



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

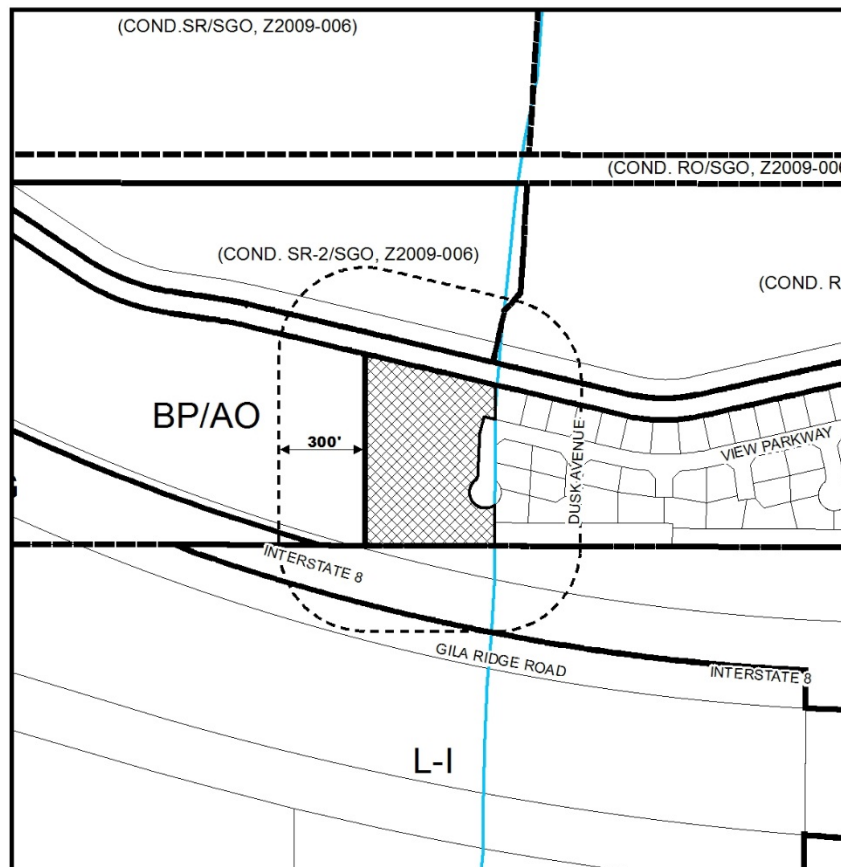
Hearing Date: March 26, 2018

Case Number: SUBD-20465-2017

Project Description/Location: This is a request by Colvin Engineering, Inc., on behalf of Terraces Business Park AZ, LLC, for approval of the final plat for the Terraces West Subdivision, proposed to be divided into 15 residential lots ranging in size from 10,242 square feet to 40,586 square feet. The property is located north of Interstate 8, west of the Terraces Two at the View Subdivision, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential (R-1-6)	Undeveloped	Low Density Residential
North	Agriculture (AG)	South Gila Canal/Agriculture	Suburban Density Residential
South	Agriculture (AG)	Undeveloped	Low Density Residential
East	Low Density Residential (R-1-6)	Single-family residence(s)	Low Density Residential
West	Business Park (BP)	Undeveloped	Mixed Use

Location Map



Prior site actions: Annexation: Ord. #O96-026 (March 21, 1996); Rezone: O96-44 (May 15, 1996; Rezone from AG to R-1-6); Determination of Compliance (September 26, 2012; Approved the construction of 15 single-family residential homes within the 65-70 dB DNL noise contour) Subdivision: Terraces West Preliminary Plat (SUBD-15354-2016; November 14, 2016)

Staff recommendation: Staff recommends **APPROVAL** of the final plat for the Terraces West Subdivision, subject to the conditions shown in Attachment A, because the request is in conformance with the City of Yuma General Plan and is compatible with surrounding land uses.

Suggested Motion: Motion to **APPROVE** the final plat for the Terraces West Subdivision, subject to the conditions shown in Attachment A.

Staff Analysis: The original design for the subdivision, referred to as “The Cove”, included residential development almost spanning the entire distance of Avenue 5E to Araby Road. In 1994, under the authority of Yuma County, the preliminary subdivision layout was approved. Upon approval, a portion of the residential subdivision was located within the 65dB noise contour of the Airport Overlay; at that time, residential development was permitted within this noise contour with adequate noise attenuation incorporated into the design of each residence.

In 2001, following annexation into the City of Yuma, the State of Arizona passed Senate Bill 1525 (now found in A.R.S. Title 28), a military protection law. With this new law, single-family residential development was no longer permitted within the 65dB noise contour. An exception to the law was later added, that allowed a landowner to apply for approval if the development project was approved prior to December 31, 2000. In 2012, following years of discussion between the Developer, the Marine Corps Air Station and the City of Yuma, an agreement was reached through a Determination of Compliance permitting the development of 15-20 single-family homes on residentially zoned property within the 65dB noise contour.

The proposed subdivision, measuring approximately 6.67 acres, will be the final phase of residential development within the Terraces Subdivision. The applicant is proposing to develop the final phase of residential development with 15 single-family dwellings which will meet the land use density requirements of 1.0 to 4.9 dwelling units per acre. The lot sizes will range from 10,242 square feet to 40,568 square feet which meets the minimum lot size requirements for the Low Density Residential (R-1-6) District. As discussed in further detail in §154-05.04 of the City Code, the following are a few of the development standards required for development within the Low Density Residential (R-1-6) District:

1. The minimum lot size for the district shall be 6,000 square feet;
2. The minimum lot width shall be fifty feet;
3. The maximum lot coverage shall be 35% of the lot area. The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage;
4. A minimum front yard setback of twenty feet;
5. A minimum side yard setback of seven feet;
6. A minimum street side setback of ten feet;
7. A minimum rear yard setback of ten feet; and
8. A minimum of two paved parking spaces shall be provided for each single-family dwelling.

A neighborhood meeting was held on October 5, 2016, during the preliminary plat phase, to discuss the proposed development with neighbors in the surrounding area. A majority of the concerns discussed during the meeting were in regards to the following issues: loss of westerly view along Twilight Avenue, proposed access along View Parkway, intended elevations and square footages of the new residential dwellings, any development plans for Tract A, and the potential for increased traffic with the new development.

The preliminary plat identified a tract of land, referred to as Tract A, which was intended to be owned and maintained by the Developer. However, the Developer has made the determination to incorporate the formerly referred Tract A into several of the privately owned lots. A majority of this land is occupied by a natural gas utility easement; such easement may limit the type of development which could occur in the future.

1. Does the subdivision comply with the conditions of the rezoning?

Yes.

2. Does the subdivision comply with the conditions of the preliminary plat approval?

No. The City of Yuma Fire Department requested that adequate secondary fire department access be provided. However, the final plat has not made indication of this secondary access. In speaking with the developer, it has been indicated that secondary access currently exists, but City of Yuma Fire Department has found that the secondary access has not adequately met code standards.

Secondary access is an issue because this development is on the western edge of the existing Terraces neighborhood. Two paved roads were constructed to provide access into the Terraces neighborhood, but the two roads converge into one roadway and that one roadway is what provides access to the western portion of the existing neighborhood and the new residences proposed. This leaves one way into this section of the Terraces and only one way out, and these new proposed homes are furthest from where the roadways converge. As such, if the entry or any part of the roadway to the west of the convergence is blocked, the fire department would be unable to enter this area of the Terraces and provide service or tardy in providing service.

There is discussion occurring between the City of Yuma Fire Department and the Developer about what is meant by the phrase "adequate secondary access." The National Fire Protection Association (NFPA) Section 18.2.3.4.2 states that, "fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface." The City of Yuma Fire Department interprets this to mean paved access, while the Developer has read the requirement to mean ABC gravel as an acceptable surface material. The secondary access would travel west from this development to Avenue 5E.

When similar developments occurred prior to 2009, the fire departments could accept a secondary access road that was not designed to recognized standards for road designs and instead condition the development on the installation of fire sprinklers in the residences. However in 2011, the Arizona legislature passed a law forbidding local jurisdictions from adopting fire, life safety or building codes mandating the installation of fire sprinklers on single family residences. The specific statute applicable to the City of Yuma (and other cities and towns in Arizona) is A.R.S. § 9-807.

On its face, A.R.S. § 9-807 removes a possible solution to the issue presented here. Without that statute forbidding the City of Yuma Fire Department from enforcing fire sprinkler requirements, the City of Yuma Fire Department may have been able to require the installation of approved fire sprinklers on the proposed residences and with condition, may have been able to accept a secondary access that did not adequately meet any road design. While fire sprinklers eliminate some of the fire danger if a situation developed when the one safe pathway into the neighborhood was blocked, fire sprinklers do not assist with other types of service calls such as medical emergencies.

The City of Yuma Fire Department has submitted a supplemental memo further detailing the standard in question (reference Attachment H). In addition, representatives from the City of Yuma Fire Department will be present at the hearing to explain the condition and address any questions or concerns regarding the applicable fire codes.

3. Is the final plat consistent with the preliminary plat that was approved?

Yes.

Public Comments Received: None Received

External Agency Comments: See Attachment

Neighborhood Meeting Comments: No Meeting Required

Proposed conditions delivered to applicant on: January 10, 2018

Final staff report delivered to applicant on: January 22, 2018

<input type="checkbox"/>	Applicant agreed with all of the conditions of approval on: (enter date)
<input checked="" type="checkbox"/>	Applicant did not agree with the following conditions of approval: Applicant agreed with all conditions except #7; the agent is in need of clarification regarding the condition made by the Fire Department: January 10, 2018

Attachments

A	B	C	D	E	F	G	H
Conditions of Approval	Final Plat Map	Prelim Plat Map	Prelim Plat Conditions	External Agency Comments	Aerial Photo	Staff Research	Supplemental Memo

Prepared By:
Alyssa Linville,
Principal Planner

Date: 01/30/18
Alyssa.Linville@YumaAz.gov
(928)373-5000, x3037

Approved By:
Dan Symer, AICP
Assistant Director Community Development

Date: 01-30-2018

Approved By:
Laurie L. Lineberry, AICP,
Community Development Director

Date: 1-30-18

ATTACHMENT A
FINAL PLAT
CONDITIONS OF APPROVAL

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

Community Development Comments: Laurie Lineberry, Community Development Director (928) 373-5175:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted prior to the recordation of the Final Plat and prior to the issuance of any building permit (including model home permits) for this property.
3. Upon development of each newly established parcel, the property owner shall record an Avigation Easement that recognizes the house has been built in the 65dB noise contour and that noise from aviation activities performed at the Marine Corps Air Station and the Barry M. Goldwater Range may impact residents.

City Attorney Comments: (928) 373-5058:

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

Fire Department: Kayla Holiman, Fire Marshal, (928) 373-4865:

7. Cul-de-sacs cannot exceed 600' per COY Engineering Standard 3-080

Development Engineering: Andrew McGarvie, Development Engineering Manager, (928) 373-5000, x3044:

8. Owner shall dedicate a 20 feet wide temporary emergency access easement to the City of Yuma from the West side of View Parkway to the east edge of Avenue 5E right-of-way. The temporary easement will need to stay in place until one of the following conditions is met.

- a). A full street is designed, constructed, and dedicated for public access to Avenue 5E, and or

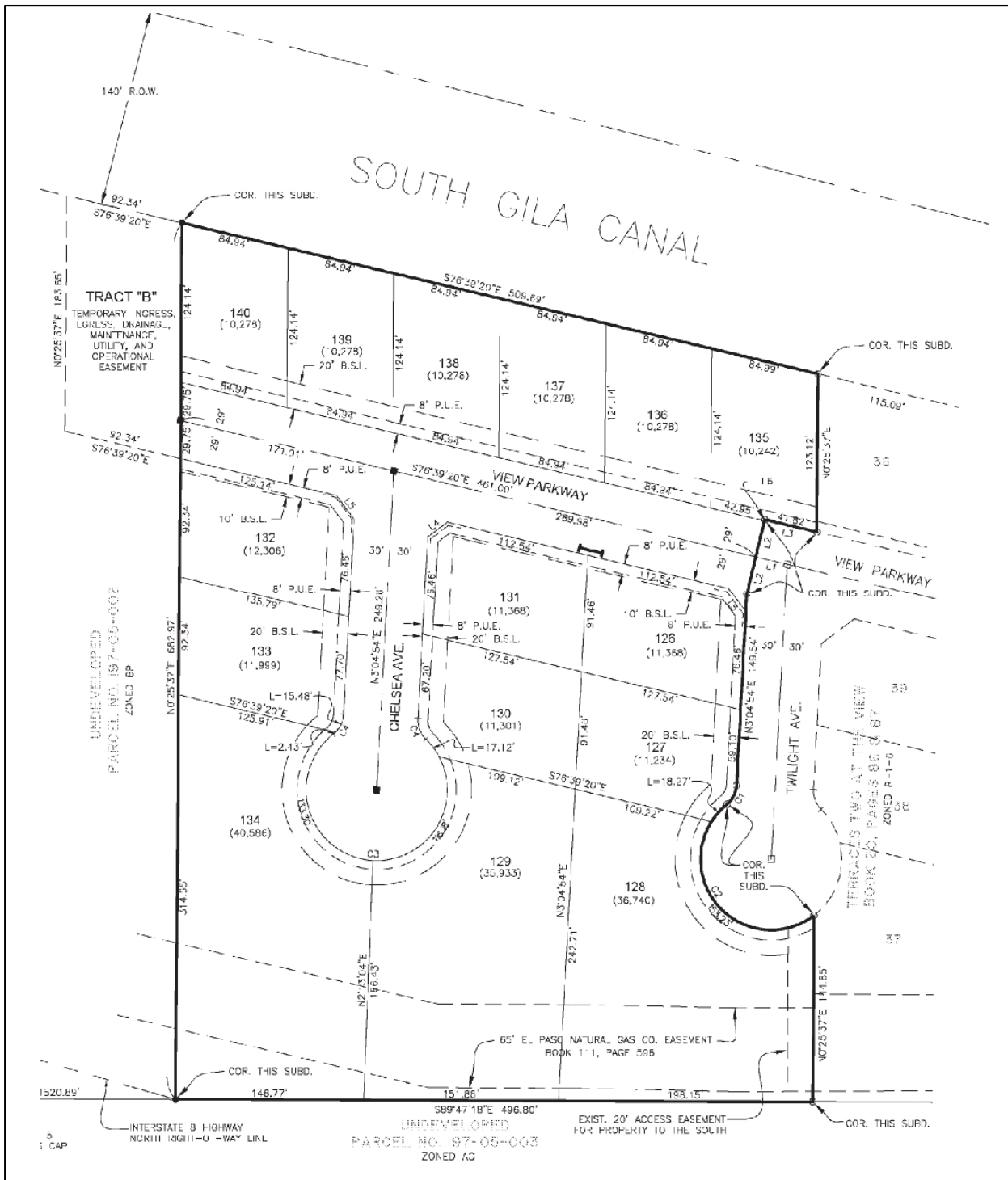
- b). Other alternative means of emergency access for this subdivision "Terraces West", and "Terraces Two at the View" subdivision is mutually approved by the developer and City of Yuma, designed, constructed by the developer, and easements or dedications recorded.

Community Planning Comments: Alyssa Linville, Principal Planner, (928) 373-5000, x3037:

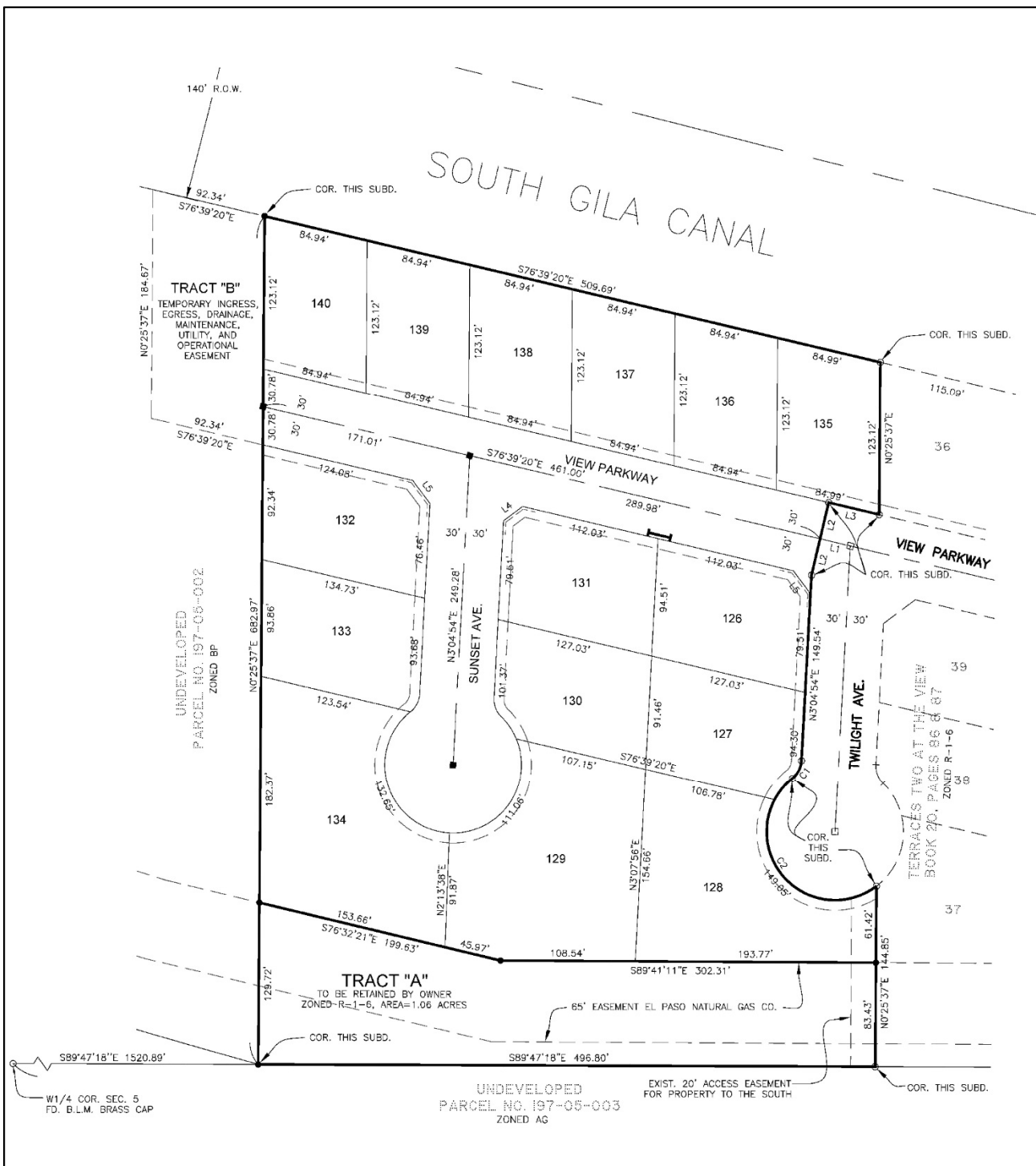
9. A time frame of build-out for the subdivision shall be submitted to the Yuma High School District to enable the districts to adequately plan for future school facilities.
10. After the final plat has been approved by City Council, the applicant/developer shall have one year to record the approved plat, or the final plat approval shall be null and void.

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

ATTACHMENT B
FINAL PLAT MAP



ATTACHMENT C
PRELIMINARY PLAT MAP



ATTACHMENT D
PRELIMINARY PLAT CONDITIONS

Community Development Comments: Laurie Lineberry, Community Development Director (928) 373-5175:

1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted within thirty (30) calendar days of the effective date of approval of the subdivision preliminary plat and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the approval of the plat is null and void.
3. Upon development of each newly established parcel, the property owner shall record an Avigation Easement that recognizes the house has been built in the 65dB noise contour and that noise from aviation activities performed at the Marine Corps Air Station and the Barry M. Goldwater Range may impact residents.

City Attorney Comments: (928) 373-5058:

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

Fire Department: Kayla Holiman, Fire Marshal, (928) 373-4865:

10. Provide adequate secondary fire department access.

Community Planning Conditions: Alyssa Linville, Senior Planner, (928) 373-5000, ext. 3037:

11. None of the properties can be further divided or reduced in size.
12. Only one house/residential structure shall be allowed on each parcel.
13. All new residential construction must achieve an outdoor to indoor noise level reduction of 25 decibels.
14. With the exception of Condition 2, the owner shall submit a final plat within one (1) year of Preliminary Plat approval. Should a Final Plat not be submitted within one (1) year of the effective date of approval of the Preliminary Plat, the approval of this Preliminary Plat shall be null and void, unless the conditions are contained in an executed Development Agreement.

ATTACHMENT E
EXTERNAL AGENCY COMMENTS

☒ COMMENT ☐ NO COMMENT

Enter comments below:

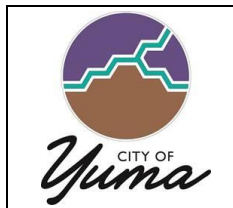
The property is partially located within the 65-70 dB noise contour. It is requested that an avigation easement be recorded, if not already recorded for the property, that recognizes the noise, interference, and vibrations that may occur due to aviation activities performed at the nearby Marine Corps Air Station/Yuma International Airport aviation complex. Thank you for the opportunity to comment.

DATE: 12/28/17 NAME: Gen Grosse TITLE: Property/Community Relations
AGENCY: Yuma County Airport Authority
PHONE: (928) 726-5882
RETURN TO: Alyssa Linville
Alyssa.Linville@YumaAZ.gov

ATTACHMENT F
AERIAL PHOTO



ATTACHMENT G
STAFF RESEARCH



STAFF RESEARCH – FINAL PLAT

CASE #: SUBD-20465-2017
CASE PLANNER: ALYSSA LINVILLE

I. PROJECT DATA

Project Location:		Located north of Interstate 8, west of the Terraces Two at the View Subdivision												
Parcel Number(s):		197-05-002												
Parcel Size(s):		Entire parcel: 2,111,789 sq.ft./ Proposed Terraces West Subdivision: 290,545 sq.ft.												
Total Acreage:		48.48 acres/ 6.67 acres												
Proposed Dwelling Units:		15												
Address:		None												
Applicant:		Terraces Business Park AZ, LLC												
Applicant's Agent:		Colvin Engineering, Inc.												
Land Use Conformity Matrix:		Conforms: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> X <input type="checkbox"/> No <input type="checkbox"/>												
Zoning Overlay:	Public	<input type="checkbox"/>	AO	<input type="checkbox"/>	Auto	<input type="checkbox"/>	B&B	<input type="checkbox"/>	Historic	<input type="checkbox"/>	None	<input type="checkbox"/>	Airport	<input checked="" type="checkbox"/> X
Noise Contours	65-70	<input checked="" type="checkbox"/> X	70-75	<input type="checkbox"/>	75+	<input type="checkbox"/>	APZ1	<input type="checkbox"/>	APZ2	<input type="checkbox"/>	Clear Zone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Existing Zoning				Use(s) on-site				General Plan Designation					
Site	Low Density Residential (R-1-6)				Undeveloped				Low Density Residential					
North	Agriculture (AG)				South Gila Canal/Agriculture				Suburban Density Residential					
South	Agriculture (AG)				Undeveloped				Low Density Residential					
East	Low Density Residential (R-1-6)				Single-family residence(s)				Low Density Residential					
West	Business Park (BP)				Undeveloped				Mixed Use					
Prior Cases or Related Actions:														
<u>Type</u>		<u>Conforms</u>				<u>Cases, Actions or Agreements</u>								
Pre-Annexation Agreement		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A								
Annexation		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Ord. #O96-026 (March 21, 1996)								
General Plan Amendment		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A								
Development Agreement		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A								
Rezone		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	O96-44 (May 15, 1996; Rezoned from AG to R-1-6)								
Subdivision		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Terraces West Preliminary Plat (November 14, 2016)								
Conditional Use Permit		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A								
Pre-Development Meeting		Yes	<input checked="" type="checkbox"/> X	No	<input type="checkbox"/>	July 17, 2014								
Design Review Commission		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A								
Enforcement Actions		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A								
Avigation Easement Recorded		Yes	<input checked="" type="checkbox"/> X	No	<input type="checkbox"/>	Fee # 2000-04776				Determination of Compliance (September 26, 2012; requires an additional easement to be recorded with the development of each residential lot)				

Land Division Status:	Legal lot of record				
Irrigation District:	None				
Adjacent Irrigation Canals & Drains:	South Gila County				
Water Conversion Agreement Required	Yes		No	X	

II. ZONING CODE AND DISTRICT DEVELOPMENT STANDARDS

Standard	Subdivision						Conforms		
Lot Size	Minimum:	10,242 SF	Maximum:	40,586 SF	Yes	X	No		
Lot Depth	Minimum:	61.42 FT	Maximum:	134.73 FT	Yes	X	No		
Lot Width/Frontage	Minimum:	76.46 FT	Maximum:	149.05 FT	Yes	X	No		
Setbacks	Front:	20 FT	Rear:	10 FT	Side:	7 FT	Yes	X	No
District Size	6.67 acres	Acres				Yes	X	No	
Density	2.24	Dwelling units per acre				Yes	X	No	

III. SUBDIVISION CODE DEVELOPMENT STANDARDS

Requirements	Conforms						
General Principles	Yes	X	No		N/A		
Streets	Conforms						
Circulation	Yes	X	No		N/A		
Arterial Streets	Yes		No		N/A	X	
Existing Streets	Yes	X	No		N/A		
Cul-de-sacs	Yes	X	No		N/A		
Half Streets	Yes		No		N/A	X	
Stub Streets	Yes	X	No		N/A		
Intersections	Yes		No		N/A	X	
Easements	Yes	X	No		N/A		
Dimensional Standards	Yes	X	No		N/A		
Issues: None							
Blocks	Conforms						
Length	Yes	X	No		N/A		
Irregular Shape	Yes		No		N/A	X	
Orientation to Arterials	Yes		No		N/A	X	
Business or Industrial	Yes		No		N/A	X	
Issues: None							
Lots	Conforms						
Minimum Width	Yes	X	No		N/A		
Length and Width Ratio	Yes	X	No		N/A		
Fronting on Arterials	Yes		No		N/A	X	
Double Frontage	Yes		No		N/A	X	
Side Lot Lines	Yes	X	No		N/A		
Corner Lots	Yes	X	No		N/A		
Building Sites	Yes	X	No		N/A		
Street Frontage	Yes	X	No		N/A		
Issues: Lots that are larger than 12,000 square feet shall not be permitted to process a lot split. A note requiring no lot splits will be required on the final plat.							

NOTIFICATION

- **Legal Ad Published: The Sun** (01/19/18)
- **300' Vicinity Mailing:** (12/27/17)
- **34 Commenting/Reviewing Agencies noticed:** (12/28/17)
- **Site Posted:** (02/05/18)
- **Hearing Dates:** (03/26/18)
- **Comments Due:** (01/08/18)

<i>External List (Comments)</i>	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	12/28/17			X
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	NR				
Yuma County Planning & Zoning	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.	Yes	01/04/18	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	NR				
<i>City of Yuma Internal List (Conditions)</i>	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	NR				
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	Yes	01/11/18		X	
Kayla Holiman, Fire	Yes	01/03/18		X	
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

<i>Neighborhood Meeting</i>	<i>Neighborhood Meeting Comments Available</i>
NONE REQUIRED	N/A
<i>Prop. 207 Waiver Given to Applicant on:</i>	<i>Delivery Method:</i>
February 12, 2018	In Person

PUBLIC COMMENTS RECEIVED: NONE RECEIVED.

INTERNAL AGENCY COMMENTS

☒ Condition(s)

☐ No Condition(s)

☒ Comment

Enter conditions here: The Marine Corps Air Station does not oppose this request for a final plat; as long as, an avigation easement is requested to be recorded for each residential lot. Thank you for the opportunity to comment.

DATE: 12/29/2017 NAME: Paula L. Backs TITLE: Community Liaison Specialist
CITY DEPT: MCAS YUMA AZ
PHONE: (928) 269-2103
RETURN TO: Alyssa Linville
Alyssa.Linville@YumaAZ.gov

ATTACHMENT G
SUPPLEMENTAL MEMO



YUMA FIRE DEPARTMENT

One City Plaza
Yuma, AZ 85364
Phone 928-373-4850
FAX 928-373-4851
TTY 928-783-4451

January 29, 2018

The Yuma Fire Department/Fire Marshal ("YFD") takes this opportunity to submit a separate report to provide further details to the applicant, the commission, and other City staff to the history involving the proposed subdivision of the Terraces West and Fire Department concerns. The area in question is a challenging area to accommodate for life safety, and past agreements predate many involved in the project now.

The current plat for the Terraces West, as submitted, does not show secondary access into the subdivision. Without secondary access depicted, the plat does not meet City of Yuma Engineering Standard 3-080, which states a cul-de-sac cannot exceed 600 feet. The plat, as submitted, shows the creation of a 2,400 foot long cul-de-sac. If secondary access is proposed by the Developer to be achieved via the west end of the cul-de-sac, connecting the subdivision with Avenue 5E, it is not shown on the proposed plat. The construction materials and engineering of that potential access are not shown on the submittal either.

The adopted fire code states that "fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface." It is not the intent of the fire code to restrict the design of fire department access roads to traditional, non-permeable materials such as asphalt or concrete - IF other designs can meet loading requirements in all-weather conditions. The fire department must also consider maintenance issues such as weather and traffic. Any proposed design should be in accordance with a local, state, or nationally recognized standard for roadway construction. The area with the potential secondary access is subjected to a high amount of wind-blown sand and washouts, as it is on the side of a hill coming off the mesa, making the "maintenance" part of the requirement challenging.

Prior to this commission hearing, an assurance agreement was drafted to address maintenance of a potential secondary access road without a traditional non-permeable surface, and the developer declined to enter into the agreement. This agreement required a \$20,000 bond be posted for the future maintenance of this potential access road. Without assurances that this road will be maintained by the developer, the rest of the city population is left with the burden of the expense to fix and/or maintain the road, while the developer develops the property without incurring all of the cost. While this could be seen to create an advantage for a discreet portion of the population living in the development, it could also create the opposite effect, if left unmaintained, then

current and future residents' rescue service levels could be quite different from other subdivisions.

The current access point for the west end of the subdivision has not been maintained to support the imposed loads of fire apparatus. The YFD ladder truck weighs approximately ten times the amount an average car weighs, and cannot compensate for sand coverage, washouts, or degradation as a passenger or off-road vehicle may be able to.

In 2003 when the Terraces subdivision was first proposed, there were options to ensure an adequate level of fire safety. The agreement back then was to install residential fire sprinklers in any homes past the 600 foot mark into the cul-de-sac, and maintain a secondary access road to Avenue 5E that was not paved. If fire sprinklers were not installed for the homes past 600 feet into the subdivision, then a full access public roadway was to be built to Avenue 5E. There are currently no fire sprinklers in any of the homes past 600' into the subdivision, and a non-paved road is not maintained to support the imposed loads of fire apparatus for secondary fire department access.

In 2015 the state passed a statute that said a municipality could not directly or indirectly tie a residential fire sprinkler requirement to a fire department access road. Coupled with the earlier legislative decision in 2011 to prohibit local fire jurisdictions from mandating fire sprinkler installation on single family residences, the 2015 statute essentially eliminated the ability to mandate residential fire sprinklers as an alternative to decreased response times in a fire situation, where secondary access was not adequate or maintained. The adequate secondary access is the only legal solution YFD can offer. If an alternative remedy was offered by the developer YFD would need to defer for legal review for implementation and enforcement of the developer's remedy.

Fire sprinklers don't solve every emergency that could occur for residents of this subdivision. The fire department is well trained and expects the best - but must prepare for worst. The length of the cul-de-sac, as proposed, compromises public health and safety, by potentially slowing response times down to unacceptable levels. Additionally, if the single access point into the cul-de-sac were blocked, the residents of the subdivision would not have adequate access exiting the development.

The YFD Fire Marshal will be present at the hearing to address any questions or concerns that the applicant, the commission, or other City staff may have.

Yours in fire and life safety,

Steve Irr,
Fire Chief

Kayla Holiman,
Fire Marshal