

CITY OF SOMERTON

Planning and Zoning Commission Meeting

Regular Meeting Minutes | **REVISED 10/19/2020**

September 21st 2020

Call to Order:

Chairman Daniel Flores, 6:00PM

Roll Call:

Present: Chairman Flores, Vice Chairman Rice, Commissioner Rangel, Commissioner Magaña

Absent: ~~Commissioner Zendejas~~ NONE

Staff Present

Jerry Cabrera, City Manager
Jorge Lozano, City Attorney
Carmen Juarez, Community Development Director
Saul Albor, Planner II

Pledge of Allegiance: Recited in Unison

Approval of Minutes: From June 15th, 2020 Meeting. Minutes Approved without corrections. Motion to approve minutes moved by Vice Chair Rice, 2nd by Commissioner Rangel. Motion Passed 4-0

Call to the Public: At the Call to the Public, Community Development Director Carmen Juarez introduced new City Manager Jerry Cabrera to the Planning and Zoning Commission for the first time. Mr. Cabrera took some time to introduce himself and thank the commission for their dedicated service to the City of Somerton.

PUBLIC HEARING:

ALL ITEMS ARE FOR DISCUSSION AND POSSIBLE ACTION.

1. **CONDITIONAL USE PERMIT CASE #PLN20-00011:**

A request by Vasquez Brothers Inc. DBA Central Coast Packing for the temporary establishment of a farmworker housing complex at 413 N Avenue G.

Before the presentation of this item, Vice Chair Ron Rice declared a conflict of interest and removed himself from the table.

Saul Albor, Planner II of the Community Development Department presented both items concurrently. Mr. Albor delivered his presentation of the staff report and exhibits to the Planning and Zoning Commission.

Details of Presentation:

- Purpose and of Temporary Use Permits (TUP) [1]
- TUP process [2]
- Why is TUP being considered by the Planning and Zoning Commission when normally they are approved at the administrative level. [3]
- Case Background [4]
- Site Information [5]
- H2-A Visa Program [6]
- Existing Zoning and General Plan Land Use [7]
- TUP Lifespan and Duration [8]
- Conditions of Approval and Staff Analysis and Recommendation [9]

Footnotes:

- [1] To permit uses typically not permitted in the underlying zoning district or approve a permitted use with deficient development standards on a temporary sometimes conditional basis.
- [2] Typically reviewed internally at the administrative level by Plan Review Committee. Does not require a public hearing if applicant obtains signatures of adjacent property owners consenting to request.
- [3] Applicant failed to obtain necessary signatures.
- [4] Applicant sought to establish a temporary housing complex for workers hired under H2-A Visa Program for two winter growing seasons at the subject location. Cpmplex would consist of 2 manufactured homes and a common area.
- [5] A vacant irregularly shaped 2.97 Acre Parcel located outside the projected growth area of the City of Somerton along Avenue G.
- [6] A government migrant labor program in which foreign workers are brought in to work the farm/fields. Employer must provide housing and transportation to jobsite.
- [7] The subject property is currently zoned C-2 General Commercial and the underlying General Plan Land Use Designation is Low Density Residential.
- [8] The proposed life of the TUP would be 14 months to run continuously without interruption without the possibility of extension. Applicant would need to rezone parcel to continue operation upon expiration of TUP.
- [9] See PLN20-00011 Exhibit A in meeting packet for Conditions of Approval. Staff believed the proposal was compatible on a temporary basis with the property and vicinity. Staff recommended the Commission Vote to Approve the request.

Discussion and Public Comments: (In Sequence)

- Carlos Vasquez, Vasquez Bros. DBA Central Coast Packing [1]
- Mark Siqueros, Easy Living Manufactured Homes [2]
- Ron Rice, Property Owner, 667 S Avenue G [3]
- Rick Sellers, Adjacent Property Owner [4]
- Deal Bowman, Adjacent Property Owner [5]
- Carlos Vasquez, Vasquez Bros. DBA Central Coast Packing [6]
- Deal Bowman, Adjacent Property Owner [7]
- Daniel Flores, Planning and Zoning Commission Chairman [8]
- Candelario Rangel, Planning and Zoning Commissioner [9]

Footnotes:

- [1] **Carlos Vasquez** - I have been in harvest business for 29 years. Each trailer will house a maximum of 11 men. I currently lease 4 apartment units at El Encanto Apartments in Yuma. The workers are from Guanajuato, Mexico. The workers will all be married men between 30 and 40 years of age. Living area is spacious, approximately 40 square feet per worker. Project will abide by US government regulations of H2-A Program. I will transport them to town on Sundays for grocery shopping and errands.
- [2] **Mark Siqueiros** – I will help Vasquez Bros obtain the necessary permits at all levels of government and will install manufactured homes.
- [3] **Ron Rice** – Expressed general opposition and asked Commission to deny request.
- [4] **Rick Sellers** – I own the property to the South and East of subject property. I'm concerned with safety of individuals being exposed to sprayed pesticides, increased density of the area, and the risk of accidents due to increased foot traffic along Avenue G since H2-A workers do not have cars.
- [5] **Deal Bowman** -I have farming operations adjacent to proposed project. I strongly oppose project due to increased risk of food safety issues brought upon by H2-A workers and foot traffic. Buyers such as Wal-Mart have tremendously strict food safety standards which may be violated by the project. A 400' buffer around the complex may be required by my client grocers around complex if approved, this would render a huge swath of ground useless. I oppose due to Avenue G already being a very unsafe street due to speeding motorists and does not need additional foot traffic along the unimproved section of the right of way. I am deeply concerned that the fire department approved this project with only having one entrance to site. I am concerned about the project being located along APS substation.
- [6] **Carlos Vasquez** – (Responding to Mr. Bowman's statement) You should not worry about good safety because I also care deeply about food safety. I in fact have multiple recognitions for excellent food safety practices in my harvesting business.
- [7] **Deal Bowman** – (Responding to Mr. Vasquez' statement) Are you going to compensate me for lost revenue if my clients dump my product as a result of the H2-A complex operations? Can I get you to commit to that?

- [8] **Chairman Flores** – I can see issues arising as a result of increased foot traffic in the area. Avenue G does not have infrastructure to support this use. I do not support this proposal
- [9] **Commissioner Rangel** – I have seen other H2-A Housing Complexes in Yuma and the workers/residents are always walking around in groups around the city. This will result in a hazard for the workers and drivers.

Motion: Motion to Deny Temporary Use Permit Case #PLN20-00011

Moved: Commissioner Rangel
2nd: Commissioner Zendejas

Vote: 3-1, Motion Carried
Yes: Rangel, Flores, Zendejas
No: Magaña
Abstained: Rice

2. MINOR GENERAL PLAN AMENDMENT CASE NO. PLN20-00016 AND REZONING CASE NO. PLN20-00012:

A request by Kevin Dahl of Dahl Robins and Associates on behalf of Yuma Union High District #70 to change the 2010 General Plan Land Use Designation of APN 195-33-024 a 76.11 Acre Parcel from Low Density Residential, Medium Density Residential, and High Density Residential to Public Facilities; AND to change the zoning district of the aforementioned parcel from R1-6, R-2, and Open Space to Government District. The purpose of this Minor 2010 General Plan Amendment is to allow the future development of Somerton High School.

Carmen Juarez, Community Development Director, informed the Commission that the Applicant had requested the item be tabled to future date.

Motion: Table Discussion and Possible Approval of Minor General Plan Amendment Case No. PLN20-00016 to a future date to be determined.

Moved: Vice Chair Rice
2nd: Commissioner Rangel

Vote: 5-0, Motion Carried

Motion: Table Discussion and Possible Approval of Rezoning Case No. PLN20-00012 to a future date to be determined.

Moved: Vice Chair Rice
2nd: Commissioner Rangel

Vote: 5-0, Motion Carried

3. **MINOR GENERAL PLAN AMENDMENT CASE NO. PLN20-00017 AND REZONING CASE NO. PLN20-00010 :**

A request by Somerton School District #11 to change the 2010 General Plan Land Use Designation of APN 21-04-017 from Employment, Commercial, and Low Density Residential to Public Facilities; AND to change the zoning district for the aforementioned parcel from C-2 (General Commercial), R1-6 (Low Density Residential), and L-I (Light Industrial) to Government. The purpose of this minor 2010 General Plan Amendment is to allow the future development of an Elementary School and Middle School.

Before the presentation of this item, Commissioner Zendejas declared a conflict of interest and removed herself from the table.

Saul Albor, Planner II of the Community Development Department presented both items concurrently. Mr. Albor delivered his presentation of the staff report and exhibits to the Planning and Zoning Commission.

Details of Presentation:

- Case Background [1]
- Existing and Proposed Zoning [2]
- Zoning Requirement [3]
- Site Information [4]
- Long Term Development Patterns [5]
- Exhibits [6]
- Letters of Opposition/Concern [7]
- Conditions of Approval and Staff Analysis and Recommendation [8]

Footnotes:

- [1] Somerton School District #11 intends to develop an Elementary School on the subject parcel in near future and a middle school in the long term. The School District acquired the parcel in 2019 after swapping land with an adjacent farmer.
- [2] The parcel is currently zoned R1-6, C-2, and Light Industrial. The proposed zoning is Government District.
- [3] The school could be developed under the existing zoning district in place since schools are a Conditional Use in all Zoning Districts, including Government. This means that even with the rezoning to Government, the school district would still need to obtain a Conditional Use Permit prior to beginning operation. A CUP is separate zoning process.
- [4] The site is located inside the projected growth area identified in the 2010 General Plan and proposed 2020 General Plan Update. The site is generally located in the Southeast corner of Main Street and Tumbaga Loop.
- [5] The City of Somerton is growing westward, multiple large projects are currently in the works to the west of Cesar Chavez Avenue, meaning the school is located in a high growth area. The need for a traffic signal was briefly discussed and it was stated the school same as every major project planned in the vicinity would need to adhere to the recommendation stated in the Cesar Chavez/Main Street Traffic impact study.

- [6] Exhibits can be seen in the complete Agenda packet.
- [7] Staff read two letters of opposition/concern from Griffin Family Farms and Thomas Seifried LLC respectively. Both entities own land outside of Somerton City limits and beyond the 300' notification boundary for the rezoning and minor general plan amendment. Both letters outline multiple concerns with how the elementary school might conflict with local farming operations. These letters were received the day of the hearing and were thus not included in the Exhibits. A copy of these letters has been included in the agenda packet for the upcoming City Council Meeting on October 20th.
- [8] Conditions of Approval can be seen the Complete Agenda Packet. A noteworthy Condition of Approval was that if the applicant does not obtain a Conditional Use Permit within two years of approval of the rezoning and minor General Plan amendment, the zoning revert back to the original zoning district and general plan land use before these cases.

Discussion and Public Comments: (In Sequence)

- Dr. Laura Noel, Superintendent, Somerton School District 11 [1]

Footnotes:

- [1] Dr. Noel – We will make a great effort not impede the continuation of agricultural practices around our campus. We have intentions of being good neighbors. We will work closely with our engineer to ensure we are siting the school in a manner that is suitable for all interested parties.

Motion: Table Discussion and Possible Approval of Minor General Plan Amendment Case No. PLN20-00017 to a future date to be determined.

Moved: Commissioner Rangel

2nd: Commissioner Magaña

Vote: 4-0, Motion Carried

Motion: Table Discussion and Possible Approval of Rezoning Case No. PLN20-00010 to a future date to be determined.

Moved: Vice Chair Rice

2nd: Commissioner Rangel

Vote: 4-0, Motion Carried

Summary of Current Events:

Presented by Carmen Juarez, Community Development Director.

Next Meeting:

The next regularly scheduled meeting of the Somerton Planning and Zoning Commission will be held on October 19th, 2020 at 6:00PM.

Adjournment:

Motion: Adjourn Meeting

Moved: Vice Chair Rice
2nd: Commissioner Rangel

Vote: 5-0, Motion Carried

Meeting Adjourned: 7:49 PM

A full video recording of this meeting is available for viewing online at
<https://www.youtube.com/watch?v=flzB1JGNHx4>

Daniel Flores
Chairman

10-19-20
Date