



PLANNING & ZONING COMMITTEE

May, 2010

Old Business

HA# H9135, ZOA, Manufactured Home Skirting (with access door)

We responded in support of this ZOA. The P&Z Commission took no action on March 17th; the item was approved by the BOS during their April 19th consent agenda.

Section 205.B.2 Zoning Ordinance Amendment, HA# H10007

This involves entirely removing the paragraph which describes procedures and methods Zoning Inspectors would use prior to an Inspection due to a Use Violation (complaint). In early March your P&Z, argued for opposition. Subsequently, a compromise has been put forth which would equate the Inspector to any other individual. The paragraph would still contain a statement of the underlying rights and privileges of the citizen and of the Inspector.

The matter *was to have been* heard by the Planning and Zoning Commission on *April 21, 2010*, but the meeting was cancelled and has not been rescheduled to date.

New Business

The Abandonment of the Final Subdivision Plat for Villas at Beaver Creek which is scheduled to appear before the Board of Supervisors in Cottonwood on May 17, 2010 at 9:00 a.m.

This involves the 137 new residential lots which were approved and rezoned as part of the Beaver Creek Golf Course PAD by the BOS on 10/18/2004. The project is currently on hold due to financial issues. As a condition of the recordation of the final plat, a performance bond was required by Yavapai County. There was a letter of credit issued by Gold Mortgage Company in the sum of \$1,326,412.00, and there was to be an escrow account held by Grand Canyon Title. The developer (Beaver Creek Land and Water Co., Ron Schabatka) paid approximately \$20,000.00 per month for 2½ years when it was discovered the escrow had never been funded. The developer remains committed to the project, but cannot provide funds for the bond. He has voluntarily suspended sales, and has suspended the public report to the Department of Real Estate. In lieu of bond, requests the County allow the subdivision be bonded in phases, as each parcel is developed. The developer proposes to bulk sell the parcels and require the developer of each individual parcel to post the remaining assurances for the public infrastructure associated with each parcel. This proposal does not affect the existing subdivision; it simply modifies the manner in which the infrastructure improvements are bonded.

Opinion

Since the Beaver Creek Land and Water Co. has been operating illegally for several years (without the County stipulated bond), and since there is no effective oversight, this is merely the latest example of Arizona Land and Development abuse. The developer now wants to further obscure the required bond by passing the responsibility to third, fourth, and possibly fifth parties. I think we should oppose this "deal" as being unenforceable, and ask the Supervisors to stand with their original decision, and see that it is enforced.