

**ROSWELL-CHAVES COUNTY
EXTRATERRITORIAL ZONING AUTHORITY
CHAVES COUNTY ADMINISTRATIVE CENTER
COMMISSION CHAMBERS
#1 ST. MARY'S PLACE, ROSWELL, NM 88203**

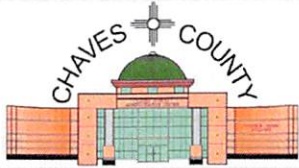
PUBLIC HEARING

JUNE 23, 2022 AT 5:30 P.M.

A G E N D A

- I. CALL TO ORDER**
- II. CONSIDERATION OF MINUTES:** December 14, 2021
- III. NEW BUSINESS**
 - 1. Election of Officers
 - 2. Resolution ETZA 2022-1: Notice for Public Meetings
 - 3. An Appeal to the decision of the Extraterritorial Zoning Commission (ETZ) on Case No. ETZ 2022-06, a 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.
- IV. OTHER BUSINESS**
- V. 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, proposed amendments 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.

<p>CHAVES COUNTY ETZ Authority</p>		
<p>Date: December 14, 2021</p>	<p><i>Public Hearing Minutes</i></p>	<p>Created By: Julia A. Torres</p>

Members Present:

Commissioners:
T Calder Ezzell
Richard C. Taylor
Jeff Bilberry- by phone

Councilwoman:
Jeanine Best
Margaret Kennard

Staff Present:
Louis Jaramillo
Julia A. Torres
Mac Rogers

Guests:

Ronald and Angela Martinez
Ernest Ortega
Gabriel Ortega

A public hearing before the Chaves County Extraterritorial Zoning Authority was held at the Chaves County Administrative Center, in the Commission Chambers, on December 14, 2021 beginning at 5:33PM.

I. MINUTES

The minutes of the August 31, 2021 public hearing were approved unanimously as submitted.

II. NEW BUSINESS

*Per Section 2.1.4 of the Roswell-Chaves County Extraterritorial Zoning Ordinance 80-1.
An Appeal of the Chaves County Planning Director's evaluation of a Home Occupation at 2709
W. 25th Street, Legal- Tract C of Block 2 of the Future Land Estates,
owners- Ernest and Lorena Ortega. Appellant -Ronald Martinez of 2801 W. 25th Street,
Legal-Tract H, Block 1, Future Land Estates.*

Louis Jaramillo gave a brief description of Mr. Martinez's appeal to the determination of a permissible home occupation at 2709 W. 25th St. He indicated that both Mr. Martinez and Mr. Ortega were present.

Ronald and Angela Martinez of 2801 W. 25th St., Roswell, read a statement describing their complaint. **Mr. and Mrs. Martinez** distributed a packet of 51 photographs of their view of Mr. Ortega's property.

Councilwoman Kennard asked Staff about Mr. Ortega's reply to Mr. Martinez's complaint. The Authority was given documentation of all communications including Mr. Ortega's response by Staff. **Chair Ezzell** asked what the timeline of these pictures was. **Mrs. Martinez** responded that they were from March 2021 to the present. **Mrs. Martinez** stated that the photos were snapshots in time. She stated they moved here in 2017 because of her job. They bought their home with the understanding that it was a peaceful neighborhood. **Mrs. Martinez** wasn't sure what goes on at Mr. Ortega's property on Friday afternoons but did mention that there was an increase in traffic parked along Cherokee Avenue that day. She reiterated that they're not saying that Mr. Ortega shouldn't have a livelihood and run a business, just that they don't want it to be in front of their home.

Councilwoman Best wanted to know if the Martinez's have started a petition with any of their other neighbors that might feel the same way they do. **Mrs. Martinez** responded that they haven't because they wanted to come before the County to identify what a home occupation was and try to come up with a resolution. She did state that their neighbors are aware but have not formally started a petition.

Councilwoman Kennard asked **Mrs. Martinez** if she felt safe at her home. **Mrs. Martinez** responded that she doesn't especially when her husband was not home. She doesn't know who the people are at **Mr. Ortega** house.

Commissioner Taylor wanted to know if there has been any indication of any harm. **Mrs. Martinez** responded affirmatively and mentioned a physical altercation between her husband and **Mr. Ortega** in which law enforcement had to be called and a report filed.

Commissioner Bilberry asked staff if there had been any other complaints from other neighbors about **Mr. Ortega**. **Mr. Jaramillo** stated there has not.

Councilwoman Best wanted to know from Mr. Martinez if he had asked Mr. Ortega to provide any home repairs. **Mr. Martinez** responded that he had not. **Councilwoman Best** noted that in Mr. Ortega's response to the complaint, he did mention that that was the reason there was a problem between them.

Mrs. Martinez explained that when they had extensive hail damage to their roof, they had to have their entire roof repaired. The insurance company asked for two quotes from roofing companies. Mr. and Mrs. Martinez contacted the original installer, Do-Right-Roofing and asked Mr. Ortega for another recommendation. Mr. Ortega provided them with a Mr. Marquez to provide them with an estimate. Since Mr. Marquez was predominantly Spanish speaking and they did not speak Spanish, Mr. Ortega did go up on the roof along with **Mr. Martinez** and Mr. Marquez so he could provide an estimate. **Mrs. Martinez** stated that they did not hire Mr. Marquez to do the roof repairs but instead hired Do-Right-Roofing.

Chair Ezzell wanted to make sure that the Martinez's understood the difference between restrictive covenants and the zoning ordinance. **Mr. Martinez** responded that they do understand the difference. Initially, they were not aware of the ETZ nor its ordinance. He did research the ETZ ordinance recently to see if there was anything that could be done about the issue at hand. **Mrs. Martinez** commented that their restrictive covenants prohibit home businesses and thus is more restrictive than the ETZ ordinance.

Chair Ezzell informed the **Martinez's** that if they feel there is a violation of their covenants, that they would have to take the issue to District Court and not Chaves County. **Mrs. Martinez** indicated that they were aware of that.

Councilwoman Kennard asked staff to explain why Mr. Ortega received a letter of violation. **Mr. Jaramillo** explained that usually property owners don't respond to a code enforcement letter of inquiry.

In order to increase the chances of getting a response from them, a letter of Violation is sent with a 10-day response period. He stated that there was no violation at the time the letter was sent to Mr. Ortega.

Councilwoman Kennard asked Mr. Jaramillo if he had seen the pictures that Mr. Martinez provided earlier. **Mr. Jaramillo** responded that he had not.

Mrs. Martinez stated that Mr. Jaramillo was asked if he wanted to see any photographs during their conversations for which he stated no.

Nobody spoke in support of the Martinez's appeal.

Ernest Ortega at 2709 W. 25th St., Roswell, introduced himself as the owner of G O Design and Ernest Ortega Inc. He also introduced his son **Gabriel Ortega**.

Chair Ezzell asked Mr. Ortega if he was running his business from his home. **Mr. Ortega** responded that he writes checks and completes paperwork from his office. He does store his business equipment/tools at his home behind closed doors. He does haul a tool trailer to and from job sites on a daily basis. **Mr. Ortega** indicated that he had four (4) employees but that one was out due to COVID and another was not able to come to the meeting due to childcare issues. His other two (2) employees were present. He did state that he has had his employees work on his garage for a couple of weeks in order to provide wages for them during the holiday season. **Mr. Ortega** indicated that he was being filmed by Mr. Martinez constantly and did not like that.

Chair Ezzell wanted to know how long Mr. Ortega had lived at his current property. **Mr. Ortega** responded that he had lived there 15 years.

Councilwoman Best asked if Mr. Ortega had a warehouse elsewhere. **Mr. Ortega** indicated that he has a 30x40 shop behind his house in which he stores his tools. Nothing was exposed, everything was enclosed. He commented about the stuff on Mr. Martinez's yard including old trailers, shipping containers, wood pile and other debris.

Mr. Jaramillo commented that there are no current violations on Mr. Martinez's property.

Councilwoman Best wanted to know if Mr. Ortega had contacted the neighborhood's Home Owners Association (HOA) about the debris on Mr. Martinez's property. **Mr. Ortega** responded that there was no HOA. **Chair Ezzell** stated that since there is no HOA, any complaints regarding the debris would have to be taken to District Court.

Councilwoman Best made some comments about Mr. Ortega running a business from his property but for the most part, keeps his property clean. She suggested that Mr. Ortega provide his employees' background checks information to Mrs. Martinez's for her peace of mind. She addressed the **Martinez's** and stated that they should probably clean up their property to match the neighborhood.

Councilwoman Kennard stated that she had looked at the Martinez's home in 2012 when it was for sale and does remember that the bedroom faces Mr. Ortega's garage, so she understands their concern. Her opinion on this was that it was a quarrel between 2 neighbors over issues and wondered how all of this could be resolved.

Commissioner Bilberry made a comment about Mr. Ortega's property being very clean based on the satellite picture he was looking at.

Gabriel Ortega stated that Cherokee Avenue was a non-county-maintained road and that West 25th Street was a county-maintained road.

Commissioner Taylor asked Mr. Ortega if he had any signs advertising his business on the property or have any customers come by and if the only thing he did was store his equipment on the property and have his employees come to pick up their paycheck. **Mr. Ortega** responded that no customers come by and there were no business signs. He responded affirmatively to Commissioner Taylor's other two comments.

Chair Ezzell asked if there was anyone wishing to speak in favor of Mr. Ortega.

Charlene Campbell at 310 Old YO Crossing Rd. has been an employee of Mr. Ortega for about 30 years off and on. She commented that Mr. Martinez did ask her to go work for him in the past.

Chair Ezzell commented that although she appreciated Ms. Campbell's comments, they were irrelevant to the issue at hand.

Commissioner Taylor made a motion to deny the appeal of Ronald Martinez at West 25th St. regarding his concern that Mr. Ortega was operating a business. There was no evidence of a business violation of the zoning law. Councilwoman Best seconded the motion. The motion passed unanimously.

Chair Ezzell informed Mr. and Mrs. Martinez that this issue will continue to be monitored by staff.

There being no other business listed on the agenda or to come before the ETZ Authority, the meeting adjourned at 8:21PM.

Approved this 23rd day of June, 2022

Chairman

Attest

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

RESOLUTION ETZA 2022-1
NOTICE FOR PUBLIC MEETINGS

WHEREAS, Section 10-15-1(D) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to 4) states that, except as may be otherwise provided in the Constitution for the provisions of the Open Meetings Act, all meetings of a quorum of any members of any boards, counsel, commission, administrative adjudicatory body or other policy making body of any state or local public agency for the purpose of formulating public policy, discussing public business, or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meeting subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) NMSA 1978 of the Open Meetings Act requires the Roswell-Chaves County Extraterritorial Zoning Authority to determine annually what constitutes reasonable notice of its public meetings.

NOW, THEREFORE BE IT RESOLVED by The Roswell - Chaves County Extraterritorial Zoning Authority that:

1. Regular business meetings of The Roswell-Chaves County Extraterritorial Zoning Authority for the purpose of hearing appeals of decisions made by the Extraterritorial Zoning Commission or other business as shall be deemed necessary. A meeting shall be held on a date that reasonably accommodates an appellant to any appeal, proponent of any requested action item, the staff and the members of this Authority and allowing proper public notice as provided in paragraph 2 below, which meeting, when called, shall be held in the County Commissioners meeting room located in the Chaves County Administrative Center, Room 176., whose office is located in the Chaves County Administrative Center, # 1 St. Mary's Place, Room 170, Roswell, New Mexico.
2. The agenda will be available at least seventy-two (72) hours prior to the meeting from the Chaves County Planning & Zoning Department, notice of the public hearing items shall be published in a newspaper of general circulation in the County at least 15 (fifteen) days prior to the meeting date. The Chaves County Planning & Zoning Department shall also fax and/or email copies of the written notice to those broadcast stations licensed by the Federal Communications Commissions and newspapers of general circulations which have made a written request for notice of public meetings.
3. Special meetings shall be called by the Chairman or a majority of the members upon three (3) day notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda.

The agenda shall be available to the public at least twenty-four (24) hours before any special meeting.

4. Emergency meetings will be called only under unforeseen circumstances, which demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss.
5. The Roswell - Chaves County Extraterritorial Zoning Authority will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or majority of the members upon twenty-four (24) hours' notice, unless threats of personal injury or property damage require less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.
6. For the purpose of regular meetings described in paragraph 2 of this Resolution, notice requirements are met when notice of the date, time, place and public hearing items is placed in the newspapers of general circulation in the County, and posted in the bulletin board, located in the west hallway of the Chaves County Administrative Building. The Roswell-Chaves County Extraterritorial Zoning Authority Secretary will also fax copies of the written notice to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings.
7. For the purpose of special meetings and emergency meetings described in paragraphs 3 and 4 of this Resolution, notice requirements are met when notice of the date, time, place and agenda are posted in the Chaves County Planning & Zoning Department office. The Planning & Zoning Department shall also provide telephone notice to those broadcast stations licensed by the Federal Communications Commissions and newspapers of general circulation which have made a written request for notice of public meetings.
8. In addition to the information specified above, all notices shall include the following language:

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 accessible formats. Please contact the Planning & Zoning Department at 624-6606 if a summary or other type of accessible format is needed.
9. For the purposes of telephonic conference or voting and with the approval of the presiding officer, a member of The Roswell - Chaves County Extraterritorial Zoning Authority may participate by telephone or other similar communications equipment when it is difficult or impossible for the Member to attend the meeting in person, provided that the Member can be identified when speaking, all

participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the Authority.

10. The Roswell - Chaves County Extraterritorial Zoning Authority may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirements under Section 10-15-1(H) NMSA 1978 of the Open Meetings Act.
 - a. If any meeting is closed during an open meeting, such closure shall be approved by the majority vote of a quorum of the Authority taken during the open meeting. The authority for the closure and the subject to be discussed shall be stated with reasonable specificity in the motion for closure and the vote on closure on each individual member shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
 - b. If a decision to hold a closed meeting is made when the Authority is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provisions of law authorizing the closed meeting and the subject to be discussed with reasonable specificity is given to the members and the general public.
 - c. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion for notice for closure.
 - d. Except as provided in Section 10-15-1(H) NMSA 1978 of the Open Meetings Act, any action taken as a result of discussions in the closed meetings shall be made by the vote of the Authority in an open public meeting.

Passed this 23rd day of June 2022

ROSWELL - CHAVES COUNTY EXTRATERRITORIAL ZONING AUTHORITY

T Calder Ezzell Jr, Member

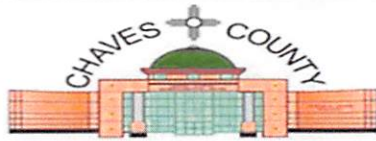
Jeff Bilberry, Member

Richard C. Taylor, Member

Jeanine Best, Member

, Member

ATTEST:



PLANNING & ZONING STAFF SUMMARY REPORT

MEETING DATE: June 23, 2022

CASE # ETZ 2022-06

REVIEWING BOARD	ROSWELL-CHAVES COUNTY EXTRATERRITORIAL ZONING AUTHORITY
ACTION REQUESTED:	<p>Per Section 2.1.4 of the Roswell-Chaves County Extraterritorial Zoning Ordinance #80-1 and State Statute 3-21-8 NMAC.</p> <p>An Appeal of the Roswell-Chaves County Extraterritorial Planning and Zoning Commission decision to approve Case ETZ 2022-06- A Special Use Permit for a Community Solar Array Project.</p> <p>Per State Statute 3-21-8.C.2 The Roswell-Chaves County ETZ Authority may, by a majority vote of all its members:</p> <ul style="list-style-type: none">• Reverse any order, requirement, decision, or determination of an administrative official or commission;• Decide in favor of the appellant; or• Make any change in any order, requirement, decision, or determination of an administrative official or commission.
LAND OWNERS AGENT:	Featherstone Development Corporation Changing the Vision of Energy (CVE) North America Inc.
LOCATION:	1100-1200 Block North Brown Road S/2N/2NW/4 Section 35 T.10S. R.23E
ITEM SUMMARY	<p>Carson Weinand of CVE North America Inc. presented his case at the May 17, 2022 Roswell-Chaves County ETZ Commission public hearing. Mr. Weinand answered multiple questions from the Commission. Staff stated they had received a protest letter from Mr. Brewington on May 16th. No one else spoke for or against the case.</p> <p>The final vote was 4-2 to approve with 7 Conditions of Approval based on 4 Finding of Facts. (Commissioners Connolly and Lackey)</p> <p>Mr. Brewington visited Staff's office on May 18, 2022 to request the actions of the public hearing. Staff informed him that it was approved and there is an appeals process. He stated he did not receive a Notice of the meeting till May 13th due to the USPS and he would like to appeal the decision (Notices were mailed on May 3rd). On May 19th, Mr. Brewington and Mr. Bartlett presented their appeal letters to Staff. On June 14 a third letter was received</p>
SUPPORTING DOCUMENTS	Staff Report, Minutes - May 3, 2022 ETZ Commission meeting, Application, CVE North America Inc. report, 1 Protest and 3 Appeal letters, Vicinity Map and Site Photos.

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.
7. **That the applicant/agent submit a dust mitigation and xeriscape plan. (Added as a Condition by the ETZ Commission in their motion and approval)**

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 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.
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.

Joe Skeen Building	Chaves County ETZ Commission	
Meeting Date: May 17, 2022	<i>Meeting Minutes</i>	Created By: Julia A. Torres

Members Present:

Michael Lackey
 Matthew Bristol
 Mona Kirk
 Rita Kane-Doerhoefer-*via phone*
 Larry Connolly
 Royce “Pancho” Maples
 Neil Roe

Guests:

Dustin and Maureen DeNio
 Carson Weinand, CVE North America
 Annie Wagner, OneEnergy Renewables
 Brian and Karen Davis
 Merideth Hildreth, City of Roswell Planning & Zoning

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 May 17, 2022, at 5:30PM.

Minutes

The minutes of the April 19, 2022, meeting were approved unanimously as submitted.

NEW BUSINESS

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

Louis Jaramillo gave a brief description of the case and noted a letter of support was received by Staff. He stated staff was in support of the Special Use Permit including the six (6) Conditions of Approval and five (5) Findings of Fact listed in Staff’s Report. Mr. Jaramillo read the following Findings of Fact due to an error in #4 and #5: *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 determined the area of sufficient size for a second home and has provided all required requirements 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. Owners within 100 feet of the proposed Special Use Permit have been notified by certified mail, per Section 2.5 of the Roswell-Chaves County ETZ Ordinance No. 80.1. Staff has received one (1) letter of support; and 5. This case has been advertised in the local newspaper and on the Chaves County website, 15 days prior to this meeting, as required by Section 2.5.3 Roswell-Chaves County ETZ Ordinance No. 80.1 and State Statue 3-21.*

Dustin and Maureen DeNio at 1406 E. Berrendo Rd. spoke in favor of their application. They stated they would like for Mrs. DeNio to live next to them due to her numerous medical conditions that have recently been diagnosed by her doctor.

Nobody spoke in favor nor against the application.

Commissioner Kirk made a motion to approve Case ETZ 2022-05 including the 6 Conditions of Approval based on the revised Findings of Fact.. Commissioner Roe seconded the motion. Motion carried unanimously.

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.

Louis Jaramillo gave a brief description of this case and noted if the request receives favorable consideration, Staff recommends six (6) Conditions of Approval based on four (4) Findings of Fact listed in the Staff Report. Mr. Jaramillo stated staff did receive a letter of opposition from Mr. and Mrs. Brewington was received on May 16, 2022. He stated Mr. Brewington is located south of the proposed area. Discussion issued about the exact location of Mr. Brewington's property. A copy of the letter was presented to the Commissioners and to the agent.

Commissioner Bristol asked if an opaque fence could be required along the Roswell Relief Route if glare would become a problem. Mr. Jaramillo stated it could be added as an additional Condition of Approval. Mr. Jaramillo noted that the Roswell Relief Route is at a lower elevation than the proposed solar facility.

Carson Weinand, Senior Business Developer at CVE. He proposed an extensive explanation of the proposed community solar facility.

Commissioner Kirk asked how many projects would be awarded in New Mexico. Mr. Weinand responded that the initial program allows a total of 200 megawatts in New Mexico. The number of projects would be dependent on the size of each project that gets awarded. She also asked how the households would be chosen. The state has required that 30% be low-income households and the rest could be any household or business within the Xcel power grid area. Mr. Weinand indicated that the state is yet to determine how those low-income households would be identified. He stated they would require the applicants to have a 650-credit score or greater.

Commissioner Roe asked if all the subscribers (low income and non-low income) would get the same benefit of savings. Mr. Weinand responded that all the subscribers would be able to get the 10% - 20 % savings in their electrical bill.

Commissioner Lackey noticed that in the report submitted by Mr. Weinand, two parcels were highlighted. Mr. Weinand explained that CVE has an option to lease either or both of the parcels from Mr. Featherstone but chose to develop only the southern parcel. He stated CVE has no plans to develop on the northern parcel and will probably end up cancelling that contract.

Mr. Jaramillo pointed out that the proposed solar facility would be about 100 feet from the north and south property line and about 300-400 feet from N. Brown Rd. and Roswell Relief Route, based on their site drawing.

Mr. Weinand continued by stating that the panels would be a maximum of 9' high, from natural ground, with a maximum tilt of 52 degrees.

Commissioner Doerhoefer asked the following questions:

1. Did CVE contact the neighbors to the east of N. Brown Rd.?
2. Why this location?
3. Did Featherstone Development Corporation contact CVE or vice-versa?
4. Would there be a local maintenance company, or would it be coming from New York?
5. How many employees do they have in New Mexico?
6. Who will be buying the electricity from CVE?
7. CVE is planning on installing a 6-foot chain link fence although the panels would be much higher than that, correct?

Mr. Weinand responded with the following:

1. P&Z staff had notified the neighbors within 100 feet of the proposed solar facility.
2. This site was chosen for various reasons including it being large enough for a 5-Mw facility, within the Xcel power grid, the zoning must be favorable, the landowners must be interested, the site has to be flat and dry enough, and that it has to be near utility infrastructure and substation.
3. CVE North America contacted Featherstone.
4. A third-party local company in New Mexico would be hired for maintenance.
5. There are currently zero employees in New Mexico.
6. Xcel Energy would be buying the electricity generated from the community solar facility.
7. The panels will be a maximum of 9-feet high and a 6-foot chain link fence would be installed.

Mr. Jaramillo gave a brief rundown of the approved SB84, Community Solar Act and the recent changes the PRC has proposed to the program. He noted the final regulations have not been completed by the PRC, as required in SB 84.

Nobody spoke in favor of the application.

Merideth Hildreth, City of Roswell Planning & Zoning, commented on the following considerations:

1. Mitigation for possible urban heat island effect
2. Aesthetics, visual blight, including landscaping requirement
3. Site facility maintenance and vegetation plan
4. Dust control, erosion and/or drainage plan
5. Decommission plan.

Mr. Weinand was encouraged to address some of the comments from Ms. Hildreth. He mentioned that they are familiar with her comments and willing to work with the county and dust control and xeriscaping the area with natural vegetation.

Chair Maples asked Mr. Weinard who would be responsible for cleaning the surrounding fence area from tumbleweeds and needle grass. Mr. Weinard stated they would have a third party cleaning the area. Chair Maples explained what needle grass is and how dangerous it can be if not cleaned and disposed of quickly. Mr. Weinard stated he would note that in his report. Chair Maples stated that landscaping the area and watering may cause more trouble than good, however dust control and re-planting of natural vegetation is very important for this area.

Nobody else spoke against the application.

Commissioner Bristol made a motion to accept Case ETZ 2022-06 including the Conditions of Approval and Findings of Fact, with the addition of a 7th Condition of Approval to read as follows "That the applicant submit a dust mitigation and xeriscaping plan." Commissioner Kirk seconded the motion. Motion carried by a 5-2 vote, with Commissioner Lackey and Commissioner Connolly voting against.

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*

Louis Jaramillo gave a brief description of this case. He stated if the case was to receive favorable consideration, Staff recommend seven (7) Conditions of Approval including an additional one to read "That the applicant submit a dust mitigation and xeriscaping plan" based on four (4) Findings of Fact listed in the Staff Report. Mr. Jaramillo commented that Xcel Energy did not know how much energy they would be able to accept on that distribution line. In this case, no letters of opposition were received.

Commissioner Roe asked if there would be enough space for the solar panels after the five (5) acre parcel is subdivided for the owners' home. Mr. Jaramillo stated "yes" and that staff would require the necessary setbacks that are required in the Rural Suburban District as part of the land division.

Commissioner Lackey wanted to know if this specific project was not awarded, what would happen to the special use permit. Mr. Jaramillo stated that the special use permit would terminate for failure to be awarded a community solar facility within ten years.

Annie Wagner, OneEnergy Renewables, of Madison, Wisconsin and was joined by Kate Larkin, Associate Director of Project Development. She gave an extensive description of their community solar facility project.

Commissioner Doerhoefer had the following questions for the applicant:

1. Are there any homes/structures on the east side of N. Brown Rd?
2. Did Mr. and Mrs. Davis contact One Energy Renewables or vice versa?
3. Who is OneEnergy Renewables going to sell their energy to?

4. Solar panels will be no more than 6 feet high?
5. Would there be a local maintenance company, or would it be coming from Seattle, Washington?

Ms. Wagner responded with the following:

1. That there was a salvage yard and a business located on the east side of N. Brown Rd.;
2. One Energy Renewables contacted Mr. and Mrs. Davis;
3. The energy will be selling the energy to Xcel customers choosing to participate in the project;
4. The solar panels will be no more than 9 feet high at maximum tilt;
5. Long term project maintenance contracts will be awarded to local companies.

Commissioner Kirk asked Ms. Wagner if she would address some of the earlier concerns expressed by Merideth Hildreth, City of Roswell Planning & Zoning. Regarding heat concerns, Ms. Wagner stated that the solar panels are spaced out enough so that heat escapes and dissipate between the panels. OneEnergy Renewables would be willing to conduct heat tests after construction to check for this. To mitigate dust control issues, the applicant proposed to stabilize the soils with a native grass mix. OneEnergy Renewables is willing to present a Dust Control Plan. Commissioner Kirk also asked for mitigation plan to address tumbleweeds and needle grass.

Brian and Karen Davis at 500 N. Brown Rd. spoke in favor of the application. They stated that living in this area has been hard because of the bad caliche soil and antelope that destroy their fences and eat everything they plant. They stated they hope this solar facility will better their economic situation and has brought hope to their future.

Nobody spoke in opposition.

Commissioner Kirk made a motion to accept Case ETZ 2022-07 including the seven Conditions of Approval based on the four Findings of Fact, with the addition of an 8th Condition of Approval to read as follows "That the applicant submit a dust mitigation and xeriscaping plan." Commissioner Bristol seconded the motion. Motion carried unanimously.

OTHER BUSINESS

None

Since there was no other business to come before the Commission, the meeting was adjourned at 7:02PM.

Approved this _____ day of _____, 2022.

Chairman

Attest



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] Date: 4/4/22
Olen Featherstone, President III

John D. & Janie L. Brewington
603 N. Brown Road
Roswell, NM 88201

May 16, 2022



Chaves County Extraterritorial Zoning Commission
Chaves County Administrative Center
Joseph R. Skeen Building
#1 St. Mary's Place, Roswell, NM

Re: Case # ETZ 2022-06

The proposed solar power installation would be, if approved, directly adjacent to my primary place of residence. Notice on page 22 a plan view shows white boxes identifying ownership of adjacent properties. In that view there is no way of showing that our residence is the only one immediately adjacent to the proposed solar panel field. The other boxes are undeveloped fields, just as the field adjacent to my property is (See Exhibit A-1 on page 30 - aerial photograph.)

My areas of concern are as follows:

1. Impact on property value.
2. Health and safety due to proximity to radiation and EMF.
3. Dust generated by loss of desert foliage.
4. Disruption of wildlife using that area – habitat fenced off.
5. We, our friends, and family will be looking out from our patio and see fencing, a field of panels, inverters, and transformers instead of natural terrain and animal habitat.

For these reasons we register our objection to the solar electric power systems project being immediately adjacent to our property, our home, resulting in a significant decrease in quality of life.

Sincerely,

John D. Brewington
Janie L. Brewington

John D. & Janie L. Brewington
603 N. Brown Road
Roswell, NM 88201



May 19, 2022

Chaves County Commissioners
Chaves County Administrative Center
Joseph R. Skeen Building
#1 St. Mary's Place, Roswell, NM

Re: Appeal of Committee decision on Case # ETZ 2022-06 May 17th

Referring to a hearing for a permit for a 5 MW 10,000 panel facility. At the time I was so confident that we would get a favorable outcome that I neglected to stand and speak at the hearing, and instead I wanted to rely on the letter that we delivered on Monday May 16th.

The reason that was in late is that we received the certified letter on Friday the 13th informing us of the hearing on Tuesday the 17th. So we basically had 2 – 3 days to hurry and research solar panels and come up with an adequate comment (to defend our property). That was the fault of the postal service.

The applicant told Planning and Zoning that a 5 megawatt facility is the largest they build. It will be a little more than 100' from the property lines. Our home is kind of unique for the area because it sits on a parcel that is just under 2 acres. Most have 5 acres or more. We have lived there for 7 ½ years. Our house is slightly land-locked with one way in and out down a 300 ft long gravel road. This road, on the property line, doesn't belong to us and is only an easement for reaching our property. The road belongs to Joe Quinlan, our neighbor.

I spend a lot of time outdoors and am very familiar with the Featherstone property. It is mostly un-fenced. At present time the landscape is in very fragile condition and has very little vegetation with the exception of cactus and mesquite. (See photos submitted by applicant.) Loose and blowing dirt produced by this project is a likelihood. When you disturb this natural landscape, you are inviting the growth of needle grass, mustard weed, and tumbleweeds. There are no water rights present.

This area, historically, is a migratory route for pronghorns. They are, as we know, very nomadic, and they use the area frequently. In the spring they give birth to their young in this area. Access of the pronghorns would be blocked by the solar panels and the fence CVE plans to erect.

The large size of these facilities are known to produce electro-magnetic fields. What isn't known is what effects these fields or magnetic waves can have on living things, especially humans. It isn't positively known what is a safe distance from these is or even if there is a safe distance.

Although our main concern is for our health, we know a large facility like this will have a negative impact on our property's value.

Please ask yourself if you would want to live so close to one.

Sincerely,

John D. Brewington
Janie L. Brewington

Richard W. Bartlett
805 Saunders Drive
Roswell, NM 88201



May 19, 2022

Chaves County Commissioners
Chaves County Administrative Center
Joseph R. Skeen Building
#1 St. Mary's Place, Roswell, NM

Re: Case # ETZ 2022-06

The Zoning Committee meeting on May 17th left me with some questions.

Why was that location for installation of a solar panel array chosen, as the land nearby is almost all undeveloped, yet the plot chosen is nested next to a private dwelling?

What are the financial mechanics of the project? Does CVE bear the expenses of the property lease, construction of the solar array with its attendant inverters, transformers, transmission connections, and fencing, then selling the power generated to Xcel Energy? How are the beneficiaries selected for the discounts resulting from the project, e.g. 1,000 homes to receive a 10-20% discount off their power bills? Then it was stated that of the entire discount structure 30% of the customers to receive the discount would be low income people. How are they selected?

Our Xcel Energy bills haven't shown a line item for savings generated by the addition of solar panels in the Roswell-Chaves County area. Does the power contributed by the solar panels already employed locally cost the same as the other sources, e.g. natural gas, nuclear, hydroelectric, etc.? If so, is the sole incentive for our proceeding with this project going to be our contribution to the Green Energy goal of reducing fossil fuel use?

Also, then the economics of the project probably show that any reduction in cost of energy production fall to the bottom line of CVE, and the only benefit to the citizens of Roswell-Chaves County is the small discount program identified.


What is the rate to be paid by Xcel Energy for the power generated by the solar field? Or is Xcel's cost the same, and that is why we haven't seen a line item on our bills showing the savings?

So, how much profit is CVE taking from this project? It appears that CVE has a guaranteed flow of funds for 25 years that they are taking out of Chaves County. Could a power cooperative employ the same kind of program and keep the profit here through reduced rates charged to customers?

Service cost increases have been realized by Xcel's customers for years, and published rate increase requests show Xcel wanted more increases than were approved. What is Xcel's projection of rates charged in the future with and without the solar source? Is there any benefit to the customer for this project other than the few homes receiving the small discount mentioned by CVE - say \$20 per month for 700 homes and free(?) power for 300 low income homes?

Before the Commissioners accept this project please answer some of these questions.

Sincerely,


Richard W. Bartlett

CHARLES AND KAT CARLSON

4701 N Atoka Trl, Roswell | 575-416-2678 | katcarlson9@gmail.com

06/09/2022

Chavez County Planning and Zoning Commission
Case #2022-06
For Hearing on June 23rd



To Whom It May Concern:

We are writing concerning the proposal for a solar farm on the property boarding the relief road on the East and Brown road on the West also known as Prospector's subdivision – case # 2022-06. We are absolutely opposed to the proposal to allow this zoning to be changed to accommodate this use of the land. While we are not opposed to Solar Farms as a concept, we do oppose them near residential areas where they pose a clear eyesore and potential increases in both wind and reflective heat. To allow one in an area where clearly there are homes already established and which were purchased with the understanding that there would be other homes only is to disregard the rights of the current landowners and to also devalue our surrounding properties. We hope that you will prudently not allow this change in zoning to occur.

Most Sincerely,

Two handwritten signatures in black ink. The first signature is cursive and appears to be "Charles Carlson". The second signature is also cursive and appears to be "Kat Carlson".

Charles and Kat Carlson



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.

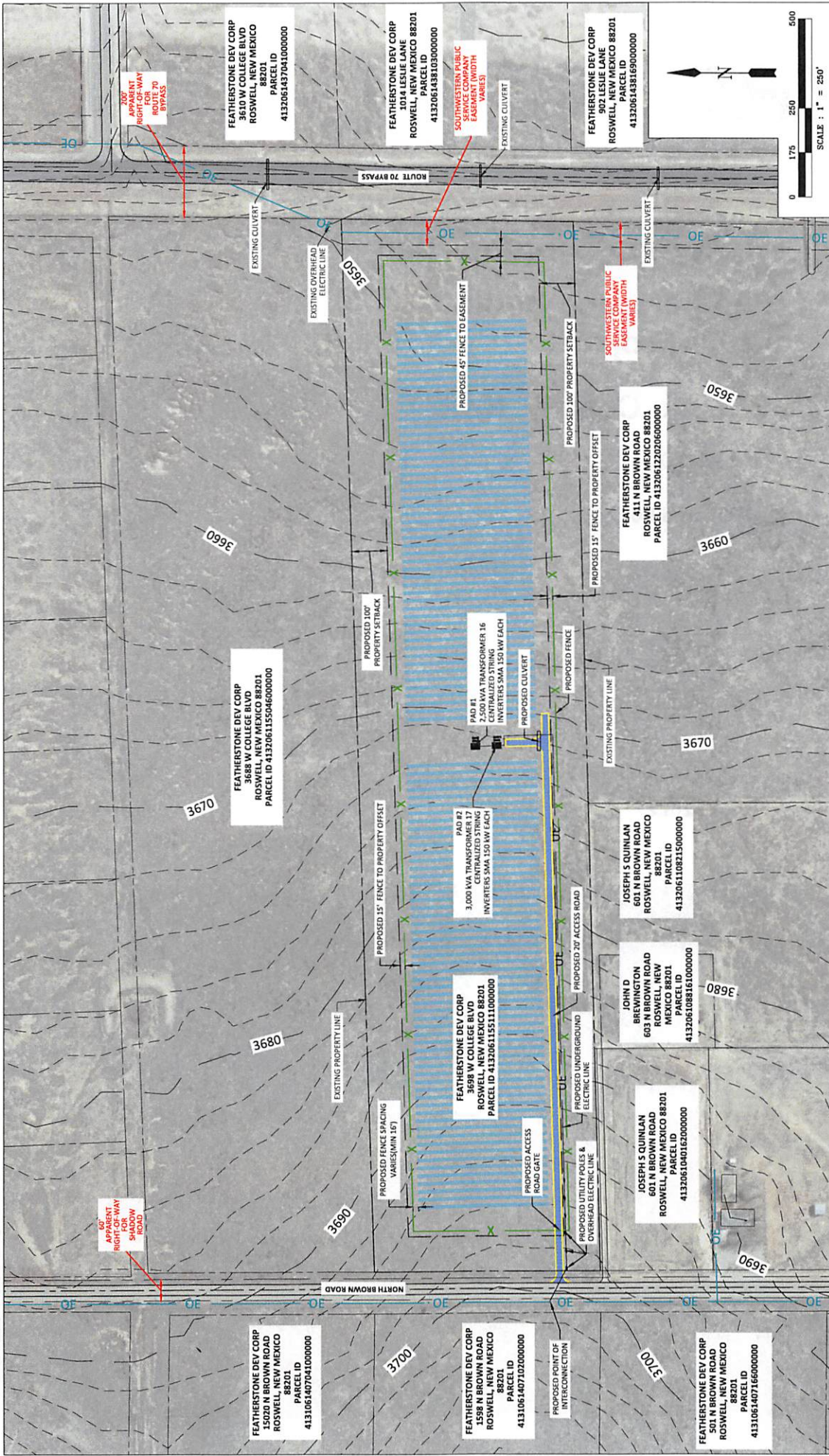
The Applicant, CVE North America, Inc. ("CVE"), is an international renewable energy developer with over 250 employees worldwide and over 500 MW of operating assets. CVE owns and operates each project it develops. Furthermore, CVE strives to execute each project with integrity and transparency, while 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 13, 2022

TRC
TRC ENGINEERS, INC.
 700 HIGHLANDER BLVD., SUITE 210, ARLINGTON, TEXAS 76015
 T/B P.E. FIRM REGISTRATION # F-8632
 (817) 522-1080

- NOTES:**
1. EXHIBIT IS INTENDED FOR INFORMATIONAL PRELIMINARY EVALUATION OF PROPERTY FOR SOLAR PRODUCTION AND IS NOT A GUARANTEE OF ANY KIND. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE.
 2. UNLESS INDICATED OTHERWISE, ALL DIMENSIONS AND LOCATIONS ARE FROM THE TITLE COMMITMENT DOCUMENTS FOR THIS PROPERTY AND HAVE NOT BEEN REVERIFIED OR SCALED BY A LICENSED SURVEYOR.
 3. INFORMATION IS BASED ON THE MOST RECENT AVAILABLE INFORMATION FROM GIS (GEOGRAPHIC INFORMATION SYSTEM MAPPING) AND AERIAL PHOTOGRAPHS. INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY.
 4. A SURVEY OF THE PROPERTY, COMPLETED BY A LICENSED SURVEYOR, IS REQUIRED BEFORE DESIGN WORK AND/OR A CONSTRUCTION PLAN IS CREATED.

SCALE : 1" = 200'

0 175 250 500

N



**Decommissioning Plan
Featherstone South
Solar Project**

**Chaves County, New
Mexico**

Prepared For:



Prepared By:
TRC

April 2022



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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.

