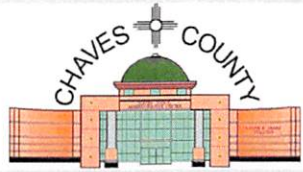




<b>CHAVES COUNTY</b>		<b>ETZ Commission</b>
Date: November 15, 2022	<i>Public Hearing Minutes</i>	Created By: Jennifer Latimer

**Members Present:**

Matthew Bristol  
 Michael Lackey  
 Neil Roe  
 Mona Kirk  
 Rita Kane-Doerhoefer  
 Royce Maples

**Guests:**

Randy Doerhoefer  
 Edward Williams  
 Corey Hubbard  
 Jack Harrelson  
 John Scott  
 George Harris  
 Dave Kunko  
 Debbie Scott  
 Lori Doerhoefer  
 Betty Jenkins  
 Bill Brewer  
 Patricia Gunderson

Jackie Oilfield  
 Hiram Hudson  
 Berry Stevens  
 Duanita Rich  
 Sadie Cardenas

**Staff Present:**

Louis Jaramillo  
 Richard Gutierrez  
 Jennifer Latimer

A public hearing before the Chaves County Extraterritorial Zoning Commission (ETZ Commission) was held at the Chaves County Administrative Center, in the Commission Chambers, on November 15, 2022, beginning at 5:30 PM.

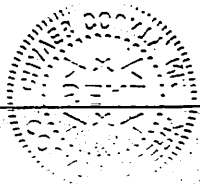
**Minutes**

**Commissioner Kirk** made a motion to approve the minutes of the October 18, 2022, meeting.  
**Commissioner Kane-Doerhoefer** second the motion. The minutes were approved unanimously as submitted.

**Case ETZ 2022-21**

*Request for a Special Use Permit for Community Solar Facility in Rural Suburban District; located E4SW4, less the highway and SE4NW4, of Sec.31 in T.10S of R.25E of the N.M.P.M; On the NW corner of US/380 E. Second St and Bosque Rd; Landowner Ed Purcell; Agent SolarStone Partners.*

**Louis Jaramillo** informed the Commission, that SolarStone Partners had requested to postpone their case ETZ 2022-21 due to the submission of the first round of solar applications with the PRC will commence on December 1, 2022, and they felt like it would not be feasible for them to have a conditional use permit available for submission with their solar application. SolarStone Partners are also still working to coordinate a neighborhood outreach to the adjacent landowners that sent letters of objection, and this will take additional time for them to complete.



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Case ETZ 2022-22

*Rezone to I-1 Industrial District for Community Solar Facility in a Rural Suburban District; located E2SW4, Sec.34, T.10S R.23E N.M.P.M; Along W. 2<sup>nd</sup> Street; Landowner Mandi & Michael Nappier; Agent Zac Gordon.*

**Louis Jaramillo** gave a brief description of the case and noted there was a correction to #7 of the Conditions of Approval in Staff's Report, that requires setbacks from all side property lines a minimum of forty (40) feet and from the front and rear property lines a minimum of eighty (80) feet.

**Zac Gordon**, Agent for Energy Management, Inc. (EMI) gave a briefing about the project particulars, impact, layout, and best management practices.

**Commissioner Kane-Doerhoefer** asked if he has contacted NMDOT regarding access from 2<sup>nd</sup> Street. Mr. Gordon responded no. She also asked if he has been out to the property when it's windy and Mr. Gordon responded no, he has not. She then asked what the fence was made out of and Mr. Gordon said it was a metal chain link fence.

**Commissioner Kirk** asked how tall the fence would be and Mr. Gordon said it will be an eight (8) foot fence. She then asked if dirt and dust could affect the operation of the panels. Mr. Gordon said that yes it possibly could.

**Commissioner Kane-Doerhoefer** asked who would be doing the maintenance and about the longevity of the panels and where would they go after their life cycle. Mr. Gordon stated that a possible third-party company in New Mexico would be hired for maintenance. He continued by stating the solar panels have a twenty-five (25) year life span and after that they will be recycled.

**Commissioner Roe** commented and said the fence should be tied down to try to deter antelope from crawling under the fence. Mr. Gordon said he will take that into consideration.

**Commissioner Kane-Doerhoefer** asked if they were going to tie into the Xcel line and she also asked if they had a low-income program for residents in the area. Mr. Gordon responded and said yes, they are planning to tie into the Xcel line and yes, they have a program for low-income residents.

No one spoke in favor of the case.

**Randy Doerhoefer**, 4716 & 4718 W. 2<sup>nd</sup> Street, spoke against the case. He stated the solar facility could affect the growth of West Roswell because of residents would not want to live near the solar facility. He also stated that the intersection of Brown Rd and 2<sup>nd</sup> St is already very dangerous and the extra traffic for the construction would make it worse.

**Edward Williams, 118 Ransom Rd**, spoke against the case due to sight obstruction and dust complaints.

**Corey Hubbard**, 5210 Thunderbird Ln, was in opposition due to sight obstruction and the soil being disturbed which would cause an increase of dirt and dust in the area.

**Jack Harrelson**, owner of Happy Jacks across the street, stated he was opposed because the property values would decrease. He also mentioned a study from the University of Tucson about heat island effects and the heat in the area could increase 60 degrees Fahrenheit.

**John Scott**, 125 Ransom Rd, is opposed due to security issues and he stated it would decrease the development in the area.

**George Harris** stated concerns that were irrelevant to the project and were towards the purpose of the ETZ Commission and Commissioners.

**Commissioner Kane-Doerhoefer** recused herself from the vote and motion.

**Chairman Maples** asked Zac Gordon to respond to some of the questions.

**Commissioner Kirk** asked Mr. Gordon if they had talked to the surrounding neighbors. Mr. Gordon stated they did talk to some neighbors and passed out flyers.

**Commissioner Bristol** made a motion to approve Case ETZ 2022-22 and it was seconded by **Commissioner Roe**.

Discussion ensued amongst the Commissioners and the audience started to get disruptive.

**Chairman Maples** asked for a roll call. The motion failed by a 3-2 vote, with **Commissioner Kirk, Commissioner Lackey, and Commissioner Roe** voting against and **Chairman Maples and Commissioner Bristol** voting in favor.

**ETZ Case 2022-23**

*Special Use Permit for Community Solar Facility in a Rural Suburban District; located NE4, Sec.3 T.11S R.23E N.M.P.M; located at 4800 W 2<sup>nd</sup> Street; Landowner SKS: Schnedar 1998 Trust; Agent DG Roadrunner LLC.*

**Louis Jaramillo** briefed the Commission on the project particulars, location access and indicates the rural suburban zone. Mr. Jaramillo stated staff did received two (2) letters of opposition and copies were given to the Commissioners.

**Brian Harper**, Agent for DG Roadrunner LLC, describes the company and project.

**Commissioner Kane-Doerhoefer** asked if Mr. Harper has been out to the property when it's windy and she asked who will be doing the maintenance of the facility. Mr. Harper responded and said no, he has not been out to the property when it's windy and they hope to hire a local maintenance company. She then asked if they had a low-income program for residents and she also inquired about the fence height. Mr. Harper stated yes, they do have low-income program and the power consumption rate would be 25%. He then stated the fence would be seven (7) feet.

**Commissioner Lackey** asked if they are only going to lease what they use regarding the acreage of the property. Total acreage is 94.5 and DG Roadrunner is proposing to use 25.5 acres. Mr. Harper stated yes, they are only leasing the 25.5 acres as stated on the application. **Commissioner Lackey** asked what would happen if they were to increase the acreage in order to put more solar panels out. **Louis Jaramillo** responded and said they would have to apply for a new Special Use Permit.

**Commissioner Kirk** asked if they have had conversations with the surrounding neighborhood. Mr. Harper responded that they have not.

**Chairman Maples** asked if anyone would like to speak in favor of the application.

**Dave Kunko**, 500 block of North Washington, representative for the landowners, states he is in favor of their application.

**Chairman Maples** asked if anyone would like to speak against the application.

**Debbie Scott**, 4901 W 2<sup>nd</sup> Street, stated several reasons for her opposition of the case. She said it could disrupt habitat. She fears the heat would affect her pecan orchard causing an increase in water due to the heat coming from the solar panels. She also voiced concerns about flooding in the area, mineral rights, decrease in property values and radiation emissions.

**Jack Harrelson**, owner of Happy Jacks, stated he is opposed due to wind issues.

**Lori Doerhoefer**, 4718 W 2<sup>nd</sup> Street, stated her opposition is due to the wind blowing and dangerous chemicals in the solar panels.

**Betty Jenkins**, 1508 S Brown Rd, spoke against the application. She stated that because of the excess heat, she would have to water her plants more. She said it would decrease the property values. She suggested for the solar company to invest in a cooling system, and she feels like it should be put somewhere else.

**Edward Williams**, 118 Ransom Rd, said he was opposed.

**Bill Brewer**, 4503 W McGaffey stated he is opposed and does not want the solar facility next to his property.

**Patricia Gunderson**, 1305 S Brown Rd, stated she's opposed because her grandkids play in that area.

**Randy Doerhoefer**, 4716 & 4718 W 2<sup>nd</sup> Street, is against the application. He stated that the area needs more commercial business and not Industrial.

**John Scott**, 125 Ransom Rd, stated he was opposed to the application.

**Jackie Oilfield**, 200 E 22<sup>nd</sup> St, stated she was opposed.

**Hiram Hudson**, spoke in opposition. He stated the ordinance needs to be revised in regards to the solar facilities.

**Berry Stevens**, Thunderbird Lane, stated his opposition. He said the structural integrity of the panel structure needs to be investigated.

**Commissioner Kane-Doerhoefer** exited the meeting at this time.

**Commissioner Bristol** made a motion to deny case ETZ 2022-23 based on the Finding of Facts: it's not in the general welfare of the community and the property values will be affected. **Commissioner Kirk** second the motion. Motion passed unanimously.

**Case ETZ 2022-24**

*Special Use Permit for Community Solar Facility in a Rural Suburban District; located SE4NW4, Sec.19, T.10S R.25E N.M.P.M; Along Horizon Rd; Landowner Chaves County Solar II, LLC; Agent DG Horizon, LLC.*

**Louis Jaramillo** briefed the commission on the particulars of the project.

**Brian Harper**, Agent for DG Roadrunner LLC, spoke briefly about the project.

**Chairman Maples** asked if they have contacted the neighbors. Mr. Harper responded no.

No one spoke in favor of the application.

**Chairman Maples** asked if anyone would like to speak against the application.

**Sadie Cardenas**, 3768 Horizon Rd, is opposed to the case because of the excess vehicle traffic, and the roads being in terrible condition. Wildlife (eagle) killed in the vicinity. (**Commissioner Maples** advised Ms. Cardenas to contact the Game & Fish Department


**Duanita Rich**, 3742 Horizon Rd, spoke against the case. She stated her opposition was due to large vehicular traffic, vehicles speeding, children in proximity of the project and the reduction of property values.

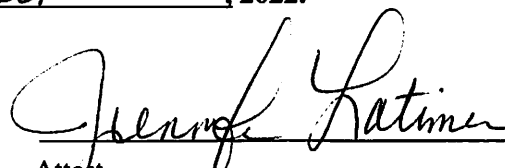
**Patricia Gunderson**, 1305 S Brown Rd, stated her opposition was due to ambient heat and kids in the area of the facility.

**Commissioner Roe** made a motion to approve case ETZ 2022-24 and **Commissioner Lackey** second the motion. Motion failed unanimously due to Finding of Facts indicating the number in opposition, and proximity of the residential area.

There being no other business listed on the agenda or to come before the ETZ Commission, the meeting adjourned at 7:13PM.

Approved this 20 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.*