



5. **Approval of Planning and Zoning Commission regular meeting minutes of December 17, 2019.**
6. **Rezoning Case No. 19-09:** Dahl, Robins and Associates, Inc., agent for Yuma Irrigation District, requests the rezoning of a 7.05 acre portion of a parcel 107.81 gross acres in size from Rural Area-20 acre minimum (RA-20) to Heavy Industrial-8,000 square feet minimum (HI-8,000), Assessor's Parcel Number 182-28-004, located in the vicinity of the southeast corner of Avenue 12E and County 8th Street, Yuma, Arizona.
7. **Rezoning Case No. 19-12:** Leticia Guillermo, agent for Greenview Development, requests the rezoning of a parcel 5.0 gross acres in size from Suburban Site Built-5 acre minimum (SSB-5) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 212-01-022, located at the southwest corner of Avenue 3¾E and County 16½ Street, Yuma, Arizona.
8. **Rezoning Case 19-14:** Monty Sanders, agent for Rosa Sanders and Victor Lozano, requests the rezoning of a parcel 1.77 net acres in size from Light Industrial (LI) to Heavy Industrial-1 acre minimum (HI-1) and a parcel 5.0 net acres in size from Light Industrial (LI) to Heavy Industrial-2 acre minimum (HI-2), Assessor's Parcel Numbers 196-24-020 and -021, located at 13711 South Avenue 3E, Yuma, Arizona; located in the 70-74 dB noise zone.
9. **Special Use Permit Case 19-07:** Dahl, Robins and Associates Inc., agent for T&W Investments Inc., requests a Special Use Permit per Section 612.03(C) of the Yuma County Zoning Ordinance to allow commercial condominiums on a parcel 1.76 net acres in size zoned General Commercial (C-2), Assessor's Parcel Number 700-45-243, located at 11375 South Fortuna Road, Yuma, Arizona.
10. **Request for Modifications of Subdivision Regulations for the proposed Fortuna Palms Plaza Commercial Condominiums subdivision:** T&W Investments, LLC requests six modifications from the Yuma County Subdivision Regulations for the proposed Fortuna Palms Plaza Commercial Condominiums subdivision, Assessor's Parcel Number 700-45-243, zoned General Commercial (C-2), located at 11375 South Fortuna Road, Yuma, Arizona.
11. **Fortuna Palms Plaza Commercial Condominiums subdivision – Tentative map:** Dahl, Robins and Associates Inc., requests review and approval of the tentative map for the proposed Fortuna Palms Plaza Commercial Condominiums subdivision consisting of seven lots and common areas on 1.76 acres, Assessor's Parcel Number 700-45-243, zoned General Commercial (C-2), located at 11375 South Fortuna Road, Yuma, Arizona.

12. **Commission Initiative No. 19-03:** A proposed text amendment to the Subdivision Regulations to add new sections, Section 7.11 and 7.12, for lot ties
13. **Proposed amendment to DDS fee schedule to adopt new fee for lot ties.**
14. **Commission Initiative No. 19-04:** A proposed text amendment to the Zoning Ordinance, Section 1107.00—Temporary Buildings and Uses to amend Section 1107.01(A)(4), add Sections 1107.01(C) and (D), amend Sections 1107.03, 1107.04 and 1107.05, and add Sections 1107.06 and 1107.07.
15. **Commission Initiative No. 19-05:** A proposed text amendment to the Zoning Ordinance to create the Dark Sky Overlay District, Section 623.00, and amend the Official Zoning Map accordingly.
16. **Discussion by the Commission members and Planning Director of events attended, current events, and the schedule for future Planning Commission meetings.**
17. **Adjourn.**

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

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

Yuma County  
Planning & Zoning  
Commission

Item No. 3

**AIR-9586**

**3.**

**P&Z Commission Agenda**

**Meeting Date:** 01/28/2020

**Submitted For:** Maggie Castro

**Submitted By:** Amber Jardine

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

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### **Information**

**1. REQUESTED ACTION:**

**Elect a Chairman for the Yuma County Planning and Zoning Commission for Calendar Year 2020.**

**2. INTENT:**

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

**4. STAFF'S RECOMMENDATION:**

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### **Attachments**

History of Chairs

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# HISTORY OF PLANNING & ZONING CHAIRS

<b>YEAR</b>		<b>CHAIR</b>	<b>VICE CHAIR</b>
<b>2005</b>		<b>Max Bardo</b>	<b>Darrick Elias</b>
<b>2006</b>		<b>Paul White</b>	<b>Joe Melchionne</b>
<b>2007</b>		<b>Paul White</b>	<b>Joe Melchionne</b>
<b>2008</b>		<b>Joe Melchionne</b>	<b>Gary Black</b>
<b>2009</b>		<b>Gary Black</b>	<b>John McKinley</b>
<b>2010</b>		<b>Gary Black</b>	<b>John McKinley</b>
<b>2011</b>		<b>John McKinley</b>	<b>Paul White</b>
<b>2012</b>		<b>John McKinley</b>	<b>Paul White</b>
<b>2013</b>		<b>John McKinley</b>	<b>Paul White</b>
<b>2014</b>		<b>Paul White</b>	<b>Michael Henry</b>
<b>2015</b>		<b>Michael Henry</b>	<b>Wayne Briggs</b>
<b>2016</b>	<b>Jan/Aug</b>	<b>Wayne Briggs</b>	<b>Alicia Aguirre</b>
<b>2016</b>	<b>Sept/Dec</b>	<b>Vacant</b>	<b>Alicia Aguirre</b>
<b>2017</b>		<b>Paul White</b>	<b>Matias Rosales</b>
<b>2018</b>		<b>Paul White</b>	<b>Matias Rosales</b>
<b>2019</b>		<b>Matias Rosales</b>	<b>Danny Bryant</b>

Yuma County  
Planning & Zoning  
Commission

Item No. 4

**AIR-9587**

**4.**

**P&Z Commission Agenda**

**Meeting Date:** 01/28/2020

**Submitted For:** Maggie Castro

**Submitted By:** Amber Jardine

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

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### **Information**

**1. REQUESTED ACTION:**

**Elect a Vice-Chairman for the Yuma County Planning and Zoning Commission for Calendar Year 2020.**

**2. INTENT:**

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

**4. STAFF'S RECOMMENDATION:**

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### **Attachments**

History of Chairs

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# HISTORY OF PLANNING & ZONING CHAIRS

<b>YEAR</b>		<b>CHAIR</b>	<b>VICE CHAIR</b>
<b>2005</b>		<b>Max Bardo</b>	<b>Darrick Elias</b>
<b>2006</b>		<b>Paul White</b>	<b>Joe Melchionne</b>
<b>2007</b>		<b>Paul White</b>	<b>Joe Melchionne</b>
<b>2008</b>		<b>Joe Melchionne</b>	<b>Gary Black</b>
<b>2009</b>		<b>Gary Black</b>	<b>John McKinley</b>
<b>2010</b>		<b>Gary Black</b>	<b>John McKinley</b>
<b>2011</b>		<b>John McKinley</b>	<b>Paul White</b>
<b>2012</b>		<b>John McKinley</b>	<b>Paul White</b>
<b>2013</b>		<b>John McKinley</b>	<b>Paul White</b>
<b>2014</b>		<b>Paul White</b>	<b>Michael Henry</b>
<b>2015</b>		<b>Michael Henry</b>	<b>Wayne Briggs</b>
<b>2016</b>	<b>Jan/Aug</b>	<b>Wayne Briggs</b>	<b>Alicia Aguirre</b>
<b>2016</b>	<b>Sept/Dec</b>	<b>Vacant</b>	<b>Alicia Aguirre</b>
<b>2017</b>		<b>Paul White</b>	<b>Matias Rosales</b>
<b>2018</b>		<b>Paul White</b>	<b>Matias Rosales</b>
<b>2019</b>		<b>Matias Rosales</b>	<b>Danny Bryant</b>

Yuma County  
Planning & Zoning  
Commission

Item No. 5

The Yuma County Planning and Zoning Commission met in a regular session on December 17, 2019. The meeting was held in Aldrich Auditorium at 2351 West 26<sup>th</sup> Street, Yuma, Arizona.

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

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

**ITEM No. 3: 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.

Senior Planner Javier Barraza presented the staff report recommending approval of Commission Initiative Case No. 19-01 subject to the following Performance Condition and Schedule for Development:

**Performance Conditions.**

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.

**Schedule for Development.** Within 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.

Chairman Rosales opened the public hearing.

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

Commissioner Black asked why this case was a commission initiative.

Senior Planner Javier Barraza explained the property was part of a rezoning in 2003 which was approved by the Board of Supervisors subject to a Schedule for Development. Since the rezoning, the property has changed ownership. The deadline to comply with the Schedule for Development was in March of 2009. The Board of Supervisors reverted the zoning to its original classification in 2018. The current owners were unaware of the Schedule for Development. The Board of Supervisors asked staff to help the owners rezone the property. Staff has brought this case as a commission initiative.

**MOTION (BRYANT/BLACK):** Approve Commission Initiative Case No. 19-01 as presented by staff.

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

**ITEM No. 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.**

Senior Planner Javier Barraza presented the staff report recommending approval of Rezoning Case No. 19-11 subject to the following Performance Condition 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 an Agricultural disclosure statement.
  - e. Record a Schedule for Development disclosure statement.

**Schedule for Development.** Within one (1) 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.

Chairman Rosales opened the public hearing.

Mary Ellen Finch, MCAS, requested that the commission deny Rezoning Case Number 19-11. She explained the property is located partially in the 65db noise contour and is part of the high noise accident zone. Any new development in this zone violates the conditions of A.R.S. § 28-8481 paragraph J and the Yuma County Zoning Ordinance, Section 706.

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

Commissioner McKinley inquired about how many parcels in the 65 dB noise zone have not been rezoned.

Planning Director Maggie Castro, AICP, explained she did not have the exact number of parcels that have yet to be rezoned. She explained there are some parcels that are zoned RA which could be rezoned to 2 acre minimum. The old Joint Land Use Plan and the 2020 Comprehensive Plan allow parcels to be 2 acre minimum within the 65 dB noise zone. This request does not trigger a major amendment therefore, staff is recommending approval.

Commissioner Bryant inquired about past cases that have been denied by the Board of Supervisors

Planning Director Maggie Castro, AICP, explained the cases that had be recently presented to the Board of Supervisors and the outcome of each case.

MOTION (BLACK/WHITE): Approve Rezoning Case No. 19-11 as presented by staff.

VOICE VOTE: Mulhern-AYE; Rice-AYE; McKinley- AYE; Bowers- AYE; Bryant- AYE; Rosales- AYE; Zermeno-NAY; Black-AYE; White- AYE. The motion carried 8-1.

**ITEM No. 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) 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**

Senior Planner Juan Leal Rubio presented the possible text amendment to the Yuma County Zoning Ordinance. 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. On 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.

Commissioner McKinley inquired if any properties would be grandfathered.

Senior Planner Juan Leal Rubio explained there would not be any properties grandfathered. The proposal would create a new zoning district.

Commissioner Bryant clarified the purpose of the potential new zoning district and gave an example of when the new zoning district would be recommended to property owners.

Commissioner McKinley inquired about if property owners would have to use the proposed zoning district if they want to rezone in the noise zones.

Senior Planner Juan Leal Rubio stated the property owner would be able to apply for any zoning they choose.

Planning Director Maggie Castro, AICP, explained staff can only make a recommendation for zoning districts to applicants.

Commissioners discussed the possibility of rezoning properties that have been rezoned to the proposed new zoning district.

Staff explained there would not be any commission initiatives to rezone properties. The proposed text amendment would give owners a new zoning district option.

MOTION (BRYANT/RICE): Approve to forward the possible text amendment to the Yuma County Zoning Ordinance to consider adding Section 624.00—Suburban Homestead (SH) Zoning District as presented by staff.

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

**ITEM No. 6: Approval of Planning and Zoning meeting minutes of December 03, 2019.**

MOTION (WHITE/ZERMENO): Approve the Planning and Zoning meeting minutes of December 03, 2019.

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

There being no further business to come before the Commission, the Chairman adjourned the meeting at 5:54 p.m.

Approved and accepted on this 28<sup>th</sup> day of January 2020.

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

ATTEST:

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

DRAFT

Yuma County  
Planning & Zoning  
Commission

Item No. 6

**AIR-9524**

**6.**

**P&Z Commission Agenda**

**Meeting Date:** 01/28/2020

**Submitted For:** Maggie Castro

**Submitted By:** Javier Barraza

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

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**Information**

**1. REQUESTED ACTION:**

**Rezoning Case No. 19-09:** Dahl, Robins and Associates, Inc., agent for Yuma Irrigation District, requests the rezoning of a 7.05 acre portion of a parcel 107.81 gross acres in size from Rural Area-20 acre minimum (RA-20) to Heavy Industrial-8,000 square feet minimum (HI-8,000), Assessor's Parcel Number 182-28-004, located in the vicinity of the southeast corner of Avenue 12E and County 8th Street, Yuma, Arizona.

**2. INTENT:**

The intent to split the parcel for industrial uses. Minor Amendment Case (2019-MA-02) to change the land use designation to Industrial has been processed for this rezoning case.

**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 listed in the attached staff report.

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**Attachments**

Att: Staff Report

Att: Zoning Map

Att: Exhibit A Site Plan

Att: Development Standards Checklist

Att: Comments

Att: MCAS Comments

Att: Planning Commission Minutes

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## STAFF REPORT TO THE COMMISSION

January 28, 2020

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

**REQUEST:** Rezone a 7.05 acre portion of a parcel 107.81 gross acres in size from Rural Area-20 acre minimum (RA-20) to Heavy Industrial-8,000 square feet minimum (HI-8,000), Assessor's Parcel Number 182-28-004, located in the vicinity of the southeast corner of Avenue 12E (alignment) and County 8<sup>th</sup> Street (alignment), Yuma, Arizona.

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

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

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

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### **INTENT:**

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

### **CURRENT CONDITIONS:**

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

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

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

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

The purpose of the Heavy Industrial district to permit heavy industrial uses and related activities in suitable locations to protect residential and commercial districts from uses which may create noise, smoke, odor, dust, or other objectionable influences.

The subject property is located in the North Gila Planning Area of the 2020 Comprehensive Plan. A time of redaction of this staff report, the land use designation is Agriculture/Rural Residential (A-RR). The A-RR designation supports resource conservation districts and reserves with emphasis on preserving farm communities and character. Recognizing land with potential to be divided into rural lots that are compatible with continued agricultural use on surrounding parcels. Acknowledge residential character and allow for division into rural lots. Minimum parcel size of 10 acres. Minor Amendment Case Number 2019-MA-02 will be (was) heard by the Board of Supervisors on January 22, 2020 to allow the rezoning of a portion of the property from RA-20 to HI-8,000.

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

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

### **CRITICAL ISSUES:**

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

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

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

**SUMMARY NOTES:**

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

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

- None received as of December 18, 2019.

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

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

**CHRONOLOGY:**

- |          |  |
|----------|--|
| 09-20-19 | Application received   |
| 11-06-19 | Legal ad appears in the Yuma Sun for the Planning Commission's public hearing  |
| 11-08-19 | Property posted for the Planning Commission's public hearing   |
| 11-08-19 | Public notice mailed to properties within 300 feet of the request, the City of Yuma and all relevant agencies/stakeholders   |
| 11-08-19 | Letter mailed informing applicant of item being placed on Planning Commission's public hearing agenda  |
| 11-15-19 | Staff report mailed to applicant and/or agent  |
| 11-26-19 | Planning Commission recommends approval  |
| 12-13-19 | Determination to schedule the case for another Planning Commission's public hearing due to incompleteness in the application with regards to the requested zoning district |
| 01-09-20 | Legal ad appears in the Yuma Sun for the Planning Commission's public hearing  |
| 01-10-20 | Property posted for the Planning Commission's public hearing   |
| 01-10-20 | Public notice mailed to properties within 300 feet of the request, the City of Yuma and all relevant agencies/stakeholders   |
| 01-10-20 | Letter mailed informing applicant of item being placed on Planning Commission's public hearing agenda  |

01-17-20 Staff report mailed to applicant and/or agent

01-28-20 Planning Commission's public hearing

**RECOMMENDATION:**

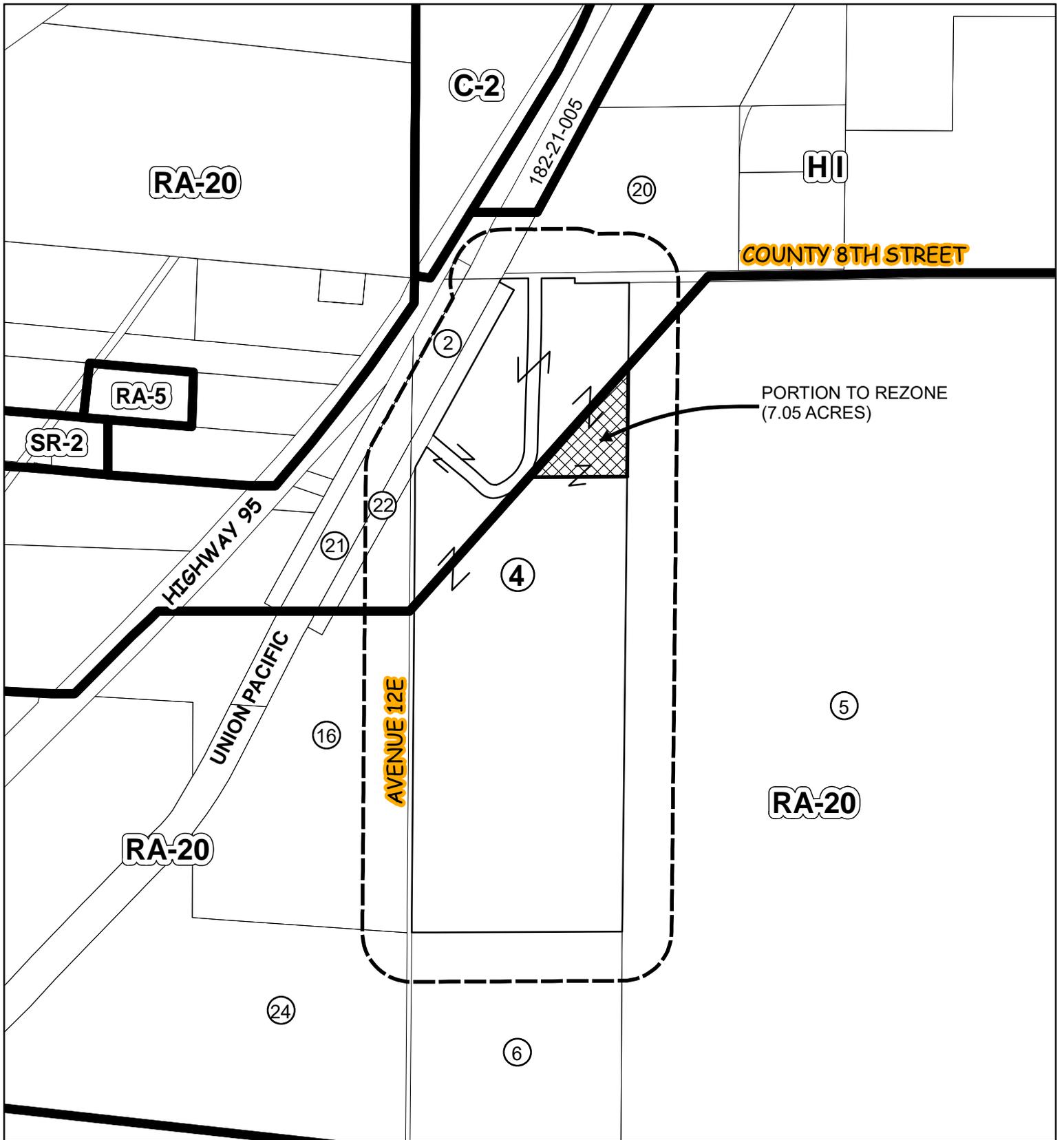
Staff recommends approval of this request based on the request being within the range of identified uses, densities and intensities of the Comprehensive Plan subject to the following Performance Condition and Schedule for Development:

**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 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 or agent shall split the property by means of a Land Division Permit in accordance with Section 507.00 of the Yuma County Zoning Ordinance.



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

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

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

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

**SCALE**  
1" = 800"



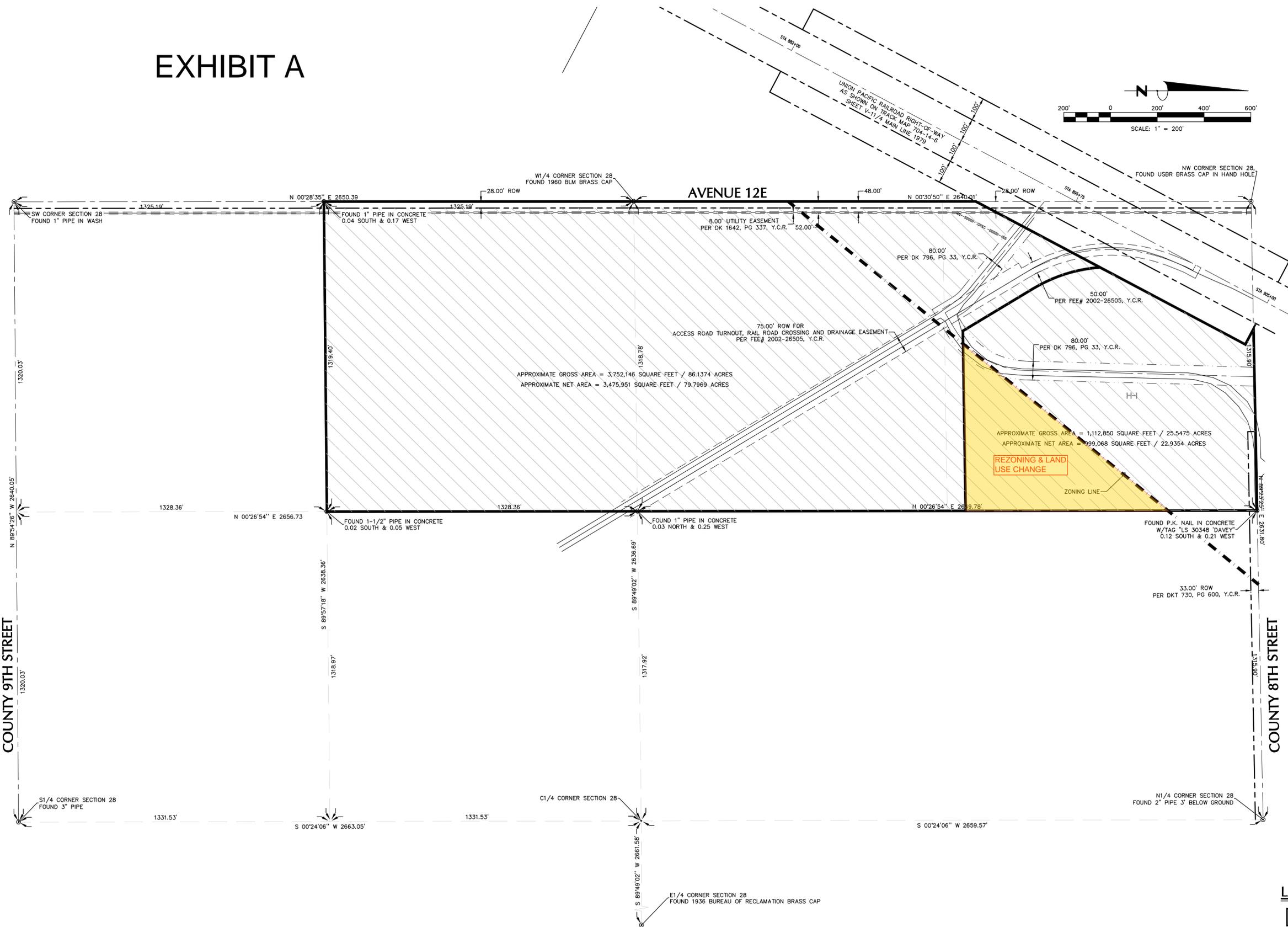
**Legend**

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

# YID LAND DIVISION (LDP XX-XX)

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

## EXHIBIT A



### LEGEND

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

### SITE CONSTRAINT

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

### BASIS OF BEARINGS

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

### CURRENT ZONING

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

### OWNER OF RECORD

YUMA IRRIGATION DISTRICT  
9510 AVENUE 7E  
YUMA, AZ 85365

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

### ACKNOWLEDGEMENT

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

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

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

### APPROVED

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

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

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

### DATE OF PREPARATION

APRIL 2019

### LAND SURVEYOR

LAND DIVISION PERMIT No. XX-XX



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

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

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

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

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

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

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

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

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

**TOTAL SCORE**

**295**

**MAXIMUM POSSIBLE SCORE**

**300**

**HIGH SCORE**

Total score is 275 to 300.

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

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

**MODERATE SCORE**

Total score is 250 to 274.

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

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

**LOW SCORE**

Total score is 249 or less

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

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

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

Date: 10/10/19 ver. 1

**295**



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 24, 2019

PATRICK HEADINGTON.

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

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

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

PUBLIC HEARING: November 26, 2019

COMMENTS DUE: October 3, 2019

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

COMMENT

NO COMMENT

DATE: 9/24/19

NAME: [Signature]

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



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 24, 2019

DAVID CONARRUBIAS

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

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

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PUBLIC HEARING: November 26, 2019

COMMENTS DUE: October 3, 2019

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COMMENT

NO COMMENT

DATE: 09/27/2019 NAME: David Conarrubias

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



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 24, 2019

ARTURO ALVAREZ

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

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

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PUBLIC HEARING: November 26, 2019

COMMENTS DUE: October 3, 2019

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COMMENT

NO COMMENT

DATE: 10/2/19

NAME: Arturo Alvarez

RETURN TO:

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



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 24, 2019

DAVID GRIFFIN.

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

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

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PUBLIC HEARING: November 26, 2019

COMMENTS DUE: October 3, 2019

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

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COMMENT       NO COMMENT  
*NOTHING FOUND IN REGARDS TO VIOLATIONS*

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

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



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 24, 2019

GEORGE AMAYA.

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

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

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PUBLIC HEARING: November 26, 2019

COMMENTS DUE: October 3, 2019

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

COMMENT

NO COMMENT

DATE: 9/24/19

NAME: *[Signature]*

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



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

September 24, 2019

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

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

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

**PUBLIC HEARING:** November 26, 2019

**COMMENTS DUE:** October 3, 2019

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

COMMENT                       NO COMMENT

The subject parcel for Minor Amendment 2019-MA-02 and Rezoning Case 19-09 is located within a flight path for MCAS Yuma and the Barry M. Goldwater Range. It is requested that an avigation easement be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma/Yuma International Airport Aviation Complex and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA\_CPLO@usmc.mil. Thank you for the opportunity to comment \*

DATE: 22 Nov 2019                      NAME: Mary Ellen Finch, MCAS Yuma CP&L 928-269-2103 *Mary Ellen Finch*  
\* Original Request for comments was lost in computer hard drive crash.

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

**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. Wherle had requested lot tie maps for recorded and unrecorded subdivisions.

Planning Director Maggie Castro, AICP stated Mr. Wherle 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.**

Yuma County  
Planning & Zoning  
Commission

Item No. 7

**AIR-9551**

**7.**

**P&Z Commission Agenda**

**Meeting Date:** 01/28/2020

**Submitted For:** Maggie Castro

**Submitted By:** Juan Leal-Rubio

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

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**Information**

**1. REQUESTED ACTION:**

**Rezoning Case No. 19-12:** Leticia Guillermo, agent for Greenview Development, requests the rezoning of a parcel 5.0 gross acres in size from Suburban Site Built-5 acre minimum (SSB-5) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 212-01-022, located at the southwest corner of Avenue 3<sup>3</sup>/<sub>4</sub>E and County 16<sup>1</sup>/<sub>2</sub> Street, Yuma, Arizona.

**2. INTENT:**

The intent is to create two parcels for single family residences.

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

**4. STAFF'S RECOMMENDATION:**

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

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**Attachments**

Staff Report

Case Map

Exhibit A-Site Plan

Dev Eval Checklist

Internal Comments

External Comments

Standar C-Gravel Road

Fire Access Policy

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## STAFF REPORT TO THE COMMISSION

January 28, 2020

### Rezoning Case No. 19-12

**REQUEST:** Rezone a parcel 5.0 gross acres in size from Suburban Site Built-5 acre minimum (SSB-5) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 212-01-022, located at the southwest corner of Avenue 3<sup>3</sup>/<sub>4</sub>E and County 16<sup>1</sup>/<sub>2</sub> Street, Yuma, Arizona.

**APPLICANT:** Leticia Guillermo, agent for Greenview Development.

Application is within Supervisor District 4: Marco A. "Tony" Reyes; Commissioners Matias Rosales and Gary Black. Staff report prepared by Juan Leal Rubio, Senior Planner.

**DIRECTIONS:** From the intersection of Avenue 4E and County 16<sup>1</sup>/<sub>2</sub> Street, travel west on County 16<sup>1</sup>/<sub>2</sub> Street for <sup>1</sup>/<sub>4</sub> mile to Avenue 3<sup>3</sup>/<sub>4</sub> E. The subject property is located on the southwest corner of the intersection of Avenue 3<sup>3</sup>/<sub>4</sub>E and County 16<sup>1</sup>/<sub>2</sub> Street at 16510 South Avenue 3<sup>3</sup>/<sub>4</sub> E.

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### **INTENT:**

The intent is to create two parcels for single family residences.

### **SITE CONDITIONS:**

The subject property currently has a site built home under construction on the east half. The west half of the parcel is vacant. There is a concrete-lined irrigation ditch along the west side of the subject property.

Physical and legal access to the subject property is along County 16<sup>1</sup>/<sub>2</sub> Street, an unimproved dirt road with segments varying between 20 to 40 feet of dedicated right-of-way.

**Surrounding zoning and land uses within the 300 foot radius of the subject property:** Parcel 7 located to the northeast is zoned Rural Area-10 acre minimum (RA-10) and is in alfalfa production. Parcel 14 located to the north is zoned Suburban Ranch-2 acre minimum (SR-2) and is in date palms. Parcel 13 to the northwest is also zoned SR-2 and is vacant. Parcel 12 also located to the northwest is zoned SR-2 and is developed with a site built home. Parcels 32 and 31 to the west and southwest, respectively, are zoned SSB-5 and are developed with site built homes. Parcel 23 to the south is zoned SSB-5 and is vacant. Parcel 51 to the southeast is zoned Suburban Ranch-4 acre minimum (SR-4) and is vacant. Parcel 48 to the east is zoned SR-4 and is developed with a site built home.

The SSB-2 zoning district is intended 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 Yuma Mesa Planning Area of the 2020 Comprehensive Plan and is designated as Rural Density Residential (R-RD). The R-RD land use designation supports residential uses and densities that are rural in nature. The density allowed in the R-RD land use designation is one dwelling unit per two acres to one dwelling unit per ten acres. This request is within the range of identified uses, densities, and intensities of the 2020 Comprehensive Plan.

The subject property is located within the Yuma Elementary School District No.1, and the Yuma Union High School District No. 70. The elementary school for this location is James B. Rolle Elementary School located at 2711 South Engler Avenue, approximately 9.0 miles from the subject property, and the high school for this location is Kofa High School located at 3100 South Avenue A and approximately 11.0 miles from the subject property. The Arizona School Facilities Board published an Average Daily Membership (ADM) yield factor based on Census 2010 data that can be used to calculate an approximation of student population generated by the proposed residential development. The ADM yield factor is a close equivalent to the number of district school students a house unit produces. In this area of Yuma County, the two residential lot development can potentially add one student to Yuma School District No. 1 and one student to Yuma Union High School District No. 70 at build-out according to the ADM yield factor.

The subject property is located outside the noise zones, but it is located in the Territory in the Vicinity of a Military Airport. It is also located within one mile from the Barry M. Goldwater Range (BMGR). The BMGR land use limitation in the 2020 Comprehensive Plan allows for residential densities no greater than 2 acres per lot/parcel for properties within ½ to one mile from the BMGR in this part of Yuma County.

The subject property is within the ten-minute response time radius by the Yuma County Sheriff's Main Station located at 141 South 3<sup>rd</sup> Avenue in Yuma which is approximately 13.0 driving miles.

### **CRITICAL ISSUES:**

The subject property is not within the six-minute response time radius by Rural Metro Station No. 8 located at 15865 South Avenue A in Somerton which is approximately 5.5 driving miles away from the property.

The subject property is located within the Yuma Metropolitan Air Pollution District which is designated "non-attainment" for PM<sub>10</sub> by the U.S. Environmental Protection Agency. The PM<sub>10</sub> State Implementation Plan (SIP) specifically recommends that Yuma County limit the intensity of use of dirt roads. Yuma County has adopted Reasonable Available Control Measures (RACMs) for the purpose of reducing pollutant emissions resulting in improved air quality. The RACMs implemented paving, stabilizing, and/or reducing travel on unpaved streets, roads, and unpaved areas. Physical access to the subject property is along County 16½ Street, an unimproved dirt road with segments varying between 20 and 40 feet of dedicated right-of-way. Approval of this request may create an increase in dust, however, improvements to the main access road will be addressed as part of the Schedule for Development for this proposal in order to help mitigate dust created by vehicles travelling in and out of the subject property.

The U. S. Department of Agriculture Important Farmland Map designates the subject area as “Farmland Of Unique Importance” which includes land which does not meet the criteria for Prime Farmland or Farmland of Statewide Importance that has been used for the production of specific high economic value crops at some time during the two update cycles prior to the mapping date. The soil type is classified as Rositas Sand. Permeability of these type of soils is rapid. Potential depth is 60 inches or more. Available water capacity is low. This soil type is moderately limited for urban development and for septic tank absorption fields.

Public water and sanitation services are not available in the area of the subject property. A septic system and water well will be needed when developing the property.

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

- Yuma County Zoning Ordinance
- Yuma County Comprehensive Building Code
- 2003 International Fire Code
- Environmental Health Laws (ARS Titles 36 and 49)
- Yuma County Flood Control District
- Yuma County Public Works Standards Volumes I, II and III

### **SUMMARY NOTES:**

SUPPORT STAFF SUMMARY: The application is on file along with the comments from Yuma County staff. Building Safety commented that an all-weather access road shall be provided for emergency vehicles. Various other internal agencies responded with a "no comment" or "no objection" and are on file.

### **LETTERS OF SUPPORT, OPPOSITION, AGENCY, MILITARY, SPECIAL INTEREST, etc:**

- Gen Grosse, Yuma County Airport Authority, offered the following comment: While the subject property lies less than one mile from the Barry M. Goldwater Range, it is requested an Avigation Easement and Range Disclosure Statements be sent to MCASYUMA\_CPLO@usmc.mil recognizing noise, interference or vibrations due to aviation operations may occur at the Yuma International Airport/Marine Corps Air Station Yuma.
- Mary Ellen Finch, MCAS-Yuma, offered the following comment: The subject parcel is located approximately .77 miles from the western boundary of the Barry M. Goldwater Range West (BMGR-W) and as such is subject to the requirements of the BMGR Buffer Zone. Within this location an acceptable density is 1 home per 2 acres however it is requested that Avigation easement and Range Disclosure Statements be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma/Yuma International Airport Aviation Complex/BMGR –W Range and its associated flight paths...
- Various other external agencies responded with a "no comment" or "no objection" and are on file.

Staff has not received any other comments as of December 30, 2019.

**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.

The Development Evaluation Checklist score is less than 300 due primarily to the following factors: 1) The project will increase PM<sub>10</sub> (particulate matter 10 microns or less diameter) or other air pollution levels in the vicinity, 2) Access to the site is via a non-paved surface, and 3) The site is not located within the 10-minute sheriff response area or the 6-minutes fire-ambulance response area.

**CHRONOLOGY:**

- 11-08-19 Application received
- 01-07-20 Legal ad appears in the Yuma Sun for the Planning Commission’s public hearing
- 01-08-20 Property posted for Planning Commission’s public hearing
- 01-10-20 Public notice mailed to properties within 300 feet of the request, the City of Yuma, and all relevant agencies/stakeholders
- 01-17-20 Staff report and letter mailed informing applicant of item being placed on the Planning Commission’s public hearing agenda
- 01-28-20 Planning Commission's public hearing

**RECOMMENDATION:**

Staff recommends approval of this request based on: 1) The proposed use is compatible with surrounding zoning and land uses; 2) The proposed use is within the range of identified uses, densities and intensities of the 2020 Comprehensive Plan. Staff recommends attaching the following Performance Condition and Schedule for Development:

**Performance Condition.**

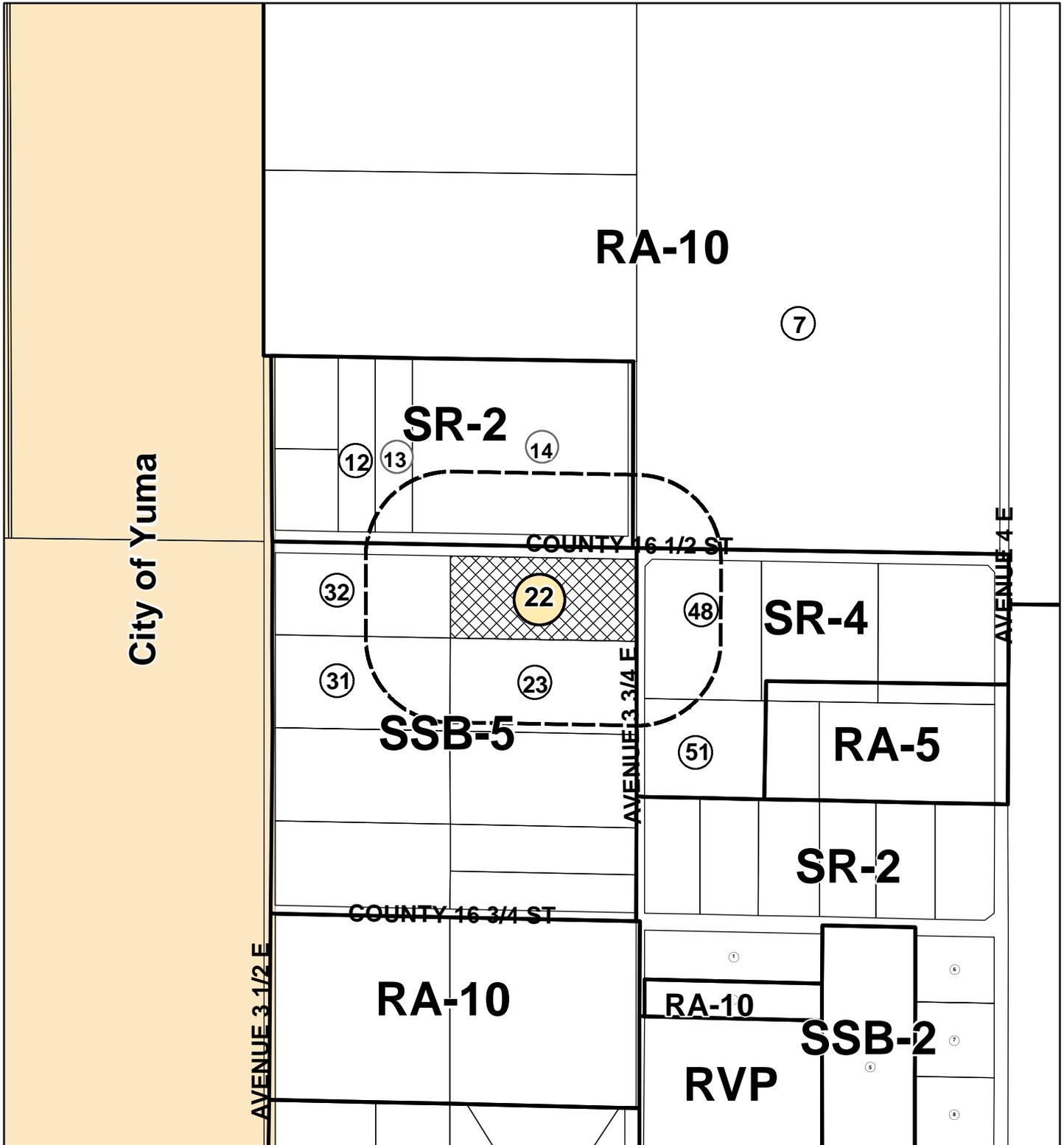
1. The owner shall submit the following documents to the Department of Development Services within 60 days of approval of this rezoning case by the Board of Supervisors.
  - a. A signed and notarized A.R.S. §12-1134 waiver
  - b. A recorded agricultural disclosure statement.
  - c. A recorded avigation disclosure statement.
  - d. A recorded range disclosure statement.
  - e. An recorded infrastructure disclosure statement. Yuma County will be held harmless and not obligated to make improvements to the roadway infrastructure supporting the subject property.
  - f. A recorded Schedule for Development disclosure statement.

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

1. And prior to approval of a Land Division Permit, the owner shall apply for and obtain a Grading Permit from the Department of Development Services to improve the ingress/egress easement

referred to in item 3 of the Schedule for Development with a gravel roadway (refer to attached Standard C-Gravel Roadway).

2. The property shall be split in accordance with the attached site plan labeled as "Exhibit A" by means of a Land Division Permit in accordance with Section 507.00 of the Yuma County Zoning Ordinance and an ingress/egress easement 20 feet in width along the north property line shall be recorded.
3. The owner shall submit certification from a licensed engineer confirming the gravel roadway referred to in item 1 of the Schedule for Development was constructed according to Standard C-Gravel Roadway.
4. And prior to development of any of the future parcels, whichever occurs first, all lots resulting from the proposed land division shall be provided with the means of irrigation and 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:** RZ19-12  
**LOCATION:** SW Corner Ave 3-3/4E & Co.16-1/2 Street  
**APN(s):** 212-01-022

**CASE PLANNER:** J. Leal Rubio  
**DATE DRAWN:** 11-18-2019  
**REVIEWED BY:** N/A

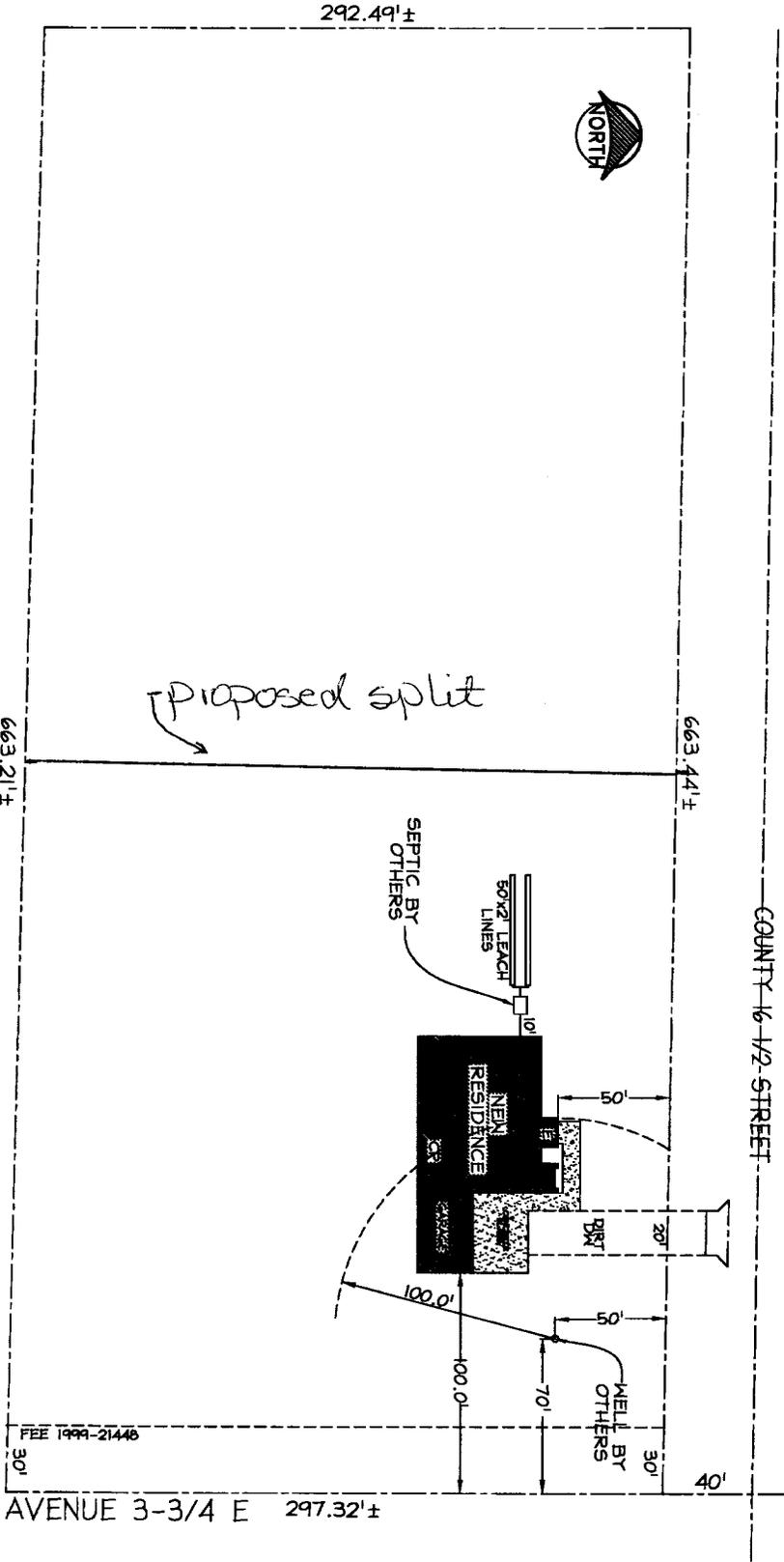


SCALE: 1" = 500'

**Legend**

- 300' BUFFER
- SUBJECT PROPERTY
- Zoning Boundary

EXHIBIT A



**SITE PLAN**  
APN: 212-01-022  
SCALE: 1"=50'

FEE 1999-21446

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

Case No.: RZ19-12

Owner/Agent: Greenview/Williams

Current Zoning: SSB-5

Proposed Zoning: SSB-2

Acreage:

5

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

		YES	NO	SCORE
1	The proposal is consistent with the Yuma County 2010 Comprehensive Plan, Joint Land Use Plan (JLUP), 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 2010 Comprehensive Plan.	0	10	10
3	The proposed use is consistent and compatible with overlay zoning districts applicable to the subject parcel such as the Airport District, Gila Mountain, or Visual Corridor overlay zones.	10	0	10

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

4	The proposed use is the same or similar to the uses in the surrounding vicinity.	25	0	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.	15	10	15

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

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

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

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

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

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

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

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

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

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

23	Physical access to the site is traversable by a two-wheel drive passenger motor vehicle.	15	0	15
24	Access to or within the site is via a non-paved surface (which increases the amount of particulates such as soot or dust in the air).	5	0	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.).	5	5	5

26	A legal public right of vehicular ingress and egress exists to and from the parcel.	10	0	10
27	The proposed land use is an allowed use according to the Yuma County Zoning Ordinance Airport District Land Use Matrix.	10	0	10
28	Elementary, middle, and high schools serving the subject property will be able to accommodate any projected enrollment increases within existing capacities.	10	0	10
<b>TOTAL SCORE</b>				<b>275</b>
<b>MAXIMUM POSSIBLE SCORE</b>				<b>300</b>

**HIGH SCORE**

Total score is 275 to 300.

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

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

**MODERATE SCORE**

Total score is 250 to 274.

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

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

**LOW SCORE**

Total score is 249 or less

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

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

Prepared by: Juan Leal Rubio



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

November 18, 2019

**CASE NUMBER:** Rezoning Case No. 19-12

**PROJECT DESCRIPTION:** Leticia Guillermo, agent for Greenview Development, requests the rezoning of a parcel 5.0 gross acres in size from Suburban Site Built-5 acre minimum (SSB-5) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 212-01-022, located at the southwest corner of Avenue 3¾E and County 16½ Street, Yuma, Arizona.

**PROJECT SUMMARY:** The applicant intends to rezone the subject property to allow single family residences on parcels no less than 2.5 acres in size.

**PUBLIC HEARING:** Tentatively scheduled for 1/28/19

**COMMENTS DUE:** ASAP

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

Thank you,

Juan Leal Rubio  
Case Planner  
Senior Planner

Attachments: Case Map

COMMENT  NO COMMENT

All weather access road for emergency vehicle shall be installed in accordance with the 2003 International Fire Code and current policy.

DATE: 11/18/2019 **PRINTED NAME:** PH

AGENCY/DIVISION: Building Safety

RETURN TO: Juan Leal Rubio  
2351 West 26th Street  
Yuma, Arizona 85364  
Fax: (928)817-5157  
Juan.Leal-Rubio@yumacountyaz.gov



**From:** [Joe Wehrle](#)  
**To:** [Juan Leal Rubio](#)  
**Subject:** RE: RFC--Rezoning Case No. 19-12  
**Date:** Monday, December 2, 2019 12:24:55 PM

---

Thanks for straightening me out on that. In that case I have no objections or concerns for the proposed rezoning.

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

---

**From:** Juan Leal Rubio  
**Sent:** Monday, December 02, 2019 12:15 PM  
**To:** Joe Wehrle <[Joe.Wehrle@yumacountyaz.gov](mailto:Joe.Wehrle@yumacountyaz.gov)>  
**Subject:** RE: RFC--Rezoning Case No. 19-12

Joe, this is not a LDP but a rezoning case. If the Rz case is approved, the applicant will have to apply for a LDP with the map showing all the information you mentioned below and more.

---

**From:** Joe Wehrle  
**Sent:** Monday, December 2, 2019 12:13 PM  
**To:** Juan Leal Rubio <[Juan.Leal-Rubio@yumacountyaz.gov](mailto:Juan.Leal-Rubio@yumacountyaz.gov)>  
**Subject:** RE: RFC--Rezoning Case No. 19-12

Juan,

The plat that has been submitted has no dimensions as to where the proposed lot line division is. There is no proposed lot numbers or letters. There is no title block. It is not suitable for recording. I thought these plats had to be prepared by a licensed surveyor or engineer?

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

---

**From:** Juan Leal Rubio  
**Sent:** Monday, November 18, 2019 4:26 PM  
**To:** [Anne.camacho@aps.com](mailto:Anne.camacho@aps.com); [grcopeland@antelopeunion.org](mailto:grcopeland@antelopeunion.org); [Wellton@town.wellton.az.us](mailto:Wellton@town.wellton.az.us); [BKnowles@azgfd.gov](mailto:BKnowles@azgfd.gov); [rjasm09@msn.com](mailto:rjasm09@msn.com); [Bfenske@azdot.gov](mailto:Bfenske@azdot.gov); [carmenj@cityofsomerton.com](mailto:carmenj@cityofsomerton.com);

[chuck.wullenjohn@us.army.mil](mailto:chuck.wullenjohn@us.army.mil); [bklee@craneschools.org](mailto:bklee@craneschools.org); [agui2400@yahoo.com](mailto:agui2400@yahoo.com);  
[Gen@yumaairport.com](mailto:Gen@yumaairport.com); [gramirez@azdot.gov](mailto:gramirez@azdot.gov); [IGarcia@azdot.gov](mailto:IGarcia@azdot.gov); [Jeff\\_humphrey@fws.gov](mailto:Jeff_humphrey@fws.gov);  
[jennifer.albers@yumaaz.gov](mailto:jennifer.albers@yumaaz.gov); [esperodriguez@ssd11.org](mailto:esperodriguez@ssd11.org); [jcampa@cityofsanluis.org](mailto:jcampa@cityofsanluis.org);  
[JTHEidrich@aol.com](mailto:JTHEidrich@aol.com); [mstraub@wmidd.org](mailto:mstraub@wmidd.org); [sjohnson@mohawk17.org](mailto:sjohnson@mohawk17.org);  
[MCASYUMA\\_CPLO@usmc.mil](mailto:MCASYUMA_CPLO@usmc.mil); [rmolenaar@yumasun.com](mailto:rmolenaar@yumasun.com); [Rick.rohrick@swgas.com](mailto:Rick.rohrick@swgas.com);  
[bryank@unitBIRR.com](mailto:bryank@unitBIRR.com); Tom Tyree <[TTyree@APSCC.ORG](mailto:TTyree@APSCC.ORG)>; [yid@mindspring.com](mailto:yid@mindspring.com);  
[Pmorgan@ymidd.org](mailto:Pmorgan@ymidd.org); [gthompson@yumaunion.org](mailto:gthompson@yumaunion.org); [Cgutierrez@ympo.org](mailto:Cgutierrez@ympo.org);  
[daniel.m.steward.civ@mail.mil](mailto:daniel.m.steward.civ@mail.mil); [Stephanie.Laborin@aps.com](mailto:Stephanie.Laborin@aps.com); Joe Wehrle  
<[Joe.Wehrle@yumacountyaz.gov](mailto:Joe.Wehrle@yumacountyaz.gov)>; [jmacdona@blm.gov](mailto:jmacdona@blm.gov); [judith.e.movilla.civ@mail.mil](mailto:judith.e.movilla.civ@mail.mil);  
[lkillman@town.wellton.az.us](mailto:lkillman@town.wellton.az.us); [info@ssd11.org](mailto:info@ssd11.org); [Robert.blevins@yumaaz.gov](mailto:Robert.blevins@yumaaz.gov);  
[sfajardo@mohawk17.org](mailto:sfajardo@mohawk17.org); [tony.lomboy@charter.com](mailto:tony.lomboy@charter.com); [usarmy.ypg.atec.list.public-affairs-office@mail.mil](mailto:usarmy.ypg.atec.list.public-affairs-office@mail.mil);  
[openunuri@ycwua.org](mailto:openunuri@ycwua.org); [golivas@yumaunion.org](mailto:golivas@yumaunion.org); [stephen.eckert@azwestern.edu](mailto:stephen.eckert@azwestern.edu);  
Javier Barraza <[Javier.Barraza@yumacountyaz.gov](mailto:Javier.Barraza@yumacountyaz.gov)>; Fernando Villegas  
<[Fernando.Villegas@yumacountyaz.gov](mailto:Fernando.Villegas@yumacountyaz.gov)>; Tricia Ramdass <[Tricia.Ramdass@yumacountyaz.gov](mailto:Tricia.Ramdass@yumacountyaz.gov)>;  
Arturo Alvarez <[Arturo.Alvarez@yumacountyaz.gov](mailto:Arturo.Alvarez@yumacountyaz.gov)>; Rachel Stallworth  
<[Rachel.Stallworth@yumacountyaz.gov](mailto:Rachel.Stallworth@yumacountyaz.gov)>; George Amaya <[George.Amaya@yumacountyaz.gov](mailto:George.Amaya@yumacountyaz.gov)>;  
[joseph.a.garcia46.civ@mail.mil](mailto:joseph.a.garcia46.civ@mail.mil); [bobette.m.bauermann.civ@mail.mil](mailto:bobette.m.bauermann.civ@mail.mil); [Mary.e.finch@usmc.mil](mailto:Mary.e.finch@usmc.mil);  
[jperez@cityofsanluis.org](mailto:jperez@cityofsanluis.org); [kleonard@azstateparks.gov](mailto:kleonard@azstateparks.gov); [Ed.Alupay@CenturyLink.com](mailto:Ed.Alupay@CenturyLink.com);  
[contact@ngvidd.com](mailto:contact@ngvidd.com); [egrubaug@wmidd.org](mailto:egrubaug@wmidd.org); [LCVALDEZ@UP.COM](mailto:LCVALDEZ@UP.COM); Pat Headington  
<[Pat.Headington@yumacountyaz.gov](mailto:Pat.Headington@yumacountyaz.gov)>

**Subject:** RFC--Rezoning Case No. 19-12

Please view the attached proposal and let me know if you have any questions or comments.

Thanks,



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

November 18, 2019

**CASE NUMBER:** Rezoning Case No. 19-12

**PROJECT DESCRIPTION:** Leticia Guillermo, agent for Greenview Development, requests the rezoning of a parcel 5.0 gross acres in size from Suburban Site Built-5 acre minimum (SSB-5) to Suburban Site Built-2 acre minimum (SSB-2), Assessor’s Parcel Number 212-01-022, located at the southwest corner of Avenue 3¾E and County 16½ Street, Yuma, Arizona.

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**PUBLIC HEARING:** Tentatively scheduled for 1/28/19

**COMMENTS DUE:** ASAP

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

Thank you,

Juan Leal Rubio  
Case Planner  
Senior Planner

Attachments: Case Map

COMMENT                       NO COMMENT

The subject parcel is located approximately .77 miles from the western boundary of the Barry M. Goldwater Range West (BMGR-W) and as such is subject to the requirements of the BMGR Buffer Zone. Within this location an acceptable density is 1 home per 2 acres however it is requested that Aviation easement and Range Disclosure Statements be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma/Yuma International Airport Aviation Complex/BMGR –W Range and its associated flight paths. Please send a copy of the recorded easements to MCASYUMA\_CPLO@usmc.mil. Thank you for the opportunity to comment

DATE: 21 Nov 2019

PRINTED NAME: Mary Ellen Finch, 928-269-2103

AGENCY/DIVISION: MCAS Yuma CP&L

RETURN TO: Juan Leal Rubio



**From:** [YCWUA Planning](#)  
**To:** [Juan Leal Rubio](#)  
**Cc:** [planning@ycwua.org](mailto:planning@ycwua.org)  
**Subject:** Re: RFC--Rezoning Case No. 19-12  
**Date:** Tuesday, November 19, 2019 6:18:55 AM

---

Hi Juan,

The YCWUA does not have any comments about this case.

Thanks!

Omar Peñuñuri  
Yuma County Water Users' Association

On 11/18/2019 4:25 PM, Juan Leal Rubio wrote:

Please view the attached proposal and let me know if you have any questions or comments.

Thanks,

**From:** [Pat Morgan](#)  
**To:** [Juan Leal Rubio](#)  
**Subject:** RE: RFC--Rezoning Case No. 19-12  
**Date:** Tuesday, November 19, 2019 9:36:27 AM

---

YMIDD has no comment on Rezoning Case No. 19-12

Patrick L. Morgan

Manager

---

**From:** Juan Leal Rubio [mailto:Juan.Leal-Rubio@yumacountyaz.gov]

**Sent:** Monday, November 18, 2019 4:26 PM

**To:** Anne.camacho@aps.com; grcopeland@antelopeunion.org; Wellton@town.wellton.az.us; BKnowles@azgfd.gov; rjasm09@msn.com; Bfenske@azdot.gov; carmenj@cityofsomerton.com; chuck.wullenjohn@us.army.mil; bkleee@craneschools.org; agui2400@yahoo.com; Gen@yumaairport.com; gramirez@azdot.gov; IGarcia@azdot.gov; Jeff\_humphrey@fws.gov; jennifer.albers@yumaaz.gov; esperodriguez@ssd11.org; jcampa@cityofsanluis.org; JTheidrich@aol.com; mstraub@wmidd.org; sjohnson@mohawk17.org; MCASYUMA\_CPLO@usmc.mil; rmolenaar@yumasun.com; Rick.rohrick@swgas.com; bryank@unitBIRR.com; Tom Tyree <TTyree@APSCC.ORG>; yid@mindspring.com; Pmorgan@ymidd.org; gthompson@yumaunion.org; Cgutierrez@ympo.org; daniel.m.steward.civ@mail.mil; Stephanie.Laborin@aps.com; Joe Wehrle <Joe.Wehrle@yumacountyaz.gov>; jmacdona@blm.gov; judith.e.movilla.civ@mail.mil; lkillman@town.wellton.az.us; info@ssd11.org; Robert.blevins@yumaaz.gov; sfajardo@mohawk17.org; tony.lombay@charter.com; usarmy.ypg.atec.list.public-affairs-office@mail.mil; openunuri@ycwua.org; golivas@yumaunion.org; stephen.eckert@azwestern.edu; Javier Barraza <Javier.Barraza@yumacountyaz.gov>; Fernando Villegas <Fernando.Villegas@yumacountyaz.gov>; Tricia Ramdass <Tricia.Ramdass@yumacountyaz.gov>; Arturo Alvarez <Arturo.Alvarez@yumacountyaz.gov>; Rachel Stallworth <Rachel.Stallworth@yumacountyaz.gov>; George Amaya <George.Amaya@yumacountyaz.gov>; joseph.a.garcia46.civ@mail.mil; bobette.m.bauermann.civ@mail.mil; Mary.e.finch@usmc.mil; jperez@cityofsanluis.org; kleonard@azstateparks.gov; Ed.Alupay@CenturyLink.com; contact@ngvidd.com; egrubaugh@wmidd.org; LCVAlDEZ@UP.COM; Pat Headington <Pat.Headington@yumacountyaz.gov>

**Subject:** RFC--Rezoning Case No. 19-12

Please view the attached proposal and let me know if you have any questions or comments.

Thanks,



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

November 18, 2019

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**COMMENTS DUE:** ASAP

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

Thank you,

Juan Leal Rubio  
Case Planner  
Senior Planner

Attachments: Case Map

---

---

COMMENT

NO COMMENT

---

DATE: 19th November 2019 **PRINTED NAME:** Bobette Bauermann

AGENCY/DIVISION: Master Planning/ YPG

RETURN TO: Juan Leal Rubio  
2351 West 26th Street  
Yuma, Arizona 85364  
Fax: (928)817-5157  
Juan.Leal-Rubio@yumacountyaz.gov





YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

November 18, 2019

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Thank you,

Juan Leal Rubio  
Case Planner  
Senior Planner

Attachments: Case Map

COMMENT       NO COMMENT

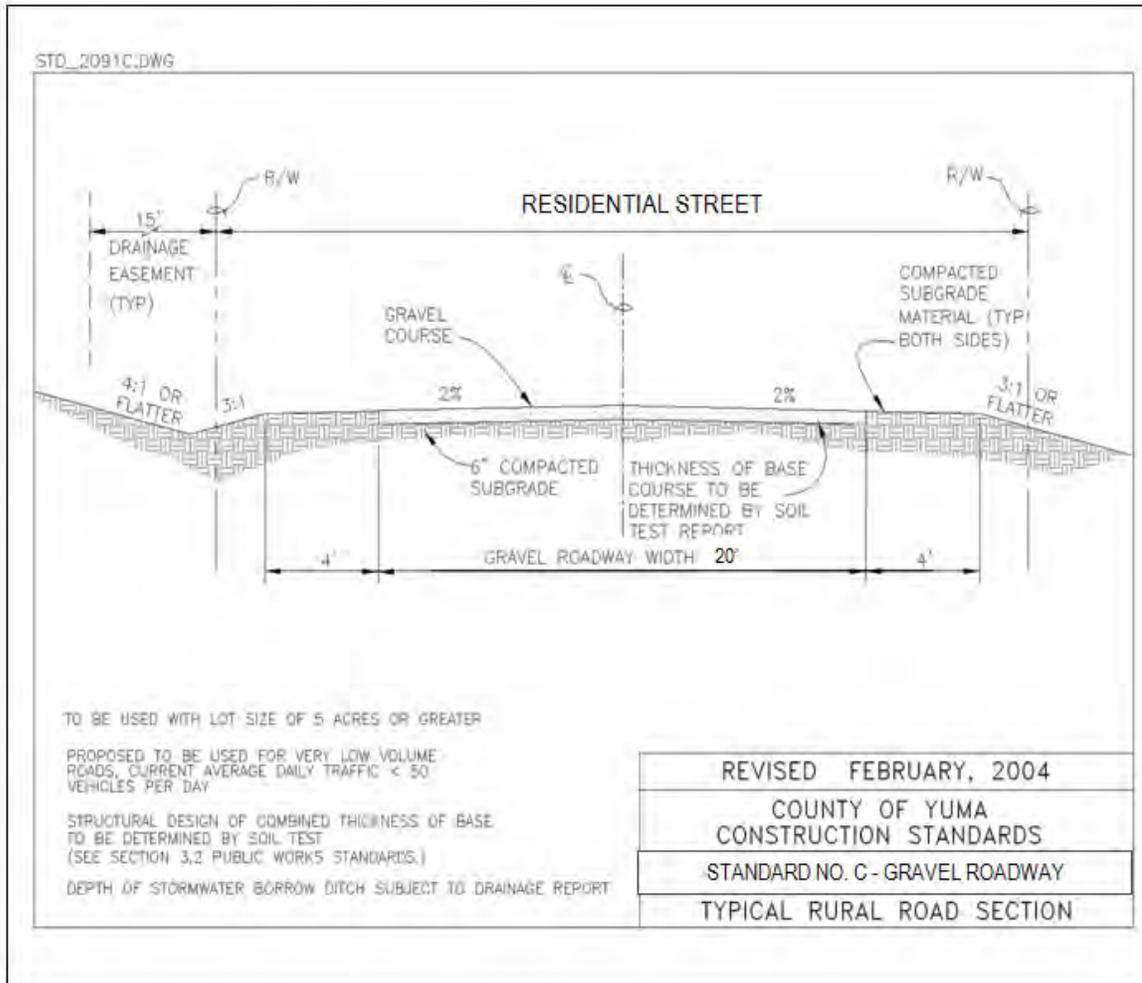
While the subject property lies less than one mile from the Barry M. Goldwater Range, it is requested an Avigation Easement and Range Disclosure Statements be sent to MCASYUMA\_CPLO@usmc.mil recognizing noise, interference or vibrations due to aviation operations may occur at the Yuma International Airport/Marine Corps Air Station Yuma.

DATE: 11/22/19      **PRINTED NAME:** Gen Grosse, Property/Community Relations

AGENCY/DIVISION: Yuma County Airport Authority

RETURN TO:      Juan Leal Rubio  
2351 West 26th Street  
Yuma, Arizona 85364  
Fax: (928)817-5157  
Juan.Leal-Rubio@yumacountyaz.gov

**GRAVEL ROADWAY STANDARD:**



***Fire Department Apparatus Access Roadway Policy***  
***Department of Development Services, Building Safety Division***

<b>Release Date:</b>	_____	_____
<b>Change/Amended Date:</b>	<u>New</u>	Director
<b>Review Date:</b>	<u>10/2014</u>	_____
<b>Next Review Date:</b>	<u>10/2015</u>	Chief Building-Fire Code Official

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**Purpose**

This policy provides minimum standards for construction and installation of Fire Apparatus Access Roads to all properties and portions thereof where all weather access is required for Fire Department and other emergency vehicles.

**Legislative Authority**

2003 International Fire Code (IFC)

**Definitions**

**Fire Apparatus Access Road:** A road that provides fire apparatus access from a fire station to a facility, building, or portion thereof; term is inclusive of fire lane, Public Street, Private Street, parking lot lane and access roadway.

**Policy**

Where a *fire department apparatus access road* is required, it shall be constructed to all the criteria and standards listed below:

1. *Fire Apparatus Access Roads* shall be provided to all properties as required by the adopted fire code. Fire Apparatus Access Roads shall be ;
  - a. Minimum twenty (20) feet in width.
  - b. Provide a minimum clear height of 13'-6".
  - c. Shall be constructed to an approved Yuma County Gravel Roadway Standard. (Engineering Division)
2. *Fire Apparatus Access Roads* shall be provided with provisions for apparatus turn-around at intervals not exceeding 500 feet. Turnarounds shall be either a 70' cul-de-sac, 60' hammerhead or approved equal. (2003 IFC Appendix Ch. D)
3. Dead end *Fire Apparatus Access Roads* shall not exceed 150' in length from an approved turnaround.

Yuma County  
Planning & Zoning  
Commission

Item No. 8

**AIR-9568**

**8.**

**P&Z Commission Agenda**

**Meeting Date:** 01/28/2020

**Submitted For:** Maggie Castro

**Submitted By:** Fernando Villegas

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

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### **Information**

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

**Rezoning Case 19-14:** Monty Sanders, agent for Rosa Sanders and Victor Lozano, requests the rezoning of a parcel 1.77 net acres in size from Light Industrial (LI) to Heavy Industrial-1 acre minimum (HI-1) and a parcel 5.0 net acres in size from Light Industrial (LI) to Heavy Industrial-2 acre minimum (HI-2), Assessor's Parcel Numbers 196-24-020 and -021, located at 13711 South Avenue 3E, Yuma, Arizona; located in the 70-74 dB noise zone.

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

The intent is to bring the existing business operation of storage of inoperable vehicles into compliance with the Yuma County Zoning Ordinance.

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

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

Staff recommends approval of this request subject to the Performance Conditions listed on the attached staff report.

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### **Attachments**

Staff Report

Vicinity Map

Site Plan

Development Evaluation Checklist

Internal memos

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STAFF REPORT TO THE COMMISSION  
January 28, 2019

**Rezoning Case No. 19-14**

**REQUEST:** Rezone a parcel 1.77 net acres in size from Light Industrial to Heavy Industrial-1 acre minimum (HI-1) and a parcel 5.00 net acres in size from Light Industrial to Heavy Industrial-2 acre minimum (HI-2), Assessor's Parcel Numbers 196-24-020 and -021, located at 13711 South Avenue 3E, Yuma, Arizona; located in the 70-74 dB noise zone.

**APPLICANT:** Monty Sanders, agent for Rosa Sanders and Victor Lozano.

Application is within Supervisor District No. 2: Russell McCloud; Commissioners Paul White and Wayne Eide. Staff report prepared by Fernando Villegas, Senior Planner.

**DIRECTIONS:** From the intersection of Avenue B/U.S. Highway 95 and County 14th Street, travel east 4.0 miles to the intersection with Avenue 3E. Turn north (left) on Avenue 3E and travel 0.2 miles. The subject property is located on the east side at 13711 South Avenue 3E, Yuma, Arizona.

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**INTENT:**

The intent is to bring the existing business operation of storage of inoperable vehicles into compliance with the Yuma County Zoning Ordinance.

**SITE CONDITIONS:**

The subject properties are being used for storing inoperable vehicles. Physical access is from Avenue 3E, a paved road 26 feet in width with 66 feet of dedicated right-of-way in some portions.

Surrounding zoning and land uses consist of the following: Parcels to the north are zoned Rural Area-10 acre minimum (RA-10) and are in citrus. Parcel 11 to the west is located in the City of Yuma jurisdiction and is the location of the Marine Corp Air Station (MCAS). Parcel 22 to the south and east is zoned Light Industrial (RZ97-12) and is currently in citrus.

The purpose of the HI-1 and HI-2 districts is to permit heavy industrial uses and related activities in suitable locations to protect residential and commercial districts from uses which may create noise, smoke, odor, dust, or other objectionable influences,

The subject property is located within the Yuma Mesa Planning Area of the 2020 Comprehensive Plan. The land use designation is Agriculture/Industrial. This request is within the range of identified uses, densities and intensities of the Comprehensive Plan.

The subject properties are located within the Yuma County Sheriff's 10-minute response time. The nearest Sheriff's substation is located at 3620 W. 8<sup>th</sup> Street. The subject properties are located within Rural Metro's 6-minute response time. The nearest Rural Metro substation is located at 15865 South Avenue A.

**CRITICAL ISSUES:**

Public water and sanitation services are not available in the area of the subject properties. Individual septic systems and water wells will be needed.

The subject property is located within the 70-74 dB noise contour and under the Overflight Pattern for MCAS-Yuma.

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

- Yuma County Zoning Ordinance
- Yuma County Subdivision Regulations
- 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, Flood Control District, and Zoning Enforcement Section found this application satisfactory. The Building Safety Division provided the following comments: A water supply for manual firefighting shall be provided in accordance with 2003 IFC. The Engineering Division provided the following comments: The owners of parcel 196-24-021 to dedicate an additional 17-feet of right of way by means of a warranty deed.

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

- Mary Ellen Finch representing the Marine Corps Air Station (MCAS), offered the following comment: "The subject parcels 196-24-020 and 021 are located within the 70-74 dB noise contour for MCAS Yuma as well as within the overhead racetrack flight conditions: An aviation disclosure easement be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma/ Yuma International Airport Aviation Complex and its associated flight paths as well as the requirement for sound level attenuations to 25dB NLR in the design and construction of buildings where the public is received, office areas, noise sensitive areas or areas where the normal noise level is low."

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 270.

The Development Evaluation Checklist score is less than 300 due primarily to the following factors: 1) The proposed use is not the same or similar to the uses in the vicinity 2) No improvements are proposed road widening or turn lanes to accommodate the anticipated increase in traffic. 3) Public right of way necessary to accommodate the development has not been dedicated.

**CHRONOLOGY:**

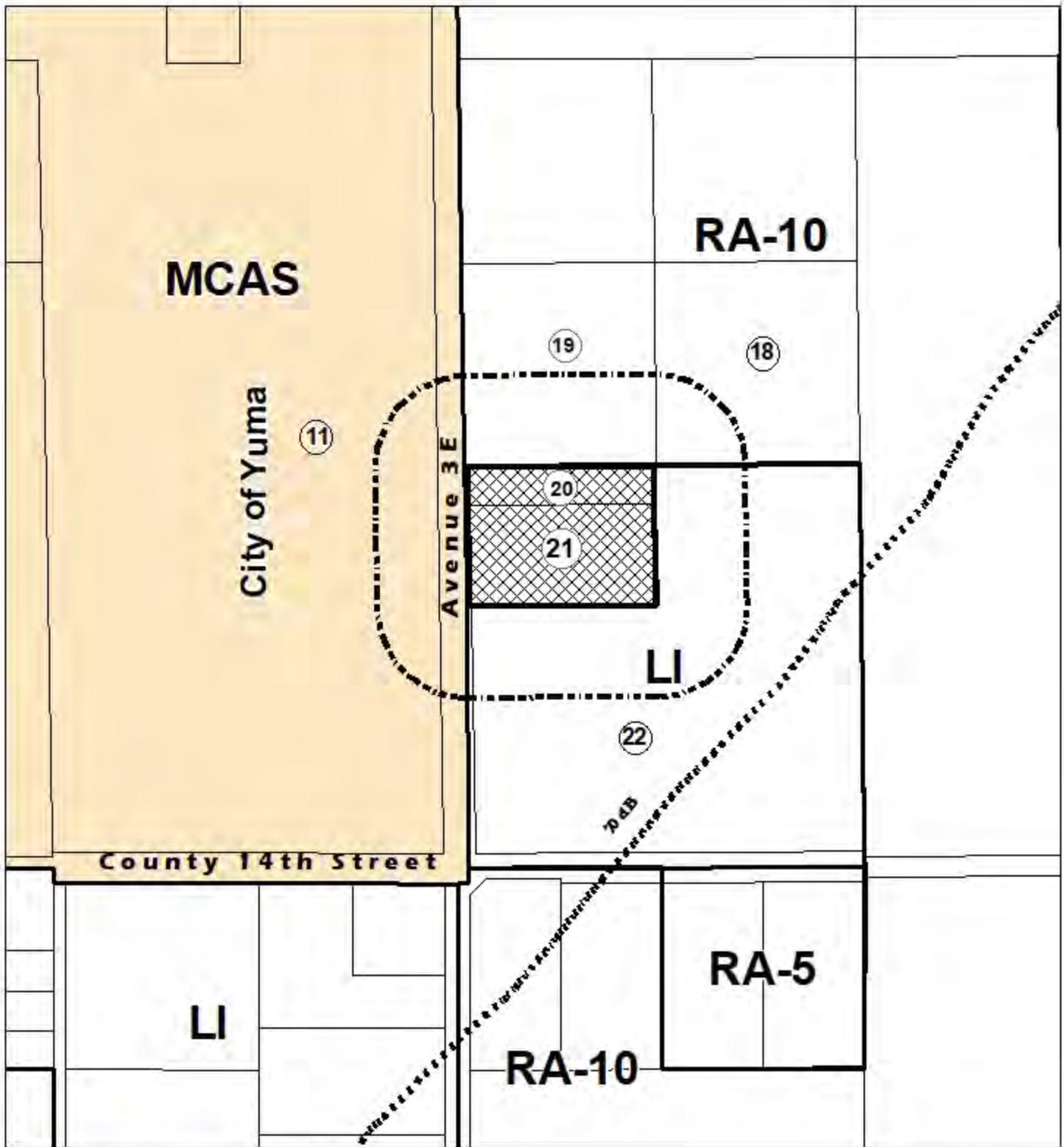
12-03-19	Application received
01-07-20	Legal ad appears in the Yuma Sun for the Planning Commission's public hearing
01-10-20	Property posted for the Planning Commission's public hearing
01-10-20	Public notice mailed to properties within 300 feet of the request, the City of Yuma, and relevant agencies/stakeholders
01-10-20	Letter mailed informing applicant of item being placed on Planning Commission's public hearing agenda
01-16-20	Staff report mailed to applicant and/or agent
01-28-20	Planning Commission's public hearing

**RECOMMENDATION:**

Staff recommends approval of this request subject to the following Performance Conditions.

**Performance Conditions.**

1. The owner or applicant shall submit the following documents within 60 days of Board of Supervisors approval of this rezoning case:
  - a. An Avigation Disclosure Statement
  - b. A recorded warranty deed dedicating 17 feet of right-of-way on the west side of parcel 196-24-021.
  
2. Within 180 days of approval by the Board of Supervisors, building permits shall be obtained for any structures built or installed without a permit.



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

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

**CASE NO:** RZ19-14  
**LOCATION:** 13711 S. Avenue 3E  
**APN(s):** 196-24-020 and 021

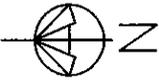
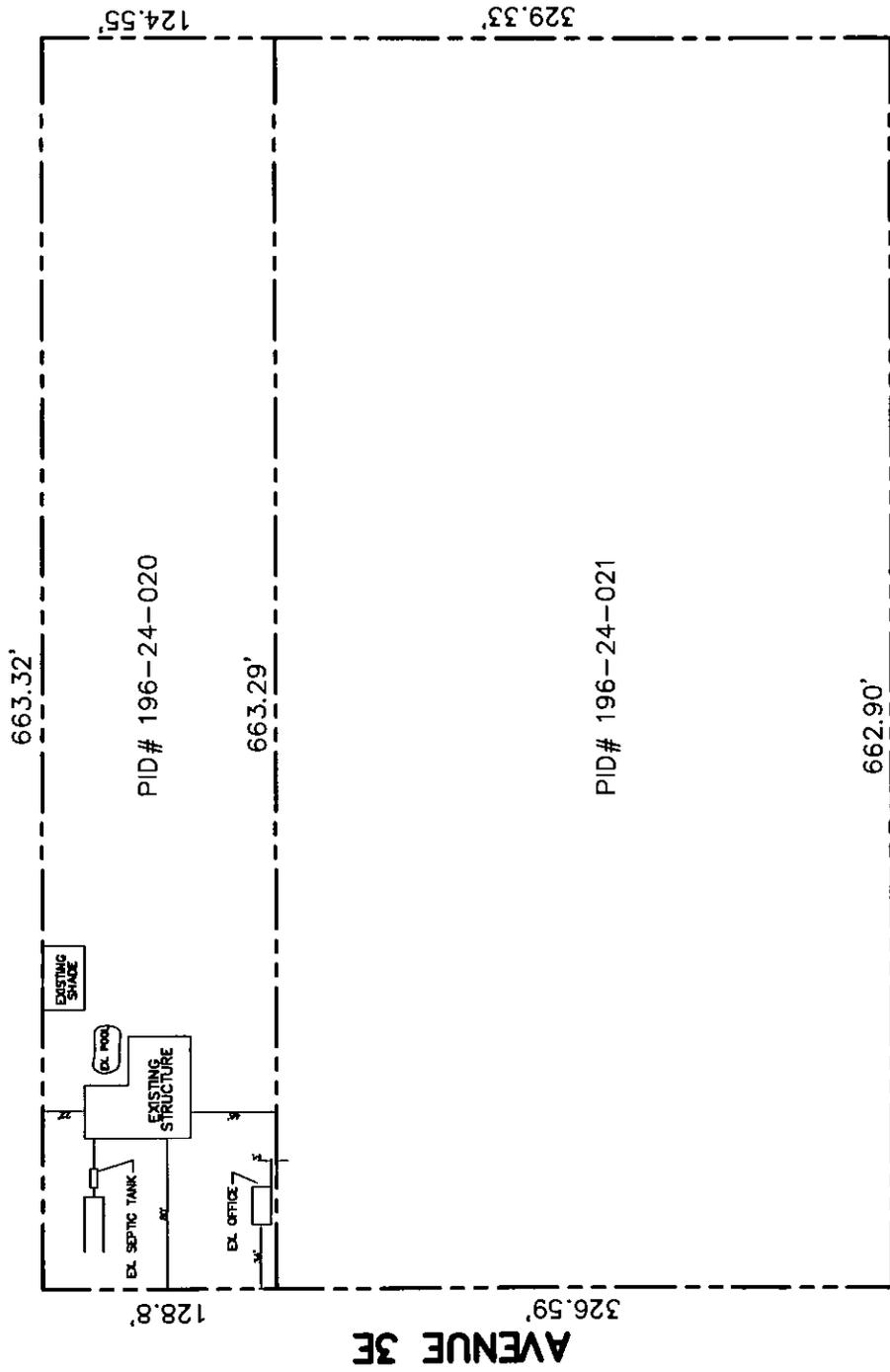
**CASE PLANNER:** Fernando Villegas  
**DATE DRAWN:** 12-06-2019  
**REVIEWED BY:** Javier Barraza

**SCALE:** 1" = 500'



**Legend**

- 300' BUFFER
- SUBJECT PROPERTY
- Zoning Boundary



# SITE PLAN

SCALE: 1" = 100'

13711 S. AVE 3E  
YUMA, AZ

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

Case No.: **RZ19-14**Owner/Agent: **Monty Sanders**Current Zoning: **LI**Proposed Zoning: **HI-1 and H-2**

Gross Acreage:

**6.77****REZONING one parcel to HI-1 and the second parcel to HI-2****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.	20	0	20
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.	20	0	20

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

4	The proposed use is the same or similar to the uses in the surrounding vicinity.	10	0	10
5	The proposed density is the same or similar to the existing density in the surrounding vicinity.	20	0	20
6	The location of the project is appropriate considering proximity to existing transportation, shopping, services and employment.	20	0	20

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

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

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

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

12	A traffic impact study is either not required, or if required has been completed indicating the conclusions and recommendations for improvements.	10	0	10
13	A public or private water system, or an on-site water source, will adequately serve the proposed development	10	0	10

**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 <sub>10</sub> (particulate matter 10 microns or less diameter) or other air pollution levels in the vicinity.	0	5	5
22	The proposed project will release emissions such as nitrates, sulfates, or organic carbons into the air, which may reasonable be anticipated to causes or contribute to regional haze or impairment of visibility.	0	5	5

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

23	Physical access to the site is traversable by a two-wheel drive passenger motor vehicle.	10	0	10
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).	10	0	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	10

26	A legal public right of vehicular ingress and egress exists to and from the parcel.	10	0	10
27	The proposed land use is an allowed use according to the Yuma County Zoning Ordinance Airport District Land Use Matrix.	10	0	10
28	Elementary, middle, and high schools serving the subject property will be able to accommodate any projected enrollment increases within existing capacities.	10	0	10
<b>TOTAL SCORE</b>				<b>270</b>
<b>MAXIMUM POSSIBLE SCORE</b>				<b>300</b>

**HIGH SCORE**

Total score is 275 to 300.

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

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

**MODERATE SCORE**

Total score is 250 to 274.

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

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

**LOW SCORE**

Total score is 249 or less

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

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

Prepared by: Fernando Villegas

1/6/2020



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

December 10, 2019

**CASE NUMBER: Rezoning Case No. 19-04**

**CASE SUMMARY:** Monty Sanders agent for Rosa Sanders and Victor Lozano requests the rezoning of two parcels totaling 6.77 gross acre in size from Light Industrial (LI) to Heavy Industrial-2 acre minimum (HI-2), Assessor's Parcel Number 196-24-020 and 021, located at 13711 S. Avenue 3E, Yuma, Arizona. The subject properties are located inside the 70 to 75dB noise zone.

The applicant is proposing to operate a wrecking yard with auto dismantling.

Public Hearing: TBD

Comments Due: December 16, 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) 817-5181.

COMMENT                       NO COMMENT

The subject parcels 196-24-020 and 021 are located within the 70-74dB noise contour for MCAS Yuma as well as within the overhead racetrack flight pattern. This industrial use is compatible per Marine Corps Order 11010.36c with the following conditions: An aviation disclosure easement be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma/ Yuma International Airport Aviation Complex and its associated flight paths as well as the requirement for sound level attenuation to 25dB NLR in the design and construction of buildings where the public is received, office areas, noise sensitive areas or areas where the normal noise level is low. The aviation disclosure may be emailed to MCASYUMA\_CPLO@usmc.mil

DATE: 10 December 2019      NAME: Mary Ellen Finch, Community Liaison Officer

RETURN TO: Please return your response within 5 days to: Fernando Villegas, Senior Planner, Department of Development Services, 2351 W. 26<sup>th</sup> Street, Yuma, AZ 85364 or by E-mail – [Fernando.villegas@yumacountyaz.gov](mailto:Fernando.villegas@yumacountyaz.gov)



**Yuma County, Arizona**  
**DEPARTMENT OF DEVELOPMENT SERVICES**  
 2351 W 26<sup>th</sup> Street, Yuma, Arizona 85364  
 Phone (928) 817-5000  
 Fax: (928) 817-5020

**MEMORANDUM**

**TO:** Fernando Villegas, Senior Planner

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

**SUBJECT:** Rezoning Case # 19-04

**DATE:** January 06, 2020

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

Parcel #196-24-020	Current Dedicated	RFCS ROW Dedication	Engineering Recommends	Existing Road Conditions
Ave. 3E (west)	50'	50'	0'	Paved roadway

Parcel #196-24-02	Current Dedicated	RFCS ROW Dedication	Engineering Recommends	Existing Road Conditions
Ave. 3E (west)	33'	50'	17'	Paved roadway

- The owner to dedicate an additional 17-feet of right of way.



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

December 10, 2019

**CASE NUMBER: Rezoning Case No. 19-04**

**CASE SUMMARY:** Monty Sanders agent for Rosa Sanders and Victor Lozano requests the rezoning of two parcels totaling 6.77 gross acre in size from Light Industrial (LI) to Heavy Industrial-2 acre minimum (HI-2), Assessor's Parcel Number 196-24-020 and 021, located at 13711 S. Avenue 3E, Yuma, Arizona. The subject properties are located inside the 70 to 75dB noise zone.

The applicant is proposing to operate a wrecking yard with auto dismantling.

Public Hearing: TBD

Comments Due: December 16, 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) 817-5181.

COMMENT

NO COMMENT

A water supply for manual firefighting shall be provided in accordance with 2003 IFC

DATE: 12/11/2019

NAME: Patrick Headington

Digitally signed by Patrick Headington  
DN: C=US, E=Pat.L.Headington@yumacountyaz.gov,  
O=Yuma County, OU=Building Safety, CN=Patrick  
Headington  
Reason: I have reviewed this document  
Date: 2019.12.11.06:11:50-0700

**RETURN TO:** Please return your response within 5 days to: Fernando Villegas, Senior Planner, Department of Development Services, 2351 W. 26<sup>th</sup> Street, Yuma, AZ 85364 or by E-mail -- [Fernando.villegas@yumacountyaz.gov](mailto:Fernando.villegas@yumacountyaz.gov)

Yuma County  
Planning & Zoning  
Commission

Item No. 9

**AIR-9571**

**9.**

**P&Z Commission Agenda**

**Meeting Date:** 01/28/2020

**Submitted For:** Maggie Castro

**Submitted By:** Fernando Villegas

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

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**Information**

**1. REQUESTED ACTION:**

**Special Use Permit Case 19-07:** Dahl, Robins and Associates Inc., agent for T&W Investments Inc., requests a Special Use Permit per Section 612.03(C) of the Yuma County Zoning Ordinance to allow commercial condominiums on a parcel 1.76 net acres in size zoned General Commercial (C-2), Assessor's Parcel Number 700-45-243, located at 11375 South Fortuna Road, Yuma, Arizona.

**2. INTENT:**

To allow commercial condominiums.

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

**4. STAFF'S RECOMMENDATION:**

Staff recommends approval of this request

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**Attachments**

Staff Report

Vicinity Map

Site Plan

MCAS Comments

Development Evaluation Checklist

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## STAFF REPORT TO THE COMMISSION

January 28, 2020

### **Special Use Permit Case No. 19-07**

**REQUEST:** A Special Use Permit per Section 612.03(C) of the Yuma County Zoning Ordinance to allow commercial condominiums on a parcel 1.76 net acres in size zoned General Commercial (C-2), Assessor's Parcel Number 700-45-243, located at 11375 South Fortuna Road, Yuma, Arizona.

**APPLICANT:** Dahl Robins and Associates, agent for T&W Investments. LLC

Application is within Supervisor District 3: Darren Simmons. Planning Commissioners are Danny Bryant and Scott Mulhem. Staff report prepared by Fernando Villegas, Senior Planner.

**LOCATION:** Starting at the intersection of Fortuna Road and Interstate 8 (I-8), travel south on Fortuna Road for approximately 1/4 mile. The subject property is located on the east side at 11375 South Fortuna Road, Yuma, Arizona.

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### **INTENT:**

To allow commercial condominiums in the C-2 district.

### **SITE CONDITIONS:**

The subject property is being used as a commercial multi-tenant building. The existing building is known as Fortuna Palms Plaza and it was built in 2018 with the issuance of permit number B18-0346. The site contains parking spaces, retention basins, and two points of ingress/egress. Physical access to the property is by Fortuna Road on the east and 34<sup>th</sup> Place on the south. The property owner has already submitted a tentative map to convert the existing building into a commercial condominium subdivision.

**Surrounding zoning and land uses:** Parcels 23 located to the north is General Commercial (C-2) and is the location of a gas station and Burger King restaurant. Parcels 241 and 242 to the west are zoned C-2 and are the locations of a Verizon store and Chevron gas station. Parcel 153 to the south is zoned C-2 and is the location of the Wells Fargo bank and a retail building. The area to the east is zoned Manufactured Home Subdivision- 4-500 square foot lots minimum (MHS 4.5) and is the location for Yuma East Mesa Subdivision consisting of manufactured homes.

The purpose of the General Commercial district is to allow a full range of retail and wholesale goods, trade services and community businesses, which are not suited to other commercial districts. The district provides for regional retail and wholesale shopping as well as direct consumer service provided on occasion, rather than on a daily basis. Commercial condominiums are allowed uses on properties in the C-2 zoning district with the approval of a Special Use Permit.

The subject property is located in the Foothills Planning Area of the 2020 Comprehensive Plan. The land use designation is Local Commercial (C-LC). The proposed use is allowed with the approval of a Special Use Permit therefore, this request does not trigger an amendment to the Comprehensive Plan.

The subject property is located within the six-minute response time radius by Rural Metro Fire Department's Fire Station No. 10 located at 13157 East 44<sup>th</sup> Street and within the ten-minute response time radius by the Yuma County Sheriff's Department substation located at 13190 East South Frontage Road.

**CRITICAL ISSUES:**

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

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

The proposed commercial condominiums will not materially affect or endanger the public health, safety or welfare as long as the subdivision review process is met. The applicant has already submitted a tentative map for review showing the proposed commercial condominiums.

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

The proposed commercial condominiums will comply with all applicable regulations and standards applicable within the subdivision regulations. The applicant has also applied for modifications to the Subdivision Regulations. The site plan provided by the applicant shows the new lots (depicted as suites) and common areas.

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

Based on the fact that the building is already built and the adjoining properties to the north, west and south are zoned commercial, the proposed commercial condominiums will not materially affect the adjoining properties or the surrounding area.

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

The proposed commercial condominiums will be in harmony with the surrounding commercial uses existing on the adjacent properties.

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

- Yuma County Zoning Ordinance
- Yuma County Subdivision Regulations
- 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 Zoning Enforcement Section, Assessor's Office, Flood Control District, Environmental Programs Division, Engineering Department, and Building Safety Division provided a no comment response.

Letters of Support, Opposition, Agency, Military, and Special Interest: The application is on file.

- Mary Ellen Finch, Community Liaison Specialist with MCAS-Yuma, provided the following comments: The parcel lies within the vicinity of a flight path. It is requested that an aviation easement be recorded that recognizes the noise interference or vibrations due to aviation operations that may occur at the nearby marine Corp Station Yuma/Yuma International Airport Aviation Complex and its associated flight paths.

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 to be in compliance with adopted land use plans, policies and objectives, has good access, and is compatible with the surrounding developments.

The Development Evaluation Checklist score is less than 300 due primarily to the following factors: 1) Adequate improvements for a subdivision are not being proposed. The applicant has requested modifications to Yuma County subdivision regulations for required improvements.

**CHRONOLOGY:**

- |          |   |
|----------|---|
| 12-11-19 | Application received  |
| 01-10-20 | Legal ad appears in the Yuma Sun for the Planning Commission's public hearing |
| 01-10-20 | Property posted for the Planning Commission's public hearing                  |

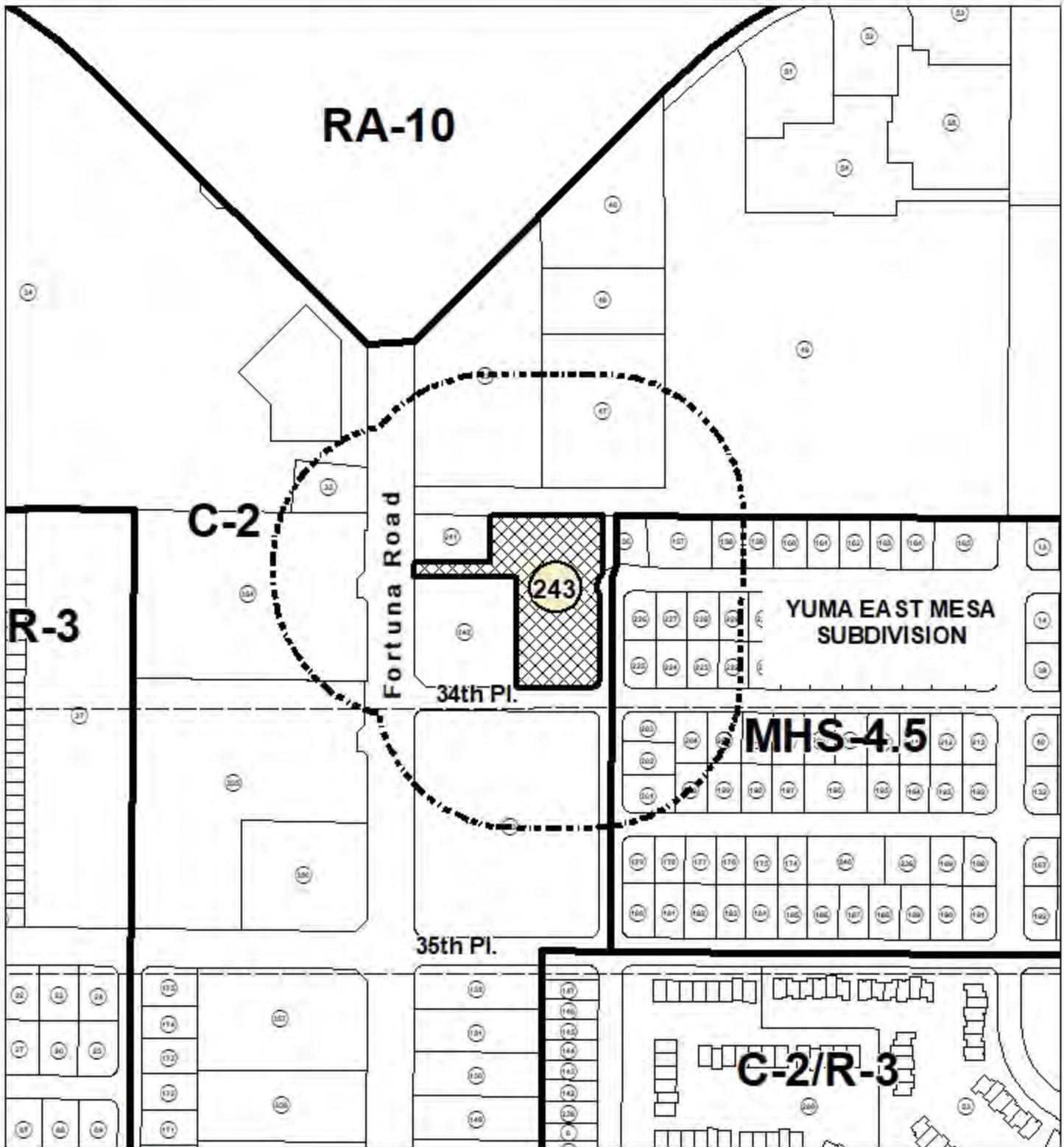
- 01-10-20 Public notice mailed to properties within 300 feet of the request, the City of Yuma, and all relevant agencies and stakeholders
- 01-17-20 Letter mailed informing applicant of item being placed on the Planning Commission's public hearing agenda
- 01-17-20 Staff report mailed to applicant and/or agent
- 01-28-20 Planning Commission's public hearing

**RECOMMENDATION:**

Staff recommends approval of this request subject to the following Performance Conditions:

**Performance Conditions.**

1. The owner/applicant shall submit the following documents within 60-days of Board of Supervisors approval:
  - a. An A.R.S. § 12-1134 waiver.
  - b. A recorded avigation disclosure statement.
2. The owner/applicant shall record a final plat subdividing the subject property as shown on the site plan within three (3) years of Board of Supervisors approval of this rezoning case.



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

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

**CASE NO:** SUP19-07  
**LOCATION:** 11375 S. Fortuna Rd  
**APN(s):** 700-45-243

**CASE PLANNER:** Fernando Villegas  
**DATE DRAWN:** 12-13-2019  
**REVIEWED BY:** N/A

**SCALE:** 1" = 300'

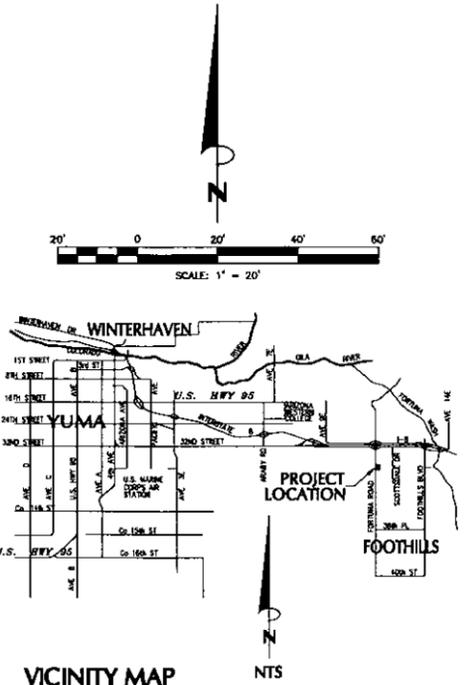
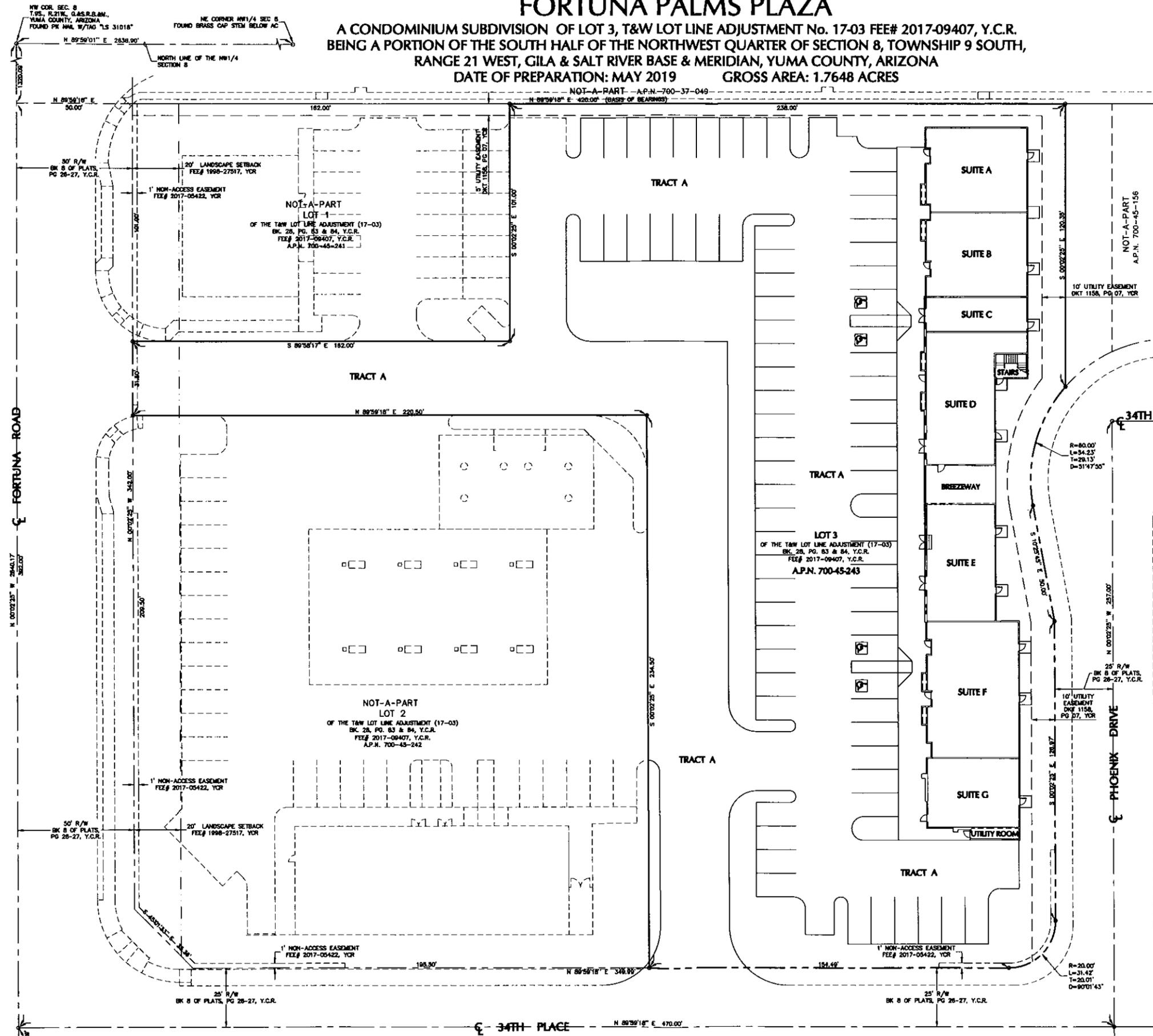


**Legend**

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

# TENTATIVE PLAT FORTUNA PALMS PLAZA

A CONDOMINIUM SUBDIVISION OF LOT 3, T&W LOT LINE ADJUSTMENT No. 17-03 FEE# 2017-09407, Y.C.R.  
BEING A PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 9 SOUTH,  
RANGE 21 WEST, GILA & SALT RIVER BASE & MERIDIAN, YUMA COUNTY, ARIZONA  
DATE OF PREPARATION: MAY 2019 GROSS AREA: 1.7648 ACRES



TRACT TABLE		
TRACT	AREA (SF)	DESCRIPTION
A	63,349	COMMON AREA - DRIVE ACCESS FOR VEHICULAR AND PEDESTRIAN INGRESS/EGRESS, PARKING, UNDERGROUND STORMWATER RETENTION, PUBLIC UTILITIES AND CITY FACILITIES

**LOT AREA**  
78,876 SQUARE FEET OR 1.7648 ACRES

**BASIS OF BEARINGS**  
THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER SECTION 8 AS SHOWN ON YUMA EAST MESA SUBDIVISION, BK 8 OF PLATS PGS 26 & 27, YUMA COUNTY RECORDS, YUMA COUNTY, ARIZONA, NAMELY N 89°58'18" E.

**BENCHMARK**  
PK MARK WITH TAG "LS 31018" LOCATED AT THE NORTHWEST CORNER OF SECTION 8 AT THE FORTUNA ROAD OVERPASS.  
ELEVATION = 303.31'

- NOTES**
- THE BOUNDARIES OF EACH UNIT ARE THE INTERIOR UNFINISHED SURFACES OF THE PERIMETER WALLS, FLOOR, CEILING, DOORS, AND WINDOWS OF THE UNIT (REFERENCE THE CONDOMINIUM DECLARATION).
  - IN THE EVENT OF ANY DISCREPANCIES, INCONSISTENCIES, OR CONFLICTS BETWEEN THE PLAT AND THE CONDOMINIUM DECLARATION, THE PROVISIONS OF THE DECLARATION SHALL GOVERN.
  - AN OWNER'S ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE RESPONSIBILITY FOR MAINTAINING ALL COMMON ELEMENTS.

REGISTERED LAND SURVEYOR  
31018  
KEVAN A. DAHL  
ARIZONA, U.S.A.

PREPARED BY  
**DAHL, ROBINS & ASSOCIATES, INC.**  
1560 S. 5th Avenue  
Yuma, AZ 85304  
Phone: (928) 819-0626  
Fax: (928) 819-0626  
www.dahlrobs.com  
z:\d\2019\19110\drawings\19110 plat condominium.dwg



YUMA COUNTY  
Planning & Zoning Division  
REQUEST FOR COMMENTS

December 13, 2019

CASE NUMBER: Special Use Permit Case No. 19-07:

CASE SUMMARY: Dahl, Robins & Associates Inc. agent for T&W Investments, LLC requests a Special Use Permit per Section 612.03(C) of the Yuma County Zoning Ordinance to allow Commercial Condominiums on a parcel 1.76 net acres in size zoned General Commercial (C2), located at 11375 S. Fortuna Rd., Yuma, Arizona.

The applicant is proposing seven (7) parcels with common areas. (Fortuna Palms Plaza Tentative Map)

PUBLIC HEARING: TBD

COMMENTS DUE: December 20, 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) 817-5181.

COMMENT  NO COMMENT

MCAS Yuma has reviewed the request and offers the following comments: The parcel lies within the vicinity of a flight path. It is requested that an aviation easement be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma/Yuma International Airport Aviation Complex and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA\_CPLO@usmc.mil. Thank you for the opportunity to comment

DATE: 16 Dec 2019

NAME: Mary Ellen Finch, Community Liaison Officer

RETURN TO: Fernando Villegas, Senior Planner  
2351 W. 26<sup>th</sup> Street  
Yuma, Arizona 85364  
Fax: (928) 817-5181  
[Fernando.Villegas@yumacountyaz.gov](mailto:Fernando.Villegas@yumacountyaz.gov)

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

Case No.: SUP 19-07	Owner/Agent: <u>T&amp;W Invesments, LLC</u>		
Parcel #: 700-45-243	Agent: <u>Dahl Robins and Associates Inc.</u>		
Current Zoning: C2	Proposed Zoning: N/A	Acreage: 1.76	Net AC

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

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

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

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

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

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

**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.

Prepared by: \_\_\_\_\_ Fernando Villegas, S.P.

Date:

01/08/20

ver. 1

**285**

Yuma County  
Planning & Zoning  
Commission

Item No. 10

**P&Z Commission Agenda****Meeting Date:** 01/28/2020**Submitted For:** Maggie Castro**Submitted By:** Fernando Villegas**Department:** Planning & Zoning Division - DDS**Information****1. REQUESTED ACTION:**

**Request for Modifications of Subdivision Regulations for the proposed Fortuna Palms Plaza Commercial Condominiums subdivision:** T&W Investments, LLC requests six modifications from the Yuma County Subdivision Regulations for the proposed Fortuna Palms Plaza Commercial Condominiums subdivision, Assessor's Parcel Number 700-45-243, zoned General Commercial (C-2), located at 11375 South Fortuna Road, Yuma, Arizona.

**2. INTENT:**

The proposed subdivision consists of seven commercial condominiums.

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

Staff recommends approval of the following modifications:

1. Modification from Section 4.15(E) – Residential Roads: It is requested by the developer not to install roll or vertical curb and sidewalks on residential roads (34<sup>th</sup> Place and Phoenix Drive).
2. Modification from Section 4.15(D) – Residential Collector Type Street (Quarter Mile): It is requested by the developer not to improve the quarter section line road (34<sup>th</sup> Street) along the northern subdivision line.
3. Modification from Section 4.13 – Right-of-Way and Easements: It is requested by the developer not to provide right of way for internal roads and streets.
4. Modification from Section 4.22(B) - Sidewalks: It is requested by the developer not to provide sidewalks along the internal streets and perimeter streets.
6. Modification from Section 4.19 – Private Roads: It is requested by the developer not to build the private roads in accordance with the Public Works Standards.

Staff recommends denial of the following modification:

5. Modification from Section 4.12(C) – Intersections and Corners: It is requested by the developer not to provide at street corners a minimum 25' x 25' right-of-way chamfer at the intersection of the property lines (intersection of 34<sup>th</sup> Place and Phoenix Drive and the 34<sup>th</sup> Place entrance to the subdivision).

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## **Attachments**

Staff Report

Vicinity Map

Tentative Map

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## MEMORANDUM

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

**FROM:** Fernando Villegas, Senior Planner

**RE:** Fortuna Palms Plaza Commercial Condominiums subdivision - Modification of Subdivision Regulations

**DATE:** January 15, 2020

---

T&W Investments, LLC requests six modifications from the Yuma County Subdivision Regulations for the proposed Fortuna Palms Plaza Commercial Condominiums subdivision, Assessor's Parcel Numbers 700-45-243, zoned General Commercial (C-2), located at 11375 South Fortuna Road, Yuma, AZ.

The proposed subdivision consists of seven commercial condominiums.

The following modifications are requested:

1. **Modification from Section 4.15(E) – Residential Roads:** It is requested by the Developer not to install roll or vertical curb and sidewalks on 34<sup>th</sup> Place and Phoenix Drive.

The Yuma County Subdivision Regulations, Section 4.15(E), states as follows: General right-of-way width is 25 feet half-width. The ultimate fully improved section for subdivisions with an average lot size of less than one acre consists of 35 feet of pavement plus curbs 2 feet in width on both sides (Public Works Standards No. 2-050 and No. 3-120 or No. 3-140). Residential roadway improvement for subdivisions with a lot size greater than or equal to one acre is 26 feet of pavement plus curb. If the subdivision borders on a residential road, the improvements required are as follows:

- For subdivisions with an average lot size smaller than one acre, improve with full pavement 17½ feet in width plus concrete curb (and sidewalk as applicable). For subdivisions with an average lot size larger than or equal to one acre, improve with strip pavement 16 feet half width plus curb on one side.

The existing road improvements along 34<sup>th</sup> Place and Phoenix Drive meet road width requirements, but vertical or roll curb and sidewalk are not provided. The Engineering

Division recommends approval of this request since there are no existing sidewalks throughout the area.

2. **Modification from Section 4.15(D) – Residential Collector Type Street (Quarter Mile):**

It is requested by the Developer not to improve the quarter section line road (34<sup>th</sup> Street) along the northern subdivision line.

The Yuma County Subdivision Regulations, Section 4.15(D), states as follows: General right-of-way width is 30 feet half-width. The ultimate fully improved section for subdivisions with a lot size smaller than one acre consists of 45 feet of pavement plus curbs 2 feet in width on both sides (Public Works Standards No. 2-040 and No. 3-120). Roadway improvement for subdivisions with average lot size greater than or equal to one acre is 26 feet of pavement plus curb. If the subdivision borders on a quarter mile or residential collector type road the improvements required are as follows:

- If the average lot size for the subdivision is smaller than one acre, improve with pavement 24 feet in width plus vertical concrete curb 2 feet in width. If the average lot size for the subdivision is greater than or equal to one acre, improve with strip pavement 24 feet in width plus shoulders 8 feet in width.

The Engineering Division recommends approval of this request since there is no dedication or road improvements along the alignment.

3. **Modification from Section 4.13 – Right-of-Way and Easements:** It is requested by the developer not to provide right-of-way for internal roads and streets.

The Yuma County Subdivision Regulations, Section 4.13, states as follows: The minimum requirement for right-of-way shall be in accordance with Section 3.0 Engineering Design Standards of the Public Work Standards Volume I. Public Works Standard No. 2-070 requires a 60 feet of right of way.

The Engineering Division recommends approval of this request since the private streets are already constructed.

4. **Modification from Section 4.22 (B) - Sidewalks:** It is requested by the developer not to provide sidewalks along the internal streets and perimeter streets.

The Yuma County Subdivision Regulations, Section 4.22(B), states as follows: In commercial subdivisions with an average parcel size of 20,000 square feet or less, sidewalks shall be required.

The Engineering Division recommends approval of this request since there are no existing sidewalks throughout the area and the improvements are already constructed.

5. **Modification from Section 4.12(C) – Intersections and Corners:** The Developer proposes not to provide at street corners a minimum 25' x 25' right-of-way chamfer at the intersection of the property lines (intersection of 34<sup>th</sup> Place and Phoenix Drive and the 34<sup>th</sup> Place entrance to the subdivision).

The Yuma County Subdivision Regulations, Section 4.12(C), states as follows: Street corners shall provide for a minimum 25' by 25' right-of-way chamfer at the intersect extension of the property lines.

The Engineering Division recommends denial of this request. The developer shall provide 25' x 25' chamfer along perimeter streets to insure a proper line of sight is kept.

6. **Modification from Section 4.19 – Private Roads:** It is the Developer request not to build the private roads in accordance with the Public Works Standards.

The Yuma County Subdivision Regulations, Section 4.19(A)(5), states as follows: Private roads shall meet or exceed Public Works Standards. Public Works Standard No. 2-070 requires a 60 feet of right of way.

The Engineering Division recommends approval of this request since the private streets are already constructed.

### **STAFF RECOMMENDATION**

Staff recommends approval of the following modifications:

1. Modification from Section 4.15(E) – Residential Roads: It is requested by the developer not to install roll or vertical curb and sidewalks on residential roads (34<sup>th</sup> Place and Phoenix Drive).
2. Modification from Section 4.15(D) – Residential Collector Type Street (Quarter Mile): It is requested by the developer not to improve the quarter section line road (34<sup>th</sup> Street) along the northern subdivision line.
3. Modification from Section 4.13 – Right-of-Way and Easements: It is requested by the developer not to provide right of way for internal roads and streets.
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6. Modification from Section 4.19 – Private Roads: It is requested by the developer not to build the private roads in accordance with the Public Works Standards.

Staff recommends denial of the following modifications:

5. Modification from Section 4.12(C) – Intersections and Corners: It is requested by the developer not to provide at street corners a minimum 25' x 25' right-of-way chamfer at the intersection of the property lines (intersection of 34<sup>th</sup> Place and Phoenix Drive and the 34<sup>th</sup> Place entrance to the subdivision).

INTERSTATE 8

RA-10

C-2

C-2

243

YUMA EAST MESA  
SUBDIVISION

FORTUNA ROAD

34th Place

MHS-4.5

35th Place

C-2

C-2/R-3



DEPARTMENT OF  
DEVELOPMENT  
SERVICES

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

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

**FORTUNA PALMS PLAZA**  
CASE NO: COMMERCIAL CONDOMINIUMS  
LOCATION: 11375 S. FORTUNA RD.  
APN: 700-45-243

Case Planner: FV  
Drawn: 1-20-2020  
Reviewed: N/A



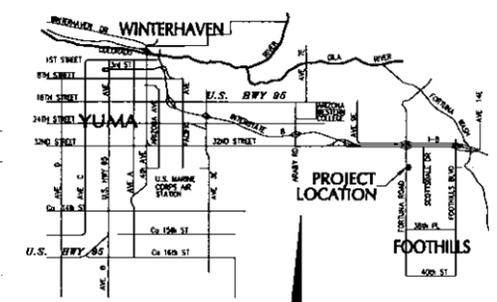
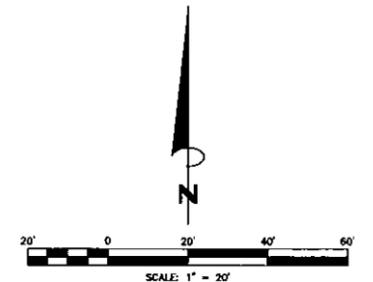
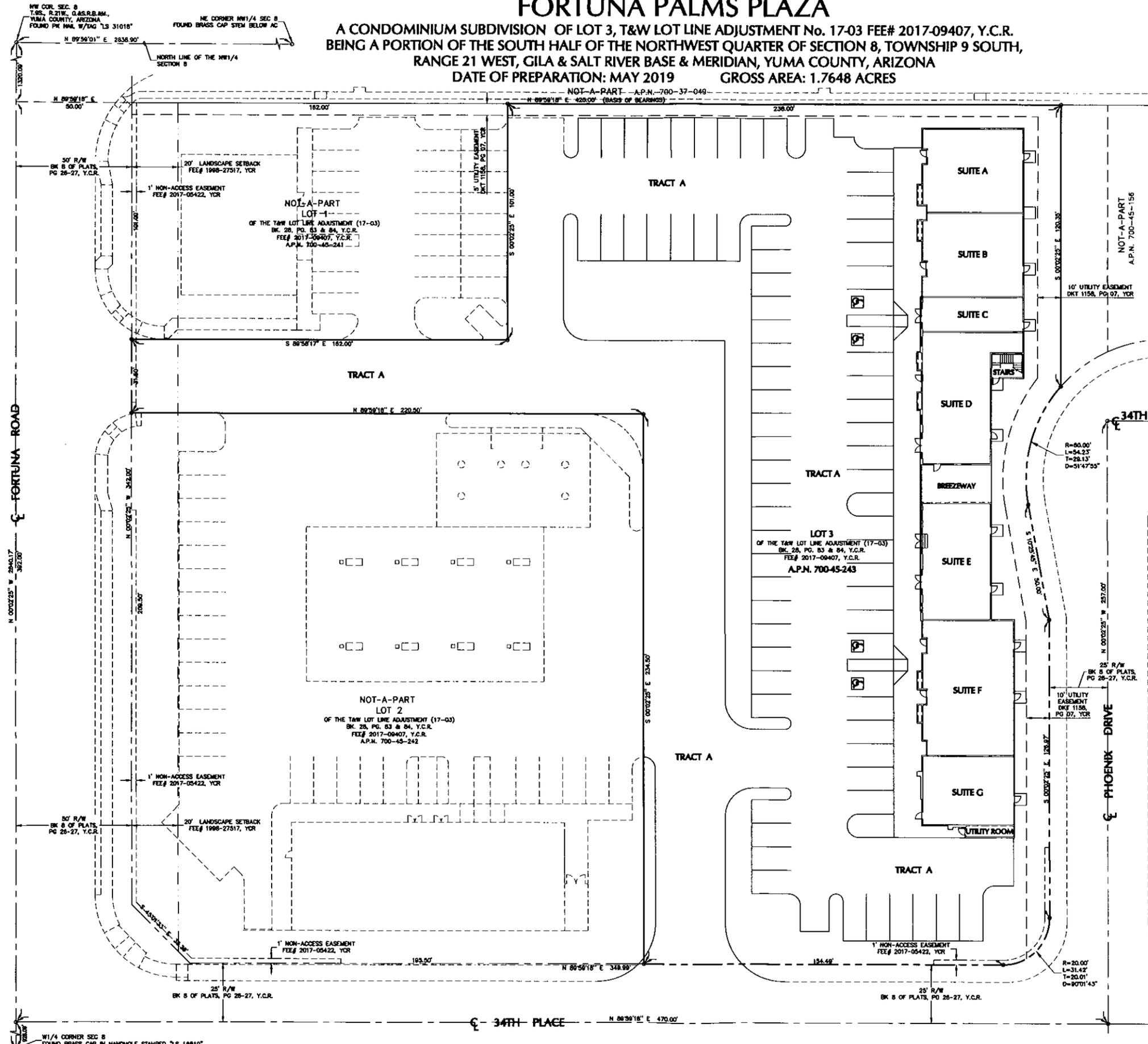
SCALE  
1"=200'

**LEGEND**

-  SUBJECT PROPERTY
-  NOTIFICATION AREA
-  ZONING DISTRICT
-  MUNICIPALITY

TENTATIVE PLAT  
**FORTUNA PALMS PLAZA**

A CONDOMINIUM SUBDIVISION OF LOT 3, T&W LOT LINE ADJUSTMENT No. 17-03 FEE# 2017-09407, Y.C.R.  
 BEING A PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 9 SOUTH,  
 RANGE 21 WEST, GILA & SALT RIVER BASE & MERIDIAN, YUMA COUNTY, ARIZONA  
 DATE OF PREPARATION: MAY 2019 GROSS AREA: 1.7648 ACRES



VICINITY MAP

TRACT TABLE		
TRACT	AREA (SF)	DESCRIPTION
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**LOT AREA**  
 76,876 SQUARE FEET OR 1.7648 ACRES

**BASIS OF BEARINGS**  
 THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER SECTION 8 AS SHOWN ON YUMA EAST MESA SUBDIVISION, BK 8 OF PLATS POS 26 & 27, YUMA COUNTY RECORDS, YUMA COUNTY, ARIZONA, NAMELY N 89°50'18\"/>

**BENCHMARK**  
 PK NAIL WITH TAG 'LS 31018' LOCATED AT THE NORTHWEST CORNER OF SECTION 8 AT THE FORTUNA ROAD OVERPASS. ELEVATION = 353.31'

- NOTES**
1. THE BOUNDARIES OF EACH UNIT ARE THE INTERIOR UNFINISHED SURFACES OF THE PERIMETER WALLS, FLOOR, CEILING, DOORS, AND WINDOWS OF THE UNIT (REFERENCE THE CONDOMINIUM DECLARATION).
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  3. AN OWNER'S ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE RESPONSIBILITY FOR MAINTAINING ALL COMMON ELEMENTS.



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 z:\jro2019\19110\drawings\19110 plat condominium.dwg

Yuma County  
Planning & Zoning  
Commission

Item No. 11

**AIR-9583**

**11.**

**P&Z Commission Agenda**

**Meeting Date:** 01/28/2020

**Submitted For:** Maggie Castro

**Submitted By:** Fernando Villegas

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

---

**Information**

**1. REQUESTED ACTION:**

**Fortuna Palms Plaza Commercial Condominiums subdivision – Tentative map:** Dahl, Robins and Associates Inc., requests review and approval of the tentative map for the proposed Fortuna Palms Plaza Commercial Condominiums subdivision consisting of seven lots and common areas on 1.76 acres, Assessor's Parcel Number 700-45-243, zoned General Commercial (C-2), located at 11375 South Fortuna Road, Yuma, Arizona.

**2. INTENT:**

To approve the tentative map for Fortuna Palms Plaza Commercial Condominiums subdivision.

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

**4. STAFF'S RECOMMENDATION:**

Staff recommends approval of the tentative map for Fortuna Palms Plaza Commercial Condominiums subdivision.

---

**Attachments**

Staff Report

Vicinity Map

Tentative Map

---



## MEMORANDUM

**TO:** Planning and Zoning Commission  
**FROM:** Fernando Villegas, Senior Planner  
**RE:** Fortuna Palms Plaza Commercial Condominiums Subdivision - Tentative Map  
**DATE:** January 13, 2019

---

Dahl, Robins and Associates Inc., requests approval of the tentative map for Fortuna Palms Plaza Commercial Condominiums subdivision consisting of 7 lots on 1.76 acres, Assessor's Parcel Number 700-45-243, zoned General Commercial (C2), located at 11375 South Fortuna Road, Yuma, Arizona.

The utilities will be provided as follows:

Water Service	Far West Water Company
Sewer Service	Far West Water Company
Electrical	Arizona Public Service
Gas	Southwest Gas
Telephone	Spectrum

### **Staff Recommendation:**

Staff recommends approval of the tentative map for Fortuna Palms Plaza Commercial Condominiums subdivision subject to the following condition:

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

INTERSTATE 8

RA-10

C-2

C-2  
FORTUNA ROAD

243

YUMA EAST MESA  
SUBDIVISION

34th Place

MHS-4.5

35th Place

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C-2/R-3



DEPARTMENT OF  
DEVELOPMENT  
SERVICES

PLANNING & ZONING DIVISION  
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FOR INFORMATION ONLY - NO LIABILITY ASSUMED

FORTUNA PALMS PLAZA  
COMMERCIAL CONDOMINIUMS  
CASE NO: LOCATION: 11375 S. FORTUNA RD.  
APN: 700-45-243

Case Planner: FV  
Drawn: 1-20-2020  
Reviewed: N/A



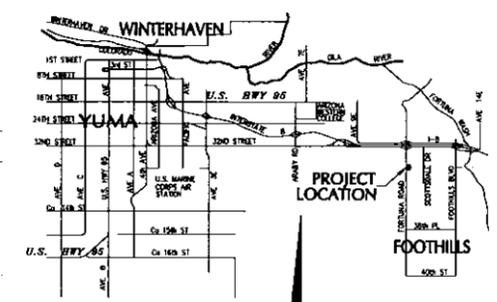
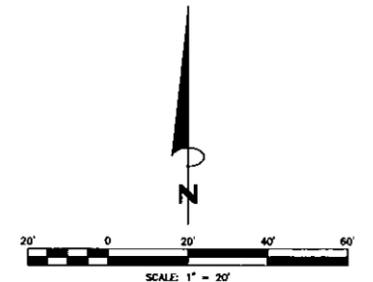
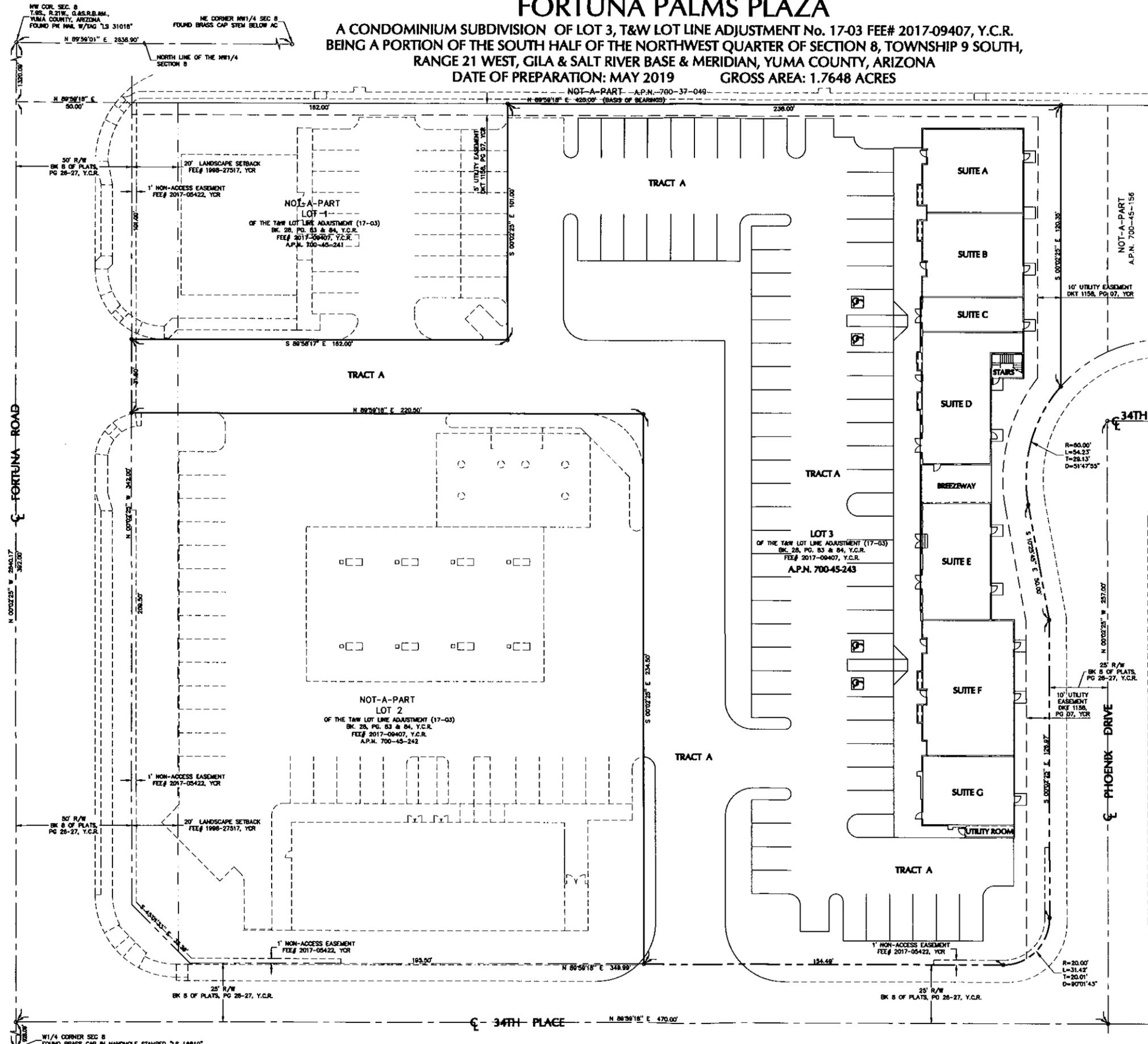
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LEGEND

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TENTATIVE PLAT  
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**PREPARED BY**

1560 S. 5th Avenue  
 Yuma, AZ 85304  
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Yuma County  
Planning & Zoning  
Commission

Item No. 12

**AIR-9547**

**12.**

**P&Z Commission Agenda**

**Meeting Date:** 01/28/2020

**Submitted For:** Maggie Castro

**Submitted By:** Maggie Castro

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

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**Information**

**1. REQUESTED ACTION:**

**Commission Initiative No. 19-03:** A proposed text amendment to the Subdivision Regulations to add new sections, Section 7.11 and 7.12, for lot ties

**2. INTENT:**

To adopt provisions in the Subdivision Regulations for lot ties.

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

**4. STAFF'S RECOMMENDATION:**

Staff recommends approval of Commission Initiative No. 19-03.

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**Attachments**

Staff Report

1-29-19 P&Z Comm minutes

2-26-19 P&Z Comm minutes

4-23-19 P&Z Comm minutes

6-3-19 BOS meeting NOBA

6-25-19 P&Z Comm minutes

07-23-19 P&Z Comm minutes

08-27-19 P&Z Comm minutes

10-22-19 P&Z Comm minutes

12-3-19 P&Z Comm minutes

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## MEMORANDUM

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

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

**RE:** Commission Initiative No. 19-03: A proposed text amendment to the Subdivision Regulations to add Sections 7.11 and 7.12 for lot ties

**DATE:** December 13, 2019

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The Planning & Zoning Commission originally initiated a text amendment to the Subdivision Regulations at their regular meeting of June 25, 2019. At their December 3, 2019, the Planning Commission amended the initiation of the text amendment. The amended language for the proposed text amendment to the Subdivision Regulations is shown below in **bold** font.

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

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

- 1. The map scale shall not be less than 1 inch equal 200 feet.**
- 2. North arrow**
- 3. Notation of the map as “Lot Tie for (owner’s name)”**
- 4. Provide existing Subdivision name, and unit number. Provide reference to the book and page where the existing subdivision is recorded**
- 5. Provide the existing lot number, tract number, assessor’s parcel number or other legal references to the properties being combined**
- 6. Location by quarter-section, section, township and range**
- 7. Provide property boundaries with distances and bearings**

8. Provide location and label all existing buildings, structures and sewage disposal system.
9. Provide names of streets within and adjacent to the property boundaries
10. Callout property line to be removed upon recordation of this map
11. Provide new lot number, tract number, or letter being assigned to the property
12. Provide a signature line and date on map for the Planning & Zoning Director

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

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

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

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

1. The Map shall be prepared by a Land Surveyor registered in the State of Arizona. The map scale shall not be less than 1 inch equal 200 feet.
2. Notation of the map as "Lot Tie for (owner's name)"
3. Location by quarter-section, section, township, and range.
4. Scale, north arrow, legend, and dates of preparation and revisions.
5. Name and address of owner.
6. Name, address, registration number, and seal of the registered land surveyor preparing the map.
7. Location and description of cardinal points of primary interest to which all dimensions, angles, bearings, and similar data on the map shall be referenced. Two corners of the map shall be tied by course and distance to a section line.
8. All existing and proposed lots shall be identified by number or letter. Show area, in square feet and acres, of new lot.
9. Provide location and label all existing buildings, structures and sewage disposal system.

10. **Boundaries of the property will reflect bearings and distances determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.**
11. **Location and dimensions of all lots within the map. All sides of the lots shall be identified by bearings and distances. All lot corners shall be described as to what was set or found by the surveyor.**
12. **Existing streets adjacent to the property shall be denoted with the Right-of-Way Dedication Instrument, if known, and shall have the right-of-way width dimensioned.**
13. **All adjacent properties must be indicated by subdivision name and Yuma County Recorder's Office Book and Page number or Assessor's Parcel Number.**
14. **Certification Statement with signature block by a registered land surveyor preparing the map that the map is correct and accurate, that the monuments described in it have been located as described, and that said monuments are sufficient to enable the survey to be retraced.**
15. **Signature Approval Lines for the County Engineer and Planning & Zoning Director.**
16. **Acknowledgement Statement with a signature block for owner of interest in the land to be combined.**

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

Staff recommendation:

Staff recommends approval of Commission Initiative No. 19-03.

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

**ITEM No. 8:** Discussion concerning lot combinations/lot ties.

Planning Director Maggie Castro, AICP, presented the discussion item concerning lot combination/lot ties. She stated the request is being brought by Joe Wehrle, Yuma County Assessor. He is requesting an amendment to the Zoning Ordinance to include lot combinations/lot ties proceed through a Land Division Permit process. She stated lot combination/lot ties are not considered a division of land therefore do not fall within the Land Division Permit process. Staff recommends feedback from the Planning and Zoning Commission.

Chairman Rosales inquired about why the Yuma County Assessor would like the Planning and Zoning Commission to consider amending the Zoning Ordinance.

Maggie Castro explained the Yuma County Assessor had stated lot combinations/lot ties within subdivisions change the layout of the plat.

Commissioners stated they would like to hear from the Yuma County Assessor.

MOTION (WHITE/BLACK): Continue discussion concerning lot combination/lot ties to the February 26, 2019 Planning and Zoning Commission Hearing.

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

**ITEM No. 9:** Discussion concerning possible text amendments to the Yuma County Zoning Ordinance, Section 306.03—Certificate of Exemption, Section 309.00, Section 401.01—Application for Amendment or Change, Section 1201.00—Permits, Section 1201.01—Zoning Inspector, Arizona Revised Statutes, Title 11, Chapter 6, Article 2, Permits, Section 1208.00—Withholding of Permits, Section 1209.01—Commencement of Action and Notice of Hearing.

Planning Director Maggie Castro, AICP, presented the discussion concerning possible text amendments to the Yuma County Zoning Ordinance. She reviewed the memo with the proposed text amendments in strike through and bold format. She stated the proposed changes are the result of the Planning and Zoning Subcommittee.

Commissioner Rice asked for clarification on Section 306.03 Certificate of Exemption.

Maggie Castro stated state law already has a clause for exemptions for properties that are used for general agriculture purposes. If the property meets the criteria for exemption they would not need to obtain a certificate of exemption, they would be exempt.

Commissioner Bryant referred to the article in the newspaper and inquired if the paper was accurate in its wording.

Maggie Castro stated the wording in the article pertains to Sections 1209.01 and 1201.01. She read the proposed text amendments for Sections 1209.01 and 1201.01.

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

**CALL TO ORDER:** At 5:02 p.m. Chairman Rosales convened the Planning and Zoning Commission meeting. Commissioners present were: Scott Mulhern, Ron Rice, Tim Bowers, Danny Bryant, Matias Rosales, Alicia Aguirre and Wayne Eide. Commissioners John McKinley, Gary Black, and Paul White were absent. Others present were: Planning Director Maggie Castro, AICP; Senior Planner Juan Leal-Rubio; Deputy County Attorney Ed Feheley; 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 January 29, 2019.**

**MOTION (RICE/BRYANT):** Approve as presented.

**VOICE VOTE:** Mulhern-AYE; Rice-AYE; Bowers- AYE; Bryant- AYE; Rosales- AYE; Eide- AYE. The motion carried 6-0.

**ITEM No. 4: Action to withdraw the petition received from owners of parcels in Foothills 1 through Foothills 4 subdivisions requesting to allow one RV upon a lot/parcel for up to four months in a 12 month period when the principal residential building is occupied in the Manufactured Home Subdivision (MHS) zoning district or consider rezoning the properties to the Recreational Vehicle Subdivision (RVS) zoning district.**

Senior Planner Juan Leal Rubio summarized the history of the petition that was received from owners of parcels in Foothills 1 through Foothills 4 subdivisions. He stated the petition was presented to the Board of Supervisors on January 23, 2019. He listed the concerns that the Board of Supervisors had with the petition. On February 6, 2019 the organizers of the petition requested to withdraw the petition based on comments expressed by the Board of Supervisors. Staff recommends the petition received from owners of parcels in foothills 1 through Foothills 4 subdivision be withdrawn.

Chairman Rosales opened the public hearing.

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

**MOTION (BRYANT/RICE):** Withdraw the petition received from owners of parcels in Foothills 1 through Foothills 4 subdivisions.

**VOICE VOTE:** Mulhern-AYE; Rice-AYE; Bowers- AYE; Bryant- AYE; Rosales- AYE; Eide- AYE. The motion carried 6-0.

Commissioner Aguirre entered the meeting at 5:08

**ITEM No. 5: Discussion concerning possible amendment to the zoning ordinance pertaining to lot combinations/lot ties.**

Planning Director Maggie Castro, AICP, stated that this item is being brought at the request of Joe Wehrle, Yuma County Assessor. She explained the Land Division Permit process and the fees associated with the permit. A lot tie/lot combination is not a land division as specified in Arizona Revised Statutes § 11-831. Therefore, lot ties/lot combinations do not comply with the Land Division Permit requirements. She stated that the Assessor's office has historically used a form called "Request to Combine Assessor Tax Parcels" for lot ties.

Joe Wherle, Yuma County Assessor expressed there should be a legal process for lots to be combined. He explained eliminating the lot lines between the parcels would create new setbacks. He explained under the current lot tie process, lot lines never disappear. The two lots remain as separate legal parcels of ground. He researched other Yuma County municipalities and the City of Somerton has codified the process. He stated tax parcels are not a legal boundary.

Planning Director Maggie Castro, AICP, read the first paragraph on the second page of the staff report. She explained the Planning and Zoning Director has the authority to determine where set backs are measured based on definitions in the Zoning Ordinance. Setbacks are measured from the parcel boundary. She explained cities have different requirements for lot combinations because they enjoy police powers in excess of those provided in the legislature for counties.

Commissioner Rosales asked Mr. Wherle where setbacks should be measured from.

Joe Wherle, Yuma County Assessor, stated that setbacks should be measured by the legal boundaries that have been set by a subdivision plat, the tax parcel boundary is not a legal boundary.

Planning Director Maggie Castro, AICP, inquired about un-platted parcels in the County. She restated that the Planning Director has the authority to determine where setbacks are to be measured from.

Joe Wherle, County Assessor, stated the Assessor's office does not have a problem combining un-platted parcels unless it's done by deed form.

Commissioners discussed the combined parcels obtaining a new legal description for financing and title companies. Commissioners asked for more clarification on how lot ties are a problem for the Assessor's office.

Joe Wherle, County Assessor, stated there are issues with the documentation on deeds for properties that have been combined.

Commissioner Rosales inquired about the Land Division Permit process for lot ties.

Planning Director Maggie Castro, AICP, stated staff cannot require a lot tie to go through a Land Division Permit process. She explained staff may be able to amend the Yuma County Subdivision Regulations. Staff conducted

a survey of the other 14 counties in Arizona and nearly all require submittal of a lot combination form or recordation of a deed.

Commissioner Bryant inquired if the deeds to each lot could be combined into one deed with a new legal description.

Planning Director Maggie Castro, AICP, explained that a local developer in Yuma County recorded a deed that combined two lots with one legal description. The Yuma County GIS division assigned one assessor's parcel number to the two combined lots.

Joe Wherle, County Assessor, stated the property, as mentioned, is still two legal lots.

Commissioner Mulhern questioned why a prepared legal description for two combined lots that is conveyed with a deed and is recorded would not be legal. He disagreed with requiring consumers to pay the costs of a Land Division process to remove a lot line.

Commissioners discussed plot maps not updating the legal description that is on the deed, surveyor fees, the City of Somerton's minor land division process, and the impact it would cause the public to implement a similar process.

Joe Wherle, County Assessor, stated that processing lot ties/lot combinations through a minor land division process would cause the parcels to become one new entity.

Commissioner Rosales inquired if the County has researched the City of Somerton's process.

Planning Director Maggie Castro, AICP, stated that Somerton abides by different set of rules per Arizona Revised Statutes. The law for counties do not allow lot ties to be regulated through the Land Division process. She reviewed the fee that would be required to amend a recorded subdivision plat.

Commissioners discussed how a recorded deed would appear in a title report. They were concerned about the fees that would be associated with removing a lot line as suggested by the County Assessor.

Joe Wehrle, County Assessor, explained that removing the lot line would be beneficial to the planners.

Planning Director Maggie Castro, AICP, stated that the lot line existence is not an issue to the planning division. She indicated that when two lots are combined, the setbacks are measured from the new combined parcel boundary.

Commissioner Rosales asked how the system updates the removal of a lot line.

Planning Director Maggie Castro, AICP, stated that it is through amending the Subdivision Regulations or adopting another procedure for lot ties/lot combinations.

Commissioner Mulhern stated the GIS system will remove the lot lines after a lot tie/lot combination.

Joe Wehrle, County Assessor, explained that those lot lines are removed within the municipalities due to a legal lot combination. He stated that the lot ties within the County are still shown on GIS.

Commissioner Mulhern inquired about how lot ties were executed prior to maps. He stated removing a lot line does not change the physical parcel boundaries. Therefore, requiring a survey for a lot tie is not necessary. He recommended finding another way to remove the lot line without utilizing the Land Division process.

Commissioner Rosales asked if staff could work with the County Assessor to reach a solution in a legal way that is non-intrusive to the consumer.

Planning Director Maggie Castro, AICP, explained that there could be an amendment to the Zoning Ordinance or Subdivision Regulations including an applicable fee for the new process. She stated that the County Assessor can submit any proposed language to staff.

Commissioner Rosales asked what the other 14 counties require for lot ties/lot combinations.

Planning Director Maggie Castro, AICP, stated some counties require submittal of a small plot plan that states the parcels will be combined. Other counties require a lot combination form or recordation of a deed.

Commissioner Rosales asked Mr. Wehrle if any other county has a process that would accomplish what the Assessor's office is trying to correct.

Joe Wehrle, County Assessor, stated that Pinal County has a formal process.

Commissioner Eide stated he is still unsure of what is trying to be accomplished and how the Commission can help the Assessor and County. He recommended the Commission to continue the discussion item.

Joe Wehrle, County Assessor, stated that part of his request is to have the process the same for all agencies. He explained all other municipalities have a formal and legal process.

Commissioners discussed not requiring a survey for subdivision plats and how to make the process legal.

Commissioner Bryant asked if a compromise could be made to alleviate the Assessor's concern without burdening the tax payers.

Planning Director Maggie Castro, AICP, stated that Mr. Wehrle has an example from Pinal County and staff could meet with the County Assessor to discuss and review other county processes.

MOTION (BRYANT/MULHERN): Continue the discussion item to that April 23, 2019 Planning and Zoning Commission hearing.

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

**ITEM No. 6: Review and approval of the Calendar Year 2018 Annual Report.**

Maggie Castro presented the Calendar Year 2018 Annual Report.

MOTION (AGUIRRE/BOWERS): Approve the Calendar Year 2018 Annual Report as presented by staff.

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

**ITEM No. 7: Discussion by the Commission members and Planning Director of events attended, current events, and the schedule for future Planning Commission meetings.**

Commissioner Aguirre stated that the American Planning Association Arizona Chapter is hosting a 2019 Ten Across Water Summit. She inquired if there are any concerns from the community related to water.

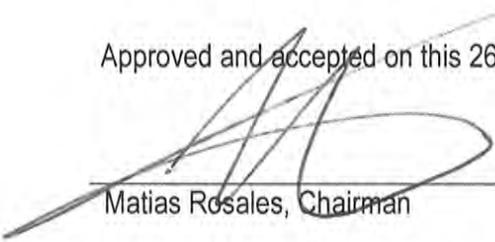
Planning Director Maggie Castro, AICP, stated that Commissioners have the option to attend training. Staff would register any commissioners that are interested.

Commissioner Aguirre stated she would like to attend the training.

Commissioner Rosales advised Commissioners to contact the Planning and Zoning staff if they would like to attend the summit.

There being no further business to come before the Commission, the Chairman adjourned the meeting at 6:03 p.m.

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

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

ATTEST:

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

Commissioner Black inquired about the irrigation on the lot.

Craig Colvin stated canals were not proposed for the project.

Commissioner Aguirre inquired about the water source.

Craig Colvin stated the parcels could have individual wells or share the existing well on site with share water agreements.

Vice Chairman Bryant opened the public hearing.

Steve Moore, 7615 East County 13 ½ Street, Yuma, Arizona, adjacent property owner, inquired about the easement that would be located in back of his property. He asked how close the road would be to his fence and if the road would be above or below his fence. He explained the heavy rainfall in the area and inquired about the drainage of the rain.

Civil Engineer Arturo Alvarez explained the grading permit process would address all drainage issues. He stated the height of the road would be reviewed when the engineer submits the plans.

Craig Colvin clarified the new road would be on the existing terrain as close as possible. He explained there would be a 2% slope slanting away from the adjacent property. He stated they would calculate the portion of rain that lands on each lot during the drainage process.

MOTION (WHITE/BLACK): Approve Rezoning Case No. 19-02 as presented by staff.

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

**ITEM No. 5: Discussion concerning lot combinations/lot ties.**

Planning Director Maggie Castro, AICP, presented staff's recommendation for a possible amendment to the Yuma County Subdivision Regulations. She stated the text in bold font is the proposed new language that would create Section 7.11 in the Subdivision Regulations. In addition to amending the Subdivision Regulations, the Fee Schedule for the Department of Development Services would need to be amended to cover the costs incurred to process a lot tie map. A fee of \$384.30 would be required.

Joe Wehrle, County Assessor, stated he agreed with the proposed text amendment to the Yuma County Subdivision Regulations.

Commissioner Bryant inquired about the timeframe of the Lot Tie Map process.

Planning Director Maggie Castro, AICP, explained a procedure has not yet been established. She stated the current process could take 1 to 2 days. The proposed process could take a minimum of a month. A site plan indicating the new legal description would need to be submitted and reviewed by staff.

Commissioner Bryant inquired about the cost of the current process for lot ties/combinations.

Planning Director Maggie Castro, AICP, stated there is no fee associated with the current process for lot ties/combinations.

Commissioner Mulhern inquired about who can prepare the lot tie map when lots are combined. He asked if there were any provisions to split the lots after they have been combined.

Planning Director Maggie Castro, AICP, explained either a surveyor or a property owner can prepare the map. She stated a lot split would need to go through a land division process after the lots have been combined.

Commissioner Mulhern stated he would like the process to be simple for the property owner and inquired if the Commission would review the lot tie map.

Planning Director Maggie Castro, AICP, stated the site plan would not be reviewed by the Planning and Zoning Commission. She explained the site plan would be reviewed by staff to ensure it is in compliance with the Zoning Ordinance and adopted codes.

Commissioner Mulhern asked if staff would be creating their own application form or adopting a form.

Planning Director Maggie Castro, AICP, stated the Department of Development Services would tailor the application form for lot ties.

Joe Wehrle, County Assessor, stated the proposed process would only be for subdivided properties. He explained the subdivided properties have already been surveyed.

Commissioner Bryant inquired if the Planning Director felt there was a need for the proposed text amendment to the Subdivision Regulations.

Planning Director Maggie Castro, AICP, stated she did not feel the proposed process was necessary. She explained the Planning Director has already determined that setbacks would be measured from the parcel boundary not the individual lot line for lots that have been combined, however, Mr. Wehrle had expressed his concerns with transferring of combined properties. She explained it would be up to the Planning and Zoning Commission to forward the proposed amendment to the Board of Supervisors.

Commissioner McKinley inquired about the cost of the proposed fee.

Planning Director Maggie Castro, AICP, explained the cost concurred with the process and the actions that would need to be taken for this type of request.

Commissioner McKinley stated the property had already been surveyed. He inquired about how hard could the process be to remove a lot line.

Planning Director Maggie Castro, AICP, explained the process requires submittal of a site plan which is reviewed by all the divisions within the Department of Development Services.

Commissioner Black gave an example of a house built outside the property lines. He agreed with having a lot tie process.

Joe Wehrle, County Assessor, gave an example of a house that was built too close to a property line and the property line was moved to meet setback requirements. He stated that banks are requesting a definitive legal description for properties.

Commissioner Bryant stated he was opposed to the lot tie process, but after hearing the issues with title and deed companies, he agreed with the proposed lot tie process.

Joe Wehrle, County Assessor, stated the vesting between the two properties are not the same. The process of the lot tie would be to straighten out the land title.

Vice Chairman Bryant opened the public hearing.

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

MOTION (BLACK/WHITE): Forward the proposed amendment to the Subdivision Regulations to the Board of Supervisors as presented by staff.

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

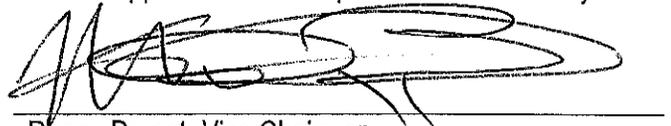
**ITEM No. 6: Discussion by the Commission members and Planning Director of events attended, current events, and the schedule for future Planning Commission meetings.**

Commissioner Aguirre stated she attended the 2019 Ten Across Water Summit in Phoenix in March. She explained many states are creating contingency plans for water crisis. Communities are preserving and recycling water. She learned about the Colorado River issues that lead into Arizona. She recommended the Planning and Zoning Commission receive information about the water in Yuma County.

Commissioner Bryant stated preserving water is a concern. He suggested having Mr. Noble present to the Commission in the future.

There being no further business to come before the Commission, the Chairman adjourned the meeting at 5:45 p.m.

Approved and accepted on this 28 of May 2019.

  
\_\_\_\_\_  
Danny Bryant, Vice Chairman

ATTEST:



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

<b>1. Yuma County Board of Supervisors</b>				
<b>NOTICE of OFFICIAL BOARD ACTION (NOBA)</b>				
Meeting Date: <b>06-03-19</b>	Sitting as the:	To:	•AGENCY HEAD <b>MAGGIE CASTRO</b>	Date sent:  <i>06-05-19</i>
Item No: <b>D2</b>	<input checked="" type="checkbox"/> Board of Supervisors <input type="checkbox"/> Board of Directors of	Agency:	<b>DEVELOPMENT SERVICES/ PLANNING DIVISION</b>	
<b>Agenda Wording:</b> <i>Development Services/Planning Division: Discussion and possible action concerning lot combinations/lot ties, and consider moving forward to initiate a text amendment to the Yuma County Subdivision Regulations and amending the Fee Schedule to adopt a fee for processing a Lot Tie Map.</i>				

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

<input type="checkbox"/> <b>Public hearing conducted:</b> In matters requiring public hearing, this certifies that the below constitutes official action after a legally advertised public hearing and duly called meeting of the Yuma County Board of Supervisors (or Board of Directors per agenda wording) and will be recorded without amendment or modification in the official records of said political body. •Public comments: ___ In favor ___ Opposed ___ Neutral <input type="checkbox"/> No comments	
<input type="checkbox"/> Approved on Consent. <input type="checkbox"/> Approved as presented on AIR-Form. <input type="checkbox"/> Approved per Recommended Motion. <input type="checkbox"/> Denied <input type="checkbox"/> No Action <input type="checkbox"/> Approved as amended: *Amendment: <input type="checkbox"/> Other: <i>Direct staff to proceed with initiating a text amendment to the Yuma County Subdivision Regulations and amending the fee schedule</i>	<b>Vote Results:</b> <i>BM</i> Motion <i>LP</i> Second <input checked="" type="checkbox"/> Passed <input checked="" type="checkbox"/> Voice Vote: <u>5</u> Dissent: <u>0</u> <input type="checkbox"/> Roll Call: _____ Ayes    _____ Nays
<input type="checkbox"/> Item continued:    Date & Time:	<input type="checkbox"/> Agency submits AIR-Form for future meeting.
<input type="checkbox"/> Public Hearing set:    Date & Time:	<input type="checkbox"/> Agency submits AIR-Form for future meeting.

**3. CLERK OF THE BOARD CERTIFICATION**

Signature: <i>Rosarae Oster Deputy Clerk for:</i> Susan K. Thorpe, County Administrator/Clerk of the Board	Date: 06-03-19
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**4. FOLLOW-UP (FU) ACTIONS REQUIRED:**

Clerk of Board obtains signatures on original document(s).  
 Agency obtains signatures on original document(s) and provides to Clerk of Board one (1 ORIGINAL, fully executed document).  
 Agency  Clerk of Board submits Purchase Requisition to Financial Services.  
 Agency  Clerk of Board causes recordation of (list): \_\_\_\_\_  
 Agency  Clerk of Board causes publication. (Agency provides copy of Public Notice to Clerk of Board.)  
 Other instructions/actions:

ENCLOSURES:	Contract: <input type="checkbox"/> Original(s) <input type="checkbox"/> Copy(s)	<input type="checkbox"/> Resolution: <input type="checkbox"/> Original(s) <input type="checkbox"/> Copy(s) <input type="checkbox"/> Will be recorded <input type="checkbox"/> Will not be recorded <input checked="" type="checkbox"/> BAR Res: (not recorded) <input type="checkbox"/> Orig <input type="checkbox"/> Copy	<input type="checkbox"/> Other (list):  <input checked="" type="checkbox"/> Other (list): <i>Craig Sellers</i>
COPIED TO	<input type="checkbox"/> County Attorney <input type="checkbox"/> Finance Director	<input type="checkbox"/> Human Resources Director	

<b>Questions/information regarding this agenda item contact:</b> Name/Title: <i>Christy Ishell, Deputy Clerk</i>	Phone #: <i>928-373-1107</i>	Form revised: 03-03-06/cpi
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VOICE VOTE: Mulhern-AYE; McKinley- AYE; Bryant- AYE; Rosales- AYE; Aguirre- AYE; Black- AYE; White- AYE  
The motion carried 7-0.

**ITEM No. 7: Request to initiate a text amendment to the Yuma County Subdivision Regulations to add a new section, Section 7.11, for lot ties in recorded subdivisions.**

Planning Director Maggie Castro, AICP, presented the text amendment to the Yuma County Subdivision Regulations recommending initiating a text amendment to the Yuma County Subdivision Regulations as presented.

Commissioner Mulhern suggested striking out "down to the lowest fractional part of a section" in the proposed amendment to the Subdivision Regulations.

Planning Director Maggie Castro, AICP, stated one of the comments made by Mr. Wehrle was that that information was not necessary. She stated the Planning and Zoning Commission may choose to modify the proposed language.

MOTION (MULHERN/BRYANT): To initiate a text amendment to the Yuma County Subdivision Regulations as presented by staff with "down to the lowest fractional part of a section" to be stricken out.

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

**ITEM No. 8: Discussion concerning amendment to DDS Fee Schedule to adopt a fee for processing a Lot Tie Map.**

Planning Director Maggie Castro, AICP, presented the amendment to the DDS Fee Schedule.

Commissioner Mckinley inquired about the current cost.

Planning Director Maggie Castro, AICP, stated there currently was not a fee to process lot ties.

Commissioner Rosales stated the fee was based on staff's processing time and etc.

Commissioner Mulhern inquired if the fee could be rounded to the nearest dollar.

Planning Director Maggie Castro, AICP, stated the commission could recommend a fee lower than staffs proposal.

MOTION (BLACK/BRYANT): Forward the amendment to DDS Fee Schedule to the Board of Supervisors as presented by staff.

Mulhern-AYE; Rice-AYE; McKinley- NAY; Bowers- AYE; Rosales- AYE; White- AYE; Aguirre- AYE. The motion carried 7-0.

**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 Regulations. 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 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 the action to amend the initiation of the text amendment to the Subdivision Regulations 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.

**ITEM No. 5: Action to amend the initiation of the text amendment to the Subdivision Regulations for lot ties in recorded subdivisions.**

MOTION (BRYANT/MULHERN): Continue Action to amend the initiation of the text amendment to the Subdivision Regulations for lot ties in recorded subdivisions to the October 22, 2019 Hearing.

VOICE VOTE: Mulhern-AYE; Bowers-AYE; Bryant- AYE; Rosales- AYE; Zermeno- AYE; Black- AYE. The motion carried 6-0.

DRAFT

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

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

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

DRAFT

**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. Wherle 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.

Yuma County  
Planning & Zoning  
Commission

Item No. 13

**AIR-9548**

**13.**

**P&Z Commission Agenda**

**Meeting Date:** 01/28/2020

**Submitted For:** Maggie Castro

**Submitted By:** Maggie Castro

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

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### **Information**

**1. REQUESTED ACTION:**

**Proposed amendment to DDS fee schedule to adopt new fee for lot ties.**

**2. INTENT:**

Amend the Department of Development Services fee schedule by adopting the following fees:

Lot Tie Map not within a Recorded Subdivision: \$601.76

Lot Tie Map in a Recorded Subdivision: \$384.30

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

**4. STAFF'S RECOMMENDATION:**

Staff recommends amending the fee schedule to add the fees suggested by staff.

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### **Attachments**

Staff Report

Fee breakdown

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## MEMORANDUM

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

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

**RE:** A proposed amendment to the Department of Development Services Fee Schedule to adopt a fee to process lot ties

**DATE:** December 30, 2019

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If the Yuma County Subdivision Regulations are amended to add Sections 7.11 and 7.12, the Fee Schedule for the Department of Development Services would also need to be amended to cover the costs incurred to process a lot tie map.

Staff is proposing the following fees

Lot Tie Map not within a Recorded Subdivision:	\$	601.76
Lot Tie Map in a Recorded Subdivision:	\$	384.30

Staff recommendation:

Staff recommends amending the fee schedule to add the fees suggested by staff.

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



Yuma County  
Planning & Zoning  
Commission

Item No. 14

**P&Z Commission Agenda**

**Meeting Date:** 01/28/2020

**Submitted For:** Maggie Castro

**Submitted By:** Maggie Castro

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

**Information**

**1. REQUESTED ACTION:**

**Commission Initiative No. 19-04:** A proposed text amendment to the Zoning Ordinance, Section 1107.00—Temporary Buildings and Uses to amend Section 1107.01(A)(4), add Sections 1107.01(C) and (D), amend Sections 1107.03, 1107.04 and 1107.05, and add Sections 1107.06 and 1107.07.

**2. INTENT:**

The Board of Supervisors held a work session on April 1, 2019 and directed staff to draft language to amend the Zoning Ordinance which will allow them to monitor and have more control over Temporary Use Permits. The proposed amendments to the zoning ordinance were presented to the Planning Commission on May 28, 2019 and to the Board of Supervisors on July 1, 2019. The Board held a work session on August 5, 2019 and made a motion to return the proposed changes to the Zoning Ordinance back to the Planning & Zoning Commission to initiate a text amendment. The Planning Commission initiated the text amendment to the Zoning Ordinance on December 3, 2019.

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

**4. STAFF'S RECOMMENDATION:**

Staff recommends approval of Commission Initiative No. 19-04.

**Attachments**

Staff Report

4-1-19 BOS work session NOBA

4-1-19 BOS work session minutes

5-28-19 P&Z Comm minutes

7-1-19 BOS work session NOBA

7-1-19 BOS work session minutes

8-5-19 BOS work session NOBA

8-5-19 BOS work session minutes

10-22-19 P&Z Comm minutes

12-3-19 P&Z Comm minutes



## MEMORANDUM

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

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

**RE:** **Commission Initiative No. 19-04:** A proposed text amendment to the Zoning Ordinance, Section 1107.00—Temporary Buildings and Uses to amend Section 1107.01(A)(4), add Sections 1107.01(C) and (D), amend Sections 1107.03, 1107.04 and 1107.05, and add Sections 1107.06 and 1107.07

**DATE:** December 30, 2019

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The Board of Supervisors held a work session on April 1, 2019 and directed staff to draft language to amend the Zoning Ordinance which will allow them to monitor and have more control over Temporary Use Permits. The proposed amendments to the zoning ordinance were presented to the Planning Commission on May 28, 2019 and to the Board of Supervisors on July 1, 2019. The Board held a work session on August 5, 2019 and made a motion to return the proposed changes to the Zoning Ordinance back to the Planning & Zoning Commission to initiate a text amendment. The Planning Commission initiated the text amendment to the Zoning Ordinance on December 3, 2019.

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

Section 1107.00--Temporary Buildings and Uses

1107.01--Application for Temporary Uses

The following regulations shall govern the operation of temporary uses:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Staff Recommendation:

Staff recommends approval of Commission Initiative No. 19-04.

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

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

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

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

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

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

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

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

3. **CLERK OF THE BOARD CERTIFICATION**

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

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

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

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

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

Supervisor Reyes opened the public hearing.

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

Supervisor Reyes closed the public hearing.

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

VOICE VOTE: The motion carried 5-0.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

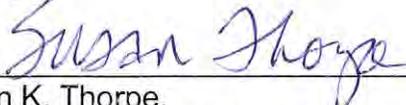
There being no further business to come before the Board, the Chairman adjourned the meeting at 12:00 p.m.

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



\_\_\_\_\_  
Marco A. "Tony" Reyes, Chairman

ATTEST:

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

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

Chairman Rosales opened the public hearing.

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

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

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

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

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

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

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

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

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

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

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

Commissioner Rice inquired about who approves liquor licenses.

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

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

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

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

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

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

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

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

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

3. **CLERK OF THE BOARD CERTIFICATION**

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

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

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

VOICE VOTE: The motion carried 5-0.

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

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

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

No legal action was taken.

**EVENTS CALENDAR/CURRENT EVENTS:**

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

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

**WORK SESSION DISCUSSION AND ACTION ITEM:**

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

Planning and Zoning Commission Member Danny Bryant was present.

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

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



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

VOICE VOTE: The motion carried 5-0.

**EVENTS CALENDAR/CURRENT EVENTS:**

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

**WORK SESSION DISCUSSION AND ACTION ITEM:**

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

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

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

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

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

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

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

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

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

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

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

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

VOICE VOTE: The motion carried 5-0.

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

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

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

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

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

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

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

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

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

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

DRAFT

**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 Supervisors 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.

DRAFT

Yuma County  
Planning & Zoning  
Commission

Item No. 15

**P&Z Commission Agenda****Meeting Date:** 01/28/2020**Submitted For:** Maggie Castro**Submitted By:** Maggie Castro**Department:** Planning & Zoning Division - DDS**Information****1. REQUESTED ACTION:**

**Commission Initiative No. 19-05:** A proposed text amendment to the Zoning Ordinance to create the Dark Sky Overlay District, Section 623.00, and amend the Official Zoning Map accordingly.

**2. INTENT:**

In January 2019, the Board of Supervisors (BOS) asked staff to re-open the discussion on the Dark Sky Ordinance that was proposed in 2006. At the July 22, 2019 regular meeting, the BOS held another discussion and requested two alternatives for the proposed ordinance to be brought back for consideration. On October 21, 2019, the BOS was presented with the draft language for the proposed Dark Sky Overlay District along with two maps depicting the areas of Yuma County which could potentially be included in the overlay district. The BOS directed staff to forward the proposed language for the Dark Sky Overlay District along with the map depicting the area of Yuma County that is east of Foothills Boulevard and the Martinez Lake area. The Planning Commission initiated the text amendment to the Zoning Ordinance on December 3, 2019.

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

Staff recommends approval of Commission Initiative No. 19-05.

**Attachments**

Staff Report

Dark Sky Overlay District Map

2-20-19 BOS meeting NOBA

2-20-19 BOS meeting minutes

7-22-19 BOS meeting NOBA

7-22-19 BOS meeting minutes

10-21-19 BOS meeting NOBA

10-21-19 BOS meeting minutes

12-3-19 P&amp;Z Comm minutes



## MEMORANDUM

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

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

**RE:** **Commission Initiative No. 19-05:** A proposed text amendment to the Zoning Ordinance to create the Dark Sky Overlay District, Section 623.00, and amend the Official Zoning Map accordingly

**DATE:** December 30, 2019

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In January 2019, the Board of Supervisors (BOS) asked staff to re-open the discussion on the Dark Sky Ordinance that was proposed in 2006. At the July 22, 2019 regular meeting, the BOS held another discussion and requested two alternatives for the proposed ordinance to be brought back for consideration. On October 21, 2019, the BOS was presented with the draft language for the proposed Dark Sky Overlay District along with two maps depicting the areas of Yuma County which could potentially be included in the overlay district. The BOS directed staff to forward the proposed language for the Dark Sky Overlay District along with the map depicting the area of Yuma County that is east of Foothills Boulevard and the Martinez Lake area. The Planning Commission initiated the text amendment to the Zoning Ordinance on December 3, 2019.

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

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

### **623.01—General**

#### **A. Purpose**

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

#### **B. Conformance**

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

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

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

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

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

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

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

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

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

### **623.06--Definitions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. parking lots
- b. roadways

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Plate VI-27: Lumen Caps**

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

\* RA-40, RA-20, RA-10, RA-5, SR-4, SR-3, SR-2, SSB-20, SSB-10, SSB-5, SSB-4, SSB-3, SSB-2, MHP<sup>1</sup>, MHS<sup>1</sup>, RVP<sup>1</sup>, & RC<sup>1</sup>, & PD<sup>3</sup>

\*\* SR-1, SSB-1, R-1-40, R-1-20, R-1-12, R-1-8, R-1-6, R-2, R-3, MHS-20, MHS-15, MHS-10, MHS-4.5, MHP, RVS, RVP, RC, OS-RR, SA/RL, , MHP<sup>2</sup>, MHS<sup>2</sup>, RVP<sup>2</sup>, RC<sup>2</sup>, & PD<sup>3</sup>

\*\*\*C-1, C-2, LI, HI, II, TCU, PF & PD<sup>3</sup>

<sup>1</sup>When the parcel in question is larger than one (1) acre

<sup>2</sup>When the parcel in question is smaller than or equal to one (1) acre

<sup>3</sup>PD shall be placed in the category that most closely matches the usage and size of the proposed usage.

**623.11--Prohibitions**

**A. Searchlights, Laser Lights**

The operation of searchlights and laser lights is prohibited.

**B. Recreational Facilities**

No outdoor recreational facility, public or private, including those with non-conforming lighting shall be illuminated after 11 p.m. except to conclude a specific scheduled event that was unable to conclude before the curfew due to unusual circumstances.

**C. Mercury Vapor lighting**

Mercury vapor lamps and fixtures are prohibited.

**623.12--Signage**

**A. External illumination**

External illumination for signs shall conform to shielding requirements and count towards lumen caps of Plate VI-27. All upward-directed sign lighting is prohibited.

**B. Internal illumination**

- 1. Outdoor signs that are internally illuminated must be constructed with an opaque or dark-colored background and lighter text and symbols, except for any approved change panel. Signs shall be adequately sealed and maintained to prevent light leakage. Internally illuminated signs with opaque or dark colored backgrounds shall not be counted toward the lumen cap.**
- 2. Neon signs shall be treated as internally illuminated signs for the purpose of this Code. Neon lighting extending beyond the sign area shall be considered Class 3 decorative lighting, and shall be subject to the standards applicable for such lighting including, but not limited to, the shielding standards and lumen caps of Plate VI-27.**

#### **C. Other illuminated panels**

**Other internally-illuminated panels or decorations not considered to be signage, such as illuminated canopy margins or building faces shall be considered Class 3 Lighting and shall be subject to the standards applicable for such lighting including, but not limited to, the shielding standards and lumen caps of Plate VI-27.**

#### **D. Curfew**

**Illumination for advertising signs, except billboards, both externally and internally illuminated, shall be turned off at 11 p.m., or when the business closes, whichever is later. Internally illuminated signs with an opaque or dark-colored background and lighter text and symbols are not subject to the curfew, provided at least 50% of the sign is dark colored.**

#### **623.13--Permanent Exemptions**

- A. Nonconforming Fixtures: Legally installed, prior to adoption of this Section, outdoor lighting not conforming to the provisions of Section 623.00 shall be allowed to remain.**
- B. Fossil Fuel Lights: All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from all requirements of this code.**
- C. Emergency lighting: Emergency lighting required for public safety is exempt from the requirements of Section 623.00.**

#### **623.14--Special Activities**

##### **A. Outdoor Recreational Facilities**

- 1. Shielding: All outdoor recreational facilities shall utilize fully-shielded luminaires that are installed in a fashion that maintains the fully-shielded characteristics.**
- 2. Lighting for public and private outdoor athletic fields, courts, tracks or arenas, shall be considered Class 1 (Color Rendition).**
- 3. Lighting Illuminating Playing Fields: exempt from the lumen caps in Plate VI-27, during scheduled events, all other requirements of Section 623 must be met.**

4. **Off-site spill:** The facility shall limit off-site spill to the maximum extent possible and shall not cause light trespass onto residentially zoned or developed properties.
5. **Curfew:** All events shall be scheduled to complete activity before 11 p.m. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances.
6. All lighting not directly associated with the playing field (e.g. parking lot lighting, concession stand lighting, etc.) shall use Class 2 lighting and shall conform to all requirements of Plate VI-27.

#### **B. Outdoor Display Lots**

Lighting for display lots shall be considered Class 1 (Color Rendition), and shall be in compliance with the following standards:

1. **Shielding:** All display lot lighting shall utilize fully-shielded luminaires that are installed in a fashion that maintains the fully-shielded characteristics.
2. Display lot lighting shall meet shielding, lumen caps, height limits, and all other restrictions of this Section (623.00).
3. **Curfew:** Display lot lighting shall be turned off between 11 p.m. and sunrise or within 30 minutes after closing of the business, whichever is later. Lighting in the display lot after this time shall be considered Class 2 lighting and shall conform to all restrictions of this Code, including the lumen caps in Plate VI-2.
4. **Off-site spill:** The facility shall limit off-site spill to the maximum extent possible and shall not cause light trespass onto residentially zoned or developed properties

#### **C. Automobile Service Station Under Canopy Lighting**

Lighting for service station canopies shall be considered Class 1 lighting (Color rendition) and shall be subject to the curfew requirements in Section 623.10(C)(5).

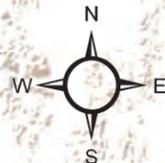
1. **Shielding:** All luminaires are to be flush with, or recessed into the lower surface of service station canopies and shall be fully shielded and utilize flat lenses to minimize light trespass.
2. **Total Under-Canopy Output:** The total light output used for illuminating service station canopies is defined as the sum of all under-canopy initial bare lamp outputs in lumens and shall not exceed 40 lumens per square foot of canopy. Twenty-five percent (25%) of the lumens from fully shielded outdoor lighting fixtures installed under canopies shall be counted toward the lumens caps in Plate VI-2
3. Illuminated canopy margins shall be considered Class 3 (Decorative) lighting.

LA PAZ COUNTY



# DARK SKY OVERLAY DISTRICT

0 1.75 3.5 7 10.5 14 Miles



LA PAZ COUNTY

LA PAZ COUNTY



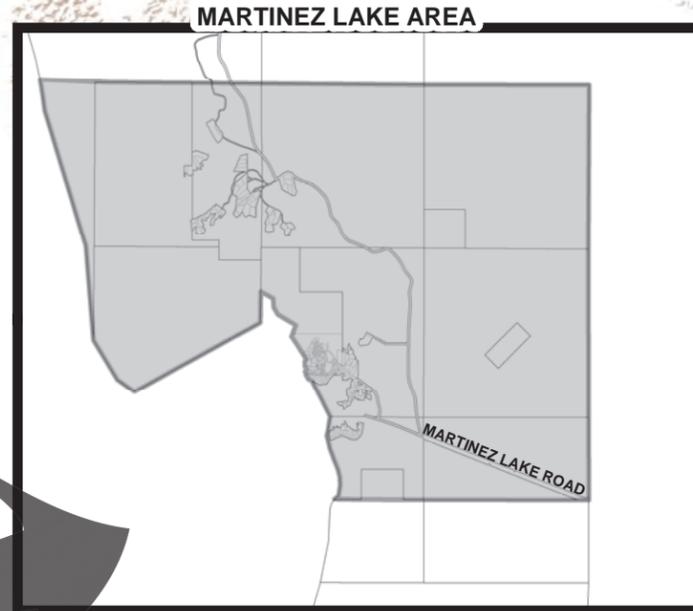
SEE ENLARGEMENT

IMPERIAL COUNTY CALIFORNIA

CITY OF YUMA

FOOTHILLS BLVD.

TOWN OF WELLTON



MARTINEZ LAKE AREA

MARTINEZ LAKE ROAD

MARICOPA COUNTY

## LEGEND

DARK SKY OVERLAY DISTRICT

MUNICIPALITIES

CREATED BY THE YUMA COUNTY PLANNING SECTION 09-18-2019

FOR INFORMATION ONLY-NO LIABILITY ASSUMED

OPTION #1

Sources: Esri, USGS, NOAA

<b>1. Yuma County Board of Supervisors</b>				
<b>NOTICE of OFFICIAL BOARD ACTION (NOBA)</b>				
Meeting Date: <b>02-20-19</b>	Sitting as the:	To:	•AGENCY HEAD <b>CRAIG SELLERS</b>	Date sent:  <b>2/21/19</b>
Item No: <b>D5</b>	<input checked="" type="checkbox"/> Board of Supervisors <input type="checkbox"/> Board of Directors of _____	Agency:	<b>DEVELOPMENT SERVICES</b>	

**Agenda Wording:** *Development Services*: Discussion and possible action concerning the Dark Sky Ordinance (Outdoor Lighting Regulations).

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

<input type="checkbox"/> <b>Public hearing conducted:</b> In matters requiring public hearing, this certifies that the below constitutes official action after a legally advertised public hearing and duly called meeting of the Yuma County Board of Supervisors (or Board of Directors per agenda wording) and will be recorded without amendment or modification in the official records of said political body. •Public comments: ___ In favor ___ Opposed ___ Neutral <input type="checkbox"/> No comments	
<input type="checkbox"/> Approved on Consent. <input type="checkbox"/> Approved as presented on AIR-Form. <input type="checkbox"/> Approved per Recommended Motion. <input type="checkbox"/> Denied <input checked="" type="checkbox"/> No Action <input type="checkbox"/> Approved as amended: *Amendment: <input type="checkbox"/> Other: _____	<b>Vote Results:</b> ___ Motion    ___ Second <input type="checkbox"/> Passed <i>N/A</i> <input type="checkbox"/> Voice Vote: _____ Dissent: _____ <input type="checkbox"/> Roll Call: _____ Ayes _____ Nays

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

**3. CLERK OF THE BOARD CERTIFICATION**

Signature: <i>Denarae Doten Deputy Clerk for:</i> Susan K. Thorpe, County Administrator/Clerk of the Board	Date: <b>02-20-19</b>
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**4. FOLLOW-UP (FU) ACTIONS REQUIRED:**

- Clerk of Board obtains signatures on original document(s).
- Agency obtains signatures on original document(s) and provides to Clerk of Board one (1 ORIGINAL, fully executed document).
- Agency  Clerk of Board submits Purchase Requisition to Financial Services.
- Agency  Clerk of Board causes recordation of (list): \_\_\_\_\_
- Agency  Clerk of Board causes publication. (Agency\* provides copy of Public Notice to Clerk of Board.)
- Other instructions/actions: \_\_\_\_\_

ENCLOSURES:	Contract: <input type="checkbox"/> Original(s) <input type="checkbox"/> Copy(s)	<input type="checkbox"/> Resolution: <input type="checkbox"/> Original(s) <input type="checkbox"/> Copy(s) <input type="checkbox"/> Will be recorded <input type="checkbox"/> Will not be recorded <input type="checkbox"/> BAR Res: (not recorded) <input type="checkbox"/> Orig <input type="checkbox"/> Copy	<input type="checkbox"/> Other (list):  <input checked="" type="checkbox"/> Other (list): <i>Maggie Castro</i>
COPIED TO	<input type="checkbox"/> County Attorney <input type="checkbox"/> Finance Director	<input type="checkbox"/> Human Resources Director	

<b>Questions/information regarding this agenda item contact:</b>	
Name/Title: <i>Denarae Doten</i>	Phone #: <i>313-1105</i>

Form revised: 03-03-06/cpi

Supervisor Porchas announced that he and Supervisor Simmons wanted to be on the Elections Advisory Committee.

MOTION (MCCLLOUD/PANCRAZI): Authorize Intergovernmental Agreement regarding combining the Offices of the Recorder and Elections Services with two (2) changes: Include verbiage that if possible, one (1) Supervisor from each political party be appointed to the Election Advisory Committee, and change the 30 day written termination notice to 60 days.

VOICE VOTE: The motion carried 4-0, with Supervisor Reyes excused.

**No. 5: *Development Services: Discussion and possible action concerning the Dark Sky Ordinance (Outdoor Lighting Regulations).***

Ms. Castro reviewed the contents included in the agenda packet and reported a Dark Sky Ordinance would affect the outdoor lighting requirements of the Yuma County Zoning Ordinance. She referenced potential Proposition 207 issues which could occur by placing additional restrictions on what is currently allowed in the zoning ordinance.

Supervisor McCloud asked for a better understanding on how a Proposition 207 violation could be triggered. Ms. Castro explained the current zoning ordinance states that all lighting shall be ground directed to prevent glare and a new regulation would prevent light trespass, glare, and height of lighting fixtures. To be able to measure light trespass, County staff would have to be trained or an outside person hired.

Supervisor McCloud stated that night skies add to the rural nature of our economy, and it is not too late to create this ordinance for development in Wellton or Mohawk Valley.

Mr. Smith reported he would be happy to provide a detailed legal opinion on Proposition 207 and any legal risks.

Supervisor Simmons stated the reason he brought this back to the Board is because he has heard from many East County residents; therefore his recommendation was to move forward since other counties in Arizona have gotten around the Proposition 207 issue.

Discussion ensued regarding looking further into this issue, and the possibility that current staff members could receive the necessary certification to conduct the testing.

No legal action was taken.

**No. 6: *County Administration: Discussion and possible action regarding the following legislative items: a) A report to the Board of Supervisors regarding proposed bills in the Arizona State Legislature with impact to Yuma County, and; b) An update on the development of a federal Talking Points memorandum for the upcoming trip to Washington, D.C. to meet with our Congressional delegation.***

<b>1. Yuma County Board of Supervisors</b> <b><u>NOTICE</u> of <u>OFFICIAL</u> <u>BOARD</u> <u>ACTION</u> (NOBA)</b> <b>ZONING ORDINANCE/AMENDMENTS</b>			
Meeting Date: <b>07-22-19</b>	To:	<b>P&amp;Z DIRECTOR MAGGIE CASTRO</b>	Date sent:
Item No: <b>ZF1</b>	Agency:	<b>DEVELOPMENT SERVICES</b>	<b>7/22/2019</b>
<b>Agenda Wording:</b> <i>Development Services/Planning &amp; Zoning Division:</i> Discussion and possible action concerning a Dark Sky Ordinance (Outdoor Lighting Regulations).			
<b>2. RECORD OF ACTION(S)</b>			
<b>Public hearing conducted:</b> In matters requiring public hearing, this certifies that the below constitutes official action after a legally advertised public hearing and duly called meeting of the Yuma County Board of Supervisors (or Board of Directors per agenda wording) and will be recorded without amendment or modification in the official records of said political body. •Public comments: ___ In favor ___ Opposed ___ Neutral <input type="checkbox"/> No comments			
<input type="checkbox"/> Approved on <i>Consent</i> . <input type="checkbox"/> Approved as recommended by <i>Staff</i> . <input type="checkbox"/> Approved recommendation of <i>Planning Commission</i> . <input type="checkbox"/> Denied <input checked="" type="checkbox"/> <b>No Action</b> <input type="checkbox"/> Approved as <i>amended</i> : <input type="checkbox"/> Other: _____ *Amendment: _____ _____ _____ CONDITIONS OF APPROVAL: _____		<b>Vote Results:</b> _____ Motion    _____ Second <input type="checkbox"/> Passed <input type="checkbox"/> Voice Vote: <b>N/A</b> Dissent: _____ <input type="checkbox"/> Roll Call: _____ Ayes    _____ Nays <input type="checkbox"/> Supermajority Vote Required	
<input type="checkbox"/> <b>Item continued:</b>	Date & Time:	<input type="checkbox"/> <b>Agency submits AIR-Form for future meeting.</b>	
<input type="checkbox"/> <b>Public Hearing set:</b>	Date & Time:	<input type="checkbox"/> <b>Agency submits AIR-Form for future meeting.</b>	
<b>3. CLERK OF THE BOARD CERTIFICATION</b>			
Signature: <u><i>Pesarae Doten, Deputy Clerk for:</i></u> Susan K. Thorpe, County Administrator/Clerk of the Board		Date: 07-22-19	
<b>4. FOLLOW-UP (FU) ACTIONS REQUIRED:</b>			
<input type="checkbox"/> Agency notifies agent/applicant regarding Board action. <input checked="" type="checkbox"/> Agency* <input type="checkbox"/> Clerk of Board causes publication of a Summary of the adopted Zoning Ordinance Text Amendments. <input type="checkbox"/> Agency <input type="checkbox"/> Clerk of Board causes recordation of (list): _____ <input checked="" type="checkbox"/> Agency notifies all required County and other agencies regarding adopted Zoning Ordinance Text Amendments. <input checked="" type="checkbox"/> Agency places revised zoning ordinance on the web. <input type="checkbox"/> Other instructions/actions:			
<b>ENCLOSURES</b>	<input type="checkbox"/> <b>Resolution:</b> <input type="checkbox"/> Original(s) <input type="checkbox"/> Copy(ies) <input type="checkbox"/> Resolution will be recorded <input type="checkbox"/> Resolution will not be recorded <input type="checkbox"/> <b>Other (list):</b>		
<b>COPIED TO</b>	<input type="checkbox"/> County Attorney	<input checked="" type="checkbox"/> CRAIG SELLERS	<input type="checkbox"/> Planner(s): _____ <input type="checkbox"/> Other (list):
<b>Questions/information regarding this agenda item contact:</b>		<b>373-1105</b>	
Name/Title: <u><i>Pesarae Doten</i></u>		Phone #:	Revised: 03-03-06/cpi

**PLANNING & ZONING AGENDA:** Full legal descriptions of property sites for all Rezoning Cases are available for public review at the Yuma County Board of Supervisors' Office.

**REZONING -- REGULAR PUBLIC HEARING ITEMS:** Staff will make a **full presentation** on each of the following items, followed by separate discussion, public hearing, and action by the Board of Supervisors.

The Chairman recessed the meeting at 10:14 a.m., and reconvened at 10:22 a.m.

**No. 1: *Development Services/Planning & Zoning Division*: Discussion and possible action concerning a Dark Sky Ordinance (Outdoor Lighting Regulations).**

Ms. Castro stated that this item was continued from February 20, 2019 and at that time legal counsel was asked to prepare an opinion concerning Proposition 207 (Private Property Rights Protection Act). She handed out a copy of the map showing which areas would apply if a Dark Sky Ordinance were to be adopted. Ms. Castro provided details about the purpose of a Dark Sky Ordinance which would control or limit the amount of light that is spread onto other properties. She noted there is already a lighting ordinance in effect; however this would be more restrictive.

Supervisor McCloud questioned why the proposed regulation would be different than the building codes. Mr. Feheley explained that building codes are specifically exempt from Proposition 207.

Discussion ensued regarding the following:

- Risk of lawsuits against Yuma County claiming the proposed regulation diminishes property values.
- How other counties and municipalities deal with Dark Sky Ordinances.
- Concerns raised by residents in Supervisor Simmons Supervisorial District #3.
- Location of dedicated area.

Chairman Reyes asked staff to bring the item back with two scenarios: **1)** One with the location dedicated east of the Gila Mountains, and **2)** The other east of the Foothills Boulevard.

There being no further business to come before the Board, the Chairman adjourned the meeting at 10:49 a.m.

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

Meeting Date: 10-21-19	To:	P&Z DIRECTOR MAGGIE CASTRO	Date sent:
Item No: ZF1	Agency:	DEVELOPMENT SERVICES	10/23/19

Agenda Wording: *Development Services/Planning & Zoning*: Discussion and possible action concerning adopting an overlay district for the Dark Sky Ordinance.

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

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

<input type="checkbox"/> Approved on Consent. <input type="checkbox"/> Approved as recommended by Staff. <input type="checkbox"/> Approved recommendation of Planning Commission. <input type="checkbox"/> Denied <input type="checkbox"/> No Action <input type="checkbox"/> Approved as amended: <input checked="" type="checkbox"/> Other: <u>Please refer to page 2.</u> *Amendment: _____ _____ CONDITIONS OF APPROVAL: _____	<b>Vote Results:</b> <u>DS</u> Motion <u>LP</u> Second <input checked="" type="checkbox"/> Passed <input checked="" type="checkbox"/> Voice Vote: <u>5</u> Dissent: <u>0</u> <input type="checkbox"/> Roll Call: _____ Ayes _____ Nays <input type="checkbox"/> Supermajority Vote Required
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<input type="checkbox"/> Item continued:	Date & Time:	<input type="checkbox"/> Agency submits AIR-Form for future meeting.
<input type="checkbox"/> Public Hearing set:	Date & Time:	<input type="checkbox"/> Agency submits AIR-Form for future meeting.

3. **CLERK OF THE BOARD CERTIFICATION**

Signature: <u>Desarae Doten, Deputy Clerk for:</u> Susan K. Thorpe, County Administrator/Clerk of the Board	Date: <u>10-21-2019</u>
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4. **FOLLOW-UP (FU) ACTIONS REQUIRED:**

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

ENCLOSURES	<input type="checkbox"/> Resolution: <input type="checkbox"/> Original(s) <input type="checkbox"/> Copy(ies) <input type="checkbox"/> Resolution will be recorded <input type="checkbox"/> Resolution will not be recorded <input type="checkbox"/> Other (list):
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COPIED TO	<input type="checkbox"/> County Attorney	<input type="checkbox"/> _____	<input type="checkbox"/> Planner(s): _____	<input checked="" type="checkbox"/> Other (list): <u>C. Sellers</u>
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Questions/information regarding this agenda item contact:	<u>373-1105</u>	
Name/Title: <u>Desarae Doten</u>	Phone #:	

Emilia O'Neil Admin tech

373-1009

Revised: 03-03-06/cpi

**Meeting Date: 10-21-19**

**Item No. ZF1**

**Agenda Wording:** *Development Services/Planning & Zoning:* Discussion and possible action concerning adopting an overlay district for the Dark Sky Ordinance.

MOTION (SIMMONS/PANCRAZI) Give instructions to staff to prepare a Dark Sky Zoning Ordinance that begins on the east side of Foothills Boulevard and goes all the way to the end of the county and includes Martinez Lake (referenced in Map1).

VOICE VOTE: The motion carried 5-0

MOTION (MCCLLOUD/SIMMONS): Approve as presented.

VOICE VOTE: The motion carried 5-0.

**No. 4: *County Administration: Discussion and possible action regarding the following legislative items: a) Update regarding any legislative proposals relating to the CSA Summit and/or the 2020 state legislative session, and; b) Update regarding strategies relating to federal legislative priorities.***

Mr. Melcher was present to answer questions regarding the upcoming legislative summit.

No legal action was taken.

**PLANNING & ZONING AGENDA:** Full legal descriptions of property sites for all Rezoning Cases are available for public review at the Yuma County Board of Supervisors' Office.

**REZONING -- REGULAR PUBLIC HEARING ITEMS:** Staff will make a full presentation on each of the following items, followed by separate discussion, public hearing, and action by the Board of Supervisors.

**No. 1: *Development Services/Planning & Zoning: Discussion and possible action concerning adopting an overlay district for the Dark Sky Ordinance.***

Ms. Castro reported that initial discussions took place on July 22, 2019 and at that time the Board requested two alternatives to be brought back for consideration. She noted the agenda packet included the proposed language for an amendment to the Yuma County Zoning Ordinance to establish the Dark Sky Ordinance District along with two maps. One option is that the overlay district encompass the unincorporated area of Yuma County that is east of Foothills Boulevard and Martinez Lake and another option is that the overlay district encompass the unincorporated area of Yuma County that is east of the Gila Mountains and Martinez Lake.

Chairman Reyes stated the intent is to protect the views for those who move out to the counties.

Discussion ensued regarding whether existing businesses would be grandfathered.

Ms. Castro confirmed they would be and the proposed ordinance would apply to new development that occurs on private properties or in the case where a building permit is applied for an existing use.

Chairman Reyes opened the item for public comments. None were received.

Supervisor Simmons encouraged the public to reach out and make comments. He reported the majority of people he has heard from are in this favor of this ordinance.

MOTION (SIMMONS/PANCRAZI) Give instructions to staff to prepare a Dark Sky Zoning Ordinance that begins on the east side of Foothills Boulevard and goes all the way to the end of the county and includes Martinez Lake (referenced in Map1).

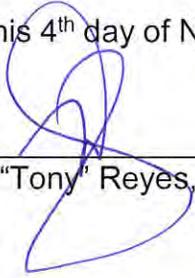
VOICE VOTE: The motion carried 5-0.

**EVENTS CALENDAR/CURRENT EVENTS:**

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

There being no further business to come before the Board, the Chairman adjourned the meeting at 10:00 a.m.

Adopted this 4<sup>th</sup> day of November, 2019.

  
\_\_\_\_\_  
Marco A. "Tony" Reyes, Chairman

ATTEST:

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

SKT/dd/gh  
P:\REGMIN\2019\10-21-19 R.doc

**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.