

MINUTES OF THE
SANTA FE COUNTY
PLANNING COMMISSION

Santa Fe, New Mexico

January 16, 2025

1. This special meeting of the Santa Fe County Planning Commission was called to order by J. J. Gonzales on the above-cited date at approximately 3:30 p.m.

A. & B. Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

J.J. Gonzales
Erik Aaboe
Ruben Mendoza
Jeremy Mier
Carl Trujillo

Member(s) Excused:

Wendy Pierard
Dan Pava

Staff Present:

John Lovato, Building & Development Supervisor
Roger Prucino, Assistant County Attorney
Alexandra Ladd, Land Use Administrator
Dominic Sisneros, Building & Development Supervisor

C. Discuss and Election Chair and Vice Chair

Chair: Member Trujillo nominated Erik Aaboe, and Member Mier seconded. There were no other nominations and the motion/nomination passed by unanimous voice vote.

Vice Chair: Newly elected Chair Aaboe nominated Carl Trujillo to serve as Vice Chair and Member Mier seconded. There were no other nominations and the motion/nomination passed by unanimous voice vote.

[Mr. Aaboe chaired the remainder of the meeting.]

SFC CLERK RECORDED 04/04/2025

2. **Approval of Agenda**
 - A. **Amendments**
 - B. **Tabled or Withdrawn Items**

There were no changes and Member Gonzales moved to approve the agenda as published. Member Trujillo seconded and the motion passed by unanimous [5-0] voice vote.

3. **Approval of Minutes**
 - A. **December 19, 2024**

Member Gonzales moved to approve the minutes of the December 19, 2024 meeting. Member Mier seconded. The motion passed by unanimous [5-0] voice vote.

4. **Consent Agenda**
 - A. **Case#24-5190, Matthew Sanchez, Applicant, requests a variance of Chapter 7, Section 7.17.10.4.1 (30% Slope Disturbance for Roads and Driveways. The property is located at 43A Ojito Dr., within the Traditional Community (TC) Zoning District, and is within Section 20, Township 20 North, Range 9 East. (Commission District 1) SDA-2, Parcel ID No. 910020625 (The "Property"). (Destiny Romero, Case Manager) APPROVED 7-0 UNANIMOUS**
 - B. **Case# 24-5240, Sergio Aldana, Applicant, requests a Variance of Chapter 8, Table 8-19: Dimensional Standards Planned Development (PDD) to allow 2 primary residences on a single lot. The subject property lies within the Existing Neighborhood Planned Development District which allows for 1 single family residence per 2.5 acres. The property is located at 44 Vista Del Monte within Section 25, Township 16 North, Range 8 East. (Commission District 5), SDA-1, Parcel ID. #64313700 (Destiny Romero, Case Manager) APPROVED 7-0 UNANIMOUS**

There were no questions regarding the Consent Agenda and upon motion by Member Mier and second by Member Gonzales, the Consent Agenda was unanimously [5-0] approved.

5. **Discuss/Determine Organization and Persons who believe they have standing regarding AES CUP Application – Case #24-5200**

MEMBER TRUJILLO: Mr. Chair, may I ask for some clarification regarding persons of standing from the staff attorney so we have a better understanding of what we're looking at.

CHAIR AABOE: Absolutely, please.

MEMBER TRUJILLO: Mr. Chair and Roger, looking a lot on these requests there is a registered organization, a lot of them have stated. And as I understand a registered organization has to get approval through Santa Fe County; is that correct?

ROGER PRUCINO: (Assistant County Attorney): Yes, that is correct. They apply for that status.

MEMBER TRUJILLO: And under the SLDC code what is the – first of all there is a CO and there is an RO – community organization and registered organization; correct?

MR. PRUCINO: Yes, it is.

MEMBER TRUJILLO: Mr. Chair and Roger, for an RO what rights are within the SLDC code that we have to consider tonight as far as what is if we grant it or we don't, what takes place at the hearing later on? What rights are granted per the code?

MR. PRUCINO: To be clear, the status as a registered organization or a community organization is different than what the parties are seeking today which is status as a party with standing to participate in the AES hearing scheduled for February 3rd. The registered organization and a community organization do have certain rights under the SLDC – too numerous for me to know off the top of my head – but they are given notice of proceedings that impact their declared area of interest and therefore given the opportunity to participate in certain hearings. Staff may be able to clarify in more detail other rights that are inherent in the status as a registered organization or a community organization but as I say, the eight individuals and parties who have submitted a request to be treated as a party with standing for the AES hearing is really an independent status from being a registered organization or a community organization. Some of the applicants today, for example, I know are individuals. They are not a registered organization or a community organization but they have the right to be considered for status as a party with standing.

MEMBER TRUJILLO: And, Mr. Chair, one question I had as part of one of the provisions in there is 4.7.2.1, conducting hearings – and so if a person is granted a person of standing or an organization, I'm trying to understand the line midway through the paragraph as to what this actually means. So if I could just get some clarification on that. Specifically where it says at any point members of the Board, the Planning Commission or the Hearing Officer conducting the hearing may ask questions of the owner, applicant, staff or public of any witness or require cross-examination by persons with standing in the proceeding to be conducted through questions submitted through the chair of the Board, Planning Commission or to the Hearing Officer will in turn direct questions to the witness. What does that mean? I read it. I just want to make sure I understand it.

MR. PRUCINO: Sure, and I think that's one of the significant rights that the parties are seeking today. One of the rights of parties with standing is in fact to cross-examine parties and witnesses and that right is not granted to members of the public at large. So that would be a specific right that any of these individuals or organizations might have if they are given status as a party with standing. The other significant right that they are hoping to obtain today is that as a party with standing they can make presentations and not doing that as a member of the public which well may be subject to certain time limitations, but as a party with standing they could make presentations, present witnesses for the Planning Commission, present written materials with no pre-designated time limitation that might apply to members of the public in general. Those are probably the two most significant rights that a party with standing would have that

and members of the public don't. And that's what is covered or partially covered by that provision you just read.

MEMBER TRUJILLO: And one last question: so there is nothing that precludes anybody from becoming a person of standing whether they are an RO, a CO, and individual or anybody else; is that correct within the SLDC code?

MR. PRUCINO: Yes, I think that is correct as far as that status as an individual or as an organization, corporation – that status does not weigh on that party's right to be considered as a person with standing.

MEMBER TRUJILLO: And, Mr. Chair and Roger, if somebody is granted this, they can give a presentation at the hearing and at that point a person of standing has the right to question staff and also the applicant; is that correct or not?

MR. PRUCINO: Yes, that's what is provided.

MEMBER TRUJILLO: Thank you, Mr. Chair. I just wanted to get a better understanding of what we're here for tonight.

CHAIR AABOE: Thanks very much, Carl, and I appreciate that. And I just want to follow up on what you last said. In addition any other party of standing or the Board may cross-exam the evidence given by a party of standing. So if Party A gives some testimony, they bring up some witnesses, Party B, are they allowed to cross-exam or how complex does it get?

MR. PRUCINO: That right does exist with respect to any party, obviously, any members of the Commission itself, along with the right to make presentations and put witnesses on to provide testimony, those individuals and witnesses are, in fact, subject to cross-examination by any other party or by the members of the Commission.

CHAIR AABOE: Thank you very much.

MEMBER TRUJILLO: And, Mr. Chair, Roger, it'll be the Chair that determines the time limits or anything else in that such nature and length of presentations. Who determines that?

MR. PRUCINO: The Commission, I would expect, could discuss those types of limitations or restrictions and the Chair would announce them prior to the hearing so that all parties and individuals, and members of the public understand in advance what limitations that they will be subject to.

CHAIR AABOE: So, again, to follow up, so that's something that we would probably want to do at this time because we don't have a meeting between now and that special, February 3rd meeting. So in order to get it clear, if we say that each party of standing shall have X amount of time including their witnesses and the members of the public shall have Y amount of time – I'm just trying to figure if that is something that we want to do at this time.

MR. PRUCINO: Yes, I think if you are comfortable going that far it makes sense. The more information provided as early as possible so parties who are given standing understand in what timeframe they should be expected to make their presentation. It certainly makes sense to give them those standards and restrictions in advance.

CHAIR AABOE: Thank you very much. Any other questions?

MEMBER GONZALES: Yes. I'd like to ask staff, can we request that each of the parties send a report to us so we can read it before hand because I think there

is a lot of material that is going to be presented and if we don't have enough time to read the material it will be too difficult for us to make an informed decision. Is that possible?

MR. LOVATO: Mr. Chair, Commissioner Gonzales, that is accurate you can request that ahead of time. The Hearing Officer did it and it would probably be proper for you all to have more information on the items to be discussed.

MEMBER GONZALES: Thank you.

CHAIR AABOE: Thank you very much. I appreciate the questions and I appreciate the responses.

The first applicant is New Mexico for Responsible Renewable Energy, Dr. Selma Schieveld.

MR. PRUCINO: Mr. Chair, if you would before any of these parties are sworn in, can staff have a few moments before you get going to have a discussion off the record.

CHAIR AABOE: While staff is conferring, for those of you who are interested in presenting your case to become a party with standing, what we'd like to do, because of the number of people on the list, we'd like to limit your presentation to 10 minutes. I would hope that you could adjust your comments to that time. Thank you.

MR. PRUCINO: Mr. Chair, you and members of the Commission have been handed a communication from a couple of years ago actually, I think it was February of '23, from the email address of one of the Commissioners [*Exhibit 1*]. I think the second page that you've been handed is marked a "draft" of a response to the concerns [*Exhibit 2*] raised by the initial letter. I'm going to allow or ask Commissioner Mendoza to explain the circumstances.

MEMBER MENDOZA: Apparently what happened was when I was at the family ranch in Reserve, New Mexico, my wife went to a hearing that AES did out in, I think at the Turquoise Trail Charter School, and she came away underwhelmed with what they had presented and she wrote a letter of opposition. And we share a Google account so it came out with my address at the bottom. And there's a letter from her that she was going to send to Roger indicating that she would swear that this was a mistake and that she would, you know, obviously, swear in front of any person that Roger wanted her to swear that she wrote the letter.

On the other hand, the way she explained it to me because I never knew this letter existed and I told Roger when he called me, I said, I had never heard about this letter. He sent me the letter and I said, I did not write this letter. Then my wife came forward and apologized. And she feels very strongly that when she wrote that letter two years ago the project was in a totally different place. I think they had just done their first application. Since then I think AES has made some drastic changes, some very significant changes to the project and you can check the public record, and my wife hasn't said anything since then. And she asked Roger that that should be withdrawn because apparently staff said, that once – it was the second application, you had to resubmit any letters or any kind of petitions and it would be on file. That was her understanding of this. And I think that she is requesting that there be – taken out of the public record because she never had another intention of reapplying that letter.

CHAIR AABOE: Thanks very much, Ruben. So could I ask, do you think that your objectiveness in this matter is tainted by the variable opinions of your wife? I am just wondering.

MEMBER MENDOZA: No. I got to tell you the fact that I brought something that I really think you need to see. It's a Code of Ethics. I used to work for the International City Management Association and for 40 years I have guided my career by this code of ethics. And I really would like the County Commissioners to take a look at this. *[Exhibit 3]*

Mr. Chair, I spent 40 years in local government. I've served as financial advisor to cities and counties across the southwest. I have dealt with some of the most talented highest ranking CEOs in city management and county management. I have even served as financial advisor to this county when Sam Montoya was county manager. And because of that, I retired in 2013, but because of that I was asked by friends and neighbors to consider getting on the Planning Commission because they thought I would add some value. And in looking at all of the materials that we have gotten so far the questions that I have to ask aren't there. This is about -- my whole focus would have been on finance or would be on finance because I feel that those are the areas that we've got to look at countywide because Santa Fe County, the tax base, doesn't just belong to this county. It belongs to the Community College District. It belongs to the school districts. It belongs to all of the special districts out there and that was the arena that I was going to get into because that is my expertise.

And I think it would be detrimental to the County if I was forced to recuse myself because of a letter that my wife wrote, that I had no idea she had written, I wasn't even in town, and she had no idea she was on my computer -- or my Google account because we share a Google account. So to me it is something that if you look at the Code of Ethics that has guided my career, I feel that I kind of need to have my say because it hasn't been addressed.

I don't know anything about lithium batteries. I don't know anything about storage systems. But I do know about public finance. So I leave it up to you whether you want to require that.

CHAIR AABOE: Thank very much, Ruben. I wonder do any of the Commissioners have questions or would -- go ahead, J.J.

MEMBER GONZALES: Yes, what I would like to say is I endorse your explanation and I think that you mentioned that you can make a fair and unbiased decision on this pending case. That is what I gathered from what you were saying. Is that correct?

MEMBER MENDOZA: I was told that I could say that I could be objective and I do pledge to be objective. And for one day I would take my District 5 hat off and put on my former financial advisor to this county hat. Because I fell in love with this county when I was 25-years old. I was working at the International City Management Association. We had a meeting at the Inn of Loretto and when the shuttle from the airport dropped me off at the Inn of Loretto, I had never been to a place like this. Santa Fe County is unique. I couldn't believe the architecture, the cultural diversity, the art, the restaurants and I fell in love with this county and I told my wife we will retire her someday. We bought a house over 20 something years ago.

My point is, that I love this county and I will do my best. I will be as objective as you want me to be. The issue is that I don't think the area that I'm going to address will be addressed at all.

MEMBER GONZALES: Thank you for your explanation and I hope that I can speak for the Commission that we accept Ruben Mendoza's explanation.

CHAIR AABOE: I ask if either of the other Commissioners have – Carl.

MEMBER TRUJILLO: Yeah, thank you, Mr. Chair. One think I want to point out is that Mr. Mendoza, I've been on this for just a year now, couple of years, and I think you just took that seat six months ago, right?

MEMBER MENDOZA: I think it was June.

MEMBER TRUJILLO: So seven months ago is when he took that seat. And so he wasn't on the Commission at the date that this letter was written. This letter was written in 2023. I just want to state the fact that this was written several years or at least a year and a half or a year earlier than Mr. Mendoza took that seat.

That is the fact that I wanted to state. The only question I have of Roger or staff is, are we looking to take a vote now at this time whether to – what is the process here that would need to take place?

MR. PRUCINO: I think the process is first bringing all of this information to the attention of the Commission and its members at a public hearing. Second, and I think this has already been made clear, determine whether the member of the Commission, in this case, Member Mendoza, wishes to recuse himself and it is clear that he does not wish to do that and I think the third step, again, just for transparency and openness would be for the remaining members of the Commission to make a determination that they are or are not comfortable moving forward with his participation in today's hearing. I also think, because this is a new issue, that the public and the applicant have not been aware of prior to today and we have just learned of recently ourselves, the issue may well be revisited at the commencement at the next hearing if any party wishes to do so. I don't think that we would want to preclude that possibility given the short notice that the parties have of what we are discussing today.

MEMBER TRUJILLO: So, Mr. Chair and Roger, if we took the stance that we felt that Mr. Mendoza could be non-biased and we didn't want him to recuse himself. What I heard you say also is that it could – somebody could come and question that authority later on and staff would have to deal with this between now and the hearing.

MR. PRUCINO: Staff wouldn't be the determining decision maker. I'm simply saying that I don't think we want to preclude the issue being raised again given how it has come up for the first time today. But I think any determinations that are made either by the Commissioner in question or by the remaining members of the Commission at any meeting in which a quorum is present.

MEMBER TRUJILLO: Thank you. Thank you, Mr. Chair.

CHAIR AABOE: Thanks very much. Just to close the loop on this, Jeremy do you have any opinion on whether or not you believe that Commissioner Mendoza should recuse?

MEMBER MIER: No, I don't believe Commissioner Mendoza should recuse himself if he doesn't feel it is necessary. I trust that he can make a fair and objective decision.

CHAIR AABOE: Thank you. I am of the same opinion. And so I think that we've all expressed our belief that Ruben will be able to do what he is volunteering to do which is bring his objective opinion to the cases before us. Thanks very much.

MEMBER MENDOZA: Thank you.

CHAIR AABOE: Okay, so I think now, Dr. Schievel, you're up. There are nine folks –

LUKE PIERPONT: If I may. My name is Luke Pierpont. I'm an attorney. I'm here with the applicant, AES Clean Energy. If I could just make a quick statement before we begin with the applicants for intervention; is that okay?

CHAIR AABOE: Yes, please. Please limit it to five minutes, thank you.

MR. PIERPONT: I will be quicker than that. As to the prior matter that you were just discussing, this is all brand new to us. We haven't seen the letter and as Mr. Prucino indicated, I think we would like to have the opportunity to review that correspondence in the letter and potentially raise this again at the February 3rd hearing.

I also just want to make a quick note in the event that you do want to hear from the applicant today, Mr. Mayer, Joshua Mayer is here but has to catch a flight at 6 o'clock and so he's on a time crunch – from Santa Fe. That's all I have. But thank you very much.

CHAIR AABOE: Thank you. Third time is a charm, Dr. Schievel.

[Duly sworn, Selma Schievel, testified as follows:]

6.A. New Mexico for Responsible Renewable Energy

SELMA SCHIEVELD: My name is Selma, S-e-l-m-a, Schievel, S-c-h-i-e-v-e-l-d. 227 San Marcos Loop, Santa Fe.

You'll be relieved to know that I don't need 10 minutes and I'm here on behalf of the registered organization, New Mexicans for Responsible Renewable Energy and on behalf of my husband and myself, our house is the closest to the facility, 0.2 mile. We learned about this project in the summer of 2022 and we started educating ourselves and the more we found out, the more worried we became. And in those years we did an incredible amount of research and we set up websites for people to sign petitions against this project. This large-scale electric-power facility should not be located in between three residential areas.

In September 2024 we decided to pull together and founded the registered organization. We have collected around 3,000 signatures. We are the only registered organization working solely against both the 200,000 solar panels and the battery-energy storage system on behalf of the residents south of Santa Fe. Neither the San Marcos Association or the CEC is in a position to defend our interests as thoroughly as we can do. San Marcos Association also represents people in favor of this project and the board is divided as well. So even though they are opposed, they are restricted in how far they can go with putting forward arguments against. The CEC has different arguments and different solutions and is mainly focused on Eldorado. Mr. Schannauer is representing himself and not the residents of the San Marcos area specifically. These were all the specifically founded to oppose this project and the 3,000 persons that signed our petitions rely on us to voice their concerns to you.

The SLDC specifically mentions registered organizations to provide public participation and recommendations to ensure a fair process for development in the area of interest of a specific RO.

If granted standing, I would like to give a 15 minutes presentation, question one or two witnesses shortly and I would have some questions for AES and staff. I will present evidence that has not been put forward in public yet. I have been a medical

doctor for 30 years, still licensed to practice in the EU. I received a PhD from the University of Denver, Department of Mathematics and Biological Sciences and I have been working as a forensic medical examiner for 25 years and I testified approximately 60 times as an expert in the Netherlands, the United States, Australia and Costa Rica.

I am familiar with judicial processes. I respectfully request standing in this procedure. Thank you.

CHAIR AABOE: Staff I am wondering if we can question the presenters?

MR. SISNEROS: Planning Commission members, Planning Commission Chair, I think that would appropriate. The Hearing Officer in her hearing did have questions for the applicants.

CHAIR AABOE: Thank you very much. I wonder if any of my fellow Commissioners have any question for the doctor?

MEMBER GONZALES: I do not.

MEMBER TRUJILLO: Mr. Chair, so you're asking for – the petition here would be granting standing. In the previous hearing were there witnesses that you brought forward or was it just your testimony?

DR. SCHIEVELD: You mean for the Hearing Officer?

MEMBER TRUJILLO: Yes.

DR. SCHIEVELD: I was not accepted as a party with standing there. But in the letter I wrote to the committee I explained what I think happened and why that was. I got 15 minutes during the hearing as a public member and that's far more restricting than if I can make my case by being an intervener.

CHAIR AABOE: Thank you and Dr. Schievel, is that right?

DR. SCHIEVELD: Whatever you manage to get. They're both horrible.

CHAIR AABOE: Doctor, so you stood up an organization in September and you 3,000 members. And what is the geographic reach of the members? Where are those people from? Are they all from the community of San Marcos?

DR. SCHIEVELD: No, not only from the community of San Marcos, but from the greater San Marcos area. Quite far beyond Rancho San Marcos where I live.

CHAIR AABOE: Would someone from Pojoaque, north of Santa Fe, be able to be a member of your organization?

DR. SCHIEVELD: Yes, but mostly they were from the area of south of Santa Fe.

CHAIR AABOE: Okay, thank you very much. And I think it might be useful at the hearing, if we accept your request, it might be useful to understand where your members are. The geographic – do you see what I'm getting at?

DR. SCHIEVELD: You want me to find out where the 3,000 signatures came from?

CHAIR AABOE: I'm not sure how you collected your signatures.

DR. SCHIEVELD: On line.

CHAIR AABOE: On line and you did not ask for any address or any other information so there is no way to derive that information?

DR. SCHIEVELD: No, no. The addresses are in there and they were all sent to the County.

CHAIR AABOE: Okay, well if that is something that we have available then we can sort through and try and figure that out. Thank you very much.

DR. SCHIEVELD: Okay, thank you.

MEMBER TRUJILLO: So, Mr. Chair, I don't know what your next order of business is but so that everybody has a chance to speak I don't know if you want to let the applicant speak because he's got to catch a flight and we've nine presentations at 10 minutes –

CHAIR AABOE: If everyone will indulge, let's let the applicant make a brief presentation so that you can get on a plane.

[Duly sworn, Joshua Mayer, testified as follows:]

JOSHUA MAYER: Joshua Mayer, 282 Century Place, Louisville, Colorado.

I just simply want to make myself available should there be any questions of me at this hearing. We intend to give approximately an hour presentation, a very thorough in-depth one, summarizing the project and our technology and our safety record. So, outside of that if you have questions for me at this time, I would be pleased to answer them.

CHAIR AABOE: Thank you very much.

MR. MAYER: Thank you.

6.B. Ashley C. Schannauer

CHAIR AABOE: Next would Ashley Schannauer please come. Thank you.

[Duly sworn, Ashley Schannauer, testified as follows:]

ASHLEY SCHANNAUER: The name is Ashley Schannauer. The address is 12 Mariano Road, Santa Fe, 87508.

Good afternoon. I submitted a motion that I believe is in your packet. That will provide probably more details than you probably want to hear from me in the time that you have allotted for me right now. So, I'll try and be brief.

I live with my wife in Eldorado. It's about a mile, a mile and a half from the proposed facility. And we're concerned about the fire risk primarily. We live right next to a green belt. And the green belt in the summer has weeds and grass that come up to my knees. And if a fire were to get into that green belt there would be a channeling of fire through the community into our backyard, especially with the high winds that are experienced in Eldorado. I think everyone is familiar with that.

I'm a lawyer. I've been retired from employment since June of 2022. I used to work for the New Mexico Public Regulation Commission and I was a – I worked there 17 years. The last 12 years I worked as a hearing examiner and dealt with many, many motions to intervene in the cases that we had before us. The traditional standard for granting or reviewing a motion to intervene is whether a party has an interest the issue, the case, and whether that person is likely to be aggrieved by the decision that is reached in that case. And, secondarily and importantly, whether any other party can represent that person's interest/whether any party already in the case can represent that person's interest. My motion is based on the premise that given my background no other party can represent the interest I have in this case.

First of all as a lawyer I participated in the hearing, early December, the Hearing Officer, my focus in that hearing was to discuss the legal issues that were present in terms of the AES application and in particular how AES's application was not consistent with the SLDC. I was not granted intervention status ultimately in that case. I initially was.

And the Hearing Officer issued an order in early October of this past year granting me intervention status and the County staff intervened and caused that order not to be issued to the public, to the parties. I filed a motion to address that, that problem, and that motion has never been addressed.

Nevertheless, I was allowed 15 minutes to speak at the hearing and I was allowed to present written testimony which also should be in your packet. So I participated pretty extensively, well, very extensively in that hearing.

Also, I guess unique, I guess to my motion to intervene is the experience I had as a hearing examiner at the PRC. Over those 17 years there I dealt with many utility procurements, many utility siting cases, siting of facilities, utility facilities, and I believe that brings a perspective to this case that would be really helpful to the Planning Commission as you try and figure out whether this particular site is appropriate for Santa Fe County.

And just to indicate that the experience I had with the Commission, the PRC, involved renewable facilities and battery storage facilities. So I have dealt with all of those things.

I guess one other item I should mention, the testimony that I provided in the hearing before the Hearing Officer, was cited extensively in her recommended order when she decided that the proposed facility was too risky for the area. So she considered that evidence, thought it was important enough to discuss it.

And, finally, most recently I participated in a hearing in district court on one of the issues in this case. Back in October I filed an IPRA request asking for copies of fire test reports that were part of AES's application but were redacted. They were not included, made available to the public. The County I guess didn't – deferred on my request for some weeks while it dealt with AES on the issue of the trade secret status of that material. Eventually, AES filed a complaint in district court to prevent the County from disclosing the information to me and at the hearing I was able to intervene in that hearing and I was the only party in that hearing who actually had a position. The County did not state a position in that case. But through cross-examination of AES's witness I was able to prevail in that case. And that information that AES claimed was a trade secret will soon be made available I understand from the County, haven't received it yet, but AES decided not to appeal the decision and the temporary restraining order that was initially issued expired. So that information should become public soon.

So I guess what I'm trying to say is that I have been heavily involved on this issue for quite a long time and my participation has helped. Helped the Hearing Officer deal with the issue and has helped bring some information that I believe is crucial to the Commission's decision to the public light.

If you have any questions, I would be willing to answer them.

CHAIR AABOE: Are there any questions of Mr. Schannauer? I actually have a question. In looking over your qualifications you've worked for – a significant career at the Public Regulation Commission and one of the things that you list is the locational control cases that you've worked on. My understanding is that generating facilities or transmission lines – generating facilities of a specific size and transmission lines must get locational control from the PRC. And are there any cases that you worked on that were hybrid systems like this with a solar generating married with a battery storage; did you work on any of those cases in your career?

MR. SCHANNAUER: Yes. I was the chief hearing examiner for the last three years of my working there. So I ordinarily go the biggest cases. I dealt with the retirement of the San Juan Coal Gen –

CHAIR AABOE: No, my question is specific. About how many cases of systems similar to this were you involved in, although this is a little bit smaller and will not fall under PRC control.

MR. SCHANNAUER: What I was trying to say was that case involved three hybrid solar battery storage systems. Yes, and I recommended approval of those three systems.

CHAIR AABOE: And those are the only – in your – they don't come up often because that is a relatively large system, but those are the only cases that you worked on?

MR. SCHANNAUER: Yes, that involved both –

CHAIR AABOE: Solar generation as well as the battery storage system. And you recommended approval for all of those?

MR. SCHANNAUER: Yes. Those were the first systems that PNM installed.

CHAIR AABOE: Got it. Thank you so much. I appreciate it.

MEMBER TRUJILLO: Mr. Chair, I do have one more question. So those one that were approved, where were they? Where were the locations? They were within the state?

MR. SCHANNAUER: Yeah. One was in the San Juan County. One was in Rio Arriba County and one was in McKinley County. They all relied on the big transmission line that went from the San Juan Generating Station down to Albuquerque and part of it over into Santa Fe County.

MEMBER TRUJILLO: Mr. Chair, and the McKinley County as you drive down the interstate towards, heading west, you see a bunch of solar panels there right off the road; is that the system you're speaking of?

MR. SCHANNAUER: Well there's a – it's an extremely large system. I'm not exactly sure where you're talking about but it's right off I-50, yeah.

MEMBER TRUJILLO: Thank you, Mr. Chair.

CHAIR AABOE: Thank you very much. Any other questions? Thank you very much, sir. Next is the Clean Energy Coalition for Santa Fe County, Lee Zlotoff.

6.C. The Clean Energy Coalition for Santa Fe County

[Duly sworn, Lee Zlotoff, testified as follows:]

LEE ZLOTOFF: Lee Zlotoff, 53 Camerada Road, 87508. I'm a little new to this. We submitted a letter but I would like to read the letter briefly.

The Clean Energy Coalition for Santa Fe County, generally known as CEC, is a 501c3 non-profit organization whose mission is to educate our communities about large-scale renewable energy projects so informed decisions can be made to protect our environment and keep our neighborhoods safe. In September of this year [sic] CEC became a registered organization with Santa Fe County and currently represents approximately 1,300 households the majority of which are in Eldorado.

The officers of the CEC are myself as president, vice president Randy Coleman and treasurer Dayna Matlin who are all residents of Eldorado. Most recently, Marilyn Hebert, the Sustainable Land Development Code Hearing Officer granted CEC standing

to participate in the December 4, 2024 Sustainable Land Development Code Hearing Officer's special public hearing on the AES application.

The proximity of this utility-scale solar lithium battery facility to Eldorado, if not all of Santa Fe, is of grave concern to our members. As the proposed site is surrounded by three residential communities – Eldorado, Rancho San Marcos and Rancho Viejo – with over 10,000 homes and more than 25,000 residents as well as four schools. We believe there are serious risks associated with the AES project that include thermal runaway fire in a dry brushy area with frequent wind, environmental contamination from toxic PFAS, otherwise known as forever chemicals, to our air, ground and water as well as the impact to local wildlife.

In light of these concerns, CEC is requesting to participate in the February 3, 2025 Planning Commission hearing on the AES application. We have engaged numerous subject matter experts in the development of our presentation. My only request is that, whatever time you ultimately grant to the applicant, you grant us equal time. And now I'll answer any questions you might have.

CHAIR AABOE: Thank you. Let me clarify. So I believe the applicant just indicated that they plan to make a one-hour application. So are you all requesting as a party with standing to also – you need an hour?

MR. ZLOTOFF: Yes, that is correct.

CHAIR AABOE: And if the applicant had said he needed 30 minutes, just 10 minutes ago, you would contend that you also need 30 minutes?

MR. ZLOTOFF: We will abide by whatever the Planning Commission decides. I believe the Hearing Officer granted everybody 45 minutes plus times for cross-examination. I believe that's what it was. But, yes, and we were then asked to submit a list of witnesses and all of our witnesses had to perform within that 45-minute window.

CHAIR AABOE: Okay, thank you. So you are requesting an hour for your presentation as well as any and all witnesses that you would call?

MR. ZLOTOFF: Well, that would include all of the witnesses – what it does not include, obviously, is the cross-examination time.

CHAIR AABOE: Thank you. Any other questions? I have one more. Go ahead.

MEMBER TRUJILLO: So, Mr. Chair, and Mr. --

MR. ZLOTOFF: It's actually Zlotoff, but not a big deal.

MEMBER TRUJILLO: Do you live in Eldorado or the San Marcos area?

MR. ZLOTOFF: Yes, I'm sorry. I live in Eldorado.

MEMBER TRUJILLO: I heard your street address but didn't know --

MR. ZLOTOFF: 53 Camerada Road is actually on the far western edge of Eldorado. So my house is approximately a mile from where this facility is being proposed.

MEMBER TRUJILLO: Okay. And, Mr. Chair, the Clean Energy Coalition of Santa Fe is a non-profit organization and where is it – what's the organized address? Is it your place or is organized from somewhere else?

MR. ZLOTOFF: I'm sorry.

MEMBER TRUJILLO: The address of this non-profit, where do they get mail?

MR. ZLOTOFF: What are we about?

MEMBER TRUJILLO: Where do you get mail?

MR. ZLOTOFF: Oh, where do we get mail? I'm sorry.

MEMBER TRUJILLO: My apologies, I wasn't close enough.

MR. ZLOTOFF: I'm a little hard of hearing. I apologize. We get mail at – in the Agora there is a private mail box, Quick Send, that's where we receive mail in Eldorado.

MEMBER TRUJILLO: And there's where the registered non-profit is?

MR. ZLOTOFF: Yes, we are – obviously, in order to be a non-profit we have to be a corporation. We are that. We are also an all-volunteer organization. We have no paid staff.

MEMBER TRUJILLO: Okay. Thank you, Mr. Chair.

CHAIR AABOE: Any other questions? I have a question. In your letter you indicate that you have over 1,300 members. So how does one become a member of your organization?

MR. ZLOTOFF: They join our email list and they are given the opportunity at anytime to withdraw from that email list. Obviously, we accept donations as a 501 c3. Anyone who sends us a donation is thereby a member.

CHAIR AABOE: So if someone joins your email list they are included in this 1,300?

MR. ZLOTOFF: Yes. But most of that – most of those represent households. In other words, husbands and wives don't separately get our mailings because they go, that's silly why should we get two emails, we can just get one.

CHAIR AABOE: Understood. And in your request to get on the email list, you ask for their address?

MR. ZLOTOFF: Yes.

CHAIR AABOE: And are all of these members local to Eldorado?

MR. ZLOTOFF: Yes, well, some of them are in Santa Fe, some of them are in Cerrillos, some of them are in La Cienega, some are in Rancho Viejo. The vast majority of them are in Eldorado.

CHAIR AABOE: Are any of the members out of Santa Fe County?

MR. ZLOTOFF: None of the members are out of Santa Fe County.

CHAIR AABOE: Great, thank you very much. Great.

MR. ZLOTOFF: Anything else?

CHAIR AABOE: Thank you. I appreciate it. Next, Mr. Kurtz from the San Marcos Association.

6.D. The San Marcos Association

[Duly sworn, Dennis Kurtz, testified as follows:]

DENNIS KURTZ: My name is Dennis Kurtz, K-u-r-t-z. I live at 42 San Marcos Road West in Santa Fe, 87508. Thank you, Commissioners, for letting us present our rationale for requesting standing. Before we do, I tried to include in my packet the images of the front and back of these cards [*Exhibit 4*], but, Mr. Chairman, may I pass these out because it will be useful.

CHAIR AABOE: We actually have that – the San Marcos Association area of advocacy.

MR. KURTZ: Can you see it?

CHAIR AABOE: Yes.

MR. KURTZ: Okay, fine. I just didn't know how well –

CHAIR AABOE: It's in your packet material.

MR. KURTZ: -- the file would come through.

CHAIR AABOE: Thanks.

MR. KURTZ: Okay. San Marcos Association is requesting standing for a number of reasons. We are a registered organization pursuant to the SLDC, non-profit 501 c3. We've been around since the mid '80s, mid 1980s, the last millennium and have been advocating for the area that you see on the map since then in a variety of different ways. Responsible development is just one front but things like traffic safety, dark skies, ordinances, neighborhood safety – we were instrumental in crafting and passing the Nuisance Abatement Ordinance for the County – preserving historical properties, making sure abandoned mines are restored correctly. So this is just one facet of what we do.

We're requesting standing for basically three reasons. One, the first reason, we were granted standing in the December 4th hearing, the SLDC Hearing Officer's hearing. She reviewed our request and granted us standing and we presented and we were listened to at that hearing. The information we presented was germane to her decision, in fact, was one important part of her decision to make her recommendation in her order. The second reason is that this project, this proposed project, is totally enclosed within the area for which we have advocated since the mid 1980s and so we are concerned, of course, about it being done responsibly and a number of residents expect us and we're doing our best to live up to that expectation, expect us to work to ensure that everything is done the way that it should be. The third reason is more nuanced, back in the day in the 1980s and since then, the San Marcos Association acted in effect as a community organization. Back in those days before there was an SLDC there were no community organizations. When the SLDC was passed then the San Marcos Association became a registered organization because we, even though we assist the community of Cerrillos, Cerrillos has its own community organization. And places like Madrid and Ranch Alegre, and Lone Butte and Silverado and other places all have their own groups that we support. But you can only have one community association in a community and so we're a registered organization but we act like a community organization so we feel like that also should be a rationale for us to be granted standing in this matter.

What we would request as far as standing goes is something like 20 to 25 minutes to present and basically our presentation would consist of just a few parts. First we would review what we said to the Hearing Officer just to get that again on the public record. The Hearing Officer at the SLDC hearing was in our interpretation a fairly legal event. So we didn't bring in public opinion or survey results or anything like that. We spoke directly to the SLDC and that's what we would summarize again but for the hearing for this group we would be bringing in survey results and things like that so you have a sense of what the community feels because your viewpoint is much broader than just the written language of the SLDC. The second part of our presentation would be – so we would present those things with an aim towards persuading the Commission not to grant this application request. But in the event that you do grant the application request we would suggest a whole bunch – well, not a whole bunch, but a few conditions as part of the conditional use permit, the word "conditional." In other words, we would be suggesting things that if you do grant it that we would like you to strongly consider these particular elements as conditions for the conditional use permit. I'm not prepared – I'm

not going to go into all of that kind of stuff now but that's the basic outline of what we would present.

So I really appreciate you listening this afternoon. If you decide not to grant us standing, we would be very interested in hearing how, if you're open to the idea of ceding minutes. At the SLDC Hearing Officer's hearing, she had – I don't remember but let's say it was a two-minute time limit to speak but if I got 20 people to give me their two minutes then I had 40 minutes to speak. That sort of thing happened. It wasn't as wide open as that. I think she still limited people. But if you're open to that idea, then we certainly would be willing to consider that. Basically, we want to know how to prepare ourselves to be most efficient and effective at this hearing that is coming up and if we don't have standing would we be able to get minutes from somebody else in order to make the same basic 20-minute presentation. So I'll stand for any questions.

CHAIR AABOE: Commissioners, any questions of Mr. Kurtz? Of course, I have some questions. I am actually looking at the map and I apologize for you not handing it out to my fellow Commissioners and I wonder if we could, staff if you could do that. The question I have is the San Marcos Association area of advocacy. As I look at that map, there's the San Marcos community district, which pretty much incorporates and that's an SLDC approved, there's certain conditions, you know, you can't have a whatever. There's certain conditions on heights and setbacks that are specific to that community district; is that right?

MR. KURTZ: Yes. The San Marcos Association is an RO under Chapter 2. The community planning district is a district that was basically designed by the County under Chapter 9. Totally different things. Unfortunately, there's a lot of confusion because the word San Marcos appear about 27 different places.

CHAIR AABOE: So I'm sorry I think of regional organization when I hear RO. But that's not relevant.

MR. KURTZ: Registered organization.

CHAIR AABOE: The registered organization – because the area of advocacy that you have goes well beyond San Marcos per se, I just want to confirm there are members throughout the area all the way to I-25, all the way to 285, there are property owners who are members of that organization – I'm just trying to understand the RO framework. Does it represent people in that area or could I join? I live just on the other side of one of these lines; can I join this RO? Help me understand that please.

MR. KURTZ: You've touched on a point of major debate within the board of the San Marcos Association. We don't really use the word members. To us members connotes paying money or doing something in order to be a member. These are our neighbors and we advocate for them and certainly we would listen to you and do whatever we could and tell you, we might call and all of that. But you're not in our neighborhood in this sense. Eldorado is not in our neighborhood. They are our neighbors in a broad sense but we don't advocate for Eldorado. We don't advocate for Galisteo and so on. So I'm not sure if that answers your question but all of those people we advocate for and they all – well, I don't know if they all know us but they certainly all can come to us.

CHAIR AABOE: It's your community. I understand. Because the line here butts up to Eldorado. If they were to register as a different RO there might be some

kind of, you know, area of overlap/Venn diagram. I'm just trying to understand how the bounds of these groups go.

MR. KURTZ: The community organizations according to an interpretation that I've been told by the County, there can only be one community organization in a community. Cerrillos has one, Galisteo has one, etc. ROs are more themed based. You can have RO that is about equestrian activities and it's all over the whole county and other ROs could be about something else. Ours happens to be on our history the same as a CO would have been. But when the SLDC was crafted, we couldn't be a CO so we became an RO but we still have basically the same focus as a community organization except that we support the people, for example, in Cerrillos but the people that live outside of Cerrillos we are their main advocates if they need advocacy here in a room like this.

CHAIR AABOE: Thank you so much, Mr. Kurtz. Any other questions? Really appreciate it.

MR. KURTZ: Thank you for your time, gentlemen.

CHAIR AABOE: Next, Mr. Cordingley from 350 Santa Fe.

6.E. 350 Santa Fe, Inc.

[Duly sworn, Robert Cordingley, testified as follows:]

ROBERT CORDINGLEY: My name is Robert Cordingley. I live at 18 Santeros Ranch Road, Santa Fe, New Mexico, 87507. And my name is spelled, C-o-r-d-i-n-g-l-e-y.

Thank you very much, Mr. Chairman and committee members for allowing us to speak here today. In representing 350 Santa Fe I would like to give you some background on our position. I am a chemical engineering fellow retired following 33 years in the chemical industry with increasing levels of responsibilities for technology projects, environmental safety, and health projects, process control and automation and many other topics. I've been a County resident since 2009. I am now president of 350 Santa Fe which is a chapter of the international 350 organization. We are an all-volunteer organization dedicated to a rapid and just transition to renewable energy. Our board members are highly talented people that live in the Santa Fe County or the city. We are established as a non-profit corporation in the State of New Mexico having been founded in 2019. We obtained our 501 c4 status with the IRS shortly after. The mission of the organization that I represent here today is to promote the rapid and just reductions of greenhouse gas emissions through education and advocacy in Santa Fe and throughout New Mexico as we work towards a secure healthy planet. Primarily this means we must stop burning fossil fuels.

Our application has been submitted to be a registered organization with the County and as I understand it, it has been approved. I understand also that we should get our registered organization certificate tomorrow.

We have about 17 very active volunteers organizing our publications, projects and programs with 300 members of the public on our subscription list. Our bylaws don't allow members at this time. But within the international organization of 350.org as a chapter we are charged with representing the citizens of the Santa Fe County and the City of Santa Fe. We might expand that to include the metropolitan area of the like of 156,000 people.

We're supporting this project because of many factors that we'd like to consider. This project represents a significant and local step in adjusting rapid transition from fossil fuels along contributing to the state's and county goals for renewable energy. If I may remind you, the burning of fossil fuels has increased atmospheric carbon dioxide levels from pre-industrial levels and continues to rise about 2 part per million annually. At current levels now above 420 parts per million, it represents a clear and present danger for our community and many communities around the world. The safe level we believe is under 350 hence our name. Acting as a blanket it traps heat that should normally dissipate into space. Last year, we, for the first time blew past our Paris Accord targets of 1.5 degrees centigrade rise with an average annual global temperature above that level. This is of historic proportions. This is particularly critical as we experience the climate crisis now with it extreme weather events. The violent Atlantic hurricanes like Elaine barreling deep into North Carolina. The urban fire is still burning in LA and the drought-driven wildfires like the Hermit's Peak and Calf Canyon fire.

Because of the scale of the problem, we all need to pursue any progress we can to mitigate the worst effects of climate warming. It's becoming a moral imperative. Through close inspection of this project, we feel that it is linked to the greater cause because it backs out fossil fuel burning in our energy generation. Itself is proposed on a low-risk fire location, designed to the highest standards of fire safety with many levels of protection sensors of all kinds, automatic fire suppression, fire proof containment, fire protection landscaping and UL certifications. We feel this is a safe project that should be pursued.

The proposed energy storage system and its design provisions has an added benefit of moving battery fire risk from actual residential areas to a professionally designed and monitored project.

We believe we are an aggrieved party in this matter. At the previous hearing offered no opportunity for the public support for the project to be heard for example. We represent our 300 subscribers who are particularly concerned and informed climate crisis fighters who won't be able to benefit from the project's inexpensive renewable energy and almost secondary, the economics associated with the project in terms of job creation and tax revenues. We think the same goes for all the residents of the City and the County of Santa Fe whom we serve as part of our chapter membership in the 350 organization.

We closely inspected the details of the project and the exaggerated concerns have already been accommodated and find the proposal more than acceptable for approval. It's worth remembering that not all renewable energy projects are the same. There are a wide variety of storage technology to choose from, many such as the green hydrogen cycle, gravity installations, flow batteries, solid state batteries, etc. and they're mostly in development or only now being tested at commercial scale and as yet aren't ready for prime time. The mature and safe technology of modern lithium ion storage system makes them an acceptable offering for this project.

I'd like to say some final remarks, committee members are respected requested to study any and all of these aspects. It's a complicated system when we have environmental science to backup what's going on with the planet and environmental engineers who are competent engineers to design solutions. There are additional materials that you can find on our website and our global warming wiki and those documents that we have already compiled will help us prepare our presentation on

February the 3rd. With additional time we could present much more material on the cause of global warming and the roots back to the 19th century. The many solution paths being pursued in appropriate documentation from the intergovernmental [inaudible] panel on climate change, RBBC, also supports these arguments.

We recognize there is no one silver bullet to the climate crisis. We shouldn't let the perfect be the enemy of the good. There is no time to lose and this project should be approved without delay. This is why I respectfully request we be granted standing in the hearing of this case. Thank you very much. I can take some questions.

CHAIR AABOE: Thank you, sir. Are there any questions of the presenter?

MEMBER GONZALES: Mr. Chair, I've got a question. What does the 350 stand for?

MR. CORDINGLEY: 350 is a level of parts per million of carbon dioxide in the atmosphere that was quoted by NASA's engineers as a point below which everything would be fine. Above 350 things start to go haywire. You can see we're at 420 and still rising why we have so many concerns.

MEMBER GONZALES: The next question I have is, what is your footprint in this area? How close are your individuals to this area in San Marcos?

MR. CORDINGLEY: We don't have address information for our 300 subscribers. It is optional. But we do have subscribers and workers covering the county of Santa Fe.

MEMBER GONZALES: Another question I have is, you're asking to have standing on this and all of the other people who spoke here have a proximity to this solar array and I wonder if your standing would be as a private individual? You are a pending organization that hasn't been granted yet but I think that you as an individual of your group to speak in this matter. I don't know if you have to have standing or not but you can certainly speak on this matter as an individual representing several people and you could have limited time to speak and address your concerns. That is the only comments that I have. Thank you.

MR. CORDINGLEY: Thank you very much.

MEMBER TRUJILLO: Mr. Chair. So in your letter here I heard you state your address when you got sworn in but I didn't understand it. So do you live in this area in Eldorado or San Marcos or –

MR. CORDINGLEY: No. I live in the Aldea community on the northwest side of town.

MEMBER TRUJILLO: The Aldea community?

MR. CORDINGLEY: Yes.

MEMBER TRUJILLO: Okay.

MR. CORDINGLEY: Just if I may make a comment. The problems with environment and fossil fuels does not stop at any political boundary.

MEMBER TRUJILLO: Mr. Chair, we're trying to determine people with standing here and as my fellow commissioner mentioned there that at the hearing people will be given an opportunity to speak and so we're not – we want people to participate and we want people to speak. There is a difference between a person given standing and the public that can still speak. That's what I'm trying to consider here. I do agree that

there are no boundaries for this but that's the reason I just asked that question. Thank you.

CHAIR AABOE: Mr. Cordingley, the task before us at this hearing is to apply the attributes of the application against the Sustainable Land Development Code and the issues that you are focused on are significantly more global than that. And so, I am just, I am – I understand that if we were to grant you standing I would recommend that you look at the Sustainable Land Development Code and the Sustainable Growth Management Plan to see – and even if we don't grant you standing and you come forth as an individual – I don't know that your position really goes to the task before the Planning Commission; do you see what I'm saying?

MR. CORDINGLEY: Somewhat.

CHAIR AABOE: We have to—it's not like we – we are essentially going down a list of requirements. Does this do that? Does this do that? And so the issues that you're bringing forward are significantly more global. I just want to make you aware that the task before us is a lot more parochial than the position of your organization and I'm just saying that so you understand where we are.

MR. CORDINGLEY: Can I ask you a question?

CHAIR AABOE: Sure.

MR. CORDINGLEY: So it seems like at this level you have kind of veto power over this project; is that correct.

CHAIR AABOE: Any decision made by the Planning Commission can be appealed to the Board of County Commissioners. Am I right, Roger?

MR. PRUCINO: Yes, that's correct. You would make a ruling on the application the ruling becomes final if it is not appealed. But it can be appealed by anyone.

MR. CORDINGLEY: So this project provides or hopes to provide sufficient renewable energy for the entire City of Santa Fe. With our interest in the City of Santa Fe participating in renewable energy programs wouldn't that give us cause for standing?

CHAIR AABOE: Perhaps, yes, and I appreciate your perspective, I really do. I am just trying to make sure that we remain grounded in the process that we have and so I hope that helps.

MR. CORDINGLEY: All right. I very much appreciate your time and I hope you look on our application with some favor. Thank you.

CHAIR AABOE: Thank you. Santa Fe Green Chamber of Commerce, Glenn Schiffbauer.

6.F. Santa Fe Green Chamber of Commerce

[Duly sworn, Glenn Schiffbauer testified as follows:]

GLENN SCHIFFBAUER: Glenn Schiffbauer, that's S-c-h-i-f-f-b-a-u-e-r. Not often one of the simpler names but today. My address is 519 Vera Drive, Santa Fe, New Mexico 87501.

Mr. Chair, Commissioners, I appreciate you giving us an opportunity today to make a request of standing. We are an organization here in Santa Fe. I am the executive director for the Santa Fe Green Chamber of Commerce. We are a business network that is committed to advancing sustainable economic development, environmental responsibility and social equity. We represent a coalition of businesses, organizations

and individuals dedicated to integrating environmental stewardship with business practices.

We have been involved with, advocated and lobbied for clean, renewable energy since our inception in 2013. We have worked on community solar, solar for all, sustainable building codes, solar tax credits and all of the electrification and tax credit and senate bills for EVs and renewable energy for the last 11 years.

Our mission is to build a resilient local economy that thrives by fostering renewable energy adoption, water conservation, sustainability and community development. Supporting renewable energy projects is central to this mission helping New Mexico lead in climate change mitigation and sustainable development.

The Santa Fe Green Chamber of Commerce represents over 180 local businesses and community organizations and their employees, from small local enterprises to larger institutions. All are united by a shared commitment to sustainability and innovation.

The reason we're here is threefold, renewable energy leadership is key. New Mexico's ETA, Energy Transition Act, targets 50 percent renewable energy by 2030 and 100 percent by 2050. The Rancho Viejo solar project aligns directly with the goals of New Mexico's ETA which we were involved with along with the coalition of 15 other organizations from its introduction as a bill in 2019. Large scale solar projects like Rancho Viejo are critical for achieving these ambitious benchmarks. This is a real opportunity for Santa Fe County to walk the walk and lead by example. You can show other communities that we will act as quickly and prudently as possible to do what we can in the fight against climate disruption.

As a business organization we're also focused on economic benefits. The low-cost energy that the Rancho Viejo project will deliver is affordable, renewable energy to PNM customers statewide, stabilizing electricity prices and fostering a clean energy production source in Santa Fe County. Affordable, renewable energy is very important to our businesses as is cost certainty which is a characteristic of solar energy. Economic impact is important as well. This project is expected to generate approximately \$28 million in labor and wages, \$10 million in property tax revenue and \$4 million in gross receipts tax. Currently this property generates about \$1,500 a year to the County in property taxes. This will also create about 200 jobs during construction supporting our local businesses and hospitality and professional services. There will be some permanent jobs after the construction. I don't know that it's going to be a great number but we will have some. Solar energy systems like Rancho Viejo will offset millions of pounds of CO2 annually contributing to cleaner air and mitigating climate risk.

The Rancho Viejo project embodies the intersection of economic growth and environmental sustainability. It fits with our commitment for a renewable energy future. It represents an essential step in reducing greenhouse gas emissions, creating an economic opportunities and strengthening New Mexico's leadership in renewable energy by granting standing to the Santa Fe Green Chamber of Commerce decision makers will ensure that the voices of businesses throughout the County and in the City of Santa Fe and citizens throughout the County advocating for a prosperous green future in New Mexico are represented. We do respectfully ask to be able to contribute to the hearing coming up on February 3rd and have a business voice that contributes to this critical dialogue.

CHAIR AABOE: Thank you, sir, appreciate it. Commissioners, are there any questions of Mr. Schiffbauer? Thank you for the presentation. I do wonder and this is something that I failed to ask of the other requestors; about how much time do you think that you would like to be able to make a presentation and bring your witnesses if you were granted standing?

MR. SCHIFFBAUER: I think it would 15 minutes or less. We applied for standing at the Hearing Officer's gathering and we were declined that standing and had to compress everything into as mentioned before 2 minutes which was definitely not enough. Four minute might have been. But we can do 15 minutes.

CHAIR AABOE: So 15 minutes would be sufficient for your presentation and witnesses.

MR. SCHIFFBAUER: Yes.

CHAIR AABOE: Thank you so much.

MR. SCHIFFBAUER: Thank you.

CHAIR AABOE: The Sierra Club, John Buchser.

6.G. The Sierra Club

[Duly sworn, John Buchser, testified as follows:]

JOHN BUCHSER: My name is John Buchser, B-u-c-h-s-e-r. I live at 606 Alto Street, here in downtown Santa Fe.

CHAIR AABOE: Please proceed, thank you.

MR. BUCHSER: Mr. Chair, Commissioners, a little background on the Sierra Club. We were created as an organization, a corporation in the State of California in the late 1800s so the organization has been around awhile. Our purpose is to protect the planet and enjoy it so we do a lot of outings and things to save all the natural things and people are part of it. There's a lot of critters and lots of plants and a lot of wonderful places in New Mexico which has a lot of those.

Probably the most useful to you is to state why we think we have standing in this case. I believe we do under two different provisions of the code. One is that we are aggrieved and further that we have standing because there is harm to environmental well being. So there are three conditions. We don't fall under the 500 feet. There may not be anybody that actually owns land because the person who's transferring this land to this project I think owns a rather large piece around the entire facility. In 1975 there was a Supreme Court case in New Mexico which relied on a 1972 Supreme Court case which basically said that if a standing could be established based upon harm to environment well being and the extent of that harm could be very slight. That's actually stated in our application request for standing. We also are aggrieved by the fact that the Hearing Officer denied that this application by AES for solar/battery storage system be denied. Basically as I think you've heard from the last two folks, the scientific basis that since the industrial revolution we've put a lot of pollutants in the air. We all enjoy the benefits of those changes. We get to turn on the lights. We have a lot of technology that has been developed since then. One of the things that hasn't changed since then is that we are extremely dependent on coal and oil and gas to sustain that and that emits carbon dioxide into our air. And that causes what's called the greenhouse effect and the state as of Monday, maybe not so much the federal government, but our state, our legislators, our governor recognizes the harm that is being created by our burning of fossil fuels. We are very, very fortunate that wind power and solar power have come to the point where they

are able to economically – actually they are a cheaper alternatives for energy production. So it is actually to the benefit of our community to keep the rates that we pay for power down by using these alternative sources of energy. The difficulty that we are facing right now is that we've done so well, Texas is a great example they don't care about the damage to the environment. They don't care about the carbon dioxide. They care about profits. The wind blows a lot in Texas. They're putting up wind power like crazy. If Texas were a country, which I know Texas would like to do, they'd be the fifth largest producer of wind power in the world. They have gone with gusto. But what happens when the sun goes down? What happens when the wind quits blowing? When you have to store that energy. So AES in their application they are addressing that challenge of how to provide power beyond that point.

As the previously two folks have testified what's happening with the extra energy when you put more energy in the system things get more intense. You get weather that is drier. You get changing patterns of weather as you already know has made it difficult in New Mexico to understand what exactly is the source of the changing climate because we know we overestimated how much water we have. We did that back in I think the '20s and we're having to deal with less water. We're having to deal with higher temperatures and as a result our citizens in the area that will be served by this project will be, you know, you have to pay more for power, that's a problem. You've got more pollutants in the air if you're burning coal and oil.

Backing up a little bit, we have 315 members in the San Marcos and Eldorado area. That is based upon the zip codes 87508 and 87540. So that's roughly three or five mile radius from the center of the project. So clearly some of our members are just in that periphery. We have over 1,000 in Santa Fe. It was pointed out in the hearing, the prior hearing, that if everybody's existing solar panels in Santa Fe are producing power than we don't need all of this power coming off of the AES proposal. So some of that power would actually go outside of the area of Santa Fe but the majority, generally speaking, will go to Santa Fe.

And one of the questions that came up in the hearing and this detail may not be particularly relevant which is that if this project is denied the likelihood is that other projects further away will be, in fact, approved and as result there will have to be longer power lines and greater costs than doing this. We're really fortunate, I think, that a) we have a willing landowner to place the project and 2) that there is an appropriate distance between this project and any homes or businesses. The reality being that in the last four years none of the enclosures that they use for batteries has escaped that so all the fire department has to do is spray the thing down and keep it cool if such a thing has occurred and further the learning process from fires that have occurred particularly one in Surprise, Arizona the Public Service Company of Arizona did a really great – they hired a company that did a really extensive analysis on why they had this fire and basically now the fire codes and the codes, the UL codes for manufacturing both batteries and deploying these systems have changed. So in the last year there are now new codes that apply. I stand for questions, thank you.

CHAIR AABOE: Thank you, sir, appreciate it. Any questions for Mr. Buchser? Thank you very much.

MR. BUCHSER: Thank you for your time.

CHAIR AABOE: Thanks. Next we have someone whose name I can pronounce, Genie Stevens from Global Warming Express.

6. H. The Global Warming Express [Ms. Stevens did not appear to be present.]

LUCY FOMA: I have a comment and question as a member of the public.

CHAIR AABOE: Hold on just a second. Attorney, it looks like the last person who submitted an application, although they submitted information to us, they did not attend to present to us. So it would be my understanding that with the information that we have in our packet we could make a determination whether or not it would be granted standing; do you concur with that Roger?

MR. PRUCINO: I do. A party's absence from today's hearing should not prohibit them from or prohibit you from considering their application based on the information.

CHAIR AABOE: Okay. So that kind of concludes this but the next item is petitions from the floor.

MR. BUCHSER: Mr. Chair, The Global Warming Express is a sub-entity of the Sierra Club. So I would intend, if I was granted standing for the Sierra Club in my role as chair of the northern group of the Rio Grande Chapter of the Sierra Club to call one of their kids as an expert witness.

CHAIR AABOE: And I forgot to ask, about how much time do you believe that you would –

MR. BUCHSER: I believe that 20 minutes should be sufficient.

CHAIR AABOE: Twenty minutes, thank you.

MR. BUCHSER: Thank you.

6. Petitions from the Floor

CHAIR AABOE: You don't need to be sworn in but it would be convenient if you gave your name.

LUCY FOMA: My name is Lucy.

CHAIR AABOE: Thank you, Lucy.

MS. FOMA: I was wondering what are the legal criteria for considering standing? I looked through the County documents and couldn't find the criteria by which someone should be granted standing.

CHAIR AABOE: I think I'll defer to Roger the County Attorney in attendance.

MEMBER TRUJILLO: Mr. Chair, could you just repeat the question? I didn't hear it completely.

MR. PRUCINO: Sure. Lucy is inquiring into the standards or qualifications to be considered in determining whether a party qualifies as a party with standing. Is that fair?

MS. FOMA: Yes.

MR. PRUCINO: It's a good question and you're right, it's not directly addressed in the SLDC at all. In fact, that's really the reason for having the hearing today is because it is not a black and white determination that could be made without input from the parties and without having deliberations among members of the Commission.

MS. FOMA: You're saying that there is no legal criteria for what is standing?

MR. PRUCINO: There is no criteria established in the SLDC. It refers to parties in interest. It refers to parties with standing. Parties impacted by any particular application. It can be relatively broad but that means that the Commission has significant latitude and discretion in determining which parties will be granted that status as standing – party of standing.

MS. FOMA: Okay, well from my observations as an observer, three of the groups seem to have standing based on renewable energy or clean energy and so if that's a criteria then it should not be related to where they live. It should be about that concern, is what I would hope. Because three of the groups have that in their name or – at least three, Sierra Club too, maybe, had that as their stated concern about renewable energy and clean energy not about their habitation. Could that be considered?

CHAIR AABOE: Thank you. I think absent strict guidance the consideration is really up to the Commission.

MR. PRUCINO: You are certainly correct. I understand Lucy's point. Individuals who object to the proposed project are doing so because of the proximity. Individuals or organizations in favor of it are not in favor of it because of proximity but because of broader issues and concerns, probably more interest by the SGMP rather than the SLDC. If the point is proximity than it shouldn't –

MS. FOMA: Well, it's not proximity actually to clarify because we're all part of the same grid as residents in Santa Fe County we do not choose which grid we tie into. That is beyond our control. We all tie into the grid that is where we are. And so as residents of Santa Fe County we all have an interest in this project because whether we like it or not we are tied into that grid. So, again, it shouldn't be about how close you are to the actual project. We are all part of the same grid.

CHAIR AABOE: Thanks so much, Lucy. We appreciate your input.

MS. FOMA: And then –

CHAIR AABOE: It looks like there's one more thing.

MS. FOMA: There are two more things. And then, with all due respect, Chair, I would disagree that the issue of emissions is not tied to land use. I think that energy generation, power generation is intimately and dependently tied into land use which is why solar generation and wind generation is outlined in the Sustainable Growth Management Plan. There is a map that identifies where to put solar generation in Santa Fe County and that map, if you want the reference, 7-1, says, this site is where you should put solar. This is the optimal site to put solar and that was identified by the County.

Also I wanted to note that by having this meeting during business hours and with such short notice probably many audiences were precluded from participating in this process, especially youth, were precluded from participating because they're either at a job or at school.

And, finally, I wanted to just say while there are a few voices who oppose this project for a possible risk there is a daily guaranteed benefit from this project. And I intend to show up on February 3rd as well but I wanted to show up today because I feel very, very strongly. Thank you.

CHAIR AABOE: Thank you so much, Lucy. Really appreciate the input. Thanks.

JILL CLIBURN: I just have an extremely short comment that has to do with correcting the record, just really briefly.

My name is Jill Cliburn and I live at 45 Crazy Rabbit Drive, 87508. And I am living in the area and I think that's what I wanted to refer to is just to be sure that the record doesn't misinterpret that people who are in favor of renewable energy do not live in the area and people who are opposed to renewable energy live in the area. I live in the area. I have studied this extensively through my profession which is in renewable energy and also as an advocate and a member of several of these organizations some on each side. And so it is just an incorrect characterization to try to say that those who support renewable energy do not live adjacent to the project. And one of the cases that I would make if I had more than two minutes which is all we had in December when we spoke what was that the impacts on real estate value are essentially awash and we can present data to that.

There is just a lot of information that you all could get if you are open to hearing a little more than two minutes from people who represent the environmental interests not only of the energy but of the land. So thank you.

CHAIR AABOE: Thank you so much, Jill. Anyone else from the floor interested in speaking?

DANIELLE GARCIA: Hi, my name is Danielle Garcia. Do you need my full address. Danielle, D-a-n-i-e-l-l-e.

I just had a couple of questions on how you all are planning to run public comment. If you're allotting only a certain amount of time. If you're allowing ceded time like there was previously at the last hearing. Just so that we all can be on the same page on what to expect in going into February.

CHAIR AABOE: Thank you. We intend to discuss that and hopefully reach consensus by the end of today.

MS. GARCIA: Okay, thank you.

CHAIR AABOE: Thank you so much. Anyone else from the floor. Before we go on, I've been keeping notes but I've missed a few. I am wondering, Mr. Schannauer, about how time, if you were to be granted standing, about how much time would you think you would need to present your testimony and whatever witnesses?

MR. SCHANNAUER: I'd ask for 30 minutes.

CHAIR AABOE: Thirty minutes, okay. And is Mr. Cordingley here? Mr. Cordingley same question to you, about how much time do you think you would like to be able to make your presentation?

MR. CORDINGLEY: We would like the same 30 minutes.

CHAIR AABOE: Thirty minutes, okay. Thank you.

7. Communications from the Commission Members

CHAIR AABOE: I think it would be useful to everyone if we were able to frame what we believe to be the most efficient use of our time. And if anyone would like to start off, I'll add up all of these numbers and figure out how much presentation we have and then we can take it from there.

MEMBER TRUJILLO: Mr. Chair, just so we start to put the framework around it, the February 3rd meeting will be held where and at what time is it scheduled?

MR. SISNEROS: Planning members and Planning Commission Chair, the February 3rd meeting is going to be held at 1:30 at the Santa Fe Convention Center.

MEMBER TRUJILLO: Okay, so Mr. Chair, obviously you can't go past midnight or past these longer hours but I mean I think we've got to put some framework that we try and shoot for whether it be six hours or seven hours or somewhere along those lines because –

MR. SISNEROS: Commission members and Commission Chair, we have the facility until 9:30. The City of Santa Fe has said that we would be allowed to go over slightly but we do have to have the AV company totally out by 11 o'clock at night which we need to give them time to go ahead and move everything out.

CHAIR AABOE: So, Jordan, if we were to conclude at 9:30 that would be within our contract with the City?

MR. SISNEROS: Yes, that is correct.

CHAIR AABOE: And then people just filter out as they can. Okay, thank you. So 1:30 to 9:30, eight hours, minus an occasional break. Okay.

MEMBER TRUJILLO: So, Mr. Chair, I think what we would need to discuss is it's pretty easy to do the math on presentations and personally I think we grant somebody standing I think we should choose a limit for everybody and rather than have somebody 40 minutes and 20 minutes and 10, I think that's my personal preference. Furthermore, Mr. Chair, the part I think that is going to hard to understand is when they're granted the idea of bringing witnesses and how much time that is going to take for cross-examinations. So I think that we either have to limit witnesses or we have to figure some constraint there because we don't want to run into a situation where only half have presented and we're pushing up against time as well so I think we have to pick an overall goal of what it is per person with a presentation and with witnesses. So whether that be 40 minutes total or 30 minutes total I think that's what we should shoot for. And how they choose to use that time we maybe leave that up to their discretion.

CHAIR AABOE: Agreed. Thank you, Carl. So the other thing I think that is important that we don't short change members of the public because as one of the presenters mentioned this was a relatively short notice. You know, show up and given us something by next Monday to see if you want to talk. And there was an established mailing list from previous actions but I'm not sure how many people read the legal ads, sadly, I do. So when we are framing how much time to give the parties with standing I think it's really important to make sure that we allow adequate time for members of the public to present. And the concern I have is, in those processes where someone says, I give my two minutes, I give my two minutes and then they bug out. It's relatively easy to game that kind of system. And so unless you make them stand there – I just want to make sure that it's fair for everyone. That everybody is able to say what they want to say and that we aren't gaming the system in any way.

Those are the things that I think about in addition to your very valid concern, Carl, that if someone early on said 15 minutes and someone later on said an hour, the person who said 15 minutes they made that offer and the other offer is higher and so it's just – I think it is more appropriate to kind of level the planning field. That's just what I

think so there's no real structure here so please let me know – J.J. or Ruben, let me know what you think.

MEMBER MENDOZA: Mr. Chairman, I agree with the approach you want to take and I do agree that members of the public have to have a voice. And I think we've got to be as fair as possible. I don't know how we balance giving standing to everyone that has presented because we do want to give balance to the pros and the cons. I think it's important to hear from everyone. That's just my two cents worth. Thank you.

MEMBER GONZALES: Mr. Chair.

CHAIR AABOE: J.J.

MEMBER GONZALES: What I want to mention is that is that I want to give everybody a chance to speak. Those persons who have standing, they might need a little more time. Individuals I think they should be given a chance to speak but should be limited to two or three minute and I would not like to see 50 people repeat the same thing. We understand that. The important thing is we want to hear everybody but this committee will make a recommendation to the Board of the County Commissioners so we're not the final authority. It can always be appealed to the Board of County Commissioners whether it's denied or approved. And I would like to have this hearing done before midnight, maybe 6 or 7 o'clock, a reasonable time. We are in the middle of winter here and who can predict the weather February 3rd. So I'd like to give everybody a chance to speak but let's try and limit this to a reasonable time. I've been in hearings here where it lasted to 2 or 3 o'clock in the morning which is counterproductive. So I would like to give everybody a chance to speak but let's be reasonable as to when we can wrap this up. Thank you.

MEMBER TRUJILLO: So, Mr. Chairman, I guess in order to do the math, I did the math here real quick and I can speak this math but it can only be – unless we determine how many of the eight people that presented have standing then I can redo the math. But I've done the math with eight applicants with standing and I guess I don't know if that would be the first thing that we tackle. So I'll give you an idea.

CHAIR AABOE: Please.

MEMBER TRUJILLO: The meeting is scheduled for 1:30, you can imagine as we get started and take matters up, we get started at 1:45. If staff presents for 20 minutes, there's 20 minutes. The applicant who is the applicant has asked for an hour. You have eight people with standing and you give them 30 minutes each with witnesses, that's four hours. If you do 50 members of the public three minutes each, it's 150 minutes, 2.5 hours so we're already at 6.5, 7.5 almost 8 hours already – yeah, 8 hours there.

So I think now we have to determine how many members of standing. We can't grant anything more than this already because we're already at that time limit.

CHAIR AABOE: Right, thanks, Carl. I guess that's probably the approach. As I understand it we are able to either make a determination now or deliberate on it, which I don't want to do. Does the Commission believe that we should go through the list. Time is a secondary consideration but does the Commission believe that we should go through the list and vote on each of the requestors and then we can determine time?

I am just trying to –

MEMBER MIER: That makes sense.

CHAIR AABOE: Okay. If you all agree let's move and –

MEMBER TRUJILLO: Well, Mr. Chair, let me just make this one comment. If somebody, you know, as we heard the young lady speak at the end, she asked Roger, the attorney, what would disqualify them as a person of standing or an organization of standing and I didn't hear any convincing argument otherwise. So we can go through this process or we can – we can go through a process and it's all going to be granted or visa versa unless someone is really compelled that they're not going to grant something. I don't know it seems like we're going through a process we don't need.

CHAIR AABOE: I'm sorry. Can you reframe that – what's your approach?

MEMBER TRUJILLO: Well, I guess then let's go ahead and take a vote on each applicant.

CHAIR AABOE: If you have something better, I'd love to hear it.

MEMBER TRUJILLO: Well, I guess my point is that if we don't have any compelling reason or a board member doesn't have any compelling reason to believe that somebody shouldn't be granted this, a person of standing out of all the applicants, if we're all going to vote yes on everything –

CHAIR AABOE: Perhaps that the first motion we would take. Do we recommend granting standing to all of the people who requested it that are in our packet. I think that that is an appropriate way to go because that's the first cut.

MEMBER MENDOZA: Mr. Chairman, I kind of would agree with that. It seemed to me that they were all balanced in terms of the pros and the cons and as long as we keep the time limits also.

CHAIR AABOE: Let's essentially determine whether or not – so I'll entertain a motion to grant all of the applicants who submitted standing. Is anyone interested in giving that motion?

MEMBER MIER: I'll make a motion to grant all eight applicants as having standing during the upcoming meeting for February 3rd.

CHAIR AABOE: Thanks. Is there a second?

MEMBER GONZALES: I will second that.

CHAIR AABOE: I don't think we need any more discussion.

The motion to approve applicants passed by unanimous voice vote.

RECORDING SECRETARY: Does that include H, The Global Warming Express?

CHAIR AABOE: Yes.

MEMBER TRUJILLO: Mr. Chair, I thought I heard the Sierra Club was going to call them as a witness. So it would be the seven – I believe that they couldn't show up and even though they had their application in and somebody stood up for them and said they would call them as a witness.

CHAIR AABOE: Let's have another motion, does the Commission move to not grant standing to the Global Warming Express who did not show up.

MEMBER TRUJILLO: What I will grant is that I will restate the motion that we grant standing to all applicants, A-G –

CHAIR AABOE: No, they all have standing right now and now you would have to exclude –

MEMBER TRUJILLO: I make the motion to exclude applicant H from standing.

CHAIR AABOE: Is there a second on that?

MEMBER GONZALES: I will second that, Mr. Chair.

CHAIR AABOE: Any discussion on this?

MEMBER MIER: Yes, why would we want to do that?

MEMBER TRUJILLO: Mr. Chair and fellow Commissioner, if I heard correctly and maybe they can clarify, the Sierra Club gentleman spoke that this was part of their organization and they would call them as a witness as part of their testimony unless I misunderstood that.

CHAIR AABOE: Yeah, I've got to disagree. I believe that we should be as inclusive as possible. They made the request. They beat the clock and sent in a packet of why they should meet standing but I guess there's a motion –

MEMBER TRUJILLO: I'll rescind my motion.

CHAIR AABOE: Okay, thank you.

MEMBER GONZALES: I'll rescind my second.

CHAIR AABOE: Okay. Thank you very much. Are we clear as mud?

Now, time.

MEMBER TRUJILLO: So, Mr. Chair, if we go through the schedule that I just laid out that will put us close to this eight hours. I don't know how accurate it will be but it will give everybody a fair shot and it'll give ample time for the public. Now the wildcard is that we don't know how many members from the public will show up. I assume 50 but I don't know if that's low. I don't know if it's high. If it's too high then obviously we are within that limit. If it's low – it does give an extra cushion of about 30 minutes.

CHAIR AABOE: I can see two ways around the box. The problem is the drop dead time that the City will lock the doors and send in the dogs. I do not want to have the public be cut off. And the only way out of that conundrum, I can think of, is to have the public give their presentation. The applicant gives presentation, the public makes comment, we know how much time that is and we have a limit and then we possible adjust the time available for those with standing to give their cases. That might shortchange you but this is the fairest to make sure all voices are heard. That's my concern.

If we were in this room and the Sheriff's deputies were the ones controlling the clock than it would be different. But if it's a rented space with a drop dead date which –

MR. SISNEROS: Planning Commission members, Planning Commission Chair, for the Hearing Officer meeting we did have people sign up. We had a sign-up sheet for people who wanted to speak and wanted to cede time. Those who wanted to speak received 2 minutes and those who wanted to cede time to someone else we had a limitation of 15 minutes. So say there were 20 people who wanted to cede to one person, the Hearing Officer decided not to give them 40 minutes and gave them a limitation of 15 minutes. We do have County staff there that will have a time clock running and that will be able to inform them when their time is up.

CHAIR AABOE: So you believe that at the beginning of the meeting, that if someone shows up half an hour late they can still sign up to speak?

MR. SISNEROS: Definitely.

CHAIR AABOE: So you believe some time in the first half of the meeting you will know how many people want to speak?

MR. SISNEROS: We will have a good running sheet of who is wanting to speak.

CHAIR AABOE: And how would you suggest we use that information to control time because we don't want to chop people off?

MR. SISNEROS: So that was controlled by staff. So what we had everyone do was everyone who signed up, we had them, they lined up. There were two podiums, each podium had a line of people and they would step up, state their name, we would check them off our list and then we would indicate how much time they have on the time clock.

CHAIR AABOE: Right.

MEMBER TRUJILLO: What you mentioned is not a bad idea as far as if it's noticed and it's on the agenda that the public comment is first. If you show up an hour late and public comment is over, well you didn't show up. And so what you mentioned is a – what you said earlier is true if a tremendous amount of people show up and granted we do a process where somebody gives up their time the max time they can go is X amount of time but in the end the people of standing may get short changed. I mean instead of having 30 minutes for presentation and witnesses, they may get 20 minutes if there's enough public there. So as long as they're aware of that and you're fine with that that – but I think everybody should have equal opportunity as a person of standing.

CHAIR AABOE: And that concept is a little flexible and may shortchange the people in this room who believe they have – they are able to use the time they request. We're just trying to strike a balance here to make sure that we can fit all of this within the constraints that we have.

MEMBER TRUJILLO: So, Mr. Chair and staff do you see any problem with having after the staff presentation, after the applicant presentation to have the public speak first, is that something that you would have any concern with or think that's a problem?

MR. PRUCINO: I think that that is permissible according to the code. It does set out the order of proceedings but the order of proceedings is essentially what Commissioner Trujillo just laid out. The staff does speak first. The applicant does speak second and third is a grouping of the public, other government agencies and interested parties with standing. So those three groups are all treated similarly so you could allocate them or prioritize them however you wish and then the applicant does have an opportunity at the end to have rebuttal or final word, whatever.

CHAIR AABOE: Thanks. Jeremy.

MEMBER MIER: It would make sense to me based on the amount of people that are going to be at that meeting that we have a pretty somewhat generous but not overly generous time limit for people with standing and maybe other government agencies. So it might make sense to have 15 or 20 minute maximum based on the amount of time and the amount of people that are going to be speaking make that be a

time limit for everyone's presentation. That might be something that might keep us within the guardrails of not going too far off as far as time.

CHAIR AABOE: I think there's certainly merit to that. We might look at it the other way around and I'm sorry group for watching us think out loud but. If we were to have the public first, allocate an amount of time like 15 minutes per group with standing and if we were to have the public speak first and then at the conclusion of that we were able to flex and to allow for expansion of that as needed – I am just trying to accommodate all of the different things.

MEMBER MIER: It seems that a time limit would be a vehicle to do that so that you're not running too long for any one group. So if everyone has the same amount of time it makes it more equal rather than shortchanging someone at the end because we have run out of time.

MEMBER TRUJILLO: Mr. Chairman, I am good with proceeding with the public after the applicant and then the math we'll work out right after that after the time. I think that's far. You probably will find that there will be a lot of repetition through a lot of the different public testimony and stuff.

CHAIR AABOE: We don't have a hook. So if someone is saying exactly the same thing that someone said five minutes ago, they should have their time as I understand it. Uh oh, Hearing guy. This is just input on the process?

MR. SCHANNAUER: Yes. I think Mr. Prucino was referring to the Sustainable Land Development Code but the rules of order for the County board which apply to you folks too, does provide an order and it talks about the – actually it talks about staff presenting first, then there is cross-examination – this is rule V.B. – it talks about staff presenting first, cross-examination of staff, applicant presenting next, cross-examination of applicant, presentation of other parties and refers to the person who claims an interest in the outcome of the proceedings, cross-examination of those people and then finally public input.

CHAIR AABOE: So it is laid out in V.B. –

MR. SCHANNAUER: Correct, yeah.

CHAIR AABOE: -- of the order of the meetings. Is that mutable, Roger?

MR. PRUCINO: I'm sorry?

CHAIR AABOE: Is that changeable or is that it shall be? Does it say shall there, sir?

MR. SCHANNAUER: It doesn't say shall. It just lists the order. It doesn't say this is the order it just provides for the order.

CHAIR AABOE: Understood. Thank you for your input, appreciate it.

MR. PRUCINO: One or two comments. I believe the rules of order are adopted by a resolution whereas of course, the SLDC is an ordinance so it governs. To the extent there are inconsistencies I think you have leeway because of that very distinction.

CHAIR AABOE: What's the wish of the Commission? Let's wrap this up with a bow, shall we.

MEMBER TRUJILLO: Mr. Chair, as I mentioned, just doing the math I think as we go through staff, the applicant and then we do the public input and then after that we can figure out the time allotted left with the clock and divide it by eight and as each applicant is called up, that's the amount of time they're granted and that would take

us to the eight hours if needed. Other than that, I think it will be pretty simple and that way you don't feel like we shut any of the public out from public comment.

CHAIR AABOE: So we know the time that they will turn off the lights and we basically allow adjustment for the parties with standing and the applicant's closing opportunity which I think Roger referenced and then divide by 8+1 if that makes sense; is that right?

MEMBER TRUJILLO: Yeah, that's right.

CHAIR AABOE: And I'm sorry that this gives you a significant uncertainty and so I wanted to point out that it is going to be a meeting with a large number of people and shaking of head and waving of arms is not something that actually really benefits the proceedings. If there's a motion to do what Carl just said –

MR. ZLOTOFF: Can I just say something? I'm still under oath.

CHAIR AABOE: Sure, this is wide open go ahead.

MR. ZLOTOFF: By using this format you are in effect eliminating subject matter witnesses specific to the SGMP and the SLDC. All I'm saying is that we have subject matter witnesses on those specific issues and if this is done they may not have sufficient time to talk about the most pertinent issues for this.

CHAIR AABOE: Understood. Understood. But you basically requested time to fill up the closet. You requested because the applicant gets an hour, I get an hour. And so I'm a little skeptical of that opinion.

MR. ZLOTOFF: Okay.

CHAIR AABOE: But I totally get it.

MR. PRUCINO: Mr. Chair, please understand, as you do understand, you have as much discretion as your imaginations allow for. You can give the exact same amount of time to the parties that are giving standing and allow them among themselves to divvy or cede it. At least that gives them flexibility without increasing the amount time you want to give.

MEMBER TRUJILLO: And, Mr. Chair, I am with you. We just granted everybody standing. If everybody gets an hour we are already past the time limit. That can't actually be and then we haven't even heard a minutes from the public as well. So I think we have to stick with what we worked forward to. We go with staff –

Okay, I'll make a motion that staff present, that the applicant has an hour to present, that we take public comment all the way up to 5 p.m. and maybe we look at the discretion as we go and we have an hour leeway in there but if eight applicants of standing are each granted 30 minutes that's four hours worth of time. So they have to be presenting by 5:30 in order for us to meet the 9:30 deadline.

So I would make a motion that staff presents, applicant an hour, we hear the public and each member of standing that was granted gets 30 minutes for presentation and cross-examination unless the clock allows longer time, which can't be determined today. It can be determined after we listen to the public.

CHAIR AABOE: And can I offer an amendment to that motion.

MEMBER TRUJILLO: Absolutely.

CHAIR AABOE: That if there is extra time that the extra time be divided by eight and be allocated to all of the participants.

MEMBER MIER: Just one question about the motion. If you shut off public comment at 5, what about those people who work? That might be shutting off a decent amount of people who want to go after work.

MEMBER TRUJILLO: That brings into question why we just reversed it. We had it at the end and now we reversed it. It's hard to accommodate everybody.

MEMBER MIER: So what if we let the eight people with standing go first in the afternoon and then let public comment happen after 5 o'clock.

MEMBER TRUJILLO: Well, that's what I proposed at the beginning.

CHAIR AABOE: So, Carl, since you've done the math. We've got eight people if we were to grant 30 minutes to all of those people; what time are we?

MEMBER TRUJILLO: That's four hours. So if we want to allow the applicants of standing or the first people of standing already/currently 30 minutes each and we have them go first then we will – 6 o'clock, we'll still have three hours for the public to speak at the end and they can be home from work and school.

CHAIR AABOE: To me that seems appropriate. I'm sorry that we had to walk the twisty path but that seems an appropriate way to go. That way each of the parties with standing can prepare to give a 30 minute presentation and the remainder can be – and the public will be able to speak. We now have to figure out how much time each member of the public can speak and do we want to do the ceding of time to another party.

MEMBER TRUJILLO: I believe we do if there's a limitation on that ceding of time. I think the County knows how to do that, staff, and I think we heard the recommendation – we heard testimony already that 2 minutes is very short. I think we entertain the idea of 3 minutes and now it's 50 percent more.

CHAIR AABOE: So up to 15 minutes.

MEMBER TRUJILLO: Well, it depends on how many people grant. Let me just ask staff, at that previous hearing how many people combined time to grant it to one person. Did it happen very often?

MR. SISNEROS: So we put a cap on it of 15 minutes due to the Hearing Officer's discretion. So once it already hit that and people were trying to cede more time to then we let them know that there was already a max for that person.

CHAIR AABOE: So you could do that at the sign-up. If someone shows up and says, I cede time to Joe, once there are five of those the six one would say, I'll use my own time or I'll cede it to someone else. [in response to an audience question] I think when people walk in the door they are able to sign up.

MR. SISNEROS: No, people were allowed to sign up at any time.

CHAIR AABOE: And thanks very much. Really appreciate the conversation because this is really complex.

MR. PIERPONT: I have clarifying question as well. I just want to make sure that there is opportunity for the applicant to provide rebuttal testimony or questioning after the parties with standing have testified.

CHAIR AABOE: And that would happen before public comment.

MR. PIERPONT: Thank you.

CHAIR AABOE: Right because that is an element in the code. Have we reached –

MEMBER TRUJILLO: I think the sticky point here, Mr. Chairman, to be honest with you is when you after hearing this gentleman, once again, staff goes to 2, the applicant goes to 3, the people of standing, it's actually four hours and now it is 7 p.m. Now that four hours has to include their presentation, the witnesses and cross-examination in that 30 minutes. So I think they have to be – as Chair you can start to ask them to wrap it up if it's going long, but at least they know that limitation but you do have to give the applicant the opportunity to cross-examine a witness as well.

But I think maybe some of these people of standing instead of doing a 30 minute presentation may be looking to do a 5 or 10 minute presentation and using the rest of the time.

As mentioned that will put us at 7 o'clock. So I think if we stick with staff presentation, applicant for an hour, eight members of standing or 30 minutes however, they choose to use their time but there has to be allowable time for cross-examination and now how you do that within that 30 minutes.

MR. SISNEROS: Planning Commission members and Planning Commission Chair, I just do want to let you guys know that I did get a message from our Land Use Administrator and he did inform us that we had 68 people speaking during the public comments. So they originally there were 2 minutes and then they ceded to a maximum of 15 minutes. That breakdown I do not have but there were a total of 68 people.

MEMBER TRUJILLO: So with that said, Mr. Chairman, you can't grant more than the allotment of 30 minutes per member of standing.

CHAIR AABOE: I'm wondering staff, I know that you informed on the website it says the time and place of this meeting; is it possible to begin earlier? You may not have a current contract but if we were to begin earlier and get through staff – if we were to kick this off at 9 in the morning and do this. I'm not looking forward to an all day sucker but I'm just wondering – are we in a box that says 1:30 to lights out at 11, because that might be a way around this scheduling thing is to begin earlier.

MEMBER TRUJILLO: Mr. Chair, the only comment I would make to that is that we are not the final say. It can be appealed either way to the Commission and so if this was the case that it was the ultimate body for the decision I would kind of lean that direction but –

CHAIR AABOE: Correct me if I'm wrong: if we grant the conditional use permit and it is not appealed then that is the final say, right?

MR. PRUCINO: Yes.

CHAIR AABOE: And so I am trying to make sure that we include all of the voices that we need and we are not constrained by artificial things. Yes.

ALEXANDRA LADD (Growth Management Director): The timing because originally we had considered starting the meeting in the morning but we felt like that was hard both for the Commission members who may have jobs to take an entire day but also we were really concerned about the ability of the public to participate as Ms. Foma talked about. They have jobs they go to school. We want to make sure that we have the diversity of voices. So it's not perfect. We were just trying to split the difference and provide opportunities each way, end at a reasonable hour but also give everyone a chance to participate.

CHAIR AABOE: Appreciate that. Do you think it would be possible to – these folks are obviously interested and will be able to attend, I believe. Do you think it will be possible to start in the morning and then have the public part of the meeting start at 5 o'clock. So if we have public comment which is at the end that has – so maybe there is a gap in there. Maybe there is just a break for meals. I'm just trying to figure out and I appreciate the respect for folks' times. This is already taking a lot of time for me just to understand all of this stuff. Are there any hard constraints of getting the convention center?

MS. LADD: Mr. Chair and members of the Commission, we have signed the contract. We do have an audio-visual contractor as well who is separate from the convention center. With that said, if we were to call them tomorrow possibly we could change it. We are paying by the hour as well so we're trying to just not pad a bunch of extra time if we don't need it. But, of course, we want to accommodate the requirements of the meeting to the best that we can.

CHAIR AABOE: Right. Does any Commissioner have the solution to this Gordian knot?

MEMBER GONZALES: Mr. Chair, I move that we go with Carl's recommendation and your recommendation that we start at 1:30 and we take it to the end. That is what I would like to see.

CHAIR AABOE: I'm sorry. I don't think that's a motion that I understand.

MR. PRUCINO: You need to flesh that out.

MEMBER GONZALES: That was a statement.

MEMBER TRUJILLO: I did make a motion but I can –

CHAIR AABOE: Please restate that motion, Carl.

MEMBER TRUJILLO: I make the motion that the meeting take place February 3rd as planned under the current guidelines of time that the contract assigned; staff presentation, applicant for an hour, eight members of standing are granted 30 minutes for their total presentation with witnesses and cross-examination – and it's our ability as Commissioners that if something gets very redundant to cut it off so it just doesn't keep on going – and then that ends at 7 p.m. and then we grant public comment at that time.

So that's staff, applicant an hour, each member of standing 30 minutes however they choose to use their time, and also then public speaking then after that.

CHAIR AABOE: And applicant rebuttal before public speaking?

MEMBER TRUJILLO: I would imagine that the applicant rebuttal would be at the time of each of the person's of standing, yes.

CHAIR AABOE: Okay, so rather than having a cross-examine period it's when a person of standing comes up, anyone else can cross-examine that person at that time; right? Is that the approach? I'm not really sure how it is intended to work because an applicant rebuttal period to me seems to be after everybody but if there's an opportunity to cross each – can you explain Roger how it is intended to work?

MR. PRUCINO: I believe the intent is probably to allow cross-examination after each party, each witness otherwise it becomes a little bit more convoluted. And, just as a matter of information, there was not a lot of cross-examining

taking place at the Hearing Officer hearing. But I do think the rebuttal that is mentioned in the code is intended to be after all other parties –

CHAIR AABOE: Summation. So that's in addition to cross.

MR. PRUCINO: Correct.

CHAIR AABOE: Understood. So essentially what we are saying here is that we wish to grant each of the parties with standing 30 minutes and staff will do their best to schedule things appropriately; right?

MEMBER TRUJILLO: So then as I understand it, the applicant to rebuttal would come at the end of all members of standing and some time would be granted; is that as I heard you Roger? Or is it after the testimony of each person that the rebuttal takes place?

MR. PRUCINO: No, it would not be after each individual party. It would be at the end.

MEMBER TRUJILLO: So, that actually would be, if we stay with this current schedule and the 30 minutes and then we'd have to fit a time slot of 20 minutes or so for rebuttal which I think we can in this, it would just take place after all the applicants of standing have given their testimony or their presentation and their witnesses. We could either cut down it by a couple of minutes or we could just – we've still got three hours. So if we grant 20 minutes or half an hour for the applicant for rebuttal at the end, I think that's still fair. Is that fine? Can I make the motion?

CHAIR AABOE: Yeah, please do.

MEMBER TRUJILLO: I make the motion that the Santa Fe Planning Commission meeting on February 3rd will take place at 1:30 with staff to present first, applicant to be given an hour and to present second, third would be the eight individuals or of standing or applicants of standing 30 minutes each to be used as they find appropriate with witnesses included, 30 minutes of rebuttal by the applicant after that and then the remainder of time to be given to the public up to the deadline.

MEMBER MIER: I'll second it.

CHAIR AABOE: There's a motion and a second.

MEMBER GONZALES: We should have a little discussion. The only thing, Carl, that thing is that the applicant should speak after we close up the public hearing and then the applicant has a chance to say some rebuttal on some of the things that were stated but not a whole hour. So we have the end of the public hearing and then the applicant, then we bring it back to the Commission to make a final decision. There's a little amendment to your thing that the applicant can speak at the very end.

CHAIR AABOE: I think that's what you said, wasn't it Carl?

MEMBER TRUJILLO: That's what I said. I didn't grant an hour. It was just for the initial – yeah, that's what I said.

CHAIR AABOE: I would like to add something to your motion which is, consideration of time limits for public speaking and the opportunity to cede time to other speaker. I believe that 3 minutes – I believe that we should grant 3 minutes per as a maximum and of course if someone says something really succinctly and briefly we listen to it better and that one speaker can have no more than four other people cede time to them so there would be a 15 minute limitation for that group of speakers. And that the people ceding time must be in the room when their person is speaking. I think it's – oh,

I've got four people, four people stand up. I think that's how you do it because I can count to four.

So something like that, I think we want to put some structure around the public comment so folks know.

MEMBER TRUJILLO: I agree. Why don't we just grant 3 minutes per individual or 10 minutes for people that sign up to four people because that would be 12 minutes. So let's leave it at that.

CHAIR AABOE: I agree. So if we could incorporate that into your motion. Any other discussion on this.

MEMBER TRUJILLO: Is that clear with staff? Okay.

The motion passed by unanimous [5-0] voice vote.

CHAIR AABOE: Thank you. Thank you all and I'm sorry you had to watch sausage being made.

8. **Communications from the Attorney** – None were offered.

9. **Matters from Land Use Staff**

In response to the Chair's question of whether the County would be catering a meal, Mr. Sisneros said at the Hearing Officer's there were drinks and staff provided by staff for staff.

Chair Aaboe requested that staff post Planning Commission meetings on the County website calendar.

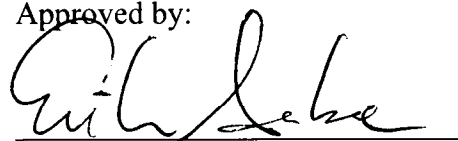
10. **Next Special Planning Commission Meeting: February 3, 2025 @ 1:30**
Santa Fe Convention Center

11. **Next Regular Planning Commission Meeting: February 20, 2025**

12. **Adjournment**

With no further business to come before this Commission, Chair Aaboe declared this meeting adjourned at approximately 6:20 p.m.

Approved by:



Erik Aaboe, Chairman
Planning Commission

ATTEST TO:

KATHARINE CLARK
SANTA FE COUNTY CLERK

Submitted by:

Karen Farrell, Wordswork

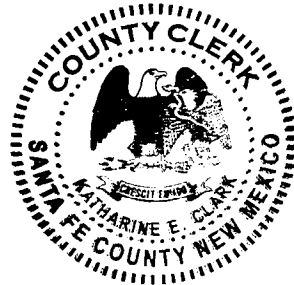
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

PLANNING COMMISSION MI
PAGES: 39

I Hereby Certify That This Instrument Was Filed for
Record On The 4TH Day Of April, 2025 at 02:28:17 PM
And Was Duly Recorded as Instrument # 2056225
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark

Deputy Celeste Garcia County Clerk, Santa Fe, NM



SFC CLERK RECORDED 04/04/2025