Article 8 Renewable Energy Ordinance

Section 801. Introduction and Purpose

A. Purpose

The purpose of this ~~section~~ Article is to:

1. Specify Conditional Use Permit (CUP) application requirements for the development of utility-scale renewable energy production facilities. The permitting process requires thorough review to help ensure that potential adverse impacts are carefully identified, addressed and mitigated. Due to the scale and complexity of these projects, they require more information and more time to process compared to typical applications. Therefore, the requirements in this Article 8 are in addition to the basic requirements in Article 1106-1107, unless otherwise specified herein.
2. Establish reasonable standards for the permitting, construction, operation, maintenance, and decommissioning of utility-scale renewable energy generation facilities.
3. Further the County's goals of protecting public health, safety, convenience, and general welfare, protecting the County's natural, cultural, and visual resources, and minimize adverse impacts through clear and enforceable siting and performance standards, and through applying appropriate conditions of approval.
4. Approve only Utility-Scale Renewable Energy projects that:
    a. Provide significant long-term local public benefit**;**
    b. Demonstrate proposed project design, siting, and construction, operation and decommissioning plans that comply with County standards**;**
    c. Clearly identify all potential adverse project and cumulative impacts, and propose measures to avoid, minimize and ~~fully~~ mitigate all identified potential adverse project impacts**;**
    d. Satisfy CUP evaluation criteria and standards in Article 11, and do not shift project related costs or risks to neighbors, County residents, local or state agencies, or onto the taxpayers**;** and
    e. Submit a complete application with reports and studies subject to 3rd party review at the applicant's expense prior to P&Z public hearings to consider the CUP.

B. Applicability

This Article does not apply to personal or institutional renewable energy generation equipment that is intended to generate electricity to serve on-site residential, agricultural, or institutional uses ~~for use~~ that are primarily on the property on which the equipment is located, or to facilities with an actual or planned generating capacity of less than one megawatt. These include, but are not limited to, small wind energy systems and small solar energy systems, including ground-mounted systems, roof-mounted systems, pole-mounted systems, and systems affixed to shade structures located over parking areas.

Section 802. Definitions

A. The following terms are defined as follows for purposes of this Article. Other definitions may be found in Article 2.

Abandonment – The formal and complete discontinuation of a renewable energy project or component part of the project, before the end of its intended operational life, resulting in the need for removal by the controlling entity of project components and related infrastructure, and the restoration of the site to its pre-construction condition vs decommissioning (see decommissioning).

Affiliate – A company, entity, or person that is related to or controlled by another company in a way that meets regulatory or legal definitions, and that may have a role in the project's structure, financing, or operations.

Applicant—Individual, organization, or entity that formally submits the project proposal, permits, and required documentation to the relevant regulatory authority for review and approval.

Agri-Voltaics – A system in which photovoltaic solar-energy panels and facilities ~~are~~ may OR are integrated with be integrated with agricultural production on the same site, allowing agricultural activities and electric generation to occur concurrently.

Alternative Energy Storage System – A system that differs from battery energy storage system, including but not limited to: mechanical, electrochemical, electrical, thermal, and/or chemical systems as classified by the U.S. Department of Energy (DOE).

Biomass Energy Production – The production of energy, particularly electricity, **using** ~~from~~ woody **fuel (feedstock) from any of the following, but not limited to: green** tree thinning, **wildfire mitigation, brush removal, watershed/grassland restoration work, dead tree salvage operations,** logging residues and mill scraps. ~~considered waste by-products, generated through forest, woodland, and/or grassland restoration treatments, as well as dead tree salvage operations.~~ **These are all standard land management practices that facilitate maintenance of a renewable supply of trees/shrubs.**

(Matt will work with Monica and Melana for a better definition)

Blades – The aerodynamic components attached to the rotor hub that capture the kinetic energy of the wind, convert it into rotational mechanical energy, and drive the generator to produce electricity.

Blade Failure/Fragment Throw – The loss of structural integrity or complete detachment of one or more rotor blades from the turbine hub, rendering the blade unable to perform its aerodynamic function and potentially causing significant operational and safety issues. ~~The~~ An event where either a full blade or a segment of it is propelled through the air,

potentially traveling significant distances before coming to rest, leaving a substantial contaminated issue of the area. Other substantial fragment particles can come from the hub and nacelle mechanisms.

Communications Impact Analysis – A thorough assessment, performed by a qualified or certified consultant at the project developer's expense, of possible interference to all forms of radio frequency (RF) communications due to construction or placement of wind turbines, power-lines/poles, other tall structures, or facilities/components that can distort radio frequency spectrum important to emergency services providers, Federal-State-County-Municipal government agencies, utility companies, FCC-licensed equipment owners/operators, and local amateur radio citizens groups. The analysis determines which existing RF transmission/reception capabilities in the vicinity may be impacted by the proposed project, including the cumulative effects of all other existing and known proposed renewable projects which may contribute to interference in the same vicinity. It also identifies effective and practical mitigation measures the project developer could implement to avoid or minimize any foreseen interference.

(Chair Peterson and Director Fish will research professional certification vs. qualified.)

Controlling Entity – The legal or organizational body that has overall responsibility for the project's planning, operation, financing, and completion, and that can direct the financial and operational decisions of the project's key participants.

Cultural Resources – The tangible and intangible heritage elements (such as: terrestrial archeological resources, above ground pre-historic and historic resources, Tribal cultural landscape and sites, visual resources) that may be present within or near a project's footprint and that are protected under laws such as the National Historic Preservation Act (NHPA), the Native American Graves Protection and Repatriation Act (NAGPRA), and state or tribal cultural heritage regulations.

Cumulative Impacts – The total estimated effects of a proposed project when combined with the impacts of known past, present and foreseeable-future projects, over time and across the affected area.

Decibel A-weighting (dBA) – dBA is a measurement of sound using decibels that have been A-weighted. A-weighting is a frequency-dependent curve (or filter) that is applied to a sound pressure microphone to mimic the effects of human hearing. Given the same sound pressure level, microphone recordings can be different from the levels perceived by the human ear.

Decommissioning – The structured process of dismantling and removing the entire renewable energy system when it reaches the end of its operational life or when it is no longer economically viable to operate. It is a planned, regulated process that ensures safe removal, environmental protection, and site restoration by the controlling entity. As a part of the decommissioning, complete restoration of the project area will be restored.

Fall Zone – A fall zone is the area of the land surrounding a wind turbine that may be affected by debris should the supporting structure collapse or any component of the wind turbine or anything attached to it fall to the ground.

Glare – The visual sensation produced by bright light or reflection of sunlight that causes discomfort or visual disruption such as temporary after-images or retinal damage.

Hazardous materials – Hazardous materials (HAZMAT) are substances or physical conditions that pose a risk to health, safety, property, or the environment during storage, use, transport, or disposal. They can include chemicals, biological agents, radioactive substances, flammable liquids, explosives, corrosives, oxidizers, and more. Hazardous materials are any substance toxic to humans, animals, birds, plants, and all other life forms.

Hybrid Renewable Energy Storage System – A coordinated facility, system, or combination of interconnected facilities that incorporates one or more Renewable Energy Production Systems with one or more Energy Storage Systems, and is designed to generate, convert, store, manage, dispatch, or deliver energy from renewable resources. A Hybrid system may be co-located or physically interconnected, may share electrical, transmission, distribution, control, access, or other infrastructure, and may operate as a single integrated facility or as multiple coordinated facilities. The term includes associated equipment that is reasonably necessary for the operation of the system, including generation equipment, energy-storage equipment, transformers, substations, inverters, converters, interconnection equipment, control systems, communications equipment, access roads, and other accessory infrastructure.

Highway Repair Bond – A type of surety bond or other acceptable monetary means of compensation that guarantees a contractor or permit holder will complete highway(s) repair or improvement work according to the agreed terms, and will restore the roadway or related public property to its original condition if required.

Highway Use Agreement – (Road Use Agreement) is a written contract between a local government (such as a state, county, municipality, or town) and another party—often a developer, contractor, or company—that authorizes the use of a specific highway(s) or other public road(s) subject to agreed upon terms and conditions.

Highway Video Log – A structured, time stamped, and often geolocated video record that documents the condition, activities, and compliance of a highway or roadway throughout its lifecycle. It is used to capture visual evidence before, during, and after work on the road, providing an auditable, verifiable account of site conditions and actions.

Infrasound – Is very low-frequency sound waves with frequencies below the human hearing threshold—typically under 20 Hz—which is below the range of normal human hearing. Although humans cannot perceive it as a tone, it can be felt as vibrations and can still have physiological or wildlife/environmental effects. These waves are produced by wind turbines through aerodynamic and mechanical processes, and it can travel long distances. Not measured the same as dBA audible sound.

Major Highway – Any public roadway classified as a principal arterial or minor arterial under the most current functional classification system adopted by the State Department of Transportation or the County, including U.S. Highways, State Routes, and Interstate Highways, and any other roadway designated by the County as carrying regional or statewide traffic volumes of significance.

Micro-siting – Slight adjustments to the location of project components within an approved project to allow flexibility to avoid unexpected issues such as soil instability, sensitive environmental areas, cultural resources or critical wildlife habitats discovered during on-the-ground engineering review during the pre-construction phase. Micro-siting changes must not exceed 100 feet in distance from approved location, and must not increase component height, increase visual or auditory impact on any sensitive receptor, or encroach on setback requirements. Each micro-sitting adjustment must be approved in writing (with latitude/longitude coordinates) by the Community Development Director after field review of each proposed adjustment to ensure it complies with criteria above. Adjustments that exceed micro-sitting criteria will be treated as Substantial Modifications.

Non-participating Parcel – Any parcel of real property that is not subject to a recorded lease, easement, option, or other written agreement granting permission for the placement, construction, operation, or maintenance of a renewable energy facility and that is not under common ownership or control with the applicant or facility operator. A Non-Participating Parcel includes property owned by individuals, entities, or public agencies that have not executed a participation agreement with the renewable energy facility applicant at the time a complete application is submitted to the County.

Operator – The professional or team responsible for managing and running of the renewable energy project and the associated wind, solar and battery systems from commissioning through decommissioning.

Owner – The legal entity—such as a company, partnership, or individual—that holds title to the project's assets, rights, and obligations, and is responsible for its financial, operational, and regulatory management.

Participating Parcel – Any parcel of real property that is subject to a legally binding, written, and recorded lease, easement, option, or other agreement granting the renewable energy facility applicant or operator the right to construct, install, operate, maintain, or decommission renewable energy equipment or related infrastructure on contiguous parcel, and that is in effect at the time a complete application is submitted to the County. ~~A Participating Parcel also includes any parcel under common ownership or control with the renewable energy facility applicant or operator that is designated as part of the renewable energy project site.~~ **Any participating parcels under a lease, option, or agreement that is recorded at application, must be checked to make sure they have not expired before construction and that they continue through construction, operation and decommissioning.**

Photovoltaic Cells / Solar Panels – An electrical system or device that converts energy from the sun directly into electricity by the photovoltaic effect using photoelectric cells, also known as solar panels.

Project Boundary – The boundary of a renewable energy generation project as set forth in the project site plan and incorporated into the CUP. **Boundary to include all contiguous and non-contiguous parcels, easements, options, leased areas, collection systems, substations, staging areas and phases under common control or serving the same interconnection.** Legal Description must be included and include type of ownership; State, BLM, Private, Federal, etc., bordered by the project's perimeter boundary including Township, Section, and Range.

Qualified RF Communications Consultant – A currently state-registered Electrical Professional Engineer (P.E.) highly trained in electronic transmission equipment and communications systems, with strong demonstrated experience in performing studies, evaluation, and technical written submissions specific to RF communications, including various forms of interference affecting cellular phone, 2-way radio (UHF/VHF/shortwave), broadcast (AM/FM/TV), microwave path, digital data, and weather radar. Knowledge of RF propagation modeling, Fresnel-zone analysis, received signal calculations, signal-to-noise ratio and interference-to-noise measurements, antenna patterns, electromagnetic frequencies, and wind turbine blade/tower/generator caused scattering-reflection-clutter-diffraction-multipath concepts are all important. Proficiency in GIS terrain mapping software, plus FCC database and regulatory experience are equally required.

Renewable Energy -- Power generated from natural resources that renew themselves, including but not limited to solar, wind, hydropower, geothermal, and biomass.

Renewable Energy Research Facility – A center focused on the study, testing and creation of renewable energy power generation and/or storage systems, typically associated with or overseen by an existing major Utility or University.

Renewable Energy Site Plan – A detailed, scaled graphical and technical document that shows how a proposed renewal energy facility will be laid out on a specific piece of land, as defined by the legal description. Including all the supporting infrastructure, environmental constraints, and operational considerations. It is the master layout blueprint used by developers, engineers, regulators, and stakeholders to guide design, permitting, construction, and operation. (See also Article 2)

Repowering – The process of upgrading or replacing major project components (including but not limited to: wind turbines, substations, transmission lines, solar arrays, etc.) with different equipment or location than in the approved CUP, amounting to a substantial modification. Minor repairs or replacement of identical equipment in the same foundation location does not constitute repowering.

Scenic Travel Corridor – A major travel route that provides important scenic views of the County's rural landscapes, unique landforms, vistas and open spaces, which contribute to

tourism, community identity and visual character as seen and experienced by residents and visitors traveling through the region.

Sensitive Receptor – Any location, structure, or place (for instance: residences, seasonal homes, schools, hospitals, natural or cultural sites, public facilities or other buildings where people live, work or gather) that is particularly vulnerable to adverse impacts from a renewable energy operations, such as noise, vibration, shadow flicker, or visual impact, and whose protection is important for human health, comfort, or environmental quality.

Setback Distance – The distance measured as follows: (i) For wind turbines, from the center of the turbine foundation; and (ii) for solar facilities, from the nearest outer edge of the solar equipment footprint or the nearest project perimeter fence, whichever is closest to the setback boundary; to the nearest applicable property line, edge of a public road right-of-way or railroad right-of-way, third-party transmission line, above-ground pipeline, communication tower, other structure, or other boundary established by Apache County.

Shadow Flicker – The repetitive alternation of light and shadows cast across the surrounding landscape due to sunlight interrupted by turning wind turbine blades; shadow length is determined by total turbine height and sun angle.

Storm-Water Runoff and Erosion Control Plans – Detailed site-specific plans showing existing and proposed drainage, retention and other stormwater control structures correctly sized and placed to carry and/or capture excess rain, snowmelt or other precipitation that results from flow over or across the ground surface, impervious surfaces or structures like solar panels, roads, concrete pads, smooth roofs, access ways, or other compacted areas, and is not immediately absorbed into the soil.

Substantial Modification – Proposed changes in project design or components which alter (including but not limited to location, number, size, MW capacity, different technology, or equipment type, **safety systems,** etc.) in such a way that adverse impacts may be increased and/or require different mitigations. Micro-siting adjustments of 100 feet distance or less should not typically constitute a substantial modification, unless a protected resource or receptor would be adversely impacted by that change. **A substantial modification requires formal regulatory review and approval of a new CUP application.** (Also see Micro-siting definition.)

Successor – The person, company, or entity that legally and operationally takes over the rights, obligations, and responsibilities of the original party (often the project developer, contractor, or owner) after that party's exit from the project. This can occur through a succession agreement, contract assignment, or transfer of ownership.

Total Wind Turbine Height – The maximum total height from ground level to the top of a vertically-oriented blade-tip, or topmost extent of some other designed wind energy collector.

Utility-Scale Renewable Energy Production Facility – A renewable energy system primarily to generate electricity for distribution to off-site customers through the electrical grid and

renewable energy storage systems having an actual or planned generating capacity of at least one (1) megawatt, including but not limited to accessory structures and buildings, including substations, anemometers, meteorological towers, gen-tie lines, and associated electrical infrastructure. The term does not include small wind or solar systems designed primarily for on-site residential, agricultural, or institutional energy consumption.

Utility-Scale Solar Energy Project – An energy generation facility using solar energy from the sun to generate electricity by the photovoltaic effect using photoelectric cells, also known as solar panels, and accessory structures and buildings, including but not limited to substations, gen-tie lines, associated electrical infrastructure and related energy storage systems to generate electricity for off-site customers tied into the local electrical grid, with the actual or planned ability to generate at least one (1) megawatt. The term does not include stand-alone solar electricity generating systems primarily for on-site residential, institutional, or agricultural use which do not feed residual power into the electrical grid as defined by the Arizona Corporation Commission.

Utility-Scale Wind Energy Project – An energy generation facility using wind technology and consisting of one or more wind turbines and accessory structures and buildings, including but not limited to substations, anemometers, meteorological towers, gen-tie lines, associated electrical infrastructure, and related energy storage systems, with an actual or planned generating capacity of at least one megawatt. The term does not include stand-alone wind electricity generating systems primarily for on-site residential, institutional, or agricultural use which do not feed residual power into the electrical grid as defined by the Arizona Corporation Commission.

Visual Impact – Refers to the change in the appearance of a landscape and the visual experience of people caused by the presence and operation of a renewable energy project, including how they alter scenic quality, view characteristics, and the overall aesthetics of the area.

Visual Resource -- Natural or built landscape features that contribute to scenic character and are visible from publicly accessible locations such as designated scenic highways, established public parks, recreation areas, historic sites, or recognized viewpoints or scenic travel corridors as may be identified in the Apache County Comprehensive Plan.

Water Use – The total amount of freshwater withdrawn, consumed, or otherwise utilized throughout the project's lifecycle from manufacturing and construction to operation and maintenance for specific purposes, excluding the operational electricity generation phase.

Wind Turbines – A wind energy system that uses the wind to turn a set of aerodynamic blades, interact with wind receptacles, or similar devices attached to an electric generator or turbine. The term does not include small wind turbines with an actual or planned generating capacity used primarily to generate electricity for on-site residential, institutional, commercial, or agricultural use.

Section 803. Zones in Which Allowed / CUP Required

Renewable Energy Generation facilities are allowed only in the Agricultural-General and Industrial Zones, subject to securing a Conditional Use Permit (CUP) and to the applicable site development standards set forth herein. The CUP application shall comply with **this Article and** Article 11 of the Apache County Zoning Ordinance **and with this Article 8.**

A. Preferred Criteria

When reviewing applications for Renewable Energy Generation Facilities, Apache County shall consider consistency with the Apache County Comprehensive Plan **and applicable County Community Plans** and ~~encourage siting~~ **favor site locations** in areas identified as suitable for energy development. The following preferred criteria are intended to guide project design and site selection in a manner that **best protects public health, safety, and welfare,** minimizes land use conflicts and protects the County's natural, cultural, and scenic resources.

~~These criteria are advisory and are intended to guide planning and mitigation strategies. Compliance with the mandatory development standards of this Article shall remain the basis for permit approval.~~

These criteria are ~~advisory and are~~ intended to guide planning and mitigation strategies **in order to protect the public health, safety, convenience and welfare of the residents of Apache County**. ~~Compliance with the mandatory development standards of this Article shall remain the basis for permit approval.~~

1. **Proximity to Existing Springerville and Coronado Generation Stations and Transmission Infrastructure** — Sites **should be** located close to existing **Generating Stations,** transmission lines, substations, and interconnection points, to reduce the need for construction of new transmission infrastructure**, and minimize the need for new interconnection lines to cross scenic travel corridors and the Little Colorado River. OR: and transmission lines do not cross the Little Colorado River or major highways.**
2. **Lower Habitat and Vegetation Sensitivity** — ~~Areas~~ **Sites** with limited wildlife habitat or vegetation sensitivity and located away from designated wildlife management **and wildlife viewing** areas.
3. **Distance from Population Centers** — ~~Locations sited away from towns, communities, and concentrations of residential development in order to minimize potential noise, shadow flicker, glare, and other quality-of-life impacts.~~

   ~~Utility-scale renewable energy facilities should be located in the most remote and sparsely populated areas of Apache County where they minimize conflicts with existing and planned residential development, incorporated municipalities, established unincorporated communities, airports, schools, parks, and other areas of concentrated public activity. Preference shall be given to locations that maximize separation from areas of existing and anticipated population growth while protecting public health and safety, preserving community character and maintaining compatibility with the Apache County Comprehensive Plan.~~

Utility-scale renewable energy facilities should be located in the most remote and sparsely populated areas of Apache County where they minimize conflicts with existing and planned residential development, incorporated municipalities, established unincorporated communities, airports, schools, parks, and other areas of concentrated public activity. Preference shall be given to locations that maximize separation from areas of existing and anticipated population growth while protecting public health and safety, preserving community character and maintaining compatibility with the Apache County Comprehensive Plan **and applicable Community Plans. Measurement will commence (see setbacks Section 806) from municipal boundaries or in unincorporated communities from their fire district boundaries or community comprehensive plan boundaries: designated subdivision boundaries, parks, schools, airports and other public activity from property lines.**

a.) Utility-scale renewable energy facilities should be located in the most remote and sparsely populated areas of Apache County where they minimize conflicts with existing and planned residential development, incorporated municipalities, established unincorporated communities, **residential subdivisions,** airports, schools, parks, and other areas of concentrated public activity.
b.) **Utility-scale renewable energy facilities should be located primarily downwind, to the east/northeast of population centers, such that flames, smoke, toxic fumes or airborne contaminants from accidental fires, leaks or discharges are more likely to burn or blow away from population centers.**
c.) Preference shall be given to locations that maximize separation from areas of existing and anticipated population growth while protecting public health and safety, preserving community character **and property values,** and maintaining compatibility with the Apache County Comprehensive Plan **and applicable County Community Plans.**

4. **Compatible With Existing Land Uses** — ~~Areas already used for grazing, agriculture, or other compatible low-density uses that present fewer conflicts with renewable energy development.~~

   Preference should be given to locations where utility-scale renewable energy development supports continued agricultural and grazing operations, ~~provides opportunities for supplemental agricultural income~~, and minimizes conflicts with neighboring ~~ranches, private property owners~~, **properties,** and other established rural land uses.

5. **Topographic Suitability** — Locations ~~**with**~~ **where** terrain **is** conducive to construction and maintenance, minimizing the need for extensive grading ~~**or**~~ **and** vegetation removal disturbance**, and/or subsurface rock layers are geologically stable to support facility foundations without extensive blasting. Prohibits any industrial complex construction in the Springerville Volcanic Field due to its unstable geological nature.**

   ~~(I personally think we should remove "**Topographic Suitability**" this definition altogether, this is primarily an engineering constraint or an opinion not a land use qualification.)~~ **[Explanation: I suggest keeping this criterion as amended, given that**

solar and other facilities can require considerable site grading or other terrain modifications, thus making it more difficult and costly to re-shape the site back to original condition for post-decommissioning restoration.]

6. **Consistency With Preferred Energy Generation Areas Identified in the Apache County Comprehensive Plan**
~~Projects located within areas identified in the Apache County Comprehensive Plan as suitable for energy generation may demonstrate improved compatibility with long-term County planning objectives.~~

Preferred Energy Generation Areas identified in the Apache County Comprehensive Plan represent locations generally considered most suitable for utility-scale renewable energy development based on compatibility with surrounding land uses, available infrastructure, and the County's long-term planning objectives. These areas provide planning guidance and shall not be construed as guaranteeing or prohibiting project approval.

(APACHE COUNTY MUST ADOPT THE PRIMARY PREFERRED AREA AND THE SECONDARY PREFERRED AREA AS A PART OF THE APACHE COUNTY COMPREHENSIVE PLAN, IN ORDER TO MANDATE THESE PROJECTS IN THE DESIGNATED AREAS).

7. **A project site that has minimal visual impacts to scenic viewsheds of residents, travelers and tourists.**

OR

7. Sites With Minimal Visual Impact

Sites that have minimal visual impact on significant landforms, scenic travel corridors, scenic viewsheds of widely recognized aesthetic, historic or recreational value, and on scenic vistas as seen from existing residences, or sites which are more than 10 miles from Visual Resources.

AND/OR

7. Additional considerations for siting renewable energy projects in the Preferred areas -- Railroad access, more favorable geological soil conditions, larger fire districts available for support, downwind from larger municipalities for fires and toxic exposures, minimal effect on traffic interference and ease of highway accessibility, minimal noise exposure and health effects, and prevents utility-scale facilities from becoming a routine use in District III.

B. Non-Preferred Criteria

1. Applicant required to explain how conflicts are avoided or mitigated on every preferred criterion as provided by Section A above.

2. Applicant shall be allowed to submit a proposed site-selection alternative outside of preferred area, after alternative analysis has identified other locations that were considered, and why the site selected is superior or necessary over the preferred area.

3. Applicant must provide measurable siting factors to include but not limited to: mapped data layers for communities, residences, scenic corridors, wildlife areas, cultural/archaeological resources, wildfire risks, transmission lines, and military aviation constraints, water availability, dark skies, roadways and infrastructure, and possible cumulative impacts with other projects.

4. Applicants proposed siting plan must comply with Apache County's Comprehensive Plan or local Community's Comprehensive Plan.

5. County Attorney Office will review the final siting system for consistency with ARS 11-811 and ARS 12-1134, Section A through I, remainder of this statute is irrelevant including the statutory protection of property rights and the exception for health/safety and utility-facility location regulations. The record must show the factual basis for each standard.

Section 804. General Development Standards

A. Pre-Application Meeting

The applicant shall participate in a mandatory pre-application meeting with Apache County Community Development staff prior to submission of a Conditional Use Permit (CUP) application. The purpose of the meeting is to review the CUP process, review the Pre-Submittal Checklist **(Article 8 Appendix A)**, identify potential issues early in the process, and clarify the information required for a complete application.

The applicant and Apache County ~~**may invite**~~ **will meet with** representatives from relevant agencies, including but not limited to **Engineering, Emergency Management, affected municipalities/Tribal government,** local fire districts, **nearby towns, OR nearby town governments,** the Arizona Game and Fish Department **(AGFD)**, the Arizona Department of Transportation **(ADOT)**, the Apache Natural Resource Conservation District (ANRCD), and other applicable **land-management** agencies. **A memorandum will require documented studies, agency reports, deadlines and unresolved issues identified during the meeting or each individual meeting, as appropriate.**

B. Roads and Access and Construction Traffic

The applicant ~~**shall**~~ **will** construct only the minimum number of on-site access roads necessary for construction, operation, **dust control, erosion, drainage, over-sized loads, emergency-access,** and maintenance of the renewable energy facility. Temporary access roads**, crane paths,** and excess roadway widths used during construction**, repairs, and decommissioning** ~~shall~~ **will** be reclaimed and re-vegetated with **site-appropriate** native species **as soon as possible, and OR**

as soon as seasonally practical and to the extent reasonably feasible.~~, following completion of construction.~~

The applicant ~~shall~~ **will** submit **with the CUP application** a plan of all proposed roads **and crane paths**, temporary and permanent, **including legible topographical maps at a 1" = 200 foot scale with contour interval shown,** for review **by the ANRCD and review/approval** by the Apache County Engineering Department and approval with the CUP application **OR** ~~**and approval with the CUP application**~~. All permanent roads ~~shall~~ **will** be built **and maintained** to ~~**the minimum**~~ County **Engineering** requirements.

The CUP application shall also provide total miles of temporary cross-country crane paths planned, and explain why they cannot be co-located upon engineered project roads. A detailed description shall be provided, including illustrations if appropriate, of all methods that will be used to mitigate crane path impacts to the site-specific soils, vegetation, terrain, wetlands, highway surface, and/or other sensitive resources.

Such methods shall include but not be not limited to: pre-surveyed and flagged centerline to best minimize resource damage; use of load-distributing ground mat system suitable to crane size and weight; timing and soil conditions limitations with stop-work triggers; maximum number of passes on each path; crane turns and maneuvering; slope steepness; erosion control; path site repair work; and adherence to local noxious-invasive weed control plan at all locations and work stages.

Prior to CUP public hearings, the submitted maps and narrative shall be reviewed by the ANRCD and an independent Arizona-registered civil engineer, with their written reports provided to the County Community Development Director on the plan's effectiveness for suitable path location, OSHA operator safety requirements for stable supporting ground, soil, vegetation and other resource protections.

AND/OR

The applicant will provide detailed route designations for delivery of materials and project components on major highways. An outside independent Engineering analysis, paid for by the applicant, must have a detailed video log of the entire routes, plus an analysis of existing conditions before construction, to include bridge/culvert capacity, oversized loads, school-bus routes, emergency delays, pavement damage repairs during construction and snow operations.

These projects will require a road use agreement, repair bond, post-construction pavement inspection to include pavement analysis and video log, and will be conducted and paid for by the applicant, to determine required pavement restoration on any major highway. All post-construction pavement repairs must be completed before project occupancy permit will be issued.

Any proposed project road accesses with a major highway must be designated by exact mile marker (MM) locations. Road accesses that are to be permanent will be paved up to

the right-of-way line according to ADOT standards. Any ADOT required highway improvements, as a part of the ADOT permit, will be complied with by the applicant. The applicant will provide in the project site plan, detailed drawings for each road access as to: roadway width, turning radii, pavement design and adequate site visibility.

The applicant will provide a detailed construction work schedule to determine time frames for major traffic interferences due to delivery of major project components. The project owner at the time of decommissioning (see Section 811), will provide a detailed construction work schedule for removal of major project components to determine time frame for major traffic interference due to removal of components.

The project owner during decommissioning period will provide pre-decommissioning and post-decommissioning pavement reviews as per the pre- and post-construction requirements. (see Section 811).

Any highway reports, pavement analysis, video logs or other documents used for determining highway conditions from both construction and decommissioning of a renewal energy project requiring highway repairs, will become the property of Apache County for a permanent project file in Community Development and Engineering Departments.

C. Electrical Infrastructure and Transmission lines

Electrical collector lines, which connect electricity generation devices to any substations, shall be placed underground, except where **a waiver for** above-ground placement is approved **for specific collector lines** by the County **as part of the CUP** due to engineering, safety, or environmental constraints. **(a) they cross sensitive biological or archeological resources, such as canyons, wetlands, or sites eligible for the national register, or rugged terrain that would prevent the use of underground trenching and technology, (b) project terrain is found to be unsuitable, as determined by the applicant and confirmed by the Apache County Engineer, or (c) burying the lines would violate applicable laws or regulations. In these cases, collector lines will be allowed above ground subject to approval by the Community Development Department and County Engineer. Utility lines serving the electricity or phone requirements of building shall be placed in accordance with the utility easement requirements.**

D. Fire Protection and Emergency Response

Public Safety, Fire Protection and Emergency Management Plan.

The proposed Public Safety, Fire Protection and Emergency Management Plan for construction and post-construction operation of the facility, including plans for ongoing management of forest and fire fuels shall be submitted with the CUP application. This plan must be approved by the fire district or department having jurisdiction and the Community Development Director prior to scheduling Planning and Zoning Commission hearings on the CUP.

Coordination of local emergency services. Applicants for renewable energy facilities shall coordinate with emergency services staff to provide materials, education and/or training to the departments serving the property with emergency services in how to safely respond to on-site emergencies. Additional mitigation may be required if requested by the local or nearest fire district to support response capabilities.

Renewable Energy Generation projects shall include fire control and prevention measures as outlined in the Uniform Fire Code and as required by the local Fire District or State Fire Marshal. The applicant ~~agrees to~~ **shall** implement fire protection measures for the construction and operation of the energy project that are acceptable to the local fire district and other land management agencies adjacent to the proposed energy project, if any. A preliminary fire prevention and emergency response plan shall be submitted with the CUP application. Final fire protection plans shall be approved by the applicable fire district or authority having jurisdiction prior to issuance of building permits. ~~Detailed~~ **Additional fire protection and emergency response plans details shall be submitted and approved as required during the building permit review process.**

OR

Renewable Energy Generation projects shall include fire ~~control and prevention measures as outlined in the Uniform Fire Code~~ **protection systems, equipment and administrative controls as specified in the current versions of:**

1. **The International Fire Code (IFC);**
2. **National Fire Protection Association (NFPA) 850, Standard for Fire Protection for Electric Generating Plants and High Voltage Direct Current (HVDC) Converter Stations;**
3. **NFPA 855, Standard for the Installation of Stationary Energy Storage Systems;**
4. And as required by the local Fire District ~~or~~ **and** State Fire Marshal.

The performance objective shall be to provide for life safety and prevention of an exposure fire resulting in a wildland fire event.

The applicant agrees to OR ~~agrees to~~ **shall** implement fire protection ~~measures~~ **systems, equipment and administrative controls** for the construction and operation of the energy project that are acceptable to the local fire district**, other likely responding fire units,** and other land management agencies adjacent to **or potentially impacted by** the proposed energy project**.** ~~, if any~~.

~~A preliminary fire prevention and emergency response plan shall be submitted with the CUP application.~~ **A Final Fire Protection and Emergency Response plan (Fire Protection Design Basis Document and Fire Risk Control Program in accordance with NFPA 850, and NFPA 855 is applicable)** shall be submitted with the CUP.

A near-final Fire Protection and Emergency Response Plan shall be approved **in writing** by the **appropriate** fire district ~~or~~ **and** authority having jurisdiction **prior to CUP hearings. A more detailed** fire protection and emergency response plan~~s~~ shall be submitted as **OR if** required during the building permit review process**, and approved in writing by the fire authorities prior to building permit issuance.**

(To be added to Frank Garrett's re-write of above paragraph.)

Require applicant funded first-responder training, specialized equipment, annual drills, response-cost reimbursement for fire, EMS and ambulance services (based on written fire district findings), updated emergency contacts, and site access mapping.

Linda has another version in her recommended reorganization of the Ordinance.

E. FAA and FCC Compliance

~~1. Renewable Energy Generation projects shall comply with applicable Federal Aviation Administration (FAA) lighting, navigation, and other requirements. Lighting shall be the minimum Aircraft Detection Lighting System (ADLS) required by FAA regulations or other public safety considerations. The use of low-intensity, red pulsating or blinking lighting with ADLS is required, so long as consistent with FAA regulations. The use of constant strobe or strobe-type lighting for nighttime use is prohibited unless specifically required by the FAA.~~

1. **FAA Compliance**
   a.) Renewable Energy Generation projects **and facilities (eg. meteorological towers, wind turbines, powerline poles, construction cranes, etc.)** shall comply with applicable Federal Aviation Administration (FAA) lighting, navigation, **marking** and other requirements**, as potential aviation air obstructions regardless of location.**
   b.) Lighting shall **be comply with** the ~~minimum~~ Aircraft Detection Lighting System (ADLS) required by FAA regulations or other public safety considerations. The use of low-intensity, red pulsating or blinking lighting with ADLS is required, so long as consistent with FAA regulations. The use of constant strobe or strobe-type lighting for nighttime use is prohibited unless specifically required by the FAA.
   c.) **The CUP applicant shall include the FAA's Determination of Hazard/No Hazard to Air Navigation with the application for a conditional use permit. The issuance and expiration dates of the Determination and any Extension shall be clearly noted. If the Determination has been extended, the Extension shall be included to show that the Determination remains valid. Any filings submitted to the FAA by the applicant with respect to changes in turbine locations, ground elevations, turbine heights, lighting/marking or the addition of new turbines shall be provided to the Apache County Community Development Department within 10 business days of submission to the FAA. The subsequent Determination of Hazard/No Hazard issued by the FAA in**

response to the changes shall be provided to the County within 10 business days of issuance.

2. **FCC Compliance**
   NOTE: Local RF Communications ad-hoc advisor, Mr. Richard A. Paquette, Arizona Section Manager of the American Radio Relay League (ARRL) is not available to attend the Sept. 22, 2026 P&Z Special Work Session. **But he does expect to be available to attend the Oct. 13, 2026 P&Z Special Work Session.** He may also be accompanied by his emergency radio assistants for Apache and Navajo Counties on that date. Therefore, the recommended text for this section on "FCC Compliance" will be submitted in advance by Oct. 6 for the Commissioners' review to discuss in the Oct. 13 P&Z Work Session.

Communications Interference; Compliance; Investigation; Remediation; Waivers. The Applicant/Operator shall design, construct, operate, and maintain the Renewable Energy Facility in compliance with all applicable Federal Communications Commission (FCC) rules and regulations (including prohibitions on harmful interference, as defined by the FCC) and any other applicable federal or state authorizations, licenses, or permits governing RF, microwave, broadcast, public safety, and telecommunications systems. Prior to construction, the Applicant shall submit a pre-construction RF/microwave interference study prepared and sealed/signed by a qualified communications engineer and shall provide and maintain a local point-of-contact (name, 24/7 phone, and email) authorized to receive and act on interference complaints. Upon receipt of a written complaint, the CUP holder shall initiate an investigation within ten (10) business days and provide the complainant and the County a written status update. If interference is verified, the CUP holder shall, at its sole cost, implement corrective action sufficient to eliminate the verified interference and restore service to pre-project conditions, including as necessary operational curtailment or cessation, repair or replacement of affected equipment, filtering/shielding, and re-aiming or relocation of antennas or communications equipment, within thirty (30) calendar days of verification **unless the Community Development Director grants a written extension for good cause**. The County may require independent testing and/or engineering analysis by a qualified third party to confirm the presence, source, and resolution of interference; all reasonable costs shall be paid by the Applicant/Operator. Any person or entity may waive application of this subsection as to a specific receiver, facility, or parcel by executing a written waiver identifying the affected location and scope of waiver and recording the waiver with the County Recorder to provide notice to successors.

F. Design and Appearance

Towers, generator housings, hubs, blades, and solar panel stands shall be painted a non-reflective, unobtrusive color that complements the surrounding landscape, including but not limited to white, off-white, beige, or tan.

The design of other buildings and structures shall, to the extent reasonably feasible and consistent with public safety, use materials, colors, textures, screening, and landscaping that blend the facility into the existing environment.

Solar panels and wind turbines and accessory and support buildings and other structures shall be designed and constructed to minimize glare at occupied structures, recreation areas, roads, highways or airport flight landing or takeoff areas.

To the greatest extent feasible the renewable energy facility shall:

- **Use wind turbines and towers of uniform design and color. The turbine color shall be a neutral color that blends with the environment and complies with FAA standards.**
- **Be screened by natural vegetation, topography, or other means to minimize adverse visual impacts on neighboring properties.**
- **Utilize exterior light fixtures that are shielded, on timers and comply with Section __, Lighting. In addition, the renewable energy facility shall use the minimum lighting necessary for building safety and security purposes.**
- **Utilize an FAA-approved radar-activation system for aviation-warning lights when aviation-warning lights are required on wind turbines and meteorological towers by federal or state law.**
- **Use existing substations, or if new substations are needed, minimize the number and visual impact of the substations.**

G. Wildlife Protection

Guy wires for meteorological towers, transmission lines and power poles shall only be used if necessary and shall contain bird diverters as recommended by Arizona Game and Fish Department or other appropriate state and federal natural resource management agencies.

Above-ground power lines shall comply with the Avian Power Line Interaction Committee standards to prevent avian fatalities.

Turbines and solar panels shall be designed so as not to attract nesting birds or serve as perches for raptors. The ~~CUP holder~~ **applicant** shall refer to the Arizona Game and Fish Department and U.S. Fish and Wildlife Service ~~wind~~ guidelines that have been developed to aid project proponents in reducing impacts to wildlife.

The applicant shall consult with the Arizona Game and Fish Department and other applicable agencies regarding potential wildlife impacts. Written comments from these agencies ~~may~~ **shall** ~~be requested by Apache County prior to scheduling~~ **be submitted as part of** the CUP application. ~~for a hearing before the Planning and Zoning Commission.~~

Pre-construction and post-construction wildlife studies, if required, shall be developed and performed in accordance with Arizona Game and Fish Department or U.S. Fish and Wildlife Service guidelines**, and coordinated with, and subject to the approval of the applicable wildlife agency, with copies mailed to the Community Development Department**.

Any wildlife impacts discovered during post-construction surveys shall be identified in the formal annual report submitted to the Arizona Game and Fish Department and U.S. Fish and Wildlife Service, with a copy to the Community Development Department. The annual report shall include avian, bat and wildlife deaths due to the project.

If the project is located within a Wildlife Linkages Area (as identified by the Apache and Navajo County Wildlife Connectivity Assessment, Arizona's Wildlife Linkages, or by the Arizona Game and Fish Department), passage for those species that use the Wildlife Linkages shall be maintained subject to the approval of the AGFD.

Proposed fencing shall be designed to minimize visual impacts from and be complimentary with scenic corridors and adjacent properties, and to minimize impacts to wildlife and Wildlife Linkages. Security fencing shall be permeable to small animals by leaving a six-inch gap between the bottom of the fence and the ground, exclusive of substation facilities. When feasible, fencing shall be designed around groups or clusters of equipment, as opposed to fencing the entire site. New fencing shall not impact or impede existing easements to private, State or public lands.

Project fencing shall include minimum 18-inch by 18-inch signs warning of the presence of high voltage. Such signs shall be located a maximum of 300 feet apart and at all points of site ingress and egress. Projects without fencing shall place such warning signs on each transformer building and all points of ingress and egress. Project fencing, if applicable, shall be a minimum of six feet and maximum of eight feet in height (excluding barbed wire or cyclone wire fencing, which is permissible).

H. Permits and Agency Coordination

All required federal, state, and local permits applicable to the project shall be obtained prior to construction as required by the issuing agencies. The CUP holder is required to coordinate with federal, state, and local agencies, including but not limited to **the Community Development Department,** ~~Apache~~ ANRCD, **ADOT, ADEQ**, and local fire and EMS departments, for review of operations for the life of the CUP.

To ensure the structural integrity of the renewable energy facility, the owner shall ensure that it is designed and maintained in compliance with standards contained in applicable local, state, and federal building codes and regulations.

All Renewable Energy Systems shall be designed and constructed, to the greatest extent feasible, to prevent interior and exterior access by the public and shall include interior ladders and locking doors. All renewable energy equipment installed at the facility shall be commercially manufactured and certified for utility-scale use under applicable industry standards and building codes. For construction and permitting purposes, all wind turbines and solar panels shall conform to the regulations for the applicable seismic zone of the adopted building code.

Documentation confirming an interconnection agreement ~~or~~ **and** a power purchase agreement, or equivalent agreements, shall be required prior to issuance of any building or construction permits. All necessary building, grading, and other permits shall be obtained from the Apache County Community Development Department prior to any site preparation or construction. No building or structure may be constructed or occupied prior to full compliance with all applicable Community Development Department requirements, including **but not limited to** grading, drainage plans, flood control requirements, and issuance of building and other permits. Floodplain Use Permits, where required, for development in a floodplain shall be obtained through the Flood Control District prior to ~~development~~ **building permit approval.**

I. Signs

Signs associated with the project are limited to one project identification, information, interpretive, and address sign not exceeding 24 square feet at each point of ingress and egress. No other signs shall be installed except required warning and directional signs. Limited logos or manufacturer names are permitted on generator housings or hubs. No other advertisements or prominent logos or messages are allowed. All sign requirements are found in Apache County **Zoning** Ordinance Article 7. All sign permits shall be included in CUP approval and shall not require a separate sign permit under Article 7.

J. Noxious Weeds, Materials, and Site Management

Prevention-Minimization of Unnecessary Site Damage Prior To, During, After Construction

A. Prior to geotechnical test hole drilling the Applicant's geologist and engineer shall consult all available existing site-specific geological surveys and soil survey information already available. All forms of destructive sampling shall be kept to a minimum and restored promptly.

B. All test holes dug/drilled for soils and/or geotechnical studies or for construction, which are abandoned as non-suitable sites, shall be promptly filled (within 15 calendar days) with the same native materials that were extracted, placing rock below with soil on top.

C. State-Protected native vegetation removed for construction shall be salvaged or relocated according to Arizona Native Plant Law, in ~~coordination~~ consultation with the Apache Natural Resources Conservation District (ANRCD) ~~as determined by Apache County~~.

D. Non-State-Protected trees/shrubs removed for construction shall be disposed of at the discretion of the landowner. On State- or County-owned lands, they shall be responsibly disposed of or lopped and scattered across barren soil where needed for topsoil retention or offered to community civic-charitable organizations as donated firewood. In all cases, ~~coordination~~ consultation with the (ANRCD), and/or the local fire district/department, **is required** ~~as determined by Apache County~~.

E. Non-State-Protected, non-noxious herbaceous vegetation removed for construction shall be offered to nearby landowners or ranchers, or spread across barren soil, or burned in a responsible manner. ~~Coordination~~ consultation with the ANRCD, and/or the local fire district ~~department,~~ **is required** ~~as determined by Apache County~~. Noxious-invasive plant species shall be promptly disposed of according to the **project-specific** Noxious-Invasive Weed Prevention and Control Plan developed in ~~coordination~~ consultation with the ANRCD ~~as determined by Apache County~~.

F. A site-appropriate Noxious-Invasive Weed Prevention and Control Plan for project construction, operations, and decommissioning-restoration shall be prepared in ~~coordination~~ consultation with the ANRCD ~~and as determined by Apache County~~ shall be included with the CUP Application.

G. Non-vegetative native materials (rock, cinders, soils) removed or displaced by pre- or post-construction excavation shall not be stockpiled on-site for more than 6 months, unless included in CUP approval. The following options will be permitted - They may be:
   - Used to reshape certain portions of the project site terrain, if needed and approved.
   - Donated to the County or local municipalities or businesses that can use them.
   - Stored or used on private lands by written agreement.
   - Crushed and used for new road surfacing or for concrete foundation mixtures **subject to the approval of the County Engineering and Building Departments.**

K. Operations and Cleanup

Operations

The renewable energy facility shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all noise requirements and other permit conditions and requirements of this Article and all provisions of the Apache County Zoning Ordinance.

Site maintenance.

a. Native grasses or other native vegetation as approved by ANRCD shall be used to stabilize the site for the duration of the facility's use.
b. Weed control or mowing shall be performed routinely. Failure to maintain the site may result in revocation of the use permit and the facility's decommissioning.
c. Anti-reflective coatings. Exterior surfaces of wind turbines, solar collectors and related equipment shall have a nonreflective finish and shall be designed and installed to limit glare to a degree that no after image would occur as seen from vehicular traffic or any adjacent building.

Repair of components. All components shall be repaired or replaced when either nonfunctional or in visible disrepair.

Should any part of the renewable energy facility be damaged, or should the facility violate a permit condition, the owner or operator shall cure any deficiency within 90 days after written notice from the County.

If any renewable energy facility or component remains non-functional or inoperative for a period of one year, the applicant and/or its successors or assigns, without any further action by the County, shall remove said facility or component and restore the site at its own expense, subject to the provisions of the Decommissioning Plan.

Cleanup. If project components or materials must be replaced during construction or operations ~~due to manufacturing flaws, maintenance issues, weather extremes, accidents, or unforeseen events, including but not limited to turbine blade throw, tower collapse, cracked solar panels, battery leaks, oil spills, or similar incidents,~~ such materials shall be completely removed and disposed of in accordance with decommissioning and site restoration requirements in Section 811 of this Article.

All such cleanup and removal activities shall be promptly reported to Apache County with notice provided to ANRCD for informational purposes. Cleanup will commence within thirty (30) calendar days **at the CUP holder's expense**. The CUP holder may ask for a longer time period in writing as necessary to accommodate site conditions and reasonable scheduling needs, ~~at the CUP holder's expense~~.

Third Party Review. Apache County reserves the right to contract with a qualified third-party consultant for the review and evaluation of the proposed project and any of the application materials. The selection of a consultant shall be made in consultation with the applicant, with a mutually agreed-upon "not to exceed" contract amount prior to final selection of the consultant. The cost for any such review shall be reimbursed to Apache County by the applicant before any building permit is issued. Additionally, and if deemed necessary, the reasonable cost for any third-party review(s) of any long-term monitoring or response to complaints or operational changes shall be reimbursed to Apache County by the CUP holder within 30 days after written demand by the County. In such cases Apache County shall provide written notice of the use of a third-party consultant to the applicant prior to such use.

The County may obtain reviews, inspections or other work completed by a third party for the purpose of review or monitoring of the facility, the costs of which shall be required to be reimbursed by the Facility owner or operator. Examples of such work include, but are not limited to reviews and associated inspections of the Wildlife Protection Plan, stormwater quantity and quality plans, the Decommissioning Plan, and compliance reports.

Wind Turbine Blade Clearance. Wind turbine blades shall be designed so that the closest point of the sweep of the blade is at least 30 feet above finished grade.

Shadow Flicker. Shadow Flicker from turbines shall not impact adjacent Non-participating properties or public rights of way by more than 30 hours per year, as shown by a Shadow Flicker evaluation prepared by a qualified expert. Waivers or exceptions to Shadow Flicker impact may be approved by the Planning and Zoning Commission when the applicant demonstrates a significant or substantive need.

Air Quality Impacts for Biomass Energy Installations. Biomass Energy Installations shall obtain an air quality permit from the Arizona Department of Environmental Quality and adhere to all applicable Federal and State rules and regulations.

Visual Impact. Projects shall be designed to minimize visual impact by:

- **Placing all collection lines within the installation underground, including connections to a substation, to the greatest extent practical. Waivers or exceptions may be approved when the applicant demonstrates a significant or substantive need for above ground connections.**
- **Mitigating visual impacts from transmission lines connecting substations to the utility grid to the greatest extent practical.**
- **Designing and locating Utility Scale Renewable Energy Facilities in a manner to minimize adverse visual impacts.**

Stormwater and Erosion Control

Renewable energy projects shall comply with local, state and federal requirements including but not limited to the Clean Water Act and Arizona Pollution Discharge Elimination System (AZPDES). Due to the size of these projects and amount of land disturbance, an engineered Stormwater Pollution Prevention Plan (SWPPP) will be required to ensure effective control of dust, stormwater, soil erosion and sedimentation during construction, operation, decommissioning, removal and site restoration.

A preliminary Stormwater, Dust and Erosion Control plan shall be submitted with the CUP application that proposes:

- **Measures to control dust, stormwater runoff, erosion and sedimentation, including but not limited to, from access roads, laydown areas, stockpiles and all disturbed areas.**
- **Minimizing grading and vegetation removal.**
- **Maintaining and restoring natural drainage patterns.**
- **Heavy-duty Best Management Practices and structures such as retention basins, phased grading, and swales combined with perennial vegetative ground cover to capture runoff and filter out sediment and pollutants at the source during construction, and for the life of the project.**

- **Owner or operator shall conduct inspections of all stormwater plan components at least every 14 days, and within 24 hours after precipitation events of 0.5 inch or more, to ensure that components are working properly and any needed maintenance and repairs shall be completed in a timely manner to avoid catastrophic failure.**

The preliminary Stormwater, Dust and Erosion Control Plan shall be reviewed by ANRCD and approved with the CUP. Final engineered SWPPP shall be approved by ADEQ, with a copy to the Community Development Department prior to issuance of building permits.

A copy of the approved SWPPP and all related documents shall be maintained by the CUP holder onsite for the life of the project.