

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

PUBLIC HEARING

APRIL 19, 2022 @ 5:30PM

A G E N D A

I. CALL TO ORDER

II. ROLL CALL

III. CONSIDERATION OF MINUTES: March 15, 2022

IV. NEW BUSINESS


1. *Case ETZ 2022-04*: Change of Use in the I-1 Industrial District from Cannabis Production to Cannabis Retail; Location-5104 S. Main Street; Legal-Lots 1 & 2 and Lots 12-14 (including vacated alley) in Block B of Claude Allison Acres Subdivision; Land Owner-Nature's Dairy Holdings; Cannabis Retailer-Pecos Valley Pharmaceuticals; Agent-Clinton Greathouse
2. Consideration to allow Community Solar Facilities as a permitted use in the C-1 Commercial District as per Section 13.2.28 of Article 13 of the Roswell-Chaves County Extraterritorial Zoning Ordinance 80-1, Revision 20.

V. OTHER BUSINESS

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

VI. ADJOURNMENT

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

Joe Skeen Building	Chaves County ETZ Commission	
Meeting Date: March 15, 2022	<i>Meeting Minutes</i>	Created By: Julia A. Torres

Members Present:

Neil Roe
 Matthew Bristol
 Mona Kirk
 Rita Kane-Doerhoefer
 Larry Connolly
 Royce “Pancho” Maples

Members Absent:

Michael Lackey

Guests:

Ben Thomas
 William Heck

Staff Present:

Louis Jaramillo
 Julia A. Torres

A regular meeting of the Roswell-Chaves County Extraterritorial Zoning Commission (ETZ Commission) was held at the Chaves County Administrative Center in the Commission Chambers on March 15, 2022, at 5:30PM.

Minutes

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

NEW BUSINESS

1. Case ETZ 2022-03

Request for a Special Use Permit for a Community Solar Array Facility in the Rural Suburban District; located in part of Berrendo Irrigated Farms Block 8 Lot 2 south of Roswell Relief Route; owner- Ben and Valarie Thomas; applicant- BAP Power Corporation dba Cenergy Power

Louis Jaramillo gave a brief description of the case. Staff was in support of the Special Use Permit including the Conditions of Approval and Findings of Fact. Mr. Jaramillo had a change to Condition #1 to read as follows: *“Failure to complete the construction of the Community Solar Facility within ten years, shall result in the Special Use Permit being terminated.”*

Commissioner Connolly asked about the Decommission Cost of \$33,000 listed in the application provided by BAP Power Corporation. Mr. Jaramillo directed that question to the applicant.

Mr. Jaramillo commented that the handout provided to the Commissioners were the new proposed Community Solar regulations proposed by the PRC. These are expected to be signed on April 1, 2022.

Ben Thomas at 4908 N. Michigan Ave., Roswell gave a brief explanation and reason for his application. Mr. Thomas stated he disputed with SPS about the transmission lines that run through his property

because it ruined his residential subdivision plans and so he decided to utilize the lines with a solar project.

William Heck, Director of Technical Development, Cenergy Power spoke about his company and their history, and the application as well. He explained that decommissioning cost of \$33,000 was provided by accountants.

Commissioner Doerhoefer asked why Cenergy Power had chosen Roswell for the project, where the entrance would be, where would the technicians be coming from, if Cenergy Power had any partners, if they had any permits already , who would purchase the energy and if they would need any water.

Mr. Heck responded that Roswell was chosen because of its topography and mostly sunny weather, the facility would have very limited access after construction and that it would be off Huskey Rd., the technician would probably be coming from Carlsbad, CA, Cenergy Power did not have any partners, they did not have any permits as of today, local residents including low income households would be able to purchase energy thru Xcel and that no water was needed during construction only during an annual washing of the solar panels.

Commissioner Kirk wanted to know how Cenergy Power would maintain the landscape. Mr. Heck responded that they would stabilize the soil with native vegetation and would mow as needed.

Commissioner Kirk asked how long after decommissioning would restoration of the land occur. Mr. Heck stated that it would happen concurrently and would take about two (2) months.

Mr. Heck asked if Cenergy Power could have the Special Use Permit be assigned to a subsidiary.

Mr. Bristol explained that since the Special Use Permit was unique to Mr. and Mrs. Thomas, Cenergy Power was asking for a one-time assignment of the land to an LLC.

Mr. Jaramillo suggested adding a 7th Condition of Approval stating that the landowners, Mr. and Mrs. Thomas shall have one year to transfer ownership of the subject property to a corporation or LLC for which they would be the primary partners, trustees, or directors.

Chair Maples asked about the perimeter fencing. Mr. Heck responded that it would be a 6-foot chain link fence with 3 strands of barbed wire on top.

Commissioner Roe wanted to know the length of construction time and number of employees. Mr. Heck stated that it would take about 6 months of construction with about 30 employees for a project this size.

Commissioner Connolly asked if the \$33,000 decommissioning amount was at today's value. Mr. Heck responded affirmatively. Commissioner Connolly thought that this was a very low value.

Mr. Heck responded that they would be willing to revisit the bond amount with the landowner.

Nobody spoke in favor nor against the application.

Commissioner Bristol made a motion to accept Case ETZ 2022-03 with the revisions to the Conditions of Approval mentioned by Mr. Jaramillo earlier including adding the 7th Condition and Findings of Fact. Commissioner Roe seconded the motion.

Commissioner Kirk wanted to add that Cenergy Power would have two (2) months to decommission and restore the property to Condition of Approval #4.

Commissioner Bristol and Chair Maples stated that this would have to be established in the contract between the landowner and Cenergy Power and was not within the purview of Chaves County.

After the brief discussion, motion carried with a 6-0 vote.

OTHER BUSINESS

None

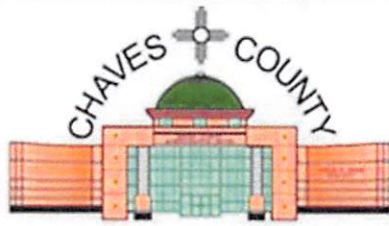
Since there was no other business to come before the Commission, the meeting was adjourned at 6:08PM.

Approved this 19th day of April, 2022.

Chairman

Attest

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



PLANNING & ZONING STAFF SUMMARY REPORT

MEETING DATE: April 19, 2022

CASE # ETZ 2022-04

ACTING BOARD	ROSWELL-CHAVES COUNTY EXTRATERRITORIAL PLANNING AND ZONING COMMISSION
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ACTION REQUESTED:	Change of use from Cannabis Establishment-Production to Cannabis Establishment- Retail in the I-1 Industrial District
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LAND OWNER & AGENT:	Nature's Dairy Inc.-Clinton Greathouse Pecos Valley Pharmaceuticals (PVP)
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LOCATION & LEGAL:	4501 South Main Street Lots 1 & 2 and Lots 12-14 (including vacated alley) in Block B of Claude Allison Acres Subdivision.
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ITEM SUMMARY	PVP is proposing to utilize the existing buildings located at 4501 S. Main St. for a Cannabis Establishment-Retail. The property is currently zoned I-1 Industrial with a use for Cannabis-Production (ETZ Case 2017-27)
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SUPPORTING DOCUMENTS	Staff Report, Application, Letter from the Owner, Certificate of Zoning ETZ 2017-27, Operational Plan, Site Plan, Site Photos, Vicinity Map.
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SUMMARY BY: Louis Jaramillo –Planning & Zoning Director

STAFF'S REPORT

CASE # ETZ 2022-04

Nature's Dairy Inc. and their agent Pecos Valley Pharmaceuticals are requesting a change of use from Cannabis Production to Cannabis Retail sale for the property located at 4501 S. Main Street, zoned I-1 Industrial District. This property was a milk bottling and sales facility for over twenty years. In May 2015 the ETZ Commission approved the facility for medical cannabis manufacturing. This was later overturned by the ETZ Authority. Then, in January 2018, it received approval for a change of use to medical cannabis production with five conditions. 1. Compliance with NM Environment Department and other State regulations. 2. The City of Roswell would enforce the landscape requirements. 3. Outdoor lighting will comply with the Night Sky Act. 4. Screen fencing around the property and 5. No retail sale.

Since then, State of New Mexico has legalized recreational cannabis production, manufacturing, retail sale and use. The State established a Cannabis Control Division to oversee the licensing and regulation of Cannabis Establishments. Local government agencies were permitted to establish rules concerning time, place and manner. In August 2021, the Zoning Authority established location and distance requirements from specific uses, business operational times, and permitting requirements, such as a special use permit for cannabis establishments, as part of Article 29. This case however is a change is use because the ETZ Commission in 2015 and again in 2018 established that cannabis was permissible in the I-1 Industrial District and a change of use still requires a public hearing with notification of surrounding owners with consideration of all of the other requirements listed in Article 29.

This property is approximately 8 acres in size. The facility consists of a loading dock area, production / bottling area, a refrigeration / storage building, and a retail sales area. PVP is proposing to upgrade and utilize the retail sales area and the existing parking areas on the site. Berrendo Water Co-Op services this property, however, an alternate water source may be necessary due to recent federal funding for Berrendo Water Co-Op operations.

PVP has provided a Cannabis Establishment application and development/ site plan for the existing site.

The site is more than 1,000 feet from the nearest school. Mountain View Middle School. No day care facilities were located within the surrounding area.

The site is more than 1,000 feet from the nearest religious institution. Mountain View Baptist Church. No community center, government facility, adult care, medical facility or public park were found in the surrounding area.

The site is more than 1,000 feet from the nearest liquor store or cannabis retail sale shop. Allsup's South. There is no other cannabis retail sale shop in the surrounding area.

The site is located on South Main Street and is zoned I-1 Industrial District with a current Cannabis production permitted use.

Staff recommends approval with the following conditions:

1. Compliance with NM Environment Department, Cannabis Control Division regulations, NM Existing Building Code, and any other State regulations that may apply to this facility.
2. Upgrade the existing landscaping to comply with Article 18, Arterial Overlay District.
3. Outdoor lighting shall comply with the NM Night Sky Act.
4. Minimum- six-foot screen fence along the property lines of the site.
5. No cannabis consumption on the property.
6. The hours of operation shall compliance with Article 29 of the Roswell-Chaves County Extraterritorial Zoning Ordinance No.80-1, Revision 20.
7. On premise signage shall remain on the property and not overhang into Main Street right-of-away. Digital signs and message boards shall not flash or blink. Messages and/or advertisements shall remain static for a minimum of 5 seconds.

Findings of Fact:

1. The proposed cannabis retail shop is located on property zoned I-1 Industrial District with a permitted use for productions. Production is the cultivation, testing, packaging, wholesale, and transporting of cannabis. Retailer is the sale directly to consumers.
2. The proposed cannabis retail shop does comply with Article 29 requirements and regulations including location, distances to specific uses, and permitting.
3. The 2016 County Comprehensive Master Plan recommends commercial and industrial development along the South Main Street corridor.
4. The State of New Mexico legalized cannabis in 2021 per the NM Cannabis Act. Per 16.8.1.9 NMAC, the activities described in this case may be considered a violation of federal law. City of Roswell and Chaves County are not responsible or liable for the actions of licensed cannabis establishments under this rule.
5. Owner's within 100 feet of the proposed Special Use Permit have been notified by certified mail, per Section 2.5 of the Roswell-Chaves County Extraterritorial Zoning Ordinance No. 80-1. No protest letters have been received at the time of this writing.
6. The 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: Z 2022-4 Date Received: 4-14-22 Fee: \$300

Name of Property Owner: NATURE'S DAIRY, INC Phone Number: 575-420-2450
 Mailing Address: 4000 E. HOBSON RD, ROSWELL NM 88203
 Name of Applicant: Clinton Greathouse
 Mailing Address: 4000 E. HOBSON RD Home Phone Number: 830-431-3136
 City, State, Zip: ROSWELL, NM 88203 Business Phone Number: Same
 Applicant Status: Owner Agent Tenant Other

Site Address: 5104 S. MAIN, ROSWELL, NM ETZ Chaves County
 Property Legal Description: Lot 1 and 2 & Lots 12 thru 14 Block B
Claude Allison Acres UPN: 4-135-066-522-034
 Present Land Use: CANNABIS PRODUCTION
 Intended Land Use: CANNABIS RETAIL
 Present Zoning: Industrial Size of Development in Acres: 8 ±
 Reason for Request (Attach sheets if more space is needed):
ADD RETAIL DISPENSARY USE
 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] Date: 3-14-22

Nature's Dairy, Inc./Nature's Holdings, Inc.
4000 E Hobson Road
Roswell, NM 88203

March 3, 2022

RE: Adult Use Cannabis at 5104 S. Main Street, Roswell

To Whom it May Concern:

As the landlord of the former Nature's Dairy milk plant at 5104 S. Main, Roswell, NM 88203, we hereby provide our support for our Tenant, Pecos Valley Production, Inc., to sell adult use cannabis from this facility.

PVP is a professional organization and has been a good tenant on our dairy farm campus (located several miles East of the milk plant) for the past 6 years. We have not been informed of any issues with any of our farm neighbors during this time.

We furthermore believe that while the consumption of cannabis is not for all adults, the fact that adult-use consumption has been approved at the State level on a bi-partisan basis, a responsibly-operated dispensary operated within the County Limits will be a service to the community and will provide a good source of tax revenue for the community.

Feel free to contact me at 575-420-2450 if you have any questions.



Gerry Greathouse,
Owner

CERTIFICATE OF ZONING

DATE: January 16, 2018

CASE NO: ETZ 2017-27

THIS CERTIFICATE IS ISSUED TO: Nature's Dairy / Gerry Greathouse

PROPERTY ADDRESS: 5104 S. Main St., Roswell, NM 88203

PROPERTY DESCRIPTION: Claude Allison Acres Block B Lots 1 and 2, and Lot 12 thru Lot 14, and vacated alley between lots 12 and 13, parcel #4-135-066-522-034-000-000

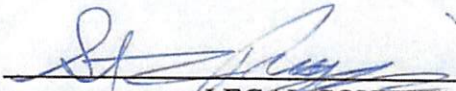
SPECIFIC USE: Change of Use in I-1 Industrial District

ADDITIONAL RESTRICTIONS AND CONDITIONS: 1.) That all New Mexico Environment Department and other State regulations be complied with continually; 2. That the City of Roswell enforce the requirements of the Arterial Overlay District to their satisfaction; 3.) That any lighting used be shielded from traffic and surrounding existing and future residential uses and be night sky sensitive; 4.) That a screening fence or wall be installed to screen all areas that will be utilized for outside storage; and 5) That no retail sales be allowed on the subject property.

APPROVED BY:



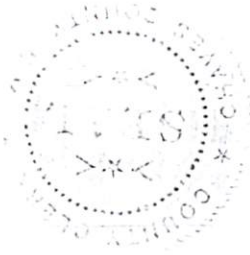
ETZ COMMISSION CHAIRMAN



LEGAL COUNSEL




STATE OF NEW MEXICO, COUNTY OF CHAVES
 FILE FOR RECORD FEB 22, 2018 AT 02:11 O'CLOCK PM
 Receipt Number: 408651 Fee: \$0.00
 Book 00799 Page 01631 Pages 18
 To Whom Returned: CHAVES COUNTY COMMISSIONER
 ATTN JULIA TORRES



Dave Kunko, County Clerk

By *Damuel*

Deputy

Location: Joe Skeen Building	Chaves County ETZ Commission	
Minutes: January 16, 2018	Meeting Minutes	Created By: Julia A. Torres

Members Present:

Royce Pancho Maples
 Mathew Bristol, Vice-Chairman
 Neil Roe
 Larry Connolly
 Leroy Lang
 Harold Hobson

Guests:

Robert Crook
 Clay Loya
 Sandy Redden
 Clinton Greathouse
 Mathew Tanner
 Quintis Hinkley II
 Carol Glass
 Wesley Elliott
 Gene Lee
 Servando Villanueva
 Jimmy Bray
 Dick Smith, Chaves County Flood Commission
 Robert Hutchings
 Bill Morris, Planning Manager, City of Roswell

Susan Reilly
 Critt Hobbs
 Valarie Durham
 Steve Brinker

Members Absent:

Mona Kirk

Staff Present:

Marlin Johnson
 Mary Rogers
 Julia A. Torres

A regular meeting of the Roswell-Chaves County Extraterritorial Zoning Commission (ETZ Commission) was held at the Chaves County Administrative Center in the Commission Chambers on January 16, 2018 beginning at 5:30PM.

Minutes

The minutes of the December 19, 2017 ETZ Commission Meeting were approved unanimously as submitted.

were glad something was being proposed.

3. Case ETZ 2017-27

Request for a Change of Use to allow pharmaceuticals production on property described as Claude Allison Acres Block B Lots 1 and 2, and Lot 12 thru Lot 14, and vacated alley between lots 12 and 13

Marlin Johnson began the Staff Report by stating that the subject property is approximately 8 acres in size and zoned Industrial. Each individual and subsequent use requires approval by the Commission and is subject to such conditions and restrictions as the Commission may impose. The applicant desires to change the use from a vacant facility to a pharmaceutical production facility.

Property to the north is zoned Commercial. There is an Industrial zoned property to the northeast, one slightly to the south and another Commercial zoned property somewhat farther to the south. There is a permitted wireless telecommunication facility to the southeast. There is Rural Suburban zoning elsewhere. There is a mix of Commercial and Rural Suburban zoned parcels on the west side of South Main Street.

The property is served by Berrendo Water Users Association. There are City services in this corridor but they do not serve this property.

The Comprehensive Plan projects Commercial/Light Industrial development all along this stretch of South Main Street within the ETZ. The proposed development is in accordance with the guidance of the Comprehensive Plan.

There has been one inquiry from the public, but no objections at the time of this report. There were no concerns raised by County Departments.

The ETZ Ordinance only requires screening where the property abuts a residential district, but the Commission can require whatever is deemed appropriate for the particular situation. Although there is a street between this property and most of the residential zoning to the west and northwest, this could still require a solid screening fence of brick, masonry, wood or stone. The streets do provide more than the 15-foot buffer that is also required, except for one property to the south where the buffer must be included. The applicant has indicated that there will be a security fence around the bulk of the property.

The proposed uses are compatible with the Comprehensive Plan. The development should enhance the visual character of the neighborhood. Per other approved rezones within the Arterial Overlay District over the past couple years, the City of Roswell will be responsible for enforcing the requirements of that District.

Staff recommends approval of the request for a change of use in an Industrial District for a pharmaceutical manufacturing facility with the following stipulations:

- 1.) That all New Mexico Environment Department and other State regulations be complied with continually;
2. That the City of Roswell enforce the requirements of the Arterial Overlay District to their satisfaction;
- 3.) That any lighting used be shielded from traffic and surrounding existing and future residential uses and be night sky sensitive; and
- 4.) That a screening fence or wall be installed to screen all areas that will be utilized for outside storage;

Findings of Fact could include: the property is already zoned Industrial; the County Comprehensive Plan shows commercial and light industrial development along South Main Street; there are numerous other commercial and industrial rezones and uses along both sides of South Main Street; the condition of the neighborhood and South Main Street will be enhanced by any improvements; this represents economic development in an area where needed; the State of New Mexico has determined such facilities to be a compassionate care need per the Lynn and Erin Compassionate Use Act (New Mexico Statue 26.2B-1);

Acting Chair Bristol invited the applicant to the podium.

Clinton Greathouse came in to represent his father and stated his address at 4000 E. Hobson Rd. He also introduced **Mathew Tanner**, a potential client to use the facility for manufacturing purposes. They have been approached by numerous production facilities for housing in the south part of the state because all the manufacturing is in the north. Currently, Pecos Valley Pharmaceuticals sends all their product north to get it processed.

Acting Chair Bristol asked Mr. Greathouse if they would be leasing the facility. **Mr. Greathouse** responded that they would. **Acting Chair Bristol** then asked **Mr. Tanner** if he was a licensed producer/manufacturer yet.

Mr. Tanner responded that he is currently not licensed but is now going through the application process. One of the first steps in applying for a license is establishing a location.

Commissioner Connolly asked **Mr. Tanner** about his company and where it was located at. **Mr. Tanner** responded that his company's name was Gold Label Lab and that they are out of Carlsbad, NM.

Commissioner Roe asked **Mr. Tanner** to explain some of the products that would be manufactured at the facility. **Mr. Tanner** explained that some of the products were sublingual tinctures, capsules, vape cartridges, and other ingestible products.

Commissioner Roe also wanted to know how many jobs would be created by this endeavor. **Mr. Tanner** responded that it was hard to say based on how the program is expanding. They are initially planning on having from 5-10 employees and from there it could be up to hundreds or even thousands of jobs. Right now, **Mr. Tanner** employs one (1) person but is projecting increasing the manufacturing process once he obtains his license.

Acting Chair Bristol stated that he was reading the Statute and apparently that was a separate license than **Mr. Greathouse's**. **Mr. Greathouse** responded that indeed they are two separate licenses.

Commissioner Connolly asked **Mr. Tanner** if they were having any retail sales. **Mr. Tanner** responded that they were not and that it would be strictly manufacturing.

Commissioner Connolly then asked what the pay scale would be for some of the jobs. **Mr. Tanner** stated that they would range between \$10-\$14/ hr. and for more intricate jobs, the range could be between \$25 - \$45/hr. **Mr. Tanner** guessed that at the beginning there would be about 2-3 employees at the higher range level and the rest would be at the lower range.

Commissioner Connolly asked where the product would come from and would it come from the facility on Hobson Rd. **Mr. Tanner** stated that the product would come from any licensed, non-profit producer in New Mexico, which could include the facility on Hobson Rd.

Commissioners Maples asked how much water the facility would use and if they have a waste water discharge plan. **Mr. Tanner** responded that not too much water would go into the product. The water usage would mostly be for plumbing and sanitation purposes.

Acting Chair Bristol asked if there was anyone wishing to speak in favor of the application. Nobody spoke in favor of the application. He then asked if there was anyone wishing to speak against the application.

Terry R. Johnson II introduced himself and stated his address at 5007 S. Main St. He had asked Staff if this property, under this use, would be open to the public and they said that it would be. His concern is that the facility would open its doors to customers and the difficulty it could be in the future to keep a reign on it. **Mr. Johnson** expressed his opposition to the Change of Use.

Acting Chair Bristol reminded the audience that this is a land use Commission and does not deal with moral or religious issues.

Jimmy Williams stated his address at 115 Burkett St. as well as owning a business on South Main St. He agrees with **Mr. Johnson's** statements. The facility has a storefront design and **Mr. Williams** is concerned that they will

begin to sell products to the public in the future. He and some of his neighbors are opposed to this because they feel this will cause more riffraff on the south side of town and make it a less desirable neighborhood.

Nobody else spoke against the application.

Commissioner Connolly asked the applicant if they are planning on having a retail shop at this location.

Mr. Tanner responded that because of the type of license they will hold, they don't have the option of having a retail shop and that it would strictly be a manufacturing facility for other retail shops.

Commissioner Connolly then asked **Mr. Tanner** and **Mr. Greathouse** if they would object to having an additional Condition of Approval stating that no retail sales at the facility would be allowed. **Mr. Tanner** and **Mr. Greathouse** did not have a problem with that.

Commissioner Connolly wanted to know about the security at the facility. **Mr. Tanner** responded that the State of NM requires them to have certain security mechanisms including cameras and feeds that they can tap into 24 hours a day. **Commissioner Connolly** asked the applicant if there have been any security problems at their other facilities in town. **Mr. Greathouse** responded that they have never had any issues.

Commissioner Connolly made a motion to approve Case ETZ 2017-27 including the Conditions of Approval with an additional one stating that no retail sales would be allowed and the Findings of Fact. Commissioner Hobson seconded the motion.

Commissioner Lang asked if marijuana use has been approved by Federal Law. **Acting Chair Bristol** responded that to his knowledge, it hasn't. For this reason, **Commissioner Lang** is opposed to the use of marijuana although he sees some benefit to the use, but is opposed to breaking Federal Law.

Commissioner Connolly wanted to know if the product manufactured would be strictly medical. **Mr. Greathouse** and **Mr. Tanner** both responded that it would.

Commissioner Roe asked the applicant if they foresee any problems at the Federal level.

Mr. Tanner does not foresee any problems. Policies are in place in medical states where the DEA & FBI no longer receive funding to go after and prosecute state licensed facilities.

Commissioner Roe asked if there were any states in the US where the use of marijuana is not allowed at all, either medically or recreationally. **Mr. Tanner** responded that there were about 10 states that don't have any such program.

Commissioner Maples stated that the applicant is taking a big risk with this endeavor, but that he would like to have the facility fixed up and be able to create revenues.

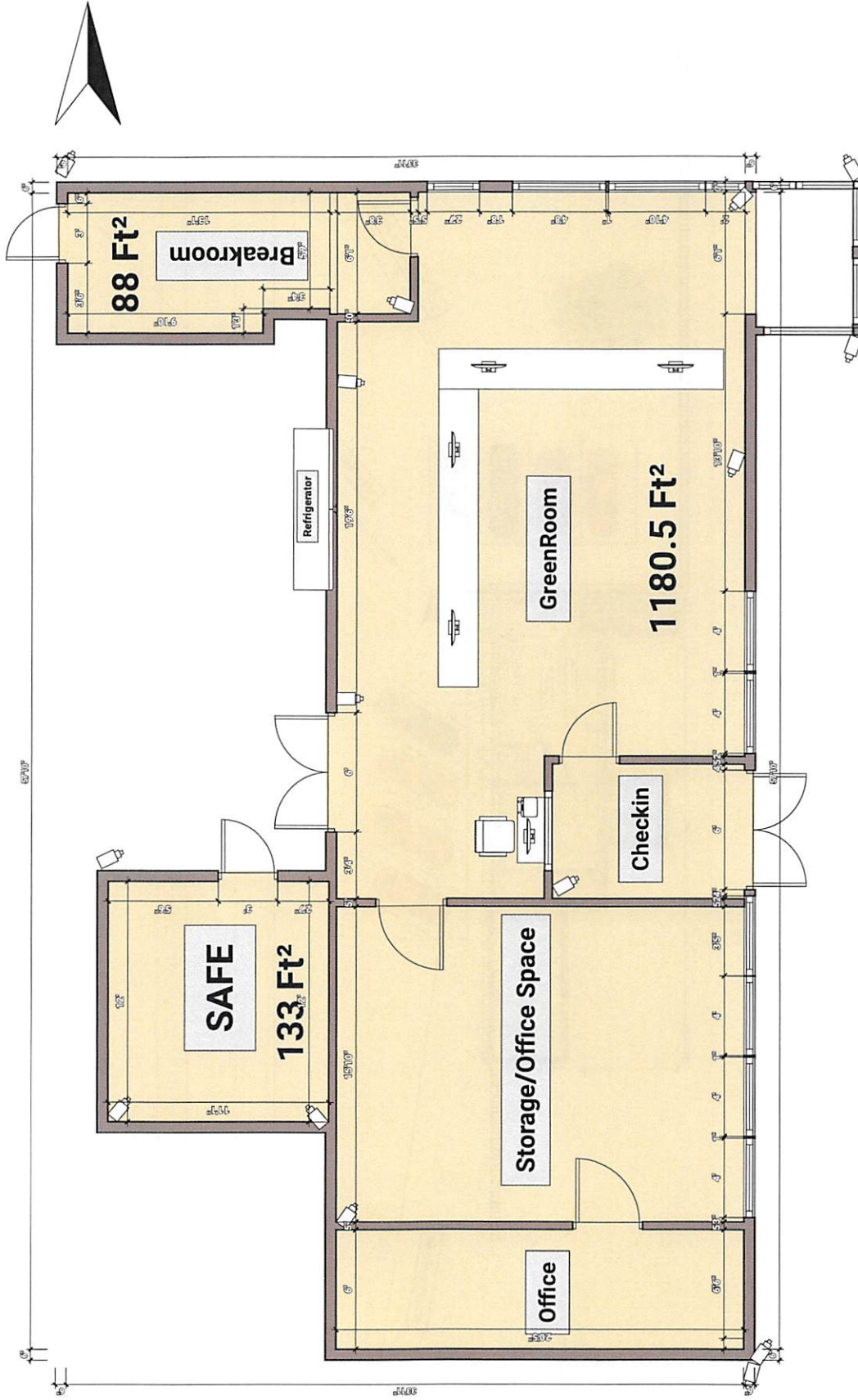
Acting Chair Bristol commented that since Santa Fe says this is a lawful activity, the Commission cannot deny such activity but does respect everyone's view about this.

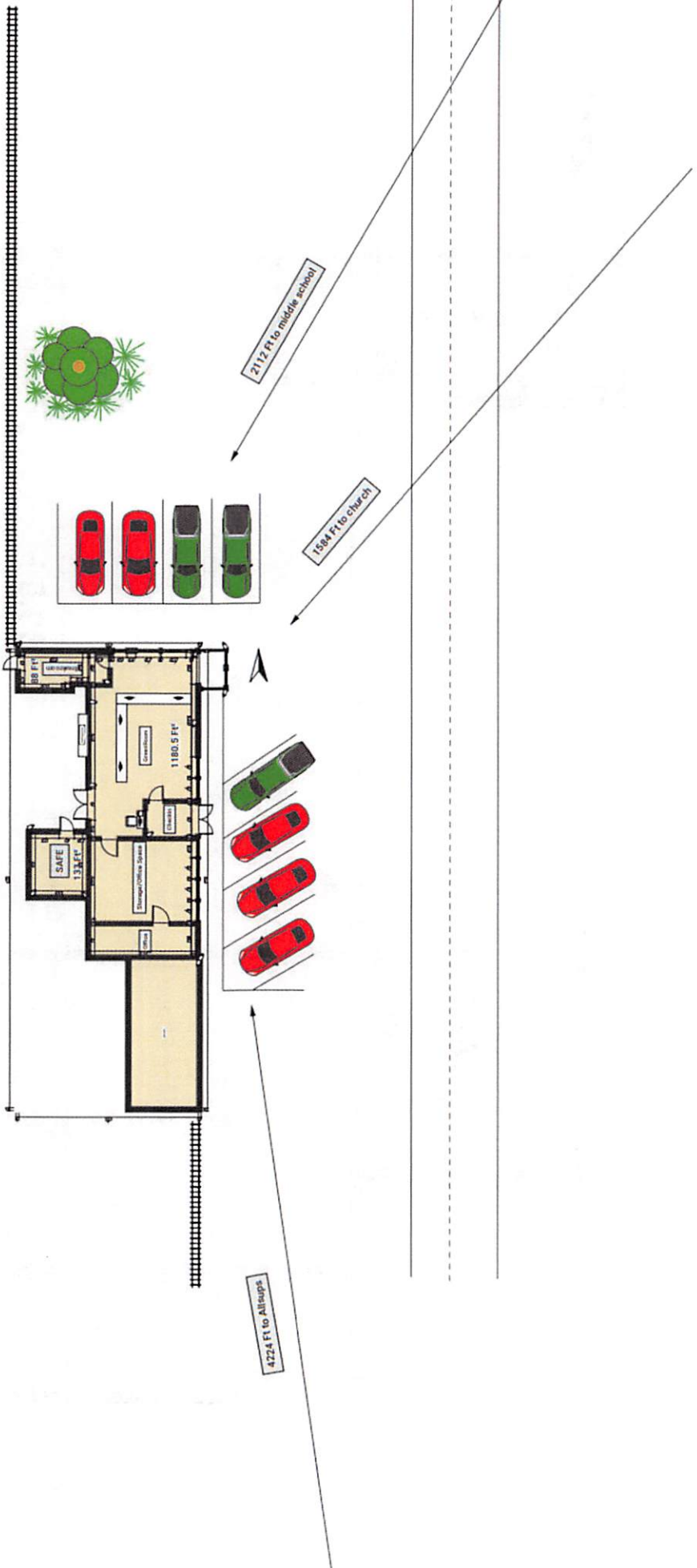
Motion carried by a 5-1 vote, with Commissioner Lang voting against.

Approved this 20th day of February, 2018.

Laura Lomas (ly)
Chairman

Julia A. Jones
Attest

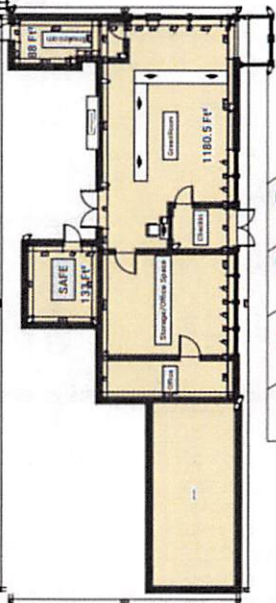
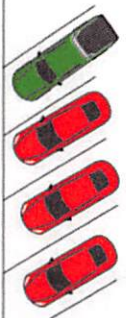




2112 FT to middle school

1584 FT to church

422.4 FT to Alloups



This digital copy of your license is to be used for limited purposes only and does not replace the official license issued and mailed by the New Mexico Regulation and Licensing Department. This digital copy may be used for insurance credentialing or for other limited purposes when an official license is not available. This digital copy should not be used for public display, except for temporary purposes, if the license is required to be displayed at the licensee's primary place of business. Additional copies or replacements of an official license may be ordered for a fee online through the licensing portal.



State of New Mexico

**Regulation & Licensing Department
Cannabis Control Division**

HEREBY CERTIFIES THAT

PECOS VALLEY PHARMACEUTICALS

HAVING GIVEN SATISFACTORY EVIDENCE OF THE LICENSING REQUIREMENTS
PRESCRIBED BY LAW IS GRANTED A LICENSE TO OPERATE IN THE STATE
OF NEW MEXICO AS A

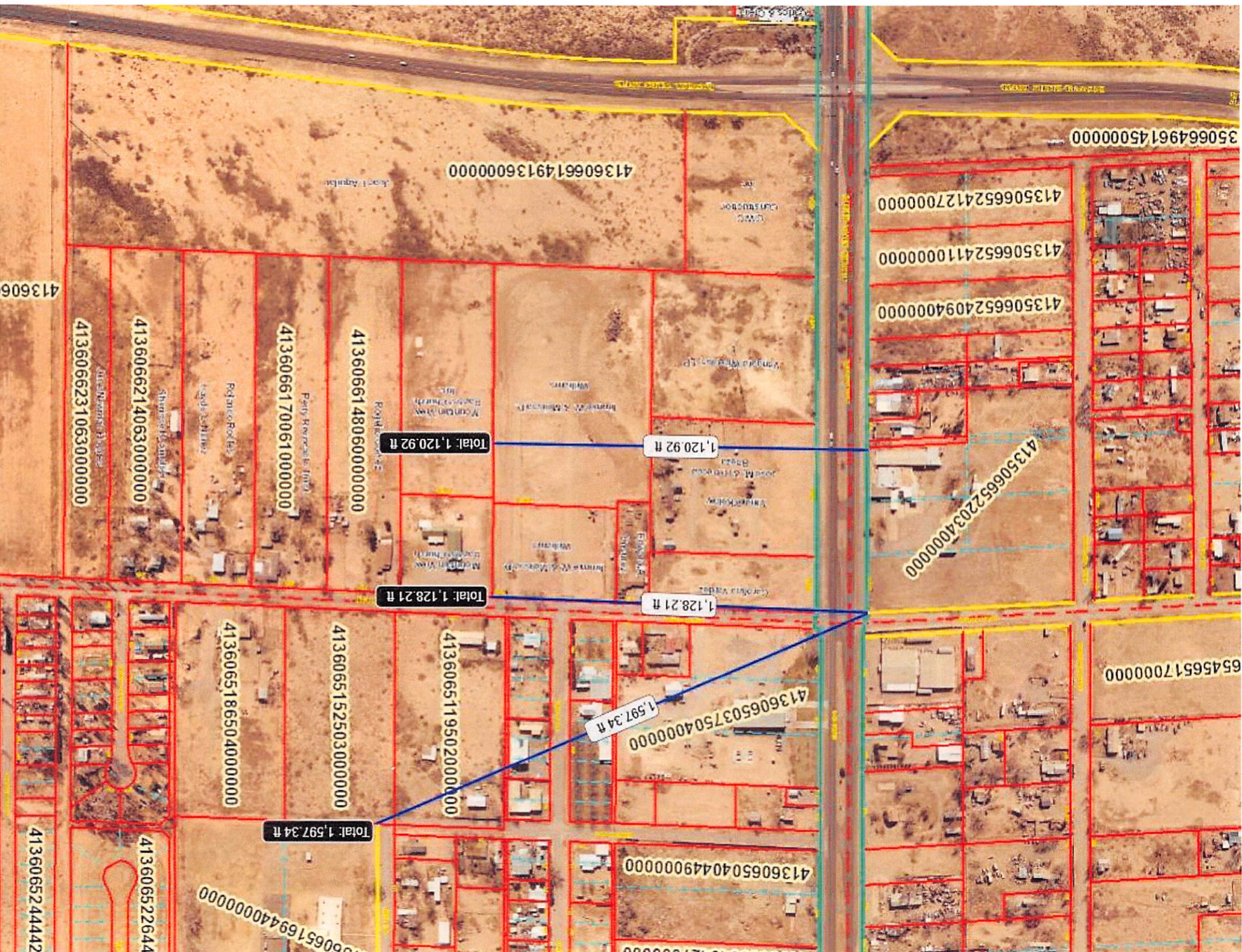
VICE-Retailer

License No.
CCD-VICE-2021-0024-RTL-013

Issued 02/20/2022

Expires 09/22/2022

THIS LICENSE SHOULD BE CONSPICUOUSLY POSTED IN PLACE OF BUSINESS OR AS REQUIRED BY LAW



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Total: 1,120.92 ft

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Total: 1,128.21 ft

1,128.21 ft

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4136065186504000000

4136065037504000000

1,597.34 ft

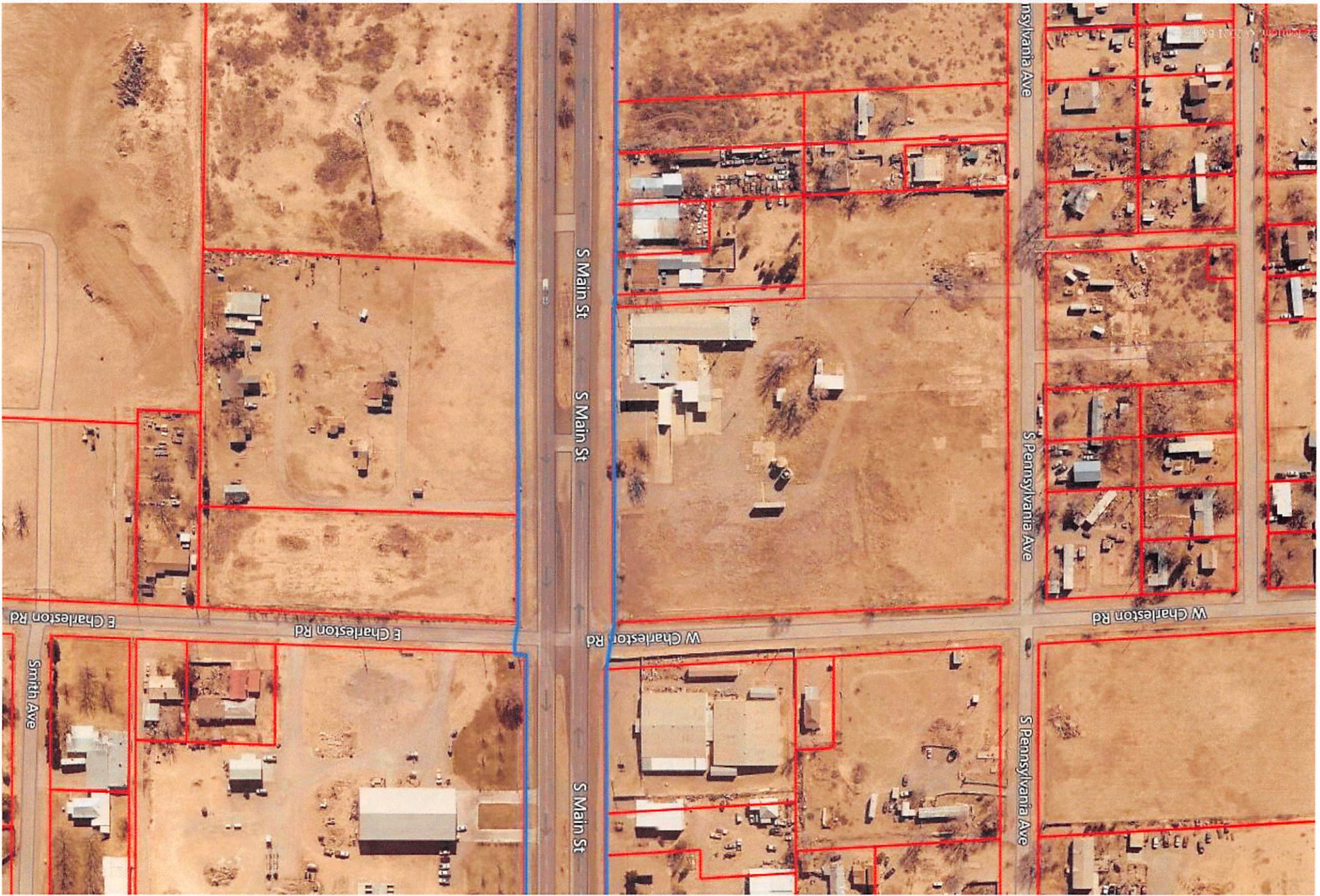
Total: 1,597.34 ft

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**ARTICLE 29
CANNABIS ESTABLISHMENTS**

Section 29.1 APPLICABILITY

This Article shall govern CANNABIS ESTABLISHMENTS, or parts thereof located within the boundaries of the Roswell-Chaves County Extraterritorial Zoning area.

Section 29.2 PURPOSE AND INTENT

The Roswell-Chaves County Zoning Authority finds the need to reasonably regulate the location, operational hours and density of Cannabis Establishments within the unincorporated area of County in order to promote and protect the health, safety and welfare of all Chaves County citizens, to prevent criminal activities related to drug abuse, to prevent a negative impact on property values, to minimize any burden placed on law enforcement services, and to protect those who visit or otherwise live, work and stay within Chaves County. Also, these regulations are to preserve and protect the quality of life in residential neighborhoods, commerce in commercial and industrial districts, education in surrounding school and child care facilities, and use in park areas through effective land use planning and reasonable zoning regulation. State law, the zoning and other regulations in this article are enacted pursuant to the County's authority in Section 12 of the Cannabis Regulation Act, Laws 2021. These regulations shall not conflict with the Cannabis Regulation Act or the Dee Johnson Clean Indoor Air Act.

Section 29.3 DEFINITIONS

As used in Roswell-Chaves County Extraterritorial Zoning Ordinance No. 80-1, Revision 20

Adult care facility. A facility that provide care or assistant to adults due to medical reasons.

Business Entity. An Entity other than a sole proprietorship or individual owned.

Cannabis means all parts of the plant genus Cannabis containing a delta-9- tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight basis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin; and does not include:

the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake; or the sterilized seed of the plant that is incapable of germination; or the weight of any other ingredient combined with cannabis products to prepare topical or oral administrations, food, drink or another product;

Cannabis consumption area. An indoor area where cannabis products may be served and consumed;

Cannabis courier. A person that transports cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.

Cannabis establishment. Means:
a cannabis testing laboratory;
a cannabis manufacturer;
a cannabis retailer;
a cannabis research laboratory;
a vertically integrated cannabis establishment;
a cannabis producer microbusiness;
an integrated cannabis microbusiness; or
a cannabis consumption area.

Cannabis extract. A product obtained by separating resins, tetrahydrocannabinols or other substances from cannabis by extraction method approved by the Cannabis Control Division; and does not include the weight of any ingredient combined with cannabis extract to prepare topical or oral administrations, food, drink or another product.

Cannabis growth and educational store. A retail facility that sales items used to assist in the growth and cultivation of cannabis and/or the production of cannabis integrated product but shall not possess cannabis of any kind.

Cannabis integrated product. A product that is or that contains cannabis or cannabis extract, including edible or topical products that may also contain other ingredients;

Cannabis manufacturer. A person or facility that:
manufactures cannabis products;
packages cannabis products;
has cannabis products tested by a cannabis testing laboratory; or
purchases, acquires, sells or transports wholesale cannabis products to other cannabis establishments.

Cannabis producer. A person or facility that:
cultivates cannabis plants;
has unprocessed cannabis products tested by a cannabis testing laboratory;
transports unprocessed or processed cannabis products only to other cannabis establishments; or
sells cannabis products wholesale.

Cannabis producer microbusiness. A cannabis producer at a single licensed premise that possesses no more than two hundred (200) total mature cannabis plants at any one time.

Cannabis research laboratory. A facility that produces or possesses cannabis products and all parts of the plant genus Cannabis for the purpose of studying cannabis cultivation, characteristics or uses;

Cannabis retailer. A person or facility that sells cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.

Cannabis testing laboratory. A person or facility that samples, collects and tests cannabis products and transports cannabis products for the purpose of testing;

Commercial cannabis activity: The cultivation, production, possession, manufacture, storage, testing, researching, labeling, transportation, couriering, purchase for resale, sale or consignment of cannabis products; and does not include activities related only to the medical cannabis program, to cannabis training and education programs or to the personal cultivation or use of cannabis.

Community center- a place where people from a particular community can meet for social, educational, or recreational activities.

Consumer. A person twenty-one years of age or older who purchases, acquires, owns, possesses or uses a cannabis product for a purpose other than resale;

County. The area lying within the corporate boundaries of Chaves County and outside the boundaries of any incorporated municipality.

Cultivation. Any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis;

Facility. A building, space or grounds licensed for the production, possession, testing, manufacturing or distribution of cannabis, cannabis extracts or cannabis products;

Government facility. A facility, agency or area used for public purposes, and owned or operated by an instrumentality or agency of federal, state or local government.

Homegrown or Homemade. Grown or made for purposes that are not dependent or conditioned upon the provision or receipt of financial consideration.

Household. A housing unit including any place in or around the housing unit at which an occupant of the housing unit produces, manufactures, keeps or stores homegrown cannabis or homemade cannabis products.

Immature cannabis plant. A cannabis plant that has no observable flowers or buds.

Integrated cannabis microbusiness. A person that is authorized to conduct one or more of the following:
production of cannabis at a single licensed premise; provided that the person shall not possess more than two hundred total mature cannabis plants at any one time;
manufacture of cannabis products at a single licensed premise;
sales and transportation of only cannabis products produced or manufactured by that person;
operation of only one retail establishment; and
couriering of cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.

Licensed premises. A location that includes:
all enclosed public and private areas at the location that are used in the business and includes offices, kitchens, restrooms and storerooms;
all areas outside of a building that are specifically included in the license for the production, manufacturing, wholesale sale or retail sale of cannabis products; and

with respect to a location that is specifically licensed for the production of cannabis outside of a building, the entire unit of land that is created by subsection or partition of land that the licensee owns, leases or has a right to occupy.

Liquor establishment. Premises which may be open to the general public, where alcoholic liquor is sold by the individual drink or package.

Manufacture. To compound, blend, extract, infuse, package or otherwise prepare a cannabis product.

Medical facility. A place where sick or injured people are given care or treatment.

Mobile, Portable or Temporary Unit. Any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which items are ordinarily vended, served, or offered for sale.

Processed. Having been subject to a special process or treatment

Public Place or Event. A place to which the general public has access and includes hallways, lobbies and other parts of apartment houses and hotels that do not constitute rooms or apartments designed for actual residence; highways; streets; schools; places of amusement; parks; playgrounds; and places used in connection with public passenger transportation.

Qualified Patient. A resident of New Mexico who holds a registry identification card pursuant to the Lynn and Erin Compassionate Use Act;

Reciprocal Participant. A person who is not a resident of New Mexico and who holds proof of enrollment by a governmental regulatory authority to participate in the medical cannabis program of another state of the United States, the District of Columbia or a territory or commonwealth of the United States in which the person resides or a person who holds proof of enrollment by a governmental regulatory authority of a New Mexico Indian nation, tribe or pueblo to participate in its medical cannabis program.

Religious Institution. A place or structure that is used primarily for religious worship, which may include onsite housing, as permitted, for religious leaders and similar staff, and which may include accessory facilities.

Residence. A place where someone lives.

Retail Establishment. A location at which cannabis products are sold to qualified patients, primary caregivers and reciprocal participants and directly to consumers;

Smoke. To inhale, exhale, burn or carry any lighted or heated device or pipe or any other lighted or heated cannabis products intended for inhalation, whether natural or synthetic, in any manner or in any form.

Standalone Building. A building whose, heating, air conditioning, electrical service, plumbing and ventilation system service only that building.

Unprocessed. Unaltered from an original, raw or natural state.

Vertically Integrated Cannabis Establishment. A person that is authorized to act as any of the following:

- a cannabis courier;
- a cannabis manufacturer;
- a cannabis producer; and
- a cannabis retailer.

Section 29.4 CANNABIS RESTRICTIONS

- A.** All Cannabis Establishments shall REQUIRE a Special Use Permit approved by the Roswell-Chaves County Extraterritorial Commission and/or the Roswell-Chaves County Extraterritorial Zoning Authority per Article 1 Section 2.5; Article 2, Section 2.8; Article 25; and the following restrictions and requirements stated in this Article 29.
- B.** Cannabis Establishments conducted from mobile, portable, or temporary units and or drive-through locations shall not be permitted.
- C.** Cannabis Establishments located in zoning districts R-1, R-2, R-3, R-MS, R-MP, R-S, O-1 or PUD shall not be permitted, with the exception of cannabis producers and cannabis producer microbusiness which may be permitted in the R-S District with sufficient agriculture water rights as determined by the NM Office of the State Engineer and the Planning and Zoning Department. Cannabis producers and cannabis producer microbusiness shall be required to comply with Section 29.6 (A and B) and 29.8 of this Article.
- D.** Cannabis establishments shall not be permitted within Recreational Vehicle Parks or Workforce Camps.
- E.** Access to or possession of cannabis, in any manner, shall be restricted to persons twenty-one years of age or older.
- F.** The smoking, vaping or ingesting of cannabis products shall not be permitted outdoors in public places or events.
- G** Residential growth and cultivation of cannabis shall be limited to a maximum of six mature and six immature plants per household.

Section 29.5 GENERAL COMMERCIAL (ZONE C TYPE 1) OR INDUSTRIAL (ZONE D) REQUIRMENT

- A.** Cannabis Establishments within the extraterritorial areas of the Chaves County shall be restricted to parcels zoned Commercial C- 1 (Article 13), or Industrial I-1 (Article 14) with a Special Use Permit, with the exception of cannabis producers and cannabis producer microbusiness as stated in Section 29.4.C, above. A change in zoning district and Special Use Permit may be requested per Article 1, Section 2.5; Article 2 Section 2.8; Article 25, and the following restrictions and requirements stated in this Article 29.
- B.** The Zoning Authority has determined that cannabis establishments may be allowed in those Zoning Districts where similar uses are permitted, such similarity determined by the Zoning Authority in an exercise of legislative discretion based upon, among other factors, off-site

impacts, compatibility and the need for service. The following cannabis establishments shall be located in the following Zoning Districts, at a minimum:

Cannabis Establishment Facilities	Zoning District
Producer or producer microbusiness	Rural Suburban District
Consumption areas, couriers, research laboratories, growth and educational stores, retailers, and testing laboratories.	C-1 Commercial District
Extraction/processing, manufacturers, and integrated product areas.	I-1 Industrial District

Section 29.6 LOCATION REQUIREMENT

Applications for a Special Use Permit for a Cannabis Establishments shall be required to meet the following conditions:

- A. Reasonable Place. Cannabis Establishments shall not be permitted within three hundred (300) feet of any school (private or public) or child care facility; measured from property line of the lot on which the Cannabis Establishment is to be located, to the nearest point on any property line of the school or child care facility is located; and
- B. Reasonable Place. Cannabis Establishments shall not be permitted within one thousand (1,000) feet of any religious institution, community center, government facility, adult care facility, medical facility, or public parks established prior to the Cannabis Establishment permit; measured from property line of the lot on which the Cannabis Establishment is to be located, to the nearest point on any property line of the lot for which the religious instructions, community center, government facility, adult care facility, medical facility, or public parks is located; and
- C. Reasonable Density. A licensed Cannabis retailers and consumption areas shall not be permitted within a half a mile (1/2) or (2,640 ft.) of any other licensed cannabis retailers, cannabis consumption area and liquor establishment, including those within the unincorporated area of Chaves County and within the City of Roswell, NM; measured from property line of the lot on which the licensed cannabis retailers, cannabis consumption area and liquor establishment is located, to the nearest point on any property line of the cannabis retailer or consumption area is to be located; and
- D. Reasonable Manner. The smoking, vaping or ingesting of cannabis products shall not be permitted outdoors but rather shall be permitted within a licensed cannabis consumption area that occupies a standalone building from which smoke and vaper fumes do not infiltrate other indoor workplaces or other indoor public places where smoking is otherwise prohibited pursuant to the Dee Johnson Clean Indoor Air Act. A Cannabis Establishment shall be properly ventilated to filter the odor from cannabis so that the odor cannot be detected by a person with a normal sense of smell at the exterior of the cannabis or at any adjoining use or property.

- E. Reasonable Time.** Cannabis retailers and cannabis consumption area shall be permitted to operate from 7:00 a.m. to midnight Monday through Saturday and from noon to midnight on Sundays; and
- F. Reasonable Place.** Cannabis Establishments may be permitted in Commercial and Industrial Zone Districts, with a SUP, located along the following roads or highways as recommended in the latest Chaves County Comprehensive Master Plan-Commercial and Industrial Corridors: US Highway 70, US Highway 82, US Highway 285, US Highway 380, State Road 2, South Main Street (Brasher Road to Hobson Road), and Roswell Relief Route.

Section 29.7 SPECIAL USE PERMIT APPLICATION FORM – INFORMATION REQUIRED

Application forms for obtaining a Special Use Permit (SUP) for a Cannabis Establishment shall be provided by the Planning and Zoning Staff. The cost of the SUP may be found in Appendix A of this ordinance. Application procedures for a SUP may be found in Article 1, Section 2.5 and Article 25 of this ordinance. A complete application shall contain the following information:

- A. Owners.** Name, address, and telephone number of: (1) the applicant; (2) all persons owning an interest in the Cannabis Establishments including all individuals having a corporate or partnership interest in the property and/or operation of the business; (3) if it is a business entity, the officers and directors, managers, trustees and (4) any aliases of any of the above persons; and
- B. Type of Establishment.** The applicant shall identify the type or types of uses to be operated within the Cannabis Establishments by the prospective licensee. The applicant shall specify whether the land use will include a single-family dwelling unit on the same lot or parcel of land as the Cannabis Establishments; and
- C. Location and Related Information.** The applicant shall furnish the address and legal description of the parcel of land on which the land use is to be located, including section, township and range, parcel ID numbers, and acreage, together with the identification of the estate which the owner or operator holds in the land, and shall furnish the planned hours of operation during which the establishment will conduct any business; and
- D. A clear and precise site plan** showing the ingress and egress of the Cannabis Establishments to existing and proposed private or public roads. The site plan shall also include all existing and proposed building(s), the location of any greenhouses, utilities, the location of parking areas and the number of parking spaces, landscaping, lighting plans for parking areas and security fences; and
- E. A current list** which includes the property the Cannabis Establishment is seeking for the Permit (the "Subject Property"), all surrounding property owner's information, including mailing address, land use, and zoning located within one thousand (1,000) feet of the proposed cannabis establishment; and
- F. Construction plans** approved by the local Certified Building Inspector shall be required for all modifications, alterations or new buildings. The plans shall be drawn to scale and shall also include the applicable requirements contained in the latest approved commercial building, fire, electric, HVAC and plumbing code; and

- G.** Documentation of other businesses that are located within and/or operating in the same building, structure, or portion thereof of the building for which the Cannabis Establishment is attempting to locate. (Strip Malls or Shopping Centers)

Section 29.8 CANNABIS ESTABLISHMENT PERMIT AND RENEWAL

- A.** A Cannabis Establishment Permit fee shall be five hundred (\$500.00) dollars for the initial permit, and two hundred and fifty (\$250.00) dollars for annual renewal of the permit.
- B.** Prior to issuance of a new Cannabis Establishment Permit, the cannabis establishment shall be required to receive a Certificate of Occupancy from the Chaves County Building Inspector.
- C.** A temporary Cannabis Establishment Permit may be issued for state licensing purposes pending completion of the fire, electrical, and building inspections, and upon satisfactory evidence that all other conditions have been met for a permit. A final permit shall be issued upon completion of the inspections and an issuance of a Certificate of Occupancy by the Chaves County Building Inspector.
- D.** Prior to issuing an annual renewal for a Cannabis Establishment Permit, the cannabis establishment shall require an inspection by the Chaves County Building Inspector for possible code violations.
- E.** The annual renewal for a Cannabis Establishment Permit shall coincide with the Special Use Permit. Any violation discovered during the annual renewal inspection shall be corrected within thirty (30) days of being notified by the Chaves County Building Inspector.

Section 29.9 PERFORMANCE STANDARDS AND REQUIREMENTS

- A. Permit Standards.** After the effective date of the ordinance codified in this article, any building, structure, or tract of land developed, constructed, or used for Cannabis Establishments purposes as defined in this article shall comply with the following performance standards. However, these standards are the minimum standards, and stricter standards may be required by other regulations, including building, electrical, plumbing, HVAC and fire codes.
 - 1. Building Facade.** A Cannabis Establishments building facades, exteriors, and exits shall generally resemble surrounding buildings. All window areas shall be covered or made opaque so as not to allow visibility from the outside.
 - 2. Building Codes.** A Cannabis Establishments being constructed and/or upgraded to comply with the latest building, electrical, plumbing, HVAC and fire codes, along with the latest New Mexico Environmental Department and State Engineer's Office regulations shall have to apply for necessary State and County permits.
 - 3. Cannabis Control Division.** All Cannabis Establishments shall comply with all Cannabis Control Division regulations and requirements set forth by this Article and in the Cannabis Control Division regulations.
 - 4. Signs.** All Cannabis Establishments signage shall be located on the same property or parcel of land as the establishment and shall require a building permit issued by the Chaves County Building Inspector.

5. **Parking and Lighting Regulations.** On-site parking is required and regulated in accordance with Article XVI. In addition, all parking areas and the building shall be illuminated from dusk until dawn with a lighting system which provides an average maintained horizontal illumination of one-foot candle of light on the parking surface and walkways. An on-premises exterior lighting plan shall be submitted to the Planning and Zoning Department with the site plan.
6. **Fencing.** Secure fencing surrounding the establishment, measuring at least six (6) feet in height and constructed of sturdy material, shall be required in order to protect the facility and public.

Section 29.10 ADMINISTRATION AND ENFORCEMENT

- A. **Administration.** All applications for permit approval under this article shall be made to the Planning and Zoning Department. It shall be the duty of the Planning and Zoning Director or his or her designee to process any application pursuant to this article, and to administer the provisions of this article. The Planning and Zoning Director shall prepare any forms necessary to administer the provisions of this article.
- B. **Planning and Zoning Staff** shall have reasonable time to review all applications, site plans, construction plans, and any other documents necessary to approve the cannabis establishment permit. If denial of an application for a new or renewal permit is deemed necessary by the Planning and Zoning Director, written notice of the decision shall be provided to the applicant.
- C. In the event a Cannabis Establishment is legally established in accordance with the requirements of this article and (1) an incompatible land use locates within the required separation distance or (2) boundaries for residential zones in the county are modified, a pre-existing legally established Cannabis Establishments shall be considered conforming, but notwithstanding the provisions of Section 29.6(C) no further Cannabis Establishments shall be located in the area. If the Cannabis Establishments ceases to be operational for a period exceeding sixty (60) days, then the use shall be considered non-conforming. Decisions as to the conformity of the Cannabis Establishment shall be rendered by the Planning and Zoning Director and may be appealed in accordance with the provisions contained in Article 1, Section 2.3.5 of this ordinance.
- D. **Enforcement.** It shall be the duty of the Chaves County Sherriff's Department, Chaves County Planning and Zoning Staff and Chaves County attorney to see that this article is enforced through the proper legal channels. The Chaves County Building Inspector shall issue no permits for the construction, alteration, or repair of any building or part thereof, unless such plans and intended use of such building conforms in all respects with the provisions of this article and the required application fees have been paid.

Section 29.11 SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this article or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this article or any part thereof. The Zoning Authority hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof

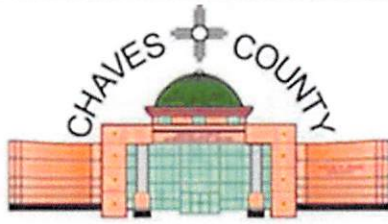
irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

Section 29.12 PUBLIC NUISANCE

Penalties. Notwithstanding any other provisions of this Ordinance, any violation of any of the provisions of this article is declared to be a public nuisance per se, which shall be abated by the Prosecuting Attorney. The penalty for violating this article may include a maximum of three hundred (\$300.00) dollars and/or ninety (90) days in jail. Each day a violation exists is a separate violation. Payment of any penalty imposed for a violation does not relieve a person from the duty to comply with this article.

Section 29.13 EMERGENCY CLAUSE AND EFFECTIVE DATE

Because of the urgent need for regulation pursuant to this Article, the Roswell-Chaves County Extraterritorial Zoning Authority declare that it is necessary for the public health, safety and wellness that this Article take effect immediately after passage when it is recorded as part of the Roswell-Chaves County Extraterritorial Zoning Ordinance No. 80-1, Revision No.20 in the Chaves County Clerk's office. In the event a court of competent jurisdiction finds that the passage of this Article did not constitute an emergency, then the effective date of this Article shall be thirty (30) days after the recording of Chaves County Extraterritorial Zoning Ordinance No. 80-1, Revision 20 in the Chaves County Clerk's office.



PLANNING & ZONING STAFF SUMMARY REPORT

MEETING DATE: April 19, 2022

ACTING BOARD	ROSWELL-CHAVES COUNTY EXTRATERRITORIAL PLANNING AND ZONING COMMISSION
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ACTION REQUESTED:	Consideration to allow Community Solar Facilities as a permitted use in the C-1 Commercial District as per Section 13.2.28 of Article 13 of the Roswell-Chaves County Extraterritorial Zoning Ordinance 80-1, Revision #20
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SUMMARY BY: Louis Jaramillo –Planning & Zoning Director

STAFF'S REPORT

Staff has received two inquiries for Community solar facilities on properties located in the C-1 Commercial District. Renewable energy is not currently address in our Roswell-Chaves County ETZ Ordinance #80-1 nor in our 2016 Chaves County Comprehensive Master Plan. Section 13.2 #28 of Article 13 which states "*similar type uses as indicated above as approved by the Commission*" does allow the Commission to consider Community solar facilities as a commercial use and, if approved, would be included in the list of permitted uses for the C-1 Commercial District in the next revision.

Recent requests for Community solar facilities have been through the Special Use Permit process with conditions or stipulations for properties zoned Rural Suburban Residential District. In considering a Special Use Permits, the solar array must be compatible with the surrounding properties, not create a nuisance, not affect the value of the neighbor's property, and be within the spirit, intent or purpose of the Ordinance. These same considerations are addressed when presented with a zone change from R-S Residential to Commercial or Industrial. The Commission must also consider the location of the site in reference to major county and city corridors like US 380, 70 and South Main Street.

Staff beliefs Community Solar Facilities would be a good fit with the listed permitted uses in the C-1 District such as retail sales and service, commerce, contractors, indoor storage, medical care facilities, parking lots, and hotels/motels.

Community solar facilities are approximately 1 to 5 acres in size and can produce a maximum of 4.99 megawatts of electricity. Solar facilities normally do not increase daily traffic in the area, do not use water, and are not a nuisance.

North

SNAPDRAGON

MAIN

LUPITA

VISTA DEL SOL

FARMINGTON

CAPTAN

MCLEAN

CLOVIS

OLD CLOVIS

BITTER LAKES

TIGER LILY

private

MARION GARDENS

LIBRES

DRONES

CRINSON

MCADIN

RELIEF ROUTE

ISLE

WELCH

WELCH

WELCH

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WELCH

RAILROAD

SUNDANCE

BEVERLY

LA JARA

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WRANGLER

OUTLAW

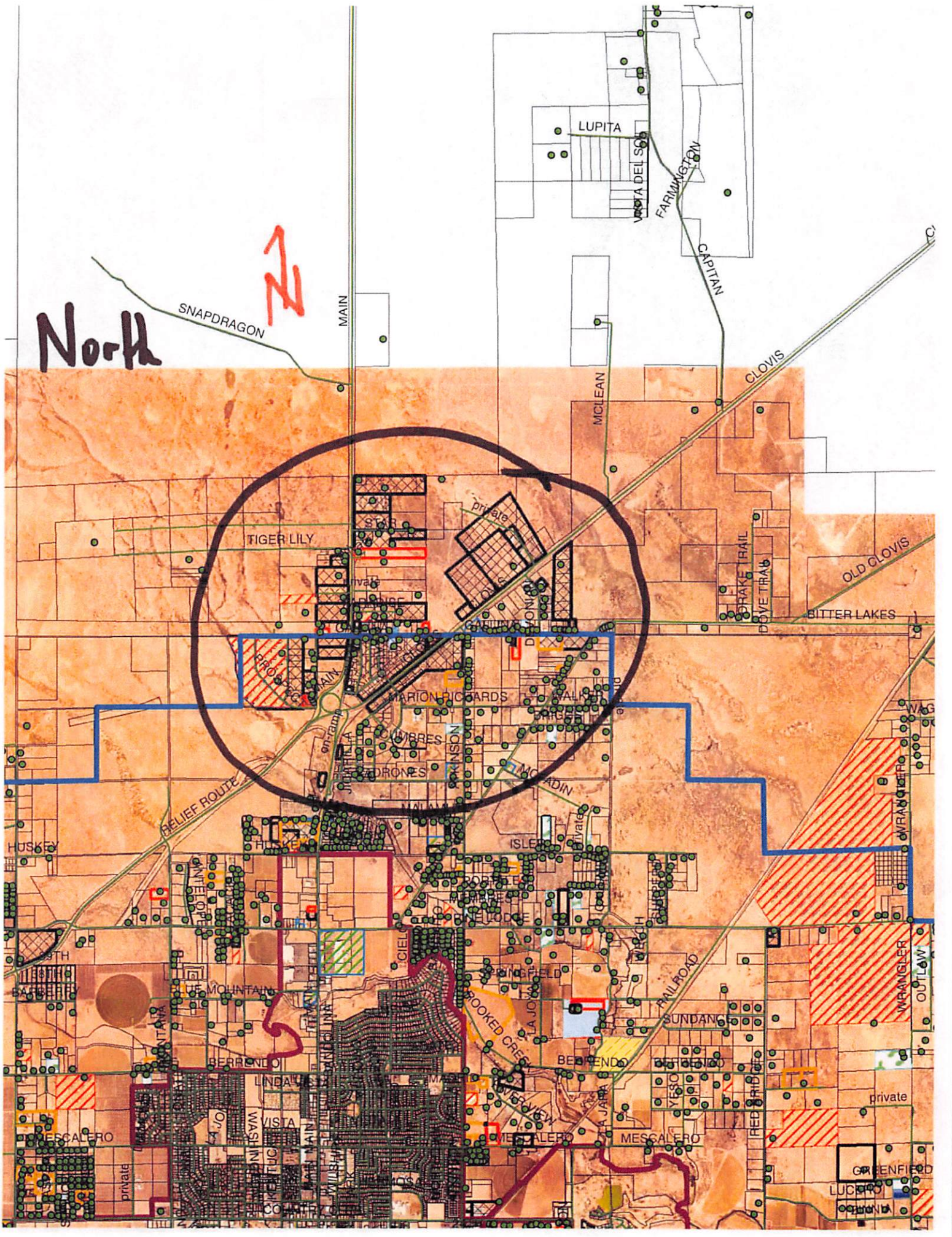
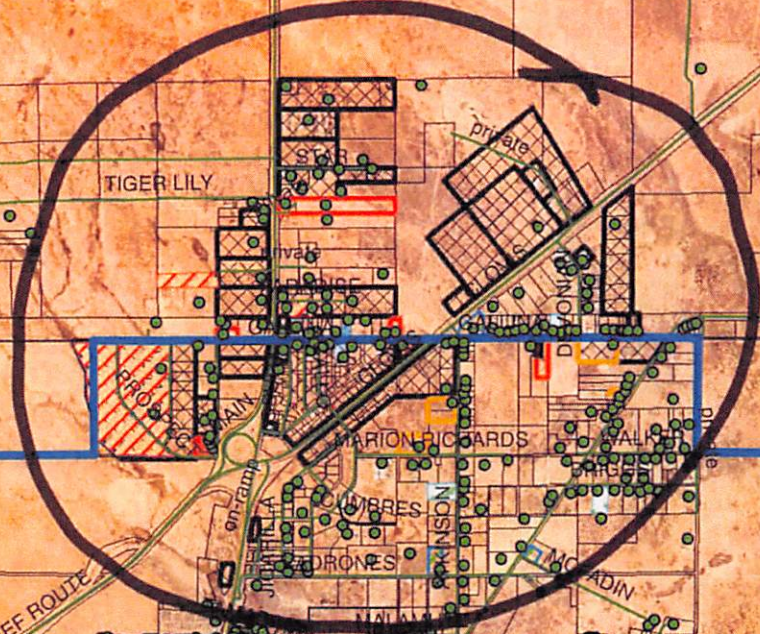
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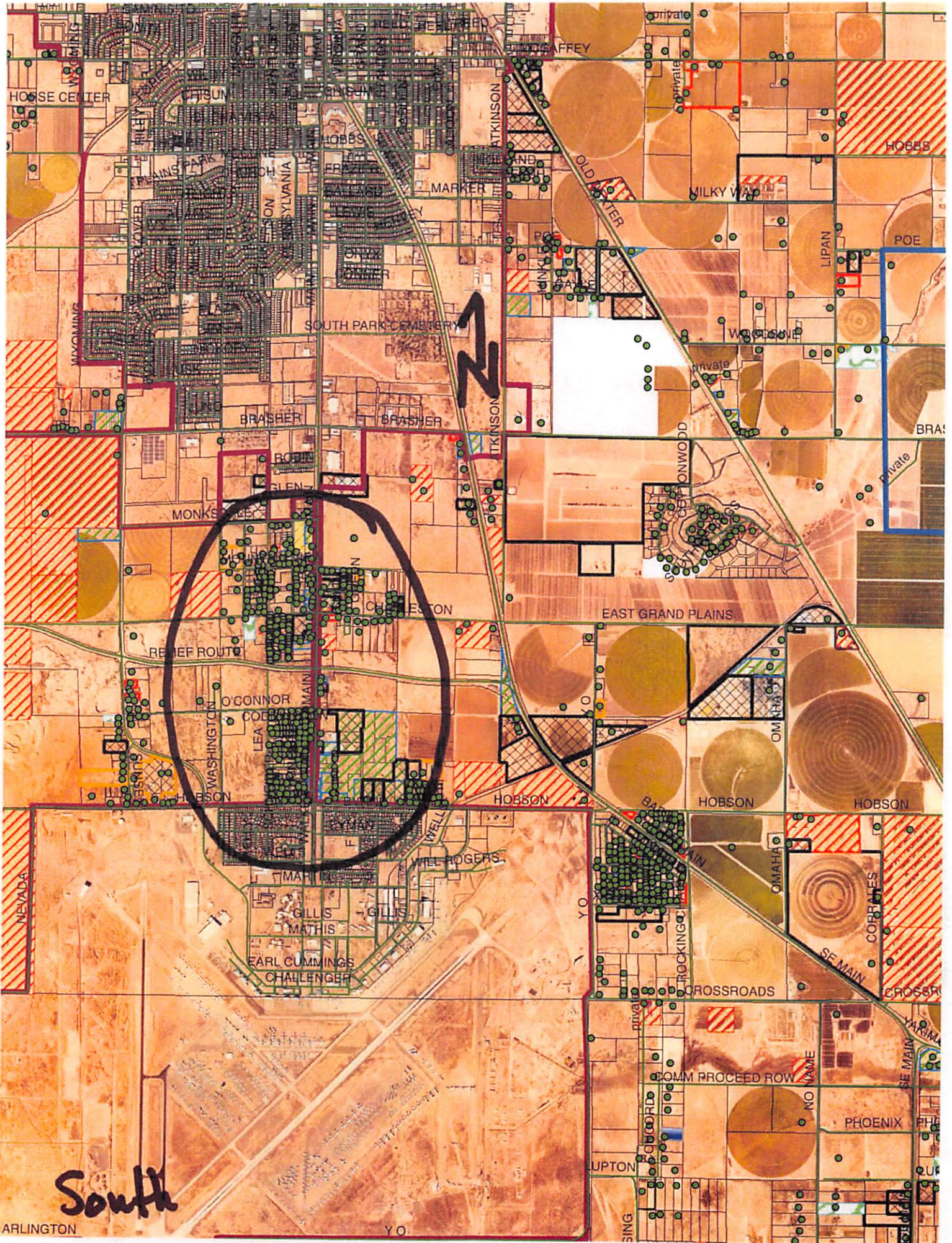
GREENFIELD

LUCERO

LUCERO

LUCERO





South

ARLINGTON

YO

