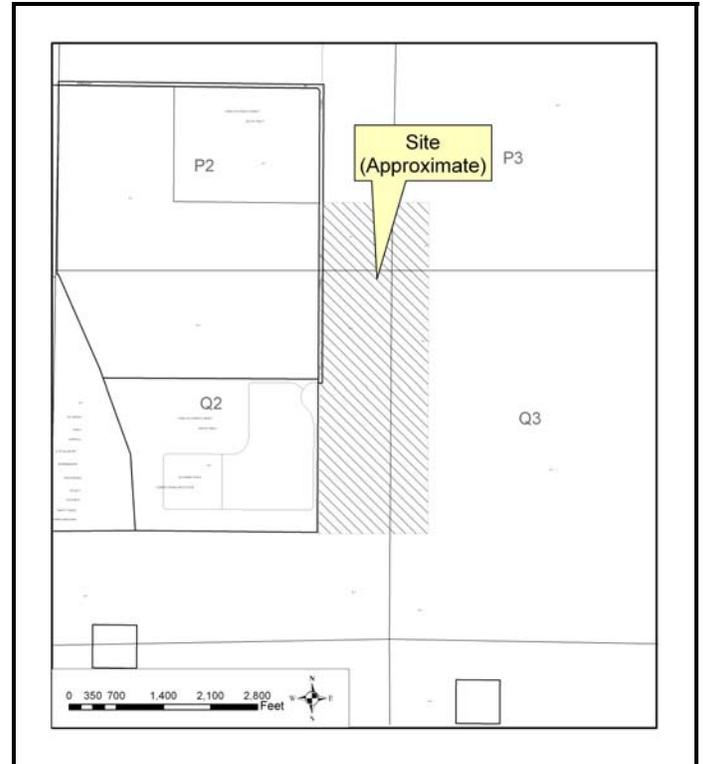


<b>Applicant:</b>	Suncal New Mexico
<b>Agent:</b>	The Hartman & Majewski Design Group
<b>Location:</b>	Shelly Drive SW
<b>Property Size:</b>	247 acres (approximately)
<b>Existing Zone:</b>	A-1
<b>Proposed Request:</b>	Special Use Permit for a Power Plant
<b>Recommendation:</b>	Approval



<b>Summary:</b>	<p>The applicant is requesting a Special Use Permit for a Power Plant (solar power generation facility) on approximately 247 acres located east of the Bernalillo County Detention Center.</p> <p>The subject site is located in the Reserve Area as designated in the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area 1 of the Southwest Area Plan.</p>
<b>Staff Planner:</b>	Adella Gallegos, Associate Program Planner

- Attachments:**
1. Application
  2. Land Use Map
  3. Enlarged Site Plan of Control Building
  4. Site Plan

Bernalillo County Departments and other interested agencies reviewed this application from 02/26/08 to 03/10/08. Agency comments are verbatim and were used in preparation of this report, which begin on page 17.

**AGENDA ITEM NO.: 6**  
**County Planning Commission**  
**April 2, 2008**

CSU-80013 The Hartman and Majewski Design Group, agent for Suncal New Mexico, requests approval of a Special Use Permit for a Power Plant (solar power generation facility) on Sections 8, 9, 16, & 17, T9N, R1E, NMPM, located immediately east of the Bernalillo County Detention Center, containing approximately 247 acres, and zoned A-1. (P-2, Q-2 & 3)

**AREA CHARACTERISTICS AND ZONING HISTORY**  
**Surrounding Zoning & Land Uses**

<b>Site</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	A-1	Vacant
<b>South</b>	A-1	Vacant
<b>East</b>	A-1	Vacant
<b>West</b>	A-1 with a Special Use Permit for a Correctional Institution and a Special Use Permit for a Landfill to allow an Intermediate Processing Facility and a Public Safety Radio Tower	Bernalillo County Detention Center & Cerro Colorado Landfill and a Auto Race Track

**BACKGROUND:**

**The Request**

The applicant. Is requesting approval of a Special Use Permit for a Power Plant. The subject site is located just east of Shelly Drive and directly east of the Bernalillo County Detention Center and the Cerro Colorado Landfill. The proposed solar power generation facility will encompass approximately the entire 247 acre site and will consist of approximately 133,00 individual panels, a substation, a 4900 sq. ft. warehouse for non-flammable materials related to the solar panels, a watchman caretaker's living quarters, and a control room.

Request Justification

The applicant contends that neighborhood conditions have changed with the development of the Bernalillo County Detention Center, Sandia Motor Speedway in that the area appears to be developing as a commercial/industrial center. In addition, the applicant contents that the request is more advantageous to the community by providing a source of electricity that is both clean and renewable.

**Surrounding Land Use and Zoning**

The subject site is currently vacant. The site is surrounding with A-1 zoning and vacant to the north, south and east of the subject site. To the west A-1 zoning with Special Use Permits for a Correctional Institution (Bernalillo County Detention Center), a Special Use Permit for a Landfill to Allow an Intermediate Processing Facility and a Public Safety Radio Tower and Building (Cerro Colorado), and a Special use Permit for a Automotive Racetrack (Sandia Motor Speedway). These uses are currently in operation.

The most recent zoning activity in the area was a request for a zone map amendment from A-1 to M-1 and M-2 (CZ-40012) which was withdrawn. The Special Use Permit for a Correction Institution (CSU-99-3) was approved by the Board of County Commissioners on February 23, 1999. The Special Use Permit for a Landfill to Allow an Intermediate Processing Facility and a Public Safety Radio Tower and Building CSU-98-8) was approved by the Board of County Commissioners on October 26, 1999. The Special Use Permit for an Automotive Racetrack was approved by the Board of County Commissioners on December 18, 1996.

**APPLICABLE PLANS AND POLICIES:**

**Albuquerque/Bernalillo County Comprehensive Plan**

The site is located in Reserve Area as designated by the Comprehensive Plan. The Goal is to allow opportunity for future development of high quality, mixed use, largely self-sufficient planned communities, bounded by permanent open space, in appropriate outlying areas, and to protect the non-urban metropolitan areas as rural unless such planned communities are developed.

**Policy c** states, "Development within Reserve Area shall take place either in accordance with an approved planned community master plan (up to three dwelling units per acre), or in accordance with the standards applicable to Rural Areas."

**Rural Area**

**Policy a** states, "Rural Area as shown by a Plan shall generally retain their rural character with development consisting primarily of ranches, farms, and single-family homes on large lots; higher density development may occur at appropriate locations within rural villages or planned communities."

**Policy b** states, "Development in the Rural Areas shall be compatible with natural resource capacities including water availability and soil capacity, community and regional goals, and shall include trail corridors where appropriate."

**Energy Management**

The Goal is to maintain an adequate economical supply of energy through energy management techniques and use of alternative and renewable energy sources.

**Policy a** states, "Use of energy management techniques shall be encouraged."

**Policy b** states, "Efficient and economic use of alternative and renewable energy sources such as solar, wind, solid and liquid waste, and geothermal supplies shall be encouraged."

**Policy c**, "Land use planning that will maximize potential for efficient use of alternative and renewable energy sources shall be undertaken."

**Southwest Area Plan (SWAP)**

The site is situated in Residential Area One (1) of the Southwest Area Plan.

**Policy 6** states "As development occurs in the Plan area, provisions shall be made to ensure erosion is controlled during and after construction. Runoff and erosion controls shall be developed throughout Soil Conservation Service Zones 3 & 4 to protect Zone 5."

**Policy 7** states "Specific land use regulations, with performance and improvement standards, shall be created to protect agricultural lands."

**Policy 29** states "The City and County shall stabilize residential zoning and land use in the Plan area."

d) Encourage C-2, M-1 and M-2 land uses in the area located south of Woodward and east of Second Street; and the southwest corner of I-40 and Paseo del Volcan, to promote areas of primary development.

f) Encourage stabilization of residential land use through subdivision design and scale.

**Policy 32** states, 'The areas located between I-25 and Second Street and the area south of I-40 and west of Paseo del Volcan shall be used as primary employment areas due to their location relative to transportation facilities (rail and highway)."

## COUNTY PLANNING COMMISSION

April 2, 2008

CSU-80013

- a) Prohibit industrial development that is highly consumptive in water use from the area south of I-40 and west of Paseo del Volcan.
- b) Prohibit industrial development on the top edge of the Southwest Mesa.
- c) Require a master site plan for industrial uses (M-1, and M-2 zoning) for sites that encompass the crucial area and are five acres or larger.
- d) The developer shall provide a detailed site plan for industrial uses that incorporates appropriate native drought tolerant plants and trees, in order to achieve a continuous 30 foot landscaped area fronting the main access road.
- e) Require industrial development located in the area south of I-40 and west of Paseo del Volcan to be developed with "no net" cost to local governments for infrastructure and water use as defined in the Planned Communities Criteria.

**Policy 33** states "All land uses in the plan area, which are or reflect a M-1 or M-2 land use shall require a detailed site plan and landscape plan, including phasing (if applicable)."

**Policy 47** states, "Industrial development shall be in accordance with existing environmental and geological conditions."

- a) Permit industrial economic development where water availability and quality can sustain such industry.
- c) Restrict new industrial development in areas of fragile soil conditions or in geographically unfit area, unless indisputable evidence is presented that the area will not be adversely affected.
- d) Locate industrial development in areas with appropriate road design, drainage and infrastructure conducive to industrial activity.

### **Bernalillo County Zoning Ordinance**

**Resolution 116-86** defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.

COUNTY PLANNING COMMISSION

April 2, 2008

CSU-80013

- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans which have been adopted by the Board of County Commissioners.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
  - 1. An error in the original zone map.
  - 2. Changed neighborhood conditions, which justifies a change in land use or
  - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

COUNTY PLANNING COMMISSION

April 2, 2008

CSU-80013

- J. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- K. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- L. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans, which have been adopted by the Board of County Commissioners.
- M. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- N. The applicant must demonstrate that the existing zoning is inappropriate because:
  - 4. An error in the original zone map.
  - 5. Changed neighborhood conditions, which justifies a change in land use or
  - 6. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- O. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- P. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- Q. A zone change request, which would give a zone different from the surrounding, zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
  - 3. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  - 4. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- R. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:

## COUNTY PLANNING COMMISSION

April 2, 2008

CSU-80013

3. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
4. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

### Section 18 Special Use Permit Regulations

- A. By Special Use Permit after receipt of a recommendation from the County Planning Commission, the Board of County Commissioners may authorize the location of uses in any one in which they are not permitted by other sections of this ordinance; the Board of County Commissioners may likewise authorize the increase in height of buildings beyond the limits set fourth by sections of the zoning ordinance. With such permits, the Board of County Commissioners may impose limitations as it deems necessary:
1. To ensure that the degree of compatibility of property uses which this section is intended to promote and preserve shall be maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located.
  2. To ensure the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;
  3. To preserve the utility, integrity and character of the zone in which the use will be located, without adversely affecting adjacent zones; and
  4. To ensure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.

The Board of County Commissioners must review the Special Use Permit and progress of development from the date of approval and each year thereafter until completion of the plan, and if needed make a recommendation to the Board of County Commissioners to continue of revoke the Special Use Permit.

### Section 7. A-1 Rural Agricultural Zone.

- A. The regulations set forth in this section or set forth in this ordinance, when referred to in this section, are the regulations in the A-1 Rural Agricultural Zone. The purposes of this zone are to preserve the scenic and recreational values in the National Forests and similar adjoining land, to safeguard the future water supply, to provide open and spacious

development in areas remote from available public services, and to recognize the desirability of carrying on compatible agricultural operations and spacious home developments in areas near the fringes of urban development. The regulations provide for the protection of these important land uses, and are not intended to unduly restrict or regulate farming, or ranching operations.

Section 19. Landscaping and Buffer Landscaping Regulations:

Where a nonresidential zone which is hereafter developed for a business purpose abuts a conforming residential use, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.

- A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.
  - 1. Sites of one acre or less:
    - a. There shall be a landscaped setback along all streets of no less than ten feet.
    - b. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
    - c. Fifteen percent of all paved areas shall be landscaped. The landscaped setback may contribute toward this requirement.
  - 2. Sites one acre and up to five acres. There shall be a landscaped setback along all streets of not less than 15 feet. All other requirements are the same as 1.b and 1.c above.
  - 3. Sites of five acres or more:
    - a. There shall be a landscaped setback along all streets of no less than 20 feet.
    - b. The landscaped setback shall not be counted toward the landscaping required as a result of paving.
    - c. All other requirements [shall be the] same as 1.b. and 1.c. above.

**ANALYSIS:**

**Surrounding Land Use and Zoning**

The subject site is currently vacant and is surrounded with A-1 zoning with a number of Special Use Permits located directly west of the site. These three Special Use Permits include: (1) a Special Use Permit for a Correctional Institution; (2) a Special Use Permit for a Landfill to allow an Intermediate Processing Facility and a Public Safety Radio Tower; and, (3) a Special Use Permit for a Auto Race Track. These sites are all currently developed and operating.

## **Plans**

### **Albuquerque Bernalillo County Comprehensive Plan (Plan)**

This site is located in the Reserve Area as designated in the Albuquerque/Bernalillo County Comprehensive Plan that calls for developed to be in accordance with the standards applicable to Rural Areas. This request appears to facilitate the Plan in that Energy Management Policies 3.a, 3.b and 3.c call for undertaking of land use planning and encouraging the use of alternative and renewable energy sources that will maximize potential for efficient use of alternative and renewable energy sources. The proposed request is for a solar energy generation facility that would provide renewable energy for a vast number of households within the community.

The Air Quality portion of the Comprehensive Plan calls for pollution from particles to be minimized. The Plan also recommends the use of vegetation, landscaping and other erosion control techniques to minimize dust pollution especially from construction sites. The applicant may need to address this issue provide specific details of the dust control portion of the proposed development.

### **Southwest Area Plan**

The site is located in Residential Area One (1) of the Southwest Area Plan. This request appears to be consistent with Policies 32, 33 and 47 calls for the submittal of a detailed site and calls for the areas located west of Paseo Del Volcan to be developed at "no net" cost to local government for infrastructure and waste use. A detail site plan has been submitted and proposed operation anticipates utilizing available infrastructure.

### **Zoning Ordinance**

This request is consistent with Resolution 116-86 of the Zoning Ordinance. Changed community conditions exist towards commercial/industrial uses as evident by the existing correctional institution, a landfill and racetrack adjacent and in close proximity to the subject site.

### **Agency Comments**

The Office of Environmental Health has commented that upon development the applicant will be required to install a drinking water and a waste water/sewer system meeting County Ordinance requirements. In addition, the applicant will be required to submit a proof of a drinking water system and wastewater system, possibly required to obtain a City of Albuquerque dust control permit, submit a water consumption budget for coding photovoltaic solar cells and submit a hydro containment process for hydrocarbons released from this operation.

Comments from the Bernalillo County Public Works Division state that an approved grading and drainage plan will be required prior to development of this property that will require compliance with Office of the State Engineer's requirements.

The Public Works Division has commented that the road access is unclear and that an easement may have to be acquired and that the applicant identify the source of water to be used. Public Works has further noted that due to the building footprint and the impervious

COUNTY PLANNING COMMISSION

April 2, 2008

CSU-80013

coverage due to the solar panels, this project is subject to the requirements of the Bernalillo County Water Conservation Ordinance Section 30-249 (2). In addition, the proposed retention pond for drainage management falls under the jurisdiction of the Office of the State Engineer and will require compliance with the State Standards.

AMAFCA also commented that the proposed retention pond for drainage management may fall under the jurisdiction of the Office of the State Engineer and coordination should begin as soon as practical.

The City of Albuquerque Open Space Division has recommended that, because of the size of this site and its proximity to known cultural site areas, an archaeological survey may need to be accomplished. In addition, depending on State or Federal funding, permits or other actions, an archaeological survey may be required.

The Public Service Company of New Mexico (PNM) has noted that the subject site currently has two significant adjoining transmission line easements through this property and ultimately anticipates utilizing both of these easements for future electric infrastructure development. PNM is concerned and strongly stresses the importance of protecting these easements as vital utility corridors for future infrastructure.

In addition, PNM notes that if the proposed Photovoltaic Solar Farm operators intend to provide power generated at the proposed site, either to PNM for purchase or to interconnect with the PNM system, that there are specific requirements for this action mandated by New Mexico Public Regulation Commission.

Lastly, PNM mentions that they have not been contacted regarding the proposed substation and the proposed electric utility connection paralleling PNM's easement; and, because they have not been contacted regarding these facilities, they are unable to comment at this time.

**Analysis Summary**

<b>Zoning</b>	
Resolution 116-86	Changed community conditions exist towards commercial/industrial uses as evident by the existing correctional institution, a landfill and auto racetrack adjacent and in close proximity to the subject site.
<b>Plans</b>	
Comprehensive Plan	Energy Management Policies 3.a, 3.b and 3.c call for undertaking of land use planning and encouraging the use of alternative and renewable energy sources that will maximize potential for efficient use of alternative and renewable energy sources.
Southwest Area Plan	Policies 32, 33 and 47 call for the submittal of a detailed

COUNTY PLANNING COMMISSION

April 2, 2008

CSU-80013

	site plan and calls for the areas located west of Paseo Del Volcan to be developed at “no net” cost to local government for infrastructure and waste use.
<b>Other Requirements</b>	
Environmental Health	Installation of a drinking water and a waste water/sewer system meeting County Ordinance requirements, submittal of a Water and Sewer Availability statement, dust control permit, at water consumption budget for coding photovoltaic solar cells and submittal of a hydro containment process for hydrocarbons released from this operation.
Public Works	Access issues, identifying the source of water to be used, providing an availability letter from the intended provider, and the compliance of requirements called for in the Bernalillo County Water Conservation Ordinance Section.
PNM	Protecting existing easements and issues with substation and utility connection paralleling PNM’s easements.

**Conclusion**

Resolution 116-86 establishes policies regarding zone change and Special Use Permit requests. The Resolution states that the applicant must demonstrate that the existing zoning is inappropriate because of an error in the zone map, changed conditions in the neighborhood or community which justifies a change in land use or that a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the BCC.

The subject site is situated in an area that currently reflects changed community conditions towards the development of commercial/industrial uses and away from traditional residential development. The Cerro Colorado Landfill, the Bernalillo Correction Detention Center and the Speedway Automotive Race Track exist directly west of the subject site. The request for a solar generation facility appears to be consistent with the existing uses.

The Albuquerque/Bernalillo County Comprehensive Plan’s (Plan) Energy Management Policies 3.a, 3.b and 3.c call for undertaking of land use planning and encouraging the use of alternative and renewable energy sources that will maximize potential for efficient use of alternative and renewable energy sources. The proposed solar generation facility is intended to provide a source of electricity that is both clean and renewable and would be advantageous to the community. The proposed request for a solar generation facility appears to facilitate these elements of the Plan.

Policy 32 and 47 of the Southwest Area Plan call for the areas south of I-40 and west of Paseo del Volcan to be used as primary employment areas due to their location relative to transportation facilities and developed at “no net” cost to local government for infrastructure

COUNTY PLANNING COMMISSION

April 2, 2008

CSU-80013

and waste use development . The proposed request is situated south of I-40 and west of Paseo Del Volcan and the facility will bear no cost to the County for infrastructure.

**RECOMMENDATION:** Approval of CSU-80013 is recommended subject to the following Findings and Conditions.

Adella Gallegos  
Associate Program Planner

**FINDINGS:**

1. This is a request for a Special Use Permit for a Power Plant (solar power generation facility) on Sections 8, 9, 16, & 17, T9N, R1E, NMPM, located immediately east of the Bernalillo County Detention Center, zoned A-1 and containing approximately 247 acres.
2. The property is located in the Reserve Area of the Albuquerque/Bernalillo County Comprehensive Plan and the Southwest Area Plan and Residential Area One (1) of the Southwest Area Plan.
3. The request is consistent with Resolution 116-86 in that changed neighborhood conditions have occurred in the immediate area of the site away from agricultural land use towards the development of institutional and commercial/industrial uses.
4. This request is consistent with the elements of the Albuquerque/Bernalillo County Comprehensive Plan, as articulated in Energy Management Policies 3.a, 3.b. and 3.c. that call for undertaking of land use planning and encouraging the use of alternative and renewable energy sources that will maximize potential for efficient use of alternative and renewable energy sources. The proposed solar generation facility is intended to provide a source of electricity that is both clean and renewable.
5. This request is consistent with Policies 32 and 47 of the Southwest Area Plan that call for the areas south of I-40 and west of Paseo del Volcan to be used as primary employment areas due to their location relative to transportation facilities and developed at "no net" cost to local government for infrastructure and waste use. Access to the subject site will be off of Shelly Road and will be utilizing a private well and septic system.
6. This request is consistent with the health, safety, and general welfare of the residents of the County.

**CONDITIONS:**

1. The applicant shall obtain a Surface Disturbance Permit from the City of Albuquerque Environmental Health Department prior to any earthmoving activities involving a parcel

COUNTY PLANNING COMMISSION

April 2, 2008

CSU-80013

of  $\frac{3}{4}$  of an acre or more. The applicant shall submit a copy of the permit to the Zoning Administrator for inclusion with the corresponding file.

2. The applicant, upon development, shall submit to the Office of Environment Health Department proof of a drinking water system and wastewater system meeting the Bernalillo County Ordinance requirements, a water consumption budget as applicable for cooling the photovoltaic solar cells, provide a hydrocarbon containment process, and submit a mosquito control plan for on-site ponding.
3. The applicant shall replat the subject property in order to create a legal lot of record. The necessary subdivision procedures shall be completed within 30 days of final approval from the Board of County Commissioners.
4. The applicant shall submit to the Bernalillo County Zoning, Building, Planning and Environmental Health Department PNM's acceptance of the project as it relates to their existing easements and the proposed substation and public utility connection prior to final site plan approval.
5. A grading and drainage plan shall be submitted and approved by the Bernalillo County Public Works Division prior to final site plan approval. The volume of the proposed drainage retention pond must be increased and this may change the size and configuration of the pond area. The drainage plan shall be acceptable to the Bernalillo County Public Works Division and shall utilize either a graywater system or use of rainwater harvesting / low-impact techniques to supply supplemental landscape irrigation watering.
6. The applicant must provide area on the site plan for future dedication of right-of-way for the southerly extension of Shelly Drive to County Road standards prior to final site plan approval.
7. The applicant shall acquire compliance from the State Engineer's Office approval and/or permitting for the retention pond within six months of final Bernalillo County Commission approval. The applicant shall submit a copy of the statement to the Public Work Division and Zoning Administrator for inclusion with the corresponding file.
8. The applicant shall provide a small berm on the east edge of each of the service roadways to limit erosion and transport of soils off the flattened terrace area for each bank of solar panels and note the berm on the site plan.
9. Landscaping for the Special Use Permit shall meet the standards outlined in the Zoning Ordinance, including:
  - a. There shall be a landscaped buffer along Shelly Drive of no less than 30 feet as called in Policy 32.d. of the Southwest Area Plan.
  - b. There shall be a landscaped buffer of no less than six (6) feet along the portions of the property to the adjacent to residential uses.

COUNTY PLANNING COMMISSION

April 2, 2008

CSU-80013

- c. A solid wall or solid fence at least six (6) feet high shall be erected along the portions of the property adjacent to residential uses, except for those sides abutting public right-of-way.
  - d. All landscaped buffers shall incorporate both coniferous and deciduous trees, shrubs, and vegetation to achieve a minimum of 75 percent coverage and a largely opaque screen within two years of initial planting.
  - e. At the time of planting, all trees shall be a minimum of 1½-inch caliper measured at two feet above ground, and shrubs shall be a minimum of five gallons in size. The landscaped buffers shall also provide gravel coverage at a minimum depth of two inches, and shall be watered by a designated irrigation system.
10. Off-street parking spaces shall be provided, including the required number of parking spaces for disabled individuals as outlined within the Zoning Ordinance. All spaces shall meet the applicable size, designation, and accessibility requirements.
  11. All off-street parking areas on the property shall be surfaced with a durable material consisting of concrete or bituminous surface. Spaces shall be appropriately marked to indicate the location of the space.
  12. Signs provided in connection with the Special Use Permit shall meet the requirements of the O-1 zone, and shall be shown on a revised site plan that includes elevation drawings.
  13. Lighting shall be site-specific. Shielded or cutoff fixtures shall be provided to prevent fugitive light from crossing onto adjacent lots or public rights-of-way.
  14. A revised site development plan consistent with the Conditions of Approval shall be submitted for review and approval to the Zoning Administrator within two months of the final Board of County Commission approval. The revised site plan shall include the following:
    - a. The dimensions and locations of all easements must be accurately depicted.
    - b. Legal and acceptable access shall be shown on Shelly Road.
    - c. The PNM note shall be clarified and the easements widths property identified.
    - d. The parking for the substation, the power poles, handicapped parking, existing swale, circulation road site and access points (widths) need to be property identified.
    - e. Notation that the existing access to the site at the end of Shelly Drive is to be eliminated.
    - f. Change “John Dantis Road” to “Shelly Drive”.
    - g. Identify the existing fencing on the west and south of the site and note the height and type of perimeter fencing proposed.
  15. This Special Use Permit shall be issued for ten years.
  16. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.

COUNTY PLANNING COMMISSION

April 2, 2008

CSU-80013

17. The foregoing Conditions of Approval shall become effective immediately upon execution or utilization of any portion of the rights or privileges authorized by this Special Use Permit.

**BERNALILLO COUNTY DEPARTMENT COMMENTS**

Environmental Health:

1. Upon development a drinking water system meeting the most current Bernalillo County Ordinance shall be installed. This is either a well of sufficient water right and permitting or municipal water.

Municipal water if available.

2. Upon development a waste water/sewer system must meet the most current Bernalillo County Ordinance shall be installed. This is either a septic tank/wastewater system or municipal sewer.

Municipal sewer if available.

2. The use may require COA Air Quality Division Permits.

3. Provide a Water and Sewer availability statement.

4. Provide a water consumption budget as applicable for cooling the photovoltaic solar cells.

5. Provide a hydrocarbon containment process. Hydrocarbons are often released from this type of structure.

6. Provided detailed specs, drawings and information on this structure.

7. Provide a mosquito control plan for on-site ponding.

Fire:

Required access: Fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction.

The required width of a apparatus access road shall not be obstructed in any manner, including parking of vehicles during construction and/or occupancy.

An additional evacuation / access road maybe required in a wildland/forest interface area. An evacuation plan may be required in a wildland/forest interface area.

Extinguishers shall be suitable for the anticipated character of the fire, the construction and occupancy of the individual property or premises, the vehicle or hazard to be protected and the ambient-temperature conditions.

Required alarm systems shall be designed by a N.I.C.E.T. level three or greater and forwarded to the Fire Prevention Bureau prior to installation.

A certificate of Compliance for the fire alarm system shall be prepared for each system and forwarded to the Bernalillo County Fire Prevention Bureau.

COUNTY PLANNING COMMISSION

April 2, 2008

CSU-80013

Fire lanes shall be designed, approved, and inspected prior to occupancy. Upon development the Owner, developer, Builder will have approved locations and distance of fire hydrants with remote Fire Department Connections.

This Structure will require Commercial Fire sprinklers being that it is 6000 sq. ft or larger and must have remote Fire Department Connections (FDC'S). All plans for Sprinklers must be approved through the Fire Marshal's Office and must be tested and signed off by this office before occupancy. This will also include monitored smoke detectors.

BCFD Fire Prevention Bureau shall approve all waterline extensions. Water utilities shall submit plans and specifications prior to construction.

Where new waterlines are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at not less than 1,000-foot spacing to provide for transportation hazards.

A letter of intent shall be required from the utility to specify fire flows, pressures, and storage which will be provided for fire protection.

The code items in this review are not intended to be a complete listing of all possible code requirements adopted by this jurisdiction. It is a guide to selected sections of the code. Additional information is required prior to approval and/or occupancy.

Zoning Administrator: No comments received.

Zoning Enforcement Manager:

Based on the above comments there is no adverse comments at this time.  
no zoning violations.

Building Department Manager: No comments received

Public Works:

DRAN:

This property is subject to Chapter 38 of the Bernalillo County Code for Flood Damage Prevention and Storm Drainage. The grading and drainage plan provided with this special use application has not been submitted to the Bernalillo County Public Works Division for a formal review. However, a conceptual review has been completed of the grading and drainage plan and the plan was found to be sufficient for this application. A formal grading and drainage plan prepared by an engineer licensed in the State of New Mexico and approved by Bernalillo County Public Works will be required prior to any development or additional development of this property.

Note that the submitted grading and drainage plan includes a retention pond that has been sized to control a 100-year, 24-hour storm event. The volume of the retention facility must be equal to the volume of runoff generated from the site for EITHER a 100-year, 10-day storm OR two consecutive 100-year, 6-hour storms.

COUNTY PLANNING COMMISSION

April 2, 2008

CSU-80013

DRE

1. Proposed road access to the site is unclear. John Dantis Road SW, a paved County maintained road extends south of Shelly Road, a paved City maintained road. However, John Dantis Road is not directly adjacent to the site. An easement may have to be acquired for use.
2. The site plan must show dimensions and locations of all easements and how and where the proposed internal access drive will intersect a roadway.
3. The site plan must provide area for future dedication of right-of-way for the southerly extension of Shelly Road.

Water Resources:

Applicant should identify the source of water to be used to supply the project and provide an availability letter from the intended provider if other than a well will be utilized.

Applicant shall provide a water budget for the project and shall differentiate between incidental office/warehouse use, and use for power generation purposes.

If use of a well is intended and use exceeds one-acre-foot per annum, or if the well is to be used for water used in anyway for power generation purposes, applicant shall identify the OSE-issued water right permit under which water will be diverted.

The total building footprint exceeds 10,000 square feet as does the impervious coverage due to the solar panels. Consequently, this project is subject to the requirements of the Bernalillo County Water Conservation Ordinance Section 30-249 (2), which requires that the new development utilize either a graywater system or use of rainwater harvesting / low-impact techniques to supply supplemental landscape irrigation watering. This provision specifically applies to the office/warehouse area where xeriscaping is planned, and to any buffer landscaping which may be required.

Prior to building permit issuance, the applicant must provide a landscape plan and building design which clearly indicates which techniques will be utilized and how it integrates with the landscape plan.

Note IV on the Conceptual Grading and Drainage Plan is duly noted.

As a condition of approval, at a minimum, the applicant shall provide a small berm on the east edge of each of the service roadways to limit erosion and transport of soils off the flattened terrace area for each bank of solar panels.

Prior to building permit issuance, the applicant shall submit a stormwater best management practice plan identifying both permanent and temporary measures that will

COUNTY PLANNING COMMISSION

April 2, 2008

CSU-80013

be used to retain water in the panel areas to the extent practicable and to eliminate erosion of the individual embankment faces.

Parks & Recreation:

No comment received

Sheriff's: No comments received.

**COMMENTS FROM OTHER AGENCIES**

MRGCOG: MRCOG staff have no comment on this proposal.

AMAFCA:

No objection to requested action. The proposed retention pond for drainage management may fall under the jurisdiction of the Office of the State Engineer (OSE). Coordination with the OSE should begin as soon as practical.

City Planning Department/Development Services: No comments received.

City Municipal Development:

Transp. Planning:

Transp. Development: No adverse comments.

City Transit: No comments received

ABCWUA/Utility Development Section: No adverse comments

City Environmental Health: No comments received.

City Open Space:

COUNTY PLANNING COMMISSION

April 2, 2008

CSU-80013

Given the size of this project and its proximity to known cultural site areas, an archaeological survey is recommended. Depending on State or Federal funding, permits or other actions, an archaeological survey may be required.

**NM Department of Transportation**

Due to the size, and location of the development, there will be no significant impact to the state roadway system. Therefore, we have no requirements or objections to the processing of the requested special use permit.

Albuquerque Public School: No comments received.

**PNM:**

PNM has no comments on the proposed land use change. PNM has two significant adjoining transmission line easements through this property totaling 200 feet in width. PNM will ultimately utilize both of these easements in the future for necessary electric infrastructure development in order to continue to provide safe and reliable electric power to Albuquerque and Bernalillo County. It is critical that these easements be protected as important utility corridors for future infrastructure.

NM Public Regulation Commission (NM PRC) designates PNM as the sole electric service provider for Albuquerque and Bernalillo County. If the proposed Photovoltaic Solar Farm operators intend to provide power generated at the proposed site either to PNM for purchase or to interconnect with the PNM system, there are specific requirements for this action mandated by NM PRC. The applicant should contact PNM immediately.

The applicant has identified the location of a substation on the site development plan and has also indicated a proposed electric utility connection paralleling PNM's easement. The applicant has not contacted PNM about these facilities; therefore, PNM is unable to comment on either of these proposed facilities at this time. The substation identified on the site development plan is not a PNM substation.

**NEIGHBORHOOD ASSOCIATIONS:**

South Valley Alliance

South Valley Coalition of Neighborhood Associations

South West Alliance of Neighborhoods

COUNTY PLANNING COMMISSION

April 2, 2008

CSU-80013