When recorded,
return to:
Marian Sheppard, BOS
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Gila County, Az, Sadie Tomerlin Dalton, Recorder

RESOLUTION NO. 09-09-01

CASE NO. CUP-09-01
GILA COUNTY TAX ASSESSOR'S PARCEL 302-31-136A
OWNER: GARY BINDER
APPLICANT: JEFF JOHNSON

A RESOLUTION OF THE GILA COUNTY BOARD OF SUPERVISORS TO ALLOW A CONDITIONAL USE PERMIT

WHEREAS, the Gila County Planning and Zoning Commission, at a duly noticed public hearing held on July 16, 2009 has recommended to the Board of Supervisors of Gila County, Arizona, that a request for a Conditional Use Permit, set forth in the attached Exhibit "A", be adopted as provided in Section 11-829, Arizona Revised Statutes; and

WHEREAS, after holding a public hearing as provided by law, the Board of Supervisors of Gila County, Arizona, is of the opinion that the adoption of such recommendation would be in the best interest of Gila County;

NOW, THEREFORE, BE IT RESOLVED that the Gila County Board of Supervisors, at a regularly scheduled and duly noticed public hearing did approve the request set forth in the attached Exhibit "A" and that said zoning request become effective .

Passed and adopted this 1st day of September 2009.

ATTEST: **Gila County Board of Supervisors**

By: Marian Sheppard Chief Deputy Clerk for Steven L. Besich, Clerk of the Board

By: Shirley L. Dawson
Shirley L. Dawson, Chairman

Approved as to form:

Bryan Chambers, Deputy County Attorney

EXHIBIT "A"
CASE NO. CUP-09-01
Request Conditional Use Permit
Applicant: Jeff Johnson
Owner: Gary Binder

Conditional Use Permit to utilize an existing amateur radio tower to provide commercial communication services to neighboring properties and emergency service providers from the subject site located in the East Verde Estates Community, which is 3 miles north of Payson, AZ. Subject property is address as 234 W. Kings Drive and is assigned Gila County Tax Assessor's Parcel 302-31-136A. Subject site is a consolidation of Lots 3, 4 and 5 in the Kings Addition Subdivision and Lots 1 and 11 in the Orloff Palisades Subdivision.

The Gila County Board of Supervisors at a duly noticed public hearing has approved the request for a Conditional Use Permit with the following conditions:

1. The applicant shall submit appropriate engineering to show that the tower is structurally sound and that a fall zone is not necessary. If the fall zone is necessary then the applicant shall return to the Commission with an alternate location.

2. The tower shall not be utilized for signage or any advertising purposes

3. The applicant shall paint the tower a green or brown color to be approved by the Community Development Director in consultation with neighbors. The intent of the painting is to camouflage the tower as much as can reasonably be done.

4. Failure to comply with all FAA and FCC regulations can make this conditional use permit void.

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