



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

October 27, 2011

Easter Mountain, LLC.
1050 East River Road, Suite 300
Tucson, AZ 85718

Re: Docket Z-11-06, Parcel No. 124-01-013H, located at 1670 South J-6 Road, Benson, AZ.

Dear Mr. Lenihan and Mr. Hearon:

As you are aware, at their regular meeting on October 25, 2011, the Cochise County Board of Supervisors (Board) voted (2 - 1) to rezone the aforementioned parcel from Rural (RU-4) to (SR-2).

The approval was conditioned as follows:

1. The Applicant shall provide the County with a signed *Acceptance of Conditions* and a *Waiver of Claims* form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning or the approval of the rezoning may be deemed void; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
3. The Applicant will submit a subdivision plat within one year from the date of approval, with a phasing plan for all future development. All subdivision plats will reflect at least 50% open space and the use of building envelopes. All construction will be completed within 10 years. If these conditions are not met, the Board of Supervisors may revert the zoning of any portions of the parcel that are not subdivided back to the RU-4 District; and
4. Prior to plat approval, the Applicant must provide either on-site or off-site multi-purpose (vehicular, pedestrian, equestrian, etc) legal access to federal lands. If access to the federal land is provided on-site, it will be reflected on all future subdivision plats; provided, however, if the Developer does provide legal access, but the U.S. Forest Service, Arizona Game and Fish, or some other agency or person, does not improve the access for vehicular use within two years after legal

Easter Mountain, LLC.

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access has been provided, then the condition requiring legal access for vehicular use shall cease; and

5. The Applicant shall adhere to the Declaration of Covenants, Conditions, Restrictions, and Easements for J-6 Ranch, dated June, 2011 and the Sustainability Plan, dated September, 2011, both prepared by the Planning Center and attached as Exhibit B to this Zoning Ordinance; and
6. Any subdivision of the Parcel will not be eligible for a density bonus for a Residential Conservation Subdivision, but in all events any subdivision plat for the Parcel must provide at least 50% open space.

We will need your signed Acceptance of Conditions Form and signed and notarized Waiver of Diminution of Value Form (enclosed) by November 24, 2011. Note that the Board's action on this matter is deemed final unless appealed to Superior Court within 30 calendar days of the date on which it was taken. Please feel free to contact me if you have any questions at (520) 432-9253 or by email at bjwilson@cochise.az.gov.

Sincerely,

Beverly Wilson, Interim Planning Manager

C: Carlos De La Torre, Community Development Director
Michael Turisk, Interim Planning Director
Rick Corley, Zoning Administrator
Dora Flores, Commercial Permit Coordinator
Debbie Lee, Residential Permit Coordinator
Z-11-06 Docket File, New World, Parcel Files

Enclosures: Acceptance of Conditions
Waiver for Diminutive Value

**Acceptance of Conditions:
Rezoning Approval, Docket No. Z-11-06 (Easter Mountain, LLC.)**

I, the undersigned, hereby accept the following conditions imposed by the Board of Supervisors on October 25, 2011, for the rezoning of Parcel 124-01-013H, located at 1670 South J-6 Road, Benson, AZ, from RU-4 to SR-2 (Docket No. Z-11-06). The rezoning is subject to the following conditions of approval, to which we agree to adhere:

1. The Applicant shall provide the County with a signed *Acceptance of Conditions* and a *Waiver of Claims* form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning or the approval of the rezoning may be deemed void; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
3. The Applicant will submit a subdivision plat within one year from the date of approval, with a phasing plan for all future development. All subdivision plats will reflect at least 50% open space and the use of building envelopes. All construction will be completed within 10 years. If these conditions are not met, the Board of Supervisors may revert the zoning of any portions of the parcel that are not subdivided back to the RU-4 District; and
4. Prior to plat approval, the Applicant must provide either on-site or off-site multi-purpose (vehicular, pedestrian, equestrian, etc) legal access to federal lands. If access to the federal land is provided on-site, it will be reflected on all future subdivision plats; provided, however, if the Developer does provide legal access, but the U.S. Forest Service, Arizona Game and Fish, or some other agency or person, does not improve the access for vehicular use within two years after legal access has been provided, then the condition requiring legal access for vehicular use shall cease; and
5. The Applicant shall adhere to the Declaration of Covenants, Conditions, Restrictions, and Easements for J-6 Ranch, dated June, 2011 and the Sustainability Plan, dated September, 2011, both prepared by the Planning Center and attached as Exhibit B to this Zoning Ordinance; and
6. Any subdivision of the Parcel will not be eligible for a density bonus for a Residential Conservation Subdivision, but in all events any subdivision plat for the Parcel must provide at least 50% open space.

Owner's Signature

Date

ACCEPTANCE OF CONDITIONS/WAIVER FOR DIMINUTION OF VALUE

(Property owned by one or more entities)

The undersigned are the owner(s) of Parcel 124-01-013H, which is the subject of Docket # Z-11-06 (Easter Mountain, LLC). The Parcel is located at 1670 South J-6 Road, Benson, AZ. The property is further described as being in Section 29, Township 17 South, Range 19 East of the G&SRB&M in Cochise County, Arizona.

By signing this document, the undersigned property owners waive any right to compensation for diminution in value pursuant to Arizona Revised Statutes §12-1134 that may now or in the future exist as a result of the approval of Docket # Z-11-06.

Dated this _____ day of _____, _____.

OWNER(s): Easter Mountain, LLC

By: _____
Print Name

Sign Name

Its: _____
[Title]

STATE OF ARIZONA)
County of Cochise) ss

The foregoing instrument was acknowledged before me on _____, 2011 by.

Notary Public

My commission expires:

(TO BE RECORDED BY PLANNING DEPARTMENT)