

**ROSWELL-CHAVES COUNTY
EXTRATERRITORIAL ZONING AUTHORITY
CHAVES COUNTY ADMINISTRATIVE CENTER
#1 ST. MARY'S PLACE, ROSWELL, NM 88203**

PUBLIC HEARING

AUGUST 4, 2022 @ 5:30 PM.

A G E N D A

I. CALL TO ORDER

II. CONSIDERATION OF MINUTES:

December 14, 2021 CORRECTED
June 23, 2022

III. NEW BUSINESS


None

IV. OLD BUSINESS

1. Election of Officers
2. APPEAL - The decision of the Roswell-Chaves County Extraterritorial Zoning Commission (ETZ) to APPROVE Case No. ETZ 2022-06, a Special Use Permit for a Community Solar Array Facility in the Rural Suburban District; located in SEC.35 T10S R23E S2N2NW4, S2N2NE4 lying W of Hwy, 1100-1200 block of N. Brown Rd. Roswell; landowner- Featherstone Development Corporation; agent- CVE North America, Inc.

V. 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, proposed amendments 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.

<p>CHAVES COUNTY ETZ Authority</p>		
<p>Date: December 14, 2021</p>	<p><i>Public Hearing Minutes</i></p>	<p>Created By: Julia A. Torres</p>

Members Present:

Commissioners:
T Calder Ezzell
Richard C. Taylor
Jeff Bilberry

Councilwoman:
Jeanine Best
Margaret Kennard

Staff Present:

Louis Jaramillo
Julia A. Torres
Mac Rogers

Guests:

Ronald and Angela Martinez
Ernest Ortega
Gabriel Ortega
Jon Fitzpatrick
Jerrod and Melissa Higgins
Bruce Haley
Cathy Crossley
Moises Chavez
Ian Brumana
Sergio Jimenez
Nicholas Kadlik
Gary Hartwick
Peter Ambs

Shirley McIntosh
Francisco and Cinda Olvera
Stacy Askham
Rita Doerhoefer

A public hearing before the Chaves County Extraterritorial Zoning Authority was held at the Chaves County Administrative Center, in the Commission Chambers, on December 14, 2021 beginning at 5:33PM.

I. MINUTES

The minutes of the August 31, 2021 public hearing were approved unanimously as submitted.

II. NEW BUSINESS

1. **Per Section 2.1.4 of the Roswell-Chaves County Extraterritorial Zoning Ordinance 80-1. An Appeal of the Chaves County Planning Director's evaluation of a Home Occupation at 2709 W. 25th Street, Legal- Tract C of Block 2 of the Future Land Estates, owners- Ernest and Lorena Ortega. Appellant -Ronald Martinez of 2801 W. 25th Street, Legal-Tract H, Block 1, Future Land Estates.**

Louis Jaramillo gave a brief description of Mr. Martinez's appeal to the determination of a permissible home occupation at 2709 W. 25th St. He indicated that both Mr. Martinez and Mr. Ortega were present.

Ronald and Angela Martinez of 2801 W. 25th St., Roswell, read a statement describing their complaint. Mr. and Mrs. Martinez distributed a packet of 51 photographs of their view of Mr. Ortega's property.

Councilor Kennard asked Staff about Mr. Ortega's reply to Mr. Martinez's complaint. The Authority was given documentation of all communications including Mr. Ortega's response by Staff.

Chair Ezzell asked what the timeline of these pictures was. Mrs. Martinez responded that they were from March 2021 to the present. Mrs. Martinez stated that the photos were snapshots in time. She stated they moved here in 2017 because of her job. They bought their home with the understanding that it was a peaceful neighborhood. Mrs. Martinez wasn't sure what goes on at Mr. Ortega's property on Friday afternoons but did mention that there was an increase in traffic parked along Cherokee Avenue that day. She reiterated that they're not saying that Mr. Ortega shouldn't have a livelihood and run a business, just that they don't want it to be in front of their home.

Councilor Best wanted to know if the Martinez's have started a petition with any of their other neighbors that might feel the same way they do. Mrs. Martinez responded that they haven't because they wanted to come before the County to identify what a home occupation was and try to come up with a resolution. She did state that their neighbors are aware but have not formally started a petition.

Councilor Kennard asked Mrs. Martinez if she felt safe at her home. Mrs. Martinez responded that she doesn't especially when her husband was not home. She doesn't know who the people are at Mr. Ortega house.

Commissioner Taylor wanted to know if there has been any indication of any harm. Mrs. Martinez responded affirmatively and mentioned a physical altercation between her husband and Mr. Ortega in which law enforcement had to be called and a report filed.

Commissioner Bilberry asked staff if there had been any other complaints from other neighbors about Mr. Ortega. Mr. Jaramillo stated there has not.

Councilor Best wanted to know from Mr. Martinez if he had asked Mr. Ortega to provide any home repairs. Mr. Martinez responded that he had not. Councilor Best noted that in Mr. Ortega's response to the complaint, he did mention that that was the reason there was a problem between them.

Mrs. Martinez explained that when they had extensive hail damage to their roof, they had to have their entire roof repaired. The insurance company asked for two quotes from roofing companies. Mr. and Mrs. Martinez contacted the original installer, Do-Right-Roofing and asked Mr. Ortega for another recommendation. Mr. Ortega provided them with a Mr. Marquez to provide them with an estimate. Since Mr. Marquez was predominantly Spanish speaking and they did not speak Spanish, Mr. Ortega did go up on the roof along with Mr. Martinez and Mr. Marquez so he could provide an estimate. Mrs. Martinez stated that they did not hire Mr. Marquez to do the roof repairs but instead hired Do-Right-Roofing.

Chair Ezzell wanted to make sure that the Martinez's understood the difference between restrictive covenants and the zoning ordinance. Mr. Martinez responded that they do understand the difference. Initially, they were not aware of the ETZ nor its ordinance. He did research the ETZ ordinance recently to see if there was anything that could be done about the issue at hand. Mrs. Martinez commented that their restrictive covenants prohibit home businesses and thus is more restrictive than the ETZ ordinance.

Chair Ezzell informed the Martinez's that if they feel there is a violation of their covenants, that they would have to take the issue to District Court and not Chaves County. Mrs. Martinez indicated that they were aware of that.

Councilor Kennard asked staff to explain why Mr. Ortega received a letter of violation. Mr. Jaramillo explained that usually property owners don't respond to a code enforcement letter of inquiry. In order to

increase the chances of getting a response from them, a letter of Violation is sent with a 10-day response period. He stated that there was no violation at the time the letter was sent to Mr. Ortega.

Councilor Kennard asked Mr. Jaramillo if he had seen the pictures that Mr. Martinez provided earlier. Mr. Jaramillo responded that he had not.

Mrs. Martinez stated that Mr. Jaramillo was asked if he wanted to see any photographs during their conversations for which he stated no.

Nobody spoke in support of the Martinez's appeal.

Ernest Ortega at 2709 W. 25th St., Roswell, introduced himself as the owner of G O Design and Ernest Ortega Inc. He also introduced his son Gabriel Ortega.

Chair Ezzell asked Mr. Ortega if he was running his business from his home. Mr. Ortega responded that he writes checks and completes paperwork from his office. He does store his business equipment/ tools at his home behind closed doors. He does haul a tool trailer to and from job sites on a daily basis. Mr. Ortega indicated that he had four (4) employees but that one was out due to COVID and another was not able to come to the meeting due to childcare issues. His other two (2) employees were present. He did state that he has had his employees work on his garage for a couple of weeks in order to provide wages for them during the holiday season. Mr. Ortega indicated that he was being filmed by Mr. Martinez constantly and did not like that.

Chair Ezzell wanted to know how long Mr. Ortega had lived at his current property. Mr. Ortega responded that he had lived there 15 years.

Councilor Best asked if Mr. Ortega had a warehouse elsewhere. Mr. Ortega indicated that he has a 30x40 shop behind his house in which he stores his tools. Nothing was exposed, everything was enclosed. He commented about the stuff on Mr. Martinez's yard including old trailers, shipping containers, wood pile and other debris.

Mr. Jaramillo commented that there are no current violations on Mr. Martinez's property.

Councilor Best wanted to know if Mr. Ortega had contacted the neighborhood's Home Owners Association (HOA) about the debris on Mr. Martinez's property. Mr. Ortega responded that there was no HOA. Chair Ezzell stated that since there is no HOA, any complaints regarding the debris would have to be taken to District Court.

Councilor Best made some comments about Mr. Ortega running a business from his property but for the most part, keeps his property clean. She suggested that Mr. Ortega provide his employees' background checks information to Mrs. Martinez's for her peace of mind. She addressed the Martinez's and stated that they should probably clean up their property to match the neighborhood.

Councilor Kennard stated that she had looked at the Martinez's home in 2012 when it was for sale and does remember that the bedroom faces Mr. Ortega's garage, so she understands their concern. Her opinion on this was that it was a quarrel between 2 neighbors over issues and wondered how all of this could be resolved.

Commissioner Bilberry made a comment about Mr. Ortega's property being very clean based on the satellite picture he was looking at.

Gabriel Ortega stated that Cherokee Avenue was a non-county-maintained road and that West 25th Street was a county-maintained road.

Commissioner Taylor asked Mr. Ortega if he had any signs advertising his business on the property or have any customers come by and if the only thing he did was store his equipment on the property and have his employees come to pick up their paycheck. Mr. Ortega responded that no customers come by and there were no business signs. He responded affirmatively to Commissioner Taylor's other two comments.

Chair Ezzell asked if there was anyone wishing to speak in favor of Mr. Ortega.

Charlene Campbell at 310 Old YO Crossing Rd. has been an employee of Mr. Ortega for about 30 years off and on. She commented that Mr. Martinez did ask her to go work for him in the past.

Chair Ezzell commented that although she appreciated Ms. Campbell's comments, they were irrelevant to the issue at hand.

Commissioner Taylor made a motion to deny the appeal of Ronald Martinez at West 25th St. regarding his concern that Mr. Ortega was operating a commercial business. There was no evidence of a business violation of the zoning law. Councilor Best seconded the motion. The motion passed unanimously.

Chair Ezzell informed Mr. and Mrs. Martinez that this issue will continue to be monitored by staff.

2. APPEAL- the decision of the Extraterritorial Zoning Commission (ETZ) to DENY Case No. ETZ 2021-06, a Special Use Permit for a Community Solar Array Facility in the Rural Suburban District; being 25.58 acres located in the NE/4NW/4 Sec.18, T10S, R24E; agent - Chaves Solar 2 LLC; land owners - Jerrod and Melissa Higgins.

Louis Jaramillo stated Pivot Energy has appealed the decision of the ETZ Commission to deny this case. He noted the options and the requirements for overturning the denial and then read the Staff Report summary. He noted Pivot Energy wished to present a slide show that was presented to the ETZ Commission.

For transparency purposes, **Chair Ezzell** informed everyone that he was a lawyer and had represented landowners in their negotiations with solar companies on options and leases. He stated that he had never represented neither the Higgins nor Pivot Energy. If anyone thought this might be a conflict of interest, he would conduct the meeting but would refrain from voting. Nobody spoke in response.

Jon Fitzpatrick, Pivot Energy, at 1750 15th St., Denver, Colorado introduced himself. He clarified that the slide show was updated since the last ETZ Commission meeting in October.

Chair Ezzell asked Mr. Fitzpatrick to explain the difference between Chaves Solar II and Pivot Energy. Mr. Fitzpatrick explained that Chaves Solar II was the project company that Pivot Energy wholly owns and operates.

Mr. Fitzpatrick before presenting the slide show, he stated that at the ETZ Commission meeting in October, Commissioner Doerhoefer exerted significant influence over the proceedings, showing her support to the opposition. Mr. Fitzpatrick commented that they believe that Commissioner Doerhoefer's behavior influenced the outcome of the meeting.

The slide show was twenty-five minutes long and described Pivot Energy, the development plan and community benefits of solar.

Councilor Best asked Mr. Fitzpatrick if he had met with the property owners who had signed the petition against the case. Mr. Fitzpatrick responded that it was his understanding, that most of the people who signed the petition lived in a subdivision that was at least 1/3 mile away from the subject property. He stated Pivot Energy had not made any contact with those property owners since they were not close enough to the proposed solar facility.

After watching the presentation by Mr. Fitzpatrick, **Councilor Best** stated that she was ok with the solar project and thought it was the best use of the land.

Chair Ezzell asked Mr. Fitzpatrick if they had an option or a lease on the subject property. He responded that they had executed a full lease and that they must break ground in less than five (5) years.

Chair Ezzell wanted to know if Mr. Fitzpatrick knew how many community solar projects would be in New Mexico under the existing Solar Act. He calculated about 40.

Commissioner Bilberry wanted to know if Pivot Energy had any agreements already in place to transmit the electricity to a substation. Mr. Fitzpatrick responded that they didn't because the program rules for the community solar arrays have not been approved by the Public Regulations Commission (PRC) yet.

Commissioner Taylor asked how many households would be potentially served by the community solar array and if the project would all be privately funded. Mr. Fitzpatrick responded that 1200 households would be served and that it would all be privately funded.

Councilor Best wondered what would happen if Pivot Energy doesn't obtain the RFP at the Higgins' property. Mr. Fitzpatrick responded that they would look at their options at that time and work with the property owners to find other solutions or release them from their contract.

Chair Ezzell asked if anyone wished to speak in favor of the appeal.

Jerrod and Melissa Higgins at 201 La Fonda Dr., Roswell introduced themselves as the property owners. They stated that they had originally planned an RV Park at this location but decided on the community solar array because it was less intrusive. Mr. Higgins commented that the property was bought as an investment property.

Councilor Kennard asked the Higgins how long they have owned the property. They stated approximately 2 ½ years.

Chair Ezzell asked if an RV park was appropriate on that land. Mr. Jaramillo responded it would require a special use permit or a rezone for that use. He also mentioned the difficulty with the subject property because of its extremely limited access.

Bruce Haley at 5034 W. Country Club Rd., Roswell, owner of Haley Farms, spoke in favor of the case. He built and commissioned a solar field next to his pecan orchard in 2010. This project supplies 100% of the electricity for irrigation for 250 acres of pecan trees. Mr. Haley stated that the solar arrays have not increased the temperature in his orchard nor affected the wildlife.

Cathy Crossley at 4700 Zuni Drive, Roswell spoke in favor of the case. She stated that this was a good business idea.

Moises Chavez at 1401 S. Lea Ave., Roswell spoke in favor of the case. Mr. Chavez was the District Manager for NM Solar Group.

Ian Brumana at 2932 N. Brown Rd., Roswell spoke in favor of the case. He works for NM Solar Group. He stated that he has not encountered glare nor traffic problems from the Haley Farms solar array.

Sergio Jimenez at 106 E. Ballard St., Roswell spoke in favor of the case. He works for NM Solar Group as well. Mr. Jimenez indicated that he has solar panels on his property.

Nicholas Kadlik, at 5804 Tierra Viva Place, NW Albuquerque, spoke in favor of the case. He was the CEO of NM Solar Group.

Chair Ezzell asked if anyone wished to speak against the appeal.

Gary Hartwick at 2710 Sydney St., Roswell spoke against the appeal. He would like to protect the aesthetics of the environment.

Peter Ambs at 511 Twin Diamond Rd., Roswell spoke against the appeal. He was concerned with the property values and neighborhood aesthetics.

Shirley McIntosh at 3710 N. Aspen Ave., Roswell spoke against the appeal. She stated that she doesn't want to look at the solar arrays from her backyard.

Francisco and Cinda Olvera at 3801 N. Cedar Ave., Roswell spoke against the appeal. Their property is adjacent to the proposed community solar farm. They stated that they don't want this solar array in the middle of a residential neighborhood.

Stacy Askham of 2002 W. Pine Lodge Rd., Roswell, spoke against the appeal. She stated possible health implications with solar panels, especially for cardiac patients.

Councilor Kennard asked staff if a condition could be added to make sure that the zoning for the property remain as is if the solar project deal fell through. Mr. Jaramillo responded that the Authority can add to the Conditions of Approval. He continued by commenting that the ETZ Commission added a 9th Condition of Approval at their last meeting in October stating that an opaque fence be installed along the southern property line between the community solar farm and all private property residential areas.

Chair Ezzell clarified that this was not a rezone but a special use permit request.

Rita Doerhoefer of 28 Mark Rd, speaking as a resident of Chaves County, spoke against the application. One of her main concerns was the number of neighbors speaking against the proposed solar project.

Ms. Askham approached the podium once more and spoke about the conflicting comments from the solar company regarding whether or not the panels would rotate and how the hydraulics would affect the ground water. Another comment she made was that nobody knows how people will be able to subscribe to the community solar array nor how much it would cost. Chair Ezzell responded that this was because the PRC hasn't promulgated the regulations yet to allow for subscriptions.

Chair Ezzell asked Mr. Fitzpatrick if the contract/option contained surety for cleanup and decommissioning via bonding. Mr. Fitzpatrick responded that they did not have bonding in their lease but do have a requirement for decommissioning and removal of all equipment, above and below ground.

If the county ordinances were amended to require bonding, would Mr. Fitzpatrick’s company comply with the requirement? Mr. Fitzpatrick responded that they would.

Commissioner Taylor stated that the solar company did not provide a detailed business plan and if there was an actual study done showing that households would actually subscribe to the solar farm. Mr. Fitzpatrick provided only anecdotal evidence that community solar was the fastest growing segment of solar in the U.S. He continued by stating that they currently have thousands of subscribers across multiple states. Commissioner Taylor commented that he has seen property owners get solar panels and sign long term mortgages that will take 15-20 years for it to pay out. Mr. Fitzpatrick responded that what Commissioner Taylor was bringing up was a different product, which was customer owned that would go on their house. Mr. Fitzpatrick continued by stating that the proposed community solar farm business plan does not require the subscribers to pay to sign up or for an energy usage evaluation. Subscribers never get an invoice until they get a credit on their bill and a fixed guaranteed discount.

Chair Ezzell stated that the Solar Act prohibits entities from owning more than a specific percentage of the subscriptions. It also requires that at least 30% of the power generated go towards low-income housing.

*Councilor Best made a motion to reverse the decision of the ETZ Commission to deny and **APPROVE** Case ETZ 2021-06 with the 8 Conditions of Approval listed in Staff Report, and a #9 Conditions that requires an opaque fence be installed along the southern property line between the community solar farm and all private property residential areas and Finding of Fact #1 listed on the Staff Report and an additional one stating that the decommissioning surety would comply with any future ordinances enacted by the Chaves County Board of Commissioners. Councilor Kennard seconded the motion. After a roll call vote, the motion failed by a 2-3 vote, with Commissioner Taylor, Commissioner Bilberry and Chair Ezzell voting against the motion. Chair Ezzell noted the following Findings of Fact in denying the case: Not in the best interest of the surrounding community; would affect the adjacent properties in an adverse manner; not compatible with the existing neighboring land use.*

Mr. Higgins expressed his concern with not being able to access the subject property and asked for assistance from the county and the neighbors.

Chair Ezzell advised Mr. and Mrs. Higgins to contact staff and promised that the county would continue to work with them.


There being no other business listed on the agenda or to come before the ETZ Authority, the meeting adjourned at 8:21PM.

Approved this _____ day of _____, 2022

Chairman

Attest

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

<p>CHAVES COUNTY ETZ Authority</p>		
<p>Date: June 23, 2022</p>	<p><i>Public Hearing Minutes</i></p>	<p>Created By: Julia A. Torres</p>

Members Present:

Commissioners:
T Calder Ezzell
Jeff Bilberry

Councilor:
Jeanine Best

Staff Present:

Louis Jaramillo
Julia A. Torres
Richard Gutierrez
Stan Riggs, Legal Counsel

Guests:

John Brewington
Denna M. Bennett

A public hearing before the Chaves County Extraterritorial Zoning Authority was held at the Chaves County Administrative Center, in the Commission Chambers, on June 23, 2022 beginning at 5:30 PM.

I. Minutes

The minutes of the December 14, 2021 public hearing were approved unanimously as submitted.

NEW BUSINESS

I. Election of Officers

Chair Ezzell stated that the Election of Officers would be tabled until the City of Roswell appoints a second City Councilor to the ETZ Authority and all 5 members are present.

II. Resolution ETZA 2022-1: Notice for Public Meetings

Councilor Best made a motion to accept Resolution ETZA 2022-1: Notice for Public Meetings as submitted. Commissioner Bilberry seconded the motion. Motion carried unanimously.

III. APPEAL-the decision of the Roswell-Chaves County ETZ Commission to APPROVE Case No. ETZ 2022-06, a Special Use Permit for a Community Solar Array Facility in the Rural Suburban District; legal- in SEC.35 T10S R23E S2N2NW4, S2N2NE4 lying W of Hwy; 1100-1200 block of N. Brown Rd. Roswell; landowner- Featherstone Development Corporation; agent- CVE North America, Inc.

Louis Jaramillo read the staff report summary.

Chair Ezzell asked Mr. Jaramillo to explain the voting requirements.

Mr. Jaramillo explained that a favorable majority vote was necessary to overturn the ETZ Commission's decision to approve this case.

Chair Ezzell stated that in the interest of fairness to the appellant, he would offer the opportunity to Table this case until a second Roswell Councilor is appointed to the ETZ Authority and Commissioner Taylor is able to return to service.

John Brewington, the appellant, at 603 N. Brown Rd. Roswell, agreed to table the case.

Deana M. Bennett, Attorney, spoke on behalf of Carson Weinand, CVE North America and stated that they were prepared to present the case tonight but would agree to the decision of the ETZ Authority.

Councilor Best made a motion to Table Mr. Brewington's APPEAL. Commissioner Bilberry seconded the motion. Motion carried unanimously.

Mr. Jaramillo commented that per State Statute, since the case was being Tabled, the required public hearing notification period would be three (3) days instead of the fifteen (15) days.

There being no other business listed on the agenda or to come before the ETZ Authority, the meeting adjourned at 5:48 PM.

Approved this 04th day of August, 2022

Chairman

Attest

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



PLANNING & ZONING STAFF SUMMARY REPORT

MEETING DATE: August 4, 2022

CASE # ETZ 2022-06

REVIEWING BOARD	ROSWELL-CHAVES COUNTY EXTRATERRITORIAL ZONING AUTHORITY
-----------------	---

ACTION REQUESTED:	<p>Per Section 2.1.4 of the Roswell-Chaves County Extraterritorial Zoning Ordinance #80-1 and State Statute 3-21-8 NMAC.</p> <p>An Appeal of the Roswell-Chaves County Extraterritorial Planning and Zoning Commission decision to approve Case ETZ 2022-06- A Special Use Permit for a Community Solar Array Project.</p> <p>Per State Statute 3-21-8.C.2 The Roswell-Chaves County ETZ Authority may, by a majority vote of all its members:</p> <ul style="list-style-type: none">• Reverse any order, requirement, decision, or determination of an administrative official or commission;• Decide in favor of the appellant; or• Make any change in any order, requirement, decision, or determination of an administrative official or commission.
-------------------	---

LAND OWNERS AGENT:	Featherstone Development Corporation Changing the Vision of Energy (CVE) North America Inc.
--------------------	--

LOCATION:	1100-1200 Block North Brown Road S/2N/2NW/4 Section 35 T.10S. R.23E
-----------	--

ITEM SUMMARY	<p>Carson Weinand of CVE North America Inc. presented his case at the May 17, 2022 Roswell-Chaves County ETZ Commission public hearing. Mr. Weinand answered multiple questions from the Commission. Staff stated they had received a protest letter from Mr. Brewington on May 16th. No one else spoke for or against the case.</p> <p>The final vote was 4-2 to approve with 7 Conditions of Approval based on 4 Finding of Facts. (Commissioners Connolly and Lackey)</p> <p>Mr. Brewington visited Staff's office on May 18, 2022 to request the actions of the public hearing. Staff informed him that it was approved and there is an appeals process. He stated he did not receive a Notice of the meeting till May 13th due to the USPS and he would like to appeal the decision (Notices were mailed on May 3rd). On May 19th, Mr. Brewington and Mr. Bartlett presented their appeal letters to Staff. On June 14, staff received Mr. Carlson's protest and on June 21 staff received Dr. Joseph Quinlan's letter. CVE has provided a landscaping and fence detail, landscaping agreement, and distance calculations to Mr. Brewington's and Dr. Quinlan's dwellings.</p>
--------------	--

STAFF'S REPORT

CASE # ETZ 2022-06

Featherstone Development Corporation & CVE North America Inc are requesting a Special Use Permit for a community solar project. The proposed solar project would be located between North Brown Road and the Roswell Relief Route at approximately the 1100-1200 Block of North Brown Road. The property is of sufficient size for a 5-megawatt solar facility being approximately 43.88 acres in size. The proposed area is vacant land with the exception of a large, Xcel Energy, overhead transmission line that runs along the eastern property line adjacent to the Roswell Relief Route. The topography of the area consists of a natural rise in elevation starting at Sycamore Avenue and continuing west to Mark Road. The area is not in a Flood Hazard area per 2009 FIRM maps.

The proposed site and the surrounding properties are zoned Rural-Suburban District. The properties to the north, east and west are vacant lots owned by Featherstone Development Corp. Two of the properties that are located just south, are occupied with residential homes. The large vacant lot to the southeast is also owned by Featherstone Development Corp and is only accessible from Brown Road through the proposed solar facility area.

CVE North America Inc. has provided a development plan showing the solar panels ground based and stand no more than 15 feet high from the natural ground. The solar facility would be fenced in with a six-foot chain link fence with three barbed wire strands at the top. (See Project Description for details.) The facility would tie into the overhead electric line that runs along Brown Road on the west side. Xcel Energy is unable to determine if they will be able to accept both 5-megawatt community solar facilities on their distribution line located along Brown Road, at this time.

Article 25 of the Roswell-Chaves County Extraterritorial Zoning Ordinance No. 80-1 states that a Special Use Permit shall not be transferable from one property owner or location to another. Article 25 lists four considerations the Commission must determine dealing with public health and safety. It also states six reasons for granting a Special Use Permit and notes thirteen development restrictions or conditions the Commission may require as part of the approval such as screen fencing, additional setback requirements and size of the array farm, just to name a few. Finally, Article 25 gives reasons for revoking or terminating the Special Use Permit, such as but not limited to, failure to begin construction, the restrictions and conditions have not been met, or the use becomes detrimental to the public's health and safety.

Conditions of Approval accepted by the ETZ Commission:

1. Failure to complete the construction of the community solar facility within ten years shall result in the Special Use Permit being terminated.

2. CVE North America Inc. shall apply for any necessary building and electrical permits for construction of the community solar facility within one year of being award the solar project by Xcel Energy.
3. CVE North America Inc. shall utilize the existing distribution lines in the area.
4. CVE North America Inc. 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 side and rear property lines a minimum of fifty (50) feet and shall be a minimum of sixty (60) feet from the front property line, adjacent to the road.
7. **That the applicant/agent submit a dust mitigation and xeriscape plan. (Added as a Condition by the ETZ Commission in their motion and approval)**

Findings of Fact:

1. The proposed solar facility would be a low impact commercial use in a vacant area and would be an economic benefit to the community with rising utility costs, and to assist in the costly and limited space for personal solar facilities on one's private property.
2. The proposed solar facility conforms with the requirements for approval as stated in Article 25 of the Roswell-Chaves County ETZ Ordinance 80-1.
3. Owner's within 100 feet of the proposed Special Use Permit have been notified by certified mail, per Section 2.5 of the Roswell-Chaves County Extraterritorial Zoning Ordinance No. 80-1.
4. Planning and Zoning Staff have advertised this meeting in the local Roswell Daily Record 15 days prior to today's public hearing per the Roswell-Chaves County Extraterritorial Zoning Ordinance No. 80-1.



ROSWELL- CHAVES COUNTY ETZ/ CHAVES COUNTY ZONING APPLICATION

Case Number: ETZ 2022-6 Date Received: 4-15-22 Fee: 300.00

Type of Request: [] Rezoning [X] Special Use [] Variance [] Change of Use
Owner's Name: Featherstone Development Corporation
Mailing Address: PO Box 429, Roswell, NM 88202 Phone Number: 575-420-7995
Agent's Name: CVE North America, Inc. - Carson Weinand, Senior Business Developer
Mailing Address: 109 W 27th St, Floor 8, New York, NY 10001 Phone Number: 239-784-8080

[X] Roswell-Chaves County ETZ [] Chaves County
Case Address: North Brown Road, Roswell, New Mexico 88201
Legal Description: See Exhibit A of Lease Agreement
Parcel Number: 4-132-061-155-111
Present Land Use: Vacant
Intended Land Use: 5MWac community solar facility
Present Zoning: Rural-Suburban District-ETZ Ordinance Requested Zoning:
Reason for Requested: (Attach Letter if necessary)
To seek a Special Use Permit for the construction of a 5.0MWac community solar facility.
PLEASE INCLUDE ALL DEVELOPMENT PLANS, SITE PLANS, AND /OR BUSINESS PLANS

I ACKNOWLEDGE THAT I HAVE BEEN INFORMED OF THE DATES, TIMES, AND LOCATIONS OF THE PUBLIC HEARINGS FOR WHICH I OR MY AGENT SHALL ATTEND IN ORDER TO FULFILL THE REQUIREMENTS OF THIS APPLICATION.
Owner's Signature: [Signature] Date: 4/4/22

John D. & Janie L. Brewington
603 N. Brown Road
Roswell, NM 88201

May 19, 2022



Chaves County Commissioners
Chaves County Administrative Center
Joseph R. Skeen Building
#1 St. Mary's Place, Roswell, NM

Re: Appeal of Committee decision on Case # ETZ 2022-06 May 17th

Referring to a hearing for a permit for a 5 MW 10,000 panel facility. At the time I was so confident that we would get a favorable outcome that I neglected to stand and speak at the hearing, and instead I wanted to rely on the letter that we delivered on Monday May 16th.

The reason that was in late is that we received the certified letter on Friday the 13th informing us of the hearing on Tuesday the 17th. So we basically had 2 – 3 days to hurry and research solar panels and come up with an adequate comment (to defend our property). That was the fault of the postal service.

The applicant told Planning and Zoning that a 5 megawatt facility is the largest they build. It will be a little more than 100' from the property lines. Our home is kind of unique for the area because it sits on a parcel that is just under 2 acres. Most have 5 acres or more. We have lived there for 7 ½ years. Our house is slightly land-locked with one way in and out down a 300 ft long gravel road. This road, on the property line, doesn't belong to us and is only an easement for reaching our property. The road belongs to Joe Quinlan, our neighbor.

I spend a lot of time outdoors and am very familiar with the Featherstone property. It is mostly un-fenced. At present time the landscape is in very fragile condition and has very little vegetation with the exception of cactus and mesquite. (See photos submitted by applicant.) Loose and blowing dirt produced by this project is a likelihood. When you disturb this natural landscape, you are inviting the growth of needle grass, mustard weed, and tumbleweeds. There are no water rights present.

This area, historically, is a migratory route for pronghorns. They are, as we know, very nomadic, and they use the area frequently. In the spring they give birth to their young in this area. Access of the pronghorns would be blocked by the solar panels and the fence CVE plans to erect.

The large size of these facilities are known to produce electro-magnetic fields. What isn't known is what effects these fields or magnetic waves can have on living things, especially humans. It isn't positively known what is a safe distance from these is or even if there is a safe distance.

Although our main concern is for our health, we know a large facility like this will have a negative impact on our property's value.

Please ask yourself if you would want to live so close to one.

Sincerely,

John D. Brewington
Janie L. Brewington

Richard W. Bartlett
805 Saunders Drive
Roswell, NM 88201

May 19, 2022



Chaves County Commissioners
Chaves County Administrative Center
Joseph R. Skeen Building
#1 St. Mary's Place, Roswell, NM

Re: Case # ETZ 2022-06

The Zoning Committee meeting on May 17th left me with some questions.

Why was that location for installation of a solar panel array chosen, as the land nearby is almost all undeveloped, yet the plot chosen is nested next to a private dwelling?

What are the financial mechanics of the project? Does CVE bear the expenses of the property lease, construction of the solar array with its attendant inverters, transformers, transmission connections, and fencing, then selling the power generated to Xcel Energy? How are the beneficiaries selected for the discounts resulting from the project, e.g. 1,000 homes to receive a 10-20% discount off their power bills? Then it was stated that of the entire discount structure 30% of the customers to receive the discount would be low income people. How are they selected?

Our Xcel Energy bills haven't shown a line item for savings generated by the addition of solar panels in the Roswell-Chaves County area. Does the power contributed by the solar panels already employed locally cost the same as the other sources, e.g. natural gas, nuclear, hydroelectric, etc.? If so, is the sole incentive for our proceeding with this project going to be our contribution to the Green Energy goal of reducing fossil fuel use?

Also, then the economics of the project probably show that any reduction in cost of energy production fall to the bottom line of CVE, and the only benefit to the citizens of Roswell-Chaves County is the small discount program identified.

What is the rate to be paid by Xcel Energy for the power generated by the solar field? Or is Xcel's cost the same, and that is why we haven't seen a line item on our bills showing the savings?

So, how much profit is CVE taking from this project? It appears that CVE has a guaranteed flow of funds for 25 years that they are taking out of Chaves County. Could a power cooperative employ the same kind of program and keep the profit here through reduced rates charged to customers?

Service cost increases have been realized by Xcel's customers for years, and published rate increase requests show Xcel wanted more increases than were approved. What is Xcel's projection of rates charged in the future with and without the solar source? Is there any benefit to the customer for this project other than the few homes receiving the small discount mentioned by CVE - say \$20 per month for 700 homes and free(?) power for 300 low income homes?

Before the Commissioners accept this project please answer some of these questions.

Sincerely,


Richard W. Bartlett

CHARLES AND KAT CARLSON

4701 N Atoka Trl, Roswell | 575-416-2678 | katcarlson9@gmail.com

06/09/2022

Chavez County Planning and Zoning Commission
Case #2022-06
For Hearing on June 23rd

P4Z
RECEIVED
6/14/2022

To Whom It May Concern:

We are writing concerning the proposal for a solar farm on the property boarding the relief road on the East and Brown road on the West also known as Prospector’s subdivision – case # 2022-06. We are absolutely opposed to the proposal to allow this zoning to be changed to accommodate this use of the land. While we are not opposed to Solar Farms as a concept, we do oppose them near residential areas where they pose a clear eyesore and potential increases in both wind and reflective heat. To allow one in an area where clearly there are homes already established and which were purchased with the understanding that there would be other homes only is to disregard the rights of the current landowners and to also devalue our surrounding properties. We hope that you will prudently not allow this change in zoning to occur.

Most Sincerely,


Charles and Kat Carlson

Extraterritorial Zoning Authority

Case No. ETZ 2022-06

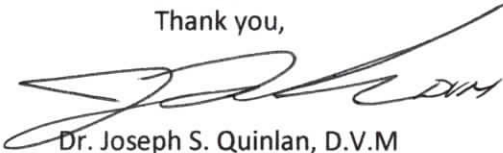
County Commissioners,

I am writing to comment on the proposed Solar Array Facility on Featherstone Development Corporation land on the 600 Block of N Brown Rd.

I am opposed to the Array. The unsightliness of the array will not only decrease the aesthetic value of my home, it will also decrease the monetary value. It will for all intents and purposes cut off my property and other properties creating the boundary for "the other side of the tracks." The array will also disrupt the natural fauna and their established wildlife corridors.


Please consider my concerns and those of the other residents in the area.

Thank you,



Dr. Joseph S. Quinlan, D.V.M
Supervisory Public Health Veterinarian
USDA-FSIS OFO
601 N. Brown Rd
Roswell, NM 88201
Joseph.Quinlan@usda.gov



Joe Skeen Building	Chaves County ETZ Commission	
Meeting Date: May 17, 2022	<i>Meeting Minutes</i>	Created By: Julia A. Torres

Members Present:

Michael Lackey
 Matthew Bristol
 Mona Kirk
 Rita Kane-Doerhoefer-*via phone*
 Larry Connolly
 Royce "Pancho" Maples
 Neil Roe

Guests:

Dustin and Maureen DeNio
 Carson Weinand, CVE North America
 Annie Wagner, OneEnergy Renewables
 Brian and Karen Davis
 Merideth Hildreth, City of Roswell Planning & Zoning

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 May 17, 2022, at 5:30PM.

Minutes

The minutes of the April 19, 2022, meeting were approved unanimously as submitted.

NEW BUSINESS

Case ETZ 2022-05

Request for a Special Use Permit to allow a second residence @ 1406 E. Berrendo Rd., Roswell; Lamb Summary Plat Lot 3 NW4 S22 T10S R24E; landowners and applicants- Dustin and Maureen DeNio

Louis Jaramillo gave a brief description of the case and noted a letter of support was received by Staff. He stated staff was in support of the Special Use Permit including the six (6) Conditions of Approval and five (5) Findings of Fact listed in Staff's Report. Mr. Jaramillo read the following Findings of Fact due to an error in #4 and #5: *1. The Chaves County Comprehensive Plan 2016 does support a second home on a single lot, on a temporary basis, when the request is for the care of an elderly or sick family member; 2. NMED has evaluated the property and determined the area of sufficient size for a second home and has provided all required requirements for the placement of a second home on the property; 3. The second home shall utilize the existing Berrendo Co-Op water service and one of two septic tanks located on the property; 4. Owners within 100 feet of the proposed Special Use Permit have been notified by certified mail, per Section 2.5 of the Roswell-Chaves County ETZ Ordinance No. 80.1. Staff has received one (1) letter of support; and 5. This case has been advertised in the local newspaper and on the Chaves County website, 15 days prior to this meeting, as required by Section 2.5.3 Roswell-Chaves County ETZ Ordinance No. 80.1 and State Statute 3-21.*

Dustin and Maureen DeNio at 1406 E. Berrendo Rd. spoke in favor of their application. They stated they would like for Mrs. DeNio to live next to them due to her numerous medical conditions that have recently been diagnosed by her doctor.

Nobody spoke in favor nor against the application.

Commissioner Kirk made a motion to approve Case ETZ 2022-05 including the 6 Conditions of Approval based on the revised Findings of Fact. Commissioner Roe seconded the motion. Motion carried unanimously.

Case ETZ 2022-06

Request for a Special Use Permit for a Community Solar Array Facility in the Rural Suburban District; located in S35 T10S R23E S2N2NW4, S2N2NE4 lying W of Hwy, at or near 600 block of N. Brown Rd. Roswell; landowner- Featherstone Development Corporation; agent- CVE North America, Inc.

Louis Jaramillo gave a brief description of this case and noted if the request receives favorable consideration, Staff recommends six (6) Conditions of Approval based on four (4) Findings of Fact listed in the Staff Report. Mr. Jaramillo stated staff did receive a letter of opposition from Mr. and Mrs. Brewington was received on May 16, 2022. He stated Mr. Brewington is located south of the proposed area. Discussion issued about the exact location of Mr. Brewington's property. A copy of the letter was presented to the Commissioners and to the agent.

Commissioner Bristol asked if an opaque fence could be required along the Roswell Relief Route if glare would become a problem. Mr. Jaramillo stated it could be added as an additional Condition of Approval. Mr. Jaramillo noted that the Roswell Relief Route is at a lower elevation than the proposed solar facility.

Carson Weinand, Senior Business Developer at CVE. He proposed an extensive explanation of the proposed community solar facility.

Commissioner Kirk asked how many projects would be awarded in New Mexico. Mr. Weinand responded that the initial program allows a total of 200 megawatts in New Mexico. The number of projects would be dependent on the size of each project that gets awarded. She also asked how the households would be chosen. The state has required that 30% be low-income households and the rest could be any household or business within the Xcel power grid area. Mr. Weinand indicated that the state is yet to determine how those low-income households would be identified. He stated they would require the applicants to have a 650-credit score or greater.

Commissioner Roe asked if all the subscribers (low income and non-low income) would get the same benefit of savings. Mr. Weinand responded that all the subscribers would be able to get the 10% - 20 % savings in their electrical bill.

Commissioner Lackey noticed that in the report submitted by Mr. Weinand, two parcels were highlighted. Mr. Weinand explained that CVE has an option to lease either or both of the parcels from Mr. Featherstone but chose to develop only the southern parcel. He stated CVE has no plans to develop on the northern parcel and will probably end up cancelling that contract.

Mr. Jaramillo pointed out that the proposed solar facility would be about 100 feet from the north and south property line and about 300-400 feet from N. Brown Rd. and Roswell Relief Route, based on their site drawing.

Mr. Weinand continued by stating that the panels would be a maximum of 9' high, from natural ground, with a maximum tilt of 52 degrees.

Commissioner Doerhoefer asked the following questions:

1. Did CVE contact the neighbors to the east of N. Brown Rd.?
2. Why this location?
3. Did Featherstone Development Corporation contact CVE or vice-versa?
4. Would there be a local maintenance company, or would it be coming from New York?
5. How many employees do they have in New Mexico?
6. Who will be buying the electricity from CVE?
7. CVE is planning on installing a 6-foot chain link fence although the panels would be much higher than that, correct?

Mr. Weinand responded with the following:

1. P&Z staff had notified the neighbors within 100 feet of the proposed solar facility.
2. This site was chosen for various reasons including it being large enough for a 5-Mw facility, within the Xcel power grid, the zoning must be favorable, the landowners must be interested, the site has to be flat and dry enough, and that it has to be near utility infrastructure and substation.
3. CVE North America contacted Featherstone.
4. A third-party local company in New Mexico would be hired for maintenance.
5. There are currently zero employees in New Mexico.
6. Xcel Energy would be buying the electricity generated from the community solar facility.
7. The panels will be a maximum of 9-feet high and a 6-foot chain link fence would be installed.

Mr. Jaramillo gave a brief rundown of the approved SB84, Community Solar Act and the recent changes the PRC has proposed to the program. He noted the final regulations have not been completed by the PRC, as required in SB 84.

Nobody spoke in favor of the application.

Merideth Hildreth, City of Roswell Planning & Zoning, commented on the following considerations:

1. Mitigation for possible urban heat island effect
2. Aesthetics, visual blight, including landscaping requirement
3. Site facility maintenance and vegetation plan
4. Dust control, erosion and/or drainage plan
5. Decommission plan.

Mr. Weinand was encouraged to address some of the comments from Ms. Hildreth. He mentioned that they are familiar with her comments and willing to work with the county and dust control and xeriscaping the area with natural vegetation.

Chair Maples asked Mr. Weinard who would be responsible for cleaning the surrounding fence area from tumbleweeds and needle grass. Mr. Weinard stated they would have a third party cleaning the area. Chair Maples explained what needle grass is and how dangerous it can be if not cleaned and disposed of quickly. Mr. Weinard stated he would note that in his report. Chair Maples stated that landscaping the area and watering may cause more trouble than good, however dust control and re-planting of natural vegetation is very important for this area.

Nobody else spoke against the application.

Commissioner Bristol made a motion to accept Case ETZ 2022-06 including the Conditions of Approval and Findings of Fact, with the addition of a 7th Condition of Approval to read as follows "That the applicant submit a dust mitigation and xeriscaping plan." Commissioner Kirk seconded the motion. Motion carried by a 5-2 vote, with Commissioner Lackey and Commissioner Connolly voting against.

Case ETZ 2022-07

Request for a Special Use Permit for a Community Solar Array Facility in the Rural Suburban District; located in S34 T10S R23E NE4SE4 @ 500 N. Brown Rd., Roswell; landowners- Brian and Karen Davis; agent- OneEnergy Renewables

Louis Jaramillo gave a brief description of this case. He stated if the case was to receive favorable consideration, Staff recommend seven (7) Conditions of Approval including an additional one to read "That the applicant submit a dust mitigation and xeriscaping plan" based on four (4) Findings of Fact listed in the Staff Report. Mr. Jaramillo commented that Xcel Energy did not know how much energy they would be able to accept on that distribution line. In this case, no letters of opposition were received.

Commissioner Roe asked if there would be enough space for the solar panels after the five (5) acre parcel is subdivided for the owners' home. Mr. Jaramillo stated "yes" and that staff would require the necessary setbacks that are required in the Rural Suburban District as part of the land division.

Commissioner Lackey wanted to know if this specific project was not awarded, what would happen to the special use permit. Mr. Jaramillo stated that the special use permit would terminate for failure to be awarded a community solar facility within ten years.

Annie Wagner, OneEnergy Renewables, of Madison, Wisconsin and was joined by Kate Larkin, Associate Director of Project Development. She gave an extensive description of their community solar facility project.

Commissioner Doerhoefer had the following questions for the applicant:

1. Are there any homes/structures on the east side of N. Brown Rd?
2. Did Mr. and Mrs. Davis contact One Energy Renewables or vice versa?
3. Who is OneEnergy Renewables going to sell their energy to?

4. Solar panels will be no more than 6 feet high?
5. Would there be a local maintenance company, or would it be coming from Seattle, Washington?

Ms. Wagner responded with the following:

1. That there was a salvage yard and a business located on the east side of N. Brown Rd.;
2. One Energy Renewables contacted Mr. and Mrs. Davis;
3. The energy will be selling the energy to Xcel customers choosing to participate in the project;
4. The solar panels will be no more than 9 feet high at maximum tilt;
5. Long term project maintenance contracts will be awarded to local companies.

Commissioner Kirk asked Ms. Wagner if she would address some of the earlier concerns expressed by Merideth Hildreth, City of Roswell Planning & Zoning. Regarding heat concerns, Ms. Wagner stated that the solar panels are spaced out enough so that heat escapes and dissipate between the panels. OneEnergy Renewables would be willing to conduct heat tests after construction to check for this. To mitigate dust control issues, the applicant proposed to stabilize the soils with a native grass mix. OneEnergy Renewables is willing to present a Dust Control Plan. Commissioner Kirk also asked for mitigation plan to address tumbleweeds and needle grass.

Brian and Karen Davis at 500 N. Brown Rd. spoke in favor of the application. They stated that living in this area has been hard because of the bad caliche soil and antelope that destroy their fences and eat everything they plant. They stated they hope this solar facility will better their economic situation and has brought hope to their future.

Nobody spoke in opposition.

Commissioner Kirk made a motion to accept Case ETZ 2022-07 including the seven Conditions of Approval based on the four Findings of Fact, with the addition of an 8th Condition of Approval to read as follows "That the applicant submit a dust mitigation and xeriscaping plan." Commissioner Bristol seconded the motion. Motion carried unanimously.

OTHER BUSINESS

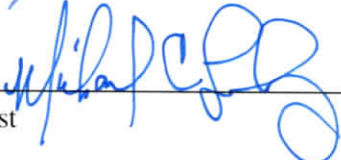
None

Since there was no other business to come before the Commission, the meeting was adjourned at 7:02PM.

Approved this 19th day of July, 2022.



Chairman



Attest

April 15, 2022

Louis Jaramillo
Planning and Zoning Director
Chaves County, NM
1 St Mary's Place
Roswell, NM 88203
Louis.jaramillo@chavescounty.gov

**Re: Special Use Permit for Community Solar Energy Facility
Project Narrative**

Dear Director Jaramillo,

Please accept this letter as a statement in support of the enclosed site plan for a community solar energy facility. With this application, CVE North America, Inc. (the "Applicant") will develop a 5.0 megawatt (AC) community solar energy facility on one parcel of land (4-132-061-155-111) located at No Number North Brown Road, Roswell, NM 88201 (the "Property").

The Property contains approximately 43 acres and is currently vacant. The area surrounding the Property is vacant or defined by very low-density residential uses. The Property is zoned to the Rural-Suburban District.

The Applicant intends to develop all the Property with a community solar energy facility. Community solar is a relatively new feature in New Mexico that allows local residents to receive a direct benefit by subscribing to receive credits, which lowers their electricity bills. There are no costs to subscribe, and in general, customers can expect to save 10% on their monthly utility bills. The 5.0 megawatt system is sufficient to provide credits to approximately 1,000 homes in Chaves County. Over the 25 years of the program, the total energy savings to customers will be over \$2,500,000.

At the end of the project's life (~year 35), the solar energy panels and related equipment will be removed, per the decommissioning plan approved by the County, and the project site restored to previous conditions.

The maximum height of the solar panels and other above-ground equipment will not exceed fifteen (15) feet. The solar panels and other above-ground equipment will be setback 50 feet from property boundaries. The project also will not have any substantial traffic impacts, as the Applicant anticipates less than two (2) trips to the Property monthly for basic maintenance, and overall will not have a material impact on existing or planned characteristics of the neighborhood.

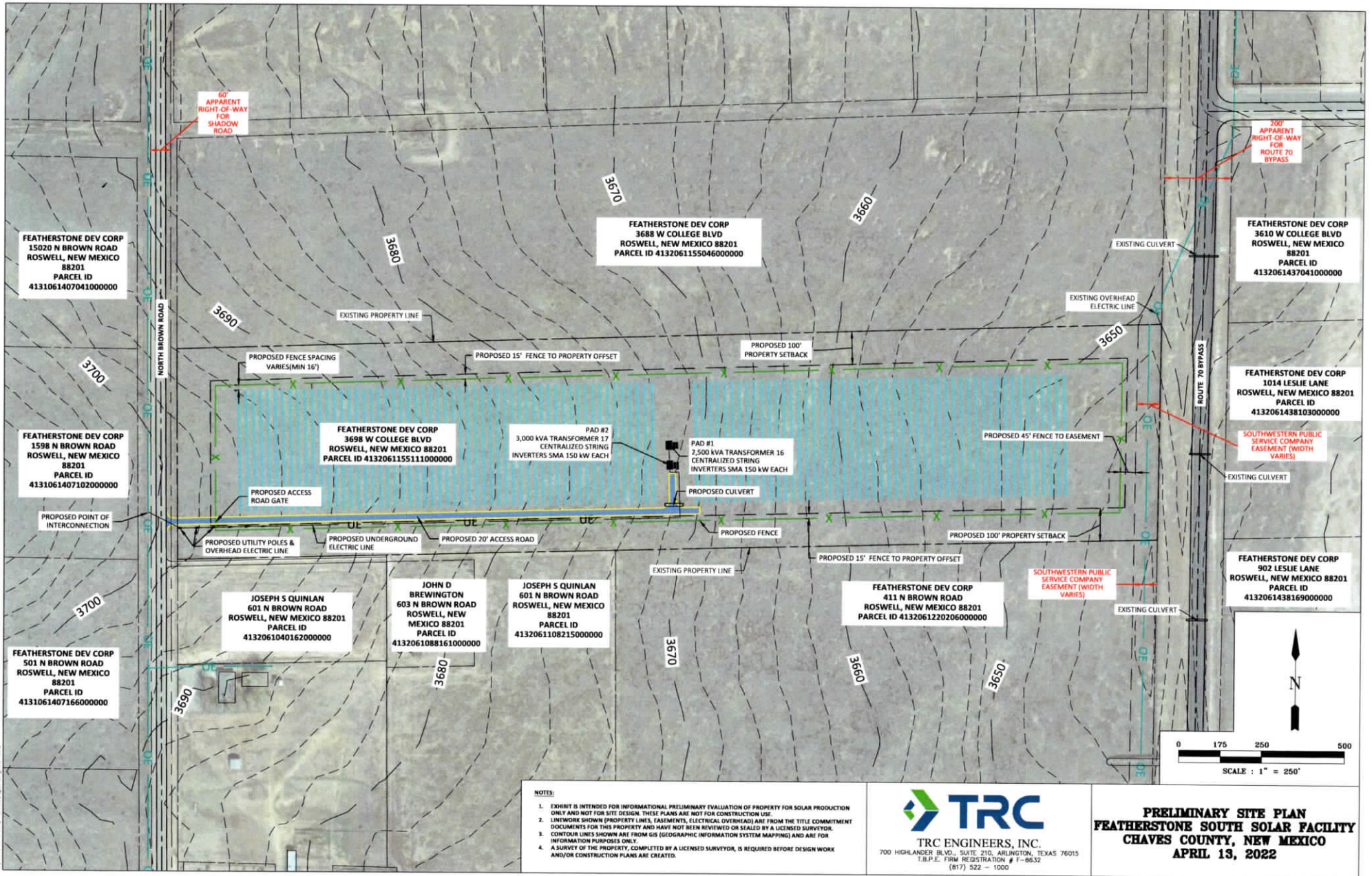
The Applicant, CVE North America, Inc. ("CVE"), is an international renewable energy developer with over 250 employees worldwide and over 500 MW of operating assets. CVE owns and operates each project it develops. Furthermore, CVE strives to execute each project with integrity and transparency, while delivering a positive impact for the local community. To that end, CVE will be making a ~\$10,000 (\$1 per panel installed) "Green Initiative" donation to a local environmental agency.



For the reasons noted above, the Applicant believes this application should be approved. Thank you for your time and attention to this matter. We look forward to working with you and the community as the application progresses.

Very truly yours,

Carson Weinand



- NOTES:**
1. EXHIBIT IS INTENDED FOR INFORMATIONAL PRELIMINARY EVALUATION OF PROPERTY FOR SOLAR PRODUCTION ONLY AND NOT FOR SITE DESIGN. THESE PLANS ARE NOT FOR CONSTRUCTION USE.
 2. LINES SHOWN (PROPERTY LINES, EASEMENTS, ELECTRICAL OVERHEADS) ARE FROM THE TITLE COMMITMENT DOCUMENTS FOR THIS PROPERTY AND HAVE NOT BEEN REVIEWED OR SEALED BY A LICENSED SURVEYOR.
 3. CONTOUR LINES SHOWN ARE FROM GIS (GEOGRAPHIC INFORMATION SYSTEM MAPPING) AND ARE FOR INFORMATIONAL PURPOSES ONLY.
 4. A SURVEY OF THE PROPERTY, COMPLETED BY A LICENSED SURVEYOR, IS REQUIRED BEFORE DESIGN WORK AND/OR CONSTRUCTION PLANS ARE CREATED.

TRC
TRC ENGINEERS, INC.
 700 HIGHLANDER BLVD., SUITE 210, ARLINGTON, TEXAS 76015
 T.B.P.E. FIRM REGISTRATION # F-8832
 (817) 522 - 1000

PRELIMINARY SITE PLAN
FEATHERSTONE SOUTH SOLAR FACILITY
CHAVES COUNTY, NEW MEXICO
APRIL 13, 2022

C:\WORKING\PROJECTS\BROWNS\CHAVES_13112022

MEMORANDUM OF LEASE

DOCUMENT PREPARED BY AND
AFTER RECORDING, PLEASE RETURN TO:

Modrall Sperling, Atn: Meg Meister
500 4th Street, Suite 1000
Albuquerque, NM 87102

MEMORANDUM OF LEASE AND EASEMENT AGREEMENT

This MEMORANDUM OF LEASE AND EASEMENT AGREEMENT (this "Memorandum of Lease") is made and entered into as of Aug 20, 2021, by and between **FEATHERSTONE DEVELOPMENT CORPORATION**, a Colorado corporation, with an address of PO Box 429, Roswell, NM 88202 ("Landlord" and "Grantor" for indexing purposes), and **CVE NORTH AMERICA**, a Delaware limited liability company, with an address of 109 West 27th Street, 8th Floor, New York, New York 10001 ("Tenant" and "Grantee" for indexing purposes).

WITNESSETH

WHEREAS, pursuant to that certain Ground Lease and Easement Agreement (the "Lease") of even date herewith by and between Landlord and Tenant, Tenant leases from Landlord the land more particularly described in Exhibit A attached hereto and made a part hereof, together with all appurtenances thereto (collectively, the "Leased Premises").

WHEREAS, the parties hereto desire to enter into this Memorandum of Lease for the purpose of recording a document in real property records of Chaves County, New Mexico (the "Land Records") that will provide public notice of the existence of the Lease and certain of its terms and conditions.

NOW, THEREFORE, the parties hereto do hereby certify and agree as follows:

1. Lease of the Leased Premises. Landlord leases to Tenant, and Tenant leases from Landlord, for the Term (as defined below) and subject to the provisions of the Lease, to each of which Landlord and Tenant mutually agree, the Leased Premises, together with ingress, egress, and utility easements providing access to and from a public road and the point of utility interconnection, for the purposes of installing, operating, maintaining and removing a solar photovoltaic electric generating facility, which includes all photovoltaic solar panels, mounting systems, inverters, transformers, integrators, all electrical lines and conduits required to generate, collect, distribute and transmit electrical energy and such additional utility lines, cables, conduits, transformers, wires, meters, monitoring equipment, improvements and other necessary and convenient equipment and appurtenances common to such a facility (the "Solar Facility").

2. The rights granted to Tenant in the Lease include, without limitation the following easements and related rights:

- a. the exclusive right to erect, construct, reconstruct, replace, relocate, remove, operate, maintain and use the following from time to time, on, under, over and across the Leased Premises, in connection with the Solar Facility: (a) line or lines of towers, with such wires and cables as from time to time are suspended therefrom, and/or underground wires and cables, for the transmission of electrical energy and/or for communication purposes, and all necessary and proper foundations, footings, crossarms and other appliances and fixtures for use in connection with said towers, wires and cables (collectively "Transmission Facilities"); (b) facilities consisting of one or more substations for electrical collection, to step up the voltage, interconnect to transmission line or lines, and meter electricity, together with the right to perform all other ancillary activities normally associated with such a facility as may be necessary or appropriate to service the Solar Facility, regardless where located (collectively "Interconnection Facilities", which collectively with the Transmission Facilities and improvements installed in connection with the Solar Facility, collectively constitute the "Solar Improvements"); and (c) with all necessary easements therefor;

an easement and right over and across that certain parcel of real estate located in the County of Chaves New Mexico, more particularly described on Exhibit B attached hereto and made a part hereof and consisting of approximately 44 acres (the "Land"), the Leased Premises, or any property adjacent to the Land owned by Landlord (the "Surrounding Property," together with the Land and Leased Premises, collectively referred to herein as the "Property"), for any audio, visual, view, light, shadow, noise, vibration, electromagnetic or other effect of any kind or nature whatsoever resulting, directly or indirectly, from the Solar Facility, including but not limited to rights to cast shadows and reflect glare onto all of the Surrounding Property including any adjoining property, from the Solar Facility and/or any and all other related facilities, wherever located;

an exclusive easement and right to capture, use and convert sunlight and related solar resources on an unobstructed basis over and across the Property, which shall extend horizontally three hundred sixty degrees (360°) across the entire Property, together extending vertically through all space located above the surface of the Property, that is one hundred eighty degrees (180°) or such greater numbers of degrees as may be necessary to extend from each point on and along a line drawn along the surface of the ground and from each point along the exterior boundary of the Property; any obstruction to the receipt of and access to sunlight throughout the entire area of the Property is prohibited;

Landlord shall not construct buildings or structures, initiate or conduct activities or plant trees or vegetation of any type or allow any trees or other vegetation on the Surrounding Property which now or hereafter in the reasonable opinion of Tenant may be a hazard to the Solar Facility, overshadow or otherwise block or interfere

with access of sunlight to the Solar Facility and/or interfere with the exercise of Tenant's rights hereunder. Landlord and Tenant hereby acknowledge that Tenant shall have the right (but shall not be obligated) to remove, at Landlord's cost, any such buildings or other structures in violation of the preceding sentence.

an easement and right on the Property to prevent measurable diminishment in output due to obstruction of the sunlight across the Leased Premises including but not limited to an easement right to trim, cut down and remove all trees (whether natural or cultivated), brush, vegetation and fire and electrical hazards now or hereafter existing on the Property which might obstruct receipt of or access to sunlight throughout the Leased Premises or interfere with or endanger the Solar Facility or Tenant's operations;

an access easement over and across the Surrounding Property for ingress and egress to the Leased Premises, to and from a public road, and a construction and utility easement over the Surrounding Property adjacent to the Leased Premises for construction and maintenance of the Solar Improvements;

an easement to be located at a mutually acceptable location on a portion of the Surrounding Property to be used for temporary (i) storage and staging of tools, materials and equipment, (ii) construction laydown, (iii) parking of construction crew vehicles and temporary construction trailers, (iv) vehicular and pedestrian access and access for rigging and material handling, and (v) other facilities reasonably necessary to construct, erect, install, expand, modify or remove the Solar Facility; and

the right to undertake any such purposes or other activities, whether accomplished by Tenant or a third party authorized by Tenant, that Tenant determines are necessary, useful or appropriate to accomplish any of the purposes or uses set forth in this Lease or that are compatible with such purposes or uses.

3. Term. The term of the Lease (the "Term") commenced on or about Aug 20, 2021 and shall terminate on or about Feb 8, 2022. The Lease contains Tenant's two (2) options to extend the Lease for five (5) years each.

4. Successors and Assigns. The Lease provides that the provisions of the Lease are binding upon and inure to the benefit of Landlord and Tenant and each of their respective representatives, successors and assigns, subject to certain limitations.

4. Purchase Right. Tenant has the right to purchase the Leased Premises, the Land or any part thereof or interest therein on the terms and conditions set forth in the Lease.

5. Purpose of Memorandum of Lease. This Memorandum of Lease, when recorded in the Land Records is intended to serve as public notice of the existence of the Lease and of certain of its terms and conditions, including easements and restrictions affecting land adjacent to the Leased Premises. This Memorandum of Lease does not describe or refer to all of the terms or

conditions contained in the Lease, nor is this Memorandum of Lease intended to modify, amend or vary any of the terms or conditions set forth in the Lease. To the extent not set forth herein, all of the terms, covenants and conditions of the Lease are incorporated herein. In the event of any inconsistency between the terms of the Lease and the terms of this Memorandum of Lease, the terms of the Lease shall control.

6. Termination of Memorandum. Upon the expiration or earlier termination of the Lease, Landlord and Tenant agree that they shall execute and record a termination of this Memorandum of Lease.

7. Counterparts. This Memorandum of Lease may be executed in counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same document.

(signature pages follow)

IN WITNESS WHEREOF, the parties have caused this Memorandum of Lease to be duly executed under seal and delivered as of the date first written above.

Landlord:

FEATHERSTONE DEVELOPMENT CORPORATION, a Colorado corporation

By: [Signature]
Its: Oliver Featherstone III, President
Date: 8/19/21

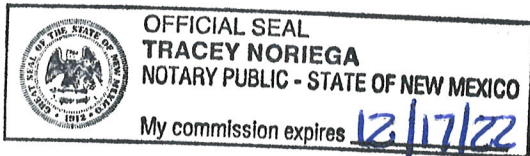
STATE OF NEW MEXICO
COUNTY OF Chaves

This instrument was acknowledged before me on August 19th, 2021,
by Oliver Featherstone III as President of Featherstone Development Corporation, a Colorado corporation.

(Seal)

Tracey Noriega
Notary Public

My commission expires: _____



Tenant:

CVE NORTH AMERICA, INC.,
a Delaware corporation

By: David Froelich

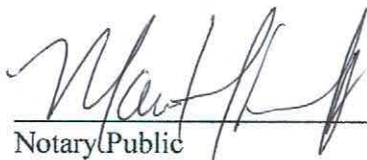
Its: Director, Bus. Dev.

Date: 8/20/21

STATE OF NEW YORK
COUNTY OF NEW YORK

This instrument was acknowledged before me on August 20th, 2021,
by DAVID FROELICH as DIRECTOR of CVE North America, Inc., a
Delaware corporation.

(Seal)



Notary(Public)

My commission expires: 8/25/2022

MARTIN KRASNOFF
Notary Public, State of New York
No. 01KR5048735
Qualified in New York County
Certificate Filed in New York County
Commission Expires August 28, 2022

EXHIBIT A

LEGAL DESCRIPTION OF THE LAND

Following property located in Chaves County, New Mexico:

A tract of land described as the S1/2N1/2NW1/4, and that part of the S1/2N1/2NE1/4 which lies West of the right-of-way of the New Mexico State Hwy 6 TO Project No. ST-(F)-023-2(202). All in Section 35, Township 10 South, Range 23 East, N.M.P.M.

Tax Parcel Number 4-132-061-155-111-000000

John D. & Janie L. Brewington
603 N. Brown Road
Roswell, NM 88201

May 16, 2022



Chaves County Extraterritorial Zoning Commission
Chaves County Administrative Center
Joseph R. Skeen Building
#1 St. Mary's Place, Roswell, NM

Re: Case # ETZ 2022-06

The proposed solar power installation would be, if approved, directly adjacent to my primary place of residence. Notice on page 22 a plan view shows white boxes identifying ownership of adjacent properties. In that view there is no way of showing that our residence is the only one immediately adjacent to the proposed solar panel field. The other boxes are undeveloped fields, just as the field adjacent to my property is (See Exhibit A-1 on page 30 - aerial photograph.)

My areas of concern are as follows:

1. Impact on property value.
2. Health and safety due to proximity to radiation and EMF.
3. Dust generated by loss of desert foliage.
4. Disruption of wildlife using that area – habitat fenced off.
5. We, our friends, and family will be looking out from our patio and see fencing, a field of panels, inverters, and transformers instead of natural terrain and animal habitat.

For these reasons we register our objection to the solar electric power systems project being immediately adjacent to our property, our home, resulting in a significant decrease in quality of life.

Sincerely,

John D. Brewington
Janie L. Brewington



Decommissioning Plan

Featherstone South Solar Project

Chaves County, New Mexico

Prepared For:



Prepared By:
TRC

April 2022



TABLE OF CONTENTS

1.0	INTRODUCTION	1
2.0	SYSTEM DECOMMISSIONING	1
2.1	Photovoltaic Modules	1
2.2	Electrical Equipment	2
2.3	Electrical Wiring	2
2.4	Concrete Pads	2
2.5	Access Drive	2
2.6	Racking and Fencing	2
3.0	SITE RESOTORATION	2
4.0	DECOMMISSIONING SCHEDULE	2

TABLE

Table 1.	Approximate Decommissioning Schedule	3
----------	--	---

1.0 INTRODUCTION

CVE North America (CVE) proposes to construct and operate the Featherstone South Solar Project, a 4.95-megawatt (MW) alternate current (AC) community solar energy facility on property located in Chaves County, New Mexico. The Project will be located within a 43.9-acre tract of land, across one parcel (4-132-061-155-111-000000) located at PO BOX 429, Roswell, Chaves County New Mexico 88202 (the “Property”).

The Property is currently mostly undeveloped land. The area surrounding the Property is defined by low-density residential uses. The Property is in the Roswell-Chaves County Extraterritorial Zone (ETZ) and the site is in a Residential-Suburban (R-S) zoning district.

The Applicant intends to develop all the Property with a community solar energy facility.

The Project will consist of arrays of solar panels separated by pervious access drive. The arrays will consist of rows of solar panels installed aboveground on a metal framework. In addition, concrete pads for inverters and transformers will be installed. The access drive will be designed to allow access for emergency vehicles. A 6-foot-tall perimeter fence will surround the solar arrays and access will be through a single security gate. Emergency access will be available through a KnoxBox. The expected life of the Project is 35 years.

This document presents the Decommissioning Plan for the Project.

2.0 SYSTEM DECOMMISSIONING

Solar panels (photovoltaic modules or PV Modules), brackets, posts, support structures, battery storage pack units, inverters, transformers, concrete pads, underground electric, fencing, access drive geotextile support structures and gate will be removed from the Site. Materials will be salvaged when possible. If salvage is not an option, recycling or disposal in the appropriate facility will be carried out. Any work completed as part of the Decommissioning Plan will be conducted in compliance with all local, state, and federal regulations governing the activities.

No decommissioning activities will occur in wetlands or associated buffer zones on the property and any excavations to remove Project components will not commence until best management practices (BMPs) for erosion and sediment control are in place.

2.1 Photovoltaic Modules

The PV modules will be disconnected from the inverters and removed from the steel racking system. Since PV modules are made of silicon, glass, and aluminum they do not constitute hazardous waste. Recycling and reuse of the PV modules will be assessed at the time of decommissioning.

2.2 Electrical Equipment

All electrical equipment including, but not limited to inverters, switchboards, transformers, and meters will be disconnected from the electrical grid and removed from the concrete pads upon which they are mounted. The electrical equipment will be disposed of at an approved facility.

2.3 Electrical Wiring

All electrical wiring is made of copper and aluminum, which will be recycled appropriately. All aboveground and underground conductors will be removed to the point of interconnection with the local electrical grid.

2.4 Concrete Pads

The concrete mounting pads for the electrical equipment will be excavated to the depth below grade necessary to remove all concrete, rebar, and foundation bolts. Clean concrete will be crushed and re-used off site or on-site at the discretion of the property owner. The excavation will be filled with clean material with characteristics similar to surrounding soils.

2.5 Access Drive

If requested by the property owner and with approval of the County, the access drive can be maintained and remain in place for future use of the Site. Otherwise, clean gravel will be stripped and reused. All other gravel and geotextile fabric will be disposed of at an appropriate facility. Compacted soils in the subgrade of the road will be assessed for use on-site. Soil will be scarified and loosened to return the road access area to pre-existing slope conditions.

2.6 Racking and Fencing

All metal racking equipment, fencing, and gate material will be removed and recycled at an appropriate facility. All driven posts for the racking system and fence footings will be removed.

3.0 SITE RESTORATION

To the extent practical, the topography of the Site will remain consistent with the grading plan for post-construction contours. The small amount of fill introduced to the Site to accommodate the installation of the Project will remain on the Site. The fill necessary for excavations related to below grade components (internal conductors or concrete pads) will be filled with materials similar to adjacent soils. Any disturbed areas will be re-seeded. Erosion and sediment control BMPs will remain in place until final stabilization is achieved.

4.0 DECOMMISSIONING SCHEDULE

Removal of the Project components will begin within 90 days of the Project's decommissioning. Table 1 presents an approximate schedule for decommissioning activities.

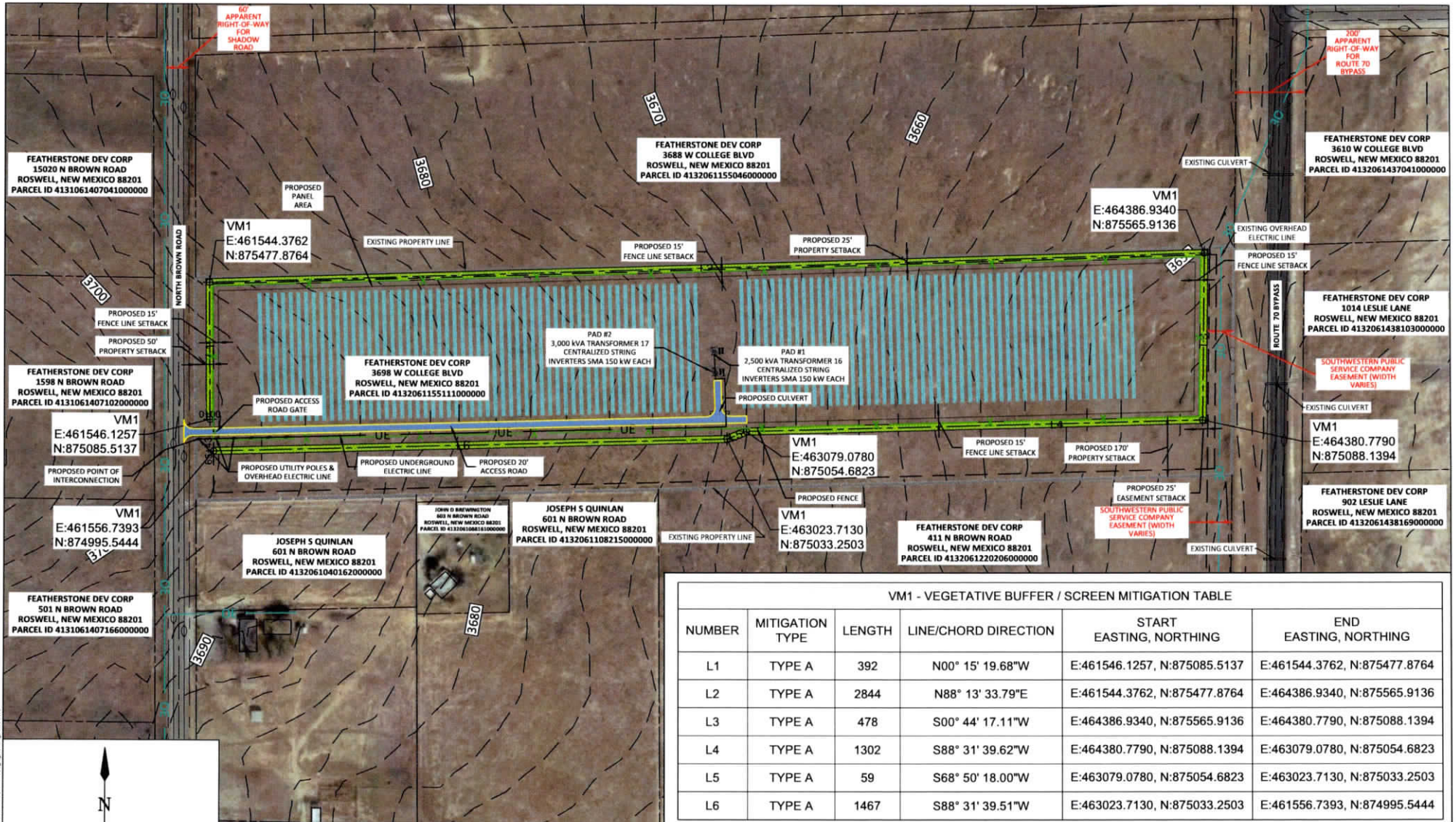
Table 1. Approximate Decommissioning Schedule

Activity	Time After Commencement of Decommissioning
Disconnection from local electrical grid and removal of the PV Modules and aboveground conductors	Month 1 – 2
Removal of racking system	Month 2 – 3
Removal of concrete pads	Month 3 – 4
Removal of below grade conductors	Month 4 – 5
Regarding post-construction contours	Month 5 – 6
Removal of fence	Month 6
Removal of access drive (if pursued)	Month 6 - 7



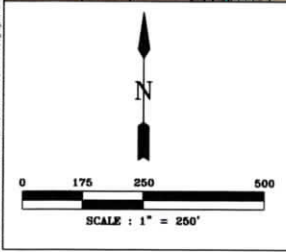
Looking east from Brown Road toward the proposed site. Residential homes to the south.





VM1 - VEGETATIVE BUFFER / SCREEN MITIGATION TABLE

NUMBER	MITIGATION TYPE	LENGTH	LINE/CHORD DIRECTION	START EASTING, NORTHING	END EASTING, NORTHING
L1	TYPE A	392	N00° 15' 19.68"W	E:461546.1257, N:875085.5137	E:461544.3762, N:875477.8764
L2	TYPE A	2844	N88° 13' 33.79"E	E:461544.3762, N:875477.8764	E:464386.9340, N:875565.9136
L3	TYPE A	478	S00° 44' 17.11"W	E:464386.9340, N:875565.9136	E:464380.7790, N:875088.1394
L4	TYPE A	1302	S88° 31' 39.62"W	E:464380.7790, N:875088.1394	E:463079.0780, N:875054.6823
L5	TYPE A	59	S68° 50' 18.00"W	E:463079.0780, N:875054.6823	E:463023.7130, N:875033.2503
L6	TYPE A	1467	S88° 31' 39.51"W	E:463023.7130, N:875033.2503	E:461556.7393, N:874995.5444



LANDSCAPE LEGEND

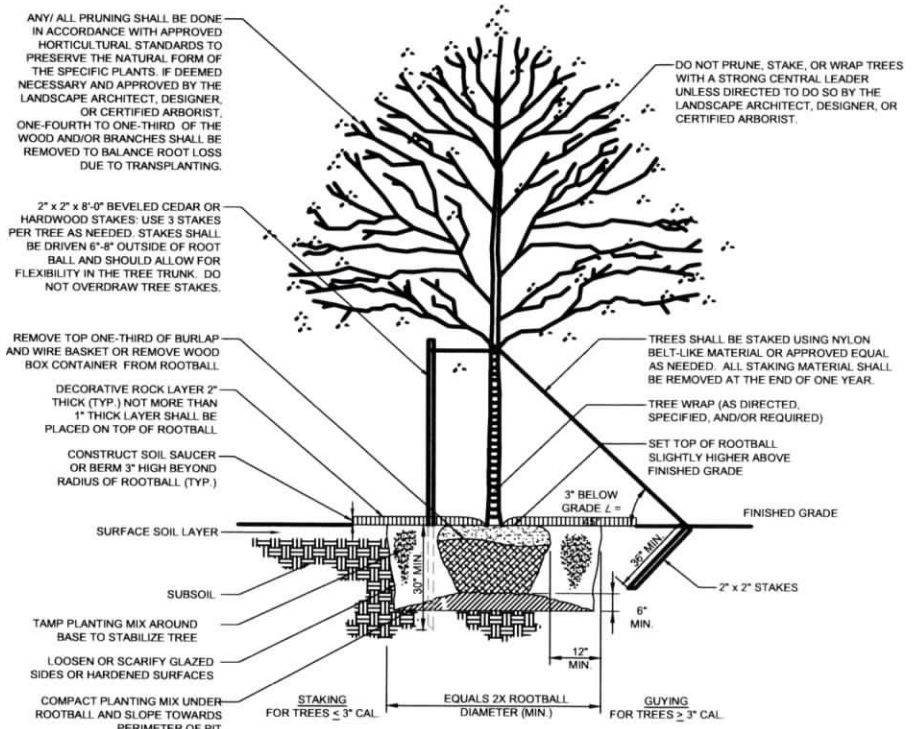
PROPOSED VEGETATIVE BUFFER

NOTES:

- EXHIBIT IS INTENDED FOR INFORMATIONAL, PRELIMINARY EVALUATION OF PROPERTY FOR SOLAR PRODUCTION ONLY AND NOT FOR SITE DESIGN. THESE PLANS ARE NOT FOR CONSTRUCTION USE.
- LINEWORK SHOWN (PROPERTY LINES, EASEMENTS, ELECTRICAL OVERHEAD) ARE FROM THE TITLE COMMITMENT DOCUMENTS FOR THIS PROPERTY AND HAVE NOT BEEN REVIEWED OR SEALED BY A LICENSED SURVEYOR.
- CONTOUR LINES SHOWN ARE FROM GIS (GEOGRAPHIC INFORMATION SYSTEM MAPPING) AND ARE FOR INFORMATION PURPOSES ONLY.
- A SURVEY OF THE PROPERTY, COMPLETED BY A LICENSED SURVEYOR, IS REQUIRED BEFORE DESIGN WORK AND/OR CONSTRUCTION PLANS ARE CREATED.

TRC
TRC ENGINEERS, INC.
 700 HIGHLANDER BLVD., SUITE 210, ARLINGTON, TEXAS 76015
 T.B.P.C. FIRM REGISTRATION # F-9832
 (817) 522 - 1000

LANDSCAPING PLAN
FEATHERSTONE SOUTH SOLAR FACILITY
CHAVES COUNTY, NEW MEXICO
JUNE 15, 2022

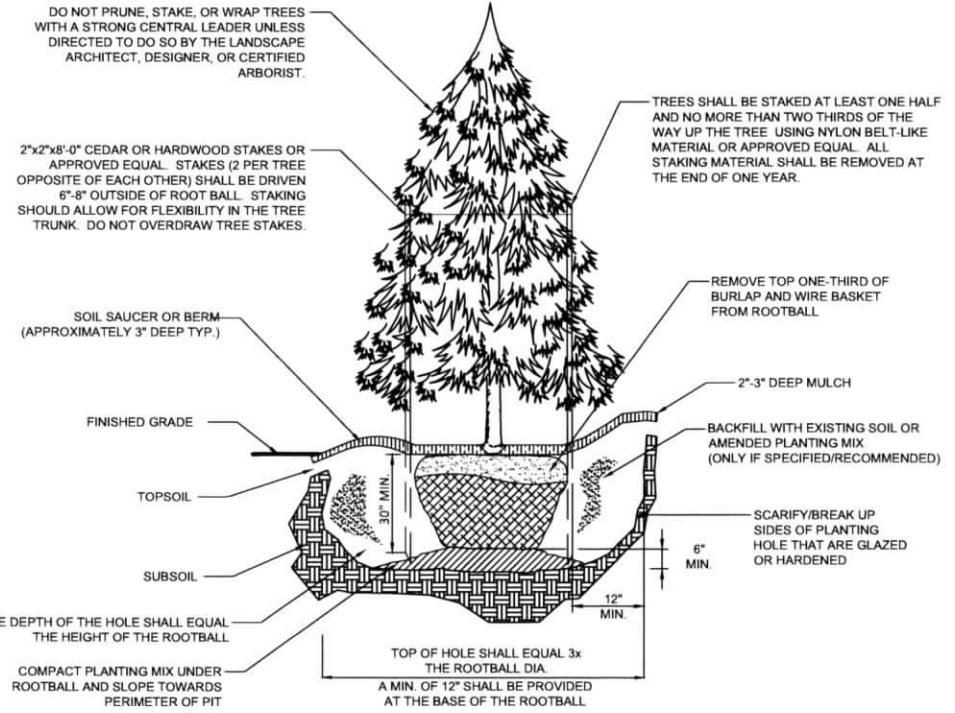


NATIVE/DESERT TREE PLANTING DETAIL

N.T.S.

NOTES:

- TREE PLANTING SHALL BEAR SAME RELATIONSHIP TO FINISH GRADE AS IT WAS PRE-DUG IN THE NURSERY.
- NEVER CUT THE PRIMARY LEADER.
- BACKFILL FOR NATIVE DESERT TREES, SHRUBS, AND GROUND COVERS, THOROUGHLY BLEND:
80% BY VOLUME NATIVE ON-SITE SOIL
20% BY VOLUME WELL COMPOSTED ORGANIC MATTER
1 LB. BEST 6-24-24 XB+ PER CY OF BACKFILL MIX
- WATER THOROUGHLY TO HELP ENSURE THE REMOVAL OF AIR POCKETS AND PROPERLY SET THE TREE.



EVERGREEN TREE PLANTING DETAIL

N.T.S.

NOTES:

- TREE PLANTING SHALL BEAR SAME RELATIONSHIP TO FINISH GRADE AS IT WAS PRE-DUG IN THE NURSERY.
- NEVER CUT THE PRIMARY LEADER.
- BACKFILL FOR NATIVE DESERT TREES, SHRUBS, AND GROUND COVERS, THOROUGHLY BLEND:
80% BY VOLUME NATIVE ON-SITE SOIL
20% BY VOLUME WELL COMPOSTED ORGANIC MATTER
1 LB. BEST 6-24-24 XB+ PER CY OF BACKFILL MIX
- WATER THOROUGHLY TO HELP ENSURE THE REMOVAL OF AIR POCKETS AND PROPERLY SET THE TREE.

NOTES:

1. EXHIBIT IS INTENDED FOR INFORMATIONAL PRELIMINARY EVALUATION OF PROPERTY FOR SOLAR PRODUCTION ONLY AND NOT FOR SITE DESIGN. THESE PLANS ARE NOT FOR CONSTRUCTION USE.
2. LINENWORK SHOWN (PROPERTY LINES, EASEMENTS, ELECTRICAL OVERHEAD) ARE FROM THE TITLE COMMITMENT DOCUMENTS FOR THIS PROPERTY AND HAVE NOT BEEN REVIEWED OR SEALED BY A LICENSED SURVEYOR.
3. CONTOUR LINES SHOWN ARE FROM GIS (GEOGRAPHIC INFORMATION SYSTEM MAPPING) AND ARE FOR INFORMATION PURPOSES ONLY.
4. A SURVEY OF THE PROPERTY, COMPLETED BY A LICENSED SURVEYOR, IS REQUIRED BEFORE DESIGN WORK AND/OR CONSTRUCTION PLANS ARE CREATED.



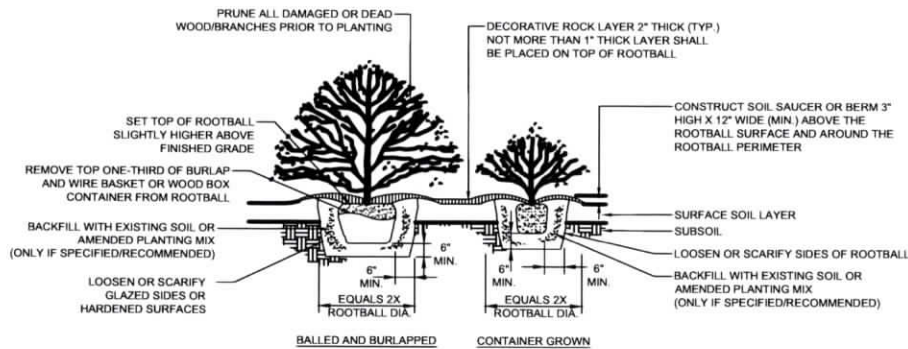
TRC ENGINEERS, INC.
700 HIGHLANDER BLVD., SUITE 210, ARLINGTON, TEXAS 76015
T.O.P.E. FIRM REGISTRATION # F-8832
(817) 522 - 1000

LANDSCAPING PLAN
FEATHERSTONE SOUTH SOLAR FACILITY
CHAVES COUNTY, NEW MEXICO
JUNE 15, 2022

I:\COPY\ARCHITECTURE\2022\16424\16424-DWG\16424-01-DWG\16424-01-DWG-16424-01-DWG-16424-01-DWG-16424-01-DWG-16424-01-DWG.dwg

GENERAL LANDSCAPE NOTES

1. THE LANDSCAPE PLAN AND DETAILS ARE FOR LANDSCAPING INFORMATION ONLY. PLEASE REFER TO THE SITE LAYOUT PLAN, GRADING PLAN AND/OR UTILITIES PLAN FOR ALL OTHER INFORMATION.
2. THE CONTRACTOR SHALL MONITOR AND GUARANTEE THAT ALL PLANTS, TREES, AND SHRUBS SHALL BE HEALTHY AND FREE OF DISEASE FOR A PERIOD OF (1) ONE YEAR AFTER SUBSTANTIAL COMPLETION AND ACCEPTANCE BY THE OWNER. CONTRACTOR SHALL REPLACE ANY DEAD OR UNHEALTHY PLANTS AT CONTRACTOR'S EXPENSE. FINAL ACCEPTANCE SHALL BE MADE IF ALL PLANTS MEET THE GUARANTEE REQUIREMENTS INCLUDING MAINTENANCE. MAINTENANCE RESPONSIBILITIES INCLUDE INVASIVE SPECIES MONITORING, REMOVAL, AND SUPPLEMENTATION. MONITORING OF THE PROJECT SITE SHALL OCCUR IN THE SPRING AND THE FALL TO DETERMINE THE PRESENCE OF INVASIVE SPECIES. SHOULD ANY INVASIVE SPECIES BE IDENTIFIED WITHIN THE PROJECT SITE, THE INVASIVE SPECIES SHALL BE REMOVED ACCORDING TO METHODS MOST LIKELY TO BE EFFECTIVE IN CONTROLLING THAT SPECIES AND SUPPLEMENTING ITS REPLACEMENT WITH APPROPRIATE VEGETATION AND SEED MIX (IDENTIFIED (AND APPROVED) ON THIS PLAN AND/OR AN APPROVED EQUAL. ADDITIONAL MAINTENANCE RESPONSIBILITIES INCLUDE: APPROVED CULTIVATING, SPRAYING, WEEDING, WATERING, TIGHTENING OF TREE STRAP GUYS, PRUNING, FERTILIZING, MULCHING, AND ANY OTHER OPERATIONS NECESSARY TO MAINTAIN PLANT VIABILITY. MAINTENANCE SHALL BEGIN IMMEDIATELY AFTER PLANTING AND CONTINUE UNTIL 90 DAYS AFTER FINAL ACCEPTANCE.
3. THE CONTRACTOR SHALL SUPPLY ALL LABOR, PLANTS, APPROVED SEEDING MIX, AND MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE WORK SHOWN ON THE DRAWING(S) AND LISTED IN THE PLANT SCHEDULE(S) AND/OR SEEDING TABLE(S). IN THE EVENT OF A DISCREPANCY BETWEEN QUANTITIES SHOWN IN THE PLANT SCHEDULE AND/OR SEEDING TABLE AND THOSE REQUIRED BY THE DRAWINGS, THE LARGER SHALL APPLY. ALL PLANTS SHALL BE ACCLIMATED BY THE SUPPLY NURSERY TO THE LOCAL HARDINESS ZONE AND BE CERTIFIED THAT THE PLANTING MATERIAL HAS BEEN GROWN FOR A MINIMUM OF (2) TWO YEARS AT THE SOURCE AND OBTAINED WITHIN 200 MILES OF PROJECT SITE UNLESS OTHERWISE APPROVED BY OWNER, CERTIFIED LANDSCAPE INSPECTOR, OR LANDSCAPE ARCHITECT.
4. ALL PLANT MATERIAL SHALL MEET THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE NEW MEXICO NURSERYMEN'S ASSOCIATION OR NEW MEXICO ASSOCIATION OF NURSERYMEN.
5. THE LOCATIONS FOR PLANT MATERIAL ARE APPROXIMATE AND ARE SUBJECT TO FIELD ADJUSTMENT DUE TO SLOPE, VEGETATION, AND SITE FACTORS SUCH AS THE LOCATION OF ROCK OUTCROPS. PRIOR TO PLANTING THE CONTRACTOR SHALL ACCURATELY STAKE OUT THE LOCATIONS FOR ALL PLANTS. THE OWNER, CERTIFIED LANDSCAPE INSPECTOR, OR LANDSCAPE ARCHITECT SHALL APPROVE THE FIELD LOCATIONS OR ADJUSTMENTS OF THE PLANT MATERIAL.
6. NO PLANT SHALL BE PLACED IN THE GROUND BEFORE ROUGH GRADING HAS BEEN COMPLETED AND APPROVED BY THE OWNER, CERTIFIED LANDSCAPE INSPECTOR, OR LANDSCAPE CONTRACTOR. STAKING THE LOCATION OF ALL TREES AND SHRUBS SHALL BE COMPLETED PRIOR TO PLANTING FOR APPROVAL BY THE OWNER, CERTIFIED LANDSCAPE INSPECTOR, OR LANDSCAPE ARCHITECT. STAKING OF THE INSTALLED TREE MUST BE COMPLETED THE SAME DAY AS IT IS INSTALLED. ALL TREES SHALL BE STAKED OR GUYED AS PER THE DETAIL. SEE LANDSCAPING PLAN(S) FOR PLANTING DETAILS.
7. COORDINATE PLANT MATERIAL LOCATIONS WITH SITE UTILITIES. SEE SITE LAYOUT, GRADING AND/OR UTILITY PLANS FOR STORM, SANITARY, GAS, ELECTRIC, TELEPHONE AND WATER LINES. UTILITY LOCATIONS ARE APPROXIMATE. EXERCISE CARE WHEN DIGGING IN AREAS OF POTENTIAL CONFLICT WITH UNDERGROUND OR OVERHEAD UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE DUE TO CONTRACTOR'S NEGLIGENCE AND SHALL REPLACE OR REPAIR ANY DAMAGE AT CONTRACTOR'S EXPENSE.
8. ALL PLANT MATERIAL PLACED WITHIN SIGHT VISIBILITY TRIANGLE EASEMENTS SHALL HAVE A MAXIMUM GROWTH HEIGHT OF 24 INCHES. TOTAL HEIGHT OF LANDSCAPING WITH THE SIGHT VISIBILITY TRIANGLE EASEMENTS SHALL BE NOT EXCEED 24 INCHES (MEASURED FROM TOP OF CURB) INCLUDING ALL BERMS/MOUNDS.
9. NO PLANT MATERIAL SHALL BE PLACED WITHIN THREE (3) FEET OR TREES WITHIN SEVEN (7) FEET OF A FIRE HYDRANT, LIGHT POLE, ELECTRICAL OR COMMUNICATION BOX.
9. TREE PLACED WITHIN SEVEN (7) FEET OF A CONCRETE STRUCTURE SHALL HAVE A ROOT BARRIER INSTALLED ADJACENT TO THE STRUCTURE.
10. LANDSCAPE PLANTING PITS MUST BE FREE DRAINING. PAVEMENT, COMPACTED SUBGRADE, AND BLASTED ROCK SHALL BE REMOVED TO A DEPTH OF 2' OR TO A GREATER DEPTH IF REQUIRED BY PLANTING DETAILS OR SPECIFICATIONS. REPLACE SOIL WITH MODERATELY COMPACTED BACKFILL AS PER THE TYPICAL PLANTING DETAILS AND BE FREE FROM STONES AND RUBBISH 1" OR GREATER IN DIAMETER AND ANY OTHER MATERIAL HARMFUL TO PLANT GROWTH AND DEVELOPMENT. PLANTING INSTALLATION SHALL BE AS DETAILED AND CONTAIN PLANTING MIX AS SPECIFIED IN THE TYPICAL DETAILS UNLESS RECOMMENDED OTHERWISE BY SOIL ANALYSIS.
 - TREES, AND SHRUBS: TREES AND SHRUBS SHALL BE NURSERY GROWN UNLESS OTHERWISE NOTED AND HARDY UNDER CLIMATIC CONDITIONS SIMILAR TO THOSE IN THE LOCATION OF THE PROJECT. THEY SHALL BE TYPICAL OF THEIR SPECIES OR VARIETY, WITH NORMAL HABIT OF GROWTH. THEY SHALL BE SOUND, HEALTHY, VIGOROUS, WELL-BRANCHED AND DENSELY FOLIATED WHEN IN LEAF. THEY SHALL BE FREE OF DISEASE, INSECT PESTS, EGGS OR LARVAE. THEY SHALL HAVE HEALTHY AND WELL-DEVELOPED ROOT SYSTEMS. ALL TREES SHALL HAVE STRAIGHT SINGLE TRUNKS WITH THEIR MAIN LEADER INTACT UNLESS OTHERWISE STATED. THE OWNER, CERTIFIED LANDSCAPE INSPECTOR, OR LANDSCAPE ARCHITECT SHALL ONLY PERMIT SUBSTITUTIONS UPON WRITTEN APPROVAL. THEIR SIZES SHALL CONFORM TO THE MEASUREMENT SPECIFIED ON THE DRAWINGS. PLANTS LARGER THAN SPECIFIED ON THE DRAWINGS MAY BE USED IF APPROVED. THE USE OF SUCH PLANTS SHALL NOT INCREASE THE CONTRACT PRICE. ALL TREES AND SHRUBS SHALL BE INSTALLED IN ACCORDANCE WITH THE RESPECTIVE PLANTING DETAIL(S) PROVIDED IN THE LANDSCAPING PLAN.
 - ALL PRUNING SHALL CONFORM TO THE TREE CARE INDUSTRY ASSOCIATION (TCIA) ANSI A300 (PART 1) - 2017 PRUNING STANDARDS. PRUNING STANDARDS SHALL RECOGNIZE BUT, ARE NOT LIMITED TO, THE FOLLOWING PRUNING OBJECTIVES: MANAGE RISK, MANAGE HEALTH, DEVELOP STRUCTURE, PROVIDE CLEARANCE, MANAGE SIZE OR SHAPE, IMPROVE AESTHETICS, MANAGE PRODUCTION OF FRUIT, FLOWERS, OR OTHER PRODUCTS, AND/OR MANAGE WILDLIFE HABITAT. DEVELOPING STRUCTURE SHALL IMPROVE BRANCH AND TRUNK ARCHITECTURE, PROMOTE OR SUBORDINATE CERTAIN LEADERS, STEMS, OR BRANCHES, PROMOTE DESIRABLE BRANCH SPACING, PROMOTE OR DISCOURAGE GROWTH IN A PARTICULAR DIRECTION (DIRECTIONAL PRUNING), MINIMIZE FUTURE INTERFERENCE WITH TRAFFIC, LINES OF SIGHT, INFRASTRUCTURE, OR OTHER PLANTS; RESTORE PLANTS FOLLOWING DAMAGE; AND/OR REJUVENATE SHRUBS. PROVIDING CLEARANCE SHALL ENSURE SAFE AND RELIABLE UTILITY SERVICES; MINIMIZE CURRENT INTERFERENCE WITH TRAFFIC, LINES OF SITE, INFRASTRUCTURE, OR OTHER PLANTS; RAISE CROWN(S) FOR MOVEMENT OF TRAFFIC OR LIGHT PENETRATION; ENSURE LINES OF SIGHT OR DESIRED VIEWS; PROVIDE ACCESS TO SITES, BUILDINGS, OR OTHER STRUCTURES; AND/OR COMPLY WITH REGULATIONS.
 - CONTRACTOR SHALL SUBMIT SOIL SAMPLE TO A CERTIFIED TESTING LABORATORY TO DETERMINE PH, FERTILITY, ORGANIC CONTENT AND MECHANICAL COMPOSITION. THE CONTRACTOR SHALL SUBMIT THE TEST RESULTS FROM REGIONAL EXTENSION OFFICE OF USDA TO THE OWNER, CERTIFIED LANDSCAPE INSPECTOR, OR LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL. CONTRACTOR SHALL INCORPORATE AMENDMENTS AS NEEDED FOR GOOD PLANT GROWTH AND PROPER SOIL BACKFILL RECOMMENDED FROM THE TOPSOIL TEST.
 - NO PHOSPHOROUS SHALL BE USED AT PLANTING TIME UNLESS SOIL TESTING HAS BEEN COMPLETED AND TESTED BY A HORTICULTURAL TESTING LAB AND SOIL TESTS SPECIFICALLY INDICATE A PHOSPHOROUS DEFICIENCY THAT IS HARMFUL, OR WILL PREVENT NEW LAWNS/GRASSES AND PLANTINGS FROM ESTABLISHING PROPERLY.
 - IF SOIL TESTS INDICATE A PHOSPHOROUS DEFICIENCY THAT WILL IMPACT PLANT OR LAWN ESTABLISHMENT, PHOSPHOROUS SHALL BE APPLIED AT THE MINIMUM RECOMMENDED LEVEL PRESCRIBED IN THE SOIL TEST FOLLOWING ALL APPLICABLE STANDARDS, REQUIREMENTS, AND/OR REGULATIONS.



DESERT SHRUB PLANTING DETAIL

N.T.S.

NOTE:

- IN AREAS WITH MASS PLANTINGS, CONTINUOUS EXCAVATION AND MULCHING PRACTICES SHALL BE IMPLEMENTED WHENEVER POSSIBLE
- BACKFILL FOR NATIVE DESERT TREES, SHRUBS, AND GROUND COVERS, THOROUGHLY BLEND:
 - 80% BY VOLUME NATIVE ON-SITE SOIL
 - 20% BY VOLUME WELL-COMPOSTED ORGANIC MATTER
 - 1 LB. BEST 6-24-24 XB+ PER CY OF BACKFILL MIX
- WATER THOROUGHLY TO HELP ENSURE THE REMOVAL OF AIR POCKETS.

NOTE BACKFILL FOR CACTUS PLANTINGS:

- BACKFILL MIX FOR CACTUS, THOROUGHLY BLEND:
 - 1/3 BY VOLUME COARSE CLEAN, WASHED SAND
 - 1/3 BY VOLUME CLEAN, WASHED HORTICULTURAL PUMICE
 - 1/3 BY VOLUME NATIVE ON-SITE SOIL
 - 1/4 LB. 2-7-7 COMMERCIAL FERTILIZER FORMULATED FOR OPTIMUM CACTUS GROWTH PER CY OF BACKFILL MIX

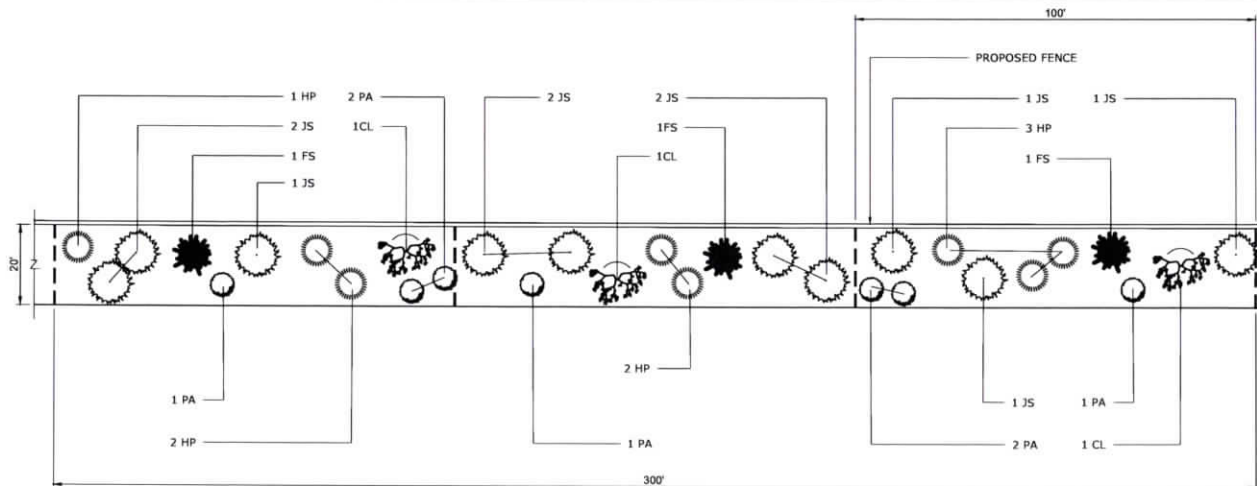
NOTES:

1. EXHIBIT IS INTENDED FOR INFORMATIONAL PRELIMINARY EVALUATION OF PROPERTY FOR SOLAR PRODUCTION ONLY AND NOT FOR SITE DESIGN. THESE PLANS ARE NOT FOR CONSTRUCTION USE.
2. LINES SHOWN (PROPERTY LINES, EASEMENTS, ELECTRICAL OVERHEAD) ARE FROM THE TITLE COMMITMENT DOCUMENTS FOR THIS PROPERTY AND HAVE NOT BEEN REVIEWED OR SEALED BY A LICENSED SURVEYOR.
3. CONTOUR LINES SHOWN ARE FROM GIS (GEOGRAPHIC INFORMATION SYSTEM MAPPING) AND ARE FOR INFORMATION PURPOSES ONLY.
4. A SURVEY OF THE PROPERTY, COMPLETED BY A LICENSED SURVEYOR, IS REQUIRED BEFORE DESIGN WORK AND/OR CONSTRUCTION PLANS ARE CREATED.



TRC ENGINEERS, INC.
700 HIGHLANDER BLVD., SUITE 210, ARLINGTON, TEXAS 78015
T.B.P.E. FIRM REGISTRATION # F-8832
(817) 522 - 1000

LANDSCAPING PLAN
FEATHERSTONE SOUTH SOLAR FACILITY
CHAVES COUNTY, NEW MEXICO
JUNE 15, 2022



VEGETATION PLANTING TEMPLATE

LEGEND

VEGETATION MITIGATION PLANTING TEMPLATE

LANDSCAPE PLANTING SCHEDULE (TYPICAL VISUAL BUFFER/SCREENING EFFORT)

TREES

SYMBOL	BOTANICAL NAME/ COMMON PLANT NAME	QUANTITY	SIZE	ROOT	MATURE HEIGHT
CL	CHILOPSIS LINEARIS DESERT WILLOW	3	1" - 1.5" CAL.	B&B/BOX	15'-20' HT.
JS	JUNIPERUS SCOPULORUM ROCKY MOUNTAIN JUNIPER	10	4'-5' HT.	B&B/BOX	30'-40' HT.

SHRUBS

SYMBOL	BOTANICAL NAME/ COMMON PLANT NAME	QUANTITY	SIZE	ROOT	MATURE HEIGHT
FS	FOUQUERIA SPLENDENS OCOTILLO	3	3'-4' HT.	#3/5 CONT.	20'-25' HT.
HP	HESPERALOE PARVIFLORA RED YUCCA	8	24"-30" HT.	#3/5 CONT.	3'-5' HT.
PA	PEROVSKIA ATRIPLICIFOLIA RUSSIAN SAGE	7	24"-30" HT.	#3/5 CONT.	5'-6' HT.

NOTE: ALTHOUGH RUSSIAN SAGE IS A NON-NATIVE SPECIES, IT WAS SELECTED BASED ON DROUGHT TOLERANCE AND POLLINATOR-FRIENDLY CAPABILITIES.

NOTES:

- EXHIBIT IS INTENDED FOR INFORMATIONAL PRELIMINARY EVALUATION OF PROPERTY FOR SOLAR PRODUCTION ONLY AND NOT FOR SITE DESIGN. THESE PLANS ARE NOT FOR CONSTRUCTION USE.
- LINEWORK SHOWN (PROPERTY LINES, EASEMENTS, ELECTRICAL OVERHEAD) ARE FROM THE TITLE COMMITMENT DOCUMENTS FOR THIS PROPERTY AND HAVE NOT BEEN REVIEWED OR SEALED BY A LICENSED SURVEYOR.
- CONTOUR LINES SHOWN ARE FROM GIS (GEOGRAPHIC INFORMATION SYSTEM MAPPING) AND ARE FOR INFORMATION PURPOSES ONLY.
- A SURVEY OF THE PROPERTY, COMPLETED BY A LICENSED SURVEYOR, IS REQUIRED BEFORE DESIGN WORK AND/OR CONSTRUCTION PLANS ARE CREATED.



TRC ENGINEERS, INC.
700 HIGHLANDER BLVD., SUITE 210, ARLINGTON, TEXAS 76015
T.B.P.E. FIRM REGISTRATION # F-8632
(817) 522 - 1000

**LANDSCAPING PLAN
FEATHERSTONE SOUTH SOLAR FACILITY
CHAVES COUNTY, NEW MEXICO
JUNE 15, 2022**

I:\DVM\PROJECTS\2022\FEATHERSTONE SOUTH SOLAR\20220615_LANDSCAPING_PLAN.dwg

**Viewpoint 1 - View Facing North From The Northeast Corner Of Property
At 601 N Brown Road, Roswell New Mexico**

Technical Viewpoint Information

Viewpoint Location	33.40464, -104.593036
Camera Model	iPhone Integrated Camera
Lens Setting	iPhone Integrated Camera Photo Taken from 5.1' Above Ground Surface
Time & Date	06/18/2022 3:30 PM

Existing Photograph



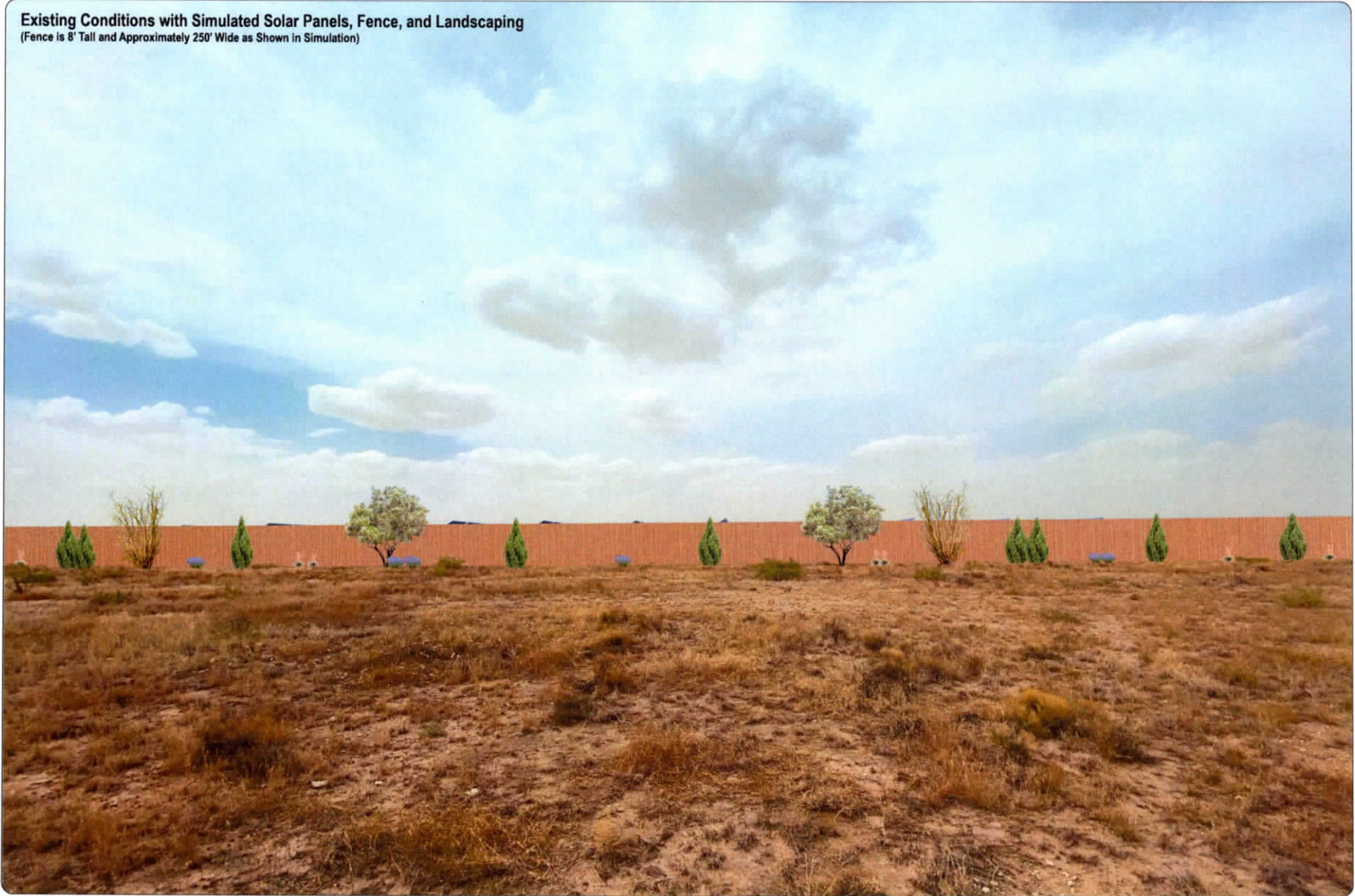
Viewpoint Location

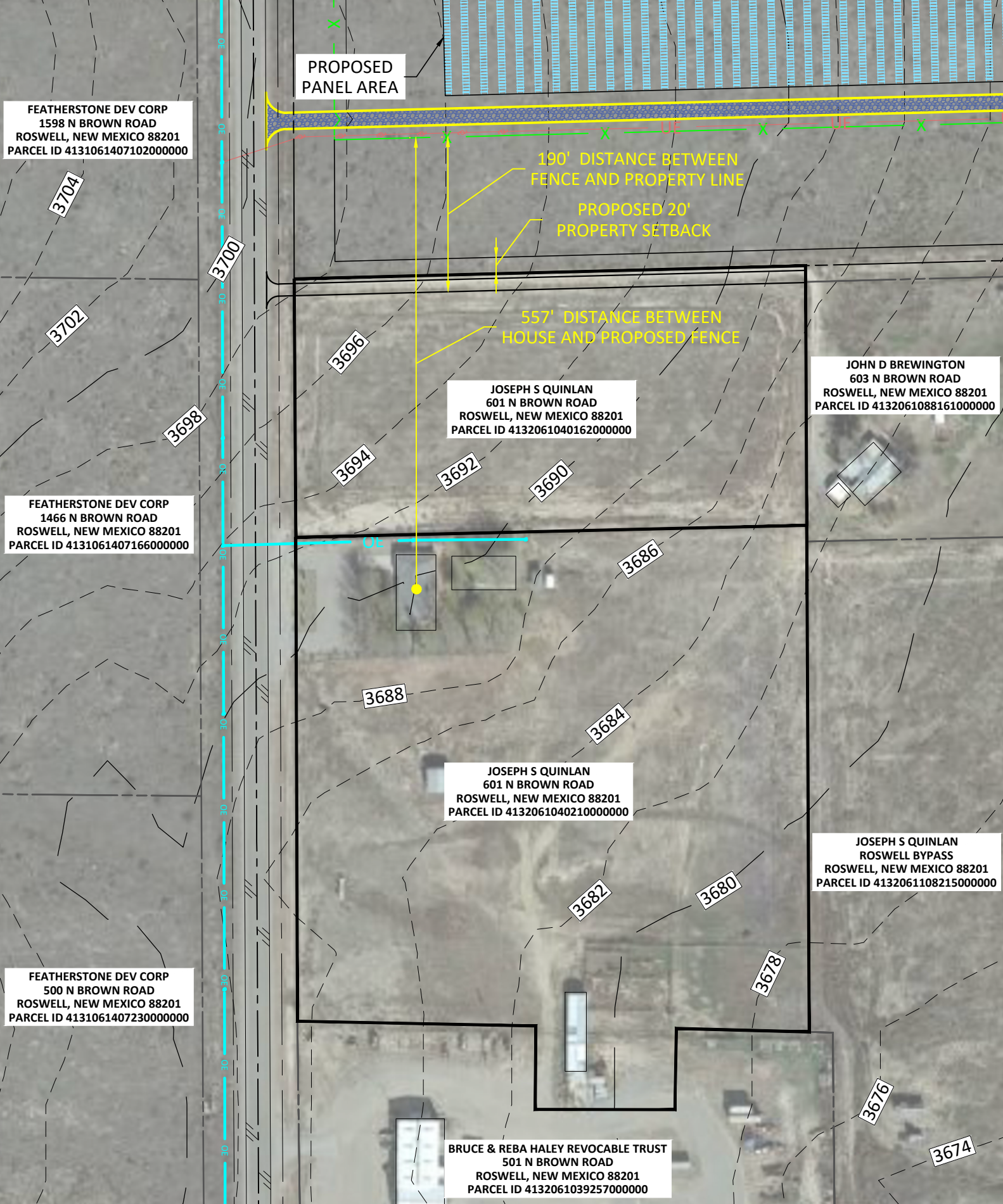


Existing Conditions



Existing Conditions with Simulated Solar Panels, Fence, and Landscaping
(Fence is 8' Tall and Approximately 250' Wide as Shown in Simulation)





FEATHERSTONE DEV CORP
 1598 N BROWN ROAD
 ROSWELL, NEW MEXICO 88201
 PARCEL ID 4131061407102000000

FEATHERSTONE DEV CORP
 1466 N BROWN ROAD
 ROSWELL, NEW MEXICO 88201
 PARCEL ID 4131061407166000000

FEATHERSTONE DEV CORP
 500 N BROWN ROAD
 ROSWELL, NEW MEXICO 88201
 PARCEL ID 4131061407230000000

PROPOSED
 PANEL AREA

190' DISTANCE BETWEEN
 FENCE AND PROPERTY LINE
 PROPOSED 20'
 PROPERTY SETBACK

557' DISTANCE BETWEEN
 HOUSE AND PROPOSED FENCE

JOSEPH S QUINLAN
 601 N BROWN ROAD
 ROSWELL, NEW MEXICO 88201
 PARCEL ID 4132061040162000000

JOHN D BREWINGTON
 603 N BROWN ROAD
 ROSWELL, NEW MEXICO 88201
 PARCEL ID 4132061088161000000

JOSEPH S QUINLAN
 601 N BROWN ROAD
 ROSWELL, NEW MEXICO 88201
 PARCEL ID 4132061040210000000

JOSEPH S QUINLAN
 ROSWELL BYPASS
 ROSWELL, NEW MEXICO 88201
 PARCEL ID 4132061108215000000

BRUCE & REBA HALEY REVOCABLE TRUST
 501 N BROWN ROAD
 ROSWELL, NEW MEXICO 88201
 PARCEL ID 4132061039257000000



TRC ENGINEERS, INC.
 700 HIGHLANDER BLVD., SUITE 210, ARLINGTON, TEXAS 76015
 T.B.P.C. FIRM REGISTRATION # F-2632
 (817) 522 - 1000

DIMENSION EXHIBIT
 FEATHERSTONE SOUTH SOLAR FACILITY
 CHAVES COUNTY, NEW MEXICO
 JUNE 23, 2022

SCALE:

1" = 150'

JOB NUMBER:

470352



PROPOSED
PANEL AREA

PROPOSED 20'
PROPERTY SETBACK

190' DISTANCE BETWEEN
FENCE AND PROPERTY LINE

JOSEPH S QUINLAN
ROSWELL BYPASS
ROSWELL, NEW MEXICO 88201
PARCEL ID 413206110821500000

430' DISTANCE BETWEEN
HOUSE AND PROPOSED FENCE

JOSEPH S QUINLAN
601 N BROWN ROAD
ROSWELL, NEW MEXICO 88201
PARCEL ID 413206104016200000

JOHN D BREWINGTON
603 N BROWN ROAD
ROSWELL, NEW MEXICO 88201
PARCEL ID 413206108816100000



TRC ENGINEERS, INC.
700 HIGHLANDER BLVD., SUITE 210, ARLINGTON, TEXAS 76015
T.S.P.E. FIRM REGISTRATION # F-8532
(817) 522 - 1000

DIMENSION EXHIBIT
FEATHERSTONE SOUTH SOLAR FACILITY
CHAVES COUNTY, NEW MEXICO
JUNE 22, 2022

SCALE:

1" = 100'

JOB NUMBER:

470352