

**PLANNING AND ZONING COMMISSION
MINUTES FOR April 7, 2022**

In Attendance:

Commissioners

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

Staff

Matthew Fish, Director
Shanna Pearce, Plan Reviewer

Working Lunch Session

Called to order at 12:00 p.m.

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

Mr. Fish clarified his quote in his staff report regarding RV Parks within Alpine per the area plan and would address further in the public meeting.

Item #2 Director's report on current events.

Mr. Fish provided information regarding renewable energy companies interests in the county and Terrapins CUP permit.

Item #3 Discussion of amending Greer Article 6.

Mr. Fish provided a brief overview on the status and proposed recommended changes; use of RV's, definitions from Greer Phase 1.

Commission discussed dedicating a regular meeting in Greer specific to Article 6.

Mr. Freeman clarified that the comprehensive plan was an community plan, not a county plan providing directions for specific areas within the county.

Mr. Freeman provided a brief history of Greer Phase 1 and Article 6.

Commissioners discussed developing subcommittees and the mechanism for moving forward with Article 6.

Commissioners agreed to hold the July 7, 2022 meeting at the Greer community center.

Commissioners discussed having work sessions at different locations.

Adjourned 12:20 p.m.

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 nine (9) commissioners present.

Item #3 Call to the Public

Rick Stilgenbauer, 3417 E. Hampton Court Gilbert, AZ representing Terrapin Investment Fund, LLC addressed the commission regarding Cannabis Dispensary application previously removed from this agenda and requested the item be placed back on a future agenda as soon as possible.

George Iddings 73 ACR 1324, Greer, AZ addressed the commission regarding Article 6 and the conflict of interest he felt Mr. Freeman had because of his involvement with the coalition in the creation and implementation of Greer Phase 1 and Article 6.

Michelle Iddings 73 ACR 1324, Greer, AZ addressed the commission regarding Article 6, HOA's, personal attacks from community members regarding the use of their RV's, their property rights, and the conflict of interest she felt Mr. Freeman had because of his involvement with the coalition in the creation and implementation of Greer Phase 1 and Article 6.

Mr. Freeman felt that there should be a clause for the chair to address defamation, as everyone was a volunteer and stated that the law prevails in all cases; there are laws in Greer, sometimes enforced, and were enforced regarding Mr. and Mrs. Iddings.

No further comments.

Call to the public closed.

Item #4 Approval of the minutes from the March 10, 2022

Chairman Dan Muth opened for a motion.

Commissioner Kay Hauser motioned to approve the amended minutes.

Commissioner John Freeman second the motion.

Mrs. Kay Hauser explained the recommended changes.

No further discussion.

Vote, Unanimous

Item #5 PUBLIC HEARING, consideration and possible recommendation for approval of a conditional use permit allowing Fred Gomez to develop and operate a 113-space RV park on 11-8-acre parcel. The property is located at 42768 Highway 180 in Alpine, AZ A.P.N. 101-18-010.

Chairman Dan Muth opened the public meeting.

Chris Anderson, CR 2134 House 1, Alpine, AZ spoke in opposition.

Tamara Quetel yielded her time to Frank Gonzalez.

Frank Gonzalez, 29 CR 2082, Alpine, AZ spoke in opposition.

Linda Whitetrifaro, 5 CR 2078, Alpine, AZ spoke in opposition.

Ran Ramsey, yielded time to Mitchel White.

Mitchell White, #5 CR 178 spoke in opposition.

Tom White, yielded time to Mitchell White.

Boyd Gertsch, 2068 #13 Village of Alpine spoke in opposition.

Cathy Cross, 23 CR 2066. Alpine, AZ spoke in opposition.

Betsy McKenzie, 224 CR 2177 spoke in opposition, siting the Alpine area plan.

Commissioner John Freeman addressed concerns with property rights.

Mr. Fish added that the overlay for Alpine was never adopted.

Joe Peddie, #5 ACR 2089 Alpine, AZ spoke in opposition.

Mr. Jarvis clarified his statement regarding the approval from Alpine Fire District. Mr. Fish confirmed that Mr. Gomez had provided a letter of approval with his application.

Kim Ames, 2 ACR 2081 Alpine, AZ yielded one (1) minute of her time to Joe Peddie. Spoke in opposition.

Dan Cross, 28 ACR 2066 Alpine, AZ spoke in opposition. Tami Teel, Alpine, AZ spoke in support.

Tami Teel, #29 ACR 2051 Alpine, AZ business owner spoke in support.

Art Quetel, LZ Ranch Road former 4277 Alpine, AZ spoke in opposition.

Dan Hansing, ACR 2082 Alpine, AZ spoke in opposition.

No further public comments.

Chairman closed the public meeting.

Commission discussion:

Mr. Fish provided staff report and clarified his quote made in the work session regarding the Alpine overlay and read from the area plan "Future Commercial Development". Mr. Freeman noted that the presence of legal council was needed to differentiate between the appendix of the proposed ordinance and the plan, his understanding was that they were one document.

Applicant, Fred Gomez #3 ACR 2053 Alpine, AZ addressed the commission, provided an overview of the community and his property, the only concern of fencing from the forestry service, and addressed the community concerns of water, sewer, ground contamination, flooding, and ingress/egress.

Vice-Chairman Oscar Miranda clarified the use of the proposed RV Park. Mr. Gomez stated some park models but most RV's.

Mr. Knight questioned when he anticipated the final plans would be complete. Mr. Gomez explained the documents he was needed and the issue he is having with finding someone to finalize the plans.

Mr. Knight asked if he had a FEMA map. Mr. Gomez replied he did not.

Mr. Fite questioned Mr. Fish if the commission could make a recommendation with a condition for the final plans or if the recommendation needed to wait for the complete plans. Mr. Fish stated that was up to the commission.

Commissioners discussed adding a condition related to restricting the age of the RV's.

Mr. Gomez stated he would not allow any permanent additions such as deck covers and each space would allow for one (1) RV and one (1) vehicle.

Mr. Dobson clarified the size of the lots. Mr. Gomez confirmed each lot would be 55 x 36 and allow for one (1) RV and one (1) vehicle.

Mr. Dobson asked for clarification of the pull out on to the highway and if it was on a curve. Mr. Gomez stated no and was waiting on ADOT's report.

Mr. Dobson asked how he planned to address the concern with blowing trash. Mr. Gomez explained that 12-foot around the perimeter will have a berm to contain the water and added that any culvert will get filled with trash and debris.

Mr. Freeman clarified that the RV's would not be park models. Mr. Gomez stated they were not; he didn't buy park models, and this was just an RV park. Mr. Freeman further clarified that in his definition of RV's he mentioned dimensions that considered RV and asked if there would be an allowance for park models on site. Mr. Gomez stated he would abide by the counties direction. Mr. Freeman asked that without any county restrictions that park models would be allowed on site. Mr. Gomez asked how he could tell someone they could not have one. Mr. Freeman interpreted that there would be park models allowed.

Mr. Knight asked if he would be willing to put up decorative fencing to mitigate trash and conceal the property. Mr. Gomez stated no. Mr. Traegen polled the guests, majority was opposed to the fencing to conceal. One community member stated that the roadway was elevated above his property and would not conceal anything.

Mr. Peterson commented regarding the wildlife in the area.

No further discussion.

Chairman called for a motion.

Mr. Miranda commented regarding flood plain, trash, drainage, ingress and egress, and felt there was more work that needed to be completed.

Mr. Fite shared comments regarding difference of opinions and consensus, damage to the stream and creek, existing corridor for the elk, ingress and egress for the proposed property and other RV parks in the area with no issues, the need of another RV Park, density, references made regarding the Alpine community plan (referred to page 17 "Future Commercial Goals") development of forest service and state land vs. private land, fire district support and their structural protection plan, travel trailers being harmonious with the area. Community member interrupted in objection to Mr. Fite's comments. Chairman requested order; community member was excused from the meeting. Mr. Fite continued his comments, his survey of 12 business owners 8 in agreement with the RV Park, 2 against (one Alpine Cabins) 2 indifferent, permanent vs. seasonal residents, property assessments, residents that were in favor of the RV park that were not all in attendance today, and private property rights cited A.R.S. Title 12 Chapter 8. Article 2.1 and A.R.S. 12-1134 Private Property Protection Act. Mr. Freeman agreed with his comments.

Mr. Miranda shared his results of a survey he conducted of local business owners, some needing help and didn't have the ability to recruit help and were hopeful the RV Park would allow for low-cost housing to sustain their business.

Mr. Freeman questioned if a major subdivision request and if the 113 lots needed to be platted out individually. Mr. Muth did not feel they were just parking spaces unless the intention was to sell the individual spaces'. Mr. Gomez stated they were not for sale. Mr. Freeman confirmed that a changed in the use would require another process.

Mr. Dobson thanked those in attendance and commission for their participation.

No further discussion.

Chairman called for a motion.

Commissioner Traegen Knight motioned to approve with conditions and questioned if the commission could issue a preliminary approval pending the final plan from Mr. Gomez.

Commissioners discussed recommending approval with conditions vs. tabling for review of the final plans.

Mr. Knight motioned to approve with the condition to approve through a second hearing the final plans, he did not want to table.

Commissioner Brad Peterson second. Mr. Muth asked if there were any stipulations or contingencies.

Mr. Knight clarified his conditions; 1. Final approval of the applicants final plan 2. No RV's allowed older than 10-years of age 3. Commission approval of the FEMA flood zone map.

Mr. Peterson did not agree with the 10-year condition and withdrew his second.

Commissioner Brad Jarvis second the motion.

Mrs. Hauser asked Mr. Gomez if he would consider landscaping around the perimeter of the property. Mr. Gomez agreed. Mrs. Hauser requested this be added as a condition. Mr. Knight approved.

Mr. Knight amended his motion; 1. Final approval of the applicants final plan 2. No RV's allowed older than 10-years of age 3. Commission approval of the FEMA flood zone map 4. Provide perimeter landscaping.

Mr. Jarvis second the motion.

Chairman called for the question.

Vote: 8 ayes to 1 nay

Mr. Dobson requested to amend the motion regarding condition 2. Commissioners discussed a reasonable age. Commissioners agreed to 15-years.

Commissioner Brad Jarvis motioned to amend Mr. Knights motions; 1. Final approval of the applicants final plan 2. No RV's allowed older than 15-years of age 3. Commission approval of the FEMA flood zone map 4. Provide perimeter landscaping.

Commissioner Brad Peterson second the amended motion.

Chairman called the question to amend the main motion.

Vote: 8 ayes to 1 nay.

Mr. Freeman advised the commissioners of County Ordinance Section 1107 (B)1 and of the legal consequences regarding the motion.

Mr. Knight shared his feelings regarding the motion.

Mr. Freeman shared that his input was specific to law, community plan, comprehensive plan, county ordinance and compliance with specific objectives. He felt the application needed to be tabled for legal advice and engineering opinions and would be a more harmonious choice for the commission.

Mr. Muth explained the benefit to the applicant with a conditional approval.

Commission discussed the consequences if legal returned with an opinion that this was not an allowed use and the continued investment of Mr. Gomez.

Mr. Muth recommended to staff to seek council from the attorneys office based on information provided and the interpretation of the existing ordinance and plan to see if there is any conflicts that can be advised to the commission when this comes back to the commission and a report included with the application brought back before the commission. The motion states that this application will come back before the commission prior to a recommendation to the BoS. Mr. Freeman agreed.

Mr. Jarvis recommended to Mr. Freeman to amend the motion.

Commissioners agreed that staff would seek a legal opinion and an amended motion was not needed.

Chairman called for the question.

Vote: 7 ayes to 1 nay with 1 abstention. (Mr. Marinda, nay, Mr. Freeman abstention)

Motion carried.

Item #6 Report from Staff to the Commission

No report.

Item #7 Adjourn

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

Adjournment 3:20 p.m.