



THE SAN MARCOS ASSOCIATION

P.O. Box 722
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<https://thesanmarcosassociation.org/>

A Community Voice Advocating for Our Neighbors and the Land

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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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

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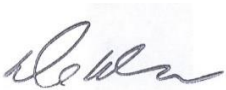
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Facilities. But there are no regulations, for example, for Large Scale Solar Facilities, or for other technologies. Perhaps the reason for this omission is that when the SLDC use matrix was implemented by the County, Utility-Scale Renewable Energy 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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