



PLANNING & ZONING STAFF SUMMARY REPORT

MEETING DATE: JANUARY 17, 2023

CASE # ETZ 2022-21

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:	Ed Purcell SolarStone Partners, Gordon Simanton.
LOCATION & LEGAL:	3730 Nogal Road (Reference Only) A portion of the SE/4NW/4 AND E/2SW/4 in Section 31, T. 10S., R. 24E.
ITEM SUMMARY	SolarStone Partners and Ed Purcell are proposing a 5 MW community solar project on a portion of land used for agricultural purposes.
SUPPORTING DOCUMENTS	Staff Report, Application, Warranty Deed, Development Plan & Consolidated Edison Development Inc information, Site Photos, Vicinity Map.

SUMMARY BY: Louis Jaramillo –Planning & Zoning Director

STAFF'S REPORT

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SolarStone Partners and Ed Purcell are requesting a Special Use Permit for a community solar facility located along Nogal Road. The proposed site would be located within an agricultural farm and vacant land area. According to the proposed site, access would be limited to Nogal Road, a twenty (20) foot wide, chip-sealed, County maintained road that intersects with N. Wrangler Rd. to the west.

The proposed community solar site would be located on the northern most area of Mr. Purcell's tract of land. It would take up a large portion of the existing agricultural field and all of the vacant area to the northeast of the agricultural area. The proposed site and the surrounding areas are zoned R-S Rural-Suburban District. The properties to the north, and west contain residential dwelling units and are accessible from Wrangler Road, Nogal Road or Tome Road. The three homes to the east are accessible from Bosque Road that runs along the eastern edge of the proposed community solar facility.

If approved, SolarStone Partners proposes to construct a twenty (24') foot service road along the perimeter of the facility for fire prevention and service access. SolarStone Partners has provided a development plan showing the solar panels will be ground based. The solar facility would be fenced in for security reasons. (See Project Description for details.) Xcel Energy is unable to determine if they will be able to accept the 5-megawatt community solar facility on their distribution line.

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, such as but not limited to, screen fencing, additional setback requirements or size limitation to the solar facility, 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. A twenty-four (24) feet wide hard pack, weather proof, service road shall be required along the perimeter the facility and within the fenced in area for fire and other emergency vehicles.
2. The solar facility shall be constructed in accordance with the site plan presented by the agent and included in Staff's Report. Minor changes may be permitted by Staff for public health or for compliance with other Conditions of Approval listed.

3. Failure to complete the construction of the community solar facility within ten years shall result in the Special Use Permit being terminated.
4. SolarStone Partners 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.
5. SolarStone Partners shall utilize the existing electric transmission lines in the area.
6. SolarStone Partners shall provide a de-commissioning and restoration plan for this property.
7. All lighting used on-site shall be shielded from traffic, surrounding properties and shall comply with the NM Night Sky Act.
8. All solar panels and their foundations shall be setback from property lines a minimum of fifty (50) feet.
9. Mr. Purcell shall have one year to transfer ownership of the property to a corporation or LLC for which he is the 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 of this public hearing by certified and standard mail, per Section 2.5 of the Roswell-Chaves County Extraterritorial Zoning Ordinance No. 80-1. Staff has received protest letters from surrounding neighbors.
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.