

Subj: **Water Bills ** Easter Mtn. Sends County NOC**
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CENTRAL
J-6 Mescal Skyline

KEEPING THE NEIGHBORHOOD INFORMED:

WATER BILLS ALMOST LAW EASTER MTN SENDS COUNTY NOC

**NOT TOO LATE
TO SEND IN
COMMENTS VIA
EMAIL OR BY
PHONE!**

WATER BILLS THAT ARE NEARLY LAW!

Arizona State Senators and Representatives are only days away from passing two water bills that will significantly impact decisions in Cochise County.

SB1268 removes the requirement that cities and towns comply with county ordinances requiring a proposed subdivision located outside of an AMA to demonstrate an adequate water supply before the final plat can be approved.

Cochise County Board of Supervisors unanimously passed such an ordinance that then required Benson, Sierra Vista, Tombstone, and Bisbee to meet this higher standard.

If SB1268 is passed into law, Cochise County towns and cities can adopt an ordinance to opt out of the county's ordinance requiring a subdivision to show an adequate water supply. This Bill has passed the Senate and has almost completed the process in the House.

SB1400 requires a county's adequate water supply provision to expire every five years. The adequate water supply provision already adopted by both Cochise and Yuma Counties would then expire in two years after this law became effective, requiring the Board of Supervisors to once again have to vote unanimously to readopt this higher standard. BOS approval would then be required every 5 years to keep this standard in effect. SB Bill 1400 has passed the Senate and has almost completed the process in the House. (NEWSFLASH - Saturday article in Daily Star stated that House

Sponsor Rep. Brenda Barton has pulled the bill from consideration due to opposition. Legislative website does not confirm her action at this time.)

Email links for Senators and Representatives can be found by clicking [here](#). Senator Gail Griffin, from your Legislative District 14, is sponsoring both Bills. Representatives Gowan and Stevens, also from Legislative District 14, are sponsors for SB1268. By using the link above, you are able to selectively email legislators of your choice beyond District 14.



EASTER MOUNTAIN RANCH, LLC SENDS NOTICE OF CLAIM TO COUNTY

Cochise County has responded to a Notice of Claim from the developer of J-6 Ranch subdivision - a process that allows the county an opportunity to respond to the developer's contentions before he may file a lawsuit against the government.

In a letter dated Feb. 18, 2016, Britt Hanson, Chief Civil Deputy County Attorney, wrote: "None of the theories you cited in your NOC state a colorable cause of action. Accordingly, we are denying your claim."

On July 14th, 2015, the County denied the tentative plat presented by Developer Steve Lenihan for phase one of the gated subdivision to be located at the south end of J-6 Ranch Road. The denial was based upon failure to comply with the condition of rezoning since the route from Highway 90, offered by the developer, lead to a Roadless Area of the National Forest where no roads could be built to connect to the access point. Before voting, the Developer was given the opportunity to propose an alternative access, but declined.

In November 25, 2015, Lenihan proposed a "Replacement Easement" in the general area as the above alternative . The Replacement Easement did not access the Forest at a Roadless Area and looked promising if technical issues could be resolved. The Developer responded that the Replacement Easement could not be revised at all - therefore, not appearing to help resolve the access matter.

According to the letter written to Lenihan,

"At this point, in order to give the Board a chance to consider the Replacement Easement, you would need to re-apply for approval of a tentative plat. In that process, the plat, including the Replacement Easement as a revised access, would first be considered by the Planning

Commission, which would then forward a recommendation to the Board. It is up to you whether you wish to reapply." Hanson continued to say that he would include in a recommendation to both the Commissioners and the Supervisors his concerns about the technical issues regarding the Replacement Easement, and that the Replacement Easement does not appear to help resolve the matter.

(Culminating a process that began in 2007, the Board of Supervisors unanimously voted on October 25, 2011, to approve the following as a condition of rezoning the 556 acre parcel from RU-4 to SR 87: "Prior to approval of the first subdivision plat, the Applicant must demonstrate that either onsite or offsite multi-purpose (vehicular, pedestrian, equestrian, etc.) legal access to adjacent federal lands has been provided.....")

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