

STAFF REPORT TO THE PLANNING AND ZONING COMMISSION DEPARTMENT OF COMMUNITY DEVELOPMENT COMMUNITY PLANNING DIVISION CASE TYPE – FINAL SUBDIVISION CASE PLANNER: ALYSSA LINVILLE

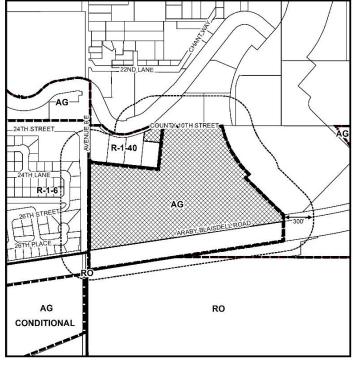
 Hearing Date:
 June 14, 2021
 Case Number:
 SUBD-34272-2021

Project Description/Location:

This is a request by Dahl, Robins & Associates, Inc., on behalf of KDC of Yuma, LLC, for approval of the final plat for the Patagonia Subdivision. This subdivision will contain approximately 29.4 acres, and is proposed to be divided into 21 residential lots, ranging in size from 43,608 square feet to 90,529 square feet. The property is located near the southeast corner of Avenue 9E and 24th Street, Yuma, AZ.

| | Existing Zoning | Existing Land Use | Designated Land Use |
|-------|---|--------------------------|---|
| Site | Agriculture/Conditional Low Density Residential (AG/Cond. R-1-40) | Undeveloped | Low Density Residential |
| North | Low Density Residential (R-1- 40); Yuma County (SR-1/SR-2) | Undeveloped; Residential | Low Density Residential; Resort/Recreation/Open Space |
| South | Agriculture (AG) | Railroad | Resort/Recreation/Open Space |
| East | Yuma County | Gila Gravity Main Canal | Resort/Recreation/Open Space |
| West | Low Density Residential (R-1-6) | Residential | Low Density Residential |

Location Map



SUBD-34272-2021 June 14, 2021 Page 1 of 15 Prior site actions: Annexation: Ord. O2019-009 (March 22, 2019); General Plan Amendment: Res. R2007-69 (November 20, 2007; Resort/ Recreation/Open Space to Low Density Residential); Rezone: Ord. O2019-033 (October 2, 2019; AG to R-1-40); Subdivision: Patagonia Subdivision Preliminary Plat (March 23, 2020)

- **<u>Staff Recommendation:</u>** Staff recommends **APPROVAL** of the final plat for the Patagonia Subdivision, subject to the conditions outlined in Attachment A.
- **Suggested Motion:** Move to **APPROVE** Final Plat SUBD-34272-2021as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.
- **Effect of the Approval:** By approving the final plat, the Planning and Zoning Commission is authorizing the design of the Patagonia Subdivision for the property located near the southeast corner of Avenue 9E and 24th Street, subject to the conditions of the rezone, the preliminary plat and the conditions outlined in Attachment A, and affirmatively finds that the request substantially conforms to the approved preliminary plat, is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.
- **Staff Analysis:** The subject property was annexed into the City of Yuma on March 22, 2019. In prior years, the property was subject to a general plan amendment that changed the land use designation from resort/recreation/open space to low density residential. A rezone was recently approved by City Council, which rezoned the property from Agriculture to Low Density Residential (R-1-40).

The subject property consists of approximately 29 acres and features frontage along Avenue 9E. This development is slated to feature residential lots ranging in size from 43,000 square feet to 90,000 square feet. Further specified in §154-05.04, the following are some of the development standards required of a development with the Low Density Residential (R-1-40) District:

- 1. The maximum lot coverage in the Low Density Residential (R-1-40) District shall not exceed 35% of the lot area;
- 2. A minimum front yard setback of 20 feet;
- 3. A minimum side yard setback of 7 feet;
- 4. A minimum rear yard setback of 20 feet;
- 5. A maximum building height of 40 feet; and
- 6. A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

Typically, landscaping is required along the exterior of the subdivision. However, the topography along Avenue 9E poses challenges for the installation of standard landscaping materials. Therefore, staff will be working with the applicant to identify a treatment that will meet the intent of subdivision landscaping, while also providing a long term solution for the erosion issues caused by the topography within the development.

The proposed final plat is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

1. Does the subdivision comply with the zoning code and the zoning district development standards? Yes.

2. Does the subdivision comply with the subdivision code requirements?

Yes.

| Standard | | | | Subo | divis | ion | | | | Co | nform | S |
|--------------------|-------------|--------------|---------|--------------|-----------|----------|-----|-----------------|------|----|-------|---|
| Lot Size | Minimum | | ,608 \$ | SF | | Maxim | um: | 90,529 SF | Yes | Х | No | |
| Lot Depth | Minimum | | 0 FT | | | Maxim | um: | 364 FT | Yes | Х | No | |
| Lot Width/Frontage | Minimum | n: 14 | 0 FT | | | Maxim | | 416 FT | Yes | Х | No | |
| Setbacks | Front: 2 | <u>20 FT</u> | R | lear: | 20 F | T Sic | de: | 7-10 FT | Yes | Х | No | |
| District Size | 29 | Acr | | | | | | | Yes | Х | No | |
| Density | .7 | Dw | elling | units pe | er ad | cre | | | Yes | Х | No | |
| Issues: None | | | | | | | | | | | - | |
| Requirements | | | | Confor | <u>ms</u> | | | | | | | |
| General Principles | | Yes | Х | No | | N/A | | | | | | |
| Streets | | | | Confor | ms | | | | | | | |
| Circulation | | Yes | Х | No | | N/A | | | | | | |
| Arterial Streets | | Yes | | No | | N/A | Х | | | | | |
| Existing Streets | | Yes | Х | No | | N/A | | | | | | |
| Cul-de-sacs | | Yes | Х | No | | N/A | | | | | | |
| Half Streets | | Yes | | No | | N/A | Х | | | | | |
| Stub Streets | | Yes | | No | | N/A | Х | | | | | |
| Intersections | | Yes | | No | | N/A | Х | | | | | |
| Easements | | Yes | Х | No | | N/A | | | | | | |
| Dimensional Sta | indards | Yes | Х | No | | N/A | | | | | | |
| Issues: None | | | | | | | | | | | | |
| Blocks | | | | Confor | 1 | | 1 | | | | | |
| Length | | Yes | | No | Х | N/A | | | | | | |
| Irregular Shape | | Yes | | No | | N/A | Х | | | | | |
| Orientation to Ar | | Yes | | No | | N/A | Х | | | | | |
| Business or Indu | | Yes | | No | | N/A | Х | | | | | |
| Issues: Exceeds | typical blo | ock lei | ngth v | | | cally no | mor | e than 1,000' l | ong. | | | |
| Lots | | | | <u>Confo</u> | rms | | 1 | 4 | | | | |
| Minimum Width | | Yes | Х | No | | N/A | | 4 | | | | |
| Length and Widt | | Yes | Х | No | | N/A | | 4 | | | | |
| Fronting on Arte | | Yes | | No | | N/A | Х | | | | | |
| Double Frontage | 9 | Yes | | No | | N/A | Х | 4 | | | | |
| Side Lot Lines | | Yes | Х | No | | N/A | | | | | | |
| Corner Lots | | Yes | Х | No | | N/A | | | | | | |
| Building Sites | | Yes | Х | No | | N/A | | 4 | | | | |
| Street Frontage | | Yes | Х | No | | N/A | | | | | | |
| Issues: None | | | | | | | | | | | | |

3. Does the subdivision comply with the elements, plans and policies of the General Plan?

| Land Use Eleme | - | | | | | | <u> </u> | | | | | | | | |
|--------------------------------------|-----------|----------|-------------------------|---------------------------------|--------|---------------|---|--|-----------|--------------------------------------|-----|-------|--|--|--|
| Land Use Desig | nation: | | | Low Density Residential None | | | | | | | | | | | |
| Issues: | [| | No | ne | | | | | | | | | | | |
| Historic District: Brinley Avenue | | | | Centu | ury He | eights | | Mai | in Street | None | | X | | | |
| Historic Building | s on Site | - | Yes | | No | Х | | | | | | | | | |
| Transportation E | Element: | | | | | | | | | | | | | | |
| FACILITY PLANS | | | | | _ | | | | | | | | | | |
| TRANSPORTATION MASTER PLAN | | | Pla | nned | Ex | kisting | 3 | Gateway | Scenic | Haz | ard | Truck | | | |
| Avenue 9E – 4-Lane Minor Arterial | | | | T H/W OW | | FT H/\ ROW | N | | | | | Х | | | |
| 24 th Lane – Local Street | | | R | T H/W OW | | FT H/V ROW | | | | | | | | | |
| 25 th Street – | | | R | T H/W OW | | FT H/V ROW | | | | | | | | | |
| Bicycle Facilities | s Master | Plan | | | | | - | 4 th Street | | | | | | | |
| YCAT Transit Sy | ystem | | AWC/NAU/UA Transfer Hub | | | | | | | | | | | | |
| Issues: | | | None | | | | | | | | | | | | |
| Parks, Recreatio | | | | nent: | | | | | | | | | | | |
| Parks and Recre | | | | | | | | | | | | | | | |
| Neighborhood | Park: | Existing | : None | | | | | Future: N | | <i>,</i> , , , | | | | | |
| Community Pa | ark: | Existing | : None | | | | Future: Aqua Viva Water Treatment Facility Urban Lake Park | | | | | | | | |
| Linear Park: | | Existing | g: None | : None | | | | Future: South Gila Valley Main Canal Linear Park and Gila Gravity Main Canal Linear Park | | | | | | | |
| Issues: | | None | | | | | | | | | | | | | |
| Housing Elemen | nt: | | | | | | | | | | | | | | |
| Special Need Ho | ousehold | | N/A | | | | | | | | | | | | |
| Issues: | | | None | | | | | | | | | | | | |
| Redevelopment | | | 1 | | | | | | | | | | | | |
| Planned Redeve | | | N/A | | 1 | 1 | | I | | | | | | | |
| Adopted Redeve | elopment | Plan: | North | End: | | Carv | | Park: | None: | Х | | | | | |
| Conforms: | | | Yes | | No | | N/A | 4 | | | | | | | |
| Conservation, E | | | | Elemen | t: | | | • | | | | | | | |
| Impact on Air or | | | S ` | Yes | | No | Х | | | | | | | | |
| Renewable Ene | | ce | ' | Yes | | No | Х | | | | | | | | |
| Issues: None | | | | | | | | | | | | | | | |
| Public Services | Element | : | | | | | | | | | | | | | |

| Population Impa Population proje | | 13- | | Dwellings & Type | | | Proj | Projected Police | | Police | Water | | | | Wastewater | | | |
|---|------------|--------|-------|------------------|----------------|------|-------------------|------------------|------------|----------|--------------------|--------|---------|-----------|------------|--------------------|-----|---|
| 2017 | | | | Single Family | | | | Popu | Population | | Impact | Co | nsump | nsumption | | Generation | | |
| American Community Survey Police Impact Standard: | | | | Prop | posed Per Unit | | nit | | | Officers | GI | D | AF | | GPD | | | |
| 1 officer for every 530 citizens; Water Consumption: | | | 2 | 21 | | 2.8 | 59 | | | 0.11 | 17,640 | | 19.8 | 8 | 5,880 | | | |
| 300 gallons per day per person; | | | | | | | | | | | | | | | | | | |
| Wastewater gen 100 gallons pe | | erson | | | | | | | | | | | | | | | | |
| | | | | g: Sta | ation N | 0. 5 | 5 | | | | Futu | re: St | ation I | No. { | 5 | | | |
| Water Facility Plan: Source | | | rce |) : | City | | х | Private | | | Connectio | on | 16" AC | | | | | |
| Sewer Facil Plan: | lity | Trea | atm | nent: | City | | | Septic | X | (| Private | | | | | | | |
| Issues: | ١ | Nate | r lir | ne ext | ension | n re | quire | ed. | | | | | | | | | | |
| Safety Elem | ent: | | | | | | | | | | | | | | | | | |
| Flood Plain D | Designatio | on: | Flc | od Zo | one X | | L | iquefac | tion | Н | azard Are | a: | | Ye | s | | No | Х |
| Issues: | | | No | ne | | | | | | | | | | | | | | |
| Growth Area | a Elemen | nt: | | | | | | | | | | | | | | | | |
| Growth Area: 8 | raby Rd ٤ | & Inte | erst | ate | | | Ariz | zona Av | e & | 16 | S th St | | Aven | ue B | 8 & 3 | 2 nd \$ | St. | |
| 1 | North End | ł | | Paci | fic Ave | & | 8 th S | t | | Es | stancia | | None | ; | Х | | | |
| Issues: N | None | | | | | | | | | | | | | | | | | |

- 4. Does the subdivision comply with the conditions of the rezoning? Yes.
- 5. Does the subdivision comply with the conditions of the preliminary plat? Yes.
- 6. Is the final plat consistent with the preliminary plat that was approved? Yes.

Public Comments Received: None Received.

External Agency Comments: See Attachment G.

No Meeting Required.

Comments:

Proposed conditions delivered to applicant on: June 7, 2021

Final staff report delivered to applicant on: June 8, 2021

| Х |
|---|

Applicant agreed with all of the conditions of approval on: (enter date) Applicant did not agree with the following conditions of approval: (list #'s) Waiting on response from applicant.

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Attachments

| Α | В | С | D | E | F | G | Н |
|--|----------------|----------------------------|----------------------|-----------------------------------|-------------------------|--------------------|-----------------|
| Preliminary Plat Conditions of Approval | Final Plat Map | Preliminary Plat Map | Rezone Conditions | Preliminary Plat Conditions | Agency Notifications | Agency Comments | Aerial Photo |
| | | 0 | \cap | | | | |

Prepared By: Alyssa Linville, DOC Assistant Director

June 7, 2021 Date:

Alyssa.Linville@yumaaz.gov (928)373-5000, ext. 3037

Community Development

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ATTACHMENT A FINAL PLAT CONDITIONS OF APPROVAL

The following conditions of approval have been determined to have a reasonable nexus to the requested subdivision application and are roughly proportionate to the impacts associated with the subdivision and expected development on the property.

Community Development Comments: Alyssa Linville, Assistant Director, Community Development, (928) 373-5000, x 3037:

- 1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
- 2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
- 3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

City Attorney Comments: (928) 373-5058:

- 4. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
- 5. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
- 6. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.

Engineering Comments: Andrew McGarvie, Engineering Manager (928)373-5000, x 3044:

7. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along Avenue 9E. Such fencing can be removed during the construction of pools, in order to access utility or drainage easements, or during other residential construction; however, such masonry fencing and adjacent landscaping will need to be replaced accordingly. Consideration can be made for access gates needed strictly for the access within utility easements.

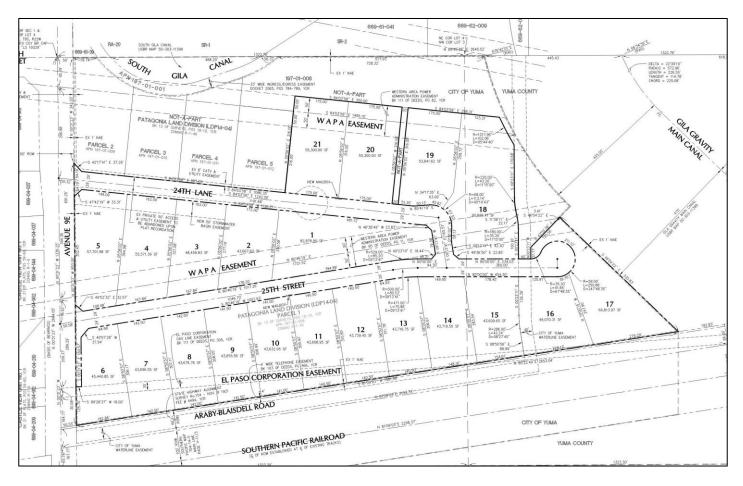
Community Planning Conditions: Alyssa Linville, Assistant Director of Community Development, (928)373-5000, ext. 3037:

- 8. A time frame of build-out for the subdivision shall be submitted to the Yuma School District to enable the districts to adequately plan for future school facilities.
- 9. An 8 ½" X 11" paper copy of this subdivision plat, showing the location of the group mailboxes and signed as APPROVED by the local Yuma Postmaster, shall be submitted to the City within sixty (60) calendar days of the effective date of approval of the subdivision final plat and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the approval of the plat is null and void.
- 10. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of a final plat.
- 11. After the final plat has been approved by City Council, the applicant/developer shall have two years to record the approved plat, or the final plat approval shall be null and void.

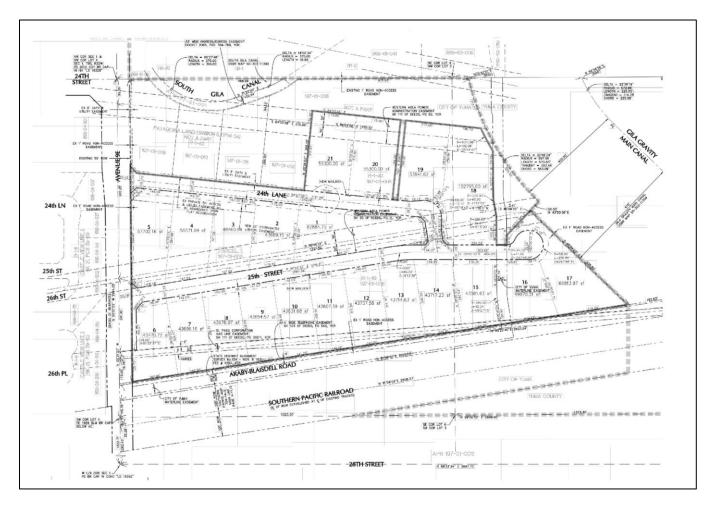
Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

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ATTACHMENT B FINAL PLAT MAP



ATTACHMENT C PRELIMINARY PLAT MAP



ATTACHMENT D REZONE CONDITIONS

- 1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
- 2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted prior to the issuance of any building permit, Certificate of Occupancy, or City of Yuma Business License for this property.
- 3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
- 4. Owner/Developer shall design, construct, and dedicate to the City of Yuma, via warranty deed or plat, a north to east turn lane along Avenue 9E into the southernmost subdivision entrance.
- 5. Owner/Developer shall dedicate, via warranty deed or plat, to the City of Yuma corner triangles with 25 foot legs per figure 3 of the 2005 Major Roadways Plan at both intersections with Avenue 9E.
- 6. Owner/Developer shall dedicate, via warranty deed or plat, to the City of Yuma a one-foot non-access easement along Avenue 9E, except at the approved subdivision entrances.
- 7. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

ATTACHMENT E PRELIMINARY PLAT CONDITIONS

- 1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
- 2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
- 3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
- 4. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
- 5. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - d. pay to cross the easement to reach any structure on the lot;
 - e. prevent the utilities from providing service to any structure on a lot; or
 - f. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
- 6. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.
- 7. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along Avenue 9E. Such fencing can be removed during the construction of pools, in order to access utility or drainage easements, or during other residential construction; however, such masonry fencing and adjacent landscaping will need to be replaced accordingly. Consideration can be made for access gates needed strictly for the access within utility easements.
- 8. The Owner shall submit a final plat within one (1) year of Preliminary Plat approval. Should a Final Plat not be submitted within one (1) year of the effective date of approval of the Preliminary Plat, the approval of this Preliminary Plat shall be null and void, unless the conditions are contained in an executed Pre-development Agreement.

ATTACHMENT F **AGENCY NOTIFICATIONS**

- Legal Ad Published: The Sun (05/21/2021) 300' Vicinity Mailing: (04/26/2021) 0
- 0
- 34 Commenting/Reviewing Agencies noticed: 0 (04/29/2021)
- Site Posted on: (06/07/2021) 0

- Neighborhood Meeting: (N/A) Hearing Date: (06/14/2021) 0
- 0
- **Comments due:** (05/10/2021) 0

| External List (Comments) | Response | Date | "No | Written | Comments |
|---------------------------------|----------|-------------|-------------|------------|----------|
| | Received | Received | Comment" | Comments | Attached |
| Yuma County Airport Authority | Yes | 04/29/2021 | Х | | |
| Yuma County Engineering | NR | | | | |
| Yuma County Public Works | NR | | | | |
| Yuma County Water Users' Assoc. | Yes | 04/29/2021 | Х | | |
| Yuma County Planning & Zoning | NR | | | | |
| Yuma County Assessor | Yes | 05/05/2021 | Х | | |
| Arizona Public Service | NR | | | | |
| Time Warner Cable | Yes | 04/29/2021 | Х | | |
| Southwest Gas | NR | | | | |
| Qwest Communications | NR | | | | |
| Bureau of Land Management | NR | | | | |
| YUHS District #70 | NR | | | | |
| Yuma Elem. School District #1 | NR | | | | |
| Crane School District #13 | NR | | | | |
| A.D.O.T. | Yes | 005/03/2021 | Х | | |
| Yuma Irrigation District | NR | | | | |
| Arizona Game and Fish | Yes | 05/10/2021 | | | Х |
| USDA – NRCS | NR | | | | |
| United States Postal Service | NR | | | | |
| Yuma Metropolitan Planning Org. | NR | | | | |
| El Paso Natural Gas Co. | NR | | | | |
| Western Area Power | Yes | 05/04/2021 | | | Х |
| Administration | | | | | |
| City of Yuma Internal List | Response | Date | "No | Written | Comments |
| (Conditions) | Received | Received | Conditions" | Conditions | Attached |
| Police | NR | | | | |
| Parks & Recreation | NR | | | | |
| Development Engineer | NR | | | | |
| Fire | Yes | 04/29/2021 | Х | | |
| Building Safety | NR | | | | |
| City Engineer | NR | | | | |
| Traffic Engineer | NR | | | | |
| MCAS / C P & L Office | Yes | 04/29/2021 | | | Х |
| Utilities | NR | | | | |
| Public Works | NR | | | | |
| Streets | NR | | | | |

ATTACHMENT G AGENCY COMMENTS

| Condition(s) | Γ |] No Cond | ition(s) | | Comment |
|---|--|--|--|---|--|
| known flight paths. interference, or vibr Airport Aviation Co | It is requested that an ations due to aviation of omplex and its associat | Avigation Di operations that ed flight path | isclosure Statement be r | ecorded tha by MCAS f the record | Yuma / Yuma Internation led disclosure to |
| DATE: | 29 Apr 2021 | NAME: | Antonio Martinez | TITLE: | Community Liaison Specialist |
| CITY DEPT: PHONE: RETURN TO: | MCAS Yuma 928-269-2103 Alyssa Linville Alyssa.Linville | | | | ~ |
| | | | | | |
| | | IENT | | | |
| Enter comments | below: | | | | |
| | | PA) has 2 100 | easements, copies of w | hich are atta | ched to this email |
| response, which wi applied with WAP | ll be impacted by this d A to obtain a License A | evelopment. greement. Ple | Please be advised the lar ease advise the developer License Agreement is fu | downer's re to refrain f | presentative has rom any construction |
| response, which wi applied with WAP | ll be impacted by this d A to obtain a License A | evelopment. greement. Ple such time the | Please be advised the lar ease advise the developer License Agreement is fu | downer's re to refrain f | presentative has rom any construction l by all parties. |
| response, which wi applied with WAP activities, within W | Il be impacted by this d A to obtain a License A /APA's easement, until | evelopment. greement. Ple such time the E: Dennis | Please be advised the lar ease advise the developer License Agreement is fu Patane TITLE: I | downer's re to refrain f lly executed | presentative has rom any construction l by all parties. |
| response, which wi applied with WAP, activities, within W DATE: | Il be impacted by this d A to obtain a License A /APA's easement, until 4/30/21 NAM | evelopment. greement. Ple such time the E: Dennis | Please be advised the lar ease advise the developer License Agreement is fu Patane TITLE: I | downer's re to refrain f lly executed | presentative has rom any construction l by all parties. |
| response, which wi applied with WAPA activities, within W DATE: AGENCY: | Il be impacted by this d A to obtain a License A /APA's easement, until 4/30/21 NAM Western Area Power | evelopment. greement. Ple such time the E: Dennis | Please be advised the lar ease advise the developer License Agreement is fu Patane TITLE: I | downer's re to refrain f lly executed | presentative has from any construction I by all parties. |



May 10, 2021

Ms. Alyssa Linville Assistant Director DCD, City of Yuma 1 City Plaza Yuma, AZ 85364

Electronically submitted to: <u>Alyssa.Linville@YumaAZ.gov</u>

RE: SUBD-34565-2021 Patagonia Subdivision

Dear Ms. Linville,

The Arizona Game and Fish Department (Department) appreciates the opportunity to review the final plat for the Patagonia Subdivision, proposed to be divided into 21 residential lots ranging in size from 43,608 square feet to 90,529 square feet. The property is located at the southeast corner of Avenue 9E and 24th Street, Yuma, AZ.

Under Title 17 of the Arizona Revised Statutes, the Department, by and through the Arizona Game and Fish Commission (Commission), has jurisdictional authority and public trust responsibilities to protect and conserve the state fish and wildlife resources. In addition, the Department manages threatened and endangered species through authorities of Section 6 of the Endangered Species Act and the Department's 10(a)1(A) permit. It is the mission of the Department to conserve and protect Arizona's diverse fish and wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations. For your consideration, the Department provides the following comments based on the agency's statutory authorities, public trust responsibilities, and special expertise related to wildlife resources and recreation.

The western burrowing owl, a special status species that is regulated under the Migratory Bird Treaty Act (MBTA), may be present within the project area. If suitable habitat for this species is present within or adjacent to your project area, the Department recommends conducting an occupancy survey for western burrowing owls to determine if this species occurs within your project footprint. Guidelines for conducting this survey are found in Burrowing Owl Project Clearance Guidance for Landowners which can be accessed online through the Department's website. Please note that the survey should be conducted by a surveyor that is certified by the Department. If an active burrowing owl burrow is detected, please contact the Department and the U.S. Fish and Wildlife Service for direction, in accordance with the *Burrowing Owl Project Clearance Guidance for Landowners* for direction, in accordance with the *Burrowing Owl Project Clearance Guidance for Landowners* for direction, in accordance with the *Burrowing Owl Project Clearance Guidance for Landowners* for directions.

YUMA OFFICE: 9140 E. 28TH ST., YUMA AZ 85365

GOVERNOR: DOUGLAS A. DUCEY COMMISSIONERS: CHAIRMAN KURT R. DAVIS, PHOENIX | LELAND S. "BILL" BRAKE, ELGIN JAMES E. GOUGHNOUR, PAYSON | TODD G. GEILER, PRESCOTT | CLAY HERNANDEZ, TUCSON DIRECTOR: TY E. GRAY DEPUTY DIRECTOR: TOM P. FINLEY The Department recommends minimizing the potential introduction or spread of exotic invasive species, including aquatic and terrestrial plants, animals, insects, and pathogens. This can be accomplished by taking precautions to wash and/or decontaminate all equipment utilized in the project activities before entering and leaving the site. Also, see the Arizona Department of Agriculture website for а list of prohibited and restricted noxious weeds at https://www.invasivespeciesinfo.gov/unitedstates/az.shtml and the Arizona Native Plant Society https://aznps.com/invas for recommendations on how to control. A great resource to view a list of documented invasive species, or to report invasive species in or near your project area, is iMapInvasives - a national cloud-based application for tracking and managing invasive species at https://imap.natureserve.org/imap/services/page/map.html.

• To build a list: zoom to your area of interest, use the identify/measure tool to draw a polygon around your area of interest, and select "See What's Here" for a list of reported species. To export the list, you must have an account and be logged in. You can then use the export tool to draw a boundary and export the records in a csv file.

If trenching will occur for the proposed project, the Department recommends that trenching and backfilling crews be close together to minimize the amount of open trenches at any given time. Where trenches cannot be back-filled immediately, the Department recommends escape ramps be constructed at least every 90 meters. Escape ramps can be short lateral trenches or wooden planks sloping to the surface. The slope should be less than 45 degrees (1:1). Trenches that have been left open overnight should be inspected and animals removed prior to backfilling.

Artificial lighting could impair the ability of nocturnal animals to navigate (e.g., owls, migratory birds, bats, and other nocturnal mammals), and may negatively affect reptile populations. The Department recommends using only the minimum amount of light needed for safety. Motion sensing lighting and narrow spectrum lighting should be used as often as possible to lower the range of species affected by lighting. All lighting should be shielded, canted, or cut to ensure that light reaches only areas needing illumination.

The Department would also like to encourage private developers and the City of Yuma to use the Arizona Online Environmental Review Tool (<u>https://ert.azgfd.gov/</u>) administered by the Department's Heritage Data Management System (HDMS) as part of their standard operating procedure for review of new construction and development. This tool is a useful resource that provides baseline information on special status species such as Arizona's Species of Greatest Conservation Need (SGCN) and Species of Economic and Recreational Importance (SERI). The Department entered this project as an example (please see the attached HDMS report).

Thank you for the opportunity to provide input on the Patagonia subdivision final plat. The Department looks forward to working with the City of Yuma and the applicant. For further coordination, please contact Ian Latella at <u>ilatella@azgfd.gov</u> or 928-341-4069.

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Sincerely,

Alm

Ian Latella Habitat Specialist, Region IV

Attachments: HDMS_report_Patagonia_subdiv_34565-2021.pdf

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AGFD # M21-04294434

ATTACHMENT H AERIAL PHOTO



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