



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

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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

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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