



NOTICE OF REGULAR PLANNING AND ZONING COMMISSION MEETING

In accordance with Section 38-431.01 of the Arizona Revised Statutes of the State of Arizona, notice is hereby given to the Members of the Planning and Zoning Commission and to the general public that the Planning and Zoning Commission of the City of San Luis, Arizona will hold a Regular Planning & Zoning Commission Meeting at 6:00 p.m., Tuesday, December 9, 2025. The meeting will take place at the City Council Chambers, located at 1090 E. Union Street, San Luis, Arizona, 85349. Everyone from the public is invited to attend the open meeting.

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of San Luis does not discriminate on the basis of disability in the admission of or access to, or treatment of 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 San Luis Human Resources Department, 1090 E Union Street, San Luis, Arizona 85349; (928) 341-8520.

Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Commission are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recordings. Parents in order to exercise their rights may either file written consent with the City Clerk to such recordings, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.

THIS NOTICE IS GIVEN BY:

/s/ Roman Pacheco, Planning Coordinator

AVISO DE JUNTA REGULAR DE LA COMISIÓN DE PLANEACIÓN Y ZONIFICACIÓN

De acuerdo a la Sección 38-431.01 de los Estatutos Revisados del Estado de Arizona, se les informa a los Miembros de la Comisión de Planeación y Zonificación y al público en general que la Comisión de Planeación y Zonificación de San Luis, Arizona, tendrán una junta regular a las 6:00 p.m., el día Martes, 9 de Diciembre del 2025. La junta se llevará a cabo en la Sala del Cabildo de la ciudad, ubicado en el 1090 E Union Street, San Luis, Arizona, 85349. El público esta cordialmente invitado.

De acuerdo con el Acta de Americanos con Discapacidades y la Sección 504 del Acta de Rehabilitación de 1973, la Ciudad de San Luis no discrimina por causa de discapacidad la admisión y acceso a sus programas, actividades, servicios o en el trato en cuanto a empleo. Para más información referente a derechos y provisiones del Acta de Americanos con Discapacidades o Sección 504, o para solicitar adaptaciones que sean razonables para la participación en programas, actividades o servicios de la ciudad, contactar a: Coordinador del Acta de Americanos con Discapacidades/Sección 504, Departamento de Recursos Humanos de la Ciudad de San Luis, 1090 E Union Street, San Luis, Arizona, 85349; (928) 341-8520.

Por medio de éste aviso y de acuerdo con los Estatutos Revisados del Estado de Arizona, sujeto a ciertas excepciones reglamentarias, los padres de familia tienen el derecho de dar o no dar el consentimiento ante el Estado o alguna subdivisión política grabe a un menor de edad, ya sea en audio o video. Las juntas de la Comisión se graban en audio y/o video y como resultado, el hecho de que haya menores presentes puede ser sujeto a que sean grabados. Para que los padres de familia puedan ejercer sus derechos pueden solicitar por escrito a la Secretaria de la Ciudad dicha grabación, o tomar acción personal para asegurarse que su hijo/hija menor no esté presente cuando la grabación se lleve a cabo. Si un menor de edad está presente en el momento de la grabación, la Ciudad asumirá que los padres de familia están cediendo los derechos sobre una posible grabación de acuerdo con el Estatuto Revisado del Estado de Arizona §1-602.A.9.

ESTE AVISO ES DADO POR:

/f/ Roman Pacheco, Coordinador de Planeación



AGENDA
Planning & Zoning Commission
Regular Meeting
San Luis Council Chambers
1090 E. Union Street
San Luis, AZ 85349
Tuesday, December 9, 2025
6:00 P.M.

MEMBERS OF THE SAN LUIS PLANNING & ZONING COMMISSION WILL ATTEND EITHER IN PERSON, TELEPHONE, OR VIDEO CONFERENCE COMMUNICATION.

1. CALL TO ORDER/ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

All matters are considered to be routine by the Planning & Zoning Commission and will be enacted by one motion. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

3. A. APPROVAL OF MINUTES

-Special Planning and Zoning Commission meeting held on November 6, 2025.

4. PUBLIC HEARINGS – the Planning & Zoning Commission will be considering a vote or action on the following cases. Any vote or action will be considered separately for each case.

4. A. Public hearing followed by discussion and possible action on any all matters regarding Conditional Use Permit Case No. 2025-0412, a request by Gethsemani Church, for a Conditional Use Permit to allow a religious institution at 1010 E. B Street in San Luis, Arizona.

A. Staff presentation

B. Open Public Hearing

C. Call to the Public on this item

D. Close Public Hearing

E. Action on Conditional Use Permit Case No. 2025-0412

4. B. Public Hearing followed by discussion and possible action on any and all matters regarding Text Amendment Case No. 2025-0420. A request by the City of San Luis to amend Section 18.10.020 (C) and Section 18.70.040 (A) & (B) of Title 18 of the City of San Luis City Code to address changes to the Arizona Revised Statutes as per House Bill 2447.

- A. Staff presentation
- B. Open Public Hearing
- C. Call to the public on this item
- D. Close Public Hearing
- E. Action on Text Amendment Case No. 2025-0420

5. **ITEMS REQUIRING DISCUSSION AND/OR ACTION** – the Planning & Zoning Commission will be considering a vote or action on the following cases. Any vote or action will be considered separately for each case.

5. A. Presentation followed by discussion on any and all matters regarding updates to the City of San Luis Final Draft Subdivision Regulations as per House Bill 2447 requirements.

6. ADJOURNMENT



AGENDA ITEM REVIEW FORM

3. A.

Summary

APPROVAL OF MINUTES

-Special Planning and Zoning Commission meeting held on November 6, 2025.

Attachments

Minutes

MINUTES

SPECIAL MEETING
PLANNING AND ZONING COMMISSION
SAN LUIS COUNCIL CHAMBERS
1090 E. UNION STREET
NOVEMBER 6, 2025
6:00 p.m.

1. CALL TO ORDER /ROLL CALL: Chairman Ruben Walshe called the meeting to order at 6:01 p.m.

PRESENT:

Commission Member George Amaya
Commission Member Javier Barraza
Commission Member Hugo Garcia
Vice Chairman Angelica Ortiz (Via Microsoft Teams)
Commission Member Marco A. Pinzon
Commission Member Veronica Zavala (Via Microsoft Teams)
Chairman Ruben Walshe

ABSENT:

OTHERS PRESENT:

Jose A. Guzman, Director of Development Services
Kay Macuil, City Attorney
Roman Pacheco, Planning Coordinator
Jenny Torres, Acting City Manager
Tadeo Azael De La Hoya, Vice Mayor
Eulogio Vera, Director of Public Works
Jeziel Banos, I.T. Technician
Jose Antonio Maldonado, Graphics and Media Specialist
Juan Tejeda, Associate Planner
Tomas Sanchez, City Engineer

Alma Lomeli, Resident
Christian Cuevas, Meeting Interpreter
Griselda Franco, Resident
Guiomar Morales, Resident
Juan Javier Estrada, Resident
Manuel Rojas, Resident
Maria Duenez, Resident
Maria Luz Lara, Resident
Tony Reyes Sr., Comite de Bienestar
Veronica Sandoval, Resident
Vianey Vega, Vega and Vega Engineering

2. PLEDGE OF ALLEGIANCE

Commission Member Javier Barraza led the Pledge of Allegiance.

3. CONSENT AGENDA

3. A. APPROVAL OF MINUTES

-Regular Planning and Zoning Commission meeting held on September 9, 2025.

MOTION: Commission Member George Amaya / Commission Hugo Garcia approved the consent agenda as presented. The motion passed unanimously.

The vote was as follows:

Commission Member George Amaya	Aye
Commission Member Javier Barraza	Aye
Commission Member Hugo Garcia	Aye
Vice Chairman Angelica Ortiz	Aye
Commission Member Marco A. Pinzon	Aye
Commission Member Veronica Zavala	Aye
Chairman Ruben Walshe	Aye

4. PUBLIC HEARINGS

Chairman Ruben Walshe mentioned that for Item 4.A. Minor Amendment Case No. 2025-0273 & Item 4.B. Rezoning Case No. 2025-0274, he would like to open the items and the public hearing simultaneously. We will have one staff presentation and then take independent action for each case.

4.A. Public hearing followed by discussion and possible action on any and all matters regarding Minor Amendment Case No. 2025-0273. A request by Vega & Vega Engineering on behalf of Comite de Bienestar to amend the City of San Luis 2040 General Plan changing the land use designation of 3.13 acres from Mixed-Use Activity Center (MU) to Medium Density Residential (MDR). Portion of Assessor's Parcel Number (APN) 775-56-001, located at the northwest corner of 6th Avenue and Urtuzuastegui Street, in San Luis, Arizona. (ITEM CONTINUED FROM MEETING OF OCTOBER 14, 2025)

4. B. Public hearing followed by discussion and possible action on any and all matters regarding Rezoning Case No. 2025-0274. A request by Vega & Vega Engineering on behalf of Comite de Bienestar, to rezone approximately 3.13 acres from Rural Area (RA-10) to Medium-High Density Residential (R-2) and approximately 2.80 acres from Rural Area (RA-10) to High Density Residential (R-3), Assessor's Parcel Number (APN) 775-56-001, located at the northwest corner of 6th Avenue and Urtuzuastegui Street, San Luis, Arizona. (ITEM CONTINUED FROM MEETING OF OCTOBER 14, 2025)

A. Staff presentation

Mr. Jose A. Guzman, Director of Development Services, stated for the record that these two items were previously presented to the commission in October. At that meeting, the commission board voted to carry these items over to this special meeting due to a tie vote. Since that meeting, there have not been any changes to the design or the recommended conditions for staff. **Mr. Guzman** summarized the PowerPoint presentation for Item 4. A and 4. B, recommending forwarding Minor General Plan Amendment Case No. 2025-0273 to City Council with a recommendation for approval, and Rezoning Case No. 2025-0274.

B. Open public hearing

Chairman Ruben Walshe opened the Public Hearing for Minor Amendment Case No. 2025-0273 and Rezoning Case No. 2025-0274.

C. Call to the Public on this Item

Alma Lomeli, 1133 E. San Luis Lane, San Luis, AZ, thanked the board members for their time they are dedicating to this situation and that there is nothing else we can discuss. We have completed our comments, and all our concerns are documented in the submitted protest.

Vianey Vega, Vega & Vega Engineering, stated that he was present to answer any questions the commissioners might have. I think it is worth noting that the land isn't available for the city to give to the other developers. I think everybody has their own opinion, and everybody is looking at the case the way it is presented. I want to mention that the land in the desert is not to be given.

Tony Reyes, Sr. Comite de Bienestar, stated that we are not a regular developer; we are a mission developer. We are on a mission to provide affordable housing in this town. We bought this land because it was the only land available from the state at the time. It cost us nearly a million dollars because somebody here thought it was funny. We work with the city to ensure that any privacy issues are addressed. We moved the apartments from the back of the buildings. We did everything we could to appease the neighborhood. We are a nonprofit developer; our mission is to provide affordable housing. There is no way we can build affordable homes in that area. So, I am appealing to your common sense to realize that it has no drawbacks. I understand people's desire to keep what they have. But that is what bothers me at this particular time. The fact is that for the last 40 years, we have been doing affordable housing, and nobody has complained. Those people live at Comite apartments, and the only reason they live there is that Comite de Bienestar, the developer at the time, offered them the opportunity to live there in that area. It isn't very kind of people to want to keep their appraisal and keep their land the way it is. We are a low-income community, and some people want to keep it the way it is.

I do not understand why there is no affordable housing anymore. Everything that used to cost 70-80 thousand now costs \$250,000. How affordable is that? The only affordable things in this community that are subsidized are apartments.

Griselda Franco, 500 6th Place, San Luis, AZ, stated that they are not in agreement with this project. The proposed apartment will attract many people, and there won't be enough parking. Currently, people from Las Casitas Apartments are parking in front of our homes.

Rene Morales, 1131 E. San Luis Lane, San Luis, AZ, stated that we have held several meetings to discuss our concerns regarding this project. Yesterday, as I was passing by 6th Street near Las Casitas apartments, I saw an agricultural bus and about five vehicles parked on the vacant land. If they develop these apartments, this is what will happen, in addition to the security, traffic, and more people.

Juan Javier Estrada, 472 N. 6th Place, San Luis, AZ, stated that his concern is the number of people you guys plan to put on that small piece of land. We notice that schools are overcrowded, and the neighbors are unhappy with this project. Currently, residents are invading our parking spaces, and with the agricultural season approaching, it will get worse. We are lacking police officers patrolling this area.

Commission Member George Amaya asked staff whether any off-site parking is allowed for arterial streets such as Urtuzuastegui and 6th Avenue? **Mr. Guzman** responded that no parking is permitted on arterial roads. However, on local streets, anyone can park as long as they do not violate any traffic laws. **Amaya** asked whether the public right-of-way of non-arterial streets could be used for public parking. **Mr. Guzman** responded Yes.

Commission Member Javier Barraza stated that we have a peculiar situation here: only a portion of it is a minor amendment. I guess, let's say, it gets a denial recommendation here, and the other portion of the rezoning is still valid. It still goes, even though the City Council members deny it. Will the rezoning from RA-10 to R-3 go through, or will both requests fail? **Mr. Guzman** responded that both would go to the city council, whether the commission makes an approval or denial recommendation, or a combination of one approval and one denial. It will be

presented to the city council. If the city council denies the minor amendment, the R3 Zoning can still be approved.

Barraza mentioned that the City of San Luis's general plan calls for High-Density Development in this area. The developer is pursuing a lower-density land use but has decided to go high-density across the entire region. All they needed was the rezoning. **Mr. Guzman** responded Yes. The minor amendment will allow lower-density zoning. The current designation is mixed-use, allowing R-3, which is a higher-density zone.

Furthermore, **Barraza** asked, are there any provisions in the general plan that would allow even high-density land use to be zoned for low-density use? **Mr. Guzman** responded that, for the mixed-use, it does not allow low density. Still, for the medium density, it only provides R-2, which is a higher density, but it will enable R-1-6, which is a single-family, lower-density.

Commission Member Veronica Zavala asked, "Can we not have a traffic study before?" And is it required when this item goes to the council? **Mr. Guzman** responded that, generally, rezonings or any project within the city will require a traffic study, which is usually done at the time of construction or before. The commission could recommend that they provide a traffic study as part of the rezoning, but it will have to be approved by the council, as requested at the council presentation. **Zavala** stated that her main concerns are the parking spaces, which might not be sufficient, and the traffic in that area, given the number of apartments that will be developed. Have you checked about parking in other cities? **Mr. Guzman** explained that the condition will require the developer to conduct a traffic study and implement any improvements recommended by the traffic study. If the developer does not agree to, or does not want to, make those improvements, the project does not proceed.

Regarding parking, we looked into the adjacent municipalities, and San Luis requires more parking spaces per apartment than other municipalities. **Zavala** asked, so they needed less than one parking space. **Mr. Guzman** responded that, for the city of San Luis, a two-bedroom apartment requires two parking spaces per unit, while Somerton and Yuma require 1.5 parking spaces per unit. In addition, we require one visitor parking space for every 10 units.

Zavala furthermore stated that it was the reason she was asking whether they could include the traffic study as an option; it is hard for the commission to make a recommendation without seeing what will affect not only the neighbor's but also the schools and the area. And as I said before, it is too close to the border. The city will need a heavy police presence in that area.

Betsy, 464 N. 6th Place, San Luis, AZ, stated that the point is not about opposing progress, but about demanding that the project be done ethically, properly planned, and responsibly. Let's work to create a better solution for everyone.

D. Close Public Hearing

Chairman Ruben Walshe closed the public hearing for Minor Amendment Case No.2025-0273 & Rezoning Case No. 2025-0274.

E. Action on Minor Amendment Case No. 2025-0273

MOTION: Commission Member Javier Barraza / Commission Member George Amaya to forward Minor General Plan Amendment Case No. 2025-0273 to the city council with the recommendation of approval. The motion did not pass with two (2) Aye Votes and five (5) Nay Votes by Commission members Hugo Garcia, Vice Chairman Angelica Ortiz, Commission Member Marco A. Pinzon, Commission Member Veronica Zavala, and Chairman Ruben Walshe.

The vote was as follows:

Commission Member George Amaya	Aye
Commission Member Javier Barraza	Aye
Commission Member Hugo Garcia	Nay
Vice Chairman Angelica Ortiz	Nay
Commission Member Marco A. Pinzon	Nay
Commission Member Veronica Zavala	Nay
Chairman Ruben Walshe	Nay

E. Action on Rezoning Case No. 2025-0274

MOTION: Commission Member George Amaya / Commission Member Hugo Garcia to forward Rezoning Case No. 2025-0274 to the city council with a recommendation of approval, subject to the conditions of approval recommended by staff. The motion did not pass with three (3) Aye Votes and four (4) Nay Votes by Vice Chairman Angelica Ortiz, Commission Member Marco A. Pinzon, Commission Member Veronica Zavala, and Chairman Ruben Walshe.

The vote was as follows:

Commission Member George Amaya	Aye
Commission Member Javier Barraza	Aye
Commission Member Hugo Garcia	Aye
Vice Chairman Angelica Ortiz	Nay
Commission Member Marco A. Pinzon	Nay
Commission Member Veronica Zavala	Nay
Chairman Ruben Walshe	Nay

5. ITEMS REQUIRING DISCUSSION AND/OR ACTION

5. A. Discussion and possible action on any and all matters regarding Subdivision Case No. 2025-0282P. A request by Vega and Vega Engineering PLC, on behalf of Von Verde Partners LLC, for the approval of Orchidea Park Phase 2 Preliminary Plat. The property is located east of 24th Avenue and south of Orchidea Park Phase 1 Subdivision in San Luis, Arizona.

A. Staff presentation

Jose A. Guzman, Director of Development Services, summarized the staff report recommending approval of Subdivision Case No. 2025-0282P with the following conditions:

1. Before presenting the final plat to the City Council, the applicant must address comments from the Comment Letter prepared by the City of San Luis Development Services Department dated October 16, 2025, to the satisfaction of City of San Luis staff.

2. Developer shall comply with the development agreement approved by Resolution No. 2350.

Commission Member George Amaya asked Chairman Walshe whether they could perform Items 5A and 5B concurrently and take independent action, and whether they could discuss both items? **Chairman Walshe** responded, "Yes, we are going to open the items simultaneously: 5A and 5B."

5. B. Discussion and possible action on any and all matters regarding Subdivision Case No. 2025-0283F. A request by Vega and Vega Engineering PLC, on behalf of Von Verde Partners LLC, for the approval of Orchidea Park Phase 2 Final Plat. The property is located east of 24th Avenue and south of Orchidea Park Phase 1 Subdivision in San Luis, Arizona.

Mr. Guzman stated that these two projects are located at the same site. One is for the preliminary plat approval, and one is for the final. Both are recommended for approval, subject to the conditions previously stated.

Commission Member Hugo Garcia asked whether a traffic study had been conducted for this area. **Mr. Guzman** responded Yes. Furthermore, Garcia asked if the only way these people can exit on Avenue E, or what other Street can people exit on in this subdivision? **Mr. Guzman** responded that the connection is currently through County 24th Street. There is an existing traffic study for the entire area on that property, and this development agreement requires that, when a specific parcel develops, it must connect to Avenue E on the south portion.

B. Action on Subdivision Case No. 2025-0282P

MOTION: Commission Member George Amaya / Commission Member Marco A. Pinzon to approve Subdivision Case No. 2025-0282P preliminary plat for Orchidea Park Phase 2 Subdivision with conditions as recommended by staff. The motion passed unanimously.

The vote was as follows:

Commission Member George Amaya	Aye
Commission Member Javier Barraza	Aye
Commission Member Hugo Garcia	Aye
Vice Chairman Angelica Ortiz	Aye
Commission Member Marco A. Pinzon	Aye
Commission Member Veronica Zavala	Aye
Chairman Ruben Walshe	Aye

B. Action on Subdivision Case No. 2025-0283F

MOTION: Commission Member Marco A. Pinzon / Commission Member George Amaya to forward Subdivision Case No. 2025-0283F to the city council with a recommendation of approval with conditions as presented by staff. The motion passed unanimously.

The vote was as follows:

Commission Member George Amaya	Aye
Commission Member Javier Barraza	Aye
Commission Member Hugo Garcia	Aye
Vice Chairman Angelica Ortiz	Aye
Commission Member Marco A. Pinzon	Aye
Commission Member Veronica Zavala	Aye
Chairman Ruben Walshe	Aye

6. ADJOURNMENT

MOTION: Commission Member Marco A. Pinzon / Commission Member Hugo Garcia to adjourn the regular meeting at approximately 6:47 p.m. The motion passed unanimously.

Commission Member George Amaya	Aye
Commission Member Javier Barraza	Aye
Commission Member Hugo Garcia	Aye
Vice Chairman Angelica Ortiz	Aye
Commission Member Marco A. Pinzon	Aye
Commission Member Veronica Zavala	Aye
Chairman Ruben Walshe	Aye

APPROVED:

Ruben Walshe, Chairman

ATTEST:

Roman Pacheco, Planning Coordinator

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING MINUTES ARE A TRUE AND CORRECT COPY OF THE MINUTES OF THE SPECIAL PLANNING AND ZONING COMMISSION MEETING OF THE PLANNING AND ZONING COMMISSION, SAN LUIS, ARIZONA, HELD ON NOVEMBER 6, 2025. I FURTHER CERTIFY THE MEETING WAS DULY CALLED AND HELD, AND A QUORUM WAS PRESENT.

Roman Pacheco, Planning Coordinator



PLANNING & ZONING AGENDA ITEM REVIEW FORM

Planning & Zoning Commission Meeting

4. A.

Meeting Date: 12/09/2025

Submitted By: Juan Tejeda, Associate Planner, Development Services, Planning & Zoning

ITEM:

Public hearing followed by discussion and possible action on any all matters regarding Conditional Use Permit Case No. 2025-0412, a request by Gethsemani Church, for a Conditional Use Permit to allow a religious institution at 1010 E. B Street in San Luis, Arizona.

- A. Staff presentation
- B. Open Public Hearing
- C. Call to the Public on this item
- D. Close Public Hearing
- E. Action on Conditional Use Permit Case No. 2025-0412

SUMMARY:

The applicant is requesting a Conditional Use Permit to allow a religious institution at property located at 1010 E. B Street. The property with Assessor's Parcel Number 775-47-447 is zoned as Medium Density Residential (R1-6). A religious institution is allowed on a Medium Density Residential (R1-6) zoning district as a conditional use as per Zoning Ordinance Section 18.24.040 (C)(5).

This CUP is being brought forward in accordance with a federally approved Order and Consent Decree, which mandates the City to process and approve a CUP within 120 days of receiving the Church's application.

ORDER AND CONSENT DECREE:

On September 26, 2025, the United States District Court for the District of Arizona issued a federal Order and Consent Decree resolving the litigation between the City of San Luis and Gethsemani Church. The Consent Decree is a binding court order and outlines specific obligations for both parties.

Under its terms, the Church is required to submit an application for a Conditional Use Permit, and the City is required to process and approve that permit within 120 calendar days of receiving the application, as referenced on page 3 of the Consent Decree. The Church submitted its CUP application on October 6, 2025, and the City is now processing the request in accordance with the federal mandate.

The purpose of this CUP is not to impose additional conditions but to formally recognize the religious institution use and adopt, as CUP conditions, the operational requirements explicitly set forth in the Consent Decree. The Decree governs all aspects of the Church's Food Ministry, including scheduling, traffic management, delivery practices, sanitation standards, outdoor storage, and other operational controls.

AGENCY REVIEW:

As part of the review process, all land use cases are reviewed by various city and outside agencies. As required by State Statute, staff sent notification letters to property owners within 300 feet of the

proposed project (53 letters). The city has not received any significant concerns or objections from the various review agencies or adjacent property owners.

CITIZEN REVIEW MEETING:

The Citizen Review Meeting was held on December 2, 2025 at City Hall Council Chamber at 6 p.m. The intent of this meeting was to allow the public to learn about the project, ask questions, and express any comments or concerns. Four people from the public including the applicant were present, all in support of the conditional use permit.

ANALYSIS:

The Zoning Ordinance allows religious institutions within the R1-6 district through the conditional use process, which is designed to ensure land use compatibility, address potential off-site impacts, and support orderly neighborhood development. In this case, however, the scope of review is expressly governed by the federal Consent Decree.

The Consent Decree fully regulates the Church’s Food Ministry and its operational activities, leaving no discretion for the City to modify, expand, or impose additional conditions beyond those established by the federal court. As a result, the Conditional Use Permit must incorporate the Consent Decree as its complete and exclusive set of conditions, ensuring consistent application and preserving the enforceability of the federal order.

STAFF RECOMMENDATION:

Staff finds that the applicant has submitted the materials required for review and that the proposed use is consistent with the zoning district when evaluated under the binding terms of the Consent Decree.

Staff therefore recommends approval of Conditional Use Permit Case No. 2025-0412, with the conditions of approval consisting solely of the provisions contained in the Order and Consent Decree (Case No. 2:24-cv-00534-GMS), incorporated by reference in their entirety.

No additional conditions are proposed. Approval of this CUP brings the property into zoning compliance while fulfilling the obligations established by the federal court.

RECOMMENDED MOTION:

A. STAFF PRESENTATION

B. CHAIRMAN WALSH TO OPEN PUBLIC HEARING

C. CHAIRMAN WALSH TO CALL THE PUBLIC ON THIS ITEM

D. CHAIRMAN WALSH TO CLOSE PUBLIC HEARING

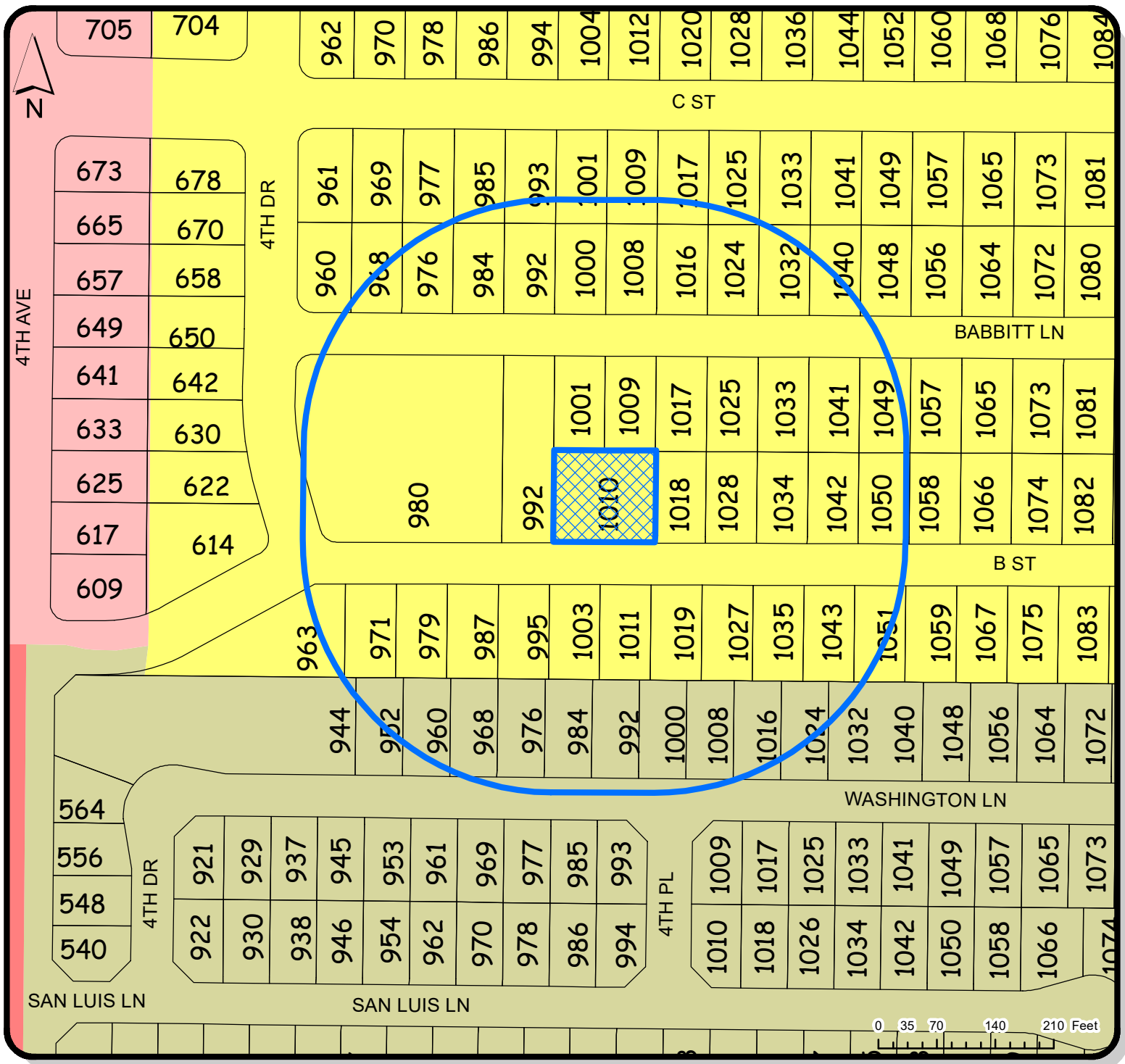
E. I MOVE TO FORWARD CONDITIONAL USE PERMIT CASE NO. 2025-0412 TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL AS REQUIRED BY THE CONSENT DECREE, WITH THE CONSENT DECREE SERVING AS THE FULL CONDITIONS OF APPROVAL.

Attachments


Location Map

Picture of Location

Order and Consent Decree



Location of Subject Property

 1010 E B ST
PID: 77547447

 300FT NOTIFICATION BUFFER

LOCATION MAP

Legend
 SINGLE RESIDENCE ZONING DISTRICTS
 R1-B
 MULTIPLE RESIDENCE ZONING DISTRICTS
 R-2
 COMMERCIAL ZONING DISTRICTS
 C-1
 C-2

CONDITIONAL USE

CASE #
2025-0412

DATE:
10/28/2025

CHECKED BY:
JUAN TEJEDA

Development Services



GIS

CREATED BY:
ISAAC GUTIERREZ

APPROVED BY:
JOSE A. GUZMAN

**CONDITIONAL USE PERMIT NO. 2025-0412
GETHSEMANI CHURCH**



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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Gethsemani Baptist Church,
Plaintiff,
v.
City of San Luis, et al.,
Defendants.

No. CV-24-00534-PHX-GMS

ORDER AND CONSENT DECREE

Before the Court is the parties’ Joint Motion for Entry of Consent Decree. (Doc. 94).

IT IS ORDERED granting the parties’ Joint Motion for Entry of Consent Decree. (Doc. 94).

IT IS FURTHER ORDERED this Consent Decree is entered into by and between Gethsemani Baptist Church (the “Church”) and the City of San Luis (the “City”; and with the Church, the “Parties”).

WHEREAS, the Church is a Christian Church located at 1010 B Street, San Luis, AZ 85349 (the “Church Property”).

WHEREAS, the Church operates a food ministry as part of its religious beliefs and mission for the purposes of distributing food, clothes, and household goods for free to the public and for distributing food, clothes, and household goods to the Church’s ministry partners (the “Food Ministry”).

WHEREAS, the City initiated enforcement of its ordinances against the Church in

1 September 2023 based on alleged violations of the City’s ordinances related to the
2 Church’s operation of the Food Ministry.

3 **WHEREAS**, the Church initiated the above-captioned action (the “Action”) on
4 March 13, 2024 alleging violations of the U.S Constitution, the Religious Land Use and
5 Institutionalized Persons Act, and the Arizona Free Exercise of Religion Act by the City.

6 **WHEREAS**, the City denies the Church’s allegations and denies all liability or
7 wrongdoing.

8 **WHEREAS**, seeking to resolve the Action without the expense, delays, risks, and
9 uncertainties of litigation, the Parties have entered a Settlement Agreement without the
10 adjudication, admission, finding, holding, or determination on the merits of either Party’s
11 case, which is contingent, in part, on the Court’s entry of a consent decree (“Consent
12 Decree”).

13 Having reviewed the Parties’ submission, **it hereby is ORDERED, ADJUDGED,**
14 **and DECREED as follows:**

15 1. This Court has subject matter jurisdiction over the Action and authority to
16 enter the requested relief under 28 U.S.C. §§ 1331, 1343(a), 1367, 2201, and 2202 and 42
17 U.S.C. §§ 1983, 1988, and 2000cc-2.

18 2. This Consent Decree and the City’s consent to entry of this Consent Decree
19 is not an admission or concession of liability by the City, is not an admission or concession
20 by the City as to the merits of the Church’s case, and is not a finding by this Court as to the
21 merits of any claims or defenses in this case.

22 3. This Consent Decree is entered solely to enforce the terms of the Parties’
23 Settlement Agreement, and nothing herein creates any obligations, rights, or duties beyond
24 those expressly set forth in that Settlement Agreement.

25 4. All Parties, having been fully advised by counsel, consent to the entry of the
26 Consent Decree.

27
28 **I. Injunctive Relief**

1 5. The City is ordered to, within 120 calendar days of receiving an application
2 from the Church, issue a Conditional Use Permit (“CUP”) pursuant to San Luis City Code
3 § 18.15.040 for the use of property located at 1010 B Street, San Luis, AZ 85349 (the
4 “Church Property”) as a community assembly as a church along with the operation of the
5 Church’s Food Ministry. The conditions for the issuance of the Church’s CUP shall be
6 limited to the following:

7 A. The Food Ministry events for purposes of distributing food, clothes, and
8 household goods for free to the public may only take place at the Church
9 Property on four (4) Saturdays each calendar month (the “Saturday Food
10 Ministry Events”).

11 B. The Saturday Food Ministry Events shall be limited to five (5) hours and
12 shall take place between the hours of 7:00 a.m. and 12:00 p.m. This time
13 frame encompasses both the time needed to unload the semi-trucks, set up
14 the goods for distribution, engage in any religious worship, and to distribute
15 the goods.

16 C. The Church may use semi-trucks in connection with the Saturday Food
17 Ministry Events, provided that such use is limited to unloading goods on the
18 Church Property. The unloading of such goods from any semi-truck shall be
19 completed within two (2) hours. Unloading activities shall be limited to a
20 two-hour (2-hour) window on the same day as the Saturday Food Ministry
21 Events, between 7:00 a.m. and 9:00 a.m. The distribution of goods during
22 Saturday Food Ministry Events will begin once the semi-trucks have
23 departed from the Church Property. Semi-trucks and semi-trucks with trailers
24 may not be stored at any time on the Church Property or on the residential
25 streets near the Church. The Church agrees that it may only use semi-trucks
26 in connection with its Saturday Food Ministry Events as described in
27 Paragraph 4(C) of the Parties’ Settlement Agreement.

28 D. The Church agrees that the engine of any semi-truck that is being loaded or
unloaded on its Property shall be turned off during loading and unloading.
The Church further agrees that the driver of such trucks shall remain in the
truck whenever possible and that blocks will be installed under the wheels of
the truck during loading and unloading. The use of energized refrigerated
trailers on the Church Property is limited to the two (2) hours needed to load
or unload the trailer for the Saturday Food Ministry Events.

1 E. The Church agrees that outdoor storage is limited to the Ramada existing as
2 of the date of signing this Agreement on the Church Property (“Ramada”).
3 Outdoor storage is limited to no more than ten (10) pallets of nonperishable
4 goods. Any pallets stored outside shall consist of nonperishable goods and
5 shall be no higher than five feet (5’). The Church agrees to keep the outdoor
6 storage of food and other materials on Church Property to the Church’s
7 Ramada and that such storage shall be done in a neat, tidy, and orderly
8 manner that will not interfere with the public’s enjoyment of the playground
9 and open space adjoining the Church’s Property.

10 F. The Church will provide trash containers to encourage participants in its
11 Food Ministry to properly dispose of any garbage generated by the Food
12 Ministry. The Church will collect and dispose of all garbage generated by a
13 Food Ministry distribution on the same day as the distribution event in a
14 proper garbage receptacle adequate to accommodate the volume of waste
15 produced.

16 G. The Church agrees that all garbage and rubbish generated by the Food
17 Ministry shall be removed from the Church Property a total of twice per
18 week, every week, including on Monday. Moreover, the Church agrees to a
19 special pick up within twenty-four (24) hours after the conclusion of a
20 Holiday Food Ministry Event (as described in Paragraph 4(I) of the Parties’
21 Settlement Agreement) or as soon as reasonably practical based upon the
22 trash company’s holiday operational schedule. Additionally, the Church
23 agrees to exclusively use commercial garbage receptacles equipped with
24 locking lids for the disposal of waste. The Church agrees to ensure that the
25 lids of these receptacles are securely locked at all times, except when waste
26 is being deposited or removed.

27 H. The Church agrees to maintain pest-free outdoor areas and structures through
28 monthly pest control inspections. Upon the sighting of any pests, the Church
shall use approved extermination methods that will not be injurious to human
health.

I. The Parties agree that the Church may schedule Christmas, Thanksgiving,
and Día del Niño events (“Holiday Events”) on different days and for longer
durations than the Saturday Food Ministry Events. Such events shall comply
with an agreed layout for traffic circulation between the City and the Church
to minimize traffic congestion and conflicts with neighboring properties. The
Church must designate these Holiday Events to substitute for one of the
permitted Saturday Food Ministry Events within that month. The Church

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shall provide the City with written notice of the Holiday Events at least four (4) weeks prior to the event.

J. The Church agrees that all Food Ministry distributions must be confined to the Church’s Property. To allow for this, Church semi-trucks or other commercial vehicles must be promptly removed from the Church parking lot after unloading to encourage Food Ministry patrons to park in the Church’s parking lot for the distributions. If there is an overflow from the Church parking lot, vehicles may park around the perimeter of the retention basin adjacent to the Church parking lot or publicly available parking directly in front of the Church. The Church further agrees to engage in reasonable efforts, e.g., social media, in-person announcements during events, and from the pulpit, to inform Food Ministry patrons that parking is limited to the Church’s parking lot, publicly available parking directly in front of the Church, and around the perimeter of the adjacent retention basin. The Church agrees that all food or goods to be distributed will be confined to a single designated area consisting of four (4) contiguous parking spaces on the Church Property. No food or goods shall be distributed outside of this designated area. Additionally, the Church agrees to make its entire parking lot available for vehicles attending Food Ministry events with the exception of four (4) spaces used to facilitate the Saturday Food Ministry Events. The Church also agrees to relocate its trash enclosures to appropriate non-parking areas, ensuring that all parking spots in the Church parking lot are available for individuals attending Food Ministry events. The Church shall also designate a volunteer to provide on-site guidance to the public on proper parking locations.

K. The Church agrees to operate its distribution events in an organized and orderly manner that allows for reasonable ingress and egress, including the management of vehicular and pedestrian foot traffic. The City agrees that the Church’s proposed operational plan, which is attached as Exhibit A to the Parties’ Settlement Agreement, allows for such reasonable ingress and egress of pedestrians. However, the Church shall have the option to alter its plan as long as doing so is consistent with the terms and spirit of this Agreement. The Church will notify the City of any significant changes to its operational plan in writing. Should the City have any objections, it will timely notify the Church, and the Parties shall work together in good faith to resolve their differences.

L. In addition to the Saturday Food Ministry Events and Holiday Events, the Church may also engage in the small-scale distribution of goods to its ministry partners on Fridays between 7:00 a.m. and 11:00 a.m. This time

1 frame encompasses both the time needed to unload the goods, set them up
2 for distribution, and to distribute the goods. These events will be operated in
3 an organized and orderly manner, and the Church will collect and dispose of
4 all garbage generated by the distribution on the same day in a proper garbage
5 receptacle. The Parties agree that the Church, or its ministry partners, may
6 not use semi-trucks in connection with the Friday ministry partner
7 distributions.

8 M. Additionally, the Church may provide goods to individuals or families on a
9 small-scale and as-needed basis. It is understood that individuals or families
10 can always approach the Church for assistance, and the Church will
11 accommodate them as needed, regardless of the timing of the distribution.
12 As to small-scale distribution of goods, the Church agrees that the
13 distributions will be limited to perishable items that must be distributed to
14 maintain their usable condition, or goods that the Church does not have the
15 capacity to store until the next Saturday Food Ministry event. If the small-
16 scale distribution of goods must be conducted outside of a Saturday Food
17 Ministry distribution, the Church agrees that the parking for such small-scale
18 distributions shall be limited to what its parking lot can accommodate for
19 parking of vehicles. In the event that the Church reasonably expects an event
20 to exceed what its parking lot can accommodate on a day other than Saturday,
21 the Church shall conduct such distributions at an off-site location upon
22 securing permission from the appropriate landowner.

23 N. The Church is allowed to collect voluntary donations at any of the Food
24 Ministry's distribution events.

25 6. The City shall waive all fees that would otherwise be payable to the City for
26 the application and processing of the CUP.

27 7. As part of the CUP process, the City may hold one or more public hearings
28 conducted by the San Luis Planning and Zoning Commission and the City Council
regarding the terms of the CUP. The Church shall appear at such public hearings in support
of the terms of the CUP.

8. The City shall repaint the parking spaces in the Church's parking lot in the
manner described in Exhibit C to the Parties' Settlement Agreement. A total of thirty-eight
(38) parking spaces shall be accommodated, including two (2) designated handicapped

1 spaces.

2 9. Upon receiving building permit applications for any structure on the Church
3 Property for which the City does not have a record of an approved building permit within
4 the agreed-upon 60-day period set forth in the Settlement Agreement, the City shall process
5 such building permits in a timely manner and will not unreasonably withhold the approval
6 of such permits. An itemized list of existing structures on the Church's Property for which
7 the City does not have a record of an approved building permit is attached as Exhibit B to
8 the Parties' Settlement Agreement. All Church applications are subject to review and
9 approval based on applicable laws, codes, and regulations. The City shall waive all fees
10 associated with such building permit applications. In the event that any existing structure
11 fails to meet the requirements of applicable laws, codes or regulations for obtaining a
12 building permit, the Church shall promptly make reasonable efforts to address the
13 noncompliance in a timely manner.

14 10. Consistent with the term of the Church's CUP, the City shall permit the
15 Church to operate its Food Ministry, and to do so for as long as the Church uses the Church
16 Property. This provision, however, shall not prevent the City from enforcing its laws in a
17 manner consistent with federal, state, and local law.

18
19 **II. Financial Terms**

20 11. The City shall pay the Church \$200,000 ("Settlement Amount") according
21 to the following payment schedule:

22 A. \$100,000 will be paid within twenty-one (21) days of the entry of this Decree;

23 and

24 B. \$100,000 will be paid on the first anniversary of the Decree.

25 12. If the City fails to make any payment set forth in ¶ 11 on or before the due
26 date, all remaining payments shall become immediately due.

27
28

1 13. As a guarantee for the payment of the full Settlement Amount, the City shall
2 incorporate in its fiscal year July 1, 2026 – June 30, 2027 budget a line item guaranteeing
3 the Settlement Amount set forth in ¶ 11(b).

4 **III. Enforcement**

5 14. This Consent Decree shall become effective immediately upon its entry by
6 this Court.

7 15. This Court shall retain jurisdiction of the Action for purposes of enforcement
8 of the Consent Decree and the Settlement Agreement.

9 16. In the event either party is in breach of any terms of the Consent Decree or
10 Settlement Agreement, the non-breaching Party will provide written notice of such a
11 breach. If the breach is not cured within 14 days, the adversely affected party may pursue
12 all available legal and equitable remedies in a court of competent jurisdiction, including
13 but not limited to injunctive relief and claims for damages.

14 17. In any action or proceeding to enforce the Consent Decree or the Settlement
15 Agreement, the prevailing party shall be entitled to recover reasonable costs and attorneys'
16 fees.

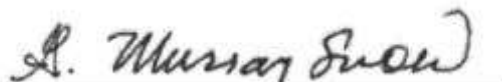
17
18 **IV. Final Judgment**

19 18. This Consent Decree constitutes the Court's final judgment in the Action.
20 All pending motions are denied as moot. All subpoenas issued in the Action are hereby
21 quashed.

22 19. The January 30, 2026 Final Pretrial Conference and February 24, 2026 Jury
23 Trial are **VACATED**.

24 20. All claims against the City are dismissed with prejudice.

25 Dated this 25th day of September, 2025.

26 
27 G. Murray Snow

28 Senior United States District Judge



PLANNING & ZONING AGENDA ITEM REVIEW FORM

Planning & Zoning Commission Meeting

4. B.

Meeting Date: 12/09/2025

Submitted By: Juan Tejeda, Associate Planner, Development Services, Planning & Zoning

ITEM:

Public Hearing followed by discussion and possible action on any and all matters regarding Text Amendment Case No. 2025-0420. A request by the City of San Luis to amend Section 18.10.020 (C) and Section 18.70.040 (A) & (B) of Title 18 of the City of San Luis City Code to address changes to the Arizona Revised Statutes as per House Bill 2447.

- A. Staff presentation
- B. Open Public Hearing
- C. Call to the public on this item
- D. Close Public Hearing
- E. Action on Text Amendment Case No. 2025-0420

SUMMARY:

This text amendment is in response to House Bill 2447, enacted by the Arizona Legislature in 2025, which amends the Arizona Revised Statutes to require local governments, by ordinance, to authorize administrative personnel to review and approve site plans, development plans, land divisions, lot line adjustments, lot ties, preliminary plats, final plats and plat amendments without a public hearing. These requirements aim to streamline the subdivision process, reduce delays, and support timely housing and development projects.

To comply with HB 2447, the City of San Luis must adopt these review standards on or before January 1, 2026. This text amendment will bring city zoning regulations in line with state requirements, creating a more objective review and simplified process that benefits both applicants and residents.

PROPOSED AMENDMENTS:

- Remove Section 18.10.020 (C)(5) from Title 18 of the City Code. Planning and Zoning Commission Duties. "*To serve as the advisory body to the City Council on such matters as applications for protected development rights plans, subdivision final plats, and any other permit or review process in accordance with the provisions of this title;*"
- Remove Section 18.10.020 (C)(7) from Title 18 of the City Code. Planning and Zoning Commission Duties "*To hear, review and decide on subdivision preliminary plats in accordance with the provisions of the City's subdivision ordinance; and*"
- Revise Section 18.70.040 (A) from Title 18 of the City Code. Revise authorization from City Council to Staff.
- Revise Section 18.70.040 (B) from Title 18 of the City Code. Revise authorization from City Council to Staff.

STAFF RECOMMENDATION:

Implementing this updates shall provide a more objective review and predictable approvals without time and resources spent on public hearings. Staff has reviewed internal procedures to accommodate this new requirement without significant disruption to the overall workflow, including revisions to the

Subdivision Regulations to be adopted by the end of the year. This amendment upholds high standards for customer service by providing applicants with clear expectations and prompt responses.

Therefore, staff recommends approval of Text Amendment Case No. 2025-0420.

RECOMMENDED MOTION:

A. STAFF PRESENTATION

B. CHAIRMAN WALSH TO OPEN PUBLIC HEARING

C. CHAIRMAN WALSH TO CALL THE PUBLIC ON THIS ITEM

D. CHAIRMAN WALSH TO CLOSE PUBLIC HEARING

E. I MOVE TO FORWARD TEXT AMENDMENT CASE NO. 2025-0420 TO THE CITY COUNCIL WITH RECOMMENDATION OF APPROVAL.

Attachments

Proposed Amendments SLCC 18.10.020 (C)

Proposed Amendments SLCC 18.70.040 (A) & (B)

18.10.020 Planning and Zoning Commission.

(A) *Establishment.* There is hereby established, pursuant to A.R.S. § [9-461.01](#) et seq., a planning agency known as the City of San Luis Planning and Zoning Commission (“Commission”).

(B) *Powers.* The Commission is the planning agency for the City and has the powers to enable it to fulfill its planning function, in accordance with the Arizona Revised Statutes. The Commission shall provide an advisory function to assist the City Council in making decisions pertaining to amendments to the General Plan and this title, and applications for development approval. In no event is the Commission authorized to render a final decision approving, denying, or conditionally approving a change in this title or General Plan, or to render a final decision on an application for development approval except as otherwise authorized in this section.

(C) *Duties.* In addition to any authority granted to the Commission by Arizona law, this title or by other ordinances of the City, the Commission shall have the following powers and duties:

(1) To hold public hearings when necessary or when required by law;

(2) To initiate, hear, review, and make recommendations to the City Council regarding applications for amendments to the General Plan or area specific plans, in accordance with the provisions of this title. On an annual basis, review and make recommendations to the Mayor and Council concerning the General Plan as well as plans for the development of any land outside the City’s planning area, which in the opinion of the Commission is substantially related to the planning of the City;

(3) To make recommendations to the City Council on all matters concerning or relating to the creation of zoning ordinances, the zoning district map, the boundaries thereof, the appropriate regulations to be enforced therein, and amendments of this title, and to undertake any other activities usually associated therewith and commonly known as “planning and zoning”;

(4) To initiate, hear and review applications for amendments to either the zoning district map and/or the text of this title, in accordance with the provisions of this title;

~~(5) To serve as the advisory body to the City Council on such matters as applications for protected development rights plans, subdivision final plats, and any other permit or review process in accordance with the provisions of this title;~~

~~(6)~~(5) To hear, review and make recommendations to the City Council on conditional use permits;

~~(7) To hear, review and decide on subdivision preliminary plats in accordance with the provisions of the City’s subdivision ordinance; and~~

~~(8)~~(6) To confer and advise with other town, city, county, regional, or state planning agencies and commissions.

(D) *Membership.* The Commission shall consist of seven members, all residents of the City, who shall be appointed by, and serve at the pleasure of, the City Council.

(E) *Term of Office.* The term of office of the members of the Commission shall be four years, with the terms of members so staggered that the terms of no more than three members shall expire on January 31st in any one year. The incumbent Commissioner shall continue to serve, after their term of office has expired, until a successor has been appointed. In the event of a death, resignation, or removal from the Commission, a resident appointed by the City Council shall fill the vacancy, for the unexpired term.

(F) *Nonattendance.* Three successive unexcused absences from any regular or special meeting shall be grounds for termination at the will and pleasure of the City Council without the necessity of a hearing or notice, and such action shall be final and the position shall thereupon be declared vacant.

(G) *Organization.*

(1) *Officers.* A member must have served on the Commission for a period of one year prior to being eligible to serve as an officer. The Commission shall elect a chairperson and vice-chairperson from among its own members at its first meeting in January each year. The chairperson shall preside at all meetings and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Commission. The vice-chairperson shall perform the duties of the chairperson in the latter's absence or disability.

(2) *Meetings.* Meetings of the Commission shall be open to the public. Public input shall be permitted in public meetings on matters before the Commission. The minutes of the proceedings, showing the vote of each member and records of its examinations and other official actions, shall be kept and filed in the office of the City Clerk as a public record.

(3) *Quorum.* Four members of the Commission shall constitute a quorum for the transaction of business. No matter may be considered by the Commission unless there are four or more members present who are eligible/qualified to vote on the matter. The affirmative vote of the majority of the members present shall be required to pass a motion. If a member has been present for the entire presentation of an issue that member may abstain from voting only because they have a conflict of interest. If a member has a conflict of interest, he/she shall declare the conflict of interest prior to the presentation and shall abstain from all discussion and deliberation on the matter in question.

(4) *Rules and Regulations.* The Commission may make and publish bylaws to govern its proceedings and to provide for its meetings. The bylaws are to be reviewed by the City Attorney and approved by the City Council. (Ord. 312 § 2(2.1), passed 4-11-2012; Ord. 344 § 1, passed 1-27-2016. Code 2012 § 152.026.)

The San Luis City Code is current through Ordinance 470, passed August 27, 2025.

Disclaimer: The City Clerk's Office has the official version of the San Luis City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.sanluisaz.gov](http://www.sanluisaz.gov)

[Hosted by General Code.](#)

18.70.040 Street dedication requirements.

(A) All lots shall have frontage on a dedicated and accepted public street connecting to the publicly dedicated and accepted street system, except in the case of planned commercial shopping centers with reciprocal cross-access easements in place. ~~Staff The City Council~~ may, through the rezoning or subdivision plat approval process, allow private streets that are designed and constructed per City private street standards.

(B) Except for lots abutting private streets, which have been specifically approved by ~~staff the City Council~~, a building permit shall not be issued for a recorded lot which does not abut a dedicated and accepted public street and the abutting street does not connect to the publicly dedicated and accepted street system.

(C) Prior to the acceptance by the City of the dedication of a public street, such street shall be designed, graded, and paved in accordance with the provisions of all applicable street standards of the City. (Ord. 312 § 2(14.3), passed 4-11-2012. Code 2012 § 152.213.)

The San Luis City Code is current through Ordinance 470, passed August 27, 2025.

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PLANNING & ZONING AGENDA ITEM REVIEW FORM

Planning & Zoning Commission Meeting

5. A.

Meeting Date: 12/09/2025

Submitted By: Juan Tejeda, Associate Planner, Development Services, Planning & Zoning

ITEM:

Presentation followed by discussion on any and all matters regarding updates to the City of San Luis Final Draft Subdivision Regulations as per House Bill 2447 requirements.

SUMMARY:

The Planning and Zoning Division of the Development Services Department has been working on updating the current City of San Luis Subdivision Regulations. Our Subdivision Regulations were adopted back in May 2002, and are based on the 1992 Yuma County Subdivision Regulations.

This new draft addresses the changes required as per House Bill 2447, which becomes effective from and after December 31, 2025. This amendment the Arizona Revised Statutes requires local government by ordinance to authorize administrative personnel to review and approve site plans, development plans, land divisions, lot line adjustments, lot ties, preliminary plats, final plats and plat amendments without a public hearing. These requirements aim to streamline the subdivision process, reduce delays, and support timely housing and development projects.

This item will be presented to the City Council on the December 17, 2025 Special Meeting for adoption.

RECOMMENDED MOTION:

Presentation item only, no action required.

Attachments

San Luis Subdivision Regulations Draft



CITY OF SAN LUIS



SUBDIVISION REGULATIONS

DEVELOPMENT SERVICES
DEPARTMENT



WWW.SANLUISAZ.GOV

Draft Subdivision Regulations
City of San Luis Arizona

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Title 17 Subdivision Regulations

Chapter 17.05 Title, Authority and Definitions

Section 17.05.10 – Short Title

These regulations shall be known and may be cited as the “City of San Luis Subdivision Regulations” hereinafter referred to as the “Subdivision Regulations.”

Section 17.05.20 – Authority

This Ordinance is adopted pursuant to the authority contained in the Arizona Revised Statutes (A.R.S.) § 9-463, et seq. in order to conserve and promote the public interest, health, comfort, safety, convenience, and general welfare of the residents and property owners of the City of San Luis.

Section 17.05.30 – Purpose

The purpose of this section is to provide for the public health, safety, and general welfare of the City by regulating the subdivision of land: to insure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply and distribution, drainage and flood control, sanitary sewerage, and other health requirements; to insure and facilitate reservation of sites for schools, recreation facilities, and other public purposes; to promote conveyance of land by accurate legal description; and to provide practical procedures for the achievement of this purpose.

Section 17.05.40 – Conformance with the General Plan

This Ordinance is intended to implement the goals, objectives and policies of the “City of San Luis General Plan” and is hereby deemed to be in conformance with the adopted General Plan. Any amendments to or actions pursuant to this Ordinance shall be in conformance with the General Plan, as it may be amended from time to time.

Section 17.05.50 – Effective Date

These Subdivision Regulations shall become effective upon adoption by the City of San Luis City Council and remain in full force here after.

Section 17.05.60 – Definitions

The following definitions shall have the following meanings:

Abutting: The condition of two adjoining properties having a common property line or boundary or being contiguous to each other.

Alley: A public or private thoroughfare, other than a street, which affords a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

ADEQ: Arizona Department of Environmental Quality.

ADWR: Arizona Department of Water Resources.

A.R.S.: The abbreviation for the Arizona Revised Statutes.

Bicycle Lane: A paved area located within a street right-of-way and between the curbs that is designated for bicycle or other non-motorized traffic.

Block: Means a piece or parcel of land, or group of lots entirely surrounded by public rights-of way, streams, railroads or parks, or a combination thereof.

City: The City of San Luis, Arizona.

City Council: The City Council of the City of San Luis, Arizona.

City Engineer: The City Engineer for the City of San Luis or his/her designated representative. The Public Works Director shall serve as the designated representative.

County: Yuma County, Arizona.

Cul-de-sac: A street or road having a traffic outlet on one end, and only having at the other end, facilities for the turning around of vehicular traffic.

Depth: When used in reference to a lot, means the horizontal length of a straight line connecting the midpoints of the front and rear lot lines; and for triangular shaped lots, the shortest horizontal distance between the front lot line and a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

Detention Basin: A stormwater storage facility that temporarily stores surface runoff and releases it at a controlled rate through a positive outlet.

Developer: A person, firm, partnership, joint venture, trust, syndicate, association, corporation, limited liability company or other legal entity who desires to improve or

otherwise engage in any development of property within the City of San Luis, including the owner of the property; except that an individual serving as agent for such legal entity is not a developer.

Easement: A grant by the owner of the use of land by the public, a corporation, or person for the specific uses and purposes designated.

Final Approval: Means approval of the final plat by the City Engineer, which constitutes authorization to record a plat.

Floodplain: Areas adjoining the channel of a watercourse, or areas where drainage is or may be restricted by man made structures which have been or may be covered partially or wholly by floodwater from the one hundred (100) year flood.

General Plan: Means a comprehensive plan pursuant to A.R.S. § 9-461.05, providing for the future growth and improvement of the City and for the general location of streets, schools and recreation areas, public building sites, and other physical development, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Health Department: Yuma County Health Department.

Improvement: means required installations, pursuant to this subdivision regulations, including grading, sewer and water utilities, streets, landscaping, easements, traffic control devices as a condition to the approval and acceptance of the final plat thereof.

Improvement Plans: A set of plans setting forth the profiles, cross-sections, details, specifications, and instructions and procedures to be followed in the construction of public or private improvements in the City, that are prepared and bear the seal of an Arizona Registered Engineer, Architect or Landscape Architect in accordance with the approved preliminary plat and zoning stipulations, and in compliance with Public Works Standards adopted by the Public Works Department.

Land Split: The division of improved or unimproved land whose area is two and a half (2 ½) acres or less into two (2) or three (3) tracts or parcels of land for the purpose of sale or lease. (More commonly referred to as Lot Split).

Lot: A single piece of property located in a recorded subdivision. A lot also includes a parcel of land, shown in the records of the Yuma County Assessor's Office, divided to be used separately from other parcels of property by description, legal manner pursuant to all State, County and City requirements for the development and proposed use of that property.

Lot Corner: A lot located at the intersection of two (2) or more streets.

Lot Line: A line dividing one (1) lot from another or from a street or any public place.

Plat: Means a map of a subdivision.

Preliminary Plat: Means a preliminary map, including supporting data, indicating a proposed subdivision design prepared in accordance with the provisions of A.R.S. §9-463 et seq. and these Subdivision Regulations.

Final Plat: Means a map of all or part of a subdivision essentially conforming to an approved preliminary plat, prepared in accordance with the provisions of A.R.S. §9-463 et seq., these Subdivision Regulations, and other applicable state statutes.

Recorded Plat: Means a final plat bearing all of the certificates of approval required by A.R.S. 9-463 et seq., these Subdivision Regulations, and other applicable state statutes, and duly recorded in the Yuma County Recorder's Office.

Public Works Director: The Public Works Director for the City of San Luis or his/her designated representative.

Retention Basin: A stormwater storage facility that stores surface runoff. Stored water is infiltrated into the subsurface or released to the downstream drainage system or watercourse (via gravity outlet or pump), or evaporated after the storm event.

Street: Means any existing or proposed street, avenue, boulevard, road, lane, parkway, place, bridge, viaduct or easement for public vehicular access or a street shown in a plat heretofore approved pursuant to law or a street in a plat duly filed and recorded in the county recorder's office. A street includes all land within the street right-of-way whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking space, bridges and viaducts.

Subdivision: Means improved or unimproved land or lands divided for the purpose of financing, sale or lease, as defined in A.R.S. §9-463.02.

Tract: A defined area of land regardless of size.

Width: When used in reference to a lot, means;

1. For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required minimum front yard setback line on a line parallel to the street or street chord.
2. For lots on the inside of the curve of a street, the distance between side lot lines measured at the required minimum front yard setback line on a line parallel to the street or street chord.

Zoning Administrator: The staff/official responsible for the enforcement and the interpretation of the zoning ordinance.

Zoning District: A zone area in which the same zoning regulations apply throughout the district.

Zoning Ordinance: The zoning ordinance for the City of San Luis.

Chapter 17.10 Design Standards

Section 17.10.10 – Purpose

The purpose of subdivision regulation is to create functional, attractive developments, minimize adverse impacts on the community, and to ensure that future subdivisions will conform to the community's expectations. To accommodate this purpose, all subdivision plats shall conform to the following design standards, which are designed to result in a well-planned community without adding unnecessarily to development costs.

Section 17.10.11 – General Provisions

- A. All subdivisions shall conform to the following standards of subdivision design, except in those cases where the City Council has determined that a modification is justified pursuant to Section 17.10.13.
- B. Land which is subject to periodic flooding, or land which cannot be properly drained or other land which is unsuitable for the proposed use shall not be subdivided; however, the City Council may approve subdivisions of such land upon receipt of evidence from the Yuma County Flood Control District, County Health Department and the City Engineer that the construction of specific improvements can be expected to render the land usable, in which event construction, upon such land shall be prohibited until the specified improvements have been planned and construction guaranteed.
- C. Where the area proposed for development contains all or part of a park, a school, flood control facility, or other public site, as shown on the General Plan or as recommended by the City Council, such site shall be reserved for acquisition by the appropriate agency within a specific period of time as prescribed in A.R.S. §9-463.01 (D) and (E). An agreement should be reached between the developer and the appropriate public agency regarding time, method, and cost of such acquisition. Dedication of such sites by the developer may be considered by the City.

Section 17.10.12 – Approval Process

The subdivision of land and associated development shall follow the approval process below:

- A. Preliminary Plat:** A preliminary plat shall be reviewed and approved by the City Engineer(See Chapter 17.15).
- B. Improvement Plans:** Improvement plans shall be reviewed and approved by the City Engineer after the approval of the preliminary plat (See Chapter 17.20).
- C. Final Plat and Recordation:** Final plat shall be approved by the City Engineer authorizing the recordation of the final plat with the Yuma County Recorder’s office (See Chapter 17.20).

Section 17.10.13 – Modifications

Whenever subdivision design standards or improvement standards are requested to be modified or not constructed, the appropriate technical registrant shall:

- A. Provide written justification and referenced section/standard proposed to be waived or modified.
- B. A detailed cost estimate of the improvements that are being requested to be waived or modified.

City Engineer shall review the proposed modification and make the determination to approve or deny the request. A written response shall be provided to the applicant of this request.

If the City Engineer disagrees with the request for modification, then the City Engineer shall make the following determinations in a written recommendation to the City Council:

- A. Whether the modification is or is not detrimental to the public interest, with specific reasons for the determination;
- B. Whether the modification is or is not injurious to other property in the vicinity, with specific reasons for the determination;
- C. Whether or not additional requirements would substantially secure the objectives of the standards or requirements that are the subject of the requested modification with specific reasons; and

- D. Any other specific reasons that the City Engineer has for denying the modification.
- E. Only with the justifications for the modifications and the City Engineer's recommendation, may the City Council take action to allow or deny the modification.

Section 17.10.14 – Access Requirements

- A. No subdivision shall be recorded unless permanent public access is provided from the subdivision to a City, County, State or Federal maintained paved road. A public access means a dedication to the City or a permanent written easement from the County, State or Federal Governments.
- B. Road dedication for the purpose of providing fully improved access to the proposed subdivision shall be approved by the City Engineer prior to recording.
- C. Every subdivision (residential, commercial and industrial) shall have at least two (2) separate and distinct access points both of which shall provide fully improved and accepted access from a public road approved and developed to the City street standards.
- D. Access to Arterial or Collector Streets.
 - a. Lots shall not have access from arterial or collector streets. When subdivisions have access from arterial or collector streets it is required that:
 - 1. The lots front yard abuts a local or frontage road.
 - 2. The placement of the access shall be in compliance with the adopted Public Works Standards.
 - 3. A traffic impact study shall be obtained pursuant to the adopted Public Works Standards.
 - b. Lots abutting arterial or collector streets shall have non-access easements (N.A.E.) to prevent direct access and driveways to those streets.
- E. Separation of access point along arterial or collector streets.

Subdivision access roads shall be spaced according to Public Works Standards or standards of the jurisdiction that is responsible for the operation and maintenance of the arterial or collector road.
- F. Access to adjacent parcels.

- a. Stub roads may be required to assure the integrity of the roadway network in serving potential future development such as in phased developments, master planned communities and other development areas.
 - b. All adjacent properties shall be considered when determining appropriate locations for stub roads.
 - c. A turning feature that conforms to the applicable portions of the public works standards shall be provided in an approved improved condition in the interim for the terminus of a stub road until the permanent roadway is extended.
- G. Access from private property to any dedicated street shall be constructed in accordance with permits issued by the City. The width will depend on the access to be served (i.e., residential or commercial/industrial uses). Minimum driveway spacing shall be as defined in the City adopted Public Works Standards. Exceptions to this requirement may be approved by the City Engineer based on unusual site constraints.

Section 17.10.15 – Subdivision Design

- A. The name of a subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the City or any municipality within Yuma County, unless the subdivisions are adjacent and are in some way related and the name is not exactly the same.
- B. The street system in the proposed subdivision shall relate in alignment to the existing streets in the area adjoining the subdivision. The arrangement of streets in the new subdivisions shall make provisions for the continuation of existing or designated streets as the City may designate.
- C. The proposed street plan shall give consideration to the future use and/or subdivision of adjoining unsubdivided property.
- D. Local residential roads shall be laid out in a manner to discourage their use by through traffic. They should be discontinuous and generally should be interrupted with jogs and offsets.
- E. There shall be no reserved strips or easements controlling access to land or streets dedicated or intended to be dedicated to the public, except as may be required by a public agency for access management purposes.

- F. Pursuant to the authority of A.R.S. §9-243.B, streets adjacent to the property to be subdivided shall be required to be developed. No half-streets will be accepted.
- G. Where private streets are proposed, such streets shall be constructed to City standards of construction and shall be placed into specific "street tracts" of land. Statements shall be contained on the plat and in the Deed Restrictions, the Homeowners Association Bylaws and the Covenants, Conditions and Restrictions (CCR's) that those streets are declared private subject to an easement authorizing use by emergency and public service vehicles and remain the permanent responsibility of the Homeowners Association. If at any time the streets are proposed to be dedicated to, and accepted by the City, the streets must first have been designed and constructed to standards specified by the City for public streets and demonstrate they have been maintained to the current public street maintenance standards, as determined by the City Engineer.

Section 17.10.16 – Street intersections

- A. Streets intersecting a major street shall do so at a ninety degree (90°) angle; intersection of local streets shall not vary from ninety degrees (90°) by more than fifteen degrees (15°). The City Engineer, based on terrain and other conditions, will consider exceptions to these requirements.
- B. Arterial and collector streets shall not have offsets. Local streets with a centerline offset less than 200 feet shall be prohibited.
- C. Street corners shall be designed in accordance with the Public Works Standards adopted by the City.
- D. All corner lots shall have non-access easements (N.A.E.) along corner triangles to prevent direct vehicle access through and over handicap ramps.
- E. Right of way requirements at intersections shall be designed in accordance with the Public Works Standards adopted by the City.

Section 17.10.17 – Street Right of Way

The following chart summarizes the functional classification designations for the City of San Luis and their corresponding cross section characteristics.

Table 1.1 Roadway Functional Classifications and Physical Characteristics

Type of Street	Minimum ROW	Travel Lane	Median Width	Bike Lane	Sidewalks
Principal Arterial	130 feet	42'/42' (2 Lanes)	16' raised	6' both sides	6' both sides
Minor Arterial	110 feet	38'/38' (2 Lanes)	16' raised	6' both sides	6' both sides
Collector Street	80 feet	24'/24' (1 Lane)	12' left turn lane	6' both sides	5' both sides
Local Roadways	52 feet	40'	None	None	4' both sides
Cul-de-sac	57' (radius)	48' (radius)	None	None	varies

Section 17.10.18 – Blocks

- A. Blocks shall not be more than 1,200 feet in length unless deemed necessary for public safety and convenience. The maximum length of a block shall be measured along the centerline of the street and between intersecting street centerlines.
- B. Irregular shaped blocks 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. 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 City Engineer, including adequate provision for parking, on-site loading and unloading and buffer, as required by the zoning ordinance.
- D. Pedestrian ways shall be required where essential for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Pedestrian ways may be used for utility purposes.
- E. The arrangements of blocks shall conform to the street design criteria set forth in these regulations.

Section 17.10.19 – Lots

- A. No lot shall have less area or width than required by the zoning ordinance applying to the area in which it is located.
- B. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for all types of uses permitted. Lot dimensions shall not include part of the existing or proposed streets. All lots shall be buildable, except as a public utility lot. Depth and width of utility lots shall be adequate to provide for standard setbacks for service structures, and to furnish off-street parking facilities required by the kind of use contemplated. In no other case shall the width or area be less than that prescribed for the zoning district in which a lot is proposed.
- C. Detached single-family residential lots shall not have a width-to depth ratio greater than one to three.
- D. Lots shall front a dedicated public street or private street.
- E. Corner lots shall generally be designed larger to accommodate the increased setback as per the zoning ordinance.
- F. Driveways for each subdivision lot must be clearly shown on the subdivision improvement plans subject to approval of the City Engineer.
- G. Only one (1) driveway with access to a public street, private road, or alley is allowed per lot in the low and medium density residential zoning districts and shall be facing the narrow side of the lot.
- H. Non-residential double frontage lots in commercial and industrial areas should be considered where advantages to provide for required parking facilities and for essential activities of the contemplated use, e.g., loading, unloading, and drive-in or drive-through services.
- I. No lot shall be divided by the boundary line of a municipality, county, school district or other taxing agency.

Section 17.10.20 – Cul-De-Sacs

Cul-de-sac streets in the low and medium density residential subdivisions will serve no more than (20) dwelling units and shall be no longer than 600 feet, unless approved by

the City Engineer being that it is necessitated by topography or other circumstances beyond the subdividers control.

Section 17.10.21 – Alleys

Alleys are not allowed in residential subdivisions except that the alleys may be required in certain situations to complete existing patterns or to serve as secondary access. Alleys may be required in commercial and industrial subdivisions and shall conform to the Public Works Standards for roadways.

Section 17.10.22 – Pedestrian Circulation System

- A. Pedestrian ways and multi-use paths shall also be provided in accordance with the adopted Pathway Master Plan.
- B. Pedestrian ways and multipath may be required where essential for circulation or access to schools, playgrounds, shopping centers, parks, transportation, and other community facilities.
- C. The developer shall be responsible for the design and development of all pathway improvements within the limits of their subdivision.

Section 17.10.23 – Fire Protection

- A. Fire hydrants and a fire distribution system shall be provided and install in accordance with the recommendations or requirements of the City of San Luis Department of Public Works, and the City of San Luis Fire Department. In no case are the requirements to be less restrictive than the most restrictive provisions of the adopted fire codes of the City and/or the Office of the Arizona State Fire Marshall.

Section 17.10.24 – Utilities

- A. **Sewer:** Subdivisions shall be provided with sanitary sewer connections to each lot. Public sewage collection lines shall be installed to serve all lots within the subdivision in accordance with the minimum standards of the City. Plans for sanitary sewer shall be approved by Arizona Department of Environmental Quality.
- B. **Water:** Water mains and services shall be installed to serve all lots within the subdivision. In accordance with the minimum standards of the City public water mains shall be approved by the Arizona Department of Environmental Quality. Water wells may not be connected to the City water system.

- C. **Electricity:** The developer shall submit certification from the local electric power company that electrical service is available and will be provided to the subdivision. Location of the street lighting shall be indicated on the final approved plans. All electrical and telecommunication lines shall be underground within the subdivision.
- D. **Street Lighting:**
- a. Street lighting shall be installed in accordance with the City standards along all streets within the subdivision and along perimeter streets developed in conjunction with the subdivision. All utilities to be underground, and underground street light circuits shall be provided by developer. The developer shall provide the pole, lamp, luminaries and bracket and underground circuits.
 - b. The developer will take such actions as may be necessary to form, establish and include the subdivision in an improvement district to purchase electricity for the lighting of public streets and parks of the subdivision.
- E. **Improvement District:** The developer will take such action as may be necessary to form, establish and include the subdivision in an improvement district for the purpose of providing enhanced municipal services and/or maintain any retention basins as may be established for said subdivision and all other improvements which serve and benefit the subdivision.
- F. **Street Name Signs:** Developer shall provide street signs and required traffic control signs. Specifications for design, construction, location and installation shall be in accordance with the Public Works Standards or other standards adopted or amended by the City.
- G. **Utility Connections:** All underground utilities in the public right of way shall be installed by the developer in accordance with Public Works Standards.
- H. **Water Rights:** When property has rights to receive irrigation water from the Yuma County Water Users association:
- a. Developer shall provide to the City, prior to final approval of any subdivision plat by the City of any subdivision being developed, receipts or other documentary proof indicating that assessments levied by the Yuma County Water Users Association for water services to the parcel have

been paid to date and/or that there are no delinquent assessments that were levied by the Yuma County Water Users Association.

- b. At the time of subdivision plat approval, developer agrees to take such acts or actions in cooperation with the City, to cause the irrevocable assignment of the right to delivery agent for purpose of accepting, treating and delivering potable water to the future occupants of the parcel within the approved subdivision.

Section 17.10.25 – Flood Control Facilities

- A. The minimum facilities for the control of floodwaters crossing, flowing into, or falling upon a subdivision shall be designed in accordance with the City adopted Yuma County Public Works Standards Volume 3.
- B. The City Engineer shall approve flood control facilities design.
- C. Streets and highways shall not be used as flood channels without approval of the City Engineer.
- D. The use of streets and highways for tract drainage purposes may be prohibited by the City Engineer if, in his opinion, said use is impractical or not in the interests of public health and safety.
- E. Drainage improvements or channels between lots shall be prohibited.

Section 17.10.26 – Flood Plains

Any subdivision development within a floodplain shall comply with the provisions of the adopted Floodplain Regulations of Yuma County.

Section 17.10.27 – Street Naming

- A. All road names shall comply with the City of San Luis Roadway Naming and Addressing Policy.
- B. The developer shall propose the street names at the preliminary plat submittal stage and the names shall be approved by the City Engineer.

Section 17.10.28 – Subdivision Perimeter Wall Standards

- A. A protective fence shall be placed around the perimeter of a subdivision and along any canal, drain, retention basins that abut any lot line, highway or other

feature deemed by the City Engineer to be hazardous to the residents of the subdivision.

- B. Perimeter walls shall be six (6) feet in height for residential subdivisions and eight (8) feet in height for commercial or industrial subdivisions not adjacent to residential, measured from the highest grade, and constructed per the City adopted standards of construction of an impervious masonry material.
- C. Any lands proposed for development adjacent to right of way of an irrigation district or Bureau of Reclamation, facilities such as canals, laterals, or drainage ways, excluding privately owned canals, laterals, drainage ways, or similar facilities, shall have constructed a minimum six (6) foot masonry wall using six-inch block or greater for the area bordering such facility.

Section 17.10.29 – Entryway Monuments

- A. Developers are encouraged to provide landscaping and identification signage at the entryways on at least one access point to the subdivision. Developer shall provide a method/system of perpetual maintenance of such landscaping and signage.
- B. Signage shall be submitted along with the required landscaping plans in accordance with the zoning ordinance for approval. Signs should be designed to complement the streetscape and landscaping frontage and shall not exceed the number and size allowed by the zoning ordinance.

Section 17.10.30 – Subdivision Monuments

All subdivision monuments and lot corners shall be in place at the conclusion of subdivision improvement work.

Section 17.10.31 – United States Postal Service (USPS) Cluster Mailbox Units

- A. Provide dedication to City of San Luis on final plat for USPS cluster mailbox unit location. Location to be approved by City Engineer and United States Postal Service (USPS).
- B. Where postal service is available developer to provide cluster mailbox units in accordance with this section.
- C. For residential developments, Cluster Mailbox Units must be installed prior to the final inspection of the first dwelling unit (not including the model homes).

- D. Cluster Mailbox Units shall comply with the handicap accessibility requirements of the latest version of the Americans with Disabilities Act (ADA) Guidelines.
- E. The Cluster Mailbox Units 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" and are 25 feet clear of any driveways, alleys or vehicular access locations.
- F. Purchase, installation, and maintenance of mail receptacles are the responsibility of the customer.

Chapter 17.15 Preliminary Plat

Section 17.15.10 – Pre-Development Meeting

- A. The pre-development meeting stage affords the developer the opportunity to meet the appropriate City departments, prior to the expense of a preliminary plat preparation, to obtain advice, assistance, and a cursory review of the proposed subdivision.
 - a. During this stage, it may be determined that a General Plan amendment or a change in zoning would be required for the subject tract or a part thereof and, in that case, the developer shall consider initiating the necessary amendment or rezoning application. Amendment and rezoning applications must be obtained prior to additional processing of the preliminary plat application.
 - b. The pre-development meeting offers city staff the opportunity to give informal guidance to the developer. Lot layout shall be governed by the buildable site on the lot, the grading and drainage pattern of the lot, the natural ecosystem and features, and the coordination of sizes of lots with requirements for community infrastructure. Staff will discuss the proposal with the developer. Written list of comments is to be provided by the different city departments in order that the developer may be informed of the City's procedures, design and improvement standards, and general plat requirements. The information given at a pre-development meeting is

limited. Any determinations made will be very tentative and still subject to the formal process.

- B. In carrying out the purposes of the pre-development stage, the developer and City staff may meet informally and discuss the proposal. The developer shall provide two (2) hard copies or one (1) electronic copy of the pre-conceptual subdivision showing the project location, and proposed street and lot layout.

Section 17.15.20 – Preliminary Plat Application

- A. The preliminary plat stage of land and airspace subdivision includes detailed planning, submittal, review, and approval of the preliminary plat. This stage is intended to resolve all major issues pertinent to the land development according to the City’s policies, standards and requirements. To avoid delay in processing the application, the developer shall provide the City with all essential information in accordance with the procedures generally described herein.
- B. An applicant may withdraw the preliminary plat application at any time by submitting written notice of the withdrawal to the Zoning Administrator.

Section 17.15.30 – Preliminary Plat Submittal Requirements

- A. The following information is required as part of the preliminary plat submittal and shall be shown graphically on the plans, by notes on the plans, or by supporting documentation supplied as part of the plan submittal and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at a scale no smaller than 50 feet to the inch, adjusted to produce an overall drawing measuring 24" x 36".
 - a. Two (2) hard copies/sets and one (1) electronic copy of the proposed preliminary plat prepared in accordance with requirements set forth in this chapter shall be filed with the Zoning Administrator. Submission shall include applicable application form and fees as established in the City fee schedule. Copies of the preliminary plat shall be reproduced in the form of black line prints on a white background.
- B. All subdivision submittals shall provide” Identification and Descriptive Data”, “Existing Conditions Data”, “Proposed Conditions Data”, and “Proposed Utility Methods” information by graphic representation or note as further outlined in these subsections.

- i. Identification and Descriptive Data
 1. The proposed name of the subdivision shall be clearly indicated and include the location by section, township and range with reference by dimension and bearing to two (2) section or quarter section corners. Basis of bearings and elevation must be stated on the plat.
 2. Name, address, phone number, and seal of registered land surveyor preparing the preliminary plat and the registered civil engineer preparing the improvements.
 3. Name, address, and phone number of developer and/or subdivider.
 4. Scale, north point (pointing up or to the right), and date of preparation including any subsequent revision dates.
 5. Location map at 1" = 1000' or 1" = 2000' which shall show the relationship of the proposed subdivision to arterial and collector streets.
 6. A surveyed boundary (i.e., legal description), including distances, lengths and bearings and the total size (acreage) of the proposed subdivision.
- ii. Existing Conditions Data
 1. Contours intervals shall be shown extending a minimum of fifty feet (50') from the external boundaries of the proposed development so to adequately reflect the character and drainage of the land. Copies of USGS Maps are not acceptable.
 2. Location of existing fences, structures, wells, canals, irrigation materials, private ditches (open or covered), washes, stock ponds or other water features and characteristics that could have a bearing on the review.
 3. Location, direction of flow, and extent of areas subject to flooding or storm runoff must be defined, whether such inundation is frequent, periodic, or occasional.

4. Location, widths and type of any and all easements (public and private) of public record of all private and public streets of public record that may exist around the perimeter of the site, through or across it. Show any permanent structures that are to remain, including water wells and public or private utility lines within, adjacent to, or extending from the proposed development.
5. Show all driveways, streets and median openings within three hundred feet (300') of any proposed driveway or street intersection on the opposite side of the perimeter streets.
6. Name, book, and page numbers of any recorded subdivision adjacent to or having common boundaries with the proposed development.
7. The gross acreage of the subject parcel(s). Do not include previously dedicated rights of way in this figure.

iii. Proposed Conditions Data

1. Street layout, including design cross section, preliminary curve data, curve lengths, proposed street names based on existing projected alignments wherever possible, and pedestrian connections to adjoining developments.
2. Typical lot dimensions (scaled), dimensions of all corner lots, lots on curvilinear sections of streets. Each lot shall be numbered individually and the total number of lots or dwelling units provided. Where plats will consist of a number of units/phases, utilizing the same subdivision name, the lot numbering shall be consecutive through the total number of lots or units.
3. Submit a lot information table.
4. Designation of all land to be dedicated or reserved for open space, parks, schools, well sites, or other public or private use with use indicated.

5. If multiple uses are planned (multiple residential, commercial, industrial, or office), such areas shall be clearly designated, together with existing zoning classification and status of zoning change, if any.
 6. If the subdivision is larger than forty (40) acres or the developer is planning to plat the proposed development in phases, development phasing plans must be so indicated. If the developer later decides to phase the development, it will be required to resubmit for an additional review.
 7. Show minimum setback lines for all lots, including lots whose shape may be considered atypical, show all setbacks.
 8. Proposed storm water disposal system, preliminary calculations, and layout of proposed drainage system. The direction of proposed street drainage to be indicated by arrows on the plat; and, if required by the city, a proposal to provide for the retention of storm water generated on the property. Retention of storm water to comply with the City standards.
 9. Compliance with rules as may be established by ADEQ and/or ADWR relating to the provision of domestic water supply and sanitary sewerage disposal.
- iv. Proposed Utility Method
1. **Sewage Collection:** An engineering statement as to the type of facilities proposed shall appear on the preliminary plat, including sewer lift stations. Also show the preliminary sewer layout indicating line sizes and manhole and cleanout locations.
 2. **Water Supply:** The preliminary layout of the water system shall be shown, indicating fire hydrants, valves, meter vaults, water line sizes and locations.
 3. **Electric Supply:** A statement by service provider as to the electric supply for the development shall appear on the

preliminary plat. Any necessary easements shall be shown on the preliminary plat.

4. **Gas Supply:** A statement by service provider as to the gas supply for the development shall appear on the preliminary plat. Any necessary easements shall be shown on the preliminary plat.
5. **Telecommunication Service:** A statement by service providers as to the telephone and/or cable service for the development shall appear on the preliminary plat. Any necessary easements shall be shown on the preliminary plat.
6. **Garbage Service:** A statement by service provider other than the City as to the garbage service for the development shall appear on the preliminary plat.

C. Submit one (1) electronic copy of the **preliminary drainage report**. Prepared in compliance with Public Works Standards.

D. Submit one (1) electronic copy of the **preliminary water and sewer report**. Prepared in compliance with the City standards, Yuma County Environmental Programs Division and the Arizona Department of Environmental Quality.

E. Additional documentation may be required by the City Engineer.

Section 17.15.40 – Preliminary Plat Review

Upon receipt of a complete application for a preliminary plat, the Development Services Department shall log in the date of submittal and forward one (1) copy and/or digital file of the preliminary plat to the following staff and agencies for review and written comments that pertain to their area of expertise and responsibilities:

1. Director of Public Works
2. City Engineer
3. Fire Department
4. Parks and Recreation Director
5. Superintendent of School District

6. United States Postmaster
 7. County Engineer and Planning Director, if proposed subdivision abuts county areas
 8. Where the land abuts a State or Federal highway, to the Arizona Department of Transportation
 9. Utility Companies
 10. Irrigation Districts
- i. The reviewing staff and agencies shall transmit their recommendation to the Development Services Department in writing.
 - ii. The Development Services Department shall consolidate the reviewing staff and agencies comments and requirements and transmit the same to the applicant for incorporation of the revisions to the preliminary plat.
 - iii. The developer shall be responsible for revising the preliminary plat submission in accordance with the comments provided by staff and agencies. The response to the comments shall be in writing and shall be submitted back to the City within six (6) months. If a response is not submitted to the City within six (6) months a new preliminary plat application and fees shall be required to re-initiate the preliminary plat process.

Section 17.15.50 – Preliminary Plat Approval

- A. The City Engineer shall review the preliminary plat to determine if the proposed subdivision and associated development complies with all applicable provisions of these regulations. Preliminary plat approval does not authorize any development but authorizes the applicant to apply for approval of improvement plans and final plats for the subdivision.
- B. The City Engineer shall take action to approve, approve with conditions, or deny said plat.
- C. Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it 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 accepted only upon fulfillment of the preliminary plat conditions of approval.

- D. If the City Engineer denies the application, it shall identify the reason(s) for denial.
- E. The Zoning Administrator shall send the applicant written notice of the City Engineers decision on the application including any conditions of approval.
- F. Preliminary plat approval shall be valid for a period of three (3) years if not phased, or first phase thereof if phased, and five (5) years for all phases from the date of approval. If the final plat of the subdivision for the first phase of the subdivision (if developed in phases) has not been recorded within three years of preliminary plat approval, approval of the preliminary plat shall be void.

Chapter 17.20 Final Plat and Improvement Plan

Section 17.20.10 – Final Plat Application

- A. This stage includes the final design of the subdivision, engineering of public improvements, and submittal by the developer of the final plat, final reports, and plans for all of the required subdivision improvements, to the City, the State and County Departments, and the utility companies for approval; including the submittal of the final plat for review and action by the City Engineer.
- B. The final plat and improvement plans shall be accepted only upon fulfillment of the preliminary plat and conditions of approval if any.
- C. An applicant may withdraw the final plat application at any time by submitting written notice of the withdrawal to the Zoning Administrator.

Section 17.20.20 – Final Plat Submittal Requirements

- A. Prior to the expiration of the approved preliminary plat, the developer shall file a complete final plat meeting the requirements of these regulations.
- B. The final plat shall be submitted in accordance with requirements set forth in this section and shall substantially conform to the approved preliminary plat and any other applicable federal, state, and/or local law, ordinance, code, rule, regulation, policy and/or guideline.

- C. The following required information shall be shown graphically on the plans, by notes on the plans, or by supporting documentation supplied as part of the plan submittal, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at a scale no smaller than 50 feet to the inch, adjusted to produce an overall drawing measuring 24" x 36".
1. **Final Plat** - The developer shall file with the City two (2) hard copies/sets and one (1) electronic copy of the final plat for final review by the City. All final plat submittals shall provide "identification data", "survey data", "descriptive data", and "dedication and acknowledgement" information by graphic representation or note as further outlined in Section 17.20.30.
 - a. If the developer is planning to construct the proposed development in phases, the developer must submit separate final plats for each phase of the project. Project phases shall be consistent with the development phasing plans approved with the preliminary plat.
 2. **Covenants, Conditions & Restrictions (Deed Restrictions)** - The subdivision deed restrictions shall be submitted to the City for review as part of the final plat and improvement plan submittal package.
 3. **Title Report** - The developer shall, at the time of filing the application(s) for the final plat and improvement plans, submit a Title Report certifying that the developer has title, acceptable to the City Attorney, for all of the land being subdivided.
 4. **Water Assessments** – When property has rights to receive irrigation water from the Yuma County Water Users Association (YCWUA) the developer shall provide to the City, prior to final plat approval, receipts or other documentation proving that assessments levied by the YCWUA for water service to the property have been paid to date and that there are no delinquent assessments due or levied on the properties.
 5. **Water Rights** – As part of the final plat submittal the developer, in cooperation with the City, shall cause the irrevocable assignment of the right to delivery of water to the property to the City as the delivery agent for purposes of accepting, treating, and delivering potable water to the future residents or occupants of the property/lots within the approved subdivision. After treatment the potable water will be delivered to the

residents/occupants of the same property. No independent or private organizations shall be formed by the developer to contract with or otherwise provide for any water delivery to the property.

6. **Improvement District or Community Facilities District** – The developer shall take the necessary actions to form, establish and include the subdivision in an Improvement District or Community Facility District for the purpose of providing for costs associated with public improvements such as:
 - a. Enhanced municipal services
 - b. Landscaping improvement district
 - c. Street light improvement district
 - d. Community facilities within the subdivision

7. **Utility Documentation** - A “will serve” letter from the respective utility companies proposed to serve the subdivision. This shall also include documentation from the City of San Luis for water and sewer services.

8. **Filing Fees** - The developer shall, at the time of filing the application(s) for the final plat and improvement plans, pay the City the final plat application fee, in accordance with the approved fee schedule, which are established by the City Council.

9. **Engineers Cost Estimate & Financial Assurance Document** – Assurance in the form acceptable to the City Attorney and in the amount required by the City of San Luis shall be reviewed and approved by the City Engineer and the City Attorney to guarantee construction of the required subdivision improvements. (See section 17.25.50)

10. **Disclosure Documents** – Any disclosure documents, such as but not limited to, Agricultural Land Uses, Agricultural Spraying, and Airport Overflight and Noise Potential shall be written and recorded as a covenant running with the land, binding all succeeding owners of the property.

Section 17.20.30 – Final Plat Preparation

The following information shall be required as part of the final plat submittal.

a. Identification Data

- i. A title which includes the name of the subdivision and its location by number of Section, Township, Range, and County.
- ii. Name, address and seal of the Arizona-Registered Land Surveyor preparing the final plat.
- iii. Scale, north arrow, and date of final plat preparation.
- iv. Sheet number in relation to total sheet count.
- v. The name, address and telephone number of the property owner.
- vi. Name, address and seal of the Arizona registered civil engineer responsible for the engineering of the proposed subdivision.

b. Survey Data

- i. The corners of the plat shall be located on the monument lines of abutting streets; boundaries of the parcel(s) to be subdivided fully balanced and closed, showing all bearings and distances, determined by an accurate survey in the field.
- ii. Any excepted parcel(s) within or surrounded by the plat boundaries shall be noted as "Not a Part of This Subdivision" and show all bearings and distances of the excepted parcel as determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
- iii. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat shall be referenced. Each of two separate corners of the subdivision traverse shall be tied by course and distance to separate section corners or quarter-section corners. All subdivision survey data including boundary bearings and distances and lot closure and area calculations shall be submitted to the City by an Arizona registered Land Surveyor.
- iv. A statement labeled "Map Notes" shall be shown on one sheet of the final plat. Such statements shall include the basis of bearings, what monuments were found, what monuments and points were set, a key to symbols and abbreviation and such other information deemed by the City Engineer to be necessary.

- v. Location of all physical encroachments upon the boundaries of the tract
- vi. Centerline data, width, sidelines and purpose of all easements to which the subdivision is subject shall be noted. Distances and bearings on the sidelines of lots which are cut by an easement shall be so shown as to indicate clearly the actual lengths of the lot lines. The width of the easements and the lengths and bearings of the lines thereof and sufficient ties to locate the easements definitely with respect to the subdivision shall be shown. The easement shall be clearly labeled and identified, and if already of record, proper reference to the records given. Easements being dedicated shall be so indicated in the Certificate of Dedication. Easements shall be shown on the map by broken lines.
- vii. All drainage easements and/or tracts shall be shown on all residential plats. No structure shall be allowed in these easements that will obstruct drainage. All major drainage ways shall be dedicated drainage easements, right-of-way or tracts as determined by the City Engineer. Commercial and industrial plats which provide self-contained and privately owned underground drainage systems and structures shall be required to provide private drainage easements within their sites. Public drainage easements shall be required for all retention basins which accept drainage from a public street.
- viii. All lots shall be numbered by consecutive numbers throughout the plat with no omissions or duplications. Each lot shall be shown in its entirety on one sheet. All "tracts" and "parcels" shall be designated, lettered, or named and clearly dimensioned; parcels which are not part of the subdivision shall be so designated. Ownership and maintenance responsibility for common open space areas and tracts shall be indicated on the plat.
- ix. Intersecting lot lines, parcel numbers and current zoning of all adjacent property. Location of all adjoining City and County boundaries as well as subdivisions with name, date, book, and page number of recordation noted, or if unrecorded, so noted.
- x. Adequate sight visibility shall be documented at all intersections in accordance with requirements of Public Works Standards.

- xi. Any proposed private deed restrictions to be imposed upon the plat or any part or parts thereof pertaining to the intended use of the land, and to be recognized by the City, shall be noted on the plat

c. Dedication and Acknowledgement

- i. Dedication. There shall be required as part of the final plat submittal a statement of dedication of all streets, alleys, drainage ways and drainage detention/retention basins, pedestrian/bicycle ways, trails and easements, and other easements for public use, including sanitation, utility, fire and other emergency related vehicles, executed by the person or persons holding title of record, by persons holding titles as vendees under land contract, by the spouse(s) of said parties, lien holders and all other parties having an interest in the property. If lands dedicated are liened, the lien holder shall also sign the plat. Dedication shall include a written location by Section, Township and Range, of the tract. If the plat contains private streets, a public easement shall be reserved which shall include the right to install and maintain utilities in any approved private street, including refuse collection, fire and other emergency services.
- ii. Acknowledgment of Dedication. Execution of dedication shall be acknowledged and certified by a Notary Public.

Section 17.20.40 – Improvement Plans Submittal Requirements

Two (2) hard copies/sets and one (1) electronic copy of improvement plans shall be submitted to the Development Services Department. If the submittal is complete, the Development Services Department shall distribute sets of the plans to the appropriate reviewing departments, agencies and utility companies who shall make known their recommendations in writing to the Development Services Department.

- a. Submit one (1) electronic copy of the final drainage report. Prepared in compliance with Public Works Standards.
- b. Submit one (1) electronic copy of the final water and sewer report. Prepared in compliance with the City standards, Yuma County Environmental Programs Division and the Arizona Department of Environmental Quality.

- c. Submit one (1) electronic copy of the traffic impact analysis. Prepared in compliance with the adopted Public Works Standards.
- d. Submit one (1) electronic copy of the geotechnical report, as required by the City Engineer. Prepared in compliance with the Public Works Standards.
- e. Submit two (2) copies and one (1) electronic copy of the landscape plan for all off site, open space, trails, and retention area landscaping. Prepared in compliance with the zoning ordinance.

Section 17.20.50 – Final Plat and Improvement Plan Review

- A. Upon receipt of the final plat and improvement plans submittals, the Development Services Department shall record the date of filing and shall review the final plat and improvement plans for completeness.
- B. The Development Services Department shall forward one (1) hard copy or one (1) electronic file of the final plat to the staff and agencies, listed on Section 17.15.40 A, for review and written comments that pertain to their area of expertise and responsibilities.
 - a. The City Engineer, and any appropriate agency or utility company shall conduct a plan check, an internal review of the final plat and improvement plans and if necessary, examine and approve any revisions required of the developer before forwarding the final plat and improvement plans and any review comments to the Zoning Administrator. If additional questions about the plat or improvement plans are presented by any reviewing agency, staff may arrange a project review meeting with that agency to discuss said questions with the applicant or applicant representative.
 - b. When all comments have been received the Zoning Administrator shall prepare a correlated report (if necessary), including all comments from each reviewing agency and forward a copy to the developer and/or authorized agent. The Department's comments shall identify areas in which the final plat submission, which includes the final plat, improvement plans and all required supporting documentation, requires revision in order to comply with applicable requirements.
 - c. The developer shall be responsible for revising the final plat submission and all improvement plans in accordance with the comments provided by

the departments and external agencies. The response to the comments shall be in writing and shall be submitted back to the City within six (6) months. If a response is not submitted to the City within six (6) months a new final plat application and fees shall be required to re-initiate the final plat process.

- d. The subdivision deed restrictions shall be signed, notarized and received from the developer prior to City Engineer approval.
- e. No final plat shall be approved until improvement plans, engineers' cost estimate and financial assurance documents have been approved by the City Engineer and the City Attorney.

Section 17.20.60 – Final Plat Approval

- A. Once all requirements of the preliminary plat, conditions of approval and these regulations have been met, the City Engineer shall consider approval.
- B. The decision of the City Engineer to approve, approve with conditions or deny the final plat shall be final.
- C. Approval of the final plat is valid for a period of two (2) years from the date of City Engineer approval. If the developer fails to provide the required material or perform the necessary work within two (2) year period, the final plat approval shall become null and void; unless a one time one (1) year extension has been approved by the City Council. Any further action on said plat, after the expiration of the approval, shall require a complete resubmittal of the plat.

Chapter 17.25 Recordation of Plat

Section 17.25.10 – Preparation and Recording of Plat Required

- A. Following the City Engineer approval, the final plat shall not be recorded until all requirements of Section 17.25.60 Assurance for Completion and Maintenance of Improvements have been met to the satisfaction of the City Engineer and the City Attorney.
- B. Prior to recordation, the developer shall submit to the City the following documents in a form acceptable to the City:

1. A certification that a Development Agreement, if required, between the City and developer has been executed.
 2. A letter of agreement between the serving utilities and the developer.
 3. Deed Restrictions signed and notarized.
 4. One (1) original mylar and two (2) mylar copies of the Final Plat and all other easements, maps of dedication, warranty deeds and other legal documents that need to be recorded.
 5. An AutoCAD copy of the final plat that conforms to the CAD Standards used by the City shall be submitted electronically and approved by the City Engineer.
 6. The final plat shall show all certificates and acknowledgements. They shall appear on the final plat or they may be combined on a separate mylar of the same size as the final plat. The notations that are standard on every final plat include, but are not limited to Assurance Statement, Conveyance and Dedication, Notary Acknowledgment, City Approval, Department Approval, and Surveyors Certification.
 7. If improvements are constructed, one (1) set of mylars and two (2) sets of black line copies of the as-built drawings along with a PDF format and AutoCAD drawings of the as-built drawings.
- C. Upon receipt of required documents listed in Section 17.25.10 A and B, the City shall then cause the final plat to be recorded in the office of the County Recorder.
- D. The developer shall complete off-site improvements within one (1) year from the date of the final plat recording. Upon written request of the developer the City Engineer may consider a request for a one (1) year extension to complete improvements. In the event the City Engineer denies the developer's request for extension, the developer may appeal within thirty (30) days of denial to the City Council. If the developer fails to complete construction of off-site improvements within one (1) year, or within two (2) years if an extension is granted, the City may complete the construction of such off-site improvements by drawing upon the funds posted by the developer for assurance.

Section 17.25.20 – Plat Amendments

Any plat amendment involving the dedication of land for a public street or any off-site public improvements shall comply with all procedures set forth in Section 17.20.10 to 17.20.70 of this Ordinance. If the abandonment of a street, alley or public utility easement or other recorded easement in a previously recorded subdivision is necessary (Section 17.25.10), the plat amendment of that area shall be processed concurrently with the abandonment and recorded immediately subsequent to the recordation of the abandonment.

Section 17.25.30 – Condominium Development

- A. The development of Condominiums shall be subject to the following requirements, unless as may be otherwise set forth in in Title 33, Chapter 9 of the Arizona Revised Statutes.
- B. Application requirements, processing and approval regulations contained within this ordinance shall apply to all condominium subdivisions and/or conversion subdivisions. A preliminary site plan shall be considered a preliminary plat and a final site plan, a Final Plat as specified under this subsection.
- C. In order for the condominium subdivision application to be considered complete, the applicant shall provide to the City any plans, specifications and/or analyses needed to show that the proposed condominium subdivision is in compliance with this Ordinance.
- D. Condominium subdivision plats shall be certified by a registered architect or engineer and include the following:

1. Conversions of conventional apartment developments or new development

- a. Preliminary Plats shall show the following:
 - i. Location of all building shown on the plat and the manner in which the airspace is to be divided;
 - ii. Firewall construction, as required by the Fire Code;
 - iii. Additional Parking, if required;
 - iv. Retention basins, if required;
 - v. Additional Open space, if required;
 - vi. Locations of individual utility lines and meters, if needed.

- b. Final Plats shall show the following:
 - i. location of all building shown on the plat and the manner in which the airspace is to be divided;
 - ii. Private driveways and parking areas;
 - iii. Emergency access as required by the fire code;
 - iv. Required easements;
 - v. Designation of commonly owned property;
 - vi. Necessary dedication statement;
 - vii. Statement concerning the formation of a homeowner's association for the maintenance of the commonly owned property;
 - viii. Necessary certifications and approvals;
 - ix. As specified by the Zoning Administrator, but not limited to, grading plans, floor plans, elevations, and landscape plans.

E. Upon final condominium subdivision approval and recordation, the owner of the condominium subdivision may build that condominium subdivision, including individual condominium units, using the exact dimensions and locations as shown on the final condominium subdivision plat map. However, if the owner proposes any changes to the dimensions or locations as shown on the final condominium subdivision plat map, including but not limited to the locations and dimensions of individual condominium units, the owner shall be required to submit a plat amendment, and the plat amendment shall be required to be in conformance with the subdivision and zoning regulations in effect at the time of plat amendment application.

Section 17.25.40 – Land Splits

- A. The division of improved or unimproved land whose area is two and a half (2 ½) acres or less into two (2) or three (3) tracts or parcels of land for the purpose of sale or lease.
- B. Any proposed land split shall be submitted to the Development Services Department to determine compliance with applicable platting, subdivision and zoning regulations.
- C. The applicant shall submit the following materials to the Development Services Department for a land split application:
 - a. A complete land split application form.

- b. The required fee for land split application adopted by City Council by resolution.
 - c. A title report and deed or other instrument showing proper title to the land to be divided.
 - d. A land split map prepared by a Land Surveyor registered in the State of Arizona including items specified in Section 17.20.30 (a)(b) of this Subdivision Ordinance.
- D. Except where permitted by staff all land splits shall be in general conformity with the design standards and principles outlined for subdivisions in Chapter 17.10 of this Ordinance. All lots created by land split shall be designed to conform to existing zoning ordinance and the General Plan.
- E. If right of way dedication and/or public improvements are required for land splits, the developer shall be responsible for the preparation of a complete set of improvement plans, prepared by an Arizona registered civil engineer, satisfactory to the City Engineer for the construction of the required improvements. The plans shall be prepared in conjunction with the lot split map and the requirements outlined in Section 17.20.40 of this Ordinance.
- F. Development agreements for land splits with right of way dedications and improvement plans.
- G. If any improvements are required for the land split pursuant to regulations contained herein, no building permit for any lot created will be issued until such improvements are completed and the work accepted by the City Engineer unless the developer provides construction assurance in a form acceptable to the City Attorney.

Section 17.25.50 – Lot Ties

- A. A combination of 2 or more lots or parcels of under single ownership into 1 lot of record.
- B. Any proposed lot tie shall be submitted to the Development Services Department to determine compliance with applicable platting, subdivision and zoning regulations.
- C. The applicant shall submit the following materials to the Development Services Department for a lot tie application:
 - a. A complete lot tie application form.

- b. The required fee for lot tie application adopted by City Council by resolution.
 - c. A title report and deed or other instrument showing proper title to the land to be tied.
 - d. A lot tie map prepared by a Land Surveyor registered in the State of Arizona including items specified in Section 17.20.30 (a)(b) of this Subdivision Ordinance.
- D. Except where permitted by staff all lot ties shall be in general conformity with the design standards and principles outlined for subdivisions in Chapter 17.10 of this Ordinance. All lots created by lot tie shall be designed to conform to existing zoning and the General Plan

Section 17.25.60 – Assurance of completion and improvements

- A. No final subdivision plat shall be recorded by the City unless one (1) or more of the following methods of assurance are submitted with the final plat. Said assurance shall be entered into in the form of a written agreement between the developer, the City and the financial institution, title insurance escrow company, bonding agent or other third party. Said assurance shall cover all the improvements on the approved improvement plans and any improvements required by a traffic study or as a condition of approval.
- 1. **Surety Performance and Payment Bonds.** The developer shall obtain an irrevocable security performance and payment bond from a surety bonding company authorized to do business in the State of Arizona. The bond shall be payable to the City, and shall be in an amount sufficient to cover the entire cost (100%), as estimated by the engineer of record, and approved by the City Engineer, of installing and/or constructing all required improvements for property covered by the final plat. A final plat approval shall specify the time in which the subdivision improvements are to be completed and the surety performance bond shall specify that the bond funds shall be provided to the City if the improvements are not completed by the specified completion date. All bonds must be in compliance with A.R.S. § 34-222 et seq.
 - 2. **Escrow Account.** The developer shall deposit cash, either with the City, or in escrow with a financial institution or title insurance escrow company. The amount of the deposit shall be at least equal to the entire cost (100%), as estimated by the engineer of record and approved by the City

Engineer, of installing and/or constructing all required improvements for the property covered by the final plat.

In the case of an escrow account, the developer shall file with the City an agreement between the financial institution or title insurance company and himself, guaranteeing that the funds of said escrow account shall be held in trust until released by the City and may not be used or pledged by the developer as security in any other matter during that period. A final plat approval shall specify the time in which the subdivision improvements are to be completed and the escrow monies shall be provided to the City if the improvements are not completed by the specified completion date.

3. **Letter of Credit.** The developer shall provide, from a financial institution, an irrevocable letter of credit, in the amount at least equal to the entire cost (100%), as estimated by the engineer of record and approved by the City Engineer, of installing and/or constructing all required improvements for the property covered by the final plat. A final plat approval shall specify the time in which the subdivision improvements are to be completed and the monies from the letter of credit shall be provided to the City if the improvements are not completed by the specified completion date.
- B. **Duration.** The duration of the performance bond or other assurance shall be until acceptance of the improvements is made by the City Engineer. The assurance may be released in phases as improvements are completed and accepted as being constructed to standards. In releasing assurance in phase, the City Engineer shall retain enough monies to insure completion of the remaining off-sites. In all cases an amount representing not less than ten percent (10%) of any assurance shall be retained for a period of two (2) years after the completion and inspection of all improvements to insure that all work and materials are adequate and in satisfactory condition.
- C. **Default** In the event that the developer defaults or fails or neglects to satisfactorily install and/or construct the required improvements in accordance with Section 17.25.10 D, the City may declare the bond, or other assurance forfeited, and the City may make or cause the required improvements to be made, using the trust funds, or proceeds of the collection of the bond or other assurances to defray the expense thereof. In addition, the City Engineer shall notify the Arizona State Real Estate Commission of the default.

D. Inspection of Improvements. The City shall inspect the required improvements during construction and insure their satisfactory completion. If the City inspections reveal that any of the required improvements have not been constructed in accordance with the approved plans and the City standards and specifications, the developer shall be responsible for correcting and completing the improvements according to the plans and specifications.

1. After completion of improvements, the developer shall furnish to the City Engineer a set of as-built improvement plans that shall show the as-built horizontal and vertical location of the improvements, including utility companies. The plans shall be certified by an Arizona registered Civil Engineer. This material shall then become a permanent part of the City file.
2. Once the required improvements have been accepted and an acceptance letter has been issued by the City Engineer, the City will release any financial assurances to the developer, except 10% of the total assurance amount. This amount shall be kept by the City for two (2) years from the date of the acceptance of the public improvements.

E. Warranty Period on Public Improvements. Warranty period shall be two (2) years from the day that the City Engineer approves and accepts the public improvements. During the warranty period the developer is responsible for repair work of any of the public improvements. The City assigned personnel will periodically inspect the public improvements and will notify the developer of the necessary repair work. The developer is responsible for having the repair work completed prior to the end of the warranty period. Upon completion of the warranty period the remaining 10% of the assurances retained by the City will be released or used to do any needed repairs.

Chapter 17.30 Administration and Enforcement

Section 17.30.10 – Administration and Responsibility

- A. The City Engineers charged with the duty of reviewing the design of the proposed subdivisions and is hereby authorized to approve, conditionally approve or disapprove preliminary subdivision plats and to designate the kinds, nature and extent of the improvements to be installed in the subdivisions.

- B. The City Engineer is hereby authorized to receive, process and otherwise act upon applications for final subdivision plats in accordance with this ordinance.
- C. The City Engineer shall have final jurisdiction over all matters pertaining to the implementation of this ordinance.
- D. All applications for action under this ordinance shall be filed initially with the Zoning Administrator or his/her designee for processing in accordance with this ordinance.

Section 17.30.20 – Sales of lots by metes and bounds description.

- A. The sale of property to be used as lots, plots, or building sites in subdivisions only by 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.

Section 17.30.30 – Issuance of Building permits

- A. The Building Official shall not issue any building permits for development on any part of a subdivision until a subdivision acceptance letter has been issued by the City Engineer; except that no more than four (4) model units are permitted at such time as the base course for roadway access and water and sewer improvements are completed to the model unit site and upon the approval of the Zoning Administrator or his or her designee.

Section 17.30.40 – Certificate of Occupancy Not to be Issued

- A. The City Building Division shall not issue a certificate of occupancy for a building on any lot shown on the final plat until all required improvements shown on the approved improvement plans serving the lot have been completed and accepted.

Section 17.30.50 – Enforcement and Penalties

- A. The Zoning Administrator shall be responsible for the enforcement of this ordinance to further the promotion of the public health, safety, and general welfare.
- B. Any subdivision, lot split or other use of property in violation of this Subdivision Ordinance shall be prevented or restrained through appropriate action instituted by the City in accordance with A.R.S. Section 9-463.01, 9-240.B.28 and 9-240.B.29.

- C. The Zoning Administrator may also request that the court issue an injunction against a violator to prevent further violations or irreparable harm to persons or property when the circumstances warrant it.
- D. Unless a specific penalty is set forth herein any person, firm, or corporation found guilty of violating any provision of this Ordinance, or any amendments thereto, shall be guilty of a class one misdemeanor punishable as set forth in the “City Code” for the City of San Luis, and each day of continued violation shall be a separate offense, punishable as described.
- E. In addition to, or independent of the penalties provided above, the City may bring a civil proceeding in a court of competent jurisdiction to enforce compliance with the terms of this ordinance or to prevent, restrain, or abate any violation of the terms of this ordinance.

Section 17.30.60 – Conflicting Provisions

- A. Where this Ordinance imposes a greater restriction upon land utilization, land improvement or development, and land use than is imposed by existing provisions of law, ordinance, contract or deed, this Ordinance shall control.

Section 17.30.70 – Severability

- A. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.