

## Apache County Zoning Ordinance

Existing regulations that now govern land use in Apache County and specifically Alpine, have been excerpted for use in understanding the process. Article 4, Section 401, (Objectives) of the Apache County Zoning Ordinance states that the Agricultural General Zone is intended to:

1. Provide for limited residential uses consistent with rural land areas,
2. Provide orderly and economic development of more intense urban uses,
3. Assist further planning implementation, and
4. Act as a holding district.

The meadow where the proposed high intensity trailer / RV park would be located is zoned Agricultural. The use proposed in Conditional Use Permit (CUP) application 22-13 contradicts intended uses in Agricultural Zones.

Article 4, Section 403 Permitted Uses, paragraph A, item 7 states that one single family dwelling or mobile home per parcel is permitted.

(Alpine Community Plan specifically prohibits mobile homes).

Paragraph E item 6 clarifies that all other uses shall be subject to review and approval for a Conditional Use Permit.

Section 1107 (Conditional Use Permits) of the Apache County Zoning Ordinance states that a proposed use will be harmonious and in accordance with the general and specific objectives of the Apache County Comprehensive Plan as well as any subarea plans (such as the Alpine Community Plan), and that a proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

(The proposed development is more intense than, and is not compatible with, existing surrounding uses. It exceeds by magnitudes the maximum dwellings per acre of four for multi building lots as listed in the Alpine Community Plan. It is not harmonious with either a Recreational or an Environmentally Sensitive character area as described in the County Comprehensive Plan that might be created for this particular location in a scenic meadow adjacent to National Forest.)

## Apache County Comprehensive Plan

The **Apache County Comprehensive Plan** looks to the future and long term viability of Apache County. It encourages open and effective communication, and neighborliness, and hopes to meet the needs of unincorporated communities. Pertinent excerpts include:

Coordinate physical development, stewardship of and respect for natural resources, protecting investments in private property and establish a long range vision for development in Apache County (p3).

Establish Character Areas which may protect natural resources and environmentally sensitive areas such as watersheds, and protect the rural character of the county by directing growth to village centers and preserving open space (p11).

Rural Edge Character Areas could provide lower density residential development adjacent to Community Village Areas (p13).

Stand alone developments here should be approved only with a community master plan that addresses location of residential and non residential uses (p 15).

Recreation character areas provide for limited growth on properties surrounded by and adjacent to National Forest Land (p15).

Land uses adjacent to Environmentally Sensitive Character Areas would be designed to have limited visual or other impacts on the scenic value of surrounding properties (p16).

Rural character and dark skies would be preserved and subdivisions and dwelling limitations regulated through implementation by individual communities of area plans or tailored zoning ordinances or voluntary planning areas as well as the use of Special Zoning Plans (p21).

Assess Cost of Development fees to build public benefits that also benefit the development (p23).

Goals include improving and maintaining quality of life, considering uses that are compatible with existing uses in intensity or density (p24), protecting scenic vistas (p25), installing pedestrian, bicycle and non-motorized connections (p33).

## **Alpine Community Plan**

The **Alpine Community Plan** is incorporated into the County Comprehensive Plan as a guide to thoughtful and responsible consideration of residents' visions of future growth. Pertinent excerpts include:

Page 3: Introduction "The goal of the Alpine community is to direct the orderly, sensitive growth of the area while protecting its natural beauty, rural character and the existing quality of the mountain area environment."..."We have tried to encourage careful, imaginative development so that the environment is protected, wildlife is protected, the quality and quantity of our water is protected and our investment in our homes (present and future) and our property is protected."

Page 4: Vision "It is the desire of Alpine residents to maintain and enhance the community's economic stability, scenic beauty and high quality of life."

Page 17: Future Commercial Development "The area's primary residential and open space character should be maintained." ... "Ensure that commercial activities are compatible with surrounding land uses in terms of visual appearance, traffic generation, water and sewer requirements, and noise and air quality impacts."

Page 20: Environmental Element

Introduction: "Mountain residents and investments are attracted by the spaciousness available between homes and between developments. The views and openness are a significant part of the area's quality of life. Because of its especially important visual qualities, development throughout the Alpine area should be designed to complement the landscape, not degrade it."

Goals: "Promote slow growth." "Encourage purchase and leasing of development rights to protect meadow areas."

Strategies: "Perform a study to determine the availability of water in the Alpine area and the amount of development / population the existing water could support."

Page 21: Future Residential Development Goals:

"Maintain and protect important natural space,

Connect open spaces with corridors and linkages,

Minimize habitat fragmentation,

Set aside large parcels of meadow for open spaces, ...

Encourage lower density residential development that is enhanced by open space"

Page 22: Strategies

"Homes should be natural in appearance...and...blend in with surroundings,,increased side yard setbacks...minimum 50% open space on any lot...Limit ...multi-family dwellings..to no more than 4 dwelling units per acre...Prohibit mobile homes except in existing mobile home parks."

The **Alpine Overlay Ordinance** begins on page 26 of the Alpine Community Plan. Here are some pertinent highlights from that document:

#### Section 302 Development Ethic

“Alpine is a mountain village in a splendid setting. The character of the community is a mixture of open land, homes, commercial enterprises, and resorts. Residents and property owners perceive Alpine as an area that must preserve its scenic quality, character, and the long-term potential of its natural resources. These qualities attract visitors, industry, and investment, and their protection is in the long-term best interest of Apache County.”

#### Section 303 Jurisdiction and Objective

1. “Encourage adequate open space and separation between buildings;
2. To enhance visual aesthetics;
3. To encourage single family residences, resort uses and convenience, personal service, appropriate, light manufacturing and retail uses to serve residents and visitors;
4. To maintain the rural village quality and image of Alpine;
5. To protect the public safety by controlling development in areas of flood plain, saturated soils, or unstable soils or steep slopes.
6. To maintain traditional uses of land in Alpine such as agriculture, ranching and recreation.”

401.01 Permitted Uses “Single family residence, except for mobile homes...”

#### Page 29: 401.03 Prohibited Uses

1. “Mobile home parks or subdivisions, except in areas approved by the Board of Supervisors
2. Travel trailer parks or subdivisions,
3. Mobile homes ...”

#### Page 31: Development Standards for Permitted Uses 402.12 Open Space

“Each lot or parcel must maintain a minimum 50% of open space.”

Page 33: Article 5 Conditional Use Section 502.06 Density “The maximum multi family or multi building density on any lot or parcel shall be four (4) dwelling units per acre.”

#### Page 36: 502.12 Conservation

“... site designs will preserve and enhance...water course, hills, slopes, and other natural features, as well as vistas and historic locations, and will be compatible with existing adjoining development...”

## **? What is the status of the Alpine Community Plan?**

There is apparent confusion about whether the Alpine Community Plan and the Alpine Overlay Ordinance which is in Appendix A of the Alpine Community Plan have been adopted by Apache County.

The Alpine Community Plan is published online and referred to by the County as a governing document (section 1107 B. 1. p86 of the Apache County Zoning Ordinance and page 20 of the Apache County Comprehensive Plan). (These documents are available online at [www.apachecountyaz.gov](http://www.apachecountyaz.gov) as well as through links provided in this website for County documents)

Some interested citizens have been verbally informed that the Alpine Community Plan is a guideline or an outline and has not been approved by the County. A transcript of the April 7, 2022 public hearing, and specifically comments starting on Page 19 of the transcript as well as on page 27 of the transcript documents some concerns by Planning & Zoning Commissioners about the Alpine Community Plan and its Appendix. Page 35 of the transcript documents a commissioner referring to the Alpine Community Plan to support the location of this particular development as being within 300' of the highway (see page 17). Page 17 also recommends development fees.

The transcript was provided by concerned citizens and was made from audio files provided by the County. It contains statements made by members of the public. The meeting minutes issued by the County do not contain the comments made by members of the public.

A Public Records Reproduction Request (PRRR) dated May 3, 2022 indicates some sort of delay to the process of adopting the Alpine Community Plan but does not confirm the approval status or lack thereof, of the Alpine Community Plan. Refer to pp 135 and 163 out of 179 pages in the 5.3.22 #2 set of public records documents.

The transcript of the public hearing on April 7, 2022 and documents received from the County in response to a Public Records Reproduction Request (PRRR) dated May 3, 2022 are both available to peruse on this website. (The PRRR is in two documents; #1 and #2.)