



# **Santa Fe County Board of County Commissioners Appeal Hearing**

**Case # 24-5200**

**Case # 24-5202**

## **The San Marcos Association**

**[\[https://thesanmarcosassociation.org/\]](https://thesanmarcosassociation.org/)**

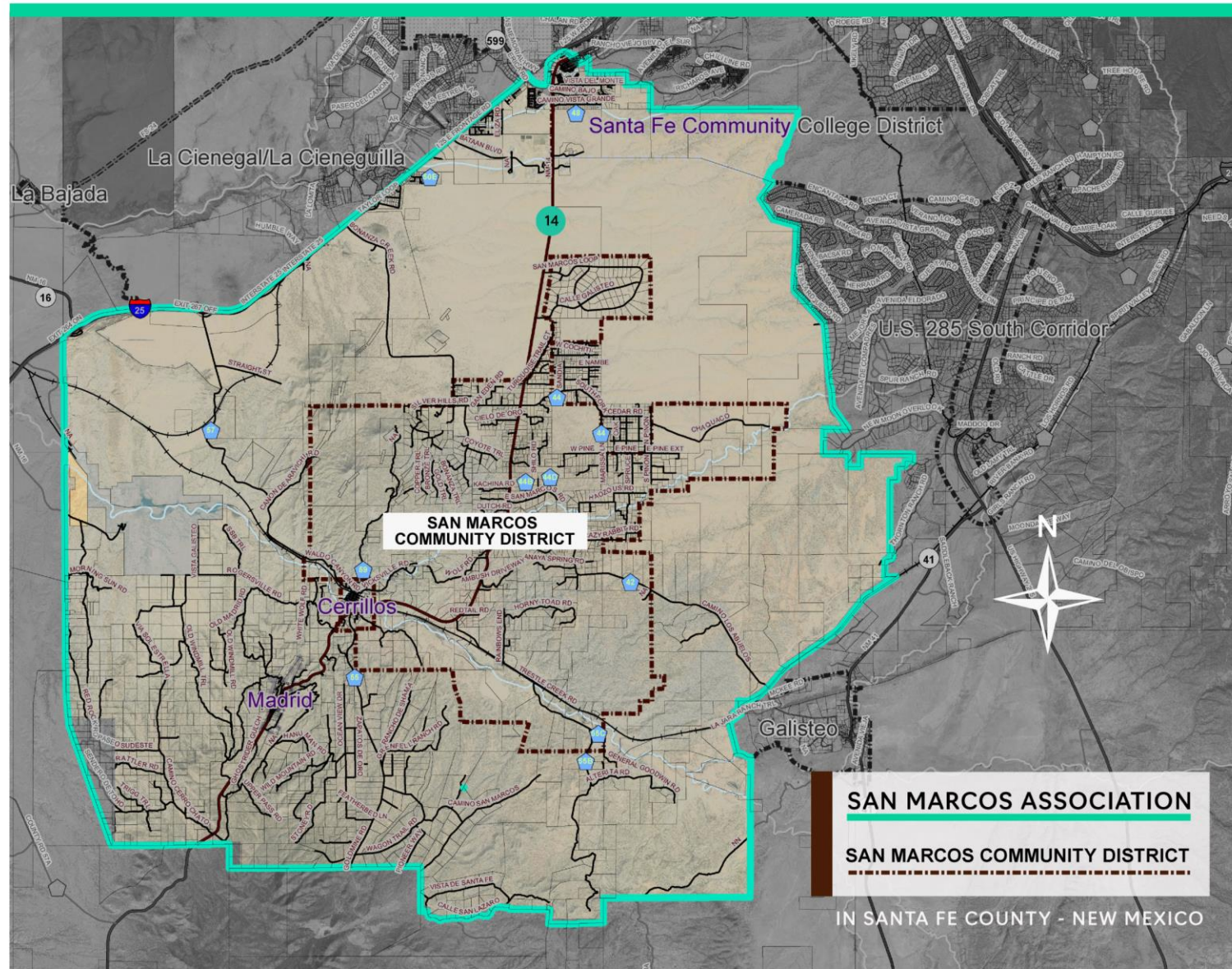
**Proposed AES Rancho Viejo Solar Project**

**Conditional Use Permit Application**

**August 11, 2025**



## SAN MARCOS ASSOCIATION AREA OF ADVOCACY





# Our Mission

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



# **SMA Appeals the CPC Decision to Approve the CUP as Incorrect, Wrong and Not in the Public Interest**

- CPC Ignored Facts Presented in its Findings of Fact
- CPC Prioritized Opinion over Demonstrable Facts
- CPC Did not Request an Independent Fiscal Analysis



# FACT

## **The Rancho Viejo Solar Project is a “Gas or Electric Power Generating Facility”**

- Per SLDC Use Matrix – Appendix B
- LBCS Structure Code 6400



# FACT

**The “Gas or Electric Power Generating Facility” Use Includes “solar panel farms”  
[LBCS Structure Code 6460]**



# FACT

**The Rancho Viejo Solar Project is  
Proposed to be Located in an Area  
Zoned Rural-Fringe**



# FACT

## Gas or Electric Power Generating Facilities – including Solar Installations – *are Prohibited in the Rural-Fringe*

- SLDC Use Matrix – Appendix B



# FACT

## 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



# FACT

## Conditional Use Permits are NOT an Option Where a Use is Prohibited

- SLDC 4.9.6.2
- SLDC Use Matrix – Appendix B



# FACT

**The Santa Fe CPC Ignored the Facts which Substantiate that this Project is “inconsistent with the purposes of the property's zoning classification ... and with the spirit and intent of the SLDC or SGMP.”**

CUP approval criteria-SLDC 4.9.6.5.7

SLDC Hearing Officer Recommended Order – Case #24-5200



# **SMA Appeals the CPC decision to ignore the Facts because it was Incorrect, Wrong and did not Serve the Public Good**

CPC Final Order – Case #24-5200



# **SMA RECOMMENDATION**

**Dismiss this CUP Application**



# FACT

## The CPC Did NOT Use Facts but Used Opinions to Decide

CPC Final Order – Case #24-5200



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

**Lisa Cacari Stone**  
*Commissioner, District 2*

**Camilla Bustamante**  
*Commissioner, District 3*



**Adam Fulton Johnson**  
*Commissioner, District 4*

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

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

## MEMORANDUM

**(CONFIDENTIAL AND PRIVILEGED ATTORNEY-CLIENT COMMUNICATION)**

**Date:** January 31, 2025

**To:** Santa Fe County Planning Commission; Alexandra Ladd, Growth Management Director; Jordan Yutzy, Land Use Administrator; Dominic Sisneros, Building & Development Supervisor

**From:** Roger L. Prucino, Assistant County Attorney II

**Via:** Walker Boyd, County Attorney

**Subject:** Planning Commission Meeting, February 3, 2025; Rancho Viejo Limited Partnership, et al.; Case No. 24-5200



# STAFF OPINION

**The Rancho Viejo Solar Project is a  
“Commercial Solar Energy Production  
Facility” and SMA’s Interpretation of the  
Facts is “flawed”**

- Confidential and Privileged Attorney-Client Communication  
January 31, 2025



# STAFF OPINION

**“It may well be that the solar facility at issue is both a gas or electric power generation facility and a commercial solar energy production facility. The latter category appears to be a subset of the former”**

- Confidential and Privileged Attorney-Client Communication  
January 31, 2025



# SMA OPINION

**The Rancho Viejo Solar Project is NOT what the SLDC intended as a ‘Commercial Solar Energy Production Facility’**

- “Commercial” defined as “for sale or profit” [SLDC Appendix A]
  - SGMP Renewable Energy Infrastructure should “allow residential and commercial property owners to be able to make renewable energy improvements in an accessible and affordable manner.” [SGMP Section 3.2.5.2, p. 67]
  - Intended to be 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.



# SMA OPINION

**The Rancho Viejo Solar Project is NOT what the SLDC intended as a 'Commercial Solar Energy Production Facility'**

- Solar Energy Production Facility [LBCS Code 6460] NOT called out in Use Matrix as, for example, Geothermal Production Facility [LBCS Code 6450] was Explicitly Identified



## Use of the Term “Commercial” in the SLDC Use Matrix

- Commercial Airports
- Commercial Automobile Parking Garages
- Commercial Greenhouses
- Commercial Dog Breeding Facilities
- Always intended to Exclude other types of Uses
  - Residential
  - Military
  - Governmental



# SMA OPINION

**The Rancho Viejo Solar Project is NOT what the SLDC intended as a 'Commercial Solar Energy Production Facility'**

- The 'Commercial Solar Energy Production Facility' Use was Meant for non-Residential Solar Installations of Neighborhood Scale Built to Improve an existing Commercial Property.



**SMA Appeals the CPC Decision to rely on  
Opinion over undeniable FACTS**

**SMA Recommends Dismissing this CUP  
Application**



# FACT

**The Rancho Viejo Solar Project has NOT  
been the subject of an Independent  
Fiscal Analysis Made Available to the  
Public**



# How will Santa Fe County Residents be Affected by this Project?

- Property Taxes
- Home Values
- Homeowners Insurance Rates
- Payments in Lieu of Taxes
- Industrial Revenue Bonds
- Potential Sale of Applicant or Facility
- Santa Fe County Credit Rating



# What Sorts of Factors Affect the County's Credit Rating?

Would Taxpayers be On the Hook for Credit Downgrades Due to:

- Habitat Loss
- Adverse Visual Impacts
- HazMat Mitigation Measures in place or not in place
- Negative Public Sentiment for this Project
- Lawsuits Stemming from Catastrophic Events
- Project Risks as Technology Changes or Markets Fluctuate



# **The San Marcos Association Appeals the CPC's Final Order and Recommends Dismissing this CUP Application Because:**

- The incontrovertible FACTS presented indicate the project should be Prohibited
- The CPC ignored those FACTS
- The CPC's questionable reliance on OPINIONS vs FACTS did not serve the public good
- The project is inconsistent with the purposes of the property's zoning classification ... and with "the spirit and intent of the SLDC or SGMP." SLDC 4.9.6.5.7
- There has been no Independent Fiscal Analysis conducted regarding this project



# QUESTIONS?