

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2022- 05

AN ORDINANCE
AMENDING THE SUSTAINABLE LAND DEVELOPMENT CODE, ORDINANCE NO.
2016-9, TO ADD A DEFINITION OF COMMUNITY SOLAR, TO ADD A NEW
SECTION 10.25 TO ADDRESS STANDARDS FOR COMMUNITY SOLAR
FACILITIES AND TO ADD A NEW CLAUSE TO SECTION 8.11.3.5.2 TO
PROHIBIT A COMMUNITY OVERLAY DISTRICT FROM RESTRICTING THE
LOCATION AND PROCEDURES FOR INSTALLING COMMUNITY SOLAR
FACILITIES

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS
("BOARD") OF SANTA FE COUNTY ("COUNTY"):

1. The Board makes the following findings with regard to community solar:
 - a. The Board adopted and restated the Santa Fe County Sustainable Land Development Code ("SLDC") on December 13, 2016, via Ordinance No. 2016-9.
 - b. Community solar is a use not specifically enumerated in Use Tables and Use Matrix in Appendix B of the SLDC.
 - c. The SLDC identifies Commercial Solar within Use Matrix in Appendix B. However, the SLDC does not currently identify Community Solar within the Use table.
 - d. The New Mexico Governor signed the Community Solar Act, or SB84, into law on April 5, 2021.
 - e. The New Mexico Public Regulation Commission's Community Solar Rule was adopted on March 30, 2022.
 - f. The Board has determined that community solar should have different Use Tables and Use Matrix than Commercial Solar to accommodate the needs of community solar development.

2. Appendix A of the SLDC is hereby amended to include the following definition:

Community Solar Facility: is a facility governed by the 2021 New Mexico Community Solar Act (as may be amended) that generates, and may store, electricity by means of a solar photovoltaic device; subscribers to the facility receive a bill credit for the electricity generated in proportion to the subscriber's share of the facility's kilowatt-hour output.

SFC CLERK RECORDED 07/19/2022

Commercial Solar Energy Production Facility: is a renewable energy production facility that uses sunlight to generate, and may store, energy for sale or profit.

3. Chapter 10 of the SLDC is hereby amended to add a new section as follows:

10.25 Community Solar

10.25.1 Purpose and Findings- The purpose of regulating community solar is to facilitate the development of renewable resources to serve the County's constituents and to meet the goals of the Sustainable Growth Management Plan. The County aims to accommodate the needs of community solar development and to only require the minimum standards to attempt to minimize the adverse effects on neighboring properties.

10.25.2 Applicability

Community solar projects are considered a permitted use in all zoning Districts.

10.25.3 Standards

1. Buffering and screening is not required for ground mounted facilities. If fencing is proposed for security purposes, agricultural fencing with six (6) inch knots for wildlife is recommended.
2. External access roads for ground mounted facilities may reduce the road easement width for off-site and on-site driveways to no less than twenty (20) feet if adequate drainage control is provided and may allow the surface to be hardpacked dirt with compaction of 95% of the maximum density. If the access road adjoins a paved road, an asphalt or concrete apron of ten (10) feet in width will be required to protect the pavement.
3. On-site driveways for ground-mounted facilities may reduce standards as identified in Section 7.11.12.2 (additional standards for residential driveways), as access will be minimal for this type of development.
4. Disturbed area shall be reseeded with drought tolerant native plant species for pollinator friendly habitat. Weeds and plant materials shall be properly managed to reduce fire risks.
5. Utility lines shall comply with Section 7.12 of the SLDC. The connection between the community solar facility and the electric utility infrastructure shall be considered a local distribution facility.
6. A five (5) foot setback is required on all sides of a community solar facility that is twenty (20) feet in height or less. A community solar facility that is over twenty (20) feet in height shall meet the setback requirements of the zoning district in which the facility is located.

SFC CLERK RECORDED 07/19/2022

7. Community solar facilities located on a non-residential or multifamily rooftop shall be allowed to be eight (8) feet higher than the building on the rooftop of which the community solar facilities are located but in no event more than eight feet (8') above the height limit otherwise imposed on structures in that zoning district. Rooftop community solar facilities shall be set back five (5) feet from the sides of the building.

8. State approval shall be submitted prior to development permit issuance.

9. Community solar facilities shall be set back three-hundred (300) feet from rivers, streams, wetlands and all riparian areas.

10. Decommissioning

- a. The owner/operator shall, at its expense, complete decommissioning of the community solar facility within twelve (12) months after the end of the useful life of the facility. Decommissioning must occur in the event the facility is not generating electricity for twelve (12) consecutive months.
- b. Decommissioning shall include removal of all solar panels, structures, cabling, electrical components, roads, and foundations to a depth of thirty-six (36) inches, as well as any other associated facilities/equipment with satisfactory disposal and recycling of equipment. Disturbed earth shall be graded and reseeded with drought-tolerant native plant species.
- c. An independent and New Mexico state certified professional engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net of salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the County after the first year of operation and every fifth year thereafter.
- d. The owner/operator shall provide assurances that financial resources will be available to fully decommission the site.
- e. The owner/operator is required to post a bond, letter of credit, or the establishment of an escrow account to ensure proper decommissioning.

4. Section 8.11.3.5.2 is hereby amended by deleting "or" from subparagraph j; replacing the "." in subparagraph k with "; or"; and adding the following new subparagraph l:

"l. location of and procedure for approving and installing a community solar facility."

5. The effective date of the amendments to the SLDC adopted by this Ordinance shall be 30 days after this Ordinance is recorded with the County Clerk.

SFC CLERK RECORDED 07/19/2022

PASSED, APPROVED AND ADOPTED THIS 17th DAY OF July, 2022.

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By: Anna Hamilton
Anna Hamilton, Chairperson

ATTEST:
Katharine E. Clark
Katharine E. Clark
County Clerk



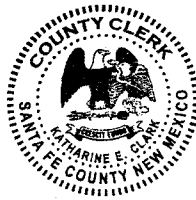
APPROVED AS TO FORM:
Jeff Young
Jeff Young
Santa Fe County Attorney

SFC CLERK RECORDED 07/19/2022

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss BCC ORDINANCE
PAGES: 7

I Hereby Certify That This Instrument Was Filed for
Record On The 19TH Day Of July, 2022 at 02:22:31 PM
And Was Duly Recorded as Instrument # 1993281
Of The Records Of Santa Fe County

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



SANTA FE NEW MEXICAN

Founded 1849

SF COUNTY
PO Box 276
Santa Fe, NM 875040276

ACCOUNT:	S2438	
AD NUMBER:	34314	
LEGAL NO	89833	P.O.#:220003
3 TIME(S)	665.00	
AFFIDAVIT	10.00	
TAX	56.95	
TOTAL	731.95	

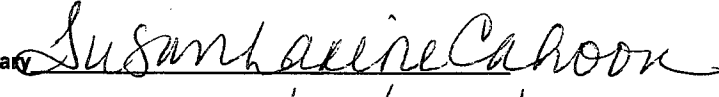
AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO
COUNTY OF SANTA FE

I, Veronica Gonzalez, being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe, Rio Arriba, San Miguel, and Los Alamos, State of New Mexico and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the Legal No a copy of which is hereto attached was published in said newspaper 3 day(s) between 06/09/2022 and 06/27/2022 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 09th day of June, 2022 and that the undersigned has personal knowledge of the matter and thngs set forth in this affidavit.

ISI 
LEGAL ADVERTISEMENT RESPRESENTATIVE

Subscribed and sworn to before me on this 27th day of June, 2022

Notary 
Commission Expires: 11/30/2024

STATE OF NEW MEXICO
NOTARY PUBLIC
SUSAN LARINE CAHOON
COMMISSION #1132046
EXPIRES: 11/20/2024

SFC CLERK RECORDED 07/19/2022

LEGAL #89833

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY ON ORDINANCE NO. 2022-_____, AN ORDINANCE AMENDING THE SANTA FE COUNTY SUSTAINABLE LAND DEVELOPMENT CODE ("SLDC"), ORDINANCE NO. 2016-9, TO ADD A DEFINITION OF COMMUNITY SOLAR, TO ADD A NEW SECTION 10.25 TO ADDRESS STANDARDS FOR COMMUNITY SOLAR FACILITIES AND TO ADD A NEW CLAUSE TO SECTION 8.11.3.5.2 TO PROHIBIT A COMMUNITY OVERLAY DISTRICT FROM RESTRICTING THE LOCATION AND PROCEDURES FOR INSTALLING COMMUNITY SOLAR FACILITIES.

Notice is hereby given that the Santa Fe County (County) Planning Commission will hold a public hearing on an ordinance that would amend the text of the Santa Fe County Sustainable Land Development Code (SLDC), County Ordinance No. 2016-9, as amended, on Thursday, June 16, 2022, at 4:00 p.m. at 102 Grant Ave. Santa Fe NM, in the Chambers of the Board of County Commissioners. And that the Board of County Commissioners (Board) of Santa Fe County (County) will hold a public hearing on the above-titled ordinance that would amend the text of the Santa Fe County Sustainable Land Development Code (SLDC),

County Ordinance No. 2016-9, as amended, on Tuesday, July 12, 2022, at 5:00 p.m. at 102 Grant Ave. Santa Fe NM, in the Board's Chambers.

General Summary of Proposed Ordinance. The proposed ordinance would enact a new Section 10.25 of the SLDC that regulates community solar facilities and regulates fencing, access, re-seeding, utilities, setbacks, heights and decommissioning. The proposed Ordinance also adds a new clause to the Community District Overlay section 8.11.3.5.2 that would prohibit community Overlay Districts from restricting the location and procedure for approving and installing a community solar facility. The proposed Ordinance would also amend Appendix A, Part 2, Definitions, of the SLDC to amend the Commercial Solar Energy Production Facility definition and to add a new definition for Community Solar Facility. The proposed text amendments are being initiated by the County Land Use Administrator in response to the Community Solar Act, or SB84.

This is only a general summary of the proposed ordinance. Interested persons must consult the proposed ordinance itself for the details of the proposed zoning and other regulations.

Time and Place of Hearing; Public Participation. Public hearings will be held at the County Administrative Building, located at 102 Grant Avenue Santa Fe NM, in the

Board's Chambers on the 2nd Floor, on the 16th day of June 2022, at 4:00 p.m. in front of the Santa Fe County Planning Commission and on the 12th day of July at 5:00p.m. in front of the Board of County Commissioners. Members of the public have the choice of listening and participating in this public hearing virtually. Members of the public can listen and participate in the meeting via Webex. Please see the Board's final meeting agenda and County website for details on how to participate via WebEx.

Copies of proposed ordinance. The proposed ordinance is available on the County's website, www.santafecountynm.gov/, or from the County Clerk.

All interested parties will be heard at the Public Hearing prior to the Board taking action on the proposed ordinance.

Possible Board Action on July 12, 2022. After the public hearing on July 12, 2022, the Board may adopt the proposed ordinance, with or without changes, vote not to adopt the proposed ordinance, recess the public meeting in accordance with the Open Meetings Act, or postpone the public hearing or delay action on the proposed ordinance until a future meeting of the Board. Further newspaper publication of a recessed meeting or postponed hearing or action is not legally required. Interested parties not in attendance at or watching the July 12, 2022, public hearing where recessing or postponement might

be announced should thus inquire of the County as to whether the Board took action to recess or postpone.

Public Comment. All comments, questions, and objections concerning the proposed ordinance may be submitted to the County Land Use Administrator in writing to P.O. Box 276, Santa Fe, New Mexico 87504-0276 or via email at ncrail@santafecountynm.gov, or presented in person at the hearing. Comments, questions, and objections submitted in advance of the public hearing must be received by 1:00 p.m. on Friday, July 8, 2022, to ensure that they are provided to the Board before the public hearing.

For questions, please call the County Land Use Administration Office at (505) 986-6225.

Pub: June 9, 20, 27, 2022

CLERK RECORDED 07/19/2022



AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of Bernalillo SS

David Montoya, the undersigned, authorized Representative of the Albuquerque Journal, on oath states that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, that payment therefore has been made of assessed as court cost; and that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 3 time(s) on the following date(s):

06/09/2022, 06/20/2022, 06/27/2022

STATE OF NEW MEXICO
NOTARY PUBLIC
STEPHANIE MIARIS
Commission No. 1090451
My Commission Expires April 11, 2025

David Montoya

Stephanie Miaris

Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this

27 day of June of 2022

PRICE \$853.95

Statement to come at the end of month.

ACCOUNT NUMBER 1030867

SFC CLERK RECORDED 07/19/2022

OFFICE OF PUBLIC HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY ON ORDINANCE NO. 2022- AN ORDINANCE AMENDING THE SANTA FE COUNTY SUSTAINABLE LAND DEVELOPMENT CODE ("SLDC"), ORDINANCE NO. 2016-9, TO ADD DEFINITION OF COMMUNITY SOLAR, TO ADD A NEW SECTION 10.25 TO ADDRESS STANDARDS FOR COMMUNITY SOLAR FACILITIES AND TO ADD A NEW CLAUSE TO SECTION 8.11.3.5.2 TO PROHIBIT A COMMUNITY OVERLAY DISTRICT FROM RESTRICTING THE LOCATION AND PROCEDURES FOR INSTALLING COMMUNITY SOLAR FACILITIES.

Notice is hereby given that the Santa Fe County (County) Planning Commission will hold a public hearing on an ordinance that would amend the text of the Santa Fe County Sustainable Land Development Code (SLDC), County Ordinance No. 2016-9, as amended, on Thursday, June 16, 2022, at 4:00 p.m. at 102 Grant Ave. Santa Fe NM, in the Chambers of the Board of County Commissioners. And that the Board of County Commissioners (Board) of Santa Fe County (County) will hold a public hearing on the above-titled ordinance that would amend the text of the Santa Fe County Sustainable Land Development Code (SLDC), County Ordinance No. 2016-9, as amended, on Friday, July 12, 2022, at 5:00 p.m. at 102 Grant Ave. Santa Fe NM, in the Board's Chambers.

General Summary of Proposed Ordinance. The proposed ordinance would enact a new Section 10.25 of the SLDC that relates community solar facilities and regulates fencing, access, reseeded, utilities, setbacks, heights and commissioning. The proposed Ordinance also adds a new use to the Community District Overlay section 8.11.3.5.2 that would prohibit community Overlay Districts from restricting the location and procedure for approving and installing a community solar facility. The proposed Ordinance would also amend Appendix A, Part 2, Definitions, of the SLDC to amend the Commercial Solar Energy Production Facility definition and to add a new definition for Community Solar Facility. The proposed text amendments are being initiated by the County Land Use Administrator in response to the Community Solar Act, or 84.

This is only a general summary of the proposed ordinance. Interested persons must consult the proposed ordinance itself for details of the proposed zoning and other regulations.

Time and Place of Hearing; Public Participation. Public hearings will be held at the County Administrative Building, located at 102 Grant Avenue Santa Fe NM, in the Board's Chambers on the 2nd Floor, on the 16th day of June 2022, at 4:00 p.m. in front of the Santa Fe County Planning Commission and on the 12th day of July at 5:00p.m. in front of the Board of County Commissioners. Members of the public have the choice of listening and participating in this public hearing virtually. Members of the public can listen and participate in the meeting via WebEx. Please see the Board's final meeting agenda and county website for details on how to participate via WebEx.

Copies of proposed ordinance. The proposed ordinance is available on the County's website, <https://www.santafecountynm.gov/>, or from the County Clerk.

Interested parties will be heard at the Public Hearing prior to Board taking action on the proposed ordinance.

Notice of Possible Board Action on July 12, 2022. After the public hearing on July 12, 2022, the Board may adopt the proposed ordinance, with or without changes, vote not to adopt the proposed ordinance, recess the public meeting in accordance with the Open Meetings Act, or postpone the public hearing or delay action on the proposed ordinance until a future meeting of the Board. Further newspaper publication of a recessed meeting or postponed hearing or action is not legally required. Interested parties not in attendance at or watching the July 12, 2022, public hearing where recessing or postponement might be announced should thus inquire of the County as to whether the Board took action to recess or postpone.

Public Comment. All comments, questions, and objections concerning the proposed ordinance may be submitted to the County Land Use Administrator in writing to P.O. Box 276, Santa Fe, New Mexico 87504-0276 or via email at nerall@statecountynm.gov, or presented in person at the hearing. Comments, questions, and objections submitted in advance of public hearing must be received by 1:00 p.m. on Friday, July 1, 2022, to ensure that they are provided to the Board before public hearing.

For questions, please call the County Land Use Administration Office at (505) 986-6225.

Final: June 9, 20, 27, 2022