

NAVAJO COUNTY AGENDA ITEM REQUEST FORM

Meeting Date: March 24, 2015	Time Needed: 10 minutes										
Requesting Department: Public Works/P&Z	Presenter(s) Name: Trent Larson										
Motion before the Board: Consideration and possible adoption of Resolution ___-15, approving/denying a Special Use Permit Time Extension to allow an existing Meteorological Tower on APN 110-07-001B to collect wind data for 10 years.											
Recommendation: (who, what, where, when, how, etc.) Request Board action.											
Background: (why should it be done, what will happen if not approved, etc. include resolution)											
<p>The original Special Use Permit (#05-12) was granted in 2012 for 36 months to construct a Met Tower located approximately 13 miles southwest of the City of Holbrook. Hashknife Wind Energy is requesting a 10 year Time Extension on the existing Met Tower. The data this tower collects will be used for the planning of a potential future wind farm on Aztec East Jeffers, LLC land. The reason for the extended time frame is to be able to collect enough wind data to determine the viability of a large scale wind powered electric generation project. The longer a tower can collect data will provide a more accurate and detailed analysis for future planning. Staff is agreeable to the extended time frame as an alternative to having multiple hearings for future time extensions on the same tower. The Planning & Zoning staff has reviewed the materials submitted by Hashknife and determined the application and required documents are complete and in order. The Planning & Zoning Commission met on February 19, 2015 and recommended approval of the Extension by a vote of 7-1.</p> <p>Thank you for your consideration of this request.</p>											
Fiscal Impact: (what will it cost, where funds will come from, is it budgeted, etc.) N/A											
Reviewed and approved by:	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 16.6%;">County Manager</td> <td style="text-align: center; width: 16.6%;">County Attorney</td> <td style="text-align: center; width: 16.6%;">Human Resources</td> <td style="text-align: center; width: 16.6%;">Finance</td> <td style="text-align: center; width: 16.6%;">IT</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	County Manager	County Attorney	Human Resources	Finance	IT	<input type="checkbox"/>				
County Manager	County Attorney	Human Resources	Finance	IT							
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
Board Action Taken											
Approved <input type="checkbox"/>	Denied <input type="checkbox"/>	No Action <input type="checkbox"/>	Continued <input type="checkbox"/>	Continued to: _____							
Approved with changes as follows: _____											
Clerk's Notes											
Date:	Initial:										

REMINDER: Email this coversheet and all backup documentation to **BOS.Clerk** by **Noon the Tuesday before the BOS meeting.**



NAVAJO COUNTY PUBLIC WORKS DEPARTMENT

STAFF REPORT

BOARD OF SUPERVISORS

HEARING DATE: March 24, 2015
CASE#: 15-01
ACTION: Special Use Permit Time Extension
PROJECT NAME: Hashknife Wind Energy Meteorological Tower

PARCEL INFORMATION:

Owner/Applicant: Aztec East Jeffers, LLC
Location: Approximately 13 miles southwest of Holbrook
APN: 110-07-001B
Legal Desc: A portion of Section 31, Township 16N, Range 20E of the Gila and Salt River Meridian.
District: III
Parcel Size: 572 acres (approx.)

REQUEST: The original Special Use Permit (#05-12) was granted in 2012 for 36 months to construct a MET tower located approximately 13 miles southwest of Holbrook. Hashknife Wind Energy is requesting a 10 year Time Extension on the existing Met Tower. The data this tower collects will be used for the planning of a potential future wind farm on Aztec East Jeffers, LLC land. The reason for the extended time frame is to be able to collect enough wind data to determine the viability of a large scale wind powered electric generation project. The longer a tower can collect data will provide a more accurate and detailed analysis for future planning.

GENERAL CHARACTER OF NEIGHBORHOOD: Open rolling hills with some meadows and sparsely scattered single-family residences. Primary land use in this area is agricultural.

ZONING DISTRICT:

Current: A-GENERAL Article 3, Section 301 - Purpose.

1. The main purpose of this A-General Zone is to provide for all the unincorporated area of the County, except land within the boundary of a reservation and outside the authority of Navajo County not otherwise designated for some other specific zone, to be included in the "A-General Zone", by this Ordinance. No subdividing shall be conducted or approved in the "A-General Zone", without prior re-zoning of the land so intended. Uses permitted in the "A-General Zone", include farm and non-farm residential uses, farms, recreational, institutional, commercial and industrial uses as specifically listed in this Article. **Other uses may be permitted as Special Uses under Article 20.**

ZONING ORDINANCE:

Article: 20 – Special Uses and Planned Unit Development

Section: 2001 – Special Uses

FINDINGS OF FACT:

2. The legal notice for this item has been printed in the Holbrook Tribune and placards were posted in the neighborhood, in compliance with Arizona Revised Statutes and Article 29.
3. The applicant has submitted the plans and supporting statement required by Section 2002(1).
4. The proposed use is one for which a Special Use Permit may properly be granted pursuant to Section 2001(31): "Television, wireless towers, and radio transmitter towers and stations, subject to approval by Federal Regulatory Agencies.
5. Staff has reviewed the submitted materials, site plans and related exhibits in accordance with the Navajo County Zoning Ordinance requirements for a Special Use Permit. Staff finds that the submitted documentation conforms to the requirements of the Ordinance and the promotion of the health, safety and welfare of the public.

PUBLIC COMMENTS & CONCERNS:

As of the date of preparation of this staff report, 0 comments in favor and 0 opposed have been expressed by the public.

PLANNING & ZONING COMMISSION: The Planning Commission held a hearing for this item on Feb. 19, 2015 and recommended approval of the Special Use Permit Extension with a vote of 7-1. (Commissioner Wendell DeCross voted against the 10 year Extension.)

DEPARTMENT COMMENTS:

COUNTY ATTORNEY'S OFFICE: No legal issues with this matter.

Initial: B.C.

ENGINEERING COMMENTS: No objections to the proposed land use as long as all conditions listed below are met.

Initial: B.B.

FLOOD CONTROL COMMENTS: No objections to the proposed land use as long as all condition listed below are met.

Initial: B.B.

PLANNING & ZONING DEPARTMENT: A Special Use Permit was granted in 2012 for a Met Tower to be installed on this property for 36 months. They have applied for a time extension within the appropriate amount of time. The time requested is for an additional 120 months (10 years). Staff is agreeable to the extended time frame as an alternative to having multiple hearings for future time extensions on the same tower. The Planning & Zoning staff have reviewed the proposed application and determined it is ready for action by the Board.

Initial: T.L.

PLANNING AND ZONING RECOMMENDATION: Should the Board of Supervisors approve this Special Use Permit Time Extension, staff recommends the following conditions be applied:

1. The extension of time for this Special Use Permit shall expire 120 months after Board of Supervisors approval. If the owner wishes to extend the length of this permit they must submit a request for extension to the Board of Supervisors prior to the expiration date.
2. All other conditions of the original Special Use Permit shall carry forward and remain applicable with this time extension.



NAVAJO COUNTY PUBLIC WORKS DEPARTMENT

PLANNING & ZONING

Post Office Box 668 - 100 East Code Talkers Drive

Holbrook, Arizona 86025

(928) 524-4100 FAX (928) 524-4122

www.navajocountyaz.gov

SPECIAL USE PERMIT APPLICATION

(also to be used for an Amendment to an approved/existing Special Use Permit)

SITE & PROPOSAL INFORMATION:

PROJECT NAME: Hashknife Wind Energy Project-*(see note)

PROPOSED USE OF PROPERTY: Wind resource assessment for potential wind development.
10 Year Extension

SPECIAL USE CATEGORY: Meteorological Tower

LOCATION (include nearest town/community): Sec. 31 T16N-R20E/Holbrook

GENERAL DIRECTIONS TO PARCEL: Approx. 13 miles west of the city of Holbrook
(see existing SUP)

ADDRESS (if known): N/A

PROPERTY SIZE: Approx. 2.9 acres; N/A square feet

LEGAL DESCRIPTION: Township 16 North, Range 20 East, Section(s) 31

ASSESSOR PARCEL NO.: 110-07-001B

SUBDIVISION NAME: N/A LOT #: N/A

PRESENT USE OF PROPERTY: Agricultural ranching

CURRENT ZONING: Agricultural

PROPOSED ZONING: N/A

OWNER & CONTACT INFORMATION:

OWNER'S NAME: Aztec East Jeffers, LLC

OWNER PHONE NO.: (623) 772-6222 FAX #: _____

OWNER EMAIL ADDRESS: sbrophy@pagelandco.com

OWNER MAILING ADDRESS: 10265 West Camelback Rd., Room 104

CITY: Phoenix STATE: AZ ZIP CODE: 85037

DATE OF OWNERSHIP: 2013(as to present owner, which is a subsidiary of Aztec, Ltd.,
which aquired title in 1884)

CONTACT NAME: Same as above

COMPANY NAME: _____

CONTACT PHONE NO.: _____ FAX #: _____

CONTACT EMAIL ADDRESS: _____

CONTACT MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

***Application is submitted to extend existing SUP, which expires 2/28/15.
(SEE RES. 05-12 ATTACHED)**

OWNER'S AFFIDAVIT:

I, (print name) Aztec East Jeffers, LLC, being duly sworn, depose and say that I am the owner of the property involved in this application and that the information herewith submitted is true and correct to the best of my knowledge.

AZTEC LAND AND CATTLE COMPANY, LIMITED, *Mgr.*

By:

Owner's Signature

[Handwritten Signature], *Pres.*

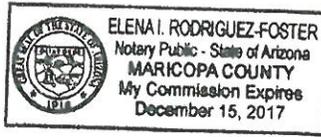
STATE OF Arizona)
COUNTY OF Maricopa) SS

Sworn and subscribed before me on this 15th Day of January, 20 15

Elena I. Rodriguez-Foster
Notary Public

12-15-17

My Commission Expires



For Staff use only:

Accepted by: _____ Date: _____

Submittal Approved: _____ Date: _____

Fee: _____

Case #: _____

Planning Commission: _____ Action: _____

Board of Supervisors: _____ Action: _____

Notes / Stipulations: _____



AZTEC LAND AND CATTLE COMPANY, LIMITED

INCORPORATED 1884

10265 W. CAMELBACK RD. NO. 104

PHOENIX, ARIZONA 85037

(623) 772-6222

FAX (623) 772-0145

STEPHEN M. BROPHY
PRESIDENT

AZTEC EAST JEFFERS, LLC

Via Email and Regular Mail
January 15, 2015

Navajo County Public Works Department
Planning & Zoning
100 East Code Talkers Drive
Holbrook, AZ 86025
Attn: Trent Larson

Re: Extension of Special Use Permit Resolution No. 05-12

Dear Mr. Larson:

Enclosed please find our Extension Application regarding the above along with our check in the amount of \$500.00 for the fee. Thank you for offering that if the application is received by February 1, 2015 we will be able to have the application included at the planning committee hearing on February 19, 2015.

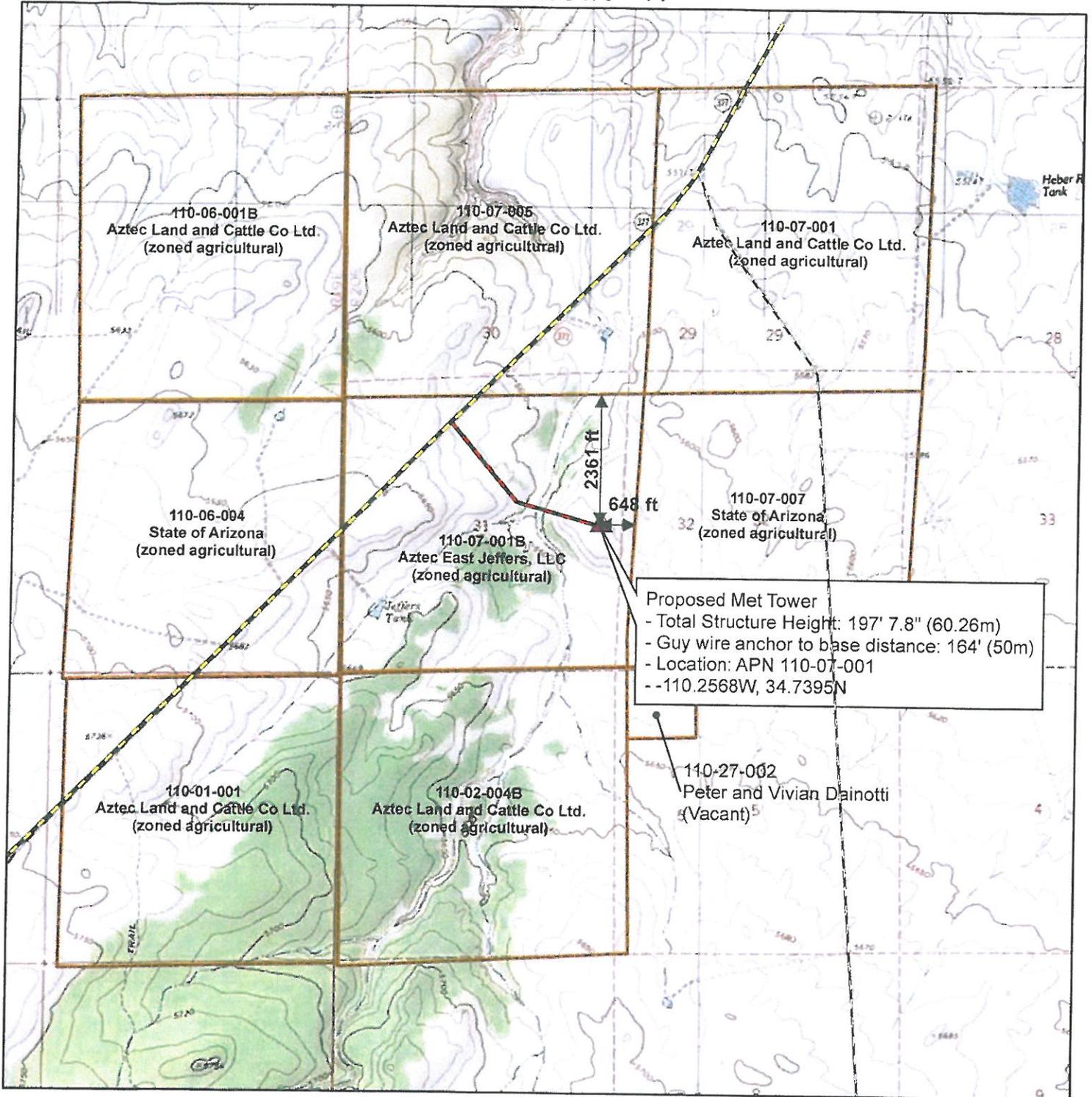
Please let me know if you need anything further for this extension, and kindly advise when the hearing is actually scheduled.

Sincerely,

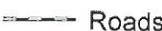
Tricia L. Crichton

TLC:t
Encl. (via regular mail only)

Attachment "A"



Legend

-  Meteorological Tower
-  Parcel Boundary
-  Roads
-  Interstates
-  Met Tower Access Route

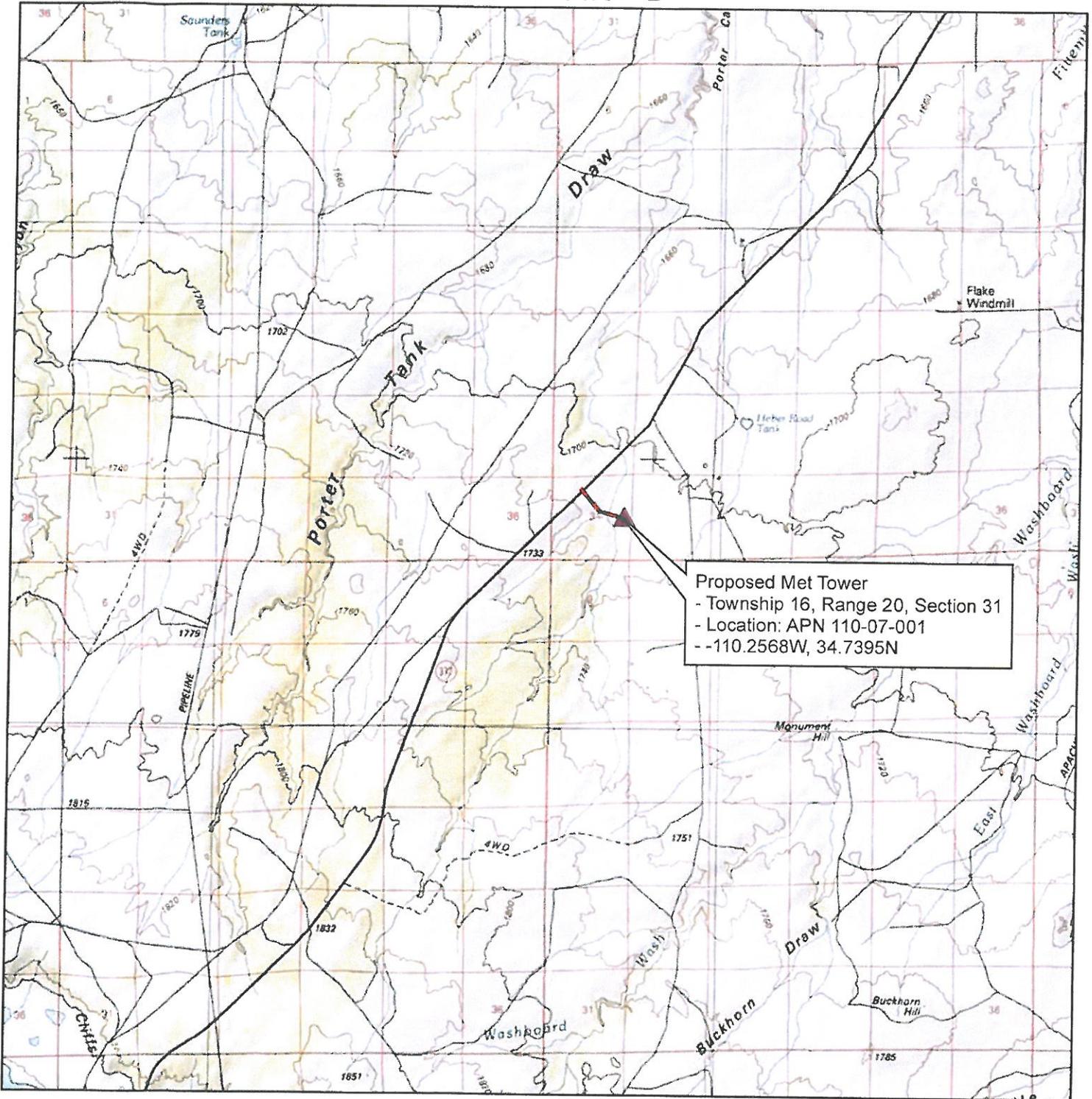


1 inch = 2,000 feet

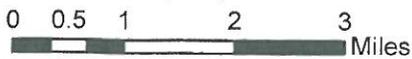


Project: Apache District Wind Farm		Navajo County Planning Director		Date
Meteorological Site Plan Map		Navajo County Engineer		Date
Map:	Map-No.:	juwi Wind LLC 4845 Pearl East Circle ste 200 Boulder, CO 80301 phone: (303) 936-4185 fax: (303) 953-5185 mail: info@juwi.com		
Project Map	1			
	Date	Name		
edited	12/14/2011	mv	Chairman, Navajo County Planning Commission	
signed	12/14/2011	mv	Date	
approved			Chairman, Navajo County Board of Supervisors	
			Date	

Attachment "B"



Proposed Met Tower
 - Township 16, Range 20, Section 31
 - Location: APN 110-07-001
 - -110.2568W, 34.7395N



Legend

-  Meteorological Tower
-  Met Tower Access Route

Project Apache District Wind Farm					
Site Vicinity Map					
Map:	Map-No.:	juwi Wind LLC 4845 Pearl East Circle ste 200 Boulder, CO 80301 phone: (303) 955-4155 fax: (303) 953-5185 mail: va@juwi.com		Navajo County Planning Director	Date
Project Map	1			Navajo County Engineer	Date
	Date	Name			
edited	12/14/2011	mv			
signed	12/14/2011	mv			
approved			Chairman, Navajo County Planning Commission	Date	
			Chairman, Navajo County Board of Supervisors	Date	

RESOLUTION NO. 05-12

A RESOLUTION OF THE NAVAJO COUNTY BOARD OF SUPERVISORS, APPROVING A SPECIAL USE PERMIT IN THE HOLBROOK AREA.

WHEREAS, an application for a Special Use Permit was duly filed on December 20, 2011, by Apache District Wind Farm, LLC, to place a Meteorological Tower for the purpose of measuring wind for the potential of developing an alternative power (wind) generating facility on approximately 2.9 acres some 13 miles southwest of the City of Holbrook; and

WHEREAS, the application concerns the following real property in Navajo County:

A portion of Navajo County Assessor's Parcel No. 110-07-001B in Section 31, Township 16 North, Range 20 East, Gila and Salt River Meridian, Navajo County, approximately thirteen miles southwest of City of Holbrook, said portion being depicted on the map attached hereto as Exhibit 1; and

WHEREAS, the applicant is the lessee of the above-described property according to a ground lease duly recorded in the Office of the Navajo County Recorder; and,

WHEREAS, the application was considered by the Navajo County Planning & Zoning Commission at a duly noticed public hearing on January 19, 2012; and

WHEREAS, the Planning & Zoning Commission, after considering the testimony and other evidence presented at the hearing, as well as the recommendations of staff, found that the Special Use Permit would be consistent with the public health, safety and general welfare and should be approved by the Board of Supervisors subject to certain stipulations; and,

WHEREAS, the Board of Supervisors, after considering the recommendation of the Planning & Zoning Commission and staff, as well as the testimony and other evidence presented at a duly noticed public hearing held this date, finds that the Special Use Permit is consistent with the public health, safety and general welfare and should be approved subject to the stipulations set forth herein,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby APPROVES the Special Use Permit, subject to the following stipulations:

1. This Special Use Permit shall allow for the installation of one (1) meteorological tower, with a maximum height of approximately 198 feet (60 meters).
2. The meteorological tower shall be installed only in the general location as indicated on the approved site plan, except as may otherwise be approved by the Navajo County Public Works Department.
3. The meteorological tower shall be located so it will not fall onto an adjacent property nor another structure.
4. The minimum setback for the meteorological tower, as measured from the property line or any public roadway, shall be 1.5 times the total tower height.
5. The meteorological tower shall include the installation of low-intensity, red blinking lighting for night-time visibility. The use of strobes or strobe-type lighting is prohibited. The meteorological tower shall also be painted in alternating orange/red and white colors in conformance with FAA requirements.
6. A Floodplain Use Permit shall be obtained by the developer at the time a Building Permit is secured if the tower is found to be located in a Special Flood Hazard Area.
7. Building permits are required for the meteorological tower and any accessory uses (such as fences, etc.), and the issuance of a permit shall be acquired prior to placement of any meteorological tower.
8. Prior to acquiring a building permit, and as development progresses, the applicant shall consult with and obtain written comments from the Arizona Game & Fish Department and the U.S. Fish & Wildlife Service (Flagstaff Ecological Services Field Office) to select a meteorological tower site that avoids habitat features that congregate wildlife and regarding measures to minimize the impact on birds and wildlife of the facilities and operations authorized by this Special Use Permit. The applicant shall give due consideration to the concerns and recommendations of these agencies and shall use all reasonable efforts to satisfy their concerns and to minimize the impact on birds and wildlife, including the possible placement of Bird Flight Diverters on the guy wires and acoustic monitoring stations on or near the meteorological tower. The location and construction of facilities shall be generally consistent with the Arizona Game & Fish Department's "Guidelines for Reducing Impacts to Wildlife from Wind Energy Development in Arizona" and shall incorporate best available technologies and industry practices to minimize the impact on birds and wildlife.

Resolution #: **05-12**

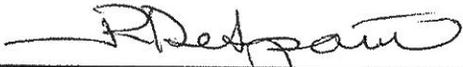
Navajo County Board of Supervisors – approved February 28, 2012
Apache District Wind – Special Use Permit

Page 2 of 4

9. Prior to acquiring a building permit, the applicant shall provide latitude and longitude coordinates (North American Datum of 1983) of the final site of the meteorological tower to the Navajo County Public Works Department and to the Arizona Game & Fish Department.
10. Prior to issuance of any building permits for the meteorological tower, the developer shall submit to the Navajo County Public Works Department information regarding the manufacturer of the tower, structural information, information regarding who to contact in the event of an emergency or any problems with the tower, and information regarding how data is collected and transmitted.
11. Development and use of the site shall include efforts, such Best Management Practices, to reduce & mitigate dust created by this project. Efforts shall also be made to reduce the removal of vegetation during construction and use of the site and any roadways that provide access to the site. Upon the removal of the meteorological tower and associated structures and improvements, the site and any roadways that provide access to the site shall be restored and re-vegetated to their current/native condition.
12. Construction of the meteorological tower shall commence within twelve (12) months following approval by the Navajo County Board of Supervisors. Failure to do so may result in a review by the Board of Supervisors for possible revocation of the Special Use Permit.
13. This Special Use Permit and the rights granted herein shall expire thirty-six (36) months (3 years) from the date of Board of Supervisors approval, unless an extension is granted by the Board of Supervisors upon a recommendation by the Planning & Zoning Commission. Application for an extension shall be made no later than 90 days before the date of expiration. If timely application is made, the expiration shall be tolled until a final decision by the Board of Supervisors. Upon the expiration of this Special Use Permit, the Meteorological Tower and associated structures and improvements shall be removed, and the site and any roadways that provide access to the site shall be restored and re-vegetated to their prior condition, within 60 days. Failure to accomplish removal and restoration within 60 days shall be a nuisance per se and a violation of the Zoning Ordinance, subject to enforcement action in accordance with Articles 24 and 27 of said ordinance.

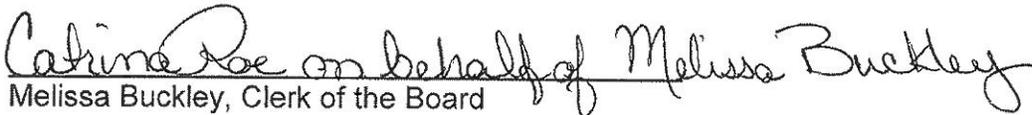
PASSED, APPROVED AND ADOPTED at Holbrook, Arizona, on February 28, 2012.

NAVAJO COUNTY BOARD OF SUPERVISORS

By: 

J.R. Despain, Chairman of the Board

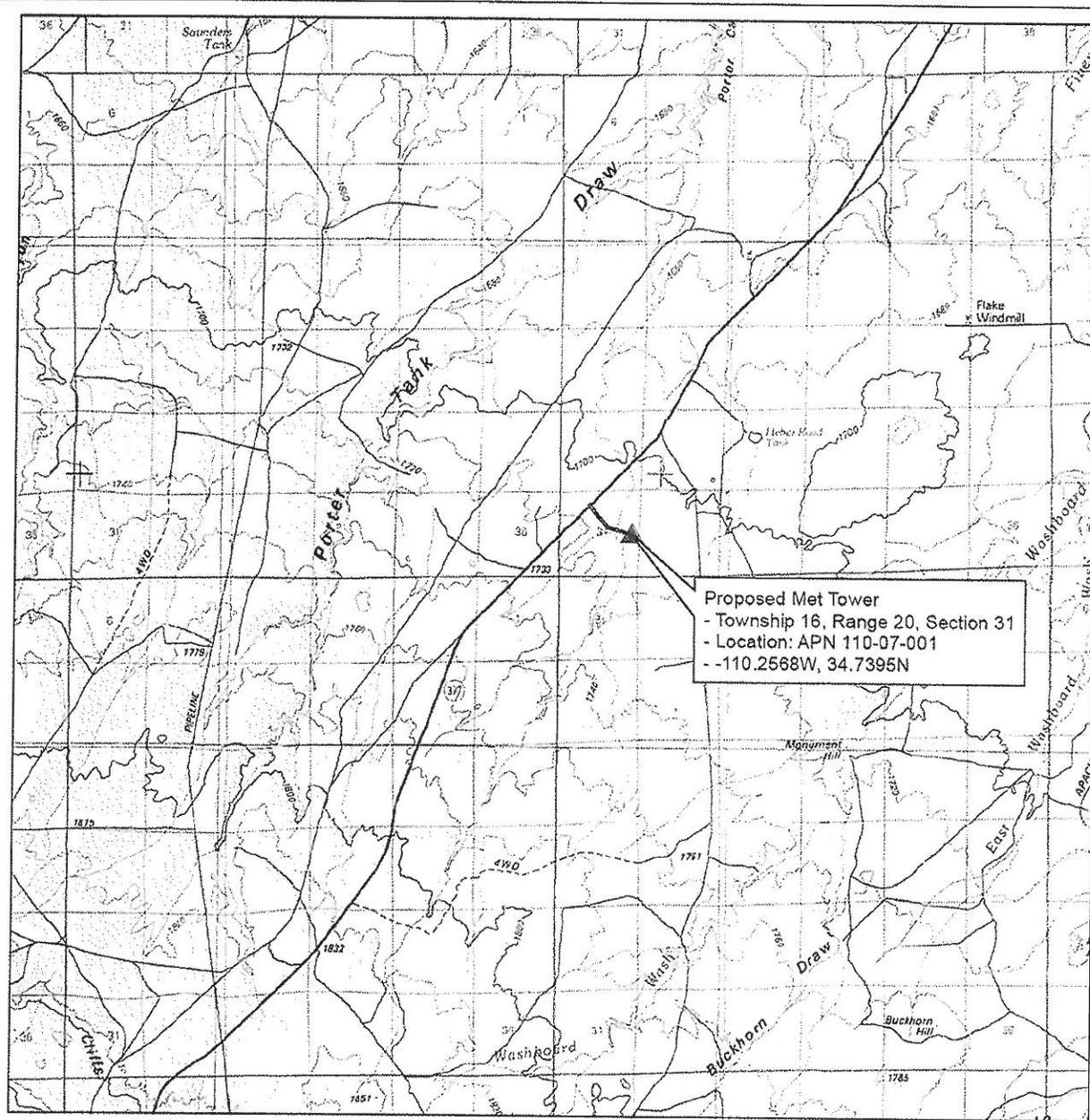
ATTEST:



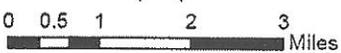
Melissa Buckley, Clerk of the Board

Exhibit "1"

Apache District Wind Farm – Special Use Permit for a Meteorological Tower
 (as approved by the Navajo County Board of Supervisors on February 28, 2012, under Resolution #05-12)



Proposed Met Tower
 - Township 16, Range 20, Section 31
 - Location: APN 110-07-001
 - -110.2568W, 34.7395N



Legend

- Meteorological Tower
- Met Tower Access Route

Project: Apache District Wind Farm		Site Vicinity Map		Navajo County Planning Director	Date
Map:	Map No.:	JWVI LLC 4645 Point East Circle Box 200 Boulder, CO 80501 Phone: (303) 446-1555 Fax: (303) 446-6188 Mail: info@jwvi.com		Navajo County Engineer	Date
Project Map	1	Date	Name	Chairman, Navajo County Planning Commission	Date
edited	12/14/2011		mv	Chairman, Navajo County Board of Supervisors	Date
signed	12/14/2011		mv		
approved					

RESOLUTION NO. _____-15

**A RESOLUTION OF THE
NAVAJO COUNTY BOARD OF SUPERVISORS
APPROVING A SPECIAL USE PERMIT TIME EXTENSION**

WHEREAS, an application for a Special Use Permit Time Extension was duly filed on January 18, 2015 by Aztec East Jeffers, LLC to extend the length of time maintain a Meteorological Tower on their property for the purpose of measuring wind for the potential of developing an alternative power (wind) generating facility; and

WHEREAS, the application concerns the following real property in Navajo County:

A portion of Navajo County Assessor's Parcel No. 110-07-001B in Section 31, Township 16 North, Range 20 East, of the Gila and Salt River Meridian, Navajo County, approximately thirteen miles southwest of Holbrook; and

WHEREAS, the applicant has the legal right to use the above described property according to a Deed of Trust recorded in the Office of the Navajo County Recorder; and

WHEREAS, the application was considered by the Navajo County Planning & Zoning Commission at a duly noticed public hearing on February 19, 2015; and

WHEREAS, the Planning & Zoning Commission, after considering the testimony and other evidence presented at the hearing, as well as the recommendations of staff, recommends that the Special Use Permit Time Extension is consistent with the public health, safety and general welfare and should be approved by the Board of Supervisors, by a vote of 7 yeas to 1 nay; and

THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby APPROVES the Special Use Permit Time Extension subject to the following conditions:

1. The extension of time for this Special Use Permit shall expire 120 months after Board of Supervisors approval. If the owner wishes to extend the length of this permit they must submit a request for extension to the Board of Supervisors prior to the expiration date.
2. All other conditions of the original Special Use Permit shall carry forward and remain applicable with this time extension.

PASSED, APPROVED AND ADOPTED by the Navajo County Planning Commission at Holbrook, Arizona, on March 24, 2015 by a vote of ___ yeas and ___ nays.

Navajo County Board of Supervisors

Dawnafe Whitesinger, Chairwoman

ATTEST:

Melissa Buckley, Clerk of the Board

RESOLUTION NO. _____-15

**A RESOLUTION OF THE
NAVAJO COUNTY BOARD OF SUPERVISORS
DENYING A SPECIAL USE PERMIT TIME EXTENSION**

WHEREAS, an application for a Special Use Permit Time Extension was duly filed on January 18, 2015 by Aztec East Jeffers, LLC to extend the length of time allowed to place a Meteorological Tower on their property for the purpose of measuring wind for the potential of developing an alternative power (wind) generating facility; and

WHEREAS, the application concerns the following real property in Navajo County:

A portion of Navajo County Assessor's Parcel No. 110-07-001B in Section 31, Township 16 North, Range 20 East, of the Gila and Salt River Meridian, Navajo County, approximately thirteen miles southwest of Holbrook; and

WHEREAS, the applicant has the legal right to use the above described property according to a Deed of Trust recorded in the Office of the Navajo County Recorder; and

WHEREAS, the application was considered by the Navajo County Planning & Zoning Commission at a duly noticed public hearing on February 19, 2015; and

WHEREAS, the Planning & Zoning Commission, after considering the testimony and other evidence presented at the hearing, as well as the recommendations of staff, recommends that the Special Use Permit Time Extension was consistent with the public health, safety and general welfare and should be approved by the Board of Supervisors with a vote of 7 yeas and 1 nay; and

WHEREAS, the Board of Supervisors, after considering testimony and other evidence presented at the hearing, found that it was not consistent with the public health, safety and general welfare and should be denied.

THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby DENIES the Special Use Permit Time Extension.

PASSED, APPROVED AND ADOPTED by the Navajo County Board of Supervisors, at Holbrook, Arizona, on March 24, 2015 by a vote of ___ ayes and ___ nays.

Navajo County Board of Supervisors

Dawnafe Whitesinger, Chairman

ATTEST:

Melissa Buckley, Clerk of the Board