mr. Haffke agreed.

Mr. Miranda questioned if there were any restrictions or violations on his FFL. Mr. Haffke stated no, he was clean and clear.

Mr. Freeman questioned the neighborhood response with the additional ATV's etc. Mr. Haffke explained his plan for mitigating dust and traffic. Mr. Freeman asked if he would mind if a stipulation was added to the recommendation of the CUP. Mr. Haffke agreed.

Commissioner and Mr. Young discussed the legalities of combining the FFL Gun shop and food trailer; the loss of Mr. Haffke's FFL license or selling the property.

Mr. Miranda stated he was in favor of approving with a provision that if the FFL owner sold the property the CUP is then cancelled. Mr. Dobson agreed.

Chairman John Freeman opened for motion.

Commissioner Oscar Miranda motioned to approve the CUP with conditions.

The applicant follows:

All FFL guidelines and requirements.

Follows all Apache County Food Handler and waste management requirements and obtain all appropriate permits.

Provide adequate parking for both the FFL Dealership & Workshop and during seasonal food truck operation.

Mitigate for increased dust, dirt and traffic.

Noise mitigation; establish good hours of operation.

Close FFL down should the FFL owner leave the property; the CUP will become null and void.

Commissioner Kay Hauser second the motion.

Mr. Jarvis stated he would like to add that the FFL was not transferable, but the operation of the food trailer could remain.

Mr. Freeman asked Mr. Miranda if he would like to accept Mr. Jarvis' recommendation to amend his motion. Mr. Miranda stated he agreed and clarified that if the FFL owner leaves the property or sells the property the CUP is considered null and void, he agreed with Mr. Jarvis that if he loses his FFL license or doesn't pursue it the applicant can still do workshops and run his food trailer.

Mr. Freeman requested clarification from Mr. Young on the two CUP's. Mr. Young explained the commission could do it under the same CUP with a statement that there are two uses under the CUP and that the Gun Dealership will terminate or lapse if the FFL is lost or if the ownership changes and the other can continue.

Mr. Dobson clarified that the motion stated if the property sold the CUP would lapse.

Mr. Freeman asked Mr. Miranda if he wanted to amend his original motion to separate the two uses discussed. Mr. Miranda felt it stands as it is and clarified that if the property sold, the person holding the FFL permit leaves the property, the whole CUP would lapse. Mr. Freeman clarified that the whole CUP would lapse including the use of the food trailer. Mr. Miranda agreed and explained that if Mr. Haffke stays on his property and does not renew his FFL and wants to continue to run the food truck that it's still there and he can still do the workshops as they do not require an FFL permit.

Mr. Freeman clarified the last stipulation of Mr. Miranda's original motion: should the FFL license disappear through selling of the property or by any other means the CUP is null and void.

Mr. Freeman asked Mr. Jarvis if he would like to motion to amend Mr. Miranda original motion to add the separation of the uses. Mr. Jarvis motioned to amend. Mr. Bragiel second. Mr. Miranda clarified his motion and stated that if the applicant sold the property, he wanted the commissioners to have an opportunity to meet the new owner and see if all the qualifications have been met. Commissioners agreed.

Mr. Freeman called the question to amend the original motion.

Vote, 2 ayes to 7 nays. Motion Failed.

Mr. Freeman called the question for the original motion.

Vote, unanimous

**Item #6 PUBLIC HEARING, consideration and possible recommendation for approval of a Conditional Use Permit to allow Preston Smith to add four additional self-storage buildings to the existing Concho Mini Storage over the next 5-years; this would add approximately 144 individual storage units. Popery is located in the Concho Valley Subdivision Unit 1 in Concho, AZ. A.P.N. 201-27-380 and 201-27-381.**

Mr. Muth rejoined the commission.

Chairman John Freeman introduced the item.

Mr. Fish provided staff report, recommended approval.

No questions from the commissioners to staff.

Preston Smith, applicant, provided his proposed CUP, explained the existing storage units and his plan to add more units over the next 5-years.

Mrs. Hauser questioned the length of time renters have kept items in storage units in the past. Mr. Smith stated he did not have any resent numbers but there are people that have been there since 1997 and added that he would be willing to put something in the lease agreements. Mrs. Hauser expressed concerns with deterioration and becoming a junk yard. Mr. Smith commented that the RVs that are currently on the property will go away as he clears the land and new units are added.

Mr. Bragiel confirmed that the RVs would be moved with the next 3-5 years. Mr. Smith agreed.

No public comment.

Mr. Freeman closed the public meeting, opened for commission discussion.

No discussion.

Mr. Freeman asked the commissioners if they would like to add a condition for a timeframe for the outdoor storage to be moved. Mr. Miranda did not feel it would be an issue as the applicant has stated that these would be removed as the new units went in.

No further discussion.

Mr. Freeman opened for motion.

Commissioner Dan Muth moved to approve as presented.  
Commissioner Michael Bragiel second the motion.

Vote, unanimous.

**Item #7 Report from Staff to the Commission**, including pending, recent, and future agenda items.

Mr. Fish presented some future items for discussion. Continued work on the Wind Energy ordinance and RV Policy, amending Article 23 Medical Marijuana to include Adult Use/Recreational Use and HEMP, and moving forward with hard zoning Article 6. Mr. Fish asked the commission how they would like to move forward.

Mr. Muth felt that the commissioners contemplate and send their thoughts to Mr. Fish and then sit down with the Chairman and figure out a timeline.

Mr. Miranda suggested adding educational workshops for the commissioners as there are a few new members. Staff will work with legal in getting this set up.

Mr. Bragiel and Mrs. Hauser questioned if there was information readily available for county residents regarding P&Z and building safety. Mrs. Pearce provided county website information.

Mr. Freeman requested adding to the workshops some review and basic understanding of what P&Z was intended for.

Mr. Young suggested adding open meeting law, conflict of interest and public records.

Staff will work with legal getting the workshops set up.

**Item #8 Adjourn**

Chairman John Freeman opened for a motion to adjourn.  
Commissioner Carey Dobson motioned to adjourn.  
Commissioner Dan Muth second the motion.

Vote, unanimous.

Adjournment 1:50 p.m.