



COCHISE COUNTY PLANNING DEPARTMENT

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James E. Vlahovich, Director

To: Board of Supervisors
Through: Jody Klein, County Administrator

From: Judy Anderson, Assistant Planning Director
For: James E. Vlahovich, Director

Subject: Sonora Verde Estates Subdivision, New Assurance Agreement

Date: May 5, 2005

Background and Request

The Sonora Verde Estates subdivision is located on the southwest side of Pomerene Road. It consists of 43 lots, 25 of which are already developed. The Assurance Agreement which guarantees that subdivision improvements are built before lots are sold has lapsed for the remaining 18 lots in phase II. The developer is Joseph Schneider, represented by Timothy Remick of Little, Remick and Capp Attorneys at Law. Mr. Schneider is requesting that the assurance agreement be extended to allow him to complete the improvements for the remaining 18 lots. He further requested a waiver from the County Engineer to allow the remaining roads to be surfaced with aggregate base course (AB-unpaved) to match the surface of the phase I roads. A letter from Mr. Remick describing the request is attached for the Board's review. The alternative to extending or entering into a new assurance agreement is to abandon the existing plat for phase II and to require the applicant to start the platting process over again.

The subdivision is zoned TR-18 however all lots are over an acre in size. Water is provided by a local water company and sewage disposal is accomplished by individual septic systems. The roads are dedicated to the County and two access points are provided to Pomerene Road.

Analysis

This subdivision was approved in 1989 and improvement standards have changed since that date. Specifically, the phase I of this subdivision was developed with an aggregate base course (AB-unpaved) road surface. The current standard requires double bituminous surface treatment (DBST, double chip seal). The applicant has requested that he be allowed to continue to use AB for the road sections in phase II.

The Highway and Floodplain Department is supporting the aggregate base course in this situation. The roads in phase I which serve 25 lots have held up well. The maintenance costs associated with the existing roads in phase I are low. The traffic generated by the 18 lots in phase II is not enough to significantly change the level of future maintenance needed. Further, the layout of phase II disperses traffic along two different roads so that the impacts are further

minimized on any one road. The roads in phase II also contain some grade changes that will require traffic to go fairly slow; paving could encourage higher speeds on local streets. The remaining road lengths are short and do not allow through traffic from outside of the subdivision and are not needed to serve greater area circulation needs in the future. If the applicant is required to provide a DBST surface, the traveling public (local traffic only for 18 homes) will go from a chip-seal road to aggregate to chip-seal.

For all of these reasons, it is concluded that that it would be somewhat of a hardship and inappropriate to make this last phase meet current standards. This waiver will not set a precedent for new subdivisions, as any subdivision submitted after the adoption of the current road construction standards would have to meet current standards. As a condition of the assurance agreement (exhibit b), we are recommending that the developer submit new improvement plans to address other more technical changes in current roadway construction standards.

The form and format of the assurance agreement has also changed since this subdivision was approved. Rather than extend the existing assurance agreement, a new agreement is considered appropriate.

In conclusion, there are a number of factors that support the request for the Board to enter into a new assurance agreement with the developer rather than requiring the developer to start the subdivision platting process over again. More than fifty percent of the lots have been sold and the subdivision roads in phase I function well with little County maintenance. The 18 lots in phase II will not generate enough additional traffic to raise a concern that future maintenance we be problematic.

Recommended Motion

Mr. Chairman, I move that the Board of Supervisors enter into a new Assurance Agreement for Sonora Verde Estates, Phase II and authorize the Chairman to sign.