



**NAVAJO COUNTY
PUBLIC WORKS DEPARTMENT**

STAFF REPORT

PLANNING & ZONING

HEARING DATE: May 21, 2015
CASE#: 15-03
ACTION: Special Use Permit
PROJECT NAME: Hashknife Wind Energy Met Tower 1

PARCEL INFORMATION:

Owner/Applicant: Aztec Land & Cattle Co., Ltd.
Location: Approximately 23 miles southwest of the City of Holbrook
APN: 111-03-001A
Legal Desc: A portion of Section 13, Township 15 N, Range 17E of the Gila and Salt River Meridian.
District: III
Parcel Size: 640 Acres

REQUEST: Invenergy and Hashknife Wind Energy, is requesting a Special Use Permit to install a 197.8 foot Metrological Testing Tower (MET) to collect weather data for the area through the temporary installation of a 197.8 foot MET tower located on their property in Navajo County. The tower is intended to collect wind speeds, solar intensity and climate related data. This data is to be used by the owner to determine weather and climate patterns on the property. They currently do not have any development plans for an alternate use of the property other than the existing agricultural uses. The collection of this data is to be used in future company analysis and land use planning.

GENERAL CHARACTER OF NEIGHBORHOOD: Open rolling hills with some meadows and sparsely scattered single-family residences. General 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:

1. 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.
2. The applicant has submitted the plans and supporting statement required by Section 2002(1).
3. 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.
4. 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.
5. Arizona Game and Fish Department has reviewed this project and requests Aircraft Warning Markers be installed, Bird Flight Diverters, and acoustic monitoring stations be installed.

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.

DEPARTMENT COMMENTS:

COUNTY ATTORNEY'S OFFICE: No legal objection to this application as long as applicant abides by all County, State and Federal rules and regulations.

Initial: B.C.

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 requested for a Meteorological Tower to be installed on this property for five years (60 months) in order to obtain an understanding of the immediate trends and wind characteristics across this specific area through the seasons. Over the longer term, the meteorological data will be used with other data obtained over time by Aztec to determine the viability of, and suitable locations for, wind energy development in this part of Navajo County. The reason for the extended time frame is to be able to leave the tower up long enough for a viable project to materialize. The Planning & Zoning staff have reviewed the proposed application and determined it is ready for action by the Commission.

Initial: P.S.

PLANNING AND ZONING RECOMMENDATION: Should the Commission recommend approval of this Special Use Permit, staff recommends the following conditions be applied:

1. This Special Use Permit shall allow for the installation of 1 meteorological tower with a maximum height of 198 feet. The purpose of the meteorological tower is to measure wind speeds and directions on the subject property.
2. The meteorological tower shall be allowed to occur only in the location as indicated on the approved site plan.
3. Building permits are required for the meteorological tower construction and installation.
4. A Floodplain Use Permit (where required) shall be obtained prior to issuance of any building permits.
5. The meteorological tower shall be located so it will not fall onto an adjacent property or any other structure.
6. The minimum setback for the meteorological tower shall be 1,000' from the boundary of the Special Use Permit area.
7. If the tower is no longer being utilized the property owner shall cause, at his expense, the removal of all components of this tower within a 90-day period.
8. The Special Use Permit shall expire 60 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.



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 - Met Tower 1

PROPOSED USE OF PROPERTY: Site of Meteorological tower to measure wind

SPECIAL USE CATEGORY: _____

LOCATION (include nearest town/community): Several miles south of Joseph City

GENERAL DIRECTIONS TO PARCEL: Access Private Roads from either 377/Heber Road or south from Melaws Road

ADDRESS (if known): _____

PROPERTY SIZE: _____ acres; _____ square feet

LEGAL DESCRIPTION: Township 15 North, Range 17 East, Section(s) 13

ASSESSOR PARCEL NO.: 111-03-001A

SUBDIVISION NAME: _____ LOT #: _____

PRESENT USE OF PROPERTY: grazing

CURRENT ZONING: A General

PROPOSED ZONING: _____

OWNER & CONTACT INFORMATION:

OWNER'S NAME: Steve Brophy - Aztec Land & Cattle

OWNER PHONE NO.: 623-772-6222 FAX #: 623-772-0145

OWNER EMAIL ADDRESS: sbrophy@pageland.com

OWNER MAILING ADDRESS: 10265 West Camelback Road, No. 104

CITY: Phoenix STATE: AZ ZIP CODE: 85037

DATE OF OWNERSHIP: 1984 approximately

CONTACT NAME: Carey Kling

COMPANY NAME: Invenenergy LLC

CONTACT PHONE NO.: 303-770-3285 FAX #: 303-797-5491

CONTACT EMAIL ADDRESS: CKling@InvenenergyLLC.com

CONTACT MAILING ADDRESS: 2580 West Main Street, Suite 220

CITY: Littleton STATE: CO ZIP CODE: 80120

OWNER'S AFFIDAVIT:

I, (print name) Stephen M. Brophy, Pres. of Aztec Land and Cattle Co., Ltd, ("Aztec") being duly sworn, depose and say that Aztec is 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 Co., Ltd.

By: [Signature] Its Pres.
Owner's Signature

STATE OF Arizona)
)
COUNTY OF Maricopa)

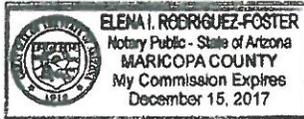
Sworn and subscribed before me on this 16th Day of March, 2015

[Signature]

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: _____

Invenergy

RECEIVED
MAR 19 2015

NAVAJO COUNTY PUBLIC
WORKS DEPARTMENT

Mr. Trent Larson
Navajo County
Planning and Zoning Department
100 W. Public Works Drive
Holbrook, AZ 86025

March 17, 2015

RE: Special Use Permit Application – Hashknife Energy Project Met Towers

Dear Mr. Larsen:

Invenergy and Aztec Land and Cattle Co., Ltd. (“Aztec”), are applying to install three (3) meteorological (met) towers on Aztec property at the locations indicated on the maps enclosed. The met towers would evaluate the wind speed, wind direction, and other meteorological data in this area for a potential wind energy project which we call the Hashknife Wind Energy Project. The permits are being requested for a five year period in order to obtain an understanding of the immediate trends and wind characteristics across this specific area through the seasons. Over the longer term, the meteorological data will be used with other data obtained over time by Aztec to determine the viability of, and suitable locations for, wind energy development in this part of Navajo County.

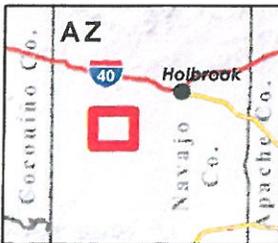
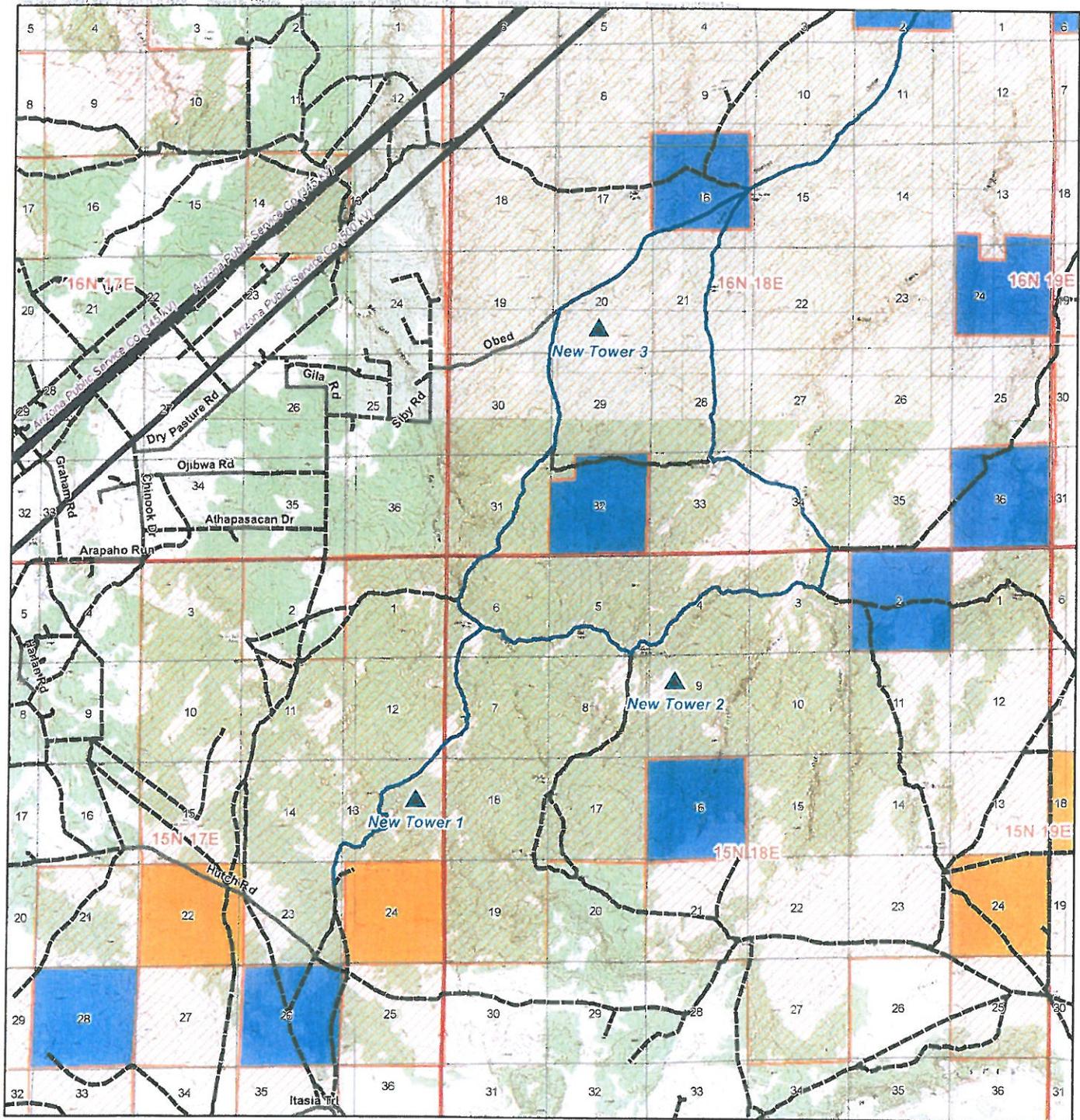
This special use is compatible with the existing land use in the area (ranching). The remoteness of the locations, within contiguous property owned by Aztec Land and Cattle, and considerable distances to private (more than 1 mile) and public lands (more than ½ mile) provides more than sufficient setback from other land ownerships in the area.

We look forward to further discussing our proposal with you. Please let me know if you need any additional information.

Sincerely



Carey Kling
Invenergy
303-730-3285
CKling@InvenergyLLC.COM



Legend		
Met Tower Location	Interstate Highway	Under 100 kV
Section Line	US/State Route	100 - 161 kV
Township Boundary	County Road	230 - 287 kV
Aztec Land	Local Road	345 - 500 kV
BLM Land	Dirt/Unpaved Road	
State Land		
Proposed Access Road		

Miles

Tower Elevation: 1830 feet
 Longitude: -110.489851
 Latitude: 34.694794
 APN: 111-03-001A

Aztec Land & Cattle Property

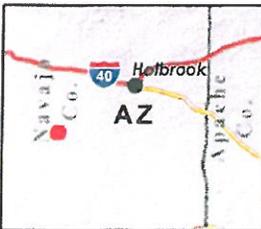
Nearest Private Land: More than 2.5 miles

New Tower 1

Access
(1153 ft)

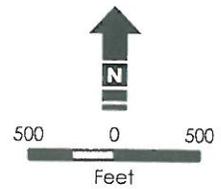
More than 2000 ft to BLM Land

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus, DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Legend

- Road Classification**
- Interstate Highway
 - US/State Route
 - County Road
 - Local Road
 - Dirt/Unpaved Road
- Met Tower Location



Proposed Met Tower 1 on T15N R17E S13

Hashknife Wind Energy Project, Navajo County, Arizona

Rev. 00

March 17, 2015

Invenergy

One South Wacker Drive Suite 1900
 Chicago, Illinois 60604
 (312) 224-1400

RESOLUTION NO. 15-06P

A RESOLUTION OF THE NAVAJO COUNTY PLANNING & ZONING COMMISSION RECOMMENDING APPROVAL OF A SPECIAL USE PERMIT FOR A METEOROLOGICAL TOWER

WHEREAS, an application for a Special Use Permit was duly filed by Hashknife Wind Energy / Invenergy, to construct a 196' Meteorological tower; and

WHEREAS the application concerns the following real property in Navajo County: on APN: 111-03-001A, a.k.a. a portion of Section 13 Township 15 North, Range 17 East of G&SRM in the Holbrook area; and

WHEREAS, the applicant has the legal right to use the above described property according to an Owners Affidavit from Aztec Land and Cattle Co., Ltd. Signed by Stephen M. Brophy; and

WHEREAS, the Planning & Zoning Commission, after considering the testimony and other evidence presented at the hearing as well as the recommendations of staff, finds that the Special Use Permit will be consistent with the public health, safety and general welfare and should be approved subject to the conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED that the Planning & Zoning Commission hereby recommends **APPROVAL** of the Special Use Permit, subject to the following conditions:

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.
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 sixty (60) months (5 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.

BE IT FURTHER RESOLVED that the Secretary shall transmit this Resolution to the Navajo County Board of Supervisors as the recommendation of the Planning & Zoning Commission.

PASSED AND ADOPTED by the Planning & Zoning Commission by a vote of _____ yeas and _____ nays on May 21, 2015.

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Secretary, Navajo County
Planning & Zoning Commission

RESOLUTION NO. 15-06P

**A RESOLUTION OF THE NAVAJO COUNTY PLANNING &
ZONING COMMISSION RECOMMENDING DENIAL OF A
SPECIAL USE PERMIT FOR A METEOROLOGICAL TOWER**

WHEREAS, an application for a Special Use Permit was duly filed by Hashknife Wind Energy to construct a 196' Meteorological tower; and

WHEREAS the application concerns the following real property in Navajo County: on APN: 111-03-001A, a.k.a. a portion of Section 13, Township 15 North, Range 17 East of G&SRM in the Holbrook area; and

WHEREAS, the applicant has the legal right to use the above described property according to an Owners Affidavit from Aztec Land and Cattle Co., Ltd. Signed by Stephen M. Brophy; and

WHEREAS, the Planning & Zoning Commission, after considering the testimony and other evidence presented at the hearing as well as the recommendations of staff, finds that the Special Use Permit will not be consistent with the public health, safety and general welfare and should be denied.

NOW, THEREFORE, BE IT RESOLVED that the Planning & Zoning Commission hereby recommends **DENIAL** of the Special Use Permit and the following actions:

BE IT FURTHER RESOLVED that the Secretary shall transmit this Resolution to the Navajo County Board of Supervisors as the recommendation of the Planning & Zoning Commission.

PASSED AND ADOPTED by the Planning & Zoning Commission by a vote of _____ yeas and _____ nays on May 21, 2014.

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Secretary, Navajo County
Planning & Zoning Commission