

Camilla Brom

Exhibit 26

Santa Fe County Planning Commission Final Order on the Rancho Viejo Solar Project
Conditional Use Permit

Justin S. Greene
Commissioner, District 1

Lisa Cacari Stone
Commissioner, District 2

Camilla Bustamante
Commissioner, District 3



SANTA FE COUNTY

Adam Fulton Johnson
Commissioner, District 4

Hank Hughes
Commissioner, District 5

Gregory S. Shaffer
County Manager

CASE NO. 24-5200

**RANCHO VIEJO SOLAR, LLC CONDITIONAL USE PERMIT (CUP)
RANCHO VIEJO LIMITED PARTNERSHIP, RANCHO VIEJO SOLAR, LLC,
AES CLEAN ENERGY DEVELOPMENT, LLC, APPLICANTS**

ORDER

THIS MATTER came before the Santa Fe County Planning Commission ("Commission") for hearing on February 3 and 4, 2025, on the application of Rancho Viejo Limited Partnership, Rancho Viejo Solar, LLC, and AES Clean Energy Development, LLC (jointly, the "Applicant"), for a conditional use permit to allow a 96-megawatt solar facility on 684+/- acres of an 828-acre tract (the "Property"). The proposed solar facility is to be located at 211 Twilight Way, which will be accessed via NM Hwy. 14. The subject property is zoned Rural Fringe (RUR-F). The Sustainable Land Development Code (Ordinance No. 2016-9; hereafter SLDC), at Appendix B (Use Matrix), illustrates that a commercial solar energy production facility is a Conditional Use within the RUR-F zoning district. In addition, the Applicant requested a twelve (12) month extension to the twenty-four (24) month time frame within which substantial construction must commence, as authorized by SLDC Section 4.9.6.10. The Commission, having reviewed the Application, staff report, and Hearing Officer's recommended decision, and having conducted a public hearing, finds that the Application (including the requested 12-month extension) is well-taken and should be approved. The Commission makes the following findings of fact and conclusions of law.

APC CHECK RECOMMENDED 2/24/2025

I. FINDINGS OF FACT

A. FACTUAL BACKGROUND

1. Applicant proposes a 96-megawatt solar facility on an 828-acre tract. The proposed solar facility will consist of a 680-acre solar facility, a 1-acre collector substation, a 3-acre battery energy storage system (BESS) containing no more than 38 CEN 40-foot containers, a 30,000-gallon above-ground water tank for fire protection, a maximum 5,000-gallon above ground water tank for potable water, and a 1,400-square foot operations building approximately 18-feet in height with an onsite septic system. Offsite and onsite improvements will consist of a 2.3-mile generation tie-in line (gen-tie) with 70-foot-tall steel monopoles within existing easements, and a 2.1-mile access road also within an existing easement.
2. The Property is in SDA-2, within Section 8, Township 15 North, Range 9 East (Commission District 5).
3. The proposed facility is a commercial solar energy production facility as that term is defined in Appendix A to the SLDC, and is therefore a conditional use within the RUR-F zoning district.

B. PROCEDURAL BACKGROUND

4. On November 4, 2021, as required by Table 4-1 and Section 4.4.3 of the SLDC, the Applicant presented the proposed CUP to the Technical Advisory Committee (TAC) at the regularly-scheduled bi-monthly meeting.
5. On August 22, 2024, as required by Table 4-1 and Section 4.4.4 of the SLDC, the Applicant conducted a pre-application neighborhood meeting on the CUP. The Applicant notified surrounding property owners as well as Certified

Organizations (CO) and Registered Organizations (RO) of the meeting. A list of persons sent a mailing is contained in the record.

6. This Application was submitted on August 30, 2024.
7. On December 4, 2024, this request was presented to the Sustainable Land Development Code Hearing Officer. The Hearing Officer memorialized findings of facts and conclusions of law in a Recommended Order on this request. The recommendation of the Hearing Officer, based on the evidence presented, was for denial of the Conditional Use Permit request to allow a 96-Megawatt solar facility on an 828-acre tract within the Rural Fringe (RUR-F) zoning district.
8. Notice requirements were met as per SLDC Section 4.6.3, *General Notice of Application Requiring a Public Hearing*. In advance of a hearing on the application, the Applicant provided an affidavit confirming that public notice regarding the application was posted for fifteen days on the Property, beginning on November 13, 2024. Additionally, notice of hearing was published in the Santa Fe New Mexican on November 19, 2024, as evidenced by a copy of that notice contained in the record. Notice of the hearing was sent to owners of land within 500 feet (in fact, to owners of land within 1,120 feet) of the larger parcel of which the Property was a part until a subdivision of the larger parcel occurred in 2024, as well as to parties with standing and any pertinent CO's and RO's. A list of persons sent a mailing is contained in the record.
9. At the February 3, 2025 hearing, which carried over to February 4, forty-four (44) individual testified with eleven (11) individuals supporting and thirty-three (33) opposing the application. The issues identified were i) safety concerns due to explosion, possible gas emissions and thermal runaway resulting in wildfire; ii)

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the need for energy from renewable sources; iii) the impact on neighboring properties, both with respect to visibility and valuation; iv) the Applicant's history of fires, safety violations and pollution at its facilities across the county; v) the potential for lower and more consistent pricing for electricity; vi) potential loss of or inability to obtain home insurance; vii) location of proposed site relative to neighboring communities; viii) evacuation planning; ix) risk of known nearby of above ground natural gas regulator; x) concern of noise pollution; xi) location of proposed overhead transmission lines; xii) ground water and surface pollution; xiii) increased fire danger due to surrounding vegetation; xiv) fear of the use of older an outdated technology at the time development begins; xv) chemical used in fire suppression system; xvi) proposed solar project aligns with Santa Fe County's goals for the SGMP and SLDC; xvii) negative effects to the environment when life of the project ends; xviii) negative effects to the wildlife in the surrounding area; and xix) the need of solar power and battery energy storage.

C. CODE REQUIREMENTS

10. The applicable provisions of the SLDC are the following:

Section 4.9.6, Conditional Use Permits; and

Chapter 7, Sustainable Design Standards.

II. CONCLUSIONS OF LAW

11. The review comments from Santa Fe County Fire, third-party reviewer Atar Fire, the State Historical Preservation Office (SHPO), and reviews from County staff allow us to conclude that this application is in compliance with pertinent design, safety and fire standards set forth in the SLDC.

12. Based on evidence presented at the hearing, the Commission concludes that the Applicant has satisfied the Code criteria for approval of a Conditional Use Permit to allow a 96-megawatt solar facility on 684+/- acres of an 828-acre tract. The Commission also concludes that it is reasonable to grant a 12-month extension of the time frame in which substantial construction of the facility must commence, to a total of 36 months.
13. The Commission concludes that the proposed use will not:
 - a. be detrimental to the health, safety and general welfare of the area;
 - b. tend to create congestion in roads;
 - c. create a potential hazard for fire, panic, or other danger;
 - d. tend to overcrowd land and cause undue concentration of population;
 - e. interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
 - f. interfere with adequate light and air; and
 - g. be inconsistent with the purposes of the Property's zoning classification or in any other way inconsistent with the spirit and intent of the SLDC or SGMP.
14. The conditions recommended by staff are reasonable and appropriate to ensure compliance with the SLDC.

WHEREFORE, by a majority [6-1] roll call vote, the Planning Commissioner hereby approves the Application for a Conditional Use Permit tract with an extension of twelve (12) months to allow a 96-Megawatt solar facility on an 828-acre tract located at 211 Twilight Way within Section 8, Township 15 North, Range 9 East (Commission District 5), subject to the following staff conditions:

- a. Compliance with all Reviewing Agencies' requirements, including the 90

conditions imposed by Santa Fe County Fire Prevention (see memo from Fire Marshal's office).

- b. The drilling or use of individual and/or shared wells for this use on this property is prohibited.
- c. The Applicant shall provide proper buffering and screening by installing a paneled fence to a portion of the proposed 8' tall fence that will be located on the southwest portion of the Property.
- d. Permanent fencing will be required around all designated archeological sites to delineate and preserve the integrity of these areas.
- e. Prior to the recordation of the CUP site development plan, all access roads shall be permitted through Santa Fe County, built out and inspected, with financial guaranties in place.
- f. The CUP site development plan showing the site layout and any other conditions that may be imposed through the approval process shall be recorded at the expense of the Applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.6.8.
- g. Utilization of the 70-foot-tall steel monopoles will be required, as they have less of a visual impact. The poles will be required to blend into the natural landscape and shall be non-reflective.
- h. A decommissioning bond (may contain salvage value) will be required prior to recordation of the CUP Site Development Plan, and must be in place for the life of the project.
- i. The Applicant will be required to apply for all applicable Development Permits after the CUP recordation.

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- j. Prior to recordation of the CUP Site Development Plan, the Applicant will be required to renew its access permit from NMDOT.
- k. Applicant shall obtain an approved liquid waste permit from NMED prior to the submittal for a Development Permit.
- l. The Applicant is required to work in consultation with the appropriate flood zone authorities to address the requirements specified in Chapter 7, Section 7.18.9.1. of the SLDC for any steel monopole located within a Zone A flood hazard area and submit the findings to staff for the record.
- m. Construction activity to be limited to a Monday-through-Saturday 7am to 7pm work schedule. Any deviation from these construction hours will require 48 hours' notice to Santa Fe County and neighboring property owners.
- n. Prior to operations, the Applicant shall request and pass all required inspections and obtain a Santa Fe County Business License.
- o. A detailed water budget is to be submitted and reviewed by Glorieta Geoscience and Santa Fe County Utilities Division.
- p. The Applicant will be required to provide a Smoke and Plume Model that will be reviewed by Santa Fe County Fire Prevention prior to the recordation of the CUP.
- q. Santa Fe County shall be reimbursed by the Applicant for the third-party reviews conducted by Atar Fire and Glorieta Geoscience pertaining to this submittal prior to the recordation of the CUP.
- r. Per Santa Fe County Fire Prevention requirements, a 10' noncombustible defensible space will be required as part of an overall 30' defensible space around the perimeter of the proposed development and to be illustrated on the recorded CUP Site Development Plan.

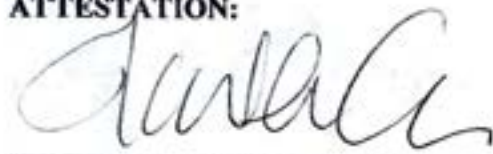
- s. Construction debris must be disposed of in a solid waste container and hauled off to an authorized landfill as needed for compliance with NMED regulations.

APPROVED AND ADOPTED this 20th day of March, 2025.

SANTA FE COUNTY PLANNING COMMISSION


Erik Aaboe, Chairperson

ATTESTATION:


Katharine E. Clark, County Clerk



APPROVED AS TO FORM:


Walker Boyd, County Attorney

SFC CLERK NEW MEXICO DEED 03/24/2025

SFC CLERK RECORDED 03/24/2025

COUNTY OF SANTA FE) PLANNING COMMISSION OR
STATE OF NEW MEXICO) ss PAGES: 9

Witness My Hand And Seal Of Office
Katharine E. Clark
County Clerk, Santa Fe, NM



Camilla Brom

Exhibit 27

Development Permit Applications for Rancho Viejo Solar Project; 1/26/23 and 8/30/24



BUILDING AND DEVELOPMENT SERVICES AND
SANTA FE COUNTY FIRE PREVENTION DIVISION
DEVELOPMENT PERMIT APPLICATION



Applicant Name: (Present &/or Former Names) _____ Development Permit Number _____ Project Manager/Type/Date Received _____

Development Fees Paid ☐ Y ☐ N Amount: _____ Fire Impact Fee Paid ☐ Y ☐ N Amount: _____ Total Fees Paid: _____
(Additional Fire Inspections will be charged a minimum \$25.00 fee)

For official use only

Type of Development Permit:
(Indicate all that apply)

☒ Site Dev. Plan ☐ Conceptual Plan ☐ Conceptual Use ☐ Residential Bldg. Plan ☐ Commercial Bldg. Plan ☐ Accessory Structure ☐ Driveway
☐ Lot Line Adj. ☐ Summary Rev Sub. ☐ Major Sub. ☐ Minor Sub. ☐ Com. Sub. ☐ Sprinkler/Alarm ☐ Mobile Home ☒ Solar ☐ Other Conditional Use

Wildland Hazard Rating: ☐ Moderate ☐ High ☐ Very High ☐ Extreme ☐ N/A Fire District _____

Fire Protection Water Source: ☐ Fire Hydrant ☐ Draft Hydrant ☐ Pond ☐ Other _____ Driveway length: _____ Width: _____

PROPERTY OWNER INFORMATION: First Name: Warren Last Name: Thompson

Mailing Address: Rancho Viejo Limited Partnership - P.O. Box 236 Santa Fe, NM Zip: 87504

Rural address of Project: 4152 NM 14 Zip: 87508

Written Directions to Project Site: The Rancho Viejo Solar Project is located in Santa Fe County east of NM 14 in the vicinity of the existing Turquoise Trail Charter school.

Gate Code 2744

Cell Phone: (505) 474-4870 Home Phone: _____ Email address: warrenthompson@mac.com

Contractor / Company Name: _____ Address: _____

Cell Phone: () - - Work Phone () - - Contractor's License # _____

PROJECT DESCRIPTION: PV solar (96 MW), battery storage (48 MW), and 115kV gen-tie line

Section: 2, 3, 4, 5, 6, 7, 8, and 9 Township: 15 North Range: 9 East Commission District: 6 Parcel ID: 910008950, 992220715, 910008952, 99309984

UPC Number: 1050088266365000000, 1053091003501000000, 1048089254260000000 Plat Book: 650 Page: 47, 48 Date Recorded: April 5, 2007

Warranty Deed Instrument #: 424555 Date Recorded: 7/24/1981 Subdivision Name: _____

Acres: _____ Estimated Completion Date: _____ Valuation: _____

Proposed Number of Dwellings Onsite: 0 Existing: 0 Total: 0

Proposed Number of Lots Onsite: _____ Existing: 1 Total: 1

Proposed Roofed Area Sq. Ft.: 0 Existing Roofed Area Sq. Ft.: 0 Total Roofed Area Sq. Ft.: 0

Lot Number: _____ Phase: _____ Affordable Unit: ☐ Yes ☐ No All Weather Access: ☒ Yes ☐ No* (*Access improvements required)

County Road: ☐ Yes* ☒ No (*Access Permit DPIV required) Legal Access: ☒ Yes ☐ No

FEMA 100-year floodplain: ☐ Yes* ☒ No Zone _____ Panel Number: _____ D (*Floodplain Dev. Permit required)

NMED Septic Permit: ☐ Yes ☒ No Community Sewer System ☐ Yes ☒ No Water Restrictions: ☐ Yes* ☒ No Book _____ Page _____

Shared Well: ☐ Yes* ☒ No *Share Agreement Inst. # _____ Well Meter Reading: _____

Well Permit # _____ Well Meter Serial Number: _____ Meter Type _____ Unit of Measure: _____

Community Water System: ☐ Yes* ☒ No (*Water Service Letter Required) Cistern Required: ☐ Yes ☒ No Rain barrels Required: ☐ Yes ☒ No

Proof of Taxes: ☒ Yes ☐ No (SLDC Zoning): ☐ A/R ☐ RUR ☐ RUR-F ☐ RUR-R ☐ RES-F ☐ RES-E ☐ RES-C ☐ TC ☐ CN ☐ CG ☐ IL ☐ I ☐ MU ☐ PD

Owner Acknowledgment or Authorized Representative: Signature: [Signature] Date: 1/26/2008

By signing I acknowledge all information is true and accurate, and I authorize Santa Fe County staff to conduct necessary inspections on my property as related to this permit application. I agree and I understand that the issuance of any subsequent permits does not prevent the Santa Fe County Fire Prevention Division from requiring additional compliance with the provisions of the Santa Fe County Fire Code as adopted by the Board of County Commissioners.

Type of Permit Issued: _____ Date: _____
Approved By: _____ Date: _____
Redlines ☐ Yes ☐ No Inspections Conducted: ☐ Initial ☐ Pre-Final ☐ Final Certificate of Completion ☐ Yes ☐ No



BUILDING AND DEVELOPMENT SERVICES AND
SANTA FE COUNTY FIRE PREVENTION DIVISION
DEVELOPMENT PERMIT APPLICATION



Applicant Name: (Present &/or Former Names) _____ Development Permit Number _____ Project Manager/Type/Date Received _____

Development Fees Paid ☐ Y ☐ N Amount: _____ Fire Impact Fee Paid ☐ Y ☐ N Amount: _____ Total Fees Paid: _____
(Additional Fire Inspections will be charged a minimum \$25.00 fee)

For official use only

Type of Development Permit:

(Indicate all that apply)

☒ Site Dev. Plan ☐ Conceptual Plan ☐ Conceptual Use ☐ Residential Bldg. Plan ☐ Commercial Bldg. Plan ☐ Accessory Structure ☐ Driveway
☐ Lot Line Adj. ☐ Summary Rev Sub. ☐ Major Sub. ☐ Minor Sub. ☐ Com. Sub. ☐ Sprinkler/Alarm ☐ Mobile Home ☒ Solar ☐ Other Conditional Use

Wildland Hazard Rating: ☒ Moderate ☐ High ☐ Very High ☐ Extreme ☐ N/A Fire District: Turquoise Trail

Fire Protection Water Source: ☐ Fire Hydrant ☒ Draft Hydrant ☐ Pond ☒ Other ~30,000 gallon tank Driveway length: _____ Width: _____

PROPERTY OWNER INFORMATION: First Name: Warren Last Name: Thompson

Mailing Address: Rancho Viejo Limited Partnership - P.O. Box 236 Santa Fe, NM Zip: 87504

Rural address of Project: 4152 NM 14 Zip: 87508

Written Directions to Project Site: The Rancho Viejo Solar Project is located in Santa Fe County east of NM 14 in the vicinity of the existing Turquoise Trail Charter School.

Gate Code

Cell Phone: (505) 474-4870 Home Phone: _____ Email address: warrenthompson@mac.com

Contractor / Company Name: _____ Address: _____

Cell Phone: () _____ Work Phone () _____ Contractor's License # _____

PROJECT DESCRIPTION: PV Solar (96 MW), battery (48 MW), support facilities, and 115 kV gen-tie line.

Section: 2, 3, 4, 5, 7, 8, 9 Township: 15 North Range: 9 East Commission District: 6 Parcel ID: 910008950, 910008952, 99309984

UPC Number: 1050080266365000000, 1053091003501000000, 1048089254260000000 Plat Book: _____ Page: _____ Date Recorded: _____

Warranty Deed Instrument #: _____ Date Recorded: _____ Subdivision Name: _____

Acres: _____ Estimated Completion Date: _____ Valuation: _____

Proposed Number of Dwellings Onsite: 1 Existing: 0 Total: 1

Proposed Number of Lots Onsite: _____ Existing: 1 Total: 1

Proposed Roofed Area Sq. Ft.: 1,400 Existing Roofed Area Sq. Ft.: 0 Total Roofed Area Sq. Ft.: 1,400

Lot Number: _____ Phase: _____ Affordable Unit: ☐ Yes ☐ No All Weather Access: ☒ Yes ☐ No* (*Access improvements required)

County Road: ☐ Yes* ☒ No (Access Permit DPW required) Legal Access: ☒ Yes ☐ No

FEMA 100-year floodplain: ☒ Yes* ☐ No Zone _____ Panel Number: _____ D (*Floodplain Dev. Permit required)

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Shared Well: ☒ Yes* ☐ No *Share Agreement Inst. # _____ Well Meter Reading: _____

Well Permit # _____ Well Meter Serial Number: _____ Meter Type _____ Unit of Measure: _____

Community Water System: ☒ Yes* ☐ No (*Water Service Letter Required) Cistern Required: ☐ Yes ☒ No Rain barrels Required: ☐ Yes ☒ No

Proof of Taxes: ☒ Yes ☐ No (SLDC Zoning): ☐ A/R ☐ RUR ☐ RUR-F ☐ RUR-R ☐ RES-F ☐ RES-E ☐ RES-C ☐ TC ☐ CN ☐ CG ☐ IL ☐ I ☒ MU ☐ PD

Owner Acknowledgment or Authorized Representative: Signature: Joshua Mayer Date: August 30, 2024

By signing I acknowledge all information is true and accurate, and I authorize Santa Fe County staff to conduct necessary inspections on my property as related to this permit application. I agree and I understand that the issuance of any subsequent permits does not prevent the Santa Fe County Fire Prevention Division from requiring additional compliance with the provisions of the Santa Fe County Fire Code as adopted by the Board of County Commissioners.

Type of Permit Issued: _____ Date: _____

Approved By: _____ Date: _____

Redlines ☐ Yes ☐ No Inspections Conducted: ☐ Initial ☐ Pre-Final ☐ Final Certificate of Completion ☐ Yes ☐ No