

QUAIL RANCH MASTER PLAN ADDENDUM

Adopted by the City of Rio Rancho
Governing Body on June 9, 2022



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**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.32

ENACTMENT NO.22-032

**RESOLUTION AMENDING THE QUAIL RANCH MASTER PLAN FOR AN
ADDENDUM ALLOWING FOR A RENEWABLE ENERGY OVERLAY DISTRICT**

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4 **WHEREAS:** the State of New Mexico has granted the City of Rio Rancho the power,
5 authority, jurisdiction and duty to enforce and carry out the provisions of
6 law relating to planning, platting, zoning, and the power to adopt, amend,
7 extend and carry out a general municipal or master plan which may be
8 referred to as the general or master plan, all pursuant to 3-19-1, NMSA,
9 1978; and

10
11 **WHEREAS:** the Governing Body of the City of Rio Rancho has adopted a
12 Comprehensive Plan that addresses and provides for specific goals,
13 policies, and actions; proposes land use throughout the City; provides for
14 adoption of specific area plans for specific areas within the City; and also
15 provides for land use in master planned communities via master plans;
16 and

17
18 **WHEREAS:** the Governing Body of the City of Rio Rancho has adopted a
19 Comprehensive Plan that addresses land use in master planned
20 communities; and

21
22 **WHEREAS:** the Governing Body adopted the Quail Ranch Master Plan June 25, 2003
23 under Resolution No. 40, Enactment No. 03-041 and amended under
24 Resolution No. 28, Enactment No. 07-025, and Resolution No. 61,
25 Enactment No. 12-061; and

26
27 **WHEREAS:** the Planning and Zoning Board of the City of Rio Rancho reviewed the
28 amendments to the Quail Ranch Master Plan at their meeting held on May
29 10, 2022, and following public hearing recommends approval of those
30 amendments and modifications; and

31
32 **WHEREAS:** the Governing Body of the City of Rio Rancho has reviewed the proposed
33 amendment (Case No. 22-410-00003) to the Quail Ranch Master Plan at
34 their meeting held on June 9, 2022, and following public hearing and
35 receipt of the Planning and Zoning Board's report and recommendation,
36 has determined that the amended Plan is in conformance with the City of
37 Rio Rancho Comprehensive Plan.

38
39 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY
40 OF RIO RANCHO:**

41
42 **Section 1.** The Governing Body hereby approves and adopts the Quail Ranch
43 Master Plan Addendum to allow for a Renewable Energy Overlay District on the
44 western portion of Quail Ranch, as shown as Exhibit A to this Resolution.

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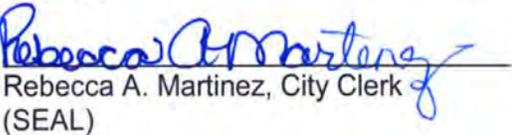
Section 2. This Resolution shall take effect immediately upon adoption.

ADOPTED THIS 9TH DAY OF JUNE, 2022.



Greggory D. Hull, Mayor

ATTEST:



Rebecca A. Martinez, City Clerk
(SEAL)



CITY OF RIO RANCHO
ORDINANCE

ORDINANCE NO.11

ENACTMENT NO.22-11

1 **ORDINANCE OF THE CITY OF RIO RANCHO, NEW MEXICO CREATING AN**
2 **OVERLAY ZONE FOR THE PROPERTY LEGALLY DESCRIBED AS LANDS OF**
3 **QUAIL RANCH, TRACT 2A, IDENTIFYING CONDITIONS OF DEVELOPMENT;**
4 **PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**
5

6 **WHEREAS:** the Governing Body of the City of Rio Rancho has adopted zoning
7 regulations and an official zone map in accordance with New Mexico
8 Statutes Annotated 1978 (NMSA 1978) Chapter 3, Article 21; and
9

10 **WHEREAS:** in accordance with Rio Rancho Code of Ordinances (R.O. 2003) Section
11 150.07, an application to amend the zoning ordinance on the subject
12 property has been submitted by The City of Rio Rancho, and assigned
13 City Case No. 22-100-00006; and
14

15 **WHEREAS:** the Governing Body adopted the Quail Ranch Master Plan June 25, 2003
16 under Resolution No. 40, Enactment No. 03-041 and amended under
17 Resolution No. 28, Enactment No. 07-025, and Resolution No. 61,
18 Enactment No. 12-061; and
19

20 **WHEREAS:** the Governing Body approved the amendment to the Quail Ranch Master
21 Plan for an Addendum to allow for a Renewable Energy Overlay, June 9,
22 2022, under Resolution No. 22, Enactment No.22-023; and
23

24 **WHEREAS:** the City of Rio Rancho Planning and Zoning Board held a duly noticed
25 public hearing on May 10, 2022, regarding the proposed changes to the
26 Official Zoning Map and, following study and consideration, has made
27 findings (where applicable) whether or not the criteria in R.O. 2003
28 Section 150.07 are satisfied, and made these recommendations to the
29 Governing Body regarding adoption of the changes; and
30

31 **WHEREAS:** the Governing Body received a report from the Planning and Zoning
32 Board, and such report indicates the Planning and Zoning Board has
33 studied and considered the proposed changes pursuant to R.O. 2003
34 Section 150.07, and said report includes specific findings related to the
35 affected property; and
36

37 **WHEREAS:** a public hearing occurred, in accordance with procedures set forth in R.O.
38 2003 Section 150.07, and NMSA 1978 Section 3-21-6, on the proposed
39 Official Zone Map changes hereinafter described were duly advertised and
40 held by the Governing Body of the City of Rio Rancho on June 9, 2022
41 and the Governing Body heard interested parties and citizens for and
42 against the proposed amendments; and
43

44 **WHEREAS:** the proposed amendments to be adopted by this Ordinance comply with

1 the statutory and regulatory requirements of the aforesaid Code of
2 Ordinances and Statutes, and upon specific findings related to the subject
3 property and determining the proposed amendment is consistent with the
4 policies and criteria set forth in R.O. 2003 Section 150.07 (D) through (G),
5 the Governing Body finds the amendments promote the health, safety,
6 morals, and general welfare of the City.

7
8 **NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF**
9 **RIO RANCHO:**

10
11 **Section 1. Overlay Zone.** The Overlay Zone authorized under R.O. 2003 Section
12 154.41 shall apply as an overlay zone for solar power generation, storage, and
13 distribution, as further set forth in section 2 below, and shall be denoted on the official
14 zoning map as "OZ" in conjunction with the notation of the underlying zoning district for
15 the following property:

16
17 Lands of Quail Ranch, Tract 2-A, filed in the office of the County Clerk of Sandoval
18 County, New Mexico on March 1, 2019, Book 28, Pages 72-74.

19
20 **Section 2. Land Use, Conditions, Development Standards/Regulations and use**
21 **of PROPERTY:**

- 22 A. The following will be allowable uses for the Property:
- 23 1. Renewable Energy System and any other ancillary facilities in connection
24 therewith;
 - 25 2. Public Utilities (substations, switching stations, generation), installation of
26 PV Panels, and battery storage;
 - 27 3. Incidental buildings and other supporting facilities needed for renewable
28 utilities, storage, project operation, and maintenance.
- 29
- 30 B. The property identified in Section 1, above, is subject to the development
31 standards and regulations as listed in Resolution No. R22, Quail Ranch Master
32 Plan Addendum, approved on June 9, 2022, (PZB case No. 22-410-00003), and
33 any additional requirements as identified by staff.
- 34
- 35 C. Site Plan. A site plan will be reviewed and approved by Governing Body prior to
36 issuance of any and all building permits for new construction. Site plan shall
37 include requirements as listed in the Quail Ranch Master Plan Addendum.

38
39 **Section 3. Severability Clause.** If any section, paragraph, clause, or provision of
40 this Ordinance, or any section, paragraph, clause, or provision of any regulation
41 promulgated hereunder shall for any reason be held to be invalid, unlawful, or
42 enforceable, the invalidity, illegality, or unenforceability of such section, paragraph,
43 clause, or provision shall not affect the validity of the remaining portions of this
44 Ordinance or the regulation so challenged.

45
46 **Section 4. Effective Date.** This Ordinance shall become effective ten days after
47 adoption.

48
49 ADOPTED THIS 9th DAY OF JUNE, 2022.

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Greggory D. Hull, Mayor

ATTEST:


Rebecca A. Martinez, City Clerk

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EXECUTIVE SUMMARY

In June 2003, the City of Rio Rancho annexed 6,492 acres known as the mixed-use development for Quail Ranch (Exhibit A). In addition to annexing the Quail Ranch, the City adopted the Quail Ranch Master Plan to include the applicable Zoning and Land Use regulations. This Addendum modifies the Master Plan by allowing for a **Renewable Energy Overlay District** on a portion of the Quail Ranch for solar power generation, storage, and distribution without modifying the original content and intent of the approved Master Plan and underlying zoning districts. This Addendum creates a stand-alone document that provides for an additional land use, while allowing the underlying land use and zoning to remain intact. At all times, whether a Solar PV is present or later removed, the existing development entitlements remain in place.

SECTION 1 - APPROVAL HISTORY

The overall Quail Ranch Master Plan was approved by the City of Rio Rancho in 2003 (the "**Master Plan**"). The Master Plan describes and analyzes physical and environmental conditions, long term infrastructure needs, and access issues influencing the property. The Master Plan established zoning, transportation, and an open space network to provide a framework to guide development.

In 2005, the City of Rio Rancho approved the Quail Ranch Specific Area Plan (SAP) for Phase One of Quail Ranch that encompasses +/- 1,025 acres of the southeast corner of the Ranch ("**Phase One**"). Phase One provided a master-planned village for the initial phase of development, east of the proposed Paseo Del Volcan alignment, within the ranch.

Both the overall Master Plan and Phase One are approved planning documents that will allow for the future development of Quail Ranch within the City of Rio Rancho.

SECTION 2 - PURPOSE

The 2021 Quail Ranch Master Plan Addendum (this "**Addendum**") was initiated by the property owners, Ranch Joint Venture ("**RJV**"), as a supplemental document to the approved Master Plan to allow for short-term, land uses for the property north of the Double Eagle Airport and west of the proposed Paseo Del Volcan alignment. The right-of-way has

been acquired by NMDOT for this portion of Paseo Del Volcan. The area identified for this Addendum constitutes approximately +/- 3,100 acres and is more particularly shown in Exhibit B (the "**Property**"). This Addendum is the result of consultation with RJV, Atrisco Solar, LLC ("**Atrisco**"), and the City of Rio Rancho staff. This Addendum defines the framework for new, renewable energy development.

This Addendum aims to allow for a utility-scale solar project to be built, operated and maintained on the Property.

SECTION 3 – DESCRIPTION OF PROJECT

Atrisco is developing a ground-mounted utility-scale solar photovoltaic system with a battery storage facility of up to 400 MW that will be connected to the PNM transmission system (the "**Project**"). The property was selected because there are four PNM transmission lines that traverse or run adjacent to Quail Ranch. Interface with these existing lines shall be determined and approved through future negotiations with PNM or other interconnection utility.

Some highlights of the Project include:

- The Project will consist of photovoltaic solar panels ("**PV Panels**") on single-axis tracking racks. The PV Panels will convert sunlight into

electricity. The single-axis racking system will run in rows north to south and will slowly rotate east to west to follow the sun across the sky each day.

- The Project will include the necessary wiring, inverters, transformers, and other equipment required to interconnect the Project to the existing power lines at the site.
- The Project may include an operations and maintenance building as well as a storage facility for spare parts.
- The Project may not require permanent on-site water or wastewater infrastructure.
- Any battery units installed on the Project will be self-contained and located near inverters.
- While major arterial roads are planned in the future, current access to the property consists of small dirt roads serving the cattle ranch and the utility easements in and around the Property. Gravel roads or dirt roads will run through the site to provide access to the equipment. An upgraded temporary construction access will be identified and approved as part of the site plan review process that will likely include grading and improving existing cattle roads. Permanent access will be granted through a mutually agreed easement with RJV. Additional improvements may be required at the time of building permit.
- The Project may be installed in phases. This Project is intended to be a flagship project that not only spurs renewable energy for New Mexico but also commercial and industrial development in the largely undeveloped area to the west of Albuquerque. The name Atrisco was chosen as an homage to New Mexico's cultural heritage and history.
- The Project will (i) have minimal impervious surface impacts, (ii) will be designed with the intention to maintain as much of the natural / existing vegetation during and after construction, and (iii) be operated and maintained by an off-site operations and maintenance crew.
- The Project site was previously included in a Class I Cultural Resource Report conducted in 1998 by Marron and Associates for the entire Quail Ranch area (previously known as "Black

Ranch Subdivision"). The vast majority of cultural resource sites identified in this report fall outside the project area to the west along the Rio Puerco escarpment within the tract owned by the City of Albuquerque Open Space Division. The report suggests that the interior portions of the study area are expected to have lower densities of sites and concentrations of cultural material than the landscapes around the exterior boundary of the Quail Ranch ("Black Ranch").

- The Project is within the Albuquerque Basin Level IV Ecoregion, which provides habitat for a variety of wildlife species. Except for the metropolitan areas, this ecoregion is sparsely populated and consists mainly of large expanses of grassland/shrubland devoted to grazing. SWCA's natural resources survey confirmed that the project area is primarily comprised of grazed habitats with the dominant vegetation consisting of prickly Russian thistle (*Salsola tragus*), tree cholla (*Cylindropuntia imbricata*), and James' galleta (*Hilaria jamesii*). The project area is beyond the known geographic and elevational range of any federally or state-listed species for Bernalillo County. However, several wildlife species may occur in the vicinity of the project area and would not be impeded by the development of the solar facility and would be able to move throughout the general area surrounding the proposed solar facility. The project area does not contain vegetation, waterbodies, and/or landscape features known to support these species.
- Subject to CFR Title 14 Part 77.9, the Project will require Atrisco to file a "Notice of Proposed Construction or Alteration" with the Federal Aviation Administration (FAA) prior to construction to ensure the project will not interfere with the safe and efficient use of navigable airspace(s).

SECTION 4 - DEFINITIONS

The definitions provided in this section shall only apply to the Property.

Array. Any number of solar photovoltaic panels connected to provide a single output.

Battery Back-Up: A battery system that stores electrical energy from a solar system, making the electricity available for future use.

Battery Storage System. A system capable of utilizing batteries to store the electricity produced by the Solar Photovoltaic Array and release the electricity at a later time.

Ground-Mounted System. A solar energy system that is directly installed on specialized racking systems, which are attached to an anchor in the ground.

Inverter. A device that converts the direct current (DC) electricity produced by a solar photovoltaic system to usable alternating current (AC).

Kilowatt (kW). Equal to 1000 Watts.

Megawatt (MW). Equal to 1000 Kilowatts.

NERC. North American Electric Reliability Corporation (NERC). NERC defines the Bulk-Power System as the electricity power generation facilities combined with the high-voltage transmission system, which together create and transport electricity around North America. Electric Reliability Organization (ERO) refers to NERC's role as the independent entity that develops and enforces mandatory standards for the Reliable Operation and planning of the Bulk-Power System throughout North America, as called for in the Energy Policy Act of 2005. NERC was designated as the ERO by the Federal Energy Regulatory Commission on July 20, 2006.

Renewable Energy. Energy from sources that are not easily depleted such as moving water, biomass, geothermal, solar, wind, and energy from solid waste treatment plants.

Solar Access. The access of a solar energy system to direct sunlight.

Solar Energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System. A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Photovoltaic Array. Solar systems consisting of photovoltaic cells, made with semi-conducting materials, that produce electricity in the form of Direct Current (DC), when they are exposed to sunlight. A typical photovoltaic system consists of photovoltaic panels that combine to form an array; other system components may include racks and hardware, wiring for electrical connections, power conditioning equipment, such as an transformers, inverters, and/or batteries.

Substation. Any electrical facility designed to convert electricity produced by a photovoltaic array to a voltage for interconnection with transmission lines.

Transmission Line. Power lines greater than 46 kV through which electricity is transmitted in a power system from a generating station or substation to the distribution points in the grid.

SECTION 5 - ZONING

This section proposes zoning regulations, which will apply to the **Quail Ranch Renewable Energy Overlay District**. Where this Addendum is silent, the City of Rio Rancho Zoning Ordinances shall prevail.

QR-RE-OD (QUAIL RANCH RENEWABLE ENERGY OVERLAY DISTRICT)

- (A) Purpose. This zoning district is suitable for property where the underlying zoning district needs to be maintained or for other reasons in which the appropriateness is partially or entirely dependent on the character of the site.
- (1) A renewable energy overlay district is appropriately used:
 - (a) To not restrict uses otherwise permitted in an underlying zoning district;
 - (b) To establish requirements or conditions that are unique to renewable energy projects; and
 - (c) To establish requirements for height, setbacks, width, parking, landscaping, signage, or other provisions that are unique to this use of the Property.
- (B) Allowable Uses. The following will be allowable uses for the Property:

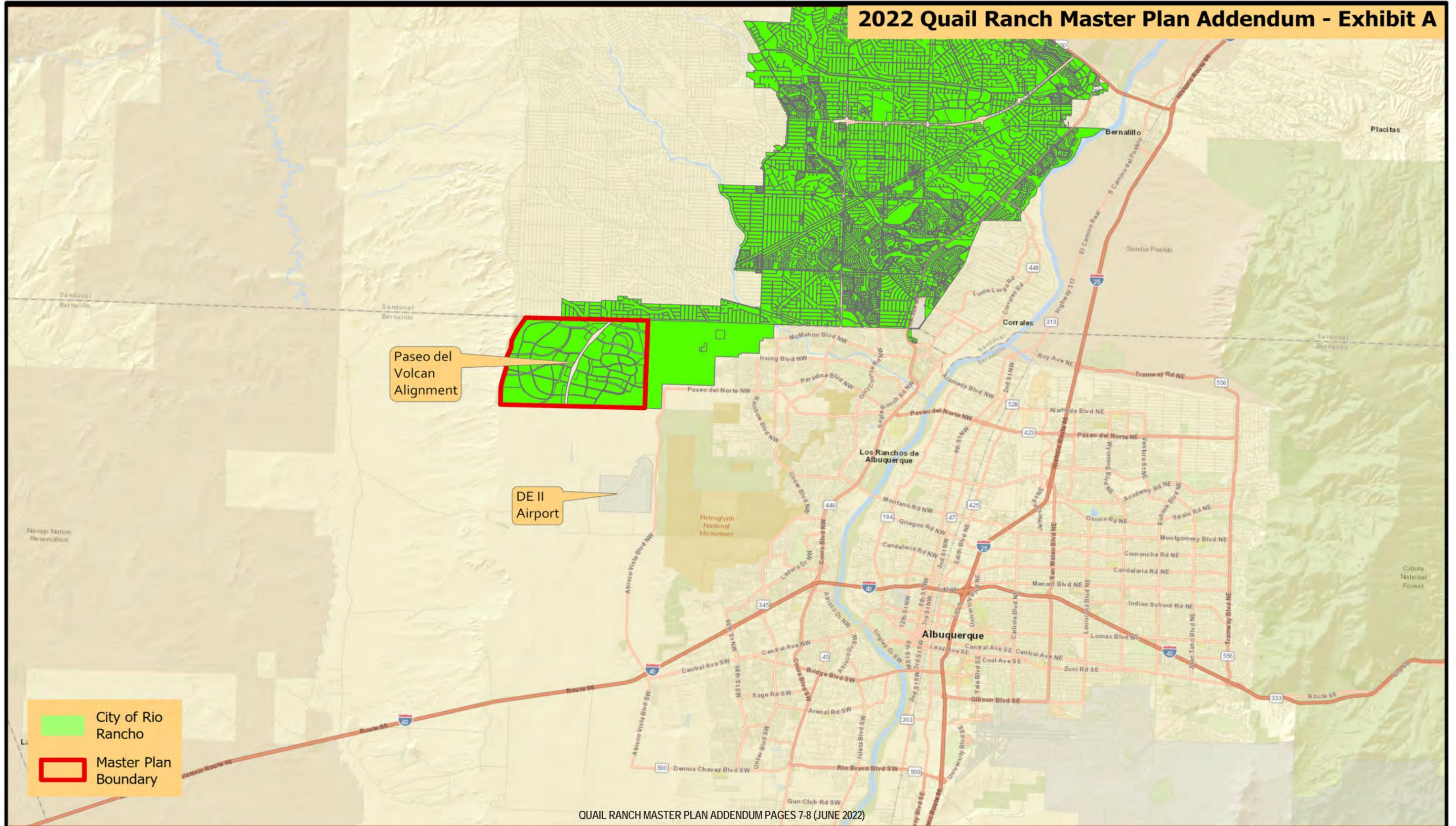
- (1) Solar Energy System and any other ancillary facilities in connection therewith;
 - (2) Public utilities (substations/switching stations/generation), installations of PV Panels, and battery storage; and
 - (3) Incidental buildings and other supporting facilities needed for renewable utilities, storage, project operation, and maintenance.
- (D) Signage
- (1) Signs shall comply with NERC and any other national electric standards and at a minimum include the following. If there are conflicts between the City of Rio Rancho's codes, the national electric standards, or the NERC requirements, the more stringent shall apply:
 - (a) A visible "High Voltage" warning sign;
 - (b) Name(s) and phone number(s) for the electric utility provider;
 - (c) Name(s) and phone number(s) of the site operator; and
 - (d) Name(s) and phone number(s) in case of emergency.
- (D) Height Restrictions
- (1) No building structure shall exceed 26 feet in height from the finished grade;
 - (2) No solar photovoltaic array structure shall exceed 30' in height from the finished grade; and
 - (3) Any applicable electric lines and poles shall comply with NERC requirements and any other national electric standards as required. If there are conflicts between the City of Rio Rancho's codes, the national electric standards, or the NERC requirements, the more stringent shall apply.
- (E) Lighting
- (1) Lighting shall be consistent with local, state, and federal law including any applicable NERC requirements. If there are conflicts between the City of Rio Rancho's codes and the NERC requirements, the more stringent shall apply; and
 - (2) Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded. Where feasible, lighting of the Solar Energy System shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- (F) Fencing. Perimeter fencing will be installed around the boundary of the solar photovoltaic array in accordance with NERC and other national electric standards as required. If there are conflicts between the City of Rio Rancho's codes, national electric standards, or the NERC requirements, the more stringent shall apply.
- (G) Setbacks
- (1) From the Property boundary shall be 25 feet from the rear, front and side property lines, except for any interior property lines where no setback is required.
 - (2) From any right of way or easement shall be 25 feet.
- (H) Site Plan Requirements. The Renewable Energy Zone District must have a site plan approved by the Governing Body. Approval of the site plan containing the following information must be obtained at the time of issuance of a building permit:
- (1) Scale and north arrows;
 - (2) Lot boundaries and easements;
 - (3) Existing and proposed utilities;
 - (4) Existing and proposed rights-of-way;
 - (5) Proposed structures with uses, dimensions, and setbacks (prior to construction, the site plan may include conceptual building locations and sizes to be refined prior to building permit);
 - (6) Proposed ingress, egress, parking, and circulation;
 - (7) Landscaping and landscape buffers;
 - (8) Elevations;
 - (9) Adjacent property characteristics;

- (10) Preliminary drainage plan;
 - (11) Identification of the proposed solar panel array area;
 - (12) Identification of the proposed substation location;
 - (13) ALTA/NSPS survey, signed and sealed by NM-licensed surveyor;
 - (14) Phasing plan;
 - (15) Submitted design documents should be signed and sealed by a NM licensed engineer;
 - (16) Buffer requirements, particularly those abutting residential uses, shall be further detailed, either through specification (typical screening scheme including plant materials, planting pattern, depth of buffer, and/or other screening options) or else by performance standard to be evaluated by the Board;
 - (17) Proximity to the Double Eagle Airport will require FAA approval;
 - (18) Location and type of backup generators;
 - (19) Locations of temporary construction trailers, passenger and construction vehicle parking, material storage, fuel storage and containment, and required temporary fencing / security for same;
 - (20) Visual rendering(s) of proposed facility for evaluation;
 - (21) Portions of the Overlay District indicate reserved commercial areas west of Paseo del Volcan and adjacent utility-scale solar development. These areas should be evaluated during development review to determine whether buffering may be required; and
 - (22) To the maximum extent practical, the existing native vegetation will remain in its natural state. No landscaping is proposed for the site at this time. Within six months of development of any residential properties in Rio Rancho abutting the subject site, a 10-foot landscaping buffer and a 6-foot high solid wall or fence shall be constructed / established along the boundary adjacent to the residential development meeting the standards and definitions of the City of Rio Ranch zoning ordinance.
- (I) Development and Design Standards
 - (1) All solar photovoltaic arrays, accessory equipment, and facilities shall comply with NERC requirements and any other national electric standards. If there are conflicts between the City of Rio Rancho's codes, national electric standards, or the NERC requirements, the more stringent shall apply.
 - (a) The solar photovoltaic system site plan shall be reviewed and approved by the Fire Marshal;
 - (b) Upon request of the Fire Marshal, the owner or operator shall provide an emergency response plan; and
 - (c) Emergency access to the site will be provided in accordance with the Fire Marshal.
 - (2) Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the solar photovoltaic array.
 - (J) Decommissioning and Removal
 - (1) Decommissioning must occur in accordance with an approved decommissioning plan between Atrisco and Ranch Joint Ventures, or the current property owner. A copy of the final approved decommissioning plan shall be filed with the City of Rio Rancho's Development Services Department.
 - (2) Decommissioning must occur if the Project does not produce power for a consecutive 12-month period, except in the instance of a force majeure event in which the Project is being repaired and/or restored.
 - (3) The decommissioning plan shall include provisions for removal and disconnecting to the Solar Energy System and the restoration of the Property to as near as possible to its original condition prior to the installation of the Solar Energy System, and leave the Property in a good, clean condition.

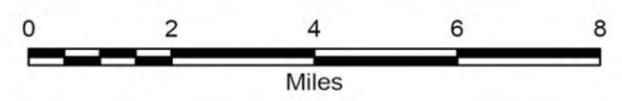
- (4) The disposal of all solid and hazardous waste shall be in accordance with local, state, and federal waste disposal regulations. Hazardous wastes may include wastes listed under the Environmental Protection Agency (EPA), F, K, P, U, or Characteristic Waste categories.

(K) Other

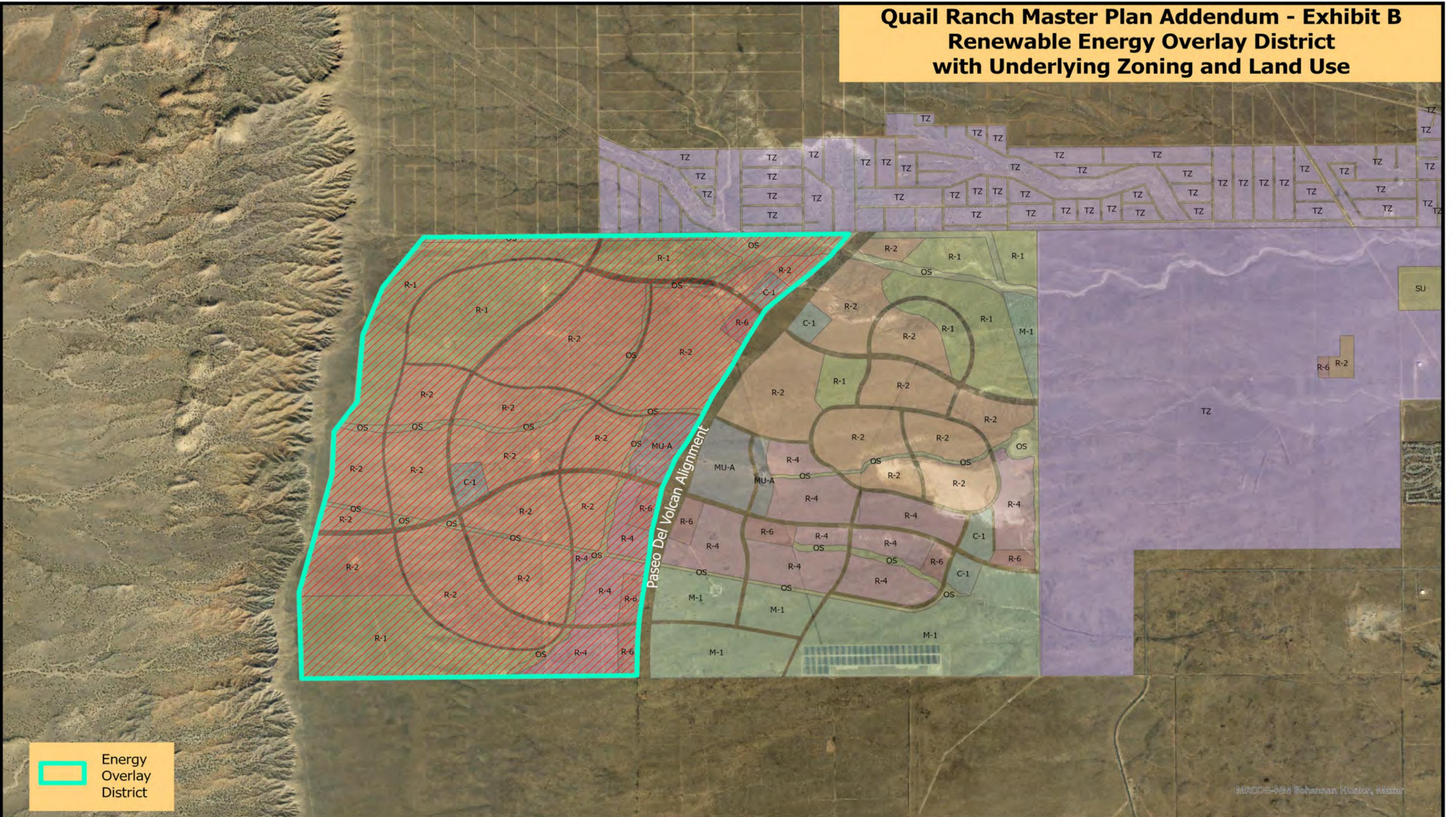
- (1) The City of Rio Rancho may approve minor changes to an approved site plan if the change is consistent with the use and other written requirements and/or conditions of approval, if the buildings are of the same general configuration, if the total square footage is not greater than 10% of the approved plan, the site circulation is similar in its effect on adjacent property or streets, and the approving official finds that neither the City nor any person will be substantially aggrieved by the altered site plan. If requested, notice of the proposed change shall be mailed to owners of adjacent property and to associations entitled to notice of the change. Substantial changes to an approved site plan must be approved by the Governing Body that do not meet the requirements to be considered a "minor change" as defined above.



QUAIL RANCH MASTER PLAN ADDENDUM PAGES 7-8 (JUNE 2022)



Quail Ranch Master Plan Addendum - Exhibit B Renewable Energy Overlay District with Underlying Zoning and Land Use



 Energy Overlay District

