

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

RESOLUTION NO. 2023-SUP-019-23

A RESOLUTION OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS APPROVING A SPECIAL USE PERMIT FOR A PROPERTY LOCATED NORTH OF W. FRESNO ROAD AND WEST OF S. RINCON ROAD, (TAX PARCEL (501-45-0680) TO CONSTRUCT A NEW WIRELESS COMMUNICATION FACILITY, IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. SUP-019-23

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 Jason Lee Ludington, owner of a 3.35 ± acre parcel located North of W. Fresno Road and West of S. Rincon Road in an unincorporated area of Pinal County (Tax Parcel 501-45-0680) zoned Suburban Ranch (SR) 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-019-23 (the “**Commission Hearing**”); and,

WHEREAS, during the Commission Hearing Department staff presented and recommended approval of the SUP Application with 15 stipulations, which stipulations were amended by the Commission by adding an additional stipulation, for a total of 16 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-019-23

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-019-23 LEGAL DESCRIPTION

PARENT PARCEL LEGAL DESCRIPTION:

THAT CERTAIN PROPERTY SITUATED IN PINAL COUNTY, STATE OF ARIZONA, AND DESCRIBED AS FOLLOWS:

LOT 68, OF HIDDEN VALLEY ESTATES UNIT 10, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF PINAL COUNTY, ARIZONA, IN BOOK 14 OF MAPS, PAGE 12.

PARCEL ID NO.: 501-45-0680

THIS BEING THE SAME PROPERTY CONVEYED TO JASON LEE LUDINGTON FROM MARK FRANK FORSYTH III IN A QUIT CLAIM DEED DATED NOVEMBER 6, 2015 AND RECORDED NOVEMBER 6, 2016 AS INSTRUMENT NO. 2015-072243 IN PINAL COUNTY, ARIZONA.

TOWER EASEMENT PREMISES LEGAL DESCRIPTION:

A PORTION OF LOT 68, OF HIDDEN VALLEY ESTATES UNIT 10, ACCORDING TO BOOK 14 OF MAPS, PAGE 12, PINAL COUNTY. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE ALUMINUM MARKING THE SOUTHWEST CORNER OF SECTION 26; THENCE NORTH 53°42'12" EAST A DISTANCE OF 912.60 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 90°00'00" EAST A DISTANCE OF 40.00 FEET;

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

THENCE NORTH 90°00'00" WEST A DISTANCE OF 40.00 FEET;

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

ACCESS EASEMENT LEGAL DESCRIPTION:

A PORTION OF LOT 68, OF HIDDEN VALLEY ESTATES UNIT 10, ACCORDING TO BOOK 14 OF MAPS, PAGE 12, PINAL CAOUNTY. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE ALUMINUM MARKING THE SOUTHWEST CORNER OF SECTION 26; THENCE NORTH 53°32'20" EAST A DISTANCE OF 912.60 FEET;

THENCE NORTH 90°00'00" EAST A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING;

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

THENCE NORTH 90°00'00" EAST A DISTANCE OF 20.00 FEET;

THENCE SOUTH 00°00'00" EAST A DISTANCE OF 10.00 FEET;

THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 14.74', WITH A RADIUS OF 10.06', WITH A CHORD BEARING OF SOUTH 41°59'14" EAST, WITH A CHORD LENGTH OF 13.45';

THENCE NORTH 90°00'00" EAST A DISTANCE OF 60.96 FEET;

THENCE SOUTH 00°23'38" WEST A DISTANCE OF 24.00 FEET;

THENCE NORTH 90°00'00" WEST A DISTANCE OF 89.79 FEET;

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

UTILITY EASEMENT LEGAL DESCRIPTION

A PORTION OF LOT 68, OF HIDDEN VALLEY ESTATES UNIT 10, ACCORDING TO BOOK 14 OF MAPS, PAGE 12, PINAL CAOUNTY. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE ALUMINUM MARKING THE SOUTHWEST CORNER OF SECTION 26; THENCE NORTH 53°32'20" EAST A DISTANCE OF 912.60 FEET;

THENCE NORTH 90°00'00" EAST A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 00°00'00" EAST A DISTANCE OF 1.84 FEET TO THE CENTERLINE OF THE 5.0 FOOT WIDE UTILITY EASEMENT LYING 2.50 FEET ON EACH SIDE AND TO THE POINT OF BEGINNING;

THENCE NORTH 71°30'56" EAST A DISTANCE OF 96.66 FEET TO THE POINT OF TERMINUS.

EXHIBIT B

SUP-019-23 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;

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

16. Per the Pinal County Site Plan Requirements, the Applicant is to provide a grading and drainage design for the subject property that satisfies the Pinal County Drainage Manual requirements.