

**Apache County Renewable Energy**  
**PROPOSED MORATORIUM FRAMEWORK**

**Citizens Proposed Resolution, Work Plan and Time Schedule**

For compliance with ARS 11-833

June 25, 2026

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For review by Planning and Zoning Commission to consider for July 1, 2026 P&Z Meeting,  
as a Plan to present to Board of Supervisors in their July 7, 2026 BOS Meeting.

To assist with Moratorium enactment and for County P&Z Commission  
and Board to use as they see fit.

## **MORATORIUM FRAMEWORK**

- I. **PRIMARY GOAL** – Revise Utility-scale Renewable Energy Systems regulations in Article 4 of County Zoning Ordinance into new Article 8 with provisions to adequately protect public health, safety and welfare of Apache County residents, with respect to essential emergency services communications facilities, and protection of essential natural resources like water for safe consumption and fire-fighting, and long-term viability. This moratorium applies to all of County District III.
  
- II. **KEY OBJECTIVES** – Measurable means by which this Goal will be achieved in 120-days:
  1. Revise Draft Article 8 to the satisfaction of the County Planning and Zoning Commission, with appropriate input from citizens and County officials. (Renewable Energy Industry representatives to be excluded until Public Hearing, as they have already provided their detailed input into the draft ordinance text in 2025 through June 2026. Further input from the industry into an ordinance that is intended to regulate their projects would be a conflict of interest and give undue influence to non-county residents who would directly benefit financially.)
  
  2. Radio Frequency (RF) Communications – Protect all existing capabilities (Baseline level) of cell phone towers, microwave, 2-way radio facilities, Doppler weather radar, etc., and prevent interferences by renewable energy projects. Include proper text in new Article 8 to ensure this occurs.
  
  3. Surface and Groundwater Resources – Protection of Quantity and Quality of water supplies and include proper text in new Article 8 to ensure this occurs. Search available published studies and data, to refine a more current comprehensive Baseline Water study of existing conditions.

### **III. STEPS to ACHIEVE EACH OBJECTIVE**

#### **1. Draft Article 8 Ordinance Update Workplan-Timeline:**

- A. Planning and Zoning Commission takes charge of process, rather than Community Development Department Staff
  
- B. Work Program for Ordinance Update:
  - 1.) Within 30 Days:
    - P&Z Commission select subcommittee/task force members
    - P&Z Commission approves Work Program
  
  - 2.) Within 45 Days:
    - Subcommittee/task force holds first (organizing) meeting.
    - Subcommittee/task force develops roles and selects qualified members to act as leader, minute-taker, researchers, data entry, spokesperson, etc.

- Subcommittee/task force develops rules and procedures.
  - Attendance by members is mandatory (participation by phone is OK).
  - No quorum required.
  - Due to time frame, no spending meeting time going back to bring a member up-to-speed on information covered in missed meetings.
  - Staff may attend, can comment on procedural but not policy issues, shall provide information/support requested by subcommittee/task force in a timely manner.
  - Public may attend, submit comments on current agenda items via email only.
  - Developers may attend, submit comments on current agenda items via email only.
  - At end of each meeting, 2 minute public/developer comments allowed – only if meeting time permits, or extended by a vote of the majority of members present.
- Subcommittee/task force spokesperson presents status report to P&Z Commission at each regular P&Z meeting.

3.) Within 90 days:

- Subcommittee/task force review and propose changes to current Draft 8 Ordinance section-by section per subcommittee/task force agenda
- Subcommittee/task force makes changes to draft ordinance in strikeout/underline format within 48 hours after each meeting, identifies draft as Draft 9 v1, v2, etc.
- Subcommittee presents complete revised draft to P&Z Commission for review and modification if needed

4.) Within 120 days:

- P&Z holds special joint work session with subcommittee/task force to discuss draft and allow public/developer/staff input
- Subcommittee/task force revises draft based on P&Z direction
- P&Z Commission holds public hearing on draft Ordinance
- P&Z makes recommendation on final Draft Ordinance to Board of Supervisors
- Board of Supervisors votes on Ordinance

C. Detailed Ordinance Update Work Program = **See Exhibit B**

## 2. RF Communications Workplan-Timeline:

A. Within 30 Days:

- Place requirement for Baseline Study of Existing RF Communications Capabilities into Article 8, with the requirement that CUP Applicants are to include results of the Baseline Study as the starting point for their own project-specific analysis.
- Assemble “Radio Team” of 3-4 qualified citizens with extensive RF communications training and experience from radio groups (eg. Kachina Amateur Radio Club members, Greens Peak Users Association and ARRL Board members) to begin collecting information

on factors needed in a comprehensive Baseline Study (**see Exhibit C**) done voluntarily to reduce consulting cost.

- Radio Team survey existing FCC databases of available information needed.
- Draft a Scope of Work for a consultant's comprehensive Baseline Study of existing communications capabilities.

B. Within 45 Days:

- Radio Team coordinate with Apache County IT Department Radio Specialist (?)
- Identify at least 3 qualified, independent, unbiased RF consultants that can meet the moratorium timeframe. Request cost estimates based on Scope of Work. (One is tentatively identified by qualified citizens. Find two more candidates to recommend to County.)
- Consider costs of Baseline Study and discuss with County those who can and will pay for study.

C. Within 60 Days:

- Finalize Scope of Work for comprehensive Baseline Study consultant.
- Select a consultant to begin performing Baseline Study.
- Ask consultant if any other information is needed that citizens can find and/or provide.
- Citizens Radio Team search for additional information requested by consultant and provide it promptly.
- Continue coordinating with County IT-Radio Specialist

D. Within 90 Days:

- Radio Team provides any remaining info the consultant needs, if citizens are able to obtain it.
- Apache County IT Radio Specialist and qualified citizens monitor progress of consultant and provide input or guidance as needed.
- Ask consultant for a report of progress thus far.
- Radio Team and Apache County IT Radio Specialist review consultant's draft report.
- Recommend to Ordinance Subcommittee: In Article 8, require a mandatory Project Communications Impacts Analysis be done by each wind project developer of how their specific project could potentially alter the known Baseline communications capabilities, with specific impacts and mitigations needed. To be done at the development company's expense, and to be openly shared with the County, affected government agency reps. and radio user group reps. at time of CUP Application submission.

E. Within 120 Days:

- Review Final Report from RF consultant on all Baseline Communications capabilities that exist, especially those facilities important to law enforcement and emergency services entities.
- Share report with Planning and Zoning Commission and Board of Supervisors.
- Publish Baseline Study as County-approved and Users approved, to be used as the starting-point that project developers must use in their Project Impacts Analysis.

- Share report with current CUP applicant.

F. Detailed RF Communications Baseline Study Work Program = **See Exhibit C**

### 3. Water Resources Workplan-Timeline

Dedicated Water Resources Team will:

#### A. Within 30 Days:

- Basic foundational document: Use the “2025 Supply and Demand Assessment of the Little Colorado River Plateau Basin” report by AZ Department of Water Resources (“ADWR”), November 2025, as a basic source for this Baseline Study. It is outdated with some incorrect assumptions and needs to be supplemented with corrected and updated information from other trustworthy published sources (**see Exhibit D**) – to be done by dedicated citizens.
- Assemble 2-3 dedicated volunteer citizens to begin a thorough literature review and assemble data of known information from applicable studies done by Universities/affiliates, Governments, Tribes, US Geological Survey, AZ Dept. of Water Resources (ADWR), AZ Dept. of Environmental Quality (ADEQ), Natural Resources Conservation Service (NRCS-Springerville office), Apache Natural Resources Conservation District (ANRCD), AZ Dept. of Forestry and Fire Management (ADFFM), US Forest Service (USFS) and others. *(Note: It is advised that citizens with any possible direct or indirect conflict of interest in this study for the moratorium should not be selected or consulted, regardless of their qualifications.)*
- Set a regular meeting schedule.
- Assign project workload and duties (leader/data organizer, researcher/documenter, etc.)
- Review the basic foundational document “2025 Supply and Demand Assessment of the Little Colorado River Plateau Basin”
  - i. Above document contains the majority of the data for a Baseline study:
    - Major Watersheds across this area
    - Surface Rivers
    - Deep Aquifers
    - Recent recharge rates
    - Major demands from agriculture, municipalities
    - Climate trends
    - Overall net water supply trends
  - ii. However, the above document lacks or is in error on the following factors:
    - Major surface reservoirs used for irrigation and/or fire-fighting in District III.
    - Surface evaporation rates.
    - Shallow perched aquifers.
    - Inaccurately reported Industrial and Energy water consumption trends assumed.

- Failed to adequately quantify Renewable Energy Projects across the entire study area.
  - Failed to address possible future Aquifer Subsidence due to excessive uptake (see footnoted Docs. #1, 2, 8, 9, 10 on following pages).
  - Did not consider extent of intact properly-functioning grasslands that cover the ground surface area within the watershed, and rates/acres of recent grassland sod-base die-off occurring to reduce effective precipitation infiltration.
  - Did not consider extent of new surface erosion rills, gullies, and pedestalled plants forming as evidence of water drainage off-site into tributaries and river channels down-stream, rather than soaking into the watershed uplands.
  - Did not consider extent of woodland acres treated across the watershed with substantial tree removals that reduce evapotranspiration losses of water into the atmosphere, including removals of Tamarix salt-cedar and riparian tree species losses.
- Water Resources Team to find appropriate information to update, correct and supplement the items lacking in item *ii.* listed directly above. With adequate information, we may not need a professional hydrologist, unless the County desires a certified professional.
  - Present a status report to P&Z Commission at each regular monthly P&Z meeting.

B. Within 45 Days:

- Continue performing literature review and assemble database of known information from other applicable studies done by Universities/affiliates, Governments, Tribes, US Geological Survey, ADWR, ADEQ, NRCS-Springerville, ANRCD, ADFFM, and others.
- If needed or desired by the County, vet qualified, independent, unbiased Consultants to perform a professional review of Baseline Study compiled by citizens Team. (One is tentatively identified by qualified citizens. Find two more solid candidates to vet and recommend to County.)
- Seek a university hydrology Masters degree student to do the work pro-bono for their thesis.

C. Within 60 Days:

- Continue reviewing available literature and assemble and populate database of known information from other applicable studies done by Universities/affiliates, Governments, Tribes, US Geological Survey, ADWR, ADEQ, NRCS-Springerville, ANRCD, ADFFM, and others.
- Compile appropriate data and narratives to modify the basic foundational document. Begin writing draft modifications. Keep good records of literature sources referenced.
- If County wishes to validate the citizen Team's supplemental information used to correct and update the "Basic" document into a comprehensive Baseline Study with final conclusions, then the County may interview list of qualified consultant candidates and select one to hire for this purpose.

D. Within 90 Days:

- Continue compiling appropriate data and narratives to modify the basic foundational document. Continue writing draft modifications. Keep good records of literature sources referenced.
- Submit a citizens Team near-final report on their findings thus far to the Planning and Zoning Commission.
- If County now wishes to validate the citizens' supplemental information being used to correct and update the "Basic" Baseline Document with final conclusions, then the County should interview list of qualified consultant candidates and select one to hire for this purpose no later than this point in time. (One is tentatively identified by qualified citizens. Find two more solid candidates to recommend to County. And/or seek a university hydrology Masters degree student to do the work pro-bono for their thesis.)
- Submit a near-final report to selected consultant on findings thus far of the citizens Team.
- Recommend that the Ordinance Subcommittee place into Draft Article 8 for Water Quantity: the required Existing Water Availability Baseline Study underway (once complete), for project developers to use as a starting point for their project-specific study required in their CUP application.
- Recommend to Ordinance Subcommittee for Water Quantity: Place into Article 8 a requirement for each project developer to disclose in their CUP Application the maximum total amounts of water and sources they expect to use for construction, operations and decommissioning. They must have a qualified water/hydrology expert perform a Water Supply Impacts Analysis study of their proposed project's possible impacts on the existing availability of local water supplies. This study and its results must also be submitted to the ANRCD and/or independent hydrologist-others as County-approved 3rd-party reviewers, prior to submission of the CUP Application, and then be included in the CUP Application.

E. Within 120 Days:

- Review Final Report from Water consultant on the existing Baseline water supply study, if consultant was used.
- Citizen Team complete writing the updated Comprehensive Baseline Water Availability Study, and make final edits per consultant's input, if consultant was used.
- Share report with Planning and Zoning Commission and Board of Supervisors.
- Share final Baseline Study Report with current CUP applicant(s).
- Each high-water-use Board-approved CUP project will further alter the Baseline water supply situation, and thus require that approved project water use amount to be deducted from the Baseline. Therefore, recommend to Ordinance Subcommittee for Water Quantity: In Article 8, require a mandatory updated Baseline Water Study to be

done after each CUP approval to simply re-calculate higher water supply demands and less quantity available before next projects are considered for future CUP approval.

- Recommend to Ordinance Subcommittee for Water Quantity: In Article 8, require a mandatory Project Water Supply Impacts Analysis be done by each proposed project developer of how their specific project could potentially alter the known Baseline water availability, with specific impacts and mitigations needed. To be done at the development company's expense, and to be included in the CUP Application submission.
  - Recommend to Ordinance Subcommittee for Water Quantity: Place in Article 8 as a required condition of CUP-approval, that actual project water amounts used for construction, operations and decommissioning/restoration to be monitored monthly, with documented use reported annually to the County Community Development Department and to the ANRCD. This includes all wells and water purchased from, or donated by, outside supplier(s).
  - Recommend to Ordinance Subcommittee for Water Quality: Place in Article 8 as a required condition of CUP-approval, that a Baseline Sampling of Soil and Water Quality within and near each County-approved renewable energy project is to be done independently by a County Agreement with the Apache Natural Resources Conservation District (ANRCD) with independent laboratory analysis done before construction begins, at the energy company/CUP-holder's expense. Sampling locations are to be selected by the ANRCD in cooperation with the County, CUP-holder, any participating private landowners, and any interested adjacent non-participating landowners. Repeat soil and water samples are to be taken by the ANRCD at the same spots every 3 years during operations, and analyzed by an independent laboratory, at the CUP-holder's expense, for comparison to the baseline samples, with reports provided to Apache County, ADEQ, and State Land Department, as well as any interested private landowners of those sampling spots.
- F. Detailed Water Supply Baseline Study Work Program = **See Exhibit D**

RESOLUTION NO. \_\_\_\_\_

**APACHE COUNTY RESOLUTION IMPLEMENTING A  
MORATORIUM FOR TEMPORARY SUSPENSION OF  
CONDITIONAL USE PERMIT APPLICATION PROCESSING OF  
UTILITY-SCALE RENEWABLE ENERGY PROJECTS IN DISTRICT  
III UNTIL UPDATED COUNTY ORDINANCE IS ADOPTED.**

**WHEREAS** the Board of Supervisors (“Board”) is concerned about the safety, health and welfare of the people and environment of Apache County; and,

**WHEREAS** Arizona Revised Statute (“ARS”) 11-833 identifies “essential public facilities” as those needed for police, fire, and water resources; and,

**WHEREAS** the Board and Commission find a compelling need as defined in ARS 11-833 Subsections I.1 and Subsection C to amend the Apache County Zoning Ordinance regulations regarding utility-scale renewable energy facilities proposed to be built on unincorporated rural lands within Apache County for protection of the public health, safety and welfare; and,

**WHEREAS** the Board and Commission find that implementation of existing land development ordinances or regulations and other applicable law are inadequate to prevent irrevocable public harm from renewable energy project developments in the affected geographical area; and,

**WHEREAS** the Board and Commission see a compelling need to protect and preserve the short-term and long-term longevity of resources, the health of the community and environment, and the accessibility of essential public facilities to support the needs of Apache County citizens; and,

**WHEREAS** the Board and Commission believe the impact of these renewable energy projects on the local population and environment over a long period of time is unknown; and,

**WHEREAS** the Board and Commission believe existing land development regulations are inadequate because the County lacks knowledge of water resources, recharge rates and safe usage rates to ensure long term water supply adequacy <sup>1</sup>; the existing ordinance is outdated and does not require studies or plans adequate to assess project and cumulative water demand impact on aquifers <sup>2</sup>, protect water quality, or adequately address impacts to emergency communications <sup>3</sup> that could be disrupted by utility-scale renewable energy projects; and,

**WHEREAS** the Board and Commission believe that other means, such as existing CUP application and review process, comprehensive plan amendments, or other legislative options are insufficient to halt the

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<sup>1</sup> “Aquifer Compaction due to Groundwater Pumping”, 10/18/2028, by US Geological Survey, science overview at:

<https://www.usgs.gov/centers/land-subsidence-in-california/science/aquifer-compaction-due-groundwater-pumping>

<sup>2</sup> “That Sinking Feeling”, 11/12/2019, by Arizona Geological Survey at ASU. At: <https://azgs.arizona.edu/new/sinking-feeling>.

<sup>3</sup> Five letters from local Emergency Ambulance Service, Town Managers for Fire-Medical-Police, Radio Communications Leaders.

impacts of these future high water use projects and to prevent interferences to existing essential emergency radio frequency communications <sup>4</sup>; and,

**WHEREAS** the Board and Commission believe additional information and research are needed to determine the true baseline level of current essential radio frequency communications capabilities, with potential impacts upon that baseline by proposed construction of poorly-located wind turbines <sup>5</sup>; and,

**WHEREAS** the Board and Commission believe additional information and research are needed to determine correct locations for wind turbine construction to prevent interferences with essential radio frequency communications; and,

**WHEREAS** the Board and Commission understand that from year 2000 to present, Apache County has been in drought conditions 83.83% of this time, with 64.44% classified as Exceptional + Extreme + Severe + Moderate drought levels combined; <sup>6</sup> and,

**WHEREAS** the Board and Commission understand that “A long-term imbalance between water supplies and demand in the Little Colorado River Plateau Basin has led to depletion in the amount of groundwater in storage. ...If groundwater levels were to drop below the basin’s average well depth of 387 feet, approximately 61% of existing wells would become dry. The average recorded water level of wells in the Little Colorado River Plateau Basin is 260 feet. ...The Little Colorado River Plateau Basin’s water budget was negative throughout the baseline period [1990-2024] due to demand values far exceeding supply.” <sup>7</sup>; and,

**WHEREAS** the Board and Commission believe additional information and research are needed to determine existing water resources, recharge rates, and sustainable use amounts to ensure long-term viability of water supplies; and,

**WHEREAS** the Board and Commission believe additional information and research are needed to determine the allowable groundwater usage for large projects such as solar, wind, energy storage and data centers. The location of a proposed facility that uses high volumes of water, while on the surface may fit the area and general plan, may overuse water and other resources in the groundwater basin; <sup>8</sup> & <sup>9</sup> and,

**WHEREAS** the Board and Commission believe Apache County and its watersheds-aquifers have been in a long-term drought, which is already causing dropping groundwater and well levels <sup>10</sup>, in addition to low

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<sup>4</sup> *Radio Frequency (RF) Communications* are defined here to include facilities for: Microwave, UHF-VHF two-way radio, cellular phone, AM-FM broadcast radio, digital television, short-wave, WiFi, aviation and Doppler weather radars, and more (See Doc. #5 and Exhibit C).

<sup>5</sup> White Mountains Radio Users’ Statement of Concerns, 5/27/2026, 25 pgs. By FCC-Licensed radio citizens and user-groups. Contains maps, explanations, and citations for technical research documents referenced therein.

<sup>6</sup> Color screenshot of Apache County Drought data and graphs selected on the AZ Department of Water Resources (“ADWR”) interactive website: [azwater.gov/drought/drought-data-dashboard](http://azwater.gov/drought/drought-data-dashboard). Accessed on 6/21/2026, 1 page.

<sup>7</sup> “2025 Supply and Demand Assessment of the Little Colorado River Plateau Basin” report by ADWR, November 2025, quotes from pages 27-28.

<sup>8</sup> “Water Rights and Water Use of Coal Facilities in the Colorado River Basin”, Aug. 2022, ASU Kyl Center for Water Policy at Morrison Institute, AZ State University. See page 5 bullet on “Groundwater overdraft risk in the Colorado River Basin”.

<sup>9</sup> “Groundwater Depletion During Drought Threatens Future Water Security of the Colorado River Basin”, 2014, by Stephanie Castle et al., 8 pgs.

<sup>10</sup> Color screenshots of ADWR Hydrographs of Shallow and Deep Monitoring Wells by Lyman Lake and St. Johns, AZ, at interactive website: [azwater.gov/gwsi/Hydrograph...](http://azwater.gov/gwsi/Hydrograph...), 3 pages accessed on 6/21/2026.

surface reservoir levels, and is predicted to continue over time in dryer climate, and one or two average to above-average seasons of precipitation are no longer enough to reverse this trend of declining water levels.

**WHEREAS** the Board and Commission believe while a long-term projection of existing water usage might initially appear to be sustainable, short-term over-drafting of groundwater basins may have immediate or near-term consequences to private and municipal water wells and fire-fighting needs; and,

**WHEREAS** the Board and Commission believe the cumulative impact of multiple high-water use projects can cause rapid overuse of groundwater basins during construction, operations and decommissioning, the cancellation or denial of one project is not sufficient to safeguard future water supplies; and,

**WHEREAS** the Board and Commission believe the areas where utility-scale energy developments are proposed are in proximity to flammable grassland-woodland-forestland vegetation and/or occupied residences where fire danger is of high concern and there is a lack of public facilities, such as fire stations for adequate and timely response and readily-available water supply, to adequately respond in the event of emergency; and,

**WHEREAS** the Board and Commission believe fires started by lithium-ion batteries, toxic components in wind turbines and solar panels, high-voltage transmission lines, electrical substations, and other large, combustible facilities pose a specific challenge to fire district and local resources to fight, contain, and subdue a fire if one occurs. Such energy developments can overwhelm current public facilities and create a hazard to the public; and,

**WHEREAS** the Board and Commission determine and find that it would be beneficial for the operations of the County and for the promotion of the public interest in the orderly and prudent development of the County, for the County to review and undertake a study of the baseline conditions and impact of utility-scale alternative energy projects on essential public facilities; and,

**WHEREAS** the Board and Commission believe, due to staffing constraints, County staff has worked for over a year and was unable to effectively update the ordinance while concurrently processing normal smaller permits, let alone attempting to concurrently process an application for one or more large utility-scale renewable energy projects; and,

**WHEREAS** the Board and Commission believe a moratorium is necessary to adequately revise the ordinance, review the impact on the local community, environment, and essential public facilities by studying the existing baselines for how utility-scale renewable energy resource projects could impact them, relative to RF communications, water quantity for consumption and fire-fighting, and water quality; and,

**WHEREAS** the affected area of the moratorium is sufficiently limited to satisfy ARS 11-833 C. 2. (c), as it only applies to County District III and to renewable energy developments and other high water use projects. Additionally, the geographical area affects only future projects, protecting currently permitted projects within the moratorium area.

**WHEREAS** in accordance with A.R.S. § 11-833, Subsection C. 2. (d) and Subsection E., the County has developed a detailed workplan and time schedules to achieve the objectives of an ordinance update and needed baseline studies within a 120-day period (Exhibits A - D); and,

**WHEREAS** the Board and Commission have determined that the moratorium is not in conflict with the Apache County Comprehensive Plan, or with any applicable specific Community Plan, or any other plan; and,

**WHEREAS** in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, the County has considered the individual property rights and personal liberties of the residents of the County before adopting this moratorium; and

**WHEREAS** the Board of Supervisors finds that the moratorium recommended by the Planning and Zoning Commission is appropriate and in the majority of County citizens' best interests; and

**WHEREAS** on this \_\_\_\_\_ day of \_\_\_\_ (month)\_, 2026, the Apache County Board of Supervisors held a public hearing following proper notice to consider a moratorium on the application of utility-scale renewable energy projects.

**NOW, THEREFORE, BE IT RESOLVED,**

**A. Legality**

1. This resolution shall comply with the applicable sections of A.R.S. § 11-833.

**B. Effect on Property**

1. This resolution shall impact the future application on the following geographical area:  
All of Apache County District III.
2. Utility-scale renewable energy projects currently holding a County Board-approved Conditional Use Permit ("CUP") are not impacted by this resolution.

**C. Duration of Moratorium**

1. This moratorium shall be in place for one hundred and twenty days.
2. The Board may vote to renew this moratorium as outlined in A.R.S. § 11-833 (E and F).

**D. Intake of Application**

1. Community Development Department staff shall not intake, accept, or process any applications for a CUP, building permit, clearing or grading permit or any other approval for a utility scale renewable energy project for any parcel in Apache County District III, except those projects with a currently-approved CUP, for the duration of this moratorium.

**E. Waiver**

1. The Board of Supervisors may waive the requirements set by this section if an individual landowner submits a request for a waiver of the moratorium that:
  - a. Shows to the satisfaction of the Planning and Zoning Commission:
    - i. Comprehensive Baseline analysis and the projected long-term impact of their project on all radio frequency communications, water quantity and water quality, fire protection and emergency services; and
    - ii. Demonstrates that the project, including incorporation of a specific list of avoidance, minimization and mitigation measures, will have no adverse impacts on the community relative to radio frequency communications, water quantity and quality, fire protection and emergency services and/or will provide any such needed facilities; and
  - b. Demonstrates a direct community need for the project such as:
    - i. The immediate need for additional power in Apache County, or
    - ii. The immediate need for additional power in neighboring counties within the State of Arizona; or,
  - c. Demonstrates a vested right to construct the project pursuant to a pre-approved CUP.
2. An application for a waiver may be requested by an individual landowner, and may be placed on the regular Board of Supervisors agenda, after recommendation by the Planning and Zoning Commission, by the Community Development Director, the County Manager, or a member of the Board.

**F. Time Schedule and Proposed Work Plan**

1. During the time period in which this Resolution is in effect, Apache County Planning and Zoning Commission and Community Development Department shall pursue the enclosed Work Plans and Time Schedules for achieving the three objectives of this moratorium. Attached and incorporated herein as Exhibit A is the Proposed General Work Plan and Time Schedule. Exhibits B, C and D show more detailed Work Plans.

**G. Conflict with Other Provisions of the Zoning Ordinances**

1. If a provision of the zoning ordinances conflicts with this section, the conflicting sections shall yield to this resolution.

**H. Severability**

1. Should any section or provision of this resolution be declared invalid by a court of competent jurisdiction, such a declaration shall not invalidate any other section or provision.

**I. Enactment**

1. This resolution shall go into effect as soon as it is adopted.

**PASSED, APPROVED, AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2026, by the APACHE COUNTY BOARD OF SUPERVISORS.**

*[Signature lines and rest of legal requirements filled in here by county attorney]*

## **Exhibit A**

### **Proposed General Work Plan and Time Schedule**

1. Within two weeks of enactment of the moratorium, Planning and Zoning Commission and Community Development Department shall schedule meeting dates to form a Subcommittee to continue the process of updating the Zoning Ordinance with citizen input and review with the intention of completion within 120-days from the moratorium enactment date, and a clear system shall be developed and announced for receiving, logging, reviewing, and addressing as appropriate, all pertinent citizen and developer written comments submitted.
2. Within one month of enactment of the moratorium, Planning and Zoning Commission and Community Development Department shall begin the process of commissioning studies by consultants and/or citizens teams for collection of available data to determine Baseline conditions of existing radio frequency communications capabilities and existing water supply quantity.
3. After the commencement of the existing RF Communication Baseline Study, Apache County will require all current and future utility-scale renewable energy applicants to provide a RF Communications Impacts Analysis of their potential project interferences upon the existing baseline capabilities of essential emergency services agencies and facilities. Text will be recommended to the ordinance subcommittee to require such project analysis.
4. After the commencement of the existing Water Supply Baseline Study, Apache County will require all current and future utility-scale renewable energy applicants to provide a Water Supply Impacts Analysis of their potential project impacts upon the existing baseline level of available potable water for consumption, and water supply for fire-fighting and other existing user demands. Text will be recommended to the ordinance subcommittee to require such project analysis.
5. Prior to the expiration of the moratorium, and after a properly-noticed public hearing, the proposed updated ordinance will be finalized by the Planning and Zoning Commission with their consideration and vote for a recommendation to be forwarded to the Board of Supervisors.
6. Prior to the expiration of the moratorium, the proposed updated ordinance along with the recommendation from the Planning and Zoning Commission will be presented to the Apache County Board of Supervisors, where they will determine whether to accept, modify, or reject the proposal, or to extend the moratorium to allow for further edits, study and consideration.

**EXHIBIT B**  
**ORDINANCE UPDATE - DETAILED WORK PROGRAM**

- A. P&Z select subcommittee or task force for ordinance update**
- 2-3 P&Z Commissioners plus 1 alternate
  - 2-3 community members plus 1 alternate - familiar with ordinance
  - Must commit to weekly 2 ½ hour meetings
- B. Subcommittee - First Meeting**
- Identify meeting dates
  - Establish roles: group leader, minutes-recorder, researcher, data/comments manager, others
  - Establish database and process for handling of public and industry comments
  - Identify goals of Ordinance update, such as
    - Improve clarity
    - Address current and future technology
    - Provide list of reports required, when, scope
    - Protect public health, safety, welfare and convenience
    - Protect County resources
    - Protect County from liability
    - Specify review process
    - Improve transparency, consistency and enforceability of permits and conditions of approval
  - Establish subcommittee rules, including
    - Stick to the agenda
    - Attendance / absences / possibility for remote participation by phone
    - Be prepared with readings/ questions
    - Respect Committee members, Commissioners, Public, Staff, County Officials
    - In case of disagreement - place on running list of items to return to
    - Spend last 15 minutes of meeting creating action minutes, next agenda
    - How / should public and industry provide comments to subcommittee
- C. Subcommittee – Meeting 2**
- Discuss Subcommittee meeting format:
    - First 15 minutes - Review minutes from previous meeting with revised draft
    - Two hours - Address agenda items
    - Last 15 minutes - Summarize meeting for Action Minutes and next meeting agenda
  - Establish Subcommittee Goal - a new draft ordinance for P&Z review and comment that meets the goals of the Ordinance Update
  - Identify what is missing from current draft - some examples are: shadow flicker, list of reports needed, solar development standards, energy storage standards, facilities for components recycling, applicant indemnification of County, etc.
  - Identify what is wrong with current draft - some examples are organization, lack of clarity re: how 1107 (CUP's) applies, development agreements are not tied to CUP
  - Identify County resources to protect
  - Discuss workbook of Ordinance examples, resources

- Identify information subcommittee needs to complete their work

**D. Subcommittee – Meeting 3 – Review current Draft Ordinance (Draft 8)**

- 801 Introduction and Purpose
- 802 Definitions
  - Additional definitions needed
  - Changes to ex. Draft definitions
- 803 Zones in which allowed / CUP Required
- Assignment: read Preferred Criteria – and ordinance examples

**E. Subcommittee – Meeting 4**

- 803 Preferred Criteria – decide preferred criteria
- 804 General Development Standards –
  - Goal: separate process from performance standards
  - ID (only) if a process, performance std., or study/ report required
- 805 Noise
- 806 Setbacks
  - Wind projects
  - Solar projects
  - Energy storage projects (batteries, carbon dioxide, etc.)
- 807 Use of CUP, Terms, Conditions
- Assignment – review sample ordinances in workbook for organization ideas

**F. Subcommittee – Meeting 5**

- Discuss organization ideas and strategies
- Confirm 804 identifications (process, performance std. or study/report required)
- Place by category, listed in chronological order.
- Go over for 803, 804, 807 - Identify any thing missing, any need of wording changes
- Assignment: Review 808, 809, 810 and compare 810-public outreach with 1106 – public participation

**G. Subcommittee – Meeting 6**

- Review 804 lists: process, standard or study lists – any missing? Any need reworking?
- Finalize 804
- Discuss 808 CUP Suspension and Revocation
- 809 Joint Agency Approvals
- 810 Public Outreach
- Assignment: Study 811, 812, 813, read examples of Decommissioning, Development Agreement information

**H. Subcommittee – Meeting 7**

- Discuss 811 Termination and Decommissioning
- 812 Fees
- 813 Development Agreements

- Review running list of items to return to for completeness
  - Make list of any additional info needed re: running list items
  - Assignment: Review solar ordinances in workbook
- I. Subcommittee – Meeting 8**
- Discuss solar regulations needed
  - Develop solar, and battery or other energy storage, regulations based on sample ordinances
  - Assignment: Review and markup entire draft for wording, internal consistency, wordiness, duplications, omissions
- J. Subcommittee – Meeting 9**
- Discuss list of items to return to
  - Resolve items – if not resolved, offer 2 options to present to P&Z Commission for decision
  - Anything else needed in draft to send to P&Z Commission?
- K. P&Z Meeting – Subcommittee/task force draft presented to P&Z Commission**
- L. P&Z Public hearing on Subcommittee/task force draft**
- M. P&Z Draft and Recommendation to BOS for public hearing and adoption**

## EXHIBIT C

### DETAILED RF COMMUNICATIONS BASELINE STUDY - WORK PROGRAM

When RF Communications interference is reported to the Federal Communications Commission (FCC), they send field investigators to verify the source of such interference. If wind turbines/wind farms are determined to be the cause, then the FCC requires the wind energy company owner-operator to restore communications back to the level that existed before the wind turbines were built. **This restoration is not possible if the prior communications capabilities have not been documented in a Baseline Study done before turbine construction.** RF equipment located in Apache County (District III) that is compromised with interference would also impact radio users with degraded communications across the entire White Mountains region.

#### **Information Factors Needed to Conduct a Comprehensive Baseline Study of Existing Communications Capabilities, especially located in/near Southern Apache County (District III):**

- All existing cellular phone towers that serve Apache County District III, their mapped locations, owners and users, including Law Enforcement, Fire, EMS agencies, Ambulance services and Utility companies. (Some info available on internet. Consult their internal IT departments/Radio Specialists.)
- Density of rural cell towers per square mile for overlapping or redundant cell coverage that could handle some compromised tower signals.
- All existing microwave towers and their beam paths that serve Apache County District III, their mapped locations, owners and users, including Law Enforcement, Fire & EMS agencies, Ambulance, Utility companies, and any 2-way radio or cellular users. (Info available at FCC websites.)
- Rural WiFi servers (typically very low-power) and locations for long-distance internet clients. (Search for companies and their client locations.)
- Two-way UHF-VHF radio repeaters/repeater systems, and where located in Apache County District III. All Federal, State, County, Municipal agencies, Utility companies, and FCC-licensed citizens/groups that depend on those repeaters. (Greens Peak is known – are there others? Some users are already known – need a more complete list, and where they are dispatched from. Consult their internal IT departments/Radio Specialists.)
- P25 digital radio systems in use.
- Reasonably accurate counts of current FCC-Licensed Amateur “HAM” and GMRS (General Mobile Radio Service) radio operators across Apache and Navajo Counties = those currently capable of hitting Greens Peak successfully. (Query FCC database and user groups.)

- Farthest distances that radio “communications-grade” signals (loud and clear enough for every word spoken to be understood) are known to be capable of transmitting/receiving to/from Greens Peak and/or other repeaters. (Consult HAM and GMRS Net Control leaders for survey of this info.)
- Frequencies used by ADSB transponders on fire-fighting aircraft for real-time location tracking by agency dispatchers. (Local USFS Dispatchers and Radio Technician, and/or Aviation Officer)
- Total number of Amateur “HAM” and GMRS users that depend on Greens Peak (other?) repeaters for mobile and/or hand-held (ie. low-power, weak signal strength) two-way radio communications, frequencies/bands they primarily use. (Survey radio user group members.)
- Total number of Amateur “HAM” and GMRS users with fixed station antennas/towers that depend on Greens Peak (other?) repeaters and frequencies/bands they primarily use.
- AM/FM broadcast radio translators and/or fixed antennas – locations like TV Knoll, (Cerro Montosa?), others. Transmitted from: Show Low, Snowflake, Flagstaff, others? (Consult those local-regional broadcast stations currently received by citizens in St. Johns, Round Valley, Vernon, Concho, Greer, Nutrioso, Alpine, misc. rural subdivisions, etc.)
- Digital Television translators, if any (ultra-weak signal strength with no resiliency or redundancy).
- Any Doppler weather radar stations that contribute data to Natl. Weather Service for timely forecasts and/or emergency storm warnings to citizens of Apache County. Locations, ranges, signals that could be interfered with. (NOAA NWS Flagstaff, AZ in Bellemont)
- Fresnel Zones for each type of use listed above, as applicable. (Consultant’s software)
- How many and which Law Enforcement, Fire & EMS agencies, Ambulance, Utility companies, and FCC-Licensed citizen users can afford to replace their communications equipment with all newly-upgraded transmitters, receivers, and/or towers/antennas in the next 2-4 years with improved technology that *might* mitigate interferences by wind turbines/farms. (Consult internal IT departments/Radio Specialists, citizen groups, and budgets.)
- How many directional antennas could realistically be re-directed to mitigate interferences by wind turbines-projects in their currently-proposed project locations. Would this be practical or affordable?
- How many fixed antennas/repeaters could realistically be re-located to avoid interferences by wind turbines-projects in their currently-proposed project locations. Would this be practical or affordable?

Nine (9) citizen radio associations/user-groups exist with members across the White Mountains of AZ. There are highly-experienced and qualified RF Engineers and communications specialists in each group

that could assist with collecting the above-listed information needed. Ball park consulting firm estimates range \$40,000 to \$200,000 if the consultant does all the work. Cost can be lower if citizens and users do most of the prep work. This effort would reduce the cost of an independent, unbiased professional RF Communications consultant to do the final Baseline Study.

Amateur radio operators, RF engineers, communications technician, first responders, and community volunteers should immediately begin doing the following before each CUP might be approved or before any construction might begin, at no cost to the County:

- A. Identify and contact all Greens Peak users.
- B. Identify and contact all TV Knoll users.
- C. Identify any other key communications electronics sites within Apache County and contact those users.
- D. List and vet qualified independent RF analysis consultants: One is tentatively identified by radio citizens. Find two more candidates to recommend to County.
- E. Notify local USFS Special Uses Administrator who oversees Greens Peak electronics site of this situation.
- F. Report to FCC and help investigate any existing “dead-zone” reports and signal interference reports already known in this vicinity. Determine if existing wind turbines in Navajo County are the cause, and if added turbines proposed in Apache County would cumulatively cause an additive negative impact (may require consultant’s software).
- G. Document frequencies and bands currently used by majority of users and critical emergency services users before any construction activity begins.
- H. Perform and document Baseline field signal-strength measurements and coverage testing before any construction activity begins.
- I. Make audio recordings of degraded RF communications, and video recordings of degraded Doppler radar images observed.
- J. Compile existing coverage maps.

**No wind/gen-tie interconnection line project should move forward until the County can verify through independent scientific analysis done by qualified experts, with no financial ties to the development company or affiliates, that public safety communications will not be compromised.**

**EXHIBIT D****DETAILED WATER SUPPLY BASELINE STUDY - WORK PROGRAM**

Likely Sources to Obtain the Following Needed Information to Modify the “Base” Document for the Comprehensive Baseline Water Supply Study:

| <b>INFORMATION NEEDED</b>                                                                                                                                                                                                                   | <b>LIKELY SOURCES</b>                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Major surface reservoirs used for irrigation and/or fire-fighting in District III.                                                                                                                                                          | Maps and local knowledge. USFS and Fire Districts’ engine and helitack drafting-dipping maps.                                                                                                                                                                |
| Surface evaporation rates, average in this vicinity                                                                                                                                                                                         | University Hydrology Depts., AI query for standard formula in hydrology textbooks.                                                                                                                                                                           |
| Shallow perched aquifers – boundaries, holding capacities, current water levels                                                                                                                                                             | USGS maps? ADWR well data base? Local well-drillers.                                                                                                                                                                                                         |
| Inaccurately assumed-reported Industrial and Energy water consumption trends                                                                                                                                                                | Morrison Institute at ASU 2022 paper: “Water Rights and Water Use of Coal Facilities in the Colorado River Basin” – for Coronado and Springerville Generating Stations (pg. 17). Verify water demands with TEP and SRP for post-natural gas fuel conversion. |
| Adequately Quantify Renewable Energy Projects across the entire study area                                                                                                                                                                  | CUP/CEC application company estimates of water demands by project.                                                                                                                                                                                           |
| Aquifer Subsidence possibility due to chronic excessive uptake                                                                                                                                                                              | Several AZ documents on this topic occurring in our state.                                                                                                                                                                                                   |
| Extent of intact properly-functioning grasslands that cover the ground surface area within the watershed, and rates/acres of recent grassland sod-base die-off occurring to reduce effective precipitation infiltration down into aquifers. | NRCS – Springerville and State office field records by Rangeland Specialists.<br>Apache & Navajo NRCD field observations.<br>Local ranchers’ field observations.                                                                                             |
| Extent of new surface erosion rills, gullies, and pedestalled plants forming as evidence of water drainage off-site into tributaries and river channels down-stream, rather than soaking into the watershed uplands.                        | NRCS – Springerville and State office field records by Rangeland Specialists.<br>Apache & Navajo NRCD field observations.<br>Local ranchers’ field observations.                                                                                             |
| Extent of woodland acres treated across the watershed with substantial tree removals that reduce evapotranspiration losses of water into the atmosphere, including removals of Tamarix salt-cedar and riparian tree species losses.         | AZ Dept. Forestry & Fire Mgmt. accomplishments records database for acres treated on State and private lands. USFS & BLM accomplishments records databases. NRCS & Apache & Navajo NRCD accomplished projects.                                               |

Each individual Land Development company should be required to do for their own Project-specific Water Impacts Analysis upon our BASELINE water supplies:

- Which aquifers are underneath proposed NEW industrial project areas, including known renewable energy projects proposed here, and well depths they might plan to drill into each aquifer.
- Total amounts of water each NEW industry/renewable project plans to take for construction + operations from those wells in identified aquifers, over the course of the entire project lifespan, and for decommissioning with site restoration after the end of project life.
- If a project plans to buy water from a supplier, which wells and aquifers will that supplier be drawing water from, and how much? (Includes off-site wells and/or water trucked or piped in.)
- What other wells, municipalities, industries, agriculture, etc. might be impacted negatively by this specific amount of project-desired water usage.

## EXHIBIT E

### **FOOTNOTED REFERENCE DOCUMENTS ATTACHED on following pages (+ separate digital PDF file)**

<sup>1</sup> “Aquifer Compaction due to Groundwater Pumping”, 10/18/2028, by US Geological Survey, science overview at:

<https://www.usgs.gov/centers/land-subsidence-in-california/science/aquifer-compaction-due-groundwater-pumping>

<sup>2</sup> “That Sinking Feeling”, 11/12/2019, by Arizona Geological Survey at ASU. At: <https://azgs.arizona.edu/new/sinking-feeling>.

<sup>3</sup> Five letters from local Emergency Ambulance Service, Town Managers for Fire-Medical-Police, Radio Communications Leaders.

<sup>4</sup> (list of local *Radio Frequency (RF) Communications* = see Doc. #5 and Exhibit C)

<sup>5</sup> White Mountains Radio Users’ Statement of Concerns, 5/27/2026, 25 pgs. By FCC-Licensed radio citizens and user-groups. Contains maps, explanations, and citations for technical research documents referenced therein.

<sup>6</sup> Color screenshot of Apache County Drought data and graphs selected on the AZ Department of Water Resources (“ADWR”) interactive website: [azwater.gov/drought/drought-data-dashboard](http://azwater.gov/drought/drought-data-dashboard). Accessed on 6/21/2026, 1 page.

<sup>7</sup> “2025 Supply and Demand Assessment of the Little Colorado River Plateau Basin” report by ADWR, November 2025, quotes from pages 27-28.

<sup>8</sup> “Water Rights and Water Use of Coal Facilities in the Colorado River Basin”, Aug. 2022, ASU Kyl Center for Water Policy at Morrison Institute, AZ State University. See page 5 bullet on “Groundwater overdraft risk in the Colorado River Basin”.

<sup>9</sup> “Groundwater Depletion During Drought Threatens Future Water Security of the Colorado River Basin”, 2014, by Stephanie Castle et al., 8 pgs.

<sup>10</sup> Color screenshots of ADWR Hydrographs of Shallow and Deep Monitoring Wells by Lyman Lake and St. Johns, AZ, at interactive website: [azwater.gov/gwsi/Hydrograph...](http://azwater.gov/gwsi/Hydrograph...) , 3 pages accessed on 6/21/2026.