



INTEROFFICE MEMO

Date: April 24, 2019
To: Board of Supervisors
From: Robert Kirschmann, Planner II
Subject: S-02-02 (Rolling Hills) Assurance Agreement Extension and Substitution

This request is for approval of a Substitute Assurance Agreement and Extension for the Rolling Hills Subdivision. The intent of this request is to extend the assurance agreement, allowing additional time to complete the subdivision. Twenty-five lots have been released so far and the improvements are approximately 40 percent complete. The Applicants Engineer is currently having ongoing discussion regarding the completion of improvements with County Staff.

The Rolling Hills Subdivision consists of 55.55 acres, zoned SM-36, which was to be developed in five phases consisting of a total of 61 lots all greater than 36,000 square feet. The site is located approximately ¾ of a mile north of Interstate 10 on the west side of Mescal Road.

The Board of Supervisors approved the Final Plat in 2003. An extension to the Assurance Agreement was approved in 2006, expiring in 2014. The request before the Board now is for a total of 8 years, bringing the assurance agreement current and expiring on April 30, 2022.

The Assurance Agreement section of the Subdivision regulations have been updated and establish five factors to consider with these types of requests:

1. Whether the property taxes on the subject parcel(s) are current.

Yes, verified by staff.

2. 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.

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Phase A and B have been constructed and released. The improvements for the subdivision are approximately 40 percent complete.

3. 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.

The subdivision received an extension in 2006, which expired in 2014. It has been over ten years since the original approval in 2003, and ten years since lots in Phase A and B have been released. However, there have been no significant changes to the Zoning Regulations which impacts the design of the approved subdivision. In addition, the Mescal and J6 areas are experiencing interest from both residential and commercial developers which could result completion of this subdivision.

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

As stated above, interest in the area has been increasing and it is possible the developer will be able to move forward.

5. 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.

There have been no changes to the physical area, Zoning Code or Subdivision Regulations that would impact that proposed subdivision.

Though Staff understands the concerns of allowing an approved subdivision to be extended in excess of ten (10) years there have been no changes which would impact the original approval.

The Assurance Agreement lapsed on April 30, 2014 approximately five years ago. The Applicant is requesting an extension until April 24, 2022 (8 years from the expiration). Staff recommends approval of this assurance agreement extension and substitution.