

The Yuma County Board of Supervisors met in a Regular Session on July 5, 2005. The meeting was held at 198 South Main Street, Yuma, Arizona.

At 9:03 a.m., the Chairman called the meeting to order. Board members present were: Casey Prochaska, Greg Ferguson, Russell McCloud, Marco A. (Tony) Reyes and Lenore Loroña Stuart. Others present were: County Administrator David R. Garcia, County Attorney Jon Smith, Financial Services Director Doug Allen, Sr. Management Analyst Berton Wills and Clerk of the Board Sue Stallworth.

Supervisor McCloud led the Pledge of Allegiance.

**CALL TO THE PUBLIC:**

Gayle Castricone, 3620 West 5<sup>th</sup> Street, Yuma, commented on the County's zoning violation process and her disappointment with hearing officer decisions where violators are not made to comply with the zoning regulations. She urged the Board to appoint a hearing officer that will act on behalf of those who are keeping up their properties and will enforce the code as adopted.

Dolores Duran, 3640 West 5<sup>th</sup> Street, Yuma, commented on a trash problem at a neighboring trailer park and rumors that there will be another park established at 3720 West 5<sup>th</sup> St. and 3681 West 5<sup>th</sup> Street. She said the street is very narrow and cannot handle any additional traffic from additional trailer parks.

**PRESENTATIONS:**

There was a video presentation of "*The County Line*" by Yuma 77, the Yuma Government Channel. No legal action was taken.

There was a presentation of a plaque of appreciation to the Honorable Richard Stallworth for his years of service to Yuma County. No legal action was taken.

*At 9:23 a.m., the Chairman convened a Joint Session of the Yuma County Board of Supervisors and also sitting as all special taxing districts directed by the Board of Supervisors.*

**No. 1: County Administrator/all Special Taxing Districts: Public Hearing: Discussion and action on Yuma County's Annual Budget for Fiscal Year 2005-06:**

**No. 1a: Conduct a public hearing on the Fiscal Year 2005-06 Annual County Budget and;**

**No. 1b: Adopt Resolution No. 05-42 adopting the Fiscal Year 2005-06 Annual County Budget.**

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Mr. Garcia briefly recapped the budget preparation process and stated the Fiscal Year 2005-06 County Budget is ready for adoption in the amount of \$232, 582,438 for all funds, with \$62.8 million being the General Fund. He expressed appreciation to the Budget Review Team (BRT) of Bert Wills, Doug Allen and Management Analyst Kathy Clark and commended them for their hard work over the past six months.

Mr. Wills explained the BRT's recommendation for three (3) changes to the Tentative Budget since approval on June 5, 2005 as: (1) adjustment of appropriations to reflect the correct Arizona State Retirement System contribution rate, consistent with the Board's direction at the June 6, 2005 meeting; (2) addition of \$11,094 to the Juvenile Court budget to correct a calculation error in determining the amount needed for salaries; and (3) addition of \$35,000 for window coverings at the new Justice Center as discussed by the Board at its June 20, 2005 meeting. He said the recommendations are included in the budget as presented this date.

Mr. Garcia, Mr. Wills and Mr. Allen responded to questions from the Board.

There were no public comments during the public hearing.

Supervisor Reyes made a motion, seconded by Supervisor Stuart, to adopt Resolution No. 05-42 adopting the Fiscal Year 2005-06 Budget for Yuma County, the Yuma County Flood Control District, the Public Health Services District, the Jail District, the Free Library District and all Improvement and Special Districts directed by the Board of Supervisors as presented. The motion carried 5-0 by a roll call vote: Reyes-aye; Stuart-aye; McCloud-aye; Ferguson-aye; and Prochaska-aye.

**CONSENT AGENDA:**

*At 9:38 a.m., the Chairman continued as the Board of Supervisors in Regular Session and, solely for the purpose of Items Nos. 14, 15, And 18, continued the Joint Session of all Special Taxing Districts directed by the Board of Supervisors.*

Supervisor Reyes made a motion, seconded by Supervisor McCloud, to approve Consent Items 2 through 18, excluding items 4, 5, 6, 7, 9 and 10. The motion carried.

The **approved Consent Items** are:

**No. 2: Assessor's Office: Approve Tax Roll Corrections pursuant to Arizona Revised Statutes Title 42, Chapter 16, Article VI. (A full listing of Tax Roll Corrections is available for public review at the office of the Clerk of the Board.)**

**No. 3: Financial Services: Approve the Accounts Payable & Payroll Demands disbursed in the amount of \$5,264,870.37 during the period of June 6, 2005 through June 21, 2005; and Payroll Demands disbursed in the amount of \$1,265,596.21 during the period of June 6, 2005 through June 21, 2005. (A full listing of all paid**

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warrants and demands is available for public review at the office of the Board of Supervisors.)

| DATE    | TYPE             | WARRANTS TOTAL |
|---------|------------------|----------------|
| 6/8/05  | Accounts Payable | \$1,741,984.91 |
| 6/10/05 | Accounts Payable | 258,069.46     |
| 6/13/05 | Accounts Payable | 69,725.09      |
| 6/13/05 | Accounts Payable | 851.15         |
| 6/13/05 | Accounts Payable | 183,879.87     |
| 6/14/05 | Accounts Payable | 1,545,577.37   |
| 6/14/05 | Accounts Payable | 18,668.40      |
| 6/16/05 | Accounts Payable | 2,344.34       |
| 6/20/05 | Accounts Payable | 42,020.67      |
| 6/21/05 | Accounts Payable | 1,156,309.75   |
| 5/27/05 | Payroll          | 1,265,596.21   |
|         | HOUSING          |                |
| 6/10/05 | Security Deposit | \$12.50        |
| 6/10/05 | Security Deposit | 29.00          |
| 6/10/05 | Security Deposit | 133,250.52     |
| 6/17/05 | Security Deposit | 103,410.93     |
| 6/17/05 | Security Deposit | 71.00          |
| 6/6/05  | Section 8        | 595.00         |
| 6/10/05 | Section 8        | 3616.00        |
| 6/17/05 | Section 8        | 4,454.41       |
|         | TOTAL            | \$6,530,466.58 |

**No. 11: Victim Services: Approve budget authority of \$122,870 with \$30,718 in matching funds; and authorize the Chairman to sign Victim Assistance Grant No. 2003-727 for Fiscal Year 2005-06 from the Arizona Department of Public Safety (Victims of Crime Act), Victim Services Fund No. 02210.01.1300.**

**No. 12: Victim Services: Approve budget authority of \$90,400 and authorize the Chairman to sign Crime Victims Compensation Grant Agreement with the Arizona Criminal Justice Commission (ACJC), Grant No. VC-06-063 for Fiscal Year 2005-06, Victim Services Fund No. 02209.01.1300.**

**No. 13: Sheriff's Office: Approve budget authority of \$260,062 for terrorism prevention (training and equipment) received as a result of the Federal Law Enforcement Terrorism Prevention Program's allocation to Arizona regions, Fund No. 02306.**

**No. 14: Public Works/Improvement District No. 05-01/Desert Foothills Estates No. 8: a) Approve the Plans, Specifications, & Cost Estimates for Retention Basin Maintenance within the District; b) Adopt Resolution No. 05-45 (Resolution of Intention); c) Set a public hearing on August 1, 2005 at 9:00 a.m., and; d) Direct the Superintendent of Streets to mail the notice of the passage of the resolution and notice of hearing to all owners in accordance with Arizona Revised Statutes §48-916 and 48-918.**

**No. 15: Public Works/Improvement District No. 05-03/Chaparral East (which includes Villa Chaparral Nos. 1, 2, and 3; Future Villa Chaparral No. 4; Yuma East Estates No. 2/Phases I and II; Yuma East Estates Nos. 3, 4, 5, 6, 7, and 8; and Future Yuma East Estates Nos. 9 and 10):** a) Approve the Plans, Specifications, & Cost Estimates for Retention Basin Maintenance within the District; b) Adopt Resolution No. 05-46 (Resolution of Intention); c) Set a public hearing on August 1, 2005 at 9:00 a.m., and; d) Direct the Superintendent of Streets to mail the notice of the passage of the resolution and notice of hearing to all owners in accordance with Arizona Revised Statutes §48-916 and 48-918.

**No. 16: Board of Supervisors:** Recommend State approval of a Regular Liquor License Application (Series No. 12) submitted by Harold Jerome Lewkowitz dba Applebee's Neighborhood Grill & Bar located at 11274 S. Fortuna Road, Pad G, Yuma Arizona.

**No. 17: Board of Supervisors:** Reappoint Carolyn Nickerson and appoint Bruce Gwynn to two-year terms on the Yuma County Cooperative Extension Advisory Board as recommended by the Cooperative Extension Director, effective July 1, 2005 through June 30, 2007.

**No. 18: Board of Supervisors.** Approve the June 20, 2005 Regular Session minutes.

**DISCUSSION AGENDA:**

Chairman Prochaska opened Items 4 through 7 for simultaneous discussion and action.  
(Note: Final Board action is shown after Item 7 below.)

**No. 4: Justice Court:** Approve the Fiscal Year 2005-06 Intergovernmental Agreement for Yuma County's Justice of the Peace Courts to provide Judicial Coverage to the *San Luis Municipal Court* during weekends and holidays in the amount of \$1,359.95.

**No. 5: Justice Court:** Approve the Fiscal Year 2005-06 Intergovernmental Agreement for Yuma County's Justice of the Peace Courts to provide Judicial Coverage to the *Wellton Municipal Court* during weekends and holidays in the amount of \$33.79.

**No. 6: Justice Court:** Approve the Fiscal Year 2005-06 Intergovernmental Agreement for Yuma County's Justice of the Peace Courts to provide Judicial Coverage to the *Somerton Municipal Court* during weekends and holidays in the amount of \$320.98.

**No. 7: Justice Court:** Approve the Fiscal Year 2005-06 Intergovernmental Agreement for Yuma County's Justice of the Peace Courts to provide Judicial Coverage to the *City of Yuma Municipal Court* during weekends and holidays in the amount of \$5,841.44.

James Montgomery, Justice Court Administrator, responded to questions from the Board.

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to approve Agenda Items 4, 5, 6 and 7 as presented. The motion carried.

**No. 9: *Superior Court: Authorize the Chairman to sign the Fiscal Year 2005-06 Lease Agreement in the amount of \$1,600 per month with Jim D. Smith for the Yuma County Law Library located at 219 West 2nd Street, Yuma Arizona, Fund No. 00100.01.10000.42962.***

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to approve and authorize the Chairman to sign the agreement as presented in Item No. 9. The motion carried.

**No. 10: *Superior Court: Authorize the Chairman to sign the Fiscal Year 2005-06 Lease Agreement in the amount of \$875 per month with Cornelius C. Camarena for the Yuma County Judicial Assistance Unit located at 150 Court Street, Suites D and E, Yuma Arizona, Fund No. 00100-01-1002.42962.***

The correct Agreement was not included in the Board members' agenda information. Therefore, Chairman Prochaska delayed discussion on this item until later in the agenda.

**No. 19: *Treasurer & Assessor Offices: Award a bid for Tax Notice Printing Services and authorize the Assessor and Treasurer to enter into the agreements and execute documents as needed to expedite the contracting process, Treasurer's Fund No. 00100.01.0200.41290; Assessor's Fund No. 00100.01.0300.41290. (This item is continued from June 20, 2005, Item No. 28.)***

County Assessor Joe Wehrle presented an updated bid comparison spreadsheet and responded to questions.

Mr. Smith confirmed that a legal review showed that the bid process was followed properly and that the reasoning used to formulate the recommendation was justifiable.

Supervisor Stuart made a motion, seconded by Supervisor Ferguson, to award the bid to Hart Intercivic Tax Notice Printing Services and authorize the Assessor and Treasurer to enter into the agreements and execute documents as needed to expedite the contracting process, contingent on review by legal counsel. The motion carried 3-2 by a roll call vote: Stuart-aye; Ferguson-aye; McCloud-aye; Reyes-no; and Prochaska-no.

**No. 20: *Development Services: Authorize the County Engineer to bid at the Arizona State Land Department's public auction and authorize payment for the acquisition of a .92-acre parcel for a Storm Water Retention Basin located on Fortuna Road south of County 10th Street, HURF/Department of Development Services/Engineering Fund No. 02252.03.2700.***

Roger Patterson, County Engineer and Interim Director of Development Services, presented the item and responded to questions.

Supervisor Reyes made a motion, seconded by Supervisor McCloud, to authorize the County Engineer to bid at the Arizona State Land Department public auction and authorize payment for the acquisition of a .92 acre parcel for a storm water retention basin, located on Fortuna Road south of County 10<sup>th</sup> Street, from Fund No. 02252.03.2700. The motion carried.

**No. 21: *Development Services: Development Services: Review and approve the draft Ordinance No. 05-01 requiring a Project Information Sign in the Yuma Non-Attainment Area for construction activities; and set a public Hearing on August 1, 2005 at 9:00 a.m. for adopting the ordinance.***

Lou Miranda, Environmental Programs, presented the item and responded to questions.

Supervisor Ferguson identified possible contradictions between the draft ordinance and the adopted Zoning Ordinance to include required permits for signs, size of sign based on acreage versus zoning, placement and limit on number of signs at one location.

Supervisor Reyes made a motion, seconded by Supervisor McCloud, to amend the draft ordinance as discussed and set the public hearing for August 1, 2005 at 9:00 a.m. The motion carried.

**EVENTS CALENDAR:** The Board members reported on events attended and/or to be attended on behalf of the Board of Supervisors. No legal action was taken.

**ADDENDUM NO. 1: *County Attorney: Authorize the County Attorney to appoint outside counsel to act as a Special Deputy in Human Resources related matters when such expertise is required or a conflict exists, on a fee basis and pursuant to Arizona Revised Statute §11-403(B)(1).***

Mr. Smith recommended Stacy Gabriel at the rate of \$140 per hour.

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to authorize the County Attorney to appoint Stacy Gabriel as recommended. The motion carried.

**No. 10: *Superior Court: Authorize the Chairman to sign the Fiscal Year 2005-06 Lease Agreement in the amount of \$875 per month with Cornelius C. Camarena for the Yuma County Judicial Assistance Unit located at 150 Court Street, Suites D and E, Yuma Arizona, Fund No. 00100-01-1002.42962.***

Following review of the correct agreement, Supervisor Ferguson made a motion, seconded by Supervisor Reyes, to approve Item No. 10 as presented. The motion carried.

*At 10:34 a.m., the Chairman recessed the meeting until 1:30 p.m.*

At 1:32 p.m. the Chairman reconvened the meeting. Board members present were: Casey Prochaska, Greg Ferguson, Russell McCloud, Marco A. (Tony) Reyes and Lenore Loroña Stuart. Others present were: County Administrator David R. Garcia, County Attorney Ed Feheley, Community Planning Manager Maggie Carrasco, Long Range Planning Manager Anne Eichberger and Clerk of the Board Sue Stallworth.

**PUBLIC HEARINGS:**

**No. 22: *Development Services: Public Hearing followed by action to adopt Resolution No. 05-43 accepting the roads identified in Exhibit A into the Yuma County Roadway System. (Reference: Pending Petition No. 05-06.)***

Mr. Patterson presented the item and responded to questions.

There were no public comments in support or in opposition.

Supervisor Stuart made a motion, seconded by Supervisor Reyes, to adopt Resolution No. 05-43 accepting the roads identified in Exhibit A into the Yuma County Roadway System. The motion carried.

**No. 23: *Development Services: Public Hearing followed by action to adopt Resolution No. 05-47 accepting the roads identified within Exhibit A into the Yuma County Roadway System. (Reference: Pending Petition No. 05-07.)***

Mr. Patterson presented the item and responded to questions.

There were no public comments in favor or in opposition.

Supervisor Reyes made a motion, seconded by Supervisor Stuart, to adopt Resolution No. 05-47 accepting the roads identified within Exhibit A into the Yuma County Roadway System. The motion carried 3-2 by a roll call vote: Reyes-aye; Stuart-aye; McCloud-nay; Ferguson-nay; and Prochaska-aye.

**No. 24: *Development Services: Public Hearing followed by action to adopt Resolution No. 05-44 accepting the County Highway alteration of Avenue B at the 26th Street Intersection as noted in Exhibit A. (Reference: Pending Petition No. 04-08.)***

Mr. Patterson presented the item and responded to questions.

There were no public comments in favor or in opposition.

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to accept the County Highway alteration of *Avenue B at the 26th Street Intersection* as noted in Exhibit A and authorize the Chairman to sign Resolution No. 05-44. The motion carried.

**No. 25: Special Use Case No. 05-09: Request by Richard & Mary L. Carr for a Special Use Permit per Section 1108.15 of the Yuma County Zoning Ordinance for a mobile home as a permanent second dwelling on a 1.13-acre (gross) parcel zoned Suburban Ranch-1 Acre minimum parcel size (SR-1) on Assessor's Parcel No. 203-44-085, located at 28248 Cecil Circle, Wellton Arizona. *The Planning Commission, with a 9 to 0 vote, recommends denial.***

Ms. Carrasco, Ms. Eichberger and Mr. Feheley responded to questions from the Board.

The applicant, Mary Carr, 28248 Cecil Circle, Wellton, was present and spoke on behalf of the request.

During the public hearing, the applicant's daughter, Catherine Linam, 28248 Cecil Circle, Wellton, spoke in support of the request. There were no comments in opposition to the request.

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to approve Special Use Permit 05-09 with a time limit of five (5) years. The motion carried 5-0 by a roll call vote: Ferguson-aye; Stuart-aye; Reyes-aye; McCloud-aye; and Prochaska-aye.

Chairman Prochaska opened Items 26a and 26b for simultaneous discussion and action.

**No. 26a: Minor Amendment Case No. 2004-MA-09: Request by Don Kelland and Don Kelland Investments, L.L.C., for a minor amendment to the Dome Valley/Wellton Planning Area of the Yuma County 2010 Comprehensive Plan for approximately 40.0 acres (gross) from Agricultural Rural Preservation (A-RP) to Low Density Residential (R-LD) on Assessor's Parcel No. 205-27-007 located on County 8th Street east of Avenue 39E in Tacna Arizona. *The Planning Commission, with a 9 to 0 vote, recommends approval.***

**No. 26b: Rezoning Case No. 05-19: Request by Kelland Investments, L.L.C. to rezone approximately 40.0 acres (gross) from Rural Area-40 acre minimum parcel size (RA-40) to Low Density Residential-8,000 square foot minimum parcel size on Assessor's Parcel No. 205-27-007 located on County 8th Street east of Avenue 39E in Tacna, Arizona. *The Planning Commission, with a 9 to 0 vote, recommends rezoning the north 400 feet to R-1-20 and the balance of the property to R-1-8, subject to the Performance Conditions and Schedule for Development.***

Ms. Eichberger noted a correction to the case number for Item No. 26, should read 2005-MA-09, not 2004.

There were no public comments in favor or in opposition to the Minor Amendment or the rezoning.

Supervisor Reyes made a motion, seconded by Supervisor McCloud, to approve Minor Amendment Case 2005-MA-09 and Rezoning Case No. 05-19 as recommended by the Planning and Zoning Commission. The motion carried.

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The **approved conditions for Rezoning Case No. 05-19** are: Performance Conditions: 1) A military training route disclosure statement shall be recorded within 60 days of Board of Supervisors approval; (2) An agricultural disclosure statement shall be recorded within 60 days of Board of Supervisors approval; and (3) The dedication of right-of-way is to be recorded within 60 days of Board of Supervisors approval. These are: 40 feet along the east edge (Avenue 39 1/2E); and 50 feet along the south edge (County 8<sup>th</sup> Street); Schedule for Development: (a) All required improvements including the filing and approval of a tentative plat, final plat and posting of necessary assurances, all of which shall be attached to this property as a subdivision of parcel 205-27-007 into six or more lots within three (3) years of approval or the rezoning will be reviewed to revert to RA-40 in accordance with Section 405.05 of the Zoning Ordinance and A.R.S. § 11-832.

**No. 27: Minor Amendment Case No. 2004-MA-13: Request by Todd Burch, on behalf of Cactus West Developers, L.L.C., for a minor amendment for a 40-acre (gross) parcel in the Joint Land Use Plan Area of the Yuma County 2010 Comprehensive Plan from Rural Density Residential (R-RD) to Suburban Density Residential (R-SD) located north of County 16th Street and west of Avenue 4E on Assessor's Parcel No. 104-27-04 (aka 104-27-010), 104-26-004, and 104-26-012. The commission, with a 6-3 vote, recommends approval.**

Ms. Eichberger presented the staff report. She and Mr. Feheley responded to questions.

The applicant, Todd Burch, 4679 East County 13 ½ Street, Yuma, was present and spoke on behalf of the request.

Attorney for the applicant, Pamela Walsma, 2260 4<sup>th</sup> Avenue, Yuma, spoke on behalf of the request.

During the public hearing, three (3) individuals spoke in support and one (1) person spoke in opposition.

Supervisor Reyes made a motion, seconded by Supervisor McCloud, to adopt the recommendation of the Planning and Zoning Commission. The motion carried 4-1 by a roll call vote: Reyes-aye; McCloud-aye; Stuart-no; Ferguson-aye; and Prochaska-aye.

*At 3:21 p.m., the Chairman recessed the meeting and reconvened at 3:31 p.m.*

**No. 28: Rezoning Case No. 04-43: Request by Larry & Helen Keeter to rezone an 11,300-square-foot (net) parcel from Low Density Residential, 12,000-square-foot minimum parcel size (R-1-12) to Local Commercial (C-1) on Assessor's Parcel No. 105-33-036A, located at 2689 South Avenue B. The Planning Commission, with an 8 to 1 vote, recommends approval subject to the Schedule for Development.**

Comment [B1]: Bob Woodman, 13388 Ave 5E, Yuma – letter given to applicant in support, basically regarding the ag portion...we farm probably 1000 acres on the mesa...20 acres to west that has identical zoning and acreage to the north that also has R-1-40 zoning...

Mark Haynes, 11483 E Via Salido, Yuma – in support of this rezoning, GF – any dedicated roads in Yuma Mesa Vineyards? AE – there are some private roads indicated in earlier subdivision...

Francisco Galindo, Yuma Territorial Engineering, 1420 S 5<sup>th</sup> Avenue, Yuma - support comments on septic system – percolates very well...have to send plan to ADEQ and will review for impact on subdiv in surrounding areas...will make final decision whether adequate or not... CP – size of smallest lot you have there? FG – Don't recall ...according to regulations not too small... Also, mention that we have a legal subdivision, zoned and recorded under Yuma Vineyards...trying to resize those lots...providing new improvements, paved roads, curbs, widening Co. 16<sup>th</sup> St. with rt and left turn lanes, and overlay of the road.

Charles Saltzer, 11450 Ave 4E, Yuma, lived in the area since 1975. Two issues is JLUP amend that is before you...development of taking rural area and developing into suburban area...Yuma Vineyards 640 acres zoned in 1926. This area is truly ag at this time...not a compatible use at this time...no services, no recreation, each house will have septic and well, whether will adversely effect the water table is unknown... opposition Roads that are there are on ½ section and ¼ section lines. Don't belong to anybody...roads created when subdivision was created, some being used and some not...

Greg Nelson, Planner II, gave the staff report and responded to questions.

The applicant, Larry Keeter, 2972 West 24<sup>th</sup> Place, Yuma, was present and spoke on behalf of the request.

There were no public comments in favor or in opposition to the request.

Supervisor Reyes made a motion, seconded by Supervisor Stuart, to approve the recommendation of the Planning and Zoning Commission. The motion carried 5-0 by a roll call vote: Reyes-aye; Stuart-aye; McCloud-aye; Ferguson-aye; and Prochaska-aye.

The **approved conditions** for Rezoning Case No. 04-43 are: Schedule for Development  
(a) The property shall be developed for the intended purpose in accordance with building codes and zoning requirements within three years of approval by the Board of Supervisors or the zoning will be reviewed to revert to R-1-12 zoning in accordance with Section 405.05 of the Zoning Ordinance and A.R.S. §11-832.

Chairman Prochaska opened Items 29a and 29b for simultaneous discussion and action.

**No. 29a: Minor Amendment Case No. 2004-MA-25: Request by Hilario Alonso, Agent for Terecita Hernandez, for a Minor Amendment to the Dome Valley/Wellton County Planning Area of the 2010 Yuma County Comprehensive Plan to change the land use designation for a 40-acre (gross) parcel from Agriculture/Rural Preservation (A-RP) to Agriculture/Rural Residential (A-RR) on Assessor's Parcel No. 203-07-012, located in the vicinity of Avenue 36-1/2E and County 12th Street. The case proceeded to the Board of Supervisors on April 18, 2005 and following discussion was remanded back to the Commission for clarification. The Commission heard the case for a second time on May 23, 2005 and recommended approval with a vote of 6 to 3.**

**No. 29b: Rezoning Case No. 04-38: Request by Hilario Alonso, Agent for Terecita Hernandez, to rezone a 10.15-acre (gross) portion of a 40.0-acre (gross) parcel from Rural Area-40 Acre minimum parcel size (R1-40) to Rural Area-10 Acre Minimum parcel size (RA-10) on part of Assessor's Parcel No. 203-07-012 located on County 11-3/4 Street east of Avenue 36E in Tacna Arizona. The Planning Commission, with a 9 to 0 vote, recommends approval subject to the conditions and Schedule for Development.**

Ms. Eichberger presented the staff report for the Minor Amendment Case 2004-MA-25 and Ms. Carrasco presented the staff report for Rezoning Case 04-38.

There was considerable discussion by the Board regarding development around the Barry M. Goldwater Range (BMGR).

During the public hearing for Items 29a and 29b, Tom Manfredi, Community Planning, Marine Corps Air Station, Yuma, stated MCAS is not in favor of increasing density in this area, but if approved a Range Disclosure Statement is requested.

There were no additional public comments.

Supervisor McCloud made a motion, seconded by Supervisor Reyes, to adopt the recommendation of the Planning and Zoning Commission for Minor Amendment Case 2004-MA-25 and Rezoning Case 04-38. The motion carried.

The **Conditions of Approval for Rezoning Case 04-38** are: Performance Conditions: (1) An IR-218 disclosure shall be recorded within 60 days of approval by the Board of Supervisors; and (2) A range disclosure statement shall be recorded within 60 days of approval by the Board of Supervisors; Schedule for Development: a) The property is to be split by means of a recorded deed according to the site plan submitted within 60 days of Board of Supervisors approval.

**No. 30: Rezoning Case No. 05-21: Request by Francisco Galindo, Agent for William P. and Shari D. Snyder, to rezone approximately 8.93 acres (net) from Low Density Residential-12,000 square foot minimum parcel size (R-1-12) to Low Density Residential-8,000 square foot minimum parcel size on Assessor's Parcels Nos. 701-45-023 and -060; and 701-46-149, located at El Camino Del Diablo and Tiffany Lane. *The Planning Commission, with a 7 to 2 vote, recommends denial.***

Mr. Nelson presented the staff report and advised that due to the level of opposition received, approval by the Board of Supervisors will require a super majority vote.

Agent for the applicant, Francisco Galindo, Yuma Territorial Engineering, 1420 South 5<sup>th</sup> Avenue, Yuma, spoke on behalf of the rezoning and responded to questions.

During the public hearing, two individuals spoke in opposition to the request.

The applicant William Snyder, 3008 West 12<sup>th</sup> Lane, Yuma, responded to comments and questions from the Board.

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to deny Rezoning Case No. 05-21. The motion carried 4-1 by a roll call vote: Ferguson-aye; Stuart-aye; Reyes-aye; McCloud-nay; and Prochaska-aye.

**No. 31: Rezoning Case No. 05-22: Request by Jose Luis Ramirez, Agent for Jose & Xiomara Ramirez, to rezone approximately 10.0 acres (gross) from Rural Area-10 acre minimum parcel size (RA-10) to Suburban Site Built-2 acre minimum parcel size (SSB-2) on Assessor's Parcel No. 101-20-035 located south of County 17th Street and east of Avenue A, in Yuma. *The Planning Commission, with a 9 to 0 vote, recommends approval subject to the Schedule for Development.***

Ms. Carrasco presented the staff report. She and Mr. Fehelley responded to questions.

Agent for the applicant Jose Ramirez, 2833 S 4<sup>th</sup> Avenue, Yuma, spoke on behalf of the request.

There were no public comments in favor or in opposition.

Supervisor Reyes made a motion, seconded by Supervisor McCloud, to approve the recommendation of the Planning and Zoning Commission. The motion carried.

The **Conditions of Approval** are: Schedule for Development (a) Prior to the development of any future parcels as indicated on the site plan or within two years, whichever comes first, the applicant must have abandoned the existing 33 feet of public right-of-way along the north edge of the subject property then record a 20 foot wide private access easement along the north edge of the subject property extending east from Avenue A to the northeast corner of the subject property. Upon recording of the private access easement, a 20 foot wide access shall be built in accordance with Yuma County Construction Standard B (Penetration and Chip Seal); and (b) The site shall be developed according to the site plan by recording separate deeds within two years of approval and all parcels must be provided with access to irrigation.

There being no further business, the Chairman adjourned the meeting at 5:46 p.m. until July 18, 2005.

YUMA COUNTY BOARD OF SUPERVISORS

Adopted this 18<sup>th</sup> day of July, 2005. Agenda Item No. 11.

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CASEY PROCHASKA, Chairman

ATTEST:

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Sue Stallworth  
Clerk of the Board