

The Yuma County Planning and Zoning Commission met in a regular session on August 25, 2020. The meeting was held via Zoom and opened to the public in Aldrich Auditorium at 2351 West 26th 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, Tim Bowers, Danny Bryant, Matias Rosales, Gary Black, Wayne Eide, Paul White, and Ron Rice. Commissioner Alicia Zermeno was absent. Others present were: Planning Director Maggie Castro, AICP; Senior Planner Juan Leal Rubio; Senior Planner Javier Barraza; 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 July 28, 2020.

MOTION (RICE/BLACK): Approve as presented.

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

ITEM No. 4: Minor Amendment Case No. 20-03: Adrian Vega, agent for Judy M. Knowlton, requests to change the land use designation of a 0.46 net acre portion of a parcel 1.46 net acres in size from Rural Density Residential (R-RD) to Suburban Density Residential (R-SD), Assessor's Parcel Number 459-25-005, located 12266 North Eagle Road, Yuma, Arizona.

Commissioner Scott Mulhern recused himself from Minor Amendment Case No. 20-03 due to conflict of interest.

Senior Planner Javier Barraza presented the staff report recommending denial of Minor Amendment Case 20-03 based on:

1. The change will allow for inconsistency with existing zoning and land use development patterns.
2. The amendment does not address an oversight, inconsistency, or other land uses related inequity.
3. The amendment is not an overall improvement to the plan and is solely for the good or venefit of this particular owner.

ITEM No. 5: Rezoning Case No. 20-14: Adrian Vega, agent for Judy M. Knowlton, requests the rezoning of a 0.46 acre portion of a parcel 1.46 net acres in size from Low Density Residential-40,000 square feet minimum (R-1-40) to Low Density Residential-15,000 square feet minimum (R-1-15), Assessor's Parcel Number 459-25-005, located 12266 North Eagle Road, Yuma, Arizona.

Commissioner Scott Mulhern recused himself from Rezoning Case No. 20-14 due to conflict of interest.

Senior Planner Javier Barraza presented the staff report recommending denial of Rezoning Case No. 20-14 based on the following reasons:

1. Although the proposed change is compatible with adjoining zoning, the proposed change is not logical and harmonious with the land use pattern of the area.
2. The proposed zoning will increase the density in an area with limited emergency services, road improvements, and water and sewer infrastructure.
3. Changing the zoning of the subject property will create a small area of R-1-15 zoning in an area that is completely surrounded by RA-20 and R-1-40 zoning.

If the Planning Commission recommends approval, staff recommends attaching 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 a Yuma Proving Ground disclosure statement.
 - c. Record an infrastructure disclosure statement.
 - d. Record a Restricted Air Space Disclosure statement.
 - e. Record a Schedule for Development disclosure statement.

Schedule for Development. Prior to development or within one (1) year of approval by the Board of Supervisors, whichever occurs first:

1. A land division permit shall be applied for and approved in accordance with Section 507.00 of the Yuma County Zoning Ordinance.

Chairman Rosales opened the public hearing for both Minor Amendment Case No. 20-03 and Rezoning Case No. 20-14.

Judy Knowlton, 12266 North Eagle Road, Yuma, Arizona, applicant, stated her agent was present to answer any questions.

Adrian Vega, 1560 South 5th Avenue, Yuma, Arizona, agent, explained the applicant attended a project assessment meeting at the Department of Development Services and obtained positive feedback. He stated the intent of the project is to build another house on the proposed new parcel. There would be an increase of density of one more home.

Commissioner Bryant inquired about the purpose of the 15,000 square feet parcel and what the applicant plans to do with that parcel.

Senior Planner Javier Barraza explained there is a requirement of 1-acre minimum for lots with a septic system. He explained there is currently septic system on the 15,000 square foot parcel. He stated the applicant was retrieving water from Martinez Lake.

Commissioner Bryant inquired if retrieving water from Martinez Lake was permissible.

Senior Planner Javier Barraza explained he was unable to receive updated comments from the Bureau Land Management (BLM). However, comments from BLM, from ten years ago when the previous case was first presented stated there were no rights to obtain water from Martinez Lake.

Commissioner Bryant asked what the agent thought of staff's recommendation of denial of the Minor Amendment based on incompatible with the surrounding land use.

Adrian Vega, 1560 South 5th Avenue, Yuma, Arizona, agent, stated one residence would not be a big impact on the neighborhood. The intent is to build only one more residence.

Commissioner Rice inquired if the existing septic system was capable of handling another house.

Adrian Vega, 1560 South 5th Avenue, Yuma, Arizona, agent, explained a new system would be used for the proposed new residence.

Commissioner White inquired about the Assessor's comments in the staff report of the dedicated right of way.

Adrian Vega, 1560 South 5th Avenue, Yuma, Arizona, agent, stated there would be a private easement on parcel A.

Commissioner McKinley stated that according to the Arizona Water Resources Department, it is not legal to retrieve water from Martinez Lake.

Judy Knowlton, 12266 North Eagle Road, Yuma, Arizona, applicant, explained she has a small pump that supplies water from Martinez Lake. She explained there are several other places that pump from Martinez Lake. She stated the house was designed that way when she bought it. She explained the new house would have a well.

Kevin Dahl, 1560 South 5th Avenue, Yuma, Arizona, agent, explained it is one home in a neighborhood of six homes. He stated that visually the home will not be seen from the roadway. He stated the applicant went to a project assessment and received positive feedback and then staff recommended denial. He reviewed the aerial image and pointed out the surrounding homes with multiple buildings on those lots. He stated one home would not be an impact in the area.

Planning Director Maggie Castro, AICP, explained that from a planning perspective, staff views things from a wider perspective. She stated that the applicant's position is that there will be only one additional home in the area. She stated that staff look at a wider range or bigger area. As stated on page three of the staff report, there are 51 properties in the general area which are zoned R-1-40. Those properties range in size from 13,360 square feet to a little over 4 acres. She explained future owners could request the same proposal as the agent/applicant resulting in over a 100 new residences in the area. She stated that during project assessments, staff does not review the rezoning or minor amendment cases. Staff provide a cursory review of the case or provide what needs submitted if the applicant would like to proceed with a rezoning or minor amendment. Staff recommendations come after research and analysis of a case which is well into the application process.

Commissioner Black stated the major issue is the increased density. He explained his concern with grandfathering in the sewage system.

Commissioner White asked if there were any oppositions from neighbors in the 300 foot radius of the subject property.

Senior Planner Javier Barraza showed the slide in his presentation that indicated the three properties in opposition. He gave the parcel size for lots number one, six, and eight.

Commissioner Bryant stated he would like to have the cases continued until meetings can be in person.

Commissioner Black suggested having a neighborhood meeting to resolve some issues.

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

MOTION (RICE/BLACK): Deny Minor Amendment Case 20-03 as presented by staff.

VOICE VOTE: McKinley- AYE; Bowers- AYE; Bryant- NAY; Rosales- NAY; Black- AYE; Eide- AYE; White- AYE; Rice- AYE. The motion carried 6-2.

MOTION (RICE/BLACK): Deny Rezoning Case No. 20-14 as presented by staff.

VOICE VOTE: McKinley- AYE; Bowers- AYE; Bryant- NAY; Rosales- NAY; Black- AYE; Eide- AYE; White- AYE; Rice- AYE. The motion carried 6-2.

ITEM No. 6: Text Amendment No. 20-01: A proposed amendment to the Yuma County 2020 Comprehensive Plan, Land Use Conformity Matrix table and the Zoning Comparison table.

Senior Planner Juan Leal Rubio presented the staff report recommending approval of Text Amendment No. 20-01.

ITEM No. 7: Text Amendment No. 20-02: A proposed text amendment to the Yuma County Zoning Ordinance to add Section 624.00—Suburban Homestead (SH) Zoning District, delete the term “Guest Room” from Section 202.00—Definitions and add Suburban Homestead (SH) to list of Residential Districts, add Suburban Homestead (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, and add Suburban Homestead to Section 1106.01--Cargo Containers.

Senior Planner Juan Leal Rubio presented the staff report recommending approval of Text Amendment No. 20-02.

Chairman Rosales opened the public hearing for both Text Amendment Case No. 20-01 & Text Amendment Case No. 20-02.

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

MOTION (MCKINLEY/BOWERS): Approve Text Amendment No. 20-01 as presented by staff.

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

MOTION (MCKINLEY/BOWERS): Approve Text Amendment No. 20-02 as presented by staff.

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

ITEM No. 8: Discussion by the Commission members and Planning Director of events attended, current events, and the schedule for future Planning Commission meetings.

Commissioner Bryant inquired about resuming in person meetings. He inquired about the Board of Supervisors holding in person meetings.

Planning Director Maggie Castro, AICP, explained the difficulty of holding in person meetings with the current social distancing mandates. She explained technology does not allow an in person meeting and a Zoom meeting to be conducted at the same time. She stated the Board of Supervisors hold in person meetings. Changes were made to their auditorium layout to accommodate the social distancing requirements that are mandated.

Commissioner Bryant inquired if the Health Director could do an assessment for Aldrich Hall to accommodate social distancing requirements for in person meetings.

Planning Director Maggie Castro, AICP, explained staff has conducted an assessment of Aldrich Hall to accommodate social distancing for Commissioners, staff and the public. It would be difficult to meet social distancing requirements in Aldrich Hall for Planning and Zoning Commission meetings because there would only be room for four Commissioners, limited staff and limited public to hold in person meetings. Technology will not allow a Zoom meeting and an in person meeting to take place at the same time. She stated the DDS Director could send the constraints that staff has to the Chairman for his review.

Chairman Rosales stated the constraints can be sent to Commissioner Bryant.

There being no further business to come before the Commission, the Chairman adjourned the meeting at 5:49 p.m.

Approved and accepted on this 22nd day of September 2020.



Matias Rosales, Chairman

ATTEST:



Maggie Castro, AICP, Planning Director