

**APACHE COUNTY COMMUNITY DEVELOPMENT**

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

**PLANNING AND ZONING COMMISSION  
MINUTES FOR October 5, 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

Roxanne Drye, Appraiser III

**Working Lunch Session**

**Discussion of Article 6 zoning ordinance regarding minor land divisions and rezoning.**

Chair Dan Muth opened the work session at 12:08 p.m. MST.

Mr. Fish explained his findings of December 2, 2021, minutes regarding the Iddings’ family request from the September 7, 2023, planning and zoning meeting. He confirmed the discussion of their three (3) parcels (102-11-027A, 4.53 acres; 102-08-032B, 1.79 acres; 102-08-032C, 3.51 acres) and the discussion of MLD’s, zoning and contiguous property owners. It was agreed during the December 2, 2021, discussion that the Iddings’ properties be zoned GA2 (Greer Agricultural) including 102-08-0032B being contiguous to 102-080932C. It was also agreed that those wishing to split their property after the adoption of Article 6, with the exception of those six (6) parcels (102-05-034C 102-05-036, 102-08-013D, 103-08-043B, 103-08-043A, 103-05-001C) requesting and approved with a stipulation that splits were completed within six (6) months of approval to remain

GR1 (Greer Residential) for future splitting, would have to follow the MLD and rezoning process as outlined in the Apache County Zoning Ordinance.

Mr. Muth asked how the county could require those in Greer to rezone their property when it wasn't required for the entire county. Commissioners and staff discussed the Greer Article 6 vs. County zoning ordinances, the use of a conditional use permit (CUP) to address use vs. rezoning, staff arbitrarily requiring rezoning on some of the MLD's requested throughout the county, and the potential rezoning of the county.

Mr. Fite expressed his concerns with the rezoning of the county and stated that each community, registered voters, should have a say in how their area is zoned, that seasonal residents should not be able to come in and demand changes.

Mr. Muth noted that the development standards for AG were outlined in Section 404 of the Apache County Zoning Ordinance. It was agreed that because Greer had their own zoning, outlined in Article 6 rezoning was required prior to splitting property when the proposed property did not meet the acreage size for the zone.

Mr. Peterson noted the prior CUP's approved with conditions/restriction that were never followed through on and he added that if there were no enforcement or rules in place when rezoning it wouldn't be worth doing.

### **Discussion of November agenda items.**

Mr. Fish advised the commissioners that staff had not received any applications for and questioned if the commission felt there was a need to hold the November meeting, he also noted that he had received a draft of the Vernon Community Plan yesterday. Commissioners discussed the November and December meetings and agreed to cancel the November 7, 2023, meeting and to add the discussion of the Vernon Community Plan to the work session on the December agenda.

Chair Dan Muth closed the work session at 12:44 p.m. MST.

### **Public Meeting**

**Pledge of Allegiance given by Matt Fish**

**Invocation given by Roxanne Drye**

**Call to Order.**

Chair Dan Muth called the public meeting to order at 1:02 p.m. MST.

**Roll Call/Determination of a Quorum.**

Chair Dan Muth determined a quorum was present by roll call, six (6) commissioners present were Brad Peterson, Bobby Fite, Oscar Miranda, Brad Jarvis, Bob Pollock, and chair Dan Muth.

**Call to the Public**

No public comments.

**Review and approval of the minutes of the Planning and Zoning Commission working lunch session and public meeting held on September 7, 2023.**

Chair Dan Muth presented the agenda item.

No comments.

Chair opened for a motion and discussion.

**Commissioner Brad Peterson motioned to approve as presented. Commissioner Brad Jarvis seconded the motion.**

No Discussion

Vote, 3 ayes to 0 nays, Chair Dan Muth, Vice-Chair Oscar Miranda, and Commissioner(s) Bobby Fite abstained.

Motion Carried

**PUBLIC HEARING(S)**

**SUBDIVISION MAJOR PLAT AMENDMENT 2023-38 John and Susan Baker along with Stephen Thompson: Consideration, and possible recommendation for approval of the Sixth Amended Plat of the Hidden Paradise Subdivision, allowing John and Susan Baker along with Stephen Thompson to split their 2-acre lot creating two (2) +/- 1-acre lots. The property is located at 5 CR N8411 in Vernon, AZ. A.P.N 106-25-017E.**

Chair Dan Muth presented the agenda item. Mr. Fish provided a staff report, recommended approval with no conditions.

No questions presented from the commissioners. No written comments to be read for the record.

Mr. Muth opened the public meeting. No public comment. Mr. Muth closed the public hearing and opened for a motion and discussion.

**Commissioner Brad Peterson motioned to recommend approval per staff recommendation.**

**Commissioner Brad Jarvis second the motion.**

No further discussion.

Vote: 6 ayes to 0 nays.

Motion carried.

**ZONE CHANGE 2023-34 Cultivation Resources, LLC: Consideration and possible recommendation of approval for a Change of Zoning Regulations from AG (Agricultural General) to C2 (General Commercial) for commercial retail. The subject property is located at 2401 E. Frontage Road, Sanders, AZ. A.P.N. 207-22-009. Section 21; Township 21N; Range 28E**

Chair Dan Muth presented the agenda item. Mr. Fish provided a staff report, recommended approval without conditions.

Mr. Muth and Mr. Pollock declared a conflict of interest and recused themselves from the discussion and vote on this agenda item. Vice-Chair Oscar Miranda presided.

Ron Bryce, representative for the applicant addressed the commission and noted that the CUP county regulations somewhat reflected the state regulations; the state regulations were more restrictive than what was required for a pharmacy.

Mr. Miranda questioned how many miles they were from the Navajo Nation. Mr. Fish stated that it was over three (3) to five (5) miles beyond the southern reservation boundary,

Mr. Peterson noted the zone change vs. CUP. Mr. Jarvis confirmed that the notification of the CUP would be well notified so that the area would be fully aware of what the proposed use was. Mr. Fish informed the commission that the

Chapters are aware of the proposed use and process and have started notifying residents.

No other questions or comments.

Mr. Miranda opened the public hearing.

No public comment.

Mr. Miranda closed the public hearing.

Mr. Miranda opened for a motion and discussion.

**Commissioner Brad Peterson motioned to recommend approval per staff recommendation.**

**Commissioner Bobby Fite second the motion.**

Vote: Unanimous 4 ayes to 0 nays

Motion carried.

Mr. Muth and Mr. Pollock rejoined the meeting. Mr. Miranda stepped down; Mr. Muth presided.

**Report from Staff to the Commission.**

Mr. Fish advised the Commission of an appeal received for one of the cell towers recommended for approval last month and that there would be a public hearing with the Board of Supervisors on their November agenda. He also advised the commission of the upcoming commissioner appointments.

**Adjournment.**

Mr. Muth adjourned the meeting.

Public hearing adjourned at 1:25 p.m. MST.