

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

RESOLUTION NO. 2024-SUP-028-23

A RESOLUTION OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS APPROVING A SPECIAL USE PERMIT FOR A CERTAIN PROPERTY LOCATED WEST OF NORTH HIGHWAY 79, (TAX PARCEL 400-09-002D) TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A WIRELESS COMMUNICATION FACILITY, IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. 2024-SUP-028-23

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 July 19th, 2023, the Pinal County Community Development Department (the “**Department**”) received an application from Declan Murphy on behalf of the applicant, Daigoro Properties LLC, the landowner of certain property located west of North Highway 79 (Tax Parcel No. 400-09-002D) and legally described in the attached **Exhibit “A”** (the “**Property**”), for a Special Use Permit requesting approval to construct and operate a wireless communication facility on a portion of a 24± acre parcel in the General Business Zoning District under Case No. SUP-028-23 (the “**SUP Application**”); and,

WHEREAS, on November 16, 2023, the Pinal County Planning and Zoning Commission (the “**Commission**”) held a public hearing on the SUP Application (the “**Public Hearing**”) whereat the Department staff presented the matter to the Commission and recommended forwarding a recommendation of denial to the Board of Supervisors, but if the Commission were to forward a favorable recommendation that the same require eleven (11) stipulations as set forth in the attached **Exhibit “B”** (the “**Stipulations**”); and,

WHEREAS, during the Public Hearing the Commission voted 10-0 in favor of forwarding a recommendation of denial of the SUP Application to the Board.

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

[Signatures appear on the next page]

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PASSED AND ADOPTED this 3rd 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
SUP-028-23

APN: 400-09-002D

A parcel of land located in the Southwest Quarter of Section 11 Township 6 South, Range 10 East of the Gila and Salt River Base and Meridian, situated in the County of Pinal, State of Arizona, more particularly described as follows:

COMMENCING at the Southwest corner of said Section 11,

THENCE North 00 degrees, 13 minutes, 33 seconds West along the westerly line of said Section 11, a distance of 997.06 feet to the Point of Beginning;

THENCE continuing along said westerly line North 00 degrees 13 minutes 33 seconds West 678.58 feet;

THENCE North 90 degrees 00 minutes 00 seconds East 1,267.86 feet to a point on the westerly right of way of Highway 79;

THENCE along said right of way South 38 degrees 56 minutes 10 seconds East 872.37 feet to a point, said point lying North 38 degrees 56 minutes 10 seconds West 1,251.98 feet along said right of way from its intersection with the southerly line of said Southwest quarter of Section 11;

THENCE leaving said right of way, North 90 degrees 00 minutes 00 seconds West 1, 813.44 feet to the Point of Beginning.

(Said parcel is approximately 24.00 acres)

EXHIBIT B

RESOLUTION NO. 2024-SUP-028-23

[Stipulations of Approval]

1. A Traffic Impact Analysis may be required to be submitted to the County Engineer at the time of Site Plan submittal for review and approval. The TIA shall comply with the current Pinal County Traffic Impact Assessment Guidelines and Procedures and shall be approved prior to the Site Plan approval;
2. a drainage report may be required to be submitted to the County Engineer at the time of Site Plan submittal for review and approval. The drainage report shall comply with the current Pinal County Drainage Manual and shall be approved prior to the Site Plan approval;
3. this Special Use Permit is granted to operate a wireless communications facility as described in the applicant's submittal documents;
4. a site plan will be required;
5. the permit is issued to the land for (15) years unless the use is terminated at which this use permit is terminated;
6. the wireless communication facility will be moved to the back of said site;
7. the layout, design and set up of the wireless communications facility shall be developed as shown and set forth on the applicant's submittal documents;
8. the applicant/owner/developer shall meet the requirements of the International Fire Code, as adopted by Pinal County and administered by the Pinal County Building and Safety Department;
9. the applicant shall keep the property free of trash, litter and debris;
10. all Federal, State, County and Local regulations shall be adhered to and all applicable and required leases, permits, approvals, and plans be submitted and obtained;
11. any change or expansion shall require approval from the Board of Supervisors under procedures pursuant to Chapter 2.151.010(B) of the Development Service Code.