




CHAVES COUNTY		ETZ Authority
Date: November 17, 2022	<i>Public Hearing Minutes</i>	Created By: Jennifer Latimer

Members Present:

Commissioners:
 T Calder Ezzell
 Jeff Bilberry
 Richard C. Taylor
Councilor:
 Edward Heldenbrand

Members Absent:

Councilor:
 Jeanine Best

Guests:

Nora Hutto
 Rodney Hutto
 Spurgen Hutto
 Hiram Hudson
 Patricia Gundersen
 Joy Crossman
 Richard Knox
 Ralph Green
 Dora Batista

Staff Present:

Louis Jaramillo
 Jennifer Latimer
 Stan Riggs, Legal Counsel

A public hearing before the Chaves County Extraterritorial Zoning Authority was held at the Chaves County Administrative Center, in the Commission Chambers, on November 17, 2022, beginning at 5:40 PM.

I. Minutes

Commissioner Bilberry made a motion to approve the minutes of the Augst 4, 2022. **Commissioner Taylor** second the motion. The minutes were approved unanimously as submitted.

An Appeal to the decision of the Extraterritorial Zoning Commission (ETZ) on Case No. ETZ 2022-15, a request for a Rezone from Rural Suburban District to I-1 Industrial, for a Community Solar Facility. A parcel of land in the SE4NW4 and NE4SW4 in S:21 T:12S R:24E; located at 141 Pierre Road; Landowner- Matthew and Dora Batista; Agent-Soltage, LLC.

Louis Jaramillo read the Staff Report Summary.

Chair Ezzell invited the appellant to speak first.

Nora Margarite Nelson Hutto, the appellant, at 1915 Hwy 194 Hart, TX, introduced herself and gave some background information about herself and education. Mrs. Hutto called their attention to the packet she gave to the members. She directed everyone to the Mueller report, approval paperwork for the barn that was approved by the state in 2016. She stated there have been some concerns from staff about the barn. She said the property is intended to raise sheep and may be very difficult with that kind of ambient heat from the solar panels. Mrs. Hutto stated, according to The Woods study, the winds in the summer

blow from southwest to the northeast and the heat will continually blow across their property and her sheep and in addition the Woods study says it would increase the heat 5 degrees Celsius. She referred to a chart conversion of Celsius to Fahrenheit in the packet and said if the outside temperature is 100 degrees, then it would be 141 degrees on her property due to the heat from the solar panels. She stated the heat raises body temperature and it will affect her husband's heart issues. Mrs. Hutto states an error in the Finding of Facts, referring to the conversation she said she had with Mr. Jaramillo. She said she did not speak to Mr. Jaramillo until September and not in July like it was referred to in the minutes from the September 20, 2022, ETZ meeting. Mrs. Hutto states that trees will be affected due to the heat. Mrs. Hutto said she will get the water runoff from solar panels because her property slopes to the east and the south. She said she has spoken to REA (co-op CVE) and they know nothing about the solar facility. She stated according to the Wood report, existing electrical lines cannot carry out the electricity needed for the facility. She stated they would have to build new substations. Mrs. Hutto explained how the habitat will be affected and no environmental impact studies have been done. She stated she has tried to call and email Soltage agents but has received no response. She said the solar facility will obstruct her views of the mountains and will decrease her property value and increase her taxes. She stated there are deadly chemicals in the panels such as cadmium. She mentioned the minutes from September 20, 2022, meeting, on page three (3). She said the minutes are incorrect regarding the fence. She stated her fence was completed on July 1. She stated Dora Batista is the Executive Director of the Southeastern Economic Development Council and said it's a conflict of interest since the project is on her private property and she works directly with Mr. Jaramillo and has considerable influence. Mrs. Hutto proceeds to reference the packet and the correspondence she's had with Soltage and Mr. Jaramillo. She referred the Authority to the map she received from Central Valley Electric (CVE) and they told her there was no plan to put in another electrical line.

Rodney Hutto, 1915 Hwy 194 Hart, TX. Spoke in favor of the appeal. He stated that in 1978, a gentleman named Lagrone who was Mayor at the time, put an ordinance to address the idea of alternative energy and he made references to the Green New Deal. Mr. Hutto proceeds to point out in the packet that Mrs. Hutto gave the Commission, to an article called the "New Climate Bill Hacks" and explains the dishonesty behind the solar facilities and companies.

Spurgen Hutto, son of Nora and Rodney Hutto. Spoke in favor of the appeal and recalled memories of when he was child on the property. He stated the solar panels will affect the land, people, and water. He stated solar facilities are money grabs.

Hiram Hudson, spoke in favor of the appeal. He suggested that the Commission check into a NM law called spot zoning and that it could have a big effect on the appeal. He stated that an ordinance needs to be implemented in restricting solar facilities.

Patricia Gundersen, 1305 S Brown Rd, spoke in favor of the appeal. She said the solar facility will affect the Hutto's family, sheep, and grass.

Chair Ezzell called on those wishing to speak against the appeal.

Dora Batista, spoke against the appeal. She stated she is the Executive Director of Southeastern of Governments, and she works with five (5) counties and twenty-one (21) municipalities. She stated she is not allowed to endorse any candidate, or take any money, or show any favoritism. She said she is a lifelong resident of Chaves County and her kids have gone to school in Dexter. She stated she understands the complaints when solar farms. She stated her parcel of land is in the middle of nowhere and has no residential homes nearby. She stated there are bigger threats other than solar farms, such as coyotes, rattle snakes, stray dogs, and chemical overspray from the crop dusting. She said the land behind

the airport has great potential for the businesses. She would like the Authority to take into consideration property rights of landowners.

Ralph Green, Hagerman, spoke against the appeal. He stated he has lived in Hagerman for 45 years. He said his friends have had no heat effect on their horses like they thought they would.

Joy Crossman, 8805 Jeffrey Street Las Vegas, NV, Agent for Soltage and **Richard Knox**, 257 Williams Lane Tonto Basin AZ, Agent for the Wood Group spoke against the appeal. Ms. Crossman proceeded to explain the project particulars, background information and benefits of Soltage.

Chair Ezzell asked if she know the odds of the project getting approved in the first round with PRC. Ms. Crossman said the odds were good as the project has some good attributes. **Chair Ezzell** asked where would the facility tie into since they previously heard it's all CVE service area. She stated Soltage would extend an Xcel service line from the north, down the proposed site. Ms. Crossman stated they would tie into the Brasher substation. **Chair Ezzell** stated there are three (3) other projects that are tying into the Brahser substation. Ms. Crossman said the available capacity confirmed by Xcel Energy is 4.4 megawatts and they confirmed the project is in their territory. **Chair Ezzell** asked again what the odds are of getting a PRC permit. Ms. Crossman responded and said an eight (8) to one (1) odds.

Chair Ezzell asked about the renewable credits and what are the rates the customers get. He stated he has seen several contracts and the developer is the one who benefits from the renewable energy credits and not the customer. Ms. Crossman said renewable energy credit do not have a lot of value. She stated the value is coming from the 10% discount off their electricity bills.

Ms. Crossman proceeded to go through her power point presentation and answer questions from the Authority as she went along.

Richard Knox stated they did a glint glare analysis from the Roswell Airport and that analysis showed that no glint glare was detected. **Chair Ezzell** asked Mr. Knox to explain a clause in their report. Mr. Knox stated the Soltage document is a statement of liability and that the report can only be used by Soltage. If it's used by a third party, they are not liable for how the report is used.

Chair Ezzell asked why the State won't provide their land for solar facilities instead of being put in residential areas. Ms. Crossman said they have to be able to tie into a distribution grid and those lines and next to residential areas.

Chair Ezzell asked **Mr. Jaramillo** to explain the voting requirement since the ETZ Authority did not have all its members present. **Mr. Jaramillo** stated a majority vote is needed to overturn the ETZ Commission's decision.

Councilor Heldenbrand made a motion to deny the appeal and uphold the ETZ Commission's decision based on the Finding of Facts 1-3 as stated on the Staff Report. **Commissioner Bilberry** seconded the motion. Motion was passed by a vote of 3-1, with **Commissioners Taylor and Bilberry, and Councilor Heldenbrand** voting in favor and **Chair Ezzell** voting against.

There being no other business listed on the agenda or to come before the ETZ Authority, the meeting adjourned at 7:46PM.

Approved this 27 day of December, 2022.



Chairman



Attest

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