

ROSWELL-CHAVES COUNTY
EXTRATERRITORIAL ZONING COMMISSION
CHAVES COUNTY ADMINISTRATIVE CENTER
JOSEPH R. SKEEN BUILDING
#1 ST. MARY'S PLACE, ROSWELL, NM

PUBLIC HEARING

MAY 17, 2022 @ 5:30PM

A G E N D A

I. CALL TO ORDER

II. ROLL CALL

III. CONSIDERATION OF MINUTES: April 19, 2022

IV. NEW BUSINESS

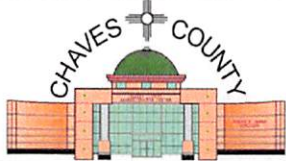
1. *Case ETZ 2022-05*: Request for a Special Use Permit to allow a second residence @ 1406 E. Berrendo Rd., Roswell; Lamb Summary Plat Lot 3 NW4 S22 T10S R24E; landowners and applicants- Dustin and Maureen DeNio
2. *Case ETZ 2022-06*: Request for a Special Use Permit for a Community Solar Array Facility in the Rural Suburban District; located in S35 T10S R23E S2N2NW4, S2N2NE4 lying W of Hwy, at or near 600 block of N. Brown Rd. Roswell; landowner- Featherstone Development Corporation; agent- CVE North America, Inc.
3. *Case ETZ 2022-07*: Request for a Special Use Permit for a Community Solar Array Facility in the Rural Suburban District; located in S34 T10S R23E NE4SE4 @ 500 N. Brown Rd., Roswell; landowners- Brian and Karen Davis; agent- OneEnergy Renewables

V. OTHER BUSINESS

UNSCHEDULED COMMUNICATIONS LIMITED TO THREE MINUTES PER VISITOR, FIFTEEN MINUTES TOTAL, NO FORMAL ACTION TAKEN BY THE COMMISSION

VI. ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Chaves County Planning & Zoning Department at 624-6606 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various assessable formats. Please contact the Planning & Zoning Department at 624-6606 if a summary or other type of accessible format is needed.

Joe Skeen Building	Chaves County ETZ Commission	
Meeting Date: April 19, 2022	<i>Meeting Minutes</i>	Created By: Julia A. Torres

Members Present:

Michael Lackey
 Matthew Bristol
 Mona Kirk
 Rita Kane-Doerhoefer
 Larry Connolly-*via phone*
 Royce "Pancho" Maples

Members Absent:

Neil Roe

Guests:

Kevin Maevers, Community Development
 Director, City of Roswell
 Leonard Salgado
 Jason Greathouse
 Mike Espiritu
 Meredith Heldrith-City of Roswell

Staff Present:

Louis Jaramillo
 Julia A. Torres

A regular meeting of the Roswell-Chaves County Extraterritorial Zoning Commission (ETZ Commission) was held at the Chaves County Administrative Center in the Commission Chambers on April 19, 2022, at 5:34PM.

Minutes

The minutes of the March 15, 2022, meeting were approved unanimously as submitted.

Agenda

Chairman Maple amended the agenda to hear Agenda Item #2 first.

NEW BUSINESS

Consideration to allow Community Solar Facilities as a permitted use in the C-1 Commercial District as per Section 13.2.28 of Article 13 of the Roswell-Chaves County Extraterritorial Zoning Ordinance 80-1, Revision 20

Louis Jaramillo stated that Staff's report was to consider community solar facilities as a permitted use in the C-1 District, however, after discussing this issue with Kevin Maevers, of the City of Roswell, Staff would like the Commission to consider allowing this use in the Industrial District where Conditions of Approval may be included in the approval to protect the surrounding property owners, as necessary.

Kevin Maevers, Community Development Director, City of Roswell stated that the City of Roswell allows community solar facilities in all of the zoning districts within the city limits with a Conditional Use Permit. This allows to establish regulations addressing some concerns including aesthetics, heat island effect, glare and decommission plans.

Commissioner Bristol wanted to make sure that if community solar facilities are permitted in the Industrial District, they would still need to come before the ETZ Commission for review and to establish Conditions of Approval. Mr. Jaramillo responded that this would need to happen.

Commissioner Bristol made a motion to amend the ETZ Ordinance to include community solar facilities in the list of permitted uses in the Industrial District. Commissioner Kirk seconded the motion. Motion carried by a 6-0 vote.

Case ETZ 2022-04

Change of Use in the I-1 Industrial District from Cannabis Production to Cannabis Retail; Location- 5104 S. Main Street; Legal-Lots 1 & 2 and Lots 12-14 (including vacated alley) in Block B of Claude Allison Acres Subdivision; Land Owner-Nature's Dairy Holdings; Cannabis Retailer-Pecos Valley Pharmaceuticals; Agent-Clinton Greathouse

Louis Jaramillo gave a brief description of this case. Staff was in support of the Change of Use including the seven (7) Conditions of Approval and six (6) Findings of Fact listed in the Staff Report.

Chairman Maples asked if anyone was here to speak in favor of this case.

Leonard Salgado, Director of Business Development and Expansion for Pecos Valley Production, at 4000 E. Hobson Rd., Roswell spoke about the application. He clarified that they are licensed under Pecos Valley Pharmaceuticals dba Pecos Valley Production. Mr. Salgado indicated that they are asking the Commission to approve their 16th cannabis dispensary in the state. He stated that the State CCD authorized the selling of adult use cannabis products on April 1st. This business is the most regulated use in the state and Pecos Valley Production abides by the rules and regulations set by multiple regulatory agencies. Mr. Salgado also stated that they are willing to follow the Conditions of Approval set by Staff. He wanted to point out that the adult use cannabis program will allow for collection of gross receipts tax for every sale in addition to a 12% excise tax which will increase by 1% for the next 7-8 years. Mr. Salgado also commented on some of their goals to include the following: create new jobs and opportunities; bring recurring revenue; provide the best and most affordable cannabis product; create a professional and safe environment at their dispensary; continue their education efforts on the medicinal benefit of their product; and to be recognized as a partner and good neighbor within the community.

Community Doerhoefer asked Mr. Salgado who owned the building, what the age limit was to enter the dispensary, will they be selling both adult use and medical use cannabis at the same dispensary and if they will be selling gummies/lollipops. **Mr. Salgado** responded that the building was owned by Mr. Greathouse. The age limit to enter the building is 21 years old and that they would be selling both adult use and medical use cannabis at this dispensary. Pecos Valley Production will be offering a variety of edible products in their store. He stated that all products are placed in sealed packages for the customers safety.

Commissioner Connolly wanted to know their business hours. Mr. Salgado indicated that they would be open from 10 a.m. – 7 p.m., Monday thru Saturday. Commissioner Connolly expressed a concern with school age kids due to the proximity of the dispensary from a school. **Mr. Salgado** stated that their packaging is well sealed and labeled but unfortunately, they don't have any control once the product leaves their store.

Commissioner Kirk asked if there was a purchase limit for adult use products. **Mr. Salgado** indicated that there was a limit of 2 ounces per purchase and they will be educating their staff to be on alert on over selling to customers. Customers are required to identify themselves every time they come in the store.

Commissioner Doerhoefer wanted to know how long before the dispensary would be able to begin operating and if they would have armed security. **Mr. Salgado** responded that in about 2 months and that they would not have security.

Commissioner Connolly asked if there would be any growing at the dispensary. **Mr. Salgado** stated “no” and that it would be a retail dispensary only.

Jason Greathouse at 4000 E. Hobson Rd. spoke in favor of the case and also spoke on behalf of Nature’s Dairy and PVP. He stated that State CCD does not allow armed security on the property. He stated that PVP does have a security team consisting of current and retired law enforcement officers that will be including this facility in their responsibilities. Mr. Greathouse corrected Mr. Salgado’s statement on operational hours. He stated that operational hours would be Monday through Thursday 10am to 6pm and Friday and Saturday 10 am to 7 pm. similar to the other retail store on Country Club Road in the City.

Commissioner Lackey asked if there would be any consumption in their store. **Mr. Greathouse** stated “no” there would be no consumption on this property. He also noted that Staff has been instructed to treat medical use patients first before recreational sales

Mike Espiritu, President of the Chaves County Economic Development Corporation stated the positive economic impact this company would have on the State, Chaves County and the City of Roswell. He stated that PVP has created numerous jobs throughout the State but especially in Chaves County. He noted the GRT and Excise Tax collected from the dispensary would benefit the County.

Mr. Greathouse stated the Excise Tax of 12% is to be divided evenly between the State, Chaves County and the City of Roswell. He noted that he has tried to reach out to local schools in the area in order to educate kids on the dangers of the cannabis gummies and lollipops, with little to no response from the administration.

Mr. Maevers stated that the City of Roswell has no position on the case. He stated that the City of Roswell is taking a more conservative approach with these types of requests and are evaluating each application on its own merit. Mr. Maevers did recommend that the Conditions of Approval be very specific. He informed everyone that the purpose for the excise tax was for education programs and enforcement.

Nobody spoke against the application

Commissioner Bristol made a motion to approve Case ETZ 2022-04 with the Conditions of Approval and based on Findings of Fact. Commissioner Connolly seconded the motion.

Mr. Jaramillo asked if the Commission would like to amend condition #6, Operational Hours.

Commissioner Kirk stated she wanted to like to specify the hours of operation based on Mr. Greathouse’s statement and asked for a “friendly amendment to the motion”.

Commissioner Bristol agreed to the friendly amendment and asked Mr. Greathouse to restate their operational hours.

Commission Connolly agreed, as well.

Mr. Greathouse stated that they would like to open 10 a.m. – 6:00 p.m. Monday - Thursday, 10 a.m. to 7 p.m. Friday and Saturday, and 12:00 p.m. – 5:00 p.m. on Sunday.

Commissioner Bristol amended his motion to include the aforementioned operational hours. Commissioner Connolly seconded the amended motion. Motion to approve, with amendment to operational hours, carried by a 6-0 vote.

OTHER BUSINESS

None

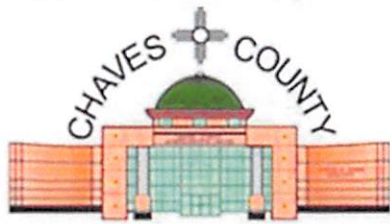
Since there was no other business to come before the Commission, the meeting was adjourned at 6:35PM.

Approved this 17th day of May, 2022.

Chairman

Attest

Note: The recorded minutes of this meeting are on file in the Chaves County Planning and Zoning office for public review.



PLANNING & ZONING STAFF SUMMARY REPORT

MEETING DATE: May 17, 2022

CASE # ETZ 2022-05

ACTING BOARD	ROSWELL-CHAVES COUNTY EXTRATERRITORIAL PLANNING AND ZONING COMMISSION
---------------------	--

ACTION REQUESTED:	Special Use Permit to allow a second residential dwelling unit in the Rural Suburban District
--------------------------	---

LAND OWNER:	Dustin and Maureen DeNio
--------------------	--------------------------

LOCATION & LEGAL:	1406 E. Berrendo Road Lot 3 of the Lamb Summary Plat.
------------------------------	--

ITEM SUMMARY	Mr. and Mrs. DeNio have proposed a second residential dwelling unit (Manufactured Home) on their property for care of their elderly parent, Connie DeNio.
---------------------	---

SUPPORTING DOCUMENTS	Staff Report, Application, Warranty Deed, Lamb Summary Plat, Site Plan, & Vicinity Map.
-----------------------------	---

SUMMARY BY: Louis Jaramillo –Planning & Zoning Director

STAFF'S REPORT

CASE # ETZ 2022-05

The property owners and applicants, Dustin and Maureen DeNio, wishes to place a second residential dwelling unit, a single wide manufactured home, at 1406 E. Berrendo Road Roswell NM in order to care for their elderly mother. The existing home does have a two tank septic system that was permitted and approved by NMED. The second dwelling unit would be placed directly south of the existing home and would tie into one of the existing septic tanks per NMED standards. Water service is currently provided by Berrendo Water Co-Op and would be extended to the second home.

Lot 3 is 5.028 acres in size and is accessible from Berrendo Road, a county-maintained road, through a private 20 ft. access easement. The subject property and surrounding area are zoned R-S Rural Suburban District. The property size is sufficient to allow a second home based on NMED and State Statue 20.7.3.302 NMAC.

Mr. and Mrs. DeNio have provided a letter from Ms. DeNio's physician stating she has a mobility disorder and needs assistance with her daily activities. They also provided a letter of understanding stating they recognize the second home is temporary in nature and would remove it when no longer required.

Article 25 of the Roswell-Chaves County Extraterritorial Zoning Ordinance No. 80-1 states that a Special Use Permit shall not be transferable from one property owner or location to another. Article 25 lists four considerations the Commission must determine dealing with public health and safety. It also states six reasons for granting a Special Use Permit and notes thirteen development restrictions or conditions the Commission may require as part of the approval such as screen fencing, additional setback requirements and size of the array farm, just to name a few. Finally, Article 25 gives reasons for revoking or terminating the Special Use Permit, such as but not limited to, failure to begin construction within one year, the restrictions and conditions have not been met, or the use becomes detrimental to the public's health and safety.

Staff recommends approval of the Special Use Permit based on the physician's letter.

Should the subject request receive favorable consideration, Staff recommends the following conditions:

1. That the Special Use Permit be for a 5-year period or until such time that the secondary home (*Make/Model, Serial Number, bedrooms, color*), that is to provide residency for Ms. Connie DeNio, is no longer needed; and
2. The Special Use Permit is non-transferable and is granted solely for the care of Ms. Connie DeNio; and
3. A 5-year review shall be administrated by Staff and only brought back before the Commission on an as needed basis; and

4. All new structures shall comply with the setback requirements established in Article 20 of the Roswell-Chaves County Extraterritorial Zoning Ordinance No.80-1; and
5. A home occupation, guesthouse and/or bunkhouse shall not be permitted on the property during the deration of this SUP; and
6. That all Chaves County and NM Environment Department regulations and requirements, including improvements and permits, be complied with in the establishment of the secondary home.

Findings of Fact:

1. The Chaves County Comprehensive Plan 2016 does support a second home on a single lot, on a temporary basis, when the request is for the care of an elderly or sick family member.
2. NMED has evaluated the property and determine the area of sufficient size for a second home and has provided all required improvements for the placement of a second home on the property.
3. The second home shall utilize the existing Berrendo Co-Op water service and one of two septic tanks located on the property.
4. Owner's within 100 feet of the proposed Special Use Permit have been notified by standard mail, per Chaves County Zoning Ordinance No. 7, Article XVIII Section 2-B.1. No protest has been received at the time of this report.
5. This case has been advertised in the local newspaper and on the Chaves County website, 3 days prior to this meeting, as required by Chaves County Zoning Ordinance and State Statute.



SPECIAL USE PERMIT APPLICATION FOR A SECOND RESIDENCE

Case Number: ETZ 2022-05 Date Received: 4/18/2022 Fee: \$ 300⁰⁰

Name of Property Owner: Dustin & Maureen DeNio Phone Number: 432-638-1063
575-626-1715

Mailing Address: 1406 E. Berrendo Rd.

Name of Applicant: Dustin & Maureen DeNio

Mailing Address: 1406 E. Berrendo Rd. Home Phone Number: 575-626-1715

City, State, Zip: ROSWELL NM 88201 Business Phone Number: 432-638-1063

Applicant Status: Owner Agent Tenant Other _____

Site Address: 1406 E. Berrendo Rd. ETZ Chaves County

Property Legal Description: Lamb Summary Plat Lot 3 NW4

UPN: 4-137-059-071-088-000000

Present Land Use: Residential Rpp 7639.

Intended Land Use: Multi generational Housing

Present Zoning: Residential

Applicant's Reason for Requested Change: (Use back if more space is needed)

Letter from Medical Provider Attached:

I ACKNOWLEDGE THAT I HAVE BEEN INFORMED OF THE DATES, TIMES, AND LOCATIONS OF THE PUBLIC MEETINGS WHICH I OR MY AGENT MUST ATTEND IN ORDER TO FULFILL THE REQUIREMENTS OF THIS APPLICATION.

[Signature] 4.14.22

Owner's Signature Date

Application Instructions, Code Information and Permit Requirements listed on Reverse

01/01/14

ETZ Commission May 17, 2022 @ 5:30 PM.

Special Use Permits are governed by the Zoning Ordinance. Prior to granting any Special Use Permit, the Commission shall hold a public hearing and shall determine that:

- a. The granting of the Special Use Permit will not be injurious to the public health, safety, morals, and general welfare of the community.
- b. The use or value of the area adjacent to the property included in the Special Use Permit will not be affected in a substantially adverse manner.
- c. The site for the proposed Special Use Permit is suitable for that use, and the surrounding properties are compatible with that use.
- d. That the grant of the Special Use Permit would be within the spirit, intent, purpose, and general plan of this (ETZ) Ordinance.”

In addition to this public hearing, several permits are required to be obtained. They include:

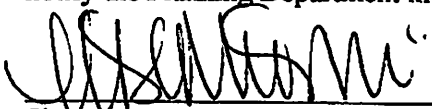
Electric Service: The second residence will require electrical service. The electrical service will require an inspection to be conducted by CDI. In accordance with the Zoning Ordinance, there **shall not be a separate meter** for the electrical service to the second residence.

Water: New water service shall be provided to the second residence. The petitioner shall contact the New Mexico Engineering Department, located at 1900 West Second Avenue, in Roswell, to ascertain their requirements for the provision of water service to the second residence, and to obtain proper permits.

Septic Tank: A new septic tank and associated drainfield shall serve the second residence. The petitioner shall contact the New Mexico Environmental Department, located at 1914 West Second Avenue, in Roswell, to ascertain their requirements for the design, minimum capacity and installation of the second septic system on the subject property, and to obtain proper permits.

Manufactured Home Placement Permit: Prior to placing the manufactured home on the subject property, the petitioner shall secure a Manufactured Home Placement Permit from the Chaves County Planning and Zoning Department, located at #1 St. Mary's Place, Suite 170, in Roswell. All other agency permits shall be obtained and proof of utility service shall be provided to the Planning and Zoning Department prior to the petitioner receiving the Manufactured Home Placement Permit or placing the manufactured home on the subject property.

AFFIDAVIT: I understand that the Zoning Ordinance permits only one dwelling unit (residence) per lot of record. I am asking the Commission for permission to create a land use that is non-conforming with the Zoning Ordinance for a temporary period of time. I further understand and accept that the land use I am requesting may be permitted for only a temporary period of time, and that I am fully responsible for all costs associated with both the setting up of the residence and the removal of the residence once the medical condition ceases to exist. I further affirm under penalty of law that I will not rent, lease, sublet, or sell the second residence, nor will I use the second residence to conduct a business or for storage purposes. I affirm that I will remove the second residence from the property within 90 days of the time that the family member no longer needs it, and that I will notify the Planning Department in a timely manner.



Signature

Maureen DeNico, RN 4.14.22

Printed Name Date

April 14, 2022

Dear Members of the Board,

Please accept this letter and attached Special Permit Application as official request to utilize the multigenerational housing outlined in House Bill 483 of the 54th Legislature. We are requesting this special permit in order to place a temporary dwelling onto our property located at 1406 E. Berrendo Rd. (a five-acre residential zoned property) to house Connie DeNio, my husband's mother. We have also included a doctor's order/letter that confirms Connie's need for additional assistance with activities of daily living.

Parents, unfortunately age, as is the case with Connie. She won't disclose her age, so I will forego disclosing that here to honor her wishes. She has mobility issues and is going blind from macular degeneration. She is currently living alone which is no longer feasible for her safety. We would like to have her located on our property to ensure she receives the best care and can remain in her home for her final years of life. As a hospice nurse, it is of the utmost importance to allow her the opportunity to remain in her home and pass peacefully and with dignity with her family and pets. It is my goal to keep from having to place her in a facility. Having her on our property allows me the opportunity to closely manage her medical challenges and ensure her safety.

We are currently looking for the perfect home to place on our property for her. Our plan and budget allow for a single wide manufactured home to be placed temporarily. We will enclose a small area for her dog and build a ramp entrance into the home. She will remain here until she passes. Upon her death or miraculous recovery, the manufactured home will be sold and removed from our land as soon as possible.

Thank you for your time and consideration of the special use permit. Our final goal at the end of the day is to provide the best and safest environment for our mother. Thank you for keeping our end goal in mind as you make this decision.

Sincerely,



Maureen DeNio, RN
575.626.1715

Staci M. West, ACNP-DNP
LIC # CNP02096 • DEA # MW2793809
 Aisle Chamblin, CNP
LIC # CNP02953 • DEA # MC3945825

Roswell MediCo

1621 N Washington Ave
Roswell, NM 88201
Tel: 575-625-8430
Fax: 575-625-8452

Siavash Karimian, M.D., D.A.B.F.M.
LIC # MD2007-0234 • DEA # FK0168016

Gabriele Stiller, M.D.
LIC # 97-380 • DEA # BS5731915
 Stacy Stone, CNP
LIC # CNP00644 • DEA # MS1151579

Name Connie M. DeNio

DOB 10-13-46

Address

Date 04-14-22

R

This patient has a mobility disorder and needs increasing assistance with her activities of daily living.

- 1-24
- 25-49
- 50-74
- 75-100
- 101-150
- 151 +

Units

Label OK Generic Label In Spanish

Refill-0-1-2-3-4-5-PRN OR:

G. Stiller

M.D.

To ensure brand name dispensing prescriber must write "NO SUBSTITUTION" or "NO SUB" on prescription.
SAFETY FEATURES: COLORED VOID BACKGROUND - MICROPRINT LINES - IMPRINT ERASURE PROTECTION
REVERSE R_x - THERMOCHROMIC INK - ON BACK - ARTIFICIAL WATERMARK - CDIN REACTIVE INK

FileRx.com 800-307-7717 RxPads.com

RX 2 NM H

Order # 3159949-1

SCRIPT# 45922

VERIFICATION BOX: HOLD BETWEEN THUMB AND FOREFINGER OR BREATHE ON IT. COLOR WILL DISAPPEAR. THEN REAPPEAR.

FILED FOR RECORD IN THE CLERK'S OFFICE
ON THE 21st DAY OF APRIL 2010, AT 10:00 AM
RECEIVED 04-22-10
COUNTY CLERK
DEPARTMENT

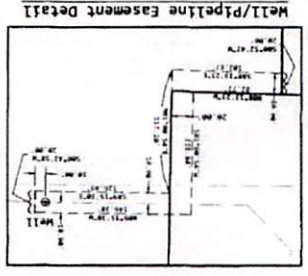
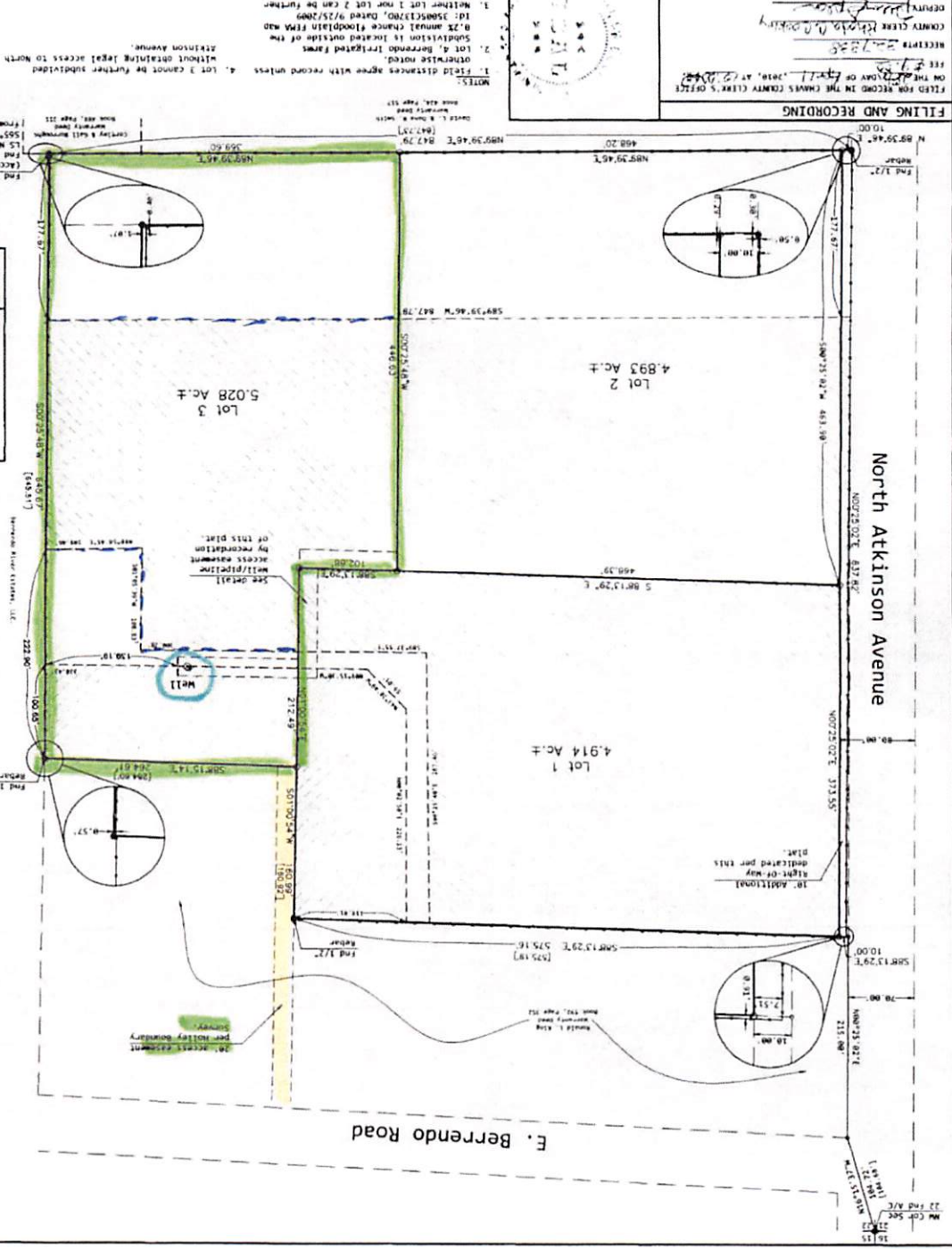
55051 PAGE 0378



NOTES:

1. FIELD DISTANCES AGREE WITH RECORD UNLESS OTHERWISE NOTED.
2. LOT 4, BARRONDO IRRIGATED FARMS SUBDIVISION IS LOCATED OUTSIDE OF THE 0.25 ANNUAL FLOOD FLOODPLAIN (FIRM NO. 13050821700), DATED 9/23/2009.
3. EITHER LOT 1 NOR LOT 2 CAN BE FURTHER SUBDIVIDED WITHOUT PROVIDING ACCESS TO LOT 3 FROM NORTH ATKINSON AVE.
4. LOT 3 CANNOT BE FURTHER SUBDIVIDED WITHOUT OBTAINING LEGAL ACCESS TO NORTH ATKINSON AVENUE.

LAMB SUMMARY PLAT
DATE FILED 04/20/10
DEPARTMENT 1-0378



LEGEND

- Found Corner
- Set 1/2" Meter w/cep LS No. 8504
- (Calculated Corner)
- (Not Found or set in field)
- (Right-of-Way Line)
- (Fence Line)
- (Record Distance (Holley Boundary Survey, Rains Surveying Co.))
- (Negative Easement No. 1)
- (Negative Easement No. 2)
- (Per Lamb Negative Easement Survey)

REFERENCE OCCURRENCES:

1. Warranty Deed, Book 592, Page 393
2. Warranty Deed, Book 484, Page 211
3. Warranty Deed, Book 424, Page 157
4. Warranty Deed (Joint Tenants), Book 593, Page 1013-1014
5. Holley Boundary Survey, Recorded March 6th, 2002
6. Rains Surveying Co., under my direction, and that the same is true and correct to the best of my knowledge and belief. I also certify that the same was prepared by me or under my direction.
7. Lamb Negative Easement Survey, Book 59, Page 58
8. Lamb Negative Easement Survey, Recorded March 6th, 2002
9. Atkins Engineering Associates, Inc., Book 516, Page 38
10. Atkins Engineering Associates, Inc., Book 516, Page 38

STATE OF NEW MEXICO
COUNTY OF CHAVES
CITY OF ROSWELL

I, *Robert M. Roswell*, Mayor of the City of Roswell, do hereby certify that the foregoing Land Summary Plat, a report of part of Lot 4 in Block 22 of Barrondo Irrigated Farms, City of Roswell, Chaves County, State of New Mexico, has been read and approved by me and the City of Roswell.

APPROVAL OF CHAVES COUNTY BOARD OF COUNTY COMMISSIONERS

This is to certify that the foregoing Land Summary Plat, a report of part of Lot 4 in Block 22 of Barrondo Irrigated Farms, City of Roswell, Chaves County, New Mexico, has been read and approved by me and the Board of County Commissioners.

Robert M. Roswell, Mayor

Robert M. Roswell, Mayor

Robert M. Roswell, Mayor

Atkins Engineering Associates
1501 S. 24th Street, Suite 100
Roswell, NM 86208
Tel: 505.624.2828
Fax: 505.624.2828

Atkins Engineering Associates
1501 S. 24th Street, Suite 100
Roswell, NM 86208
Tel: 505.624.2828
Fax: 505.624.2828

LAMB SUMMARY PLAT
A Report of part of Lot 4 in Block 22 of Barrondo Irrigated Farms, City of Roswell, Chaves County, New Mexico.

DECLARATION OF COMPLETION

I, *Robert M. Roswell*, Mayor of the City of Roswell, do hereby certify that the foregoing Land Summary Plat, a report of part of Lot 4 in Block 22 of Barrondo Irrigated Farms, City of Roswell, Chaves County, State of New Mexico, has been read and approved by me and the City of Roswell.

APPROVAL OF CHAVES COUNTY BOARD OF COUNTY COMMISSIONERS

This is to certify that the foregoing Land Summary Plat, a report of part of Lot 4 in Block 22 of Barrondo Irrigated Farms, City of Roswell, Chaves County, New Mexico, has been read and approved by me and the Board of County Commissioners.

Robert M. Roswell, Mayor

Robert M. Roswell, Mayor

Robert M. Roswell, Mayor

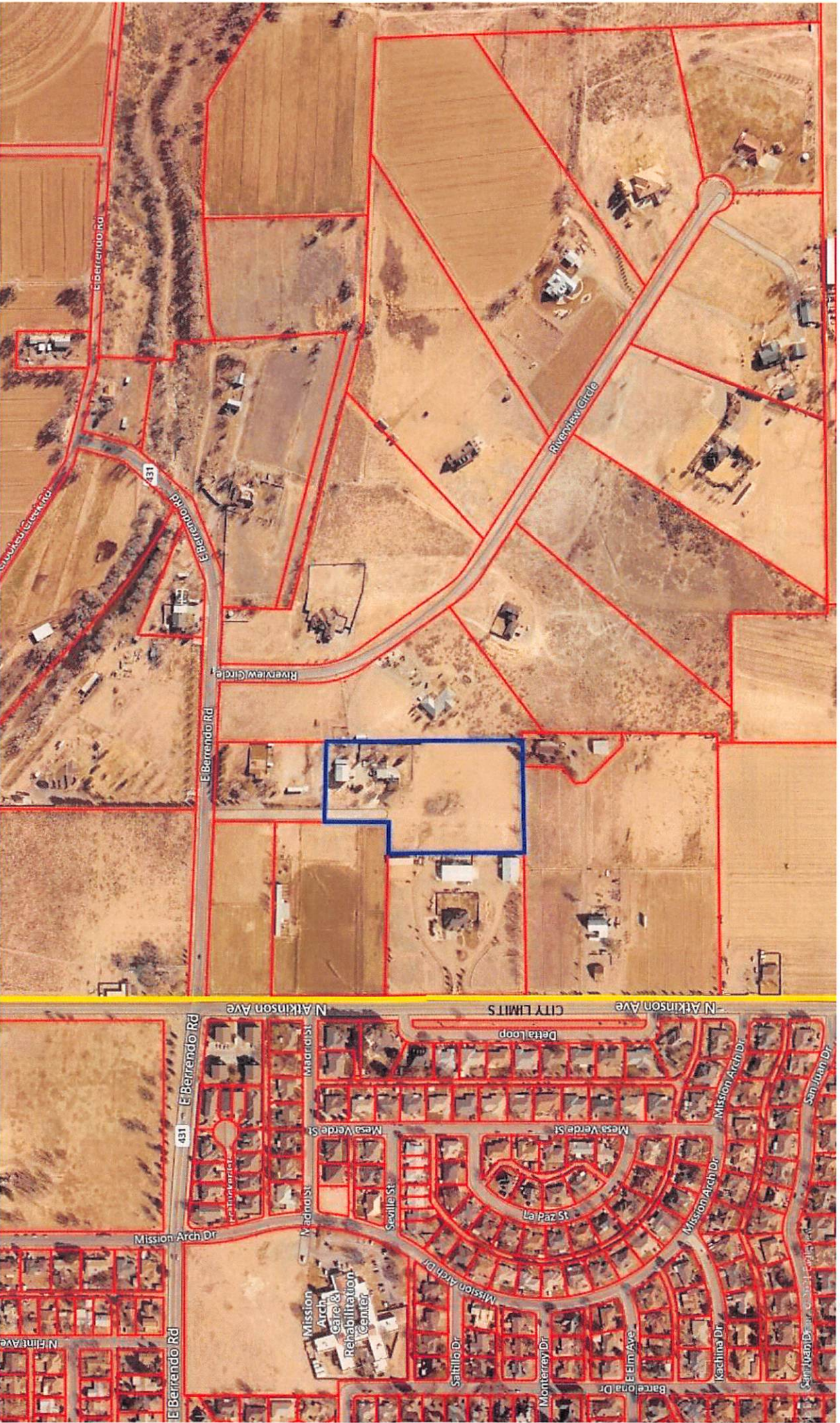
SEAL

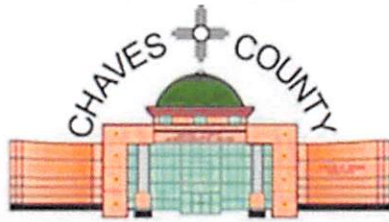
LAND SURVEYOR
ATKINS ENGINEERING ASSOCIATES
NO. 8504

Atkins Engineering Associates
1501 S. 24th Street, Suite 100
Roswell, NM 86208
Tel: 505.624.2828
Fax: 505.624.2828

Atkins Engineering Associates
1501 S. 24th Street, Suite 100
Roswell, NM 86208
Tel: 505.624.2828
Fax: 505.624.2828

01 10000 VB
01 070707
01 070707
01 070707
01 070707





PLANNING & ZONING STAFF SUMMARY REPORT

MEETING DATE: May 17, 2022

CASE # ETZ 2022-06

ACTING BOARD	ROSWELL-CHAVES COUNTY EXTRATERRITORIAL PLANNING AND ZONING COMMISSION
---------------------	--

ACTION REQUESTED:	Special Use Permit for a Community Solar Project in the Rural Suburban District
--------------------------	---

LAND OWNER & AGENT:	Featherstone Development Corporation CVE North America Inc.
--------------------------------	--

LOCATION & LEGAL:	1100-1200 Block of N. Brown Road S/2N/2NW/4 Section 35 T.10S. R.23E.
------------------------------	---

ITEM SUMMARY	Featherstone Development Corporation & CVE North America Inc. are proposing a community solar project located between Brown Road and the Roswell Relief Route.
---------------------	--

SUPPORTING DOCUMENTS	Staff Report, Application, Warranty Deed, Development Plan & CVE North America Inc. Information, Site Photos, Vicinity Map.
-----------------------------	---

SUMMARY BY: Louis Jaramillo –Planning & Zoning Director

STAFF'S REPORT

CASE # ETZ 2022-06

Featherstone Development Corporation & CVE North America Inc are requesting a Special Use Permit for a community solar project. The proposed solar project would be located between North Brown Road and the Roswell Relief Route at approximately the 1100-1200 Block of North Brown Road. The property is of sufficient size for a 5-megawatt solar facility being approximately 43.88 acres in size. The proposed area is vacant land with the exception of a large, Xcel Energy, overhead transmission line that runs along the eastern property line adjacent to the Roswell Relief Route. The topography of the area consists of a natural rise in elevation starting at Sycamore Avenue and continuing west to Mark Road. The area is not in a Flood Hazard area per 2009 FIRM maps.

The proposed site and the surrounding properties are zoned Rural-Suburban District. The properties to the north, east and west are vacant lots owned by Featherstone Development Corp. Two of the properties that are located just south, are occupied with residential homes. The large vacant lot to the southeast is also owned by Featherstone Development Corp and is only accessible from Brown Road through the proposed solar facility area.

CVE North America Inc. has provided a development plan showing the solar panels ground based and stand no more than 15 feet high from the natural ground. The solar facility would be fenced in with a six-foot chain link fence with three barbed wire strands at the top. (See Project Description for details.) The facility would tie into the overhead electric line that runs along Brown Road on the west side. Xcel Energy is unable to determine if they will be able to accept both 5-megawatt community solar facilities on their distribution line located along Brown Road, at this time.

Article 25 of the Roswell-Chaves County Extraterritorial Zoning Ordinance No. 80-1 states that a Special Use Permit shall not be transferable from one property owner or location to another. Article 25 lists four considerations the Commission must determine dealing with public health and safety. It also states six reasons for granting a Special Use Permit and notes thirteen development restrictions or conditions the Commission may require as part of the approval such as screen fencing, additional setback requirements and size of the array farm, just to name a few. Finally, Article 25 gives reasons for revoking or terminating the Special Use Permit, such as but not limited to, failure to begin construction, the restrictions and conditions have not been met, or the use becomes detrimental to the public's health and safety.

Should the subject request receive favorable consideration, Staff recommends the following Conditions of Approval:

1. Failure to complete the construction of the community solar facility within ten years shall result in the Special Use Permit being terminated.

2. CVE North America Inc. shall apply for any necessary building and electrical permits for construction of the community solar facility within one year of being award the solar project by Xcel Energy.
3. CVE North America Inc. shall utilize the existing distribution lines in the area.
4. CVE North America Inc. shall provide a de-commissioning and restoration plan for this property.
5. All lighting used on-site shall be shielded from traffic, surrounding properties and shall comply with the NM Night Sky Act.
6. All solar panels and their foundations shall be setback from adjacent side and rear property lines a minimum of fifty (50) feet and shall be a minimum of sixty (60) feet from the front property line, adjacent to the road.

Findings of Fact:

1. The proposed solar facility would be a low impact commercial use in a vacant area and would be an economic benefit to the community with rising utility costs, and to assist in the costly and limited space for personal solar facilities on one's private property.
2. The proposed solar facility may conforms with the requirements for approval as stated in Article 25 of the Roswell-Chaves County ETZ Ordinance 80-1.
3. Owner's within 100 feet of the proposed Special Use Permit have been notified by certified mail, per Section 2.5 of the Roswell-Chaves County Extraterritorial Zoning Ordinance No. 80-1. No protest letters have been received at the time of this writing.
4. Planning and Zoning Staff have advertised this meeting in the local Roswell Daily Record 15 days prior to today's public hearing per the Roswell-Chaves County Extraterritorial Zoning Ordinance No. 80-1.



ROSWELL- CHAVES COUNTY ETZ/ CHAVES COUNTY ZONING APPLICATION

Case Number: ETZ 2022-6 Date Received: 4-15-22 Fee: 300.00

Type of Request: [] Rezoning [x] Special Use [] Variance [] Change of Use

Owner's Name: Featherstone Development Corporation

Mailing Address: PO Box 429, Roswell, NM 88202

Phone Number: 575-420-7995

Agent's Name: CVE North America, Inc. - Carson Weinand, Senior Business Developer

Mailing Address: 109 W 27th St, Floor 8, New York, NY 10001

Phone Number: 239-784-8080

[x] Roswell-Chaves County ETZ [] Chaves County

Case Address: North Brown Road, Roswell, New Mexico 88201

Legal Description: See Exhibit A of Lease Agreement

Parcel Number: 4-132-061-155-111

Present Land Use: Vacant

Intended Land Use: 5MWac community solar facility

Present Zoning: Rural-Suburban District-ETZ Ordinance Requested Zoning:

Reason for Requested: (Attach Letter if necessary)

To seek a Special Use Permit for the construction of a 5.0MWac community solar facility.

PLEASE INCLUDE ALL DEVELOPMENT PLANS, SITE PLANS, AND /OR BUSINESS PLANS

I ACKNOWLEDGE THAT I HAVE BEEN INFORMED OF THE DATES, TIMES, AND LOCATIONS OF THE PUBLIC HEARINGS FOR WHICH I OR MY AGENT SHALL ATTEND IN ORDER TO FULFILL THE REQUIREMENTS OF THIS APPLICATION.

Owner's Signature: [Signature] Olea Featherstone, President

Date: 4/4/22

WARRANTY DEED

Featherstone Development Corporation, a Colorado Corporation

BOOK 0267 PAGE 275

for consideration paid, grant(s) to

Featherstone Development Corporation, a Colorado Corporation

whose address is: 1801 West Second Street
Roswell, NM 88201

the following described real estate in Chaves County, New Mexico:

A tract of land described as the S1/2N1/2NW1/4, and that part of the S1/2N1/2NE1/4 which lies West of the right-of-way of the New Mexico State Hwy 6 TD Project No. ST-(F)-023-2(202), all in Section 35, Township 10 South, Range 23-East, N.M.P.M.

Subject to mineral reservations; mineral conveyances, restrictions of record and, all valid easements, rights-of-way and zoning ordinances.

with
warranty covenants.

Executed this June 17, 1996

Featherstone Development Corporation

By: [Signature]
Angela Featherstone, Vice President

STATE OF NEW MEXICO)
County of Chaves)

This instrument was acknowledged before me on June 27, 1996
by Angela Featherstone, Vice President of Featherstone Development Corporation, a
Colorado Corporation, on behalf of said Corporation

[Signature]
Notary Public

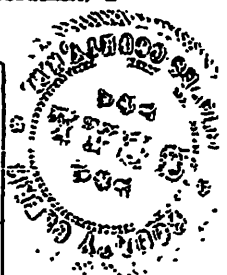
My Commission Expires: 01/08/97
Notary Public

State of New Mexico, } County of Chaves } SS	
FILED FOR RECORD	
AT	JUN 27 1996
4:33	P.M.
and recorded in book 262 page 275	
Rhoda Goodloe	County Clerk
<u>[Signature]</u>	Deputy

#145215 Fee; \$7.00
Featherstone, 1801 W 2nd. St Roswell, NM 88201

5-251
6/28/96
CITY OF ROSWELL
COUNTY OF CHAVES
STATE OF NEW MEXICO

certification
The photographic image of the land on this film
is an authorized document in the possession of
this agency as noted in the statement of record and refers
on file at this agency. These records are positively
identified as a necessary operation in the preparation of
an inventor's document file.





April 15, 2022

Louis Jaramillo
Planning and Zoning Director
Chaves County, NM
1 St Mary's Place
Roswell, NM 88203
Louis.jaramillo@chavescounty.gov

**Re: Special Use Permit for Community Solar Energy Facility
Project Narrative**

Dear Director Jaramillo,

Please accept this letter as a statement in support of the enclosed site plan for a community solar energy facility. With this application, CVE North America, Inc. (the "Applicant") will develop a 5.0 megawatt (AC) community solar energy facility on one parcel of land (4-132-061-155-111) located at No Number North Brown Road, Roswell, NM 88201 (the "Property").

The Property contains approximately 43 acres and is currently vacant. The area surrounding the Property is vacant or defined by very low-density residential uses. The Property is zoned to the Rural-Suburban District.

The Applicant intends to develop all the Property with a community solar energy facility. Community solar is a relatively new feature in New Mexico that allows local residents to receive a direct benefit by subscribing to receive credits, which lowers their electricity bills. There are no costs to subscribe, and in general, customers can expect to save 10% on their monthly utility bills. The 5.0 megawatt system is sufficient to provide credits to approximately 1,000 homes in Chaves County. Over the 25 years of the program, the total energy savings to customers will be over \$2,500,000.

At the end of the project's life (~year 35), the solar energy panels and related equipment will be removed, per the decommissioning plan approved by the County, and the project site restored to previous conditions.

The maximum height of the solar panels and other above-ground equipment will not exceed fifteen (15) feet. The solar panels and other above-ground equipment will be setback 50 feet from property boundaries. The project also will not have any substantial traffic impacts, as the Applicant anticipates less than two (2) trips to the Property monthly for basic maintenance, and overall will not have a material impact on existing or planned characteristics of the neighborhood.

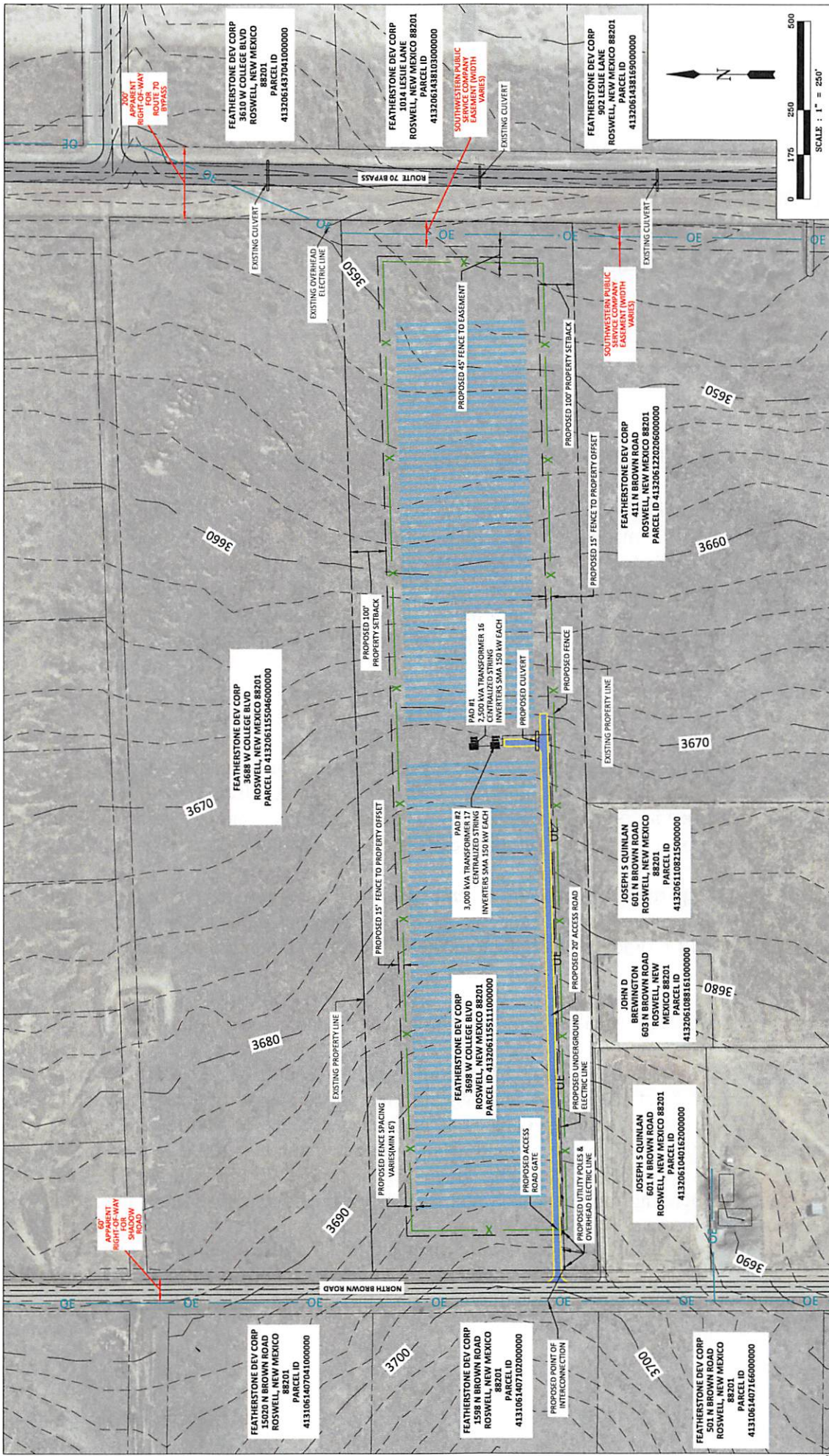
The Applicant, CVE North America, Inc. ("CVE"), is an international renewable energy developer with over 250 employees worldwide and over 500 MW of operating assets. CVE owns and operates each project it develops. Furthermore, CVE strives to execute each project with integrity and transparency, while delivering a positive impact for the local community. To that end, CVE will be making a ~\$10,000 (\$1 per panel installed) "Green Initiative" donation to a local environmental agency.



For the reasons noted above, the Applicant believes this application should be approved. Thank you for your time and attention to this matter. We look forward to working with you and the community as the application progresses.

Very truly yours,

Carson Weinand



PRELIMINARY SITE PLAN
FEATHERSTONE SOUTH SOLAR FACILITY
CHAVES COUNTY, NEW MEXICO
APRIL 19, 2022

TRC
TRC ENGINEERS, INC.
 700 HIGHLANDER BLVD., SUITE 210, ARLINGTON, TEXAS 76015
 18 P.E. #1-8632 (817) 522-1000

NOTE:

1. EXHIBIT IS INTENDED FOR INFORMATIONAL PRELIMINARY EVALUATION OF PROPERTY FOR SOLAR PRODUCTION ONLY. IT DOES NOT CONSTITUTE A GUARANTEE OF ANY KIND.
2. UTILITIES SHOWN (PROPERTY LINES, EASEMENTS, ELECTRICAL OVERHEADS) ARE FROM THE TITLE COMMITMENT DOCUMENTS FOR THIS PROPERTY AND MAY NOT BE REVIEWED OR SCALED BY A LICENSED SURVEYOR.
3. ANY INFORMATION SHOWN ON THIS PLAN IS FOR INFORMATIONAL PURPOSES ONLY.
4. A SURVEY OF THE PROPERTY, COMPLETED BY A LICENSED SURVEYOR, IS REQUIRED BEFORE DESIGN WORK AND/OR CONSTRUCTION CAN BE STARTED.

MEMORANDUM OF LEASE

DOCUMENT PREPARED BY AND
AFTER RECORDING, PLEASE RETURN TO:

Modrall Sperling, Attn: Meg Meister
500 4th Street, Suite 1000
Albuquerque, NM 87102

MEMORANDUM OF LEASE AND EASEMENT AGREEMENT

This MEMORANDUM OF LEASE AND EASEMENT AGREEMENT (this "Memorandum of Lease") is made and entered into as of Aug 20, 2021, by and between **FEATHERSTONE DEVELOPMENT CORPORATION**, a Colorado corporation, with an address of PO Box 429, Roswell, NM 88202 ("Landlord" and "Grantor" for indexing purposes), and **CVE NORTH AMERICA**, a Delaware limited liability company, with an address of 109 West 27th Street, 8th Floor, New York, New York 10001 ("Tenant" and "Grantee" for indexing purposes).

WITNESSETH

WHEREAS, pursuant to that certain Ground Lease and Easement Agreement (the "Lease") of even date herewith by and between Landlord and Tenant, Tenant leases from Landlord the land more particularly described in Exhibit A attached hereto and made a part hereof, together with all appurtenances thereto (collectively, the "Leased Premises").

WHEREAS, the parties hereto desire to enter into this Memorandum of Lease for the purpose of recording a document in real property records of Chaves County, New Mexico (the "Land Records") that will provide public notice of the existence of the Lease and certain of its terms and conditions.

NOW, THEREFORE, the parties hereto do hereby certify and agree as follows:

1. Lease of the Leased Premises. Landlord leases to Tenant, and Tenant leases from Landlord, for the Term (as defined below) and subject to the provisions of the Lease, to each of which Landlord and Tenant mutually agree, the Leased Premises, together with ingress, egress, and utility easements providing access to and from a public road and the point of utility interconnection, for the purposes of installing, operating, maintaining and removing a solar photovoltaic electric generating facility, which includes all photovoltaic solar panels, mounting systems, inverters, transformers, integrators, all electrical lines and conduits required to generate, collect, distribute and transmit electrical energy and such additional utility lines, cables, conduits, transformers, wires, meters, monitoring equipment, improvements and other necessary and convenient equipment and appurtenances common to such a facility (the "Solar Facility").

2. The rights granted to Tenant in the Lease include, without limitation the following easements and related rights:

- a. the exclusive right to erect, construct, reconstruct, replace, relocate, remove, operate, maintain and use the following from time to time, on, under, over and across the Leased Premises, in connection with the Solar Facility: (a) line or lines of towers, with such wires and cables as from time to time are suspended therefrom, and/or underground wires and cables, for the transmission of electrical energy and/or for communication purposes, and all necessary and proper foundations, footings, crossarms and other appliances and fixtures for use in connection with said towers, wires and cables (collectively "Transmission Facilities"); (b) facilities consisting of one or more substations for electrical collection, to step up the voltage, interconnect to transmission line or lines, and meter electricity, together with the right to perform all other ancillary activities normally associated with such a facility as may be necessary or appropriate to service the Solar Facility, regardless where located (collectively "Interconnection Facilities", which collectively with the Transmission Facilities and improvements installed in connection with the Solar Facility, collectively constitute the "Solar Improvements"); and (c) with all necessary easements therefor;

an easement and right over and across that certain parcel of real estate located in the County of Chaves New Mexico, more particularly described on Exhibit B attached hereto and made a part hereof and consisting of approximately 44 acres (the "Land"), the Leased Premises, or any property adjacent to the Land owned by Landlord (the "Surrounding Property," together with the Land and Leased Premises, collectively referred to herein as the "Property"), for any audio, visual, view, light, shadow, noise, vibration, electromagnetic or other effect of any kind or nature whatsoever resulting, directly or indirectly, from the Solar Facility, including but not limited to rights to cast shadows and reflect glare onto all of the Surrounding Property including any adjoining property, from the Solar Facility and/or any and all other related facilities, wherever located;

an exclusive easement and right to capture, use and convert sunlight and related solar resources on an unobstructed basis over and across the Property, which shall extend horizontally three hundred sixty degrees (360°) across the entire Property, together extending vertically through all space located above the surface of the Property, that is one hundred eighty degrees (180°) or such greater numbers of degrees as may be necessary to extend from each point on and along a line drawn along the surface of the ground and from each point along the exterior boundary of the Property; any obstruction to the receipt of and access to sunlight throughout the entire area of the Property is prohibited;

Landlord shall not construct buildings or structures, initiate or conduct activities or plant trees or vegetation of any type or allow any trees or other vegetation on the Surrounding Property which now or hereafter in the reasonable opinion of Tenant may be a hazard to the Solar Facility, overshadow or otherwise block or interfere

with access of sunlight to the Solar Facility and/or interfere with the exercise of Tenant's rights hereunder. Landlord and Tenant hereby acknowledge that Tenant shall have the right (but shall not be obligated) to remove, at Landlord's cost, any such buildings or other structures in violation of the preceding sentence.

an easement and right on the Property to prevent measurable diminishment in output due to obstruction of the sunlight across the Leased Premises including but not limited to an easement right to trim, cut down and remove all trees (whether natural or cultivated), brush, vegetation and fire and electrical hazards now or hereafter existing on the Property which might obstruct receipt of or access to sunlight throughout the Leased Premises or interfere with or endanger the Solar Facility or Tenant's operations;

an access easement over and across the Surrounding Property for ingress and egress to the Leased Premises, to and from a public road, and a construction and utility easement over the Surrounding Property adjacent to the Leased Premises for construction and maintenance of the Solar Improvements;

an easement to be located at a mutually acceptable location on a portion of the Surrounding Property to be used for temporary (i) storage and staging of tools, materials and equipment, (ii) construction laydown, (iii) parking of construction crew vehicles and temporary construction trailers, (iv) vehicular and pedestrian access and access for rigging and material handling, and (v) other facilities reasonably necessary to construct, erect, install, expand, modify or remove the Solar Facility; and

the right to undertake any such purposes or other activities, whether accomplished by Tenant or a third party authorized by Tenant, that Tenant determines are necessary, useful or appropriate to accomplish any of the purposes or uses set forth in this Lease or that are compatible with such purposes or uses.

3. Term. The term of the Lease (the "Term") commenced on or about Aug 20, 2021 and shall terminate on or about Feb 8, 2062. The Lease contains Tenant's two (2) options to extend the Lease for five (5) years each.

4. Successors and Assigns. The Lease provides that the provisions of the Lease are binding upon and inure to the benefit of Landlord and Tenant and each of their respective representatives, successors and assigns, subject to certain limitations.

4. Purchase Right. Tenant has the right to purchase the Leased Premises, the Land or any part thereof or interest therein on the terms and conditions set forth in the Lease.

5. Purpose of Memorandum of Lease. This Memorandum of Lease, when recorded in the Land Records is intended to serve as public notice of the existence of the Lease and of certain of its terms and conditions, including easements and restrictions affecting land adjacent to the Leased Premises. This Memorandum of Lease does not describe or refer to all of the terms or

conditions contained in the Lease, nor is this Memorandum of Lease intended to modify, amend or vary any of the terms or conditions set forth in the Lease. To the extent not set forth herein, all of the terms, covenants and conditions of the Lease are incorporated herein. In the event of any inconsistency between the terms of the Lease and the terms of this Memorandum of Lease, the terms of the Lease shall control.

6. Termination of Memorandum. Upon the expiration or earlier termination of the Lease, Landlord and Tenant agree that they shall execute and record a termination of this Memorandum of Lease.

7. Counterparts. This Memorandum of Lease may be executed in counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same document.

(signature pages follow)

IN WITNESS WHEREOF, the parties have caused this Memorandum of Lease to be duly executed under seal and delivered as of the date first written above.

Landlord:

FEATHERSTONE DEVELOPMENT CORPORATION, a Colorado corporation




By: _____
Its: Glen Featherstone III, President
Date: 8/19/21

STATE OF NEW MEXICO
COUNTY OF Chaves

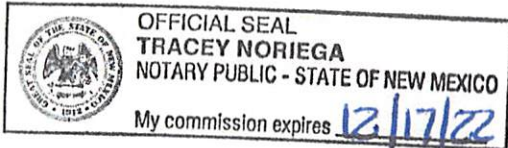
This instrument was acknowledged before me on August 19th, 2021,
by Glen Featherstone III as President of Featherstone Development Corporation, a Colorado corporation.

(Seal)



Notary Public

My commission expires: _____



Tenant:

CVE NORTH AMERICA, INC.,
a Delaware corporation

By: David Froelich

Its: Director, Bus. Dev

Date: 8/20/21

STATE OF NEW YORK
COUNTY OF NEW YORK

This instrument was acknowledged before me on August 20th, 2021,
by DAVID FROELICH as DIRECTOR of CVE North America, Inc., a
Delaware corporation.

(Seal)

Martin Krasnoff
Notary Public

My commission expires: 8/21/2022

MARTIN KRASNOFF
Notary Public, State of New York
No. 01KR5048735
Qualified in New York County
Certificate Filed in New York County
Commission Expires August 28, 2022

EXHIBIT A

LEGAL DESCRIPTION OF THE LAND

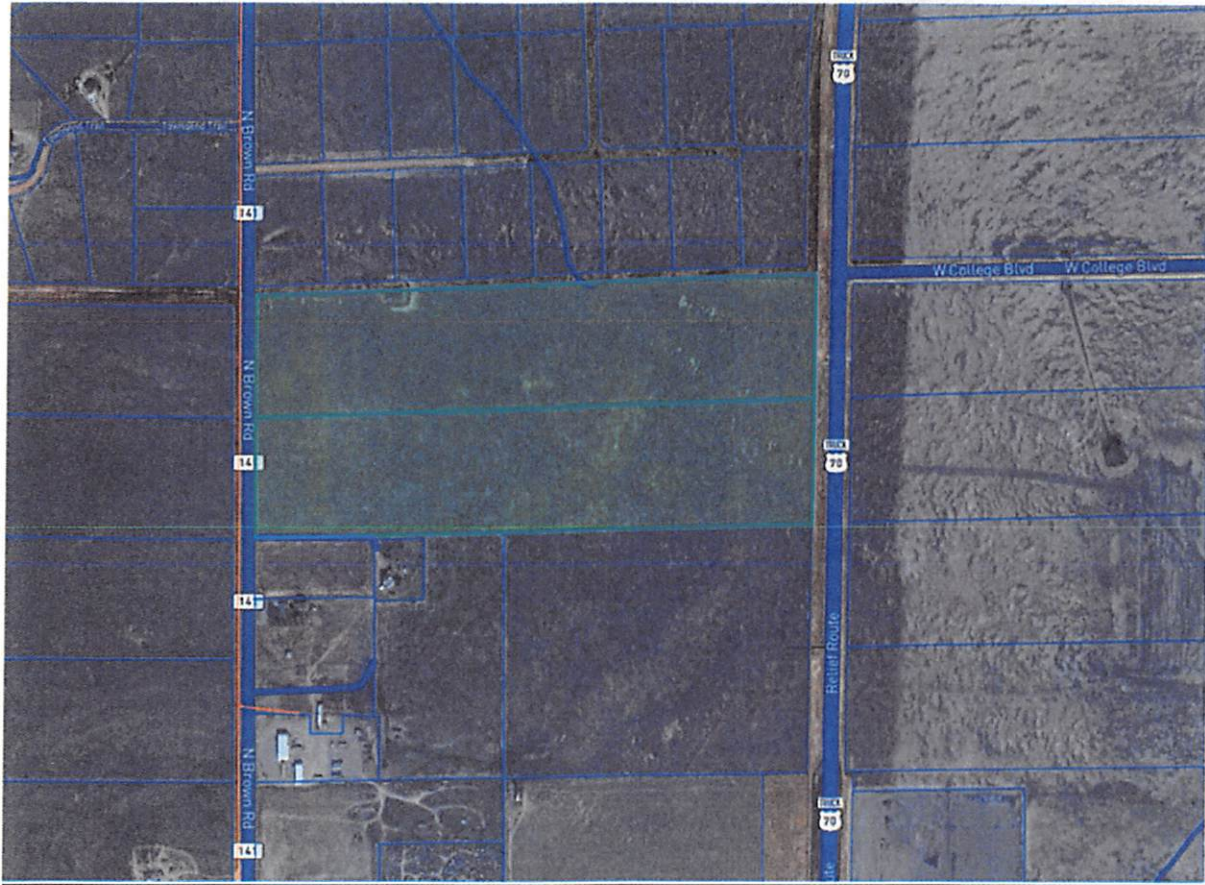
Following property located in Chaves County, New Mexico:

A tract of land described as the S1/2N1/2NW1/4, and that part of the S1/2N1/2NE1/4 which lies West of the right-of-way of the New Mexico State Hwy 6 TO Project No. ST-(F)-023-2(202). All in Section 35, Township 10 South, Range 23 East, N.M.P.M.

Tax Parcel Number 4-132-061-155-111-000000

EXHIBIT A-1

DESCRIPTION OF THE LEASED PREMISES







Decommissioning Plan Featherstone South Solar Project

Chaves County, New Mexico

Prepared For:



Prepared By:
TRC

April 2022



TABLE OF CONTENTS

1.0 INTRODUCTION 1

2.0 SYSTEM DECOMMISSIONING 1

 2.1 Photovoltaic Modules 1

 2.2 Electrical Equipment 2

 2.3 Electrical Wiring 2

 2.4 Concrete Pads 2

 2.5 Access Drive 2

 2.6 Racking and Fencing 2

3.0 SITE RESOTORATION 2

4.0 DECOMMISSIONING SCHEDULE 2

TABLE

Table 1. Approximate Decommissioning Schedule 3

1.0 INTRODUCTION

CVE North America (CVE) proposes to construct and operate the Featherstone South Solar Project, a 4.95-megawatt (MW) alternate current (AC) community solar energy facility on property located in Chaves County, New Mexico. The Project will be located within a 43.9-acre tract of land, across one parcel (4-132-061-155-111-000000) located at PO BOX 429, Roswell, Chaves County New Mexico 88202 (the “Property”).

The Property is currently mostly undeveloped land. The area surrounding the Property is defined by low-density residential uses. The Property is in the Roswell-Chaves County Extraterritorial Zone (ETZ) and the site is in a Residential-Suburban (R-S) zoning district.

The Applicant intends to develop all the Property with a community solar energy facility.

The Project will consist of arrays of solar panels separated by pervious access drive. The arrays will consist of rows of solar panels installed aboveground on a metal framework. In addition, concrete pads for inverters and transformers will be installed. The access drive will be designed to allow access for emergency vehicles. A 6-foot-tall perimeter fence will surround the solar arrays and access will be through a single security gate. Emergency access will be available through a KnoxBox. The expected life of the Project is 35 years.

This document presents the Decommissioning Plan for the Project.

2.0 SYSTEM DECOMMISSIONING

Solar panels (photovoltaic modules or PV Modules), brackets, posts, support structures, battery storage pack units, inverters, transformers, concrete pads, underground electric, fencing, access drive geotextile support structures and gate will be removed from the Site. Materials will be salvaged when possible. If salvage is not an option, recycling or disposal in the appropriate facility will be carried out. Any work completed as part of the Decommissioning Plan will be conducted in compliance with all local, state, and federal regulations governing the activities.

No decommissioning activities will occur in wetlands or associated buffer zones on the property and any excavations to remove Project components will not commence until best management practices (BMPs) for erosion and sediment control are in place.

2.1 Photovoltaic Modules

The PV modules will be disconnected from the inverters and removed from the steel racking system. Since PV modules are made of silicon, glass, and aluminum they do not constitute hazardous waste. Recycling and reuse of the PV modules will be assessed at the time of decommissioning.

2.2 Electrical Equipment

All electrical equipment including, but not limited to inverters, switchboards, transformers, and meters will be disconnected from the electrical grid and removed from the concrete pads upon which they are mounted. The electrical equipment will be disposed of at an approved facility.

2.3 Electrical Wiring

All electrical wiring is made of copper and aluminum, which will be recycled appropriately. All aboveground and underground conductors will be removed to the point of interconnection with the local electrical grid.

2.4 Concrete Pads

The concrete mounting pads for the electrical equipment will be excavated to the depth below grade necessary to remove all concrete, rebar, and foundation bolts. Clean concrete will be crushed and re-used off site or on-site at the discretion of the property owner. The excavation will be filled with clean material with characteristics similar to surrounding soils.

2.5 Access Drive

If requested by the property owner and with approval of the County, the access drive can be maintained and remain in place for future use of the Site. Otherwise, clean gravel will be stripped and reused. All other gravel and geotextile fabric will be disposed of at an appropriate facility. Compacted soils in the subgrade of the road will be assessed for use on-site. Soil will be scarified and loosened to return the road access area to pre-existing slope conditions.

2.6 Racking and Fencing

All metal racking equipment, fencing, and gate material will be removed and recycled at an appropriate facility. All driven posts for the racking system and fence footings will be removed.

3.0 SITE RESTORATION

To the extent practical, the topography of the Site will remain consistent with the grading plan for post-construction contours. The small amount of fill introduced to the Site to accommodate the installation of the Project will remain on the Site. The fill necessary for excavations related to below grade components (internal conductors or concrete pads) will be filled with materials similar to adjacent soils. Any disturbed areas will be re-seeded. Erosion and sediment control BMPs will remain in place until final stabilization is achieved.

4.0 DECOMMISSIONING SCHEDULE

Removal of the Project components will begin within 90 days of the Project's decommissioning. Table 1 presents an approximate schedule for decommissioning activities.

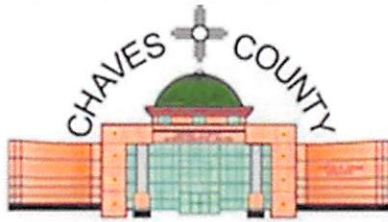
Table 1. Approximate Decommissioning Schedule

Activity	Time After Commencement of Decommissioning
Disconnection from local electrical grid and removal of the PV Modules and aboveground conductors	Month 1 – 2
Removal of racking system	Month 2 – 3
Removal of concrete pads	Month 3 – 4
Removal of below grade conductors	Month 4 – 5
Regarding post-construction contours	Month 5 – 6
Removal of fence	Month 6
Removal of access drive (if pursued)	Month 6 - 7



Looking east from Brown Road toward the proposed site. Residential homes to the south.





PLANNING & ZONING STAFF SUMMARY REPORT

MEETING DATE: May 17, 2022

CASE # ETZ 2022-07

ACTING BOARD	ROSWELL-CHAVES COUNTY EXTRATERRITORIAL PLANNING AND ZONING COMMISSION
---------------------	--

ACTION REQUESTED:	Special Use Permit for a Community Solar Project in the Rural Suburban District
------------------------------	--

LAND OWNER & AGENT:	Brian and Karen Davis OneEnergy Renewable c/o Nathan Stottler
------------------------------------	--

LOCATION & LEGAL:	500 N. Brown Road NE/4SE/4 Section 34, T.10S., R23E.
----------------------------------	---

ITEM SUMMARY	Mr. and Mrs. Davis and OneEnergy Renewable are proposing a community solar project located along Brown Road on the west side.
---------------------	---

SUPPORTING DOCUMENTS	Staff Report, Application, Warranty Deed, Development Plan & OneEnergy Renewable. Information, Site Photos, Vicinity Map.
---------------------------------	---

SUMMARY BY: Louis Jaramillo –Planning & Zoning Director

STAFF'S REPORT

CASE # ETZ 2022-07

Mr. and Mrs. Davis and OneEnergy Renewable are requesting a Special Use Permit for a community solar facility. The proposed solar facility would be located along North Brown Road. The property is of sufficient size for a 5-megawatt solar facility being approximately 43.88 acres in size. The proposed area is vacant land with the exception of a residential home that is located in the middle of the property. The agent has stated the owners would subdivide the lot into two parcels. One being a 5-acre tract with the home and accessory structures, and the other being approximately 38 acres for the solar facility.

The southern half of the property is within the County Comprehensive Master Plan's recommended 70/280 Commercial/Industrial corridor. A true corridor width is not stated in the Comprehensive Master Plan. Staff has tried to stay within a quarter of a mile, on either side of the main highway, as a standard width when considering the corridor area. The properties to the east and south along Brown Road have and in some cases, continue to be used as an Industrial area.

The proposed site and the surrounding properties to the north, south and west are zoned Rural-Suburban District. There are residential homes on the properties to the west and south. The property to the southwest and along the intersection of Brown Road and 2nd Street has been used as a junkyard or recycling area in the past. The properties to the east are a mix use of Rural Suburban and Industrial with the County's Flood Control Building being located just to the southeast.

OneEnergy Renewable has provided a development plan showing the solar panels ground based and stand no more than 6 feet high from the natural ground. The solar facility would be fenced in with a six-foot chain link fence with three barbed wire strands at the top. (See Project Description for details.) The facility would tie into the overhead electric line that runs along Brown Road on the west side. Xcel Energy is unable to determine if they will be able to accept both 5-megawatt community solar facilities on their distribution line located along Brown Road, at this time.

Article 25 of the Roswell-Chaves County Extraterritorial Zoning Ordinance No. 80-1 states that a Special Use Permit shall not be transferable from one property owner or location to another. Article 25 lists four considerations the Commission must determine dealing with public health and safety. It also states six reasons for granting a Special Use Permit and notes thirteen development restrictions or conditions the Commission may require as part of the approval such as screen fencing, additional setback requirements and size of the array farm, just to name a few. Finally, Article 25 gives reasons for revoking or terminating the Special Use Permit, such as but not limited to, failure to begin construction, the restrictions and conditions have not been met, or the use becomes detrimental to the public's health and safety.

Should the subject request receive favorable consideration, Staff recommends the following Conditions of Approval:

1. Failure to complete the construction of the community solar facility within ten years shall result in the Special Use Permit being terminated.
2. OneEnergy Renewable shall apply for any necessary building and electrical permits for construction of the community solar facility within one year of being awarded the solar project by Xcel Energy.
3. OneEnergy Renewable shall utilize the existing electric transmission lines in the area.
4. OneEnergy Renewable shall provide a de-commissioning and restoration plan for this property.
5. All lighting used on-site shall be shielded from traffic, surrounding properties and shall comply with the NM Night Sky Act.
6. All solar panels and their foundations shall be setback from adjacent side and rear property lines a minimum of fifty (50) feet and shall be a minimum of one hundred (100) feet from the centerline of Brown Road.
7. Mr. and Mrs. Davis shall have one year to subdivide the property into two tracts; one 5-acres residential tract and one 38-acres tract for the SUP. The owners may then transfer ownership of the 38-acre tract used for the SUP into a corporation or LLC for which they shall be primary partners, trustees, or directors of the corporation or LLC.

Findings of Fact:

1. The proposed solar facility would be a low impact commercial use in a vacant area and would be an economic benefit to the community with rising utility costs, and to assist in the costly and limited space for personal solar facilities on one's private property.
2. The proposed solar facility may conform with the requirements for approval as stated in Article 25 of the Roswell-Chaves County ETZ Ordinance 80-1.
3. Owner's within 100 feet of the proposed Special Use Permit have been notified by certified mail, per Section 2.5 of the Roswell-Chaves County Extraterritorial Zoning Ordinance No. 80-1. No protest letters have been received at the time of this writing.
4. Planning and Zoning Staff have advertised this meeting in the local Roswell Daily Record 15 days prior to today's public hearing per the Roswell-Chaves County Extraterritorial Zoning Ordinance No. 80-1.



CHAVES COUNTY/ETZ ZONING ORDINANCE
APPLICATION FOR A SPECIAL USE PERMIT

Case Number: ETZ 2022-07 Date Received: 4-21-2022 Fee: \$300

Name of Property Owner: Brian & Karen Davis Phone Number: 575-914-5217
 Mailing Address: P.O. Box 776, Roswell, NM 88202
 Name of Applicant: OneEnergy Renewables, c/o Nathan Stottler
 Mailing Address: 2003 Western Avenue Suite 225 Home Phone Number: 320.226.7688
 City, State, Zip: Seattle, WA 98121 Business Phone Number: _____
 Applicant Status: Owner Agent Tenant Other _____

Site Address: 500 N. Brown Road, Roswell, NM 88201 ETZ Chaves County
 Property Legal Description: THE NE 1/4 OF THE SE 1/4 OF SECTION 34, TOWNSHIP 10 SOUTH, RANGE 23 EAST, N.M.P.M.,
IN THE COUNTY OF CHAVES, STATE OF NEW MEXICO. UPN: 4131061479326000000
 Present Land Use: Project area is vacant; parcel contains owner's residence.
 Intended Land Use: 5MW community solar farm.
 Present Zoning: R-S Size of Development in Acres: Approx. 24 ac.
 Reason for Request (Attach sheets if more space is needed): OneEnergy Renewables has entered into an option to lease a
portion of the subject parcel to develop a 5MW community solar farm. Solar energy generation is not currently a permitted use in the
R-S zone, but is allowed with a Special Use Permit.
 Copy of Deed Attached:

I ACKNOWLEDGE THAT I HAVE BEEN INFORMED OF THE DATES, TIMES, AND LOCATIONS OF THE PUBLIC MEETINGS WHICH I OR MY AGENT MUST ATTEND IN ORDER TO FULFILL THE REQUIREMENTS OF THIS APPLICATION.
Brian & Karen Davis 04/20/2022
 Owner's Signature Date

25-12

WARRANTY DEED – JOINT TENANTS

GF#201100694

Catholic Diocese of Las Cruces, for consideration paid,

grants to: Brian L. Davis and Karen Davis, husband and wife, as joint tenants

Whose address is: PO Box 776
ROSWELL, NM 88202

the following described property situated in Chaves County, New Mexico.

NE1/4SE1/4 of Section 34, Township 10 South, Range 23 East, N.M.P.M., Chaves County, State of New Mexico.

SUBJECT to all reservations contained in the Patent and all covenants, easements and restrictions of record.

With Warranty Covenants

WITNESS our hands and seals this 3rd day of August, 2011.

Louis A. Roman
Louis A. Roman, Secretary of
Catholic Diocese of Las Cruces

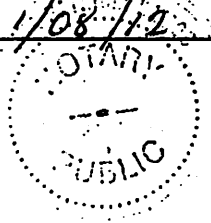
ACKNOWLEDGEMENT

STATE OF NEW MEXICO)
COUNTY OF DOÑA ANA) ss.

This instrument was acknowledged before me this 3rd day of AUGUST, 2011, by Louis A. Roman as Secretary of Catholic Diocese of Las Cruces.

My Commission Expires:
1/08/12

Silvia P. Pamos
Notary Public



(2)

CERTIFICATION OF FILING

Required for the recording of all deeds and contracts for property within the unincorporated areas of Chaves County that are outside of official subdivisions

Name of Seller: Catholic Diocese of Las Cruces

By signing this certification, the undersigned certifies the filing of this deed does not create a new parcel of land in violation of the Chaves County Subdivision Ordinance.

AFFIDAVIT

STATE OF NEW MEXICO)
COUNTY OF Soňa Ana) ss

Comes now Catholic Diocese of Las Cruces, and after being first duly sworn, states as follows:

I certify, to the best of my knowledge, that the information provided by me in this certification is true and correct; that I have visited with the Chaves County Planning and Zoning office about any exemption that I am claiming; and that I have the permission of the current owner or legal representative of the property to take this action.

Company or Organization Represented (when applicable) 1280 Med Park Drive Address (street)

Las Cruces, NM 88005 City, State, ZIP Telephone

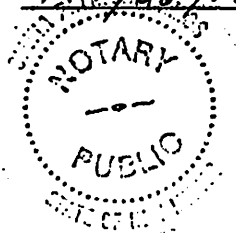
Louis A Roman
Louis A. Roman, Secretary

SUBSCRIBED AND SWORN to before me this 3rd day of AUGUST, 2011, by Louis A. Roman as Secretary of Catholic Diocese of Las Cruces.

My Commission Expires:

8/12/12

Silvia P. Ramos
Notary Public



STATE OF NEW MEXICO, COUNTY OF CHAVES
FILE FOR RECORD AUG 4, 2011 AT 11:17 O CLOCK AM
Receipt Number: 340591 Fee: \$25.00
Book 00682 Page 01866 Pages 2
To Whom Returned: LANDMARK TITLE
WILL PICK UP



Rhoda C. Coakley, County Clerk
By Betty Spear Deputy



Roswell-Chaves ETC:

OneEnergy Development, LLC, a wholly owned subsidiary of OneEnergy, Inc. (d/b/a OneEnergy Renewables), is pleased to submit the following Development Plan to the Roswell-Chaves Extraterritorial Zone Commission for the Iris Solar Project, a 5MWac solar project outside of Roswell, New Mexico.

We believe that we have addressed and/or exceeded the conditions listed in the Roswell-Chaves County Extraterritorial Zoning Ordinance and the guidance provided by the Chaves County Planning staff.

OneEnergy has been actively developing utility-scale renewable energy projects across the United States since 2009, with more than 200MW of projects operating or under construction. In that time, OneEnergy has become a leading developer of community solar projects, with a particular strength in working with local permitting authorities to ensure our projects are integrated seamlessly into their communities.

Thank you for your consideration of this application. We look forward to earning your approval through the special use permit process. Should you have any questions, please contact me directly at Nathan@OneEnergyRenewables.com (320.226.7688).

Sincerely,

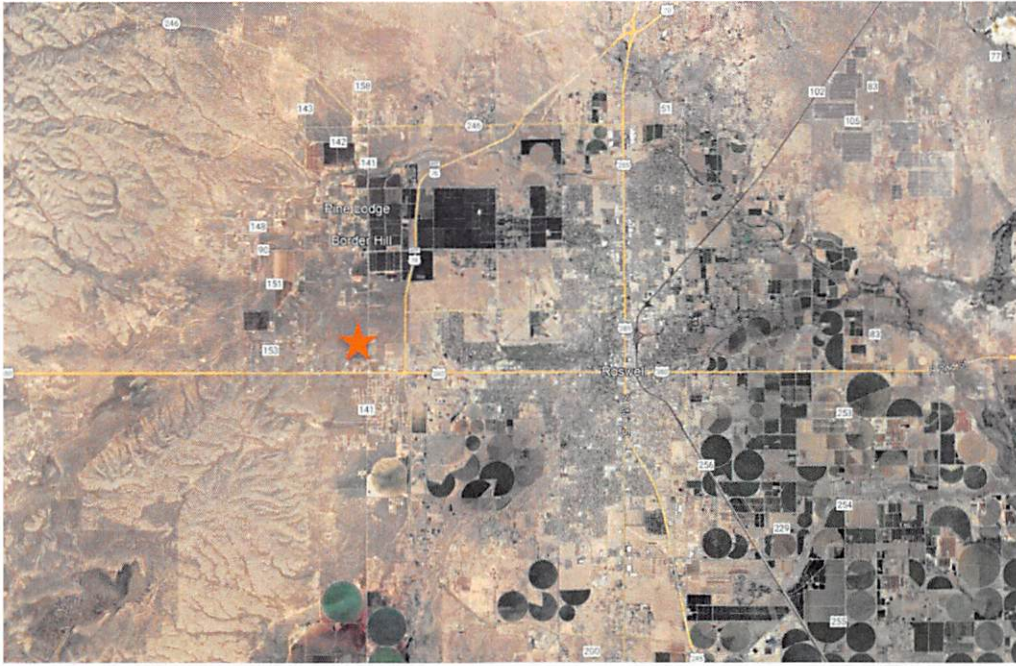
Nathan Stottler
Manger - Project Development



SECTION 1. PROJECT OVERVIEW

The Iris Solar facility has been designed as a Community Solar Garden (CSG), providing electric generation for the community's customers of Southwest Public Service Company (SPS). The facility is projected to produce XXXX MWh annually – enough renewable energy to power XXX homes.

REGIONAL CONTEXT MAP



LOCAL CONTEXT MAP



NEW MEXICO'S COMMUNITY SOLAR PROGRAM

New Mexico's Community Solar program was created by the Community Solar Act (CSA), signed into law in April of 2021. Rules for the program are currently being finalized by the New Mexico Public Service Commission (PSC), but general parameters for the program were set forth by the CSA. These parameters include:

- **5MW maximum individual CSG size**
- **200MW total program size (initially)**
- **Projects to be chosen via a qualitative RFP process administered by the PSC**
- **Current RFP issuance is expected to be August 1, 2022**
- **Initial program is a 2-year "pilot" with eventual long-term program size to be determined in 2024**

Because the initial program size is capped at 200MW, only a limited number of CSGs will be awarded capacity in the initial program. However, after the initial 2-year pilot, the PSC will set long-term parameters for the program, allowing those CSGs that were not selected in the initial pilot to re-enter the RFP process.

SERVING THE COMMUNITY

CSG SUBSCRIBERS

CSGs create an array of benefits for the communities in which they are sited. The primary function of a CSG is to provide access to solar for utility customers who currently lack it based on a number of factors, which might include:


- **Customer cannot afford a down payment for a home solar system**
- **Roof is not structurally suited for solar panels**
- **Roof is too shaded for solar panels**
- **Customer does not own their roof – can apply to any of the following:**
 - **Residential customers who rent houses**
 - **Residential customers who own or rent condos or apartments**
 - **Business owners who lease their premises**

With these target customer groups, CSGs have the ability to provide their benefits to Low-to-Moderate Income utility customers as well as locally-owned small businesses. Further, unlike large utility-scale solar farms, the power generated by CSGs stay on the local grid, providing their energy directly to local utility customers.

The benefits these customers realize span a wide range, starting with the cost savings on each customer's utility bill. CSGs can help lower the energy burden for subscribers, reducing the amount a customer pays for electricity on a monthly basis – they pay less for the energy from their solar subscription than they would to get that power directly from the utility.

ALL UTILITY CUSTOMERS

But the benefits of CSGs are not just for subscribers. Having small solar farms interconnected to the local grid increases resiliency by providing power to the community when grid failures and natural disasters might otherwise cut off power from the area. Finally, solar energy prices are more affordable and more stable than prices for electricity from fossil fuels. Supply constraints, global geopolitics, and other factors combine to make fossil fuel prices incredibly volatile. CSGs,



however, sell their power to utilities at a set rate for twenty years helping to keep electricity prices low & stable not only for CSG subscribers but for all SPS customers.

MEETING COUNTY STANDARDS

OneEnergy is committed to designing, developing, and building solar projects that integrate seamlessly into their communities, and Iris Solar is no exception. Section 25.1.3 of the ETZ Ordinance requires that all Special Use Permit (SUP) applicants meet the standards set forth within Section 25.1.3. The Iris Solar facility meets those standards as set forth below:

A. PROPOSED USE WILL NOT ENDANGER PUBLIC HEALTH OR SAFETY

Solar farms produce no negative impacts with regard to public health and safety. No dangerous chemicals or fuels are used or stored on site, traffic in surrounding communities is not increased in the long term, and no toxic pollutants are released into the air, water, or soil. The Iris Solar facility will be fenced, gated, and locked, with limited access provided only to electric professionals and utility employees, ensuring that the general public is not exposed to high voltage equipment and the accompanying risk of electrocution.

B. PROPOSED USE WILL NOT BE UNREASONABLY DETRIMENTAL TO ECONOMIC WELFARE OF THE COUNTY, AND WILL NOT CREATE EXCESSIVE PUBLIC COST FOR FACILITIES AND SERVICES

Because they are unmanned facilities, solar farms require very little in terms of public facilities and services. After construction is complete, traffic generated by the solar facility will be limited to one or two light-duty vehicles making infrequent maintenance visits, roughly bimonthly. As such, traffic is not expected to increase in the neighborhood because of the solar facility, and the public transportation infrastructure serving the facility will not be overburdened.

Beyond transportation infrastructure, the Iris Solar facility will not require the use of any public infrastructure. No water, sewer, or gas service is required by the facility, and therefore it will not place any additional stress on these public systems. And, because it is a solar generation facility, it will not consume electricity but will instead produce and provide it to the local grid.

Additional services for the facility will also be minimal. Law enforcement and emergency services will not be overburdened by the facility, as it is unmanned.

C. PROPOSED USE WILL NOT GENERATE SIGNIFICANT NUISANCE CONDITIONS SUCH AS NOISE OR DUST

GLARE AND HEAT

Glare and heat will be imperceptible from any point on the boundary line of the Project. Photovoltaic panels create electricity by absorbing sunlight and are designed with an anti-reflective material to maximize production and limit reflection. According to a study by Spaven Consulting titled "Solar Photovoltaic Energy Facilities: Assessment of Potential for Impact on Aviation", solar projects reflect significantly less sunlight than many common materials including roughly 60% less than flat water and 80% less than snow. A Solar Glare Report was generated using Forge Solar, a web-based application developed by Sandia National Laboratory and the industry standard glare screening tool for photovoltaic solar energy projects across the country. The report meets the FAA's glare analysis requirements per 78 FR 63276, the federal policy for FAA Review of Solar Energy System Projects on Federally Obligated Airports. The site-specific analysis estimates the intensity, time-of-day and duration of reflective glare upon multiple observation points based on the layout of the project. Please see Appendix G – Glare Report for



details on which observation points were considered in the analysis. The analysis indicates that there is "No Glare Anticipated" from any residence in the area, including the adjacent roadways and the Roswell Air Center. Additionally, the Project will not produce unusual amounts of heat. Any heat produced by the Project is dissipated by the environment.

LIGHTING

The Project will be an unmanned facility. Lighting is needed for security and occasional after-hours work, however the Applicant would limit the amount of lighting and would shield lighting as needed. Lighting will comply with Montezuma County requirements.

NOISE

The volume of the Project will be less than 70 decibels at any point on any boundary at any time as established by 25-12-101, et seq. C.R.S., as amended, and the Project will not to exceed 55 decibels at any point on the boundary line between 7:00 pm-6:59 am. The component of the Project which makes the most noise are the inverters, which convert solar energy into a form the electrical grid can use. According to research prepared by Tech Environmental for the Massachusetts Clean Energy Center, titled "Study of Acoustic and EMF Levels from Solar Photovoltaic Projects," sound levels from inverters ranged between 48 to 72 dB at a distance of 10 feet. The Project's inverters are currently designed to be at over 500 feet from the nearest adjoining Parcel boundary that are not part of the Project Parcels. Sound pressure levels reduce by about 6 decibels for every doubling in distance. At the higher end of noise from the inverter, 72 dB at a distance of 10 feet, the noise level at over 500 feet would be approximately 38 dB. The noise associated with the Project occurs during the daytime when solar arrays are generating electricity and are silent at night when the sun is below the horizon.

VIBRATION

The Project will not cause vibrations.

ODORS

The Project will not create any odors.

DUST, SMOKE AND PARTICULATE

The Project will not create dust, smoke or particulates during operations. During construction, the Applicant would implement dust control measures using standard industry practices.

D. PROPOSED USE MEETS ALL REQUIRED CONDITIONS AND STANDARDS SET FORTH IN THE ZONING DISTRICT WHERE IT PROPOSES TO LOCATE

The Iris Solar facility is sited in the R-S (Rural Suburban) zone district. The R-S district is intended to ensure residential dwellings do not occur on lots smaller than 5 acres. These parameters create a zone where density is low and the character of the landscape is primarily rural.

Due to its size and nature, the Iris Solar facility adheres to this intention well. The facility will not require any lots to be subdivided, will not increase density, and will not protrude from the landscape by blocking views of the rural countryside.



E. LOCATION AND CHARACTER OF THE PROPOSED USE IS COMPATIBLE AND CONSISTENT WITH THE CHARACTER OF THE AREA IN WHICH IT IS TO BE LOCATED, AND WILL ENSURE COMPATIBILITY WITH EXISTING NEIGHBORING LAND USES

The facility is sited adjacent to similar uses that are not urban, but not strictly rural. Nearby uses include several auto salvage yards, a Chaves County public works facility, a City of Roswell public works facility, and several commercial/light industrial businesses. A small solar farm such as Iris Solar will fit in well with these uses.

F. THE PROPOSED USE IS IN CONFORMANCE WITH THE CHAVES COUNTY COMPREHENSIVE PLAN

To be completed

SECTION 2. ACCESS

Access to the Iris Solar site will be provided off Brown Road. OneEnergy proposes to build a new driveway on the south end of the parcel to provide an access to the solar facility that is separate from the existing residential driveway on the parcel. See Appendix B – Site Plan for further details.

SECTION 3. INTERCONNECTION

The Iris Solar facility will interconnect with the SPS-owned 12.47kV three-phase distribution line that runs adjacent to the east side of the subject parcel and serves the nearby Capitan substation. No new powerlines will need to be constructed to accommodate this interconnection. All interconnection infrastructure will be located on-site, and no negative impacts will be created for the greater electric grid.

SECTION 4. SCREENING & LANDSCAPING

Because the Iris Solar facility is not located on a State or U.S. highway, no screening is required by the county. However, care has been taken in siting the project to ensure that the visual resources of the projects' residential neighbors are preserved to the extent possible.

The project has two residential neighbors adjacent to the southern border of the parcel. To accommodate a visual buffer for these neighbors, the solar farm was shifted to the north, providing a buffer of natural vegetation, including an existing treed fence line. Buffer distances are as follows:

- Solar Facility Boundary to Property Boundary: roughly ranges from 100'-200'
- Solar Facility Boundary to Residential Buildings: roughly ranges from 300'-500'

SECTION 5. MAINTENANCE PLAN

The Iris Solar facility will be located entirely on privately owned lands that are previously disturbed by agriculture and oil & gas activities. The Project is designed to be a low impact development. Reclamation measures will be implemented to restore the temporarily disturbed near-surface soils at the Project site. The Project will have no permanent impacts, enabling the land to return to agricultural use at the end of its life.



SOIL DISTURBANCE

Only a minimal amount of soil disturbance will be required during construction of the Project. The vast majority of existing topsoil and native vegetation will be left intact, with foundation posts installed directly through the existing surface. Erosion prevention measures will be in place to minimize the need to remove existing vegetation and to leave soils in place. Anticipated grading during construction will be minimal, mostly limited to excavation of trenches for the installation of underground conduit and cables. No export or stockpiling of topsoil is expected.

RE-SEEDING AND WEED MAINTENANCE

Once the Project's installation is complete, any disturbed areas will be re-seeded with a weed-free, low-growing native seed mix. Site maintenance will occur several times per year, which will include regular mechanical mowing as the preferred method of weed maintenance. Chemical herbicides will be used for weed maintenance if mechanical mowing does not prove adequate.

SNOW MAINTENANCE

The Project shall be designed to withstand and be compatible with average wind and snowfall for the region. Single-access tracking panels will be programmed to their maximum tilt setting (~60 degrees) during non-functioning hours to keep the panels as snow-free as possible. The Applicant will work with the County to identify and resolve any snow-related issues with the Project.

SITE ACCESS

During the Project's operation, site visits will be scheduled a few times a year for regular maintenance. Additionally, as-needed maintenance of the Project may be required. Maintenance visits will include the use of pickup trucks and/or small 4-wheel drive ATVs.

SECTION 6. DECOMMISSIONING PLAN

The Iris Solar facility has an estimated useful life of 30 years, with the possibility of extending that useful life to 50 years in the case of equipment replacement, upgrading, and repowering later in life. When the useful life of the Iris Solar facility has reached its end, power generation will cease, the facility will be decommissioned, and all components of the Iris Solar facility will be removed from the property. Finally, the site will be returned to its current and/or former use as native vegetation or agricultural production.

Decommissioning will use the current industry best practices and may change as these practices evolve and improve between now and the end of the useful life of the Iris Solar facility.

DECOMMISSIONING PROCESS

The Iris Solar facility will consist of mostly recyclable materials, including semiconductor material, aluminum, glass, steel, copper, and plastic. At the time of decommissioning, these components will be dismantled from the Iris Solar facility, separated by material, and sorted according to salvageable value and recyclability.

Improvements made to the land (including access roads, driveways, and plantings) during the

construction and operation of the Iris Solar facility will be reclaimed using industry best practices. Some may remain on the site per the wishes of the landowner.

Decommissioning is planned to include the following steps:

- The project owner will schedule a pre-closure meeting with the Chaves County Planning and Zoning Department up to one year prior to the planned decommissioning of the Iris Solar Facility. Final details of the decommissioning will be discussed at this meeting and developed in coordination with the Department.
- Any necessary permits will be acquired prior to the commencing of decommissioning.
- Any agencies and other local departments necessary will be contacted and coordinated with.
- The Iris Solar Facility will be disconnected from the electric grid in coordination with Southwest Public Service Company.
- Within 12 months of disconnection, the following decommissioning activities will take place:
 - PV modules will be disconnected and removed for salvage or recycling.
 - All electrical cabling (both above and below ground) shall be removed for salvage or recycling.
 - Aluminum racking used to support PV modules will be removed for salvage or recycling.
 - Steel foundation piles will be removed for salvage or recycling.
 - All electric interconnection equipment, including inverters and transformers, shall be removed for salvage or recycling.
 - All concrete foundations shall be removed and properly disposed of.
 - All fencing shall be removed and properly disposed of.
 - All soils disturbed during the decommissioning process will be re-graded to meet existing contours and seeded with a native, dryland seed mix.

SECTION 7. FLIGHT ZONES & GLARE

The Iris Solar facility is not located within the F-2 Flight Overlay District, and therefore is not required to provide a glare study. Nevertheless, a glare study has been conducted for the site. The resulting glare report predicts no glare for airplanes, vehicles on Brown Road, or nearby residences. Reference Appendix G: Glare Report for more details.

SECTION 8. COMMUNITY OUTREACH

In an effort to ensure that the Iris Solar facility can exist in harmony with the surrounding community, OneEnergy proactively reached out to the project's potential future neighbors to introduce the project, answer questions, and address any concerns. This outreach was conducted first via a letter mailed to the residential neighbors of the site, and then by XXXXXXXX

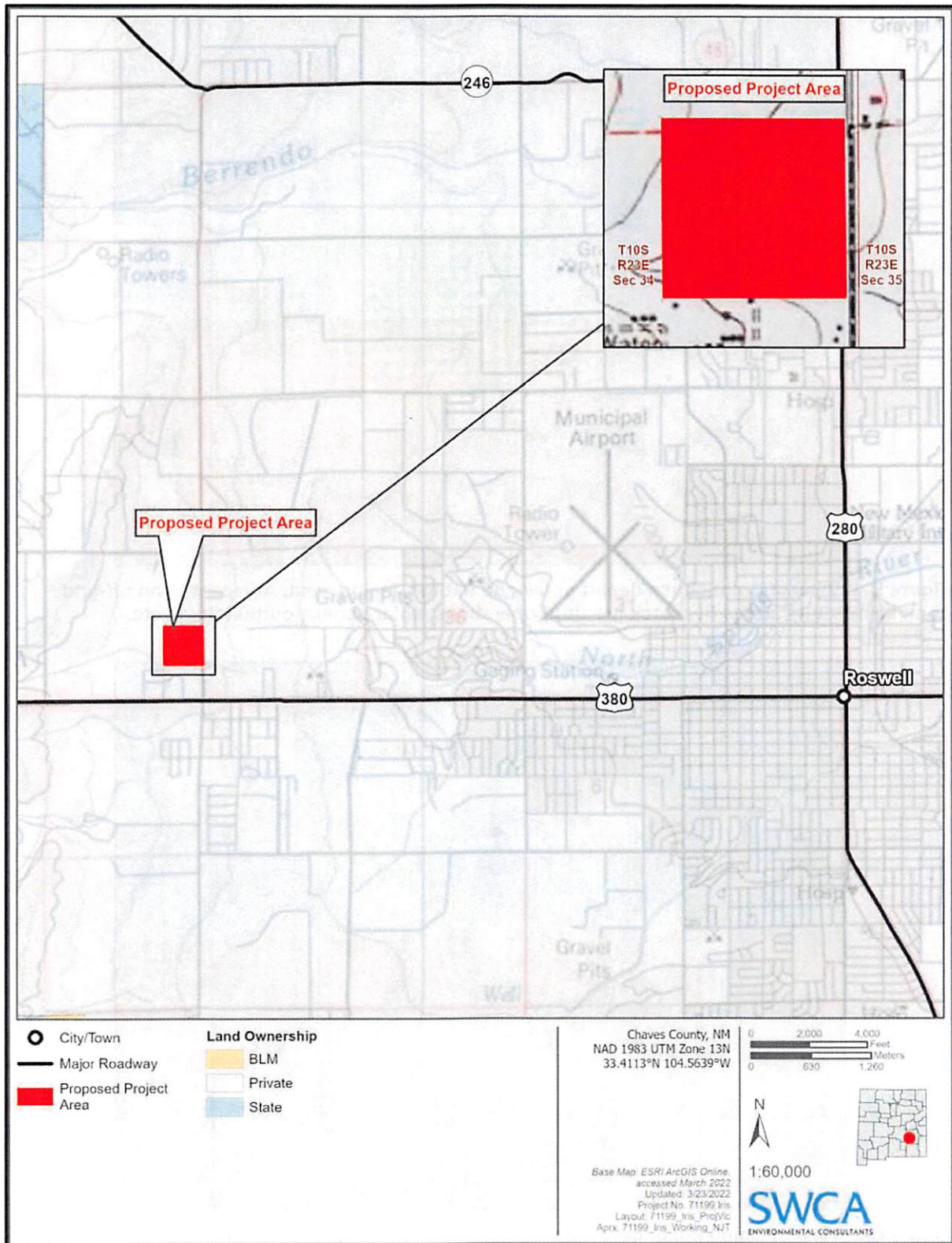


Figure A-1. Project vicinity map.



Figure B-1. View of Chihuahuan desert grassland habitat, facing west. Adjacent to an off-grid homestead with various livestock (poultry) operations, solar panels, outbuildings, etc.



Figure B-2. View of Chihuahuan desert grassland from a dirt access road, facing north.

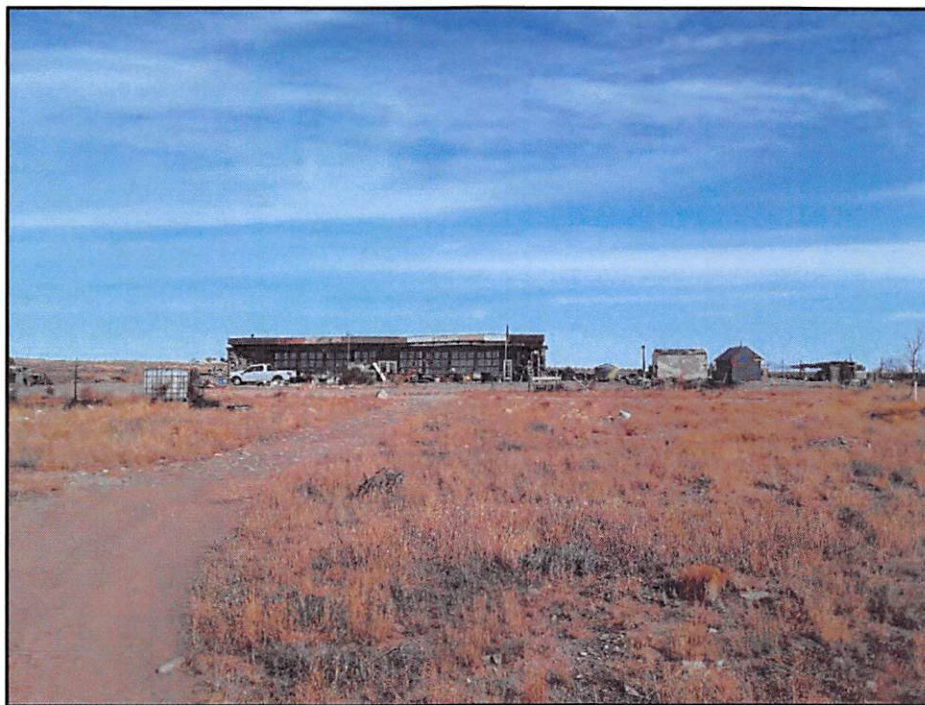


Figure B-3. View of off-grid homestead, facing north toward main building and outbuildings.



Figure B-4. View of a salvage yard within the project area, facing northeast.

