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INTERVENTION ORIGINAL

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JORDAN, DISCHON, McGuire & Rose
7272 E. Indian School Rd, #205
Scottsdale, Arizona 85251
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Arizona Corporation Commission
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AZ CORP COMMISSION
DOCUMENT CONTROL

Attorneys for Proposed Intervenor
Jordan Rich Rose

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BEFORE THE ARIZONA

POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY IN
CONFORMANCE WITH THE REQUIREMENTS
OF ARIZONA REVISED STATUTES
SECTION 40-360, et seq., FOR A CERTIFICATE
OF ENVIRONMENTAL COMPATIBILITY
AUTHORING THE WEST VALLEY SOUTH
230 KV TRANSMISSION LINE PROJECT,
INCLUDING THE CONSTRUCTION OF
APPROXIMATELY 18 MILES OF 230 KV
TRANSMISSION LINES AND THREE
230 KV SUBSTATIONS IN MARICOPA
COUNTY, ARIZONA, ORIGINATING
SOUTH OF BROADWAY ROAD
AT AN EXISTING 230 KV TRANSMISSION
LINE IN SECTION 28, TOWNSHIP 1 NORTH,
RANGE 2 WEST, G&SRB&M THAT WILL
INTERCONNECT WITH THE PROPOSED
TS4 SUBSTATION IN SECTION 19,
TOWNSHIP 1 NORTH, RANGE 2 WEST AND
CONTINUING TO THE PROPOSED TS3
SUBSTATION IN SECTION 22,
TOWNSHIP 2 NORTH, RANGE 2 WEST,
G&SRB&M AND TERMINATING AT THE
PROPOSED TS2 SUBSTATION IN SECTION 28,
TOWNSHIP 3 NORTH, RANGE 2 WEST,
G&SRB&M

Docket No.
L-00000D-03-0122

Case No. 122

**MOTION FOR LEAVE
TO INTERVENE BY
CITRUS & NORTHERN, LLC;
VIRGIN FARMS II; VIRGIN
FARMS PARTNERS;
WESTSIDE WHOLESALE
GROWERS; WARREN &
JANE GUARD; ED BROGDON;
PASQUAL & CHRISTINE
RUDOLFO; MIKE & NOELIA
RUDOLFO; BILL & TERI
WEAVER; ELIJIO &
JOELLEN SAENZ; ROBERT
& MARY WEBSTER; MARK
& KELLY BOZAK; CAROL
CAMPISE & RICHARD WINN**

Pursuant to A.R.S. §40-360.05 and A.A.C. R14-3-204, Citrus & Northern LLC, Virgin Farms II, Virgin Farms Partners, Westside Wholesale Growers (Marilyn and John Hall), Warren

1 and Jane Guard, Ed Brogdon, Pasqual and Christine Rudolfo, Mike and Noelia Rudolfo, Bill and
2 Teri Weaver, Elijo and JoEllen Saenz, Robert and Mary Webster, Mark and Kelly Bozak and
3 Carol Campise and Richard Winn (“South side of Olive Avenue Property Owners”) hereby apply
4 to the Arizona Power Plant and Transmission Line Siting Committee (the “Committee”) for an
5 order granting South side of Olive Avenue Property Owners leave to intervene in the above-
6 captioned proceeding. The Committee should grant South side of Olive Avenue Property
7 Owners leave to intervene because these owners will be directly, substantially, and detrimentally
8 affected by the transmission line proposed by Arizona Public Service Company (“APS”) in its
9 Application for a Certificate of Environmental Compatibility (“CEC”) in the above-captioned
10 matter. This Motion is made and supported by the Memorandum of Points and Authorities that
11 follows.

13 MEMORANDUM OF POINTS AND AUTHORITIES

14 I. Introduction

15
16 The South side of Olive Avenue Property Owners own 2.5 of the three miles of land on the south
17 side of Olive Avenue along which APS proposes to site its preferred transmission alignment.
18 (See a map showing location of the property owned by the South side of Olive Avenue Property
19 Owners attached hereto as Exhibit “A”).

20
21 Citrus & Northern LLC owns a 640 acre master-planned development, White Tank Foothills,
22 approved on July 2, 2003, by the Maricopa County Board of Supervisors for 1,286 single-family
23 homes, a 15 acre elementary school site, a one acre area for a Rural-Metro Facility, and 20 acres
24 of commercial development.

25

1 Virgin Farms II and Virgin Farms Partners own the 577 acre community of Dove Trails which
2 also contains a 15 acre school site, 849 homes, acreage commercial, five acres of park and 110
3 acres of commercial development. There are ten individual land owners on the south side of
4 Olive Avenue.

5
6 A. Approving the Preferred Transmission Alignment will have an Extremely
7 Detrimental Environmental and Economic Impact

8 The preferred transmission alignment, siting the APS 230kV transmission lines on Olive
9 Avenue, especially on the south side of Olive, will have a serious and extremely detrimental
10 environmental and economic impact on the South side of Olive Avenue Property Owners master
11 planned communities, and existing single-family residential homes. This area of Maricopa
12 County is planned in the General Plan and White Tank/Grand Avenue Area Plan as a gateway to
13 the White Tank Mountains, and was planned to develop with small lot residential homes (See
14 Exhibits “B1 & B2” – Maricopa County White Tank/Grand Avenue Area Plan with Olive
15 Avenue highlighted). The proposed plan, especially if the lines are located on the south side of
16 Olive Avenue, will make this vision set forth in the General Plan nearly impossible to achieve.

17
18 As currently proposed, the 160 foot transmission towers will destroy much of the economic
19 value of the property located as close as approximately 150 feet from some single-family homes.
20 There are also serious concerns about the environmental impact of these poles so close to the
21 developments and the elementary school. Additionally, because APS will need between an
22 approximately 150 foot and 1,500 foot buffer zone/easement area around the transmission lines,
23 between 100-695 of the already approved homes in the area will be destroyed, the approved
24 elementary school site in White Tank Foothills will have to be shrunk significantly or moved
25 entirely (See Exhibits “C1 and C2” - map of potential home sites/schools/etc., taken due to siting

1 on Olive Avenue, and the already approved commercial sites will no longer be possible. The
2 economic loss to the developers and existing single-family homeowners on Olive Avenue as a
3 result of a line siting decision accepting the preferred route, will be extreme and could, in some
4 instances, be devastating.

5
6 B. The are Many more Favorable and less Detrimental Alternatives to the Preferred
7 Transmission Alignment

8 The South side of Olive Avenue Property Owners believes there are multiple feasible and
9 environmentally acceptable options. As an intervenor, the South side of Olive Avenue Property
10 Owners would provide testimony on alternative routes that will reduce the impact of the
11 transmission lines on the environment, and will decrease the cost of the transmission line
12 construction for APS and ratepayers.

13
14 C. The Effect on the Olive Avenue Property Owners Requires their Inclusion in this
15 Proceeding

16 Because the South side of Olive Avenue Property Owners own 2.5 of the three miles of the
17 property along Olive Avenue which will be directly impacted by this decision, we ask the
18 Committee to consider our request to intervene. The South side of Olive Avenue Property
19 Owners involvement in these proceedings will in no way broaden the issues or unduly delay the
20 proceedings. The South side of Olive Avenue Property Owners has received oral permission to
21 intervene from all of the attorneys for the other *known* intervenors¹.

22
23
24 _____
25 ¹ Attorneys for intervenors APS, White Tanks Holdings LLC, Camelback LLC, DMB, and the
Arizona Corporation Commission were contacted and expressed no objection.

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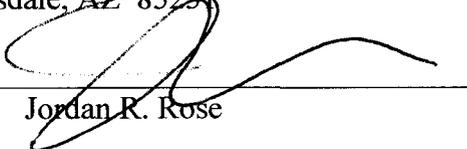
II. Conclusion

For reasons outlined above, the South side of Olive Avenue Property Owners respectfully requests that the Committee grant its Motion for Leave to intervene in this matter. South side of Olive Avenue Property Owners requests that all communications in connection with the above-captioned proceedings be directed to:

Jordan R. Rose
Jorden, Bischoff, McGuire & Rose, P.L.C.
7272 E. Indian School Road, Suite 205
Scottsdale, AZ 85251

RESPECTFULLY SUBMITTED this 1st day of August, 2003.

Jorden, Bischoff, McGuire & Rose, P.L.C.
7272 E. Indian School Road, Suite 205
Scottsdale, AZ 85251

By 
Jordan R. Rose

Attorneys for Proposed Intervenor,
South side of Olive Avenue Property
Owners

ORIGINAL + 25 copies filed this
1st day of August, 2003, with:

Arizona Corporation Commission
Docket Control
1200 W. Washington Street
Phoenix, AZ 85007

COPIES of the foregoing mailed this
1st day of August to:

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Attorneys for Proposed Intervenor, Camelback, L.L.C.

Karrin Kunasek Taylor
11201 N. Tatum Blvd. Suite 330
Phoenix, AZ 85028
Attorney for Proposed Intervenor, DMB

**2.5 out of 3 miles
of South Olive Avenue
oppose alignment**

CRC
18 ac

OLIVE AVE

Parcel 29
36.6 ac
182 units

Parcel 30
43.0 ac
214 units

**White Tank Foothills
(Citrus & Northern LLC)**

Parcel 31
187 units

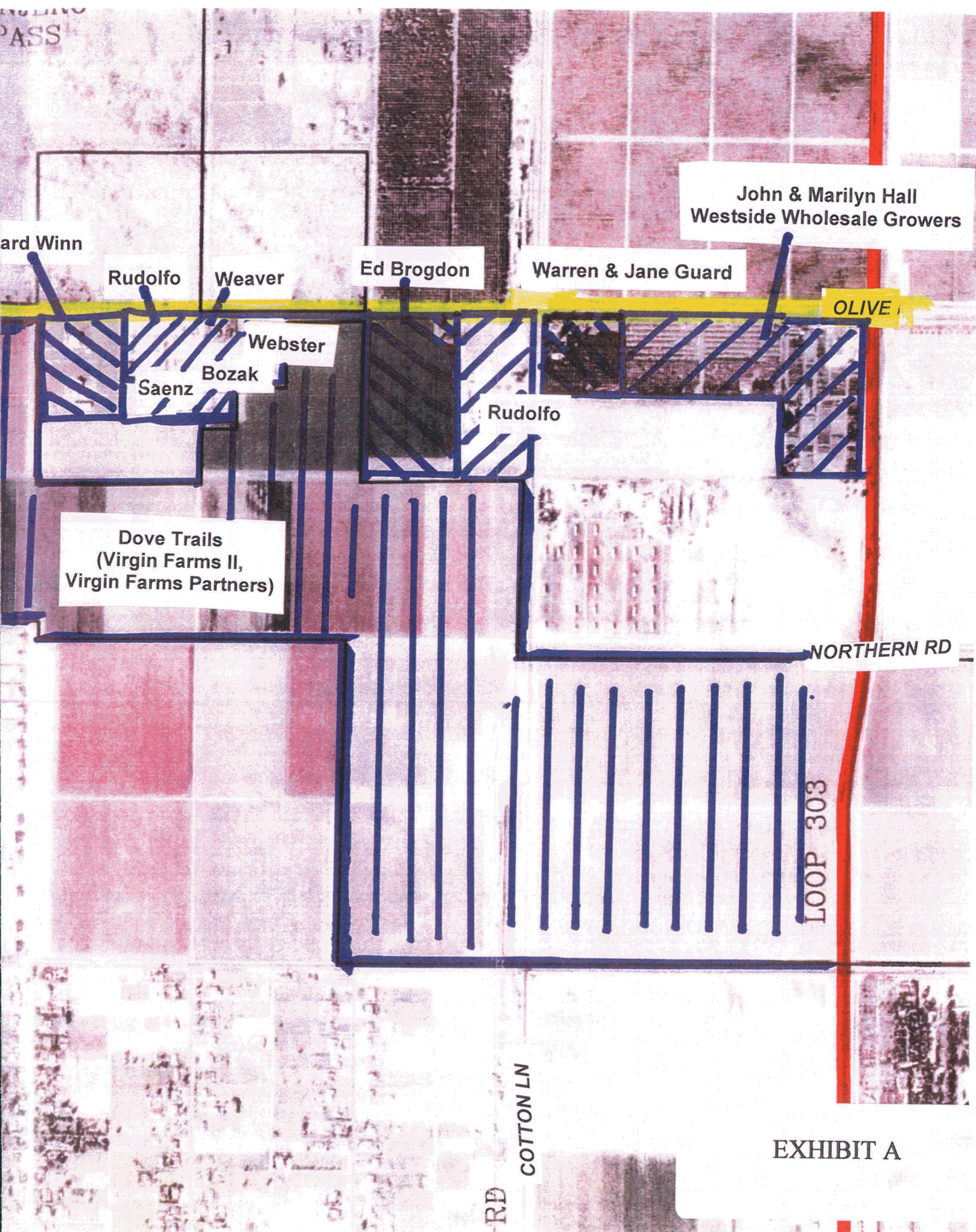
IN AVE

Parcel 35
72.4 ac
217 units

PERRYVILLE RD

CITRUS AVE

Rich



PASS

ard Winn

Rudolfo

Weaver

Ed Brogdon

Warren & Jane Guard

John & Marilyn Hall
Westside Wholesale Growers

OLIVE

Webster

Saenz

Bozak

Rudolfo

Dove Trails
(Virgin Farms II,
Virgin Farms Partners)

NORTHERN RD

LOOP 303

COTTON LN

RD

EXHIBIT A

5W

4W

3W

2W

1W

1E

2E

7N

6N

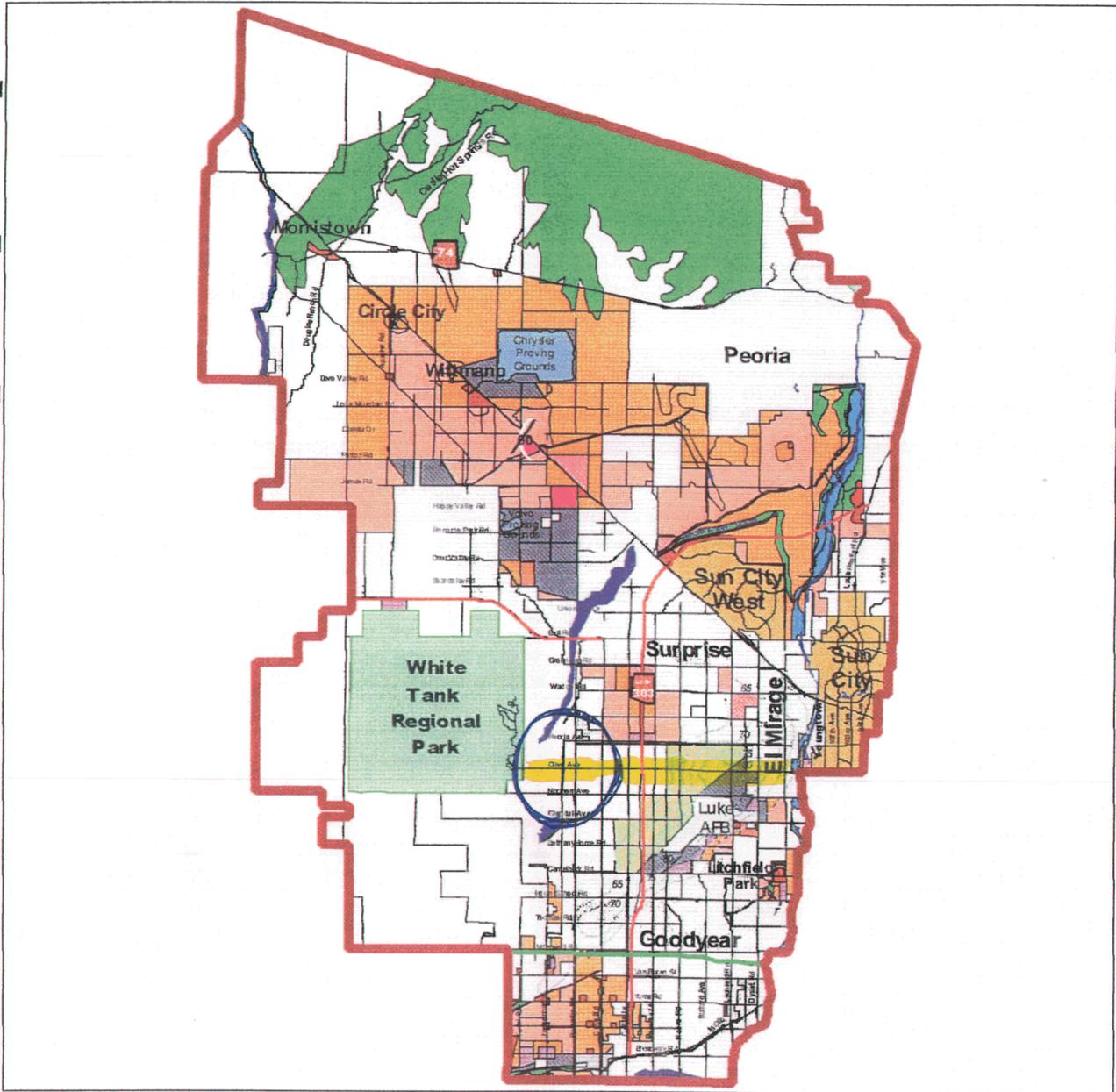
5N

4N

3N

2N

1N



Land Use

- Agriculture
- Airport
- Business Park
- Community Retail Center
- Dedicated or Non-developable Open Space
- Educational
- High Density Residential
- Hotel/Motel or Resort
- Industrial
- Institutional
- Large Assembly Area
- Large Lot Residential

- Medium Density Residential
- Mixed Use
- Neighborhood Retail Center
- Office
- Public Facility
- Recreational Open Space
- Regional Retail Center
- Rural
- Small Lot Residential
- Transportation
- Unknown
- Warehouse Distribution Center

- Planning Area Boundary
- Luke AFB Noise Contours
- Water Channel
- Incorporated Area
- Interstate
- Future Freeway
- Arterial Street

Planned Land Use

Figure 4



1 0 1 2 3 4 5 6 Miles

White Tank / Grand Avenue Area Plan

Source: Maricopa Association of Governments, Maricopa County, and municipal general plans



5W 4W 3W 2W 1W 1E 2E

7N

6N

5N

4N

3N

2N

1N

Notes

The determination of land use on any specific parcel is subject to compliance with the goals, objectives, and policies of the White Tank and Grand Avenue Area Plan.

Proposed open space shown is approximate. All privately owned and state trust land considered for Proposed Open Space may be developed unless it is added to the public domain or protected using other techniques that respect property rights.

Development Master Plans may be located within any land use designation, subject to the requirements of the Development Master Plan Standards as noted in the text of the Comprehensive Plan.

Land use designations do not supersede existing zoning.

Future development within the Luke Air Force Base noise contours is subject to the standards identified in policies L2.1.1, L2.1.2, L2.1.3, and L2.1.4

Future Land Use

- Proposed Annexation
- Proposed Open Space (0-1)
- Dedicated Open Space
- Agriculture (0-1)
- Rural Residential (0-1)
- Large Lot Residential (1-2)
- Small Lot Residential (2-5)
- Mixed Use Employment
- Commercial
- Industrial
- Incorporated Area
- Resort
- Luke Noise Contours
- Interstate
- Proposed Freeway
- Maricopa County Trail (conceptual)



1 0 1 2 3 4 5 6 Miles

Future Land Use

Figure 14



**Transmission Line
minimum 150 ft. ROW
south side of Olive**

CRC
18 ac

Parcel 29
16 ac
units

30
ac
units

**WHITE TANK FOOTHILLS
TOTAL LOSS:**

**57 Lots
3,960 ft of commercial**

\$1,990,890.00

Parcel 1
67.2 Ac.

Parcel 2
Neighborhood Buff
29.2 Ac.

**DOVE T
TOTAL**

22 L

\$1,493,

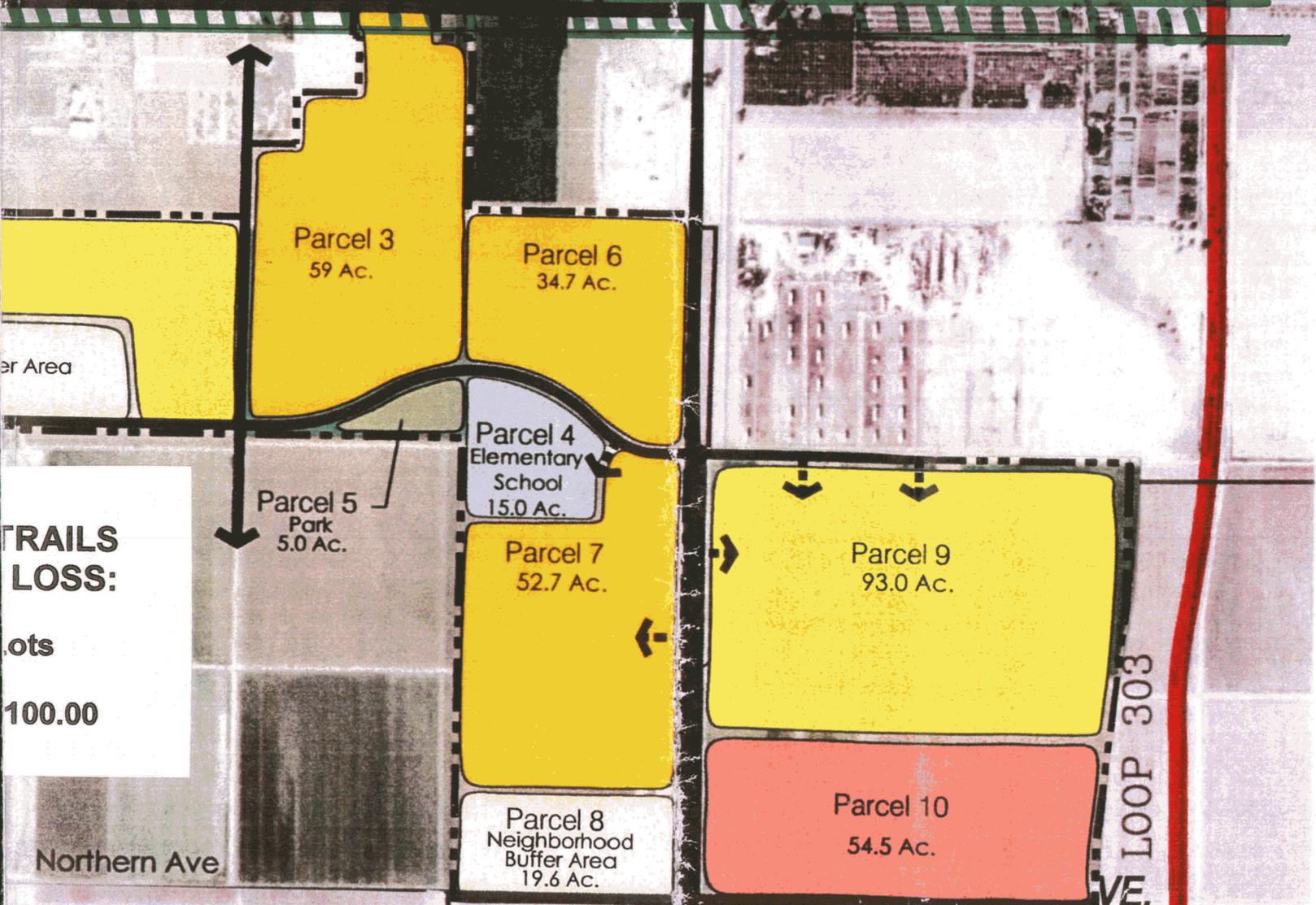
E

Parcel 35
72.4 ac
7 units

PERRYVILLE RD.

CITRUS AVE.

OLIVE AVE.



TRAILS
LOSS:
ots
100.00

EXHIBIT C1

**Transmission Line
maximum 1500 ft. ROW
south side of Olive**

CRC
18 ac

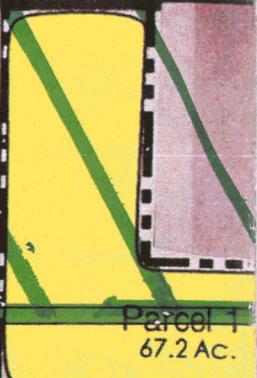
Parcel 29
6 ac
units

30
ac
units

**WHITE TANK FOOTHILLS
TOTAL LOSS:**

**512 Lots
20 acres of commercial
2 acres of school
5 acres of public park**

\$21,505,600.00



Parcel 1
67.2 Ac.

Parcel 2
Neighborhood Buff
29.2 Ac.

**DOVE
TOTAL**

183

\$7,91

E

Parcel 35
72.4 ac
7 units

PERRYVILLE RD.

CITRUS AVE.

OLIVE AVE.

Parcel 3
59 Ac.

Parcel 6
34.7 Ac.

Parcel 4
Elementary
School
15.0 Ac.

Parcel 5
Park
5.0 Ac.

Parcel 7
52.7 Ac.

Parcel 9
93.0 Ac.

Parcel 8
Neighborhood
Buffer Area
19.6 Ac.

Parcel 10
54.5 Ac.

LOOP 303
AVE.

COTTON LANE

TRAILS
LOSS:
3 Lots
9,100.00

EXHIBIT C2