



Report to the Board of Supervisors

Prepared by the Maricopa County Planning and Development Department

Board Hearing Date: May 4, 2016 (Cont. from 4/20/16)

Case #/Title: TA2015005 – Subdivision Assurance

Supervisor District: All

Applicant: Commission-initiated

Request: A text amendment to the Maricopa County Subdivision Regulations (MCSR) and the Maricopa County Subdivision Regulations Administrative Guideline (MCSRAG) regarding subdivision Assurance

Additional Comments: This case was continued from the 4/20/16 Board hearing to ensure adequate public notice. The Commission added article MCSR Section 203.2.i.2.E to allow even greater flexibility in types of subdivision assurance. The proposed verbatim language as memorized by the Commission is shown below in legislative edit format:

Maricopa County Subdivision Regulations

Section 203. Final Plat

2. **INFORMATION REQUIRED FOR FINAL PLAT SUBMITTAL:** A final plat shall contain the following information areas (detailed information required shall be as specified in the administrative guidelines):
- i. Assurance Statements: ~~regarding the following (specific format of Assurance Statements shall be as specified in the administrative guidelines):~~
 - ~~1) Pavement, and improvement of roads.~~
 - ~~2) Utilities.~~
 - ~~3) 100 Year assured water supply:~~
 - 1) Format of Assurance Statements shall be as specified in the administrative guidelines.
 - 2) Assurance requirements:
 - A. In order to ensure the proper installation of all required improvements by the subdivider, assurances are required for street, sewer, drainage, flood control and other improvements meeting established minimum standards of design and construction. Assurances may be required for sewer, electric and water utilities, or related support facilities, at the county's discretion. In order to mitigate adverse impacts from construction, at the county's discretion, assurance shall be required for restoration/remediation of disturbance, and/or any other item of concern. There shall be a demonstration of adequate water supply, A 100 Year Assured Water Supply must be provided for all subdivision lots within an Active Management Area.

- B. An assurance shall be provided prior to Board approval of any plat.
- C. Should the assurance be in the form of an agreement, such agreement shall be recorded.
- D. Maricopa County shall be named as beneficiary of the assurance.
- E. Types of assurances: Maricopa County, at its discretion, may accept any, or a combination, of the following assurances in a form and substance approved by the County attorney and acceptable to the Board:
 - a. Cash or certified check
 - b. Surety (performance) bonds executed by a company authorized and licensed to do business in the State of Arizona, ensuring the performance of the principal (developer or owner) as required by this section.
 - c. Certificate of deposit, United States Treasury bills, or any security guaranteed by the United States government.
 - d. A deposit of money or negotiable bonds, of the kind approved for securing deposits of public monies, with a responsible escrow agent or trust company authorized and licensed to do business in the State of Arizona;
 - e. An irrevocable letter of credit in favor of Maricopa County from a third-party financial institution authorized and licensed to do business in the State of Arizona;
 - f. Third party trust agreement as long as it meets all the requirements listed below:
 - i. The placement of the title to the subdivision in trust with a third-party escrow agency or trust company authorized and licensed to do business in the State of Arizona along with an agreement between the trustee and Maricopa County that title to any lot or parcel within the subdivision shall not be transferred until all improvements required by these regulations have been installed, accepted by Maricopa County, and written approval for release has been granted by Maricopa County to the escrow agency or trust company holding the property in trust.
 - ii. The agreement shall contain a condition authorizing Maricopa County to abandon the subdivision and re-subdivide the property should the required improvements fail to be installed in compliance with Maricopa County's standard specifications.
 - iii. Partial lot releases may be allowed for each recorded final plat. The Board, or its designee, shall not authorize any release until the required improvements, as determined by Maricopa County, have been completed.
 - iv. After final plat approval, building permits for model homes may be issued prior to completion of all required improvements for each release. These homes shall not be sold to individual property owners or occupied for residential use until they are in compliance with all County codes and released for sale by the County. Additional model home building permits for subsequent releases shall not be issued for subsequent releases until improvements are completed

~~For County Engineer _____ Date _____~~

~~b) For existing developments: "Paving, drainage, water, sewer and electric services in this subdivision are existing and approved."~~

~~For County Engineer _____ Date _____~~

~~c) For subdivisions that have been approved for an alternative form of assurance: "Satisfactory assurances to guarantee pavement, drainage, water and sewer services in this subdivision is provided by withholding final utility clearance, thus withholding occupancy to any dwelling until completion of off-site improvement. Electric service has been assured by _____.~~

~~Director, Planning and Development Department _____ Date _____~~

Commission

Recommendation:

On 3/24/16, the Commission voted 7-0 to recommend **approval** with inclusion of 'g' to 203.2.i.E:

g. Or other form of assurance as deemed appropriate by the Director of Planning and Development Department in consultation with the County Engineer.

Presented by:
Reviewed by:

Carol Hu, Planner
Darren Gerard, AICP, Deputy Director

Attachments:

3/24/16 P&Z Packet (15 pages)
3/24/16 P&Z handout (1 page)

Note:

3/24/16 Draft P&Z Minutes are not available as of the writing of this report, but can be provided upon request later when available.



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case:	TA2015005 – Subdivision Assurance
Meeting Date:	March 24, 2016
Agenda Item:	3
Supervisor Districts:	All
Applicant:	Commission-initiated
Request:	A text amendment to the Maricopa County Subdivision Regulations (MCSR) and the Maricopa County Subdivision Regulations Administrative Guideline (MCSRAG) regarding subdivision Assurance
Support/Opposition:	One email of support dated February 14, 2016 from New River-Desert Hills Community Association.
Recommendation:	Approve

Discussion:

This text amendment to the MCSR and MCSRAG will allow any form of assurance acceptable to the Planning Director within statutory parameters. Currently, assurance of subdivision infrastructure improvements is provided only in the form of a bond. TA2015005 will lessen regulatory burden by maximizing flexibility with form of a subdivision assurance in favor of the regulated community. Proposed verbatim language is (added language underscored, deleted language struck-through, changes since ZIPPOR are highlighted):

Maricopa County Subdivision Regulations

Section 203. Final Plat

2. **INFORMATION REQUIRED FOR FINAL PLAT SUBMITTAL:** A final plat shall contain the following information areas (detailed information required shall be as specified in the administrative guidelines):
 - i. Assurance Statements ~~regarding the following (specific format of Assurance Statements shall be as specified in the administrative guidelines):~~
 - ~~1) Pavement, and improvement of roads.~~
 - ~~2) Utilities.~~
 - ~~3) 100 Year assured water supply.~~
 - 1) Format of Assurance Statements shall be as specified in the administrative guidelines.
 - 2) Assurance requirements:
 - A. In order to ensure the proper installation of all required improvements by the subdivider, assurances are required for street, sewer, drainage, flood control and other improvements meeting established minimum standards of design and construction. Assurances may be required for sewer,

electric and water utilities, or related support facilities, at the county's discretion. In order to mitigate adverse impacts from construction, at the county's discretion, assurance shall be required for restoration/remediation of disturbance, and/or any other item of concern. There shall be a demonstration of adequate water supply. A 100 Year Assured Water Supply must be provided for all subdivision lots within an Active Management Area.

- B. An assurance shall be provided prior to Board approval of any plat.
- C. Should the assurance be in the form of an agreement, such agreement shall be recorded.
- D. Maricopa County shall be named as beneficiary of the assurance.
- E. Types of assurances: Maricopa County, at its discretion, may accept any, or a combination, of the following assurances in a form and substance approved by the County attorney and acceptable to the Board:
 - a. Cash or certified check
 - b. Surety (performance) bonds executed by a company authorized and licensed to do business in the State of Arizona, ensuring the performance of the principal (developer or owner) as required by this section.
 - c. Certificate of deposit, United States Treasury bills, or any security guaranteed by the United States government., State of Arizona, or any political subdivision thereof.
 - d. A deposit of money or negotiable bonds, of the kind approved for securing deposits of public monies, with a responsible escrow agent or trust company authorized and licensed to do business in the State of Arizona;
 - e. An irrevocable letter of credit in favor of Maricopa County from a third-party financial institution authorized and licensed to do business in the State of Arizona;
 - f. Third party trust agreement as long as it meets all the requirements listed below:
 - i. The placement of the title to the subdivision in trust with a third-party escrow agency or trust company authorized and licensed to do business in the State of Arizona along with an agreement between the trustee and Maricopa County that title to any lot or parcel within the subdivision shall not be transferred until all improvements required by these regulations have been installed, accepted by Maricopa County, and written approval for release has been granted by Maricopa County to the escrow agency or trust company holding the property in trust.
 - ii. The agreement shall contain a condition authorizing Maricopa County to abandon the subdivision and re-subdivide the property should the required improvements fail to be installed in compliance with Maricopa County's standard specifications.
 - iii. A maximum of three pPartial lot releases may be allowed for each recorded final plat. Each release must be for a minimum of 25 percent of the total number of lots in the subdivision. The Board, or its designee, shall not authorize

~~821 and A.R.S. § 11-822 and the Zoning Ordinance for the Unincorporated Area of Maricopa County has been provided in a form acceptable to the Director of the Maricopa County Planning and Development Department, in consultation with the County Engineer." Or, a statement that all improvements associated with the subdivision are existing and approved.~~

~~a) For new subdivisions: "Satisfactory assurance in the form of _____ from _____ in the amount of \$_____ has been provided to guarantee pavement, drainage, water and sewer services in this subdivision. Electric service has been assured by _____."

For County Engineer _____ Date _____~~

~~b) For existing developments: "Paving, drainage, water, sewer and electric services in this subdivision are existing and approved."

For County Engineer _____ Date _____~~

~~c) For subdivisions that have been approved for an alternative form of assurance: "Satisfactory assurances to guarantee pavement, drainage, water and sewer services in this subdivision is provided by withholding final utility clearance, thus withholding occupancy to any dwelling until completion of off site improvement. Electric service has been assured by _____.

Director, Planning and Development Department _____ Date _____~~

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on January 22, 2016. The Commission initiated this text amendment on February 18, 2016. Staff has received one email of support via EROP:

From: behomes@q.com[SMTP:BEHOMES@Q.COM]

Sent: Sunday, February 14, 2016 2:38:07 PM

To: Regulatory

Subject: Regulatory Outreach

Auto forwarded by a Rule

Citizen Comments

Issue: TA2015005 Subdivision Assurance

Citizen's Name: Ann Hutchinson

Organization: New River-Desert Hills Community Association

City: New River

Zip: 85087

Phone Number: 6237426514

Phone Type:

Email: behomes@q.com

Does citizen want to be contacted:

Comment is regarding: express support

Comments:

The NR/DHCA board continues to support this TA; it has no objections to the changes made since it was initiated.

Time of Request: 2/14/2016 2:38:07 PM

This item is tentatively scheduled for the April 20, 2016 public hearing before the Maricopa County Board of Supervisors (BOS). The amendments will take effect 30 days after BOS approval.

Recommendation:

Staff recommends the Commission recommend **approval of TA2015005, as presented, to the BOS.**

Prepared by: Carol Hu, Planner and Derek Scheerer, Planner
Reviewed by: Matthew Holm, AICP, Planning Supervisor and Darren V. Gerard, AICP, Deputy Director
Attachment: 2/18/16 ZIPPOR Report (6 pages)
Example of Pima County Third Party Trust (4 pages)



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case:	TA2015005 – Subdivision Assurance
Meeting Date:	February 18, 2016
Agenda Item:	2
Supervisor Districts:	All
Applicant:	Commission-initiated
Request:	A text amendment to the Maricopa County Subdivision Regulations (MCSR) and the Maricopa County Subdivision Regulations Administrative Guideline (MCSRAG) regarding subdivision Assurance
Support/Opposition:	One email of support dated December 28, 2015 from New River-Desert Hills Community Association.
Recommendation:	Initiate

Discussion:

This text amendment to the MCSR and MCSRAG will allow any form of assurance acceptable to the Planning Director within statutory parameters. Currently, assurance of subdivision infrastructure improvements is provided only in the form of a bond. TA2015005 will lessen regulatory burden by maximizing flexibility with form of a subdivision assurance in favor of the regulated community. Proposed verbatim language is (added language underscored, deleted language struck-through):

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electric and water utilities, or related support facilities, at the county's discretion. In order to mitigate adverse impacts from construction, at the county's discretion, assurance shall be required for restoration/remediation of disturbance, and/or any other item of concern. There shall be a demonstration of adequate water supply. A 100 Year Assured Water Supply must be provided for all subdivision lots within an Active Management Area.

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- C. Should the assurance be in the form of an agreement, such agreement shall be recorded.
- D. Maricopa County shall be named as beneficiary of the assurance.
- E. Types of assurances. Maricopa County, at its discretion, may accept any, or a combination, of the following assurances in a form and substance approved by the county attorney and acceptable to the board:
 - a. Cash or certified check
 - b. Surety (performance) bonds executed by a company authorized and licensed to do business in the state of Arizona, ensuring the performance of the principal (developer or owner) as required by this section.
 - c. Certificate of deposit, United States Treasury bills, or any security guaranteed by the United States government, State of Arizona, or any political subdivision thereof;
 - d. A deposit of money or negotiable bonds, of the kind approved for securing deposits of public monies, with a responsible escrow agent or trust company authorized and licensed to do business in the state of Arizona;
 - e. An irrevocable letter of credit in favor of Maricopa County from a third-party financial institution authorized and licensed to do business in the State of Arizona;
 - f. Third party trust agreement as long as it meets all the requirements listed below:
 - i. The placement of the title to the subdivision in trust with a third-party escrow agency or trust company authorized and licensed to do business in the State of Arizona along with an agreement between the trustee and Maricopa County that title to any lot or parcel within the subdivision shall not be transferred until all improvements required by these regulations have been installed, accepted by Maricopa County, and written approval for release has been granted by Maricopa County to the escrow agency or trust company holding the property in trust.
 - ii. The agreement shall contain a condition authorizing Maricopa County to abandon the subdivision and re-subdivide the property should the required improvements fail to be installed in compliance with Maricopa County's standard specifications.
 - iii. A maximum of three partial lot releases may be allowed for each recorded final plat. Each release must be for a minimum of 25 percent of the total number of lots in the subdivision. The board, or its designee, shall not authorize

821 and A.R.S. § 11-822 and the Zoning Ordinance for the Unincorporated Area of Maricopa County has been provided in a form acceptable to the Director of the Maricopa County Planning and Development Department, in consultation with the County Engineer." Or, a statement that all improvements associated with the subdivision are existing and approved.

~~a) For new subdivisions: "Satisfactory assurance in the form of _____ from _____ in the amount of \$_____ has been provided to guarantee pavement, drainage, water and sewer services in this subdivision. Electric service has been assured by _____."~~

~~____ For County Engineer _____ Date _____~~

~~b) For existing developments: "Paving, drainage, water, sewer and electric services in this subdivision are existing and approved."~~

~~____ For County Engineer _____ Date _____~~

~~c) For subdivisions that have been approved for an alternative form of assurance: "Satisfactory assurances to guarantee pavement, drainage, water and sewer services in this subdivision is provided by withholding final utility clearance, thus withholding occupancy to any dwelling until completion of off site improvement. Electric service has been assured by _____."~~

~~____ Director, Planning and Development Department _____ Date _____~~

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on January 22, 2016. If this item is initiated at this ZIPPOR, the anticipated Commission hearing for recommendation to the BOS is March 24, 2016 and the tentative BOS hearing for adoption is April 20, 2016. The ordinance/amendments will take effect 30 days after BOS adoption/approval.

Attendance at the stakeholder meeting was limited and no public attendance occurred. (No minutes of the meeting were prepared.)

One email of support has been received via EROP:

From: Carol Hu - PLANDEVX
Sent: Tuesday, January 05, 2016 11:40 AM
To: Ann Hutchinson (behomes@q.com); 'plan-dev@nrdhca.com'
Cc: Matthew Holm - PLANDEVX; Darren Gerard - PLANDEVX
Subject: RE: Regulatory Outreach

Hello Ann,

Thank you for your comments and continued interest in this item.

Carol Hu

[Signature block snipped to save space]

From: Plan-Dev@nrdhca.com[SMTP:PLAN-DEV@NRDHCA.COM]

Sent: Monday, December 28, 2015 6:50:22 PM

To: Regulatory

Subject: Regulatory Outreach

Auto forwarded by a Rule

Citizen Comments

Issue: TA2015005 Subdivision Assurance

Citizen's Name: Ann Hutchinson
Organization: New River-Desert Hills Community Association
City: New River
Zip: 85087
Phone Number: 6237426514
Phone Type:
Email: Plan-Dev@nrdhca.com

Does citizen want to be contacted:

Comment is regarding: express support

Comments:

The Association sees no reason to object to this text amendment as is. They realize that this is early in the process with the possibility of additional changes which may require the association to reconsider their position.

Time of Request: 12/28/2015 6:50:22 PM

Recommendation:

Staff recommends the Commission **initiate TA2015005.**

Prepared by: Carol Hu, Planner and Derek Scheerer, Planner
Reviewed by: Matthew Holm, AICP, Planning Supervisor and Darren V. Gerard, AICP, Deputy Director
Attachment: 1/22/16 EROP Stakeholder Meeting Sign-In Sheet (1 page)



Maricopa County
 Planning and Development Department



**Planning and Development Department
 Stakeholder Workshop
 January 22, 2016
 Enhanced Regulatory Outreach Program**

Items: TA2015004, TA2015005

Sign-Up to Receive Program Alerts

Visit our web-site at: www.maricopa.gov/regulations to enter comments concerning items going through the process.

Print Name	Receive Alerts Via Email	Receive Alerts Via Text Messages
Lynn Favour		
Derek Scheerer		
Carol Hu		
Darrin Gerard		

**ASSURANCE AGREEMENT FOR CONSTRUCTION OF
SUBDIVISION IMPROVEMENTS (Third Party Trust)**
[Enter County project number]

THIS AGREEMENT is made and entered into by and between _____ or successors in interest ("Subdivider"), _____, an Arizona corporation ("Trustee"), as trustee under Trust No. _____; and Pima County, Arizona ("County").

1. RECITALS

1.1. Subdivider is the beneficiary and Trustee is the trustee of a trust which owns land ("the Land") located in Pima County, Arizona and described in paragraph 2.1 of this agreement.

1.2. County, Subdivider and Trustee wish to establish specific terms, conditions, and guidelines relating to the subdivision of the Land and construction of related improvements to comply with A.R.S. § 11-821.

2. AGREEMENT

Based on the foregoing recitals, which are incorporated here as the intent of the parties, and in consideration of County's approval of a final plat for the Land, County, Subdivider and Trustee agree as follows:

2.1. *Property Description.* The Land is all of the real property which is the subject of the subdivision plat ("the Subdivision Plat") identified as _____ recorded in Sequence number _____ on the _____ day of _____, 20____, in the Office of the Pima County Recorder.

2.2. *Construction of Subdivision Improvements.* As a condition of subdivision approval, Subdivider hereby agrees to construct all subdivision improvements ("the Subdivision Improvements") contemplated by the Subdivision Plat, rezoning conditions, and any associated site construction permits, including but not limited to onsite and offsite streets, sanitary sewers (if necessary), water and electric utilities, drainage and flood control improvements, parks, trails or other recreational facilities, other required infrastructure, and riparian habitat mitigation or payment of the riparian habitat mitigation in-lieu fee.

2.3. *Existing Utilities.* Any relocation or modification of existing utilities or public improvements required in order to construct the Subdivision Improvements shall be done at no expense to the public. Subdividers performance of this requirement shall be considered in determining whether to release assurances under paragraphs 2.5 and 2.6.

2.4. *Assurance of Construction.* This agreement is submitted as an assurance that Subdivider will construct the Subdivision Improvements, as required by A.R.S. § 11-821 and Pima County Zoning Code Chapter 18.69.

2.5. *Limitation on Transfer of Title.* Trustee shall not convey title to any of the Land without obtaining prior written approval from County in the form of a Release of Assurance. A Release of Assurance shall not be provided by County until the Subdivision Improvements are completed in accordance with paragraph 2.12.

2.6. *Partial Release of Assurances.* County shall issue a Release of Assurance for some of the lots depicted on the Subdivision Plat if all of the following have occurred:

A. All of the Subdivision Improvements required in connection with the released lots have been completed in accordance with paragraph 2.12, and

B. County finds that the released lots and the Subdivision Improvements required in connection with them can be used and maintained separately from the Subdivision Improvements not yet completed in accordance with paragraph 2.12, and

C. Recreation area in-lieu fee, if applicable, has been paid to the county for the entire subdivision, prior to a release of greater than 75% of total subdivision lots.

2.7. *Deposit Receipt Agreements.* Notwithstanding paragraph 2.5, Trustee may enter into a deposit receipt agreement for the sale of the Land or any portion of it if the agreement clearly states that no portion of the Land shall be conveyed until Subdivider performs its obligations under this agreement.

2.8. *Bulk Sales.* Notwithstanding paragraph 2.5, Trustee may sell and convey all of the Land in one transaction to a single purchaser who has entered into a satisfactory assurance agreement with County, assuring completion of the Subdivision Improvements.

2.9. *Conveyance Out of Trust for the Purpose of Encumbrance.* Notwithstanding paragraph 2.5, Trustee may convey all or part of the Land to the Subdivider for the sole purpose of encumbering the Land by the recording of mortgages or deeds of trust, provided that the Land is thereafter immediately reconveyed into the trust.

2.10. *Real Property Taxes.* All real property taxes on the Land shall be paid before the taxes are delinquent as defined by A.R.S. 42-18052(B). If the real property taxes on the Land, including any lot or portion of common area, become delinquent, this agreement will be in default.

2.11. *Substitution of Assurances.* Subdivider may submit substitute assurances in a form and amount acceptable to County at any time during which this agreement is not in default.

2.12. *Completion of the Subdivision Improvements.* The Subdivision Improvements shall be completed by Subdivider not more than four years after the date of this agreement. The Subdivision Improvements shall not be considered completed until after they have been constructed in accordance with the Subdivision Plat, rezoning conditions, associated site construction permits, and after County has inspected them and finds them to be in compliance with the plans.

2.13. *Acceptance of the Subdivision Improvements.* County shall not accept maintenance responsibility for any of the Subdivision Improvements unless and until all of the following have occurred:

A. They have been completed in accordance with paragraph 2.12.

B. They have been dedicated to County by the Subdivision Plat or by some other instrument of record.

C. The dedication has been accepted by the Pima County Board of Supervisors as evidenced by approval of the dedication on the Subdivision Plat or by some other formal action.

2.14. *Default, Non-Compliance; County's Options.* This agreement is in default if either the Subdivider or Trustee fails to comply with obligations under this agreement. If this agreement is in default, the County may exercise option A or B below at its sole discretion:

A. The County may re-plot all or a portion of the Land for the purpose of returning the portions of Land which are the subject of the re-plot to approximately the same boundary configurations of record which existed before the recording of the Subdivision Plat. The Subdivider authorizes the County to execute, on behalf of Subdivider, the re-plot described in this section. The re-plot may exclude any dedications to the public which were made on the Subdivision Plat which are necessary to serve either portions of the Land which are not re-platted, or to serve the public. Subdivider shall pay the reasonable costs incurred in re-platting. Notice of default and intent to re-plot will be sent to the last known address of Subdivider and Trustee by certified mail not less than thirty days before County exercises its option to re-plot under this paragraph.

B. If site conditions change after the Subdivider fails to comply with this agreement, the County may require that Subdivider submit evidence that the Tentative and Final Plat comply with current regulations, under current site conditions. If the County determines that the Tentative Plat or Final Plat does not comply, Subdivider shall submit revisions to the plat, to the County with applicable fees. If the revisions are approved by the Board of Supervisors, the date specified in Section 2.12 of this agreement may be extended by up to four years from the approval date. This subsection is not applicable to Block Plats for master planned communities.

2.15. *Incorporation and Annexation.* If the Land is incorporated as or annexed by a city or town, the city or town shall automatically succeed to all benefits and duties of County under this agreement.

2.16. *Termination.* This agreement shall remain in full force and effect until one of the following has occurred:

A. The Subdivision Improvements have been completed and approved by County in accordance with paragraph 2.11 and a Release of Assurances with respect to all the Land has been recorded in the Office of the Pima County Recorder in accordance with paragraph 2.5; or

B. A new subdivision plat has been recorded for the Land in compliance with any and all applicable laws and regulations; or

C. A substitute assurance agreement has been executed by and between Subdivider and County in accordance with paragraph 2.11.

2.17. *Effective Date.* This Agreement is effective on the _____ day of _____, 20____, which is the date of approval of this agreement by the Pima County Board of Supervisors.

PIMA COUNTY, ARIZONA

SUBDIVIDER:

Chair, Board of Supervisors

By: _____

Its: _____

ATTEST:

TRUSTEE: _____, an Arizona corporation, as
Trustee under Trust No _____, and not in its
corporate capacity

Clerk of the Board

By: _____

Its: _____

STATE OF ARIZONA)
County of Pima)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ of _____ ("Subdivider"), an Arizona corporation, on behalf of the corporation.

Notary Public

My Commission Expires:

STATE OF ARIZONA)
County of Pima)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ of _____ ("Trustee"), an Arizona corporation, on behalf of the corporation, as trustee under trust number _____.

Notary Public

My Commission Expires:



Planning & Development Department

TO: Planning & Zoning Commission

DATE: March 24, 2016

FROM: Carol Hu, Planner, Planning and Zoning Division

RE: **TA2015005 – Subdivision Assurance**

Additional language for Section 203.2.i.2.E. Types of Assurances

Staff recommends the Commission consider language that would allow other forms of assurance at the discretion of the Planning and Development Director in consultation with the County Engineer. Identified below is the requested language for Commission consideration within the Types of Assurances proposed for the Subdivision Regulations:

- g. Or other form of assurance as deemed appropriate by the Director of Planning and Development Department in consultation with the County Engineer.

Staff recommends the Commission motion for approval of **TA2015005** as outlined in the staff report with inclusion of 'g' as provided in this handout.

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

March 24, 2016
9:30 a.m.

Board of Supervisors Auditorium
301 W. Jefferson Street
Phoenix, Arizona

MEMBERS PRESENT:

Mr. B.J. Copeland, Chairman
Mr. Greg Arnett, Vice-Chairman
Mr. Bruce Burrows
Mr. Michael Cowley
Mr. Michael Deutsch
Mr. Michael Johnson
Mr. Mark Pugmire

MEMBERS ABSENT:

Mr. Broc Hiatt
Mr. Murray Johnson
Ms. Jennifer Ruby

STAFF PRESENT:

Mr. Darren Gerard, Deputy Director
Ms. Rachel Applegate, Senior Planner
Ms. Carol Hu, Planner
Mr. Derek Scheerer, Planner
Ms. Debbie Lemon, Executive Asst/Commission Secretary
Ms. Mia Vargas, Back-up Secretary

COUNTY AGENCIES:

Mr. Robert Swan, County Counsel

MINUTES:

February 18, 2016, March 10, 2016

CONTINUANCE:

Z2015097

CONSENT:

None

REGULAR:

TA2015004, TA2015005

Meeting called to order at 9:00 a.m.

Chairman asked if there were any changes to the minutes that had previously been sent out for review. None.

COMMISSION ACTION: Chairman approved the February 18, 2016 and March 10, 2016 minutes as written.

Continuance Agenda

Special Use Permit - Z2015086:

District 4

Applicant: Adam Baugh, Withey Morris, PLC
Location: Generally located at the NEC of Southern Ave. and 231st Ave.
Request: Special Use Permit (SUP) for an agriculturally related facility in the Rural-43 zoning district – Southern Comfort Estates, LLC.

Mr. Gerard advised due to a legal ad error this item is requested to be continued to the April 7 meeting.

COMMISSION ACTION: Commissioner Cowley motioned to continue Z2015086 to the April 7 meeting. Commissioner Michael Johnson second. Continued 7-0.

Regular Agenda

Text Amendment – TA2015004:

All Districts

Applicant: Commission initiated
Location: Countywide
Request: Accessory Recreational Structures

Mr. Scheerer advised this Text Amendment went through the Enhance Regulatory Outreach Program (EROP), was previously presented and initialized by the Commission at the February meeting. The recommendation will be forwarded to the Board of Supervisors.

Commissioner Arnett asked if lighting has been addressed. Mr. Gerard advised there are lighting standards to address that.

COMMISSION ACTION: Commissioner Cowley motioned to approve TA2015004. Commissioner Arnett second. Approved 7-0.

Text Amendment - TA2015005:

All Districts

Applicant: Commission initiated
Location: Countywide
Request: Subdivision Assurance.

Ms. Hu stated this has been processed through EROP, was initialized by the Commission in February and the revised language has been included. Staff received one letter of support by the New River Desert Hills Association and there are no objections.

Commissioner Pugmire asked how many other jurisdictions are doing this. Mr. Gerard stated that we would be the first in the valley, but that Pima and Mohave Counties also have it in place.

Chairman Copeland asked staff if this is to streamline processes. Mr. Gerard stated yes.

COMMISSION ACTION: Commissioner Arnett motioned to approve TA2015005, Commissioner Burrows second. Approved 7-0.

Vice-Chairman Arnett adjourned the meeting at 9:39a.m.

Prepared by Debbie Lemon
Executive Assistant/Commission Secretary,
March 24, 2016