



# Docket SUA-13-04

Appeal of a Special Use Authorization  
by the Planning & Zoning Commission  
for a  
Utility-Scale Wind Energy Project

Board of Supervisors

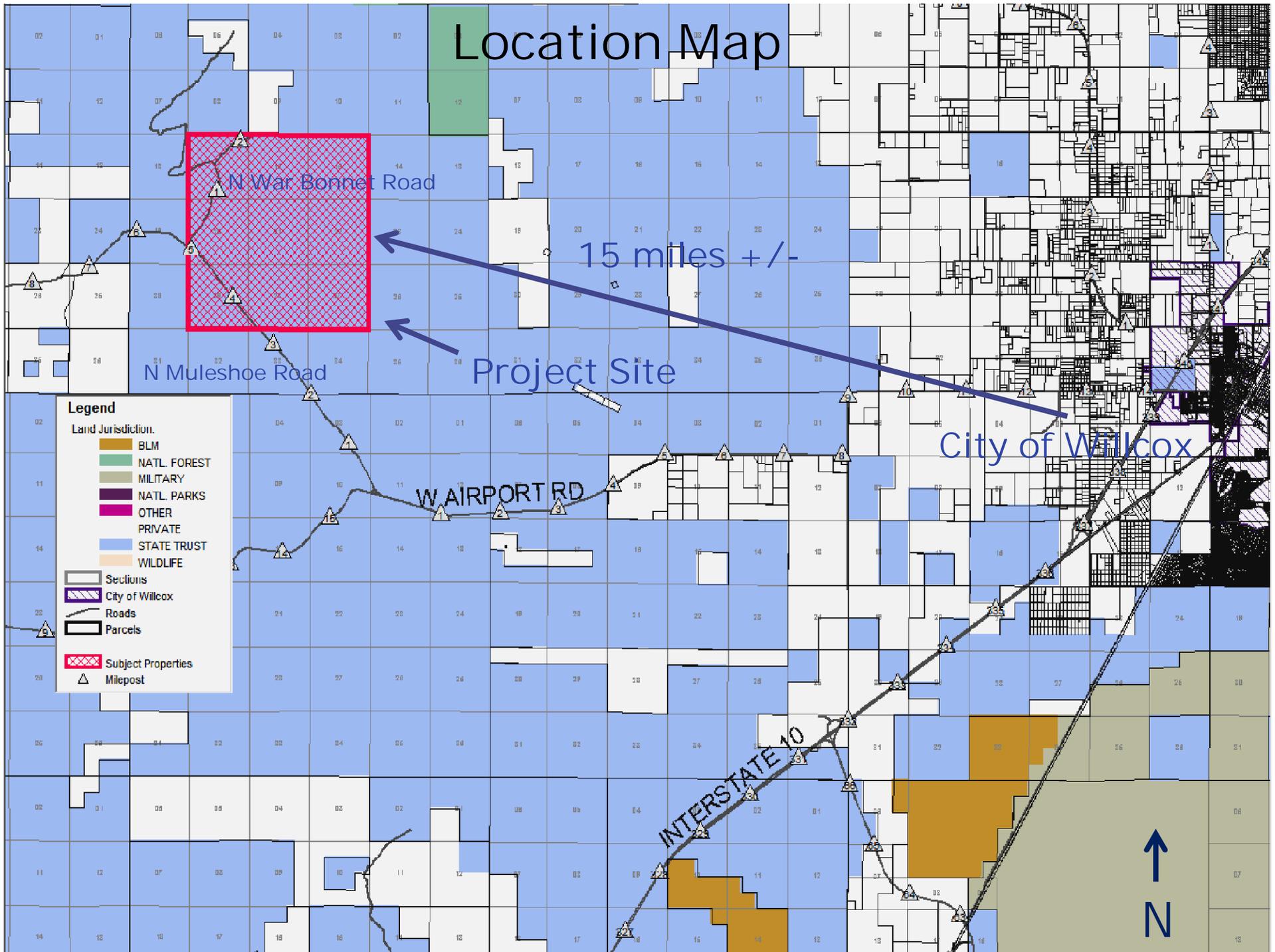
June 11, 2013



# Details of "Red Horse Wind 2" Power Plant

- Applicant: Torch Renewable Energy Advisors, LLC.
- Project site – west of Willcox.
- 9-Sections of AZ State Trust Land, small portion of Private Parcel 209-69-001.
- ROW Permit review/approval required by AZLD & other agencies.

# Location Map





# Nature of Appeal

- Appellant: Audubon Arizona.
- Requesting a Condition of Approval that would require County staff to draft a wildlife conservation plan in cooperation with AZ Game & Fish.



# Planning & Zoning Commission

## April 10, 2013

- The Commission voted 8-0 with one abstention to Conditionally Approve the Special Use.
- Conditions for approval were:
  1. Prior to permit issuance, the Applicant shall submit a plan for transient dust mitigation for all grading and construction phases for the project;
  2. If substantial construction progress has not occurred within three (3) years from the date of approval, the Special Use Authorization shall be revoked after 30-days notice to the Applicant;
  3. The Applicant acknowledges that transporting equipment and materials to the property during construction is likely to damage Taylor or Airport Roads, and that the Applicant is responsible to pay the County the cost to repair such roads to their current condition by an outside contractor. Prior to permit issuance and transporting equipment and materials to the subject property for construction, i) the County Engineer will prepare a written baseline assessment of the current condition of such roads, to be acknowledged and agreed upon by the Applicant; and ii) the Applicant and the County will enter into a written agreement pursuant to which the Applicant will provide the County funds in the amount of \$3,000,000, less the depreciation of such roads in the amount to be determined by the County Engineer, to be drawn upon by the County to pay for the cost of repair, with the balance after repair, if any, to be returned to the Applicant upon certification by the County Engineer that such roads have been repaired to their current condition.



# Planning & Zoning Commission

## April 10, 2013

3. (Continued) No certificate of occupancy will be issued for use until such roads have been repaired or the County Engineer has determined that the Applicant has supplied sufficient funds to repair such roads to their current condition. If, during the construction phase the County Engineer determines that such roads have become unsafe for travel, the County may draw down funds to pay for an interim repair as needed. This condition was based on the assumption that Taylor and Airport Roads will be the route taken for this Special Use Authorization. If an alternate route over other County-maintained roads is used, a new estimate and final agreement will be executed between the parties. In the event this project is decommissioned in whole or in part, an additional agreement will be executed between the parties to provide for necessary repair of any County-maintained roads utilized and the cost to remove all decommissioned structures on all private lands;
4. Within 30-days of approval of the Special Use Authorization, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use Authorization, the Applicant shall apply for a Building/Use Permit for the project within 12-months of approval;



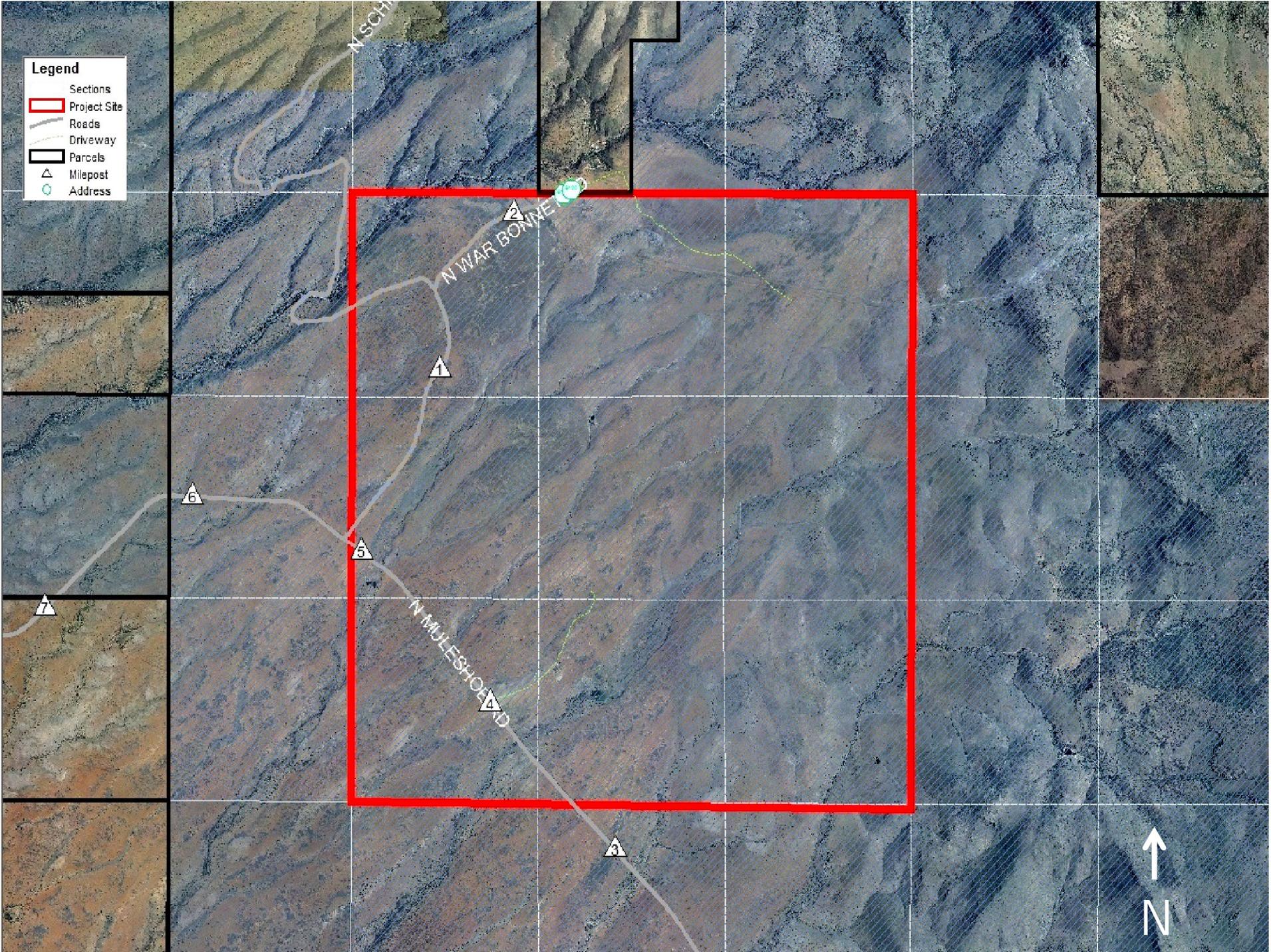
# Planning & Zoning Commission

## April 10, 2013

5. The minimum setbacks from all parcel boundaries shall be 497-ft., which is at least equal to the horizontal distance from the turbines' base to the parcel boundaries equal to the proposed total height of the turbine structure as measured from its base to the tip of its highest blade, plus 10-ft.;
6. The Building/Use Permit shall include a site plan in conformance with all applicable site development standards (except as Modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A Building/Use Permit must be issued within 18-months of the Special Use Authorization approval, otherwise the Special Use Authorization may be deemed void upon 30-day notification to the Applicant;
7. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
8. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.



View looking to the southeast



- Legend**
- Sections
  - Project Site
  - Roads
  - Driveway
  - Parcels
  - Milepost
  - Address

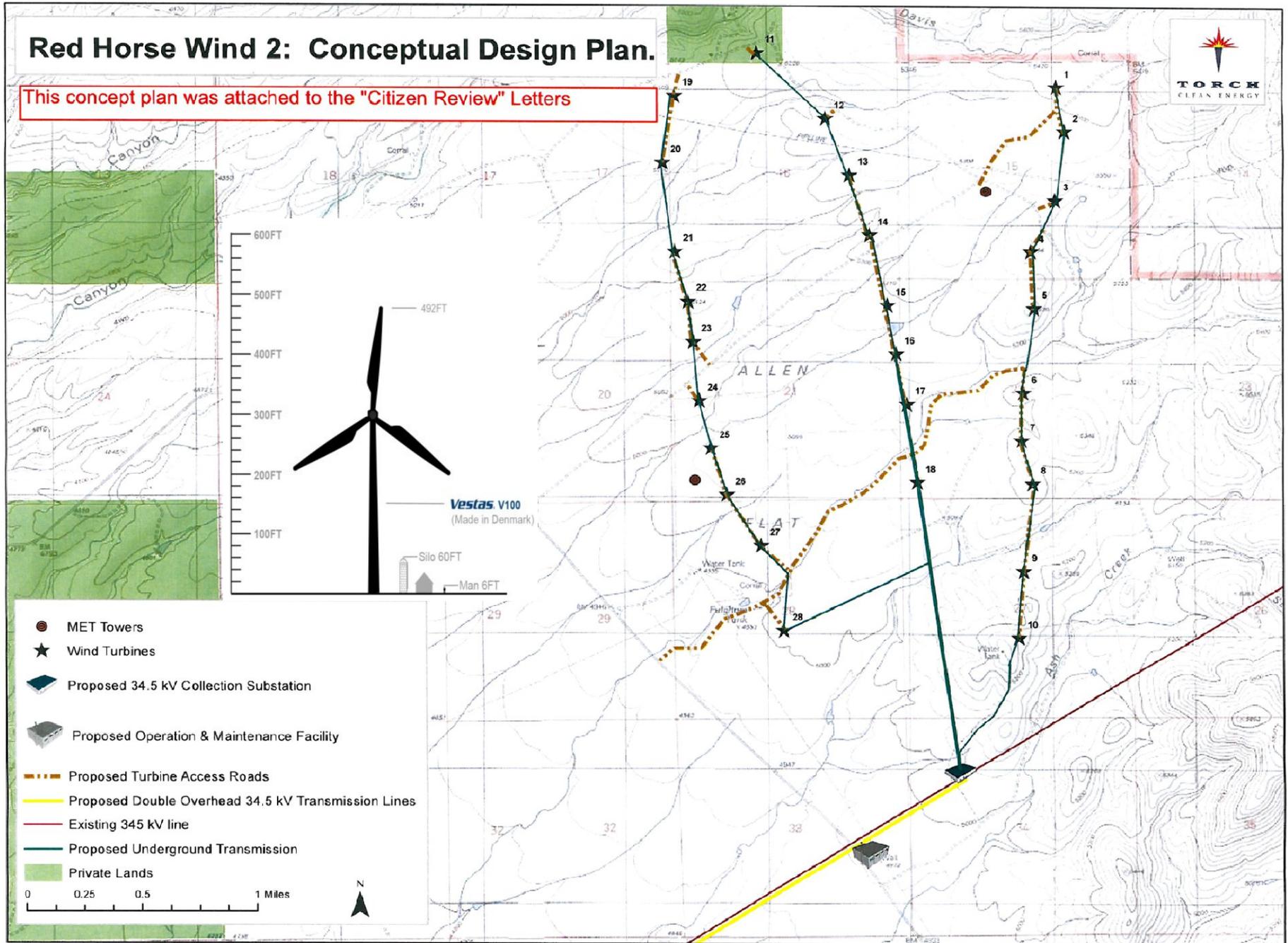
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# Red Horse Wind 2: Conceptual Design Plan.

This concept plan was attached to the "Citizen Review" Letters



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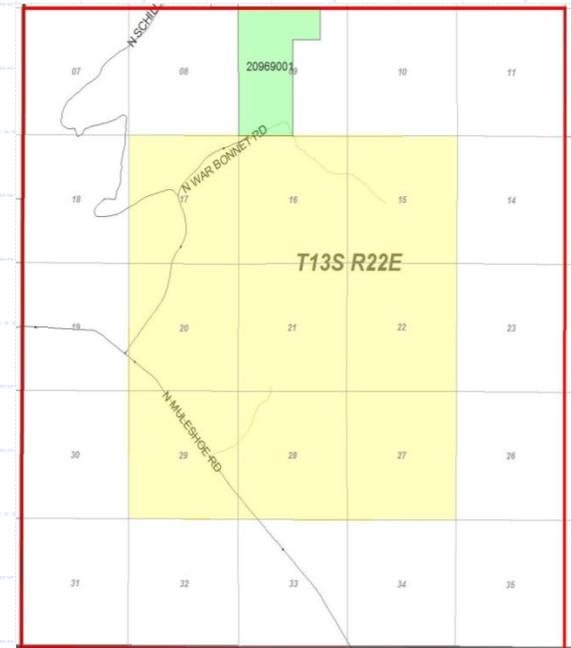


# Public Response

## Special Use Hearing

A neutral form letter was received and the following letters of support:

- *Bowie Chamber of Commerce*
- *Benson City Council*
- *SEAZ Economic Development Group*
- *City of Willcox*
- *Willcox Chamber of Commerce*
- *Willcox Regional Economic Development Alliance*



No comments have been received regarding this Appeal.



## Factors in Favor of Upholding the Commission's Decision (Denying the Appeal)

1. On April 10, the Planning & Zoning Commission voted 8-0 with one abstention to Conditionally Approve;
2. The project is consistent with the applicable Policies of the Comprehensive Plan and the Purpose of the Rural Zoning Districts;
3. The project would not be materially detrimental to the health, safety and welfare of the public or to property in the vicinity;
4. The Arizona State Lands Department along with the Arizona Game and Fish Department continues to review the submitted right-of-way application for the project, including determining the potential for negative impacts upon biological and cultural resources and mitigation strategies if necessary. Post-construction bird and bat mortality analyses would help ensure impacts are minimal;



## Factors in Favor of Upholding the Commission's Decision (Denying the Appeal)

5. The project would support Arizona's renewable energy standard of generating 15 per cent of electricity from renewable sources by 2025 by serving as a source of clean energy, offsetting greenhouse gas emissions and reducing the need to generate electricity from fossil fuels;
6. The project would provide increased revenue for the ASLD for the use of State-administered land;
7. Would generate negligible levels of traffic;
8. Would create about 50 temporary jobs and at least 4 permanent jobs;
9. Project would use minimal water;
10. Would allow grazing leases to continue;
11. Would be sited close to existing power distribution infrastructure.



## Factors in Favor of Granting the Appeal

There appear to be no factors in favor of overturning the Commission's April 10, 2013 decision.

# DISCUSSION





# Recommendation

Uphold the Commission's decision of April 10, 2013, and deny this appeal.



# Recommended Motion

Madam Chair, for the reasons set forth in the Staff report [and/or other], I move to uphold the Planning and Zoning Commission's decision to grant a special use permit in Docket SU-13-04 (Red Horse Wind 2; Torch Renewable Energy Advisors, LLC) and deny Audubon Arizona's appeal from that decision.