



City of Enid

P.O. Box 1768
Enid, Oklahoma 73702-1768
PH (580) 234-0400

November 22, 2023

NextEra Energy Resources
c/o Mr. Christopher Banks
700 Universe Blvd
Juno Beach, FL 33401

Dear Mr. Banks:

This letter serves to inform you of the city's position on NextEra's Skeleton Creek solar farm project located in Garfield County and partially within the Metropolitan Area Planning Commission (MAPC) jurisdiction. None of your proposed solar farm is within the city limits.

The city and county agreed to create the MAPC in 1957 to include the city limits and within three miles of the city limits and within one-fourth of a mile of any state or federal highway in the county, excluding any incorporated area other than the city of Enid per state law 19 O.S. §866.2. Outside the MAPC area, the city has no authority or jurisdiction.

However, the city has determined that the properties that are located within the MAPC jurisdiction in which landowners have agreed to lease to NextEra for the proposed solar farm require no action to be taken by the MAPC, based upon the County's 1963 Zoning Plan.

Permitted uses in A-1 include all agriculture land uses, buildings, and activities and an extensive list of other uses. It includes energy uses, mining, forestry, and oil and gas exploration. The uses in A-1 include those that are more intensive than a solar farm such as mining and quarrying.

The fact that a solar farm or installation is not listed, is not probative, because at the time the list of uses was approved, June of 1963, solar installations did not exist.



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In 2017, the city did seek a use by review (UBR) determination from the MAPC for the Oklahoma Gas & Electric Sunpower solar farm located near Covington, OK near Highway 74. The proposed property was zoned A-1 and the use by review was approved unanimously. We followed the same practice for the NextEra Skeleton Creek solar farm. The use by review went before the MAPC on February 27, 2023 and after extensive discussion was denied. At my request the City Attorney reviewed the County's 1963 Zoning Plan and found that while use by review is referenced in the plan, it does not specifically provide for use by review for property zoned A-1. After the denial the County sought clarification from First Assistant District Attorney, Tommy Humphries, who determined that the use by review process is not available for A-1 zoned property under the 1963 plan.

The city's position is that the Skeleton Creek solar farm project is a permitted use in A-1. Therefore, no further review by MAPC is appropriate and NextEra may move forward with the project.

Please direct any questions to Jerald Gilbert, the City Manager, or Carol Lahman, the City Attorney at 580-234-0400.

Respectfully,

A handwritten signature in black ink, appearing to read "Jerald R Gilbert". The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Jerald R Gilbert
City Manager

cc: Mayor and Commissioners
MAPC Commissioners
Carol Lahman, City Attorney
Scott Morris, Assistant City Manager
Scott Garnand, Code Official
Mike Cooper, Military Liaison