


Joe Skeen Building	<b>Chaves County ETZ Commission</b>	
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 Statue 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 7<sup>th</sup> 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 19<sup>th</sup> day of July, 2022.

  
Chairman

  
Attest