



P I N A L • C O U N T Y  
*wide open opportunity*

## INFORMATION ABOUT CONSENT TO CONDITIONS/STIPULATIONS AND WAIVER OF CLAIMS FOR DIMINUTION IN VALUE

Pinal County, as part of the application process concerning land use requests, is now requesting that property owners or their authorized agents execute and return the attached Consent and Waiver. This policy is a result of that part of the Private Property Rights Protection Act (Proposition 207) that deals with regulatory takings and changes in land uses (A.R.S. §§12-1134 – 12-1138).

By signing the Consent and Waiver, the property owner agrees and consents to all conditions and stipulations in conjunction with the property owner's application, acknowledges that approval of the application might affect current or existing rights to use, divide, sell or possess the owner's property, and waives any right to compensation for diminution in value that may result from approval.

The Consent and Waiver form will be provided at the Concept Review Meeting to allow ample time for review. Should the Pinal County Planning and Zoning Commission ("Commission") recommend approval of the property owner's application, the form will again be provided to applicant together with the Commission's recommended stipulations/conditions. These materials will be provided to the applicant via e-mail, within three business days of the Planning Commission hearing. The property owner is requested to return the executed document to the Pinal County Planning and Development Department within 10 working days so that the document can be inserted into the packet to be presented to the Supervisors as part of the planning staff's report.

If an owner does not sign the Consent and Waiver, the application will continue through the normal County process. The Supervisors will be informed of the refusal and this will be one of the factors considered by the Supervisors.

If the Commission recommends denial of the property owner's application but the Supervisors decide to approve the application, the property owner will be requested to sign the Consent and Waiver with attached conditions/stipulations and conditions, after the Board of Supervisors' hearing.

### PLANNING & DEVELOPMENT

31 North Pinal Street, Building F, PO Box 2973 Florence, AZ 85132 T 520-866-6447 FREE 888-431-1311 F 520-866-6490 [www.pinalcountyz.gov](http://www.pinalcountyz.gov)

When recorded return to:  
Clerk  
Pinal County Board of Supervisors  
P.O. Box 827  
Florence, AZ 85132

**CONSENT TO SCHEDULE FOR DEVELOPMENT AND  
CONDITIONS/STIPULATIONS AND WAIVER OF CLAIMS FOR DIMINUTION IN  
VALUE**

This Consent to Schedule for Development and Conditions/Stipulations and Waiver of Claims for Diminution in Value ("Consent and Waiver") is made in favor of Pinal County (the "County") by El Dorado Bella Vista LLC ("Owner").

Owner warrants and represents that Owner is the fee title owner of the property described herein, and that no other entity or person has an ownership interest in the property. Prior to Owner's transfer, sale or conveyance of all or any part of its right, title and interest in the Property at any time within thirty (30) days of the County's approval of Owner's application described herein, Owner shall notify the County of said transfer, sale or conveyance and shall require the new Owner to execute and agree to this Consent and Waiver as part of any transfer, sale or conveyance of the property described herein.

Owner acknowledges that A.R.S. § 12-1134 of the Arizona Private Property Rights Protection Act provides in some cases that a county is required to pay just compensation to a landowner if the County approves a land use law that reduces the fair market value of the owner's property. Owner further acknowledges that A.R.S. § 12-1134 authorizes a private property owner to waive any claim for diminution in value of property in connection with any action proposed by a county or any action requested by the property owner.

Owner has submitted an application to Pinal County ("County") requesting the County approve a Planned Area Development for development of the following described property ("Property"):

["Legal description is attached hereto as Exhibit "A."]

By signing below, Owner agrees and consents to the Schedule for Development and all the conditions/stipulations imposed by Pinal County in conjunction with the approval of the REV Bella Vista Farms, Case No. PZ-PD-018-020, which are attached hereto as

["Stipulations are attached here to as Exhibit "B."]

By signing below, Owner acknowledges that the approval of the REV Bella Vista Farms, Case No PZ-PD-018-020 might affect existing rights to use, divide, sell or possess the Property. By signing below, Owner hereby waives any and all rights to claim compensation for diminution in value pursuant to A.R.S. §12-1134 that may now or in the future exist as a result of the approval of the REV Bella Vista Farms, Case No. PZ-PD-018-020, and the Schedule for Development and conditions/stipulations imposed in conjunction with the approval. Owner waives any and all rights to claim compensation for diminution in value for any action taken by the County to rescind approval of REV Bella Vista Farms in Case No. PZ-PD-018-020 because of non-compliance with the Schedule for Development and/or any of the approved conditions/stipulations.

This Consent and Waiver shall run with the land and shall be binding upon all present and subsequent property owners.

Owner consents to the recordation of this Consent and Waiver after approval of the above-referenced case by the County. If Owner withdraws its application prior to final action of the County or the County denies the application, Owner is released from this Consent and Waiver.

OWNER: El Dorado Bella Vista LLC  
[Print Entity Name]  
By: El Dorado Holdings, Inc  
Its: Administrative agent  
Bruce Hunt  
Signature  
Its: Vice President  
[Title, if applicable]  
Dated: 3/19/21

OWNER: \_\_\_\_\_  
[Print Entity Name]  
\_\_\_\_\_  
Signature  
Its: \_\_\_\_\_  
[Title, if applicable]  
Dated: \_\_\_\_\_

ALTERNATE ACKNOWLEDGMENT: *Use only when a second company is signing on behalf of owner:*

STATE OF Arizona )  
 ) ss.  
COUNTY OF Maricopa )

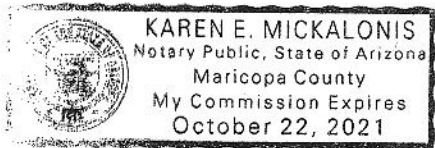
The foregoing instrument was acknowledged before me, this 19 day of March,  
2021, by Brad Hinton as  
Vice President

[Insert Signor's Name] [Insert Title]  
of El Dorado Holdings, Inc., an Arizona corporation,  
[Insert Name of Second Company] [Insert State of Incorporation]  
as Administrative Agent for El Dorado Bella Vista LLC  
[i.e. member, manager, etc.] [Owner's Name]

who being authorized to do so, executed the foregoing instrument on behalf of said entities for the purposes stated therein.

Karen E. Mickalonis  
Notary Public

My commission expires: 10-22-21



## **Exhibit A**

### **Legal Description**

#### **For**

#### **Bella Vista – Parcel U**

#### **Multifamily Parcel**

Located in the West half of Northwest Quarter of Section 15, Township 3 South, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona. Described as follows:

Commencing at the Southwest corner of said Northwest Quarter, from which the North Quarter corner of said Section 15 bears North 02°01'49" West, a distance of 2652.32 feet;

Thence North 02°01'49" West, along the West line of said Northwest Quarter, a distance of 135.05 feet;

Thence departing said West line, North 89°32'48" East, parallel with and 135.00 feet Northerly, as measured at right angles to the South line of said Northwest Quarter, a distance of 55.02 feet to the Point of Beginning;

Thence departing said parallel line, North 02°01'49" West, parallel with and 55.00 feet Easterly, as measured at right angles to said West line, a distance of 557.43 feet;

Thence departing said parallel line, North 89°37'34" East, a distance of 1,258.94 feet;

Thence South 02°06'48" East, parallel with and 40.00 feet Westerly, as measured at right angles to the East line of said West half, a distance of 555.71 feet;

Thence South 89°32'48" West, parallel with and 135.00 feet Northerly of said South line, distance of 1,259.70 feet to the Point of Beginning.

Containing 700,498.49 square feet or 16.08 acres, more or less.

**EXHIBIT B (PZ-PD-018-20)**  
**STIPULATIONS BELLA VISTA FARMS MR PAD**

1. The stipulations enumerated herein pertain to the area described in case PZ-0018-20 & PZ-PD-0018-20;
2. All stipulations from case PZ-PD-012-11 are valid and in addition to all stipulation per PZ-0018-20 & PZ-PD-0018-20;
3. Approval of this PAD (PZ-PD-018-20) will require, at the time of application for development, that the applicant/owner submit and secure from the applicable and appropriate Federal, State, County and Local regulatory agencies, all required applications, plans, permits, supporting documentation and approvals;
4. Bella Vista Farms MR Planned Area Development (PAD) Overlay District (PZ-PD-018-20) is to be developed as shown by the site plan/development plan dated March 1, 2021, along with the applicants other supplementary documentation in accordance with the applicable criteria set forth in Chapter 2.176 of the Pinal County Development Services Code;
5. Approval of this Planned Area Development (PAD) Overlay District is contingent upon the Board of Supervisors zone change approval as set forth in Planning Case PZ-018-20;
6. Developer/property owner will be required to separate the subject site (Tax Parcel 210-15-001B) into one parcel from the 80 acre site to 16.78± acres prior to Site Plan submittal;
7. The applicant/property owner shall meet the requirements of the International Fire Code, as adopted by Pinal County and administered by the Pinal County Building Safety Department;
8. A dust registration permit from the Pinal County Air Quality Control District shall be obtained prior to the disturbance of 0.1 acres or more;
9. All construction activity must conform to the Earthmoving Activity requirements of the Pinal County Air Quality Control District;
10. A second vehicular and permanent access shall be provided to the adjacent subdivision to the north of the subject site, access may be granted subject to review and approval of the County Engineer.
11. All A Traffic Impact Analysis (TIA) will be required to be submitted to the County Engineer at the time of Site Plan submittal for review and approval. All peripheral road and infrastructure improvements shall be per the approved Traffic Impact Analysis to mitigate impacts on all surrounding roadways to be completed at the developer's cost. These may include construction of acceleration/deceleration lanes, left turn pockets, traffic signals or other public improvements as approved by the County Engineer. The TIA shall be in accordance

with the current Pinal County TIA Guidelines and Procedures and shall be approved prior to the Site Plan approval;

12. A drainage report will be required to be submitted to the County Engineer at the time of Site Plan submittal for review and approval. The drainage report shall comply with the current Pinal County Drainage Manual and shall be approved prior to the Site Plan approval. The approved Drainage Plan shall provide retention for storm waters in a common retention area or as approved by the County Engineer;
13. Right-of-way dedication (55' half street) and road improvements will be required along SCHNEPF ROAD (western boundary). All roadway and infrastructure improvements shall be in accordance with the current Pinal County Subdivision Standards or as approved by the County Engineer;
14. All right-of-way dedication shall be free and unencumbered; and
15. Any roadway sections, alignments, access locations and access movements shown in the PAD are conceptual only and have not been approved by the Pinal County Engineer.