PINAL COUNTY

WIDE OPEN OPPORTUNITY

INFORMATION ABOUT CONSENT TO CONDITIONS/STIPULATIONS AND WAIVER OF CLAIMS FOR DIMINUTION IN VALUE

Pinal County, as part of the application process concerning land use requests, is now requesting that property owners or their authorized agents execute and return the attached Consent and Waiver. This policy is a result of that part of the Private Property Rights Protection Act (Proposition 207) that deals with regulatory takings and changes in land uses (A.R.S. §§12-1134 – 12-1138).

By signing the Consent and Waiver, the property owner agrees and consents to all conditions and stipulations in conjunction with the property owner's application, acknowledges that approval of the application might affect current or existing rights to use, divide, sell or possess the owner's property, and waives any right to compensation for diminution in value that may result from approval.

The Consent and Waiver form will be provided at the Concept Review Meeting to allow ample time for review. Should the Pinal County Planning and Zoning Commission ("Commission") recommend approval of the property owner's application, the form will again be provided to applicant together with the Commission's recommended stipulations/conditions. These materials will be provided to the applicant via e-mail, within three business days of the Planning Commission hearing. The property owner is requested to return the executed document to the Pinal County Planning and Development Department within 10 working days so that the document can be inserted into the packet to be presented to the Supervisors as part of the planning staff's report.

If an owner does not sign the Consent and Waiver, the application will continue through the normal County process. The Supervisors will be informed of the refusal and this will be one of the factors considered by the Supervisors.

If the Commission recommends denial of the property owner's application but the Supervisors decide to approve the application, the property owner will be requested to sign the Consent and Waiver with attached conditions/stipulations and conditions, after the Board of Supervisors' hearing.

CONSENT TO SCHEDULE FOR DEVELOPMENT AND CONDITIONS/STIPULATIONS AND WAIVER OF CLAIMS FOR DIMINUTION IN VALUE

This Consent to Schedule for Development and Conditions/Stipulations and Waiver of Claims for Diminution in Value ("Consent and Waiver") is made in favor of Pinal County (the "County") by the **Gregory C. and Loralee Wuertz Family Trust** ("Owner").

Owner warrants and represents that Owner is the fee title owner of the property described herein, and that no other entity or person has an ownership interest in the property. Prior to Owner's transfer, sale or conveyance of all or any part of its right, title and interest in the Property at any time within thirty (30) days of the County's approval of Owner's application described herein, Owner shall notify the County of said transfer, sale or conveyance and shall require the new Owner to execute and agree to this Consent and Waiver as part of any transfer, sale or conveyance of the property described herein.

Owner acknowledges that A.R.S. § 12-1134 of the Arizona Private Property Rights Protection Act provides in some cases that a county is required to pay just compensation to a landowner if the County approves a land use law that reduces the fair market value of the owner's property. Owner further acknowledges that A.R.S. § 12-1134 authorizes a private property owner to waive any claim for diminution in value of property in connection with any action proposed by a county or any action requested by the property owner.

Owner has submitted an application to Pinal County ("County") requesting the County approve a **Rezoning and Planned Area Development Overlay (PAD)** for development of the following described property ("Property"):

["Legal description is attached hereto as Exhibit "A."]

By signing below, Owner agrees and consents to the Schedule for Development and all the conditions/stipulations imposed by Pinal County in conjunction with the approval of the Rezoning and Planned Area Development Overlay (PAD), in Case Nos. P**Z-017-24 and PZ-PD-011-24**, which are attached hereto as

["Stipulations are attached here to as Exhibit "B."]

By signing below, Owner acknowledges that the approval of the **Rezoning and Planned Area Development Overlay (PAD)**, in Case Nos. **PZ-017-24 and PZ-PD-011-24**, might affect existing rights to use, divide, sell or possess the Property. By signing below, Owner hereby waives any and all rights to claim compensation for diminution in value pursuant to A.R.S. §12-1134 that may now or in the future exist as a result of the approval of the **Rezoning and Planned Area Development Overlay (PAD), Case Nos. PZ-014-24 and PZ-PD-011-24**, and the Schedule for Development and conditions/stipulations imposed in conjunction with the approval. Owner waives any and all rights to claim compensation for diminution in value for any action taken by the County to rescind approval of the **Rezoning and Planned Area Development Overlay (PAD)** in **Case Nos. PZ-014-24 and PZ-PD-011-24** because of non-compliance with the Schedule for Development and/or any of the approved conditions/stipulations.

This Consent and Waiver shall run with the land and shall be binding upon all present and subsequent property owners.

Owner consents to the recordation of this Consent and Waiver after approval of the above-referenced case by the County. If Owner withdraws its application prior to final action of the County or the County denies the application, Owner is released from this Consent and Waiver.

OWNER: Gregory C. and Loralee Wuertz Family Trust

Gregory C. Wuertz

Gregory C. Wuertz

Its: Trustee
Trustee

Dated: 4/17/2025

OWNER: Gregory C. and Loralee Wuertz Family Trust

Loralee Wuertz

Loralee Wuertz

Its: Trustee
Trustee

Dated: 4/17-2025

CORPORATION, OFFICER, PARTNER OR TRUSTEE ACKNOWLEDGMENT
[To be filled out if a corporation, partnership, or trust]

STATE OF ARIZONA)
) ss.
COUNTY OF PINAL)

The foregoing instrument was acknowledged before me, this 17th day of APRIL, 2025, by GREGORY WUERTZ and LORALEE WUERTZ as OWNERS
[Insert Name of Officer] *[Insert Title]*
of GREGORY & LORALEE WUERTZ FAMILY TRUST, an ARIZONA ~~corporation~~, TRUST
[Insert Name of Company] *[Insert State of Incorporation]*
who being authorized to do so, executed the foregoing instrument on behalf of said entity for the purposes stated therein.

Bennie Jane Frazier
Notary Public

My commission expires: 01/03/2027

Notary Public State of Arizona
Pinal County
Bennie Jane Frazier
My Commission Expires 1/3/2027
Commission Number 640421

EXHIBIT A

LEGAL DESCRIPTION

BOUNDARY EXHIBIT

APN 202-35-004

PINAL COUNTY, ARIZONA

LOCATED WITHIN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 5 SOUTH, RANGE 9 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1 INCH IRON PIPE, ACCEPTED AS THE SOUTH QUARTER CORNER OF SECTION 31, TOWNSHIP 5 SOUTH, RANGE 9 EAST FROM WHICH A FOUND 2 INCH IRON PIPE, ACCEPTED AS THE SOUTHEAST CORNER OF SECTION 31, TOWNSHIP 5 SOUTH, RANGE 9 EAST, THEREOF BEARS S89°23'24"E A DISTANCE OF 2569.97 FEET;

THENCE, N00° 14'24"E A DISTANCE OF 33.01 FEET TO THE **POINT OF BEGINNING;**

THENCE, N00°14'24"E A DISTANCE OF 2630.19 FEET;

THENCE, S89°37'47"E A DISTANCE OF 2613.33 FEET;

THENCE, S0l 052'38"W A DISTANCE OF 2641.72 FEET;

THENCE, N89°23'24"W A DISTANCE OF 2537.90 FEET TO THE **POINT OF BEGINNING.**

THE ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 6,788,152 SQUARE FEET OR 155.83 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS, OR RIGHTS OF WAY OF RECORD OR OTHERWISE.

THE DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE ANY SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY OR ANY OTHER LAND DIVISION RESTRICTIONS.

EXHIBIT B

PZ-017-24 STIPULATIONS FROM STAFF REPORT PAGES 1-3

1. Approval of this case (PZ-017-24) 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;
2. Operation & Maintenance Building and/or any structure on site will trigger full commercial standards that will include a dust palliative parking lot acceptable to the County Public Works Director;
3. Landscape and irrigation plans will be required at site plan submittal and shall be in substantial compliance with the submitted PAD document;
4. Applicant to provide 6-foot high CMU masonry walls adjacent to all residential zoned areas in Pinal County.
5. The Solar Panels and equipment will be constructed 100 feet minimum from the edge of all property boundaries as shown on the site plan provided;
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 shall have an all-weather treatment to be dust palliative for the use of emergency vehicles for the off-site arterial road access to the project from all directions,
9. The proposed site plan shall have a dust palliative treatment for parking lots and all roadways onsite as approved by the County Engineer and be reapplied at the request of the County Engineer when needed;
10. 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;
11. 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;
12. Any communication with ADOT regarding the alignment for the North-South Freeway, shall be shared with the Development Services Department of Pinal County.
13. Since Clemans Road is situated on a section line, it is designated as a minor arterial street. According to the Subdivision & Infrastructure Design Manual (S&IDM), minor arterial half-street right-of-way widths, such as those found on section lines, must be a minimum of 55' wide. Therefore, the owner needs to dedicate the entire 55' dedication at no cost to the County, and dedicate the right-of-way unencumbered through Warranty Deed prior to issuance of any permits on the rezoned land.
14. 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;

15. A Traffic Impact Analysis (TIA) or Traffic Impact Statement (TIS) will be required to be submitted to the County Engineer at the time of Tentative Plat or Site Plan submittal for review and approval. All peripheral road and infrastructure improvements shall be per the approved Traffic Impact Analysis to mitigate impacts on all surrounding roadways to be completed at the developer's cost. These may include construction of acceleration/deceleration lanes, left turn pockets, traffic signals or other public improvements as approved by the County Engineer. The TIA shall be in accordance with the current Pinal County TIA Guidelines and Procedures and shall be approved prior to the Tentative Plat approval;
16. Any additional right-of-way dedications needed for any required infrastructure improvements (as identified in the approved Traffic Impact Analysis) 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.
17. All right-of-way dedication shall be free and unencumbered;
18. Any roadway sections, alignments, access locations, and access movements shown in the rezoning application are conceptual only and have not been approved by the Pinal County Engineer;
19. Drainage/irrigation canals/ditches in project-dedicated Right of Way, will be required to be under grounded prior to dedication;
20. If offsite improvements are required to be completed by the project per the Traffic or Drainage report, an offsite plan for the improvement is required with the first submittal of the site plans;

PZ-PD-011-24 STIPULATIONS FROM STAFF REPORT PAGES 3-5

1. Approval of this PAD (PZ-PD-011-24) 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;
2. 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-017-24;
3. Operation & Maintenance Building and/or any structure on site will trigger full commercial standards that will include a dust palliative parking lot acceptable to the County Public Works Director;
4. Landscape and irrigation plans will be required at site plan submittal and shall be in substantial compliance with the submitted PAD document;
5. Applicant to provide 6-foot high CMU masonry walls adjacent to all residential zoned areas in Pinal County.
6. The Solar Panels and equipment will be constructed 100 feet minimum from the edge of all property boundaries as shown on the site plan provided;

7. 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;
8. All salvaged plants shall be planted on site to remediate the effects of disturbed areas;
9. The proposed Site Plan shall have an all-weather treatment to be dust palliative for the use of emergency vehicles for the off-site arterial road access to the project from all directions,
10. The proposed site plan shall have a dust palliative treatment for parking lots and all roadways onsite as approved by the County Engineer and be reapplied at the request of the County Engineer when needed;
11. 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;
12. 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;
13. Any communication with ADOT regarding the alignment for the North-South Freeway, shall be shared with the Development Services Department of Pinal County.
14. Since Clemans Road is situated on a section line, it is designated as a minor arterial street. According to the Subdivision & Infrastructure Design Manual (S&IDM), minor arterial half-street right-of-way widths, such as those found on section lines, must be a minimum of 55' wide. Therefore, the owner needs to dedicate the entire 55' dedication at no cost to the County, and dedicate the right-of-way unencumbered through Warranty Deed prior to issuance of any permits on the rezoned land.
15. 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;
16. A Traffic Impact Analysis (TIA) or Traffic Impact Statement (TIS) will be required to be submitted to the County Engineer at the time of Tentative Plat or Site Plan submittal for review and approval. All peripheral road and infrastructure improvements shall be per the approved Traffic Impact Analysis to mitigate impacts on all surrounding roadways to be completed at the developer's cost. These may include construction of acceleration/deceleration lanes, left turn pockets, traffic signals or other public improvements as approved by the County Engineer. The TIA shall be in accordance with the current Pinal County TIA Guidelines and Procedures and shall be approved prior to the Tentative Plat approval;
17. Any additional right-of-way dedications needed for any required infrastructure improvements (as identified in the approved Traffic Impact Analysis) 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.
18. All right-of-way dedication shall be free and unencumbered;
19. Any roadway sections, alignments, access locations, and access movements shown in the rezoning application are conceptual only and have not been approved by the Pinal County Engineer;

20. Drainage/irrigation canals/ditches in project-dedicated Right of Way, will be required to be under grounded prior to dedication;
21. If offsite improvements are required to be completed by the project per the Traffic or Drainage report, an offsite plan for the improvement is required with the first submittal of the site plans;