

- 4. Rezoning Case 19-11:** AG Network Solutions LLC agent for the Robert & Patricia Callahan Trust, requests the rezoning of a 5.0 gross acre parcel in size from Rural Area-5 acre minimum (RA-5) to Suburban Ranch-2 acre minimum (SR-2), Assessor's Parcel Number 754-32-010, located at 16880 South Avenue A, Somerton; located in the 65-69 dB noise zone.

- 5. Discussion concerning possible text amendment to the Yuma County Zoning Ordinance to consider adding Section 624.00—Suburban Homestead (SH) Zoning District, deletion of the term “Guest Room” from Section 202.00—Definitions and add Suburban Homestead (SH) to under list of Residential Districts, add Suburban (SH) Zoning District to Section 501.00—Districts Established Plate V-1 District Classes, add Suburban Homestead to Section 505.01--Minimum Area Requirements, add Suburban Homestead to Section 1106.00--Accessory Buildings and Uses, add Suburban Homes to Section 1106.01--Cargo Containers**

- 6. Approval of Planning and Zoning meeting minutes of December 03, 2019.**

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

- 8. Ajourn.**

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. Requests should be made as early as possible to allow time to arrange the accommodation.

Yuma County
Planning & Zoning
Commission

Item No. 3

AIR-9385

3.

P&Z Commission Agenda

Meeting Date: 12/17/2019

Submitted For: Maggie Castro

Submitted By: Javier Barraza

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Commission Initiative Case No. 19-01: Rezone a parcel 2.01 gross acres in size from Rural Area-40 acre minimum (RA-40) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 186-33-006, located on the northwest corner of Avenue 37E and Old Highway 80, Tacna, AZ.

2. INTENT:

To rezone the subject parcel to comply with the Suburban Site Built-2 acre minimum zoning district for residential development.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends approval of Commission Initiative Case No. 19-01 subject to the conditions delineated in the staff report.

Attachments

Att: Staff Report

Att: Zoning Map

Att: Exhibit A Site Plan

Att: Concept Map for RZ03-38

Att: Development Standards Checklist

Att: Internal and External Comments

Att: Appendix D of IFC 2003

Att: P&Z July 23, 2019 Minutes



STAFF REPORT TO THE COMMISSION

July 23, 2019

Commission Initiative No. 19-01

REQUEST: Rezone a parcel 2.01 gross acres in size from Rural Area-40 acre minimum (RA-40) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 186-33-006, located in the vicinity of the northwest corner of Avenue 37E and Old Highway 80, Wellton, Arizona.

APPLICANT: Yuma County Planning Commission, for the William M. & Dianne P. Clements Trust.

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 Interstate 8, travel east approximately 34 miles on Interstate 8 and take the Avenue 36E (Exit 37) off-ramp. Turn north (left) on Avenue 36E and travel 0.35 miles to the intersection with Old Highway 80. Turn east (right) on Old Highway 8 and travel for approximately 1 mile to the intersection with Avenue 37E. Turn north (left) on Avenue 37E and travel approximately 0.1 miles to the intersection of the alignment of County 9¼ Street. Turn west (left) at the alignment of County 9¼ Street and travel approximately 0.25 miles. The subject property is located approximately 650 west of Avenue 37E on the south side of the alignment of County 9¼ Street.

INTENT:

To rezone the subject parcel to comply with the Suburban Site Built-2 acre minimum zoning district for residential development.

CURRENT CONDITIONS:

The subject parcel is 2.01 gross acres in size and is undeveloped desert terrain. The parcel is bounded on the south by an irrigation easement 80 feet in width and Old Highway 80. Physical access to the subject parcel is from Avenue 37E and a public access easement 30 feet in width along the north of the parcel per Fee Number 2004-37697.

Surrounding zoning and land uses: There are five parcels within the 300 foot notification area. Parcel 4 to the north is unimproved desert terrain and is zoned Rural Area-40 acre minimum (RA-40). Parcels 7 and 8 to the west are unimproved desert terrain and are zoned RA-40. Parcel 17 to the south is location of Union Pacific Railroad and is zoned RA-40. Parcel 5 to the east is unimproved and is zoned RA-40.

The purpose of the SSB-2 district is to accommodate residential land uses on larger lots in the more rural, outlying areas of the County where adequate services and facilities exist or may be developed to support such development. Uses such as single family dwellings, farming, and agricultural-related land uses are allowed.

The subject property is located in the Dome Valley/Wellton 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 within the Wellton-Mohawk Irrigation and Drainage District. It is non-irrigable and is not entitled to the delivery of Colorado River water for irrigation because of a consent decree with the State regarding Safe Drinking Water Act (SDWA) compliance.

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 Mohawk Valley School District is 0.13 and 0.08 in the Antelope Union High School District. The potential impact is 0.68 students added to Mohawk Valley School District 0.13 and 0.08 students added to Antelope Union High School District.

Physical access to the property is along a public access easement 30 feet in width along the north of the parcel and along Avenue 37E, both of which are unimproved dirt roads.

CRITICAL ISSUES:

The subject property was rezoned with Rezoning Case No. 03-38 (RZ03-38) which was approved by the Board of Supervisors on March 1, 2004 changing 13.64 acres of a parcel 34 gross acres in size from RA-40 to SSB-2 subject to the following Schedule for Development:

- a) The entire project site shall be developed in accordance with the Schedule for Development and approved site plan with all the environmental health and building permits finalized within five (5) years of approval; and
- b) Prior to development of any of the future parcels as indicated on the site plan, a twenty (20) foot access shall be built in a dust free condition by application of an aggregate base course (ABC) covered by penetration and chip seal coat within the thirty (30) foot wide easement on the site plan.

The 13.64 acres which were the subject of RZ03-38 were split into five parcels with sizes ranging from 2.0 gross acres to 5.05 gross acres. The subject property (APN 186-33-006) and APN 186-33-005 were created on February 22, 2005, whereas APNs 186-33-007, -008 and -009 were created in April 23, 2004.

The deadline to comply with the Schedule for Development was March 1, 2009. At the regular meeting of October 15, 2018, the Board of Supervisors (BOS) reverted the zoning to its original RA-40 zoning classification. This action created five undersized parcels. The BOS expressed concerns about the current property owners being unaware of the outstanding Schedule for Development and asked staff to assist current owners of the parcels involved in RZ03-38 with bringing their properties into compliance with the SSB-2 zoning district.

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 8.25 miles to the southwest located at 10260 South Dome Street, Wellton, Arizona.

The subject property is not within the six minute time radius from any Rural Metro-Fire Department. The nearest fire department is approximately 3.25 miles to the northeast located at 41026 East Missouri Avenue, Tacna, Arizona.

The subject property is under the Military Training Route IR-218. The Military Training Route (MTR) program is a joint venture by the Federal Aviation Administration (FAA) and the Department of Defense (DOF) developed for use by military aircraft to gain and maintain proficiency in tactical "low level" flying. These low-level training routes are generally established below 10,000' Mean Sea Level (MSL) for speeds in excess of 250 knots to accommodate both Visual Flight Rules (VFR) and Instrument Flight Rules (IFR). Route segments however, may be defined at higher altitudes for purposes of route continuity during descent, climb-out, and mountainous terrain, etc. Routes are identified and charted with a series of letters and numbers to quickly identify route characteristics. In order to safely integrate, pilots utilizing MTRs are held to strict standards during the conduct of the route as published in the Flight Information Publications (FLIP).

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 Engineering Section, Environmental Programs Section and the flood Control section provided no comments. The Building Safety Division found this application satisfactory The Engineering Division provided a "no comment" response.

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

- Elston K. Grubaugh from the Wellton-Mohawk Irrigation and Drainage District responded with no comments. However, in a follow up email, Mr. Grubaugh responded to staff's follow up questions with the following comments: *I assumed access will be from the Avenue 37E alignment. There is an existing siphon crossing of the Mohawk 14.3 lateral for the 37E (sic) alignment, and a dirt roadway going west across the north side of those lots. I'm not sure of the easements granted those lots at the time of the subdivision, but I would hope there is a roadway easement across the north side of each lot. We will not give each of those 5 lots separate easements for separate bridges across the canal, so they will not have direct access from Old Highway 80. That crossing for the Avenue 37E alignment serves as access to 6 houses in the area to the north. There are also a number of 1-acre lots for sale in the area that will use the Avenue 37E alignment for access. More specifically, we are not the underlying land owner for that old irrigation easement that runs north along the Avenue 37E alignment. As far as the district's part, we have no issue with granting an easement across that old unused easement. However, we can't speak for Antelope Hills Farm, who is the underlying landowner on both sides of the Avenue 37e alignment. Parcel No. 186-33-006 is non-irrigable. It is not entitled to the delivery of Colorado River water irrigation because of our consent decree with the State regarding Safe Drinking Water Act compliance, they will need to drill a well for domestic water.*
- Mary Ellen Finch from MCAS provided the following comment: MCAS Yuma has reviewed and has no questions or concerns at this time.

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:

- 05-29-19 Application received
- 07-02-19 Legal ad appears in the Yuma Sun for the Planning Commission's public hearing
- 07-05-19 Property posted for the Planning Commission's public hearing

- 07-05-19 Public notice mailed to properties within 300 feet of the request, the City of Yuma, and all relevant agencies and stakeholders
- 07-12-19 Letter mailed informing applicant of item being placed on the Planning Commission's public hearing agenda
- 07-12-19 Staff report mailed to applicant and/or agent
- 07-23-19 Planning Commission continues public hearing to December 17, 2019
- 11-27-19 Legal ad appears in the Yuma Sun for the Planning Commission's public hearing
- 11-27-19 Property posted for the Planning Commission's public hearing
- 11-27-19 Public notice mailed to properties within 300 feet of the request, the City of Yuma, and all relevant agencies and stakeholders
- 11-27-19 Letter mailed informing applicant of item being placed on the Planning Commission's public hearing agenda
- 12-06-19 Staff report mailed to applicant and/or agent
- 12-17-19 Planning Commission's public hearing

RECOMMENDATION:

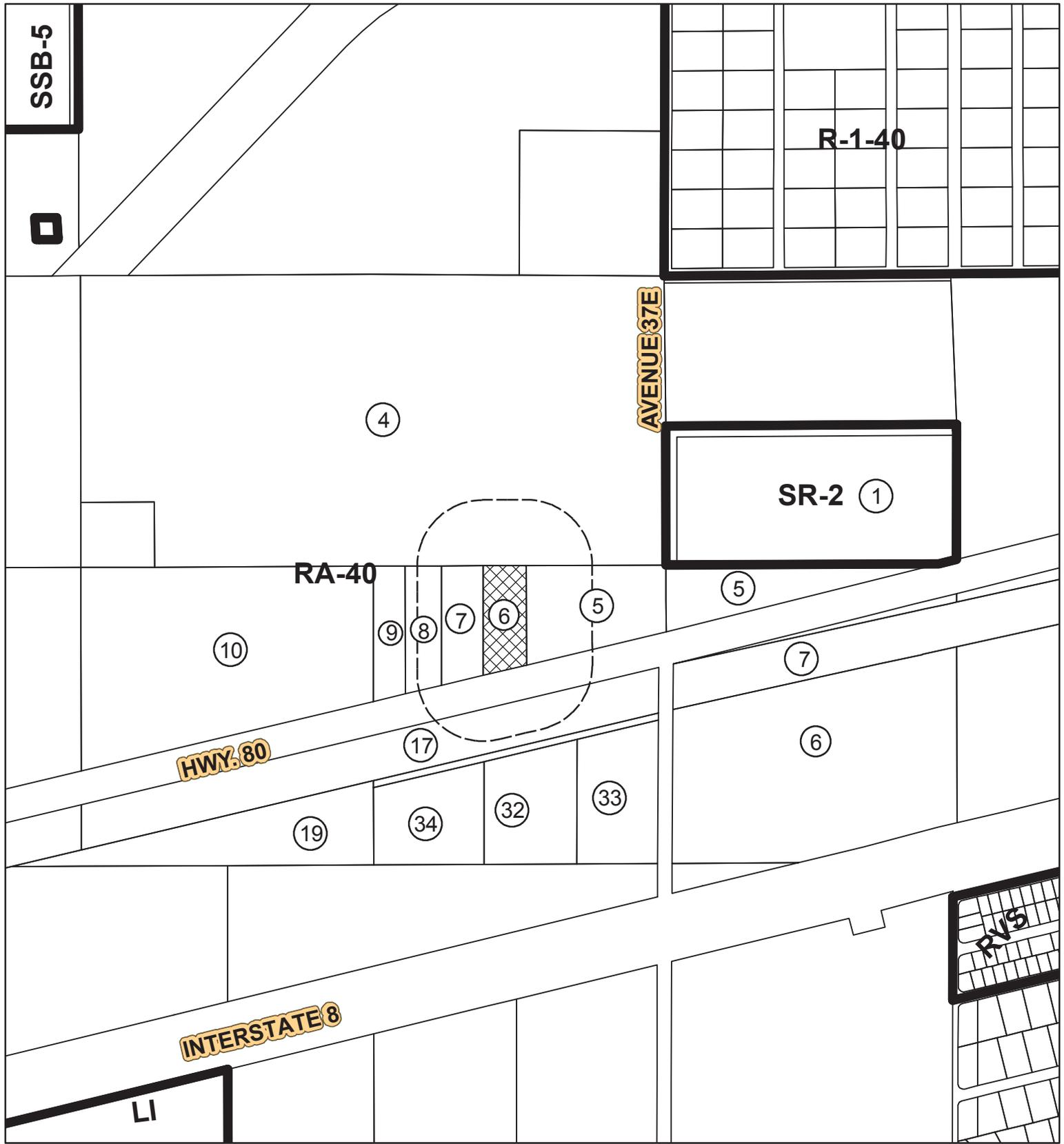
Staff recommends approval of this request based on the request being within the range of identified uses, densities and intensities of the Comprehensive Plan subject to the following Performance Condition and Schedule for Development:

Performance Condition.

1. Within 60 days of approval by the Board of Supervisors, the owner/agent or agent shall provide:
 - a) An A.R.S. §12-1134 waiver.
 - b) A recorded Infrastructure disclosure statement.
 - c) A recorded Agricultural disclosure statement.
 - d) A recorded Military Training Route disclosure statement.
 - e) A recorded Schedule for Development disclosure statement

Schedule for Development. Within one year of approval by the Board of Supervisors and prior to the development of the parcel,

1. The owner shall establish and record an easement for Fire Apparatus Access per Appendix D Section D103.1 of the 2003 International Fire Code as shown on Exhibit A.
2. The owner shall obtain or provide evidence of legal access along Avenue 37E.



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

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

CASE NO: CI19-01
LOCATION: NORTHWEST COR. OF
HWY. 80 & AVENUE 37E
APNs: 186-33-006

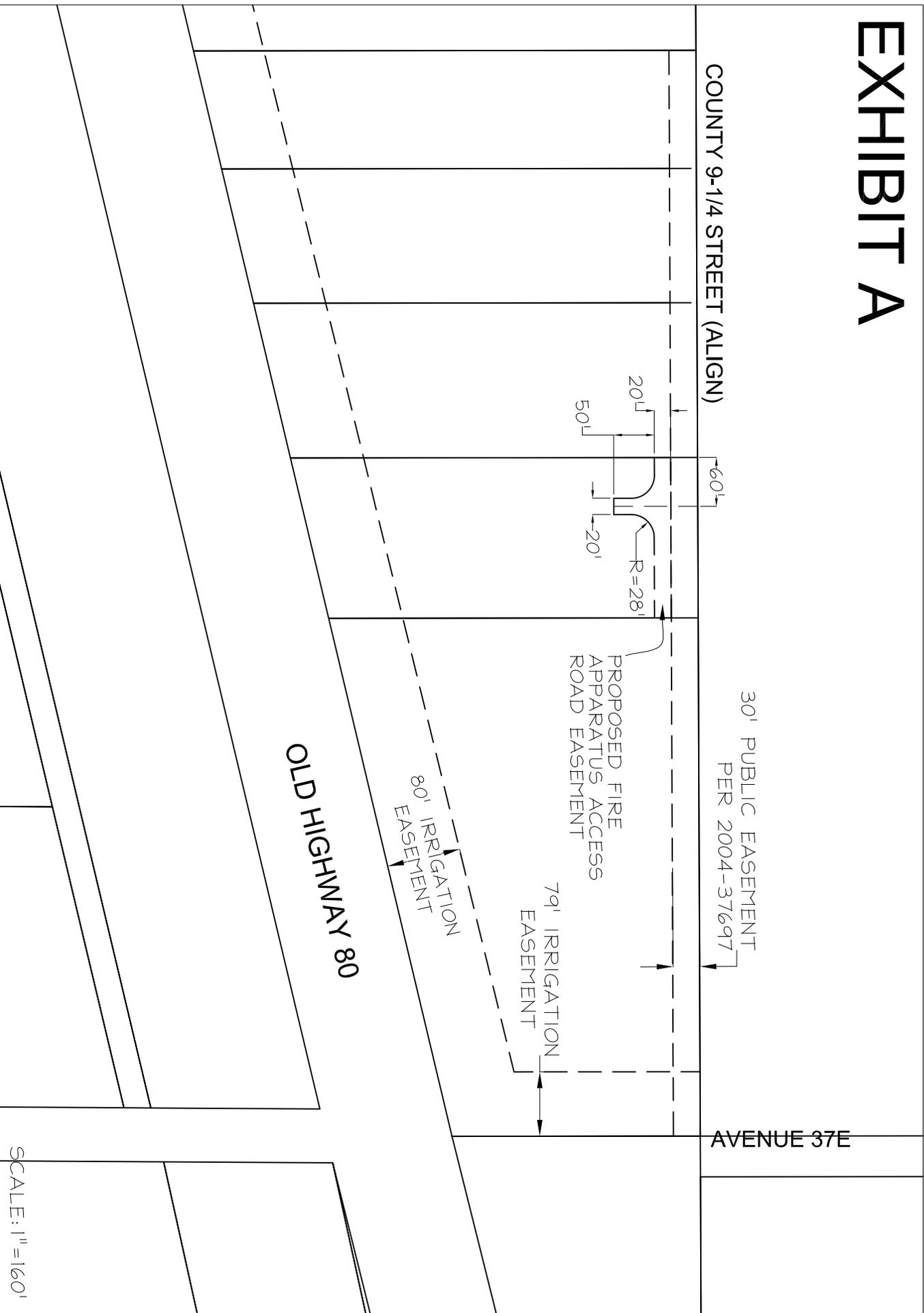
Case Planner: Javier Barraza.
Drawn by : Javier B 05-01-2019
Reviewed: Javier B. 05-01-2019

SCALE
1" = 600'



Legend
 Subject Property
 300' NOTIFICATION AREA
 Municipality

EXHIBIT A



COUNTY 9-1/4 STREET (ALIGN)

60'

30' PUBLIC EASEMENT
PER 2004-37697

AVENUE 37E

20'
50'
20'
R=28'

PROPOSED FIRE
APPARATUS ACCESS
ROAD EASEMENT

79' IRRIGATION
EASEMENT

80' IRRIGATION
EASEMENT

OLD HIGHWAY 80

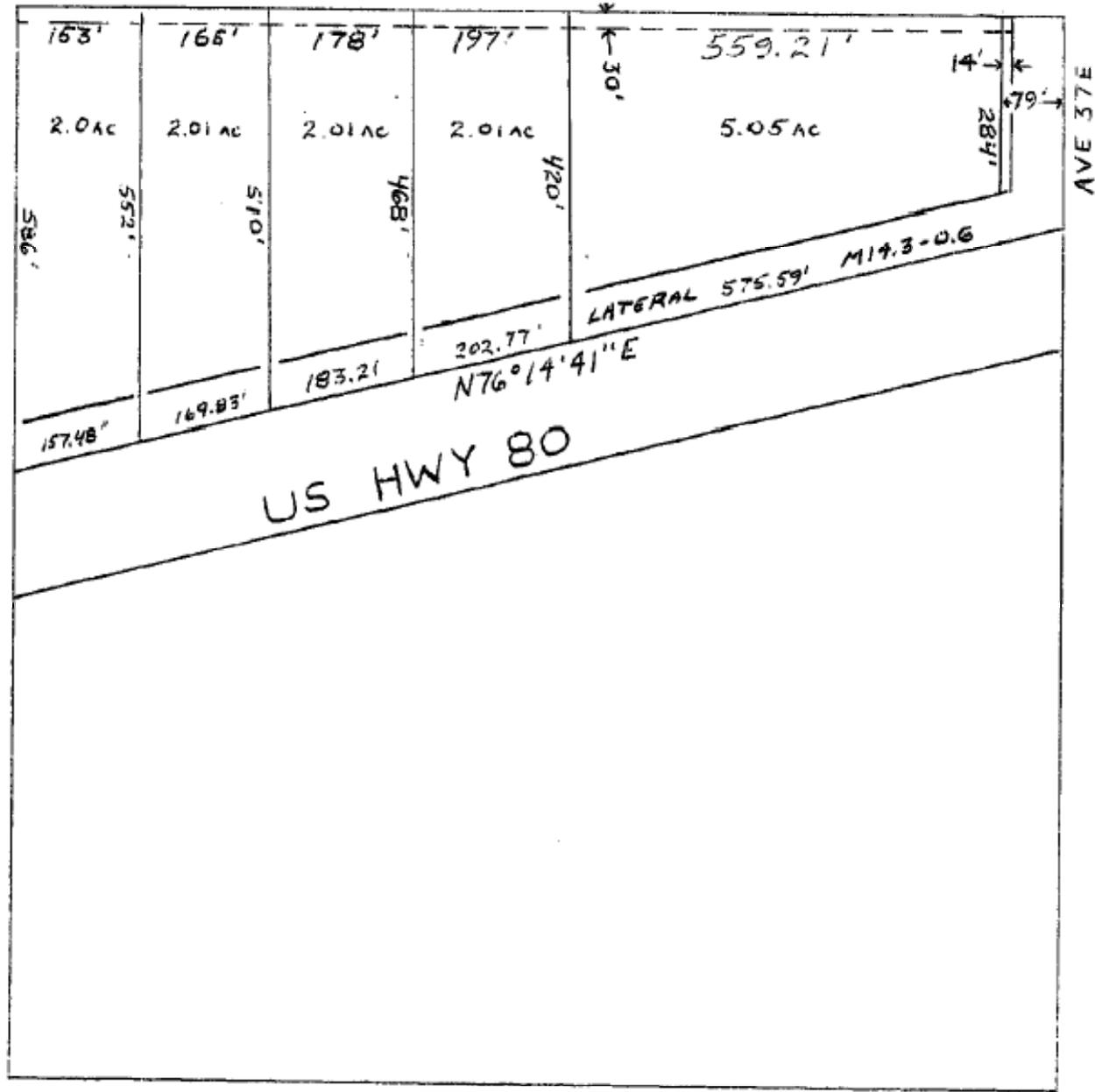
SCALE: 1" = 160'



SITE PLAN

PARCEL 186-33-006

CTY 9/14



US HWY 80

AVE 37E



SCALE 1"=200

SE4 NE4
8S-17W-33

R 03-38

REC'D
9/9/24
nmz

Yuma County 2020 Comprehensive Plan
Development Evaluation Checklist

Case No.: CI19-01	Owner/Agent: <u>the Williams M. & Dianne P. Clements Trust.</u>		
Parcel #: 186-33-006	Agent: <u>PLANNING COMMISSION</u>		
Current Zoning: RA-40	Proposed Zoning: SSB-2	Acreage: 2.01	<u>GROSS AC</u>

IMPACT CATEGORY I. CONFORMANCE TO EXISTING PLANS		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

IMPACT CATEGORY II. LAND USE COMPATIBILITY		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

IMPACT CATEGORY III. NATURAL RESOURCES		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

IMPACT CATEGORY IV. PUBLIC INFRASTRUCTURE		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
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.	5	0	5
21	The project will increase PM ₁₀ (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).	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	5
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: 05/14/19 ver. 1

275



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

June 4, 2019

*PAT HEADINGTON, CHIEF BUILDING
OFFICIAL; FIRE CODE
OFFICIAL.*

CASE NUMBER: Commission Initiative Case No. 19-01

CASE SUMMARY: The Planning Commission requests the rezoning of a parcel 2.01 gross acres in size from Rural Area-40 acre minimum to Suburban Site built-2 acre minimum, Assessor's Parcel number 186-33-006, located on the northwest corner of Avenue 37E and Old Highway 80, Tacna AZ.

This is a request to rezone Assessor's Parcel number 186-33-006 from Rural Area-40 acre minimum (RA-40) to Suburban Site Built-2 acre minimum (SSB-2).

PUBLIC HEARING: July 23, 2019

COMMENTS DUE: June 10, 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 need for emergency vehicles in accordance w/ current policy + standards

No Comment

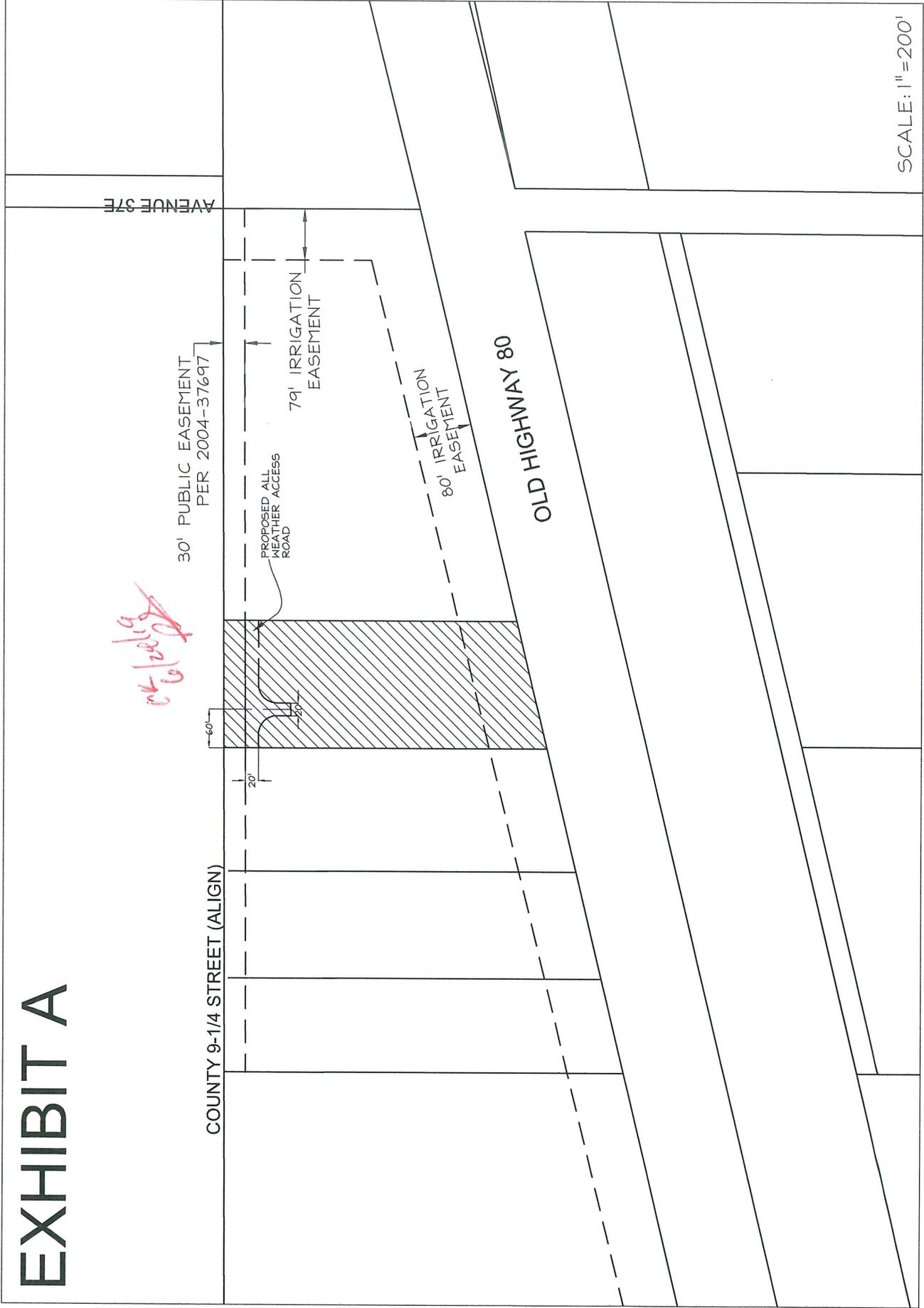
6/24/19
[Signature]

DATE: 6/6/19

NAME: [Signature]

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

EXHIBIT A



SCALE: 1" = 200'



PARCEL 186-33-006

SITE PLAN



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

June 4, 2019

ARTURO ALVAREZ, LAND DEVELOPMENT.
ENGINEER.

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COMMENT

NO COMMENT

DATE: 6/17/19

NAME: Arturo Alvarez

RETURN TO:

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



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

June 4, 2019

DAVID ROVALCABA, Flood Control.

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COMMENT NO COMMENT

DATE: 06/06/2019 NAME: David Rovalcaba

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



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

June 4, 2019

GEORGE AMAYA, SENIOR SANITARIAN SUPERVISOR.

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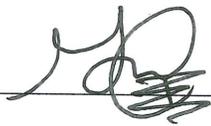
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COMMENT
 NO COMMENT

DATE: 6/7/19 NAME: 

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



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

June 4, 2019

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COMMENT NO COMMENT

MCAS Yuma has reviewed and has no questions or concerns at this time.

DATE: 5 June 2019 NAME: Mary Ellen Finch, Community Liaison Specialist, MCAS Yuma

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



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COMMENT NO COMMENT

DATE: 6/6/19 NAME: Cori Schultz

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



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PUBLIC HEARING: July 23, 2019

COMMENTS DUE: June 10, 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

X NO COMMENT *

* (SEE FOLLOW UP EMAILS.)

DATE: June 6, 2019

NAME: ELSTON K. GRUBAUGH, for Wellton-Mohawk IDD

RETURN TO:

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

From: [Elston Grubaugh](#)
To: [Javier Barraza](#)
Subject: RE: Request for comments for Commission Initiative No. 19-01
Date: Thursday, June 20, 2019 11:02:00 AM

Javier:

Parcel No. 186-33-006 is non-irrigable. It is not entitled to the delivery of Colorado River water for irrigation. Because of our Consent Decree with the State regarding SDWA compliance, they would need to drill a well for domestic water.

Elston K. Grubaugh
General Manager
Wellton-Mohawk Irrigation and Drainage District
30570 Wellton-Mohawk Drive
Wellton, Arizona 85356
(928) 785-3351
egrubaugh@wmidd.org

From: Javier Barraza <Javier.Barraza@yumacountyaz.gov>
Sent: Thursday, June 20, 2019 10:33 AM
To: Elston Grubaugh <egrubaugh@wmidd.org>
Cc: Javier Barraza <Javier.Barraza@yumacountyaz.gov>
Subject: RE: Request for comments for Commission Initiative No. 19-01

Hello Elston,
[One more question;](#)

Do this parcel have access to irrigation water? If so, Is the owner required that irrigation water be maintained for the property?

Thanks

From: Elston Grubaugh [<mailto:egrubaugh@wmidd.org>]
Sent: Thursday, June 06, 2019 9:07 AM
To: Javier Barraza <Javier.Barraza@yumacountyaz.gov>
Subject: FW: Request for comments for Commission Initiative No. 19-01

Sorry Javier. More specifically, we are not the underlying land owner for that old irrigation easement that runs north along the Avenue 37E alignment. As far as the district's part, we have no issue with granting an easement across that old unused easement. However, we can't speak for Antelope Hills Farm, who is the underlying landowner on both sides of the Avenue 37E alignment.

Elston K. Grubaugh
General Manager
Wellton-Mohawk Irrigation and Drainage District
30570 Wellton-Mohawk Drive
Wellton, Arizona 85356
(928) 785-3351
egrubaugh@wmidd.org

From: Elston Grubaugh <egrubaugh@wmidd.org>
Sent: Thursday, June 06, 2019 8:50 AM
To: 'Javier Barraza' <Javier.Barraza@yumacountyaz.gov>
Subject: RE: Request for comments for Commission Initiative No. 19-01

Javier:

I assume access will be from the Avenue 37E alignment. There is an existing siphon crossing of the Mohawk 14.3 lateral for the 37E alignment, and a dirt roadway going west across the northside of those lots. I'm not sure of the easements granted those lots at the time of subdivision, but I would hope there is a roadway easement across the north side of each lot. We will not give each of those 5 lots separate easements for separate bridges across the canal, so they will not have direct access from Old Highway 80.

That crossing for the Avenue 37E alignment serves as access to 6 houses in the area to the north. There are also a number of 1-acre lots for sale in the area that will use the Avenue 37E alignment for access.

Elston K. Grubaugh
General Manager
Wellton-Mohawk Irrigation and Drainage District
30570 Wellton-Mohawk Drive
Wellton, Arizona 85356
(928) 785-3351
egrubaugh@wmidd.org

From: Javier Barraza <Javier.Barraza@yumacountyaz.gov>
Sent: Thursday, June 06, 2019 8:06 AM
To: Elston Grubaugh <egrubaugh@wmidd.org>
Cc: Javier Barraza <Javier.Barraza@yumacountyaz.gov>
Subject: RE: Request for comments for Commission Initiative No. 19-01

Thanks for that. So, there will be no problem for the owner of the parcel to establish a private access easement and go thru the irrigation easement?

From: Elston Grubaugh [<mailto:egrubaugh@wmidd.org>]
Sent: Thursday, June 06, 2019 8:03 AM
To: Javier Barraza <Javier.Barraza@yumacountyaz.gov>
Subject: RE: Request for comments for Commission Initiative No. 19-01

Thanks Javier. We have no comment.

Elston K. Grubaugh
General Manager
Wellton-Mohawk Irrigation and Drainage District
30570 Wellton-Mohawk Drive
Wellton, Arizona 85356
(928) 785-3351
egrubaugh@wmidd.org

From: Javier Barraza <Javier.Barraza@yumacountyaz.gov>
Sent: Wednesday, June 05, 2019 3:47 PM
To: Anne Camacho <anne.camacho@aps.com>; Antelope Union High School District #50 <bklee@apsc.org>; Arizona Historical Society - Yuma Chapter <ahsyuma@azhs.gov>; Cori Schultz <cori.schultz@rmetro.com> <cori.schultz@rmetro.com>; Doug Bowman <doug.bowman@qwest.com> <doug.bowman@qwest.com>; <elaine.clark@aps.com> <elaine.clark@aps.com>; Jennifer Cannon <JCannon@azdot.gov>; MCAS <MCASYUMA_CPLO@usmc.mil> <MCASYUMA_CPLO@usmc.mil>; Southwest Gas <Chriss.Hickson@swgass.com>; Town of Wellton <info@town.wellton.az.us>; Wellton-Mohawk Irrigation District (<egrubaugh@wmidd.org> <egrubaugh@wmidd.org>
Cc: Javier Barraza <Javier.Barraza@yumacountyaz.gov>
Subject: Request for comments for Commission Initiative No. 19-01

Hello,
For your consideration is the attached request.

Javier Barraza, Senior Planner
Yuma County, Department of Development Services
2351 W. 26th Street
Yuma, AZ 85364
Main: (928) 817-5000
Direct: (928) 817-5150
Fax: (928)817-5020

Javier.Barraza@yumacountyaz.gov

APPENDIX D

FIRE APPARATUS ACCESS ROADS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION D101 GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

SECTION D102 REQUIRED ACCESS

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm). See Figure D103.1.

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as approved by the fire chief.

D103.3 Turning radius. The minimum turning radius shall be determined by the fire code official.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

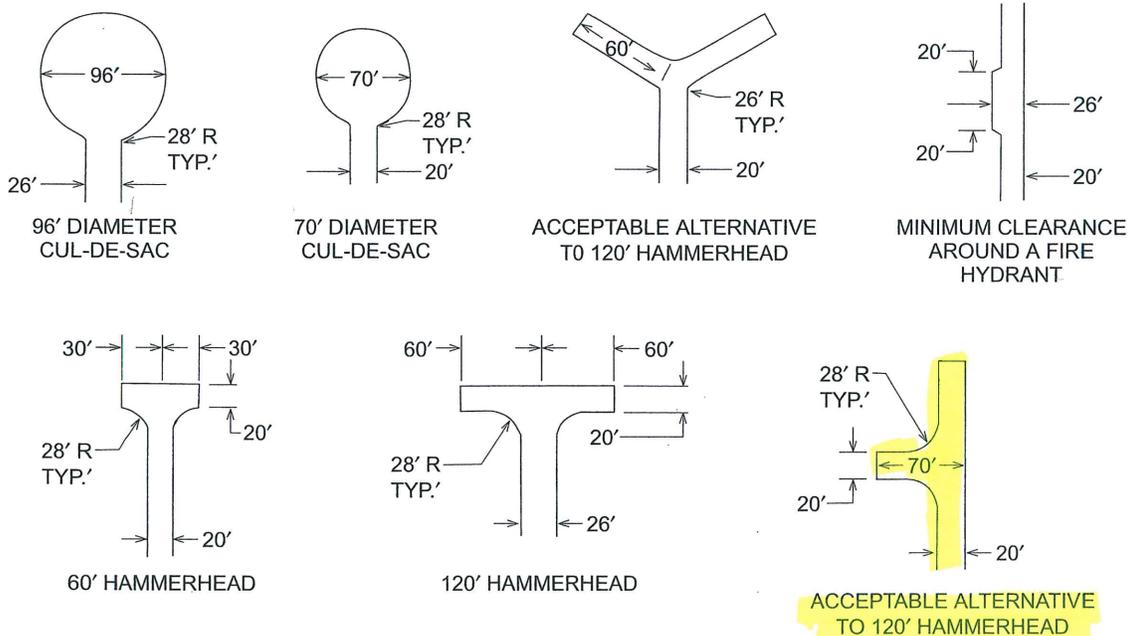
**TABLE D103.4
REQUIREMENTS FOR DEAD-END FIRE
APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required	

For SI: 1 foot = 304.8 mm.

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

- The minimum gate width shall be 20 feet (6096 mm).



For SI: 1 foot = 304.8 mm.

**FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND**

The Yuma County Planning and Zoning Commission met in a regular session on July 23, 2019. The meeting was held in Aldrich Auditorium at 2351 West 26th Street, Yuma, Arizona.

CALL TO ORDER: At 5:05 p.m. Chairman Rosales convened the Planning and Zoning Commission meeting. Commissioners present were: Scott Mulhern, Ron Rice, John McKinley, Danny Bryant, Matias Rosales, Gary Black and Paul White. Commissioners Tim Bowers, Alicia Zermeno and Wayne Eide were absent. Others present were: Planning Director Maggie Castro, AICP; Senior Planner Javier Barraza; Senior Planner Fernando Villegas; and PZ Commission Administration Specialist Amber Jardine.

PLEDGE OF ALLEGIANCE: Chairman Rosales led the Pledge of Allegiance.

ITEM No. 3: Approval of the Planning and Zoning Commission regular meeting minutes of June 25, 2019.

MOTION (BLACK/RICE): Approve as presented.

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

ITEM No. 4: Commission Initiative No. 19-01: Rezoning a parcel 2.01 gross acres in size from Rural Area-40 acre minimum (RA-40) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 186-33-006, located on the northwest corner of Avenue 37E and Old Highway 80, Tacna, AZ.

Senior Planner Javier Barraza presented the request from the applicant to continue Commission Initiative No. 19-01.

Chairman Rosales opened the public hearing.

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

MOTION (BRYANT/BLACK): To continue Commission Initiative Case No. 19-01 as requested by the applicant.

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

ITEM No. 5: Special Use Permit Case No. 19-04: AG Network Solutions LLC, agent for the Robert and Patricia Callahan Trust, requests a Special Use Permit per Section 601.03(Y) of the Yuma County Zoning Ordinance to allow a wireless communication facility on a parcel 5.00 gross acres in size zoned Rural Area-5 acre minimum (RA-5), Assessor's Parcel Number 754-32-010, located at 16880 South Avenue A, Somerton, Arizona; located within the 65-69 dB noise zone.

Senior Planner Javier Barraza presented the staff report recommending approval of Special Use Permit Case No. 19-04.

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 County Planning Director pursuant to Section 402.04 of the Yuma County Zoning Ordinance.
2. The Special Use Permit is limited to a single lattice tower 140 feet in height.

3. The proposed tower must be lighted with a red beacon at the top of the structure for operation from dusk to dawn (night-time operations) and with an additional steady burning red light placed on the tower at 50% of the tower's total height.
4. The applicant must comply with all Federal Aviation Administration (FAA) regulations, including marking, lighting, and notification requirements.
5. The proposed tower must be removed with the cessation of its use.

Performance Conditions.

1. The owner/applicant shall submit the following documents within 60-days of the Board of Supervisors approval:
 - a. An A.R.S § 12-1137 waiver.
 - b. A recorded range disclosure statement.

Chairman Rosales opened the public hearing.

Commissioner Black asked to view the location of tower. He inquired if the tower was 140 feet in height and where the flashing lights would be located on the tower.

Senior Planner Javier Barraza stated the tower is located in northwest corner of the parcel. The tower would have the flashing lights at 70 feet and 140 feet in height.

Commissioner Rosales inquired if the tower was for agriculture or wireless cell tower.

Senior Planner Javier Barraza stated the tower was for wireless cell service.

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

MOTION (WHITE/BRYANT): Approve Special Use Permit Case No. 19-04 as presented by staff.

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

ITEM No. 6: This is a request to direct staff to open the 2019 Major Amendment case for the sixty-day Public Information and Public Participation (PI/PP) process in accordance with Arizona Revised Statutes § 11-805(F).

Senior Planner Fernando Villegas presented the staff report recommending opening the Major Amendment case for the sixty-day PI/PP process.

Commissioner Black inquired about the size of the parcel and the size the parcels would be split into. He inquired if the case was within the 65 decibel noise zone.

Senior Planner Fernando Villegas stated the size of the parcel is 7.57 gross acres and would be rezoned to SSB-2. The parcels are located within the 65 decibel noise zone.

MOTION (BLACK/BRYANT): Open the 2019 Major Amendment for the sixty day public review process as presented by staff.

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

ITEM No. 7: Director of Development Services is requesting review and comment regarding the draft Comprehensive Permitting and Enforcement Policy.

Director of Development Service Craig Sellers presented the Comprehensive Permitting & Enforcement PowerPoint recommending comments from the Planning and Zoning Commission.

Commissioner Bryant discussed the lack of a building permit in itself does not constitute a public health and safety violation. He referred to a judgement from the court of appeals from one of the hearing officer cases. He inquired if the policy was clear on permits not being withheld due to unpermitted structures that are not connected to the proposed project. He inquired about subsequent owners not being held reliable for unpermitted structures that were built by the previous owner. He inquired about if the policy removes the authority from the Zoning Inspector to appeal the Board of Supervisor decision in violation cases. He requested the policy have a statute of limitation on when the county can take action to and against a property owner after they found a violation that might exist.

Commissioner Rosales stated if a violation was not corrected by previous owners does not mean the County lets the violation go. If the third property owner applies for permits and the previous violation appears the County has to ensure the building meets standards. That is the reason for the Hearing Officer to determine these types of cases. He requested the comments made by the Commission be emailed to the Commissioners.

DDS Director Craig Sellers explained the policy's process when determining if there is a lack of a building permit. He explained courtesy notices are placed in the parcel file for future references. He explained if the unpermitted structure is not connected to the proposed project then the permit would not be withheld for single family residence. He stated the Board of Supervisors directed staff to withhold permits for multifamily residence, industrial or commercial projects if there is an unpermitted structure. He stated State Statute states the County cannot withhold permits for new projects but have the right to enforce the violation if there is an unpermitted structure and it is a subsequent owner. Mr. Sellers stated the authority to appeal the Board of Supervisor decision in violation cases is in State Statute. However, staff would send a notice to the Board of Supervisor prior to appealing their decision in any cases.

Commissioner Black discussed who is liable during permitted projects that lack inspections. The County identifies the liability and then there is a court case. He explained someone has to take liability.

Planning Director Maggie Castro, AICP stated changes to the Zoning Ordinance went before the Board of Supervisors. The wording "a lack of a building permit in itself does not constitute a public health and safety violation" could not be placed in the Zoning Ordinance per legal counsel. She explained the comments made by Commissioner Bryant will be given to the Board of Supervisors and they would decide to include his suggestions into the policy. She stated the property owner would get the courtesy notice about any unpermitted structures on the property not the contractor. She explained notices to the Board of Supervisors prior to any appeals would be to receive their input. If the Board of Supervisor's disagree with the appeal then staff would not move forward with the appeal. It would be a request for direction to the Board of Supervisors.

Deputy County Attorney Ed Feheley explained the trail court said an innocent owner was not required to obtain a permit. Staff appealed that judgement to the court of appeals and asked them to interpret A.R.S § 11-321. The Court of Appeal upheld the no violation due to the original complaint being the owner had constructed without a permit. However, the property owner was maintaining the unpermitted structure. State Statue states

maintaining a structure without a permit is a nuisance and can be abated or is a violation. The Court of Appeal did not interpret A.R.S § 11-321. He explained State Statute gives the Zoning Inspector the authority to appeal a decision they think is improper.

Barry Olsen, 101 East 2nd Street, Yuma, Arizona public attorney stated he was on the Subcommittee. He stated he felt the Subcommittee did not accomplish very much. He explained the changes were supposed to be amendments to the Zoning Ordinance. He explained the changes were brought to the Board of Supervisors who directed staff to create policies to address the proposed changes. He stated the major change that was accomplished was anything prior to 1998 is assumed to be permitted. He explained the issue the community has with anonymous callers. He stated realtors do not check county parcel files and subsequent owners should not be responsible for those violations.

Planning Director Maggie Castro, AICP stated comments have been received and would be forwarded to the Board of Supervisors meeting on August 5, 2019.

ITEM No. 8: Action to amend the initiation of the text amendment to the Subdivision Regulations for lot ties in recorded subdivisions.

Planning Director Maggie Castro, AICP presented the staff report to the Planning Commission to amend the initiation of the text amendment to the Subdivision Regulation. However, staff received additional wording after the Planning and Zoning Commission packet was created. Staff placed the wording that was suggested by a member of the public for the proposed amendment. She stated the Planning and Zoning Commission can continue the amendment to a future public hearing date with all the proposed changes and present it to the Board as a new item.

Commissioner Rosales stated in section 7.12 should state when applicable.

Commissioners decided to continue the agenda item to a future Planning and Zoning Commission meeting.

MOTION (BLACK/MULHERN): To continue amend the initiation of the text amendment to the Subdivision Regulation for lot ties in recorded subdivisions as presented by staff.

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

There being no further business to come before the Commission, the Chairman adjourned the meeting at 6:20 p.m.

Approved and accepted on this 27th day of August 2019.

Matias Rosales, Chairman

ATTEST:

Maggie Castro, AICP, Planning Director

DRAFT

Yuma County
Planning & Zoning
Commission

Item No. 4

AIR-9431

4.

P&Z Commission Agenda

Meeting Date: 12/17/2019

Submitted For: Maggie Castro

Submitted By: Javier Barraza

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Rezoning Case 19-11: AG Network Solutions LLC agent for the Robert & Patricia Callahan Trust, requests the rezoning of a 5.0 gross acre parcel in size from Rural Area-5 acre minimum (RA-5) to Suburban Ranch-2 acre minimum (SR-2), Assessor's Parcel Number 754-32-010, located at 16880 South Avenue A, Somerton; located in the 65-69 dB noise zone.

2. INTENT:

To allow the splitting of the subject parcel into two new parcels.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends approval of this request subject to the Performance Condition and Schedule for Development delineated on the attached staff report.

Attachments

Att: Staff Report

Att: Zoning Map

Att: Exhibit A Site Plan

aTT: Applicants narrative

Att: Development Standards Checklist

Att: Comments



STAFF REPORT TO THE COMMISSION

December 17, 2019

Rezoning Case No. 19-11

REQUEST: AG Network Solutions LLC, agent for the Robert D. & Patricia R. Callahan Trust, requests the rezoning of a parcel 5.0 gross acres in size from Rural Area-5 acre minimum (RA-5) to Suburban Ranch-2 acre minimum (SR-2), Assessor's Parcel Number 754-32-010, located at 16880 South Avenue A, Somerton, Arizona; located within the 65-69 dB noise zone.

APPLICANT: AG Networks Solutions LLC, agent for the Robert D & Patricia R. Callahan Trust

Application is within Supervisor District 4: Marco A. "Tony" Reyes. Planning Commissioners are Matias Rosales (Chairman) and Gary Black. Staff report prepared by Javier Barraza, Senior Planner.

LOCATION: Starting at the intersection of Avenue A and 32nd Street, travel south on Avenue A for approximately 6 miles to the intersection with County 17th Street. The subject property is located on the west side at 16880 South Avenue A, Somerton, Arizona.

INTENT:

To allow the splitting of the subject parcel into two new parcels.

SITE CONDITIONS:

The subject property is improved with a site built residence (built in 1955) which is located in the southeast corner and detached accessory structures. The property is served with an onsite well for potable water and septic system for sewage disposal. Physical access to the property is by County 17th Street on the south, a gravel road 30 feet in width, and Avenue A on the east, an asphalt road 22 feet in width. The property is bounded on the north by an irrigation easement and a concrete lined irrigation ditch.

On September 4, 2019, the Board of Supervisors approved Special Use Permit Case Number 19-04 to allow a wireless communication facility (WCF) 140 feet in height. The WCF has not been built. If this rezoning request is approved, the proposed tower will be built on the northern parcel and will meet minimum SR-2 development standards.

Surrounding zoning and land uses: There are nine parcels within the 300 foot notification area. Parcel 31 to the east is zoned RA-5, is improved with a site built residence located in the southwest corner, and the remainder of the parcel is in alfalfa. Parcel 23 to the northeast is zoned RA-10, is improved with a site built home located in the center, and is in alfalfa and palms. Parcel 4 to the north is zoned RA-10 and is improved with a site built residence. Parcel 5 to the northwest is zoned RA-10 and is improved with a manufactured home. Parcels 8 and 9 to the west are zoned Suburban Site Built-2 acre minimum (SSB-2) and are improved with site built residences. Parcel 3 to the south is zoned RA-10 and is in citrus. Parcel 1 to the southeast is zoned SSB-2 and is vacant. Parcel 2 to the southeast is zoned RA-10 and is in citrus

The purpose of the SR-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 within the Yuma Mesa Planning area of the 2020 Comprehensive Plan. The land use designation is Rural Density Residential (R-RD) which allows a residential density ranging from 1 dwelling unit per 2 acres to 1 dwelling unit per 10 acres. This request is within the range of uses, densities, and intensities of the 2020 Comprehensive Plan.

The subject property is located within the six-minute response time radius of Rural Metro Fire Station 8 located at 15865 South Avenue B.

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 0.34 students added to Yuma Elementary School District 1 and 0.26 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 PM₁₀ by the U.S. Environmental Protection Agency. *The Yuma PM₁₀ 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 10 vehicle trips per day since one of the properties is already developed with a residence. Physical and legal access to the proposed new parcel will be on the east side via Avenue A, a paved road 22 feet in width. Approval of this request will not create an increase in dust in the PM₁₀ Non-attainment Area.

CRITICAL ISSUES:

The northern portion of the subject property is within the 65-69 dB noise zone. The Airport District of the Yuma County Zoning Ordinance does not allow new residential development in 65-69 dB noise zone unless it was the subject of zoning approved on or before December 31, 2000 that permits one dwelling unit per acre or less. Approval of this request will require approval of a variance by the Board of Adjustment for the construction of a new residence.

The subject property is not within the ten-minute response time radius from the Yuma County Sheriff's Department. The nearest Sheriff's substation is located at 18699 South Colorado Street, Yuma, Arizona which is approximately nine miles from the property.

Ordinances, codes and regulations that pertain to the application:

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

SUMMARY NOTES:

Support Staff Summary: The Environmental Programs Division, Zoning Enforcement Section, Flood Control District, and Building Safety Division provided a no comment response. The Engineering Department provided the following comment: Based on the Road Functional Classification (RFCS). The following are current and recommended right of way width dedications:

Parcel 75432010	Current Dedication	RFCS ROW Dedication	Engineering Recommend	Existing Road Conditions
Co. 17 th Street (south)	0'	50'	*25'	Gravel Road
Avenue A (east)	0'	50'	*25'	Paved Road

- There is current dedications along the alignments per road establishment.
- *25' is the maximum right of way dedication required for residential use.

Letters of Support, Opposition, Agency, Military, and Special Interest: The application is on file. Memos from the Zoning Enforcement Section, Environment Programs Division, Flood Control District, and Engineering Department are on file.

- Bryan Knight, Unit B Irrigation District, provided no comment.
- Cori Schultz, Rural Metro/Fire Department, provided a no comment response.

- Mary Ellen Finch, Community Liaison Specialist with MCASY, provided the following comment: MCAS Yuma has reviewed the subject request to rezone APN 754-32-010 into two parcels zoned Suburban Ranch-2 acre minimum. We are not in favor of this residential density increase from 5 acres to 2 acres as this is a violation of A.R.S. 28-8481, Yuma County Zoning Ordinance section 706 which states “No new residential buildings or expansions of existing residential buildings are permitted” in the 65 dB or higher noise contour as well as Marine Corps Order 11010.16 which has the same requested residential prohibition.
- Col. D. A. Suggs from MCASY, stated the following: The subject parcel lies partially in the 65 dB noise contour. There is an existing home in the southern portion of the parcel, which is outside the noise contour. Recently, Special Use Permit 19-04 was approved for a wireless communication facility on the northern portion of the existing parcel. A wireless communication facility is compatible for property located in the 65 dB noise contour. The applicant has indicated the intent to build a residence in the northern portion of the parcel if the rezoning is approved. Any new residential development in the 65 dB and higher noise contours violate the conditions of A.R.S §28-8481 paragraph J as well as Yuma County Zoning Ordinance Section 706. In addition Marine Corps Order 11010.16 discourages residential development in the 65 dB and higher noise contour. The intent of the High Noise Accident Potential Zones and the associated noise contours are to protect public health/safety and reduce incompatible development, which may hinder military operations. Therefore, Marine Corps Air station Yuma is not in favor of this rezoning request accordingly requests denial by the Yuma County Planning and Zoning Commission and Board of Supervisors.
- Gladys Brown , Airport Director, Yuma County Airport Authority, provided the following: The request to rezone the subject property into two parcels zoned suburban ranch would violate A.R.S. 28-8481 which states no new residential buildings or expansions of existing residential buildings are permitted in the 65 dB or higher noise contour. The Yuma County Airport authority is not in favor of this rezoning requests and requests denial by the Yuma County Planning and Zoning Commission and Board of Supervisors.

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 and Welfare. A point system is used to score whether a proposal should likely be approved or denied. Of a possible maximum score of 300, the total score for this proposal is **285**. A score from 275 to 300 represents a proposal that likely should be approved. The proposal is likely in compliance with adopted land use plans, policies, objectives, and is compatible with surrounding development.

CHRONOLOGY:

- 10-30-19 Application received
- 11-27-19 Legal ad appears in the Yuma Sun for the Planning Commission's public hearing
- 11-27-19 Property posted for the Planning Commission's public hearing
- 11-27-19 Public notice mailed to properties within 300 feet of the request, the City of Yuma, and all relevant agencies and stakeholders
- 11-27-19 Letter mailed informing applicant of item being placed on the Planning Commission's public hearing agenda
- 12-06-19 Staff report mailed to applicant and/or agent
- 12-17-19 Planning Commission's public hearing

RECOMMENDATION:

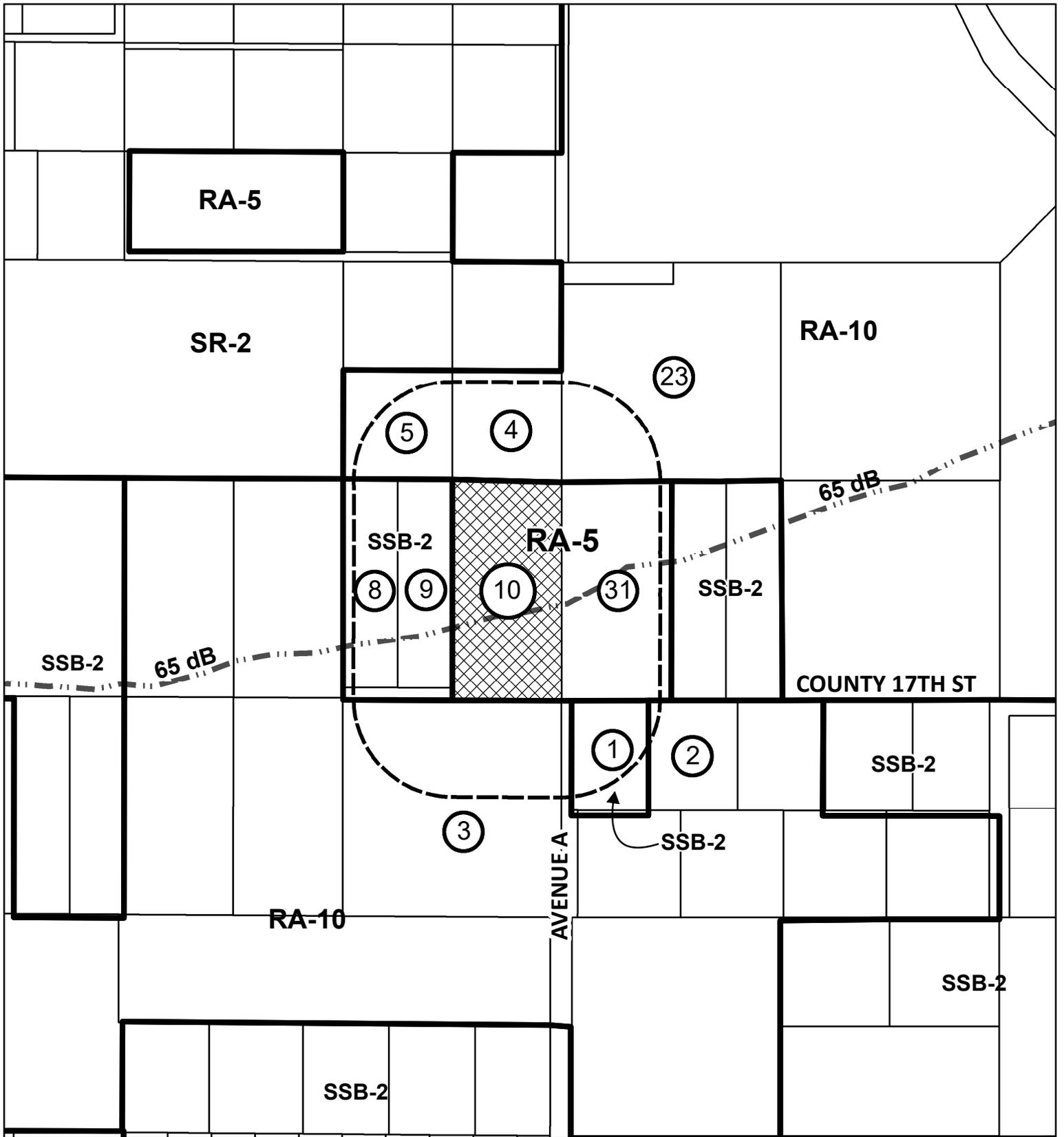
Staff recommends approval of this request based on the request being within the range of identified uses, densities and intensities of the Comprehensive Plan subject to the following Performance Condition and Schedule for Development:

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 an Agricultural disclosure statement.
 - (e) Record a Schedule for Development disclosure statement.

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

1. The property shall be split by means of a Land Division Permit in accordance with Section 507.00 of the Yuma County Zoning Ordinance.
2. All lots shall be provided with means of irrigation and access to irrigation water prior to development of any of the existing parcels. The owner/applicant will submit a letter from the irrigation district to the Department of Development Services confirming that a satisfactory irrigation system is installed and the individual lots will have access to irrigation water.



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

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

CASE NO: RZ19-11
LOCATION: 16880 South Avenue A
APNs: 754-32-010

Case Planner: Javier Barraza.
Drawn by : Javier B On 05-15-2019
Reviewed: Javier B On 05-15-2019

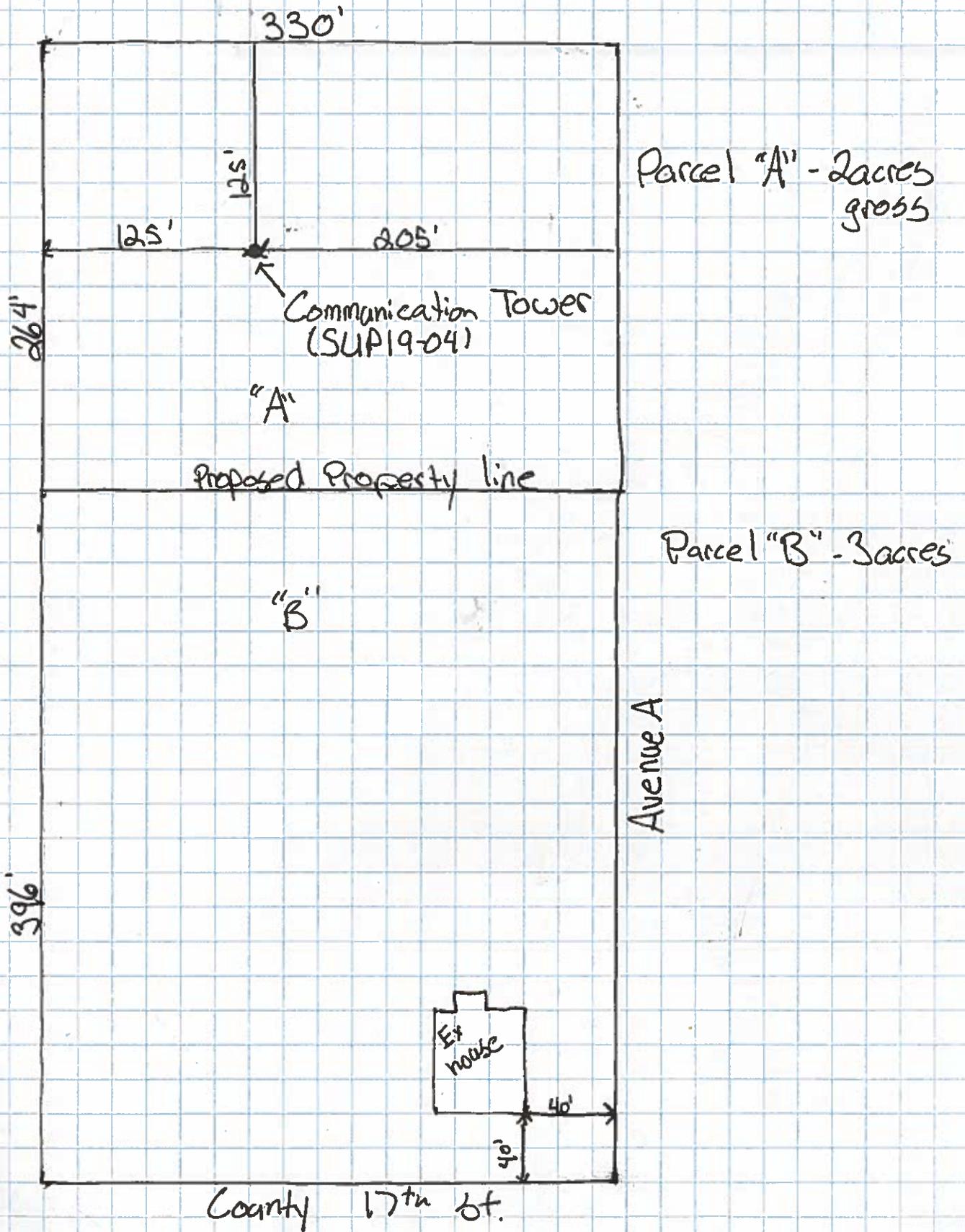
SCALE
1" = 400'



Legend

-  Subject Property
-  300' NOTIFICATION AREA
-  CITY OF YUMA

EXHIBIT "A"



From: [J.P. Mahon](#)
To: [Javier Barraza](#)
Subject: Re: Rezoning 19-11
Date: Wednesday, November 6, 2019 5:23:37 PM

Thanks Barraza,

The intent of the rezoning is to split the north 2 acres off for purchase from the property owner.

The development of the tower will come immediately. We would like to have the possibility to develop a residence in the future but have no immediate plans to develop a residence in the new created 2 acre parcel.

Thank you,

JP

Sent from my iPhone

On Nov 6, 2019, at 3:37 PM, Javier Barraza
<Javier.Barraza@yumacountyaz.gov> wrote:

JP,

I got an email from MCAS about your request; it seems the base is not going to be in favor of the rezoning. The intent expressed in the application is vague; can you email me a short narrative of the intention. Are you going to develop the northern parcel with a residence or is just for the future tower.

If you can send it to me as soon as possible (like in a few minutes), then I can forward that narrative to MCAS.

Thanks

Yuma County 2020 Comprehensive Plan
Development Evaluation Checklist

Case No.: RZ19-	Owner/Agent: <u>Robert D & Patricia R Callahan Trust</u>	
Parcel #: 754-32-010	Agent: <u>AG Networks Solutions LLC</u>	
Current Zoning: RA-5	Proposed Zoning: SR-2	Acreage: 5.00
<u>GROSS AC</u>		

IMPACT CATEGORY I. CONFORMANCE TO EXISTING PLANS		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

IMPACT CATEGORY II. LAND USE COMPATIBILITY		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

IMPACT CATEGORY III. NATURAL RESOURCES		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

IMPACT CATEGORY IV. PUBLIC INFRASTRUCTURE		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
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.	5	0	5
21	The project will increase PM ₁₀ (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).	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	0
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				285
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.



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

November 4

ARTURO ALVAREZ
LD ENG

CASE NUMBERS: Rezoning Case Number 19-11

CASE SUMMARY: Rezoning Case 19-11: AG Network Solutions LLC agent for the Robert & Patricia Callahan Trust, requests the rezoning of a 5.0 gross acre parcel in size from Rural Area-5 acre minimum to Suburban Ranch-2 acre minimum, Assessor's Parcel Number 754-32-010, located at 16880 South Avenue A, Somerton, Arizona. Under the 65 dB noise zone.

To allow the splitting of the property into two new parcels.
Recently this parcel was approved for a wireless communication facility (SUP19-04)

PUBLIC HEARING: December 17, 2019

COMMENTS DUE: November 8, 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 memo

DATE: 11/12/19 NAME: Arturo Alvarez

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



Yuma County, Arizona
DEPARTMENT OF ENGINEERING

2351 W. 26TH 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 
SUBJECT: Rezoning Case # 19-11
DATE: November 12, 2019

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

Parcel #754-32-010	Current Dedicated	RFCS ROW Dedication	Engineering Recommends	Existing Road Conditions
Co. 17 th Street (south)	0'	50'	*25	Gravel road
Avenue A (East)	0'	50'	*25'	Paved road

- There is current dedications along the alignments per road establishment.
- ** 25 feet is the maximum right of way required for residential use.



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

DAVID. FLOOD CONTROL.

November 4

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COMMENT NO COMMENT

DATE: 2019/11/05 NAME: David Ruvalcaba

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



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

November 4

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PUBLIC HEARING: December 17, 2019

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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

NO ZONING VIOLATIONS FOUND ON THIS PARCEL

DATE: NOV-05-19 NAME: JAVIER BARRAZA,

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

SENIOR PLANNER



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

GEORGE AMAYA
SENIOR SUPERVISOR
ENVIRONMENTAL PROGRAMS

November 4

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PUBLIC HEARING: December 17, 2019

COMMENTS DUE: November 8, 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 type="checkbox"/> COMMENT	<input checked="" type="checkbox"/> NO COMMENT

DATE: 11/5/19 NAME:

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



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

November 4

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CASE SUMMARY: Rezoning Case 19-11: AG Network Solutions LLC agent for the Robert & Patricia Callahan Trust, requests the rezoning of a 5.0 gross acre parcel in size from Rural Area-5 acre minimum to Suburban Ranch-2 acre minimum, Assessor’s Parcel Number 754-32-010, located at 16880 South Avenue A, Somerton, Arizona. Under the 65 dB noise zone.

**To allow the splitting of the property into two new parcels.
Recently this parcel was approved for a wireless communication facility (SUP19-04)**

PUBLIC HEARING: December 17, 2019

COMMENTS DUE: November 8, 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

MCAS Yuma has reviewed the subject request to rezone APN 754-32-010 into two parcels zoned Suburban Ranch - 2 acre minimum. We are not in favor of this residential density increase from 5 acres to 2 acres as this is a violation of A.R.S. 28-8481, Yuma County Zoning Ordinance section 706 which states "No new residential buildings or expansions of existing residential buildings are permitted" in the 65dB or higher noise contour as well as Marine Corps Order 11010.16 which has the same requested residential prohibition. A formal letter requesting denial of this request will be forthcoming from Col Suggs.

DATE: _6 Nov 2019 NAME: _Mary Ellen Finch, Community Liaison Specialist

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

From: [Bryan Knight](#)
To: [Javier Barraza](#)
Subject: Re: Request for comments for RZ19-11
Date: Wednesday, November 6, 2019 12:08:20 PM

Unit B has no comments.

From: Javier Barraza <Javier.Barraza@yumacountyaz.gov>
Sent: Monday, November 4, 2019 4:31 PM
To: MCAS (MCASYUMA_CPLO@usmc.mil) <MCASYUMA_CPLO@usmc.mil>; Lorenia Foster <lfoster@unitbirr.com>; Robert Blevins <Robert.Blevins@ci.yuma.az.us>; Saul Albor <saulalbor@somertonaz.gov>
Cc: Javier Barraza <Javier.Barraza@yumacountyaz.gov>
Subject: Request for comments for RZ19-11

Please review the enclosed request, appreciate your assistance.

Thanks



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

November 4

CASE NUMBERS: Rezoning Case Number 19-11

CASE SUMMARY: Rezoning Case 19-11: AG Network Solutions LLC agent for the Robert & Patricia Callahan Trust, requests the rezoning of a 5.0 gross acre parcel in size from Rural Area-5 acre minimum to Suburban Ranch-2 acre minimum, Assessor’s Parcel Number 754-32-010, located at 16880 South Avenue A, Somerton, Arizona. Under the 65 dB noise zone.

**To allow the splitting of the property into two new parcels.
Recently this parcel was approved for a wireless communication facility (SUP19-04)**

PUBLIC HEARING: December 17, 2019

COMMENTS DUE: November 8, 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 X NO COMMENT

DATE: 11/06/2019 NAME: Cori Schultz

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



UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION YUMA
BOX 99100
YUMA AZ 85369-9100

5726
CP&L
RZ19-11
November 18, 2019

Mr. Javier Barraza
Yuma County Development Services
2351 W. 26th Street
Yuma, AZ 85364-6902

Dear Mr. Barraza:

We have received the Request for Comments for Rezoning Case No. 19-11. This is a request by AG Network Solutions LLC, agent for Robert and Patricia Callahan Trust to rezone their 5.0 gross acre parcel from Rural Area - 5 acre minimum (RA-5) to Suburban Ranch - 2 acre minimum (SR-2), Assessor parcel number 754-32-010 located at 16880 South Avenue A, Somerton, AZ. The applicant's intent is to split the property into two lots and build a single-family residence on a parcel no less than 2 acres in size. We offer the following comments.

The subject parcel lies partially in the 65dB Noise Contour. There is an existing home in the southern portion of the parcel, which is outside the noise contour. Recently, Special Use Permit 19-04 was approved for a wireless communication facility on the northern portion of the existing parcel. A wireless communication facility is compatible for property located in the 65dB noise contour. The applicant has indicated the intent to build a residence in the northern portion of the parcel if the rezoning is approved. Any new residential development in the 65db and higher noise contours violates the conditions of A.R.S. §28-8481 paragraph J as well as Yuma County Zoning ordinance Section 706. In addition, Marine Corps Order 11010.16 discourages residential development in the 65dB and higher noise contour.

The intent of the High Noise Accident Potential Zones and the associated Noise Contours are to protect public health/safety and reduce incompatible development, which may hinder military operations. Therefore, Marine Corps Air Station Yuma is not in favor of this rezoning request and accordingly requests denial by the Yuma County Planning and Zoning Commission and Board of Supervisors.

The MCAS Yuma point of contact is Ms. Mary Ellen Finch at (928) 269-2103 or MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "D. A. SUGGS", written over a horizontal line.

D. A. SUGGS



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

November 4

CASE NUMBERS: Rezoning Case Number 19-11

CASE SUMMARY: Rezoning Case 19-11: AG Network Solutions LLC agent for the Robert & Patricia Callahan Trust, requests the rezoning of a 5.0 gross acre parcel in size from Rural Area-5 acre minimum to Suburban Ranch-2 acre minimum, Assessor’s Parcel Number 754-32-010, located at 16880 South Avenue A, Somerton, Arizona. Under the 65 dB noise zone.

**To allow the splitting of the property into two new parcels.
Recently this parcel was approved for a wireless communication facility (SUP19-04)**

PUBLIC HEARING: December 17, 2019

COMMENTS DUE: November 8, 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.

 X COMMENT NO COMMENT

The request to rezone the subject property into two parcels zoned Suburban Ranch would violate A.R.S. 28-8481 which states no new residential buildings or expansions of existing residential buildings are permitted in the 65dB or higher noise contour. The Yuma County Airport Authority is not in favor of this rezoning request and requests denial by the Yuma County Planning and Zoning Commission and Board of Supervisors.

DATE: 11/25/19 NAME: Gladys Brown, Airport Director, Yuma County Airport Authority

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

Yuma County
Planning & Zoning
Commission

Item No. 5



MEMORANDUM

TO: Yuma County Planning & Zoning Commission

FROM: Juan Leal Rubio, Senior Planner

RE: Discussion concerning possible text amendment to the Yuma County Zoning Ordinance to consider adding Section 624.00—Suburban Homestead (SH) Zoning District, deletion of the term “Guest Room” from Section 202.00—Definitions and add Suburban Homestead (SH) to under list of Residential Districts, add Suburban (SH) Zoning District to Section 501.00—Districts Established Plate V-1 District Classes, add Suburban Homestead to Section 505.01---Minimum Area Requirements, add Suburban Homestead to Section 1106.00--Accessory Buildings and Uses, add Suburban Homes to Section 1106.01--Cargo Containers

DATE: December 13, 2019

There has been concern expressed by the Board of Supervisors and Marine Corps Air Station-Yuma regarding the increase in density with the allowance of accessory dwelling units on properties located within the noise zones. In January 2019, staff presented a discussion item to the Board of Supervisors about prohibiting the construction of accessory dwelling units on properties located within the noise zones. However, it was determined that such a text amendment may result in Proposition 207 claims pursuant to A.R.S. § 12-1131 through -1138. The Board of Supervisors consequently directed staff to not proceed with making any changes to the Zoning Ordinance at that time.

At the regular meeting of October 7, 2019, staff was asked to look into a possible amendment to the Zoning Ordinance to create a new zoning district which would prohibit the construction of accessory dwelling units on properties located within the noise zones.

The proposed changes are shown below. Text that is proposed to be deleted is in strikethrough font and text that is proposed to be added is in bold font.

Section 202.00--Definitions

~~Guest Room: A room which is designed or intended for occupancy by, or which is occupied by, one (1) or more guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes. (Also see: bed and breakfast home stay)~~

Residential District: includes the following districts:

- Suburban Ranch (SR),
- Suburban Site Built (SSB),
- **Suburban Homestead (SH),**
- Low Density Residential (R-1),
- Medium Density Residential (R-2),
- High Density Residential (R-3),
- Manufactured Home Park (MHP),
- Manufactured Home Subdivision (MHS),
- Recreational Vehicle Subdivision (RVS). and
- Planned Development (PD)

Article V - Establishment of Zoning Districts

Section 501.00—Districts Established

Plate V-1 District Classes

Yuma County is hereby divided into the following classes of districts:

Districts	Abbreviations
Rural Area - 40 acre minimum parcels	RA-40
Rural Area - 20 acre minimum parcels	RA-20
Rural Area - 10 acre minimum parcels	RA-10
Rural Area - 5 acre minimum parcels	RA-5
Suburban Homestead-20 acre minimum parcels	SH-20
Suburban Homestead-10 acre minimum parcels	SH-10
Suburban Homestead-5 acre minimum parcels	SH-5
Suburban Homestead-4 acre minimum parcels	SH-4
Suburban Homestead-3 acre minimum parcels	SH-3
Suburban Homestead-2 acre minimum parcels	SH-2
Suburban Ranch - 4 acre minimum parcels	SR-4
Suburban Ranch - 3 acre minimum parcels	SR-3
Suburban Ranch - 2 acre minimum parcels	SR-2
Suburban Ranch - 1 acre minimum parcels	SR-1
Suburban Site Built - 20 acre minimum parcels	SSB-20
Suburban Site Built - 10 acre minimum parcels	SSB-10
Suburban Site Built - 5 acre minimum parcels	SSB-5
Suburban Site Built - 4 acre minimum parcels	SSB-4
Suburban Site Built - 3 acre minimum parcels	SSB-3
Suburban Site Built - 2 acre minimum parcels	SSB-2
Suburban Site Built - 1 acre minimum parcels	SSB-1
Low Density Residential- 40,000 square feet minimum parcels	R-1-40
Low Density Residential- 20,000 square feet minimum parcels	R-1-20

Low Density Residential – 15,000 square feet minimum parcels	R-1-15
Low Density Residential- 12,000 square feet minimum parcels	R-1-12
Low Density Residential- 8,000 square feet minimum parcels	R-1-8
Low Density Residential - 6,000 square feet minimum parcels	R-1-6
Medium Density Residential	R-2
High Density Residential	R-3
Manufactured Home Subdivision - 20,000 square feet minimum	MHS-20
Manufactured Home Subdivision - 15,000 square feet minimum parcels	MHS-15
Manufactured Home Subdivision - 12,000 square feet minimum parcels	MHS-12
Manufactured Home Subdivision - 10,000 square feet minimum parcels	MHS-10
Manufactured Home Subdivision - 8,000 square feet minimum parcels	MHS-8
Manufactured Home Subdivision - 6,000 square feet minimum parcels	MHS-6
Manufactured Home Subdivision - 4,500 square feet minimum parcels	MHS-4.5
Manufactured Home Park	MHP
Recreational Vehicle Subdivision	RVS
Recreational Vehicle Park	RVP
Residential Commercial	RC
Local Commercial	C-1
General Commercial	C-2
Light Industrial-8,000 square foot minimum	LI-8,000
Light Industrial-20,000 square foot minimum	LI-20,000
Light Industrial-1 acre minimum	LI-1
Light Industrial-2 acre minimum	LI-2
Light Industrial-5 acre minimum	LI-5
Heavy Industrial-8,000 square foot minimum	HI-8,000
Heavy Industrial-20,000 square foot minimum	HI-20,000
Heavy Industrial-1 acre minimum	HI-1
Heavy Industrial-2 acre minimum	HI-2
Heavy Industrial-5 acre minimum	HI-5
Intensive Industrial	II
Planned Development	PD
Public Facilities	PF

Section 505.01---Minimum Area Requirements

Gross and Net Acreage Calculation: For the purpose of this regulation, minimum acreages in the Rural Area, Suburban Ranch, ~~and Suburban Site Built districts,~~ **and Suburban Homestead** districts shall be deemed gross acres including rights-of-way. The minimum acres required in all other districts shall be considered net acreage exclusive of rights-of-way.

Section 624.00--Suburban Homestead (SH)

624.01--Purpose

The purpose of this district is to accommodate residential land uses on larger lots in the more rural, outlying areas of the County where adequate services and facilities exist or may be developed to support such development. Uses such as single family dwellings, farming, and agricultural-related land uses are allowed. These regulations apply to all six (6) of the Suburban Homestead districts: Suburban Homestead-20 Acre Minimum Parcels (SH-20), Suburban Homestead-10 Acre Minimum Parcels (SH-10), Suburban Homestead-5 Acre Minimum Parcels (SH-5), Suburban Homestead-4 Acre Minimum Parcels (SH-4), Suburban Homestead-3 Acre Minimum Parcels (SH-3), and Suburban Homestead-2 Acre Minimum Parcels (SH-2).

624.02--Permitted Uses

The following are allowed uses on properties in any of the six (6) Suburban Homestead (SH) zoning districts subject to compliance with the design standards listed below.

- A. One single-family site-built residence per parcel.**
- B. Raising of field, bush or tree crops.**
- C. The raising of poultry, rabbits, and other small farm animals for domestic use, as well as 4H and FFA (Future Farmers of America) are permitted. The keeping of horses and other large farm animals shall be limited to one (1) animal per ten thousand (10,000) square feet of side and rear yard area. D. Home occupations.**
- D. Uses customarily accessory to the above uses such as garages and carports, storage sheds, barns, private swimming pools, walls and fences and parking subject to the provisions found in appropriate sections of this ordinance.**

624.03--Special Uses

The following are allowed as Special Uses in any of the six (6) Suburban Homestead (SH) districts:

- A. Public schools, hospitals, convalescent homes, homes for the aged, nursing homes, churches and institutions of an educational, charitable or philanthropic nature.**
- B. Golf courses, community swimming pools, and other recreational or community facilities.**
- C. Kennels.**
- D. Public parks, buildings and utility installations.**
- E. Wireless Communication Facilities (See Section 1115.00)**

624.04--Parcel Size Requirements

Minimum parcel size for each of the seven (7) Suburban Site Built districts are shown in Plate VI-28.

Plate VI-28: Minimum Parcel Sizes

SH-2	2 acre minimum parcel size
SH-3	3 acre minimum parcel size
SH-4	4 acre minimum parcel size
SH-5	5 acre minimum parcel size
SH-10	10 acre minimum parcel size
SH-20	20 acre minimum parcel size

624.05--Minimum Lot Width & Principal Buildings Setback Requirements

Minimum lot width and setback requirements for all principal buildings in the Suburban Homestead Districts are shown in Plate VI-29.

Plate VI-29: Minimum Lot Width & Setbacks

District	Minimum Width	Minimum Front yard Setback	Minimum Side yard Setback	Minimum Rear yard Setback
SH-2	120 feet	25 feet	10 feet	25 feet
SH-3	120 feet	25 feet	10 feet	25 feet
SH-4	120 feet	25 feet	10 feet	25 feet
SH-5	120 feet	25 feet	10 feet	25 feet
SH-10	220 feet	25 feet	10 feet	25 feet
SH-20	220 feet	25 feet	10 feet	25 feet

624.06--Building Height

Structures in any of the Suburban Homestead districts shall not exceed forty feet (40') in height except as provided in Section 1103.00 of this ordinance.

624.07--Accessory Buildings and Uses

See Section 1106.02 of this ordinance.

Section 1106.00--Accessory Buildings and Uses

Accessory buildings, accessory uses or the storage of recreational vehicles are allowed up- on a lot when the principal residential building, inclusive of recreational vehicles, manufactured homes and site built homes, has been established.

A stored manufactured home is not allowed in any of the following residential zoning districts: Rural Area, Suburban Ranch, Suburban Site-Built, **Suburban Homestead**, Low Density Residential, Medium Density Residential, High Density Residential, Manufactured Home Subdivision, Recreation- al Vehicle Subdivision, Manufactured Home Park, Recreational Vehicle Park and Residential Commercial.

1106.01--Cargo Containers

Cargo containers are not allowed as accessory uses in any zoning district, except as provided below:

- A. Cargo Containers are permitted in Suburban Ranch (SR), ~~and~~ Suburban Site Built (SSB), **and Suburban Homestead** Districts for lots of two acres or greater in size, Local Commercial (C-1) lots greater than 20,000 square feet in size, Rural Area (RA), General Commercial (C-2) Industrial Districts subject to the following conditions:
1. Cargo containers shall meet all setback requirements for the district.
 2. Cargo containers may not occupy any required off-street parking spaces.
 3. Outdoor cargo containers may not be stacked, except when used for cargo purposes in the industrial districts.
 4. Cargo containers are not allowed for human occupancy.
 5. Licensed contractors may use cargo containers in any zoning district for temporary storage of equipment and/or materials at a construction site during construction that is authorized by a County building permit.
 6. In the Suburban Ranch (SR), Suburban Site Built (SSB), **Suburban Homestead (SH)** and Local Commercial (C-1) districts, cargo containers shall be limited to one (1) per parcel, shall not be larger than four hundred feet in size, shall be painted in a mono-color and shall not be used for advertisements.

Yuma County
Planning & Zoning
Commission

Item No. 6

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

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

PLEDGE OF ALLEGIANCE: Chairman Rosales led the Pledge of Allegiance.

ITEM No. 3: Approval of the Planning and Zoning Commission regular meeting minutes of October 22, 2019.

MOTION (BLACK/RICE): Approve as presented.

VOICE VOTE: Mulhern- AYE; Rice- AYE; McKinley- AYE; Bryant- AYE; Rosales- AYE; Zermeno- AYE; Black- AYE; Eide- AYE; White- AYE. The motion carried 9-0.

ITEM No. 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.

Senior Planner Juan Leal Rubio presented the staff report recommending denial of Special Use Permit No. 19-06.

If the Commission approves this Special Use Permit, staff suggests 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 avigation 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.

Commissioner McKinley inquired about the square footage the property would have to develop after the right-of-way is obtained by the county and the buffer zone that is in place. He inquired if the property was currently in violation of the Zoning Ordinance.

Senior Planner Juan Leal Rubio stated the buildable area of the property was approximately 8,500 square feet excluding the right-of-way. The applicant would need to obtain variances in order to develop on the property. He stated the property is in violation of the Zoning Ordinance.

Planning Director Maggie Castro, AICP, explained there was an active Zoning Violation case for the property that is pending based on the outcome of the Special Use Permit case.

Commissioner Rosales inquired if the owner had a business license.

Senior Planner Juan Leal Rubio stated Yuma County does not require business licenses.

Commissioner White inquired about the site plan changing if the Special Use Permit was approved.

Senior Planner Juan Leal Rubio stated the site plan would need to be revised by the applicant.

Planning Director Maggie Castro, AICP, stated item number one from the operational conditions would need to be stricken because the current site plan would not meet standards when right-of-way is obtained by the county and if any future variances are approved. A new site plan would need to be submitted.

Commissioner Rice inquired what was allowed in the buffer zone.

Senior Planner Juan Leal Rubio stated utilities and retention basins are allowed in the buffer zone.

Commissioner White inquired about the occupancy of the caretaker's residence.

Senior Planner Juan Leal Rubio stated the owner would not need a permit for the RV, but would need to meet setback requirements. There was not limitation on occupancy for the RV that would be used for the caretaker's residence.

Planning Director Maggie Castro, AICP, stated if the applicant chooses to place a site built residence or anything over 400 square feet it would require another Special Use Permit.

Commissioner Eide asked if the current office with the restroom was site built or mobile.

Senior Planner Juan Leal Rubio answered that the structure currently used as the office appeared to be a small mobile unit.

Chairman Rosales opened the public hearing.

Lurdes Zamudio, 10376 East North Frontage Road, Yuma, Arizona, applicant, stated she owns the property. She explained the property was empty and she cleaned it up.

Commissioner Rice asked the applicant if she understood all the restrictions of the Special Use Permit.

Mrs. Zamudio explained she understood the limitations.

Commissioner Rosales inquired if the applicant was accepting the conditions of the Special Use Permit.

Mrs. Zamudio stated she would do what it took to accept all conditions listed. She explained the tire shop was a small family business which is their only source of income. She would like the opportunity and time to meet conditions and continue with their business.

Commissioners inquired about the limited space the applicant would have to work in on the property.

Mrs. Zamudio explained customers come at different times throughout the day. They do not need a large staging area to work. She stated most customers do not get out of their vehicle. They change the customer's tires quickly.

Commissioner Bryant asked how many tires are stored on the property. He inquired about performance condition number four.

Mrs. Zamudio stated approximately 500 tires are stored on the property. The tires are stored in the back that are not visible to the public.

Senior Sanitarian Supervisor George Amaya explained the applicant would have to submit to the State and pay registration fees if approved. Yuma County has a delegation agreement with the State ADEQ which includes disposal and storage of tires.

Commissioner White inquired if staff could predict what the parking requirements would be.

Senior Planner Juan Leal Rubio explained parking requirements would be based on the size of the shade structure. The applicant had stated they may build a smaller shade structure to have more space and less parking.

Commissioner Rosales inquired about staffs' main concern which prompted the recommendation for denial.

Senior Planner Juan Leal Rubio explained the use is not compatible with the residential area to the north, west and east. The proposed use will materially affect the health, safety and welfare of the public. The proposed use is incompatible with the surrounding land use in the area.

Commissioner Rosales inquired about the right-of-way.

Land Development Engineer Arturo Alvarez stated Yuma County is in its final stages of acquiring the right-of-way that is on the property.

Commissioners viewed the aerial image of the property and located the nearby locations of the propane storages.

Discussion took place about the property being rezoned to C-2 and how the same limitations would still occur.

John Foster, 10500 North Frontage Road, Site 184B, Yuma, Arizona, customer for the past five years, stated he was satisfied with their work and they work hard.

Terrell Freemantle, 10500 North Frontage Road, Space 203B, Yuma, Arizona, customer, stated the business has saved him money and they provide good service.

Commissioner Zermeno inquired if the block wall was required.

Senior Planner Juan Leal Rubio explained the buffering and screening requirements in the Zoning Ordinance allows a chain linked fence as long as it provides 100% obstruction. Staff is adding the block wall as an additional restriction to provide additional protection to the residential area.

Commissioner Bryant inquired if the County had received any complaints.

Planning Director Maggie Castro, AICP, explained the County received two complaints which resulted in a case being referred to the Hearing Officer. There was one letter in opposition that is in response to the Special Use Permit.

Commissioners discussed the financial obligation the applicant would have in order to meet all the conditions of the Special Use Permit.

Mrs. Zamudio requested the Commission approve the Special Use Permit and give them the opportunity to meet conditions and continue with their business.

Commissioners and staff discussed the options to allow the applicant more time to meet the conditions.

Commissioner Bryant inquired if anything on the property met the performance conditions.

Senior Planner Juan Leal Rubio explained structures on the property did not appear to have permits other than the septic tank. The property would need to be brought up to code and structures would need to be moved out of the buffer zone. A variance would need to be approved by the Board of Adjustment to keep any of the structures on the property within the buffer zone.

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

Commissioners shared their opinions on the Special Use Permit.

MOTION (WHITE/BLACK): Approve Special Use Permit No. 19-06 as presented by staff and changing performance conditions; 2, 3 and 4 from 60 days to 120 days and operational condition 1 to read: Approval of the Special Use Permit is based on the site plan **to be** submitted by the applicant. **The site plan will require approval by the Planning Director** pursuant to the Yuma County Zoning Ordinance.

VOICE VOTE: Mulhern- NAY; Rice- NAY; McKinley- NAY; Bryant- NAY; Rosales- AYE; Zermeno- AYE; Black- AYE; Eide- NAY; White- AYE. The motion failed 4-5.

MOTION (RICE/McKinley): Deny Special Use Permit No. 19-06.

VOICE VOTE: Mulhern- AYE; Rice- AYE; McKinley- AYE; Bryant- AYE; Rosales- NAY; Zermeno- NAY; Black- NAY; Eide- AYE; White- NAY. The motion carried 5-4.

ITEM No. 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.

Senior Planner Javier Barraza presented the staff report recommending approval of Rezoning Case No. 19-08 based on the following Performance Conditions and Schedule for Development:

Performance Conditions.

1. Within 60 days of approval by the Board of Supervisors, the owner/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 east side (Avenue 7 ¼ 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.

Commissioner White inquired if there was ownership relation between Rezoning Case 19-08 and Rezoning Case 19-10.

Senior Planner Javier Barraza stated there was not a relation between both rezoning cases.

Chairman Rosales opened the public hearing.

John Linn, 13663 S Avenue 7E, Yuma, Arizona, applicant, stated they plan on dividing the lot and moving family to the area.

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

MOTION (BRYANT/RICE): Approve Rezoning Case No. 19-08 as presented by staff.

VOICE VOTE: Mulhern- AYE; Rice- AYE; McKinley- AYE; Bryant- AYE; Rosales- AYE; Zermeno- AYE; Black- AYE; Eide- AYE; White- AYE. The motion carried 9-0.

ITEM No. 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.

Commissioner Scott Mulhern recused himself from Rezoning Case 19-10 due to being employed by the agent representing the applicant.

Senior Planner Javier Barraza presented the staff report recommending approval of Rezoning Case No. 19-10 based on the following Performance Conditions and Schedule for Development:

Performance Conditions.

1. Within 60 days of approval by the Board of Supervisors, the owner/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.

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.

Chairman Rosales opened the public hearing.

Felicia Linn, 13663 South Avenue 7E, Yuma, Arizona, neighbor to the applicant, inquired about the way the houses would face.

Commissioner Bryant stated the lots face north, but would not be able to determine which direction the houses would face.

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

MOTION (EIDE/WHITE): Approve Rezoning Case No. 19-10 as presented by staff.

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

ITEM No. 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.

Commissioner Scott Mulhern recused himself from Minor Amendment Case No. 2019-MA-02 due to being employed by the agent representing the applicant.

Senior Planner Javier Barraza presented the staff report recommending approval of Minor Amendment Case No. 2019-MA-02 based on the following:

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 future residents.

ITEM No. 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.

Commissioner Scott Mulhern recused himself from Rezoning Case No. 19-09 due to being employed by the agent representing the applicant.

Senior Planner Javier Barraza presented the staff report recommending approval of Rezoning Case No.19-09 based on the following Performance Conditions and Schedule for Development:

Performance Conditions.

1. Within 60 days of approval by the Board of Supervisors, the owner/agent shall:
 - a. Provide an A.R.S. § 12-1134
 - b. Record an Infrastructure disclosure statement.

- c. Record a Schedule for Development disclosure statement.
- d. Record an Avigation disclosure statement.

Schedule for Development.

1. Within one year of approval by the Board of Supervisors, the owner shall split the property by means of land division permit in accordance with Section 507.00 of the Yuma County Zoning Ordinance.

Chairman Rosales opened the public hearing.

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

MOTION (WHITE/MCKINLEY): Approve Minor Amendment Case No. 2019-MA-02 as presented by staff.

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

MOTION (WHITE/EIDE): Approve Rezoning Case No. 19-09 as presented by staff.

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

ITEM No. 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.

Planning Director Maggie Castro, AICP, presented the staff report. She stated the Board of Superiors directed staff to bring the request to initiate a text amendment to the Zoning Ordinance to the Planning and Zoning Commission for discussion and action. She explained that if the Commission approves to initiate the text amendment, no further changes could be made.

MOTION (BLACK/WHITE): Approve request to initiate a text amendment to the Zoning Ordinance, Section 1107.00—Temporary Buildings and Uses as presented by staff.

VOICE VOTE: Mulhern- AYE; Rice- AYE; McKinley- AYE; Bryant- AYE; Rosales- AYE; Zermeno- AYE; Black- AYE; Eide- AYE; White- AYE. The motion carried 9-0.

ITEM No. 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.

Planning Director Maggie Castro, AICP, presented the staff report. She explained there was text that was left out of the original text amendment to the Subdivision Regulations. Staff received additional information on how the Zoning Ordinance should be amended. She stated the commission could choose to add the language that is in the memorandum dated August 15, 2019 page 1 or pages 2, 3 and 4 of the memorandum. She explained the new language will require lot tie maps for lots in recorded subdivisions and parcels not in recorded subdivisions.

Commissioner Rosales inquired if Mr. Wehrle had requested lot tie maps for recorded and unrecorded subdivisions.

Planning Director Maggie Castro, AICP, stated Mr. Wehrle did want lot tie maps in recorded subdivisions and parcels not in recorded subdivisions.

MOTION (BLACK/ZERMENO): Approve initiation of the text amendment to the Subdivision Regulations for lot ties in recorded subdivisions as presented in pages 2, 3 and 4 in the memorandum with a possible amendment to the fee schedule as presented by staff.

VOICE VOTE: Mulhern- AYE; Rice- AYE; McKinley- AYE; Bryant- AYE; Rosales- AYE; Zermeno- AYE; Black- AYE; Eide- AYE; White- AYE. The motion carried 9-0.

ITEM No. 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.

Planning Director Maggie Castro, AICP, presented the staff report. She explained the Board of Supervisors directed staff to forward the request to initiate a text amendment to the Zoning Ordinance to create the Dark Sky Overlay District. She stated the district would include the area of Yuma County that is east of Foothills Boulevard to the eastern boundary of Yuma County and the Martinez Lake area.

Commissioner Rosales inquired if a Supervisor or staff requested the Dark Sky Overlay District.

Planning Director Maggie Castro, AICP, explained staff originally requested the Dark Sky regulation in 2006. Staff was asked by the Board of Supervisors to reopen the discussion of the Dark Sky Overlay District. The result of those discussions is what was being presented to the Planning and Zoning Commission.

Commissioner White inquired about the community outreach.

Planning Director Maggie Castro, AICP, stated if the initiation to amend the Zoning Ordinance to create the Dark Sky Overlay District was approved, staff would publish a newspaper ad which would give the public an opportunity to speak.

Commissioner Rosales inquired if those within the Dark Sky Overlay District would be grandfathered in.

Planning Director Maggie Castro, AICP, stated any pre-existing development would be grandfathered as non-conforming.

MOTION (BRYANT/MCKINLEY): Approve to initiate a text amendment to create a Dark Sky Overlay District in the Zoning Ordinance as presented by staff.

VOICE VOTE: Mulhern- AYE; Rice- AYE; McKinley- AYE; Bryant- AYE; Rosales- AYE; Zermeno- AYE; Black- AYE; Eide- AYE; White- AYE. The motion carried 9-0.

ITEM No. 12: Discussion by the Commission members and Planning Director of events attended, current events, and the schedule for future Planning Commission meetings.

Commissioners reviewed and discussed the Planning and Zoning 2020 Regular Meeting Schedule.

MOTION (EIDE/ZERMENO): Approve the Planning and Zoning 2020 Regular Meeting Schedule as presented by staff with changing the May 26, 2020 meeting date to May 19, 2020 and November 24, 2020 meeting date to November 17, 2020.

VOICE VOTE: Mulhern- AYE; Rice- AYE; McKinley- AYE; Bryant- AYE; Rosales- AYE; Zermeno- AYE; Black- AYE; Eide- AYE; White- AYE. The motion carried 9-0.

Commissioner Bryant discussed amending Temporary Use Permit applications to include a disclaimer that informs applicants that the approval of a Temporary Use Permit does not void deed restrictions. To check with the deed restrictions before paying the Temporary Use Permit fee.

Planning Director Maggie Castro, AICP, stated she would speak with legal counsel to add a disclaimer to the Temporary Use Permit application.

There being no further business to come before the Commission, the Chairman adjourned the meeting at 6:44 p.m.

Approved and accepted on this 17th day of December 2019.

Matias Rosales, Chairman

ATTEST:

Maggie Castro, AICP, Planning Director