



SANTA FE COUNTY

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

**ORDER GOVERNING PREHEARING PROCEDURE
AND SCHEDULING HEARING ON THE MERITS**

This case is before the Board of County Commissioners (BCC) of Santa Fe County (County) on appeals from the Planning Commission's Final Order dated March 20, 2025, in Case No. 24-5200, Rancho Viejo Limited Partnership, Rancho Viejo Solar, LLC, AES Clean Energy Development, LLC, Applicants, Application for Conditional Use Permit (CUP). Four notices of appeal have been filed from that final order, which have been docketed as Case Nos. 24-5201, 24-5202, 24-5203 and 24-5204 and consolidated by previous order of the BCC.

The BCC will hold a public hearing on the merits of Applicants' application on August 11, 2025, starting at 9:00 a.m., and August 12, 2025, starting at 10:00 a.m., in the BCC Chambers located on the second floor of the John Gaw Meem Historic Building, 102 Grant Ave., Santa Fe NM.

PREHEARING PROCESS

I. Service of papers and other filings

The BCC hereby adopts the following service list for the hearing:

Applicant: Luke M. Pierpont Matt Gordon (matt.gordon@aes.com), Joshua Mayer (Joshua.mayer@aes.com) (Rancho Viejo Solar, LLC),

Rancho Viejo Limited Partnership: Warren Thompson (warren@ranchoviejo.com)

Parties with standing:

Clean Energy Coalition for Santa Fe County: Robert Stranahan (rstranahan1@me.com)

New Mexicans for Responsible Renewable Energy: Selma Eikelenboom

Ashley C. Schannauer (schannauer21@outlook.com)

Camilla Brom (br.camilla@yahoo.com)

The San Marcos Association: Dennis Kurtz
(dennisdkurtz@gmail.com)

350 Santa Fe, Inc.: Robert Cordingley (350santafe.info@gmail.com)

Santa Fe Green Chamber of Commerce: Glenn Schiffbauer
(glennschiffbauer@gmail.com), Jill K. Cliburn (jkcliburn@cliburnenergy.com)

The Sierra Club Rio Grande Chapter: John Buchser
(jbuchser@comcast.net)

Santa Fe County: Walker Boyd (jwboyd@santafecountynm.gov); Alexandra Ladd (aladd@santafecountynm.gov); Dominic J. Sisneros (djsisneros@santafecountynm.gov); Roger Prucino (rlprucino@santafecountynm.gov)

All materials that a party with standing wishes to make a part of the administrative record shall be submitted by email to the parties identified on the service list above.

II. Prehearing deadlines

The BCC hereby adopts the following prehearing deadlines.

Action	Deadline
Submittal and service of all reports, witness lists and other substantive evidence	July 21, 2025
Submittal of presentation materials (including PowerPoint presentations) ¹	July 25, 2025
Submission of public comment (see "Public Comment" below)	July 31, 2025

ORDER ON CAMILLA BROM'S REQUEST FOR RECOGNITION AS AN INTERESTED PARTY WITH STANDING

On June 10, 2025, Camilla Brom requested that the BCC recognize her as an interested person with standing. The request is granted.

¹ PowerPoint presentations must be formatted to meet Americans with Disabilities Act accessibility standards.

**ORDER ON ASHLEY SCHANNAUER’S MOTION FOR DISCOVERY
AND FOR CROSS-EXAMINATION**

Before the BCC is a motion for discovery and cross examination filed by Ashley Schannauer, an interested with party with standing (filed May 12, 2025). The BCC has reviewed the motion and the Applicant’s written response (filed May 27, 2025).

The BCC grants in part and denies in part the motion. Under the SLDC, an interested party with standing does not have an unqualified right to conduct pre-hearing discovery. Conceding the lack of any legal basis for the discovery he seeks to compel under the SLDC, Mr. Schannauer cites Section 14.4.3.3 of the County’s 2015 Sustainable Growth Management Plan (Resolution No. 2015-155; hereafter SGMP), which requires the SLDC to provide protestants “sufficient time for discovery and other aspects of due-process.” Setting aside the fact that the SGMP does not control these proceedings, the right to “sufficient time for discovery” does not mean a party with standing has a legal right to compel disclosure of any and all information from the applicant. Quasi-judicial hearings need not follow “the same evidentiary and procedural standards applicable to a court of law, [but] must adhere to fundamental principles of justice and procedural due process.” *W. Bluff Neighborhood Ass’n v. City of Albuquerque*, 2002-NMCA-075, ¶ 46. In administrative proceedings due process is flexible in nature and may adhere to such requisite procedural protections as the particular situation demands. *State ex rel. Battershell v. City of Albuquerque*, 1989-NMCA-045, ¶ 17, 108 N.M. 658.

In quasi-judicial proceedings before the BCC, parties with standing may seek discovery by asking the Board to obtain it from the applicant as part of “investigat[ing] facts or ascertain[ing] the existence of facts,” see SLDC § 4.3.2, and the BCC may use the information provided (or not provided) as a basis for its decision. Although this process is not as robust as civil discovery in district court, it represents a balancing of competing interests. Ultimately, the applicant (and, to a lesser extent, the County) bears the costs associated with the review and decision on a conditional use permit application; allowing interested parties the right to impose significant additional costs through pre-hearing discovery would not represent a fair balancing of due process interests against other interests., such as the desire for efficient processes. It is the balancing of these sometimes conflicting policy goals in the SGMP that led to the SLDC, including the decision not to afford litigants unqualified pre-hearing discovery as of right.

For these reasons, the BCC denies Mr. Schannauer's motion to compel pre-hearing discovery. This denial is without prejudice to Mr. Schannauer's right to ask the BCC to demand disclosure of specific information regarding the pending application from the applicant at the hearing.

With respect to Mr. Schannauer's motion to conduct cross-examination of witnesses, the motion is granted in part. Mr. Schannauer and any other interested party with standing may ask cross-examination questions of any witness called by the Applicants, subject to the party's allotted time. That cross-examination may be limited pursuant to a valid objection or pursuant to the Chair's authority to eliminate extraneous, redundant, irrelevant, or harassing testimony pursuant to SLDC Section 4.7.2.

ORDER GOVERNING HEARING

SLDC Section 4.7.2 and Resolution No. 2009-02 govern the conduct of the hearing. Under Resolution No. 2009-02 and SLDC Section 4.7.2, the BCC Chair may impose reasonable restrictions to limit testimony so as to eliminate extraneous, redundant, irrelevant, or harassing testimony. The Chair may set time restrictions on testimony as necessary to preserve order and decorum.

Pursuant to the parties' stipulation, the BCC hereby orders that parties and members of the public must refrain from booing and applauding during the hearing. The Chair may take any action necessary to ensure compliance with this order, including ordering a party or member of the public to be barred from the hearing.

Examination and cross-examination of witnesses shall proceed as follows: (i) direct examination by the party calling the witness; (ii) cross-examination by adverse parties with standing (if requested); (iii) further questioning by members of the BCC recognized by the Chair; and (iv) redirect examination by the party who called the witness.

With respect to the parties' request for an order prohibiting *ex parte* communications, the BCC notes that such communications are governed by the Santa Fe County Code of Conduct, Ordinance No. 2022-03.

HEARING ON THE MERITS (August 11, 2025)

I. Opening Business (9:00 a.m.).

- A. Call to Order.
- B. Roll Call.

II. Public Hearing on Application by Rancho Viejo Limited Partnership, Rancho Viejo Solar, LLC, AES Clean Energy Development, LLC, Applicants, for a Conditional Use Permit (CUP), Case No. 24-5200 (Arising by Appeals in Case Nos. 24-5201, 24-5202, 24-5203 and 24-5204).

A. Presentations (8 hours)

Land Use Administrator and county staff (1 hour)

Applicants Rancho Viejo Limited Partnership, Rancho Viejo Solar, LLC, AES Clean Energy Development, LLC (1 hour)

New Mexicans for Responsible Renewable Energy (1 hour)

Ashley C. Schannauer (1 hour)

The Clean Energy Coalition for Santa Fe County (1 hour)

The San Marcos Association (1 hour)

Camilla Brom (30 minutes)

350 Santa Fe, Inc.: (30 minutes)

Santa Fe Green Chamber of Commerce (30 minutes)

Sierra Club Rio Grande Chapter (30 minutes)

The time allotted to a party is based on each party's request and the amount of time available for the hearing. The time allotted includes any time used for argument, examination or cross-examination of witnesses. Parties with standing may cede their allotted time to the Applicant or to other parties with standing.

III. Concluding business

A. Adjournment. (Action Item).

PUBLIC COMMENT (August 12, 2025)

I. Opening Business: 10:00 a.m.

- A. Call to Order.
- B. Roll Call.

II. Continuation of Public Hearing on Application by Rancho Viejo Limited Partnership, Rancho Viejo Solar, LLC, AES Clean Energy Development, LLC, Applicants, for a Conditional Use Permit (CUP), Case No. 24-5200 (Arising by Appeals in Case Nos. 24-5201, 24-5202, 24-5203 and 24-5204).

- A. Public comment

Public comment will be limited to 2 minutes per member of the public. Members of the public will not be permitted to cede their time. A member of the public wishing to make public comment must sign up before the meeting. The signup sheet will be available starting on July 15, 2025, at the following link: <https://www.santafecountynm.gov/AEScomment>.

The BCC will also accept and consider written public comments. Members of the public who wish to submit written comments must do so by emailing their comments to publiccomment@santafecountynm.gov on or before July 31, 2025. Written comments may also be sent via U.S. Mail, with Attention to: Growth Management Department, PO Box 276 Santa Fe, NM 87504-0276. Written comments received after July 31, 2025, will not be included in the administrative record.

III. Concluding business

- A. Adjournment. (Action Item).

ATTENDANCE, WEBCASTING, AND LEGAL NOTICE

The BCC's chambers shall be limited to the BCC, credentialed members of the media, County staff, the Applicants and their representatives, parties with standing and their representatives, and members of the public, depending upon capacity. The BCC will prioritize access to members of the public who have registered to address the BCC in person within the next 1-2 hours. Members of the

public who wish to watch the public hearings at County facilities shall be allowed to do so in designated spaces at 102 and 240 Grant Avenue.

The BCC strives to make its meetings accessible to the public through alternatives to in-person attendance, such as virtual meeting platforms and webcasting.

The County intends to allow members of the public to listen to this meeting virtually and to watch via YouTube and Facebook. For instructions on joining the meeting or watching via YouTube and Facebook, visit www.santafecountynm.gov/joinmeeting. In the event that the County's virtual meeting platform is not working, the Public Hearings shall be recessed until such time as the virtual meeting platform is functioning.

Santa Fe County makes every practical effort to ensure 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).

Notice of this Order shall be published in the Santa Fe New Mexican a minimum of 14 days prior to the special meeting.

SO ORDERED this 17th day of June, 2025.


Camilla Bustamante, Chair

ATTEST:



Katharine E. Clark
Santa Fe County Clerk

Approved as to Form:


Walker Boyd
Santa Fe County Attorney