

Henry P. Roybal  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

**DATE:** February 24, 2015

**TO:** Board of County Commissioners

**FROM:** Jose E. Larrañaga, Development Review Team Leader

**VIA:** Katherine Miller, County Manager  
Penny Ellis-Green, Growth Management Director  
Vicki Lucero, Building and Development Services Manager  
Wayne Dalton, Building and Development Services Supervisor

**FILE REF.:** CDRC CASE # Z/DP 14-5370 PNM Caja del Rio Solar Energy Center Project

**ISSUE:**

Public Service Company of New Mexico, Applicant, Laurie Moya, Agent, requests Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 5 megawatt electric Solar Facility on a 40 acre site. The property is located north of New Mexico Highway 599 and takes access via Caja del Rio Road, within Section 3, Township 16 North, Range 8 East, (Commission District 2).

**VICINITY MAP:**



## SUMMARY:

On December 18, 2014, the County Development Review Committee (CDRC) met and acted on this case. The decision of the CDRC was to recommend approval of the Applicants request for Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 5 megawatt electric Solar Facility on a 40 acre site, with staff conditions by a unanimous 4-1 voice vote. The December minutes were approved by CDRC on February 19, 2015 and recoded on February 20, 2015 (December 18, 2014, CDRC Minutes attached as Exhibit 10).

Public Service Company of New Mexico (PNM) is requesting Master Plan Zoning, Preliminary and Final Development Plan approval to allow a five (5) megawatt tracking solar electric generating facility on a 40 acre site. The solar panels are tracking panels which will be configured together in long rows which will be oriented north-south. Each row of panels are approximately 210 feet in length, (the row length varies depending on the amount of developable area) and will rotate together, making adjustments as the panels move to track the sun east to west. The solar modules will be mounted on a ground mounted rack. The height of the top of the panels at full-rotation (90 degree range of motion) will not exceed seven (7) feet from the natural grade. A distribution line will be extended to the site for the delivery of the electricity being generated by the facility. For safety and security reasons the facility will be enclosed by a chain link fence (7 feet high) with three (3) strands of barbed wire eight (8) feet in total height.

The Applicant states: "the solar generating facility is needed to meet PNM's 2015 Renewable Energy Plan. The project is part of a utility distribution system for utility use for the greater public good and for the health, safety and welfare of the residents of Santa Fe County and will provide the community with a source of clean, renewable energy to support growth and economic development in the area".

The Applicant has submitted a subsequent letter and drawings in response to staff and review agency comments. The Applicant states that typically there are 4,000 panels per megawatt, therefore the proposed five megawatt site will contain approximately 20,000 panels and will encompass approximately 24 acres of the 40 acre site. The site will also house five power converters (9' 11" in height, 14' 10" wide, and 4' 10" deep) and one switchgear facility (7' 10" in height, 12' 8" wide, and 4' deep). On October 28, 2014, the Applicant held an open house to discuss the proposed development. Notice was sent to 10 adjacent property owners and 3 attended the meeting. The Applicant states that "concerns of the individuals who attended the open house were primarily related to uncertainty as to what the facilities would look like and visibility of the site" (Exhibit 9).

Ordinance No. 1998-15 (an Ordinance amending Article III § 8 "Other Development") states: "subject to the requirements of this Section, all uses not otherwise regulated by the Code are permitted anywhere in the County provided a request for zoning approval is granted per Article III".

Article III, § 4.4.1.a (Submittals) States "to zone or re-zone any parcel for a commercial or industrial non-residential district a master plan shall be submitted. Submittals and procedures for

master plans are set forth in Article V, § 5.2". Article III goes on to require a Development Plan be submitted for individual uses to be permitted within the district.

Article V, § 5.2.1.b states: "a Master Plan is comprehensive in establishing the scope of a project, yet is less detailed than a Development Plan. It provides a means for the County Development Review Committee and the Board to review projects and the sub-divider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a Preliminary and Final Plat approval".

Article V § 7.2 (Final Development Plan) states: "the final development plan shall be submitted to the County Development Review Committee accompanied by a staff report. The County Development Review Committee shall review the plan and make a determination as to its compliance with the County General Plan and Code. The County Development Review Committee may recommend changes or additions to the plan as conditions of its approval. The final development plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved final development plan becomes the basis of development permits and for acceptance of public dedications. Any changes in the plan must be approved by the County Development Review Committee".

The owner of the Property acquired the Property by warranty deed recorded as Instrument # 1152069 in the Santa Fe County Clerk's records dated April 16, 1995. PNM is authorized by the property owner to pursue the request for Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 5 megawatt electric Solar Facility on the 40 acre site as evidenced by a copy of a purchase agreement contained in the record (Exhibit 13).

Notice requirements were met as per Article II § 2.4.2, of the Land Development Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty one days on the property, beginning on January 20, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on January 20, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners (Exhibit 14).

This Application was submitted on September 5, 2014.

**Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Master Plan Zoning, Preliminary and Final Development Plan: the Application is comprehensive in establishing the scope of the project; the proposed use is in compliance with the uses associated with Other Development; and the Application satisfies the submittal requirements set forth in the Land Development Code.**

**The review comments from State Agencies and County staff establish that this Application for Master Plan Zoning, Preliminary and Final Development Plan, is in compliance with: State requirements; Ordinance No. 1998-15, § 8, Other Development (8.1 Uses Permitted);**

**Article V, § 5 Master Plan Procedures; and Article V § 7.2 Final Development Plan of the County Land Development Code.**

**APPROVAL SOUGHT:** Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 5 megawatt electric Solar Facility on a 40 acre site.

**PLANNING:** The County Planning Department reviewed the Application and stated the following: Approval of the Master Plan, Preliminary and Final Development Plan will be consistent with the SGMP principles set forth in the Land Use Element (Chapter 2), Economic Development Element (Chapter 3), Renewable Energy and Energy Efficiency Element (Chapter 7) and is consistent with the SLDC including principles related to the Use Table (Appendix B): The project is in a proposed Mixed-Use zone where a commercial solar energy production facility would be a conditional use.

**GROWTH MANAGEMENT  
AREA:**

SDA - 1

**ARCHAEOLOGIC:**

An archaeological study was reviewed by the Historic Preservation Division (SHPO). SHPO has determined that the archaeological report identified one cultural resource site and three road/trail segments. All of these cultural resources were recommended not eligible for inclusion on the National Register of Historic Properties or the New Mexico Register of Cultural Properties. HPD concurs with the recommendations and finds that no historic properties are affected by the undertaking.

**ACCESS AND TRAFFIC:**

The site will take access via Caja del Rio Road onto Old Cochiti Road. At the west termini of Old Cochiti Road a privately maintained road will be constructed. The County Public Works Department has reviewed the Application and supports the request subject to the following conditions: the Applicant shall obtain a Development Permit from Building and Development Services Division prior to construction of the road; the Applicant provide a cross section detail of the proposed road with the Development Permit. The Applicant has indicated that PNM will provide a compacted dirt road 24 feet wide for access to the site (Exhibit 9).

Mr. Ron VanAmberg, counsel for the heirs of Antonio Baca, Mr. Philip Baca and Mr. Mathew Baca testified at the December 18, 2014 CDRC meeting. Their concerns included

the following: safety conditions related to the road alignment on the proposed Plat; and the road alignment in relation to the historic Cochiti Trail; (Exhibit 10 December 18, 2014, CDRC Minutes).

Staff has submitted documentation (Exhibit 11) illustrating the platted easements to the site. Staff has not reviewed the proposed Plat for compliance with the alignment of the platted easement. This review will be done when a submittal is made for the Land Division to create the 40 acre tract. Staff has determined the site does have legal access by way of the platted easements. SHPO comments were positive and stated that the road/trail segments were recommended **not eligible** for inclusion on the National Register of Historic Properties or the New Mexico Register of Cultural Properties.

**FIRE PROTECTION:**

Santa Fe County Fire Prevention Division reviewed this Application and supports the request subject to the following conditions: the roadway shall be 20 feet wide with County approved all-weather driving surface of a minimum 6" compacted base course; compliance with Article 1, Section 103.3.2-New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal. The Applicant has indicated that PNM will provide a compacted dirt road 24 feet wide for access to the site (Exhibit 9).

**WATER SUPPLY:**

No on site water is required for this type of development.

**LIQUID WASTE:**

No on site liquid waste system is required for this type of development. NMED has reviewed the Application and had no comments related to any on-site liquid waste systems (septic systems) on the property. NMED had one concern regarding the herbicide(s) that may be used for weed control. The Applicant shall use herbicides that are approved for this type of Application and should be applied using methods to avoid run-off or off-site drift. The Applicant responded to this comment with the following: PNM contracts for weed control using certified weed control specialists. Herbicides are selected based on site specific conditions and at application rates as specified by the manufactures. In the past Surmount and Garlon 4 have been used. Typically herbicides on our solar facilities are applied as spot applications so as not to discourage acceptable native vegetation.

**SOLID WASTE:** No solid waste will be created on this site.

**FLOODPLAIN & TERRAIN MANAGEMENT:**

The site contains slopes less than 15%, and minimal disturbance is expected. The disturbed area will be reseeded with native vegetation. The project complies with Article VII, Section 3 Terrain Management.

The Applicant's proposed site plan shows existing topography and vegetation. Disturbed areas will be reseeded and the reseeded is reliant on rain fall to take root. The project will have minimal runoff from any storm event. Therefore, the submittal is in conformance with Master Plan and Final Development Plan submittal requirements and complies with Article VII, Section 3.4.6 and Ordinance No. 2008-10 Flood Damage Prevention and Stormwater Management.

**SIGNAGE AND LIGHTING:**

The Applicant is proposing a "standard PNM sign", 16 square feet (4'x4') to be mounted on the chain link fence at the entry of the site. The sign shall not exceed 5 feet in height with a set back from the property line of 5 feet. Staff has determined that the Signage element of the Application complies with Article VIII (Sign Regulations).

No outdoor lighting is proposed for this development.

**PARKING:**

No parking is proposed for this development.

**EXISTING DEVELOPMENT:**

The 40 acre parcel is currently vacant.

**ADJACENT PROPERTY:**

The site is bordered on all sides by vacant land. The State Complex lies approximately 0.5 miles to the east of the site and a sand and gravel mining operation lies approximately 0.5 miles to the south of the site.

**AGENCY REVIEW:**

<u>Agency</u>	<u>Recommendation</u>
County Fire	Approval with Conditions
Utilities	Approval
Public Works	Approval with Conditions
Planning	Approval
SHPO	Approval
NMED	No Formal Comment

## **STAFF AND**

**CDRC RECOMMENDATION:** Approval of Master Plan Zoning, Preliminary and Final Development Plan to allow a 5 megawatt electric Solar Facility on a 40 acre site subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the Master Plan/Final Development Plan.
  - a. Santa Fe County Public Works Department and Santa Fe County Fire will require that access to the site be constructed with six inches of compacted base course and twenty feet in width.
2. Master Plan/Final Development Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 7.2.2.

## **EXHIBITS:**

1. Master Plan/Final Development Plan Report
2. Proposed Plans
3. Agency Reviews and Comments
4. Aerial Photo of Site
5. Ordinance No. 1998-15
6. Article V, § 5.2.1.b
7. Article V § 7.2 (Final Development Plan)
8. Proposed Land Division
9. Subsequent Info submitted by Applicant
10. Recorded December 18, 2014, CDRC Minutes
11. Documents illustrating access to the site
12. Documents submitted in opposition of the request
13. Deed and Purchase Agreement
14. Proof of Legal Notice
15. Proof of Legal Notice to Tesuque Pueblo & Charyb
16. Article III, § 4.4.1.a







September 5, 2014

Mr. Jose Larranaga  
Santa Fe County  
Development Review Team Leader  
P.O. Box 276  
Santa Fe, NM 87504

Subject: Caja del Rio Solar Energy Center Project Submittal

Dear Mr. Larranaga:

PNM respectfully submits the Caja del Rio Solar Energy Center Project (Caja del Rio Solar Energy Center) application to Santa Fe County for approval. The Caja del Rio Solar Energy Center is needed to serve the meet PNM's 2015 Renewable Energy Plan. The project will consist of constructing a new 5 megawatt (MW) electric Solar Energy Center west of Caja del Rio Road on 40 acres of land. The proposed solar panels are single-axis tracking panels that will be configured together in long rows oriented north-south. Each row of panels will rotate together, making adjustments to the position as the panels move to track the sun east to west. PNM has an option to purchase this property and will access the property from an existing county road easement off of Caja del Rio Road.

The enclosed Caja del Rio Solar Energy Center submittal request includes the following components:

- Master Plan Zoning
- Completed Development Permit Application Form
- Preliminary and Final Development Plan Submittal Package with accompanying maps, drawings
- Warranty Deed is the survey Plat (historic)
- Water Budget and or Water supply Plan is not applicable

Please contact me at (505) 241-2792 if you have any questions, need any additional information, or if you would like to schedule a site visit with the planners, environmental scientists, and engineers who have technical knowledge of the project.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Moyer".

Laurie Moyer  
Coordinator Regulatory Project & Public Participation



NBE-7

Enclosures:

- Development Review Application Form
- Master Plan Report Submittal, September 5, 2014
- Project Location Map
- Vicinity Map
- Agent Letter
- Warranty Deed
- Proof of Legal Lot – Option to Purchase
- Proof of Legal Access
- Taxes paid
- FEMA map w/site depicted thereon
- Topographic map with upstream contributing watershed
- Site Plan
- 9 copies of application and information
- 1 Reduced plan set

NBE-8

**Zone Change, Master Plan and Development Plan Report to Santa Fe County  
September 5, 2014**

**Name of Project:** Caja del Rio Solar Energy Center  
**Applicant:** PNM

**Project & Land Use Description**

Public Service Company of New Mexico (PNM) is requesting approval of a Zone Change, Master Plan and Development Plan for a 40 acre public utility facility for a 5 megawatt (MW) tracking solar generating site in Santa Fe County. The total estimated Project cost is approximately \$11 million. When it becomes operational, the Project will benefit Santa Fe County and local schools through increased property taxes in tax payments per year of approximately \$96,000 to the County. The in service date for the Project is December 31, 2015.

Existing land uses in the vicinity of site include undeveloped vacant land.

The solar generating facility is needed to meet PNM's 2015 Renewable Energy Plan. The Project is part of a utility distribution system for utility use for the greater public good and for the health, safety and welfare of residents of Santa Fe County and will provide the community with a source of clean, renewable energy to support growth and economic development in the area.

**Project Location and Legal**

A portion of the Northeast Quarter (NE1/4) of Section Three (3) Township Sixteen North (16N) Range Eight (8), N.M.P.M. comprising Forty (40) Acres situate in the northwest corner of said Quarter Section, Santa Fe County, New Mexico, to be further described by survey, together with additional property owned by Owner and which is in proximity to the above-described tract and may be used for ingress and egress to and from the above-described tract, as further shown on attached exhibit, and as shall be further described by survey ("Owner's Property").

**Description of the Project**

The Project is an approximately 5 megawatt (MW) tracking solar electric generating facility. The proposed solar panels are tracking panels that will be configured together in long rows oriented north-south. Each row is approximately 210 feet in length and rows are typically connected in sections of approximately 145 feet. The row length varies depending on the amount of developable area. Each row of panels will rotate together, making adjustments to the position as the panels move to track the sun east to west.

Rows of tracking solar modules will be affixed to a direct buried, ground-mounted rack. The piers are pile driven to various depths at a minimum depth of 5 feet. The total height of the tracking panels will be approximately 6 feet 8 inches above ground. The ground under the tracking solar facility panels will be treated for dust suppression, soil stabilization and weed control.

The Project site will be accessed directly from Caja del Rio Road by a permanent compacted in-situ soil private access drive immediately from existing dirt access easement which will be installed with locked entrance security gate. The Project will not generate traffic once it is built. For public safety and security purposes, the tracking solar generating facility will be enclosed by a chain link security fence 7 feet in height topped with an additional 1 foot of 3 strands of barbed wire on top and may include concertina wire rolled at the foot.

NBE-9

### **Archaeological Report**

The 40 acre parcel has been surveyed twice. The latest survey was in 1994 by David Snow. It was also surveyed in 1978 by the New Mexico office of Cultural Affairs, Museum of New Mexico. Neither survey found cultural sites within the subject property. Copies of the report are pending.

### **Traffic Study/Address**

Not applicable as the site will not generate any traffic after construction.  
Address is pending.

### **Pre-Application Meeting Dates**

The Santa Fe County Land Use Division Pre-Application Meeting with Santa Fe County Land Use Division representatives and PNM representatives and was held on June 19, August 25, 2014.

### **Signage and Lighting Plan**

Signage at the tracking solar generating facility will include a standard PNM sign 4 feet x 4 feet in size permanently attached at the entry to the facility and standard PNM warning signs for safety will be attached and spaced at intervals along the property fence. On-site lighting is not required for the Project and is not provided.

### **Proposed Utility Plan**

No utilities are required for this site. PNM will extend a distribution line to the site.

### **Landscaping Plan**

Water is not available at the site; therefore, in keeping with the sustainable approach to the Project development, PNM proposes to leave the property in as natural condition as possible. Additional landscaping will not be installed on the site. Disturbed areas will be reseeded with native seed mix as necessary.

### **Water Budget and/or Water Supply Plan**

Because no on-site water is required for the Project, a Santa Fe County Water Budget and/or Water Supply Plan is not applicable. PNM will take advantage of natural moisture to clean the tracking solar panels.

### **Fire Requirement**

PNM will coordinate with the Santa Fe County Fire Chief regarding fire department/emergency response team ability to respond to an emergency at the site.

Fire District: Agua Fria Volunteer Fire District

### **Phasing Schedule**

Construction will begin in January 2015 and be completed by December 2015

### **FEMA Map**

Hydrologic Zone: Basin Fringe

Caja del Rio Solar Energy Center = Panel 35049C0389D eff. 6/17/2008 (all Zone X)

### **Community Meeting for Commercial Development**

Will be scheduled within two weeks

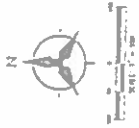
NBE-10

CALL BEFORE YOU DIG  
1-800-321-ALERT

REVISIONS

# SITE PLAN PNM COOK SITE SANTA FE COUNTY, NM

Schumann & Associates	
Project No.	1111
Client	PNM
Location	Santa Fe County, NM
Date	11/11/11
Scale	1" = 100'
Sheet No.	C1
Total Sheets	1



## GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NM DEPARTMENT OF TRANSPORTATION (NMDOT) STANDARD SPECIFICATIONS FOR CONSTRUCTION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL DEBRIS AND WASTE MATERIALS.
7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL DEBRIS AND WASTE MATERIALS.

## REMARKS

1. THIS IS A PRELIMINARY SITE PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
4. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
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ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NM DEPARTMENT OF TRANSPORTATION (NMDOT) STANDARD SPECIFICATIONS FOR CONSTRUCTION.

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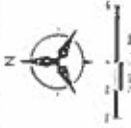
EXHIBIT  
2

NBE-11

510 5/1/24

Behavioral A. Hamilton,	Country: USA	Year: 1998	Series: C1	1
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REVISED NOTES



THE UNIVERSITY OF CHICAGO

**ENTERING DIFFICULTY CONDITIONS** WERE DETERMINED FOR THE 10%–15% OF 34 HOUSES BY FLOOD RATES, DAMAGED BELIEVED TO BE PART OF THE TRANSPORTATION, UNDEVELOPED MATERIAL, SMITH, AND PEAK MATERIALS, AND TECHNOLOGY. TABLE 1 INCLUDES A PEAK FLOOD RATES, AND DETERMINED MATERIALS.

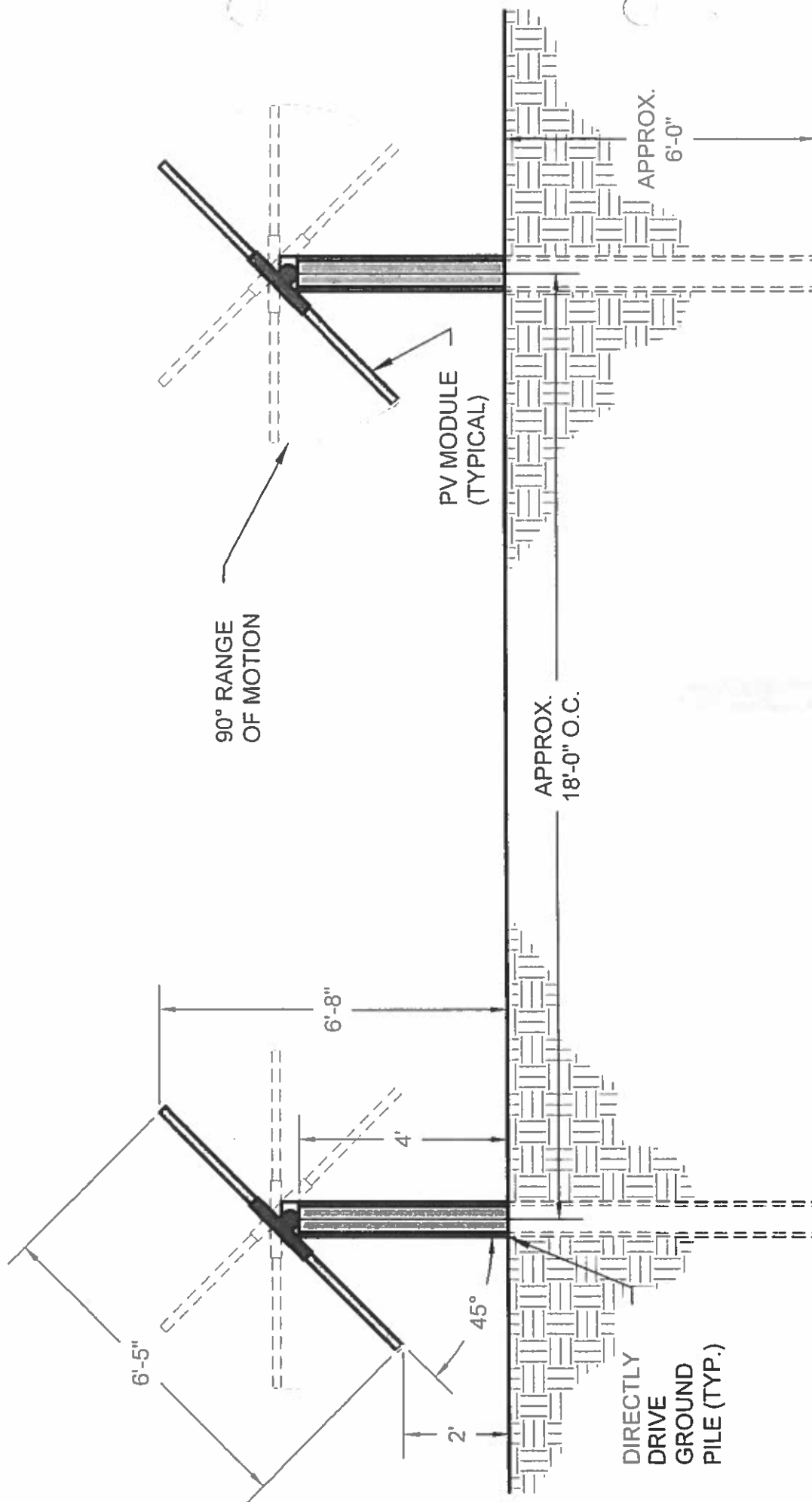
TWO GUNITE BARRIERS WERE DELIVERED FROM ELEVATED CRANES WITH THE PRECIPITATE UNIT. PREAR POLYMERIZATION WAS INITIATED FOR THE 100-GRAM CALCIUM STROMBOLINE HOWE RESEARCH DEPARTMENT OF TRANSPORTATION (PRINCETON UNIVERSITY, NATIONAL METROLOGY AND IN) INCLUDED IN TABLE 1. FLOW DIRECTION IS INDICATED FOR EACH BARRIER.

CHAM COOK SOLAR PANEL SITE - HYDROLOGIC CALCULATIONS (100yr, 24hr)  
Ultimate Development Conditions Basin Data Table

SUBSTRATE	AREA	HYDROCARBON SOIL GROUP	INTENSITY INDEX IN YEAR	C COEFFICIENT	SPIC INDEX IN YEAR
CRUSTEA	3.4370	0	5.9	0.31	11.4
CRUSTEB	120.5674	0	5.9	0.31	40.2

[illegible][illegible]

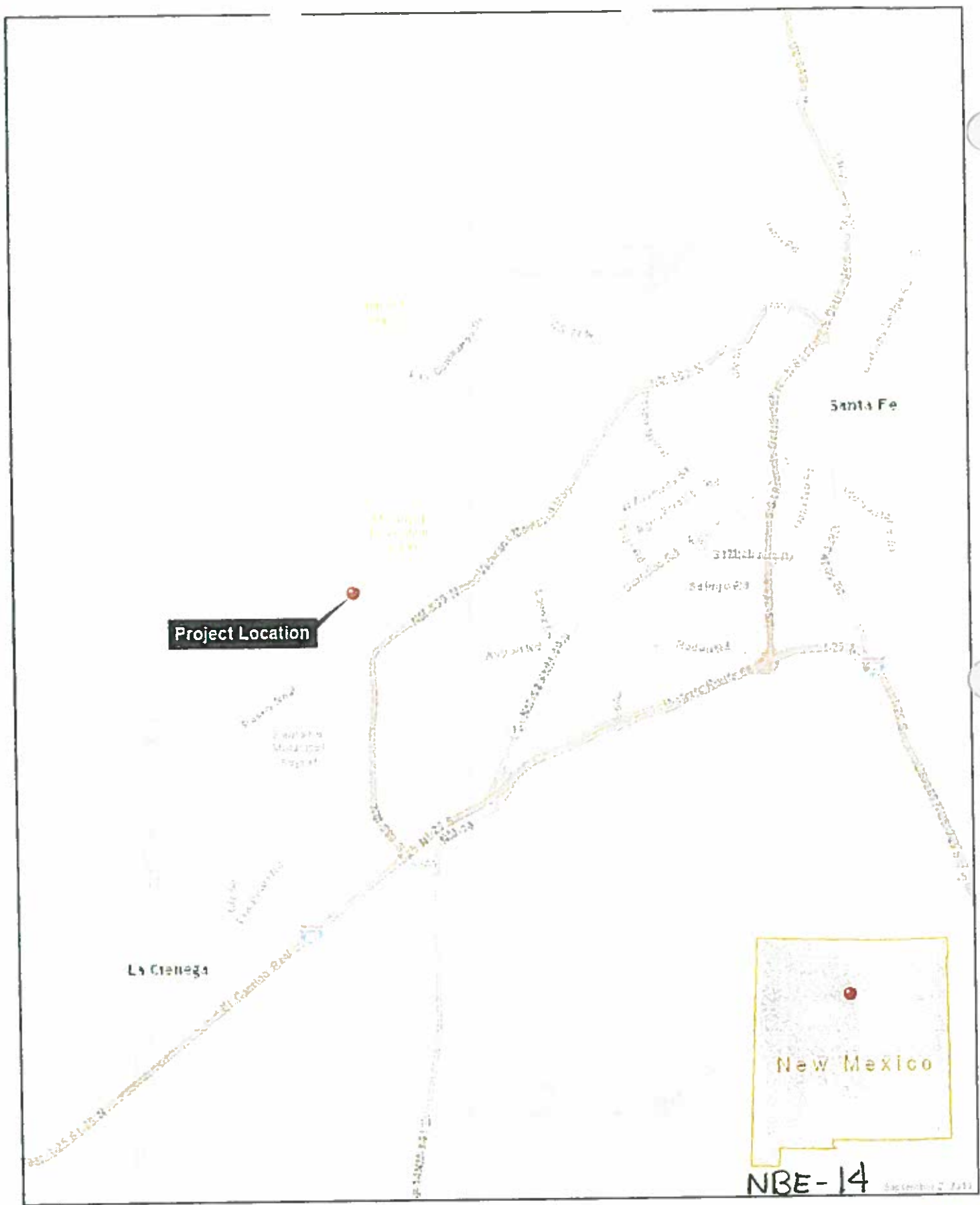
NBE-14



# **SINGLE-AXIS TRACKER - SECTION DETAIL**

SCALE: NONE

NBE-13

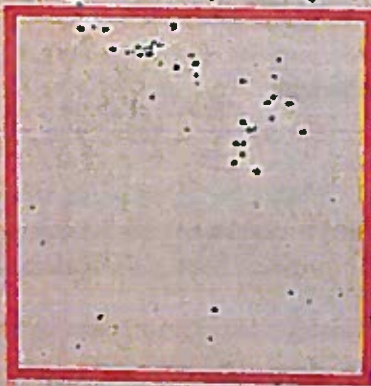


**Caja del Rio Solar Energy Center**  
Location and Vicinity Map





CASA DEL RIO RD  
OLD COCHITI RD



NBE-15

1300 ft

RED





NEW MEXICO  
ENVIRONMENT DEPARTMENT



SUSANA MARTINEZ  
Governor  
JOHN A. SANCHEZ  
Lieutenant Governor

2540 Camino Edward Ortiz  
Santa Fe, NM 87507  
Phone (505) 827-1840 Fax (505) 827-1839  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)

RYAN FLYNN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary

September 16, 2014

Jose E. Larrañaga  
Development Review Team Leader  
Santa Fe County  
P.O. Box 276  
Santa Fe, NM 87504-0276

**RE: Caja del Rio Solar Energy Center Project**

Hello Mr. Larrañaga:

On behalf of Bob Italiano in this office, I have reviewed the information you provided for the referenced project. Due to the nature of the project, I have no comments related to any on-site liquid waste systems (septic systems) on the property.

One potential concern I have is related to the proposed weed control that is mentioned, just to ensure that the herbicide(s) used are approved for this type of application and that they are applied using methods to avoid run-off or off-site drift.

Please contact me with any questions or if you need additional information.

Sincerely,

Bill Brown  
New Mexico Environment Department  
2540 Camino Edward Ortiz  
Santa Fe, NM 87507  
505-827-1840 office  
505-221-9227 cell



NBE - 16



STATE OF NEW MEXICO  
**DEPARTMENT OF CULTURAL AFFAIRS**  
**HISTORIC PRESERVATION DIVISION**

Susana Martinez  
Governor

BATAAN MEMORIAL BUILDING  
407 GALISTEO STREET, SUITE 236  
SANTA FE, NEW MEXICO 87501  
PHONE (505) 827-6320 FAX (505) 827-6338

November 17, 2014

Jose E. Larrañaga  
Development Review Team Leader  
County of Santa Fe  
102 Grant Avenue  
P.O. Box 276  
Santa Fe, NM 87504-0276

Re: CDRC Case # 14-5370, Z/FDP/DP Caja del Rio Solar Energy Project (PNM)

Dear Mr. Larrañaga,

This is in regard to previous correspondence regarding the Historic Preservation Division (HPD) review and comment of the above referenced development.

We have reviewed the archaeological report by Marron and Associates for this project. The archaeological report identified one cultural resource site and three road/trail segments. All of these cultural resources were recommended not eligible for inclusion on the National Register of Historic Properties or the New Mexico State Register of Cultural Properties. HPD concurs with the recommendations, and finds that no historic properties are affected by the undertaking.

We appreciate you providing the requested information and documents.

Sincerely,  
Gerry Raymond for Michele Ensey  
Historic Preservation Division  
Log No.: 100375

NBE-17

# Memorandum

**To:** Jose Larrañaga, Development Review Team Leader  
**From:** Amy Rincon, Community Planner  
**cc:** Robert Griego, Planning Manager  
**Date:** October 2, 2014  
**Re:** CDRC CASE # 14-5370 Z/FDP/DP (5 megawatt) Caja del Rio Solar Energy Center Project (PNM)

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**REVIEW SUMMARY:** The Caja del Rio Solar Energy Center Project (PNM) has been reviewed for compliance with the Santa Fe County Sustainable Growth Management Plan (SGMP) and it has been reviewed based on the Santa Fe County Sustainable Land Development Code (SLDC) which was approved by the Board of County Commissioners, but is not currently in effect.

## Master Plan

The application is requesting Master Plan, Preliminary and Final Development Plan approval for a 5 megawatt electric solar energy center to be located on 40 acres.

## STAFF COMMENT:

### Santa Fe County Sustainable Growth Management Plan 2010 (SGMP)

Approval of Master Plan, Preliminary and Final Development Plan will be consistent with the SGMP principles related to Land Use Element (Chapter 2)

- The project is within the Sustainable Development Area 1 (SDA-1), where growth is likely and being targeted to occur (2.2.5.1).
- The Future Land Use Map has a Mixed-Use Non-Residential category for the area (2.2.5.2).
- Land Use category of Mixed-Use Non-Residential is intended for light industrial and commercial along with other higher density options (2.2.5.2).

Approval of Master Plan, Preliminary and Final Development Plan is consistent with the SGMP including principles related to Economic Development Element (Chapter 3):

- One target industry that the County is pursuing is Green Industry- Energy and water Conservation Technology (3.2.4.1).
- Identify and support businesses that deploy renewable energy technologies(3.2.4.1).
- Infrastructure development including renewable energy to keep the local economy advancing (3.2.5).
- Fostering a "green grid" infrastructure (3.2.5.2).

Approval of the Master Plan, Preliminary and Final Development Plan is consistent with the SGMP including principles related to Renewable Energy and Energy Efficiency Element (Chapter 7):

- Increases in energy demand and expansion by PNM are identified in the SGMP (7.2.1.1).
- Increasing local electrical supply could cut down on power from other areas in the state (7.2.1.2).
- Solar energy is possible for large-scale generating facilities (7.2.2.2)
- Utility scale solar energy projects are expected in the County (7.2.3.2)

Approval of the Master Plan, Preliminary and Final Development Plan is consistent with the SLDC including principles related to the Use Table (Appendix B):

- The project is in a proposed Industrial zone where Commercial solar energy production facility would be a permitted use.

#### **STAFF RECOMMENDATION:**

Planning staff recommend approval of the Master Plan and Preliminary and Final Development Plan assuming the issues below are further discussed and/or remedied.

Conditions:

1. Ensure that view sheds are not impacted (SGMP 7.2.2.2).
2. Has PNM checked with Santa Fe Airport Manager about any electromagnetic frequency issues with aircraft instrumentation? There are three solar arrays near the airport, but all are 1-1.5 MW arrays- a 10MW array will likely have higher EMF.
3. Are there any plans for a transmission line from the site? Easements?
4. Identification of access points to the parcel.
5. Ensure that the community meeting has taken place and that the surrounding communities are aware of any impacts from this project.

Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## Santa Fe County Fire Department Fire Prevention Division

### Official Development Review

Date	09/23/2014		
Project Name	Caja del Rio Solar Energy Center Project - PNM		
Project Location	Access road from Caja del Rio - Old Cochiti Road.		
Description	Solar Energy Center - CDRC Case # 14-5370 Z/FDP/DP	Case Manager	Jose Larranaga
Applicant Name	Caja del Rio Solar Energy Center Project - PNM	County Case #	14-5370
Applicant Address	PO Box 276 Santa Fe, New Mexico 87504-0276	Fire District	Agua Fria
Applicant Phone	505-986-6296 Laurie Moya		
Review Type:	Commercial <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Sprinklers <input type="checkbox"/> Hydrant Acceptance <input type="checkbox"/> Master Plan <input type="checkbox"/> Preliminary <input type="checkbox"/> Final <input checked="" type="checkbox"/> Inspection <input checked="" type="checkbox"/> Lot Split <input type="checkbox"/> Wildland <input type="checkbox"/> Variance <input type="checkbox"/>		
Project Status:	Approved <input checked="" type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denial <input type="checkbox"/>		

The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated:

#### Fire Department Access

*Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal*

- **Fire Access Lanes**

*Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.*

- **Roadways/Driveways**

*Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.*

The roadway meets the minimum County standards for fire apparatus access roads within this type of proposed development. The roadway shall be 20' wide County approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate width shall be 14' and an unobstructed vertical clearance of 13'6".

- **Street Signs/Rural Address**

Section 901.4.4 Premises Identification (1997 UFC) *Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.*

Section 901.4.5 Street or Road Signs. (1997 UFC) *When required by the Chief, streets and roads shall be identified with approved signs.*

All access roadway identification signs leading to the approved development area(s) shall be in place prior to the required fire hydrant acceptance testing. Said signs shall remain in place in visible and viable working order for the duration of the project to facilitate emergency response for the construction phase and beyond.

Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot or building site within 72 hours of the commencement of the development process for each building.

- **Slope/Road Grade**

Section 902.2.2.6 Grade (1997 UFC) *The gradient for a fire apparatus access road shall not exceed the maximum approved.*

There are no slopes the exceed 11%.

- **Restricted Access/Gates/Security Systems**

Section 902.4 Key Boxes. (1997 UFC) *When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.*

To prevent the possibility of emergency responders being locked out, all access gates should be operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System). Details and information are available through the Fire Prevention office.

- **Life Safety**

Fire Protection requirements listed for this development have taken into consideration the hazard factors of potential occupancies as presented in the developer's proposed use list. Each and every individual structure of a private occupancy designation will be reviewed and must meet compliance with the Santa Fe County Fire Code (1997 Uniform Fire Code and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code, which have been adopted by the State of New Mexico and/or the County of Santa Fe.

## General Requirements/Comments

### Inspections/Acceptance Tests

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

The developer shall call for and submit to a final inspection by this office prior to the approval of the Certificate of Occupancy to ensure compliance to the requirements of the Santa Fe County Fire Code (1997 UFC and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code.

### Permits

As required

### Final Status

Recommendation for Final Development Plan approval with the above conditions applied.

*Renee Nix, Inspector*

*Renee Nix*  
Code Enforcement Official

9.23.14  
Date

Through: Chief David Sperling

File: Caja del rioSolarEnergy/092314/AF

Cy: Buster Patty, Fire Marshal  
Caleb Monte, Land Use  
Applicant  
District Chief Agua Fria  
File



Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Liz Stefanics  
Commissioner, District 4

Kathy Holian  
Commissioner, District 5

Kathrine Miller  
County Manager

**PUBLIC WORKS DIVISION  
MEMORANDUM**

**Date:** October 3, 2014

**To:** Jose Larranaga, Land Use Department

**From:** Paul Kavanaugh, Engineering Associate Public Works *R*  
Johnny P. Baca, Traffic Manager Public Works *JP*

**Re:** CRDC CASE # Z14-5370 Z/MP/PDP/FDP Caja del Rio Solar Energy Center Project (PNM).

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The referenced project has been reviewed for compliance of the Land Development Code, and shall conform to roads and driveway requirements of **Article V (Subdivision Design Standards) and Section 8.1 (General Policy on Roads)**. The referenced project is located northwest of Caja del Rio/ NM 599 Frontage Road, and southwest of Old Cochiti Road in projected Section 3, Township 16 North, Range 8 East. The applicant is requesting Master Plan Zoning, Preliminary and Final Development Plan approval for a Solar Energy Center on a 40.04 acre tract.

**Access:**

The applicant is proposing to access the proposed site directly from Caja del Rio and Old Cochiti Road by a compacted dirt road.

**Conclusion:**

Public Works has reviewed the applicant's submittal and feels that they **can support** the above mentioned project with the following conditions.

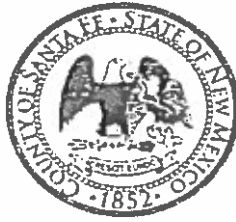
- Santa Fe County Public Works will require that the access road is constructed with a minimum of a twelve (12') foot driving surface of compacted dirt from the end of the existing driving surface of Old Cochiti Road.
- Applicant shall obtain a Development Permit from Santa Fe County Land Use Department prior to construction of the road.
- Applicant shall provide a cross section detail of the proposed road with the Development Permit Application.

NBE-23

Daniel "Danny" Mayfield  
*Commissioner, District 1*

Miguel M. Chavez  
*Commissioner, District 2*

Robert A. Anaya  
*Commissioner, District 3*



Kathy Holian  
*Commissioner, District 4*

Liz Stefanics  
*Commissioner, District 5*

Katherine Miller  
*County Manager*

September 30, 2014

Mr. Jose Larranaga  
Commercial Development Case Manager  
Santa Fe County Land Use Department  
102 Grant Ave  
Santa Fe, NM 87504

**RE: CDRC CASE # 14-5370 Z/FDP/DP Caja del Rio Solar Energy Center Project (PNM)**

Dear Jose,

This letter is in response to your request for a review of the Caja del Rio Solar Energy Center Project (PNM) designed by Bohannon Huston, dated 9/5/14.

Please be aware that any statements made here refer solely to Caja del Rio Solar Energy Center Project (PNM) Master Plan Zoning Preliminary and Final Development Plan, as you have described in your written inquiry and appurtenant documentation you submitted. If the parcel location or development concept is modified, or the current field conditions are modified in the future, this letter will be automatically invalidated, unless otherwise indicated in writing by Santa Fe County Utility Division (SFCUD).

Please note that in regards to water and sewer Caja del Rio Solar Energy Center Project (PNM) does not require either of these services for this type of project, which excludes SF County Utility from providing such services.

If you have any questions or concerns, please do not hesitate to contact us.

Respectfully,

Paul Casaus  
Utilities Engineering Associate  
Santa Fe County Utilities Department

## MEMORANDUM

**DATE:** September 23, 2014

**TO:** Jose Larranaga, Commercial Development Case Manager

**FROM:** John Lovato, Terrain Management

**VIA:** Penny Ellis-Green Growth Management Director  
Vicki Lucero, Building and Development Services Manager  
Wayne Dalton, Building and Development Services Supervisor

**FILE REF:** CDRC CASE # Z/PDP/DP 14-5370 PNM Solar Facility (Cook Site)

---

### **REVIEW SUMMARY**

The referenced project has been reviewed for compliance with the Santa Fe County Land Development Code. The Applicant requests Development Plan approval to install a 5 Megawatt (MW) electric Solar Energy Center West of Caja del Rio Road on 40 acres. Each row is approximately 210 feet and rows are in connected section of approximately 145 feet. The slopes are less than 15%, and the project complies with Article VII, Section 3 Terrain Management.

#### **Terrain Management**

The slopes are less than 15%, and minimal disturbance is expected. The project complies with Article VII, Section 3 Terrain Management.

#### **Storm Drainage and Erosion Control:**

The Applicant's proposal shows a proposed site plan with existing topography and vegetation. Disturbed areas will be reseeded and the project will have minimal runoff from any storm event. Therefore, the submittal is in conformance with Development Plan submittal requirements and complies with Article VII, Section 3.4.6 and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance.

NBE-25











# SANTA FE COUNTY

1575559

## Ordinance No. 1998-15

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**An Ordinance Amending Article III Section 8 "Other Development" of the Santa Fe County Land Development Code to Clarify the Definition of a Utility Line Extension and Clarify the Requirement for a Development Permit for Construction of Utilities**

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**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY:**

The Board of County Commissioners of Santa Fe County hereby amends for the purpose of clarifying the development permit requirements for Utilities. Specifically Article III, Section 8 "Other Development", of the Land Development Code is amended as follows:

→ **8.1 Uses Permitted**

Subject to the requirements of this Section, all uses not otherwise regulated by the Code are permitted anywhere in the County provided a request for zoning approval is granted per Article III, except for utility lines which may be approved administratively per subsection 8.3.7 set forth below. Such uses specifically include, but are not limited to utilities, parking facilities, and cemeteries. Notwithstanding the fact that these uses are permitted, a development permit is still required.

**8.2. Submittals, Reviews and Standards**

Uses regulated by this section 8 shall be considered large if they involve the grading and clearing of 10 or more acres, contiguously or cumulatively; and small scale if less disturbance of the land is involved. Development standards and criteria and submittal requirements are set forth in Subsection 4.4; as well as any other Section of the Code which refers to or regulates Terrain Management or Utilities.

**8.3 Utilities**

8.3.1 A development permit shall be required for, and provisions of the Code shall apply to, all development; including utilities, utility easements, utility rights-of-way, and construction of utility lines and facilities.

8.3.2 Utility Lines include the following definitions:

- A. "line" or "lines" in all cases include any appurtenant hardware, equipment, buildings, etc.;
- B. Utility service lines are lines that connect individual utility customers to the utility distribution system and facilities;
- C. Utility distribution lines are lines that interconnect the service line to a station, substation, or other parts of the distribution system or network.
- D. Utility transmission lines are lines that interconnect the distribution network(s). Typically, but not always, transmission lines, in the case of gas

EXHIBIT


5

and electric power, make connections between, connect to, and use substations, stations, and other generating facilities.

- 8.3.3 Where any doubt exists as to a line being part of a service line, distribution line, or transmission line, such item shall be included in the larger system or facility.
- 8.3.4 Authority for installation of service lines, and their interface or point of connection to distribution lines, shall be included in the development permit for construction of buildings, subdivision plans, or other development.
- 8.3.5 A development permit is required for utility transmission and distribution lines and appurtenant facilities, including storage facilities, pipelines, transmittal towers and facility, and power and communications transmission lines. Such uses shall meet standards, as applicable, set forth in Section 8.2 above.
- 8.3.6 In addition to the above requirements, any development involving a water or sewer utility must be in conformance with an adopted Community Land Use and Utility Plan, unless system improvements are limited to that needed to serve existing development.
- 8.3.7 Development permits for purposes of Section 8, may be approved administratively subject to the policies adopted at the discretion of the Code Administrator. Such policies shall be implemented by the Code Administrator and will be effective when published and posted.
- 8.3.8 All utility lines shall be placed underground as provided in subsection 2.3.9.b.1), or upon final approval of the Board of County Commissioners, who shall consider environmental and visual impacts.
- 8.3.9 Solely in the case of telecommunications masts, microwave masts, television of radio masts, or other masts or towers for the purpose of transmitting or receiving wireless signals, such shall be regulated and zoned as "Other Development" per the requirements of Section 8.2.

History: Ordinance 1998- 15 replaced existing Section 8 to require development permits for other Development.

PASSED, ADOPTED AND APPROVED this 24<sup>th</sup> day of November, 1998, by the Santa Fe County Board of County Commissioners.

  
 MARCOS TRUJILLO, CHAIRMAN  
 Joe S. Grine, Vice Chairman

  
 REBECCA BUSTAMANTE, COUNTY CLERK





1575561

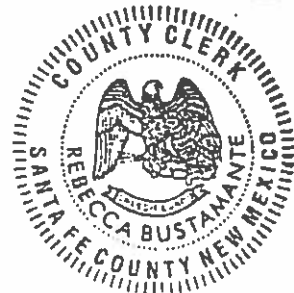
APPROVED AS TO FORM:

Rosanna Vasquez for  
DENICE BROWN, COUNTY ATTORNEY

COUNTY OF SANTA FE )SS  
STATE OF NEW MEXICO 10521 399  
I hereby certify that this instrument was filed  
for record on the 8 day of Dec A.D.  
19 98 , at 1:59 o'clock P m  
and was duly recorded in book 1575,  
page 559 - 561 of the records of  
Santa Fe County.

Witness my Hand and Seal of Office  
Rebecca Bustamante  
County Clerk, Santa Fe County, N.M.

Clayton Clayton  
Deputy



fulfill the proposals contained in the subdivider's disclosure statement and in determining whether or not the subdivider's provisions for a subdivision conform with County regulations.

#### 4.8 Common Promotional Plans

The Code Administrator will review proposed applications to determine whether there is a common promotional plan to subdivide a property. If it is determined that the land division does constitute a common promotional plan, the project shall comply with the procedures provided for in this Article V.

### SECTION 5 - PROCEDURES AND SUBMITTALS

#### 5.1 Pre-application Procedures

Prior to the filing of an application for approval of a preliminary plat, the subdivider shall confer with the Code Administrator to become acquainted with these subdivision regulations. At this pre-application conference, the subdivider shall be advised of the following:

1. Submittals required by the Code.
2. Type and/or class of the proposed subdivision.
3. Individuals and/or agencies that will be asked to review the required submittals.
4. Required improvements.
5. Conditions under which Master Plans and Development Plans are required as described in Sections 5.2 and 7.
6. A determination will be made as to the appropriate scale and format for plans and plats and as to the appropriateness of applicable submittal requirements.

#### 5.2 Master Plan Procedure

##### 5.2.1 Introduction and Description

- a. Master plans are required in the following cases:
  - i. All Type I, Type II, and Type IV subdivisions with more than one development phase or tract;
  - ii. As required in Article III for developments other than subdivisions; and
  - iii. Such other projects which may elect to apply for master plan approval.
- b. A master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval.
- c. The master plan submittal will consist of both plans and written reports which include the information required in 5.2.2 below. A typical submittal would include a vicinity map, a plan showing existing site data, a conceptual environmental plan with written documentation, a master plan map, a master plan report, a schematic utilities plan and the phasing schedule. Maps and reports may be combined or expanded upon at the discretion of the applicant to fit the particular development proposal as long as the relevant information is included.

##### 5.2.2 Master Plan Submittals

- a. Vicinity Map. A vicinity map drawn at a scale of not more than 2,000 feet to one inch showing contours at twenty (20) foot intervals showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies located on the parcel and within three miles of the Parcel.

NBE-2L



~~agency comments which relate to potential limitations of lot size, intensity, or character of development.~~

~~7.1.4 Criteria for development plan phase approval~~

- ~~a. Conformance to the approved master plan;  
b. The plan must meet the criteria of Section 5.2.4 of this Article V.~~

→ 7.2 Final Development Plan

7.2.1 Submittals

A final development plan conforming to the approved preliminary plan and approved preliminary plat, if required, and containing the same required information shall be submitted. In addition, the final development plan shall show, when applicable, and with appropriate dimensions, the locations and size of buildings, heated floor area of buildings, and minimum building setbacks from lot lines or adjoining streets. Documents to be submitted at this time are: proof of ownership including necessary title documents, articles of incorporation and by-laws of owners' association; required disclosure statements; final engineering plans and time schedule for grading, drainage, and all improvements including roads, water system, sewers, solid waste, utilities; engineering estimates for bonding requirements; development agreements; and final subdivision plats, if required.

7.2.2 Review

The final development plan shall be submitted to the County Development Review Committee accompanied by a staff report. The County Development Review Committee shall review the plan and make a determination as to its compliance with the County General Plan and Code. The County Development Review Committee may recommend changes or additions to the plan as conditions of its approval. The final development plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved final development plan becomes the basis of development permits and for acceptance of public dedications. Any changes in the plan must be approved by the County Development Review Committee.

History. 1980 Comp. 1980-6. Section 7 of Article V was amended by County Ordinance 1987-1 adding language relating to master plans.

**SECTION 8 - SUBDIVISION DESIGN STANDARDS**

~~These standards shall be binding upon the subdivider unless modifications are justified by sound engineering principles. Such modifications from these standards may be approved by the Board after a review by the County Development Review Committee upon presentation of documented justification by a licensed professional engineer.~~

~~8.1 General Policy on Roads~~

~~8.1.1 General~~

~~The arrangement, character, extent, width, grade and location of all roads shall be considered in relation to convenience and safety, and to the proposed uses of land to be served by such roads. Prior to grading or roadway cuts, all applicable permits shall be granted by the Code Administrator.~~

NBE-29





A map of the area around the Paseo de River, showing a grid of streets and a shaded area labeled 'SITE'. The map includes labels for 'PASEO DE RIVER', 'VETERANS MEMORIAL PARK', 'CALLE DEL RIO', and 'CALLE DEL RIO'. A shaded rectangular area is labeled 'SITE'.

RICHARD P. COOK, 160.65 AC. ± PARCEL  
STATE OF NEW MEXICO SS  
COUNTY OF RIO ARriba  
THE FOREGOING INSTRUMENT WAS SHOWN, ACKNOWLEDGED AND  
SUSCRIBED BEFORE ME BY RICHARD P. COOK  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014,  
MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC

RICHARD P. COOK, WAIVING MEMBER EL LAVO SUMMIT CLUB DEL RIO, LLC  
STATE OF NEW MEXICO SS  
COUNTY OF RIO ARriba  
THE FOREGOING INSTRUMENT WAS SIGNED, ACKNOWLEDGED AND  
SUBSCRIBED BEFORE ME BY RICHARD P. COOK, WAIVING MEMBER  
EL LAVO SUMMIT CLUB DEL RIO, LLC  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC

- DENOTES POINT FOUND
- DENOTES POINT SET THIS SURVEY
- DENOTES POINT CALCULATED
- DENOTES MONUMENT

1. BASIS OF BEARING TAKEN FROM "CENTERLINE DESCRIPTION PROPOSED SOUTH CONNECTION ROADWAY" PROVIDED BY THE BUREAU OF LAND MANAGEMENT TADS FIELD OFFICE WITH DESIGNATION NW90125.
2. THIS PLAN IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

COUNTY LAND ADMINISTRATOR	DATE
COUNTY TREASURER'S OFFICE	DATE
RURAL ADDRESSING	DATE
THE MARSHALL	DATE

I HEREBY CERTIFY THAT THIS PLAN AND THE NOTES HEREON ARE AN ACCURATE DELINEATION OF A FIELD SURVEY COMPLETED BY ME ON UNDER MY DIRECTION ON MAR. 11TH, 2014, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND MEET THE STANDARDS FOR PROFESSIONAL LAND SURVEYORS PRACTICING IN NEW MEXICO.

1. PLAT REFERENCE "PLAT SHOWING ROADWAY EASEMENT FOR CAL. DEV. AND ROAD" BY JAMES J. MERRIAM MAPS # 5217 AND FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BK. 381. PG. 049
2. PLAT REFERENCE "LOT SPLIT FOR MARGIE & THE M.C.N.E.A. TRUST BY LORNEZO E. DOMINICUZ, MAPS # 10461 AND DATED 6/12/93, AND NEVER RECORDED
3. LOT 1-A, PLAT REFERENCE "LOT SPLIT FOR LOUISE BAKER THIGB" BY SALVADOR E. VIDAL, MAPS # 4405 AND FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN BK. 312. PG. 012.

STANLEY  
BUTLER SEC. 3

1815 BRASS CAP  
PC 567 TR-1  
EXISTING 50'  
EXISTING CANNON SECTIONS 2 & 3  
RD. & UTIL ESMT.

COUNTY OF SANTA FE }  
STATE OF NEW MEXICO }  
I hereby certify that the instrument was filed  
for record on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_  
and was duly recorded in Book \_\_\_\_\_ of the second  
page \_\_\_\_\_

Carroll County, Md. State & County, N.M.

Deputy:

**PURPOSE: TO SUBDIVIDE PARCEL INTO 4 RESIDENTIAL LOTS  
LYING WITHIN SECTION 3, T16N, R8E, N.M.P.M.  
SANTA FE COUNTY, NEW MEXICO.**

**SUMMARY REVIEW SUBDIVISION OF  
160.65 AC±**

RICHARD P. COOK

**RICK CHATROOP**  
PROFESSIONAL LAND SURVEYOR  
NEW MEXICO REGISTRATION NO. 11011  
110 WAGON TRAIL RD. CERRILLAS, NM 87010  
(505) 470-0037

INDEXING INFORMATION FOR THE COUNTY CLERK

OWNER	RECEIVED P CODE	UPC# 1-046-096-400-400
LOCATION	LYING WITHIN SECTION 3, T18N, R02E, N44W, SANTA FE COUNTY, N	

NRB-30





November 18, 2014

Mr. Jose Larranaga  
Santa Fe County  
Development Review Team Leader  
P.O. Box 276  
Santa Fe, NM 87504

Subject: PNM Response to Agency Comments for Caja del Rio Solar Energy Center Project Submittal and Santa Fe County Solar Energy Center Submittal

Dear Mr. Larranaga:

Caja del Rio Solar Energy Center PNM Responses to Agency Comments

Santa Fe Utilities Department and NM Environment Department:

PNM contracts for weed control using certified weed control specialists. Herbicides are selected based on site specific conditions and at application rates as specified by the manufactures. In the past Surmount and Garlon 4 have been used. Typically herbicides on our solar facilities are applied as spot applications so as not to discourage acceptable native vegetation.

Public Works Division:

A 12' driving surface of compacted dirt will be provided from the end of the existing driving surface of Old Cochiti Road using existing access easements to the site. PNM will provide a compacted dirt road 24 feet wide for access to the site.

Santa Fe County Solar Energy Center PNM Responses to Agency Comments

Santa Fe Utilities Department and NM Environment Department:

PNM contracts for weed control using certified weed control specialists. Herbicides are selected based on site specific conditions and at application rates as specified by the manufactures. In the past Surmount and Garlon 4 have been used. Typically herbicides on our solar facilities are applied as spot applications so as not to discourage acceptable native vegetation.

General Comments for both projects:

Fire Department:

Only qualified personnel are allowed inside PNMR substation/generation facilities. All unqualified personnel must be escorted by a competent person inside the gate. Solar is a form of distributed generation and interconnected with our grid. PNM electric facilities typically present a danger to fire responders due to the electrical currents in them; the same is true for a utility scale solar field. Electricity and water don't mix safely. PNM supports safety of its employees and all others and would not want fire responders put in harm's way. PNM does not expect a fire response to the solar sites.

Typically there are 4000 panels per megawatt so for Caja del Rio SEC a maximum of 20,000 panels and SFSEC a maximum of 40,000 panels.

NBE - 31



The solar field to accommodate the panels is approximately 24 acres at the 40 acre CdRSEC parcel. The solar field for SFSEC would occupy approximately 75 acres of the 160 acre parcel. Interconnections to the existing distribution electric system will be made in accordance with existing county regulations. Should a variance from the underground utility ordinance be required, PNM will make to appropriate filings. At the SFSEC all of the utilities in this area are constructed overhead. Should a variance from the underground utility ordinance be required, PNM will make to appropriate filings. A final design and alignment for extension of service to the SFCSEC has not yet been determined and is outside the scope of this application. Attached are diagrams of the electrical equipment on site. Locations of the electrical equipment are attached. SFSEC has 5 power converters and one switchgear facility and CdRSEC has one power converter and one switchgear facility.

Community Planner:

1. PNM believes that view sheds are not impacted by the panels that at 6 feet 8 inches tall at full extension.
2. There are no electromagnetic frequency issues from a solar facility that could affect aircraft instrumentation.
3. This is an electric distribution line facility not transmission line facility. Therefore there are no transmission lines planned. Easements are granted with the platting action.
4. Access points are identified on the proposed plats attached to applications
5. A community meeting is not required however one was held on October 28 and adjacent property owners were notified.

PNM held an Open House on October 28, 2014 from 5:30 to 7:00 pm and the PNM Electric Service Center on Highway 14. PNM mailed to both adjacent property owners at CdRSEC and SFSEC. There were 6 people who attended the open house 3; for each solar site. Caja del Rio SEC had 10 adjacent property owners who were invited and SF County SEC had 67 adjacent property owners who were invited. Comments on the proposed developments were generally favorable. Concerns were primarily related to uncertainty as to what the facilities would look like and if they would be seen from a place of business

Please contact me at (505) 241-2792 if you have any questions, need any additional information, or if you would like to schedule a site visit with the planners, environmental scientists, and engineers who have technical knowledge of the project.

Sincerely,



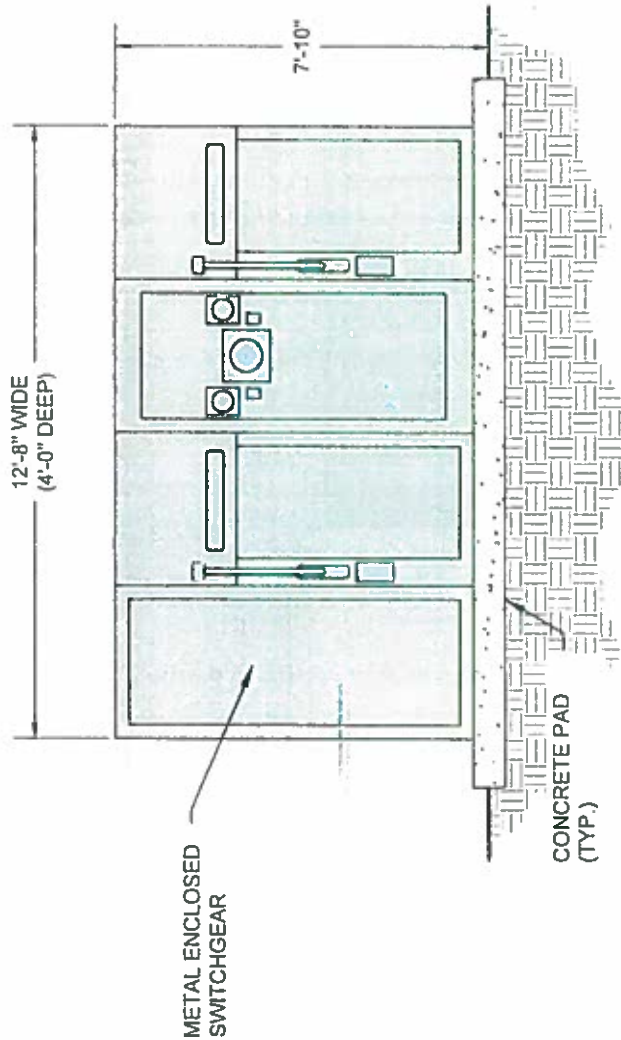
Laurie Moyer  
Coordinator Regulatory Project & Public Participation

Enclosures:

- Site Plan Solar Panel Layout
- Electrical Equipment Diagrams

NBE-32





# ELEVATION DETAIL - TYPICAL PV COMBINING SWITCHGEAR & METERING

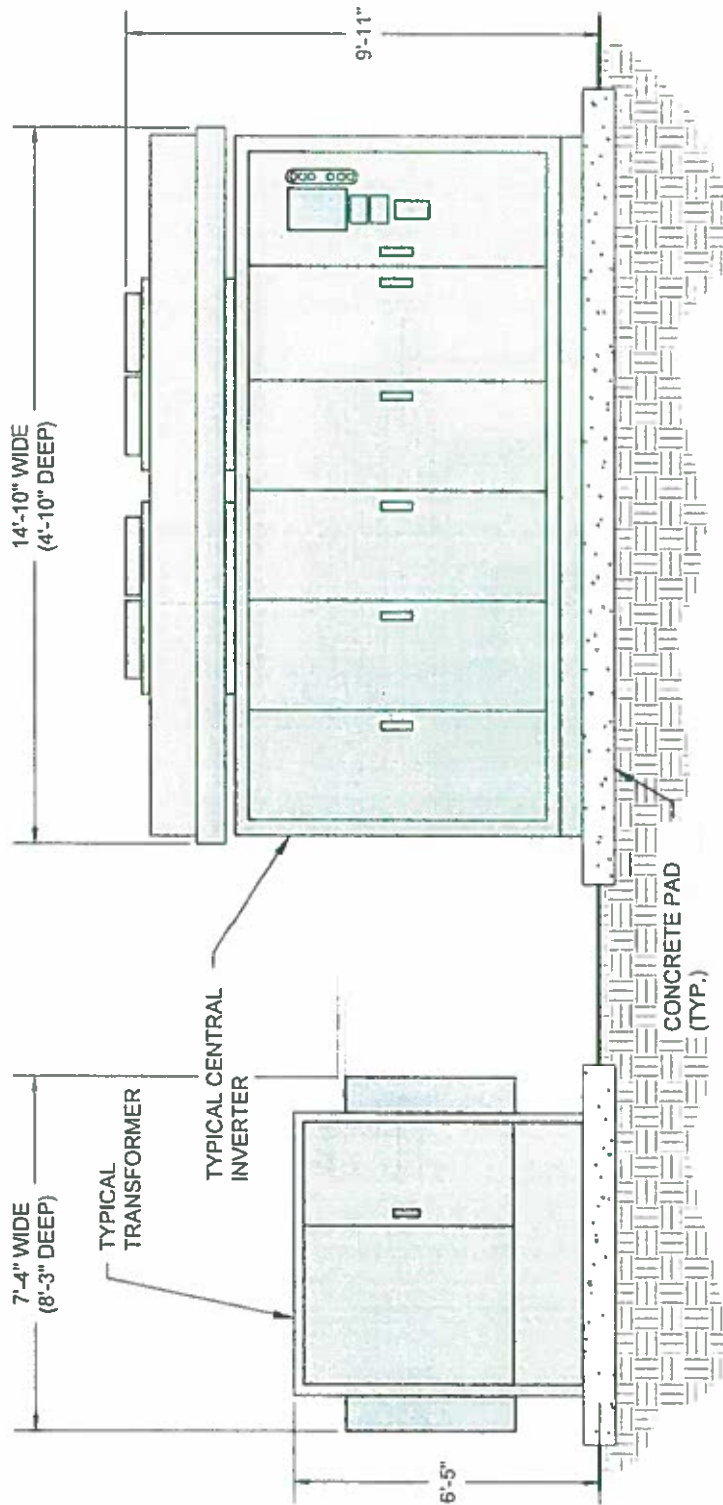
SCALE: NONE

## General Notes:

1. THESE DRAWINGS ARE SCHEMATIC IN NATURE AND ARE NOT INTENDED TO SHOW ALL POSSIBLE CONDITIONS. IT IS INTENDED THAT COMPLETE ELECTRICAL SYSTEMS BE PROVIDED WITH ALL NECESSARY EQUIPMENT, APPURTENANCES, AND CONTROLS, COMPLETELY COORDINATED WITH ALL DISCIPLINES. EXACT EQUIPMENT PROVIDED IS SUBJECT TO CHANGE AND GIVEN QUANTITIES AND/OR DIMENSIONS MAY VARY SLIGHTLY.

**affordable solar**  
4540 Pan American East Fwy NE  
Albuquerque, New Mexico 87109-2220  
(505) 244-1154 - [www.affordable-solar.com](http://www.affordable-solar.com)

PROJECT NAME PNM LG SITE - Equipment Elevations Santa Fe County, New Mexico		SUPPLEMENTAL DRAWING NO. <b>PV-3.0</b>	
PROJECT NO. -Proposal/Conceptual-	DATE 12 November 2014	<small>THIS DRAWING IS THE PROPERTY OF AFFORDABLE SOLAR. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF AFFORDABLE SOLAR. THE INFORMATION CONTAINED HEREIN IS FOR THE EXCLUSIVE USE OF THE CLIENT AND IS NOT TO BE USED FOR ANY OTHER PROJECT OR FOR ANY OTHER PURPOSE. THE CLIENT AGREES TO HOLD AFFORDABLE SOLAR HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS DRAWING, WHETHER OR NOT SUCH CLAIMS, DAMAGES, LOSSES, AND EXPENSES ARE CAUSED IN WHOLE OR IN PART BY THE NEGLIGENCE OF AFFORDABLE SOLAR.</small>	



# ELEVATION DETAIL - TYPICAL POWER CONVERSION STATION EQUIPMENT

SCALE: NONE

## General Notes:

1. THESE DRAWINGS ARE SCHEMATIC IN NATURE AND ARE NOT INTENDED TO SHOW ALL POSSIBLE CONDITIONS. IT IS INTENDED THAT COMPLETE ELECTRICAL SYSTEMS BE PROVIDED WITH ALL NECESSARY EQUIPMENT, APPURTENANCES, AND CONTROLS, COMPLETELY COORDINATED WITH ALL DISCIPLINES. EXACT EQUIPMENT PROVIDED IS SUBJECT TO CHANGE AND GIVEN QUANTITIES AND/OR DIMENSIONS MAY VARY SLIGHTLY.

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4840 Pen American East Hwy NE  
Albuquerque, New Mexico 87109-2220  
(505) 244-1154 - [www.affordable-solar.com](http://www.affordable-solar.com)

PROJECT NAME  
PNM LG SITE - Equipment Elevations  
Santa Fe County, New Mexico

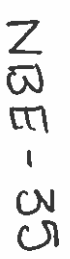
PROJECT NO.  
- Proposal/Conceptual -  
DATE  
12 November 2014

SUPPLEMENTAL  
DRAWING NO.

**PV-2.0**

THESE DRAWINGS ARE THE PROPERTY OF AFFORDABLE SOLAR. THEY ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THESE DRAWINGS IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF AFFORDABLE SOLAR. THESE DRAWINGS ARE NOT TO BE USED FOR ANY OTHER PROJECT OR SITE WITHOUT THE WRITTEN PERMISSION OF AFFORDABLE SOLAR. THESE DRAWINGS ARE NOT TO BE USED FOR ANY OTHER PROJECT OR SITE WITHOUT THE WRITTEN PERMISSION OF AFFORDABLE SOLAR.

NBE-3.





Member Gonzales said he was pleased that PNM was bringing forward what he referred to as a win/win project and mentioned with additional growth in the County this will be needed.

Member Anaya said he was aware of other solar panels that are having issues with transmitting services and that concerned him greatly. Ms. Moye said the PNM generating entity will have to apply to PNM's transmission and distribution entity for transmission.

Chair Drobnis invited public comment.

Duly sworn, J.J. Gonzales, 54 Entrada, La Cienega, said he represents a partnership that owns property adjacent to this project. Mr. Gonzales said they were in support of PNM's efforts to develop renewable energy. His concerns centered around egress/ingress, accessing the power grid to get power onto the property and storage of energy on site. He said Ms. Moye answered many of his questions and he hoped his remaining questions would be answered in the near future.

Duly sworn, Matthew Baca identified himself as a proponent of solar energy, former president of New Mexico Solar Energy and Industry Association, current president of New Mexico Renewable Energy Developers Associates and former president of the City of Albuquerque's Energy Conservation Council. He applauded the regulations adopted by the ERC. Mr. Baca said it appeared that this proposal was not complete.

He advised the CDRC that he would be addressing the Caja del Rio PNM request and wanted it on the record that he supports solar energy.

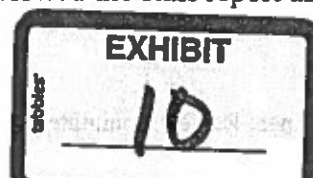
There were no further speakers.

Member Katz moved to approve the application with staff-imposed conditions. Member Martin seconded and the motion passed by unanimous [6-0] voice vote.

- E. **CDRC CASE # Z/DP 14-5370 PNM Caja del Rio Solar Energy Center Project.** Public Service Company of New Mexico, Applicant, Laurie Moye, Agent, requests Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 5 megawatt electric Solar Facility on a 40-acre site. The property is located north of New Mexico Highway 599 and takes access via Caja del Rio Road, within Section 3, Township 16 North, Range 8 East, Commission District 2 [Exhibit 4: Staff distributed VanAmberg, Rogers, et al. memo dated 12/15/14; Exhibit 5: VanAmberg, Rogers, et al. distributed memo dated 12/14/14; Exhibit 6: Recorded Grant of Easement]

Member Gonzales recused himself from this case.

Mr. Larrañaga recited the case caption and reviewed the staff report as follows:



2/20/2015

"Public Service Company of New Mexico is requesting Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 5 megawatt tracking solar electric generating facility on a 40 acre site. The solar panels are tracking panels which will be configured together in long rows which will be oriented north-south. Each row of panels are approximately 210 feet in length, and will rotate together, making adjustments as the panels move to track the sun east to west. The solar modules will be mounted on a ground mounted rack. The height of the top of the panels at full-rotation will not exceed 7 feet from the natural grade. A distribution line will be extended to the site for the delivery of the electricity being generated by the facility. For safety and security reasons the facility will be enclosed by a chain link fence with three strands of barbed wire eight feet in total height.

"The Applicant states: The solar generating facility is needed to meet PNM's 2015 Renewable Energy Plan. The project is part of a utility distribution system for utility use for the greater public good and for the health, safety and welfare of the residents of Santa Fe County and will provide the community with a source of clean, renewable energy to support growth and economic development in the area.

"The Applicant has submitted a subsequent letter and drawings in response to staff and review agency comments. The Applicant states that typically there are 4,000 panels per megawatt, therefore, the proposed five megawatt site will contain approximately 20,000 panels and will encompass approximately 24 acres of the 40 acre site. The site will also house five power converters and one switchgear facility.

"On October 28, 2014, the Applicant held an open house to discuss the proposed development. Notice was sent to 10 adjacent property owners and three attended the meeting. The Applicant states that concerns of the individuals who attended the open house were primarily related to uncertainty as to what the facilities would look like and visibility of the site.

"Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Master Plan Zoning, Preliminary and Final Development Plan: the Application is comprehensive in establishing the scope of the project; the proposed use is in compliance with the uses associated with Other Development; the Application satisfies the submittal requirements set forth in the Land Development Code.

"The review comments from State Agencies and County staff have established findings that this Application, for Master Plan Zoning, Preliminary and Final Development Plan, is in compliance with: State requirements; Article III,

2/21/2015

Section 8, Other Development; Article V, Section 5 Master Plan Procedures; Article V Section 7.2 Final Development Plan of the County Land Development Code.”

Mr. Larrañaga said staff recommends approval of Master Plan Zoning, Preliminary and Final Development Plan to allow a 5 megawatt electric Solar Facility on a 40 acre site subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, Section 7.1.3.c. Conditions shall be noted on the Master Plan/Final Development Plan.
  - a. Santa Fe County Public Works Department and Santa Fe County Fire conditioned the access, to the site, to be constructed with 6 inches of compacted base course and 20 feet in width.
2. Master Plan/Final Development Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, Section 7.2.2.
  - a. Approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board (Article V, Section 5.2.7).

Previously sworn, Laurie Moyer said this request is similar to the previous one. This site will house a 5 megawatt electric solar facility on 40 acres. She presented a slide show illustrating the power grid, project vicinity, egress/ingress, noted that the project will not generate traffic once built, and will be operated remotely. This site will not require sewer, water or gas. Ms. Moyer said PNM will take advantage of natural moisture to clean the panels. For public safety and security the site will be enclosed with chain link fencing and barbed wire. The facility will have an undetectable sound and there are no health effects from the site.

Annually property taxes to the County will be approximately \$96,000, stated Ms. Moyer. If approved, the facility will be in service winter 2015.

Ron VanAmberg, counsel for several heirs of Antonio Baca who have property adjacent to the proposed solar project property said the concerns of the Bacas include safety considerations relating to the road alignment that is proposed as access to the project property and whether this activity is appropriate given the Rural Residential zoning. He referred the CDRC to a subdivision plat prepared by Rick Chatroop [*Exhibit 6 last page*] to locate the roads and property. He noted that the access road at the north of the lots that extends to the east curves into an angled road that leads to a 100-foot public access easement providing access into Lot 1 where the facility is proposed. The main concern regarding the road alignment relates to the historic Cochiti Trail that has been used for over 1,000 years to reach the Cochiti Pueblo. The trail has been platted and recognized since 1919. The Bacas have historically used the Cochiti Trail which is a 42 U.S.C. Section 932 federally created highway – a statute used to assist in the settlement of homesteads. Although the statute has been repealed, Mr. VanAmberg said the road persists and is recognized as a public highway.

Mr. VanAmberg identified an additional or new road created by former County Public Works Director James Lujan has a sharp angle that is neither safe to the public nor appropriate to the Baca cattle operation.

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Mr. VanAmberg said the plat of the subdivision fails to show Cochiti Trail and further the Bacas believe the solar facility is more appropriately placed on property zoned industrial. He indicated that he has brought the issue of roads and alignment up with the County repeatedly since 2007. The applicant's proposal should not continue until the road issues are resolved.

Mr. VanAmberg discussed zoning and that this proposal sits amongst rural residential lots and would constitute spot zoning. The fact the new zoning map may accommodate this type of use is an inappropriate basis to approve the request.

Commenting that there are existing roads in the area to service the Office of Archaeology Studies (OAS), Member Katz asked what the applicant was requesting in relation to those roads. Mr. VanAmberg responded that they want the road aligned along Cochiti Trail.

Member Katz asked if moving the OAS access road to the Cochiti Trail route alignment would alleviate the Bacas' concerns.

Duly sworn, Philip Baca, 6902 Acacio Street, Albuquerque, responded to Member Katz' question stating that it would. He said OAS moved their building to avoid the Cochiti Trail. Mr. P. Baca said James Lujan moved road signs and that further complicated the issue when a new road was identified as Cochiti Trail.

Mr. P. Baca said the area was homesteaded by Luis Romero who sold it to Mr. P. Baca's father in 1951. He identified properties his family owns in the vicinity noting they have been in the ranching business since 1920. The way these two roads meet "creates a real dangerous situation," stated Mr. P. Baca. He pointed out that while PNM says their project will not generate traffic the other newly created lots will.

Member Katz suggested the Bacas talk with PNM and the County about moving the road to its original location and accessing from it. Mr. P. Baca said they have tried all the available avenues within the County to correct this issue and nothing has happened. He cited examples during 2006, 2012 and 2014 wherein the County has refused to take action on this. While PNM said the project will not generate traffic there are other newly created lots that will create traffic in the area.

Mr. P. Baca recalled traveling Cochiti Trail in 1944 with his father to get feed to sheep during a particularly rough winter. Cochiti Trail is historically significant; he spoke about La Cieneguilla Grant and an acequia there for farming.

Chair Drobnis asked Mr. P. Baca whether he had a solution. Mr. P. Baca said there should only be one access off Caja del Rio and it should be the original Cochiti Trail. The property should not be rezoned until the map is approved. He suggested PNM locate this solar facility along the Santa Fe River where it is zoned industrial.

Chair Drobnis asked PNM whether they understood the Bacas' concerns and if they were aware of the issue. Ms. Moye said she understood their concerns.

2/20/15



Mr. VanAmberg corrected their testimony and said it was not Lot 1 the facility was going on but instead Lot 4.

Previously sworn, Matthew Baca thanked the CDRC for the opportunity to present these issues that surfaced in 2005 when survey stakes appeared. The problem, he said, seems to point to James Lujan who has tainted the County with corruption and put a cloud over government. He outlined contacts he had with the County dating back to 2005 through 2014 without results. Ms. Penny Ellis-Green was identified as the one County employee who has been helpful in this issue.

Mr. M. Baca said the subdivision plat was inaccurate and deficient.

Mr. M. Baca said archaeologists have found campground sites in the area and it is assumed that the campgrounds were set up because of the visibility to see game for miles around.

The property is currently zoned rural residential and he requested that if the project is approved all transmission lines be underground. With eight feet of chain link and concertina fencing the site will look like the State Penitentiary. Mr. M. Baca requested that, if approved, the fence be set back into the property by 100 feet. The sign for Cochiti Trail should be put back at its original location.

As a final concern, Mr. M. Baca said the applicant's public notice was inadequate with the posting situated 440 yards from the subject property and posted by an unused gate.

Under oath, Scott Hoeft, Santa Fe Planning Group, stated he represents the property owner and was not working with PNM. He said he was confused by the concerns raised by the Bacas and their attorney.

Mr. Hoeft said the opponents continually refer to Lot 1 which is not the site. The subject site is Lot 4. The issue of fencing over a public right-of-way brought up by the opponents is incorrect.

Mr. Hoeft confirmed for Member Katz that there is a 100-foot easement on the north side of Lot 4 and it cannot be blocked by a fence. PNM's proposed fence will be 100 feet in the property. He said the owner of Lot 4 owns all four lots, 160 acres.

Referring to VanAmberg's Exhibit 5, Mr. Hoeft said he saw a discrepancy between the road alignment in Exhibits A and F and needed to meet with surveyor and clear it up. From his review of the plat the Baca's legal access is not threatened. Regarding the "dangerousness" of the road alignment, Mr. Hoeft said the road is 24 feet within a 100 foot easement and there was clearly room to design a T. He theorized that Cochiti Trail was moved to the north to design the T with Caja del Rio.

Mr. Hoeft offered to work with the surveyor and the property owner to get further clarification between the road alignments. He said there was no intent to vacate or eliminate any easements that access the Baca property.

Mr. Hoeft said the site is planned for industrial zoning per the SLDC Code and mapping. The area is within the Airport Redevelopment District and includes Baca

12/18/2014

12/18/2014

2/20/2015

property to the north. He was unsure about the ownership of the Baca property commenting he understood 300 acres zoned mixed use was recently sold.

In terms of the historic nature of Cochiti Trail, Mr. Hoeft said he would defer to the Bacas; however, an archaeological survey was submitted to SHPO and accepted without issue.

Mr. Hoeft closed his comments stating that if the project goes forward the access will be shown appropriately on the final lot line adjustment plat and resolve any discrepancies.

Mr. Larrañaga said the applicant is requesting a zone change to Other Use through master plan. Currently the property is zoned single-family residential. He clarified that the zoning change is within the master plan.

Chair Drobnis reminded the CDRC that the application must be consideration under the existing land development code.

Member Katz invited Mr. P. Baca to locate Cochiti Trail within the Baca property and subject lot.

Ms. Moyer said PNM believes it has legal access to the property with the surveyor certifying such. She said they were willing to work with the County to clear up any access issues. The first solar panel will be set back 50 feet from the fence which is 100 feet of the property line, clarified Mr. Hoeft.

Mr. Hoeft confirmed the Chair's statement that Lot 4 is not at this point a legal lot and a subdivision or lot split is necessary.

Responding to a question posed earlier by Member Booth, Mr. Hoeft said the master plan is the tool that creates the zoning change. The development plan further defines the project.

Returning to the podium, Mr. P. Baca said the exhibit shows the 100 foot setback says to be used exclusively by the property owner and thus blocks the road to the west. The plats need to show Cochiti Trail because it serves as the primary road to access his property to the west.

Mr. Larrañaga distributed a platted easement [*Exhibit 6*] that depicts access.

Chair Drobnis asked when Lot 4 would be created. Mr. Larrañaga responded if this application is approved by the BCC, then prior to recording the master plan, preliminary and final development plan, the lots and road access will be built following by recordation of the master plan of the 40 acres. The creation of the Lot 4 will be conducted administratively.

Chair Drobnis opined that this would have been simplified had the access issues been resolved before coming before the CDRC.

Member Booth asked about the public notice issue brought up by Mr. M. Baca. Mr. Larrañaga said staff received the certified return-receipts and a photo of the posted notice. Mr. M. Baca said the posted notice was approximately ¼ mile from the proposed lot.

Ms. Moye said she posted the notice at the end of Cochiti Trail near a locked gate that she could not enter where it could be seen from the public right-of-way. Mr. M. Baca said the gate has never been locked. He said it was not visible from the road. Mr. M. Baca approached the bench to locate on a map where the notice was posted.

Member Anaya observed that the gate was posted with no trespassing and the applicant could not pass through. Mr. M. Baca said he posted that no trespassing sign on Baca property.

Mr. VanAmberg reminded the CDRC that the subdivision requirements apply to property that is divided for purposes of sale and also lease.

Mr. P. Baca returned to the podium and said he met with Robert Griego, County Planner, to discuss the mixed use designation on his property and it was not a final. The Bacas would prefer residential.

The public hearing was closed.

Member Anaya moved to recommend approval of CDRC Case # Z/DP 14-5370 PNM Caja del Rio Solar Energy Center Project with staff conditions. Member Martin seconded.

Member Booth said she couldn't support the motion because the current zoning is rural residential and this is a huge change that she could not support.

The motion passed by majority 4-1 voice vote with Member Booth voting against. [Member Gonzales had recused himself from this case.]

~~F. CDRC CASE #V/ZA/S 10-5352 Rio Santa Fe Business Park  
TABLED~~

~~G. CDRC CASE #APP 13-5062 Robert and Bernadette Anaya Appeal  
TABLED~~

~~VII. PETITIONS FROM THE FLOOR~~

~~None were offered.~~

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2/20/2015



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Albuquerque District Office  
435 Montano NE  
Albuquerque, New Mexico 87107-4935

REPLY REF. TO:  
NMNM 90125  
2800 (014-gd)

April 28, 1994

HAND DELIVERED

Picked up by: Tom Wilson

## DECISION

Santa Fe County	:	
Gil D. Tercero, County Manager	:	NMNM 90125
P.O. Box 276	:	Right-of-Way
Santa Fe, NM 87504-0276	:	

### Right-of-Way Grant NMNM 90125 Issued

Enclosed is a copy of right-of-way (R/W) grant NMNM 90125 which was approved by the Bureau of Land Management on April 28, 1994. The grant was issued pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

EXHIBIT

11

NBE-43

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office

Albuquerque District

Serial Number

JMM 90125

1. A (right-of-way) ~~(patent)~~ is hereby granted:

- a. ☒ Title V of the Federal Land Policy and Management Act of October 21, 1976 (50 Stat. 2776;  
43 U.S.C. 1761);
- b. ☐ Section 28 of the Mineral Leasing Act of October 3, 1920 (30 U.S.C. 185);
- c. ☐ Other (describe):

2. Nature of Interest:

- a. By this instrument, the holder Santa Fe County, P.O. Box 276, Santa Fe, NM 87504-0276 receives a right to construct, operate, maintain, and terminate a County Road known as the Caja del Rio Road on public lands (or Federal land for MLA Right-of-Way) described as follows:

T. 17 N., R. 8 E., NMPH, New Mexico.

Sec. 22, EXE/EX;

Sec. 26, lots 16, 17, 18, 47, 48,  
50, 51, 77, 78, 83, 84,  
109, 116, 141, 148, 173,  
180, 205, 212, 213,  
236, 237, 244, 245;

Sec. 35, lots <sup>2</sup>3, 4, 6, 7, and EX/NW and NEX/SW.

1/ width varies to a maximum of 150 feet wide.

2/ The length of the right-of-way on public land is not defined. The Centerline Description describes the entire proposed Caja del Rio Roadway which extends from the Santa Fe Relief Route on the south within State Land Office property, northwestward into BLM holdings. The roadway would then curve to the North traversing both private and public properties, connecting at its Northern end with Camino La Tierra via Las Campanas Parkway.

b. The right-of-way or permit area granted herein is varies 1/ feet wide, 2/ feet long and contains 48.25 acres, more or less. If a site type facility, the facility contains N/A acres.

c. This instrument ~~may be renewed~~ ISSUED IN PERPETUITY from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

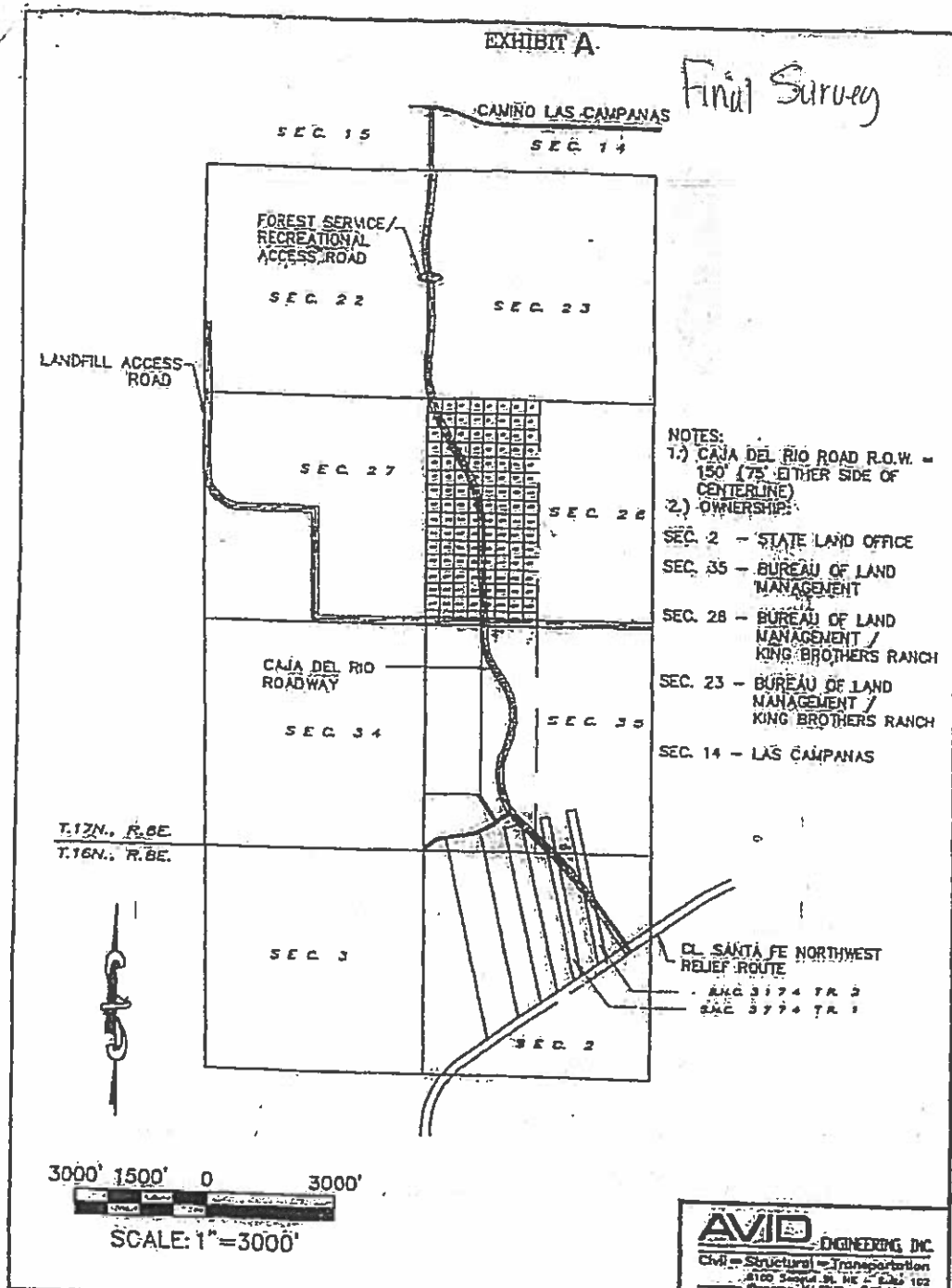
d. This instrument ☐ may ☐ may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

NBE-44

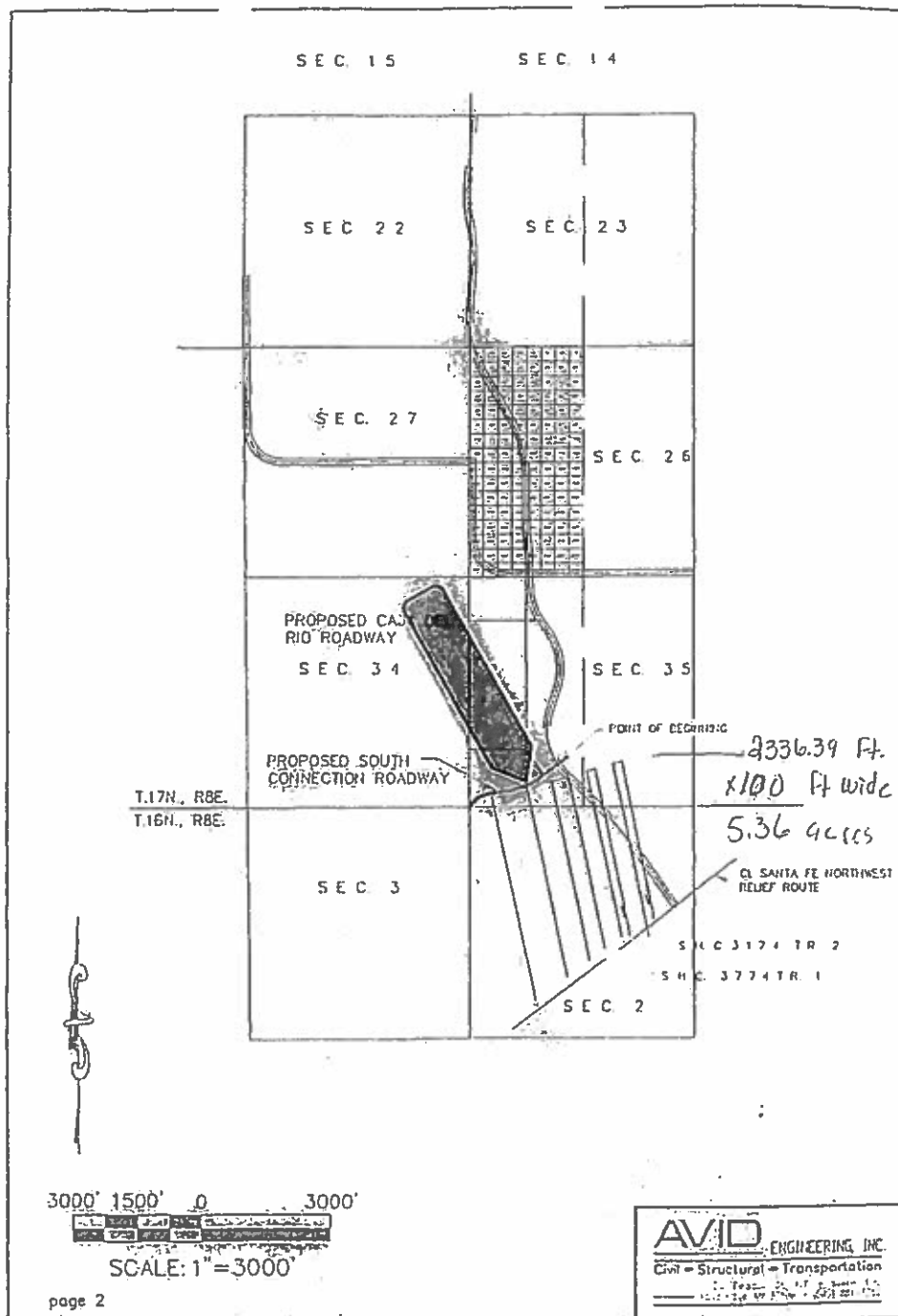
# EXHIBIT A

Final Survey

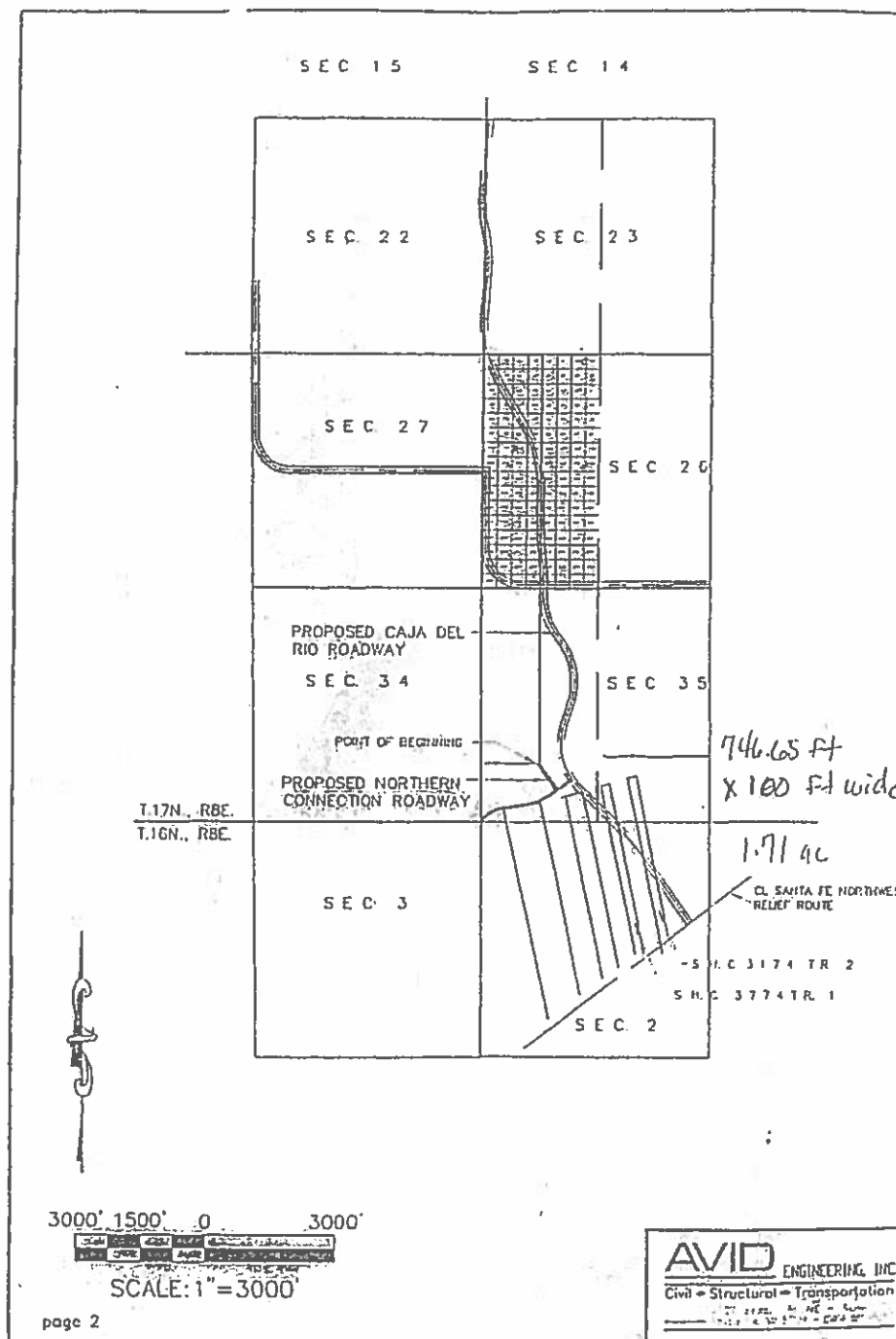


- NOTES:
- 1.) CAJA DEL RIO ROAD R.O.W. = 150' (75' EITHER SIDE OF CENTERLINE)
  - 2.) OWNERSHIP:
- SEC. 2 - STATE LAND OFFICE
- SEC. 35 - BUREAU OF LAND MANAGEMENT
- SEC. 28 - BUREAU OF LAND MANAGEMENT / KING BROTHERS RANCH
- SEC. 23 - BUREAU OF LAND MANAGEMENT / KING BROTHERS RANCH
- SEC. 14 - LAS CAMPANAS

NBE-45



NBE-46



NBE-47



B. L. M.

SEC. 27

### SURVEYOR'S CERTIFICATE

ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, I HEREBY CERTIFY THAT THIS PLAN IS AN ACCURATE DELINEATION OF A SURVEY COMPLETED UNDER MY DIRECTION ON NOVEMBER 11, 1994.  
I FURTHER CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO, ADOPTED BY THE NEW MEXICO STATE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS.

AMES MIDLAND  
N.P.S. No. 9212

LANDMARK SURVEYS  
P.O. BOX 8716  
SANTA FE, NEW MEXICO 87507



**LEGEND**

- INDICATES U.S.G.O BRASS CAP FOUND
- INDICATES CAPPED REBAR FOUND
- INDICATES CALCULATED CORNER

MONTOYA

B. L. M.

S E C. 34

SEC. 35

CENTERLINE  
-CAJA DEL RIO  
RIGHT-OF-WAY



COUNTY OF SANTA FE } SS 1018-571  
STATE OF NEW MEXICO }

I HEREBY CERTIFY THAT THIS INSTRUMENT  
WAS FILED FOR RECORD ON THIS 2 DAY OF  
April A.D. 1974, AT 11:01 A.M.  
O'CLOCK P.M., AND WAS DULY RECORDED IN  
BOOK 383 PAGE 649 OF THE RECORDS OF  
SANTA FE COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE  
REBECCA BUSTAMANTE  
COUNTY CLERK, SANTA FE COUNTY, NM

DEBIT

LAND USE ADMINISTRATOR

### SURVEYOR'S CERTIFICATE

ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, I HEREBY CERTIFY THAT THIS PLAN IS AN ACCURATE DELINEATION OF A SURVEY COMPLETED UNDER MY DIRECTION ON NOVEMBER 11, 1994. I FURTHER CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO, ADOPTED BY THE NEW MEXICO STATE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS.

*James J. Hedrahd*  
JAMES J. HEDRAHD  
H.M.P.S. No. 3212

LANDMARK SURVEYS  
P.O. BOX 8714  
SANTA FE, NEW MEXICO 87501



N PLAT SHOWING  
ROADWAY EASEMENT  
FOR  
CAJA DEL RIO ROAD  
THRU B.L.M. LANDS  
SECTIONS 22, 26 & 35  
T.17N., R.8E., N.M.P.M.  
A FE COUNTY, NEW MEXICO

**RICK CHATROOP**  
PROFESSIONAL LAND SURVEYOR  
NEW MEXICO REGISTRATION NO. 11011  
CERRILLOS, NM 87010  
(505) 470-0037  
110 WAGON TRAIL RD.  
OFFICE: 110 WAGON TRAIL RD.  
CERRILLOS, NM 87010  
RESIDENCE: 110 WAGON TRAIL RD.  
CERRILLOS, NM 87010  
AND LIVING WITHIN SECTION 35, T16N, R8E, N.M.P.M., SANTA FE COUNTY, NEW MEXICO

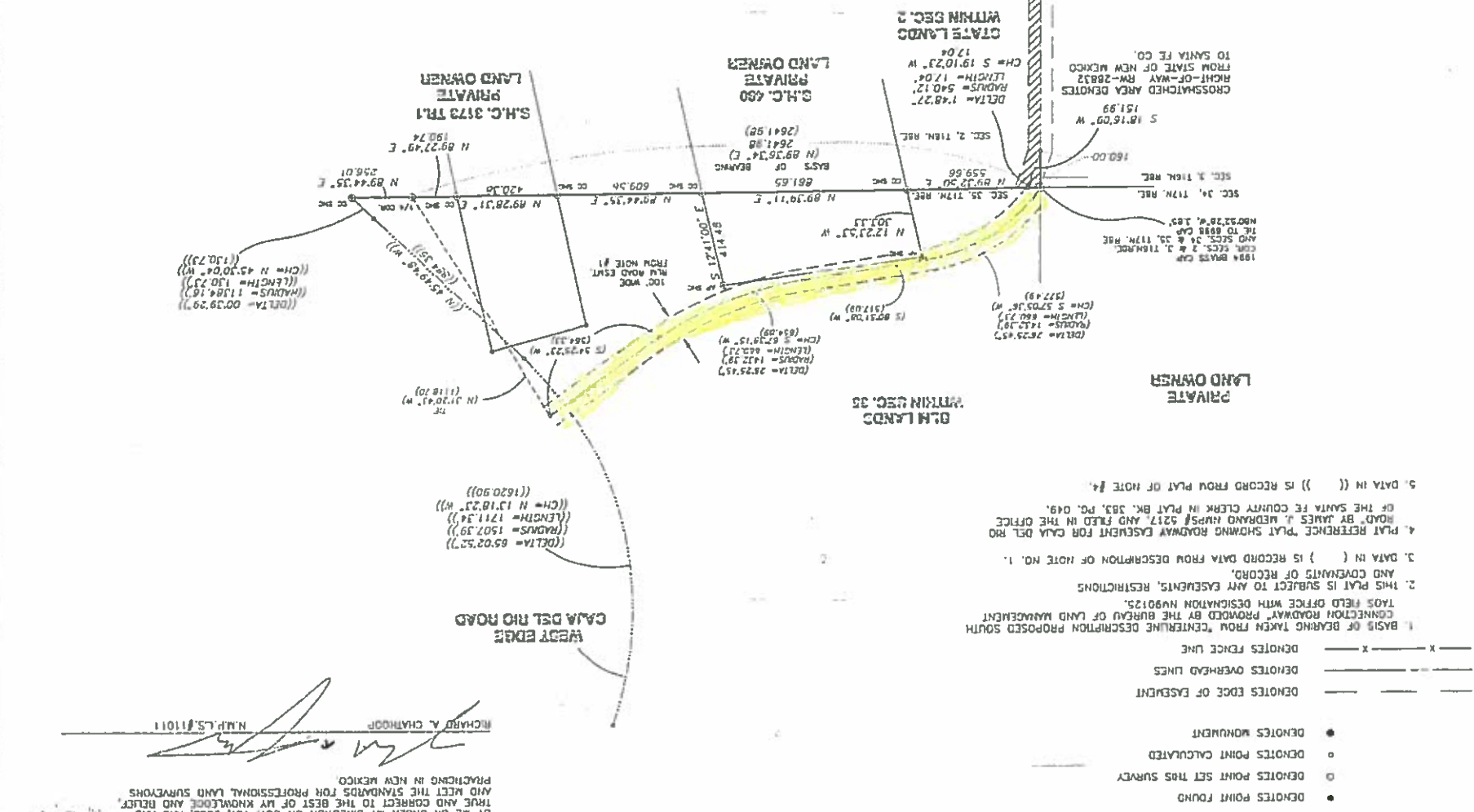
**EASEMENT SURVEY FOR  
SANTA FE COUNTY  
OF  
SOUTH CONNECTION ROADWAY**

LINE TABLE			
LINE	LENGTH	BEARING	
L1	244.14	S00°04'43"W	
L2	726.95	S02°17'01"W	

CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD LEN
C1	801.04	750.00	750.00
C2	583.73	544.48	544.48
C3	583.73	544.48	544.48
C4	583.73	544.48	544.48
C5	583.73	544.48	544.48
C6	583.73	544.48	544.48
C7	583.73	544.48	544.48
C8	583.73	544.48	544.48
C9	583.73	544.48	544.48
C10	583.73	544.48	544.48

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND  
SUBSCRIBED BEFORE ME BY RICHARD COOK & LOUIS GONZALES  
FOR PEVA BLVCA PARTNERSHIP TRACT D1  
THIS 13th DAY OF October, 2004  
MY COMMISSION EXPIRES 09-17-2005  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND  
SUBSCRIBED BEFORE ME BY RICHARD COOK & LOUIS GONZALES  
FOR PEVA BLVCA PARTNERSHIP TRACT D1  
THIS 13th DAY OF October, 2004  
MY COMMISSION EXPIRES 09-17-2005  
NOTARY PUBLIC

**GRANT OF EASEMENT**  
KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED  
OWNER, THIS GRANT OF EASEMENT IS MADE WITH THE FREE CONSENT AND  
IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNER(S).  
RICHARD P. COOK & LOUIS GONZALES FOR PEVA-BLVCA PARTNERSHIP TRACT D1  
RICHARD P. COOK OWNER GRANTING THE ABOVE EASEMENT



**SURVEYORS CERTIFICATE**  
I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES HEREON  
ARE AN ACCURATE DECLARATION OF A FIELD SURVEY COMPLETED  
BY ME OR UNDER MY DIRECTION ON OCT. 1ST, 2004, AND ARE  
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
PRACTICING IN NEW MEXICO  
RICHARD A. CHATROOP  
N.M.P.L.S. #11011



COUNTY OF SANTA FE  
STATE OF NEW MEXICO  
I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES HEREON  
ARE AN ACCURATE DECLARATION OF A FIELD SURVEY COMPLETED  
BY ME OR UNDER MY DIRECTION ON OCT. 1ST, 2004, AND ARE  
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
PRACTICING IN NEW MEXICO  
RICHARD A. CHATROOP  
N.M.P.L.S. #11011

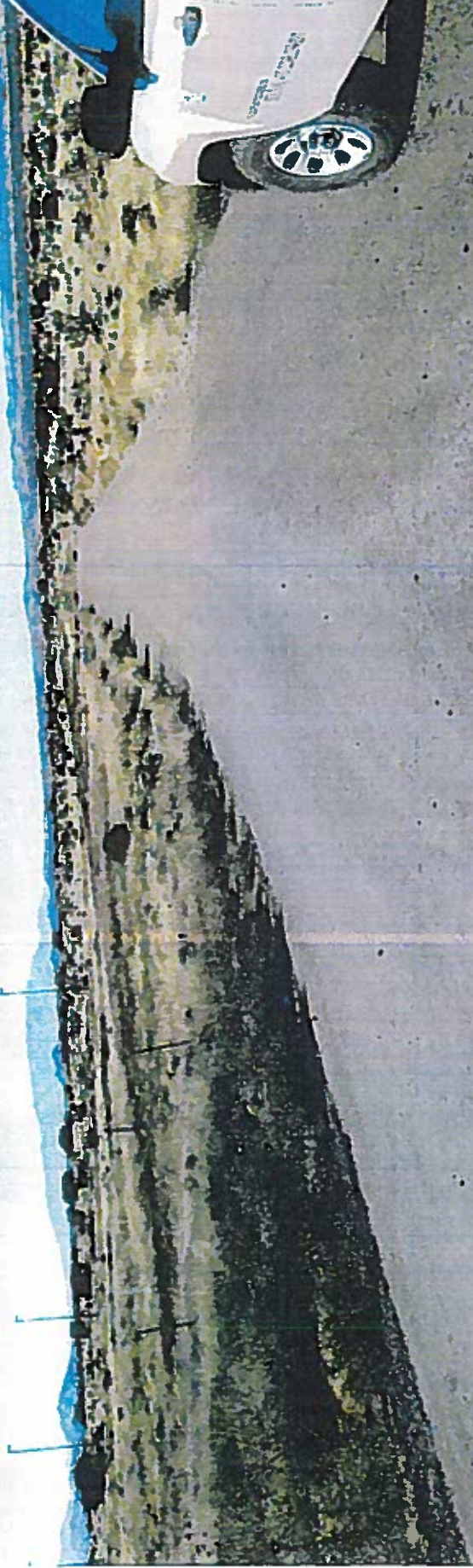
**LEGEND AND NOTES**

- DENOTES POINT FOUND
- DENOTES POINT CALCULATED
- DENOTES MONUMENT
- DENOTES EDGE OF EASEMENT
- - - DENOTES OVERHEAD LINES
- - - DENOTES FENCE LINE
- 1. BASIS OF BEARING TAKEN FROM "CENTERLINE DESCRIPTION PROPOSED SOUTH CONNECTION ROADWAY" PROVIDED BY THE BUREAU OF LAND MANAGEMENT, TAOS FIELD OFFICE WITH DESIGNATION N490125.
- 2. THIS PLAT IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.
- 3. DATA IN ( ) IS RECORD DATA FROM DESCRIPTION OF NOTE NO. 1.
- 4. ROAD "BY JAMES J. MEDRANO MAPS# 5217, AND FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BK. 383, PG. 049.
- 5. DATA IN ( ) IS RECORD FROM PLAT OF NOTE #4.

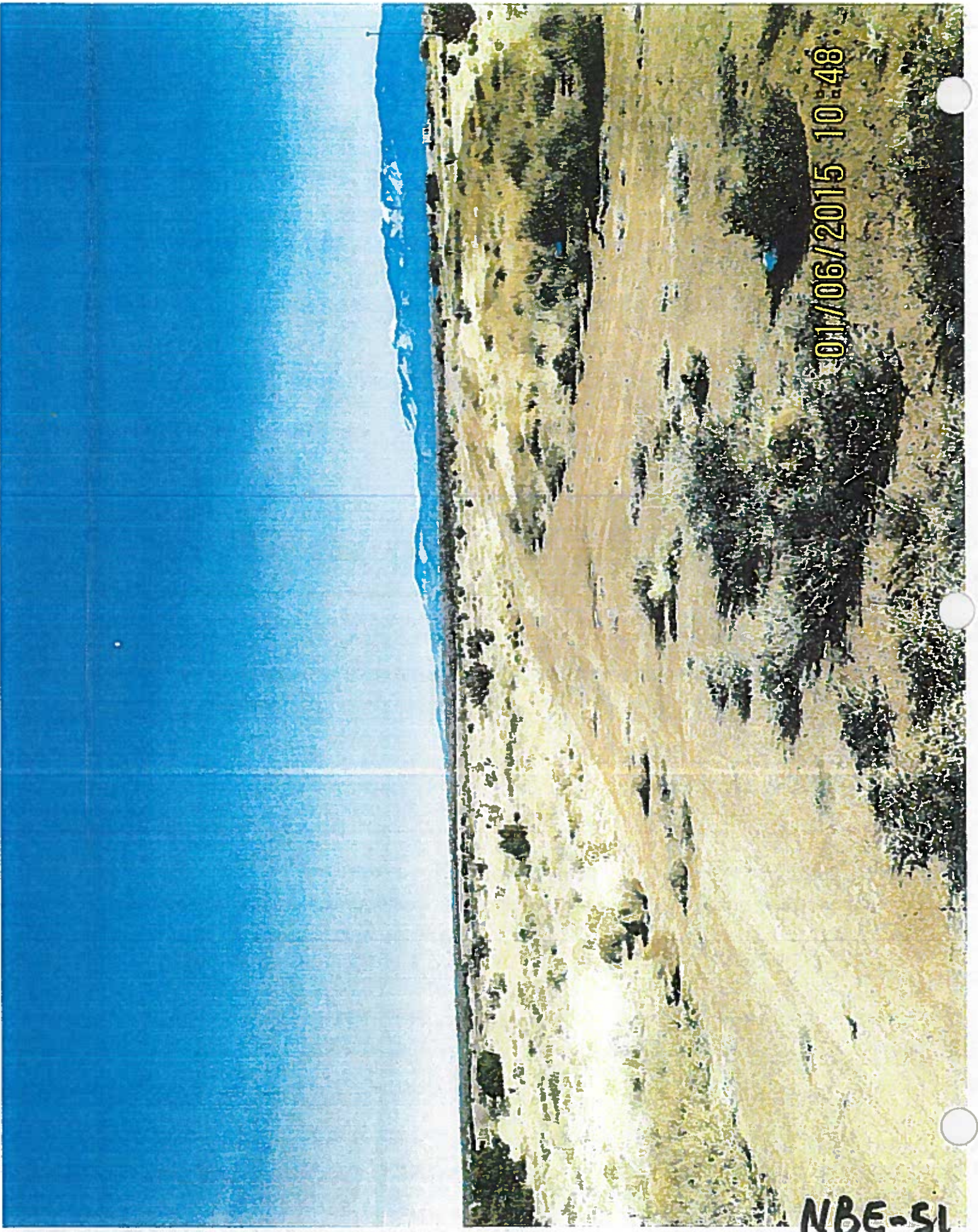


01/06/2015 10:44

NBE-50







01/06/2015 10:48

NBE-SI



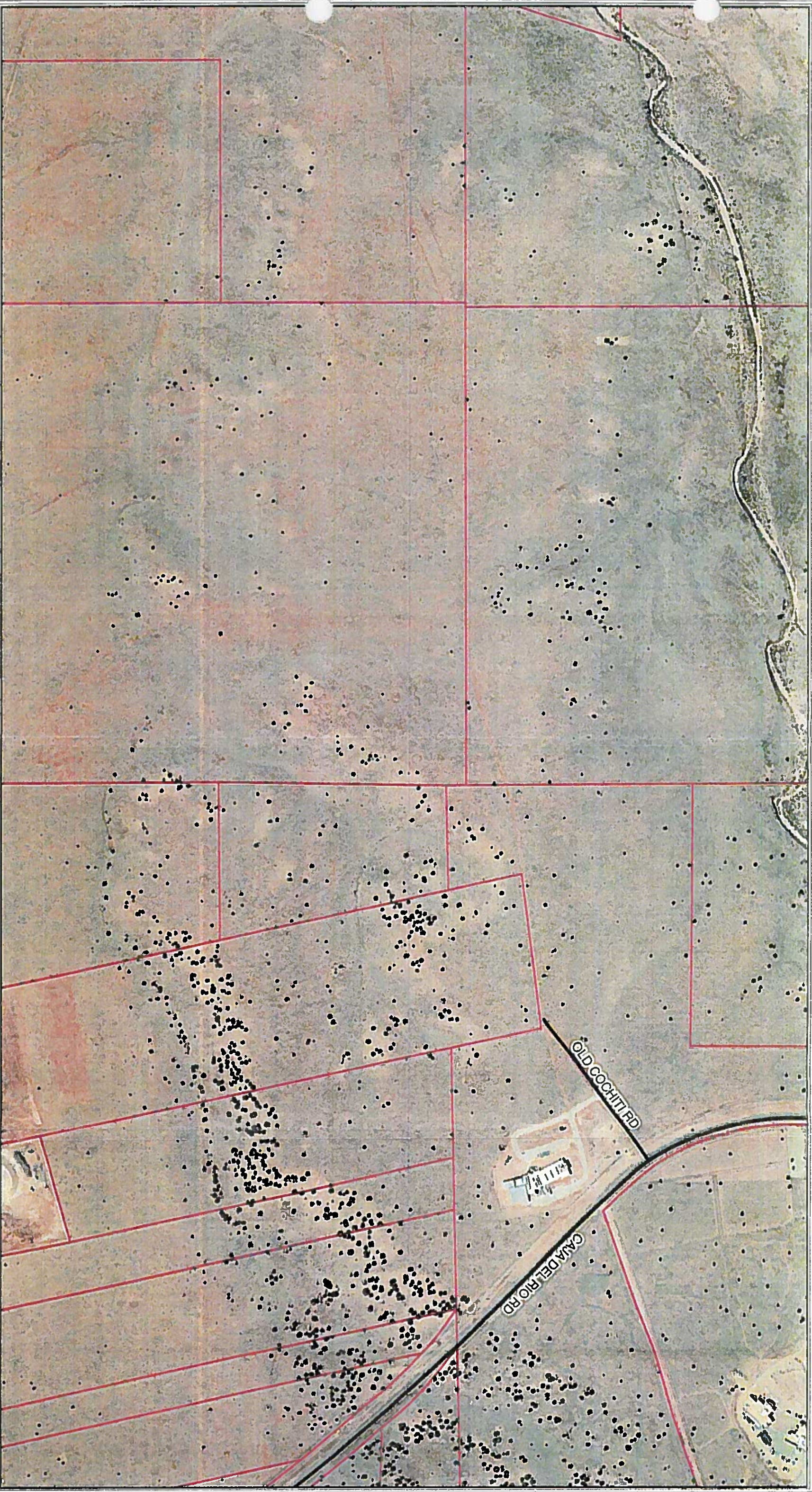


NBE-52









**Legend**

- ROADS
- PARCELS

1:6,000  
1 inch represents 500 feet



World Imagery  
2 FOOT CONTOURS

This information is for reference only.  
Santa Fe County assumes no liability for  
errors associated with the use of these data.  
User are solely responsible for  
confirming data accuracy.



January 2, 2015





2008 Imagery  
2 FOOT CONTOURS



January 2, 2015

NTD 071



**Legend**

— ROADS

□ PARCELS

This information is for reference only.  
Santa Fe County assumes no liability for  
errors associated with the use of these data.  
User are solely responsible for  
confirming data accuracy.



# VANAMBERG, ROGERS, YEP, ABEITA & GOMEZ, LLP

RONALD J. VANAMBERG (NM)  
R. BRYANT ROGERS (NM, MS)\*\*  
DAVID R. YEP (NM)  
CAROLYN J. ABEITA (NM)\*\*  
DAVID GOMEZ (NM, NAVAJO NATION)\*\*  
SARAH WORKS (NM, AZ, DC)

\*\*NEW MEXICO BOARD OF LEGAL SPECIALIZATION  
CERTIFIED SPECIALIST IN THE AREA OF FEDERAL  
INDIAN LAW

## ATTORNEYS AT LAW

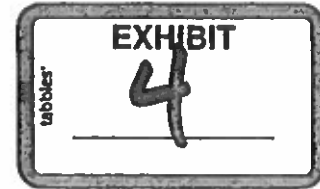
P.O. BOX 1447  
SANTA FE, NM 87504-1447  
(505) 988-8979  
FAX (505) 983-7508

347 EAST PALACE AVENUE  
SANTA FE, NEW MEXICO 87501

## ALBUQUERQUE OFFICE

1201 LOMAS BOULEVARD, N.W.  
SUITE C  
ALBUQUERQUE, NEW MEXICO 87102  
(505) 242-7352  
FAX (505) 242-2283

December 15, 2014



HAND DELIVERED

Vickie Lucero  
County Land Use  
102 Grant Avenue  
Santa Fe, New Mexico 87501

Re: Application of El Llano Summit Caja del Rio, LLC Application for Development and Rezoning

Dear Ms. Lucero:

This letter is on behalf of Philip Baca, Matthew Baca, Michael Baca, Phyllis Baca and Loretta Baca, some of the heirs and successors in interest to Antonio Baca and who own a substantial amount of property in the State Road 599 and Caja del Rio area. I will collectively refer to my clients as "the Bacas." The Bacas have no problem with PNM creating solar power for its system and encourage such activity. However, the Bacas have concerns about the above referenced application because it involves a request for spot zoning to allow for commercial and industrial uses on a single tract (Lot 1 as shown on the survey draft which is Exhibit F) and will involve use of an ill-advised administratively created road superimposed in part over a historic road referred to as the Cochiti Trail, which road is also a 42 USC 932 road created by federal law. Some history should be helpful.

## THE ROAD SITUATION

Several years ago, the Bacas had to address a situation where the Office of Archaeological Studies (OAS) was intending to develop property in the 599 area that had been acquired from the Bureau of Land Management (BLM) under the provisions of the Recreation and Public Purposes Act. Apparently the OAS and the County intended to request or did request the Bureau of Land Management to vacate and relocate a road known historically as the Cochiti Trail that passes through the OAS property. As will be discussed further, the Cochiti Trail has been a historic road for centuries and any vacation and relocation of it would be problematic for a variety of reasons. The Bacas expressed their concerns about moving the Cochiti Trail and thought better judgment had prevailed. However, under the direction of James Lujan and with no public input, a new road ("New



NBE-55

Road") has been created that intersects the Cochiti Trail road at dangerous angles, while incorporating part of the Cochiti Trail for a distance. (See, portion of plat which is Exhibit A showing the relocation in relation to the Cochiti Trail). As shown in Exhibit A the new road deviates from the Cochiti Trail road, angles into it from the east and then curves away as the new portion swings to the south, (the "South Road") instead of following the Cochiti Trail, coming to a stop and turning left.

Matthew Baca wrote Mr. Lujan about his family's concerns, and queried him as to what the motivating factors were in creating the road for a single property owner. Mr. Lujan did not respond to several queries from Matthew, except for a violent verbal outburst from Mr. Lujan, directed at Matthew in the state capitol during a legislative session, that did nothing to explain why he was building the road, but did result in Mr. Lujan being banned from the Senate Rules Committee offices.

The Cochiti Trail road services several of the Bacas' properties. One property is a small holding claim that extends into the southern portion of Section 35 and is surrounded by the OAS property within Section 35. Another parcel is the east ½ of Section 34 which bounds Section 35 to the west. These lands are indicated on Exhibit B, which is a 1915 survey showing the Cochiti Road. A third parcel is to the west of the area where the proposed new road swings to the south. The Bacas also own a small holding claim which is on the eastern side of Exhibit B. This property is directly impacted by the proposed road vacation as the Cochiti Trail directly traverses Caja del Rio Road and serves as an access road for the eastern property. Caja del Rio Road and the Cochiti Trail have only one intersection point that allows, again historically, easy and quick access to the properties. Additionally, Challenge New Mexico, a non-profit serving developmentally disabled children through horse riding therapy, has its access to Caja del Rio adjacent to the Cochiti Trail.

The two small holding claims are located within the Airport Development District created by the County in 1999 for master planning efforts. These planning efforts clearly recognized the Cochiti Trail road running in a straight line adjacent to the small holding claim properties and into the property to the west. The county recognized the road in the late 1990s, authorizing the placement of water lines and other infrastructure that would service the various Baca properties and facilitate developing the highest and best use for the properties. During the past two years, the Bacas, the County and the New Mexico Game and Fish Department have worked together on the possible placement of a county waterline along this access route for service to the Game and Fish Department, which desires to move onto the county water system. When building Caja del Rio, the County provided gates to the Cochiti Trail on both the east and west side of Caja del Rio.

Vacating a portion of the Cochiti Trail would frustrate these infrastructure plans and would significantly devalue the Baca properties.

The Cochiti Trail has at least two statuses. First, it is the historic Cochiti Trail, used for centuries (prior to and after European Colonization) to travel from both the Santa Fe and San Ildefonso area to the La Bajada area and beyond. The road is shown on the Exhibit B 1915 plat. As noted in the previous paragraph, the road travels across the top of the Bacas' small holding claim, which is labeled on the map, and continues on to the Bacas' Section 34 property.

In 1998-1999, the City of Santa Fe questioned whether the Cochiti Trail and another road leading to the Bacas' small holding claim property, shown on the eastern portion of the 1915 survey, were public roads. After investigating this issue, a letter was written by the BLM informing the City that one of the roads was part of the Cochiti Trail (Exhibit C). Following this letter, the City fully acknowledged the trail and also acknowledged that it was prohibited from blocking or altering the trail. The integrity of the trail was then respected and continued as access to the Baca properties (Exhibit D). Consistent with this position is Exhibit E, which is a City plat that shows the Cochiti Trail being incorporated into the City's property as a 60' wide road.

Second, the Cochiti Trail is a 42 U.S.C. §932 road. While this federal law has been repealed, roads created under this federal law remain viable and are the subject of enforceable rights. *See, Quintana v. Knowles*, 115 N.M. 360, 851 P.2d 482 (App. 1993). 42 U.S.C. §932 was a federal statute which constituted an offer by the federal government to homesteaders to allow these homesteaders to create public roads across federal unpatented lands so that permanent access could be created to these homesteads. The Bacas' Section 34 property was homesteaded by a Luis Romero in the early 1900s and the Cochiti Trail was used by Mr. Romero to travel to his property during the homesteading process. The road at that time traveled across unpatented federal land. The road continued to be used and continues to be used up until the present day. The establishment of this road by Mr. Romero and his successors created a right associated with the Section 34 property, which cannot be impeded or destroyed without the permission of the Bacas. Under Federal law this is a public highway created by a federal dedication.

First, this is a road developed through a *federal* dedication. *See, Quintana v. Knowles*. The County does not have any jurisdiction or right to vacate this road once created under federal authority.

Second, the vacation of any public road has to follow statutory procedures which include notice, hearing and action by the governing body. This vacation and relocation did not even begin to follow these procedures.

Third, since the vacation and relocation of the road involves altering and perhaps eliminating the access to the Baca properties and otherwise results in a reduction in the value of these properties, a taking has occurred for which compensation is due. In addition to the problems described above, this change in access affects the small holding claim properties of the Bacas and impacts the western property owned by the Bacas, for now instead of the road leading directly into this western Baca property the road curves to the south, requiring the Bacas to enter at the point of a dangerous curve which likely would prevent any governmental approvals for any extensive development of this Baca property.

Finally, if this new road is considered an additional road and the traveling public continues to have access to the Cochiti Trail road, the angles of the road where it meets and departs from the Cochiti Trail road results in the public having to merge into the new road without having the ability to safely view oncoming traffic. This dangerous, life threatening condition exists both at the east and west ends of the new road.

Additionally New Road will physically separate approximately 500 acres of Baca Ranch land to the east from the main body of the ranch. This acreage is used for cattle grazing, with any cattle in this area cut off from their water supply to the west of the road. This road will either endanger the travelling public because of the existing cattle operation or, if the road is fenced, will cause damage to the Baca cattle operation, requiring additional compensation.

In a meeting between Phil Baca, Matthew Baca and Ms. Ellis-Greene and several of her staff members, it was represented that both roads would remain open, but the New Road would only be for emergency access. That satisfactorily took care of the Baca's concerns. However, now it appears that the New Road will be a primary access to the proposed solar project to be located on the Applicant's Lot 1, giving new life to the above stated concerns. The Bacas did send their concerns recently to the County Attorney and understand that his plate is full with other pressing matters. See attached.

#### THE ZONING REQUEST

The request being made is for a new industrial/commercial zoning designation for Applicant's Lot 1 as shown on the Exhibit F plat so that, at least under the current represented plans, a solar farm can be created for use by PNM. Again, while solar energy

Vickie Lucero  
December 15, 2014  
Page 5

should be encouraged, the Bacas believe that the solar farm is more appropriately placed on Applicant's property to the south which is already zoned for industry. Changing the zoning on one of Applicant's lots would likely be viewed as spot zoning, since Lot 1 is a relatively small parcel at 40 acres and is surrounded by a rural residential zoning. Zoning should be the result of a comprehensive plan which, as you know, is under consideration by the County as it proceeds with development of its zoning map.

Thank you for your consideration.

Sincerely,



Ronald J. VanAmberg

RVA/tmb  
*Enclosures as indicated*

NBE-59

EASEMENT FOR CAJA DEL RIO  
217, AND FILED IN THE OFFICE  
AT BK. 383, PG. 049.

OF NOTE #4.

EVER

1= 62°12'05"  
US= 540.12'  
TH= 586.36'  
51°10'39" W  
557.99

(DELTA= 26°25'45")  
(RADIUS= 1432.39')  
(LENGTH= 660.73')  
(CH= S 57°05'36" W)  
(577.49)

100' WIDE  
RELOCATED  
ROADWAY  
EASEMENT

(S 80°51'08" W)  
(517.09)

(DELTA= 26°25'45")  
(RADIUS= 1432.39')  
(LENGTH= 660.73')  
(CH= S 67°38'15" W)  
(654.89)

DELTA= 27°51'19"  
RADIUS= 1450.00'  
LENGTH= 704.94'  
CH= S 68°21'02" W  
698.02

BLM LANDS  
WITHIN SEC. 35

SHADED AREA  
DENOTES FORMER  
BLM ROAD ESMT.  
FROM NOTE #1  
WHICH ENCLOSES  
ON PRIVATE LAND  
S.H.C. 480

P 3, T16N, R8E,  
& 35, T17N, R8E  
IP .85

T17N. RBE.  
16N. RBE.

SEC. 35, T17N, R8E.  
N 89°32'50" E  
559.66

SEC. 2, T16N, R8E.

S 18°16'09" W  
151.99

ATCHED AREA  
S ROAD & UTIL. ESMT.  
STATE LANDS  
ITA FE CO.

DELTA= 1°48'27"  
RADIUS= 540.12'  
LENGTH= 17.04'  
CH= S 19°10'23" W  
17.04

STATE LANDS  
WITHIN SEC. 2

NBE-60

BACK

N 82°16'42" E  
843.40

N 89°39'11" E  
861.65

OF BEARING  
BASIS OF  
(N 89°36'34" E)  
2641.98  
(2641.98)

S.H.C. 480  
PRIVATE  
LAND OWNER

S.H.C. 3173 TR.1  
PRIVATE  
LAND OWNER

N 89°44'35" E  
609.56

N 89°28'31" E  
420.38

N 89°27'41"  
190.74

((LENGTH= 1711.34'))  
((CH= N 13°18'23" W))  
((1620.90))

TIE  
(N 31°20'43" W)  
(1118.20)

Wash Road





Survey accepted September 26, 1912 G.L.O.

**PLAT**  
showing  
**Small Holding Claims**  
in Sec. 35

T. 17N., R. 8E.

New Mexico Prin. Base & Mer. in  
New Mexico

as surveyed August 17-23, 1910 by

Bart A. Nymeyer

U.S. Dep. Sur.

Under Cont. No. 431 Dated Dec. 2, 1909

and

as surveyed May 20-22, 1915 by

Chas. W. Devendorf

U.S. Surveyor

Under Ins. for Group 44, Dated May 15, 1915

Scale: 6 Chs. = 1 inch

Sec. 35  
598.57

BACA PROPERTY

3576

2470

3855±E

North

Fourth

Standard

Ec. 1111 North

EXHIBIT

B

T. 17N., R. 8E. --- C

NBE-61



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Taos Resource Area  
226 Cruz Alta Road  
Taos, New Mexico 87571-5983

2000 (020)

October 29, 1999

Mayor Larry Delgado  
City of Santa Fe  
P.O. Box 909  
Santa Fe, NM 87504

Dear Mayor Delgado,

This office has been asked by Philip Baca, representing the Baca family land interests west of Santa Fe, at your office's suggestion, to verify the existence of two roads crossing Bureau of Land Management Land (BLM) in T. 17 N., R. 8 E., NMPM. (see attached map and Baca letter to BLM) The first road is located in sections 23 and 26 and crosses BLM land only in section 26 within lots 13, 14 and 19 which are located in the NE1/4NW1/4 of the section according to BLM land status records. The second road has been historically referred to as the Cochiti Trail which extends from Santa Fe to the community of La Bajada and further south. This road is located on BLM land in lots 2-5, inclusive, (S1/2S1/2) within section 35 according to BLM land status records..

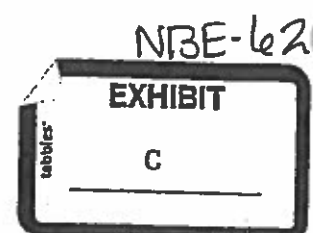
BLM recognizes the existence of these roads as being located on BLM land as depicted on maps of this area and their physical location on the ground. Recognition of their existence does not confer any special status on these roads. Persons using them may do so under Federal regulations in 43 CFR 2800 0.5 pertaining to casual use of roads on BLM land.

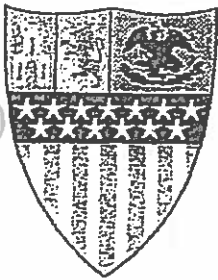
If you need any additional information in regards to this matter please do not hesitate to contact Hal Knox of my staff at (505) 751-4707.

Sincerely,

Sam DesGeorges  
Assistant Field Manager

c.c. Mark Basham  
Philip Baca





# City of Santa Fe, New Mexico

Larry A. Delgado, Mayor

Dr. Mike Mier, City Manager

Councilors: Art Sanchez, Mayor Pro Tem, Dist. 3

Patti J. Bushee, Dist. 1

Jimmie Martinez, Dist. 1

Cristopher Moore, Dist. 2

Molly Whitted, Dist. 2

Frank Montaño, Dist. 3

Peso Chavez, Dist. 4

Carol Robertson Lopez, Dist. 4

December 1, 1999

Mr. Philip Baca  
2902 Karen Dr.  
Las Cruces, New Mexico 88001

Dear Mr. Baca:

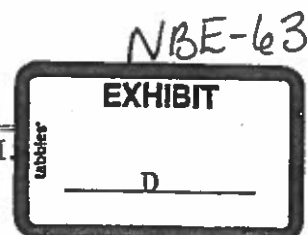
This letter is in response to our meeting last week in my office regarding the trails which you have been using to access your property across the BLM land, which land will eventually be deeded to the City of Santa Fe. In the meeting, you requested that the City recognize a portion of the Cochiti Trail which runs through this property in its Master Plan so that the trail will remain in perpetual existence.

Because of the Cochiti Trail's historical nature, the City and its successors are prohibited from altering, diverting or destroying any portion of the trail. Therefore, the trail will remain in perpetual existence because of its historical status. Furthermore, I have asked John Griego to prepare a revised Master Plan showing the existing trails in this area, as well as trail improvements and the animal shelter project which will be constructed in the near future.

I am hopeful that this will satisfy your request of the City in regard to this matter. Please contact me if you have any further questions in regard to this matter.

Sincerely,

Dr. Mike Mier  
City Manager





DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS, HAVE CAUSED TO BE REPLICATED THOSE LANDS SHOWN HEREON, THIS REPLICAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNERS, ACCESS EASEMENTS GRANTED FOR PUBLIC USE, UTILITY EASEMENTS ARE GRANTED TO THE APPROPRIATE AGENCIES FOR THE CONSTRUCTION AND MAINTENANCE OF HIGHWAY, AND REPLACEMENT OF UTILITIES SERVING LOTS WITHIN THE RIO SANTA FE BUSINESS PARK, RESPECTIVELY AND NO OTHER ADJOINING PROPERTIES, DRAINAGE AND SLOPE EASEMENTS ARE GRANTED AS SHOWN WITHIN THE LOT OWNERS, OTHER EASEMENTS ARE GRANTED AS SHOWN.

THIS DIVISION CONTAINS 160.65 AC.±, AND LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF SANTA FE, NEW MEXICO.

RICHARD P. COOK, 160.65 AC.± PARCEL  
STATE OF NEW MEXICO SS  
COUNTY OF RIO ARriba  
THE FOREGOING INSTRUMENT WAS SIGNED, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY RICHARD P. COOK  
THIS DAY OF 2014, NOTARY PUBLIC  
MY COMMISSION EXPIRES 2014

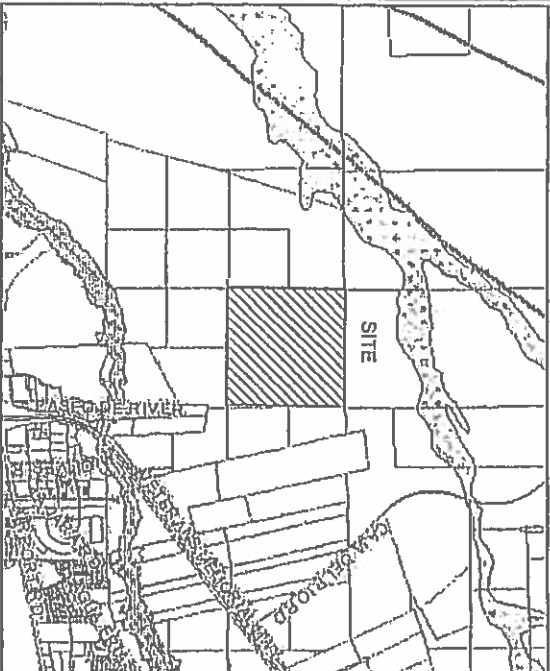
RICHARD P. COOK, MAYORING MEMBER EL LINDO SUMMIT CUA DEL RIO, LLC  
STATE OF NEW MEXICO SS  
COUNTY OF RIO ARriba  
THE FOREGOING INSTRUMENT WAS SIGNED, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY RICHARD P. COOK, MAYORING MEMBER EL LINDO SUMMIT CUA DEL RIO, LLC  
THIS DAY OF 2014, NOTARY PUBLIC  
MY COMMISSION EXPIRES 2014

LEGEND AND NOTES

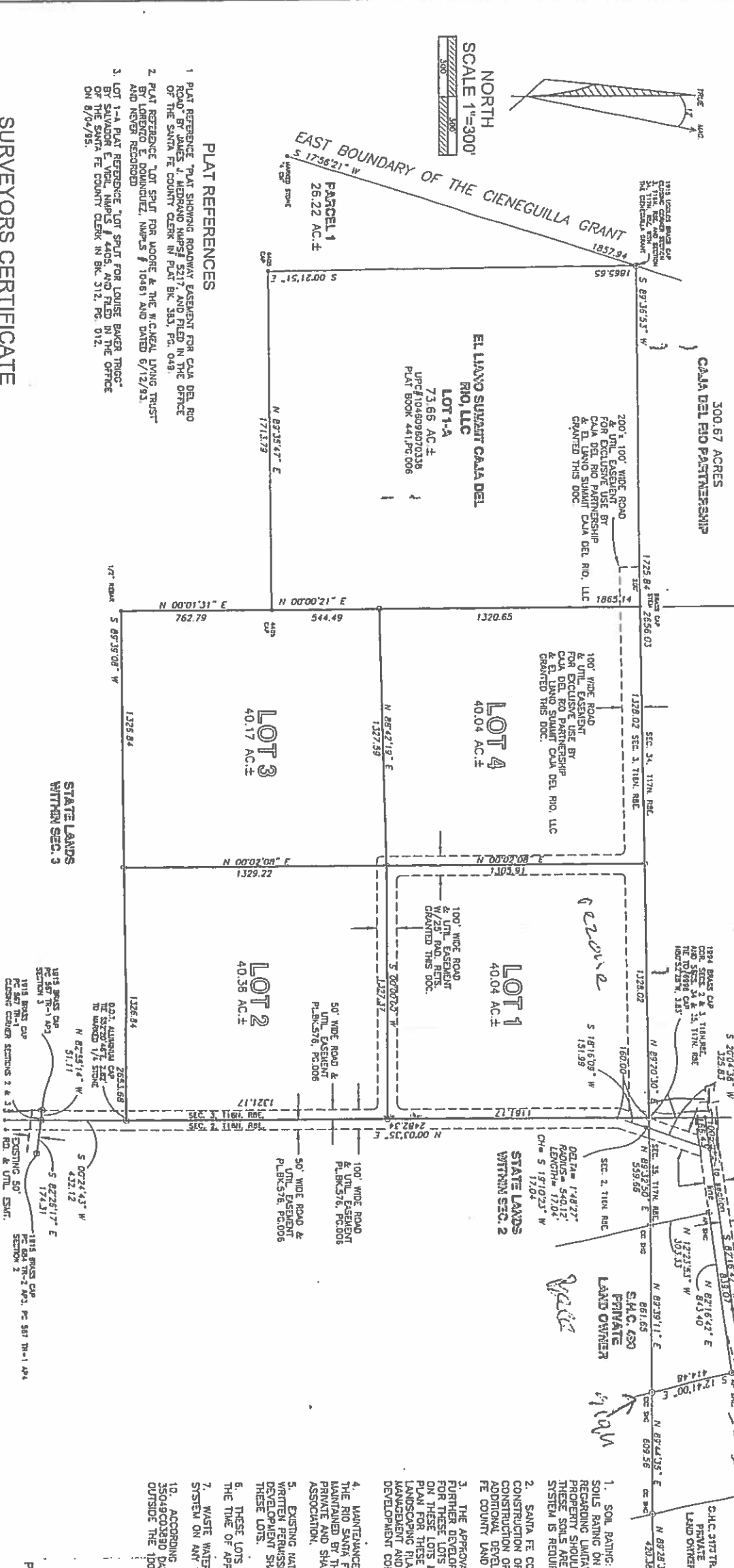
- DENOTES POINT FOUND
  - DENOTES POINT SET THIS SURVEY
  - DENOTES POINT CALCULATED
  - DENOTES MONUMENT
  - DENOTES EDGE OF EASEMENT
  - DENOTES OVERHEAD LINES
  - - - - - DENOTES FENCE LINE
1. BASIS OF BEARING TAKEN FROM "CENTERLINE DESCRIPTION PROPOSED SOUTH CONNECTION ROADWAY" PROVIDED BY THE BUREAU OF LAND MANAGEMENT, LAND FIELD OFFICE WITH DESIGNATION N840123.
2. THIS PLAT IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

SANTA FE COUNTY APPROVAL,  
NOTES AND CONDITIONS:

COUNTY LAND ADMINISTRATOR	DATE
COUNTY TREASURER'S OFFICE	DATE
RURAL ADDRESSING	DATE
FIRE MARSHAL	DATE



VICINITY MAP  
NOT TO SCALE



- PLAT REFERENCES**
1. PLAT REFERENCE "PLAT SHOWING ROADWAY EASEMENT FOR CALA DEL RIO ROAD" BY JAMES J. MEDRANO MAPS# 5217, AND FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BK. 383, PG. 049.
  2. PLAT REFERENCE "LOT SPLIT FOR MOORE & THE W.C. KEEL LIVING TRUST" BY JAMES J. MEDRANO MAPS# 10461 AND DATED 6/12/93.
  3. LOT 1-A PLAT REFERENCE "LOT SPLIT FOR LOUISE BAKER TRUST" BY JAMES J. MEDRANO MAPS# 4403, AND FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN BK. 312, PG. 012.

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES HEREON ARE AN ACCURATE DELINEATION OF A FIELD SURVEY COMPLETED BY ME OR UNDER MY DIRECTOR ON MAY 17TH, 2008, AND THAT THE SAME COMPLY WITH THE STANDARDS FOR PROFESSIONAL LAND SURVEYING PRACTICING IN NEW MEXICO.

RICHARD A. CHATROOP



PURPOSE: TO SUBDIVIDE PARCEL INTO 4 RESIDENTIAL LOTS  
LYING WITHIN SECTION 3, T18N, R8E, N.M.P.M.  
SANTA FE COUNTY, NEW MEXICO.

**RICHARD P. COOK**  
FOR

**160.65 AC.±**  
SUMMARY REVIEW SUBDIVISION OF

**RICK CHATROOP**  
PROFESSIONAL LAND SURVEYOR  
NEW MEXICO REGISTRATION NO. 11011  
(505) 470-0007 110 TIGER TRAIL BL. CERRILLOS, NM 87010

INTERESTING INFORMATION FROM THE COUNTY CLERK  
OWNER: RICHARD P. COOK UPC# 1-048-098-400-400  
LOCATION: LYING WITHIN SECTION 3, T18N, R8E, N.M.P.M., SANTA FE COUNTY, NM



WARRANTY DEED

1152069

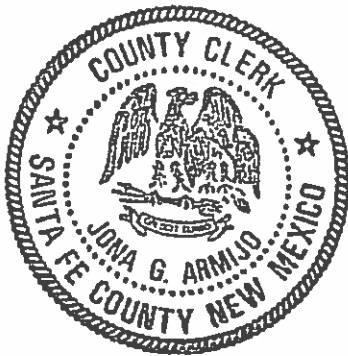
THOMAS L. MOORE, JR. and JAMES R. MOORE, each a married man dealing with his separate property, and THE WILL C. NEAL LIVING TRUST, grant to RICHARD P. COOK, the following described real estate in Santa Fe County, New Mexico:

The Northeast Quarter (NE 1/4) of Section Three (3) Township Sixteen North (16N) Range Eight (8), N.M.P.M.

Subject, however, to patent reservations and all real estate taxes accruing from the date hereof.

With warranty covenants as to Thomas L. Moore, Jr. and James R. Moore and special warranty covenants as to The Will C. Neal Living Trust

Executed on the dates shown in the acknowledgments.



Thomas L. Moore, Jr.  
THOMAS L. MOORE, JR.

James R. Moore  
JAMES R. MOORE

THE WILL C. NEAL LIVING TRUST

By: Ann B. Neal  
ANN B. NEAL CO-TRUSTEE

Virginia Wilson, Sr. V.P.  
FOR FIRST NATIONAL BANK, HOT  
SPRINGS ARKANSAS CO-TRUSTEE

899-883  
COUNTY OF SANTA FE  
STATE OF NEW MEXICO  
I hereby certify that this instrument was filed for  
record on the 4th day of April A.D.  
19 95 at 2:53 p.m. and  
was duly recorded in book 152 page  
069 of the records of Santa Fe County.  
Witness my Hand and Seal of Office  
Jona G. Armijo  
County Clerk, Santa Fe County, NM  
Harrold Wilson  
Deputy



NBE-66



STATE OF NEW MEXICO

)

) ss.

1152070

COUNTY OF SANTA FE

)

The foregoing instrument was acknowledged before me this 17 day of February, 1994, by Thomas L. Moore, Jr. and James R. Moore.

  
Notary Public

My commission expires:

STATE OF ARKANSAS

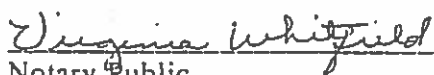
)

) ss.

COUNTY OF GARLAND

)

The foregoing instrument was acknowledged before me this 15 day of February, 1994, by Ann B. Neal, Co-Trustee of The Will C. Neal Living Trust and Velzine Wilson, the Senior Vice President of First National Bank, Hot Springs, Arkansas, Co-Trustee of The Will C. Neal Living Trust on behalf of said Bank.

  
Notary Public

My commission expires:

NBE-67

## OPTION TO PURCHASE AGREEMENT

This Option to Purchase Agreement ("Option Agreement") is made and entered into this 14<sup>th</sup> day of May, 2014 ("Effective Date") by and between PUBLIC SERVICE COMPANY OF NEW MEXICO ("PNM"), a New Mexico corporation, and RICHARD P. COOK ("Owner"). PNM and Owner may be referred to individually herein as "Party" and collectively as "the Parties."

### RECITALS

A. Owner owns certain real property more particularly described as follows:

A portion of the Northeast Quarter (NE ¼) of Section Three (3) Township Sixteen North (16N) Range Eight (8), N.M.P.M comprising Forty (40) Acres situate in the northwest corner of said Quarter Section, Santa Fe County, New Mexico, to be further described by survey, together with additional property owned by Owner and which is in proximity to the above-described tract and may be used for ingress and egress to and from the above-described tract, as further shown on Exhibit A attached, and as shall be further described by survey ("Owner's Property").

B. PNM desires to obtain and Owner desires to grant to PNM an option to purchase, upon the terms and conditions hereinafter set forth, a portion of Owner's Property, consisting of approximately Forty (40) acres ("Solar Site"), as generally shown on Exhibit A, attached hereto and made a part hereof, and as shall be depicted more particularly by the plat of a final survey of the Solar Site prepared by PNM as set forth in Section 7 below.

C. The Solar Site is hereafter referred to as the "Solar Property."

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants, promises and undertakings set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, the Parties hereto agree as follows:

### AGREEMENT

#### 1. GRANT OF OPTION:

In consideration of the sum of \$ \_\_\_\_\_ (the "Option Fee"), which at the time of PNM's execution of this Option Agreement, shall be deposited by PNM in an interest bearing account with and held in escrow by Stewart Title of New Mexico ("Title Company"), whose address is 6759 Academy NE Albuquerque, New Mexico 87109, and upon the following terms and conditions. Owner hereby grants to PNM an exclusive and irrevocable option ("Option") to acquire the Solar Property; provided, however, that in the event that PNM exercises its Option, the Option Fee shall be credited against the payment of the Purchase Price, as defined below.

NBE-68

2. **OPTION PERIOD:**

The initial option period ("Option Period") shall commence upon the Effective Date and end on the first (1st) day of the 14th month after the Effective Date ("Termination Date").

3. **PURCHASE PRICE:**

In the event the Option is exercised pursuant to Section 4 below, the purchase price for the Solar Property shall be

("Purchase Price"). The Purchase Price shall be paid by PNM as follows:

- (a) The Option Fee shall be delivered to Owner as provided in Section 1, above, and, if PNM exercises the Option, the Option Fee shall be credited against the Purchase Price; and
- (b) If PNM exercises the Option, the balance of the Purchase Price shall be paid by PNM to Owner at Closing (defined below) as set forth in Section 11.b, below.

4. **EXERCISE OF OPTION AND RENEWAL:**

PNM may exercise its initial Option to purchase the Solar Property at any time on or before the Termination Date, by delivery to Owner of written notice thereof ("Option Notice"). The Option may be renewed by PNM for an additional Option fee c and subject to Owner's written approval. PNM shall deliver to Owner a written notice ("Renewal Notice") of its intent to renew the Option fifteen (15) days in advance of the Termination Date. The renewed Option shall be in effect until the first day of the twelfth (12<sup>th</sup>) month following the date of the Renewal Notice ("Renewal Period"). The renewal Option fee shall be delivered to Owner as provided in Section 1 above, and will be credited against the payment of the Purchase Price should PNM exercise the Option. The initial Option Period and any renewal thereof shall be referred to throughout this Option Agreement as the Option Period.

5. **FAILURE TO EXERCISE OPTION:**

If PNM elects not to exercise its Option for any reason, PNM may deliver written notice to Owner of such election ("Termination Notice") and, except as otherwise provided in this Option Agreement, all further rights and obligations of the Parties hereunder shall be terminated. If PNM does not elect to exercise the Option and does not terminate the Option, the Option shall terminate automatically at the Termination Date, and, except as otherwise provided in this Option Agreement, all further rights and obligations of the Parties hereunder shall be terminated. In either case, Owner shall retain the Option Fee(s) so long as Owner has met its obligations under Section 1, above. PNM shall immediately direct the Title Company to release the Option Fee(s) and any interest thereon to Owner.

6. GOVERNMENTAL APPROVALS AND DUE DILIGENCE:

PNM may, at its own expense, during the Option Period, attempt to secure from the appropriate municipal or county offices all necessary approvals, including but not limited to zoning, subdivision of land, road dedication or vacation, soil survey, environmental and habitat studies on the Solar Property ("Governmental Approvals"), in order for PNM to own and use the Solar Property for PNM's intended use, and PNM may at any time during the Option Period, or if the Option is exercised, up until Closing, at its option and expense, have a Phase I environmental study performed on the Solar Property. Upon Owner's request, PNM shall provide copies of any studies conducted on the Solar Property.

Owner shall cooperate in good faith with PNM to secure all necessary governmental approvals and allow PNM to perform any due diligence activities or studies, including but not limited to, signing any necessary correspondence, consents, road vacation or dedication requests, or other related documents, and attending and participating in, as necessary, any public hearings in furtherance thereof. Owner has granted a right of entry to PNM to enter onto the Owner's Property for survey and other due diligence purposes as further provided below at Section 22, including, but not limited to, a Phase I environmental study if PNM so chooses.

7. SURVEY:

A sketch of the Solar Property is attached hereto as Exhibit A. Should the sketch as depicted on Exhibit A be determined to be incomplete or inaccurate, this shall not serve to invalidate this Option Agreement; a final survey will be completed to meet the requirements of the Title Company for purposes of issuing the Title Insurance Policy (defined below). A surveyor will be selected by PNM and a survey of the Solar Property will be completed as soon as practical after execution of this Option Agreement at PNM's expense (the "Survey"). The Survey shall be used by Owner for the purpose of obtaining a Lot Split Plat/ Lot Line Adjustment Plat (as defined below).

8. SUBDIVISION:

During the Option Period:

- (a) Owner shall cooperate in good faith with PNM in acquiring the Survey.
- (b) Owner shall cooperate in good faith in the submission of the plat to the appropriate office of Santa Fe County, New Mexico for review, and obtain approval of a Lot Split/Lot Line Adjustment Plat (the "Lot Split Plat"), creating a legal description of the Solar Property for conveyance to PNM. Owner will use its best efforts to obtain such approval upon terms that are reasonably acceptable to both Owner and PNM and shall consult with and obtain PNM's approval and consent prior to finalizing any Lot Split Plat. Upon obtaining approval, filing and recording such Lot Split Plat with the Santa Fe County Clerk, the recorded Plat shall provide the official legal description of the Solar Property to be used for the

Closing. If the legal description of the Solar Property is not complete or is inaccurate, this will not serve to invalidate this Option Agreement, and the legal description will be completed or corrected to meet the requirements of the Title Company for issuance of the Title Insurance Policy.

- (c) During the Option Period, Owner shall not subdivide the remaining portions of the Owner's Property by claiming an exemption to the applicable laws, ordinances and regulations regarding subdivision. During the Option Period, Owner shall provide PNM with written notice of Owner's intention or desire to subdivide any portion of the remaining Owner's Property before an application for a subdivision is made to any governmental entity.

9. TITLE POLICY:

If PNM exercises this Option, as soon as practical after delivery of the Option Notice, Owner shall at its expense order from the Title Company an interim title insurance binder ("Title Binder") showing that at Closing Owner will be able to deliver an owner's title insurance policy insuring PNM, as owner of the Solar Property, for the full amount of the Purchase Price, and showing that good and marketable fee simple title to the Solar Property is vested in Owner, free of all liens, encumbrances, tenancies and restrictions with no exceptions other than a standard printed exception on the form of the title insurance policy relating to taxes for current and future years (the "Title Insurance Policy").

If there are any exceptions in the Title Binder, other than such printed exception, that, in PNM's sole judgment, render the Solar Property, or any portion thereof, unusable for PNM's intended use, then PNM shall have thirty (30) days from the date of delivery to PNM of the Title Binder to so advise Owner. Owner shall then have thirty (30) days from receipt of such notice in which to cure such defects. If Owner does not take reasonable steps to cure such defects within the thirty (30) day period, then PNM may unilaterally terminate this Option Agreement. If PNM determines that any exception set forth in the Title Binder renders the Solar Property, or any portion thereof, unusable for PNM's intended use, then PNM shall have the unilateral right within such thirty (30) day period to terminate this Option Agreement, or, in its sole discretion, PNM may waive any or all of such exceptions and proceed to Closing.

10. THE CLOSING AND CLOSING COSTS:

"Closing" is defined as the date on which Owner is required to execute a Special Warranty deed transferring title to the Solar Property to PNM and PNM pays Owner the balance of the Purchase Price. If PNM exercises this Option, Closing shall be held at the offices of the Title Company as soon as practicable, but in no event later than fifteen (15) business days after PNM has notified Owner that an interim title insurance binder in conformity with Section 9 has been approved by PNM, and all requisite Governmental Approvals and due diligence activities have been obtained and completed to PNM's satisfaction pursuant to Sections 6 and 7. PNM shall pay all escrow fees and 50% of closing costs except that the Owner shall pay the costs of the title insurance and binder.

NBE-71

11. OBLIGATIONS AT CLOSING AND TRANSFER OF TITLE:

(a) By Owner: At Closing, Owner shall deliver to PNM:

- (i) a final title insurance binder updated as of the date of Closing and showing that the Solar Property continues to be free and clear of all liens, encumbrances, tenancies, restrictions and other matters of record, other than such as may have been waived, accepted and/or agreed to in writing by PNM;
- (ii) a good and sufficient Special Warranty deed in proper recordable form, conveying the Solar Property to PNM or its nominee good and marketable fee simple title to the Solar Property, free and clear of all liens, encumbrances and restrictions other than such as may have been approved by PNM;
- (iii) the Title Insurance Policy;
- (iv) an affidavit for Title Company, whereby Owner agrees to allow the Title Company to remove deleteable, standard, printed exceptions (see Schedule B); and
- (v) an affidavit whereby Owner attests that it is not a Foreign Person, Foreign Company, Corporation or Partnership, or a non-resident Alien subject to the Foreign Investment in Real Property Tax Act of 1980 (FIRPTA) income tax withholding.

Owner further agrees to provide a copy of the deed to PNM prior to Closing for PNM's approval.

(b) By PNM: At Closing, PNM shall pay the balance of the Purchase Price after deduction of the Option Fee.

12. OWNER REPRESENTATIONS AND WARRANTIES:

Owner hereby represents and warrants to PNM that as of the Effective Date of this Option Agreement and at Closing:

- (a) there is no civil or administrative or other legal action or disputes against or involving the Solar Property;
- (b) it owns, or will own prior to PNM's exercise of this Option, the Solar Property in fee simple, subject to no liens, encumbrances, mortgages, easements, servitudes, liens, unpaid taxes or any other charges or encumbrances;
- (c) it has full rights of entry;
- (d) it is, or will be prior to PNM's exercise of this Option, fully authorized to enter into this Option Agreement, to sell the Solar Property, and to grant the rights and agree to the terms and conditions herein; and
- (e) it has not left, buried or disposed of any pollutant, contaminant, industrial waste, or hazardous material on or in the Solar Property, and has no knowledge of the existence of such waste or material on the Solar Property.

NBE-72

13. PNM REPRESENTATIONS AND WARRANTIES:

PNM hereby represents and warrants to Owner that as of the Effective Date of this Option Agreement and at Closing:

- (a) PNM is a corporation duly organized, validly existing and in good standing under the laws of the State of New Mexico, has corporate power to carry on its business as it is now being conducted, and is qualified to do business in the State of New Mexico;
- (b) PNM has the full right, power and authority to enter into this Option Agreement and each agreement, document and instrument to be executed and delivered by PNM pursuant to this Option Agreement and to carry out the transactions intended in this Option Agreement. No waiver or consent of any person is required in connection with the execution, delivery and performance by PNM of this Option Agreement and each agreement, document and instrument to be executed and delivered by PNM pursuant to this Agreement;
- (b) The undersigned PNM representative has the full right, power and authority to enter into this Option Agreement on PNM's behalf;
- (c) PNM has received the requisite corporate authority and approvals to deliver the Option Fee(s) into escrow;
- (d) PNM intend to purchase the Solar Property for its own use and investment, and no sale to any third party by PNM is contemplated now or in the future; and
- (e) PNM has neither made any representations to Owner that it knows to be untrue, nor has it made any material omissions in an effort to encourage Owner to enter into this Option Agreement upon the terms and conditions contained herein.

14. OWNER'S OR PNM'S FAILURE TO CLOSE:

If either the Owner or PNM willfully and wrongfully fails to close this transaction for any reason, except as provided in this Option Agreement, and if PNM or the Owner has fully performed or tendered performance of all the obligations as provided in this Option Agreement, then the Owner or PNM may specifically enforce performance of this Option Agreement and may recover any other remedies available to it at law or equity, including, but not limited to recovery of its attorneys' fees and costs.

NBE-73



15. SUCCESSORS AND ASSIGNS:

PNM may not transfer, assign or convey any interest in whole or in part under this Option Agreement without obtaining the prior written consent of Owner, which consent shall not be unreasonably withheld, unless such assignment is to an Affiliate of PNM because of the reorganization of the assets, business function or structure of PNM, in which case only reasonable written notice provided by PNM to Owner shall be required, and the prior written consent of the Owner shall not be required. Owner may transfer, assign or convey its interest in whole or in part under this Option Agreement to a trustee of a revocable trust which the Owner, as settlor, has established, in part, for the Owner's benefit or for the benefit of the Owner's spouse or descendants. In such case, reasonable written notice to PNM by Owner shall be required, and the prior written consent of PNM shall not be required. All of the terms and provisions of this Option Agreement run with the land and shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns.

16. EXCLUSIVE AGREEMENT:

This Option Agreement shall constitute an exclusive arrangement between the Parties, and from and after the Effective Date of this Option Agreement, the Owner, its agents, affiliates, employees, contractors, or representatives, shall not negotiate for or otherwise deal in the sale, purchase, or lease of the Solar Property with any person or entity while this Option Agreement is in effect.

17. SURVIVAL:

All statements made by Owner and PNM contained in this Option Agreement will be deemed representations and warranties made by Owner and PNM and will survive Closing.

18. NOTICES:

- (a) All notices and requests permitted or required to be given hereunder shall be in writing and shall be deemed effective:
  - (1) On the date delivered, if hand delivered, or
  - (2) On the date mailed by registered or certified U.S. Mail, return receipt requested, with adequate postage affixed, or
  - (3) On the date when sent, charges pre-paid, if delivered by reputable commercial overnight delivery service or U.S. Express Mail as evidenced by service receipt or by express mail postmark.

NBE-74

- (b) All notices shall be addressed to the addressee at the address written below or to the owner of record, if different, at the address of record or at such other address as either Party shall designate in writing in the manner provided by this Section 17.

19. CHOICE OF LAW:

This Option Agreement shall be construed under the laws of the State of New Mexico without regard to any conflicts of law or choice of law rules that would direct the application of the laws of another jurisdiction.

20. BROKERS OR AGENTS:

Neither Owner nor PNM have utilized the services of a broker or other agent in connection with this Option Agreement.

21. MODIFICATIONS OR AMENDMENTS:

This Option Agreement may not be amended, modified or changed, nor shall any waiver of any provision hereof be effective except by an instrument in writing and signed by the Party against whom enforcement of any such waiver, amendment, modification, change or discharge is sought. This Option Agreement represents the entire agreement and understanding of the Parties hereto with reference to the transactions set forth herein, and no representations, warranties or covenants have been made in connection with this Option Agreement other than those expressly set forth herein, in the exhibits, schedules, certificates, agreements and other documents delivered in accordance herewith. This Option Agreement supersedes all prior negotiations, discussions, correspondence, communications, understandings and agreements between the Parties relating to the subject matter of this Option Agreement.

22. RIGHT OF ENTRY:

While this Option Agreement is in effect Owner hereby grants and agrees to allow PNM and its authorized agents, employees, contractors, subcontractors, successors, and assigns the right to immediate entry and free and unfettered access to and from the Solar Property and adjoining lands owned by Owner as reasonably required and at such reasonable times to conduct the survey and all due diligence activities and studies ("Right of Entry"). The duration of the Right of Entry shall last until the survey and all due diligence work and studies are completed to the satisfaction of PNM.

23. COUNTERPARTS:

This Option Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

NBE-75

24. RECORDATION:

This Option Agreement shall be executed in recordable form, and, if PNM elects, a redacted version may be recorded at its expense with the County Clerk of Santa Fe County, New Mexico. For purposes of this Option Agreement, a redacted version of the Option Agreement shall eliminate all financial details of the transaction.

IN WITNESS WHEREOF, PNM and Owner have executed this Option Agreement as of the date(s) set forth above.

OWNER:

By: Richard P. Cook  
(Signature)

Date: 05-13-14

Name (Print): Richard P. Cook  
Notice Address:  
c/o Katharine Cook Fishman, Esq.,  
PO Box 38  
Espanola, New Mexico 87532

PUBLIC SERVICE COMPANY OF NEW MEXICO:

By: Gary Barnard  
(Signature)

Name: Gary Barnard  
Title: Director, Renewable Generation Development

Date: 5/14/2014

Notice Address:  
PNM Land Services Department  
2401 Aztec Road NE, Bldg. A  
Albuquerque, New Mexico 87107

NBE-76

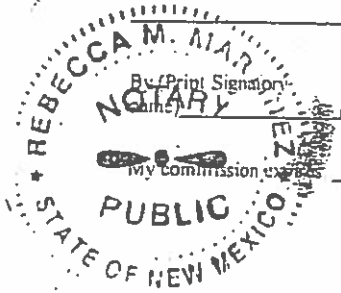
ACKNOWLEDGEMENTS

For Owner:

STATE OF NEW MEXICO  
COUNTY OF RIO ARRIBA

This instrument was acknowledged before me on

May 13, 2014



By (Print Signatory name)

Richard P. Cook

My commission expires

March 31, 2017

Notary Signature

For PNM

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO

This instrument was acknowledged before me on

May 14

2014

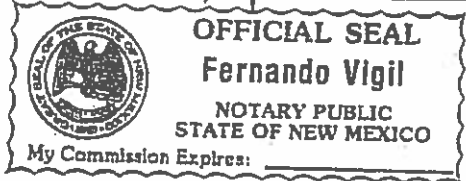
By (Print Signatory name)

Gary Barnard

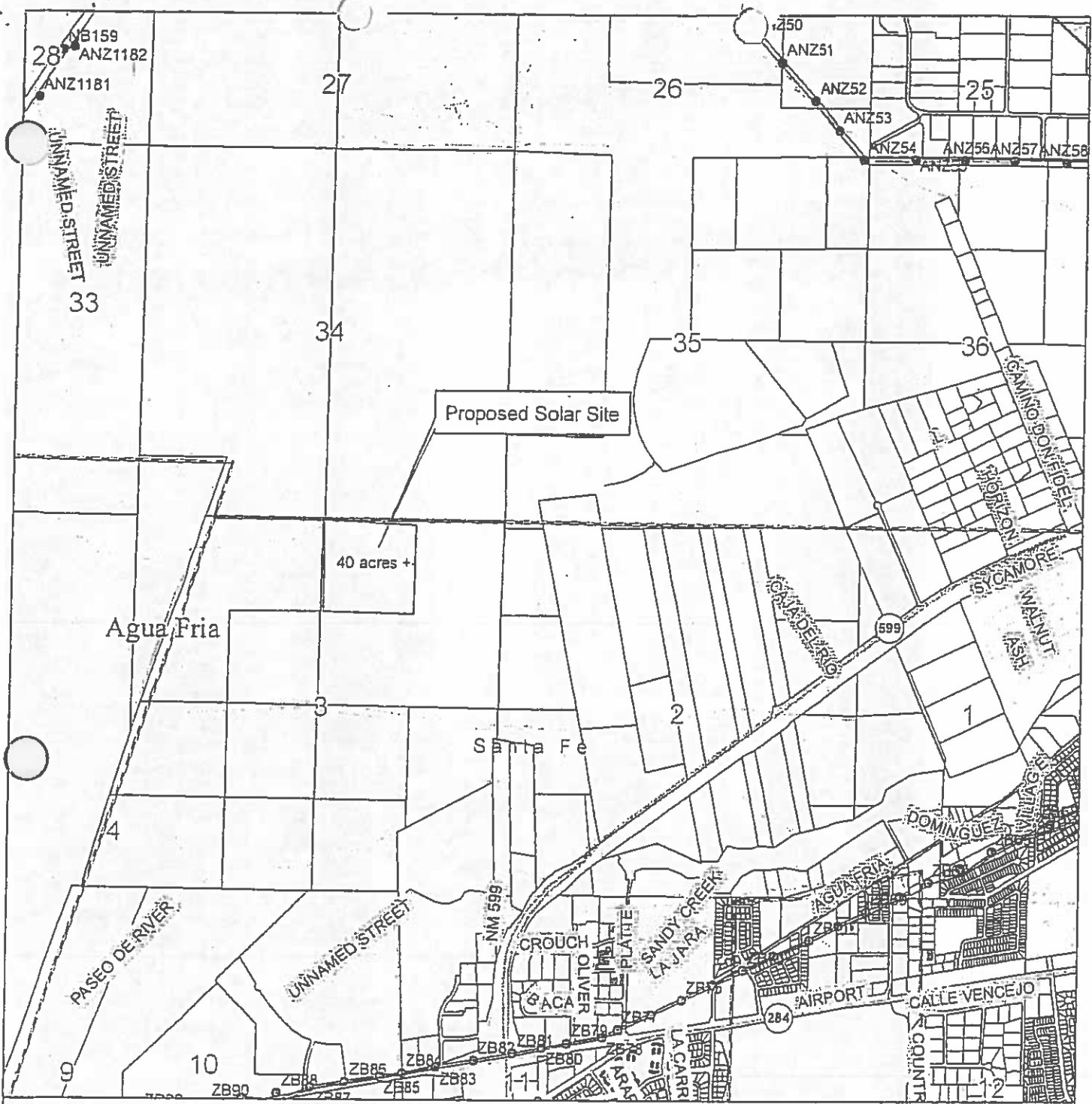
My commission expires

April 16<sup>th</sup>, 2018

Notary Signature



NBE-77



# Exhibit A The NW 1/4 and a portion of the NE 1/4

Quad Map: Agua Fria  
Section: 3  
Township: 16N  
Range: 08E  
County: Santa Fe, New Mexico  
Not to scale/Cook Offer



NBE-78





**PUBLIC NOTICE**

Notice is hereby given that an application has been filed with Santa Fe County for **MASTEC, INC.** ZONING, PRELIMINARY AND FINAL DEVELOPMENT PLAN TO ALLOW A FIVE MEGAWATT ELECTRIC SOLAR FACILITY ON A 40-ACRE SITE.

Name of Applicant: **PUBLIC SERVICE COMPANY OF NEW MEXICO**  
Address of Requester: **Access via CASH DEL RIO ROAD**  
Legal Description: Section **3** Township **16** North Range **9** East NMPM Santa Fe County, New Mexico.

A PUBLIC HEARING will be held at the Old Santa Fe County Courthouse, corner of Palace and Grant Avenues, Santa Fe, New Mexico on **the 10th** day of **February 2015** at **6:00 PM** before the **BOARD OF COUNTY COMMISSIONERS**.

Further information can be obtained by contacting:

the Land Use Department, P.O. Box 276, Santa Fe, NM 87504  
Phone: 505/988-8225 Development Permit # **14-5370**

EXHIBIT

14

NBE-79







LEGAL # 97940

CDRC CASE #  
Z/PDP/FDP 14-5370  
PNM Caja del Rio So-  
lar Energy Center  
Project

### NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held to consider a request by Public Service Company of New Mexico for Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 5 megawatt electric Solar Facility on a 40 acre site. The property is located north of New Mexico Highway 599 and takes access via Caja del Rio Road, within Section 3, Township 16 North, Range 8 East, (Commission District 2).

A public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on the 10th day of February, 2015, at 5 p.m. on a petition to the Board of County Commissioners.

Please forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Commission taking action.

All comments, questions and objections to the proposal may be submitted to the County Land Use Administrator in writing to P.O. Box 276, Santa Fe, New Mexico 87504-0276; or presented in person at the hearing.

Please forward affidavit of publication to the County Land Use Administrator, P.O. Box 276, Santa Fe, New Mexico 87504-0276.

Published in The Santa Fe New Mexican on January 20, 2015

Account Number

2300

Ad Order Number

0000105870

PNM REGULATORY POLICY DEPT

Caja

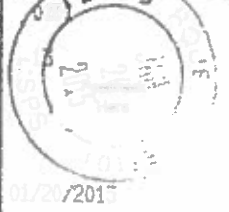
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U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

ESPANOLA NM 87532  
**OFFICIAL USE**

Postage	\$ \$0.49
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$2.70
Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$ \$6.49</b>



Sent to **Antonio Baca**  
 Street, Apt. No., or PO Box No. **2246 Monarc Rd**  
 City, State, ZIP+4® **Tucson, AZ 85749** *Caja*

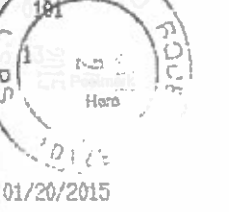
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U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
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For delivery information visit our website at [www.usps.com](http://www.usps.com)

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<b>Total Postage &amp; Fees</b>	<b>\$ \$6.49</b>



Sent to **Santa Fe Business Park**  
 Street, Apt. No., or PO Box No. **PO Box 38**  
 City, State, ZIP+4® **Escondido, NM 87532** *Caja*

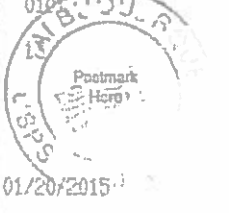
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U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

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Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$ \$6.49</b>



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Postage	\$ \$0.49
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$2.70
Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$ \$6.49</b>



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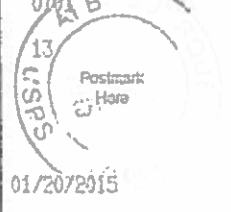
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Postage	\$ \$0.49
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$2.70
Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$ \$6.49</b>



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 Street, Apt. No., or PO Box No. **170 Claremont Ave #14**  
 City, State, ZIP+4® **New York, NY 10027** *Caja*

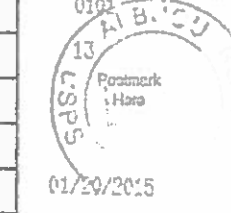
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ESPANOLA NM 87532  
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Postage	\$ \$0.70
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$2.70
Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$ \$6.70</b>



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NBE-82

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015 14 8757

Postage	\$ 59.45	015
Certified Fee	\$ 3.70	25
Return Receipt Fee (Endorsement Required)	\$ 2.75	5
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 65.90	11/20/2015

Send to:  
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 or P.O. Box #  
 City, State, ZIP+4®

Taos Field Office Field mgr.  
 2216 Cruz Alta Road  
 Taos, NM 87571 Caja

7006 3450 0000 4947 5253

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SANTA FE 14 87504

Postage	\$ 50.45	015
Certified Fee	\$ 3.70	13
Return Receipt Fee (Endorsement Required)	\$ 2.75	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 56.90	01/20/2016

Send to:  
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 or P.O. Box #  
 City, State, ZIP+4®

Museum of NM (CNMA)  
 PO Box 2087  
 Santa Fe, NM 87504 Caja

NBE-83

7014 1200 0000 7553 8979

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Postage	\$	Postmark Here  <i>Sent 2/16/15</i>
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Total Post: Pueblo of Tesuque

Sent to: The Honorable Milton Herrera, Governor  
 Route 42, Box 360-T  
 Santa Fe, NM 87506

Street, Apt. or PO Box:  
 City, State:

PS Form 3800, August 2006 See Reverse for Instructions

7014 1200 0000 7553 9648

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Postage	\$	Postmark Here  <i>Sent 2/16/15</i>
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Total Post: Charyb KG German Limited Partnership

Sent to: Ammersee St. #25  
 Innins, Germany 8226

Street, Apt. or PO Box:  
 City, State:

PS Form 3800, August 2006 See Reverse for Instructions

**EXHIBIT**  
**15**

*NIB E-84*

#### 4.4 Design Standards and Review Criteria

In addition to the other requirements of the Code, the following standards and criteria will be applied in the review process:

##### 4.4.1 Submittals



- a. To zone or re-zone any parcel for a commercial or industrial non-residential district a master plan shall be submitted. Submittals and procedures for master plans are set forth in Article V, Section 5.2.
- b. A development plan shall be submitted for individual uses to be permitted within the district, as follows:

- 1) Vicinity Map: A vicinity map drawn at a scale of not more than one inch equals two thousand feet (1"=2000') showing contours at twenty foot (20') intervals showing the relationship of the lot, tract or parcel to its general surroundings, and the location of all existing drainage channels, water courses and water bodies within one mile of the development site.

- 2) Existing Site Data: A description of existing conditions on or adjacent to the lot, tract or parcel, including proof that the parcel is a legal lot of record. Maps shall be at a scale of one inch (1") to one hundred feet (100') or larger and shall include the following:

- (a) Boundary lines, bearings and distances: The error or closure shall be of a third order survey, and no discrepancy between computed and measured distances shall exceed one (1) part in one thousand two hundred eighty (1,280) parts.
- (b) Easements: Location, width and purposes.
- (c) Streets on and immediately adjacent to the tract, name and right-of-way width.
- (d) Utilities on and immediately adjacent to the tract.
- (e) Owners of record or unplatted land and existing subdivision plats by name and recordation, shall be shown for property within one thousand feet (1,000') of that tract.
- (f) Title and certificates: Present tract designations according to official records in the County Clerk's Office, title under which the proposed development is to be recorded with name and address of owner, notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any, certification of the engineer or land surveyor licensed in accordance with the laws of the State of New Mexico who prepared the plat.

- 3) Site Plan

- (a) The site plan consisting of a map and other drawings or documents drawn to a scale of one inch (1") to one hundred feet (100'), or larger, shall show the following:

- (1) proposed arrangement of buildings;
- (2) proposed off-street parking and loading facilities;
- (3) proposed access to the site and internal vehicular circulation;
- (4) existing and proposed landscaping;
- (5) proposed location and type of fences, walls, and signs;
- (6) drainage and grading plan indicating existing and proposed contours; soils and flood plain areas;
- (7) a lighting plan;



