The Yuma County Planning and Zoning Commission met in a regular session on August 23, 2022. The meeting was held in Aldrich Auditorium at 2351 West 26th Street, Yuma, Arizona.

CALL TO ORDER: At 5:00 p.m. Chairman Bryant convened the Planning and Zoning Commission meeting. Commissioners present were: A-J Mosqueda, Ron Rice, Tim Bowers, Scott Mulhern, Danny Bryant, Gary Black, Bobbie McDermott and Ron Van Why. Commissioners Jim Allen and Matias Rosales was absent. Others present were: Planning Director Maggie Castro, AICP; Senior Planner Juan Leal Rubio; Chief Building and Fire Code Official Pat Headington; Land Development Engineer Arturo Alvarez; Deputy County Attorney Minda Davy and PZ Commission Administrative Specialist Amber Kelly.

PLEDGE OF ALLEGIANCE: Chairman Bryant led the Pledge of Allegiance.

ITEM No. 3: Approval of Planning and Zoning Commission regular meeting minutes of July 26, 2022.

MOTION (BLACK/BOWERS): Approve as presented.

VOICE VOTE: Mosqueda- AYE; Rice- AYE; Bowers- AYE; Mulhern- AYE; Bryant- AYE; Black- AYE; McDermott- AYE; Van Why- AYE. The motion carried 8-0.

ITEM No. 4: Rezoning Case No. 22-10: Leticia Guillermo requests the rezoning of two parcels totaling 5.46 gross acres in size from Suburban Ranch-3 acre minimum (SR-3) to Suburban Ranch-1 acre minimum (SR-1), Assessor's Parcel Numbers 663-21-046 and -047, located in the vicinity of the southwest corner of Clip Street (12th Street) and the alignment of 47th Avenue, Yuma, Arizona.

Senior Planner Juan Leal Rubio presented the staff report for Rezoning Case No. 22-10 recommending approval 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 or 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.

Schedule for Development:

1. Within one (1) year of approval by the Board of Supervisors and prior to approval of the Land Division Permit, the owner shall apply for a Grading Permit with the Yuma County Engineering Department to improve the 20 foot wide ingress/egress easement providing direct access to the new lots 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 edge of the ingress/egress easement shall include a one foot non-access easement for any proposed lot line that runs parallel to USBR Central Stub No. 2 right-of-way.

2. Within one (1) year of approval by the Board of Supervisors, the property shall be split by means of a Land Division Permit pursuant to Section 507.00 of the Yuma County Zoning Ordinance. The Land Division Permit shall show the 20 foot wide ingress/egress easement referred to in Item 1 of the Schedule for Development extended along the entire width of the new lots.

3. Within one (1) year of approval by the Board of Supervisors and prior to the approval of the Land Division Permit, 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. Within one (1) year of approval by the Board of Supervisors and prior to approval of the Land Division Permit, the owner shall construct a protective fence at least six feet in height of galvanized wire or a masonry wall between USBR Central Stub No. 2 right-of way and the new parcels.

5. Within one (1) year of approval by the Board of Supervisors and prior to the approval of the Land Division Permit, the owner shall submit certification from the Yuma County Water User's Association confirming the wall or fence referred to in item 4 of the Schedule for Development was constructed to the satisfaction of the Yuma County Water User's Association.

Commissioner Mosqueda stated the adjacent school district that would be affected would be Crane School District not Elementary School District No. 1.

Senior Planner Juan Leal Rubio stated staff would clarify and make any changes needed prior to presenting the case to the Board of Supervisors.

Commissioner McDermott inquired about the access to the property.

Senior Planner Juan Leal Rubio explained the location of the wall and the access to the property. He used imagery to visually explain the access the wall and access to the property.

Commissioner Van Why asked why the properties above the subject property were not required to have a wall or fence.

Senior Planner Juan Leal Rubio stated the recommendation is from the Yuma County Water Association. He was unaware of what the recommendations were at the time the above properties were rezoned.

Commissioner McDermott inquired if the property was irrigated and was utilizing the Yuma Count Water Association's water.

Senior Planner Juan Leal Rubio stated the property was not irrigated.

Commissioner McDermott inquired if the property would have to provide a method of irrigation.

Senior Planner Juan Leal Rubio stated that was not a condition of the rezoning.

Commissioner McDermott stated if there were water available then the residents would want it.

Commissioner Bryant stated the property does not have water available.

Chairman Bryant opened the public hearing.

Janis Dea, 8710 South 47th Avenue, Yuma, Arizona, resident within the 300 foot radius, stated she was objected to access to the subject property off of 47th Avenue through her property area.

Senior Planner Juan Leal Rubio stated Ms. Dea's home would not be affected by the proposed access to the subject property. He stated access would be off of 12th street.

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

Commissioner McDermott stated there needs to be clarification if the property has irrigation access.

Senior Planner Juan Leal Rubio stated staff could clarify if there is any water rights or available irrigation to the property prior to presenting the case to the Board of Supervisors.

MOTION (VAN WHY/BLACK): Approve Rezoning Case No. 22-10 as recommended by staff.

VOICE VOTE: Mosqueda- AYE; Rice- AYE; Bowers- AYE; Mulhern- AYE; Bryant- AYE; Black- AYE; McDermott- AYE; Van Why- AYE. The motion carried 8-0.

ITEM No. 5: Rezoning Case No. 22-11: Maria D. & Jose Alvarado request the rezoning of a parcel approximately 10.0 gross acres in size from Rural Area-10 acre minimum (RA-10) to Rural Area-5 acre minimum (RA-5), Assessor's Parcel Number 754-08-005, located at 16272 South Avenue A, Somerton, Arizona; located in the 70-74 dB noise zone.

Senior Juan Leal Rubio presented the staff report for Rezoning Case No. 22-11 recommending approval 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 or 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 Agriculture disclosure statement.
    e. Record a Schedule for Development disclosure statement.

Schedule for Development:

1. Within one (1) year of approval by the Board of Supervisors and prior to approval of the Land Division Permit, the owner shall apply for and obtain a Grading Permit from the Department of Development Services to improve the ingress/egress easement as an access built road in a dust free condition by application of an aggregate base course (ABC) (refer to attached Standard No. C – Gravel Road).

2. Within one year of approval by the Board of Supervisors and prior to approval of the Land Division Permit, the owner shall submit certification from a licensed engineer confirming the ingress/egress easement referred to in item 1 of the Schedule for Development was constructed according to Standard No. C – Gravel Road.

3. Within one (1) 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. Any required irrigation and ingress/egress easements shall be recorded with the Land Division Permit.

4. Within one (1) year of approval by the Board of Supervisors and prior to approval of the Land Division Permit and the development of any of the parcels, all lots shall be provided with means of irrigation and access to irrigation water. The owner/applicant shall 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 Bryant opened the public hearing.

There being not one to come forward, Chairman Bryant closed the public hearing.

Commissioner Black inquired about what a FAA Order 1050-1E was.

Senior Planner Juan Leal Rubio explained the FAA Order 1050-1E was a comment provided by the Airport Authority to have a Noise Level Reduction of at least 25 dB and 30dB.

MOTION (BLACK/MCDERMOTT): Approve Rezoning Case No. 22-11 as presented by staff.

VOICE VOTE: Mosqueda- AYE; Rice- AYE; Bowers- AYE; Mulhern- AYE; Bryant- AYE; Black- AYE; McDermott- AYE; Van Why- AYE. The motion carried 8-0.

ITEM No. 6: Rezoning Case No. 22-12: Adrian Vega, from Dahl, Robins & Associate Inc., agent for BCH Properties LLC, requests the rezoning of a parcel approximately 88.55 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 213-06-002, located on the southwest corner of County 16th Street and Avenue 4½ E, Yuma, Arizona.

Commissioner Scott Mulhern recused himself from Rezoning Case No. 22-12 due to a conflict of interest. He is currently employed by the agent.

Senior Planner Juan Leal Rubio presented the staff report for Rezoning Case No. 22-12 recommending approval 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 or 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 a Range disclosure statement.
    e. Record an Agriculture disclosure statement.
    f. Record a Schedule for Development disclosure statement.

Schedule for Development:

1. Within one (1) year of approval by the Board of Supervisors and prior to approval of the Land Division Permit, the owner shall apply for and obtain a Grading Permit from the Department of Development Services to improve the ingress/egress easement 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).

2. Within one (1) year of approval by the Board of Supervisors and prior to approval of the Land Division Permit 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.

3. Within one (1) 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. Any required ingress/egress easement shall be recorded with the Land Division Permit.

Commissioner McDermott stated she was uncomfortable rezoning the entire 88 acres for a land division split of 5 parcels. She explained there were so many things that could go wrong.

Commissioner Rice stated the property owner could do whatever he wants with the rest of the 78 acres. He agreed with Commissioner McDermott and did not like the application.

Commissioner Bryant stated six lots would trigger Subdivision Regulations.

Senior Planner Juan Leal Rubio stated if the property was split into six or more lots then they would have to comply with Subdivision Regulations. He stated the applicant has intentions of creating a future subdivision.

Adrian Vega, 1560 South 5th Avenue, Yuma, Arizona, agent explained the owner wants to split and sell the four lots. If those homes sell then he is going to submit an application for a 2-acre residential subdivision to develop the rest of the property. He explained the property is irrigated by a well.

Commissioner McDermott asked why the applicant does not just rezone the part of the property he is going to develop and leave the rest RA-10.

Commissioner Rice inquired if there was a guarantee that the applicant would develop the rest of the property. He stated he would prefer the owner rezone the four lots and come back to rezone and finish the rest of the property.

Mr. Vega stated the intent is to develop the entire 88 acres. He explained the applicant is rezoning the property and setting it up for the future. He stated it is common and they have done that in the past.

Commissioner Van Why stated the owner could not create a six lot without it going into the subdivision process.

Senior Planner Juan Leal Rubio stated if the property changes ownership then the new property owner could split the property to five more lots with a land division permit.

Commissioner Mosqueda stated her concern about the estimated times of arrival for emergency vehicles.

Mr. Vega stated the owner had submitted a subdivision application to the county for the subject parcel about 12 years ago and the zoning was reverted due to the economy. He stated the applicant wants to try again starting with four lots.

Commissioner Bryant stated the property is either compatible or not compatible for 2-acre parcels.

Commissioner Black inquired about how the property is tracked with the lot splits.

Planning Director Maggie Castro, AICP, explained if the property remains under the same ownership and the same owner creates six or more lots. She stated it is conceivable that the owner sells off the larger lot and the new owner creates his or her own four or five lots.

Kevin Dahl, 1560 South 5th Avenue, Yuma, Arizona, agent stated they are zoning for a thirty three-lot subdivision. He stated they are there to plan.

Commissioner McDermott inquired about why the owner does not come as a subdivision. She stated she does not understand why the owner does not separate out his trial lots.

Mr. Dahl stated if it was a good economy, he probably would. He explained he is trying out the economy first. He explained they do this all of the time. He explained they could not create more than five lots through a land division. He stated whether it is a new owner of the larger parcel or not it would trigger a subdivision.

Deputy County Attorney Minda Davy explained as of right now there are five lots. If the owner was to sell the fifth lot to a different owner it would still just be five lots.

Commissioner Bryant inquired if the new owner could divide the parcel into five more lots.

Deputy County Attorney Minda Davy stated based on staff it sounds like you can. It would be a new owner of one lot and they could divide.

Commissioner Bryant inquired if it was the same owner that tried to create a subdivision on the same property years ago.

Mr. Dahl said yes.

Commissioner Bryant stated the owner has shown his intent is to create a subdivision. He was unable to in the past and is testing the waters with four lots with the intent to create a subdivision.

Mr. Dahl stated that was correct. He gave an example of a property that was divided and another owner came and divided and it triggered a subdivision. He stated the sixth lot no matter who the owner is triggers subdivision regulations.

Planning Director Maggie Castro, AICP, explained the difference in the example Mr. Dahl gave and this subject rezoning was that it was two separate zoning actions. She stated a subdivision plat was not required. She stated staff required road improvements providing access to the lots. She stated it was two different owners that created their own lots.

Commissioner Bryant explained the history of the subject property has an expired subdivision plat and now pursuing a rezoning of the property as a first step to create a subdivision. He stated the property is either compatible for 2-acre zoning and does not need a development plan for rezoning.

Mr. Dahl stated they were not there to subdivide, they were there to rezone.

Planning Director Maggie Castro, AICP, stated staff could add a condition, which would be condition number four to state if six or more parcels are created a subdivision plat should be submitted within five years.

Mr. Vega inquired if the time limit could be ten years.

Commissioner Bryant stated that would address concerns.

Commissioner McDermott stated she was still concerned. She stated 2-acre parcels without water are not worth much.

Planning Director Maggie Castro, AICP, explained when staff makes a recommendation about providing access to irrigation water means the lots already have access to irrigation water. She stated if the property does not have access to irrigation water, staff would not require that condition.

Mr. Vega explained the lots would have private wells.

Commissioner McDermott stated she foresees Yuma County shutting down the ability to install their own wells.

Terry Chandler, 4526 East County 16th Street, Yuma, Arizona, surrounding property owner stated he was in objection to the rezoning. He stated there was water issues. He stated the area was for horses and with 2-acre parcels, the area would smell due to the amount of horses. He stated he did not think traffic would be an issue. He stated he would not object if the lots would be 5-acres or 10-acres.

Commissioner Bowers inquired about the surrounding zonings.

Senior Planner Juan Leal Rubio stated there was a mixture of 5-acre, 2-acre, and 10-acre lots. He showed the vicinity map that showed all the zoning in the surrounding area.

Commissioner McDermott inquired if the SR-2 to the South was developed.

Senior Planner stated the SR-2 to the South was mostly fallow.

There being anyone else to come forward, Chairman Bryant closed the public hearing.

Commissioner Black stated adding the fourth condition would control the future dividing spectrum of the zoning.

MOTION (BLACK/MCDERMOTT): Approve Rezoning Case No. 22-12 as presented by staff adding item number four in the Schedule of Development "If six or more lots are created a subdivision plat shall be submitted within 10 years of approval by the Board of Supervisors".

VOICE VOTE: Mosqueda- AYE; Rice- NAY; Bowers- NAY; Bryant- AYE; Black- AYE; McDermott- AYE; Van Why- AYE. The motion carried 5-2.

ITEM No. 7: Text Amendment Case No. 22-02: A text amendment to the Yuma County Zoning Ordinance, Section 309.00, to change the maximum height of fences exempt from the permit requirements, and Section 1108.03, to increase the maximum height of fences/walls to seven (7) feet in residential and Rural Area (RA) zoning districts.

Senior Juan Leal Rubio presented the staff report for Text Amendment No. 22-02 recommending approval.

Chairman Bryant opened the public hearing.

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

MOTION (BLACK/VAN WHY): Approve Text Amendment Case No. 22-02 as presented by staff.

VOICE VOTE: Mosqueda- AYE; Rice- AYE; Bowers- AYE; Mulhern- AYE; Bryant- AYE; Black- AYE; McDermott- AYE; Van Why- AYE. The motion carried 8-0.

ITEM No. 8: Text Amendment Case No. 22-03: A proposed amendment to the Yuma County Comprehensive Building Safety Code pursuant to Arizona Revised Statutes § 11-861 to adopt the 2020 National Electric Code, 2018 International Code Council Mechanical Code, Plumbing Code and Fuel Gas Code with some minor amendments as adopted by the City of Yuma.

Chief Building Fire Code Official Pat Headington presented the staff report reviewing the major changes of the codes. He stated the Yuma County Building Advisory Board held a meeting on August 3, 2022 and with a 3-0 vote recommended the adoption of the 2018 International Plumbing Code, International Mechanical Code, Fuel Gas Code and the 2020 National Electric Code as amended and adopted by the City of Yuma.

Commissioner Rice inquired if they make GFCI250 volts.

Chief Building Fire Code Official Pat Headington stated not that he has seen yet.

Commissioner Bryant inquired if the City had a lot public comments from the local contractors.

Chief Building Fire Code Official Pat Headington stated the City included general contractors, designers, architects, commercial contractors and ect.

Commissioner Bryant stated the two options are to adopt the City of Yuma's version or adopt the codes without any amendments.

Chief Building Fire Code Official Pat Headington stated that was correct.

Commissioner Bryant inquired about what the time line to adopt the amendments are.

Chief Building Fire Code Official Pat Headington stated the County was on a six-year cycle. He stated the cost and time it takes to adopt codes.

Commissioner Bryant stated the commission does not have a choice but to adopt the City's code or it would create issues for the contractors.

Chief Building Fire Code Official Pat Headington stated it is much easier for contractors to move in and out of the city and county under one umbrella of codes. He stated other municipalities do not adopt the same codes.

Commissioner Rice inquired if the adopted codes would only apply to new construction.

Chief Building Fire Code Official Pat Headington stated the codes would be applied to tentative improvements as well as new construction.

Commissioner Bryant inquired if improvements on commercial buildings would require the old codes to be improved to the new code.

Chief Building Fire Code Official Pat Headington stated there is existing legal wire and legal installations that he would not require those to be improved to the new code.

Commissioner McDermott inquired if electric car charging stations that are being installed at homes are reflected in the 2020 National Electric Code.

Chief Building Fire Code Official Pat Headington stated electric car charging stations are within the Electric Code.

Chairman Bryant opened the public hearing.

There being not to come forward, Chairman Bryant closed the public hearing.

MOTION (VAN WHY/BLACK): Approve Text Amendment Case No. 22-03 as presented by staff.

VOICE VOTE: Mosqueda- AYE; Rice- AYE; Bowers- AYE; Mulhern- AYE; Bryant- AYE; Black- AYE; McDermott- AYE; Van Why- AYE. The motion carried 8-0.

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 6:21 p.m.

Approved and accepted on this 27th day of September 2022.

Danny Bryant, Chairman

ATTEST:

Maggie Castro, AICP, Planning Director