



APACHE COUNTY COMMUNITY DEVELOPMENT

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**PLANNING AND ZONING COMMISSION
MINUTES FOR September 7, 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
Ruben Aranda, Code Enforcer

Barbara Gomez, Chief Appraiser
Roxanne Drye, Appraiser II

Working Lunch Session

Acting Chair Traegen Knight opened the working lunch session at 12:05 p.m. MST.

Discussion of possible Article 4 zoning designations and definitions.

Mr. Fish explained that there had not been a lot of discussion between staff on rezoning and getting things done, this was done in an effort to get everything done and then approaching the administration he added that the administration would prefer a slow process, until at least next spring before making any decisions. He added that he had thought about what Mr. Fite had stated last time and he shared some of his conversation with Mr. Fite where he shared that he did not feel he could support the rezoning, he added that he felt that as this was going to be an enormous task and it was wise to try and keep things as simple as possible with as few zones as possible.



Mr. Fish recommended that the zones follow the Comprehensive Plan and the outline in Article 4.

He recommended to rename Rural Range to Agricultural, as in Article 4 Section 411 and call it Rural Zone then splitting that into the different zones or call it Rural Farmstead zone with their different zones as outlined. He noted that Article 4 already has a definition of the zones and use.

He shared what he had discovered in his research of zoning vs. planning and explained that the rural zones could be treated in several ways; by assigning a specific zone to them and assigning a definition of uses or by planning by saying each character area has a plan and define its use. He felt that if the rezoning didn't happen, we were already doing the planning, but maybe needed to be more specific.

He explained the issues that came up in the department with the rural areas were what can we do with RV's. He reminded the commission of the previous discussion regarding RV's and the direction it went. He explained that right now there is a policy on RVs for use past 30-days, asking them to begin the process of installing a county approved septic system. He advised the commissioners of the accommodations being made for those that contact the office and are unable to start the process right away due to construction/contractor restraints, allowing them to keep the department informed of their dumping dates. He felt that some serious thought about what to do about what we do with RV and why. He asked the commission if by requiring some type of septic system past 30-days or requiring an RV permit would help with the growing issues within the county.

Brad Peterson did not agree and explained that abandoned RV's were no different then abandoned houses. He felt that even if a permit fee was required and any other requirements without strict enforcement it wouldn't help, he added that we needed to enforce the rules already in place. Mr. Fish advised that there were not any rules pertaining to RV's, we ask for a septic system if staying in them longer that 30-days and within the two and a half years he's been with the department septic systems had increase expediential.

Mr. Fish asked the commissioners if it was the counties responsibility to regulate RV's. Mr. Knight felt it was not the responsibility to regulate RV's until it imposed on someone else and starts to present a hazard not just because we don't like to see four (4) RV's parked on a lot if parked and everything was in order. He did not feel the county had the authority to impose a fee or any type of regulation unless it



created a hazard; dumping sewer and/or trash, dilapidated and debris flying around, etc.

Mr. Peterson noted it was like some of the places the county had cleaned up and the many more that still needed to be cleaned up.

Mr. Jarvis agreed with Mr. Knight and added that more regulations were not needed but some mechanism in place to enforce the hazards presented when abandoned. Mr. Fish explained that the issue was that the county was the one paying for the cleanup. The commission discussed filing liens, the legality of adding liens, the county's decision for cleaning properties along major thoroughfares, and the past discussions regarding liens. Mr. Peterson stated that the county needed to make rules so a lien could be added against the property to recover the cleanup monies, because it is taxpayer money used to clean these up.

Mr. Fish advised the commission that the county has issues and asked how they could be solved, through liens or with more legislation. He added that he personally felt there needed to be something in place that stated to live in your RV longer than unspecified amount of days without being connected to a septic and this would resolve some of the issues with open septic and to an extent abandonment.

Mr. Fish recommended keeping Range Land (comprehensive plan) as General Agricultural (Article 4), there is already a definition and if they wanted to do something unusual there was a process in place.

He recommended Rural Edge (comprehensive plan) named Rural Estates or Rural Residential (Article 4), defining the size of the property. Areas close to a municipality or county villages (Alpine, Vernon, Nutrioso, Greer) subdivision and mountainous areas, he added that Greer was the first to have their own zoning ordinance and noted that in prior discussions it was determined that they did not want to be creating different ordinance for different areas. He recommended naming this zone Rural Residential zone and breaking them out as outlined in Article 4.

Mr. Fish recommended for Community Villages (comprehensive plan); Alpine, Nutrioso, defining the area included and the zones; agricultural, residential or commercial in each defined area. He recommended starting with Vernon as they were already in the process of rezoning their area.

Mr. Fish recommended combining Light Commercial (C2) and General Commercial and adding in Commercial Neighborhood (CN) as there was not a lot



of difference in uses and noted that most of the definitions were already in Article 4.

Mr. Fish asked if the county wanted to rezone areas that want to be rezoned and felt they needed to start with community outreach. He stated that the commission could decide not to rezone and keep things as they are, but the commission needed to decide if it want to plan vs. rezone. He added that this was going to be a heavy task and very unpopular. He recommended to tread lightly, proceed slowly, get some ideas and direction from the administration, and start community outreach to see what the communities wanted to do.

The commission discussed the issues that were raised with Greer zoning. Mr. Fish stated that everything would be zoned under the county, he did not feel that there needed to be a certain set of zones for each area and added that to move forward they needed to decide on the zones and assign them to the areas.

Mr. Fish stated that the county could not fault some of the people in Greer even though some may be second homeowners, they are used to working on resolving an issue and getting a result, the squeaky wheel gets the grease, Greer wanted their own zoning, and they made it happen; the natural progression.

Mr. Peterson commented on the statement “it will be very unpopular” and asked if the very unpopular were part of the same residents who don’t belong to the committee that wants Greer zoning. Mr. Fish agreed. Mr. Peterson felt this was what happened in Greer, a few really squeaky and added that there are people he knows in the different communities that did not have the time and then we run in to the same situation that happen in Greer and it was the job of the commission to insure that people know the whole of what is going on.

Mr. Bragiel commented on remarks regarding trailer parks and thought there was verbiage already in the county rules for sanitation, safety, nuisance and felt as a good faith start with the public would be to designate those that need to be cleaned up, they would be working with what is already in place and not creating new regulations. Mr. Fish agreed and noted that he did not know a lot about liens and added that with some direction he would move forward. He added that he was beginning to understand that more regulations isn’t always the best thing, work with the rules and processes already in place to see if issues could be resolved.

Mr. Fish stated that in review of past minutes of the Greer Community Plan, people were determined at certain times and then would slow down for several years. He felt that if community meetings were held it had to be ran by his



department not a designated group of people. He added that a survey would be beneficial and we could get a pretty good feel for what the county wanted.

Mr. Jarvis commented that the city was looking at liens and was a simple process and that he would need to consult with legal and submit bids out for the cleanup and they would deal with any issues that possibly could come up during the cleanup (i.e., asbestos) and remove the liability to the county. Mr. Jarvis explained the type of lien would be a government lien and would never go away until satisfied and could possibly facilitate the sale.

Mr. Knight agreed with Mr. Fish, in that the county controlling the public meetings to insure biased was kept out of it and researching the existing rules they might be an avenue to facilitate cleanup and suggested to do some research on what could be use. He asked Mr. Fish what other direction he was looking for from the commission. Mr. Fish suggested tabling this until Community Development could do more research, he didn't have a specific date.

Mr. Bragiel questioned if there was a possibility of condemning property. Mr. Fish agreed and added that it would be the elected official's willingness to purse as this would leave a bad taste in the county as it was a paramount of personal property rights and not something they would want to touch if they didn't have too.

Mrs. Drye mentioned that when looking at filing liens they also needed to investigate how it would affect a tax lien. Mr. Peterson commented that it would be the choice of the potential buyer, when doing their due diligence prior to purchasing the property it would be their decision if they wanted to still purchase or not. Mr. Fish stated he would ask legal counsel and report back. Mr. Jarvis commented that the lien would have to be declared prior to the sale.

Discussion of October agenda items.

Mr. Fish explained the potential zone change applicate located between Chambers and Sanders requesting a change from agricultural to general commercial, the applicants overall intent, the zone change process, his research of the area, the history of the area, and the location. He added that he had not received any feedback from Supervisors or anyone else.

Acting Chair Traegen Knight closed the work session at 12:44 p.m. MST.

Public Meeting

Pledge of Allegiance given by Traegen Knight



Invocation given by Matt Fish

Call to Order.

Acting Chair Traegen Knight called the public meeting to order at 1:00 p.m. MST.

Roll Call/Determination of a Quorum.

Acting Chair Traegen Knight determined a quorum was present by roll call, six (6) commissioners present, Brad Peterson, Brad Jarvis, Traegen Knight, Bob Pollock, Carey Dobson, Michael Bragiel.

Call to the Public

Mary Iddings yielded time to Michelle Iddings.

Sam Iddings yielded time to Michelle Iddings.

George Iddings yielded time to Michelle Iddings.

Michelle Iddings lives at CR 1324 Greer, AZ representing the Family Trust responded to comments made during the business meeting for the record. She stated that she agreed with Mr. Knight that the county cannot interfere with an RV on private property unless it poses a threat to others and added that there were dilapidated RV even in non HOAs backyards in incorporated municipalities like Scottsdale. She commented that the rezoning should apply to all the unincorporated areas of the county and added that the state requires a certain number of people in an area to incorporate. Small villages & small areas of people should not have the power to influence additional legislation and stricter zoning for their area and felt that was why the state had that number is for the very reason that mob rule who can self-police and cause all kinds of issues. Normally, from their observation the people who will be the squeaky wheels and show up to these meetings to push zoning and sticker legislation are the ones who seek to control and even self-police and harass as in their situation. She added that there is a whole group of people working and minding their own business who thought that by buying in a non-HOA unincorporated area were safe from the control of HOA cops and safe under county rules and zoning. (Note provided for record).

Mrs. Iddings also addressed the commission for the record. Once again, she was here regarding Article 6 in Geer - which was recently pushed through on July 19, 2022 – despite opposition, and obvious problems that it was causing (even



BEFORE passing) – problems by the sane self-policing harassers who wrote it – and continue to make every attempt to control those who they choose to single out, supposedly because of it.

It's one year since Article 6 passed – and our family continue to be harassed and persecuted by prejudiced neighbors, who dislike us, and dislike us using our property. These disrespectful neighbors believe that our private personal property should be preserved, governed, and used by all. They refer to our property as -:" the meadow"-refusing to accept the fact that it is our personal private (paid for) possession. This mentality is a long time battle that others have suffered as well-including the Ownes family, who own much of Greer's private land, and have publicly expressed empathy to us right here, for having had to endure the same persecution that they have in Greer.

Those who seek control to harass us -including taking pictures of our children and grandchildren on our private property, and even calling the police about our daughter's music – but not bothering with other neighbors' even louder music. The officer said he could hardly even hear any music – upon which the man recently began a deeper harassment – in hostility calling my husband insane in front of the officer and saying that our home is a disgrace, and that we had ruined Greer. The officer told the man that in addition to not hearing the music, that he had no right to tell our family how to live or manage our private property.

It is very important to note that those who are harassing us believe that the former Phase 1, and the current Article 6, give them the right to govern, self-police, and harass. As stated, in the past meetings, both documents are clearly unconstitutional and encourage entitlement and communist minded to rule with an iron hand.

We bought our property in 2017 – years before the Greer hard zoning was proposed. As stated in previous county meetings, and established and approved in the December 2, 2021, meeting regarding proposed hard zoning in Greer – (in which we objected to our hard zoning) – our intentions for the property included using it for income. In addition to discussing our business and family use of it – we stated that we may eventually split it into 1-acre parcels, to either build on, or sell.

It was our understanding that in addition to being protected by the Grandfather Clause, that it was established at the meeting, prior to zoning assignments, that minor land divisions would be an easy process for all – including the bypassing of community involvement. It was upsetting to see the signs posted recently regarding a Greer minor land division, as if the community should have any say in



the dividing of one's property. People such as ourselves who purchased before Article 6 and hard zoning had passed, should not have to endure such a process- especially knowing the contentions of those seeking to prevent growth and development in Greer.

When considering purchase, we were told by our realtor that our unincorporated (non-zoned) property had endless possibilities. Soon after purchase -we were bamboozled by Greer Coalition members, into speaking in favor of Article 6. This was before really hearing Mr. Peterson whom we were told back then was "corrupt" – and coming to realize that we were taking part in a fight against freedom. We began to change our political views soon after hearing Mr. Peterson, and Mr. Bragiel at the 2018 meeting, where we regrettably helped influence the deciding vote in favor of moving Article 6 to a new level of approval. After expressing the changing of our views, the same mob who coaxed us into speaking for their agenda, began harassing and abusing our family.

At the December 2, 2021, meeting regarding Greer hard zoning, it was stated by Mr. Fish that there were a number of letters and calls regarding concerns about the then proposed agricultural property owners having future rezoning issues when wanting to split our properties. We had expressed concerns with splitting, in addition to expressing many other concerns with the zoning, as well as concerns with Article 6 in general. Despite Mr. Peterson's recommendations to take more time on zoning (business meeting December 2, 2023), it was decided at that meeting that the properties be zoned in a way that the minor land division would exclude us having to go through a drawn-out process, including community involvement. This was a relief to us personally- having 10 acres and knowing that there is a contentious mob of people fighting to control other people's private property in Greer and attempting to prevent growth and development. However, it was disappointing to see the recent minor land division signage posted in Greer – which once again encourages community opposition and singling out, in a community that is already prejudice in addition to being contentious about growth and development. Our understanding being present at the hard zoning meeting in December 2021, was that in addition to the Grandfather Clause – that it was also put in to place upon zoning assignments that those of us seeking minor land divisions in the future, could do so without issues and setbacks.

This board was well aware of the contentions by those seeking control in Greer, and Mr. Muth as chairman, as well as others have publicly apologized to our family because of all we've had to endure. Nonetheless, despite this knowledge, and despite Mr. Peterson's cautions, and recommendations – both the hard zoning, and Article 6 was "pushed through" – and our family continues to suffer for it.



During this season of life, we just want to live in peace on our 10 acre – simply enjoying every minute with our last 2 unmarried children at home – without fear of being harassed by the entitlement or communist minded. Therefore, the trustees of our properties, petition this board to clarify in the records either in this meeting, or a future agenda, that the agricultural properties purchased prior to hard zoning and Article 6 being implemented in Greer are guaranteed ease in their minor land divisions now or in the future– without community participation or approval, and to furthermore clarify our protection under the Grandfather Clause regarding the use of our properties. We believe this clarification will help alleviate some of the attempts to control and self-police the innocent.

Again, to clarify for the record, at the Planning & Zoning meeting on December 2, 2021, regarding hard zoning before Article 6 passed and before our property was hard zoned – it was established and approved by this board that the intentions of our properties were for income, and investment – which would include splitting the property if we choose to.

To Whom It May Concern, I and my family thank you for your time and consideration in working to defend our constitutional republic in your department and in Apache County and especially in working to protect our constitutional rights in Greer. We ask that you continue to keep in mind this mob-rule who seeks to push who are independent of them out of Greer, by way of intimidation, harassment and especially manipulative control through legislation because they have time for these meetings, they are not working.

We realize that it would be easier to push things through and let things slide – and thank you again for your hard work preserving, protecting and defending our beloved constitution. Mr. Peterson is now finished with the Constitution curriculum by Michael Farris, that I presented to the board back in February. I am hoping that it will now circulate through yours and other departments – particularly the current and future Board of Supervisors. Thank you again. (Note provided for the record). She added that this all kind of ties into what was discussed in the earlier meeting and Greer is the little guineapig for all this and we are proof that it didn't work and the people who have time for this, her daughter is working hard working her animals, she working she's sweating, people are busy taking her picture making her feel uncomfortable, calling the police and the police can't hear the music but the next day there is other music three (3) times as loud as hers. This singling out and self-policing is what you are inviting by trying to do all this extra legislation because you can't govern it, you can't monitor it or control it, so who is going to do that? The self-police are the people who aren't working



because they have nothing better to do. It's very disheartening and everything you were just talking about ties into everything we've experienced and would hate to see happen in another community because when people move into communities that they think are nonincorporated or non-HOA areas; we lived in Scottsdale, Paradise Valley when it was all desert before it was incorporated, we moved out of that so that we could have that freedom and we didn't think we were moving into that in Apache County.

Mr. Fish asked Mrs. Iddings if she believed that any type of MLD in Greer is not subject to a zone change. Mrs. Iddings stated that after listening to both the December 2, 2023 meetings there was a number of residents that expressed concern in the future with splitting their properties, some of them you ended up zoning residential some like theirs evidentially did not get zoned residential, there were a lot of other things on the agenda. Mr. Fish explained that two (2) of their three (3) parcels were over the acreage to have them zoned residential, it was decided that because they already owned two (2) agricultural pieces it was common sense to zone the smaller one agricultural. Mrs. Iddings agreed and added that Mr. Muth wanted it that way in general because they were contiguous. Mr. Fish clarified that in the December 2nd the work session these specific things were discussed. Mr. Iddings agreed and added the Mr. Peterson recommended that we not push it through, it was going too fast, that all of these concerns you were presenting that we stop and pause and take time and we didn't. Her concern was that since their property is called the "meadow and you know the problems they have had you could imagine if they decided to split the property and the signs went up and people outcry "this property is meant to be the meadow". Mr. Fish explained the process to split their property 5 times, more than five (5) splits they would have to file paperwork with the state. If they split their 10-acre parcel into five (5) 2-acre parcels would automatically qualify for a rezone into Greer Residential rather than agricultural. He felt that her confusion was saying that it was decided they would be able to do the split without going through the rezone process. Mr. Iddings stated that after listening to the minutes of the meeting that a number of properties that had those concerns ended up being zoned residential even though they were over the 2-acres so that if they split, they would not have to go through the zone change. Their concern was the same back then, but they didn't push for the zone change because they were more concerned with the verbiage with utilizing their property, open space. Mr. Fish stated he had not listened to the minutes but the process at that time they went ahead and zoned those agricultural as residential with the understanding they would do the MPD before actual rezoning but once Greer was rezoned anybody that wanted to do a



zone change from point forward would have to go through the rezone process. Mrs. Iddings concern for the record, they purchased before zoning and they didn't wasn't to deal with community pushback, community signs and people saying "oh no, this is the meadow this was intended for preservation" if they decide to split their property in the future. Mr. Fish explained that he would listen to the minutes and determine what was done. He advised her that it may be discovered that they will have to go through the rezone process. Mrs. Iddings understood and wanted it on the record so that if it ever came to litigation because obviously, they have been singled out in other things and if they are not on the good list next year, they wanted it on the record that they purchased this for this intention and the kids my in the future decide to split the property.

Review and approval of the minutes of the Planning and Zoning Commission working lunch session and public meeting held on August 3, 2023.

Acting Chair Traegen Knight presented the agenda item.

No comments.

Acting Chair Traegen Knight opened for a motion and discussion.

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

No Discussion

Vote, 5 ayes to 0 nays with 1 abstention, Commissioner(s) Brad Jarvis was not present at the meeting.

Motion Carried

PUBLIC HEARING(S)

CUP 2023-35 State 48 Development Consulting: Consideration and possible recommendation of approval to obtain a Conditional Use Permit to establish a 195-foot Monopole Wireless Communications Facility with ground equipment enclosed within a 200-foot by 200-foot compound. The property is located 7 miles east of Springerville, AZ on highway 60. A.P.N. 105-29-001. Section 14; Township 9N; Range 30E.



Acting Chair Traegen Knight presented the item. Mr. Fish provided a staff report and advised that maintenance of the access road was included in the lease agreement. Recommended approval without conditions.

Alex Crowe, representative for State 48 explained the purpose of the CUP. She stated that the was a 195-foot self-support tower with 5G technology and had the ability to collocate other carriers, the tower would be enclosed in a 200 x 200-foot compound with ground equipment and a backup propane generator used only in times of emergency, the site is planned to be solar powered and the access road will be maintenance as per their lease agreement.

No questions presented from the commissioners.

No written comments to be read for the record.

Mr. Knight opened the public meeting.

Mike Shade 13 Hackmore Quemado, NM, resides in Red Hill just across the New Mexico line addressed the commission with concerns of lighting and the effects it would have on his observatory. His understanding was that the FAA and the FCC did not require lighting on towers under 200 feet. He stated that can see the lights on the power plants and Springerville. He was also concerned with the infrastructure within the compound and lighting and asked if the lighting would follow the Apache County Outdoor Lighting Ordinance. He advised that he could see the lighting of the Hooper Ranch cell tower and the wind farm.

Mrs. Crowe addressed his concerns and advised that there would be a lightning rod on the top of the tower for grounding but there were no plans for a light on the top of the tower.

Commissioner Carey Dobson asked if there would be lighting within the compound. Mrs. Crowe advised that this site would be powered by solar site there may be some additional lighting during construction and the generator would be left on site for emergency backup, there are four (4) tech lights planned within the compound for maintenance only, they would not be on 24-7.

No other public comment requested.

Mr. Knight asked if staff had checked into the lighting ordinance. Mr. Fish stated that he had not and confirmed there is a lighting ordinance and would cross reference their construction documents with the ordinance.



Mr. Bragiel asked what the name of the carrier was. Mrs. Crowe advised that the carrier was Verizon with the ability to house additional carriers.

No other questions or comments.

Mr. Knight closed the public hearing.

Commissioner Michael Bragiel motioned to recommend approval per staff recommendation.

Commissioner Brad Peterson second the motion.

No further discussion.

Vote: 6 ayes to 0 nays. Motion carried.

ZONE CHANGE 2023-29: David Lofquist: Consideration and possible recommendation of approval for a Change of Zoning Regulations from GA-2 (Greer Agricultural, 2-acre minimum) to GR-1 (Greer residential, 1-acre minimum) for future land division, sale, and development. The subject property is located at 139 Main St., Greer, AZ. A.P.N. 102-07-004H. Section 11; Township 7N; Range 27E.

Acting Chair Traegen Knight presented the item. Mr. Fish provided a staff report. Recommended approval without conditions.

Applicant David Lofquist presented the purpose of his zone change request, his citizens participation results, the location, ingress/egress and added that his request was consistent with the Greer plan.

Mr. Jarvis confirmed that the ingress/egress to the lot in discussion would come through Greer View Estates and the remaining ingress/egress would come from 1120. Mr. Lofquist confirmed.

Mr. Fish read for the record a letter received from Dave Bennitt from the Greer Coalition.

“The Greer Coalition (GCI has reviewed the request by the Lofquist concerning rezoning. From our understanding of the request, it is consistent with a reasonable zoning request to change form Agricultural to Residential zoning. Our only concern would be if future lot split requests would be for less than one acre zoning. Since that is not happening in today’s request, the Coalition sees this as a legitimate request that is a positive opportunity for the community. Thank you for this opportunity to comment, Dave Bennett, GCI board member”.



Mr. Fish commented that he had replied back to Mr. Bennett and assured him that under Greer Article 6, GR could only be a minimum of 1-acre and could not be split smaller, He explained that there were lots in Greer smaller than 1-acer that were done years ago and were considered grandfathered,

No further discussion.

Mr. Knight opened the public hearing.

Mary Iddings yielded her time to Michelle Iddings.

Sam Iddings yielded his time to Michelle Iddings.

George Iddings yielded his time to Michell Iddings.

Michell Iddings, 73 CR 1324 Greer AZ representing the Iddings Family Trust for the record expressed concerns with the Greer Coalition the self-proclaimed group that meets privately and thinks that they can control Greer, a lot of the hostile people are in this group, so to give credibility to this group moving we are not going to, I overheard in the meeting the county is the one who needed to oversee things and not groups of people, this is great because it's dangerous to have this group of people who can form their own click and decide that they are prejudice against the Iddings family or any other family and for whatever reason they reviewed the Lofquist and for whatever reason this is acceptable with them but yet the Iddings' isn't. I don't think that little groups like that should have any say over what happens in Greer, this is one of the reasons that the state requires a certain amount of people in order to incorporate an area because you get this little mob-ruling and it turn into self-policing. I felt it was really important to state that any group that puts their own label should not have any more credibility than her standing here and representing her family.

I petition that the Lofquist property and any other agricultural properties purchased in Greer prior to Article 6 and hard zoning was implemented, be able to split their properties without any community involvement or say-so in whatsoever in Greer.

Our understanding being present at the December 2, 2021 Greer hard zoning meeting, is that was what was put in place upon agricultural assignments that day would protect those property owners from having a problematic process upon splitting. That was a discussion in the business meeting as well as the meeting afterward.



At the December 2, 2021, meeting regarding Greer hard zoning, I already read this I'm not going to read this again she can just put it into the minutes [from letter provided] 'it was stated by Matt Fish that there were a number of letters and calls regarding concerns from the then proposed agricultural property owners – possibly having future rezone issues, when wanting to split our land. We personally had expressed concerns with splitting our agricultural property, in addition to many other concerns with the Greer hard zoning and Article 6. It was decided at that meeting that the properties be zoned in a way that when the owners decided to split them in the future, it could be done with ease and exclude having to go through a rezoning process with community involvement. That was a relief to us personally - having 10 acres and knowing that Greer includes a contentious mob of people fighting to control other people's private property, while attempting to prevent use, growth, and development. However, it was disappointing to see that recent Lofquist minor land division signage posted in Greer – which encourages community opposition in a community that is already contentious about growth and development-particularly if one is independent from submitting to their coalition clique'.

The Lofquist family may not have had opposition in their quest to split their land. Perhaps the Greer Coalition mob (again, I didn't know they had written to you but here I had already written that already), didn't mind this particular split. However, the threat of opposition should be considered, and all agricultural property owners should be insured protection. It is especially important for those properties that were purchased prior to Article 6 and hard zoning being implemented to have clarification in their protection from the mob - who could oppose the splitting and development of properties. So again, they review our property they say, well this is not in accordance with what our plan was so we disagree with the splitting of the Iddings' property this is the meadow, this is preservation. You see, it can be based on prejudices and not necessarily reality but again they are the ones who wrote this all up to begin with which is why Mr. Peterson was pushing back in 2017 when we first started this quest, we didn't understand it because we were bamboozled to be on their side by thinking they were just protecting our value of our property and then in listening we walked out of here and said I think we are on the wrong side and as soon as we started asking questions and pushing back then we start getting persecuted. So, this is not a healthy community because again, these are people we feed in our home, we served, we did things for, it's just not right what's happening in Greer, and I think that it's important anytime anything comes up in Greer that the Greer Coalition should not be allowed to govern anything in Greer.



The planning and zoning board as well as current and past Apache County Board of Supervisors are well aware of the contentions in Greer by those seeking to control development and growth. Our family has received several public apologies at these meetings because of it. Our understanding being present at the hard zoning meeting... I've already talked about this; I think that the right things are going to be put in to the minutes. [From note provided] 'in December 2021, was that what was put in place upon zoning assignments would protect those of us seeking future minor land division- without issues or setbacks- including more prejudices, harassment, and persecution as the mob- rule has been proven to single out. Please implement what was previously established – that those properties purchased prior to Article 6 and hard zoning being passed, are able to divide their properties with ease and are protected un the Grandfather Clause'.

I and the trustees of our estate, petition you to please protect property owners by clarifying these things – either now, or in a future agenda.

Thank you for your consideration working to protect the constitutional rights.

No questions from the commission.

Mr. Knight closed the public hearing.

No further discussion.

Acting Chair Traegen Knight opened for a motion and discussion.

Brad Jarvis motioned to recommend approval per staff recommendation.

Commissioner Carey Dobson second the motion.

No discussion.

Vote: 6 ayes to 0 nays – Motion carried.

CUP 2023-28 SBA Towers: Consideration and possible recommendation of approval to obtain a Conditional Use Permit to establish a 120-foot multi-carrier rusticated steel Monopole Wireless Communications Facility with ground equipment, enclosed within a 75-foot by 75-foot chain link compound. The property is located at 68 County Road 5126 in Concho, AZ. A.P.N. 201-49-062. Section 33; Township 12N; Range 26E.

Acting Chair Traegen Knight presented the agenda item. Mr. Fish provided staff report. Recommended approval without conditions.



Reg Destree explained the push from Verizon to increase cell tower locations in Navajo and Apache Counties to improve coverage in areas underservices along highways and some quasi-residential areas. Verizon is trying to provide coverage as part of an overall plan, in some areas they have been able to collocate on other towers they are planning to collocate on the CellOne tower in Nutrioso. When necessary, they have been looking into new sites, due to the rural nature of most of these sites there has not been an option for collocation. He expected there would be two (2) more applications within the next few months.

Mr. Destree presented the application for a monopole and explained their neighborhood meeting findings; a couple of people were opposed, a couple in favor, and one (1) undecided. He explained the location of the tower and their reason for choosing this location; the area to the east is state land, the property to the south the site is about 75 feet from the south property line and have provided an easement; they are excited to get the easement and improved coverage. He advised that they were trying to mitigate the visibility of the monopole and will provide coverage several miles in every direction. This tower will be available for multiple carriers. He explained that the 75 x 75 foot compound would have room for all the carriers, power would be provided from the front of the property, access will be provided by the legal access across the proposed property and a well-maintained existing gravel roadway across the neighbor's property. They felt this was the best option for the area, the pole will be rusticated so it's not reflective. He pointed out that the height of the pole will be 125 feet not 120 feet.

Mr. Jarvis asked what the distance was from the facility to the house across that property. Mr. Destree stated that the nearest house was about 1500 feet away over ¼ mile away, it's a very long and skinny parcel.

Mr. Pollock asked if the adjacent owner to the south that provided the easement were compensated financially. Mr. Destree responded that they did not, in kind they are able to use the easement, it's a joint access agreement.

Mr. Dobson asked what lighting would be on the tower. Mr. Destree explained that because the tower was 125 feet and over five (5) miles from an airport they should not be required to have any lighting, no strobe lighting. It is always safe to assume there will be work light or two (2) by the equipment and especially if there is a platform and any of these will be noted on their final construction drawings and be handled through the building permitting process to ensure they meet all of the County requirements.



Mr. Knight what the property was to north. Mr. Destree advised it was private owned and noticed as part of their participation plan. He advised that they also notified the library, the bishop at the church, and public school as staff had requested. Twelve notices sent and five (5) attendees at their neighborhood meeting.

No other questions or comments.

Mr. Fish read for the record a letter received from Matthew Wiley,

R/E: Cell Phone Tower Protest against: CUP 2023-28 SBA Towers Proposal

“To the Zoning Board,

We live on the property directly next to the proposed placement site of the tower within 300 feet of the proposed tower site. I wish to express extreme opposition to the possibility, do not want it and will protest and fight against it to the limits of our ability to stop this eyesore from being constructed at the proposed location of 60 CR 5126 Concho, AZ.

We purchased our property in 2007 to get away from this very type of issue, our desire was a quiet country residence away from ‘civilization’ in a relatively undeveloped area NOT next to 120-foot-tall multi paneled microwave tower with adjacent industrial building and fencing that will be dominating the eastward views from our home and degrading our property value. I have viewed this style tower in all in several other existing locations in both Apache and Navajo Counties and vehemently opposed to such a structure 300 feet!?! away from my home, running the rural beauty of the area. “Rustication” of the tower is NOT going to make any substantial differences to such an eyesore and its supporting structure and fencing. I choose my property and home location to avoid situations exactly as this!

A such please make My protest a matter of the public record. I will look forward to attending the meeting of September 7th to protest against this proposed tower and make my voice heard along with any and every other venue available to stop this project to be completed anywhere in sight from my property. There is so much open land with nothing near, much less 300 feet close to occupied full time residence. Please find an alternative location for this Tower Project. Surely there are other viable locations.

Thank you for taking time to review my concerns. Matthew Wiley”.



No other written comments for the record.

Mr. Knight opened the public hearing.

Matthew Wiley resides at 70 CR 5126 directly adjacent to the property, he submitted the letter read for the record, complimented Mr. Destree for his cooperation and professionalism and he's been excellent to deal with, he has no issues with him. Mr. Wiley spoke in opposition of the proposed cell tower as stated in his letter and added that he had perfectly fine internet coverage, he didn't understand why this tower had to be put at this location, he advised that the power goes out all the time in this area and now he had to listen to a generator and see the lights and believed this tower would degrade his property value. He is not against progress but felt it needed to be in another location. He asked the commission if they would accept this tower 300 feet off their property line.

Mr. Knight asked Mr. Destree what the distance was from Mr. Wiley's residence and the tower location. Mr. Destree referred to Mr. Wiley. Mr. Wiley stated that according to the documents he had received, he was located within 300 feet of the property line, he realized that it may not be from his house located about the center of his property (approx. 6-acres).

Mr. Peterson clarified that he was talking about the rules for notification and explained the notification requirements.

Mr. Wiley identified his property in relation to the site of the tower and acknowledged that the tower site was not within 300 feet of his residence. Mr. Fish pointed out the per the site plan provided, the perimeter of the tower to the west end of the property was 1,114 feet.

John Rathin resides at 28 Buckskin Lane Concho, AZ directly line of site of tower location, he has a background in cellular construction and on all the towers they constructed over 100 feet always had a blinking red light at the top and some close to the airport had the additional strobe light. He wanted to make sure there would not be a strobe light, he is an astronomer, and his observatory was in direct line of site. He expressed concerns that a strobe light would destroy any deep sky imaging, the light would illuminate the light all around the sky. He wanted to make sure that there would not be a strobe light and that a=any other lighting was shaded to light the ground as the sky light will diminish any of his imagery in that direction.

No additional public comment.



Mr. Knight closed the public hearing.

Mr. Peterson responded to Mr. Wiley's question to the commissioners, if they would accept this tower 300 feet off their property line and responded to Mr. Rathin's concerns to lighting. He explained the towers and the lighting in his area. Mr. Wiley asked if they were there when he bought his property. Mr. Peterson responded no.

Mr. Knight clarified that the tower met the setback zoning requirement. Mr. Fish stated it was well within the setback requirement.

Mr. Jarvis asked if there would be any issue with the tower being 125 feet not 120 feet as presented. Mr. Fish felt this was a typo and advised that the permit was applied for at 125 feet, the narrative noted 120 feet and 125 feet. Mr. Knight agreed and pointed out that all the maps and photos provided noted 125 feet.

Acting Chair Traegen Knight opened for a motion and discussion.

Commissioner Brad Peterson motioned to recommend approval per staff recommendation.

Commissioner Carey Dobson second the motion.

Vote: Unanimous 6 ayes to 0 nays
Motion carried.

CUP 2023-30 VB BTS II, LLC: Consideration and possible recommendation of approval to obtain a Conditional Use Permit to establish a 199-foot multi-carrier Wireless Communications Facility with ground equipment and solar photovoltaic system enclosed within a 100-foot by 200-foot compound. The proposed location is on an approximately 15-acre portion of the 160-acre parcel, located north of the highway at mile marker 392.4 E. US Highway 60 Springerville, AZ. A.P.N. 105-33-001. Section 30; Township 9N; Range 30E.

Acting Chair Traegen Knight presented the agenda item. Mr. Fish provided staff report. Recommended approval without any conditions.

Reg Destree presented their proposed application for a 195-foot tower with a 4-foot lightning rod on top for grounding. This site is in conjunction with the tower



presented in item 7 (four (4) miles apart) with the idea that they will provide continued coverage to the state line. Verizon will be the primary carrier with the ability to collocate other carriers. They have legal access and also working with state land for a right-of-way across their existing driveway, eliminating any need for ADOT permit. This will be a solar powered site with backup power within a 100 by 200-foot compound. The property will continue as ranching land surrounded by state land, they did not hold a specific neighborhood meeting; they sent a notice to ADOT - they had no issues as long as they had a one (1) to one (1) setback from the highway which they more than meet, the state had no comments.

Mr. Knight asked if all the towers will be built. Mr. Destree stated that these sites were all planned to be built, Verizon has realized that they have not kept up with Apache County needs. He advised that the site at Lyman Lake will be built, and they are working on collocating, they are planning another site on the north side of Greer, and one (1) northwest of Concho on the Concho Snowflake highway. Verizon understand that they needed to take different efforts and have contracted with SBA and Vertical Bridge to build all the towers.

No written comments to read for the record.

Acting Chair Traegen Knight opened the public hearing. No comments.

Acting Chair Traegen Knight closed the public hearing.

Mr. Bragiel asked if there was a timeline to build the towers. Mr. Fish advised that construction had to start within one (1) year.

Mr. Bragiel asked if there was any indication of who was liable for decommissioning. Mr. Fish stated that it was standard operation to include that in the lease agreement.

Acting Chair Traegen Knight opened for a motion and discussion.

Commissioner Brad Peterson motioned to recommend approval per staff recommendation.

Commissioner Brad Jarvis second the motion.

No Discussion,



Approval October 5, 2023

Vote: Unanimous 6 ayes to 0 nays
Motion carried.

Mr. Peterson commented that communication was very important and why he pushed for helping the community with power, communication, water, etc.

Mr. Knight agreed with Mr. Peterson and commented that Apache County was growing, and this was going to be a changing area and we have to keep up with communication issues.

Report from Staff to the Commission.

No report

Adjournment.

Acting Chair Traegen Knight opened for a motion.

**Commissioner Carey Dobson motioned to adjourn.
Commissioner Brad Peterson second the motion.**

Public hearing adjourned at 2:25 p.m. MST.