



# 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?**