

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.



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Matias Rosales, Chairman

ATTEST:



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Maggie Castro, AICP, Planning Director