



YUMA COUNTY BOARD OF ADJUSTMENT MEETING PUBLIC NOTICE & AGENDA

Due to COVID-19 concerns, the meeting will be conducted remotely through technological means. The intent is to reduce the number of individuals at Aldrich Hall to the greatest extent possible. Board members, staff, and applicants will discuss their zoning cases by remote technological means, principally ZOOM.

While Aldrich Hall will be open for public participation, members of the public are encouraged to:

1. Send written comments to ddsplanning@yumacountyaz.gov no later than 45 minutes prior to the start of the scheduled meeting. Comments received timely will be read into the record when the referenced agenda item is discussed.
2. Arrange to participate remotely by contacting the following email address: ddsplanning@yumacountyaz.gov.

If you do appear at Aldrich Hall, you must maintain social distancing. The podium will have a laptop connected to the meeting through ZOOM. When the item you are appearing for is opened for public comment, you may proceed to the podium and participate by ZOOM.

DATE: July 21, 2020
TIME: 1:00 P.M.
PLACE: Aldrich Auditorium, 2351 West 26th Street, Yuma, Arizona

MEMBERS: Neil Tucker, Chairman, Dist. 3
Eric Saltzer, Vice-Chairman, Dist. 1
Joe Harper, Dist. 4
Rosalie Lines, Dist. 2
Tim Eisenmann, Dist. 5

STAFF: Maggie Castro, AICP, Planning Director
Javier Barraza, Senior Planner
Amber Jardine, PZ Commission Admin Specialist

ADVISORS: Ed Feheley, Deputy County Attorney
Diana Gomez, Director, Yuma County Public Health Services District

1. **Call to Order and Roll Call.**
2. **Pledge of Allegiance.**
3. **Approval of the Board of Adjustment meeting minutes from June 16, 2020.**
4. **Variance Case No. 20-11:** Israel Galvez, agent for Pamela Lee Crowe, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.13 gross acres in size zoned Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 724-34-018, located on the south side of County 13th Street approximately 475 feet east of Avenue 4¼ E, Yuma, Arizona; located in the 65-69 dB noise zone.
5. **Discussion by the Board members and Planning Director of events attended, current events, and the schedule for future Board of Adjustment meetings.**
6. **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. Requests should be made as early as possible to allow time to arrange the accommodation.

Yuma County Board of Adjustment

Item No. 3

The Yuma County Board of Adjustment met in a regular session on June 16, 2020. The meeting was held in Aldrich Auditorium at 2351 West 26th Street, Yuma, Arizona.

CALL TO ORDER: At 1:00 p.m., Chairman convened the Board of Adjustment meeting. Board Members present: Joe Harper, Tim Eisenmann, Eric Saltzer, Neil Tucker, and Rosalie Lines. Others present: Planning Director Maggie Castro, AICP; Deputy Attorney Ed Feheley; Senior Planner Juan Leal Rubio; and PZ Commission Admin Specialist Amber Jardine.

ITEM No. 3: Approval of the Board of Adjustment regular meeting minutes of May 19, 2020.

MOTION (EISENMANN/HARPER): Approve as presented with a minor amendment that has been submitted.

ROLL CALL VOTE: Harper – AYE; Eisenmann – AYE; Lines – AYE; Saltzer – AYE; Tucker- AYE.
The motion carried 5-0.

ITEM No. 4: Variance Case No. 20-10: Robert and Judy Satchell request a variance from the development standards of Martinez Lake Resort Unit No. 1 Planned Development to increase the height to 35.5 feet on a parcel 1,620 square feet in size zoned Planned Development (PD), Assessor's Parcel Number 459-50-025, located at 10377 East Tule Road, Yuma, Arizona.

Senior Planner Juan Leal-Rubio presented the staff report recommending approval of Variance Case No. 20-10 based on:

1. Staff finds approval of this variance may not have an adverse effect on public health, safety and welfare.
2. Staff finds there are specific peculiar conditions applicable to this property to warrant granting of this variance.
3. Staff finds approval of this request does not have a negative impact on the neighborhood.

If the Board of Adjustment approves this Variance, staff suggests attaching the following conditions:

1. This variance is valid for the time limits outlined in Section 403.07 of the Zoning Ordinance.

Staff reviewed the floor plan and identified the north and east entrance of the garage.

Board Member Eisenman inquired about the name of the streets the subject property intersects.

Senior Planner Juan Leal Rubio explained the subject property is on Tule Road.

Chairman Tucker opened the public hearing.

There being no one to come forward, Chairman Tucker closed public meeting.

MOTION (LINES/HARPER): Approve Variance Case No. 20-10 subject to staff's recommendations and time limit.

ROLL CALL VOTE: Harper – AYE; Eisenmann – AYE; Lines - AYE; Saltzer – AYE; Tucker- AYE.
The motion carried 5-0.

ITEM No. 5: Interpretation Case No. 20-01: Barry Olsen, agent for Terry W. Cameron, et. al., requests the following interpretations for the property owned by Tony L. & Kathleen Abbott and Bryan L. Abbott, located at 10343 East North Martinez Lake Road, Assessor's Parcel Number 459-50-078, zoned Rural Area-20 acre minimum (RA-20):

- Is the Abbott's proposed "New Garage" actually a dwelling unit, or an assessor dwelling unit, under Section 202.00 of the Zoning Ordinance?
- Is the Abbott's proposed "New Garage" an impermissible expansion of a non-conforming lot/use under Sections 1001.00, et. seq., of the Zoning Ordinance.
- If the Abbott's proposed "New Garage" is permissible under Section 602 and 1001, et. seq., of the Zoning Ordinance, what is the required side yard setback for the "New Garage" per Section 1011 of the Zoning Ordinance?

Planning Director Maggie Castro presented the staff report recommending the Board of Adjustment find that:

- The structure is not intended or permitted for residential purposes.
- The structure permitted with Building Permit No. B17-0377 is an accessory use permitted pursuant to Section 601.02(L) of the Yuma County Zoning Ordinance.
- The parcel is approximately 50 feet in width. Therefore, the setback requirement for the side yards is five feet for any new development on the subject property.

Chairman Tucker opened the public hearing.

Bryan Abbott, 1945 Tavern Road Alpine, California 91901, property owner, explained he has abandoned the new septic system that was shown. He obtained a permit to connect one sewer to both structures.

Barry Olsen, 101 East 2nd Street, Yuma, Arizona 85364, agent, explained the property owner was denied a variance for a side yard setback in 2016. The site plan submitted at that time was unclear. In 2017, the property owner submitted detailed plans for a proposed structure. The applicant became aware of the site plan and raised objection to the proposed structure stating it was not a garage, but an accessory dwelling unit. Under RA-20 zoning designation, an accessory dwelling unit requires a Special Use Permit. This was presented to the Superior Court which led to an interpretation from the Board of Adjustment. Mr. Olsen reviewed the plans that were submitted, indicating the areas within the plans that are consistent with a second dwelling/accessory dwelling unit. Mr. Olsen explained the subject area has a Planned Development (PD). However, owners could chose to keep the zoning of RA-20 or follow the PD. He stated the property owners that remained RA-20 have to follow the RA-20 zoning criteria. He explained Section 1011 in the Zoning Ordinance prohibits an enlargement or expansion of a non-conforming use. He stated the subject property

is an impermissible expansion of a non-conforming use. Mr. Olsen discussed the side yard setback calculation would require 6' 7" to 6' 8".

Austin Cameron, 14561 Ranch Trail Drive, El Cajon, California 92021, stated if the garage was not an accessory dwelling unit then why was there sewer connection.

Bryan Abbott, 1945 Tavern Road Alpine, California 91901, property owner, explained part of the interest in building the space above the garage was for a remote office. The garage was not designed with sleeping quarters, a kitchen or an independent sanitary system. He stated the calculations for setbacks measure from the front of the building parallel to the street which makes the setback less than 5 feet. However, the Zoning Ordinance states a minimum of 5 feet for side yard setback.

Board Member Lines inquired if the garage space is used as a professional office, would that require any Special Use Permits.

Planning Director Maggie Castro, AICP, stated the zoning ordinance allows for home occupations. The home occupation is not interfering with the use of the home. She explained the property is non-conforming due to the property being created prior to 1975 and it does not meet the zoning requirements. The zoning requirements are a minimum parcel size of 20 acres and setbacks for the RA-20 zoning district. However, the use of the property is a conforming use. The RA-20 zoning district allows the use of the property for a dwelling unit and accessory structures.

There being no one else to come forward, Chairman Tucker closed public meeting.

MOTION (EISENMANN/HARPER): Accept Interpretation Case No. 20-01 based on staff recommendations as identified in the staff report: The structure is not intended or permitted for residential purposes. The structure permitted with Building Permit No. B17-0377 is an accessory use permitted pursuant to Section 601.02(L) of the Yuma County Zoning Ordinance. The parcel is approximately 50 feet in width. Therefore, the setback requirement for the side yards is five feet for any new development on the subject property.

ROLL CALL VOTE: Harper – AYE; Eisenmann – AYE; Lines - AYE; Saltzer – AYE; Tucker- AYE.
The motion carried 5-0.

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

There being no further business to come before the Board, the Chairman adjourned the meeting at 1:36 p.m.

Approved and accepted on this 21st day of July 2020.

ATTEST:

Neil Tucker, Chairman

Maggie Castro, AICP, Planning Director

DRAFT

Yuma County Board of Adjustment

Item No. 4

AIR-9932

4.

BOA Agenda

Meeting Date: 07/21/2020

Submitted For: Maggie Castro

Submitted By: Javier Barraza

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 20-11: Israel Galvez, agent for Pamela Lee Crowe, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.13 gross acres in size zoned Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 724-34-018, located on the south side of County 13th Street approximately 475 feet east of Avenue 4¼ E, Yuma, Arizona; located in the 65-69 dB noise zone.

2. INTENT:

The construction of a single family residence in the 65-69 dB noise zone.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends approval of Variance Case No. 20-11 based on:

1. Granting this request would not be contrary to the public interest.
 2. Granting this request would be in accordance with the spirit of the regulations and the Airport District.
-

Attachments

Att: Staff Report

Att: Zoning Map

Att: Site Plan

Att: MCAS Comments

Att: YCAA comments

STAFF REPORT
Yuma County Planning and Zoning Division

Prepared for the Hearing of
July 21, 2020
Yuma County Airport Board of Adjustment

CASE NUMBER: Variance Case No. 20-11

OWNER: Pamela Lee Crowe

CASE PLANNER: Javier Barraza, Senior Planner

DATE PREPARED: June 15, 2020

DESCRIPTION OF REQUEST: Israel Galvez, agent for Pamela Lee Crowe, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.13 gross acres in size zoned Suburban Site Built-2 acre minimum (SSB-2), Assessor’s Parcel Number 724-34-018, located on the south side of County 13th Street approximately 475 feet east of Avenue 4¼ E, Yuma, Arizona; located in the 65-69 dB noise zone.

THE APPLICANT’S REASON FOR REQUESTING THIS VARIANCE: To construct a single family residence in the 65-69 dB noise zone.

APPROVAL OF THIS REQUEST WOULD ALLOW:

The construction of a single family residence in the 65-69 dB noise zone.

BACKGROUND

The subject property is zoned SSB-2. The zoning became effective on October 6, 2017 with Rezoning Case No. 17-11. The subject property has legal access on the north along County 13th Street. However, physical access still needs to be obtained since there is an irrigation easement 20 feet in width that contains a ditch 10 feet in width along the entire north property line.

The intent is to construct a site built single family residence on the parcel. The Airport District of the Yuma County Zoning Ordinance does not allow new residential development in 65-69 dB noise zone unless it was the subject of zoning approved on or before December 31, 2000 that permits one dwelling unit per acre or less. Since the rezoning occurred after December 31, 2000, construction of a single family residence requires approval of a variance by the Board of Adjustment.

Arizona Revised Statutes (ARS) § 28-8471(A) states: A person who wants to erect or increase the height of a structure, permit the growth of a tree or otherwise use the person's property in violation of an airport zoning regulation adopted under this article may apply to the board of adjustment for a variance from the airport zoning regulation in question. Additionally, pursuant to ARS § 28-8473(C)(2), the concurring vote of a majority of the members of the board of adjustment is sufficient to approve this variance request.

Arizona Revised Statutes § 28-8481 requires that Yuma County and Marine Corps Station-Yuma (MCAS-Yuma) mutually agree that the proposed use is compatible and consistent with the high noise and accident potential zones of the military airport. The property was rezoned from RA-10 to SSB-2 with Rezoning Case No. 17-11 wherein a determination of compliance was made by Marine Corps Air Station-Yuma stating that MCAS does not object to the rezoning with the condition that an aviation disclosure statement is recorded.

STAFF ANALYSIS

Section 710.03 of the Zoning Ordinance:

A. *"A person who wants to erect or increase the height of a structure, permit the growth of a tree or otherwise use the person's property in violation of an airport zoning regulation adopted under this article may apply to the Board of Adjustment for a variance from the airport zoning regulation in question."*

The Airport District does not allow residential development other than single family residential development that was the subject of zoning approved on or before December 31, 2000 that permits one dwelling unit per acre or less and single family residential development that is the primary residence for persons engaging in agricultural use. Although the SSB-2 zoning falls within the established residential density requirements of no more than one dwelling unit per acre, the zoning was approved after December 31, 2000. The SSB-2 zoning for this parcel became effective on October 6, 2017, therefore a variance is required for the construction of a single family residence.

B. *A variance shall be allowed if a literal application or enforcement of the regulation would result in a practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, would do substantial justice and would be in accordance with the spirit of the regulation and this article."*

Staff finds approval of this variance would not be contrary to the public interest, would be justified, and would be in accordance with the spirit of the regulation and the Airport District. The purpose of the Airport District is the encouragement of compatible land uses in the vicinity of airports and the promotion of the general public health, safety and welfare of airport users. The subject property is located in the Yuma Mesa Planning Area of the 2020 Comprehensive Plan. The land use designation is Rural Density Residential which allows a maximum density of one dwelling unit per two acres. Approval of this variance is in compliance with the range of identified uses, densities and intensities of the Yuma County 2020 Comprehensive Plan. The proposed single family residence is consistent and compatible with the high noise zone of the military airport.

Additionally, the subject property was located in the Joint Land Use Plan (JLUP) adopted on September 12, 1996 by Yuma County and the City of Yuma and the densities it established were subsequently incorporated into the 2020 Comprehensive Plan. The JLUP was a combined effort by Yuma County and the City of Yuma to achieve the following:

- A common “blue print” of land uses and land use development policies for the future economic growth and development of lands within the incorporated and unincorporated areas around the City of Yuma.
- A foundation for the compatibility of land use activities in the vicinity of the Marine Corps Air Station – Yuma/Yuma International Airport. The primary economic assets of the area (agriculture, the air station and tourism) are protected, reinforced and supplemented by the expansion of industrial sector opportunities that will provide more year-round employment prospects.

The JLUP was developed with two principal objectives:

- To plan for land uses in the vicinity of Marine Corps Air Station (MCAS) Yuma and the Yuma International Airport that will be compatible with airfield operations, and
- To plan for other land uses meeting City and County growth objectives within a study area that extends beyond the immediate airfield environment.

At the time of adoption, MCAS-Yuma agreed that the R-RD land use designation, which allows a residential density of one dwelling unit per two acres, was compatible with airfield operations.

When the property was rezoned in 2017, MCAS did not submit comments in object or opposition. The comments submitted were as follows: Properties are located within the 65-70 dB DNL noise contour. Arizona Revised Statutes 28-8481 and the Yuma County Zoning Ordinance do not allow new residential development within the noise contour. A determination of compliance between the political subdivision and the military airport can be made that the individual use is consistent and comparable with the high noise or accident potential of the military airport.

C. "A variance may be allowed subject to any reasonable conditions the board of adjustment deems necessary to fulfill the purposes of this article."

Staff is recommending that, if approved, this variance include the attached conditions as a means of addressing any concerns on public health, safety and welfare.

ADDITIONAL COMMENTS:

The following comments were received from the United States Marine Corps Air Station (MCAS)-Yuma in a letter dated June 16, 2020: The subject parcel lies fully in the 65 dB Noise Contour and as such is part of the High Noise Accident Potential Zone. Any new residential development violates the conditions of A.R.S §28-8481 paragraph J and the Yuma County Zoning Ordinance Section 706 In addition, Marine Corps Order 11010.16 Air Installation Compatible Use Zones Discourages residential development in the 65 dB. The requested development lies fully within the 65-69 dB noise Contour and thus residential is an incompatible development. The intent of the High Noise Accident Potential Zones and the associated Noise Contours are to protect public health/safety and reduce incompatible development,

which might hinder military operations. Therefore, MCAS Yuma is not in favor of this variance request and accordingly request denial by the Yuma County Board of Adjustment and Board of Supervisors.

The following comments were received from the Yuma County Airport Authority in a letter dated June 17, 2020: The proposed property is located within the 65-70 dB noise zone. Per FAA Order 1050-1E land use and residential structures are not compatible and should be prohibited. Attached to their comments was a copy of Table 1 – Land Use Compatibility with Yearly Day-Nigh Average Sound dated 6/8/04. Footnote 1 of said table states as follows: Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 dB, thus, the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.

The following comments were received from Yuma County Chief Building/Fire Code Official Pat Headington on June 15, 2020: The sound attenuation requirements of the Yuma County Comprehensive Building Safety Code shall be incorporated into the construction of the residence.

STAFF RECOMMENDATION

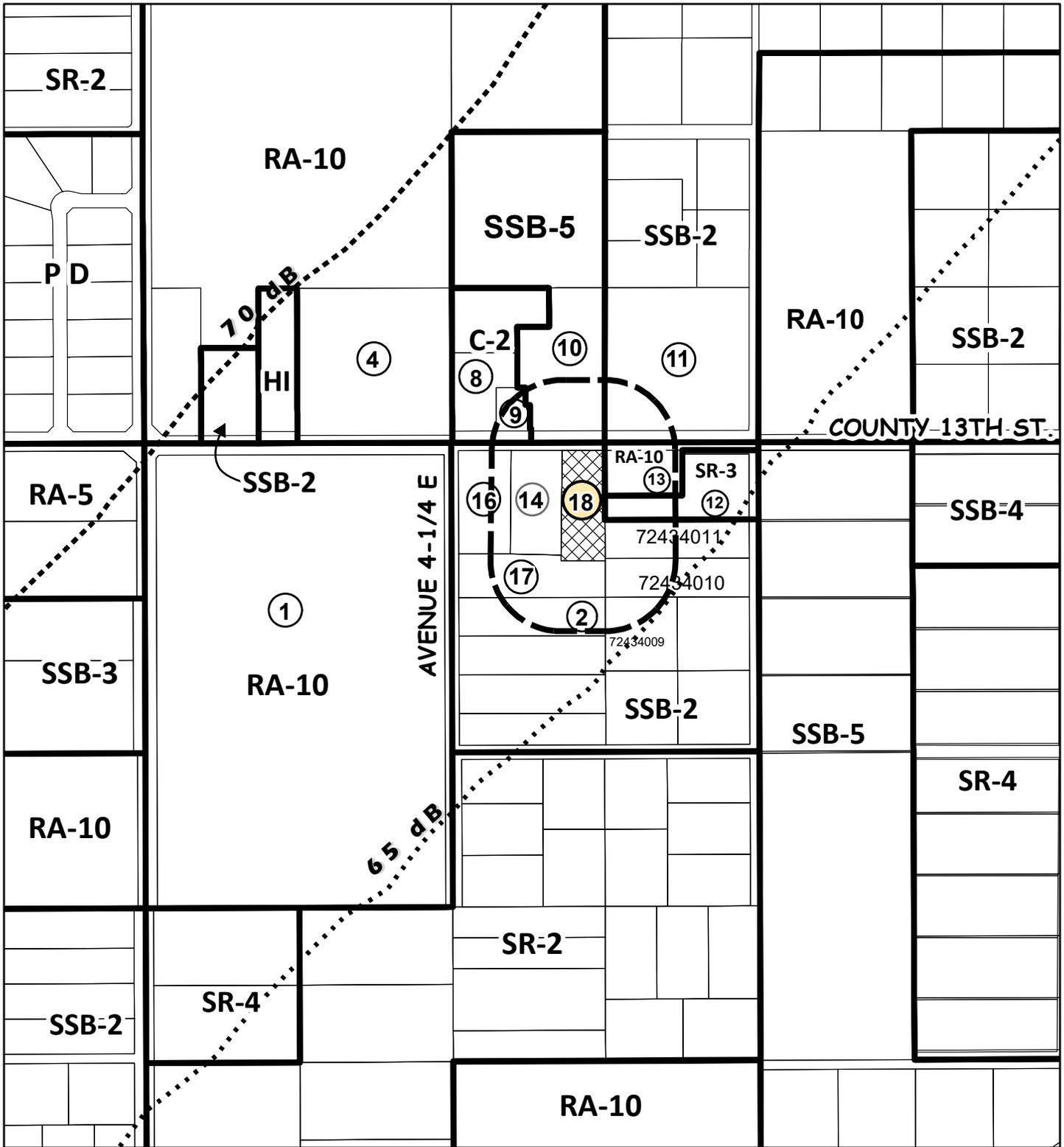
Staff recommends approval of Variance Case No. 20-11 based on:

1. Granting this request would not be contrary to the public interest.
2. Granting this request would be in accordance with the spirit of the regulations and the Airport District.

If the Board of Adjustment approves this Variance, staff suggests attaching the following conditions:

1. This variance is valid for the time limits outlined in Section 710.08 of the zoning ordinance.
2. An Avigation Disclosure Statement shall be recorded by the owner/agent within 60 days of approval by the Board of Adjustment.

Findings: The Yuma County Airport Board of Adjustment hereby makes a specific finding that the purpose of military airport compatibility is preserved in accordance with ARS § 28-8481(C).




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

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

CASE NO: V20-11
LOCATION: Vicinity/SE Corner Ave 4-1/4E & Co.13thSt
APN(s): 724-34-018

CASE PLANNER: JAVIER BARRAZA
DATE DRAWN: 06-15-2020
REVIEWED BY: JAVIER BARRAZA

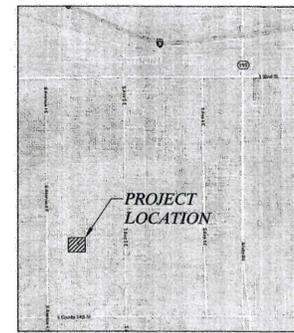
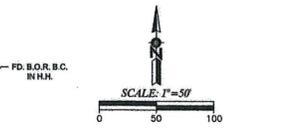
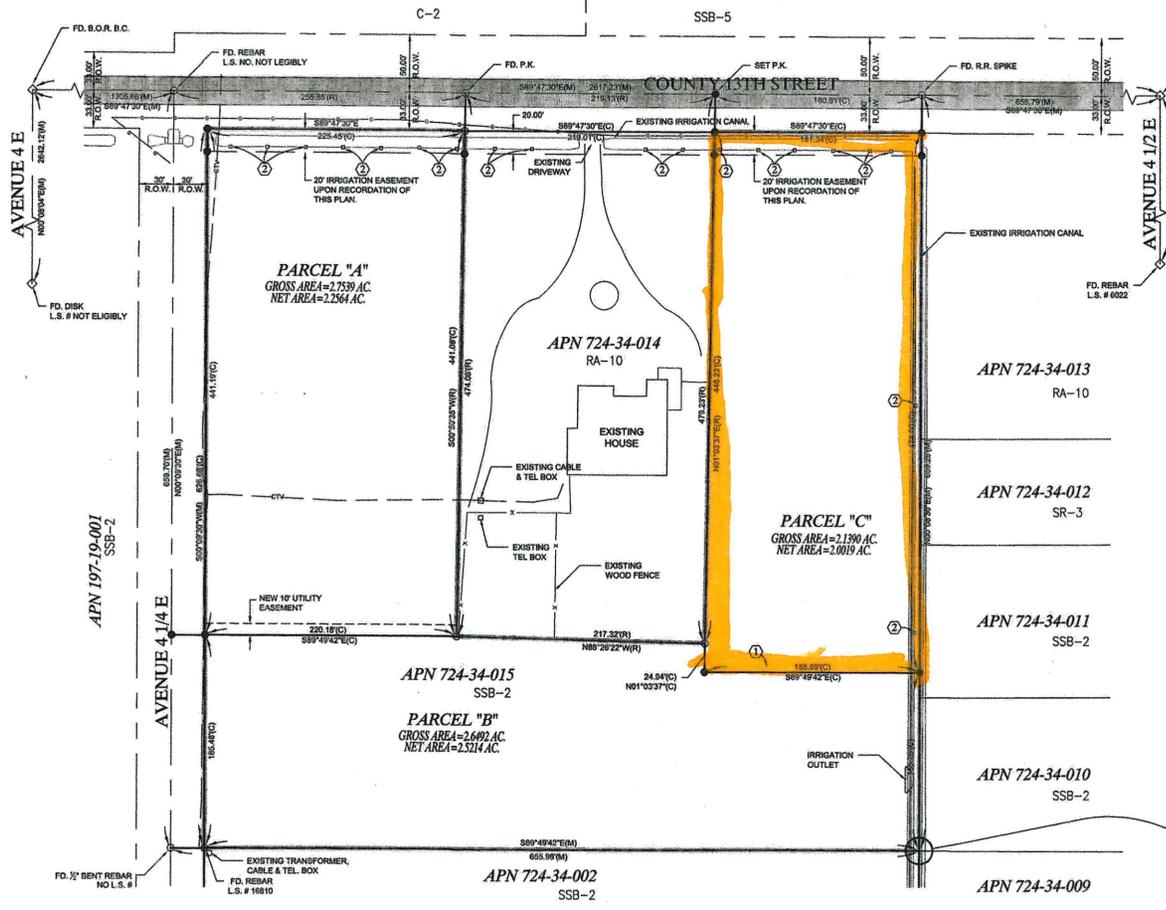
SCALE: 1"= 600'



Legend

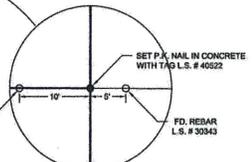
-  300' BUFFER
-  SUBJECT PROPERTY
-  Zoning Boundary

PAMELA LOT SPLIT, (LDP 18-_____)
A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE
NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 9 SOUTH, RANGE 22 WEST
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YUMA COUNTY, ARIZONA



- LEGEND**
- FOUND 1/2" REBAR L.S.#40522 UNLESS OTHERWISE NOTED
 - SET 1/2" REBAR L.S.#40522 UNLESS OTHERWISE NOTED
 - (N) RECORD INFORMATION
 - (M) MEASURED
 - (C) CALCULATED
 - (B.O.B.) BASIS OF BEARING
 - APN ASSESSOR PARCEL NUMBER
 - ONE FOOT ROAD NON ACCESS EASEMENT
 - ELECTRIC LINE
 - GAS LINE
 - CABLE & TV
 - TEL
 - ① NEW LOT LINE AFTER RECORDATION OF THIS PLAT
 - ② EXISTING DRAINAGE OUTLET

- NOTES:**
- SITE CONSTRAINT - DRIVEWAY ACCESS TO PARCELS "A", "B" & "C" SHALL BE IN ACCORDANCE WITH YUMA COUNTY PUBLIC WORKS STANDARDS.



BY OWNER OF RECORD

PAMELA L. CROWE
1314 S. AVENUE 4 1/4
YUMA, AZ 85364

ACKNOWLEDGEMENT:
STATE OF ARIZONA } SS
COUNTY OF YUMA }

THE ABOVE OWNERS OF RECORD ACKNOWLEDGED THIS INSTRUMENT BEFORE ME ON THE DATE SHOWN ABOVE

NOTARY PUBLIC _____ DATE _____
 MY COMMISSION EXPIRES _____

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

MAGGIE CASTRO, PLANNING DIRECTOR _____ DATE _____
 ROGER A. PATTERSON, P.E., COUNTY ENGINEER _____ DATE _____

CERTIFICATION
I CERTIFY THAT THE LOT SPLIT AS SHOWN HEREON WAS MADE UNDER MY DIRECTION DURING JANUARY 2015 AND THAT ALL REGULATIONS AND REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE YUMA COUNTY HAVE BEEN MET.

RAUL GARCIA MOLINA R.L.S. NO. 40522
 RAUL GARCIA MOLINA
 R.L.S. # 40522
 EXPIRES 3-31-2019

LAND SURVEYOR
JACOBSON ENGINEERING
1334 S. 5TH AVENUE
YUMA, ARIZONA 85364

CURRENT ZONING
SSB-2 SUBDIVISION SITE BUILT-2 ACRE

LAND DIVISION PERMIT NO 18-_____

BASIS OF BEARING
THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 19 TOWNSHIP 9 SOUTH, RANGE 22 WEST AS SHOWN ON A SURVEY DATED FEBRUARY 8th, 1999 BY THOMAS A. YOWELL.

DATE: 6/20/18 JOB #2983
 PREPARED BY:
 JACOBSON ENGINEERING
 1334 S. 5TH AVENUE
 YUMA, ARIZONA, 85364
 SHEET 1 OF 1



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

June 15, 2020

CASE NUMBER: VARIANCE CASE NO. 20-11

Attached for your consideration is a **Variance**. The Planning & Zoning staff would appreciate your review of this proposal and any comments you may have. Please check the applicable response below and return this form to me along with your comments (if applicable) by the deadline below. You may also provide your response and comments (if any) by e-mail. If you have no comment, please provide a "no comment" response. If you cannot respond by the deadline, please contact me.

CASE SUMMARY: Israel Galvez agent for Pamela Lee Crowe, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.13 gross acres in size zoned Suburban Site Built-2 acre minimum, Assessor's Parcel Number 724-34-018, located on the southeast corner of Avenue 4¼ E and County 13th Street, Yuma, Arizona; located in the 65-69 dB noise zone.

Intent:

To allow the construction of a single family residence in the 65-69 dB noise zone.

PUBLIC HEARING: July 21, 2020

COMMENTS DUE: June 19, 2020

COMMENT NO COMMENT

MCAS Yuma has reviewed the case for APN 724-34-018 and we are not in favor of this request.
Please see the forthcoming letter from Colonel Suggs with our official response and request for denial.

DATE: 16 June 2020 PRINTED NAME: Antonio Martinez

AGENCY/DIVISION: MCAS Yuma, Community Planning & Liaison

RETURN TO: Javier Barraza, Senior Planner
2351 West 26th Street
Yuma, Arizona 85364
Fax: (928)817-5150
Javier. Barraza@yumacountyaz.gov

Attachments: Case Map and Site Plan



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

5726
CP&L
VAR 20-11
June 16, 2020

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

Dear Mr. Barraza:

We have received the Request for Comments for Variance Case No. 20-11. This is a request by Israel Galvez, agent for Pamela Lee Crowe for Assessor parcel number 724-34-018 located in the vicinity of the southeast corner of Avenue 4 ½ E and County 13th Street. The applicant's intent is to allow a single family residence on a parcel 2.13 gross acres in size zoned Suburban Site Built-2 acre minimum (SSB-2). We offer the following comments.

The subject parcel lies fully in the 65dB Noise Contour and as such is part of the High Noise Accident Potential Zone. Any new residential development violates the conditions of A.R.S. §28-8481 paragraph J and the Yuma County Zoning Ordinance Section 706. In addition, Marine Corps Order 11010.16 Air Installations Compatible Use Zones discourages residential development in the 65dB. The requested development lies fully within the 65-69dB Noise Contour and thus residential is an incompatible development.

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

The MCAS Yuma point of contact is Mr. Antonio Martinez at (928) 269-2103 or MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to comment.

Sincerely,

D. A. SUGGS



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

June 15, 2020

CASE NUMBER: VARIANCE CASE NO. 20-11

Attached for your consideration is a **Variance**. The Planning & Zoning staff would appreciate your review of this proposal and any comments you may have. Please check the applicable response below and return this form to me along with your comments (if applicable) by the deadline below. You may also provide your response and comments (if any) by e-mail. If you have no comment, please provide a “no comment” response. If you cannot respond by the deadline, please contact me.

CASE SUMMARY: Israel Galvez agent for Pamela Lee Crowe, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.13 gross acres in size zoned Suburban Site Built-2 acre minimum, Assessor’s Parcel Number 724-34-018, located on the southeast corner of Avenue 4¼ E and County 13th Street, Yuma, Arizona; located in the 65-69 dB noise zone.

Intent:

To allow the construction of a single family residence in the 65-69 dB noise zone.

PUBLIC HEARING: July 21, 2020

COMMENTS DUE: June 19, 2020

 X COMMENT

 NO COMMENT

The proposed property is located within the 65-70 dB noise zone. Per FAA Order 1050-1E land use and residential structures are not compatible and should be prohibited. Please see attached.

DATE: 6/17/20 PRINTED NAME: Gladys Brown, Airport Director

AGENCY/DIVISION: Yuma County Airport Authority

RETURN TO: Javier Barraza, Senior Planner
2351 West 26th Street
Yuma, Arizona 85364
Fax: (928)817-5150
Javier. Barraza@yumacountyaz.gov

Attachments: Case Map and Site Plan

TABLE 1—LAND USE COMPATIBILITY WITH YEARLY DAY-NIGHT AVERAGE SOUND

Land Use	Yearly day-night average sound level (L_{dn}) in decibels					
	< 65	65-70	70-75	75-80	80-85	> 85
Residential						
Residential, other than mobile homes and transient lodgings	Y	N (1)	N (1)	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N (1)	N (1)	N (1)	N	N
Public Use						
Schools	Y	N (1)	N (1)	N	N	N
Hospitals, nursing homes	Y	25	30	N	N	N
Churches, auditoriums, and concert halls	Y	25	30	N	N	N
Government services	Y	Y	25	30	N	N
Transportation	Y	Y	Y (2)	Y (3)	Y (4)	Y (4)
Parking	Y	Y	Y (2)	Y (3)	Y (4)	N
Commercial Use						
Offices, business and professional	Y	Y	25	30	N	N
Wholesale and retail- building materials, hardware and farm equipment	Y	Y	Y (2)	Y (3)	Y (4)	N
Retail trade-general	Y	Y	25	30	N	N
Utilities	Y	Y	Y (2)	Y (3)	Y (4)	N
Communication	Y	Y	25	30	N	N
Manufacturing and Production						
Manufacturing, general	Y	Y	Y (2)	Y (3)	Y (4)	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) and forestry	Y	Y (6)	Y (7)	Y (8)	Y (8)	Y (8)
Livestock farming and breeding	Y	Y (6)	Y (7)	N	N	N
Mining and fishing, resource production and extraction	Y	Y	Y	Y	Y	Y
Recreational						
Outdoor sports arenas and spectator sports	Y	Y (5)	Y (5)	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	Y	N	N	N	N
Amusements, parks, resorts, and camps	Y	Y	Y	N	N	N
Golf courses, riding stables and water recreation	Y	Y	25	30	N	N
Numbers in parenthesis refer to notes; see continuation of Table 1 for notes and key.						
The designations contained in this table do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, State, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities. FAA determinations under Part 150 are not intended to substitute Federally determined land uses for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise compatible land uses.						
(more)						

TABLE 1—LAND USE COMPATIBILITY WITH YEARLY DAY-NIGHT AVERAGE SOUND LEVELS (CONTINUED)

Key to Table 1	
Y (YES)	Land Use and related structures compatible without restrictions.
N (NO)	Land Use and related structures are not compatible and should be prohibited.
NLR	Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.
25, 30, or 35	Land use and related structures generally compatible; measures to achieve NLR of 25, 30 or 35 dB must be incorporated into design and construction of structure.
Notes for Table 1	
(1)	Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 dB, thus, the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.
(2)	Measures to achieve NLR of 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
(3)	Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
(4)	Measures to achieve NLR of 35 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
(5)	Land use compatible provided special sound reinforcement systems are installed.
(6)	Residential buildings require an NLR of 25.
(7)	Residential buildings require an NLR of 30.
(8)	Residential buildings not permitted.
(end of Table 1)	