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

RESOLUTION NO. 2024-SUP-022-23

A RESOLUTION OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS APPROVING A SPECIAL USE PERMIT FOR A CERTAIN PROPERTY LOCATED AT THE NORTHWEST CORNER OF EAST JUDD ROAD AND NORTH COOPER ROAD (TAX PARCEL 210-79-5370) TO ALLOW FOR THE OPERATION OF AN EXISTING WIRELESS COMMUNICATION FACILITY, IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. 2024-SUP-022-23

WHEREAS, the Pinal County Board of Supervisors (the "**Board**") is authorized pursuant to the Pinal County Development Services Code § 2.151.010 and § 2.205.080(D) to approve Special Use Permits in order to conserve and promote the public health, safety, convenience and general welfare; and,

WHEREAS, on April 5, 2023, the Pinal County Community Development Department (the "**Department**") received an application from James Caciola, Smartlink Group, applicant, and Chris Colten, TowerCom LLC, landowner of certain property located at the Northwest corner of East Judd Road and North Cooper Road (Tax Parcel No. 210-79-5370) and legally described in the attached **Exhibit "A"** (the "**Property**"), requesting a Special Use Permit to operate an existing wireless communication facility on a portion of a 5.14± acre parcel in the CB-1 Local Business Zone under Case No. SUP-022-23 (the "**SUP Application**"); and,

WHEREAS, on October 17, 2024, the Pinal County Planning and Zoning Commission (the "**Commission**") held a public hearing on the SUP Application and considered the same (the "**Public Hearing**") along with twelve (12) stipulations as set forth in the staff report presented to the Commission (the "**Stipulations**"); and,

WHEREAS, after the Public 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, as presented by the Department and as set forth in the attached **Exhibit "B"** (the "**Stipulations**").

NOW, THEREFORE, BE IT RESOLVED by the Pinal County Board of Supervisors that the SUP Application requesting approval to operate an existing wireless communication facility on the Property is hereby approved, subject to the Stipulations set forth in **Exhibit "B"**.

[Signatures appear on the following page.]

RESOLUTION NO. 2024-SUP-022-23

PASSED AND ADOPTED this 20th day of November, 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"

RESOLUTION NO. 2024-SUP-022-23

LEGAL DESCRIPTION OF THE PROPERTY

SUP-022-23

PARCEL 10A, MAGMA RANCH I-UNIT 10, ACCORDING TO CABINET F OF MAPS, SLIDE 105, RECORDS OF PINAL COUNTY, ARIZONA

EXHIBIT "B"

RESOLUTION NO. 2024-SUP-022-23

[Stipulations of Approval]

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. All construction activity must conform to the Earthmoving Activity requirements of the Pinal County Air Quality Control District;
5. Paving will be provided on the following: 24 foot driveway & access drive, within the site, and on parking area; additional road access improvement requirements must be met as determined by County Engineer(s) and other County Divisions/personnel;
6. An Air Quality industrial permit may be required if there is a generator installed;
7. 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;
8. 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;
9. The applicant shall keep the property free of trash, litter and debris;
10. Violation of these conditions at any time may invoke revocation proceedings by the Pinal County Community Development Department;
11. A site plan process would be initiated by the applicant after the SUP is approved by the BOS; and
12. Approval of this Special Use Permit is tied to the lease area portion of parcel number 210-79-5370 in which the WCF is situated;