

When recorded return to:
Clerk of the Board
P.O. Box 827
Florence AZ 85132

RESOLUTION NO. 2023-SUP-017-23

A RESOLUTION OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS APPROVING A SPECIAL USE PERMIT FOR A PROPERTY LOCATED SOUTH OF E. FLORENCE-KELVIN HIGHWAY AND EAST OF N. HOHOKAM ROAD, (TAX PARCEL (206-06-016M) TO CONSTRUCT A NEW WIRELESS COMMUNICATION FACILITY, IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. SUP-017-23

WHEREAS, the Pinal County Board of Supervisors (the “**Board**”) is authorized pursuant to the Pinal County Development Services Code § 2.151.010 to approve Special Use Permits in order to ensure and protect the public health, safety, convenience and general welfare; and,

WHEREAS, on February 21, 2023, the Pinal County Community Development Department (the “**Department**”) received an application from James Caciola of Vertical Bridge, LLC, applicant, on behalf of George Alan Nicewander, owner of a 10.48 ± acre parcel located South of E. Florence-Kelvin Highway and East of N. Hohokam Road in an unincorporated area of Pinal County (Tax Parcel 206-06-016M) zoned General Rural (GR) and legally described on the attached **Exhibit “A”** (the “**Property**”) for a Special Use Permit requesting approval to construct a new wireless communication facility on the Property (the “**SUP Application**”); and,

WHEREAS, on September 21, 2023, the Pinal County Planning and Zoning Commission (the “**Commission**”) held a public hearing on the SUP Application under Case No. SUP-017-23 (the “**Commission Hearing**”); and,

WHEREAS, during the Commission Hearing Department staff presented and recommended approval of the SUP Application with 15 stipulations, with the Commission NOT amending and NOT adding to the staff-recommended stipulations prior to voting on the matter (for a total of 15 stipulations), as set forth on the attached **Exhibit “B”** (the “**Stipulations**”); and,

WHEREAS, at the conclusion of the Commission Hearing, the Commission voted 9-0 in favor of forwarding a recommendation of approval of the SUP Application to the Board, subject to the Stipulations.

NOW, THEREFORE, BE IT RESOLVED by the Board that the SUP Application is hereby approved subject to the Stipulations.

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[Signatures on following page.]

RESOLUTION NO. 2023-SUP-017-23

PASSED AND ADOPTED this 1st day of November, 2023, by the PINAL COUNTY BOARD OF SUPERVISORS.

Chairman of the Board

ATTEST:

Clerk/Deputy Clerk of the Board

APPROVED AS TO FORM:

Deputy County Attorney

EXHIBIT A
SUP-017-23 LEGAL DESCRIPTION

PARENT PARCEL LEGAL DESCRIPTION

THE FOLLOWING REAL PROPERTY SITUATED IN PINAL COUNTY, ARIZONA:

LOTS 4 AND 5 AS SET FORTH IN BOOK 2 OF SURVEYS, PAGE 014, RECORDS OF PINAL COUNTY, ARIZONA

PARCEL NO. 206-06-016M

THIS BEING THE SAME PROPERTY CONVEYED TO GEORGE ALAN NICEWANDER AND ELFRIEDA KAY NICEWANDER, HUSBAND AND WIFE FROM GERALD R. HANSON, AS TRUSTEE OF THE GERALD R. HANSON REVOCABLE TRUST DATED OCTOBER 14, 2010 IN DEED DATED AUGUST 23, 2011 AND RECORDED AUGUST 31, 2011 AS INSTRUMENT NO. 2011-071931.

LEASE AREA LEGAL DESCRIPTION

A PORTION LOT 4 AS SET FORTH IN BOOK 2 OF SURVEYS, PAGE 014, RECORDS OF PINAL COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND GLO BRASS CAP MARKING THE NORTH QUARTER CORNER OF SECTION 13, TOWNSHIP 5 SOUTH, RANGE 10 EAST, G&SRBM.

THENCE ALONG THE WEST LINE OF SAID LOT 4 THENCE SOUTH 00°22'30" EAST A DISTANCE OF 440.05 FEET;

THENCE DEPARTING SAID WEST LINE, NORTH 89°37'30" EAST A DISTANCE OF 30.00 FEET TO A POINT ALONG A ROADWAY EASEMENT RECORDED IN DOCKET 1463, PAGE 691 OF PINAL COUNTY;

THENCE NORTH 89°37'30" EAST A DISTANCE OF 90.11 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89°38'24" EAST A DISTANCE OF 40.00 FEET;

THENCE SOUTH 00°21'36" EAST A DISTANCE OF 40.00 FEET;

THENCE SOUTH 89°38'24" WEST A DISTANCE OF 40.00 FEET;

THENCE NORTH 00°21'36" WEST A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

AN AREA CONTAINING 1600 SQ. FT.

ACCESS/UTILITY EASEMENT LEGAL DESCRIPTION

A PORTION LOT 4 AS SET FORTH IN BOOK 2 OF SURVEYS, PAGE 014, RECORDS OF PINAL COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND GLO BRASS CAP MARKING THE NORTH QUARTER CORNER OF SECTION 13, TOWNSHIP 5 SOUTH, RANGE 10 EAST, G&SRBM.

THENCE ALONG THE WEST LINE OF SAID LOT 4 THENCE SOUTH 00°22'30" EAST A DISTANCE OF 440.05 FEET;

THENCE DEPARTING SAID WEST LINE, NORTH 89°37'30" EAST A DISTANCE OF 30.00 FEET TO A POINT ALONG A ROADWAY EASEMENT RECORDED IN DOCKET 1463, PAGE 691 OF PINAL COUNTY AND BEING THE POINT OF BEGINNING;

THENCE NORTH 89°37'30" EAST A DISTANCE OF 90.11 FEET;

THENCE SOUTH 00°21'36" EAST A DISTANCE OF 40.00 FEET;

THENCE SOUTH 00°00'00" WEST A DISTANCE OF 4.00 FEET;

THENCE SOUTH 89°38'24" WEST A DISTANCE OF 20.00 FEET;

THENCE NORTH 00°12'57" WEST A DISTANCE OF 9.99 FEET;

THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 15.72', WITH A RADIUS OF 9.97', WITH A CHORD BEARING OF NORTH 45°22'03" WEST, WITH A CHORD LENGTH OF 14.14';

THENCE SOUTH 89°37'30" WEST A DISTANCE OF 60.10 FEET;

THENCE NORTH 00°22'30" WEST A DISTANCE OF 24.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

SUP-017-23 STIPULATIONS

1. All Federal (FCC), State and County regulations shall be adhered to and all required approvals, plans, submittal documents, and permits submitted and obtained; including, but not limited to, planning clearance, building, sewage disposal, right-of-way use permit, handling and disposal of waste water, air quality permit, security lighting, fire protection, landscaping, signage, etc.;
2. Submit an R.F. Engineer's certification within thirty days of BOS approval, that the facilities comply with all Federal Aviation Administration (FAA), and that the radiation meets Federal Communication Commission (FCC) requirements. Should interference be determined to exist with the WAPA Communications equipment, building permits shall not be issued until the interference issues are resolved to the satisfaction of Pinal County Community Development;
3. 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;
4. 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 land;
5. All construction activity must conform to the Earthmoving Activity requirements of the Pinal County Air Quality Control District;
6. Paving will be provided on the following: 24 foot driveway & access drive, within the site, and on parking area; Applicable to site access portion of W. Fresno Road and S. Rincon Road, additional road access improvement requirements must be met as determined by County Engineer(s) and other County Divisions/personnel;
7. An Air Quality industrial permit may be required if there is a generator installed;
8. The WCF is required to be enclosed by an 8' CMU wall as required by County Code § 2.205.050 (B);
9. The layout, design and set up of the wireless communication facility shall be as shown and set forth on the applicant's site plan as submitted with this application for a Special Use Permit;
10. Any change or expansion of use shall require approval by the Board of Supervisors;
11. At such time the wireless communication facility is no longer needed, it shall be removed from the subject property within 180 day at the expense of the applicant;
12. The applicant shall keep the property free of trash, litter and debris;

13. Violation of these conditions at any time may invoke revocation proceedings by the Pinal County Community Development Department;

14. A site plan process would be initiated by the applicant after the SUP is approved by the BOS;
and

15. Approval of this Special Use Permit is tied to the portion of parcel number 501-45-0680 in which the WCF is situated.