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M E M O R A N D U M

TO: Harold Aldrich, Director; Development Services

FROM: Monty M. Stansbury, Planning Director *MS*

RE: Zoning authorities related to Yuma Proving Grounds

DATE: October 20, 1998

No specific legal opinion exists in our files that explicitly acknowledges a local jurisdictions authority on Federal lands. Further, based upon a recent case in the Phoenix area, it was determined by the court that a local jurisdiction had no authority over land use on State trust.

Therefore, it would be my opinion that land use regulations as applied to Federal lands, such as YPG, would be exempt due to their governmental status. This would hold true regardless of the ownership to which a particular project is developed.

If there is any attachment of regulation by "zoning", it would relate to the acceptable restrictions placed on individual structures that pertain to separation or setback. A structure could not exceed industry standards regarding its placement with regard to another building, septic system or other health and safety requirement. But this would most likely be a result of the building permitting process.

cc: file

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