



4. **Special Use Permit Case No. 19-06:** Lurdes Zamudio requests a Special Use Permit per Sections 611.03(B), (J), and (K) of the Yuma County Zoning Ordinance to allow a recreational vehicle as a caretaker's residence, a tire repair shop, and unscreened storage of tires on a parcel 14,550 square feet in size zoned Local Commercial (C-1), Assessor's Parcel Number 700-26-403, located at 10376 East North Frontage Road, Yuma, Arizona.
5. **Rezoning Case No. 19-08:** John L. & Felicia Linn request the rezoning of 2.0 gross acres from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2) and 5.94 gross acres to Suburban Site Built-5 acre minimum (SSB-5), Assessor's Parcel Number 725-53-008, located on the southwest corner of County 13½ Street and Avenue 7¼ E, Yuma, Arizona.
6. **Rezoning Case 19-10:** Dahl, Robins and Associates, Inc., agent for TDI Holdings, LLC, requests the rezoning of a parcel 10.03 gross acres in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 725-53-002, located on the southeast corner of County 13½ Street and Avenue 7E, Yuma, Arizona.
7. **Minor Amendment Case No. 2019-MA-02:** Dahl, Robins & Associates Inc., agent for Yuma Irrigation District, requests to change the land use designation of a 7.05 acre portion of a parcel 107.81 gross acres in size from Agriculture/Rural Residential (A-RR) to Industrial (I), Assessor's Parcel Number 182-28-004, located in the vicinity of the southeast corner of Avenue 12E (alignment) and County 8th Street (alignment), Yuma, Arizona.
8. **Rezoning Case No. 19-09:** Dahl, Robins and Associates Inc., agent for Yuma Irrigation District, requests the rezoning of 7.05 acre portion of a parcel 107.81 gross acres in size from Rural Area-20 acre minimum (RA-20) to Heavy Industrial (HI), Assessor's Parcel Number 182-28-004, located in the vicinity of the southeast corner of Avenue 12E (alignment) and County 8th Street (alignment), Yuma, Arizona.
9. **Request to initiate a text amendment to the Zoning Ordinance, Section 1107.00—Temporary Buildings and Uses to amend Section 1107.01(A)(4), add Sections 1107.01(C) and (D), amend Section 1107.03, amend Sections 1107.04 and 1107.05, and add Sections 1107.06 and 1107.07.**
10. **Action to amend the initiation of the text amendment to the Subdivision Regulations for lot ties in recorded subdivisions and discussion concerning amendment to DDS Fee Schedule to adopt a fee for processing a Lot Tie Map.**
11. **Request to initiate a text amendment to the Zoning Ordinance to create the Dark Sky Overlay District and amend the Official Zoning Map accordingly.**

- 12. Discussion by the Commission members and Planning Director of events attended, current events, and the schedule for future Planning Commission meetings.**
- 13. Adjourn.**

The Committee may vote to hold an Executive Session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda, pursuant to Arizona Revised Statute §38-431.03(A)(3).

Persons with disabilities may request reasonable accommodations by contacting Shannon Gunderman, ADA Coordinator at 928.373.1137 or by email at [shannon.gunderman@yumacountyaz.gov](mailto:shannon.gunderman@yumacountyaz.gov). Requests should be made as early as possible to allow time to arrange the accommodation.

Yuma County  
Planning & Zoning  
Commission

Item No. 3

The Yuma County Planning and Zoning Commission met in a regular session on October 22, 2019. The meeting was held in Aldrich Auditorium at 2351 West 26<sup>th</sup> Street, Yuma, Arizona.

CALL TO ORDER: At 5:02 p.m. Vice Chairman Bryant convened the Planning and Zoning Commission meeting. Commissioners present were: Scott Mulhern, Ron Rice, John McKinley, Tim Bowers, Danny Bryant, Alicia Zermeno, Wayne Eide and Paul White. Commissioners Matias Rosales and Gary Black were absent. Others present were: Planning Director Maggie Castro, AICP; Senior Planner Fernando Villegas; and PZ Commission Administration Specialist Amber Jardine.

PLEDGE OF ALLEGIANCE: Vice Chairman Bryant led the Pledge of Allegiance.

ITEM No. 3: Approval of the Planning and Zoning Commission regular meeting minutes of August 27, 2019.

MOTION (RICE/ZERMENO): Approve as presented.

VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0.

ITEM No. 4: Major Amendment Case No. 2019-PA-01: Vianey Vega, agent for Margaret and Delbert Johnson Trust 3-28-2011, requests a major amendment to the Yuma County 2020 Comprehensive Plan to change the land use designation of a parcel totaling 7.57 gross acres in size from Agriculture/Rural Preservation (A-RP) to Rural Density Residential (R-RD), **Assessor's Parcel Number 721-28-029**, located at 3220 West County 13th Street, Yuma Arizona; located in the 65-69 dB noise zone.

Senior Planner Fernando Villegas presented the staff report recommending approval of 2019-PA-01 based on:

1. The amendment will allow for residential development that is consistent and does not negatively impact the existing residential character of the area.
2. The change will not be detrimental or disruptive to the existing rural/agricultural character of the area.

Vianey Vega, 1846 South 8<sup>th</sup> Avenue, Yuma, Arizona, agent for the applicant, addressed the concerns of the opposition letters that were received. He stated the applicant was willing to compromise and split the parcel into two parcels. This would not increase density and comply with the letters in opposition. Mr. Vega showed Commissioners how the parcel would be split in two.

Staff explained the current zoning of the property is RA-40. The Special Use Permit that allows the mobile home that is currently on the property expires June 2, 2024.

Commissioner Eide inquired about the process of the Major Amendment due to the new proposal to split the property in two instead of three.

Senior Planner Fernando Villegas stated the Major Amendment would be to change the land use designation. The applicant would have to apply for rezoning in order to split the parcel. The rezoning case would be brought to the Planning and Zoning Commission and the split of the parcel would be addressed at that time.

Vice Chairman Bryant opened the public hearing.

Mary Ellen Finch, MCAS-Yuma representative, stated MCAS had two concerns for the Major Amendment. The concern for increased density could potentially be agreed upon if the property could not split into more than two parcels. She inquired about how many acres each lot would be if the property was split and rezoned. The second concern was the sound attenuation of the manufactured home that is on the property.

Senior Planner Fernando Villegas stated there are zoning districts that limit the acreage of properties. Suburban Site Built-4 acre minimum and Suburban Site Built-3 acre minimum are the zoning districts that the property could rezone to.

Planning Director Maggie Castro, AICP, stated the manufactured home would not need to comply with sound attenuation standards. However, if the owner replaces the manufactured home, the new unit would need to comply with sound attenuation standards. She explained that if the manufactured house was placed after 1979, after the Airport District was established, then the unit may already be compliant with sound attenuation standards.

Mary Ellen Finch, MCAS, inquired about why the property would be split if the parcels would be staying within family.

Commissioner Bryant explained it could be due to mortgage loans and other reasons.

There being no one else to come forward, Vice Chairman Bryant closed the public hearing.

Commissioner White inquired if there was any history in the courts with the Attorney General filing against similar cases.

Planning Director Maggie Castro, AICP, stated she would forward the question to legal counsel and would have an answer at the Board of Supervisors meeting.

MOTION (WHITE/MCKINLEY): Approve Major Amendment Case No. 2019-PA-01 as presented by staff.

VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0.

ITEM No. 5: Minor Amendment Case No. 2019-MA-01: Craig Colvin, agent for James F. and Lavina S. Platt Trust 11-25-2003, requests to change the land use designation of 5.44 acres consisting of portions for four parcels from Local Commercial (C-LC) and a parcel 15 acres in size from Regional Commercial (C-RC) to Low Density Residential (R-LD), **Assessor's Parcel Numbers 700-39-003** and the south portion of -005, -006, -007 and -008 located in the vicinity of the southeast corner of the alignment of Scottsdale Drive and South Frontage Road, Yuma, Arizona.

Senior Planner Fernando Villegas presented the staff report recommending approval of 2019-MA-01 based on:

1. The amendment will allow for residential development that is consistent with and does not negatively impact the existing residential and commercial character of the area.

2. The change will allow for consistent zoning and land use development patterns.
3. The amendment addresses an oversight, inconsistency, or other land use related inequity since the existing C-RC land use designation is not suitable for the location.

ITEM No. 6: Rezoning Case No. 19-07: Craig Colvin, agent for James F. and Lavina S. Platt Trust 11-25-2003, requests the rezoning of 5.44 acres consisting of portions of four parcels from General Commercial (C-2) and a parcel 15 acres in size from Rural Area-10 acre minimum (RA-10) to Low Density Residential-6,000 square feet minimum (R-1-6), **Assessor's Parcel** Numbers 700-39-003 and a portion of parcels -005, -006, -007 and -008, located in the vicinity of the southeast corner of South Frontage Road and Scottsdale Road, Yuma, Arizona.

Senior Planner Fernando Villegas presented the staff report recommending approval of RZ19-07 subject to the following Performance Conditions and Schedule for Development:

Performance Conditions.

1. Within 60 days of approval by the Board of Supervisors, the owners or agent shall provide the following:
  - a. An A.R.S. § 12-1134 waiver.
  - b. An Avigation Disclosure Statement
  - c. A Range Disclosure Statement

Schedule for Development.

1. The owner/applicant shall record a final plat subdividing the subject properties into parcels of at least 6,000 square feet in size within three (3) years of Board of Supervisors approval of this rezoning case.

Craig Colvin, 6105 East Alyssa Lane, Yuma, Arizona, agent for the applicant, stated he was present to answer any question for Commissioners and is in agreement with **staff's** recommendations.

Vice Chairman Bryant opened the public hearing.

There being no one to come forward, Vice Chairman Bryant closed the public hearing.

MOTION (MCKINLEY/BOWERS): Approve Minor Amendment Case No. 2019-MA-01 as presented by staff.

VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0.

MOTION (MCKINLEY/BOWERS): Approve Rezoning Case No. 19-07 as presented by staff.

VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0.

ITEM No. 7: Special Use Permit Case No. 19-05: Arizona Fuel, agent for Constance Braun, requests a Special Use Permit per Section 614.03(A) of the Yuma County Zoning Ordinance to allow a facility to recycle and upgrade used motor oil to the finished product of Marine Gas Oil on a parcel 3.21 gross acres

in size zoned Heavy Industrial (HI), Assessor's Parcel Number 197-06-025, located at 10387 South Avenue 4E, Yuma, Arizona; located in the 75-79 dB noise zone.

Senior Planner Fernando Villegas presented the staff report recommending approval of SUP19-05 subject to the following Performance and Operational Conditions:

Performance Conditions.

1. Within 60 days of approval by the Board of Supervisors, all owners or their agent shall provide the following:
  - a. An A.R.S. § 12-1134 waiver.
  - b. An Avigation Disclosure Statement

Operational Conditions.

1. The approval of the Special Use Permit is based on the site plan submitted by the applicant. Any change from the site plan will require approval by the Planning Director pursuant to Section 402.04 of the Yuma County Zoning Ordinance.

Commissioner McKinley inquired about the timeline of the Special Use Permit.

Staff stated there was no time limit for the Special Use Permit.

Kip Gilleland, 19991 North 97<sup>th</sup> Place, Scottsdale, Arizona, representative for Arizona Fuel, stated he was present **to answer any questions and will comply with staff's recommendations.**

Commissioner Rice inquired about the emissions of the facility.

Mr. Gilleland stated the facility was a zero emissions and zero pressure system. They met with ADEQ and they are not required to get an air quality permit due to the low emission and pressure system.

Commissioner Bryant inquired if it would create job opportunities.

Mr. Gilleland stated it would create a few job opportunities.

Vice Chairman Bryant opened the public hearing.

There being no one to come forward, Vice Chairman Bryant closed the public hearing.

MOTION (BOWERS/RICE): Approve Special Use Permit No. 19-05 as presented by staff.

VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0.

ITEM No. 8: Las Palmeras Subdivision - Request for Modification of Subdivision Regulations: Piramide Contractors Inc. requests four modifications from the Yuma County Subdivision Regulations for the proposed Las Palmeras **Subdivision, consisting of 20 lots on 3.39 acres, Assessor's Parcel Number 632-**

50-079, zoned Low Density Residential-6,000 square feet minimum (R-1-6), located at the southwest corner of the intersection of Vaughn Avenue and 4th Street, Yuma, Arizona.

Senior Planner Fernando Villegas presented the Las Palmeras Subdivision Modifications.

1. Modification from Section 4.15(C) – Major Collector Type Streets (Section Line Road): It is requested by the Developer not to provide improvements on the north limit of the subdivision.

Recommendation: The Engineering Division recommends approval of this request since there are no road improvements along the alignment and the proximity of the Ferguson Lateral.

2. Modification from Section 4.15(D) – Residential Collector Type Road: It is requested by the Developer not to improve the west side of the subdivision.

Recommendation: The Engineering Division recommends approval of this request since there is an existing irrigation canal along the west and there are no street improvements to the north and south.

3. Modification from Section 4.15(E) – Residential Road: Not to improve Vaughn Avenue in accordance with Public Works Standards No. 2-050 and 3-120 or 3-140.

Recommendation: The Engineering Division recommends denial. However, the developer may improve Vaughn Avenue per standard No. 2-100 from the southern boundary of the subdivision to the northerly entrance of Bann Mobile Estates and provide a turnaround (hammerhead) at the northerly limits of Vaughn Avenue improvements.

4. Modification from Section 4.7– Blocks: To allow block length longer than 1,200 feet.

Recommendation: The Engineering Division recommends approval of this modification subject to Section 4.7(B) by providing traffic calming measures along 4th Street.

Staff recommends approval of the following modifications:

1. Modification from Section 4.15(C) – Major Collector Type Roads: Not to construct road improvements along the northerly limits of the subdivision.
2. Modification from Section 4.15(D) – Residential Collector Type Roads: Not to construct road improvements along the westerly limits of the subdivision.
4. Modification of Section 4.7-Blocks: To allow street block length longer than 1,200 feet subject to traffic calming measures being provided along 4th Street.

Staff recommends denial of the following modification:

3. Modification from Section 4.15(E) – Residential Roads: Not to improve Vaughn Avenue on the east side of the subdivision. In lieu of the requirements, the developer may improve Vaughn Avenue per Standard No. 2-100 from the southern boundary of the subdivision to the northerly entrance of Bann Mobile Estates and provide a turnaround (hammerhead) at the northerly limits of Vaughn Avenue improvements.

Commissioner Eide inquired about the sidewalks.

Senior Planner Fernando Villegas explained the Engineering Department recommended a different type of road improvement due to the lack of sidewalks.

Francisco Galindo, 1420 South 5<sup>th</sup> Avenue, Yuma, Arizona, representative for Yuma Territorial Engineering, stated he was in agreement with recommendations and would continue improvements as requested by staff with modification number 3.

Vice Chairman Bryant opened the public hearing.

There being no one to come forward, Vice Chairman Bryant closed the public hearing.

MOTION (WHITE/EIDE): Approve Las Palmeras Subdivision - Request for Modification of Subdivision Regulations as outlined by staff.

VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0.

ITEM No. 9: Las Palmeras Subdivision - Tentative Map: Piramide Contractors Inc. requests approval of the tentative map for Las Palmeras subdivision consisting of 20 lots on **3.39 acres, Assessor's Parcel** Number 632-50-079, zoned Low Density Residential-6,000 square feet minimum (R-1-6), located at the southwest corner of the intersection of Vaughn Avenue and 4<sup>th</sup> Street, Yuma, Arizona.

Senior Planner Fernando Villegas presented the staff report recommending approval of Las Palmeras Subdivision Tentative Map subject to the following condition:

1. Approval by the Board of Supervisors of the requested modifications of Subdivision Regulations. If any of the requested modifications are denied, the tentative map shall be revised to meet the requirements of the Subdivision Regulations. The revised tentative map shall be submitted to the Planning Director within **30 days of the Board of Supervisors' action.**

Francisco Galindo, 1420 South 5<sup>th</sup> Avenue, Yuma, Arizona, representative for Yuma Territorial Engineering, stated he had no additional comments.

Vice Chairman Bryant opened the public hearing.

There being no one to come forward, Vice Chairman Bryant closed the public hearing.

MOTION (WHITE/EIDE): Approve Las Palmeras Subdivision - Tentative Map as presented by staff.

VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0

ITEM No. 10: Request to initiate a text amendment to the Zoning Ordinance, Section 1107.00—Temporary Buildings and Uses to amend Section 1107.01(A)(4), add Sections 1107.01(C) and (D), amend Section 1107.03, amend Sections 1107.04 and 1107.05, and add Sections 1107.06 and 1107.07.

MOTION (WHITE/ZERMENO): Continue the Request to initiate a text amendment to the Zoning Ordinance.

VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0

ITEM No. 11: Action to amend the initiation of the text amendment to the Subdivision Regulations for lot ties in recorded subdivisions.

MOTION (WHITE/ZERMENO): Continue the action to amend the initiation of the text amendment to the Subdivision regulations for lot ties in recorded subdivisions.

VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0

ITEM No. 12: Discussion concerning amendment to DDS Fee Schedule to adopt a fee for processing a Lot Tie Map.

MOTION (WHITE/ZERMENO): Continue the discussion concerning amendment to DDS Fee Schedule.

VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0

ITEM No. 13: Discussion by the Commission members and Planning Director of events attended, current events, and the schedule for future Planning Commission meetings.

There being no further business to come before the Commission, the Chairman adjourned the meeting at 5:55 p.m.

Approved and accepted on this 26<sup>th</sup> day of November 2019.

\_\_\_\_\_  
Matias Rosales, Chairman

ATTEST:

\_\_\_\_\_  
Maggie Castro, AICP, Planning Director

Yuma County  
Planning & Zoning  
Commission

Item No. 4

**AIR-9437**

**4.**

**P&Z Commission Agenda**

**Meeting Date:** 11/26/2019

**Submitted For:** Maggie Castro

**Submitted By:** Juan Leal-Rubio

**Department:** Planning & Zoning Division - DDS

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### **Information**

#### **1. REQUESTED ACTION:**

**Special Use Permit Case No. 19-06:** Lurdes Zamudio requests a Special Use Permit per Sections 611.03(B), (J), and (K) of the Yuma County Zoning Ordinance to allow a recreational vehicle as a caretaker's residence, a tire repair shop, and unscreened storage of tires on a parcel 14,550 square feet in size zoned Local Commercial (C-1), Assessor's Parcel Number 700-26-403, located at 10376 East North Frontage Road, Yuma, Arizona.

#### **2. INTENT:**

To establish a recreational vehicle as a caretaker's residence and a tire repair shop with unscreened storage of tires on the property.

#### **3. For detailed analysis see attached staff report**

#### **4. STAFF'S RECOMMENDATION:**

Staff recommends denial of this request. If the request is approved, staff recommends attaching the Operational and Performance Conditions listed in the attached staff report.

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### **Attachments**

Staff Report

Case Map

Site Plan

Dev Eval Checklist

Internal Comments

External Comments

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## STAFF REPORT TO THE COMMISSION

November 26, 2019

### Special Use Permit Case No. 19-06

**REQUEST:** A Special Use Permit per Sections 611.03(B), (J), and (K) of the Yuma County Zoning Ordinance to allow a recreational vehicle as a caretaker's residence, a tire repair shop, and unscreened storage of tires on a parcel 14,550 square feet in size zoned Local Commercial (C-1), Assessor's Parcel Number 700-26-403 located at 10376 East North Frontage Road, Yuma, Arizona.

**APPLICANT/AGENT:** Lurdes Zamudio.

Application is within Supervisor District 3: Darren Simmons; Commissioners Scott Mulhern and Danny Bryant. Staff report prepared by Juan Leal Rubio, Senior Planner.

**LOCATION:** From the intersection of Fortuna Road and North Frontage Road, travel west on North Frontage Road for approximately 0.70 miles. The subject property is located at 10376 East North Frontage Road.

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### **INTENT:**

To establish a recreational vehicle as a caretaker's residence and a tire repair shop with unscreened storage of tires on the property.

### **SITE CONDITIONS:**

The subject property is located within Fortuna Heights No. 4 subdivision recorded in 1974 which consists of 80 residential lots. The subject property was rezoned with Rezoning Case No. 99-49 to C-1. The site plan provided by the applicant shows the property is developed with a shade structure, a cargo container, and an office with restroom facilities. The site plan also shows future parking areas and the location of a commercial septic system. This request is for the purpose of bringing the property in compliance with the zoning ordinance due to having an unpermitted use and structures (Hearing Officer Case No. 18-H-0111).

Access to the subject property is along the North Frontage Road, a paved road ranging from 24 feet to 34 feet in width, and having between 50 feet to 80 feet of dedicated right-of-way.

**Surrounding zoning and land uses within 300 feet of the subject property:** Properties to the north, east and west are zoned Manufactured Home Subdivision-10,000 square feet minimum and are developed with a mixture of site-built and manufactured homes. Parcel 700-18-003 located approximately 55 feet

to the east is zoned Recreational Vehicle Park is the location of Las Quintas Oasis RV Park. Parcels 310 through 312 located approximately 200 feet to the west are zoned General Commercial with Parcels 310 and 312 developed with a clubhouse for Los Amigos Homeowner's Association and Parcel 311 being vacant.

The purpose of the C-1 zoning district is to promote and preserve convenient shopping areas, which contain retail and service establishments to meet the daily needs of the neighborhood. In order to preserve the neighborhood character of uses in this district, no single establishment may exceed six-thousand square feet (6,000 sf) of gross floor area or have drive-through facilities without a Special Use Permit. No outdoor activities or storage for the permitted uses are allowed except for vehicle parking unless the applicant has been granted a Special Use Permit to allow outdoor activities and/or storage.

The subject property is located in the Foothills Planning Area of the Yuma County 2020 Comprehensive Plan and is designated as Local Commercial. The Local Commercial land use designation supports convenient neighborhood commercial areas which contain retail, service and office establishments that meet the daily needs of nearby neighborhoods. Examples of this include small retail stores, office uses and restaurants. This request for a Special Use Permit does not trigger an amendment to the Comprehensive Plan because it does not require a zone change.

The subject property is located within the Yuma Metropolitan Air Pollution District which is designated "non-attainment" for PM<sub>10</sub> by the U.S. Environmental Protection Agency. The PM<sub>10</sub> State Implementation Plan (SIP) specifically recommends that Yuma County limit the intensity of use of dirt roads. Yuma County has adopted Reasonable Available Control Measures (RACMs) for the purpose of reducing pollutant emissions resulting in improved air quality. The RACMs implemented paving, stabilizing, and/or reducing travel on unpaved streets, roads, and unpaved areas. Physical access to the property is along a paved road, therefore approval of this request will not generate an increase in dust. The proposed use will not generate an increase in dust since access to the site is along a paved road and vehicular parking and circulation areas within the property are graded in accordance with Section 906.00--Parking Area Paving and Surfacing of the Yuma County Zoning Ordinance.

The subject property is within the six minute response time radius by Rural Metro Fire Department and within the ten minute response time radius by the Yuma County Sheriff's Department.

The property is located beneath a flight path which will require recordation of an aviation disclosure statement as a condition of approval for the Special Use Permit.

**CRITICAL ISSUES:**

The tire repair shop has been developed without adherence to minimum building code requirements and minimum development standards of the Yuma County Zoning Ordinance (YCZO). The existing buildings and structures were built without permits and are in violation of buffering and screening requirements of the YCZO. Additionally, the Yuma County Engineering Department is currently undergoing negotiations with the property owner to acquire an additional 38 feet of land along the

south property line for the future expansion of North Frontage Road which will further limit the buildable area of the subject property.

Some of the deficiencies based on review of the site plan submitted by the applicant include the absence of the buffering and screening requirements on all sides of the subject property. Required buffer yards include 20 feet from the north property line, 15.4 feet from the east property line, 10 feet from the west property line and 10 feet from the south property line. A buffer yard may not contain buildings or structures and cannot be used for parking, loading, storage, or any activity that is either a part of or accessory to the proposed use. Screening requirements include Type A screening (100% solid such as a solid fence or wall at least six feet in height) on the north and east side property lines and Type B screening (composed of a combination of trees or shrubs) on the west and south side property lines. Additionally, the outside storage of tires shall be screened from adjacent properties and rights-of-way by means of Type B screening or its equivalent as approved by the Planning Director.

Required Conclusions from the Yuma County Zoning Ordinance: (Section 402.01)

**1. The proposed development will not materially affect or endanger the public health, safety or welfare.**

The proposed use will materially affect or endanger the public health, safety or welfare. The main access to the subject property will be along Pearl Avenue, a local residential paved road 34 feet in width having 40 feet of dedicated right-of-way, which borders the subject parcel on the west. The average daily vehicle trips which could potentially be generated by the business is 20 (50% entering, 50% exiting) according to the Institute of Transportation Engineers' Trip Generation Manual. The increase in traffic on a local residential road will affect traffic flow and may disturb the residential character of the area. Additionally, the outdoor storage of tires could breed insects and cause a fire hazard creating a danger to public health, safety or welfare due to the proximity to residential uses to the north, west and east.

**2. The proposed development complies with all regulations and standards applicable within the zoning district specifically applicable to the particular type of special use or class of special uses.**

Based on the site plan submitted by the applicant, the proposed tire repair shop will not meet minimum development standards of the YCZO and will require a variance for a waiver or reduction of said standards due to the limited buildable area and existing site constraints.

**3. The proposed development will not substantially change or materially affect the adjoining property or the surrounding area.**

The proposed use will substantially change or materially affect adjoining properties in this area. Outdoor tire repair shops produce noise, vibrations and fumes that would have a negative impact on the existing residential subdivision located in the vicinity of the subject property.

**4. The proposed development will be in harmony with the area in which it is located.**

The site plan submitted by the applicant does not make provisions to minimize possible negative impacts on adjacent residential areas such as adherence to buffering and screening requirements. Consequently, the proposed use will not be in harmony with the area in which it is being proposed.

**ORDINANCES, CODES AND REGULATIONS THAT PERTAIN TO THE APPLICATION:**

- Yuma County Zoning Ordinance
- Yuma County Comprehensive Building Code
- 2003 International Fire Code
- Environmental Health Laws (ARS Titles 36 and 49 and AAC, Rules 9 and 18)
- Yuma County Flood Control District
- Yuma County Public Works Standards

**SUMMARY NOTES:**

Support Staff Summary:

- The Environmental Programs Division provided the following comments: Applicant to register as an used tire site with the Arizona Department of Environmental Quality if storing 100 or more tires outdoors and comply with requirements of A.R.S § 44-1304.01.
- The Building Safety Division provided the following comments: All the requirements of the Yuma County Comprehensive Building Safety Code and the 2003 International Fire Code shall be met...For the fire code: 1) A water supply for manual fire-fighting shall be available within 500' of the furthest point of stored tires; 2) Where the bulk volume of stored material is more than 3,3333 square feet (6 feet maximum height), a firmly anchored fence or other approved method of security that controls unauthorized access to the storage yard shall surround the storage yard; 3) The fence shall be constructed of approved materials and shall be not less than 6 feet high and provided with gates at least 20 feet wide; 4) Gates to the storage yard shall be locked when the storage yard is not staffed; 5) Gateways shall be kept clear of obstructions and be fully openable at all times; and, 6) Buildings or structures shall be provided with portable fire extinguishers in accordance with Section 906. Fuel-fired vehicles operating in the storage yard shall be equipped with a minimum 2-A:20-B:C-rated portable fire extinguisher.
- The Engineering Department provided the following comments: 1) Per Rezoning Case No. 99-49 conditions of approval, no access along North Frontage Road will be permitted, and 2) Access to the property shall be restricted along Pearl Avenue and shall be located in accordance with Yuma County Public Works Standards Section 7.2.8 Driveways/Curb Cuts.
- The Yuma County Assessor has no objections or concerns with the property use.

Letters of Support, Opposition, Agency, Military, Special Interest: Various agencies responded with a no comment or satisfactory response and are on file. The following agencies provided more specific comments:

1. Mary Ellen Finch, MCAS-Yuma, provided the following comments: The subject property is located beneath a flight path. It is requested that an avigation easement be recorded that recognizes the noise, interference, or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station/Yuma International Airport aviation Complex....

2. Robert M. Blevins, City of Yuma, provided the following comments/questions: Highly visible from freeway. How will used tires be stored? Any limits on outdoor storage of tires? Possibility of requiring screening?

Citizen Comments: As of November 13, 2019 staff has not received any comments from the general public.

Development Evaluation Checklist (DEC): The Development Evaluation Checklist identifies the following Impact Categories: Conformance to Existing Plans; Land Use Compatibility; Natural Resources; Public Infrastructure; Natural Environmental Conditions; Manmade Environmental Conditions; and Health, Safety & Welfare. A point system is used to score whether a proposal should likely be approved or denied. Of a possible high score of 300, the total score for this proposal is 235. A total score of 249 or less represents a proposal that likely should be denied. The Development Evaluation Checklist score is less than 300 due primarily to the following factors: 1) The proposed use will materially affect or endanger the public health, safety or welfare; 2) The proposed use is incompatible with surrounding land uses; and 3) The proposed use will substantially change or materially affect adjoining properties.

### **CHRONOLOGY:**

09-03-19	Application received
11-06-19	Legal ad appears in the Yuma Sun for the Planning Commission's public hearing
11-07-19	Property posted for the Planning Commission's public hearing
11-08-19	Public notice mailed to properties within 300 feet of the request, the City of Yuma and all relevant agencies
11-08-19	Letter mailed informing applicant of item being placed on Planning Commission's public hearing agenda
11-26-19	Planning Commission's public hearing

### **RECOMMENDATION:**

Staff recommends denial of this request for the following reasons: 1) The proposed use will materially affect or endanger the public health, safety or welfare; 2) The proposed use is incompatible with surrounding land uses; and, 3) The proposed use will substantially change or materially affect adjoining properties. If the request is approved, staff recommends attaching the following Operational and Performance Conditions.

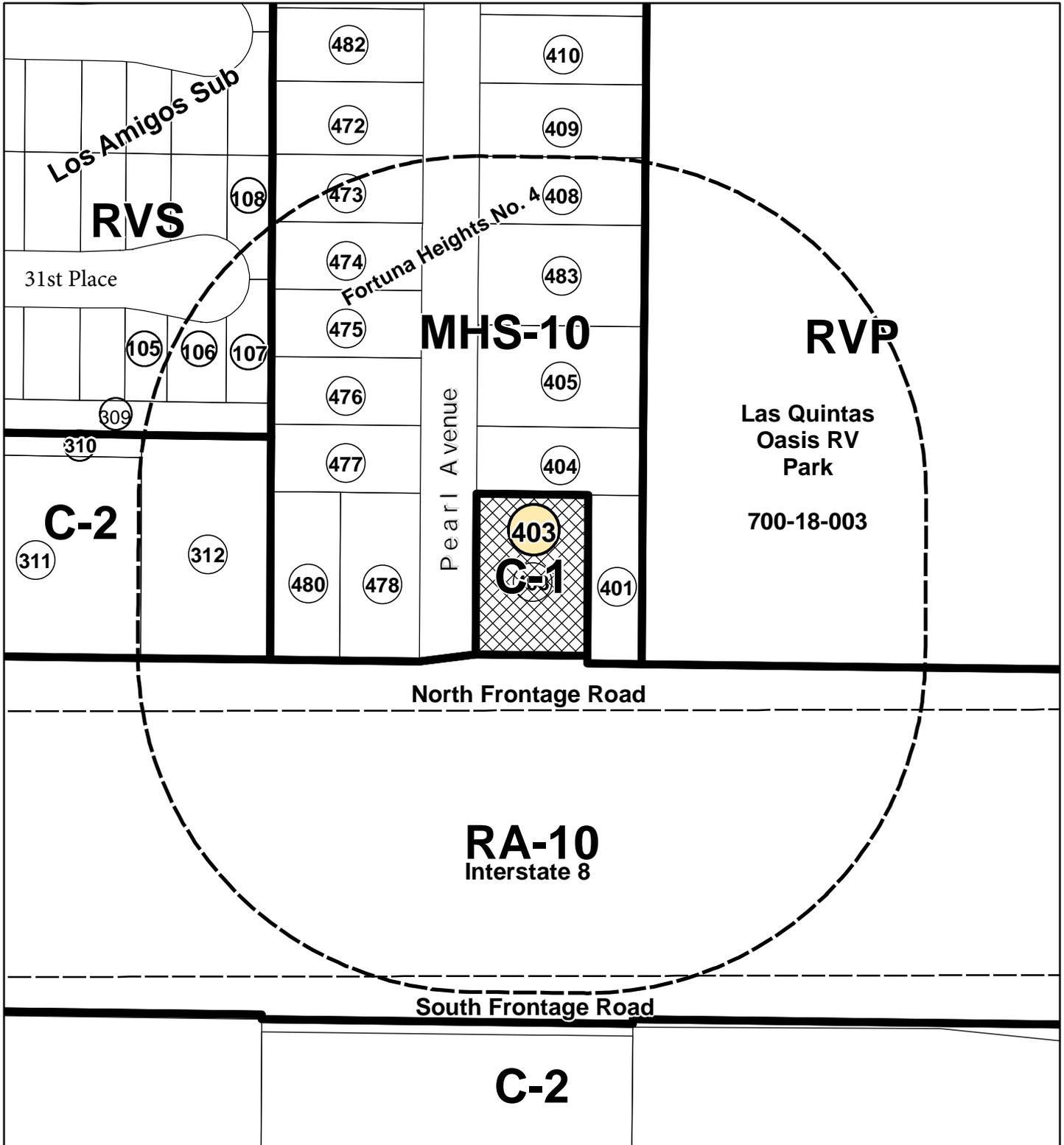
### **Operational Conditions.**

1. The approval of the Special Use Permit is based on the site plan submitted by the applicant. Any change from the site plan will require approval by the Planning Director pursuant to Section 402.04 of the Yuma County Zoning Ordinance.
2. Hours of operation for the tire shop shall be limited to Monday through Saturday from 8:00 a.m. to 6:00 p.m.

3. The outdoor storage of tires shall not exceed a maximum height of six feet.
4. The owner/applicant shall acquire and have finalized all required permits as per appropriate code requirements within six months of approval by the Board of Supervisors or the Special Use Permit shall expire pursuant to Section 402.05(B)(1)(a) of the Yuma County Zoning Ordinance.
5. All structures and improvements associated with this Special Use Permit shall be in compliance with the Americans with Disabilities Act (ADA) regulations, including, but not limited to, restrooms and handicap parking.
6. Vehicular access to the subject property shall be restricted along Pearl Avenue and shall be located in accordance with Yuma County Public Works Standards Section 7.2.8 Driveways/Curb Cuts.

**Performance Conditions.**

1. The owner shall submit the following documents to the Department of Development Services within 60 days of approval of this special use permit case by the Board of Supervisors:
  - a. An A.R.S. § 12-1134 waiver.
  - b. An aviation disclosure statement
2. Within 60 days of Board of Supervisors' approval, the owner/applicant shall construct a masonry wall six feet in height along the north and east property lines.
3. Within 60 days of Board of Supervisors' approval, the owner/applicant shall provide the following:
  - a. A water supply for manual fire-fighting within 500 feet of the furthest point of stored tires.
  - b. Where the bulk of volume stored material is more than 3,333 square feet (maximum 6 feet height), a firmly anchored fence or other approved method of security that controls unauthorized access to the storage yard shall surround the storage yard.
  - c. The fence shall be constructed of approved materials and shall be not less than 6 feet high and provided with gates at least 20 feet wide.
  - d. Gates to the storage yard shall be locked when the storage yard is not staffed.
  - e. Gateways shall be kept clear of obstructions and be fully openable at all times.
  - f. Buildings or structures shall be provided with portable fire extinguishers in accordance with Section 906.00 of the Building code. Fuel-fired vehicles operating in the storage yard shall be equipped with a minimum 2-A:20-B:C-rated portable fire extinguisher.
4. Within 60 days of Board of Supervisors' approval, the owner/applicant shall register as a used tire site with the Arizona Department of Environmental Quality if storing 100 or more tires outdoors and comply with requirements of A.R.S § 44-1304.01.




**DEPARTMENT OF DEVELOPMENT SERVICES**  
**PLANNING & ZONING DIVISION**  
 2351 W. 26TH STREET  
 YUMA, AZ 85364

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

**CASE NO:** SUP19-06  
**LOCATION:** 10376 E. North Frontage Road  
**APN(s):** 700-26-403

**CASE PLANNER:** J. Leal Rubio  
**DATE DRAWN:** 10-04-2019  
**REVIEWED BY:** N/A

**SCALE:** 1" = 125'



**Legend**

-  300' BUFFER
-  SUBJECT PROPERTY
-  Zoning Boundary
-  State Land

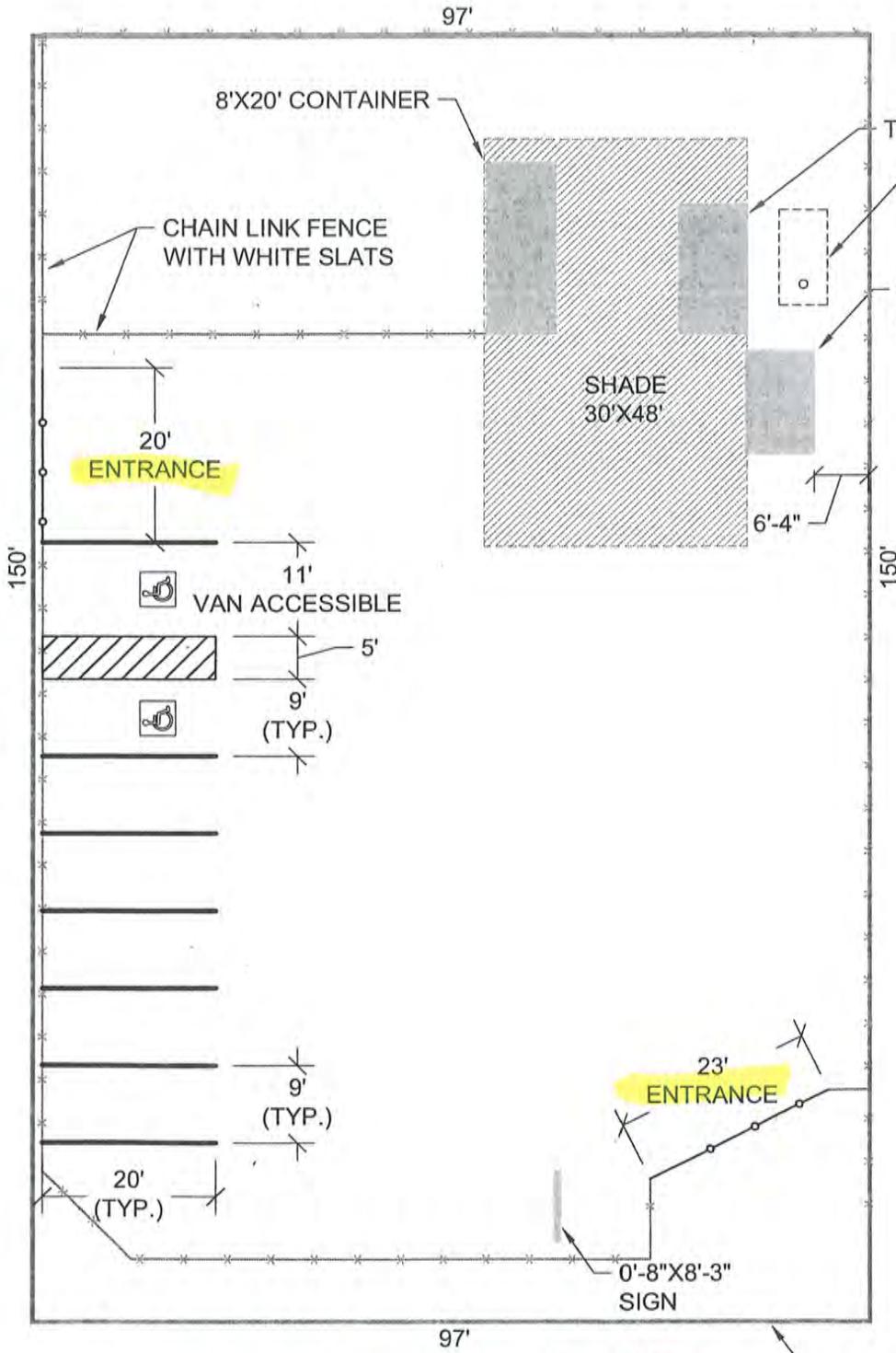
# ALBERT'S TIRE SHOP



SCALE: 1" = 20'



PEARL AVE



### LEGEND

- GATE
- \*-\* CHAIN LINK FENCE

FRONTAGE ROAD

PROPERTY LINE

Yuma County 2020 Comprehensive Plan  
**Development Evaluation Checklist**

Case No.: SUP19-06

Owner/Agent: Lurdes Zamudio

Current Zoning: C-1

Proposed Use: Tire Repair Shop

Acreage: .33 net

**IMPACT CATEGORY I.****CONFORMANCE TO EXISTING PLANS**

		YES	NO	SCORE
1	The proposal is consistent with the Yuma County 2020 Comprehensive Plan, Joint Land Use Plan (JLUP), area plans, and other applicable county, state, or regional plans.	10	15	10
2	The proposed project reduces open space or rural preservation areas identified in the Yuma County 2010 Comprehensive Plan.	0	10	10
3	The proposed use is consistent and compatible with overlay zoning districts applicable to the subject parcel such as the Airport District, Gila Mountain, or Visual Corridor overlay zones.	10	0	10

**IMPACT CATEGORY II.****LAND USE COMPATIBILITY**

4	The proposed use is the same or similar to the uses in the surrounding vicinity.	25	0	0
5	The proposed density is the same or similar to the existing density in the surrounding vicinity.	15	10	10
6	The location of the project is appropriate considering proximity to existing transportation, shopping, services and employment.	25	0	25

**IMPACT CATEGORY III.****NATURAL RESOURCES**

7	The project, or a part of the project is located within the 100-year floodplain or floodway.	0	10	10
8	The subject parcel is located in an area of known high groundwater or a surface water source is present	0	5	5
9	The project will result in the loss of prime and/or unique farmland.	0	15	15

**IMPACT CATEGORY IV.****PUBLIC INFRASTRUCTURE**

10	Adequate improvements to the existing transportation system are proposed (i.e., intersection improvements, road widening, turn lanes, etc.) to accommodate the anticipated increase in traffic, or the development will not result in an increase in traffic.	15	0	15
11	Any public right-of-way necessary to accommodate the development has been or is proposed to be dedicated.	5	0	5

12	A traffic impact study is either not required, or if required has been completed indicating the conclusions and recommendations for improvements.	5	0	5
13	A public or private water system, or an on-site water source, will adequately serve the proposed development	5	0	5

**IMPACT CATEGORY V.****NATURAL ENVIRONMENTAL CONDITIONS**

14	The project site contains endangered or threatened animal or plant species, or contains ecologically sensitive land.	0	5	5
15	The project site contains earthquake fault lines, fissures, cracks, sinkholes, craters, or is within an earthquake liquefaction area.	0	5	5
16	Soils within the project area are stable and suitable for the proposed development.	5	0	5
17	There are visual indications of previous slides, slumps or other soil problems (cracked walls and foundations, tilted trees or fences, settling, flooding, etc.) in the project area.	0	5	5
18	The site contains slopes of 12% or greater.	0	5	5

**IMPACT CATEGORY VI.****MANMADE ENVIRONMENTAL CONDITIONS**

19	The site contains fossils, artifacts, relics, monuments, or structures of archaeological or cultural significance.	0	5	5
20	Given the existing noise and estimated future noise levels of the area, the site is appropriate for the proposed activities and facilities.	0	5	0
21	The project will increase PM <sub>10</sub> (particulate matter 10 microns or less diameter) or other air pollution levels in the vicinity.	0	5	5
22	The proposed project will release emissions such as nitrates, sulfates, or organic carbons into the air, which may reasonable be anticipated to causes or contribute to regional haze or impairment of visibility.	0	15	15

**IMPACT CATEGORY VII.****HEALTH, SAFETY, AND WELFARE**

23	Physical access to the site is traversable by a two-wheel drive passenger motor vehicle.	15	0	15
24	Access to or within the site is via a non-paved surface (which increases the amount of particulates such as soot or dust in the air).	5	5	5
25	Response time for emergency vehicles (Rural/Metro ambulance and fire) is 6 minutes or less, and 10 minutes or less for law enforcement (Sheriff's Dept.).	10	0	10

26	A legal public right of vehicular ingress and egress exists to and from the parcel.	10	0	10
27	The proposed land use is an allowed use according to the Yuma County Zoning Ordinance Airport District Land Use Matrix.	10	0	10
28	Elementary, middle, and high schools serving the subject property will be able to accommodate any projected enrollment increases within existing capacities.	10	0	10
<b>TOTAL SCORE</b>				<b>235</b>
<b>MAXIMUM POSSIBLE SCORE</b>				<b>300</b>

**HIGH SCORE**

Total score is 275 to 300.

A score falling in this category represents a proposal that likely should be **approved**.

The proposal is likely to be in compliance with adopted land use plans, policies, and objectives, has good access, and is compatible with surrounding development.

**MODERATE SCORE**

Total score is 250 to 274.

A score falling in this category represents a proposal that likely contains some redeeming qualities but is lacking in one or more areas.

Proposals within this score range typically should be more carefully considered.

**LOW SCORE**

Total score is 249 or less

A score falling in this category represents a proposal that likely should be **denied**.

The proposal likely does not comply with several adopted land use policies, goals, or objectives, may not have physical or legal access, or may not be compatible with surrounding development.

Prepared by: Juan Leal Rubio



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

October 4, 2019

**CASE NUMBER:** Special Use Permit No. 19-06

**PROJECT DESCRIPTION:** Lurdes Zamudio requests a Special Use Permit per Section 611.03(J) and (K) of the Yuma County Zoning Ordinance to allow an automotive service station and outdoor activities on a parcel 14,550 square feet in size zoned Local Commercial (C-1), Assessor's Parcel Number 700-26-403 located at 10376 E. North Frontage Road, Yuma, Arizona.

**PROJECT SUMMARY:** The applicant intends to establish an automotive service station and outdoor activities.

**PUBLIC HEARING:** Tentatively scheduled for November 26, 2019.

**COMMENTS DUE:** ASAP

**Please provide a determination of compliance** or complete the comments section below and return or forward your comments to me. For additional information, please contact me at (928)817-5176.

Thank you,

Juan Leal Rubio  
Senior Planner

Attachments: Vicinity Map and Site Plan

COMMENT                       NO COMMENT

Applicant to register as a used tire site with the Arizona Department of Environmental Quality (ADEQ) if storing 100 or more tires outdoors and comply with requirements of A.R.S. § 44-1304.01.

DATE: \_\_\_\_\_ PRINT/SIGN NAME: \_\_\_\_\_

RETURN TO: Juan Leal Rubio  
2351 West 26th Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
Email: Juan.Leal-Rubio@yumacountyaz.gov



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

October 4, 2019

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Thank you,

Juan Leal Rubio  
Senior Planner

Attachments: Vicinity Map and Site Plan

COMMENT                       NO COMMENT

All the requirements of the Yuma County Comprehensive Building Safety Code and the 2003 International Fire Code shall be met.

DATE: Oct. 14, 2019                      PRINT/SIGN NAME: PH

RETURN TO: Juan Leal Rubio  
2351 West 26th Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
Email: Juan.Leal-Rubio@yumacountyaz.gov

**From:** [Pat Headington](#)  
**To:** [Juan Leal Rubio](#)  
**Subject:** tire shop  
**Date:** Thursday, October 17, 2019 4:35:04 PM

---

Juan,

As for the height and area of tire storage, use the information George provided.

For the fire code:

- 1) a water supply for manual fire-fighting shall be available within 500' of the furthest point of stored tires
- 2) Where the bulk volume of stored material is more than 20,000 cubic feet, a firmly anchored fence or other approved method of security that controls unauthorized access to the storage yard shall surround the storage yard.
- 3) The fence shall be constructed of approved materials and shall be not less than 6 feet high and provided with gates at least 20 feet (6096 mm) wide.
- 4) Gates to the storage yard shall be locked when the storage yard is not staffed.
- 5) Gateways shall be kept clear of obstructions and be fully openable at all times.
- 6) Buildings or structures shall be provided with portable fire extinguishers in accordance with Section 906. Fuel-fired vehicles operating in the storage yard shall be equipped with a minimum 2-A:20-B:C-rated portable fire extinguisher.

Patrick Headington, CBO  
Development Services  
2351 W 26<sup>th</sup> Street  
Yuma, Az 85364

**From:** [Jesus Valenzuela](#)  
**To:** [Juan Leal Rubio](#)  
**Subject:** RE: E. North Frontage Road  
**Date:** Thursday, October 17, 2019 4:39:14 PM

---

Juan,

In our Asset Management Program we have Pearl Ave. at 34 ft. wide.

---

**From:** Juan Leal Rubio  
**Sent:** Thursday, October 17, 2019 3:05 PM  
**To:** Jesus Valenzuela <[Jesus.Valenzuela@yumacountyaz.gov](mailto:Jesus.Valenzuela@yumacountyaz.gov)>  
**Subject:** RE: E. North Frontage Road

Thank you Jesus.

Can you also tell me the pavement width for Pearl Avenue in the Fortuna Heights Subdivision?

Thanks ,

---

**From:** Jesus Valenzuela  
**Sent:** Wednesday, October 16, 2019 9:13 AM  
**To:** Juan Leal Rubio <[Juan.Leal-Rubio@yumacountyaz.gov](mailto:Juan.Leal-Rubio@yumacountyaz.gov)>  
**Cc:** Jason Phipps <[Jason.Phipps@yumacountyaz.gov](mailto:Jason.Phipps@yumacountyaz.gov)>  
**Subject:** RE: E. North Frontage Road

Good Morning Juan,

Sorry for late response, I was off yesterday. N. Frontage Road between Ave 10E and Ave 10 ½ E has a width of 24 ft. with a couple of turning pockets on Avenida Compadres and Ave 10 1/2E with a max width of 34 ft. Hope this answers your question if not feel free to contact me with any more questions.

---

**From:** Juan Leal Rubio  
**Sent:** Tuesday, October 15, 2019 11:03 AM  
**To:** Jesus Valenzuela <[Jesus.Valenzuela@yumacountyaz.gov](mailto:Jesus.Valenzuela@yumacountyaz.gov)>  
**Cc:** Jason Phipps <[Jason.Phipps@yumacountyaz.gov](mailto:Jason.Phipps@yumacountyaz.gov)>  
**Subject:** E. North Frontage Road

Hello Jesus,

Can you please tell me what the pavement width is on the above road between Avenue 10E and Avenue 10-1/2E?

Thanks,

**From:** [Joe Wehrle](#)  
**To:** [Juan Leal Rubio](#)  
**Subject:** RE: RFC for Special Use Case No. 19-06  
**Date:** Monday, October 7, 2019 7:25:43 AM

---

The Assessor's Office has no objections or concerns with the proposed property use.

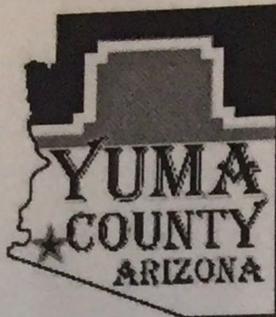
Joe Wehrle  
Yuma County Assessor  
192 South Maiden Lane  
Yuma, AZ 85364  
[joe.wehrle@yumacountyaz.gov](mailto:joe.wehrle@yumacountyaz.gov)  
(928) 373-6073

---

**From:** Juan Leal Rubio  
**Sent:** Friday, October 04, 2019 1:27 PM  
**To:** bryank@unitBIRR.com; Tom Tyree <TTYree@APSCC.ORG>; yid@mindspring.com; Pmorgan@ymidd.org; gthompson@yumaunion.org; Cgutierrez@ympo.org; daniel.m.steward.civ@mail.mil; Stephanie.Laborin@aps.com; Joe Wehrle <Joe.Wehrle@yumacountyaz.gov>; jmacdona@blm.gov; judith.e.movilla.civ@mail.mil; lkillman@town.wellton.az.us; info@ssd11.org; Robert.blevins@yumaaz.gov; sfajardo@mohawk17.org; tony.lomboy@charter.com; usarmy.ypg.atec.list.public-affairs-office@mail.mil; openunuri@ycwua.org; golivas@yumaunion.org; stephen.eckert@azwestern.edu; Javier Barraza <Javier.Barraza@yumacountyaz.gov>; Fernando Villegas <Fernando.Villegas@yumacountyaz.gov>; Tricia Ramdass <Tricia.Ramdass@yumacountyaz.gov>; Arturo Alvarez <Arturo.Alvarez@yumacountyaz.gov>; David Griffin <David.Griffin@yumacountyaz.gov>; Rachel Stallworth <Rachel.Stallworth@yumacountyaz.gov>; George Amaya <George.Amaya@yumacountyaz.gov>; joseph.a.garcia46.civ@mail.mil; bobette.m.bauermann.civ@mail.mil; Mary.e.finch@usmc.mil; jperez@cityofsanluis.org; kleonard@azstateparks.gov; Ed.Alupay@CenturyLink.com; contact@ngvidd.com; egrubaug@wmidd.org; LCVALDEZ@UP.COM; Pat Headington <Pat.Headington@yumacountyaz.gov>  
**Subject:** RFC for Special Use Case No. 19-06

Please review the attached documents and let me know if you have any comments, questions or concerns.

Thanks,



Yuma County, Arizona  
**DEPARTMENT OF ENGINEERING**

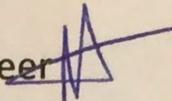
2351 W. 26<sup>TH</sup> Street, Yuma, Arizona

Phone: (928) 817-5000

Fax: (928) 817-5109

Chris Young, P.E.  
Director/County Engineer

**TO:** Juan Leal Rubio, Senior Planner

**FROM:** Arturo Alvarez, Land Development Engineer 

**SUBJECT:** Special Use Case # 19-06

**DATE:** October 15, 2019

---

Engineering recommends the following;

1. Per rezoning case No. 99-49 conditions of approvals, no access along North Frontage Road will be permitted.
2. Assess to the property shall be restricted along Pearl Avenue and shall located in accordance with Yuma County Public Works Standards Section 7.2.8 Driveways/Curb Cuts.



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

October 4, 2019

**CASE NUMBER:** Special Use Permit No. 19-06

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**COMMENTS DUE:** ASAP

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Thank you,

Juan Leal Rubio  
Senior Planner

Attachments: Vicinity Map and Site Plan

COMMENT                       NO COMMENT

Highly visible from freeway. How will used tires be stored? Any limits on outdoor storage of tires? Possibility of requiring screening?

DATE: 01-07-19                      PRINT/SIGN NAME: Robert M. Blevins, Principal Planner  
City of Yuma, Community Planning

RETURN TO: Juan Leal Rubio  
2351 West 26th Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
Email: Juan.Leal-Rubio@yumacountyaz.gov



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

October 4, 2019

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Thank you,

Juan Leal Rubio  
Senior Planner

Attachments: Vicinity Map and Site Plan

COMMENT                       NO COMMENT

MCAS Yuma has reviewed SUP 19-06 for APN 700-26-403 and has the following comments.  
The subject property is located beneath a flight path. It is requested that an avigation easement be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma/Yuma International Airport Aviation Complex and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA\_CPLO@usmc.mil. Thank you for the opportunity to comment

DATE: 9 Oct 2019                      PRINT/SIGN NAME: Mary Ellen Finch, Community Liaison Specialist

RETURN TO: Juan Leal Rubio  
2351 West 26th Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
Email: Juan.Leal-Rubio@yumacountyaz.gov

**From:** [YCWUA Planning](#)  
**To:** [Juan Leal Rubio](#)  
**Cc:** [planning@ycwua.org](mailto:planning@ycwua.org)  
**Subject:** Re: RFC for Special Use Case No. 19-06  
**Date:** Tuesday, October 8, 2019 6:30:11 AM

---

Good morning Juan,

The YCWUA has no comments on this case.

Thanks!

Omar Peñuñuri  
Yuma County Water Users' Association

On 10/4/2019 1:27 PM, Juan Leal Rubio wrote:

Please review the attached documents and let me know if you have any comments, questions or concerns.

Thanks,



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

October 4, 2019

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Thank you,

Juan Leal Rubio  
Senior Planner

Attachments: Vicinity Map and Site Plan

COMMENT

NO COMMENT

DATE: 7 OCT 2019 PRINT/SIGN NAME: Bobette Bauermann *Bobette Bauermann*

RETURN TO: Juan Leal Rubio  
2351 West 26th Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
Email: Juan.Leal-Rubio@yumacountyaz.gov

Yuma County  
Planning & Zoning  
Commission

Item No. 5

**AIR-9336**

**5.**

**P&Z Commission Agenda**

**Meeting Date:** 11/26/2019

**Submitted For:** Maggie Castro

**Submitted By:** Javier Barraza

**Department:** Planning & Zoning Division - DDS

---

**Information**

**1. REQUESTED ACTION:**

**Rezoning Case No. 19-08:** John L. & Felicia Linn request the rezoning of 2.0 gross acres from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2) and 5.94 gross acres to Suburban Site Built-5 acre minimum (SSB-5), Assessor's Parcel Number 725-53-008, located on the southwest corner of County 13½ Street and Avenue 7¼ E, Yuma, Arizona.

**2. INTENT:**

The intent is to create one parcel of approximately 2.0 acres in size and one parcel of approximately 5.94 acres in size for residential development.

**3. For detailed analysis see attached staff report**

**4. STAFF'S RECOMMENDATION:**

Staff recommends approval of this request subject to the Performance Conditions and Schedule for Development listed in the staff report.

---

**Attachments**

Staff Report

Att: Zoning Map

Att: Exhibit A Site Plan

Att: Comments

Att: Development Standards Checklist

---



## STAFF REPORT TO THE COMMISSION

November 26, 2019

### Rezoning Case No. 19-08

**REQUEST:** Rezone 2.0 gross acres from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2) and 5.94 gross acres from RA-10 to Suburban Site Built-5 acre minimum (SSB-5), Assessor's Parcel Number 725-53-008, located on southwest corner of County 13½ Street and Avenue 7¼ E, Yuma, Arizona.

**APPLICANTS:** John L. & Felicia Finn

Application is within Supervisor District 3: Darren Simons; Planning Commissioners: Scott Mulhern and Michael Henry. Staff report prepared by Javier G. Barraza, Senior Planner.

**DIRECTIONS:** From the intersection of 32<sup>nd</sup> Street (Old Highway 80) and Araby Road (State Route 195), travel south 3 miles on Araby Road to the intersection with County 14<sup>th</sup> Street. Turn east (left) on County 14<sup>th</sup> Street and travel 0.50 miles to the intersection with Avenue 7E. Turn north (left) on Avenue 7E and travel for approximately 0.25 miles to the intersection with County 13½ Street and Avenue 7¼ E. The subject property is on the southwest corner.

---

### **INTENT:**

The intent is to create one parcel of approximately 2.0 acres in size and one parcel of approximately 5.94 acres in size for residential development.

### **CURRENT CONDITIONS:**

The subject parcel is 8.02 gross acres of desert terrain and currently undeveloped. The parcel is predominantly level. The subject parcel is a post-ordinance nonconforming parcel created on September 30, 1998 per Fee No. 1998-1947.

The property has legal and physical access on the north side from County 13½, a gravel road that has 33 feet of dedicated right-of-way per 1489/172 and along the south via a paved road 18 feet in width (Fee No. 2006-038875).

**Surrounding zoning and land uses:** Parcel 1 to the north is desert terrain and is zoned Agricultural within the City of Yuma. Parcels 725-53-001 and -002 to the west are vacant and are zoned RA-10. Parcels 5 and 6 to the southwest are vacant and are zoned Suburban Ranch-2 acre minimum (SR-2). Parcel 7 to the south is improved with a site built residence and is zoned SR-2. Parcel 725-54-001 to the southeast is improved with a manufactured home and is zoned SR-2. Parcels 2, 725-54-003, and 4 to the east are improved with a site built residence, a manufactured home, and a site built residence, respectively and are zoned SR-2.

The purpose of the SSB-2 and SSB-5 district is to allow low density residential development in semi-rural areas. Large minimum lot sizes are required so that agricultural land uses, as well as the keeping of a limited number of horses and farm animals, can occur without negatively affecting surrounding residential properties.

The subject property is located in the Yuma Mesa Planning Area of the 2020 Comprehensive Plan. The land use designation is Rural Density Residential (R-RD). The R-RD designation allows densities of 1 dwelling unit per 2 acres to 1 dwelling unit per 10 acres (minimum 2 acre parcels). The request is within the range of identified uses, densities and intensities of the Comprehensive Plan.

The subject property is located one-quarter ( $\frac{1}{4}$ ) mile from the Barry M. Goldwater Range. The Gila Bend Air Force Auxiliary Field/Barry M. Goldwater Range Joint Land Use Study was completed in February 2005 as part of a statewide compatibility project. The study was prepared to provide tools to address land use conflicts that might affect the ability of the base to conduct its mission and to ensure land use compatibility around active military reservations, as required under Title 28, Chapter 25, and Article 7 of the Arizona Revised Statutes (ARS). In order to implement the findings of this study the following density and intensity guidelines were established in the 2020 Comprehensive Plan: The applied use of land within one mile of the BMGR along its northern boundary from Avenue  $5\frac{1}{4}$  E to the Gila Mountains will have a residential density no greater than 2 acres per lot/parcel.

The Average Daily Membership (ADM) yield factor is the number of days a student is in membership at a school divided by the number of days in school month or school year. The ADM per housing unit in the Yuma Elementary District is 0.17 and 0.13 in the Yuma Union High School District. Approval of this request could potentially create four parcels. The potential impact is 0.68 students added to Yuma Elementary School District 1 and 0.52 students added to Yuma Union High School District.

**CRITICAL ISSUES:**

The subject property is located within the Yuma Metropolitan Air Pollution District which designated "non-attainment" for  $PM_{10}$  by the U.S. Environmental Protection Agency. *The Yuma  $PM_{10}$  Non-attainment Area State Implementation Plan (SIP)* has been utilized to reduce the amount of air pollution generated. Yuma County has adopted Reasonable Available Control Measures (RACMs) for the purpose of reducing pollutant emissions resulting in improved air quality. The RACMs implemented include paving, stabilizing, and/or reducing travel on unpaved street, roads

and unpaved areas. According to the Institute of Transportation Engineers' Trip Generation Manual, each future parcel will generate 10 vehicles trips per day. The expected increase in traffic is 20 vehicle trips per day. Physical and Legal access to the subject property is from County 13½ Street which is a gravel road that has 33 feet of dedicated right-of-way and on the south side of the parcel via a paved road 18 feet in width. Approval of this request will not create an increase in dust in the PM<sub>10</sub> Non-attainment Area.

The site plan (Exhibit A) submitted by the applicant proposes to split the property into two new parcels. Access to Parcel "A" is along County 13½ Street. Access to Parcel "B" will be achieved along the south via a paved road that connects with Avenue 7E which is approximately 1,000 to the west, however it has been abandoned by the County (Fee No. 2006-038875).

The subject property is not within the ten minute response time radius from a Yuma County Sheriff's Substation. The nearest Sheriff's substation is approximately six miles to the northeast located at 13190 East South Frontage Road. The subject property is not within the six minute time radius from any Rural Metro Fire Department. The nearest fire department is approximately three miles to the northwest located at 6740 East Highway 80.

**Ordinances, codes and regulations that pertain to the application:**

- Yuma County Zoning Ordinance
- Yuma County Comprehensive Building Code
- 2003 International Fire Code
- Environmental Health Laws (ARS Titles 36 and 49)
- Yuma County Flood Control District
- Public Works Standard Volume I, Section 7.2.8 driveway/Curb Cuts.

**SUMMARY NOTES:**

SUPPORT STAFF SUMMARY: The Environmental Programs Section and Zoning Enforcement Section made no comment. The Building Safety Division provided the following comment: All weather access, plus turn arounds for emergency vehicles shall be provided in accordance with 2003 International Fire Code. The Flood Control District made the following comment: If roadway is being required for access to parcel B, then a grading permit will be required for the drainage. The Engineering Division provided the following comment: Based on the Road Functional Classification System. The following are current and recommended right of way width dedications:

Parcel #725-53-008	Current Dedicated	RFCS ROW Dedication	Engineering Recommends	Existing Road Condition
Avenue 7¼ E	0'	30'	*25'	Unimproved

- The owner to dedicate 25-feet since there is dedication along the alignment.
- \*25 feet is the maximum right of way required for residential use.

LETTERS OF SUPPORT, OPPOSITION, AGENCY, MILITARY, SPECIAL INTEREST, etc.:

- Robert Blevins, Principal Planner with the City of Yuma, provided a no comment response on this request.
- Mary Ellen Finch from MCAS provided the following comment: The subject parcel 725-53-008 is located approximately 0.32 miles from the Barry M. Goldwater Range (BMGR) Boundary and as such is subject to the conditions of the Yuma County 2020 Comprehensive Plan. This plan allows for a 2 acre minimum residential parcel size within one mile of the BMGR west (sic) boundary at this location. Due to the proximity to the Range and associated flight paths, a Range and Military Ground Support disclosure is requested along with an avigation disclosure on these parcels which will be passed on as the parcels are developed for residential use.

CITIZEN COMMENTS: Staff has not received any comments at this time.

DEVELOPMENT EVALUATION CHECKLIST: The Development Evaluation Checklist identifies the following Impact Categories: Conformance to Existing Plans; Land Use Compatibility; Natural Resources; Public Infrastructure; Natural Environmental Conditions; Manmade Environmental Conditions; and Health, Safety & Welfare. A point system is used to score whether a proposal should likely be approved or denied. Of a possible high score of 300, the total score for this proposal is 275. A score falling in this category represents a proposal that likely should be approved. The proposal is likely to be in compliance with adopted land use plans, policies and objectives, has good access, and is compatible with surrounding development. This request scored well on the following development standards: Conformance to existing plans, land use compatibility, impact to natural resources, and impact to public infrastructure, as well as impact to environmental conditions. The request received a regular score on the impact to health, safety and welfare category due to the fact that the project site is located outside the 10-minute or less law enforcement response.

**CHRONOLOGY:**

- |          |  |
|----------|--|
| 09-09-19 | Application received   |
| 11-06-19 | Legal ad appears in the Yuma Sun for the Planning Commission's public hearing  |
| 11-08-19 | Property posted for the Planning Commission's public hearing   |
| 11-08-19 | Public notice mailed to properties within 300 feet of the request, the City of Yuma and all relevant agencies/stakeholders |
| 11-08-19 | Letter mailed informing applicant of item being placed on Planning Commission's public hearing agenda                      |
| 11-15-19 | Staff report mailed to applicant and/or agent  |
| 11-26-19 | Planning Commission's public hearing   |

**RECOMMENDATION:**

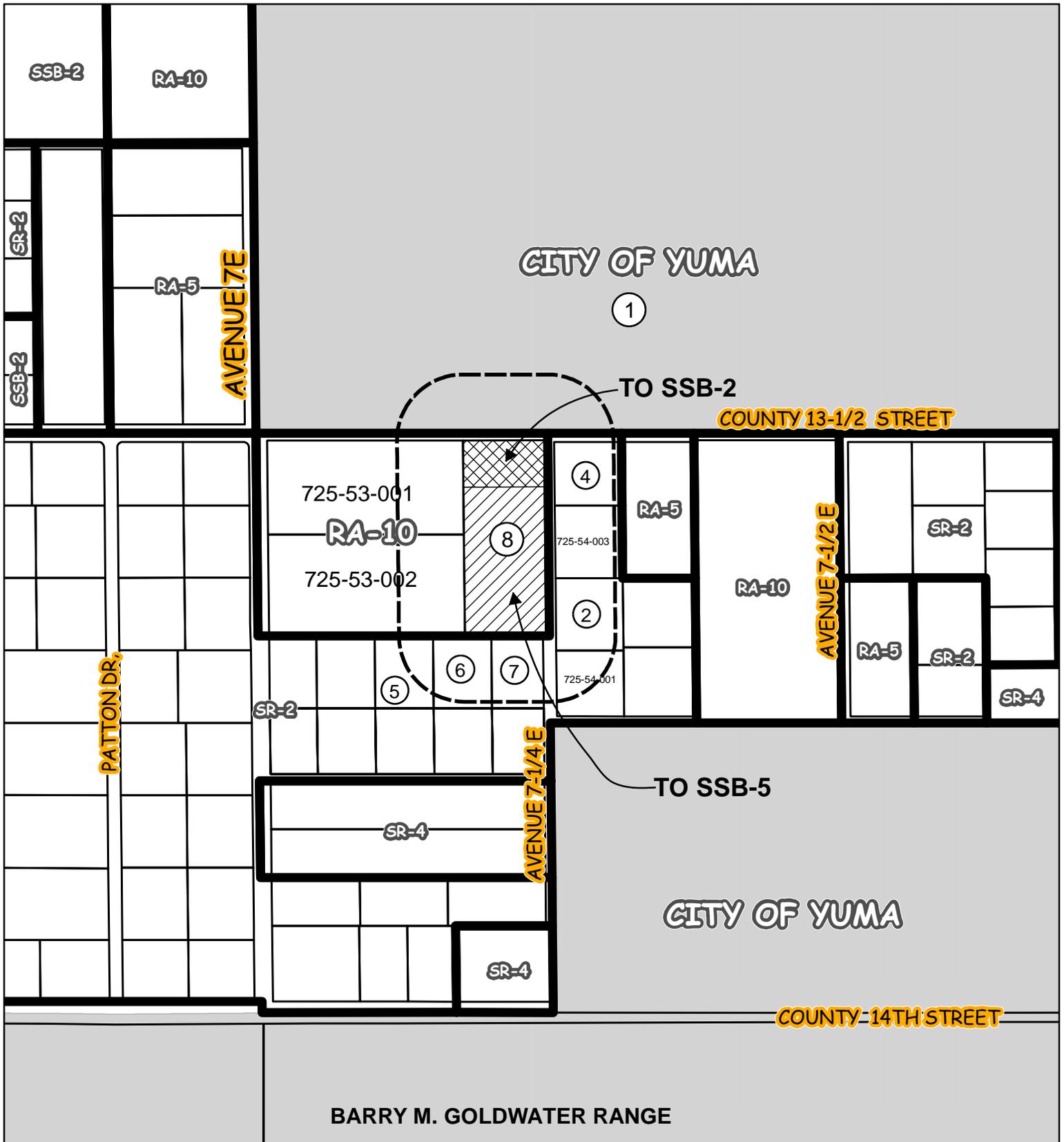
Staff recommends approval of this request based on the request being within the range of identified uses, densities and intensities of the Comprehensive Plan subject to the following Performance Condition and Schedule for Development:

**Performance Condition.**

1. Within 60 days of approval by the Board of Supervisors, the owner/agent or agent shall:
  - (a) Provide an A.R.S. § 12-1134 waiver.
  - (b) Record an Infrastructure disclosure statement.
  - (c) Record an Avigation disclosure statement.
  - (d) Record a Range disclosure statement.
  - (e) Record a Schedule for Development disclosure statement.

**Schedule for Development.** Within one year of approval by the Board of Supervisors,

1. 25 feet of right-of-way shall be dedicated along the east side (Avenue 7¼ E) by means of a warranty deed.
2. The property shall be split by means of a Land Division Permit in accordance with Section 507.00 of the Yuma County Zoning Ordinance.



CITY OF YUMA

①

TO SSB-2

COUNTY 13-1/2 STREET

725-53-001

RA-10

725-53-002

⑧

725-54-003

RA-5

②

RA-10

SR-2

AVENUE 7-1/2 E

RA-5

SR-2

SR-4

PATTON DR.

SR-2

⑤

⑥

⑦

725-54-001

TO SSB-5

CITY OF YUMA

COUNTY 14TH STREET

BARRY M. GOLDWATER RANGE



DEPARTMENT OF  
DEVELOPMENT  
SERVICES

PLANNING & ZONING DIVISION  
2351 W. 26TH STREET  
YUMA, AZ 85364

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

CASE NO: RZ19-08  
LOCATION: SW COR. OF COUNTY 13-1/2 STREET & AVENUE 7-1/4 E  
APNs: 725-53-008

SCALE

1" = 600'



Legend

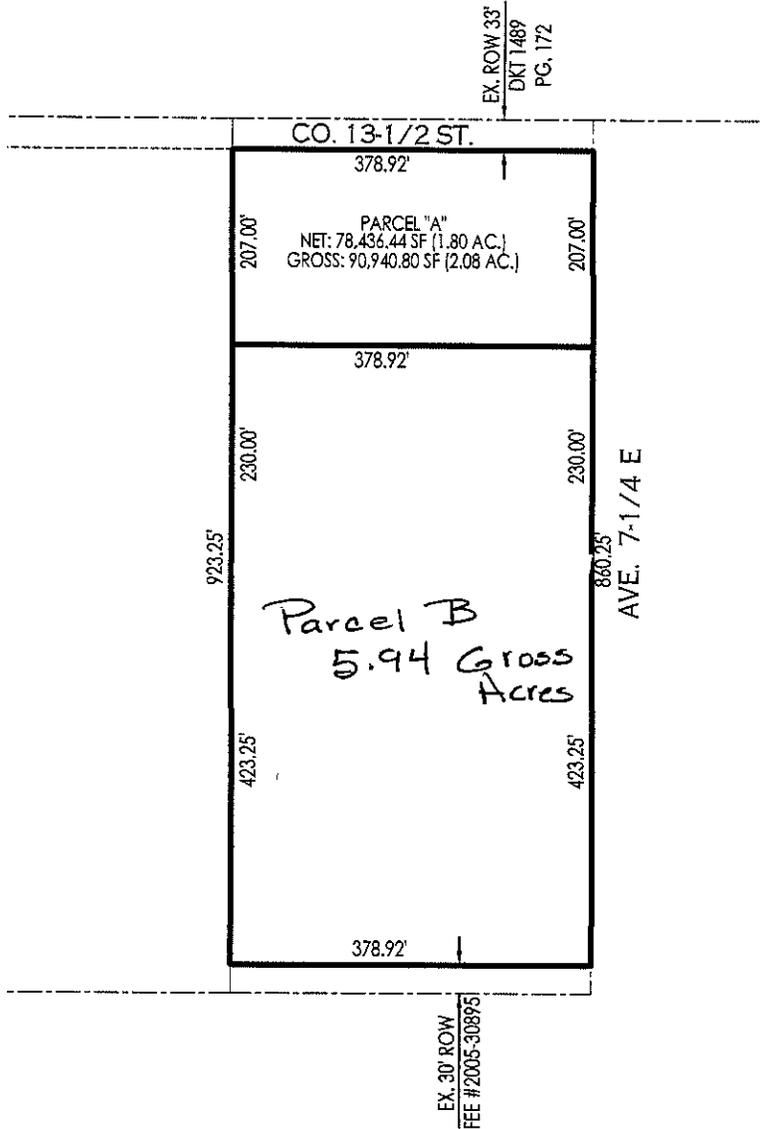
-  Subject Property
-  300' NOTIFICATION AREA
-  Municipality

Case Planner: Javier Barraza.  
Drawn by : Javier B 09-10-2019  
Reviewed: Javier B. 09-10-2019

EXHIBIT "A"



SCALE: 1"=200'



FELICIA & JOHN LINN  
A.P.N. -725-53-008  
CO. 13-1/2 ST. & AVE. 7-1/4



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

ARTURO ALVAREZ  
L.D. ENG.

September 10, 2019

CASE NUMBER: Rezoning Case No. 19-08

CASE SUMMARY: John L. & Felicia Linn, requests the rezoning of a parcel 8.02 gross acres in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 725-53-003, located on southwest corner of County 13½ Street and Avenue 7¼ E, Yuma, Arizona.

The applicants' intent is to rezone their properties in order to be allowed to create 3 new parcels for residential development.

PUBLIC HEARING: November 26, 2019

COMMENTS DUE: September 25, 2019

Please complete the comments section below and return or forward your comments via first class mail, fax, or e-mail. For additional information, please contact me at (928) 817-5150.

COMMENT       NO COMMENT

DATE: 9/23/19      NAME: Arturo Alvarez

RETURN TO: Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)



Yuma County, Arizona  
**DEPARTMENT OF ENGINEERING**

2351 W. 26<sup>TH</sup> Street, Yuma, Arizona  
Phone: (928) 817-5000  
Fax: (928) 817-5109

Chris Young, P.E.  
Director/County Engineer

**TO:** Javier Barraza, Senior Planner  
**FROM:** Arturo Alvarez, Land Development Engineer *AA*  
**SUBJECT:** Rezoning Case # 19-08  
**DATE:** September 23, 2019

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Based on the Road Functional Classification System (RFCS). The following are current and recommended right of way width dedications:

Parcel #725-53-008	Current Dedicated	RFCS ROW Dedication	Engineering Recommends	Existing Road Conditions
Ave. 71/4 E (East)	0'	30'	*25'	Unimproved

- The owner to dedicate 25-feet since there is dedication along the alignment.
- \*\* 25 feet is the maximum right of way required for residential use.



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 10, 2019

GEORGE AMALPA  
ENVIRONMENTAL PROGS.

CASE NUMBER: Rezoning Case No. 19-08

CASE SUMMARY: John L. & Felicia Linn, requests the rezoning of a parcel 8.02 gross acres in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 725-53-003, located on southwest corner of County 13½ Street and Avenue 7¼ E, Yuma, Arizona.

The applicants' intent is to rezone their properties in order to be allowed to create 3 new parcels for residential development.

PUBLIC HEARING: November 26, 2019

COMMENTS DUE: September 25, 2019

Please complete the comments section below and return or forward your comments via first class mail, fax, or e-mail. For additional information, please contact me at (928) 817-5150.

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COMMENT                       NO COMMENT

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DATE: 9/10/19                      NAME:

RETURN TO:                      Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 10, 2019

ZONING ENFORCEMENT

CASE NUMBER: Rezoning Case No. 19-08

CASE SUMMARY: John L. & Felicia Linn, requests the rezoning of a parcel 8.02 gross acres in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 725-53-003, located on southwest corner of County 13½ Street and Avenue 7¼ E, Yuma, Arizona.

The applicants' intent is to rezone their properties in order to be allowed to create 3 new parcels for residential development.

PUBLIC HEARING: November 26, 2019

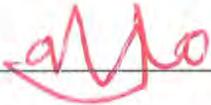
COMMENTS DUE: September 25, 2019

Please complete the comments section below and return or forward your comments via first class mail, fax, or e-mail. For additional information, please contact me at (928) 817-5150.

COMMENT

NO COMMENT

DATE: 09-19-2019

NAME:  JAVIER BARRAZA  
S.P.

RETURN TO: Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

PAT HEADINGTON  
C.B.O.

September 10, 2019

CASE NUMBER: Rezoning Case No. 19-08

CASE SUMMARY: John L. & Felicia Linn, requests the rezoning of a parcel 8.02 gross acres in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 725-53-003, located on southwest corner of County 13½ Street and Avenue 7¼ E, Yuma, Arizona.

The applicants' intent is to rezone their properties in order to be allowed to create 3 new parcels for residential development.

PUBLIC HEARING: November 26, 2019

COMMENTS DUE: September 25, 2019

Please complete the comments section below and return or forward your comments via first class mail, fax, or e-mail. For additional information, please contact me at (928) 817-5150.

COMMENT       NO COMMENT

All weather access + Turn-arounds for Emergency vehicles  
shall be provided in accordance w/ 2003 IFG.

DATE: 9/10/19      NAME: [Signature]

RETURN TO: Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 10, 2019

DAVID D. CONTRERAS  
F. C. RUSO

CASE NUMBER: Rezoning Case No. 19-08

CASE SUMMARY: John L. & Felicia Linn, requests the rezoning of a parcel 8.02 gross acres in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 725-53-003, located on southwest corner of County 13½ Street and Avenue 7¼ E, Yuma, Arizona.

The applicants' intent is to rezone their properties in order to be allowed to create 3 new parcels for residential development.

PUBLIC HEARING: November 26, 2019

COMMENTS DUE: September 25, 2019

Please complete the comments section below and return or forward your comments via first class mail, fax, or e-mail. For additional information, please contact me at (928) 817-5150.

COMMENT

NO COMMENT

If road way is being required for access to Parcel B, then a grading permit will be required for the drainage

DATE: 09/16/2019

NAME: David Rivalcoba

RETURN TO: Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 10, 2019

CASE NUMBER: Rezoning Case No. 19-08

CASE SUMMARY: John L. & Felicia Linn, requests the rezoning of a parcel 8.02 gross acres in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 725-53-008, located on southwest corner of County 13½ Street and Avenue 7¼ E, Yuma, Arizona.

The applicants' intent is to rezone their property in order to be allowed to create 3 new parcels for residential development.

PUBLIC HEARING: November 26, 2019

COMMENTS DUE: September 25, 2019

Please complete the comments section below and return or forward your comments via first class mail, fax, or e-mail. For additional information, please contact me at (928) 817-5150.

COMMENT       NO COMMENT

The subject parcel 725-53-008 is located approximately .32 miles from the BMGRW boundary and as such is subject to the conditions of the Yuma County 2020 Comprehensive Plan. This plan allows for a 2 acre minimum residential parcel size within 1 miles of the BMGRW boundary at this location. Due to the proximity to the Range and associated flight paths a Range and Military Ground Support Disclosure is requested along with an Avigation Disclosure on these parcels which will be passed on as the parcels are developed for residential use.

DATE: 18 Sept 2019      NAME: Mary Ellen Finch, Community Liaison Specialist 928-269-2103

RETURN TO: Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
Javier.Barraza@yumacountyaz.gov



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 10, 2019

CASE NUMBER: Rezoning Case No. 19-08

CASE SUMMARY: John L. & Felicia Linn, requests the rezoning of a parcel 8.02 gross acres in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 725-53-008, located on southwest corner of County 13½ Street and Avenue 7¼ E, Yuma, Arizona.

The applicants' intent is to rezone their property in order to be allowed to create 3 new parcels for residential development.

PUBLIC HEARING: November 26, 2019

COMMENTS DUE: September 25, 2019

Please complete the comments section below and return or forward your comments via first class mail, fax, or e-mail. For additional information, please contact me at (928) 817-5150.

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COMMENT                       NO COMMENT

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---

DATE: 09-10-19                      NAME: Robert M. Blevins, City of Yuma, Community Planning

RETURN TO:                      Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
Javier.Barraza@yumacountyaz.gov

Yuma County 2020 Comprehensive Plan  
**Development Evaluation Checklist**

Case No.: RZ19-08	Owner/Agent: <u>JOHN AND FELICIA LINN</u>		
Parcel #: 725-53-008	Agent: <u>NONE</u>		
Current Zoning: RA-10	Proposed Zoning: SSB-2	Acreage: 8.02	<u>GROSS AC</u>

<b>IMPACT CATEGORY I. CONFORMANCE TO EXISTING PLANS</b>		YES	NO	SCORE
1	The proposal is consistent with the Yuma County 2020 Comprehensive Plan, area plans, and other applicable county, state, or regional plans.	25	0	25
2	The proposed project reduces open space or rural preservation areas identified in the Yuma County 2020 Comprehensive Plan.	0	10	10
3	The proposed use is consistent and compatible with overlay zoning districts applicable to the subject parcel such as the Airport District, Gila Mountain, or Visual Corridor overlay zones.	10	0	10

<b>IMPACT CATEGORY II. LAND USE COMPATIBILITY</b>		YES	NO	SCORE
4	The proposed use is the same or similar to the uses in the surrounding vicinity.	25	0	25
5	The proposed density is the same or similar to the existing density in the surrounding vicinity.	25	0	25
6	The location of the project is appropriate considering proximity to existing transportation, shopping, services and employment.	25	0	25

<b>IMPACT CATEGORY III. NATURAL RESOURCES</b>		YES	NO	SCORE
7	The project, or a part of the project is located within the 100-year floodplain or floodway.	0	10	10
8	The subject parcel is located in an area of known high groundwater or a surface water source is present	0	5	5
9	The project will result in the loss of prime and/or unique farmland.	0	15	15

<b>IMPACT CATEGORY IV. PUBLIC INFRASTRUCTURE</b>		YES	NO	SCORE
10	Adequate improvements to the existing transportation system are proposed (i.e., intersection improvements, road widening, turn lanes, etc.) to accommodate the anticipated increase in traffic, or the development will not result in an increase in traffic.	15	0	15
11	Any public right-of-way necessary to accommodate the	5	0	5

	development has been or is proposed to be dedicated.			
12	A traffic impact study is either not required, or if required has been completed indicating the conclusions and recommendations for improvements.	5	0	5
13	A public or private water system, or an on-site water source, will adequately serve the proposed development	5	0	5
<b>IMPACT CATEGORY V.</b>				
<b>NATURAL ENVIRONMENTAL CONDITIONS</b>				
14	The project site contains endangered or threatened animal or plant species, or contains ecologically sensitive land.	0	5	5
15	The project site contains earthquake fault lines, fissures, cracks, sinkholes, craters, or is within an earthquake liquefaction area.	0	5	5
16	Soils within the project area are stable and suitable for the proposed development.	5	0	5
17	There are visual indications of previous slides, slumps or other soil problems (cracked walls and foundations, tilted trees or fences, settling, flooding, etc.) in the project area.	0	5	5
18	The site contains slopes of 12% or greater.	0	5	5
<b>IMPACT CATEGORY VI.</b>				
<b>MANMADE ENVIRONMENTAL CONDITIONS</b>				
19	The site contains fossils, artifacts, relics, monuments, or structures of archaeological or cultural significance.	0	5	5
20	Given the existing noise and estimated future noise levels of the area, the site is appropriate for the proposed activities and facilities.	5	0	5
21	The project will increase PM <sub>10</sub> (particulate matter 10 microns or less diameter) or other air pollution levels in the vicinity.	0	5	0
22	The proposed project will release emissions such as nitrates, sulfates, or organic carbons into the air, which may reasonable be anticipated to causes or contribute to regional haze or impairment of visibility.	0	15	15
<b>IMPACT CATEGORY VII.</b>				
<b>HEALTH, SAFETY, AND WELFARE</b>				
23	Physical access to the site is traversable by a two-wheel drive passenger motor vehicle.	15	0	15
24	Access to or within the site is via a non-paved surface (which increases the amount of particulates such as soot or dust in the air).	0	10	0
25	Response time for emergency vehicles (Rural/Metro ambulance and fire) is 6 minutes or less, and 10 minutes or less for law enforcement (Sheriff's Dept.).	10	0	0

26	A legal public right of vehicular ingress and egress exists to and from the parcel.	10	0	10
27	The proposed land use is an allowed use according to the Yuma County Zoning Ordinance Airport District Land Use Matrix.	10	0	10
28	Elementary, middle, and high schools serving the subject property will be able to accommodate any projected enrollment increases within existing capacities.	10	0	10

**TOTAL SCORE**

**275**

**MAXIMUM POSSIBLE SCORE**

**300**

**HIGH SCORE**

Total score is 275 to 300.

A score falling in this category represents a proposal that likely should be **approved**.

The proposal is likely to be in compliance with adopted land use plans, policies, and objectives, has good access, and is compatible with surrounding development.

**MODERATE SCORE**

Total score is 250 to 274.

A score falling in this category represents a proposal that likely contains some redeeming qualities but is lacking in one or more areas.

Proposals within this score range typically should be more carefully considered.

**LOW SCORE**

Total score is 249 or less

A score falling in this category represents a proposal that likely should be **denied**.

The proposal likely does not comply with several adopted land use policies, goals, or objectives, may not have physical or legal access, or may not be compatible with surrounding development.

Prepared by: \_\_\_\_\_ Javier Barraza, S.P.

Date: 09/19/19 ver. 1

**275**

Yuma County  
Planning & Zoning  
Commission

Item No. 6

**AIR-9373**

**6.**

**P&Z Commission Agenda**

**Meeting Date:** 11/26/2019

**Submitted For:** Maggie Castro

**Submitted By:** Javier Barraza

**Department:** Planning & Zoning Division - DDS

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**Information**

**1. REQUESTED ACTION:**

**Rezoning Case 19-10:** Dahl, Robins and Associates, Inc., agent for TDI Holdings, LLC, requests the rezoning of a parcel 10.03 gross acres in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 725-53-002, located on the southeast corner of County 13½ Street and Avenue 7E, Yuma, Arizona.

**2. INTENT:**

The applicants' intent is to create five parcels of approximately 2.0 gross acres in size for residential development.

**3. For detailed analysis see attached staff report**

**4. STAFF'S RECOMMENDATION:**

Staff recommends approval of this request subject to the Performance Conditions and Schedule for Development listed in the staff report.

---

**Attachments**

Att: Staff Report

Att: Zoning Map

Att: Exhibit A Site Plan

Att: Comments

Att: Development Standards Checklist

Att: Deed Documents

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## STAFF REPORT TO THE COMMISSION

November 26, 2019

### **Rezoning Case No. 19-10**

**REQUEST:** Rezone a parcel 10.03 gross acres in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 725-53-002, located in the vicinity of the southeast corner of County 13½ Street and Avenue 7E, Yuma, Arizona.

**APPLICANT:** Dahl, Robins and Associates, Inc. agent for TDI Holdings, LLC.

Application is within Supervisor District 3: Darren Simons; Planning Commissioners: Scott Mulhern and Michael Henry. Staff report prepared by Javier G. Barraza, Senior Planner.

**DIRECTIONS:** From the intersection of 32<sup>nd</sup> Street (Old Highway 80) and Araby Road (State Route 195), travel south 3 miles on Araby Road to the intersection with County 14<sup>th</sup> Street. Turn east (left) on County 14<sup>th</sup> Street and travel 0.50 miles to the intersection with Avenue 7E. Turn north (left) on Avenue 7E and travel for approximately 0.35 miles on Avenue 7E. The subject property is on the northeast corner.

---

### **INTENT:**

The intent is to create five parcels of approximately 2.0 acres in size for residential development.

### **CURRENT CONDITIONS:**

The subject parcel is 10.03 gross acres of desert terrain and currently undeveloped. The parcel is predominantly level. There is a paved road constructed along the common boundary between the subject property and Parcel 1 located directly to the north.

The subject property was rezoned to SSB-2 with Rezoning Case Number 05-70. The Board of Supervisors (BOS) approved RZ05-70 on December 5, 2005 subject to a Schedule for Development (SFD). The intent was to develop a residential subdivision. Parcel 725-53-001 located directly to the north (RZ05-71) and the subject parcel were part of the tentative map for Calli Maya. The tentative map for Calli Maya subdivision contained 10 lots ranging in size from 2.0 gross acres to 2.02 gross acres and was approved on October 23, 2006. The tentative map

expired on October 23, 2009. The BOS reverted the zoning the original RA-10 zoning district in accordance with Section 404.01(I)(7) of the Yuma County Zoning Ordinance on November 7, 2016.

The property has legal and physical access on the west side along Avenue 7E, a paved road 26 feet in width that has 83 feet of dedicated right-of-way per Fee No. 2005-33410. Physical access is also available along the south along a paved road 18 feet in width.

**Surrounding zoning and land uses:** Parcel 1 to the north is zoned RA-10 and is improved with a paved road 20 feet in width. Parcels 44, 45, 46 and 47 located directly to the west are zoned Suburban Ranch-2 acre minimum (SR-2) and are improved with site built residences. Parcels 3, 4, 5, 6, and 7 to the south are zoned SR-2. Parcels 4, 5 and 6 are undeveloped and Parcels 3 and 7 are the location of site built homes. Parcel 8 to the east is zoned RA-10, is undeveloped, and is currently pending being rezoned with RZ19-08.

The purpose of the SSB-2 district is to allow low density residential development in semi-rural areas. Large minimum lot sizes are required so that agricultural land uses, as well as the keeping of a limited number of horses and farm animals, can occur without negatively affecting surrounding residential properties.

The subject property is located in the Yuma Mesa Planning Area of the 2020 Comprehensive Plan. The land use designation is Rural Density Residential (R-RD). The R-RD designation allows densities of 1 dwelling unit per 2 acres to 1 dwelling unit per 10 acres (minimum 2 acre parcels). The request is within the range of identified uses, densities and intensities of the Comprehensive Plan.

The subject property is located 0.32 miles from the Barry M. Goldwater Range (BMGR). The Gila Bend Air Force Auxiliary Field/Barry M. Goldwater Range Joint Land Use Study was completed in February 2005 as part of a statewide compatibility project. The study was prepared to provide tools to address land use conflicts that might affect the ability of the base to conduct its mission and to ensure land use compatibility around active military reservations, as required under Title 28, Chapter 25, and Article 7 of the Arizona Revised Statutes (ARS). The 2020 Comprehensive Plan requires the following density: Land within one mile of the BMGR along its northern boundary from Avenue 5¼ E to the Gila Mountains will have a residential density no greater than 2 acres per lot/parcel.

The Average Daily Membership (ADM) yield factor is the number of days a student is in membership at a school divided by the number of days in school month or school year. The ADM per housing unit in the Yuma Elementary District is 0.17 and 0.13 in the Yuma Union High School District. Approval of this request could potentially create five parcels. The potential impact is 0.85 students added to Yuma Elementary School District 1 and 0.65 students added to Yuma Union High School District.

The subject property is located within the Yuma Metropolitan Air Pollution District which designated "non-attainment" for PM<sub>10</sub> by the U.S. Environmental Protection Agency. *The Yuma*

*PM<sub>10</sub> Non-attainment Area State Implementation Plan (SIP)* has been utilized to reduce the amount of air pollution generated. Yuma County has adopted Reasonable Available Control Measures (RACMs) for the purpose of reducing pollutant emissions resulting in improved air quality. The RACMs implemented include paving, stabilizing, and/or reducing travel on unpaved street, roads and unpaved areas. According to the Institute of Transportation Engineer's Trip Generation Manual, each future parcel will generate 10 vehicles trips per day. The expected increase in traffic is 50 vehicle trips per day. Legal and physical access to the subject property is from County 13½ Street and Avenue 7E which are paved roads. Physical access to all proposed parcels will be achieved via a paved private access easement road 20 feet in width. Approval of this request will not create dust in the PM<sub>10</sub> Non-attainment Area.

**CRITICAL ISSUES:**

The subject property is not within the ten minute response time radius from a Yuma County Sheriff's Substation. The nearest Sheriff's substation is located at 13190 East South Frontage Road which is approximately six miles from the subject property. The subject property is not within the six minute time radius from any Rural Metro Fire Department. The nearest fire department is located at 6740 East Highway 80 which is approximately three miles from the subject property.

**Ordinances, codes and regulations that pertain to the application:**

- Yuma County Zoning Ordinance
- Yuma County Comprehensive Building Code
- 2003 International Fire Code
- Environmental Health Laws (ARS Titles 36 and 49)
- Yuma County Flood Control District
- Public Works Standard Volume I, Section 7.2.8 driveway/Curb Cuts.

**SUMMARY NOTES:**

SUPPORT STAFF SUMMARY: The Environmental Programs Division, Zoning Enforcement Section and Flood Control Division made no comments. The Building Safety Division provided the following comment: Emergency vehicle access shall be provided in accordance with the 2003 International Fire Code and current policies. The Engineering Department provided the following comment: Provide a background of the Calli Maya subdivision in the staff report.

LETTERS OF SUPPORT, OPPOSITION, AGENCY, MILITARY, SPECIAL INTEREST, etc.:

- Robert Blevins, Principal Planner with the City of Yuma, provided a no comment response.
- Mary Ellen Finch from MCAS provided the following comment: This parcel is located approximately 0.32 miles from the Barry M. Goldwater Range (BMGR) boundary and is part of the BMGR Buffer Zone. In this current location the minimum recommended parcel size is SSB-2 with 1 home per 2 acres and therefore this is an acceptable use. Due to the proximity to the Range we request both a Range Disclosure and an aviation easement (sic) be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur.

CITIZEN COMMENTS: Staff has not received any comments at this time.

DEVELOPMENT EVALUATION CHECKLIST: The Development Evaluation Checklist identifies the following Impact Categories: Conformance to Existing Plans; Land Use Compatibility; Natural Resources; Public Infrastructure; Natural Environmental Conditions; Manmade Environmental Conditions; and Health, Safety & Welfare. A point system is used to score whether a proposal should likely be approved or denied. Of a possible high score of 300, the total score for this proposal is 290. A score falling in this category represents a proposal that likely should be approved. The proposal is likely to be in compliance with adopted land use plans, policies and objectives, has good access, and is compatible with surrounding development. This request scored well on the following development standards: Conformance to existing plans, land use compatibility, impact to natural resources, and impact to public infrastructure, as well as impact to environmental conditions. The request received a regular score on the impact to health, safety and welfare category due to the fact that the project site is located outside the 10-minute or less law enforcement response.

**CHRONOLOGY:**

- 10-03-19 Application received
- 11-06-19 Legal ad appears in the Yuma Sun for the Planning Commission's public hearing
- 11-08-19 Property posted for the Planning Commission's public hearing
- 11-08-19 Public notice mailed to properties within 300 feet of the request, the City of Yuma and all relevant agencies/stakeholders
- 11-08-19 Letter mailed informing applicant of item being placed on Planning Commission's public hearing agenda
- 11-15-19 Staff report mailed to applicant and/or agent
- 11-26-19 Planning Commission's public hearing

**RECOMMENDATION:**

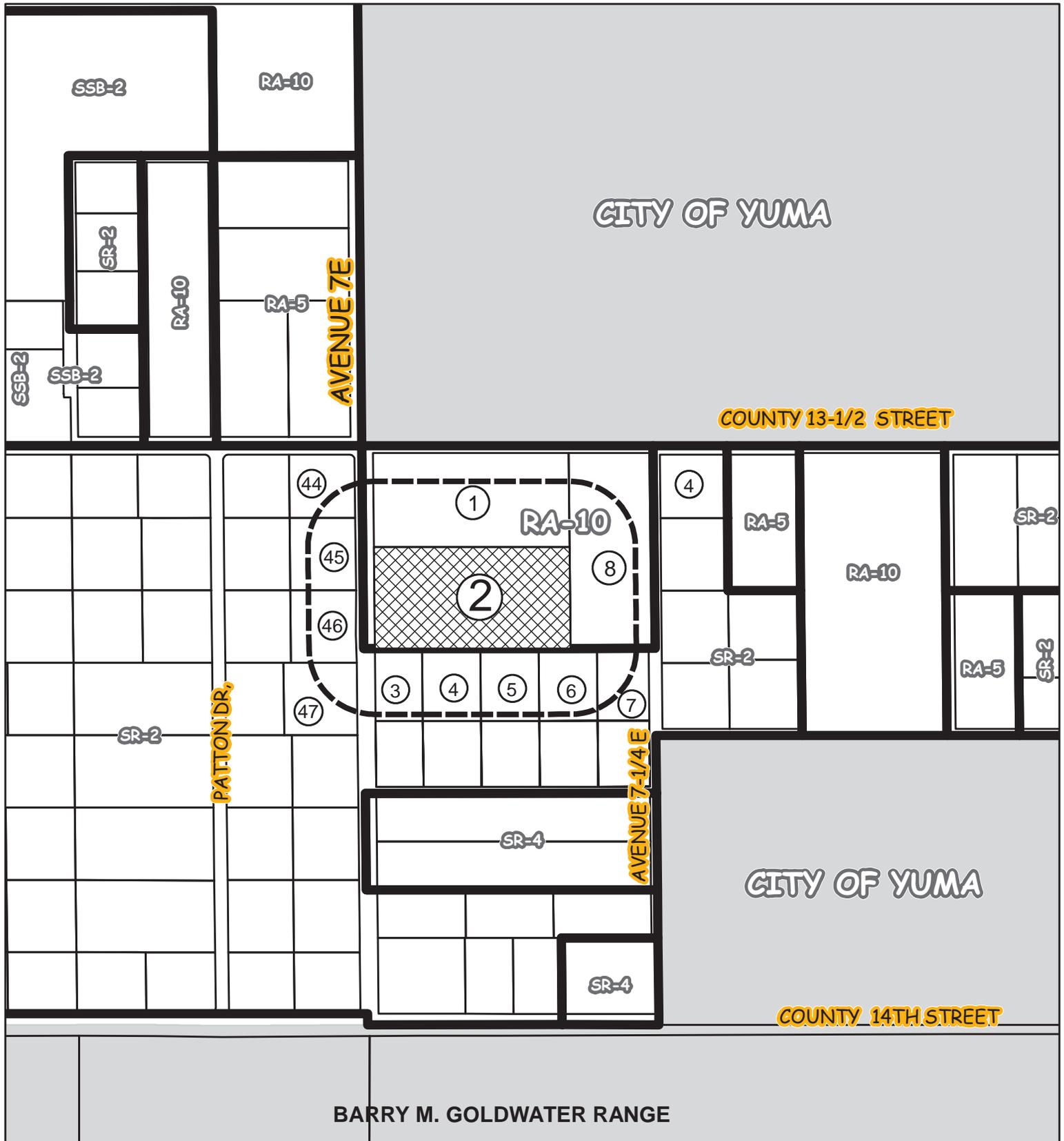
Staff recommends approval of this request based on the request being within the range of identified uses, densities and intensities of the Comprehensive Plan subject to the following Performance Condition and Schedule for Development:

**Performance Condition.**

1. Within 60 days of approval by the Board of Supervisors, the owner/agent or agent shall:
  - (a) Provide an A.R.S. § 12-1134 waiver.
  - (c) Record an Infrastructure disclosure statement.
  - (d) Record an Avigation disclosure statement.
  - (e) Record a Range disclosure statement
  - (f) Record a Schedule for Development disclosure statement.

**Schedule for Development.**

1. Within one year of approval by the Board of Supervisors, the owner or agent shall split the property by means of a Land Division Permit in accordance with Section 507.00 of the Yuma County Zoning Ordinance.



**DEPARTMENT OF  
DEVELOPMENT  
SERVICES**  
PLANNING & ZONING DIVISION  
2351 W. 26TH STREET  
YUMA, AZ 85364

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

**CASE NO:** RZ19-10  
**LOCATION:** SEW COR. OF COUNTY 13-1/2 STREET  
& AVENUE 7E  
**APNs:** 725-53-002

**Case Planner:** Javier Barraza.  
**Drawn by :** Javier B 10-04-2019  
**Reviewed:** Javier B. 10-04-2019

**SCALE**

1" =600'



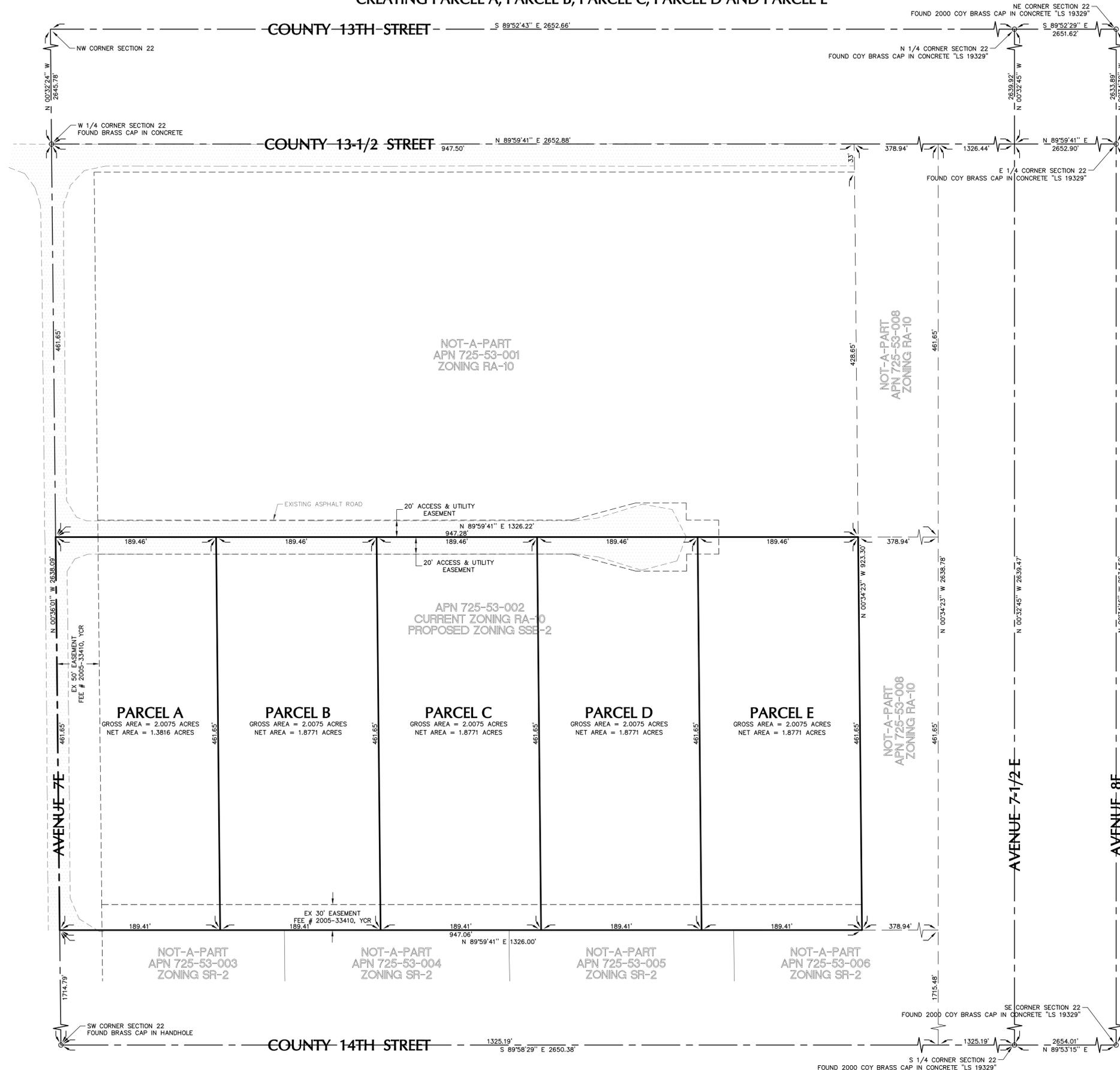
**Legend**

-  Subject Property
-  300' NOTIFICATION AREA
-  Municipality

# ESTATES AT MESA DUNES LAND DIVISION (LDP 19-XX)

A LAND DIVISION OF THE SOUTH HALF OF THE NORTH 923.25 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 22 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YUMA COUNTY, ARIZONA, EXCEPT THE EAST 378.92 FEET THEREOF, CREATING PARCEL A, PARCEL B, PARCEL C, PARCEL D AND PARCEL E

EXHIBIT "A"



PRELIMINARY  
NOT FOR CONSTRUCTION  
OR RECORDATION

**LAND SURVEYOR**

**DAHL, ROBINS & ASSOCIATES, INC.**

1560 S. 5th Avenue  
Yuma, AZ 85364  
Phone: (928) 819-0825  
Fax: (928) 819-0826  
www.dahlrobs.com  
DRA Job: 19178

**SHEET 1 OF 1**

Z:\Dca\2019\19178\Drawings\19178\_LDP.dwg



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

October 4, 2019

ARTURO ALVAREZ  
V. D. ENG.

CASE NUMBER: Rezoning Case No. 19-10

CASE SUMMARY: Dahl, Robins and Associates, Inc. agent for TDI Holdings, LLC, requests the rezoning of a parcel 10.03 gross acres in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 725-53-002, located on southeast corner of County 13½ Street and Avenue 7E, Yuma, Arizona.

The applicants' intent is to rezone the property in order to be allowed to create 5 new parcels for residential development.

PUBLIC HEARING: November 26, 2019

COMMENTS DUE: October 9, 2019

Please complete the comments section below and return or forward your comments via first class mail, fax, or e-mail. For additional information, please contact me at (928) 817-5150.

COMMENT

NO COMMENT

SEE RETURNED MAIL

DATE: 10/14/19

NAME: Arturo Alvarez

RETURN TO: Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)

## Arturo Alvarez

---

**From:** Arturo Alvarez  
**Sent:** Monday, October 14, 2019 1:47 PM  
**To:** Javier Barraza  
**Subject:** RE: Rezoning Case No. 19-10

Javier

We already have the right of way along Avenue 7E

---

**From:** Javier Barraza  
**Sent:** Monday, October 14, 2019 1:46 PM  
**To:** Arturo Alvarez <Arturo.Alvarez@yumacountyaz.gov>  
**Subject:** RE: Rezoning Case No. 19-10

Ok. I am providing that.  
Other than that, any other comments?

---

**From:** Arturo Alvarez  
**Sent:** Monday, October 14, 2019 1:44 PM  
**To:** Javier Barraza <Javier.Barraza@yumacountyaz.gov>  
**Subject:** Rezoning Case No. 19-10

Javier

My recommendation would be to provide a background of the Calli Maya subdivision (final Plat was not approved) to the Board of Supervisors since the developer's intent is to develop the adjacent parcel and split the parcel to five additional lots, creating more than six lots.

Let me know if need more information

Thanks,



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

October 4, 2019

PATRICK HEADINGTON  
CBO & FCO.

CASE NUMBER: Rezoning Case No. 19-10

**CASE SUMMARY:** Dahl, Robins and Associates, Inc. agent for TDI Holdings, LLC, requests the rezoning of a parcel 10.03 gross acres in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 725-53-002, located on southeast corner of County 13½ Street and Avenue 7E, Yuma, Arizona.

**The applicants' intent is to rezone the property in order to be allowed to create 5 new parcels for residential development.**

**PUBLIC HEARING:** November 26, 2019

**COMMENTS DUE:** October 9, 2019

Please complete the comments section below and return or forward your comments via first class mail, fax, or e-mail. For additional information, please contact me at (928) 817-5150.

COMMENT

NO COMMENT

Emergency vehicle access shall be provided in accordance  
w/ ~~code~~ 2003 IFC & current policies

DATE: 10/14/19

NAME:

RETURN TO: Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

October 4, 2019

**GEORGE AMAYA  
SENIOR SUPERVISOR  
E. P.**

CASE NUMBER: Rezoning Case No. 19-10

CASE SUMMARY: Dahl, Robins and Associates, Inc. agent for TDI Holdings, LLC, requests the rezoning of a parcel 10.03 gross acres in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 725-53-002, located on southeast corner of County 13½ Street and Avenue 7E, Yuma, Arizona.

The applicants' intent is to rezone the property in order to be allowed to create 5 new parcels for residential development.

PUBLIC HEARING: November 26, 2019

COMMENTS DUE: October 9, 2019

Please complete the comments section below and return or forward your comments via first class mail, fax, or e-mail. For additional information, please contact me at (928) 817-5150.

COMMENT

NO COMMENT

DATE: 10/4/19

NAME: George Amaya E.P.

RETURN TO: Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

RUNALCABA

DAVID ~~COVARRUBIAS~~  
FLOOD CONTROL.

October 4, 2019

CASE NUMBER: Rezoning Case No. 19-10

CASE SUMMARY: Dahl, Robins and Associates, Inc. agent for TDI Holdings, LLC, requests the rezoning of a parcel 10.03 gross acres in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 725-53-002, located on southeast corner of County 13½ Street and Avenue 7E, Yuma, Arizona.

The applicants' intent is to rezone the property in order to be allowed to create 5 new parcels for residential development.

PUBLIC HEARING: November 26, 2019

COMMENTS DUE: October 9, 2019

Please complete the comments section below and return or forward your comments via first class mail, fax, or e-mail. For additional information, please contact me at (928) 817-5150.

COMMENT

NO COMMENT

DATE: 10/08/2019

NAME: David Runalcala

RETURN TO: Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

October 4, 2019

CASE NUMBER: Rezoning Case No. 19-10

CASE SUMMARY: Dahl, Robins and Associates, Inc. agent for TDI Holdings, LLC, requests the rezoning of a parcel 10.03 gross acres in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 725-53-002, located on southeast corner of County 13½ Street and Avenue 7E, Yuma, Arizona.

The applicants' intent is to rezone the property in order to be allowed to create 5 new parcels for residential development.

PUBLIC HEARING: November 26, 2019

COMMENTS DUE: October 9, 2019

Please complete the comments section below and return or forward your comments via first class mail, fax, or e-mail. For additional information, please contact me at (928) 817-5150.

---



---

<input checked="" type="checkbox"/> COMMENT	<input type="checkbox"/> NO COMMENT
---	-------------------------------------

MCAS Yuma has reviewed the subject rezoning request 19-10 for APN 725-53-002 for a parcel zoned RA-10 to be rezoned SSB 2 acre minimum to split into 5 parcels. This parcel is located approximately .32 miles from the BMGR Boundary and is part of the BMGR Buffer zone. In this current location the minimum recommended parcel size is SSB 2 with 1 home per 2 acres and therefore this is an acceptable use. Due to its proximity to the Range we request both a Range Disclosure and aviation easement be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur. Please send a copy of the recorded easement/disclosure to MCASYUMA\_CPLO@usmc.mil. Thank you for the opportunity to comment.

DATE: 9 Oct 2019 NAME: Mary Ellen Finch, Community Liaison Specialist

RETURN TO: Javier Barraza, Senior Planner  
 2351 W. 26<sup>th</sup> Street  
 Yuma, Arizona 85364  
 Fax: (928)817-5050  
[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)

**Yuma County 2020 Comprehensive Plan  
Development Evaluation Checklist**

Case No.: RZ19-10	Owner/Agent: <u>TDI HOLDINGS LLC</u>		
Parcel #: 725-53-002	Agent: <u>KEVIN DAHL</u>		
Current Zoning: RA-10	Proposed Zoning: SSB-2	Acreage: 10.04	<u>GROSS AC</u>

<b>IMPACT CATEGORY I. CONFORMANCE TO EXISTING PLANS</b>		YES	NO	SCORE
1	The proposal is consistent with the Yuma County 2020 Comprehensive Plan, area plans, and other applicable county, state, or regional plans.	25	0	25
2	The proposed project reduces open space or rural preservation areas identified in the Yuma County 2020 Comprehensive Plan.	0	10	10
3	The proposed use is consistent and compatible with overlay zoning districts applicable to the subject parcel such as the Airport District, Gila Mountain, or Visual Corridor overlay zones.	10	0	10

<b>IMPACT CATEGORY II. LAND USE COMPATIBILITY</b>		YES	NO	SCORE
4	The proposed use is the same or similar to the uses in the surrounding vicinity.	25	0	25
5	The proposed density is the same or similar to the existing density in the surrounding vicinity.	25	0	25
6	The location of the project is appropriate considering proximity to existing transportation, shopping, services and employment.	25	0	25

<b>IMPACT CATEGORY III. NATURAL RESOURCES</b>		YES	NO	SCORE
7	The project, or a part of the project is located within the 100-year floodplain or floodway.	0	10	10
8	The subject parcel is located in an area of known high groundwater or a surface water source is present	0	5	5
9	The project will result in the loss of prime and/or unique farmland.	0	15	15

<b>IMPACT CATEGORY IV. PUBLIC INFRASTRUCTURE</b>		YES	NO	SCORE
10	Adequate improvements to the existing transportation system are proposed (i.e., intersection improvements, road widening, turn lanes, etc.) to accommodate the anticipated increase in traffic, or the development will not result in an increase in traffic.	15	0	15
11	Any public right-of-way necessary to accommodate the	5	0	5

	development has been or is proposed to be dedicated.			
12	A traffic impact study is either not required, or if required has been completed indicating the conclusions and recommendations for improvements.	5	0	5
13	A public or private water system, or an on-site water source, will adequately serve the proposed development	5	0	5
<b>IMPACT CATEGORY V.</b>				
<b>NATURAL ENVIRONMENTAL CONDITIONS</b>				
14	The project site contains endangered or threatened animal or plant species, or contains ecologically sensitive land.	0	5	5
15	The project site contains earthquake fault lines, fissures, cracks, sinkholes, craters, or is within an earthquake liquefaction area.	0	5	5
16	Soils within the project area are stable and suitable for the proposed development.	5	0	5
17	There are visual indications of previous slides, slumps or other soil problems (cracked walls and foundations, tilted trees or fences, settling, flooding, etc.) in the project area.	0	5	5
18	The site contains slopes of 12% or greater.	0	5	5
<b>IMPACT CATEGORY VI.</b>				
<b>MANMADE ENVIRONMENTAL CONDITIONS</b>				
19	The site contains fossils, artifacts, relics, monuments, or structures of archaeological or cultural significance.	0	5	5
20	Given the existing noise and estimated future noise levels of the area, the site is appropriate for the proposed activities and facilities.	5	0	5
21	The project will increase PM <sub>10</sub> (particulate matter 10 microns or less diameter) or other air pollution levels in the vicinity.	0	5	5
22	The proposed project will release emissions such as nitrates, sulfates, or organic carbons into the air, which may reasonable be anticipated to causes or contribute to regional haze or impairment of visibility.	0	15	15
<b>IMPACT CATEGORY VII.</b>				
<b>HEALTH, SAFETY, AND WELFARE</b>				
23	Physical access to the site is traversable by a two-wheel drive passenger motor vehicle.	15	0	15
24	Access to or within the site is via a non-paved surface (which increases the amount of particulates such as soot or dust in the air).	0	10	10
25	Response time for emergency vehicles (Rural/Metro ambulance and fire) is 6 minutes or less, and 10 minutes or less for law enforcement (Sheriff's Dept.).	10	0	0

26	A legal public right of vehicular ingress and egress exists to and from the parcel.	10	0	10
27	The proposed land use is an allowed use according to the Yuma County Zoning Ordinance Airport District Land Use Matrix.	10	0	10
28	Elementary, middle, and high schools serving the subject property will be able to accommodate any projected enrollment increases within existing capacities.	10	0	10

**TOTAL SCORE**

**290**

**MAXIMUM POSSIBLE SCORE**

**300**

**HIGH SCORE**

Total score is 275 to 300.

A score falling in this category represents a proposal that likely should be **approved**.

The proposal is likely to be in compliance with adopted land use plans, policies, and objectives, has good access, and is compatible with surrounding development.

**MODERATE SCORE**

Total score is 250 to 274.

A score falling in this category represents a proposal that likely contains some redeeming qualities but is lacking in one or more areas.

Proposals within this score range typically should be more carefully considered.

**LOW SCORE**

Total score is 249 or less

A score falling in this category represents a proposal that likely should be **denied**.

The proposal likely does not comply with several adopted land use policies, goals, or objectives, may not have physical or legal access, or may not be compatible with surrounding development.

Prepared by: \_\_\_\_\_ Javier Barraza, S.P.

Date:

10/04/19

ver. 1

290

2019-24842 WARRANTY DEED  
09/27/2019 01:10:13 PM Page 1 of 1 Fees: \$30.00  
Recorded By: Guadalupe Chavez, Robyn Stallworth  
Pouquette County Recorder YUMA County, AZ

RECORDING REQUESTED BY:  
Chicago Title Agency, Inc., an AZ corporation  
170 West 16th Street, 2nd Floor  
Yuma, AZ 85364



WHEN RECORDED MAIL TO:  
Triguna Israel  
TDI Holdings, LLC.,  
2591 S Avenue 2 1/2 E Ste 1  
Yuma, AZ 85365

Escrow No.: 1902130-CL  
APN: 725-53-002

Space above this line for Recorder's Use

WARRANTY DEED

For the consideration of Ten And No/100 Dollars (\$10.00), and other valuable considerations,

**Bombing Range Properties, LLC, an Arizona limited liability company**

does hereby convey to

**TDI Holdings, LLC., an Arizona limited liability company**

the following real property situated in County of Yuma, State of Arizona:

**The South half of the following described property:**

**The North 923.25 feet of the West half of the Southwest quarter of Section 22, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona;**

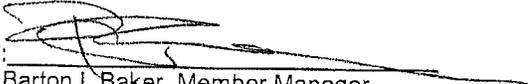
**xcept the East 378.92 feet thereof.**

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, covenants, conditions and restrictions as may appear of record.

The undersigned hereby warrants the title against all persons whomsoever, subject to the matters set forth.

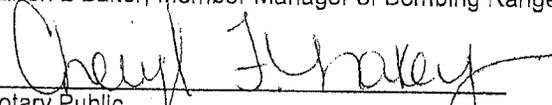
IN WITNESS WHEREOF, said Corporation has caused these presents to be signed by its duly authorized officer(s), this,

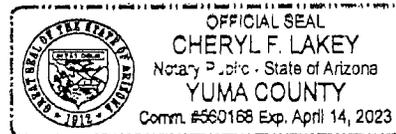
Dated: September 19, 2019  
Bombing Range Properties, LLC

BY:   
Barton L. Baker, Member Manager

State of ARIZONA  
County of YUMA

This instrument was acknowledged before me on this 24th day of Sept, 2019, by Barton L. Baker, Member Manager of Bombing Range Properties, LLC.

  
Notary Public  
My Commission Expires: April 14 2023  
[SEAL]



Yuma County  
Planning & Zoning  
Commission

Item No. 7

**AIR-9332**

**7.**

**P&Z Commission Agenda**

**Meeting Date:** 11/26/2019

**Submitted For:** Maggie Castro

**Submitted By:** Javier Barraza

**Department:** Planning & Zoning Division - DDS

---

### **Information**

#### **1. REQUESTED ACTION:**

**Minor Amendment Case No. 2019-MA-02:** Dahl, Robins & Associates Inc., agent for Yuma Irrigation District, requests to change the land use designation of a 7.05 acre portion of a parcel 107.81 gross acres in size from Agriculture/Rural Residential (A-RR) to Industrial (I), Assessor's Parcel Number 182-28-004, located in the vicinity of the southeast corner of Avenue 12E (alignment) and County 8th Street (alignment), Yuma, Arizona.

#### **2. INTENT:**

The intent is to split the parcel for industrial uses.

#### **3. For detailed analysis see attached staff report**

#### **4. STAFF'S RECOMMENDATION:**

Staff recommends approval of Minor Amendment Case No. 2019-MA-02.

---

### **Attachments**

Att: Staff Report

Att: Zoning Map

Att: Exhibit A Site Plan

aTT: Internal Comments

---



## STAFF REPORT TO COMMISSION

November 26, 2019

### Minor Amendment Case No. 2019-MA-02

**REQUEST:** Change the land use designation of a 7.05 acre portion of a parcel 107.81 gross acres in size from Agriculture/Rural Residential (A-RR) to Industrial (I), Assessor's Parcel Number 182-28-004, located in the vicinity of the southeast corner of Avenue 12E (alignment) and County 8<sup>th</sup> Street (alignment), Yuma, Arizona.

**APPLICANT/AGENT:** Dahl, Robins and Associates Inc., agent for the Yuma Irrigation District.

Application is within Supervisor District 3: Supervisor Darren Simmons; Planning Commissioners are Scott Mulhern and Michael Henry. Staff report prepared by Javier G. Barraza, Senior Planner.

**LOCATION:** From the Intersection of Avenue 3E and Highway 95, travel east on Highway 95 approximately 9.3 miles. Exit Highway 95 at the intersection with the extension of County 8<sup>th</sup> Street (No street sign) and turn southeast (right). Travel southeast 0.2 miles on County 8<sup>th</sup> Street to the intersection with a second set of railroad tracks. The property is located on the east.

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### **INTENT:**

The intent is to split the parcel for industrial uses.

**A.R.S. § 11-814(A)** requires all zoning and rezoning ordinances, regulations, or specific plans to be consistent with and conform to the adopted county plan. The land use designation for this property is Agriculture/Rural Residential (A-RR) which does not support Heavy industrial (HI) zoning. The proposed zoning is not consistent with the Plan. The HI zoning is allowed in the Industrial (I) land use designation. Therefore, an amendment from A-RR to I is required to allow the proposed rezoning of the property.

**SITE CONDITIONS:** The subject property is in desert terrain with desert vegetation cresting the natural mounds in the project site. There is a runway on the southern portion of the subject parcel which is not part of the request; the runway is used by the Contreras Field, home of the Yuma Aero modelers Club.

The subject area is currently vacant as represented in Figure 1 below.



Figure 1

The parent parcel is bounded on the northwest by Union Pacific railroad tracks, on the north by the Gowen Milling plant, and on the west, south and east by properties in desert terrain. (Figure 2)



Figure 2

The soil on the subject property consist of the Antho Sandy Loam Sand soil type. This is a very deep, somewhat excessively drained soils formed in mixed stratified alluvium. Antho soils are on alluvial fans and flood plains and have slopes of 0 to 5 percent. The mean annual precipitation is about 8 inches and the annual mean air temperatures is about 72 degrees Fahrenheit. These soils are used for livestock grazing, wildlife habitat and irrigated cropland. Vegetation is creosotebush, bursage, cacti, palo verde, and annual weeds and grasses. Irrigated crops are cotton and alfalfa. (Figure 3)



Figure 3: View of subject parcel looking east from internal road.

### **Current Land Use Classification**

**Agriculture/Rural Residential (A-RR):** A designation that supports resource conservation districts and reserves with emphasis on preserving farm communities and character. Recognizing land with potential to be divided into rural lots that are compatible with continued agricultural use on surrounding parcels. Acknowledge residential character and allow for division into rural lots.  
Minimum parcel size of 10 acres.

**Zoning Districts Permitted within A-RR:** Rural Area-40 acre minimum (RA-40), Rural Area-20 acre minimum (RA-20), Rural Area-10 acre minimum (RA-10), Suburban Site built-20 acre minimum (SSB-20 and Suburban Site built-10 acre minimum (SSB-10).

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### **Proposed Land Use Classification**

**Industrial (I):** This land use classification supports Industrial uses with related offices.

**Zoning Districts Permitted within the Industrial land use:** RA-40, RA-10, RA-10, RA-5, Heavy Industrial (HI), Light Industrial (LI), Planned Development (PD) and Transportation Communication and Utilities (TCU).

**ANALYSIS:**

**1. Land Use Compatibility**

*Is the proposed change compatible with adjoining land use designations, existing land uses and zoning? Is the proposed change logical and harmonious with the land use pattern of the area in question? How would the amendment affect adjacent property owners?*

**ADJOINING LAND USES**

North	Industrial (Gowan Milling Complex)
East	Vacant Land (desert terrain)
South	Vacant land (desert terrain)
West	Vacant land (desert terrain)

**ADJOINING LAND USE PLAN DESIGNATIONS**

North	Industrial
East	Agriculture/Rural Residential
South	Agriculture/Rural Residential
West	Industrial and Agriculture/Rural Residential

**ADJOINING ZONING DISTRICTS**

North	Heavy Industrial
East	RA-20
South	RA-20
West	Heavy Industrial

The proposed change is compatible with adjoining land use designations, existing land uses and zoning since industrial uses and zoning already existing on the north and west. The proposed change is logical and harmonious with the land use pattern of the area. The existing industrial uses taking place on the northern parcel (Gowan Milling Complex) and pre-existing Heavy Industrial zoning on the parent parcel allows for a logical and harmonious assimilation of the subject area. Approval of this request will not have a negative effect on adjacent property owners. Surrounding properties will not be adversely affected since they are undeveloped and owned by applicant, State of Arizona, USA and California Portland Cement.

**2. Protection & Conservation of Natural Resources & Environment**

*Does the change adversely impact the natural environment or scenic quality of the area in contradiction to the Plan?*

There are minimal impacts to the natural environment and no adverse effects to the scenic quality of the area since the amendment affects only a portion of the parent parcel. The U.S. Department of Agriculture Important Farmland Maps designate this land as "Important Farmland Yuma

Valley”, however, the subject parcel is not cultivated. The area is not designated as Open Space, a sensitive environmental area, or a scenic area/scenic corridor.

**3. Public Infrastructure, Facilities, and Services**

*Does the amendment adversely impact that portion of the planning area by requiring public expenditures for infrastructure improvements such as roads, sewer, or water systems needed to support the planned land uses?*

The proposed project will not require public expenditures for infrastructure improvements. Any public infrastructure improvements would be done at the developer’s expense.

**4. Impact on Health, Safety, and General Welfare**

*Does the amendment adversely affect the health or safety of present or future residents?*

The amendment will not adversely affect the health or safety of present or future residents. However, the property is located outside the six-minute response time radius of Rural Metro Fire Department. The nearest fire department is the Rural Metro/Fire Department Substation No. 2. Located at 11471 South Fortuna Road in Yuma which is approximately 3.5 miles from the subject property. The subject parcel is located within the ten-minute response time radius for the Sheriff’s Department. The nearest Yuma County Sheriff’s Substation is located at 13190 East South Frontage Road in Yuma and is about 3.0 miles from the subject parcel.

**5. Consistency with Plan Goals, Objectives, and Policies**

*Is the amendment consistent with the overall intent of the Plan? Is the amendment consistent with specific goals and policies of the Plan?*

The amendment is consistent with the overall intent of the Plan and is consistent with the following and policies:

- **Consistency with existing development and zoning patterns.**  
The requested Industrial land use designation is consistent with existing development and zoning patterns found in the area. The prevailing zoning districts that exist within the area are Heavy Industrial and Rural Area-20 acre minimum. The proposed land use designation would allow densities and uses consistent with what is found in the area.
  
- **North Gila Planning Area Use Compatibility**  
The amendment is consistent with the goal of maintaining land use compatibility. The proposed development is compatible with surrounding uses and is compatible and complimentary to the HI and RA zoning currently located adjacent to the subject parcel which predate the establishment of the land uses designations.

### **6. Additional Factors, Criteria, and Questions for Consideration**

- *Is the amendment an overall improvement to the plan and not solely for the good or benefit of a particular landowner?*

Yes. The amendment is considered an improvement because it is in close proximity to Industrial developments. The amendment will not change the character of the area, nor will it be in conflict with existing land use patterns.

- *Does the amendment address an oversight, inconsistency, or other land use related inequity in the plan?*

The amendment does address an oversight, inconsistency, or other land use related inequity. This is due to the presence of existing industrial uses in the area that predate the Agriculture/Rural Residential land use designation.

- *Is the existing plan designation no longer appropriate due to other plan amendments that have changed the character of the area?*

The existing land use classification is appropriate. However, the amendment will result in an expansion of the Industrial land use designation that is adjacent to the subject property. This amendment will not set a precedent or a trend since the existing parcels in the immediate vicinity which sizes range between 40 acres to 470 acres were established before the Comprehensive Plan was adopted.

### **SUMMARY NOTES:**

SUPPORT STAFF SUMMARY: The application is on file along with comments from Yuma County staff. The Building Safety Division, Environmental Programs Division, Flood Control District, and Engineering Department offered no comments.

LETTERS OF SUPPORT. OPPOSITION. AGENCY, MILITARY. SPECIAL INTEREST: No comments have been received as of October 10, 2019.

PUBLIC INPUT: No public input has been received as of October 10, 2019.

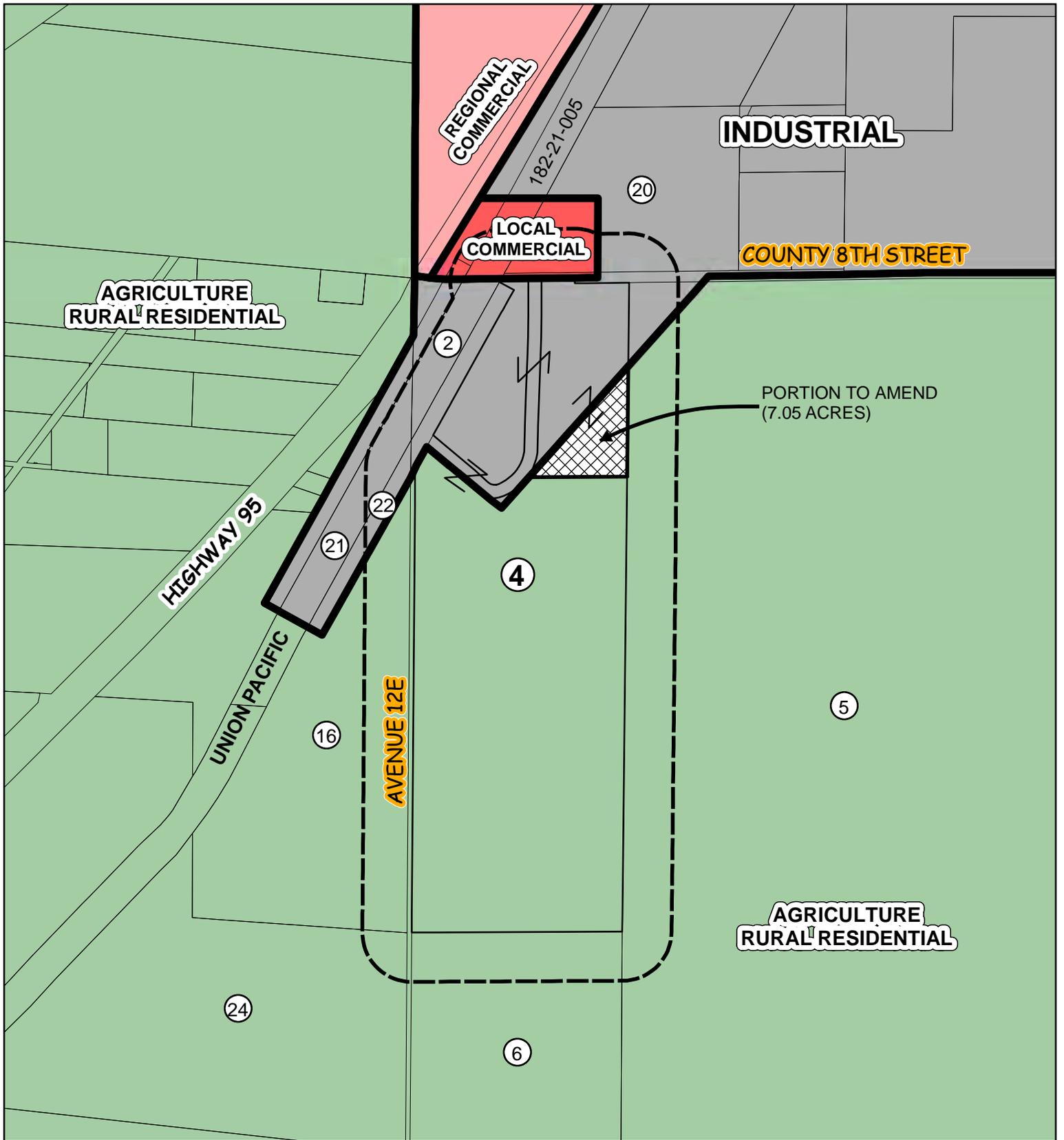
### **CHRONOLOGY:**

09-20-2019 Application received  
11-06-2019 Public Notice published in The Sun for the P&Z Commission hearing  
11-15-2019 P&Z Commission notice letters mailed  
11-26-2019 P&Z Commission public hearing

**RECOMMENDATION:**

Staff recommends approval of Minor Amendment Case No. 2019-MA-02 based on:

1. The amendment will allow for industrial development that is consistent with and does not negatively impact the existing industrial and agriculture character of the area.
2. The change will allow for consistent zoning and land use development pattern.
3. The amendment will not adversely affect the health or safety of present of future residents.



**DEPARTMENT OF  
DEVELOPMENT  
SERVICES**  
PLANNING & ZONING DIVISION  
2351 W. 26TH STREET  
YUMA, AZ 85364

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

**CASE NO:** 2019-MA-02  
**LOCATION:** SE COR. OF COUNTY 8TH STREET  
& AVENUE 12E  
**APNs:** PT. OF 18228004

**Case Planner:** Javier Barraza.  
**Drawn by :** Javier B 09-23-2019  
**Reviewed:** Javier B. 09-23-2019

**SCALE**  
1" = 800"



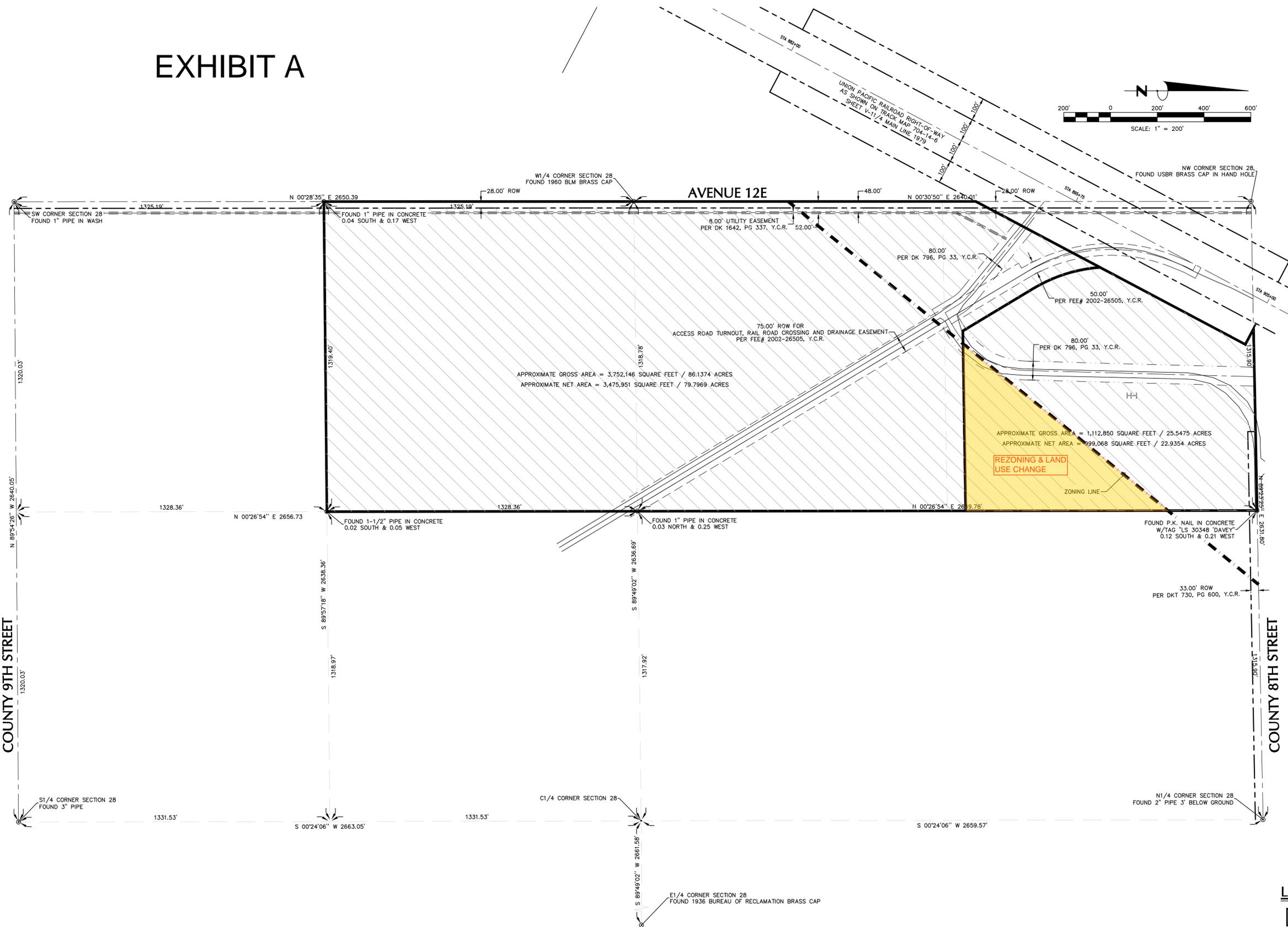
**Legend**

-  PORTION TO AMEND
-  300' NOTIFICATION AREA
-  SUBJECT PARCEL

# YID LAND DIVISION (LDP XX-XX)

A LAND DIVISION OF A PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28,  
TOWNSHIP 8 SOUTH, RANGE 21 WEST, GILA & SALT RIVER BASE & MERIDIAN, YUMA COUNTY, ARIZONA  
CREATING PARCEL 1 AND PARCEL 2

## EXHIBIT A



### LEGEND

---	CENTERLINE / SECTION LINE
---	PROPERTY LINE
---	RIGHT OF WAY LINE
---	RIGHT OF WAY
○	EXISTING MONUMENT (TYPE AS SHOWN)
●	SET 1/2" REBAR W/CAP "LS 38886"
APN	ASSESSOR'S PARCEL NUMBER
YCR	YUMA COUNTY RECORDS
U.S.B.R.	US BUREAU OF RECLAMATION
YCHD	YUMA COUNTY HIGHWAY DEPARTMENT
▨	APPROXIMATE NET AREA
▩	APPROXIMATE GROSS AREA
---	APPROXIMATE ZONING LINE

### SITE CONSTRAINT

DRIVEWAY ACCESS TO ALL PARCELS SHALL BE IN ACCORDANCE WITH YUMA COUNTY PUBLIC WORKS STANDARD SECTION 7.2.6.

### BASIS OF BEARINGS

BEARINGS ARE RELATIVE TO 1983 NAD 83 ARIZONA WEST STATE PLANE COORDINATE SYSTEM AS MEASURED BY GPS KINEMATIC SURVEY.

### CURRENT ZONING

RURAL AREA - 20 ACRE MINIMUM (RA-20)  
HEAVY INDUSTRIAL DISTRICT (HI)

### OWNER OF RECORD

YUMA IRRIGATION DISTRICT  
9510 AVENUE 7E  
YUMA, AZ 85365

REX C. GREEN \_\_\_\_\_ DATE \_\_\_\_\_

### ACKNOWLEDGEMENT

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019 BY REX C. GREEN

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION WILL EXPIRE \_\_\_\_\_

### APPROVED

LAND DIVISION APPROVED IN ACCORDANCE WITH YUMA COUNTY ZONING ORDINANCE SECTION 507.00

MAGGIE CASTRO, AICP, PLANNING DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

COUNTY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

### DATE OF PREPARATION

APRIL 2019

### LAND SURVEYOR

LAND DIVISION PERMIT No. XX-XX



1560 S. 5th Avenue  
Yuma, AZ 85364  
Phone: (928) 819-0825  
Fax: (928) 819-0826  
www.dahlrobins.com  
DRA Job. 19069

DAHL, ROBINS & ASSOCIATES, INC.

SHEET 1 OF 1



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 24, 2019

PATRICK HEADINGTON.

CASE NUMBERS: Rezoning Case No. 19-09 & Minor Amendment No. 2019-MA-02

CASE SUMMARY: Dahl, Robins & Associated Inc., agent for the Yuma Irrigation District request a minor amendment to change the land use designation of a portion (7.05 acres) of a parcel 107.81 gross acres in size from Agriculture/Rural Residential (A-RR) to Industrial (I), to accommodate for the rezoning of the same portion from Rural Area - 20 acre minimum (RA-20) to Heavy Industrial (HI), Assessor's Parcel Number 182-28-004, located within the vicinity of the southeast corner of the intersection of Avenue 12E (alignment) and County 8<sup>th</sup> Street (alignment), Yuma, Arizona.

The intent is the rezoning of a portion (7.05 acres) of the subject parcel to accommodate for the split of the parcel for industrial uses.

PUBLIC HEARING: November 26, 2019

COMMENTS DUE: October 3, 2019

Please complete the comments section below and return or forward your comments via first class mail, fax, or e-mail. For additional information, please contact me at (928) 817-5150.

COMMENT

NO COMMENT

DATE: 9/24/19

NAME: [Signature]

RETURN TO: Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 24, 2019

DAVID CONARRUBIAS

CASE NUMBERS: Rezoning Case No. 19-09 & Minor Amendment No. 2019-MA-02

CASE SUMMARY: Dahl, Robins & Associated Inc., agent for the Yuma Irrigation District request a minor amendment to change the land use designation of a portion (7.05 acres) of a parcel 107.81 gross acres in size from Agriculture/Rural Residential (A-RR) to Industrial (I), to accommodate for the rezoning of the same portion from Rural Area - 20 acre minimum (RA-20) to Heavy Industrial (HI), Assessor's Parcel Number 182-28-004, located within the vicinity of the southeast corner of the intersection of Avenue 12E (alignment) and County 8<sup>th</sup> Street (alignment), Yuma, Arizona.

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COMMENTS DUE: October 3, 2019

Please complete the comments section below and return or forward your comments via first class mail, fax, or e-mail. For additional information, please contact me at (928) 817-5150.

COMMENT

NO COMMENT

DATE: 09/27/2019 NAME: David Conarrubias

RETURN TO: Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 24, 2019

ARTURO ALVAREZ

CASE NUMBERS: Rezoning Case No. 19-09 & Minor Amendment No. 2019-MA-02

CASE SUMMARY: Dahl, Robins & Associated Inc., agent for the Yuma Irrigation District request a minor amendment to change the land use designation of a portion (7.05 acres) of a parcel 107.81 gross acres in size from Agriculture/Rural Residential (A-RR) to Industrial (I), to accommodate for the rezoning of the same portion from Rural Area - 20 acre minimum (RA-20) to Heavy Industrial (HI), Assessor's Parcel Number 182-28-004, located within the vicinity of the southeast corner of the intersection of Avenue 12E (alignment) and County 8<sup>th</sup> Street (alignment), Yuma, Arizona.

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PUBLIC HEARING: November 26, 2019

COMMENTS DUE: October 3, 2019

Please complete the comments section below and return or forward your comments via first class mail, fax, or e-mail. For additional information, please contact me at (928) 817-5150.

COMMENT

NO COMMENT

DATE: 10/2/19

NAME: Arturo Alvarez

RETURN TO: Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 24, 2019

DAVID GRIFFIN.

CASE NUMBERS: Rezoning Case No. 19-09 & Minor Amendment No. 2019-MA-02

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PUBLIC HEARING: November 26, 2019

COMMENTS DUE: October 3, 2019

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COMMENT       NO COMMENT  
*NOTHING FOUND IN REGARDS TO VIOLATIONS*

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DATE: 9/25/19      NAME: *David Griffin*

RETURN TO: Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 24, 2019

GEORGE AMAYA.

CASE NUMBERS: Rezoning Case No. 19-09 & Minor Amendment No. 2019-MA-02

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COMMENT

NO COMMENT

DATE: 9/24/19

NAME: *[Signature]*

RETURN TO: Javier Barraza, Senior Planner  
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Yuma, Arizona 85364  
Fax: (928)817-5050  
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Yuma County  
Planning & Zoning  
Commission

Item No. 8

**AIR-9333**

**8.**

**P&Z Commission Agenda**

**Meeting Date:** 11/26/2019

**Submitted For:** Maggie Castro

**Submitted By:** Javier Barraza

**Department:** Planning & Zoning Division - DDS

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**Information**

**1. REQUESTED ACTION:**

**Rezoning Case No. 19-09:** Dahl, Robins and Associates Inc., agent for Yuma Irrigation District, requests the rezoning of 7.05 acre portion of a parcel 107.81 gross acres in size from Rural Area-20 acre minimum (RA-20) to Heavy Industrial (HI), Assessor's Parcel Number 182-28-004, located in the vicinity of the southeast corner of Avenue 12E (alignment) and County 8th Street (alignment), Yuma, Arizona.

**2. INTENT:**

The intent to split the parcel for industrial uses. A minor amendment to change the land use designation to Industrial is being processed concurrently with this rezoning case (2019-MA-02).

**3. For detailed analysis see attached staff report**

**4. STAFF'S RECOMMENDATION:**

Staff recommends approval of this request subject to conditions delineated on staff report.

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**Attachments**

Att: Staff Report

Att: Zoning Map

Att: Exhibit A Site Plan

Att: Development Standards Checklist

Att: Internal comments

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## STAFF REPORT TO THE COMMISSION

November 26, 2019

### **Rezoning Case No. 19-09**

**REQUEST:** Rezone a 7.05 acre portion of a parcel 107.81 gross acres in size from Rural Area-20 acre minimum (RA-20) to Heavy Industrial (HI), Assessor's Parcel Number 182-28-004, located in the vicinity of the southeast corner of Avenue 12E (alignment) and County 8<sup>th</sup> Street (alignment), Yuma, Arizona.

**APPLICANT:** Dahl, Robins and Associates Inc., agent for the Yuma Irrigation District.

Application is within Supervisor District 3: Darren Simons; Planning Commissioners: Scott Mulhern and Michael Henry. Staff report prepared by Javier G. Barraza, Senior Planner.

**DIRECTIONS:** From the Intersection of Avenue 3E and Highway 95, travel east on Highway 95 approximately 9.3 miles. Exit Highway 95 at the intersection with the extension of County 8<sup>th</sup> Street (No street sign) and turn southeast (right). Travel southeast 0.2 miles on County 8<sup>th</sup> Street to the intersection with a second set of railroad tracks. The property is located on the east.

---

### **INTENT:**

The intent to split the parcel for industrial uses. A minor amendment to change the land use designation to Industrial is being processed concurrently with this rezoning case (2019-MA-02).

### **CURRENT CONDITIONS:**

The subject property is in desert terrain with desert vegetation cresting the natural mounds in the project site. There is a runway on the southern portion of the subject parcel which is not part of the request; the runway is used by the Contreras Field, home of the Yuma Aero modelers Club.

Legal and physical access to the parcel is on the west via Avenue 12E and from Highway 95 (crossing Union Pacific railroad) and the extension of County 8<sup>th</sup> Street a 24 foot wide paved road that has 80 feet of dedicated right-of-way per 796/33.

**Surrounding zoning and land uses:** Parcel 20 to the north is the location of the Gowan Milling facility and is zoned Heavy Industrial (HI). Parcels 182-21-005, 2, 12, 21 and 22 on the northwest are owned by Union Pacific and are zoned HI. Parcel 16 to the west is vacant and is zoned Rural

Area-20 acre minimum (RA-20). Parcel 24 to the southwest is undeveloped, zoned RA-20. Parcel 6 to the south is vacant and is zoned RA-20. Parcel 5 to the east is undeveloped, zoned RA-20.

The purpose of the Heavy Industrial district to permit heavy industrial uses and related activities in suitable locations to protect residential and commercial districts from uses which may create noise, smoke, odor, dust, or other objectionable influences. These regulations apply to all heavy industrial districts: HI-8,000 square feet minimum (HI-8,000); HI-20,000 square feet minimum (HI-20,000); HI-1 acre minimum (HI-1); HI-2 acre minimum (HI-2); HI-5 acre minimum (HI-5).

The subject property is located in the North Gila Planning Area of the 2020 Comprehensive Plan. The land use designation is Agriculture/Rural Residential (A-RR). The A-RR designation supports resource conservation districts and reserves with emphasis on preserving farm communities and character. Recognizing land with potential to be divided into rural lots that are compatible with continued agricultural use on surrounding parcels. Acknowledge residential character and allow for division into rural lots. Minimum parcel size of 10 acres. Minor Amendment Case Number 2019-MA-02 is being processed concurrently with this zoning application to allow the rezoning of apportion of the property from RA-20 to HI.

The subject property is located within the Yuma Metropolitan Air Pollution District which designated "non-attainment" for PM<sub>10</sub> by the U.S. Environmental Protection Agency. *The Yuma PM<sub>10</sub> Non-attainment Area State Implementation Plan (SIP)* has been utilized to reduce the amount of air pollution generated. Yuma County has adopted Reasonable Available Control Measures (RACMs) for the purpose of reducing pollutant emissions resulting in improved air quality. The RACMs implemented include paving, stabilizing, and/or reducing travel on unpaved street, roads and unpaved areas. Legal and physical access to the subject property is from Highway 95 and County 8<sup>th</sup> Street, a paved road 24 feet in width that has 80 feet of dedicated right-of-way per 796/33. The proposed request is not expected to generate traffic or dust.

The subject property is within the ten minute response time radius from a Yuma County Sheriff's Substation which is located approximately 3.0 miles from the subject property at 13190 East South Frontage Road, Yuma, Arizona.

### **CRITICAL ISSUES:**

The subject property is outside the six minute time radius from any Rural Metro-Fire Department. The nearest fire department is approximately 3.5 miles to the southwest located at 11471 South Fortuna Road, Yuma, Arizona.

### **Ordinances, codes and regulations that pertain to the application:**

- Yuma County Zoning Ordinance
- Yuma County Comprehensive Building Code
- 2003 International Fire Code
- Environmental Health Laws (ARS Titles 36 and 49)
- Yuma County Flood Control District
- Public Works Standard Volume I, Section 7.2.8 driveway/Curb Cuts.

**SUMMARY NOTES:**

SUPPORT STAFF SUMMARY: The Environmental Programs Division, Zoning Enforcement Section, Building Safety Division, Engineering Department provided a no comment response.

LETTERS OF SUPPORT, OPPOSITION, AGENCY, MILITARY, SPECIAL INTEREST, etc.:

- None received as of October 10, 2019.

CITIZEN COMMENTS: Staff has not received any comments at this time.

DEVELOPMENT EVALUATION CHECKLIST: The Development Evaluation Checklist identifies the following Impact Categories: Conformance to Existing Plans; Land Use Compatibility; Natural Resources; Public Infrastructure; Natural Environmental Conditions; Manmade Environmental Conditions; and Health, Safety & Welfare. A point system is used to score whether a proposal should likely be approved or denied. Of a possible high score of 300, the total score for this proposal is 295. A score falling in this category represents a proposal that likely should be approved. The proposal is likely to be in compliance with adopted land use plans, policies and objectives, has good access, and is compatible with surrounding development. This request scored well on the following development standards: Conformance to existing plans, land use compatibility, impact to natural resources, and impact to public infrastructure, as well as impact to environmental conditions. The request received a regular score on the impact to health, safety and welfare category due to the fact that the project site is located outside the 6-minute or less emergency vehicle response.

**CHRONOLOGY:**

09-20-19	Application received
11-06-19	Legal ad appears in the Yuma Sun for the Planning Commission's public hearing
11-08-19	Property posted for the Planning Commission's public hearing
11-08-19	Public notice mailed to properties within 300 feet of the request, the City of Yuma and all relevant agencies/stakeholders
11-08-19	Letter mailed informing applicant of item being placed on Planning Commission's public hearing agenda
11-15-19	Staff report mailed to applicant and/or agent
11-26-19	Planning Commission's public hearing

**RECOMMENDATION:**

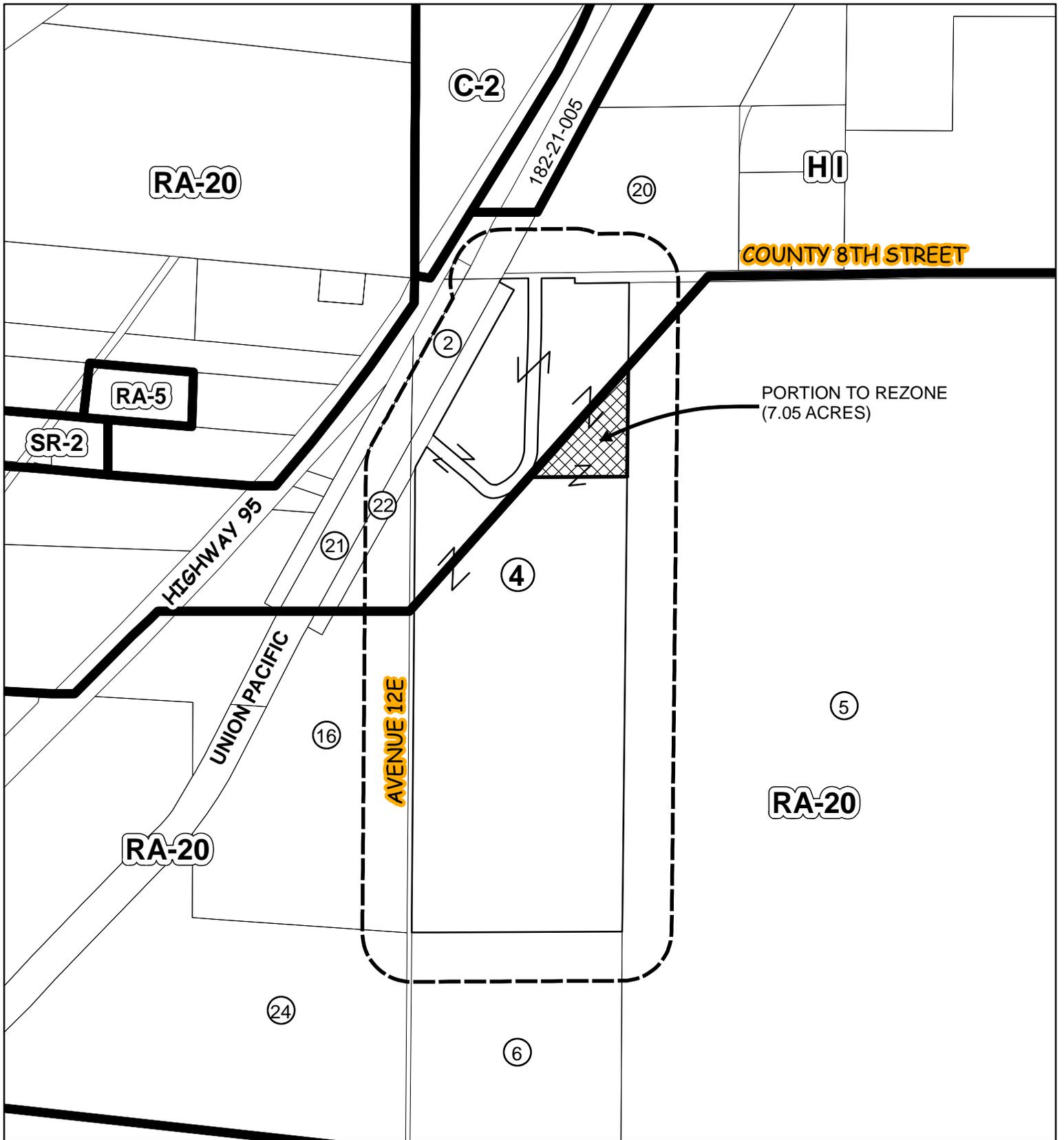
Staff recommends approval of this request based on the request being within the range of identified uses, densities and intensities of the Comprehensive Plan subject to the following Performance Condition and Schedule for Development:

**Performance Condition.**

1. Within 60 days of approval by the Board of Supervisors, the owner/agent or agent shall:
  - (a) Provide an A.R.S. §12-1134 waiver.
  - (c) Record an Infrastructure disclosure statement.
  - (d) Record a Schedule for Development disclosure statement.

**Schedule for Development.**

1. Within one year of approval by the Board of Supervisors, the owner or agent shall split the property by means of a Land Division Permit in accordance with Section 507.00 of the Yuma County Zoning Ordinance.



**DEPARTMENT OF  
DEVELOPMENT  
SERVICES**  
PLANNING & ZONING DIVISION  
2351 W. 26TH STREET  
YUMA, AZ 85364

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

**CASE NO:** RZ19-09  
**LOCATION:** SE COR. OF COUNTY 8TH STREET  
 & AVENUE 12E  
**APNs:** PT. OF 18228004

**Case Planner:** Javier Barraza.  
**Drawn by :** Javier B 09-23-2019  
**Reviewed:** Javier B. 09-23-2019

**SCALE**  
1" = 800"



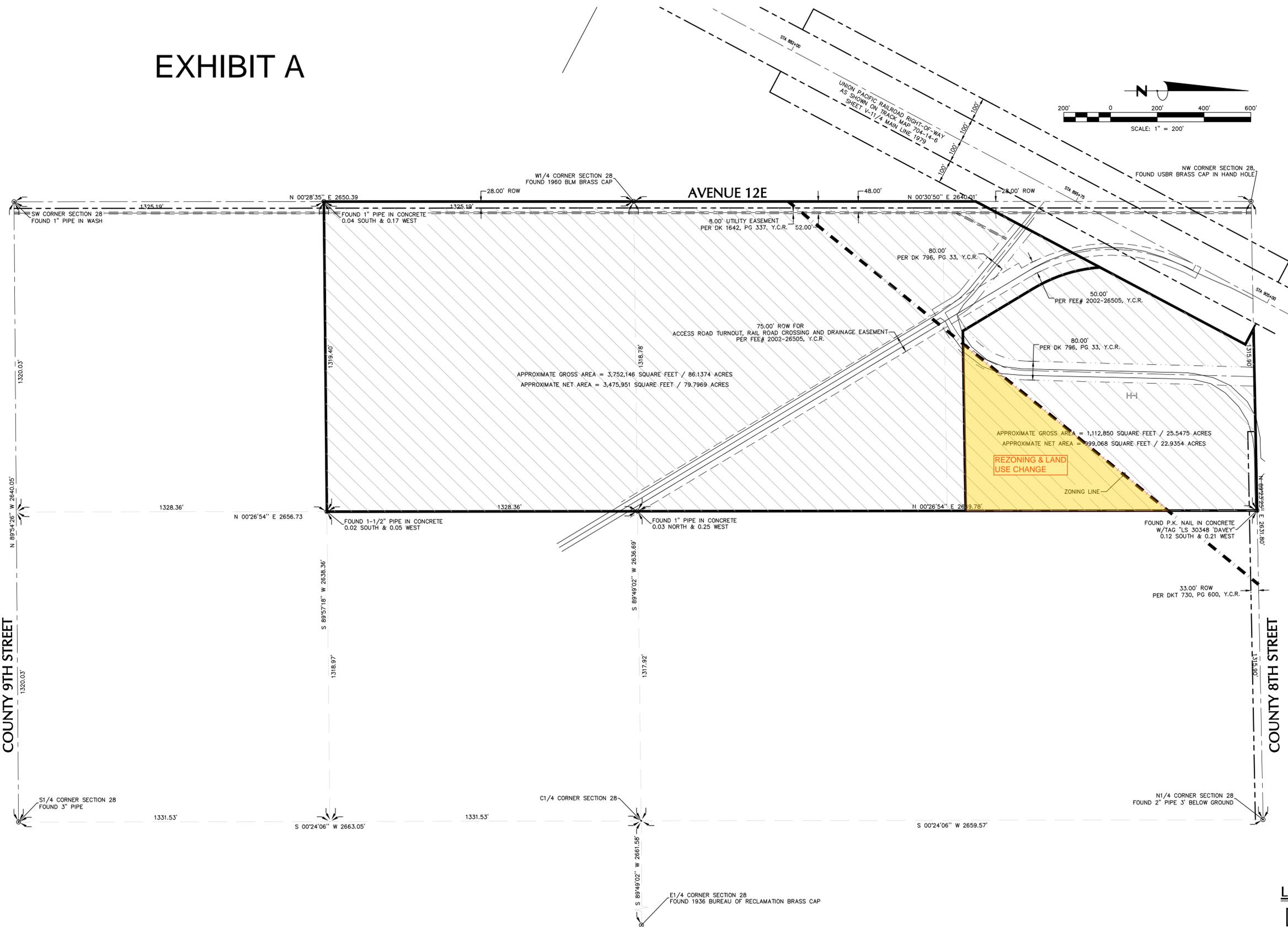
**Legend**

-  PORTION TO REZONE
-  300' NOTIFICATION AREA
-  SUBJECT PARCEL

# YID LAND DIVISION (LDP XX-XX)

A LAND DIVISION OF A PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28,  
TOWNSHIP 8 SOUTH, RANGE 21 WEST, GILA & SALT RIVER BASE & MERIDIAN, YUMA COUNTY, ARIZONA  
CREATING PARCEL 1 AND PARCEL 2

## EXHIBIT A



### LEGEND

---	CENTERLINE / SECTION LINE
---	PROPERTY LINE
---	RIGHT OF WAY LINE
---	RIGHT OF WAY
○	EXISTING MONUMENT (TYPE AS SHOWN)
●	SET 1/2" REBAR W/CAP "LS 38886"
APN	ASSESSOR'S PARCEL NUMBER
YCR	YUMA COUNTY RECORDS
U.S.B.R.	US BUREAU OF RECLAMATION
YCHD	YUMA COUNTY HIGHWAY DEPARTMENT
▨	APPROXIMATE NET AREA
▩	APPROXIMATE GROSS AREA
---	APPROXIMATE ZONING LINE

### SITE CONSTRAINT

DRIVEWAY ACCESS TO ALL PARCELS SHALL BE IN ACCORDANCE WITH YUMA COUNTY PUBLIC WORKS STANDARD SECTION 7.2.6.

### BASIS OF BEARINGS

BEARINGS ARE RELATIVE TO 1983 NAD 83 ARIZONA WEST STATE PLANE COORDINATE SYSTEM AS MEASURED BY GPS KINEMATIC SURVEY.

### CURRENT ZONING

RURAL AREA - 20 ACRE MINIMUM (RA-20)  
HEAVY INDUSTRIAL DISTRICT (HI)

### OWNER OF RECORD

YUMA IRRIGATION DISTRICT  
9510 AVENUE 7E  
YUMA, AZ 85365

REX C. GREEN \_\_\_\_\_ DATE \_\_\_\_\_

### ACKNOWLEDGEMENT

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019 BY REX C. GREEN

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION WILL EXPIRE \_\_\_\_\_

### APPROVED

LAND DIVISION APPROVED IN ACCORDANCE WITH YUMA COUNTY ZONING ORDINANCE SECTION 507.00

MAGGIE CASTRO, AICP, PLANNING DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

COUNTY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

### DATE OF PREPARATION

APRIL 2019

### LAND SURVEYOR

LAND DIVISION PERMIT No. XX-XX



DAHL, ROBINS & ASSOCIATES, INC.

1560 S. 5th Avenue  
Yuma, AZ 85364  
Phone: (928) 819-0825  
Fax: (928) 819-0826  
www.dahlrobin.com  
DRA Job. 19069

Yuma County 2020 Comprehensive Plan  
**Development Evaluation Checklist**

Case No.: RZ19-09 (2019-MA-02)	Owner/Agent: <u>Yuma Irrigation District</u>	
Parcel #: 725-53-008	Agent: <u>Dahl, Robins &amp; Associates Inc.</u>	
Current Zoning: RA-20	Proposed Zoning: HI	Acreage: 7.05
<u>NET AC</u>		

<b>IMPACT CATEGORY I. CONFORMANCE TO EXISTING PLANS</b>		YES	NO	SCORE
1	The proposal is consistent with the Yuma County 2020 Comprehensive Plan, area plans, and other applicable county, state, or regional plans. <b>W/approval of Minor amendment 2019-MA-02</b>	25	0	25
2	The proposed project reduces open space or rural preservation areas identified in the Yuma County 2020 Comprehensive Plan.	0	10	10
3	The proposed use is consistent and compatible with overlay zoning districts applicable to the subject parcel such as the Airport District, Gila Mountain, or Visual Corridor overlay zones.	10	0	10

<b>IMPACT CATEGORY II. LAND USE COMPATIBILITY</b>		YES	NO	SCORE
4	The proposed use is the same or similar to the uses in the surrounding vicinity.	25	0	25
5	The proposed density is the same or similar to the existing density in the surrounding vicinity.	25	0	25
6	The location of the project is appropriate considering proximity to existing transportation, shopping, services and employment.	25	0	25

<b>IMPACT CATEGORY III. NATURAL RESOURCES</b>		YES	NO	SCORE
7	The project, or a part of the project is located within the 100-year floodplain or floodway.	0	10	10
8	The subject parcel is located in an area of known high groundwater or a surface water source is present	0	5	5
9	The project will result in the loss of prime and/or unique farmland.	0	15	15

<b>IMPACT CATEGORY IV. PUBLIC INFRASTRUCTURE</b>		YES	NO	SCORE
10	Adequate improvements to the existing transportation system are proposed (i.e., intersection improvements, road widening, turn lanes, etc.) to accommodate the anticipated increase in traffic, or the development will not result in an increase in traffic.	15	0	15
11	Any public right-of-way necessary to accommodate the	5	0	5

	development has been or is proposed to be dedicated.			
12	A traffic impact study is either not required, or if required has been completed indicating the conclusions and recommendations for improvements.	5	0	5
13	A public or private water system, or an on-site water source, will adequately serve the proposed development	5	0	5
<b>IMPACT CATEGORY V.</b>				
<b>NATURAL ENVIRONMENTAL CONDITIONS</b>				
14	The project site contains endangered or threatened animal or plant species, or contains ecologically sensitive land.	0	5	5
15	The project site contains earthquake fault lines, fissures, cracks, sinkholes, craters, or is within an earthquake liquefaction area.	0	5	5
16	Soils within the project area are stable and suitable for the proposed development.	5	0	5
17	There are visual indications of previous slides, slumps or other soil problems (cracked walls and foundations, tilted trees or fences, settling, flooding, etc.) in the project area.	0	5	5
18	The site contains slopes of 12% or greater.	0	5	5
<b>IMPACT CATEGORY VI.</b>				
<b>MANMADE ENVIRONMENTAL CONDITIONS</b>				
19	The site contains fossils, artifacts, relics, monuments, or structures of archaeological or cultural significance.	0	5	5
20	Given the existing noise and estimated future noise levels of the area, the site is appropriate for the proposed activities and facilities.	5	0	5
21	The project will increase PM <sub>10</sub> (particulate matter 10 microns or less diameter) or other air pollution levels in the vicinity.	0	5	5
22	The proposed project will release emissions such as nitrates, sulfates, or organic carbons into the air, which may reasonable be anticipated to causes or contribute to regional haze or impairment of visibility.	0	15	15
<b>IMPACT CATEGORY VII.</b>				
<b>HEALTH, SAFETY, AND WELFARE</b>				
23	Physical access to the site is traversable by a two-wheel drive passenger motor vehicle.	15	0	15
24	Access to or within the site is via a non-paved surface (which increases the amount of particulates such as soot or dust in the air).	0	10	10
25	Response time for emergency vehicles (Rural/Metro ambulance and fire) is 6 minutes or less, and 10 minutes or less for law enforcement (Sheriff's Dept.).	10	0	5

26	A legal public right of vehicular ingress and egress exists to and from the parcel.	10	0	10
27	The proposed land use is an allowed use according to the Yuma County Zoning Ordinance Airport District Land Use Matrix.	10	0	10
28	Elementary, middle, and high schools serving the subject property will be able to accommodate any projected enrollment increases within existing capacities.	10	0	10

**TOTAL SCORE**

**295**

**MAXIMUM POSSIBLE SCORE**

**300**

**HIGH SCORE**

Total score is 275 to 300.

A score falling in this category represents a proposal that likely should be **approved**.

The proposal is likely to be in compliance with adopted land use plans, policies, and objectives, has good access, and is compatible with surrounding development.

**MODERATE SCORE**

Total score is 250 to 274.

A score falling in this category represents a proposal that likely contains some redeeming qualities but is lacking in one or more areas.

Proposals within this score range typically should be more carefully considered.

**LOW SCORE**

Total score is 249 or less

A score falling in this category represents a proposal that likely should be **denied**.

The proposal likely does not comply with several adopted land use policies, goals, or objectives, may not have physical or legal access, or may not be compatible with surrounding development.

Prepared by: \_\_\_\_\_ Javier Barraza, S.P.

Date: 10/10/19 ver. 1

**295**



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 24, 2019

PATRICK HEADINGTON.

CASE NUMBERS: Rezoning Case No. 19-09 & Minor Amendment No. 2019-MA-02

CASE SUMMARY: Dahl, Robins & Associated Inc., agent for the Yuma Irrigation District request a minor amendment to change the land use designation of a portion (7.05 acres) of a parcel 107.81 gross acres in size from Agriculture/Rural Residential (A-RR) to Industrial (I), to accommodate for the rezoning of the same portion from Rural Area - 20 acre minimum (RA-20) to Heavy Industrial (HI), Assessor's Parcel Number 182-28-004, located within the vicinity of the southeast corner of the intersection of Avenue 12E (alignment) and County 8<sup>th</sup> Street (alignment), Yuma, Arizona.

The intent is the rezoning of a portion (7.05 acres) of the subject parcel to accommodate for the split of the parcel for industrial uses.

PUBLIC HEARING: November 26, 2019

COMMENTS DUE: October 3, 2019

Please complete the comments section below and return or forward your comments via first class mail, fax, or e-mail. For additional information, please contact me at (928) 817-5150.

COMMENT

NO COMMENT

DATE: 9/24/19

NAME: [Signature]

RETURN TO: Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 24, 2019

DAVID CONARRUBIAS

CASE NUMBERS: Rezoning Case No. 19-09 & Minor Amendment No. 2019-MA-02

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COMMENTS DUE: October 3, 2019

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COMMENT

NO COMMENT

DATE: 09/27/2019 NAME: David Conarrubias

RETURN TO: Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 24, 2019

ARTURO ALVAREZ

CASE NUMBERS: Rezoning Case No. 19-09 & Minor Amendment No. 2019-MA-02

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COMMENTS DUE: October 3, 2019

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COMMENT

NO COMMENT

DATE: 10/2/19

NAME: Arturo Alvarez

RETURN TO:

Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 24, 2019

DAVID GRIFFIN.

CASE NUMBERS: Rezoning Case No. 19-09 & Minor Amendment No. 2019-MA-02

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PUBLIC HEARING: November 26, 2019

COMMENTS DUE: October 3, 2019

Please complete the comments section below and return or forward your comments via first class mail, fax, or e-mail. For additional information, please contact me at (928) 817-5150.

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COMMENT                       NO COMMENT  
*NOTHING FOUND IN REGARDS TO VIOLATIONS*

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DATE: 9/25/19                      NAME: *David Griffin*

RETURN TO: Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 24, 2019

GEORGE AMAYA.

CASE NUMBERS: Rezoning Case No. 19-09 & Minor Amendment No. 2019-MA-02

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PUBLIC HEARING: November 26, 2019

COMMENTS DUE: October 3, 2019

Please complete the comments section below and return or forward your comments via first class mail, fax, or e-mail. For additional information, please contact me at (928) 817-5150.

COMMENT

NO COMMENT

DATE:

9/24/19

NAME:

RETURN TO:

Javier Barraza, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928)817-5050  
[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)

Yuma County  
Planning & Zoning  
Commission

Item No. 9

**P&Z Commission Agenda****Meeting Date:** 11/26/2019**Submitted For:** Maggie Castro**Submitted By:** Amber Jardine**Department:** Planning & Zoning Division - DDS

---

**Information****1. REQUESTED ACTION:**

**Request to initiate a text amendment to the Zoning Ordinance, Section 1107.00—Temporary Buildings and Uses to amend Section 1107.01(A)(4), add Sections 1107.01(C) and (D), amend Section 1107.03, amend Sections 1107.04 and 1107.05, and add Sections 1107.06 and 1107.07.**

**2. INTENT:**

The Board of Supervisors held a work session on April 1, 2019 and directed staff to draft language to amend the Zoning Ordinance which will allow them to monitor and have more control over Temporary Use Permits. The proposed amendments to the zoning ordinance were presented to the Planning Commission on May 28, 2019 and to the Board of Supervisors on July 1, 2019. The Board held a work session on August 5, 2019 and made a motion to return the proposed changes to the Zoning Ordinance back to the Planning & Zoning Commission to initiate a text amendment.

**3. For detailed analysis see attached staff report****4. STAFF'S RECOMMENDATION:**

Staff recommends the Planning Commission initiate a text amendment to the Zoning Ordinance as presented.

---

**Attachments**

## Staff Report

8-5-19 BOS work session NOBA

8-5-19 BOS work session minutes

7-1-19 BOS work session NOBA

7-1-19 BOS work session minutes

5-28-19 P&amp;Z Comm minutes

4-1-19 BOS work session NOBA

4-1-19 BOS work session minutes



## MEMORANDUM

**TO:** Yuma County Planning & Zoning Commission

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

**RE:** Request to initiate a text amendment to the Zoning Ordinance, Section 1107.00—Temporary Buildings and Uses to amend Section 1107.01(A)(4), add Sections 1107.01(C) and (D), amend Sections 1107.03, 1107.04 and 1107.05, and add Sections 1107.06 and 1107.07

**DATE:** October 9, 2019

---

The Board of Supervisors held a work session on April 1, 2019 and directed staff to draft language to amend the Zoning Ordinance which will allow them to monitor and have more control over Temporary Use Permits. The proposed amendments to the zoning ordinance were presented to the Planning Commission on May 28, 2019 and to the Board of Supervisors on July 1, 2019. The Board held a work session on August 5, 2019 and made a motion to return the proposed changes to the Zoning Ordinance back to the Planning & Zoning Commission to initiate a text amendment.

The language below is the draft wording to amend Section 1107.00—Temporary Buildings and Uses. Text that is proposed to be deleted is in ~~strike through~~ format and new text proposed to be added is in **bold** font.

Section 1107.00--Temporary Buildings and Uses

1107.01--Application for Temporary Uses

The following regulations shall govern the operation of temporary uses:

- A. Permit applications for a temporary building or Temporary Use Permit shall be made to the Department of Development Services and shall contain the following information:
  1. A description of the property to be used, rented or leased for the temporary use, including a scaled site plan eight and one-half inches (8 ½”) by eleven inches (11”) (minimum)

showing all information necessary to accurately portray the property and its existing and proposed improvements;

2. A description of the proposed use;
  3. Sufficient information to determine the yard requirements, sanitary facility location(s) and availability of on-site parking space to service the proposed use; and
  - ~~4. A summary of any response from the notification of all contiguous property owners that shall occur at least three (3) business days prior to issuance of the permit.~~
- B. The provisions of this Section shall apply to the uses and conditions hereinafter enumerated. Where this Section prescribes regulations more restrictive than the zone in which a use or special use is permitted, the provisions of this Section shall apply.
- C. The Planning Director shall obtain comments from agriculture and military entities that the director believes could be affected by the Temporary Use Permit to evaluate the impact of the proposed temporary use.**
- D. Temporary Use Permit applications for circuses, carnivals, and similar transient amusement enterprises shall submit a written plan that addresses the following requirements:**
- 1. The proposed use does not create a negative impact to agricultural food safety.**
  - 2. The proposed use does not create adverse impacts on surrounding property or residents, or the agriculture and military industry.**
  - 3. Access to the site is along a public right-of-way.**
  - 4. The activities associated with the Temporary Use Permit maintain a setback of 100 feet from overhead powerlines.**
  - 5. Physical access to the event is marked with roadway signs and entrance signs.**
  - 6. Traffic and parking control comply with Section 903.00—Parking Space Dimensions, Section 904.00—Required Widths of Parking Area Aisles and Driveway, Section 905.00—General Design Requirements, and Section 909.00—Parking for the Handicapped.**
  - 7. Adequate dust control shall be provided pursuant to Yuma County Public Works Standards.**
  - 8. Crowd control fencing is provided along the perimeter of the boundary of the event area when deemed necessary.**
  - 9. A fence with a mesh/fabric cover for privacy with a maximum transparency of twenty percent and at least six feet in height is provided along the perimeter of the boundary of the event area when deemed necessary.**
  - 10. The Planning Director stipulates additional requirements to substantially reduce all adverse impacts on surrounding property or residents, and the agriculture and military industry.**

#### 1107.03--Temporary Buildings and Uses Requiring Permits

The uses, buildings and structures permitted in this Section shall be established and maintained so as to provide minimum interference with the use and enjoyment of neighboring uses, buildings and structures and to ensure public health, safety and convenience.

- A. Contractor's office and storage yards, travel trailers used as a caretaker's residence may be allowed in conjunction with construction work only during the period of such construction. Any temporary use permit approved for such contractor's office and storage yard, mobile home or travel trailer shall be limited to a period of time not to exceed one (1) year from the date of such approval, but said permit may be renewed for like periods, thereafter, upon the property owner submitting satisfactory evidence indicating that the need continues to exist. Unless such temporary use permit is renewed, such use shall be removed from the property, upon the expiration of the previously approved temporary use permit or within ten (10) days after completion of the construction work, whichever occurs first.
- B. Temporary real estate offices, subject to securing a temporary use permit and the following:
  - 1. Such office shall be located on the property being subdivided for sale as individual lots and its use shall be limited to the sale of the subdivided lots.
  - 2. Such office shall be subject to the height, yard and intensity of use regulations for the zoning district in which it is located.
  - 3. Any temporary use permit approved for such office shall be limited to a period of time not to exceed one (1) year from the date of issue and said permit may be renewed for like periods, thereafter, if all lots in the property being subdivided have not been sold.
  - 4. Unless such temporary permit is renewed, such office shall be removed from the property being subdivided upon the expiration of the previously approved Temporary Use Permit or when the last lot in said property is sold, whichever occurs first.
- C. Circuses, carnivals and similar transient amusement enterprises, subject to not more than thirty (30) days of site occupation and operation in any six (6) month period.
- D. Christmas trees or pumpkin sales lots, subject to not more than forty (40) days of site occupation and operation in any three hundred, sixty (360) day period.
- E. Campaign offices, subject to not more than seventy (70) continuous days of site occupation and operation.
- F. Religious, patriotic, historic or similar displays or exhibits within yards, parking areas, subject to not more than thirty (30) days of display in any one (1) year period for each exhibit.
- G. Outdoor art and craft shows and exhibits, subject to not more than fifteen (15) days of operation or exhibition in any ninety (90) day period.
- H. Batch plants.
- I. Parking lot and other outdoor sales sponsored by merchants limited to one (1) sale per calendar quarter. Rummage and other outdoor sales sponsored by local non-profit organizations limited to one (1) sale in each six (6) month period.
- J. Stands for the sale of jewelry, furs, rugs and similar home-type products subject to not more than thirty (30) days in any three hundred sixty (360) day period.

- K. Stands for the sale of produce subject to not more than thirty (30) days in any three hundred, sixty (360) day period. Said stands shall not be located within any public right-of-way and shall be kept free of litter and debris, including the sale of produce raised on the premises.
- L. Temporary second dwelling unit for guests, relatives and/or caretakers in an RV for a period up to one (1) year. There shall be no extensions allowed and no re-application permitted within twelve (12) months of expiration of such permits. Such temporary second dwelling units shall not be used as rentals.
- M. The raising of poultry, rabbits, goats, veal, cavy (guinea pigs), lambs and other small companion animals in residential zoning districts where not specified as a permitted use, by persons enrolled in organizations such as 4-H and / or FFA sanctioned projects, subject to not more than a continuous eight months within a one year period. There must be a minimum period of four months between any eight month period. The keeping of horses, market steers, and swine is excluded and not permitted. Any Temporary Use Permit for these types of sanctioned projects must specifically state the number of and type of animals to be raised, and must meet all applicable County Health and Department of Development Services requirements.
- N. Recreational vehicle can be used as temporary sales offices in commercial and industrial districts for the sales of RV's motorhomes and automobiles for a temporary period not to exceed two months with a temporary use permit. The time limit may be extended by the Planning Director by two month periods as needed.

~~1107.04—Extension or Modification of Limitations~~ **Approval of Temporary Use Permit**

~~Upon written application, the Planning Director may extend the time within which temporary uses may be operated (up to a period of ninety (90) days) or may modify the limitations under which such uses may be conducted if the Planning Director determines that such extension or modification is in accordance with the purpose of the zoning regulations.~~

**Upon approval, a Temporary Use Permit shall be issued to the applicant. This permit shall indicate the nature of the use approved, its expiration date, and must be on visible display by the applicant on the property. Failure to meet this display requirement shall result in revocation of the Temporary Use Permit if issued a Zoning Violation Notice.**

~~1107.05—Condition of Site Following Temporary Usage~~ **Extension or Modification of Limitations**

~~Each site occupied by a temporary use shall be left free of debris, litter or any other evidence, including off site signs, of the temporary use upon completion or removal of the use and shall thereafter be used only in accord with the provisions of the zoning regulations.~~

**Upon written application, the Planning Director may extend the time within which temporary uses may be operated (up to a period of ninety (90) days) or may modify the limitations under which such uses may be conducted if the Planning Director determines that such extension or modification is in accordance with the purpose of the zoning regulations.**

**1107.06--Denial of Temporary Use Permit**

**Denial of a Temporary Use Permit by the zoning inspector may be appealed to the Board of Adjustment upon submittal of an appropriate application and must be filed within ten days of any such decision by the zoning inspector. Any appeal by the applicant shall be placed on the Agenda of the first available Board of Adjustment Hearing and noticed in accordance with the Board's procedures. The Board of Adjustment may deny, approve, or approve with additional conditions, the Temporary Use.**

~~1107.05~~**1107.07**--Condition of Site Following Temporary Usage

Each site occupied by a temporary use shall be left free of debris, litter or any other evidence, including off-site signs, of the temporary use upon completion or removal of the use and shall thereafter be used only in accord with the provisions of the zoning regulations. **Furthermore, any temporary or mobile structures shall be removed within ten days of said expiration or termination.**

Staff Recommendation:

Initiate a text amendment to the Zoning Ordinance, Section 1107.00—Temporary Buildings and Uses to amend Section 1107.01(A)(4), add Sections 1107.01(C) and (D), amend Sections 1107.03, 1107.04 and 1107.05, and add Sections 1107.06 and 1107.07.

1. **Yuma County Board of Supervisors**  
**NOTICE of OFFICIAL BOARD ACTION (NOBA)**  
**ZONING ORDINANCE/AMENDMENTS**

Meeting Date: <b>08-05-19</b>	To: <b>P&amp;Z DIRECTOR MAGGIE CASTRO</b>	Date sent: <b>08-07-19</b>
Item No: WS1	Agency: <b>DEVELOPMENT SERVICES</b>	

Agenda Wording: *Development Services/Planning & Zoning Division*: Discussion concerning possible text amendment to the Zoning Ordinance, Section 1107.00—Temporary Buildings and Uses.

2. **RECORD OF ACTION(S)**

**Public hearing conducted:** In matters requiring public hearing, this certifies that the below constitutes official action after a legally advertised public hearing and duly called meeting of the Yuma County Board of Supervisors (or Board of Directors per agenda wording) and will be recorded without amendment or modification in the official records of said political body. •Public comments: \_\_\_ In favor \_\_\_ Opposed \_\_\_ Neutral  No comments

<input type="checkbox"/> Approved on <i>Consent</i> . <input checked="" type="checkbox"/> Approved as recommended by <i>Staff</i> . <input type="checkbox"/> Approved recommendation of <i>Planning Commission</i> . <input type="checkbox"/> Denied <input type="checkbox"/> No Action <input type="checkbox"/> Approved as <i>amended</i> : <input type="checkbox"/> Other: _____ *Amendment: _____ _____ CONDITIONS OF APPROVAL: _____	<b>Vote Results:</b> <b>LP</b> Motion <b>DS</b> Second <input checked="" type="checkbox"/> Passed <input checked="" type="checkbox"/> Voice Vote: <b>5</b> Dissent: <b>0</b> <input type="checkbox"/> Roll Call: _____ Ayes     _____ Nays <input type="checkbox"/> Supermajority Vote Required
	<input type="checkbox"/> Item continued:     Date & Time: _____ <input type="checkbox"/> Public Hearing set:     Date & Time: _____

3. **CLERK OF THE BOARD CERTIFICATION**

Signature: <u><i>Denarae Doten, Deputy Clerk for:</i></u> Susan K. Thorpe, County Administrator/Clerk of the Board	Date: <b>8-5-2019</b>
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4. **FOLLOW-UP (FU) ACTIONS REQUIRED:**

Agency notifies agent/applicant regarding Board action.  
 Agency\*    Clerk of Board causes publication of a Summary of the adopted Zoning Ordinance Text Amendments.  
 Agency    Clerk of Board causes recordation of (list): \_\_\_\_\_  
 Agency notifies all required County and other agencies regarding adopted Zoning Ordinance Text Amendments.  
 Agency places revised zoning ordinance on the web.  
 Other instructions/actions:

ENCLOSURES	<input type="checkbox"/> Resolution: <input type="checkbox"/> Original(s) <input type="checkbox"/> Copy(ies) <input type="checkbox"/> Resolution will be recorded <input type="checkbox"/> Resolution will not be recorded <input type="checkbox"/> Other (list):
COPIED TO	<input type="checkbox"/> County Attorney     Craig Sellers <input type="checkbox"/> Planner(s): _____ <input type="checkbox"/> Other (list):

Questions/information regarding this agenda item contact:

Name/Title: <b>Anna Rojas - Agenda Specialist</b>	Phone #: <b>373-1133</b>
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Revised: 03-03-06/cpi

MOTION (MCCLLOUD/SIMMONS): Approve as recommended by the Planning and Zoning Commission.

VOICE VOTE: The motion carried 5-0.

**EVENTS CALENDAR/CURRENT EVENTS:**

Board members and the County Administrator reported on and discussed events attended or to be attended on behalf of the County, presented a brief summary of current events and updated the schedule for future Board of Supervisors meetings as appropriate. *No legal action was taken, pursuant to A.R.S. §38-431.02(K).*

**WORK SESSION DISCUSSION AND ACTION ITEM:**

**No. 1: *Development Services/Planning & Zoning Division: Discussion concerning possible text amendment to the Zoning Ordinance, Section 1107.00—Temporary Buildings and Uses.***

Ms. Castro reported this item was brought to the Board last month and at that time they requested a Work Session to be scheduled to discuss the proposed changes drafted by staff. The changes were based on comments made by the Board when they took action on a Special Event Liquor License for the AZ Jamboree in East County.

Ms. Castro explained the proposed changes would only affect Temporary Use Permits (TUP) for special types of requests, and would not apply to every type of TUP within the Yuma County Zoning Ordinance.

Chairman Reyes recalled that staff was asked to come up with a list of criteria for permits that would affect the military base and agriculture, however the initial list presented made it difficult for someone to receive a TUP. The issue moving forward was to determine whether the Board wants to be involved in the Temporary Use Permit process or simply receive notification of a request.

Discussion ensued regarding the appeal process which would be forwarded to the Board of Adjustment per Arizona Revised Statutes.

Supervisor McCloud expressed his position that Section 1107.01(D) should be entirely removed because it is too restrictive and based on an overreaction to a singular event.

Chairman Reyes noted that the way the ordinance is currently stated, and what he believes caused a problem, is the phrase “shall only be approved provided that.” He suggested alternative wording such as “taken into consideration” when addressing the list of requirements.

Ms. Castro reported legal counsel suggested that applicants could be required to submit a written plan that addresses the items under 1107.01(D) and that if anyone wanted to deviate they could request a variance from the Board of Adjustment.

Ms. Castro also asked the Board to keep in mind that the criteria would only apply to events listed in Section 1107.03(C) which includes "circuses, carnivals and similar transient amusement enterprises." Once this was clarified the Board indicated they wanted staff to include that entire wording in 1107.03(C) in the proposed language for Section 1107.01(D).

Ms. Castro informed Board members that notification to the Board of Supervisors would be added to the TUP procedure.

Supervisor McCloud asked Ms. Castro to advise the Board if there are all of a sudden denials after denial or problems created by this policy.

MOTION (PANCRAZI/SIMMONS): Return the item to the Planning Commission to initiate a text amendment to the zoning ordinance.

VOICE VOTE: The motion carried 5-0.

**No. 2: *Development Services: Discussion and feedback on final Department of Development Services Comprehensive Permitting and Enforcement Policy including comments from the Planning & Zoning Commission.***

Mr. Sellers provided a handout of the draft "Comprehensive Permitting and Enforcement Policy". He reviewed the changes throughout the document which were not recommended by staff and those implemented by staff for clarity.

Discussion ensued regarding public complaints and the recommendation that they cannot be received anonymously. Ms. Thorpe confirmed the wording would not be changed to CANNOT it will be CAN.

Mr. Headington addressed staff's approach to safety issues on a complaint basis. He explained that he first looks at all of the resources available; researches permit files and assessors' data since the county has the burden of proof. He noted that under this policy staff will send notice before a violation is issued.

The final page of the policy mentioned appeals of decisions. Mr. Sellers reported that Board direction will be sought before an appeal is made to Superior Court. Staff supported the change and Supervisors agreed.

Discussion ensued regarding Zoning Inspector timelines and the number of extensions that can be granted.

Barry Olsen made comments concerning the following items: the statute of limitations for zoning violations per Arizona Misdemeanor Statutes which would be one (1) year; citing a neighborhood as a whole when those violations exist; and liability issues with anonymous reporting.

1. **Yuma County Board of Supervisors**  
**NOTICE of OFFICIAL BOARD ACTION (NOBA)**  
**ZONING ORDINANCE/AMENDMENTS**

Meeting Date: 07-01-19	To:	P&Z DIRECTOR CRAIG SELLERS/ MAGGIE CASTRO	Date sent: <i>07-02-19</i>
Item No: ZF4	Agency:	DEVELOPMENT SERVICES	

**Agenda Wording:** *Development Services/Planning:* Discussion concerning possible text amendment to the Zoning Ordinance, Section 1107.00—Temporary Buildings and Uses.

2. **RECORD OF ACTION(S)**

**Public hearing conducted:** In matters requiring public hearing, this certifies that the below constitutes official action after a legally advertised public hearing and duly called meeting of the Yuma County Board of Supervisors (or Board of Directors per agenda wording) and will be recorded without amendment or modification in the official records of said political body. •Public comments: \_\_\_ In favor \_\_\_ Opposed \_\_\_ Neutral  No comments

<input type="checkbox"/> Approved on Consent. <input type="checkbox"/> Approved as recommended by Staff. <input type="checkbox"/> Approved recommendation of Planning Commission. <input type="checkbox"/> Denied <input checked="" type="checkbox"/> No Action <input type="checkbox"/> Approved as amended: <input type="checkbox"/> Other: _____ *Amendment: _____ _____ CONDITIONS OF APPROVAL: _____	<b>Vote Results:</b> _____ Motion      _____ Second <input type="checkbox"/> Passed <input type="checkbox"/> Voice Vote: <i>N/A</i> Dissent: _____ <input type="checkbox"/> Roll Call: _____ Ayes      _____ Nays <input type="checkbox"/> Supermajority Vote Required
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<input type="checkbox"/> Item continued:	Date & Time:	<input type="checkbox"/> Agency submits AIR-Form for future meeting.
<input type="checkbox"/> Public Hearing set:	Date & Time:	<input type="checkbox"/> Agency submits AIR-Form for future meeting.

3. **CLERK OF THE BOARD CERTIFICATION**

Signature: <i>Susan K. Thorpe</i> Susan K. Thorpe, County Administrator/Clerk of the Board	Date: 07-01-19
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4. **FOLLOW-UP (FU) ACTIONS REQUIRED:**

Agency notifies agent/applicant regarding Board action.  
 Agency\*  Clerk of Board causes publication of a Summary of the adopted Zoning Ordinance Text Amendments.  
 Agency  Clerk of Board causes recordation of (list): \_\_\_\_\_  
 Agency notifies all required County and other agencies regarding adopted Zoning Ordinance Text Amendments.  
 Agency places revised zoning ordinance on the web.  
 Other instructions/actions:

ENCLOSURES	<input type="checkbox"/> Resolution: <input type="checkbox"/> Original(s) <input type="checkbox"/> Copy(ies) <input type="checkbox"/> Resolution will be recorded <input type="checkbox"/> Resolution will not be recorded <input type="checkbox"/> Other (list):
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COPIED TO	<input type="checkbox"/> County Attorney	<input type="checkbox"/> _____	<input type="checkbox"/> Planner(s): _____	<input checked="" type="checkbox"/> Other (list): <i>Maggie Castro</i>
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Questions/information regarding this agenda item contact: Name/Title: <i>Christy Shell, Deputy Clerk</i>	Phone #: <i>928-373-1107</i>	Revised: 03-03-06/cpi
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MOTION (SIMMONS/PANCRAZI): Approve as recommended by Planning Commission and staff.

VOICE VOTE: The motion carried 5-0.

**No. 4: *Development Services/Planning*: Discussion concerning possible text amendment to the Zoning Ordinance, Section 1107.00—Temporary Buildings and Uses.**

Ms. Castro reviewed the proposed text changes which had been reviewed by the Planning Commission, who referred the item to the Board to obtain their input.

The initial comments received from Supervisors were that the document included more than they intended. They agreed to continue this item to a Work Session in the future to allow for more review and discussion.

No legal action was taken.

**EVENTS CALENDAR/CURRENT EVENTS:**

Board members and the County Administrator reported on and discussed events attended or to be attended on behalf of the County, presented a brief summary of current events and updated the schedule for future Board of Supervisors meetings as appropriate. *No legal action was taken, pursuant to A.R.S. §38-431.02(K).*

The Chairman recessed the meeting at 11:04 a.m., and reconvened at 11:18 a.m.

**WORK SESSION DISCUSSION AND ACTION ITEM:**

**No. 1: *Development Services*: Presentation and review of preliminary final Comprehensive Permitting and Enforcement Policy for the Department of Development Services.**

Planning and Zoning Commission Member Danny Bryant was present.

Mr. Sellers informed the Board that he wanted to obtain final comments before the policy was sent to the Planning and Zoning Commission. A Power Point presentation was provided which covered the following topics:

- Related Statutes
- Public Records and Project Assessments
- Proposed Work or Use
- Types of Permits
- Permit Review
- Approval and Denial

Commissioner Rice requested to view an aerial/satellite image of the property.

Chairman Rosales opened the public hearing.

There being no one from the public to come forward, Chairman Rosales closed the public hearing.

MOTION (MCKINLEY/BOWERS): Approve to initiate a Commission Initiative to rezone Assessor's Parcel Number 186-33-006 from RA-40 to SSB-2 as presented.

VOICE VOTE: Mulhern- AYE; Rice-AYE; McKinley- AYE; Bowers- AYE; Bryant- AYE; Rosales- AYE; Eide- AYE; The motion carried 7-0.

**ITEM No. 9: Discussion concerning possible text amendment to the Zoning Ordinance, Section 1107.00- Temporary Buildings and Uses.**

Planning Director Maggie Castro, AICP, presented the possible text amendment to the Zoning Ordinance, Section 1107.00. The text that is proposed to be deleted is in strikethrough format and the new text proposed to be added is in bold format.

Commissioner Bryant inquired who reviews Temporary Use Permits and how do the Board of Supervisors know about the Temporary Use Permits.

Planning Director Maggie Castro, AICP, explained Temporary Use Permits do not require a public hearing and are reviewed internally by staff. Liquor licenses are reviewed by the Board of Supervisors.

Commissioner Bryant inquired about the appeal process if a Temporary Use Permit is denied.

Planning Director Maggie Castro, AICP, stated the proposed amendment to the Zoning Ordinance clarifies what the appeal process would be.

Commissioner Eide inquired if the new text proposed was due to a learning curb.

Planning Director Maggie Castro, AICP, explained staff recommended the changes due to the specific Jamboree event that took place. Staff researched other County ordinances that have the same criteria as staff is proposing.

Commissioner Rice inquired about who approves liquor licenses.

Planning Director Maggie Castro, AICP, stated the Board of Supervisors reviews liquor licenses and gives a recommendation to the state.

MOTION (BRYANT/MCKINLEY): Approve to forward the discussion concerning possible text amendment to the Zoning Ordinance, Section 1107.00- Temporary Buildings and Uses to the Board of Supervisors as presented.

VOICE VOTE: Mulhern- AYE; Rice-AYE; McKinley- AYE; Bowers- AYE; Bryant- AYE; Rosales- AYE; Eide- AYE; The motion carried 7-0.

1. **Yuma County Board of Supervisors**  
**NOTICE of OFFICIAL BOARD ACTION (NOBA)**  
**ZONING ORDINANCE/AMENDMENTS**

Meeting Date: 04-01-19	To:	<b>P&amp;Z DIRECTOR MAGGIE CASTRO</b>	Date sent:
Item No: WS1	Agency:	<b>DEVELOPMENT SERVICES</b>	4-8-19

**Agenda Wording:** Discussion and possible action concerning the Yuma County Zoning Ordinance, Section 1107.00 - Temporary Buildings and Uses.

2. **RECORD OF ACTION(S)**

**Public hearing conducted:** In matters requiring public hearing, this certifies that the below constitutes official action after a legally advertised public hearing and duly called meeting of the Yuma County Board of Supervisors (or Board of Directors per agenda wording) and will be recorded without amendment or modification in the official records of said political body. •Public comments: \_\_\_ In favor \_\_\_ Opposed \_\_\_ Neutral  No comments

<input type="checkbox"/> Approved on <i>Consent</i> . <input type="checkbox"/> Approved as recommended by <i>Staff</i> . <input type="checkbox"/> Approved recommendation of <i>Planning Commission</i> . <input type="checkbox"/> Denied <input type="checkbox"/> No Action <input type="checkbox"/> Approved as <i>amended</i> : <input checked="" type="checkbox"/> <b>Other:</b> <u>Direct staff to draft</u> <i>*Amendment: language which will allow them to monitor and have more control over Temporary Use Permits</i>	<b>Vote Results:</b>
	<u>LP</u> Motion <u>DS</u> Second <input checked="" type="checkbox"/> Passed <input checked="" type="checkbox"/> Voice Vote: <u>4</u> Dissent: <u>1</u> <input type="checkbox"/> Roll Call: _____ Ayes    _____ Nays <input type="checkbox"/> Supermajority Vote Required <u>RM dissenting</u>

CONDITIONS OF APPROVAL:  
 \_\_\_\_\_

<input type="checkbox"/> Item continued:	Date & Time:	<input type="checkbox"/> Agency submits AIR-Form for future meeting.
<input type="checkbox"/> Public Hearing set:	Date & Time:	<input type="checkbox"/> Agency submits AIR-Form for future meeting.

3. **CLERK OF THE BOARD CERTIFICATION**

Signature: <u>Damaris Doten, Deputy Clerk for:</u> Susan K. Thorpe, County Administrator/Clerk of the Board	Date: 04-01-19
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4. **FOLLOW-UP (FU) ACTIONS REQUIRED:**

- Agency notifies agent/applicant regarding Board action.
- Agency\*     Clerk of Board causes publication of a Summary of the adopted Zoning Ordinance Text Amendments.
- Agency     Clerk of Board causes recordation of (list): \_\_\_\_\_
- Agency notifies all required County and other agencies regarding adopted Zoning Ordinance Text Amendments.
- Agency places revised zoning ordinance on the web.
- Other instructions/actions:

ENCLOSURES	<input type="checkbox"/> Resolution: <input type="checkbox"/> Original(s) <input type="checkbox"/> Copy(ies) <input type="checkbox"/> Resolution will be recorded <input type="checkbox"/> Resolution will not be recorded <input type="checkbox"/> Other (list):		
	COPIED TO	<input type="checkbox"/> County Attorney <input checked="" type="checkbox"/> _____ <input checked="" type="checkbox"/> Raquel Romero	<input type="checkbox"/> Planner(s): _____ <input type="checkbox"/> Other (list):

<b>Questions/information regarding this agenda item contact:</b> Name/Title: <u>Damaris Doten</u>	Phone #: <u>373-1105</u>	Revised: 03-03-06/cpi
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- Environmental Programs Division
- Engineering Division

Mr. Sellers answered questions regarding the annexation process and staff time involved.

Supervisor Reyes opened the public hearing.

Gayle Castricone reported the B&C Colonia is surrounded by the City of Yuma; however she believes that pre-annexation is probably not an option. She expressed her hopes for this to become a priority since she has been patiently waiting during the forty years she has owned a home in this area.

Supervisor Reyes closed the public hearing.

MOTION (SIMMONS/PANCRAZI): Approve report as presented.

VOICE VOTE: The motion carried 5-0.

#### **EVENTS CALENDAR/CURRENT EVENTS:**

**Board members and the County Administrator reported on and discussed events attended or to be attended on behalf of the County, presented a brief summary of current events and updated the schedule for future Board of Supervisors meetings as appropriate. No legal action was taken, pursuant to A.R.S. §38-431.02(K).**

The Chairman recessed the meeting at 11:13 a.m., and reconvened at 11:24 a.m.

#### **WORK SESSION DISCUSSION AND ACTION ITEM:**

##### **No. 1: Discussion and possible action concerning the Yuma County Zoning Ordinance, Section 1107.00 - Temporary Buildings and Uses.**

Ms. Castro reported this item was presented due to the outcome of a liquor license application discussed during the March 11, 2019 Board of Supervisors meeting. She referenced the list of current uses for a Temporary Use Permit (TUP) which were included as part of the agenda packet.

Supervisor Reyes questioned if the intent would be to take the authority from the Planning Director to issue or restrict the ability for specific events.

Supervisor Pancrazi stated that sometimes Supervisors and those living in the surrounding areas are unaware of TUP's. She asked staff to confirm the number of TUP's recently issued. Ms. Castro confirmed that from 2009 to 2019 a total of ten (10) have been issued for special events.

Supervisor Simmons explained the main concerns are regarding food safety and the event location, such as areas surrounded by farmland.

Mr. Feheley explained that currently if an application meets the criteria provided in the Zoning Ordinance they are entitled to a permit. He stated a possible way to fix this situation would be to add additional criteria for the Planning Director's review.

Supervisor Reyes confirmed that adding items such as food/health safety and economic livelihood should be included as directed by legal counsel, without making the process too complicated for those wishing to hold a fundraiser.

Discussion ensued between the Board and staff regarding the previously discussed application and whether additional criteria would have changed the outcome.

MOTION (PANCRAZI/SIMMONS): Direct staff to draft language which will allow them to monitor and have more control over Temporary Use Permits.

Ms. Thorpe stated that early on a process was mentioned where the Planning Director would notify the Board when a TUP is being applied for, so Supervisors are aware that is happening. She questioned if the Board wanted to include this as part of their policy and procedures. Discussion ensued and it was agreed that a courtesy notice would be sufficient.

VOICE VOTE: The motion carried 4-1, with Supervisor McCloud dissenting.

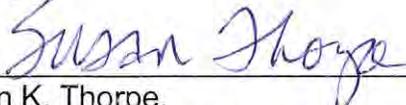
There being no further business to come before the Board, the Chairman adjourned the meeting at 12:00 p.m.

Adopted this 6<sup>th</sup> day of May, 2019.



Marco A. "Tony" Reyes, Chairman

ATTEST:

  
\_\_\_\_\_  
Susan K. Thorpe,  
County Administrator/Clerk of the Board

Yuma County  
Planning & Zoning  
Commission

Item No. 10

**AIR-9451**

**10.**

**P&Z Commission Agenda**

**Meeting Date:** 11/26/2019

**Submitted For:** Maggie Castro

**Submitted By:** Amber Jardine

**Department:** Planning & Zoning Division - DDS

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**Information**

**1. REQUESTED ACTION:**

**Action to amend the initiation of the text amendment to the Subdivision Regulations for lot ties in recorded subdivisions and discussion concerning amendment to DDS Fee Schedule to adopt a fee for processing a Lot Tie Map.**

**2. INTENT:**

The Planning & Zoning Commission initiated a text amendment to the Subdivision Regulations at their regular meeting of June 25, 2019. However, staff found that some of the original language was inadvertently left out when staff presented the item. Since then, a revision to the proposed amendment has been suggested.

Staff is proposing an amendment to the Yuma County Subdivision Regulations to add requirements for a Lot Tie Map as follows:

Fee for Lot Ties for parcels within recorded subdivisions	\$ 384.30
Fee for Lot Ties for parcels not within recorded subdivisions	\$ 601.76

**3. For detailed analysis see attached staff report**

**4. STAFF'S RECOMMENDATION:**

Staff recommends the Planning Commission amend the initiation of the text amendment to the Subdivision Regulations and amend the DDS Fee Schedule to adopt the proposed fee for processing a Lot Tie Map as presented.

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**Attachments**

Staff Report

Fee Breakdown

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## MEMORANDUM

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

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

**RE:** Action to amend the initiation of the text amendment to the Subdivision Regulations for lot ties in recorded subdivisions

**DATE:** August 15, 2019

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The Planning & Zoning Commission initiated a text amendment to the Subdivision Regulations at their regular meeting of June 25, 2019. However, staff found that some of the original language was inadvertently left out when staff presented the item.

The language initiated by the Planning Commission for the proposed text amendment to the Subdivision Regulations is shown below in **bold** font. The font highlighted in yellow is the wording that was inadvertently left out.

### Section 7.11—Lot Tie Map

**Lot ties in a recorded subdivision where there is no change in the location or size of streets, dedicated public lands, reserved school sites, locations or types of open space or the overall size or arrangement of all or part of the recorded subdivision shall be processed by submittal of a site plan drawn to scale with the lot arrangement revised. The title block of site plans filed under this section shall contain a name identifying it as a lot tie; the lot number, tract number, or other legal references to the properties being combined; the name of the subdivision and the reference to the book and page where the subdivision is recorded; the location of the property according to the public land survey system; and the lot number, tract number, or letter being assigned to the new property. The site plan will be reviewed by the Department of Development Services for completeness and accuracy. If no revisions are necessary, the site plan will be recorded with the Recorder's Office after receiving an approval signature from the Planning & Zoning Director.**

Since then, a revision to the proposed amendment has been suggested. The wording below is new language for the Planning Commission to consider for the amendment to the Subdivision Regulations:

### **Section 7.11---Lot Tie Map within a Recorded Subdivision**

**Lot ties in a recorded subdivision where there is no change in the location or size of streets, dedicated public lands, reserved school sites, locations or types of open space or the overall size or arrangement of all or part of the recorded subdivision shall be processed by submittal of a site plan drawn to scale with the lot arrangement revised. The Lot Tie Map within a Recorded Subdivision is not required to be prepared and stamped by an Arizona registered surveyor.**

- 1. The map scale shall not be less than 1 inch equal 200 feet.**
- 2. North arrow**
- 3. Notation of the map as “Lot Tie for (owner’s name)”**
- 4. Provide existing Subdivision name, and unit number. Provide reference to the book and page where the existing subdivision is recorded**
- 5. Provide the existing lot number, tract number, assessor’s parcel number or other legal references to the properties being combined**
- 6. Location by quarter-section, section, township and range**
- 7. Provide property boundaries with distances and bearings**
- 8. Provide location and label all existing buildings, structures and sewage disposal system(s)**
- 9. Provide names of streets within and adjacent to the property boundaries**
- 10. Callout property line to be removed upon recordation of this map**
- 11. Provide new lot number, tract number, or letter being assigned to the property**
- 12. Provide a signature line and date on map for the Planning & Zoning Director**

**No right-of-way may be requested by Yuma County.**

**The site plan will be reviewed by the Department of Development Services for completeness and accuracy. If no revisions are necessary, the site plan will be recorded with the Recorder’s Office after receiving an approval signature from the Planning & Zoning Director.**

### **Section 7.12---Lot Tie Map not within a Recorded Subdivision**

**Lot ties not in a recorded subdivision where there is no change in the location or size of streets, dedicated public lands, reserved school sites, locations or types of open space shall be processed by submittal of a site plan drawn to scale with the lot arrangement revised.**

- 1. The Map shall be prepared by a Land Surveyor registered in the State of Arizona. The map scale shall not be less than 1 inch equal 200 feet.**
- 2. Notation of the map as “Lot Tie for (owner’s name)”**
- 3. Location by quarter-section, section, township, and range.**
- 4. Scale, north arrow, legend, and dates of preparation and revisions.**
- 5. Name and address of owner.**
- 6. Name, address, registration number, and seal of the registered land surveyor preparing the map.**
- 7. Location and description of cardinal points of primary interest to which all dimensions, angles, bearings, and similar data on the map shall be referenced. Two corners of the map shall be tied by course and distance to a section line.**
- 8. All existing and proposed lots shall be identified by number or letter. Show area, in square feet and acres, of new lot.**
- 9. Provide location and label all existing buildings, structures and sewage disposal system(s)**
- 10. Boundaries of the property will reflect bearings and distances determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.**
- 11. Location and dimensions of all lots within the map. All sides of the lots shall be identified by bearings and distances. All lot corners shall be described as to what was set or found by the surveyor.**
- 12. Existing streets adjacent to the property shall be denoted with the Right-of-Way Dedication Instrument, if known, and shall have the right-of-way width dimensioned.**
- 13. All adjacent properties must be indicated by subdivision name if applicable and Yuma County Recorder’s Office Book and Page number or Assessor’s Parcel Number.**
- 14. Certification Statement with signature block by a registered land surveyor preparing the map that the map is correct and accurate, that the monuments described in it have been located as described, and that said monuments are sufficient to enable the survey to be retraced.**
- 15. Signature Approval Lines for the County Engineer and Planning & Zoning Director.**

**16. Acknowledgement Statement with a signature block for owner of interest in the land to be combined.**

**The Plat will be reviewed by the Department of Development Services for completeness and accuracy. If no revisions are necessary, the Plat will be recorded with the Recorder's Office after receiving an approval signature from the County Engineer and Planning & Zoning Director.**

If the revision to the proposed amendment to Subdivision Regulations moves forward which places requirements for submittal of a lot tie map for parcels within a recorded subdivision and submittal of a lot tie map for parcels not within a recorded subdivision, the DDS Fee Schedule will also need to be amended. The proposed fee for a Lot Tie Map not within a Recorded Subdivision is \$601.76. The proposed fee for a Lot Tie Map in a Recorded Subdivision is \$384.30.

Staff recommendation:

Staff recommends the Planning Commission amend the initiation of the text amendment to the Subdivision Regulations.

4615 Lot Ties within recorded subdivisions (no board action req'd)												
Activity	Staff Resource	Personnel Cost			Direct Cost		Total	Federal	BOS	Qualification		
		Hours	Hourly Cost	Total	Equipment	Operating	Activity Cost	or State	Policy			
									Mandate			
applicant consultation/application intake	Senior Planner	0.25	26.62	6.66			6.66	no	no	review for completeness, application submittal & acceptance		
issue receipt	Permit Technician	0.10	19.02	1.90			1.90	no	no	required by Treasurer		
prepare case file	Office Specialist II	0.10	13.58	1.36			1.36			required by DDS policy		
distribution to internal agencies	Senior Planner	0.25	26.62	6.66			6.66	no	no	advisable to meet Strategic Plan		
Lot tie reviewed by:												
Engineering division	County Engineer	0.50	43.70	21.85			21.85	no	yes	Subdivision Regulations 7.1		
	Civil Engineer Tech	1.00	19.40	19.40			19.40	no	yes	Subdivision Regulations 7.1		
Planning Division	Senior Planner	1.00	26.62	26.62			26.62	no	yes	Subdivision Regulations 7.1		
	P&Z Director	0.50	34.46	17.23			17.23	no	yes	Subdivision Regulations 7.1		
Flood Control Division	Senior Civil Engineer	1.00	33.12	33.12			33.12	no	yes	Subdivision Regulations 7.1		
	Deputy County Engineer	0.50	37.30	18.65			18.65	no	yes	Subdivision Regulations 7.1		
Building Safety Division	Chief Building/Fire Code Official	1.00	34.46	34.46			34.46	no	no	Subdivision Regulations 7.1		
Environmental Programs Division	Senior Sanitarian Supervisor	1.00	27.72	27.72			27.72	no	yes	Subdivision Regulations 7.1		
follow up letter to applicant	Senior Planner	0.25	26.62	6.66			6.66					
Record Lot Tie map	Civil Engineer Tech	1.00	19.40	19.40			19.40	no		Subdivision Regulations 7.1		
distribution of recorded plat to internal agencies	Civil Engineer Tech	0.50	19.40	9.70			9.70	no		Subdivision Regulations 7.1		
close file	Senior Planner	0.25	26.62	6.66			6.66	no	no	required by DDS policy		
update permitting software	Senior Planner	0.10	26.62	2.66			2.66	no		required by DDS policy		
document image file	HO Specialist/Office Specialist II	0.10	13.58	1.36			1.36	no	no	advisable for records retention		
Supervision / review												
legal review	Attorney	1.00	31.21	31.21			31.21			advisable for records retention		
legal support	Legal Secretary II	1.00	12.74	12.74			12.74					
review	DDS Director	0.50	39.58	19.79			19.79					
Sub-Total Cost												
		11.90		325.79								
DDS Indirect Cost (8.02%)												
				26.13			26.13					
YC Indirect Cost (9.94%)												
				32.38			32.38					
Total Activity Cost												
		11.90		384.30			384.30					



Yuma County  
Planning & Zoning  
Commission

Item No. 11

**AIR-9450**

**11.**

**P&Z Commission Agenda**

**Meeting Date:** 11/26/2019

**Submitted For:** Maggie Castro

**Submitted By:** Maggie Castro

**Department:** Planning & Zoning Division - DDS

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### **Information**

**1. REQUESTED ACTION:**

**Request to initiate a text amendment to the Zoning Ordinance to create the Dark Sky Overlay District and amend the Official Zoning Map accordingly.**

**2. INTENT:**

To initiate a text amendment to the zoning ordinance to adopt the Dark Sky Overlay District and amended the Official Zoning Map.

**3. For detailed analysis see attached staff report**

**4. STAFF'S RECOMMENDATION:**

Staff recommends the Planning Commission initiate a text amendment to the Zoning Ordinance to create the Dark Sky Overlay District and amend the Official Zoning Map as presented.

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### **Attachments**

Staff Report

Dark Sky Overlay District Map

10-21-19 BOS meeting NOBA

7-22-19 BOS meeting NOBA

7-22-19 BOS meeting minutes

2-20-19 BOS meeting NOBA

2-20-19 BOS meeting minutes

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## MEMORANDUM

**TO:** Yuma County Planning & Zoning Commission

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

**SUBJECT:** Request to initiate a text amendment to the Zoning Ordinance to create the Dark Sky Overlay District and amend the Official Zoning Map accordingly

**DATE:** November 13, 2019

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In January 2019, the Board of Supervisors (BOS) asked staff to re-open the discussion on the Dark Sky Ordinance that was proposed in 2006. At the July 22, 2019 regular meeting, the BOS held another discussion and requested two alternatives for the proposed ordinance to be brought back for consideration. On October 21, 2019, the BOS was presented with the draft language for the proposed Dark Sky Overlay District along with two maps depicting the areas of Yuma County which could potentially be included in the overlay district. The BOS directed staff to forward the proposed language for the Dark Sky Overlay District along with the map depicting the area of Yuma County that is east of Foothills Boulevard and the Martinez Lake area.

The proposed language for the Dark Sky Overlay District is attached as well as a map depicting the area that would be covered by the overlay district which is the unincorporated area of Yuma County that is east of Foothills Boulevard and Martinez Lake.

## **Section 623.00—Dark Sky Overlay District (DSOD)**

### **623.01—General**

#### **A. Purpose**

**To protect and enhance the lawful nighttime use of property and to specify lighting practices and systems that will minimize the adverse man-made light pollution effects of sky-glow, glare and light trespass.**

#### **B. Conformance**

**All outdoor illuminating devices shall be installed in conformance with the provisions of the Yuma County Zoning Ordinance, and any applicable building codes. Where any provision of any of the Arizona Revised Statutes, or any Federal Law, or any related Yuma County regulation conflicts with the requirements of this section (623.00), the most restrictive shall govern.**

### **623.02--Permitted Uses**

**All uses allowed within the underlying zoning district shall be allowed.**

### **623.03--Special Uses**

**All Special Uses listed under the underlying zoning district shall be allowed with the approval of a Special Use Permit.**

### **623.04—Minimum Parcel Size Requirements, Minimum Lot Width, Minimum Principal Buildings Setback Requirements, Maximum Building Height, & Maximum Lot Coverage,**

**The minimum parcel size, minimum width, minimum setback requirements, maximum height, and maximum lot coverage shall be those of the underlying zoning district.**

### **623.05—Accessory Buildings and Uses**

**All accessory buildings shall meet the same development standards as those as the underlying zoning district.**

### **623.06--Definitions**

**Class 1 Lighting: All outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, recreational facilities and other similar activities where color rendition is important. Class 1 lighting includes metal halide, quartz halogen and similar light sources.**

**Class 2 Lighting: All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security is the primary concern (General Lighting).**

**Class 3 Lighting:** All outdoor lighting used for decorative effects, including but not limited to, architectural illumination, flag and monument lighting, and illumination of vegetation (Decorative Lighting).

**Color Rendition:** the ability of a light source to faithfully reproduce the colors seen in an object.

**Decorative Lighting:** lighting which is used for non-utilitarian purposes such as lighting building exteriors, fountains, flags, landscaping, holiday and seasonal decorations (Class 3 lighting).

**Fully shielded:** means that the outdoor light fixture is constructed so that in its installed position all of the light emitted by the fixture is projected below the horizontal plane passing through the lowest light-emitting part of the fixture.

**General Illumination:** Outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots, and outdoor security where safety or security of the grounds is the primary concern (Class 2 lighting).

**Illuminance:** The amount of light falling onto a surface area, measured in foot candles (lumens per square foot) or lux (lumens per square meter). For conversion purposes, 1 foot candle (fc) is equal to 10.76 lux (lx).

**Light Emitting Diodes (LEDs):** A semiconductor diode which glows when a voltage is applied.

**Light Fixture, Full Cut-off:** (See Light Fixture, Fully Shielded)

**Light Fixture, Fully Shielded:** A light fixture constructed, installed and maintained in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly by reflection or refraction from any part of the fixture, is projected below a horizontal plane running through the lowest part of the fixture.

**Light Trespass:** Stray electric light in excess of the levels specified in Section 623.07(A) falling where it is not wanted or needed. Direct or reflected light that has its source on one site, and illuminates areas beyond the property boundaries. Light trespass is typically produced by stray light from unshielded or misdirected outdoor lighting, and includes glare from direct viewing, as well as “off-site spill” light.

**Off-Site Spill:** Any combination of glare, uplight (sky glow) and/or light trespass applicable, but not limited to, structure exterior lighting, roadway/street lighting, pedestrian malls, parks, recreational facilities, outdoor display lots, parking lots, service stations, billboards and signage.

**Outdoor Light Fixtures:** Outdoor electric illuminating devices, outdoor fixtures, lamps and other devices; searchlights, spot lights, flood lights, permanently installed or portable, used for illumination, emergency, security or commercial purposes. Such devices shall include, but are not limited to, lights for:

- a. parking lots
- b. roadways

- c. buildings and structures
- d. recreational areas and facilities
- e. landscaping decorative effects
- f. billboards and signs (advertising and other)
- g. product display areas

**Outdoor Display Lot:** Outdoor areas where active nighttime sales activity occurs and where accurate color perception by customers is required.

**Outdoor Recreational Facility:** An area designed for active recreation, whether publicly or privately owned, including but not limited to parks, baseball or softball diamonds, soccer and football fields, golf courses, tennis courts, and roping/equestrian arenas.

**Residential Lighting:** Residential refers to outdoor lighting for single or multiple household dwellings (duplexes).

**Sky-glow:** The undesirable and unnecessary emission of light rays, directly or indirectly, into the night sky.

**Use, Non-Residential:** The use of land for a purpose other than for residential use.

#### **623.07--Applicability**

##### **A. New Uses, Buildings and Additions or Modifications.**

The requirements of this section (623.00) shall apply to any and all new uses and to additions to existing land uses, developments, buildings, or structures.

##### **B. Change of Use.**

Whenever the use of any existing building, structure, or premises is changed to a different use, all outdoor lighting shall be reviewed and made to comply with all provisions of this Section (623.00).

##### **C. Restoration of Use after Abandonment.**

If a building or use with non-conforming lighting is left abandoned, vacant or unused for a period of at least twelve (12) consecutive months for non-residential, or eighteen (18) consecutive months for residential uses, then all outdoor lighting shall be brought into compliance with the provisions of this Section (623.00) before the use is resumed.

#### **623.08--Applications**

**A. Any individual applying for a building or use permit that includes outdoor light fixtures as a part of improvements shall submit the plans and descriptions specified in Section 623.08(C).**

**B. All other individuals intending to install, replace or improve any outdoor light fixture shall comply with the provisions of this Section (623.00), and if a permit is required,**

submit an application to the Department of Development Services and the plans and descriptions specified in Section 623.08(C).

C. The following plans and descriptions shall be sufficiently complete to enable the Department of Development Services to determine if the project will be in compliance with the requirements of this Section (623.00). If such plans and descriptions are not sufficient to enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance prepared by a certified illumination engineer or Arizona Registrant. The submission shall contain:

1. Plans drawn to scale indicating the location on the premises, and the type of all illuminating devices (existing and proposed).
2. Description of the existing and proposed illuminating devices, fixtures, lamps, supports and other devices, and the initial lumen output. This description shall include, but is not limited to, manufacturers' catalog cuts, photographs, diagrams, and/or drawings.

#### **623.09--Permits**

- A. **Issuance of Permits:** Upon compliance with these lighting provisions, as well as the other requirements for permit issuance, the Department of Development Services shall issue a permit.
- B. **Amendment to Permit:** Substitution of outdoor light fixtures or lamps after a permit has been issued requires Department of Development Services approval prior to installation. Amendments to permits for the installation of outdoor light fixtures require submittal of evidence that the proposed work will comply with the provisions of this Section (623.00).

#### **623.10--General Requirements**

##### **A. Light Trespass and Glare**

1. For a receiving residential site, the level of light trespass, shall not exceed 0.2 foot candles as measured with the meter's sensor perpendicular to the light source at a height of five feet above the ground and located five feet inside the receiving property line.
2. For a receiving non-residential site, the level of light trespass shall not exceed 0.5 foot candles under the same parameters.

##### **B. Height**

1. **Residential:** The overall height of lighting fixtures (including the base) shall not exceed 20 feet above ground level, except for residential sites with a minimum parcel size of 4 acres or larger, lighting fixtures which are located 50 feet or more from any property line shall not exceed 30 feet in height (including the base) above ground level.

2. **Non-Residential:** Except as provided herein for specific uses, the overall height of lighting fixtures (including the base) on all non-residential sites shall not exceed 30 feet above ground level, except in the LI, HI and II zoning districts, the overall height of lighting fixtures located at least 100 feet from any property line shall not exceed 35 feet in height above ground level (including the base).

#### **C. Lighting Types, Shielding and Curfew Requirements**

1. All street lights shall be fully shielded.
2. All light fixtures with output of 1,000 lumens or more are required to be fully shielded and shall be installed and maintained in a fashion that maintains the fully shielded characteristics.
3. All upward-directed lighting is prohibited, except the lighting of one flagpole. The light shall be focused on the flag and shall not exceed 2,000 lumens. Off-site glare and light trespass shall be eliminated by the use of shielding.
4. All light fixtures located within 25 feet of the property line adjacent to a residential use shall use fully shielded luminaires.
5. All Class 1 (Color Rendition) and Class 3 (Decorative Illumination) lighting for non-residential uses shall be extinguished between 11 p.m. (or when the business closes, whichever is later) and sunrise, except:
  - Seasonal decorations using typical unshielded low-wattage incandescent lamps and LEDs shall be permitted from October 15 through January 15.
  - Low voltage landscape lights rated at 10 watts or less.
  - Self-contained solar lights rated at 10 watts or less.

#### **D. Total Outdoor Light Output**

1. Total outdoor light output shall not exceed the limits in Plate VI-27.
2. Shielded, properly aimed (no more than 45 degrees, or half way between straight down and horizontal) incandescent or flood lights not to exceed 2,000 lumens per bulb and controlled by a motion sensor device shall be exempt from lumen caps, provided fixtures remain on for short periods only, and not to remain on over 10 minutes after the area has been vacated.

**E. Low voltage seasonal decorations, permitted between October 15 and January 15, are not counted toward these limits.**

**F. Total outdoor light output for various zoning districts is specified in Plate VI-27.**

**Plate VI-27: Lumen Caps**

	<b>Lumens per Acre</b>
<b>Agricultural/Residential Zoning Districts-Greater Than 1 Acre*</b>	
<b>Total</b>	<b>25,000</b>
<b>Portion that is allowed to be Unshielded</b>	<b>3,000</b>
<b>Agricultural/Residential Zoning Districts 1-1 Acre and Less**</b>	
<b>Total</b>	<b>10,000</b>
<b>Portion that is allowed to be Unshielded</b>	<b>2,000</b>
<b>Non-Residential Zoning Districts ***</b>	
<b>Total</b>	<b>175,000</b>
<b>Portion that is allowed to be Unshielded</b>	<b>5,000</b>

\* RA-40, RA-20, RA-10, RA-5, SR-4, SR-3, SR-2, SSB-20, SSB-10, SSB-5, SSB-4, SSB-3, SSB-2, MHP<sup>1</sup>, MHS<sup>1</sup>, RVP<sup>1</sup>, & RC<sup>1</sup>, & PD<sup>3</sup>

\*\* SR-1, SSB-1, R-1-40, R-1-20, R-1-12, R-1-8, R-1-6, R-2, R-3, MHS-20, MHS-15, MHS-10, MHS-4.5, MHP, RVS, RVP, RC, OS-RR, SA/RL, , MHP<sup>2</sup>, MHS<sup>2</sup>, RVP<sup>2</sup>, RC<sup>2</sup>, & PD<sup>3</sup>

\*\*\*C-1, C-2, LI, HI, II, TCU, PF & PD<sup>3</sup>

<sup>1</sup>When the parcel in question is larger than one (1) acre

<sup>2</sup>When the parcel in question is smaller than or equal to one (1) acre

<sup>3</sup>PD shall be placed in the category that most closely matches the usage and size of the proposed usage.

**623.11--Prohibitions**

**A. Searchlights, Laser Lights**

The operation of searchlights and laser lights is prohibited.

**B. Recreational Facilities**

No outdoor recreational facility, public or private, including those with non-conforming lighting shall be illuminated after 11 p.m. except to conclude a specific scheduled event that was unable to conclude before the curfew due to unusual circumstances.

**C. Mercury Vapor lighting**

Mercury vapor lamps and fixtures are prohibited.

**623.12--Signage**

**A. External illumination**

External illumination for signs shall conform to shielding requirements and count towards lumen caps of Plate VI-27. All upward-directed sign lighting is prohibited.

**B. Internal illumination**

- 1. Outdoor signs that are internally illuminated must be constructed with an opaque or dark-colored background and lighter text and symbols, except for any approved change panel. Signs shall be adequately sealed and maintained to prevent light leakage. Internally illuminated signs with opaque or dark colored backgrounds shall not be counted toward the lumen cap.**
- 2. Neon signs shall be treated as internally illuminated signs for the purpose of this Code. Neon lighting extending beyond the sign area shall be considered Class 3 decorative lighting, and shall be subject to the standards applicable for such lighting including, but not limited to, the shielding standards and lumen caps of Plate VI-27.**

#### **C. Other illuminated panels**

**Other internally-illuminated panels or decorations not considered to be signage, such as illuminated canopy margins or building faces shall be considered Class 3 Lighting and shall be subject to the standards applicable for such lighting including, but not limited to, the shielding standards and lumen caps of Plate VI-27.**

#### **D. Curfew**

**Illumination for advertising signs, except billboards, both externally and internally illuminated, shall be turned off at 11 p.m., or when the business closes, whichever is later. Internally illuminated signs with an opaque or dark-colored background and lighter text and symbols are not subject to the curfew, provided at least 50% of the sign is dark colored.**

#### **623.13--Permanent Exemptions**

- A. Nonconforming Fixtures: Legally installed, prior to adoption of this Section, outdoor lighting not conforming to the provisions of Section 623.00 shall be allowed to remain.**
- B. Fossil Fuel Lights: All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from all requirements of this code.**
- C. Emergency lighting: Emergency lighting required for public safety is exempt from the requirements of Section 623.00.**

#### **623.14--Special Activities**

##### **A. Outdoor Recreational Facilities**

- 1. Shielding: All outdoor recreational facilities shall utilize fully-shielded luminaires that are installed in a fashion that maintains the fully-shielded characteristics.**
- 2. Lighting for public and private outdoor athletic fields, courts, tracks or arenas, shall be considered Class 1 (Color Rendition).**
- 3. Lighting Illuminating Playing Fields: exempt from the lumen caps in Plate VI-27, during scheduled events, all other requirements of Section 623 must be met.**

4. **Off-site spill:** The facility shall limit off-site spill to the maximum extent possible and shall not cause light trespass onto residentially zoned or developed properties.
5. **Curfew:** All events shall be scheduled to complete activity before 11 p.m. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances.
6. All lighting not directly associated with the playing field (e.g. parking lot lighting, concession stand lighting, etc.) shall use Class 2 lighting and shall conform to all requirements of Plate VI-27.

#### **B. Outdoor Display Lots**

Lighting for display lots shall be considered Class 1 (Color Rendition), and shall be in compliance with the following standards:

1. **Shielding:** All display lot lighting shall utilize fully-shielded luminaires that are installed in a fashion that maintains the fully-shielded characteristics.
2. Display lot lighting shall meet shielding, lumen caps, height limits, and all other restrictions of this Section (623.00).
3. **Curfew:** Display lot lighting shall be turned off between 11 p.m. and sunrise or within 30 minutes after closing of the business, whichever is later. Lighting in the display lot after this time shall be considered Class 2 lighting and shall conform to all restrictions of this Code, including the lumen caps in Plate VI-2.
4. **Off-site spill:** The facility shall limit off-site spill to the maximum extent possible and shall not cause light trespass onto residentially zoned or developed properties

#### **C. Automobile Service Station Under Canopy Lighting**

Lighting for service station canopies shall be considered Class 1 lighting (Color rendition) and shall be subject to the curfew requirements in Section 623.10(C)(5).

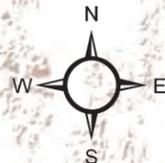
1. **Shielding:** All luminaires are to be flush with, or recessed into the lower surface of service station canopies and shall be fully shielded and utilize flat lenses to minimize light trespass.
2. **Total Under-Canopy Output:** The total light output used for illuminating service station canopies is defined as the sum of all under-canopy initial bare lamp outputs in lumens and shall not exceed 40 lumens per square foot of canopy. Twenty-five percent (25%) of the lumens from fully shielded outdoor lighting fixtures installed under canopies shall be counted toward the lumens caps in Plate VI-2
3. Illuminated canopy margins shall be considered Class 3 (Decorative) lighting.

LA PAZ COUNTY



# DARK SKY OVERLAY DISTRICT

0 1.75 3.5 7 10.5 14 Miles



LA PAZ COUNTY

LA PAZ COUNTY



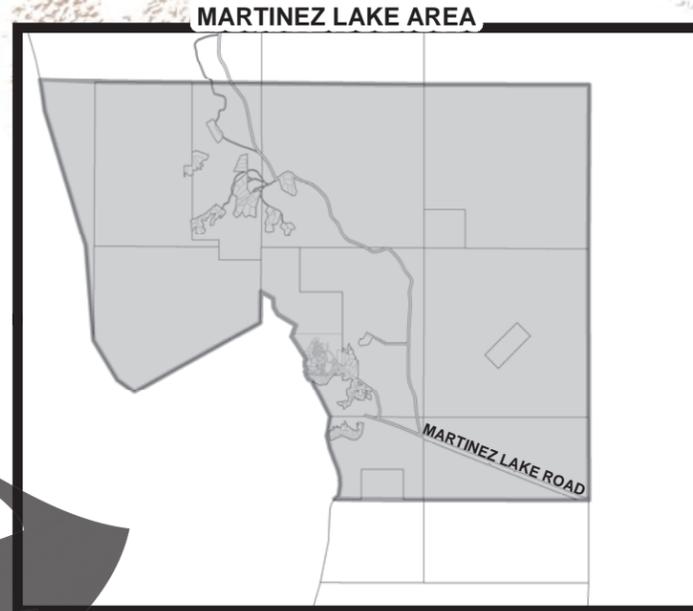
SEE ENLARGEMENT

IMPERIAL COUNTY CALIFORNIA

CITY OF YUMA

FOOTHILLS BLVD.

TOWN OF WELLTON



MARTINEZ LAKE AREA

MARTINEZ LAKE ROAD

MARICOPA COUNTY

## LEGEND

DARK SKY OVERLAY DISTRICT

MUNICIPALITIES

CREATED BY THE YUMA COUNTY PLANNING SECTION 09-18-2019

FOR INFORMATION ONLY-NO LIABILITY ASSUMED

OPTION #1

Sources: Esri, USGS, NOAA

1. **Yuma County Board of Supervisors**  
**NOTICE of OFFICIAL BOARD ACTION (NOBA)**  
**ZONING ORDINANCE/AMENDMENTS**

Meeting Date: 10-21-19	To:	P&Z DIRECTOR MAGGIE CASTRO	Date sent:
Item No: ZF1	Agency:	DEVELOPMENT SERVICES	10/23/19

Agenda Wording: *Development Services/Planning & Zoning*: Discussion and possible action concerning adopting an overlay district for the Dark Sky Ordinance.

2. **RECORD OF ACTION(S)**

**Public hearing conducted:** In matters requiring public hearing, this certifies that the below constitutes official action after a legally advertised public hearing and duly called meeting of the Yuma County Board of Supervisors (or Board of Directors per agenda wording) and will be recorded without amendment or modification in the official records of said political body. •Public comments: \_\_\_ In favor \_\_\_ Opposed \_\_\_ Neutral  No comments

<input type="checkbox"/> Approved on Consent. <input type="checkbox"/> Approved as recommended by Staff. <input type="checkbox"/> Approved recommendation of Planning Commission. <input type="checkbox"/> Denied <input type="checkbox"/> No Action <input type="checkbox"/> Approved as amended: <input checked="" type="checkbox"/> Other: <u>Please refer to page 2.</u> *Amendment: _____ _____ CONDITIONS OF APPROVAL: _____	<b>Vote Results:</b> <u>DS</u> Motion <u>LP</u> Second <input checked="" type="checkbox"/> Passed <input checked="" type="checkbox"/> Voice Vote: <u>5</u> Dissent: <u>0</u> <input type="checkbox"/> Roll Call: _____ Ayes _____ Nays <input type="checkbox"/> Supermajority Vote Required
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<input type="checkbox"/> Item continued:	Date & Time:	<input type="checkbox"/> Agency submits AIR-Form for future meeting.
<input type="checkbox"/> Public Hearing set:	Date & Time:	<input type="checkbox"/> Agency submits AIR-Form for future meeting.

3. **CLERK OF THE BOARD CERTIFICATION**

Signature: <u>Desarae Doten, Deputy Clerk for:</u> Susan K. Thorpe, County Administrator/Clerk of the Board	Date: <u>10-21-2019</u>
--	-------------------------

4. **FOLLOW-UP (FU) ACTIONS REQUIRED:**

Agency notifies agent/applicant regarding Board action.  
 Agency\*  Clerk of Board causes publication of a Summary of the adopted Zoning Ordinance Text Amendments.  
 Agency  Clerk of Board causes recordation of (list): \_\_\_\_\_  
 Agency notifies all required County and other agencies regarding adopted Zoning Ordinance Text Amendments.  
 Agency places revised zoning ordinance on the web.  
 Other instructions/actions:

ENCLOSURES	<input type="checkbox"/> Resolution: <input type="checkbox"/> Original(s) <input type="checkbox"/> Copy(ies) <input type="checkbox"/> Resolution will be recorded <input type="checkbox"/> Resolution will not be recorded <input type="checkbox"/> Other (list):
------------	--

COPIED TO	<input type="checkbox"/> County Attorney	<input type="checkbox"/> _____	<input type="checkbox"/> Planner(s): _____	<input checked="" type="checkbox"/> Other (list): <u>C. Sellers</u>
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Questions/information regarding this agenda item contact:	<u>373-1105</u>	
Name/Title: <u>Desarae Doten</u>	Phone #:	Revised: 03-03-06/cpi

Emilia O'Neil Admin tech      373-1009

**Meeting Date: 10-21-19**

**Item No. ZF1**

**Agenda Wording:** *Development Services/Planning & Zoning:* Discussion and possible action concerning adopting an overlay district for the Dark Sky Ordinance.

MOTION (SIMMONS/PANCRAZI) Give instructions to staff to prepare a Dark Sky Zoning Ordinance that begins on the east side of Foothills Boulevard and goes all the way to the end of the county and includes Martinez Lake (referenced in Map1).

VOICE VOTE: The motion carried 5-0

<b>1. Yuma County Board of Supervisors</b> <b><u>NOTICE</u> of <u>OFFICIAL</u> <u>BOARD</u> <u>ACTION</u> (NOBA)</b> <b>ZONING ORDINANCE/AMENDMENTS</b>			
Meeting Date: <b>07-22-19</b>	To:	<b>P&amp;Z DIRECTOR MAGGIE CASTRO</b>	Date sent:
Item No: <b>ZF1</b>	Agency:	<b>DEVELOPMENT SERVICES</b>	<b>7/22/2019</b>
<b>Agenda Wording:</b> <i>Development Services/Planning &amp; Zoning Division:</i> Discussion and possible action concerning a Dark Sky Ordinance (Outdoor Lighting Regulations).			
<b>2. RECORD OF ACTION(S)</b>			
<b>Public hearing conducted:</b> In matters requiring public hearing, this certifies that the below constitutes official action after a legally advertised public hearing and duly called meeting of the Yuma County Board of Supervisors (or Board of Directors per agenda wording) and will be recorded without amendment or modification in the official records of said political body. •Public comments: ___ In favor ___ Opposed ___ Neutral <input type="checkbox"/> No comments			
<input type="checkbox"/> Approved on <i>Consent</i> . <input type="checkbox"/> Approved as recommended by <i>Staff</i> . <input type="checkbox"/> Approved recommendation of <i>Planning Commission</i> . <input type="checkbox"/> Denied <input checked="" type="checkbox"/> <b>No Action</b> <input type="checkbox"/> Approved as <i>amended</i> : <input type="checkbox"/> <b>Other</b> : _____ *Amendment: _____ _____ _____ CONDITIONS OF APPROVAL: _____		<b>Vote Results:</b> _____ Motion    _____ Second <input type="checkbox"/> Passed <input type="checkbox"/> Voice Vote: <b>N/A</b> Dissent: _____ <input type="checkbox"/> Roll Call: _____ Ayes    _____ Nays <input type="checkbox"/> Supermajority Vote Required	
<input type="checkbox"/> <b>Item continued:</b>	Date & Time:	<input type="checkbox"/> <b>Agency submits AIR-Form for future meeting.</b>	
<input type="checkbox"/> <b>Public Hearing set:</b>	Date & Time:	<input type="checkbox"/> <b>Agency submits AIR-Form for future meeting.</b>	
<b>3. CLERK OF THE BOARD CERTIFICATION</b>			
Signature: <u><i>Pesarae Doten, Deputy Clerk for:</i></u> Susan K. Thorpe, County Administrator/Clerk of the Board		Date: 07-22-19	
<b>4. FOLLOW-UP (FU) ACTIONS REQUIRED:</b>			
<input type="checkbox"/> Agency notifies agent/applicant regarding Board action. <input checked="" type="checkbox"/> Agency* <input type="checkbox"/> Clerk of Board causes publication of a Summary of the adopted Zoning Ordinance Text Amendments. <input type="checkbox"/> Agency <input type="checkbox"/> Clerk of Board causes recordation of (list): _____ <input checked="" type="checkbox"/> Agency notifies all required County and other agencies regarding adopted Zoning Ordinance Text Amendments. <input checked="" type="checkbox"/> Agency places revised zoning ordinance on the web. <input type="checkbox"/> Other instructions/actions:			
<b>ENCLOSURES</b>	<input type="checkbox"/> <b>Resolution:</b> <input type="checkbox"/> Original(s) <input type="checkbox"/> Copy(ies) <input type="checkbox"/> Resolution will be recorded <input type="checkbox"/> Resolution will not be recorded <input type="checkbox"/> <b>Other (list):</b>		
<b>COPIED TO</b>	<input type="checkbox"/> County Attorney	<input checked="" type="checkbox"/> CRAIG SELLERS	<input type="checkbox"/> Planner(s): _____ <input type="checkbox"/> Other (list):
<b>Questions/information regarding this agenda item contact:</b> Name/Title: <u><i>Pesarae Doten</i></u>			<b>373-1105</b> Phone #:
Revised: 03-03-06/cpi			

**PLANNING & ZONING AGENDA:** Full legal descriptions of property sites for all Rezoning Cases are available for public review at the Yuma County Board of Supervisors' Office.

**REZONING -- REGULAR PUBLIC HEARING ITEMS:** Staff will make a full presentation on each of the following items, followed by separate discussion, public hearing, and action by the Board of Supervisors.

The Chairman recessed the meeting at 10:14 a.m., and reconvened at 10:22 a.m.

**No. 1: *Development Services/Planning & Zoning Division*: Discussion and possible action concerning a Dark Sky Ordinance (Outdoor Lighting Regulations).**

Ms. Castro stated that this item was continued from February 20, 2019 and at that time legal counsel was asked to prepare an opinion concerning Proposition 207 (Private Property Rights Protection Act). She handed out a copy of the map showing which areas would apply if a Dark Sky Ordinance were to be adopted. Ms. Castro provided details about the purpose of a Dark Sky Ordinance which would control or limit the amount of light that is spread onto other properties. She noted there is already a lighting ordinance in effect; however this would be more restrictive.

Supervisor McCloud questioned why the proposed regulation would be different than the building codes. Mr. Feheley explained that building codes are specifically exempt from Proposition 207.

Discussion ensued regarding the following:

- Risk of lawsuits against Yuma County claiming the proposed regulation diminishes property values.
- How other counties and municipalities deal with Dark Sky Ordinances.
- Concerns raised by residents in Supervisor Simmons Supervisorial District #3.
- Location of dedicated area.

Chairman Reyes asked staff to bring the item back with two scenarios: **1)** One with the location dedicated east of the Gila Mountains, and **2)** The other east of the Foothills Boulevard.

There being no further business to come before the Board, the Chairman adjourned the meeting at 10:49 a.m.

<b>1. Yuma County Board of Supervisors</b>				
<b>NOTICE of OFFICIAL BOARD ACTION (NOBA)</b>				
Meeting Date: <b>02-20-19</b>	Sitting as the:	To:	•AGENCY HEAD <b>CRAIG SELLERS</b>	Date sent:  <b>2/21/19</b>
Item No: <b>D5</b>	<input checked="" type="checkbox"/> Board of Supervisors <input type="checkbox"/> Board of Directors of _____	Agency:	<b>DEVELOPMENT SERVICES</b>	

**Agenda Wording:** *Development Services*: Discussion and possible action concerning the Dark Sky Ordinance (Outdoor Lighting Regulations).

**2. RECORD OF ACTION(S)**

<input type="checkbox"/> <b>Public hearing conducted:</b> In matters requiring public hearing, this certifies that the below constitutes official action after a legally advertised public hearing and duly called meeting of the Yuma County Board of Supervisors (or Board of Directors per agenda wording) and will be recorded without amendment or modification in the official records of said political body. •Public comments: ___ In favor ___ Opposed ___ Neutral <input type="checkbox"/> No comments	
<input type="checkbox"/> Approved on Consent. <input type="checkbox"/> Approved as presented on AIR-Form. <input type="checkbox"/> Approved per Recommended Motion. <input type="checkbox"/> Denied <input checked="" type="checkbox"/> No Action <input type="checkbox"/> Approved as amended: *Amendment: <input type="checkbox"/> Other: _____	<b>Vote Results:</b> ___ Motion    ___ Second <input type="checkbox"/> Passed <i>N/A</i> <input type="checkbox"/> Voice Vote: _____ Dissent: _____ <input type="checkbox"/> Roll Call: _____ Ayes _____ Nays

<input type="checkbox"/> Item continued:	Date & Time:	<input type="checkbox"/> Agency submits AIR-Form for future meeting.
<input type="checkbox"/> Public Hearing set:	Date & Time:	<input type="checkbox"/> Agency submits AIR-Form for future meeting.

**3. CLERK OF THE BOARD CERTIFICATION**

Signature: <i>Denarae Doten Deputy Clerk for:</i> Susan K. Thorpe, County Administrator/Clerk of the Board	Date: <b>02-20-19</b>
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**4. FOLLOW-UP (FU) ACTIONS REQUIRED:**

- Clerk of Board obtains signatures on original document(s).
- Agency obtains signatures on original document(s) and provides to Clerk of Board one (1 ORIGINAL, fully executed document).
- Agency  Clerk of Board submits Purchase Requisition to Financial Services.
- Agency  Clerk of Board causes recordation of (list): \_\_\_\_\_
- Agency  Clerk of Board causes publication. (Agency\* provides copy of Public Notice to Clerk of Board.)
- Other instructions/actions: \_\_\_\_\_

ENCLOSURES:	Contract: <input type="checkbox"/> Original(s) <input type="checkbox"/> Copy(s)	<input type="checkbox"/> Resolution: <input type="checkbox"/> Original(s) <input type="checkbox"/> Copy(s) <input type="checkbox"/> Will be recorded <input type="checkbox"/> Will not be recorded <input type="checkbox"/> BAR Res: (not recorded) <input type="checkbox"/> Orig <input type="checkbox"/> Copy	<input type="checkbox"/> Other (list):  <input checked="" type="checkbox"/> Other (list): <i>Maggie Castro</i>
COPIED TO	<input type="checkbox"/> County Attorney <input type="checkbox"/> Finance Director	<input type="checkbox"/> Human Resources Director	

<b>Questions/information regarding this agenda item contact:</b>	
Name/Title: <i>Denarae Doten</i>	Phone #: <i>313-1105</i>

Form revised: 03-03-06/cpi

Supervisor Porchas announced that he and Supervisor Simmons wanted to be on the Elections Advisory Committee.

MOTION (MCCLLOUD/PANCRAZI): Authorize Intergovernmental Agreement regarding combining the Offices of the Recorder and Elections Services with two (2) changes: Include verbiage that if possible, one (1) Supervisor from each political party be appointed to the Election Advisory Committee, and change the 30 day written termination notice to 60 days.

VOICE VOTE: The motion carried 4-0, with Supervisor Reyes excused.

**No. 5: *Development Services: Discussion and possible action concerning the Dark Sky Ordinance (Outdoor Lighting Regulations).***

Ms. Castro reviewed the contents included in the agenda packet and reported a Dark Sky Ordinance would affect the outdoor lighting requirements of the Yuma County Zoning Ordinance. She referenced potential Proposition 207 issues which could occur by placing additional restrictions on what is currently allowed in the zoning ordinance.

Supervisor McCloud asked for a better understanding on how a Proposition 207 violation could be triggered. Ms. Castro explained the current zoning ordinance states that all lighting shall be ground directed to prevent glare and a new regulation would prevent light trespass, glare, and height of lighting fixtures. To be able to measure light trespass, County staff would have to be trained or an outside person hired.

Supervisor McCloud stated that night skies add to the rural nature of our economy, and it is not too late to create this ordinance for development in Wellton or Mohawk Valley.

Mr. Smith reported he would be happy to provide a detailed legal opinion on Proposition 207 and any legal risks.

Supervisor Simmons stated the reason he brought this back to the Board is because he has heard from many East County residents; therefore his recommendation was to move forward since other counties in Arizona have gotten around the Proposition 207 issue.

Discussion ensued regarding looking further into this issue, and the possibility that current staff members could receive the necessary certification to conduct the testing.

No legal action was taken.

**No. 6: *County Administration: Discussion and possible action regarding the following legislative items: a) A report to the Board of Supervisors regarding proposed bills in the Arizona State Legislature with impact to Yuma County, and; b) An update on the development of a federal Talking Points memorandum for the upcoming trip to Washington, D.C. to meet with our Congressional delegation.***