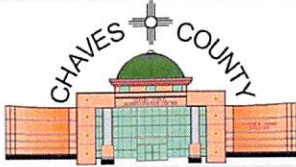




CHAVES COUNTY		ETZ Commission
Date: December 20, 2022	<i>Public Hearing Minutes</i>	Created By: Jennifer Latimer

Members Present:

Rita Kane-Doerhoefer
 Royce Maples
 Michael Lackey
 Neil Roe
 Mona Kirk – *via phone*

Guests:

Gynn Langford
 Laurie Moye, Affordable Solar Group LLC
 Dylan Connolly, Affordable Solar Group LLC
 Cantu Bermudez
 Chuck Watkins, Chaberton Energy

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 December 20, 2022, beginning at 5:30 PM.

Minutes

Louis Jaramillo stated corrections were made to update the spelling of a name and address of a guest and removed a name from the guest list. **Commissioner Roe** made a motion to approve the minutes with the changes and corrections as noted from staff. **Commissioner Doerhoefer** seconded the motion. The minutes were approved unanimously.

Case ETZ 2022-25

Request for a Rezone from I-1 Industrial District to R-S Rural Suburban District; Parcel "A" of the Langford Family Survey; being 3400 W. Brasher Rd; Landowner – Gynn Langford

Louis Jaramillo read Staff's Report Summary.

Commissioner Doerhoefer asked how close the property line is to the bridge and if the County was going to seize any land.

Mr. Jaramillo noted approximately one hundred (100) to two hundred (200) feet and said no they have no plans to seize the property. He stated **Commissioner Doerhoefer** was speaking about the rebuilding of the bridge along West Brasher Rd. He said they do not plan to utilize any more land than what they have currently.

Chairman Maples asked the applicant to speak.

Gynn Langford, 3400 W. Brasher Rd, stated they rezoned the property in 2016 due to the gravel pit business. Her son recently passed away and now she's needing to rezone the property to sell.

Commissioner Doerhoefer asked if the gravel pit would be included in the sell of the land. Mrs. Langford responded no. **Commissioner Doerhoefer** clarified that besides the house and the metal building, the land is all that she wanted to sell. Mrs. Langford responded yes.

Chairman Maples asked if there was a water well on the property. Mrs. Langford responded yes.

No one spoke in favor or in opposition of the case.

Commissioner Roe made a motion to APPROVE case ETZ 2022-25 including the four (4) Finding Facts in Staff's Report. **Commissioner Lackey** seconded the motion. The motion passed unanimously.

Case ETZ 2022-26

Request for a Special Use Permit for a Community Solar Facility in R-S Rural Suburban District; A portion of land in the N2SW4 Sec. 29, T. 11S, R. 24E; located, South side of 700-900 block of O'Connor Rd. (vacant); Landowner-Floyd Haake D. Trust; Agent – Affordable Solar Group, LLC

Louis Jaramillo read Staff's Report Summary.

Chairman Maples asked the applicant to come forward.

Laurie Moye, 30610 S. Osprey Oracle AZ, agent for Affordable Solar Group LLC and Haake Trust. Ms. Moye proceeded to present her slide show presentation detailing the company information, purpose of the project, project description, and benefits.

Commissioner Doerhoefer asked who initiated the inquiry for the solar site. Ms. Moye stated Affordable Solar Group LLC contacted the landowners about the solar facility site. **Commissioner Doerhoefer** asked if they have signed a contract with the landowners and how long will it be. Ms. Moye responded yes, and they are going purchasing the land.

Commissioner Doerhoefer asked if they had contacted anyone about selling the energy. Ms. Moye introduced Dylan Connoly.

Dylan Connoly, 800 Piedra Vista Rd NE, Albuquerque, NM, agent for Affordable Solar Group LLC. He stated they had conversation with Xcel Energy about the capacity on the wires and the solar project. He said they cannot do final investigations until they are selected as a community solar project.

Commissioner Doerhoefer asked what would happen if a panel broke. Ms. Moye stated they plan on hiring a local firm to assist them with broken panels.

Commissioner Doerhoefer asked if they had a plan in place for the low-income residents in the area. **Mr. Connoly** said the project is committed to providing 50% of the power to low-income individuals.

Commissioner Doerhoefer asked if they have been to the property when it's windy. Mr. Connoly said he was at the property earlier that day, but it was not windy.

Commissioner Doerhoefer asked about the longevity of the panels and what do they do with them after that time. Ms. Moye said the longevity is thirty (30) years and all the materials on the site can be recycled.

Commissioner Doerhoefer asked if they know about antelope or migratory animals. Ms. Moyer said she is unaware of any animals. **Commissioner Doerhoefer** asked if they have contacted the residents in the area. Ms. Moyer stated they have not. **Commissioner Doerhoefer** asked about the panels being on a swivel and Ms. Moyer responded they rotate east to west tracking the sun. **Commissioner Doerhoefer** clarified the access roads being either Sunset Place or O'Connor. Ms. Moyer said yes.

Commissioner Lackey stated Affordable Solar Group had agreed on a one hundred (100) foot setback on the west side of the property, but the drawing showed only a forty (40) foot setback. Ms. Moyer stated if they get selected then they will resubmit the drawing to reflect the one hundred (100) foot setback.

Chairman Maples asked if anyone is in favor of the application.

Chuck Watkins, 1562 Madison Court Louisville, Colorado, spoke in favor of the application. He stated this project is their competition. He stated Affordable Solar Group LLC is one of New Mexico's premiere developers. He said they spoke to several residents in the area and received interesting feedback and support from the communities.

Chairman Maples asked if anyone was in opposition of the case.

Cantu Bermudez, 5838 S. Sunset Ave, stated he was in opposition of the case. He stated he had concerns about the chemicals they use like Roundup for weeds and what it will do to the water wells.

Chairman Maples asked the applicant if they wanted to respond.

Dylan Connolly stated they have a plan to procure the native plant seeds from the site and replant them afterwards to deter the weeds. He stated if the weeds get too tall, they will mow them.

Chairman Maples said chain link fences are a magnet to needlegrass and tumbleweeds and for them to take that into consideration.

Commissioner Roe made a motion to APPROVE case ETZ 2022-26, including the nine (9) Conditions of Approval and the five (5) Finding of Facts. *Finding of Facts 1: The proposed solar facility is 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. Finding of Facts 2: The proposed solar facility may conform with the requirements for approval as stated in Article 25 of the Roswell-Chaves County ETZ Ordinance 80-1. Finding of Facts 3: The proposed Special Use Permit may correspond with the recommendation of the Chaves County 2016 Comprehensive Master Plan.* **Commissioner Doerhoefer** seconded the motion.

Commissioner Kirk asked if any letters of protest were received. **Chairman Maples** said no letters of protest were received. The motion passed unanimously.

Case ETZ 2022-28

Request for a Special Use Permit for a Community Solar Facility in R-S Rural Suburban District; A portion of land in the W2SE4 Sec. 29, T. 11S., R. 24E (vacant); located east side of 5800 block of Washington Ave; Landowner – Guadalupe and Guadalupe Jr Morales; Agent – Chaberton Solar Guadalupe LLC

Louis Jaramillo read Staff's Summary Report.

Commissioner Lackey asked if any letters of protest were received. **Mr. Jaramillo** responded no.

Chairman Maples asked the applicant to come forward.

Chuck Watkins, 1562 Madison Court Louisville Colorado, agent for Chaberton Energy. He stated their case was very similar to the previous case. He gave a little background on the company, experience, and project particulars.

Commissioner Doerhoefer asked who initiated the communication for the solar facility and why. **Mr. Watkins** stated they contacted the landowners because the property is ideal for a solar facility. He said the residents will benefit from the facility.

Commissioner Doerhoefer asked if they have sold their energy to anyone. **Mr. Watkins** responded no, due to program rules. **Commissioner Doerhoefer** asked if they had contacted anyone in the County about selling it if they do acquire the permit. **Mr. Watkins** stated yes, they have contacted Xcel Energy.

Commissioner Doerhoefer asked if they have a contract with the landowners and if so, how long and if they have any restoration plans with the property after the forty (40) years. **Mr. Watkins** said yes, and the contract is for forty (40) years, and they plan on putting the property back in its original state which is stated in their contract. **Commissioner Doerhoefer** asked if he has been out to the property when it's windy and **Mr. Watkins** responded yes, he was out there last month, and it was very windy.

Commissioner Doerhoefer then asked what happens to the panels after dirt and tumbleweeds hit the panels and if they will have someone come and fix the panels. **Mr. Watkins** stated they will have a local contractor.

Commissioner Doerhoefer asked what the fences are made from and how tall are they. **Mr. Watkins** said steel chain link fences and they are about six (6) or seven (7) feet tall.

Commissioner Doerhoefer asked how the panels operate and access to the property. **Mr. Watkins** said they are single axis trackers that track the sun from east to west and he said they will access the property off Washington Ave.

Commissioner Doerhoefer asked if there are any migratory animals that go by the property. **Mr. Watkins** said no, but they have done studies with Souder Miller and endangered species studies have been done but no findings have been found.

Commissioner Doerhoefer asked what percentage of energy they are going to sell to low-income families. **Mr. Watkins** said that 50% of the project will go to low-income families.

Commissioner Lackey asked if the contract was in place with the landowners and what would happen to the contract if they do not get award from the state program. **Mr. Watkins** said they have an option agreement for four (4) years and hope they would have an opportunity at a later date to get into the program.

No one spoke in favor or in opposition of the case.

Commissioner Roe made a motion to APPROVE case ETZ 2022-28, including the nine (9) Conditions of Approval and five (5) Findings of Facts with 1, 2 and 3 being the following: *1) The proposed solar facility is 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 may conform with the requirements for*

approval as stated in Article 25 of the Roswell-Chaves Count ETZ Ordinance 80-1. 3). The proposed Special Use Permit may correspond with the recommendation of the Chaves County 2016 Comprehensive Master Plan. Commissioner Doerhoefer seconded the motion. The motion carried unanimously.

Louis Jaramillo asked the Commission to nominate candidates that will represent the City of Roswell to be on the ETZ Commission board and to contact Merideth Hildreth or Kevin Maevers.

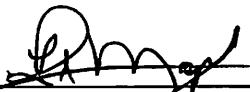
OTHER BUSINESS

2023 Meeting Calendar

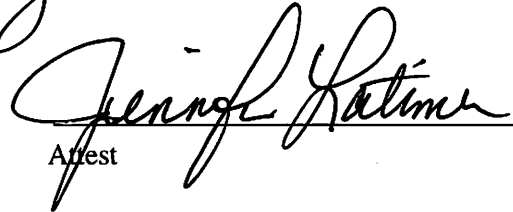
Louis Jaramillo stated the meeting date on November 21, 2023, is two (2) days before Thanksgiving. Commissioner Doerhoefer suggested the meeting date be moved to November 14, 2023. All were in agreeance. Mr. Jaramillo stated it will be noted in the resolution that will be signed in January 2023.

There being no other business listed on the agenda or to come before the ETZ Commission, the meeting adjourned at 6:23PM.

Approved this 17 day of January, 2023.



Chairman



Attest

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