

Be it remembered that at a Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 14th day of November 2022, the following proceedings were had and entered of record.

RESOLUTION NO. 22-89

APPROVAL AND TERMS OF THE CARNE SOLAR PROJECT FOR SOLAR PV DEVELOPMENT NM 18 II LLC AND CARNE ENERGY STORAGE LLC

WHEREAS, pursuant to Section 4-38-1, NMSA 1978, the powers of a county as a body politic and corporate shall be exercised by a Board of County Commissioners;

WHEREAS, the Board of County Commissioners of Luna County has the statutory authority to approve special uses within Luna County;

WHEREAS, the energy production facility special use permit (the "Permit") application submitted on September 22, 2022, by Solar PV Development NM 18 II LLC and Carne Energy Storage, LLC (together, as the "Applicant", or "Carne Solar"), relates to an approximately 130 megawatt ("MW") solar energy generating system and associated approximately 65 MW battery energy storage system (the "Project");

WHEREAS, the Permit application was prepared in coordination with Luna County officials per its energy production facility application and approval process (the "Pilot Program") that was implemented in accordance with Luna County's Ordinance 107 addressing energy production facilities. Luna County's Ordinance 107 was adopted on August 12, 2021 to "govern the placement, construction, use, modification, decommissioning and reclamation of energy production facilities" in unincorporated Luna County, and it provides that by separate policy, a "process for requesting and obtaining a permit for the placement, construction, use, modification, decommissioning and reclamation of an energy production facility and the standards applicable thereto" will be established; and

WHEREAS, Carne Solar's Permit application included Luna County's Solar Project Application questionnaire and supplemental application material, and address request application, which together serve as the application structure and requirements for the Pilot Program to ensure that the County is fully informed regarding the proposed Project (together, the "Solar Project Application").

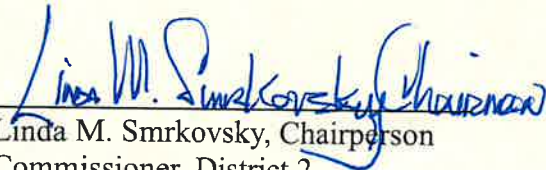
NOW, THEREFORE, BE IT RESOLVED, Luna County hereby approves the Solar Project Application and issues to Carne Solar a final approval of the Permit for the Project, which Permit shall expire on December 31, 2053. This Resolution serves as the Permit. Henceforth, Carne Solar shall be "grandfathered," meaning that the Project will remain approved and permitted, and exempt from any new or different requirements of any final solar policy that is adopted pursuant to Luna County's Ordinance 107 or which are adopted to supersede and replace the Pilot Program until December 31, 2053 or further extended upon the mutual agreement of Carne Solar and Luna County; and

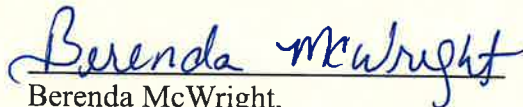
BE IT FURTHER RESOLVED Luna County hereby acknowledges and agrees that any requested extension or modification of the Permit will be reviewed by Luna County Planning Department staff and granted or denied solely pursuant to the Planning Department's administrative procedure, and exempt from any new or different requirements of any final solar policy that is adopted pursuant to Luna County's Ordinance 107 or which are adopted to supersede and replace the Pilot Program. Any extension or modification of the Permit related to the Project shall not be treated as and shall not require a new permit application.

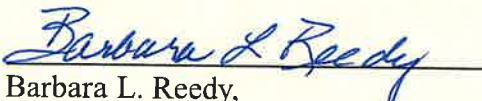
DONE THIS 14th DAY OF NOVEMBER, 2022


by the Board of County Commissioners of Luna County

ATTEST:


Linda M. Smrkovsky, Chairperson
Commissioner, District 2


Berenda McWright,
County Clerk


Barbara L. Reedy,
Commissioner, District 1


John S. Sweetser,
Commissioner, District 3

