

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

RESOLUTION NO. 2023-SUP-004-23

A RESOLUTION OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS APPROVING A SPECIAL USE PERMIT FOR A PROPERTY LOCATED NORTH OF GUADALUPE ROAD AND WEST OF IRONWOOD DRIVE (TAX PARCEL 104-63-007K) TO CONTINUE TO OPERATE A WIRELESS COMMUNICATION FACILITY, IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. SUP-004-23

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 28, 2023, the Pinal County Community Development Department (the “**Department**”) received an application from Nicole Comach, applicant, SBA 2012 TC Assets, LLC, landowner of a certain property located north of Guadalupe Rd. and west of Ironwood Dr. in an unincorporated area of Pinal County (Tax Parcel 104-63-007K) and legally described in the attached **Exhibit “A”** (the “Property”) for a Special Use Permit requesting approval to continue to operate a wireless communication facility, on a 0.53± acre parcel in the CI-2 Industrial Zone (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, identified as Case No. SUP-004-23 (the “**SUP Application Hearing**”); and,

WHEREAS, at the SUP Application Hearing, the Department staff presented Case No. SUP-004-23 with 16 stipulations, which were amended by the Commission at the hearing for a total of 17 Stipulations set forth in the attached **Exhibit “B”** (the “**Stipulations**”); and,

WHEREAS, following the public hearing on the SUP Application, the Commission voted 8-0 in favor of forwarding a recommendation of approval to the Board, subject to the Stipulations.

NOW, THEREFORE, BE IT RESOLVED by the Pinal County Board of Supervisors that the Special Use Permit requesting approval to continue to operate a wireless communication facility, on a 0.53± acre parcel in the CI-2 Industrial Zone is hereby approved for Nicole Comach, applicant, SBA 2012 TC Assets, LLC, landowner for the Property legally described in **Exhibit “A”** and subject to the Stipulations set forth in **Exhibit “B”**.

[Signatures appear on the following page.]

RESOLUTION NO. 2023-SUP-004-23

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
LEGAL DESCRIPTION
SUP-004-23

PARENT PARCEL LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, LYING SOUTHWEST OF THE SOUTHWESTERLY SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY.

ACCESS/UTILITY EASEMENT LEGAL DESCRIPTION

A PORTION OF THE PROPERTY DESCRIBED IN THE DEED RECORDED AT FEE NO. 1997-036357 OF PINAL COUNTY RECORDS, STATE OF ARIZONA, RECORDED IN THE OFFICE OF THE CLERK OF SAID COUNTY ON OCTOBER 17, 1997, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HANDHOLE LOCATED AT THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 8 EAST; THENCE ALONG THE SOUTH LINE OF SAID SECTION NORTH $88^{\circ}20'42''$ EAST, A DISTANCE OF 1185.40 FEET; THENCE DEPARTING SAID SOUTH LINE NORTH $39^{\circ}05'18''$ WEST, A DISTANCE OF 50.37 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST ARIZONA FARMS ROAD (40.00 FOOT RIGHT-OF-WAY); THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH $88^{\circ}20'42''$ WEST, A DISTANCE OF 494.22 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID RIGHT-OF-WAY LINE NORTH $01^{\circ}39'18''$ WEST, A DISTANCE OF 100.50 FEET;

TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 48.00 FEET;

THENCE NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $91^{\circ}39'18''$, AN ARC LENGTH OF 76.78 FEET, AND A CHORD BEARING NORTH $44^{\circ}10'21''$ EAST, 68.86 FEET;

THENCE NORTH $90^{\circ}00'00''$ EAST, A DISTANCE OF 24.47 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 28.00 FEET;

THENCE NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $90^{\circ}00'00''$, AN ARC LENGTH OF 43.98 FEET, AND A CHORD BEARING NORTH $45^{\circ}00'00''$ EAST, 39.60 FEET; THENCE NORTH $00^{\circ}00'00''$ EAST, A DISTANCE OF 22.00 FEET; THENCE NORTH $90^{\circ}00'00''$ EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH $00^{\circ}00'00''$ EAST, A DISTANCE OF 22.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 28.00 FEET;

THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $90^{\circ}00'00''$, AN ARC LENGTH OF 43.98 FEET, AND A CHORD BEARING SOUTH

45°00'00" EAST, 39.60 FEET TO THE SOUTHWEST CORNER OF THE LEASE AREA; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 40.00 FEET TO THE SOUTHEAST CORNER OF THE LEASE AREA; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 20.00 FEET;

THENCE NORTH 90°00'00" WEST, A DISTANCE OF 140.47 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 28.00 FEET;

THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 91°39'18", AN ARC LENGTH OF 44.79 FEET, AND A CHORD BEARING SOUTH 44°10'21" WEST, 40.17 FEET; THENCE SOUTH 01°39'18" EAST, A DISTANCE OF 100.50 FEET; THENCE SOUTH 88°20'42" WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

UTILITY EASEMENT 1 LEGAL DESCRIPTION

A 12.00 FOOT WIDE STRIP OF LAND BEING IN THE PROPERTY DESCRIBED IN THE DEED RECORDED AT FEE NO. 1997-036357 OF PINAL COUNTY RECORDS, STATE OF ARIZONA, RECORDED IN THE OFFICE OF THE CLERK OF SAID COUNTY ON OCTOBER 17, 1997, LYING 6.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT A BRASS CAP IN HANDHOLE LOCATED AT THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 8 EAST; THENCE ALONG THE SOUTH LINE OF SAID SECTION NORTH 88°20'42" EAST, A DISTANCE OF 1185.40 FEET; THENCE DEPARTING SAID SOUTH LINE NORTH 39°05'18" WEST, A DISTANCE OF 50.37 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST ARIZONA FARMS ROAD (40.00 FOOT RIGHT-OF-WAY); THE DEPARTING SAID RIGHT-OF-WAY LINE AND CONTINUING NORTH 39°05'18" WEST, A DISTANCE OF 67.90 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 90°00'00" WEST, A DISTANCE OF 11.12 FEET; THENCE SOUTH 72°24'43" WEST, A DISTANCE OF 60.08 FEET; THENCE SOUTH 85°51'13" WEST, A DISTANCE OF 188.26 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3.25 FEET;

THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 94°08'47", AN ARC LENGTH OF 5.34 FEET, AND A CHORD BEARING NORTH 47°04'24" WEST, 4.76 FEET;

THENCE NORTH 00°00'00" EAST, A DISTANCE OF 141.40 FEET TO A POINT BEING 6.00 FEET EASTERLY OF THE NORTHEAST CORNER OF THE LEASE AREA.

ALL SIDELINES TO BE LENGTHENED OR SHORTENED TO FORM ONE CONTIGUOUS PARCEL.

UTILITY EASEMENT 2 LEGAL DESCRIPTION

A 5.00 FOOT WIDE STRIP OF LAND BEING IN THE PROPERTY DESCRIBED IN THE DEED RECORDED AT FEE NO. 1997-036357 OF PINAL COUNTY RECORDS, STATE OF ARIZONA, RECORDED IN THE OFFICE OF THE CLERK OF SAID COUNTY ON OCTOBER 17, 1997, LYING 2.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT A BRASS CAP IN HANDHOLE LOCATED AT THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 8 EAST; THENCE ALONG THE SOUTH LINE OF SAID SECTION NORTH 88°20'42" EAST, A DISTANCE OF 1185.40 FEET; THENCE DEPARTING SAID SOUTH LINE NORTH 39°05'18" WEST, A DISTANCE OF 50.37 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST ARIZONA FARMS ROAD (40.00 FOOT RIGHT-OF-WAY); THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 88°20'42" WEST, A DISTANCE OF 494.22 FEET; THENCE CONTINUING SOUTH 88°20'42" WEST, A DISTANCE OF 51.44 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID RIGHT-OF-WAY LINE NORTH 28°20'42" EAST, A DISTANCE OF 103.00 FEET TO THE POINT OF TERMINUS.

ALL SIDELINES TO BE LENGTHENED OR SHORTENED TO FORM ONE CONTIGUOUS PARCEL.

LEASE AREA LEGAL DESCRIPTION

A PORTION OF THE PROPERTY DESCRIBED IN THE DEED RECORDED AT FEE NO. 1997-036357 OF PINAL COUNTY RECORDS, STATE OF ARIZONA, RECORDED IN THE OFFICE OF THE CLERK OF SAID COUNTY ON OCTOBER 17, 1997, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HANDHOLE LOCATED AT THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 8 EAST; THENCE ALONG THE SOUTH LINE OF SAID SECTION NORTH 88°20'42" EAST, A DISTANCE OF 1185.40 FEET; THENCE DEPARTING SAID SOUTH LINE NORTH 39°05'18" WEST, A DISTANCE OF 50.37 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST ARIZONA FARMS ROAD (40.00 FOOT RIGHT-OF-WAY); THE DEPARTING SAID RIGHT-OF-WAY LINE AND CONTINUING NORTH 39°05'18" WEST, A DISTANCE OF 67.90 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 11.12 FEET; THENCE SOUTH 72°24'43" WEST, A DISTANCE OF 60.08 FEET; THENCE SOUTH 85°51'13" WEST, A DISTANCE OF 188.26 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3.25 FEET;

THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $94^{\circ}08'47''$, AN ARC LENGTH OF 5.34 FEET, AND A CHORD BEARING NORTH $47^{\circ}04'24''$ WEST, 4.76 FEET; THENCE NORTH $00^{\circ}00'00''$ EAST, A DISTANCE OF 141.40 FEET; THENCE NORTH $90^{\circ}00'00''$ WEST, A DISTANCE OF 6.00 FEET TO THE NORTHEAST CORNER OF THE LEASE AREA AND THE POINT OF BEGINNING;

THENCE SOUTH $00^{\circ}00'00''$ EAST, A DISTANCE OF 30.00 FEET; THENCE NORTH $90^{\circ}00'00''$ WEST, A DISTANCE OF 40.00 FEET; THENCE NORTH $00^{\circ}00'00''$ EAST, A DISTANCE OF 30.00 FEET; THENCE NORTH $90^{\circ}00'00''$ EAST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

SUP-004-23 STIPULATIONS

1. All Federal (FCC), State and County regulations shall adhere 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. The above proposed Site Plan should have a paved road arterial access to the project, paved road access with the project and paved parking lots;
7. An Air Quality industrial permit may be required if there is an emergency generator installed with a capacity of 325HP or more and runs 72 hours or more.
8. With the exception of changes necessary to meet applicable stipulations, 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 revision date of 04-20-23;
9. Any change or expansion of use shall require approval by the Board of Supervisors under the procedures pursuant to PCDSC 2.150.010 (O);
10. At such time as technology becomes available and the wireless communication facility is no longer needed, it shall be removed from the subject property;
11. The applicant shall keep the property free of trash, litter and debris;
12. Violation of these conditions at any time may invoke revocation proceedings by the Pinal County Community Development Department.

13. A site plan process would be initiated by the applicant after the SUP is approved by the BOS; and
14. Special use permit is tied to the parcel number 210-32-0030.
15. Access road to the WCF shall be 24' wide per code requirements.
16. Parking that meets ADA standards shall be provided.
17. No less than four (4) Eucalyptus trees (*Eucalyptus Camaldulensis*) at least 15 gallon shall be planted within 90' of the pole and maintained in good condition.