



# Cochise County Planning Commission

Cochise County Complex  
Board of Supervisors' Hearing Room  
1415 W. Melody Lane, Building G  
Bisbee, Arizona 85603

**Regular Meeting**  
**April 10, 2013**  
4:00 p.m.

## AGENDA

1. **4:00 P.M. - CALL TO ORDER**
2. **ROLL CALL** (Introduce Commission members, explain quorum and requirements for taking legal action.)
3. **APPROVAL OF PREVIOUS MONTH'S MINUTES**
4. **NEW BUSINESS**

**Item 1 – (Page 1) Introduce docket and notify the public who the Applicants are.**

**PUBLIC HEARING -- Docket SU-13-04 (Red Horse 2, LLC; Torch Renewable Energy, LLC):** A request for Special Use authorization for a 51-megawatt wind energy power plant west of Willcox. The proposed project would include up to 28 turbines each up to approximately 487-ft. in height. The subject properties are zoned RU-4 and includes nine Sections of AZ State Trust Land and a small portion of private land.

**Item 2 – (Page 90) Introduce docket and notify the public who the Applicants are.**

**PUBLIC HEARING -- Docket SU-09-22A (Infinity Farms):** This Docket is a staff-initiated request to revoke the Special Use authorization granted in 2009 (Docket SU-09-22) by the Planning and Zoning Commission for a solar energy power plant for failure to comply with a Condition of

### **Planning Commission**

The Planning Commission meets the second Wednesday of the month at 4:00 p.m. in the Board of Supervisors' Hearing Room. All meetings are open to the public. Those who wish to speak are asked to complete a "Speaker Information" form (available at the meeting) and submit it to County staff before the Call to Order.

The order and/or deletion of any item on the agenda is subject to modification at the meeting. Actions of the Planning Commission may be appealed to the Board of Supervisors by any interested party by submitting an application for appeal within 15 days. An application for appeal is available this afternoon with the Clerk, at the Community Development Department's office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link.

Packets and staff reports are available for review at the Community Development Department. Questions or concerns may be directed to Planning Manager, Michael Turisk at 520.432.9240. Agendas and minutes are posted on Cochise County's home page in the "Public Meeting Info" link.

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

**COMMUNITY DEVELOPMENT DEPT.  
HOURS OF OPERATION**  
Monday through Friday  
7:30 a.m. to 5:00 p.m.  
Phone: 520.432.9240  
Fax: 520.432.9278

Approval. The subject properties total 1,590 acres and are located approximately four miles east of Kansas Settlement Rd. in the Kansas Settlement area.

5. **CALL TO THE PUBLIC** (Opportunity for members of the public to speak on any item not already on the agenda and for no longer than five minutes). The Planning Commission is prohibited from taking action or engaging in discussion on any item not appearing on the posted agenda.
6. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**
7. **CALL TO COMMISSIONERS ON RECENT MATTERS.**
8. **NOT A PUBLIC HEARING -- Work Session:** Discussion and direction on proposed revisions to the 2009 version of Article 19 (Signs) of the Cochise County Zoning Regulations.
9. **ADJOURNMENT.**

**COCHISE COUNTY PLANNING & ZONING COMMISSION  
DRAFT MINUTES**

Wednesday, March 13, 2013

**REGULAR MEETING at 4:00 p.m.**

The regular meeting of the Cochise County Planning & Zoning Commission was called to order at 4:00 p.m. by Chairman Lynch at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room.

Mr. Lynch moved the Work Session to the final item on the Agenda, after Call to the Public, the Planning Director's Report, and Call to Commissioners. Chairman Lynch then admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. He explained the time allotted to speakers when at the podium. He then explained the composition of the Commission, and indicated there was one rezoning request on the Agenda in addition to the Work Session regarding the proposed changes to the Zoning Regulations. He explained the consequences of a potential tie vote and the process for approval and appeal.

**ROLL CALL**

Chairman Lynch noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent. Eight Commissioners (Tim Cervantes, Pat Edie, Jim Lynch, Jim Martzke, Carmen Miller, Gary Brauchla, Liza Weissler, and Ron Bemis) indicated their presence. Staff members present included Beverly Wilson, Deputy Director; Peter Gardner, Planner I; Britt Hanson, Chief Civil Deputy County Attorney; Michael Turisk, Planning Manager; and Pat Hoefler, Planning Technician.

**APPROVAL OF THE MINUTES**

**Motion:** Approve the minutes of the February 13, 2013 meeting as presented.

**Action:** Approve **Moved by:** Mr. Martzke, **Seconded by:** Ms. Weissler

**Vote:** Motion passed (**Summary:** Yes = 7, No = 0, Abstain = 1)

**Yes:** Mr. Martzke, Ms. Miller, Chairman Lynch, Ms. Edie, Ms. Weissler, Mr. Cervantes, Mr. Brauchla

**No:** 0

**Abstain:** Mr. Bemis

**NEW BUSINESS**

**Item 1**

**Docket Z-13-01 (Yesca):** The Applicant, Ms. Maria Yesca, requested rezoning a 12,915-square foot parcel from TR-9 to MR-1 for the purpose of completing the conversion of an existing 850-square foot garage into a single-family home on her property located at 3790 S. Geisler Avenue in Naco.

Chairman Lynch called for the Planning Director's report. Mr. Turisk presented the docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Turisk explained that the request was to allow the legitimization and completion of a second single-family residence on the subject parcel. He explained how this request conformed to the Comprehensive Plan and the Naco Area Plan. Mr. Turisk also explained the non-conforming setback that would be created if the rezoning is approved, and how it would have to be rectified through a Variance request to the District 2 Board of Adjustment. Mr. Turisk closed by listing the factors in favor of and against approval and invited questions from the Commission. Ms. Weissler requested clarification on the scope of the request, which Mr. Turisk provided. Mr. Lynch asked what would happen if the Board of Supervisors approved the rezoning request but the Board of Adjustment denied the Variance request. Mr. Turisk explained the ramifications of that scenario.

Mr. Lynch invited the Applicant to make a statement. Mr. David Rogers spoke on behalf of the Applicant and explained his request and invited questions from the Commissioners. Ms. Weissler asked about a letter of opposition that disputed the existence of the garage being replaced by the second residence. Mr. Rogers explained that the garage had been present on the same footprint as the home, but was of a lighter construction.

Mr. Lynch noted that there were no members of the public wishing to speak regarding this item and invited discussion from Commissioners. Mr. Bemis asked about the ramifications for the structure if the rezoning failed to pass. Mr. Brauchla asked if the original garage was permitted. Mr. Turisk indicated that the garage was built prior to the zoning regulations taking effect. Mr. Brauchla asked about the legal nonconforming status. Mr. Turisk explained that the removal of the garage and construction of the residence created the need for permitting the structure. Mr. Martzke asked about the reduced setback and if the creation of a nonconformance would impact the rezoning discussion. It was clarified that the Board of Adjustment would still be required to grant a Variance to legitimize the location of the structure. Mr. Lynch then called for the Planning Director's summary and recommendation. Mr. Turisk recommended Conditional Approval. Mr. Lynch called for a motion. Mr. Martzke made a motion to recommend Conditional Approval. Mr. Bemis seconded the motion and Mr. Lynch called for a vote. The motion passed 7-1, with Ms. Edie in dissent.

**Motion:** Motioned to forward the request to the Board of Supervisors with a recommendation of Conditional Approval, subject to the conditions recommended by staff.

**Action:** Approve **Moved by:** Mr. Martzke, **Seconded by:** Mr. Bemis

**Vote:** Motion passed (**Summary:** Yes = 7, No = 1, Abstain = 0)

**Yes:** Mr. Martzke, Ms. Miller, Chairman Lynch, Mr. Cervantes, Mr. Brauchla, Ms. Weissler and Mr. Bemis

**No:** Ms. Edie

## CALL TO THE PUBLIC

Chairman Lynch opened the "Call to the Public." Jack Cook spoke about various matters. Jere Fredenburgh asked the Commission about the creation of a Public Advisory Board. Mr. Lynch explained that the "Call to the Public" was not a "question and answer" session, and explained that the Commission was unable under the Open Meeting Law to address or answer Ms. Fredenburgh's questions at that time.

Mr. Lynch did note that the creation of an Advisory Board was regarding Building Code rather than Planning or Zoning Regulations and explained that the Commission was aware of the issue and that it would be taken up by the Board of Supervisors. Chairman Lynch closed the “Call to the Public.”

### **PLANNING DIRECTOR'S REPORT**

Chairman Lynch then called for the Planning Director’s report. Deputy Director Beverly Wilson reported that there would be a Special Use for a Wind Energy Power Plant for the next meeting. She also noted that a staff-initiated Special Use revocation for a Solar Energy Power Plant approved in 2009 would be before the Commission next month. Lastly, Ms. Wilson reminded the Commission that next month’s meeting would continue with a Work Session on Article 19 of the Zoning Regulations.

### **CALL TO COMMISSIONERS**

Chairman Lynch raised issues with the Commissioners about accessing County assigned email accounts. Ms. Weissler asked about emails being forwarded to other accounts. Mr. Lynch explained the security rationale against doing so.

### **WORK SESSION**

The Commission held a Work Session to continue reviewing proposed changes to the Zoning Regulations. Articles 12 through 24 were covered with the exception of Article 19. Chairman Lynch noted that the Work Session was open to the Public, but was not a Public Hearing. He reiterated that there would be no action taken at this time. Mr. Lynch did note that there were several issues from the previous Work Session that would need to be checked. Ms. Wilson presented and explained the proposed changes. There were numerous requests for clarification and suggestions for minor changes from the Commission. There was also a discussion about creating several types of site plans for various types of projects. Another Work Session was proposed to review Article 19.

### **ADJOURNMENT**

Ms. Miller moved to adjourn, Mr. Martzke seconded, and the meeting was adjourned at 6:15 p.m.



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

## MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Michael Turisk, Planning Manager *MT*  
 For: Beverly J. Wilson, Deputy Director, Planning Division *bw*  
**SUBJECT:** Docket SU-13-04 (Red Horse Wind 2, LLC; Torch Renewable Energy, LLC)  
**DATE:** March 28, 2013, for the April 10, 2013 Meeting

### APPLICATION FOR A SPECIAL USE

This is a Special Use request for a Wind Energy Power Plant, per Section 607.47 of the Zoning Regulations. The proposed utility-scale project would generate up to 51-megawatts (MW) of power, and include up to 28, approximately 475-foot tall turbines/generators, with an accessory substation and other infrastructure. The subject properties include nine Sections of Arizona State Land Department (ASLD) Trust Land (T13S, Range 22E, Sec.15,16,17,20,21,22,27,28 and 29, per the G&SRB&M in Cochise County, Arizona) and possibly a small portion of private land (parcel no. 209-69-001), all of which are zoned RU-4 (Rural; minimum lot size 4 acres). The project would take access from Interstate 10 via North Taylor Road to West Airport Road, to East Three Links Road (an extension of West Airport Road) to North Muleshoe Road and finally to North Warbonnet Road, all located west of Willcox. The Applicant is Torch Renewable Energy, LLC on behalf of Red Horse Wind 2, LLC.

### I. DESCRIPTION OF SUBJECT PARCELS AND SURROUNDING LAND USES

Size of Project Site: Approximately nine Sections (nine square miles)  
 Zoning: RU-4 (Rural; 1 minimum lot size 4 acres)  
 Growth Area: Category D (Rural Growth Area)  
 Area Plan: None  
 Comprehensive Plan Designation: Rural  
 Existing Uses: State grazing leases (*Warbonnet Ranch*); open space

#### **Surrounding Zoning**

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	ASLD grazing leases; open space
South	RU-4	ASLD grazing leases; open space
East	RU-4	ASLD grazing leases; open space
West	RU-4	ASLD grazing leases; open space

*18*

## **II. PARCEL HISTORY**

A commercial permit was issued to Torch Renewable Energy, LLC in October 2012 for a 197-ft. temporary meteorological (met) tower on this site.

## **III. BACKGROUND**

Wind energy in the United States now accounts for more than 9,000-MW, enough electricity to power approximately 2.3 million homes. A rough rule of thumb is that one MW produces enough power for 250 to 300 homes (*fide*, American Wind Energy Association). While wind currently provides less than one percent of the nation's total energy needs, many states are looking to increase their supplies of renewable energy. Over the past decade, there has been significant interest in jumpstarting renewable energy development in Arizona. Arizona's *Climate Change Action Plan (2006)* outlines specific recommendations for State regulators, including setting an aggressive goal of reducing state greenhouse gas emissions to year 2000 levels by 2020, and to 50 per cent below 2000 levels by 2050. Furthermore, in 2012, following a three-year environmental analysis, the Department of Interior designated 192,000 acres of public land in Arizona as potentially suitable for utility-scale renewable energy development. Lands identified were chosen due to their "low resource sensitivity and few environmental conflicts," as well as their proximity to transmission capability, load centers and areas with high demand. Although solar energy has received the most attention, there has been some interest in developing Arizona's wind resources as well.

Torch Renewable Energy, LLC, a Houston-based energy developer with nearly 3,500-MW of wind projects in various stages of development across the western United States, has submitted a request for Special Use authorization for a utility-scale wind energy project (*Red Horse Wind 2*) in northwest Cochise County. If approved, Red Horse Wind 2 would be the County's first wind energy project of this magnitude. Most of the proposed project site (nine Sections in total) is under the the jurisdiction of the Arizona State Land Department (ASLD) with grazing leases administered by that agency. There would also possibly be one turbine sited on a small portion of private land. The project site is located approximately 14-miles west of Willcox and approximately 15-miles north of Interstate 10, with access taken in part via West Airport Road in Willcox as previously noted.

Federal and State lands are zoned by Cochise County in the event lands transfer to private ownership. In addition to the Special Use Application submitted to the Community Development Department, the Applicant has filed an Application for Right-of-Way (ROW) with the ASLD. Approval of the ROW application would authorize the construction, operation, maintenance and decommissioning of that portion of the project sited on State-administered land. Similar to the County's review process, the State's requires project review by outside agencies for compliance with various requirements and to determine mitigation if needed.

And although the County cannot jurisdictionally regulate uses of other governmental entities, the State recognizes the value of local oversight and voluntary compliance with local regulations and permitting requirements. The ASLD, as stewards of State Trust Lands and with a legal and fiduciary obligation to maximize returns to beneficiaries of the trust, has a critical interest in the development of renewable energy in Arizona.



*Fig. 1.* View southeast towards general location of turbine array

The State holds a competitive advantage over the federal government and private landowners because of the ASLD's ability to sell or lease multiple parcels at once; this is advantageous to energy developers who would otherwise need to negotiate individually with potentially numerous private landowners. The ASLD also has some competitive advantages over the Bureau of Land Management (BLM), for example, in that wind energy projects on federal lands are subject to more rigorous federal requirements, which typically do not apply to projects proposed on State land.

**NATURE OF THE REQUEST**

The area of the project site is a very rural and isolated portion of the County with vast areas of open space. The major topographical feature near to the project site are the Winchester Mountains just to the north and east. “Allen Flat” lies to the south and west. Area land use activities include livestock grazing, with residential development within the project boundaries and in the immediate area virtually non-existent. The occurrence of development does increase gradually the farther one travels eastward on Airport Road towards Willcox. Access to the site is proposed from the east via West Airport Road and East Three Links Road, existing County-maintained roadways improved for a portion of its length, then continuing west and north via North Muleshoe and North Warbonnet Roads.

As noted, up to 28-turbines/generators would produce up to 51-MW that would be distributed in part by a nearby existing 34.5 (kV) Kilovolt overhead transmission line. The wind turbines themselves would be approximately 487-foot in height, with 192-foot diameter blades/rotors.

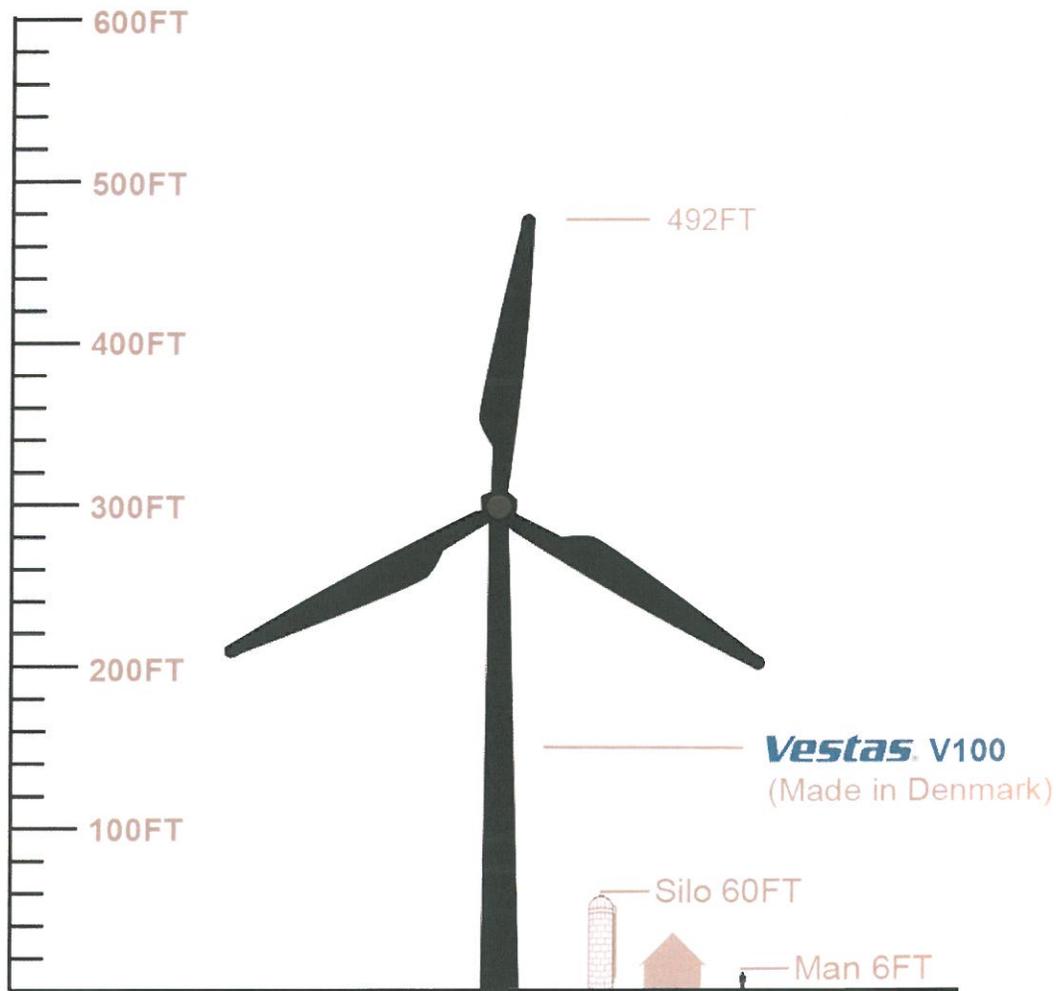


Fig. 2. Vestas V100 turbine and rotor

The project’s associated infrastructure would include a 34.5-kV substation, service roads, double overhead transmission and underground transmission lines, as well as a 2,400-sq.-ft. operations and maintenance facility and 2-34.5 kV overhead transmission lines. These lines would tie in to the regional grid via the new substation (which in turn would connect to the existing Winchester substation to the southwest), and would continue westward roughly paralleling the existing Tucson Electric Power’s (TEP) overhead transmission lines along the I-10 corridor. The ancillary infrastructure needed for interconnection and maintenance would be sited on State-administered land. The Applicant has indicated that wind systems manufactured by *Vestas* or *Nordex* would be employed, with each turbine to be spaced approximately 1,300-ft. apart. The Interconnection Request was posted with TEP last October, and the associated System Impact Study work is scheduled for completion by the end of this month. The expectation is to have an Interconnection Agreement executed no later than August 2013. In addition, the project was approved by the Federal Aviation Administration (FAA).

If approved, construction is slated to begin in the last quarter of this year with build-out by the end of 2014. The project would create 50 new full-time jobs during construction and about four permanent full-time jobs at build-out.

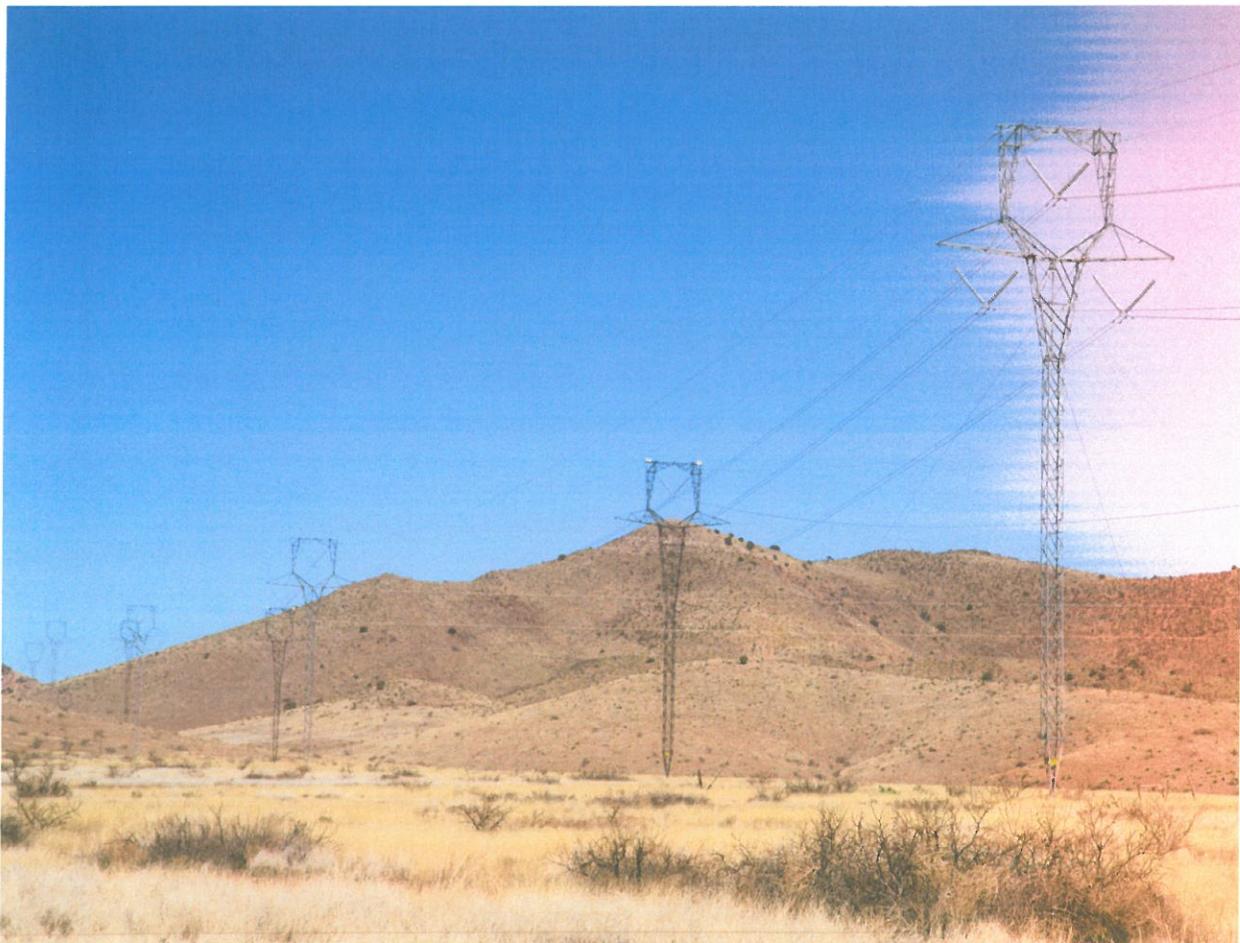


Fig. 3. 34.5 kV line

5

#### **IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS**

Section 1716.02 of the Zoning Regulations provides a list of 10 factors with which to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend approval for a Special Use authorization, as well as to determine what Conditions and/or Modifications and Waivers may be needed. Eight of the 10 criteria apply to this request. The project as submitted complies with six of the eight applicable Special Use factors. If the Conditions of Approval recommended by staff and the requested Modifications are approved, the project would comply with all eight of the applicable factors.

##### **A. Compliance with Duly Adopted Plans: Complies**

The property is not within the boundary of any area plan. However, the proposed project complies with the applicable County Comprehensive Plan (Plan) policies relative to the appropriateness of the use in Category D – Rural areas, as large-scale renewable energy projects are generally considered appropriate uses in rural areas.

Of note is that Section F (*Intergovernmental Coordination*) of the Plan speaks to the potential impacts that other governmental agencies' actions might have upon the people, land and resources of the County, and how those actions must be carried out in a manner consistent with the Goals and Policies of the Plan.

##### **B. Compliance with the Zoning District Purpose Statement: Complies**

Section 601.02 of the Zoning Regulations encourages “those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living.” Furthermore, Section 601.07 offers the following purpose statement:

*“To allow consideration of some more intense non-residential uses as special uses that are inappropriate in more densely populated urban/ suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural environment and harmonious and in scale with existing development near the proposed site...”*

As indicated in Section A (Compliance with Duly Adopted Plans), large-scale renewable energy projects are typically appropriate uses in expansive rural areas. As a Special Use, an oversight mechanism exists to ensure that this non-residential (commercial) use is sensitive to the rural and natural environments.

##### **C. Development Along Major Streets: Not Applicable**

The project site is not located along any roadway designated an arterial.

##### **D. Traffic Circulation Factors: Complies with Condition 5**

Compliance with this factor depends upon the ability of a proposed land use to utilize the existing transportation network in the manner in which it was designed.

As noted, the project site takes access via North Taylor Road, to West Airport Road, both County-maintained roadways improved for much of the length, and then to unimproved North Muleshoe and North Warbonnet Roads. These roadways are inadequately designed to handle the various oversized construction-related vehicles needed to access the site. Airport Rd., the improved segment in particular, may require major repair and improvements post-construction due to the number of trips and the sheer weight of the large transport vehicles expected. *Condition 5 of Approval speaks to the need for the Applicant to repair all County-maintained roads traversed during construction phases to pre-construction conditions.*

The Applicant is advised that at the Commercial Permit phase a ROW/Encroachment Permit would be needed for the access apron onto any County-maintained roadways. Per the County's Transportation Planner, a formal Traffic Study would not be required.

**E. Adequate Services and Infrastructure: Complies**

This factor concerns the ability of the Applicant to provide for necessary street, water, sewer and utility services on the property, as applicable. Adequate access to service the operation would be provided. The Willcox Fire Department would provide emergency services if needed.

**F. Significant Site Development Standards: Complies with Condition 7 and Requested Modifications**

As submitted, the project site complies with most applicable site development standards for the Rural Zoning Districts. With nine Sections of land, the project could easily meet the minimum site standards for parking, loading and maximum site coverage, for example. By virtue of the type of use, a Modification of the 45-foot maximum permitted wind turbine height per Section 604.02 would be required to allow for the 487-foot turbine heights. The Applicant has proposed 16-foot wide access driveways, smaller than the minimum 20-foot required by the Zoning Regulations. A Modification is requested to allow for the proposed access width.

To help ensure safety, as a Condition of Approval, staff recommends minimum setbacks at least equal to a horizontal distance, from the turbines' base to the property boundary of the project property, equal to the total height of the turbine structure as measured from its base to the tip of its highest blade, plus 10-foot, which is 497-feet. Doing so would protect neighboring properties in the event of fall over and would allow for additional land area to perform repairs or removal. Landscaping and screening are not required for this project because the site lies within a Category D Rural Growth Area.

**G. Public Input: Complies**

The Applicant completed the requisite Citizen Review process by mailing notice to the two private property owners within one-mile of the parcels' boundaries, but did not receive any response. The Community Development Department also mailed notice to property owners within one-mile of the site, the ASLD and two private property owners.

7

To date, the Department has received one Department form letter from an area resident who conveyed concerns about potential impacts on viewsheds and existing agriculture-related uses. Letters of support were received from the Southeast Arizona Economic Development Group, the City of Willcox, the Willcox Chamber of Commerce, the Willcox Regional Economic Development Alliance and the Benson City Council.

#### **H. Hazardous Materials: Not Applicable**

Per the Applicant, no hazardous materials are to be stored or utilized on site.

#### **I. Off-site Impacts: Complies**

##### *Biological/Natural and Cultural Resources*

Construction and operational activities associated with wind energy development can generate various biological impacts, such as avian and bat mortality and displacement. Federal and state agencies oversee the development of wind energy projects on public land, and federal laws such as the Migratory Bird Treaty Act and the Endangered Species Act (ESA) are designed to protect wildlife from human intrusions on public and private land, and to ensure wind energy projects are sited in areas that pose minimal threat to natural and cultural resources. There are also a set of guidelines and policies developed by the U.S. Fish and Wildlife Service (FWS) and a number of state agencies, including the Arizona Game and Fish Department (AZG&FD) to encourage early consideration of natural resources for wind energy development. These guidelines emphasize the need for a proactive approach to help wind energy developers identify and avoid sensitive areas from the very beginning of project consideration in order to reduce ecological impacts and project delays.

The AZG&FD must work with wind developers to plan environmental impacts monitoring prior to and post construction as part of that agency's environmental monitoring requirements -- this process was initiated by the Applicant, and is ongoing. In addition, the FWS has submitted comments indicating that the Applicant conferred with that agency on January 24 to discuss pre-construction avian and bat risk studies. A biological consultant is currently gathering data on behalf of the Applicant to determine biodiversity in and adjacent to the project site, the abundance of local prey bases, and what mitigation measures might be needed to protect particularly sensitive species. These studies are being conducted in accordance with the federal and state land based wind energy guidelines.

Various fauna and avifauna, including lesser long-nosed bat (formally recognized as endangered by the FWS), pronghorn, and golden eagle, have been documented in the area of the project site as seasonal visitants and breeding species. Although golden eagles do not enjoy protection under the ESA, they are provided special protections under the Bald and Golden Eagles Protection Act. Several other raptor species, including peregrine falcons, have been observed in the area as well; such species also are afforded protection by the Migratory Bird Treaty Act.

In addition to the biological inventories and studies, a cultural resource inventory will be completed over the next several months. These studies are slated for completion in late fall 2013, with the final configuration of the turbine array based in part on the findings of the biological and cultural inventories.

As noted above, the ASLD requires a right-of-way for access to and use of State lands for wind energy development, but does not require a commercial lease of the land as it can be co-used for wind energy and other purposes, such as grazing. Per an interagency Memorandum of Understanding (MOU), the ASLD is required to consult with the AZG&FD regarding the wind developer's environmental monitoring plans as part of the right-of-way permitting process. In addition, as part of the review process at the State level, the Applicant shall be required to provide documentation that the project is in compliance with the Federal Bald and Golden Eagle Protection Act mentioned above. It is expected that construction activities associated with the project would result in direct temporary and permanent vegetation loss, especially near to the turbine bases. These losses would occur as the result of grading, clearing (approximately 330 acres) and other surface disturbances.

The wind energy industry recognizes that the biggest drawback of wind energy is its potential impact on birds and bats and other natural and cultural resources. This fact has driven creative and proactive approaches industry-wide over the last 10-years to ensure that this renewable energy source can coexist with the natural environment.

#### Transient Dust

Project construction would generate temporary visual and transient dust impacts from grading activities and travel on improved and unimproved roads. Soil stabilizers would be applied to control transient dust. Water trucks would complement this dust control measure as needed.

#### Noise

The existing background noise in the project area is characteristically quiet of rural environments. Temporary construction noise would be generated, however, and the long-term operational noise impacts would be negligible, especially given that the site and environs are very sparsely populated. Potential impacts from maintenance activities on existing ambient noise levels would be detectable for a short duration, but given the rural, isolated location, any potential increase in noise would likely be undetectable or of little concern to the general public.

#### Lighting

Per Federal Aviation Administration (FAA) requirements, each turbine must have warning lights installed to alert nearby aircraft pilots of the turbine array. These warning lights would compromise the lucid dark night skies found in the project area, but the County's Light Pollution Code exempts such uses for the sake of safety.

### Decommissioning

The ASLD requires a surety bond to be posted per that agency's processing guidelines for wind energy testing and energy production decommissioning on State Trust lands. As a Condition of Approval, the County would also require a decommissioning agreement in the event turbines or other project-related structures are sited on private land.

### **J. Water Conservation: Complies**

Water use associated with the project is expected to be minimal, particularly post-construction. A well would be drilled to serve the O&M facility, with 200-gallons per day estimated. Any relevant construction would be required to conform to the water conservation regulations provided in the Zoning Regulations, as well as the applicable Comprehensive Plan policies, per Section 102E.

## **V. PUBLIC COMMENT**

The Department mailed notices to three neighboring property owners within one-mile of the subject properties. Staff posted the property on March 14, 2013, and published a legal notice in the *Bisbee Observer* on March 10, 2013. To date, the Department has received letters of support from the Southeast Arizona Economic Development Group, the City of Willcox, the Willcox Chamber of Commerce, the Willcox Regional Economic Development Alliance and the Benson City Council. Additionally, one Department form letter was received from an area resident within one-mile of the project site who conveyed concerns about potential impacts on viewsheds and existing agriculture-related uses.

## **VI. MODIFICATIONS**

The following Modifications are requested:

1. A Modification of the maximum permitted height of 45-foot in the Rural Zoning Districts, per Section 604.02 to allow for the approximate 487-foot turbine heights; and
2. A Modification from the minimum 20-foot wide road standard for commercial uses to allow for 16-foot wide setup and maintenance access, per the submitted application.

## **VII. SUMMARY AND RECOMMENDATION**

This Special Use request for a utility-scale wind energy project consisting of 28, 487-ft. tall wind turbines is proposed for nine Sections of State Trust Land and possibly a small portion of private land located west of the City of Willcox. As noted, the project would meet the applicable policies of the County's Comprehensive Plan, the overall purpose of the Rural Zoning Districts, and would be developed in an area deemed appropriate for utility-scale wind energy development. Considerable oversight exists at the State level to ensure that the project does not threaten sensitive biological and cultural resources, viewsheds and area residents, and in the event the project were to be rendered offline, the State would require decommissioning of the project.

**Factors in Favor of Approval**

1. The project is consistent with the applicable Policies of the Comprehensive Plan and the Purpose of the Rural Zoning Districts;
2. The project would not be materially detrimental to the health, safety and welfare of the public or to property in the vicinity;
3. 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.
4. The project would provide increased revenue for the ASLD for the use of State-administered land;
5. Once completed the project would generate negligible levels of traffic;
6. The project would create an estimated 50 temporary jobs and at least four permanent jobs;
7. At build-out the project would use minimal water for power generation;
8. The project would allow State grazing leases to continue; and
9. The project would be sited close to existing power distribution infrastructure.

**Factors Against Approval**

1. The project would impact local viewsheds, and would have the potential to impact biological and cultural resources unless mitigated;
2. During construction, transport trucks would likely significantly deteriorate local roadways, particularly West Airport Road., unless mitigated; and
3. Construction activities would generate significant transient dust unless mitigated.

**RECOMMENDATION**

Based on the Factors in Favor of Approval, Staff recommends **conditional approval** of the Special Use authorization request for a utility-scale wind energy project in northwestern Cochise County, subject to the following Conditions:

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. 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.
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.

### **VIII. ATTACHMENTS**

- A. Special Use Application and Exhibits
- B. Conceptual Design Plans
- C. Staff Comments
- D. Agency Comments
- E. Citizen Review Letter and Comments
- F. State ROW Application
- G. Drainage



**T O R C H**  
RENEWABLE ENERGY, LLC

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

14  
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 4<sup>th</sup> 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 ft<sup>2</sup>); 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>
<b>Total paid</b>	\$	<u><b>300.00</b></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.  
\_\_\_\_\_  
\_\_\_\_\_

13

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

## Turisk, Mike

---

**From:** Born, Sara [sborn@torchwind.com]  
**Sent:** Wednesday, March 06, 2013 12:56 PM  
**To:** Turisk, Mike  
**Cc:** Holliday, Glenn  
**Subject:** Dust Control Inquiry

Hi Mike,

We spoke with our potential EPC contractor and got some clarification on the chemical agents for dust suppression. They will not be hazardous. The statement 'possible chemical applications' used in the SUP application is referring to Mag Chloride or "Gorilla-Snot" (one time application). If these products are not approved by the local DOT and/or county, then they would not be used, and water would be solely used for dust control.

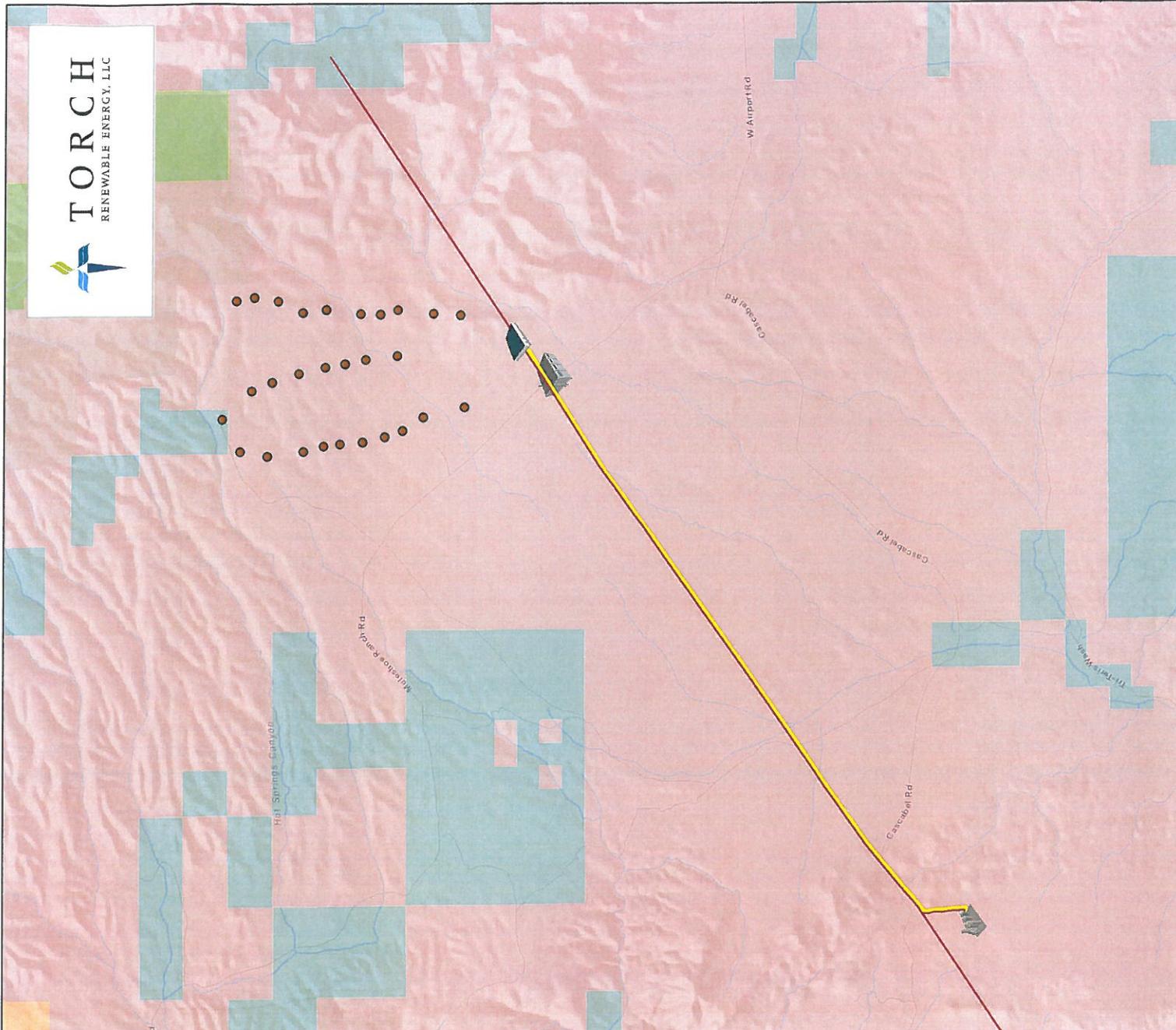
Hope this clarifies the question. Please let us know if there is anything else we can provide to assist with the processing of this SUP.

Thanks, Sara

---

Sara Born  
Torch Renewable Energy  
PO Box 422 Niwot, Co 80544  
Email: [sborn@torchwind.com](mailto:sborn@torchwind.com)  
Phone: 970.316.2036

# Exhibit B. Land Ownership.



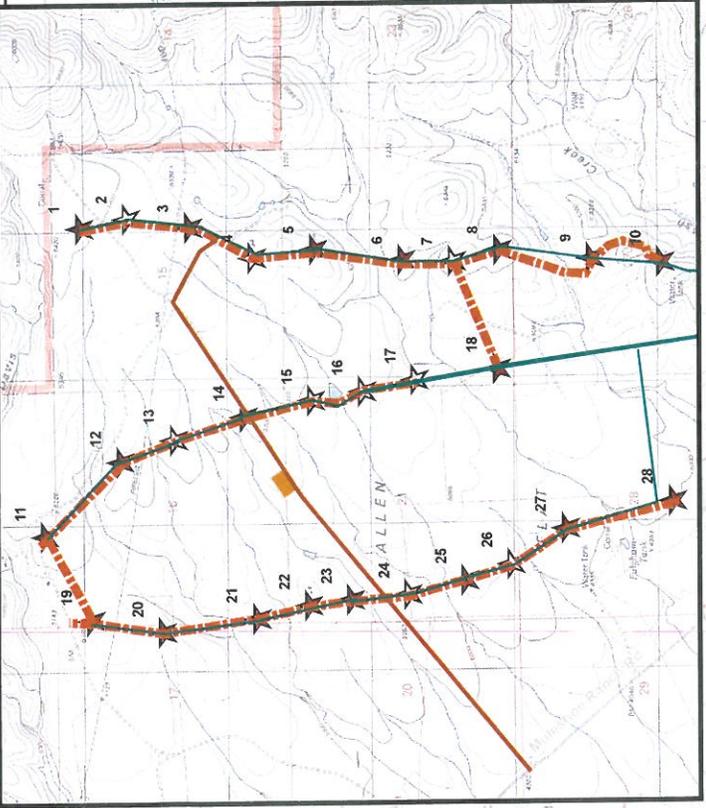
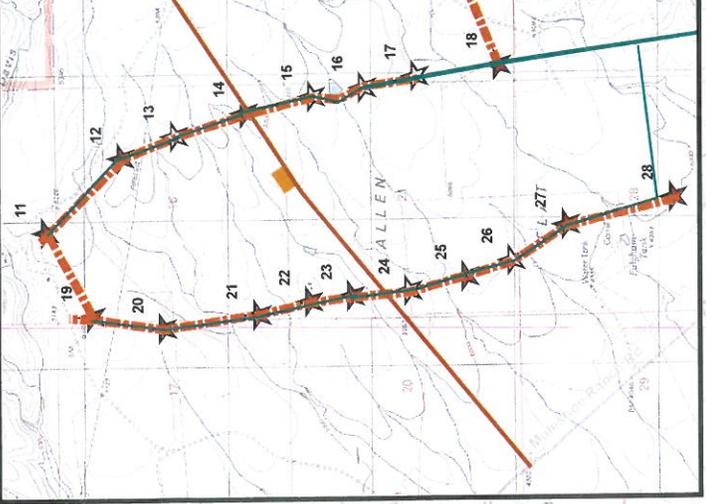
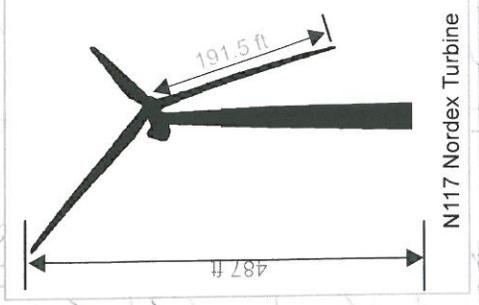
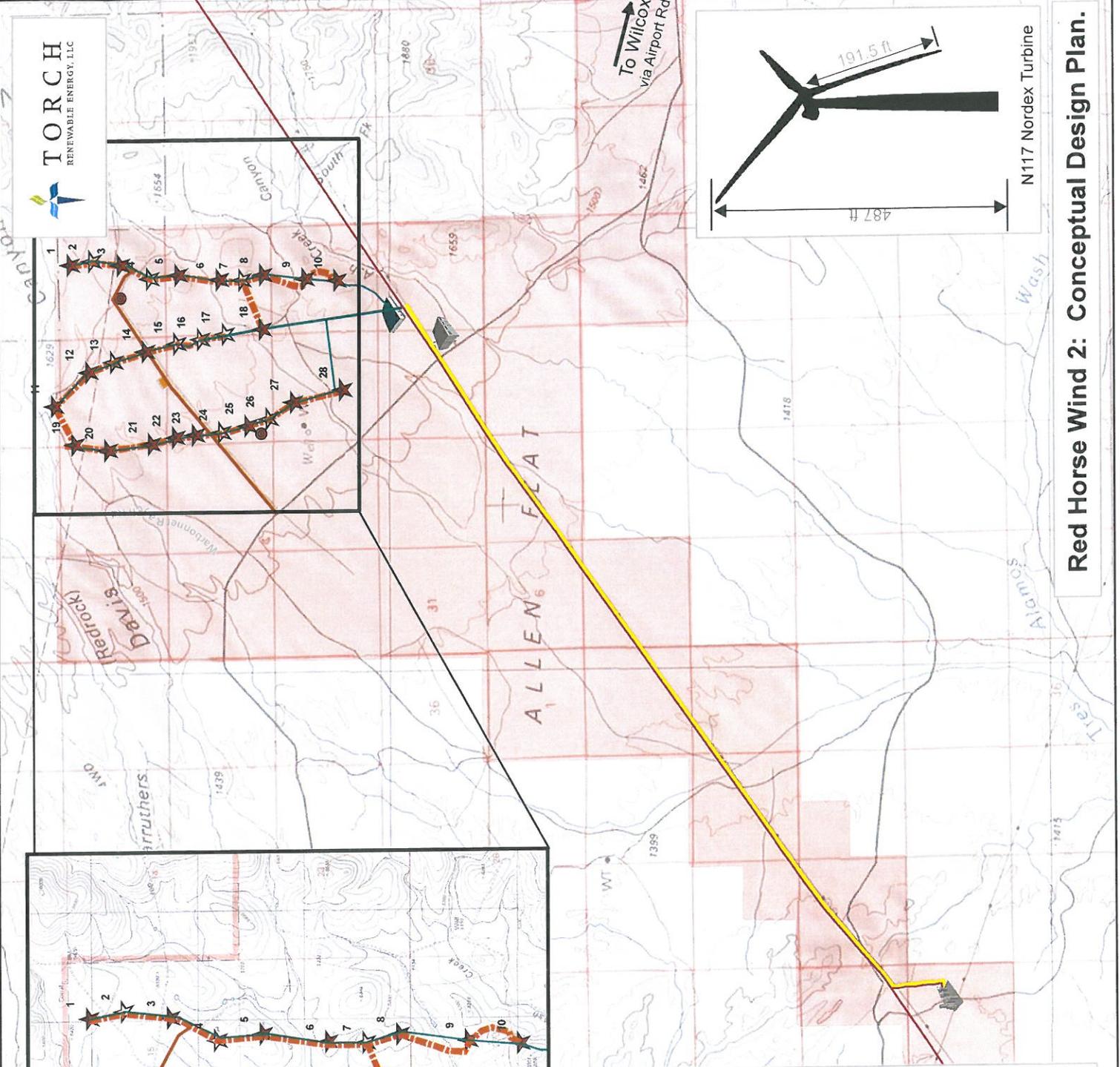
- Proposed Turbine Array
- Winchester Substation (345 kV)
- Proposed 34.5 kV Collection Substations
- Proposed Operation & Maintenance Facility
- Existing 345 kV line
- Proposed Double Overhead 34.5 kV Transmission Lines

**Arizona State Lands Ownership Database**

- BLM
- Forest
- Private
- State Trust

0 0.75 1.5 3 Miles

N

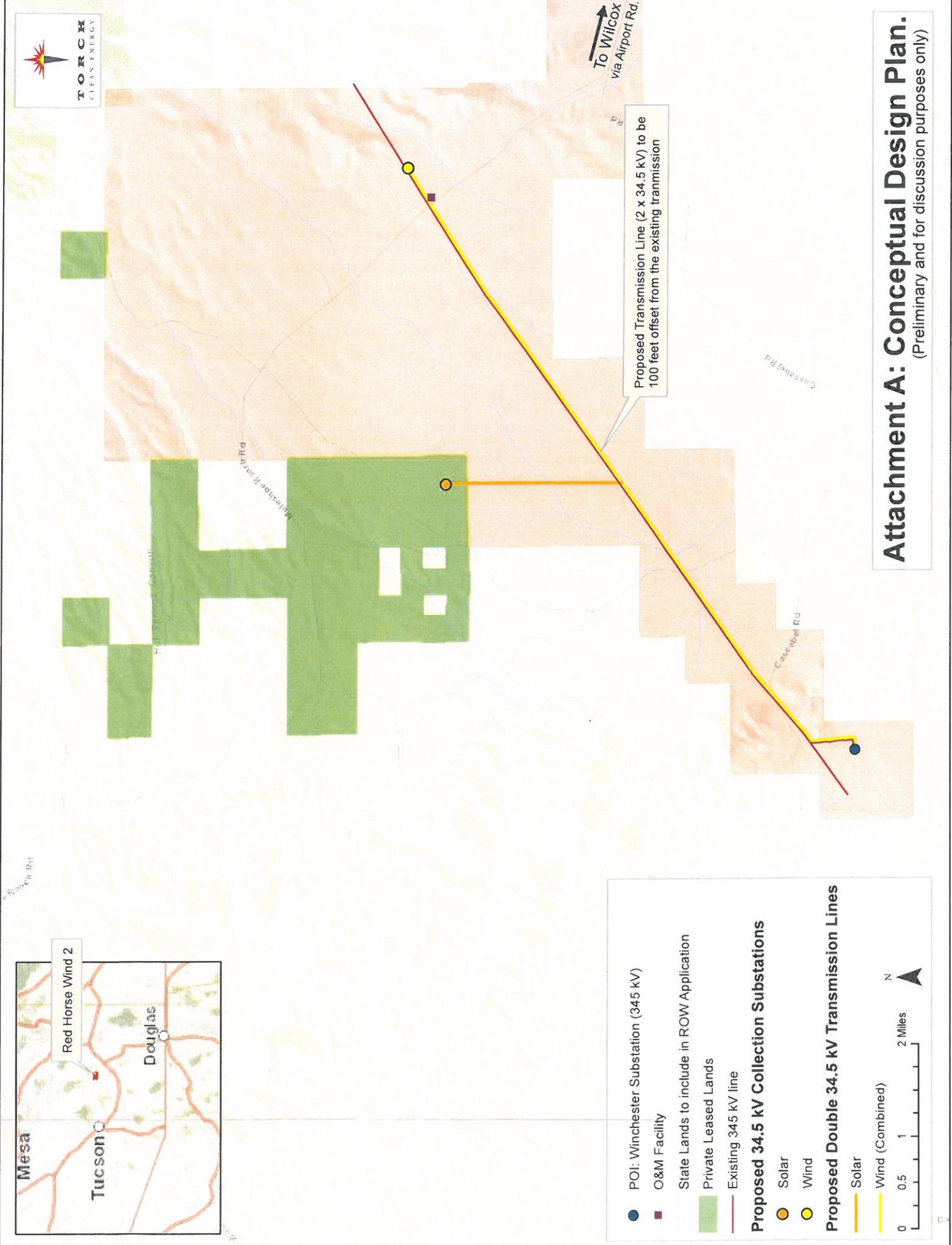
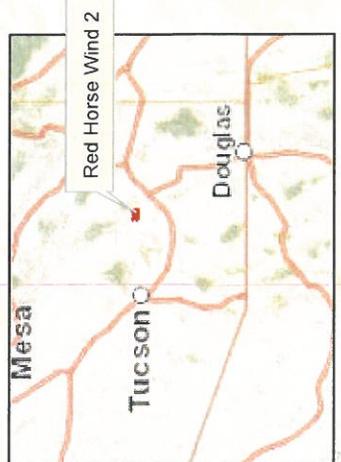


- Installed MET Towers
- Proposed Turbine Access Rds.
  - Main Access Road (Existing)
  - Turbine Access Road (New & Existing)
  - Construction Parking (~4 ac)
- Winchester Substation (345 kV)
- Proposed 34.5 kV Collection Substations
- Proposed Operation & Maintenance Facility
- Proposed Double Overhead 34.5 kV Transmission Lines
- Existing 345 kV line
- Proposed Underground Transmission
- State Lands to include in ROW Application
- Turbine Array (Approved FAA Lighting Scheme)
  - White Paint
  - White Paint + Red Lighting

0 0.5 1 2 Miles

N

Red Horse Wind 2: Conceptual Design Plan.



Proposed Transmission Line (2 x 34.5 kV) to be 100 feet offset from the existing transmission

- POI: Winchester Substation (345 kV)
- O&M Facility
- State Lands to include in ROW Application
- Private Leased Lands
- Existing 345 kV line

**Proposed 34.5 kV Collection Substations**

- Solar
- Wind

**Proposed Double 34.5 kV Transmission Lines**

- Solar
- Wind (Combined)

0 0.5 1 2 Miles

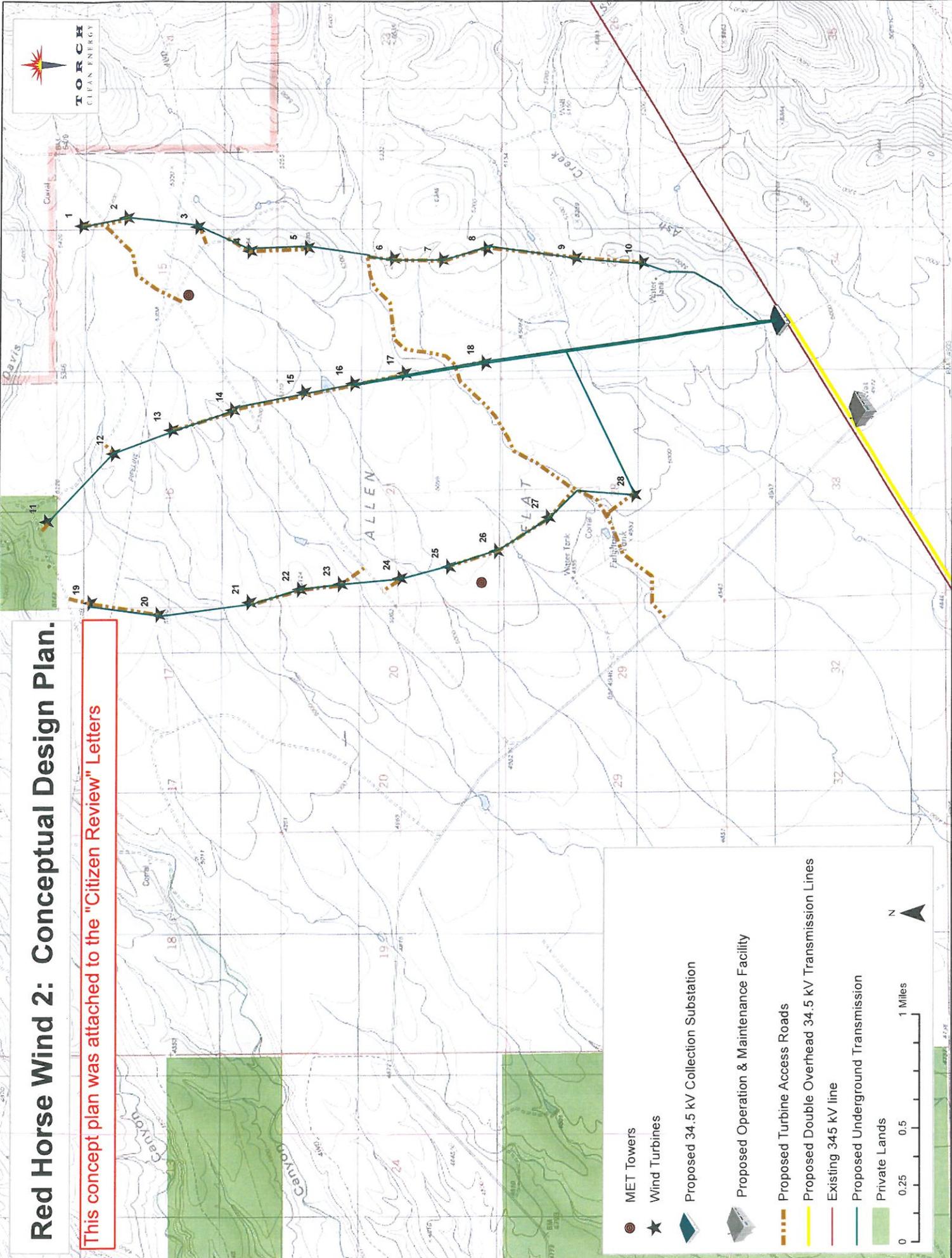
N

# Attachment A: Conceptual Design Plan.

(Preliminary and for discussion purposes only)

# Red Horse Wind 2: Conceptual Design Plan.

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



- MET Towers
- Wind Turbines
- Proposed 34.5 kV Collection Substation
- Proposed Operation & Maintenance Facility
- Proposed Turbine Access Roads
- Proposed Double Overhead 34.5 kV Transmission Lines
- Existing 345 kV line
- Proposed Underground Transmission
- Private Lands

0 0.25 0.5 1 Miles

N

**Turisk, Mike**

---

**Subject:** FW: Proposed 28 Turbine Wind Energy Project in Northern Cochise Co. SU 13-04

**Michael Turisk**, Planning Manager  
Cochise County Community Development  
1415 Melody Lane, Building E  
Bisbee, Arizona 85603  
tel: 520.432.9240  
fax: 520.432.9278  
email: [mturisk@cochise.az.gov](mailto:mturisk@cochise.az.gov)

*"Our Programs Are Public...Our Service Is Personal"*  
[www.cochise.az.gov](http://www.cochise.az.gov)

---

**From:** Lamberton, Karen  
**Sent:** Tuesday, March 12, 2013 5:53 PM  
**To:** Turisk, Mike  
**Cc:** Wilson, Beverly; Riggs, Karen  
**Subject:** RE: Proposed 28 Turbine Wind Energy Project in Northern Cochise Co. SU 13-04

I have reviewed this proposed use. The use itself will have a minimal impact on traffic circulation in the area once fully constructed and operational. The impacts of this use are primarily during the construction phase and the development of new roads across State Lands. The County would have no comment on the new State Lands easements as the applicants will be required to comply with all of the Az. State Lands requirements for road construction on State Lands.

It is my understanding that a meeting is being held on March 14<sup>th</sup> with the applicants regarding access routes to the site, restoration of the roadway, in particular Airport Rd., after construction and some type of security to assure that the existing County maintained roadways are restored to the same or better condition after this project is completed. Given that this would be my primary concern with this docket I will defer to the agreements made between the County and the applicant regarding this issue.

The applicant should be advised that at the Commercial Permit phase a ROW/Encroachment Permit would be needed for the access apron onto Airport Rd. and/or any other county maintained roadway, that meets with the Highway Dept. design standards for a commercial use. A construction access apron would, in this case, likely be required to a hard-surfaced apron to protect the roadway edge.

I do not see a need for a formal Traffic Study for this proposed use. This e-mail contains my comments for this docket and no formal memo will be prepared.

---

**Karen L. Lamberton, AICP**  
County Transportation Planner  
Community Development Department

1415 Melody Lane, Building E  
Bisbee, Arizona 85603

520.432.9240 FAX 520.432.9278

Public Programs, Personal Service

[www.cochise.az.gov](http://www.cochise.az.gov)

---

**From:** Turisk, Mike

**Sent:** Wednesday, February 27, 2013 12:10 PM

**To:** 'KTerpening@azgfd.gov'; 'Pmccourt@willcoxcity.org'; 'GRitter@azgfd.gov'; 'Walsh, Matthew B CIV (US)'; 'David.Matthews@az.usda.gov'; 'William\_Werner@fws.gov'; 'james.s.north.civ@mail.mil'; 'tbolton@land.az.gov'; 'pfabri@land.az.gov'; Lambertson, Karen; Pregler, Lola; 'martin@azdeq.gov'; 'mailmaster@cc.state.az.us'; 'stumpweb@azcc.gov'

**Cc:** Wilson, Beverly; Riggs, Karen; Vlahovich, Jim; 'jvmartzke@powerc.net'; 'arbor\_solutions@yahoo.com'; 'cvh@vtc.net'; Searle, Richard; 'bottomgun592@msn.com'; Holden, Jack; Corley, Rick; Flores, Dora; Motter, Gussie; Hanson, Britt

**Subject:** Proposed 28 Turbine Wind Energy Project in Northern Cochise Co.

**Importance:** High

All,

Please see the attached transmittal packet regarding a wind energy power plant proposed for nine sections of land located west of the City of Willcox. This project will be considered by the Cochise County Planning and Zoning Commission on April 10, so please submit comments by March 25 in order for comments to be included in the report for the Commission. Please feel free to contact me should you have questions. Thank you.

To ensure compliance with the Open Meeting Law, recipients of this message should not forward it to other Planning and Zoning Commission members. Planning and Zoning Commission Members may reply to this message, but they should not send a copy of the reply to other Planning and Zoning Commission Members.

**Michael Turisk**, Planning Manager  
Cochise County Community Development  
1415 Melody Lane, Building E  
Bisbee, Arizona 85603  
tel: 520.432.9240  
fax: 520.432.9278  
email: [mturisk@cochise.az.gov](mailto:mturisk@cochise.az.gov)

*"Our Programs Are Public...Our Service Is Personal"*  
[www.cochise.az.gov](http://www.cochise.az.gov)

**Turisk, Mike**

---

**Subject:** FW: Proposed 28 Turbine Wind Energy Project in Northern Cochise Co. SU 13-04

**Michael Turisk**, Planning Manager  
Cochise County Community Development  
1415 Melody Lane, Building E  
Bisbee, Arizona 85603  
tel: 520.432.9240  
fax: 520.432.9278  
email: [mturisk@cochise.az.gov](mailto:mturisk@cochise.az.gov)

*"Our Programs Are Public...Our Service Is Personal"*  
[www.cochise.az.gov](http://www.cochise.az.gov)

---

**From:** Lamberton, Karen  
**Sent:** Tuesday, March 12, 2013 5:53 PM  
**To:** Turisk, Mike  
**Cc:** Wilson, Beverly; Riggs, Karen  
**Subject:** RE: Proposed 28 Turbine Wind Energy Project in Northern Cochise Co. SU 13-04

I have reviewed this proposed use. The use itself will have a minimal impact on traffic circulation in the area once fully constructed and operational. The impacts of this use are primarily during the construction phase and the development of new roads across State Lands. The County would have no comment on the new State Lands easements as the applicants will be required to comply with all of the Az. State Lands requirements for road construction on State Lands.

It is my understanding that a meeting is being held on March 14<sup>th</sup> with the applicants regarding access routes to the site, restoration of the roadway, in particular Airport Rd., after construction and some type of security to assure that the existing County maintained roadways are restored to the same or better condition after this project is completed. Given that this would be my primary concern with this docket I will defer to the agreements made between the County and the applicant regarding this issue.

The applicant should be advised that at the Commercial Permit phase a ROW/Encroachment Permit would be needed for the access apron onto Airport Rd. and/or any other county maintained roadway, that meets with the Highway Dept. design standards for a commercial use. A construction access apron would, in this case, likely be required to a hard-surfaced apron to protect the roadway edge.

I do not see a need for a formal Traffic Study for this proposed use. This e-mail contains my comments for this docket and no formal memo will be prepared.

---

**Karen L. Lamberton, AICP**  
County Transportation Planner  
Community Development Department

Janice K. Brewer  
Governor

ARIZONA STATE  LAND DEPARTMENT

Vanessa P. Hickman  
State Land  
Commissioner

March 28, 2013

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

Re: Special Use Application #SU-13-04, Red Horse Wind 2, LLC

Dear Mr. Turisk:

Red Horse Wind 2, LLC has applied for a Right of Way under application 14-116877 from the Arizona State Land Department (the Department) in order to develop a wind power project on the following State Trust land:

- Township 13 South, Range 22 East , Sections 15, 16, 17, 20, 21,22, 27, 28, 29, 32, 33 & 34
- Township 14 South, Range 21 East, Sections 12, 14, 21, 22 & 28
- Township 14 South, Range 22 East, Section 5, 6 & 7

The Department is processing the request and if approved will enable Red Horse Wind 2, LLC to construct 28 wind turbines on the subject state trust lands in the vicinity of Willcox, Arizona. Any approval by the Department will require applicant to be in compliance with local ordinances and regulations.

The Department has no objection to Red Horse Wind 2, LLC applying for the necessary conditional use permits for their proposed use. It is understood that the filing materials are subject to approval by the Department prior to the filing. All reports and filing costs are borne by Red Horse Wind 2, LLC at their expense with no provision for reimbursement from the Department.

Furthermore, the Department retains the right to rescind its approval at any time during the entitlement process in the event it finds that the proposed use is not in the best interest of the Trust.

COCHISE COUNTY  
MAR 28 2013  
PLANNING

32 D

Michael Turisk, Planning Manager

March 28, 2013

Page 2

In the event you have any questions regarding this approval, you may contact me at 602-542-6331 or at medelman@azland.gov.

Sincerely,



Mark Edelman, AICP

Manager

Planning and Engineering Section

C: Jim Adams  
Max Masel  
Ruben Ojeda  
Red Horse Wind 2, LLC  
File 14-116877



# United States Department of the Interior

U.S. Fish and Wildlife Service

Arizona Ecological Services Office

2321 West Royal Palm Road, Suite 103

Phoenix, Arizona 85021-4951

Telephone: (602) 242-0210 Fax: (602) 242-2513



In reply refer to:

AESO/SE

02EAAZ00-2013-TA-0133

02EAAZ00-2013-CPA-0016

March 21, 2013

COCHISE COUNTY

MAR 25 2013

PLANNING

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

Dear Mr. Turisk:

Thank you for your correspondence of February 27, 2013, regarding a special use permit application by Red Horse Wind 2, LLC on behalf of Torch Renewable Energy, LLC for development of a 51-megawatt (MW) wind energy generation facility consisting of up to 28 wind turbines, underground collection lines, a collection substation, overhead transmission lines to the existing Winchester Substation, and an operation and maintenance facility on Arizona State Trust Lands and private lands near the area of Allen Flats in Cochise County, Arizona.

The Fish and Wildlife Service (FWS) participated in a meeting with the applicant, the applicant's biological contractor, and the Arizona Game and Fish Department (AGFD) on January 24, 2013, to discuss pre-construction avian and bat use/risk studies and other potential wildlife issues. We note from the Torch Renewable Energy, LLC letter of February 21, 2013, included in the information packet provided by your office, that studies are being conducted in accordance with the FWS 2012 Land Based-Wind Energy Guidelines and the FWS 2012 Draft Eagle Conservation Plan Guidance.

Based on information provided during our January 24 meeting, other data sources, and our knowledge, we note that golden eagles (*Aquila chrysaetos*) nest in the general area of the project and that there is a roost utilized by lesser long-nosed bats (*Leptonycteris curasoae yerbabuenae*), a federally listed endangered species, in the general area of the project. Paniculate agave in the general area of the project and the transmission line provide foraging habitat of the type used by this nectar feeding bat. Golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c) and the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. sec. 703-712). Lesser long nosed bat are protected under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Again, based on the January 24 meeting, we understand that the applicant's biological contractor is performing additional studies this spring to better assess risk to birds and bats, including golden eagle and lesser long-nosed bat and to inform development of bird and bat conservation strategies, consistent with the Wind Energy Guidelines, and eagle conservation strategies, consistent with the Draft Eagle Conservation Plan Guidance. The FWS is available to work with project proponents to assist in avoiding, minimizing, and mitigating adverse impacts to fish and wildlife resources and we look forward to reviewing additional information gathered this spring and the proposed conservation strategies.

In all future correspondence on this project, please refer to file number 02EAAZ00-2013-TA-0133. We also encourage you to coordinate the review of this project with the Arizona Game and Fish Department. Should you require further assistance or if you have any questions, please contact Bill Werner at (602) 242-0210 (x217) or Debra Bills (x234). Thank you for the opportunity to review the subject special use permit application.

Sincerely,

  
for Steven L. Spangle  
Field Supervisor

cc: Torch Renewable Energy, LLC, Houston, TX  
(Attn: Glen Holliday)  
Chief, Habitat Branch, Arizona Game and Fish, Phoenix, AZ  
Regional Supervisor, Arizona Game and Fish Department, Tucson, AZ  
Wildlife Biologists, Fish and Wildlife Service, Tucson, AZ (Attn: S. Richardson, M. Crites)

W\William Werner\L Cochise Co Red Horse Wind 02EAAZ00\_2013\_TA\_0133 032013.docx:egg



THE STATE OF ARIZONA  
**GAME AND FISH DEPARTMENT**

5000 W. CAREFREE HIGHWAY  
 PHOENIX, AZ 85086-5000  
 (602) 942-3000 • WWW.AZGFD.GOV

**GOVERNOR**  
 JANICE K. BREWER  
**COMMISSIONERS**  
 CHAIRMAN, JACK F. HUSTED, SPRINGVILLE  
 J.W. HARRIS, TUCSON  
 ROBERT E. MANSELL, WINSLOW  
 KURT R. DAVIS, PHOENIX  
 EDWARD "PAT" MADDEN, FLAGSTAFF  
**DIRECTOR**  
 LARRY D. VOYLES  
**DEPUTY DIRECTORS**  
 GARY R. HOVATTER  
 BOB BROSCHEID



March 25, 2013

Mr. Michael Turisk  
 Cochise County Community Development  
 Planning and Zoning Building  
 1415 Melody Lane, Bldg E  
 Bisbee, AZ 85603

COCHISE COUNTY  
 MAR 27 2013  
 PLANNING

**Re: Red Horse Wind 2, LLC.**

Dear Mr. Turisk:

The Arizona Game and Fish Department (Department) has reviewed the Special Use permit that is being requested by Red Horse Wind 2, LLC, Torch Renewable Energy, Inc. The applicant proposes to develop a 51 MW wind facility consisting of 28 turbines with accessory uses, including underground and overhead transmission lines, substation and operation facility. The property consists of both state and private land parcels identified as Assessor's Parcel Number 209-69-001.

Generally, the Department supports the development of wind energy as a viable source of clean and renewable energy. We believe with proper site placement and safeguards, the benefits of utilizing wind energy outweigh the potential for negative effects to wildlife populations. However, we are concerned that specific sites may have an increased potential for negative impacts to certain breeding, migratory, and wintering species. Some taxa, such as raptors and bats, are particularly vulnerable to the installation of wind generation facilities and can be impacted directly through mortality from wind turbines and an overall deterioration of breeding and foraging habitats. Wildlife studies are needed to determine proper placement and the potential for negative impacts to both resident and migratory birds and bats. Without these studies, it is impossible for the Department to assess the project's potential impacts on wildlife populations.

The Department met with the applicant and their consultant (SWCA Environmental Consultants) on January 24, 2013, to discuss the project and the necessary wildlife studies that need to be performed to assess impacts on wildlife from development of the Red Horse Wind project. SWCA informed the Department that they began bird studies (Large Bird Use Counts and Small Bird Use Counts) on December 1, 2012 at the Red Horse Wind project. During that time, they observed a pair of golden eagles, a pair of red-tailed hawks, northern harriers, Cooper's hawk, peregrine falcons, and kestrels at the site. No cranes had been observed at that time.

36

Mr. Michael Turisk

March 25, 2013

2

Although this preliminary data provides some insight into the project area, additional data are necessary for the Department to provide a more thorough analysis of potential wildlife effects of the project. Making a determination on the risk of possible impacts to wildlife on this limited data is difficult at best. It is only after the Department receives avian and bat data from the applicant that we will feel more confident in our conclusions about potential impacts to wildlife and their habitats. In the rest of this letter we address the Department's guidelines for assessing impacts on wildlife, data that currently exists for the project and surrounding areas, our concerns based on these data, and finally our recommendations for this application, wildlife data collection, and potential mitigation strategies.

#### *Site Evaluation and Pre-Construction Biological Monitoring*

The Arizona Game and Fish Department's *Guidelines for Reducing Impacts to Wildlife from Wind Energy Development in Arizona* (Guidelines) recommend that developers conduct an initial screening of the proposed project area in order to determine a) the wildlife species and habitats likely to be present at the site, b) the range of potential impacts to wildlife and habitat; and c) an approach for collecting adequate pre-construction biological data. Based on the findings of the initial site screening, the applicant is advised to classify the project with Department assistance into one of four categories of increasing potential risk to wildlife, which in turn merit progressively greater degrees of preconstruction biological data collection. Assigning a project to a category is not always clear-cut and the categorization may change as more data becomes available.

The applicant has completed the initial screening for the Red Horse Wind project but has not submitted their *Preliminary Site Screening* report (categorization), nor their *Preconstruction Study Plan* (wildlife studies), for the proposed Red Horse Wind project. Based on the wildlife concerns the Department submitted for the meteorological towers application (attached Department letter to Cochise County dated October 17, 2012), we believe this site to be a Category 3, possibly 4. A Category 3 site has high levels of bat and/or bird use or risk, presence of special status species, or considerable uncertainty regarding potential wildlife impacts. Characteristics which may put a proposed project site in Category 3 include: high prey abundance such as rodents or prairie dog colonies (current or historic) within, or immediately adjacent to, project areas that could attract resident and migratory raptors; known avian migration stopovers such as water bodies within or immediately adjacent to the project; high insect abundance that may increase potential as a bat foraging area; special status species occurring on or adjacent to a proposed site; or high concentrations of migrating, wintering, and/or breeding raptors. Projects for which little information is available on wildlife use and potential risk are also included in Category 3. Generally, Category 3 projects will need a minimum of two years of study to help understand and formulate ways to reduce impacts. Two years of data collection are recommended because one year will not adequately characterize bat and bird use due to high variability in seasonal populations from year to year. Additionally, in areas of seasonal importance (e.g. known or expected bat and/or raptor migration areas) the standard timing and frequency of surveys (e.g. weekly) may be inadequate to characterize overall use during these critical periods.

Mr. Michael Turisk

March 25, 2013

3

*Preliminary Wildlife Implications*

Species Habitat Conservation Guide: The Department has developed a statewide model, the Species and Habitat Conservation Guide (SHCG), to guide wildlife and habitat conservation priorities and inform project evaluation and planning on a state-wide scale. The SHCG indicates this area to have high wildlife value to the Department in a statewide context. We know Sulphur Springs Valley to the east is a highly utilized area for breeding, migratory, and wintering bird species, as well as bat species. Its ecological makeup, spatial configuration, and geological formation make it an attractive site for breeding, migratory, and wintering raptors. It also supports a large population on Sandhill Crane. It is likely that this area would exhibit similar wildlife trends.

Bats: Nationwide research indicates that bats can be disproportionately affected by wind development when compared to birds. Studies demonstrate that bat fatalities peak in late summer and early fall, coinciding with the migration of many species. Southeast Arizona provides exceptional foraging and roosting habitat for several bat species, including lesser long-nosed bats which are of particular concern and listed under the Endangered Species Act. The Lesser Long-nosed bat is considered an important pollinator of various agave species, columnar cacti and other Mexican plant species. They can travel up to 30km each night from their roosts to feeding grounds. Lesser long-nosed bats are believed to be declining due to a limited number of caves in which colonies can raise their young, human disturbance at maternity colonies, and loss of foraging habitat.

The Department expects to discuss with the applicant and their biological consultants what steps we may take to better understand the nature of lesser long-nosed bat activity and overall bat presence and behavior at the Red Horse Wind project. After all the data are analyzed, the Department may recommend a radio telemetry or radar study to better assess bat movement in and around the project area. In addition, the Department may ask for more extensive roost/colony searches in order to determine why bats are moving through the Red Horse project area.

Eagles: Golden eagles are of particular concern to the Department and the U.S. Fish and Wildlife Service. Little is known about golden eagle populations statewide; however, there is some indication that their populations are declining across the western United States. Within 10 miles of the Red Horse Wind project, the Department had identified two nests with paired golden eagles, two nests with 1 golden eagle present, 1 historic breeding area, and 7 potential golden eagle nests. The Department has also identified a winter foraging area for bald eagles within 10 miles of the Red Horse Wind project in Sulphur Springs Valley. This data has been shared among all partners (including both the applicant and their biological consultant). It is our understanding that per the Bald and Golden Eagle Protection Act and subsequent Guidance drafted by U.S. Fish and Wildlife Service, the locations and activity of golden eagles and active nests both on Red Horse Wind and in the vicinity may ultimately influence turbine locations, depending on turbine setback recommendations put forth in the Eagle Conservation Plan, which will be developed between the applicant, the U.S. Fish and Wildlife Service, and the Department.

38

Mr. Michael Turisk

March 25, 2013

4

Other bird species: There is the potential for other raptor and bird species, including cranes to be present on the project area during all or part of the year based on habitat characteristics and proximity to known species occurrences and migratory pathways.

Terrestrial wildlife and wildlife corridors: The potential effects of wind farms on terrestrial wildlife, in particular large ungulates such as deer and pronghorn which are found on Red Horse, are poorly understood. Very little research has been conducted and the few available studies have varied in the rigor of their methodology and in their findings. The Department is currently engaged in collecting telemetry data on pronghorn movements at another wind farm site in northern Arizona which should prove informative, but this is not yet available. The Department does not expect significant habitat loss or long-term adverse impacts to ungulates from the Red Horse Wind project and we believe that displacement of deer and pronghorn will most likely be temporary, though the available data is limited.

#### *Avian and Bat Protection Plan and Post-Construction Study Plan*

Most wind projects develop an Avian and Bat Protection Plan (ABPP) and Post-Construction Study Plan. Their purpose is to delineate a program designed to reduce the operational risks that result from bird and bat interactions with a wind energy facility. It is through the ABPP that both state and federal agencies can have some assurances of the developer's willingness to modify operational procedures, such as "curtailing" (shutting off) designated turbines during periods critical to specific wildlife species, should bird and bat fatalities be higher than anticipated. Development of a comprehensive ABPP will be important given the limited amount of preconstruction data that will be available for the Red Horse Wind project due to the applicant's construction schedule.

#### *Hunter Access*

The Department is concerned about the loss of hunter access. Hunters currently have access to and through this area. The Department seeks to maintain this arrangement into the future, as hunting remains an important tool for wildlife and habitat management. We hope to discuss this issue with the applicant to determine how it can be maintained throughout the construction and operational phases of the project.

#### *Other Potential Wildlife Impacts and Recommended Mitigation*

Above-ground transmission line: Transmission lines can pose an electrocution risk to birds that use the support poles as perches. While avian electrocutions typically occur on lower voltage transmission lines, we recommend that the applicant consult the Avian Power Line Interaction Committee's guidance to ensure that the design of its transmission line supports and other transmission infrastructure minimize the potential for avian electrocution (<http://www.aplic.org/>).

Mr. Michael Turisk

March 25, 2013

5

Habitat disturbance and invasive weed control: According to the applicant's special use application the proposed project will entail creation of new roads and road repair/improvement. Installation of concrete pads for turbine towers, erecting of support towers for the proposed overhead transmission line, trenching for underground collection lines, and creation of buildings and other infrastructure will all involve ground disturbance to varying degrees and some construction activities may require blasting. Thus the project will entail some permanent loss of vegetation and thus wildlife habitat, temporary disturbance in the form of dust, noise, and vibration, and present the possibility for invasive weed proliferation particularly in disturbed areas.

While measurable, the Department believes that the overall loss of vegetation (and thus habitat) to project infrastructure will be moderate and not present major problems for wildlife. There is the potential for noxious weed invasion as a consequence of ground disturbance, dust transport, and the moving of fill and other materials into and across the project site which could bear and transport the seeds of undesirable invasive species. While the degree and consequences of noxious weed proliferation following disturbance can vary considerably with local conditions, invasive plants have the potential to significantly alter vegetation community structure, soil moisture, fire regime, and other factors with potential consequences for wildlife. The applicant indicates in their CUP application their intention to implement noxious weed control based on NRCS Guidelines (p.14) and the use of certified weed-free materials for all roads (p.17) during the construction phase of the project, and to conduct weed abatement associated with road maintenance during the subsequent operations phase (p.15). The Department fully supports these proactive measures, and recommends that weed monitoring and abatement activities during the operations phase be extended beyond road maintenance to other aspects of operations and to any areas of the project site where significant ground disturbance has occurred. We recommend the applicant develop a noxious weed management plan as part of this project.

Turbine lighting: In keeping with Federal Aviation Administration (FAA) safety regulations for all structures exceeding 200 feet in height, the applicant proposes to install lights on a subset of turbines at the Red Horse Wind project to be determined by the FAA. The U.S. Fish and Wildlife Service has produced interim guidelines for communications tower installation that include recommendations for the installation of FAA-approved lighting (<http://www.fws.gov/habitatconservation/communicationtowers.html>). To minimize potential adverse effects on birds, the U.S. Fish and Wildlife Service recommends that the minimum amount of lighting required by the FAA for a given facility be used. If red lights are required, U.S. Fish and Wildlife Service recommends these be of the minimum intensity and provide the longest duration between flashes permitted by the FAA. We recommend that the applicant follow the U.S. Fish and Wildlife Service guidelines for lighting their wind turbines to the fullest extent possible, in order to avoid attracting night-migrating birds to the vicinity of turbines and minimize the potential for collisions.

40

Mr. Michael Turisk

March 25, 2013

6

*Summary of Department Recommendations*

1. Site evaluation and pre-construction biological monitoring: Preliminary Screening and Pre-Construction Study Plan should be submitted to the Arizona Game and Fish Department for review and concurrence.
2. Bats: After all the data are analyzed, the Department may recommend a radio telemetry or radar study to better assess bat movement in and around the project area. In addition, the Department may ask for more extensive roost/colony searches in order to determine why bats are moving through the Red Horse project area.
3. Eagles: Work closely with the Arizona Game and Fish Department and U.S. Fish and Wildlife Service to develop an Eagle Conservation Plan (ECP) for the project to help mitigate any unanticipated negative effects of the proposed wind farm on eagles.
4. Avian and Bat Protection Plan (ABPP): Work closely with the Arizona Game and Fish Department and U.S. Fish and Wildlife Service to develop an ABPP for the project to help mitigate any unanticipated negative effects of the proposed wind farm on birds and bats.
5. Post-construction study plan: Work with the Department and the U.S. Fish and Wildlife Service to develop an appropriate post-construction monitoring plan to assess potential wildlife impacts of the wind farm consistent with and supportive of the objectives of the ABPP.
6. Hunter access: Discussions between the applicant and Arizona Game and Fish Department need to occur to develop a mutually agreeable approach to hunter access for Red Horse Wind project for both the construction and operational phases of the project.
7. Overhead transmission line: Consult the Avian Power Line Interaction Committee's guidance to ensure that transmission line supports and other transmission infrastructure minimize the potential for avian electrocution.
8. Invasive weed control: Develop a noxious weed management plan which covers both the construction and operational phases, and which encompasses all areas of the project site where significant ground disturbance has occurred or where weed invasion is possible.
9. Turbine lighting: As recommended by the U.S. Fish and Wildlife Service, use the minimum number and intensity of lights and the longest duration between flashes permitted by the Federal Aviation Administration for this project. If permitted by the FAA use white lights instead of red to minimize the attraction of night-migrating birds.

After review of the Special Use application and available data on the project, the Department recommends postponing approval of the application until more wildlife data is available to assess the applicant's affects on wildlife populations. If this is not possible, we recommend putting our above numbered recommendations as conditions to the permit. We appreciate the opportunity to

4/

Mr. Michael Turisk

March 25, 2013

7

review this application for the Red Horse Wind Proposal. We look forward to further discussions with the applicant in the coming months. If you have any questions or desire any further information, please do not hesitate to contact me at (623) 236-7606 or consult the Arizona Game and Fish Department's Wind Development Guidelines at:

[http://www.azgfd.gov/hgis/documents/RevisedAZWindGuidelinesNov2009\\_2.pdf](http://www.azgfd.gov/hgis/documents/RevisedAZWindGuidelinesNov2009_2.pdf).

Sincerely,



Ginger Ritter

Project Evaluation Program Specialist, Habitat Branch

Attachments

cc: John Windes, Habitat Program Manager, Region V  
Bill Werner, Renewable Energy Coordinator, USFWS

AGFD #M13-03063348





THE STATE OF ARIZONA  
**GAME AND FISH DEPARTMENT**

5000 W. CAREFREE HIGHWAY  
 PHOENIX, AZ 85086-5000  
 (602) 942-3000 • WWW.AZGFD.GOV

**GOVERNOR**  
 JANICE K. BREWER  
**COMMISSIONERS**  
 CHAIRMAN, NORMAN W. FREEMAN, CHINO VALLEY  
 JACK F. HUSTED, SPRINGERVILLE  
 J.W. HARRIS, TUCSON  
 ROBERT E. MANSELL, WINSLOW  
 KURT R. DAVIS, PHOENIX  
**DIRECTOR**  
 LARRY D. VOYLES  
**DEPUTY DIRECTORS**  
 GARY R. HOVATTER  
 BOB BROSCHEID



October 17, 2012

Ms. Jennifer Vincent  
 Cochise County Community Development  
 Planning and Zoning Building  
 1415 Melody Lane, Bldg E  
 Bisbee, AZ 85603

**Re: Temporary Use of 197' Meteorological Tower, Commercial Permit 12-1217.**

Dear Ms. Vincent:

The Arizona Game and Fish Department (Department) has reviewed the Commercial Permit for Glenn Holiday of Red Horse Wind, dated October 3, 2012, regarding the construction of a 197' temporary meteorological tower (met tower). The Department understands the permit would only allow the placement of a meteorological tower to determine the wind resource and inform the placement of turbines if constructed. The Department has included recommendations for meteorological tower construction which relate to Department personnel safety, wildlife mitigations, and wildlife studies in Attachment A.

The Department generally supports the development of wind energy as a viable source of clean and renewable energy. We believe with proper site placement and safeguards, the benefits of utilizing wind energy outweigh the potential for negative effects to wildlife populations. However, we are concerned that specific sites may have an increased potential for negative impacts to certain breeding, migratory, and wintering species. Some taxa, such as raptors and bats, are particularly vulnerable to the installation of wind generation facilities and can be impacted directly through mortality from wind turbines and an overall deterioration of breeding and foraging habitats.

The Department's Heritage Data Management System (HDMS) has been accessed and current records show that the special status species listed on Attachment B have been documented as occurring in the project vicinity (10-mile buffer)<sup>1</sup>. Although only federally listed species and state species of concern are identified within HDMS system, species protected by other federal and state laws are applicable and need to be considered in project planning. The Migratory Bird Treaty Act protects all migratory birds. Therefore, we are also providing a list from the Arizona Breeding Bird Atlas (Attachment C) which identifies bird species in the area. In addition, the Bald and Golden Eagle Act would apply to this project since golden eagles and bald eagles are within the project vicinity.

Ms. Jennifer Vincent

October 17, 2012

2

Additionally, Sulphur Springs Valley is a highly utilized area for breeding, migratory, and wintering bird species. Its ecological makeup, spatial configuration, and geological formation make it an attractive site for breeding, migratory, and wintering raptors which includes Bald eagles. It also supports a large population on Sandhill Crane in southern Arizona (Attachment D). The Valley and the surrounding mountain ranges also provide exceptional foraging and roosting habitat for several bat species, including Lesser long-nosed bats is believed to be a migratory pathway for bats, birds, and raptors. In conclusion, Sulphur Springs Valley and its surrounding cliffs are biologically diverse and important to wildlife. The Department believes this is an area of exceptional wildlife value and the proposed Red Horse Wind Project site may exhibit similar characteristics due to its proximity to Sulphur Valley.

Therefore, the Department strongly encourages the applicant to obtain a copy of the Department's wind development guidelines (revised October 15, 2012) which provides guidance on reducing impacts to birds and bats, and the level of wildlife study required for a wind project. They can be found at <http://www.azgfd.gov/hgis/documents/>. Please refer to these guidelines during the early planning stages of the project. If the meteorological towers eventually indicate that the site is appropriate for wind energy development, the Department strongly recommends coordinating with the Arizona Game and Fish Department and the US Fish and Wildlife Service at the early planning stages to ensure that impacts to eagles, wildlife migration, and populations within the area are avoided and/or mitigated as much as possible. In addition, the Department should be provided the opportunity to review and comment on the study plan for any biological studies.

We appreciate the opportunity to provide preliminary comments on the Red Horse Wind Proposal. Again, the Department would like to coordinate directly with the applicant on the scope of work that is proposed to occur. Specifically, we request to be directly involved in site assessments for wind generation sites. If you have any questions regarding this letter, the attachments, or would like to further discuss project specifics, please contact Ginger Ritter, Project Evaluation Program Specialist, at (623) 236-7606.

Sincerely,



Ginger Ritter

Project Evaluation Program Specialist, Habitat Branch

Attachments

cc: John Windes, Habitat Program Manager, Region V  
Sherry Barrett, Assistant Field Supervisor for Southern Arizona, USFWS

AGFD #M12-10122715

44

## Attachment A Met Tower Guidance

### *Met Towers*

- AGFD requests all *permanent* met towers be unguyed, free standing structures. If monopole are not practicable, then free standing lattice towers with perching deterrents may suffice. If possible, AGFD also requests temporary met towers be unguyed, monopole, free standing structures.
- When guy wires are present, AGFD recommends attaching Bird Flight Diversers (BFDs) at spaced intervals along the length of multiple wires. **At a minimum, four Aircraft Warning Markers (spherical or cylindrical, 36 inches in diameter) should be placed 10 meters below the apex and BFDs be placed at 10 meter intervals along the length of each outer wire.** Research shows the attachment of BFDs can reduce bird collisions by as much as 86-89% (Pope et al., 2006) ([http://www.chelanpud.org/documents/Burch\\_Final\\_Report\\_V1.pdf](http://www.chelanpud.org/documents/Burch_Final_Report_V1.pdf)). AWMs should be recognizable from a distance of at least 4,000 feet (1219m) in clear air and visible from all directions.
- AGFD recommends all temporary towers are only on site for the minimum amount of time needed to monitor the wind resource. If towers are on site for more than 1 year, AGFD recommends carcass searches be implemented, especially during the bird migration period (see Chapter 5, Post-construction Monitoring and Reporting).
- If a temporary tower is going to become a permanent structure for the life of the project, AGFD recommends the tower(s) be included as part of the longer term (pre-construction and post-construction) monitoring program.
- AGFD recommends the applicant place acoustic monitoring stations on met towers in the proposed project area (**Note:** This will help collect bat activity information needed for pre-construction analysis). An acoustic monitoring station is defined as two acoustic detectors, one at “ground level” (approximately 1.5 meters above ground) and the other with an elevated microphone, ideally within the future rotor swept zone, but not less than 30 meters high. Reynolds (2006) and Lausen (2006) provide detailed guidelines for detector deployment and operation. Rainey et al. (2006) provides an in depth discussion of acoustic monitoring systems. Acoustic data collection objectives should strive to evaluate bat species composition and bat use of the project area nightly and across seasons to assess potential impacts. .
- Work with AGFD to determine the number of acoustic monitoring stations needed to adequately cover the project area. The number of acoustic stations will depend on project footprint and habitat complexity.
- When siting met towers, avoid habitat features that congregate wildlife such as water resources, habitat edges, ridgelines, etc. At a minimum, AGFD recommend 100m setbacks from these features. This varies site to site dependant on the combination geographic features and wildlife resources.

### *AGFD Personnel Safety*

- Low-level aerial flights can occur outside routine wildlife survey routes. GPS locations of all towers need to be provided to AGFD prior to construction to allow survey aircraft to avoid the towers. In addition, AGFD requests project proponents notify the Department when met towers are removed.

## Attachment A Met Tower Guidance

- When guy wires are present, AGFD recommends attaching Bird Flight Diverters (BFDs) at spaced intervals along the length of multiple wires. **At a minimum, four Aircraft Warning Markers (spherical or cylindrical, 36 inches in diameter) should be placed 10 meters below the apex and BFDs be placed at 10 meter intervals along the length of each outer wire.** AWMs should be recognizable from a distance of at least 4,000 feet (1219m) in clear air and visible from all directions.
- For all monopole towers, paint the top 30 feet of the tower in alternate orange and white paint. This does not apply to lattice towers or lit towers, both of which are more visible than monopoles.

Attachment B

Heritage Data Management System

Special Status Species observed within 10 Miles of Red Horse Wind Project

NAME	COMMON NAME	FWS		USFS		BLM		STATE
		SC	BGA	S	S	S	S	
<i>Agosia chrysoaster chrysoaster</i>	Gila Longfin Dace	SC		S		S		
<i>Aquila chrysaetos</i>	Golden Eagle	BGA					S	
<i>Aspidoscelis burti stictogrammus</i>	Giant Spotted Whiptail	SC		S				
Bat Colony								
<i>Buteo albonotatus</i>	Zone-tailed Hawk			S				
<i>Buteo nitidus maxima</i>	Northern Gray Hawk	SC		S				WSC
<i>Buteo swainsoni</i>	Swainson's Hawk			S				
<i>Buteogallus anthracinus</i>	Common Black-Hawk			S				WSC
<i>Campostoma imberbe</i>	Northern Beardless-Tyrannulet			S				
<i>Carex ultra</i>	Arizona Giant Sedge			S		S		
<i>Catostomus clarkii</i>	Desert Sucker	SC		S		S		
<i>Catostomus insignis</i>	Sonora Sucker	SC		S		S		
CH for <i>Gila intermedia</i>	Designated Critical Habitat for Gila chub							
CH for <i>Meda fulgida</i>	Designated Critical Habitat for spikedace							
CH for <i>Strix occidentalis lucida</i>	Designated Critical Habitat for Mexican spotted owl							
CH for <i>Tiaroga cobitis</i>	Designated Critical Habitat for loach minnow							
<i>Choeronycteris mexicana</i>	Mexican Long-tongued Bat	SC		S		S		WSC
<i>Coccyzus americanus</i>	Yellow-billed Cuckoo (Western U.S. DPS)	PS:C		S				WSC
<i>Cyprinodon macularius</i>	Desert Pupfish	LE						WSC
<i>Echinomastus erectocentrus</i> var. <i>erectocentrus</i>	Needle-spined Pineapple Cactus	SC						SR
<i>Falco peregrinus anatum</i>	American Peregrine Falcon	SC		S		S		WSC
<i>Gila intermedia</i>	Gila Chub	LE						WSC
<i>Gopherus agassizii</i> (Sonoran Population)	Sonoran Desert Tortoise	C		S				WSC
<i>Haliaeetus leucocephalus</i> (wintering pop.)	Bald Eagle - Winter Population	SC,BGA		S		S		WSC
<i>Lasiurus xanthinus</i>	Western Yellow Bat			S				WSC
<i>Leopardus pardalis</i>	Ocelot Area of Capture Concern							
<i>Leptonycteris curasoae yerbabuena</i>	Lesser Long-nosed Bat	LE						WSC
<i>Lupinus lemmonii</i>	Lemmon's Lupine			S				
<i>Penstemon discolor</i>	Catalina Beardtongue			S				HS
<i>Rana yavapaiensis</i>	Lowland Leopard Frog	SC		S		S		WSC
<i>Rhinichthys osculus</i>	Speckled Dace	SC		S		S		
<i>Salvia amissa</i>	Aravaipa Sage	SC		S		S		
<i>Sigmodon ochrognathus</i>	Yellow-nosed Cotton Rat	SC		S		S		
<i>Strix occidentalis lucida</i>	Mexican Spotted Owl	LT						WSC

AGFD #M12-10122715. Proposed Wind Facility.

Arizona Game and Fish Department, Heritage Data Management System, October 15, 2012.

47

**Attachment C**  
**Arizona Breeding Bird Atlas**  
**Species observed within 10 Miles of Red Horse Met Tower**

NAME	COMMON NAME	FWS	BLM	USFS	STATE
<i>Accipiter cooperii</i>	Cooper's Hawk				
<i>Actitis macularius</i>	Spotted Sandpiper				
<i>Aeronautes saxatalis</i>	White-throated Swift				
<i>Agelaius phoeniceus</i>	Red-winged Blackbird				
<i>Aimophila ruficeps</i>	Rufous-crowned Sparrow				
<i>Ammodramus savannarum</i>	Grasshopper Sparrow				
<i>Amphispiza bilineata</i>	Black-throated Sparrow				
<i>Anas cyanoptera</i>	Cinnamon Teal				
<i>Anas platyrhynchos diazi</i>	Mexican Duck				
<i>Aphelocoma californica</i>	Western Scrub-jay				
<i>Aphelocoma ultramarina</i>	Mexican Jay				
<i>Archilochus alexandri</i>	Black-chinned Hummingbird				
<i>Ardea herodias</i>	Great Blue Heron				
<i>Asio otus</i>	Long-eared Owl				
<i>Auriparus flaviceps</i>	Verdin				
<i>Baeolophus wollweberi</i>	Bridled Titmouse				
<i>Bombycilla cedrorum</i>	Cedar Waxwing				
<i>Bubo virginianus</i>	Great Horned Owl				
<i>Buteo albonotatus</i>	Zone-tailed Hawk			S	
<i>Buteo jamaicensis</i>	Red-tailed Hawk				
<i>Buteo nitidus</i>	Gray Hawk				WSC
<i>Buteo regalis</i>	Ferruginous Hawk	SC	S	S	WSC
<i>Buteo swainsoni</i>	Swainson's Hawk		S	S	
<i>Buteogallus anthracinus</i>	Common Black-hawk		S	S	WSC
<i>Butorides virescens</i>	Green Heron				
<i>Calamospiza melanocorys</i>	Lark Bunting				
<i>Callipepla gambelii</i>	Gambel's Quail				
<i>Callipepla squamata</i>	Scaled Quail				
<i>Calypte anna</i>	Anna's Hummingbird				
<i>Calypte costae</i>	Costa's Hummingbird				
<i>Camptostoma imberbe</i>	Northern Beardless-tyrannulet			S	
<i>Campylorhynchus brunneicapillus</i>	Cactus Wren				
<i>Cardinalis cardinalis</i>	Northern Cardinal				
<i>Cardinalis sinuatus</i>	Pyrrhuloxia				
<i>Carpodacus cassinii</i>	Cassin's Finch				
<i>Carpodacus mexicanus</i>	House Finch				
<i>Cathartes aura</i>	Turkey Vulture				
<i>Catharus guttatus</i>	Hermit Thrush				
<i>Catherpes mexicanus</i>	Canyon Wren				
<i>Charadrius vociferus</i>	Killdeer				
<i>Chondestes grammacus</i>	Lark Sparrow				
<i>Chordeiles acutipennis</i>	Lesser Nighthawk				
<i>Chordeiles minor</i>	Common Nighthawk				

48

**Attachment C**  
**Arizona Breeding Bird Atlas**  
**Species observed within 10 Miles of Red Horse Met Tower**

NAME	COMMON NAME	FWS	BLM	USFS	STATE
<i>Circus cyaneus</i>	Northern Harrier				
<i>Coccyzus americanus</i>	Yellow-billed Cuckoo (Western U.S. DPS)	C			WSC
<i>Colaptes auratus</i>	Northern Flicker				
<i>Colaptes chrysoides</i>	Gilded Flicker				
<i>Columbina inca</i>	Inca Dove				
<i>Contopus cooperi</i>	Olive-sided Flycatcher	SC			
<i>Contopus sordidulus</i>	Western Wood-pewee				
<i>Corvus corax</i>	Common Raven				
<i>Corvus cryptoleucus</i>	Chihuahuan Raven				
<i>Dendroica coronata</i>	Yellow-rumped Warbler				
<i>Dendroica nigrescens</i>	Black-throated Gray Warbler				
<i>Dendroica occidentalis</i>	Hermit Warbler				
<i>Dendroica petechia</i>	Yellow Warbler				
<i>Dendroica townsendi</i>	Townsend's Warbler				
<i>Egretta thula</i>	Snowy Egret		S		WSC
<i>Empidonax occidentalis</i>	Cordilleran Flycatcher				
<i>Empidonax traillii</i>	Willow Flycatcher	PS			WSC
<i>Empidonax wrightii</i>	Gray Flycatcher				
<i>Eremophila alpestris</i>	Horned Lark				
<i>Eugenes fulgens</i>	Magnificent Hummingbird				
<i>Falco mexicanus</i>	Prairie Falcon				
<i>Falco peregrinus</i>	Peregrine Falcon	SC			WSC
<i>Falco sparverius</i>	American Kestrel				
<i>Geococcyx californianus</i>	Greater Roadrunner				
<i>Geothlypis trichas</i>	Common Yellowthroat				
<i>Glaucidium gnoma gnoma</i>	Northern Pygmy-owl				
<i>Grus canadensis</i>	Sandhill Crane				
<i>Hirundo rustica</i>	Barn Swallow				
<i>Icteria virens</i>	Yellow-breasted Chat				
<i>Icterus bullockii</i>	Bullock's Oriole				
<i>Icterus cucullatus</i>	Hooded Oriole				
<i>Icterus parisorum</i>	Scott's Oriole				
<i>Icterus pustulatus</i>	Streak-backed Oriole				
<i>Ictinia mississippiensis</i>	Mississippi Kite		S		WSC
<i>Junco hyemalis</i>	Dark-eyed Junco				
<i>Lanius ludovicianus</i>	Loggerhead Shrike	SC			
<i>Megascops kennicottii</i>	Western Screech-owl				
<i>Melanerpes formicivorus</i>	Acorn Woodpecker				
<i>Melanerpes uropygialis</i>	Gila Woodpecker				
<i>Melospiza lincolni</i>	Lincoln's Sparrow				
<i>Melospiza melodia</i>	Song Sparrow				
<i>Melospiza aberti</i>	Abert's Towhee			S	
<i>Melospiza fusca</i>	Canyon Towhee				

49

**Attachment C**  
**Arizona Breeding Bird Atlas**  
**Species observed within 10 Miles of Red Horse Met Tower**

NAME	COMMON NAME	FWS	BLM	USFS	STATE
<i>Micrathene whitneyi</i>	Elf Owl				
<i>Mimus polyglottos</i>	Northern Mockingbird				
<i>Molothrus aeneus</i>	Bronzed Cowbird				
<i>Molothrus ater</i>	Brown-headed Cowbird				
<i>Myiarchus cinerascens</i>	Ash-throated Flycatcher				
<i>Myiarchus tuberculifer</i>	Dusky-capped Flycatcher				
<i>Myiarchus tyrannulus</i>	Brown-crested Flycatcher				
<i>Myioborus pictus</i>	Painted Redstart				
<i>Myiodynastes luteiventris</i>	Sulphur-bellied Flycatcher				
<i>Nycticorax nycticorax</i>	Black-crowned Night-heron				
<i>Oporornis tolmiei</i>	Macgillivray's Warbler				
<i>Oreoscoptes montanus</i>	Sage Thrasher				
<i>Oreothlypis celata</i>	Orange-crowned Warbler				
<i>Oreothlypis luciae</i>	Lucy's Warbler				
<i>Oreothlypis virginiae</i>	Virginia's Warbler				
<i>Parabuteo unicinctus</i>	Harris's Hawk				
<i>Passer domesticus</i>	House Sparrow				
<i>Passerculus sandwichensis</i>	Savannah Sparrow				
<i>Passerina amoena</i>	Lazuli Bunting				
<i>Passerina caerulea</i>	Blue Grosbeak				
<i>Patagioenas fasciata</i>	Band-tailed Pigeon				
<i>Petrochelidon pyrrhonota</i>	Cliff Swallow				
<i>Peucaea cassinii</i>	Cassin's Sparrow				
<i>Phainopepla nitens</i>	Phainopepla				
<i>Phalaenoptilus nuttallii</i>	Common Poorwill				
<i>Pheucticus melanocephalus</i>	Black-headed Grosbeak				
<i>Picoides arizonae</i>	Arizona Woodpecker				
<i>Picoides scalaris</i>	Ladder-backed Woodpecker				
<i>Pipilo chlorurus</i>	Green-tailed Towhee				
<i>Pipilo maculatus</i>	Spotted Towhee				
<i>Piranga flava</i>	Hepatic Tanager				
<i>Piranga ludoviciana</i>	Western Tanager				
<i>Piranga rubra</i>	Summer Tanager				
<i>Plegadis chihi</i>	White-faced Ibis	SC		S	
<i>Polioptila caerulea</i>	Blue-gray Gnatcatcher				
<i>Polioptila melanura</i>	Black-tailed Gnatcatcher				
<i>Pooecetes gramineus</i>	Vesper Sparrow				
<i>Porzana carolina</i>	Sora				
<i>Progne subis</i>	Purple Martin				
<i>Psaltriparus minimus</i>	Bushtit				
<i>Pyrocephalus rubinus</i>	Vermilion Flycatcher				
<i>Quiscalus mexicanus</i>	Great-tailed Grackle				
<i>Regulus calendula</i>	Ruby-crowned Kinglet				

50

**Attachment C**  
**Arizona Breeding Bird Atlas**  
**Species observed within 10 Miles of Red Horse Met Tower**

NAME	COMMON NAME	FWS	BLM	USFS	STATE
<i>Salpinctes obsoletus</i>	Rock Wren				
<i>Sayornis nigricans</i>	Black Phoebe				
<i>Sayornis saya</i>	Say's Phoebe				
<i>Selasphorus platycercus</i>	Broad-tailed Hummingbird				
<i>Selasphorus rufus</i>	Rufous Hummingbird				
<i>Sitta carolinensis</i>	White-breasted Nuthatch				
<i>Spinus pinus</i>	Pine Siskin				
<i>Spinus psaltria</i>	Lesser Goldfinch				
<i>Spizella atrogularis</i>	Black-chinned Sparrow				
<i>Spizella breweri</i>	Brewer's Sparrow				
<i>Spizella passerina</i>	Chipping Sparrow				
<i>Stelgidopteryx serripennis</i>	Northern Rough-winged Swallow				
<i>Strix occidentalis</i>	Spotted Owl				WSC
<i>Sturnella magna</i>	Eastern Meadowlark				
<i>Sturnus vulgaris</i>	European Starling				
<i>Tachycineta bicolor</i>	Tree Swallow				
<i>Tachycineta thalassina</i>	Violet-green Swallow				
<i>Thryomanes bewickii</i>	Bewick's Wren				
<i>Toxostoma bendirei</i>	Bendire's Thrasher				
<i>Toxostoma crissale</i>	Crissal Thrasher				
<i>Toxostoma curvirostre</i>	Curve-billed Thrasher				
<i>Tringa solitaria</i>	Solitary Sandpiper				
<i>Troglodytes aedon</i>	House Wren				
<i>Tyrannus verticalis</i>	Western Kingbird				
<i>Tyrannus vociferans</i>	Cassin's Kingbird				
<i>Tyto alba</i>	Barn Owl				
<i>Vireo bellii</i>	Bell's Vireo				
<i>Vireo gilvus</i>	Warbling Vireo				
<i>Vireo huttoni</i>	Hutton's Vireo				
<i>Vireo plumbeus</i>	Plumbeus Vireo				
<i>Vireo vicinior</i>	Gray Vireo				
<i>Wilsonia pusilla</i>	Wilson's Warbler				
<i>Zenaida asiatica</i>	White-winged Dove				
<i>Zenaida macroura</i>	Mourning Dove				
<i>Zonotrichia leucophrys</i>	White-crowned Sparrow				

57

**Attachment D**  
**SANDHILL CRANE COUNT TOTALS (1978 TO PRESENT)**

<u>January</u>	<u>Wilcox Playa area</u>	<u>Crane Lake</u>	<u>Whitewater Draw</u>	<u>Safford Valley/ Duncan</u>	<u>Bonita</u>	<u>Unspecified</u>	<u>Total</u>
1978						4,264	4,264
1979						5,706	5,706
1980						0	0
1981						0	0
1982	3,198	545	250		360		4,353
1983						0	0
1984						0	0
1985						0	0
1986						11,500	11,500
1987	4,201		294		985	5,967	11,447
1988						11,071	11,071
1989						6,671	6,671
1990						11,730	11,730
1991			4,131			7,855	11,986
1992	5,781		3,439		384	396	10,000
1993	1,874		545		47		2,466 *
1994	5,114	3,605	3,422	122	480		12,743
1995	8,534		4	49	618		9,205
1996	8,268		14,815	242	865		24,190
1997	3,794	727	7,124	67	795		12,507
1998	9,567		10,654	201	623		21,045
1999	4,634	1,763	17,275	79	850		24,601
2000	7,330	477	12,301	902	520		21,530
2001	19,450		711	20	950		21,131
2002	13,839	4,434	4,085	185	385		22,928
2003	6	6,542	14,029	163	650		21,390 **
2004	4,993	5,010	20,699	204	537		31,443
2005	5,629	15,423	7,697	not flown	459		29,208 ***
2006	4,852	4,235	20,936	200	347		30,570
2007	749	3,879	21,236	541	1,842		28,247
2008	5,272	8,078	22,367	415	576		36,708
2009	7,695	8,395	10,390	1,616	718		28,814
2010	1,162	4,347	33,533	1,112	345		40,499

\* Dense fog - poor visibility

\*\* Weather did not allow aerial flight in Duncan area, but 153 cranes were seen on the Gila River near Safford and a couple hundred north of Gila Bend and south of Buckeye on the Gila River.

\*\*\* Lots of water in playa area - probably other birds not counted (plus 254 cranes N. of Gila Bend)

52

**Exhibit E. Letters sent out for "Citizen Review."**



**T O R C H**  
RENEWABLE ENERGY, LLC

53

E



**T O R C H**  
RENEWABLE ENERGY, LLC

February 8, 2013

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

Dear Mr. and Mrs. Todd,

We are writing to send notification of our intention to build the Red Horse Wind 2 Farm adjacent to your property in Willcox, Arizona. Cochise County requires notification to all landowners within a 1-mile radius of a proposed wind energy development.

The Red Horse Wind 2 Project will include the construction and operation of a wind energy generation facility with a 50.4 MW nameplate capacity on Arizona State Trust Lands and Private Lands. The intent is to place one wind turbine on your property, and up to 27 wind turbines on Arizona State Trust Land dispersed throughout an estimated 3,850 acres of land. Each turbine will be 426 feet tall. If a wind turbine is not placed on your land, then up to 28 turbines will be placed on State Land. A proposed conceptual plan is attached to this letter of intent.

The Construction Phase will include: existing road repair and new gravel road construction; trenching for underground collection and fiber-optic lines to the 34.5 kV substation; excavation for turbine foundations; installation of up to 28 wind turbines on Arizona State Land and private land; an operating and maintenance facility; 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. Construction is expected to begin in December 2013.

The Operations Phase will include: generation of renewable wind energy, including on-site operation and periodic maintenance and repairs of the entire generating facility components, underground conduits, and overhead transmission facilities over and across the lands defined in the attachment. There will be 2 people operating the O&M facility at any given point in time.

1331 LAMAR, SUITE 1450  
HOUSTON, TX 77010-3039

54

If you have any questions please feel free to contact me at 713.753.1287. We look forward to discussing this project with you further while we are in town the week of February 11<sup>th</sup>.

Sincerely,

A handwritten signature in blue ink, appearing to read "Glenn Holliday", written over a horizontal line.

Glenn Holliday

February 19, 2013

Dale & Louise Henderson  
6396 N. Shilling Ranch Rd.  
Willcox, AZ 85643  
Parcel # 209-69-002

Dear Mr. and Mrs. Henderson,

We are writing to send notification of our intention to build the Red Horse Wind 2 Farm adjacent to your property in Willcox, Arizona. Cochise County requires notification to all landowners within a 1-mile radius of a proposed wind energy development.

The Red Horse Wind 2 Project will include the construction and operation of a wind energy generation facility with a 50.4 MW nameplate capacity on Arizona State Trust Lands and Private Lands. The intent is to place one wind turbine on your property, and up to 27 wind turbines on Arizona State Trust Land dispersed throughout an estimated 3,850 acres of land. Each turbine will be 426 feet tall. If a wind turbine is not placed on your land, then up to 28 turbines will be placed on State Land. A proposed conceptual plan is attached to this letter of intent.

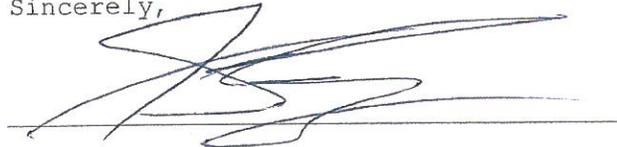
The Construction Phase will include: existing road repair and new gravel road construction; trenching for underground collection and fiber-optic lines to the 34.5 kV substation; excavation for turbine foundations; installation of up to 28 wind turbines on Arizona State Land and private land; an operating and maintenance facility; 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. Construction is expected to begin in December 2013.

The Operations Phase will include: generation of renewable wind energy, including on-site operation and periodic maintenance and repairs of the entire generating facility components, underground conduits, and overhead transmission facilities over and across the lands defined in the attachment. There will be 2 people operating the O&M facility at any given point in time.

54

If you have any questions please feel free to contact Glenn Holliday  
at 713.753.1287.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Rocky Ray', written over a horizontal line.

Mr. Rocky Ray



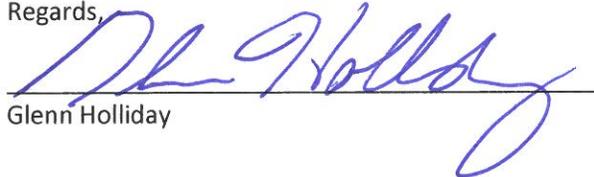
In addition, the Todd's have indicated that they are supportive of this project. TRE is in currently in negotiations with Todd's to come to a final agreement. Once this agreement is reached a copy of the agreement will be provided.

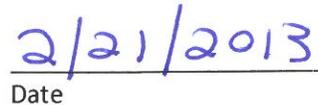
Two letters describing the project and the intent to proceed have been sent. The letters were sent to the Larry and JoAnne Revocable Trust and Dale & Louise Henderson. Copies of these letters are included in Exhibit F. There has been no response from the land owners.

Lastly, a contractor has not yet been selected. Once a contractor is selected proof of a commercial contractor licensed in the State of Arizona will be supplied.

As we have mentioned, we are on a tight development schedule and hope that the contents of this application are sufficient to be on the meeting agenda for April 10<sup>th</sup>, 2013. If there is any further information you need to assist with the processing of this application please let us know. A \$300.00 application fee is attached.

Regards,

  
Glenn Holliday

  
Date

# Special Use: Docket SU-13-04 (Red Horse 2; Torch Renewable Energy)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

COCHISE COUNTY

MAR 20 2013

PLANNING

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

The members of the family of the Wagonnet Ranch LLC wanted to be known some concerns about the proposed wind farm project submitted by the Red Horse 2 LLC. We do not wish to be in the way of progress but as trustees of the state land we wish to be good stewards of this land. Our state land lease is a great part of our ranching operation so our concerns is short and long term effects this project will have on the land. Also the scenic beauty of the Allan Flat will never be the same once these are put into place. We are a generation of working ranchers and we want to be able to continue this in the years to come.

PRINT NAME(S):

Larrie Todd, Lori Todd, + Larry Todd

SIGNATURE(S):

*Larrie Todd*  
*Lori Todd*      *Larry Todd*

YOUR TAX PARCEL NUMBER: 20969001 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, March 29, 2013 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Michael Turisk, Planning Manager  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

59



City of Willcox  
101 S. Railroad Ave  
Willcox, AZ 85643  
520-384-4271

**Date:** March 13, 2013

**Project:** 51 MW Wind Energy Power Plant Project

**Property Location:** Nine sections of land located 13 miles west of Willcox

To: Cochise County Planning and Zoning Commission,

Based on the information contained in the Cochise County Development Review Transmittal letter/Special Use Permit the City of Willcox recommends the Approval of this Special Use Permit for the construction of the 51 MW Wind Energy Power Plant Project located approximately twenty-one (21) miles West of Willcox AZ. This project will not only bring jobs for this project at the time of construction and during operational time, but will have further economic development possibilities in the near future.

Robert Irvin      3/26/13  
Robert Irvin      Date  
City of Willcox  
Major

March 20<sup>th</sup>, 2013

Cochise County Planning & Zoning  
1415 Melody Lane  
Building G  
Bisbee, Arizona 85603

Ron Brooks  
Benson City Councilman  
647 S. Huachuca Street  
Benson, Arizona 85602

Re: Torch Energy Wind & Solar Farm

Sirs;

I am writing to you in support of the proposed Solar / Wind Farm to be located between the City of Benson, Arizona and Wilcox, Arizona north of Interstate I-10. I have spoken with both Glenn Holliday – Land Management and Rocky Ray – Advisors with Torch Energy and have looked over their proposed plan to install 50 Megawatts of Wind Energy in that area.

I have been involved with Sales and Purchases of Electrical Energy for over 20 years in the Western United States, and I believe they have a very viable plan. Looking from the estetics side of things, the location is optimal for the type of electrical energy they plan to produce (Wind Energy) and is located far from any rural areas.

With New Mexico gearing up in a very heavy way for Wind and Solar generation, I believe as a State and County we should be capitalizing on our natural renewable resources going into this Century and work with these companies to bring clean renewable energy to our County.

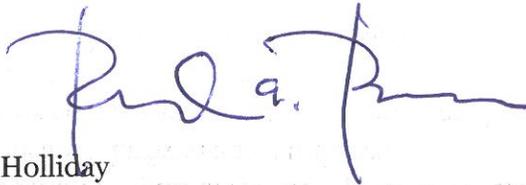
The initial stage would bring much needed good paying construction and technical jobs to the County and in the long term, technical jobs that we desperately need.

Most of my constituents agree, renewable is a great label for our County to have along with the much needed jobs.

I therefore endorse and submit to Cochise County Planning & Zoning we approve such a venture in our County and welcome their project.

Going forward we should welcome Wind & Solar projects throughout the County for increased revenues and jobs.

Ron Brooks



Cc: Mr. Glenn Holliday  
Torch Energy  
1331 Lamar, Suite 1450  
Houston, Texas 77010-3039

COCHISE COUNTY  
MAR 25 2013  
PLANNING

61



**Willcox Chamber**  
of Commerce & Agriculture

1500 N. Circle I Road  
Willcox, AZ 85643

Cochise County Planning and Zoning  
1415 Melody Lane, Building E  
Bisbee, Arizona 85603  
tel: 520.432.9240  
fax: 520.432.9278

Re: Torch Renewable Energy Red Horse Wind

Dear Cochise County P & Z;

The Willcox Regional Economic Development Alliance supports the Red Horse Wind 2 Wind Farm development proposed by Torch Renewable Energy LLC. This project will provide much needed economic development in the greater Willcox area. Torch Renewable Energy has already determined that its product will be sold to a market. The Red Horse Wind 2 Wind Farm development will be done in a way that is environmentally sound.

This wind farm has quite an economic impact not only for the immediate area but the State of Arizona as a whole. This project will create up to fifty direct jobs and many more indirect jobs during the construction phase. The completion of the project will then create four permanent jobs. An agreement with private land owners can generate revenue for them adding to the total economic impact on the greater Willcox area. Torch Renewable Energy has indicated that the majority of the wind farm is on Arizona State Land. The Arizona State Land Department shows that this is State Trust Land. The energy lease of the land will provide income to the beneficiaries which are schools, adding to the economy by supporting education in the State of Arizona. The Red Horse project will upon completion provide clean renewable electricity to Tucson Electric Power and help maintain energy costs for residents.

As mentioned before the Willcox Regional Economic Development Alliance supports Torch Renewable Energy's Red Horse Wind 2 Wind Farm project. Thank you for your consideration of this project that will benefit the area.

Sincerely,

Roland Knox, President

COCHISE COUNTY

MAR 22 2013

PLANNING

62

## Willcox Regional Economic Development Alliance

March 14, 2013

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

Dear Michael,

On behalf of the Willcox Regional Economic Development Alliance (WREDA), I would like to offer support to the Torch Renewable Energy for the Red Horse Wind 2 Wind Farm. WREDA believes that a large scale project of this nature will help our local economy and region in many ways by providing short-term jobs, bring money and services to our community, and offer long-term renewable energy to Arizona. WREDA is excited to provide support to Torch in any way that we can to help the project go as smoothly as possible.

Please do not hesitate to call me if there is anything that I can do for you.

Thank you.

Telly Stanger  
Chariman, WREDA

COCHISE COUNTY  
MAR 22 2013  
PLANNING

63

**Southeast Arizona Economic Development Group**  
**168 East 4th Street**  
**Benson, AZ 85602**  
[www.saedg.org](http://www.saedg.org)

03-26-13

Cochise County Planning & Zoning  
1415 Melody Lane, Bldg. E  
Bisbee, AZ 85603

Re: Torch Renewable Energy Red Horse Project

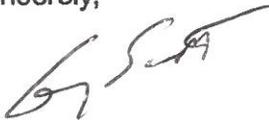
Dear Cochise County P & Z;

Southeast Arizona Economic Development Group would like to offer our support for the Red Horse Wind 2 Development proposed by Torch Renewable Energy LLC. This project will provide much needed economic development and employment to Northern Cochise County. Torch Energy has already determined that the energy produced by this project will be sold.

The economic impact of this project and to the region as a whole will be immediate and long term. The project will create approximately 50 direct jobs and many other indirect jobs during construction. With the completion of the project an additional four permanent jobs will be created. The private land owners along with the State of Arizona will benefit by the additional revenues from the land leases. The Red Horse project will when completed provide clean renewable electricity to Tucson Electric Power and help maintain energy cost for residents.

We once again want to offer support for the Red Horse Wind 2 Project. We ask that you support this opportunity to produce clean renewable energy in Cochise County. This development will benefit all of Cochise County

Sincerely,



George Scott  
Executive Director.



**DEPARTMENT OF THE ARMY**  
US ARMY INSTALLATION MANAGEMENT COMMAND  
HEADQUARTERS, UNITED STATES ARMY GARRISON, FT HUACHUCA  
2837 BOYD AVENUE  
FORT HUACHUCA, ARIZONA 85613-7001

March 29, 2013

Office of the Garrison Commander

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

Dear Mr. Turisk

This letter is in response to your e-mail dated February 27, 2013, subject: Proposed 28 Turbine Wind Energy Project in Northern Cochise Co. Thank you for the opportunity to comment on the proposed Torch Renewable Energy Red Horse 2 Wind Farm Special Use Permit (SUP) Application.

The application proposes to install 28 Wind Turbines with a total generating capacity of 51 MW on approximately 330 acres. The Wind Turbines will be up to 487 feet in total height with an additional blade diameter of 191.5 feet. Referencing the information and maps provided in the SUP Application, we have located the proposed site for this development within the Buffalo Soldier Electronic Test Range (see enclosure).

Based on the assessment of the location of this proposal within the Buffalo Soldier Electronic Test Range (BSETR), we have broken down potential areas of concern to our National Defense Missions as follows:

- a. Electromagnetic Interference (EMI) from the wind turbines themselves.
- b. EMI from the Collection Substation.
- c. EMI from the 2X34.5 KV Transmission Lines feeding into the Winchester Substation.
- d. Line-of-sight Signal Distortions from the Turbine Blades.

From review of the documentation provided in the SUP Application, we have assessed the potential impacts in each of these areas of concern. Our comments follow:

- a. EMI from the Wind Turbines – Based on studies and analysis performed by the Electronic Proving Ground of the current wind turbine on Ft. Huachuca and similar wind turbines as those proposed in this application observed at several locations in California, we do not believe there will be significant enough EMI generation from this proposal to significantly impact our testing missions in that area of the BSETR complex. As a follow on, we would like to have the opportunity to review and comment on the installation design for these turbines to ensure that proper grounding and other EMI minimizing considerations are incorporated.

A handwritten signature in the bottom right corner of the page.

- b. EMI from Collection Substation – There is not sufficient enough information in the SUP Application on the design and components in the collection substation to make a definitive assessment of potential EMI impacts. We feel that with proper design considerations this can be minimized but request further information from Torch Renewable Energy on their plans before making any final determination.
- c. EMI from the Transmission Lines – New 2x34.5 KV lines will be constructed from the proposed Wind Farm location down to the Tucson Electric Power (TEP) 345KV Transmission Line corridor and then into the Winchester Substation. Transmission lines can produce EMI as observed by a July 2012 study performed by the Electronic Proving Ground on 500KV lines like those being considered for the Sun Zia project. Based on that study, the only new impact from these lines will be the new corridor running from the Red Horse 2 Wind Farm down to the TEP corridor. There will be no additional EMI impacts in the BSETR once the two lines merge there. Based on the location along the eastern boundary of the BSETR, EPG does not anticipate significant impact to testing operations due to the addition of this new corridor.
- d. Line-of-Sight Signal Distortions – Signal distortions have been noted by EPG based on observations made and data collected on wind farms in California. Impacts are in narrow frequency bands and associated with the length of the blades on the turbines. On line-of-sight signals in that frequency range shot through the proposed Red Horse 2 Wind Farm, this could impact testing missions. However, based on the location of the proposed project along the eastern boundary of the BSETR, we feel that we can adjust testing missions in that part of the range complex to work around this potential impact. However, future expansions of wind farms in the BSETR may make this work around more difficult and could have impact on our ability to test in that part of the range.

Again, we appreciate the opportunity to work with your planning staff and Torch Renewable Energy on this project. We await the receipt of the information requested before providing final comments on this project.

The point of contact for this action is Mr. Jim North in the Plans, Analysis and Integration Office, e-mail [james.s.north.civ@mail.mil](mailto:james.s.north.civ@mail.mil) or telephone (520) 538-3135.

Sincerely,



THOMAS E. BORER  
Deputy Garrison Commander

Enclosure

**ATTACHMENT A**

**“REQUEST FOR RIGHT OF WAY”**

**APPLICANT: RED HORSE WIND 2, LLC**

**3. REQUEST FOR RIGHT OF WAY:** Applicant hereby makes Right of Way application under A.R.S § 37-461, for purpose of “Constructing and Operating a wind energy generation facility with 50.4 MW nameplate capacity. Use of ASLD Lands includes the Construction and Operation Phases of the facility.

The Construction Phase will include: new road construction; 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; 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 turbine model will be one of the following: Vestas V100, GE 1.6-100, Nordex N117, Siemens SWT 2.3, Repower MM92, or similar wind turbine model with pitch regulated, three bladed, horizontal-axis turbine employing blade pitch control to regulate rotor speed, yaw control to steer turbine direction, and asynchronous power electronic converter system.

The Operations Phase 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 Attachment B, in accordance with the law of the State of Arizona and the rules of the State Land Department.

**Exhibit C. State of Arizona Right-of-Way (ROW) Application.**



**T O R C H**  
RENEWABLE ENERGY, LLC

RETURN TO:

ARIZONA STATE LAND DEPARTMENT  
PUBLIC COUNTER  
1616 WEST ADAMS  
PHOENIX, ARIZONA 85007

SUBMIT NON-REFUNDABLE FILING FEE:

New/Renewal: \$500  
Amend: \$100

DEPARTMENTAL USE ONLY			ROLODEX # _____	
ACCOUNTING	T&C		RECOMMENDATION/INITIAL	DATE
Filing Fee:		Exam: _____	Approve _____	_____
New/Renewal: \$500		Exam #: _____	Deny _____	_____
Amend: \$100		Int Title: _____	Reject _____	_____
N(34) R(35) A(23)		App Entry: _____	Withdraw _____	300.00

APPLICATION FOR RIGHT OF WAY

Type or print in ink.

APPLICATION NO. \_\_\_\_\_ - \_\_\_\_\_

Complete **ALL** questions, **SIGN** and **SUBMIT** application with appropriate **NON-REFUNDABLE FILING FEE**.

1. APPLICANT:

Red Horse Wind 2, LLC

Name

300.00

Mailing Address

Houston

TX

77010

City

State

Zip

Glenn Holliday

713.753.1287

Contact Person

Phone No.

glenn.holliday@teai.com

Email Address for Contact Person

2. TYPE OF APPLICATION:

NEW

RENEW

AMEND

Reason for amendment:

Exhibit A

3. REQUEST FOR RIGHT OF WAY: Applicant hereby makes Right of Way application under A.R.S. § 37-461, for the purpose of See Attachment A over and across the lands hereinafter described for a term of 50

years, in accordance with the laws of the State of Arizona and the rules of the State Land Department.

4. LEGAL DESCRIPTION: (Complete below and attach metes and bounds legal description, maps, surveys & plans)

TWN.	RNG.	SEC.	LEGAL DESCRIPTION	ACRES	COUNTY
_____	_____	_____	See Attachment B	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

SLD USE ONLY		
CTY	GRT	PARCEL
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**5. CONSTRUCTION SCHEDULE:**

- a. If construction is required, when is the proposed construction anticipated to begin? Dec. 1, 2013
- b. Typical processing time for an application is 12-16 months. Does your construction schedule allow for this processing time?  No  Yes If no, please complete R/W Supplement "RW-CO" Conditional Right of Way Supplement.

**6. TYPE OF RIGHT OF WAY – REQUIRED SUPPLEMENTS:** (Complete supplement for each use marked)  
Required supplements are available at 1616 W. Adams or online at [www.land.state.az.us](http://www.land.state.az.us)

a. Municipal/Utility Rights of Way

- Public Roadway & Underground Utilities – (Complete supplement "RW-RU")
- Public Roadway – (Complete supplement "RW-R")
- Drainage Easement – (Complete supplement "RW-D")
- Service Road – (Complete supplement "RW-R")
- Underground Utility Easement – (Complete supplement "RW-U")
- Water Line, Reservoir or Lift Station – (Complete supplement "RW-U")
- Sewer Line or Lift Station – (Complete supplement "RW-U")
- Electrical Line or Substation – (Complete supplement "RW-U")
- Gas Line – (Complete supplement "RW-U")
- Temporary Construction Easement – (Complete supplement "RW-T")
- Other, Please specify \_\_\_\_\_

b. Telecommunications Rights of Way

- Communication Line – Distribution Line – (Complete supplement "RW-C")
- Communication Line – Single User – Transmission Corridor – (Complete supplement "RW-C")
- Communication Line – Multiple User – Transmission Corridor – (Complete supplement "RW-C")
- Service Road – (Complete supplement "RW-R")
- Temporary Construction Easement – (Complete supplement "RW-T")
- Other, Please specify \_\_\_\_\_

c. Private Individuals & Entities

- Non-Exclusive Access Road – (Complete supplement "RW-R")
- Haul Road – (Complete supplement "RW-R")
- Service Road – (Complete supplement "RW-R")
- Temporary Construction Easement – (Complete supplement "RW-T")
- Other, Please specify \_\_\_\_\_

Drainage will be mildly impacted. Exhibit D shows the a preliminary drainage analysis.

**7. BASIS FOR APPLICATION:**

a. Why are you applying for this right of way? (Mark all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Public Works Project                           | <input type="checkbox"/> Pending Sale                      |
| <input type="checkbox"/> Pending Private Development                    | <input type="checkbox"/> Loss of Alternative Access        |
| <input type="checkbox"/> Required by City, County, etc.                 | <input checked="" type="checkbox"/> Other, Please specify: |
| <input checked="" type="checkbox"/> Necessary to provide infrastructure | Construct, operate, and                                    |
| <input checked="" type="checkbox"/> Necessary to provide access         | maintain a wind farm.                                      |
| <input type="checkbox"/> Trespass/Encroachment                          | (see 6.c. above)   |

b. Does this right of way serve a specific property?

- No If no, complete R/W Supplement "RW-2" (Easement in Gross Supplement)
- Yes If yes, complete R/W Supplement "RW-1" (Dominant Estate Supplement)

c. Is the proposed right of way to be used in conjunction with any application for a state lease, permit or sale (commercial, mineral, etc.)?  No  Yes If yes, provide the application number: 14-107748

**8. EXISTING LESSEE – IMPROVEMENTS:**

a. Are there any improvements that would be disturbed if this application is approved (water tanks, wells, fences, building, etc.)?  No  Yes If yes, list below:

Range improvements will be relocated if disturbed.

b. If approved, will the construction and the maintenance of the right of way interfere with or intrude upon the existing lessee's rights under any existing lease?  No  Yes If yes, describe in detail:

Slight reduction in carrying capacity.

c. Have you contacted the Lessee to discuss this application?  No  Yes  N/A

**9. JURISDICTIONAL WASHES:**

a. Will the right of way cross any known washes, waterways, or other Waters of the U.S.?  No  Yes If yes, list the numbered washes or indicate "unnamed wash" below:

There are ephemeral washes within the project area. If there are impacts to these washes they will be temporary.

If any of these washes are deemed waters of the US, then a 404 permit from the Corps will be obtained.

**10. APPLICANT COMPLETE AND SIGN PAGE 4.**



# **RIGHTS-OF-WAY APPLICATION ADDENDUM**

## **NOTE: READ CAREFULLY**

1. Completed supplemental forms (available on ASLD website) and the Application Addendum signed and dated by a Right of Way Administrator, or Section Manager, or Division Director, must accompany any new application for a Right of Way or Right of Entry. If such forms do not accompany the application, or if the Application Addendum is not signed and dated, or if the application is not submitted within 90 days of the Preliminary Application Conference date, the application shall be rejected.
2. Preliminary Application Conferences shall be set up by an administrator of the Right of Way Section (602) 542-4098. The Conference may be with the proposed applicant or a party representing the applicant. Preliminary Application Conferences shall be by appointment, may be in person or by phone, and shall be scheduled for a minimum thirty (30) minute time period, unless an administrator personally arranges otherwise.
3. An appointment for a Preliminary Application Conference must be set up at least ten (10) working days in advance. The potential applicant must provide a completed Application Addendum and any supplemental forms for the specific use at the time the Preliminary Application Conference is scheduled. The completed Application Addendum and supplemental forms may be mailed, hand delivered, faxed or provided electronically. In addition to the Application Addendum, it is highly recommended that a surface ownership map showing the proposed alignment be provided by the applicant. If the Preliminary Application Conference is conducted by telephone, it is the responsibility of the potential applicant or representative to make sure the Application Addendum, supplemental forms and any maps are delivered to the administrator prior to the Preliminary Application Conference. The administrator shall not schedule the Preliminary Application Conference if the potential applicant fails to provide the completed Application Addendum prior to scheduling the Preliminary Application Conference.
4. Administrators will be assigned to Preliminary Application Conferences on a basis established by the Right of Way Section Manager.
5. When the Preliminary Application Conference is concluded, the administrator shall return the signed and dated Application Addendum to the potential applicant or his representative to submit with the application if one is filed, and retain a copy.

**ACCEPTANCE OF THE APPLICATION SUBSEQUENT TO COMPLETION OF THE ADDENDUM DOES NOT CONSTITUTE A FINAL DETERMINATION BY THE DEPARTMENT OF THE MERITS OF THE APPLICATION.**

**ARIZONA STATE LAND DEPARTMENT  
REAL ESTATE DIVISION  
ADDENDUM TO APPLICATION  
REQUIRED PRELIMINARY APPLICATION INFORMATION**

This completed form, signed and dated by the Real Estate Division, must accompany every New Right of Way or Right of Entry Application. The Department will not accept an application for a right of way or a right of entry without this form being completed.

**APPLICANT INFORMATION**

Applicant Name: Red Horse Wind 2, LLC  
Contact Name: Glenn Holliday  
Mailing Address: 1331 Lamar St. Ste 1450  
City: Houston  
State & Zip Code: Texas; 77010  
Phone: 713.753.1287 Fax: \_\_\_\_\_  
E-Mail: Glenn.Holliday@teai.com

**PARCEL INFORMATION**

Section/Township/Range: Attachment B  
Political Jurisdiction: Unincorporated Cochise County  
Existing Zoning: RU-4, Category D  
General Plan Designation: T13S/R22E and T13S/24E are Rural. The remainder is Agricultural.  
Existing Adjacent Land Uses: Ranch Land  
North: Ranch Land  
East: Ranch Land  
South: Ranch Land  
West: Ranch Land

Proposed Project Description, purpose and/or need for the requested right of way?  
See Attachment A and associated Conceptual Design Plan.

\_\_\_\_\_  
\_\_\_\_\_

What is your opinion of the value of the right-of-way you wish to acquire the rights to, per acre, and if appropriate, per square foot?

To be determined.

What are the funding mechanisms that will assist and or pay for this right of way? Are there constraints, stipulations or deadlines with the funding?

TRE will receive 100% of its funding for this right of way, and other early and mid stage development activities from TEAI. TEAI is well capitalized and has a successful 30 year track record, having acted as both a principal and investment manager for over US\$3.0 billion of energy transactions. Torch Renewable Energy (TRE) is a wholly owned subsidiary of a privately held energy project developer and manager, Torch Energy Advisors, Inc. (TEAI). This stage of funding will be free and clear of constraints, stipulations or deadlines.

Is access an improved dedicated public street?  Yes  No

Describe access and identify road names: Muleshoe Ranch Road will be used to access existing dirt roads throughout the site. Turbine access roads to be built to utilized for the installation and maintenance of the turbines.

Are there any drainage and/or flood plain constraints or requirements for the use or proposed project? If yes, what are the proposed plans to address them and how or will they impact the proposed use?

There are no drainage or floodplain constraints. Turbines and maintenance roads will be located to avoid impacts to drainage and floodplains.

Are there any waterways/washes in along or within the project area? If yes, what are the sizes and what constraints and/or issues may they generate?

There are ephemeral washes within the project area. If there are impacts to these washes they will be temporary. If any of these washes are deemed waters of the US, then a 404 permit from the Corps will be obtained.

Has the proposed use or proposed project been presented and/or vetted through the local, State or Federal jurisdiction? If yes, what was the jurisdiction's position? Please include any letter of support and/or stipulations imposed on the project.

The project is currently being discussed with Local, State, and Federal Entities. Letters of compliance and permits will be submitted as they become available.

Are there any pending projects associated with this use or proposed project? If yes, do they require other rights of ways or acquisitions to complete the project? Please explain.

No.

Are there any extraordinary issues affecting the use or proposed project that you are aware of, such as the existence of endangered species, cultural resources, topographic constraints, etc.?

None identified in a desktop analysis. We engaged a consultant to begin avian studies on December 7, 2012. A native plant survey and a cultural resource survey will be conducted within the next couple months.

What, local, State or Federal approvals, if any, are necessary for this use or proposed project? If a Certificate of Environmental Compatibility (CEC) by the Arizona Corporation Commission is required, when are you planning to file the application? If filed, please provide a copy of the application.

Cochise County Building permit; Determination of No Hazard from the FAA;  
Section 404 Permit for any wash crossing deemed jurisdictional by the Corps;  
Cochise County Special Use Permit; A CEC is not required

Why are you requesting that this parcel be encumbered with a right of way at this time? Please provide supporting data.

See Attachment A.

**For Real Estate Division Use Only**

Preliminary Application Conference Took Place with:

*Erick Ray*

Real Estate Division Signature:

*[Signature]*

*1/10/13*  
(Date)

*OK to accept KE 14 (W)*

**FORM (RW-CO)  
CONDITIONAL RIGHT OF WAY  
SUPPLEMENTAL INFORMATION REQUEST**

**APPLICANT  
NAME:**

**Red Horse Wind 2, LLC**

**APPLICATION NUMBER:**

**1. CONSTRUCTION DATES**

**PROPOSED  
CONSTRUCTION  
START DATE ON  
STATE TRUST  
LAND:**

December 1, 2013

**PLANNED  
CONSTRUCTION  
START DATE ON  
NON-STATE TRUST  
LAND:**

December 1, 2013

**PROPOSED  
DURATION OF  
CONSTRUCTION  
ON STATE TRUST  
LAND:**

10 months

**PLANNED  
DURATION OF  
CONSTRUCTION ON  
NON-STATE TRUST  
LAND:**

10 months

**HAS CONTRACT FOR CONSTRUCTION  
BEEN ISSUED?**

**Yes, to whom:**  
300.00

**No, is planned to be bid out on**  
November 1, 2013 (date)

**CAN THE CONSTRUCTION SCHEDULE ON  
STATE LAND BE DELAYED?**

**Yes, until** \_\_\_\_\_ (date)

**No, please explain why not** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IS IT POSSIBLE TO LIMIT THE INITIAL  
CONSTRUCTION AND SCOPE OF THE  
CONDITIONAL RIGHT OF WAY?**

**Yes, initial construction required to meet safety  
or scheduled timeframes is:**

Roads and foundations can begin in December 2013 and Turbine erection  
will be done once roads and foundations are complete.  
\_\_\_\_\_  
\_\_\_\_\_

**No**

**PLEASE STATE THE CONSEQUENCES OF  
NOT STARTING CONSTRUCTION AS  
PLANNED ON STATE LAND:**

Construct, operate, and  
maintain a wind farm.

(see 6.c. above)  
\_\_\_\_\_  
\_\_\_\_\_

**2. PRIOR RIGHTS OF WAY**

**HAVE YOU  
PREVIOUSLY  
APPLIED FOR RIGHTS  
OF WAY ON STATE  
TRUST LAND?**

**Yes**  
 **No**

**HAVE YOU  
APPLIED FOR A  
RIGHT OF ENTRY  
OR CONDITIONAL  
RIGHT OF WAY  
WITHIN THE PAST  
12 MONTHS?**

**Yes, how many** 300.00  
 **No**

# Red Horse Wind 2, LLC

## ARIZONA STATE LAND DEPARTMENT ENVIRONMENTAL DISCLOSURE QUESTIONNAIRE

**These two pages are part of the application - DO NOT DETACH.**

The purpose of this questionnaire is to give the Department an opportunity to detect proposed land uses that may have potential environmental impacts and risks, and to consider these impacts and risks in the processing of the application.

If you have questions regarding this questionnaire, please contact the State Land Department, Environmental Section at (602) 542-2119. Other Federal, State, County and local agencies may also need to be contacted regarding environmental regulations.

PLEASE INDICATE BELOW THE TYPE(S) OF POTENTIAL ENVIRONMENTAL IMPACTS FROM YOUR CURRENT OR PROPOSED USE:

YES	NO	WILL YOUR USE INVOLVE:	TYPE OF ENVIRONMENTAL IMPACT
	X	<b>WASTE TIRES</b> The collection of waste tires? If yes, explain: _____	
300.00	X	<b>LEAD ACID BATTERIES</b> The sale and disposal of lead acid batteries? If yes, explain: _____	
300.00	X	<b>DISCHARGE IMPACTING GROUNDWATER</b> Generating a discharge that may potentially impact groundwater? If yes, explain: <u>Exhibit A</u>	
	X	<b>PESTICIDES?</b> If yes, explain use: _____	
	X	<b>DRY WELLS?</b> If yes, ADEQ Registration #(s): _____	
		<b>POTABLE WATER (DRINKING WATER) SYSTEMS?</b> If yes, explain: _____	
		<b>WASTEWATER COLLECTION AND TREATMENT SYSTEMS</b> Wastewater collection and/or treatment? If yes, explain: _____ <u>system will be constructed to manage and treat waste water from the O&amp;M Facility.</u>	
	X	<b>AIR CONTAMINANTS/AIR POLLUTION CONTROL</b> Air contaminant emissions? If yes, explain: _____	
X		<b>SOLID WASTE - GENERAL</b> Solid waste generation, transportation, treatment, recycling, storage or disposal? If yes, explain: _____ <u>Solid Waste will be disposed per Cochise County Regulations.</u>	
	X	<b>SOLID WASTE - MEDICAL WASTE</b> Medical waste generation, transportation, treatment, recycling, storage or disposal? If yes, explain: _____	
X		<b>SOLID WASTE - SEWAGE SLUDGE/SEPTAGE</b> (Septic Tank Waste) Sewage sludge/septage generation, transportation, treatment, storage, use or disposal? If yes, explain: <u>Sewage Sludge will be disposed per Cochise County Regulations.</u>	
X		<b>USED OIL</b> Used oil generation, transportation, storage, recycling, use, disposal, marketing or burning? If yes, explain: <u>Turbine maintenance</u> <u>1331 Lamar Ave. Houston, TX 77010</u>	
	X	<b>RECYCLING ACTIVITIES?</b> If yes, explain: _____	
	X	<b>SPECIAL WASTE</b> Special waste (asbestos, motor vehicle shredding waste) generation, transportation, treatment, recycling, storage or disposal? If yes, explain: _____	
	X	<b>HAZARDOUS WASTE GENERATOR</b> Generating hazardous waste? If yes, explain: _____	
	X	<b>HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL?</b> If yes, explain: _____	

(OVER)

78

**COMMISSIONERS**  
GARY PIERCE - Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS



ERNEST G. JOHNSON  
Executive Director  
PATRICIA L. BARFIELD  
Director, Corporations Division

**ARIZONA CORPORATION COMMISSION**

October 1, 2012

C T CORPORATION SYSTEM  
2390 E. CAMELBACK ROAD  
PHOENIX, AZ 85016

RE: RED HORSE WIND 2, LLC  
File Number: L17920717

We are pleased to notify you that the Articles of Organization for the above-referenced entity **HAVE BEEN APPROVED.**

You must publish a Notice of the filing of your Articles of Organization or, alternatively, you may publish the Articles of Organization in their entirety. For your convenience, we have provided a Notice form that you can complete and submit to the newspaper of your choice. The publication must be in a newspaper of general circulation in the county of the known place of business in Arizona for three consecutive publications. Publication must be completed **WITHIN 60 DAYS** after October 1, 2012, which is the date the document was approved for filing by the Commission. A list of acceptable newspapers is available on the Commission website, [www.azcc.gov/Divisions/Corporations](http://www.azcc.gov/Divisions/Corporations).

The limited liability company may be subject to administrative dissolution if it fails to publish. You will receive an Affidavit of Publication from the newspaper, and you may file it with the Commission.

We strongly recommend that you periodically monitor your company's record with the Commission, which can be viewed at [www.azcc.gov/Divisions/Corporations](http://www.azcc.gov/Divisions/Corporations). If you have questions or need further information, please contact us at (602) 542-3026 in Phoenix, or Toll Free (Arizona Residents only) at 1-800-345-5819.

LL:13  
REV. 01/2009

79

<u>YES</u>	<u>NO</u>	<u>WILL YOUR USE INVOLVE:</u>	<u>TYPE OF ENVIRONMENTAL IMPACT</u>
	X	<b>HAZARDOUS WASTE TRANSPORTATION?</b> If yes, explain: _____	
	X	<b>UNDERGROUND STORAGE TANK (UST)?</b> If yes, explain: _____	
X		<b>ABOVEGROUND STORAGE TANK (AST)?</b> If yes, explain: <u>A propane tank may be used to heat the O&amp;M facility.</u>	
	X	<b>HAZARDOUS SUBSTANCES?</b> If yes, explain: _____	
	X	<b>CURRENTLY UNCLASSIFIED WASTE</b> Will your use involve currently unclassified waste containing the following? (A.R.S. §49-854). If yes, check appropriate waste category:	
		<input type="checkbox"/> Polychlorinated biphenyls (PCBs) <input type="checkbox"/> Oil and gas exploration drilling muds <input type="checkbox"/> Petroleum contaminated soil <input type="checkbox"/> Incinerator ash <input type="checkbox"/> Categorical industrial pretreatment sludge <input type="checkbox"/> Commercial/industrial septage <input type="checkbox"/> Petroleum refining waste <input type="checkbox"/> Radioactive waste <input type="checkbox"/> Used Antifreeze <input type="checkbox"/> Slag and refractory material <input type="checkbox"/> Uranium ore tailings <input type="checkbox"/> Contaminated process equipment <input type="checkbox"/> Precious metals recycling <input type="checkbox"/> Industrial catalysts <input type="checkbox"/> Industrial Sludges <input type="checkbox"/> Aluminum dross <input type="checkbox"/> Industrial sands (excluding mining or mineral processing operation)	
		If checked, explain waste generation process: _____	
	X	<b>SUPERFUND SITES</b> Is the State Trust land located in a National Priority List (NPL, Federal Superfund) area or in a Water Quality Assurance Revolving Fund (WQARF, State Superfund) study area? If yes, NPor WQARF area name: _____	
X		<b>LAND DISTURBANCE</b> If land disturbance will occur, will it be on previously undisturbed land? If yes, explain: _____ <u>Turbines, Roads, O&amp;M Facility, and Substations will be built on undisturbed Lands. Impact will be kept to a minimum.</u>	
Construct		<b>WATER WELLS</b> Are there open and/or abandoned water wells on the property? If yes, submit a site diagram showing location(s) and use(s).	
maintain	X	<b>ADJACENT LAND USES</b> To the best of your knowledge, are adjacent lands subject to any of the above-referenced environmental impacts? If yes, explain: <u>No.</u>	
	X	<b>ON-SITE INSPECTION/ENVIRONMENTAL ASSESSMENT</b> To the best of your knowledge, has an on-site inspection and/or an environmental site assessment been performed at this location? If yes, explain: _____	
	X	<b>PREVIOUS ENVIRONMENTAL IMPACT</b> To the best of your knowledge, has any environmental impact been reported previously to ADEQ? If yes, explain: _____	

ADDITIONAL COMMENTS:

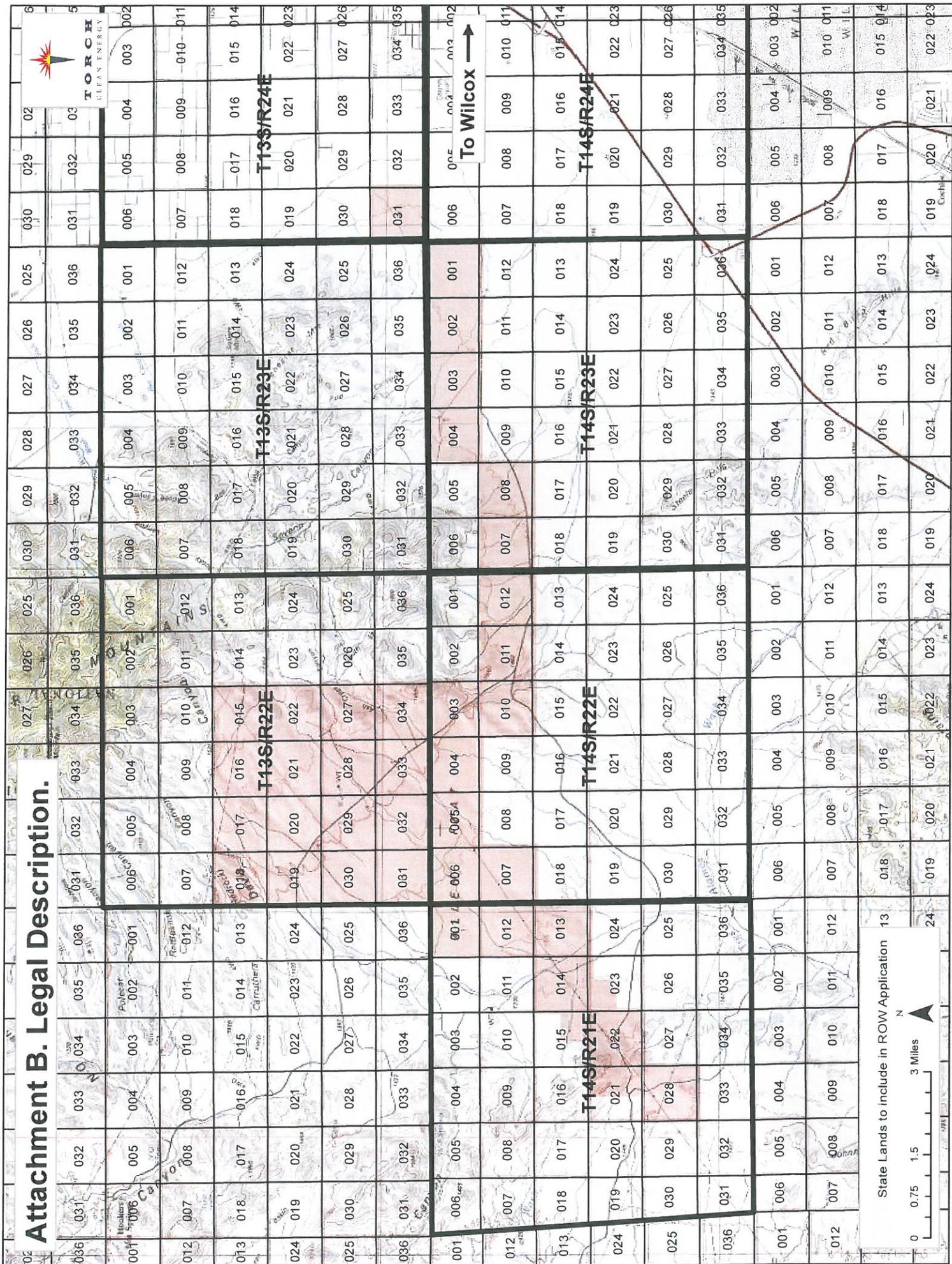
ATTACHMENT B  
 "LEGAL DESCRIPTION"  
 APPLICANT : RED HORSE WIND 2, LLC

TWN.	RNG.	SEC.	LEGAL DESCRIPTION	ACRES	COUNTY
13S	22E	15	Forthcoming	*	Cochise
13S	22E	16	Forthcoming	*	Cochise
13S	22E	17	Forthcoming	*	Cochise
13S	22E	18	Forthcoming	*	Cochise
13S	22E	19	Forthcoming	*	Cochise
13S	22E	20	Forthcoming	*	Cochise
13S	22E	21	Forthcoming	*	Cochise
13S	22E	22	Forthcoming	*	Cochise
13S	22E	27	Forthcoming	*	Cochise
13S	22E	28	Forthcoming	*	Cochise
13S	22E	29	Forthcoming	*	Cochise
13S	22E	30	Forthcoming	*	Cochise
13S	22E	31	Forthcoming	*	Cochise
13S	22E	32	Forthcoming	*	Cochise
13S	22E	33	Forthcoming	*	Cochise
13S	22E	34	Forthcoming	*	Cochise
14S	22E	4	Forthcoming	*	Cochise
14S	22E	5	Forthcoming	*	Cochise
14S	22E	6	Forthcoming	*	Cochise
14S	22E	7	Forthcoming	*	Cochise
14S	21E	1	Forthcoming	*	Cochise
14S	21E	12	Forthcoming	*	Cochise
14S	21E	13	Forthcoming	*	Cochise
14S	21E	14	Forthcoming	*	Cochise
14S	21E	15: SE4	Forthcoming	*	Cochise
14S	21E	22	Forthcoming	*	Cochise
14S	21E	21: E2	Forthcoming	*	Cochise
14S	21E	23: NW4	Forthcoming	*	Cochise
14S	21E	28	Forthcoming	*	Cochise
14S	22E	3	Forthcoming	*	Cochise
14S	22E	10	Forthcoming	*	Cochise
14S	22E	11	Forthcoming	*	Cochise
14S	22E	12	Forthcoming	*	Cochise
14S	23E	1	Forthcoming	*	Cochise
14S	23E	2	Forthcoming	*	Cochise
14S	23E	3	Forthcoming	*	Cochise
14S	23E	4	Forthcoming	*	Cochise
14S	23E	7	Forthcoming	*	Cochise
14S	23E	8	Forthcoming	*	Cochise
13S	24E	31	Forthcoming	*	Cochise

\*To be determined once turbine micro citing is final.

31

# Attachment B. Legal Description.



State Lands to include in ROW Application 13

0 0.75 1.5 3 Miles

N

24

## RIGHT OF WAY INSTRUCTIONS

(Please read all instructions carefully before filing an application.)

### ATTENTION

Prior to filing a **NEW** application for a Right of Way or Right of Entry, contact the Right of Way Section at (602) 542-4098 to schedule a pre-application conference with a Right of Way Administrator. **NOTE:** The attached Application Addendum must be completed and signed by the Land Department.

#### A RIGHT OF WAY CAN ONLY BE USED FOR THE PURPOSE FOR WHICH IT IS ISSUED

<u>TYPE OF R.O.W. EASEMENT</u>	<u>FEES APP</u>	<u>TERM</u>	<u>EXAMPLE OF USE</u>	<u>LEASE RENTAL</u>
Annual (KE-17)	\$500	10 years	Temporary use only; construction easement, haul road, etc.	Annual Payment
Short-Term (KE-18)	\$500	10 years	Non-exclusive access roads, service roads, utilities, power, communication, gas, water, sewer, etc.	Full payment in advance
Mid-Term (KE-14)	\$500	50 years	Major transmission lines: communication, 69 kV and above; electric lines, pipelines, etc., utility, facilities, etc.	50, 25 or 10 year advance payment
Perpetual* (KE-16)	\$500	Perpetual	Public roadways	Full payment in advance

\*(Rights of way exceeding 50 years will be offered at public auction. Advertising and administrative fees paid for by applicant.)

#### TYPES OF ACCESS/ROADWAYS:

- Public Roadway Easements acquired by federal, state, or local governmental agencies. The public roadway must be built to city/county/federal standards.
- Access Roads Limited use easement (10-year maximum) for non-exclusive individual use, to gain access to State Land under lease, Federal mining leases, communication sites, and private land landlocked within State Lands, where no other reasonable access is available.  
  
*NOTE: Federal mining claim leases should contact the Mineral Section of the State Land Department before filing for access at (602) 542-4628.*
- Haul Roads Non-exclusive acquired by mining, sand, gravel and timber operators. The roadway is used by heavy equipment, and is not a public access road. A damage and restoration bond and rehabilitation of the lands used for the haul road or damaged by the users of the haul road is required.
- Service Roads Easements acquired by a utility company for the purpose of installation, service, and repair of utility lines. This type of easement is not a public access road.

#### HOW TO APPLY FOR A RIGHT OF WAY

#### APPLICATIONS CAN NOT BE ACCEPTED WITHOUT THE FOLLOWING INFORMATION:

- Answer all questions on the right of way application and sign the certification page of the application.
- Attach all required Supplemental Forms. They are available at 1616 W. Adams or online at [www.land.state.az.us](http://www.land.state.az.us).
- Be specific about what you propose to construct.

83

4. State the purpose of the right of way.
5. **Preliminary description:** A U.S.G.S. seven and one half minute topographic quadrangle map or an aerial map showing the proposed right of way alignment, including the width and approximate length of right of way crossing State Trust Land. This map should include township, range and section lines/designations.
6. Include any additional information or material available that would aid in the Department's evaluation of the application.

**CLEARANCES REQUIRED:**

1. Archaeological - State Historical Preservation Office, Phoenix, AZ 85007 (602) 542-7142.
2. Native plants - Department of Agriculture, 1688 W. Adams, Phoenix, AZ 85007 (602) 542-4373.
3. Clearance/Permit may be required if there is impact to "Waters of the U.S."
4. Clearance may be required from various other State agencies, including the Department of Environmental Quality.

Initial contact for the clearances will be handled by the Land Department. All costs for clearances shall be borne by the applicant.

**ALIGNMENTS:**

A preliminary review of the Right of Way application is done to evaluate impact and suitability as to the acceptability of the proposed alignment. A field inspection may be required. Applicant will be notified of the acceptable alignment and, if applicable, survey requirements.

**APPRAISAL:**

The rental and purchase prices will be based on the appraised fair market value of the land as approved by the Department.

**RIGHT OF WAY FINAL DESCRIPTIONS & SURVEY DATA:**

1. The final description for an approved right of way alignment shall consist of a written description and map in accordance with the State Land Department's "Standards for Final Right of Way Descriptions," copies available from the State Land Department Right of Way Section.
2. If the description is irregular enough to require a survey, it must be certified by an Arizona Registered Land Surveyor.
  - Samples of survey requirements are available from the Right of Way Section or CADASTRAL and SURVEY REVIEW UNIT.
  - For information regarding the survey, contact the CADASTRAL and SURVEY REVIEW UNIT at (602) 542-2601, 542-2602 or 542-2603.

**POWER OF ATTORNEY:**

If you are acting as an Attorney in Fact for the applicant you must submit a copy of your notarized Power of Attorney and a \$50.00 additional fee.

**PROCESSING TIME:**

Approximate time for processing an accepted application is twelve (12) months to sixteen (16) months.

**For further information, contact:**

Right of Way Section  
Arizona State Land Department  
1616 West Adams  
Phoenix, Arizona 85007  
(602) 542-4098

34



AZ CORPORATION COMMISSION  
FILED

SEP 25 2012

FILE NO. L-17920717

DO NOT WRITE ABOVE THIS LINE, FOR ACC USE ONLY

ARTICLES OF ORGANIZATION

DO NOT PUBLISH THIS SECTION  
NOTE: A professional limited liability company is an LLC organized for the purpose of rendering one or more categories of licensed professional service. Professional service is defined as a service that may be lawfully rendered only by a person licensed in this state to render the service.

1. The LLC name must contain the words "limited liability company" or "limited company" or the abbreviations "L.L.C.", "L.C.", "LLC", or "LC". The Professional LLC name must contain the words "professional limited liability company" or the abbreviations "P.L.L.C.", "P.L.C.", "PLLC", or "PLC."

2. Must be an Arizona address. DO NOT LEAVE THIS SECTION BLANK

3. See Section 3 of the instructions above. A statutory agent is a person you appoint that would receive lawsuit papers if the LLC is sued. A street or physical address is required even if the statutory agent has a P.O. Box.

The agent must sign the articles or provide written consent to the appointment.

Select one. This form may be used for:

- ARIZONA LIMITED LIABILITY COMPANY (A.R.S. §29-632)
- ARIZONA PROFESSIONAL LIMITED LIABILITY COMPANY (A.R.S. §29-841.01)

1. The name of the organization:

A. \_\_\_\_\_  
 LLC Name Reservation File Number (if one has been obtained - if not, leave this line blank).

B. Red Horse Wind 2, LLC  
 Limited Liability Company Name

2. Known place of business in Arizona (if address is the same as the street address of the statutory agent, write "same as statutory agent". DO NOT LEAVE THIS SECTION BLANK):

Address "same as statutory agent" \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

3. The name and street address of the statutory agent in Arizona:

Name CT Corporation System

Address 2394 East Camelback Road

City Phoenix State Arizona Zip 85016

Acceptance of Appointment by Statutory Agent:

I CT Corporation System, having been designated to act as  
(print name of the Statutory Agent)  
Statutory Agent, hereby consent to act in that capacity until removed or resignation  
is submitted in accordance with the Arizona Revised Statute.

Agent Signature: Jayna Nickell  
Asst. Secretary  
CT Corporation System

If the statutory agent is an entity, please print the company name here.

75

**DO NOT PUBLISH THIS SECTION**

4. Only required for professional limited liability company. The professional services that the company is organized to perform must be described. Professional service is defined as a service that may be lawfully rendered only by a person licensed in this state to render the service.

5. Check only one box. If a dissolution date is stated, it should include the month, day and year. Perpetual means continuing forever or indefinitely.

6. Check A or B to show which management structure will be applicable to your company. Provide name, title and address for each person.

6A. If reserved to the members, check the Members box and provide the name and address of all members. NOTE: if reserved to the members you cannot list any manager.

6B. If vested in one or more managers check the Managers box and provide the name and address of each manager and of each member who owns a twenty percent (20%) or greater interest in the capital or profits of the LLC/PLLC.

7. Signature. The person signing this document need not be a manager or member of the company.

**4. Professional LLCs only -- Professional Services - the Professional Limited Liability Company will provide the following professional services:**

\_\_\_\_\_

**5. Life Period of the Limited Liability Company: check one:**

- The LLC will dissolve on \_\_\_/\_\_\_/\_\_\_ (Please enter month, day and four digit year)
- The Limited Liability Company life period is Perpetual.

**6. Management Structure: (check one box only) A.R.S. §29-832(5)**

**A.  RESERVED TO THE MEMBERS**  
IF RESERVED TO THE MEMBERS, DON'T CHECK ANY MANAGER BOXES.

**B.  VESTED IN ONE OR MORE MANAGERS**  
IF VESTED IN THE MANAGER(S), AT LEAST ONE NAME BELOW MUST HAVE THE MANAGER BOX CHECKED.

Name <u>Torch Renewable Energy, LLC</u>	Name _____
<input checked="" type="checkbox"/> Member <input type="checkbox"/> Manager (only if "B" is selected above)	<input type="checkbox"/> Member <input type="checkbox"/> Manager (only if "B" is selected above)
Address: <u>1331 Lamar Street, Suite 1450</u>	Address: _____
City, <u>Houston</u> State, <u>TX</u> Zip: <u>77010</u>	City, _____ State, _____ Zip: _____
Name _____	Name _____
<input type="checkbox"/> Member <input type="checkbox"/> Manager (only if "B" is selected above)	<input type="checkbox"/> Member <input type="checkbox"/> Manager (only if "B" is selected above)
Address: _____	Address: _____
City, _____ State, _____ Zip: _____	City, _____ State, _____ Zip: _____

IF YOU NEED MORE SPACE FOR LISTING MEMBERS / MANAGERS PLEASE ATTACH THE ADDITIONAL PAGE TO THE ARTICLES OF ORGANIZATION.

**7. SIGNATURE**

Signed on this date: 09/24/2012 (mm/dd/yyyy).

Signature: Traci J. Guthrie Print Name Traci J. Guthrie

Torch Renewable Energy, LLC

If signing on behalf of a company, please print the company name here.

Phone Number: (713) 753-1282

Fax Number: (713) 655-1711

36

**Exhibit D. Drainage.**



**T O R C H**  
RENEWABLE ENERGY, LLC

6 37

## Exhibit D. Drainage

The project site is located in a dry-arid region that receives an average of 17.84 inches of rain a year<sup>1</sup>. The annual rainfall hydrograph is shown below in Figure 1. As can be seen in this diagram, the precipitation pattern is dominated by summer monsoons.

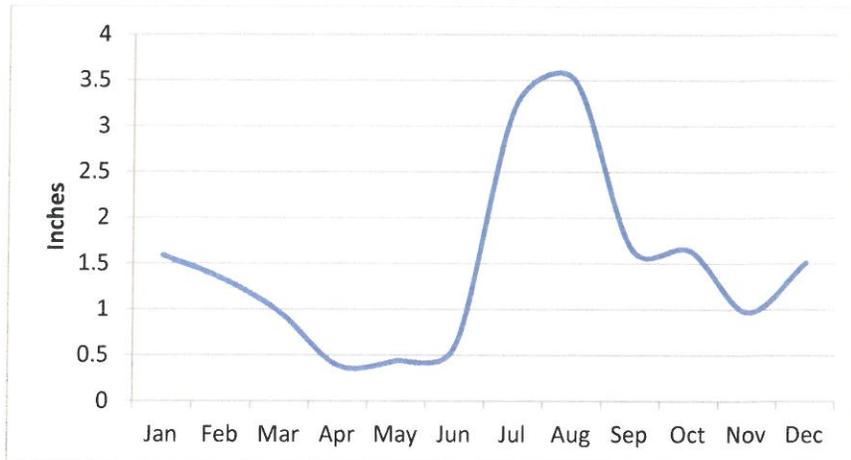


Figure 1. Annual rainfall hydrograph at lat/long: -110.101/32.293

The existing ephemeral washes were identified using a UGS quad map and field visits. The site has been visited numerous times over the last four months (September to February). There was no water observed in any of the identified washes during these visits. These ephemeral washes are identified in Figure 2. There is one ephemeral creek that runs south of the project, Ash Creek. Ash Creek will not be disturbed during construction or operation.

Turbines will not be placed within washes. Turbines rows are spaced at least 4,000 feet, and within each row, turbines are spaced a minimal distance of 1,000 feet. Due to spacing between turbines it is unlikely that surface flow patterns will have a significant impact on natural drainage flow patterns. Underground transmission lines will run between turbines and may cause temporary disturbance across washes during installation. Installation of underground transmission cables will occur before or after the annual monsoon season.

The final design has yet to be determined. All efforts will be made to avoid permanent impact to natural drainage flows.

<sup>1</sup>PRISM. NRCS in conjunction with PRISM. February 14, 2013. [http://prismmap.nacse.org/nn/index.phtml?lon=-110.605&lat=32.163&vartype=ppt&month=14&year0=1981\\_2010&year1=1981\\_2010&units=English&layer\\_status%5B%5D=copyright&layer\\_status%5B%5D=Graticule&layer\\_status%5B%5D=Cities&layer\\_status%5B%5D=Capitals&layer\\_status%5B%5D=Road&layer\\_status%5B%5D=States&layer\\_status%5B%5D=Counties&layer\\_status%5B%5D=Rivers&layer\\_status%5B%5D=Lakes&layer\\_status%5B%5D=World&layer\\_status%5B%5D=25m+Hillshade&layer\\_status%5B%5D=15s+Hillshade&layer\\_status%5B%5D=Hillshade&layer\\_status%5B%5D=DEM+%281+km%29&layer\\_status%5B%5D=DEM+%284+km%29&Pan\\_East.x=6&Pan\\_East.y=11&pr\\_month=01&pr\\_year=1997&ROSA\\_CMD=ZOOM\\_IN&size=small&PrevStateKey=1360867933-5622&NotFirstLoad=1&RosaMode=0&INPUT\\_TYPE=&INPUT\\_COORD=201%2C175&QueryString=&Prism=](http://prismmap.nacse.org/nn/index.phtml?lon=-110.605&lat=32.163&vartype=ppt&month=14&year0=1981_2010&year1=1981_2010&units=English&layer_status%5B%5D=copyright&layer_status%5B%5D=Graticule&layer_status%5B%5D=Cities&layer_status%5B%5D=Capitals&layer_status%5B%5D=Road&layer_status%5B%5D=States&layer_status%5B%5D=Counties&layer_status%5B%5D=Rivers&layer_status%5B%5D=Lakes&layer_status%5B%5D=World&layer_status%5B%5D=25m+Hillshade&layer_status%5B%5D=15s+Hillshade&layer_status%5B%5D=Hillshade&layer_status%5B%5D=DEM+%281+km%29&layer_status%5B%5D=DEM+%284+km%29&Pan_East.x=6&Pan_East.y=11&pr_month=01&pr_year=1997&ROSA_CMD=ZOOM_IN&size=small&PrevStateKey=1360867933-5622&NotFirstLoad=1&RosaMode=0&INPUT_TYPE=&INPUT_COORD=201%2C175&QueryString=&Prism=)

JB

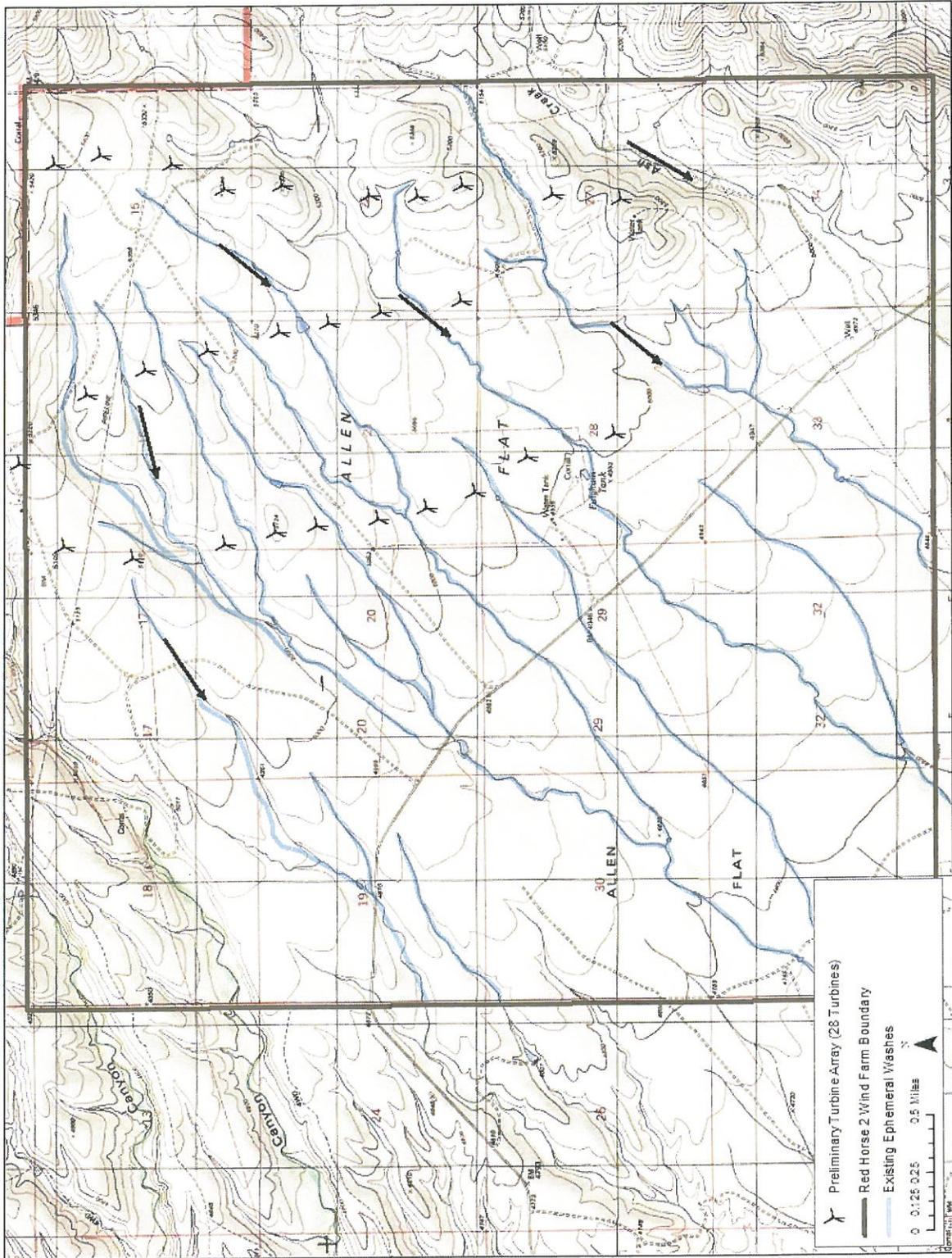


Figure 2. Existing Ephemeral Drainages.



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

## MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Peter Gardner, Planner I *PM*  
 For: Beverly J. Wilson, Deputy Director, Planning Division *bw*  
**SUBJECT:** Docket SU-09-22A (Sustainability Development; Infinity Farms)  
**DATE:** March 28, 2013, for the April 10, 2013 Meeting

### APPLICATION FOR A SPECIAL USE

Staff requests revocation of a Special Use Authorization (Docket SU-09-22) approved by the Commission in December 2009 for the construction of a 200-megawatt (MW) Solar Energy Power Plant near Kansas Settlement, located approximately four miles east of Kansas Settlement Rd. Condition 5 of Approval required the developer to make substantial construction progress on Phase I of the project within three years from the date of approval. Due to the lack of progress, staff is requesting that the Authorization be revoked. The five contiguous subject properties (Parcels 305-43-004D; 009B; 010; 012A; 012B) are zoned RU-4 (Rural; minimum lot size 4 acres ) and may be accessed via E. Baker Rd. and E. Kimzey Rd.

### I. DESCRIPTION OF SUBJECT PARCELS AND SURROUNDING LAND USES

Parcel Size: 1,590-acres in total  
 Zoning: Rural (RU-4; minimum lot size 4 acres)  
 Growth Area: Category D (Rural)  
 Comprehensive Plan Designation: Rural  
 Area Plan: None  
 Existing Uses: Mix of fallow and active agricultural

### Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Agricultural
South	RU-4	Agricultural
East	RU-4	Agricultural
West	RU-4	Agricultural

### II. PARCEL HISTORY

Other than the Special Use Authorization in question there is no record of any permit, violation, or any other activity for these parcels.

*90*



*Fig. 1. Example of terrain surrounding the site*

### **III. NATURE OF REQUEST**

In 2009 the Commission voted to conditionally approve Docket SU-09-22 to construct a Solar Energy Power Plant on the subject parcels. One of the Conditions of Approval required the Applicant to make substantial construction progress on Phase I within three years from approval. As more than three years have passed with no progress, Staff is requesting revocation of the Special Use Authorization.

### **IV. ANALYSIS OF IMPACTS**

Since 2009 when the Special Use authorization was granted, no permits have been applied for and no construction has begun. In addition, the parcels have transferred ownership in the intervening time. The parcels have been foreclosed upon by the lender and subsequently purchased by the current owner. Due to the nature of the transfer the current owner was unaware of the Special Use Authorization prior to receiving notice of the revocation intent from staff.

The owner's representative verbally indicated to staff that that there was no intention of utilizing this entitlement. There would be no impacts upon the current ag-related uses on the subject parcels, nor to surrounding properties should the entitlement be revoked.

#### **V. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within one-mile of the subject property. Staff posted the property on March 26, 2013, and published a legal notice in the *Bisbee Observer* on March 14, 2013. To date, the Department has received inquiry correspondence from one neighboring property owner, but no letters of support or opposition.

#### **VI. SUMMARY AND CONCLUSION**

Because there has been no activity towards construction of a Solar Energy Power Plant on this site and the current owner is expressing no desire to do so in the future, Staff requests that the Planning and Zoning Commission revoke the Special Use authorization (SU-09-22).

#### **Factors in Favor of Revoking the Special Use Authorization**

1. The Conditions of Approval have not been fulfilled;
2. The current owner of the property has expressed intent to continue with the current agricultural uses of the property and not pursue the construction of a Solar Energy Power Plant on the site; and
3. The necessary infrastructure to support a Solar Energy Power Plant and distribute generated power from this site is not yet available.

#### **Factors Against Revoking the Special Use Authorization**

1. None Apparent.

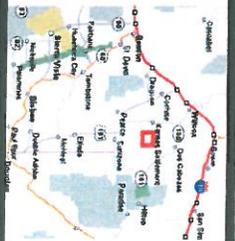
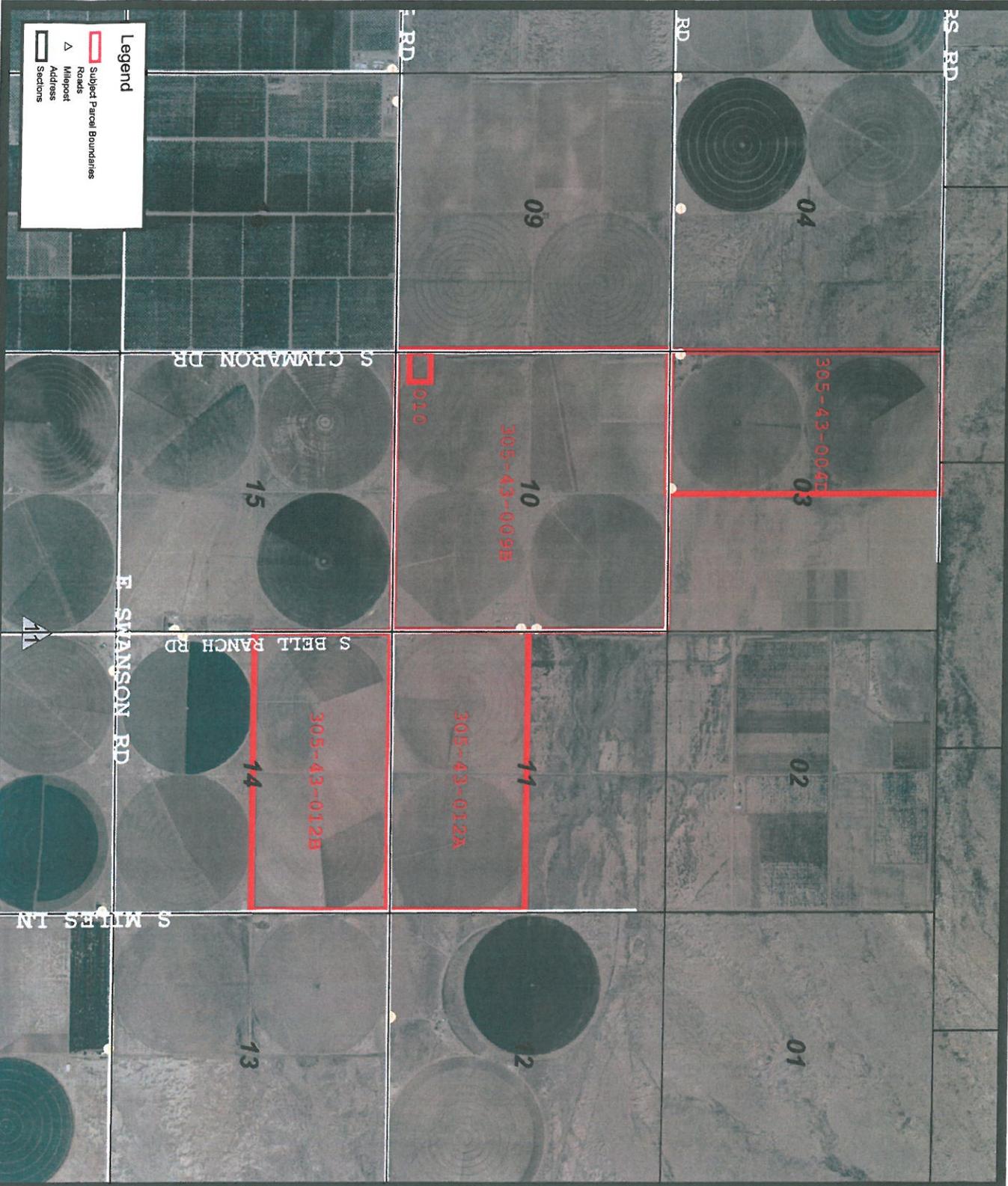
#### **VII. RECOMMENDATION**

Based on the Factors in Favor of Approval, Staff recommends **revocation** of the Special Use authorization granted in 2009 (SU-09-22).

Sample Motion: *Mr. Chair, I move to revoke Docket SU-09-22; the Factors in Favor of Approval constituting the Findings of Fact.*

#### **VIII. ATTACHMENTS**

A. Location Map



Proposed Solar Energy Power Plant  
 Kansas Settlement Area  
 1,587 acres  
 RU-4; Cat D

This map is a product of the  
 Cochise County GIS



93

## ARTICLE 19

### SIGNS

---

#### Contents of Article 19

Description	Section
<del>Procedures for Identifying Signage Options</del>	
<del>Sign Classification</del>	
Purpose	1901
Administrative Procedures and Requirements	1902
General Regulations	1903
Sign Structural Type	1904
Measurement of Signs	1905
Signs Permitted in All Zoning Districts	1906
Additional Permitted Signs by Zoning District	1907
Definitions and General Specifications	1908

#### PROCEDURE FOR IDENTIFYING SIGNAGE OPTIONS FOR A SITE:

- ~~1. Consult Section 1907 for SIGNS PERMITTED IN ALL DISTRICTS; if the desired sign is not listed there, go to Step 2.~~
- ~~2. Consult Section 1904 for the DEFINITIONS and SPECIFICATIONS applicable to the signs identified in #1 and #2 (identifies both permitted sign STRUCTURE AND PURPOSE).~~
- ~~3. Consult Section 1905 for GENERAL REGULATIONS which apply to all signs.~~
- ~~4. Consult Section 1906 on HOW TO MEASURE SIGNS.~~

~~The approach taken here is: (1) Identify those signs which are appropriate in all zoning districts with little or no variation in specifications and restrictions. (2) Those signs which require differing controls depending upon the character of the zoning district are addressed in Section 1908 (Additional Permitted Signs by Zoning District). This section contains regulations for signage of permitted non-residential uses and multiple-household dwellings. The zoning districts are grouped in four subsections: 1908.01 addresses the rural zoning districts; 1908.02 addresses those districts having a "neighborhood" character -SR, R, MR, and NB; 1908.03 addresses those districts having a general commercial or industrial character; and 1908.04 addresses the planned development districts.~~

~~The intent of this article is to reduce sign clutter by limiting the number of signs that can be erected on any parcel, encouraging the use of wall signs rather than free-standing signs, and controlling the height of~~

free-standing signs. Area bonuses are provided for sites utilizing fewer than the maximum number of signs.

Greater readability and effectiveness of signs are promoted through incentives for the use of identification signs, which are strictly limited as to permitted types of copy, rather than on-site advertising signs, which tend to be more cluttered and, therefore, more difficult to read from abutting roadways.

Off-site advertising signs, especially those of 300 square feet or more (billboards) are more strictly controlled in this revision. Because on-site identification and advertising signs serve both to enhance the principal use of property and to provide a public service, while off-site advertising signs do neither, it is desirable to reduce the competition which off-site advertising signs present to accessory signs.

### **1901 Purpose**

1901.01 Signs are herein regulated in the interest of promoting traffic safety, safeguarding public health and comfort, facilitating police and fire protection, protecting scenic views and dark night skies, and preventing adverse impact upon community appearance.

Formatted: Underline

1901.02 These Zoning Regulations are designed to prevent the over-concentration, improper placement, and excessive height, bulk, and area of signs in order to: promote an optimum level of signage consistent with the needs and characters of different areas; to permit legible and effective signage of individual sites for the convenience of the public and in the interest of the full enjoyment of property rights, and to prevent the obstruction by sign clutter of traffic visibility, traffic signs and signals, neighboring uses and signs, and scenic views. In addition, these Regulations are designed to enhance community appearance by offering incentives for screening of structural supports of signs, and for the reduction of clutter.

Formatted: No underline

### **1902 Sign Classification**

The following classifications, which are defined in Section 1904, are used in these Regulations to describe the functional purpose of permitted signs:

#### 1902.01 Accessory Signs, Permanent

1. Bulletin Board
2. Home Occupation Sign
3. Identification Sign
4. Name Plate Sign
5. On-Site Advertising Sign
6. Subdivision or Mobile Home Park Name Sign
7. Traffic Control Sign, Private

#### 1902.02 Accessory Signs, Temporary

1. Developer's Sign
2. On-Site Special Event Sign
3. Real Estate Sign
4. Subdivision Development Sign

#### 1902.03 Non-Accessory Signs, Permanent

- 1- Directional Sign
- 2- Off-Site Advertising Sign (including billboards)
- 3- Memorial Sign

1902.04 Non-Accessory Signs, Temporary

- 1- Contractor's Sign
- 2- Political Sign
- 3- Off-Site Special Event Sign

**1902 Administrative Procedures and Requirements**

1902.01 Sign Permits Required

It shall be unlawful for any person, firm or corporation to erect, alter, or relocate within the unincorporated area of Cochise County any sign as defined herein without first obtaining a sign permit in compliance with Article 17 from the County Zoning Inspector, except that:

A. Minor repairs, maintenance or painting of signs, or changes in copy which alter neither the structural characteristics nor the sign classification ~~as listed in Section 1902~~ shall not require a permit.

B. Provided all other provisions of these Zoning Regulations are met, sign permits shall not be required for the following signs:

- 1. Name Plate Signs.
- 2. Home Occupation Signs.
- 3. Traffic Control Signs (Private).
- 4. Real Estate Signs.
- 5. Political Signs.
- 6. ~~Temporary~~ Window Graphics (Temporary).
- 7. Contractor's' Signs.
- 8. Developer's' Signs.
- 9. Subdivision Development Signs.
- 10. ~~Temporary~~ On-Site and Off-Site Special Event Signs (Temporary).
- 11. Non-illuminated wall signs to a maximum of 50-square feet.

1909.02 Application for Permit

Applications for sign permits shall be filed with the Zoning Inspector and shall include:

A. ~~Two site plans indicating the following:-~~

- ~~1. All parcel boundaries with accurate dimensions;~~
- ~~2. Location and name of all adjacent streets and rights-of-way; and~~
- ~~3. Position of sign in relation to all parcel boundaries, nearby buildings and structures, and existing signs.~~

B. ~~Two copies of construction plans (if sign will be established within the Building Safety Code area)~~

C. ~~Plans showing method of attachment to the ground or structure, location and type of any illumination.~~

D. ~~Name of person or firm erecting the sign.~~

96

~~E. Type of sign and/or copy to be placed on sign.~~

~~F. Type(s) and size(s) of existing sign(s) on the property.~~

~~G. Fees in accordance with the adopted Planning & Zoning Fee Schedule.~~

#### 1909.03 Issuance of Permit

~~The Zoning Inspector shall complete an examination of the sign permit application upon submittal of the required fee and a complete application in conformance with all provisions of Paragraph B above. Provided the Zoning Inspector finds that the proposed sign complies with all provisions of these Zoning Regulations and with all other ordinances of Cochise County, he shall issue a sign permit promptly upon completion of that examination.~~

#### 1909.04 Expiration of Permit

~~Any sign permit shall become null and void if the improvement for which issued has not substantially begun within 12 months after issuance of that permit per Section 1709 of these Regulations.~~

#### 1902.02 Removal of Certain Signs

A. Any sign, including all supports, braces, guys, and anchors, existing on or after the effective date of these Zoning Regulations which no longer ~~advertises a bona fide business conducted, a product sold, or services rendered~~ serves the purpose for which it was erected, shall be removed by the owner, agent, or person having the beneficial use of the property or building on which said sign is located, within 10 days after written notification from the County Zoning Inspector. Upon failure to comply with such notice within the time specified, the County Zoning Inspector is hereby authorized to cause removal of such sign at the expense of the owner of the building or property on which such sign is located.

B. Whenever any sign is deemed by the County Zoning Inspector to be a public safety hazard due to a failure in the supporting structure or a failure to properly secure such sign to the site and against movement, he shall provide written notification to the property owner that the sign is deemed to be in an unsafe condition, and must be removed, repaired, or secured in conformance with these Zoning Regulations within 48 hours following receipt of written notification. When such hazardous conditions present an immediate danger to adjoining properties or public rights-of-way, the County Zoning Inspector shall cause the immediate removal or securing of the sign at the expense of the owner of the building or property on which such sign is located.

C. The County Zoning Inspector is hereby authorized to cause the immediate removal of any temporary sign not in conformance with all provisions of these Zoning Regulations.

#### 1902.03 Liability

The granting of a sign permit shall not be deemed to be a permit for or approval of any violation of these Zoning Regulations. The provisions of these Zoning Regulations shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm or corporation, his or its agents, employers or workmen, in the construction, maintenance, repair, or removal of any sign erected in accordance with a permit issued hereunder. Nor shall issuance of such permit impose upon Cochise County or its officers or employees, any responsibility or liability by reasons of the approval of any signs, material or devices under the provisions of these Zoning Regulations.

#### 1903 General Regulations

The following regulations regarding signs shall pertain to all ~~z~~Zoning ~~d~~Districts:

1903.01 No sign shall be supported, in whole or in part, from within any street, alley or other public rights-of-way; nor shall any part of any sign project over any part of a street, alley, or other public right-of-way.

1903.02 No sign over 3-feet in height shall be erected within the sight triangles described in Article 18, Section 1807-06.

1903.03 No ~~free-standing~~ Ground sSign shall be located closer than 10-feet to a public right-of-way.

1903.04 All illuminated signs shall conform with the provisions of the Cochise County Light Pollution Code, and shall be so placed as to prevent glare or reflection from being cast on any adjoining residential district, or any beam or ray of light from being directed at into the sky and at any portion of a public street, alley, or other right-of-way.

1903.05 Illumination of signs shall not be flashing, intermittent, rotating, or animated, nor constitute a nuisance in any manner. ~~However, electronic time and temperature signs and change panels with non-moving messages may be included as a part of permitted o~~On s~~Site~~ Permanent advertising sSigns.

1903.06 No sign shall have moving or swinging parts, except that:

A. The rotation of barber poles, permissible changing signs and/or multi-prism signs is permitted, provided that rotations shall not exceed 6-revolutions per minute; and

B. Banners, pennants, or devices set in motion by the wind may be permitted as temporary signs for grand openings, open houses, and model home demonstrations for a period not to exceed 30-days.

1903.07 No sign shall be erected or maintained at any location where, by reason of its position, shape, color, illumination or supporting structure, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or with any device mounted on a police or fire protection vehicle; or which makes use of the words, "STOP," "LOOK," "DANGER," or any other word or phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.

1903.08 No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window or fire escape, nor shall any sign be attached to a standpipe or fire escape.

1903.09 No sign shall be located less than 6-feet horizontally or 12-feet vertically from overhead electrical conductors which are energized in excess of 440-volts; "overhead conductors" shall refer to any electrical conductor, either bare or insulated, installed above the ground, except such conductors that are enclosed in rigid iron conduit or other material covering of at least equal strength.

1903.10 No sign, other than hazard warnings or identification placed by the utility itself, shall be attached to any utility pole.

1903.11 No sign shall be attached to any traffic control structure except as erected by the responsible governmental entity.

1903.12 The regulations of this ~~a~~Article shall not apply to memorial plaques and building cornerstones of metal, stone, or other incombustible material when built into or permanently affixed to the walls of a building or structure and made an integral part of that structure, provided that such plaques and cornerstones shall not exceed 12-square feet in area and shall contain only

commemorative information identifying the structure to which it is attached by name, logo, or original purpose; the date of construction and the name of the builder, owner, or architect; or reading matter commemorating a person or event. It shall not be used to identify or advertise goods or services available on the premises.

1903.13 Other sign regulations notwithstanding, the provisions of this ~~a~~Article shall not be construed to prohibit or restrict the erection and maintenance of traffic control, directional or informational signs by governmental and public utility officials.

1903.14 Other sign regulations notwithstanding, the provisions of this article shall not be construed to prohibit the erection and lighting of holiday displays, provided that such displays do not interfere with the safe operation of traffic control signals and signs.

1903.15 Permanent ~~g~~Ground ~~s~~Signs shall not be located nearer than 50 feet to other ~~p~~Permanent ~~g~~Ground ~~s~~Signs.

1903.16 No person shall park on any public right-of-way, public property, or on private property so as to be visible from a public right-of-way, any vehicle or trailer which has attached thereto or located thereon any sign or advertising device for the purpose of providing advertisement of products or directing the public to a business or activity. This shall not apply to signage painted directly upon or attached flat against a surface of any operational vehicle regularly used in the conduct of a permitted business or activity.

1903.17 No parcel shall be split so as to reduce street frontage below the minimum required to allow for the square footage and/or number of signs already existing on the site.

1903.18 The use of progressive signs on a site or sites shall not be permitted unless each sign meets all sign requirements set forth in this ~~a~~Article.

1903.19 No sign, other than the manufacturer's name and logo, shall be attached to any Wind Energy System or Anemometer as defined in Article 2.

#### **1904 Sign Structure**

The following structural types of signs, which are defined in Section ~~1908~~~~1904~~ herein, are permitted, subject to the requirements and restrictions of these Zoning Regulations:

1904.01 Wall Sign (including ~~f~~ascia ~~s~~Signs)

1904.02 Projecting Sign

1904.03 Roof Sign

1904.04 Ground (or Free-Standing) Sign

1904.05 Window Graphic

#### **1905 Measurement of Signs**

1905.01 The area of signs composed of individual fabricated or painted letters, numbers, symbols, or pictures, mounted directly on a building facade without painted or other background shall be computed

as: the area within a single continuous perimeter which encloses the entire area devoted to the sign message, including all letters, numerals, figures, emblems, pictures, outlines, and symbols.

1905.02 A spherical, double-faced or multi-faced sign shall be counted as one sign, and its measured area shall be the maximum surface which is visible from any single viewing position on or above the ground.

1905.03 For all other types of signs, the area shall include the entire area within a single continuous perimeter enclosing the extreme limits of the sign; provided, however, that such perimeter shall not enclose any structural elements not forming an integral part of the display.

### **1906 Signs Permitted in All Zoning Districts**

The following signs are permitted in all zZoning dDistricts, subject to the Definitions and Specifications contained in Section 1908 and the General Regulations contained in Section 1903 of these Zoning Regulations:

#### 1906.01 Permanent Signs

- A. One NAME PLATE or one HOME OCCUPATION SIGN per dwelling unit, no permit required.
- B. SUBDIVISION OR MOBILE HOME PARK NAME SIGNS.
- C. DIRECTIONAL SIGNS.
- D. TRAFFIC CONTROL SIGNS (PRIVATE), no permit required. ~~(permitted non-residential uses and multiple household dwellings only).~~
- E. MEMORIAL SIGNS.
- F. BULLETIN BOARD SIGNS.
- ~~G. ACCESSORY SIGNS as approved in conjunction with a Special Use Permit.~~

#### 1906.02 Temporary Signs

- A. CONTRACTOR'S SIGNS, no permit required.
- B. DEVELOPER'S SIGNS, no permit required. ~~(permitted non-residential uses and multiple household dwellings only).~~
- C. POLITICAL SIGNS, no permit required.
- D. REAL ESTATE SIGNS, no permit required.
- E. SUBDIVISION DEVELOPMENT SIGNS, no permit required.

### **1907 Additional Permitted Signs by Zoning District**

No sign shall be erected or maintained in any zZoning dDistrict except as herein specified, or as listed in Section 1906.

#### 1908.01 Permitted Signs, RU Districts

100

In addition to those signs listed in Section 1907, the following signs are permitted for non-residential uses in RU (Rural) zoning districts:

A. IDENTIFICATION AND ON-SITE ADVERTISING SIGNS, One per street frontage subject to the following:

1. Permitted Structural Type: Wall or Ground
2. Maximum Area: 32 square feet
3. Maximum Height of Ground Signs: 8 feet
4. Illumination: Permitted

B. OFF-SITE SPECIAL EVENT SIGNS, subject to the limitations of Section 1904.19

C. ON-SITE SPECIAL EVENT SIGNS, one per street frontage, subject to all other limitations of Section 1904.21.

D. OFF-SITE ADVERTISING SIGNS—Special Use permit required.

1907.01 Permitted Signs, SR, SM, R, MR, and NB Zoning Districts

In addition to those signs listed in Section 1906, the following signs are permitted for non-residential uses and multiple-household dwellings in SR, SM, R, MR, and NB zoning districts:

A. ON-SITE PERMANENT SIGN IDENTIFICATION SIGNS, One per street frontage.

1. Permitted Structural Type: Wall or Ground Sign
2. Illumination: Permitted
- 3.2. Maximum Height and Area of Ground Signs:

Street Classification	Maximum Area	Max. Maximum Height of Ground Signs
Local	.25-square foot per lineal foot of street frontage where the sign faces to a maximum of 32-square feet	6-feet
Collector	.5-square foot per lineal foot of street frontage where the sign faces to a maximum of 32-square feet	8-feet
Arterial	1-square foot per lineal foot of street frontage where the sign faces to a maximum of 64-square feet.	12-feet

10/

4.3. Maximum Area, Wall Signs: Same as maximum area of gGround sSigns above, Section 1907.01.A.2.

4. Illumination: Permitted

1907.02 Permitted Signs, RU, GB, LI, and HI Zoning Districts

In addition to those signs listed in Section 1906, the following signs are permitted in RU, GB, LI, and HI zoning districts, provided that the maximum aggregate area of all signs on a given site shall be 2-square feet per lineal foot of total street frontage, and further provided that individual signs conform to the following standards:

A. IDENTIFICATION SIGNS, ON-SITE PERMANENT ADVERTISING SIGNS, and OFF-SITE PERMANENT ADVERTISING SIGNS other than BILLBOARDS, as follows:

1. Permitted Structural Type:

a. (a) Ground or Projecting Signs: Each site is permitted at least one gGround or pProjecting sSign per street frontage, but not more than one per 300-lineal feet of street frontage.

b. (b) Wall Signs

c. (c) Roof Signs: A rRoof sSign may be used in place of, but not in addition to, a permitted gGround sSign.

Formatted: Indent: Left: 1.44", Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 2.5" + Indent at: 2.75"

Formatted: Indent: Left: 1.44", Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 2.5" + Indent at: 2.75"

Formatted: Indent: Left: 1.44", Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 2.5" + Indent at: 2.75"

2. Illumination: Permitted

3.2. Maximum Height and Area of Individual Ground Signs:

Street Classification	Maximum Area	Maximum Height
Local	.25-square foot per lineal foot of street frontage where the sign faces to a maximum of 32-square feet	6-feet above grade
Collector	.5-square foot per lineal foot of street frontage where the sign faces to a maximum of 64-square feet	18-feet above grade
Arterial	1-square foot per lineal foot of street frontage where the sign faces to a maximum of 80-square feet	24-feet above grade

4.3. Maximum Area of Wall Signs, Projecting Signs and Roof Signs: Same as Maximum area of gGround sSigns above.

4. ~~Illumination: Permitted~~

B. DIRECTORY SIGNS, One per street frontage for sites having multiple uses, such as shopping centers, office complexes, and industrial parks, provided that no other ~~g~~Ground ~~s~~Sign occupies the premises, and subject to the following limitations:

1. Permitted Structural Type: Ground Sign

2. ~~Maximum Area: 1 square foot per lineal foot of street frontage~~

3. ~~Maximum Height: 24 feet above grade~~

4. ~~Illumination: Permitted~~

2. ~~Illumination: Permitted~~

3. ~~Maximum Height and Area of Ground Signs:~~

Street Classification	Maximum Area	Maximum Height
Local	.25-square foot per lineal foot of street frontage where the sign faces to a maximum of 32-square feet	6-feet above grade
Collector	5-square foot per lineal foot of street frontage where the sign faces to a maximum of 64-square feet	18-feet above grade
Arterial	1-square foot per lineal foot of street frontage where the sign faces to a maximum of 80-square feet	24-feet above grade

C. BILLBOARDS; shall be permitted only if approved as ~~s~~Special ~~u~~Uses, in a ~~RU~~, GB, LI, or HI ~~z~~Zoning ~~e~~District, subject to all regulations included in Section 1908.01, and provided that a maximum aggregate sign area of 2-square feet per lineal foot of street frontage is not exceeded.

D. ON-SITE SPECIAL EVENT SIGNS; ~~no permit required.~~

E. OFF-SITE SPECIAL EVENT SIGNS; ~~no permit required.~~

1907.03 Permitted Signs, PD Zoning Districts

Signs shall be permitted in PD (Planned Development) ~~z~~Zoning ~~e~~Districts as follows:

A. Sign permit applications for PD ~~z~~Zoning ~~e~~Districts shall be submitted in accordance with the permit procedures listed in Section 1902.02 herein, and shall be reviewed by the County Zoning Inspector for compliance with the regulations applicable to similar uses in other

Zoning Districts. Such permits shall be granted upon a finding by the County Zoning Inspector that the proposed sign(s) is substantially in conformance with those regulations, and with the approved plans for the district.

B. The developer of a ~~p~~Planned ~~d~~Development may request a waiver of any sign regulation applicable under Subsection A above by including a written request for such waiver as a part of the ~~p~~Planned ~~d~~Development preliminary plan submittal (see Article 15-Section-1508). The written request for waiver shall be accompanied by:

1. All plans and information listed in compliance with Article 17, Section 1902.02 (A and B) herein;
2. A list of the provisions from which a waiver is requested, and reasons supporting the request.

### 1908 Definitions and General Specifications

#### ~~1908.01 Accessory Sign~~

~~A basic category of signs which direct attention to a business, profession, or activity conducted on the premises on which the sign is located, or to goods, products, or services available thereon.~~

#### 1908.01 Billboard Sign

A Billboard is a free-standing ~~o~~ff-site Permanent advertising sSign having an area of 300-square feet or more. A ~~b~~Billboard is considered a principal use. and Billboards shall maintain the following setbacks and separation requirements:

~~Sign Classification: Non-Accessory, Permanent~~ Zoning Districts ~~allowed: Special~~  
~~Use Permit required in RU, GB, LI, and HI by Special Use only~~  
~~Permitted~~ Structural Type: All  
Maximum ~~a~~Area: 600-square feet  
Maximum Height: 35-feet  
Illumination: Permitted

Maximum aggregate sign area of 2-square feet per lineal foot of street frontage.

Minimum Distance from other Billboards: 660-feet  
Minimum Distance from other free-standing Ground sSigns: 100-feet  
Minimum Distance from any structure: 100-feet  
Minimum Distance from any site boundary: 100-feet

Spacing distance shall be measured along the nearest edge of the right-of-way to a point directly opposite the sign.

#### 1908.02 Bulletin Board

A sign announcing activities of a permitted educational, governmental, or religious institution or recreation area, which is constructed to permit changes of copy; not including flashing, intermittent, or moving electronic message boards.

~~Sign Classification: Accessory, Permanent~~ Zoning Districts: All  
Structural Type: Wall or Ground Sign  
Maximum ~~a~~Area: 15-square feet  
Maximum Height: 6-feet  
Illumination: Permitted

1908.03 Contractor's Sign; no permit required

A temporary sign designating the names of persons or firms engaged in construction or repair on the premises. A Contractor's Sign shall be removed within 10 days after completion of work or upon expiration of building permit.

~~Sign Classification: Non-Accessory, Temporary~~  
Zoning Districts: All  
Structural Type: Wall or Ground Sign  
Maximum Area\*: RU, SR, SM, R, MR, NB, and PD Zoning Districts – 6-square feet.  
Maximum Height: RU, GB, LI and HI Zoning Districts – 15-square feet  
RU, SR, SM, R, MR, NB, and PD Zoning Districts – 4-feet.  
RU, GB, LI, and HI Zoning Districts – 12-feet.  
Illumination: None

\* When a combined Contractor's/Real Estate Sign is used, maximum area shall be the sum of the maximum areas for the two types of signs, but shall in no case exceed 65400-square feet.

1908.04 Developer's Sign; no permit required

A temporary sign designating the use which will occupy the premises at some future date. Permitted for non-residential uses and multiple-household dwellings only. Developer's Signs shall be removed within 10-days after opening of the use or upon expiration of the building permit.

~~Sign Classification: Accessory, Temporary~~  
Zoning Districts: All  
Structural Type: Wall or Ground Sign  
Maximum Area: RU, SR, SM, R, MR, and NB, PD-1 Zoning Districts - 15-square feet.  
RU, GB, PD-2, LI, and HI Zoning Districts - 50-square feet on a parcel with existing structures; 100-square feet on an undeveloped parcel  
Maximum Height: RU, SR, SM, R, MR, and NB, PD-1 Zoning Districts - 6-feet.  
RU, GB, PD-2, LI, and HI Zoning Districts - 12-feet  
Illumination: None

1908.05 Directional Sign

A non-accessory sign directing or informing the public as to the location of: publicly-owned facilities; historic or scenic points of interest; education, charitable or religious institutions; hospitals or sanitariums; time and temperature and major business districts. ~~No directional sign shall contain advertising or promotional copy, but may identify establishments located in a business district.~~  
Directional Signs shall be located on collector or arterial streets only.

~~Sign Classification: Non-Accessory, Permanent~~  
Zoning Districts: All  
Structural Type: Ground Sign  
Maximum Area: Residential & PD-1 Zoning Districts - 15-square feet.  
All other Zoning Districts - 32-square feet.  
Maximum Height: Residential Zoning Districts - 6-feet.  
All other Zoning Districts - 12-feet.  
Illumination: Permitted

Directional ~~s~~Signs shall not be located within 150 feet of any other permitted sign, and shall be located within 1/2 mile of the turn-off referenced.

1908.06 Directory Sign

Any ~~identification-s~~Sign listing all occupants of a parcel having multiple uses.

One per street frontage for sites having multiple uses, such as shopping centers, office complexes, and industrial parks, provided that no other ~~g~~Ground ~~s~~Sign occupies the premises, and subject to the following limitations:

<del>Sign Classification:</del>	<del>Accessory, Permanent</del>
Zoning Districts:	GB, LI, <del>and</del> HI
Structural Type:	Ground <del>Sign</del>
Maximum <del>a</del> Area:	1-square foot per lineal foot of street frontage
Maximum Height:	24-feet <del>above-grade</del>
Illumination:	Permitted

1908.07 Double-Faced ~~d~~ Sign

A sign having 2-copy areas, only one of which can be seen, either in whole or in part, from any given point on the ground.

1908.08 Fascia

A horizontal band covering the joint between the top of a wall and the projecting eaves.

1908.09 Ground (Free-Standing) Sign

A sign supported by uprights, braces, or similar structure which is placed directly in or affixed to the ground and not attached to any building. No permanent ~~g~~Ground ~~s~~Sign shall be located nearer than 50-feet to any other permanent ~~g~~Ground ~~s~~Sign, other than a ~~p~~Private ~~t~~Traffic ~~e~~Control ~~s~~Sign, or 10-feet to any public right-of-way.

1908.10 Home Occupation Sign; ~~no permit required~~

A sign identifying an approved ~~h~~Home ~~e~~Occupation on the premises.

<del>Sign Classification:</del>	<del>Accessory, Permanent</del>
Zoning Districts:	All except LI & HI
Structural Type:	Wall or Ground Sign
Maximum Area:	4-square feet
<del>Maximum Height:</del>	<del>5-feet</del>
Illumination:	None

1908.12 Identification Sign

~~A sign identifying a permitted principal use, but which bears no advertising or message other than the registered trademark, logo, name, year established, street number, phone number(s), hours of operation and kind of business or activity conducted on the premises, subject to individual zoning district specifications.~~

~~— Sign Classification: — Accessory, Permanent~~

<del>Zoning Districts:</del>	<del>All (Non-residential uses and multiple-household dwellings), (RU, SR, SM, R, MR, NB Zoning Districts one per street frontage)</del>
<del>Structural Type:</del>	<del>RU, SR, SM, R, MR and NB Zoning Districts – Wall or Ground</del>
<del>Maximum Area:</del>	<del>GB, LI, HI Zoning Districts – See Section 1908.02 RU Zoning District – 32 square feet SR, SM, R, MR, and NB Zoning Districts – See Section 1908.01</del>
<del>Maximum Height: (Ground Sign)</del>	<del>GB, LI, and HI Zoning Districts – See Section 1908.02 RU Zoning District – 8 Feet SR, SM, R, MR, and NB Zoning Districts – See Section 1908.01</del>
<del>Illumination:</del>	<del>GB, LI, and HI Zoning Districts – See Section 1908.02 Permitted</del>

**1908.11 Illumination**

For the purpose of these Zoning Regulations, illumination means a shielded light source, either located within, mounted upon, or directed at a sign for the purpose of making it visible at night. All sign illumination shall comply with the terms of the Cochise County Light Pollution Code, and shall not include any exposed light source.

**1908.12 Memorial Sign**

A sign or monument which commemorates a person or event. Memorial sSigns may be permitted in all zoning districts and are subject to the zoning district's site development standards for structures. They are also subject to approval of design and location by the County Zoning Inspector.

**1908.13 Multi-Prism Sign**

A sign made with a series of triangular vertical sections that turn and stop, or index, to show 3 pictures or messages in the same area, only one message being visible at any moment. Rotation shall not exceed 6 revolutions per minute.

**1908.14 Name Plate Sign: no permit required**

A sign identifying only the name and address of the occupant of the premises.

<b>Sign Classification:</b>	<b>Accessory, Permanent</b>
Zoning Districts:	All
Structural Type:	Wall or Ground Signs
Maximum <u>a</u> Area:	1-square foot
Maximum Height:	2.5-feet ( <b>Ground Sign</b> )
Illumination:	<b>None Permitted</b>

**~~1908.17 Non-Accessory Sign~~**

~~A basic category of signs which direct attention to a business, commodity, service, entertainment, or other activity or thing, not related to the premises on which the sign is located.~~

**1908.15 Off-Site Permanent Advertising Sign**

A sign which is not appurtenant to the use of the property where the sign is located, ~~in that it identifies goods, products, services, or activities not offered upon the property.~~

~~Sign Classification: Non-Accessory, Permanent~~  
 Zoning Districts: RU (~~Special Use Permit~~), GB, LI, and HI  
 Structural Type: GB, LI, and HI Zoning Districts—See Section 1907.02  
 Maximum Area: GB, LI, and HI Zoning Districts—See Section 1907.02  
 Maximum Height: GB, LI, and HI Zoning Districts—See Section 1907.02  
 Illumination: Permitted

1908.16 Off-Site Special Event Sign; no permit required

A temporary sign announcing special events (e.g. rodeos, fairs, grand openings, etc.), ~~other than sales of merchandise~~, to occur on a site other than that on which the sign is located. Such signs, except ~~w~~Window ~~g~~Graphics occupying not more than 25-percent) of the window area, shall be included in calculating the maximum aggregate sign area for the site. Each such sign shall be maintained for no more than 30-days.

~~Sign Classification: Non-Accessory, Temporary~~  
 Zoning Districts: RU, GB, LI, and HI  
 Structural Type: Wall (including window graphics) or Ground Sign  
 Maximum ~~a~~Area: Within 100-feet of an existing structure or free-standing sign - 15-square feet.  
 100-feet or more from any structure or free-standing sign - 32-square feet  
 Maximum Height: 8-feet  
 Illumination: None Permitted  
 Maximum Number: 2-per Calendar Year

1908.17 On-Site Permanent Advertising Sign

A sign which directs attention to a business, profession, or activity conducted on the premises, ~~and which describes goods, products, or services conducted or provided on the premises~~ on which the sign is located, ~~including copy other than or in addition to the registered trademark, logo, name, year established, street number, hours of operation and kind of business or activity conducted on the premises. (May include public service displays of time and temperatures.)~~ An ~~o~~On-~~s~~Site Permanent advertising ~~s~~Sign may include a change panel, ~~for the purpose of advertising prices, menu changes, special events, etc.~~ A change panel must be an integral part of the sign, must be secured to prevent movement, ~~and may not occupy more than 50percent of the sign face.~~ In no case shall this be construed to include the attachment or addition to an approved sign of any sign or graphic, temporary or permanent, not included in the original design and specifications approved as a condition of issuance of a sign permit. On-site advertising signs are permitted in GB, LI, and HI zoning districts, subject to individual zoning district specifications.

~~Sign Classification: Accessory, Temporary~~  
 Zoning Districts: RU, GB, LI, and HI  
 Structural Type: See Section 1907.02  
 Maximum ~~a~~Area: See Section 1907.02  
 Maximum Height: See Section 1907.02  
 Illumination: Permitted

1908.18 On-Site Special Event Sign; no permit required

A temporary sign announcing special events (e.g. rodeos, fairs, grand openings, etc.) to take place on the premises on which the sign is located. Such signs, except grand opening signs and ~~w~~Window ~~g~~Graphics occupying not more than 25-percent) of the window area, must be included in calculating the maximum aggregate sign area for the site. Each such sign shall be maintained for no more than 30-days.

108

**Sign Classification:** ~~Accessory, Temporary~~  
 Zoning Districts: RU ~~(one per street frontage)~~, GB, LI, and HI  
 Structural Type: Wall or Ground Sign  
 Maximum aArea: 15-square feet, except that the Maximum area of Grand Opening Signs be 2-square feet per lineal foot of building frontage.  
 Maximum Height: 8-feet ~~(Ground Sign)~~  
 Illumination: None Permitted  
 Maximum Number: 1-Grand Opening Sign per Use Permit (There is no limit on the number of temporary special event signs, provided the maximum aggregate sign area for the site is not exceeded.)

1908.19 Political Sign; no permit required

A temporary sign supporting a candidacy or position in any primary, special, or general election, subject to the following restrictions: Political signs shall be removed within 15-30 days following the final election for that candidate or issue.

**Sign Classification:** ~~Non-Accessory, Temporary~~  
 Zoning Districts: All  
 Structural Type: All Not-specified  
 Maximum aArea: None  
 Maximum Height: None  
 Illumination: None Permitted

1908.20 Projecting Sign

A sign that is attached to a building or structure and extends beyond the wall of the building or line of the structure more than 12-inches. No projecting sign may extend above the top edge of the wall from which it projects, or extend outward more than 5-feet from the supporting wall. Every projecting sign shall have a minimum clearance of 8-feet above grade, and above any sidewalk, porch or step over which it projects. All projecting signs shall be installed or erected in such a manner that there shall be no visible angle iron sign support structures above a roof, building fascia, or wall.

1908.21 Real Estate Sign; no permit required

A temporary sign advertising the premises for lease, rent, or sale. ~~A real estate sign shall not include advertising or information not specifically related to the lease, rent, or sale of the premises on which the sign is located.~~ Real eState signs shall be removed within ten-10 days following lease, rent, or sale of the premises.

**Sign Classification:** ~~Accessory, Temporary~~  
 Zoning Districts: All  
 Structural Type: Wall or Ground Sign  
 Maximum Area\*: RU, SR, SM, R, MR, and NB, PD-1 Zoning Districts - 6-square feet.  
RU, PD and GB Zoning Districts - 15-square feet.  
PD-2, LI, and HI Zoning Districts - 50-square feet on a  
developed parcel or 100square feet on an undeveloped  
parcel (Where the premises for lease, rent, or sale  
occupy only 60feet or less of collector or arterial street  
frontage, the sign shall not exceed 15square feet).  
 Maximum Height: RU, SR, SM, R, MR, and NB, PD-1 Zoning Districts - 4-feet.  
(Ground Sign) RU, PD-2, GB, LI, and HI Zoning Districts -12-feet.  
 Illumination: None

\* When a combined real estate/contractor's sign is used, maximum area shall be the sum of the maximum areas for the two types of signs, but shall in no case exceed ~~65400~~ square feet.

1908.22 Roof Sign

A sign which extends above and is supported by the roof of a building. Where permitted, roof signs shall be constructed and finished in such a manner that they appear to be a part of the building itself. There shall be no visible angle iron support structure, guy wires, braces or secondary supports; no roof sign shall exceed ~~z~~Zoning ~~d~~District height limitations.

1908.23 Sign

Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, including but not limited to the display of any letter, numeral (other than street addresses), figure, emblem, picture, outline, beacon, or spectacular, either in whole, in part, or in combination, whereby such display is made on, attached to, or is a part of a structure erected for the purpose, or is on, attached to, or a part of any other structure, surface or thing, including but not limited to the ground or any rock, tree or other natural object, which display is visible beyond the boundaries of the lot or parcel on, or over which it is located. Excluded from this definition is any flag, badge, or insignia of any government or governmental agency, any official traffic control device, and any notice posted according to law.

1908.24 Sign Face

The entire area of a sign on which copy could be placed.

1908.25 Single-Faced Sign

A sign having its entire copy area visible from one point. Where a sign face is made up of separate sign boards attached to the same structure, the perimeter of the "sign face" shall be the outer limits of the entire display.

1908.26 Subdivision Development Sign; ~~no permit required~~

A temporary sign advertising the sale of properties within a subdivision, to be removed within ~~10~~days following the sale of ~~100~~percent of lots, or one year from the last sale of subdivision lots, whichever occurs first.

<del>Sign Classification:</del>	<del>Accessory, Temporary</del>
Zoning Districts:	All (No more than 3-signs per street frontage)
Structural Type:	Wall or Ground <del>Sign</del>
Maximum <del>a</del> Area:	50-square feet
Maximum Height:	12-feet
Illumination:	None
Minimum Spacing:	330-apart and 100-feet from any adjoining property

1908.27 Subdivision, Mobile Home, Manufactured Home or Recreational Vehicle Park Name Sign

A permanent sign displaying only the name of a subdivision or park.

Such signs shall be limited to one sign on each side of any street entrance to a subdivision or park, subject to the approval of design, size, and location by the County Zoning Inspector.

~~Sign Classification:~~ ~~Accessory, Permanent~~

1/0

Zoning Districts:	All
<del>Structural Type:</del>	<del>All</del>
Maximum <del>a</del> Area:	Subject to the approval by the <u>County</u> Zoning Inspector
Maximum Height:	Subject to the approval by the <u>County</u> Zoning Inspector
Illumination:	Permitted

1908.28 Temporary Sign

Any sign which is intended to remain upon a site for a specified period of time to serve a special purpose. Such signs must be secured to a structure or the ground. Temporary signs must be mounted upon a rigid frame or backing, except that cloth banners may be used when securely affixed to a building. All such signs must conform to the provisions of these Zoning Regulations, including sign classification, size, and location restrictions, whether or not a permit is required. Portable signs, A-frame signs, etc., which are not securely affixed to the premises, are prohibited.

~~Permit requirements for temporary signs are included in Section 1902.~~

1908.29 Traffic Control Sign, Private; no permit required

A sign marking the entrance or exit to a site, parking area, service or loading area, or permitted accessory use.

~~Permitted for all uses, other than single household dwellings, in all districts.~~

~~Sign Classification: Accessory, Permanent~~

Zoning Districts:	All
Structural Type:	Wall or <u>Ground Sign Free-Standing</u>
Maximum <del>a</del> Area:	<u>RU, GB, LI, and HI</u> Zoning Districts - 6-square feet. All Other Zoning District - 2-square feet
Maximum Height:	3-feet ( <u>Ground-Sign</u> )
Illumination:	<u>None Permitted</u>
Maximum Number:	1-per entrance, exit, and/or turning point

1908.30 Wall Sign

A sign placed flat against or attached parallel to an exterior wall of a building, including a parapet wall or fascia, and not extending beyond any edge of the surface to which it is attached. Wall signs shall not project more than 12-inches out from the supporting wall.

1908.31 Window Graphic (Temporary); no permit required

Any graphic which is painted, attached, glued or otherwise affixed to a window or depicted upon a card, paper, or other material and placed on, taped on or hung immediately behind the window or displayed from a window in such a way as to be visible from beyond the boundaries of the site. Not more than 25-percent of any window area may be so occupied. Window gGraphics may be utilized where wWall sSigns are permitted provided they conform to area and sign classification limitations for the zZoning dDistrict. Temporary wWindow gGraphics, such as those advertising a special sale or holiday decorative displays, shall not be calculated in the aggregate area and shall not require a permit.

1908.32 Window Graphic (Permanent)

Permanent wWindow gGraphics shall be calculated in the maximum aggregate sign area for the site and shall require a permit. Window Graphics may be utilized where wall signs are permitted provided they conform to area and sign classification limitations for the Zoning District. ~~Temporary window graphics, such as those advertising a special sale or holiday decorative displays, shall not be calculated in the aggregate area and shall not require a permit.~~



2012 DRAFT