



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):

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 the recordation 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 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)



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		
Darren Gerard		