

EXHIBIT LIST

1. Santa Fe County Ordinance No. 2022-05, approved July 12, 2022
2. Excerpt from 2016 Sustainable Land Development Code
3. AES investigating cause of “thermal runaway” at Arizona site, Energy Storage News, May 4, 2022
4. New reports look at 2019, Arizona battery explosion, PV Magazine, July 31, 2020
5. Report: Four Firefighters Injured In Lithium-Ion Battery Energy Storage System Explosion – Arizona, Fire Safety Research Institute, July 29, 2020
6. Open Meetings Act Compliance Guide, NM Attorney General, Eighth Edition, 2015
7. Agendas for May 31, 2022 Board meeting, June 16, 2022 Planning Commission meeting and July 12, 2022 Board meeting
8. March 20, 2023 letter from Dennis D, Kurtz to Santa Fe County Hearing Officer
9. Legal Notices: Santa Fe New Mexican, June 9, 20, 27, 2022 and Santa Fe New Mexican, July 26, 2022; August 2, 2022
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15. Lessons Learned: Lithium Ion Battery Storage Fire Prevention and Mitigation – 2021, Electric Power Research Institute, June 2021
16. How Fast Do Wildfires Spread? Western Fire Chiefs Association, November 1, 2022

EXHIBIT 1

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2022- 05

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

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

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

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

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

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

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

10.25 Community Solar

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

10.25.2 Applicability

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

10.25.3 Standards

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

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

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

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

10. Decommissioning

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

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

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

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

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

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By: Anna Hamilton
Anna Hamilton, Chairperson

ATTEST:

Katharine E. Clark
Katharine E. Clark
County Clerk



APPROVED AS TO FORM:

Jeff Young
Jeff Young
Santa Fe County Attorney

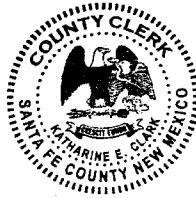
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC ORDINANCE
PAGES: 7

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Witness My Hand And Seal Of Office
Katharine E. Clark

Deputy Destiny Romero County Clerk, Santa Fe, NM



SFC CLERK RECORDED 07/19/2022

EXHIBIT 2



Santa Fe County

Sustainable Land Development Code

Adopted by Ordinance 2016-9

December 13, 2016



This is a reproduction of the Santa Fe County Sustainable Land Development Code (SLDC), enacted by Ordinance No. 2016-9, the original copy of which was recorded with the County Clerk as instrument number # 1812915. While efforts have been made to ensure its accuracy, this more legible reproduction is provided as a convenience to the public and does not trump the recorded SLDC. In the event of an inconsistency between this reproduction and the SLDC recorded with the County Clerk, the recorded SLDC is the controlling and official document.

CIP: see Capital Improvements Plan

Cluster Development: a development or subdivision that concentrates lots and structures on a portion of a parcel so as to allow the remaining land to be used for recreation, open space, agriculture and/or preservation of environmentally sensitive areas.

Code: the Santa Fe County Sustainable Land Development Code (“SLDC”) and any subsequent amendments.

Collector Road: a road that serves as a connection between local roads and one or more arterial roads. Also see Road, Collector.

Collocation (Telecommunications): means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Combined Antenna: an antenna designed and utilized to provide services by more than one provider. Also see Antenna, Combined.

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

Common Area: a parcel or parcels of land and/or developed facilities and complementary structures and improvements, including, but not limited to, areas for vehicular and pedestrian access, parks, trails, open space, civic and community buildings, plazas, environmentally sensitive lands and mitigation areas and recreational facilities within the site.

Common Element: the portion of condominium property that lies outside all owners’ units and is owned, maintained, and operated by the condominium association.

Common Ownership: ownership by the same person, corporation, business, sole proprietorship, firm, trust, entity, partnership, or unincorporated association, or ownership by different persons, corporations, businesses, sole proprietorships, firms, trusts, partnerships, entities, or unincorporated associations, in which a person, stockholder, partner, associate, beneficiary, trustee, or a member of the family owns an interest in each corporation, business, sole proprietorship, firm, trust, partnership, entity, or unincorporated association that has an interest in the land, buildings or structures.

Community Garden: places where neighbors and/or community members gather to grow food and plants together in a common community space.

Community Plan: means a future land use and development plan that provides detailed planning, design and implementation guidelines for a community pursuant to the SGMP. A Community Plan should be consistent with the SGMP while addressing the communities’ desired future land use goals. An adopted Community Plan is an amendment to the SGMP and may be implemented through a Planning District Ordinance.

Community Facility: is a facility which provides service to a local community organization. Such facilities may include governmental services such as police and fire stations; elementary and secondary day care centers; schools and community centers; and churches and other places of worship.

Community Swimming Pool: a pool that is regularly used by more than the members of a single household and invited guests, and may be open to the public or private.

EXHIBIT 3



NEWS

AES investigating cause of “thermal runaway” at Arizona site

By Cameron Murray

May 4, 2022

Americas, US & Canada Grid Scale Technology

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UPDATE 9 May 2022: Salt River Project has described the incident as thermal runaway in its official statement. However, Energy-Storage.news has heard from a source close to the project that the exact cause of the fire is not yet known and so could have originated from outside the battery system itself. It is therefore too early to describe the incident as thermal runaway before the investigation has taken place, the source said.

Power company AES Corporation is investigating the cause of what has been described as a thermal runaway incident at a 10MW battery energy storage system (BESS) site it owns and operates in Chandler, Arizona.

The fire at the Dorman battery storage facility, which provides energy to local utility Salt River Project (SRP), began on 18 April. The sprinkler system was deployed automatically and continued to spray water for several days to keep the temperature down, and was turned off on April 29.

SRP said that on 1 May the fire department turned control of the site back over to AES so that it could begin its investigation, with the battery building stable with no visible indication of smoke or fire for more than two days.

“Since the turnover to AES, CFD (Chandler Fire Department) returned to the site to respond as needed. The situation is considered under control and remains under AES control,” the statement said. “The investigation of the incident will be led by AES.”

There have been no injuries associated with the event and no damage to SRP electrical electrical facilities, SRP told Energy-storage.news in a statement. The nearest freeway was closed, the City of Chandler notified nearby businesses to evacuate and SRP disconnected its adjacent Knox Substation from the BESS.

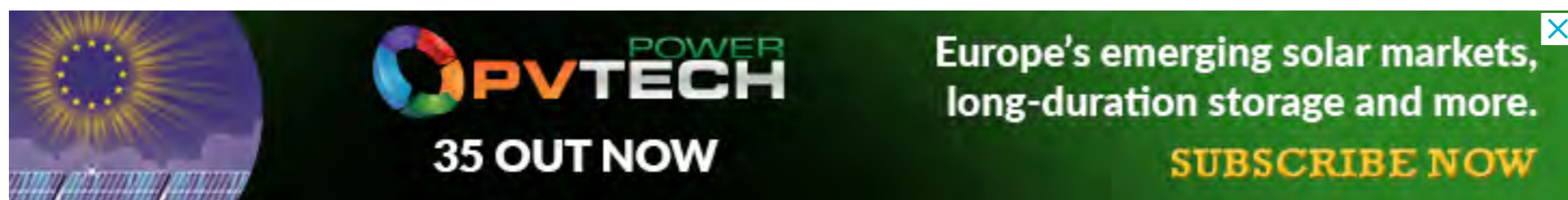
Dorman is a 10MW, four hour, standalone BESS project owned and operated by AES Corporation. It was completed in 2019 and provides energy storage to SRP under a 20-year agreement. The utility has enlisted several large system integrators to deliver projects in its region of responsibility in Arizona, including Fluence and Tesla.

AES Corporation provided Energy-Storage.news with a statement from Mark Miller, AES Market Business Leader and General Manager for California who has been on site overseeing the response:

“On Monday, April 18, smoke was detected inside the Gilbert (the name of the holding company of the project) battery energy storage facility in Chandler, Arizona. Safety systems responded properly, and the local fire department was dispatched. The fire department effectively managed the situation until Sunday, May 1, when the facility was deemed combustion free, and management of the building was returned to AES.”

“AES experts and consultants remain at the site as the situation shifts to the investigation phase. When safe conditions permit, we are committed to conducting a full analysis.”

aes corporation, arizona, battery, salt river project, thermal runaway, usa



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EXHIBIT 4




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New reports look at 2019 Arizona battery explosion

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according to two new reports that look at how to prevent similar disasters in the future.

JULY 31, 2020 TIM SYLVIA

UTILITY SCALE STORAGE ARIZONA UNITED STATES



Image: Business Wire

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From pv magazine USA

New details have emerged surrounding the Arizona Public Service Electric (APS) battery failure and corresponding explosion that hospitalized eight firefighters and one police officer in Surprise, Arizona, in April 2019.

Two recently published reports – one by APS, and the other by the Underwriters Laboratory Firefighter Safety Research Institute – reveal new details regarding the incident

“The suspected fire was actually an extensive cascading thermal runaway event, initiated by an internal cell failure within one battery cell in the BESS: cell pair 7, module 2, rack 15,” DNV GL Energy Insights said in the APS report. The cascading thermal runaway was likely caused by an internal cell defect – namely, abnormal lithium metal deposition and dendritic growth within the cell.

While the system’s clean agent fire suppression system began operating to contain the event, the system is designed to extinguish developing fires in ordinary combustibles, rendering it entirely ineffective against cascading thermal runaway. From there, the event spread through every cell and module in rack 15 of the system, via heat transfer, as it did not have adequate thermal barrier protections between battery cells. Such thermal barriers could have significantly prevented the spread.

Expansive thermal runaway produced a large quantity of gases, which created a flammable atmosphere within the system. Three hours after the event began, firefighters opened the system’s door, agitating the gases and allowing them to make contact with a heat source or spark that triggered the explosion.

Popular content

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30 JUNE 2023

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In short, the two reports identified five root causes of the explosion:

1. Internal failure in a battery cell initiated thermal runaway
2. The fire suppression system was incapable of stopping thermal runaway
3. Lack of thermal barriers between cells led to cascading thermal runaway
4. Flammable off-gases concentrated without a means to ventilate
5. The emergency response plan did not have extinguishing, ventilation, and entry procedures

According to APS, existing battery storage system safety standards and procedures only acknowledge cascading thermal runaway as a risk. These standards do little to prohibit thermal runaway, and fail entirely to address the risk of non-flaming heat transfer to neighboring cells, modules and racking. According to the utility, those same standards focus on the means to manage a fire, but provide no solutions to restrict or slow cell-to-cell and module-to-module thermal runaway.

The Firefighter Safety Research Institute report came to the same conclusions regarding what led to the event, but it also outlines steps that can be taken in order to mitigate the likelihood of a similar failure in the future.

- Basic Firefighter, Officer, and HAZMAT training should emphasize ESS safety
- Research and full-scale testing should be conducted to understand the most effective and safest tactics for response to lithium-ion battery incidents
- Fire service personnel should define a conservative potential blast radius and remain outside of it while treating the event, until definitive tactics and guidance can be established
- Lithium-ion battery systems should incorporate gas monitoring that can be accessed remotely
- Additional plans for increased monitoring, safety standard development and communication between the battery system, operators and first responders

While these standards will take some time to develop, there is a pressing need for them sooner rather than later. APS has plans to install at least 850 MW of nearly identical batteries across Arizona in the near future. And the United States is now on track install as much as 2,500 MW of battery storage by 2023, according to data from the U.S. Department of Energy’s Energy Information Administration.

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TIM SYLVIA

Tim Sylvia was an editor at pv magazine USA. Tim covered project development, legal issues and renewable energy legislation, as well as contributed to the daily Morning Brief.

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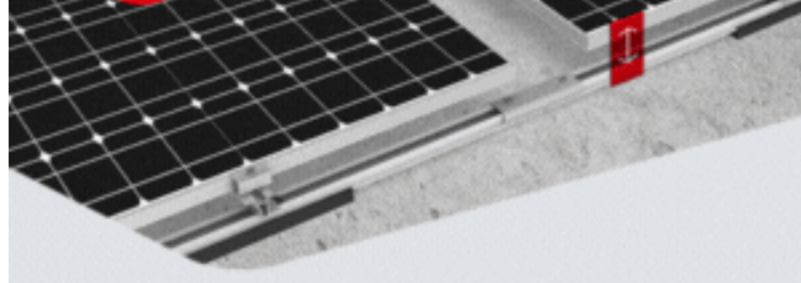
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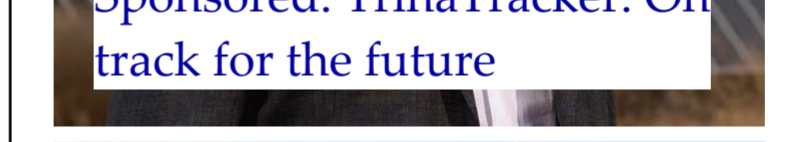
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Waiting is not an option

EXHIBIT 5



Report: Four Firefighters Injured In Lithium-Ion Battery Energy Storage System Explosion - Arizona

July 29, 2020

FSRI releases new report investigating near-miss lithium-ion battery energy storage system explosion.

Funded by the U.S. Department of Homeland Security (DHS) and Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant Program, [Four Firefighters Injured In Lithium-Ion Battery Energy Storage System Explosion - Arizona](#) is the first report issued as part of the Study of Firefighter Line of Duty Injuries and Near Misses.

This report details a deflagration incident at a 2.16 MWh lithium-ion battery energy storage system (ESS) facility in Surprise, Ariz. It provides a detailed technical account of the explosion and fire service response, along with recommendations on how to improve codes, standards, and emergency response training to better protect first responders, maintenance personnel and nearby communities.

This report is a first-of-its-kind research effort from FSRI to capture the experience of surviving firefighters to better understand a potentially devastating situation. Four career firefighters with specialized hazardous materials (HAZMAT) training were severely injured in the explosion. They recounted their experience to help inform the report, the investigation team’s understanding of how the fire and gases behaved, and subsequent recommendations for ESS safety training.

“The ability to study lithium-ion battery-related fires on this scale with first-person accounts from the responding firefighters is critically important to protecting the lives of first responders in similar situations. We’re dealing with new technology, which brings about new fire-related hazards. We have an opportunity to learn from this incident and improve future outcomes by sharing resources and enhancing training and safety protocols.”

— Steve Kerber, Vice President, Research and Director of FSRI

Lithium-ion battery ESS facilities have proliferated in recent years, presenting a new challenge for the fire protection community. Sourcing the experiences of the firefighters, FSRI’s report recommends new standards and codes for ESS sites, research programs, and curricula. Recommendations include HAZMAT training with an emphasis on ESS safety, remotely accessible gas monitoring systems, explosion prevention protection, and full-scale testing research to understand the most effective and safest tactics for fire service response to lithium-ion battery ESS incidents.

Abstract

On April 19, 2019, one male career Fire Captain, one male career Fire Engineer, and two male career Firefighters received serious injuries as a result of cascading thermal runaway within a 2.16 MWh lithium-ion battery energy storage system (ESS) that led to a deflagration event.

The smoke detector in the ESS signaled an alarm condition at approximately 16:55 hours and discharged a total flooding clean agent suppressant (Novec 1230). The injured firefighters were members of a hazardous materials (HAZMAT) team that arrived on the scene at approximately 18:28 hours. The HAZMAT team noted low-lying white clouds of a gas/vapor mixture issuing from the structure and nearby components and drifting through the desert. The team defined a hot zone and made several entries into the hot zone to conduct 360-degree size-ups around the ESS using multi-gas meters, colorimetric tubes, and thermal imaging cameras (TICs). The team detected dangerously elevated levels of hydrogen cyanide (HCN) and carbon monoxide (CO) during each entry. The team continued to monitor the ESS and noted the white gas/vapor mixture stopped flowing out of the container at approximately 19:50 hours.

The HAZMAT leadership developed an incident action plan with input from a group of senior fire officers and information about the ESS provided by representatives from the companies that owned, designed, and maintained the ESS. The HAZMAT team made a final entry into the hot zone and found that HCN and CO concentrations in the vicinity of the ESS were below an acceptable threshold. In following with the incident action plan, the team opened the door to the ESS at approximately 20:01 hours. A deflagration event was observed by the firefighters outside the hot zone at approximately 20:04 hours. All HAZMAT team members received serious injuries in the deflagration and were quickly transported to nearby hospitals. Note: The lithium-ion battery ESS involved in this incident was commissioned prior to release of a first draft of the current consensus standard on ESS installations, NFPA 855; the design of the ESS complied with the pertinent codes and standards active at the time of its commissioning.

Research Project: [Study of Firefighter Line of Duty Injuries and Near Misses](#)
 Report Title: **Four Firefighters Injured In Lithium-Ion Battery Energy Storage System Explosion - Arizona**
 Report Authors: [Mark McKinnon](#), [Sean DeCrane](#) and [Steve Kerber](#)
 Download the Report: <https://dx.doi.org/10.54206/102376/TEHS4612>
 Release Date: July 28, 2020

Technical Report
Four Firefighters Injured In Lithium-Ion Battery Energy Storage System Explosion - Arizona
 July 2020

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EXHIBIT 6

NEW MEXICO

OPEN MEETINGS ACT

COMPLIANCE GUIDE



**PROVIDED BY THE OFFICE OF THE
NEW MEXICO ATTORNEY GENERAL**

THE
OPEN MEETINGS ACT
NMSA 1978, Chapter 10, Article 15

A Compliance Guide for
New Mexico Public Officials and Citizens

HECTOR BALDERAS
Attorney General

This eighth edition of the Compliance Guide updates the 2010 edition, primarily to reflect a legislative amendment enacted in 2013 that requires a public body to make the agenda of a regular or special meeting available to the public at least 72 hours in advance of the meeting, and to post meeting agendas on a public body's website if one is maintained.

Eighth Edition
2015

notice. The public body may not discuss items at the reconvened meeting that were not on the agenda of the original meeting.

Example 23:

A municipal zoning commission holds a hearing on a variance request. More people than anticipated appear to provide testimony for and against the variance. The commission wants to be sure that it receives input from all interested parties. At midnight, there are still several people left who wish to testify. The commission votes to recess the meeting and, before recessing, announces that the meeting will be reconvened the following day at 5:30 p.m. in the same room. After the meeting is recessed, a notice stating that the meeting will reconvene at the specified date, time and place is posted next to the door of the place where the meeting was held and on the bulletin board outside the commission's offices.

Example 24:

A state board holds a meeting that is interrupted by a bomb threat in the building. A search of the building reveals that the threat was a crank call, but the search takes two hours to complete. When they return to the meeting, the board members realize that they do not have time to discuss the last item on the agenda. They vote to reconvene the meeting two days later and comply with the requisite notice requirements. The next day, the board's administrator contacts the chair to request a meeting to decide on the purchase of office equipment. Although the board plans to reconvene the following day, it cannot discuss the purchase because it was not on the original meeting's agenda and is not an emergency. Instead, the chair must call a separate special meeting to discuss the purchase or wait to discuss the purchase at the next regular meeting.

F. Agenda

The Law

Meeting notices shall include an agenda containing a list of specific items of business to be discussed or transacted at the meeting or information on how the public may obtain a copy of such an agenda. Except in the case of an emergency or in the case of a public body that ordinarily meets more frequently than once per week, at least seventy-two hours (72) hours prior to the meeting, the agenda shall be available to the public and posted on the public body's web site, if one is maintained. A public body that ordinarily meets more frequently than once per week shall post a draft agenda at least seventy-two (72) hours prior to the meeting and a final agenda at least thirty-six (36) hours prior to the meeting. Except for emergency matters, a public body shall take action only on items appearing on the agenda. For purposes of this Subsection, an "emergency" refers to unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body. Within ten days of taking action on an emergency matter, the public body shall report to the attorney general's office the action taken and the circumstances creating the emergency; provided that the requirement to report to the attorney general is waived upon the declaration of a state or national emergency.

1. Seventy-Two Hour Requirement

Public bodies must include an agenda in their meeting notices or information on where a copy of the agenda may be obtained. With two exceptions, a public body must make the agenda available to the public at least 72 hours before a meeting. The 72-hour requirement applies regardless of whether it includes a Saturday, Sunday or holiday. For example, a public body holding a meeting on a Monday at 9:00 a.m. would meet the 72-hour requirement if it made the agenda available on Friday by 9:00 a.m.

The exceptions to the 72-hour requirement apply to: (1) meetings held to address an

emergency, which are discussed in more detail below, and (2) public bodies that ordinarily meet more than once a week. Those public bodies must post a draft agenda at least 72 hours before a meeting and a final agenda at least 36 hours before the meeting.

2. Action on Agenda Items

A public body may discuss a matter, but cannot take action, unless the matter is listed as a specific item of business on the agenda. Action on items that are not listed on the agenda for a meeting must be taken at a subsequent special or regular meeting.

Example 25:

A mutual domestic water users association reserves an hour of its regular board meeting for public comment. During the public comment portion of a meeting, a member of the association complains about frequent interruptions in water service. The topic was not listed on the agenda for the meeting. If they choose, the board members may discuss options for addressing the complaint, but must delay any action on it until a subsequent meeting after the issue is listed on the agenda available to the public seventy-two hours before the meeting.

3. Specific Agenda Items

The agenda must contain a list of “specific items” of business to be discussed or transacted at the meeting. The requirement for a list of specific items of business ensures that interested members of the public are given reasonable notice about the topics a public body plans on discussing or addressing at a meeting. A public body should avoid describing agenda items in general, broad or vague terms, which might be interpreted as an attempt to mislead the public about the business the public body intends to transact. This is an especially important consideration when a public body intends to act on an agenda item.

Example 26:

The agenda for a school board meeting contains the following items of business:

1. Old Business
2. New Business
 - a. vending machines in the cafeteria
 - b. personnel matters

Under item 1, the board discusses and acts on three contracts. Under item 2(a), the board discusses and votes to allow vending machines in the middle school cafeteria. Under item 2(b), the board dismisses the director of the district’s administrative office and reorganizes the remaining staff positions. The board’s vote under item 2(a) is proper. In contrast, the board’s actions under items 1 and 2(b) violate the Act because those items were not listed as “specific items of business” on the agenda, as required by the Act. Items 1 and 2(b) are described in such general and vague terms that they do not give the public a reasonably clear idea about the actions the board intended to take at the meeting.

Commentary

The Act relaxes the agenda requirement in cases of emergency. The public body must still provide an agenda for an emergency meeting, but it need not be available twenty-four hours before the meeting. In addition, if an emergency matter arises too late to appear on a meeting’s agenda, the public body is permitted to discuss and take action on the matter. For purposes of the agenda requirements, an “emergency” is a matter that could not be foreseen by the public body and that requires immediate attention by the public body to avoid imminent personal injury or property damage or substantial financial loss to the public body.

Example 27:

One hour before its regular meeting, a county commission is informed by the president of the bank holding deposits of county funds that the

bank is about to fail. Because of certain accounting procedures, the commission's deposits at the bank for the day total \$50,000 above the amount covered by federal deposit insurance. The county commission may consider and act on the matter at its regular meeting to avoid the \$50,000 loss.

Example 28:

A local school board calls a special meeting with three days notice. The meeting notice states that the only item to be discussed is the need for updated instructional materials for the following school year. The school board is not required to do anything else to comply with the agenda requirement of the Act.

Commentary

When a public body takes action on an emergency matter, it has ten days to report to the Office of the Attorney General. The report must include the action taken and the circumstances creating the emergency. Once it receives the report, the Office of the Attorney General will evaluate whether the public body properly treated the matter as an emergency for purposes of the Act's agenda requirements.

When a state or national emergency has been declared, the Act waives the requirement to report to the attorney general.

G. Minutes

The Law

The board, commission or other policymaking body shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the

meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the policymaking body.

Commentary

All public bodies subject to the provisions of this Act are required to keep written minutes of all open meetings. (As discussed in the next section, minutes need not be kept during closed sessions.) Minutes of open meetings shall record at least the following information:

- (a) the date, time and place of the meeting;
- (b) the names of all members of the public body in attendance and a list of those members absent;
- (c) a statement of what proposals were considered; and
- (d) a record of any decisions made by the public body and of how each member voted.

This means that minutes must contain a description of the subject of all discussions had by the body, even if no action is taken or considered. The description may be a concise, but accurate, statement of the subject matter discussed and does not have to be a verbatim account of who said what. It may be useful, although it is not required, to also record in the minutes the other persons invited or present who participate in the deliberations.

A draft copy of the minutes is required to be prepared within ten working days of the meeting. Draft copies of minutes must be available for public inspection and should clearly indicate on the draft that they are not the official minutes and are subject to approval by the public body.

The public body must approve, amend or disapprove draft minutes at the next meeting of a quorum, and the minutes are not official until they are approved. Official minutes open to public inspection under this Subsection are also

EXHIBIT 7



Tuesday, May 31, 2022
Regular BCC Meeting (Amended Agenda 05-24-2022 - 6:25 p.m.)

Board of County Commissioners of Santa Fe County
Hybrid In-Person and Virtual Meeting
Santa Fe County John Gaw Meem Historic Building
Commission Chambers
102 Grant Avenue
Santa Fe NM 87501

Members of the public are prohibited from attending the meeting in-person. Members of the public can listen and participate in the meeting via WebEx, using meeting number (access code) 2489 751 3703 and password YPmutACM692. To participate by phone, call 1-408-418-9388. To participate via the internet, go to <https://sfco.webex.com/sfco/j.php?MTID=me3445c12a2d32d62cc3a2b0c522958d9>.

In addition, people may watch the meeting at <https://www.youtube.com/channel/UCKGV2GEBc1Qv38Pn61083xg> and <https://www.facebook.com/Santa-Fe-County-Board-of-County-Commissioners-101109334955454/>.

1. Opening Business

- A. Call to Order - 2:00 p.m.
- B. Roll Call.
- C. Pledge of Allegiance. (Chair Hamilton)
- D. State Pledge. (Chair Hamilton)
- E. Moment of Reflection. (Community Development Department/Lisa Katonak)
- F. Approval of Agenda. (Action Item)
- G. Years of Service and New Hire Recognition. (County Manager's Office/Gregory S. Shaffer)

2. Approval of Meeting Minutes (Action Items)

- A. Request Approval of the April 26, 2022, Board of County Commissioner Meeting Minutes.
- B. Request Approval of the April 26, 2022, Board of County Commissioner Budget Study Session Special Meeting Minutes.

3. Proclamations and Recognitions

- A. None.

4. Consent Agenda (Action Items)

- A. Request Approval of County Health Care Assistance Claims in the Amount of \$5,343.75. (Community Services Department/Jennifer Romero)
- B. Resolution No. 2022-____, A Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget Four State Appropriation Grants for Various Capital Projects in the Amount of \$475,000. (Finance Division/Yvonne S. Herrera and Public Works Department/Gary L.J. Giron)

C. Findings of Fact in the Matter of Case # 20-5050 Western Ridge Subdivision Preliminary and Final Plat for Phase 1 and Conceptual Approval for Phase 2. Western Ridge Investments LLC, Applicant, Jenkins Gavin Inc. Agent, Request Approval for Conceptual Plan Approval for a Two Phase Residential 15 Lot Subdivision and Preliminary and Final Subdivision Plat Approval for Phase 1 on a Total of 128.24-Acres and Approval of an Affordable Housing Agreement. The Property Has Split Zoning With 82 Acres Designated Rural Residential and 46.24 Acres Designated Residential Fringe. Phase One Consists of 10 Lots in Total with 9 Residential Lots on 100.14 Acres, and a 28.10-Acre Remainder Tract (Lot) 10 for Phase 2 of the Development. The 82-Acre Rural Residential Portion of the Property will be Divided Into 7 Lots in Compliance with the Permissible Density of One Lot per Ten Acres. The 46.24-Acre Residential Fringe Portion of the Property will be Divided into 8 lots in Compliance with the Permissible Density of One Lot Per Five Acres. The Proposed Development is Accessed via 52 San Rafael North of Tano Road Within T18N, R9E, Section 35 (Commission District 1). (Approved 4-1) (Growth Management Department/John Lovato, Case Manager)

5. Appointments and Reappointments (Action Items)

A. None.

6. Miscellaneous Action Items

A. Resolution 2022-____, A Resolution Advancing Complete Streets as a Proven Countermeasure to Advance Safer and More Equitable Transportation Improvements in Santa Fe County While Reducing the Impacts of Climate Change. (Growth Management Department/Brett Clavio)

B. Resolution 2022-____, A Resolution Adopting Required Community Development Block Grant (CDBG) Federal Certifications and Commitments for Project Number 19-C-NR-I-01-G-17. (Community Development Department/Maxx PL Hendren)

C. Request (1) Approval to Utilize the Statewide Price Agreement No. 00-00000-20-00110 with Allied Electric, Inc., Pursuant to Ordinance No. 2012-5 Section 1, Outside Contracts, for the Purchase of the Lighting Upgrades at the Pojoaque Valley Recreation Complex, in the Amount of \$754,995.45, Exclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order, Including All Necessary Contract Documentation. (Purchasing Division/Bill Taylor and Public Works Department/Phillip Montano)

D. Request (1) Authorization to Publish Title and General Summary of Ordinance No. 2022-____, An Ordinance Amending the Sustainable Land Development Code, Ordinance No. 2016-9, to Add a Definition of Community Solar and Add a New Section 10.25 to Address Standards for Community Solar Facilities and (2) Discussion and Potential Direction Concerning Resolution No. 2022-____, A Resolution Adopting the Santa Fe County Community Solar Letter of Support Criteria and Template. (Growth Management and Community Developments/Penny Ellis-Green, Paul Olafson, Nathaniel Crail, and Adeline Murthy)

E. Request Authorization to Publish Title and General Summary of Ordinance No. 2022-____, An Ordinance Amending the Solid Waste and Recycling Management Ordinance, Ordinance No. 2014-10, As Amended, to Clarify When Service Fees are Required for Use of Convenience Centers and to Authorize the Board of County Commissioners to Authorize Free Solid Waste Disposal Days by Resolution. (Public Works Department/Gary L.J. Giron)

7. Presentations

A. Santa Fe County Lodgers' Tax Presentation. (Community Development Department/Lisa A. Katonak)

B. Santa Fe County Transfer of Development Rights (TDR) Program Presentation. (Growth Management Department/Robert Griego)

8. Matters of Public Concern (Subject to Three (3) Minutes or Other Time Limit Imposed by Chair; Pre-Register at www.santafecountynm.gov/comment)

9. Matters from the County Manager

A. COVID-19 Updates.

B. Miscellaneous Updates.

10. Matters from the County Commissioners and Other Elected Officials (Action/Non-Action Items)

A. Commissioner Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions, and Requests for Updates or Future Presentations. (Non-Action Items)

B. Other Elected Officials Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions, and Requests for Updates or Future Presentations. (Non-Action Items)

C. Report and Request for Direction on Annexation Negotiations with City of Santa Fe Pursuant to Joint Resolution No. 2021-105. (Commissioners Hansen and Hughes) (Action Item)

11. Matters from the County Attorney

A. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Administrative Adjudicatory Proceedings, Including Those on the Agenda Tonight for Public Hearing, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1(H)(8) NMSA 1978, including: (1) The County of Santa Fe v. Michael Romero et al., No. D-0101-CV-2020-02243.

B. Request Approval of a Settlement Agreement in the Matter of the County of Santa Fe v. Michael Romero et al., No. D-0101-CV-2020-02243. (County Attorney's Office/Rachel A. Brown and Public Works Department/Gary L.J Giron and Scott Kaseman) (Action Item)

12. Public Hearings - To Be Heard No Earlier than 5:00 P.M.

A. Resolution No. 2022-____, A Resolution Designating Certain Santa Fe County Trails as Temporarily Closed Areas. (Growth Management / Penny Ellis-Green and Fire Department/Jackie Lindsey) (Action Item)

13. Informational Items / Reports

A. Community Development Department April 2022 Monthly Report.

B. Community Services Department May 2022 Monthly Report.

C. Finance Division March 2022 Monthly Report.

D. Growth Management Department April 2022 Monthly Report.

E. Human Resources Division April 2022 Monthly Report

F. Public Safety Department April 2022 Monthly Report

G. Public Works Department April 2022 Monthly Report

14. Concluding Business

A. Announcements.

B. Adjournment. (Action Item)

15. Public Meeting Disclosures

A. Santa Fe County makes every practical effort to assure that auxiliary aids or services are available for meetings and programs. Individuals who would like to request auxiliary aids or services should contact Santa Fe County Manager's Office at (505) 986-6200 in advance to discuss specific needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).

B. No Public, In-Person Attendance. In accordance with the public health emergency declared by the Governor and the Secretary of Health's Public Health Emergency Orders, in-person attendance at the meeting will be limited to an appropriate number of County Commissioners, critical staff, and credentialed members of the press.

C. Alternates to In-Person Attendance. Members of the public can listen and participate in the meeting via WebEx, using meeting number (access code) 2489 751 3703 and password YPmutACM692. To participate by phone, call 1-408-418-9388. To participate via the internet, go to <https://sfco.webex.com/>. For additional ways to join the WebEx meeting, see the County's website. In addition, people may watch the meeting at <https://www.youtube.com/channel/UCKGV2GEBC1Qv38Pn61083xg> and <https://www.facebook.com/Santa-Fe-County-Board-of-County-Commissioners-101109334955454/>.



Thursday, June 16, 2022
Santa Fe County Planning Commission Meeting 4:00PM

County Commission Chambers, 2nd Floor
Santa Fe County Administration Building
102 Grant Avenue

1. Opening Business

Subject **A. Roll Call 4:00 PM**

Meeting Jun 16, 2022 - Santa Fe County Planning Commission Meeting 4:00PM

Category 1. Opening Business

Type

Subject **B. Pledge of Allegiance**

Meeting Jun 16, 2022 - Santa Fe County Planning Commission Meeting 4:00PM

Category 1. Opening Business

Type

2. Approval of Agenda

Subject **A. Amendments**

Meeting Jun 16, 2022 - Santa Fe County Planning Commission Meeting 4:00PM

Category 2. Approval of Agenda

Type

Subject **B. Tabled or Withdrawn Items**

Meeting Jun 16, 2022 - Santa Fe County Planning Commission Meeting 4:00PM

Category 2. Approval of Agenda

Type

3. Approval of Minutes

Subject **A. Approval of May 19, 2022 Regular Meeting Minutes**

Meeting Jun 16, 2022 - Santa Fe County Planning Commission Meeting 4:00PM

Category 3. Approval of Minutes

Type

File Attachments

[May 19, 2022 Meeting Minutes.pdf \(82 KB\)](#)

4. New Business

Subject **A. Case # 22-5030 High Desert Relief Conditional Use Permit (CUP). High Desert Relief, Applicant, Jeff Robb, Owner, request approval of a CUP to allow a 2,880 sq.ft. Commercial Greenhouse for the purpose of producing cannabis. Ordinance 2021-03, Section 10.22.3.3 defines a cannabis producer or cannabis producer microbusiness that cultivates cannabis plants indoors shall be treated the same as the following use: Commercial Greenhouse. The property is within the Residential Estate (RES-E) Zoning District. Appendix B of the SLDC illustrates a Commercial Greenhouse as a Conditional Use (CUP) within RES-E zoning. The site is located at 33 (10.18-acres), 40 (10.18-acres), 50 (10.19-acres), & 51 (10.20-acres) Persia Ct. SDA-2, within Section 1, Township 10 North, Range 8 East, (Commission District 3). Jose E. Larrañaga, Case Manager**

Meeting Jun 16, 2022 - Santa Fe County Planning Commission Meeting 4:00PM

Category 4. New Business

Type

File Attachments

[High Desert Relief Conditional Use Permit Staff Report and Exhibits.pdf \(12,766 KB\)](#)

Subject **B. Recommendation on Ordinance No. 2022- _____. An Ordinance Amending The Sustainable Land Development Code, Ordinance No. 2016-9, To Add A Definition Of Community Solar, To Add A New Section 10.25 To Address Standards For Community Solar Facilities And To Add A New Clause To Section 8.11.3.5.2 To Prohibit A Community Overlay District From Restricting The Location And Procedures For Installing Community Solar Facilities. (Growth Management and Community Development Departments/Penny Ellis-Green, Paul Olafson, Nathaniel Crail, and Adeline Murthy).**

Meeting Jun 16, 2022 - Santa Fe County Planning Commission Meeting 4:00PM

Category 4. New Business

Type

File Attachments

[Community Solar Facilities Ordinance Staff Memo and Exhibits.pdf \(3,026 KB\)](#)

[Community Solar Planning Commission Presentation 6.16.22.pptx \(84 KB\)](#)

Subject **C. Case # 22-3036 Hacienda Doña Andrea Site Development Plan (SDP). Max & Britt Contreras, Applicants, James W. Siebert & Associates, Agent, request approval of a Site Development Plan to allow an Event Use (weddings) within an existing Bed & Breakfast site. The use would allow Hacienda Doña Andrea to be**

utilized as a large event wedding venue, in addition to the existing Bed & Breakfast for the 2022, season running through November 2022, only. After the 2022 season the property will revert back to solely a Bed & Breakfast The 63.78-acre site is zoned Agricultural/Ranching (A/R). The site is located at 78 Vista Del Oro, via Goldmine Road in Cerrillos, NM, within Section 13, Township 13 North, and Range 7 East (Commission District 3). Gabriel Bustos, Case Manager.

Meeting Jun 16, 2022 - Santa Fe County Planning Commission Meeting 4:00PM

Category 4. New Business

Type

File Attachments

[Hacienda Dona Andrea Staff Report.pdf \(541 KB\)](#)

[Hacienda Dona Andrea Exhibits 1-6.pdf \(5,538 KB\)](#)

[Hacienda Dona Andrea Exhibit 7.pdf \(8,174 KB\)](#)

Subject D. CASE # 21-5140 Esencia Subdivision Conceptual Plan and Variance. Esencia Holdings, LLC., Applicant, JenkinsGavin, Agent, for Conceptual Plan approval for a 710 lot residential subdivision to be completed in 5 Phases on a total of 277 acres +. The Applicant is also requesting a variance of Chapter 8.10.3.12.1 of the SLDC in order to allow only single-family homes rather than a mix of housing types as required by Code. The property is located within the Community College District, East of NM14, at the end of Camino Vista Grande and at the end of Vista Del Monte (south of the intersection of Avenida del Sur and A Van Nu Po), within Section 30, Township 16 North, Range 9 East (Commission District 5). Vicki Lucero, Case Manager.

Meeting Jun 16, 2022 - Santa Fe County Planning Commission Meeting 4:00PM

Category 4. New Business

Type

File Attachments

[AMENDED Esencia Subdivision Conceptual Plan Staff Memo.pdf \(1,191 KB\)](#)

[Esencia Subdivision Conceptual Plan Exhibits 1-4.pdf \(27,066 KB\)](#)

[Esencia Subdivision Conceptual Plan Updated Exhibits 5-10.pdf \(15,833 KB\)](#)

[Esencia Supplemental Petition of Opposition.pdf \(983 KB\)](#)

5. Petitions From The Floor

6. Communications From The Commission Members

7. Communications From The Attorney

8. Matters From The Land Use Staff

9. Next Regularly Scheduled Planning Commission Meeting: July 21, 2022

10. Adjourn

Subject A. *These Land Use Cases Are Administrative Adjudicatory Proceedings. Among Other Things, This Means That Commissioners Generally May Not Discuss A Case With The Applicant Or Other Members Of The Public Outside Of The Public Hearing On The Case. In Addition, Before Taking Final Action, The Planning Commission May Choose To Deliberate On An Administrative Adjudicatory Proceeding In Closed Or Executive Session, As Permitted By Section 10-15-1(H)(3) NMSA 1978.

Finally, The Planning Commission May Not Announce Its Decision On A Land Use Case At The Conclusion Of The Public Hearing Tonight.

Meeting Jun 16, 2022 - Santa Fe County Planning Commission Meeting 4:00PM

Category 10. Adjourn

Type

11. Public Meeting Disclosures

Subject A. No Public, In-Person Attendance. In Accordance With The Public Health Emergency Declared By The Governor And The Secretary Of Health's Public Health Emergency Order, In-Person Attendance At The Meeting Will Be Limited To An Appropriate Number Of Planning Commission Members, Critical Staff, And Credentialed Members Of The Press.

Meeting Jun 16, 2022 - Santa Fe County Planning Commission Meeting 4:00PM

Category 11. Public Meeting Disclosures

Type

Subject B. Alternates To In-Person Attendance. Members Of The Public Can Listen And Participate In The Meeting Via Webex. To Participate By Phone Call 1-408-418-9388. For Additional Ways To Join The Webex Meeting, See The Attached .Pdf File, "Here's How To Join The Planning Commission Webex Meeting".

Meeting Jun 16, 2022 - Santa Fe County Planning Commission Meeting 4:00PM

Category 11. Public Meeting Disclosures

Type



Tuesday, July 12, 2022
July 12, 2022 (Amended Agenda 7-8-2022 - 05:05 p.m.)

Board of County Commissioners of Santa Fe County
Hybrid In-Person and Virtual Meeting
Santa Fe County John Gaw Meem Historic Building
Commission Chambers
102 Grant Avenue
Santa Fe NM 87501

Members of the public have the choice of listening and participating in this meeting in person or virtually. Members of the public listening and participating in person will be required to comply with Santa Fe County policies concerning visitor screening and the wearing of cloth face coverings in effect on the day of the meeting. Please contact (505) 986-6200 for copies of Santa Fe County's current policies, which are subject to change.

Alternatively, members of the public can listen and participate in the meeting via Webex, using meeting number (access code) 2493 723 7319 and password nhPmUJR8E45. To participate by phone, call 1-408-418-9388. To participate via the internet, go to <https://sfco.webex.com/sfco/>. In addition, people may watch the meeting at <https://www.youtube.com/channel/UCKGV2GEBc1Qv38Pn61083xg> and <https://www.facebook.com/Santa-Fe-County-Board-of-County-Commissioners-101109334955454/>.

1. Opening Business

- A. Call to Order - 2:00 p.m.
- B. Roll Call.
- C. Pledge of Allegiance. (Chair Anna T. Hamilton)
- D. State Pledge. (Chair Anna T. Hamilton)
- E. Moment of Reflection. (Growth Management Department/Adeline Murthy)
- F. Approval of Agenda. (Action Item)

2. Approval of Meeting Minutes (Action Item(s))

- A. Request Approval of the June 14, 2022, Board of County Commissioners Meeting Minutes.
- B. Request Approval of the June 7, 2022, Board of County Commissioners Special Meeting Minutes.
- C. Request Approval of the June 17, 2022, Canvassing Board Meeting Minutes.

3. Consideration of Proclamations, Commissioner Resolutions, and/or Recognitions (Action Items)

- A. Resolution No. 2022-____, A Resolution Urging the United States Department of Agriculture Forest Service (USFS) to Prepare an Environmental Impact Statement in Accordance with the National Environmental Policy Act on the Santa Fe Mountains Landscape Resiliency Project; to Request New Risk, Costs, and Benefits Assessment of USFS Forest Fuels Treatments on the Santa Fe National Forest Including Their Risk to New Mexico Health, Water Supplies and Economies; to Publicly Assess Use of Alternative Treatments Under Accelerating Climate Change; and to Request that the USFS Cease Intentional Burns in Santa Fe County Until These Public Reviews. (Commissioner Anna Hansen and Commissioner Anna T. Hamilton) (Packet Material Added)

4. Consent Agenda (Action Items)

A. Request Approval of County Health Care Assistance Claims in the Amount of \$30.68. (Community Services Department/Jennifer Romero)

B. Request (1) Approval of the 7th Supplement to Addendum to Master Agreement and Schedule NM2016-001.01 for Licensed Software, Hardware, and Services Between Santa Fe County and TRTA Gov, Inc., Increasing the Amount of the Agreement an Additional \$113,406.00 and Extending the Term to July 1, 2023, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order. (Purchasing Division/Bill Taylor and Assessor's Office/Jennifer C. Romero)

5. Appointments and Reappointments (Action Items)

A. None

6. Miscellaneous Action Items

A. Request (1) Approval of Amendment No. 7 to Agreement 2018-0282-CSD/KE Between Santa Fe County and Terri Werner, Increasing the Compensation an Additional \$75,000.00, Inclusive of NM GRT, for a Total of \$374,000.00, Inclusive of NM GRT, and Extending the Term for One Year for Event Coordination at the Stanley Cyclone Center, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order. (Purchasing Division/Bill Taylor and Community Services Department/Anna L. War)

B. Resolution No. 2022-____, A Resolution Requesting Budget Adjustments to Various Funds in the Net Amount of \$12,952,716 for Year End Budget Clean-Up. (Finance Division/Yvonne S. Herrera)

C. Resolution No. 2022-____, A Resolution to Adopt the Santa Fe County Transit Service Plan for FY 2023 and to Direct Staff to Submit the Transit Service Plan to the North Central Regional Transit District. (Growth Management Department/Gary Clavio)

D. Resolution No. 2022-____, A Resolution Adopting a Remote Work Arrangement Policy. (County Attorney's Office/Rachel A. Brown and Human Resources and Risk Management Division/Sonya Quintana)

E. Request (1) Conceptual Approval of the Closure of the Electronic Monitoring Program at the Adult Detention Facility Due to the Creation of a Pretrial Services/Electronic Monitoring Program at the First Judicial District Court and (2) the Delegation of Authority to the County Manager to Negotiate and Execute on Behalf of the County (i) a Grant Agreement with the First Judicial District Court in the Amount of \$475,000 to Help it Establish its Pretrial Services/Monitoring Program and (ii) a Memorandum of Understanding with AFSCME 1413 Concerning the Closure of the Electronic Monitoring Program and Transition of the Two Employees Affected by the Closure to Other County Positions. (Adult Detention Facility/Derek Williams and Human Resources and Risk Management Division/Sonya M. Quintana)

F. Request (1) Approval of Resolution No. 2022-____, A Resolution Delegating to the County Manager the Authority to Negotiate for Medical Malpractice Coverage for Fiscal Year 2023 and to Execute Purchase Orders, Agreements, and Other Documents Necessary or Advisable to Effectuate Such Coverage or (2) A Decision to Continue to Self-Insure Medical Malpractice in Fiscal Year 2023. (Human Resources and Risk Management Division/Sonya M. Quintana) (Packet Material Added)

G. Request Consideration, Approval, or Disapproval of Change Order No. 1 to Agreement No. 2020-0014-PW/MAM Between Santa Fe County and Yearout Energy Services Company, LLC, Changing the Specifications for Two Solar Array Systems at Two County Facilities, Increasing the Contract Sum by \$74,436.25 and Extending the Contract Time by 15 Days. (Purchasing Division/Bill Taylor and Sustainability Office/Jacqueline Beam) (Caption Updated and Packet Material Added)

H. Request Approval of Amendment No. 2 to Collective Bargaining Agreement Between Santa Fe County and the New Mexico Coalition of Public Safety Officers Representing the Santa Fe County Deputy Sheriffs. (County Attorney's Office/Rachel A. Brown and Human Resources and Risk Management Division/Sonya M. Quintana) (Item Added)

I. Request Approval of Amendment No. 1 to Collective Bargaining Agreement Between Santa Fe County and the Regional Emergency Communication Center (RECC), A Subsidiary of the New Mexico Coalition of Public Safety Officers/NMCP SO. (County Attorney's Office/Rachel A. Brown and Human Resources and Risk Management Division/Sonya M. Quintana) (Item Added)

7. Presentations

A. None

8. Matters of Public Concern (Subject to Three (3) Minutes or Other Time Limit Imposed by the Chair; Pre-Register at www.santafecountynm.gov/comment)

9. Matters from the County Manager

A. COVID-19 Updates.

B. Miscellaneous Updates.

10. Matters from the County Commissioners and Other Elected Officials (Action/Non-Action Items)

A. Commissioner Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions, and Requests for Updates or Future Presentations. (Non-Action Items)

B. Other Elected Officials Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions, and Requests for Updates or Future Presentations. (Non-Action Items)

11. Matters from the County Attorney

A. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Administrative Adjudicatory Proceedings, Including Those on the Agenda Tonight for Public Hearing, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1(H)(8) NMSA 1978, including: (1) Monsanto Class Action Settlement, City of Long Beach, et. al. v. Monsanto Company, et. al., Case No. 2:16-cv-03439-FMO-AS, United States District Court, Central District of California – Western Division and (2) Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Concerning IAFF Local 4366. (Item No. 2 Added)

B. Potential Action On Items Discussed in Executive Session (Action Item)

12. Public Hearing on Proposed Ordinance and Other Matters Related to Community Solar - To Be Heard No Earlier than 5:00 p.m.(Action Items)

A. Ordinance No. 2022-____, An Ordinance Amending the Sustainable Land Development Code (SLDC), Ordinance No. 2016-9, to Add a Definition of Community Solar, to Add a New Section 10.25 to Address Standards for Community Solar Facilities, and to Add a New Clause to Section 8.11.3.5.2. to Prohibit a Community Overlay District from Restricting the Location and Procedures for Installing Community Solar Facilities. (Growth Management Department/Lucy Foma)

B. Resolution No. 2022-____, A Resolution Adopting the Santa Fe County Community Solar Letter of Support Criteria, Letter of Support Template, and Zoning Statement Template. (Growth Management Department/Nathaniel Crail and Lucy Foma and Community Development Department/Alexander Fitzgerald)

13. *Public Hearings - To Be Heard No Earlier than 5:00 p.m. (Action Items)

A. Case # 22-5110 Arable LLC, Restaurant B Liquor License. Arable LLC, Applicant, Adela Duran, Agent, Request Approval of a Restaurant B-Beer, Wine, and Spirits Liquor License to be Located at 7 Avenida Vista Grande, Suite B-6, Within the Agora Shopping Center in El Dorado. The Property is Zoned as Commercial Neighborhood Within Section 9, Township 15 North, Range 10 East (Commission District 5). (Growth Management Department/Jose E. Larrañaga, Case Manager)

B. Case # 22-5080 Los Brios Subdivision Conceptual Plan and Preliminary and Final Plat. JTT, LLC, Applicant, Jenkinsgavin, Agent, Request (1) Approval of An Affordable Housing Agreement and (2) Approval of a Conceptual Plan and Preliminary/Final Subdivision Plat. The Applicant is Proposing a Subdivision of 56 Single Family Lots, Inclusive of Two Existing Homes. The 17.15±-Acre Property is Comprised of Two Separate Parcels (Lot 1, 9.02-Acres, and Lot 2, 8.13-Acres). The Applicant is Also Requesting Approval of the Subdivision Affordable Housing Agreement. The 17.15-Acre Site is Zoned as Traditional Community (TC) Within The Village of Agua Fria Community District Overlay (VAFCD). The Property is Located at 4738 Agua Fria Road, SDA-2 (Commission District 2). (Growth Management Department/John Lovato, Case Manager) (Packet Material Added)

C. Case # 20-5011 Spirit Wind West Conceptual Plan Extension. Kathy A. Miller, Applicant, Land Development Planning (Danny Martinez), Agent, Request an Amendment to a Condition Imposed by the Board of County Commissioners, Which Required the Applicant to Record a Conceptual Plan and Final Plat for Phase 2 by May 1, 2022. The Applicant Requests a Two-Year Time Extension of the Previous Approved Spirit Wind West Master Plan/Conceptual Plan (39 Lots to

be Developed in 4-phases, on 133-acres) and to Amend the Previously Imposed Condition to Allow the Applicant Until May 1, 2024, to Record the Conceptual Plan. The Property is Located Off of Cerro Alto Road, via US Highway 285, Within Section 5, Township 14 North, Range 10 East, and Section 32, Township 15 North, Range 10 East, Within the Bishop's John Lamy Grant (Commission District 5). (Growth Management Department/Jose Larranaga, Case Manager)

D. Case # 20-5021 Tierra Bello Conceptual Plan Extension. Kathy A. Miller, Applicant, Land Development Planning (Danny Martinez), Agent, Request an Amendment to a Condition Imposed by the Board of County Commissioners, Which Required the Applicant to Record a Conceptual Plan and Final Plat for Phase 2 by June 12, 2022. The Applicant Requests a Two-Year Time Extension of the Previous Approved Tierra Bello Master Plan/Conceptual Plan (73 lots to be Developed in 8-phases, on 263-acres) and to Amend the Previously Imposed Condition to Allow the Applicant Until June 12, 2024, to Record the Conceptual Plan. The Property is Located Off of Avenida De Compadres, via Avenida Eldorado, Within Sections 24 & 25, Township 17 North, Range 9 East, Within the Canada De Los Alamos Grant (Commission District 5). (Growth Management Department/Jose Larranaga, Case Manager)

14. Concluding Business

A. Announcements.

B. Adjournment. (Action Item)

15. Public Meeting Disclosures

A. Santa Fe County makes every practical effort to assure that auxiliary aids or services are available for meetings and programs. Individuals who would like to request auxiliary aids or services should contact Santa Fe County Manager's Office at (505) 986-6200 in advance to discuss specific needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).

B. *These land use cases are administrative adjudicatory proceedings. Among other things, this means that Commissioners generally may not discuss a case with the applicant or other members of the public outside of the public hearing on the case. In addition, before taking final action, the Board of County Commissioners may choose to deliberate on an administrative adjudicatory proceeding in closed or executive session, as permitted by Section 10-15-1(H)(3) NMSA 1978. Finally, the Board may not announce its decision on a land use case at the conclusion of the public hearing tonight. The applicant and interested persons may participate in the public hearing via WebEx, as described below. Any exhibits to be used at a public hearing must be delivered to the Land Use Administrator by noon on Friday, July 8, 2022, preferably by email at pengreen@santafecountynm.gov.

C. In-Person Attendance. Members of the public have the choice of listening and participating in this meeting in person or virtually. Members of the public listening and participating in person will be required to comply with Santa Fe County policies concerning visitor screening and the wearing of cloth face coverings in effect on the day of the meeting. Please contact (505) 986-6200 for copies of Santa Fe County's current policies, which are subject to change.

D. Alternates to In-Person Attendance. Members of the public may also listen and participate in the meeting via WebEx, using meeting number (access code) 2493 723 7319 and password nhPmUJR8E45. To participate via the internet, go to <https://sfco.webex.com/sfco/>. For additional ways to join the WebEx meeting, see the County's website. In addition, people may watch the meeting at <https://www.youtube.com/channel/UCKGV2GEBc1Qv38Pn61083xg> and <https://www.facebook.com/Santa-Fe-County-Board-of-County-Commissioners-101109334955454/>.

EXHIBIT 8



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

Penny Ellis-Green via email - pengreen@santafecountynm.gov

Robert Griego via email - 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
Residential													
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.

EXHIBIT 9

SANTA FE NEW MEXICAN

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SF COUNTY
PO Box 276
Santa Fe, NM 875040276

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

P.O.#:220003

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO
COUNTY OF SANTA FE

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

ISI


LEGAL ADVERTISEMENT RESPRESENTATIVE

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

Notary

Commission Expires: 11/30/2024

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

LEGAL #34314

LEGAL #89833

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY ON ORDINANCE NO. 2022-

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

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

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

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

This is only a general summary of the proposed ordinance. Interested persons must consult the proposed

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

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

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

Possible Board Action on July 12, 2022. After the public hearing on July 12, 2022, the Board may adopt the proposed ordinance, with or without changes, vote not to adopt the proposed ordinance, recess the public meeting in accordance with the Open Meetings Act, or postpone the public hearing or delay action on the proposed ordinance

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

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

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

Pub: June 9, 20, 27, 2022



AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of Bernalillo SS

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

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

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

David Montoya

Stephanie Miaris

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

27 day of June of 2022

PRICE \$853.95

Statement to come at the end of month.

ACCOUNT NUMBER 1030867

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

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

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

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

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

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

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

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

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

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

Final: June 9, 20, 27, 2022

SANTA FE NEW MEXICAN

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SF COUNTY
PO Box 276
Santa Fe, NM 875040276

ACCOUNT:	S2438	
AD NUMBER:	36607	
LEGAL NO	90000	P.O.#:230127
2 TIME(S)	240.50	
AFFIDAVIT	10.00	
TAX	20.82	
TOTAL	271.32	

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO
COUNTY OF SANTA FE

I, Veronica Gonzalez, being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe, Rio Arriba, San Miguel, and Los Alamos, State of New Mexico and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the Legal No 90000 a copy of which is hereto attached was published in said newspaper 2 day(s) between 07/26/2022 and 08/02/2022 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 26th day of July, 2022 and that the undersigned has personal knowledge of the matter and thngs set forth in this affidavit.

ISI 
LEGAL ADVERTISEMENT RESPRESENTATIVE

Subscribed and sworn to before me on this 2nd day of August, 2022

Notary 

Commission Expires: 11/30/2024

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

LEGAL #90000

NOTICE OF ADOPTION AND GENERAL SUMMARY OF SANTA FE COUNTY ORDINANCE NO. 2022-05, "AN ORDINANCE AMENDING THE SANTA FE COUNTY SUSTAINABLE LAND DEVELOPMENT CODE ("SLDC"), ORDINANCE NO. 2016-9, TO ADD A DEFINITION OF COMMUNITY SOLAR, TO ADD A NEW SECTION 10.25 TO ADDRESS STANDARDS FOR COMMUNITY SOLAR FACILITIES AND TO ADD A NEW CLAUSE TO SECTION 8.11.3.5.2 TO PROHIBIT A COMMUNITY OVERLAY DISTRICT FROM RESTRICTING THE LOCATION AND PROCEDURES FOR INSTALLING COMMUNITY SOLAR FACILITIES."

Notice is hereby given that, on July 12, 2022, the Board of County Commissioners of Santa Fe County (County) adopted the above-titled ordinance (the "Ordinance"). The Ordinance was recorded with the County Clerk on July 19, 2022. It will be effective on August 18, 2022.

General Summary of Ordinance. The Ordinance will amend the Santa Fe County Sustainable Land Development Code ("SLDC"), Ordinance No. 2016-9, to enact a new Section 10.25 of the SLDC that regulates community solar facilities.

More specifically, the Ordinance regulates fencing, access, re-seeding, utilities, setbacks, heights and decommissioning for

community solar facilities. The Ordinance also adds a new clause to the Community District Overlay section (SLDC § 8.11.3.5.2 that prohibits community Overlay Districts from restricting the location and procedure for approving and installing a community solar facility. The Ordinance also amends Appendix A, Part 2, of the SLDC (Definitions) to amend the definition of "Commercial Solar Energy Production Facility" and to add a new definition for "Community Solar Facility". The Ordinance was initiated by the County Land Use Administrator in response to the State Legislature's passage of the Community Solar Act, or SB84 (2021).

This is a general summary only. Interested persons should review the Ordinance to determine its full contents.

Effective Date. The Ordinance will go into effect on August 18, 2022, which is thirty days after it was recorded with the County Clerk.

Copies of the Ordinance. Copies of the Ordinance are available for inspection and copying in the County Clerk's Office, located at 100 Catron, Santa Fe NM 87501. The Ordinance is also available at the County's website, www.santafecountynm.gov.

Pub: July 26, Aug 2, 2022

EXHIBIT 10

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

RESOLUTION NO. 2022- 054

A RESOLUTION
ADOPTING THE SANTA FE COUNTY COMMUNITY SOLAR LETTER OF SUPPORT
CRITERIA, LETTER OF SUPPORT TEMPLATE, AND ZONING STATEMENT
TEMPLATE

WHEREAS, the Santa Fe County Board of County Commissioners passed Resolution 2017-68 adopting the goals of the 2015 Paris Agreement to reach net-zero greenhouse gas emissions by 2050; and

WHEREAS, the Santa Fe Board of County Commissioners passed Resolution 2022-04, a commitment and plan to reach net-zero greenhouse gas emissions from County operations by 2050; and

WHEREAS, through Race to Zero, a global initiative to reach net-zero, the County has pledged to reduce emissions from County owned buildings by 60% by 2025 and a reduction of the same percentage from all buildings throughout the County through renewable energy and efficiency upgrades by 2030; and

WHEREAS, The New Mexico Governor signed the Community Solar Act, or SB84, into law on April 5, 2021; and

WHEREAS, The New Mexico Public Regulation Commission's Community Solar Rule was adopted on March 30, 2022; and

WHEREAS, The New Mexico Public Regulation Commission's Community Solar Rule establishes criteria for selection of community solar facility projects into the Community Solar Program; and

WHEREAS, section E.6 of The New Mexico Public Regulation Commission's Community Solar Rule enumerates community benefit and participation as a criterion; and

SFC CLERK RECORDED 07/19/2022

WHEREAS, it is in the best interests of Santa Fe County to support the development of community solar facilities within the County; and

WHEREAS, it is in the best interests of Santa Fe County to support the development of community solar facilities that incorporate land remediation practices and minimize environmental impacts; and

WHEREAS, it is in the best interests of Santa Fe County to develop criteria for lending support to proposed community solar facility projects located within the county; and

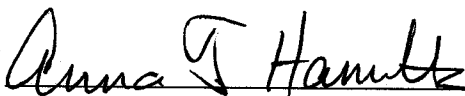
WHEREAS, the Community Solar Letter of Support Criteria is attached hereto as Exhibit A, the Letter of Support Template is attached hereto as Exhibit B, and the Community Solar Zoning Statement Template is attached hereto as Exhibit C.

NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. The Community Development Department, or its designee, is authorized to issue a Letter of Support for a Community Solar project that the Department deems worthy of the County's support.
2. The Community Solar Letter of Support Criteria attached hereto as Exhibit A is hereby approved.
3. The Letter of Support Template attached hereto as Exhibit B is hereby approved.
4. The Community Solar Zoning Statement Template attached hereto as Exhibit C is hereby approved.
5. The Board of County Commissioners directs staff to implement and update the Community Solar Criteria and the Letter of Support Template as appropriate.

PASSED, APPROVED AND ADOPTED this 12th day of July 2022.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**



Anna T. Hamilton, Chair

SFC CLERK RECORDED 07/19/2022

ATTEST:

Katharine E. Clark

Katharine E. Clark, Santa Fe County Clerk

Date: 7/19/22



APPROVED AS TO FORM:

Roger Precious for

Jeff Young, Santa Fe County Attorney

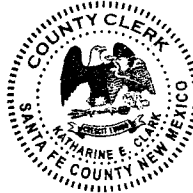
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 6

I Hereby Certify That This Instrument Was Filed for
Record On The 19TH Day Of July, 2022 at 02:22:32 PM
And Was Duly Recorded as Instrument # 1993282
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark

Deputy *Dorothy Romero* County Clerk, Santa Fe, NM



SFC CLERK RECORDED 07/19/2022

Exhibit A:

The Community Development Department, in its discretion and in consultation with appropriate County staff, or their designee, is hereby authorized by the Board of County Commissioners to issue letters of support for Community Solar projects that are determined to incorporate commitments or provisions beneficial to the local community and/or potential subscribers based upon adherence to some or all of the following criteria:

- a commitment and plan for reseeded the development site after construction of the facility, and also after the facility is decommissioned, using native, drought-tolerant, pollinator-friendly plants;
- not located within a cultural site;
- not located on land with healthy, intact ecosystems, including wetlands, riparian areas, and other environmentally-sensitive areas/sites;
- sited on brownfield, built environment, degraded land, or rooftop;
- co-located in an agricultural area to promote and create agrivoltaic systems that enhance soil health and agricultural lands;
- not located within one mile of an identified wildlife migratory corridor;
- located on publicly-owned land;
- located on county-owned land;
- has established subscriptions from county residents;
- proposed services in excess of the required minimum standards for low-income residents;
- commits to underground utility lines for entire development, where applicable;
- commits to site clean-up, remediation, and dismantling at system retirement and/or decommissioning of the facility; demonstrates financial ability to construct, maintain, operate and decommission facility;
- commits to promoting and creating workforce opportunities for residents of Santa Fe County and contracting opportunities for local businesses.

SFC CLERK RECORDED 07/19/2022

Exhibit B:

<PROJECT NAME>

<PROJECT ADDRESS>

Attn. <Project REPRESENTATIVE>

<Project REP LAST NAME>,

Thank you for your interest in working with Santa Fe County to develop a Community Solar Project at <PROJECT ADDRESS>.

We understand you – together with PNM -- will offer savings, in the form of credits reflected on billing statements for electric services, to residents of Santa Fe County. We are broadly supportive of the economic benefits that community solar provides for New Mexico residents and organizations. We are also supportive of the environmental benefits that arise from residents and organizations having the ability to select renewable energy as the source of their electricity.

As you have described in your application, the project has committed to the following:

<insert criteria they are committing to>

We are pleased to see the commitments to which the project adheres and the benefits provided to Santa Fe County residents.

As such, please consider this letter as a formal indication of support for the <PROJECT NAME> project on behalf of Santa Fe County.

Regards,

<SIGNATURE>

Community Development Director

SFC CLERK RECORDED 07/19/2022

Exhibit C:

<INSERT DATE>

<INSERT COMPANY NAME>

<PROJECT ADDRESS>

Attention: <INSERT REPRESENTATIVE>

Re: Zoning Statement for <INSERT PROJECT NAME>

To Whom It May Concern:

This office has been asked to provide a zoning statement for the development of a community solar facility with respect to the above-referenced property.

The zoning for this property is regulated by Ordinance No. 2016-9, the Sustainable Land Development Code (SLDC), Chapter 10, Section 25 (Community Solar), which permits Community Solar projects in all zoning districts. The site is zoned as a <INSERT ZONING> and, as such, a community solar project is a permitted use for the address identified above.

If you have any questions, contact me at 986-6225.

Sincerely,

Vicki Lucero
Building and Development Services Manager

Cc; Jose E. Larrañaga
Development Review Team Leader

SFC CLERK RECORDED 07/19/2022

EXHIBIT 11

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Rudy N. Garcia
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Hank Hughes
Commissioner, District 5

Gregory S. Shaffer
County Manager

MEMORANDUM

Date: May 12, 2022

To: Board of County Commissioners

From: Adeline Murthy, Sustainability Specialist
Alex Fitzgerald, Economic Development Specialist
Alex Painter, Community Planner
Jacqueline Beam, Sustainability Manager
Lucy Foma, Planning Team Leader
Nate Crail, Community Planner
Robert Griego, Planning Manager

Via: Penny Ellis-Green, Growth Management Director
Paul Olafson, Community Development Deputy Director

RE: Request to the Board of County Commissioners to Publish Title and General Summary for an Ordinance Amending Ordinance No. 2016-9, the Sustainable Land Development Code (SLDC), To Add A New Section 10.25 To Address Standards For Community Solar Facilities and To Add a New Clause to Section 8.11.3.5.2 to Prohibit a Community District Overlay From Restricting the Location and Procedures for Installing Community Solar Facilities

Santa Fe County staff have drafted a Community Solar Ordinance to amend Chapter 10 of the Sustainable Land Development Code (SLDC) to adopt standards for community solar facilities and to amend Appendix A, Part 2 of the SLDC to add a definition for “Community Solar.” These amendments establish a framework for regulating community solar facilities within unincorporated Santa Fe County.

Santa Fe County staff have also drafted a Resolution adopting a community solar letter of support (LOS) criteria and template for proposed community solar projects in the County. The LOS will aid potential project developers in their state-level application to the New Mexico Public Regulation Commission (PRC).

BACKGROUND:

The New Mexico legislature passed the 2021 Community Solar Act (hereafter referred to as the “Act”) in April 2021, establishing a statewide community solar program. The PRC issued

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:
505-995-2740 www.santafecountynm.gov

Community Solar rules in March 2022 and the RFP for Community Solar projects will be issued in July 2022.

The Act provides an economic development opportunity for the County, a pathway to meet County emissions reduction goals, and a means for residents to reduce utility costs. The state has placed a statewide capacity cap of 200 megawatts (200 MW) for community solar projects in the first three years of the program (until November 1, 2024). This limit means that Santa Fe County needs to act quickly to maximize access for solar stakeholders.

“Community Solar” is distinct from “Commercial Solar” both in size and in that community solar subscribers benefit from the electricity generated by the solar facility to which they subscribe. The Act reserves 30% of generating capacity for low-income customers. The program is expected to increase access to solar energy for low-income customers (both owners and renters) who are unable to install residential solar panels.

Community solar allows electricity customers to subscribe to receive solar credits from a shared facility with a capacity not exceeding five MW, which is smaller than a utility-scale solar farm. Community solar projects [can range from rooftop facilities up to approximately 30-acre projects](#). The arrays are larger than residential arrays and will tie into a local power distribution line. A five MW array could support approximately 1,250 homes based on [average household energy use](#). Projects are commonly located in urban or suburban areas where utility-scale solar cannot be easily constructed.

COMMUNITY SOLAR ALIGNMENT WITH COUNTY GOALS AND POLICIES:

The Community Solar Act supports the following County goals, policies, and strategies:

- **Sustainable Growth Management Plan (SGMP) Goal 23:** Support energy efficiency and renewable energy to reduce greenhouse gas emissions and dependence on non-renewable energy use.
- **SGMP Goal 24:** Support the development and use of sustainable, renewable energy production and distribution infrastructure and reduce dependence on non-renewable energy use.

Community solar supports County emissions reduction and sustainability goals, including:

- **[Resolution 2017-68](#):** Commitment to supporting the Paris Agreement goal to reach net-zero greenhouse gas emissions by 2050. The County Sustainability Office has completed an [emissions inventory](#) and identified reduction strategies, including transitioning to solar energy, to achieve this goal.
- **[Race to Zero](#):** The County has pledged to reduce emissions from operational buildings 60% by 2025 through renewable energy and efficiency upgrades, and to achieve the same goal for all buildings throughout the County by 2030.

Community solar also supports low income communities and economic development as follows:

- **Job Creation:** Over the past decade, solar jobs have increased by [167% in the U.S.](#), which is five times the overall job growth rate. Sustained employment growth within the industry is

projected to continue as the cost of solar deployment decreases ([36% reduction over past five years in New Mexico](#)) and policy innovations incentivize and make solar deployment more accessible.

- **Lower-Cost Energy:** Many low-income households are “energy burdened,” meaning they pay a larger percentage of their monthly income towards energy costs ([as much as 3x higher than non-low-income households](#)). Efforts to lower energy costs are vital for supporting energy-burdened households. Community solar has shown a reduction of energy costs ranging from [5% to as much as 25%](#) across households participating in Community Solar programs.

COMMUNITY SOLAR REGULATIONS:

The proposed ordinance aims to facilitate the development of community solar for the benefit of County residents by adhering to and complementing state requirements for community solar projects. Community solar facilities would be permitted in all zoning districts throughout the County, with specific requirements including:

- Setbacks from rivers, wetland and riparian areas;
- Reseeding disturbed areas with drought-tolerant native plant species;
- Height and setback standards for ground-mounted and rooftop mounted arrays;
- Utility line and driveway standards.

RECOMMENDATION:

Staff requests the BCC’s support of the Ordinance and requests permission to proceed with the adoption process by publishing Title and General Summary. Staff also requests the BCC’s support of the Resolution adopting the community solar LOS criteria and template.

EXHIBITS

Exhibit A: Draft Ordinance to amend the SLDC

Exhibit B: Draft Resolution, A Resolution Adopting The Santa Fe County Community Solar Letter of Support Criteria, Letter of Support Template, and Zoning Statement Template

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Rudy N. Garcia
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Hank Hughes
Commissioner, District 5

Gregory S. Shaffer
County Manager

MEMORANDUM

Date: June 16, 2022

To: Santa Fe County Planning Commission

From: Lucy Foma, Planning Team Leader
Nate Crail, Community Planner
Robert Griego, Planning Manager
Penny Ellis-Green, Growth Management Director

Via: Greg Shaffer, County Manager
Rachel Brown, Interim County Attorney

RE: **Recommendation on Ordinance No. 2022-____, An Ordinance Amending the Sustainable Land Development Code (SLDC), Ordinance No. 2016-9, to Add a Definition of Community Solar, to Add a New Section 10.25 To Address Standards for Community Solar Facilities, and to Add a New Clause to Section 8.11.3.5.2. to Prohibit a Community Overlay District from Restricting the Location and Procedures for Installing Community Solar Facilities**

ISSUE:

On May 31, 2022 The Santa Fe County Board of County Commissioners authorized the request to Publish Title and General Summary of this Ordinance by a unanimous vote of 6-0. Per the SLDC, Public Hearings of this item must be reviewed by the Planning Commission and then taken back to the Board for a final decision on the Ordinance. The Board is due to hear this Ordinance on July 12, 2022.

BACKGROUND:

The New Mexico legislature passed the 2021 Community Solar Act (“Act”) in April 2021, establishing a statewide community solar program. The Act provides an economic development opportunity for the County, a pathway to meet County emissions reduction goals, and a means for residents to reduce utility costs.

The State’s Public Regulation Commission (PRC) issued Community Solar rules in March 2022 and the RFP for Community Solar projects will be issued in July 2022 and closed by October 1,

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:
505-995-2740 www.santafecountynm.gov

2022. The state has also placed a statewide capacity cap of 200 megawatts (MW) for community solar projects in the first three years of the program (until November 1, 2024). The statewide capacity limit and RFP timeline means that Santa Fe County needs to act quickly to maximize access for solar stakeholders.

“Community Solar” is distinct from “Commercial Solar” both in size and in that community solar subscribers benefit from the electricity generated by the solar facility to which they subscribe. The Act reserves 30% of generating capacity for low-income customers. The program is expected to increase access to solar energy for low-income customers (available to both owners and renters) who are unable to install residential solar panels.

Community solar allows electricity customers to subscribe to receive solar credits from a shared facility with a capacity not exceeding five MW, which is smaller than a utility-scale solar farm. Community solar projects [can range from rooftop facilities up to approximately 30-acre projects](#). The arrays are larger than residential arrays and will tie into a local power distribution line. A five MW array could support approximately 1,250 homes based on [average household energy use](#). Projects are commonly located in urban or suburban areas where utility-scale solar cannot be easily constructed.

ALIGNMENT WITH COUNTY GOALS AND POLICIES:

The Community Solar Act supports the following County goals, policies, and strategies:

- **Sustainable Growth Management Plan (SGMP) Goal 23:** Support energy efficiency and renewable energy to reduce greenhouse gas emissions and dependence on non-renewable energy use.
- **SGMP Goal 24:** Support the development and use of sustainable, renewable energy production and distribution infrastructure and reduce dependence on non-renewable energy use.

Community solar supports County emissions reduction and sustainability goals, including:

- **[Resolution 2017-68](#):** Commitment to supporting the Paris Agreement goal to reach net-zero greenhouse gas emissions by 2050. The County Sustainability Office has completed an [emissions inventory](#) and identified reduction strategies, including transitioning to solar energy, to achieve this goal.
- **[Race to Zero](#):** The County has pledged to reduce emissions from operational buildings 60% by 2025 through renewable energy and efficiency upgrades, and to achieve the same goal for all buildings throughout the County by 2030.

Community solar also supports low income communities and economic development as follows:

- **Job Creation:** Over the past decade, solar jobs have increased by [167% in the U.S.](#), which is five times the overall job growth rate. Sustained employment growth within the industry is projected to continue as the cost of solar deployment decreases ([36% reduction over past five years in New Mexico](#)) and policy innovations incentivize and make solar deployment more accessible.
- **Lower-Cost Energy:** Many low-income households are “energy burdened,” meaning they pay a larger percentage of their monthly income towards energy costs ([as much as 3x higher](#)

[than non-low-income households](#)). Efforts to lower energy costs are vital for supporting energy-burdened households. Community solar has shown a reduction of energy costs ranging from [5% to as much as 25%](#) across households participating in Community Solar programs.

PROPOSED ORDINANCE:

The proposed ordinance establishes a framework for regulating community solar facilities within unincorporated Santa Fe County. Through this framework, the proposed ordinance aims to facilitate the development of community solar for the benefit of County residents by adhering to and complementing state requirements for community solar projects.

The proposed ordinance provides for the following amendments in the SLDC:

- Add a definition of “Community Solar Facility” in Appendix A;
- Amend the definition of “Community Solar Energy Production Facility” in Appendix A;
- Add a new Section 10.25 to the SLDC to address standards for Community Solar Facilities. Community solar facilities would be permitted in all zoning districts throughout the County, with specific requirements including:
 - Reseeding disturbed areas with drought-tolerant native plant species;
 - Height and setback standards for ground-mounted and rooftop-mounted arrays;
 - Utility line and driveway standards;
 - Setbacks from rivers, wetland and all riparian areas;
 - Decommissioning;
- Add a new and adding the following new subparagraph l to Section 8.11.3.5.1. to Prohibit a Community Overlay District from Restricting the Location and Procedures for Installing Community Solar Facilities.

RECOMMENDATION:

Staff recommends approval of the proposed Ordinance. The Santa Fe County Board of County Commissioners is scheduled to take final action on this proposed Ordinance on July 12, 2022.

EXHIBITS

Exhibit A: Proposed Ordinance

Exhibit B: Proposed Ordinance redline Version

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2022-_____

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

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

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

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

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



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

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

10.25 Community Solar

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

10.25.2 Applicability

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

10.25.3 Standards

1. Buffering and screening is not required for ground mounted facilities. If fencing is proposed for security purposes, agricultural fencing with six (6) inch knots for wildlife is recommended.
2. External access roads for ground mounted facilities may reduce the road easement width for off-site and on-site driveways to no less than twenty (20) feet if adequate drainage control is provided and may allow the surface to be hardpacked dirt with compaction of 95% of the maximum density. If the access road adjoins a paved road, an asphalt or concrete apron of ten (10) feet in width will be required to protect the pavement.
3. On-site driveways for ground-mounted facilities may reduce standards as identified in Section 7.11.12.2 (additional standards for residential driveways), as access will be minimal for this type of development.
4. Disturbed area shall be reseeded with drought tolerant native plant species for pollinator friendly habitat. Weeds and plant materials shall be properly managed to reduce fire risks.
5. Utility lines shall comply with Section 7.12 of the SLDC.
6. A five (5) foot setback is required on all sides of a community solar facility that is twenty (20) feet in height or less. A community solar facility that is over twenty (20) feet in height shall meet the setback requirements of the zoning district in which the facility is located.
7. Community solar facilities located on a rooftop shall be allowed to be eight (8) feet higher than the building on the rooftop of which the community solar facilities are

located but in no event more than eight feet (8') above the height limit otherwise imposed on structures in that zoning district. Rooftop community solar facilities shall be set back five (5) feet from the sides of the building.

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

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

10. Decommissioning

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

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

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

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

PASSED, APPROVED AND ADOPTED THIS ___ DAY OF _____, 2022.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Anna Hamilton, Chairperson

ATTEST:

Katharine E. Clark
County Clerk

APPROVED AS TO FORM:

Rachel Brown
Interim Santa Fe County Attorney

DRAFT

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2022-_____

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

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

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

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

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



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

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

10.25 Community Solar

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

10.25.2 Applicability

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

10.25.3 Standards

1. Buffering and screening is not required for ground mounted facilities. If fencing is proposed for security purposes, agricultural fencing with six (6) inch knots for wildlife is recommended.

2. External access roads for ground mounted facilities may reduce the road easement width for off-site and on-site driveways to no less than twenty (20) feet if adequate drainage control is provided and may allow the surface to be hardpacked dirt with compaction of 95% of the maximum density. If the access road adjoins a paved road, an asphalt or concrete apron of ten (10) feet in width will be required to protect the pavement.

3. On-site driveways for ground-mounted facilities may reduce standards as identified in Section 7.11.12.2 (additional standards for residential driveways), as access will be minimal for this type of development.

4. Disturbed area shall be reseeded with drought tolerant native plant species for pollinator friendly habitat. Weeds and plant materials shall be properly managed to reduce fire risks.

5. Utility lines shall comply with Section 7.12 of the SLDC.

6. A five (5) foot setback is required on all sides of a community solar facility that is twenty (20) feet in height or less. A community solar facility that is over twenty (20) feet in height shall meet the setback requirements of the zoning district in which the facility is located.

7. Community solar facilities located on a rooftop shall be allowed to be eight (8) feet higher than the building on the rooftop of which the community solar facilities are

located but in no event more than eight feet (8') above the height limit otherwise imposed on structures in that zoning district. Rooftop community solar facilities shall be set back five (5) feet from the sides of the building.

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

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

10. Decommissioning

- a. The owner/operator shall, at its expense, complete decommissioning of the community solar facility within twelve (12) months after the end of the useful life of the facility. Decommissioning must occur in the event the facility is not generating electricity for twelve (12) consecutive months.
 - b. Decommissioning shall include removal of all solar panels, structures, cabling, electrical components, roads, and foundations to a depth of thirty-six (36) inches, as well as any other associated facilities/equipment with satisfactory disposal and recycling of equipment. Disturbed earth shall be graded and reseeded with drought-tolerant native plant species.
 - c. An independent and New Mexico state certified professional engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net of salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the County after the first year of operation and every fifth year thereafter.
 - d. The owner/operator shall provide assurances that financial resources will be available to fully decommission the site.
 - e. The owner/operator is required to post a bond, letter of credit, or the establishment of an escrow account to ensure proper decommissioning.
4. Section 8.11.3.5.2 is hereby amended by deleting "or" from subparagraph j; replacing the "." in subparagraph k with "; or"; and adding the following new subparagraph l:
- "l. location of and procedure for approving and installing a community solar facility."

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

PASSED, APPROVED AND ADOPTED THIS ___ DAY OF _____, 2022.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Anna Hamilton, Chairperson

ATTEST:

Katharine E. Clark
County Clerk

APPROVED AS TO FORM:

Rachel Brown
Interim Santa Fe County Attorney

DRAFT

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Rudy N. Garcia
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Hank Hughes
Commissioner, District 5

Gregory S. Shaffer
County Manager

MEMORANDUM

Date: June 29, 2022

To: Board of County Commissioners

From: Lucy Foma, Planning Team Leader
Nate Crail, Community Planner
Alex Fitzgerald, Economic Development Specialist
Jacqueline Beam, Sustainability Manager
Robert Griego, Planning Manager

Via: Penny Ellis-Green, Growth Management Director
Paul Olafson, Community Development Deputy Director

RE: **Ordinance No. 2022-____, An Ordinance Amending the Sustainable Land Development Code (SLDC), Ordinance No. 2016-9, to Add a Definition of Community Solar, to Add a New Section 10.25 To Address Standards for Community Solar Facilities, and to Add a New Clause to Section 8.11.3.5.2. to Prohibit a Community Overlay District from Restricting the Location and Procedures for Installing Community Solar Facilities**

ISSUE:

On May 31, 2022 the Santa Fe County Board of County Commissioners (“Board”) authorized the request to Publish Title and General Summary by a unanimous vote of 6-0. On June 16, 2022, the Planning Commission recommended approval of the proposed Ordinance by a unanimous vote.

BACKGROUND:

The New Mexico legislature passed the 2021 Community Solar Act (“Act”) in April 2021, establishing a statewide community solar program. “Community Solar” is distinct from “Commercial Solar” both in size and in that community solar subscribers benefit from the electricity generated by the solar facility to which they subscribe.

Community solar allows electricity customers to subscribe to receive solar credits from a shared facility with a capacity not exceeding five MW, which is smaller than a utility-scale commercial solar facility. Community solar projects [can range from rooftop facilities up to approximately 30-acre projects](#). The arrays are larger than residential arrays and will tie into a local power distribution

line. A five MW array could support approximately 1,250 homes based on [average household energy use](#). Projects are commonly located in urban or suburban areas where utility-scale solar cannot be easily constructed.

The Act provides an economic development opportunity for the County, a pathway to meet County emissions reduction goals, and a means for residents to reduce utility costs and access solar energy. As stipulated by the Act, community solar projects must reserve 30% of generating capacity for low-income customers. Furthermore, the program is expected to increase access to solar energy for customers (available to both owners and renters) who are unable to install residential solar panels.

The New Mexico Public Regulation Commission (“PRC”) issued Community Solar rules in March 2022 and the RFP for Community Solar projects will be issued in July 2022 and closed on October 1, 2022 (timeline subject to change). The state has placed a statewide capacity cap of 200 megawatts (200 MW) for community solar projects in the two years of the pilot program (until November 1, 2024). This capacity cap and the PRC’s RFP timeline means that Santa Fe County needs to act quickly to maximize access for solar stakeholders.

ALIGNMENT WITH COUNTY GOALS AND POLICIES:

The Community Solar Act supports the following County goals, policies, and strategies:

- **Sustainable Growth Management Plan (SGMP) Goal 23:** Support energy efficiency and renewable energy to reduce greenhouse gas emissions and dependence on non-renewable energy use.
- **SGMP Goal 24:** Support the development and use of sustainable, renewable energy production and distribution infrastructure and reduce dependence on non-renewable energy use.

Community solar supports County emissions reduction and sustainability goals, including:

- **[Resolution 2017-68](#):** Commitment to supporting the Paris Agreement goal to reach net-zero greenhouse gas emissions by 2050. The County Sustainability Office has completed an [emissions inventory](#) and identified reduction strategies, including transitioning to solar energy, to achieve this goal.
- **[Race to Zero](#):** The County has pledged to reduce emissions from operational buildings 60% by 2025 through renewable energy and efficiency upgrades, and to achieve the same goal for all buildings throughout the County by 2030.

Community solar also supports low income communities and economic development as follows:

- **Job Creation:** Over the past decade, solar jobs have increased by [167% in the U.S.](#), which is five times the overall job growth rate. Sustained employment growth within the industry is projected to continue as the cost of solar deployment decreases ([36% reduction over past five years in New Mexico](#)) and policy innovations incentivize and make solar deployment more accessible.
- **Lower-Cost Energy:** Many low-income households are “energy burdened,” meaning they pay a larger percentage of their monthly income towards energy costs ([as much as 3x higher than non-low-income households](#)). Efforts to lower energy costs are vital for supporting

energy-burdened households. Community solar has shown a reduction of energy costs ranging from 5% to as much as 25% across households participating in Community Solar programs.

PUBLIC COMMENTS:

Staff has received 5 emails from the public about the proposed Ordinance. Three residents are in support of the proposed Ordinance and one resident has concerns about the environmental impact of new solar panels.

PROPOSED ORDINANCE:

The proposed ordinance establishes a framework for regulating community solar facilities within unincorporated Santa Fe County. Through this framework, the proposed ordinance aims to facilitate the development of community solar for the benefit of County residents by adhering to and complementing state requirements for community solar projects.

At the Planning Commission public hearing, two changes were presented by staff:

1. specify that the additional rooftop height allowance was for multifamily and non-residential buildings and;
2. clarify that the utility connection between a Community Solar Facility and the existing utility infrastructure would be considered a distribution facility.

The proposed ordinance provides for the following amendments in the SLDC:

- Add a definition of “Community Solar Facility” in Appendix A;
- Amend the definition of “Community Solar Energy Production Facility” in Appendix A;
- Add a new Section 10.25 to address standards for Community Solar Facilities. Community solar facilities would be permitted in all zoning districts throughout the County, with specific requirements:
 - Landscaping and buffering is not required but, if an applicant wished to fence then agricultural fencing is recommended
 - Minimal road standards are required for off-site and on-site access
 - Reseeding disturbed areas with drought-tolerant native plant species;
 - The utility connection between the Community Solar Facility and the existing utility service is considered a distribution line.
 - A setback of 5 ft. is required, if a Community Solar Facility is above 20 ft. in height then the district setbacks must be met.
 - Rooftop Community Solar Facilities on multifamily or Non-residential buildings may extend 8 ft. above the building
 - Setbacks from rivers, wetland and all riparian areas;
 - Decommissioning;
- Add a new subparagraph “l” to Section 8.11.3.5.2. to Prohibit a Community Overlay District from restricting the location and procedures for installing Community Solar Facilities.

EFFECTIVE DATE:

This is the final public hearing on this Ordinance, if approved, this ordinance would take 30 days to come into effect.

RECOMMENDATION:

Staff recommends approval of the Ordinance.

EXHIBITS

Exhibit A: Ordinance No. 2022-____, An Ordinance Amending the Sustainable Land Development Code (SLDC), Ordinance No. 2016-9, to Add a Definition of Community Solar, to Add a New Section 10.25 To Address Standards for Community Solar Facilities, and to Add a New Clause to Section 8.11.3.5.2. to Prohibit a Community Overlay District from Restricting the Location and Procedures for Installing Community Solar Facilities

Exhibit B: Proposed Ordinance in redline version

Exhibit C: Public Comments

EXHIBIT 12

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
May 31, 2022

Anna T. Hamilton, Chair - District 4
Rudy Garcia, Vice Chair - District 3
Anna Hansen - District 2
Hank Hughes - District 5
Henry Roybal - District 1

SFC CLERK RECORDED 06/29/2022

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 52

I Hereby Certify That This Instrument Was Filed for
Record On The 29TH Day Of June, 2022 at 01:57:21 PM
And Was Duly Recorded as Instrument # 1991933
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark

Deputy Destiny Romero County Clerk, Santa Fe, NM



possibly look at and ask staff to look at the possibility because we do have a big covered area where they have – it’s about 1,800 square feet where they have a bunch of picnic tables so it’s a really nice area but I was wondering if we could look at the possibility of putting solar panels on that facility as well in the future. So just something to think about for the future.

But I’m really excited to see this project coming forward and I just want to say that and also make a motion to approve.

CHAIR HAMILTON: Great. I have a motion.

COMMISSIONER GARCIA: Madam Chair, second.

CHAIR HAMILTON: There’s a motion and a second. Under further discussion, Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair, and I just wondered, is the contractor going to be required or made aware of the Dark Skies requirements for lighting. As we found out at the Max Coll Community Center, just putting LED lights in doesn’t automatically mean it complies with the Dark Skies Ordinance, because that also requires shielding and other things.

MR. TAYLOR: Madam Chair and Commissioner, we’ve had that discussion with the contractor, and the location of this complex in a lower area, the modern covers and enclosures of those lights I think will meet that requirement. And at least we’re going to be monitoring the project to make sure that it achieves that.

COMMISSIONER HUGHES: Okay. Thank you.

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Thank you. Thank you, my colleague here, Commissioner, for regarding the Dark Skies. The owner of the *New Mexican*, Robin Martin, actually has a book out that she actually wrote regarding dark skies. And whenever I worked on that project or whenever I worked on the Nambe project, it’s actually – and so on and so forth. And I’ll give the most – the guys from LA Electric. That’s who they are, right? I’ll give them – I’ve seen their trucks and they do a lot of work – they do some excellent work out there. And I’ll just give them credit for that. But, thank you, Madam Chair.

CHAIR HAMILTON: Thank you. Is there any further discussion, questions? If not, I have a motion and a second.

The motion passed by unanimous [5-0] voice vote.

6. **D. Request (1) Authorization to Publish Title and General Summary of Ordinance No. 2022-___, an Ordinance Amending the Sustainable Land Development Code, Ordinance No. 2016-9, to Add a Definition of Community Solar, to Add a New Section 10.25 to Address Standards for Community Solar Facilities and to Add a New Clause to Section 8.11.3.5.2 to Prohibit a Community Overlay District from Restricting the Location and Procedures for Installing Community Solar Facilities, and (2) Discussion and Potential Direction Concerning Resolution No. 2022-___, a Resolution Adopting the Santa**

Fe County Community Solar Letter of Support Criteria and Template

PAUL OLAFSON (Community Development): Good afternoon, Commissioners. With me is Penny Ellis-Green, and we're going to have our whole team helping with the presentation today and I just want to introduce all the team members: Of course, myself, Penny Ellis-Green, the Growth Management Director, Robert Griego, Nate Crail, Lucy Foma and Alex Painter from Planning have all helped work on this, as well as Jacqueline Beam and Adeline Murthy, along with Alex Fitzgerald and Chris Hyer in Community Development. So it's been kind of a joint group effort, and it's been great teamwork and we're going to have Nate and Adeline provide the presentation. Penny's going to talk a little bit to the code and ordinance elements, and then we'll stand for any questions.

CHAIR HAMILTON: Excellent. Thank you. Go ahead.

ADELINE MURTHY (Sustainability): Madam Chair and Commissioners, hello and thank you for the opportunity to speak with you all today. As Paul said, we'll be going over a proposed Community Solar Ordinance. Just to give you some background, community solar refers to a solar array that is shared among subscribers, such as individuals, businesses, non-profits, and other groups who benefit from the energy generated by the solar panels, which are typically located at an offsite array.

Subscribers benefit from electric utility savings and the ability to access solar energy without actually having to install solar on their rooftops, and in 2021 the State of New Mexico passed Senate Bill 84, the Community Solar Act, joining 20 other states who have passed similar community solar legislation.

In March of this year the New Mexico Public Regulation Commission or PRC issued the Community Solar Rules. In addition to providing utility bill savings and increasing access to solar energy, community solar will provide many benefits to county residents. As per the state law, 30 percent of each project capacity will be reserved for low income customers and low income service organizations.

Community solar also promotes economic development by creating clean energy jobs and providing economic stimulus for tribal nations, farmers, and other landowners, rural communities and small towns. In addition small, local, and distributed energy sources play a role in creating a more resilient electric grid.

Lastly, community solar will help the County meet its sustainability and renewable energy goals, such as Sustainable Growth Management Plan goal 23: to support energy efficiency and renewable energy; goal 24, to support the development of renewable energy production and distribution infrastructure; Resolution 2017-68 committing the County to supporting the goals of the Paris Agreement; and lastly, the race to zero, in which the County pledged to reduce greenhouse gas emissions by 60 percent from buildings throughout the county by 2030.

So here's an overview of the timeline for the implementation of the program at the state level. In July, it's expected that the community solar program administrator will commence services and issue the project solicitation RFP. It is then expected that bids will be evaluated and ranked for selection before October 1st. After selection, successful projects will undergo interconnection review and will be able to start signing customers, and this state implementation timeline means that the County must act quickly to

maximize access for solar stakeholders.

Today, we are seeking authorization to publish the title and general summary of the ordinance amending the Sustainable Land Development Code, Ordinance No. 2016-9, to add a definition of community solar, add a new section, 10.2.5 to address standards for community solar facilities, and add a new clause to Section 8.11.3.5.2 to prohibit a community overlay district from restricting the location and procedures for installing community solar facilities.

We're also bringing forward a draft resolution in an informational capacity for discussion and direction to move forward from the Board. The resolution is to adopt the Santa Fe County Community Solar letter of support criteria, letter of support template, and zoning statement template. The purpose of this draft resolution is to aid potential community solar project developers in the state level application to the New Mexico PRC.

And now I will pass it on to Nate Crail, Community Planner, who will provide more details about the proposed ordinance and draft resolution. Thank you.

NATE CRAIL (Community Development): Madam Chair and Commissioners, I'll be presenting the SLDC Ordinance. So the ordinance involves the following items: the new community solar definition, amending the definition of community solar energy production facilities, purpose and findings, that community solar projects are considered a permitted use in all zoning standards and all zoning districts; the development permit standards that we'll address in the next slide, as well as Section 8.11.3.5.2, prohibiting a community overlay district from restricting the location and procedure of approving and installing a community solar facility.

So standards for the ordinance include the following items: buffering and screening won't be required for ground-mounted facilities; if fencing is proposed we would recommend that they include six-inch knots for wildlife; there will be external access roads as well as onsite driveways to meet fire code; there will be native plant reseeded in the disturbed area of the project; and we also, to reduce fire risks, that weeds and plant material shall be properly managed to reduce the fire risk.

The utility lines shall comply with Section 7.12 of the SLDC. Property setbacks – there will be a five-foot setback on all sides of the community solar facility that is under 20-feet in height. The community solar facilities over 20 feet in height shall meet the setback requirements of the zoning district in which the facility is located. And for rooftop facility, the project should be allowed to be eight feet higher than the existing building, and the rooftop solar facility shall be set back five feet from the sides of the building.

Additionally, state approval shall be submitted prior to development permit issuance, and the community solar facility shall be set back 300 feet from rivers, dunes, wetlands and all riparian areas. And the final standard is decommissioning standards for after the useful life of a community solar facility, which is 12 consecutive months after it is not generating electricity.

So now going on to discuss the draft resolution. So the resolution is a letter of support for community solar projects which involves authorizing the Community Development Department or their designee to issue a letter of support to the PRC and the following exhibits are a part of the resolution, including the criteria for the letter of

support, the letter of support template, and the zoning statement template.

So for the letter of support criteria, you can see the following items, and while some of these criteria are required by state and County rules, most of the criteria, developers must demonstrate the commitment to the stronger letter of support from the County. The intention of this letter of support is to assist developers in strengthening their application for the state RFP evaluation process to the PRC. However, it is important to note that excluding the required rules to determine whether state and County such as not located within a cultural site. Most of these letters here are not mandatory requirements but the more criteria a project meets the stronger our letter will be to the PRC.

So the criteria include: reseeded the development site after construction of the facility, and also after it's decommissioned; the project is not located within a cultural site; it is not located on land with healthy, intact ecosystems, including wetlands and other environmentally sensitive areas; it's sited on land-filled environment and/or degraded land; it's co-located in an agricultural area to promote and create agrivoltaic systems that enhance soil health in agricultural lands, it is not located within one mile of an identified wildlife migratory corridor; it is located on publicly owned land; it is located on County-owned land; it has established subscriptions of county residents; it has proposed services above the required standards for low income residents set by the state; it commits to underground utilities lines for the entire development where applicable; it commits to site cleanup, remediation, and dismantling at system retirement and/or decommissioning of the facility; and it commits to promoting and creating workforce opportunities for residents of Santa Fe County and contracting opportunities for local businesses.

And the following slides are the letter of support template that's in your packet, and the zoning statement template that is also in your packet. And now I will stand for questions and pass it on to Penny who will address the next steps of the ordinance. Thank you.

PENNY ELLIS-GREEN (Growth Management Director): Thank you, Madam Chair, Commissioners. So the next steps for this today is requesting to publish title and general summary. If the Board grants this approval to this we will then go ahead and do the required noticing and advertising. We would then go to the Planning Commission on June 16th as the first public hearing. They would make a recommendation on the proposed ordinance, and then we would come to the Board of County Commissioners on June 28th or July 12th, the second public hearing and potential approval. And we stand for questions.

CHAIR HAMILTON: Excellent. Thank you very much. Are there questions? Commissioner Hansen.

COMMISSIONER HANSEN: I want to thank the entire team. Everyone here, you have done a great job. The Coalition of Sustainable Communities has looked over everything and they also are in strong support, and since they were the ones who all worked together to get this legislation passed, I want to say a heartfelt thanks for everything that you've been working on because this is a big undertaking, and changing the SLDC, getting all of this stuff together and providing all of this work, I really appreciate everybody's hard work. I know that it was a lift.

So with that I would like to move to publish title and general summary, if my

colleagues are acceptable to that. An ordinance amending the Sustainable Land Development Code and adding definitions of community solar; to add a new section and to address standards for community solar facilities and a new clause, and all the other listing here.

CHAIR HAMILTON: Thank you. I have a motion.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Under further discussion.

COMMISSIONER GARCIA: Thank you, Madam Chair. A couple of questions for staff. I know this is the first time we're going to do the first view of this ordinance and some of the questions I have is I remember sitting here, sitting at a meeting with San Ildefonso Pueblo with Senator Ben Ray and several individuals in regards to the electricity and what was happening out there, because they actually had a renewal in which Mrs. So-and-so, her electricity rate from here to here. I understand that. One of the things I have a question, how is staff actually working with PNM, because in La Cienega you can't connect to the grid anymore because they're already overburdened, the grid. So these are the questions I'm going to have so please work on this in the next month or so.

And another thing, how is the County going to work with the PRC, because the PRC actually regulates electricity and how are we going to do that, as well as how is the County going to work with the State Legislature to get tax credits to put solar on your roof. Because that's who we need to start working with because that's where we're going, right? That's where we want to go. It makes sense.

I just want you all to know that these is just stuff that we need to think way over there because these are things that I'm going to have questions in the next month or two. And in regards to the SLDC, so is that actually in the Community College District area, off of Caja del Rio, or is that in his district? Glorieta? So whenever we actually pass this proposed great ordinance, does that affect everything in Santa Fe County from Espanola to I-40? Those are just questions that I have. I just ask those questions.

In regards to the overlay district, you mentioned something about the overlay districts, so whatever traditional community, whether it's Cerrillos, Madrid, or in my district it's La Cienega – overlay districts, how does this work with the overlay districts. Just questions I'll have for the next time, how that stuff works. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you, Commissioner Garcia. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I just had I think a sort of straightforward question. Do we have developers lined up once we pass this? Are people getting prepared? Because it seems like there's a rather short timeline between now and October to make the proposals to the PRC.

MR. OLAFSON: Madam Chair, Commissioner, yes. We have been approached by several providers who are interested in looking at various sites in Santa Fe County, both public and private. And that is part of our need for speed on this.

COMMISSIONER HUGHES: Great. Thank you. I think this is a great ordinance. So thank you.

CHAIR HAMILTON: Yes, absolutely. Commissioner Roybal, did you have something?

COMMISSIONER ROYBAL: No. I think it's a great ordinance as well

and I think that of course I want to learn more about it. I want to make sure that we keep our constituents engaged in the community so that they know exactly how it works and how we're going to go forward. So I just want to make sure that we keep our communities engaged and keep them informed. So however we can help to disseminate that information let us know, because I think that that's really important for us to make sure that we get ahead of that and make sure that we talk to our constituents. So thank you for bringing this forward and I appreciate all my colleagues' comments.

CHAIR HAMILTON: Thank you, and yes, I just wanted to add my thanks because this was, as Commissioner Hansen said, clearly quite a bit of work to get it out there quickly. We've been hoping to be able to move on community solar for so long that when it finally came, to actually do something is really amazing. Really appreciate it. So I have a motion and a second.

The motion passed by unanimous [5-0] voice vote.

MR. OLAFSON: Madam Chair, Commissioners, I just want to say one more thank you to Roger Prucino in our Legal Department who also helped us work on this at very quick speed to get it all together. So thank you.

CHAIR HAMILTON: Excellent. Thank you for bringing that up. Thank you so much. The whole team did a wonderful job.

COMMISSIONER HUGHES: Madam Chair, I just had a question, because there's a resolution also in here. Is that for a different time, or did you want us to pass the resolution today as well?

CHAIR HAMILTON: I appreciate you bringing that up. Do I need a separate motion for the resolution?

MR. OLAFSON: No. Madam Chair, Commissioners, we just wanted to present that as part of the entire package to show that we've thought this through and we're looking at various elements of it, but we will bring that forward when we bring the final ordinance forward. Our vision is that they would be approved in tandem.

COMMISSIONER HUGHES: Thank you.

CHAIR HAMILTON: I understand. Thank you, Commissioner Hughes. And thank you for the clarification.

6. E. Request Authorization to Publish Title and General Summary of Ordinance No. 2022-___, an Ordinance Amending the Solid Waste and Recycling Management Ordinance, Ordinance No. 2014-10, As Amended, to Clarify When Service Fees are Required for Use of Convenience Centers and to Authorize the Board of County Commissioners to Authorize Free Solid Waste Disposal Days by Resolution

GARY GIRON (Public Works Director): Madam Chair, Commissioners, the purpose of this ordinance is to update the Solid Waste Fees Ordinance to add a provision to allow the Board of County Commissioners from time to time to authorize by resolution the disposal of solid waste without the paying of service fees as required by

EXHIBIT 13

**MINUTES OF THE
SANTA FE COUNTY
PLANNING COMMISSION**

Santa Fe, New Mexico

June 16, 2022

1. A. This meeting of the Santa Fe County Planning Commission called to order by Chair Charlie Gonzales on the above-cited date at approximately 4:00 p.m.

The meeting was conducted as a hybrid, in person and on a virtual platform via Webex.

B. Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

Charlie Gonzales, Chair
Frank Katz, Vice Chair
J. J. Gonzales
Steve Krenz
Leroy Lopez
Wendy Pierard
Rhea Serna

Member(s) Excused:

None

Staff Present:

Vicki Lucero, Building & Development Services Manager
Roger Prucino, Assistant County Attorney
Paul Kavanaugh, Building & Development Supervisor
Gabriel Bustos, Case Manager
Paul Olafson, Community Development Department
Jose Larrañaga, Case Manager
Penny Ellis-Green, Land Use Administrator
Lucy Foma, Community Planner
Nathaniel Crail, Community Planner



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
PLANNING COMMISSION MI
PAGES: 149

I Hereby Certify That This Instrument Was Filed for
Record On The 22ND Day Of July, 2022 at 01:38:10 PM
And Was Duly Recorded as Instrument # 1993554
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark
Deputy *Dorothy Pierard* County Clerk, Santa Fe, NM

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CHAIR GONZALES: I'm going to close the public hearing. And what is the pleasure of the Commission?

MEMBER KRENZ: Mr. Chairman.

CHAIR GONZALES: Steve.

MEMBER KRENZ: I move that we accept the proposal as presented by County staff.

CHAIR GONZALES: With staff conditions?

MEMBER KRENZ: Yes, with staff conditions.

MEMBER KATZ: I would second the motion.

The motion passed by unanimous [7-0] voice vote.

B. Recommendation on Ordinance No. 2022- . An Ordinance Amending the Sustainable Land Development Code, Ordinance No. 2016-9, to add a Definition of Community Solar, to add a New Section 10.25 to Address Standards for Community Solar Facilities and to Add a New Clause to Section 8.11.3.5.2 to Prohibit a Community Overlay District from Restricting the Location and Procedures for Installing Community Solar Facilities [Exhibit 1: Draft Ordinance]

Chair Gonzales read the case caption as shown above.

PAUL OLAFSON (Community Development Department): Mr. Chair, Commissioners, my name is Paul Olafson and I'm with the Community Development Department. With me today is Penny Ellis-Green our Growth Management Director, Nate Crail who is with our Planning Division and Lucy Foma with our Planning Division. And I'm just doing the introduction for this community solar ordinance. Nat will be giving our presentation and we have some other staff on line as well if we have questions or they can provide support. So with that I would like to turn it over to Nate.

CHAIR GONZALES: Please proceed whenever you are ready.

NATE CRAIL (Planner): I am just waiting on the slides coming up. Excuse for the delay.

What is community solar? Essentially it is a virtual subscription that goes directly through the electrical distribution lines to consumers and it provides bill savings to individual consumers. What makes it different from commercial solar is that community solar allows for access to solar energy for low-income customers both renters and owners who might not be able to install panels. The Community Solar Act was passed by the State of New Mexico legislature in 2021 and currently this year, the Public Regulation Commission created community solar rules and they are still tweaking the rules for the Community Solar in this two year experiment as a pilot phase.

Why community solar: it has cost saving benefits for customers. It allows equal access to all residents so if you haven't been able to purchase panels yourselves you have a way to access solar energy. The state act included a 30 percent low income carve-out. Community solar has economic stimulus through not only clean energy jobs but other business opportunities in the County. And in addition to that the Community Solar allows for electric resiliency through solar energy. It meets our County SGMP goal 23: to support energy efficiency and renewable energy,

SFC CLERK RECORDED 07/22/2022

to reduce greenhouse gas emissions and dependence on non-renewable energies. In addition, Community Solar supports SGMP goal 24, to support the development and use of sustainable renewable energy production and distribution infrastructure and reduce dependence on non-renewable energy use. Community Solar supports Resolution 2017-68 which is a commitment to support the Paris Agreement goal to reach net zero greenhouse gas emissions by 2050. The County's Sustainability Office has completed an emissions inventory and identified reduction strategies including transitioning to solar energy to achieve this goal.

And finally, it meets the County's pledge of race to zero which is the pledge to reduce emissions from operational building to 60 percent by 2025 through renewable energy and efficiency upgrades and to achieve the same goals for all buildings throughout the county by 2030.

Why now: so it is the Public Regulation Commission in July solicit RFPs and they estimate by October 1st that they will evaluate and rank these bids. However, they are still tweaking these rules and the exact scope might be changed but regardless time is of the essence. But for this pilot phase there is a statewide cap of 200 megawatts that is divided up among the electrical utilities. For our area in the PNM area, PNM has a statewide cap of about 125 megawatts and we share that with Albuquerque and a couple of other regions. So in order to get Community Solar in, Santa Fe County has to act quickly. The amendment is updating the SLDC to accommodate and facilitate the community solar projects.

The proposed amendment to the SLDC involves three sections. The first is to add a definition of community solar to the SLDC. The next is to add a new Section 10.25 to address the standards for community solar facilities. And the last section is to add a clause to Section 8.11.3.5.2, to prohibit a community overlay district from restricting the location and procedure of approving and installing a community solar facility.

So the community solar definition is a facility governed by the 2021 NM Community Solar Act as may be amended, that generates and restores electricity by means of a solar photovoltaic device [inaudible] receive a bill credit for the electricity generated in proportion to the subscriber's share of the facility's kilowatt output. In addition to that new definition we are also amending the definition of commercial solar energy production facility to include the clause, "and may store."

For Section 10.5, in the supplemental zoning standard section we are creating a community solar section. It's in order to facilitate and accommodate the needs for community solar as well as minimize adverse impacts on neighboring properties. Applicability: community solar projects are considered a permitted use in all zoning districts and are subject to the following standards. A caveat to the standards – you can find the specific language of these standards in the proposed ordinance but here is a summary. The first is that buffering and screening are not required for ground-mounted facilities. The next is an external access roads and onsite driveways to accommodate fire code regulations. Next is native plant reseeding in the disturbed area a facility as well as reducing fire risks by properly managing weed and plant material. The utility lines shall comply with Section 7.12 of the SLDC. There will be a five-foot setback on all sides of the community solar facility that is under 20-feet in height or less. And a community solar facilities over 20 feet in height shall meet the setback requirements of the zoning district. And the rooftop facility. And that state approval shall be submitted prior to development permit issuance. The community solar facility shall be set back 300 feet from rivers, dunes, wetlands and all riparian areas. And the final standard are about decommissioning a community solar facility that will happen within 12 months after the end of useful life of the

facility or after 12 consecutive months of not generating electricity. Some of this language is being tweaked by Penny and Roger but overall this is the language for these standards.

Fro Section 8.11.3.5.2, we are adding a subparagraph L, that a community overlay district shall not restrict the following location of and procedures for approving and installing a community solar facilities.

I stand for any questions or comments about the proposed ordinance. Thank you.

CHAIR GONZALES: I think Penny is going to speak.

PENNY ELLIS-GREEN (Land Use Administrator): Thank you, Mr. Chair, Commissioners. Paul is going to hand out a slight change to the ordinance [*Exhibit 1*]. Staff was reviewing this and we're recommending two changes for clarification. The first one is on page 2, and I'll let Paul continue handing that out first. It is underlined in red on page two of the ordinance and this is where we talk about utility lines and this would be to make clear that the connection between the actual community solar facility and the electric utility infrastructure that is there would be considered a local distribution facility. The code is not really clear on what a transmission line and what a distribution line is. But they are treated differently in the use table. Transmission line would require a conditional use permit and as you've seen with this we are treating the community solar project as permitted uses. So a distribution line is also considered a permitted use. We don't expect to see these located very far from an existing utility facility just because otherwise is really would be cost prohibitive if it was too far away.

The second change and clarification that we wanted to make is on page 3, on the top, under 7, stating that the rooftops that can be 8 foot where a solar can go 8 foot higher is non-residential/multi-family. There is already a section in the height standard for residential that allows solar panels to be 3 foot taller than a residence. So this would allow a non-residential buildings and multi-family building the solar panels to be 8 foot higher. In general, you're going to see a non-residential or multi-family building being a much larger mass than a single family residential. So we just wanted to make those two clarification and we stand for questions.

CHAIR GONZALES: Thank you, Penny. Does the Commission have any questions? I have a couple of questions. Penny, is this going to cause any easement problems? Do you foresee any easement problems for any of this in the future or anything like that at all?

MS. ELLIS-GREEN: Mr. Chair, these properties will definitely have to have access easements granted and so we would make sure that they have legal access to get to the property before they come in for development.

CHAIR GONZALES: I don't know whether this makes any sense but I was reading on there somewhere that it says, an SMW array can support 1,250 homes. I'm just curious, how small can you go? Is there such thing as a 1 SMW?

LUCY FOMA (Planner): Mr. Chair, I don't know what the minimum size is but the definition for Community Solar for the state purpose is up to 5 megawatts. I think it would be a matter of what they deemed commercially viable in terms of the infrastructure costs and then how much they could make from that.

CHAIR GONZALES: Thank you. Also, I think I saw something that this could be put anywhere; is this going to include no build areas in our code? Like 30 percent slopes, rock outcroppings, flood plains, etc.

MS. ELLIS-GREEN: Mr. Chair, no. You would have to be in a buildable area. But they are allowed in any zoning district as a permitted use. But the other sections of the code like terrain management would still need to be complied with as would archaeological inspections and things like that.

CHAIR GONZALES: Okay, thank you. Does anybody else on the Commission have questions?

MEMBER KRENZ: I would just like to follow up on the question that the Chairman raised about the minimum size of these. Basically, it says here that subscribers to the facility, et cetera et cetera – what would happen if somebody wanted to come and say, I'm building a solar array. I'm a single subscriber and I want to be able to do it under this guideline. In other words, what's the difference between an individual putting in a solar array today for their house or something and an individual putting in a solar array under this Community Solar Array ordinance?

MS. FOMA: Mr. Chair, Commissioners, if I may address that. So what we're proposing with this ordinance is to create a third category of solar permitting within Santa Fe County. Currently, we have residential solar permitting and then we have commercial solar permitting and this is a third category which is in between those two.

For residential solar we have a permit checklist. We get those permits already and it's not a super arduous permit to obtain. This would add another level because they would have to go through a site development plan. I don't anticipate that someone would opt to come in as a single subscriber to go through a site development plan, the state requirements and a harder checklist than to just do a single residential solar.

MEMBER KRENZ: You're saying that for a community plan it is a more difficult check list than for an individual solar.

MS. FOMA: Yes. They also have to comply with the State Act and the state compliance. The other part is that community solar ties into existing infrastructure so they have to have a connection agreement with PNM to do this. It's not that they're tying directly into their own residence. It's another level – it's like a couple of other levels of complication. It has to go through state compliance and it also has to have had an agreement with PNM to connect with their distribution lines.

CHAIR GONZALES: Okay and –

MS. FOMA: Sorry, this has been a very collaborative group and I should mention that there has also been Sustainability, Economic Development, Community Development, Planning, Building and Development Services – we have all been working very collaboratively on this. But there is another part that Paul mentioned and Nate mentioned the low-income carve-out. So they also have to have a 30 percent carve-out for low to moderate income families to subscribe to an array.

CHAIR GONZALES: I have another follow up question on that. Who would be the responsible for maintenance on these community solar areas?

MS. FOMA: The developer.

CHAIR GONZALES: Okay, thank you. I think Wendy has a question.

MEMBER PIERARD: Is there any difference between the commercial – the commercial can sell the credit and the community accredits the subscribers back?

MS. FOMA: I think that there are a couple of differences. One is the size of commercial solar which likely would be substantially larger. They would also possibly have their own infrastructure from what I understand. I could be wrong about that. But community solar ties into an existing utility and it is subscriber based so people buy, kind of, shares of that garden and then get those credits on their utility bill.

MEMBER PIERARD: Okay, thanks.

MEMBER SERNA: Mr. Chair, I have a question.

CHAIR GONZALES: Rhea, please do.

MEMBER SERNA: There is a lot of talk about residential subscribers but let's say within a planned development there is also commercial subscribers, would they be eligible?

MS. FOMA: Mr. Chair, Commissioners, I believe so. I believe that is fine, as well as government.

CHAIR GONZALES: Okay, does the Commission have any other questions?

At this point, the Chair opened the public hearing and Ms. Lucero instructed the public how to unmute and be recognized.

[Duly sworn, Janet McVickar, testified as follows:]

JANET MCVICKAR (via Webex): Janet McVickar, 17 Vista Alonza. It may be that I don't understand all that the proposed ordinance covers but I have a few short questions. It is unclear in the language that was read in this meeting whether the community solar would include all or just low-income customers. The language was stated two times differently on that. The second question is what would the range be of service from a facility and the third is what location would the facility be or is that just up to the developer.

MS. FOMA: Mr. Chair, Commissioners, if I could address that. The first question, it is not limited to low-income subscribers. It could be any subscriber but there is a portion that is dedicated to try and serve low-income subscribers and that's the 30 percent carve-out.

The second question, the service area, if it were a community solar array within PNM's service area, any PNM subscriber could buy into that system. There is also community solar opportunities for co-ops. So it is not limited to PNM service area. It can also be in our other electric co-ops.

And then the third question was where they would be located, and that would be dependent on the developer what they were proposing when they applied for their community solar permit to site that facility.

MS. MCVICKAR: Thank you very much.

CHAIR GONZALES: Thank you, Lucy. Anybody else how there have any questions?

[Duly sworn, Miles Conway, testified as follows:]

MILES CONWAY (via Webex): Miles Conway, 495 New Mexico 592, 87506. I don't necessarily have any questions. I just want to speak in support of the changes in this Sustainable Land Use Code that will allow and facilitate development of community solar facilities. Both on behalf of the association we are a 400 member builders association in northern New Mexico. We are certainly looking at new developments for both affordable and market rate housing. There has been a lot of excitement about the potential of hooking up future developments to community solar arrays. So thank you staff for bringing this forward.

And on a personal note, as someone who earns a very good living but owns a very old house, the cost involved even with all the tax credits and rebates that are available for putting rooftop solar on your home, when you have an older house and you have to upgrade so much in order to put your own rooftop solar on, it becomes really cost prohibitive not only for lower income people but for middle income people. So I officially am waiting for a community solar array that I can subscribe to. Again, I encourage the Planning Commission to approve this change and send it out to the BCC.

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The echo is hideous and can you please get us back into the County Chambers soon. Thank you.

CHAIR GONZALES: Thank you for coming forward. Anybody else out there that wants to ask questions or make comments?

[Duly sworn, Jonathan Moore, testified as follows:]

JONATHAN MOORE (via Webex): My name is Jonathan Moore. I work for AES Clean Energy so I do work for a solar energy development company. 5740 Prospect Road, Longmont, Colorado, 80503.

Just two comments. First to applaud staff in making these changes because we as an energy developer try to build these community solar projects have been working in a lot of counties in your state and under prior regulations Santa Fe County was going to be quite difficult. So we really appreciate you guys looking at appropriate ways to perhaps allow this to move forward in Santa Fe County.

A specific question is simply, I came on a little late, I thought I heard something about requiring state approvals in advance of development approval. It was one of the early slides that I caught the end of and I was just curious if that could be clarified. I assume what it means is that you need to be approved through the process, through the state process, again administered by PRC and third parties and assuming that goes through you would then have the rights to move forward based upon the SLDC.

MS. FOMA: Mr. Chair, Commissioners, if I may address that. Yes, what it says is that state approvals are required for the issuance of the permit. We are working on how to start reviewing applications without that state approval so that it is ready to go once the state approves the developer's application.

MR. MOORE: Okay. Just one point of clarification. Is getting back to the state's anticipated RFP process for example where we will submit projects and they will go through a review and ranking process and so are you guys suggesting that that has to be done in advance of coming in front of you guys with a site development plan?

MS. FOMA: Mr. Chair, Commissioners, we anticipate that developers could do that simultaneously be going through a state approval process and a County approval process. But we want to make sure that we know what the state has approved before we record it. So we want to see what the state has actually approved before we issue the permit for development.

MR. MOORE: One more question/clarification. And, again, apologies, I have not followed the act of late as much in terms of changes but at least early on in that process they were ranking potential projects and part of the ranking does look at your permits in hand. Either you needed to have a permitting plan which makes clear your path to permitting and my understanding is that the ones that quote had their permits in hand would potentially score a higher ranking which is important to winning a project obviously specific to Santa Fe County or others.

So if I may, I might suggest perhaps, please check that even if you simply condition the project and that the project is not approved until they have state final verbals on it. And just make it condition number one on approval or something. I don't know if that's possible but I just don't want to get caught in a gray area if that makes sense. Thank you guys.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, if I could just add to that. The process for getting a permit for any non-residential use is a site development plan and an actual permit application. So we would accept a site development plan upfront before they've got a state approval and we can do our process to approve that if – the development order and as soon

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as they've got their state approval they can submit for their actual permit. But they would definitely get a development order in advance.

MR. MOORE: Thank you for that clarification. That is exactly what I was hoping and my apologies if I wasn't tracking that. That's perfect, I appreciate it. That makes good sense.

MS. FOMA: Mr. Chair, Commissioners, if I may add as well, we will be coming forward with a resolution at the next Board meeting in addition that compliments this ordinance saying that we as staff are able to write a letter of support for developers who are wanting to get the ranking as you mentioned. That resolution outlines how staff can write a letter of support that identifies the ranking criteria and how that meets our criteria.

CHAIR GONZALES: Okay, any other questions? Is that it, sir?

MR. MOORE: Sorry, I was trying to give a thumbs up on that comment. I appreciate what you just said. Thank you all. I appreciate what you're doing.

MEMBER SERNA: Mr. Chair, I have a question for staff.

CHAIR GONZALES: Rhea, sure.

MEMBER SERNA: Just a question of clarification for the state approval process; which state agency is it?

MS. FOMA: PRC is doing the regulations per the process. And I wanted to mention that staff are following closely the PRC process. We attended about a five-hour webinar on Monday. It's a moving target as well. They are still modifying their dates and criteria a little bit so they asked that localities be a little flexible. So keeping that in mind.

CHAIR GONZALES: Okay, thank you Anyone else?

[Duly sworn, Valerie Nye, testified as follows:]

VALERIE NYE (via Webex): My name is Valerie Nye. My address is 71 San Marcos Loop. I have a question about the setbacks that are in the change in the ordinance. There is a setback between community districts and I'm wondering if this change in ordinance would change the setbacks or interfere with the setbacks in any way.

MS. FOMA: Mr. Chair, Commissioners, each zoning district has defined zoning setbacks in the SLDC as you know, this is a separate category for setbacks pertaining to community solar. It doesn't change the zoning districts though.

MS. NYE: Thank you.

CHAIR GONZALES: Any other questions, ma'am? Any other questions out there? Steve, did you have something?

MEMBER KRENZ: Yes, Mr. Chair. What is the definition of community in this act? In other words, I think I heard you say earlier that for example this area is served by PNM and anyone connected to PNM can participate but I'm a little confused. Let's say that for example Cerrillos decides to build a community solar project. They're on PNM. I'm on PNM but I don't live anywhere that close to Cerrillos. Would I be allowed to try to participate in that project?

MS. FOMA: Yes, Mr. Chair, Commissioners, you would be because the community solar facility feeds into PNM's network so the infrastructure goes throughout the County and even into Albuquerque so even if you weren't directly next to that community solar facility since you serviced by PNM you'd have the opportunity to build into that from the developer.

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MEMBER KRENZ: Now I assume that there's some organization that is putting together this community solar project. What are the rules that they are going to run by that will say that we'll allow this person here but we don't want to allow that person there?

MS. FOMA: Mr. Chair, Commissioners, I don't know the specific of how they solicit subscribers but my assumption is that they would want as many subscribers as they could get to fill their capacity. I don't think that they would be – they also said the PRC would regulate that.

MEMBER KRENZ: The PRC would regulate that?

MS. FOMA: Whether a developer could deny a person who wanted to subscribe.

MEMBER KRENZ: There is nothing in this ordinance that even would require the applicant some sort of mechanism definition on who could apply for that this?

MS. FOMA: Mr. Chair, Commissioners, I believe that those criteria are left up to the state if they wanted to have those criteria.

CHAIR GONZALES: Okay, Frank?

MEMBER KATZ: Yeah, I am a little puzzled that any of these projects is going to produce a limited amount of energy, I assume.

MS. FOMA: I'm sorry, did you say limited or unlimited?

MEMBER KATZ: Limited. And what happens if thousands and thousands of people want to subscribe?

MS. FOMA: Mr. Chair, Commissioners, this is as Nate mentioned a pilot program to see how this works throughout the state. In two years they would hopefully revisit this and increase the cap but at this point it is capped at 200 megawatts. Hopefully, if there was significant demand that would be good rationale for increasing the cap in two years.

MEMBER KATZ: Thank you.

CHAIR GONZALES: Any other questions.

MEMBER KRENZ: That's not really the question. The question was, let's suppose somebody proposes a 10 megawatt system, well a 10 megawatt system is only going to serve X number of people. And again it's back to what I asked, who gets to come in and who doesn't?

MS. FOMA: Mr. Chair, Commissioners, so Community Solar by New Mexico definition is up to 5 megawatts. So if it were 10 megawatts it would come under a commercial solar. So I guess it will be first come first serve. Yes, I anticipated that there will be more people who want to subscribe than there will be available facilities but, again, that would be the PRC who would have to change the cap at the state level.

MEMBER KRENZ: Thank you, Mr. Chair.

CHAIR GONZALES: Thank you, Steve. Any more questions? Anybody else out there that wants to speak? I am going to close the public hearing. Do we have anymore discussion or a motion?

MEMBER KRENZ: Mr. Chair, I would only like to say that I think this is a wonderful idea but I really wish that the County would put together some sort of understanding or require some sort of submittal by the applicant that will essentially define who or what area is covered to participate in this plan. That's only a suggestion.

CHAIR GONZALES: Thank you. Frank.

MEMBER KATZ: Did I misunderstand what you were talking about that basically somebody wants to build a plant in Cerrillos and basically anybody in the County that is served by PNM could subscribe. It is not limited to any particular location.

MS. FOMA: I'm questioning myself in that I'm not sure Cerrillos is serviced by PNM.

MEMBER KATZ: Okay, well, someplace that is serviced by PNM.

MS. FOMA: I'm thinking of my map – did you have something, Paul?

MR. OLAFSON: Mr. Chair, I was just going to add that the who can sign up and how they sign up is part of the developer's packet that they present to the PRC to get through the RFP process. So the PRC has its rulemaking and they would also determine how the distribution would be. So to your direct question, that this person can have it or this person can't have it, they would have to demonstrate how they're going to be fair and equitable and that they have at least a 30 percent –

MS. ELLIS-GREEN: Mr. Chair, Commissioners, I would imagine that anyone who is going to build this would have had to establish that there is a demand for this before they put their money in and go through the whole state process and the bid process in order to build this. So I am sure there's going to be more people wanting to sign up than we will have facilities and that is why, as Lucy said, we're hoping that in future years that the cap is raised on this. But this would allow them to actually construct the facility. The how they do it is really regulated by the PRC but we need to make sure that we've got the ability to do the zoning portion and construct.

MEMBER PIERARD: I have one more question.

CHAIR GONZALES: Yes, Wendy.

MEMBER PIERARD: Did you say that this is a pilot project; are developers are offered to apply for something like this as part of the pilot project?

MS. FOMA: Commissioners, this was as Nate mentioned, the Act was passed in 2021; rules came out in 2022. They'll be soliciting RFPs pretty soon here. Because it's capped at 200 megawatts, that's why it is a pilot to see how it works throughout the state.

CHAIR GONZALES: Thank you. Any other questions. Frank.

MEMBER KATZ: I would make a motion if there's no other comments. I would move to approve the project and I guess it's a recommendation to the Commission, I believe, that we recommend the Commission approve the project.

MEMBER LOPEZ: Second.

CHAIR GONZALES: Okay, we have a motion and a second. Are there any conditions?

The motion passed by unanimous [7-0] voice vote.

MR. OLAFSON: And, Mr. Chair, if I can just be indulged for one more second. I wanted to mention some of the staff who worked on this who aren't here today.

CHAIR GONZALES: Sure.

MR. OLAFSON: There's Alex Fitzgerald with our Economic Development Department, Chris Hyer who is our Economic Development Manager. Jacqueline Bean our Sustainability Manager and Adeline Murthy who was a Sustainability Specialist. So that's a big group – and of course, Roger Prucino with our Legal, he was pretty important in the process too. So it was a team effort and everyone did great and thank you for your support of this.

CHAIR GONZALES: Thank you all.



THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2022-_____

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

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

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

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

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

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

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

10.25 Community Solar

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

10.25.2 Applicability

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

10.25.3 Standards

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

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

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

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

10. Decommissioning

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

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

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

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

PASSED, APPROVED AND ADOPTED THIS ___ DAY OF _____, 2022.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Anna Hamilton, Chairperson

ATTEST:

Katharine E. Clark
County Clerk

APPROVED AS TO FORM:

Rachel Brown
Interim Santa Fe County Attorney

EXHIBIT 14

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

July 12, 2022

Anna T. Hamilton, Chair - District 4
Anna Hansen - District 2
Hank Hughes - District 5
Henry Roybal - District 1

Rudy Garcia, Vice Chair - District 3 [Excused]

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 89

I Hereby Certify That This Instrument Was Filed for
Record On The 10TH Day Of August, 2022 at 09:42:40 AM
And Was Duly Recorded as Instrument # **1994775**
Of The Records Of Santa Fe County

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



SFC CLERK RECORDED 08/10/2022

11. B. Potential Action on Items Discussed in Executive Session

CHAIR HAMILTON: I'll go to Commissioner Hansen for item 11. B.

COMMISSIONER HANSEN: Thank you, Madam Chair. I would like to make a motion. I move that Santa Fe County participate in the Monsanto class action settlement as a class member, understanding that participation as a class member means that the County will release all claims arising from PCB contamination that were or could have been alleged against Monsanto and the other parties released as set forth in the proposed settlement agreement.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: So I have a motion and a second. Is there discussion or questions?

The motion passed by unanimous [4-0] voice vote.

12. PUBLIC HEARINGS on Proposed Ordinance and Other Matters Related to Community Solar

A. Ordinance No. 2022-05, an Ordinance Amending the Sustainable Land Development Code (SLDC), Ordinance No. 2016-9, to Add a Definition of Community Solar, to Add a New Section 10.25 to Address Standards for Community Solar Facilities, and to Add a New Clause to Section 8.11.3.5.2. to Prohibit a Community Overlay District from Restricting the Location and Procedures for Installing Community Solar Facilities

LUCY FOMA (Planning): Good evening, Commissioners. I'm here tonight to present the community solar public hearing for the adoption of the proposed ordinance. Staff worked hard and long across departments to develop this ordinance and we also gathered input from industry specialists and the public on what you'll see tonight. We presented this to you in May and then in June we presented to the Planning Commission and they recommended for adoption, and so that's why we're here with you tonight.

As background on this ordinance, the State passed the Community Solar Act last year and the PRC published the rules in the spring of this year. The salient parts about this act and the rules is that there's a loan income carve-out. We feel that this will really benefit our constituents in communities and make solar energy available to those who aren't able to put solar on their properties either because they're renters or because they can't afford the upfront costs.

Just a little more background about the difference between community solar and commercial solar. Community solar in the State of New Mexico is capped at five megawatts per project, and the State is capping the entire community solar for the first pilot two years to 200 megawatts. So all of this is to say that it's urgent that we act now. This is going to be just for these first two years a small portion of the electric available to our consumers but hopefully in 2024 we'll be able to add more community solar in the

county and throughout the state.

So what is the County's role in this? The County has jurisdiction over the zoning and design standards for community solar and what you have in the draft ordinance are what we thought to be best practices as well as the recommendations from industry leaders on how we make this as available as possible to the applicants who will be going forth to the State to apply to do community solar projects. There are a few differences between this draft ordinance and what we brought to you in May. One was we changed the height standards for non-residential and multi-family so that it could be eight feet above the height limitations that would be allowed for rooftop solar. The other change is that we made a clarification on what the infrastructure connection from the community solar to the existing utility would be, so we said that would be considered a distribution line, so that it doesn't fall under our transmission line category in the code.

Again, this ordinance was needed because the current code has commercial solar as a category for applicants but it's fairly prohibitive and we felt that without coming back and creating a Community Solar Ordinance none of the projects that would be proposed for the State Community Solar Act and rules would be able to be built in Santa Fe County. So this is to enable our own residents to benefit from greenhouse gas reductions, lower utility rates, access to solar job creation and dare I say our future?

CHAIR HAMILTON: Dare. Dare.

MS. FOMA: I believe we provided the memo and the draft ordinance in your agenda items and I'm available for questions if you have any.

CHAIR HAMILTON: Excellent. Thank you so much. I'll open it to public hearing in a moment but first I'll go for some preliminary questions. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Lucy. Thank you, Madam Chair. So earlier in the evening, earlier today we made proposals of no fencing on solar installations, and so will that carry on over to this also?

MS. FOMA: Madam Chair, Commissioners, there is no screening requirement. However, if applicants propose a screening on their installation, we request that they build it with agricultural fencing, the four-inch spacing so that wildlife could go through.

COMMISSIONER HANSEN: Okay. Sounds good. And you'll do the same kind of screening or the scrim – that will be part of the requirement also for these community solar –

MS. FOMA: Maybe I misunderstood your question. You're talking about the fencing around?

COMMISSIONER HANSEN: Yes. But then underneath they're going to put a scrim.

CHAIR HAMILTON: It's just a protection off of that phase. It's an alternative. The logic of that was that if the fencing is primarily to protect the solar panels it was mostly the electronics on the back and wiring. So it was just a covering on the back of each panel to cover the wiring.

MS. FOMA: We did not include that in the draft ordinance, a screening on the back of each unit. I misspoke; it's a six-inch, not –

CHAIR HAMILTON: It wasn't that that was required. It was just for

those projects an alternative.

COMMISSIONER HANSEN: I just want to make sure – what I’m trying to get at is we’re having some consistency. Whoever wants to do this community solar, and it’s not Yearout or us, these people can then do the same thing that we are doing on our facilities.

MS. FOMA: Madam Chair, Commissioner, we will address that in – I can either have Joseph address it now, which it looks like he wants to address it now. Here you go.

JOSEPH MONTOYA (Community Development Director): Madam Chair, members, we don’t address it in this ordinance. It’s actually addressed through a State regulatory process. And so by definition, every one of the solar systems will have a screen on it. Just so you’re aware.

COMMISSIONER HANSEN: Okay.

MS. BEAM: I could answer that real quickly is that the State will certify – they have a green certification and they do require the scrim. So it’s very likely that that will be a requirement in the State process for RFPs.

COMMISSIONER HANSEN: Okay. I think it’s good for Land Use to know what’s going on, that we make this approval and that we have some consistency so we don’t have people coming and say they didn’t have to do that and we do. Okay. So, I think that that all sounds good. I’ll let you go to somebody else. I think I have another question but I’ll –

CHAIR HAMILTON: And we still have the public hearing and there’ll be plenty of time. Are there any other questions at this point before I go to the public hearing? So I’m going to go ahead, unless there’s any other information you guys want to present, I can open the public hearing at this point.

MS. FOMA: We have no further information at this point.

CHAIR HAMILTON: Okay. Great. So I’m going to go ahead and open public hearing. Is there anybody present in the chambers or on Webex who cares to speak to this matter? Daniel, do you see anybody on Webex, because nobody else has signed up formally. Do you see anybody on Webex who might want to speak to this?

MR. FRESQUEZ: Madam Chair, I’m not seeing anybody indicating that they’d like to speak to this item on Webex.

CHAIR HAMILTON: Okay. I appreciate it. So I will go ahead and close the public hearing. Do you Commissioners have any other questions or discussion on this or what’s the pleasure of the Board? Commissioner Hansen.

COMMISSIONER HANSEN: Yes. I’ll move to approve the ordinance amending the Sustainable Land Development Code, Ordinance 2016-9 to add a definition of community solar, to add a new Section 10.25 to address standards for community solar facilities, and to add a new clause to Section 8.11.3.5.2 to prohibit a community overlay district from restricting the location and procedures for installing community solar facilities.

COMMISSIONER HUGHES: I’ll second.

CHAIR HAMILTON: Excellent. May I please get a roll call?

The motion to approve Ordinance No. 2022-05 passed by unanimous roll call vote as follows:

Commissioner Garcia	Not Present
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Hughes	Aye
Commissioner Roybal	Aye

12. B. Resolution No. 2022-054, a Resolution Adopting the Santa Fe County Community Solar Letter of Support Criteria, Letter of Support Template, and Zoning Statement Template

MS. FOMA: Madam Chair, Commissioners, thank you. I'm here with my colleague Nate Crail who's going to give you a presentation on this resolution.

CHAIR HAMILTON: Thank you. Welcome, Nate.

NATE CRAIL (Planning): Hello, Madam Chair and Commissioners. I'm here to present the resolution adopting the community solar letter of support criteria, template and zoning statement template. So just a little more background. To reiterate, community solar is solar arrays shared among subscribers for providing both savings to individual consumers, and it's based on the 2021 Community Solar Act passed in the New Mexico State Legislature. And in March 2022 the New Mexico Public Regulation Commission published their rulemaking that will regulate the community solar facilities in the state.

The State implementation timeline, the RFP opening is anticipated to happen this month with closing in October. It's subject to change, but nonetheless, timing is of the essence if we want to have community solar facilities in Santa Fe County, and so this resolution is to lend County support for community solar projects in the RFP process at the State level.

So the proposed resolution involves the following parts: First, it will designate the Community Development Department or its designee to authorize to issue a letter of support for a community solar project the department deems worthy of the County support, and that support will be determined by the letter of support criteria, and then we will also have the letter of support template and the zoning statement template that will all be used. The letter of support in the RFP process.

The following are the letter of support criteria. You can find the specific language of the criteria in Exhibit A. These are still subject to change depending on the final RFP rating process criteria, which are still up in the air. So the criteria involve things such as reseeded with native plants; the project may not be on a cultural site, not on land with healthy, intact ecosystem, sited on brownfields or degraded land, incorporate agrovoltaic systems, and not within a mile of a wildlife or migratory corridor or located on publicly and County-owned land, have subscriptions from county residents who are above the standards for low income subscribers, which for the state is 30 percent, so we would want more than that, the project is to have underground utility lines as well as have local

workforce and business opportunities.

Another aspect of the resolution is to update these criteria as appropriate as things change at the State level.

The next is the letter of support template, and you can review that in your packet. This is zoning statement template, and so we have this because in the RFP bidding process, in order to score higher in the process not only do you want to have a letter of support saying that the County supports this but also to say the building permits will be coming once the State approval happens.

And so any questions or comments.

CHAIR HAMILTON: Commissioner Hughes.

COMMISSIONER HUGHES: Yes, just a question about the siting on – like not siting it on intact ecosystems and siting it on – is that sort of an absolute, is that like you get more points for the more degraded the land is sort of thing? How does that –

MR. CRAIL: Madam Chair and Commissioner Hughes, we don't have specific points assigned to the criteria in this particular letter of support but if it is on a brownfield it will have a stronger letter of support, but if it is in fact on an intact ecosystem, maybe their letter of support won't be quite as strong.

COMMISSIONER HUGHES: And how would something like a parking lot of the top of a – I don't know – of a business or a shopping center? How would that be considered?

MR. CRAIL: A rooftop or built environment, so that would score well, because it's already an existing built environment and not a healthy ecosystem.

COMMISSIONER HUGHES: Okay. Thank you. That was my question.

CHAIR HAMILTON: Are there any other questions? Just as a follow-up, it can be tricky to figure out how you classify a healthy ecosystem. Does it have to be an original meadow, even if it's a grassland? Or if it's been previously disturbed, is it an acceptable place, like agricultural land, that kind of thing? Have you guys talked about that?

MR. CRAIL: We've had many discussions about whether agricultural land would be classified as a healthy ecosystem or not. I think what we had in mind was an open space or previously was not used for intensive agriculture, but those are details we'll have to look at once we actually get the projects.

CHAIR HAMILTON: Certainly. You have to look at them. There seems to be a lot of wiggle room in that. The intent makes sense. But I can think of lots of quasi-rural areas in my district, for instance that I would probably think would be fine, but how that definition would impact them is a question. Yes, Commissioner Hansen.

COMMISSIONER HANSEN: Madam Chair, I move to approve the resolution adopting the Santa Fe County community solar letter of support criteria, letter of support template and zoning statement template.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Excellent. So I have a motion and a second.

MR. YOUNG: Madam Chair, I think this is supposed to be a public hearing.

CHAIR HAMILTON: Thank you so much for keeping me in line, and sorry everybody. I'm going to go ahead and open the public hearing on this. Is there

anybody on Webex or in the audience who wishes to address this matter? Daniel, once again, do you see anybody on Webex who wants to speak to this resolution?

MR. FRESQUEZ: Madam Chair, I'm not seeing anybody indicating that would like to speak to this matter.

CHAIR HAMILTON: Okay, great. Just to give people time, is there anybody on Webex who would like to unmute and speak to this matter? Hearing no response, I'm going to close the public hearing, and at this point I will entertain the motion.

COMMISSIONER HANSEN: As restated, I move to adopt the resolution with the Santa Fe County community solar letter of support criteria, letter of support template and zoning statement template.

COMMISSIONER HUGHES: And I'll second it again.

CHAIR HAMILTON: Really appreciate it. Sorry for making you do it twice. If there's no further discussion I have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

MANAGER SHAFFER: Madam Chair, before we move on I just wanted to let you know that staff intends to solicit proposals from would-be community solar developers who may be interested in utilizing County property for such purposes. Any such arrangement whether by a lease, easement or what have you, would ultimately be brought back to the Board of County Commissioners for ultimate approval, but we are going to look to see if there are mutually beneficial opportunities for developers of community solar to partner in that way with the County on County facilities. So I just wanted to give you that heads-up that that's something we'll be working on on a separate track from what you approved this evening. Thank you.

CHAIR HAMILTON: Wow. That sounds excellent to me. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Greg. On that point also I wanted to mention to staff that SWMA is considering doing a community solar, so you could also reach out to Randall Kippenbrock and let him know that we've gotten this passed, because they have been mentioning it at our board meetings.

CHAIR HAMILTON: That sounds great. Thank you, and thank you to staff for doing this. This was a lot of work and very valuable to have done. Really appreciate it.

COMMISSIONER HANSEN: Madam Chair, thank you very much.

EXHIBIT 15

LESSONS LEARNED: LITHIUM ION BATTERY STORAGE FIRE PREVENTION AND MITIGATION – 2021

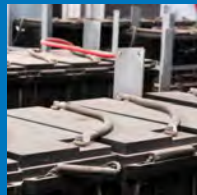


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INCIDENT TRENDS

Over the past four years, at least 30 large-scale battery energy storage sites (BESS) globally experienced failures that resulted in destructive fires.¹ In total, more than 200 MWh were involved in the fires. For context, roughly 12.5 GWh of globally installed cumulative battery energy storage capacity was operating in March 2021, implying that nearly 1–2% of deployed capacity had failed in this way.² At least one incident resulted in life-threatening injuries to multiple first responders, creating significant backlash for this emerging asset class. Although many of the incidents did not involve harm to personnel, they showed that hazards can be severe. Safety incident reports for damaged stationary storage projects are not always immediately available, so this may be an incomplete picture.

In 2019, EPRI and 16 participant utilities kicked off the “Battery Storage Fire Prevention and Mitigation—Phase 1” collaborative project. While conducting site visits, reviewing available public information and official reports, and participating in fire incident investigations, four themes have emerged as likely root causes for these events:

1. **Internal cell defect.** Manufacturing quality control issues introduce unintended distortions, debris, or other contaminants in the cell assembly or chemistry that either induce or, by fatigue, develop into an internal short circuit.
2. **Faulty battery management system (BMS).** Inadequate protection settings or unreliable software or hardware performance result in exceedance of nominal operating thresholds (such as voltage, temperature, or duration at a certain state of charge).
3. **Insufficient electrical isolation.** Ground fault, short-circuit, or DC bus power quality that leads to electrical arcing within a module or string.
4. **Environmental contamination.** Exposure to humidity, dust, or otherwise corrosive atmosphere that breaks down existing electrical isolation or insulation.

Although proper design and maintenance can regularly prevent the persistence of failures due to Causes 2, 3, and 4 above, no currently available mitigation technology can prevent an internal cell defect from causing a thermal runaway event once that cell leaves the factory. Regardless of the cause, these incidents demonstrate the possibility of fire, release of flammable gases, and explosion. Therefore, effective solutions consider the inhibition of thermal runaway propagation beyond that cell and the mitigation of off-gas generated.

Table 1. Prevention

Lesson Learned	Hazard Control Processes
Maintaining strict operational limits via a robust BMS can inhibit thermal runaway.	Software Design, Validation, and Version Control
Cell level failures and thermal runaway should be planned for at a cell level due to cell defects and aging.	Quality Assurance and Vendor Coordination with Engineering Design, Material Handling, Transportation Safety Practices, Maintenance, and Disposal Activities
Cell-to-cell thermal runaway propagation depends on many factors, such as chemistry, cell packaging, and thermal resistance of the module.	Subsystem Integration and Interface Control During Design Thermal Barriers and Separation
Monitoring of voltage, current, temperature, and gases may notify operators of failure pre-conditions failure pre-conditions or related insight.	Detailed Data Acquisition, Gas Detection, Storage, Analysis, Trending, and Alarm Management

¹ https://storagewiki.epri.com/index.php/BESS_Failure_Event_Database

² *Project Database—Energy Storage*, Wood Mackenzie Power and Renewables, March 2021.

Table 2. Mitigation

Lesson Learned	Hazard Control Processes
Clean agent fire suppression (alone) is often incapable of stopping propagating thermal runaway.	Hazard Identification and Mitigation Solution Trade-Off Studies Product Selection Thermal Barriers and Layout
Propagating thermal runaway generates large amounts of heat—continuous water suppression may be the best option to abate.	Project Siting, Resource Planning, and Coordination with Utilities
Explosive off-gases can build quickly—detection and ventilation are essential to avoid deflagration.	System Envelope Modeling and Design
Coordination, planning, and communications before, during, and post-event can save lives and equipment.	Response Procedures, Information Sharing, and Training

SAFETY REVIEWS OF SITES IN OPERATION AND DESIGN

EPRI conducted evaluations of energy storage sites (ESS) across multiple regions and in multiple use cases (see Table 1) to capture the current state of fire prevention and mitigation. Of those sites, six are operational, two are under construction, and two are in design. Several battery technologies and design configurations are represented in this industry cross-section.

The evaluations all included four key elements:

1. Data discovery (curating a shared repository of available design documents, equipment certifications, operational and commissioning procedures, and test data)
2. Site visit and walk-through
3. Assessment of the site using the *Energy Storage Integration Council (ESIC) Energy Storage Reference Fire Hazard Mitigation Analysis*³ as a template

Table 3. Ten planned energy storage sites for evaluation

Country	Region	Project Status	Power (MW)	Energy (MWh)	Battery Chemistry	Integration Type	Fire Suppression System Type
USA	Southwest	Operational	1	1	NCA	Products	None
USA	Southwest	Operational	2.8	5.6	NMC	Containers	Clean Agent
USA	Southwest	Operational	10	4.6	NMC	Buildings	Clean Agent
USA	Southwest	Operational	2.5	3.9	LFP	Buildings	Clean Agent
USA	West	In Design	4	8	LFP	Containers	TBD
USA	West	Construction	182	730	Unknown	Products	None
USA	Southeast	Construction	1.5	1	NMC	Building	Clean Agent
USA	Southeast	Operational	1	2	NMC	Containers	Clean Agent
USA	Southeast	Operational	0.3	0.6	NMC	Building	None
South Africa	West	In Design	80	320	TBD	Containers	TBD

- Final report of lessons learned and recommendations for improvements to site safety

EPRI identified additional guidance during the evaluations that can be grouped into four points, described next.

1. COMMON SAFETY DATA SUPPORT COMMON EVALUATION PROCESSES

A small change in the chemical makeup of a battery or the way in which an energy storage system (ESS) container is assembled can have a large impact on the type and magnitude of a safety incident. Although models can offer important results at a lower cost, testing at each level of integration (from cell to system) is the only way to accurately and confidently quantify the hazards in an ESS.

The test method and report are as important as the results of the testing. In two sites reviewed by EPRI, the analysis of test data provided to the site hosts from the manufacturers indicated minimal explosion hazard, but the reports included some gaps:

- A high level of hydrogen (H_2) was present in the collected gases during the test. Although this is possible, the trend has been linked to faulty hydrogen sensors in other tests. Without proper details of all equipment used for testing, an end user or fire protection engineer may be challenged to discern actual hazards from apparent ones.
- Incorrect or confusing units were provided for multiple results. These may have been typos or proper measurements represented using an alternative method, which caused confusion during review.
- The reports lacked complete information about gas release. Ventilation design cannot be assessed with confidence without the off-gas peak generation rate, the total gas evolved, and the off-gas constituents.
- The incorrect data set was provided. Independent consultants discovered that the test data represented a different battery module (from the same manufacturer) than the one planned for use at the site. The new data revealed a different explosion risk and indicated that a significant redesign of the enclosures may be necessary.

These concerns could not have been addressed by a model of a similar system. Unless a specific model had been calibrated to that chemistry in that installation configuration (which would have required testing), site engineers may not have adequately addressed the hazards.

As codes, standards, and regulations continue to evolve, the data relevant to the compliance of an energy storage project are also changing. For example, sites built in 2017 may have been authorized by an authority having jurisdiction (AHJ) that had not yet adopted NFPA 855 (which requires UL 9540 listing) at the time of its permitting. Although the UL standard was initiated in 2016, it was not published until 2019—and NFPA 855 is still not universally adopted in 2021.

Because applied codes may not have required UL 9540A (or other relevant safety tests), site developers and owners did not regularly request these reports. In fact, EPRI found this situation at every operating site evaluated. Owners and operations or legacy systems produced little, if any, data. Sometimes, when approached by the current site operators, the site suppliers still did not have these test reports.

2. SAFETY EVALUATIONS ARE INFLUENCED BY SUBJECTIVITY

Testing for energy storage performance or failure modes is a quantitative, objective process, but safety combines objective probabilities with subjective assessment of the acceptability of ever-present hazards. As one of the site hosts indicated, there is no “silver bullet” to address battery energy storage fire and explosion hazards, but rather many solutions are needed.

Though the risk of a fault in an ESS may be low, certain issues can never be truly eliminated, and the tolerance to such risk is up to the storage asset’s owner and operator. Interpreting objective test results and assigning a value to the severity of a failure incorporate the reviewers’ perspectives. In addition, different experts may focus on various threats and treat them with unique attention or concern based on their familiarity and personal experience.

Safety evaluations rely on a group of multidisciplinary experts asking “what if” questions and comparing observations of project features (for example, requirements, design characteristics,

³. *Energy Storage Integration Council (ESIC) Energy Storage Reference Fire Hazard Mitigation Analysis*. EPRI, Palo Alto, CA: 2019. [3002017136](#).

operational procedures, or physical status) to conditions presented in incident reports, previous experiences, or other lessons learned. For example, all of the fire protection experts employed for the evaluations have experience in hazardous material fire events. Some have more specific experience with lithium ion BESS design (and fires), while others have more experience with other technologies and facility types.

Multiple safety evaluation processes exist, such as process hazard analysis (PHA), failure modes and effects analysis (FMEA), hazard mitigation analysis (HMA), layer of protection analysis (LOPA), and fault tree analysis (FTA). Each serves different goals to assess the safety of a site or project. For the Battery Energy Storage Fire Prevention and Mitigation supplemental project, EPRI chose to use the report *Energy Storage Integration Council (ESIC) Energy Storage Reference Fire Hazard Mitigation Analysis* ([3002017136](#)) as the starting point. This format identifies possible concerns of fire and thermal runaway propagation as well as gaps in suitable defense measures (or mitigation barriers). The method still relies on focused observation and interpretation of the effectiveness of different barriers to appropriately characterize the gaps in safety. In addition, because none of these sites has yet been involved in safety events known to EPRI, the leading practices can only be assumed in reference to lessons from other sites, relying on expert experience.

EPRI found that aligning safety evaluation expert experience to specific site attributes can be instrumental in these processes. Experts, when familiar with the site-specific configurations and conditions, eased the data discovery and site review process by anticipating and prioritizing issues, ultimately reducing the iterations and total time required. This is expected to help avoid confusion or gaps in the assessment.

3. OWNERSHIP MODELS DETERMINE SAFETY MANAGEMENT AND RESPONSIBILITIES

Every energy storage site (as with any commercial or industrial site with multiple potential hazards) includes many different subsystems with various support personnel. Larger sites may be managed by a combination of the owner and multiple vendors. Sites often lack clear designation of accountability among these various parties. Moreover, site information and specific safety features are sometimes missing and the causes for the gaps remain unresolved, possibly resulting in safety shortcomings at these sites. In addition, the variety

of ownership models available for energy storage sites—including utility, independent power producer (IPP)/merchant, and customer-sited—presents potential for underserved safety management.

4. PLANNING FOR FAILURE REQUIRES CHOICES: VARYING LEVELS OF ACCEPTABLE DAMAGE

As is illustrated in the EPRI *Energy Storage Integration Council (ESIC) Energy Storage Reference Fire Hazard Mitigation Analysis*, lithium ion batteries are subject to several failure modes. Each mode may occur with different probabilities, based on the battery product and its integration. Further, the same battery module design in the same installation may fail differently on separate occasions.

Hazard mitigation efforts can address the issue by preventing the hazard from occurring; protecting equipment, personnel, and environment from the hazard (primarily fire and explosion for lithium ion systems) once it occurs; or using a combination thereof. EPRI found that some of the sites evaluated in recent projects prioritized prevention. They also prioritized protection, considering site exposures, module test data, and estimated probabilities of failure. Often, these decisions weighed the cost of safety against the expected loss of service or fundamental business principles and priorities.

In a recent study of trade-offs between ESS safety design features and total cost of ownership, EPRI defined a “fault block,” or a designated unit of acceptable loss in the event of a failure ([3002020573](#)). Depending on the failure modes and the integration details (site size, exposures, propagation rate, vented gas generation rate, vented gas constituents, rack separation and propagation barriers, and so on), site owners may consider failure of a module, string/rack, or even subarray as acceptable. Partial system loss may result in significant cost, requiring cleanup from smoke and heat damage in addition to detailed work to remove “stranded energy”—energy remaining in modules damaged beyond repair but not yet completely reduced to ashes—and replacement of the failed subsystem.

On the other hand, full failure may eliminate stranded energy but still require detailed, labor-intensive cleanup to investigate, decommission, and dispose of the entire system. A catastrophic fire may obscure evidence and convolute the forensics process. It may also degrade the structural integrity of the enclosure and require specialized processes to access the batteries and mobilize the equipment.

NEXT STEPS

Because most codes and standards are developed in reaction to a need or concern, their value is proportional to the data available to inform them. Currently, data from real-world energy storage systems are relatively sparse and mostly proprietary, which hinders the progress of safe system design. To address this need, EPRI is pursuing the development of a safety toolbox centered around data from real-world site operations, tests, and validated models:

- Safety design and operational cost trade-off tools
- Standard compliance test guidance
- Safe operations and alarm management guidelines
- Environmental impact models
- Community and first responder outreach and training materials
- Site-specific hazard analysis and design studies (safety retrofits and new designs)
- Sensor efficacy testing

Many safety metrics are also relevant to ESS performance and reliability. Expertise and experience in installation, commissioning, operational procedures, control algorithms, high-fidelity data acquisition and analysis, component failure rates, and real performance specifications largely reside within the institutional knowledge of individual private companies.

Now a new wave of energy storage technologies is advancing to commercial readiness, with expectations that lessons learned from the earlier generations can be captured, codified, and leveraged for their development to smooth adoption and use. End-user and research community engagement with technology developers in the demonstration of pre-commercial and commercial technology presents an opportunity to accelerate safety and reliability characterization.

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EXHIBIT 16

[Home](#) » [Articles](#) » [How Fast Do Wildfires Spread?](#)

How Fast Do Wildfires Spread?

November 1, 2022

Share

Wildfires can move extremely quickly. Explore the details of how fast wildfire spreads with guidance from the Western Fire Chiefs Association (WFCA).



Wildfires can spread quickly, endangering nearby communities.

When faced with the threat of a wildfire, one of the first questions people ask is how fast it can spread. Understanding how quickly wildfire spreads can help you to prepare effectively and protect your home and community.

Wildfire Speed Explained

Wildfires spread at an average of 14.27 miles per hour.¹ However, this can vary hugely depending on a number of factors, such as weather conditions, fuel type, and terrain. As a human observer, it can be very difficult to accurately estimate how fast a wildfire is encroaching, and it is common for people to overestimate the distance of a fire from their location.

How Do Wildfires Spread?

To understand how a wildfire spreads, we first need to understand how it starts. For a fire to ignite, there must be three elements present; heat, fuel, and oxygen, commonly referred to as the 'fire triangle.' These are the components to create fire, but they also dictate the speed at which fire travels and spreads.

Heat

A source of heat is required to initially ignite a fire. Heat also causes fire to spread by removing the moisture from nearby fuel and preheating it. In the case of wildfires, a source of heat can come either from natural or human causes. Lightning strikes are the most common natural cause of wildfires, while discarded cigarettes and unattended campfires are among the most common human causes. Overall, human negligence causes the vast majority of fires.

Fuel

As it suggests in the name, fuel is anything that feeds a fire, including all combustible materials, natural or manufactured. The moisture content of the fuel will determine how quickly a wildfire spreads.

In short, the drier the fuel, the quicker the spread. Other factors such as the size and shape, the quantity, and its arrangement across the landscape also affect the speed at which the fire moves.² Most common sources of wildfire fuel include dry plant materials, such as dead leaves, vegetation, trees and grasses, and fallen pine needles. The more these combustible materials pile up, the higher the chances of a devastating wildfire.³ Fuel management in areas vulnerable to wildfire can significantly help wildfire suppression.

Oxygen

Oxygen is the third component of the fire triangle. While controlling fuel and heat sources is possible, controlling the oxygen for wildfires is not.

What Elements of Weather Most Affect Wildfire?

Weather plays an integral role in the speed at which a wildfire spreads, and wildfire season is largely dictated by weather. Long periods of drought often result in more wildfires while increased rainfall means fewer wildfires.

Temperature

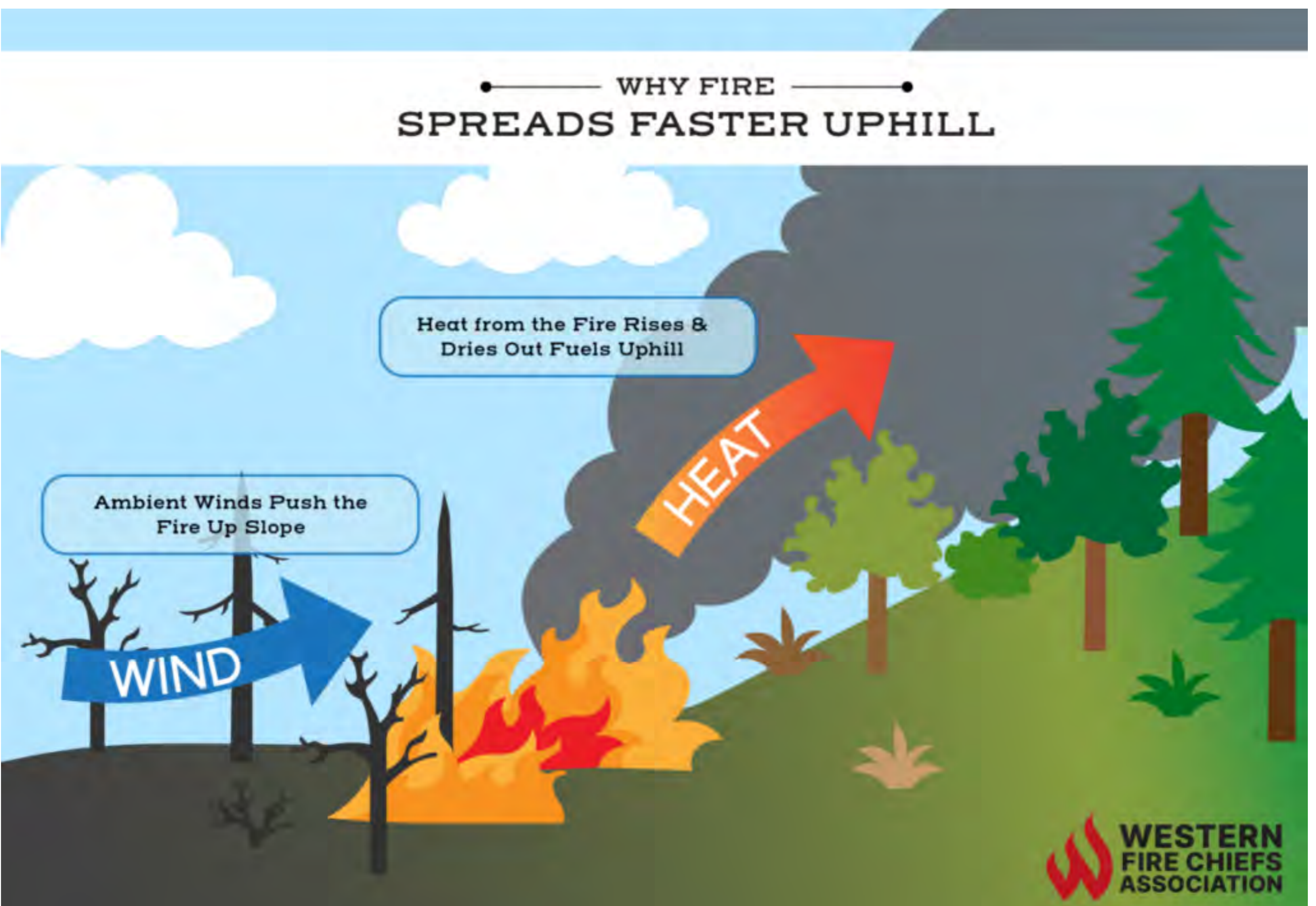
High temperatures cause more evaporation, meaning that the environment becomes drier, creating fuel for wildfires. Therefore, extended periods of hot, dry weather cause more severe wildfires. As temperatures continue to rise due to climate change, so does the threat of larger, more frequent wildfires.

Moisture

If hot temperatures dry out the fuel, moisture does the opposite. The level of moisture, whether it is in the form of rainfall, humidity, or the levels of moisture in the soil, can affect how quickly a fire spreads. High levels of moisture deter wildfires from spreading because it makes the fuel much less combustible. Lakes and rivers can also halt the spread of wildfires.

Wind

Wind has one of the largest (and most unpredictable) impacts on how quickly a wildfire spreads. Winds supply the fire with extra oxygen, dry out potential fuels, and push the fire across the land.⁴ The speed of the wind has a direct correlation to the speed of a fire's spread – the stronger the wind, the faster the fire grows. It can also throw embers into the air, creating additional fires, or thrust the fire upwards, causing the tree canopy to burn – otherwise known as a crown fire.



Topography affects the spread of fire, among many other factors.

How Does Topography Affect Wildfire?

Finally, it is important to recognize that the topography (or lay of the land) can also influence wildfire behavior. Fires tend to spread in the same direction as the ambient wind – usually uphill. Therefore, wildfire spreads more quickly uphill. This is also because the rising smoke and heat dry out the fuel further up the slope. Conversely, fires spread slower downhill because it cannot preheat the downhill fuel as effectively.

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