



PLANNING & ZONING STAFF SUMMARY REPORT

MEETING DATE: November 15, 2022

CASE # ETZ 2022-23

ACTING BOARD	ROSWELL-CHAVES COUNTY EXTRATERRITORIAL PLANNING AND ZONING COMMISSION
ACTION REQUESTED:	Special Use Permit for a Community Solar Facility in the Rural Suburban District
LAND OWNER & AGENT:	SKS Schnedar 1998 Trust. DG Roadrunner, LLC (subsidiary of) NextEra Energy Resources LLC
LOCATION & LEGAL:	4800-5200 block of West 2 nd St. A portion of the NE/4 of Section 3, T.11S, R. 23E.
ITEM SUMMARY	SKS Schnedar 1998 Trust and DG Roadrunner, LLC are proposing a 5 MW community solar facility on 25.5 acres of the 94.5-acre lot located on the southeast side of the 4800- 5200 block of West 2 nd St. (US70/380)
SUPPORTING DOCUMENTS	Staff Report, Application, Warranty Deed, Development Plan & DG Roadrunner, LLC information, Vicinity Map.

SUMMARY BY: Louis Jaramillo –Planning & Zoning Director

STAFF'S REPORT

CASE # ETZ 2022-23

DG Roadrunner, LLC and Schnedar 1998 Trust SKS are requesting a Special Use Permit for a community solar facility located along West 2nd Street on the south side. The proposed site would be located on the southern portion (25.5 acres) of a large and odd shaped lot being 94.5 acres in size. The lot itself is accessible from W. 2nd Street, Brown Road, Foothill Blvd. and Hendricks Street. The site plan indicates the proposed community solar facility would be accessible from W. Hendricks Street at the intersection of Foothill Boulevard and Hendricks Road.

The proposed site, along with the remaining lot area, is zoned R-S Rural-Suburban District. The properties located to the north and across W.2nd Street are a mix of residential and commercial. All of the surrounding properties on the south side of 2nd Street are zoned R-S Rural Suburban with the exception of the commercial property at the intersection of Brown Road and W. 2nd Street. The larger properties located to the southwest, west and northwest of the proposed site are undeveloped parcels. To the east, there are two subdivisions Los Lomas and Lynndale Heights Subdivision. These two subdivisions contain numerous small lots that, on their own, are undersized for residential developed per the NM Environmental Department's regulations and must be combined with an adjacent lot in order to place a home and septic system. Western Hills Subdivision, to the west, is only developed on the west side and contains medium size lots that meet the NM Environmental Department's regulations for a 2-bedroom home and septic.

If approved, DG Roadrunner, LLC proposes to construct a twenty (24') foot service road along the perimeter of the facility for fire prevention and emergency service access. DG Roadrunner, LLC 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.) The facility will tie into the overhead electric line that runs along Hendrick Road and onto Brown Road. The nearest substation is located at Eisenhower Road and W. 2nd Street. 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 take into account when acting on a SUP. It also states six reasons for granting a Special Use Permit. The article notes 13 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. 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 location and development of the community solar facility shall conform to the presented and approved site plan, included in this report. Any modification to the location or an increase in size of the facility shall require ETZ Commission's approval.
3. 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.
4. Failure to complete the construction of the community solar facility within ten years shall result in the Special Use Permit being terminated.
5. DG Roadrunner, LLC 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.
6. DG Roadrunner, LLC shall utilize the existing electric transmission lines in the area.
7. DG Roadrunner, LLC shall provide a de-commissioning and restoration plan for this property.
8. All lighting used on-site shall be shielded from traffic, surrounding properties and shall comply with the NM Night Sky Act.
9. All solar panels and their foundations shall be setback from property lines a minimum of fifty (50) feet.
10. A minimum six-foot security fence around the perimeter of the facility.

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 a number of phone calls concerning this case but 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 2022-23 Date Received: _____ Fee: \$ 300⁰⁰

Name of Property Owner: SKS: Schnedar 1998 Trust Phone Number: _____

Mailing Address: 415 Viale Bond, Roswell, New Mexico 88201

Name of Applicant: DG Roadrunner, LLC

Mailing Address: 700 Universal Blvd. Home Phone Number: _____

City, State, Zip: Juno Beach, Florida 33408 Business Phone Number: 772-382-9176

Applicant Status: Owner Agent Tenant Other Lease Option

Site Address: 4800 West Second St., Roswell, New Mexico 88201 ETZ Chaves County

Property Legal Description: S: 3 T: 11S R: 23E NE4 EXCEPT S2SW4NE4NE4 -

W2NW4NE4 - SE4NE4 BK 724 PG 526 QCD UPN: 4131062402124000000

Present Land Use: Undeveloped

Intended Land Use: Solar Energy Facility

Present Zoning: RS Size of Development in Acres: 25.5 acres

Reason for Request (Attach sheets if more space is needed): Special Use Permit for Solar Energy Facility in RS zoning district.

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.

[Signature]
Owner's Signature

Oct. 14, 2022
Date



STATE OF NEW MEXICO, COUNTY OF CHAVES
FILE FOR RECORD DEC 11, 2013 AT 08:10 O CLOCK AM
Receipt Number: 365618 Fee: \$25.00
Book 00724 Page 00526 Pages 3
To Whom Returned: CUSACK JARAMILLO & ASSOCIATES
PO BOX 250
ROSWELL, NM 88202



Dave Kunko, County Clerk

By [Signature] Deputy

QUITCLAIM DEED

Rita Schnedar, a widow, for consideration paid, quitclaims to the Schnedar 1998 Trust, John Schnedar and Rita Schnedar, Trustees, the following described real estate located in Chaves County, New Mexico, to-wit:

Township 11 South, Range 23 East, N.M.P.M.

Section 3: N $\frac{1}{2}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$

LESS the S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ given to Roman Catholic Church of the Archdiocese of Santa Fe and less 3 acres for Highway from said Section 3.

WITNESS my hand and seal this 11th day of December, 2012.

[Signature: Rita Schnedar]
Rita Schnedar

STATE OF _____)
: ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2012, by Rita Schnedar, a widow.

See Attached
Notary Public

My Commission Expires:
12/26/12

ALL-PURPOSE ACKNOWLEDGMENT

State of California

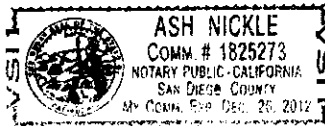
County of San Diego } ss.

On December 11th 2012 before me, Ash Nickle, Notary Public

personally appeared Rita Schnedar SIGNER(S)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



Effective January 1, 2006, the California certificate of acknowledgment must be in the form set forth in Civil Code section 1189, rather than "substantially" in the form set forth therein. The form set forth in Civil Code section 1189 did not change, but variations in the California form are no longer permitted. (The law regarding acknowledgments to be used with documents to be filed in other states has not changed (Civil Code § 1189(c)).

WITNESS my hand and official seal.

[Signature]
NOTARY'S SIGNATURE

OPTIONAL INFORMATION

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgment to an unauthorized document.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- INDIVIDUAL
- CORPORATE OFFICER

- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR

OTHER: Widow

DESCRIPTION OF ATTACHED DOCUMENT

Quitclaim Deed
TITLE OR TYPE OF DOCUMENT

1
NUMBER OF PAGES

DATE OF DOCUMENT

OTHER

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

RIGHT THUMBPRINT
OF
SIGNER



SITE MAP

5099 W Hendricks St,
Roswell, NM 88203

1:2

1E:5

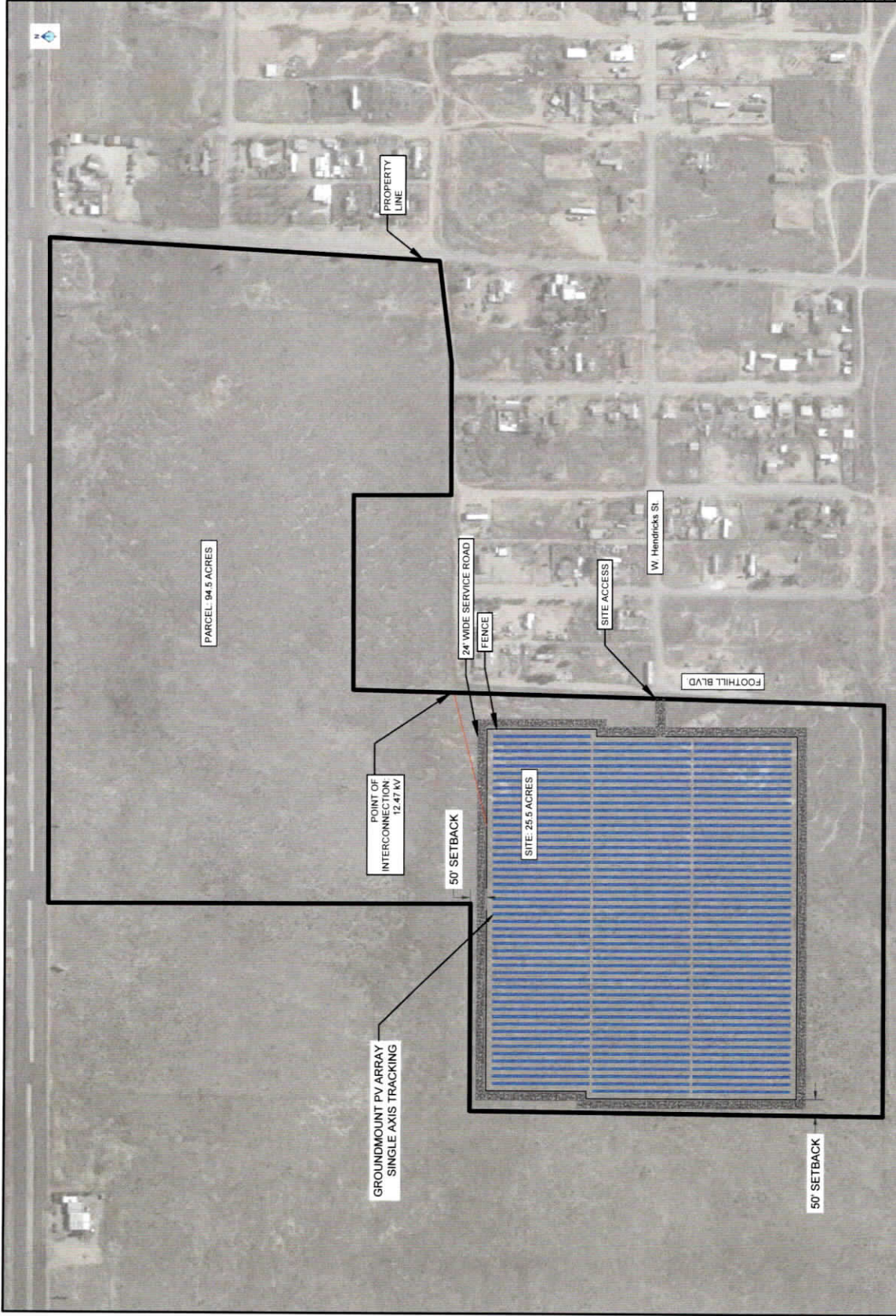
DESIGN ASSUMPTIONS

GROUND-MOUNT DESIGN ASSUMPTIONS

- Assumed commercial operation date: 12/1/2023
- Point of interconnection is at 12.47KV

PV SYSTEM SUMMARY

Total DC Capacity (kW)	6,007	Total AC Capacity (kW)	5,000.00
Latitude	33.38874°	Longitude	-104.59975°
Wind Exposure Category	C	Risk Category	B
Design Wind Speed (mph)	115	Design Snow Load (psf)	30
Design Temperature (°F)	100	Design Seismic (MSD)	30
Interconnection Voltage (kV)	12.47	Weighted DC AC Ratio	1.30
Ground Mount	1:20	Single Axis Tracking	
DC AC Ratio	1:20	Ground Coverage Ratio (%)	32
PV Module	(11.064)	Long Solar (10.75880) (5150W)	
DC Capacity (kW)	6,007	AC Capacity (kW)	5,000
TM/Asimuth (T)	160/180	String Count/Length	432/27



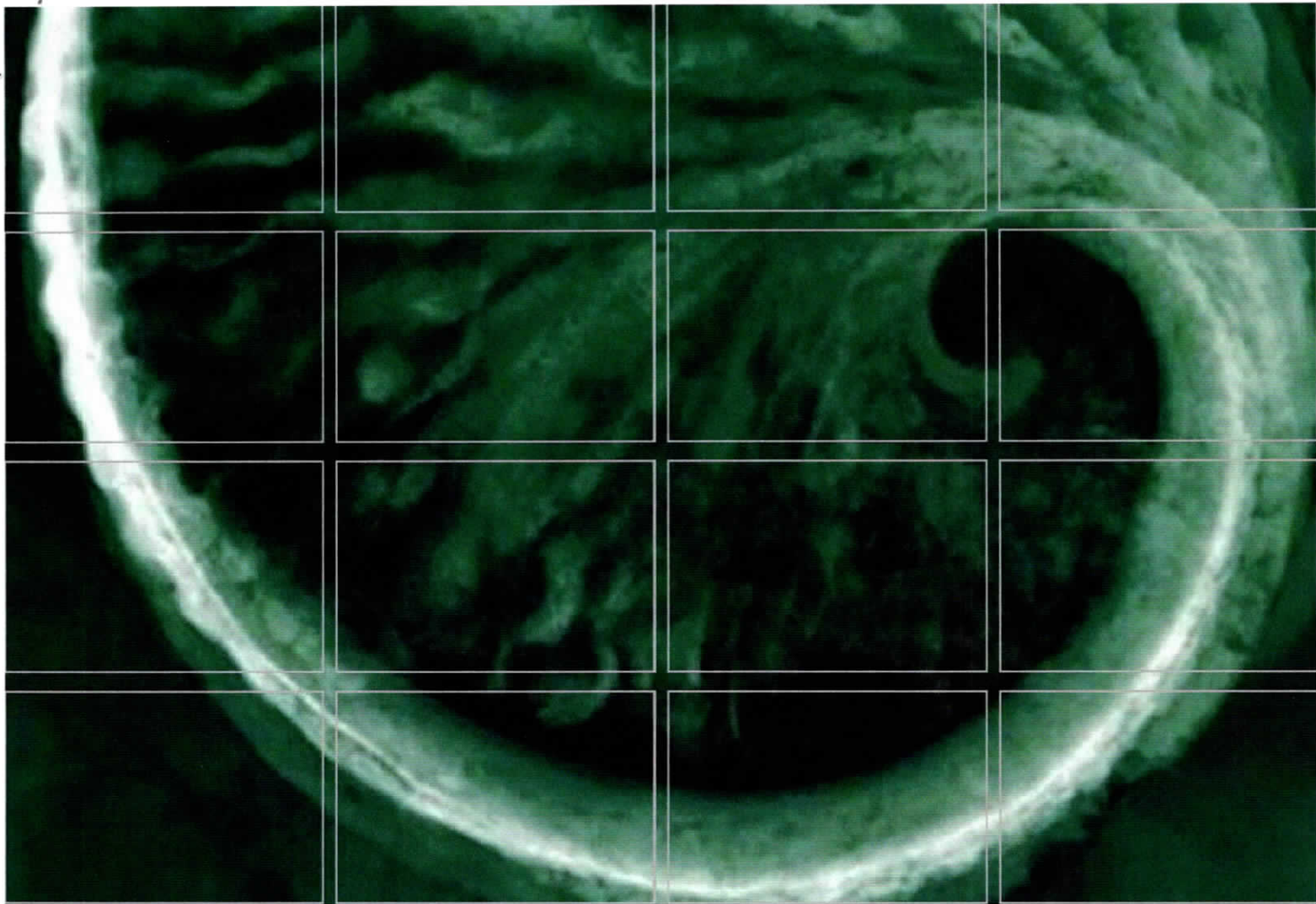
SITE PLAN

CUSTOMER NAME	Xcel Energy
PROJECT NAME	Road Runner
PROJECT LOCATION	Roswell, NM
SCALE	CUSTOM
SHEET SIZE	ANSI D - 34" x 22"
SHEET NO.	1
TOTAL SHEETS	1
SHEET NUMBER	1



NextEra Energy Resources
700 Universal Blvd
Juno Beach, FL 33408

DATE	10/14/2022	DRAWN BY	D. CHA
DESCRIPTION	ORIGINAL		



NextEra Energy Resources, LLC

Chaves County Special Use Permit Application

Roadrunner Solar Project

07 October 2022

Project No.: 0658681

The business of sustainability



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ATTACHMENT A SPECIAL USE APPLICATION

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2. APPLICANT OVERVIEW

The Applicant for this special use application is DG Roadrunner, LLC (Applicant), a wholly-owned subsidiary of NextEra Energy Resources, LLC (NEER). The Applicant is proposing to construct and operate a solar photovoltaic (PV) generating facility (the Roadrunner Solar Project or the Project) in unincorporated Chaves County, New Mexico. The Applicant has executed a lease option agreement whereby the Applicant has the exclusive right to develop a solar photovoltaic project on the subject property. Upon permitting approval, the Applicant will construct, own and operate the solar project for a 20-year lease period, which may be extended for up to an additional 10 years.

NEER is the world's largest generator of renewable energy from the wind and sun. Nearly all of NEER's electricity comes from clean or renewable resources, including wind, solar, natural gas and nuclear energy facilities that are located in 38 states and Canada. NEER's success reflects the solid business practices of our parent company, NextEra Energy, Inc., (NextEra Energy) a Fortune 200 company and one of the nation's leading clean energy companies.

NEER has a portfolio of power-generating facilities, totaling approximately 28,000 MW of capacity in the U.S. and Canada. This includes wind, solar, natural gas, and nuclear energy resources. NEER is primarily a wholesale power generator, operating power plants and selling the output to utilities, retail electricity providers, power cooperatives, municipal electric providers, and large industrial companies. NEER has been involved in clean energy development since the 1980s and has earned a reputation for excellence and experience in developing, constructing, and operating wind and solar projects across North America.

Renewable energy projects represent a clean, cost-effective option to meet customers' energy needs. NEER is building strong partnerships with companies across North America that are buying wind- and solar-generated electricity to provide to residential and commercial markets throughout their service areas. Many electric utilities, cooperatives and municipalities have joined with NEER in providing this clean, renewable power to their customers. NEER also incorporates environmental stewardship into the design, construction, operation, and maintenance of our facilities.

3. PROJECT DESCRIPTION

This request for special use approval of a solar energy facility is made in accordance with the Roswell-Chaves County Extraterritorial Zoning Ordinance, Ordinance No. 80-1, Revision No. 20, effective August 31, 2021 (The ETZ Zoning Ordinance). Section 25.1.1 of the ETZ Zoning Ordinance states that “It is the purpose of this article to establish criteria for those uses listed as special uses in Section 25.2 of this Ordinance, and similar uses, as determined by the Planning Director, and to specify the expiration date as appropriate for approval of such uses.” Solar energy facilities are not specifically listed in Section 25.2, but the ETZ has previously approved a solar facility in the S-R District as a special use (Case # ETZ 2022-03).

The proposed project will be approximately 5 megawatts (MW) alternating current (AC). The solar array is a single axis tracking system, which is anchored to the ground by a series of driven posts. The panels will automatically rotate from east to west during the day. There is ancillary electrical distribution equipment within the array including inverters that convert the PV generated electricity from DC to AC and equipment to connect to the utility distribution system. The total power by the Project shall not exceed 5 MW AC. The site will be enclosed by a 6’ high chain link fence and 1’ of 3 strands barbed wire. Gates and a gravel road will be constructed to provide access for maintenance, fire protection, and other municipal requirements.

The Project site consists of 25.5 acres on the southwestern portion of a 94.5-acre undeveloped parcel in Chaves County (Table 1). The Project site is located approximately 0.75 mile west of the city limit of Roswell, and approximately 1,300 feet south of U.S. Route 380, one mile east of New Mexico Route 518.

Table 3-1: Site Parcel Number and Owner Contact Information

Parcel ID	Owner’s Name, Address, and Phone Number	Total Parcel Size (Acres)	Land Agreement
Account ID R012256, Parcel 4-131-062-402-124-000000	S K S; Schnedar 1998 Trust 415 Viale Bond, Roswell, New Mexico 88201	94.5	Lease option agreement

Source: Chaves County Assessor’s Office Online Land Records, <https://eagleweb.chavescounty.gov/assessor/taxweb/account.jsp?accountNum=R012256>

The Project has applied for utility interconnection with Southwestern Public Service (SPS). Once received by the Applicant, a redacted Interconnection agreement with SPS can be provided to the County upon request. The Project will interconnect to the onsite existing utility pole located at the GPS coordinates of 33.390460, -104.599771.

No lighting would be installed within the Project site. Signage would be limited to warning signs on electrical equipment, warning signs along fenceline, and a warning sign concerning voltage at the main gate with the name and local phone number for the operator in case of emergency. Signs would be approximately 18 inches by 24 inches or a similar size.

Construction will entail various site preparations, including vegetation removal, grading, and access road construction. Upon completion of construction, the site will be stabilized and revegetated with native grasses. The vegetation of the developed site will be managed with annual inspections to ensure that vegetation does not grow and interfere with the operation of the Project.

Operations and maintenance of the site are primarily conducted by monitoring performance remotely, conducting site visits to perform vegetation management, corrective maintenance in response to abnormalities in operations, and implementing an annual preventive maintenance protocol to ensure optimum system performance.

4. REQUIRED APPLICATION MATERIALS

A site plan complying with Section 2.5.2 of the ETZ Zoning Ordinance is included as **Attachment B** and a copy of the Assessor’s map showing properties within 100 feet of the Project site is included as **Attachment C**. Table 2 lists the adjoining and nearby property owners as required by Section 2.5.2. A copy of the recorded deed for the property is included as **Attachment D**.

Table 4-1: Ownership of Properties Within 100 Feet of Project Site

Account Number	Owner
R008745	Cardona, Robert In Care Of Name: Frazzini, Adam; Frazzini, Rebecca
R008225	Frazzini, Adam; Frazzini, Rebecca
R010731	Cardona, Robert; Cardona, Virginia
R035692	Cardona, Le Roy; Cardona, Patricia
R035241	Cardona, Le Roy; Cardona, Patricia
R006808	Lucero, Ann; Lucero Estate, Richard Elon
R008769	Cardona, Julian Miguel
R008248	Lujan, Jesus C
R035524	Sedillo, Matias
R035523	Sedillo, Matias
R010905	Sedillo, Matias
R035808	Perez, Raymond L
R008789	Perez, Antonio A
R034808	Perez, Lawrence L
R006853	Perez, Lawrence L.
R008794	Anaya, Ysidoro T
R008284	Brewer, Bill
R006931	Doerhoefer, Randy R; Doerhoefer, Lori J
R007862	Doerhoefer, Randy R; Doerhoefer, Lori J
R006929	Sedillo, Susan K; Martinez, Kara
R006943	Sedillo, Susan K; Martinez, Kara
R006967	Lee, Daphine
R033601	Lee, Daphine
R033608	O'Brien & Co LLC; Scott, Suzanne Elizabeth; St Andrews Episcopal Church
R033610	Griffen, Deborah Lee
R033614	Hunter, Jeannie Elizabeth
R009819	Analla, Ruben In Care of Name: Debra Anaya
R035460	Bartlett, Geneva; Gomez, Dominic; Candelaria, Collette D In Care of Name: Dominic Gomez
R007742	Bartlett, Martin; Bartlett, Genoveva
R033474	Delgado, Paul; Delgado, Linda

Account Number	Owner
R009176	Madison Revocable Living Trust, William Fredrick Jr
R007221	Powell, Annetta
R010917	Toles Group/SA, LLC, The; Patterson 1976 Trust Investments LLC; Graham Family Investments LLC
R009409	Schultz Properties LLC
R012257	Catholic Diocese of Las Cruces

Source: Chaves County Assessor's Office

5. CONSIDERATIONS FOR SPECIAL USE APPLICATIONS

Section 2.5.5 of the ETZ Zoning Ordinance requires the ETZ Commission to consider several factors as discussed below.

5.1 Characteristics of the proposed development

The Project site is conducive to development of a solar energy facility. The site provides open land within a context of primarily undeveloped land and availability of connection to existing transmission infrastructure. All Project improvements, including solar racking, panels, and equipment, internal access drives, and fencing will be setback at least 50 feet from property boundaries. The Project will not require road or infrastructure upgrades. Upon decommissioning the land will be available for other uses.

Installation of the Roadrunner solar facility will require only minimal site grading and clearing, due to the open existing site conditions and the ability of the module racking structures to conform with the existing topography. Solar facilities are able to conform to existing terrain, and the system installation consists of driving steel support posts into the ground surface, which requires minimal grading and excavation. Construction areas will be cleared of miscellaneous debris and/or cleared of vegetation that would impede vehicle access in order to prepare the site for safe and efficient installation of Project components. Grading will be limited to cutting, filling, and compaction of earth in isolated areas around the site to meet the final design requirements.

The construction period will extend for approximately 4-6 months. Construction personnel will assemble at the site daily in the morning and depart the site in the afternoon, and scheduled truck deliveries will provide project components.

Once construction is completed, the Project will not produce vibration, dust, or debris. Traffic will be limited to periodic (once or twice monthly) light-duty vehicles used for facility inspections and maintenance. The nature of solar PV panels, which are manufactured with anti-reflective glass so that they absorb sunlight to generate electrical output, minimizes the potential for glare.

5.2 Surrounding Land Use

Surrounding properties are undeveloped to the north, west, and south, and developed with low-density single-family residences to the east. Views of the Project will be mitigated by the low profile of the solar panels and setbacks from residential properties and roadways.

5.3 Public Road Access

Road access to the Project site will be from W. Hendricks Street, which terminates at the parcel's eastern boundary. The site is approximately 0.6 mile from W. 2nd Street (U.S. Route 70/380) via S. Brown Road and W. Hendricks Street, which both have a 22-foot-wide travel way. The applicant will construct the site access shown on the site plan (**Attachment B**) prior to commencing construction and upon receiving approval of an access permit from the Chaves County Roads Department. The access road will be constructed in accordance with the requirements of the Roads Department.

Safety precautions and work-zone recommended practices in accordance with applicable state and federal regulations will be implemented to maintain safe access/egress of personnel and equipment from the Project while minimizing disruptions to local road conditions. During both construction and operation, no pedestrian or unauthorized vehicular access to the Project site is expected and access will be controlled by fencing.

Construction equipment and materials will be delivered by truck and will be staged in the order of installation. Delivery of construction equipment and Project components will be coordinated with local agencies to ensure compliance with all applicable New Mexico Department of Transportation (NMDOT), County, and local requirements. Weight and height restrictions will be verified and any required permits will be obtained by the delivery service.

Upon entering the Project site, construction traffic, including workers and deliveries, will be directed to parking or laydown areas located appropriately for the stage of development. Employees and contractors will be notified of and will comply with standard NEER construction safety policies.

Traffic associated with the operation of the Project during routine security and/or maintenance activities is anticipated to be minimal, less than one to two trips per month.

5.4 Existing and Proposed Water Surface Drainage Facilities

The Roadrunner Solar facility will not require new water surface drainage facilities. Except for the access driveways, the site will be maintained in suitable vegetative cover, including the areas between and under the solar arrays.

During construction, Roadrunner Solar will implement standard erosion control measures as needed based on wind conditions. Upon completion of construction, the site will be restored to pre-construction conditions. During operations, vegetation on the site would be actively maintained to control growth and prevent overshadowing or shading of the PV panels. The Projects would implement traditional mechanized landscaping using lawnmowers, weed eater, etc. Trimming and mowing would be performed on an interval basis to maintain the vegetation.

5.5 Improvement of Off-Site Facilities

No improvement of off-site facilities will be needed to support Roadrunner Solar construction or operations. Existing road access is sufficient for Project construction, operations and decommissioning. The Project will not require water or sewerage. All solid waste generated during construction, and the occasional solid waste generated during maintenance or repair operations will be transported by the applicant/operator to an approved solid waste disposal facility. No extension of public services by the City of Roswell will be necessary.

5.6 Compatibility with Land Use Plan

The Project site is within the "Mid-Density Residential" category on the Future Land Use Scenario of the Chaves County Comprehensive Plan, July 2016. The small-scale Roadrunner project is compatible with residential land uses and will maintain appropriate setbacks from adjacent residential properties.

5.7 Distance to Residential Structures

All improvements associated with the Roadrunner Solar Project, including fencing, will comply with the minimum 50-foot front and rear setback requirement of the R-S zoning district. The closest residential structures are those with frontage on Foothills Boulevard, which parallels the site's eastern boundary. These dwellings are approximately 50 to 100 feet from the parcel boundary. A minimum 50-foot setback will be retained from the parcel boundary, resulting in a minimum 100 to 150-foot setback from the dwellings to the fenceline enclosing the Project.

6. DECOMMISSIONING PLAN

A decommissioning plan is included as **Attachment E**. The plan provides for removal of the project's structures and foundations and restoration of the land at the end of the project's operational life. Decommissioning will commence no longer than 150 days after the date of discontinued operations. A financial surety bond will be provided to ensure timely and complete decommissioning.

7. PUBLIC BENEFITS

The Project's development will support the goals of the New Mexico Energy Transition Act of 2019 by increasing the state's capacity for renewable energy generation. The community benefits of solar energy include a reduction in greenhouse gasses and air pollution attributable to traditional energy generation activities, diversification of energy mix, and increases in regional energy reliability. In summary, the Project is appropriately sited, will have minimal impact on adjacent uses, and a positive impact on the community at large.

Project benefits include:

- Generation of clean, renewable energy without using water, creating emissions, or producing excessive waste products;
- Placing little to no demand on municipal or County infrastructure and services including roads, water, sewer, fire, emergency medical services or schools;
- Creating jobs during construction of the Project with indirect economic benefits in the form of local contracting opportunities, equipment sales and rentals, material purchases, and spending on other local goods and services;
- Bringing economic benefits with a low-profile, quiet development consistent with the rural character of the area; and
- Allowing land to be available for other use at the end of the Project's life, in accordance with the landowner's preferences.

Roadrunner CUP Materials: Surrounding Property Owners (100ft)

Listed below are the PIN, property account numbers, owners, and address of all parcels within 100 feet of the full 94.5-acre parcel. The Project site is 25.5 acres on the southwestern portion of the full parcel. Information is from Chaves County Assessors online information, retrieved on October 6, 2022.

The account numbers below were taken from Chaves County Parcel Viewer.

The parcels listed below are shown on the map (page 4-6).

Property Owners within 100 feet of PN 4-131-062-402-124-000000:

4131062419139000000 R008745 Owner Name: CARDONA, ROBERT In Care Of Name: FRAZZINI, ADAM; FRAZZINI, REBECCA Owner Address: 300 CARROL AVE ROSWELL, NM 88203	4131062418172000000 R006808 Owner: Lucero, Ann; LUCERO ESTATE, RICHARD ELON Owner Address 1604 S KENTUCKY AVE ROSWELL, NM 88203 UNITED STATES OF AMERICA
4131062418146000000 R008225 Owner Name FRAZZINI, ADAM; FRAZZINI, REBECCA Owner Address 300 CARROL AVE ROSWELL, NM 88203 USA	4131062418182000000 R008769 Owner Name CARDONA, JULIAN MIGUEL Owner Address 300 CARROL AVE ROSWELL, NM 88203 USA
4131062418153000000 R010731 Cardona, Robert; Cardona, Virginia 300 CARROL AVE ROSWELL, NM 88203 UNITED STATES OF AMERICA	4131062418192000000 R008248 Owner: Lujan, Jesus C Owner Address 1102 MELROSE ST ROSWELL, NM 88201 UNITED STATES OF AMERICA
4131062418159000000 R035692 Owner: Cardona, Le Roy; Cardona, Patricia Owner Address 307 FOOTHILL BLVD ROSWELL, NM 88203 UNITED STATES OF AMERICA	4131062418207000000 R035524 Owner: Sedillo, Matias Owner Address 403 FOOTHILL BLVD ROSWELL, NM 88203 USA
4131062418166000000 R035241 Owner: Cardona, Le Roy; Cardona, Patricia Owner Address 307 FOOTHILL BLVD ROSWELL, NM 88203 UNITED STATES OF AMERICA	4131062417216000000 R035523 Owner: Sedillo, Matias Owner Address 403 FOOTHILL BLVD ROSWELL, NM 88203 USA

4131062417222000000
R010905
Owner: Sedillo, Matias
Owner Address 403 FOOTHILL BLVD
ROSWELL, NM 88203
USA

4131062417228000000
R035808
Owner: Perez, Raymond L
Owner Address PO BOX 327
LOS LUNAS, NM 87031
UNITED STATES OF AMERICA

4131062417234000000
R008789
Owner: Perez, Antonio A
Owner Address 916 DOGWOOD RD
GLEN BURNIE, MD 21060
UNITED STATES OF AMERICA

4131062417240000000
R034808
Owner: Perez, Lawrence L
Owner Address 449 61st ST NW
ALBUQUERQUE, NM 87105
UNITED STATES OF AMERICA

4131062417246000000
R006853
Owner: Perez, Lawrence L.
Owner Address 449 61st ST NW
ALBUQUERQUE, NM 87105
UNITED STATES OF AMERICA

4131062417252000000
R008794
Owner: Anaya, Ysidoro T
Owner Address PO BOX 35
HONDO, NM 88336-0035
UNITED STATES OF AMERICA

4131062417258000000
R008284
Owner: Brewer, Bill
Owner Address 4503 W MCGAFFEY ST
ROSWELL, NM 88203
UNITED STATES OF AMERICA

4132062029012000000
R006931
Owner: Doerhoefer, Randy R; Doerhoefer, Lori
J
Owner Address 2606 BAY MEADOWS DR
ROSWELL, NM 88201-5204
UNITED STATES OF AMERICA

4132062028025000000
R007862
Owner: Doerhoefer, Randy R; Doerhoefer, Lori
J
Owner Address 2606 BAY MEADOWS DR
ROSWELL, NM 88201-5204
UNITED STATES OF AMERICA

4132062027038000000
R006929
Owner: Sedillo, Susan K; Martinez, Kara
Owner Address 4713 CASS RD
ROSWELL, NM 88201
UNITED STATES OF AMERICA

4132062027050000000
R006943
Owner: Sedillo, Susan K; Martinez, Kara
Owner Address 4713 CASS RD
ROSWELL, NM 88201
UNITED STATES OF AMERICA

4132062027071000000
R006967
Owner: Lee, Daphine
Owner Address 211 S BROWN RD
ROSWELL, NM 88203

4132062027086000000
R033601
Owner: Lee, Daphine
Owner Address 211 S BROWN RD
ROSWELL, NM 88203

4132062027098000000
R033608
Owner: O'Brien & Co LLC; Scott, Suzanne
Elizabeth; St Andrews Episcopal Church
Owner Address 215 S BROWN RD
ROSWELL, NM 88203
USA

4132062027107000000
R033610
Owner: Griffen, Deborah Lee
Owner Address 217 S BROWN RD
ROSWELL, NM 88203

4132062027116000000
R033614
Owner: Hunter, Jeannie Elizabeth
Owner Address 219 S BROWN RD
ROSWELL, NM 88203

4131062482139000000
R009819
Owner Analla, Ruben
In Care Of Name DEBRA ANAYA
Owner Address PO BOX 3886
ALBUQUERQUE, NM 87190
UNITED STATES OF AMERICA

4131062496138000000
R035460
Owner Bartlett, Geneva; Gomez, Dominic;
Candelaria, Collette D
In Care Of Name DOMINIC GOMEZ
Owner Address 2802 W 4TH ST APT A
ROSWELL, NM 88201
UNITED STATES OF AMERICA

4131062514138000000
R007742
Owner Bartlett, Martin; Bartlett, Genoveva
Owner Address C/O DOMINIC GOMEZ
2802 W 4TH ST APT A
ROSWELL, NM 88201
UNITED STATES OF AMERICA

4131062532146000000
R033474
Owner Delgado, Paul; Delgado, Linda
Owner Address 306 S BROWN RD
ROSWELL, NM 88203

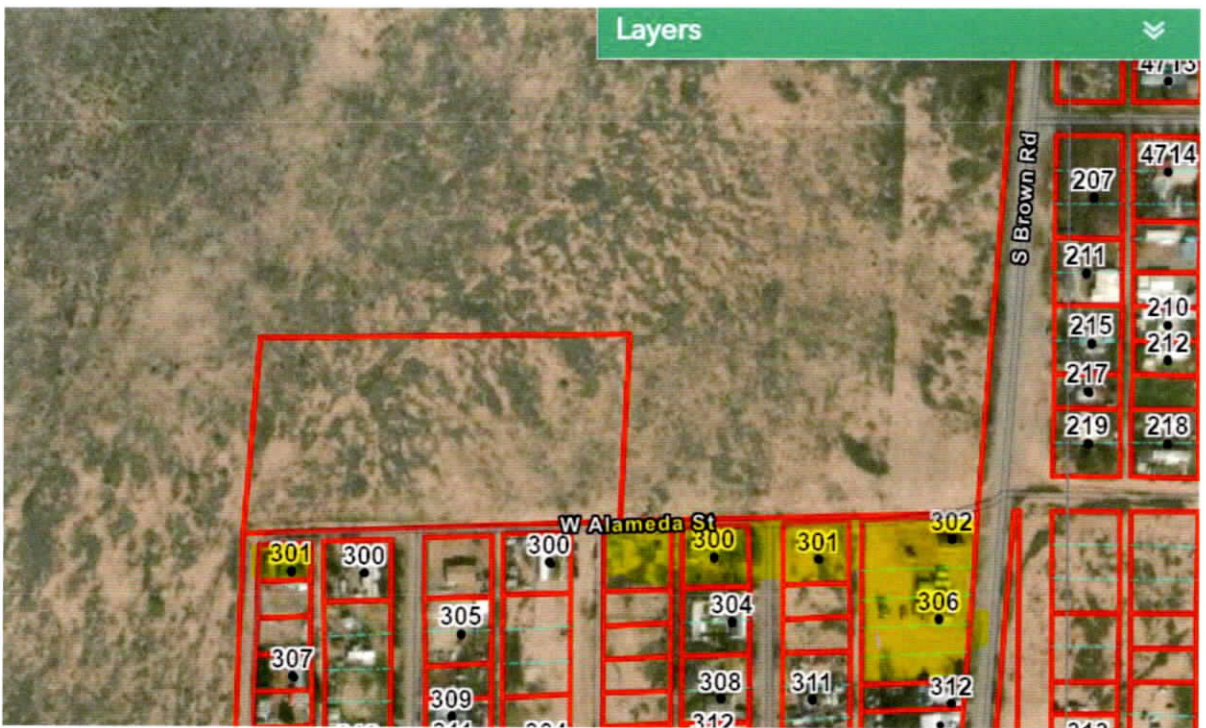
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Owner Madison Revocable Living Trust,
William Fredrick Jr.
Owner Name MADISON REVOCABLE LIVING
TRUST, WILLIAM FREDRICK JR
Owner Address HCR 72 BOX 490
RIBERA, NM 87560

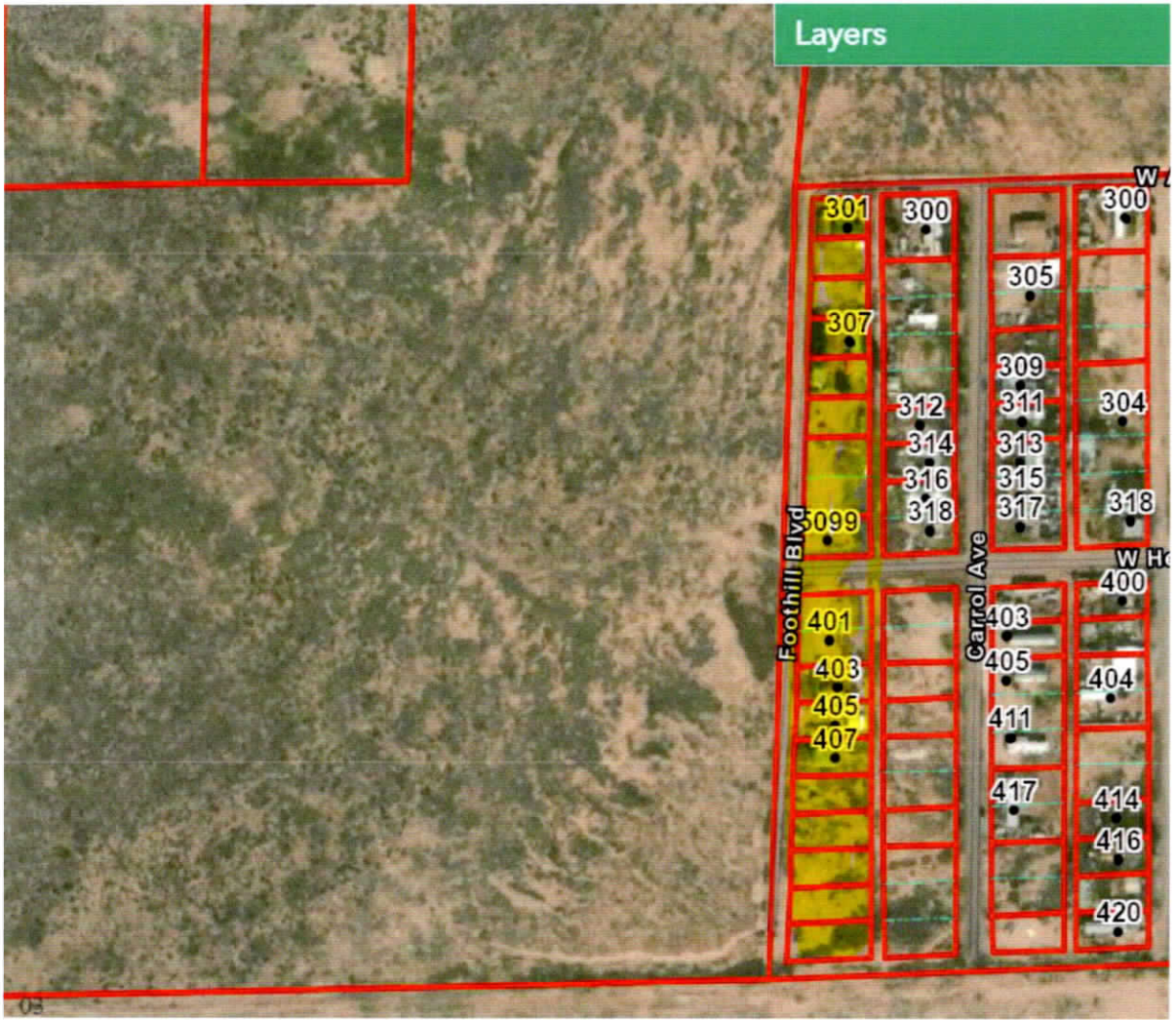
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Owner Address PO BOX 431
ARTESIA, NM 88210
UNITED STATES OF AMERICA

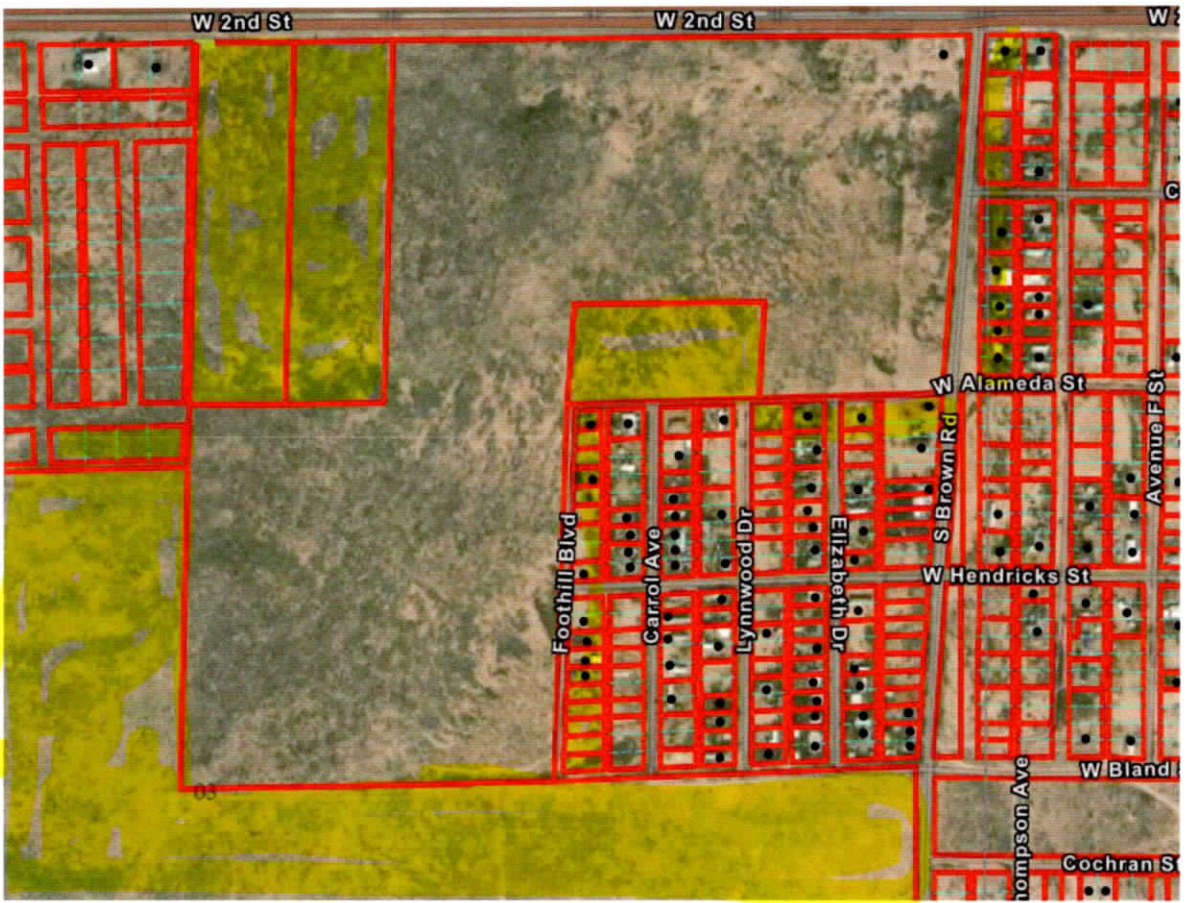
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Owner Name TOLES GROUP/SA, LLC, THE ;
PATTERSON 1976 TRUST INVESTMENTS
LLC; GRAHAM FAMILY INVESTMENTS, LLC
Owner Address PO BOX 1300
ROSWELL, NM 88202

4131062269086000000
R009409
Owner Name SCHULTZ PROPERTIES LLC
Owner Address 1901 W 4TH ST
ROSWELL, NM 88201

4131062446116000000
R012257
Owner Name CATHOLIC DIOCESE OF LAS
CRUCES
Owner Address 1280 MED PARK DRIVE
LAS CRUCES, NM 88005
UNITED STATES OF AMERICA







Attachment E

Decommissioning Plan for Roadrunner Solar Project Chaves County, New Mexico

The Roadrunner Solar Project is designed to last 30 years. At the end of the project's operation, structures and foundations will be removed and the land restored as detailed below. When Roadrunner Solar Project has reached the end of its useful life or has been abandoned, as provided below, it will be removed by DG Roadrunner, LLC no more than 150 days after the date of discontinued operations. DG Roadrunner, LLC shall notify the County by certified mail of the proposed date of discontinued operations and plans for removal.

A financial surety bond will be secured by Fidelity or Travelers and will be set aside in the amount of \$150,523 available to Chaves County if DG Roadrunner, LLC is unable to commence with decommissioning activities within a reasonable period of time. Chaves County shall receive a copy of the security document.

Decommissioning of the solar PV system shall be implemented in accordance with the Decommissioning Requirements listed below. DG Roadrunner, LLC will be responsible for all of the decommissioning costs and will list Chaves County as having access to the security in the event decommissioning is required. DG Roadrunner, LLC will retain ownership of the project for the life of the solar energy array operations and through decommissioning completion.

Installation will be done with minimal permanent alterations to the land. Upon removal, DG Roadrunner, LLC will restore the project site to pre-construction conditions as is reasonably practical, including removal of structures, foundation, and restoration of soil and vegetation. The system will be dismantled and removed using minimal impact construction equipment and materials will be safely recycled or disposed. During the decommissioning, DG Roadrunner, LLC will use appropriate temporary construction-related erosion and sediment control best management practices (BMP).

Much of the material in a solar project is recyclable; including glass, semiconductor material, steel, aluminum, copper and plastics. The scrap value of the system will offset the removal cost. When the project has reached the end of its operational life, the components and parts will be dismantled and recycled as described below.

Decommissioning requirements:

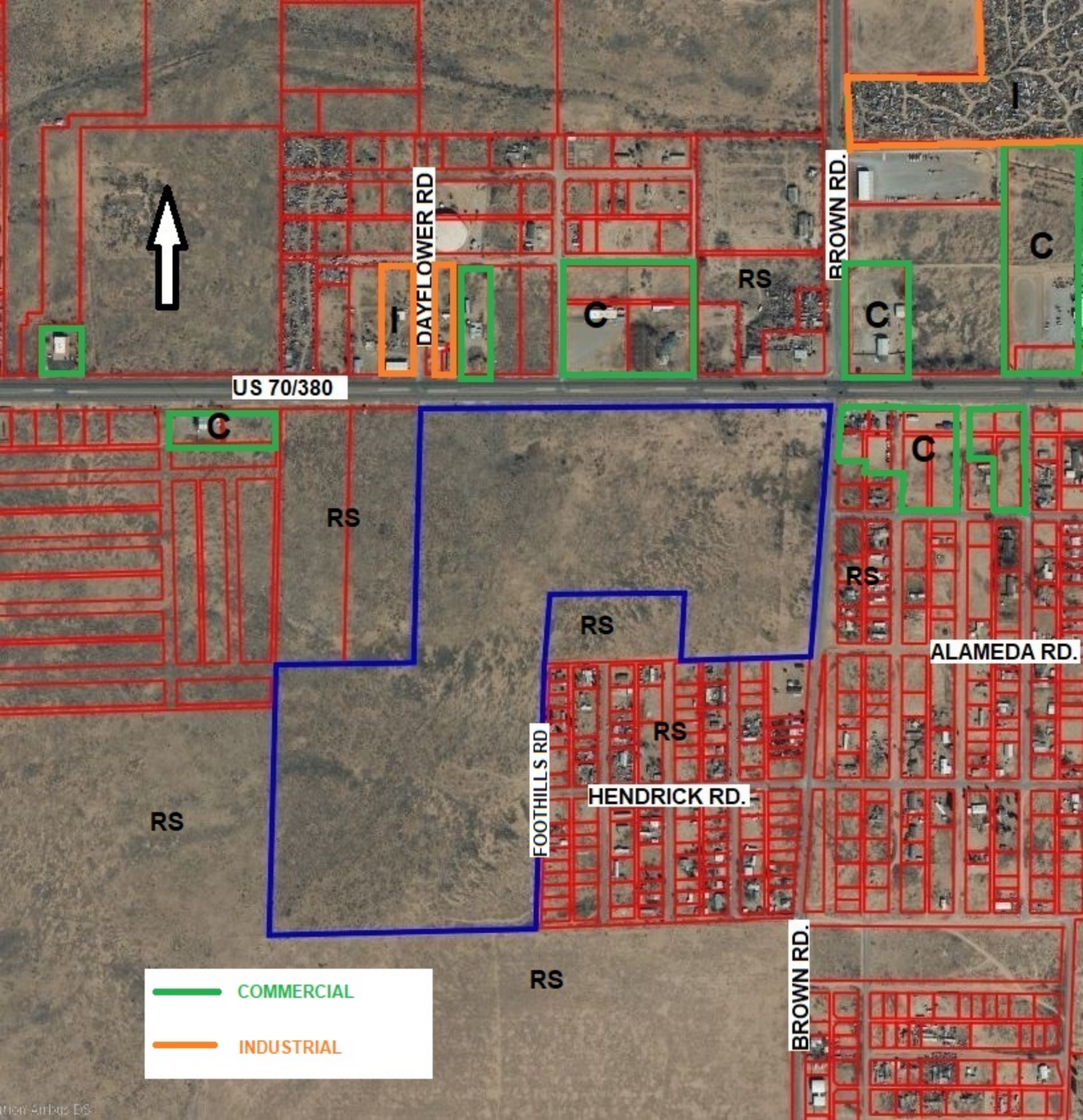
DG Roadrunner, LLC shall:

1. Obtain any permits required for the decommissioning, removal, and legal disposal of the system components prior to the commencement of the decommissioning activities
2. Remove all hazardous materials (if any) and transport them to be disposed of by licensed contractors at an appropriate facility in accordance with rules and regulations
3. Work with utility to disconnect PV array from power grid.
4. Remove transformer, inverters switch gear, power poles and fencing.
5. Break up concrete foundations and recycle materials.
6. Remove modules, DC wiring, junction boxes and steel racking.

7. Pull AC wiring from underground conduits.
8. Excavate and remove all collection cables.
9. Fill in stormwater ponds.
10. Reclaim gravel from access road.
11. Re-grade area to an approximation of the original contours
12. Reseed and mulch distributed areas using a seed mix pre-approved by the County or allow farm owner to re-seed.
13. Recycle gravel, concrete, rebar, fencing, steel piers, steel racking, solar modules, copper and aluminum wiring, inverters, disconnects, switchgear and transformer.

The Project site may be converted to other uses in accordance with applicable land use regulations at the time of decommissioning. There will be very limited grading done to build the project, so only limited grading will be required to restore the land to its original condition. Any soil removed for construction purposes will be relocated on the site or used for landscaping after construction is complete.

Remove Racking Wiring	\$6,148
Remove Panels	\$6,125
Dismantle Racks	\$30,875
Remove Electrical Equipment	\$4,625
Breakup and Remove Concrete Pads or Ballasts	\$3,750
Remove Racks	\$19,500
Remove Cable	\$16,250
Remove Ground Screws and Power Poles	\$34,625
Remove Fence	\$12,375
Grading	\$10,000
Seed Disturbed Areas	\$625
Truck to Recycling Center	\$5,625
Current Total	\$150,523
Total After 30 Years (2.5% Inflation Rate)	\$315,731



DAYFLOWER RD

BROWN RD.

US 70/380

ALAMEDA RD.

HENDRICK RD.

FOOTHILLS RD

BROWN RD.

COMMERCIAL

INDUSTRIAL

C

RS

RS

C

RS

RS

RS

RS

RS

C

C

C

I

ARTICLE 25
SPECIAL USE PERMITS

Section 25.1 Granting Special Use Permits

A Special Use Permit shall be bound and limited to the parcel(s) of land described in the application and to the land owner/petitioner of the property stated in the application and as stated in the Certificate of Zoning. A Special Use Permit is nontransferable in location or ownership including the name change of a company, LLC, corporation, trust, and/or partnership. So as not to misperceive, confuse and misapprehend prospective owners, a real estate contract shall be construed as a change in ownership and as such shall require a new Special Use Permit application and process.

1. It is the purpose of this article to establish criteria for those uses listed as special uses in Section 25.2 of this Ordinance, and similar uses, as determined by the Planning Director, and to specify the expiration date as appropriate for approval of such uses. It is recognized that these uses which, because of their unique characteristics, cannot be properly addressed without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Special uses shall require issuance of a Zoning Certificate by the ETZ Commission.

Each zoning district lists special uses that, because of their special impact or unique characteristics, can have a substantial adverse impact upon or be incompatible with other uses of land. This impact often cannot be determined in advance of the use being proposed for a particular location. Such uses may be allowed to locate within given districts only through the review process of the special use permit and under the controls, limitations and regulations of such permits. This article establishes general and specific development standards for special uses and provides for a review process which will evaluate the location, scale, compatibility with rural character and development characteristics of such uses and their impact on adjacent properties and the county as a whole, to the end that such uses may be approved, modified, or disapproved fairly and objectively.

Upon the filing of a complete application for a Special Use Permit per the requirements contained in Article 2, Section 2.5 of this Ordinance, the application shall be scheduled for a public hearing before the ETZ Commission. Public notice of the hearing shall be issued as provided for in Article 2, Section 2.5 of this Ordinance. The ETZ Commission may grant approval of special use permits, grant approval with conditions of approval, or deny an application if the characteristics of the intended use would create an incompatible or hazardous condition. The ETZ Commission shall not use a Special Use Permit to alter or reduce the zoning requirements of the zone in which the proposed land use is to locate.

2. 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 Ordinance.
3. The ETZ Commission, upon receiving a properly filed application or petition, may permit and authorize a Special Use Permit when the following requirements have been met:

- a. The proposed use will not endanger the public health or safety;
 - b. The proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county, and that it will not create excessive public cost for facilities and services by finding that:
 1. The proposed use will be adequately serviced by adequate existing facilities such as highways, roads, police and fire protection, irrigation and drainage structures, refuse disposal, water and sewers/septic systems, and schools; or
 2. The applicant shall provide such facilities; or
 3. The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment;
 - c. The proposed use will not generate significant nuisance conditions such as noise, dust, glare, vibration;
 - d. The proposed use meets all required conditions and standards set forth in the zoning district where it proposes to locate;
 - e. The 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; and
 - f. The proposed use is in conformance with the Chaves County Comprehensive Plan.
4. In permitting such uses the ETZ Commission may impose, in addition to the regulations specified herein, such conditions as it deems necessary to protect the best interests of the surrounding property or neighborhood or the county as a whole. These conditions may include, but are not limited to, the following:
- a. Increasing the required lot size, setback or yard dimensions;
 - b. Limiting the height of buildings or structures;
 - c. Controlling the number and location of vehicular access points;
 - d. Requiring the dedication of additional rights-of-way for future public roadway improvements;
 - e. Requiring the designation of public use easements;
 - f. Increasing or decreasing the number of required off-street parking and/or loading spaces as well as designating the location, screening, drainage, surfacing or other improvement of a parking area;
 - g. Limiting the number, size, height, shape, location and lighting of signs;
 - h. Requiring or limiting view-obscuring fencing, landscaping or other facilities to protect adjacent or nearby properties;
 - i. Designating sites for and/or the size of open space or recreational areas;
 - j. Requiring site reclamation upon discontinuance of the use and/or expiration or revocation of the Special Use Permit;
 - k. Limiting hours and size of operation;
 - l. Controlling the siting of the use and/or structures on the property;

m. Requiring mitigation measures to effectively reduce the potential for land use conflicts with agricultural lands and adjacent residential lands, such as: landscape buffers, special setbacks, screening, and/or site design criteria using physical features, such as rock outcrops, ravines, and roads.

A Special Use Permit shall become void one (1) years after approval or such other time period as established by the ETZ Commission if the use is not completely developed. Failure to begin such action within the time limit specified shall void approval of the Zoning Certificate for the special use.

5. A Special Use Permit may be revoked or limited by the ETZ Commission if any one (1) of the following findings can be made:
 - a. That one or more of the conditions of approval of the Special Use Permit have not been met;
 - b. That the Special Use Permit was obtained by misrepresentation or fraud;
 - c. That the use for which the Special Use Permit was granted has ceased or was suspended for twelve (12) or more consecutive calendar months;
 - d. That the actual or permitted use is in violation of any statute, ordinance, law, or regulation; or
 - e. That the use permitted by the Special Use Permit is detrimental to the public health, safety or welfare, or constitutes a nuisance.
 - f. Change in property ownership or site location.

The ETZ Commission's decision is subject to appeal in accordance with the provisions of Article 2 of this Ordinance.

Section 25.2 Use Regulations A special use permit **shall be required** for the following uses:

1. Airports* or landing fields.
2. Cemeteries and mausoleums
3. Commercial communications transmitter antennas or towers provided they are at least 100 feet from any public way.
4. Community buildings or recreation fields.
5. Electric substations, gas regulator or pump/booster stations, and well and water pumping stations in any district, provided that in any residential district or commercial district, the site shall be developed and maintained in conformance with the general character and appearance of the district. Such development shall include landscaping and suitable screening in the form of a wall, or solid fence and compact evergreen shrub.
6. Extraction of gravel, sand or other raw materials, provided that a satisfactory guarantee be posted with the Commission assuring that the land be left in such a condition that all faces, slopes, edges, or spoil piles have a maximum slope 2½ feet horizontal to one (1) foot vertical.
7. Hospitals, clinics*, and institutions
8. Night clubs*
9. Nursery schools, day nurseries, child care centers, pre-kindergartens, and other special and similar private schools in an Industrial District as an accessory or function for employees, provided that adequate safety from loud noises and other industrial dangers are supplied and there is at least 100 square feet of open play for each child enrolled. Each play area shall be screened with a suitable wall, fence, or evergreen shrub.
10. Parking lots adjacent to, across the street from, or across the alley from the Commercial District, or a Business District.

11. Penal institutions
12. Poultry hatcheries, poultry production, dairying and any similar activities.
13. Private clubs or lodges
14. Railroad tracks, yards, and similar railroad facilities
15. State licensed or state operated family or group care residences for homeless, the criminal offender, or alcohol or drug abusers that function as a transition from institution to community.
16. Substance abuse treatment facilities.
17. Temporary commercial amusements or recreational developments
18. Multigenerational housing as a second dwelling unit in a residential district, with a yearly review by Staff.
19. Day Care Home-Group in a residential district.
20. Workforce Camps