

The Yuma County Planning and Zoning Commission met in a regular session on March 24, 2026. The meeting was held in Aldrich Auditorium at 2351 West 26<sup>th</sup> Street, Yuma, Arizona.

**CALL TO ORDER:** At 5:00 p.m. Chairman Ron Van Why convened the Planning and Zoning Commission meeting. Commissioners present were: A-J Mosqueda, Jim Allen, Tim Bowers, Ron Van Why, Danny Bryant, Bobbi McDermot. Commissioners absent were Ron Rice, Matias Rosales, Scott Mulhern, and Hugo Garcia. Others present were Planning Director Maggie Castro, AICP; Senior County Attorney Kesia Morrison; Senior Planner Jesus Carrillo; Senior Planner Richard Munguia and PZ Commission Administrative Specialist Heidi Ramirez.

**PLEDGE OF ALLEGIANCE:** Chairman Ron Van Why led the Pledge of Allegiance.

**ITEM No. 3: Approval of Planning and Zoning Commission regular meeting minutes of February 24, 2026.**

MOTION (MOSQUEDA/ BOWERS): Approve as presented.

VOICE VOTE: Mosqueda-AYE; Allen-AYE; Bowers-AYE; Van Why- AYE; Bryant-AYE; McDermott- AYE;

Motion carried 6-0.

**ITEM No. 4: Action to ratify the action taken by the Planning Commission on February 24, 2026 to recommend approval of Rezoning Case No. 25-23: A request by Raul Garcia Molina, agent for Escondido Holdings, LLC, to rezone a parcel 10 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 724-19-002, located at the northeast corner of Avenue 4½ E and the 45th Street alignment, Yuma, Arizona; located within the 65 dB noise zone.**

Senior Planner Richard Munguia presented Rezoning Case No. 25-23 recommending ratification of this request based on the request being within the range of identified uses, densities and intensities of the Comprehensive Plan subject to the Performance Condition and Schedule for Development listed in the attached staff report.

**Performance Condition**

1. Within 180 days of approval by the Board of Supervisors, the owner shall submit the following documents to the Department of Development Services:
  - a. A recorded avigation disclosure statement;
  - b. A recorded Schedule for Development disclosure statement.
2. Within 60 days of approval by the Board of Supervisors, the owner shall record the following dedication of right of way and submit it to the Department of Development Services;
  - a. Dedication of 25 feet along Avenue 4½ E.

**Schedule for Development**

Prior to the development of the subject property or within five (5) years of Board of Supervisors' approval, whichever comes first:

1. The property shall be split by means of Land Division Permit. Pursuant to Section 507.00 of the Yuma County Zoning Ordinance.

2. The owner shall apply for a Grading Permit and an Encroachment Permit to improve the access easement along the north boundary in a dust-free condition by applying aggregate base course (ABC) covered by a penetration and chip seal coat (refer to attached Standard Number B – Penetration and Chip Seal) prior to approval of the Land Division Permit. The end of the roadway shall also contain the means for emergency vehicles to turn around, designed in accordance with the 2003 International Fire Code and current Yuma County policies.
3. 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.

Board member McDermott asked staff if two story homes could be built in that specific zoning.

Senior Planner Richard Munguia stated the zoning allowed two-story homes and what was proposed.

Chairman Van Why opened the discussion to the public.

Joseph Stefan, 686 Las Dunas Street, Imperial California, applicant, explained he plans to develop a five-lot subdivision where he plans to keep one lot for himself, another for his brother, and sell the remaining three. Mr. Stefan stated he is working with an engineer on the survey and project planning and intends to establish CC&Rs to maintain neighborhood standards, including minimum home sizes and restrictions on visible clutter. He also proposed that future homeowners be responsible for maintaining the adjacent canal and expressed interest in coordinating with neighbors to maintain the dirt access road. He also stated the property is located within a 65–69 decibel noise zone due to the nearby MCAS and he acknowledged that a variance will be required for residential construction, which he is willing to obtain. Overall, his goal is to create a well-maintained development consistent with the surrounding neighborhood.

Vice-Chairman Bryant asked the applicant how he was going to make the neighbors responsible for the canal banks and what was the proposed enforcement going to work.

Mr. Stefan stated that enforcement of maintenance responsibilities will be handled through recorded CC&Rs. As the single parcel is subdivided into five lots, each lot will include deed restrictions requiring property owners to maintain the adjacent canal, making it their responsibility upon purchase.

Vice-Chairman Bryant asked what the enforcement mechanism was.

Mr. Stefan stated he did not have figured out yet.

Vice-Chairman Bryant commented that while the applicant's intentions were positive, deed restrictions may not provide strong assurance since enforcement typically requires legal action, which can be costly for all parties involved.

Senior Attorney Kesia Morrison stated the case was just presented for ratification and the board was straying from the question of ratification.

Board member McDermott asked if the property was in irrigation district A or B.

Senior Planner Richard Munguia answered that the property was in the Yuma Mesa Irrigation District.

Raul Garcia, 1334 S 5<sup>th</sup> Avenue, Yuma Arizona, engineer, stated that the requested rezoning is consistent with surrounding properties and that the existing drainage/irrigation canal will remain unchanged. Enforcement of maintenance requirements will rely on CC&Rs, noting that the county does not enforce these and any issues would need to be handled privately. The project will comply with all county requirements, including access roads, septic systems, and wells, and will incorporate noise attenuation measures due to the elevated noise levels in the area.

Dane Palmer, 12568 South Avenue 4½ E, Yuma Arizona, member of the public, expressed support for maintaining the neighborhood's quality by ensuring CC&Rs are in place, emphasizing that they help preserve property standards and prevent deterioration seen in nearby areas without restrictions. Mr. Palmer also raised concerns about building too close to the irrigation canal, noting that adequate space is needed for maintenance, access and repairs. He explained that canal upkeep is typically a shared responsibility among homeowners, with neighbors working together to maintain their sections, and stressed the importance of protecting the neighborhood as development continues.

Dale Palmer, 12518 South Avenue 4½ E, Yuma Arizona, member of the public, stated he has no objections to the project as long as CC&Rs are established, noting they are currently being developed. He also offered assistance by providing existing CC&Rs from nearby neighborhoods to help guide the process.

Aaron Salyi, APN 728-07-001, Yuma Arizona, member of the public, raised concerns about the project's evaluation score, noting that the impact category scorecard included a mid-range score that is atypical compared to standard scoring practices, which are usually either low or high. He pointed out that this score brought the project just above the minimum threshold required for consideration and argued that without those points, the project would fall below the threshold and require reevaluation. He said that the project may be premature and requested clarification on the scoring approach and whether such mid-range scores are standard practice.

There being no one else to come forward, Chairman Van Why closed the discussion to the public.

MOTION (BRYANT/ BOWERS): Ratify action taken on February 24, 2026.

VOICE VOTE: VOICE VOTE: Mosqueda-AYE; Allen-AYE; Bowers-AYE; Van Why- AYE; Bryant-AYE; McDermott- AYE.

The motion carried 6-0.

**ITEM No. 5: Text Amendment Case No. 26-01: Adoption of the 20245 International Fire Code.**

Chief Building/Fire Code Official Ty Martinez recommended that the Planning & Zoning Commission recommend adoption of the 2024 International Fire Code (IFC), including all appendices except Appendices G, L, M, and O.

Chairman Van Why opened the discussion to the public.

Chief Building/Fire Code Official Ty Martinez stated they have talked about the topic in previous meetings and that the county is not proposing new fire code regulations but is seeking to update its current outdated 2003 fire code to a more current version. Mr. Martinez noted that the State of Arizona is preparing to adopt the 2024 International Fire Code, and by statute, the county would have to adopt a code that is at least as stringent, which this update would meet.

Vice-Chairman Bryant asked if they have to adopt the state's code, state's fire code or something more stringent.

Chief Building/Fire Code Official Ty Martinez explained that while keeping the current code unchanged is possible, any update or adoption must meet or exceed the state's standards. The state currently follows the 2018 code and is in the process of updating to the 2024 version. As it stands, the existing code falls significantly below current state requirements.

Vice-Chairman Bryant asked if the county would be adopting the same code that the city is operating on.

Chief Building/Fire Code Official Ty Martinez stated they would not. They would adopt the fire code unamended from the city because the city code is more stringent as far as their zoning goes, and they don't want to adopt their fire code.

Vice-Chairman Bryant asked what kind of changes would constituents and builders should expect if the code is adopted.

Chief Building/Fire Code Official Ty Martinez explained that for builders, most requirements will remain familiar, particularly key standards such as fire access roads, subdivision access, and fire hydrant provisions, which are unchanged between the 2003 and 2024 codes. However, the 2024 code introduces new elements that were not addressed in the 2003 version. These include regulations for battery storage systems associated with large-scale solar installations, as well as charging stations for electric vehicles and bikes. Overall, the updates reflect newer technologies and development trends that are not covered in the current code.

Vice-Chairman Bryant asked if there would be any negative impacts on residential construction.

Chief Building/Fire Code Official Ty Martinez stated there would be no impact because that's still mandated through the building code itself. The fire code is only a maintenance code as far as they are concerned.

There being no one to come forward, Vice-Chairman Bryant closed the discussion to the public.

MOTION (MCDERMOTT/ ALLEN): Approve as presented

VOICE VOTE: Mosqueda-AYE; Allen-AYE; Bowers-AYE; Van Why- AYE; Bryant-AYE; McDermott- AYE.;

The motion carried 6-0.

**ITEM No. 6: Discussion and possible action required regarding the proposed Yuma County Noise Control Ordinance, which is intended to protect public, health, safety, and welfare by regulating excessive, unnecessary, and unreasonable noise in the unincorporated areas of Yuma County.**

Senior Planner Jesus Carrillo recommended forwarding the item to the Board of Supervisors for comments and input.

Board member Allen stated that being in the construction world, staff have 6:00 AM to 8:00 PM in the time frames, but, in the summertime, there is light at 4 to 5, and to beat the heat, people want to start a little earlier. He stated that he thinks it is something to be considered as well as if you're pouring concrete, the crew may be out there at ten at night to midnight and pouring through the night.

Senior Planner Jesus Carrillo stated that under section eight under "exceptions", it talks about construction maintenance activities that are permitted within 6:00 AM and 8:00 AM, excluding Sundays and legal holidays unless otherwise permitted. However, from May through October, permitted hours shall be from 3:00 AM to 8:00 AM.

Board member McDermott emphasized that an 8:00 PM cutoff for construction work is not very practical, especially in extreme heat conditions and noted that starting as early as 3:00 AM can help crews avoid high temperatures, particularly for tasks like concrete pouring. And work may also need to continue late into the night or even around midnight to ensure proper setting of the concrete and asked for more flexible work hours to better accommodate temperature-related problems.

Planning Director Maggie Castro, AICP, stated they can send the recommendations to the Board.

Senior Planner Jesus Carrillo explained to the board the hours would be 6:00 AM to midnight and in the summertime would be the same, 3:00 AM to midnight and said staff would take note of it.

Vice-Chairman Bryant commented about the quiet hours and it's good to have quiet hours and the report says that music amplified, it cannot be audible beyond the property lines and stated it was difficult to measure what plainly audible was. Mr. Bryant inquired about noise codes having some kind of decibel level or measurement.

Senior Planner Jesus Carrillo elaborated that there were some jurisdictions have the equipment to measure decibels levels and if the Board would like to have that on the proposed ordinance, staff can add a note to it.

Vice-Chairman Bryant expressed support in creating a noise ordinance due to increasing population density but emphasized that it must be enforceable and indicated that relying on subjective standard like "plainly audible" is difficult and unfair and recommended the county investing in equipment to measure decibel levels so the ordinance can be applied consistently and effectively.

Planning Director Maggie Castro, AICP, asked the Board for clarification on the proposed exemption change allowing construction and maintenance activities from 7 AM to midnight. They question whether this means all activity (like concrete delivery) must stop at midnight and asked if the intended hours might instead be 6 AM to midnight.

Board member Allen stated that, through the summertime, crew would start at 10:00 pm and go through the night.

Board member Allen also commented that item number five in the report says government and utility operations too.

Planning Director Maggie Castro, AICP, stated those were exempt and it would be for private projects and asked the Board if it was okay to leave the wording as it was originally stated. 6:00 AM to 8:00 PM for the first portion and 3:00 AM to 8:00 PM.

Board member Allen indicated if a private contractor was building a house, they might want to start in the summertime before 6:00 AM. Chairman Van Why opened the discussion to the public.

Aaron Salyi, APN 728-07-001, Yuma Arizona, member of the public, suggested allowing exemptions for generator use at night, especially for off-grid residents or during power outages. Mr. Salyi explained that high temperatures and limited solar charging can drain batteries, making overnight generator use necessary for maintaining power.

Vice-Chairman Bryant agreed that off-grid generator use should be allowed, but emphasized that a decibel limit should still apply, noting that some generators are much louder than others.

There being no one to come forward, Chairman Van Why closed the discussion to the public.

MOTION (BRYANT/ ALLEN): Forward to the Board of Supervisors for input.

VOICE VOTE: VOICE VOTE: Mosqueda-AYE; Allen-AYE; Bowers-AYE; Van Why- AYE; Bryant-AYE; McDermott-AYE.

The motion carried 6-0.

There being no further business to come before the Commission, Vice-Chairman Van Why adjourned the meeting at 5:31 p.m.

Approved and accepted on this 28<sup>th</sup> day of April 2026.



Ron Van Why, Chairman

ATTEST:

Maggie Castro, AICP, Planning Director

