

COCHISE COUNTY

R-16-02 (Assurance Agreement Extension) Proposed Text Amendments to the County Subdivision Regulations

Cochise County Board of Supervisors
December 6, 2016



Public Programs...Personal Service

COCHISE COUNTY

Docket R-16-02 (Assurance Agreement extension)

The purpose of this update to the Subdivision Regulations (Article 5, Section 501.01 Assurance Agreement) is to establish criteria to be used to determine whether an assurance agreement extension should be granted by the Board of Supervisors.

- The Board of Supervisors has approved 10 assurance agreement extensions since 2010.
- Most assurance agreement extensions have been granted due to unfavorable economic conditions.
- Planning and Zoning Commission voted 6-0 to forward this Docket with a recommendation of approval.



COCHISE COUNTY

Docket R-16-02 (Assurance Agreement extension)

The proposed language:

Article 5, Section 501 Securing Subdivision Improvements Section 501.01 Assurance Agreement

F. The agreement must provide authorization for County to abandon the subdivision final plat and convert the property to unsubdivided land if the required improvements fail to be installed in compliance with the County's standard specifications within three years:

1. The Planning Director, or representative, under authority vested by the Board of Supervisors, may extend the time specified to complete improvements for one (1) year if the purposes of these Regulations would still be served.

2. The Board of Supervisors may extend the time specified to complete improvements for additional terms if the purposes of these Regulations would still be served.



COCHISE COUNTY

Docket R-16-02 (Assurance Agreement extension)

3. The subdivider must demonstrate that progress has been made to complete improvements or that an undue hardship would result.

4. The developer must request an extension before the assurance agreement expires. The determination whether to extend an assurance agreement will be at the sole discretion of the Board of Supervisors, who may consider the following factors in making that determination:

i) Whether the property taxes on the subject parcel are current.

ii) If the subdivision is phased, whether the subdivision infrastructure improvements for at least 20% of the proposed phases have been completed. If it is not phased, whether at least 25% of the subdivision infrastructure improvements have been completed.



COCHISE COUNTY

Docket R-16-02 (Assurance Agreement extension)

iii) The number of extensions previously granted. A maximum of three extensions, not exceeding a total of ten (10) years since either the original approval of the assurance agreement or the most recent release of a lot, whichever has occurred later.

iv) The economic conditions or other circumstances that are affecting the developer's ability to complete subdivision improvements.

v) Has the character of the area or physical factors such as drainage, floodplain, water issues or circulation patterns changed significantly since plat approval that compliance with current County Subdivision and/or Zoning Regulations is necessary.



COCHISE COUNTY

Docket R-16-02 (Assurance Agreement extension)

Discussion & Questions



COCHISE COUNTY

Docket R-16-02 (Assurance Agreement extension)

Staff Recommendation:

Staff recommends approval of this Ordinance to amend the Cochise County Subdivision Regulations.

Sample Motion:

Chairman Supervisor, I move to approve Docket R-16-02 as proposed.

