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

ORDINANCE NO. 2025-PZ-PD-011-24

AN ORDINANCE OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS APPROVING A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT ("PAD") FOR CERTAIN PROPERTY LOCATED AT THE NORTHWEST CORNER OF E. BARTLETT ROAD AND N. CLEMANS ROAD (TAX PARCEL: 202-35-0040) IN CONNECTION WITH PINAL COUNTY DEVELOPMENT SERVICES DEPARTMENT CASE NO. PZ-PD-011-24; 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 Pinal County Comprehensive Plan and the Pinal County Zoning Ordinance (*see* PCDSC § 2.176.020); and,

WHEREAS, on October 7, 2024, the Pinal County Development Services Department (the "**Department**") received an application from Pew & Lake, PLC on behalf of the applicant, Gregory C. and Loralee Wuertz Family Trust, the landowner of certain property located at the northwest corner of E. Bartlett Road and N. Clemans Road, identified as Pinal County Assessor parcel no. 202-35-0040 and legally described in the attached **Exhibit "A"** (the "**Property**") to establish a PAD on the Property in conjunction with a solar and battery energy storage system project (the "**PAD Application**"); and,

WHEREAS, the Department designated the PAD Application as case no. PZ-PD-011-24; and,

WHEREAS, on February 20, 2025, the Pinal County Planning and Zoning Commission (the "**Commission**") held a public hearing on the PAD Application (under Department case no. PZ-PD-011-24) (the "**Public Hearing**"), giving no less than 15-days' notice by publication in a newspaper of general circulation in the county seat and by duly posting the area included in the proposed PAD Application; and,

WHEREAS, at the Public Hearing the Department staff presented the PAD Application to the Commission for consideration, together with 21 Stipulations of approval (the "**Commission Stipulations**"); and,

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WHEREAS, following the Public Hearing, the Commission voted 7-0 in favor of forwarding a recommendation of denial of the PAD Application to the Board; and,

WHEREAS, on April 30, 2025 the department staff presented the PAD Application to the Board with revisions to the Commission Stipulations by removing stipulation sixteen (16), revising stipulation one (1) and thirteen (13), and adding an additional stipulation, for a total of twenty-one (21) stipulations as set forth on the attached "**Exhibit B**" (the "**Amended Stipulations**"); and,

WHEREAS, the Board believes that approving the PAD Application, subject to the Amended 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 shall be applied to the property legally described in the attached **Exhibit "A"**, subject to the Amended 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 30th DAY OF APRIL, 2025, 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. 2025-PZ-PD-011-24

[LEGAL DESCRIPTION]

APN: 202-35-0040

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"
TO
ORDINANCE NO. 2025-PZ-PD-011-24
[STIPULATIONS]

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;

[END]