

The Yuma County Planning and Zoning Commission met in a regular session on June 23, 2020. The meeting was held via Zoom and opened to the public in Aldrich Auditorium at 2351 West 26<sup>th</sup> Street, Yuma, Arizona.

**CALL TO ORDER:** At 5:00 p.m. Chairman Rosales convened the Planning and Zoning Commission meeting. Commissioners present were: Scott Mulhern, John McKinley, Danny Bryant, Matias Rosales, Paul White, Ron Rice, Gary Black, Wayne Eide and Alicia Zermeno. Commissioner Tim Bowers was absent. Others present were: Planning Director Maggie Castro, AICP; Senior Planner Juan Leal Rubio; Senior Planner Javier Barraza; Senior Planner Fernando Villegas; Deputy County Attorney Ed Feheley; Land Development Engineer Arturo Alvarez 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 May 19, 2020.**

MOTION (BRYANT/WHITE): Approve as presented.

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

**ITEM No. 4: Special Use Permit Case No. 20-03: Monty Sanders, agent for Rosa Sanders and Victor Lozano, requests a Special Use Permit per Section 613.03(A) of the Yuma County Zoning Ordinance to operate a junk and wrecking yard with auto dismantling on two parcels totaling 6.77 acres in size zoned Light Industrial, Assessor's Parcel Numbers 196-24-020 and -021, located at 13711 South Avenue 3E, Yuma, Arizona; located in the 70 to 74 dB noise zone.**

Senior Planner Fernando Villegas presented the staff report recommending approval of Special Use Permit Case No. 20-03 subject to the following Operational and Performance Conditions:

**Operational Conditions.**

1. The owner/applicant shall acquire and have finalized all required permits as per appropriate code requirements within two years of approval by the Board of Supervisors or the Special Use Permit shall expire pursuant to Section 402.05(B)(1)(a) of the Yuma County Zoning Ordinance. Operations under the special use permit are not allowed until all required permits are finalized unless otherwise approved by the Planning Director and the Chief Building Official.
2. No vehicle parking for the business is permitted in the public right-of-way.
3. The owner/applicant shall comply with buffer and screening requirements.
4. The owner/applicant shall construct and maintain a solid fence or wall with a minimum height of six feet around the perimeter of the property prior to commencement of operation of the facility. No materials shall be stored in such a manner as to project from or be visible above the fence or wall.
5. The Special Use Permit shall be valid for a period not to exceed 10 years from the date of approval by the Board of Supervisors.

**Performance Conditions.**

1. An improved driveway approach connecting to Avenue 3E shall be built in accordance with Yuma County Public Works Standards No. 3-220 within 60 days of Board of Supervisors approval.
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, including but not limited to the existing office building and light poles around the property.

Commissioner Rice inquired about the requirement of the fence.

Senior Planner Fernando Villegas explained it could be any type of fence as long as it blocks the view from the public.

Commissioner Bryant inquired about operational condition number four.

Senior Planner Fernando Villegas explained there was an open zoning violation for the property. The applicant is trying to bring the property into compliance. He explained the owner would need to comply with the requirements of the Zoning Ordinance prior to operating business.

Planning Director Maggie Castro, AICP, stated operation condition number four could be moved under performance conditions and could be given a timeframe to build the solid fence.

Chairman Rosales opened the public meeting.

John Loghy, 3578 East County 15<sup>th</sup> Street, Yuma, Arizona, property owner adjacent to the subject property, stated he did not agree that a chain link fence is adequate with the Zoning Ordinance requirements of a solid fence. He requested clarification on the zoning ordinance.

Planning Director Maggie Castro, AICP, stated the applicant could have a chain link fence and place slating or screening in addition to the fence to obtain zero visibility to the public.

Senior Planner Fernando Villegas read Section 613 in the Zoning Ordinance addressing the fence requirements.

Monty Sanders, 3360 South 15<sup>th</sup> Avenue, Yuma, Arizona, applicant, stated most of the stacked vehicles will be moved within three weeks. He explained he would be placing screening along with the fence to meet requirements. He requested 180 days after the Board of Supervisors approval to meet performance condition number one.

Planning Director Maggie Castro, AICP, stated performance condition number one could be changed to 180 days. She explained all performance conditions including the addition of operational condition number four under performance conditions would be given 180 days.

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

MOTION (BRYANT/ RICE): Approve Special Use Permit Case No. 20-03 with the changes as spoken by the planning director of moving operational condition number four to performance conditions with each performance condition with 180 days' timeframe.

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. 5: Rezoning Case No. 20-08: Tiberio Esparza, agent for Larson Cooling Co. and TGR Construction, Inc., requests the rezoning of 9.42 acres comprised of portions of three parcels totaling 17.81 acres in size from General Commercial (C-2) to Heavy Industrial-2 acre minimum (HI-2), Assessor's Parcel Numbers 201-04-022 (2.77 acre portion), 201-04-023, and 201-04-024 (4.01 acre portion), located on the northwest corner of Avenue 31E and Old Highway 80, Wellton, Arizona.**

Senior Planner Javier Barraza presented the staff report recommending approval of Rezoning Case No. 20-08 subject to the following Performance Conditions.

1. Within 60 days of approval by the Board of Supervisors, the owner or agent shall provide an A.R.S. § 12-1134 waiver.
2. Within 60 days of approval by the Board for Supervisors, the owner or agent shall apply for an encroachment permit to access Yuma County public right-of-way. The driveway access to all parcels shall be in accordance with Yuma County Public Works Standard No. 7.2.8

Chairman Rosales opened the public meeting.

Tiberio Esparza, Yuma, Arizona, agent for the applicant stated he was present to answer any questions.

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

MOTION (BRYANT/ BLACK): Approve Rezoning Case No. 20-08 as presented by staff.

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

**ITEM No. 6: Rezoning Case No. 20-09: Dahl, Robins and Associates, Inc., agent for Yuma 7E, LLC, requests the rezoning of a parcel 10.0 gross acres in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 725-53-001, located on the southeast corner of Avenue 7E and County 13½ Street, Yuma, Arizona.**

Commissioner Scott Mulhern recused himself from Rezoning Case No. 20-09 due to his employment with the agent.

Senior Planner Juan Leal Rubio presented the staff report recommending approval Rezoning Case No. 20-09 subject to the following Performance Conditions and Schedule for Development:

**Performance Condition.**

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 a Range disclosure statement.
  - d. Record a Schedule for Development disclosure statement.

2. A request for an Avigation disclosure statement to be recorded within 60 days of Board of Supervisors' approval.

**Schedule for Development.**

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

Chairman Rosales opened the public meeting.

Adrian Vega, 1560 South 5<sup>th</sup> Avenue, Yuma, Arizona, agent, stated he was present to answer any questions.

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

MOTION (BLACK/BRYANT): Approve Rezoning Case No. 20-09 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, Mulhern abstaining.

**ITEM No. 7: Rezoning Case No. 20-10: Adrian Vega, agent for TDI Holdings, LLC, requests the rezoning of a parcel 10.10 gross in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 748-13-010, located on the northeast corner of Avenue 5E County 14½ Street, Yuma, Arizona.**

Commissioner Scott Mulhern recused himself from Rezoning Case No. 20-10 due to his employment with the agent.

Senior Planner Javier Barraza presented the staff report recommending approval of Rezoning Case No. 20-10 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 shall:
  - a. Provide an A.R.S. §12-1134 waiver.
  - b. Record an Infrastructure disclosure statement.
  - c. Record a Range disclosure statement.
  - d. Record an Agriculture disclosure statement.
  - e. Record a Schedule for Development disclosure statement.

**Schedule for Development.**

1. The Within one year of approval by the Board of Supervisors, the owners shall apply for and obtain a Grading Permit from the Department of Development Services to improve the ingress/egress easement shown on Exhibit A as an access built road in a dust free condition by application of an aggregate base course (ABC) covered by a penetration and chip seal coat (refer to attachment Standard No. B - Penetration and Chip Seal). The ingress/egress easement shall also contain the means for emergency vehicles to turn around. The turnaround shall be in accordance with 2003 International Fire Code and current Yuma County policies.

2. 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.
3. Within one year of approval and as part of item 2 above, the owner shall record an ingress/egress easement 20 feet in width as depicted on Exhibit A.
4. Within one year of approval by the Board of Supervisors, the owner shall submit certification from a licensed engineer confirming the roadway referred to in item 1 of the Schedule for Development was constructed according to Standard B - Penetration and Chip Seal.
5. Within one year of approval by the Board of Supervisors, 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.

Adrian Vega, 1560 South 5<sup>th</sup> Avenue, Yuma, Arizona, agent, stated the owner agrees to the conditions and he was present to answer any questions.

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

MOTION (BLACK/WHITE): Approve Rezoning Case No. 20-10 as presented by staff.

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

**ITEM No. 8: Rezoning Case No. 20-11: Adrian Vega, agent for TDI Holdings, LLC, requests the rezoning of a parcel 9.65 gross acres in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 724-29-013, located on the northeast corner of Avenue 5E and County 13th Street, Yuma, Arizona.**

Commissioner Scott Mulhern recused himself from Rezoning Case No. 20-11 due to his employment with the agent.

Senior Planner Juan Leal Rubio presented the staff report recommending approval of Rezoning Case No. 20-11 subject to the following Performance Conditions and Schedule for Development:

**Performance Conditions.**

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

2. A request for an Avigation disclosure statement to be recorded within 60 days of Board of Supervisors' approval.

**Schedule for Development.** Within two (2) years of approval by the Board of Supervisors:

1. And prior to approval of Land Division Permit, the owner shall apply for a Grading Permit with Yuma County Department of Development Services to improve the ingress/egress easement depicted on the site plan submitted by the applicant in a dust free condition by application of an aggregate base course (ABC) covered by a penetration and chip seal coat (refer to attached Standard Number B-Penetration and Chip Seal). The eastern end of the ingress/egress easement shall also contain the means for emergency vehicles to turn around. The turn-around shall be in accordance with 2003 International Fire Code and current Yuma County policies.
2. The property shall be split in accordance with the site plan submitted by the applicant by means of a Land Division Permit pursuant to Section 507.00 of the Yuma County Zoning Ordinance and an ingress/egress easement twenty (20) feet in width along the center of the subject properties and an irrigation easement along the north property line shall be recorded.
3. The owner shall submit certification from a licensed engineer confirming the roadway referred to in item 1 of the Schedule for Development was constructed according to Standard B-Penetration and Chip Seal.
4. 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.

Jeff Snow, 4825 East 47<sup>th</sup> street, Yuma, Arizona, property owner on the west side of the subject property in Heritage Park Subdivision, explained why the commission should consider increasing density.

MOTION (WHITE/BLACK): Approve Rezoning Case No. 20-11 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, Mulhern abstaining.

**ITEM No. 9: Rezoning Case No. 20-12: Adrian Vega, agent for TDI Holdings, LLC, requests the rezoning of a parcel to 10.00 gross acre in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 754-40-003, located on the southwest corner of Avenue A and County 17th Street, Yuma, Arizona.**

Commissioner Scott Mulhern recused himself from Rezoning Case No. 20-012 due to his employment with the agent.

Senior Planner Fernando Villegas presented the staff report recommending approval of Rezoning Case No. 20-12 subject to the following Performance Conditions and Schedule for Development:

**Performance Conditions.**

1. The owner or applicant shall submit the following documents within 60 days of the Board of Supervisors' approval of this rezoning case and submit to the Department of Development Services:
  - a. An A.R.S. §12-1134 waiver.
  - b. An agricultural disclosure statement.
  - c. An infrastructure disclosure statement.
  - d. A Schedule for Development disclosure statement.
  - e. A warranty dedicating 33 feet of right-of-way on the east side.
  
2. A request for an avigation disclosure statement to be recorded within 60 days of Board of Supervisors approval and submitted to the Department of Development Services.

**Schedule for Development.** Within two (2) years of approval by the Board of Supervisors:

1. Prior to approval of Land Division Permit, the owner shall apply for a Grading Permit with Yuma County Department of Development Services to improve the ingress/egress easement depicted on the site plan submitted by the applicant in a dust free condition by application of an aggregate base course (ABC) covered by a penetration and chip seal coat (Standard B-Penetration and Chip Seal).
  
2. The property shall be split in accordance with the site plan submitted by the applicant by means of a Land Division Permit pursuant to Section 507.00 of the Yuma County Zoning Ordinance.
  
3. The owner shall submit certification from a licensed engineer confirming the roadway referred to in item 1 of the Schedule for Development was constructed according to Standard B-Penetration and Chip Seal.
  
4. 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.

Commissioner Rice inquired about the irrigation line.

Senior Planner Fernando Villegas stated there is an irrigation line underground that crosses the subject property. The line runs from the Northeast corner of the subject property to the Southwest corner. He explained he did not find any easements for the irrigation line.

Chairman Rosales opened the public hearing.

Aurelio Alvarez, 17220 South Avenue A, Somerton, Arizona, property owner to the South of the subject property, stated he uses the underline ditch to water his property.

Adrian Vega, 1560 South 5<sup>th</sup> Avenue, Yuma, Arizona, agent, stated he was not aware of the irrigation line until that morning. He stated after research there was no easement for the irrigation line found. He explained he would work with the neighbors to resolve the issue.

Commissioner Rosales inquired if Rezoning Case No. 20-12 should be continued until the irrigation line concern is resolved.

Triguna Israel, 2591 South Avenue 2 ½ E, Yuma, Arizona, developer of the property, stated he had met with the irrigation district and the title company. He explained the irrigation line did not appear on the title report or with the irrigation district. He stated there are options to resolve the issue and requested that the rezoning case could move forward.

Planning Director Maggie Castro, AICP, stated the rezoning case could move forward. The issue with the irrigation line would be resolved apart from the rezoning request.

Commissioner Black, Commissioner White, Commissioner McKinley and Commissioner Rice agreed that an irrigation easement should be in the performance conditions. They stated they would not agree to move the rezoning case forward without a resolution to the irrigation issue.

Planning Director Maggie Castro, AICP, explained in order for staff to draft an irrigation easement into the performance condition the rezoning case would need to be continued. She explained the irrigation line is a private matter between the property owners and could be resolved apart from the rezoning case.

Kevin Dahl, 1560 South 5<sup>th</sup> Avenue, Yuma, Arizona, agent, explained he understands the issue. However, the irrigation line is not a planning issue. He explained he would not develop over an irrigation line. He explained the irrigation line issue would be resolved in the Land Division Permit process.

Planning Director Maggie Castro, AICP, explained the commission could add that an irrigation easement to be established on the southern boundary of the subject property to the Schedule for Development.

Senior Planner Fernando Villegas explained the irrigation line is unknown. He suggested adding a condition that would not allow the property owner to split the land until there is a resolution.

Planning Director Maggie Castro, AICP, stated the irrigation line would be known through a surveyor and the irrigation district. She stated establishing an easement would alleviate concerns.

Commissioner Bryant stated the irrigation line issue could be resolved prior to the Board of Supervisors hearing.

Commissioner Eide stated the irrigation line is not a Planning and Zoning issue and to move the rezoning case forward.

Further discussion between commissioners, staff and agents on how to resolve the irrigation line issue to move the rezoning case forward.

Planning Director Maggie Castro, AICP, stated an irrigation easement to be dedicated with the land division permit could be added under the performance conditions.

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

MOTION (BRYANT/RICE): Approve Rezoning Case No. 20-12 subject to the irrigation issue be resolved as a performance condition as worded by the Planning Director.

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

**ITEM No. 10: Discussion by the Commission members and Planning Director of events attended, current events, and the schedule for future Planning Commission meetings.**

There being no further business to come before the Commission, the Chairman adjourned the meeting at 6:25 p.m.

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

  
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Matias Rosales, Chairman

ATTEST:

  
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Maggie Castro, AICP, Planning Director