



# THE SAN MARCOS ASSOCIATION

P.O. Box 722  
Cerrillos, NM 87010

<https://thesanmarcosassociation.org/>

*A Community Voice Advocating for Our Neighbors and the Land*

November 26, 2024

Ms. Marilyn Hebert, Santa Fe County SLDC Hearing Officer

Via email at [lynhebert@q.com](mailto:lynhebert@q.com)

Case No. 24-5200

Applicants for Conditional Use Permit (CUP):  
Rancho Viejo Limited Partnership  
Rancho Viejo Solar  
AES Clean Energy Development, LLC

In care of Dominic Sisneros via email at [djsisneros@santafecountynm.gov](mailto:djsisneros@santafecountynm.gov)

Dear Ms. Hebert:

The San Marcos Association (SMA) [<https://thesanmarcosassociation.org/>], a non-profit Registered Organization (RO) pursuant to Sustainable Land Development Code (SLDC) Section 2.2.3, and granted standing by your **Order on Requests for Standing** of 18 November 2024, has in the past submitted several documents related to what is now designated Case # 24-5200. Because there have been staff changes in Santa Fe County, because some prior documents in unrelated cases were not transmitted to the decision-makers involved, and because AES has resubmitted and/or rewritten its CUP application since the attached letters were originally sent, SMA is resubmitting the attached documents to ensure they are in the packet of materials provided to you for the December 4, 2024 SLDC Hearing in this case. All of these documents do not appear to be currently available to the public on the County's **2024 New AES Project Applications** webpage [<https://www.santafecountynm.gov/growth-management/building-development/large-scale-renewable-energy-projects-2024/uaes>], and so we wish to ensure they are part of the current public record.

These documents include: first, and most directly involved with your decision, a letter from SMA to the then unnamed Hearing Officer outlining our reasoning stemming from regulations within the SLDC as to why this Conditional Use Permit (CUP) application should be denied; and second, a series of letters back and forth between SMA and the County concerning our request that Utility Scale Renewable Energy Projects be considered by the County as Developments of Countywide Impact (DCIs).

SMA's March 20, 2023 letter is most important for the December 4, 2024 Hearing. There, we presented the objection summarized herein. SMA feels that the Conditional Use Permit (CUP) application process does not apply in this case as the proposed solar project, as described on the applicant's webpage and in their presentations, is clearly a 'Gas or Electric Power Generating Facility' (Land-Based Classification Standards [LBCS] Structure Code 6400, subcode 6460) that is **Prohibited** in areas zoned Rural Fringe. This LCBS structure code explicitly lists solar installations as being included in this use. There is no provision in the SLDC allowing a CUP for a prohibited use. Further, we argue that it is not a 'Commercial solar energy production facility' because they are of small scale. That they are of neighborhood scale is documented by the portion of the Use Matrix that Santa Fe County provided the San Marcos Community Planning District Committee included in that letter. This was not

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Vice-President – Janet McVickar

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Secretary – Laird Graeser

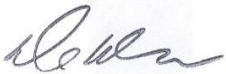
a document prepared solely for that committee as there are no Rural Fringe areas in that Planning District. Our understanding is that this is a County document used to inform Community Planning District Teams in general.

SMA's understanding of what a "Commercial Solar Energy Production Facility" is has evolved since we sent the attached letter in March 2023. The County definition of "Commercial Solar Energy Production Facility" [SLDC 150A Attachment 2.14- Appendix A] is "a renewable energy production facility that uses sunlight to generate ... energy for sale or profit." That circular and seemingly unnecessary definition, where "Commercial" is defined as being "for sale or profit," "solar" is defined as "sunlight," and "energy Production" is defined as "generat[ing] energy" is puzzling. Why is this use even listed? Because every energy production facility generates electricity for sale or profit ... *except* Residential installations. We now view Commercial Solar Energy Production Facilities as essentially the (small scale) "commercial" version of a "residential" solar installation - installed to generate electricity that would allow a rancher or home business owner to reduce their PNM bills and increase their profits, and perhaps to sell excess power to PNM. One can understand why a CUP would be the procedure to follow in that case because that application process would allow for neighborhood input to ensure that the size of such an installation is of neighborhood scale.

Additionally, we also include the exchange of DCI letters as background information to show that SMA has worked since before any CUP application in this case was filed to ensure any such projects benefit from community-wide discussion. We feel that installations this large, that could affect and benefit virtually every County resident, should be discussed County-wide. And, we feel the County should take the lead in facilitating those discussions rather than relying upon volunteer community members to foster awareness of the issues. If you, in your role as SLDC Hearing Officer, have any authority to make a recommendation concerning the DCI status of these utility-scale renewable energy projects, SMA respectfully requests that you make such a determination as a result of this Hearing.

Thank you for your consideration of these matters.

Sincerely,



Dennis D. Kurtz, President  
The San Marcos Association

Cc: via email - Alexandra Ladd, Director - Growth Management at [aladd@santafecountynm.gov](mailto:aladd@santafecountynm.gov)

Gregory S. Shaffer, County manager at [gshaffer@santafecountynm.gov](mailto:gshaffer@santafecountynm.gov)

Jeffrey Young, County Attorney at [jyoung@santafecountynm.gov](mailto:jyoung@santafecountynm.gov)

Doninic Sisneros, Case Manager at [djsisneros@santafecountynm.gov](mailto:djsisneros@santafecountynm.gov)

Attachments: March 20, 2023 SMA Letter to Hearing Officer re AES CUP application

January 3, 2023 SMA Letter to BCC (generic copy attached) re Possible DCI status of Utility-Scale Renewable Energy Projects

July 24, 2023 Santa Fe County Response to SMA's January 3, 2023 DCI letter

August 17, 2023 SMA Response to County July 24, 2023 letter

September 12, 2023 County Response to SMA August 17, 2023 letter [County letter misdated in the original]

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# ATTACHMENT 1

## MARCH 20, 2023 LETTER FROM SMA TO THEN UNNAMED HEARING OFFICER

The following letter was sent to Jose Larranaga [[joselarra@santafecountynm.gov](mailto:joselarra@santafecountynm.gov)], SF County staff member on March 20, 2023 at 12:07 PM attached to the email below.

*“Hello Jose - The San Marcos Association (an RO pursuant to the SLDC) (<https://thesanmarcosassociation.org/>) submits the attached letter, to be included in any upcoming Hearing concerning the CUP application by AES for the Rancho Viejo Solar Facility. This letter outlines our thoughts based on language and information contained in the SLDC.*

*Should you have any questions, or wish to discuss this letter, please feel free to contact SMA using this email address.*

*Thank you for your assistance with this.*

*Sincerely - Dennis*

*Dennis D. Kurtz  
42 San Marcos Rd. W.  
Santa Fe, NM 87508  
President - The San Marcos Association”*



# THE SAN MARCOS ASSOCIATION

P.O. Box 722

Cerrillos, NM 87010

<https://thesanmarcosassociation.org/>

March 20, 2023

To: Santa Fe County SLDC Hearing Officer

In care of Jose Larrañaga, Building and Development Supervisor – Santa Fe County Growth Management Department

Re: AES – Rancho Viejo Solar Facility Conditional Use Permit (CUP) Application Hearing

The San Marcos Association (SMA) (<https://thesanmarcosassociation.org/>) is a non-profit community service organization (IRS Code 501(c)(4)), and a Registered Organization under Chapter 2 of the Sustainable Land Development Code (SLDC) of Santa Fe County. Our goals are to protect the rural, residential character of the area for which we advocate; **to monitor development to see that it is consistent with that character and with applicable plans and ordinances of Santa Fe County** (specifically the SLDC in this case); and to advocate on behalf of property owners/residents of the area in matters of public service, utilities, and the general welfare of people. SMA's area of advocacy includes the parcel where the proposed Rancho Viejo Solar Facility would be located.

AES has submitted a Conditional Use Permit (CUP) Application to construct the Rancho Viejo Solar Facility, a solar power plant that would generate some 96MW of electricity and transmit it over 2 miles using 115KV high voltage power lines to a PNM substation where it would enter the power grid. This facility would be located on approximately 800 acres of land zoned Rural Fringe. By any engineering, planning, or governmental definition, the Rancho Viejo Solar Facility is a 'utility-scale solar' facility. See for example the Solar@Scale Government Guidebook (p. 14) [<https://mail.google.com/mail/u/0/?tab=rm&ogbl&zx=9x4f32kome8i#sent?projector=1>].

The SMA Board of Directors, while supporting responsible development and sustainable energy production, including Community Solar, believes this development is not eligible for a CUP under the SLDC for the reasons elaborated below. We respectfully request that the Hearing Officer **Deny** this application.

**First**, this facility is a "Gas or electric power generation facility" as listed on 150A Attachment 3.11 (Appendix B: Use Matrix) [<https://ecode360.com/attachment/SA6524/SA6524-150Ac%20Appendix%20B.pdf>] of the SLDC (Structure Code 6400) and is **prohibited (X)** in districts zoned Rural Fringe. The Rancho Viejo Solar Facility will produce electricity to be sold to PNM and no other customer. Structure Code 6400, from the Land-Based Classification Standards (LBCS) of the American Planning Association (APA), the basis for the SLDC Use Matrix (Appendix B 150A Attachment 3.1), is the code for "Gas or electric power generation facility" and contains within it Code 6460 - "Solar and other forms of energy facility." Such facilities include "windmills, solar panel farms, etc." The proposed solar facility is clearly an electric power generation facility according to the LBCS; being a solar facility in no way excludes it from consideration as such. [<https://www.planning.org/lbcs/standards/structure/>] Should the applicant assert for any reason that this proposed

facility is Not a “Gas or electric power generation facility” as listed on 150A Attachment 3.11, SMA respectfully requests that such a characterization be factually substantiated before the Hearing Officer.

**Second**, should the applicant assert that the Rancho Viejo Solar Facility is a “Commercial solar energy production facility” (150A Attachment 3.11) (a characterization found nowhere in the CUP application or on the applicant’s website [<https://www.aes.com/rancho-viejo-solar>]), and is therefore eligible for a CUP, SMA respectfully requests that such a characterization be factually substantiated before the Hearing Officer.

The SLDC definition of “Commercial solar energy production facility” is “*a renewable energy production facility that uses sunlight to generate, and may store, energy for sale or profit.*” (Appendix B 150A Attachment 2.14) [<https://ecode360.com/attachment/SA6524/SA6524-150Ab%20Appendix%20A.pdf>] This definition is redundant (defining “Commercial” as “for sale or profit”), and so broad that it includes virtually any solar facility that generates electricity, except a residential installation. That the SLDC distinguishes between the aforementioned “Gas or electric power generation facility” (prohibited in Rural Fringe) and the broadly defined “Commercial solar energy production facility” (eligible for a CUP) indicates a considered distinction. In this context, the word ‘commercial’ is used in contrast to a ‘residential’ installation where electricity generated is not for sale or profit; it is not intended to include any for sale or profit solar energy facility.

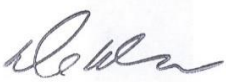
An additional distinction is scale. Utility-scale facilities are prohibited in the Rural Fringe zoning district while smaller solar facilities may be permitted. In further support of this assertion, Santa Fe County seems to regard the CUP-eligible “Commercial solar energy production” facilities noted in Appendix B 150A Attachment 3.11 to be of “Neighborhood-Scale.” The proposed 800+ acre AES Rancho Viejo Solar Facility would not be a neighborhood-scale development. SMA understands this from the following information. Figure 1 shows an image of portions of a worksheet used in discussions led by County staff in revising the San Marcos Planning District Use Matrix, commonly call the “overlay.” Community members used this worksheet (some 9 pages long), under the guidance of County staff, to determine if and/or how to modify the overlay – to create the legal restrictions on development in that Planning District. This process, paused in 2020, involved a three-way comparison of existing San Marcos Planning District uses for each zoning district (labelled “2016 SMD” in the header), existing SLDC uses (“SLDC”), and uses proposed by County staff for the revised Planning District overlay (“2020 SMD”). We realize that the proposed Rancho Viejo Solar Facility does not lie within the San Marcos Planning District; but that is not the purpose of this argument. On Figure 1, the row pertaining to “Commercial solar energy production facility” contains, on the far right, the following note provided by County staff: “*Create development standards for the siting and installation of Neighborhood-Scale renewable energy production facilities.*” That note, intended to guide discussion regarding legal restrictions of commercial solar energy facilities in Rural-Fringe districts, clearly indicates that the County believes that “Commercial solar energy production” facilities should be of “Neighborhood-Scale” – something the Rancho Viejo facility would not be. If the applicant asserts that the Rancho Viejo facility should be considered as a “Commercial solar energy production facility” for the purposes of the SLDC, SMA respectfully requests that the applicant factually substantiate this assertion before the Hearing Officer.

In summary, The San Marcos Association respectfully requests that the AES Rancho Viejo Solar Facility CUP application be **Denied**, on the grounds that it is not eligible for a CUP. It is not eligible because, pursuant to definitions contained within the SLDC and its supporting documents:

- 1) It **would** be a Gas or electric power generation facility and thus prohibited according to the SLDC in Rural-Fringe zoning districts; and
- 2) It would **not** be a “Commercial solar energy production facility” and so would not be eligible for a CUP on that basis.

Thank you for your consideration. SMA awaits your reasoning and decision concerning the points we have raised in this case.

Sincerely,



Dennis D. Kurtz, President

Cc: Jose Larrañaga via email - [joselarra@santafecountynm.gov](mailto:joselarra@santafecountynm.gov)

Penny Ellis-Green via email - [pengreen@santafecountynm.gov](mailto:pengreen@santafecountynm.gov)

Robert Griego via email - [rgriego@santafecountynm.gov](mailto:rgriego@santafecountynm.gov)

Use	2016 SMD RUR	SLDC RUR	2020 SMD RUR	2016 SMD RUR-F	SLDC RUR-F	2020 SMD RUR-F	2016 SMD RUR-F	SLDC RUR-R	2020 SMD RUR-F	2016 SMD CN	SLDC CN	2020 SMD CN	SM 2019 Plan Language Notes
<b>Residential</b>													
Commercial solar energy production facility	X	C	P	X	C	P	X	X	P	X	C	C	Action 4.2.1 Create development standards for the siting and installation of Neighborhood-Scale renewable energy production facilities
Geothermal production facility	X	C	C	X	C	C	X	X	C	X	X	X	Action 4.2.1 Create development standards for the siting and installation of Neighborhood-Scale renewable energy production facilities
Large scale wind facility	X	C	C	X	C	C	X	C	C	X	C	C	Action 4.2.1 Create development standards for the siting and installation of Neighborhood-Scale renewable energy production facilities
Small scale wind facility		A	P		A	P		A	P		A	A	Action 4.2.1 Create development standards for the siting and installation of Neighborhood-Scale renewable energy production facilities

Figure 1: Sections of Worksheet provided by County staff to guide discussion when revising the San Marcos Planning District Use Matrix in 2020

Portions of page 1 (to show header) and page 8 (containing the Commercial solar energy production facility line) are combined.

## ATTACHMENT 2

Generic copy of letter sent January 3, 2023 via email from The San Marcos Association to each of the County Commissioners requesting they consider DCI status for Utility-Scale Renewable Energy Projects.



## ***THE SAN MARCOS ASSOCIATION***

P.O. Box 722

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Commissioner <<name>>, Santa Fe County District #  
Santa Fe County, New Mexico  
[<<email>>](mailto:) - via email

Dear Commissioner <<name>>:

The San Marcos Association (SMA) (<https://thesanmarcosassociation.org/>) is a non-profit community service organization (IRS Code 501(c)(4)), and a Registered Organization under Chapter 2 of the Sustainable Land Development Code of Santa Fe County. Our goals are to protect the rural, residential character of the area for which we advocate; to monitor development to see that it is consistent with that character and with applicable plans and ordinances of Santa Fe County; and to advocate on behalf of property owners/residents of the area in matters of public service, utilities and the general welfare of people. SMA's area of advocacy includes much of the western Galisteo Basin and properties east and west of HWY 14 from Rancho San Marcos north to the HWY 599 Relief Route. Portions of Districts 3 and 5 lie in our area.

At least two (2) national companies have proposed building community and utility-scale solar installations in this part of Santa Fe County. Given the stated interest on the part of the solar industry in this area, and the national focus on increasing carbon-neutral sources of energy, it is reasonable to assume that more renewable energy projects will be proposed in the County. Therefore, the Board of Directors of The San Marcos Association respectfully requests the Board of County Commissioners to strongly consider modifying §11.4 of the Sustainable Land Development Code to designate Utility-Scale Renewable Energy Projects – projects that include, but are not limited to, solar and wind – as Developments of Countywide Impact (DCIs). If so designated, Utility-Scale Renewable Energy Projects would then be subject to regulations and enforcement mechanisms set forth elsewhere in Chapter 11 and in an additional section (e.g., §11.15) dedicated to such projects. These revisions should detail world class regulatory specifications for such projects and should incorporate language allowing for projects employing yet to be developed renewable energy technologies to be designated as DCIs in the future. We also feel that, in the case of large-scale renewable energy projects, all residents, landowners, Registered Organizations and Community Organizations in Santa Fe County should be notified of pertinent meetings. This is a much broader segment of the County than provided for in §11.5.5.

SMA feels that Utility-Scale Renewable Energy Projects should be designated as DCIs, with attendant changes to the SLDC, for several reasons. An important one is the sheer scale of these projects. Utility-scale renewable installations occupy, and impact far more extensive acreages than do traditional power plants. With footprints on the order of hundreds of acres; renewable energy installations can be far larger than many residential developments. Projects of such size will have long-lasting impacts on the landscape – including affecting surface water flow patterns and reducing the space available for wildlife. They will also measurably affect the County finances over the next few decades. Any development of such size will unavoidably affect local quality of life in

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many ways – predictable and unpredictable. Designating these large-scale utility projects as DCIs will allow for greater public input into their potential approval and more opportunities to discuss those quality-of-life issues.

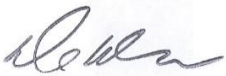
Large scale utility installations involve many developing technologies, technologies whose potentials and risks should be clearly communicated to the countywide public. Language providing for explicit regulation of these technologies, based upon world-class standards, should be included in the SLDC. For example, if a renewable energy installation maintains a battery energy storage system (BESS) to save electricity for times when nature does not permit power generation, those systems come with a small, but real, fire danger. Creating DCI Overlay Zoning Districts for these large utility projects would foster public input into the discussion of risks such as this, highlight appropriate regulatory standards, and promote public education into the likelihood of such an industrial accident occurring. Proactively regulating these technologies, and communicating those regulations to all parties, will help create an environment where the community understands its connection to these enterprises.

Utility-Scale Renewable Energy Projects may impact future development in a variety of ways – perhaps by attracting development that strains local resources, or by curtailing planned development. However, they may also promote a flourishing of clean energy businesses; attract energy-related high-tech companies and job opportunities; or entail lower demands on water and road infrastructure relative to building the maximum allowable number of homes and businesses on that same acreage. Analyzing the scale of these impacts and the countywide risks/benefits associated with them will be a more fruitful endeavor with the increased public input connected with a DCI designation for these projects.

Officials in Santa Fe County have a responsibility to act as stewards of this region, and to ensure that our local communities benefit from development in tangible ways. Though projects such as these solar installations are touted as having numerous benefits, there are also costs associated with them. Ensuring that costs are minimized or mitigated, and are weighed against benefits, are analyses that all county residents have a right to expect. The Board of County Commissioners has already taken action to regulate Community Solar Projects in the County (e.g., §10.25 of the SLDC); large scale renewable energy projects warrant the same attention.

We thank you for your consideration of this matter. The San Marcos Association looks forward to a continuing dialog concerning these issues.

Sincerely,



Dennis Kurtz, President  
The San Marcos Association

Cc: All Santa Fe County Commissioners and Constituent Service Liaisons  
Penny Ellis-Green, Director – Growth Management Administration, Santa Fe County  
Jacqueline Beam - Sustainability Manager, Santa Fe County

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*Secretary – Jill Cliburn*

## ATTACHMENT 3

July 24, 2023 County Response letter to SMA's January 3, 2024 letter to BCC concerning DCI status of Utility-Scale Renewable Energy Projects

**Justin S. Greene**  
*Commissioner, District 1*

**Anna Hansen**  
*Commissioner, District 2*

**Camilla M. Bustamante**  
*Commissioner, District 3*



**Anna T. Hamilton**  
*Commissioner, District 4*

**Hank Hughes**  
*Commissioner, District 5*

**Gregory S. Shaffer**  
*County Manager*

July 24, 2023

**BY EMAIL AND REGULAR MAIL**

Dennis Kurtz, President  
The San Marcos Association  
PO Box 722  
Cerrillos NM 87010  
Email: dennisdkurtz@gmail.com

RE: Commercial Solar Energy Production Facilities

Dear Mr. Kurtz:

I am writing in response to your January 3, 2023, letter to Santa Fe County (County) Commissioners and communications from other community members requesting that (1) the County impose a moratorium on commercial solar energy production facilities and (2) develop regulations to treat commercial solar energy production facilities as a Development of Countywide Impact (DCI) under Chapter 11 of the Sustainable Land Development Code (SLDC). Based on the following, County staff does not support these requests at this time.

First, there is no basis in existing County planning documents to treat commercial solar energy production facilities as a DCI. Neither the SLDC nor the Sustainable Growth Management Plan (SGMP) identifies this use as a potential DCI.

The SGMP has an entire element (Chapter 7) concerning renewable energy and energy efficiency premised on the following:

Energy sources which are not renewable, such as fossil fuels, are not only in limited supply but they contribute detrimentally to the environment, and adversely affect the sustainability of the economy. Greenhouse gas (GHG) emissions contribute greatly to climate change and its negative impact. The implementation of renewable energy and energy efficiency initiatives are vital to sustainability for the County. The SGMP sets forth policies to establish Santa Fe County as a model in the efficient production and use of renewable energy and energy self-reliance through the development of a local green workforce and renewable energy infrastructure.

Second, notwithstanding the above, the SLDC already goes into a significant detail regarding permissible, prohibited, and conditional use locations of commercial solar energy production facilities and contains safeguards to ensure that specific concerns with these facilities can be addressed in almost all instances. In those zoning districts where commercial solar energy production facilities are potentially allowed, they are, with limited

exceptions, a conditional use.<sup>1</sup> The approval criteria for conditional uses also ensure that general health, safety, and welfare concerns, as well as specific fire and other hazards, can be addressed, as follows:

**4.9.6.5. Approval Criteria.** CUPs [Conditional Use Permits] may only be approved if it is determined that the use for which the permit is requested will not:

1. be detrimental to the health, safety and general welfare of the area;
2. tend to create congestion in roads;
3. create a potential hazard for fire, panic, or other danger;
4. tend to overcrowd land and cause undue concentration of population;
5. interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
6. interfere with adequate light and air; and
7. 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.

In addition, the SLDC empowers the Planning Commission (and Board of County Commissioners on appeal) to “[i]mpose such reasonable standards, conditions, or mitigation requirements, in addition to any general standard specified in the SLDC or the SGMP, as the Planning Commission may deem necessary.” [SLDC, Section 4.9.6.6.]

County staff believes that these approval criteria and the authority of the Planning Commission and Board of County Commissioners (on appeal) to impose reasonable standards, conditions, or mitigation requirements are adequate to address any bona fide safety or other concerns related to approval criteria that may be demonstrated by competent evidence introduced at public hearings on conditional use permits.

Further, conditional use permits require hearings before the Hearing Officer and Planning Commission, as well as the Board of County Commissioners (if the Planning Commission’s decision is appealed to it). These hearings allow members of the public to both educate themselves concerning commercial solar energy production facilities as well as voice their concerns regarding such facilities.

The record created during the review and decision on conditional use permit applications for commercial solar energy production facilities could change County staff’s perspective. But, at this time, for the reasons stated above, County staff does not support

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<sup>1</sup> According to the use tables within the SLDC, there are already many areas where commercial solar energy production facilities are prohibited. The only zoning districts where commercial solar energy production facilities are a “permitted use” are Industrial General and Industrial Light (and, potentially, Planned Development Districts). Further, each community district has restrictions on where commercial solar energy production facilities may be located. As one example, commercial solar energy production facilities are not permissible within any zoning districts of the San Marcos Community District.

Dennis Kurtz  
July 24, 2023  
Page 3 of 3

either a moratorium on commercial solar energy production facilities or regulating such facilities as a DCI.

Thank you for your January 3 letter. Please do not hesitate to contact me should you wish to discuss County staff's views on these matters further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory S. Shaffer', with a long horizontal stroke extending to the right.

Gregory S. Shaffer  
County Manager

cc (by email):

Penny Ellis Green, Growth Management Department Director  
Lisaida M. Archuleta, Growth Management Department Deputy Director

## ATTACHMENT 4

August 17, 2023 response from SMA to County's July 24, 2023 letter



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August 17, 2023

VIA EMAIL

Gregory S. Shaffer  
Santa Fe County Manager  
102 Grant Ave.  
P.O. Box 276  
Santa Fe, NM 87504

RE: Response to July 24, 2023 Communication concerning “Commercial Solar Energy Production Facilities”

Dear Mr. Shaffer:

The San Marcos Association (SMA) appreciates your July 24, 2023 response to our January 3, 2023 letter to the County Commissioners. We are, however, confused because your response to The San Marcos Association’s (SMA) letter of January 3, 2023 appears to reply to a completely different letter, one we did not send. And it did not directly address the suggestion we made. You state, “I am writing in response to your January 3, 2023, letter to Santa Fe County (County) Commissioners and communications from other community members requesting that (1) the County impose a moratorium on commercial solar energy production facilities and (2) develop regulations to treat commercial solar energy production facilities as a Development of Countywide Impact (DCI) under Chapter 11 of the Sustainable Land Development Code (SLDC).” While SMA did request the County work to designate “Utility-Scale Renewable Energy Projects” as DCIs, SMA did not ask for a moratorium on commercial solar energy production facilities; nor did we request that “commercial solar energy production facilities” be especially treated as DCIs. In fact, we did not use the words “moratorium” or “commercial solar energy production facilities” in our letter. If other constituents made those requests, we respectfully ask you to respond to them directly, and would appreciate a more complete response to our rationale for designating Utility-Scale Renewable Energy Projects as DCIs.

In our letter (appended for your convenience), we explicitly requested that “Utility-Scale Renewable Energy Projects,” which we consider to be installations that exceed 5 MW of production that is sold to utility companies for resale to their customers, be designated as DCIs. SMA suggested this because of their large scale could well lead to regional impacts that we felt should be discussed by the Countywide audience a DCI designation would require.

The San Marcos Association explicitly noted that we viewed “Utility-Scale Renewable Energy Projects” as being “projects that include, but are not limited to, solar and wind.” They could also include geothermal, hydroelectric, or nuclear fusion facilities using existing and/or future technologies. We in no way limited our suggestion to solar energy, though that appears to be a major premise in determining your response. Solar and wind farms,

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Secretary – Laird Graeser

which could well be of utility scale, are in fact already listed as potential DCIs in the aspirational Sustainable Growth Management Plan [Chapter 2, Section 2.2.6]. We were merely enlarging the list of possible technologies that might be considered; and requesting that the County take legislative action regarding that portion of the SGMP that already existed. Further, while your assertion, the SGMP notwithstanding, that “there is no basis in existing County planning documents to treat commercial solar energy production facilities as a DCI” could well be applied to any of these other technologies, revising County planning documents so that *there is a basis* in County planning documents to review and evaluate such impactful developments is precisely why SMA suggested the DCI approach.

Another very important reason The San Marcos Association suggested that Utility-Scale Renewable Energy Projects be considered for DCI status is that such a designation would promote, and in many ways require, Countywide public input. We explicitly stated, “*Designating these large-scale utility projects as DCIs will allow for greater public input into their potential approval [emphasis added] and more opportunities to discuss those quality-of-life issues.*” And, “*Utility-Scale Renewable Energy Projects may impact future development in a variety of ways – perhaps by attracting development that strains local resources, or by curtailing planned development. However, they may also promote a flourishing of clean energy businesses; attract energy-related high-tech companies and job opportunities; or entail lower demands on water and road infrastructure relative to building the maximum allowable number of homes and businesses on that same acreage. Analyzing the scale of these impacts and the countywide risks/benefits associated with them will be a more fruitful endeavor with the increased public input connected with a DCI designation for these projects. [emphasis added]*” Your response offers no reasons for limiting public input regarding such projects.

The San Marcos Association feels the criteria you list in your letter [**4.9.6.5 Approval Criteria**] should be applied *Countywide* for Utility-Scale Renewable Energy Projects, in ways fostering regional public input. They should not be limited to nearby neighbors as the SLDC currently dictates. Your description of the existing process – public meetings of nearby neighbors organized by the developer, an SLDC Hearing Officer Hearing, followed by a meeting of the County Planning Commission (CPC), then moving to Board of County Commissioners **if** there is an appeal – does not truly allow for regional discussion in our opinion. This is because only a few property owners are affirmatively informed of these opportunities for input, even though the impacts of a Utility-Scale development may extend far beyond their properties. Entire affected communities can remain uninvited to participate. Your response asserts that existing County regulations are “adequate”, an assertion you make for such large-scale utility energy production projects without any substantiation other than to quote existing law. For the reasons outlined in our letter, SMA does not feel this is the case. If remarks from a few neighbors, and the evidence and information they provide to a Hearing Officer, the CPC, and perhaps the BCC are “adequate” to ensure responsible development of Utility-Scale Renewable Energy Projects that will endure for decades and affect the entire region, SMA feels the County can do better than “adequate.” Thus, in our January 3 letter, we suggested modifying those criteria and procedures in the case of such projects. We understand that this would entail more work for County staff but feel that effort will be justified by fostering effective public input.

Projects of this scale are vastly beyond the scope of commercial solar, or of many renewable energy technologies, that are currently regulated in any detail in the SLDC. Depending upon the technologies involved, they may also exceed the expertise of County staff. Encouraging Countywide public input would solicit technological, financial, environmental, and other expertise from the community, expertise that we believe exists in abundance. SMA agrees that Community Solar (less than 5 MW of production), and commercial solar (used by commercial buildings or facilities) is regulated by the SLDC. However, current regulations for utility scale power production presume traditional non-renewable energy production technologies and practices, and Large-Scale Wind

SMA Mission: To serve as a trusted resource by listening to community concerns, sharing information,  
and influencing policy and decisions affecting all of us.

President – Dennis Kurtz  
Vice-President – Janet McVickar

Treasurer – Gail Buono  
Secretary – Laird Graeser

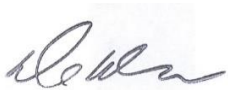


Facilities. But there are no regulations, for example, for Large Scale Solar Facilities, or for other technologies. Perhaps the reason for this omission is that when the SLDC use matrix was implemented by the County, Utility-Scale Renewable Energy Facilities were not a practical alternative that could be considered. We believe it is time for the SLDC to catch up with the technology, and to involve the Countywide community in its evaluation.

The San Marcos Association greatly appreciates the effort you and your staff invested in your response. However, we respectfully request your office revisit this issue and provide us with a more direct response to our suggestion. If you wish to discuss our views on this matter further, please do not hesitate to contact The San Marcos Association.

Sincerely, on behalf of the SMA Board of Directors,

Dennis Kurtz, President



The San Marcos Association

CC: Penny Ellis-Green, Director, Growth Management Department  
Jeffrey S. Young, Santa Fe County Attorney  
Jacqueline Beam – Sustainability Manager, Santa Fe County  
Commissioner Hank Hughes – District 5  
Gabriel Bustos, Constituent Liaison, District 5

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*President – Dennis Kurtz*  
*Vice-President – Janet McVickar*

*Treasurer – Gail Buono*  
*Secretary – Laird Graeser*

## ATTACHMENT 5

County September 12, 2023 response to SMA August 17, 2023 letter

Emailed to The San Marcos Association September 12, 2023, at 11:22 from County Manager Shaffer

with, however, an **incorrect** date

**Justin S. Greene**  
Commissioner, District 1

**Anna Hansen**  
Commissioner, District 2

**Camilla M. Bustamante**  
Commissioner, District 3



**Anna T. Hamilton**  
Commissioner, District 4

**Hank Hughes**  
Commissioner, District 5

**Gregory S. Shaffer**  
County Manager

July 24, 2023

**BY EMAIL AND REGULAR MAIL**

Dennis Kurtz, President  
The San Marcos Association  
PO Box 722  
Cerrillos NM 87010  
Email: dennisdkurtz@gmail.com

RE: Utility-Scale Renewable Energy Projects

Dear Mr. Kurtz:

Thank you for your letter, dated August 17, 2023. While Santa Fe County (County) staff respectfully disagrees with the San Marcos Association that so-called Utility-Scale Renewable Energy Projects should be regulated as developments of countywide impact, we do appreciate its thoughtfulness and passion on this topic.

My July 24, 2023, letter to you focused on Commercial Solar Energy Production Facilities for two primary reasons. First, because of the intense community interest in such facilities recently. Second, because the areas with the greatest wind energy potential are relatively few and limited to relatively small areas. [Sustainable Growth Management Plan, Map 7-1 A.] In contrast, the areas with the most potential for solar energy production are much larger and closer to the largest population centers within the County. [*Id.*] I addressed in my July 24 letter the separate request by others for a moratorium on such projects in furtherance of administrative efficiency.

Focusing on other potential renewable projects:

- Large Scale Wind Facilities have specific regulations. [SLDC, Section 10.16.] In addition, where potentially allowed, Large Scale Wind Facilities are conditional uses.
- With regard to Geothermal Production Facilities, in those zoning districts where they are potentially allowed, they are, with limited exceptions, a conditional use.<sup>1</sup>

Because Commercial Solar Energy Production Facilities (and other Utility-Scale Renewable Energy Projects) are generally conditional uses, my July 24 letter focused on the conditional use criteria and process.

In your August 17 letter, you do not seem to take issue with the conditional use approval criteria. Instead, you state that those criteria “should be applied *Countywide* for Utility-Scale

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<sup>1</sup> According to the use tables within the SLDC, there are already many areas where Geothermal Production Facilities are prohibited. The only zoning districts where Geothermal Production Facilities are a “permitted use” are Industrial General and Industrial Light (and, potentially, Planned Development Districts).

Renewable Energy Projects, in ways fostering regional public input.” Conditional use criteria apply Countywide to all conditional use permit applications, so no SLDC amendment is necessary to make those criteria applicable Countywide.

Your August 17 letter goes on to state that Developments of Countywide Impact (DCI) status for Utility-Scale Renewable Energy Projects “would promote, and in many ways require, Countywide public input.” In staff’s view, however, such designation is not necessary to achieve robust, Countywide input.

Contrary to the statements in your August 17 letter, public input on conditional use permits is not limited to immediate property owners, in law or in fact. In County staff’s experience, conditional use permit applications (e.g., for the Flying J truck stop) can attract widespread interest as well as thoughtful engagement from community experts and the community at large. Utility-Scale Renewable Energy Projects would appear likely to be no different, judging by the number of individuals who have voiced positive and negative opinions about the Rancho Viejo Solar Project even before the first public hearing.

In criticizing the existing regulatory regime, your August 17 letter appears premised on the fact that the only evidence offered at public hearings would be “remarks from a few neighbors”. As indicated above, however, County’s staff experience is different, with public hearings on controversial projects attracting widespread public involvement rather than just immediate neighbors. In addition, our well-educated citizens often offer their subject matter expertise on land use cases, big and small. Indeed, your letter acknowledges that “technological, financial, environmental, and other expertise” exists “in abundance” in our community. There is no reason to believe that this abundant expertise would not be engaged by conditional use permit applications for specific Utility-Scale Renewable Energy Projects, where site-specific environmental and other data and concerns are analyzed and, if necessary, mitigated.

Your August 17 letter suggests that, “[d]epending upon the technologies involved, [Utility-Scale Renewable Energy Projects] may also exceed the expertise of County staff.” While true, this statement overlooks the fact that County staff can, and does, secure independent, technical experts to review permit applications.<sup>2</sup>

With regard to the battery energy storage systems (BESS) frequently used in conjunction with Utility-Scale Renewable Energy Projects, on August 29, 2023, the Board of County Commissioners adopted Ordinance No. 2023-06, the Santa Fe County Fire Code, which adopts, with modifications, the 2021 Edition of the International Fire Code (International Fire Code). The Santa Fe County Fire Code regulates BESS that exceed specified storage thresholds, requires owners and operators of such BESS to obtain construction permits, and incorporates other standards (such as NFPA 855).

County staff’s opinion is also guided by the Sustainable Growth Management Plan’s commitment to renewable energy and energy efficiency, as well as the reality that the impacts of the status quo dependency on fossil fuels are Countywide and worldwide. Creating additional hurdles to the necessary transition to renewable energy would be inconsistent with that commitment and reality.

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<sup>2</sup> Section 4.4.7.8 of the SLDC allows the County to charge the expense of such technical experts to the Applicant.

In closing, I would note that the Board of County Commissioners (BCC) will likely soon consider for adoption a resolution that bears on these topics. As introduced, that resolution would require certain things proposed by staff to ensure the efficacy and efficiency of the current regulatory regime concerning so-called Utility-Scale Renewable Energy Projects and BESS. Specifically, the introduced resolution would direct County staff:

1. To the extent this has not already been done, procure or otherwise obtain appropriate and necessary experts to independently evaluate applications for commercial renewable energy projects, including, but not limited to, any applications for permits under the 2021 Edition of the International Fire Code for BESS.
  - a. In accordance with Section 4.4.7.8 of the SLDC, the County may charge the applicant fees associated with expert review of commercial renewable energy projects applications. In addition, pursuant to the Section 104.8.2 of the International Fire Code, the County may require an applicant to provide, without charge to the County, technical opinions and reports to assist in evaluating permits.
  - b. To the extent any additional funding for such experts is needed, funding shall be included in the budget requests for the Growth Management Department and Fire Department for future fiscal years.
  - c. For Fiscal Year 2024, the County Manager is directed to utilize budgeted Contingency Funds (if necessary) for the purpose of paying such experts.
2. Create a webpage dedicated to conditional use permit applications for commercial renewable energy projects, on which County staff shall post:
  - a. A description of the conditional use permit process and criteria, so as to facilitate the public's participation in that process, including at public hearings before the Hearing Officer, Planning Commission, and Board of County Commissioners (on appeal); and
  - b. Information concerning conditional use permit applications and BESS applications for commercial renewable energy projects.
3. Notify all Community Organizations and Registered Organizations registered pursuant or recognized under the SLDC of such webpage.

This resolution is being introduced for discussion (not action) at the September 12, 2023, BCC meeting.

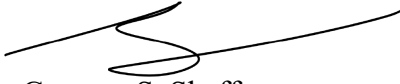
\* \* \*

Again, thank you for your initial letter and August 17, 2023, follow-up letter. While we respectfully disagree on the advisability of regulating Utility-Scale Renewable Energy Projects as DCIs, I trust that this letter reinforces that County staff duly considered the San Marcos Association's perspective.

Dennis Kurtz  
September 12, 2023  
Page 4 of 4

Please do not hesitate to contact me should you wish to discuss this matter further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory S. Shaffer', with a long horizontal line extending to the right.

Gregory S. Shaffer  
County Manager

cc:

Hank Hughes, County Commissioner, District 5  
Penny Ellis-Green, Growth Management Department Director  
Jaome R. Blay, Assistant Fire Chief and Fire Marshal  
Jacqueline Y. Beam, Sustainability Manager  
Jeff Young, County Attorney



# SLDC Hearing

Case # 24-5200

## The San Marcos Association

[<https://thesanmarcosassociation.org/>]

Proposed AES Rancho Viejo Solar Project

December 4, 2024



# Our Mission

To serve as a trusted resource by listening to community concerns, sharing information, and influencing policy and decisions affecting all of us





# Types of Solar Regulated in SF County

- Residential Solar (National average size ~7.2 kW)
- Commercial Solar Energy Production Facility  
(Of “Neighborhood” scale, SFCo Overlay guidelines)
- Community Solar ( $\leq 5$  MW, NM 2021 Community Solar Act)
- Gas or Electric Power Generating Facility  
(Utility scale is  $> 300$  kW , SGMP)  
(LBCS Structure Code 6400; Solar – Structure Code 6460)



# The Rancho Viejo Solar Project is a 'Gas or Electric Power Generating Facility'

- Gas or Electric Power Generating Facility
  - Described effectively this way in AES documents and website
  - Of Utility Scale [SGMP]
  - Transmits power directly to the Grid
  - This use includes “solar panel farms” [LBCS Structure Code 6460]
  - They are PROHIBITED in areas zoned Rural Fringe [SLDC Appendix B – Use Matrix]
  - Conditional Use Permits (CUP) are not an option



# The Rancho Viejo Solar Project is a 'Gas or Electric Power Generating Facility'

SUSTAINABLE LAND DEVELOPMENT CODE

Use	Function	Structure	Activity	Agriculture/ Ranching	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Residential Community	Traditional Community	Commercial Neighborhood	Mixed Use	Commercial General	Industrial General	Industrial Light	Public Institutional	Planned Development	Special Conditions
Septic tank service, repair, and installation business	4346			X	X	X	X	X	X	X	C	C	C	P	P	P	X	P	
Household hazardous waste collection facility				C	C	C	X	X	X	X	C	X	C	C	P	C	X	P	
Hazardous waste storage facility		6340		C	C	X	X	X	X	X	X	X	X	X	C	X	X	P	
Hazardous waste treatment and disposal facility				C	C	X	X	X	X	X	X	X	X	X	C	X	X	P	
Sewage treatment plant and disposal facilities		6350		C	C	C	C	C	C	C	C	X	C	C	C	C	C	P	
Gas or electric power generation facility		6400		C	C	X	X	X	X	X	X	X	X	X	C	C	C	P	
New wireless		6500		C	C	C	C	X	X	X	X	X	C	C	C	C	C	C	

From SLDC Appendix B: Use Matrix, p. 11



# The Rancho Viejo Solar Project is **NOT** a 'Commercial Solar Energy Production Facility'

- Commercial Solar Energy Production Facility
  - A “renewable energy production facility that uses sunlight to generate, and may store, energy for sale or profit” [SLDC Appendix A]
    - A definition largely from 2016
  - Conditional in Rural Fringe (Rural Fringe defined as “suitable for a combination of estate-type residential development, agricultural uses and other compatible uses”) [SLDC §8.6.3.1]
  - Of “neighborhood” scale



# Rancho Viejo Solar Project is NOT a 'Commercial Solar Energy Production Facility'

Use	2016 SMD RUR	SLDC RUR	2020 SMD RUR	2016 SMD RUR-F	SLDC RUR-F	2020 SMD RUR-F	2016 SMD RUR-F	SLDC RUR-R	2020 SMD RUR-F	2016 SMD CN	SLDC CN	2020 SMD CN	SM 2019 Plan Language Notes
<b>Residential</b>													
Commercial solar energy production facility	X	C	P	X	C	P	X	X	P	X	C	C	Action 4.2.1 Create development standards for the siting and installation of Neighborhood-Scale renewable energy production facilities
Geothermal production facility	X	C	C	X	C	C	X	X	C	X	X	X	Action 4.2.1 Create development standards for the siting and installation of Neighborhood-Scale renewable energy production facilities
Large scale wind facility	X	C	C	X	C	C	X	C	C	X	C	C	Action 4.2.1 Create development standards for the siting and installation of Neighborhood-Scale renewable energy production facilities
Small scale wind facility		A	P		A	P		A	P		A	A	Action 4.2.1 Create development standards for the siting and installation of Neighborhood-Scale renewable energy production facilities



Figure 1: Sections of Worksheet provided by County staff to guide discussion when revising the San Marcos Planning District Use Matrix in 2020  
 Portions of page 1 (to show header) and page 8 (containing the Commercial solar energy production facility line) are combined.



# AES failed to Notice SMA of its January 4, 2023 Neighborhood Meeting

- AES held a virtual neighborhood meeting on 01/04/23 [Jan. 2023 Pre-Application Neighborhood Meeting Report]
- Purposes of Neighborhood Meetings
  - Applicant Presents Information about a Development
  - Community Members Respond to that Information
  - \*\*\*All parties Hear the Statements of Both Sides\*\*\*
- SMA was denied the opportunity to inform the community and to hear community members' thoughts
- Potentially not the only example of AES 'cutting corners'



**QUESTIONS?**

# PRE-APPLICATION NEIGHBORHOOD MEETING SUMMARY

RANCHO VIEJO SOLAR PROJECT  
SANTA FE COUNTY, NEW MEXICO

JANUARY 2023

PREPARED FOR

**Board of County Commissioners,  
Santa Fe County**

PREPARED BY

**SWCA Environmental Consultants**



**PRE-APPLICATION NEIGHBORHOOD MEETING SUMMARY**  
**RANCHO VIEJO SOLAR PROJECT**  
**SANTA FE COUNTY, NEW MEXICO**

Prepared for

**Board of County Commissioners, Santa Fe County**  
100 Catron Street  
Santa Fe, New Mexico 87501

Prepared by

**SWCA ENVIRONMENTAL CONSULTANTS**  
7770 Jefferson Street NE, Suite 410  
Albuquerque, New Mexico 87109  
(505) 254-1115  
[www.swca.com](http://www.swca.com)

SWCA Project No. 71537

January 2023

## INTRODUCTION

The following pre-application neighborhood meeting summary provides a synopsis of the public outreach process and effort, including input received, for the Rancho Viejo Solar Project in Santa Fe County, New Mexico.

## PUBLIC INVOLVEMENT PROCESS

The public pre-application neighborhood meeting was held on October 4, 2022, from 5:00 p.m. to 7:00 p.m. at the Turquoise Trail Charter School Auditorium. Fifty members of the public attended the meeting, in addition to study team representatives. The meeting began with a one-hour presentation to discuss the project's proposed layout, equipment specifications, existing environmental conditions, project schedule, and ways to submit comments to the study team after the conclusion of the neighborhood meeting. After the presentation, comments and questions were solicited from the attendees. The question-and-answer period lasted for one hour. Approximately 24 comments and questions were received during the neighborhood meeting. Approximately 22 questions were submitted to the project team prior to the meeting, via email or the project website and were addressed as part of the October 4, 2022, presentation.

To provide announcement of the meeting, letter notices were sent via first class mail on September 15 and 19, 2022, to all landowners within a 500-foot buffer around the land parcel to be leased for the proposed project. AES also created a web page with a comment form and email address dedicated to Rancho Viejo Solar Project questions. The notice letter included the web page address. Public meeting notices are shown in Appendix A. The landing page provided a brief project description, a project map, visual simulations, a comment submission field, and contact information for the project team. The October 4, 2022, presentation with questions and answers was posted to the project web page in November 2022. AES posted meeting notification on the top of the project webpage, as well as emailing a notice to everyone who submitted their email address through the website in order to receive project updates and information. Documentation of public meeting attendance is provided in Appendix B.

Following the October 4, 2022, meeting, AES identified that a small segment of landowners within a 500-foot buffer around the land parcel to be leased for the proposed project had inadvertently not received letter notification. On December 19, 2022, letter notification was provided to this segment of landowners and a subsequent pre-application neighborhood meeting was held virtually on January 4, 2023. No members of the public participated in this subsequent neighborhood meeting.

## COMMENTS

All questions and comments that were submitted to the project team prior to the meeting are included in Appendix C. Review and analysis of the comments received indicate that the public input falls under six general themes: 1) safety, 2) visual impacts, 3) land lease conditions, 4) construction and operations, 5) project funding, 6) power purchase agreement, and 7) environmental impacts. The following paraphrased comment summaries reflect the questions and comments received prior to and during the neighborhood meeting and subsequent comment period.

### *Questions/comments concerning safety:*

- Fire suppression
  - Training first responders, including volunteer firefighters
  - Fire suppression technology

- The relevance of a related event at a storage site in Chandler, Arizona
- Chemicals that will be used to clean panels
- Chemicals used for dust suppression
- Chemicals in panels
- Other types of emergencies that could occur (flash flooding, high winds, etc.) and AES's plan to respond to such events
- Panels' designed resistance to wind and hail damage

*Questions/comments concerning visual impacts:*

- Visual simulations were not run from higher elevations
- Lack of visual simulations at 7 a.m.
- Visual simulations do not reflect maximum height

*Questions/comments concerning land lease conditions:*

- Whether the land is being purchased or leased
- Effects of project on property values
- The other proposed locations that had been shortlisted
- Lack of benefits for locals from this project
- Set-back versus buffer size
- Status of the Conditional Use Permit application

*Questions/comments concerning construction and operations:*

- Percentage of labor force that will be locally sourced
- Number of construction jobs that will be needed
- Percentage of produced power that will be needed for operations
- Plan to overcome supply chain issues
- Need for additional power lines
- Dust control plan for construction
- Location of project in relation to substation
- Access road construction

*Questions/comments concerning project funding:*

- Reliability of funding sources
- The fate of the project should AES go bankrupt before lease expires

*Questions/comments concerning power purchase agreement:*

- What PNM will do with the power generated

*Questions concerning the project's environmental impact:*

- Water usage
- Preservation of the site's ecosystem
- Cost and feasibility of recycling panels
- Compliance with dark sky ordinances
- Status of environmental reports

The project team reviewed all questions and comments submitted before the meeting, and prepared responses within the presentation slides. Those responses are listed in Appendix D. Additional comments that were received during the meeting are listed in Appendix E. The is attached as Appendix F.

## **APPENDIX A**

### **Public Meeting Notices**

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September 2022

**Re: Rancho Viejo Solar Project’s Public Pre-Application Neighborhood Meeting**

Many of you attended an Open House style meeting about the proposed Rancho Viejo Solar facility that we hosted for the community on August 3, 2022. During that event, we heard from many attendees that they were expecting and preferred to have a presentation by our subject matter experts. We heard your comments and request for a more interactive format and have scheduled a community meeting for October 4, 2022. This meeting will have a hybrid format: a presentation about the project and an opportunity to ask AES representatives questions in an open house structure.

- 5:30 – 6:30 PM – Presentation of solar project information with emphasis on addressing all questions that have been previously submitted.
- 6:30 - 7:30 PM – Open House – AES subject matter experts are available to address specific questions, attendees are encouraged to review informational poster boards.

If you are unable to attend this meeting, please let us know and we will deliver via USPS, a printed Q&A of the topics that will be addressed during the presentation. You can let us know of your inability to attend by submitting a request in the comment form on the project website at [www.aes.com/rancho-viejo-solar](http://www.aes.com/rancho-viejo-solar) or email us directly at [ranchoviejosolar@aes.com](mailto:ranchoviejosolar@aes.com).

To add another question to the agenda, please email your questions to [ranchoviejosolar@aes.com](mailto:ranchoviejosolar@aes.com) under the subject line “Oct.4<sup>th</sup> Question”.

AES Clean Energy Development, LLC is proposing to build the Rancho Viejo Solar Project on private land in Santa Fe County, New Mexico. This letter is to invite you to a pre-application neighborhood meeting. All interested parties are invited to attend. The meeting details are as follows:

**Location:** Turquoise Trail Charter School Auditorium  
13 San Marcos Loop, Santa Fe, NM 87508  
**Date:** October 4, 2022  
**Time:** 5:30 – 7:30 PM

The project would be located approximately one mile south of Santa Fe city limits and approximately 4.2 miles east of La Cienega, located in Sections 2, 3, 4, 5, 6, 7, 8 and 9 Township 15 North, Range 9 East (see map on page 2). AES is applying to Santa Fe County for a conditional use permit (CUP) under the county’s Sustainable Land Development Code. The land is currently undeveloped and used as livestock rangeland, and is zoned as Rural Fringe, Mixed Use and Planned Development District. The Santa Fe County Planning Commission is responsible for reviewing and approving the CUP application.

The project will consist of (a) solar PV modules mounted on single-axis tracking steel structures; (b) an onsite collector substation and battery energy storage system (BESS) that will aggregate the output from the PV modules and convert the electricity from direct current (DC) to alternating current (AC); (c) a 115 kV gen-tie line that will transmit the electrical power generated to a new PNM “line-tap” switchyard at their existing 115 kV transmission line; (d) communications infrastructure including fiber optic cable; and (f) civil infrastructure including driveways, drainage management, and fencing. The perimeter of the

---

solar PV facility (including the onsite collector substation and the BESS) will be enclosed by a fence with controlled access.

At their highest point, the top edge of the PV panels would be approximately 12 to 14 feet above ground level. The transmission structures will be single-circuit H-Frame with maximum height of 40-50 feet, with structure spans of up to 250 feet. A 16-foot-wide gravel surfaced or compacted native soil access road would be constructed from State Road 14 to the project site.

To contact the county regarding this application, call the Planning Office at (505) 995-2717.

Sincerely,



Rebecca Halford

Stakeholder Relations Manager, AES Clean Energy

(505) 490-4935

[ranchoviejosolar@aes.com](mailto:ranchoviejosolar@aes.com)

[www.aes.com/rancho-viejo-solar](http://www.aes.com/rancho-viejo-solar)

## **APPENDIX B**

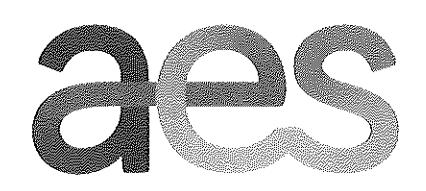
### **Virtual Public Meeting Attendance Record**



# Open House – Sign-In Sheet

Rancho Viejo Solar  
 Oct 4, 2022  
 5:30 PM - 7:30 PM

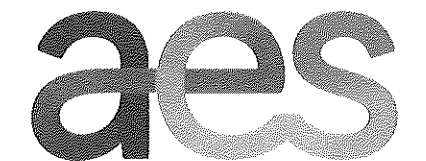
Name	Phone	Email	Mailing Address
Ericka Kidd	505 490 6173	walkingshortkidd@gmail.com	19 Cochiti East 87508
Baudilio R Jaca	505-331-4104	bbaca@bwell.org	4921 Alexander Blvd NE ALBANY 87108
Theresa Mendez		mendez.thera1234@gmail	137 RSM Loop, SF, NM
Charles Wright	505 490 3259	etw4155@gmail.com	96 SANMARCOS LOOP SF 87508
CHRIS ELIAS AGUIRRE	505 699 3064	ceide@hschool.org	70 ARCADE PLUMBE DL 87508
<del>FRANK BROWN</del>	<del>505 549 6840</del>	<del>pdxbrown@msn.com</del>	<del>11 BASSWOOD ROAD 87508</del>
JILL SALOPEK	505 400 0201		
Ben Jan	505 400 3854		
Debra Anderson	505 473 9590	dabrac@redrockpictures.org	693 Shavanoak Tr.
Warren Thompson	505 577-2744	WarrenThompson@mac.com	
KIM, SANDRA NITSCHE	505-557-7781	KIM.NITSCHE@CMAIL.COM	12 SORONA RD SANTA FE
Jill Gibvern	505 490 3070		45 Crazy Rabbit Dr
Jeff Taylor	505 795-1821	Jeff@SolarSolar	



# Open House – Sign-In Sheet

Rancho Viejo Solar  
 Oct 4, 2022  
 5:30 PM - 7:30 PM

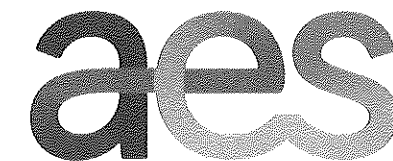
Name	Phone	Email	Mailing Address
Nancy Day	505.471.704	joenancy209@gmail.com	209 Rancho Alegre Rd S.F 87508
MATTHEW MCQUEEN		mcqueenfornm@gmail.com	
SELMA ETWELLENBUDM		selma@ifscolorado.com	227 SM WWP
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# Open House – Sign-In Sheet

Rancho Viejo Solar  
 Oct 4, 2022  
 5:30 PM - 7:30 PM

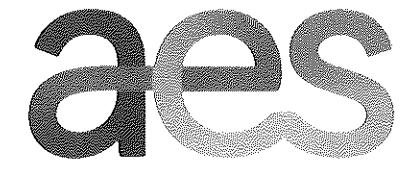
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# Open House – Sign-In Sheet

Rancho Viejo Solar  
 Oct 4, 2022  
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## **APPENDIX C**

### **Questions/Comments Submitted Prior to Neighborhood Meeting**

- What are potential emergencies that could arise at this site and how has AES planned to address them? For example, fires, flash flooding, wind events, etc.
- Should this project move forward, it seems like an excellent opportunity to preserve the soil and surface ecosystem in the area beneath the solar panels. What steps will AES take to ensure minimal disturbance to the existing landscape? Some service roads and support footings are to be expected, but what percentage of the existing landscape will remain untouched should this array be built?
- How will AES ensure that threatened species will be protected during construction, and the subsequent decades?
- How many gallons of water and from what source will be needed for construction?
- How many gallons of water will this solar array consume annually – both from a design standpoint and in the case of some sort of emergency? From what source will this water be drawn?
- Will the access/service roads be paved?
- Up to what wind speeds and hail size are these panels and other pieces of equipment expected to remain undamaged?
- For any damaged panels, or other equipment, will they be recycled? Who absorbs the cost of disposing of any such material?
- How does your design comply with New Mexico and Santa Fe County dark sky ordinances?
- What design elements have been put into place to protect the installation and surrounding areas in the event of a fire – either one ignited in the solar array itself, or a wildfire entering the array from elsewhere?
- Are the simulated photos showing the panels at their maximum height?
- Your letter dated Sept 7, 2022 says that the lithium ion battery storage will have new technology with updated safety features and fire suppression. I spoke to the battery expert at the Aug 3 meeting, and was told that this new technology has not been installed in any other solar facility, but it has been tested. In order to address the perception of us neighbors being "guinea pigs", will you explain to new technology in detail, specify exactly how it has been tested and the specific outcomes of the testing?
- The Sept 7 letter also states that "local fire and emergency management organizations will be thoroughly informed about the project and all access points...Turn around radius will be reviewed to assure local equipment can access and operate.". What isn't mentioned is the specific techniques and materials needed to fight a lithium ion battery fire. Per an article in the Arizona Republic (<https://azcentral.com/story/money/business/energy/2020/7/27/aps-battery-explosion-surprise-new-report-findings/5523361002/>), the Arizona Public Service Co (APS) report on the April 2019 battery explosion stated that "the emergency response plan provided by AES to APS did not have instructions on how to respond to a potential explosion or how to enter the system after the fire suppression system has been discharged". In a fire at a lithium battery storage facility in Morris, Illinois on June 2021 (<https://westgardnersolar.com/utility-scale-solar-health-and-safety-concerns/>), the article states that "because of dangers with treating lithium fires with water, the local firefighters applied a dry chemical agent, Purple K, to the fire. Purple K mitigates the toxic effects of the fire: however, this was unsuccessful. Ultimately, the fire was extinguished by covering the 30 foot by 40 foot area with Portland cement.". Therefore, the questions to AES is what are the specific materials and techniques needed to fight a lithium ion battery fire, and will you assist local fire departments and emergency management operation to secure the materials and be trained in the techniques?
- The Sept 7 letter also says that "the project is proposing a 1,000-foot set-back buffer from any property line." The website says "The panels and the fence surrounding the facility will be set back at a minimum 1,000' form any adjacent residence/house.". Which is it?

- The website says 3 environmental and technical studies are in progress October 2022 - The Environmental Impact Report, the Hydrologic and Hydraulic Study, and the Site Thresholds Analysis. What is the status of these reports? is there a projected date or dates these are expected to be completed? How soon after the completion of these reports will the Conditional Use Permit (CUP) application be submitted?
- The Sept 7 letter says that "Water used during construction and maintenance will be delivered by water trucks for dust mitigation and panel washing." How much water are you talking about and where will it be trucked in from? There is a significant shortage of water in our area, in the state and in the entire western half of the US, and we have other construction in progress near us.
- Which specific agency will the CUP be submitted to? What is the process and time frames after the CUP application is submitted?
- I would like to know what accommodations are being made for glare and for wildlife migrations.
- Given the current economic conditions within the United States, your current key statistics along with YTD earnings, and it is an election year: How will you fund your project successfully?
- The National unemployment rate is at 3.7% and New Mexico is at 4.4%: Can you tell us what percentage of your labor pool will be locally sourced?
- With respect to driver and other labor shortages, transportation costs, inflation and product demand: How will you address any supply-chain issues for project construction? And who will oversee the progress and completion to stay within your project timeline?
- Decommission of your solar facility show Y2059: How long does a decommission take and where do all the used materials end up?
- What security fencing is expected to surround this solar array and what are its specifications – height, design, materials, electrified, monitored by security cameras, etc.?
- The pre-application process has, so far, not been completely transparent. Everyone does not have the opportunity to hear the answers to all questions by authorized representatives of AES. There has been no opportunity for public give and take in asking and responding to questions, and follow-up questions. Question: What precisely are the words we can use in responding to our neighbors when they question the lack of complete transparency?

## **APPENDIX D**

### **Responses Provided During Presentation**



*Why Here?*

- Utility-scale solar cannot be built remotely as it needs to serve the utility power loads (where people live) and access utility transmission lines/infrastructure (also where people live).
- The NM Renewable Portfolio Standards (RPS) applied to state IOUs requires a 50% total retail sales from renewable energy by 2030
- The PNM utility load territory includes Albuquerque, Rio Rancho, Los Lunas, Belen, Santa Fe, and Las Vegas, New Mexico –this corridor contains the load infrastructure
- Santa Fe is within the PNM service area and has only two 115kV lines located in a 3-mile radius
- The land that the project is sited on is 1,000+ contiguous acres, accessible to the PNM service lines, buildable (flat, south-facing, and unobstructed), and the landowner is willing to partner with us
- The privately owned land is surrounded by state lands and waterways (arroyos)
- The project will be set back at least 1 mile from the NM Hwy 14 Turquoise Trail scenic corridor
- The project site is set outside of the community college district
- The project avoids the Gallina Arroyo and Bonanza Creek arroyo and tributaries
- The project is a setback as far as possible from neighbors –at least 1,000' from nearest property lines (county requirement is 25' setback)
- The distance from the available transmission line is < 3 miles

*Can AES guarantee the County required minimum setback of 25' to adjacent property lines?*

- Yes. AES guarantees a minimum setback of 1,000' to any adjacent property line/boundary.

*Are there plans to expand the project?*

- There are no plans to expand the project. This facility, known as Rancho Viejo Solar, is sized at 96 MW AC and will NOT increase in size. AES has two community solar projects in early-stage development proposed for Santa Fe County that will enter into the competitive PNM RFP solicitation, and if awarded, will also go through the County permitting process. These two proposed community solar projects are not associated with the proposed Rancho Viejo utility-scale solar facility. They will be located on separate parcels of land and interconnect to the PNM grid in different locations.

*Does proximity threaten the health and safety of neighbors?*

- No. The project was designed and implemented to not adversely impact the health and safety of neighbors.
- Ultimately, Santa Fe County decision-makers will consider health, safety, and welfare when they consider the project.
- AES is working with appropriate third parties to provide safety and fire management training for fire departments located within the vicinity of the project. This training will occur within the next five months and again prior to the completion and energization of the facility. The training will also include "train the trainer" sessions for future emergency response teams.

*How does this impact property value?*

- AES has engaged with a third-party national and local appraisal firm that is completing a property value analysis.
- Numerous studies have examined this question, considering the size of the facility, distance from adjacent properties, vegetation, screening, noise, odor traffic, alternative uses permitted under current zoning, etc.
- The analysis findings and report will be submitted to Santa Fe County with our CUP application.

*What are toxicity risks of solar panels?*

- No reports provide evidence that there any health issues caused by solar panels.
- All AES solar panels pass the EPA's Toxic Characteristic Leaching Procedure (TCLP) test and,
- Are classified as non-hazardous and are not regulated as toxic materials.

*Do solar panels heat the air above the panels?*

- The surface of PV modules is regularly warm but not hot to the touch on a summer day in full sun. However, the PV Heat Island (PVHI) effect has been studied and early results indicate that temperatures may be 3-4 deg C hotter directly over a PV array. The study is not conclusive regarding the effect of varying vegetation and albedo relative to the amount of temperature change, though.

*Can AES guarantee the County required minimum setback of 25' to adjacent property lines?*

- Yes. AES guarantees a minimum setback of 1,000' to any adjacent property line/boundary.

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*Is dust pollution an issue during and after construction? Will AES clearcut and/or grade all the land under the array? Describe the post-construction landscape under the solar panels –dirt, natural vegetation, rock? How do you protect the facility from lightning strikes? What type of fencing will be used to surround the project? Will it encompass the entire complex?*

- The project will be constructed at the existing grade to the greatest extent possible, minor grading and/or grubbing may occur throughout the portions of the solar facility, BESS, foundation pads, equipment storage, and staging areas. Grading will conform to accepted slope stability requirements. Active construction would take approximately 12 months. Dust control best management practices that would be employed during construction would generally include:
  - Limit vehicular speeds on non-paved roads.
  - Apply water or dust palliative to disturbed soil areas of the project site to control dust and maintain optimum moisture levels for compaction, as needed.
  - Apply the water using water trucks. Minimize water application rates, as necessary, to prevent runoff and ponding. • Apply dust control measures to haul roads to adequately control wind erosion during windy conditions (forecast or actual wind conditions of approximately 25 mph or greater).
  - Cover exposed stockpiled material areas.
  - Suspend excavation and grading during periods of high winds.
- When a project reaches the end of its project life, the project is responsible for executing the approved Decommissioning Plan, including abiding by all local and state decommissioning requirements. This includes the removal, recycling, and disposal of all equipment and other structures associated with the project, as applicable. The land surface within the project area will be sensibly restored to pre-project conditions to allow a return to desert vegetation status or other uses consistent with the land-use policies at the time.

*Dust and Glare*

- Solar panels are intended to capture as much sunlight as possible and are specifically designed to reduce reflection and glare. Modern solar panels reduce reflection by using anti-reflection coatings (ARC) and by texturing the surface. According to the National Renewable Energy Laboratory, solar panels reflect as little as 2% of incoming sunlight and produce less glare than standard windows and water. The Federal Aviation Administration (FAA) produced a final policy report that found solar projects do not create hazardous glare for aircraft in the area.
- Active construction would take approximately 12 months. Dust control best management practices employed during construction will generally include
  - Limit vehicular speeds on non-paved roads.
  - Apply water or dust palliative to disturbed soil areas of the project site to control dust and maintain optimum moisture levels for compaction, as needed.
  - Apply the water using water trucks. Minimize water application rates, as necessary, to prevent runoff and ponding.
  - Apply dust control measures to haul roads to adequately control wind erosion during windy conditions (forecast or actual wind conditions of approximately 25 mph or greater).
  - Cover exposed stockpiled material areas.
  - Suspend excavation and grading during periods of high winds.

*Is dust pollution an issue during and after construction?*

- Active construction would take approximately 12 months.
- Fugitive dust would be managed in accordance with County or EPA rules and requirements.
- Dust control best management practices that would be employed during construction would generally include:

- Limit vehicular speeds on non-paved roads.
- Apply water or dust palliative to disturbed soil areas of the project site to control dust and maintain optimum moisture levels for compaction, as needed.
- Apply the water using water trucks. Minimize water application rates, as necessary, to prevent runoff and ponding.
- Apply dust control measures to haul roads to adequately control wind erosion during windy conditions (forecast or actual wind conditions of approximately 25 mph or greater).
- Cover exposed stockpiled material areas.
- Suspend excavation and grading during periods of high winds.

*Will AES clearcut and/or grade all the land under the array?*

- The project will be constructed at the existing grade to the greatest extent possible, minor grading and/or grubbing may occur throughout the portions of the solar facility,
- The area around the Project Collector (2 AC) and BESS (4 Ac) will be graded and leveled to include a gravel surface with concrete foundation pads for certain equipment, including the individual battery containers.
- Grading will conform to accepted slope stability requirements. Pole mounts used in the solar racking system do not require leveling the land or installing complex foundations.
- The installation method will be either pile or screw driven, depending on the compactness of the soil

*Describe the post-construction landscape under the solar panels –dirt, natural vegetation, rock.*

- Reclamation would include the establishment of native vegetation.
- Certified weed-free native seeds would be used.

*How do you protect the facility from lightning strikes?*

- AES project engineering utilizes standards to design proper grounding systems as well as lightning arrestors (surge arrestors) to inhibit lightning-related equipment failures.
- The PV racking can be inherently grounded through its driven piles and grounding grids are regularly included in foundation design, to which BESS enclosures may be tied.
- This allows for lightning to pass around sensitive equipment, conductively through to the ground.

*What type of fencing will be used to surround the project? Will it encompass the entire complex?*

- 7-8' high Agricultural fencing, which allows smaller-sized wildlife to pass through while keeping larger animals out of the facility
- The solar facility will be enclosed and secured by fencing (see project overview section for fencing layout).

*Where can I obtain a copy of the Environmental Impact Statement (all reports)? What are the impacts on water resources? What will be the water source to the complex? Expected use annually? How often will the panels be washed? How much water will be used for panel washing? Can you qualify the noise made by the panel (racking) motors? How many air conditioning units will run most of the time? How many units and what direction will they face? What is the impact on the scenic view? Can you qualify the noise made by the panel motors? How many panel motors will there be? Will there be any outdoor lighting? When will it be on? What is the impact on the environment?*

- As part of the development process, we conduct studies to ensure we are aware of all environmental elements. By identifying these resources at the front end, we can design our facility in a way that avoids any impacts. These studies include:
  - A delineation of any wetlands and streams
  - A search for any hazardous materials on site
  - An assessment of potential cultural, historic, archaeological, and religious resources within and surrounding the site
  - An assessment of any threatened and endangered wildlife habitat on site
  - An assessment of visual resources
  - An assessment of local floodplains and hydrology
  - An assessment of soils and geology -including on-site geotechnical and pile load testing studies
  - A survey of the terrain, boundary, and real estate encumbrances
  - Infiltration testing to understand soil drainage rate
  - An Environmental Impact Report (EIR) including these studies is being prepared in accordance with the requirements of Santa Fe County to identify potential impacts and associated mitigation measures for the construction and operation of the proposed project. The EIR will be part of the Conditional Use Permit application submitted to Santa Fe County.

*Where can I obtain a copy of the Environmental Impact Statement (all reports)?*

- The project is not required to prepare an Environmental Impact Statement pursuant to the National Environmental Policy Act. However, the project is required to prepare an Environmental Impact Report in accordance with the requirements of Santa Fe County.
- The Environmental Impact Report, and associated environmental technical reports, will be part of the public record when submitted to Santa Fe County as part of the Conditional Use Permit application package.

*What are the impacts on water resources?*

- Construction impacts would generally be related to stormwater runoff. A Stormwater Pollution Prevention Plan (SWPPP) would be prepared in compliance with the state's Construction General Permit, and Clean Water Act Section 402, National Pollutant Discharge Elimination System (NPDES). The SWPPP would identify best management practices (BMPs) to minimize stormwater runoff and sedimentation during construction activities. Stormwater BMPs that would be employed during construction include: Place silt fences and/or straw wattles along the downgradient perimeter of the project to minimize stormwater sedimentation from leaving the site.
- Minimize grading and vegetation removal, and limit surface disturbance during construction to the time just before solar module support structure installation.
- One ephemeral drainage (Gallina Arroyo) containing an ordinary high-water mark was observed during the April 2022 aquatic delineation survey. Impacts to this drainage are estimated to be less than 0.1 acre and are limited to the gen-tie crossing. Project would likely qualify for coverage under Nationwide Permit (NWP), per Section 404 of the Clean Water Act.
- Water for construction uses, such as dust suppression. Construction water use would be approximately 100 to 150 acre-feet over a 12-month construction period.
- Long term water uses would be approximately 2 to 3 acre-feet per year and would be associated with periodic panel washing.

*What is the impact on the scenic view?*

- Viewshed analysis has been completed, including visual simulations.
- The Turquoise Trail Scenic Byway is located approximately 2 miles west of the proposed Project and is the closest National Historic Trail to the proposed Project. There is potential for viewers from this location to notice new structures in the distance, but the Project would not attract the attention of the casual observer. The primary visual features in the foreground and mid-ground of the viewshed include existing transmission lines, the San Marcos subdivision, the Eldorado subdivision, and roadways. The visual impact of the proposed Project would be minimal and would not degrade the existing landscape from what is already present.
- Long-term visual impacts include operation and maintenance of Project components. Overall, these new elements would remain subordinate to the existing landscape character.
- Glare analysis completed: No glare predicted.

*Can you qualify the noise made by the panel motors? How many panel motors will there be?*

- There will be 66 tracker motors. However, the main source of noise with solar arrays is from inverters. The project will have approximately 25 inverters, which are dispersed throughout the facility.
- Inverters have a sound that can be characterized as a low hum. At 15 meters have a decibel (dB) level of 61, which is similar to a normal conversation. At 50 meters the sound attenuates to 50 dB, very faint –similar to moderate rainfall. At 200 meters the sound attenuates to 44 dB, which is a very low perceptibility.\* Inverter: Basic function is to “invert” the direct current (DC) output into alternating current (AC).

*Will there be any outdoor lighting? When will it be on?*

- It is anticipated there will be a motion sensor, downcast shaded security lighting at the access gate, battery storage, and substation location, and solar pads.
- Downcast lighting protects the ability to view the night sky by restricting unnecessary upward projection of light.

*What is the impact on the environment?*

- An environmental impact report (EIR) was prepared in compliance with Santa Fe County's Sustainable Land Development Code.
- The resources addressed in this EIR include air resources; biological resources; cultural, historic, archaeological, and religious resources; geological, paleontological, and soil resources; geographic resources; health and safety; land use; minerals and mining resources; noise resources; socioeconomic resources; roads; water resources; and visual resources.
- The analysis evaluates impacts to these resources associated with the construction, operations and maintenance, and decommissioning of the project.
- The EIR also identifies mitigation measures that would be implemented to avoid and minimize significant impacts.

- Based on the draft EIR, the Rancho Viejo Solar Project is not expected to unduly impair important environmental values.

*How many lithium-ion batteries will be stored in each of the 39 containers and how many cells would one battery have? What is the fire danger of lithium-ion batteries and how is prevention and mitigation addressed? What are the toxicity risks of batteries? What are the dimensions of the containers are going to be, height, width and length? Will there be a liquid electrolyte in the batteries? How far apart will the battery BESS containers be placed?*

- The combination of solar + storage will allow the utility to call upon the energy stored when it is needed most, day or night, helping to offset night-time fossil fuel generation
- Help ramp up toward peak energy demand periods (instead of using fossil fuel generation)

*How many lithium-ion batteries will be stored in each of the 39 containers and how many cells would one battery have?*

- 52 40' ISO containers
- Approx. 260 modules per container (20 racks with 13 modules each)
- Total modules = 52 x 260 = 13,520
- Each module contains 44 cells in a 2P22S configuration

*What is the fire danger of lithium-ion batteries and how are prevention and mitigation addressed?*

- Multiple options are available depending on the nature of the hazard. The first step is always to prevent the hazard, which is done with a multitude of risks management layers: the battery management system maintains nominal operations and separates a battery string from hazards when necessary; site SCADA systems identify hazardous conditions and can automatically stop the system and alert response personnel, and non-battery fires that may result in a battery fire are dealt with by the same measures as non-battery sites (defensive posturing and material-specific suppression). If a battery fire is initiated, the enclosures planned for this site would release fire suppressant in large concentrations directly into the initiating cell, removing heat and preventing thermal runaway throughout the enclosure. UL 9540 certification addresses safety and requires UL 9540a test results to be available for review. The UL 9540a tests of this system indicate adequate prevention of thermal runaway. The AES Energy Storage solution will achieve UL 9540 certification prior to site commercial operation.

*What are the toxicity risks of batteries?*

- Proper transportation, installation, operation, and disposal of batteries poses no toxicity risks to humans. If a battery is damaged during any of the phases of a battery's life, the proper response requires safe disposal, in which toxicity is contained as a part of the recycling and material re-capture. Lithium-ion batteries include metals, such as lithium, copper, and aluminum, as well as organic chemicals compounds sealed in metal and plastic casing. The amounts and concentration of liquid is such that damage is not expected to leak any fluids.

*What are the dimensions of the containers are going to be, height, width and length?*

- 39 units @ 45' x 8' x 9.5'

*Will there be a liquid electrolyte in the batteries?*

- AES uses lithium-ion batteries that contain liquid electrolytes. The batteries are sealed and inhibit any release of the liquid.

*How far apart will the battery BESS containers be placed?*

- Two back-to-back units per group with 3' spacing and 17' between the groups of two

*Are you aware of any fires using these same model BESS battery systems? When? where?*

- Several BESS battery fires have occurred though AES engineers are not aware of any known fires that have occurred with this model battery (as a reference point, Tesla's California Moss Landing battery complex caught fire). With each event, the energy storage industry has gathered several lessons learned and AES is currently applying the latest leading practices to address each lesson.
- Yes, Tesla's California Moss Landing battery complex caught fire. Please see ref. link. <https://www.canarymedia.com/articles/energy-storage/tesla-grid-battery-fire-shows-young-industrys-failures-and-successes>

*Has anyone been injured or killed due to fires originating from a shipping container sized BESS battery system?*

- In 2019, 4 firefighters were injured in an event that reshaped the energy storage industries view on safety. The system was larger than a shipping container, though lessons learned were adopted into then-emerging standards (UL9540 and NFPA 855) as well as common practice by AES. The hazards are understood to a much finer degree and resulted in design changes to AES's current energy storage solution. Specifically, the management of both fire and flammable gases is addressed and tested.

*Describe the fire suppression techniques currently used to fight large container sized lithium-ion battery fires. Is the gas used going to be FM 200 or 3M Novec1230?*

- Multiple options are available depending on the nature of the hazard. The first step is always to prevent the hazard, which is done with a multitude of risks management layers: the battery management system maintains nominal operations and separates a

battery string from hazards when necessary; site SCADA systems identify hazardous conditions and can automatically stop the system and alert response personnel; and non-battery fires that may result in a battery fire are dealt with by the same measures as non-battery sites (defensive posturing and material-specific suppression). If a battery fire is initiated, the enclosures planned for this site would release fire suppressant in large concentrations directly into the initiating cell, removing heat and preventing thermal runaway throughout the enclosure. UL 9540 certification addresses safety and requires UL 9540a test results to be available for review. The UL 9540a tests of this system indicate adequate prevention of thermal runaway. The AES Energy Storage solution will achieve UL 9540 certification prior to site commercial operation.

*What will be the ground treatment underlying the battery containers and substation?*

- Concrete pads directly underneath the containers, surrounded by gravel.

*How much distance from the BESS containers to a flammable landscape?*

- The gravel will surround the concrete pads and containers, extending approximately 6 feet in circumference.

*Will the solar panels act as a fire break toward neighboring subdivisions?*

- The solar panels will provide additional clearance between the property boundary and the BESS equipment.

*Will the fire department receive equipment and training specific to fighting fires originating in the materials used onsite?*

- AES is working with appropriate third parties to provide safety and fire management training for fire departments located within the vicinity of the project. This training will occur within the next five months and again prior to the completion and energization of the facility. The training will also include "train the trainer" sessions for future emergency response teams.

*Will the BESS air conditioners have weather and noise-suppressing shields on the outside?*

- The project will include 39 battery containers, which are located over 1-mile from residential houses. The project will include 78 heating ventilating and air conditioning (HVAC) units. Two HVAC units will be placed at the end of each battery container, however only one HVAC per unit will be operating at any one time (the other is for redundancy purposes). At 50 meters the sound attenuates to 50 dB, very faint –similar to moderate rainfall. At 200 meters the sound attenuates to 44 dB, which is a very low perceptibility. The HVAC units are located over 1-mile from residential houses.
- The project will comply with legal noise limits.
- The facility is virtually silent, and the ac units are equivalent to a conversation-level volume.
- The HVAC is rated for outdoor use. AES specifies site-specific environmental coatings and materials.

## **APPENDIX E**

### **Comments Received During Neighborhood Meeting**

Question or Comment	Design Team Response
<p>You don't expect trouble with thermal runaways, but there are times you can't control during production. What about events that wouldn't trigger release of Novak?</p> <p>It's hard to inject the Novak into the modules.</p> <p>The products of the fire suppression/fire itself are toxic.</p>	<p>Each module has a line connected to a tank of Novak. It generates products like products from a car fire, but they are safe enough for fire fighters to be close enough to fight the flames. Shock detectors are now part of the modules.</p>
<p>You have visuals been done for when panels are flat, but not when they're at an angle. What about visuals from a higher elevation?</p>	<p>The project team identified various locations for the simulations (Key Observation Points (KOP). The locations are intended to be representative of actual views from NM 14, the Rancho San Marcos and El Dorado subdivisions. It is SWCA professional opinion that the project has low visual impact.</p>
<p>Has Novak been used anywhere else, or is this the first time it's been used?</p>	<p>It's the first time it's been used in this configuration, but not the first time the product has been used.</p>
<p>What is used to clean the panels a few times a year?</p>	<p>It's typically just water, but we may need to use solvent.</p>
<p>Are you buying or leasing the land for 30 years? Could you sell the panels afterward or do you have to remove them?</p>	<p>It's a long-term lease with the property owner. Right now, the PNM proposed purchase agreement is only for that time period. At the end of that period, it will be up to PNM and others whether to extend.</p>
<p>What percentage of the power produced will be used for operation?</p>	<p>Far less than 1%. The amount of energy consumed by having tracking panels is more than compensated by the increase in generation because they can follow the sun.</p>
<p>Will there be a backup fire system in the BESS? There are other things that could cause fire, such as a mouse chewing through wire, a short circuit, etc. It seems like you're not addressing the whole building. The Novak isn't a fire suppression system, it's a fire prevention system.</p>	<p>A worst-case scenario would be if every module lit on fire in one of the battery containers. The BESS is still being designed so we don't know the answer quite yet.</p>
<p>How do you fund a project of this size, i.e. federal, state, local funds? We want to make sure you can finish what you start.</p>	<p>We have pools of investors who fund all of our projects. AES had \$11 Billion in revenue in 2021. All projects are financed through a combination of private equity, federal incentives, and partnering investment firms. Those partners are not yet identified as funding comes together once the Power Purchase Agreement is signed.</p>
<p>What percentage of the labor pool will be locals?</p>	<p>Our goal is to hire locally. We are already looking for partnering local companies.</p>
<p>How will you address any supply chain issues so you can finish construction?</p>	<p>We procure the materials before construction begins.</p>
<p>The flier says that 300 jobs would be needed for construction, but the presentation said 200 jobs. Which one is accurate?</p>	<p>Between 200-300.</p>
<p>Is there any possibility that there will need to be additional power lines built?</p>	<p>We have been in PNM's interconnection process since 2019. The process is looking into upgrades and such, but to my knowledge, there won't be any need for additional lines.</p>
<p>What is the threshold for a thermal runaway?</p>	<p>It depends on the composition of the batteries, but upward of 100 degrees C.</p>



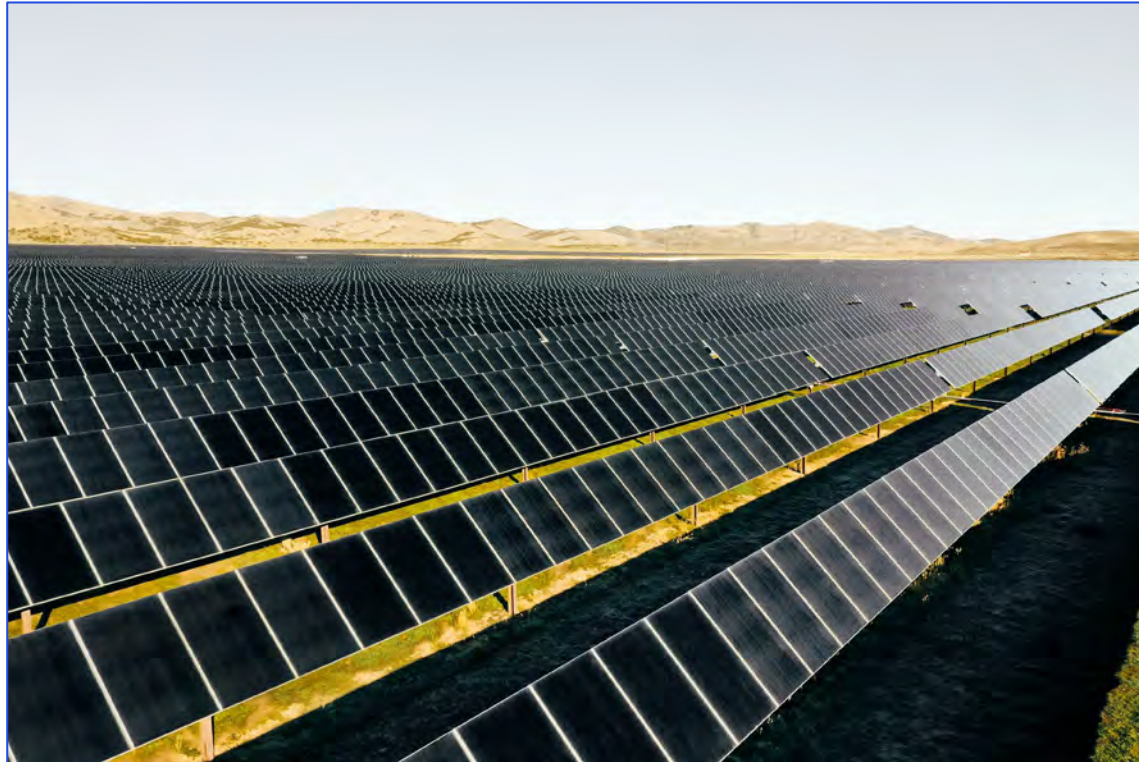
Question or Comment	Design Team Response
<p>If you're going to prevent dust using water, are you doing that between panels? Will you have access roads between panels? The presentation said there will be 84,000 ft of access roads- if those are vegetated, driving over them for maintenance will kill those fragile native grasses.</p> <p>The proposed washing schedules may not be sufficient for the dust. Is the county helping with dust suppression?</p>	<p>Dust mitigation procedures will be used during construction. There will not be access roads between panels but spacing to allow operation and maintenance crews access. There will be one road leading from the access point and through the facility with a turn-around point located near the BESS equipment. The road will be crusher-fine gravel.</p>
<p>What happens if AES goes bankrupt during the 30-year period?</p>	<p>There will be financial assurances in the form of a Decommissioning and Restoration guarantee established by the county and held by them for that scenario. AES is a solid company with a good revenue stream. There will be a separate entity that will be the signor in the agreement with PNM.</p>
<p>Will PNM be selling the energy generated?</p>	<p>We can't really say, power companies don't always share those plans with the generators</p>
<p>What chemical substances will be used in the panels as well as anything that will be used for dust suppression? Don't the panels have some of the forever chemicals in them?</p>	<p>The panels are in a solid state. There are no toxic chemicals in them. Yes, we can supply the spec sheets for all materials in the panels as well as the cleaning agents.</p>
<p>It makes sense to have the panels closer to the substation than have them further away.</p>	<p><i>None offered.</i></p>
<p>When property value assessments are done, will the assessors know that there are BESS containers?</p>	<p><i>Yes, the appraisers will have access to all of the project information.</i></p>
<p>There are four projects that were shortlisted- do you know where the other projects were proposed?</p>	<p>That is not public information at this time. PNM will announce their choice and may not disclose details about other projects bid into the RFP.</p>
<p>There is no benefit to the locals that this project offers.</p>	<p>Climate change, grid stabilization, offsetting power lost due to the San Juan Coal Plant closure, adding renewable energy to the mix, and meeting the state's carbon-neutral goals.</p>
<p>We would ask that the visual sims be done at 7am to see the side light.</p>	<p>There are no plans to perform additional visual simulations. The photos were taken in the morning and modeled to reflect maximum panel height</p>
<p>What was the fire situation on the fire in Chandler, AZ (SRP event)?</p>	<p>There have been two thermal incidents in the past few years at older BESS technology sites. While the older system used a gas-based system, the more recent incident occurred at a facility that utilized a water sprinkler system – much like you would see in an office building setting (fused elements in the ceiling that activate with heat). The system proved to be very effective at managing thermal events and prevented the effects of the incident from going external to the BESS enclosure. However, it did require higher quantities of water based on protocols managed by local fire responders out of an abundance of caution. Newer advanced fire protection systems are designed for much more focused water spray flow to reduce consequential impacts of spray and considerably reduce the overall quantity of water used. In the case of the proposed BESS at Rancho Viejo, an advanced, non-water-based fire suppression product will be used that removes the concern about large volumes of water and has more targeted fire suppression spray.</p>
<p>Volunteer fire fighters are not well trained so it's critical to train them.</p>	<p>BESS emergency response training program is being created and will be delivered to local fire departments.</p>

## **APPENDIX F**

### **Public Meeting Presentation Slides**

# Proposed Rancho Viejo Solar Project

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## Neighborhood Meeting

October 4, 2022

Presented by Jonathan Moore, Matt Gordon,  
Travis Stowers, Rebecca Halford

96 MWac / 48 MW, 4-hour duration Solar + Battery Energy  
Storage System (BESS) Storage Plant  
Santa Fe County, New Mexico

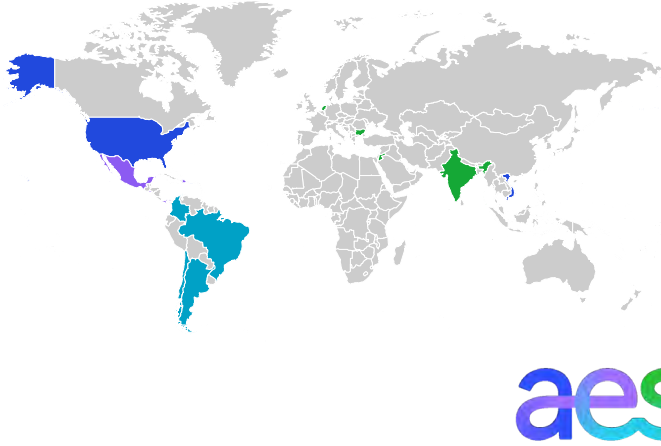




# Presentation Agenda

- AES, Project Team, and Stakeholders
- Project Location
- Project Overview
  - Site Layout
  - Point of Interconnect
  - Equipment
- Construction, Operations & Decommissioning
- Diligence & Studies
- Benefits
- Battery Storage System / Safety
- Q & A

# The AES Corporation



31,459

Gross MW in operation\*

\* 20,183 proportional MW (gross MW multiplied by AES' equity ownership percentage).

\$9.78 billion

Total 2020 revenues

3,497 MW

Renewable generation under construction or with signed PPAs

\$33 billion

Total assets owned & managed

4 Continents

14 Countries

4 Market-oriented strategic business units

6 Utility companies

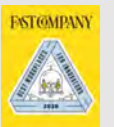
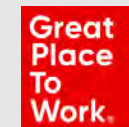
2.6 million

Customers served

8,450 people

Our global workforce

Recognized for our commitment to sustainability



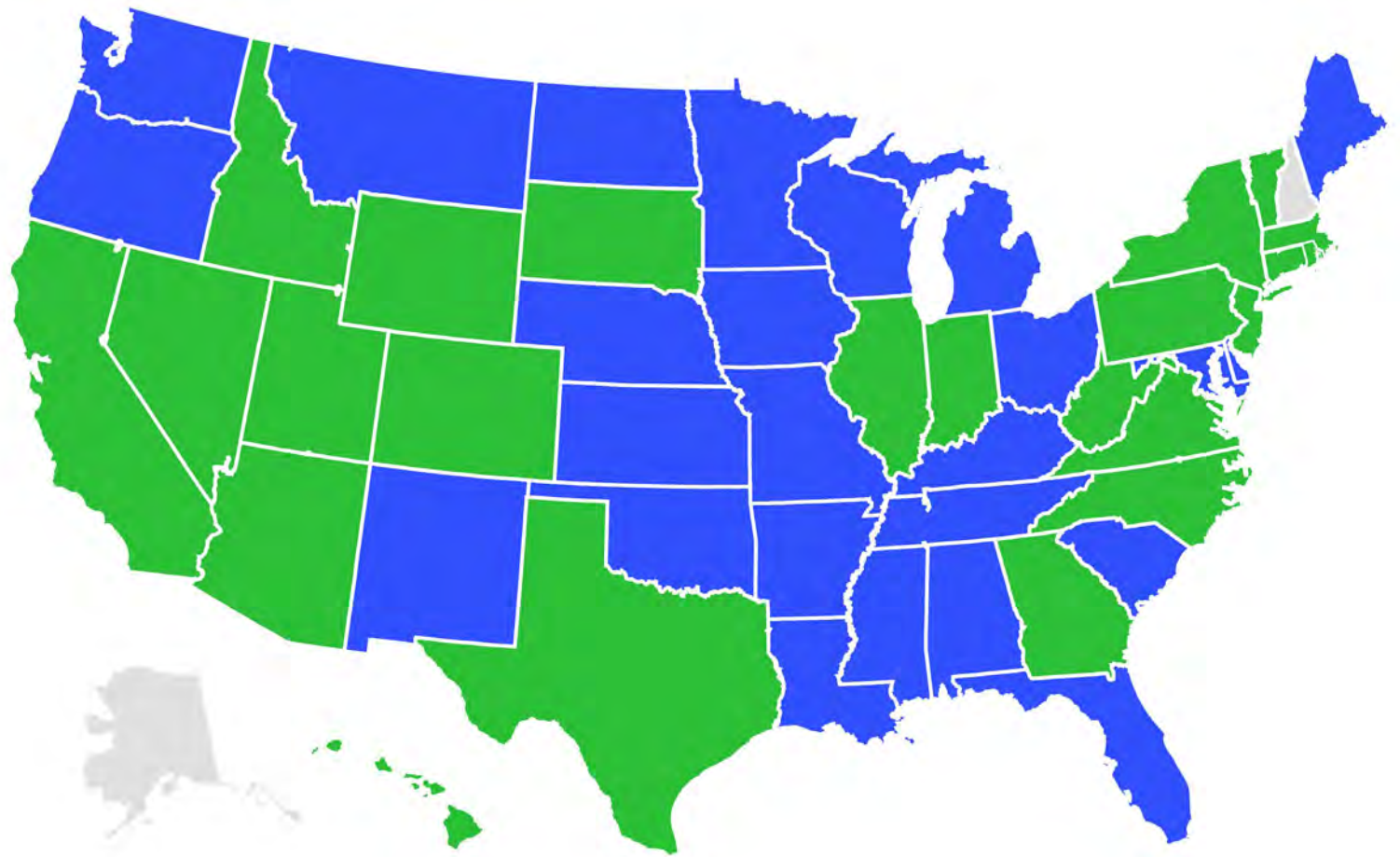
# Clean energy operating and development footprint

4.5 GW

Operating

40+ GW

Development pipeline



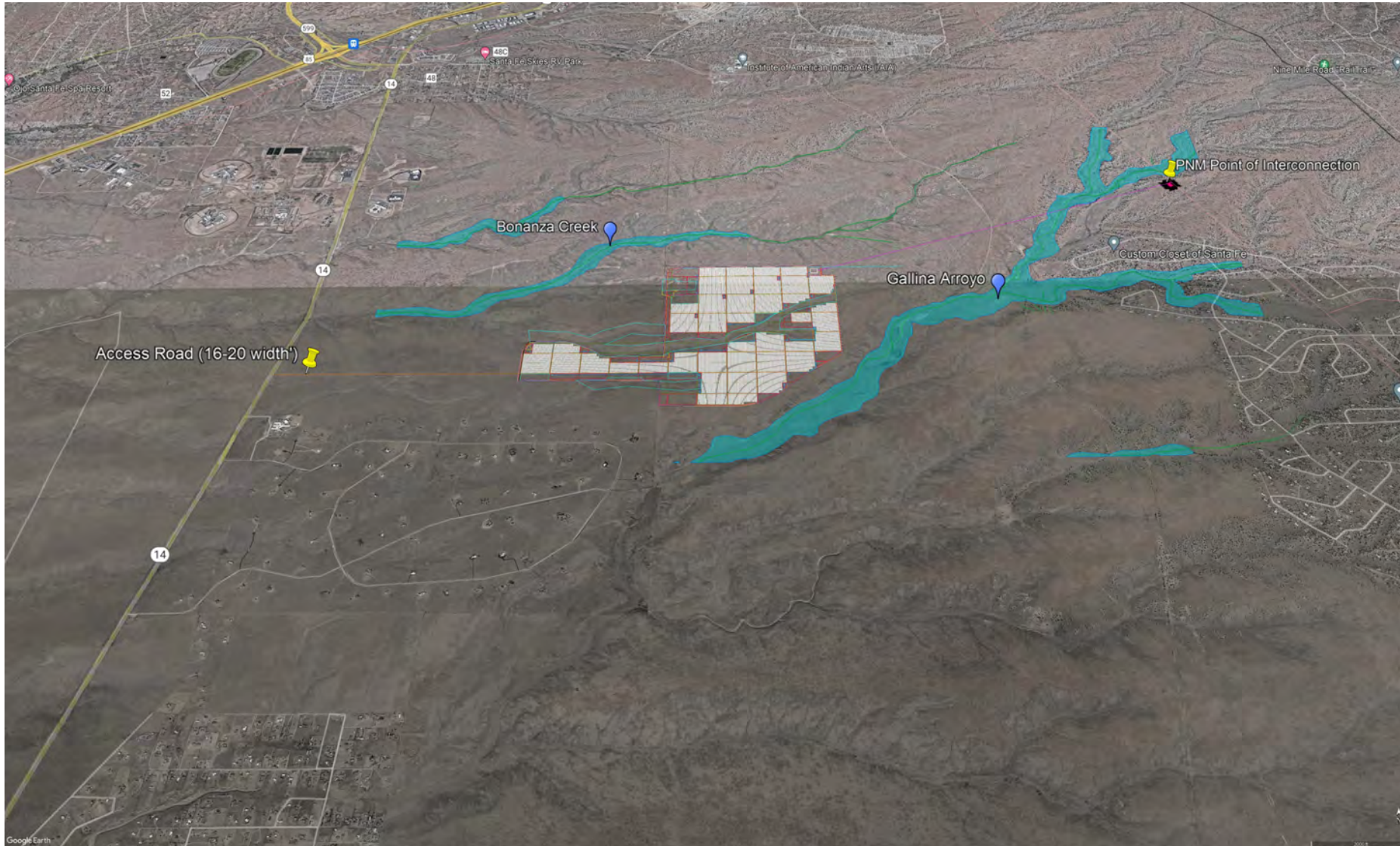
Operating

Developing

# Project Team and Stakeholders

<b>Santa Fe County</b>	Planning & Zoning Commission Board of County Commissioners Community Members
<b>AES Clean Energy</b>	Jonathan Moore, Lead Developer Matt Gordon, Permitting Lead Travis Stowers, Engineering Rebecca Halford, Stakeholder Relations
<b>SWCA (Environmental Consultant)</b>	Kim Parker, Project Consultant
<b>Landowners</b>	Rancho Viejo Limited Partnership

# Project Location



- Approximately 1 mile south of Santa Fe city limits
- Entrance to project is located 1 mile east of South Hwy 14
- Zoned RUR - Rural
- Project area – approximately 800 acres
- Located on private property



# Project Location

Project Location



View from Hwy 14 looking northeast

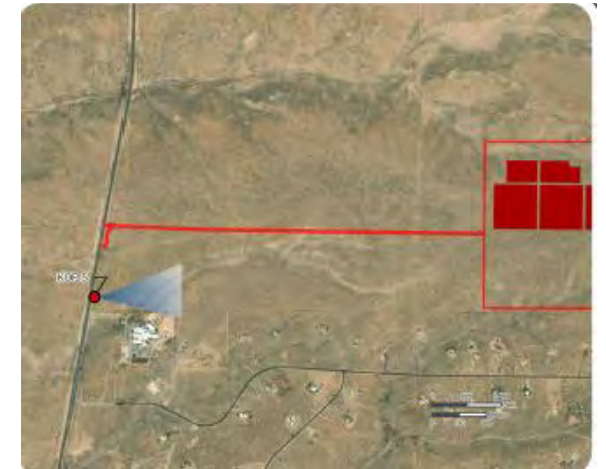


Photo capture location

# Project Location

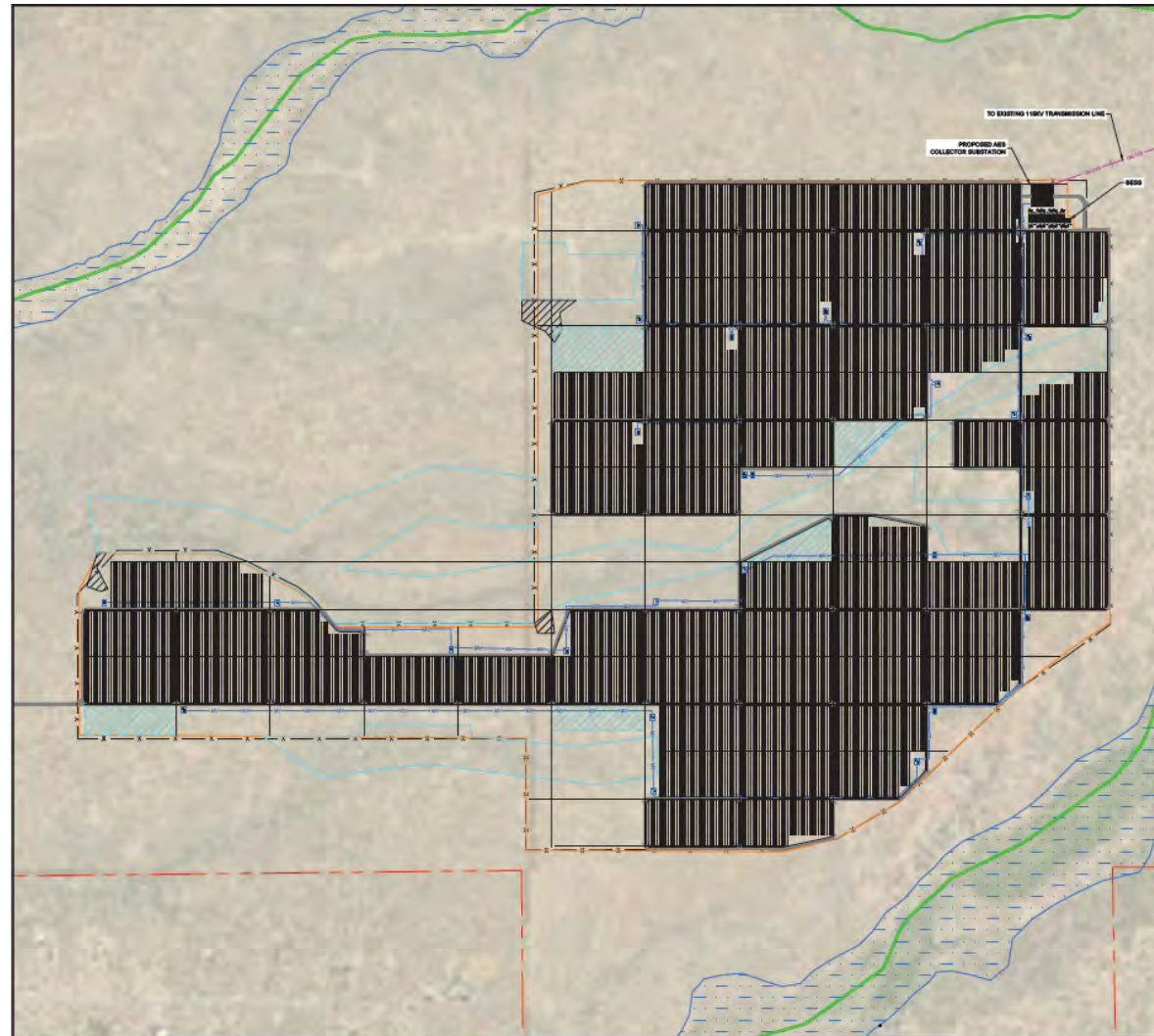
Project Location



Photo capture location

View from Camerada Road/Eldorado subdivision facing west

# Project Overview



## Technical Specifications

- 96 MW AC solar photovoltaic output
- 48 MW battery storage (4 hours)
- 1.5-mile access road
- 2.5-mile gentie corridor

## Utility-Scale Project - PNM

- Project will serve PNM transmission infrastructure
- Short-listed with PNM 2021 Replacement Generations RFP
- 20–30-year Power Purchase Agreement
- Est. April 2025 Construction Operation Date
- AES is the lifetime owner and operator of the facility

## Conditional Use Permit (SLDC)

- Santa Fe County Conditional Use Permit
- Est process 4-6 months
- Zoning: Rural Fringe & CCD
- Construction, Operations & Decommissioning

# Project Overview - Site Layout

Laydown area (temporary)

PV Modules

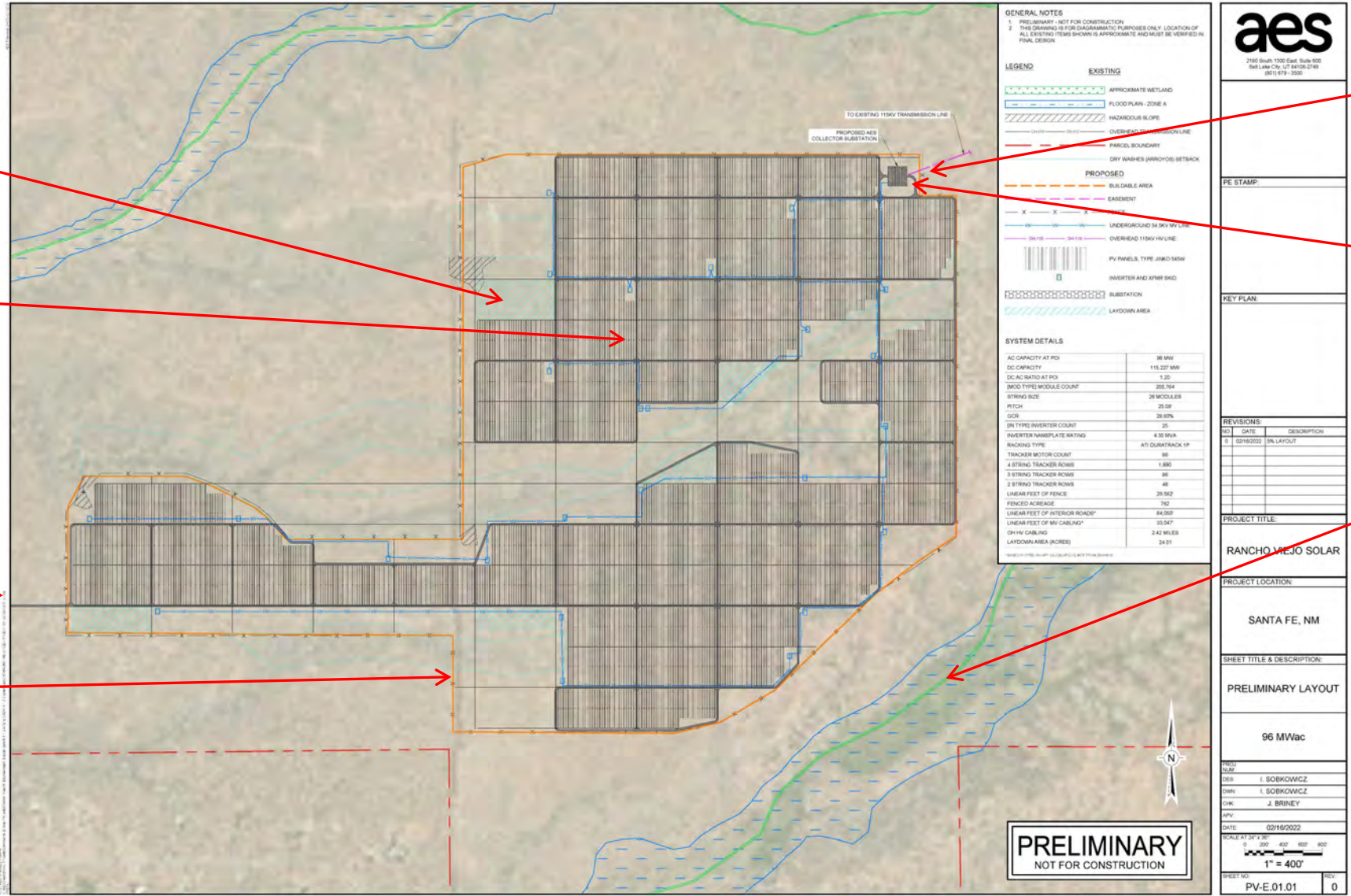
Access from Hwy 14

Fencing

Start of overhead transmission line

Project Collector Sub/Battery Storage location

Existing Arroyo / Waterway

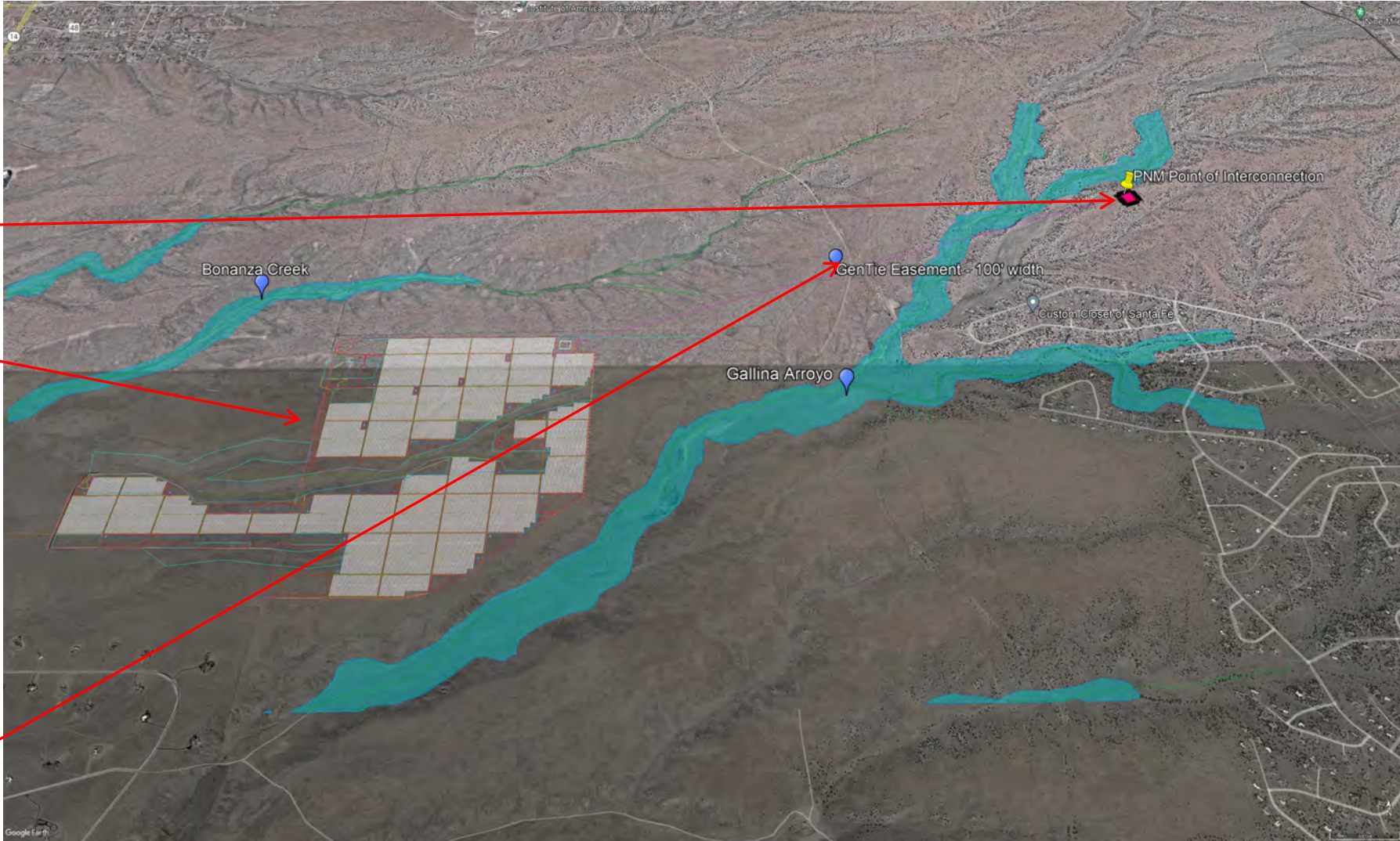


# Project Overview – Point of Interconnection

Substation

Project Location

Transmission Route



# Project Overview - Solar Photovoltaic Modules

## Structure Dimensions

- Approximately 15' max height
- 7' clearance at central rack and at flat tilt or stow mode.
- Approximately 30' aisles between modules
- Agricultural Fencing – 7-8' high

All solar panels used by AES pass the EPA's Toxic Characteristic Leaching Procedure (TCLP) test and are classified as non-hazardous and are not regulated as toxic materials.



# Questions about the project, location, & equipment

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- Why here - Santa Fe County and why on this portion of Rancho Viejo ?
- Can AES guarantee the minimum setback of 1,000' to adjacent property lines?
- Are there plans to expand the project?
- Does the proximity threaten the health and safety of neighbors?
- How does this impact property value?
- What are toxicity risks of solar panels?
- Do solar panels heat the air above the panels?
- Is glare an issue?
- What is the current zoning of the 800 acres? How will that be changed?

# Project Overview

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- Crystalline-silicon solar modules are made of basic “solid-state” materials, meaning there are no liquid or gaseous components. The project will be constructed with Tier I panels. Tier I panels are high quality, and rigorously tested for predictable performance, durability, and content. All solar panels used by AES pass the EPA’s Toxic Characteristic Leaching Procedure (TCLP) test and are classified as non-hazardous, and not regulated as toxic materials.
- PV systems do not emit any material during their operation. Electromagnetic fields (EMFs), are often referred to as non-ionizing radiation, meaning the radiation does not have enough energy to damage DNA. Studies prove modern humans are all exposed to EMFs throughout our daily lives, including wall-sockets, cellphones, and computers, without negative health impacts. Someone outside of the fenced perimeter of a solar facility is not exposed to significant EMF from the solar facility. Therefore, there is no concern or negative health impact from EMF produced in a solar farm.
- Solar systems are governed by the same Building/Electrical/Fire codes that govern the construction of homes and other buildings with electrical systems in the community. The local fire and emergency management organizations will be thoroughly informed about the project and all access points available to them. Turn around radius will be reviewed to assure local equipment can operate. The project will be fenced and secured with access only by approved personnel.



# Answers about the project, location, & equipment

## Why here?

Utility-scale solar cannot be built remotely as it needs to serve the utility power loads (where people live) and access utility transmission lines/infrastructure (also where people live).

- The NM Renewable Portfolio Standards (RPS) applied to state IOUs requires a 50% total retail sales from renewable energy by 2030
- The PNM utility load territory includes Albuquerque, Rio Rancho, Los Lunas, Belen, Santa Fe, and Las Vegas, New Mexico – this corridor contains the load infrastructure
- Santa Fe is within the PNM service area and has only two 115kV lines located in a 3-mile radius
- The land that the project is sited on is 1,000+ contiguous acres, accessible to the PNM service lines, buildable (flat, south-facing, and unobstructed), and the landowner is willing to partner with us
- The privately owned land is surrounded by state lands and waterways (arroyos)
- The project will be set back at least 1 mile from the NM Hwy 14 Turquoise Trail scenic corridor
- The project site is set outside of the community college district
- The project avoids the Gallina arroyo and Bonanza Creek arroyo and tributaries
- The project is a setback as far as possible from neighbors – at least 1,000' from nearest property lines (county requirement is 25' setback)
- The distance from the available transmission line is < 3 miles

# Answers about the project, location, & equipment

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Can AES guarantee the County required minimum setback of 25' to adjacent property lines?

- Yes. AES guarantees a minimum setback of 1,000' to any adjacent property line/boundary.

Are there plans to expand the project?

- There are no plans to expand the project. This facility, known as Rancho Viejo Solar, is sized at 96 MW AC and will NOT increase in size. AES has two community solar projects in early-stage development proposed for Santa Fe County that will enter into the competitive PNM RFP solicitation, and if awarded, will also go through the County permitting process. These two proposed community solar projects are not associated with the proposed Rancho Viejo utility-scale solar facility. They will be located on separate parcels of land and interconnect to the PNM grid in different locations.

Does proximity threaten the health and safety of neighbors?

- No. The project was designed and implemented to not adversely impact the health and safety of neighbors.
- Ultimately, Santa Fe County decision-makers will consider health, safety, and welfare when they consider the project.
- AES is working with appropriate third parties to provide safety and fire management training for fire departments located within the vicinity of the project. This training will occur within the next five months and again prior to the completion and energization of the facility. The training will also include "train the trainer" sessions for future emergency response teams.

# Questions about the project, location, & equipment

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How does this impact property value?

- AES has engaged with a third-party national and local appraisal firm that is completing a property value analysis. W
- Numerous studies have examined this question, considering the size of the facility, distance from adjacent properties, vegetation, screening, noise, odor traffic, alternative uses permitted under current zoning, etc.
- The analysis findings and report will be submitted to Santa Fe County with our CUP application.

What are toxicity risks of solar panels?

- No reports provide evidence that there any health issues caused by solar panels.
- All AES solar panels pass the EPA's Toxic Characteristic Leaching Procedure (TCLP) test and,
- Are classified as non-hazardous and are not regulated as toxic materials.

Do solar panels heat the air above the panels?

The surface of PV modules is regularly warm but not hot to the touch on a summer day in full sun. However, the PV Heat Island (PVHI) effect has been studied and early results indicate that temperatures may be 3-4 deg C hotter directly over a PV array. The study is not conclusive regarding the effect of varying vegetation and albedo relative to the amount of temperature change, though.

# Answers about the project, location, & equipment

Is glare an issue?

- Solar panels are intended to capture the most light possible and are specifically designed to reduce reflection and glare. Modern solar panels reduce reflection by using anti-reflection coatings (ARC) and by texturing the surface. According to the National Renewable Energy Laboratory, solar panels reflect as little as 2% of incoming sunlight and produce less glare than standard windows and water. The Federal Aviation Administration (FAA) produced a final policy report that found solar projects do not create hazardous glare for aircraft in the area.

What is the current zoning of the 800 acres? How will that be changed?

- Current zoning for the solar project: Rural Fringe (RUR-F),
- Current zoning for a portion of the gen-tie line and Point of Interconnection at the existing PNM line:
- Community College District (CCD) is the zoning of adjacent parcels
- Underlying zone district does not change,
- Conditional Use Permits (CUP) are not permitted in zoning districts as a matter of right but, may, under appropriate standards and factors set forth in the SLDC, be approved, approved with conditions, or denied.
- Conditional uses are those uses that are generally compatible with the land uses permitted by right in a zoning district but that require individual review

# Construction, Operations & Decommissioning

**Construction Start / timeline** – Anticipated early 2024 , 10-12 months

**Ground Treatment / Natural Vegetation** - Solar racking system does not require leveling the land or installing complex foundations. Installation method - either pile or screw driven poles, depending on soil compactness.

Revegetation - establishment of native vegetation/certified weed free seed mix

**Dust Mitigation** - Water from trucked-in resources for dust mitigation. Project must will comply AES will work with all applicable County, State and Federal standards and regulations

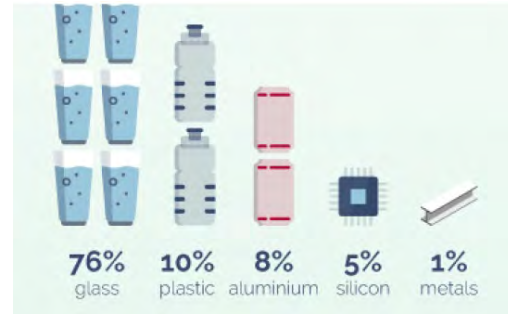
**Traffic** - Construction period - 10-15 max deliveries per day - construction crew traffic

- During operation - Remote operated with limited site traffic - Est. 4 trips per month

**Decommissioning and Restoration** - End of project useful life

- Decommissioning & Restoration Plan & Estimate
  - Removal of all installed equipment
  - Dismantle, reuse where possible, recycle
  - Site restoration – return to pre-construction condition
- Decommissioning and restoration guaranty

# Project Overview - Recycling



## PV Modules

- 90% of module material by weight is glass and aluminum.<sup>(1)</sup>
- 95% of the materials in PV modules are recyclable with 2022 technologies.<sup>(1)</sup>
- Emerging market, with advancements in recycling technology expected – also applicable to BESS.
- AES is in discussions with Equitable Solar Solutions for panel reuse / recycling upon decommissioning of all projects

## BESS

- Contracts with BESS manufacturers (Samsung, LG) mandates the recycling of the equipment at the end of the system's life.
- BESS comprised of:
  - Housing (steel)
  - Wiring (copper)
  - Inverters/transformers (steel, copper)
  - Batteries

1 - <https://www.energy.gov/sites/default/files/2022-03/Solar-Energy-Technologies-Office-PV-End-of-Life-Action-Plan.pdf>

# Questions about construction, operation, & decommissioning

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- Is dust pollution an issue during and after construction?
- Will AES clearcut and/or grade all the land under the array?
- Describe the post-construction landscape under the solar panels – dirt, natural vegetation, rock?
- How do you protect the facility from lightning strikes?
- What type of fencing will be used to surround the project? Will it encompass the entire complex?

# Answers about construction, operation, & decommissioning

The project will be constructed at the existing grade to the greatest extent possible, minor grading and/or grubbing may occur throughout the portions of the solar facility, BESS, foundation pads, equipment storage, and staging areas. Grading will conform to accepted slope stability requirements. Active construction would take approximately 12 months. Dust control best management practices that would be employed during construction would generally include:

- Limit vehicular speeds on non-paved roads.
- Apply water or dust palliative to disturbed soil areas of the project site to control dust and maintain optimum moisture levels for compaction, as needed.
- Apply the water using water trucks. Minimize water application rates, as necessary, to prevent runoff and ponding.
- Apply dust control measures to haul roads to adequately control wind erosion during windy conditions (forecast or actual wind conditions of approximately 25 mph or greater).
- Cover exposed stockpiled material areas.
- Suspend excavation and grading during periods of high winds.
- When a project reaches the end of its project life, the project is responsible for executing the approved Decommissioning Plan, including abiding by all local and state decommissioning requirements. This includes the removal, recycling, and disposal of all equipment and other structures associated with the project, as applicable. The land surface within the project area will be sensibly restored to pre-project conditions to allow a return to desert vegetation status or other uses consistent with the land-use policies at the time.



# Answers about construction, operation, & decommissioning

## Dust and Glare:

Solar panels are intended to capture as much sunlight as possible and are specifically designed to reduce reflection and glare. Modern solar panels reduce reflection by using anti-reflection coatings (ARC) and by texturing the surface. According to the National Renewable Energy Laboratory, solar panels reflect as little as 2% of incoming sunlight and produce less glare than standard windows and water. The Federal Aviation Administration (FAA) produced a final policy report that found solar projects do not create hazardous glare for aircraft in the area.

- Active construction would take approximately 12 months. Dust control best management practices employed during construction will generally include
  - Limit vehicular speeds on non-paved roads.
  - Apply water or dust palliative to disturbed soil areas of the project site to control dust and maintain optimum moisture levels for compaction, as needed.
  - Apply the water using water trucks. Minimize water application rates, as necessary, to prevent runoff and ponding.
  - Apply dust control measures to haul roads to adequately control wind erosion during windy conditions (forecast or actual wind conditions of approximately 25 mph or greater).
  - Cover exposed stockpiled material areas.
  - Suspend excavation and grading during periods of high winds.

# Answers about construction, operation, & decommissioning

Is dust pollution an issue during and after construction?

- Active construction would take approximately 12 months.
- Fugitive dust would be managed in accordance with County or EPA rules and requirements.
- Dust control best management practices that would be employed during construction would generally include:
  - Limit vehicular speeds on non-paved roads.
  - Apply water or dust palliative to disturbed soil areas of the project site to control dust and maintain optimum moisture levels for compaction, as needed.
  - Apply the water using water trucks. Minimize water application rates, as necessary, to prevent runoff and ponding.
  - Apply dust control measures to haul roads to adequately control wind erosion during windy conditions (forecast or actual wind conditions of approximately 25 mph or greater).
  - Cover exposed stockpiled material areas.
  - Suspend excavation and grading during periods of high winds.

Will AES clearcut and/or grade all the land under the array?

- The project will be constructed at the existing grade to the greatest extent possible, minor grading and/or grubbing may occur throughout the portions of the solar facility,
- The area around the Project Collector (2 AC) and BESS (4 Ac) will be graded and leveled to include a gravel surface with concrete foundation pads for certain equipment, including the individual battery containers.
- Grading will conform to accepted slope stability requirements. Pole mounts used in the solar racking system do not require leveling the land or installing complex foundations.
- The installation method will be either pile or screw driven, depending on the compactness of the soil.

# Answers about construction, operation, & decommissioning

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Describe the post-construction landscape under the solar panels – dirt, natural vegetation, rock.

- Reclamation would include the establishment of native vegetation.
- Certified weed-free native seeds would be used.

How do you protect the facility from lightning strikes?

- AES project engineering utilizes standards to design proper grounding systems as well as lightning arrestors (surge arrestors) to inhibit lightning-related equipment failures.
- The PV racking can be inherently grounded through its driven piles and grounding grids are regularly included in foundation design, to which BESS enclosures may be tied.
- This allows for lightning to pass around sensitive equipment, conductively through to the ground.

What type of fencing will be used to surround the project? Will it encompass the entire complex?

- 7-8' high Agricultural fencing, which allows smaller-sized wildlife to pass through while keeping larger animals out of the facility
- The solar facility will be enclosed and secured by fencing (see project overview section for fencing layout).

# Environmental Diligence

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## Completed

- **Aquatic Resources Inventory Report:** May 2022
- **Biological Survey Report:** May 2022
- **Phase 1 Environmental Site Assessment:** May 2022
- **Geotechnical Investigation:** September 2022
- **Cultural Resources Study:** July 2022
- **Glint / Glare:** August 2022
- **Visual Simulations:** June 2022

## In Progress

- **Environmental Impact Report:**  
October 2022
- **Hydrologic and Hydraulic Study:**  
October 2022
- **Site Thresholds Analysis:** October  
2022

# Questions about environmental impact

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- Where can I obtain a copy of the Environmental Impact Statement (all reports)?
- What are the impacts on water resources?
- What will be the water source to the complex? Expected use annually?
- How often will the panels be washed? How much water will be used for panel washing?
- Can you qualify the noise made by the panel (racking) motors?
- How many air conditioning units will run most of the time? How many units and what direction will they face?
- What is the impact on the scenic view?
- Can you qualify the noise made by the panel motors? How many panel motors will there be?
- Will there be any outdoor lighting? When will it be on?
- What is the impact on the environment?

# Answers about environmental impact

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As part of the development process, we conduct studies to ensure we are aware of all environmental elements. By identifying these resources at the front end, we can design our facility in a way that avoids any impacts. These studies include:

- A delineation of any wetlands and streams
- A search for any hazardous materials on site
- An assessment of potential cultural, historic, archaeological, and religious resources within and surrounding the site
- An assessment of any threatened and endangered wildlife habitat on site
- An assessment of visual resources
- An assessment of local floodplains and hydrology
- An assessment of soils and geology - including on-site geotechnical and pile load testing studies
- A survey of the terrain, boundary, and real estate encumbrances
- Infiltration testing to understand soil drainage rate

An Environmental Impact Report (EIR) including these studies is being prepared in accordance with the requirements of Santa Fe County to identify potential impacts and associated mitigation measures for the construction and operation of the proposed project. The EIR will be part of the Conditional Use Permit application submitted to Santa Fe County.

# Answers about environmental impact

Where can I obtain a copy of the Environmental Impact Statement (all reports)?

- The project is not required to prepare an Environmental Impact Statement pursuant to the National Environmental Policy Act. However, the project is required to prepare an Environmental Impact Report in accordance with the requirements of Santa Fe County.
- The Environmental Impact Report, and associated environmental technical reports, will be part of the public record when submitted to Santa Fe County as part of the Conditional Use Permit application package.

What are the impacts on water resources?

- Construction impacts would generally be related to stormwater runoff. A Stormwater Pollution Prevention Plan (SWPPP) would be prepared in compliance with the state's Construction General Permit, and Clean Water Act Section 402, National Pollutant Discharge Elimination System (NPDES). The SWPPP would identify best management practices (BMPs) to minimize stormwater runoff and sedimentation during construction activities. Stormwater BMPs that would be employed during construction include:
  - Place silt fences and/or straw wattles along the downgradient perimeter of the project to minimize stormwater sedimentation from leaving the site.
  - Minimize grading and vegetation removal, and limit surface disturbance during construction to the time just before solar module support structure installation.
- One ephemeral drainage (Gallina Arroyo) containing an ordinary high-water mark was observed during the April 2022 aquatic delineation survey. Impacts to this drainage are estimated to be less than 0.1 acre, and are limited to the gen-tie crossing. Project would likely qualify for coverage under Nationwide Permit (NWP), per Section 404 of the Clean Water Act.
- Water for construction uses, such as dust suppression. Construction water use would be approximately 100 to 150 acre-feet over a 12-month construction period.
- Long term water uses would be approximately 2 to 3 acre-feet per year and would be associated with periodic panel washing.

# Answers about environmental impact

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What is the impact on the scenic view?

- Viewshed analysis has been completed, including visual simulations.
- The Turquoise Trail Scenic Byway is located approximately 2 miles west of the proposed Project and is the closest National Historic Trail to the proposed Project. There is potential for viewers from this location to notice new structures in the distance, but the Project would not attract the attention of the casual observer. The primary visual features in the foreground and mid-ground of the viewshed include existing transmission lines, the San Marcos subdivision, the Eldorado subdivision, and roadways. The visual impact of the proposed Project would be minimal and would not degrade the existing landscape from what is already present.
- Long-term visual impacts include operation and maintenance of Project components. Overall, these new elements would remain subordinate to the existing landscape character.
- Glare analysis completed: No glare predicted.

Can you qualify the noise made by the panel motors? How many panel motors will there be?

- There will be 66 tracker motors. However, the main source of noise with solar arrays is from inverters. The project will have approximately 25 inverters, which are dispersed throughout the facility.
- Inverters have a sound that can be characterized as a low hum. At 15 meters have a decibel (dB) level of 61, which is similar to a normal conversation. At 50 meters the sound attenuates to 50 dB, very faint – similar to moderate rainfall. At 200 meters the sound attenuates to 44 dB, which is a very low perceptibility.
- \* Inverter: Basic function is to “invert” the direct current (DC) output into alternating current (AC).



# Answers about environmental impact

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Will there be any outdoor lighting? When will it be on?

- It is anticipated there will be a motion sensor, downcast shaded security lighting at the access gate, battery storage, and substation location, and solar pads.
- Downcast lighting protects the ability to view the night sky by restricting unnecessary upward projection of light.

What is the impact on the environment?

- An environmental impact report (EIR) was prepared in compliance with Santa Fe County's Sustainable Land Development Code.
- The resources addressed in this EIR include air resources; biological resources; cultural, historic, archaeological, and religious resources; geological, paleontological, and soil resources; geographic resources; health and safety; land use; minerals and mining resources; noise resources; socioeconomic resources; roads; water resources; and visual resources.
- The analysis evaluates impacts to these resources associated with the construction, operations and maintenance, and decommissioning of the project.
- The EIR also identifies mitigation measures that would be implemented to avoid and minimize significant impacts.
- Based on the draft EIR, the Rancho Viejo Solar Project is not expected to unduly impair important environmental values.

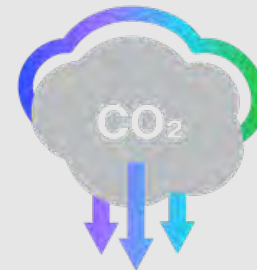
# Benefits: Environmental



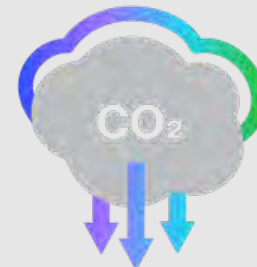
Assist Santa Fe County in reaching its Net-Zero greenhouse gas emissions goal by 2050



Renewable power for equivalent of approximately **23,000** homes' annual electricity use



Reduces approximately **120,000** tons of carbon dioxide emissions annually



Reduced carbon dioxide emissions are equivalent to **13,500,000** gallons of gas

Rancho Viejo Solar

# Benefits: Economic



~200 **construction jobs**

**Contributions to local services**  
(accommodation, restaurants,  
professional services)

Local Socio-economic  
partnerships



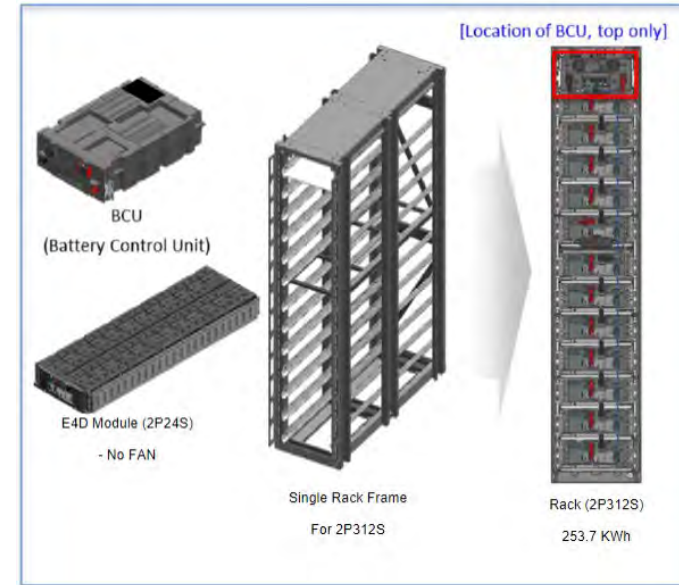
A third-party Economic Impact Report is underway and will determine all economic benefits including anticipated tax revenue, wages, and local spending



Market-competitive supply of  
energy at a long-term fixed cost

\*Total estimated tax revenue over 30 year term, actual revenue may be higher

# Battery Energy Storage System



## Typical Installation -

- Individual batteries are housed in units that are approximately the size of a shipping container.
- Each container has a fully integrated system of HVAC for temp control, sensors and controls for remote monitoring, as well as a built-in fire suppression system.
- The battery containers at Rancho Viejo will be grouped together on concrete pads. Each pad is surrounded by a non-vegetated / gravel fire break for an added layer of protection.

# Questions about BESS safety & fire prevention

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- How many lithium-ion batteries will be stored in each of the 39 containers and how many cells would one battery have?
- What is the fire danger of lithium-ion batteries and how is prevention and mitigation addressed?
- What are the toxicity risks of batteries ?
- What are the dimensions of the containers are going to be, height, width and length?
- Will there will be a liquid electrolyte in the batteries?
- How far apart will the battery BESS containers be placed?

# Questions about BESS safety & fire prevention

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- Are you aware of any fires using these same model BESS battery systems? When? where?
- Has anyone been injured or killed due to fires originating from a shipping container sized BESS battery system?
- Describe the fire suppression techniques currently used to fight large container sized lithium-ion battery fires. Is the gas used going to be FM 200 or 3M Novec 1230?
- How much distance from the BESS containers to a flammable landscape?
- Will the solar panels act as a fire break towards neighboring subdivisions?
- Will the fire department receive equipment and training specific to fighting fires originating in the materials used onsite?
- Will the BESS air conditioners have weather and noise suppressing shields on the outside?

# Answers about BESS safety & fire prevention

The combination of solar + storage will allow the utility to call upon the energy stored when it is needed most, day or night

- helping to offset night-time fossil fuel generation
- Help ramp up toward peak energy demand periods (instead of using fossil fuel generation)

How many lithium-ion batteries will be stored in each of the 39 containers and how many cells would one battery have?

- 52 40' ISO containers
- Approx. 260 modules per container (20 racks with 13 modules each)
- Total modules =  $52 \times 260 = 13,520$
- Each module contains 44 cells in a 2P22S configuration

What is the fire danger of lithium-ion batteries and how are prevention and mitigation addressed?

- Multiple options are available depending on the nature of the hazard. The first step is always to prevent the hazard, which is done with a multitude of risks management layers: the battery management system maintains nominal operations and separates a battery string from hazards when necessary; site SCADA systems identify hazardous conditions and can automatically stop the system and alert response personnel, and non-battery fires that may result in a battery fire are dealt with by the same measures as non-battery sites (defensive posturing and material-specific suppression). If a battery fire is initiated, the enclosures planned for this site would release fire suppressant in large concentrations directly into the initiating cell, removing heat and preventing thermal runaway throughout the enclosure. UL 9540 certification addresses safety and requires UL 9540a test results to be available for review. The UL 9540a tests of this system indicate adequate prevention of thermal runaway. The AES Energy Storage solution will achieve UL 9540 certification prior to site commercial operation.

# Answers about BESS safety & fire prevention

What are the toxicity risks of batteries?

- Proper transportation, installation, operation, and disposal of batteries poses no toxicity risks to humans. If a battery is damaged during any of the phases of a battery's life, the proper response requires safe disposal, in which toxicity is contained as a part of the recycling and material re-capture. Lithium-ion batteries include metals, such as lithium, copper, and aluminum, as well as organic chemicals compounds sealed in metal and plastic casing. The amounts and concentration of liquid is such that damage is not expected to leak any fluids.

What are the dimensions of the containers are going to be, height, width and length?

- 39 units @ 45' x 8'x 9.5'

Will there be a liquid electrolyte in the batteries?

- AES uses lithium-ion batteries that contain liquid electrolytes. The batteries are sealed and inhibit any release of the liquid.

How far apart will the battery BESS containers be placed?

- Two back-to-back units per group with 3' spacing and
- 17' between the groups of two



# Answers about BESS safety & fire prevention

Are you aware of any fires using these same model BESS battery systems? When? where?

- Several BESS battery fires have occurred though AES engineers are not aware of any known fires that have occurred with this model battery (as a reference point, Tesla's California Moss Landing battery complex caught fire). With each event, the energy storage industry has gathered several lessons learned and AES is currently applying the latest leading practices to address each lesson.
- Yes, Tesla's California Moss Landing battery complex caught fire. Please see ref. link.  
<https://www.canarymedia.com/articles/energy-storage/tesla-grid-battery-fire-shows-young-industrys-failures-and-successes>

Has anyone been injured or killed due to fires originating from a shipping container sized BESS battery system?

- In 2019, 4 firefighters were injured in an event that reshaped the energy storage industries view on safety. The system was larger than a shipping container, though lessons learned were adopted into then-emerging standards (UL9540 and NFPA 855) as well as common practice by AES. The hazards are understood to a much finer degree and resulted in design changes to AES's current energy storage solution. Specifically, the management of both fire and flammable gases is addressed and tested.

# Answers about BESS safety & fire prevention

Describe the fire suppression techniques currently used to fight large container sized lithium-ion battery fires. Is the gas used going to be FM 200 or 3M Novec 1230?

- Multiple options are available depending on the nature of the hazard. The first step is always to prevent the hazard, which is done with a multitude of risks management layers: the battery management system maintains nominal operations and separates a battery string from hazards when necessary; site SCADA systems identify hazardous conditions and can automatically stop the system and alert response personnel; and non-battery fires that may result in a battery fire are dealt with by the same measures as non-battery sites (defensive posturing and material-specific suppression). If a battery fire is initiated, the enclosures planned for this site would release fire suppressant in large concentrations directly into the initiating cell, removing heat and preventing thermal runaway throughout the enclosure. UL 9540 certification addresses safety and requires UL 9540a test results to be available for review. The UL 9540a tests of this system indicate adequate prevention of thermal runaway. The AES Energy Storage solution will achieve UL 9540 certification prior to site commercial operation.

# Answers about BESS safety & fire prevention

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What will be the ground treatment underlying the battery containers and substation?

- Concrete pads directly underneath the containers, surrounded by gravel.

How much distance from the BESS containers to a flammable landscape?

- The gravel will surround the concrete pads and containers, extending approximately 6 feet in circumference.

Will the solar panels act as a fire break toward neighboring subdivisions?

- The solar panels will provide additional clearance between the property boundary and the BESS equipment.

Will the fire department receive equipment and training specific to fighting fires originating in the materials used onsite?

- AES is working with appropriate third parties to provide safety and fire management training for fire departments located within the vicinity of the project. This training will occur within the next five months and again prior to the completion and energization of the facility. The training will also include "train the trainer" sessions for future emergency response teams.

# Answers about BESS safety & fire prevention

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Will the BESS air conditioners have weather and noise-suppressing shields on the outside?

- The project will include 39 battery containers, which are located over 1-mile from residential houses. The project will include 78 heating ventilating and air conditioning (HVAC) units. Two HVAC units will be placed at the end of each battery container, however only one HVAC per unit will be operating at any one time (the other is for redundancy purposes). At 50 meters the sound attenuates to 50 dB, very faint – similar to moderate rainfall. At 200 meters the sound attenuates to 44 dB, which is a very low perceptibility. The HVAC units are located over 1-mile from residential houses.
- The project will comply with legal noise limits.
- The facility is virtually silent, and the ac units are equivalent to a conversation-level volume.
- The HVAC is rated for outdoor use. AES specifies site-specific environmental coatings and materials.



To create a better future,  
we need to accelerate a  
**100% carbon-free**  
energy grid

For a truly 100% carbon-free grid, load  
and carbon-free generation must be  
matched on an hourly basis

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Thank you

Use	2016 SMD RUR	SLDC RUR	2020 SMD RUR	2016 SMD RUR-F	SLDC RUR-F	2020 SMD RUR-F	2016 SMD RUR-F	SLDC RUR-R	2020 SMD RUR-F	2016 SMD CN	SLDC CN	2020 SMD CN	SM 2019 Plan Language Notes
<b>Residential</b>													
Townhouses	X	P	P	X	P	P	X	P	P	X	P	P	Action 1.1.6: Create standards for sensitive siting, design and screening of new development to minimize visual and physical impacts to the land where other more appropriate building sites exist. Zoning determines density which allows residential base on acreage, i.e. one du per 10 acres in Rural Residential.
Multifamily dwellings	X	C	C	X	C	C	X	C	C	X	P	C	Action 1.1.6: Create standards for sensitive siting, design and screening of new development to minimize visual and physical impacts to the land where other more appropriate building sites exist. Zoning determines density which allows residential base on acreage, i.e. one du per 10 acres in Rural Residential.
Assisted living facility	P	P	P	P	P	P	P	C	P	P	P	P	Strategy 3.4 Plan for emergency preparedness and aging-in-place
Life care or continuing care facilities	P	P	P	P	P	P	P	C	P	P	P	P	
Nursing facilities	P	P	P	P	P	P	P	C	P	P	P	P	
Community Home, NAICS 623210	P	P	P	P	P	P	P	C	P	P	P	P	
Barracks	X	A	X	X	A	X	X	X	X	X	X	X	
Dormitories	X	A	A	X	A	A	X	X	X	X	C	X	
Temporary structures, tents etc. for shelter	P	P	P	P	P	P	P	A	P	P	C	P	Action 5.3.4: Support alternative lifestyle choices by allowing a variety of dwelling unit types and accessory uses such as the District has historically allowed
<b>Hotels, motels, or other accommodation services</b>													
Rooming and boarding housing	C	C	C	C	C	C	X	C	C	C	P	P	
Retreats	P	P	P	P	P	P	C	C	C	X	P	P	
Hotels, motels, and tourist courts	X	C	C	X	C	C	X	X	X	X	X	X	
<b>Commercial</b>													
Market shops, including open markets	X	A	A	X	A	A	X	X	X	P	P	P	
Gasoline station	X	C	C	X	C	C	X	X	X	C	C	C	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas
Automobile repair and service	X	C	C	X	C	C	X	X	X	P	P	P	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas
Car dealer	X	C	C	X	C	C	X	X	X	X	X	X	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas

A - Accessory  
 C - Conditional  
 P - Permitted  
 X - Prohibited

Bus, truck, mobile home, or large vehicle dealers	X	C	C	X	C	C	X	X	X	X	X	X	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas
Bicycle, motorcycle, all terrain vehicle dealers	X	C	C	X	C	C	X	X	X	X	X	X	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas
Boat or marine craft dealer	X	C	C	X	C	C	X	X	X	X	X	X	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas
Automotive Parts, accessories, or tires	X	C	C	X	C	C	X	X	X	X	X	P	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas
Lumberyard and materials	X	C	C	X	C	C	X	X	X	X	X	X	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas
Outdoor resale business	X	C	C	X	X	X	X	X	X	C	X	C	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas
Pawnshops	X	X	X	X	X	X	X	X	X	X	X	P	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas
TAP AND TASTING ROOM		C	C		C	C		C	C			P	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas
Beer, wine, and liquor store (off-premises consumption of alcohol)	X	C	C	X	C	C	X	X	X	C	P	C	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas
Shopping center	X	X	X	X	X	X	X	X	X	X	X	P	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas
Convenience stores or centers	X	X	X	X	X	X	X	X	X	C	P	C	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas
Car care center	X	X	X	X	X	X	X	X	X	X	X	P	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas



Car washes	X	X	X	X	X	X	X	X	X	X	P	X	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas	
Office or bank (without drive-through facility)	X	A	A	X	A	A	X	X	X	P	P	P	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas	
Office (with drive-through facility)	X	X	X	X	X	X	X	X	X	X	C	C	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas	
Research and development services (scientific, medical, and technology)	X	C	C	X	C	C	X	X	X	P	P	P	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas	
Car rental and leasing	X	C	C	X	C	C	X	X	X	X	P	C	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas	
Leasing trucks, trailers, recreational vehicles, etc.	X	C	C	X	C	C	X	X	X	X	C	C	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas	
Bars, taverns and nightclubs	X	X	X	X	X	X	X	X	X	X	C	C	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas	
Tattoo parlors	X	X	X	X	X	X	X	X	X	X	P	X	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas	
<b>Industrial, manufacturing and wholesale trade</b>														
Light industrial structures and facilities (not enumerated in Codes 2611-2615, below)	X	C	C	X	C	X	X	X	X	X	X	X	X	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas
Loft	X	C	C	X	X	X	X	X	X	X	X	X	X	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas
Mill-type factory structures	X	C	C	X	X	X	X	X	X	X	X	X	X	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas
Construction-related businesses	X	C	C	X	C	X	X	X	X	X	X	X	X	Action 1.1.2: Reasonable design standards should be established to require commercial developments to be compatible with surrounding areas



Exhibition, convention or conference structure	X	A	X	X	A	X	X	X	X	X	X	X	
Covered or partially covered atriums and public enclosure	X	A	A	X	A	X	X	X	X	X	C	X	Action 4.1.2: Work with Santa Fe County to construct or repurpose a building to become a community center
Passenger terminal, mixed mode	X	P	P	X	P	X	X	P	P	X	X	C	
Active open space/ athletic fields/golf courses	X	P	P	X	P	X	X	C	C	X	X	X	
<b>Arts, entertainment, and recreation</b>													
Active leisure sports and related activities	C	P	P	C	P	P	C	C	C	C	C	C	
Movie Ranch	X	P	P	X	P	P	P	P	P	C	P	C	
Camps, camping, and related establishments	X	P	P	X	P	P	X	C	C	X	P	C	
Performing arts or supporting establishment	X	C	C	X	C	P	X	X	X	P	P	P	Action 3.1.1: Small business development and compatible home-based businesses should be supported
Theater, dance, or music establishment	X	C	C	X	C	P	X	X	C	P	P	P	Action 3.1.1: Small business development and compatible home-based businesses should be supported
<b>Institutional or community facilities</b>													
Community center	X	P	P	X	P	P	X	C	P	P	P	P	Action 4.1.2: Work with Santa Fe County to construct or repurpose a building to become a community center
Medical clinics	C	P	P	C	P	C	C	P	P	P	P	P	
Social assistance, welfare, and charitable services (not otherwise enumerated)	X	P	P	X	P	C	X	P	P	X	P	C	
Child and youth services	C	P	P	C	P	P	C	P	P	P	P	P	
Community food services	X	P	P	X	P	P	X	P	P	P	P	P	Action 4.1.2: Work with Santa Fe County to construct or repurpose a building to become a community center
Emergency and relief services	X	P	P	X	P	P	X	P	P	P	P	P	Action 3.4.1: Work with Santa Fe County Emergency Management Division to understand risk factors and emergency protocol for the southern part of Santa Fe County Action 4.1.2: Work with Santa Fe County to construct or repurpose a building to become a community center
Other family services	X	P	P	X	P	P	X	P	P	C	P	P	Action 4.1.2: Work with Santa Fe County to construct or repurpose a building to become a community center
Services for elderly and disabled	X	P	P	X	P	P	X	P	P	P	P	P	Action 4.1.2: Work with Santa Fe County to construct or repurpose a building to become a community center; Action 3.4.3: Make information available regarding services for elderly, including transportation and meal services
Animal hospitals	X	P	P	X	P	P	X	P	P	P	C	P	
College or university facility (privately owned)	X	P	P	X	P	P	X	C	C	C	C	C	
Technical, trade, and other specialty schools	X	P	P	X	P	P	X	C	C	C	C	C	
Library	X	P	P	X	P	P	X	P	P	P	P	P	Action 4.1.2: Work with Santa Fe County to construct or repurpose a building to become a community center
Museum, exhibition, or similar facility	X	P	P	X	P	P	X	C	C	P	P	P	
Planetarium	X	P	P	X	C	C	X	X	X	C	C	C	
Aquarium	X	P	X	X	C	X	X	X	X	X	C	X	
Zoological parks	C	P	C	C	P	C	X	X	X	C	X	C	

Public safety related facility	C	P	P	C	P	P	C	P	P	C	P	P	Action 3.4.1: Work with Santa Fe County Emergency Management Division to understand risk factors and emergency protocol for the southern part of Santa Fe County
Fire and rescue station	C	P	P	C	P	P	C	P	P	C	P	P	Action 3.4.1: Work with Santa Fe County Emergency Management Division to understand risk factors and emergency protocol for the southern part of Santa Fe County
Police station	C	P	P	C	P	P	C	P	P	C	P	P	Action 3.4.1: Work with Santa Fe County Emergency Management Division to understand risk factors and emergency protocol for the southern part of Santa Fe County
Emergency operation center	C	P	P	C	P	P	C	P	P	C	P	P	Action 3.4.1: Work with Santa Fe County Emergency Management Division to understand risk factors and emergency protocol for the southern part of Santa Fe County
Correctional or rehabilitation facility	X	C	C	X	C	C	X	X	X	X	X	X	
Cemetery, monument, tombstone, or mausoleum	X	P	C	X	P	C	X	C	C	X	X	X	
Funeral homes	X	P	C	X	P	C	X	X	X	X	P	P	
Cremation facilities	X	P	C	X	P	C	X	X	X	X	X	X	
Public administration	X	P	C	X	P	C	X	X	X	X	P	C	
Post offices	X	P	C	X	P	C	X	P	C	C	P	P	
Space research and technology	X	P	C	X	P	C	X	X	X	X	P	C	
Clubs or lodges	X	C	C	X	C	C	X	C	C	X	C	C	
<b>Transportation-related facilities</b>													
Surface parking, open	X	A	A	X	A	A	X	A	A	X	A	A	
Surface parking, covered	X	A	X	X	A	X	X	A	X	X	A	X	
Light rail transit lines and stops	X	P	P	X	P	P	X	P	P	P	X	P	
Taxi and limousine service dispatch facilities	X	X	X	X	X	X	X	X	X	X	C	X	
Towing and other road service facilities, excluding automobile salvage, wrecking, or permanent vehicle storage	X	X	X	X	X	X	X	X	X	X	C	X	
Long-distance or bulk pipelines for petroleum products, natural gas, or mineral slurry	X	C	X	X	C	X	X	C	X	X	X	X	
Commercial airports	X	C	X	X	C	X	X	X	X	X	X	X	
Private airplane runways and landing strips	X	C	X	X	C	X	X	C	X	X	X	X	
Airport maintenance and hangar facilities	X	C	X	X	C	X	X	X	X	X	X	X	
Heliport facility	X	C	X	X	C	X	X	X	X	X	X	X	
Helistops	X	C	X	X	C	X	X	X	X	X	X	X	
Glide port, stolport, ultralight airplane, or balloon port facility	X	C	X	X	C	X	X	X	X	X	X	X	
Railroad tracks, spurs, and sidings	X	P	P	X	P	X	X	P	P	X	P	P	
Railroad switching, maintenance, and storage facility	X	C	C	X	X	X	X	X	X	X	X	X	
Railroad passenger station	X	P	P	X	P	X	X	P	P	X	P	P	
Railroad freight facility	X	C	C	X	X	X	X	X	X	X	X	X	
<b>Utility</b>													
Local distribution facilities for water, natural gas, and electric power	C	P	C	C	P	C	C	P	C	C	A	A	Action 1.3.1: Identify mechanisms in the County Sustainable Land Development Code that enable renewable energy use and sustainable land use patterns to implement in the San Marcos District

Telecommunications lines	C	P	C	C	P	C	C	P	C	C	P	C	Action 3.2.2: Support installation and investment in internet infrastructure, such as fiber optics and high speed internet
High-voltage electric power transmission lines	X	C	X	X	C	X	X	C	X	X	C	X	
Dam	X	C	X	X	C	X	X	C	X	X	X	X	
Levee	X	C	C	X	C	C	X	C	C	X	A	A	
Water wells, well fields, and bulk water transmission pipelines	X	P	P	X	P	C	C	P	P	X	A	A	
Water treatment and purification facility	C	P	P	C	P	P	C	P	P	C	X	C	Action 1.2.2: Encourage innovative water saving techniques and technologies to reduce potable water use Action 1.2.3: Create flexible ways of water harvesting on medium-sized new buildings and new additions and accessory structures, with educational information on how to maintain and best use rainwater for personal and commercial purposes
Water reservoir	X	C	C	X	C	C	X	C	C	X	X	X	
Irrigation facilities, including impoundments for on-site irrigation or acequia system irrigation	X	P	P	X	P	P	X	P	P	X	A	A	Appropriate uses include artist studios, agriculture, and ranching with equestrian uses as appropriate based on established land use patterns of the area.
Wastewater storage or pumping station facility, lift stations, and collection lines	X	P	P	X	P	P	X	P	P	X	A	A	Action 1.2.4: Continue and expand education about rainwater harvesting in the District, along with education about rainwater uses and cistern maintenance
Composting facility	X	P	P	X	P	P	X	C	P	X	P	P	Appropriate uses include artist studios, agriculture, and ranching with equestrian uses as appropriate based on established land use patterns of the area.
Recycling transfer center	X	P	P	X	P	P	X	C	P	X	P	P	
Solid waste collection transfer station (Governmental)	X	P	P	X	P	P	X	C	P	X	P	P	
Solid waste collection transfer station (Private)	X	C	C	X	C	C	X	C	C	X	X	C	
Solid waste combustor or incinerator	X	C	C	X	C	C	X	X	C	X	X	C	
Household hazardous waste collection facility	X	C	X	X	C	X	X	X	X	X	X	X	
Hazardous waste storage facility	X	C	X	X	X	X	X	X	X	X	X	X	
Hazardous waste treatment and disposal facility	X	C	X	X	X	X	X	X	X	X	X	X	
Sewage treatment plant and disposal facilities	X	C	C	X	C	C	X	C	C	X	X	X	
Gas or electric power generation facility	X	C	X	X	X	X	X	X	X	X	X	X	Action 1.3.1: Identify mechanisms in the County Sustainable Land Development Code that enable renewable energy use and sustainable land use patterns to implement in the San Marcos District
Weather stations	X	P	P	X	P	P	X	P	P	X	A	A	Strategy 1.6: Set an example for education, sustainability and resource management, including a balanced wildfire ecosystem
Environmental monitoring station (air, soil, etc.)	X	P	P	X	P	P	X	P	P	X	A	A	Strategy 1.6: Set an example for education, sustainability and resource management, including a balanced wildfire ecosystem

Commercial solar energy production facility	X	C	P	X	C	P	X	X	P	X	C	C	Action 4.2.1 Create development standards for the siting and installation of Neighborhood-Scale renewable energy production facilities
Geothermal production facility	X	C	C	X	C	C	X	X	C	X	X	X	Action 4.2.1 Create development standards for the siting and installation of Neighborhood-Scale renewable energy production facilities
Large scale wind facility	X	C	C	X	C	C	X	C	C	X	C	C	Action 4.2.1 Create development standards for the siting and installation of Neighborhood-Scale renewable energy production facilities
Small scale wind facility		A	P		A	P		A	P		A	A	Action 4.2.1 Create development standards for the siting and installation of Neighborhood-Scale renewable energy production facilities
Highway rest stops and welcome centers	X	P	C	X	P	C	X	P	C	X	X	C	
<b>Agriculture, forestry, and conservation/open space</b>													
Grain silos and other storage structure for grains and agricultural products	X	P	P	X	P	P	X	A	A	X	X	X	Action 2.3.2: Identify infrastructural needs to support critical components of our local system supply and demand chain, such as food storage, aggregation, and distribution
Animal production that includes slaughter	X	C	C	X	C	C	X	X	X	X	X	X	Appropriate uses include artist studios, agriculture, and ranching with equestrian uses as appropriate based on established land use patterns of the area.
Livestock pens or hog houses	X	P	X	X	C	X	X	X	X	X	X	X	Appropriate uses include artist studios, agriculture, and ranching with equestrian uses as appropriate based on established land use patterns of the area.
Commercial greenhouses	X	P	P	P	P	P	X	C	C	C	P	P	Appropriate uses include artist studios, agriculture, and ranching with equestrian uses as appropriate based on established land use patterns of the area.
Nurseries and other growing of ornamental plants	X	P	P	X	P	P	X	P	P	C	P	P	Appropriate uses include artist studios, agriculture, and ranching with equestrian uses as appropriate based on established land use patterns of the area.
Stables and other equine-related facilities - Commercial up to 12 horses.	C	P	P	C	P	P	C	P	P	X	P	P	Appropriate uses include artist studios, agriculture, and ranching with equestrian uses as appropriate based on established land use patterns of the area.
Stables and other equine-related facilities - Commercial over 12 horses	X	P	C	X	P	C	X	P	C	X	C	C	Appropriate uses include artist studios, agriculture, and ranching with equestrian uses as appropriate based on established land use patterns of the area.
Kennels and commercial dog breeding facilities	X	C	C	X	C	C	X	C	C	X	C	C	Appropriate uses include artist studios, agriculture, and ranching with equestrian uses as appropriate based on established land use patterns of the area.

Forestry and logging operations	X	P	X	X	P	X	X	P	X	X	P	X	Appropriate uses include artist studios, agriculture, and ranching with equestrian uses as appropriate based on established land use patterns of the area.
Game preserves and retreats	X	P	X	X	P	X	X	C	X	X	X	X	Appropriate uses include artist studios, agriculture, and ranching with equestrian uses as appropriate based on established land use patterns of the area.
Support business and operations for agriculture and forestry	X	P	C	X	P	C	X	A	A	X	P	P	Action 2.3.4: Neighborhood-Scale accessory uses that support agricultural businesses and rural lifestyles should be allowed
Public or community outdoor recreation facilities	C	P	C	C	P	C	C	P	P	C	P	P	Action 1.1.1: Protect the integrity of parks, trails, and significant historical/archaeological sites in the area by maintaining a reasonable buffer between significant lands and new development while also considering options for people to experience the beautiful landscape
Dairy farms	X	P	X	X	C	X	X	X	X	X	X	X	Appropriate uses include artist studios, agriculture, and ranching with equestrian uses as appropriate based on established land use patterns of the area.
Other farm and farming-related structures	A	P	A	A	P	A	A	A	A	A	A	A	Action 2.3.2: Identify infrastructural needs to support critical components of our local system supply and demand chain, such as food storage, aggregation, and distribution
Poultry farms and poultry production facilities	X	P	X	X	C	X	X	X	X	X	X	X	Appropriate uses include artist studios, agriculture, and ranching with equestrian uses as appropriate based on established land use patterns of the area.
Sheds, or other agricultural facilities	A	P	P	A	P	P	A	A	A	A	A	A	Action 2.3.2: Identify infrastructural needs to support critical components of our local system supply and demand chain, such as food storage, aggregation, and distribution
<b>Mining and extraction establishments</b>													
Small Scale Sand and Gravel Extraction	X	C	X	X	C	X	X	C	X	X	C	X	

\* Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use District and Planned Development

## Dominic J. Sisneros

---

**From:** Dennis Kurtz <dennisdkurtz@gmail.com>  
**Sent:** Wednesday, November 27, 2024 1:00 PM  
**To:** lynhebert@q.com; Dominic J. Sisneros; Alexandra Ladd; Greg Shaffer; Jeff S. Young  
**Subject:** Documents pertaining to the San Marcos Association's Dec. 4, 2024 Presentation at the Special SLDC Hearing concerning Case 24-5200  
**Attachments:** Dec 4, 2024 Presentation to SLDC HO PDF.pdf; Dec 4, 2024 Presentation to SLDC HO.pptx; SMA Documents Resubmission to Hearing Officer, Case 24-5200 11-26-24.pdf; Jan 2023 08\_NeighborhoodMtg\_SummaryReport\_RanchoViejo.pdf; 2020 SMPD Overlay Worksheet.pdf

### Warning:

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Greetings to All - The Board of Directors of The San Marcos Association (SMA) has directed me to send you the attached documents to be included with our presentation on December 4, 2024. SMA does this pursuant to Hearing Officer Hebert's Order granting SMA standing in this case.

The Attached documents include: 1) a PowerPoint Presentation consisting of 9 slides.

2) a PDF of that same PowerPoint Presentation

3) a PDF of an Overlay Worksheet distributed by County staff in 2020 to the San Marcos Planning District Committee (distinct from SMA) - to be referenced during various Presentation slides

4) a PDF of the January 2023 Summary of Neighborhood Meetings prepared for AES - to be referenced during Presentation of Slide 8

5) an additional copy of a letter to Hearing Officer Hebert resubmitting documents related to this case from 2023 that may or may not have already been included in the Hearing Officer's packet; portions of letters in those documents will be referenced during various slides

Additionally, not being attorneys, we are not certain as to the intended meaning of the word "witnesses" in this Case. SMA does not plan to 'call' any witnesses to speak. The plan is that I, as President, will be under oath and will present. However, some other SMA Board Directors will also be present at the Hearing, and maybe permitted to speak. Since precisely who may be able to attend has not been finalized, and because I may feel that a question asked of me at any point might better be answered by another Board Director with more expertise, and in the event that I for some reason cannot attend myself, we offer the following list of SMA Board Members as "witnesses" so that they may be placed under oath to speak if needed. We apologize if this is the incorrect procedure.

### Witnesses for The San Marcos Association

Dennis Kurtz, President

Janet McVickar, Vice-President

Laird Graeser, Secretary

Gail Buono, Treasurer

Courtney Price

Doug Speer

Elizabeth West

Jill Cliburn



Maggie Macaulay  
Marianna Hatten  
Theresa Mendoza

Please acknowledge receipt of this email, its attachments, and that they will be included in the Hearing Officer's packet as part of the public record.

Respectfully, Dennis

Dennis D. Kurtz  
42 San Marcos Rd. W.  
Santa Fe, NM 87508  
President - The San Marcos Association

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