



T O R C H
RENEWABLE ENERGY, LLC

Attachment
"B"

February 21, 2013

Michael Turisk, Planning Manager
Cochise County Community Development
1415 Melody Lane, Building E
Bisbee, Arizona 85603

Mike Turisk,

Torch Renewable Energy, LLC (TRE) on behalf of Red Horse Wind 2, LLC and its wholly subsidiaries are submitting a Special Use Application (SUP) for the development of the Red Horse Wind 2 Wind Farm. The attached materials include a completed SUP application form and Exhibits to elaborate on sections of the SUP application. Section 1822 from the zoning regulations was reviewed to verify compliance with County Regulations. The existing conceptual design will aim to comply with zoning regulation 1822: Wind Energy Systems.

On-site data collection, coupled with a desktop analysis has indicated that this location is viable for wind energy development. TRE has begun discussions with Arizona State Game and Fish Department (AGFD) and are in the process of conducting avian and bat studies. All studies are being completed in accordance with recent U.S. Fish and Wildlife Service (USFWS) Land-Based Wind Energy Guidelines recommendations (USFWS March 2012), USFWS Draft Eagle Conservation Plan Guidance (USFWS August 2012, and the Arizona Game and Fish Department's (AGFD Guidelines for Reducing Impacts to Wildlife from Wind Energy Development in Arizona (guidelines; AGFD October 2012). Reports on Avian and Bat Studies for the winter 2012-13 and spring 2013 will be completed by November 2013. A complete cultural resource study will be completed in the next few months and the final turbine array will be based on information attained from archeological and environmental studies.

The wind energy facility will be mostly located on Arizona State Land. A small portion of the project may be located on land owned by the Larry and JoAnne Revocable Trust (Todd's). TRE has submitted a Right-of-Way application to the Arizona State Land Department to utilize the specified State Lands for purposes of developing a wind farm. A copy of this application is attached in Exhibit C. A Special Land Use Permit was received from the State to install two met towers.

1331 LAMAR, SUITE 1450
HOUSTON, TX 77010-3039

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A

Exhibit A

“PROJECT DESCRIPTION AND PROPOSED USE”

Torch Renewable Energy (TRE) is proposing to construct and operate a wind energy generation facility (Wind Farm) with 51 MW nameplate capacity. The Wind Farm will consist of up to 28 Wind Turbines, underground and overhead transmission lines, a collection substation and an operation and maintenance facility. The wind turbines will be up to 487 feet in total height, with a blade diameter of 191.5 feet. The wind turbines will be located on Arizona State Trust Lands and Private Lands. The Substation and Operations & Maintenance Facility will be located on Arizona State Trust Lands. Six copies of the Conceptual Site Plan are attached.

The wind farm will create electricity with zero emissions and zero water usage in an arid region. The identified location is remote and therefore has very limited view-shed consequences.

The project will create up to 50 direct jobs to Arizona during construction and hundreds of indirect jobs and revenue for the local economy from out of town consultants during the construction phase. The wind farm will create up to 4 long-term jobs for permanent residents in Cochise County.

TRE has secured a long-term Power Purchase Agreement (PPA) with Tucson Electric Power Company (TEP). Construction is expected to begin in the 4th Quarter of 2013 and commercial operations should commence by the end of 2014.

TRE submitted notice of proposed construction for the Wind Farm on January 18, 2013. All turbine locations were found to have a “determination of no-hazard,” and therefore are approved by the FAA. The Aeronautical Study Number is 2013-WTW-312-OE.

Exhibit B

“ACTIVITIES AND IMPACTS FOR PROPOSED USE”

The Construction Phase will include: new road construction for turbine access roads; existing road repair and improvement; trenching for underground collection and fiber-optic lines to the 34.5 kV substation; excavation and possible blasting for turbine foundations; installation of wind turbines on Arizona State Land and private land; an operating and maintenance facility (~2,400 ft²); construction of a 34.5 kV substation; construction of 2-34.5 kV overhead transmission lines that will run from the 34.5 kV substation to the existing Winchester Substation. The new overhead transmission lines will run parallel to the existing Tucson Electric Power transmission line. The new road construction for turbine access setup and maintenance will consist of 16-ft wide aggregate roads with temporary 10-ft compacted shoulders. The shoulders will be de-compacted after installation of the turbines and reclaimed to their existing condition. The turbine model will be one of the following: Vestas V100 or Nordex N117. The majority of the impact to neighboring property owners will occur during construction which is expected to be completed in less than 1 year.

Operations will include: generation of renewable wind energy including on-site operation and periodic maintenance and repairs of the entire generating facility components including roadways, underground conduits, and overhead transmission facilities over and across the lands defined in Exhibit A, in accordance with the law of the State of Arizona and the rules of the State Land Department.

We anticipate there will be up to 4 full time employees. There will be 2 employees on site from 24 hours a day, 7 days a week. The operations and maintenance provider will be selected at a later date.

The impact to neighboring property owners will be minimal. The majority of the land surrounding the site is owned by the State of Arizona and is sparsely populated. There are a few adjacent property owners west, and the Larry and JoAnne Revocable Trust (Todd's) to the North. The Todd's have a lease on the Arizona State Land being used for this project to graze cattle. The Todd's have indicated that they are supportive of this project and may house a turbine on their land. TRE is currently in negotiations with Todd's to come to a final agreement. Once this agreement is reached a partially redacted copy of the agreement can be confidentially provided upon request.

The nearest property owner to the west of the project is more than 2 miles from the farthest west wind turbine. The attached map identifies the private, state, and federal lands in the vicinity of the project.

Once the wind farm is fully operational traffic to and from, and within the site, will be minimal. Employees will access the site via Airport Road and park at the designated parking at the Operations & Maintenance Facility.



**COCHISE COUNTY
COMMUNITY DEVELOPMENT**

"Public Programs...Personal Service"

**COCHISE COUNTY PLANNING DEPARTMENT
COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE
(TO BE PRINTED IN INK OR TYPED)**

TAX PARCEL NUMBER 20969001 and Arizona State Land as on Exhibit A.

APPLICANT Red Horse Wind 2, LLC on behalf of Torch Renewable Energy,LLc

ADDRESS 1331 Lamar Ave. Houston, TX 77010

CONTACT TELEPHONE NUMBER 713-753-1287

EMAIL ADDRESS: Glenn.Holliday@teai.com

PROPERTY OWNER (IF OTHER THAN APPLICANT) AZ. State. Larry and JoAnne Revocable Trust

ADDRESS Arizona State Land Department (ASLD): 1616 West Adams; Pheonix, Az 85007

Larry and JoAnne Revocable Trust: 6120 W. Warbonnet Rd. Willcox, Az 85643-3641

DATE SUBMITTED 2/21/2013

Special Use Permit Public Hearing Fee (if applicable)	\$	<u>300.00</u>
Building/Use Permit Fee	\$	<u> </u>
Total paid	\$	<u>300.00</u>

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. **(Please note that nine (9) copies will be required for projects occurring inside the Uniform Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)**
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

6. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? Agriculture/Ranch Land

2. What is the proposed use or improvement? Exhibit A

3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? _____
Exhibit B.

4. Describe all intermediate and final products/services that will be produced/offered/sold.
Wind Turbines will generate electricity which will be sold to Tucson Electric Power.

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

Metal, concrete, wood

6. Will the project be constructed/completed within one year or phased? One Year yes
Phased if phased, describe the phases and depict on the site plan.

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 7 Hours (from 12 AM to 12 PM)

B. Number of employees: Initially: 50 Future: 4
Number per shift Seasonal changes 2 on-site per shift

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.
During construction there will be the delivery of supplies, equipment and materials. Post construction there will be up to 2 employees on site, and periodic maintenance of turbines.

(2) Total trucks (e.g., by type, number of wheels, or weight)
The total number of trucks and types are unknown at this time. Most traffic will occur during construction.

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?
The site will be accessed via Airport Rd. to Mulshoe Rd. and Warbonnet Ranch Rd. Traffic will be in both directions.

(4) If more than one direction, estimate the percentage that travel in each direction
Travel is expected to be equal in direction since staff and delivery trucks will enter and exit the site via the same route.

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest
Traffic will be heaviest during construction. Most traffic will occur during daylight hrs.

Circle whether you will be on public water system or private well. If private well, show the location on the site plan. If a well is drilled it will be near the O&M Facility.

D. Estimated total gallons of water used: per day 200 per year 73000

Will you use a septic system? Yes No If yes, is the septic tank system existing?
Yes No Show the septic tank, leach field and 100% expansion area on the site plan.

Septic will be located adjacent to the O&M facility. Exact location to be determined.

G. Does your parcel have permanent legal access*? Yes ___ No if no, what steps are you taking to obtain such access?

TRE submitted a Right-of-Way (ROW) application to the State of Arizona for the authorization to build a wind farm on the subject land on January 18, 2013. A copy of this application is show in Exhibit C.
 Once approved this ROW will provide TRE legal access for the life of the wind farm. _____

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet. If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

H. For Special Uses only - provide deed restrictions that apply to this parcel if any.

Attached _____ NA

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Well Water	Well to be drilled and/or water to be delivered
Sewer/Septic	Septic On-site for O&M	Temporary provisions during construction
Electricity	Tucson Electric Power (TEP)	TEP will be contacted to set up Electricity.
Natural Gas	N/A	N/A
Telephone	Qwest	Phone will be connected once project is on-line.
Fire Protection	TBD	Likely City of Wilcox

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Construction of wind farm and maintenance of wind turbines. See Exhibit A.

2. Will outdoor storage of equipment, materials or products be needed? Yes No if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. There will be outside storage on the 4 acre construction base periodically throughout

construction. There will be no outside storage upon completion of construction.

3. Will any noise be produced that can be heard on neighboring properties? Yes No if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? Modern Turbines are generally very quiet, "generating

primarily broad-band sound levels no higher than those of a moderately quiet room." The most
substantial noise will be produced during construction and will be short in duration.

4. Will any vibrations be produced that can be felt on neighboring properties? Yes ___ No if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? _____

5. Will odors be created? Yes ___ No If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? _____

6. Will any activities attract pests, such as flies? Yes ___ No If yes, what measures will be taken to prevent a nuisance on neighboring properties?

7. Will outdoor lighting be used? Yes No ___ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications. Lighting was assigned by the FAA. See Exhibit A for lighting schemes.

8. Do signs presently exist on the property? Yes ___ No If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. _____ B. _____ C. _____ D. _____

9. Will any new signs be erected on site? Yes No ___ If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached). Signs to be determined but will be of minimum visual effect.

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?
Yes ___ No ___ Drainage will be mildly impacted. Exhibit D shows the a preliminary drainage analysis.

If yes, will storm water be directed into the public right-of-way? Yes ___ No

Will washes be improved with culverts, bank protection, crossings or other means?
Yes No ___ If any washes are disturbed they will be restored or improved.

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)
Locally sourced crushed aggregate will be used. If local is not available, it will be outsourced.

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.) Parking at the Substation and O&M facility will be located directly adjacent to the buildings. Construction parking will consist of a 4 acre area that will include an area for a trailer, storage, and parking. Proposed Construction parking is shown on site plan.

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?
Yes No ___ If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.** Off-site construction will be limited to road improvements for construction access, unloading and loading of equipment and supplies.

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

Measures will be taken to minimize water waste during construction and operation.

The only water needed for the operations phase will be for staff at the O&M Facility.

2. How many acres will be cleared? ~330 acres
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) A drainage and erosion control plan has yet to be
developed. Dust control measures would consist of dust control through use of water trucks and
possible chemical applications around residences as needed throughout the course of work.
Erosion and sedimentation control measures would be taken in accordance with the SWPP and best
management practices issued in the NOI/MPDES application.

SECTION D - Hazardous or Polluting Materials

Some businesses involve materials that can contaminate the soil, air, water, waste disposal system or environment in general. Precautions must be taken to protect the environment when such products are distributed to or from the site, stored, manufactured, processed, disposed of, or released as raw materials, products, wastes, emissions, or discharges (When sold or incorporated in a product these materials are required to have Material Safety Data Sheets (MSDS) supplied by the manufacturer.) Examples of such products include but are not limited to paint, solvents, chemicals and chemical wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, biological wastes etc.

Does the proposed use have any activities involving such materials?

Yes ___ No If yes, complete the attached *Hazardous or Polluting Materials Use Questionnaire*.

Note: Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers, paints, etc.) will be present in quantities greater than 50 pounds (solids) or 25 gallons (liquids).

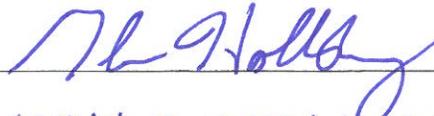
If you answer NO to this question but in the County's experience, the type of business proposed typically uses such materials, you will be asked to complete the *Hazardous or Polluting Materials Questionnaire* prior to processing this Commercial Use/ Building/ Special Use Permit.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research. The Arizona Department of Environmental Quality Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333).

SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature _____



Print Applicant's Name GLENN HOLLIDAY, LAND MANAGER

Date signed _____

2/21/2013