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

ORDINANCE NO. 2024-PZ-PD-017-23

AN ORDINANCE OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS APPROVING A PAD OVERLAY FOR CERTAIN PROPERTY LOCATED WEST OF SUNLAND GIN RD AND SOUTH OF THE ARIZONA CITY AREA, (TAX PARCELS: 409-01-001A, 409-01-001B, 409-06-0040, 409-02-0010, 500-50-0020, AND 500-50-0040) IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. PZ-PD-017-23; ESTABLISHING AN EFFECTIVE DATE AND DIRECTING ITS PUBLICATION.

WHEREAS, the Pinal County Board of Supervisors (the "**Board**") is authorized pursuant to Pinal County Development Services Code ("**PCDSC**") Chapter 2.176 to approve a Planned Area Development Overlay Zoning District ("**PAD**") in order to allow flexibility in the development standards of underlying zoning districts consistent with the goals, objectives and policies of the comprehensive plan and the Pinal County Zoning Ordinance (*see* PCDSC § 2.176.020); and,

WHEREAS, on May 7, 2024, the Pinal County Community Development Department (the "**Department**") received an application from Arnoldo B. Burruel, owner, Matthew Pagan – Enel North American Inc, Sonak Solar Project LLC and Rose Law Group PC, applicant, to establish a PAD in relation to property located west of Sunland Gin Road, south of Arizona City in unincorporated Pinal County (Parcel: 409-01-001A, 409-01-001B, 409-06-0040, 409-02-0010, 500-50-0020, and 500-50-0040) (the "**PAD Application**"), and legally described in the attached **Exhibit "A"** (the "**Property**"); and,

WHEREAS, on October 17, 2024, the Pinal County Planning and Zoning Commission (the "**Commission**") held a public hearing on the PAD Application (under Department case no. PZ-PD-017-23), giving no less than 15-days' notice by publication in a newspaper of general circulation in the county seat and by duly posting in the area included in the proposed PAD Application; and,

WHEREAS, following the public hearing, the Commission voted 9-0 in favor of forwarding a recommendation of approval of the PAD Application to the Board with 16 Stipulations of Approval set forth in the attached **Exhibit "B"** (the "**Stipulations**"); and,

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WHERERAS, the Board believes that approving the PAD Application with the Stipulations is in the best interest of Pinal County, will comply with the purpose and intent of the PCDSC and is consistent with the goals, objectives, and policies of the comprehensive plan and the Pinal County Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board as follows:

Section 1: The PAD Application is hereby approved and the corresponding PAD overlay shall be applied to the Property legally described and depicted in the attached **Exhibit "A"**, subject to the Stipulations set forth in the attached **Exhibit "B"**.

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 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"
TO
ORDINANCE NO. 2024-PZ-PD-017-23

LEGAL DESCRIPTION (SONAK SOLAR)

THE FOLLOWING REAL PROPERTY LOCATED IN THE COUNTY OF PINAL, STATE OF ARIZONA:
Tract 1: APN 409-01-001A
The Southwest Quarter of Section 1, Township 10 South, Range 6 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.

Tract 2: APN 409-01-001B Government Lots 1, 2, 3 and 4; The South Half of the North Half; and the Southeast Quarter of Section 1, Township 10 South, Range 6 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.

Tract 3: APN 409-06-0040 Government Lots 1, 2, 3 and 4; the South Half of the North Half; and the South Half of Section 6, Township 10 South, Range 7 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.

LESS AND EXCEPT:
A parcel of land situated in a portion of Section 6, Township 10 South, Range 7 East of Gila and Salt River Base and Meridian, Pinal County, Arizona, more particularly described as follows: Commencing at the Northeast Corner of said Section 6; thence South 00 degrees 16 minutes 01 second West, along the East line of said Section 6, a distance of 474.75 feet; thence departing said East line, North 89 degrees 43 minutes 59 seconds West, a distance of 40.00 feet to the point of beginning; thence South 00 degrees 16 minutes 01 seconds, along a line parallel with and 40.00 feet West of said East line, a distance of 799.69 feet; thence North 89 degrees 43 minutes 59 seconds West, a distance of 10.00 feet; thence North 00 degrees 16 minutes 01 seconds East, along a line parallel with and 50.00 feet West of said East line, a distance of 599.69 feet; thence North 89 degrees 43 minutes 59 seconds West, a distance of 10.00 feet; thence North 00 degrees 16 minutes 01 seconds East, along a line parallel with and 60.00 feet West of said line, a distance of 200.00 feet; thence South 89 degrees 43 minutes 59 seconds East, a distance of 20.00 feet to the point of beginning.

Tract 4: APN 409-02-0010 The North Half of Section 12, Township 10 South, Range 6 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.

Tract 5: APN 500-50-0020 Government Lots 13, 14, 23 and 24 in Section 36, Township 9 South, Range 6 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona,

LESS AND EXCEPT:
A parcel of land situated in a portion of Section 36, Township 9 South, Range 6 East of Gila and Salt River Base and Meridian, Pinal County, Arizona, more particularly described as follows: Commencing at the Southeast Corner of said Section 36; thence South 89 degrees 48 minutes 53 seconds West along the South line of said Section 36, a distance of 40.00 feet to the point of beginning; thence continuing South 89 degrees 48 minutes 53 second West, a distance of 80.28 feet; thence departing said South line, North 09 degrees 29 minutes 23 seconds East, a distance of 299.15 feet; thence North 00 degrees 11 minutes 10

LEGAL DESCRIPTION (SONAK SOLAR)

seconds West, along a line parallel with and 70.00 feet West of the East line of Government Lot 24, a distance of 850.63 feet; thence North 89 degrees 48 minutes 50 seconds East, a distance of 10.00 feet; thence North 00 degrees 11 minutes 10 seconds West, a distance of 171.85 feet; thence North 00 degrees 06 minutes 21 seconds East, along a line parallel with and 60.00 feet West of the East line of Government Lot 13, a distance of 198.07 feet; thence North 89 degrees 48 minutes 50 seconds East, a distance of 10.00 feet; thence North 00 degrees 06 minutes 21 seconds East, a distance of 700.21 feet; thence South 89 degrees 53 minutes 39 seconds East, a distance of 10.00 feet to a point 40.00 feet West of the East line of said Government Lot 13; thence South 00 degrees 06 minutes 21 seconds West, parallel to said East line, a distance of 898.18 feet; thence South 00 degrees 11 minutes 10 seconds East, along a line parallel with and 40.00 feet West of the East line of said Government Lot 24, a distance of 1317.42 feet to the point of beginning.

Tract 6: APN 500-50-0040 Lots 17, 18 and 19, Section 36, Township 9 South, Range 6 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.

EXHIBIT "B"
TO
ORDINANCE NO. 2024-PZ-PD-017-23

[Stipulations of Approval]

1. The stipulations enumerated herein pertain to the area described in cases PZ-PD-004-24, PZ-048-23 & PZ-PD-017-23;
2. Approval of this PAD (PZ-PD-017-23) will require, at the time of application for development, that the applicant/owner submit and secure from the applicable and appropriate Federal, State, County and Local regulatory agencies, all required applications, plans, permits, supporting documentation and approvals;
3. Approval of this Planned Area Development (PAD) Overlay District is contingent upon the Board of Supervisors zone change approval as set forth in Planning Case PZ-048-23;
4. Operation & Maintenance Building and/or any structure on site will trigger full commercial standards that will included an asphalt paved parking lot;
5. Landscape and irrigation plans will be required at site plan submittal and shall be in substantial compliance with the submitted PAD document;
6. All disturbed areas outside the solar panel area that have been disturbed as part of the construction process, shall be re-seeded with native seed mix, similar in composition to the surrounding Sonoran Desert environment;
7. All salvaged plants shall be planted on site to remediate the effects of disturbed areas;
8. The proposed Site Plan should have a paved road arterial access to the project from all directions, road access and paved parking lots shall be paved with an all-weather roadway as approved by the County Engineer;
9. Air quality dust registration is required if the earthmoving activity causes 0.1 acres or more of land disturbance. Refer Pinal County Air Quality Code of Regulations Chapter 4, Article 3;
10. All Construction activity must conform to the earthmoving activity requirements in accordance with Section 4-3-160 thru 190 of Pinal County's Air Quality Code of Regulations;
11. Half-street right-of-way dedication will be required for SUNLAND GIN ROAD. The required minimum half street right-of-way is Seventy-Five Feet (75') for SUNLAND GIN ROAD along the development's frontage (Western Boundary). Any additional right-of-way needed for any required infrastructure improvements, such as deceleration/turn lanes, (as identified in the approved Traffic Impact Statement) for SUNLAND GIN ROAD shall be the responsibility of the applicant;
12. 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;
13. 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 or as approved by the County Engineer;

EXHIBIT "B"
TO
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[Stipulations of Approval]

14. All right-of-way dedication shall be free and unencumbered;
15. 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;
16. 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 grading & drainage plan that complies with the current Pinal County Drainage Manual and shall be approved prior to or concurrent with Site Plan approval. The approved Drainage Report and grading & drainage plan shall include provisions to accommodate offsite runoff and shall provide retention for storm waters in an onsite retention/common retention area in accordance with the current Pinal County Drainage Manual or as approved by the County Engineer.