

**CHAVES COUNTY
PLANNING & ZONING COMMISSION
APRIL 5, 2022 AT 5:30 P.M.
COMMISSION CHAMBERS
CHAVES COUNTY ADMINISTRATIVE CENTER
#1 ST. MARY'S PLACE, ROSWELL, NM**

A G E N D A

I. CALL TO ORDER

II. ROLL CALL

III. CONSIDERATION OF MINUTES: March 1, 2022

IV. NEW BUSINESS

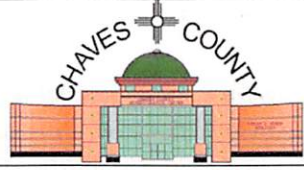
1. **Case Z 2022-02:** Request for a Special Use Permit for a Community Solar Array Facility in the S2SW4 of S8 & N2NW4 of S17 T11S R25E being that part south of South Spring River described in Eastham Cedarvale Boundary Survey, 3831 Cedarvale Rd., Roswell; owner-Eastham Living Trust, c/o Laurene Eastham; applicant-BAP Power Corporation dba Cenergy Power
2. **Case Z 2022-03:** Request for a Special Use Permit for a Community Solar Array Facility in the S2SE4 of S12 T11S R24E, 2005 White Mill Rd., Roswell; owner- Blach Revocable Trust, Leonard and Joanne Blach; applicant-BAP Power Corporation dba Cenergy Power

V. OTHER BUSINESS

UNSCHEDULED COMMUNICATION LIMITED TO THREE MINUTES PER VISITOR. NO FORMAL ACTION TAKEN BY THE COMMISSION.

VI. ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the 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

Chaves County Planning & Zoning Commission	Chaves County	
Meeting Date: March 1, 2022	<i>Meeting Minutes</i>	Created By: Julia A. Torres

Members Present:

Mark Lewis
Valli West
Brian Archuleta
Dale Rogers

Members Absent:

Andy Morley

Guests:

Diana Henson
Karri Everett

Staff Present:

Louis Jaramillo
Julia A. Torres

The Regular Meeting of the Chaves County Planning & Zoning Commission was held in the Commission Chambers at the Chaves County Administrative Center on March 1, 2022, beginning at 5:30PM.

MINUTES

The minutes of the January 4, 2022 meeting were approved unanimously as submitted.

NEW BUSINESS

1. Case Z 2022-01

Request for a Special Use Permit to allow a second residence; located in a portion of the W2SE4 of S15 T12S R25E, S221.32' N1447.84' W989.01' W of State Rd. 2 @ 6590 Old Dexter Hwy, Dexter; owner- Diana Henson; applicants: Chris and Karri Everett

Louis Jaramillo gave a brief description of this case. Staff recommended approval of the application based on the physician's letter along with seven (7) Conditions of Approval and five (5) Findings of Fact. Mr. Jaramillo did mention a change to Condition of Approval #4 to be as follows: *"Before the placement of the second home, Ms. Henson will apply and pay for a County Manufactured Home Placement Permit. The Planning and Zoning Department shall produce, sign and file an Agreement to be filed in the Chaves County Clerk's office, associated with Book 00729 Page 01550, stating the manufactured home used as a second home on the property, (Include the Make/Model, Serial Number, bedrooms, color), shall not be permitted to be included in the sale or transfer of the property for any reason"*

Diana Henson introduced herself and her daughter Karri Everett. She would appreciate having her daughter live close to her because of her medical issues.

Nobody spoke in favor nor against the application.

Commissioner Archuleta made a motion to recommend approval of Case Z 2022-01 including the amended Conditions of Approval and the Findings of Fact. Commissioner West seconded the motion. Motion carried unanimously. This case is scheduled to be heard by the Chaves County Board of Commissioners on March 17, 2022 at 9 a.m.

Other Business

None

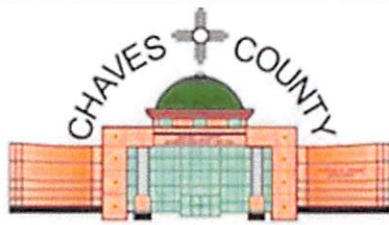
There being no other business listed on the agenda or to come before the Commission, the meeting adjourned at 5:38PM.

Approved this 5th day of April, 2022

Chairperson/Commissioner

Attest

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



PLANNING & ZONING STAFF SUMMARY REPORT

MEETING DATE: April 5, 2022

CASE # Z 2022-02

REVIEWING BOARD	PLANNING & ZONING COMMISSION
ACTION REQUESTED:	Special Use Permit for a Community Solar Project in Area I Zone A-R - Agricultural-Residential
LAND OWNER AND AGENTS:	Eastham Living Trust-Laurene Eastham BAP Power Corp. DBA Cenergy Power
LOCATION:	3831 Cedarvale Road S2SW4 of Section 8 & N2NW4 of Section 17 T11S R25E being that portion of land south of South Spring River.
ITEM SUMMARY	Ms. Eastham and Cenergy Power are proposing a 4.95-megawatt Community Solar Facility on the 28.6-acre parcel.
SUPPORTING DOCUMENTS	Staff Review, Application, Development/ Site Plan, Vicinity Map

SUMMARY BY: Louis Jaramillo–Planning & Zoning Director

STAFF'S REPORT

CASE # Z 2022-02

Ms. Eastman along with Cenergy Power are requesting a Special Use Permit for a community solar facility at 3831 Cedarvale Road. The property is accessible from Cedarvale Road and Seminole Road, both County maintained roads approximately twenty-one (21") feet wide. The area is currently vacant land used for grazing. It is bound to the north and south by agricultural fields zoned A-Agriculture, to the west by residential homes zoned A-R, and to the east by the beef packing plant zoned Industrial District.

South Spring River is located along the northern property line and over 200 feet from the nearest point of the proposed solar facility. This stream runs from west to east and starts around South Main Street, then runs through South Spring Acres Subdivision, across State Road 2, and ends in the Hagerman Canal that runs parallel to the Pecos River. A majority of South Spring River is unstudied according to the 2009 FIRM maps including the portion of the stream that abuts the proposed area. Without a study, FEMA has designated this area Zone "X" or in common terms, an area of 1% annual chance of flooding with an average depth of less than 1 foot, no development restrictions. Staff believes this is an error by FEMA and that the main channel and approximately 100 feet on either side may be Hazardous Floodplain and should have minimum development. This determination is based on current aerial photos and recent flooding in the area. Staff would recommend the community solar facility not be permitted within 200 feet of the banks of the South Spring River for preservation of the waterway.

Cenergy Power has provided a development plan for the proposed community solar facility. The facility would be ground based and stand approximately four to six feet in height from the natural ground. The proposed facility would connect to the existing overhead transmission line located north of the site, along Seminole Road. The solar facility would be completely fenced in by a six-foot chain link fence with three barbed wire strands at the top. (See Project Description for details.)

Renewable energy facilities are not addressed in our County Zoning Ordinance nor in the County Comprehensive Master Plan. Therefore, per Section 1.A.1. of Article XVIII of the Chaves County Zoning Ordinance #7, the Board may grant a SUP in districts from which the uses are otherwise prohibited by this Zoning Code and shall impose appropriate conditions and safeguards to protect the general plan to conserve and protect the property values in the neighborhood. SUP should not create a nuisance, such as, noise, dust, glare, vibration, and interference with WIFI and cellular data. SUP should not interfere in the daily life nor create a hardship on the neighbors for which the SUP would be located.

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

1. Failure to complete the construction of the Community Solar facility within ten years shall result in the Special Use Permit being terminated.
2. Cenergy Power shall apply for any necessary building and electrical permits for construction of the community solar facility within one year of being awarded the project by the utility service company, at this location.
3. Cenergy Power shall utilize the existing electric transmission lines in the area.
4. Cenergy Power 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 property lines a minimum of fifty (50) feet. Also, staff would recommend a setback of 200 feet of all structures, including any fencing, from the banks of the South Spring River for preservation of the waterway.

Findings of Fact:

1. 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.
2. The Chaves County Zoning Ordinance #7 nor Chaves County 2016 Comprehensive Master Plan address renewable energy facilities, therefore a Special Use Permit, approved by the Zoning Authority is necessary.
3. A Special Use Permit is granted to the land owner for this parcel of land and is non-transferable by ownership and location.
4. Owner's within 100 feet of the proposed Special Use Permit have been notified by certified mail, per Chaves County Zoning Ordinance No. 7, Article XVIII Section 2-B.1. No protest has been received at the time of this report.
5. This case has been advertised in the local newspaper and on the Chaves County website, 3 days prior to this meeting, as required by Chaves County Zoning Ordinance and State Statute.



CHAVES COUNTY APPLICATION
CHAVES COUNTY ZONING ORDINANCE

Case Number: 22022-02 Date Received: 3/02/22 Fee: \$300⁰⁰

Type of Request: Rezoning Special Use Variance Change of Use
Name of Property Owner: Laurene N and David B Eastham Phone Number: _____
Mailing Address: 11001 Bridge Pointe Ct. Ne, Albuquerque NM 87111
Name of Applicant: BAP Power Corporation DBA Cenergy Power
Mailing Address: 3176 Lionshead Ave. Home Phone Number: _____
Carlsbad CA 82010 Business Phone Number: _____
Applicant Status: Owner Agent Tenant Other _____

Case Address, Legal Description, and Parcel Number: Parcels R009892
Corner of Seminole Rd and Cedar Vale Rd. APN 4141064145033000000

Present Land Use: Agricultural

Intended Use: Solar Generating Facility

Present Zoning: Agricultural Land Requested Zoning: Agricultural Land with Variance
Applicant's Reason for Requested Change: (Use back if more space is needed) _____
Please See Application 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.
William Heck authorized signatory BAP Power Corp March 2, 2022
Owner's Signature Date

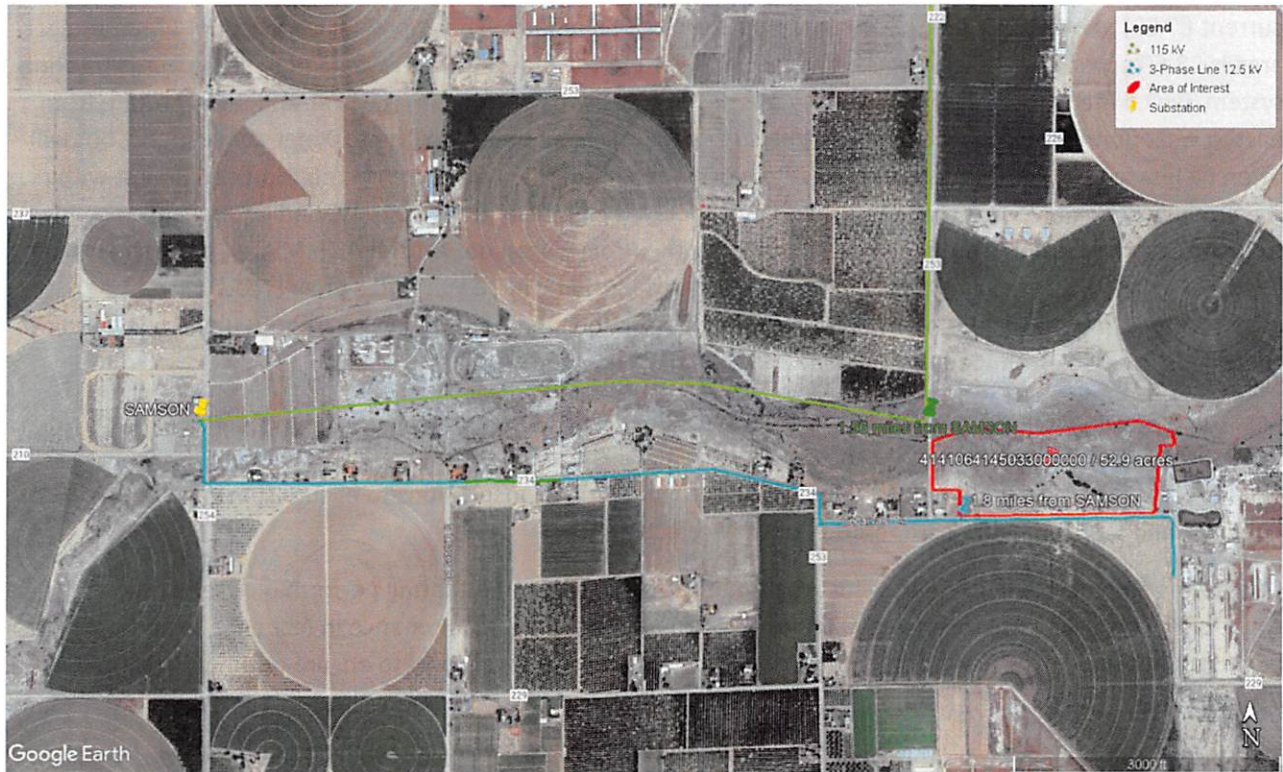
Application for Chaves Planning Commission

Approval for Special Use Permit

BAP Power Corporation - Eastham Solar Project

Corner of Seminole Road and Cedarvale Road

Roswell, NM 88203



Submitted to:

Chaves County Director of Planning and Zoning
County of San Miguel
#1 St. Mary's Place, Suite #170
Roswell, NM 88203

Submitted by:

BAP Power Corporation (CA Lic. #922883)
3176 Lionshead Avenue
Carlsbad, CA 92010

March 2, 2022

I. Project Description

Bap Power Corporation DBA Cenergy Power ("Cenergy" or the "Applicant") is developing a solar photovoltaic power generation ("PV") project (the "Project") on land owned by Laurene N. Eastham and David B. Eastham at the corner of Seminole Road and Cedarvale Road, Roswell, NM 88203. The Landowner's address is 11001 Bridgepointe Ct Ne, Albuquerque, NM 87111. The parcel is placed under a trust called Eastham Living Trust. The parcel account number is R009892. The parcel coordinates are: (33.364266, -104.430949). The UPC is 4141064145033000000. The parcel is zoned as agricultural land.

The Applicant has executed a lease option agreement whereby Cenergy has the exclusive right to develop a solar photovoltaic project on the subject property land for an 18-month period beginning May 18, 2021. A copy of the lease option is attached as Attachment 3 in this submission. Upon approval, the Applicant will construct the Project, and own and operate the facility during a 26-year lease period, which may be extended for up to an additional 10 year period (in total a 36-year lease).

The proposed Project is an approximately 7.128 Megawatt ("MW") direct current ("DC"), 4.950-MW alternative current ("AC") photovoltaic ground-mounted photovoltaic solar farm. The approximate footprint of the project area is 28.60 acres. The solar array is composed of solar photovoltaic modules attached to 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. The height of the solar panels is at all times less than 10 feet above grade, but will often be less as the panels rotate from east to west. 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 4.99 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 will be accessed from Cedarvale Road.

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.

The Project has applied for utility interconnection with Xcel Energy Inc ("Xcel"). Once received by the Applicant, a redacted interconnection agreement with Xcel can be provided to the County upon request. The Project will interconnect to the onsite existing utility pole located at the GPS coordinates of 33.362914° -104.431091° . In addition, the Applicant will enter into a long-term power purchase agreement with Xcel or other qualified party to help them fulfill their renewable portfolio standard (RPS) set by the New Mexico legislature, as amended in 2019.

At the end of the lease term, as may be extended, the project will be decommissioned and the land returned to its pre-construction state. Attachment 8 provided details and cost of the decommissioning process.

There will be little traffic generated by the Project. 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. There will be periodic delivery of solar facility equipment which can be scheduled to minimize impacts on local traffic. Once constructed, there will be minimal traffic with only periodic inspections and responses to maintenance as necessary.

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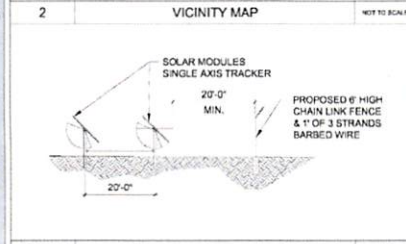
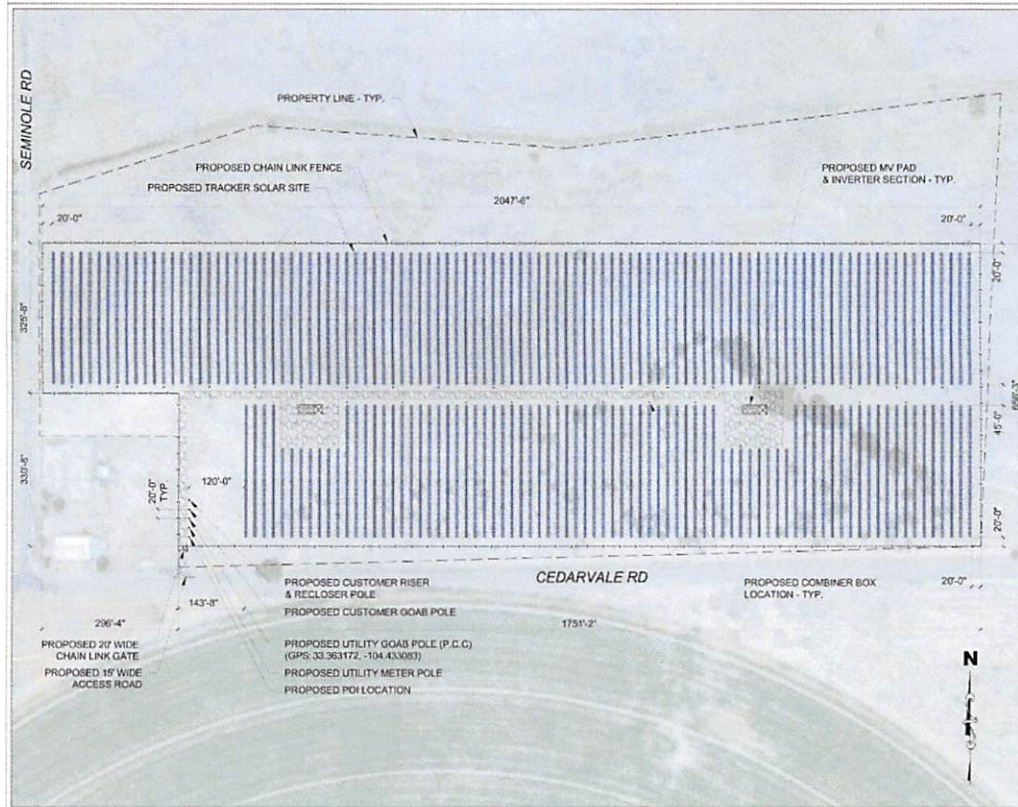
Attachment 1: Solar Power Site Plan Proposal

PROPOSED SOLAR POWER INSTALLATION

DAVID EASTHAM

ROSWELL, NM 88203

GPS: 33.364266, -104.430949



4 PROJECT DATA

MODULE: JA SOLAR_JAM72030-540MB, 540W
TOTAL: 13,200 MODULES

TOTAL STRING: 528 (25 MODULES/STRING)

TOTAL RACK: 166 RACKS (75 MODULES/RACK), 15 RACKS (50 MODULES/RACK)

INVERTER: 33 UNITS - 150KW SOLECTRIA STRING INVERTER XGI 1500-150*166

RACKING SYSTEM: SINGLE AXIS TRACKING SYSTEM

GROUND COVER RATIO: 37.5%

FENCE: PROPOSED 6' HIGH CHAIN LINK FENCE & 1' OF 3 STRANDS BARBED WIRE

TOTAL AREA: 25.80 ACRES (APPROX. INSIDE PERIMETER FENCE)

TOTAL CAPACITY: 7,128,000 KW-DC (STC)
4,950,000 KW (AC NAMEPLATE)

CENERGY

SOLAR POWER SYSTEMS, INC.

10000 N. CENTRAL AVENUE, SUITE 100
DENVER, CO 80231
TEL: 303.755.1000
WWW.CENERGY.COM

SOLAR INSTALLATION

DAVID EASTHAM

SOLAR POWER SYSTEM SITE LAYOUT


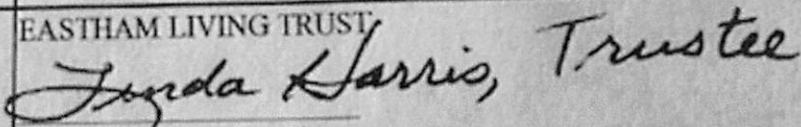
SP-1

Attachment 3: Landowner Lease Option

LEASE OPTION AGREEMENT

THIS LEASE OPTION AGREEMENT ("Agreement") is made and entered into as of May 18, 2021 ("Effective Date"), by and between EASTHAM LIVING TRUST ("Lessor"), and BAP POWER CORPORATION DBA CENERGY POWER ("Lessee," and together with Lessor, the "Parties").

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

Property Address:	That certain property (" <u>Property</u> ") located near GPS coordinates 33.364266, -104.430949, off of Cedarvale Road in Chaves County, NM.
Solar Site:	Thirty acres of the Property shall be designated for the solar site (the " <u>Solar Site</u> ") and be subject to Lessee's lease option rights hereunder to exclusively develop and build a solar project sized up to 5MW AC (the " <u>Solar Project</u> "). Lessee's preliminary site plan detailing the location of the Solar Site is acceptable to Lessor.
Lease Option Period:	<ol style="list-style-type: none"> 1. Lessee is hereby granted an option to lease the Solar Site for a period of 18 months ("<u>Lease Option Period</u>"), commencing on the Effective Date. Lessee shall issue a non-refundable payment to Lessor of \$1000 as consideration for the Lease Option Period once interconnection capacity is confirmed to be available. 2. Lessee's right to use land during the Lease Option Period shall be limited to site engineering work and surveys to establish the site's feasibility for the Solar Project.
Lease:	1. To the extent Lessee deems the Solar Site to be feasible for the Solar Project during the Lease Option Period, Lessee may, at its option, lease the Solar Site from Lessor for a period of 26 years in furtherance of the Solar Project. Lease documentation between Lessee and Lessor shall be negotiated in good faith and have a fixed lease rate of \$1,000 per acre per year. Such lease may be extendable at Lessee's election for 10 years at substantially the same lease terms and conditions as the initial lease.
Lessee:	BAP POWER CORPORATION DBA CENERGY POWER By:  Name/ Title: William Pham, CEO
Lessor:	EASTHAM LIVING TRUST  Authorized Representative

Attachment 4: Warranty Deed

WARRANTY DEED

BOOK 0520 PAGE 1298

Morgan Nelson, a married man as his sole and separate property, an undivided 1/2 interest; and Ann Nelson Houghtaling, formerly Ann Nelson, a married woman as her sole and separate property, an undivided 1/2 interest

for consideration paid, grant(s) to

Laurene N. Eastham and David B. Eastham, Co-Trustees of the Eastham Living Trust, U/T/A dated September 26, 1989

whose address is: 10227 Jarash Place NE
Albuquerque, NM 87122

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

SEE EXHIBIT A ATTACHED HERTO AND MADE A PART HEREOF

TOGETHER WITH ALL WATER RIGHTS APPURTENANT THERETO.

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

with
warranty covenants.


Executed this May 12, 2005


Morgan Nelson


Ann Nelson Houghtaling

State of New Mexico)
County of Chaves)

This instrument was acknowledged before me on May 12, 2005 by Morgan Nelson and Ann Nelson Houghtaling.


Notary Public

My commission expires: 10/15/06



Attachment 4: Warranty Deed (Continued)

EXHIBIT A

BOOK 0520 PAGE 1299

TRACT 1:

- a. Lots 36, 37, 40 and 41, Lot 38 EXCEPT that portion as was conveyed to Laurene Nelson Eastham by Warranty Deed dated December 16, 1981, filed July 16, 1982 and recorded in Book 299, Page 333 of Pomona Farms Subdivision, in the County of Chaves and State of New Mexico, as shown on the Official Plat filed in the Chaves County Clerk's Office on November 1, 1904 and recorded in Book A of Plat Records, at Page 5.
- b. The North 16 feet of the West 769 feet of Lot 39 of Pomona Farms Subdivision, in the County of Chaves and State of New Mexico, as shown on the Official Plat filed in the Chaves County Clerk's Office on November 1, 1904 and recorded in Book A of Plat Records, at Page 5.
- c. Five acres more or less, out of the Northeast corner of Lot 39 of Pomona Farms Subdivision, in the County of Chaves and State of new Mexico, as shown on the Official Plat filed in the Chaves County Clerk's Office on November 1, 1904 and recorded in Book A of Plat Records, at Page 5, more particularly described as follows:

Beginning at the Northeast corner of said Lot 39, thence West along the North line of said Lot 39 a distance of 611 feet to the Northeast corner of a tract heretofore conveyed to J.P. Bridge by Deed recorded in Book 61 of Chaves County Deed Records, at Page 505, thence south along the East line of said Bridge tract to the North line of a tract heretofore conveyed to S.R. Pruett by Deed recorded in Book 55 of Chaves County Deed Records, at Page 506, thence East along the North line of said Pruett tract to the East line of said Lot 39, thence North along said East line to the point of beginning.

TOGETHER with all water rights appurtenant thereto.

TRACT 2:

- a. Part of the N1/2NW1/4 of Section 17 in Township 11 South of Range 25 East of the New Mexico Principal Meridian, in the County of Chaves and State of New Mexico, described as follows:

Beginning at the Northwest corner of said Section 17, thence South along section line 450 feet to the Northwest corner of a tract heretofore conveyed to Carl R. McFarland and Mary Margaret McFarland, his wife, by Deed recorded in Book 229 of Chaves County Deed Records, at Page 50, thence along the North line of said McFarland tract North 77 degrees East a distance of 180 feet to the Northeast corner of said McFarland tract, thence South parallel with the West section line a distance of 290 feet to the South line of said Section 17, thence North 77 degrees East 2368 feet, thence North 8 degrees 15 minutes West 777 feet to the North line of said Section 17, thence West along section line a distance of 2612 feet to the point of beginning.

Attachment 4: Warranty Deed (Continued)

BOOK 0520 PAGE 1300

- b. That part of the S1/2SW1/4 lying South of South Spring River, in Section 8 in Township 11 South of Range 25 East of the New Mexico Principal Meridian, in the County of Chaves and State of New Mexico.

TOGETHER with all water rights appurtenant thereto.

TRACT 3:

- a. The E1/2SE1/4SW1/4 of Section 19 in Township 11 South of Range 25 East of the New Mexico Principal Meridian, in the County of Chaves and State of New Mexico.

- b. That part of the SW1/4SE1/4 of Section 19 in Township 11 South of Range 25 East of the New Mexico Principal Meridian, in the County of Chaves and State of New Mexico, lying West of a line running North and South and beginning at a point on the South line that is 462 feet from the East line of said SW1/4SE1/4 and extending to a point on the North line of said SW1/4SE1/4 which is 450 feet from the East line of said SW1/4SE1/4, EXCEPTING the North 187 feet thereof, and also EXCEPTING a tract described as follows: Beginning at the Southeast corner of said SW1/4SE1/4 of Section 19, thence North 2 degrees 15 minutes West (assumed) along the East line of said SW1/4SE1/4 a distance of 436.5 feet, thence South 89 degrees 50 minutes West along a line that is parallel to and 436.5 feet from the South line of said SW1/4SE1/4 a distance of 461.6 feet to the point of beginning, thence South 1 degree 33 minutes East 75 feet, thence South 89 degrees 50 minutes West 10 feet, thence North 1 degree 33 minutes West 75 feet and thence North 89 degrees 50 minutes East 10 feet to the point of beginning; and also EXCEPTING that portion thereof heretofore deeded to Morgan Nelson, a married man, as his sole and separate estate, by Warranty Deed dated February 16, 1962, which is recorded in Book 259, Page 754 of Deed Records of Chaves County, EXCEPT 1/30 interest in the artesian well RA 133 and RA 1111, or its successor, located in SE1/4SW1/4 of Section 19, Township 11 South, Range 25 East; water not to exceed 9 acre feet per year plus carriage loss, together with a right of way for ditches or pipeline, necessary to convey the water to the land as more fully set out in deed recorded in deed record book 259, page 754 of Chaves County Deed Records, and reasonable access to the well, pipeline or ditches necessary to exercise this right; and also EXCEPTING that portion hereof conveyed to Roswell Independent School District by Warranty Deed dated January 29, 1992, filed May 20, 1992 and recorded in Book 134, page 626 of Clerk's Records of Chaves County.

- c. A part of the SW1/4SE1/4 of Section 19 in Township 11 South of Range 25 East of the New Mexico Principal Meridian, in the County of Chaves and State of New Mexico, and being more particularly described as follows:

Commence at the Southeast corner of the SW1/4SE1/4 of Section 19; thence North 2 degrees 15 minutes West (assumed), along the East line of said SW1/4SE1/4, 436.5 feet; thence South 89 degrees 50 minutes West 22.5 feet to the West Highway Right-of-way line and the point of beginning; thence South 89 degrees 50 minutes West along a line that is parallel to and 436.5 feet from the South line of said SW1/4SE1/4 a distance of 438.6 feet; thence North 1 degree 33 minutes West, a distance of 727.6 feet; thence North 89 degrees 39 minutes East 429.75 feet to the West Highway Right-of-way line;

Attachment 4: Warranty Deed (Continued)

BOOK 0520 PAGE 1301

thence South 2 degrees 15 minutes East along said Right-of-way line, 729.4 feet to the point of beginning.

TOGETHER with all water rights appurtenant thereto.

State of New Mexico
County of Chaves } SS
FILED FOR RECORD

AT
11:05 **MAY 16 2005** A M

and recorded in book 520 page 1298
REDA C COARLEY County Clerk
[Signature] Deputy

RCPT #261146 FEE \$15.00
SANDERS LAW FIRM
WILL PICK UP



Attachment 5: Landowner Property Tax Filing Status



CHAVES COUNTY TREASURER

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
R009892	414106414503300000 0	Dec 20, 2021	Dec 19, 2021	2021-12-19-RAH- 262373

**EASTHAM LIVING TRUST; LAURENE N
11001 BRIDGEPOINTE CT NE
ALBUQUERQUE, NM 87111**

Situs Address

Payor

EASTHAM LIVING TRUST; LAURENE N
11001 BRIDGEPOINTE CT NE
ALBUQUERQUE, NM 87111

Legal Description

S: 8 T: 11 S R: 25E S2SW4 THAT PART S OF SOUTH SPRING RIVER S: 17 T: 11 S R: 25E N2NW4 N 450 W 330
M/L- E 2218 N 740 M/L EASTHAM CEDARVALE BOUNDARY SURVEY - S25-50 BK:520 PG:1298 WD

Property Code	Actual	Assessed	Year	Area	Mill Levy
AGRICULTURAL LAND - 0400	25,728	8,576	2021	11N_8_10	23.355

Payments Received

Check	Multi-Account Payment
Check # 6224	
Check	Multi-Account Payment
Check # 6223	

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2021	Special Assessment	\$34.10	\$0.00	\$34.10	\$0.00
2021	Tax	\$200.30	\$0.00	\$200.30	\$0.00
				\$234.40	\$0.00
				Balance Due as of Dec 19, 2021	\$0.00

Please make checks payable to:

**CHAVES COUNTY TREASURER
P.O. Box 1772
Roswell, NM 88202**

If you have any questions please call (575) 624-6618

Attachment 7: Abutting Property Owners Contact List

Account	Owner	Owner Address	Site Address
R009483	NORMEX INC	PO BOX 1728 JAMESTOWN ND 58402	
R008686	DUFFEY,JAMES W ; DUFFEY,JANET L	3787 CEDARVALE RD ROSWELL NM 88203	3787 CEDARVALE RD ROSWELL 88203
R013009	L & K WAGGONER LLC	1900 E 2ND ST ROSWELL NM 88201	3814 MIAMI RD ROSWELL 88203
R009435	NATURE'S INC	P O BOX 5820 ROSWELL NM 882025820	3826 CEDARVALE RD ROSWELL 88203
R009892	EASTHAM LIVING TRUST; LAURENE N	11001 BRIDGEPOINTE CT NE ALBUQUERQUE NM 87111	
R007764	FEDERAL HOME LOAN MORTGAGE CORPORATION	8200 JONES BRANCH DR MC LEAN VA 22102	3801 CEDARVALE RD ROSWELL 88203
R007626	NATURE'S INC	PO BOX 5820 ROSWELL NM 882025820	
R007720	DAVIS,DICK C ; DAVIS,PAM	3795 CEDARVALE RD ROSWELL NM 88203	3795 CEDARVALE RD ROSWELL 88203
R009574	USA BEEF PACKING LLC	3845 CEDARVALE RD ROSWELL NM 88203	3845 CEDARVALE RD ROSWELL 88203
R007726	DUFFEY,JAMES W ; DUFFEY,JANET L	3787 CEDARVALE RD ROSWELL NM 88203	
R008054	LEM,JOSHUA A ; LEM,AUTUMN G	1200 W MCGAFFEY ST APT 67 ROSWELL NM 882032647	

Source: Chaves County GIS Sidwell's Portico Mapping Tool

Decommissioning

Introduction

BAP Power Corp DBA Cenergy Power has prepared this Decommissioning Plan (Plan) for the Eastham Solar Photovoltaic Facility ("Facility") to be constructed on undeveloped land owned by the Eastham family in Chaves County, New Mexico, located 4908 N Michigan Ave, Roswell, New Mexico 88201. This Plan was prepared to ensure the subject land will be returned to its pre-construction state and assumes that the Facility will be constructed in accordance with permits and conditions issued by Chaves County, New Mexico.

Facility Description

The proposed solar plus storage system Facility will consist of a new approximately **7.2 Megawatt ("MW") Direct Current ("DC") / 4.9 MW Alternating Current ("AC")** capacity solar power-generating station secured within a fence surrounding the solar panels and equipment and accessed via a locked gate. The anticipated life of the Facility is 36 years. The Facility will include the following site features:

- An array of photovoltaic ("PV") modules (panels) and mounting system spread across up to 30 acres;
- Driven piles supporting the photovoltaic modules;
- Ancillary inverters and transformers;
- Underground conduit and wires;
- A six (6)-foot security fence with 1-foot of 3 strands barbed wire;
- Up to six (6) above ground wooden utility poles;
- Overhead wires; and
- Gravel access roads.

Decommissioning Plan

The Facility will be decommissioned by completing the following major steps: Dismantlement and Demolition, Disposal or Recycle, and Site Stabilization as further described below.

Dismantlement, Demolition, and Disposal or Recycle

A significant amount of the components of the photovoltaic system at the Facility will include recyclable or re-saleable components, including copper, aluminum, galvanized steel, and modules. Due to their re-sale monetary value, these components will be dismantled and disassembled rather than being demolished and disposed of.

Following coordination with Xcel Energy, Inc. regarding timing and required procedures for disconnecting the Facility from the private utility, all electrical connections to the system will be disconnected and all connections will be tested locally to confirm that no electric current is running through them before proceeding. All electrical connections to the panels will be cut at the panel and then removed from their framework by cutting or dismantling the connections to the supports. Each panel will be individually lifted from its support (likely using a small crane and synthetic rigging straps), wrapped in sheet plastic and taped before being removed. They will then be stacked and cushioned on pallets, plastic wrapped, and transferred to a flat-bed truck for transfer to the purchaser or recycler. The exterior glass of the solar panels is commercial-grade and tempered, designed to significantly reduce a complete fracture. However, in the event of a total fracture, the interior materials are silicon-based and are not considered to be hazardous materials. Disposal of these materials at a landfill will be permissible. As for other electrical equipment, such as battery storage containers and inverters, after being disconnected and disassembled, such equipment will be removed from the site and reconditioned and reused, recycled, or disposed of appropriately in parallel with the applicable regulations and industry standards.

The PV mounting system framework will be dismantled and recycled. The metal piles will be removed from their approximate depth of eight feet and recycled for salvage value. Finally, all associated structures will be demolished and removed from the site for recycling or disposal as required by Chaves County. This will include the site fence and gates, which will likely be reclaimed or recycled. Grade slabs will be broken and removed to a depth of one foot below grade, and clean concrete will be crushed and disposed of off-site or recycled (reused either on- or off-site).

Sanitary facilities will be provided on-site for the workers conducting the decommissioning of the Facility.

Aboveground utility poles owned by the Facility will be completely removed and disposed of off-site in accordance with utility best practices. Overhead wires will be removed from the area of the solar modules and terminated at the utility-owned utility poles located near the Facility. The installed

access roads will be removed with the landowner's permission. Xcel Energy, Inc. will be responsible for dismantling those overhead wires and poles under its ownership. Coordination with Xcel Energy, Inc. personnel will be conducted to facilitate Xcel Energy, Inc.'s removal of their aboveground poles and overhead wires located on the site.

A final site walkthrough will be conducted to remove debris and/or trash generated within the site during the decommissioning process and will include removal and proper disposal of any debris that may have been wind-blown to areas outside the immediate footprint of the facility being removed.

Site Stabilization

The areas of the Facility that are disturbed (during decommissioning) will be stabilized with the ground treatment from best management practices, including application of a drought-tolerant grass seed mix to surfaces disturbed during the decommissioning process. The gravel access road from the landowner's driveway, including the portion within the perimeter fence surrounding the photovoltaic modules, will remain intact and shall not be removed.

Permitting Requirements

Given the size and location of the Facility, several approvals are required prior to initiation of ground-disturbing activity. Table 1 provides a summary of the expected approvals if the decommissioning were to take place in July, 2021. Noting, however, that because the decommissioning is expected to occur at a later date, the permitting requirements listed in the table below will be reviewed and updated based on current local, state, and federal regulations at the time.

Schedule and Cost

The decommissioning process is estimated to take approximately six to eight (6-8) weeks (but no longer than six (6) months) and is intended to occur outside of the winter season.

Table 1. Current Permitting Requirements for Decommissioning

Permit	Agency	Threshold/Trigger
National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Construction Activity	U.S. Environmental Protection Agency	Ground disturbance of greater than 1 acre with discharge to wetlands or water bodies. Requires preparation of a Stormwater Pollution Prevention Plan, including erosion and sedimentation controls.
Non-Ministerial Permit if applicable	Chaves County Planning Commission	Anticipated decommissioning requirements listed in the [Non-ministerial permit if applicable] conditions of approval.
Building Permit	Chaves County Building Departments	A building permit is required to construct the facility. A building permit must also be obtained for any construction, alteration, repair, demolition, or change to the use or occupancy of a building.

Permitting Requirement Assumptions:

1. The access road will remain in place throughout the Facility.
2. All ground disturbance, including temporary laydown areas will obtain the appropriate approval from Chaves County and the State of New Mexico, if required.

Surety Proposal/ Decommissioning Cost Estimate

Consistent with the approach it has taken in surrounding communities, the Facility, or the parent company of the Facility, proposes to provide a decommissioning surety bond, to be posted prior to the beginning of operations (COD) and the final Chaves County Certificate of Compliance, in the amount of **\$83,140**, for decommissioning in the unlikely event that the Facility is unable to meet its contractual obligations for solar plus storage project removal and restoration.

In developing the decommissioning surety bond, the Facility collected decommissioning cost data and salvage value data based on the assumption of recycling the solar modules, racking and associated project components as raw materials. In addition to the decommissioning cost, a 5% contingency and allowance for associated legal costs was included.

On the next page is a summary of the analysis:

Project Size – Solar PV **7.2 MW (DC)**

Decommissioning Cost – Solar PV

Decommissioning /MW of Solar PV **\$33,355 /MW**

3% Contingency **\$1,001 /MW**

2% Legal Services Estimate **\$667 /MW**

Total 1 MW Solar PV **\$35,023 /MW**

Decommissioning Cost, No Salvage
Value

Salvage Value – Solar PV

\$23,476 /MW

Market Based Salvage Estimate
\$/MW

\$23,476 /MW

Total Avg. Salvage Value:

**Decommissioning Cost, Net Salvage
Value**

\$35,023 /MW

Decommissioning Estimate

(\$23,476 /MW)

Minus Salvage Value

\$11,547 /MW

Decommissioning Cost, Net Salvage
(\$)/MW:

Proposed Total Net

**Decommissioning Cost for the 7.6
MW Eastham PV Solar System**

\$83138.40

Proposed Bond Amount:

\$83140.00

End of Application

10/10/2010

10/10/2010

10/10/2010

10/10/2010

10/10/2010

10/10/2010

10/10/2010

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10/10/2010

10/10/2010



PLANNING & ZONING STAFF SUMMARY REPORT

MEETING DATE: April 5, 2022

CASE # Z 2022-03

REVIEWING BOARD	PLANNING & ZONING COMMISSION
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ACTION REQUESTED:	Special Use Permit for a Community Solar Project in Area I Zone A-R - Agricultural-Residential
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LAND OWNER AND AGENTS:	Blach Revocable Trust-Leonard & Joanne Blach BAP Power Corp. DBA Cenergy Power
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LOCATION:	1907 White Mill Road A parcel of land in S2SE4 of Section 12 T11S R24E.
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ITEM SUMMARY	Mr. and Mrs. Blach and Cenergy Power are proposing a 4.95-megawatt Community Solar Facility on the 21.12-acre parcel.
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SUPPORTING DOCUMENTS	Staff Review, Application, Development & Site Plan, Vicinity Map
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SUMMARY BY: Louis Jaramillo–Planning & Zoning Director

STAFF'S REPORT

CASE # Z 2022-03

Mr. and Mrs. Blach along with Cenergy Power are requesting a Special Use Permit for a community solar facility at 1907 White Mill Road. The property is accessible only from White Mill Road, which is a County maintained roads approximately twenty-one (21") feet wide. The area is currently vacant farm land. It is bound to the north by agricultural fields and to the east by vacant farm land, all zoned A-Agriculture, to the west and south by farm/residential homes zoned A-R Agriculture-Residential.

South Spring River is located south of the proposed site and not on proposed site area, with the exception of the southeast corner where it seems to abut the facility. This stream runs from west to east and starts around South Main Street, then runs through South Spring Acres Subdivision, across State Road 2, and ends in the Hagerman Canal that runs parallel to the Pecos River. A majority of South Spring River is unstudied according to the 2009 FIRM maps including the portion of the stream that abuts the proposed area. Without a study, FEMA has designated this area Zone "X" or in common terms, an area of 1% annual chance of flooding with an average depth of less than 1 foot, no development restrictions. Staff believes this is an error by FEMA and that the main channel and approximately 100 feet on either side may be Hazardous Floodplain and should have minimum development. This determination is based on current aerial photos and recent flooding in the area. Staff would recommend the community solar facility not be permitted within 100 feet of the banks of South Spring River for preservation of the waterway.

Cenergy Power has provided a development plan for the proposed community solar facility. The facility would be ground based and stand approximately four to six feet in height from the natural ground. The proposed facility would connect to the existing overhead transmission line which runs east to west through the proposed site. An electric transformer station is located just west of the proposed facility on White Mill Road. The solar facility would be completely fenced in by a six-foot chain link fence with three barbed wire strands at the top. (See Project Description for details.)

Renewable energy facilities are not addressed in our County Zoning Ordinance nor in the County Comprehensive Master Plan. Therefore, per Section 1.A.1. of Article XVIII of the Chaves County Zoning Ordinance #7, the Board may grant a SUP in districts from which the uses are otherwise prohibited by this Zoning Code and shall impose appropriate conditions and safeguards to protect the general plan to conserve and protect the property values in the neighborhood. SUP should not create a nuisance, such as, noise, dust, glare, vibration, and interference with WIFI and cellular data. SUP should not interfere in the daily life nor create a hardship on the neighbors for which the SUP would be located.

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

1. Failure to complete the construction of the Community Solar facility within ten years shall result in the Special Use Permit being terminated.
2. Cenergy Power shall apply for any necessary building and electrical permits for construction of the community solar facility within one year of being awarded the project by the utility service company, at this location.
3. Cenergy Power shall utilize the existing electric transmission lines in the area.
4. Cenergy Power 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 property lines a minimum of fifty (50) feet. Also, staff would recommend a setback of 100 feet of all structures, including any fencing, from the banks of the South Spring River channel for preservation of the waterway.

Findings of Fact:

1. 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.
2. The Chaves County Zoning Ordinance #7 nor Chaves County 2016 Comprehensive Master Plan address renewable energy facilities, therefore a Special Use Permit, approved by the Zoning Authority is necessary.
3. A Special Use Permit is granted to the land owner for this parcel of land and is non-transferable by ownership and location.
4. Owner's within 100 feet of the proposed Special Use Permit have been notified by certified mail, per Chaves County Zoning Ordinance No. 7, Article XVIII Section 2-B.1. No protest has been received at the time of this report.
5. This case has been advertised in the local newspaper and on the Chaves County website, 3 days prior to this meeting, as required by Chaves County Zoning Ordinance and State Statute.



CHAVES COUNTY APPLICATION
CHAVES COUNTY ZONING ORDINANCE

Case Number: 22022-03 Date Received: 03/02/22 Fee: \$300

Type of Request: Rezoning Special Use Variance Change of Use

Name of Property Owner: Leonard and Joanne Blach Phone Number: _____

Mailing Address: 1907 White Mill Rd., Roswell NM 88203

Name of Applicant: BAP Power Corporation DBA Cenergy Power

Mailing Address: 3176 Lionshead Ave. Home Phone Number: _____
Carlsbad CA 82010 Business Phone Number: _____

Applicant Status: Owner Agent Tenant Other _____

Case Address, Legal Description, and Parcel Number: _____ Parcel R010987

1907 White Mill Rd., Roswell NM 88203 APN 4139063357470000000

Present Land Use: Agricultural

Intended Use: Solar Generating Facility

Present Zoning: Agricultural Land Requested Zoning: Agricultural Land with Variance

Applicant's Reason for Requested Change: (Use back if more space is needed) _____
Please See Application 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.

William Heck authorized signatory BAP Power Corp March 2, 2022
Owner's Signature Date

Application for Chaves Planning Commission

Approval for Special Use Permit

BAP Power Corporation - Blach Solar Project

Off White Mill Rd

Roswell, NM 88203



Submitted to:

Chaves County Director of Planning and Zoning
County of Chaves
#1 St. Mary's Place, Suite #170
Roswell, NM 88203

Submitted by:

BAP Power Corporation (CA Lic. #922883)
3176 Lionshead Avenue
Carlsbad, CA 92010

March 2, 2022

I. Project Description

Bap Power Corporation DBA Cenergy Power ("Cenergy" or the "Applicant") is developing a solar photovoltaic power generation ("PV") project (the "Project") on land owned by Leonard Blach and Joanne Blach that is west of the Relief Rt in Roswell, New Mexico. The Landowner's address is 1907 White Mill Rd, Roswell, NM 88203, USA. The one parcel is placed under a trust called Blach Revocable Trust. The parcel account number is R010987. The parcel coordinates are 33°22'0.12"N & 104°27'29.18"W. The UPC number is 4139063357470000000. The legal description is S: 12 T: 11S R: 24E S2SE4 E 1452.12' W 1522.12' S 1066.85' N 1275.56' / E 924.70' W 1516.48' N 208.71' BK 786 PG 533 WD. The parcel is zoned as agricultural land.

The Applicant has executed a lease option agreement whereby Cenergy has the exclusive right to develop a solar photovoltaic project on the subject property land for an 18-month period beginning March 22, 2021. A copy of the lease option is attached as Attachment 3 in this submission. Upon approval, the Applicant will construct the Project, and own and operate the facility during a 26-year lease period, which may be extended for up to an additional 10 year period (in total a 36-year lease).

The proposed Project is an approximately 7.524 Megawatt ("MW") direct current ("DC"), 4.950-MW alternative current ("AC") photovoltaic ground-mounted photovoltaic solar farm. The approximate footprint of the project area is 21.12 acres. The solar array is composed of solar photovoltaic modules attached to a metal racking system, which is anchored to the ground by a series of driven posts. The panels will have a 25 degrees fixed tilt facing due south. The height of the solar panels is at all times less than 10 feet above grade. 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 approximately 4.99 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 will be accessed from White Mill Road.

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.

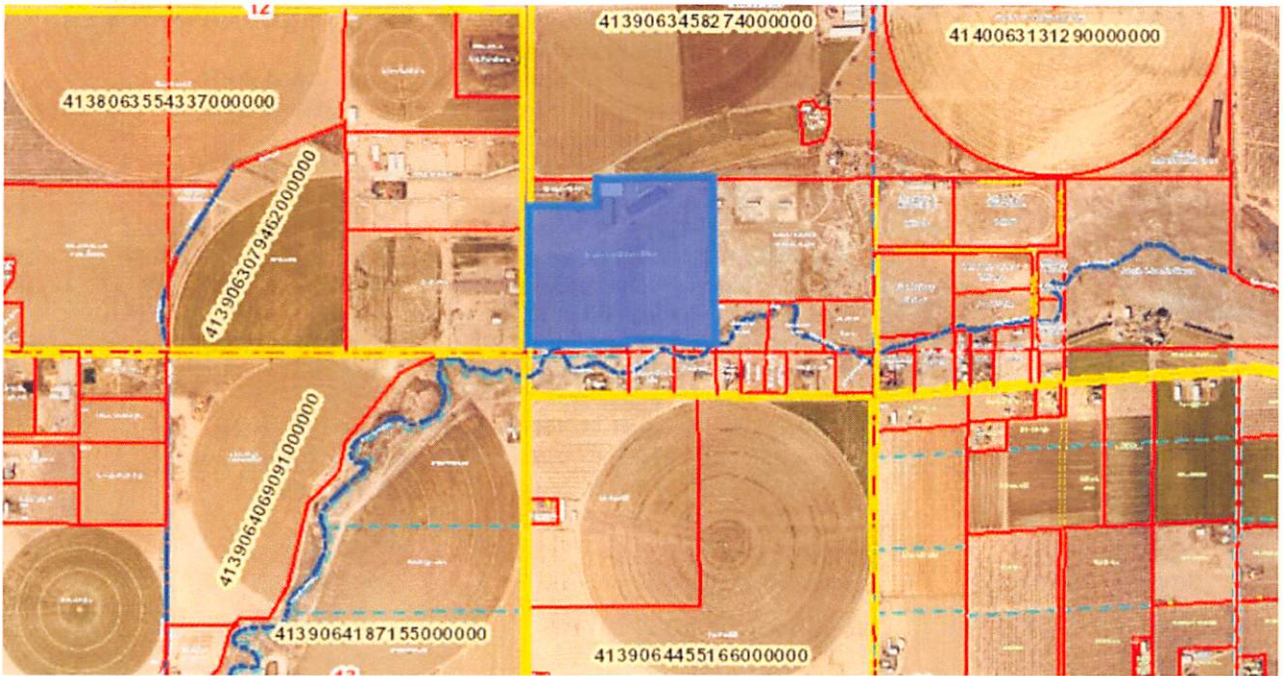
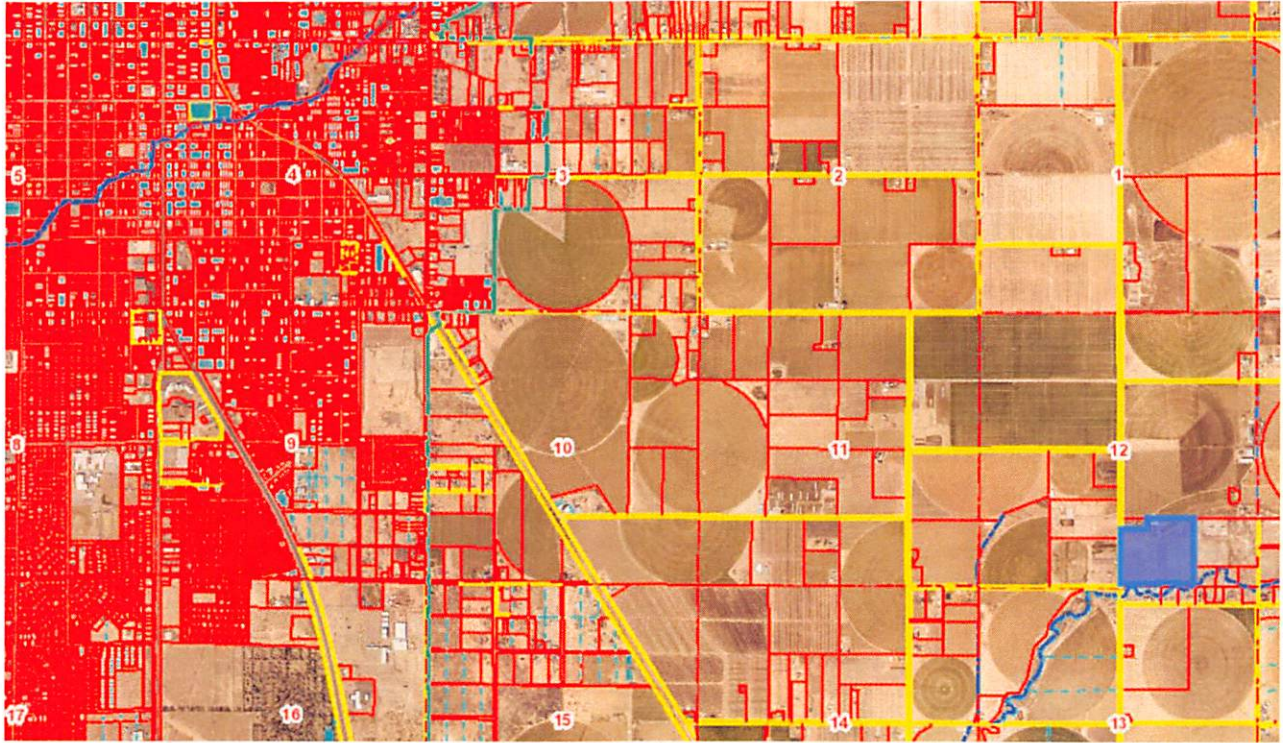
The Project has applied for utility interconnection with Xcel Energy Inc ("Xcel"). Once received by the Applicant, a redacted interconnection agreement with Xcel can be provided to the County upon request. The Project will interconnect to the onsite existing utility pole located at the GPS coordinates of 33.366686° -104.460914° . In addition, the Applicant will enter into a long-term power purchase agreement with Xcel or other qualified party to help them fulfill their renewable portfolio standard (RPS) set by the New Mexico legislature, as amended in 2019.

At the end of the lease term, as may be extended, the project will be decommissioned and the land returned to its pre-construction state. Attachment 8 provided details and cost of the decommissioning process.

There will be little traffic generated by the Project. 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. There will be periodic delivery of solar facility equipment which can be scheduled to minimize impacts on local traffic. Once constructed, there will be minimal traffic with only periodic inspections and responses to maintenance as necessary.

Continued on next page

Attachment 2: Site Location (Parcels shaded in blue)



Attachment 3: Landowner Lease Option

LEASE OPTION AGREEMENT

THIS LEASE OPTION AGREEMENT ("Agreement") is made and entered into as of March 22, 2021 ("Effective Date"), by and between BLACH REVOCABLE TRUST ("Lessor"), and BAP POWER CORPORATION DBA CENERGY POWER ("Lessee," and together with Lessor, the "Parties").

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

Property Address:	That certain property (" <u>Property</u> ") located near GPS coordinates 33.366668, -104.460569, off of White Mill Road in Chaves County, NM.
Solar Site:	Up to 30 acres of the Property shall be designated for the solar site (the " <u>Solar Site</u> ") and be subject to Lessee's lease option rights hereunder to exclusively develop and build: a solar project sized up to 5MW AC taking up to 30 acres (either project, the " <u>Solar Project</u> "). Lessee's preliminary site plan detailing the location of the Solar Site is acceptable to Lessor.
Lease Option Period:	<ol style="list-style-type: none"> 1. Lessee is hereby granted an option to lease the Solar Site for a period of 18 months ("<u>Lease Option Period</u>"), commencing on the Effective Date. Lessee shall issue a non-refundable payment to Lessor of [REDACTED] as consideration for the Lease Option Period once interconnection capacity is confirmed to be available. 2. Lessee's right to use land during the Lease Option Period shall be limited to site engineering work and surveys to establish the site's feasibility for the Solar Project.
Lease:	<ol style="list-style-type: none"> 1. To the extent Lessee deems the Solar Site to be feasible for the Solar Project during the Lease Option Period, Lessee may, at its option, lease the Solar Site from Lessor for a period of 26 years in furtherance of the Solar Project. Lease documentation between Lessee and Lessor shall be negotiated in good faith and have a fixed lease rate of [REDACTED] per acre per year (subject to any non-standard material costs related to interconnection or site conditions). Such lease may be extendable at Lessee's election for 10 years at substantially the same lease terms and conditions as the initial lease. 2. The Parties shall agree to other standard terms and conditions applicable to site leases for solar projects of similar size and scope.
Lessee:	<p>BAP POWER CORPORATION DBA CENERGY POWER</p> <p>By: <u>William Pham</u> Name/ Title: William Pham, CEO</p>
Lessor:	<p>BLACH REVOCABLE TRUST</p> <p>By: <u>Leonard P. Blach</u> Name/ Title: Leonard Blach, authorized signatory</p>

Attachment 4: Warranty Deed

-CHAVES COUNTY, NM — 06/08/2017 01:53:14 PM — BK 00786 — PG 00533 — — —

STATE OF NEW MEXICO, COUNTY OF CHAVES
FILE FOR RECORD JUN 8, 2017 AT 01:53 O CLOCK PM
Receipt Number: 401672 Fee: \$10.00
Book 00786 Page 00533Pages 1
To Whom Returned: LEONARD BLACH
1907 WHITE MILL RD
ROSWELL, NM 88203



Dave Kunka, County Clerk
By Samuel Deputy

WARRANTY DEED

RANCHO DE LUXE, a New Mexico general partnership, for consideration paid,

grants to: LEONARD BLACH and JOANNE BLACH, Trustees of THE LEONARD BLACH AND JOANNE BLACH REVOCABLE TRUST DATED NOVEMBER 24, 2015,

Whose address is: 1907 White Mill Road
Roswell, NM 88203

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

TRACT II

A tract of land being a part of the S/2SE/4 of Section 12, Township 11 South, Range 24 East, NMPM, Chaves County, New Mexico, and being more particularly described as follows:
COMMENCING at the Northwest corner of the SW/4SE/4 of Section 12, T11S, R24E;
THENCE N89°53'38"E, 70.0 feet to a point on the East right-of-way line of White Mill Road;
THENCE S00°02'00"E, 208.71 feet to the point of beginning of Tract II; THENCE S00°02'00"E along the East right-of-way line of White Mill Road, 1066.85 feet to the Northwest corner of Edgar Newby Property; THENCE N89°57'01"E along the North line of said Newby Property, 1452.12 feet to a point on the West line of Bob Estes Property; THENCE N00°17'11"W along the said West line 1277.00 feet to a point on the North line of said S/2SE/4; THENCE S89°53'38"W along said North line 924.70 feet; THENCE S00°02'00"E, 208.71 feet;
THENCE S89°53'38"W, 521.78 feet to the Point of Beginning.
Containing 39.9634 acres, more or less.

SUBJECT to all reservations contained in the Patent and all covenants, easements and restrictions of record and taxes of current year and there after.

With Warranty Covenants

WITNESS our hands and seals this 8 day of ^{June}~~May~~, 2017.

Leonard P. Blach
Leonard P. Blach, General Partner

Kevin J. Blach D/W
Kevin J. Blach, General Partner

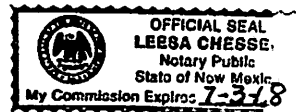
ACKNOWLEDGEMENT FOR CORPORATION

STATE OF NEW MEXICO)
COUNTY OF CHAVES)

This instrument was acknowledged before me this 8 day of ^{June}~~May~~, 2017 by Leonard P. Blach and Kevin J. Blach, General Partners of Rancho De Luxe, a New Mexico general partnership.

My Commission Expires:
July 3, 2018

Lesia Chesser
Notary Public



Attachment 5: Landowner Property Tax Filing Status



CHAVES COUNTY TREASURER

Account R010987	Parcel Number 413906335747000000	Receipt Date Jan 6, 2022	Receipt Number 2022-01-06-KMG-267538
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BLACH REVOCABLE TRUST, LEONARD & JOANNE
 1907 WHITE MILL RD
 ROSWELL, NM 88203
 USA

Situs Address
 2004 WHITE MILL RD

Payor
 BLACH REVOCABLE TRUST, LEONARD & JOANNE
 1907 WHITE MILL RD
 ROSWELL, NM 88203
 USA

Legal Description

S: 12 T: 11S R: 24E S2SE4 E 1452.12' W 1522.12' S 1066.85' N 1275.56' / E 924.70' W 1516.48' N 208.71' BK 786 PG 533 WD

Property Code	Actual	Assessed	Year	Area	Mill Levy
NON-RESIDENTIAL LAND - 0200	315	105	2021	11N_8_10	23.355
NON-RESIDENTIAL IMPROVEMENT - 0220	118,442	39,481	2021	11N_8_10	23.355
AGRICULTURAL LAND - 0400	15,825	5,275	2021	11N_8_10	23.355

Payments Received

Check Multi-Account Payment
 Check # 1991

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2021	Special Assessment	\$178.32	\$0.00	\$89.16	\$89.16
2021	Tax	\$1,047.72	\$0.00	\$523.86	\$523.86
				\$613.02	\$613.02
Balance Due as of Jan 6, 2022					\$613.02

Please make checks payable to:

CHAVES COUNTY TREASURER
 P.O. Box 1772
 Roswell, NM 88202

If you have any questions please call (575) 624-6618

Attachment 8: Decommissioning

Introduction

BAP Power Corp DBA Cenergy Power has prepared this Decommissioning Plan (Plan) for the Blach Solar Photovoltaic Facility ("Facility") to be constructed on undeveloped land owned by the Thomas family in Chaves County, New Mexico, located 4908 N Michigan Ave, Roswell, New Mexico 88201. This Plan was prepared to ensure the subject land will be returned to its pre-construction state and assumes that the Facility will be constructed in accordance with permits and conditions issued by Chaves County, New Mexico.

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Following coordination with Xcel Energy, Inc. regarding timing and required procedures for disconnecting the Facility from the private utility, all electrical connections to the system will be disconnected and all connections will be tested locally to confirm that no electric current is running through them before proceeding. All electrical connections to the panels will be cut at the panel and then removed from their framework by cutting or dismantling the connections to the supports. Each panel will be individually lifted from its support (likely using a small crane and synthetic rigging straps), wrapped in sheet plastic and taped before being removed. They will then be stacked and cushioned on pallets, plastic wrapped, and transferred to a flat-bed truck for transfer to the purchaser or recycler. The exterior glass of the solar panels is commercial-grade and tempered, designed to significantly reduce a complete fracture. However, in the event of a total fracture, the interior materials are silicon-based and are not considered to be hazardous materials. Disposal of these materials at a landfill will be permissible. As for other electrical equipment, such as battery storage containers and inverters, after being disconnected and disassembled, such equipment will be removed from the site and reconditioned and reused, recycled, or disposed of appropriately in parallel with the applicable regulations and industry standards.

The PV mounting system framework will be dismantled and recycled. The metal piles will be removed from their approximate depth of eight feet and recycled for salvage value. Finally, all associated structures will be demolished and removed from the site for recycling or disposal as required by Chaves County. This will include the site fence and gates, which will likely be reclaimed or recycled. Grade slabs will be broken and removed to a depth of one foot below grade, and clean concrete will be crushed and disposed of off-site or recycled (reused either on- or off-site).

Sanitary facilities will be provided on-site for the workers conducting the decommissioning of the Facility.

Aboveground utility poles owned by the Facility will be completely removed and disposed of off-site in accordance with utility best practices. Overhead wires will be removed from the area of the solar modules and terminated at the utility-owned utility poles located near the Facility. The installed access roads will be removed with the landowner's permission. Xcel Energy, Inc. will be responsible

for dismantling those overhead wires and poles under its ownership. Coordination with Xcel Energy, Inc. personnel will be conducted to facilitate Xcel Energy, Inc.'s removal of their aboveground poles and overhead wires located on the site.

A final site walkthrough will be conducted to remove debris and/or trash generated within the site during the decommissioning process and will include removal and proper disposal of any debris that may have been wind-blown to areas outside the immediate footprint of the facility being removed.

Site Stabilization

The areas of the Facility that are disturbed (during decommissioning) will be stabilized with the ground treatment from best management practices, including application of a drought-tolerant grass seed mix to surfaces disturbed during the decommissioning process. The gravel access road from the landowner's driveway, including the portion within the perimeter fence surrounding the photovoltaic modules, will remain intact and shall not be removed.

Permitting Requirements

Given the size and location of the Facility, several approvals are required prior to initiation of ground-disturbing activity. Table 1 provides a summary of the expected approvals if the decommissioning were to take place in July, 2021. Noting, however, that because the decommissioning is expected to occur at a later date, the permitting requirements listed in the table below will be reviewed and updated based on current local, state, and federal regulations at the time.

Schedule and Cost

The decommissioning process is estimated to take approximately six to eight (6-8) weeks (but no longer than six (6) months) and is intended to occur outside of the winter season.

Table 1. Current Permitting Requirements for Decommissioning

Permit	Agency	Threshold/Trigger
National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Construction Activity	U.S. Environmental Protection Agency	Ground disturbance of greater than 1 acre with discharge to wetlands or water bodies. Requires preparation of a Stormwater Pollution Prevention Plan, including erosion and sedimentation controls.
Non-Ministerial Permit if applicable	Chaves County Planning Commission	Anticipated decommissioning requirements listed in the [Non-ministerial permit if applicable] conditions of approval.
Building Permit	Chaves County Building Departments	A building permit is required to construct the facility. A building permit must also be obtained for any construction, alteration, repair, demolition, or change to the use or occupancy of a building.

Permitting Requirement Assumptions:

1. The access road will remain in place throughout the Facility.
2. All ground disturbance, including temporary laydown areas will obtain the appropriate approval from Chaves County and the State of New Mexico, if required.

Surety Proposal/ Decommissioning Cost Estimate

Consistent with the approach it has taken in surrounding communities, the Facility, or the parent company of the Facility, proposes to provide a decommissioning surety bond, to be posted prior to the beginning of operations (COD) and the final Chaves County Certificate of Compliance, in the amount of **\$83,140**, for decommissioning in the unlikely event that the Facility is unable to meet its contractual obligations for solar plus storage project removal and restoration.

In developing the decommissioning surety bond, the Facility collected decommissioning cost data and salvage value data based on the assumption of recycling the solar modules, racking and associated project components as raw materials. In addition to the decommissioning cost, a 5% contingency and allowance for associated legal costs was included.

On the next page is a summary of the analysis:

Amendment:

Mar 21, 2022

Mr. Louis Jaramillo
Planning and Zoning Director
County of San Miguel
#1 St. Mary's Place, Suite #170
Roswell, NM 88203

Subject: Supplement to the Special Use Permit Application #Z2022-03: the Blach Solar Project

Dear Mr. Louis Jaramillo,

Please see the attached supplement to the Supplemental Use Permit application for the Blach Solar Project previously submitted.

The supplement is a noise survey that may be useful to the Commission in making their determination. The noise that is produced is from the fans installed in the project inverters and as such there are only two focal points for the production of noise. As shown in the study, the noise level, when measured at the nearest residence and at maximum power production, is equivalent to that observed in a quiet library. For every doubling of the distance from the inverter location the noise level observed will drop 6 decibels.

In addition, should the Commission approve this request for a Supplemental Use Permit, Cenergy Power requests that the Commission consider allowing a one-time assignment of that permit from the current land owner to a limited liability company or corporation. This request is made to comply with financing requirements.

Should you have any questions about this application, please contact William Heck at +1 (702) 227-9345. Thank you.

Best regards,

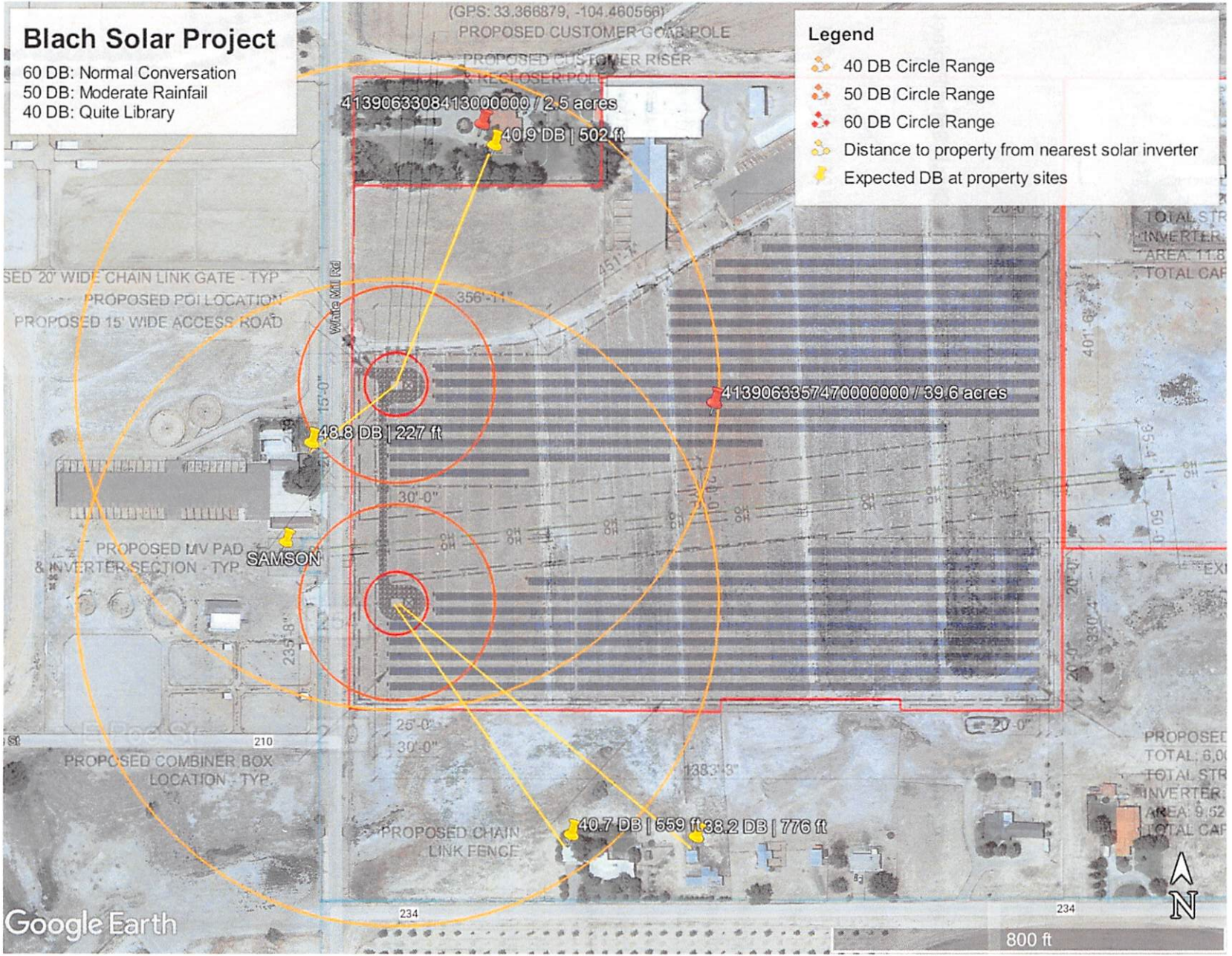
William Heck
Director of Technical Development
Cenergy Power

Blach Solar Project

- 60 DB: Normal Conversation
- 50 DB: Moderate Rainfall
- 40 DB: Quite Library

Legend

- 40 DB Circle Range
- 50 DB Circle Range
- 60 DB Circle Range
- Distance to property from nearest solar inverter
- Expected DB at property sites



Amendment Continued: