

**PLANNING AND ZONING COMMISSION
MINUTES FOR September 2, 2021**

In Attendance:

Commissioners

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

Staff

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

Working Lunch Session

Called to order at 12:05 p.m.

Item #1 Educational Workshop presented by the Apache County Attorney's office: Open Meeting Law and P&Z Policy and Procedures.

Deputy Attorney Alane Moore presented Open Meeting Law and discussed with the commissioners A.R.S. §38-431 and the Open Meeting Law Handbook.

Specific topics: Why Open Meeting Law, protection, and community involvement; what constitutes a meeting; who must comply with open meeting law; requirements of notices and agendas; public rights, calls to public, executive session and notices; what to include in meeting minutes; posting minutes, public recording of meetings; and where to find help and resources.

No discussion on P&Z Policy & Procedures.

Work Session closed at 12:45 p.m.

Regular Meeting

Item #1 Call to Order.

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

Item #2 Roll Call/Determination of a Quorum.

Chairman John Freeman determined a quorum was present with six (6) commissioners.

Item #3 Call to the Public

No public comments.

Item #4 Approval of the minutes from the August 5, 2021 meeting

No discussion.

Chairman John Freeman opened for a motion.

Commissioner Kay Hauser motioned to approve the minutes as presented.

Commissioner Michael Bragiel second the motion.

Commissioner Oscar Miranda and Brad Peterson abstained as they were not present to the August 5, 2021 meeting.

Vote, unanimous of those commissioners present at the August 5, 2021 meeting

4 ayes – 0 nays – 2 abstentions

Item #5 PUBLIC HEARING, consideration and possible recommendation for approval of a Conditional Use Permit to allow Trace Skousen to establish and operate a Motocross Track on 5-acres of a 184-acre lot. The track will operate March to October; Thursday and Friday 12 pm to 5pm and Saturday 7am to 5pm. Property is located in Concho, AZ in Country Club Villas. A.P.N. 201-09-008C.

Director Matt Fish provided staff report, he explained the reasoning for the proposed location, the benefits, concerns and letters received from neighbors. He also explained the notification area extended based on the noise study provided by the applicant.

Commissioners discussed the noise report, noise mitigation, modified bike noise and recommendations and possible conditions.

Applicant Trace Skousen presented his CUP to the commission, he had nothing more to add to the staff report.

Several community members addressed the commission with concerns of location, dust, noise, traffic, EMS services, theft. Several were not opposed to the CUP but not at the proposed location.

Larry Tysiac spoke in opposition, concerned with location.

Elizabeth Stowell spoke in opposition, concerned with noise, traffic, and location.

Jim Ragan spoke in opposition, concerned with location and noise.

Margie Newkirk spoke in opposition, concerned with location, noise, dust, and medical services.

Tim Tower spoke in opposition concerned with location, noise, property values, and hours of operation.

Sharon Barrett spoke in opposition concerned with noise.

Kristine Courter spoke in opposition concerned with location.

Daniel Sample spoke in opposition concerned with location, noise, pollution, increased crime and little protection.

Becky Regan spoke in opposition concerned with noise, pollution, dust, medical and police services, and location.

Leigh Barthen spoke in opposition concerned with access over the existing bridge and traffic location.

Nancy Quinn spoke in favor, an outlet for the kids in the community.

Kelly Garcia spoke in opposition concerned with location and property values.

Criss Candelaria spoke in opposition concerned with property values, and location.

Shayna Eshom spoke in favor, Concho is not a retirement community, kids need a place to spend their time and stay out of trouble, and crime happens anywhere.

Rob Brewer spoke in opposition concerned with location, insurance and bonding.

Chairman John Freeman closed the public meeting.

Mr. Miranda invited the Mr. Skousen to address the community concerns; there will be EMS services, he did not feel that the presence of an officer was warranted as motocross was a family sport and they would contact Apache County Sherriff's office if needed. He addressed the security concerns and first aide stations on-site, he and his fiancé both have medical training. He also advised that once the bikes entered the track they were not allowed to leave until the end of the event.

Commission Brad Peterson concerned with property owner rights felt this was a good idea just a bad location. Commissioner Brad Jarvis agreed.

Mr. Bragiel questioned the zoning and if there were any CC&R's. Mr. Freeman reminded the commission that CC&R's were addressed by the community members and not the commission.

Commissioner Kay Hauser questioned is alcohol would be available. Mr. Skousen stated no.

Mrs. Hauser questioned how many racers were anticipated. Mr. Skousen anticipated there would be about 40 racers they would be in different classes and only 8 to 10 racers on the track in each race.

Mrs. Hauser questioned if there would be any practice and fun time in addition to the proposed race time. Mr. Skousen stated no.

Mrs. Hauser questioned if a condition could be added to the CUP that if the track was not successful the area would be returned to pre-CUP condition. Commissioners and Mr. Skousen agreed.

Mrs. Hauser commented on equal property rights, law and guidelines and added that the commission could place conditions on the application that were best for both sides. She also addressed the comment that St. Johns did welcome a motocross track within city limits but did not succeed due to participation.

Mr. Jarvis questioned if an impact study had been done for wetland and wildlife. Mr. Fish stated none had been requested from the applicant.

Mr. Freeman advised of the three choices the commission had 1. Approve 2. Deny 3. Table for adjustments.

Mr. Freeman opened for a motion.

Commissioner Kay Hauser moved to table the application until the next month's meeting so that the applicant could have further studies done as discussed to address the concerns of the neighbors and community.

Commissioner Brad Peterson seconded the motion.

Mr. Freeman requested clarification of "further studies."

Mrs. Hauser stated it would provide better communication between staff, the applicant and community members to address the issues and come to an agreement.

Mr. Bragiel questioned if the applicant would be agreeable to setting a level of decibels allowed on race days. Mr. Skousen agreed and stated that all bikes were mandated by the AMA and manufactures not to exceed 102 decibels.

Mr. Miranda clarified Mr. Jarvis' recommendation for an impact study and recommended to have an impact study done as well as address the need for EMS to have designated area for a helipad or easier access for EMS.

Ms. Eshom questioned if they could request that St. Johns EMS be on location for a designated amount of time. Mr. Miranda provided his experience with this option and cautioned the applicant with using tax-payer money and recommended to hire off-duty deputies and EMS or security officers to be available and present.

Mr. Freeman asked Mr. Miranda if he would like to amend the original motion to include the environmental study. Mr. Miranda felt that was included in the original motion.

Mr. Fish requested clarification of the motion.

Mrs. Hauser clarified her motion to table the application until next month and in the interim the applicant and staff pursue any mitigation for any of the subjects that have been raised.

Mr. Freeman clarified the motion; to table the application until next month and in the interim the study of several different conditions which have been enumerated here. Mrs. Hauser agreed it addresses those items that the public has stated.

Mr. Freeman confirmed the second agreed to the original motion.

Mr. Freeman commented that the project was very undefined and there were a lot of loose ends and felt that much further study was needed and that the appropriate direction would be a resubmission of an application rather than tabling the item.

Chairman John Freeman called for approval of the original motion.

Vote 5 ayes to 1 nays
Passes, tabled to next month.

Mr. Bragiel questioned the need vs. the requirement of a wetland study. Mr. Freeman clarified that a wetland study was needed. Mrs. Hauser further clarified that the applicant could withdraw his application and submit a new application.

Item #6 PUBLIC HEARING, consideration and possible recommendation for approval of Amending Apache County Ordinance Article 4, creating Section 436 Utility Renewable Energy Systems Ordinance for the purpose of establishing requirements for the development of utility-scale renewable energy production facilities.

Mr. Fish provided staff report and his discussion with legal regarding the bonding verbiage and advised they did not have any concerns with the verbiage as presented.

No Public comments.

No commission discussion.

Chairman John Freeman opened for a motion.

Commissioner Oscar Miranda motioned to approve as presented.
Commissioner Michael Bragiel second the motion.

Vote, 6 ayes to 0 nays
Passed

Item #7 Report from Staff to the Commission.

No report

Item #8 Adjourn

Chairman John Freeman opened for a motion to adjourn.
Commissioner Kay Hauser motioned to adjourn.
Commissioner Oscar Miranda seconded the motion.

Vote, 6 ayes to 0 nays
Passed

Adjournment 2:40 p.m.