

Project is J-6



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Community Development Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: Easter Mountain Ranch, LLC

2. Mailing Address: 1050 East River Road, Suite 300

<u>Tucson</u>	<u>Arizona</u>	<u>85718</u>
City	State	Zip Code

3. Telephone Number of Applicant: (520) 293-1702 (Steve Lenihan)

4. Telephone Number of Contact Person if Different: (520) 623-6146 (Mike Grassinger)

5. Email Address: slenihan@usa.net & mgrassinger@azplanningcenter.com

6. Assessor's Tax Parcel Number: 124 ~~104~~ 01 013H (Can be obtained from your County property tax statement)

7. Applicant is (check one):
- Sole owner:
 - Joint Owner: (See number 8)
 - Designated Agent of Owner:
 - If not one of the above, explain interest in rezoning: _____

7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:
▪ List attached (if applicable): _____

8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:
- If corporation, corporate resolution designating applicant to act as agent:
 - If partnership, written authorization from partner:
 - If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

- Copy of deed of ownership:
- Copy of title report:
- Copy of tax notice:
- Other, list: _____

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?

- Yes No

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

12. Is more than one parcel contained within the area to be rezoned? Yes No

- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: RU-4

14. Indicate proposed Zoning District for Property: SR-2

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable. (See attached Rezoning Application Attachment #1)

15. Comprehensive Plan Category: Rural D (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: Rural (A County planner can provide this information.)

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

17. Describe all structures already existing on the property: _____

An abandoned ranch house and related structures existing on the subject property.

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: _____

See Land Use Concept Plan in the J-6 Ranch Development Capability Report

19. Are there any deed restrictions or private covenants in effect for this property?

- No Yes
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes No

- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?

J-6 Ranch Road

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning?
J-6 Ranch Rd has been improved in conjunction with Red Hawk development to the north.

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? None offsite/371 on-site

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Empirita Water Company	8' water line to the property line
Sewer/Septic	Septic	
Electricity	Sulphur Springs Valley Electric Coop	Extension under construction by Red Hawk
Natural Gas	None	
Telephone	Qwest	Extension
Fire Protection		Annexation into a local fire district

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed).

Compliance with the attached criteria justifies a favorable rezoning request, as provided by the Cochise County Zoning Regulations, Chapter 22, Amendment 2208.03: Rezoning Criteria. Supporting data can be found in the attached rezoning application attachment #1 and in the J-6 Ranch Development Capability Report, provided herewith.

25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature: BY: 

Date: 6/8/11

J-6 Ranch Rezoning Application Attachment #1

1. A Land Use Concept Plan has been submitted as Exhibit IV.B.2. Supporting data includes: planned uses (Section IV.A.3); general location, size and height of all structures (Section IV.B.1); setbacks (Section IV.B.1); proposed screening and landscaping (Section IV.E); significant features on-site (Sections III.A-G); and a statement that a subdivision plat will be submitted within one year of rezoning approval (Section IV.B.1).
2. The proposed development meets all regulations for a SR-2 Zoning District. Supporting data for these regulations can be found in Section IV.B.1.
3. The proposed zoning district will not adversely affect adjoining districts making them incapable for development.
4. The project site has no uses that do not conform to the regulations of the proposed zoning district. A description of existing uses can be found in Section III.C.
5. The proposed zoning district will be an extension of the existing SR-2 zoning north of the project site making it compatible with existing development. Additional supporting data can be found in Section IV.C.
6. The proposed zoning district is compatible with existing zoning districts and offers adequate buffering and transition of densities to adjacent properties. Additional supporting data can be found in Section IV.C and Section IV.E.
7. The proposed development will be providing adequate services and infrastructure. A Traffic Impact Analysis (TIA) has been submitted separate from this application. The TIA provides supporting data that addresses pre development and post-development traffic issues. The Development Capability Report identifies existing services and necessary improvements relating to water, streets, sewer, electricity, telephone and fire protection. Additional supporting data can be found in Sections III.G and IV.H.

8. The proposed development is consistent with the preservation of surrounding streets as defined in Section 102.B.3.a-g of the Cochise County Comprehensive Plan. Future circulation needs have been accounted for with the current construction of J-Six Ranch Road. Additional supporting data can be found in the TIA.
9. The proposed development has one access point to a major street.
10. The proposed zoning district is not GB, LI or HI and the proposed development is not considered an infill project.
11. The proposed development accounts for the unique topographic features found on-site. Appropriate measures to protect and develop around these areas will be better determined during the platting stage; however, preliminary measures can be found in Section IV.F, V.E.3 and Appendix B.
12. Water conservation measures will be stressed throughout the development of the proposed project. The project site does not lie within the Sierra Vista Sub-watershed Overlay Zone. Additional supporting data can be found in Section IV.K, V.E.4 and Appendix B.
13. Multiple neighborhood meetings have been held to discuss the proposed project to concerned and interested members of the community. Following submittal of this Report and the zoning application, another neighborhood meeting will be scheduled and Section VII of this Report will be supplemented following that meeting.
14. Hazardous materials are not involved with the proposed development.
15. The project site lies in an area designated as "Rural" under the Cochise County Comprehensive Plan. The Rural designation is also considered a Category D (Rural) Growth Area. The Plan identifies this designation as having one or more of the following characteristics: sparsely populated; larger lot sizes; agricultural production or grazing; availability of sites large enough for intensive industrial uses that cannot be accommodated in other growth areas; large expanses of private and public lands; and/or have developed and undeveloped recreational resources. The proposed

conforms to the regulations of the existing Rural comprehensive plan designation.

FEE # 060205565
OFFICIAL RECORDS
COCHISE COUNTY
DATE HOUR
02/13/06 4



WHEN RECORDED, RETURN TO:

The Lenihan Law Firm, P.C.
1050 E. River Road, Suite 300
Tucson, Arizona 85718
Attention: Stephen J. Lenihan, Esq.

REQUEST OF
CANYON TITLE AGENCY
CHRISTINE RHODES-RECORDER
FEE : 12.00 PAGES : 5

Special Warranty Deed

6103664

2251280

For the consideration of TEN AND NO/100 (\$10.00) DOLLARS, and other valuable consideration, JAY-SIX RANCH LTD., an Arizona limited partnership, and EMPIRITA RANCH LIMITED PARTNERSHIP, an Arizona limited partnership, collectively the GRANTOR, does hereby convey to EASTER MOUNTAIN RANCH, L.L.C., an Arizona limited liability company, as to an undivided 85.8982% interest, and SWC RIVER/CRAYCROFT, L.L.C., an Arizona limited liability company, as to an undivided 14.1018% interest, collectively the GRANTEE, the real property situated in Cochise County, Arizona, legally described on Exhibit "A", attached hereto and by reference incorporated herein together with all rights and privileges appurtenant thereto, subject to all matters of record and all matters which a physical inspection or ALTA/ACSM survey would disclose. The Grantor hereby binds itself to warrant and defend the title as against all acts of the Grantor herein, and no other, subject to the matters set forth above.

IN WITNESS WHEREOF, Grantor has executed this Deed as of the date first set forth above.

ASSIGNOR:

JAY-SIX RANCH LTD.,
an Arizona limited partnership
By: Jay-Six Ranch, Inc., an Arizona corporation
Its General Partner

By: Neal T. Simonson
Neal T. Simonson, President

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Exhibit A

PARCEL I:

The Southeast quarter of the Northwest quarter, and
The East half of the Southwest quarter, and
The Southwest quarter of the Southwest quarter,
All being found in SECTION 29, TOWNSHIP 17 South, RANGE 19 East of the Gila and
Salt River Base and Meridian, Cochise County, Arizona;

EXCEPT all coal and other minerals as reserved in the Patent from the United States of
America.

PARCEL II:

Lot 4, and
The South half of the South half of SECTION 30, TOWNSHIP 17 South, RANGE 19
East of the Gila and Salt River Base and Meridian, Cochise County, Arizona;

EXCEPT all coal and other minerals as reserved in Patent from The United States of
America.

PARCEL III:

The North half of the Southeast quarter, and
The East half of the Northeast quarter, and
The East half of the Northwest quarter of the Northeast quarter of SECTION 31,
TOWNSHIP 17 South, RANGE 19 East of the Gila and Salt River Base and Meridian,
Cochise County, Arizona;

EXCEPT all coal and other minerals as reserved in Patent from The United States of
America.

PARCEL IV:

The West half of the Northwest quarter of the Northwest quarter, and

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The Southwest quarter of the Northwest quarter of SECTION 32, TOWNSHIP 17 South, RANGE 19 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona;

EXCEPT all coal and other minerals as reserved in Patent from The United States of America.

PARCEL V:

A non-exclusive easement for ingress, egress and utilities created and subject to the terms and provisions contained in instrument recorded January 28, 2005, Document No. 0501-03032, records of Cochise County, Arizona, entitled "Private Blanket Easement for ingress, egress and utilities" over the following described properties:

A portion of SECTION 20, TOWNSHIP 17 South, RANGE 19 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona, more particularly described as follows:

COMMENCING at the Northwest corner of Section 20;
THENCE North 89°29'59" East, a distance of 1,074.53 feet, along the north line of said Section 20;

THENCE South 23°44'53" East, a distance of 480.75 feet;
THENCE South 19°10'38" East, a distance of 167.07 feet, to the POINT OF BEGINNING;

THENCE South 19°10'38" East, a distance of 126.25 feet;
THENCE South 16°57'38" West, a distance of 426.47 feet;
THENCE South 23°34'28" East, a distance of 382.36 feet;
THENCE South 18°23'40" East, a distance of 515.59 feet;
THENCE South 67°48'56" East, a distance of 521.72 feet;
THENCE South 33°43'25" East, a distance of 525.27 feet;
THENCE South 30°43'02" East, a distance of 545.56 feet;
THENCE South 30°53'48" East, a distance of 770.32 feet;
THENCE South 30°55'53" East, a distance of 433.65 feet;
THENCE South 40°40'51" East, a distance of 634.90 feet;
THENCE South 30°03'35" East, a distance of 479.36 feet;
THENCE South 17°44'20" East, a distance of 292.37 feet;
THENCE North 89°20'30" East, a distance of 320.50 feet, to a point on the south line of said Section 20, said point being ACP, RLS 7599;
THENCE South 00°00'20" East, a distance of 1,324.43 feet, to a point in the North half of said Section 29, said point being ACP, RLS 7599;
THENCE South 89°11'23" West, a distance of approximately 3,891.77 feet, to a point on the west line of the Northwest quarter of said Section 29, said point calculated;

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THENCE North 00°35'34" West, a distance of 1,324.43 feet, along a calculated line, to a found 1" steel pin;

THENCE North 00°35'34" West, a distance of 2,632.45 feet, to a stone with a mound of rocks marking the West quarter corner of said Section 20;

THENCE North 01°01'27" West, a distance of 2,075.34 feet;

THENCE North 89°29'49" East, a distance of 1,312.30 feet, to the POINT OF BEGINNING;

EXCEPT all oil, gas and minerals as reserved in Book 105 of Deeds of Real Estate at Page 492, records of Cochise County, Arizona.

PARCEL VI:

A non-exclusive easement for ingress, egress and utilities created and subject to the terms and provisions contained in instrument recorded January 28, 2005, Document No. 0501-03033, records of Cochise County, Arizona, entitled "Private Blanket Easement for ingress, egress and utilities" over the following described properties:

Lots 3 and 4;

The East half of the Southwest quarter; and

The Southeast quarter;

All in SECTION 19, TOWNSHIP 17 South, RANGE 19 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona;

EXCEPT all the oil, gas and minerals as reserved in Deed recorded in Book 105, Deed of Real Estate at Page 492, records of Cochise County, Arizona.

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FEE # 070203943
 OFFICIAL RECORDS
 COCHISE COUNTY
 DATE 02/02/07 HOUR 12

WHEN RECORDED, RETURN TO:

The Lenihan Law Firm, P.C.
 1050 E. River Road, Suite 300
 Tucson, Arizona 85718
 Attention: Stephen J. Lenihan, Esq.

REQUEST OF
 PIONEER TITLE AGENCY
 CHRISTINE RHODES-RECORDER
 FEE : 11.00 PAGES : 6

This document is being
 recorded as a courtesy.
 No Title Liability
 is to be assumed.

Special Warranty Deed

For the consideration of TEN AND NO/100 (\$10.00) DOLLARS, and other valuable consideration, SWC RIVER/CRAYCROFT, L.L.C., an Arizona limited liability company, the GRANTOR, does hereby convey to EASTER MOUNTAIN RANCH, L.L.C., an Arizona limited liability company, the GRANTEE, an undivided 14.1018% interest in that certain real property situated in Cochise County, Arizona, legally described on Exhibit "A," attached hereto and by this reference incorporated herein, together with all rights and privileges appurtenant thereto, subject to all matters of record and all matters which a physical inspection or ALTA/ACSM survey would disclose. The Grantor hereby binds itself to warrant and defend the title as against all acts of the Grantor herein, and no other, subject to the matters set forth above.

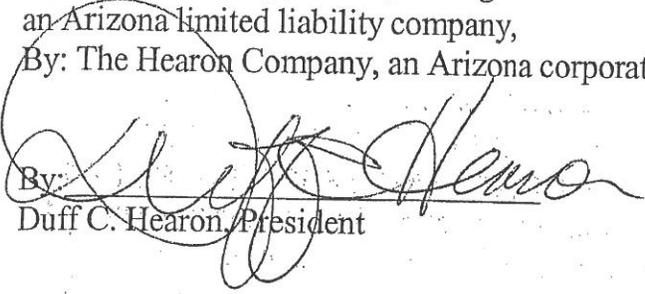
IN WITNESS WHEREOF, Grantor has executed this Deed as of the date first set forth above.

GRANTOR:

SWC River/Craycroft, L.L.C.,
 an Arizona limited liability company

By: Ashland Group, L.L.C., Manager
 an Arizona limited liability company,

By: The Hearon Company, an Arizona corporation, Manager

By: 
 Duff C. Hearon, President

070203943

EXHIBIT A TO WARRANTY DEED

(Legal Description of Property)

070203943

Exhibit A

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EXCEPT all the oil, gas and minerals as reserved in Deed recorded in Book 105, Deed of Real Estate at Page 492, records of Cochise County, Arizona.

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~~060205565~~

Wilson, Beverly

From: Steve Lenihan [slenihan@usa.net]
Sent: Tuesday, July 19, 2011 11:47 AM
To: Wilson, Beverly
Cc: Duff Hearon
Subject: CC&N and Other Information



ACC -70476
Empirita Water Co. ... Beverly,

Per your request, attached is a copy of the CC&N including our project in the service area for Empirita Water Company.

In searching the Development Capability Report, the CC&Rs, the Design Guidelines and the Sustainability Plan for the word "mow" or the word "grass" in the context of cutting or mowing, I have not found either. It is our intent to have the HOA cut the grass to reduce fire hazards in the developed areas. The cattle will take care of the undeveloped areas.

The Design Guidelines and the Sustainability Plan are incorporated into the CC&Rs pursuant to Sections 3.1.3 and 4.2.1 of the CC&Rs.

We agree to that the Development Capability Report may be deemed changed so that the minimum distance between buildings in Section IV.B.1.e is 15 feet instead of 10 feet.

Please advise should you need any additional information. Thanks very much.

Steve

Stephen J. Lenihan, Esq.
1050 E. River Road, Suite 300
Tucson, AZ 85718
Phone: (520) 293-1702
Fax: (520) 293-0539

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