



Yuma County, Arizona
DEPARTMENT OF DEVELOPMENT SERVICES
2351 W. 26th Street, Yuma, Arizona 85364

Phone: (928) 817-5000
Fax: (928) 817-5020

Craig L. Sellers, P.E., CPM
Director

YUMA COUNTY PLANNING AND ZONING SUBCOMMITTEE MEETING
PUBLIC NOTICE AND AGENDA

DATE: November 29, 2018
TIME: 2:00 p.m.
PLACE: Yuma County Department of Development Services, Aldrich Auditorium
2351 W. 26th Street, Yuma, Arizona

MEMBERS: Maggie Castro, AICP, Planning Director Barry Olsen
Ron Rice Wayne Eide
Danny Bryant

STAFF: Craig Sellers, Director of Development Services
Pat Headington, Chief Building/Fire Code Official
Amber Jardine, PZ Commission Admin Specialist

ADVISORS: Edward P. Feheley, Deputy County Attorney

- 1. Call to Order and Roll Call
2. Approval of Minutes - Regular Meeting of September 27, 2018 ..... Action
3. Presentation of Draft Comprehensive Permitting and Enforcement Policy
..... Information
4. Presentation of Draft Unsafe Conditions..... Information
5. Discussion concerning possible text amendments to the Yuma County Zoning Ordinance, Section 306.03-Certificate of Exemption, Section 309.00, Section 401.01-Application for Amendment or Change, Section 1201.00-Permits, Section 1201.01-Zoning Inspector, Arizona Revised Statutes, Title 11, Chapter 6, Article 2, Permits, Section 1208.00-Withholding of Permits, Section 1209.01-Commencement of Action and Notice of Hearing..... Action

ADJOURN

NOTE: For further information about this public hearing/meeting, please contact Maggie Castro, AICP, Planning Director, phone number (928) 817-5173; or e-mail contactdds@yumacountyaz.gov or TDD/TTY (Arizona Relay Service): call in 1-800-367-8939, call back 1-800-842-4681. Individuals with special accessibility needs should contact the individual indicated above before the hearing/meeting with special need requirements.

## **AGENDA ITEM 2**

The Yuma County Planning and Zoning Subcommittee met in a regular session on September 27, 2018. The meeting was held in the Aldrich Hall at 2351 West 26<sup>th</sup> Street, Yuma, Arizona.

**CALL TO ORDER:** At 2:30 p.m. Maggie Castro, Planning Director, convened the Planning and Zoning Subcommittee meeting. Members present were: Maggie Castro, Planning Director; Barry Olsen, Attorney, public representative; Danny Bryant, PZ Commission Member and Ron Rice, PZ Commission Member. Members absent were: Wayne Eide, PZ Commission Member. Others present were DDS Director Craig Sellers, Chief Building and Fire Code Official Pat Headington; Executive Assistant Kimberly Grable and Hearing Officer Specialist Regina Collins.

**ITEM No. 2:** Approval of the Planning and Zoning Subcommittee regular meeting minutes of July 26, 2018.

MOTION (RICE/OLSEN) Approve as presented.

ROLL CALL VOTE: Bryant - AYE; Olsen - AYE; Castro – AYE; Rice - AYE. The motion carried 4-0.

**ITEM No. 3:** Discussion concerning possible text amendments to the Yuma County Zoning Ordinance, Section 306.03—Certificate of Exemption, Section 309.00, Section 401.01—Application for Amendment or Change, Section 1201.00—Permits, Section 1201.01—Zoning Inspector, Arizona Revised Statutes, Title 11, Chapter 6, Article 2, Permits, Section 1208.00—Withholding of Permits, Section 1209.01—Commencement of Action and Notice of Hearing

**Section 306.03- Certificate of Exemption** (see attached)

Maggie Castro opened the discussion item. She informed the subcommittee that there was a memorandum in the agenda packet with proposed changes that were provided by Barry Olsen. Maggie Castro confirmed that section 306.03 is exempt per legal counsel.

Barry Olsen inquired about internal criteria for agriculture.

Pat Headington explained the Building and Fire code refer to the Zoning Ordinance for determination.

Maggie Castro stated structures may be exempt from building code requirements however, the zoning requirements must be met. She explained the criteria that would need to be met and how to obtain the classification of the property.

Craig Sellers advised the Subcommittee that there is a process to appeal assessments.

**Section 309.00- Permits** (see attached)

Barry Olsen stated he reviewed Section 309 of the Zoning Ordinance. State statute 11-812 refers to agriculture mining exemptions. He inquired about the consistency between the Zoning Ordinance and State Statute.

Maggie Castro explained section 309 in the Zoning Ordinance refers to permits and are all exempt. The exemptions do not apply to flood hazard areas. Flood Plain requirements would need to be met.

Barry Olsen inquired about how the County got the authority to apply Flood Plain regulation to Agriculture exempt properties.

Craig Seller explained Title 48 states that agriculture is regulated by the flood plain regulations.

Craig Sellers advised the subcommittee that the Flood Plain Regulation identifies flood hazards and is regulated by FEMA. Most of the Yuma Valley Flood Plain areas are within the levies or along the East Main Canal. He explained, in detail, the Flood Control District, FEMA maps and the criteria in determining the flood plain areas.

Pat Headington stated he researched the proposed text amendment to Section 309.00F. He explained the complexity of individual installations.

After further discussion, it was determined by the Subcommittee that the Building Official's interpretation in the current policy would remain. Section 309.00 F would not move forward as an amendment.

**Section 404.01 F** (see attached)

Maggie Castro reviewed the proposed language to Section 404.01 F (See attached). She explained staff has the discretion to send notices beyond 300 feet. She explained certain projects have an impact that are beyond a 300 feet radius.

Barry Olsen explained that developers disagree with staff sending notices beyond the 300 feet radius. He expressed the concern the community has with staff being subjective.

Maggie Castro discussed the criteria used to determine when notifications are mailed beyond the 300 feet radius. She explained numerous owners complained that they were not notified of projects. In result, the Planning and Zoning staff created a criteria list to use prior to sending notification letters.

Subcommittee Members discussed the State Statute that refers to the 300 feet radius; the criteria that constitutes a super majority vote by Board Members; opportunity for developers to be guaranteed a 300 feet radius notification and the pros and cons of extending the 300 feet radius. Subcommittee Members decided to no move forward with the proposed language in Section 404.01 F. A future meeting would be set to discuss criteria and changes to the internal policy.

Danny Bryant inquired about restricting the internal policies during staff turnover in the future.

**Section 1201.00 D** (see attached)

Maggie Castro stated the proposed language in Section 1201.00D could be presented to the Planning and Zoning Commission.

The Subcommittee discussed adding hazardous or unsafe conditions to the proposed language.

Pat Headington stated a policy is in progress that defines unsafe conditions, hazardous structures and etc.

Barry Olsen stated he would like to review the policy.

Maggie Castro advised the Subcommittee Members the proposed language would need to be presented at the Planning and Zoning Commission Meeting then, if approved, would move forward to the Board of Supervisors.

**Section 1201.01** (see attached)

Maggie Castro reviewed the strikethrough language and advised the Subcommittee Members the language is directly from state law. She explained Section 1201.01B and C were changes staff made due to the review of building permit applications internal policies. Maggie Castro stated Section 1201.01 A-D could be listed under Section 309.00 as exemptions.

Subcommittee Members decided the proposed language in Section 1201.01 A-D would stay under Section 1201.01.

Craig Sellers stated a comprehensive policy is in progress and he would review the policy with the Subcommittee Members at the next meeting.

Subcommittee Members discussed Yuma County providing the proof that a violation had taken place. Subcommittee Members inquired about an applicant providing the proof that they are not in violation when submitting a permit application.

Maggie Castro clarified if the proposed construction is impacted by an unpermitted, existing structure then it becomes a part of the application. The applicant would need to provide proof that the existing structure was permitted or add it to the application.

Pat Headington stated the most accurate records are from 1997 to present. He expressed his concern with the proposed language in Section 1201.01D. Presumption that a permit was established would make the structure legal and safe even if it is not.

Subcommittee Members agreed to leave the proposed language in Section 1201.01D as it is written and take it to the Planning and Zoning Commission Meeting.

Amanda Mahon, Deputy County Attorney suggested removing the word "shall" and replace it with "will".

Subcommittee Members discussed the last two paragraphs in Section 1201.01. It was stated staff is sending notifications to applicants with code or zoning references as to why the permit was denied.

Craig Sellers stated a change in regulatory rights states staff will work with the applicant beyond the two reviews. Staff will continue to keep the file open and communicate with applicant to get compliance.

Pat Headington reviewed the last paragraph in Section 1201.01 (see attached). He stated an appeal to the process that led to a denied building permit would go to the Director or the Board of Supervisors. The building permits that were denied by the Zoning Inspector would be appealed to the Board of Adjustment. The building permits that were denied due to a building code violation would be appealed to the Building Code Advisory Board.

Maggie Castro recommended changing the proposed language to "any person denied a building permit may appeal the denial to the appropriate review agency".

Subcommittee Members agreed to have the appeal process on the denial letters that are sent to applicants. The last two proposed paragraphs in Section 1201.01 would be stricken out if the right to appeal and the process is on the denial letters.

**Section 1208.00** (see attached)

Maggie Castro explained that at the last Planning and Zoning Subcommittee Meeting, members discussed where the Zoning Ordinance language came from. She stated the existing language is stricken through and the proposed language came directly from ARS Title 11 (see attached).

Pat Headington recommended inserting the word "maintain" in the first sentence of the proposed language.

Subcommittee Members discussed keeping the proposed language as State Statute is written.

Maggie Castro read ARS 1108.15C out loud to Subcommittee members. The State Statute had the word "maintain" in it as a comparison to the proposed language from ARS Title 11.

Subcommittee Members agreed to leave Section 1208.00 as written due to the word "maintain" is in Section 1205.00 of the Zoning Ordinance.

**Section 1209.01** (see attached)

Maggie Castro reviewed the proposed language in Section 1209.01.

Craig Sellers stated the release of anonymous information would require a Superior Court order.

Subcommittee Members discussed setting requirements for complaint submittals to include the County not allowing anonymous complaints.

Craig Sellers explained the harassment or retaliation a complainant may receive if the opportunity to be anonymous is illuminated.

Subcommittee Members decided to move forward with having a legal opinion on the proposed language in section 1209.01.

**Section 1209.05** (see attached)

Amanda Mahon advised Subcommittee Members that the County attorney has the right to appeal on his or her own.

Barry Olsen disagreed with allowing the County Attorney to appeal the Board of Supervisors decision.

Danny Bryant stated that the tax payer's money should not be used when suing the County with the exception of the County Attorney.

Subcommittee Members decided review Section 1209.05 at the next Subcommittee Meeting.

There being no further business to come before the Planning and Zoning Subcommittee the meeting was adjourned at 4:51 p.m.

Approved and accepted on this 29 day of November 2018.

---

Maggie Castro, AICP, Planning Director

DRAFT

## **AGENDA ITEM 3**

***DRAFT – 10012018***  
***Comprehensive Permitting and Enforcement Policy***  
***Department of Development Services***

**Release Date:** \_\_\_\_\_

**Change/Amended Date:** \_\_\_\_\_

**Review Date:** \_\_\_\_\_

**Next Review Date:** \_\_\_\_\_

\_\_\_\_\_  
**Craig L. Sellers, Director**

---

---

**Purpose**

Department of Development Services (DDS) has been delegated enforcement by adopted ordinances, regulations, standards and delegation agreements (ordinances) related to land entitlement and development, encroachment onto public and county rights-of-way and facilities, special flood hazard areas and specific Arizona Department of Environmental Quality delegated functions. State statutes and ordinances authorize specific county officers and appointees to interpret said statutes and ordinances.

This policy establishes uniform guidelines for permit administration and enforcement of ordinances by DDS. Permit administration and enforcement of ordinances will be performed in accordance with state statutes, ordinances, and this policy.

**Related Statutes**

The statutory authority and limitations thereto to establish and enforce adopted ordinances, regulations, and standards, including permit administration, are granted from the statutes listed in Appendix A.

**Directory of Documents**

The DDS Directory of Documents required by ARS 11-1607 and 48-3647 is located at [www.yumacountyaz.gov/government/development-services/laws-guidelines](http://www.yumacountyaz.gov/government/development-services/laws-guidelines). A list of the documents is given in Appendix B.

**Chain of Command**

The department chain of command will be followed for permitting and enforcement activities.

**Proposed Work or Use Defined**

Proposed work or use is defined as the proposed erection, construction, reconstruction, alteration or use that is the subject of the permit application. The following existing and proposed structures, uses, and conditions are considered part of the proposed work:

1. structures, uses or conditions that **directly**:
  - a. support, feed, supply or service the proposed work or use,
  - b. interfere with the proposed work or use,
  - c. are required for the proposed work or use to function properly, or
  - d. are required for the proposed work or use to be fully conforming to the zoning ordinance, building and fire codes, and other relevant regulations; or

2. structures, uses, or conditions **anywhere on the parcel** that are:
  - a. being or were constructed or developed by the current owner,
  - b. subject to a stop work,
  - c. subject to a Hearing Officer declared violations,
  - d. subject to a court order of abatement,
  - e. posing an imminent health risk or unsafe condition as determined by:
    - i. Zoning Inspector (Planning Director),
    - ii. Chief Building/Fire Official,
    - iii. County Engineer/Floodplain Manager,
    - iv. Registered Sanitarian Supervisor,
    - v. Health Department, or
    - vi. Other authorized public authority by declaration of emergency or public order.

### **Public Records Requests**

Available information for a parcel does not require a project assessment meeting to be provided. It can be obtained by submitting a public records request.

### **Project Assessment Meetings**

Project assessment meetings are held when an applicant has questions of ordinance applicability or interpretation is requested. The information provided by applicants for project assessment meetings is usually limited due to the conceptual nature of the project. However, standard permit requirements and parcel information are available for all projects based on:

1. prior development and permit files;
2. zoning overlays and district entitlements and restrictions (by reference);
3. existing schedules for development;
4. perimeter road classification (development requirements by reference);
5. flood hazard zone (definition by reference);
6. PM10 non-attainment area (requirements by reference);
7. prior agreements, violations, etc.; or
8. permits that may be required and the regulatory references to identify what criteria will be used to determine permit applicability (requirements by reference).

A list of all available information should be provided to the applicant. Project specific information should be limited to information that can be supported by the available information and the context provided by the applicant.

### **Permit Applications**

Permit applications are to be processed in accordance with the SPMS process. It is recommended for applicants to submit one application for all proposed work or use but not required. It is also recommended to obtain all entitlements prior to applying for development permits. Applications can be submitted as a single development, separate development, phased development or concurrent application.

### **Single Development Application**

Using a single, comprehensive application allows the applicant to know that all of the work is being reviewed at one time. This minimizes the risk for rework, delays, or additional review. Entitlement applications are usually submitted in advance of development applications.

### **Separate Development Applications**

When the work or use is divided into multiple applications, the following is required:

1. applicant shall acknowledge:
  - a. all required permits must be approved and work complete before certificate of occupancy will be issued,
  - b. changes made to the proposed work or use by later applications may result in rework, delays or additional review of earlier submittals whether approved or not,
  - c. full compliance is required, and
  - d. subsequent approvals are not guaranteed; and
2. adequate information to determine:
  - a. layout of existing and all proposed work and use,
  - b. proposed work and use included in each application, and
  - c. proposed work and use to be submitted separately.

The following proposed work or uses may be submitted separately:

1. rezoning, special use, modifications, and variances in advance of development;
2. off-site improvements when adequate on-site information is provided to determine impacts;
3. grading when no other improvements are shown on the plans;
4. site improvements when a building envelope(s) is identified;
5. model residential and commercial building plans; and
6. work performed and submitted by separate contractors when the reserved location for all improvements is shown;

### **Phased Development Applications**

When the work or use is applied for with one application but divided into multiple construction efforts, the following is required:

1. applicant shall acknowledge:
  - a. all required permits for each phase must be approved and work complete before certificate of completion will be issued,
  - b. changes made to the proposed work or use by later applications may result in rework, delays or additional review of earlier submittals whether approved or not,
  - c. full compliance is required, and
  - d. subsequent approvals are not guaranteed;
2. adequate information to determine:
  - a. layout of existing and all proposed work and use,
  - b. proposed work and use included in each phase, and
  - c. how each phase of work/use will be connected and any required interim improvements; and
3. each phase must not be dependent upon future phases.

### **Concurrent Applications**

When the development applications are submitted concurrently with the entitlement applications, the following is required:

1. applicant shall acknowledge:
  - a. all required permits must be approved and work complete before certificate of completion or occupancy will be issued;

- b. Conditions of approval and schedules for development may result in rework, delays or additional review of the development application and work/use;
  - c. Changes made to the proposed work or use by later applications may result in rework, delays or additional review of earlier submittals whether approved or not;
  - d. Full compliance is required; and
  - e. Subsequent approvals are not guaranteed.
2. Adequate information to determine:
    - a. Layout of existing and all proposed work and use;
    - b. Proposed work and use included in each application; and
    - c. Proposed work and use to be submitted separately.

### **Virtual Building and Expedited Applications**

Yuma County’s virtual building policy allow an applicant to develop a site and obtain building plan approval for manufacturing and industrial development that meet specific requirements. The goal is to expedite construction for businesses looking at locating in Yuma County.

Yuma County has an expedited permit policy that allow an applicant to have their permits expedited when specific conditions are met.

Application receipt under these policies require written Director approval. Staff will be informed when a project is being reviewed under these policies.

### **Permit Review and Issuance**

Permits applications are reviewed to determine whether the proposed work or use fully complies with applicable regulations. All reviews are to be thorough and clearly documented the first time. When the proposed work or use is fully compliant and fees paid, the permit will be approved and issued. Otherwise, the permit is denied.

### **Review Checklists**

Each division or section is to prepare and utilize review checklists to aid review. The purpose of the checklist is to guide the reviewer through all aspects of the proposed work or use. The reviewer is still required to use their knowledge and professional judgement to determine compliance.

### **Administrative and Substantive Review**

Administrative and substantive reviews are to be performed in accordance with adopted ordinances and the SPMS process.

### **Review Comments**

If deficiencies, including the need for additional information, are identified during review; a review comment letter is prepared and sent to the applicant (Appendix C). The review comment letter shall include:

1. a complete list of deficiencies identified by the review,
2. regulatory basis for the deficiencies including code reference numbers,
3. a contact person, number, and email for further information.
4. if applicable, “Additional information needed to determine compliance. Review will continue when requested information is received.”
5. a note that parcel information is available for their use.

### **Multiple Reviews**

ARS 11-1605(G) allow for multiple reviews of an application when:

1. reviews are limited to the original list of review comments and the published review time has not elapsed;
2. additional review is a result of substantial changes to the scope of proposed work or use and no more than 150% of the published review time has elapsed; or
3. review comments are amended to address legal requirements.

### **Reviews by Other Agencies**

It is the responsibility of the applicant to obtain all required permits and approvals for their proposed work or uses. Staff is to coordinate and be cooperative with other agencies but is not responsible to apply for or represent the applicant. When the proposed work or use is fully compliant, the permit is issued.

### **Approval, Denial, and Issuance**

When the proposed work or use is fully compliant and fees are paid, it is approved and the permit shall be issued.

The application shall be denied if:

1. the staff review time has elapsed including any extensions without full compliance;
2. the application expires including up to one extension;
3. the applicant requests the application to be withdrawn or an end of review without full compliance;
4. two consecutive resubmittals do not make progress toward compliance; or
5. it is determined that compliance cannot be met by the proposed work or use.

When denied, a denial letter (Appendix D) shall be sent including the reason for the denial and specific regulatory reference.

### **Inspections and Approvals**

Construction is inspected to determine compliance with approved plans, specifications, and applicable regulations. Approvals will be granted when work is compliant. Inspection can also identify alleged violations during inspections when an imminent health or safety hazard exists.

### **Enforcement of Alleged Violations**

Alleged violations are enforced at the discretion of the Planning Director and Chief Building and Fire Official. They are tasked with balancing available resources with enforcement needs. It is recommended to address those alleged violations with the highest risk or impact first. Alleged violations may arise from public complaints or staff observation during permit review or inspection.

### **Declaring Non-Permitted Structures/Uses**

The following sources will be researched for direct or indirect reference to the improvement or use before declaring that permits were not issued for a structure or use:

1. Permit database;
2. EDMS database;

3. Assessor Records;
4. Other Historical Permit/Development Data;
5. Nature of Construction and whether it would have been permitted;
6. Owner Provided Information; and
7. Historical Aerial Photography to determine when constructed.

A structure may be considered an alleged violation when there is sufficient information to infer that the improvement was built or use began after 1975 and a permit was not obtained.

### **Public Complaints**

Complaints are intended to be originated from the public. After being found by staff to be non-compliant, the complaint becomes an alleged violation. County employees are considered part of the public when off duty and not representing the county or its interests. Complaints may be made anonymously. Staff observations made during work or in representation of the county are staff observations of alleged violations and not public complaints.

### **Staff Observation of Alleged Violations**

Staff may report alleged violations observed during permit review or inspection that is part of the proposed work or use. Staff are not to patrol for violations or go out of their way when performing their duties to identify violations. If reported, staff's name is to be given on the application. Nothing in this section limits an employee's personal right to submit a complaint as a public complaint.

### **Complaint Investigation**

The Planning Director will receive all public complaints and staff observations of alleged violations pertaining to the Zoning Ordinance. The Chief Building/Fire Official will receive all public complaints and staff observations of alleged violations pertaining to the Building and Fire Codes. The Planning Director and Chief Building/Fire Official will prioritize the complaints and determine if staff observations of alleged violations are part of the proposed work or use.

### **Courtesy Notice**

When an alleged violation is suspected, the Planning Director will send a Courtesy Notice informing the property owner of the following:

1. Alleged Violation
2. Basis of Violation
3. Related Regulation and Code References
4. Opportunity to Review Related Information and Provide Additional Information
5. Opportunity to Respond to Alleged Violation
6. Process for Voluntary Compliance
7. Process for Declaration of Violation and Abatement

### **Voluntary Compliance**

When a property owner wants to use voluntary compliance, a plan and schedule of compliance is to be submitted to the Planning Director. The Planning Director will review the plan and schedule. If the plan and schedule will fully address the alleged violation they are to be accepted and further enforcement suspended until the schedule lapses or the property owner fails to make progress toward compliance.

**Qualified Professional Certification**

Property owners may have improvements inspected and certified by qualified professionals including:

**Follow up Investigation to Voluntary Compliance**

Staff will confirm compliance. Once full compliance is reached, the related case will be closed.

**Declaration of Violation and Abatement**

After investigation and an opportunity for voluntary compliance has been given, if an alleged violation is suspected, a complaint is filed and a Notice of Alleged Violation is sent to the property owner.

The Zoning Inspector (Planning Director) or Chief Building and Fire Official may:

1. File a complaint with the Hearing Officer;
2. Request the Yuma County Sheriff’s Office file a motor vehicle ticket and complaint; or
3. Notify the County Administrator and request through the Board of Supervisors the Yuma County Attorney file in Superior Court for abatement action.

**Interpretation**

Interpretation of applicable ordinances and codes are made by the applicable enforcement officer or appointee: County Engineer, Flood Control Manager, Planning Director, Chief Building Official, and Chief Fire Official.

**Appeals of Decisions**

Appeals to decisions made by the Planning Director, Chief Building Official, Chief Fire Official, County Engineer, and Flood Control Manager are done in accordance with state statute and applicable ordinances and codes.



## Appendix A – Related Statutes

### Title 11 Counties

#### Chapter 2 Board of Supervisors

##### **Article 4 Powers and Duties**

- 11-269.13 Prohibition on retail business security requirements; state preemption (*Security cameras*)  
*Compliance: County has not adopted specific security requirements*
- 11-269.14 Prohibition on requirement of energy measuring and reporting; state preemption  
(*Measurements and audits*)  
*Compliance: County has not adopted specific energy efficiency metering or audits*
- 11-269.16 Prohibition on regulation of auxiliary containers; state preemption; definition  
(*bags, cans, bottles, cups containers*)  
*Compliance: County has not adopted specific auxiliary container regulations*
- 11-269.17 Limits on regulation of vacation rentals and short-term rentals; state preemption; definition (*AirBnB*)  
*Compliance review needed – Possible zoning amendment to regulate as allowed*
- 11-269.18 Structured sober living homes; standards; definition (*Regulation allowed*)  
*Compliance review needed – Possible zoning amendment to regulate as allowed*
- 11-269.22 Prohibition on regulation of running node on blockchain technology; state preemption definition  
(*Validate or encrypt transactions*)  
*Compliance: County has not adopted specific blockchain regulations*
- 11-269.24 Mobile food vendors; mobile food units; operation; insurance requirement prohibited; definitions  
(*Mobile food vendors*)  
*Compliance review needed – Possible zoning amendment to be compliant*
- 11-269.26 Drug disposal programs; business assessments prohibited; restrictions; state preemption; definition  
(*Private drug disposal*)  
*Compliance: County has not adopted specific drug disposal regulations*

##### **Article 9 Building Permits**

- 11-321 Building permits; issuance; distribution of copies; subsequent owner  
(*Establishes “Assessor Building Permits”*)  
*Compliance: DDS transmits permits to Assessor to get improvements included on the tax rolls when complete. Electronic review linked to GIS may allow faster, direct access*
- 11-322 Violations; classification (*Violations for Article 9 only*)
- 11-323 Solar construction permits; standards  
(*Fees must be attributable to costs and an itemized list of costs provided upon request*)  
*Compliance review needed – Possible standard needed*

#### Chapter 3 County Officers

##### **Article 9 County Engineer**

- 11-562 Duties (*County Engineer has charge of all highways and county improvements and alterations*)  
*Compliance: Yuma County has a County Engineer; Records and property related to surveying, engineering and road construction in the custody of the County Engineer; County Engineer has charge of all highways, other engineering construction and improvements, and makes surveys, maps, plans and specifications required by the board.*  
*Compliance review needed – are buildings included in alterations and repairs to county property*

#### Chapter 6 County Planning and Zoning

##### **Article 1 County Planning**

- 11-801 Definitions
- 11-802 County planning and zoning commissions  
*Routine compliance review needed to maintain compliance*
- 11-803 Consultants; employees; use of services by city or town (*Basis for employees to enforce*)
- 11-804 Comprehensive plan; contents  
*Compliance review needed for content and revision*
- 11-805 Comprehensive plan adoption; notice; hearing; amendment; expiration; readoption

## Comprehensive Permitting and Enforcement Policy – DRAFT 10012018

- 11-806 Rural planning areas; rural planning zones; formation  
*Potential opportunity for specific rural zones*
- 11-807 Specific zoning plans; adoption; administration; contents  
*Potential for regional development plan – coordinate with owners*
- 11-808 Infrastructure service area boundaries; notice; hearing; adoption  
*Potential opportunity for economic development with public utilities*
- 11-809 Public works project planning; utility input; definitions  
*Compliance: plans are submitted to utilities for review and comment; CIP is posted annually*
- 11-810 Requirement of planned community prohibited (*Associations*)  
*Compliance review needed for maintenance requirements*

### Article 2 County Zoning

- 11-811 Zoning ordinance; zoning districts; definitions (*Establishes zoning ordinance*)  
*Routine compliance review to maintain compliance*
- 11-812 Restriction on regulation; exceptions; aggregate mining regulation; definitions (*Statutory exemptions*)  
*Routine compliance review to maintain compliance*
- 11-813 Zoning ordinance; adoption; amendments; notice; hearing (*Adoption and amendment process*)
- 11-814 Rezoning; conditional zoning change; notice; hearing; citizen review; definition (*Rezoning process*)
- 11-815 Enforcement; county zoning inspector; deputies; building permits; violations; classification; civil penalties; hearing officers and procedures (*Enforcement of zoning ordinance; withholding permit; issuance of permits when proposed work or use fully conform to the zoning ordinance*)  
*Routine compliance review to maintain compliance; definition of “proposed work or use” subject to periodic review based on zoning inspector and legal interpretation and Board direction*
- 11-818 Disclosure of filings; military electronics range; definition (*military range notification*)  
*Compliance: Range is notified of zoning cases and actions*
- 11-819 Residential housing; requirements fees; prohibition (*Class or group based regulation prohibited*)  
*Compliance: Regulations not based on class or group*
- 11-820 Restriction on regulation; home-based businesses; exception; definitions (*Home occupancy*)  
*Compliance review needed – Possible zoning amendment to clarify requirements*
- 11-820.01 Restriction on regulation; private schools (*Parcel size*)  
*Compliance: No size requirement*

### Article 3 County Subdivision Regulation

- 11-821 Subdivision regulations; subdivision reservation for public facilities and services; conditions; procedures; time limitation (*Establish Subdivision Ordinance*)  
*Routine compliance review to maintain compliance*
- 11-822 Subdivision approval; platting regulations; violation; classification; easement vesting (*Subdivision process*)  
*Routine compliance review to maintain compliance*
- 11-823 Water supply; adequacy; exemptions  
*Economic considerations with utility review*

### Article 4 Land Divisions; Appeals; Moratorium

- 11-831 Review of land divisions; definitions (*Establish land division ordinance*)  
*Routine compliance review to maintain compliance*
- 11-832 Appeals of county actions; dedication or exaction; excessive reduction in property value; burden of proof; attorney fees; compliance with court decisions (*Property owner recourse*)
- 11-833 Standards for enactment of moratorium; land development; limitations; definitions (*Basis for development moratorium*)  
*Additional review needed*

### Article 5 Building Codes

- 11-861 Adoption of codes by reference; limitations; method of adoption; fire sprinklers; fire apparatus access roads or approved routes; intent; state preemption; fire watch requirements; pool barrier gates (*Establish building and fire codes by amendment*)  
*Additional review needed*
- 11-861.01 Single family residences; solar water heating requirement (*Solar water heating fitting*)
- 11-866 Penalties (*Building penalties established in adoption ordinance or 11-815*)  
*Compliant through fee schedule*

## **Chapter 9 Protected Development Rights**

### **Article 1 General Provisions**

- 11-1201 Definitions
- 11-1202 Protected development right; establishment; plan requirements; variance  
*(Establishes phased development)*  
*Opportunity to establish requirements for phased development*
- 11-1203 Duration of a protected development right; termination *(Phased development duration)*
- 11-1204 Subsequent changes prohibited; exceptions *(Regulatory changes)*
- 11-1205 Protected development right; exercise; agreements *(Rights attach to property)*
- 11-1206 Protected development right; agreements regarding public safety  
*(Private road signage and primitive road extension)*

## **Chapter 11 County Regulations**

### **Article 1 General Provisions**

- 11-1601 Definitions
- 11-1602 Regulatory bill of rights *(Summary of Applicant's entitlements)*  
*Routine compliance review to maintain compliance; Information and Notice Basis of licensing Deadlines Notice of Denial*  
*Avoid duplication of application No county requests to waive rights Rule participation*
- 11-1603 Inspections; applicability *(Inspection requirements)*  
*Routine compliance review to maintain compliance; Potential policy to align with requirements*
- 11-1604 Prohibited acts by county and employees; enforcement; notice *(Permit processing and notice)*  
*Routine compliance review to maintain compliance; Training*
- 11-1605 Licensing time frames; compliance; consequence for failure to comply with time frame; exemptions; definitions *(Deadlines)*  
*Compliance: Established*
- 11-1606 License application process *(Application Information)*  
*Routine compliance review of forms to maintain compliance;*
- 11-1607 Directory of documents *(Regulatory Documents Library)*  
*Compliance: Website and this policy*
- 11-1608 Complaints; procedures *(Complaints to the Board)*  
*Compliance review needed – BOS needs to adopt procedure*
- 11-1609 Clarification of interpretation *(Applicant request for clarification)*  
*Compliance review needed – Possible policy to establish*
- 11-1610 Exemptions *(to Regulatory bill of rights)*
- 11-1611 Limitation on regulatory actions; health, safety and welfare; goods and services; definitions  
*(Digital platforms & no material increases to regulatory burdens unless a threat to health, safety, welfare)*

## **Chapter 13 Wireless Structures and Facilities**

### **Article 1 General Provisions**

- 11-1801 Definitions  
*Compliance review needed for encroachment permits*
- 11-1802 Exclusive arrangements prohibited; permit; rates, fees and terms; access and use of county structures  
*(Wireless encroachment permits)*
- 11-1803 Access to right-of-way by wireless providers *(Construction conditions)*
- 11-1804 Collocation of small wireless facilities; permits *(Consolidated application)*
- 11-1805 Applicability; location outside of a county-owned right-of-way *(Wireless permitted except in SFR)*
- 11-1806 Application processing *(Application process and limits to requirements)*
- 11-1807 General requirements concerning use of the right-of-way by wireless providers  
*(Requirements on wireless providers)*
- 11-1808 Scope of local authority *(No regulation of interior wireless services)*  
*Compliance review needed for building safety*
- 11-1809 Dispute resolution
- 11-1810 Applicability

## **Title 48      Special Taxing Districts**

### **Chapter 21    Flood Control Districts**

#### **Article 1      County Flood Control Districts**

- 48-3609    Floodplain delineation; regulation of use; federal requirements and definitions  
*(Establish floodplain mapping and regulation)*  
*Routine compliance review to maintain up to date mapping*
- 48-3609.02 Adoption of rules; procedures; exemptions; definition *(Adoption and amendment procedures)*
- 48-3613    Authorization required for development in watercourses; exceptions; enforcement  
*(Establish floodplain use permit)*  
*Routine compliance review to maintain compliance with NFIP and statutes*
- 48-3614    Declaration of public nuisance; abatement *(Abatement of nuisances)*
- 48-3615    Violation; classification; civil penalties; strict liability *(Severity of violation; payment for damages)*
- 48-3615.01 Notice of violation; hearing; final decision; civil penalty; injunctive relief *(Violation processes)*
- 48-3622    Permission required to connect to storm water drain; fee; violation; classification  
*(Connection Authorization)*
- 48-3625    Limitation on powers *(Permission for projects within reservoir watersheds)*
- 48-3626    Compliance; enforcement *(Failure to enforce)*  
*Routine compliance review of enforcement*

#### **Article 2 Flood Control District Regulations**

- 48-3642    Regulatory bill of rights *(Summary of Applicant's entitlements)*  
*Compliance review similar to County Regulations*
- 48-3643    Inspections; applicability *(Inspection requirements)*
- 48-3644    Prohibited acts by district and employees; enforcement; notice *(Permit processing and notice)*
- 48-3645    Licensing time frames; compliance; consequence for failure to comply with time frame; exemptions; definitions *(Deadlines)*
- 48-3646    License application process *Application Information)*
- 48-3647    Directory of documents *(Regulatory Documents Library)*
- 48-3648    Complaints; procedures *(Complaints to the Board)*
- 48-3649    Clarification of interpretation *(Applicant request for clarification)*
- 48-3650    Exemptions

## **Title 49      The Environment**

### **Chapter 1      General Provisions**

#### **Article 1 Department of Environmental Quality**

- 49-107    Local delegation of state authority *(County can be delegated state authority)*  
See delegation agreements for specific provisions of state authority administered by DDS.  
*Routine compliance review of delegation requirements*

## **Appendix B – Directory of Documents**

### **Plans:**

- Yuma County 2020 Comprehensive Plan
- Multi-Jurisdictional Hazard Mitigation Plan
- PM10 Non-Attainment Area: Natural Event Action Plan
- Stormwater Management Plan
- 208 Plan (Water Quality Management)
- Yuma County Zoning Ordinance
- Street Naming & Addressing Ordinance

### **Ordinances:**

- Zoning Ordinance
- Street Naming & Addressing Ordinance
- Stormwater Ordinance
- Construction Project Sign Ordinance
- Sewage Discharge Ordinance
- Solid Waste Disposal Ordinance

### **Regulations:**

- Floodplain Regulations for Yuma County
- Subdivision Regulations

### **Standards:**

- Public Works Standards, Volume I-III

### **Codes:**

- 2012 International Building Code (COY)
- 2012 International Existing Building Code (COY)
- 2012 International Residential Code (COY)
- 2012 International Energy Conservation Code (COY)
- 2014 National Electric Code (COY)
- 2006 International Code Council Electric Code, Administrative Provisions (COY)
- 2012 International Mechanical Code (COY)
- 2012 International Plumbing Code (COY)
- 2012 International Fuel Gas Code
- 2003 International Fire Code

### **Policies:**

- Dry Hydrants and Construction Standards
- Fire Department Apparatus Access Roadway
- Fire Department Connection (FDC)
- Fire Resistant Construction Requirements for Awning Structures
- Freestanding Patio Structure
- HVAC Duct Air Leakage Test Virtual Inspection
- HVAC Replacement Virtual Inspection
- Individual Potable Water Source for Single Family Dwelling
- Patio Bracing
- Permit Requirement for Detached Accessory Structures
- Water Heater Replacement Virtual Inspection
- Water Requirements for Manual Firefighting during Construction

### **Fee Schedule**

DRAFT

## Appendix C – Review Comment Letter

Date

Applicant  
Address  
Yuma, AZ 85364

RE: Project No.: [insert project #]  
Permit No.: [insert permit #]  
APN: [insert APN]

Dear Property Owner:

An application was recently submitted for the construction of [proposed structure]. The (administrative/substantive) review resulted in the following comments:

Building Safety – Reviewer: <<Name>> <<Number>> <<email>>

No.	Code	Section	Comment
1	IBC	1.234	Place comment here

Engineering – Reviewer: <<Name>> <<Number>>

No.	Code	Section	Comment
1	PWSI		

Environmental Health – Reviewer: <<Name>> <<Number>>

No.	Code	Section	Comment
1			

Flood Control – Reviewer: <<Name>> <<Number>>

No.	Code	Section	Comment
1	FR		

Planning & Zoning – Reviewer: <<Name>> <<Number>>

No.	Code	Section	Comment
1	ZO		

Permit Services – Reviewer: <<Name>> <<Number>>

No.	Code	Section	Comment
1			

Once a revised submittal is made addressing these comments, our review will continue.

Sincerely,

Yuma County Plan Review Team  
Name, Title (928) 817-XXXX

Enclosure [you can enclose a copy of

DRAFT

**Appendix D – Denial Letter**

Date

Applicant  
Address  
Yuma, AZ 85364

RE: Project No.: [insert project #]  
Permit No.: [insert permit #]  
APN: [insert APN]

Dear Property Owner:

Application for Project No. [insert project #] has been denied. The reason for denial is:

- \_\_\_\_\_ the application expired including up to one extension;
- \_\_\_\_\_ two consecutive resubmittals were received without progress toward compliance;
- \_\_\_\_\_ it has been determined that compliance cannot be met by the proposed work or use.

The following items did not meet compliance:

No.	Code	Section	Comment
1			

If you believe this denial has been reached in error, you have the right to appeal.

Appeals based on interpretation of Regulation or Codes are filed with:

- \_\_\_\_\_ County Engineer/Flood Control Manager
- \_\_\_\_\_ Zoning Director
- \_\_\_\_\_ Chief Building/Fire Official

Appeals based on the permit process or delegated authority are filed with:

- \_\_\_\_\_ Director of Development Services
- \_\_\_\_\_ Board of Supervisors

Yuma County Plan Review Team  
Name, Title (928) 817-XXXX

Enclosure [you can enclose a copy of

DRAFT

## Appendix E – Courtesy Notice of Alleged Violation

Date

Property Owner Name

Address

Yuma, AZ 85364

RE: Courtesy Notice of Alleged Violation for \_\_\_\_\_  
Address of Violation (APN)

Dear Property Owner:

On <<date>>, Yuma County inspected <<address>> <<APN>>, and found <<description of Alleged Violation>>. This courtesy notice is being sent to inform you about the alleged violation and what needs to correct it.

Alleged Violation: Trash and brush, non-permitted development, etc.

Code/Ordinance Reference: ZO Section 309.01

Remedy: 1. Clean up the trash and brush.  
2. Obtain a permit for the carport on the east side of your home.

Required Action:

\_\_\_\_\_ Information Only – No Action Required but Recommended.

\_\_\_2\_\_\_ No Immediate Action Required – Action will be required when a permit application is submitted related to structure or use.

\_\_\_\_\_ Action Required as part of Application – The alleged violation is related to the proposed improvement or use and must be corrected as part of improvement.

\_\_1\_\_ Voluntary Correction – Contact Department of Development Services within 14 days with a correction plan and schedule to remedy the alleged violation. If a response is not received within 14 days, a formal notice of alleged violation will be sent to you and the case will be sent to the Hearing Officer.

\_\_\_\_\_ Immediate Action Required – Due to an unsafe condition or imminent risk, corrective action is needed immediately.

Thank you for your attention to this matter.

Sincerely,

Yuma County Plan Review Team

Name, Title (928) 817-XXXX

Enclosure [you can enclose a copy of

DRAFT

## **Appendix F – Notice of Alleged Violation**

Date

Property Owner Name

Address

Yuma, AZ 85364

RE: Notice of Alleged Violation for \_\_\_\_\_  
Address of Violation (APN)

Dear Property Owner:

On <<date>>, Yuma County inspected <<address>> <<APN>>, and found <<description of Alleged Violation>>. A courtesy notice was sent on \_\_\_\_\_. This notice is being sent to inform you that the alleged violation is being sent to the Hearing Officer on \_\_\_\_\_. You are encouraged to be present, have representation, and provide evidence and testimony on your behalf.

Alleged Violation: Trash and brush, non-permitted development, etc.

Code/Ordinance Reference: ZO Section 309.01

Thank you for your attention to this matter.

Sincerely,

Yuma County Plan Review Team

Name, Title (928) 817-XXXX

Enclosure [you can enclose a copy of

DRAFT

**AGENDA ITEM 4**

### **1. Purpose:**

To provide guidance to staff in determining when an imminent or unsafe condition exists and provide guidance for taking appropriate level of action

### **2. Legislative Authority:**

Yuma County Comprehensive Building Safety Code  
2003 International Fire Code

### **3. Definitions:**

**Detached.** When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

**Deterioration.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

**Imminent Danger.** A condition which could cause serious or life-threatening injury or death at any time.

**Neglect.** The lack of proper maintenance for a building or structure.

**Operator.** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

[A] **Owner.** Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**Person.** An individual, corporation, partnership or any other group acting as a unit.

[A] **Structure.** That which is built or constructed or a portion thereof.

## **Exterior Structure**

**Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;

6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or
8. are not capable of supporting all nominal loads and resisting all load effects;
9. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
10. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
11. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
12. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
13. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
14. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

## Interior Structure

**Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

## Component Serviceability

**Unsafe conditions.** Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
  - 1.1. Collapse of footing or foundation system;
  - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
  - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
  - 1.4. Inadequate soil as determined by a geotechnical investigation;
  - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
  - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
  - 2.1. Deterioration;
  - 2.2. Ultimate deformation;
  - 2.3. Fractures;
  - 2.4. Fissures;
  - 2.5. Spalling;
  - 2.6. Exposed reinforcement; or
  - 2.7. Detached, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
  - 3.1. Deterioration;
  - 3.2. Corrosion;
  - 3.3. Elastic deformation;
  - 3.4. Ultimate deformation;
  - 3.5. Stress or strain cracks;
  - 3.6. Joint fatigue; or
  - 3.7. Detached, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
  - 4.1. Deterioration;
  - 4.2. Ultimate deformation;
  - 4.3. Fractures in masonry or mortar joints;
  - 4.4. Fissures in masonry or mortar joints;
  - 4.5. Spalling;
  - 4.6. Exposed reinforcement; or
  - 4.7. Detached, dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:
  - 5.1. Deterioration;
  - 5.2. Elastic deformation;
  - 5.3. Ultimate deformation;
  - 5.4. Metal fatigue; or
  - 5.5. Detached, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
  - 6.1. Ultimate deformation;
  - 6.2. Deterioration;
  - 6.3. Damage from insects, rodents and other vermin;
  - 6.4. Fire damage beyond charring;
  - 6.5. Significant splits and checks;
  - 6.6. Horizontal shear cracks;
  - 6.7. Vertical shear cracks;
  - 6.8. Inadequate support;
  - 6.9. Detached, dislodged or failing connections; or
  - 6.10. Excessive cutting and notching.

**Unsafe plumbing.** Any plumbing regulated by this code that is unsafe or that constitutes a fire or health hazard, insanitary condition, or is otherwise dangerous to human life is hereby declared unsafe. Any use of plumbing regulated by this code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

**Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, Back-siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

**Unsafe mechanical systems.** A mechanical system that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life, as regulated by this code, is hereby declared as an unsafe mechanical system. Use of a mechanical system regulated by this code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe equipment and appliances are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

**Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

**Mechanical equipment and appliances.** Mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

**Removal of combustion products.** Fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

**Combustion air.** A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

**Electrical system hazards.** Where it is found that the electrical system in or on a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

**Abatement of electrical hazards associated with water exposure.** The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

**Electrical equipment.** Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

**Electrical equipment.** Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

**Locked doors.** Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

**Emergency escape openings.** Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.

**Fire-resistance-rated assemblies.** The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

**AGENDA ITEM 5**



## MEMORANDUM

**TO:** Yuma County Planning and Zoning Commission Subcommittee

**FROM:** Maggie Castro, AICP, Planning & Zoning Director

**RE:** Discussion concerning possible text amendments to the Yuma County Zoning Ordinance, Section 306.03—Certificate of Exemption, Section 309.00, Section 401.01—Application for Amendment or Change, Section 1201.00—Permits, Section 1201.01—Zoning Inspector, Arizona Revised Statutes, Title 11, Chapter 6, Article 2, Permits, Section 1208.00—Withholding of Permits, Section 1209.01—Commencement of Action and Notice of Hearing

**DATE:** November 27, 2018

---

This memorandum is to propose changes to the Yuma County Zoning Ordinance, Section 306.03—Certificate of Exemption, Section 309.00, Section 401.01—Application for Amendment or Change, Section 1201.00—Permits, Section 1201.01—Zoning Inspector, Arizona Revised Statutes, Title 11, Chapter 6, Article 2, Permits, Section 1208.00—Withholding of Permits, Section 1209.01—Commencement of Action and Notice of Hearing.

The proposed changes are shown below. Text that is proposed to be deleted is in ~~strikethrough~~ format and new text is in **bold** font.

### ~~306.03—Certificate of Exemption~~

~~This Ordinance shall not prevent, restrict or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing, or general agricultural purposes if the tract concerned is five (5) or more contiguous commercial acres. However, property is not considered exempt from the Yuma County Zoning Ordinance or Yuma County Comprehensive Building Safety Code unless and until the Yuma County Planning & Zoning Division has issued a Certificate of Exemption for that property.~~

~~To secure a certificate of exemption, an applicant shall submit a Zoning Clearance Application, including site plans and other supporting documentation.~~

~~Only property classified by the Yuma County Assessor's Office or the Arizona Department of Revenue as property used for one of the purposes cited in the first paragraph of this section is eligible for exemption under this section.~~

~~If property that has been so classified is five (5) or more contiguous commercial acres, and is used for an exempted use, the property shall be exempted from the Yuma County Zoning Ordinance and/or Comprehensive Building Safety Code, unless the Planning Director determines that all or part of the property is not used primarily for one (1) or more of the purposes listed in the first paragraph of this section.~~

~~Any structures built under an exemption that do not meet the underlying zoning district and/or building safety standards may be required to comply with said standards if, at a future date, the exemption is no longer applicable.~~

~~If the Planning Director finds that all or part of the property is not used primarily for agricultural purposes as identified in this section, the property will no longer be exempt and shall be subject to the requirements of this ordinance. Any structures built under an exemption that do not meet the underlying zoning district and/or building safety standards may be required to comply with said standards if the exemption is no longer applicable.~~

## Section 309.00--Permits

### C. Exemptions

The following land uses shall be exempt from the permit requirements as stated in Subsections A and B above, unless the property at issue is located in a special flood hazard area, in which case these exemptions do not apply:

- ~~1. Farm uses and land primarily used for agriculture as identified in Section 202 of this ordinance.~~
2. Excavation for installation of septic tank systems under the control of Department of Development Services or grading permits issued by Yuma County Flood Control Division.
3. Fences six feet (6') or less in height designed primarily to enclose the perimeter of a lot, wholly or partially.
4. Utility structures covering a well or pump, providing the structure is used only for a covering well and pump, utility poles or structures supporting utility lines, excavation for installation of underground utilities, transformer enclosures or pad-mounted transformers, or sewage treatment plants under the control of the Arizona Department of Environmental Quality.
- ~~5. Railroad, mining, metallurgical, grazing or general agricultural purposes, if the tract concerned is five (5) or more contiguous commercial acres (Arizona Revised Statutes, Title 11, Chapter 6, Article 2).~~
- ~~6. Agricultural composting, if the tract is five (5) or more contiguous commercial acres. (Arizona Revised Statutes, Title 11, Chapter 6, Article 2).~~

### D. Permits In Flood Hazard Areas

Yuma County Floodplain Regulations require a floodplain use permit for any development within Special Flood Hazard Areas as defined by Yuma County Floodplain Regulations Sec. 3.2. Requirements regarding land use permits for property located within a special flood hazard area may be obtained at the Yuma County Department of Development Services – Engineering Division. Additional information may be located under Arizona Revised Statutes, Title 48, Chapter 21, Article 1.

#### E. Permit Revocation

1. The Planning Director may revoke any permit or other authorization granted under this Ordinance for:
  - a. Failure to comply with the provisions of this Ordinance or the terms and conditions of the permit or authorization;
  - b. False statements or misrepresentations made in securing the permit or authorization; or, if the permit or authorization was mistakenly granted in violation of applicable State or local law.
2. Before revoking a permit or other authorization, the Planning Director shall give the holder of the permit or authorization ten (10) days written notice of intent to revoke the permit or authorization. The notice shall state the reasons for the intended revocation and state that the holder may have an informal hearing on the intended revocation before the Planning Director. On revoking a permit or other authorization, the Planning Director shall give the holder of the permit or authorization a written notice of the revocation and the reasons for it. The holder of a revoked permit or authorization may, within ninety (90) days after the revocation, submit to the Planning Director a written request to reinstate the revoked permit or authorization. On determining that the conditions justifying the revocation have been eliminated and that the development fully complies with all applicable requirements of this Ordinance, the Planning Director may reinstate the permit or authorization.
3. A copy of all correspondence to the permit holder under this Section regarding possible revocation shall be copied to the parcel or lot property owner if different from the permit holder.

#### 404.01--Application for Amendment or Change

#### F. Notice of Rezoning Application Acceptance

The Department of Development Services Planning Staff shall provide notice of the application's acceptance. The notice shall briefly summarize the nature of the proposed amendment, invite interested persons to review the application at the Department of Development Services and submit written or oral comments on the application.

#### Section 1201.00--Permits

Assessor, Arizona Revised Statutes, Title 11, Chapter 2, Article 9, Permits

D. If a person has constructed a building or an addition to a building without obtaining a building permit, a county shall not require a subsequent owner to obtain a permit for the construction or addition done by the prior owner before issuing a permit for a building addition, except that nothing in this section shall be construed as prohibiting the enforcement of an applicable ordinance or code provision which **affects materially threatens** the public health or safety. **The lack of building permits does not by itself constitute a threat to public health or safety.**

#### 1201.01--Zoning Inspector, Arizona Revised Statutes, Title 11, Chapter 6, Article 2, Permits

It is unlawful to erect, construct, reconstruct, alter or change the use of any building or other structure within a zoning district covered by the ordinance without first obtaining a building permit from the inspector and, for that purpose, the applicant shall provide the zoning inspector with a sketch of the proposed construction containing sufficient information for the enforcement of the zoning ordinance. ~~No permit shall be required for repairs or improvements of a value not exceeding five hundred (500) dollars.~~ The inspector shall issue the permit when it appears that the proposed erection, construction, reconstruction, alteration or use fully conforms to the zoning ordinance. In any other case, the inspector shall withhold the permit, **except as follows:**

- A. No permit will be required for repairs or improvements of a value not exceeding five hundred (500) dollars.**
- B. The work does not involve an unpermitted detached structure, which is 3, or more, feet from the structure subject to the permit.**
- C. The work does not involve prior work on the same structure by a prior owner and such work does not materially affect public health and safety.**
- D. For any work done prior to 1998 where the County is unable to locate a permit, the presumption will be such work was originally permitted by the County, unless the County can establish otherwise.**

#### Section 1208.00--Withholding of Permits

~~It shall be unlawful to knowingly petition for and/or obtain any permit which conflicts with or violates the provisions of any federal, state, county or local statute, ordinance, rule or regulation relating to, but not limited to health regulations or sanitary and wastewater facilities, fire, building, plumbing, electrical, mechanical codes; and drainage, Flood plain, or right-of-way encroachments regulations.~~

~~To provide for the enforcement of this section, the county shall withhold any permit for properties upon which a use of the property, building or any other structure does not meet the standards expressed in this section.~~

**It is unlawful to erect, construct, reconstruct, alter or use any building or other structure within a zoning district covered by the ordinance without first obtaining a building permit from the inspector. The inspector shall recognize the limitations placed on the inspector's authority by Arizona Revised Statutes, Chapter 6, Article 1 and Article 2, and shall issue the permit when it appears that the proposed erection, construction, reconstruction, alteration or use fully conforms to the zoning ordinance. In any other case the inspector shall withhold the permit.**

#### 1209.01--Commencement of Action and Notice of Hearing

A. Every action brought before the Hearing Officer for any violation of the Yuma County Zoning Ordinance shall be initiated by a complaint with the Hearing Officer by the Zoning Inspector. **A complaint shall only be initiated upon: i) a signed written complaint submitted to the Zoning Inspector by a member of the public, identifying the complete name of such person and the alleged violation is independently verified by the Zoning Inspector; or ii) the Zoning Inspector's own discovery and verification of visual of Zoning Ordinance violations constituting a material threat to public health and safety.** Whenever the Zoning Inspector files a complaint with the Hearing Officer, a hearing shall be held after serving notice of the hearing on the alleged violator.

B. Notice of the hearing and a copy of the complaint **together with a complete copy of the County's file substantiating the complaint** shall be personally served on the alleged violator at least five (5) days prior to the hearing. Service of the Notice shall be affected by delivering a copy of the notice and of the complaint to that individual personally or by leaving copies thereof at that individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein.

#### 1209.05--Rules of Procedure

J. Any appeal arising from a decision of the Board of Supervisors shall be to the Superior Court of the State of Arizona. **The County's appeal of the Board of Supervisor's decision shall require the Board of Supervisors' express authorization for an appeal.**