

**PLANNING AND ZONING COMMISSION  
MINUTES FOR March 10, 2022**

**In Attendance:**

**Commissioners**

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

**Staff**

Matthew Fish, Director  
Shanna Pearce, Plan Reviewer

**Working Lunch Session**

Called to order at 12:05 p.m.

**Item #1 Discussion of the P&Z agenda items below.**

Mr. Freeman clarified that the conditional use permits (CUP) on the agenda are under Article 11 and about issues in Greer Phase 1.

**Item #2 Director's report on current events.**

Mr. Fish advised the commission of April agenda items.

Mr. Freeman recommended a moratorium for CUP's in Greer regarding RV use.

Commissioners discussed April's agenda items, earlier time and adding a meeting date due to having several agenda items and possible lengthy discussions.

**Item #3 Discussion of amending Greer Article 6.**

Mr. Fish updated the commission on the status implementing Article 6. He recommended adding the character and uniqueness of Greer verbiage from Phase 1 to Article 6, setting a level of expectation. He also recommended adding definitions for manufactured homes (MH) and recreational vehicle (RV) and clarifying the "use table" by incorporating the "prohibited table." He recommended adding an avenue for residents to apply for CUP's.

Commission discussed holding public meetings in Greer, dates, and notification avenues.

**Regular Meeting**

**Item #1 Call to Order.**

Chairman Dan Muth called the regular meeting to order at 1:00 p.m.

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

Chairman Dan Muth determined a quorum was present with seven (7) commissioners present.

**Item #3 Call to the Public**

Michael Bragiel, 90 Main Street, Greer, AZ addressed the commission regarding amendments to Article 6 and incorporating some sections of Phase 1 and questioned if Article 6 Section 601.B.1 would still apply after Article 6 is fully implemented. Mr. Freeman explained that the intent was to establish a mechanism so that the re-zoning would be completed and felt that it was superfluous right now.

Michelle Iddings, 73 ACR 1324, Greer AZ commented on the notification avenues discussed in the work session for Greer public meetings regarding implementing Article 6 and commented to Greer's RV issues. Mrs. Iddings provided her written statement for the record.

Leslie Foster, Vernon, AZ shared community concerns about the proposed cannabis dispensary in Vernon and traffic safety. Mr. Fish shared that traffic safety was one of the biggest concerns from the applicants community meeting.

**Item #4 Approval of the minutes from the February 3, 2022**

No discussion

Chairman Dan Muth opened for a motion.

Commissioner John Freeman motioned to approve the minutes as presented.

Vice-Chairman Oscar Miranda second the motion.

Vote, Unanimous

**Item #5 PUBLIC HEARING, consideration and possible recommendation for approval of a conditional use permit allowing George and Michelle Iddings to store one Recreational Vehicle (RV) on their 3.5-acre property for use by family members when visiting and to allow for other family members to place and stay in their personal RV's when visiting and removed at the end of their visit; these additional RV's will not be stored on the property. Property is located in Greer, AZ 85927. A.P.N. 102-08-032C**

Mr. Freeman clarified some confusion related to the staff report.

Mr. Fish provided staff report, recommended commenting on both agenda items at once. Mr. Freeman disagreed, stated they were separate items and should be addressed as such.

Mr. Fish provided staffs report, provided history of the Item 5 applicant application, comments from neighbors and community members, shared photos of other RV's in Greer and added that no other complaints have been received for any other RV use/storage in Greer. He acknowledged that waiting for Article 6 to be implemented, as suggested provided no guarantee of RV use/storage, he shared his discussions with area realtors regarding property value concerns and what was considered in an appraisal and shared the outcome of the applicants community meeting. He referred the commission to Article 11 Section 1107 regarding their evaluation of the application and in making their decision.

Mr. Fish recommended approval with conditions; **1.** The applicant be allowed to store the current RV on the applicants property in the current location as shown on the applicants site-plan submitted with the CUP. **2.** The occasional use of only one (1) additional RV on the applicants property for occasional use. **3.** Time of occasional use does not extend past fifteen (15) days before having to be removed. Upon removal of the one (1) temporary RV a period of fifteen (15) days between visits, with a total of forty-five (45) days in a six-month period. The one (1) permanently stored RV will be subject to the same fifteen (15) days of use with fifteen (15) day of non-use between visits additionally adhering to the 45 day limit every six months. **4.** No RV is to be used to “get gain” meaning at no time can they be rented or leased to paying customers. **5.** Violations of these conditions will result in the CUP being revoked immediately.

Mr. Freeman and Mr. Fish discussed comments made in the staff report:

Staffs definition of “common.” and “common use “in Greer.

Mr. Freeman corrected staffs comment “it’s not just Greer it’s all of Apache County” and stated that there was a specific ordinance for Greer.

Mr. Freeman questioned staffs statement “some feel that it may be ok and some feel that it should not be.” Mr. Freeman and Mr. Fish discussed the percentage in Greer. How many properties were looked at, how many RV's were present at the time of the public meeting. Mr. Fish gave rough numbers, Mr. Freeman stated from the rough numbers given by Mr. Fish, RV's could be hypothesized to not be in line with the general character of Greer.

Mr. Freeman asked what Greer looked like prior to enforcement of RV use. Mr. Fish could not comment as he was not with the county when the enforcement action was taken with the applicant. Mr. Freeman stated there had been a blossoming.

Mr. Freeman and Mr. Fish discussed the validity of the appraiser.

Mr. Freeman and Mr. Fish discussed his conclusionary statements of the general characteristics of Greer and concluded that RV's are not a general characteristic of Greer.

Mr. Peterson shared his concerns regarding RV use and storage, and private property rights.

Mr. Freeman reaffirmed he didn't agree that the ordinances should be applied blindly to other parts of the county, specifically to those with area plans.

Mr. Freeman detailed the applicants violations, enforcement, penalties and fines, and steps for compliance since 6/17/2020.

Mr. Muth asked if any complaint had been provided to the attorney's office. Mr. Freeman stated that he had been advised that a complaint had been turned over to enforcement.

George Iddings, 73 ACR 1324, Greer, AZ provided a history of their attempts to work with the county, their steps taken to getting into compliance with the ordinance and addressed the concerns with the location of storing his RV. Mr. Iddings provided his written statement for the record.

Mrs. Iddings expressed her concerns with the history of the application, the personal attacks made against their family, and their efforts in working with the county to resolve these issues.

Mr. Muth opened the public meeting.

Marcus Clark, 64 Osbourn Road, Greer, AZ representative of the Greer Coalition, read a statement from the Board of Directors in opposition of both applications on the agenda and recommended deny the CUP's under Greer Phase 1, waiting for RV guidelines to be granted and approved with Article 6.

Gail Clark relinquished her time to Mr. Clark.

Public meeting closed.

No further discussion

Chairman Dan Muth opened for a motion.

Commissioner Traegen Knight motioned to approve as presented with staffs proposed conditions: **1.** The applicant be allowed to store the current RV on the applicants property in the current location as shown on the applicants site-plan submitted with the CUP. **2.** The occasional use of only one (1) additional RV on the applicants property for occasional use. **3.** Time of occasional use does not extend past fifteen (15) days before having to be removed. Upon removal of the one (1) temporary RV a period of fifteen (15) days between visits, with a total of forty-five (45) days in a six-month period. The one (1) permanently stored RV will be subject to the same fifteen (15) days of use with fifteen

(15) day of non-use between visits additionally adhering to the 45 day limit every six months. **4.** No RV is to be used to “get gain” meaning at no time can they be rented or leased to paying customers. **5.** Violations of these conditions will result in the CUP being revoked immediately.

Commissioner Brad Peterson second the motion.

Mr. Freeman identified the commissions role and criteria in determining the CUP’s and questioned the commissioners how the motion and staff recommendation met the criteria and standard set forth in Greer Phase 1.

Commission discussed the purpose of a CUP, section 306 of Phase 1, zoning ordinance section 1107 B. 1 & 2, ordinance being law and should be upheld as law, and the personal issues involved.

Mr. Fish asked Mr. Freeman to clarify his explanation as to why staff had not received any other complaints regarding RV use aside from item 5 applicant. Mr. Freeman felt the question was out of order but stated that the applicant had been the trollic in the media and had taken to task so many different Greer residents that had sparked the outpouring of opposition but did not know why there were no other complaints filed and some had gone to great lengths to minimize visual impact; his opinion was that those had been unintrusive which had not resulted in a big firestorm as those people have tried to comply with the law.

Mr. Knight clarified with Mr. Clark that the was considering verbiage to allow the future storage and use of RV’s in Greer. Mr. Clark agreed. Mr. Knight asked staff if the amendments would be in final form within the next 12-months. Mr. Fish agreed.

Mr. Knight shared his views of Greer and history in growing up around the area, he added that he couldn’t see how RV’s were not harmonious in Greer. He commented on the steps that the applicant had taken to comply with the county and stated he had a hard time limiting people from protecting their own property on their own property. He recommended approval of the CUP’s.

Mr. Peterson agreed with Mr. Knights statement on the purpose of a CUP and felt it was not a criminal act by recommending approval as the commission was acting in compliance with the CUP process.

Commissioners discussed the effects Article 6 would have on the CUP’s when fully implemented and if any verbiage was needed in the conditions. Mr. Freeman recommended adding a stipulation that the CUP would go-away with the implementation of Article 6 and added that if the stipulation was not there the CUP would supersede Article 6.

Mr. Clark clarified the Greer Coalitions statement regarding the probability of RV use being included in Article 6 and stated that at this point he saw a balance of those wanting and those not wanting RV’s, he felt that there needed to be a reasonable compromise.

Mr. Miranda confirmed his statement “the law is the law” and recommended not to approve the CUP’s pending Article 6 being implemented, he felt that law was being violated. Mr. Freeman agreed and recommended putting a moratorium on requiring CUP’s for the existing RV’s already in use, except for those already found in violation and with an order to remove, thus denying the CUP for item 5 and item 6 stays statuesque. He added that IF the use of RV’s is added to Article 6 all would be forgiven. Mr. Peterson stated that by allowing the CUP the applicant would not be in violation and that by the commission’s recommendation of approval the commissioners were not breaking any laws.

Mr. Muth expressed concerns with the enforcement and apologized to the applicant for the time it has taken to get the this point of getting them into compliance.

Mr. Muth called the question.

Mr. Freeman again stated the law and the commissioners role and asked how the commission was obeying the law with recommending approval of the CUP, thus breaking the law and stated that if their ideology superseded the respect for law that perhaps they didn’t belong on the commission and additional thought needed to be taken.

Mr. Muth called the questions.

Vote, 4 ayes to 2 nays, one (1) commission member did not vote.

Motion carries, recommend approval with condition(s) as listed in Mr. Knights original motion.

Mr. Freeman recommended to reconsider the motion to add an additional stipulation that the CUP would expire upon the resolution of Article 6. Mr. Knight called for point of order as the motion had already been approved. Mr. Muth stated that any additional stipulations would need to be approved by the BOS.

Mr. Freeman challenged the chairs ruling and referred to Roberts Rules of Order that anyone that voted positively may revisit the motion or matter of business until the meeting is adjourned. The Chair agreed. Mr. Freeman then recommended to add some safeguards that would benefit the majority of the citizen and in grievance of the law being changed and apply the condition that would retire the CUP upon the creation of the new Article 6 and not create something that would potentially be violating Article 6 that the community is trying to put together.

No further discussion.

**Item #6 PUBLIC HEARING, consideration and possible recommendation for approval of a conditional use permit allowing Michael & Toni Bragiel to store their personal travel trailer on their 0.76-acre property. Property is located in Greer, AZ 85927. A.P.N. 102-08-020B**

Michael Bragiel, 90 Main Street, Greer, AZ addressed the commissioners, provided a history of his property, explained the proposed location of storing his RV as indicated on his site-plan and the tradition of use of RV's in Greer. He expressed his concerns with storing in a garage, policy verbiage and his experience as a realtor. He reported the results of his neighborhood meeting.

Mr. Freeman clarified his statement that he "didn't feel there was a law there." Mr. Bragiel explained his statement.

Mr. Freeman stated he did not have any issues with the location for storage.

Mr. Bragiel provided pictures of other RV's, trailers, boats, etc. that have not received violations.

Commission discussed violations.

Mr. Fish provided staff report, referring to some points made in his report of item 5 and recommended approval with no conditions.

No public comments.

Mr. Muth called the questions.

Mr. Freeman noted that the property was two-times non-conforming and by recommending approval this would be the third non-conformance approved by the commission and BOS.

No further discussion

Chairman Dan Muth opened for a motion.

Commissioner Traegen Knight motioned to approve as presented

Commissioner Brad Peterson second the motion.

Mr. Freeman noted again that by recommending approval this would be the third non-conformance approved.

Mr. Miranda felt if item 5 was approved same with item 6.

Mr. Freeman again stated for the record that the BOS would be aware that the commissioners were aware that they were now creating a three-fold unlawful non-conforming situation.

Mr. Muth called the question.

Vote, 5 ayes to 1 abstention, one (1) commission member did not vote.

**Item #7      Report from Staff to the Commission**

Mr. Fish reported that the attorney answered that two (2) meetings could be held in April with proper notification. Commission directed staff to move forward as previously discussed

**Item #8      Adjourn**

Chairman Dan Muth opened for a motion to adjourn.  
Vice-Chairman Oscar Miranda motioned to adjourn.

Adjournment 3:15 p.m.