



City of Yuma City Council Meeting Agenda

Wednesday, December 17, 2025

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

Notice is hereby given, pursuant to Resolution R2015-047 that one or more members of the Yuma City Council may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

Those wishing to speak on an agenda item or during Call to the Public must complete a Speaker Request Form prior to the start of the meeting. Speaker Request Forms can be found on the City's website, in the Clerk's Office, as well as in the Council Chambers.

"Call to the Public" comments are limited to non-agenda items that pertain to City business under the authority and legislative functions of the City Council. The total time for "Call to the Public" is limited to 30 minutes.

Speaker Request Forms should be submitted to City Clerk staff prior to the start of each meeting. All speakers, whether speaking on an agenda item or during "Call to the Public" are provided 3 minutes, with no more than 5 speakers permitted per topic/issue.

City Council Worksessions and Regular City Council Meetings can be viewed through the following platforms:

- Cable – Meetings are broadcast live on Spectrum Cable Channel 73.
- Live Stream – Residents can watch meetings on their computer or mobile device at www.yumaaz.gov/telvue. Previous Council meetings are also available on-demand.
- Virtual – Residents can watch meetings via Teams on their computer or mobile device at www.yumaaz.gov/publicmeetings. Click on "Calendar" then select the City meeting and click "Join".

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

FINAL CALL

Final call for submission of Speaker Request Forms for agenda related items.

ROLL CALL

PRESENTATIONS

- Chapman Donation to Parks and Recreation

I. MOTION CONSENT AGENDA

All items listed on the Motion Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. In which event, the item will be removed from the Motion Consent Agenda and the vote or action may be taken separately.

A. Approval of minutes of the following City Council meeting(s):

1. [MC 2025-194](#) **Regular Council Worksession Draft Minutes November 18, 2025**

Attachments: [2025 11 18 RWS Minutes](#)

B. Executive Sessions

Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A(1), (3), (4), and (7). (City Attorney)

C. Approval of staff recommendations:

1. [MC 2025-190](#) **Bingo License: Westward Village MHC, LLC.**

Approve a Class A Bingo License application submitted by Erickia Kanies on behalf of Westward Village located at 3300 S. 8th Avenue. (BL25-02) (City Administration/ City Clerk) (Lynda L. Bushong)

2. [MC 2025-191](#) **Liquor License: J. T. Bros Sandwich Shop**

Approve a Series #12: Restaurant Liquor License application submitted by Alejandro Zapata Trujillo, agent for J. T. Bros Sandwich Shop located at 2630 S. 4th Avenue. (LL25-20) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. MAP Liquor License: J.T. Bros Sandwich Shop](#)

3. [MC 2025-192](#)**Bid Award: Handguns with Red Dot Sights**

Authorize the purchase and delivery of handguns to the lowest responsive and responsible bidder in the amount of \$117,920.00 to Proforce Law Enforcement, Prescott, Arizona.
(Police-RFB-26-139) (Thomas Garrity/Robin R. Wilson)

II. RESOLUTION CONSENT AGENDA

All items listed on the Resolution Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item will be removed from the Resolution Consent Agenda and the vote or action may be taken separately.

1. [R2025-102](#)**Intergovernmental Agreement: Arizona Department of Forestry and Fire Management**

Authorize an Intergovernmental Agreement (IGA) with the Arizona Department of Forestry and Fire Management (ADFFM), acting on behalf of the Arizona Office of the State Fire Marshal. The IGA permits the Yuma Fire Department (YFD) to apply the City's locally adopted fire code when inspecting school buildings within the City's jurisdiction, as requested by participating school districts and charter schools. (YFD) (John Louser)

Attachments:

[1. School Letters IGA: AZ Dept of Forestry & Fire Mngmnt.](#)

[2. RES IGA: AZ Dept of Forestry & Fire Mngmnt.](#)

[3. AGMT IGA: AZ Dept of Forestry & Fire Mngmnt.](#)

2. [R2025-104](#)**Preannexation Development Agreement: 3101 S. Avenue 3E**

Authorize a Preannexation Development Agreement for Assessor Parcel Number 696-29-010 located at 3101 S. Avenue 3E.
(Community Development/Community Planning) (Alyssa Linville)

Attachments:

[1. RES PDA: 3101 S. Ave 3 E](#)

[2. AGR PDA: 3101 S. Ave 3 E](#)

III. ADOPTION OF ORDINANCES CONSENT AGENDA

All items listed on the Ordinances Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item may be removed from the Ordinance Consent Agenda and the vote or action will be taken separately.

1. [O2025-049](#) **Real Property Sale: Lots 2, 5, 10, 11, 12 and 13 of the Pivot Point Yuma Subdivision**

Declare six parcels of real property located in the Pivot Point Yuma Subdivision surplus and authorize sale through a competitive process. (Community Development/ Neighborhood and Economic Development) (Cynthia Blot)

Attachments:

- [1. MAP Real Property Sale: Pivot Point Yuma Subdivision](#)
- [2. ORD Real Property Sale: Pivot Point Yuma Subdivision](#)
- [3. EXH A-F Real Property Sale: Pivot Point Yuma Subdivision](#)

2. [O2025-051](#) **Text Amendment: Design Review**

Amend Title 15, Chapter 154 to authorize administrative personnel to review and approve design review in accordance with HB 2447, and to add rules and regulations regarding the voice or video appearance by a Design and Historic Review Commissioner (Community Development/Community Planning) (Alyssa Linville)

Attachments:

- [1. P&Z RPT Design Review Text Amendment](#)
- [2. ORD Text Amendment Design Review](#)

3. [O2025-052](#) **Text Amendment: Subdivision Code**

Amend Title 15, Chapter 153 and Chapter 154 to authorize administrative personnel to review and approve preliminary plats, final plats and plat amendments without a public hearing in accordance with HB 2447. (Community Development/Community Planning) (Alyssa Linville)

Attachments:

- [1. P&Z RPT: Subdivision Code Amendment](#)
- [2. ORD: Subdivision Code Amendment](#)

IV. INTRODUCTION OF ORDINANCES

The following ordinance(s) is presented to the City Council for introduction. No vote or action by the City Council is necessary. However, the City Council may, at its option, vote or take action where appropriate. Ordinances given introduction are generally presented to the City Council for adoption at the next Regular City Council meeting.

1. [O2025-050](#) **Annexation Area No. ANEX-44331-2025 Cha Cha, LLC**
Authorize annexation of properties located west of the southwest corner of 40th Street and Avenue 4½E. (ANEX-44331-2025).
(Community Development/Community Planning) (Alyssa Linville)

Attachments: [1. PET Annex: Cha Cha](#)
 [2. ORD Annex: Cha Cha](#)

V. PUBLIC HEARING AND RELATED ITEMS

1. [MC 2025-193](#) **Public Hearing: Biennial Development Fee Audit FY 2024**
Conduct a public hearing on the Development Fee Biennial Certified Audit in accordance with Arizona Revised Statutes § 9-463.05 and Yuma City Code § 157.05. (Finance/Engineering) (Doug Allen/ David Wostenberg)

Attachments: [1. RPT Public Hearing: Biennial Development Fee Audit FY 2024](#)

VI. ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Announcements:

City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City’s representative during the period of December 4, 2025 through December 17, 2025. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

City Council request for agenda items to be placed on future agendas.

2. Scheduling:

Motion to schedule future City Council meetings pursuant to Arizona Revised Statutes Section 38-431.02 and the Yuma City Code, Chapter 30.

VII. SUMMARY OF CURRENT EVENTS

This is the City Administrator's opportunity to give notice to the City Council of current events impacting the City. Comments are intended to be informational only and no discussion, deliberation or decision will occur on this item.

VIII. CALL TO THE PUBLIC

Members of the public may address the City Council on matters within City Council's authority and jurisdiction that are not listed on the agenda during the "Call to the Public" segment of the meeting. All speakers must complete a Speaker Request Form and submit it to City Clerk staff no later than the "Final Call for Speaker Request Forms" is made at the beginning of each meeting.

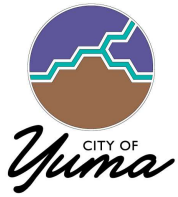
IX. EXECUTIVE SESSION

An Executive Session may be called during the public meeting for the purpose of receiving legal advice for items on this agenda pursuant to A.R.S. Section 38-431.03 A (1, 3, 4 and/or 7) and the following items:

There are no additional Executive Session items scheduled at this time.

ADJOURNMENT

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Department, One City Plaza, Yuma, AZ 85364-1436; (928) 373-5125 or TTY (928) 373-5149.



City of Yuma

City Council Report

File #: MC 2025-194

Agenda Date: 12/17/2025

Agenda #: 1.

Regular Council Worksession Draft Minutes November 18, 2025

MINUTES
REGULAR CITY COUNCIL WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS - YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
November 18, 2025
5:30 p.m.

CALL TO ORDER

Deputy Mayor Smith called the Regular City Council Worksession to order at 5:30 p.m.

Councilmembers Present: Martinez, Morris, McClendon, Smith, Morales, and Watts (telephonic)
Councilmembers Absent: Mayor Nicholls
Staffmembers Present: Acting City Administrator, John D. Simonton
Director of Public Works, Joel Olea
Public Works Manager, Jose Garcia
Assistant Director of Engineering, Steve Wilson
Various department heads or their representatives
City Attorney, Richard W. Files
Deputy City Clerk, Janet L. Pierson

I. PUBLIC WORKS DEPARTMENT UPDATE

Olea presented the Public Works Department Update as follows:

- What Is Accreditation?
 - Accreditation is voluntary and evaluates operational procedures against national best practices, ensuring internal processes are well-documented and accessible.
 - The initiative began over three years ago, with a formal announcement during Public Works Week in 2022, inspired by the longstanding accreditation of the Yuma Police (YPD) and Fire (YFD) Departments.
 - The process revealed challenges beyond administration, especially in organization-wide communication, despite initial confidence in readiness.
 - Accreditation is a four-year continuous improvement cycle, not a one-time test, with the first review scheduled for 2027.
- Three-Year Process
 - Accreditation usually takes about three years; the team followed a 36-month plan with biweekly meetings to stay on track.
 - The process began with a self-assessment comparing existing policies to American Public Works Association (APWA) standards, followed by registration and application approval.
 - Involved collaboration with other City departments to gather training resources, materials safety programs, and administrative regulations – this phase alone took over a year while continuing to manage daily operations.
 - Storing documents in a shared, editable centralized document system served as a vital component to the process; Information Technology helped implement Power DMS, which was already used by YPD and YFD.

- After compiling 288+ policies and Standard Operating Procedures, the team underwent an online peer review by three U.S. agencies, followed by an on-site visit from a different APWA team to inspect facilities and conduct interviews.
- Multiple departments (Human Resources, Legal, Finance, etc.) supported the effort; APWA provided ongoing feedback, and final results were sent to the Accreditation Council.
- Why Pursue Accreditation?
 - Accreditation reveals gaps in documentation and consistency, especially in areas such as human resources and safety where standardized practices are essential.
 - While some variation is acceptable in operational tasks (e.g., concrete work or vehicle repair), uniformity is critical for administrative and compliance-related procedures.
 - The process helped the team realize that even a seemingly efficient department can benefit from structured evaluation and improvement.
- Benefits to the City
 - Consistency and safety are key benefits. Clear standards help employees follow best practices in hazardous tasks like operating heavy vehicles and setting up traffic control.
 - Accreditation improves transparency, training, and succession planning, leading to improvements such as the adoption of a “turnover binder” system to ensure continuity when roles change.
 - The process supports both employee readiness and organizational resilience, aligning operational duties with structured documentation and shared knowledge.

Garcia presented the following information on the City’s storm response efforts:

- Emergency Management
 - Public Works plays a key role in the City’s overall emergency response plan, which was explored in depth during the accreditation process.
 - The team used the accreditation framework to standardize emergency response procedures, especially for storm events.
 - Operations are organized into three phases: Pre Storm, Storm Response, and Post Storm, with work beginning well before rainfall starts.
- Pre Storm
 - The team begins preparations as soon as weather forecasts indicate concern, including infrastructure inspections, equipment checks, and scheduling 24-hour response shifts.
 - Traffic control setups are pre-staged in flood-prone areas for quick deployment and to signal readiness to the public.
 - Materials are hauled for sandbag distribution in partnership with Parks and Recreation, and lift stations are switched to auto function.
- Storm Response
 - When a storm hits, Public Works Superintendents activate the emergency command center and begin calling in staff from the standby list.
 - All storm-related calls from YPD, Wastewater, and Utilities are routed through the command hub and prioritized based on public safety, size, and location.
 - Teams of 2-4 employees are dispatched with specialized equipment to handle tasks like road closures, lift station monitoring, debris clearing, and hazard control.
 - Field crews continuously report back, acting as extra eyes for the command center to monitor evolving conditions.
 - The ultimate goal is to ensure everyone caught in the storm makes it home safely.

- **Post Storm Efforts**
 - After the storm, Public Works and Parks and Recreation shift focus to supporting residents, addressing hundreds of infrastructure issues that impact thousands citywide.
 - Teams schedule and execute repairs such as washouts, retention basin pumping, sign replacements, and green waste drop-off – which recently collected 175 tons of debris from residents.
 - The new Asset Management Program (Open Gov) enables centralized tracking and reporting, replacing older methods like paper logs and spreadsheets.
 - Public Works and Parks and Recreation embrace storm challenges with a shared mission to protect and serve the community.

A video message from Vic Bienes, National President of APWA, was played to congratulate the Public Works Department – specifically the Street, Solid Waste, and Fleet Services divisions – on achieving full accreditation. Bienes emphasized that APWA’s accreditation process is rigorous, evaluating agencies against 260 best practice criteria, and Yuma earned a perfect compliance score. Accreditation enhances credibility, attracts top talent, and ensures practices remain current. Yuma’s team received special recognition for outstanding practices in human resources supervisor training, fleet management parts inventory, solid waste management planning, and street cleaning planning processes. Bienes also acknowledged the leadership of Jay Simonton, Joel Olea, and Martin Agundez for their dedication to the project.

Olea concluded the presentation by noting that Public Works was accredited on October 10th, becoming the seventh department in Arizona and the 153rd in the nation to receive this recognition.

Discussion

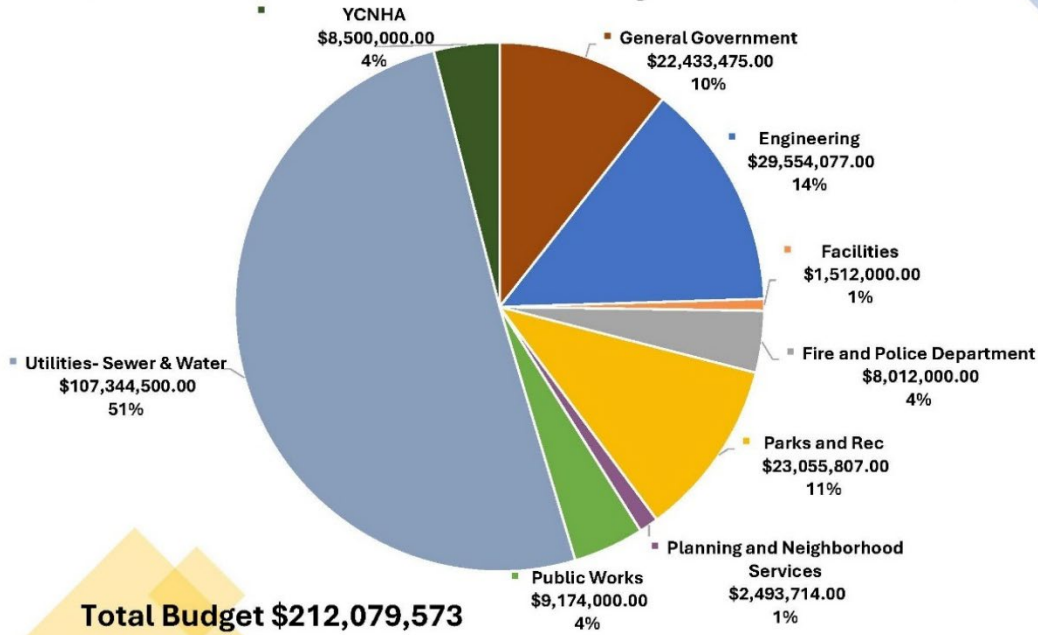
- Public Works is only beginning to implement its accreditation, with early improvements seen in succession planning and employee access to standardized policies and procedures. Efforts are underway to integrate these materials into the City’s training platform, NeoGov, and conversations are taking place to share the accreditation framework with other departments. (**Morris/Olea/Simonton**)
- The Public Works Department response to the September storm was commendable. Residents particularly expressed appreciation for the establishment of a green waste drop-off site to safely dispose of fallen trees. The department’s proactive approach is a valued and effective service to the public. (**McClendon**)

II. CAPITAL IMPROVEMENT PROGRAM UPDATES

Wilson presented the following Capital Improvement Program (CIP) update:

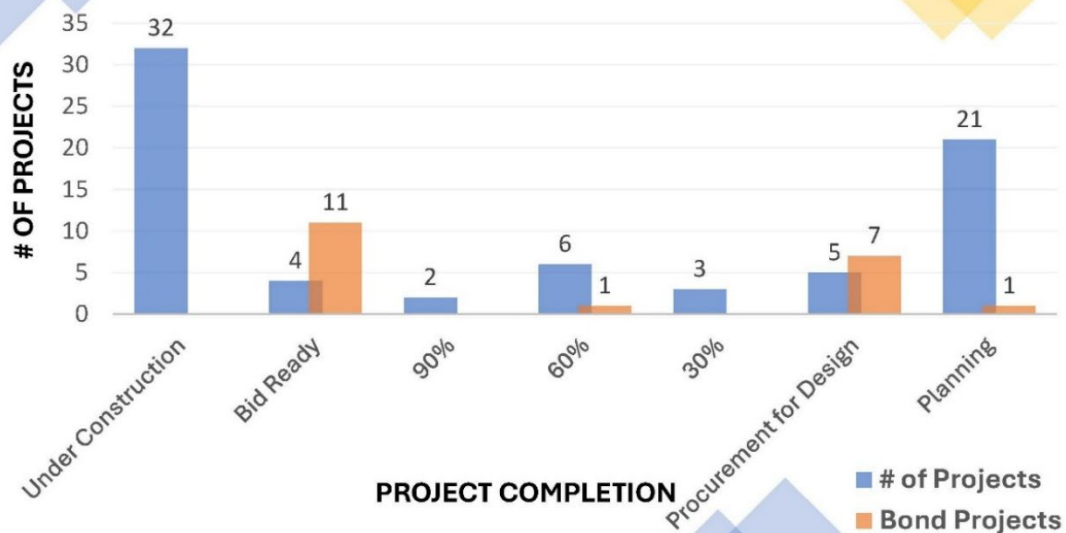
- **Fiscal Year 2026 Budget**
 - The approved Fiscal Year (FY) 2026 budget totals \$212 million, with a significant portion – \$102 million – allocated to Utilities, primarily for the Desert Dunes Wastewater Treatment Plant.
 - The budget supports a wide range of departmental projects, and progress toward organizational goals is actively being achieved.

Total Funds for CIP Projects FY 2026



- Project Status Update
 - Project Completion
 - Approximately 32 projects are either under construction or in the warranty phase.
 - Of the bid-ready projects, 11 are funded through bonds and four are part of the CIP.
 - Two projects are nearing completion at 97%, seven are at 60% (including one with bond funding), and three are currently at 30% progress.
 - Twelve projects are in procurement, and 22 are in the initial planning phase.

Status of FY 2026 Projects (93 Total)



- Utility Department Projects – Water
 - Key projects include the Fifth Avenue Waterline Replacement and the Main Street Water Treatment Plant Phase 3 filters, which is at 90% design.
 - Additional efforts include recoating the Agua Viva and 16th Street tanks, renovating Basins 1 and 2 at the Main Street Water Treatment Plant, and expanding the Agua Viva PureFlow system.
 - The George Bell Avenue Waterline Replacement is bid ready, and several projects are in various stages of design and contracting.

* Bond Funded

| Projects | Budget | Status |
|---|---------|--------------------------------|
| *5 th Ave Waterline Replacement Gila St. to Redondo Dr. | \$900k | Bid Ready |
| *Main St. WTP Phase 3 Filters | \$4.38M | 90% Design |
| *Aqua Viva Tank Recoating | \$4.20M | Starting Design |
| *Main St WTP Basin 1 & 2 Renovations | \$1.50M | Received Construction Proposal |
| *Aqua Viva WTP PureFlow Expansion | \$1.15M | Started Design |
| George Bell Ave Waterline Replacement | \$360K | Bid Ready |

- Utility Department Projects – Wastewater
 - The Avenue 4E Sewer Extension (from 36th Street to 28th Street) is a gravity flow sewer project set to begin construction on December 17, lasting about six months with phased closures.
 - A new lift station at the Jackrabbit Water Treatment Facility has completed design, with delivery planned for FY27.

* Bond Funded

| Projects | Budget | Status |
|---|---------|---|
| *Sewer Manhole Rehabilitation & Replacement (JOC)(3 Locations) | \$1.42M | 90% Design |
| *Ave 4E Sewer Extension 36 th St to 28 th St | \$4.18M | Bid |
| *Sewerline Replacement Between 3 rd Ave & 4 th Ave from 4 th St to 6 th St | \$440K | Bid Ready |
| *Jackrabbit WTF, New Lift Station | \$1.28K | Design Complete (Construction in FY27) |
| *Figueroa Ave WPCF Electrical Upgrades | \$3.70M | Design Complete (Construction in FY27) |
| Figueroa Ave WPCF Digester 3 Mixing Replacement | \$2.20M | Started Design |

○ Public Works Department Projects

- A 30% designed pavement rehabilitation project is underway on Avenue B from 16th Street to 1st Street.
- Two subdivision pavement replacement projects – Yuma Country Club Estates and La Mesa Vista/La Mesa Hermosa – are in final design.
- A new project has started to rehabilitate 32nd Street from Catalina Drive to Avenue 8½E, supported by \$2 million from the Yuma Metropolitan Planning Organization.
- Additional efforts include addressing groundwater issues at La Quinta Retention Basin and a new project on First Street from Fourth Avenue to Avenue B.

* Bond Funded

| Projects | Budget | Status |
|---|-----------|----------------|
| *Ave B Pavement Rehabilitation 16 th St to 1 st St | \$8.47M | 30% Design |
| *Yuma Country Club Estates (Unit 1) Subdivision Pavement Replacement | \$1.81M | Final Design |
| *La Mesa Vista/ La Mesa Hermosa Subdivision Pavement Replacement | \$1.832 M | Final Design |
| *32nd St Pavement Rehabilitation Catalina Dr. to Ave 8 ½ E | \$15.951M | Started Design |
| *Stormwater Control at La Quinta Retention Basin | \$520K | Bid Ready |
| *1 st St Pavement Rehabilitation 4 th Ave to Ave B | \$2.75M | Not Started |

○ Engineering Department Projects

- A project is underway to widen Avenue 9E from two to four lanes between North Frontage Road and 24th Street, currently at 30% design.
- Five new High-Intensity Activated Crosswalk (HAWK) signals are being installed at various locations to improve pedestrian safety, with support from the Arizona Department of Transportation (ADOT).
- A stormwater pump improvement project in Hacienda Estates is progressing, funded by a flood mitigation assistance grant.
- A bus pull-out project is planned for 16th Street and Avenue A to support the Yuma County Intergovernmental Public Transit Authority.
- Design is beginning for 40th Street from 6E to 6¾E, including a new at-grade intersection at the Area Service Highway, aimed at easing congestion on 8½E and 32nd Street.

* Bond Funded

| Projects | Budget | Status |
|---|-----------|---------------|
| *Ave 9E Widening N. Frontage Rd to 24 th St | \$11.000M | 30% Design |
| HAWK Traffic Signals (5 Locations) | \$4.832M | Bid (ADOT) |
| *Hacienda Stormwater Pump Station Improvements | \$5.600M | 60% Design |
| 16 th St & Ave A Bus Pull-Outs | \$220K | 90% Design |
| *40th St Improvements Ave 6E to Ave 6 3/4E | \$11.300M | Procurement |
| *Ave 4E Widening 30 th St to 40 th St | \$4.100M | Not Started |

○ Parks and Recreation Department Projects

- The Valley Aquatic Center project has been bid, with work scheduled to begin once temperatures are cool enough for plaster replacement.
- A shade cover is being added to the Pacific Avenue Athletic Complex Archery Range.
- A new bridge structure on the Par 3 course at Desert Hills.
- Kennedy Basketball Court upgrades are underway.
- The East Mesa Community Park project includes bid alternates, which will be discussed further during the construction update section of tonight's presentation.

* Bond Funded

| Projects | Budget | Status |
|---|---------|------------------------|
| Valley Aquatic Center Pool Plaster Replacement | \$305K | Bid |
| Joe Henry Park Improvements | \$345K | 100% Design |
| PAAC Archery Range Shade Structure | \$91K | Received Cost Proposal |
| Desert Hills Par 3 Golf Course Bridge Structure | \$40K | Received Cost Proposal |
| Park Improvement, Fencing along Ave A | \$120K | Received Cost Proposal |
| Kennedy Basketball Court Upgrades | \$28K | Received Cost Proposal |
| Yuma Catholic Irrigation Water Pump Replacement | \$40K | Received Cost Proposal |
| *East Mesa Community Park (Bid Alts) | \$2.76M | Previously Bid |

○ Community Development Department Projects

- There are four pathway projects in progress, each at different stages of development.
- The 32nd Street pathway, from East Main Canal to Avenue B on the north side, is bid-ready.

*** Bond Funded**

| Projects | Budget | Status |
|---|--------|------------|
| 1 st St Shared-Use Pathway 4 th Ave to Ave B | \$444K | 60% Design |
| 32 nd St Shared-Use Pathway Ave 3E to Ave 7 ½ E | \$334K | 30% Design |
| *32 nd St Multi-Use Pathway East Main Canal to Ave B | \$615K | Bid Ready |
| Pathway East Wetlands to Pacific Ave | \$314K | 90% Design |

- General Fund Projects – Downtown and Municipal Facilities
 - The Del Sol Multimodal Center is currently 60% designed, with approximately \$3.6 million in bond funding allocated to support its development.
 - The Spaceport Development is still in the permitting process and is considered an ongoing project.
 - The Innovation District Property Acquisition involves purchasing land, with a budget of \$2 million allocated for this purpose.
 - The Downtown Lighting Improvements include four strings of lights currently installed across Main Street, with additional strings expected to be added soon.

*** Bond Funded**

| Projects | Budget | Status |
|---|---------------------------------------|--------------|
| Del Sol Multimodal Center | \$18.6M Total (*\$3.60 Bond Funds) | 60% Design |
| *Buildout City Hall 3 rd Floor | \$720K | Not Started |
| *Spaceport Development | \$550K | Permit Phase |
| *Innovation District Property Acquisition | \$2.00M | Ongoing |
| Historic City Hall Renovations | \$410K | Not Started |
| Lighting Improvement Downtown | \$230K | 100% Design |

- Police and Fire Department Projects
 - The Emergency Dispatch Backup Center is bid ready.
 - The Fire Department Equipment Warehouse is currently 60% designed and progressing through its planning phase.
 - The Police De-escalation and Scenario Building is also 60% designed and in development.

* Bond Funded

| Projects | Budget | Status |
|---|---------|-------------|
| *Emergency Dispatch Backup Center | \$2.00M | Bid Ready |
| *Fire Dept. Equipment Warehouse | \$3.30M | 60% Design |
| *Police De-escalation & Scenario Building | \$3.71M | 60% Design |
| *Public Safety Training Indoor Shooting Range | \$5.40M | Not Started |

○ Planning Efforts

- The Integrated Multimodal Transportation Master Plan has been developed to guide the City's roadway infrastructure over the next 10 years. One presentation has been made to City Council, and a second is expected on January 6.
- The Safe Streets for All initiative has begun, focusing on creating a Road Safety Action Plan. This includes analyzing crash data, identifying High Injury Networks, and developing countermeasures to systematically improve roadway safety.
- A project to update Development Fees has been initiated to ensure they reflect current needs and conditions.
- The City is also reviewing and updating its Construction Standards to align with modern practices and requirements.
- The City has received conditional acceptance from ADOT for its first certification acceptance project – a Citywide pavement marking project. This allows the City to bid its own federally funded projects for the first time.

| Projects | Budget | Status |
|--|--------|----------------------|
| Integrated Multimodal Transportation Master Plan | \$200K | Final Report |
| Safe Streets for All (SS4A) Road Safety Action Plan (RSAP) | \$600K | Started |
| Development Fee Update | \$200K | Started |
| Construction Standards Update | \$50K | Started |
| ADOT Certification Acceptance Citywide Pavement Marking Upgrade | \$569K | Conditional Approval |

● Construction Update

○ East Mesa Community Park

- The project is currently about 50% complete, with an original budget of \$17 million and a planned duration of 18 months.

- The project is now in month 11, and completion was originally scheduled for August 2026.
- The original bid included 27 alternates, which were added to assess their costs even though funding was not available for all of them.
- With the \$17 million budget, the City was able to proceed with the base bid and seven alternates.
- Approximately \$3 million worth of work could not be funded initially, including three splash pads, nine ramadas, three shade structures, and a playground.
- The City plans to pursue bond funding to cover the remaining unfunded alternates.
- Adding these alternates is expected to extend the project timeline by two to three months beyond the original completion date.
- Police Storage Facility
 - The Police Storage Facility has reached substantial completion.
 - The total cost of the facility was \$6.5 million, and construction took approximately one year.
- Police De-escalation and Scenario Building
 - This project is currently in the pre-construction phase, with construction scheduled to start in May 2026.
 - The total estimated cost for the project is \$5.5 million.
 - The construction timeline is expected to be approximately nine months, though that may vary slightly.
- Desert Dunes Water Reclamation Facility Capacity Increase
 - The project aims to double the plant's capacity from 3.3 million gallons per day to 6.6 million gallons per day.
 - It is currently about 50% complete, with a total cost of approximately \$102 million.
 - The overall duration of the project is three years, consisting of one year for material procurement followed by two years of construction.
 - Key components under construction include a clarifier basin, an aeration basin, and an aerobic digester.
 - The project is on schedule, with substantial completion expected in May 2027.
- Multimodal Transportation Center
 - The project is currently 60% designed, with construction scheduled to begin in April 2026.
 - It has a total estimated cost of \$17.8 million and a planned duration of two years.
- Ocean-to-Ocean Highway Bridge Lighting
 - The bridge lettering was refurbished and the LED lighting was replaced; the project was completed in September 2025.
 - The total cost of the project was approximately \$270,000.
- Rancho Serenade Sewer Main Extension
 - The project removed a lift station and converted the system to a gravity sewer between 37th Street and 30th Place.
 - It reached substantial completion after about seven months of construction, with a total cost of approximately \$3.5 million.
- Avenue 3E Median Landscaping
 - The project is at substantial completion.
- It cost \$1.4 million and took approximately four months to complete. Edenwood Subdivision
 - The project reached substantial completion, with a total cost of \$2.1 million.

- A technique was used to create a stable subbase for the pavement to address high groundwater, saving \$40,000 and reducing construction time by two months.
- Arizona Avenue Waterline Replacement
 - The project, located on Arizona Avenue from 24th Street to 17th Street (about three-quarters of a mile) cost \$1.7 million.
 - It reached substantial completion after six months of construction, and public patience during road closures was greatly appreciated.
- Emergency Sanitary Sewer Repair
 - Arizona Department of Environmental Quality regulations required municipalities to install ductile iron pipe when sewer lines crossed within two feet of water lines.
 - The City has experienced four failures of these pipes, with the most recent occurring at 1st Street and Gila Street, where the top of the pipe was severely corroded by sewer gases.
 - These failures have occurred over the past year and a half, highlighting a recurring challenge with this material in certain conditions.
- Traffic Management Center
 - The Traffic Management Center was completed with a ribbon cutting held in August 2025, and the center upgrades cost approximately \$350,000.
 - 45 traffic signals were upgraded for \$1.2 million, including video detection, new controllers, and communication equipment to enable centralized coordination.
 - Signal timing has been implemented on Fourth Avenue north of 16th Street, and 16th Street from Arizona Avenue to Pacific Avenue, with plans to expand timing across additional corridors to improve traffic flow and safety.
- Desert Hills Golf Course Irrigation Upgrades
 - The project reached substantial completion after 10 months of construction at a cost of \$4.2 million, funded in part by a Water Infrastructure Finance Authority grant.
 - Improvements included a new, more efficient irrigation system, turf removal, and refurbishment of the bunkers.
- 40th Street from Avenue 7E to Mississippi Street
 - The project is 50% complete, with a total cost of \$2.4 million and a construction duration of approximately five months.
 - It includes new street paving, a raised median, an intersection, and traffic lights, supporting development in the area.

Discussion

- Updates of this nature are provided approximately every four to six months. Additional information about the East Mesa Community Park, including phase details, will be shared in an upcoming departmental update. Future presentations will also include more detailed tracking of bond expenditures as spending progresses. **(Morales/Simonton)**
- The Hacienda Stormwater Pump Station Improvement Project is currently 60% designed and has received grant funding of \$3.9 million. It will upgrade four pump stations by installing larger pumps and upsizing the pipes that feed into the retention basin, aiming to lower water levels and reduce flooding in the surrounding subdivision. The project also includes switching to a more reliable power source due to inconsistent service in the area. Final design is expected within six months, pending updates to Yuma County's hazard mitigation plan, which is required to fully secure the grant. **(Morris/Wilson)**

- The Edenwood Subdivision pavement Replacement Project introduced a new subgrade stabilization method using a proprietary blend of cement and lime, which was milled into the subgrade after removing the asphalt. This process created a hardened base that set within a day, performed well under high groundwater conditions, and resulted in both cost savings of approximately \$40,000 and a two-month reduction in construction time. It is a promising solution for similar ground conditions in future projects. **(Morris/Wilson)**

III. REGULAR CITY COUNCIL MEETING AGENDA OF NOVEMBER 19, 2025

Ordinance O2025-045 – Rezoning of Property: Three properties located along 1st Avenue, between 12th Street and 13th Street (rezone approximately 1.29 acres from Light Industrial/Infill Overlay to Medium Density Residential/Infill Overlay) (Comm Dev/Comm Plng)

Morris declared a conflict of interest on Ordinance O2025-045. There being no questions or discussion on this item, Morris remained on the dais.

Ordinance O2025-044 – Lease: Elevate Southwest (authorize a two-year lease with an additional three-year option to Yuma Multiversity Corporation, DBA Elevate Southwest, for City-owned property located at 2450 South Madison Avenue) (City Admin)

Discussion

- The lease agreement with Elevate Southwest raises concerns due to their connections with multiple City projects and recent bond-funded initiatives. Questions remain about the viability and timeline of the Innovation Hub, as well as the return on investment for public funds. There is a need for clearer benchmarks and accountability to ensure the City's support of Elevate Southwest is justified, and to evaluate whether future renewals or alternative partnerships would better serve public interests. **(Morales)**
- The City is not currently providing \$30,000 annually to Elevate Southwest; that amount is a contingent grant match, which has not been requested or used in recent years. The two-year lease was offered as a temporary solution after Elevate Southwest lost their previous location, and there is no indication they plan to stay longer. Bond funding is being used for certain projects due to expenditure limitations, but the City has sufficient General Fund money and intends to repay the bonds within two years to avoid interest costs. **(Simonton)**
- The Innovation Hub has been a long-term strategic vision for City Council, discussed over several years during retreats and planning sessions. It represents a large-scale initiative that will take time to realize, with Elevate Southwest serving as a key partner to help drive progress. City Council had prior awareness of the lease agreement before it was formally presented, and there were no initial concerns. **(Morris)**
- Concerns have been raised about the clarity and transparency of bond-related expenditures, particularly regarding lease agreements and the inclusion of certain items in bond issues. There is a shared understanding that Councilmembers sometimes receive large amounts of information quickly, making it difficult to fully process details during meetings. As such, asking questions and seeking updates is seen as a necessary part of due diligence and accountability, especially when decisions involve public funds and are not approved by voters. **(Morales)**

- Receiving an updated report from Elevate Southwest may help City Council better understand its direction and ensure accountability. A presentation will be scheduled early next year. **(Smith/Morales/Simonton)**
- Elevate Southwest approached the City after losing their previous lease, and the City had a suitable vacant property available. The lease was modeled closely after another recent agreement, with Elevate Southwest committing to invest over \$25,000 in improvements to the facility, which will remain City-owned. There was no preferential treatment or deviation from standard leasing practices. **(Morris/Simonton)**

EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Deputy Mayor Smith** adjourned the meeting at 6:44 p.m. No Executive Session was held

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:

City Clerk: _____



City of Yuma

City Council Report

File #: MC 2025-190

Agenda Date: 12/17/2025

Agenda #: 1.

| DEPARTMENT: | STRATEGIC OUTCOMES | ACTION |
|---------------------|---|---|
| City Administration | <input type="checkbox"/> Safe & Prosperous | <input checked="" type="checkbox"/> Motion |
| | <input type="checkbox"/> Active & Appealing | <input type="checkbox"/> Resolution |
| DIVISION: | <input checked="" type="checkbox"/> Respected & Responsible | <input type="checkbox"/> Ordinance - Introduction |
| City Clerk | <input type="checkbox"/> Connected & Engaged | <input type="checkbox"/> Ordinance - Adoption |
| | <input type="checkbox"/> Unique & Creative | <input type="checkbox"/> Public Hearing |

TITLE:

Bingo License: Westward Village MHC, LLC.

SUMMARY RECOMMENDATION:

Approve a Class A Bingo License application submitted by Erickia Kanies on behalf of Westward Village located at 3300 S. 8th Avenue. (BL25-02) (City Administration/ City Clerk) (Lynda L. Bushong)

STRATEGIC OUTCOME:

Approval of this Class A Bingo License aligns with City Council's Respected and Responsible strategic outcome as it provides notification to the public and transparency of City business.

REPORT:

Erickia Kanies, on behalf of Westward Village located at 3300 S. 8th Avenue, has applied for a Class A Bingo License, which applies to licensees whose gross receipts do not exceed \$75,000.00 per year.

The application has been reviewed by Community Development, the Police Department, the Fire Department, and Business Licensing.

Upon City Council's recommendation, this application will be forwarded to the Arizona Department of Revenue for final processing.

FISCAL REQUIREMENTS:

| | | | |
|----------------|---------|-----------------------------|---------|
| CITY FUNDS: | \$ 0.00 | BUDGETED: | \$ 0.00 |
| STATE FUNDS: | \$ 0.00 | AVAILABLE TO TRANSFER: | \$ 0.00 |
| FEDERAL FUNDS: | \$ 0.00 | IN CONTINGENCY: | \$ 0.00 |
| OTHER SOURCES: | \$ 0.00 | FUNDING ACCOUNT/FUND #/CIP: | |
| TOTAL | \$ 0.00 | . | |

FISCAL IMPACT STATEMENT:

Application Fee: \$5.00

ADDITIONAL INFORMATION:

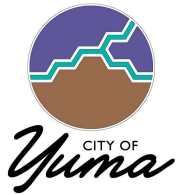
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

1. Class A Bingo License application

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- ☐ Department
- ☒ City Clerk's Office
- ☐ Document to be recorded
- ☐ Document to be codified

| | |
|--|---------------------|
| Acting City Administrator: John D. Simonton | Date: 12/08/2025 |
| Reviewed by City Attorney: Richard W. Files | Date: 12/04/2025 |



City of Yuma

City Council Report

File #: MC 2025-191

Agenda Date: 12/17/2025

Agenda #: 2.

| DEPARTMENT: City Administration | STRATEGIC OUTCOMES | ACTION |
|------------------------------------|--|--|
| DIVISION: City Clerk | <input type="checkbox"/> Safe & Prosperous <input type="checkbox"/> Active & Appealing <input checked="" type="checkbox"/> Respected & Responsible <input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative | <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance - Introduction <input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing |

TITLE:

Liquor License: J. T. Bros Sandwich Shop

SUMMARY RECOMMENDATION:

Approve a Series #12: Restaurant Liquor License application submitted by Alejandro Zapata Trujillo, agent for J. T. Bros Sandwich Shop located at 2630 S. 4th Avenue. (LL25-20) (City Administration/City Clerk) (Lynda L. Bushong)

STRATEGIC OUTCOME:

Approval of this Liquor License aligns with City Council's Respected and Responsible strategic outcome as it provides notification to the public and transparency of City business.

REPORT:

Alejandro Zapata Trujillo, agent for J. T. Bros Sandwich Shop located at 2630 S. 4th Avenue, has applied for a Series #12: Restaurant Liquor License.

The subject property has been posted for the required 20-day period and no arguments in favor of or opposed to the issuance of the license have been received.

The application has been reviewed by Community Development, the Police Department, the Fire Department, and Business Licensing.

Upon City Council's recommendation, this application will be forwarded to the Arizona Department of Liquor Licenses and Control for final processing.

FISCAL REQUIREMENTS:

| | | | |
|----------------|---------|-----------------------------|---------|
| CITY FUNDS: | \$ 0.00 | BUDGETED: | \$ 0.00 |
| STATE FUNDS: | \$ 0.00 | AVAILABLE TO TRANSFER: | \$ 0.00 |
| FEDERAL FUNDS: | \$ 0.00 | IN CONTINGENCY: | \$ 0.00 |
| OTHER SOURCES: | \$ 0.00 | FUNDING ACCOUNT/FUND #/CIP: | |
| TOTAL | \$ 0.00 | . | |

FISCAL IMPACT STATEMENT:

Application Fee: \$250.00

ADDITIONAL INFORMATION:

SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

1. Series #12: Restaurant Liquor License application

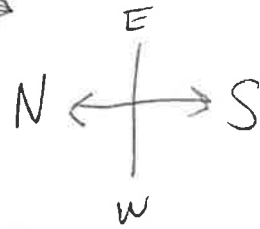
IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- ☐ Department
- ☒ City Clerk's Office
- ☐ Document to be recorded
- ☐ Document to be codified

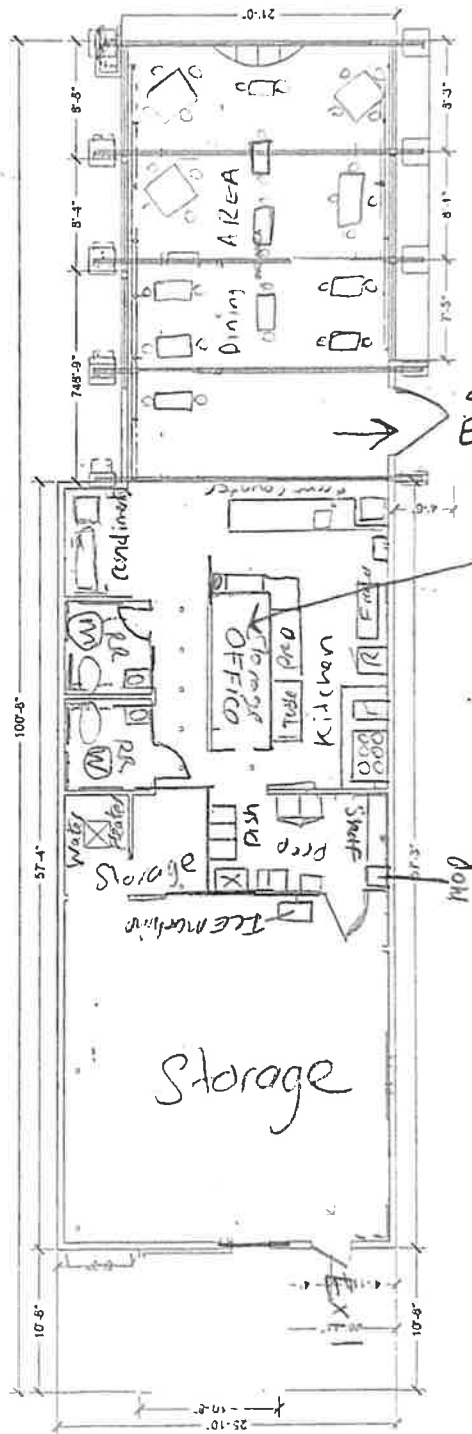
| | |
|--|---------------------|
| Acting City Administrator: John D. Simonton | Date: 12/08/2025 |
| Reviewed by City Attorney: Richard W. Files | Date: 12/04/2025 |

'25 11 7 Licq. Dept AM 8:25

← 4th Avenue →



2,210.59^{Total} Sq. Ft.

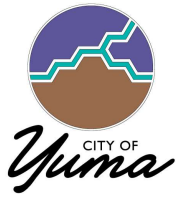


← Entry
Exit →

liquor storage

AMENDMENT

Floor Plan
1/4" = 1'-0"



City of Yuma

City Council Report

File #: MC 2025-192

Agenda Date: 12/17/2025

Agenda #: 3.

| | STRATEGIC OUTCOMES | ACTION |
|---------------------------------|---|---|
| DEPARTMENT: Finance | <input checked="" type="checkbox"/> Safe & Prosperous | <input checked="" type="checkbox"/> Motion |
| | <input type="checkbox"/> Active & Appealing | <input type="checkbox"/> Resolution |
| | <input type="checkbox"/> Respected & Responsible | <input type="checkbox"/> Ordinance - Introduction |
| DIVISION: Procurement | <input type="checkbox"/> Connected & Engaged | <input type="checkbox"/> Ordinance - Adoption |
| | <input type="checkbox"/> Unique & Creative | <input type="checkbox"/> Public Hearing |

TITLE:

Bid Award: Handguns with Red Dot Sights

SUMMARY RECOMMENDATION:

Authorize the purchase and delivery of handguns to the lowest responsive and responsible bidder in the amount of \$117,920.00 to Proforce Law Enforcement, Prescott, Arizona. (Police-RFB-26-139) (Thomas Garrity/Robin R. Wilson)

STRATEGIC OUTCOME:

This item supports the City Council's strategic outcome of Safe and Prosperous by ensuring the officer safety through the use of reliable, modern tools that meet modern law enforcement standards and mission demands.

REPORT:

The Yuma Police Department (YPD) is upgrading 176 duty handguns to the Smith & Wesson M&P 2.0, equipped with the Aimpoint Acro P-2 red-dot optic system. This upgrade enhances officer safety and operational readiness in today's increasingly complex law enforcement environment.

This platform has been selected based on its proven performance in reality-based training scenarios. The direct-mount, mil-spec optic system offers a significant improvement over the previously used plate-mounted designs. By eliminating movement between the optic and the firearm, this system ensures greater reliability, faster target acquisition, and improved accuracy under stress-factors that are critical during high-risk encounters.

The enhanced stability and durability of this platform directly contribute to officer survivability and effectiveness in the field. More than an equipment change, these upgrades represent a strategic investment in the safety of YPD personnel, the community they serve, and the department's ongoing commitment to providing officers with the tools needed to meet modern challenges with confidence and precision.

FISCAL REQUIREMENTS:

| | | | |
|----------------|---------------|-----------------------------|---------------|
| CITY FUNDS: | \$ 117,920.00 | BUDGETED: | \$ 195,000.00 |
| STATE FUNDS: | \$ 0.00 | AVAILABLE TO TRANSFER: | \$ 0.00 |
| FEDERAL FUNDS: | \$ 0.00 | IN CONTINGENCY: | \$ 0.00 |
| OTHER SOURCES: | \$ 0.00 | FUNDING ACCOUNT/FUND #/CIP: | |
| TOTAL | \$ 117,920.00 | Public Safety | |

FISCAL IMPACT STATEMENT:

Sufficient budget authority is provided in the FY 2026 City Council approved budget to award this bid.

ADDITIONAL INFORMATION:

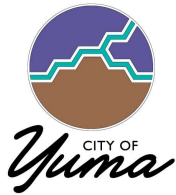
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

None

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- ☐ Department
- ☐ City Clerk's Office
- ☐ Document to be recorded
- ☐ Document to be codified

| | |
|--|---------------------|
| Acting City Administrator: John D. Simonton | Date: 12/08/2025 |
| Reviewed by City Attorney: Richard W. Files | Date: 12/04/2025 |



City of Yuma

City Council Report

File #: R2025-102

Agenda Date: 12/17/2025

Agenda #: 1.

| | STRATEGIC OUTCOMES | ACTION |
|--|---|---|
| DEPARTMENT: Fire | <input checked="" type="checkbox"/> Safe & Prosperous | <input type="checkbox"/> Motion |
| | <input type="checkbox"/> Active & Appealing | <input checked="" type="checkbox"/> Resolution |
| | <input type="checkbox"/> Respected & Responsible | <input type="checkbox"/> Ordinance - Introduction |
| DIVISION: Community Risk Reduction | <input type="checkbox"/> Connected & Engaged | <input type="checkbox"/> Ordinance - Adoption |
| | <input type="checkbox"/> Unique & Creative | <input type="checkbox"/> Public Hearing |

TITLE:

Intergovernmental Agreement: Arizona Department of Forestry and Fire Management

SUMMARY RECOMMENDATION:

Authorize an Intergovernmental Agreement (IGA) with the Arizona Department of Forestry and Fire Management (ADFFM), acting on behalf of the Arizona Office of the State Fire Marshal. The IGA permits the Yuma Fire Department (YFD) to apply the City's locally adopted fire code when inspecting school buildings within the City's jurisdiction, as requested by participating school districts and charter schools. (YFD) (John Louser)

STRATEGIC OUTCOME:

This action promotes consistency in fire prevention and life safety allowing the YFD to apply its locally adopted fire code to school facilities within the City. The IGA eliminates the need for inspectors to cross-train on both the local and state fire codes, improving efficiency, accuracy, and uniformity in enforcement and service delivery.

REPORT:

The Arizona Office of the State Fire Marshal, under the direction of the ADFFM, is authorized by state statute to inspect public and charter school facilities using the state fire code. Pursuant to A.R.S. § 34-461(A), the State Fire Marshal may, through an IGA, authorize a city to apply its local fire code during inspections at the request of local schools. The proposed IGA authorizes the YFD to apply the City's local fire code when conducting inspections and plan reviews for school districts and charter schools located within the City limits. Participating entities currently include Yuma School District No. 1, Crane School District, Yuma Union High School District, Southwest Technical Education District of Yuma (STEDY), and several charter schools.

The IGA establishes a 10-year term with a single 10-year renewal period, unless terminated by either party with 30 days' written notice. There is no direct fiscal impact to the City other than staff time for inspections and administrative coordination. Adoption of this IGA by resolution provides consistency in enforcement of fire and life safety codes across public, private, and educational occupancies within the City of Yuma and enhances coordination between the City and State agencies.

FISCAL REQUIREMENTS:

| | | | |
|----------------|---------|-----------------------------|---------|
| CITY FUNDS: | \$ 0.00 | BUDGETED: | \$ 0.00 |
| STATE FUNDS: | \$ 0.00 | AVAILABLE TO TRANSFER: | \$ 0.00 |
| FEDERAL FUNDS: | \$ 0.00 | IN CONTINGENCY: | \$ 0.00 |
| OTHER SOURCES: | \$ 0.00 | FUNDING ACCOUNT/FUND #/CIP: | |
| TOTAL | \$ 0.00 | - | |

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- ☐ Department
- ☒ City Clerk's Office
- ☐ Document to be recorded
- ☐ Document to be codified

| | |
|--|---------------------|
| Acting City Administrator: John D. Simonton | Date: 12/08/2025 |
| Reviewed by City Attorney: Richard W. Files | Date: 12/04/2025 |

AmeriSchools Academy North
1220 South 4th Avenue
Yuma, Arizona 85364
lmccormack@amerischools.org
(928) 919-7203

May 7, 2025

City of Yuma Fire Department 1 City Plaza, Yuma AZ 85364

Subject: Request for Fire Code Inspection of AmeriSchools Academy North School

Dear Chief Fields,

On behalf of AmeriSchools Academy North, I am writing to formally request that the City of Yuma conduct fire and life safety inspections at our charter school in accordance with the locally adopted fire code. Ensuring compliance with fire safety regulations is essential for protecting students, faculty, and staff, and we appreciate the city's continued commitment to public safety.

We understand that YFD will be conducting inspections of our school property instead of the State Fire Marshal. Furthermore, we acknowledge that the City of Yuma will enter into an Intergovernmental Agreement with the State Fire Marshal to gain the necessary authority to enforce the locally adopted fire code instead of the state fire code. We appreciate this arrangement, as it ensures that inspections will be conducted under the appropriate jurisdiction while maintaining the highest standards of fire safety and compliance.

Thank you for your time and assistance. We look forward to working together to ensure our schools maintain the highest standards of safety for our students and staff.

Sincerely,



Linda McCormack
Principal
AmeriSchools Academy North

AmeriSchools Academy South
2098 South 3rd Avenue
Yuma, Arizona 85364
lmccormack@amerischools.org
(928) 329-1100

May 7, 2025

City of Yuma Fire Department 1 City Plaza, Yuma AZ 85364

Subject: Request for Fire Code Inspection of AmeriSchools Academy South School

Dear Chief Fields,

On behalf of AmeriSchools Academy South, I am writing to formally request that the City of Yuma conduct fire and life safety inspections at our charter school in accordance with the locally adopted fire code. Ensuring compliance with fire safety regulations is essential for protecting students, faculty, and staff, and we appreciate the city's continued commitment to public safety.

We understand that YFD will be conducting inspections of our school property instead of the State Fire Marshal. Furthermore, we acknowledge that the City of Yuma will enter into an Intergovernmental Agreement with the State Fire Marshal to gain the necessary authority to enforce the locally adopted fire code instead of the state fire code. We appreciate this arrangement, as it ensures that inspections will be conducted under the appropriate jurisdiction while maintaining the highest standards of fire safety and compliance.

Thank you for your time and assistance. We look forward to working together to ensure our schools maintain the highest standards of safety for our students and staff.

Sincerely,

Linda McCormack

Linda McCormack
Principal
AmeriSchools Academy South



June 3, 2025

Chief Dustin Fields
City of Yuma
Fire Department
One City Plaza
Yuma, AZ 85364

Re: Request for Fire Code Inspection of Crane Elementary School District No. 13's Schools

Dear Chief Fields,

On behalf of Crane Elementary School District No. 13, I am writing to formally request that the City of Yuma conduct fire and life safety inspections at our district's schools and facilities in accordance with the locally adopted fire code. Ensuring compliance with fire safety regulations is essential for protecting students, faculty, and staff, and we appreciate the city's continued commitment to public safety.

By initiating this request, we understand that the Yuma Fire Department (YFD) will be conducting inspections of our school and district properties instead of the State Fire Marshall. Furthermore, we acknowledge that the City of Yuma will enter into an Intergovernmental Agreement (IGA) with the State Fire Marshall to gain the necessary authority to enforce the locally adopted fire code instead of the state fire code. We appreciate this arrangement, as it ensures that inspections will be conducted under the appropriate jurisdiction while maintaining the highest standards of fire safety and compliance.

Thank you for your time and assistance. We look forward to working together to ensure our schools and district facilities maintain the highest standards of safety for our students and staff.

Sincerely,

Laurie Doering
Superintendent



Desert View Academy
3777 West 16th Street
Yuma, Arizona 85364
(928) 314-1102

May 7, 2025

City of Yuma Fire Department 1 City Plaza, Yuma AZ 85364

Subject: Request for Fire Code Inspection of Desert View Academy School

Dear Chief Fields,

On behalf of Desert View Academy, I am writing to formally request that the City of Yuma conduct fire and life safety inspections at our charter school in accordance with the locally adopted fire code.

Ensuring compliance with fire safety regulations is essential for protecting students, faculty, and staff, and we appreciate the city's continued commitment to public safety.

We understand that YFD will be conducting inspections of our school property instead of the State Fire Marshal. Furthermore, we acknowledge that the City of Yuma will enter into an Intergovernmental Agreement with the State Fire Marshal to obtain the necessary authority to enforce the locally adopted fire code, rather than the state fire code. We appreciate this arrangement, as it ensures that inspections will be conducted under the appropriate jurisdiction while maintaining the highest standards of fire safety and compliance.

Thank you for your time and assistance. We look forward to working together to ensure our schools maintain the highest standards of safety for our students and staff.

Sincerely,

Analisa Angulo

Principal, Desert View Academy
aangulo@desertviewschools.com

Desert View Middle School
3777 West 22nd Lane
Yuma, Arizona 85364
jhackmann@desertviewschools.com
(928) 317-3113

May 7, 2025

City of Yuma Fire Department 1 City Plaza, Yuma AZ 85364

Subject: Request for Fire Code Inspection of Desert View Middle School

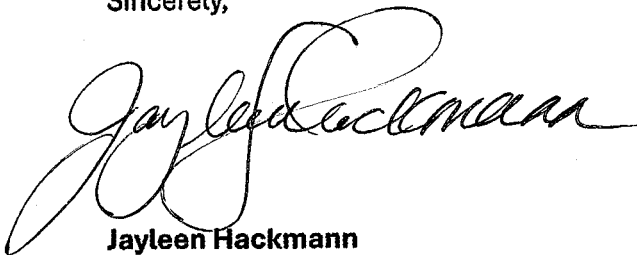
Dear Chief Fields,

On behalf of Desert View Middle School, I am writing to formally request that the City of Yuma conduct fire and life safety inspections at our charter school in accordance with the locally adopted fire code. Ensuring compliance with fire safety regulations is essential for protecting students, faculty, and staff, and we appreciate the city's continued commitment to public safety.

We understand that YFD will be conducting inspections of our school property instead of the State Fire Marshal. Furthermore, we acknowledge that the City of Yuma will enter into an Intergovernmental Agreement with the State Fire Marshal to gain the necessary authority to enforce the locally adopted fire code instead of the state fire code. We appreciate this arrangement, as it ensures that inspections will be conducted under the appropriate jurisdiction while maintaining the highest standards of fire safety and compliance.

Thank you for your time and assistance. We look forward to working together to ensure our schools maintain the highest standards of safety for our students and staff.

Sincerely,

A handwritten signature in black ink, reading "Jayleen Hackmann". The signature is fluid and cursive, with the first name "Jayleen" written in a larger, more prominent script than the last name "Hackmann".

Jayleen Hackmann
Principal
Desert View Middle School

Southwest Technical Education District of Yuma
899 East Plaza Circle, Suite 1
Yuma, Arizona 85365
ttyree@stedy01.org
(928) 366-5903

August 4, 2025

City of Yuma Fire Department 1 City Plaza, Yuma AZ 85364

Subject: Request for Fire Code Inspection of Southwest Technical Education District of Yuma's Schools

Dear Chief Fields,

On behalf of Southwest Technical Education District of Yuma, I am writing to formally request that the City of Yuma conduct fire and life safety inspections at our district's schools in accordance with the locally adopted fire code. Ensuring compliance with fire safety regulations is essential for protecting students, faculty, and staff, and we appreciate the city's continued commitment to public safety.

We understand that YFD will be conducting inspections of our school properties instead of the State Fire Marshal. Furthermore, we acknowledge that the City of Yuma will enter into an Intergovernmental Agreement with the State Fire Marshal to gain the necessary authority to enforce the locally adopted fire code instead of the state fire code. We appreciate this arrangement, as it ensures that inspections will be conducted under the appropriate jurisdiction while maintaining the highest standards of fire safety and compliance.

Thank you for your time and assistance. We look forward to working together to ensure our schools maintain the highest standards of safety for our students and staff.

Sincerely,



Thomas C. Tyree
Superintendent
Southwest Technical Education District of Yuma



Yuma Private Industry Council, Inc.

3834 W. 16th Street Yuma, AZ 85364 (928) 329-0990 Fax No. (928) 783-0886 TTY (928) 329-6466

Educational Opportunity Center Charter School -YPIC

3810 West 16th Street

Yuma, Arizona 85364

pgoetz@ypic.com

(928) 329-0990 Ext 1112

May 27, 2025

City of Yuma Fire Department 1 City Plaza, Yuma AZ 85364

Subject: Request for Fire Code Inspection of Educational Opportunity Center School

Dear Chief Fields,

On behalf of Educational Opportunity Center Charter School- YPIC, I am writing to formally request that the City of Yuma conduct fire and life safety inspections at our charter school in accordance with the locally adopted fire code. Ensuring compliance with fire safety regulations is essential for protecting students, faculty, and staff, and we appreciate the city's continued commitment public safety.

We understand that YFD will be conducting inspections of our school property instead of to Fire Marshal. Furthermore, we acknowledge that the City of Yuma will enter into an Intergovernmental Agreement with the State Fire Marshal to gain the necessary authority t the locally adopted fire code instead of the state fire code. We appreciate this arrangement ensures that Inspections will be conducted under the appropriate jurisdiction while maintaining highest standards of fire safety and compliance.

Thank you for your time and assistance. We look forward to working together to ensure our schools maintain the highest standards of safety for our students and staff.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick Goetz", is written over a blue circular stamp or seal.

Patrick Goetz

Superintendent

Educational Opportunity Center Charter School - YPIC

Yuma Elementary School District One
450 West 6th Street
Yuma, Arizona 85364
dponder1@yuma.org
(928) 502-4300

May 7, 2025

City of Yuma Fire Department 1 City Plaza, Yuma AZ 85364

Subject: Request for Fire Code Inspection of Yuma Elementary School District One's Schools

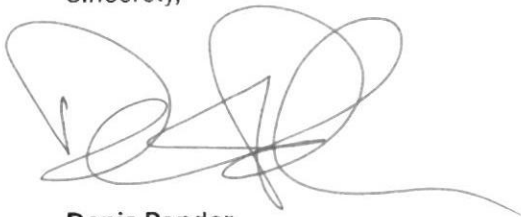
Dear Chief Fields,

On behalf of Yuma Elementary School District One, I am writing to formally request that the City of Yuma conduct fire and life safety inspections at our district's schools in accordance with the locally adopted fire code. Ensuring compliance with fire safety regulations is essential for protecting students, faculty, and staff, and we appreciate the city's continued commitment to public safety.

We understand that YFD will be conducting inspections of our school properties instead of the State Fire Marshal. Furthermore, we acknowledge that the City of Yuma will enter into an Intergovernmental Agreement with the State Fire Marshal to gain the necessary authority to enforce the locally adopted fire code instead of the state fire code. We appreciate this arrangement, as it ensures that inspections will be conducted under the appropriate jurisdiction while maintaining the highest standards of fire safety and compliance.

Thank you for your time and assistance. We look forward to working together to ensure our schools maintain the highest standards of safety for our students and staff.

Sincerely,

A handwritten signature in black ink, appearing to read 'Denis Ponder', with a stylized, looping flourish extending from the end.

Denis Ponder
Superintendent
Yuma Elementary School District One

Tim Brienza, Superintendent

August 5, 2025

City of Yuma Fire Department 1 City Plaza, Yuma, AZ 85364

Subject: Request for Fire Code Inspection of Yuma Union High School District No.70 Schools

Dear Chief Fields,

On behalf of Yuma Union High School District No. 70, I am writing to formally request that the City of Yuma conduct fire and life safety inspections at our district's schools in accordance with the locally adopted fire code. Ensuring compliance with fire safety regulations is essential for protecting students, faculty, and staff and we appreciate the city's continued commitment to public safety.

We understand that YFD will be conducting inspections of our school properties instead of the State Fire Marshal. Furthermore, we acknowledge that the City of Yuma will enter into an Intergovernmental Agreement with the State Fire Marshal to gain the necessary authority to enforce the locally adopted fire code instead of the state fire code. We appreciate this arrangement, as it ensures that inspections will be conducted under the appropriate jurisdiction while maintaining the highest standards of fire safety and compliance.

Thank you for your time and assistance. We look forward to working together to ensure our schools maintain the highest standards of safety for our students and staff.

Sincerely,



Tim Brienza

Superintendent

RESOLUTION NO. R2025-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF YUMA AND THE ARIZONA DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT (ACTING ON BEHALF OF THE ARIZONA OFFICE OF THE STATE FIRE MARSHAL) TO ALLOW THE YUMA FIRE DEPARTMENT TO APPLY THE CITY'S LOCAL FIRE CODE IN SCHOOL INSPECTIONS

WHEREAS, the Arizona Office of the State Fire Marshal (“State Fire Marshal”) acts under the direction of the Arizona Department of Forestry and Fire Management (ADFFM) and is authorized to inspect school, county, and state buildings throughout the state using the state fire code adopted pursuant to A.R.S. § 37-1383(A)(2); and,

WHEREAS, A.R.S. § 34-461(A) empowers the State Fire Marshal to authorize, through intergovernmental agreement, a city to apply the city’s local fire code during inspections of school buildings within the city’s jurisdiction at the request of a school district or charter school; and,

WHEREAS, the City of Yuma has adopted a local fire code enforced by the Yuma Fire Department (YFD) for inspections of city-and privately-owned buildings within its boundaries; and,

WHEREAS, multiple local school districts and charter schools within the City of Yuma have formally requested authorization for YFD to perform fire inspections under the City’s locally adopted fire code; and,

WHEREAS, the attached and incorporated Intergovernmental Agreement between the City of Yuma and the Arizona Department of Forestry and Fire Management (acting on behalf of the State Fire Marshal) authorizes YFD to perform fire code inspections and related services for the participating school districts and charter schools listed in Exhibit A of the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: The City Council approves the Intergovernmental Agreement between the City of Yuma and the Arizona Department of Forestry and Fire Management for the purpose of authorizing the Yuma Fire Department to apply the City’s local fire code to school inspections within the City’s jurisdiction.

SECTION 2: The City Administrator is authorized and directed to execute the Intergovernmental Agreement and any future amendments thereto that do not materially alter the substance of the Agreement.

Adopted this ____ day of December 2025.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Applicable exhibits on file at the Office of the City Clerk, One City Plaza, Yuma, AZ

**Intergovernmental Agreement
between the
City of Yuma
and the
Arizona Department of Forestry and Fire Management (acting on behalf of the)
Arizona Office of the State Fire Marshal**

This intergovernmental agreement ("Agreement") is entered into on this ____ day of _____, 2025, ("Effective Date") by and between the City of Yuma, an Arizona municipal corporation ("City"), and the Arizona Department of Forestry and Fire Management ("ADFFM"), acting on behalf of the Arizona Office of the State Fire Marshal ("State Fire Marshal"). The City, ADFFM, and the State Fire Marshal are collectively referred to as the "Parties."

WHEREAS, the State Fire Marshal acts under the authority and direction of the State Forester and is authorized to inspect school, county, and state-owned buildings throughout the state using the state fire code adopted pursuant to A.R.S. § 37-1383(A)(2); and

WHEREAS, A.R.S. § 34-461(A) empowers the State Fire Marshal to authorize, through an intergovernmental agreement, a city to impose the city's local fire code during inspections of school buildings within the city's jurisdiction at the request of a school district or charter school; and

WHEREAS, the City has adopted a local fire code that the Yuma Fire Department ("YFD") applies when inspecting City and privately-owned buildings within the City's municipal boundaries; and

WHEREAS, the school districts and charter schools listed in Exhibit A have all requested the State Fire Marshal authorize YFD to inspect their buildings using the City's local fire code pursuant to A.R.S. § 34-461(A).

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the Parties agree as follows:

1. Authorization. The State Fire Marshal authorizes YFD to impose the City's local fire code when YFD inspects school buildings within the City's jurisdiction that are owned by the school districts and charter schools listed in Exhibit A. The Parties agree to administratively update Exhibit A whenever the State Fire Marshal receives a request from a school district or charter school located in the City not listed in Exhibit A.

2. Authorized Code. School districts and charter schools listed in Exhibit A agree to have plan review, permitting, and any related inspections completed by YFD. Additionally, the School districts and charter schools listed in Exhibit A agree to have YFD perform regularly scheduled fire safety inspections. YFD shall apply the City's local fire code in their code enforcement activities and shall inform and collect any fees associated with the inspection process.

3. Term and Termination. This Agreement shall remain in effect for a period of 10 years and shall automatically renew for a single renewal period of 10 years upon expiration unless either party provides written notice of termination. Any party may terminate this Agreement at any time upon providing thirty days written notice to the other parties.

4. Entire Agreement. This instrument contains the entire agreement between the Parties with respect to the subject matter contained in it and supersedes all prior and contemporaneous agreements, discussions and representations related thereto. No supplement, modification or amendment hereof shall be binding and effective unless in writing and signed by all of the Parties.

5. No Partnership. Nothing in the Agreement is intended or shall be construed to constitute a partnership or joint venture between the Parties and neither Party shall be deemed the principal, agent, officer, or member of the other.

6. Records. Each Party shall keep and maintain records pertaining to the exercise of this Agreement for no less than five (5) years. For properties owned by entities listed in Exhibit A, YFD shall provide final certificate of occupancy inspection records to the State Fire Marshal related to construction permits as well as periodic fire and life safety inspection records within 30 days of completion of these activities. Records will be provided by YFD in a manner as directed by the State Fire Marshal to allow for accurate and timely accounting of code enforcement activities within its statewide fire code database.

7. Conflict of Interest. The Agreement is subject to the conflict of interest and cancellation provision of the A.R.S. § 38-511, as amended, the provision of which are incorporated herein.

8. Employment Eligibility. To the extent applicable under A.R.S. § 41-4401, the Parties hereby warrant, and represent to each other, that they are in compliance with A.R.S. §§ 41-4401 and 23-214, the Federal Immigration and Nationality Act (FINA), and all other federal immigration laws and regulations. A breach of this warranty shall be deemed a material breach of the Agreement and is subject to penalties up to and including termination of this Agreement. The Parties retain the legal right to inspect the papers of any Party or subcontractor employee who works on this Agreement to ensure that the other Party or its subcontractors are complying with this warranty.

9. Notices. Any notice or other communication required or permitted to be given under this Agreement shall be in writing. If sent to the City, the notice shall be sent to the City Administrator, YFD's Fire Chief and YFD's Fire Marshal. If sent to ADFFM or to the State Fire Marshal, the notice shall be sent to the director or acting director of ADFFM and the State Fire Marshal.

10. Compliance with Law. The Parties shall comply with all federal, state, and local laws and ordinances applicable to its performance under this Agreement. The Parties shall comply with Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act, and State Executive Order 2009-09, which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities. The Parties shall comply with the Rehabilitation Act of 1973, as amended, which prohibits discrimination in the employment or advancement in employment of qualified persons because of physical or mental handicap, and the Americans with Disabilities Act.

11. Counterparts. This Agreement may be executed in two or more counterparts, each of which is an original and all of which together constitute one and the same instrument. Delivery of signature by fax, or scan delivered by email, receipt acknowledged are effective to bind a Party hereto.

IN WITNESS WHEREOF, the Parties thereto have executed this Agreement as of the Effective Date written above.

City of Yuma

**Arizona Department of Forestry and Fire
Management (on behalf of the Arizona Office of the
State Fire Marshal)**

By: _____

John D. Simonton

Title: City Administrator

By: _____

Thomas A. Torres

Title: State Forester and Director of ADFFM

ATTEST:

Lynda L. Bushong, City Clerk

INTERGOVERNMENTAL AGREEMENT DETERMINATION

In accordance with A.R.S. § 11-952, this Agreement has been reviewed by the undersigned who have determined that the Agreement is in appropriate form and within the powers and authority granted to each respective public body.

Attorney for City

Attorney for ADFFM

Richard W. Files, City Attorney

David Jacobs, Section Chief Counsel
Arizona Attorney General's Office

EXHIBIT A

LIST OF PARTICIPATING SCHOOL DISTRICTS AND CHARTER SCHOOLS (Pursuant to the Intergovernmental Agreement between the City of Yuma and the Arizona Office of the State Fire Marshal)

The following school districts and charter schools have formally requested the Yuma Fire Department conduct fire inspections using the locally adopted fire code:

School Districts:

1. Yuma Elementary School District One
2. Crane Elementary School District No. 13
3. Yuma Union High School District No. 70
4. Southwest Technical Education District of Yuma (STEDY)

Charter Schools:

5. Desert View Academy
6. Desert View Middle School
7. Amerischools Academy North
8. Amerischools Academy South
9. Educational Opportunity Center Charter School - YPIC

This list will be administratively amended as additional school districts and/or charter schools request (or cancel) participation under the Agreement.



City of Yuma

City Council Report

File #: R2025-104

Agenda Date: 12/17/2025

Agenda #: 2.

| DEPARTMENT: | STRATEGIC OUTCOMES | ACTION |
|-----------------------|---|---|
| Community Development | <input checked="" type="checkbox"/> Safe & Prosperous | <input type="checkbox"/> Motion |
| | <input type="checkbox"/> Active & Appealing | <input checked="" type="checkbox"/> Resolution |
| | <input type="checkbox"/> Respected & Responsible | <input type="checkbox"/> Ordinance - Introduction |
| DIVISION: | <input checked="" type="checkbox"/> Connected & Engaged | <input type="checkbox"/> Ordinance - Adoption |
| Community Planning | <input type="checkbox"/> Unique & Creative | <input type="checkbox"/> Public Hearing |

TITLE:

Preannexation Development Agreement: 3101 S. Avenue 3E

SUMMARY RECOMMENDATION:

Authorize a Preannexation Development Agreement for Assessor Parcel Number 696-29-010 located at 3101 S. Avenue 3E. (Community Development/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

This Agreement furthers the City Council's strategic outcomes of Safe and Prosperous and Connected and Engaged, as approval of the Preannexation Development Agreement will facilitate the connection of City services for the developed site.

REPORT:

Marcos Orduno and Viviana Galvan Vargas (Owners) own the parcel located at 3101 S. Avenue 3E (APN 696-29-010) (Property). The Property is developed and currently operates as AZ Metals. The owners have requested a Preannexation Development Agreement to connect to City of Yuma water services.

In accordance with City policy, to receive City of Yuma services, annexation or a preannexation development agreement are required. Since annexation of the Property is not possible at the current time, a Preannexation Development Agreement will be executed, kept on file, and utilized at such time that a larger annexation can be brought forward.

The attached resolution authorizes a Preannexation Development Agreement with Marcos Orduno and Viviana Galvan Vargas for the Property shown on the location map attached to the agreement.

FISCAL REQUIREMENTS:

| | | | |
|----------------|---------|-----------------------------|---------|
| CITY FUNDS: | \$ 0.00 | BUDGETED: | \$ 0.00 |
| STATE FUNDS: | \$ 0.00 | AVAILABLE TO TRANSFER: | \$ 0.00 |
| FEDERAL FUNDS: | \$ 0.00 | IN CONTINGENCY: | \$ 0.00 |
| OTHER SOURCES: | \$ 0.00 | FUNDING ACCOUNT/FUND #/CIP: | |
| TOTAL | \$ 0.00 | | |

FISCAL IMPACT STATEMENT:

Not Applicable

ADDITIONAL INFORMATION:

SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- ☐ Department
- ☒ City Clerk's Office
- ☒ Document to be recorded
- ☐ Document to be codified

| | |
|--|---------------------|
| Acting City Administrator: John D. Simonton | Date: 12/08/2025 |
| Reviewed by City Attorney: Richard W. Files | Date: 12/04/2025 |

RESOLUTION NO. R2025-104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND APPROVING THE EXECUTION OF A PREANNEXATION DEVELOPMENT AGREEMENT WITH MARCOS L. ORDUNO AND VIVIANA GALVAN VARGAS FOR ASSESSOR PARCEL NUMBER 696-29-010 LOCATED AT 3101 S. AVENUE 3E

WHEREAS, the City of Yuma (City) is authorized under Arizona Revised Statutes Section 9-500.05 to enter into development agreements with owners of real property situated in unincorporated lands; and,

WHEREAS, the owners of certain real property identified as APN 696-29-010 (the Property) desire to annex the Property into the municipal boundaries of the City, but the Property does not meet the statutory annexation requirements at this time; and,

WHEREAS, the City adopted its General Plan in 2022, and the use and development of the Property is consistent with the goals and objectives of the City of Yuma General Plan, as amended; and,

WHEREAS, the Property is located in unincorporated land that is territory desired by the City to be annexed into the boundaries of the City; and,

WHEREAS, the Property owners desire certain assurances and commitments from the City prior to and upon annexation of the Property into the City.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: The Preannexation Development Agreement between Marcos L. Orduno and Viviana Galvan Vargas and the City of Yuma, attached as Exhibit A and incorporated as part of this resolution by reference, is approved according to its terms.

SECTION 2: The City Administrator is authorized and directed to execute the attached Preannexation Development Agreement on behalf of the City of Yuma and to record the Preannexation Development Agreement in the Official Records of the Yuma County Recorder.

Adopted this _____ day of _____ 2025.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

**EXHIBIT A
RESOLUTION NO. R2025-104**

PREANNEXATION DEVELOPMENT AGREEMENT

This PREANNEXATION DEVELOPMENT AGREEMENT (“Agreement”), made and entered into pursuant to Arizona Revised Statutes (A.R.S.) § 9-500.05, is by and between Marcos L. Orduno and Viviana Galvan Vargas (“Owner”), as the owner of the real property identified as APN 696-29-010, more particularly described and depicted in **Exhibit 1** attached and incorporated by reference (the “Property”), and the City of Yuma (“City”), an Arizona municipal corporation. Owner and City shall be referred to collectively as the “Parties” and individually as a “Party.”

RECITALS

WHEREAS, the City adopted its General Plan in 2022, and the use and development of the Property is consistent with and conforms to the goals and objectives of the City of Yuma General Plan, as amended; and,

WHEREAS, the Owners desire to annex the Property into the City limits and seeks certain assurances and commitments from the City following annexation; and,

WHEREAS, the Parties have entered into this Agreement to provide for the annexation and City of Yuma water service upon the terms and conditions described in this Agreement.

NOW THEREFORE, in consideration of the above recitals, the Parties agree as follows:

1. Development Agreement. This Agreement, together with all attached exhibits, is a Development Agreement within the meaning of Arizona Revised Statutes § 9-500.05. On the condition that all of the terms and covenants of this Agreement are complied with in a prompt and timely manner, this Agreement shall also constitute a contractual commitment of the City to furnish water service to the Property outside of the City’s municipal boundaries pursuant to *Yuma Valley Land Co., LLC. v City of Yuma*, 227 Ariz. 28 (2011).
2. Term. In consideration of the City’s commitment to furnish water service and, if sanitary sewer service should become available in the City’s normal course of construction, sanitary sewer service to any existing or future buildings on the Property, it is the intent of the Parties that this Agreement will commence and become operative on the date of its execution (the “Effective Date”), and terminate when the obligations of the Parties with respect to annexation are fully complied with, or the Parties mutually provide for termination in writing, whichever occurs first. Normal course of construction shall be interpreted to mean when such sanitary sewer service is available in the City’s absolute discretion and on the City’s schedule. In accordance with the Parties’ intent, the furnishing of water service shall begin on the Effective Date, either prior to or after annexation.
3. Annexation. Owner agrees to petition for and hereby consents to annexation of the Property into the City of Yuma pursuant to A.R.S. § 9-471. Owner’s agreement to annex shall operate as a covenant upon the Property, and upon recording this Preannexation Development Agreement, such covenant shall run with the land and with title to the Property until annexation is complete and no longer subject to referendum or appeal.

3.1. Owner and any subsequent owners of the Property agree that within ten (10) days of written request by an authorized representative of the City of Yuma, Owner or any subsequent owners or Owner’s successors will sign an annexation petition seeking to annex the entire Property into the City of Yuma

municipal boundaries. Upon receipt of the signed annexation petition, the City agrees to proceed with the annexation procedures established in the provisions of A.R.S. § 9-471 *et seq.* and, if determined to be in the best interest of the City, adopt the final ordinance annexing the property into the City of Yuma corporate limits.

3.2. Upon annexation of the Property, City staff will bring forward to City Council a request for rezoning the Property to a zoning district in the City's Zoning Code that is consistent with A.R.S. § 9-471 (L) which will permit densities and uses no greater than those permitted by Yuma County immediately before annexation.

4. Development Standards. The development and use of the Property shall be subject to all City, county, state and federal laws, regulations, rules, policies, and fees in effect at the time of development ("Applicable Laws").

5. City of Yuma Development Fees and Water and Sewer Capacity Charges. A material consideration for the Parties' willingness to enter into this Agreement is to make City utility service available to the Property on the same terms and conditions as any other development within the City. To accomplish this, beginning on the Effective Date, any development and use of the Property shall require the payment to the City of all City of Yuma Development Fees for any new construction (defined as any building construction commenced within two years prior to or any time after the Effective Date), including the streets facilities development fee, the police facilities development fee, the fire facilities development fee, the general government facilities development fee, water and sanitary sewer capacity and connection charges, water system development charges, sanitary sewer interceptor charge, any water or sewer payback amounts, and a payment to the City in lieu of tax ("PILOT") on any new construction that would otherwise have been due to the City if the building permit had been issued and the construction had occurred after annexation, equivalent to 1.7% of 65% of the total construction cost. Payment of all capacity, PILOT and development fees to the City under this Section 5 shall be made prior to City issuance of any water meter, connection to City water and/or sewer, or issuance of a City building permit. In order to calculate the PILOT, Owner shall require each contractor and subcontractor having taxable activities in connection with development of the Property furnish the City with a worksheet showing all gross income received by them for the construction. If Owner provides satisfactory documentation showing that the City tax on construction has already been paid, no payment in lieu of City taxes on construction shall be due. Until such time as annexation is complete, Owner and City acknowledge that Sanitation (solid waste), Emergency Medical Service, Police, and Emergency Fire Response to the Property shall be through a Yuma County provider, but that upon annexation, such services shall be provided by the City of Yuma in accordance with Applicable Laws. Upon Owner's execution of this Agreement, prior to or upon annexation of the Property, water service to the Property shall be available in accordance with Applicable Laws and the terms of this Agreement. Monthly water and any sanitary sewer service charges shall be paid in accordance with and governed by the City of Yuma Utility Regulations.

6. Additional Requirements. Prior to conveyance or transfer of any portion of the Property to a third party or the issuance of any water meter, fire service (water) connection, sewer connection, or any other permit for the Property, Owner shall record against title to the Property, utilizing the City's standard forms for such matters:

6.1 Avigation and Range Disclosure, Easement and Waiver. As a covenant and condition to entering into this Agreement, before conveying or transferring any portion of the Property, Owner agrees to disclose that the subject property is located in the vicinity of Yuma County International Airport and the U.S. Marine Corps Air Station, both of which may result in aircraft overflight, vibrations and related noise as may be inherent in the operation of aircraft now known or used for flying within navigable airspace. This disclosure obligation shall survive the termination of this agreement, shall run with the land, and shall be

binding on all successors, assigns and future owners of the Property.

6.2 Encroachment and Right-of-Way Permits and Licenses Required. Owner acknowledges and agrees that any work performed in the public right-of-way, or the construction, installation or maintenance of any facility or other improvement in the public right-of-way requires a permit, license, franchise, or similar authorization issued by the controlling agency (the “Permitting Agency”) through the Permitting Agency’s normal and customary process for such issuance. Owner further acknowledges and agrees that City approval of any Site Plan or Plat over all or any portion of the Property does not constitute authorization for work or improvements in the public rights-of-way or any grant or waiver of any permitting requirements of the Permitting Agency. Owner shall meet all permitting requirements of the Permitting Agency, and shall obtain all necessary permits prior to commencing such work or improvements in the public rights-of-way.

7. Construction and Dedication of Improvements. Any public improvements required for development of the Property shall be designed, constructed, and dedicated in accordance with Applicable Laws, including, without limitation, City’s normal plan submittal, review and approval processes, day-to-day inspection requirements, insurance requirements, and financial assurance requirements. Owner’s construction and installation of public improvements shall occur within the timeframes specified under Applicable Laws.

8. Utility Services. The City acknowledges that the property is within the City of Yuma potable water service area, as approved by Yuma County. Upon application to the State of Arizona, Department of Environmental Quality, for a Notice of Intent, the City will issue the appropriate “Authorization to Connect to Public Water Service” letter for water service provided that Subsection 8.3 is complied with.

8.1 Assignment of Water Rights. Owner and any subsequent owners shall sign an application or otherwise fully cooperate with the City to convert, transfer, or assign any water or water delivery entitlements associated with the Property to the City.

8.2 Non-Potable Water. Nothing contained in this Agreement shall be construed as obligating Owner to accept City water services for any non-potable water demand on the Property, provided that such non-potable water demand is served by the appropriate irrigation district.

8.3 Septic System. If Owner has obtained permitting and installed a septic system pursuant to County of Yuma regulations the requirements of this Agreement shall not be interpreted to require the Property to connect to City sanitary sewer service until such time as Sanitary Sewer Service is available (at the City’s absolute and discretionary schedule) and the existing septic tank system is declared unserviceable as defined in City of Yuma Utility Regulations, as amended, or the Parties agree that such a connection shall be made. Any such connection to a future City of Yuma Sanitary Sewer Service line shall be at Owner’s sole cost for design, permitting, capacity charges and construction, and shall require City approval prior to permitting.

9. City and Owner Cooperation.

9.1 Cooperation in Development Approvals. Subject to the terms of this Agreement and compliance with Applicable Laws including without limitation City’s compliance with all required notice and public hearing requirements, City and Owner will cooperate reasonably in processing the approval or issuance of any permits, plans, specifications, plats or other development approvals requested by Owner in connection with development of the Property. If developed in Yuma County, written City approval of all such permits, plans, specifications, plats or other development approvals shall be required.

9.2 Annexation requests. City agrees that City staff will support any annexation request by Owner

for the Property that is consistent with this Agreement, the General Plan, and Applicable Laws.

10. Notice. Except as otherwise required by law, any notice, demand or other communication given under this Agreement shall be in writing and shall be given by personal delivery or be sent by certified or registered U.S. Mail, return receipt requested, addressed to the Parties at their respective addresses set forth below, or at such other address as a Party may designate in writing pursuant to the terms of this paragraph, or by electronic mail, facsimile machine or by any nationally recognized express or overnight delivery service (e.g., Federal Express or UPS), with all postage and other delivery charges prepaid:

To City:
City Administrator
One City Plaza
Yuma, Arizona 85364-1436

To Owners:
Marcos L. Orduno and Viviana Galvan Vargas
1705 S. Athens Avenue
Yuma, AZ 85654

All such notices, demands or other communications will (i) if delivered personally or delivered through a same day delivery/courier service be deemed effective upon delivery or refusal to accept delivery by the addressee, and (ii) if delivered by U.S. mail in the manner described above be deemed effective upon the earlier of receipt or three (3) business days after deposit in a post office operated by the United States or with a United States postal officer (in each case regardless of whether such notice, demand or other communication is received by any other person to whom a copy of such notice, demand or other communication is to be delivered pursuant to this paragraph). Any notice sent by a recognized national overnight delivery service shall be deemed effective one (1) business day after deposit with such service. Any notice sent by email or facsimile machine shall be deemed effective upon confirmation of the successful transmission by the sender's electronic mail system or facsimile machine. Notwithstanding the foregoing, no payment shall be deemed to be made until actually received in good and available funds by the intended payee.

11. Default. If either Party defaults (the "Defaulting Party") with respect to any of such Party's obligations, then the other Party (the "Non-Defaulting Party") shall give written notice in the manner described in Section 10 above to the Defaulting Party. The notice shall state the nature of the default claimed and make demand that such default be corrected. The Defaulting Party shall then have:

- a. twenty (20) days from the date of receipt of such notice within which to correct such default if it can be reasonably corrected by the payment of money, or
- b. sixty (60) days from the date of receipt of such notice to cure such default if action other than payment of money is reasonably required, or
- c. if any such non-monetary default cannot reasonably be cured within sixty (60) days for reasons beyond its control (financial inability, construction delays and market conditions excepted), then such longer period as may be reasonably required, provided and so long as such cure is promptly commenced within such period and diligently prosecuted to completion.

11.1 Remedies. If the default is not corrected within the time periods described in Section 11 above, the Non-Defaulting Party shall have all remedies available to it at law or in equity, subject to the limitations set forth herein. Owner or City, or any successor-in-interest or assignee, may institute a legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation, including but not limited to suits for declaratory relief, specific performance, relief in the nature of mandamus and actions for damages, provided that claims for damages shall be limited to actual damages as of the time of entry of judgment. The Parties hereby waive any right to seek consequential,

punitive, multiple, exemplary or any damages other than actual damages.

11.2 Delays; Waivers. Except as otherwise expressly provided in this Agreement, any delay by any Party in asserting any right or remedy under this Agreement shall not operate as a waiver of any such rights or limit such rights in any way; and any waiver in fact made by such Party with respect to any default by the other Party shall not be considered as a waiver of rights with respect to any other default by the Non-Defaulting Party or with respect to the particular default except to the extent specifically waived in writing. It is the intent of the Parties that this provision will enable each Party to avoid the risk of being limited in the exercise of any right or remedy provided in this Agreement by waiver, laches or otherwise at a time when it may still hope to resolve the problems created by the default involved.

11.3 Rights and Remedies Cumulative. The rights and remedies of the Parties are cumulative, and the exercise by either Party of any one or more of such rights shall not preclude the exercise by it, at the same or different times, of any other right or remedy for any other default by the other Party.

12. Owner Representations. Owner represents and warrants that:

- a. Owner has the full right, power and authorization to enter into and perform this Agreement and the obligations and undertakings of Owner under this Agreement, and the execution, delivery and performance of this Agreement by Owner has been duly authorized, agreed to, and is in compliance with any organizational documents of Owner.
- b. All consents and approvals necessary to the execution, delivery and performance of this Agreement have been obtained, and no further action needs to be taken in connection with such execution, delivery and performance.
- c. Owner will execute and acknowledge when appropriate all documents and instruments and take all actions necessary to implement, evidence and enforce this Agreement.
- d. As of the date of this Agreement, Owner knows of no litigation, proceeding or investigation pending or threatened against or affecting Owner, which could have a material adverse effect on Owner's performance under this Agreement that has not been disclosed in writing to City.
- e. This Agreement (and each undertaking of Owner contained herein) constitutes a valid, binding and enforceable obligation of Owner according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditors' rights and by equitable principles, whether considered at law or in equity.
- f. The execution, delivery and performance of this Agreement by Owner is not prohibited by, and does not conflict with, any other agreements, instruments, judgments or decrees to which Owner is a party or to which owner is otherwise subject.
- g. Owner has not paid or given, and will not pay or give, any third party any money or other consideration for obtaining this Agreement other than normal costs of conducting business and costs of professional services such as the services of architects.
- h. Owner has had opportunity for independent legal review of this Agreement by counsel of its choosing prior to the execution hereof.

13. City Representations. City represents and warrants to Owner that:

- a. City has the right, power and authorization to enter into and perform this Agreement and each of City's obligations and undertakings under this Agreement, and City's execution, delivery and performance of this Agreement have been duly authorized and agreed to in compliance with the requirements of the Yuma City Charter and the Yuma City Code.
- b. All consents and approvals necessary to the execution, delivery and performance of this Agreement have been obtained, and no further action needs to be taken in connection with such execution, delivery and performance.
- c. City will execute and acknowledge when appropriate all documents and instruments and take all actions necessary to implement, evidence and enforce this Agreement.
- d. City knows of no litigation, proceeding, initiative, referendum, investigation or threat of any of the same contesting the powers of City or its officials with respect to this Agreement that has not been disclosed in writing to Owner.
- e. This Agreement (and each undertaking of City contained herein), constitutes a valid, binding and enforceable obligation of City, enforceable according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditor's rights and by equitable principles, whether considered at law or in equity.
- f. The execution, delivery and performance of this Agreement by City is not prohibited by, and does not conflict with, any other agreements, instruments or judgments or decrees to which City is a party or is otherwise subject.
- g. City has been assisted by counsel of its own choosing in connection with the preparation and execution of this Agreement.

14. Rights of Lenders. Financing or refinancing for acquisition, development and/or construction of the Property and/or improvements may be provided, in whole or in part, from time to time, by one or more Third Parties (individually a "Lender", and collectively the "Lenders"). If a Lender is permitted, under the terms of a non-disturbance agreement with City to cure the event of default and/or to assume Owner's position with respect to this Agreement, City agrees to recognize such rights of the Lender and to otherwise permit the Lender to assume all of the rights and obligations of Owner under this Agreement.

15. Successors and Assigns. All of the provisions of this Agreement shall inure to the benefit of and be binding upon the successors in interest and assigns of each of the Parties pursuant to A.R.S. § 9-500.05D and will run with the land during the Term of the Agreement as defined in Section 2.

16. Attorneys' Fees. In the event of commencement of a legal action in an appropriate forum by a Party to enforce any covenant or any of such Party's rights or remedies under this Agreement, including any action for declaratory or equitable relief, the prevailing Party in any such action shall be entitled to reimbursement of its reasonable attorneys' fees and court costs, including, but not limited to, its costs of expert witnesses, transportation, lodging and meal costs of the Party and witnesses, costs of transcript preparation and other reasonable and necessary direct and incidental costs of such dispute.

17. Miscellaneous.

17.1 Governing Law; Choice of Forum. This Agreement shall be deemed to be made under, shall be construed in accordance with, and shall be governed by the internal, substantive laws of the State of Arizona (without reference to conflict of law principles). Any action brought to interpret, enforce or construe any provision of this Agreement shall be commenced and maintained in the Superior Court of the State of Arizona in and for the County of Yuma (or, as may be appropriate, in the Justice Courts of Yuma County, Arizona, or in the United States District Court for the District of Arizona at the John M. Roll United States Courthouse, if, but only if, the Superior Court lacks or declines jurisdiction over such action). The Parties irrevocably consent to jurisdiction and venue in such courts for such purposes and agree not to seek transfer or removal of any action commenced in accordance with the terms of this Section 17.1.

17.2 A.R.S. § 38-511. Notice is hereby given of the applicability of A.R.S. § 38-511.

17.3 Integration. This Agreement contains the entire agreement between the Parties, and no oral or written statements, promises, or inducements made by either Party, or its agents not contained or specifically referred to in this Agreement is valid or binding.

17.4 Recordation. Upon receipt of the recording fee from Owner, the City shall record a copy of this Agreement no later than ten (10) days from date of entering into this Agreement pursuant to A.R.S. § 9-500.05.

17.5 Estoppel Certificate. The Parties agree that, upon not less than twenty one (21) business days prior written request from a Party to this Agreement, a requested Party shall execute, acknowledge and deliver to the Party making such request a written statement certifying to the current status of the Agreement, including whether or not, the requested Party has actual knowledge that any Party is in default of any obligation or duty set forth in this Agreement. Any such certificate may be relied on by a prospective purchaser of any lot within the Property, or any prospective Lender.

17.6 Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together constitute one and the same instrument. The signature pages from one or more counterparts may be removed from such counterparts and such signature pages all attached to a single instrument so that the signatures of all Parties may be physically attached to a single document.

17.7 Headings. The descriptive headings of the Sections of this Agreement are inserted for convenience only and shall not control or affect the meaning of construction of any of the provisions hereof.

17.8 Exhibits and Recitals. Any exhibit attached to this Agreement shall be deemed to have been incorporated into this Agreement by this reference with the same force and effect as if fully set forth in the body of the Agreement. The Recitals set forth at the beginning of this Agreement are acknowledged and incorporated and the Parties confirm the accuracy each Recital.

17.9 Further Acts. Each Party agrees to perform such other and further acts and to execute and deliver such additional agreements, documents, affidavits, certifications, acknowledgments and instruments as any other Party may reasonably require to consummate, evidence, confirm or carry out the matters contemplated by this Agreement or confirm the status of (i) this Agreement as in full force and effect, and (ii) the performance of the obligations hereunder at any time.

17.10 Time is of the Essence. Time is of the essence in implementing the terms of this Agreement.

17.11 No Partnerships; Third Parties. It is not intended by this Agreement to, and nothing contained

in this Agreement shall, create any partnership, joint venture or other arrangement between the Parties. No term or provision of this Agreement is intended to, or shall, be for the benefit of any person or entity not a Party hereto, and no such other person or entity shall have any right or cause of action under this Agreement, except for transferees or assignees to the extent that they assume or succeed to the rights and/or obligations of Owner under this Agreement or such rights and duties described as running with title to the land.

17.12 Amendment. No change or addition is to be made to this Agreement except by written amendment executed by City and Owner. Within ten (10) days after any amendment to this Agreement, such amendment shall be recorded in the Official Records of Yuma County, Arizona.

17.13 Severability. If any provision of this Agreement is declared void or unenforceable, such provision shall be severed from this Agreement, which shall otherwise remain in full force and effect. If any applicable law or court of competent jurisdiction prohibits or excuses City or Owner from undertaking any contractual commitment to perform under any provision hereunder, the remaining portions of this Agreement shall remain in full force and effect, and the Parties will negotiate diligently in good faith for such amendments of this Agreement as may be necessary to achieve the original intent of this Agreement, notwithstanding such invalidity or unenforceability.

17.14 Business Days. If the last day of any time period stated in this Agreement or the date on which any obligation to be performed under this Agreement shall fall on a Saturday, Sunday or legal holiday, then the duration of such time period or the date of performance, as applicable, shall be extended so that it shall end on the next succeeding day which is not a Saturday, Sunday or legal holiday.

17.15 Individual Nonliability/Damages. No City Council member, official, representative, agent, attorney or employee shall be personally liable to any of the other Parties hereto, or to any successor in interest to such Parties, in the event of any default or breach by City or for any amount which may become due to a Party or its successor, or with respect to any obligation of City under the terms of this Agreement. Notwithstanding anything contained in this Agreement to the contrary, the liability of Owner shall be limited to the Property and any improvements thereon, and shall not extend to or be enforceable against the individual assets of any member, officer, or trustee of Owner.

17.16 Proposition 207 Waiver. Owner hereby waives and releases City from any and all claims under Arizona Revised Statutes § 12-1134, et seq., including any right to compensation for reduction to the fair market value of the Property or any portion thereof, as a result of City's approval or failure to approve this Agreement, the Annexation Ordinance, or adoption or failure to adopt the zoning designation, and all related annexation, zoning, land use, building and development matters arising from, relating to, or reasonably inferable from this Agreement, including the approval, rejection or imposition of conditions or stipulations upon the approval of the zoning designation. The terms of this waiver shall run with the land and shall be binding upon all subsequent landowners, assignees, lessees and other successors, and shall survive the expiration or earlier termination of this Agreement.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the Parties have executed this Agreement through their authorized representatives.

Dated this _____ day of _____, 2025.

CITY:
CITY OF YUMA

OWNER:
Marcos L. Orduno

By _____
John D. Simonton
Acting City Administrator

By _____
Marcos L. Orduno
Property Owner

OWNER:
Viviana Galvan Vargas

By _____
Viviana Galvan Vargas
Property Owner

ATTEST:

By _____
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

By _____
Richard W. Files
City Attorney

ACKNOWLEDGEMENTS

State of Arizona)
) ss
County of Yuma)

The foregoing instrument was acknowledged before me this ____ day of _____, 2025 by Marcos L. Orduno.

NOTARY PUBLIC

COMMISSION EXPIRATION:

State of Arizona)
) ss
County of Yuma)

The foregoing instrument was acknowledged before me this ____ day of _____, 2025 by Viviana Galvan Vargas.

NOTARY PUBLIC

COMMISSION EXPIRATION:

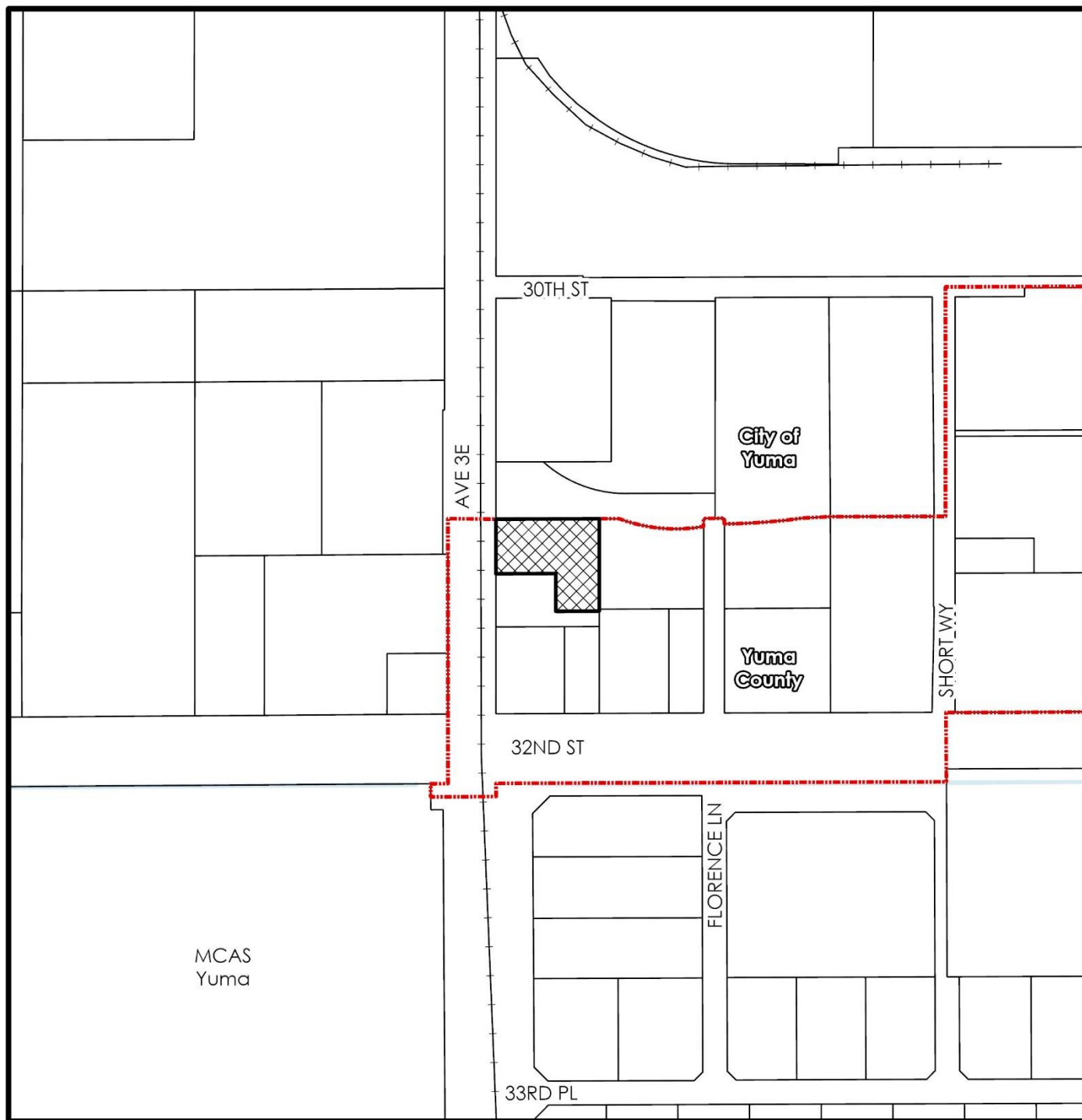
EXHIBIT 1

Legal Description and Depiction of Property for APN 696-29-010

A portion of the West half of the Southwest quarter of the Southwest quarter of the Southwest quarter ($W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$) of Section 1, Township 9 South, Range 23 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona, and more particularly described as follows:

The East 126 feet of the North 264.5 feet of the said $W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$ of Section 1; EXCEPT the West 1 foot of the South 5 feet thereof; AND, the West 205.5 feet of the North 156 feet of said $W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$ of Section 1; EXCEPT the West 33 feet thereof.

Containing 60,167 square feet or 1.381 Acres, more or less.



LOCATION MAP



LOCATION OF SUBJECT PROPERTY
3101 S AVE 3E (APN: 696-29-010)



Prepared by: DG

Checked by: EP

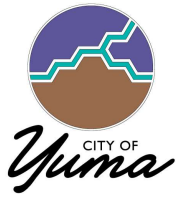


Date: 11/20/2025

Revised:

Case #:

AGR-44641-2025



City of Yuma

City Council Report

File #: O2025-049

Agenda Date: 12/3/2025

Agenda #: 1.

| DEPARTMENT: | STRATEGIC OUTCOMES | ACTION |
|-------------------------------------|---|--|
| Community Development | <input type="checkbox"/> Safe & Prosperous | <input type="checkbox"/> Motion |
| | <input type="checkbox"/> Active & Appealing | <input type="checkbox"/> Resolution |
| DIVISION: | <input checked="" type="checkbox"/> Respected & Responsible | <input type="checkbox"/> Ordinance - Introduction |
| Neighborhood & Economic Development | <input type="checkbox"/> Connected & Engaged | <input checked="" type="checkbox"/> Ordinance - Adoption |
| | <input type="checkbox"/> Unique & Creative | <input type="checkbox"/> Public Hearing |

TITLE:

Real Property Sale: Lots 2, 5, 10, 11, 12 and 13 of the Pivot Point Yuma Subdivision

SUMMARY RECOMMENDATION:

Declare six parcels of real property located in the Pivot Point Yuma Subdivision surplus and authorize sale through a competitive process. (Community Development/ Neighborhood and Economic Development) (Cynthia Blot)

STRATEGIC OUTCOME:

This action supports City Council's strategic outcome of Respected and Responsible as the sale of certain City-owned real property creates opportunities for future development.

REPORT:

The City owns vacant parcels located in the Pivot Point subdivision: Lots 2, 5, 10, 11, 12 and 13. The parcels will be offered for sale to the public utilizing a project-based request for proposal (RFP) or other competitive process, each parcel or parcels subject to a real property sale and development agreement to be approved by City Council resolution. The agreement will include the terms relating to the timing of development and other development requirements, as well as the purchase price and closing instructions. The described parcels are shown on the attached location map.

General Plan Conformity Reports will be prepared for the parcel to confirm the proposed uses of the parcels are in conformance with the City's General Plan. The RFP or other competitive process will allow City Council to base its award decision on the project most suitable to the downtown development.

The attached proposed ordinance declares Lots 2, 5, 10, 11, 12 and 13 of the Pivot Point Yuma subdivision surplus and authorizes City staff to issue Request For Proposal(s) or other competitive process for the sale of the described properties.

FISCAL REQUIREMENTS:

| | | | |
|----------------|---------|-----------------------------|---------|
| CITY FUNDS: | \$ 0.00 | BUDGETED: | \$ 0.00 |
| STATE FUNDS: | \$ 0.00 | AVAILABLE TO TRANSFER: | \$ 0.00 |
| FEDERAL FUNDS: | \$ 0.00 | IN CONTINGENCY: | \$ 0.00 |
| OTHER SOURCES: | \$ 0.00 | FUNDING ACCOUNT/FUND #/CIP: | |
| TOTAL | \$ 0.00 | | |

FISCAL IMPACT STATEMENT:

The City would receive a one-time revenue of the purchase price of each parcel and revenue increase associated with property tax collections. The City will also realize cost savings by no longer maintaining or insuring the parcels.

ADDITIONAL INFORMATION:

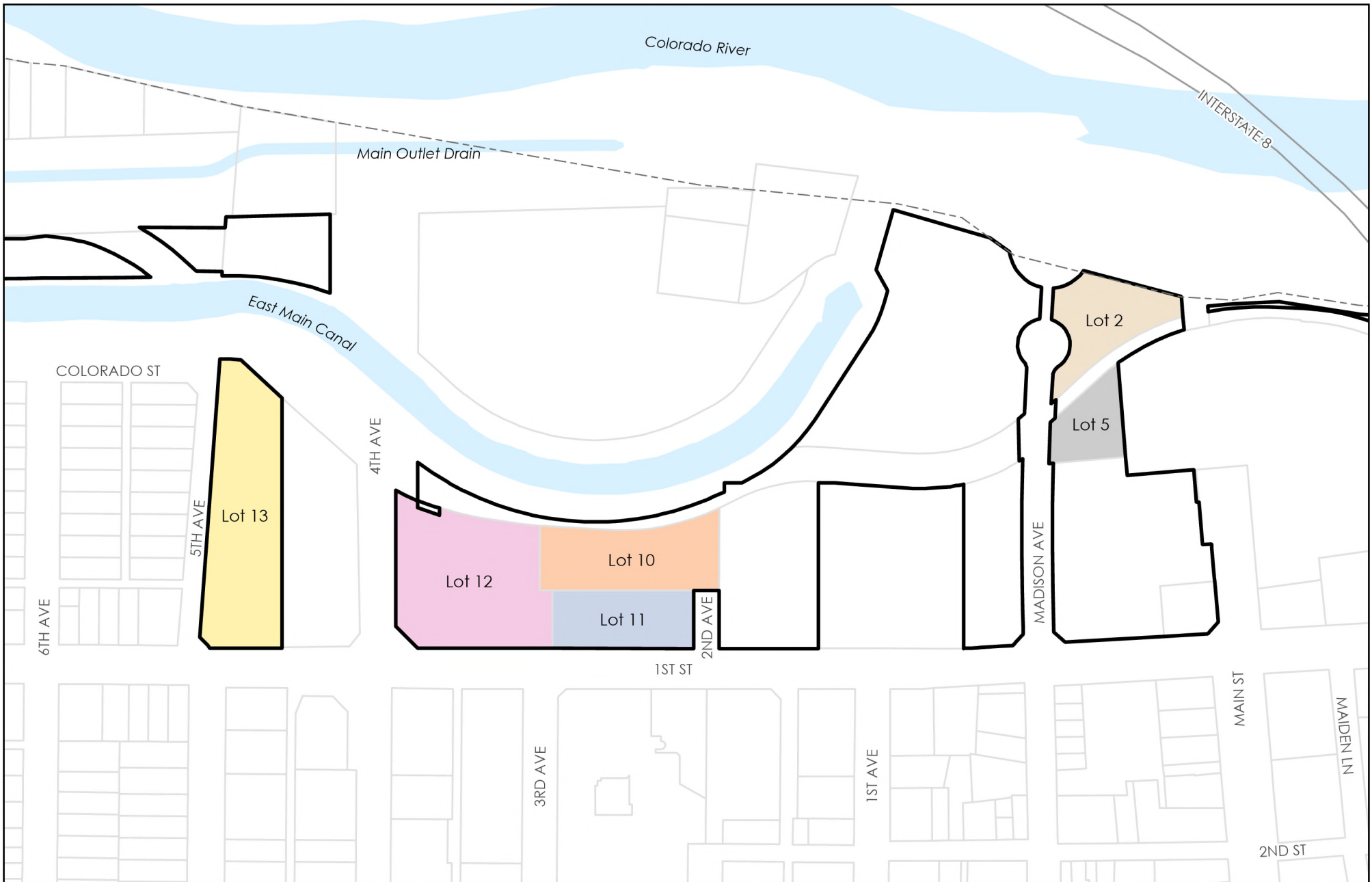
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- ☐ Department
- ☒ City Clerk's Office
- ☐ Document to be recorded
- ☐ Document to be codified

| | |
|--|---------------------|
| Acting City Administrator: John D. Simonton | Date: 11/25/2025 |
| Reviewed by City Attorney: Richard W. Files | Date: 11/24/2025 |

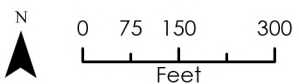


- Pivot Point Yuma Subdivision
- Parcel Boundary
- City of Yuma

Subject Properties

- | | |
|---|---|
| Lot 2 | Lot 11 |
| Lot 5 | Lot 12 |
| Lot 10 | Lot 13 |

Pivot Point Yuma Subdivision Lots 2, 5, 10, 11, 12, and 13



ORDINANCE NO. O2025-049

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA, DECLARING CERTAIN CITY-OWNED REAL PROPERTY,
HEREAFTER DESCRIBED, SURPLUS FOR CITY USE, AND
AUTHORIZING THE SALE OF THE SURPLUS PROPERTY THROUGH
A COMPETITIVE PROCESS**

WHEREAS, the City of Yuma (City) is authorized, pursuant to the City Charter, Article III, Section 2, to acquire and dispose of real property; and,

WHEREAS, the City acquired certain real property for commercial development and other public purposes and has no further public use for the remainder of the property; and,

WHEREAS, the parcels of real property described in Exhibits A-F can be returned through a competitive process to private ownership and placed on the property tax roll as a productive use within the City.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: The parcels of real property described in Exhibits A-F, attached and by this reference made a part of this Ordinance, are declared surplus for use by the City and the sale of the surplus property serves the public interest of the City and would be of public benefit.

SECTION 2: City staff is authorized and directed to perform all acts necessary to effectuate the sale, lease or exchange of the City Property through the use of a Request For Proposal or other competitive process, with award of the sale documented in a real property sale and disposition agreement approved by City Council that, among other things, includes conditions relating to the timing of development of the surplus parcel(s), the annexation of the surplus parcel(s), and other development related considerations, all in accordance with the conditions of this ordinance.

SECTION 3: The City Administrator is authorized to execute all necessary documents to facilitate the sale and transfer of the City surplus property identified in Exhibits A-F.

Adopted this ____ day of _____, 2025.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney

Exhibit A to Ordinance No. O2025-XXX

Legal Description
APN: 633-35-067

A portion of Section 35, Township 16 South, Range 22 East of the San Bernardino Base and Meridian, City of Yuma, Yuma County, State of Arizona, and more particularly described as follows:

Lot 10 of the Pivot Point Yuma subdivision, dated 12/17/2013, Fee # 2013-33774, recorded in Book 26 of Plats, pages 92 through 96, Yuma County Records.

Containing 61,069 square feet or 1.4019 acres, more or less.

| | |
|-----------------------------|-----------------------|
| Description Verified By: | <i>Andrew McGawie</i> |
| City Engineering Department | Date: 11/20/2025 |

Exhibit B to Ordinance No. O2025-XXX

Legal Description
APN: 633-35-068

A portion of Section 35, Township 16 South, Range 22 East of the San Bernardino Base and Meridian, City of Yuma, Yuma County, State of Arizona, and more particularly described as follows:

Lot 11 of the Pivot Point Yuma subdivision, dated 12/17/2013, Fee # 2013-33774, recorded in Book 26 of Plats, pages 92 through 96, Yuma County Records.

Containing 42,797 square feet or 0.9825 of an acre, more or less.

| | |
|-----------------------------|-----------------------|
| Description Verified By: | <i>Andrew McGawie</i> |
| City Engineering Department | Date: 11/20/2025 |

Exhibit C to Ordinance No. O2025-XXX

Legal Description
APN: 633-35-069

A portion of Section 35, Township 16 South, Range 22 East of the San Bernardino Base and Meridian, City of Yuma, Yuma County, State of Arizona, and more particularly described as follows:

Lot 12 of the Pivot Point Yuma subdivision, dated 12/17/2013, Fee # 2013-33774, recorded in Book 26 of Plats, pages 92 through 96, Yuma County Records.

Containing 103,762 square feet or 2.3821 acres, more or less.

| | |
|-----------------------------|-----------------------|
| Description Verified By: | <i>Andrew McGawie</i> |
| City Engineering Department | Date: 11/20/2025 |

Exhibit D to Ordinance No. 0205-XXX

Legal Description
APN:633-34-063

A portion of Section 35, Township 16 South, Range 22 East of the San Bernardino Base and Meridian, City of Yuma, Yuma County, State of Arizona, and more particularly described as follows:

Lot 13, Pivot Point Yuma subdivision, dated 12/17/2013, Fee # 2013-33774, Recorded in Book 26 of Plats, Pages 92 through 96, Yuma County Records.

Containing 104,956 square feet or 2.4095 acres, more or less.

| | |
|-----------------------------|------------------------|
| Description Verified By: | <i>Andrew McGarvie</i> |
| City Engineering Department | Date: 11/20/2025 |

Exhibit E to Ordinance No. 0205-XXX

Legal Description
APN: 633-36-235

A portion of Section 35, Township 16 South, Range 22 East of the San Bernardino Base and Meridian, City of Yuma, Yuma County, State of Arizona, and more particularly described as follows:

Lot 2 Pivot Point Yuma subdivision, dated 12/17/2013, Fee # 2013-33774, Recorded in Book 26 of Plats, Pages 92 through 96, Yuma County Records.

Containing 43,055 square feet or 0.9884 of an acre, more or less.

| | |
|-----------------------------|------------------------|
| Description Verified By: | <i>Andrew McGarvie</i> |
| City Engineering Department | Date: 11/20/2025 |

Exhibit F to Ordinance No. 0205-XXX

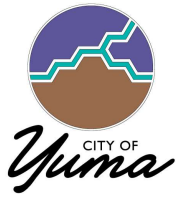
Legal Description
APN: 633-36-257

A portion of Section 35, Township 16 South, Range 22 East of the San Bernardino Base and Meridian, City of Yuma, Yuma County, State of Arizona, and more particularly described as follows:

Lot 5 of the Pivot Point Yuma subdivision, dated 12/17/2013, Fee # 2013-33774, Recorded in Book 26 of Plats, Pages 92 through 96, Yuma County Records.

Containing 26,514 square feet or 0.6087 of an acre, more or less.

| | |
|-----------------------------|------------------------|
| Description Verified By: | <i>Andrew McGarvie</i> |
| City Engineering Department | Date: 11/20/2025 |



City of Yuma

City Council Report

File #: O2025-051

Agenda Date: 12/3/2025

Agenda #: 2.

| DEPARTMENT: | STRATEGIC OUTCOMES | ACTION |
|-----------------------|---|--|
| Community Development | <input type="checkbox"/> Safe & Prosperous | <input type="checkbox"/> Motion |
| | <input type="checkbox"/> Active & Appealing | <input type="checkbox"/> Resolution |
| DIVISION: | <input checked="" type="checkbox"/> Respected & Responsible | <input type="checkbox"/> Ordinance - Introduction |
| Community Planning | <input type="checkbox"/> Connected & Engaged | <input checked="" type="checkbox"/> Ordinance - Adoption |
| | <input type="checkbox"/> Unique & Creative | <input type="checkbox"/> Public Hearing |

TITLE:

Text Amendment: Design Review

SUMMARY RECOMMENDATION:

Amend Title 15, Chapter 154 to authorize administrative personnel to review and approve design review in accordance with HB 2447, and to add rules and regulations regarding the voice or video appearance by a Design and Historic Review Commissioner (Community Development/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

The proposed text amendment will ensure that City regulations reflect recent modifications to the state law, supporting the City Council's strategic outcome of Respected and Responsible.

REPORT:

The purpose of this text amendment is twofold: first, to align the City of Yuma zoning code with recent State of Arizona statute changes for the administrative review and approval of design review applications, and second, allow members of the Design and Historic Review Commission to participate telephonically at meetings, similar to members of the Planning and Zoning Commission.

House Bill 2447, approved by the legislature and signed by the Governor on March 31, 2025, requires by ordinance that cities and towns authorize administrative personnel to review and approve design review plans based on objective standards without a public hearing. Currently for the City of Yuma, design review and approval is under the authority of the Design and Historic Review Commission for projects located within the Aesthetic Overlay District, Historic Overlay District and the Old Town Zoning District.

As required by House Bill 2447, the proposed text amendment removes the review authority for design review within the Aesthetic Overlay District from the Design and Historic Review Commission and places that authority with the Zoning Administrator. The role of the Zoning Administrator is completed by the Director of Community Development or their designee.

The Design and Historic Review Commission will still have a role in design review as the Commission will be the appeal body for decisions by the Zoning Administrator regarding design review within the Aesthetic Overlay District.

This text amendment only applies to projects located within the Aesthetic Overlay District. Under Arizona

Revised Statutes Title 9 Section 462.01.10, cities have the ability to establish districts of historical significance and require special permission be obtained prior to any development for any structures and sites. The Historic Overlay District and the Old Town Zoning District have been established specifically to preserve historic places and structures.

The second part of this text amendment adds the ability of members of the Design and Historic Review Commission to participate in meetings telephonically, similar to members of the Planning and Zoning Commission. This option is allowed by individual Commissioners only twice per calendar year and is only allowed for meetings that are held at the Yuma City Hall.

On October 27, 2025, the Planning and Zoning Commission voted to recommend APPROVAL (5-0) of the request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, to authorize administrative personnel to review and approve design review, and to add rules and regulations regarding the voice or video appearance by a Design and Historic Review Commissioner.

PUBLIC COMMENTS - EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:

QUESTIONS FOR STAFF

None

PUBLIC COMMENT

None

“Motion by Lorraine Arney, Planning and Zoning Commissioner, second by John Mahon, Planning and Zoning Commissioner, to APPROVE ZONE-44497-2025 as presented.

“Motion carried unanimously (5-0), with one absent and one vacancy.”

FISCAL REQUIREMENTS:

| | | | |
|----------------|---------|-----------------------------|---------|
| CITY FUNDS: | \$ 0.00 | BUDGETED: | \$ 0.00 |
| STATE FUNDS: | \$ 0.00 | AVAILABLE TO TRANSFER: | \$ 0.00 |
| FEDERAL FUNDS: | \$ 0.00 | IN CONTINGENCY: | \$ 0.00 |
| OTHER SOURCES: | \$ 0.00 | FUNDING ACCOUNT/FUND #/CIP: | |
| TOTAL | \$ 0.00 | - | |

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

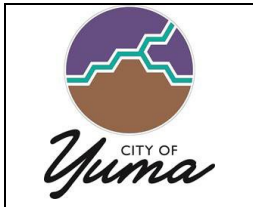
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- ☐ Department
- ☐ City Clerk's Office
- ☐ Document to be recorded
- ☒ Document to be codified

| | |
|--|---------------------|
| Acting City Administrator: John D. Simonton | Date: 11/25/2025 |
| Reviewed by City Attorney: Richard W. Files | Date: 11/24/2025 |



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT
CASE PLANNER: JENNIFER L. ALBERS

Hearing Date October 27, 2025

Case Number: ZONE-44497-2025

Project Description: This is a request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154 to authorize administrative personnel to review and approve design review, and to add rules and regulations regarding the voice or video appearance by a Design and Historic Review Commissioner.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to authorize administrative personnel to review and approve design review, and to add rules and regulations regarding the voice or video appearance by a Design and Historic Review Commissioner.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-44497-2015 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to authorize administrative personnel to review and approve design review, and to add rules and regulations regarding the voice or video appearance by a Design and Historic Review Commissioner.

Staff Analysis: The purpose of this text amendment is twofold: first, to align the City of Yuma zoning code with recent State of Arizona statute changes for the administrative review and approval of design review applications, and second, allow members of the Design and Historic Review Commission to participate telephonically at meetings, similar to members of the Planning and Zoning Commission.

House Bill 2447, approved by the legislature and signed by the Governor on March 31, 2025, requires by ordinance that cities and towns authorize administrative personnel to review and approve design review plans based on objective standards without a public hearing. Currently for the City of Yuma, design review and approval is under the authority of the Design and Historic Review Commission for projects located within the Aesthetic Overlay District, Historic Overlay District and the Old Town Zoning District.

As required by House Bill 2447, the proposed text amendment removes the review authority for design review within the Aesthetic Overlay District from the Design and Historic Review Commission and places that authority with the Zoning Administrator. The role of the Zoning Administrator is completed by the Director of Community Development or their designee.

The Design and Historic Review Commission will still have a role in design review as the Commission will be the appeal body for decisions by the Zoning Administrator regarding design review within the Aesthetic Overlay District.

This text amendment only applies to projects located within the Aesthetic Overlay District. Under Arizona Revised Statutes Title 9 Section 462.01.10, cities have the ability to establish districts of historical significance and require special permission be obtained prior to any development for any structures and sites. The Historic Overlay District and the Old Town Zoning District have been established specifically to preserve historic places and structures.

The second part of this text amendment adds the ability of members of the Design and Historic Review Commission to participate in meetings telephonically, similar to members of the Planning and Zoning Commission. This option is allowed by individual Commissioners only twice per calendar year and is only allowed for meetings that are held at the Yuma City Hall.

1. Does the proposed amendment implement the goals, objectives and policies of the General Plan?

Yes The City of Yuma 2022 General Plan reflects the Visions and Strategic Plan of the City Council for the City. This text amendment supports a Strategic Outcome to be Respected and Responsible as a trusted steward of City Resources and to be relied upon to provide premier services and regional leadership.

2. Does the proposed amendment fit the overall purpose and intent of the zoning ordinance?

Yes This amendment supports the Zoning ordinance and brings the text into alignment with State statute.

3. Will the proposed amendment change the range of uses identified in the zoning code? If so, how?

No

4. Will the proposed text amendment change the development standards of the zoning or subdivision ordinances? If so, how?

No

5. What are the potential impacts of the proposed amendment?

There are no potential negative impacts identified with the proposed text amendment.

6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance?

N/A

7. Does the proposed amendment conform to prior City Council actions regarding this issue?

No This amendment supports City Council's commitment to provide premier services to the Yuma community.

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Attachments:

| A | B |
|------------|---------------------|
| Draft Text | Agency Notification |

Reviewed By: *Jennifer L. Albers*
Jennifer L. Albers
Assistant Director of Planning

Date: 9/23/25

Approved By: *Alyssa Linville*
Alyssa Linville
Director, Planning and Neighborhood Services

Date: 10/16/25

ATTACHMENT A
DRAFT TEXT

SECTION 1: Yuma City Code, Title 15, Chapter 154, Article 2, Section 3 Zoning Administrator be amended to insert the bolded text:

§ 154-02.03 Zoning Administrator.

(A) *Establishment.* Pursuant to A.R.S. § 9-462.05 the Planning Director, also known as Director of Planning, or an authorized deputy acting under his or her direction, shall be the Zoning Administrator.

(B) *Duties.* The Zoning Administrator, or his or her authorized deputy shall be charged with responsibility for enforcement of the zoning ordinance:

(1) Supply information about, and provide interpretations of, this chapter to the public, city departments and other agencies;

(2) Provide advice and assistance to all applicants for zoning actions;

(3) Accomplish all administrative actions required by this chapter; including receiving applications, giving notice of hearings, preparation of reports and processing appeals, **completing design review and approval;**

(4) Enforce the provisions of this chapter pertaining to the erection, construction, moving, reconstruction, conversion, alteration or addition to any building or structure and the use of any land, building or premise;

(5) Inspect buildings, structures and lands as may be necessary or desirable for enforcement of this chapter;

(6) Determine other permitted uses consistent with the purpose of each Zoning District; and

(7) Notwithstanding the procedures set forth in § 154-03.04(D)(1)(a) through (D)(1)(c) for consideration of a variance application, the Zoning Administrator may approve a deviation in development standards and/or dimensional criteria upon the making of the findings required in § 154-03.04(D)(1)(a) through (D)(1)(d), when the following conditions are satisfied:

(a) The application requests a deviation from code not exceeding a 10% reduction or increase of a development standard and/or dimension required by the zoning code; and

(b) The Zoning Administrator determines that the request complies with the four findings of fact required by § 154-03.04(D)(1)(a) through (D)(1)(d).

SECTION 2: Yuma City Code, Title 15, Chapter 154, Article 2, Section 4 Design and Historic Review Commission (DHRC), Subsection (D), be amended to insert the bolded text and delete the strike through text:

(D) *Duties.* The Commission's duties are outlined as follows:

(1) To promote the educational, cultural, economic and general welfare of the community and to ensure the harmonious growth and development of the municipality by encouraging the preservation of historic places and structures, and advancing aesthetic and functionally well-designed projects;

(2) To designate sites and districts of historical significances;

(3) To provide regulatory oversight regarding exterior modifications to all historic structures or sites that are listed or eligible for listing on the National Register of Historic Places and have received the city's Historic (H) District Zoning Overlay, as well as projects within the Aesthetic Overlay District;

(4) ~~To review all project design plans within an Aesthetic Overlay District. Such plans shall be reviewed for compliance with the Aesthetic Overlay Design Guidelines;~~ **Hear and decide appeals of the City Zoning Administrator's decisions on project design plans within the Aesthetic Overlay District;**

(5) To provide regulatory oversight regarding the exterior appearance of any structure (new construction, renovation or alteration) within a recognized Historic District ~~or within the Aesthetic Overlay~~ and areas with specific design requirements;

(6) The Commission shall decide whether a permit should be issued for any demolition, removal, exterior renovation, addition or any other exterior alteration of any historic structure, historic site or any property located within an historic district. The Commission's review of applications for new construction shall be limited to building size, scale, exterior elevation, design, color and appearance, to ensure compatibility with the historic character of the property, neighborhood or environment. When the local Commission governing the historic district denies an application or request, the applicant may not legally proceed with any exterior work, including demolishing or moving a structure, unless the Commission's decision is appealed and is set aside or modified by a superior authority;

~~—(7) Review and approval of all private and commercially oriented development of lands located within the RO Zoning District;~~

~~—(8) Review and approval of all exterior lighting in the Bed and Breakfast Overlay District;~~

(7) ~~(9)~~ Hear and decide appeals of the City Zoning Administrator's decisions on signage and building requirements within the Historic Park Zoning District; and

(8) ~~(10)~~ The Commission shall keep the Mayor and Council apprised in all matters concerning historic sites and districts. In this regard it:

(a) May recommend to the Mayor and Council acquisition by the city of structures or easements for maintenance or repair of structures for their preservation where private preservation is not feasible; and

(b) May initiate and conduct detailed studies and surveys of buildings, in conjunction with the Rio Colorado Chapter of the Arizona Historical Society and interested others, the intention of assessing potential of such buildings, structures or areas for designation as historic sites or districts.

SECTION 3: Yuma City Code, Title 15, Chapter 154, Article 3, Section 8 Design Review Procedure, Subsections (A) and (B) be amended to insert the bolded text and delete the strike through text:

(A) *Submittal and approval.* The project design plan, for any project within an Aesthetic Overlay District, shall be submitted and approved by the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator** prior to the issuance of any construction or development permits.

(B) *Fee.* The project design plan shall be accompanied by the appropriate fee and shall provide adequate information for the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator** to determine whether the proposed project will meet the ordinance requirements of the district.

SECTION 4: That the Yuma City Code, Title 15, Chapter 154, Article 13, Section 1 Recreation and Open Space District (RO), Subsection (E) be amended to delete the strike through text:

~~—(12) All private and commercially oriented development of lands located within the RO Zoning District shall be subject to the review and approval of the Design and Historic Review Commission (DHRC).~~

SECTION 5: Yuma City Code, Title 15, Chapter 154, Article 14, Section 1 Aesthetic Overlay District (AO), Subsection (C) be amended to insert the bolded text and delete the strike through text:

(C) *Design review procedure.* The project design plan shall be submitted and approved by the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator** prior to the issuance of any construction or development permits (see § 154-03.08).

SECTION 6: Yuma City Code, Title 15, Chapter 154, Article 14, Section 1 Aesthetic Overlay District (AO), Subsection (F) be amended to insert the bolded text and delete the strike through text:

(F) *Building permits based upon approved project design.* Within one year of approval of a project design by the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator**, a building permit may be granted for a site based upon the project design approved by the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator**. If more than one year has elapsed since approval of the project

design for that location, such design plan shall be resubmitted to the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator** to accept or modify the design previously approved, prior to issuance of a building permit.

SECTION 7: Yuma City Code, Title 15, Chapter 154, Article 14, Section 1 Aesthetic Overlay District (AO), Subsection (G) be amended to insert the bolded text and delete the strike through text:

(G) *Amendments to approved project design.* Any substantial amendment or modification to an approved project design shall be reviewed by the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator**.

SECTION 8: Yuma City Code, Title 15, Chapter 154, Article 14, Section 1 Aesthetic Overlay District (AO), Subsection (H) be amended to insert the bolded text and delete the strike through text:

(H) *Minor project design plan changes within the Aesthetic Overlay.*

(1) The Zoning Administrator, or his or her designee, shall have the authority to review modifications to an approved project design only for minor changes that do not substantially change the visual appearance of the project as **previously** approved by the ~~Design and Historic Review Commission~~. ~~The Design and Historic Review Commission will be advised of any administrative decisions pursuant to this section.~~

SECTION 9: Yuma City Code, Title 15, Chapter 154, Article 14, Section 3 Bed and Breakfast Overlay District (BB), Subsection (B)(9) be amended to insert the bolded text and delete the strike through text:

(9) *Exterior lighting.* Any exterior lighting shall be residential in nature and character. Lighting shall be located so as to minimize off-site illumination and direct the light away from any public or private street right-of-way or from any residential district or use. All exterior lighting shall be approved by the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator**. Lighting shall be in accordance with Article 18 of this chapter of the City Code. No color lighting shall be permitted.

SECTION 10: Yuma City Code, Title 15, Chapter 154, Article 14, Section 9 Infill Overlay District (IO), Subsection (F) be amended to delete the strike through text:

(F) *Design review procedures.* Infill Overlay District development standards shall be incorporated into all project plans submitted to the city for which a building permit is required. The Zoning Administrator, or his or her designee, shall review all Infill Overlay District development standards incorporated in such project plans to ensure compliance with the intent and spirit of the district. Any property located within a Historic District ~~or Aesthetic Overlay District~~ will require review and approval by the Design and Historic Review Commission (DHRC) prior to the issuance of any construction or building permits.

SECTION 11: Yuma City Code, Title 15, Chapter 154, Article 19 Personal Wireless Communications, Section 3, Subsection (E) be amended to insert the bolded text and delete the strike through text:

(E) No personal wireless communication facilities are permitted on any building within an Aesthetic Overlay (AO) Designation unless such personal wireless communication facilities are approved through the ~~Design Review Commission~~ **Zoning Administrator**.

SECTION 12: Yuma City Code, Title 15, Chapter 154, Article 19 Personal Wireless Communications, Section 9, Subsection (G)(2) be amended to insert the bolded text and delete the strike through text:

(2) No personal wireless communication facilities are permitted on public highways facing any building within an Aesthetic Overlay (AO) Designation unless such personal wireless communication facilities are approved through the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator**.

SECTION 13: Yuma City Code, Title 15, Chapter 154, Article 2, Section 4 Design and Historic Review Commission (DHRC), be amended to insert the bolded text:

(F) *Voice or video appearance.* A Design and Historic Review Commissioner shall have the opportunity to participate by voice or video during a regularly scheduled meeting subject to the following rules and regulations:

(1) Voice or video participation shall mean the participation of the Design and Historic Review Commissioner(s) at Design and Historic Review Commission meetings by voice or video technology where the Design and Historic Review Commissioner is not physically present at the Design and Historic Review Commission meeting.

(2) Voice or video participation shall only apply to Design and Historic Review Commission meetings held at Yuma City Hall, Yuma, Arizona.

(3) A Design and Historic Review Commissioner wishing to participate through voice or video technology shall contact the Director of Community Development regarding the need to participate from an off-site location. Notice shall be provided no later than two business days prior to the meeting to allow sufficient time to post the information on the agenda and to prepare the meeting room for such voice or video participation.

(4) No more than two Design and Historic Review Commissioners may participate by voice or video technology at any meeting. Unless approved by the Design and Historic Review Commission, no Commissioner may participate by video or voice technology more than twice in any calendar year.

(5) When a Design and Historic Review Commissioner is participating by using voice or video technology at a meeting:

(a) The meeting facilities shall be arranged to provide the capability of the public audience to be able to hear such participating Commissioner. Facilities shall also be provided whereby the participating Commissioner can hear any comments made by other members of the Design and Historic Review Commission, by City staff and by the audience in attendance at the meeting.

(b) Communications shall be initiated with the Commissioner prior to the beginning of the Design and Historic Review Commission meeting. The participating Commissioner will identify him or herself during roll call and state that he/she is attending the meeting through voice or video participation.

(6) The meeting agenda shall reflect that a Design and Historic Review Commissioner will be participating through voice or video technology and voting procedures will remain as required by the City of Yuma Code (§ 154-02.04).

ATTACHMENT B AGENCY NOTIFICATION

- Legal Ad Published: The Sun 10/03/25
- 34 Commenting/Reviewing Agencies noticed: 09/08/25
- Neighborhood Meeting: N/A
- Hearing Date: 10/27/25
- Comments due: 09/22/25

| External List (Comments) | Response Received | Date Received | "No Comment" | Written Comments | Comments Attached |
|--|--------------------------|----------------------|------------------------|---------------------------|--------------------------|
| Yuma County Airport Authority | Yes | 9/8/25 | X | | |
| Yuma County Engineering | NR | | | | |
| Yuma County Public Works | NR | | | | |
| Yuma County Water Users' Assoc. | Yes | 9/9/25 | X | | |
| Yuma County Planning & Zoning | Yes | 9/8/25 | X | | |
| Yuma County Assessor | NR | | | | |
| Arizona Public Service | NR | | | | |
| Time Warner Cable | NR | | | | |
| 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. | NR | | | | |
| Yuma Irrigation District | NR | | | | |
| Arizona Game and Fish | NR | | | | |
| United States Postal Service | NR | | | | |
| Yuma Metropolitan Planning Org. | NR | | | | |
| El Paso Natural Gas Co. | NR | | | | |
| Western Area Power Administration | Yes | 9/8/25 | X | | |
| City of Yuma Internal List (Conditions) | Response Received | Date Received | "No Conditions" | Written Conditions | Comments Attached |
| Police | NR | | | | |
| Parks & Recreation | NR | | | | |
| Development Engineering | NR | | | | |
| Fire | Yes | 9/8/25 | X | | |
| Building Safety | NR | | | | |
| City Engineer | NR | | | | |
| Traffic Engineer | NR | | | | |
| MCAS / C P & L Office | Yes | 9/18/25 | X | | |
| Utilities | NR | | | | |
| Public Works | NR | | | | |
| Streets | NR | | | | |

| Neighborhood Meeting | Comments Available |
|-----------------------------|---------------------------|
| None Required | N/A |

PUBLIC COMMENTS RECEIVED: NONE

ORDINANCE NO. 02025-051

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE TO COMPLY WITH STATE STATUTE WITH RESPECT TO ADMINISTRATIVE DESIGN REVIEW AND APPROVAL AND ALLOW DESIGN AND HISTORIC REVIEW COMMISSIONERS TO PARTICIPATE BY VOICE OR VIDEO; AND DECLARING AN EMERGENCY

WHEREAS, House Bill 2447, approved by the legislature and signed by the Governor on March 31, 2025, requires by ordinance that cities and towns authorize administrative personnel to review and approve design review plans; and,

WHEREAS, House Bill 2447 has an effective date of December 31, 2025, and in order to comply with that effective date, this ordinance shall be enacted as an emergency and shall be in effect upon adoption on December 17, 2025; and,

WHEREAS, from time to time, it may be desirable to modify the zoning code within the context of a dynamic and growing community; and,

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on October 27, 2025 in Case No: ZONE-44497-2025 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on October 3, 2025; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the zoning code text amendment in Case No: ZONE-44497-2025 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this amendment, and finds that the recommendation complies with and supports the goals and objectives of the Yuma General Plan, as amended.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: Yuma City Code, Title 15, Chapter 154, Article 2, Section 3 Zoning Administrator, is amended to insert the bolded text:

§ 154-02.03 Zoning Administrator.

(A) *Establishment.* Pursuant to A.R.S. § 9-462.05 the Planning Director, also known as Director of Planning, or an authorized deputy acting under his or her direction, shall be the Zoning Administrator.

(B) *Duties.* The Zoning Administrator, or his or her authorized deputy shall be charged with responsibility for enforcement of the zoning ordinance:

(1) Supply information about, and provide interpretations of, this chapter to the public, city departments and other agencies;

(2) Provide advice and assistance to all applicants for zoning actions;

(3) Accomplish all administrative actions required by this chapter; including receiving applications, giving notice of hearings, preparation of reports and processing appeals, **completing design review and approval;**

(4) Enforce the provisions of this chapter pertaining to the erection, construction, moving, reconstruction, conversion, alteration or addition to any building or structure and the use of any land, building or premise;

(5) Inspect buildings, structures and lands as may be necessary or desirable for enforcement of this chapter;

(6) Determine other permitted uses consistent with the purpose of each Zoning District; and

(7) Notwithstanding the procedures set forth in § 154-03.04(D)(1)(a) through (D)(1)(c) for consideration of a variance application, the Zoning Administrator may approve a deviation in development standards and/or dimensional criteria upon the making of the findings required in § 154-03.04(D)(1)(a) through (D)(1)(d), when the following conditions are satisfied:

(a) The application requests a deviation from code not exceeding a 10% reduction or increase of a development standard and/or dimension required by the zoning code; and

(b) The Zoning Administrator determines that the request complies with the four findings of fact required by § 154-03.04(D)(1)(a) through (D)(1)(d).

SECTION 2: Yuma City Code, Title 15, Chapter 154, Article 2, Section 4 Design and Historic Review Commission (DHRC), Subsection (D), is amended to insert the bolded text and delete the strike through text:

(D) *Duties.* The Commission's duties are outlined as follows:

(1) To promote the educational, cultural, economic and general welfare of the community and to ensure the harmonious growth and development of the municipality by encouraging the preservation of historic places and structures, and advancing aesthetic and functionally well-designed projects;

(2) To designate sites and districts of historical significances;

(3) To provide regulatory oversight regarding exterior modifications to all historic structures or sites that are listed or eligible for listing on the National Register of Historic Places and have received the city's Historic (H) District Zoning Overlay, as well as projects within the Aesthetic Overlay District;

(4) ~~To review all project design plans within an Aesthetic Overlay District. Such plans shall be reviewed for compliance with the Aesthetic Overlay Design Guidelines;~~ **Hear and decide appeals of the City Zoning Administrator's decisions on project design plans within the Aesthetic Overlay District;**

(5) To provide regulatory oversight regarding the exterior appearance of any structure (new construction, renovation or alteration) within a recognized Historic District ~~or within the Aesthetic Overlay~~ and areas with specific design requirements;

(6) The Commission shall decide whether a permit should be issued for any demolition, removal, exterior renovation, addition or any other exterior alteration of any historic structure, historic site or any property located within an historic district. The Commission's review of applications for new construction shall be limited to building size, scale, exterior elevation, design, color and appearance, to ensure compatibility with the historic character of the property, neighborhood or environment. When the local Commission governing the historic district denies an application or request, the applicant may not legally proceed with any exterior work, including demolishing or moving a structure, unless the Commission's decision is appealed and is set aside or modified by a superior authority;

~~—(7) Review and approval of all private and commercially oriented development of lands located within the RO Zoning District;~~

- ~~— (8) Review and approval of all exterior lighting in the Bed and Breakfast Overlay District;~~
(7) ~~(9)~~ Hear and decide appeals of the City Zoning Administrator's decisions on signage and building requirements within the Historic Park Zoning District; and
(8) ~~(10)~~ The Commission shall keep the Mayor and Council apprised in all matters concerning historic sites and districts. In this regard it:
- (a) May recommend to the Mayor and Council acquisition by the city of structures or easements for maintenance or repair of structures for their preservation where private preservation is not feasible; and
 - (b) May initiate and conduct detailed studies and surveys of buildings, in conjunction with the Rio Colorado Chapter of the Arizona Historical Society and interested others, the intention of assessing potential of such buildings, structures or areas for designation as historic sites or districts.

SECTION 3: Yuma City Code, Title 15, Chapter 154, Article 3, Section 8 Design Review Procedure, Subsections (A) and (B), are amended to insert the bolded text and delete the strike through text:

- (A) *Submittal and approval.* The project design plan, for any project within an Aesthetic Overlay District, shall be submitted and approved by the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator** prior to the issuance of any construction or development permits.
- (B) *Fee.* The project design plan shall be accompanied by the appropriate fee and shall provide adequate information for the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator** to determine whether the proposed project will meet the ordinance requirements of the district.

SECTION 4: Yuma City Code, Title 15, Chapter 154, Article 13, Section 1 Recreation and Open Space District (RO), Subsection (E), is amended to delete the strike through text:

- ~~— (12) All private and commercially oriented development of lands located within the RO Zoning District shall be subject to the review and approval of the Design and Historic Review Commission (DHRC).~~

SECTION 5: Yuma City Code, Title 15, Chapter 154, Article 14, Section 1 Aesthetic Overlay District (AO), Subsection (C), is amended to insert the bolded text and delete the strike through text:

- (C) *Design review procedure.* The project design plan shall be submitted and approved by the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator** prior to the issuance of any construction or development permits (see § 154-03.08).

SECTION 6: Yuma City Code, Title 15, Chapter 154, Article 14, Section 1 Aesthetic Overlay District (AO), Subsection (F), is amended to insert the bolded text and delete the strike through text:

- (F) *Building permits based upon approved project design.* Within one year of approval of a project design by the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator**, a building permit may be granted for a site based upon the project design approved by the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator**. If more than one year has elapsed since approval of the project design for that location, such design plan shall be resubmitted to the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator** to accept or modify the design previously approved, prior to issuance of a building permit.

SECTION 7: Yuma City Code, Title 15, Chapter 154, Article 14, Section 1 Aesthetic Overlay District (AO), Subsection (G), is amended to insert the bolded text and delete the strike through text:

(G) *Amendments to approved project design.* Any substantial amendment or modification to an approved project design shall be reviewed by the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator**.

SECTION 8: Yuma City Code, Title 15, Chapter 154, Article 14, Section 1 Aesthetic Overlay District (AO), Subsection (H), is amended to insert the bolded text and delete the strike through text:

(H) *Minor project design plan changes within the Aesthetic Overlay.*

(1) The Zoning Administrator, or his or her designee, shall have the authority to review modifications to an approved project design only for minor changes that do not substantially change the visual appearance of the project as **previously** approved by the ~~Design and Historic Review Commission~~. ~~The Design and Historic Review Commission will be advised of any administrative decisions pursuant to this section.~~

SECTION 9: Yuma City Code, Title 15, Chapter 154, Article 14, Section 3 Bed and Breakfast Overlay District (BB), Subsection (B)(9), is amended to insert the bolded text and delete the strike through text:

(9) *Exterior lighting.* Any exterior lighting shall be residential in nature and character. Lighting shall be located so as to minimize off-site illumination and direct the light away from any public or private street right-of-way or from any residential district or use. All exterior lighting shall be approved by the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator**. Lighting shall be in accordance with Article 18 of this chapter of the City Code. No color lighting shall be permitted.

SECTION 10: Yuma City Code, Title 15, Chapter 154, Article 14, Section 9 Infill Overlay District (IO), Subsection (F), is amended to delete the strike through text:

(F) *Design review procedures.* Infill Overlay District development standards shall be incorporated into all project plans submitted to the city for which a building permit is required. The Zoning Administrator, or his or her designee, shall review all Infill Overlay District development standards incorporated in such project plans to ensure compliance with the intent and spirit of the district. Any property located within a Historic District ~~or Aesthetic Overlay District~~ will require review and approval by the Design and Historic Review Commission (DHRC) prior to the issuance of any construction or building permits.

SECTION 11: Yuma City Code, Title 15, Chapter 154, Article 19 Personal Wireless Communications, Section 3, Subsection (E), is amended to insert the bolded text and delete the strike through text:

(E) No personal wireless communication facilities are permitted on any building within an Aesthetic Overlay (AO) Designation unless such personal wireless communication facilities are approved through the ~~Design Review Commission~~ **Zoning Administrator**.

SECTION 12: Yuma City Code, Title 15, Chapter 154, Article 19 Personal Wireless Communications, Section 9, Subsection (G)(2), is amended to insert the bolded text and delete the strike through text:

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SECTION 13: Yuma City Code, Title 15, Chapter 154, Article 2, Section 4 Design and Historic Review Commission (DHRC), is amended to insert the bolded text:

(F) *Voice or video appearance.* A Design and Historic Review Commissioner shall have the opportunity to participate by voice or video during a regularly scheduled meeting subject to the following rules and regulations:

(1) Voice or video participation shall mean the participation of the Design and Historic Review Commissioner(s) at Design and Historic Review Commission meetings by voice or video technology where the Design and Historic Review Commissioner is not physically present at the Design and Historic Review Commission meeting.

(2) Voice or video participation shall only apply to Design and Historic Review Commission meetings held at Yuma City Hall, Yuma, Arizona.

(3) A Design and Historic Review Commissioner wishing to participate through voice or video technology shall contact the Director of Community Development regarding the need to participate from an off-site location. Notice shall be provided no later than two business days prior to the meeting to allow sufficient time to post the information on the agenda and to prepare the meeting room for such voice or video participation.

(4) No more than two Design and Historic Review Commissioners may participate by voice or video technology at any meeting. Unless approved by the Design and Historic Review Commission, no Commissioner may participate by video or voice technology more than twice in any calendar year.

(5) When a Design and Historic Review Commissioner is participating by using voice or video technology at a meeting:

(a) The meeting facilities shall be arranged to provide the capability of the public audience to be able to hear such participating Commissioner. Facilities shall also be provided whereby the participating Commissioner can hear any comments made by other members of the Design and Historic Review Commission, by City staff and by the audience in attendance at the meeting.

(b) Communications shall be initiated with the Commissioner prior to the beginning of the Design and Historic Review Commission meeting. The participating Commissioner will identify him or herself during roll call and state that he/she is attending the meeting through voice or video participation.

(6) The meeting agenda shall reflect that a Design and Historic Review Commissioner will be participating through voice or video technology and voting procedures will remain as required by the City of Yuma Code (§ 154-02.04).

SECTION 14: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which any violation of said sections occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

SECTION 15: The immediate operation of the provisions of this Ordinance is necessary to meet the requirements of House Bill 2447 as adopted by the Legislature and signed by the Governor, requiring compliance by December 31, 2025, and, therefore, an emergency is declared to exist. This Ordinance is enacted as an emergency and shall be in full force and effect immediately upon its passage by the City Council, as required by law, and it is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona and the Charter of the City.

Adopted this _____ day of _____, 2025.

APPROVED:

Douglas J. Nicholls
Mayor

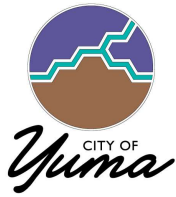
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Applicable exhibits on file at the Office of the City Clerk, One City Plaza, Yuma, AZ.



City of Yuma

City Council Report

File #: O2025-052

Agenda Date: 12/3/2025

Agenda #: 3.

| DEPARTMENT: | STRATEGIC OUTCOMES | ACTION |
|-----------------------|---|--|
| Community Development | <input type="checkbox"/> Safe & Prosperous | <input type="checkbox"/> Motion |
| | <input type="checkbox"/> Active & Appealing | <input type="checkbox"/> Resolution |
| DIVISION: | <input checked="" type="checkbox"/> Respected & Responsible | <input type="checkbox"/> Ordinance - Introduction |
| Community Planning | <input type="checkbox"/> Connected & Engaged | <input checked="" type="checkbox"/> Ordinance - Adoption |
| | <input type="checkbox"/> Unique & Creative | <input type="checkbox"/> Public Hearing |

TITLE:

Text Amendment: Subdivision Code

SUMMARY RECOMMENDATION:

Amend Title 15, Chapter 153 and Chapter 154 to authorize administrative personnel to review and approve preliminary plats, final plats and plat amendments without a public hearing in accordance with HB 2447. (Community Development/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

The proposed text amendment will ensure City regulations reflect recent modifications to the state law, supporting the City Council's strategic outcome of Respected and Responsible.

REPORT:

House Bill 2447, approved by the legislature and signed by the Governor on March 31, 2025, requires by ordinance that cities and towns authorize administrative personnel to review and approve preliminary plats, final plats and plat amendments without a public hearing.

House Bill 2447 makes a significant shift in how municipal planning and development review processes are handled. Under the new law, cities and towns are required to delegate certain approvals to administrative staff rather than boards and commissions. Currently, preliminary plats are under the authority of the Planning and Zoning Commission, and final plats are under the authority of the City Council. State statute requires that Cities and Towns adopt an Ordinance on Administrative Review on or before December 31, 2025.

In accordance with House Bill 2447, the proposed text amendment removes the review authority by the Planning and Zoning Commission and City Council and places that authority within the Department of Community Development.

PUBLIC COMMENTS - EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:

QUESTIONS FOR STAFF:

“John Mahon, Planning and Zoning Vice-Chairman asked if an applicant does not agree with a requirement would the public have an opportunity to attend a public hearing. **Domby** replied that there will be an appeal process if an applicant does not agree with certain requirements. **Domby** stated staff will be seeking direction from City Council regarding whether some form of neighborhood notification will be required.

“Chris Hamel, Planning and Zoning Chairman commented that while he understands the intent of the state’s actions, he partially disagrees with the approach. **Hamel** then asked for clarification, noting that the proposed changes would eliminate the Planning and Zoning Commission and City Council review of preliminary and final plat decisions at this level, and that the state has mandated compliance by the end of December. **Amelia Domby, Principal Planner** answered, that is correct.

APPLICANT/APPLICANT’S REPRESENTATIVE

None

PUBLIC COMMENT

None

MOTION

“Motion by Jorge Gonzalez, Planning and Zoning Commissioner, second by Ashlie Pendleton, Planning and Zoning Commissioner to APPROVE ZONE-44496-2025 as presented.

“Motion carried unanimously, (5-0) with one absent and one vacancy.’

FISCAL REQUIREMENTS:

| | | | |
|----------------|---------|-----------------------------|---------|
| CITY FUNDS: | \$ 0.00 | BUDGETED: | \$ 0.00 |
| STATE FUNDS: | \$ 0.00 | AVAILABLE TO TRANSFER: | \$ 0.00 |
| FEDERAL FUNDS: | \$ 0.00 | IN CONTINGENCY: | \$ 0.00 |
| OTHER SOURCES: | \$ 0.00 | FUNDING ACCOUNT/FUND #/CIP: | |
| TOTAL | \$ 0.00 | - | |

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

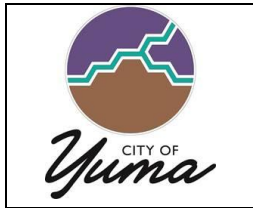
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- ☐ Department
- ☐ City Clerk’s Office
- ☐ Document to be recorded
- ☒ Document to be codified

| | |
|--|---------------------|
| Acting City Administrator: John D. Simonton | Date: 11/25/2025 |
| Reviewed by City Attorney: Richard W. Files | Date: 11/24/2025 |



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT
CASE PLANNER: AMELIA DOMBY

Hearing Date October 27, 2025

Case Number: ZONE-44496-2025

Project Description: This is a request by the City of Yuma for a Subdivision and Zoning Code Text Amendment to authorize administrative personnel to review and approve preliminary plats, final plats and plat amendments without a public hearing by amending Title 15, Chapter 153 and Chapter 154.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to authorize administrative personnel to review and approve preliminary plats, final plats and plat amendments without a public hearing by amending Title 15, Chapter 153 and Chapter 154.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-44496-2025 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to authorize administrative personnel to review and approve preliminary plats, final plats, and plat amendments without a public hearing by amending Title 15, Chapter 153 and 154.

Staff Analysis: House Bill 2447, approved by the legislature and signed by the Governor on March 31, 2025, requires by ordinance that cities and towns authorize administrative personnel to review and approve preliminary plats, final plats and plat amendments without a public hearing.

House Bill 2447 makes a significant shift in how municipal planning and development review processes are handled. Under the new law, cities and towns are required to delegate certain approvals to administrative staff rather than boards and commissions. Currently, preliminary plats are under the authority of the Planning and Zoning Commission, and final plats are under the authority of the City Council. State statute requires that Cities and Towns adopt an Ordinance on Administrative Review on or before December 31, 2025.

In accordance with House Bill 2447, the proposed text amendment removes the review authority by the Planning and Zoning Commission and City Council and places that authority within the Department of Community Development.

1. Does the proposed amendment implement the goals, objectives and policies of the General Plan?
N/A

2. Does the proposed amendment fit the overall purpose and intent of the zoning ordinance?
Yes. The proposed amendment fits the overall purpose and intent of the zoning ordinance.

3. Will the proposed amendment change the range of uses identified in the zoning code? If so, how?

No.

4. Will the proposed text amendment change the development standards of the zoning or subdivision ordinances? If so, how?

Yes. In accordance with House Bill 2447, the proposed text amendment removes the review authority by the Planning and Zoning Commission and City Council and places that authority within the Department of Community Development.

5. What are the potential impacts of the proposed amendment?

House Bill 2447 removes the public hearing process, which reduces opportunities for public input.

6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance?

Yes.

7. Does the proposed amendment conform to prior City Council actions regarding this issue?

N/A

External Agency Comments: None Received.

Neighborhood Meeting No Meeting Required.
Comments:

Proposed conditions delivered to applicant on: N/A

Final staff report delivered to applicant on: N/A

Attachments:

| A | B |
|------------|---------------------|
| Draft Text | Agency Notification |

Prepared By: *Amelia Domby*

Date: 10/7/25

Amelia Domby

Principal Planner

Amelia.Domby@yumaaz.gov (928) 373-5000, x1234

Reviewed By: *Jennifer L. Albers*

Date: 10/8/25

Jennifer L. Albers

Assistant Director of Planning

Approved By: *Alyssa Linville*

Date: 10/16/25

Alyssa Linville

Director, Planning and Neighborhood Services

ATTACHMENT A
DRAFT TEXT

SECTION 1: Yuma City Code, Title 15, Chapter 153, Subdivisions be amended to insert the bolded text and delete the strike through text:

General Provisions

§ 153-01 Purpose and Intent for Plat Approval Procedure.

Under the authority of the City Charter, Article III, Section 12, Land Use, and state statutes granting to municipalities the right to review and approve subdivision of lands (Title 9, Chapter ~~6~~ **4**, Article 6.2, Municipal Subdivision Regulations), the city shall regulate as is necessary for the public benefit the use of all land within the corporate limits. The subdivision of land affects public rights-of-way and their use. Therefore, procedural requirements for the review and processing of plats shall be established for the subdivision of land.

§ 153-02 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGREED SCHEDULE. A time schedule agreed upon by the subdivider and the Planning Commission for installation of required public improvements, and the sequence in which each will be installed.

ALLEY. A minor public right-of-way used primarily for vehicular access to the rear or side of properties otherwise abutting on a street.

ASSURANCE OF COMPLETION. A contract secured by a bond in an amount and with surety satisfactory to the City Engineer, guaranteeing completion of public improvements which are shown on the subdivision preliminary plan.

BOARD OF SUPERVISORS. Chief legislative body of the County of Yuma.

BUILDING SETBACK LINE. The line indicating the minimum horizontal distance between the street right-of-way line and buildings or any projection thereof, other than steps, eaves, or overhangs.

CITY. The City of Yuma, being in Yuma County, State of Arizona.

CITY COUNCIL. The chief legislative body of the City of Yuma.

CITY ENGINEER. The City Engineer of the City of Yuma or their designee for oversight of a given functional role or project.

COUNTY. County of Yuma, State of Arizona.

CUL-DE-SAC. A short, minor street having but one end open for motor traffic; the other being terminated by a vehicular turn-a-round.

DEPARTMENT OF BUILDING SAFETY. The Department of Building Safety of the City of Yuma, Arizona.

~~*DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES.* The Department of Planning and Neighborhood Services of the City of Yuma, Arizona.~~

DEPARTMENT OF COMMUNITY DEVELOPMENT. The Department of Community Development of the City of Yuma, Arizona.

EASEMENT. A grant by a property owner of the use, for a specific purpose or purposes, of a designated strip of land to the general public, a corporation, or other individuals.

GENERAL PLAN. The comprehensive, long-range general plan for the development of the City of Yuma consisting of statements of community goals and development policies, including maps, any necessary

diagrams and text setting forth objectives, principles, standards and plan proposals.

LOT. A portion of a subdivision intended as a unit for transfer of ownership or for development or both, and having frontage on a dedicated street. In determining the area and dimensions of a lot, no part of the right-of-way of a street or crosswalk may be included.

LOT FRONTAGE. The front dimension of a lot measured along the street right-of-way.

LOT WIDTH. The width of the lots at the building line measured parallel to the street right-of-way line.

MAJOR STREET PLAN OR OFFICIAL MAP. A part of the master plan showing the location and dimensions of principal thoroughfares (land shown in parks along such thoroughfares is not deemed part of the street right-of-way).

MASTER PLAN. A comprehensive subdivision development or neighborhood plan consisting of statements of neighborhood goals and development policies, including maps, any necessary diagrams and text setting forth objectives, principles, standards and plan proposals to guide subdivision design and platting. A *MASTER PLAN* shall consist of not less than 80 acres of land.

OFFICIAL MAP. The map established by the City Council as provided by law, showing the streets theretofore existing and established by law as public streets and any amendments thereto adopted by the City Council, as appropriate, or additions thereto resulting from approval of subdivision plats and the subsequent recording of such approved plats.

PLANNING AND ZONING COMMISSION. Planning and Zoning Commission of the City of Yuma.

PLAT OF SUBDIVISION. A map showing the division of any tract of land into two or more parcels, and prepared for the purpose of recording.

PROTECTIVE COVENANT. A restriction on the use of private property within a subdivision for the purpose of providing mutual protection against undesirable aspects of development. Protective covenants regulating the use of land represent an express agreement between the subdivider and the lot purchasers.

PUBLIC IMPROVEMENTS. Any of the following: roadway pavement section, curbs, gutters, sidewalks, crosswalks, water mains, sanitary sewer, storm drains, landscaping, retention basins, and other appurtenant construction as related to the subdivision plan.

RIGHT-OF-WAY. The entire strip of land lying between the property lines of a street or thoroughfare, alley, walkway, or easement.

ROADWAY. The portion of a street available for vehicular traffic between curbs, or the improved portion within the right-of-way.

~~*RULES OF PROCEDURE.* Regulations adopted by the Planning and Zoning Commission and the City Council for the submission and approval of subdivision plats.~~

SIDEWALKS. The portion of a street or walkway, paved or otherwise surfaced, intended for pedestrian use only.

STREET. A right-of-way designed for vehicular and pedestrian traffic, regardless of its designation by name, such as street, thoroughfare, avenue, land, place or the like.

STREET, ACCESS OR FRONTAL. A street running parallel to and adjacent to or in the immediate vicinity of a major street or highway and which has as its purpose the relief of such major street from the local service of abutting properties.

STREET ARTERIAL. A street of great continuity, existing or planned which serves or is intended to serve foreign and local traffic, and which is designated on the major street plan to identify those streets comprising

the basic structure of the street system of the city and surrounding area. Arterials are only those streets designated on the master street plan, including additions or corrections thereto.

STREET, LOCAL. A street of limited continuity which serves or is intended to serve the local needs of a neighborhood.

STREET STANDARDS. City of Yuma standard specifications as adopted or amended.

SUBDIVIDER. Any person, firm or corporation acting as a unit, or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as defined herein.

SUBDIVISION. A division of land into two or more lots, tracts or parcels for the purpose of financing, sale or lease, whether immediate or future, except for any division of land which qualifies as a lot split as specified in § 153-18. *SUBDIVISION* shall include any condominium, cooperative, community apartment, townhouse, or similar project in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit thereon, and further indicating the building(s) or the manner in which the building(s) or airspace above the property shown on the plat is to be recorded.

SUBDIVISION PRELIMINARY PLAT. A drawing showing a proposed subdivision of land together with the public improvements which are to be installed therein. Such a drawing is not recordable.

TRACT. A defined area of land regardless of size.

WALKWAY. A public right-of-way used primarily for pedestrian travel through or across any portion of a block.

ZONING. Regulation by districts of the height, area, and use of buildings; use of land and density of population.

§ 153-03 General Principles of Acceptability

(A) *Master plan.*

- (1) Streets shall conform substantially to the general plan adopted by the city and any revisions or amendments thereof. Whenever a tract to be subdivided includes any part of a street indicated as an arterial street on the major street plan of the general plan, such part of such street shall be dedicated by the subdivider.
- (2) Where frontal or access roads are deemed necessary, additional right-of-way shall be 40 feet on either side of the arterial street.

(B) *Public open spaces and sites.* Where, as indicated by the master plan, a proposed subdivision contains, wholly or in part, a proposed public open space or a proposed site for a public building, such sites shall be reserved unless the concerned authority states it has no intention of development in the area. ~~The Planning and Zoning Commission will immediately notify the concerned authority.~~

(C) *Neighborhood plan.* If a tentative plan has been approved by the ~~Planning and Zoning Commission~~ **Department of Community Development** for the neighborhood of the proposed subdivision, the street system of the latter shall conform substantially thereto.

(D) *Unsubdivided portion of tract.* The ~~Planning and Zoning Commission~~ **Department of Community Development** may require a sketch of the tentative future street system beyond the limits of the tract adjacent to the land area presently being subdivided.

(E) *Provision for future subdivision.* If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of the future streets and logical further subdivision.

- (F) *Reserved strips prohibited.* There shall be no “reserved” strips controlling access to land dedicated or intended to be dedicated to public use.

§ 153-04 Streets

(A) *Circulation.*

- (1) The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets or unsubdivided land, as may be required by the City Engineer.
- (2) Local residential streets should be so planned as to discourage their use by non-local traffic. Where a street will eventually be extended beyond the subdivision but is temporarily dead-ended, an interim turn-around may be required.

(B) *Arterial streets.* If a new subdivision involves frontage on an arterial street, as defined herein, the street layout should be planned to avoid, as far as possible, any private residential driveways from having direct access to such by providing access or frontal streets.

(C) *Existing streets.* Existing street (constructed or recorded) in adjoining territory shall be continued at equal or greater width and in similar alignment by streets proposed in the subdivision, unless variations are approved by the City Engineer.

(D) *Cul-de-sacs.* Cul-de-sacs shall not be longer than 600 feet, unless necessitated by topography or other circumstances beyond the subdividers control.

(E) *Half-streets.* No half-streets will be accepted. Where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half, being a minimum width to meet this chapter, shall be platted.

(F) *Stub streets.* Where a subdivision adjoins unsubdivided land, stub streets shall be provided at locations as determined by the City Engineer to ensure future access and traffic circulation.

(G) *Intersections.* All street intersections shall be at right angles. Where, because of topographic or other reasons, an intersection cannot be at right angles, such intersection shall be designed to insure safety.

(H) *Easements.* Easements for slopes and utilities shall be dedicated wherever necessary as required by the City Engineer. Easements shall be at least eight feet wide across the rear or front of all lots, except that a utility easement adjacent to unsubdivided lands shall be at least ten feet wide. In addition, easements may be required at other suitable locations by the City Engineer.

(I) *Dimensional standards.*

- (1) *Minimum width.* The street right-of-way and roadway width shall not be less than the minimum width shown in the latest adoption of the City of Yuma Construction Standards Detail Drawings and the Transportation Element of the General Plan. Additional right-of-way or easements may be required for utilities, slope rights, drainage facilities or irrigation facilities.
- (2) *Alignment; minimum standards.*
 - (a) One electronic copy of the complete, plans and profiles for street and alley improvements shall be submitted for approval of the City Engineer prior to approval of the final plat by ~~City Council~~ **the Department of Community Development**.
 - (b) Vertical curves:
 1. Arterial streets: As determined by the City Engineer.

2. Collector, local streets: Minimum length 100 feet, except in cases approved by the City Engineer.

(c) Horizontal curves:

1. Arterials, access and frontal streets: 500 feet.
 2. Collector streets: 200 feet.
 3. Local streets: 100 feet.
 4. Alleys: Laid out to provide turning radius at alley intersection.
- (3) *Reserved curve.* Unless approved by the City Engineer, all streets shall have a tangent of 100 feet between reserve curves.
- (4) *Corners.* At the intersection of two streets, property line corners shall be chamfered by a corner triangle in accordance with the currently adopted design and construction standards. The minimum corner triangle size shall be increased when the smallest angle of intersection is less than 90 degrees, or in any case where the City Engineer considers an increase necessary.

§ 153-05 Blocks

(A) Length of residential blocks shall not be more than 1,000 feet long unless approved by the ~~Planning and Zoning Commission~~ **Department of Community Development**.

(B) Irregular shaped blocks (including superblocks) indented by cul-de-sacs containing interior parks or playgrounds and adequate parking space, will be acceptable when properly designed and covered by agreements as to maintenance of such park areas.

(C) Orientation on arterials: If frontage on an arterial street is involved, the long dimension of the block shall preferably front thereon by means of an access or frontal road, in order to create as few intersections as possible with the arterials.

(D) Business or industrial: Blocks intended for business or industry shall be of such length and depth as may be considered most suitable for their prospective use by the ~~Planning and Zoning Commission~~ **Department of Community Development**, including adequate provision for parking, on-site loading and unloading and buffer, as required by the zoning ordinance.

§ 153-06 Lots.

(A) *Minimum width.* The minimum width of residential lots for all subdivisions shall be 50 feet at the building line and shall have a minimum area as approved by the County Health Unit, unless a larger area is required by the zoning ordinance.

(B) *Length and width ratio.* It is desirable that the length of a lot shall be not more than four times its width.

(C) *Fronting on arterials.* Lots fronting on arterials should be of such depth to accommodate setbacks as set forth in the zoning ordinance.

(D) *Double frontage.* Double frontage lots shall be avoided, except to overcome disadvantages of topography and orientation.

(E) *Side lot lines.* Side lines of lots shall be approximately at right angles or radial to the street line unless, in the opinion of the ~~Planning and Zoning Commission~~ **Department of Community Development**, a variation from this rule will give a better street and lot plan.

(F) *Corner lots.* Corner lots shall have sufficient width to permit the maintenance of the side street building line after providing a minimum building width of 30 feet, and a side yard, as required by the zoning ordinance, on the interior side of the lot.

(G) *Building sites.* Every lot must contain a suitable building site, which will provide minimum yard requirements in compliance with the zoning ordinance.

(H) *Street frontage.* Every lot shall front on a public street having a minimum right-of-way of 50 feet for a distance of not less than 35 feet measured along said right-of-way line.

Procedure for Plat Approval

§ 153-14 Pre-Application Procedure.

(A) Informal consideration. While the subdivision is still in the preliminary planning stage, the applicant shall consult with the Department of ~~Planning and Neighborhood Services~~ **Community Development** through a pre-development meeting, for informal review regarding the general plan, the zoning code, drainage and floodplain regulations, utility regulations, International Building Code, the subdivision code and standard for the design and installation of public improvements.

(B) Upon receiving favorable feedback from the pre-development meeting, the applicant may proceed to prepare the preliminary plat for submittal.

(C) Under no circumstances shall informal favorable consideration by the Department of ~~Planning and Neighborhood Services~~ **Community Development** be construed as formal approval of any subdivision.

§ 153-15 Submittal Process Outline

(A) Step One: Preliminary Plat: The preliminary plat application shall be reviewed and approved by the ~~Planning and Zoning Commission~~ **Department of Community Development**. The preliminary plat shall include applicable information as indicated in Yuma City Code § 153-31(A).

(B) Step Two: Improvement Plans

(1) A complete set of final improvement plans shall be submitted with the preliminary plat application, ~~or within 3 weeks of submitting the preliminary plat application.~~ Improvement plans shall include applicable information as indicated in Yuma City Code §§ 153-47(B), 153-47(C), and 153-47(D).

(2) Three sets of final improvement plans, and supplementary materials as specified, shall be submitted to the Department of ~~Planning and Neighborhood Services~~ **Community Development**. If plans are submitted electronically, there shall be no need to provide three hard copy sets.

(3) ~~If final improvement plans are not submitted in a timely manner, review and approval of the preliminary plat to the Planning and Zoning Commission may be continued to an appropriate hearing date.~~

(4) (3) For phased development projects, final improvement plans for a particular phase must be approved prior to the submittal of a final plat application.

(C) Step Three: Final Plat

The final plat application shall be reviewed and approved by the ~~City Council~~ **Department of Community Development**.

§ 153-16 Preliminary Plat Process

(A) The applicant shall prepare a preliminary plat that includes all applicable information required in Yuma City Code §§ 153-31(A) and 153-47.

(B) Three sets of the preliminary plat, or one electronic copy of the preliminary plat, and supplementary material as specified, shall be submitted to the Department of ~~Planning and Neighborhood Services~~ **Community Development**. One AutoCAD file of the plat that conforms to the City of Yuma CADD standards shall be submitted electronically.

~~(C) At the time of submittal of all required preliminary plat and necessary supplemental materials to the Department of Planning and Neighborhood Services, a public hearing date with the Planning and Zoning Commission shall be scheduled in accordance with the Case Review Hearing Deadlines calendar for the year. Generally, public hearings with the Planning and Zoning Commission occur within 60 days of application submittal. At the public hearing, the Planning and Zoning Commission shall express its approval or disapproval of the proposed preliminary plat. The Planning and Zoning Commission shall state the conditions of such approval, if any, or if disapproved, shall express the reasons for the disapproval.~~

~~(B)~~ **(C)** Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, conditional approval shall be deemed an expression of approval to the subdivision layout, road alignments and number of lots submitted on the preliminary plat as a guide to the preparation of the final plat. The final plat shall be processed in accordance with the requirements of Yuma City Code §§ 153-17, 153-45, 153-46, 153-47, 153-50, and 153-51 of this code.

~~(E)~~ **(D)** The recording of a phase of the preliminary plat automatically extends the approval of the preliminary plat for an additional three years from the date of recording. The maximum time period a preliminary plat may be approved without a final plat submittal is six years.

§ 153-18 Procedure for Approval of Lot Split.

(A) Any division of land into three or fewer parts in which no right-of-way dedication, utility extension or other off-site public improvement is involved may be processed as a lot split subject to approval by the City Planning Director and City Engineer.

(B) Any proposed lot split shall be submitted to the Community Planning Division to determine compliance with applicable platting, subdividing and zoning regulations. The City Planning Director or City Engineer may require the submittal of any additional information as is pertinent to make this determination.

(C) The final plat shall be prepared by an Arizona registered surveyor **or registered civil engineer** on a sheet suitable for recording, or on polyester or linen or a copy reproduced on polyester by a photographic silver imaging process or other method that assures archival quality. Required signatures shall be original signature, not copies, and shall include provisions for signatures by the City Planning Director and City Engineer. The plat must be 24" x 36" or other size as required by the Yuma County Recorder. All drawing, printing, and signatures shall be directly applied to the sheet to be recorded. The use of nonpermanent inks, press-on adhesive letters, films, or tapes is prohibited. The plat shall further include items specified in §§ 153-47. One AutoCAD file of the plat that conforms to the City of Yuma CADD standards shall be submitted electronically.

§ 153-19 Procedure for Approval of a Ten Lot Subdivision.

(A) A division of land into ten or fewer parts may be processed as a subdivision which does not require the need for a preliminary plat approval. A ten lot or less subdivision shall follow the final plat review process as specified in § 153-46 and will be subject to approval by **the Department of Community Development City Council**.

(B) In accordance with state statute, A.R.S. § 9-463.01, the City Engineer may waive or reduce infrastructure standards or requirements except for improved dust-controlled access and minimum drainage improvements.

§ 153-20 Optional Commercial and Industrial Master Plat Process.

(A) *Purpose.* The commercial or industrial subdivision master plat process establishes an optional procedure within the city's subdivision plat process for subsequent divisions of a commercial or industrial master plat into smaller lots or tracts. A commercial or industrial master plat shall comply with all applicable city, state and federal development standards in effect at the time of development and the plat shall comply with the purpose and intent of the city's subdivision regulations.

(B) This procedure can only be followed if:

- (1) The commercial or industrial subdivision master plat has completed preliminary and final plat approval per Chapter 153 of the City of Yuma Code of Ordinances;
- (2) No further right-of-way dedication, utility extension or other off-site public improvement is involved;
- (3) Infrastructure, grading, and all site remediation and improvements are completed prior to the division of the master plat into subsequent lots or tracts.

(C) Subsequent divisions of the master plat shall be processed in accordance with the procedures specified within § 153-18 Procedure for Approval of Lot Split. Minimum lot size is determined by the requirements of the zoning district.

§ 153-21 Filing Fee.

Each subdivision as defined herein shall be accompanied by a completed application form as provided by the City of Yuma Community Planning Division, and a nonreturnable filing fee in accordance with the fee schedule adopted by City of Yuma Ordinance No. 1943, and successors.

Preliminary Plat~~n~~

§153-30 Purpose and Intent

The preliminary plat is intended to precede the final subdivision plat. Its purpose is to show all facts needed to enable ~~the Planning and Zoning Commission and the~~ administrative staff of the city to determine whether the proposed layout of the subject land and the proposed public improvements are in the public interest. All required engineering and surveying work must be performed by or under the supervision of a registered engineer or surveyor registered in accordance with the provisions of the Arizona State Board of Registration for Professional Engineers and Land Surveyors. The following graphic and plat descriptive items are required to be shown on a preliminary plat.

§ 153-31 Preliminary Plat and Plans Submittal Requirements.

(A) *Preliminary plat information:*

- (1) Plat scale: 1 inch equals 10, 20, 30, 40, 50, 60, or 100 feet shown on the plat;
- (2) Plat may be submitted on several sheets and accompanied by an index sheet showing entire subdivision;

- (3) Subdivision name, names and addresses of owner and developer;
- (4) Location by section, township, range, county, state;
- (5) Plat signed and sealed by a registered land surveyor;
- (6) North arrow;
- (7) Subdivision boundary shown as a heavy, dark, solid line with accurate distances and bearings to primary control points;
- (8) Location, width and status (i.e., fee title, easement, county declaration, etc.) of all streets, alleys and other rights-of-way within and adjacent to the plat;
- (9) Names of streets within (existing and proposed) and 150 feet outside of the plat boundaries;
- (10) Bearings and distances to the nearest established section, or patent corners or other official monuments;
- (11) Federal Emergency Management Agency flood zone designations shall be clearly indicated or noted on the plat;
- (12) Lengths of all arc radii;
- (13) All existing easements or rights-of-way provided for public services or utilities, canals, or drainage ditches including purposes and any limitations of such easements. Also show and identify all other geophysical features within and 150 feet outside the plat boundaries;
- (14) Proposed easements for right-of-way provided for public services or utilities, including purposes and any limitations of such easements;
- (15) Lot lines (existing and proposed) with dimensions to the nearest foot and bearings;
- (16) Building setback lines, shown graphically along all streets with dimensions;
- (17) Square footage or acreage of each resulting lot;
- (18) All access points (vehicular and pedestrian) located within 150 feet of the proposed subdivision including their location, name, width, title status (i.e., easement, fee title) and recording information, if applicable;
- (19) Names and property lines of adjacent subdivision lots, and unsubdivided lands, shown with lightly dashed lines. Unsubdivided lands shall have reference to Yuma County Assessor's Parcel Numbers. Note locations and uses of all parcels or lots with non-residential uses;
- (20) Accurate description of all monument or marker locations used on the plat;
- (21) Accurate outlines of any areas being dedicated for public use with purposes indicated thereon and any area reserved by deed covenant for common use by all property owners in the subdivision, including private streets, if any;
- (22) Retention designations and volumes as required, if applicable. Deed restrictions to be recorded on subdivision plat with identified stormwater storage requirements;
- (23) Clearly identify or note zoning district boundaries and designations on the property and within 150 feet outside the plat boundary;
- (24) Draft restrictive covenants applying to lots in the subdivision;
- (25) Show USPS approved cluster box unit mailbox locations.
 - (a) Coordinate with the USPS for locations of cluster box unit mailboxes,

- (b) Provide easement(s) and/or fee title dedication to the City of Yuma on the plat for the location(s) of the cluster box unit mailboxes,
 - (c) The cluster box unit mailboxes and supporting structures shall be located so that they do not create a traffic hazard, sight hinderence or other safety hazard per the American Association of State Highway and Transportation Officials' (AASHTO's) "Intersection Sight Distance" methodology, as presented in the most current revision adopted by the State of Arizona of "A Policy on Geometric Design of Highways and Streets".
- (26) Two full street access points shall be shown for the proposed development. Where such access cannot be provided due to existing development or land-locked property, provisions may be added to conditions for subdivision approval, which improve accessibility or reduce fire hazards through ~~sprinklered structures and/or~~ other solutions.

Final Plat

§ 153-45 Preparation and Recording of Plat Required.

A subdivision final plat is the official recordable plat. All required engineering and surveying work must be performed by or under the supervision of a professional engineer and land subdividing and property pin setting by or under the supervision of a land surveyor, registered in accordance with the provisions of the State of Arizona State Board of Technical Registration. The final plat must bear the seal, signature and date of said professional engineer or surveyor.

§ 153-46 Final Plat Process.

(A) The final plat shall be prepared as specified in §§ 153-47 and 153-50 and shall conform substantially to the preliminary plat as approved. If desired by the applicant, the plat may be approved and recorded in phases. Each phase is required to conform to all city requirements and conditions of approval of the preliminary plat.

(B) The final plat shall be submitted to the Department of ~~Planning and Neighborhood Services~~ **Community Development** within three years of the approval date of the preliminary plat; otherwise, such preliminary plat shall automatically expire and be null and void. ~~An extension of time applied for prior to the expiration date of a preliminary plat and granted by the Planning and Zoning Commission shall extend such deadline.~~

(C) Three complete sets the final plat or one electronic copy, and other supplementary material required for review, shall be submitted to the Department of ~~Planning and Neighborhood Services~~ **Community Development**. Other final plat supplementary materials shall include:

- (1) Completed application form and staff notes from pre-development meeting;
- (2) Filing fee;
- (3) Environmental transaction screen or equivalent documentation (two copies or an electronic copy);
- (4) Engineer's construction cost assessment for determining assurances;
- (5) One AutoCAD file of the plat that conforms to the City of Yuma CADD standards shall be submitted electronically.

~~(D) If the Department of Planning and Neighborhood Services determines that all conditions of~~

~~approval and city codes are satisfied, then the Department of Planning and Neighborhood Services will forward the final plat to the City Council for consideration based on the final plat application deadline schedule.~~

§ 153-47 Final Plat Submittal Requirements.

(A) *Final plat information:*

- (1) Final scale to be shown on plat: 1 inch equals 10, 20, 30, 40, 50, 60, or 100 feet;
- (2) Plat may be submitted on several sheets and accompanied by an index sheet showing entire subdivision;
- (3) Subdivision name, and unit number, if any;
- (4) Names and addresses of owner and developer; location by section, township, range, county and state;
- (5) Professional land surveyor's certification;
- (6) North arrow;
- (7) Signature lines and dates on plat for: City Department of Community Development, City of Yuma Engineer, Acceptance by Mayor, City Clerk or designee, Health Department where applicable; owner(s) signed and notarized approval of plat and dedications of streets, alleys, easements, and any other public areas;
- (8) Subdivision boundary with accurate distances and bearings to primary control points;
- (9) Location and width of all streets, crosswalks, alleys and other rights-of-way within the plat;
- (10) Names of streets within and adjacent to the plat boundaries as defined in approved preliminary plat;
- (11) Bearings and distances to the nearest established section or patent corners or other official monuments;
- (12) Lengths of all arcs, radii, internal angles, tangent lengths and radial bearings, if necessary;
- (13) All existing easements for right-of-way provided for public services or utilities, including purposes and any limitations of such easements;
- (14) Proposed easements for right-of-way provided for public services or utilities, including purposes and limitations of such easements;
- (15) Sequentially-numbered lots with accurate dimensions in feet, to the nearest hundredth and bearings and angles for applicable lot lines;
- (16) Accurate description of all monument or marker locations used on the plat;
- (17) Accurate outlines of any areas being dedicated for public use with purposes indicated thereon and any area reserved by deed covenant for common use by all property owners in subdivision, including private streets, if any;
- (18) Square footage or acreage of each resulting lot;
- (19) Building setback lines, shown graphically along all streets with dimensions;
- (20) Stormwater retention designations and volumes as required for lots within the subdivision, if applicable (deed restrictions to be recorded on lots with identified

stormwater volume storage requirements);

(21) Any restrictive covenants applying to lots in the subdivision (signed by the owner(s)) and printed on subdivision plat or recorded in the Office of the Recorder;

(22) Show easement(s) for USPS approved cluster box units; monuments or markers shall be located and in place prior to final approval;

(a) The cluster box unit mailboxes must meet the specifications of the United States Postal Service (USPS) with the inscription "US Mail" and "Approved by the Postmaster General" plainly legible and be approved by the local postmaster prior to installation.

(23) Monuments or markers shall be located and in place prior to final plat acceptance of the subdivision of the city.

(24) One full street access and a second access (permanent or temporary) including subdivision improvement plans for each phase of the development shall be shown having accessible routes for emergency access personnel and equipment, subject to the approval of the Fire Marshal. Where such access cannot be provided due to existing development or land-locked property, the ~~Planning and Zoning Commission may recommend conditions for subdivision approval,~~ **proposal shall be subject to review by the Fire Marshal, which may include measures to improve accessibility or reduce fire hazards through sprinklered structures.**

(B) *Final plat boundary and topographic survey map information:*

(1) Scale: 1 inch equals 10, 20, 30, 40, 50, 60, or 100 feet shown on plat;

(2) Title block including the following information: Subdivision name and unit number, if any;

(3) Name and address of registered land surveyor;

(4) Subdivision boundary with accurate distances and bearings to primary control points;

(5) Location and width of all streets, crosswalks, alleys and other rights-of-way within and adjoining the plat;

(6) Names of streets within and adjacent to the plat boundaries as defined in the approved preliminary plat;

(7) Bearings and distances to the nearest established section or patent corners or other official monuments (street lines or political subdivision boundaries);

(8) Lengths of all arcs, radii, internal angles, tangent lengths and radial bearings, if necessary;

(9) All easements, restrictive covenants and right-of-way provided for public services or utilities, including purposes and any limitations of such easements;

(10) Accurate description of all monument or marker and benchmark locations used on the plat.

(C) *Final plat grading, paving and drainage plan map information:*

(1) Scale: 1 inch equals 10, 20, 30, 40, 50, 60, or 100 feet shown on plat;

(2) Title block including the following information: Subdivision name and unit number, if any, and professional engineer preparing map information including address and phone;

(3) Subdivision boundary;

(4) Location and width of all streets, crosswalks, alleys and other rights-of-way within and adjoining the plat;

- (5) Names of streets within and adjacent to the plat boundaries as defined in the approved preliminary plat;
 - (6) All easements for right-of-way provided for public services or utilities, including purposes and any limitations of such easements;
 - (7) Accurate description of all monument or marker and benchmark locations used on the plat;
 - (8) Monuments or markers to be constructed in accordance with the City of Yuma standard specifications and/or other specifications;
 - (9) Applicable lot lines with accurate dimensions; onsite stormwater retention designations;
 - (10) Boundary and topographic survey information;
 - (11) Street plans with grades and details;
 - (12) Drainage plans and profiles with grades and details;
 - (13) Street lighting locations and details where necessary.
- (D) Final plat water, sewer, utility and landscaping plan information:*
- (1) Scale: 1 inch equals 10, 20, 30, 40, 50, 60, or 100 feet shown on plat;
 - (2) Title block including the following information: Subdivision name and unit number, if any, and professional engineer preparing map information including address and phone;
 - (3) Subdivision boundary;
 - (4) Names of streets within and adjacent to the plat boundaries as defined in the approved preliminary plat;
 - (5) All existing easements for right-of-way provided for public services or utilities, including purposes and any limitations of such easements;
 - (6) Applicable lot lines with accurate dimensions;
 - (7) Accurate outlines of any areas being dedicated for public use with purposes indicated thereon and any area reserved by deed covenant for common use by all property owners in subdivision, including private streets, if any;
 - (8) Monuments or markers to be constructed in accordance with City of Yuma standard specifications and/or other specifications;
 - (9) Boundary and topographic survey information including benchmarks;
 - (10) Water plans and details;
 - (11) Sewer plans and details;
 - (12) On-site stormwater retention designations
 - (13) Public utilities, including telephone, cable television, electricity or other public utilities and details where necessary
 - (14) Landscaping plans including systems for retention and/or detention areas/recreation areas or parks - total linear footage of irrigation lines for landscaping shall be provided by location;
 - (15) Lighting locations and details where necessary.

§ 153-50 Final Plat Materials and Documents Required.

Upon approval of the final plat by the ~~City Council~~ **Department of Community Development**, the following materials shall be provided to the Department of ~~Planning and Neighborhood Services~~ **Community Planning** prior to recordation of the plat:

- (A) One reproducible (i.e., mylar) copy of the final plat, with proper signatures to be retained by the County Recorder's Office. Digital copies of the recorded final plat will be distributed to the City of Yuma Department of Planning and Neighborhood Services and the applicant. One AutoCAD file of the plat that conforms to the City of Yuma CADD standards shall be submitted electronically.
- (B) Prior to construction, a digital copy of the complete subdivision improvements plans, including street plan and profiles, water, sewer, stormwater drainage and alley improvements shall be submitted to City Engineering.

§ 153-51 Assurance of Completion.

Prior to recordation of a final plat, the applicant shall either construct or install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the Department of ~~Planning and Neighborhood Services~~ **Community Development** an agreement between the applicant and the city. Said agreement shall specify the period within which required improvements and repairs shall be completed and, if the work is not completed within the period specified, it shall provide the city with the ability to complete the work and recover the full cost and expense of all improvements, together with all court costs and attorney fees necessary to collect said amounts from the applicant.

(A) The applicant shall file with the agreement, to assure full and faithful performance thereof, one of the following:

- (1) A surety bond executed by a surety company authorized to transact business in the State of Arizona.
- (2) A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
- (3) Cash deposit, including certificates of deposit.
- (4) Letter of credit.

(B) Such assurance of full and faithful performance shall be in a form approved by the City Attorney and shall be for a sum approved by the City Engineer as sufficient to cover the cost of the improvements and repairs and related engineering and incidental expenses. The amount shall be based on a construction estimate of the work to be completed, prepared by a registered engineer and shall be a minimum of 100% of the uncompleted construction estimate, concurred to by the City Engineer.

(C) If the applicant fails to carry out the provisions of the agreement, without the written concurrence of the City Engineer and the City Engineer determines that the city will incur costs or expenses to complete these provisions, the City Engineer shall call on the assurance monies and deposit those monies in an account specifically set aside for completion of the requirements. If the amount of the assurance monies, called on by the City Engineer, exceeds the costs and expenses incurred by the city for completion of the required improvements, the City Engineer shall refund the remainder. If the amount of the assurance monies, called on by the City Engineer, proves to be insufficient to satisfy the costs and expenses incurred by the city, the applicant shall be liable to the city to satisfy the full amount of the shortfall, upon demand by the city. Ten percent of the required assurance amount shall be retained pending the city's full acceptance of subdivision improvements by the City Engineer. Release of assurances shall be based on the amount of work remaining to be completed. The city will provide written notification of the subdivision improvements acceptance and

cause the release of assurances.

Required Improvements

§ 153-60 Improvements Responsibility of Subdivider; Compliance with Standards.

All public improvements shown on the preliminary plan, ~~and any additional improvements that may be required by the Planning Commission~~ **Department of Community Development** as a condition for approval of the final plat, shall be the responsibility of the subdivider. All improvements constructed shall meet the City of Yuma standard specifications, as adopted or amended.

§ 153-61 Streets and Drainage.

(A) *Access.* Any land hereinafter subdivided shall have frontage on an existing dedicated and improved street, road, or highway. Where such proposed subdivision does not meet this condition, it shall be the responsibility of the subdivider to provide access by means of a dedicated and improved street or road.

(B) *Grading.* All streets and alleys within the limits of the subdivision shall be graded full width of the dedicated right-of-way, and all roadways shall be improved to meet the City of Yuma standard specifications, as adopted or amended.

(C) *Drainage.* Any land which is considered to be excessively irregular shall be provided with proper drainage. Where surface drainage is adequate, all appurtenant structures such as combination curb and gutter, driveway and alley entrances, valley gutters, culverts, and the like, will be constructed. Where subsurface drainage is required, all manholes, inlets, or connections to existing systems shall be required. This work shall be done prior to any street surfacing.

(D) *Sidewalks.* Sidewalks of such width and type as required by the City of Yuma standard specifications, as adopted or amended, shall be constructed on both sides of all streets within the subdivision, and in all crosswalkways.

§ 153-62 Utilities.

(A) *Sewer.* Sewer lines shall be installed to serve all lots within the subdivision in accordance with minimum standards of the city. Where sewer service is not available, a system for disposal of sewerage shall be installed in accordance with minimum requirements of the City-County Health Department. Plans for disposal systems and sanitary sewers shall be approved by the Arizona State Board of Health.

(B) *Water.* Water mains shall be installed to serve all lots within the subdivision, or certified evidence shall be submitted by the subdivider that potable water is available in sufficient quantity.

(C) *Electricity.* Certification from the local electric power company, that electrical service is available and will be provided, shall be submitted by the subdivider. Location of power distribution poles and street light standards shall be indicated on preliminary plat.

(D) *Fire hydrants.* Fire hydrants shall be installed in accordance with requirements of the City Engineer, City of Yuma Fire Department, and the recommendations of the Board of Fire Underwriters.

(E) *Street Lighting.*

(1) Street lighting shall be installed in accordance with city standards along all streets within the subdivision and along perimeter streets developed in conjunction with the subdivision. Where all utilities are proposed to be underground, underground street light circuits shall also be provided. The pole, lamp, luminaries and bracket and underground circuits shall be provided by the developer.

(2) Upon acceptance of the street lighting improvements by the city, the monthly street lighting charges shall be paid by the city. The street lighting improvements shall be maintained by the city.

(F) *Street name signs.* Signs shall be placed at all street intersections. Specifications for design, construction, location and installation shall be in accordance with City of Yuma standard specifications, as adopted or amended.

(G) *Utility connections.* Where practicable, no utilities shall be installed under any streets except where access lines are required from one area to another.

(H) *Mailboxes.* USPS-approved cluster box unit mailboxes shall be installed by the developer in the location(s) approved by the USPS and identified on the final plat. For residential developments, mailbox units must be installed prior to the final inspection of the first dwelling unit (not including the model homes). The responsibility of maintenance, replacement and repairs of the cluster box unit mailboxes is that of the home owners after initial installation by the developer.

§ 153-63 Schedule of Installation.

(A) The improvements required to be made under these regulations shall be installed in compliance with schedules agreed upon during approval of preliminary plan.

(B) Installation of all improvements shall be done under supervision of the City Engineer or under the supervision of the offices of the city having jurisdiction.

Administration and Enforcement

§ 153-75 Administration by City Planning Department.

The provisions of this chapter shall be administered by the Department of ~~Planning and Neighborhood Services~~ **Community Development**, and appeals from any decision of the ~~Planning and Zoning Commission~~ **Department of Community Development** shall go to **are appealable to** the City Council. ~~Notice of the appeal shall be given to said Planning and Zoning Commission 30 days preceding any meeting held by the City Council pertaining to said appeal.~~

§ 153-76 Variances.

Where the ~~Planning Commission~~ **Community Development Director, or authorized deputy** finds that hardships may result from strict compliance with any of these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the Master Plan or of these regulations.

§ 153-77 Large Scale Development.

The standards and requirements of these regulations may be modified in the case of a plan and program for complete community or a neighborhood unit, which in the judgment of the Planning Department and the City Engineer, provides adequate public spaces and improvements for the circulation, recreation, light, air, and

service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to, and achievement of, the plan.

§ 153-78 Sale of Lots by Metes and Bounds Description.

The sale of property to be used as lots, plots, or building sites in subdivisions only by a metes and bounds description shall be presumed to be an attempt to evade the provisions of this ordinance, and such an instrument shall not be eligible for filing and recording in the office of the County Recorder.

§ 153-79 Issuance of Building Permits.

No building permit shall be issued for the erection of any building on any property other than on a lot of record prior to adoption of these regulations or a resubdivided lot in a duly approved and recorded subdivision without approval of the ~~City Planning Commission~~ **Department of Community Development**.

SECTION 2: Yuma City Code, Title 15, Chapter 154, Article 2, Section 1, Planning and Zoning Commission, Subsections A, B, and C, be amended to insert the bolded text and delete the strike through text:

§ 154-02.01 Planning and Zoning Commission.

(A) Created. A City Planning and Zoning Commission is hereby established.

- (1) Charter reference. Power to regulate land use for the public benefit, see Charter Art. III, § 12 and to engage in intergovernmental agreements, see Charter Art. III, § 13.
- (2) Statutory reference. Municipal planning, see A.R.S. §§ 9-461 et seq. and open space preservation, see A.R.S. §§ 9-464 et seq.

(B) Responsibilities. The Planning and Zoning Commission shall be responsible for:

- (1) Identifying and evaluating the unique factors influencing the character and location of development within the City;
- (2) Recommending to the City Council desirable standards for guiding the development and rehabilitation of various sections of the community; and,
- (3) Recommending to the City Council standards for adequate public services and facilities throughout the City.

(C) Duties. The City Planning and Zoning Commission shall:

- (1) Review long term City planning documents and recommend to the City Council that the City adopt or amend the City Council approved General Plan;
- ~~(2) Recommend to the City Council subdivision platting rules and regulations and amendments thereto;~~
- ~~(3)~~**(2)** Recommend to the City Council the adoption or amendment of zoning regulations consistent with the General Plan;
- ~~(4)~~**(3)** Recommend to the City Council an official zoning map of the City and amendments thereto consistent with the General Plan; and,
- ~~(5)~~**(4)** Review and evaluate proposed redevelopment plans for conformity with the General Plan and recommend to the City Council adoption of redevelopment plans consistent with the General Plan.

SECTION 3: Yuma City Code, Title 15, Chapter 154, Article 3, Section 1 Citizen Review Process be amended to insert the bolded text and delete the strike through text::

§ 154-03.01 Citizen Review Process

(A) Purpose. To provide appropriate information to adjacent land owners and other potentially affected citizens of requested zoning map amendments, conditional use permits, specific plans and ~~subdivisions of land~~ and allow opportunities to express any issues or concerns that they may have with the proposal before the public hearing.

(B) Notification. All notifications sent pursuant to § 154-03.02 shall include:

- (1) The substance and location of the proposal;
- (2) The purpose or intent of the proposal;
- (3) Contact information for the staff and the applicant, or his or her agent, which may include telephone numbers, mailing and e-mail addresses; and
- (4) Meeting dates and locations of neighborhood meetings, if deemed appropriate.

(C) Neighborhood meetings. Following application for zoning map amendment, conditional use permit, ~~or specific plan or preliminary subdivision of land~~, a neighborhood meeting or other public input opportunity may be required. City staff will establish the process and procedures for the neighborhood meetings. Failure by the applicant to participate in the neighborhood meeting, will delay the development review process for the subject application.

**ATTACHMENT B
AGENCY NOTIFICATION**

- Legal Ad Published: The Sun 10/03/25
- 34 Commenting/Reviewing Agencies noticed: 09/08/25
- Neighborhood Meeting: N/A
- Hearing Date: 10/27/25
- Comments due: 09/22/25

| External List (Comments) | Response Received | Date Received | "No Comment" | Written Comments | Comments Attached |
|--|--------------------------|----------------------|------------------------|---------------------------|--------------------------|
| Yuma County Airport Authority | NR | | | | |
| Yuma County Engineering | NR | | | | |
| Yuma County Public Works | NR | | | | |
| Yuma County Water Users' Assoc. | YES | 09/15/25 | X | | |
| Yuma County Planning & Zoning | YES | 09/15/25 | X | | |
| Yuma County Assessor | NR | | | | |
| Arizona Public Service | NR | | | | |
| Time Warner Cable | NR | | | | |
| 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. | NR | | | | |
| Yuma Irrigation District | NR | | | | |
| Arizona Game and Fish | NR | | | | |
| United States Postal Service | NR | | | | |
| Yuma Metropolitan Planning Org. | NR | | | | |
| El Paso Natural Gas Co. | NR | | | | |
| Western Area Power Administration | YES | 09/15/25 | X | | |
| City of Yuma Internal List (Conditions) | Response Received | Date Received | "No Conditions" | Written Conditions | Comments Attached |
| Police | NR | | | | |
| Parks & Recreation | NR | | | | |
| Development Engineering | NR | | | | |
| Fire | YES | 09/15/25 | X | | |
| Building Safety | NR | | | | |
| City Engineer | NR | | | | |
| Traffic Engineer | NR | | | | |
| MCAS / C P & L Office | YES | 10/2/25 | X | | |
| Utilities | NR | | | | |
| Public Works | NR | | | | |
| Streets | NR | | | | |

| Neighborhood Meeting | Comments Available |
|-----------------------------|---------------------------|
| None Required | N/A |

PUBLIC COMMENTS RECEIVED: NONE

ORDINANCE NO. O2025-052

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 153 AND CHAPTER 154 OF THE YUMA CITY CODE TO COMPLY WITH STATE STATUTE RELATING TO MUNICIPAL ADMINISTRATIVE REVIEWS; AND DECLARING AN EMERGENCY

WHEREAS, House Bill 2447, approved by the legislature and signed by the Governor on March 31, 2025, requires by ordinance that cities and towns authorize administrative personnel to review site plans, development plans, land divisions, lot ties, preliminary plats, final plats and plat amendments without a public hearing; and,

WHEREAS, House Bill 2447 has an effective date of December 31, 2025, and in order to comply with that effective date, this ordinance shall be enacted as an emergency and shall be in effect upon adoption on December 17, 2025; and,

WHEREAS, from time to time, it may be desirable to modify the zoning code within the context of a dynamic and growing community; and,

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on October 27, 2025 in Case No: ZONE-44496-2025 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on October 3, 2025; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the zoning code text amendment in Case No: ZONE-44496-2025 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this amendment, and finds that the recommendation complies with and supports the goals and objectives of the Yuma General Plan, as amended.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: Yuma City Code, Title 15, Chapter 153, Subdivisions be amended to insert the bolded text and delete the strike through text:

General Provisions

§ 153-01 Purpose and Intent for Plat Approval Procedure.

Under the authority of the City Charter, Article III, Section 12, Land Use, and state statutes granting to municipalities the right to review and approve subdivision of lands (Title 9, Chapter ~~6~~ **4**, Article 6.2, Municipal Subdivision Regulations), the city shall regulate as is necessary for the public benefit the use of all land within the corporate limits. The subdivision of land affects public rights-of-way and their use. Therefore, procedural requirements for the review and processing of plats shall be established for the subdivision of land.

§ 153-02 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGREED SCHEDULE. A time schedule agreed upon by the subdivider and the Planning Commission for installation of required public improvements, and the sequence in which each will be installed.

ALLEY. A minor public right-of-way used primarily for vehicular access to the rear or side of properties otherwise abutting on a street.

ASSURANCE OF COMPLETION. A contract secured by a bond in an amount and with surety satisfactory to the City Engineer, guaranteeing completion of public improvements which are shown on the subdivision preliminary plan.

BOARD OF SUPERVISORS. Chief legislative body of the County of Yuma.

BUILDING SETBACK LINE. The line indicating the minimum horizontal distance between the street right- of-way line and buildings or any projection thereof, other than steps, eaves, or overhangs.

CITY. The City of Yuma, being in Yuma County, State of Arizona.

CITY COUNCIL. The chief legislative body of the City of Yuma.

CITY ENGINEER. The City Engineer of the City of Yuma or their designee for oversight of a given functional role or project.

COUNTY. County of Yuma, State of Arizona.

CUL-DE-SAC. A short, minor street having but one end open for motor traffic; the other being terminated by a vehicular turn-a-round.

DEPARTMENT OF BUILDING SAFETY. The Department of Building Safety of the City of Yuma, Arizona.

~~*DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES.* The Department of Planning and Neighborhood Services of the City of Yuma, Arizona.~~

DEPARTMENT OF COMMUNITY DEVELOPMENT. The Department of Community Development of the City of Yuma, Arizona.

EASEMENT. A grant by a property owner of the use, for a specific purpose or purposes, of a designated strip of land to the general public, a corporation, or other individuals.

GENERAL PLAN. The comprehensive, long-range general plan for the development of the City of Yuma consisting of statements of community goals and development policies, including maps, any necessary diagrams and text setting forth objectives, principles, standards and plan proposals.

LOT. A portion of a subdivision intended as a unit for transfer of ownership or for development or both, and having frontage on a dedicated street. In determining the area and dimensions of a lot, no part of the right- of-way of a street or crosswalk may be included.

LOT FRONTAGE. The front dimension of a lot measured along the street right-of-way.

LOT WIDTH. The width of the lots at the building line measured parallel to the street right-of-way line.

MAJOR STREET PLAN OR OFFICIAL MAP. A part of the master plan showing the location and dimensions of principal thoroughfares (land shown in parks along such thoroughfares is not deemed part of the street right-of-way).

MASTER PLAN. A comprehensive subdivision development or neighborhood plan consisting of statements of neighborhood goals and development policies, including maps, any necessary diagrams and text setting forth objectives, principles, standards and plan proposals to guide subdivision design and platting. A *MASTER PLAN* shall consist of not less than 80 acres of land.

OFFICIAL MAP. The map established by the City Council as provided by law, showing the streets theretofore existing and established by law as public streets and any amendments thereto adopted by the City Council, as appropriate, or additions thereto resulting from approval of subdivision plats and the subsequent recording of such approved plats.

PLANNING AND ZONING COMMISSION. Planning and Zoning Commission of the City of Yuma.

PLAT OF SUBDIVISION. A map showing the division of any tract of land into two or more parcels, and prepared for the purpose of recording.

PROTECTIVE COVENANT. A restriction on the use of private property within a subdivision for the purpose of providing mutual protection against undesirable aspects of development. Protective covenants regulating the use of land represent an express agreement between the subdivider and the lot purchasers.

PUBLIC IMPROVEMENTS. Any of the following: roadway pavement section, curbs, gutters, sidewalks, crosswalks, water mains, sanitary sewer, storm drains, landscaping, retention basins, and other appurtenant construction as related to the subdivision plan.

RIGHT-OF-WAY. The entire strip of land lying between the property lines of a street or thoroughfare, alley, walkway, or easement.

ROADWAY. The portion of a street available for vehicular traffic between curbs, or the improved portion within the right-of-way.

~~*RULES OF PROCEDURE.* Regulations adopted by the Planning and Zoning Commission and the City Council for the submission and approval of subdivision plats.~~

SIDEWALKS. The portion of a street or walkway, paved or otherwise surfaced, intended for pedestrian use only.

STREET. A right-of-way designed for vehicular and pedestrian traffic, regardless of its designation by name, such as street, thoroughfare, avenue, land, place or the like.

STREET, ACCESS OR FRONTAL. A street running parallel to and adjacent to or in the immediate vicinity of a major street or highway and which has as its purpose the relief of such major street from the local service of abutting properties.

STREET ARTERIAL. A street of great continuity, existing or planned which serves or is intended to serve foreign and local traffic, and which is designated on the major street plan to identify those streets comprising the basic structure of the street system of the city and surrounding area. Arterials are only those streets designated on the master street plan, including additions or corrections thereto.

STREET, LOCAL. A street of limited continuity which serves or is intended to serve the local needs of a neighborhood.

STREET STANDARDS. City of Yuma standard specifications as adopted or amended.

SUBDIVIDER. Any person, firm or corporation acting as a unit, or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as defined herein.

SUBDIVISION. A division of land into two or more lots, tracts or parcels for the purpose of financing, sale or lease, whether immediate or future, except for any division of land which qualifies

as a lot split as specified in § 153-18. *SUBDIVISION* shall include any condominium, cooperative, community apartment, townhouse, or similar project in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit thereon, and further indicating the building(s) or the manner in which the building(s) or airspace above the property shown on the plat is to be recorded.

SUBDIVISION PRELIMINARY PLAT. A drawing showing a proposed subdivision of land together with the public improvements which are to be installed therein. Such a drawing is not recordable.

TRACT. A defined area of land regardless of size.

WALKWAY. A public right-of-way used primarily for pedestrian travel through or across any portion of a block.

ZONING. Regulation by districts of the height, area, and use of buildings; use of land and density of population.

§ 153-03 General Principles of Acceptability

(A) *Master plan.*

- (1) Streets shall conform substantially to the general plan adopted by the city and any revisions or amendments thereof. Whenever a tract to be subdivided includes any part of a street indicated as an arterial street on the major street plan of the general plan, such part of such street shall be dedicated by the subdivider.
- (2) Where frontal or access roads are deemed necessary, additional right-of-way shall be 40 feet on either side of the arterial street.

(B) *Public open spaces and sites.* Where, as indicated by the master plan, a proposed subdivision contains, wholly or in part, a proposed public open space or a proposed site for a public building, such sites shall be reserved unless the concerned authority states it has no intention of development in the area. ~~The Planning and Zoning Commission will immediately notify the concerned authority.~~

(C) *Neighborhood plan.* If a tentative plan has been approved by the ~~Planning and Zoning Commission~~ **Department of Community Development** for the neighborhood of the proposed subdivision, the street system of the latter shall conform substantially thereto.

(D) *Unsubdivided portion of tract.* The ~~Planning and Zoning Commission~~ **Department of Community Development** may require a sketch of the tentative future street system beyond the limits of the tract adjacent to the land area presently being subdivided.

(E) *Provision for future subdivision.* If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of the future streets and logical further subdivision.

(F) *Reserved strips prohibited.* There shall be no “reserved” strips controlling access to land dedicated or intended to be dedicated to public use.

§ 153-04 Streets

(A) *Circulation.*

- (1) The street pattern shall provide ease of circulation within the subdivision as well

as convenient access to adjoining streets or unsubdivided land, as may be required by the City Engineer.

- (2) Local residential streets should be so planned as to discourage their use by non-local traffic. Where a street will eventually be extended beyond the subdivision but is temporarily dead-ended, an interim turn-around may be required.

(B) *Arterial streets.* If a new subdivision involves frontage on an arterial street, as defined herein, the street layout should be planned to avoid, as far as possible, any private residential driveways from having direct access to such by providing access or frontal streets.

(C) *Existing streets.* Existing street (constructed or recorded) in adjoining territory shall be continued at equal or greater width and in similar alignment by streets proposed in the subdivision, unless variations are approved by the City Engineer.

(D) *Cul-de-sacs.* Cul-de-sacs shall not be longer than 600 feet, unless necessitated by topography or other circumstances beyond the subdividers control.

(E) *Half-streets.* No half-streets will be accepted. Where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half, being a minimum width to meet this chapter, shall be platted.

(F) *Stub streets.* Where a subdivision adjoins unsubdivided land, stub streets shall be provided at locations as determined by the City Engineer to ensure future access and traffic circulation.

(G) *Intersections.* All street intersections shall be at right angles. Where, because of topographic or other reasons, an intersection cannot be at right angles, such intersection shall be designed to insure safety.

(H) *Easements.* Easements for slopes and utilities shall be dedicated wherever necessary as required by the City Engineer. Easements shall be at least eight feet wide across the rear or front of all lots, except that a utility easement adjacent to unsubdivided lands shall be at least ten feet wide. In addition, easements may be required at other suitable locations by the City Engineer.

(I) *Dimensional standards.*

- (1) *Minimum width.* The street right-of-way and roadway width shall not be less than the minimum width shown in the latest adoption of the City of Yuma Construction Standards Detail Drawings and the Transportation Element of the General Plan. Additional right-of-way or easements may be required for utilities, slope rights, drainage facilities or irrigation facilities.

(2) *Alignment; minimum standards.*

- (a) One electronic copy of the complete, plans and profiles for street and alley improvements shall be submitted for approval of the City Engineer prior to approval of the final plat by ~~City Council~~ **the Department of Community Development**.

(b) Vertical curves:

1. Arterial streets: As determined by the City Engineer.
2. Collector, local streets: Minimum length 100 feet, except in cases approved by the City Engineer.

(c) Horizontal curves:

1. Arterials, access and frontal streets: 500 feet.
 2. Collector streets: 200 feet.
 3. Local streets: 100 feet.
 4. Alleys: Laid out to provide turning radius at alley intersection.
- (3) *Reserved curve.* Unless approved by the City Engineer, all streets shall have a tangent of 100 feet between reserve curves.
- (4) *Corners.* At the intersection of two streets, property line corners shall be chamfered by a corner triangle in accordance with the currently adopted design and construction standards. The minimum corner triangle size shall be increased when the smallest angle of intersection is less than 90 degrees, or in any case where the City Engineer considers an increase necessary.

§ 153-05 Blocks

(A) Length of residential blocks shall not be more than 1,000 feet long unless approved by the ~~Planning and Zoning Commission~~ **Department of Community Development**.

(B) Irregular shaped blocks (including superblocks) indented by cul-de-sacs containing interior parks or playgrounds and adequate parking space, will be acceptable when properly designed and covered by agreements as to maintenance of such park areas.

(C) Orientation on arterials: If frontage on an arterial street is involved, the long dimension of the block shall preferably front thereon by means of an access or frontal road, in order to create as few intersections as possible with the arterials.

(D) Business or industrial: Blocks intended for business or industry shall be of such length and depth as may be considered most suitable for their prospective use by the ~~Planning and Zoning Commission~~ **Department of Community Development**, including adequate provision for parking, on-site loading and unloading and buffer, as required by the zoning ordinance.

§ 153-06 Lots.

(A) *Minimum width.* The minimum width of residential lots for all subdivisions shall be 50 feet at the building line and shall have a minimum area as approved by the County Health Unit, unless a larger area is required by the zoning ordinance.

(B) *Length and width ratio.* It is desirable that the length of a lot shall be not more than four times its width.

(C) *Fronting on arterials.* Lots fronting on arterials should be of such depth to accommodate setbacks as set forth in the zoning ordinance.

(D) *Double frontage.* Double frontage lots shall be avoided, except to overcome disadvantages of topography and orientation.

(E) *Side lot lines.* Side lines of lots shall be approximately at right angles or radial to the street line unless, in the opinion of the ~~Planning and Zoning Commission~~ **Department of Community Development**, a variation from this rule will give a better street and lot plan.

(F) *Corner lots.* Corner lots shall have sufficient width to permit the maintenance of the side street building line after providing a minimum building width of 30 feet, and a side yard, as required by the zoning ordinance, on the interior side of the lot.

(G) *Building sites.* Every lot must contain a suitable building site, which will provide minimum yard requirements in compliance with the zoning ordinance.

(H) *Street frontage.* Every lot shall front on a public street having a minimum right-of-way of 50 feet for a distance of not less than 35 feet measured along said right-of-way line.

Procedure for Plat Approval

§ 153-14 Pre-Application Procedure.

(A) Informal consideration. While the subdivision is still in the preliminary planning stage, the applicant shall consult with the Department of ~~Planning and Neighborhood Services~~ **Community Development** through a pre-development meeting, for informal review regarding the general plan, the zoning code, drainage and floodplain regulations, utility regulations, International Building Code, the subdivision code and standard for the design and installation of public improvements.

(B) Upon receiving favorable feedback from the pre-development meeting, the applicant may proceed to prepare the preliminary plat for submittal.

(C) Under no circumstances shall informal favorable consideration by the Department of ~~Planning and Neighborhood Services~~ **Community Development** be construed as formal approval of any subdivision.

§ 153-15 Submittal Process Outline

(A) Step One: Preliminary Plat: The preliminary plat application shall be reviewed and approved by the ~~Planning and Zoning Commission~~ **Department of Community Development**. The preliminary plat shall include applicable information as indicated in Yuma City Code § 153-31(A).

(B) Step Two: Improvement Plans

(1) A complete set of final improvement plans shall be submitted with the preliminary plat application, ~~or within 3 weeks of submitting the preliminary plat application.~~ Improvement plans shall include applicable information as indicated in Yuma City Code §§ 153-47(B), 153-47(C), and 153-47(D).

(2) Three sets of final improvement plans, and supplementary materials as specified, shall be submitted to the Department of ~~Planning and Neighborhood Services~~ **Community Development**. If plans are submitted electronically, there shall be no need to provide three hard copy sets.

~~(3) If final improvement plans are not submitted in a timely manner, review and approval of the preliminary plat to the Planning and Zoning Commission may be continued to an appropriate hearing date.~~

~~(4)~~ (3) For phased development projects, final improvement plans for a particular phase must be approved prior to the submittal of a final plat application.

(C) Step Three: Final Plat

The final plat application shall be reviewed and approved by the ~~City Council~~ **Department of Community Development**.

§ 153-16 Preliminary Plat Process

(A) The applicant shall prepare a preliminary plat that includes all applicable information required in Yuma City Code §§ 153-31(A) and 153-47.

(B) Three sets of the preliminary plat, or one electronic copy of the preliminary plat, and

supplementary material as specified, shall be submitted to the Department of ~~Planning and Neighborhood Services~~ **Community Development**. One AutoCAD file of the plat that conforms to the City of Yuma CADD standards shall be submitted electronically.

~~(C) At the time of submittal of all required preliminary plat and necessary supplemental materials to the Department of Planning and Neighborhood Services, a public hearing date with the Planning and Zoning Commission shall be scheduled in accordance with the Case Review Hearing Deadlines calendar for the year. Generally, public hearings with the Planning and Zoning Commission occur within 60 days of application submittal. At the public hearing, the Planning and Zoning Commission shall express its approval or disapproval of the proposed preliminary plat. The Planning and Zoning Commission shall state the conditions of such approval, if any, or if disapproved, shall express the reasons for the disapproval.~~

~~(B)~~ **(C)** Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, conditional approval shall be deemed an expression of approval to the subdivision layout, road alignments and number of lots submitted on the preliminary plat as a guide to the preparation of the final plat. The final plat shall be processed in accordance with the requirements of Yuma City Code §§ 153-17, 153-45, 153-46, 153-47, 153-50, and 153-51 of this code.

~~(E)~~ **(D)** The recording of a phase of the preliminary plat automatically extends the approval of the preliminary plat for an additional three years from the date of recording. The maximum time period a preliminary plat may be approved without a final plat submittal is six years.

§ 153-18 Procedure for Approval of Lot Split.

(A) Any division of land into three or fewer parts in which no right-of-way dedication, utility extension or other off-site public improvement is involved may be processed as a lot split subject to approval by the City Planning Director and City Engineer.

(B) Any proposed lot split shall be submitted to the Community Planning Division to determine compliance with applicable platting, subdividing and zoning regulations. The City Planning Director or City Engineer may require the submittal of any additional information as is pertinent to make this determination.

(C) The final plat shall be prepared by an Arizona registered surveyor **or registered civil engineer** on a sheet suitable for recording, or on polyester or linen or a copy reproduced on polyester by a photographic silver imaging process or other method that assures archival quality. Required signatures shall be original signature, not copies, and shall include provisions for signatures by the City Planning Director and City Engineer. The plat must be 24" x 36" or other size as required by the Yuma County Recorder. All drawing, printing, and signatures shall be directly applied to the sheet to be recorded. The use of nonpermanent inks, press-on adhesive letters, films, or tapes is prohibited. The plat shall further include items specified in §§ 153-47. One AutoCAD file of the plat that conforms to the City of Yuma CADD standards shall be submitted electronically.

§ 153-19 Procedure for Approval of a Ten Lot Subdivision.

(A) A division of land into ten or fewer parts may be processed as a subdivision which does not require the need for a preliminary plat approval. A ten lot or less subdivision shall follow the final plat review process as specified in § 153-46 and will be subject to approval by **the Department of Community Development** ~~City Council~~.

(B) In accordance with state statute, A.R.S. § 9-463.01, the City Engineer may waive or reduce infrastructure standards or requirements except for improved dust-controlled access and minimum drainage improvements.

§ 153-20 Optional Commercial and Industrial Master Plat Process.

(A) *Purpose.* The commercial or industrial subdivision master plat process establishes an optional procedure within the city's subdivision plat process for subsequent divisions of a commercial or industrial master plat into smaller lots or tracts. A commercial or industrial master plat shall comply with all applicable city, state and federal development standards in effect at the time of development and the plat shall comply with the purpose and intent of the city's subdivision regulations.

(B) This procedure can only be followed if:

(1) The commercial or industrial subdivision master plat has completed preliminary and final plat approval per Chapter 153 of the City of Yuma Code of Ordinances;

(2) No further right-of-way dedication, utility extension or other off-site public improvement is involved;

(3) Infrastructure, grading, and all site remediation and improvements are completed prior to the division of the master plat into subsequent lots or tracts.

(C) Subsequent divisions of the master plat shall be processed in accordance with the procedures specified within § 153-18 Procedure for Approval of Lot Split. Minimum lot size is determined by the requirements of the zoning district.

§ 153-21 Filing Fee.

Each subdivision as defined herein shall be accompanied by a completed application form as provided by the City of Yuma Community Planning Division, and a nonreturnable filing fee in accordance with the fee schedule adopted by City of Yuma Ordinance No. 1943, and successors.

Preliminary Plat~~n~~

§153-30 Purpose and Intent

The preliminary plat is intended to precede the final subdivision plat. Its purpose is to show all facts needed to enable ~~the Planning and Zoning Commission and the~~ administrative staff of the city to determine whether the proposed layout of the subject land and the proposed public improvements are in the public interest. All required engineering and surveying work must be performed by or under the supervision of a registered engineer or surveyor registered in accordance with the provisions of the Arizona State Board of Registration for Professional Engineers and Land Surveyors. The following graphic and plat descriptive items are required to be shown on a preliminary plat.

§ 153-31 Preliminary Plat and Plans Submittal Requirements.

(A) *Preliminary plat information:*

- (1) Plat scale: 1 inch equals 10, 20, 30, 40, 50, 60, or 100 feet shown on the plat;
- (2) Plat may be submitted on several sheets and accompanied by an index sheet showing entire subdivision;
- (3) Subdivision name, names and addresses of owner and developer;
- (4) Location by section, township, range, county, state;
- (5) Plat signed and sealed by a registered land surveyor;

- (6) North arrow;
- (7) Subdivision boundary shown as a heavy, dark, solid line with accurate distances and bearings to primary control points;
- (8) Location, width and status (i.e., fee title, easement, county declaration, etc.) of all streets, alleys and other rights-of-way within and adjacent to the plat;
- (9) Names of streets within (existing and proposed) and 150 feet outside of the plat boundaries;
- (10) Bearings and distances to the nearest established section, or patent corners or other official monuments;
- (11) Federal Emergency Management Agency flood zone designations shall be clearly indicated or noted on the plat;
- (12) Lengths of all arc radii;
- (13) All existing easements or rights-of-way provided for public services or utilities, canals, or drainage ditches including purposes and any limitations of such easements. Also show and identify all other geophysical features within and 150 feet outside the plat boundaries;
- (14) Proposed easements for right-of-way provided for public services or utilities, including purposes and any limitations of such easements;
- (15) Lot lines (existing and proposed) with dimensions to the nearest foot and bearings;
- (16) Building setback lines, shown graphically along all streets with dimensions;
- (17) Square footage or acreage of each resulting lot;
- (18) All access points (vehicular and pedestrian) located within 150 feet of the proposed subdivision including their location, name, width, title status (i.e., easement, fee title) and recording information, if applicable;
- (19) Names and property lines of adjacent subdivision lots, and unsubdivided lands, shown with lightly dashed lines. Unsubdivided lands shall have reference to Yuma County Assessor's Parcel Numbers. Note locations and uses of all parcels or lots with non-residential uses;
- (20) Accurate description of all monument or marker locations used on the plat;
- (21) Accurate outlines of any areas being dedicated for public use with purposes indicated thereon and any area reserved by deed covenant for common use by all property owners in the subdivision, including private streets, if any;
- (22) Retention designations and volumes as required, if applicable. Deed restrictions to be recorded on subdivision plat with identified stormwater storage requirements;
- (23) Clearly identify or note zoning district boundaries and designations on the property and within 150 feet outside the plat boundary;
- (24) Draft restrictive covenants applying to lots in the subdivision;
- (25) Show USPS approved cluster box unit mailbox locations.
 - (a) Coordinate with the USPS for locations of cluster box unit mailboxes,
 - (b) Provide easement(s) and/or fee title dedication to the City of Yuma on the plat

for the location(s) of the cluster box unit mailboxes,

- (c) The cluster box unit mailboxes and supporting structures shall be located so that they do not create a traffic hazard, sight hindrance or other safety hazard per the American Association of State Highway and Transportation Officials' (AASHTO's) "Intersection Sight Distance" methodology, as presented in the most current revision adopted by the State of Arizona of "A Policy on Geometric Design of Highways and Streets".

(26) Two full street access points shall be shown for the proposed development. Where such access cannot be provided due to existing development or land-locked property, provisions may be added to conditions for subdivision approval, which improve accessibility or reduce fire hazards through ~~sprinklered structures and/or~~ other solutions.

Final Plat

§ 153-45 Preparation and Recording of Plat Required.

A subdivision final plat is the official recordable plat. All required engineering and surveying work must be performed by or under the supervision of a professional engineer and land subdividing and property pin setting by or under the supervision of a land surveyor, registered in accordance with the provisions of the State of Arizona State Board of Technical Registration. The final plat must bear the seal, signature and date of said professional engineer or surveyor.

§ 153-46 Final Plat Process.

(A) The final plat shall be prepared as specified in §§ 153-47 and 153-50 and shall conform substantially to the preliminary plat as approved. If desired by the applicant, the plat may be approved and recorded in phases. Each phase is required to conform to all city requirements and conditions of approval of the preliminary plat.

(B) The final plat shall be submitted to the Department of ~~Planning and Neighborhood Services~~ **Community Development** within three years of the approval date of the preliminary plat; otherwise, such preliminary plat shall automatically expire and be null and void. ~~An extension of time applied for prior to the expiration date of a preliminary plat and granted by the Planning and Zoning Commission shall extend such deadline.~~

(C) Three complete sets the final plat or one electronic copy, and other supplementary material required for review, shall be submitted to the Department of ~~Planning and Neighborhood Services~~ **Community Development**. Other final plat supplementary materials shall include:

- (1) Completed application form and staff notes from pre-development meeting;
- (2) Filing fee;
- (3) Environmental transaction screen or equivalent documentation (two copies or an electronic copy);
- (4) Engineer's construction cost assessment for determining assurances;
- (5) One AutoCAD file of the plat that conforms to the City of Yuma CADD standards shall be submitted electronically.

~~(D) If the Department of Planning and Neighborhood Services determines that all conditions of approval and city codes are satisfied, then the Department of Planning and Neighborhood Services will forward the final plat to the City Council for consideration based on the final~~

~~plat application deadline schedule.~~

§ 153-47 Final Plat Submittal Requirements.

(A) *Final plat information:*

- (1) Final scale to be shown on plat: 1 inch equals 10, 20, 30, 40, 50, 60, or 100 feet;
- (2) Plat may be submitted on several sheets and accompanied by an index sheet showing entire subdivision;
- (3) Subdivision name, and unit number, if any;
- (4) Names and addresses of owner and developer; location by section, township, range, county and state;
- (5) Professional land surveyor's certification;
- (6) North arrow;
- (7) Signature lines and dates on plat for: City Department of Community Development, City of Yuma Engineer, Acceptance by Mayor, City Clerk or designee, Health Department where applicable; owner(s) signed and notarized approval of plat and dedications of streets, alleys, easements, and any other public areas;
- (8) Subdivision boundary with accurate distances and bearings to primary control points;
- (9) Location and width of all streets, crosswalks, alleys and other rights-of-way within the plat;
- (10) Names of streets within and adjacent to the plat boundaries as defined in approved preliminary plat;
- (11) Bearings and distances to the nearest established section or patent corners or other official monuments;
- (12) Lengths of all arcs, radii, internal angles, tangent lengths and radial bearings, if necessary;
- (13) All existing easements for right-of-way provided for public services or utilities, including purposes and any limitations of such easements;
- (14) Proposed easements for right-of-way provided for public services or utilities, including purposes and limitations of such easements;
- (15) Sequentially-numbered lots with accurate dimensions in feet, to the nearest hundredth and bearings and angles for applicable lot lines;
- (16) Accurate description of all monument or marker locations used on the plat;
- (17) Accurate outlines of any areas being dedicated for public use with purposes indicated thereon and any area reserved by deed covenant for common use by all property owners in subdivision, including private streets, if any;
- (18) Square footage or acreage of each resulting lot;
- (19) Building setback lines, shown graphically along all streets with dimensions;
- (20) Stormwater retention designations and volumes as required for lots within the

subdivision, if applicable (deed restrictions to be recorded on lots with identified stormwater volume storage requirements);

(21) Any restrictive covenants applying to lots in the subdivision (signed by the owner(s)) and printed on subdivision plat or recorded in the Office of the Recorder;

(22) Show easement(s) for USPS approved cluster box units; monuments or markers shall be located and in place prior to final approval;

(a) The cluster box unit mailboxes must meet the specifications of the United States Postal Service (USPS) with the inscription "US Mail" and "Approved by the Postmaster General" plainly legible and be approved by the local postmaster prior to installation.

(23) Monuments or markers shall be located and in place prior to final plat acceptance of the subdivision of the city.

(24) One full street access and a second access (permanent or temporary) including subdivision improvement plans for each phase of the development shall be shown having accessible routes for emergency access personnel and equipment, subject to the approval of the Fire Marshal. Where such access cannot be provided due to existing development or land-locked property, the ~~Planning and Zoning Commission may recommend conditions for subdivision approval,~~ **proposal shall be subject to review by the Fire Marshal, which may include measures to improve accessibility or reduce fire hazards through sprinklered structures.**

(B) *Final plat boundary and topographic survey map information:*

(1) Scale: 1 inch equals 10, 20, 30, 40, 50, 60, or 100 feet shown on plat;

(2) Title block including the following information: Subdivision name and unit number, if any;

(3) Name and address of registered land surveyor;

(4) Subdivision boundary with accurate distances and bearings to primary control points;

(5) Location and width of all streets, crosswalks, alleys and other rights-of-way within and adjoining the plat;

(6) Names of streets within and adjacent to the plat boundaries as defined in the approved preliminary plat;

(7) Bearings and distances to the nearest established section or patent corners or other official monuments (street lines or political subdivision boundaries);

(8) Lengths of all arcs, radii, internal angles, tangent lengths and radial bearings, if necessary;

(9) All easements, restrictive covenants and right-of-way provided for public services or utilities, including purposes and any limitations of such easements;

(10) Accurate description of all monument or marker and benchmark locations used on the plat.

(C) *Final plat grading, paving and drainage plan map information:*

(1) Scale: 1 inch equals 10, 20, 30, 40, 50, 60, or 100 feet shown on plat;

- (2) Title block including the following information: Subdivision name and unit number, if any, and professional engineer preparing map information including address and phone;
 - (3) Subdivision boundary;
 - (4) Location and width of all streets, crosswalks, alleys and other rights-of-way within and adjoining the plat;
 - (5) Names of streets within and adjacent to the plat boundaries as defined in the approved preliminary plat;
 - (6) All easements for right-of-way provided for public services or utilities, including purposes and any limitations of such easements;
 - (7) Accurate description of all monument or marker and benchmark locations used on the plat;
 - (8) Monuments or markers to be constructed in accordance with the City of Yuma standard specifications and/or other specifications;
 - (9) Applicable lot lines with accurate dimensions; onsite stormwater retention designations;
 - (10) Boundary and topographic survey information;
 - (11) Street plans with grades and details;
 - (12) Drainage plans and profiles with grades and details;
 - (13) Street lighting locations and details where necessary.
- (D) *Final plat water, sewer, utility and landscaping plan information:*
- (1) Scale: 1 inch equals 10, 20, 30, 40, 50, 60, or 100 feet shown on plat;
 - (2) Title block including the following information: Subdivision name and unit number, if any, and professional engineer preparing map information including address and phone;
 - (3) Subdivision boundary;
 - (4) Names of streets within and adjacent to the plat boundaries as defined in the approved preliminary plat;
 - (5) All existing easements for right-of-way provided for public services or utilities, including purposes and any limitations of such easements;
 - (6) Applicable lot lines with accurate dimensions;
 - (7) Accurate outlines of any areas being dedicated for public use with purposes indicated thereon and any area reserved by deed covenant for common use by all property owners in subdivision, including private streets, if any;
 - (8) Monuments or markers to be constructed in accordance with City of Yuma standard specifications and/or other specifications;
 - (9) Boundary and topographic survey information including benchmarks;
 - (10) Water plans and details;
 - (11) Sewer plans and details;

- (12) On-site stormwater retention designations
- (13) Public utilities, including telephone, cable television, electricity or other public utilities and details where necessary
- (14) Landscaping plans including systems for retention and/or detention areas/recreation areas or parks - total linear footage of irrigation lines for landscaping shall be provided by location;
- (15) Lighting locations and details where necessary.

§ 153-50 Final Plat Materials and Documents Required.

Upon approval of the final plat by the ~~City Council~~ **Department of Community Development**, the following materials shall be provided to the Department of ~~Planning and Neighborhood Services~~ **Community Planning** prior to recordation of the plat:

- (A) One reproducible (i.e., mylar) copy of the final plat, with proper signatures to be retained by the County Recorder's Office. Digital copies of the recorded final plat will be distributed to the City of Yuma Department of Planning and Neighborhood Services and the applicant. One AutoCAD file of the plat that conforms to the City of Yuma CADD standards shall be submitted electronically.
- (B) Prior to construction, a digital copy of the complete subdivision improvements plans, including street plan and profiles, water, sewer, stormwater drainage and alley improvements shall be submitted to City Engineering.

§ 153-51 Assurance of Completion.

Prior to recordation of a final plat, the applicant shall either construct or install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the Department of ~~Planning and Neighborhood Services~~ **Community Development** an agreement between the applicant and the city. Said agreement shall specify the period within which required improvements and repairs shall be completed and, if the work is not completed within the period specified, it shall provide the city with the ability to complete the work and recover the full cost and expense of all improvements, together with all court costs and attorney fees necessary to collect said amounts from the applicant.

(A) The applicant shall file with the agreement, to assure full and faithful performance thereof, one of the following:

- (1) A surety bond executed by a surety company authorized to transact business in the State of Arizona.
- (2) A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
- (3) Cash deposit, including certificates of deposit.
- (4) Letter of credit.

(B) Such assurance of full and faithful performance shall be in a form approved by the City Attorney and shall be for a sum approved by the City Engineer as sufficient to cover the cost of the improvements and repairs and related engineering and incidental expenses. The amount shall be based on a construction estimate of the work to be completed, prepared by a registered engineer and shall be a minimum of 100% of the uncompleted construction estimate, concurred to by the City

Engineer.

(C) If the applicant fails to carry out the provisions of the agreement, without the written concurrence of the City Engineer and the City Engineer determines that the city will incur costs or expenses to complete these provisions, the City Engineer shall call on the assurance monies and deposit those monies in an account specifically set aside for completion of the requirements. If the amount of the assurance monies, called on by the City Engineer, exceeds the costs and expenses incurred by the city for completion of the required improvements, the City Engineer shall refund the remainder. If the amount of the assurance monies, called on by the City Engineer, proves to be insufficient to satisfy the costs and expenses incurred by the city, the applicant shall be liable to the city to satisfy the full amount of the shortfall, upon demand by the city. Ten percent of the required assurance amount shall be retained pending the city's full acceptance of subdivision improvements by the City Engineer. Release of assurances shall be based on the amount of work remaining to be completed. The city will provide written notification of the subdivision improvements acceptance and cause the release of assurances.

Required Improvements

§ 153-60 Improvements Responsibility of Subdivider; Compliance with Standards.

All public improvements shown on the preliminary plan, and any additional improvements that may be required by the ~~Planning Commission~~ **Department of Community Development** as a condition for approval of the final plat, shall be the responsibility of the subdivider. All improvements constructed shall meet the City of Yuma standard specifications, as adopted or amended.

§ 153-61 Streets and Drainage.

(A) *Access.* Any land hereinafter subdivided shall have frontage on an existing dedicated and improved street, road, or highway. Where such proposed subdivision does not meet this condition, it shall be the responsibility of the subdivider to provide access by means of a dedicated and improved street or road.

(B) *Grading.* All streets and alleys within the limits of the subdivision shall be graded full width of the dedicated right-of-way, and all roadways shall be improved to meet the City of Yuma standard specifications, as adopted or amended.

(C) *Drainage.* Any land which is considered to be excessively irregular shall be provided with proper drainage. Where surface drainage is adequate, all appurtenant structures such as combination curb and gutter, driveway and alley entrances, valley gutters, culverts, and the like, will be constructed. Where subsurface drainage is required, all manholes, inlets, or connections to existing systems shall be required. This work shall be done prior to any street surfacing.

(D) *Sidewalks.* Sidewalks of such width and type as required by the City of Yuma standard specifications, as adopted or amended, shall be constructed on both sides of all streets within the subdivision, and in all crosswalkways.

§ 153-62 Utilities.

(A) *Sewer.* Sewer lines shall be installed to serve all lots within the subdivision in accordance with minimum standards of the city. Where sewer service is not available, a system for disposal of sewerage shall be installed in accordance with minimum

requirements of the City-County Health Department. Plans for disposal systems and sanitary sewers shall be approved by the Arizona State Board of Health.

(B) *Water*. Water mains shall be installed to serve all lots within the subdivision, or certified evidence shall be submitted by the subdivider that potable water is available in sufficient quantity.

(C) *Electricity*. Certification from the local electric power company, that electrical service is available and will be provided, shall be submitted by the subdivider. Location of power distribution poles and street light standards shall be indicated on preliminary plat.

(D) *Fire hydrants*. Fire hydrants shall be installed in accordance with requirements of the City Engineer, City of Yuma Fire Department, and the recommendations of the Board of Fire Underwriters.

(E) *Street Lighting*.

(1) Street lighting shall be installed in accordance with city standards along all streets within the subdivision and along perimeter streets developed in conjunction with the subdivision. Where all utilities are proposed to be underground, underground street light circuits shall also be provided. The pole, lamp, luminaries and bracket and underground circuits shall be provided by the developer.

(2) Upon acceptance of the street lighting improvements by the city, the monthly street lighting charges shall be paid by the city. The street lighting improvements shall be maintained by the city.

(F) *Street name signs*. Signs shall be placed at all street intersections. Specifications for design, construction, location and installation shall be in accordance with City of Yuma standard specifications, as adopted or amended.

(G) *Utility connections*. Where practicable, no utilities shall be installed under any streets except where access lines are required from one area to another.

(H) *Mailboxes*. USPS-approved cluster box unit mailboxes shall be installed by the developer in the location(s) approved by the USPS and identified on the final plat. For residential developments, mailbox units must be installed prior to the final inspection of the first dwelling unit (not including the model homes). The responsibility of maintenance, replacement and repairs of the cluster box unit mailboxes is that of the home owners after initial installation by the developer.

§ 153-63 Schedule of Installation.

(A) The improvements required to be made under these regulations shall be installed in compliance with schedules agreed upon during approval of preliminary plan.

(B) Installation of all improvements shall be done under supervision of the City Engineer or under the supervision of the offices of the city having jurisdiction.

Administration and Enforcement

§ 153-75 Administration by City Planning Department.

The provisions of this chapter shall be administered by the Department of ~~Planning and Neighborhood Services~~ **Community Development**, and appeals from any decision of the ~~Planning and Zoning Commission~~ **Department of Community Development** shall go to ~~are~~ **appealable to**

the City Council. ~~Notice of the appeal shall be given to said Planning and Zoning Commission 30 days preceding any meeting held by the City Council pertaining to said appeal.~~

§ 153-76 Variances.

Where the ~~Planning Commission~~ **Community Development Director, or authorized deputy** finds that hardships may result from strict compliance with any of these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the Master Plan or of these regulations.

§ 153-77 Large Scale Development.

The standards and requirements of these regulations may be modified in the case of a plan and program for complete community or a neighborhood unit, which in the judgment of the Planning Department and the City Engineer, provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to, and achievement of, the plan.

§ 153-78 Sale of Lots by Metes and Bounds Description.

The sale of property to be used as lots, plots, or building sites in subdivisions only by a metes and bounds description shall be presumed to be an attempt to evade the provisions of this ordinance, and such an instrument shall not be eligible for filing and recording in the office of the County Recorder.

§ 153-79 Issuance of Building Permits.

No building permit shall be issued for the erection of any building on any property other than on a lot of record prior to adoption of these regulations or a resubdivided lot in a duly approved and recorded subdivision without approval of the ~~City Planning Commission~~ **Department of Community Development**.

SECTION 2: Yuma City Code, Title 15, Chapter 154, Article 2, Section 1, Planning and Zoning Commission, Subsections A, B, and C, be amended to insert the bolded text and delete the strike through text:

§ 154-02.01 Planning and Zoning Commission.

(A) Created. A City Planning and Zoning Commission is hereby established.

- (1) Charter reference. Power to regulate land use for the public benefit, see Charter Art. III, § 12 and to engage in intergovernmental agreements, see Charter Art. III, § 13.
- (2) Statutory reference. Municipal planning, see A.R.S. §§ 9-461 et seq. and open space preservation, see A.R.S. §§ 9-464 et seq.

(B) Responsibilities. The Planning and Zoning Commission shall be responsible for:

- (1) Identifying and evaluating the unique factors influencing the character and location of development within the City;
- (2) Recommending to the City Council desirable standards for guiding the development and rehabilitation of various sections of the community; and,
- (3) Recommending to the City Council standards for adequate public services and facilities throughout the City.

(C) Duties. The City Planning and Zoning Commission shall:

- (1) Review long term City planning documents and recommend to the City Council that the City adopt or amend the City Council approved General Plan;
- ~~(2) Recommend to the City Council subdivision platting rules and regulations and amendments thereto;~~
- ~~(3)~~(2) Recommend to the City Council the adoption or amendment of zoning regulations consistent with the General Plan;
- ~~(4)~~(3) Recommend to the City Council an official zoning map of the City and amendments thereto consistent with the General Plan; and,
- ~~(5)~~(4) Review and evaluate proposed redevelopment plans for conformity with the General Plan and recommend to the City Council adoption of redevelopment plans consistent with the General Plan.

SECTION 3: Yuma City Code, Title 15, Chapter 154, Article 3, Section 1 Citizen Review Process be amended to insert the bolded text and delete the strike through text::

§ 154-03.01 Citizen Review Process

(A) Purpose. To provide appropriate information to adjacent land owners and other potentially affected citizens of requested zoning map amendments, conditional use permits, specific plans and ~~subdivisions of land and~~ allow opportunities to express any issues or concerns that they may have with the proposal before the public hearing.

(B) Notification. All notifications sent pursuant to § 154-03.02 shall include:

- (1) The substance and location of the proposal;
- (2) The purpose or intent of the proposal;
- (3) Contact information for the staff and the applicant, or his or her agent, which may include telephone numbers, mailing and e-mail addresses; and
- (4) Meeting dates and locations of neighborhood meetings, if deemed appropriate.

(C) Neighborhood meetings. Following application for zoning map amendment, conditional use permit, **or specific plan** ~~or preliminary subdivision of land~~, a neighborhood meeting or other public input opportunity may be required. City staff will establish the process and procedures for the neighborhood meetings. Failure by the applicant to participate in the neighborhood meeting, will delay the development review process for the subject application.

SECTION 4: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which any violation of said sections occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

SECTION 5: The immediate operation of the provisions of this Ordinance is necessary to meet the requirements of House Bill 2447 as adopted by the Legislature and signed by the Governor, requiring compliance by December 31, 2025, and, therefore, an emergency is declared to exist. This Ordinance is enacted as an emergency and shall be in full force and effect immediately upon its passage by the

City Council, as required by law, and it is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona and the Charter of the City.

Adopted this _____ day of _____, 2025.

APPROVED:

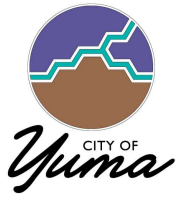
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: O2025-050

Agenda Date: 12/17/2025

Agenda #: 1.

| DEPARTMENT: | STRATEGIC OUTCOMES | ACTION |
|-----------------------|---|--|
| Community Development | <input type="checkbox"/> Safe & Prosperous | <input type="checkbox"/> Motion |
| | <input type="checkbox"/> Active & Appealing | <input type="checkbox"/> Resolution |
| DIVISION: | <input checked="" type="checkbox"/> Respected & Responsible | <input checked="" type="checkbox"/> Ordinance - Introduction |
| Community Planning | <input type="checkbox"/> Connected & Engaged | <input type="checkbox"/> Ordinance - Adoption |
| | <input type="checkbox"/> Unique & Creative | <input type="checkbox"/> Public Hearing |

TITLE:

Annexation Area No. ANEX-44331-2025 Cha Cha, LLC

SUMMARY RECOMMENDATION:

Authorize annexation of properties located west of the southwest corner of 40th Street and Avenue 4½E. (ANEX-44331-2025). (Community Development/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

The approval of this annexation will provide access to City resources and services. The annexation assists in furthering City Council's strategic outcome of Respected and Responsible.

REPORT:

Clerk Note: This item was continued, via motion by City Council, at the December 3rd City Council meeting.

The annexation area consists of four parcels of real property and the adjacent 40th Street, and Avenue 4½E right-of-way. The annexation area totals approximately 65.86 acres. The properties are owned respectively by:

1. Cha Cha, LLC, parcel 724-02-003, which is undeveloped,
2. Tangerine & Tonic, LLC, parcel 724-01-007, citrus groves,
3. JD&B Yuma RP, LLC, parcel 724-09-002, citrus groves,
4. Humane Society of Yuma Inc, parcel 724-02-004, is undeveloped.

The City of Yuma received a request from Cha Cha, LLC, the larger parcel, to annex their property with the intent to rezone for future industrial development. In response, the City has initiated this annexation process and included three adjacent parcels as well. Two of the parcels, APN 724-01-007 and 724-09-002, are the subject of a Pre-annexation Development agreement adopted by the City Council on July 16, 2025 (R2025-077) and August 6, 2025 (R2025-080). The property owners requested to annex into the City of Yuma but at the time, annexation was not possible, and a Pre-annexation Development Agreement was processed. The Pre-annexation Development Agreement identifies specific responsibilities of both the property owners and the City of Yuma. A responsibility of the property owners is to agree to annexation at such time as the City of Yuma may initiate that action. The fourth parcel, APN 724-02-004, is being included as part of this annexation effort to provide a seamless annexation boundary. Future development of this undeveloped parcel will require connection to City utilities. Annexing this property now will minimize any delays when development does move forward. The annexation area is designated on the annexation map attached to the proposed ordinance.

In accordance with Arizona Revised Statutes § 9-471, a blank petition with a legal description and map of the area to be annexed was filed with the County Recorder on October 9, 2025. There was a 30-day waiting period after recording the map and petition with the County Recorder before signatures on the annexation petition could be obtained. During the waiting period, a public hearing for annexation ANEX-44331-2025-2025 was held by the City Council on November 5, 2025, to comply with the state annexation law. All appropriate and necessary notice and posting requirements have been met.

After the 30-day waiting period and the public hearing, the following procedures were followed:

1. The signatures of the property owners were obtained such that at least one-half of the value of the real and personal property is represented and such that more than one-half of the parcel owners are represented. No modifications, including increases or decreases to the territory to be annexed, were made after the first property owners in the area signed the annexation petition.
2. Within one year after the last day of the 30-day waiting period, these completed petitions were received and recorded with the office of the Yuma County Recorder.

Following the recording of the completed petitions, an ordinance must be adopted by the City Council changing the City boundaries to include the annexation area.

The ordinance also identifies the zoning district to be placed on the properties within the annexation area as Light Industrial (L-I) (parcels 724-02-003 and 724-02-004) and Agriculture (AG) (parcels 724-01-007 and 724-09-002) District. These zoning designations match the current County Zoning on the properties (L-I and Rural Area (RA-10) and are in conformance with the City of Yuma General Plan, which identifies the land use of the property as Agriculture/Industrial. This City Council action introduces the annexation ordinance prior to adoption.

FISCAL REQUIREMENTS:

| | | | |
|----------------|---------|-----------------------------|---------|
| CITY FUNDS: | \$ 0.00 | BUDGETED: | \$ 0.00 |
| STATE FUNDS: | \$ 0.00 | AVAILABLE TO TRANSFER: | \$ 0.00 |
| FEDERAL FUNDS: | \$ 0.00 | IN CONTINGENCY: | \$ 0.00 |
| OTHER SOURCES: | \$ 0.00 | FUNDING ACCOUNT/FUND #/CIP: | |
| TOTAL | \$ 0.00 | | |

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- ☐ Department
- ☒ City Clerk's Office
- ☐ Document to be recorded
- ☐ Document to be codified

| | |
|--|---------------------|
| Acting City Administrator: John D. Simonton | Date: 12/08/2025 |
| Reviewed by City Attorney: Richard W. Files | Date: 12/08/2025 |

ANNEXATION PETITION ANEX-44331-2025
Cha Cha LLC Annexation

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF YUMA, ARIZONA:

We, the undersigned, owners of real and personal property, being the real property hereinafter described and all personal property that we may own in the area to be annexed, request the City of Yuma to annex our property, said property being located in a territory contiguous to the City of Yuma, Arizona, and being located within the following described area:

The East half of Lot 1, Section 18, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona;

The East half of the North half of Lot 2, Section 18, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona;

Parcels A and B of The Franks Ranch Land Division (LDP 22-09), dated 7/20/2022, FEE # 2022-24338, recorded in Book 34 of Plats , Page 19, Yuma County Records;

EXCEPT the North 33.00 feet of said Parcel B;

The South 33.00 feet of the East 656.26 feet of the Southwest quarter of the Southwest quarter (SW¹/₄SW¹/₄) of Section 7, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona; and

The South 33.00 feet of the Southwest quarter of the Southeast quarter of the Southwest quarter (SW¹/₄SE¹/₄SW¹/₄) of Section 7, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona.

Containing a total of 65.86 Acres, more or less.

In addition to the above description, any and all county rights-of-way and roadways with no taxable value that are within or contiguous to the exterior boundaries of the proposed annexation are part of the territory proposed to be annexed and will be included in any ordinance of annexation adopted as a result of this petition.

The City Council may determine the exact boundary of said territory to be annexed; provided, however, that said annexation area lies wholly within the above described area, and provided further, that the provisions of Section 9-471, Arizona Revised Statutes, are fully observed and complied with.

| DATE | SIGNATURE | MAILING ADDRESS | PARCEL ID/ LEGAL DESCRIPTION |
|------|-----------|-----------------|---------------------------------|
| | | | |

(Legal description can be Lot/Block/Subdivision; Book/Map/Parcel; or Metes and Bounds)

Print Name of Signatory above: _____

Property Owner

ORDINANCE NO. O2025-050

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ANNEXING TO THE CITY OF YUMA, A PORTION OF SECTION 18, TOWNSHIP 9 SOUTH, RANGE 22 WEST OF THE GILA AND SALT RIVER BASE & MERIDIAN, YUMA COUNTY, ARIZONA, AND AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, DESIGNATING THE ZONING OF CERTAIN PROPERTY TO THE LIGHT INDUSTRIAL (L-I) AND DESIGNATING CERTAIN PROPERTY TO THE AGRICULTURE (AG) ZONING DISTRICT, AND AMENDING THE ZONING MAP TO CONFORM THERETO, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AS AMENDED

WHEREAS, a petition in writing ("Petition"), accompanied by a map or plot of said property, having been filed and presented to the Mayor and City Council of the City of Yuma, Arizona, signed by the owners of more than one-half in value of the real and personal property and more than one-half of the persons owning real and personal property as would be subject to taxation by the City of Yuma in the event of annexation of the territory and land hereinafter described as shown by the last assessment of said property, which said territory is contiguous to the City of Yuma and not now embraced within its corporate limits, asking that the property more particularly hereinafter described be annexed to the City of Yuma, and to extend and increase the corporate limits of the City of Yuma so as to embrace the same; and,

WHEREAS, the Mayor and City Council of the City of Yuma, Arizona, are desirous of complying with the Petition and extending and increasing the corporate limits of the City of Yuma to include said territory; and,

WHEREAS, the Petition sets forth a true and correct description of all the exterior boundaries of the entire area proposed to be annexed to the City of Yuma and had attached thereto at all times an accurate map of the territory desired to be annexed; and,

WHEREAS, no alterations increasing or reducing the territory sought to be annexed have been made after the Petition had been signed by any owner of real and personal property in such territory; and,

WHEREAS, the provisions of A.R.S. § 9-471, as amended, have been fully observed; and,

WHEREAS, proper and sufficient certification and proof of the foregoing facts are now on file in the office of City Clerk of the City of Yuma, Arizona, together with a true and correct copy of the original Petition referred to herein, which is on file in the office of the Yuma County Recorder; and,

WHEREAS, upon annexation the initial designation for zoning of the property described in Section 2 shall be Light Industrial (L-I) District, as provided for in A.R.S. § 9-471, and amendments thereto; and,

WHEREAS, upon annexation the initial designation for zoning of the property described in Section 3 shall be Agriculture (AG) District, as provided for in A.R.S. § 9-471, and amendments

thereto; and,

WHEREAS, the City Council has considered the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma, as follows:

SECTION 1: That the following described territory be, and the same hereby is, annexed to the City of Yuma, and that the present corporate limits be, and the same hereby are, extended and increased to include the following described territory contiguous to the present City of Yuma corporate limits, to wit:

*The East half of Lot 1, Section 18, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona; and
The East half of the North half of Lot 2, Section 18, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona; and
Parcels A and B of The Franks Ranch Land Division (LDP 22-09), dated 7/20/2022, FEE # 2022-24338, recorded in Book 34 of Plats , Page 19, Yuma County Records; EXCEPT the North 33.00 feet of said Parcel B; and
The South 33.00 feet of the East 656.26 feet of the Southwest quarter of the Southwest quarter (SW¹/₄SW¹/₄) of Section 7, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona; and
The South 33.00 feet of the Southwest quarter of the Southeast quarter of the Southwest quarter (SW¹/₄SE¹/₄SW¹/₄) of Section 7, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona.*

Containing a total of 65.86 Acres, more or less.

SECTION 2: That the following described territory be, and the same hereby is, placed in the Light Industrial (L-I) District, as defined by Chapter 154 of the Yuma City Code, as amended, pursuant to the provisions provided for in A.R.S. § 9-471, as amended; that said property upon this Ordinance becoming final, be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the Light Industrial (L-I) District, and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, be hereby ordered to be changed and amended so as to show that said property described below will be located within the District herein provided.

*Parcels A and B of The Franks Ranch Land Division (LDP 22-09), dated 7/20/2022, FEE # 2022-24338, recorded in Book 34 of Plats , Page 19, Yuma County Records; EXCEPT the North 33.00 feet of said Parcel B; and
The South 33.00 feet of the Southwest quarter of the Southeast quarter of the Southwest quarter (SW¹/₄SE¹/₄SW¹/₄) of Section 7, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona.*

Containing a total of 35.19 Acres, more or less.

SECTION 3: That the following described territory be, and the same hereby is, placed in the Agriculture (AG) District, as defined by Chapter 154 of the Yuma City Code, as amended, pursuant to the provisions provided for in A.R.S. § 9-471, as amended; that said property upon this Ordinance becoming final, be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the Agriculture (AG) District, and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, be hereby ordered to be changed and amended so as to show that said property described below will be located within the District herein provided.

*The East half of Lot 1, Section 18, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona; and
The East half of the North half of Lot 2, Section 18, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona; and
The South 33.00 feet of the East 656.26 feet of the Southwest quarter of the Southwest quarter (SW¼SW¼) of Section 7, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona;*

Containing a total of 30.67 Acres, more or less.

SECTION 4: That a copy of this ordinance, together with the attached map of the territory hereby annexed to the City of Yuma, certified by the Mayor of the City of Yuma, be forthwith filed and recorded in the office of the County Recorder of Yuma County, Arizona.

Adopted this _____ day of _____, 2025.

APPROVED:

Douglas J. Nicholls
Mayor

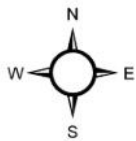
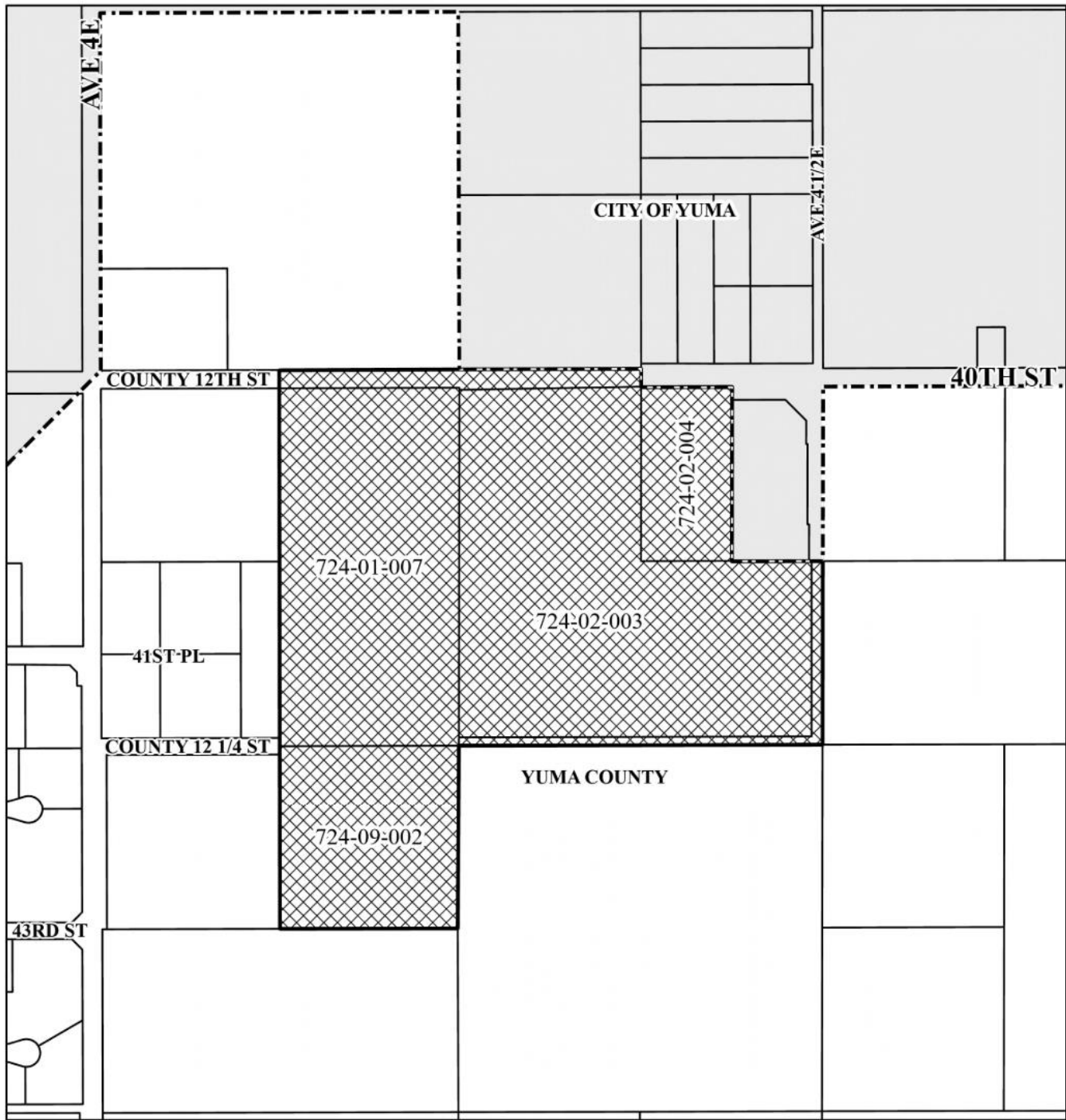
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



Applicable exhibits on file at the Office of the City Clerk, One City Plaza, Yuma, AZ.



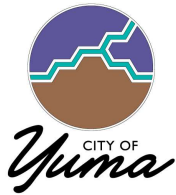
Annexation Map Produced Pursuant to A.R.S. §9-471

NOT TO SCALE
DEPARTMENT OF COMMUNITY
DEVELOPMENT GIS

**City of Yuma, Arizona
Annexation Area No. 44331-2025**

 City of Yuma
 Annexation Area

The City of Yuma shall maintain the rights-of-way and roadways that are within the annexation boundaries. Yuma County shall maintain the rights-of-way and roadways that are contiguous to and outside the annexation boundaries.



City of Yuma

City Council Report

File #: MC 2025-193

Agenda Date: 12/17/2025

Agenda #: 1.

| | STRATEGIC OUTCOMES | ACTION |
|-----------------------------|---|--|
| DEPARTMENT: Finance | <input type="checkbox"/> Safe & Prosperous | <input type="checkbox"/> Motion |
| | <input type="checkbox"/> Active & Appealing | <input type="checkbox"/> Resolution |
| DIVISION: Administration | <input checked="" type="checkbox"/> Respected & Responsible | <input type="checkbox"/> Ordinance - Introduction |
| | <input type="checkbox"/> Connected & Engaged | <input type="checkbox"/> Ordinance - Adoption |
| | <input type="checkbox"/> Unique & Creative | <input checked="" type="checkbox"/> Public Hearing |

TITLE:

Public Hearing: Biennial Development Fee Audit FY 2024

SUMMARY RECOMMENDATION:

Conduct a public hearing on the Development Fee Biennial Certified Audit in accordance with Arizona Revised Statutes § 9-463.05 and Yuma City Code § 157.05. (Finance/Engineering) (Doug Allen/David Wostenberg)

STRATEGIC OUTCOME:

This statutory public hearing furthers the City Council's strategic outcome of Respected and Responsible through transparency, allowing for public input through means of a public hearing, and demonstrating compliance with state law.

REPORT:

This *Biennial Development Fee Audit for FY 2022-23 and FY 2023-24* was conducted and prepared by Wildan Financial Services for the Period July 1, 2022, through June 30, 2024. Pursuant to statute and Yuma City Code, the report is required and consists of a biennial certified audit of the City's Land Use Assumptions, Infrastructure Improvements Plan and Development Fees.

The final report was posted on the City's Engineering webpage on December 10, 2025. The action of a public hearing is required by the Arizona Revised Statutes and must occur within 60 days of the release of the audit to the public. Dan Jackson, Vice President of Wildan Financial Services will present the report for the Public Hearing.

The *Biennial Development Fee Audit for FY 2022-23 and FY 2023-24* report is attached.

This is not the first document and public hearing for a FY 2024 Biennial Development Fee Audit (BDF Audit). The original BDF Audit was presented at a Public Hearing on February 19, 2025, by Bakertilly, the City's independent auditor. The format used for the original BDF is satisfactory in various Arizona Cities including Goodyear, Prescott and Marana. However, other Arizona municipal customers require a more robust and comprehensive document. Yuma's customer base expressed desire for a more comprehensive format.

In an effort to better meet Yuma customer demands, the City engaged Wildan Financial Services to provide an enhanced BDF Audit for FY 2024 which covers July 1, 2022, to June 30, 2024. Wildan Financial Services is familiar with the City of Yuma as they compiled and prepared the City's "2023 Water and Wastewater Rate Study and Long-Term Financial Plan".

Wildan Financial Services' BDF audit provides a deeper dive into the City's Land Use Assumptions,

Infrastructure Improvements Plan and Development Fees. This format meets customer needs for cities including Phoenix, Gilbert, Scottsdale and others. The Wildan Financial Services DIF Audit does not replace but complements the DIF audit presented at the Public Hearing on February 19, 2025.

Audit Results:

1. Land Use Assumptions
 - Actual development has been generally in line with forecast
2. Revenues and Expenditures
 - DF-eligible CIP project expenditures have been significantly greater than the total DF revenues that have been collected
3. Level of Service Review
 - No evidence that Level of Service has enhanced for new development in any of the DF categories reviewed
4. Permit Sampling
 - Fees have been charged correctly and in accordance with ordinance
 - No inequities in assessing fees across customers

Findings:

1. The City's development fee program has been consistent with and in compliance with A.R.S. § 9-463.05
2. The City's DFs are lower than the average of most other comparable municipalities in the State
3. Non-Utility DFs should be updated at minimum every five years and no later than every ten years
 - Current DFs are based on cost data from 2018-2019
 - Construction costs have increased significantly since 2019
 - The City should consider updating the DFs, LUA and IIP, sooner than the maximum allowable interval

FISCAL REQUIREMENTS:

| | | | |
|----------------|---------|-----------------------------|---------|
| CITY FUNDS: | \$ 0.00 | BUDGETED: | \$ 0.00 |
| STATE FUNDS: | \$ 0.00 | AVAILABLE TO TRANSFER: | \$ 0.00 |
| FEDERAL FUNDS: | \$ 0.00 | IN CONTINGENCY: | \$ 0.00 |
| OTHER SOURCES: | \$ 0.00 | FUNDING ACCOUNT/FUND #/CIP: | |
| TOTAL | \$ 0.00 | General Fund | |

FISCAL IMPACT STATEMENT:

N/A

ADDITIONAL INFORMATION:

SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- ☐ Department
- ☐ City Clerk's Office
- ☐ Document to be recorded
- ☐ Document to be codified

| | |
|--|---------------------|
| Acting City Administrator: John D. Simonton | Date: 12/08/2025 |
| Reviewed by City Attorney: Richard W. Files | Date: 12/04/2025 |

City of Yuma, AZ



Biennial Development Fee Audit FY 2022-23 and FY 2023-24

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Appendix B – Fire Facilities Development Fee Analysis

Appendix C – Parks and Recreation Facilities Development Fee Analysis

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Appendix E – Streets Facilities Development Fee Analysis

Appendix F – General Government Facilities Development Fee Analysis

Appendix G – Permit Sampling Results

Report

Section 1 - Introduction

1.1. Background

Willdan Financial Services (Willdan) was retained by the City of Yuma, Arizona (City or Yuma) to conduct a Biennial Development Fee (DF) Audit (Audit) as required under Arizona Revised Statutes (ARS) 9-463.05(G)(2).¹ This Report details the results of the Audit for the period of fiscal year (FY) 2023 and FY 2024. Yuma's FY is a 12-month period from July 1 through the following June 30.

This Audit actual development and growth-related capital expenditures to the development projections and land use assumptions (LUA), capital needs as identified in the Infrastructure Improvement Plan (IIP), and level of service (LOS) associated with each classification of DF. The study used as the basis for the projections is the Land Use Assumptions and Infrastructure Improvement Plan and Development Fee Report February 27, 2019 (Study). The projections in the Study were compared to those actually experienced by Yuma in FY 2023 and FY 2024.

1.2. Organization of the Audit Report

This Audit Report is organized as follows:

- **Section 1** - Introduction
- **Section 2** – Fire Facilities Development Fee Review
- **Section 3** – Parks and Recreation Facilities Development Fee Review
- **Section 4** – Police Facilities Development Fee Review
- **Section 5** – Streets Facilities Development Fee Review
- **Section 6** – General Government Facilities Development Fee Review
- **Section 7** – Permit Sampling Results
- **Section 8** – Conclusions

¹ For reference, a copy of this statute appears in **Appendix A**.

1.3. Audit Approach

Willdan performed this Audit between July 2025 and October 2025. All Willdan staff supporting the Audit meet the definition of “Qualified Professional” as set forth in ARS§ 9-463.05(T)(8). Consistent with the requirements of ARS§ 9-463.05(G)(2), Willdan audit staff were neither employees or officials of Yuma nor did they prepare the IIP.²

Audit activities consisted solely of document review and discussions with Yuma staff via email and teleconference. Audit activities did not include site visits, first-hand data collection, or independent verification of data submitted by Yuma.

In particular, in support of this audit, Willdan reviewed:

- a) IIP forecast and actual expenditures;
- b) Projected and actual IIP-related fee offsets or credits;
- c) LUA forecasted and actual developments;
- d) LOS at two points in time: time of the initial study and the audit timeframe; and
- e) Permit data for purposes of sampling to verify the accuracy of the application of the development fees.

1.4. Audit Objectives

The primary objectives of the Audit were to:

- a) Audit Yuma’s Biennial Development Fees for the period of FY 2023 and FY 2024 and
- b) Comply with ARS§ 9-463.05 by:
 - i. Reviewing the progress of anticipated development as identified in the LUA;
 - ii. Reviewing the progress of the IIP;
 - iii. Reviewing collections and expenditures of development fees for each project in the Study; and

² Yuma’s LUA, IIP, and Development Fees were prepared by Tischler Bise in 2019.

- iv. Evaluating any inequities in implementing the plan or imposing the development fees.

1.5. Audit Results

The results of this audit, based on Willdan's scope of services performed as part of this Audit, as documented in this Report, are as follows:

- a) Yuma's Biennial Development Fees for the periods of FY 2023 and FY 2024 comply with ARS§ 9-463.05 as further discussed in Sections 2 through 6 of this Report; and
- b) With respect to ARS§ 9-463.05 compliance:
 - i. Willdan's review of the progress of the LUA identified differences between projected and actual development but anticipates the development over the 10-year study period will not significantly vary from projections. The audit of the LUA is further discussed in Sections 2 through 6 of this Report;
 - ii. Willdan's review of the progress of the IIP identified projects that differed from the projected schedule as further discussed in Sections 2 through 6 of this Report;
 - iii. Willdan's review of collection of the development fees for each fee area in the plan were properly collected and tracked, as further discussed in Sections 2 through 6 of this Report; and
 - iv. Willdan's evaluation of any inequities in implementing the plan or imposing the development fees indicates that the fees were assessed in an appropriate manner based upon the size and type of development as further discussed in Section 7 of this Report.

1.6. Audit Limitations

Willdan's role in this Audit was solely that of third-party independent auditor. The results presented in this Audit Report are predicated upon information provided by Yuma and representations made by Yuma personnel. Willdan made reasonable efforts given the nature of this audit to assess the reasonableness of such representations. However, Willdan has no means to determine the extent to which material facts concerning information provided have been fully

and accurately disclosed, nor is this a forensic audit. All findings in this Report are based solely on Willdan's review of materials furnished by Yuma as identified or publicly available information as cited as well as information obtained by Willdan through emails and meetings with key Yuma staff involved in this Audit. Review of additional documentation or disclosure or discovery of material facts could change the findings cited in this Report.

This Report documents the audit for the sole purpose of demonstrating compliance with the requirements of ARS§ 9-463.05(G)(2); no other use is expressed or implied. Nothing in this Report can be considered a legal opinion.

Section 2 - Fire Facilities Development Fee Review

This section of the Audit Report presents Willdan’s review of Yuma’s fire facilities development fees.

2.1. Fee Development

The Study converted infrastructure needs and costs per service unit into a cost per development unit. For fire, the resulting development fee costs per unit were \$104.58 per person and \$259.04 per job. The Council adopted development fees by development type are identified in **Table 1**.

Table 1 - Fire Facilities Development Fees

| Development Type | Fee |
|--|-----------|
| Residential (per Dwelling Unit) | |
| Single Family | \$ 324.00 |
| Multi Family | \$ 226.00 |
| All Other | \$ 188.00 |
| Non-Residential (per Square Foot) | |
| Retail/Shopping Center | \$ 0.520 |
| Office/Institutional | \$ 0.860 |
| Industrial | \$ 0.600 |
| Hotel (per room) | \$ 114.00 |

2.2. Land Use Assumptions

The biennial audit includes comparing the growth projections adopted in Yuma’s LUA to the actual growth by development type.

Table 2 summarizes the projected development from the Study and the actual development experienced by Yuma in FY 2023 and FY 2024. The development projections can be found on page 20 of the Study. (**Note:** the Study broke down growth into detailed development categories for Non-Residential customers. The Permit Summary Reports provided by Yuma did not contain those breakdowns and all Non-Residential development is shown in the Commercial Category.)

Table 2 - Actual versus Projected Development: FY 2023 & FY 2024

| Category | Residential (Dwelling Units) | Commercial/Retail (SF) | Office/Institutional (SF) | Industrial (SF) | Total Non-Residential (SF) |
|-------------------|---------------------------------|---------------------------|------------------------------|--------------------|-------------------------------|
| FY 2023 | | | | | |
| Actual | 370 | 465,190 | - | - | 465,190 |
| Projected | 498 | 213,000 | 88,000 | 66,000 | 367,000 |
| Difference | (128) | 252,190 | (88,000) | (66,000) | 98,190 |
| FY 2024 | | | | | |
| Actual | 545 | 642,187 | - | - | 642,187 |
| Projected | 505 | 217,000 | 89,000 | 67,000 | 373,000 |
| Difference | 40 | 425,187 | (89,000) | (67,000) | 269,187 |

As indicated in **Table 2**, the actual developments for FY 2023 were less than the Study projections for Residential land use classifications. The combined Non-Residential development category exceeded projections. For FY 2024, both the Residential and the combined Non-Residential development classifications actual development was higher than projected.

Development of forward-looking financial plans for development fee studies rely on the best available forecast at a point in time. Actual conditions often vary from projections based on changing market forces.

Table 2 represents a “snapshot” in time for the 10-year study period.

2.3. Infrastructure Improvement Plan

The Study did not specifically identify capital projects to be constructed or acquired over the 10-year study periods, but rather used anticipated development projections to identify funding requirements for:

- Fire facilities;
- Fire apparatus;
- Ambulances; and
- Development fee study.

During FY 2023 and FY 2024 Yuma generated \$679,006 in fire development fee revenues as well as an additional \$121,989 in interest income for total revenues of \$800,995. During the same

period, the City had \$1,861,814 in capital project expenses. **Appendix B** provides a summary of the revenues and expenditures for the fire DF funds. The financials are summarized in **Table 3**.

Table 3 - Fire Facilities DF Revenues and Expenses: FY 2023 & FY 2024

| Fiscal Year | Revenues | | Expenses | |
|--------------|-------------------|-------------------|---------------------|--------------|
| | DF Collections | Interest Income | CIP | Debt Service |
| 2023 | \$ 321,842 | \$ 56,780 | \$ 473,956 | \$ - |
| 2024 | 357,164 | 65,209 | 1,387,858 | - |
| Total | \$ 679,006 | \$ 121,989 | \$ 1,861,814 | \$ - |

It should be noted that in some cases collection of DF revenues does not have an exact matching between the year in which the revenues are recorded and the year in which the development occurs. A summary of the full IIP is identified on pages 8 through 14 of the Study.

2.4. Level of Service

LOS projections are intended to ensure that new development is assessed for facilities or capital needs at the existing LOS, not at an increased overall LOS, unless a corresponding funding source from existing development is also provided. As per the development of the Study, in order to maintain the current LOS, the City would need to invest \$369,297 in both FY 2023 and FY 2024. The identified growth needs can be found on pages 16 through 20 of the Study.

During the study periods, the actual LOS will fluctuate as compared to that identified in the Study based on the timing of construction or acquisition of new facilities relative to new development. As of the end of FY 2024, the LOS for fire is above that in the Study due to higher expenditures during the two-year period than was anticipated.

2.5. Audit Results

Through our audit of the fire DFs, we identified some differences between what was projected in the Study and actual occurrences, such as differences in the projected and actual developments. These differences are the results of projections being made based on the available data at the time. Our review of the current development environment is consistent

with the regulations set forth in ARS§ 9-463.05. The LUA, IIP and LOS should continue to be monitored over the 10-year study period on which the Report was based.

Based on Willdan's review of the fire facilities development fees, we are of the opinion that:

- a) Yuma's Biennial DFs for fire for the periods FY 2023 and FY 2024 comply with ARS§ 9-463.05;
- b) With respect to ARS§ 9-463.05 compliance:
 - i. Willdan's review of the progress of the LUA, identified differences between projected and actual development, but anticipates development over the current 10-year study period will not significantly vary from projections;
 - ii. Willdan's review of the progress of the IIP identified that capital expenditures made during the two years identified in this Report were included in the adopted IIP and were above the IIP projected amounts; and
 - iii. Willdan's review of collections fire facilities development fees indicate that all revenues were appropriately tracked per ARS§ 9-463.05.

Section 3 - Parks and Recreation Facilities Development Fee Review

This section of the Audit Report presents Willdan's review of Yuma's parks and recreation facilities development fees.

3.1. Fee Development

The Study identifies costs of \$382.56 per person. The Council adopted fees per development type are identified in **Table 4**.

Table 4 - Parks and Recreation Facilities Development Fees

| Development Type | Fee |
|--|-------------|
| Residential (per Dwelling Unit) | |
| Single Family | \$ 1,003.00 |
| Multi Family | \$ 699.00 |
| All Other | \$ 582.00 |
| Non-Residential (per Square Foot) | |
| Retail/Shopping Center | N/A |
| Office/Institutional | N/A |
| Industrial | N/A |
| Hotel (per room) | N/A |

3.2. Land Use Assumptions

The biennial audit includes comparing the growth projections adopted in Yuma's LUA to actual growth by development type. Table 5 summarizes the projected development in the Study and the actual development that was experienced by Yuma in FY 2023 and FY 2024. The 10-year LUA projections can be found on page 36 of the Study.

Table 5 - Actual versus Projected Development: FY 2023 & FY 2024

| Category | Residential (Dwelling Units) |
|-------------------|---------------------------------|
| FY 2023 | |
| Actual | 370 |
| Projected | 498 |
| Difference | (128) |
| FY 2024 | |
| Actual | 545 |
| Projected | 505 |
| Difference | 40 |

As indicated in **Table 5**, the actual residential developments for FY 2023 were less than the Study projections but for FY 2024 the residential actual development was higher.

The development of forward-looking DF studies relies on the best available forecast for a point in time. Actual conditions often vary from projections based on market conditions. Table 5 represents a “snapshot” in time for the Study period.

3.3. Infrastructure Improvement Plan

The Study did not specifically identify capital projects to be constructed or acquired over the 10-year study periods, but rather used anticipated development projections to identify funding requirements for:

- PAAC Cost Recovery;
- Community Parks; and
- Development fee study.

Between FY 2023 and FY 2024 Yuma generated \$1,005,564 in parks and recreation DF revenues plus \$142,146 in interest income for total revenues of \$1,147,710. During the same period, the City had \$604,260 in capital expenses and \$1,014,027 in debt service expenses for total expenditures of \$1,618,287. **Appendix C** provides a summary of the revenues and expenditures for the parks and recreation DF funds. The financials are summarized in **Table 6**.

Table 6 - Parks and Recreation Facilities DF Revenues and Expenses: FY 2023 & FY 2024

| Fiscal Year | Revenues | | Expenses | |
|--------------|---------------------|-------------------|-------------------|---------------------|
| | DF Collections | Interest Income | CIP | Debt Service |
| 2023 | \$ 460,215 | \$ 55,568 | \$ 211,214 | \$ 459,214 |
| 2024 | 545,349 | 86,578 | 393,046 | 554,813 |
| Total | \$ 1,005,564 | \$ 142,146 | \$ 604,260 | \$ 1,014,027 |

It should be noted that in some cases collection of DF revenues do not have an exact match between the year in which the revenues are recorded, and the year development occurs. A summary of the full IIP is identified on pages 29 through 34 of the Study.

3.4. Level of Service

LOS projections are intended to ensure that new development is only being asked to pay for facilities or capital needs at the same level as is currently being experienced by existing Yuma development and are not being asked to increase the overall LOS, without a corresponding funding source from existing development to increase their LOS.

The Study indicated that Yuma should expend \$1,824,086 in FY 2023 and FY 2024 on growth-related parks and recreation needs in order to maintain the existing LOS. Yuma did have expenditures during the 2-year audit period, but it was not the full amount indicated in the Study, therefore there was an overall decrease in the parks and recreation adopted LOS. However, the Study sought to achieve the adopted LOS at the end of the 10-year study period not every year. As such there will be fluctuations, in which some years will see an increased LOS while other years will see a decreased LOS. The capital needs can be found on pages 33 and 34 of the Study.

3.5. Audit Results

Through our audit of the parks and recreation DFs we identified some differences between what was projected in the Study and actual occurrences, such as differences in the projected and actual developments. These differences are the results of projections being made based on the available data at the time. Our review of the current development environment is consistent with the regulations set forth in ARS§ 9-463.05. The LUA, IIP and LOS should continue to be monitored over the remaining study period on which the Study was based.

Based on Willdan's review of the parks and recreation facilities development fees, we are of the opinion that:

- a) Yuma's Biennial DFs for parks and recreation for the periods FY 2023 and FY 2024 comply with ARS§ 9-463.05;
- b) With respect to ARS§ 9-463.05 compliance:
 - i. Willdan's review of the progress of the LUA, identified differences between projected and actual development, but anticipates development over the current 10-year study period will not significantly vary from projections;
 - ii. Willdan's review of the progress of the IIP identified that some capital expenditures made during the two years subject to this Audit of the adopted IIP were for Debt Service as well as on projects included in the IIP; and
 - iii. Willdan's review of collections and expenditures of development fees indicate that all collections were appropriately tracked per ARS§ 9-463.05.

Section 4 - Police Facilities Development Fee Review

This section of the Audit Report presents Willdan’s review of Yuma’s police facilities development fees.

4.1. Fee Development

The Study converted infrastructure needs and costs per service unit into a cost per development unit. The identified costs were \$115.84 per person and \$39.04 per trip. Based on the developed costs, the Council adopted fees are identified in **Table 7**.

Table 7 - Police Facilities Development Fees

| Development Type | Fee |
|--|-----------|
| Residential (per Dwelling Unit) | |
| Single Family | \$ 359.00 |
| Multi Family | \$ 250.00 |
| All Other | \$ 209.00 |
| Non-Residential (per Square Foot) | |
| Retail/Shopping Center | \$ 0.550 |
| Office/Institutional | \$ 0.220 |
| Industrial | \$ 0.140 |
| Hotel (per room) | \$ 110.00 |

4.2. Land Use Assumptions

The biennial audit requires an audit of the anticipated growth projections that were adopted in Yuma’s LUA as compared to the growth by development type that was actually experienced. Table 8 summarizes the projected development in the Study and the actual development that was experienced by Yuma in FY 2023 and FY 2024. The LUA used in the development of DFs can be found on page 51 of the Study. (**Note:** as previously discussed, the Study broke down growth into detailed development categories for Non-Residential customers. The Permit Summary Reports provided by Yuma did not contain those breakdowns and all Non-Residential development is shown in the Commercial Category.)

Table 8 - Actual versus Projected Development: FY 2023 & FY 2024

| Category | Residential (Dwelling Units) | Commercial/Retail (SF) | Office/Institutional (SF) | Industrial (SF) | Total Non-Residential (SF) |
|-------------------|---------------------------------|---------------------------|------------------------------|--------------------|-------------------------------|
| FY 2023 | | | | | |
| Actual | 370 | 465,190 | - | - | 465,190 |
| Projected | 498 | 213,000 | 88,000 | 66,000 | 367,000 |
| Difference | (128) | 252,190 | (88,000) | (66,000) | 98,190 |
| FY 2024 | | | | | |
| Actual | 545 | 642,187 | - | - | 642,187 |
| Projected | 505 | 217,000 | 89,000 | 67,000 | 373,000 |
| Difference | 40 | 425,187 | (89,000) | (67,000) | 269,187 |

As indicated in **Table 8**, the actual developments for FY 2023 were less than the Study projections for Residential land use classifications. The combined Non-Residential development category exceeded projections. For FY 2024, both the Residential and the combined Non-Residential development classifications actual development was higher than projected.

In developing forward-looking development fee projections, studies rely on the best available forecast for a point in time. Actual conditions often vary from projections based on current market conditions. **Table 8** represents a “snapshot” in time over the 10-year study period.

4.3. Infrastructure Improvement Plan

The Study did not specifically identify capital projects to be constructed or acquired over the 10-year study periods, but rather used anticipated development projections to identify funding requirements for:

- Police facilities;
- Police vehicles;
- Police equipment;
- Fleet Services; and
- Development fee study.

Between FY 2023 and FY 2024 Yuma generated \$490,435 in police DF revenues plus \$225,577 in interest income for total revenues of \$716,012. During the same period, the City had \$725,753

for capital expenses. **Appendix D** provides a summary of the revenues and expenses of Yuma’s police development fee funds. The financials are summarized in **Table 9**.

Table 9 - Police Facilities DF Revenues and Expenses: FY 2023 & FY 2024

| Fiscal Year | Revenues | | Expenses | |
|--------------|-------------------|-------------------|-------------------|--------------|
| | DF Collections | Interest Income | CIP | Debt Service |
| 2023 | \$ 228,213 | \$ 79,563 | \$ 51,029 | \$ - |
| 2024 | 262,222 | 146,014 | 674,724 | - |
| Total | \$ 490,435 | \$ 225,577 | \$ 725,753 | \$ - |

It should be noted that in some cases collection of DF revenues do not have an exact matching between the year in which the revenues are recorded, and the development occurs. A summary of the full IIP is identified on pages 46 through 49 of the Study.

4.4. Level of Service

LOS projections are intended to ensure that new development is only being asked to pay for facilities or capital needs at the same level as is currently being experienced by existing Yuma development and are not being asked to increase the overall LOS, without a corresponding funding source from existing development to increase their LOS.

Yuma had \$725,753 in capital investments during the FY 2023 and FY 2024 period. The Study projected they would need to have \$607,426 in capital investments for FY 2023 and FY 2024. Yuma’s capital expenditures was above the projected amount, therefore there was an overall increase in the police adopted LOS. The capital needs can be found on pages 46 through 49 of the Study.

4.5. Audit Results

Through our audit of the police facilities development fees, we identified some differences between what was projected in the Study and actual occurrences, such as differences in the projected and actual developments and the anticipated capital project expenditures during the audit period and the actual capital expenditures. These differences are the results of projections being made based on the available data at the time. Our review of the current development

environment is consistent with the regulations set forth in ARS§ 9-463.05. The LUA, IIP and LOS should continue to be monitored over the 10-year study period on which the 2019 Study was based.

Based on Willdan's review of the police facilities development fees, we are of the opinion that:

- a) Yuma's Biennial development fees for police for the periods FY 2023 and FY 2024 comply with ARS§ 9-463.05;
- b) With respect to ARS§ 9-463.05 compliance:
 - i. Willdan's review of the progress of the LUA, identified differences between projected and actual development, but anticipates development over the Study 10-year study period will not significantly vary from projections;
 - ii. Willdan's review of the progress of the IIP identified that Yuma was above the IIP's projected capital expenditures for FY 2023 and 2024; and
 - iii. Willdan's review of collections of development fees were appropriately tracked per ARS§ 9-463.05.

Section 5 - Streets Facilities Development Fee Review

5.1. Fee Development

The Study identified streets costs on a per vehicle mile traveled (VMT) basis. The calculated VMT was \$200.91. Based on the cost per VMT the Council adopted fees per development type are identified in **Table 10**.

Table 10 - Streets Facilities Development Fees

| Development Type | Fee |
|--|-----------|
| Residential (per Dwelling Unit) | |
| Single Family | \$ 862.00 |
| Multi Family | \$ 765.00 |
| All Other | \$ 505.00 |
| Non-Residential (per Square Foot) | |
| Retail/Shopping Center | \$ 0.840 |
| Office/Institutional | \$ 0.090 |
| Industrial | \$ 0.010 |
| Hotel (per room) | \$ 272.00 |

5.2. Land Use Assumptions

The biennial audit requires an audit of the anticipated growth projections that were adopted in Yuma's LUA as compared to the growth by development type that was actually experienced. **Table 11** summarizes the projected development in the Study and the actual development that was experienced by Yuma in FY 2023 and FY 2024. Page 65 of the Study summarizes the adopted LUA projections. As previously discussed, it should be noted that the Study broke down growth into detailed development categories for Non-Residential customers. The Permit Summary Reports provided by the City did not contain those breakdowns and all Non-Residential development is shown in the Commercial Category.

Table 11 - Actual versus Projected Development: FY 2023 & FY 2024

| Category | Residential (Dwelling Units) | Commercial/Retail (SF) | Office/Institutional (SF) | Industrial (SF) | Total Non-Residential (SF) |
|-------------------|---------------------------------|---------------------------|------------------------------|--------------------|-------------------------------|
| FY 2023 | | | | | |
| Actual | 370 | 465,190 | - | - | 465,190 |
| Projected | 498 | 213,000 | 88,000 | 66,000 | 367,000 |
| Difference | (128) | 252,190 | (88,000) | (66,000) | 98,190 |
| FY 2024 | | | | | |
| Actual | 545 | 642,187 | - | - | 642,187 |
| Projected | 505 | 217,000 | 89,000 | 67,000 | 373,000 |
| Difference | 40 | 425,187 | (89,000) | (67,000) | 269,187 |

As indicated in **Table 11**, the actual developments for FY 2023 were less than the Study projections for Residential land use classifications. The combined Non-Residential development category exceeded projections. For FY 2024, both the Residential and the combined Non-Residential development classifications actual development was higher than projected.

Development of forward-looking and DF studies rely on the best available forecast for a point in time. Actual conditions often vary from projections as market conditions cause development to ebb and flow. **Table 11** represents a “snapshot” in time during the 10-year study period.

5.3. Infrastructure Improvement Plan

The Study did not specifically identify capital projects to be constructed or acquired over the 10-year study period, but rather used anticipated development projections to identify funding requirements for:

- Arterials;
- Signalized Intersections;
- Bike Lanes;
- Bridges; and
- Development fee study.

Between FY 2023 and FY 2024 Yuma generated \$882,640 in streets DF revenues plus \$127,191 in interest income for total revenues of \$1,009,831. During the same period, the City had

\$2,116,710 for capital expenses. **Appendix E** provides a summary of the revenues and expenses for the streets facilities DF funds. The financials are summarized in **Table 12**.

Table 12 - Streets Facilities DF Revenues and Expenses: FY 2023 & FY 2024

| Fiscal Year | Revenues | | Expenses | |
|--------------|-------------------|-------------------|---------------------|--------------|
| | DF Collections | Interest Income | CIP | Debt Service |
| 2023 | \$ 335,913 | \$ 54,249 | \$ 680,496 | \$ - |
| 2024 | 546,727 | 72,942 | 1,436,214 | - |
| Total | \$ 882,640 | \$ 127,191 | \$ 2,116,710 | \$ - |

It should be noted that in some cases collection of DF revenues do not have an exact matching between the year in which the revenues are recorded, and the development occurs. The full IIP can be found on page 63 of the Study.

5.4. Level of Service

LOS projections are intended to ensure that new development is only being asked to pay for facilities or capital needs at the same level as is currently being experienced by existing Yuma development and are not being asked to increase the overall LOS, without a corresponding funding source from existing development to increase their LOS.

Yuma had \$2,116,710 in capital investments during the FY 2023 and FY 2024 period. The Study projected they would need to have \$2,081,354 in capital investments for FY 2023 and FY 2024. Yuma's actual capital expenditures were above the projected amount, therefore there was an overall increase in the streets adopted LOS. The capital needs can be found on pages 53 through 63 of the Study.

5.5. Audit Results

Through our audit of the streets facilities DFs, we identified some differences between what was projected in the Study and actual occurrences, such as differences in the projected and actual developments and expenditures on streets facilities anticipated in the study period, which have not been met. These differences are the results of projections being made based on the available data at the time. Our review of the current development environment is consistent with the

regulations set forth in ARS§ 9-463.05. The LUA, IIP, and LOS should continue to be monitored over the 10-year study period on which the Study was based.

Based on Willdan's review of the streets facilities development fees, we are of the opinion that:

- a) Yuma's Biennial DFs for streets facilities for the periods FY 2023 and FY 2024 comply with ARS§ 9-463.05;
- b) With respect to ARS§ 9-463.05 compliance:
 - i. Willdan's review of the progress of the LUA identified differences between projected and actual development, but anticipates development over the 10-year study period will not significantly vary from projections;
 - ii. Willdan's review of the progress of the IIP identified that Yuma was above the IIP's projected capital expenditures for FY 2023 and 2024; and
 - iii. Willdan's review of the collection of development fees indicate that all revenues were appropriately tracked per ARS§ 9-463.05.

Section 6 - General Government Facilities Development Fee Review

6.1. Fee Development

The Study converted general government infrastructure needs and costs per service unit into a cost per development unit. The identified costs were \$7.76 per person and \$3.51 per job. Based on the developed costs, the Council adopted fees per development type are identified in **Table 13**.

Table 13 - General Government Facilities Development Fees

| Development Type | Fee |
|--|----------|
| Residential (per Dwelling Unit) | |
| Single Family | \$ 24.00 |
| Multi Family | \$ 17.00 |
| All Other | \$ 14.00 |
| Non-Residential (per Square Foot) | |
| Retail/Shopping Center | \$ 0.010 |
| Office/Institutional | \$ 0.010 |
| Industrial | \$ 0.010 |
| Hotel (per room) | \$ 2.00 |

6.2. Land Use Assumptions

The biennial audit requires an audit of the anticipated growth projections that were adopted in Yuma's LUA as compared to the growth by development type that was actually experienced. **Table 14** summarizes the projected development in the Study and the actual development that was experienced by Yuma in FY 2023 and FY 2024. Page 27 of the Study summarizes the adopted LUA projections.

Table 14 - Actual versus Projected Development: FY 2023 & FY 2024

| Category | Residential (Dwelling Units) | Commercial/Retail (SF) | Office/Institutional (SF) | Industrial (SF) | Total Non-Residential (SF) |
|-------------------|---------------------------------|---------------------------|------------------------------|--------------------|-------------------------------|
| FY 2023 | | | | | |
| Actual | 370 | 465,190 | - | - | 465,190 |
| Projected | 498 | 213,000 | 88,000 | 66,000 | 367,000 |
| Difference | (128) | 252,190 | (88,000) | (66,000) | 98,190 |
| FY 2024 | | | | | |
| Actual | 545 | 642,187 | - | - | 642,187 |
| Projected | 505 | 217,000 | 89,000 | 67,000 | 373,000 |
| Difference | 40 | 425,187 | (89,000) | (67,000) | 269,187 |

Table 14, summarizes the projected development in the Study and the actual development that was experienced by Yuma in FY 2023 and FY 2024. Page 65 of the Study summarizes the adopted LUA projections. As previously discussed, it should be noted that the Study broke down growth into detailed development categories for Non-Residential customers. The Permit Summary Reports provided by the City did not contain those breakdowns and all Non-Residential development is shown in the Commercial Category.

Development of forward-looking and DF studies rely on the best available forecast for a point in time. Actual conditions often vary from projections as market conditions cause development to ebb and flow. **Table 14** represents a “snapshot” in time during the 10-year study period.

6.3. Infrastructure Improvement Plan

The Study did not specifically identify capital projects to be constructed or acquired over the 10-year study periods, but rather used anticipated development projections to identify funding requirements for:

- City Hall Debt and
- Development fee study.

Between FY 2023 and FY 2024 Yuma generated \$29,868 in general government DF revenues plus \$7,952 in interest income for total revenues of \$37,820. During the same period, the City did not have any capital expenses. **Appendix F** provides a summary of the revenues and expenses for the general government DF funds. The financials are summarized in **Table 15**.

Table 15 - General Government Facilities DF Revenues and Expenses: FY 2023 & FY 2024

| Fiscal Year | Revenues | | Expenses | |
|--------------|------------------|-----------------|-------------|--------------|
| | DF Collections | Interest Income | CIP | Debt Service |
| 2023 | \$ 14,059 | \$ 2,603 | \$ - | \$ - |
| 2024 | 15,809 | 5,349 | - | - |
| Total | \$ 29,868 | \$ 7,952 | \$ - | \$ - |

It should be noted that in some cases collection of DF revenues do not have an exact matching between the year in which the revenues are recorded, and the development occurs. The full IIP can be found on pages 23 and 24 of the Study.

6.4. Level of Service

LOS projections are intended to ensure that new development is only being asked to pay for facilities or capital needs at the same level as is currently being experienced by existing Yuma development and are not being asked to increase the overall LOS, without a corresponding funding source from existing development to increase their LOS.

With no new capital expenditures in FY 2023 or FY 2024, but an increase in development there was an overall decrease in general government LOS. However, the overall LOS is to be maintained through the general government fees through the 10-year study period rather than at specific points in time such as the end of FY 2024. The LOS should be monitored over the entire 10-year study period rather than at an individual point in time.

6.5. Audit Results

Through our audit of the general government DFs we identified some differences between what was projected in the Study and actual occurrences, such as differences in the projected and actual developments and expenditures on general government facilities anticipated in the study period, which have not been met. These differences are the results of projections being made based on the available data at the time. Our review of the current development environment is consistent with the regulations set forth in ARS§ 9-463.05. The LUA, IIP and LOS should continue to be monitored over the 10-year study period on which the Study was based.

Based on Willdan's review of the general government facilities development fees, we are of the opinion that:

- a) Yuma's Biennial DFs for general government for the periods FY 2023 and FY 2024 comply with ARS§ 9-463.05;
- b) With respect to ARS§ 9-463.05 compliance:

- i. Willdan's review of the progress of the LUA, identified differences between projected and actual development, but anticipates development over the 10-year study period will not significantly vary from projections;
- ii. Willdan's review of the progress of the IIP identified none of the adopted IIP capital projects were completed in the 2-year audit period; and
- iii. Willdan's review of the collection of development fees indicate that all revenues were appropriately tracked per ARS§ 9-463.05.

Section 7 - Permit Sampling Results

7.1. Sampling Results

As part of the audit process, Willdan took a random sample of 40 residential and 20 non-residential permits that were issued in FY 2023 and FY 2024. The purpose of the sampling was to identify any instances where the fee that was assessed to the development varied from the fee that should have been assessed based on number of dwelling units or square footage of development. We did not find any discrepancies and did not identify any developments that were assessed incorrectly. The full sample data is shown in **Appendix G**.

Section 8 - Conclusions

8.1. Land Use Assumptions

Willdan conducted an audit of Yuma's actual development projections for FY 2023 and FY 2024 and compared the actual new development with the development projections in the Study. While there were variances between what had been originally projected and what actually occurred, the original projections were based on the best available data at the time of the Study.

8.2. Infrastructure Improvement Plan

We reviewed the projects that were anticipated to be completed in the FY 2023 and FY 2024 timeframe of the study period (per the Study). As was the case with the LUA, the IIP was developed based on the best available information at the time of the analysis, and the actual expenditures differed from what was projected. More specifically, additional facilities and equipment were not constructed or acquired. However, the differences that did occur were related to the timing of projects that were originally anticipated as a result of insufficient development fee funds being collected due to a slowing in the development market. We believe that the City will continue to undertake the appropriate expenditures as additional revenue occurs, consistent with the overall capital needs objectives identified in the IIP.

8.3. Level of Service

The LOS for a given fee area is in flux over time and will change as new projects are incorporated into Yuma's existing facilities and networks or as development within Yuma changes. There are cases where it is not possible to exactly match the existing LOS with the required LOS based on new development. For example, the projected development over FY 2023 and FY 2024 equated to the addition of \$23,000 in new ambulances, but the City did not complete the purchase of the new ambulances. The purchase did not occur because the funds may not have been available to do so. The City does, however, intend to meet the LOS goals by the end of the 10-year study period.

8.4. Findings and Conclusions

Based on Willdan's scope of services performed as part of this Audit as documented in this Report and the results of this Audit, it is concluded that:

- a) Yuma's Biennial Development Fees for the periods FY 2023 and FY 2024 comply with ARS§ 9-463.05;
- b) With respect to ARS§ 9-463.05 compliance:
 - i. Willdan's review of the progress of the LUA, identified differences between projected and actual development, but Willdan anticipates the development over the 10-year study period will not significantly vary from projections;
 - ii. Willdan's review of the progress of the IIP identified projects that were delayed based on funding needs as compared to the projected schedule, but projects included in the adopted IIP will be completed as funding allows;
 - iii. Willdan's review of collections and expenditures of the development fees for each project in the plan, indicate that all collections were appropriately tracked per ARS§ 9-463.05; and
 - iv. Willdan's evaluation of any inequities in implementing the plan or imposing the development fees indicates that the fees were assessed in an appropriate manner based upon the size and type of development.
- c) The City's Development Fees are lower than the average of other comparable municipalities in the State.
- d) Non-Utility Development Fees should be reviewed and updated at a minimum of every five years and no later than every ten years. Because the current development fees are based on cost data from 2018–2019, and construction costs have continued to rise at a rate exceeding general inflation since that time, the City should consider updating the Development Fees, as well as the LUA and IIP, sooner than the maximum allowable interval.

Appendices

Appendix A

9-463.05. Development fees; imposition by cities and towns; infrastructure improvements plan; annual report; advisory committee; limitation on actions; definitions

A. A municipality may assess development fees to offset costs to the municipality associated with providing necessary public services to a development, including the costs of infrastructure, improvements, real property, engineering and architectural services, financing and professional services required for the preparation or revision of a development fee pursuant to this section, including the relevant portion of the infrastructure improvements plan.

B. Development fees assessed by a municipality under this section are subject to the following requirements:

1. Development fees shall result in a beneficial use to the development.
2. The municipality shall calculate the development fee based on the infrastructure improvements plan adopted pursuant to this section.
3. The development fee shall not exceed a proportionate share of the cost of necessary public services, based on service units, needed to provide necessary public services to the development.
4. Costs for necessary public services made necessary by new development shall be based on the same level of service provided to existing development in the service area.
5. Development fees may not be used for any of the following:
 - (a) Construction, acquisition or expansion of public facilities or assets other than necessary public services or facility expansions identified in the infrastructure improvements plan.
 - (b) Repair, operation or maintenance of existing or new necessary public services or facility expansions.
 - (c) Upgrading, updating, expanding, correcting or replacing existing necessary public services to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards.
 - (d) Upgrading, updating, expanding, correcting or replacing existing necessary public services to provide a higher level of service to existing development.
 - (e) Administrative, maintenance or operating costs of the municipality.
6. Any development for which a development fee has been paid is entitled to the use and benefit of the services for which the fee was imposed and is entitled to receive immediate service from any existing facility with available capacity to serve the new service units if the available capacity has not been reserved or pledged in connection with the construction or financing of the facility.
7. Development fees may be collected if any of the following occurs:
 - (a) The collection is made to pay for a necessary public service or facility expansion that is identified in the infrastructure improvements plan and the municipality plans to complete construction and to have the service available within the time period established in the

infrastructure improvement plan, but in no event longer than the time period provided in subsection H, paragraph 3 of this section.

(b) The municipality reserves in the infrastructure improvements plan adopted pursuant to this section or otherwise agrees to reserve capacity to serve future development.

(c) The municipality requires or agrees to allow the owner of a development to construct or finance the necessary public service or facility expansion and any of the following apply:

(i) The costs incurred or money advanced are credited against or reimbursed from the development fees otherwise due from a development.

(ii) The municipality reimburses the owner for those costs from the development fees paid from all developments that will use those necessary public services or facility expansions.

(iii) For those costs incurred the municipality allows the owner to assign the credits or reimbursement rights from the development fees otherwise due from a development to other developments for the same category of necessary public services in the same service area.

8. Projected interest charges and other finance costs may be included in determining the amount of development fees only if the monies are used for the payment of principal and interest on the portion of the bonds, notes or other obligations issued to finance construction of necessary public services or facility expansions identified in the infrastructure improvements plan.

9. Monies received from development fees assessed pursuant to this section shall be placed in a separate fund and accounted for separately and may only be used for the purposes authorized by this section. Monies received from a development fee identified in an infrastructure improvements plan adopted or updated pursuant to subsection D of this section shall be used to provide the same category of necessary public services or facility expansions for which the development fee was assessed and for the benefit of the same service area, as defined in the infrastructure improvements plan, in which the development fee was assessed. Interest earned on monies in the separate fund shall be credited to the fund.

10. The schedule for payment of fees shall be provided by the municipality. Based on the cost identified in the infrastructure improvements plan, the municipality shall provide a credit toward the payment of a development fee for the required or agreed to dedication of public sites, improvements and other necessary public services or facility expansions included in the infrastructure improvements plan and for which a development fee is assessed, to the extent the public sites, improvements and necessary public services or facility expansions are provided by the developer. The developer of residential dwelling units shall be required to pay development fees when construction permits for the dwelling units are issued, or at a later time if specified in a development agreement pursuant to section 9-500.05. If a development agreement provides for fees to be paid at a time later than the issuance of construction permits, the deferred fees shall be paid no later than fifteen days after the issuance of a certificate of occupancy. The development agreement shall provide for the value of any deferred fees to be supported by appropriate security, including a surety bond, letter of credit or cash bond.

11. If a municipality requires as a condition of development approval the construction or improvement of, contributions to or dedication of any facilities that were not included in a previously adopted infrastructure improvements plan, the municipality shall cause the infrastructure improvements plan to be amended to include the facilities and shall provide a credit toward the

payment of a development fee for the construction, improvement, contribution or dedication of the facilities to the extent that the facilities will substitute for or otherwise reduce the need for other similar facilities in the infrastructure improvements plan for which development fees were assessed.

12. The municipality shall forecast the contribution to be made in the future in cash or by taxes, fees, assessments or other sources of revenue derived from the property owner towards the capital costs of the necessary public service covered by the development fee and shall include these contributions in determining the extent of the burden imposed by the development. Beginning August 1, 2014, for purposes of calculating the required offset to development fees pursuant to this subsection, if a municipality imposes a construction contracting or similar excise tax rate in excess of the percentage amount of the transaction privilege tax rate imposed on the majority of other transaction privilege tax classifications, the entire excess portion of the construction contracting or similar excise tax shall be treated as a contribution to the capital costs of necessary public services provided to development for which development fees are assessed, unless the excess portion was already taken into account for such purpose pursuant to this subsection.

13. If development fees are assessed by a municipality, the fees shall be assessed against commercial, residential and industrial development, except that the municipality may distinguish between different categories of residential, commercial and industrial development in assessing the costs to the municipality of providing necessary public services to new development and in determining the amount of the development fee applicable to the category of development. If a municipality agrees to waive any of the development fees assessed on a development, the municipality shall reimburse the appropriate development fee accounts for the amount that was waived. The municipality shall provide notice of any such waiver to the advisory committee established pursuant to subsection G of this section within thirty days.

14. In determining and assessing a development fee applying to land in a community facilities district established under title 48, chapter 4, article 6, the municipality shall take into account all public infrastructure provided by the district and capital costs paid by the district for necessary public services and shall not assess a portion of the development fee based on the infrastructure or costs.

C. A municipality shall give at least thirty days' advance notice of intention to assess a development fee and shall release to the public and post on its website or the website of an association of cities and towns if a municipality does not have a website a written report of the land use assumptions and infrastructure improvements plan adopted pursuant to subsection D of this section. The municipality shall conduct a public hearing on the proposed development fee at any time after the expiration of the thirty day notice of intention to assess a development fee and at least thirty days before the scheduled date of adoption of the fee by the governing body. Within sixty days after the date of the public hearing on the proposed development fee, a municipality shall approve or disapprove the imposition of the development fee. A municipality shall not adopt an ordinance, order or resolution approving a development fee as an emergency measure. A development fee assessed pursuant to this section shall not be effective until seventy-five days after its formal adoption by the governing body of the municipality. Nothing in this subsection shall affect any development fee adopted before July 24, 1982.

D. Before the adoption or amendment of a development fee, the governing body of the municipality shall adopt or update the land use assumptions and infrastructure improvements plan for the designated service area. The municipality shall conduct a public hearing on the land use assumptions and infrastructure improvements plan at least thirty days before the adoption or update of the plan. The municipality shall release the plan to the public, post the plan on its website or the

website of an association of cities and towns if the municipality does not have a website, including in the posting its land use assumptions, the time period of the projections, a description of the necessary public services included in the infrastructure improvements plan and a map of the service area to which the land use assumptions apply, make available to the public the documents used to prepare the assumptions and plan and provide public notice at least sixty days before the public hearing, subject to the following:

1. The land use assumptions and infrastructure improvements plan shall be approved or disapproved within sixty days after the public hearing on the land use assumptions and infrastructure improvements plan and at least thirty days before the public hearing on the report required by subsection C of this section. A municipality shall not adopt an ordinance, order or resolution approving the land use assumptions or infrastructure improvements plan as an emergency measure.
2. An infrastructure improvements plan shall be developed by qualified professionals using generally accepted engineering and planning practices pursuant to subsection E of this section.
3. A municipality shall update the land use assumptions and infrastructure improvements plan at least every five years. The initial five year period begins on the day the infrastructure improvements plan is adopted. The municipality shall review and evaluate its current land use assumptions and shall cause an update of the infrastructure improvements plan to be prepared pursuant to this section.
4. Within sixty days after completion of the updated land use assumptions and infrastructure improvements plan, the municipality shall schedule and provide notice of a public hearing to discuss and review the update and shall determine whether to amend the assumptions and plan.
5. A municipality shall hold a public hearing to discuss the proposed amendments to the land use assumptions, the infrastructure improvements plan or the development fee. The land use assumptions and the infrastructure improvements plan, including the amount of any proposed changes to the development fee per service unit, shall be made available to the public on or before the date of the first publication of the notice of the hearing on the amendments.
6. The notice and hearing procedures prescribed in paragraph 1 of this subsection apply to a hearing on the amendment of land use assumptions, an infrastructure improvements plan or a development fee. Within sixty days after the date of the public hearing on the amendments, a municipality shall approve or disapprove the amendments to the land use assumptions, infrastructure improvements plan or development fee. A municipality shall not adopt an ordinance, order or resolution approving the amended land use assumptions, infrastructure improvements plan or development fee as an emergency measure.
7. The advisory committee established under subsection G of this section shall file its written comments on any proposed or updated land use assumptions, infrastructure improvements plan and development fees before the fifth business day before the date of the public hearing on the proposed or updated assumptions, plan and fees.
8. If, at the time an update as prescribed in paragraph 3 of this subsection is required, the municipality determines that no changes to the land use assumptions, infrastructure improvements plan or development fees are needed, the municipality may as an alternative to the updating requirements of this subsection publish notice of its determination on its website and include the following:

(a) A statement that the municipality has determined that no change to the land use assumptions, infrastructure improvements plan or development fee is necessary.

(b) A description and map of the service area in which an update has been determined to be unnecessary.

(c) A statement that by a specified date, which shall be at least sixty days after the date of publication of the first notice, a person may make a written request to the municipality requesting that the land use assumptions, infrastructure improvements plan or development fee be updated.

(d) A statement identifying the person or entity to whom the written request for an update should be sent.

9. If, by the date specified pursuant to paragraph 8 of this subsection, a person requests in writing that the land use assumptions, infrastructure improvements plan or development fee be updated, the municipality shall cause, accept or reject an update of the assumptions and plan to be prepared pursuant to this subsection.

10. Notwithstanding the notice and hearing requirements for adoption of an infrastructure improvements plan, a municipality may amend an infrastructure improvements plan adopted pursuant to this section without a public hearing if the amendment addresses only elements of necessary public services in the existing infrastructure improvements plan and the changes to the plan will not, individually or cumulatively with other amendments adopted pursuant to this subsection, increase the level of service in the service area or cause a development fee increase of greater than five per cent when a new or modified development fee is assessed pursuant to this section. The municipality shall provide notice of any such amendment at least thirty days before adoption, shall post the amendment on its website or on the website of an association of cities and towns if the municipality does not have a website and shall provide notice to the advisory committee established pursuant to subsection G of this section that the amendment complies with this subsection.

E. For each necessary public service that is the subject of a development fee, the infrastructure improvements plan shall include:

1. A description of the existing necessary public services in the service area and the costs to upgrade, update, improve, expand, correct or replace those necessary public services to meet existing needs and usage and stricter safety, efficiency, environmental or regulatory standards, which shall be prepared by qualified professionals licensed in this state, as applicable.

2. An analysis of the total capacity, the level of current usage and commitments for usage of capacity of the existing necessary public services, which shall be prepared by qualified professionals licensed in this state, as applicable.

3. A description of all or the parts of the necessary public services or facility expansions and their costs necessitated by and attributable to development in the service area based on the approved land use assumptions, including a forecast of the costs of infrastructure, improvements, real property, financing, engineering and architectural services, which shall be prepared by qualified professionals licensed in this state, as applicable.

4. A table establishing the specific level or quantity of use, consumption, generation or discharge of a service unit for each category of necessary public services or facility expansions and an

equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial and industrial.

5. The total number of projected service units necessitated by and attributable to new development in the service area based on the approved land use assumptions and calculated pursuant to generally accepted engineering and planning criteria.

6. The projected demand for necessary public services or facility expansions required by new service units for a period not to exceed ten years.

7. A forecast of revenues generated by new service units other than development fees, which shall include estimated state-shared revenue, highway users revenue, federal revenue, ad valorem property taxes, construction contracting or similar excise taxes and the capital recovery portion of utility fees attributable to development based on the approved land use assumptions, and a plan to include these contributions in determining the extent of the burden imposed by the development as required in subsection B, paragraph 12 of this section.

F. A municipality's development fee ordinance shall provide that a new development fee or an increased portion of a modified development fee shall not be assessed against a development for twenty-four months after the date that the municipality issues the final approval for a commercial, industrial or multifamily development or the date that the first building permit is issued for a residential development pursuant to an approved site plan or subdivision plat, provided that no subsequent changes are made to the approved site plan or subdivision plat that would increase the number of service units. If the number of service units increases, the new or increased portion of a modified development fee shall be limited to the amount attributable to the additional service units. The twenty-four month period shall not be extended by a renewal or amendment of the site plan or the final subdivision plat that was the subject of the final approval. The municipality shall issue, on request, a written statement of the development fee schedule applicable to the development. If, after the date of the municipality's final approval of a development, the municipality reduces the development fee assessed on development, the reduced fee shall apply to the development.

G. A municipality shall do one of the following:

1. Before the adoption of proposed or updated land use assumptions, infrastructure improvements plan and development fees as prescribed in subsection D of this section, the municipality shall appoint an infrastructure improvements advisory committee, subject to the following requirements:

(a) The advisory committee shall be composed of at least five members who are appointed by the governing body of the municipality. At least fifty per cent of the members of the advisory committee must be representatives of the real estate, development or building industries, of which at least one member of the committee must be from the home building industry. Members shall not be employees or officials of the municipality.

(b) The advisory committee shall serve in an advisory capacity and shall:

(i) Advise the municipality in adopting land use assumptions and in determining whether the assumptions are in conformance with the general plan of the municipality.

(ii) Review the infrastructure improvements plan and file written comments.

(iii) Monitor and evaluate implementation of the infrastructure improvements plan.

(iv) Every year file reports with respect to the progress of the infrastructure improvements plan and the collection and expenditures of development fees and report to the municipality any perceived inequities in implementing the plan or imposing the development fee.

(v) Advise the municipality of the need to update or revise the land use assumptions, infrastructure improvements plan and development fee.

(c) The municipality shall make available to the advisory committee any professional reports with respect to developing and implementing the infrastructure improvements plan.

(d) The municipality shall adopt procedural rules for the advisory committee to follow in carrying out the committee's duties.

2. In lieu of creating an advisory committee pursuant to paragraph 1 of this subsection, provide for a biennial certified audit of the municipality's land use assumptions, infrastructure improvements plan and development fees. An audit pursuant to this paragraph shall be conducted by one or more qualified professionals who are not employees or officials of the municipality and who did not prepare the infrastructure improvements plan. The audit shall review the progress of the infrastructure improvements plan, including the collection and expenditures of development fees for each project in the plan, and evaluate any inequities in implementing the plan or imposing the development fee. The municipality shall post the findings of the audit on the municipality's website or the website of an association of cities and towns if the municipality does not have a website and shall conduct a public hearing on the audit within sixty days of the release of the audit to the public.

H. On written request, an owner of real property for which a development fee has been paid after July 31, 2014 is entitled to a refund of a development fee or any part of a development fee if:

1. Pursuant to subsection B, paragraph 6 of this section, existing facilities are available and service is not provided.

2. The municipality has, after collecting the fee to construct a facility when service is not available, failed to complete construction within the time period identified in the infrastructure improvements plan, but in no event later than the time period specified in paragraph 3 of this subsection.

3. For a development fee other than a development fee for water or wastewater facilities, any part of the development fee is not spent as authorized by this section within ten years after the fee has been paid or, for a development fee for water or wastewater facilities, any part of the development fee is not spent as authorized by this section within fifteen years after the fee has been paid.

I. If the development fee was collected for the construction of all or a portion of a specific item of infrastructure, and on completion of the infrastructure the municipality determines that the actual cost of construction was less than the forecasted cost of construction on which the development fee was based and the difference between the actual and estimated cost is greater than ten per cent, the current owner may receive a refund of the portion of the development fee equal to the difference between the development fee paid and the development fee that would have been due if the development fee had been calculated at the actual construction cost.

J. A refund shall include any interest earned by the municipality from the date of collection to the date of refund on the amount of the refunded fee. All refunds shall be made to the record owner of the property at the time the refund is paid. If the development fee is paid by a governmental entity, the refund shall be paid to the governmental entity.

K. A development fee that was adopted before January 1, 2012 may continue to be assessed only to the extent that it will be used to provide a necessary public service for which development fees can be assessed pursuant to this section and shall be replaced by a development fee imposed under this section on or before August 1, 2014. Any municipality having a development fee that has not been replaced under this section on or before August 1, 2014 shall not collect development fees until the development fee has been replaced with a fee that complies with this section. Any development fee monies collected before January 1, 2012 remaining in a development fee account:

1. Shall be used towards the same category of necessary public services as authorized by this section.

2. If development fees were collected for a purpose not authorized by this section, shall be used for the purpose for which they were collected on or before January 1, 2020, and after which, if not spent, shall be distributed equally among the categories of necessary public services authorized by this section.

L. A moratorium shall not be placed on development for the sole purpose of awaiting completion of all or any part of the process necessary to develop, adopt or update development fees.

M. In any judicial action interpreting this section, all powers conferred on municipal governments in this section shall be narrowly construed to ensure that development fees are not used to impose on new residents a burden all taxpayers of a municipality should bear equally.

N. Each municipality that assesses development fees shall submit an annual report accounting for the collection and use of the fees for each service area. The annual report shall include the following:

1. The amount assessed by the municipality for each type of development fee.

2. The balance of each fund maintained for each type of development fee assessed as of the beginning and end of the fiscal year.

3. The amount of interest or other earnings on the monies in each fund as of the end of the fiscal year.

4. The amount of development fee monies used to repay:

- (a) Bonds issued by the municipality to pay the cost of a capital improvement project that is the subject of a development fee assessment, including the amount needed to repay the debt service obligations on each facility for which development fees have been identified as the source of funding and the time frames in which the debt service will be repaid.

- (b) Monies advanced by the municipality from funds other than the funds established for development fees in order to pay the cost of a capital improvement project that is the subject of a development fee assessment, the total amount advanced by the municipality for each facility, the source of the monies advanced and the terms under which the monies will be repaid to the municipality.

5. The amount of development fee monies spent on each capital improvement project that is the subject of a development fee assessment and the physical location of each capital improvement project.

6. The amount of development fee monies spent for each purpose other than a capital improvement project that is the subject of a development fee assessment.

O. Within ninety days following the end of each fiscal year, each municipality shall submit a copy of the annual report to the city clerk and post the report on the municipality's website or the website of an association of cities and towns if the municipality does not have a website. Copies shall be made available to the public on request. The annual report may contain financial information that has not been audited.

P. A municipality that fails to file the report and post the report on the municipality's website or the website of an association of cities and towns if the municipality does not have a website as required by this section shall not collect development fees until the report is filed and posted.

Q. Any action to collect a development fee shall be commenced within two years after the obligation to pay the fee accrues.

R. A municipality may continue to assess a development fee adopted before January 1, 2012 for any facility that was financed before June 1, 2011 if:

1. Development fees were pledged to repay debt service obligations related to the construction of the facility.

2. After August 1, 2014, any development fees collected under this subsection are used solely for the payment of principal and interest on the portion of the bonds, notes or other debt service obligations issued before June 1, 2011 to finance construction of the facility.

S. Through August 1, 2014, a development fee adopted before January 1, 2012 may be used to finance construction of a facility and may be pledged to repay debt service obligations if:

1. The facility that is being financed is a facility that is described under subsection T, paragraph 7, subdivisions (a) through (g) of this section.

2. The facility was included in an infrastructure improvements plan adopted before June 1, 2011.

3. The development fees are used for the payment of principal and interest on the portion of the bonds, notes or other debt service obligations issued to finance construction of the necessary public services or facility expansions identified in the infrastructure improvement plan.

T. For the purposes of this section:

1. "Dedication" means the actual conveyance date or the date an improvement, facility or real or personal property is placed into service, whichever occurs first.

2. "Development" means:

- (a) The subdivision of land.

- (b) The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure that adds or increases the number of service units.

- (c) Any use or extension of the use of land that increases the number of service units.

3. "Facility expansion" means the expansion of the capacity of an existing facility that serves the same function as an otherwise new necessary public service in order that the existing facility may serve new development. Facility expansion does not include the repair, maintenance, modernization or expansion of an existing facility to better serve existing development.

4. "Final approval" means:

(a) For a nonresidential or multifamily development, the approval of a site plan or, if no site plan is submitted for the development, the approval of a final subdivision plat.

(b) For a single family residential development, the approval of a final subdivision plat.

5. "Infrastructure improvements plan" means a written plan that identifies each necessary public service or facility expansion that is proposed to be the subject of a development fee and otherwise complies with the requirements of this section, and may be the municipality's capital improvements plan.

6. "Land use assumptions" means projections of changes in land uses, densities, intensities and population for a specified service area over a period of at least ten years and pursuant to the general plan of the municipality.

7. "Necessary public service" means any of the following facilities that have a life expectancy of three or more years and that are owned and operated by or on behalf of the municipality:

(a) Water facilities, including the supply, transportation, treatment, purification and distribution of water, and any appurtenances for those facilities.

(b) Wastewater facilities, including collection, interception, transportation, treatment and disposal of wastewater, and any appurtenances for those facilities.

(c) Storm water, drainage and flood control facilities, including any appurtenances for those facilities.

(d) Library facilities of up to ten thousand square feet that provide a direct benefit to development, not including equipment, vehicles or appurtenances.

(e) Street facilities located in the service area, including arterial or collector streets or roads that have been designated on an officially adopted plan of the municipality, traffic signals and rights-of-way and improvements thereon.

(f) Fire and police facilities, including all appurtenances, equipment and vehicles. Fire and police facilities do not include a facility or portion of a facility that is used to replace services that were once provided elsewhere in the municipality, vehicles and equipment used to provide administrative services, helicopters or airplanes or a facility that is used for training firefighters or officers from more than one station or substation.

(g) Neighborhood parks and recreational facilities on real property up to thirty acres in area, or parks and recreational facilities larger than thirty acres if the facilities provide a direct benefit to the development. Park and recreational facilities do not include vehicles, equipment or that portion of any facility that is used for amusement parks, aquariums, aquatic centers, auditoriums, arenas, arts and cultural facilities, bandstand and orchestra facilities, bathhouses, boathouses, clubhouses, community centers greater than three thousand square feet in floor area, environmental education

centers, equestrian facilities, golf course facilities, greenhouses, lakes, museums, theme parks, water reclamation or riparian areas, wetlands, zoo facilities or similar recreational facilities, but may include swimming pools.

(h) Any facility that was financed and that meets all of the requirements prescribed in subsection R of this section.

8. "Qualified professional" means a professional engineer, surveyor, financial analyst or planner providing services within the scope of the person's license, education or experience.

9. "Service area" means any specified area within the boundaries of a municipality in which development will be served by necessary public services or facility expansions and within which a substantial nexus exists between the necessary public services or facility expansions and the development being served as prescribed in the infrastructure improvements plan.

10. "Service unit" means a standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated pursuant to generally accepted engineering or planning standards for a particular category of necessary public services or facility expansions.

Appendix B

City of Yuma, Arizona
Biennial Development Fee Audit
For the Period of FY 2022-23 and FY 2023-24
Fire Facilities Development Fee

Appendix B

| Financial Analysis | | | | |
|---------------------------|-------------------|---------------------|---------------------|--|
| Description | FY 2022-23 | FY 2023-24 | Total | |
| Revenues | | | | |
| System Development Fees | \$ 321,842 | \$ 357,164 | \$ 679,006 | |
| Interest Income | 56,780 | 65,209 | 121,989 | |
| Total Revenues | \$ 378,622 | \$ 422,373 | \$ 800,995 | |
| Expenditures | | | | |
| Capital Outlay | \$ 473,956 | \$ 1,387,858 | \$ 1,861,814 | |
| Debt Service | 0 | 0 | 0 | |
| Total Expenditures | \$ 473,956 | \$ 1,387,858 | \$ 1,861,814 | |

| Development | | | |
|--|------------|------------|-----------|
| Customer Class | FY 2022-23 | FY 2023-24 | Total |
| Residential (DU) ⁽¹⁾ | 370 | 545 | 915 |
| Commercial/Retail (SF) ⁽²⁾ | 465,190 | 642,187 | 1,107,377 |
| Office/Institutional (SF) ⁽²⁾ | 0 | 0 | 0 |
| Industrial (SF) ⁽²⁾ | 0 | 0 | 0 |

| Expense Detail | | | |
|--------------------------------|-------------------|---------------------|---------------------|
| Description | FY 2022-23 | FY 2023-24 | Total |
| Fire Station #7 - Construction | \$ 444,031 | \$ 1,387,858 | \$ 1,831,889 |
| Fire Station #7 - Planning | 29,925 | 0 | 29,925 |
| New Ambulances | 0 | 0 | 0 |
| Development Fee Study | 0 | 0 | 0 |
| Total | \$ 473,956 | \$ 1,387,858 | \$ 1,861,814 |

Notes:

- (1) Dwelling units (DU)
- (2) Square feet (SF)
- (3) IIP identified costs are for FY 2018-19 through FY 2027-28

Appendix C

City of Yuma, Arizona
Biennial Development Fee Audit
For the Period of FY 2022-23 and FY 2023-24
Parks and Recreation Facilities Development Fee

Appendix C

| Financial Analysis | | | | |
|---------------------------|-------------------|-------------------|---------------------|--|
| Description | FY 2022-23 | FY 2023-24 | Total | |
| Revenues | | | | |
| System Development Fees | \$ 460,215 | \$ 545,349 | \$ 1,005,564 | |
| Interest Income | 55,568 | 86,578 | 142,146 | |
| Total Revenues | \$ 515,783 | \$ 631,927 | \$ 1,147,710 | |
| Expenditures | | | | |
| Capital Outlay | \$ 211,214 | \$ 393,046 | \$ 604,260 | |
| Debt Service | 459,214 | 554,813 | 1,014,027 | |
| Total Expenditures | \$ 670,428 | \$ 947,859 | \$ 1,618,287 | |

| Development | | | |
|--|------------|------------|-----------|
| Customer Class | FY 2022-23 | FY 2023-24 | Total |
| Residential (DU) ⁽¹⁾ | 370 | 545 | 915 |
| Commercial/Retail (SF) ⁽²⁾ | 465,190 | 642,187 | 1,107,377 |
| Office/Institutional (SF) ⁽²⁾ | 0 | 0 | 0 |
| Industrial (SF) ⁽²⁾ | 0 | 0 | 0 |

| Expense Detail | | | |
|--|-------------------|-------------------|---------------------|
| Description | FY 2022-23 | FY 2023-24 | Total |
| Bond payments for construction of the Pacific Avenue Athletic Center | \$ 459,214 | \$ 554,813 | \$ 1,014,027 |
| East Mesa Community Park - Project Design | 211,214 | 393,046 | 604,260 |
| Development Fee Study | 0 | 0 | 0 |
| Total | \$ 670,428 | \$ 947,859 | \$ 1,618,287 |

Notes:

- (1) Dwelling units (DU)
- (2) Square feet (SF)
- (3) IIP identified costs are for FY 2018-19 through FY 2027-28

Appendix D

City of Yuma, Arizona
Biennial Development Fee Audit
For the Period of FY 2022-23 and FY 2023-24
Police Facilities Development Fee

Appendix D

| Financial Analysis | | | | |
|---------------------------|-------------------|-------------------|-----------|----------------|
| Description | FY 2022-23 | FY 2023-24 | Total | |
| Revenues | | | | |
| System Development Fees | \$ 228,213 | \$ 262,222 | \$ | 490,435 |
| Interest Income | 79,563 | 146,014 | | 225,577 |
| Total Revenues | \$ 307,776 | \$ 408,236 | \$ | 716,012 |
| Expenditures | | | | |
| Capital Outlay | \$ 51,029 | \$ 674,724 | \$ | 725,753 |
| Debt Service | 0 | 0 | | 0 |
| Total Expenditures | \$ 51,029 | \$ 674,724 | \$ | 725,753 |

| Development | | | |
|--|------------|------------|-----------|
| Customer Class | FY 2022-23 | FY 2023-24 | Total |
| Residential (DU) ⁽¹⁾ | 370 | 545 | 915 |
| Commercial/Retail (SF) ⁽²⁾ | 465,190 | 642,187 | 1,107,377 |
| Office/Institutional (SF) ⁽²⁾ | 0 | 0 | 0 |
| Industrial (SF) ⁽²⁾ | 0 | 0 | 0 |

| Expense Detail | | | |
|---|------------------|-------------------|-------------------|
| Description | FY 2022-23 | FY 2023-24 | Total |
| Police vehicles - Fleet expansion | \$ 36,149 | \$ 432,367 | \$ 468,516 |
| Equipment and Installation for new vehicles - Fleet Expansion | 0 | 215,403 | 215,403 |
| Project Designs for Police Storage Facility | 14,880 | 26,954 | 41,834 |
| Development Fee Study | 0 | 0 | 0 |
| Total | \$ 51,029 | \$ 674,724 | \$ 725,753 |

Notes:

- (1) Dwelling units (DU)
- (2) Square feet (SF)
- (3) IIP identified costs are for FY 2018-19 through FY 2027-28

Appendix E

City of Yuma, Arizona
Biennial Development Fee Audit
For the Period of FY 2022-23 and FY 2023-24
Streets Facilities Development Fee

Appendix E

| Financial Analysis | | | | |
|---------------------------|-------------------|---------------------|---------------------|--|
| Description | FY 2022-23 | FY 2023-24 | Total | |
| Revenues | | | | |
| System Development Fees | \$ 335,913 | \$ 546,727 | \$ 882,640 | |
| Interest Income | 54,249 | 72,942 | 127,191 | |
| Total Revenues | \$ 390,162 | \$ 619,669 | \$ 1,009,831 | |
| Expenditures | | | | |
| Capital Outlay | \$ 680,496 | \$ 1,436,214 | \$ 2,116,710 | |
| Debt Service | 0 | 0 | 0 | |
| Total Expenditures | \$ 680,496 | \$ 1,436,214 | \$ 2,116,710 | |

| Development | | | | |
|--|------------|------------|-----------|--|
| Customer Class | FY 2022-23 | FY 2023-24 | Total | |
| Residential (DU) ⁽¹⁾ | 370 | 545 | 915 | |
| Commercial/Retail (SF) ⁽²⁾ | 465,190 | 642,187 | 1,107,377 | |
| Office/Institutional (SF) ⁽²⁾ | 0 | 0 | 0 | |
| Industrial (SF) ⁽²⁾ | 0 | 0 | 0 | |

| Expense Detail | | | | |
|---|-------------------|---------------------|---------------------|--|
| Description | FY 2022-23 | FY 2023-24 | Total | |
| Right-of-way 28th St Improvement, Capacity Increase; 45th Ave-33rd Dr | \$ 355,538 | \$ 0 | \$ 355,538 | |
| Construction 28th St Improvement, Capacity Increase; 45th Ave-33rd Dr | 133,249 | 69,247 | 202,496 | |
| Planning for 40th Street, Ave 7E to Ave 10E | 116,610 | 0 | 116,610 | |
| Designs for Bridge Replacement; Ave 7E and 40th Street over Canal A | 33,622 | 0 | 33,622 | |
| Deposit return for construction and conveyance of public infrastructure | 24,998 | 0 | 24,998 | |
| Designs for construction 40th Street, Ave 7E to Ave 10E | 16,479 | 0 | 16,479 | |
| 28th Capacity; Improvement; 45th Ave-33rd Dr - Project Design | 0 | 20,550 | 20,550 | |
| 40th Street, 7-1/2E to 6-3/4E - Project Design | 0 | 42,868 | 42,868 | |
| 40th Street, Ave 7E to Ave 10E - Planning | 0 | 75,244 | 75,244 | |
| Bridge; Ave 7E and 40th Street over Canal A - Project Design | 0 | 19,108 | 19,108 | |
| Bridge; Ave 7E and 40th Street over Canal A - Construction | 0 | 1,193,060 | 1,193,060 | |
| 40th Street, Ave 7E to Ave 10E - Project Design | 0 | 16,137 | 16,137 | |
| Bike Lanes | 0 | 0 | 0 | |
| Development Fee Study | 0 | 0 | 0 | |
| Signalized Intersections | 0 | 0 | 0 | |
| Arterials | 0 | 0 | 0 | |
| Total | \$ 680,496 | \$ 1,436,214 | \$ 2,116,710 | |

Notes:

- (1) Dwelling units (DU)
- (2) Square feet (SF)
- (3) IIP identified costs are for FY 2018-19 through FY 2027-28

Appendix F

City of Yuma, Arizona
Biennial Development Fee Audit
For the Period of FY 2022-23 and FY 2023-24
General Government Facilities Development Fee

Appendix F

| Financial Analysis | | | | |
|---------------------------|------------------|------------------|-----------|---------------|
| Description | FY 2022-23 | FY 2023-24 | Total | |
| Revenues | | | | |
| System Development Fees | \$ 14,059 | \$ 15,809 | \$ | 29,868 |
| Interest Income | 2,603 | 5,349 | | 7,952 |
| Total Revenues | \$ 16,662 | \$ 21,158 | \$ | 37,820 |
| Expenditures | | | | |
| Capital Outlay | \$ 0 | \$ 0 | \$ | 0 |
| Debt Service | 0 | 0 | | 0 |
| Total Expenditures | \$ 0 | \$ 0 | \$ | 0 |

| Development | | | |
|--|------------|------------|-----------|
| Customer Class | FY 2022-23 | FY 2023-24 | Total |
| Residential (DU) ⁽¹⁾ | 370 | 545 | 915 |
| Commercial/Retail (SF) ⁽²⁾ | 465,190 | 642,187 | 1,107,377 |
| Office/Institutional (SF) ⁽²⁾ | 0 | 0 | 0 |
| Industrial (SF) ⁽²⁾ | 0 | 0 | 0 |

| Expense Detail | | | |
|---------------------------|-------------|-------------|-------------|
| Description | FY 2022-23 | FY 2023-24 | Total |
| Expenditure Detail | | | |
| City Hall Debt | \$ 0 | \$ 0 | \$ 0 |
| City Hall Debt Credit | 0 | 0 | 0 |
| Development Fee Study | 0 | 0 | 0 |
| Total | \$ 0 | \$ 0 | \$ 0 |

Notes:

- (1) Dwelling units (DU)
- (2) Square feet (SF)
- (3) IIP identified costs are for FY 2018-19 through FY 2027-28

Appendix G

City of Yuma, Arizona

Biennial Development Fee Audit

For the Period of FY 2022-23 and FY 2023-24

Permit Sample - Non-Residential

Appendix G

| Fire Facilities DF | | | | | | | | | |
|--------------------|------------|------------------|----------------------|-------------|----------|--------------|---------------|------------|-----------|
| | Sample No. | Receipt | Development Type | Square Feet | DF/SF | Assessed Fee | Fee in Effect | Difference | Notes |
| FY 2022-23 | 1 | COMB-078304-2022 | Hotel | N/A | N/A | \$ 12,996.00 | \$ 12,996.00 | \$ - | 114 Rooms |
| | 2 | COMB-073913-2022 | Industrial | 3,200 | \$ 0.600 | \$ 1,920.00 | \$ 1,920.00 | \$ - | |
| | 3 | COMB-075107-2022 | Commercial/Retail | 626 | \$ 0.520 | \$ 325.52 | \$ 325.52 | \$ - | |
| | 4 | COMB-076144-2022 | Commercial/Retail | 3,600 | \$ 0.520 | \$ 1,872.00 | \$ 1,872.00 | \$ - | |
| | 5 | COMB-076263-2022 | Commercial/Retail | 8,240 | \$ 0.520 | \$ 4,284.80 | \$ 4,284.80 | \$ - | |
| | 6 | COMB-076602-2022 | Industrial | 8,254 | \$ 0.600 | \$ 4,952.40 | \$ 4,952.40 | \$ - | |
| | 7 | COMB-077003-2022 | Office/Institutional | 3,483 | \$ 0.860 | \$ 2,995.38 | \$ 2,995.38 | \$ - | |
| | 8 | COMB-078853-2023 | Industrial | 360 | \$ 0.600 | \$ 216.00 | \$ 216.00 | \$ - | |
| | 9 | COMB-079522-2023 | Office/Institutional | 528 | \$ 0.860 | \$ 454.08 | \$ 454.08 | \$ - | |
| | 10 | PPR-039698-2022 | Office/Institutional | 2,430 | \$ 0.860 | \$ 2,089.80 | \$ 2,089.80 | \$ - | |

| Fire Facilities DF | | | | | | | | | |
|--------------------|------------|------------------|----------------------|-------------|----------|--------------|---------------|------------|-----------|
| | Sample No. | Receipt | Development Type | Square Feet | DF/SF | Assessed Fee | Fee in Effect | Difference | Notes |
| FY 2023-24 | 1 | COMB-076635-2022 | Commercial/Retail | 3,800 | \$ 0.520 | \$ 1,976.00 | \$ 1,976.00 | \$ - | 122 Rooms |
| | 2 | COMB-080446-2023 | Hotel | N/A | N/A | \$ 13,908.00 | \$ 13,908.00 | \$ - | |
| | 3 | COMB-080562-2023 | Industrial | 240 | \$ 0.600 | \$ 144.00 | \$ 144.00 | \$ - | |
| | 4 | COMB-082186-2023 | Industrial | 1,500 | \$ 0.600 | \$ 900.00 | \$ 900.00 | \$ - | 124 Rooms |
| | 5 | COMB-082197-2023 | Hotel | N/A | N/A | \$ 14,136.00 | \$ 14,136.00 | \$ - | |
| | 6 | COMB-082298-2023 | Industrial | 136 | \$ 0.600 | \$ 81.60 | \$ 81.60 | \$ - | |
| | 7 | COMB-084629-2023 | Office/Institutional | 3,096 | \$ 0.860 | \$ 2,662.56 | \$ 2,662.56 | \$ - | |
| | 8 | COMB-084631-2023 | Office/Institutional | 3,680 | \$ 0.860 | \$ 3,164.80 | \$ 3,164.80 | \$ - | |
| | 9 | COMB-087121-2024 | Commercial/Retail | 704 | \$ 0.520 | \$ 366.08 | \$ 366.08 | \$ - | |
| | 10 | NMFD-083718-2023 | Office/Institutional | 2,430 | \$ 0.860 | \$ 2,089.80 | \$ 2,089.80 | \$ - | |

City of Yuma, Arizona

Biennial Development Fee Audit

For the Period of FY 2022-23 and FY 2023-24

Permit Sample - Non-Residential

Appendix G

| Police Facilities DF | | | | | | | | | |
|----------------------|------------|------------------|----------------------|-------------|----------|--------------|---------------|------------|-----------|
| | Sample No. | Receipt | Development Type | Square Feet | DF/SF | Assessed Fee | Fee in Effect | Difference | Notes |
| FY 2022-23 | 1 | COMB-078304-2022 | Hotel | N/A | N/A | \$ 12,540.00 | \$ 12,540.00 | \$ - | 114 Rooms |
| | 2 | COMB-072396-2022 | Industrial | 18,200 | \$ 0.140 | \$ 2,548.00 | \$ 2,548.00 | \$ - | |
| | 3 | COMB-073913-2022 | Industrial | 3,200 | \$ 0.140 | \$ 448.00 | \$ 448.00 | \$ - | |
| | 4 | COMB-075107-2022 | Office/Institutional | 580 | \$ 0.220 | \$ 127.60 | \$ 127.60 | \$ - | |
| | 5 | COMB-075111-2022 | Office/Institutional | 887 | \$ 0.220 | \$ 195.20 | \$ 195.20 | \$ - | |
| | 6 | COMB-076057-2022 | Industrial | 480 | \$ 0.140 | \$ 67.20 | \$ 67.20 | \$ - | |
| | 7 | COMB-076144-2022 | Commercial/Retail | 3,600 | \$ 0.550 | \$ 1,980.00 | \$ 1,980.00 | \$ - | |
| | 8 | COMB-076263-2022 | Commercial/Retail | 8,240 | \$ 0.550 | \$ 4,532.00 | \$ 4,532.00 | \$ - | |
| | 9 | COMB-077003-2022 | Office/Institutional | 3,483 | \$ 0.220 | \$ 766.26 | \$ 766.26 | \$ - | |
| | 10 | COMB-078385-2022 | Industrial | 2,909 | \$ 0.140 | \$ 407.26 | \$ 407.26 | \$ - | |

| Police Facilities DF | | | | | | | | | |
|----------------------|------------|------------------|----------------------|-------------|----------|--------------|---------------|------------|-----------|
| | Sample No. | Receipt | Development Type | Square Feet | DF/SF | Assessed Fee | Fee in Effect | Difference | Notes |
| FY 2023-24 | 1 | COMB-076635-2022 | Industrial | 1,145 | \$ 0.140 | \$ 160.30 | \$ 160.30 | \$ - | 122 Rooms |
| | 2 | COMB-080446-2023 | Hotel | N/A | N/A | \$ 13,420.00 | \$ 13,420.00 | \$ - | |
| | 3 | COMB-081421-2023 | Office/Institutional | 225 | \$ 0.220 | \$ 49.60 | \$ 49.60 | \$ - | |
| | 4 | COMB-082197-2023 | Hotel | N/A | N/A | \$ 13,640.00 | \$ 13,640.00 | \$ - | |
| | 5 | COMB-083289-2023 | Industrial | 3,430 | \$ 0.140 | \$ 480.20 | \$ 480.20 | \$ - | |
| | 6 | COMB-084629-2023 | Office/Institutional | 3,096 | \$ 0.220 | \$ 681.12 | \$ 681.12 | \$ - | |
| | 7 | COMB-084631-2023 | Office/Institutional | 3,680 | \$ 0.220 | \$ 809.60 | \$ 809.60 | \$ - | |
| | 8 | COMB-085514-2023 | Office/Institutional | 1,740 | \$ 0.220 | \$ 382.80 | \$ 382.80 | \$ - | |
| | 9 | COMB-086678-2024 | Commercial/Retail | 2,940 | \$ 0.550 | \$ 1,617.00 | \$ 1,617.00 | \$ - | |
| | 10 | COMB-087121-2024 | Commercial/Retail | 704 | \$ 0.550 | \$ 387.20 | \$ 387.20 | \$ - | |

City of Yuma, Arizona

Biennial Development Fee Audit

For the Period of FY 2022-23 and FY 2023-24

Permit Sample - Non-Residential

Appendix G

| Streets Facilities DF | | | | | | | | | |
|-----------------------|------------|------------------|----------------------|-------------|----------|--------------|---------------|------------|-----------|
| | Sample No. | Receipt | Development Type | Square Feet | DF/SF | Assessed Fee | Fee in Effect | Difference | Notes |
| FY 2022-23 | 1 | COMB-078304-2022 | Hotel | N/A | N/A | \$ 31,008.00 | \$ 31,008.00 | \$ - | 114 Rooms |
| | 2 | COMB-076057-2022 | Office/Institutional | 1,100 | \$ 0.090 | \$ 99.00 | \$ 99.00 | \$ - | |
| | 3 | COMB-076074-2022 | Office/Institutional | 6,708 | \$ 0.090 | \$ 603.72 | \$ 603.72 | \$ - | |
| | 4 | COMB-076263-2022 | Commercial/Retail | 8,240 | \$ 0.840 | \$ 6,921.60 | \$ 6,921.60 | \$ - | |
| | 5 | COMB-076535-2022 | Commercial/Retail | 1,150 | \$ 0.840 | \$ 966.00 | \$ 966.00 | \$ - | |
| | 6 | COMB-076602-2022 | Industrial | 8,254 | \$ 0.010 | \$ 82.54 | \$ 82.54 | \$ - | |
| | 7 | COMB-077590-2022 | Industrial | 1,888 | \$ 0.010 | \$ 18.88 | \$ 18.88 | \$ - | |
| | 8 | COMB-078900-2023 | Industrial | 6,438 | \$ 0.010 | \$ 64.38 | \$ 64.38 | \$ - | |
| | 9 | COMB-079522-2023 | Commercial/Retail | 3,501 | \$ 0.840 | \$ 2,940.84 | \$ 2,940.84 | \$ - | |
| | 10 | PPR-039698-2022 | Industrial | 336 | \$ 0.010 | \$ 3.36 | \$ 3.36 | \$ - | |

| Streets Facilities DF | | | | | | | | | |
|-----------------------|------------|------------------|----------------------|-------------|----------|--------------|---------------|------------|-----------|
| | Sample No. | Receipt | Development Type | Square Feet | DF/SF | Assessed Fee | Fee in Effect | Difference | Notes |
| FY 2023-24 | 1 | COMB-076635-2022 | Office/Institutional | 398 | \$ 0.090 | \$ 35.82 | \$ 35.82 | \$ - | |
| | 2 | COMB-080446-2023 | Hotel | N/A | N/A | \$ 33,184.00 | \$ 33,184.00 | \$ - | 122 Rooms |
| | 3 | COMB-081346-2023 | Commercial/Retail | 2,160 | \$ 0.840 | \$ 1,814.40 | \$ 1,814.40 | \$ - | |
| | 4 | COMB-082197-2023 | Hotel | N/A | N/A | \$ 33,728.00 | \$ 33,728.00 | \$ - | 124 Rooms |
| | 5 | COMB-084631-2023 | Industrial | 20,000 | \$ 0.010 | \$ 200.00 | \$ 200.00 | \$ - | |
| | 6 | COMB-085514-2023 | Office/Institutional | 1,740 | \$ 0.090 | \$ 156.60 | \$ 156.60 | \$ - | |
| | 7 | COMB-086327-2024 | Industrial | 180 | \$ 0.010 | \$ 1.80 | \$ 1.80 | \$ - | |
| | 8 | COMB-087121-2024 | Commercial/Retail | 704 | \$ 0.840 | \$ 591.36 | \$ 591.36 | \$ - | |
| | 9 | COMB-088957-2024 | Industrial | 11,250 | \$ 0.010 | \$ 112.50 | \$ 112.50 | \$ - | |
| | 10 | NMFD-083718-2023 | Office/Institutional | 2,430 | \$ 0.090 | \$ 218.70 | \$ 218.70 | \$ - | |

City of Yuma, Arizona

Biennial Development Fee Audit

For the Period of FY 2022-23 and FY 2023-24

Permit Sample - Non-Residential

Appendix G

| General Government Facilities DF | | | | | | | | | |
|----------------------------------|------------|------------------|----------------------|-------------|----------|--------------|---------------|------------|-----------|
| | Sample No. | Receipt | Development Type | Square Feet | DF/SF | Assessed Fee | Fee in Effect | Difference | Notes |
| FY 2022-23 | 1 | COMB-078304-2022 | Hotel | N/A | N/A | \$ 228.00 | \$ 228.00 | \$ - | 114 Rooms |
| | 2 | COMB-073913-2022 | Industrial | 3,200 | \$ 0.010 | \$ 32.00 | \$ 32.00 | \$ - | |
| | 3 | COMB-076057-2022 | Office/Institutional | 1,100 | \$ 0.010 | \$ 11.00 | \$ 11.00 | \$ - | |
| | 4 | COMB-076074-2022 | Office/Institutional | 6,708 | \$ 0.010 | \$ 67.08 | \$ 67.08 | \$ - | |
| | 5 | COMB-076144-2022 | Commercial/Retail | 3,600 | \$ 0.010 | \$ 36.00 | \$ 36.00 | \$ - | |
| | 6 | COMB-076263-2022 | Commercial/Retail | 8,240 | \$ 0.010 | \$ 82.40 | \$ 82.40 | \$ - | |
| | 7 | COMB-076263-2022 | Office/Institutional | 1,011 | \$ 0.010 | \$ 10.11 | \$ 10.11 | \$ - | |
| | 8 | COMB-076535-2022 | Commercial/Retail | 1,150 | \$ 0.010 | \$ 11.50 | \$ 11.50 | \$ - | |
| | 9 | COMB-078558-2023 | Industrial | 8,084 | \$ 0.010 | \$ 80.84 | \$ 80.84 | \$ - | |
| | 10 | PPR-029708-2020 | Industrial | 1,543 | \$ 0.010 | \$ 15.43 | \$ 15.43 | \$ - | |

| General Government Facilities DF | | | | | | | | | |
|----------------------------------|------------|------------------|----------------------|-------------|----------|--------------|---------------|------------|-----------|
| | Sample No. | Receipt | Development Type | Square Feet | DF/SF | Assessed Fee | Fee in Effect | Difference | Notes |
| FY 2023-24 | 1 | COMB-081346-2023 | Commercial/Retail | 2,160 | \$ 0.010 | \$ 21.60 | \$ 21.60 | \$ - | 122 Rooms |
| | 2 | COMB-080446-2023 | Hotel | N/A | N/A | \$ 244.00 | \$ 244.00 | \$ - | |
| | 3 | COMB-081987-2023 | Office/Institutional | 40,955 | \$ 0.010 | \$ 409.55 | \$ 409.55 | \$ - | |
| | 4 | COMB-082186-2023 | Industrial | 1,500 | \$ 0.010 | \$ 15.00 | \$ 15.00 | \$ - | 124 Rooms |
| | 5 | COMB-082197-2023 | Hotel | N/A | N/A | \$ 248.00 | \$ 248.00 | \$ - | |
| | 6 | COMB-082298-2023 | Industrial | 136 | \$ 0.010 | \$ 1.36 | \$ 1.36 | \$ - | |
| | 7 | COMB-083374-2023 | Office/Institutional | 7,488 | \$ 0.010 | \$ 74.88 | \$ 74.88 | \$ - | |
| | 8 | COMB-084519-2023 | Office/Institutional | 1,993 | \$ 0.010 | \$ 19.93 | \$ 19.93 | \$ - | |
| | 9 | COMB-084629-2023 | Industrial | 12,160 | \$ 0.010 | \$ 121.60 | \$ 121.60 | \$ - | |
| | 10 | COMB-087121-2024 | Commercial/Retail | 704 | \$ 0.010 | \$ 7.04 | \$ 7.04 | \$ - | |



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