



Cochise County Development Services

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INTEROFFICE MEMO

Date: April 13, 2023
To: Board of Supervisors
From: Paul Esparza, Building Official
Subject: Extension of Assurance Agreement; The Oaks Subdivision (S-04-03)

This is a request from Castle and Cooke Arizona, Inc. for an extension of the Assurance Agreement for the completion of improvements for The Oaks Subdivision, Phases 2 thru 5.

The Oaks Subdivision consists of 113 lots on 503-acres, is zoned RU-4 and is located east of State Route 92 at Three Canyons Road, within the Southern San Pedro Valley Area Plan and the Sierra Vista Sub-watershed. The project is supplied water by Liberty Utilities. The average lot size is 4.45-acres. Phase 1 of this project was completed in February 2008, with 29 lots released to date. This represents 26% completion of the subdivision improvements. The four remaining Phases are 2 through 5. Eighty-four (84) lots remain secured under the Assurance Agreement.

The Board of Supervisors approved the final plat on May 1, 2007, and both the Final Plat and the Assurance Agreement were recorded on May 9, 2007. On September 13, 2011, the Board approved an extension of the assurance agreement to May 9, 2014. On May 20, 2014, the Board approved a second extension of the assurance agreement to May 9, 2017. The Board approved a third extension request to May 9, 2020, and a fourth extension to May 9, 2023.

On December 6, 2016, the Board approved text amendments to Section 702.01 Assurance Agreement in the subdivision regulations which includes five factors that the Board may consider in their decision to grant an assurance agreement extension. The responses for this request are provided in bold italics:

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- a. Whether the property taxes on the subject parcel(s) are current. **Yes, the property taxes are current.**
- b. 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. **There are 5 phases in this project. 29 of the 113 total lots have been developed. This represents 26% completion of the subdivision improvements. In addition, all offsite improvements have been completed including the well and water storage facility for the entire subdivision and the new Three Canyons Gate.**
- c. 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. **Four prior extensions were granted in 2011, 2014, 2017 and 2020.**
- d. The economic conditions or other circumstances that are affecting the developer's ability to complete subdivision improvements. **The first phase was completed slightly before the beginning of the "Great Recession" and three lots were sold in that period. Shortly after the beginning of the "Great Recession" the fire of 2011 ravaged the property, destroying or burning many of the oak trees covering the property for which it is named. This damage combined with the economic forces of the recession dramatically slowed the selling of lots. Over the last several years the property has greened, and additional lots have been sold. Five homes have been completed. The property is being maintained at a high level and the streets have been recently seal coated.**
- e. 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. **No**

Suggested Motion:

Madame Chair, I move to approve extending the Assurance Agreement for The Oaks Subdivision with Pioneer Title Agency, Inc., as Trustee under Trust No. 319061 to May 9, 2028.