

SECTION 40_ – METEOROLOGICAL EVALUATION TOWERS (MET TOWERS)

A. Purpose and Applicability.

The purpose of this Section is to provide for the appropriate siting and operation of Meteorological Evaluation Towers while protecting public health, safety, and welfare. The requirements of this Section shall apply to Meteorological Evaluation Towers located within the unincorporated areas of Apache County that are subject to County zoning jurisdiction.

B. Definition.

For purposes of this Section, a **Meteorological Evaluation Tower (MET Tower)** means a temporary or permanent tower, including any associated instruments, equipment, guy wires, anchors, or appurtenances, used primarily to measure or evaluate wind speed, wind direction, atmospheric conditions, or other meteorological data. A MET Tower is distinct from a telecommunications or wireless communication facility.

C. Conditional Use Permit Required.

A MET Tower exceeding thirty-five (35) feet in total height shall require approval of a Conditional Use Permit (CUP) prior to installation, construction, or erection. Total height shall be measured from the finished grade at the base of the tower to the highest point of the tower or attached equipment.

The Conditional Use Permit shall be processed in accordance with the applicable provisions of this Ordinance. Conditions of approval may be imposed when reasonably necessary to address public health and safety, aviation safety, setbacks, access, guy wires and anchoring, lighting and marking, maintenance, duration of use, abandonment, removal, and site restoration.

D. Compliance with Applicable Law.

All MET Towers shall comply with applicable federal and Arizona laws, rules, and regulations, including applicable aviation safety, marking, lighting, and notification requirements. Nothing in this Section shall be construed to require a Conditional Use Permit or impose County zoning requirements where such regulation is prohibited or preempted by federal or Arizona law.

E. Duration of Conditional Use Permit.

A Conditional Use Permit issued for a MET Tower shall be valid for a maximum period of three (3) years from the date of approval unless a shorter period is established as a condition of approval.

Continued operation of a MET Tower beyond the approved term shall require an extension, amendment, or other approval as required by this Ordinance. Any required request for continued operation shall be submitted prior to expiration of the Conditional Use Permit.

F. Abandonment and Removal.

A MET Tower shall be considered abandoned when it has ceased its approved meteorological use for a continuous period of twelve (12) months.

Upon expiration or termination of the Conditional Use Permit, abandonment of the facility, or permanent cessation of the approved meteorological use, whichever occurs first, the property owner and/or operator shall remove the MET Tower and associated equipment, guy wires, anchors, foundations, and other above-ground improvements within ninety (90) days.

The affected area shall be restored to a condition reasonably comparable to its condition prior to installation of the MET Tower, except as otherwise approved by the County.

Failure to remove an abandoned or expired MET Tower within the required period shall constitute a violation of this Ordinance and shall be subject to enforcement pursuant to Article 13.

G. Development Standards.

All Meteorological Evaluation Towers requiring a Conditional Use Permit pursuant to this Section shall comply with the following minimum development standards. The County may impose additional or more restrictive conditions through the Conditional Use Permit when reasonably necessary based upon the location, height, design, surrounding land uses, or other site-specific conditions.

1. Property Line Setback.

A MET Tower, including guy wires and anchors, shall be located entirely within the boundaries of the parcel or parcels included in the Conditional Use Permit. The tower shall be set back from all property lines a minimum distance equal to one hundred percent (100%) of the total tower height, measured from the base of the tower to the nearest property line.

2. Occupied Structures.

A MET Tower shall be set back from any occupied dwelling or other occupied structure located on property not included within the Conditional Use Permit a minimum distance equal to one hundred percent (100%) of the total tower height. The Planning and Zoning Commission or Board of Supervisors, as applicable, may require a greater setback when warranted by tower height, design, topography, surrounding development, or public health and safety considerations.

3. Public Rights-of-Way.

A MET Tower shall be set back from the right-of-way of any public road or highway a minimum distance equal to one hundred percent (100%) of the total tower height, unless a greater setback is required by the County, the Arizona Department of Transportation, or another agency having jurisdiction.

4. Guy Wires and Anchors.

All guy wires, anchors, and associated components shall be located entirely on the property subject to the Conditional Use Permit. Guy wires and anchors shall be clearly marked or otherwise protected when necessary to reduce hazards to persons, vehicles, livestock, and emergency responders.

For a **guyed MET tower**, a 100% tower-height property-line setback can become substantial. A 200-foot tower would require 200 feet from every property line even though the physical fall characteristics of a guyed structure may differ from a self-supporting tower.

A more defensible formulation may be:

The tower shall be set back from property lines a distance equal to the total tower height unless a lesser setback is approved through the Conditional Use Permit based upon an engineered fall-zone analysis prepared by an Arizona-registered professional engineer.

5. Aviation and FAA Review.

Prior to approval and construction of a MET Tower, the applicant shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) notification, obstruction evaluation, marking, and lighting requirements, including applicable requirements under 14 C.F.R. Part 77.

When FAA notification is required, the applicant shall submit to Apache County documentation demonstrating that the required notice has been filed and shall provide any FAA determination issued for the proposed structure. The MET Tower shall be constructed, marked, lighted, and operated in accordance with applicable FAA requirements and any applicable FAA determination.

6. Airports and Aviation Facilities.

A proposed MET Tower located within the vicinity of an airport, heliport, military aviation facility, designated flight path, or other aviation facility shall be reviewed for potential aviation impacts. Apache County may require coordination with the FAA, airport owner or operator, Arizona Department of Transportation Aeronautics Group, United States Department of Defense, or other agency having jurisdiction when applicable to the proposed location.

Approval of a Conditional Use Permit by Apache County shall not constitute a determination that the MET Tower complies with federal or state aviation requirements, nor shall County approval relieve the applicant or property owner of responsibility for obtaining any required aviation review, notification, determination, permit, or approval.

7. Increased Setbacks and Additional Safety Measures.

Nothing in this Section shall prevent Apache County from requiring increased setbacks, additional marking, fencing, access controls, or other reasonable safety measures as conditions of the Conditional Use Permit when supported by the characteristics of the proposed MET Tower or the surrounding property.