



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

James E. Vlahovich, Director

April 6, 2005

Ken Abrahams, P.E.
Diamond Ventures, Inc.
2200 East River Road, Suite 115
Tucson, Arizona 85718

RE: Smith Ranch Master Development Plan (MDP-04-02) and PD Zoning (Z-04-11)
Portion of Tax Parcel #124-01-002

Dear Ken:

As you are aware, the Board of Supervisors, at their regular meeting on April 5, 2005, approved the Smith Ranch MDP and rezoning to the Planned Development Zoning District by a vote of 3-0. The approval was conditioned upon the following (*note: conditions approved by the Board that weren't in the staff report are in bold*):

Density

1. The maximum number of allowable housing units for the entire Smith Ranch project on 1,983 acres is not to exceed **4,900 units (4200 units as target)**.

Uses

1. Golf courses will be prohibited.

Open Space

1. 35% common, natural open space has been identified and shown on the MDP/PD land use plan and shall be delineated and incorporated as such in every subsequent plat.
2. A minimum of 15% additional open space shall be achieved through the platting process for each parcel identified in the MDP. The calculation of that open space shall be monitored through an Open Space Audit form submitted annually to Cochise County. The additional 15% may include active recreation amenities, but should be comprised predominantly of permeable surfaces. Impervious surfaces like parking areas or streets within proposed parks may be counted in the acreage for public parks, given the greater community good, but should be designed in a way that minimizes run-off and/or maximizes storm water recharge. Conservation easements on private property abutting community-preserved natural open space may be considered.
3. Although there is a 40' buffer around the perimeter of the property, and more than 50% of the perimeter has a buffer greater than 40' due to identified project natural open space, the process of delineating an additional minimum of 15% open space during the platting process should give a priority to maximizing, to the extent feasible, the buffer area between residential development in the Smith Ranch from the abutting RU-4 zoned areas along the perimeter of the development.
4. The MDP Exhibit II-1 shall include a summary of the anticipated range of natural open space acreages associated with each parcel.

Your County Questions Answered

www.cochisecounty.com

Access

1. Prior to the issuance of any building permit in Phase 1, the Developer shall construct a Jenella West / Whetstone Rd. access and ultimate ingress and egress to Smith Ranch through an eastern alignment between Smith Ranch and SR90 that shall meet the City of Benson and County road construction standards. To the extent feasible, this shall be done in cooperation with other private property owners who may use and benefit from the addition of a new connection roadway to Highway 90, and in cooperation with State Land Department, City of Benson, Cochise County, and ADOT.
2. No connection to the I-10/Skyline Interchange shall be permitted from Smith Ranch until such time as the I-10/Skyline Interchange is upgraded to acceptable ADOT standards. Prior to platting of any lots in excess of an initial 1600 units, developer shall fund a Design Concept Report (DCR) to determine future improvements to the I-10 Skyline Interchange to its ultimate configuration at the current or new location. Developer also agrees to reserve any new Right of Way from the Smith Ranch Development to accommodate the finalized DCR determination of Skyline TI construction and location. ADOT agrees to pursue acceleration of funding and permitting of Skyline Interchange Improvements upon completion of the DCR. **Nothing in this condition applies to the existing rights of residents currently using the Skyline Interchange to access their property.**
3. No connection to J-6 Road shall be permitted from Smith Ranch until such time that there exists a regional need for an east-west bypass of I-10 from SR90 to J-6 Road. This need will largely be dictated by the level of traffic generated by new development south of the J-6 community, not including Smith Ranch. Any proposal to connect with J-6 Road shall be south of Joseph Road so as to minimize impacts to existing residents. Also, any proposed increases to the capacity of or improvements to the Mescal Interchange will need to be evaluated in a Traffic Impact Analysis meeting ADOT's requirements.
4. No connection to Smith Ranch from Titan Road shall be permitted.
5. Developer will submit a Master Traffic Impact Analysis in conjunction with submittal of master block plat or first subdivision plat, whichever is earlier. Completion and approval of the Master TIA will be prior to the issuance of any building permits. Developer will update the TIA concurrent with subsequent plat submittals. The updated TIA will assess current off-site roadway conditions and define the necessary roadway improvements required by the Developer as a condition of that plat approval.
6. Upon Cochise County adopting a Transportation Impact Fee, Developer will pay the adopted residential impact fee. Developer will pay the commercial transportation impact fee as adopted.
7. Any additional off-site connections to Smith Ranch must be in substantial conformance with future amendments to the transportation element of the Comprehensive Plan.

Water

1. Prior to first final plat approval, the developer shall submit to the AZ Department of Water Resources (ADWR) for an Analysis of Adequate Water Supply for the entire Smith Ranch proposal and receive a determination of adequacy for the entire project.

Concurrent with the submittal of a Master Block Plat or the first subdivision plats, whichever is earlier:

2. Developer shall submit the Smith Ranch Recharge Plan to the Cochise County Water Conservation Coordinator identifying the locations and methods or combination of methods of recharge that will be used to recharge stormwater and reclaimed effluent that has been treated to acceptable ADEQ standards. The Smith Ranch Recharge Plan shall include specific targeted ranges and levels of effective recharge and shall provide the Cochise County Water Conservation Coordinator with an annual Smith Ranch Water Budget Report detailing the activities accomplished as set forth in the Smith Ranch Recharge Plan.

3. Available gray water / Class A treated effluent shall be used on community landscapes, streetscapes, and public use areas such as schools and parks.
4. Developer shall submit a copy of the Smith Ranch Homeowners Association organizational documents, including Articles of Incorporation, By-Laws, Covenants, Conditions and Restrictions (CC&Rs) and Architectural and Design Guidelines to Cochise County.
5. Developer shall commit to implement and annually monitor the following commercial, residential, and project common area water conservation activities:
 - Developer shall include a “Water-Wise” provision in sales contracts with homebuilders. The “Water-Wise” provision shall require homebuilders to provide water conservation education in their sales offices, include the Smith Ranch Water Conservation Strategy in their distribution to homebuyers, and submit a list of standard and optional low water use residential appliances and fixtures which shall be used and available in homes.
 - Developer shall encourage homebuilders to incorporate a program for efficient hot water delivery in their home design and construction. The hot water delivery program shall be submitted in conjunction with house plans.
 - Evaporative coolers as a sole source of air conditioning shall be prohibited. Dual systems shall be allowed.
 - Homebuilders shall be required to incorporate storm water roof run-off in home and site design. Roof run-off shall be directed and diverted into landscape areas for irrigation and recharge.
 - Community common area and public area drip irrigation systems shall be required to have seasonal adjustment capabilities and rain sensors.
 - Residential drip irrigation systems shall be required to have seasonal adjustment capabilities.
 - Misters shall be prohibited on residential lots, unless a waiver is requested in writing by the lot owner, reviewed and approved by the Design Review Committee, and a waiver granted.
 - Small, aesthetic water features or accents shall have a recycling feature and a maximum gallon limitation.
 - Community common area and public areas shall be irrigated with available treated effluent. Effluent will be the priority water source for community association common areas and public areas.
 - Residential turf areas shall be restricted to no more than 50% of the walled-in / enclosed area within a residential lot.
 - Inorganic or artificial groundcovers are encouraged within the community association design guidelines.
 - Low-water use, non-turf groundcovers are encouraged within the community association design guidelines.
 - Trees, shrubs and groundcovers on the Arizona Department of Water Resources Drought Tolerant Plant List, or those plants representative of this list and suitable for this elevation, shall be used in the community common area, public areas, and shall be required for the residential front yard landscapes. Any tree, shrub, or groundcover not on the approved plant list shall be prohibited.
 - Outdoor use of groundwater on non-permeable surfaces shall be limited to maintenance purposes only.
 - Subject to Arizona Department of Environmental Quality standards and approval, buildings owned and managed by the community association, shall be required to be plumbed for grey-water re-use.
6. Developer shall comply with future ADWR regulations that may be adopted and applicable to the project.
7. The developer shall take all reasonable measures to will ensure that individual well-siting to serve the project will not result in unreasonable declines in water levels in existing wells in the immediate vicinity of the project.

Services

1. The developer shall dedicate a fire station site and a site for a sheriff/police sub-station within the development through the subdivision platting process, at no cost to the public. If an alternate off-site location is preferred and selected by the facility operators, the dedicated acreage will be released to the developer.

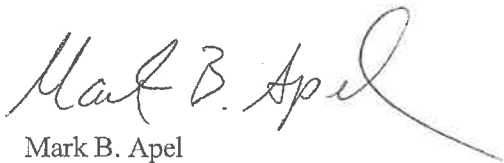
2. Prior to the submittal of the Master Block Plat or first subdivision plat, whichever is earlier, Developer shall enter into a binding agreement with the Benson Unified School District for the donation of school sites and the establishment of a voluntary "roof top fee" payable to BUSD upon occupancy of each non-age restricted single family residential dwelling unit.
3. Prior to first final plat approval, the Developer, Cochise County Sheriff's Department and Cochise County shall complete a comprehensive analysis of the public safety demands directly resulting from the phased development of the project. The analysis shall include the historic and actual staffing levels and budgetary funding process for the Sheriff's department by Cochise County, as well as the increased assessed valuations and other revenue growth to Cochise County resulting from the development of Smith Ranch.
4. Prior to first final plat approval, a law enforcement mechanism will be established to address the deputies needed to serve the projected population at the first and subsequent plats.
5. Developer shall retain a private third party entity to control and restrict access to the property and protect construction equipment, machinery, and assets during the initial construction phase.
6. Developer shall enter into a service agreement with the Mescal Volunteer Fire Department or other acceptable fire service provider prior to first final plat approval.

General

1. The MDP shall be revised to reflect the approved density, correct references to the Cochise County Zoning Regulations and any other deficiencies.
2. If substantial progress toward the completion of Phase 1A and 1B as described in the MDP, is not made by January 1, 2012, then the Master Development Plan shall be revoked per Section 407.10 of the Zoning Regulations and the PD Zoning in the undeveloped portions shall revert to RU-4, unless an alternative schedule of development is approved by the Board of Supervisors.
3. A development agreement, incorporating these conditions, along with details and schedule of implementation shall be approved by the Board of Supervisors.
4. **All new development within Smith Ranch shall conform to the County's most current Light Pollution Code in effect at the time of building permit issuance.**

Per Arizona State Law, please be aware that the new zoning does not go into effect until 30 days after the Board action (May 5, 2005). In that time, anyone can appeal the Board action to Superior Court. We look forward to working with you as the Smith Ranch master planned community moves forward. Please don't hesitate to contact me should you have any questions.

Sincerely,



Mark B. Apel
Senior Planner

<p>Xc: Richard Searle, Supervisor, District 3 Pat Call, Supervisor, District 1 Paul Newman, District 2 Charles Hulsey, WLB Group James E. Vlahovich, Planning Director Patricia Morris, H&F Jody Klein, County Administrator</p>	<p>Britt Hanson, Deputy County Attorney Reza Karimivand, ADOT Docket File Ron Casper, ADOT</p>
--	---

1500' RADIUS

16
ARIZ

ARIZ.

ARIZ

MAP 47
28

27

Benson 0980 RD CITY

33
USA

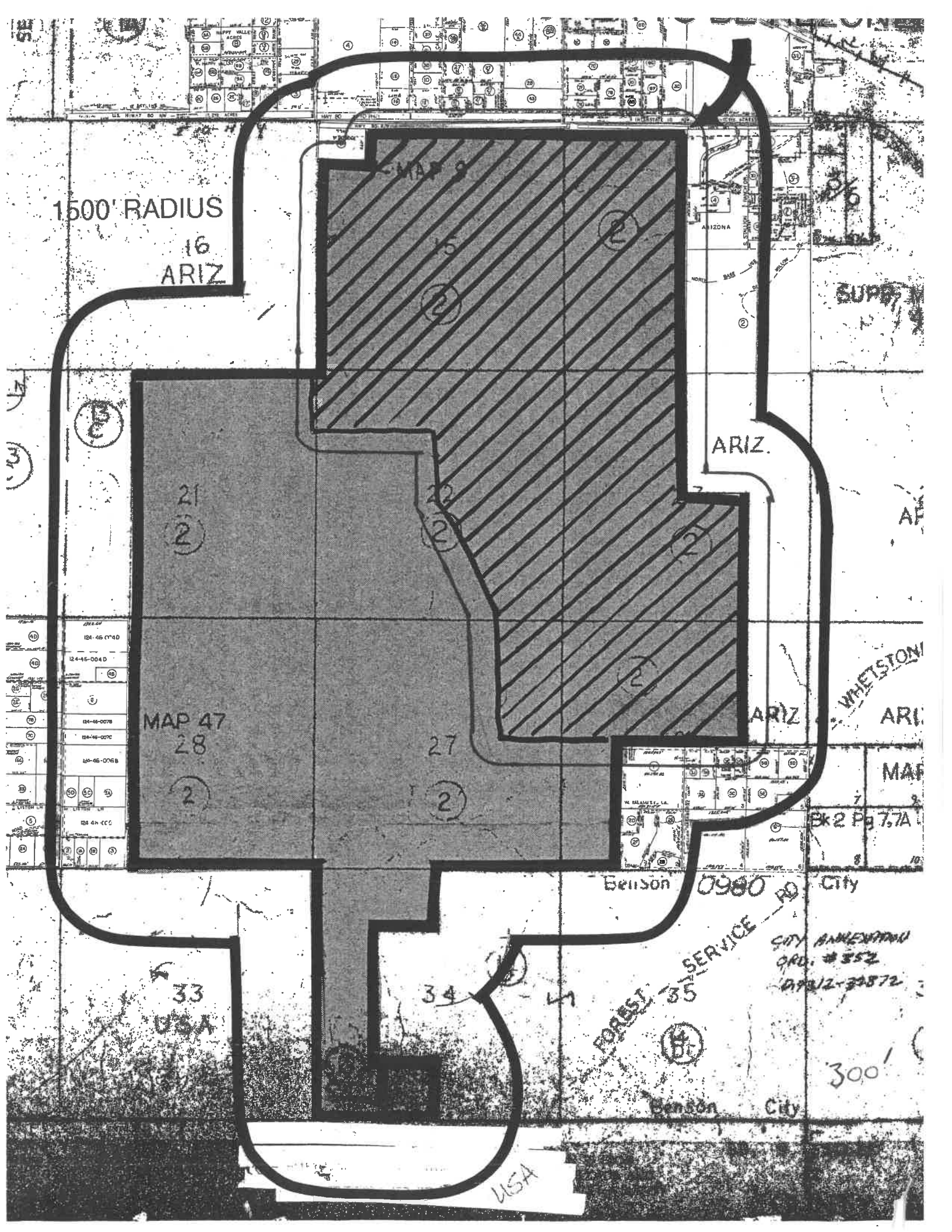
34

FOREST SERVICE 35
CITY HANLENTADU
ORD. # 352
01912-22872

Benson City

USA

300'



124-46-0040
124-46-0041
124-46-0042
124-46-0043
124-46-0044
124-46-0045
124-46-0046
124-46-0047
124-46-0048
124-46-0049
124-46-0050
124-46-0051
124-46-0052
124-46-0053
124-46-0054
124-46-0055
124-46-0056
124-46-0057
124-46-0058
124-46-0059
124-46-0060