

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

ORDINANCE NO. 2024-PZ-PD-010-23

AN ORDINANCE OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS APPROVING A PLANNED AREA DEVELOPMENT OVERLAY (PZ-PD-010-23) FOR CERTAIN PROPERTIES LOCATED EAST OF U.S. HIGHWAY 60 OFF PERALTA ROAD, AT THE END OF GOLD RUSH ROAD, (TAX PARCELS: 104-65-006A, 104-65-005B AND 104-65-0010), PROVIDING FOR A PAD OVERLAY FOR A GENERAL COMMERCIAL ZONE (C-3), IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. **PZ-PD-010-23**; ESTABLISHING AN EFFECTIVE DATE AND DIRECTING ITS PUBLICATION.

WHEREAS, the Pinal County Board of Supervisors (“Board”) is authorized pursuant to Arizona Revised Statutes § 11-814 to rezone property in order to conserve and promote the public health, safety, convenience and general welfare; and

WHEREAS, on May 4, 2023, the Pinal County Community Development Department (“Department”) received an application from Amy J. Doyle, Rafter D Cattle Co. Inc., owners, Jordon Rose, Rose Law Group, agent/applicant, of property located east of U.S. Highway 60 off Peralta Road, at the end of Gold Rush Road, in Pinal County (Parcel: 104-65-006A, 104-65-005B and 104-65-0010), legally described in the attached Exhibit A (the “Property”) to rezone the Property from General Rural Zone (GR), Local Business Zone (CB-1) and Manufactured Home Zone (MH) to General Commercial Zone (C-3) in conjunction with a PAD overlay (Case No. **PZ-PD-010-23**); and

WHEREAS, on March 21, 2024, the Pinal County Planning and Zoning Commission (“Commission”) held a public hearing on Case No. **PZ-PD-010-23**, giving no less than 15-day notice by publication in a newspaper of general circulation in the county seat and by duly posting the area included in the proposed Amendment; and

WHEREAS, following the public hearing, the Commission voted 9-0 in favor of forwarding a recommendation of approval to the Board with 44 Stipulations of Approval set forth in the attached Exhibit B (the “Stipulations”).

NOW, THEREFORE, BE IT ORDAINED by the Pinal County Board of Supervisors as follows:

Section 1: A PAD overlay shall be applied to the property legally described and depicted in the attached Exhibit A, and is hereby approved subject to 44 Stipulations of Approval set forth in the attached Exhibit B.

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Section 2: This Ordinance shall take effect 30 days after the date of its adoption.

Section 3: This Ordinance shall be published at least once in a newspaper of general circulation in the County seat after its adoption.

PASSED AND ADOPTED THIS 24TH DAY OF APRIL, 2024, 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
TELA PERALTA BOUNDARY

That part of the South Half of Section 32, Township 1 North, Range 10 East, of the Gila and Salt River Meridian, Pinal County, Arizona, more particularly described as follows:

Commencing at the General Land Office Brass Cap marking the Southeast Corner of said Section 32 from which the General Land Office Brass Cap flush marking the South Quarter Corner of said Section 32 bears North 89°57'39" West, a distance of 2633.88 feet;

Thence North 89°57'39" West, along the South line of the Southeast Corner of Section 32, a distance of 658.47 feet to the Southeast Corner of that certain parcel of land described in Fee Number 2020-017714, Pinal County Recorder, being the Point of Beginning;

Thence continuing North 89°57'39" West along said South line, a distance of 1316.94 feet to the Southeast Corner of the Southwest Quarter of the Southwest Quarter of said Southeast Quarter;

Thence North 00°05'17" West, along the East line thereof, a distance of 660.03 feet to the Northeast Corner thereof;

Thence North 89°57'33" West, along the North line thereof and the South line of the North Half of the Southeast Quarter of the Southwest Quarter of said Section 32, a distance of 1978.18 feet to the Southwest Corner of said North Half;

Thence North 00°08'21" West, along the West line of said North Half, a distance of 660.02 feet to the Northwest Corner thereof, said point hereinafter referred to a Point "A";

Thence South 89°57'38" East, along the North line thereof, a distance of 1319.76 feet to the Northeast Corner thereof;

Thence North 00°06'42" East, along the East line of said Northeast Quarter, a distance of 660.06 feet to the Northwest Corner of the South Half of the North Half of said Southeast Quarter;

Thence North 89°57'16" West, along the North line thereof, a distance of 2637.14 feet to the Northeast Corner thereof;

Thence South 00°01'02" East, along the East line thereof, a distance of 329.98 feet to the Northeast Corner of that certain parcel of land described in Fee Number 2020-017714, Pinal County Recorder;

Thence North 89°57'20" West, along the North line thereof, a distance of 475.00 feet to the Northwest Corner thereof;

Thence South 15°19'24" West, along the Westerly line thereof, a distance of 342.08 feet;

Thence South 00°01'02" East, along the Westerly line, a distance of 100.00 feet;

Thence South 34°32'34" East, along the Westerly line, a distance of 680.17 feet;

Thence North 89°57'32" West, along the Westerly line, a distance of 478.74 feet;

Thence South 00°02'25" East, along said Westerly line, a distance of 659.98 feet to the Point of Beginning.

Containing 4,783,027 Square Feet or 109.803 Acres, more or less.

Together with:

Beginning at the aforementioned Point "A";

Thence North 89°57'38" West, along the South line of the South Half of the Northwest Quarter of the Southwest Quarter of said Section 32, a distance of 989.82 feet to the Southwest Corner of the East Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of said Section 32;

Thence North 00°09'36" West, along the West line thereof, a distance of 660.22 feet to the Northwest Corner thereof;

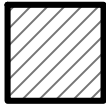
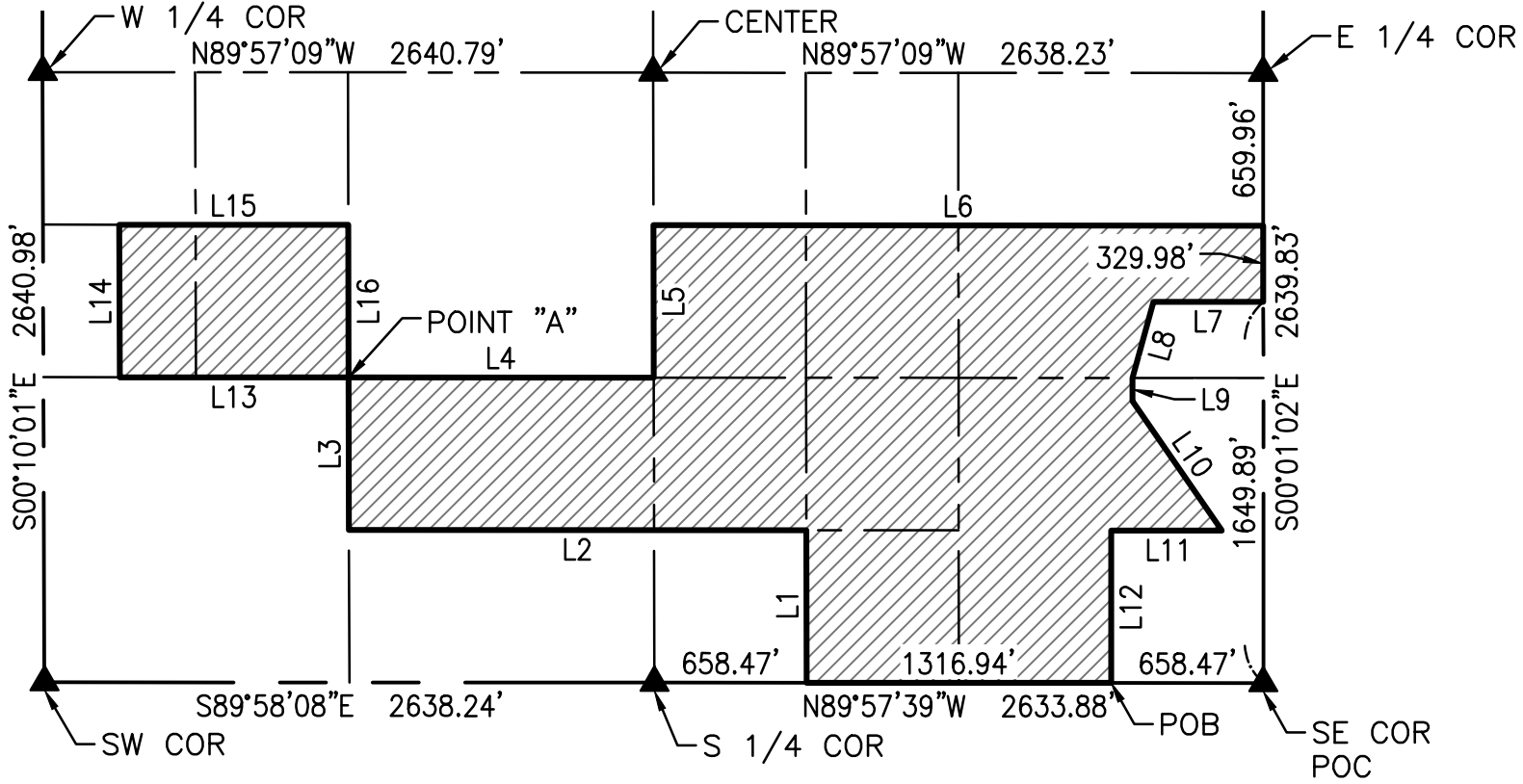
Thence South 89°57'24" East, along North line of said South half, a distance of 990.06 feet to the Northeast Corner thereof;

Thence South 00°08'21" East, along said East line of said South half, a distance of 660.15 feet to the Point of Beginning;

Containing 653,540 Square Feet or 15.003 Acres, more or less.

Combined area of 5,436,567 or 124.806 Acres, more or less.

SECTION 32
TOWNSHIP 1 NORTH, RANGE 10 EAST



= TELA PERALTA BOUNDARY



Richard G. Alcocer



TELA PERALTA

BOUNDARY

NTS

EXHIBIT

4550 North 12th Street
Phoenix, Arizona 85014
Phone 602-264-6831
<http://www.cvlici.com>

LINE TABLE		
NO.	BEARING	LENGTH
L1	N00°05'17"W	660.03'
L2	N89°57'33"W	1978.18'
L3	N00°08'21"W	660.02'
L4	S89°57'38"E	1319.76'
L5	N00°06'42"W	660.06'
L6	S89°57'16"E	2637.14'
L7	N89°57'20"W	475.00'
L8	S15°19'24"W	342.08'

LINE TABLE		
NO.	BEARING	LENGTH
L9	S00°01'02"E	100.00'
L10	S34°32'34"E	680.17'
L11	N89°57'32"W	478.74'
L12	S00°02'25"E	659.98'
L13	N89°57'38"W	989.82'
L14	N00°09'36"W	660.22'
L15	S89°57'24"E	990.06'
L16	S00°08'21"E	660.15'



TELA PERALTA

BOUNDARY

NTS

EXHIBIT

4550 North 12th Street
 Phoenix, Arizona 85014
 Phone 602-264-6831
 http://www.cvlci.com

TELA PERALTA
1-01-03715-01

N89°57'39.0000" W 658.4700

BOUNDARY

N89°57'39.0000" W 1316.94

N00°05'17.0000" W 660.03

N89°57'32.6670" W 1978.18

N00°08'21.3149" W 660.02

S89°57'38.4857" E 1319.76

N00°06'41.8079" W 660.06

S89°57'16.4907" E 2637.14

S00°01'02.0000" E 329.98

N89°57'20.2384" W 475.00

S15°19'24.0000" W 342.08

S00°01'02.0000" E 100.00

S34°32'34.0000" E 680.17

N89°57'32.0000" W 478.74

S00°02'25.3055" E 659.98

Area = 4783027.45 109.803 AC

Closing course: 02°44'03.2038" 0.012005

Misclosure: 1/1,000,000+

North Error: 0.011992

East Error: 0.000573

BOUNDARY

N89°57'38.4857" W 989.82

N00°09'36.1073" W 660.22

S89°57'23.7393" E 990.06

S00°08'21.4184" E 660.15

N00°00'00.0000" E 0.00
to

Area = 653540 15.003 AC

Closing course: 172°02'53.2107" 0.002028

Misclosure: 1/1,000,000+

North Error: 0.002009

East Error: 0.000281



EXHIBIT –B

PZ-PD-010-23 STIPULATIONS

1. Applicant/owner shall utilize decomposed granite or other dust-control measure(s) for the 24' ingress-egress, resort units, and parking, as approved by the County Engineer and Air Quality Departments. Where possible, to preserve a rural and natural appearance, paving should be avoided;
2. Applicant /developer to provide ADA compliant parking for commercial components of the Tela Peralta PZ-PD-010-23;
3. Applicant/developer to provide parking markers to delineate 20X10 parking stalls/bays along with decomposed granite/ crushed rock as paving. Parking markers will consist of bumper stops, railroad ties and/or Ceramic Road Reflectors (Bot Dots) throughout the commercial portions of the project. Parking plan will be subject to the approval of the Community Development Director;
4. Stabilization of commercial parking, drives and yards shall be conducted pursuant to Pinal County Air Quality Code of Regulations Chapter 4, Article 4, as applicable. Residential parking and drives shall be stabilized pursuant to PCAQ Code of Regulations Chapter 4, Article 5;
5. Final design of fences, walls and screening (Including wildlife fencing for boundary lines in accordance with Arizona Game and Fish) will be subject to the approval of the Community Development Director;
6. Applicant to follow Landscaping standards as specified for future development of recreation areas to preserve and enhance natural and native vegetation; as approved by the Community Planning Director:
 - a. Selection of all plant material to be selected from Arizona Department of Water Resources Low water Use/Drought Tolerant Plant list for the PINAL Active Management Area;
 - b. Minimum tree: one tree per 25 feet of lineal street/access frontage;
 - c. 50% of the required trees shall be 24-inch box size or larger;
 - d. All trees shall be planted and staked in accordance with the Arizona Nursery Association Standards;
 - e. 50% of shrubs shall have a minimum size of 5 gallons and shall be planted to complement the placement of trees;
7. Applicant/Developer to follow the development guidelines of 50' 00 erosion hazard setback along any water course as provided by a Drainage Engineer;
8. Applicant to follow the setback buffer measured from the top edge of the stream channel, of 150 feet from any identified riparian areas per Arizona Game and Fish Department;
9. Site Plan application for Tela Peralta will be required once the zoning is approved by the Board of Supervisors;
10. Natural Landscape buffer of 50 ft to be provided all along the boundary of the rezoned property line that abuts Rural and Residential Zones;

11. 35 percent of significant stands of natural vegetation shall be preserved and protected from alteration or destruction on an exhibit, unless a mitigation plan is approved in conjunction with the project. Salvaged plants(able to be salvaged) shall be planted on site to remediate effects of all disturbed areas;
12. All undisturbed washes with an average flow rate of 200 cubic feet per second or greater shall be preserved in an undisturbed condition and the habitat value preserved in its original condition unless the disturbance is related to roadway, flood control or other infrastructure related projects and approved by the Community Development Director. When natural washes are preserved they shall provide connectivity to adjacent parcels;
13. Developed open space except for multi-use paths and trails outside of a designated open space area shall not include parcels that are less than 100 feet wide, measured at the widest point, and one-quarter acre in area. Multi-use paths and trails located outside the designated open space areas may count as developed open space;
14. The following activities and land uses shall not be counted as a part of any required open space category within a proposed development:
 - a. Streets, alleys, and other public or private rights-of-way; vehicular drives; parking, loading, and storage areas;
 - b. Required setback areas;
 - c. The unbuilt portions of a lot;
 - d. Areas reserved for the exclusive use or benefit of an individual owner or tenant;
 - e. Small remnant parcels;
 - f. Landscape tracts at the end of blocks unless they meet the size and design requirements set forth in PCDSC 2.176.100(G);
 - g. Channelized or altered drainage ways unless they meet the size and design requirements set forth in PCDSC 2.176.180; and
 - h. Indoor facilities not part of a recreation area;
15. Waste generated on the site will be responsibility of the owner to dispose of or contract to hauling services;
16. Applicant/owner to follow Lighting Zone 1 Development Service Code for outdoor lighting for PZ-PD-010-23;
17. Applicant to follow all guidelines for minimum amount of light recommended by Arizona Game and Fish Department for safety purposes within the residential development;
18. Applicant to use motion sensing lighting and narrow spectrum lighting to lower the range of species affected by lighting. All lighting should be shielded, canted, or cut to ensure lighting reaches only areas needing illumination;
19. 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;
20. All construction activity must conform to the Earthmoving Activity requirements of the Pinal County Air Quality Control District;

21. 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;
22. 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 and/or State Land department (ASLD);
23. Any amendments/changes to Tela Peralta (PZ-PD-010-23) will follow all procedures in Chapter 2.176.260. - Amendments to the PAD overlay zoning district;
24. The permitted uses in this Planned Area Development (PAD) stipulated herein shall be limited to the uses on EXHIBIT A 1.5, of the applicant's PAD document except service establishment not defined;
25. Applicant/Owner/Developer to provide a development plan showing wildlife area not to be impacted by development (35 percent) prior to site plan submittal;
26. Applicant to maintain washes in their natural state and without barriers (fencing) to reduce potential effects to vegetation and wildlife distributions and abundance beyond the project area as identified and recommended by the Arizona Game and Fish Department;
27. Applicant/owner to follow Arizona Game and Fish Department wildlife friendly culvert designs; Perimeter/boundary buffering (of natural vegetation) with 50' width;
28. On the ground archaeological survey and appropriate mitigation, measures shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological sites on the subject property shall be submitted at the time of, or prior to submittal of any development plan;
29. All events taking place at the resort with consistent noise or light use will be restricted to abide quiet hours in accordance with the Pinal County Noise Ordinance (Chapter II. - NOISE[2], Section 10-24);
30. Preservation of natural areas such as dense stands of native vegetation, rocky outcrops, slopes greater than 15 %, and riparian habitat; as required by Pinal County Development Services Code (Chapter's 3.25.010 and 3.25.030);
31. Salvage and mitigation plan for the uprooting of any Saguaro and other protected species are required in accordance with State legislation provided by the Arizona Department of Agriculture;
32. Applicant to follow State Native Plant Laws (ARS 3-901 through 3-934) and rules (AAC R3-3-1101 through R3-3-1110) where plants need to be conserved either through transplanting or allowing salvagers to remove them to other locations;
33. Prohibition of exotic and invasive species in landscaping as listed below:
 - Fountain grass (Pennisetum setaceum).*
 - Oncosiphon piluliferum.*
 - Buffelgrass (Pennisetum ciliare).*
 - Johnson grass (Sorghum halapense).*
 - Giant reed (Arundo donax)*

Common crabgrass (Digitaria sanguinalis)
Pampas grass (Cortaderia selloana)
Red brome(Bromus rubens)
Mediterranean grass(Schismus spp.)
Tree of heaven (Ailanthus altissima)
African sumac (Rhus lancea)
Russian olive (Eleagnus angustifolia)
Salt cedar/Tamarisk (Tamarix pertandra T. ramosissima)
Bermuda grass (Cynodon dactylon)
Excluding sod hybrid Bermuda Lovegrasses (Eragrostis spp.)
Excluding Plains lovegrass (Eragrostis intermedia)
African rue (Peganum harmala)
Iceplant (Mesembryanthemem crystallinum)
Arabian Grass (Schismus arabicus)
Natal Grass (Melinis repens (Rhynchelythrum repens)
Aquatics Eurasian Watermilfoil (Myriophyllum spicatum)
Giant Salvinia (Salvinia molesta)
Hydrilla (Hydrilla verticillata)
Water hyacinth (Eichhomia crassipes);

34. The following uses to be allowed along with any other additional uses related to resort and approved by the Community Planning Director;

Permitted Uses*	Resort, Hotel with accessory uses, including restaurant, retail sales and services, personal services and recreational facilities. Detached residential units. Weddings and other events. Amusements, such as bowling alley, theaters, gymnasium, archery, and similar. Bar, cocktail lounge, night club, tavern, dance floor. Health club or fitness center. Restaurant, including a cocktail lounge or bar. Retail sales establishments. Service establishments.
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35. The primary access road from Peralta Road east to the entrance of the development shall be improved to a minimum all-weather access standard to support the proposed traffic volumes, promote safe ingress/egress of emergency vehicles and to provide dust abatement. The internal driveways, camping sites, and parking areas may utilize alternative surface treatments or other dust-control measures meeting international fire code (IFC) requirements, as approved by the County Engineer;
36. A Traffic Impact Statement (TIS) will be required to be submitted to the County Engineer at the time of Site Plan submittal for review and approval. The TIS shall be in accordance with the current Pinal County TIS Guidelines and shall be approved prior to the Site Plan approval;

37. Any additional right-of-way dedications needed for any required infrastructure improvements (as identified in the approved Traffic Impact Statement) for any roadways shall be the responsibility of the applicant. All roadway and infrastructure improvements shall be in accordance with the current Pinal County Subdivision Standards and as approved by the County Engineer and Arizona State Land Department;
38. All right-of-way dedication shall be free and unencumbered;
39. 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;
40. 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 include a drainage plan that complies with the current Pinal County Drainage Manual and shall be approved prior to the Site Plan approval. The approved Drainage Report and drainage plan shall include provisions to accommodate offsite runoff and shall provide retention for storm waters in an onsite retention/common retention area or as approved by the County Engineer;
41. Portions of the proposed development are located within a Special Flood Hazard Area, designated as Flood Zone A, as shown on FEMA's Flood Insurance Rate Maps. If any improvements and/or structures are placed within the Special Flood Hazard Area, then said improvements shall comply with the Pinal County Floodplain Ordinance and a Floodplain Use Permit will be required. A Floodplain Use Permit may be obtained prior to or during Site Plan review but shall be approved prior to the issuance of any building permits for work within the Special Flood Hazard Area;
42. The Applicant to apply to Arizona State Land Department for easements or land purchase to be able to access internal roads through State Trust land;
43. Applicant to apply for a Special Land Use permit for recreational use and activities on the State Trust Land; and
44. Applicant to dedicate, in a form acceptable to the County, a Helipad area to Pinal County PCSO for operation of emergency services. The dedication should accommodate minimum design standards as identified by the United States Federal Aviation Administration Advisory Circular (150/5390-2D) dated 1/5/2023, or as approved by the Pinal County Sheriff's Office.