

# BEGGS & LANE

A REGISTERED LIMITED LIABILITY PARTNERSHIP  
ATTORNEYS AND COUNSELLORS AT LAW  
POST OFFICE BOX 12950  
PENSACOLA, FLORIDA 32591-2950

501 COMMENDENCIA STREET  
PENSACOLA, FLORIDA 32502-5953  
TELEPHONE (850) 432-2451  
TELECOPIER (850) 469-3331

W. SPENCER MITCHEM  
OF COUNSEL

E. DIXIE BEGGS  
1908 - 2001

BERT H. LANE  
1917 - 1981

RUSSELL A. BADDERS  
MARY JANE BASS  
ELIZABETH C. CALLAHAN  
JAMES S. CAMPBELL  
JODI D. COOKE  
J. NIXON DANIEL III  
JOHN P. DANIEL  
TERRIE L. DIDIER  
THOMAS F. GONZALEZ  
STEVEN R. GRIFFIN  
BRET M. KANIS  
GARY B. LEUCHTMAN  
JACK W. LURTON III  
DAVID L. MCGEE  
GREGORY R. MILLER  
WILLIAM H. MITCHEM  
RALPH A. PETERSON  
JEFFREY A. STONE  
DAVID B. TAYLOR III  
RUSSELL F. VAN SICKLE  
MATTHEW D. VINSON  
JAMES M. WEBER  
CHARLES T. WIGGINS  
JOHN F. WINDHAM  
JOHN R. ZOESCH III

February 19, 2010

## VIA HAND DELIVERY

Escambia County Planning and Zoning Department  
Attention: Board of Adjustment  
1190 W. Leonard Street  
Pensacola, FL 32501

*Re: Conditional Use Application for Gulf Power Meteorological Tower*

Dear Sir or Madam:

Please allow this correspondence to serve as Gulf Power Company's formal request for a conditional use permit pursuant to section 2.05.03 of the Escambia County Land Development Code ("LDC") to construct a meteorological tower on a 48.76 acre parcel of property owned by Gulf Power in northern Escambia County, Florida (the "Subject Property"). Accompanying this correspondence are (1) a completed Conditional Use Application Form; (2) proof of ownership (copy of warranty deed); (3) survey and legal description; (4) a Site Plan; (5) a completed Certification and Authorization Form; (6) a completed Affidavit of Owner and Limited Power of Attorney; (7) a list of all property owners within a 500-foot radius of the Subject Property and pre-addressed, stamped envelopes; (8) color photographs of a similar project; (9) a CD containing pdf copies of items (1)-(8); and (10) a check covering the Conditional Use Application Fee of \$1,500.00. Pursuant to Article 11.01.03(A) Gulf Power has also enclosed documentation demonstrating its compliance with the federal notification requirements and a "Determination of No Hazard" by the Federal Aviation Administration ("FAA").

The Subject Property and surrounding parcels are zoned VAG-1 Villages, Agriculture, Low Density. The future land use designation for the Subject Property is AG-Agricultural District. GPS coordinates of the proposed tower site are 30°56'14.58" and -87°22'25.18". Section 6.05.22(D)(5) of the LDC provides that "commercial antenna towers more than 150 feet in height" shall be considered conditional uses in VAG zoning districts. Gulf Power has acquired the Subject Property and secured options to purchase surrounding parcels as a potential future generation site in order to meet anticipated growth in demand for electricity. The Company is exploring all options for future generation including solar, wind, natural gas, nuclear, and biomass. In order to assess the viability of the site for future generation, Gulf Power must install a meteorological tower to research the meteorological characteristics of the site. Such characteristics include wind speed, wind direction, temperature and precipitation.

The meteorological tower will be a Rohn 100 meter guyed tower, designed in accordance with ANSI/TIA-222-G, for basic wind speed of at least 130 mph. FAA approved lighting will be supplied and the tower will be grounded to a ground field. Tower mounted instrumentation will be installed at three levels- 97, 60, and 10 meters to measure wind speed, wind direction, vertical wind speed, temperature, and relative humidity. Instrumentation will also be installed at ground level to measure barometric pressure, solar radiation, and rainfall. The meteorological tower base as well as each of the guys will be surrounded by an 8 foot chain link fence. The fenced tower site will include one 8'X12' instrument control building and a 12 kW propane generator. Two color photographs depicting a similar project in Dallas County, Alabama are attached hereto as Composite Exhibit "A."

A FAA Determination of No Hazard to Air Navigation was issued on December 15, 2008 for the proposed project. The FAA determination has been submitted to the County as part of the Development Review Committee ("DRC") site plan application and a duplicate copy is attached hereto as Exhibit "B." The Florida Department of Transportation was contacted regarding this determination and has ruled that this project does not require a variance to the state aviation codes.

The construction of the proposed meteorological tower is consistent with the conditional use criteria set for in section 2.05.03(c) of the LDC.

1. *On-site circulation.* Ingress to and egress from the tower site will be provided via a dirt road approximately 2,000 feet in length and fifteen feet in width which connects to Camp Road. The access road will contain a minimum curve radius of 30 feet so as to provide emergency vehicles ready access to the site in the unlikely event of fire or catastrophe. The tower will not be manned and vehicular traffic to and from the site is expected to be minimal.
2. *Nuisance.* The proposed tower will not have any adverse impact on adjoining properties and properties generally in the district. The tower will silently collect meteorological data and transmit that data remotely to Gulf Power Company. To Gulf Power's knowledge, there will be no noise, odor, smoke, or other harmful impacts associated with this structure.
3. *Solid waste.* The structure is not expected to have any solid waste impacts.
4. *Utilities.* The tower will require 200-amp single phase electrical service to operate. This is approximately the same level of service that would be required to power a single family residence. Water and sewer service will not be required. Gulf Power does not anticipate that the electrical service requirements of the tower will impact concurrency requirements or surrounding land uses in any manner.
5. *Buffers.* Gulf Power does not intend to erect any buffers on the Subject Property. The proposed tower will be constructed in the approximate center of a 48.76 acre parcel of timberland property owned by Gulf Power which is itself surrounded by an additional 549 acres of similarly rural property owned by RMS Timberlands, LLC. Consequently, buffering is not necessary to fulfill the intent of Policy 7.A.3.8 of the Escambia County Comprehensive Plan.
6. *Signs.* Gulf Power does not anticipate installing signage in connection with the project other than standard "No Trespassing" signs on the fence surrounding the base tower. Exterior lighting will be limited to a standard exterior light for the 8'X12' instrument control building and FAA-required lighting

on the tower itself. The FAA lighting will consist of a standard dual lighting system with red lights for nighttime and medium intensity flashing white lights for daytime. This lighting will have no significant impact on traffic safety or neighboring properties.

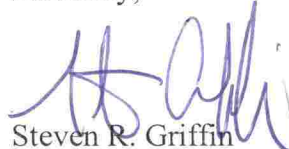
7. *Environmental impact.* An environmental survey has revealed that no heritage trees, wetlands, or water bodies will be impacted by the proposed tower. Any necessary protected tree removal will be addressed through the DRC. No threatened and endangered (T&E) species were observed during the on-site survey. If any T&E species are encountered, appropriate measures will be taken to minimize impacts. The County DRC will be notified if any T&E species are observed on-site. A NPDES stormwater permit is required for construction projects that disturb greater than one acre and discharge stormwater to surface waters of the state or to a municipal separate storm sewer (MS4). Gulf Power plans to obtain a NPDES stormwater construction permit for the tower project prior to the commencement of construction. The total proposed impervious areas (concrete) equal 98.3 sq.ft. Appropriate sediment control measures will be installed prior to, during and after construction.

8. *Neighborhood impact.* The proposed tower is compatible with adjacent properties and other property in the immediate area. The Subject Property consists of 48.76 acres. The proposed tower will be located in the approximate center of the Subject Property. The Subject Property was formerly owned by RMS Timberlands, LLC and was managed by RMS for silviculture purposes. There are no residences or other structures located on the Subject Property. RMS Timberlands, LLC also owns approximately 549 acres which border the Subject Property on all sides. This property also consists largely of timberland. According to FAA records, there are a total of fifteen communications towers with heights ranging from 135 to 380 feet located within five miles of the proposed tower site. A computer printout from the FAA website reflecting this data is attached hereto as Exhibit "C." One such tower, FAA ID 1993-ASO-1942-OE, is 370 feet in height and is located less than one mile north of the proposed site. In light of the foregoing, the proposed tower would be compatible with surrounding properties.

9. *Other requirements of code.* Section 6.08.02(j) of the LDC specifically addresses conditional use standards for "public utility and service structures." Gulf Power is unaware as to whether a meteorological tower constitutes a "public utility or service structure" as those terms are used in this section of the LDC. To the extent that it does, the requirements of subsections (2)-(3) of section 6.08.02(j) are satisfied for the reasons discussed above and subsections (1) and (4) do not appear to apply to this project.

Please do not hesitate to contact me should you have questions or need additional information.

Sincerely,



Steven R. Griffin  
For the Firm

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of February, 2010 by Steven R. Griffin who did not take an oath. He is personally known to me.

*Kristina Currie*  
Signature of Notary Public

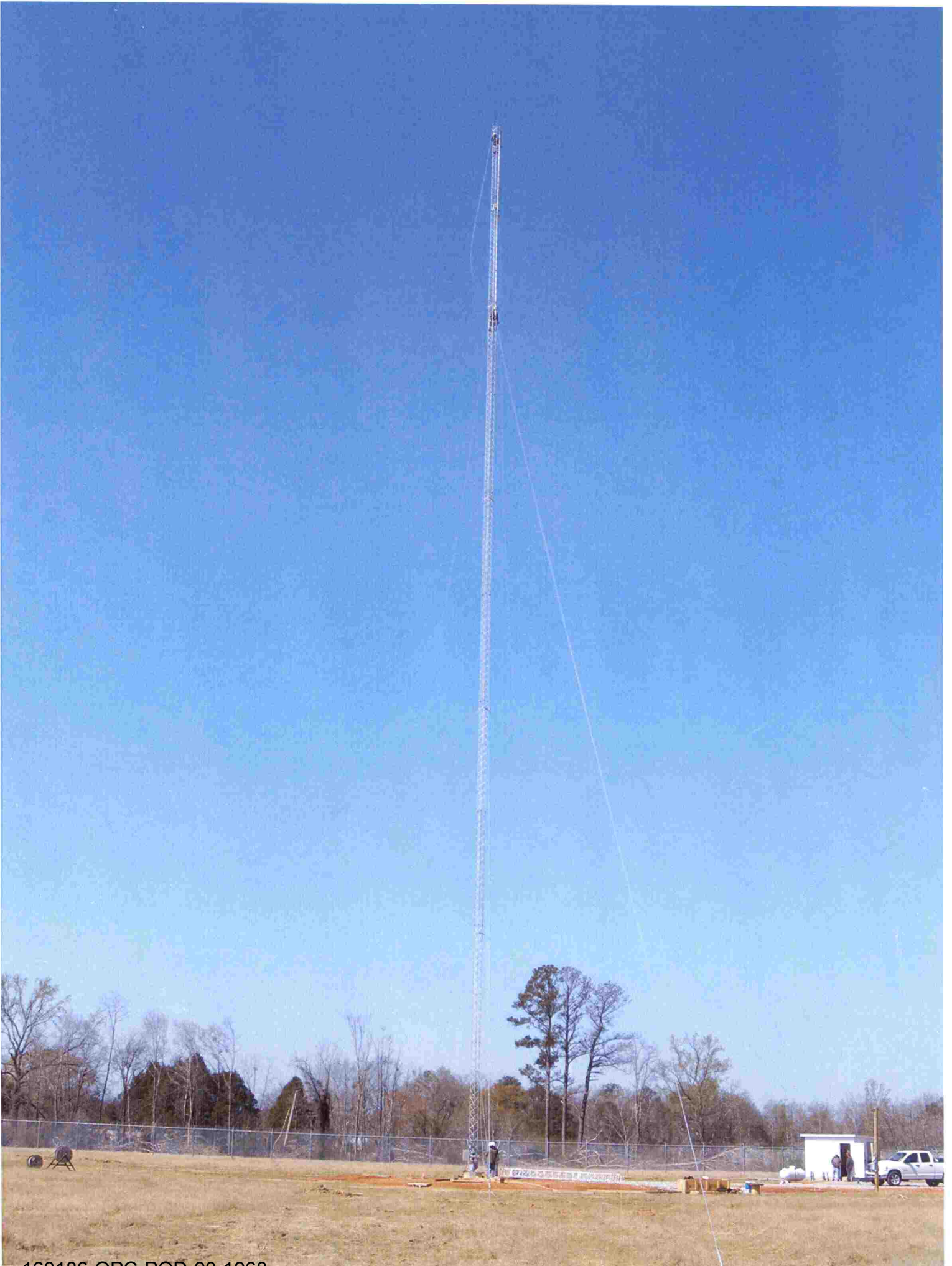
\_\_\_\_\_  
Name of Notary Public (Printed)

\_\_\_\_\_  
My Commission Expires

\_\_\_\_\_  
Commission No. (Notary Seal must be affixed)



**COMPOSITE EXHIBIT "A"**



160186-OPC-POD-90-1968



**EXHIBIT "B"**





Federal Aviation Administration  
 Air Traffic Airspace Branch, ASW-520  
 2601 Meacham Blvd.  
 Fort Worth, TX 76137-0520

Aeronautical Study No.  
 2008-WTE-3950-OE

Issued Date: 12/15/2008

Glenn Dwain Waters  
 Gulf Power  
 One Energy place  
 Pensacola, FL 32520-0329

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Met Tower GP Met Site  
 Location: Atmore, AL, FL  
 Latitude: 30-56-14.58N NAD 83  
 Longitude: 87-22-25.18W  
 Heights: 330 feet above ground level (AGL)  
 581 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is marked and/or lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)
- Within 5 days after the construction reaches its greatest height (7460-2, Part II)

This determination expires on 06/15/2010 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (770) 909-4329. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2008-WTE-3950-OE.

**Signature Control No: 605528-103790124**  
Michael Blaich  
Specialist

(DNE)

## **EXHIBIT “C”**



Federal Aviation Administration

<< OE/AAA

Circle Search for Cases Results

Records 1 to 16 of 16

Page 1 of 1

Case Number	City	State	Latitude	Longitude	Site Elevation	Structure Height	Total Height
1989-ASO-294-OE	MC DAVID	FL	30° 52' 09.00" N	87° 20' 18.00" W	220	303	523
1989-ASO-763-OE	MC DAVID	FL	30° 52' 09.00" N	87° 20' 18.00" W	220	300	520
1989-ASO-2347-OE	CENTURY	FL	30° 57' 37.00" N	87° 17' 31.00" W	170	155	325
1993-ASO-1349-OE	FLOMATON	AL	31° 00' 02.66" N	87° 19' 13.91" W	285	310	595
1993-ASO-1942-OE	BRATT	FL	30° 56' 44.66" N	87° 22' 15.92" W	270	370	640
1993-ASO-2191-OE	BLUFF SPRINGS	FL	30° 56' 30.66" N	87° 17' 21.90" W	80	192	272
1997-ASO-4846-OE	CENTURY	FL	30° 56' 28.86" N	87° 18' 55.61" W	252	199	451
2001-ASO-8863-OE	MCDAVID	FL	30° 53' 32.18" N	87° 19' 27.29" W	214	310	524
2001-ASO-9331-OE	ATMORE	FL	30° 58' 51.65" N	87° 25' 42.22" W	274	135	409
2002-ASO-2449-OE	CENTURY	FL	30° 56' 28.86" N	87° 18' 55.61" W	252	199	451
2003-ASO-4746-OE	CENTURY	FL	30° 57' 36.82" N	87° 17' 29.21" W	170	380	550
2007-ASO-457-OE	ATMORE	FL	30° 55' 25.70" N	87° 27' 17.90" W	239	348	587
2007-ASO-1034-OE	McDavid	FL	30° 55' 05.72" N	87° 25' 42.04" W	252	255	507
2007-ASO-1666-OE	Century	FL	30° 57' 50.75" N	87° 24' 46.85" W	266	260	526
2008-ASO-1613-OE	McDavid	FL	30° 52' 15.10" N	87° 20' 04.20" W	190	361	551
2008-WTE-3950-OE	Atmore, AL	FL	30° 56' 14.58" N	87° 22' 25.18" W	251	330	581

Rows per Page: 20

Records 1 to 16 of 16

Page: 1

Page 1 of 1