



COUNTY OF SANTA FE)
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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

SPECIAL RETREAT

August 23 & 24, 2011

Virginia Vigil, Chair – District 2
Liz Stefanics, Vice Chair – District 5
Robert Anaya – District 3
Kathy Holian – District 4
Danny Mayfield – District 1

SANTA FE COUNTY

SPECIAL RETREAT

BOARD OF COUNTY COMMISSIONERS

August 23, 2011

This special retreat of the Santa Fe Board of County Commissioners was called to order at approximately 8:35 a.m. by Chair Virginia Vigil at the Nancy Rodriguez Agua Fria Community Center, 1 Prairie Dog Loop, Santa Fe, New Mexico.

Members Present:

Commissioner Virginia Vigil, Chair
Commissioner Liz Stefanics Vice Chair
Commissioner Kathy Holian
Commissioner Robert Anaya
Commissioner Danny Mayfield

Members Excused:

[None]

Staff Present:

Katherine Miller, County Manager
Steve Ross, County Attorney
Penny Ellis-Green, Deputy County Attorney
Jack Kolkmeier, Growth Management Director
Teresa Martinez, Finance Director
Robert Martinez, Public Works
Dodi Salazar, Housing Director
Darlene Vigil, Affordable Housing Administrator
Annabelle Romero, Corrections Director
Bernadette Salazar, Human Resources Director
Dave Sperling, Acting Fire Chief
Pego Guerrerortiz, Utilities Director
Paul Olafson, Community Services Division
Rosemary Bailey, Affordable Housing Staff
Helen Perraglio, Finance Division
Shelley Cobau, Building & Development Services Manager
Robert Griego, Planning Division
Chris Barela, Constituent Liaison
Juan Rios, Constituent Liaison
Julia Valdez, Constituent Liaison
Jennifer Jaramillo, Manager's Office
Lisa Roybal, Manager's Office

Others Present:

Steve Kopelman, New Mexico Association of Counties
Grace Philips, New Mexico Association of Counties

Opening Remarks

Chair Vigil welcomed the participants and thanked staff for their efforts in bringing the retreat about. She looked to it as an opportunity to bring out many issues.

III. Approval of the Agenda

County Manager Katherine Miller said there were no changes; the times on the agenda are approximate. Commissioner Holian moved to approve the agenda and Commissioner Stefanics seconded. The motion carried unanimously.

IV. Board Protocol, Procedures and Communication

Grace Philips from the Loss Prevention Department of New Mexico Association of Counties (NMAC) said NMAC works to support pro-county legislation and oppose anti-county bills. She introduced Steve Kopelman, Risk Manager and described her role as helping counties stay out of trouble through trainings.

Mr. Kopelman recognized the Commissioners who have been active in NMAC and listed upcoming events.

Ms. Philips spoke of the County College certificate programs for County employees and elected officials and encouraged participation.

After stating: It's all about communication, Ms. Philips polled the Commissioners on why they sought public office.

- Chair Vigil said after working as a legal policy advisor she realized that by being elected one could genuinely affect policy. She said it's been a nurturing experience. She had goals in the areas of affordable housing, and water
- Commissioner Anaya said working in government gave him an understanding of the dynamic of how things get done. He wants to help underfunded areas
- Commissioner Stefanics ran for office because there were big issues in her neighborhood. After responding to those she came to see most people don't know what the County does
- Commissioner Holian stated she has always been interested in sustainability and resilience. She had always heard if you want to make a difference, run for public office
- Commissioner Mayfield indicated he saw how government worked from the viewpoint of an administrator. His goal was to stop hypocrisy and make government more transparent

Ms. Philips initiated a discussion about the importance of Commissioners staying away from managing employees. Commissioner Anaya mentioned he doesn't avoid communicating with employees. Ms. Philips said that differs from providing direction. Chair Vigil pointed out it is not appropriate to speak to Human Resources about specific hiring. Ms. Philips stated a Commission acting alone has no authority to act; a quorum is always necessary.

Mr. Kopelman pointed out Commissions have no authority to act beyond the powers granted to them by statute. He quoted Section 4.38-1: "The powers of a county as a body politic and corporate shall be exercised by a Board of County Commissioners." Two Commissioners out of the five cannot transact business. Business must be conducted in accordance with the Open Meetings Act. Counties are grass-roots organizations. Returning to the pitfalls of getting involved in personnel issues, Mr. Kopelman referred to an incident in Doña Ana County which caused a great deal of controversy. He emphasized that listening to employees is not directing them.

Ms. Philips referred to the Ethics Ordinance which has helpful language to the effect that the only employment authority the Commission has is over the County Manager. Recommendations can be made on personnel policies, approving or disapproving collective bargaining agreements, or reorganizations. Hiring and discipline are outside of the Commissioners' purview. Getting involved in personnel issues is bad policy because elected officials may not know the whole story, and public employees have first amendment rights. Arguments can always be made that an action is politically motivated. She reminded everyone the County is a merit-based employer.

Mr. Kopelman described cases where it can be appropriate for an elected official to terminate an employee for "political reasons" and cases where it is not.

Commissioner Anaya pointed out that Commissioners do give direction to their constituent liaisons on a daily basis. Ms. Philips noted that Commissioners are not heads of departments and accusations of political motivation can easily arise even within departments.

Mr. Kopelman said there are checks and balances through HR and the County Manager. There is not a great deal of case law in the area. He gave examples of complexities that have arisen over the years in New Mexico.

Commissioner Stefanics asked what would occur if the Commission passed an ordinance mandating some action by the Sheriff, and he does not do it. Mr. Kopelman said much depends on whether there are statutes in place. There might be ways of delegating authority in other ways and getting around the issue. Action usually only occurs in extreme cases.

Commissioner Mayfield asked what is the proper procedure if there are policy differences between the Commission and elected officials. Mr. Kopelman said debate is

good, and that does not rise to the level of being a rogue employee, as has occurred in some cases in New Mexico.

Recognizing that all the people involved want to do the best for the County, Ms. Philips asked for input on what qualities a good Commissioner should have and got the following concepts:

- Communication
- Respectfulness
- Studies issues; is prepared
- Builds relationships
- Clarity on policy/vision
- Finds common ground
- Trust
- Conciseness

Mr. Kopelman noted the scope of the County's activities is almost infinite: land use, animal control, jails, etc. Therefore Commissioners have to rely on their experts. However, Commissioners make the ultimate decisions. It would be a good exercise to determine what the main policy concerns are, i.e., transparency, affordable housing, healthcare, etc.

Commissioner Stefanics indicated it would be good for the Commission to have one or two "shining projects." The community sees strength when the Commissioners are united.

Commissioner Mayfield expressed his concern about private communication and conversations taking place behind closed doors. Mr. Kopelman suggested a public work session to discuss big-picture issues. He said the push towards transparency is a national trend.

Underlining the importance of trust, Ms. Philips said the Commission sets the tone for 800+ employees and 130,000 people in the county. She gave an example from her experience where instilling trust paid off in the long run.

Mr. Kopelman referred to the past history of the Commission where a special meeting was held to foster trust and build relationships among the Commissioners. The best way to serve constituents is to work together.

Commissioner Holian said after she was elected she realized the public felt free to insult her.

Saying he tended to ask a lot of questions, Commissioner Mayfield clarified that that did not imply a distrust of staff; his intent is to get things out in the open. Commissioner Stefanics stated her procedure has been to ask questions of the County Manager in open session after which the Manager can bring in the appropriate staff member to address the issues.

Mr. Kopelman said asking questions prior to a meeting gives a heads-up in case technical questions have to be dealt with. He added it is an “awkward dance” and communication diminishes distrust. He mentioned employees can worry that new Commissioners are going to bring in their family members.

Ms. Miller said it is her policy to repeat things already in the memos, or to put things that could be on the Consent Calendar on the regular agenda so that they can get on the record and out to the public.

Touching on the Open Meetings Act, Mr. Kopelman referred to the pamphlet entitled *The Right Way to Run a Meeting*. In brief:

- County business may not be discussed by a quorum without there being due notice
- Rolling quorums – a nebulous concept – are prohibited, to wit, a Commissioner may not speak to the other Commissioners in series, since this is contrary to the concept of open government. However, the County Manager can go over the facts of an issue with the Commissioners
- Issues to be discussed in executive session need not be specified on the agenda as this may tip the County’s hand in litigation or property dealings. On personnel issues it may sometimes be appropriate to be specific if action is to be taken afterward

Mr. Kopelman welcomed the Commissioners to contact him at any time with questions.

[The Commission recessed from 10:00 to 10:05.]

V. Affordable Housing

Ms. Miller stated the intent of this section is to provide a framework and open a dialogue about affordable housing with the idea of coming up with initiatives, direction and possibly resolutions or ordinance changes.

Darlene Vigil, Affordable Housing Coordinator distributed supporting material. *[Exhibit 1]* She stated she would give an overview of the Inclusionary Zoning Ordinance, how it came about, what the economic conditions were at the time, where they are today, how it functions and how it should move forward.

In 2001 a task force consisting of Growth Management staff, Land Use staff, developers, non-profit organizations and community leaders was formed to look at the issue. In 2000 the average sales price of a home in Santa Fe County was around \$269,000. By 2007 the median home price was \$549,000. There was concern the working class was going to be priced out of the Santa Fe market. In 2002 the Santa Fe Community College District Ordinance was adopted requiring 15 percent affordable housing. At that time they were concerned about those earning up to 100 of the area median income

(AMI), which was \$46,000. The Community College District had open space and trails, water availability, facilities and higher density.

As prices continued to rise in 2006 the County adopted a more aggressive Inclusionary Zoning Ordinance that incorporated up to 120 percent AMI (\$80,280) and the applicable territory was expanded to include the south towards Galisteo and the north to Chupadero. If over 25 parcels were to be developed there was a 30 percent affordable housing requirement. Five to 24 lots required 16 percent.

Ms. Vigil said the median priced home in 2011 was \$325,000. She referred to the chart of units sold, noting between 2003 and 2007 179 homes were built under the ordinance out of 805 built, or 22 percent. The average number of permits per year between 2003 and 2007 was 161, between 2006 and 2007 with the newer ordinance the number was 271. However, 2011 year to date the entire county has only had 12 permits for new homes. The last home to close was in 2008, but there are active agreements in La Pradera, Oshara and Turquoise Trail.

Reviewing the statistics in the unincorporated area, Ms. Vigil said there has been a decline of 65 percent. She discussed the tier system of income ranges and went over the specifics in terms of what the developer can charge and how much of a lien the County will hold. In response to a question from Commissioner Stefanics, Ms. Vigil said if the home appreciates and the homeowner has lived in the home for ten years or more the homeowner gets the appreciation, however, they still have to pay off the County's lien.

Ms. Vigil explained developer incentives in the form of water availability, fee waivers and increased density. Noting that the County is providing something of value to the developer a cost analysis should be done to quantify that amount. Jack Kolkmeier, Land Use Administrator, pointed out there are a number of other benefits that accrue for proximity of facilities, such as transportation. A fiscal impact study was done for the Community College District.

Chair Vigil mentioned that the only impact fee the County charges is for fire, as opposed to the City which charges a number of fees. This is something the County could look at in the future.

Commissioner Anaya opined that 179 homes in eight years is not impressive. He believed that number could be matched in three years by leveraging County resources with private and public sector resources. In one Rio Rancho suburb they match Santa Fe County's numbers in all tiers. He suggested a refocusing of the objective. He said there has been a notion that 100 percent affordability is a bad thing.

Commissioner Stefanics recalled attempts made to work with developers to build directly for the County. One sticking point is: should the project be in the city or outside of the city? In the end all proposals were thrown out.

Commissioner Anaya said the County has the institutional expertise to do a project as a partnership. He speculated 300 units could be done in three years. Rather than an inclusionary requirement fees-in-lieu could be used to launch the program. This could work better than the 15 percent mandate.

Commissioner Holian spoke in favor of a demand study to determine levels. The playing ground seems to be shifting constantly.

Ms. Miller stated the \$549,000 median home price was a distortion brought about by a false credit environment. Incomes have not changed that much over the years. Commissioner Holian said the market is still distorted.

Ms. Vigil referred the Commission to the market overview in the packet which shows that houses are in fact becoming more affordable. The median home is \$325,000 and the average is \$422,000. However, people are afraid to move. Sellers are getting 87 percent of their asking price. The predicted flood of foreclosures has not occurred and some people are staying in their homes for five years after receiving foreclosure notice. "It hasn't completely bottomed out."

Commissioner Mayfield asked about what incentives there were for builders. He also asked if the County could buy up inexpensive and/or foreclosed homes. Ms. Vigil said staff wants to know if they should act before, during or after the code comes out.

Mr. Kolkmeier stated the Community College District worked because there were designated priority growth areas. Increased density brought down infrastructure costs. Sustainable Development Areas (SDAs) are similar. Builders say they are focusing on houses that people buy, for example, around \$160,000. He turned to the concept of mixing in affordable housing, which has been effective.

Pointing to southern Santa Fe County, Commissioner Anaya said \$160,000 is the market reality. He suggested the Commission discuss the four options and give staff something to do. His preferences were for options 1 and 4. He expressed his concern about the \$10,000 developer subsidy.

Stating it is important to get the broader picture, Commissioner Stefanics asked about Longford Homes and other developments slated for the future. Mr. Kolkmeier said that will be coming in for approximately 200 units. Ms. Vigil noted page 14 indicates the homes that have built and closed, and the homes that are still to be built. La Pradera has 8, Oshara 7, and Turquoise Trail South has 15 affordable houses remaining. Mr. Kolkmeier says Oshara has other phases pending if they are able to get past their current financial wall. Commonweal is also pending.

Planning Director Robert Griego said Turquoise Trail North had an approved master plan with 43 affordable homes (15 percent) but that has expired. Ms. Miller said their market rate homes might end up coinciding with the County's affordable range.

Commissioner Anaya said the tier system is too constraining and fails to recognize market realities.

Chair Vigil asked whether the decisions should be made by ordinance or focus groups. Mr. Kolkmeier stated they have had amazing feedback from focus groups which provide a wide range of opinions. However, there still needs to be a policy directive first. He broached the option of suspending the current guidelines.

Chair Vigil said caution has to be used regarding suspending the rules since current developers would let their agreements lapse to take advantage of the suspension. She spoke in favor of focus groups which bring in experts with opposing views and this yields a broader perspective. The overriding question is how do we make housing affordable. Should the County partner with other entities? She gave the example of the City hiring an attorney to assist in foreclosure prevention.

Mr. Kolkmeier said the affordable housing ordinance is now stand-alone; he asked whether that should be made part of the code. County Attorney Ross said there is a place-holder in the code in Chapter 14.

Commissioner Mayfield asked about the difference between inclusionary zoning and affordable housing. Ms. Miller said they interconnect and gave the example of Happy Roofs.

Affirming his commitment to work with the other Commissioners, Commissioner Anaya advocated for option 4. He asked whether it made sense to have SDA-1 the focus of development.

Mr. Kolkmeier said based on the concepts of lowering the cost of land and providing infrastructure it does make sense. Commissioner Anaya said that could provide direction to a focus group. Mr. Kolkmeier said they are currently moving from the Growth Management Plan, which delineated priority growth areas, to the code.

Commissioner Anaya asked if going back to 15 percent in SDA-1 would unravel everything. Mr. Kolkmeier said the 15 percent was decided upon after working with developers 12 years ago. Examination of the assumptions in the Community College District homing in on what works would be a good point of departure for a focus group. Commissioner Anaya said it is important to provide direction on something rather than just defer to another focus group.

Commissioner Stefanics indicated she was interested in both SDA-1 and SDA-2, and removing the distinction between minor and major projects, perhaps having ten units and above subject to requirements. She verified that SDA-2 includes Eldorado and the 285 area but not Longford Homes, which is in SDA-1.

Mr. Kolkmeier reiterated that SDA-1 constitutes the area where infrastructure is to be concentrated. SDA-2 often uses the mechanism of family transfers, which is another aspect of affordable housing because it lowers the cost of land.

Commissioner Stefanics said there are proposals in place in the Galisteo area and along 285 and there have been requests from Eldorado residents. Some people feel they are being treated unfairly.

Commissioner Anaya favored refocusing on both SDA-1 and SDA-2 as a matter of direction.

Chair Vigil stated the 15 percent has to be discussed, along with inclusion of SDA-2. More information is needed on the possibility of suspension and any regulations and legal consequences that would accompany it. Collapsing the two categories is also a potential issue.

Commissioner Anaya said combining the two categories might work from the standpoint of economics. Ms. Miller said that it depends on the percentage they require. A high percentage of required affordable housing requires a high volume development to offset the costs.

Chair Vigil noted developers will come in with smaller developments to avoid compliance, and Ms. Miller said that can be remedied by fees-in-lieu. Mr. Ross said there are no legal issues inherent; an ordinance could be applied to a single lot, but practical problems arise.

Mr. Kolkmeier said antagonism has come from the percentage being perceived as too high.

Ms. Miller stated fairness has to be taken into account for developers with current approvals. Additionally, housing advocates are going to want the highest number possible and will object to suspension of the 30 percent. The goal is to find a workable solution.

A discussion arose about equitable standards for everyone. Mr. Griego said the criterion is adequate public facilities – transportation, emergency services, etc.

Commissioner Mayfield asked when the SDAs were established and Mr. Kolkmeier said the concept emerged in the 1999 Growth Management Plan with the Airport Development District, Community College District area and three areas that have been annexed. There was discussion of another one in the south. Since water availability was a prime factor the communities in the north didn't fit the criteria.

Commissioner Stefanics asked about Aamodt. Mr. Ross said the area is essentially a watershed and he showed on the map the central service area. Commissioner Mayfield demonstrated the land grant areas, who want to be able to compete with the pueblos. Mr. Kolkmeier said timing is key; SDA-2s can become SDA-1s when the

infrastructure is available to support density. Commissioner Holian mentioned that many areas in the north are interested in retaining their agricultural character.

In summary, Ms. Miller spoke of

- Having a focus group on affordable housing, perhaps similar to those being used for the code
- Keeping the Inclusionary Zoning Ordinance, possibly with a different percentage
- Combining the categories with the smallest subject to a fee-in-lieu
- Focusing on SDA-1

Chair Vigil returned to the question of suspending the percentage currently in place and asked that the focus group tackle that. It seems like a good idea but there might be unintended consequences. Equity is paramount.

Commissioner Holian stressed the need for flexibility given the wild swings in the housing market. Ms. Miller suggested triggers could be written in.

Commissioner Anaya said inclusionary zoning makes no sense for areas like Edgewood since they are already building to an affordable market. Those communities should be listened to.

Ms. Miller said there is also a need to get feedback on tiers and 100 percent affordable communities. The attitude toward homeownership is changing.

There was Commission consensus that flexibility was essential.

[The Commission recessed from 11:50 to 12:20.]

VI. Quarter Cent Fire Excise Tax *[Exhibit 2: Memo and Supporting Material]*

Acting Fire Chief Dave Sperling gave a history of the fire excise tax in Santa Fe County noting State Statute allows the imposition of an excise tax of .25 percent in the unincorporated areas of the county. It is used exclusively for financing operational and ambulance expenses or capital outlay. Salaries and benefits are not eligible. A referendum is required and the election must be held within 75 days after the ordinance is passed. The tax becomes effective either January 1 or July 1.

The tax was first imposed in the 1980s and included a sunset provision requiring renewal every five years by referendum. It was in place until 2003. The sunset clause was eliminated but at the last referendum in 2009, the measure was defeated. Reviewing that election Chief Sperling said it was endorsed by both newspapers but at that time the economy had crashed. The slot once occupied by the excise tax had been taken by the RTD tax, so re-imposition amounted to a tax increase. The Republican Party had questioned the County's funding priorities and mounted a negative campaign.

Chief Sperling stressed the importance of the substantial budget cut is that without the tax, the Department cannot complete its equipment replacement schedule. There are

few other sources for funding capital outlay. He indicated the County was now eligible to apply to go out for referendum again and recommended engaging a consultant to do a survey to gauge community awareness and support and provide input on timing and methodology. A mail-in ballot is a possibility.

Commissioner Stefanics stated it was her understanding that the Commissioners could not campaign in favor of the tax but could provide pertinent facts. She asked what the rules were. Mr. Ross said the Supreme Court has prohibited outright advocacy but fact sheets with pros and cons can be prepared and disseminated. He added that an affiliated non-profit is prohibited from lobbying. Commissioner Stefanics said there was no organized effort at the last election.

Chief Sperling proposed some sort of Friends of the Department organization, independent of the County, could be established to assess what went wrong and to educate the community.

Commissioner Stefanics was in favor of the mail-in ballot.

Commissioner Holian noted that the Santa Fe Community College had a bond issue passed, even in the difficult economic climate, as a result of doing their homework.

In response to questions from Commissioner Mayfield, Chief Sperling stated the funding can only be provided to the individual districts and funding follows the ISO ratings.

Chair Vigil was also in favor of a mail-in ballot and a professional contractor. She said the Community College spoke in front of many community groups to get the word out.

Commissioner Mayfield asked if there was any expertise to do polling in-house. Ms. Miller noted polling organizations have been used in the past to gauge public sentiment and help with timing. This would maximize chances of success.

Commissioner Mayfield suggested that keeping in a sunset clause might improve chances of passage. Chief Sperling agreed that might make the measure more acceptable to the Republican Party; a contractor could ask that question of the community. He stated the contractor would be paid for by the Fire Department.

Commissioner Stefanics said she had mixed feelings about using a contractor to elucidate what was done wrong. She believed it would be more valuable in crafting the right message, for instance, an appeal to concern about insurance rates.

Reiterating her support for a contractor, Chair Vigil said polling could show there was no hope for success.

Commissioner Stefanics stressed the importance of timing and the fact that the county has just had a number of fires might make it a "hot topic."

Ms. Miller said they don't know what the assumptions and attitudes are at this point. Expenditure of \$20,000 to \$30,000 could provide a more informed approach. A special election would cost around \$60,000 and if there is no support the issue would not need to be floated. A BAR would probably be necessary.

A discussion ensued about the elections scheduled for 2012.

Commissioner Mayfield suggested an alternative to having profession polling would be to have community meetings throughout the county. Commissioner Holian said generally the same people show up at meetings, whereas going door to door as one does during an election one gets a truer reading of the public's sentiment. Chair Vigil agreed townhalls give a skewed representation, whereas pollsters strive for a true cross section.

Commissioner Anaya noted that when he went door to door during his campaign the feedback he sensed was a generalized anti-tax sentiment: "Enough is enough." Until that changes he would be reluctant to impose any other increments. He indicated Santa Fe County's Fire Department is the best in the state and other areas of County government need more help to bring them up to par.

Ms. Miller noted that during the last fire season, had the big fires that occurred been on County land rather than federal land there would have been insufficient resources to fight them. The county has huge acreage to cover. She agreed other areas under the County's purview need help and there is a need to balance GO bonds and GRTs. However, in her discussions with fire personnel she has noted a concern about adequate resources.

Commissioner Anaya said if polling were done it would be good to get input on other departments as well and broaden the scope in general. Commissioner Stefanics pointed out that the County did a poll on priorities and public safety came in as a big concern, along with roads. She expressed dismay at the amount of lost revenue which inhibits equipment replacement. Facts were needed on what was genuinely needed equipment-wise and the role of ISO ratings in insurance rates. Data would illuminate whether the ballot measure was worth pursuing.

Chief Sperling mentioned the Department has 350 volunteers in addition to the paid staff. All need to be outfitted in protective gear. The excise tax would not be for expansion of services but rather maintenance and routine replacement. "We're not trying to build a kingdom here." People have high expectations when they call 911.

On that point, Commissioner Anaya noted people also expect graded roads, solid waste services, and a responsive Sheriff's Department. Everything should be growing together.

Ms. Miller applauded the discussion and stated she would bring in more information, such as what would have been purchased had the fire excise tax been in place, and what the impact on other funding would be.

Commissioner Holian advocated talking to volunteers to see what their needs were. Chief Sperling said the volunteers were excited about going out to referendum. They recognize the shortfall and don't want to see the problem get worse.

Commissioner Mayfield said he would like to see the five-year plan, noting Chimayo is asking for a station. He indicated the problem with polling is that much depends on how the questions are asked. He suggested checking how each fire district voted in the last election. He said it was his understanding that there was really no correlation between ISO ratings and insurance premiums.

Noting public safety is always a priority, Chair Vigil said it is important to acknowledge which areas can be funded by GRTs by statute. Although constituents may be anti-tax in general they also expect good service.

[The Commission recessed from 1:30 to 1: 35.]

VII. Solid Waste [*Exhibit 3: Task Force Findings; Exhibit 4: Update; Exhibit 5: Service Collection Districting*]

Ms. Miller said many issues have surrounded solid waste that need discussion: retaining the punch-card system, having alternatives to the 24-punch, improving operations at the transfer stations, and curb-side pickup. Additionally, hours of operation and recycling are perennial issues. Currently, Robert Martinez is in charge of the transfer stations and curbside pickup would fall under the purview of Pego Guerrerortiz. She asked for feedback on potential revamping of the Solid Waste program.

Mr. Martinez referred to the three handouts, and gave the following information: There are seven transfer stations – Jacona, Nambe, Tesuque, La Cienega, Eldorado, San Marcos, and Stanley, and a recycling center at Rancho Viejo. Hours of operation are 8:00 to 5:00 in the summer and 7:00 to 4:00 winter hours and are closed during lunch. Staffing consists of a solid waste manager, adopt-a-road coordinator, compliance officer, field superintendent, transportation foreman, maintenance foreman, three equipment operators, three drivers, and ten caretakers, for a total of 22 FTEs.

Mr. Martinez reviewed statistics on the tonnage taken in by each transfer station and the number of customers. Recycling tonnage is computed by what is delivered to BuRRT. He went over the amounts of various kinds of recycling, showing approximately \$56,000 in tipping fees by diverting waste, which almost makes up for transportation costs. The diversion amount is almost 12 percent, which is an improvement over the years. Mr. Guerrerortiz noted recycling saves tipping fees and resources which is a positive aid to the environment.

Statistics were presented comparing Santa Fe County's recycling efforts in comparison to other counties. Ms. Miller said there is a perception Santa Fe County does not do much recycling but in fact more types of things are recycled here. Commissioner Holian asked about anti-freeze and batteries. Mr. Martinez said he wasn't sure if BuRRT accepted those items, and Mr. Guerrerortiz said they do once a year on hazardous materials day. Ms. Miller stated erroneous information is being published in the Eldorado newspaper in regard to what is recycled. Mr. Guerrerortiz stated there are vendor-based recycling programs, such as turning in battery cores.

A discussion ensued of informal waste disposal of hazardous materials. Mr. Martinez said special tanks are required for collection of things like antifreeze.

Commissioner Mayfield asked if the County was paid by BuRRT for recyclables delivered there and Mr. Martinez said they were not. He added they used to have a list of options on disposing of things like dead animals, batteries, antifreeze, or appliances with freon. The City has freon recycling capability. He said the County can look into alternatives for battery recycling. Mr. Guerrerortiz said there are private contractors that deal with antifreeze.

Chair Vigil indicated that the County is not keeping up with recycling needs.

Mr. Martinez reviewed what has been achieved with regard to the recommendations of the task force. The recommendation to incorporate scales at transfer stations has not been acted upon yet for economic reasons.

Commissioner Anaya said there is room for compromise vis-à-vis his preference for free transfer stations, which he feels is a core County government service. However, fees for curb-side pickup could be used to subsidize the transfer stations.

Mr. Martinez showed budget comparisons between what is currently in place and an enterprise fund not including curbside. Permit sales generated over \$300,000, so the general fund is subsidizing the program with \$1.6 million. He said this does not include equipment replacement.

Ms. Miller pointed out that the list includes the non-recurring cost of six scales for about \$370,000. Heavy equipment is on a replacement schedule.

Referring to her own case, Chair Vigil noted that she was paying for curb-side service in the city and subsidizing the County's program at the same time. Mr. Guerrerortiz said that is true of 60 percent of the county's population.

Commissioner Anaya brought up the subject of an unannexable enterprise zone for the county.

Mr. Martinez said the cost per resident to subsidize the enterprise fund would be \$476.

Helen Perraglio from the Finance Department went over the breakdown of revenues, based on 60 percent of customers using permits. Estimated revenue is approximately \$480,000, and she reviewed the assumptions behind the budget figures.

Mr. Martinez provided information on Santa Fe County's fees and services compared to those of other counties.

Turning to proposed scheduling, Mr. Martinez showed the transfer stations being closed on Mondays and Tuesdays to catch up with waste transportation, since Caja del Rio is closed on Sundays. This would also provide two full days for training purposes. Scheduling is complicated by the fact that union requires employees have two consecutive days off. They are looking at having some stations closed additional days. With the proposed schedule they would be able to stay open during the lunch hour. Rancho Viejo would only be open Friday and Saturday, 8:30 to 4:30, unstaffed.

Commissioner Anaya asked about having unattended stations, and Mr. Martinez said the trash has to be certified as being free of hazardous waste and if there are no employees present people could be dumping items that are hazardous.

Commissioner Anaya asked that there be public input before the hours are changed, and having solid waste as a standing agenda item. He would like to see a discussion of extended summer hours.

Mr. Martinez said if there are ten people providing input there will be ten different options to consider. Commissioner Anaya asked that a four-day/ten hour shift option be kept on the table.

Ms. Miller described the complications that arise in trying to keep the stations staffed, particularly if someone calls in sick. There is a domino effect. Transfer station staffing is the number one source of union problems.

While never opposed to public input, Chair Vigil said the question is how to balance all the outlooks. She said the community of Agua Fria probably could not afford curb-side pickup.

Commissioner Anaya noted they are not following the findings of the task force. Commissioner Stefanics said the task force advocated continued fees with reasonable increases. She said the task force was small, with only four constituents, and perhaps 10 or 12 citizens, along with the experts, would have been a better mix.

Commissioner Anaya asked if there was Commission support for changing the schedule. Commissioner Stefanics said she felt managing the schedule was up to staff. "People adapt to change." There are bigger picture issues to deal with.

Ms. Miller reiterated it is a sensitive issue and people are easily outraged by a change of even one hour. Managerial changes need to be made, and the whole process needs an overhaul.

Commissioner Anaya said he was speaking for the interests of his constituents, not a personal agenda.

Saying people ask for a lot of things and the County can't do everything, Commissioner Holian spoke in favor of staff making the decision since they know the details and complexities.

Commissioner Mayfield said he's seen the polarization among people as well. He asked whether city residents could use the transfer stations. Chair Vigil said they could. That being the case, Commissioner Mayfield suggested having Caja del Rio allow the use of County punch-cards. He said people don't feel they are getting value for their money. A further recommendation was to move people around from one transfer station to another and compensate them with a shift differential. He said Agua Fria would be a good place for a recycling center. He did not support changing the schedule of operations without public input.

Chair Vigil called for a comprehensive look, and opined that staff should do the scheduling.

Ms. Miller pointed out that compared to other counties Santa Fe County's fees are reasonable. The County can't afford to do more. However, the punch-cards need not be sold by fiscal year. A comprehensive overhaul is needed, but right now the schedule is what is of immediate concern. She wasn't opposed to public input but there are constraints that cannot be gotten around. "We can't accommodate everything." She was in favor of assembling another group, and putting the proposed hours on agenda.

Mr. Martinez suggested providing a survey for the users at the stations polling what days and hours were most convenient for them. This could help tailor the schedule.

Chair Vigil said she was fine with a survey or a public hearing Commissioner Holian said this is ultimately an administrative issue and does not have to be cast in stone.

Referring to the prospect of taking Stanley waste to Torrance County, Mr. Martinez said they explored that option and found it does not save money, principally due to the higher tipping fees in Torrance.

Ms. Perraglio distributed a timeline with previous actions taken and how the fees have changed over the years. She added they have had a great deal of public input over the years.

Commissioner Anaya said if it is the consensus of the Commission to not have a public hearing on the schedule he would reluctantly go along with that.

Curb-side Pickup

Mr. Guerrerortiz summarized the benefits of curb-side pickup as convenience, increased revenue, more recycling, greater waste diversion, and fewer transfer stations whose operation would be partial subsidized by the curb-side fees. The County would standardize private service providers. Using a map for illustration he showed the potential service districts with 10,000 customers have been identified. The vicinities include Eldorado, Las Campanas and Rancho Viejo and there could be a tie in with water and/or wastewater services, and these areas could be extended over time. He estimated it could be done for as little as \$12 per month.

He described the customers as a captive audience since all residents would be required to participate. He described the ring around the City of Albuquerque which has curb-side service and the program is a success.

Mr. Guerrerortiz said the first step would be an ordinance to designate one area as a pilot program.

Doubting the process could be undertaken for such a low rate, Commissioner Stefanics asked how a private contractor would agree to a fee so much lower than that currently being charged. Mr. Guerrerortiz said the County has no profit motive and the private contractor would be eliminating a huge risk by having a compact, captive market. The County would not have to capitalize the equipment expenses involved. He said the City currently charges \$12.30 for pickup and recycling. He suggested starting with an area with paved streets and delineated boundaries.

Commissioner Stefanics said she knows someone paying \$70 per month for trash pickup and Commissioner Mayfield had also heard high rates. Mr. Guerrerortiz thought that might be a quarterly fee. Ms. Miller said the County just did a contract for 71 houses for \$14.85 per month. Larger areas could be done more cheaply on a long-term basis.

Chair Vigil asked if there was consensus about creating a district. She said her district is experiencing a huge increase in fees from private haulers prior to that area being annexed by the City. Mr. Guerrerortiz said the City is preparing to start pickup in those areas in nine months. Chair Vigil said the issue has to be viewed in the context of annexation.

Commissioner Mayfield expressed concern that some people will not be able to afford the mandatory fees and would rather use the punch-card system. Commissioner Holian said her constituents are clamoring for curb-side service. Mr. Guerrerortiz stated some areas could be subsidized. The County would have maximum flexibility. Commissioner Anaya said he too worried about the mandatory aspect but was willing to give it a try. He thought the estimated cost seemed optimistic and said if a price between \$12 and \$15 could be guaranteed that would help in finding a district willing to try.

Commissioner Mayfield asked if the private haulers would be required to use Caja del Rio. If they are not it could cause a revenue shortfall for the landfill. Commissioner Stefanics agreed it would have to be stipulated that the contractors use Caja del Rio. She noted homeowner associations will be crucial in instituting mandatory service.

Chair Vigil said there seemed to be consensus to proceed with a pilot program.

[There was a five-minute break.]

VIII. Sustainable Land Development Code [*Exhibit 6: Presentation; Exhibit 7: Code Table of Contents*]

Ms. Miller acknowledged adoption of the plan ran into a great deal of opposition. She noted there is currently no draft extant due to the amount of adjustment being done bringing all the pieces together. The issue is now: How do we pull everything together and bring the draft to the public.

Mr. Kolkmeier stated if this project were a movie it would be called "All the Moving Parts" starring Charlton Heston as God. He recognized the public is confused and the Commissioners have to field a barrage of questions. Effective meetings have been held recently.

As the code comes into focus there are two things that need to be accomplished: implementation of the comprehensive Growth Management Plan passed in 2010, and establishing a useful code. Mr. Kolkmeier gave a review of the history of the County codes starting in the late 70s. The 1980 General Plan established hydrologic based zoning and traditional communities. In 1996 the new code developed subdivision regulations and community planning. In 1999 the Community College District came into existence. From 2003 to 2006 Duncan and Associates worked on creating a draft code which took the 1996 code and the Growth Management Plan of 1999 and put them in a new format. This was never adopted.

In 2010 the latest Growth Management Plan was adopted with SDAs as priority growth areas, a capital improvement program, and the concept of adequate public facilities. Mr. Kolkmeier described the current public input process and the technical review team now in place. However, the process "hit the wall." The issues are: What is the best code format to use? Are we on the right track with the concepts from the plan? Are we including elements from the previous plans that need to be brought forward? The challenge is to integrate the previous plans and code, the Duncan plan and the Freilich code.

Turning to the concept design points (CDPs) and the focus groups, Mr. Kolkmeier described the progress made with home-based businesses. The constituents want four categories: no-impact, low-impact, conditional and exceptions. This synthesizes the best elements of the previous codes. They are working to consolidate

what has gone before. He referred to the code table of contents which shows where things will fit.

Mr. Kolkmeier gave an outline of the next set of CDPs and focus groups, culminating with another workshop with the Commission at the end of October encompassing a number of concepts. Through December staff will be writing a complete code draft for presentation on December 13th. Starting in January the code will be presented to the public.

Noting he has gone to a number of the meeting, such as the green building standards group, Commissioner Anaya said it appears more questions are posed than there is time to respond. He spoke against rushing through the process. A lot of work remains and the issues to be tackled, such as water, zoning, family transfers, procedures, community planning, permits and variances, are more complex. He doubted justice could be done to those issues in such a compressed time period.

Commissioner Mayfield agreed, pointing out CDPs are still being developed and more could arise. Water alone is a huge issue.

Commissioner Stefanics said she didn't want everything all at once, preferring to react to pieces one by one. It could be done by email or in presentations.

Mr. Kolkmeier agreed that the plan started out too big and was cut from 1,200 pages down to 250.

Commissioner Mayfield spoke of the possibility of bringing in ordinances in advance of the code.

Responding to the comments, Mr. Kolkmeier asked if they wanted endless philosophical discussions on concepts or would they prefer a draft code. Using Duncan and Freilich as touchstones a draft code can be turned out. Many chapters are in draft form. Difficult matters such as water, zoning and development patterns remain.

Commissioner Anaya stated that as a Commissioner-elect he asked that adoption of the plan be given more time. At that time he went to his constituents and assured them they would have ample opportunity for input. He had the understanding the process engaged in for home-based business would be followed for all the components. Now, it appears everything, including the most complicated issues, has been accelerated.

Chair Vigil expressed her personal preference for having the complete draft to review in order to see how all the elements work together. "Piecemeal only brings up more questions for me."

Ms. Miller pointed out that the first meetings had a great deal of venting and the input process has subsequently become more efficient. Having a plan and no code leaves

the County vulnerable from a legal standpoint. Since people are eager to see the code they have been working to try to commit to dates.

Mr. Kolkmeier indicated that the presentation to the public in January of 2012 does not translate to its adoption then. However, at that time it is anticipated everything will be in a more "code-like" format.

Commissioner Anaya acknowledged that a great deal of work has been done so far, but reiterated that the "meat and potatoes" remains to be done. He asked if the Duncan and Freilich drafts were available and Ms. Miller answered that those were meaningless since they are not tied to the adopted plan, although both contain good concepts.

Mr. Kolkmeier noted the Freilich plan puts an emphasis on adequate public facilities, but people complained about it. Santa Fe County is unique and requires a unique approach as to what goes into its land use code.

Chair Vigil agreed the issues are challenging but timelines are necessary. Without them it's harder to get down to concrete issues. Working on the Oil and Gas Ordinance took away some of the momentum. All of the effort so far is working toward making the code a public document.

Commissioner Anaya indicated he had been supportive and present during the process but he has been sending the message to constituents that they will be heard. Even with the initial venting over the process is going to take time. "This code will be the defining point for this Commission."

Commissioner Mayfield asked for clarification on the fire protection regulations. He said it appears there are already conflicting rules and he speculated that could be a CDP on its own.

Mr. Kolkmeier stated there are differences between the fire protection measures in the land use code and the International Fire Code. In the land use code the conversation centers more on terrain issues. Since the easily buildable areas of the county are diminishing more challenges arise.

Shelley Cobau, Building & Development Services Manager, explained that currently when a person comes in for a building permit there is concurrent review in different areas of expertise, including fire, and these are expected to be done in 15 days which is sometimes not enough time. However, within 15 days it should be clear whether or not a project is in the urban-wildland interface area and whether it will require sprinklers, cisterns, etc. New architects are not familiar with the ground rules. Ms. Cobau maintained that the County's turnaround time is faster than the City's.

Ms. Cobau clarified that there have been 382 building permits issued this year for things like additions, accessory structures and mobile homes. Mr. Kolkmeier said there are 12 new home permits issued per month.

Commissioner Mayfield asked what is required regarding retrofitting mobile homes with sprinklers. Ms. Cobau said that is required in the urban-wildland interface zone and they can be ordered with sprinklers.

Commissioner Anaya said there was a bill at the legislature banning sprinklers. He had been unaware of the sprinkler issue and was shocked to learn of it.

Commissioner Stefanics agreed that newcomers can be shocked at the requirements, having believed they could do what they want with their land. That's why the Code of the West had value – to acquaint people with the special circumstances they might encounter here.

Commissioner Anaya stated people should be able to choose whether to sprinkle their houses or not, once they have been informed of the facts. The issue needs to be discussed philosophically and statutory adjustments made if we go too far.

Mr. Ross pointed out the state has adopted the International Fire Code, which governs things like sprinklers.

Chair Vigil brought up that until the code draft is before them they will not know where they are going. It is possible everything will be addressed at that time.

Speculating some administrative chapters might be easy to write, Commissioner Stefanics asked what percentage of the code was already written, and if there were unnecessary sections that could be eliminated.

Ms. Cobau stated the idea of the code is to help people. Standards are necessary so that houses don't blow away in the first windstorm. There is the impact on neighbors and their investment to be considered. The federal government has rules and the County tailors them to fit the area. The code is not a weapon.

Commissioner Mayfield said if affordability is to be considered, more restrictions limits that. With more regulations will more staff be required? Could the County contract with the City? Economics needs to be taken into account.

Deputy County Manager Penny Ellis-Green stated approximately 30 to 40 percent of the code is done and the administrative sections involving procedures could be released earlier.

Mr. Ross agreed that some sections are short and straightforward. He emphasized that the County is in a vulnerable position in not having an ordinance in areas such as wireless transmission, which could be open to litigation. Chapter 12, mining provisions, could be omitted as being too complicated. Affordable housing has already received direction from the Commission.

Mr. Kolkmeier said Chapter 10 is done and could be checked for conflicts.

Commissioner Mayfield asked if there can be new community plans beyond those already in place and Mr. Kolkmeier said absolutely.

In response to other questions from Commissioner Mayfield, Ms. Ellis-Green said beyond the land use and fire codes a builder must follow CID regulations, and Mr. Kolkmeier said the Sheriff has ordinances such as nuisance provisions and animal control. Additionally, there is state law.

Chair Vigil said the County is an entity of the state and the Sheriff works with the state criminal code. Commissioner Stefanics suggested including something in the code about other regulatory constraints. Chair Vigil noted it is important to advise people the County only has limited authority.

Chair Vigil suggested identifying franchise fees, and Mr. Ross said those are subject to agreements, not ordinance. Currently all the franchise agreements have expired.

Commissioner Anaya asked that parts of the code be released as they are ready so that they can be reviewed internally before the anticipated December release. He said he felt the process is working, but complexities should not be fast-tracked.

Commissioner Anaya said the process of CDPs, followed by a drafting and input should be allowed to run its course.

Mr. Kolkmeier said two months worth of CDPs remain which can be done at a rate of four per month. "We'll give it our best shot."

Having sat in on some of the discussions, Commissioner Holian said she was happy with how the process is going. Chair Vigil agreed, noting that at the open space discussion there were about 30 people in attendance with varied viewpoints. Consensus building occurred and there was a gradual coming together.

Ms. Miller stated she didn't believe the philosophical positions were that far apart. The technical reviewers want to see something concrete to be able to go beyond conceptualizing. She added the administrative sections could be released and the issues that have gone through the CDP process can be released in October and November if they're not too confusing.

Chair Vigil spoke in favor of the internal review as portions become available so that the Commissioners can provide input.

Ms. Miller expressed her approval of deadlines so that the process, which requires a great deal of staff time and effort doesn't drag on indefinitely.

Chair Vigil thanked everyone for their attendance and commitment to a number of challenging issues.

Ms. Miller announced that the retreat would reconvene the following day at 8:30. She said a number of concerns had been addressed and good feedback received.

The retreat recessed at 5:00.

SFC CLERK RECORDED 09/28/2011

SECOND SESSION

This second day of the special retreat of the Santa Fe Board of County Commissioners was convened on August 24, 2011 at approximately 9:00 a.m. by Chair Virginia Vigil at the Nancy Rodriguez Agua Fria Community Center, 1 Prairie Dog Loop, Santa Fe, New Mexico. The following members were present:

Members Present:

Commissioner Virginia Vigil, Chair
Commissioner Liz Stefanics Vice Chair
Commissioner Kathy Holian
Commissioner Robert Anaya
Commissioner Danny Mayfield

Members Excused:

[None]

Staff Present:

Katherine Miller, County Manager
Steve Ross, County Attorney
Penny Ellis-Green, Deputy County Attorney
Jack Kolkmeier, Growth Management Director
Teresa Martinez, Finance Director
Robert Garcia, Sheriff
Robert Martinez, Public Works
Dave Sperling, Acting Fire Chief
Pego Guerrerortiz, Utilities Director
Paul Olafson, Community Services Division
Robert Griego, Planning Division
Chris Barela, Constituent Liaison
Juan Rios, Constituent Liaison
Julia Valdez, Constituent Liaison
Jennifer Jaramillo, Manager's Office
Lisa Roybal, Manager's Office
Arnie Valdez, GIS
Mark Hogan, Projects and Facilities Director
Duncan Sill, Community Services
Ken Martinez, RECC Manager

IX. City/County Joint Powers Agreements Annexation

Mr. Ross said the annexation agreement is a settlement agreement, settling six lawsuits between the City and County in 2005; it not a JPA per se. The City had dropped into a pattern of annexing gross receipts tax sources, i.e., a lucrative subdivision or business center, which developed into a patchwork causing difficulties for public safety in dispatching 911 calls. The Las Soleras development brought the issue to a head in 2004 when the City placed the bar too high for the developer to meet so the developer filed an application to develop under the County Code. The property was within the

county. The City tried to forcibly annex the property resulting in six lawsuits. The County was included in the annexation cases and refused to permit the annexation. The County went to the Boundary Commission who held in the County's favor twice. He credited former City Attorney Frank Katz in getting the City and County to sit down and work through a settlement agreement theoretically resolving the annexation problem for 20 years. Las Soleras is also party to the settlement agreement. The agreement provides a road map for annexation over the next 20 years.

The settlement agreement was filed enabling the dismissal of all the court cases. The general principle was that everything inside the 599/I-25 boundaries would eventually be part of the City of Santa which dovetailed with the RPA plan. Everything outside of that boundary would be County's responsibility. Mr. Ross said the settlement facilitated planning for infrastructure in the County. The only exception to the 599/I-25 rule are lands between the City and the national forest which will be addressed in the last phase of annexation.

Mr. Ross said the annexations were to be accomplished in a five-year period and the agreement calls for a separate "annexation phasing agreement." Phase 1 has occurred which encompassed the in-holdings. Phase 2 consists of the remaining areas within the 599/I-25 boundary, and Phase 3 is Hyde Park, the residential area around Calle Nopal and the subdivision at the corner of Richards Avenue and Rodeo Road. Mr. Ross said Phase 2 is supposed to be commenced by the end of this calendar year.

Mr. Ross said as part of the settlement agreement the County Fairgrounds cannot be annexed. He added the settlement agreement is binding for 20 years.

Commissioner Mayfield asked about the rules for annexation. Mr. Ross said annexation involves a city bringing into its boundaries property that has been outside the city. He said any property to be annexed must be contiguous/share a boundary with the city. There are procedures on how to annex. A county that has a road in the annexed area has veto power over the annexation pursuant to the statute. The purpose of the statute is for the two entities to discuss reimbursement issues related to a road. Any road that is used as a boundary must be taken. Mr. Ross said the road situation has caused friction between the City and County because the City would take up to but not including the road.

Mr. Ross said the City cannot deviate from the terms of the agreement without the County's permission. He mentioned the Cook property by the Santa Fe Airport as an example of the City requesting an annexation which the County agreed to.

Commissioner Stefanics asked if there would be a reason the County would give up the fairgrounds. Mr. Ross said the County would probably want to hold the land because of its use. Taxation wise, the County gets approximately the same amount on parcels whether they are in or out of the City. It's to the City's advantage to annex because they assume a portion of the State's GRT share.

Mr. Ross said the fairgrounds are protected for the 15 years remaining on the agreement. There may be pressure on the City from the residents around the grounds to annex but at this point it is protected.

Commissioner Mayfield asked about compliance with the Agreement. Mr. Ross said the first phase of annexation has occurred. The second phase is due at the end of the year, although the City would like to slow that process. The Agreement can be amended with both parties agreeing.

Mr. Ross said the Property Tax Rebate Ordinance has been adopted. The County agreed as part of the annexation plan that the water, sewer and solid waste service area boundaries would also be I-25/599. He said there are a number of subdivisions and developments served by the City outside of that boundary including Las Campanas, phases 1 and 2. While there are relatively few, there are some examples of the County serving customers within the City and definitely examples of the County serving customers within the City's presumptive city limits. A separate agreement to work out the details of how to transfer all those functions from City to County and County to City has been developed by the County and is now with the City for comments.

Another step that has not been completed is the development of the JPA for Fire and Police Services. Mr. Ross said that should occur within the next phase of annexation in the Airport Road area. He said the City has expressed grave concern about this obligation. The agreement holds that the County will diminish their services in the area over a three-year period. The City has requested that the County continue to serve for five years.

Chair Vigil said she was recently on Rufina Street, the north side of which is in the city and south is in the county, and noted three County Sheriffs working in the north within city limits. It appears that regardless of where emergency response is needed it seems the closest public safety personnel shows. She said the City's unwillingness to participate with the RECC has been troublesome for her to process.

Sheriff Garcia said the County does not bill the City when they respond within City limits. He said they have jurisdiction anywhere within the County. He said he has concern about the City's request for the County to service an area five years into the annexation. He said he understood and has talked with the City Manager on the issues, and that there was an agreement with the former Sheriff. He said he handles the area of Phase 2 of the annexation with 12 deputies 24/7. The City is increasing its law enforcement by over 20 and until they obtain all those officers they want the County to continue providing law enforcement services to the Phase 2 area for the next five years.

Sheriff Garcia said he has assured the City that he is willing to work with them but it is not acceptable to continue servicing the area for five years while the City builds up its force.

Commissioner Anaya said he has heard from a City Councilor that the County is somehow perceived as rural in the sense of having lesser quality roads. He said he has a serious concern that the City is not following the negotiated timeline within the Agreement. Speaking specifically about the 12 deputies servicing the annexed area, Commissioner Anaya asked the Sheriff to elaborate.

Sheriff Garcia said this area (Area 2 – includes Airport Road, La Cienega, La Cieneguilla, Las Campanas and the Agua Fria areas) has the highest call volume. He said the department handles the area with 12 deputies. City and County law enforcement personnel work well together. Sheriff Garcia said to continue to commit deputies to the area until the City decides they're able to handle it is not appropriate. He mentioned that the City was upset about taking over I-25 from Old Pecos Trail to 599 because they claimed they didn't have crash experience on the interstate.

Responding to Commissioner Anaya, Sheriff Garcia said he will support the Agreement and continue working with the Chief of Police. He said, "We have to work together. Their problems are our problems."

Mr. Ross cited the Agreement, "The City shall immediately upon annexation match that level of law enforcement service provided by the property." In other words, the City should have 12 officers in the area.

Commissioner Mayfield said he interpreted the Agreement to be within a three-year period and to go beyond that timeframe is unfair.

Ms. Miller said she too has heard from the City that the County's roads in Area 2 are rough on their equipment and Acting Chief Sperling remarked that the City has been servicing this area for 20 years. Ms. Miller noted that the road system from City to County is fairly seamless.

Once the presumptive areas become City, Commissioner Anaya questioned how that affects the County's population. He went on to say that the County has bent over backwards to work with the City, but the City seems to dictate issues that are within the County's purview and prerogative. Aside from solid waste concerns, Commissioner Anaya said he has heard from many to-be annexed citizens that they are ready to receive services.

Commissioner Anaya questioned whether the RPA should be disbanded or expanded.

Mr. Ross said fire and police agreements are still in preliminary negotiations facilitated by the City and County managers. There was a preliminary agreement between the former sheriffs, former fire chiefs years ago that was never adopted.

Mr. Ross assured the Commission that all agreements will come before the Commission for action. He said there may be a need for additional agreements to resolve disputes in Phase 2 regarding roads and utilities.

Ms. Miller stated there was a concern about utilities. The County's budget was based upon taking over 650 customers outside of the current city limits and the County's FY12 budget was based on the transfer of those customers. Those customers still have

not been transferred and she cited that as one of the agreements that is not moving fast enough and has a financial impact on the County.

Ms. Miller said the Agreement states that infrastructure will be transferred and provisions for reimbursement to the City for the value of such infrastructure needs to happen. She said that could be a substantial cost to the County and there are questions that need to be investigated including whether the infrastructure was paid for by the City or the developer.

Mr. Ross said the County included in the utility draft agreement that the County is not responsible for developer-paid infrastructure.

Ms. Miller said there have been ongoing meetings regarding annexation with the City manager and department heads. She said the agreements have been drafted although the City has not signed off on them. She repeated that the infrastructure component was an issue because the County is depending on that revenue.

Commissioner Anaya said it appears from the City's inaction that they are letting it ride. In fact, he understands some of the councilors oppose the annexation that is already in place by Agreement. He stated he was prepared to take a stance.

Mr. Ross said if the County requests that the City move on the draft agreements and the December 2011 date passes without an annexation petition filed, then it would be viewed as a dispute. Enforcement of these things requires going to court and filing a motion to enforce the settlements.

Commissioner Stefanics said annexation was difficult for the Commission and understanding the court settlement in place, if the City's inaction is affecting the County's budget then it needs to be moved on. She reminded staff that the County is an organization that needs to protect the taxpayers. It would be remiss of the Commission to allow this to hurt the County.

Ms. Miller said the 650 utility customers are within Aldea and the County is able to provide the service. She said one of the contentious issues may be compensation of the exchange for infrastructure. She noted that the Aldea developer paid for the infrastructure, not the City. At this point there has been no response from the City.

Commissioner Mayfield asked about the new Walmart and which entity would receive the GRT. Mr. Ross said the County will continue receive to GRT. Ms. Miller said annexed properties provide the City with municipal GRT, property tax, and municipal court citations – and the County loses nothing. In the unincorporated areas the only GRT the County receives is for environmental infrastructure. The County does not lose property taxes which stays the same regardless of incorporation.

Commissioner Mayfield rephrased his question asking if the City will receive an additional GRT from Walmart once it opens and Mr. Ross said Walmart is in the City. Commissioner Mayfield said if that's the case he advocated pressuring the City to make

good on the signed Agreement. He suggested that the Commission go before the Council outlining the Agreement provisions that need their attention.

Commissioner Holian asked if she should include "Settlement Agreement issues" on the RPA agenda.

Commissioner Anaya asked whether the County could designate an area for commercial growth that cannot be annexed. He mentioned that in the past when the County has designated a commercial area it has been annexed and the County loses the tax base. Mr. Ross said for the remainder of the Settlement Agreement the County is safe. When the agreement was developed there was discussion about revisiting the state annexation statutes.

Commissioner Anaya mentioned the logistics of southern Santa Fe County which he foresaw exploding by the interstate around Edgewood. He assumed Edgewood would continue to annex developed areas and he recommended that the County garner the commercial tax base before it is lost. He mentioned that Walmart, Hunter Lumber, Walgreens and Smiths are producing a great deal of GRT revenue for the Town of Edgewood. Edgewood and Moriarty will continue to annex within the area and he hoped Santa Fe County could protect some of the property.

Ms. Miller pointed out that 10 years ago it was detrimental for a county to lose areas. However, since that time the legislature has changed the tax situation allowing counties to go across incorporated areas. She identified three GRTs that are impacted: the ¼ cent fire excise, 1/8 environmental infrastructure and other infrastructure which add up to at most ½ percent. The bigger issue in annexation is for the business or property owner whose taxes go up.

Commissioner Stefanics asked who in staff would be tasked to assess the future possibilities of looking at the commercial/tax revenue properties Commissioner Anaya mentioned in southern Santa Fe County. Ms. Miller said it would start with Duncan Sill for the economic development initiative, then Legal, Finance and Projects.

Commissioner Anaya mentioned a corridor study underway to revamp the interchange system along Interstate 40 from Moriarty into Sedillo Hill in Albuquerque. There is a tremendous opportunity for Santa Fe County to be proactive and preserve County property. He suggested when the JPAs with Edgewood are renegotiated that the County draft provisions regarding annexation protection.

Regional Planning Authority/GRT/Transit
[Exhibits 8-12: GRT-Related Documents]

Returning to Commissioner Holian's earlier question of whether the Settlement Agreement issues should be placed on an RPA agenda, Chair Vigil said she thought that was the appropriate venue for the issue.

Commissioner Stefanics said she thinks it is time to conclude the RPA. Commissioner Mayfield agreed, citing SWMA, BDD and other governing joint boards as being adequate. He said rather than RPA an "annexation board" should be created.

Mr. Ross reminded the Commission of ELUA and said annexation questions should be focused through ELUA or the RPA. By statute, Commissioners outnumber Councilors on the ELUA. ELUA met to accomplish the zoning of presumptive city limits and continues to meet as needed on annexation issues

There was consensus that the Settlement Agreement issues should go before ELUA.

Commissioner Anaya supported that the County withdraw and disband the RPA. If there is to be a Regional Planning Authority he recommended the inclusion of the City of Española and the Town of Edgewood. He suggested withdrawal from the RPA be a BCC agenda item.

Robert Griego said the RPA did accomplish many of the items there were initially set up to do. Each time a task is completed the JPA is amended and it has been amended six times. He said RPA land use plan is completed, as is the annexation map. The County capital outlay GRT still has some opposition from the City because the County is permitted to allocate that funding. Commissioner Holian said she understood the allocation expired in 2012. Mr. Ross said that was the 70/15/10 allocation.

Mr. Griego referred to Ordinance 2000-15 which created a conflict with the RPA JPA, one of many. One of the initial tasks for the RPA was to develop a regional land use plan which has been completed; however, the plan includes language stating the County will establish codes and ordinance based on that future land use plan. He said that was superceded by the County's Growth Management Plan.

Transit is another issue the RPA has been dealing with, however, the funding to transit is made directly to the NCRTD. He mentioned RPA has staffing issues and there is no funding for the director. The JPA indicates that the RPA will meet monthly and in fact they meet every two months.

Commissioner Holian commented that the RPA task forces/subcommittees could easily exist independently of the RPA. She said the difficulties she encounters with dissolving the RPA have to do with the transit plan. The RPA is charged to develop a transit plan that is forwarded to the NCRTD for consideration.

Commissioner Anaya said with confidence that concerns of the RPA are being addressed at the NCRTD. There will be interviews for an executive director within the next few weeks. Commissioner Mayfield has asked to sit as an alternate and in Commissioner Anaya's opinion the NCRTD is acting with transparency and the board is addressing all concerns. The NCRTD is considering an advisory council comprised of the ridership to further advance transparency. He said the voting seems appropriate and provides policy strength to the larger entities.

Commissioner Stefanics said the route priorities are not well addressed by the NCRTD. In fact, last year the RPA developed priorities that were ignored by the NCRTD. She cautioned not to depend on the votes at the table to allow the County's priorities to rise to the top.

Commissioner Anaya said the NCRTD membership does not always look favorably on County-initiated discussion. He said the tribal governments fully recognize Santa Fe County and Los Alamos as economic hubs. Mentioning that there has been a progression of transparency and other improvements on the NCRTD, he said he was optimistic that routes can be improved.

Commissioner Anaya asked Ms. Ellis-Green what she thought about the NCRTD. She said there have definitely been changes within the past six to nine months in terms of financial policies. NCRTD provides the transit plans for Taos and Rio Arriba and she understood the RPA plan was approved.

Commissioner Holian asked what happens to the transit plan in the event the RPA is dissolved. Commissioner Anaya suggested the MPO could serve as the planning group. Commissioner Holian said this discussion about dissolving the RPA requires City input.

Chair Vigil noted that the County and the City have statutory authority to create their own RTD, which was the original direction. She asked if that option was still open. Mr. Ross said it was, however, there are complications due to the GRT funding.

[Chair Vigil excused herself from the remainder of the meeting.]

Commissioner Stefanics assumed the responsibilities of chair and said the consensus seemed to be that the annexation issues should go to ELUA.

Referring to regulations governing the formation of the RPA, Commissioner Mayfield asked if the five-mile zone was shrinking or if it would expand with annexation. Ms. Miller stated the boundary was moved by amendment. Commissioner Mayfield raised the issue of the RPA as enterprise fund, and expressed his frustration that regional planning was not being done. He said Española and Rio Arriba County should be included. He spoke in favor of a public forum that would encompass everyone.

As chair of the RPA, Commissioner Holian asked about the possibility of dissolution, and Ms. Ellis-Green mentioned 120 days were required. Commissioner Holian opined that imposing it upon the City unilaterally was not an honorable thing to do.

Commissioner Mayfield agreed, saying if the RPA was to continue, important issues such as RECC should be tackled. Commissioner Holian said she would put it on the agenda.

Commissioner Anaya pointed out he has asked for joint County-City meetings on a number of occasions and has been rebuffed. He alluded to the fact that tax discussions

have not been reciprocal. The City and County have been able to come together and get things done through BDD and SWMA. However, there seems to be little point in creating another entity. He asked staff and the County Manager their opinions on dissolution of the RPA.

Ms. Miller said the only decision the RPA has made this year has been concerning the transit routes. That could have been done in a mutual agreement between the City and County. In the past decisions have been made on capital outlay. There are inherent problems in that the RPA doesn't do what the JPA specifies, beyond those two things. "From a government perspective, sometimes it makes sense to get rid of things if they're no longer doing what they were intended to do."

Commissioner Stefanics suggested the matter be put on the RPA agenda as a matter of courtesy.

Commissioner Mayfield asked if the City Councilors on the RPA could prevent the matter from being taken up at the BCC. Commissioner Stefanics said actions taken at the RPA are not binding without Board approval.

It was agreed to have making a formal request to the City to convene ELUA for the purpose of discussing annexation as a BCC agenda item.

Buckman Direct Diversion Project

Ms. Miller said there is still an outstanding issue related to the close-out of the BDD. The County has asked for a full accounting. Commissioner Stefanics mentioned that at the last BDD Fiscal Audit Committee meeting there was a request for the County to reimburse \$1.2 million for pre-operational expenses. Action on that awaits pending internal meetings at the County.

Ms. Miller explained there was some ambiguity in the BDD JPA regarding budget issues. For instance, there is a \$4 million grant with an \$800,000 loan component from the Water Trust Board that the City applied for and received. The project was completed in December, and the loan came in in May, which makes the accounting unclear. A full accounting will clarify matters, and the City has agreed. Bills for operations will be coming in soon and those are reviewed separately.

RECC

RECC Director Ken Martinez distributed informational material. He said the formation of the RECC in 2001 was intended to combine the call dispatch function of the City and County and bring it under one roof. Until 2006 it was funded jointly between City and County, split by call volume, with the lion's share of the expense going to the City due to their greater call volume. In 2006 the County became solely responsible for operations and became the fiscal agent. Since that time it's been operating as a quasi-county division.

The biggest issue is funding. Capital expenses are shared but the County pays for operations. He described the composition of the eight-member board of directors. There was agreement on funding capital costs, but a maintenance agreement has been tabled twice. Mr. Martinez asked that the JPA be re-examined and revised so that the RECC is closer to its original intended role – a separate legal entity that serves both City and County with funding coming from both, as well as the Town of Edgewood. He recommended that the City and County each contribute equally to the capital expenditures with Edgewood contributing 20 percent of the overall capital expenditures not to exceed \$20,000. This is in line with call volume. “Funding should come from all sources.” He said an equipment upgrade currently underway will benefit all client agencies.

Ms. Miller said currently, the RECC lacks any legal authority since it can be overridden by the City Council. The state has encouraged regionalization and will only fund upgrades for joint centers. There are advantages to the RECC being its own entity and joint funding is key to making that happen. The employees could be retained as County employees with the County continuing to act as fiscal agent.

Mr. Martinez stated the previous arrangement had worked very well.

Commissioner Mayfield asked for a state overview, and Mr. Martinez said there is a broad mix. Using San Juan Regional Dispatch as an example, he said they used the original Santa Fe JPA as an example and have now encompassed the State Police. They are a separate entity and are free of the problems now seen here.

In response to questions from Commissioner Mayfield, Mr. Martinez said he has been trying to integrate State Police into the system and have provided them equipment. However, until an agreement is in place they maintain their own dispatch. A 911 call cannot be transferred more than once. State Police are only called on law enforcement calls.

Commissioner Mayfield asked about getting a PSAP that would encompass the City of Española or even parts of Rio Arriba County, especially in light of Edgewood being covered. Mr. Martinez said Edgewood did have other options but it worked best having Santa Fe as the primary dispatch center. He would not be opposed to the RECC becoming a larger regional center and incorporating parts of Rio Arriba County.

Commissioner Anaya said this is an example where continued coordination with incorporated areas is essential. He stated his support for a board with some teeth. He ascertained there were no Commissioners or Councilors on the RECC board and said there should be representation by the governing bodies. Proportional costs should be part of that consideration.

Ms. Miller said income has been as high as \$9 million but currently it's around \$8 million. Originally, it was for fire and EMS. Mr. Martinez noted that the San Juan Regional Center has a tax dedicated to its operation.

Ms. Miller said the law allows the tax to be imposed for emergency communications, fire and behavior health. As presented to the voters, the tax went to fire and emergency communications but was not broken down specifically. Of the \$8 million, Finance Director Martinez said that \$3.2 million goes to the RECC and the remainder to fire. Ms. Miller added that last year zero went to the RECC.

Commissioner Anaya said there has to be an equitable distribution of services and money that's shared by the City and the County. He said something needs to be done, possibly a joint meeting. Ms. Miller said the problem is the City is intransigent in its position about the agreement that the County is obliged to fund the RECC. The agreement makes mention of sharing "capital outlay and all associated costs" which could encompass ongoing software maintenance, for instance. The County's only leverage is to pull out of the joint agreement which would not serve the public.

Commissioner Stefanics said this issue has been discussed several times at Commission meetings with multiple requests to the City Council to go back to the table and renegotiate. She asked if there had been a legal conversation to that effect. Mr. Ross stated he meets monthly with the City Attorney and has shared the concerns. However, no concrete proposals have been developed. He expressed his willingness to take specific suggestions and say, "Let's move on this."

Mr. Martinez suggested working off the original JPA, which was clear and concise. He said the current city/county call volume breakdown is about 67/23, with Edgewood comprising only around two percent.

Summarizing the situation, Commissioner Anaya said if the situation is not remedied cuts will have to be made on the County side. He asked that an analysis be made, after which the County could pass a resolution with suggestions that would be passed on to the City. Mr. Martinez said that was a good suggestion and outlined the current upgrades that are being made and the confusion that has resulted over their funding.

Commissioner Stefanics asked when this could be put on the agenda and Ms. Miller said mid-September.

Commissioner Anaya polled the Commissioners on their sentiments on having governing body representation on the RECC board, i.e., one Commissioner and one Councilor. Commissioner Holian asked for Mr. Martinez' opinion. Mr. Martinez said the original JPA made the board members the operational chiefs. Whatever the board approved would go to City and County equally and they were required to comply. Ms. Miller noted that in the past it was broached that politics should be kept out of the operational aspect. Commissioner Holian agreed that politics should be kept out.

Ms. Miller said the issue in putting something forward to the City is that they don't have the funds, so any proposal should have a practical consideration, such as a

phasing in of more equitable funding. Commissioner Holian agreed that a longer-term plan with possible progress should be sought. She asked if there was any hope the City would at least share maintenance costs. Ms. Miller said perhaps that could be for the first year, followed by components of call volume breakdown, over a five-year period. The other option would be an agreement on base funding with everything above that determined by call volume.

Commissioner Anaya was amenable to looking at a transition but pointed out that all of the issues – annexation, transportation, land use – are interrelated. The RPA nominally served in a planning capacity and lacked teeth. There should be a setting where everything can be put on the table for negotiation.

Commissioner Mayfield agreed, saying the County appears to be subsidizing the City. “I just want equity and I want it to be fair.”

Commissioner Stefanics said she was fine with the agreement coming back with some flexibility, but would not want to see the RECC agreement bring a halt to everything.

Mr. Martinez indicated that under the original agreement it speaks of “capital expenditures or assets over \$5,000, each item, including delivery, installation, and other related costs of equipment, machinery and vehicles with a life of longer than one year.” This could be the start of negotiations.

[The retreat recessed from 11:20 to 11:30.]

X. Santa Fe Canyon Ranch/La Bajada Ranch

COMMISSIONER STEFANICS: Okay, we’re ready to start. We’re on to Santa Fe Canyon Ranch or La Bajada Ranch. I understand we have a little videotape of an incident out there from a week or so ago – but we don’t have that.

So we have Mark Hogan and we have Jack Kolkmeier so which of you are going to present? Oh, Kathy do you want to start with something?

MS. MILLER: No, I’m good.

MR. KOLKMEYER: Thank you, Commissioners and thank you, Katherine. We’re actually both going to do a little part of this. Again, for the record, I’m Jack Kolkmeier director of the Growth Management Department. You have two hand-outs: one is the staff report with La Bajada Ranch photo on the front [*Exhibit 13*] and then also you have received a community’s guidelines report from the community of La Cienega which has two pages of information and then a map attached to that as well [*Exhibit 14*]. What we’re going to do is very quickly go through some of the background information and I’m going to do that and then I’m going to turn it over to Mark Hogan, and I just again want to introduce Mark as the director of Projects and Facilities under Public Works. This being a County owned piece of property actually means it will be under the domain of Mark and Public Works. I would like to point out that since we have

purchased this property there have been a number of different involvements of different staff personnel. Growth Management, of course, still does planning in La Cienega so we have a role in that because this property is part of the overall La Cienega planning area and we have an existing master plan on the project that came forth before it was purchased and secondly we have economic development interests in this project as well and also Public Works is also involved because of the potential utilities aspect of this project as well.

So we'll start and get right into this. Actually, the background information is pretty quick so I'll be over to go through that and then I'll be able to turn it over to Mark who is going to talk about some of options and possibilities on the project as well as some of the constraints.

The first picture is really important because actually this property has historically been known as La Bajada Ranch. That was changed to Santa Fe Canyon Ranch when the developers came forward with their project. So we're going to go back to using the original name of the ranch, La Bajada Ranch, so we'll be referring to it as that as we move forward. And then you have a plat, second page, you have a plat and that shows you the property and we can refer back to that as we need to and we can also put that up on the screen if it needs to be enlarged. And then the following page is findings of fact and I'm just going to go over this kind of quickly. This gives you information about where we right now. If there are questions about purchase agreement or things that occurred as part of that I'm going to have to hand that off to some other staff members. But I'll just go through this real quickly. There's information about the location, the boundary and easement information, what lots have been required by the County, the warranty deed information – there's been a lot of questions about the actual purchase price and the appraisal price and those two figures are listed there for you. Water rights, we know there are a number of questions about this but right now we have 3 acre-feet in a domestic well and that's the well registration number for that. Applicable community plan, this is important information again in terms of the community involvement and a lot of the work that Arnie Valdez has been doing with the La Cienega and the La Cienega and Cieneguilla communities have an adopted plan and ordinance so we have to pay attention to that information as we go forward with what we would like to do. Also, when the property was first purchased the community was very concerned that they would continue to be involved. At that time, County manager Roman Abeyta made it really clear to the community that they would be able to give us information about what they would like to see on the property and that's the other information that I handed out to you [*Exhibit 13*] that came in last evening so we're pretty up to date with what they would like to do. The community is currently updating the community plan that's what Arnie is working on with the community so we'll have forthcoming information eventually from the community on more specific land use issues and if you have any other detailed questions on that process, Arnie is here to help us out with that.

The next page, applicable ordinances, again, that really referred to not the existing Land Use Code that we have but also again as I mentioned to the ordinance for La Cienega Community. The other important aspect, we think, of the discussion as we move forward is, in fact, that there is a master plan existing on that property right now. When the property was purchased we did not rescind the master plan and that information on there is kind of important right now. Phase 1 and Phase 2 of the master plan applies to

the County property. Phase 1 has 80 lots on 200 acres with a density of 2.5 acres. Phase 2 adds 76 more lots on 199 acres, 1 D/U per 2.62 acres. So that's what is existing on the property right now. The existing site conditions and –

COMMISSIONER STEFANICS: Commissioner Holian has a question.

COMMISSIONER HOLIAN: Jack, on that master plan, how about water? It includes right now it only has 3 acre-feet of water through that well; what does the master plan say about water?

MR. KOLKMEYER: Do we know that information? Oh, that was based on the full 1,400 acres.

COMMISSIONER STEFANICS: Is that something you have to get back to us on?

MR. KOLKMEYER: I'm thinking that we will because the complication is that the water rights was for 1,400 acres and when we split that I'm not sure exactly how that divided up with our 400 acres and then the other 900, unless, Pego, do you know? Do you have any information on that?

PATRICIO GUERRERORTIZ: Madam Chair, Commissioners, I don't have the exact information as to how the data --

COMMISSIONER STEFANICS: Okay, well thank you very much.

MR. KOLKMEYER: We'll have to get more detailed information on that.

COMMISSIONER HOLIAN: Back to my question then; is that master plan is it still valid if the water doesn't exist?

MARK HOGAN: There is County water available adjacent to the site so water can be brought to it. The only water rights that are with the property right now are the 3 acre-feet.

COMMISSIONER MAYFIELD: Madam Chair, I'm going to have a few questions and they're based on the agenda.

COMMISSIONER STEFANICS: Sure.

COMMISSIONER MAYFIELD: I think the water is discussed in the appraisal right?

MS. MILLER: Steve Ross is the only one that know stuff on the water rights and he had to go to –

COMMISSIONER STEFANICS: -- He had to leave for another appointment so –

MS. MILLER: -- but what he did explain to me is that the water rights that were with the property were basin or I guess ground --

MR. KOLKMEYER: -- ground water rights, yes.

MS. MILLER: -- and that they were way too expensive for us to acquire with this property particularly considering that we had utilities to the property line and that if we needed water rights that the more appropriate water rights would be San Juan-Chama water rights through our system because those would range from \$10,000 to \$15,000 an acre-foot versus the ones that went with the property at about \$50,000 an acre-foot.

COMMISSIONER HOLIAN: So in other words the master plan is still valid but only if we brought in water.

MS. MILLER: Yes, somebody would have to bring in water.

MR. KOLKMEYER: Yes.

COMMISSIONER MAYFIELD: For my clarification, the master plan was approved on 1,400 acre?

MR. KOLKMEYER: Yes.

COMMISSIONER MAYFIELD: With the existing water rights; correct?

MR. KOLKMEYER: That's my understanding, yes.

COMMISSIONER MAYFIELD: So there's no more master plan on the 470 acres that we have?

MR. KOLKMEYER: Well, that's a legal question that still is a little bit confusing because there still is a master plan for something, for 1,400 acres. So if it was split there still the legal question, of is there a master plan on the 400 acres and also then, is there also a master plan on the other 900 acres which is also equally as important. We haven't really come to a conclusion on that fact whether selling it and splitting actually then negates the master plan that is there. We still need clarification on that.

COMMISSIONER MAYFIELD: And, Madam Chair, I have just one other quick question. If you all are going to approve a master plan are you going to approve a master plan on 470 acres with 3 acre-feet of water from the lot? Right now, today, if I came in and asked for a master plan on 470 acres and I said I have 3 acre-feet off of a well and I don't know whether I can tie into County or City water or not, would you guys approve it?

MR. KOLKMEYER: It would depend on what was being proposed in the master plan.

COMMISSIONER MAYFIELD: So you potentially could approve a master plan with 3 acre-feet?

MR. KOLKMEYER: Potentially, yes, we could, yes. It would depend on the uses and what was brought forward in the master plan. And then I'm sure we'll have lots more discussion on that as well.

And then there's a listing – just to be clear then, right now what we have on our property right that there is surety about is 3 acre-feet from a domestic well. So that's back to that. Then there's some existing condition statements there that we have for you that Mark will go through. We have some slides and some pictures and then we can go into some more detail about some of that. Access of course is off of the frontage road/I-25. On the next page as we look through a number of requests and letters and potential proposals and things that have come forward to us, we are fairly certain that there's five scenarios right now for us all to consider. One of them would be community and economic development type projects. Secondly, would be preservation and conservation type projects. Third is sell the property. Four might be an exchange of the property and five is to do nothing for the time being and just kind of wait and see what happens. So of the suggested uses that we had monitored and have come to us so far have been film locations, an algae production facility, a variety of equestrian educational uses, therapeutic riding center, equine arts institute, a sustainable grazing project, a variety of non-profit groups have talked to us about the property and one of the things that came forward from a number of people in a survey that we did back in November of last year was a veteran's center. In the survey that came out in November 2010, my staff and Katherine and I worked on this some time ago, is just to put together some kind of an idea based on community thinking at that point, and what we saw in the survey and so we put together a little statement about what we called at that time the La Bajada Gateway

Center which is actually a name that came forth from the La Cienega community. Three things that might be of relevance to the community and to us as the County and that would include conservation/restoration project of some kind, a development of a community event center and park and recreation area and some of demonstration projects related to botanical, agricultural and alternative energy projects. The community was particularly interested in this area as being the gateway into the whole La Bajada area that is behind this property here and this was just an idea that we put together to try and see if we could bring some semblance of agreement on some of the projects there together.

So that's some basic background information and I'm going to turn it over to Mark who is going to take you through some of maps and slides and talk about some of the opportunities and constraints and then we'll be happy to open it up to discussion.

MARK HOGAN: Before I go any further, does anyone have any questions –

COMMISSIONER STEFANICS: No, please, keep going. Here's the deal, it's 20 to 12 and we are ending at 12:30 because this is a public meeting and it has been noticed. The longer you talk the less questions you get but everyone here has questions.

MR. HOGAN: In addition to what Jack talked about, these two handouts that are on your desk also add some additional ideas in terms of what could be done here. The two pages that you saw previously were really just to start to establish possibilities and I think that's really what we're here to introduce is where we are right now which is really trying to explore the possibilities and then the other question that we would like to get direction from the Board is, where we go from here? So I'm going to clip through some of the slides and some of the things that are influencing the property but ultimately what we want to get back to but ultimately what we want to get back to are what are the alternatives that the Board is interested in us pursuing and what's associated with that in terms of County resources, financial resources and help us map out a plan. We're really here to assist in good decision making so that's really the point that we're trying to pick up on here today.

The next couple of pages – the first map just identifies the property in relation to I-25, La Cienega, the Thompson overpass, and you can get an overview of where we are situated. The next couple of slides just show the ranch house facilities. There's the ranch house and it has a swimming pool. There's also a two-story barn, garage, tennis court and some ranch infrastructure. What the next series of slides do just sort of overlay, buildup some of the existing conditions that we need the Board to be aware of. The first slide is just an aerial photograph. The second one looks at the adjacent zoning, Jack, touched on that previously and I won't labor that right now. The hydrology is the next page, clearly, there is a strong arroyo going through the property. There is wetlands associated with that. And then the next page really looks at archaeological sites. There's a lot of cultural resources in this area and a number of them on this site. Those represent probably opportunities as well as constraints so I just wanted to touch on that. And then the last map in there is a composite that just lays those things all over each other so that you can see the buildup of the hydrological zones, the archaeological zones and the more open areas with less topography.

The next series of slides just shows some of the features on the land at the moment, the arroyos and the vegetation. One thing to note is that there is a fair amount

of intrusive species, Russian olives and things, but it also shows sort of the rich, wetlands nature of the hydrology on the site.

From there we really want to get back to the discussion of what's possible? What are the questions that the Board has that we can answer and where do we want to go and how do we want to do it? Clearly this discussion really begins today. It doesn't being and end. So we're going to look for direction in terms of how we bring scenarios to you. What ways that we can develop information on the project and the property and what resources that the County has available both in-house staff and what type of resources we will need to bring back. So these are expenses that the County will have to anticipate. So with that, I'll stand for questions.

COMMISSIONER STEFANICS: So, Commissioner Anaya, this is in your district, why don't you start.

COMMISSIONER ANAYA: Well, thank you, Madam Chair. I appreciate that very much. Just a few general statements and then I won't say anymore but when I was running for office and this is something that you haven't heard but others have already heard it. But when I was running for office I was asked, what's your perspective on Santa Fe Canyon Ranch; should the County have bought it? And, you know, not having sat in their shoes and dealt with the issue and even having a brother who was a former Commissioner, I said at that time I would not have bought Santa Fe Canyon Ranch. I would not have bought it not based on the potential of what it could be for the County but I wouldn't have, based on what I knew the facts to be associated with monies utilized. So I want to just say that and put it behind us.

The other thing I said immediately after that and the first time I was asked that was at La Cienega because La Cienega community forum that they had before the election, and I said we have the property based on the feedback of what I heard two of these Commissioners make and the other former Commissioners that voted to approve it and I think it was four to one that voted to approve it -- they wanted to see a useful usable uses for the property and what I said in that meeting was that I didn't support just leaving it to do nothing. So from my perspective as an individual Commissioner doing nothing is not an option. Leaving only as open space is not an option from my perspective and that's based on my awareness of the project and that's based on what I believe the intent of the Commission when they bought it. And, Commissioner Anaya and particularly has said on more than one occasion, I never voted for that parcel so that it would just sit and not be utilized. The intent of his vote in representing the district what that would be was that there would be alternatives so it would be used.

That being said, I'll be frank, with some of the discussions that were going on early on between staff and some of the community and I shared with the manager and we had a good conversation about it, I was a little frustrated because the manager -- not the manager, but some of the community members didn't ask me to participate in those discussions and I told Mr. Dickens, the president of the Association, probably about three weeks after at one of our meetings, I said, 'Mr. Dickens,' I said, 'you know, I'll work with you and continue to work with you but it would probably be helpful if you would let me know when you're going to have discussions associated with La Bajada Ranch, if that's what we're going to refer to it as now, so that I can be engaged and fully understand the scope of where you guys are headed.' But I told him at that time, 'I'm going to leave it up to you, Mr. Dickens, as to whether or not you want to let me know if

you're going to have those meetings.' But I did let the manager know and I'm letting the two of you know that I do want to meet. I want to know when those meetings are occurring. I want to know when there's internal staff discussions that are happening on La Bajada Ranch and that way I can have the choice of being able to participate and be present myself or I can make sure that Mr. Barela is present in my absence so that here going forward that we're completely and fully engaged in that process. The beauty of not being part of some of those discussions is that I like what I see associated with some of the recommendations that have been coming forward from the community but there is one elephant in the room that I want to put on the table that I think we need to have discussion about. I think there is a section of La Bajada Ranch that could be conducive to housing construction and I see it in here as low density housing construction and what they would want to see and I'm not exactly sure as to what they're referring to by low density but I think there could be a section in La Bajada Ranch that could sustain some housing development and that could potentially be single-family housing or it could potentially be senior housing or it could be some mixture or it could be some kind of assistive-type housing. But think there are some options that we should look at in reference to under the auspices of what I think I see as community and economic development.

I want us to have housing development explicit, that we look at that as a potential option. That being said, when I look at the alternatives that I see, I think that the point that Commissioner Anaya, former Commissioner, passed onto me was some way to recoup the resources that we paid is an important aspect I think of the project. But I think there's many ways that we can accomplish that. I know that Commissioner Holian and others want to get as creative as we possibly can and expand on that list that you have on potential options. So I think there's many things that we can do. When I see the swimming pool and some of the other things that are present, I see that as an excellent opportunity to have a community type recreation center to where people from the County could go and utilize the swimming pool in their community.

So I want us to be as broad as we possibly can. It sounds like that's what Arnie and the staff has been doing and I'm excited about the opportunities. I absolutely want to do something with the property that covers the gamut which is what staff has said to stick a housing development in there. Commissioner Holian has brought up even grazing. Grazing might be an alternative in coordination with those cattle growers and other livestock holders in that basin as a potential. People in the Village of La Bajada have brought that up as an option.

But, I'm excited about opportunities and one thing that I did which was the first thing on the list that I saw here which ties to the film industry. I think having lived directly adjacent to a movie set in Galisteo and working closely with the community, that set has been a pretty vibrant part of Galisteo and the private owners have been pretty good and I would just include Bonanza Creek as well as Eaves Ranch as well, they've been pretty good about including the community and listening to their input but I think that something tied to movies is an option and I'd like to have more discussion on that piece as it correlates directly with our studios.

So, I'll stop with that, Madam Chair, but thank you for the opportunity.

COMMISSIONER STEFANICS: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Well, I think that this is a really, really special piece of property. It has so many resources to it that we don't have in many areas of Santa Fe County. For one thing, the riparian resources that it has, of course, it also has ranching resources. It has a lot of really incredible archaeological sites and so on and so forth. And, I think this is really an opportunity for us to show leadership in the Commission because we can really do something special with this place because it's special to begin with. So, again, I do see some agricultural type things that we can do. Ranching type things and, you know, I talked about this before in various BCC meetings and so on but you can actually use ranching as a way to restore the land. Ranching that's properly done can bring back grasslands and it can be an important component of fighting global warming, actually, amazingly enough. So I can see some programs that we do that would bring in especially the youth as a really important part of doing some sort of demonstration projects and we could be really on the forefront of what's happening in this country with regard to these things.

I could also see that we could do some grain-related economic development there. This could be a magnet for eco-tourism in Santa Fe County. Santa Fe County is already sort of seen as kind of a Mecca for eco-tourism and so in that sense it could be an economic development type project so of like other economic development projects that we've done. And we wouldn't necessarily have to be making money per se for the County in it but we have encouraged economic development in other places in the County because we think it brings in jobs, it brings in vitality and so on and so forth. So I see that we can bring all of these different elements together in one really special property.

And as far as the housing development, I don't see why we couldn't do that but you know I would see it as more of a component of green-type housing development that again could be a training ground for how people do that. And, again, they could bring in people from all over the country to see what we're doing there. So that again this is a special piece of property and I don't think that we should let – it has such opportunities that we should not let those be ignored.

COMMISSIONER STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you, and staff, thank you. I appreciate this being put on the agenda and talked about. I also brought up and just so that everybody knows I'll get my elephant out of the room: I have questions of the acquisition of this property still. I know we need to move forward on what we have acquired but I have sent an email to the manager asking some different questions and I appreciate some of the information that was given to me. But, you know, Madam Chair, I don't know what or if this is the right forum to discuss this or not but again I still have underlying of the acquisition. I don't know if staff is prepared because Steve Ross isn't here he had a litigation I guess – and I don't know if those questions are appropriate for him and I don't know if they're appropriate for this time and place right now.

COMMISSIONER STEFANICS: Well, Commissioner Mayfield, your questions are certainly valid. I'm not sure anything can be rescinded about the purchase but if you want to bring up something you're welcome to. The purpose of this retreat is just to get some stuff out on the table and to discuss it.

COMMISSIONER MAYFIELD: It is on this appraisal. This branch – I believe in 2005 we paid a little over \$8 million for it.

MR. HOGAN: Seven million.

COMMISSIONER MAYFIELD: No, the whole ranch.

MR. HOGAN: The whole ranch. I'm sorry.

COMMISSIONER MAYFIELD: It was inclusive of over 1,400 acres and water rights and would you mind going back a couple of slides to the whole plat of the property, please. Not just the County portion but going back to the whole plat. The one that shows that sideways does have – what property of this was retained by the folks we bought this from?

MR. KOLKMEYER: That just shows the 400 acres.

MS. MILLER: That's the 400 acres we bought. We have one of the entire –

COMMISSIONER MAYFIELD: Jack, do you mind just kind of showing me visually – it's that sideways triangle right, we did not acquire that.

MR. HOGAN: This is the County's property and this is not –

COMMISSIONER MAYFIELD: So on the balance, is there still a master plan on that balance?

MR. KOLKMEYER: Well, that's still the question that we were discussing before. Because the master plan is for the whole property, the master plan for Santa Fe Canyon Ranch was for 1,400 acres. That was the whole piece. So to my knowledge that master plan was never rescinded even though we purchased 400 acres of it. So it's still – there's still a legal question of the validity of that master plan. If it's still there, does it apply both these tracts.

COMMISSIONER MAYFIELD: I know I can't give direction in this meeting but is there anyway I can get the legal validity of that master plan? Does the County have a master plan on what it acquired and is that property off to my left, does that have a master plan? I would assume that when you all approved a master it was approved on the full 1,400 acres.

MR. KOLKMEYER: That's correct.

COMMISSIONER MAYFIELD: And I would believe it was contingent on the water that was on that property so when the water leaves – I get here that we legally dispersed the water [inaudible] but were there individual underground water rights on each little different tracts even the tracts that we acquired or were all of the water rights just on my left hand portion of the property? And were those water rights – how were those water rights transferred to the left hand portion of the property, in fact, they were? Those are just I have that I would like answered.

MR. HOGAN: Those are questions that we'd have to get back to you on because I don't think anybody at the table has the history on those water right acquisitions.

COMMISSIONER MAYFIELD: When master plan approval was initially approved in this location, was it condition again on the water rights that they had?

MR. KOLKMEYER: For the full 1,400 acres, yes.

COMMISSIONER MAYFIELD: And then was there reason, I don't know if it came up to preliminary to us or back to final – I know I asked that question and I don't know think I got an answer back on it yet – so there was just a master plan for the full 1,400 acres right?

MR. KOLKMEYER: Correct.

COMMISSIONER MAYFIELD: There was never a --

MR. KOLKMEYER: -- Development plan approved.

COMMISSIONER MAYFIELD: That has never happened.

MR. KOLKMEYER: Yes, that's my understanding. Let me just double-check with Arnie, that's correct, right? Yes, it's only had master plan approval.

COMMISSIONER MAYFIELD: But there was an issue discussed with the former Commission as far as this approvals master plan. Was it contingent on them being able to access County water or City water?

COMMISSIONER HOLIAN: Madam Chair.

COMMISSIONER STEFANICS: On that?

COMMISSIONER HOLIAN: Yes, on that. I seem to remember that shortly after we on the Commission that there was going to be an issue confirmed with us for preliminary plat approval but part of that preliminary plat approval was the question of whether they would bring in County water from the corner of the property or the lot that they were platting.

COMMISSIONER MAYFIELD: And, Madam Chair, Commissioner Holian, and staff, I could be wrong but this issue of a subdivision came to the County on at least three occasions; did it not?

MR. KOLKMEYER: Yes.

COMMISSIONER MAYFIELD: And it was turned down three times?

MR. KOLKMEYER: You mean for water for them to get County water?

COMMISSIONER MAYFIELD: To get master plan.

MR. KOLKMEYER: Well, the master plan --

COMMISSIONER MAYFIELD: -- Jack, let me ask you this. Can you kind of walk me through the process? That will help me out from when the initial application was made on this master plan approval and how many times it came to a decision -- was that in front of the CDRC and then it eventually came to the BCC.

MR. KOLKMEYER: I'm going to go back and look at the applicable master plan information on the handout that we gave you. The revised and amended master plan for Santa Fe Canyon Ranch LLC final order were filed on March 10, 2009. So that was when the master plan was approved for that property. Now how many times it came up for hearing I don't recall but I think twice for sure.

MS. MILLER: County water, right?

MR. KOLKMEYER: Well, the County water, that was associated with the master plan each time as I recall. So it was twice before but for the project to have County water was denied twice. Is that kind of the question that you're after there? The master plan was finally approved but there was denial of hooking up to County water twice that I recall.

COMMISSIONER MAYFIELD: Thank, Madam Chair, and Jack maybe you all know why it was denied.

MR. KOLKMEYER: Well, it was my recollection, and, again, I may need help from others, it was my recollection that the Commission at that time, and you may have to help me with this as well as staff, wanted the project to provides its own water.

COMMISSIONER MAYFIELD: Then why did we acquire a piece of property with no water rights?

MR. KOLKMEYER: I can't answer that piece. But is that – do you remember, Penny?

MS. MILLER: Excuse me. I wasn't here but there was a full master plan with wells and the community did not want the wells and they really fought the wells because of what it would do to the water in the area. So they came back requesting twice to discuss the County water and were turned down. So they were stuck and [inaudible] they had approval but a lot of opposition to the way the water was –

MR. KOLKMEYER: Right, that's correct. Because when the community took a very strong position to this because they didn't want them to use the wells because of the springs but they also then didn't want them to hookup to the wells because of the density because then they would have gotten the density. So that was the conundrum. So then it was approved as a master plan without County water based on the water rights that they had. That's my recollection, Commissioner.

COMMISSIONER MAYFIELD: Okay. Madam Chair and staff and everybody, my concern with this, if the County decided to acquire this property then that was a decision that the County made, I believe the County overpaid for this property. Seven million dollars is a lot of money when the actual full tract of 1,400 – I mean this appraisal is tell me to pay a million bucks for it and it has water rights. And now we have a piece of property and I did tour of the property, I mean there can be great plans for that home, that home needs a lot of work, just the home alone and I don't know what the home was valued. And then there's also the appraisal the County ordered. I mean there's a lot of questions that I have just based on this appraisal. I mean – there's question in this appraisal that was signed by – let me ask this question really quick, is this a public document or not?

MS. MILLER: The appraisal, yes. This acquisition, I don't know what you're looking at, but anything that has to do with the acquisition, Madam Chair, Commissioner, would be that the appraisal that was ordered and paid for. The County cannot by state law pay more than an appraisal and it must have an appraisal.

COMMISSIONER MAYFIELD: But there's something in this appraisal that basically says that it's for the actual [inaudible]

MS. MILLER: Now if you're talking about the one done prior to the County's acquisition of it. But there was an appraisal paid for by the County to have, in order for the County to acquire it and that appraisal, my understanding was, paid for by the County, the appraiser was hired by the County and that's the appraisal that you since negotiated the actual purchase of it. And, that the County cannot purchase without an appraisal and cannot purchase for more than appraisal.

COMMISSIONER MAYFIELD: In this appraisal it is saying that the appraisal assumes that there are no detrimental conditions resulting from any easements, deed restrictions or other title issues conveyable and immediately marketable title of assumed expert opinion to confirm this assumption is recommended. Did the County get an expert opinion?

MR. KOLKMEYER: I can't answer that.

COMMISSIONER MAYFIELD: Guys, we spent \$7 million. I mean –

COMMISSIONER STEFANICS: You know, I think the questions you're asking we don't have the right people here to answer. I think our legal is the constant –

MS. MILLER: And the former manager.

COMMISSIONER STEFANICS: He's not a constant any more so legal can help to answer some of these questions that you're bringing up. But go ahead.

COMMISSIONER MAYFIELD: And, Madam Chair, Commissioners, again, I don't know if this is the proper venue or not. I still have serious questions of how this was acquired, if we paid for this property – I don't think there is a lot we can do about it. But I would hope that based on this appraisal that the County ordered and what marketing conditions were taken into the I guess the appraised value, the assumptions that were made were made in the economic downturn because this appraisal was ordered in 2009. Effective date of the appraisal as of August 28, 2009. The comps that I'm looking at here, I don't know if the comps are prior to the decline in the market or if they were just at the time of the market conditions.

Madam Chair, I don't know what the appropriate venue. I'm going to defer to you. I still have some serious questions if we're going to move forward on this property and what we're going to do. How do we move forward if we don't know what we can do?

Tell you what, today I would support selling this ranch for 7 million bucks in a heartbeat today assuming that we lost a little bit of money on it. We've taken it off of our tax rolls and we have to incur a little bit of money, I think, just for maintenance of the property so if we're asking for any general direction or anything, I would just ask that we move to sell the property. But the only way that we're going to do that is by getting a new, fair appraisal. What is this property worth today looking at water rights? Is it worth the same \$7 million that we paid for it? That's a question that I have.

COMMISSIONER STEFANICS: Before I go back to you, Commissioner Anaya, I'd like to just comment on something that Chair Vigil, I asked her before she left, if there was anything that she wanted to communicate regarding this piece of land and then I have just a short comment as well. Her comment was that she felt that staff should present a proposal that would be sensitive to the land, sensitive to the community, but create some resources for the County. And, other than that, she felt that it was time for the County staff to come forward with some plan.

Now in terms of my perspectives, personally, I had talked about a multi-use planning for this property that would deal with bringing in some income, perhaps doing some energy project and also some preservation. Now, there was very high criticism about the purchase of this land and I think that we originally thought that this land was actually going to transfer hands from the County to a conservation group and it didn't work out. So, I think that some of the original ideas and intent did not occur and we didn't have anything in writing about it. It was just discussion but I think that it surprised us all when we ended up with this large piece of property, even though it's a great piece of property. So I do think that in terms of the community's resources, we now owe it to the community to come up with a plan to either sell or to utilize this land productively and it can be in many ways but in order to bring some resources to the County.

Now, I think that every time we talk about affordable housing we have other tenets or standards that you want with affordable housing and I think that our main one there is that we're not going to have an immediate grocery store or church or whatever, but we would need some immediate transportation and that's not out of the question if we can work something out with NCRT in terms of a Railrunner connector because if it can connect with the Railrunner then it can connect to the City buses and so on. But this is

the time to look at some innovative projects but innovative projects can't just cost us money it has to bring us money as well. So if were to look at some pilot demonstration projects it would need to have some kind of revenue or source of income in an ongoing manner.

We're not in the position as a County anymore and you know this Jack probably better than Mark, because you have to live with the budget decisions year to year but we just don't have money to spend without some kind of return.

That was Chair Vigil's comments and mine and we'll go back to any other comments. Yes, Commissioner Anaya next and then Commissioner Mayfield.

COMMISSIONER ANAYA: Madam Chair, I just want to make another comment for the record that kind of restates what I've already said in some ways but maybe adds a little more in others. There's some feedback that I've received outside of the La Cienega area of people that are outside even of district 3 that relate to the concern of the investment of the \$7 million for a property that I think many in my district would like to see not much done with it. And it's been expressed to me. And, I want to say on the record that -- cause the other comment I've heard is that the parcel is purchased, it has a master plan approved, I'm glad you provided that clarity for the public and everybody to understand but then the next comment is well that it is now incorporated in the traditional community of La Cienega and that community plan is in the full fledge to dictate or does not happen on this parcel: I've heard that. And, I want to say on the record that this parcel is unique from being an open space property that went through COLTPAC committee and then COLTPAC made recommendations on the parcel. It's unique in the way it was purchased but it's unique in the resources that were utilized as well. And it's a County parcel. It's not a La Cienega or La Cieneguilla parcel. It's a parcel within that community that we need to respect and take in their feedback. Take in their continued participation and battle on it but it's a County parcel that has impacts and potential gains and benefits for La Cienega, La Cieneguilla as well as the entire Santa Fe County.

So I just want to restate that again because those uses potentially housing, potentially economic development, youth program, senior -- I think we need [inaudible] and as you said it and I think you said it in a good way it's a collective project, if you will, that could be collective benefit.

And, so, could you maybe clarify because I want clarity because I think there are some community members that absolutely think that the determination of what is going to be used is going to explicitly come from the community plan. [inaudible] and I know the press is here I don't know if they'll print anything but what's your comment on that?

MR. KOLKMEYER: Well, I'll make one comment and then Mark and Katherine may also want to add something as well. First of all you said something that I'm not sure I exactly understood that was newly incorporated in the community plan. This piece of property has been there in the community planning boundary since they created that. Just to be clear on that one.

So, the importance about what's going on with the community right now is that we can't only look at this piece of property in isolation either. We've got the Downs. We've got Los Pinos. We've got -- there's Sunrise Springs, there's Las Golondrinas. It's a tremendous opportunity to try and pull a number of things together with the community as more, I would say, --

COMMISSIONER ANAYA: Jack, I want to comment on what you asked because I want to clarify something. It was within the community planning area and the proposed use, not what we are thinking about –

MR. KOLKMEYER: Santa Fe Canyon Ranch.

COMMISSIONER ANAYA: -- the Canyon Ranch proposed use, although it never made it – it made it through master plan, okay. It didn't go to preliminary or final, that proposal was within the auspices and the allowance within the Code of Santa Fe County.

MR. KOLKMEYER: And the La Cienega Community Plan and Ordinance. That's why the community was so concerned about water and the uses in relation to density because it was in their planning area from the beginning.

COMMISSIONER ANAYA: But it was an allowable proposal.

MR. KOLKMEYER: Yes.

COMMISSIONER ANAYA: That the people that were bringing it forward brought forward for the County to consider was allowable within the Code. The County never made it to development approval but it was allowable project if you will to bring as a proposal?

MR. KOLKMEYER: Yes, although there were questions of the density of the project from the very beginning.

COMMISSIONER ANAYA: Okay, go ahead but I just wanted to maybe face that foundation that it fit within but it wasn't approved obviously, the County purchased it, [inaudible] differing process, and I respect Commissioner Mayfield's concern about what happened but we own it now.

MR. KOLKMEYER: And the question now is still do we just do whatever we want to do or do we respect the community plan or ordinance. So we are trying to respect what the community planning group is doing because they are updating their plan. That's why we've asked that you tell us what you'd like to do because you're also going to have to update their community plan. So we're going to come forward with a proposal for La Bajada Ranch but also we're going to have to consider updating their community plan which is going to include for example a commercial district at the Downs and Los Pinos Road where, by the way, we're also trying to work to get connection to the Railrunner station to the flea market that's occurring their now. So a lot of these things can in fact hook together but the community, that is particularly the community planning committee at this point, not so much the La Cienega Valley Association. There are different groups but we are viewing them as partners at this point. That's how I would describe it.

COMMISSIONER ANAYA: Sure. My one comment I want to make on the record because I don't want somebody to come back later and say to me or to the Commission well in community plan it says one house for 50 acres, why are you considering potentially senior or assistive living or veteran's housing. I don't want us to get in some quagmire over what they feel is explicit and unchangeable and I'm saying this publicly because I want you guys to hear it and I want us to have a dialogue because there is something less than the housing densities in this proposal from the initial master plan but some higher densities in this defined pocket, for example, a senior housing complex that maybe that has a transportation [inaudible] is a real viable potential use and I just don't want us to be marching down and some one to come back and say wait a

minute Commissioner or Commissioners you can only have one house per 50 acres because if we're going to be creative and innovative with the whole parcel we've got to creative and innovative and look at all potential.

Do you understand what I mean?

MR. KOLKMEYER: Right, exactly. And, Madam Chair, if I may, that's why we're doing the community plan update right now so that we can look at things like densities and if we need to change those things from the community plan update to the same time that we're doing a new code for the County as well. So everything actually at this particular point in time fits together. What the results of that will be in terms of exactly what density and what kind of zoning changes we want to make that still is going to go through the process yet. So we would say that the points that you're raising are correct and legitimate and now is the opportunity for us to look at all the things in concert so we're not dealing with one thing here and one thing there and another change here and another change there. It's really a unique opportunity to bring all of this together.

COMMISSIONER ANAYA: Thank you, Jack. Thank you, Madam Chair.

COMMISSIONER STEFANICS: Commissioner Mayfield, you had other questions or comments?

COMMISSIONER MAYFIELD: Yes, Madam Chair, a couple of comments or questions I guess. One, this never came up through COLTPAC; right? This was a purchase from general fund tax dollars. There was never any bond money or any special – did this property ever come before COLTPAC?

MR. KOLKMEYER: Commissioner, I'm not sure because as Commissioner Stefanics pointed out before there was some discussion about a possible relationship but I believe it was Trust for Public Land and again staff wasn't involved in any of these things. So if Trust for Public Land was involved, I don't recall whether COLTPAC was ever involved in that discussion or not.

COMMISSIONER STEFANICS: -- but no they weren't. This wasn't a COLTPAC package.

MR. KOLKMEYER: No, but whether they were involved in any of the discussion and –

COMMISSIONER STEFANICS: They did come in front of the Commission to support the purchase. They made a recommendation and if you went back into the minutes you'd find it.

COMMISSIONER ANAYA: Interesting, because I heard the opposite of that. So that's interesting.

COMMISSIONER STEFANICS: We didn't discuss it or buy it immediately. It was discussed and then it went back to the table and then at some point somebody came forward and said we think it would be a great idea.

COMMISSIONER MAYFIELD: Madam Chair and Jack, again, I've heard that master plan approval has been given on this piece of property either in its entirety or split up and you're going to check and get back to me on that, but if master plan was afforded to this parcel of land would that at that time not have to comply with the community plan or does the community plan trump that master plan?

MR. KOLKMEYER: That was the discussion that occurred with the community all the way through the master plan process and they had some concern that

the densities were too high. So when the final master plan was approved the community plan – it was in conjunction with the community plan and I believe the community supported it at that time because they viewed that as the County having control then over that for the future development of that project. And from their perspective was that then meant for the moment there was not going to be high-density housing on that project. But they were in conformance as far as I can recall with the master plan, with the specifics of the master plan as it was worked out at that time.

COMMISSIONER MAYFIELD: I guess so I know even going forward on making future decisions, any master plan if there's a community plan on the books, a master plan needs to comply with that community plan; right?

MR. KOLKMEYER: Yes.

COMMISSIONER MAYFIELD: But whoever is bringing the plan forward can always come to this Commission and ask for variance of that if they don't agree with the community plan.

MR. KOLKMEYER: That's the way it is right now.

COMMISSIONER MAYFIELD: That's how it works, right?

MR. KOLKMEYER: Yes.

COMMISSIONER MAYFIELD: But typically you guys are going to bring something either supporting or objecting based on what you told me on how you interrupt land use Code within a box. You guys can do black or white. Variances need to come to this Board and if it meets within the box you're going to approve it and if it's not within the box you're going to say no to us; right?

MR. KOLKMEYER: Yes.

COMMISSIONER MAYFIELD: So, my assumption I'm going to make then is that the master plan conformed with the community plan.

MR. KOLKMEYER: That's correct but now the issue is the issue that you have already raised is does the master plan for 1,400 acres does it apply to just the full 1,400 or the 900 also? So there is still this legal question of one does the master plan still apply and if it does what does it apply to and then if not, was it rescinded because there was a property purchase – there's some legal issues here that we're just unable to answer right now. Our assumption is and I say that – our assumption as your staff is that there's some kind of master plan right now associated with that property and it's not clear what that means.

COMMISSIONER STEFANICS: We have five minutes left and I'm happy to take people's comments but I'd also like to find out if we have any consensus to give any director of if we're divided about it. Commissioner Mayfield, you still have the floor and then we'll go to Commissioner Anaya and Commissioner Holian.

COMMISSIONER MAYFIELD: I will say it again, I still have questions about the acquisition – but based on what you just said though, Jack, and maybe you know this or not, based on the appraisal, if we're going to buy something and however you all recommend or whoever all recommends to the County to buy a piece of property, based on the appraisal would there be a higher value dollar for something that has an approved versus a piece of property that has no master plan? [audio difficulties]

Ms. Miller explains that the appraisal is based on the highest and best use for the property. Commissioner Mayfield said he'd like a new appraisal.

Commissioner Anaya said to be innovative the County should not be hamstrung by the previous master plan.

Commissioner Holian said the master plan is irrelevant. The County should look at the best uses to bring in income to pay for maintenance. Commissioner Stefanics asked about property taxes.

Ms. Miller said at this point there is nothing in the budget for the property. She acknowledged that the County may have to spend some money to make some money.

The notion of a temporary grazing area was nixed.

Ms. Miller championed exploring a private/public partnership.

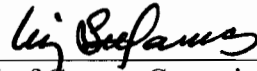
The idea of film studio, grants, pursuing a short term funding source, identifying resources and for staff to develop ideas as well as possible sale were on the table.

Commissioner Stefanics closed this discussion reiterating that the previous Commission understood the property was going from the County to a conservation group.

XI. Adjournment

Having completed the agenda and with no further business to come before the Board, this retreat was declared adjourned at 12:30 p.m.

Approved by:



Board of County Commissioners
Virginia Vigil, Chairwoman

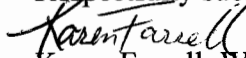
ATTEST TO:



VALERIE ESPINOZA
SANTA FE COUNTY CLERK



Respectfully submitted:



Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501



Analysis of the Affordable Housing Inclusionary Zoning Ordinance

August 23, 2011

**Median sales price in 2000 was \$268,900 and
increased to \$549,125 in 2007 as reported by RRC
& Associates**

**2002 Santa Fe County adopts the Santa Fe
Community College District Ordinance**

**15% Affordable Housing Requirement
Income Tiers 1, 2 & 3 (up to 100% AMI)**

**2006 Santa Fe County Inclusionary Zoning
Ordinance**

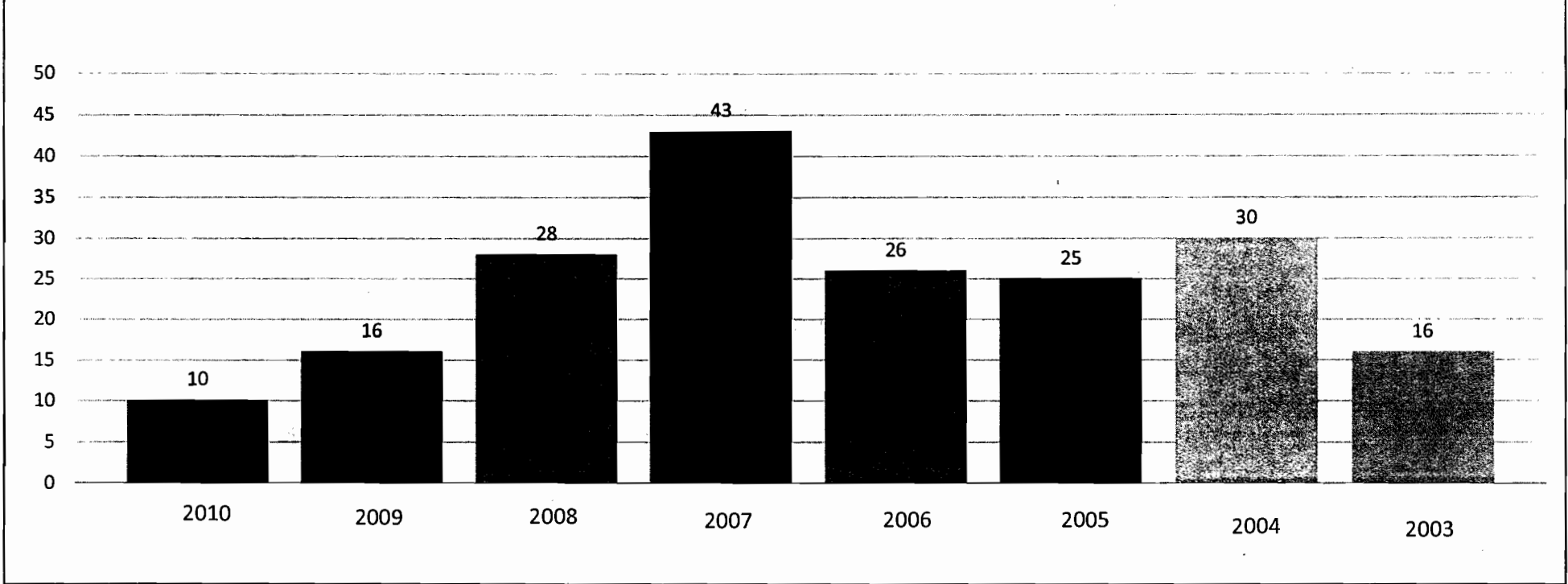
Income Tiers 1, 2, 3 & 4 (up to 120% AMI)

16% Affordable Housing Requirement for 5 to 24 Parcels

30% Affordable Housing Requirement for 25 or more parcels

**Median sales price 2nd Quarter of 2011 \$325,000
as reported by the Santa Fe Association of
Realtors**

Number of Units Sold



- **SFCCD Ordinance requirement was 15% - 179 homes built under this Ordinance**
 - **Average number of homes built during 2003-2007 in the SFCCD 805**
 - **Average number of permits per year between 2003 and 2007 161 permits**
 - **Average number of permits per year between 2006 and 2008 271**

 - **Total permits issued in 2011 year-to-date 12 for the entire Santa Fe County**
- **2006-02 Ordinance 16% for Minor Projects 30% for Major Projects - 15 Homes built**

NET HOUSING GROWTH UNITS/YEAR PERCENT CHANGE

	2006	2008	Percent Change
UNINCORPORATED SANTA FE COUNTY, ENTIRE	789	271	- 65%
SF Community College District	227	57	- 75%
Tres Arroyos Community District	113	15	- 87%
Las Campanas	59	40	- 32%
Las Tierras	56	8	- 86%
Greater Edgewood	55	11	- 80%
Remainder of County	279	140	- 50%

Areas that grew the fastest during the period 2003-2007 are generally the ones that so far have experienced the largest declines during the current recession.

Santa Fe County
Maximum Target Home Prices by
Income Range (Tiers)

Tiers					
<u>Income Range 1</u> <u>< 65%</u>	<u>\$84,750</u>	<u>\$92,000</u>	<u>\$105,250</u>	<u>\$118,250</u>	<u>\$131,500</u>
<u>Income Range 2</u> <u>66% to 80%</u>	<u>\$112,500</u>	<u>\$119,500</u>	<u>136,750</u>	<u>\$153,750</u>	<u>\$170,750</u>
<u>Income Range 3</u> <u>81% to 100%</u>	<u>\$140,500</u>	<u>\$147,250</u>	<u>\$168,250</u>	<u>\$189,250</u>	<u>\$210,250</u>
<u>Income Range 4</u> <u>101% to 120%</u>	<u>\$176,750</u>	<u>\$184,000</u>	<u>\$210,250</u>	<u>\$236,500</u>	<u>\$262,750</u>

Area Median Income (AMI)
per household Size

Tiers	1 person	2 person	3 person	4 person	5 person	6 person
65%	\$ 30,420	\$ 37,775	\$ 39,130	\$ 43,485	\$46,963	\$ 50,472
80%	\$ 37,440	\$ 42,800	\$ 48,160	\$ 53,520	\$57,800	\$ 62,120
100%	\$ 46,800	\$ 53,500	\$ 60,200	\$ 66,900	\$72,250	\$ 77,650
120%	\$ 56,160	\$ 64,200	\$ 72,240.	\$ 80,280.	\$ 86,700	\$ 93,180.



Santa Fe County Affordable Home Sale

Example for an Income Range 1, Income and
Range 3 purchasing a 3 Bedroom home

Affordable Home Sale

- ▶ Appraised Value \$250,000.00
- ▶ Base Sales Price
95% of Appraised Value \$237,500.00
- SFC Maximum Target Sales price - \$ 118,250.00
- ▶ **Santa Fe County Lien \$ 119,250.00**

Income Range 1
Price for a 3 Bedroom Home

Affordable Home Sale

- ▶ Appraised Value \$250,000.00

- ▶ Base Sales Price
 95% of Appraised Value \$237,500.00

- SFC Maximum Target Sales price - \$ 189,250.00

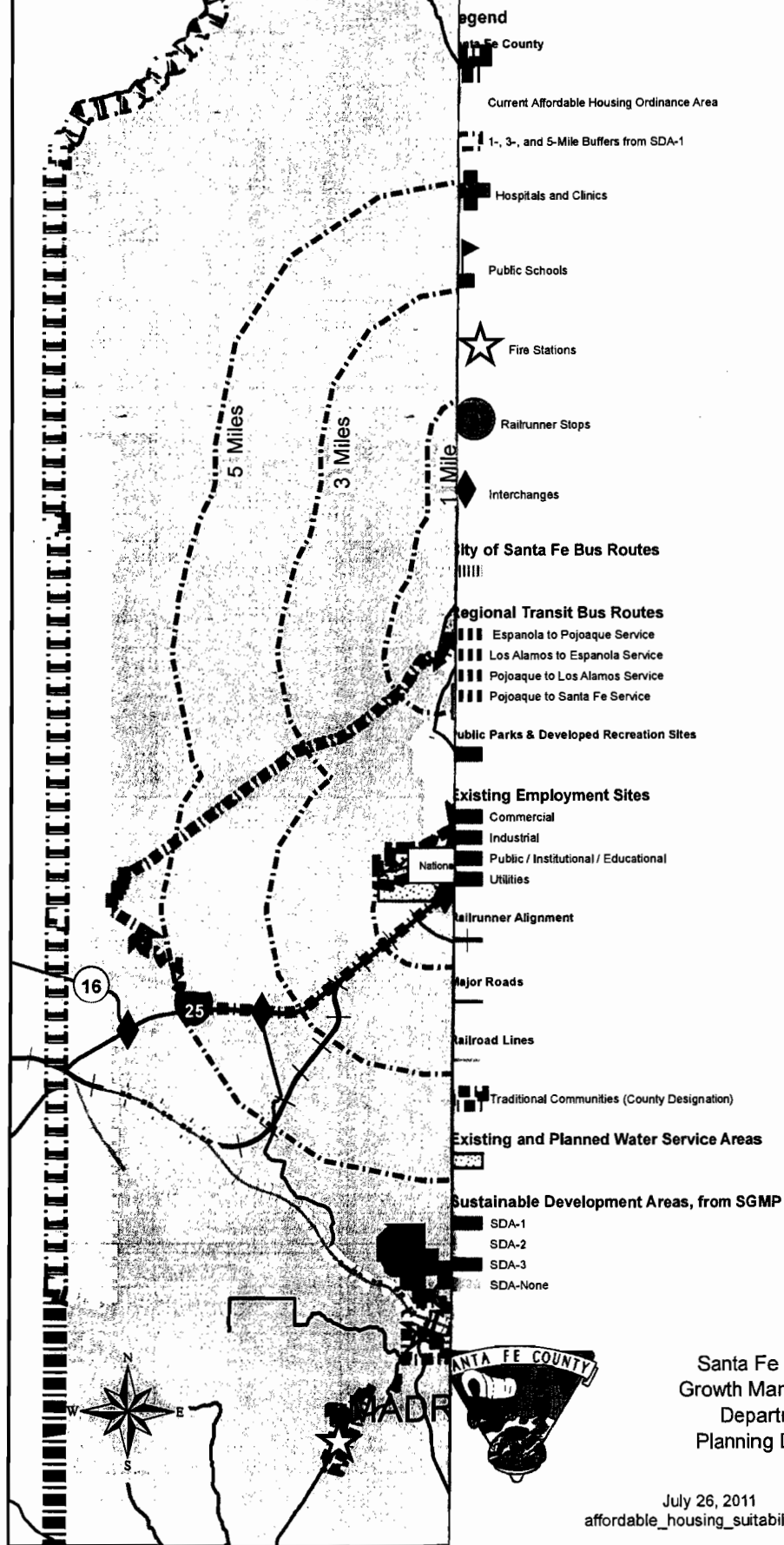
- ▶ **Santa Fe County Lien \$ 48,250.00**

Income Range 3
Price for a 3 Bedroom Home

**The approved Sustainable Growth Management Plan goals
and objectives indicate Santa Fe County will promote
growth in the SDA-1 containing;**

**Facilities
Services
Employment
Healthcare
Education
Transportation**

Santa Fe County Affordable Housing Location Factors



Santa Fe County
Growth Management
Department
Planning Division

July 26, 2011
affordable_housing_suitability.mxd

SFC CLERK RECORDED 03/28/2011



Santa Fe County



Location

At present Affordable Housing is required in the Northern and Central Area of Santa Fe County

194 Affordable Homes have been built since the inception of the Santa Fe Community College District Ordinance all within SDA-1

No homes provided in SDA-2 however we do have approved Master Plans

No homes provided in SDA-3

Santa Fe Community College District Ordinance Existing Developments

Project/Development	Affordable Requirement	Number Affordable Units	Affordable Units Closed & Occupied	Income Range 1	Income Range 2	Income Range 3	Affordable Units Remaining	Income Range 1	Income Range 2
Rancho Viejo	15%	115	115	42	48	25	0	0	0
La Pradera Phase 1 - 6	15%	36	25	6	10	9	11	6	2
Oshara	15%	27	20	13	5	2	7	0	2
Turquoise Trail - South Phase	15%	34	19		11	8	15	12	0
Totals		212	179	61	74	44	33	18	4

Units Closed and Occupied	
Income Range 1	61
Income Range 2	74
Income Range 3	44
Total	179

Units to be Built	
Income Range 1	18
Income Range 2	4
Income Range 3	11
Total	33

**Inclusionary Zoning Ordinance
2006-02 existing developments**

Project/Development	Required Percentage	Number of Required Affordable Units	Units Closed & Occupied	Income Range 1	Income Range 2	Income Range 3	Income Range 4	Number of Units to be Built	Income Range 1	Income Range 2	Income Range 3	Income Range 4
La Pradera w/Master Plan Amendment	30%	8	0	2	2	2	2	8	2	2	2	2
Rancho Viejo La Entrada	30%	137	15	4	5	3	3	122	31	29	31	31
Totals		145	15	6	7	5	5	130	33	31	33	33

Units Closed & Occupied	
Income Range 1	4
Income Range 2	5
Income Range 3	3
Income Range 4	3
Total	15

Units to be Built	
Income Range 1	33
Income Range 2	31
Income Range 3	33
Income Range 4	33
Total	130

SDA-2 Existing Development with an Affordable Housing Agreement

Project/Development	Required Percentage	Number of Required Affordable Units	Units Closed & Occupied	Income Range 1	Income Range 2	Income Range 3	Income Range 4
Mattson	16%	2	0				

Number of Units to be Built	Income Range 1	Income Range 2	Income Range 3	Income Range 4
2		1	1	

Approved Master Plan Developments

SDA-1 Planned Development

Turquoise Trail - North Phase	15%	43	May have	Expired	Renegotiate	No
-------------------------------	-----	----	----------	---------	-------------	----

SDA-2 Planned Developments

Project / Development	Percentage Required	Affordable Requirement	Master Plan Approval	Preliminary Approval	Final Approval	Affordable Housing Agreement
Sandstone Pine Estates	16%	2	Yes			No
Galisteo Basin-Lamy	30%	290	Yes	Yes	PendingPID	No
Suerte del Sur-West 1-5 Phases	30%	80	Yes	Yes		No
Hacienda de Alamo	16%	2	Yes			No
Lamy Village	16%	2	No			No
Ponderado Estates Phase 2	16%	2	Expired			No
Tavelli Subdivision	16%	2	Yes			No
Total Affordable Due SFC		423				

**Option
1**

Require Affordable Housing in SDA-1 Only

**Waive the requirement for Income Range 3
and Income Range 4 for a 24 Month Period**

8% for Minor Projects 15% for Major Projects

Pros

Reduces the percentages without completely suspending the Ordinance to allow for the economy to rebound

Incentives will continue to be provided by Santa Fe County

Developer Subsidy up to \$10,000

Down payment assistance is available to assist Homebuyers

Cons

It may be more difficult to raise the requirement when the economy turns around and prices begin to increase substantially

Reduction of affordable homes

Number of Affordable Units based on current Affordable Housing Agreements would be reduced from 163 to 93 with the waiver of Income Range 3 and Income Range 4

Option 2

Require Affordable Housing exclusively in SDA-1 16% for Minor Projects 30% for Major Projects

Pros

Santa Fe County will be aligned with the Sustainable Growth Management Plan promoting growth where there are:

- a. Facilities
- b. Water
- c. Infrastructure
- d. Services
- e. Transportation
- f. Employment
- g. Healthcare

Higher densities allowed

Water and Sewer systems are required

Incentives : density, water, subsidy and infrastructure provided by Santa Fe County when possible

Allow rental units as an alternative means of compliance due to the high demand for affordable rentals in the county

Cons

Developers in SDA-1 may argue the percentage is still too high

Developers are providing market rate homes at the county mandate sales prices already without any restrictions

Builders will argue they are still losing money providing homes at all the Income Ranges

Controversial developments are located in SDA-2

Property Manager / Oversight would be necessary

**Option
3**

**Require Affordable Homes in SDA-1, SDA-2 &
SDA-3**

**Waive the requirement for Income Range 3
and Income Range 4 for a 24 Month Period**

Pros

Cons

Reduces the percentages without completely suspending the Ordinance to allow for the economy to rebound

It may be more difficult to raise the requirement when the economy turns around and prices begin to increase substantially

Incentives will continue to be provided by Santa Fe County

Reduction of affordable homes

Developer Subsidy up to \$10,000

Number of Affordable Units based on current Affordable Housing Agreements would be reduced from 163 to 93 with the waiver of Income Range 3 and Income Range 4

Down payment assistance is available to assist Homebuyers

Allow rental units as an alternative means of compliance due to the high demand for affordable rentals in the county

Property Manager / Oversight would be necessary

Option 4

Suspend the Mandatory Affordable Housing Inclusionary Zoning Ordinance for a 24 month period

Pros

Developers would not be confined to the price points required by the county and could respond to market demand

Developers and builders would realize all profits from sale of the homes

Low and moderate income households would purchase from existing housing stock

May stimulate economic housing conditions

Keep incentives in place during the 2 year period

Ordinance amendment holds all requirements in place until the Ordinance is reinstated

Cons

County may have difficulty bringing the ordinance back when the economy rebounds

Number of affordable homes reduced

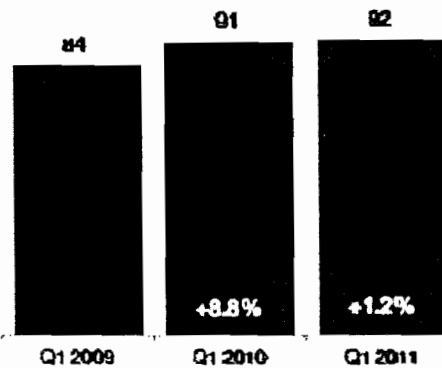
Current housing stock may require repairs and the buyer may not have funds available to repair the home

Housing Affordability Index

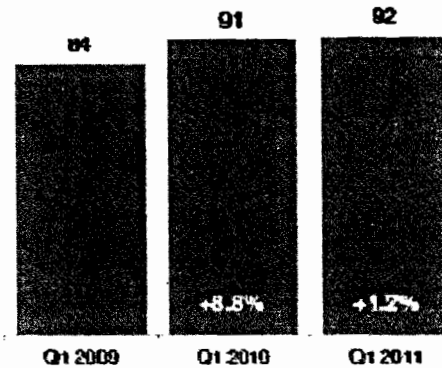
The index measures housing affordability for the region. An index of 100 would mean the median household income was 100% of what is necessary to qualify for the median priced home under prevailing interest rates. A higher number indicates more affordability.



Q1 2011

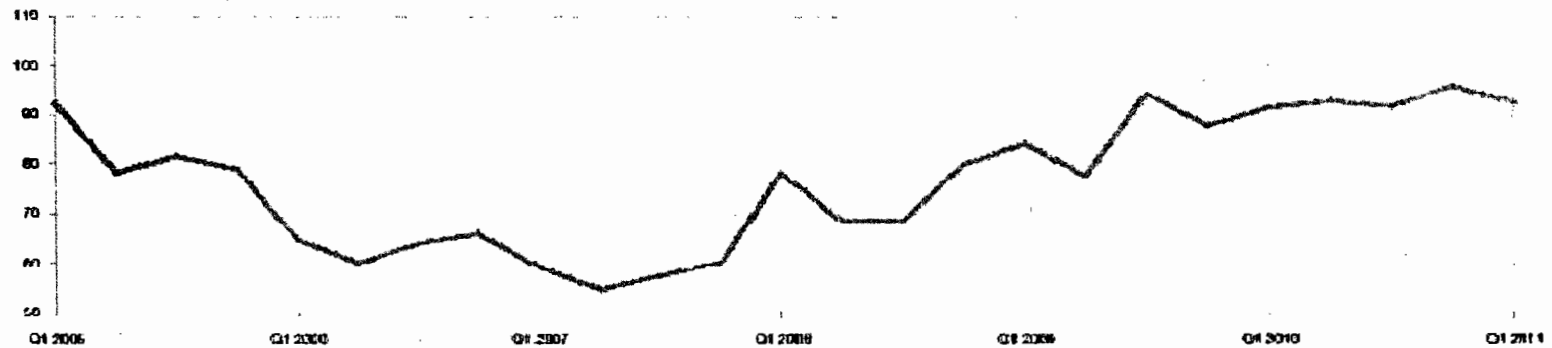


Year To Date



Quarter	Prior Year	Current Year	+/-
Q2 2010	78	83	+10.6%
Q3 2010	84	82	-2.7%
Q4 2010	88	86	-9.1%
Q1 2011	91	89	-4.2%
12-Month Avg	88	93	+5.2%

Historical Housing Affordability Index



Source: Santa Fe Association of REALTORS, Inc. The index is based on the median household income in Santa Fe County, New Mexico, divided by the median price of a single-family detached home in Santa Fe County, New Mexico, multiplied by 100. The index is updated quarterly.

Market Overview

Key market metrics for the current quarter and year-to-date figures. Includes activity for attached and detached properties.



Key Metrics	Historical Sparklines	Q1 2010	Q1 2011	+/-	TTD Q1 2010	TTD Q1 2011	+/-
		New Listings		761	603	- 20.8%	761
Pending Sales		314	276	- 12.1%	314	276	- 12.1%
Closed Sales		275	272	- 1.1%	275	272	- 1.1%
Days on Market Until Sale		254	269	+ 6.2%	254	269	+ 6.2%
Median Sales Price		\$325,000	\$329,040	+ 1.2%	\$325,000	\$329,040	+ 1.2%
Average Sales Price		\$422,774	\$502,145	+ 18.8%	\$422,774	\$502,145	+ 18.8%
Percent of Original List Price Received		89.4%	87.2%	- 2.4%	89.4%	87.2%	- 2.4%
Housing Affordability Index		91	92	+ 1.2%	91	92	+ 1.2%
Inventory of Homes for Sale		2,050	1,764	- 14.0%	--	--	--
Months Supply of Homes for Sale		20.3	16.2	- 20.1%	--	--	--

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Santa Fe County Fire Department

Memorandum

Date: August 23, 2011
To: Board of County Commissioners
From: David Sperling, Interim Fire Chief *DS*
Through: Katherine Miller, County Manager
Re: Fire Excise Tax Discussion and Recommendation

Issue

Santa Fe County is authorized (7-20E-1 NMSA 1978) to impose on any person engaging in business in the unincorporated area of Santa Fe County an excise tax equal to one fourth of one percent (0.25%) for the purpose of financing the operational, capital outlay, and ambulance expenses of the Santa Fe County Fire Department. This tax, known as the County Fire Protection Excise Tax (CFPET), can be used only for the above stated purposes; it cannot be used for personnel expenses such as salaries or benefits.

The CFPET was first imposed in 1985 in Santa Fe County. The original legislative language contained a sunset provision requiring a positive voter referendum every five (5) years. The tax was last renewed in Santa Fe County in 2003. In 2004 the state legislature removed the sunset provision; however, Santa Fe County was required to submit the tax question to county voters one more time in 2009. A referendum effort in November 2009 was defeated at the polls and the tax has subsequently expired.

The Fire Department is seeking direction from the Board regarding the renewal of the County Fire Protection Excise Tax.

Summary

Since it was first imposed in Santa Fe County, the Fire Protection Excise Tax has been utilized to support the construction and improvement of fire stations, to purchase fire apparatus and ambulances for all fourteen fire districts and regional stations, and to purchase essential personal protective gear and equipment for both volunteer and career firefighters. During 2009, the last year of significant tax collection, revenue from the CFPET exceeded \$1.3 million. It is anticipated that a similar tax under current conditions may generate upwards of \$1 million annually to help the fire department meet its capital needs.

It is important to note that prior to the renewal effort in 2009, the Board of County Commissioners gave direction to the fire department to complete a five year strategic plan and a financial plan. As a result, the department completed both plans which were approved in June, 2009. At the time, it was felt these plans provided solid justification for the re-enactment of the CFPET. As a result of the failure to renew and the subsequent lack of capital outlay funds, the department has not been able to adequately address many of the capital needs identified in the strategic or financial plans and has fallen further behind.

The lack of funding for capital improvements represents an enormous short and long term challenge for the fire department. Aside from the CFPET, there are few options available to meet those needs. General Obligation Bonds cannot be used to purchase apparatus. New Mexico Fire Protection Funds are assigned to each individual fire district by state law and are currently earmarked for volunteer district operating expenses and are generally insufficient, particularly in the smaller districts, to purchase apparatus or more expensive equipment. And Fire-Rescue Impact Fee collections have fallen sharply due to economic conditions, from \$451,372 system wide in FY08 to \$166,122 in FY11.

Recommendation

The CFPET provides an essential means for the fire department to meet its capital needs, and an extended and perhaps unnecessary delay in meeting those needs by not considering a renewal of the tax in the near future will continue to impact the ability of the department to meet its public safety mission to county residents.

However, the department also recognizes that some of the conditions that may have contributed to the failure of the CFPET in 2009 may still be present in the community and should be evaluated prior to moving forward. Therefore, staff is soliciting Board of County Commissioner direction on a plan to engage an experienced professional services contractor to survey county residents in order to gauge awareness of county fire issues and the costs and benefits of the CFPET, and to assess potential support or opposition to a renewal effort in the future. The plan would include a possible recommendation for a referendum date and methodologies such as whether the county should consider a special election, and how best to conduct an outreach and educational campaign regarding the tax. Results from the contractor's work and recommendations would be provided to the Commission at a future date in order to help guide decision making on the CFPET and any renewal effort.

Thank you for your consideration.

SANTA FE COUNTY FIRE PROTECTION EXCISE TAX

BCC Board Retreat Presentation

August 23, 2011

1. Authorization

- 7-20-E NMSA 1978
- Imposed on any person engaging in business in unincorporated SFC
- Excise tax equal to 0.25% (25 cents on a \$100 purchase) of gross receipts required to be reported by the NM Gross Receipts Reporting Act
- Known as the County Fire Protection Excise Tax
- Exclusions include transmission of messages by wire or transportation of persons or property for hire by rail, air or motor vehicle from within county to outside county
- Medical and food items also excluded
- Exclusively used for the purpose of financing the operational expenses, ambulance services or capital outlays of fire districts or ambulance services provided by the county
- Salaries and benefits not eligible
- Law requires the county to adopt a resolution calling for an election within 75 days from the date an ordinance is adopted on the question of imposing the tax
- Simple majority of qualified voters required for approval
- Effective date July 1 or January 1 following election
- If it fails, county must wait one year to again propose the tax

2. History in SFC

- First imposed in SFC in the 1980s
- Initial legislation included a sunset provision
- Renewal referendum required every 5 years
- Last renewal in SFC in 2003
- In 2004 sunset provision removed by Legislature
- County still required to submit the question to the voters one more time
- No need for future referendums once the tax passes
- Originally proposed for 2008 general election but moved off ballot in favor of the Transportation tax funding the RTA
- Moved to a separate stand alone election on 11/17/09 and failed

SFC CLERK RECORDED 09/28/2011

3. Issues during the election

- Passage supported by both New Mexican and Journal
- Previous referendums for public safety cruised
- Movement off of the general election ballot – unfortunate timing
- Weakened economy
- General tax increase nausea – by 2009 the 0.25 slot represented an increase to the gross receipts tax rate
- Questions about the County's funding priorities
- Negative campaign by some in the community found traction
- Late and probably insufficient response from SFC and the Fire Department

4. Importance of the Fire Protection Excise Tax

- Prior to the 2009 referendum the fire department completed a 5 year Strategic Plan (2010-2014) and a Financial Plan
- Approved by BCC in June 2009
- Provided justification for continuation of the tax
- Demonstrated that the fire department cannot complete the apparatus replacement schedule from the 2004-09 Plan or initiate the 2010-2014 Plan
- Identified approximately \$8 million funding shortfall for replacement
- CFPET generated \$1.347 million in 2009
- Used to replace fire apparatus, ambulances, fund repairs, purchase essential protective gear for volunteers and career firefighters, meet training needs
- As high as \$1.954 million in 2008 – average approximately \$1.5 million over last 10 years
- Due to conditions tax might currently generate about \$1 million
- Loss of tax revenue resulted in an approx. \$1.5 million budget cut
- Compounded by operating fund cuts last 2 years (economic conditions)
- Compounded by sharp decline in Fire-Rescue Impact fee revenue from \$451,372 in FY08 to \$166,122 in FY11
- NM State Fire Fund provides department with funding for individual fire districts (\$1.868 million in FY 2011)
- May be used for capital purchases but primarily used to cover volunteer district operating expenses
- Must be expended in assigned district

- Generally insufficient to fund larger capital items, especially in smaller districts – for instance, GP \$79,468/year
- Banking funds across Fiscal Years is risky per SFMO
- Few other alternative funding options exist for capital outlay – general fund?

5. Summary

- CFPET essential means to meet public safety capital needs in both the short and long term
- Consider a renewal effort in the near future
- Recognize that conditions that contributed to failure in 2009 may still be present
- Careful evaluation of the wisdom of moving forward should be initiated sooner rather than later

6. Recommendation

- Engage an experienced professional services contractor to evaluate results of last election
- Survey county residents in order to gauge awareness of county fire issues and capital needs
- Gauge awareness of the benefits as well as costs of the CFPET
- Assess potential support and opposition to a renewal effort
- Provide a recommendation on referendum date and methodology
- Special election, general election, or other options?
- At a future date provide the Commission with these recommendations to help guide decision making on any renewal effort

7. Questions and Comments

SANTA FE COUNTY FIRE DEPARTMENT

FIRE EXCISE TAX

1/4 CENT GRT - 10 YEAR HISTORY

Fiscal Year	GRT Amount Collected
2011	\$ 52,737.62
2010	\$ 63,354.20
2009	\$ 1,347,288.43
2008	\$ 1,954,930.27
2007	\$ 1,758,012.96
2006	\$ 1,635,893.33
2005	\$ 1,538,771.00
2004	\$ 1,479,526.92
2003	\$ 1,377,905.65
2002	\$ 1,406,344.77
Total	\$ 12,614,765.15

SFC CLERK RECORDED 09/28/2011

Santa Fe County Solid Waste Task Force

Report on Findings and Recommendations

[Task Force Members]

■ Constituents:

- Walter Wait
- David Dogruel
- William Mee
- Andrew Leyba

■ County Staff:

- Roman Abeyta
- James Lujan
- Brian Baca
- Olivar Barela
- Helen Perraglio

[PURPOSE]

- Address the County Solid Waste Program current fee structure & services
- Recycling Efforts and Illegal Dumping
- Alternatives
- Other Issues

[FINDINGS]

- The current fee structure is not adequate to fund the Solid Waste Program.
- County-wide assessment is an unfavorable alternative.
- Illegal dumping is a societal issue that requires more resources on education and community outreach, and does not necessarily correspond to increased fees.
- Free recycling is a positive function that would encourage more users to participate.

[RECOMMENDATIONS]

- SHORT TERM SOLUTION: Continue annual permits with reasonable increases
- Offer Free Recycling
- Open services to incorporated areas with two purchase options
- Introduce a one-trip permit

Short Term Fee Structure Solution Continued . . .

RESIDENTIAL:

- \$55 – 24 Trip
- \$35 – 10 Trip
- \$15 – 1 Trip
- \$5 – 5 Bag Tags
- FREE Recycling

SMALL COMMERCIAL:

- \$100 – 10 Trip
- \$60 – 5 Trip
- \$.25/lb or \$50/ton on billable accounts

INCORPORATED AREA PURCHASE OPTIONS:

(City of SF, Town of Edgewood, City of Española w/in SFC)

- \$40 – 4 Trip (Including free recycling)
- \$15 – 1 Trip (Including free recycling)

[Long Term Fee Structure Solution]

- Implementation of weight scales at all transfer stations and administer pay-by-weight fees.
- Capital funding necessary to purchase equipment and software – look to next GO Bond Issue.
- Encourages recycling to decrease weight.
- Most equitable solution to users and most economical to Solid Waste Program.

[OTHER SOLUTIONS:]

- Earmark 1/8th Environmental GRT to annual Solid Waste Operations (\$800k-\$900k)
- Charge Impact Fee for Solid Waste
 - Look to NMAC for legislative support
- Recyclables Opportunities
 - Use raw materials to generate proceeds
 - Cost/Benefit Analysis needed

OTHER SOLUTIONS

Continued . . .

- Open dialogue with Santa Fe Solid Waste Management Agency (SFSWMA) Board
 - Improvements needed to road infrastructure for safety
 - Open landfill to other users to achieve lower tipping fees for all
 - County should look for other alternatives if tipping fees continue to increase

CONSTITUENT NEEDS AND OUTREACH

- Revise Application, make user-friendly and bilingual (English/Spanish).
 - Place downloadable forms online
- Continue and improve services at satellite offices.
- Better outreach to rural locations via press releases, online and other announcements, and advertise new options to all users.

July 2010 – July 2011 Santa Fe County's Solid Waste Update

Material and Statistical data for the 7 solid waste Convenience Centers, Jacona, Nambe, Tesuque, La Cienega, San Marcos, Eldorado, Stanley and the Rancho Viejo Recycle Center.

Current Hours of Operation

- Jacona Wednesday - Monday
 - Nambe Friday – Tuesday
 - Tesuque Thursday - Monday
 - La Cienega Saturday – Wednesday
 - Eldorado Tuesday- Sunday
 - San Marcos Wednesday – Sunday
 - Stanley Saturday – Wednesday
 - Rancho Viejo Friday & Saturday
- Summer hours 8 am to 5 pm
Winter hours 7 am to 4 pm
Closed for Lunch

Current staffing:

- Solid Waste Manager
- Adopt A Road Coordinator
- Compliance Officer
- Field Superintendent
- Transportation Foreman
- Maintenance Foreman
- 3- Operators
- 3-Drivers
- 10- Caretakers
- Total 22 FTE

Average weekly tonnages solid waste

	EL CERRILLO	LACOMA	LACIENEGA	LAUREL	SAN JUAN	SAN MARCOS	STANLEY	TESUQUE
July-10	65.2	75.07	69.3	19.37	25.26	14.56	8.97	
August-10	56.97	67.36	63.62	17.49	17.7	10.74	6.54	
September-10	57.76	67.55	56.06	10.05	18.58	9.46	9.48	
October-10	49.92	70.5	56.03	10.74	18.44	9.92	7.69	
November-10	38.21	68.15	53.5	12.39	15.91	11.45	7.85	
December-10	38.1	51.85	43.45	9.25	14.75	11.69	6.84	
January-11	41.41	61.85	45.19	12.63	15.32	7.06	8.69	
February-11	28.67	50.51	36.74	13.5	14.8	8.16	6.08	
March-11	51.82	65.34	51.97	12.8	18.48	17.33	8.26	
April-11	50.12	60.27	44.54	15.68	20.02	15.46	8.89	
May-11	57.49	68.77	47.9	16.74	18.45	16.11	8.36	
June-11	68.22	84.52	58.67	16.59	20.88	21.15	9.48	
July-11	45.54	56.11	34.75	11.03	13.27	10.32	7.64	

Average weekly tonnages recycling

	LOS ANGELES	SAN DIEGO	SAN JOSE	VALLE	SACRAMENTO	SAN FRANCISCO	STANFORD	TESQUE
July-10	16.53	5.15	3.04	0.66	0.85	4.05	1.96	2.68
August-10	15.14	3.55	3.47	1.88	0.94	4.09	1.8	1.51
September-10	12.59	5.62	2.79	0.29	3.2	3.03	1.45	2.93
October-10	15.57	3.32	5.04	2.46	1.49	4.4	0.65	1.22
November-10	12.66	4.03	2.92	0.41	1.04	3.12	1.97	2.44
December-10	15.25	3.82	3.67	2.2	2.61	1.52	1.05	1.98
January-11	13.92	5.39	1.66	0.4	1.55	3.43	0.46	2.69
February-11	11.01	1.26	4.3	0	2.36	1.57	1.31	2.18
March-11	18.9	3.51	1.87	0.54	2.61	3.44	2.24	3.67
April-11	13.46	4.52	3.53	0.44	1.25	4.15	0.35	2.86
May-11	14.47	4.65	1.28	0.28	1.29	3.75	0.81	2.9
June-11	16.94	6.06	2.96	0.84	2.6	2.19	0.28	1.29
July-11	15.27	4.12	5.53	1.78	0.97	2.37	0	2.81

2010 Santa Fe County Recycling material tonnages

			Recycling savings/costs
CARDBOARD		239.63	
MIXED PAPER & PLASTICS		513.43	
GLASS		443.38	
TIRES		67.93	
SCRAP METAL		232.41	
			697 pulls x \$120 = \$58,297.08
			1496.78 x \$37.50 = \$56,129.25
TOTAL RECYCLING		1496.78	(\$ 2,167.83)
SOLID WASTE		11008.94	
TOTAL WASTE + RECYCLING		12505.72	
RECYCLING DIVERSION RATE		11.97%	

Recycling material Santa Fe and other Counties

									ALBQ/ COUNTY
#1 & #2									
PLASTICS	YES	YES	YES	YES	YES	NO		YES	YES
TIN	YES	YES	YES	YES	YES	NO		YES	YES
ALUMINUM	YES	YES	YES	YES	YES	NO		YES	YES
MIXED PAPER	YES	YES	YES	YES	YES	NO		Yes	YES
CARDBOARD	YES	YES	YES	YES	YES	NO		Yes	YES
GLASS	YES	YES	NO	NO	YES	NO		YES	NO
TIRES	YES	NO	NO	NO	NO	NO		NO	YES
SCRAP METAL	YES	EVENTS ONLY	YES	YES	YES	NO		NO	YES
GREEN WASTE	YES	NO	NO	NO	YES	NO		NO	YES
PHONE BOOKS	YES	NO	YES	YES	NO	NO		YES	YES
ELECTRONIC WASTE	EVENTS ONLY	EVENTS ONLY	YES	YES	NO	NO		YES	NO
MOTOR OIL	YES	NO	YES	YES	YES	NO		YES	YES
ANTIFREEZE	NO	NO	YES	YES	YES	NO		YES	NO
LEAD BATTERIES	NO	NO	YES	YES	NO	NO		YES	NO
HOUSEHOLD HAZARDOUS	EVENTS ONLY	EVENTS ONLY	YES	YES	NO	NO		YES	NO

Solid Waste Task Force: findings, recommendations

- **Findings:** the current fee structure is not adequate to fund the Solid Waste Program; County-wide assessment is an unfavorable alternative; illegal dumping is a societal issue that requires more resources on education and community outreach; and does not necessarily correspond to increased fees, free recycling is a positive function that would encourage more users to participate.
- **Recommendations:**
- Short term solution is to continue annual permits with reasonable rate increases,
Action: SW Ordinance 2010-5 offers tiered annual rate increases for permits;
- Offer free recycling,
Action: SW Ordinance provides for free recycling for all County residents;
- Open services to incorporated areas with two purchase options;
Action: SW Ordinance provides for residents of unincorporated areas to purchase 1-trip permits,
- Introduce a one- trip permit,
Action: SW Ordinance provides for one trip permits to all County residents,
- Illegal dumping sites have been reduced with over 48 tons of material to landfill.
- Install scales at transfer stations for pay to use by weight.

Budget Comparison

		<u>Current- Actual</u> not including equipment replacement		<u>Enterprise fund estimate budget</u> Including equipment replacement
Salary/Wages	23 staff	\$ 740,311.00		36 staff \$ 1,330,282.00
Benefits		\$ 316,173.00		\$ 494,879.00
Contractual Svc. (tipping fees)		\$ 494,700.00		\$ 487,500.00
Vehicle expense (Heavy equipment)		\$ 112,327.00		\$ 112,327.00
Fuel		\$ 161,618.00		\$ 161,618.00
Insurance & Deductibles		\$ 40,780.00		\$ 40,780.00
Field & Office supplies,		\$ 29,963.00	6 Scales	\$389,963.00
Misc. (safety equipment, uniforms)		<u>\$ 20,136.00</u>		\$ 20,136.00
	Total	\$ 1,916,008.00		\$ 3,037,485.00
FY 12 PERMIT SALES				
	Sold/Realized in FY11	\$ 78,460.00 ₁		\$ 3,037,485.00
	7/1/11 : 8/19/11			
	Residential	\$ 229,510.00 ₂		
	Commercial	<u>\$ 764.00</u>		
	Total	\$ 308,734.00		
Balance		\$ 1,607,274.00		\$ 0

Notes to Budget Comparison

2 582 Bag Tags @\$5, 104 One-Trips @ \$15, 67 Low Income @ \$65, 574 Senior @ \$70, & 2410 24 Punch @ \$75

Total Residential FY 12 Permits Sold including discounted = 3,844 or 60% of estimated 6500 total users

FIR \$480,000 estimated revenues based on 6500 total users including discounts with the following assumptions:

5200	\$75	\$390,000 80%
900	\$70	\$ 63,000 15%
400	\$65	\$ 26,000 5%

Solid waste fees – other NM Counties



SANTA FE	\$75/ 24 TRIP & 1 TRIP PERMIT \$70-Senior Citizen & \$65- Low income	TRANSFER STATION (7)	Yes - free
TORRANCE	\$157.32/ ANNUAL	TRANSFER STATION (9)	Not at this time.
RIO ARRIBA	\$205.20/12 Trip	TRANSFER STATION (7)	Yes - minimal
LOS ALAMOS	\$217.80/ANNUAL	CURB SIDE & ECO STATION (2)	Yes – curb side pick up
SANDOVAL	\$.50 - \$4.75/TRIP	LANDFILL	Yes - free
SAN MIGUEL	\$137.90/ ANNUAL	TRANSFER STATION (9)	None
SAN JUAN	\$1.00/bag \$6/pick up	TRANSFER STATION (13)	Yes

Proposed transfer station schedule

NAMBE	Edbert	CLOSED	CLOSED	Edbert	CLOSED	Edbert	Edbert
JACONA	Joseph/Vac #1	CLOSED	CLOSED	Joseph/Dominic	Joseph/Edbert	Joseph/Vac #1	Joseph/Vac #1
TESUQUE	Rudy	CLOSED	CLOSED	Rudy	CLOSED	Rudy	Rudy
LA CIENEGA	Alex/Julian	CLOSED	CLOSED	Alex/Julian	Alex/Julian	Alex/Julian	Alex/Julian
SAN MARCOS	Kim/Vac #2	CLOSED	CLOSED	Kim/Donald	CLOSED	Kim/Vac #2	Kim/Vac #2
ELDORADO	Jim/Troy	CLOSED	CLOSED	Jim/Troy	Jim/Troy	Jim/Troy	Jim/Troy
STANLEY	Brett/Siobhan	CLOSED	CLOSED	Brett/Siobhan	Brett/Siobhan	Brett/Siobhan	Brett/Siobhan
RANCHO VIEJO	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	unattended	unattended

Notes to proposed schedule

- FUND TWO TEMPORARY PART TIME CARETAKERS (24 HRS/WK) BY LEAVING FULL TIME CARETAKER POSITION VACANT.
- ALL TRANSFER STATIONS OPEN AT 8:00 AM TO 5:00 PM YEAR ROUND – ALL STATIONS OPEN DURING THE LUNCH HOUR EXCEPT TESUQUE AND NAMBE.
- RANCHO VIEJO RECYCLING CENTER WILL OPEN 8:30 AM TO 4:30 PM; THIS FACILITY WILL NOT BE STAFFED.
- STATIONS WILL BE CLOSED ON MONDAYS AND TUESDAYS TO ACCOMMODATE THE SUNDAY CLOSURE OF THE CAJA DEL RIO LANDFILL TO ADDRESS MATERIAL TRANSPORTATION AND STATION CLEAN UP TOGETHER WITH GROUP STAFF TRAINING.

Torrance County – Stanley

convenience center diversion cost

scenario

1- trip	120 mile round trip to Stanley from Santa Fe (2.5 hours)	
	Transportation expense	\$120.00
	6.3 tons average of refuse @ \$37.50/ton	\$236.25
	Total cost	\$356.25
Torrance County landfill one trip scenario:		
1 - trip	120 mile round trip to Stanley from Santa Fe (2.5 hours)	\$120.00
	50 mile round trip Stanley to Torrance Co. landfill (1 hour)	\$ 50.00
	6.3 tons average refuse @ \$47.00/ton	\$ 296.10
	Total Cost	\$466.10
Caja del Rio 2 trip scenario:		
2 - trips	240 miles 2 round trips to Stanley from Santa Fe (5 hours)	\$240.00
	6.2 tons x 2 trips = 12.6 tons average refuse @ \$37.50/ton	\$ 472.50
	Total Cost	\$712.50
Torrance County landfill 2 trip scenario:		
2 - trips	120 miles round trip to Stanley from Santa Fe (2.5 hours)	\$120.00
	100 miles 2 round trip Stanley to Torrance Co. landfill (2 hours)	\$ 100.00
	6.3 tons x 2 trips = 12.6 tons average refuse @ \$47./ton	\$ 592.20
	Total Cost	\$812.20

Diversion to Torrance County landfill could adversely affect Caja del Rio's revenue, resulting in higher tipping fees.

Solid Waste Ordinance Revision Timeline

		Public Works & Revenue Sub-Committee directed by County Manager to work on revising No. 2005-5 to 2005-5 to accommodate City residents & offsetting GF Subsidy to Solid Waste	Public Hearing Held requesting amendment to 2005-5, BCC did not adopt (fees proposed to make solid waste self-sufficient \$230/24punch h) BCC directed staff to establish a SW Task Force	Task force made up of staff & public reported findings and possible solutions including increasing fees to \$55/24punch & looking to outfit stations with scales for a long term solution	Ordinance No. 2009-13 Amended 2005-5 : \$55 24 Punch, \$35 10 Punch, FREE Recycling, \$15 1 Trip, & \$40 4 Punch	Special Budget Study Session -staff directed by BCC to revisit SW Ordinance in an effort to offset budget shortfalls County-wide	Title & General Summary Published proposing 5 yr incremental increase	Public Hearing Held after Title & Gen. Summary in April 2010, Ordinance No. 2010-5 Adopted - 5yr Increments \$65 - \$105 24 punch, 10 punch eliminated,	Resolution No. 2010-160 Authorized \$10 Low-Income & \$5 Senior Discounts to be applied to residential 24 punch permits
Ordinance No. 2005-5 Repealed 2002-10 : \$35 24punch \$20 10 Punch, \$15 Recycling	SAVE Initiative Established to look for Cost Savings and Revenue Generation to combat the economic crisis								

SANTA FE COUNTY

SOLID WASTE SERVICE COLLECTION
DISTRICTING

BENEFITS ASSOCIATED WITH CURB-SIDE SOLID WASTE COLLECTION

- Convenience for urban and semi-urban residents of the County
- Sustainable service from both the economic and environmental perspectives
- Cost reduction opportunities for the County, as expenses and subsidies currently associated with transfer station operations would either decrease or acquire new sources of revenue
- Increased economic sustainability for the remaining transfer station services

MORE BENEFITS ASSOCIATED WITH CURB-SIDE SOLID WASTE COLLECTION

- Increase in rate of recycling outside the City limits (e.g. from currently 13% to anticipated 70%). This is good for the environment and for the County's coffers as volume of materials to be land-filled would be diverted
- Reduced number of transfer station sites needed to properly serve rural residents (not served by curbside collection)
- Reduce the number of vehicle trips (both private and County's) throughout the County, saving air quality, energy (fossil fuels) and County road maintenance costs
- Increased opportunities for the County to standardize the quality of solid waste collection services already provided to a relatively high number of County residents
- Additional employment opportunities created by service providers in the County

SOLID WASTE SERVICE DISTRICTS

- More than 10,000 households would meet criteria for curbside collection of solid waste in the Santa Fe Metro area alone
- BCC WOULD ADOPT ORDINANCE GIVING County authority to form service districts
- Ordinance would be modeled on what Bernalillo County has operated successfully (very high public acceptance for more than ten years)
- Based on experience in other communities, rates in Santa Fe County would be as low as \$12 and \$19 per month per household
- County would hire local New Mexico contractor(s) to perform on County's behalf

Santa Fe County Commission Board Retreat

August 23, 2011



**Sustainable Land Development Code
Update**

• 1980 Code-County's First Code

- Based on 1980 General Plan
- Established Hydrology based zoning
- Created Traditional Community Zoning Districts

• 1996 Land Development Code

- Established Subdivision Regulations
- Established Local Development Review Committees

Brief Evolution of Code

- 1999 County Growth Management Plan

- Established Community Planning
- Established New Community Districts/Community College

- 2003-2006-Duncan and Associates Code (never adopted)

- Compiled 1996 Land Use Code/added GMP and other elements

- 2010 SGMP Approved by Board – November 2010

- Established: Sustainable Development Areas (SDAs), Growth Management Concepts, Capital Improvements Program (CIP), Adequate Public Facilities

Brief Evolution of Code

• SLDC Public Input Process

- Public Meetings
- Public Input Database
- Concept Decision Points

• Code Draft Team

- County Manager, Growth Management, Legal

• Technical Review Team

- All County Departments

SLDC Public Input Process

Creating the Sustainable Land Development Code

- 2010 Sustainable Growth Management Plan
- Existing Land Development Code
- Duncan and Associates Draft
- Freilich Draft
- County Staff Input (TRT)
- Public Input and Concept Decision Points
- Board Direction

Code Drafting

- Current Concept Decision Points:
 - Home Based Businesses, Open Space/Trails, Green Building Standards/Energy Efficiency, Agriculture
- Focus Groups Completed:
 - Home Based Businesses, Open Space/Trails, Green Building Standards/Energy Efficiency
 - Planned: Agriculture
 - Concept Code Draft
 - Home Based Businesses
- Next CDPs: Water, Zoning, Family Transfers, Procedures, Permits/Variations, Community Planning, Development Fees/Impact Fees, Affordable Housing

SLDC Concept Decision Points

Chapter 1: General Provisions

Chapter 2: Planning

Chapter 3: Decision-Making Bodies

Chapter 4: Procedures

Chapter 5: Subdivisions

Chapter 6: Development Permits, Special Procedures

Chapter 7: Studies, Reports, Assessments

SLDC Outline

Chapter 8: Sustainable Design Standards

Chapter 9: Zoning

Chapter 10: Community Districts

Chapter 11: Supplemental Use Standards

Chapter 12: Developments of Countywide Impact

Chapter 13: Capital Improvement Plan, Adequate Public Facilities and Services, Public Improvement Districts, Impact Fees and Official Map

Chapter 14: Housing and Affordable Housing

Chapter 15: Penalties and Enforcement

SLDC Outline

October 2011-Concept Decision Points Complete

October 2011-Board Workshop on CDPs

Ongoing through December 2011-Staff Draft Review

December 2011-Code Draft Complete

December 13th 2011 – or Special BCC Meeting:

➤ **Board Kickoff Meeting on SLDC–**

Sustainable Land Development Code Draft

January 2012 Public Presentation of SLDC

SLDC Review and Timeline

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Chapter 1: General Provision

- Sec 1.1 Title
- Sec 1.2 Authority
- Sec 1.3 Effective Date
- Sec 1.4 Purpose and Intent
- Sec 1.5 Findings
- Sec 1.6 Applicability
- Sec 1.7 Enactments and repeals
- Sec 1.8 Consistency
- Sec 1.9 Coordination With Other Regulations
- Sec 1.10 SLDC Text Amendments or Zoning Map

Chapter 2: Planning

- Sec 2.1 Plans and Plan Amendments
- Sec 2.2 General Plan
- Sec 2.3 Specific Plans
- Sec 2.4 Area and District Plans
- Sec 2.5 Community Plans and Community Planning
- Sec 2.6 Plan Amendments
- sec 2.7 Consistency
- Sec 2.8 Community Participation

Chapter 3: Decision Making Bodies

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- Sec 3.2 Board of County Commissioners
- Sec 3.3 Planning Commission
- Sec 3.4 Administrator
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Chapter 4: Procedures

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- Sec 4.2 Approval Required
- Sec 4.3 Categories of Development Proceedings
- Sec 4.4 Development Permits
- Sec 4.5 Procedures
- Sec 4.6 Notice
- Sec 4.7 Review and final Action
- Sec 4.8 Conditions
- Sec 4.9 Notice of Decision
- Sec 4.10 Findings of Fact

- Sec 7.6 Adequate Public Facilities and Services Assessment
- Sec 7.7 Water Availability and Quality Report
- Sec 7.8 Traffic Impact Assessment
- Sec 7.9 Archaeological Assessment
- Sec 7.10 Fiscal impact Assessment

Chapter 8: Sustainable Design Standards

- Sec 8.1 Applicability
- Sec 8.2 Construction Codes
- Sec 8.3 Legal Lots of Record
- Sec 8.4 Easements
- Sec 8.5 Roads and Driveways
- Sec 8.6 Pedestrian Facilities, Bikeways and Trails
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- Sec 8.11 Parking
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- Sec 8.15 Terrain Management
- Sec 8.16 Landscaping and Screening
- Sec 8.17 Energy Efficiency
- Sec 8.18 Setbacks
- Sec 8.19 Open Space
- Sec 8.20 Fences and Walls
- Sec 8.21 Lighting
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Chapter 9: Zoning

- Sec 9.1 Purposes
- Sec 9.2 General Requirements
- Sec 9.3 Zoning Districts
- Sec 9.4 Establishment of Zoning Districts
- Sec 9.5 Use Regulations
- Sec 9.6 Base Zoning Districts
- Sec 9.7 Planned Zoning District
- Sec 9.8 District Use Standards

Chapter 10: Community Districts

- Sec 10.1. Purposes
- Sec 10.2 Applicability
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Chapter 14: Housing and Affordable Housing

- Sec 14.1 Purpose and Intent
- Sec 14.2 Applicability
- Sec 14.3 Affordable Housing Requirements
- Sec 14.4 Affordable Housing Requirements
- Sec 14.5 Alternate Means of Compliance
- Sec 14.6 Long term Affordability

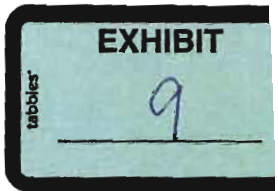
Chapter 15: Penalties and enforcement

- Sec 15.1 Violations
- Sec 15.2 Administrative Enforcement
- Sec 15.3 Appeals
- Sec 15.4 Judicial Enforcement

Santa Fe County Capital Outlay Gross Receipts Tax
Use of GRT's f/County Projects
For FY 2003 - 2011
COUNTY EARMARKED PROJECTS

COUNTY ROAD 98	\$ 257,002
VERANO ROADS	\$ 82,863
SOUTH MEADOWS	<u>\$ 213,750</u>
ROADS & OTHER	\$ 553,615
Open Space General Budget	\$ 61,750
Arroyo Hondo Open Space	\$ 40,095
Arroyo Hondo Trail	\$ 4,000
SF River Scenic Byway	\$ 35,000
Cerrillos Hills State Park	\$ 5,436
Little Tesuque Creek	\$ 10,000
Los Potros	\$ 7,926
Chalchihuitl	\$ 12,499
Santa Fe Rail Trail	\$ 750,722
Santa Fe River Greenway	\$ 376,116
Talaya Hill	\$ 684
Thornton Ranch	\$ 60,874
Bennie J. Chavez Park	\$ 15,000
Open Space Strategic Plan	\$ 20,000
Edgewood Open Space	\$ 6,326
South Meadows Open Space	\$ 62,132
Madrid Open Space	\$ 481
Burro Lane Park	\$ 185,164
NM Central Trail	\$ 68,187
Rio En Medio Park	\$ 24,000
San Pedro Open Space	\$ 5,410
Arroyo de la Piedra	<u>\$ 1,366</u>
OPEN SPACE	\$ 1,753,168
Agua Fria Phase III	\$ 106,614
Rancho Viejo Substation	\$ 241,342
Cuatro Villas	\$ 17,257
Valle Vista WWTP	\$ 905,252
Rancho Viejo Tank Improvement	<u>\$ 25,515</u>
WATER	\$ 1,295,980
Total	<u><u>\$ 3,602,763</u></u>

Santa Fe County Capital Outlay Gross Receipts Tax
Use of GRT's f/County Projects
For FY 2003 - 2011
List of County Approved Projects by Major Category



Project	Total Exp '03-'11	O/S Enc	Grand Total
<u>Other</u>			
Magistrate Court Bldg	\$ 36,500		\$ 36,500
Youth Shelter	\$ 36,443		\$ 36,443
Eldorado Senior Center	\$ 336,500		\$ 336,500
Youth Ag Facility	\$ 36,500		\$ 36,500
YDF	\$ 36,500		\$ 36,500
Transfer to Sp. Appopr Fund - Various Proj	\$ 200,000		\$ 200,000
El Rancho Community Center	\$ 100,000		\$ 100,000
	\$ -		\$ -
	\$ -		\$ -
Subtotal	\$ 782,443	\$ -	\$ 782,443
<u>Road</u>			
Dinkle Road	\$ 83,000		\$ 83,000
Basecourse Pgm	\$ 125,000		\$ 125,000
CR 73	\$ 60,513		\$ 60,513
CR 55A	\$ 120,391		\$ 120,391
Eldorado RR Crossing	\$ 22,573		\$ 22,573
Transfer to Road Projects Fund - Various	\$ 127,094		\$ 127,094
CR 84J	\$ 41,000		\$ 41,000
CR 113A	\$ 20,000		\$ 20,000
CR 119N	\$ 14,000		\$ 14,000
Leaping Powder Road	\$ 17,000		\$ 17,000
CR 115	\$ 15,000		\$ 15,000
Arroyo Hondo Road	\$ 17,000		\$ 17,000
CR 113A	\$ 12,000		\$ 12,000
Camino Carlos Road	\$ 14,000		\$ 14,000
Paseo La Tierra	\$ 266,965		\$ 266,965
Santo Nino Roundabout Handicap Ramp	\$ 3,748		\$ 3,748
Sidewalk & Bike Trail Richard's Avenue	\$ 19,454		\$ 19,454
CR 78B	\$ 101,346		\$ 101,346
Ravens Ridge Road	\$ 184,626		\$ 184,626
CR 98	\$ 249,236	\$ 218,739	\$ 467,975
CR 17 Martin Road	\$ 73,952		\$ 73,952
	\$ -		\$ -
Subtotal	\$ 1,587,899	\$ 218,739	\$ 1,806,638
<u>Open Space</u>			
El Potrero Restore/Los Potrero	\$ 22,628		\$ 22,628
Lamy Fire Station	\$ 3,136		\$ 3,136
Stanley Park Playground	\$ 401		\$ 401
SF River/Lopez Lane	\$ 27,057		\$ 27,057
SF River Greenway		\$ 180,479	
San Ysidro River Park Restoration	\$ 1,276,808		\$ 1,276,808
Thorton Ranch Mgmt Plan	\$ 83,678		\$ 83,678
South Meadows Park	\$ 20,267		\$ 20,267
Rail Trail Project	\$ 387,864	\$ 34,451	\$ 422,315
Arroyo Hondo Trail/Open Space	\$ 153,498	\$ 45,192	\$ 198,690
Cerrillos Hills Park Coalition	\$ 192,845	\$ 8,834	\$ 201,679
Bennie Chavez Comm. Ctr/Playground	\$ 12,717		\$ 12,717

SFC CLERK RECORDED 03/28/2011

Project	Total Exp '03-'11	O/S Enc	Grand Total
El Camino Real SF River Trail	\$ 4,612		\$ 4,612
Spur Trail	\$ 11,191		\$ 11,191
Chimayo Comm. Ctr	\$ 1,340		\$ 1,340
Tamarch	\$ 3,190		\$ 3,190
Dos Griegos Trail	\$ 50,183		\$ 50,183
Old Santa Fe Trail	\$ 4,657		\$ 4,657
Old Pecos Trail	\$ 2,630		\$ 2,630
Las Carrizales	\$ 63		\$ 63
Petchesky	\$ 1,966		\$ 1,966
Las Golondrinas	\$ 800		\$ 800
El Penasco Blanco	\$ 26,466		\$ 26,466
Little Tesuque Creek	\$ 4,214		\$ 4,214
Mount Chalchihuitl	\$ 19,149		\$ 19,149
Talaya Hill	\$ 3,764	\$ 21,320	\$ 25,083
Watershed Signs	\$ 3,177		\$ 3,177
Madrid Open Space	\$ 4,519		\$ 4,519
Leo Gurule Park	\$ 5,291		\$ 5,291
Galisteo Community Park	\$ 9,186		\$ 9,186
Edgewood Open Space	\$ 31,340	\$ 23,977	\$ 55,317
Burro Lane Park	\$ 24,553	\$ 80,307	\$ 104,860
Camino Azul Trail	\$ 14,949		\$ 14,949
NM Central Trail	\$ 175		\$ 175
Agua Fria Park	\$ 3,370		\$ 3,370
Arroyo de la Piedra	\$ 1,634		\$ 1,634
Chimayo Youth Conservatio Corp	\$ 43,390		\$ 43,390
Other	\$ 177,916		\$ 177,916
Subtotal	\$ 2,634,623	\$ 394,560	\$ 2,848,705

Water

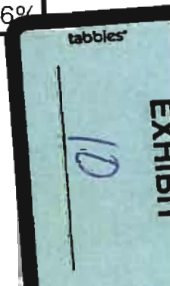
San Ildefonso Water Project	\$ 23,444		\$ 23,444
Water Rights	\$ 6,476,169		\$ 6,476,169
Acequia de los Herreras	\$ 4,500		\$ 4,500
Waterline system - Entrada La Cienega	\$ 1,656		\$ 1,656
Valle Vista Subdivision	\$ 2,438,585	\$ 610,638	\$ 3,049,223
Valle Vista Waste Water	\$ -		\$ -
Peublo of Pojoaque	\$ 11,466		\$ 11,466
Camino Polvoso	\$ 9,588		\$ 9,588
La Pradera Subdivision	\$ 44,168		\$ 44,168
Agua Fria Community Center/Sewer	\$ 90,604		\$ 90,604
Agua Fria Rumba al Sur Sewer	\$ 56,421		\$ 56,421
Agua Fria Phase III	\$ 191,972	\$ 101,413	\$ 293,386
Geohydrologic Study/Aquifer Evaluation	\$ 120,317		\$ 120,317
Buckman Direct Diversion Project	\$ 6,024,015	\$ 4,282	\$ 6,028,298
Hagerman Well Sharing	\$ 180,000		\$ 180,000
40 Year Water Plan	\$ 50,717		\$ 50,717
Waterline - Rail Runner (La Cienega)	\$ 32,841		\$ 32,841
Pojoaque Waste Water Trmt Plant	\$ 1,000,000		\$ 1,000,000
PW Facility	\$ 969,946		\$ 969,946
Greater Chimayo MDWA	\$ 500,000		\$ 500,000
Bulk Water Dispensing Facility	\$ 196,089		\$ 196,089
Las Campanas Water System Acquisition	\$ 8,176		\$ 8,176
La Cienega Water Line	\$ 94,896		\$ 94,896
La Cienega MDWA	\$ 384,983		\$ 384,983
Acequia de Potrero	\$ 4,137		\$ 4,137
Water / Waste Water Rate Study	\$ 63,519	\$ 9,456	\$ 72,975
Cautro Villas Water	\$ 313,063		\$ 313,063

Project	Total Exp '03-'11	O/S Enc	Grand Total
Ben Lane Sewer Line	\$ 44,351		\$ 44,351
Glorieta Estates MDWCA	\$ 96,000		\$ 96,000
Edgewood Collection System	\$ 400,000		\$ 400,000
Rancho Viejo Tank Improvement	\$ 23,038	\$ 1,447	\$ 24,485
Ranchjo Viejo Fire Substation	\$ 19,720		\$ 19,720
Debt Service Transfer Out	\$ 2,576,572		\$ 2,576,572
Other	\$ 413,122		\$ 413,122
Subtotal	\$ 22,864,074	\$ 727,237	\$ 23,591,311
TOTAL COUNTY EXPENDITURES	<u>\$ 27,869,039</u>	<u>\$ 1,340,536</u>	<u>\$ 29,029,097</u>

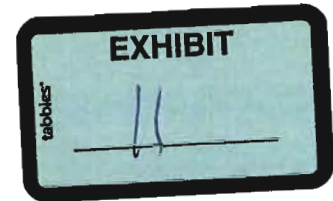
**Santa Fe County Capital Outlay Gross Receipts Tax
Use of GRT's f/Regional Projects
For FY 2003 - 2011**

Total GRT Revenue						
100% Collections	\$	103,861,533		100% Collections	\$	103,861,533
Regional Collections	\$	51,930,767	50%	County Collections	\$	51,930,767

Total Regional Expenditures				Total County Expenditures			
Roads	\$	1,363,500		Roads	\$	1,806,638	
Open Space	\$	3,059,670		Open Space	\$	2,848,705	
Water	\$	35,052,755		Water	\$	23,591,311	
Other	\$	1,001,003		Other	\$	782,443	
Total	\$	40,476,928		Total	\$	29,029,097	
<u>Regional Earmarked Projects</u>				<u>County Earmarked Projects</u>			
Roads	\$	474,077		Roads	\$	553,615	
Open Space	\$	1,774,402		Open Space	\$	1,753,168	
Water	\$	814,466		Water	\$	1,295,980	
Other	\$	391,996		Other	\$	-	
Total	\$	3,454,941		Total	\$	3,602,763	
Grand Total	\$	43,931,869		Grand Total	\$	32,631,860	
Total Revenue versus Regional Expenditures/Earmarked				Total Revenue versus County Expenditures/Earmarked			
42%				31%			
Total Revenue versus Regional Expenditures				Total Revenue versus County Expenditures			
39%				28%			
Regional Revenue versus Regional Expenditures/Earmarked				County Revenue versus County Expenditures/Earmarked			
85%				63%			
Regional Revenue versus Regional Expenditures				County Revenue versus County Expenditures			
78%				56%			

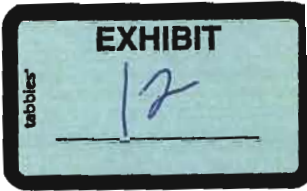


Santa Fe County Capital Outlay Gross Receipts Tax
Use of GRT's f/Regional Projects
For FY 2003 - 2011
List of RPA Approved Projects by Major Category



Project	Total Exp '03-'11	O/S Enc	Grand Total
<u>Other</u>			
Governor Miles Road	\$ 310,000		\$ 310,000
Eldorado Senior Center	\$ 350,000		\$ 350,000
SF Farmer's Market	\$ 200,000		\$ 200,000
Phase 1 Road Annexation	\$ 122,798	\$ 18,205	\$ 141,003
Subtotal	\$ 982,798	\$ 18,205	\$ 1,001,003
<u>Road</u>			
South Meadows Road Land Acquisition	\$ 238,500		\$ 238,500
Siler Road Extension	\$ 1,125,000		\$ 1,125,000
Subtotal	\$ 1,363,500	\$ -	\$ 1,363,500
<u>Open Space</u>			
Dale Ball Trails	\$ 103,069	\$ 258,330	\$ 361,399
SF Rail Yard Park	\$ 805,269	\$ 69,731	\$ 875,000
Talaya Hill Property Purchase	\$ 365,404		\$ 365,404
Foothills Trails	\$ 4,956		\$ 4,956
Santa Fe Rail Trail	\$ 382,411	\$ 385,257	\$ 767,668
SF River Watershed Study	\$ 50,000		\$ 50,000
Arroyo Chamiso Trail	\$ 30,868	\$ 129,132	\$ 160,000
Appraisal - Lucy Moore Property	\$ 1,889		\$ 1,889
SF Conservation Trust - Trail Stewardship	\$ 47,000		\$ 47,000
Santa Fe River Trail	\$ 771,758	\$ 20,000	\$ 791,758
South Meadows	\$ -		\$ -
Subtotal	\$ 2,562,624	\$ 862,450	\$ 3,425,074
<u>Water</u>			
BDD	\$ 27,729,238	\$ 7,000,000	\$ 34,729,238
Other	\$ 323,517		\$ 323,517
Subtotal	\$ 28,052,755	\$ 7,000,000	\$ 35,052,755
TOTAL REGIONAL EXPENDITURES	\$ 32,961,677	\$ 7,880,655	\$ 40,842,332

SFC CLERK RECORDED 03/28/2011

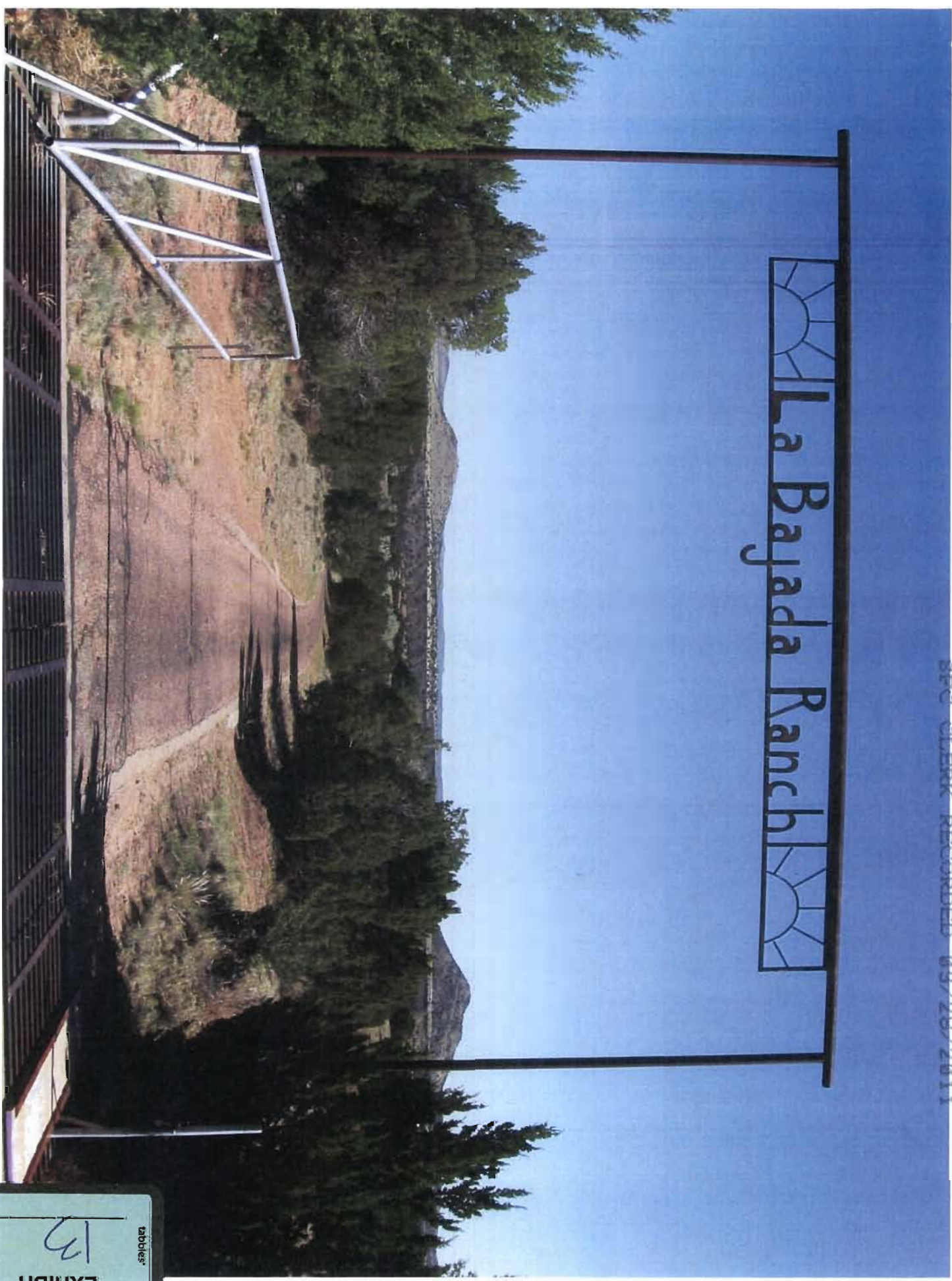


**Santa Fe County Capital Outlay Gross Receipts Tax
Use of GRT's f/Regional Projects
For FY 2003 - 2011
REGIONAL EARMARKED PROJECTS**

PHASE I ROADS ANNEXATION	\$ 78,996
SOUTH MEADOWS	\$ 474,077
AIRPORT ROAD SAFETY PROJECT	<u>\$ 313,000</u>
ROADS & OTHER	\$ 866,073
SOUTH MEADOWS OPEN SPACE	\$ 400,000
SANTA FE RIVER TRAIL	\$ 1,206,700
REGIONAL TRAIL INVENTORY	\$ 20,000
RAIL TRAIL PROJECT	<u>\$ 147,702</u>
OPEN SPACE	\$ 1,774,402
BUCKMAN DIRECT DIVERSION	<u>\$ 814,466</u>
Total	<u><u>\$ 3,454,941</u></u>

SFC CLERK RECORDED 09/28/2011

La Bajada Ranch

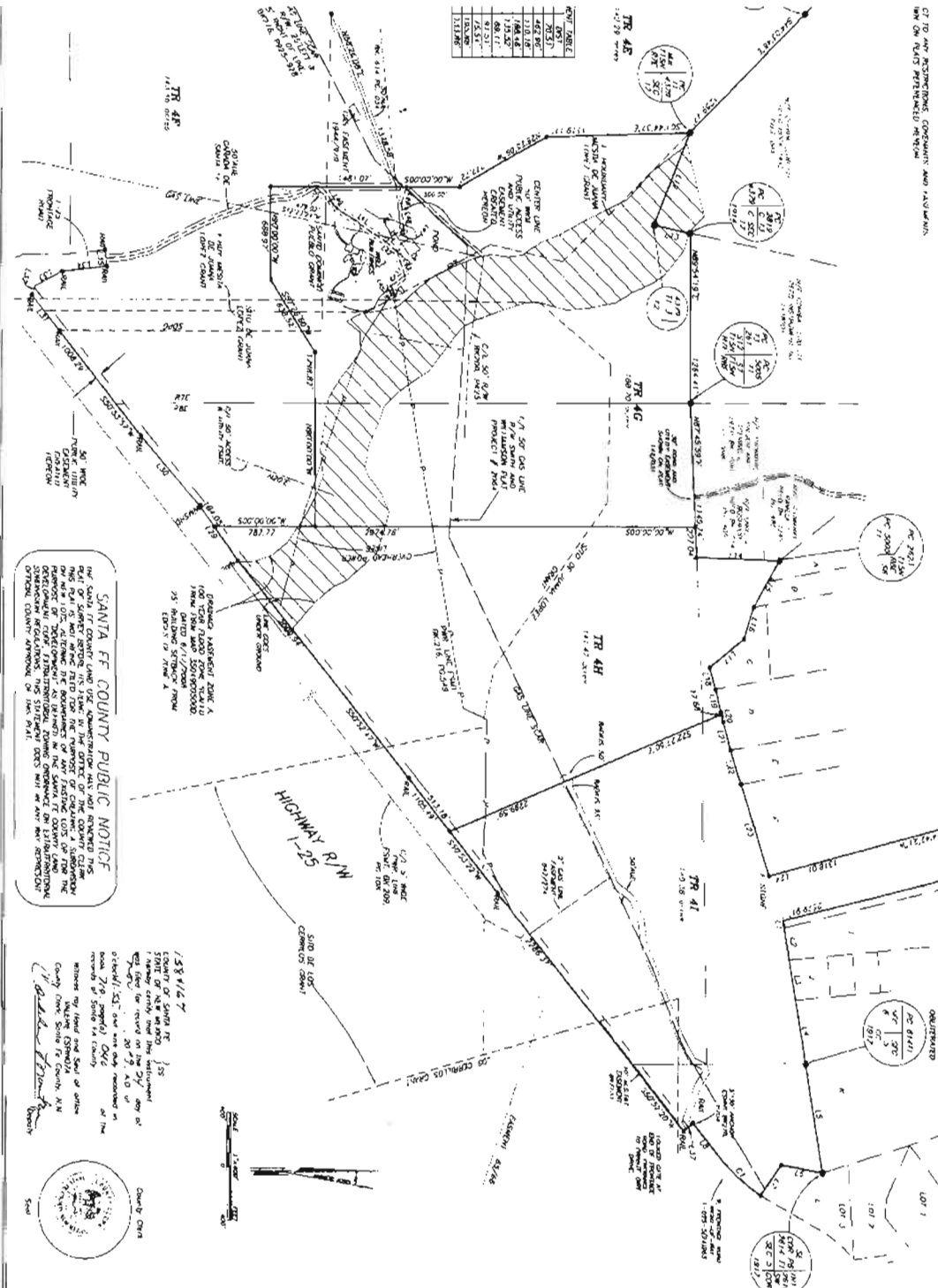


tabbles
13
EXHIBIT

REGARD TO THE ABOVE PROPERTY AND THE BOUNDARIES THEREOF, THE SFC CLERK HAS REVIEWED THE RECORDS OF THE COUNTY OF SAN JUAN AND HAS FOUND THAT THE ABOVE PROPERTY IS NOT SUBJECT TO ANY UNRECORDED INTERESTS AND THAT THE BOUNDARIES THEREOF ARE CORRECTLY SHOWN ON THE PLAT MAP.

PERMETER

LINE	BEARING	DIST	AREA
1	N 89° 52' 17" E	24.42	24.42
2	S 89° 52' 17" E	24.42	24.42
3	N 89° 52' 17" W	24.42	24.42
4	S 89° 52' 17" W	24.42	24.42
5	N 89° 52' 17" E	24.42	24.42
6	S 89° 52' 17" E	24.42	24.42
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22	S 89° 52' 17" E	24.42	24.42
23	N 89° 52' 17" W	24.42	24.42
24	S 89° 52' 17" W	24.42	24.42
25	N 89° 52' 17" E	24.42	24.42
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53	N 89° 52' 17" E	24.42	24.42
54	S 89° 52' 17" E	24.42	24.42
55	N 89° 52' 17" W	24.42	24.42
56	S 89° 52' 17" W	24.42	24.42
57	N 89° 52' 17" E	24.42	24.42
58	S 89° 52' 17" E	24.42	24.42
59	N 89° 52' 17" W	24.42	24.42
60	S 89° 52' 17" W	24.42	24.42



SANTA FE COUNTY PUBLIC NOTICE
 THE SANTA FE COUNTY LAND USE ADMINISTRATION HAS NOT REVIEWED THIS PLAT MAP FOR CONFORMANCE WITH THE PLAT MAP ACT, N.M.S.A. § 24-1-1, AND THEREFORE THE PLAT MAP IS NOT A PUBLIC RECORD. THE PLAT MAP IS NOT A PUBLIC RECORD AND IS NOT SUBJECT TO THE PUBLIC RECORD ACT, N.M.S.A. § 24-1-1. THE PLAT MAP IS NOT A PUBLIC RECORD AND IS NOT SUBJECT TO THE PUBLIC RECORD ACT, N.M.S.A. § 24-1-1.

La Bajada Ranch Plat Map

1/28/11
 Santa Fe County, New Mexico
 County Clerk
 Santa Fe, New Mexico

BOUNDARY & EASEMENT PLAT OF LOTS 4G, 4H AND 4I WITHIN RANCH AT SANTA FE CANYON 140 AC. EXEMPTION SURVEY PLAT RECORD BOOK 614 PAGE 034, SECTIONS 10, 11, 12, & 13 T15N R7E SECTIONS 5, 6, & 7 T15N, R8E, N4MPM, & SITO DE JUANA LOPEZ GRANIS, SANTA FE COUNTY NEW MEXICO.

STANDARD CERTIFICATE
 I, , County Clerk of Santa Fe County, New Mexico, do hereby certify that the above plat map was filed for record on the date and hour stated herein, and that the same is a true and correct copy of the original plat map as submitted to me by the landowner, and that the same is in conformity with the provisions of the Public Record Act, N.M.S.A. § 24-1-1.

ADDITIONAL TRACT INFORMATION
 A. 1/2 AC. LOTS 4G, 4H AND 4I ARE BOUNDARIED BY THE PLAT MAP RECORD BOOK 614 PAGE 034, SECTIONS 10, 11, 12, & 13 T15N R7E SECTIONS 5, 6, & 7 T15N, R8E, N4MPM, & SITO DE JUANA LOPEZ GRANIS, SANTA FE COUNTY NEW MEXICO.
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La Bajada Ranch Findings of Fact:

Location: La Cienega and La Cieneguilla Community Planning Area Boundary

Boundary & Easement Plat of Lots 4G, 4H, and 4I: Filed on November 24, 2009 and recorded in Book 710, page 040, Santa Fe County

Warranty Deed: Filed November 25, 2009 (Total acres: 470.55)

- Tract: 4 G @ 188.70 acres (west tract)
- Tract 4H @141.47 acres (middle tract)
- Tract 4 I @140.38 acres (east tract)
- Subject to easements of record (Gas, electric, telephone)
- Excludes ownership to all oil, gas, hydrocarbons or minerals of whatever nature, within and underlying the premises

Purchase Price: \$7,000,000.

Appraised Price: \$7,520,000. (August 28, 2009)

Water Rights: 3 acre feet, domestic well: RG-29242-S

Applicable Community Plan: La Cienega and La Cieneguilla Community Plan, adopted via Resolution 2001-117 on August 14, 2001

- Current status of Plan: The community plan is being revised to reflect land use changes in the planning area boundary and consistency with the Sustainable Growth Management Plan (SGMP). Plan is expected to be complete by 2012.
- The text of the document is being revised to include SGMP directives applicable to the planning area.
- A future land use map has been drafted to illustrate proposed future land uses that include La Bajada Ranch and other adjacent private properties.

Applicable Ordinances: Santa Fe County Ordinance No. 2002-9: La Cienega and La Cieneguilla Traditional Community Planning Area and La Cieneguilla Traditional Community Zoning District. Current applicable provisions include:

- Zoning Density: Basin Fringe, maximum density is one dwelling unit per 50 acres
- Proof of 100 year water supply & covenants: one dwelling per 12 acres
- Density transfers allowed for preservation of community assets
- No new commercial zoning
- Community service facilities are permitted

Applicable Master Plan: Revised and Amended Master Plan for Santa Fe Canyon Ranch, LLC Final Order filed March 10, 2009. Master Plan approval is valid for a period of five years from the date of approval by the Board of County Commissioners (BCC) per Art. V, Sec.5.2.7 of the Code.

- Phase 1 and Phase 2 two of the master plan applies to County property:
- Phase 1: 80 Lots on 200 acres with an average density of 1 D/U per 2.5 acres
- Phase 2: 76 Lots on 199 acres with an average density of 1 D/U per 2.62 acres

Existing Site Conditions:

- Alamo Creek with large Cottonwoods/riparian corridor
- Bonanza Creek arroyo with intermittent flows
- Fema 100 Year Flood Zone at Alamo Creek
- Slope conditions: range from 0-30%
- Vegetation: primarily open juniper woodland, interspersed with short grasses and associated shrubs and forbs.
- Archaeological Sites: 54 sites (seven were previously recorded) with 38 considered "significant" under Article VI, Section 3.2.13 of the Santa Fe County Development Code. Approximately 14 archeological sites are located within the three tracts.
- Soils: There are seven Soil Associations found on the site.
- Wildlife: federally endangered species (the southwest Willow Flycatcher) and a federally threatened species (the Mountain Plover) are/may be present on the subject property.

Access:

Road Access on the southwest via I 25 frontage road over the Thompson Overpass. East access via unpaved road off of Entrada La Cienega

POTENTIAL SCENARIOS FALL INTO FIVE BASIC CATEGORIES:

1. Community and Economic Development
2. Preservation and conservation
3. Sell Property
4. Exchange Property
5. Do nothing

Suggested Uses for La Bajada Ranch - We have received several suggestions for potential uses for the Ranch. These include:

- Film Location
- Algae Production
- Equestrian Uses
- Educational Uses
- Therapeutic Riding Center
- Equine Arts Institute
- Sustainable Grazing
- Variety of Non-Profit Groups
- Veteran's Center

LA BAJADA GATEWAY CENTER

THIS CONCEPT IS SUPPORTED BY THE RECENT LA CIENEGA LAND USE SURVEY, NOVEMBER 2010.

THIS AREA IS AN ENTRY WAY INTO NOT ONLY THE EXTRAORDINARY LA BAJADA AREA BUT ALSO INTO THE COMMUNITY OF LA CIENEGA, THE CITY OF SANTA FE AND OTHER PARTS OF THE COUNTY.

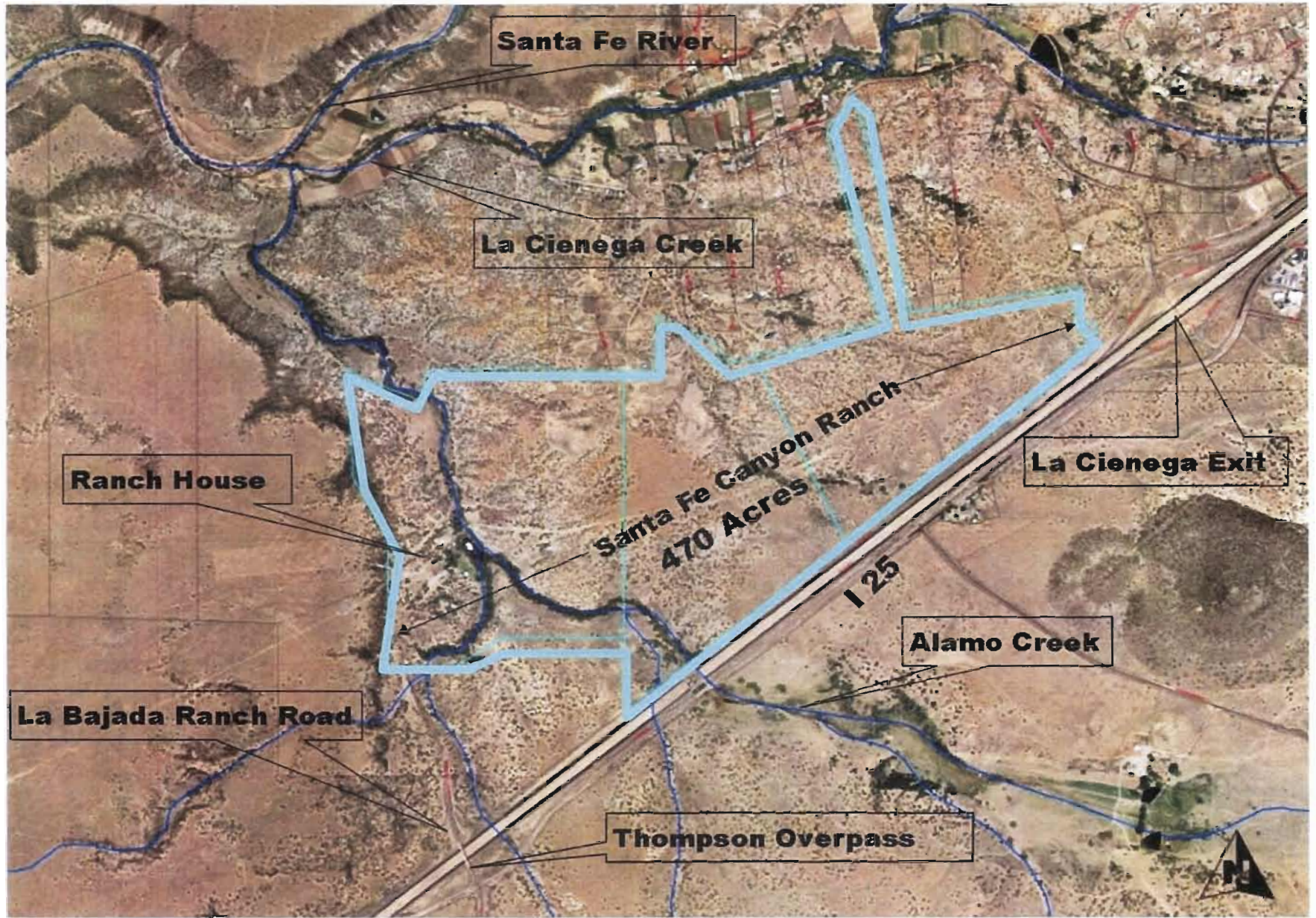
THIS PROJECT WOULD INCLUDE THREE PARTS:

CONSERVATION/RESTORATION PROJECT TO PROTECT THE UNIQUE RIPARIAN AREA IMMEDIATELY ADJACENT TO THE EXISTING RANCH HOUSE.

DEVELOPMENT OF A COMMUNITY EVENT CENTER AND PARK AND RECREATION AREA TO PROVIDE RECREATIONAL USES AND A CENTER THAT COULD ULTIMATELY BE DESIGNED TO HOST COMMUNITY EVENTS, WEDDINGS, PARTIES AND SMALL CONFERENCES AND EVENTS.

DEMONSTRATION PROJECTS TO PROVIDE A CENTER FOR BOTANICAL, AGRICULTURAL AND SMALL ALTERNATIVE ENERGY PRACTICE.

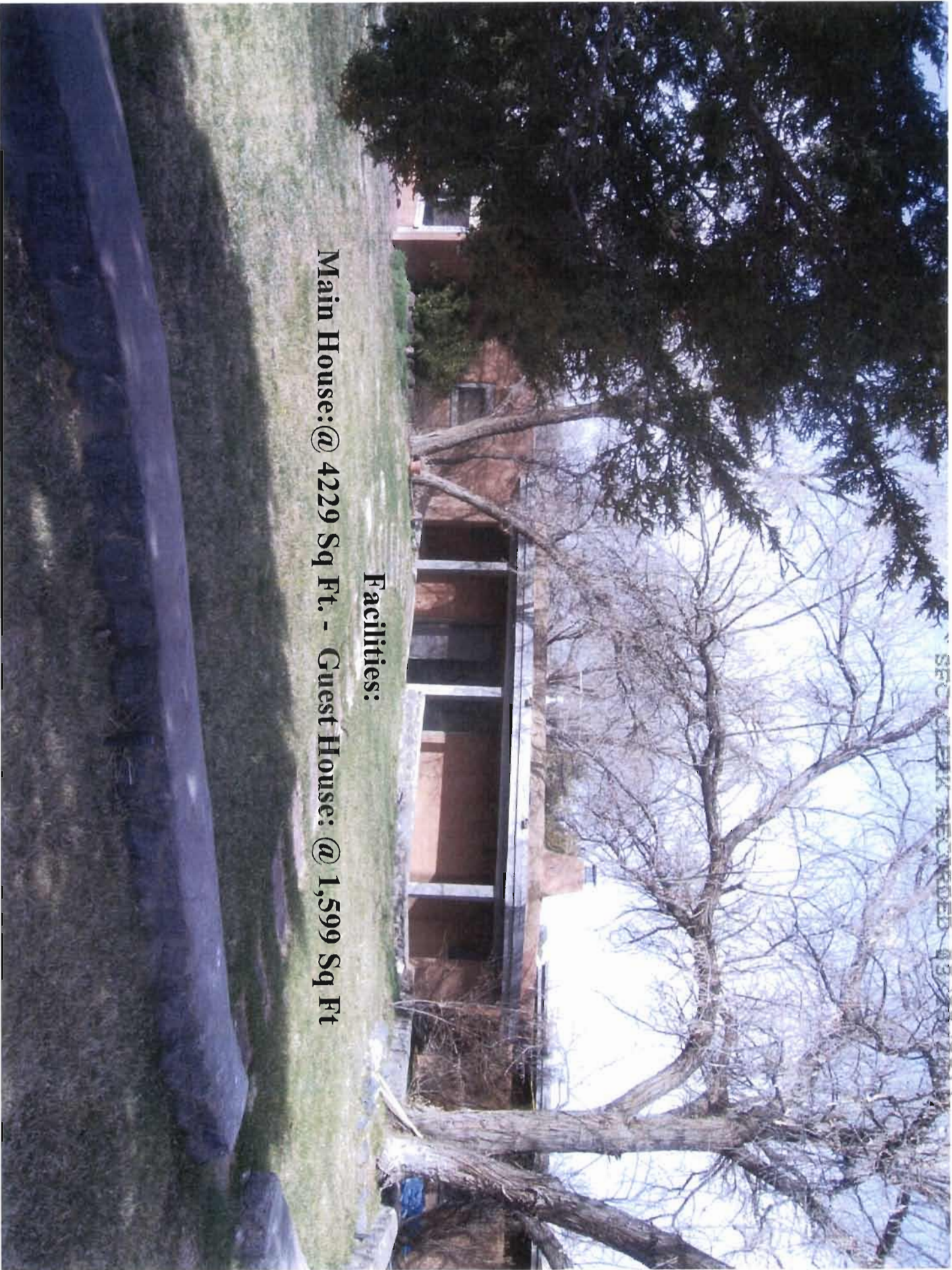
IN ADDITION, THESE THREE PROJECTS WOULD ALSO SET UP THE FOUNDATION AND FOCAL POINT FOR A POTENTIAL ECOTOURISM CONCEPT THAT WOULD INVOLVE OTHER PARTS OF THE COUNTY, ESPECIALLY THE TURQUOISE TRAIL COMMUNITIES OF CERRILLOS AND MADRID AND THE GALISTEO BASIN.



SANTA FE CANYON RANCH

SFC CLERK RECORDED 09/28/2011



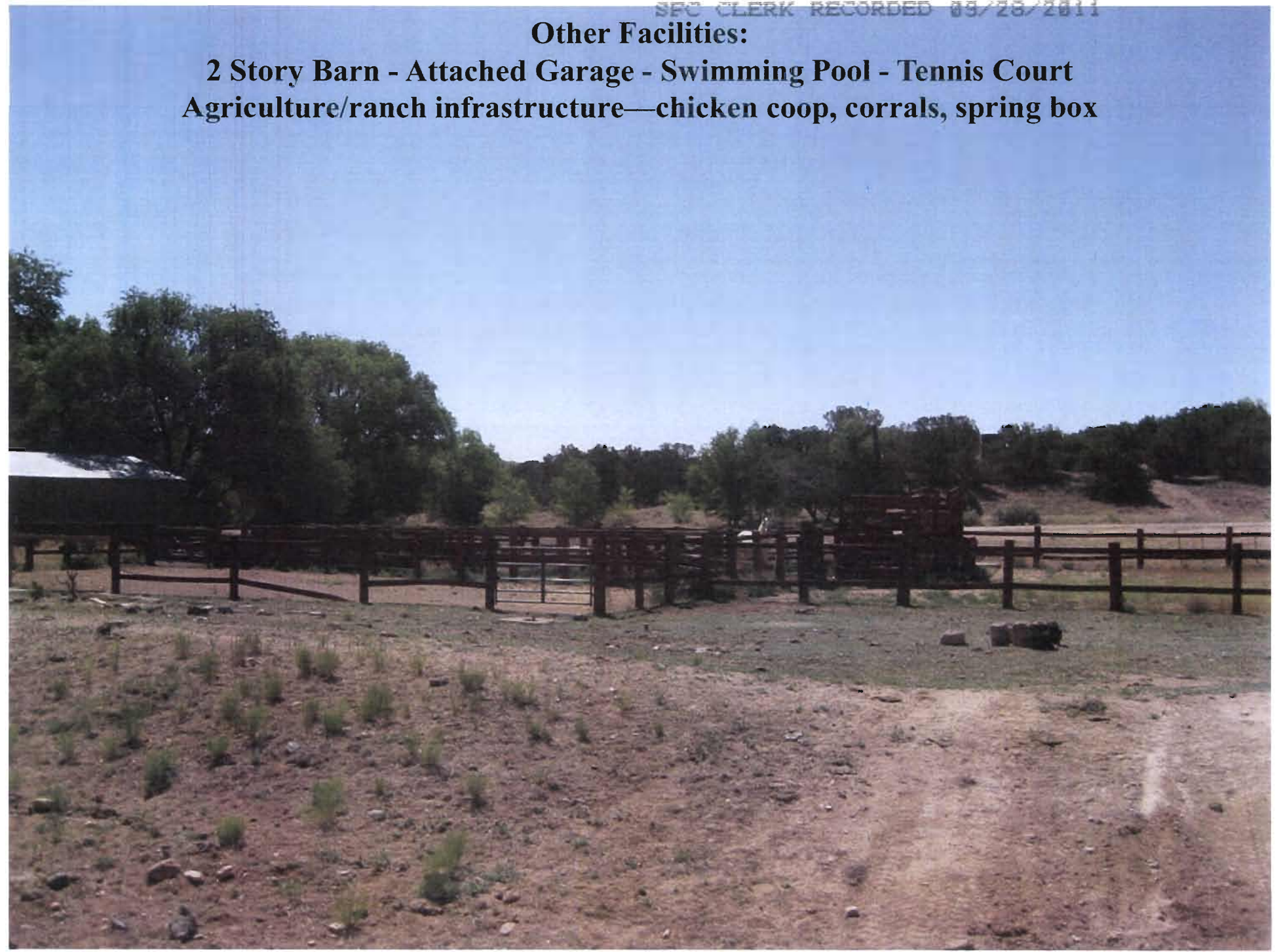


Facilities:











Main House: @ 4229 Sq Ft. - Guest House: @ 1,599 Sq Ft

Other Facilities:

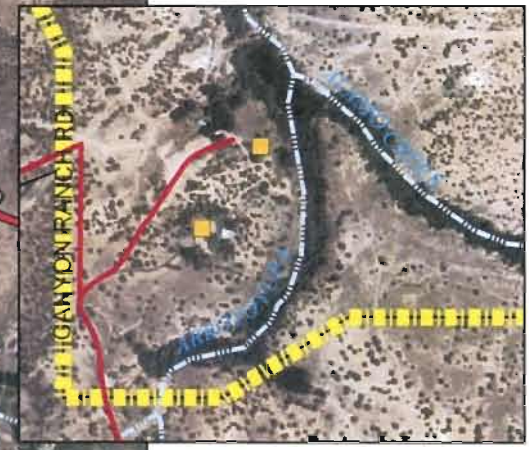
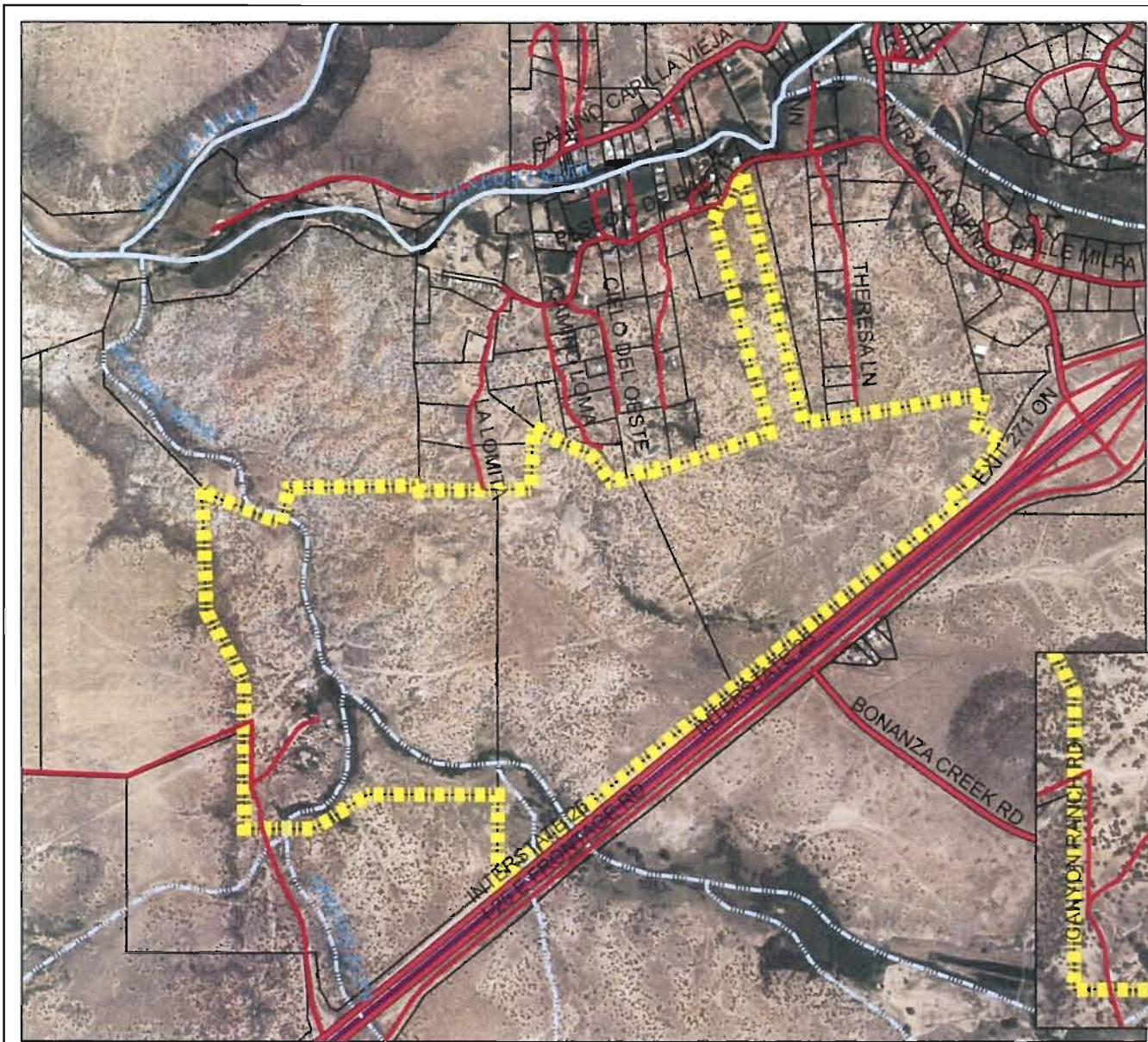
**2 Story Barn - Attached Garage - Swimming Pool - Tennis Court
Agriculture/ranch infrastructure—chicken coop, corrals, spring box**

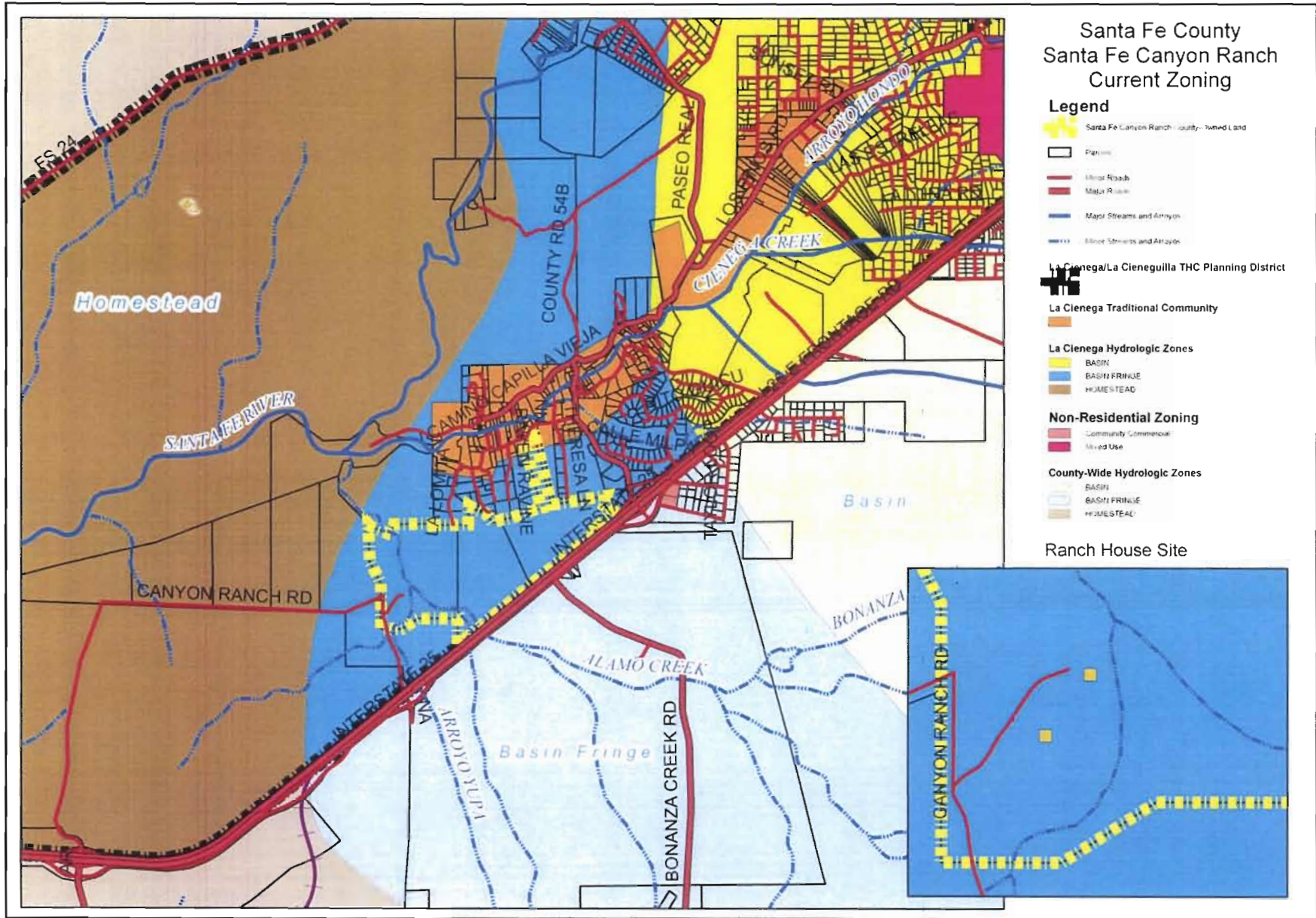


Santa Fe County Santa Fe Canyon Ranch Aerial Photograph

- Legend**
-  Santa Fe Canyon Ranch County-Owned Land
 -  Parcels
 -  Minor Roads
 -  Major Roads
 -  Major Streams and Arroyos
 -  Minor Streams and Arroyos
- Railrunner Alignment**
-  Railrunner Alignment
 -  Railroad Lines
- Santa Fe County 2009 Aerial Photograph
RGB**
-  Red: Band_1
 -  Green: Band_2
 -  Blue: Band_3

Ranch House Site

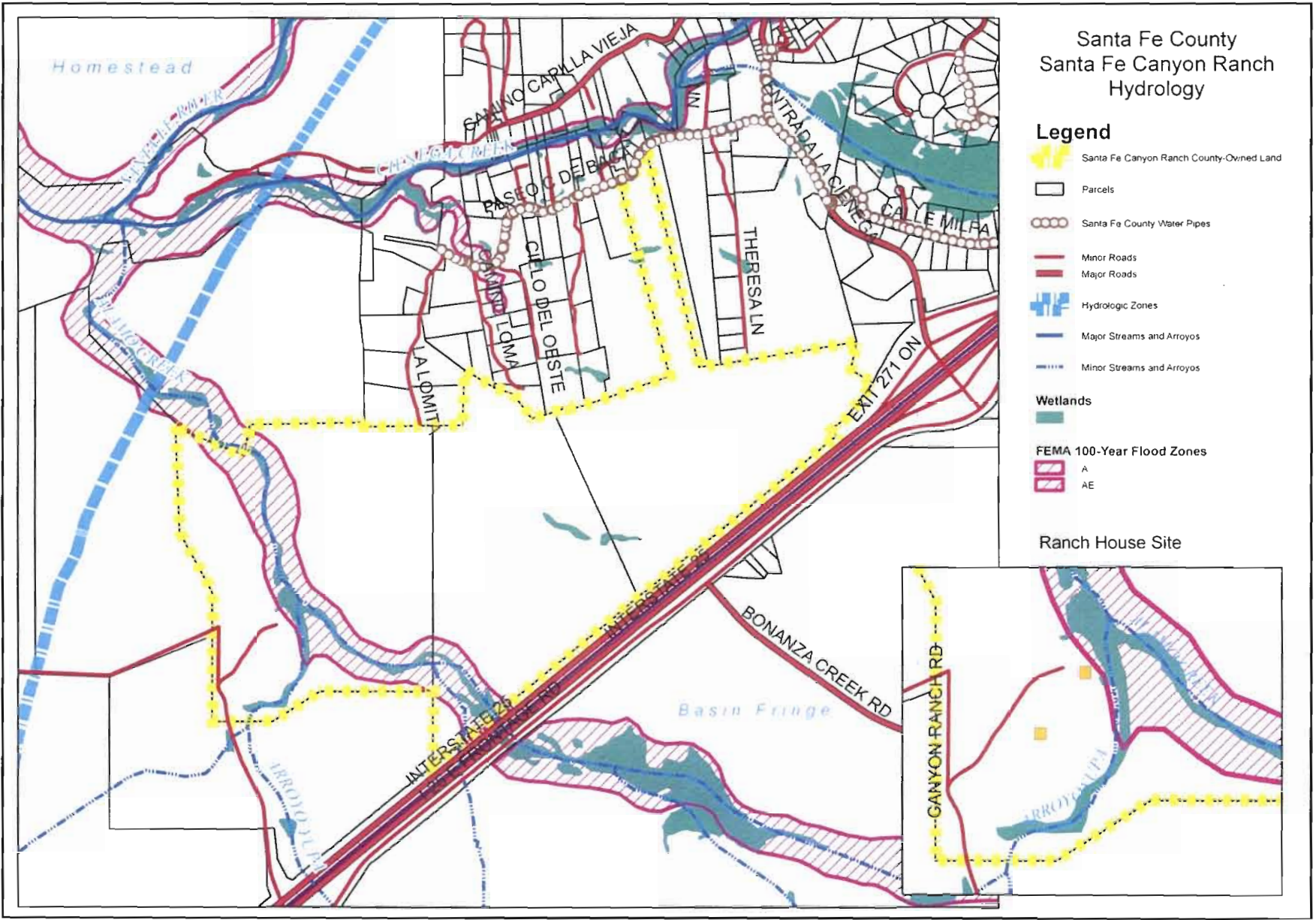




Santa Fe County
Growth Management
Department
Planning Division













Aug. 10, 2011
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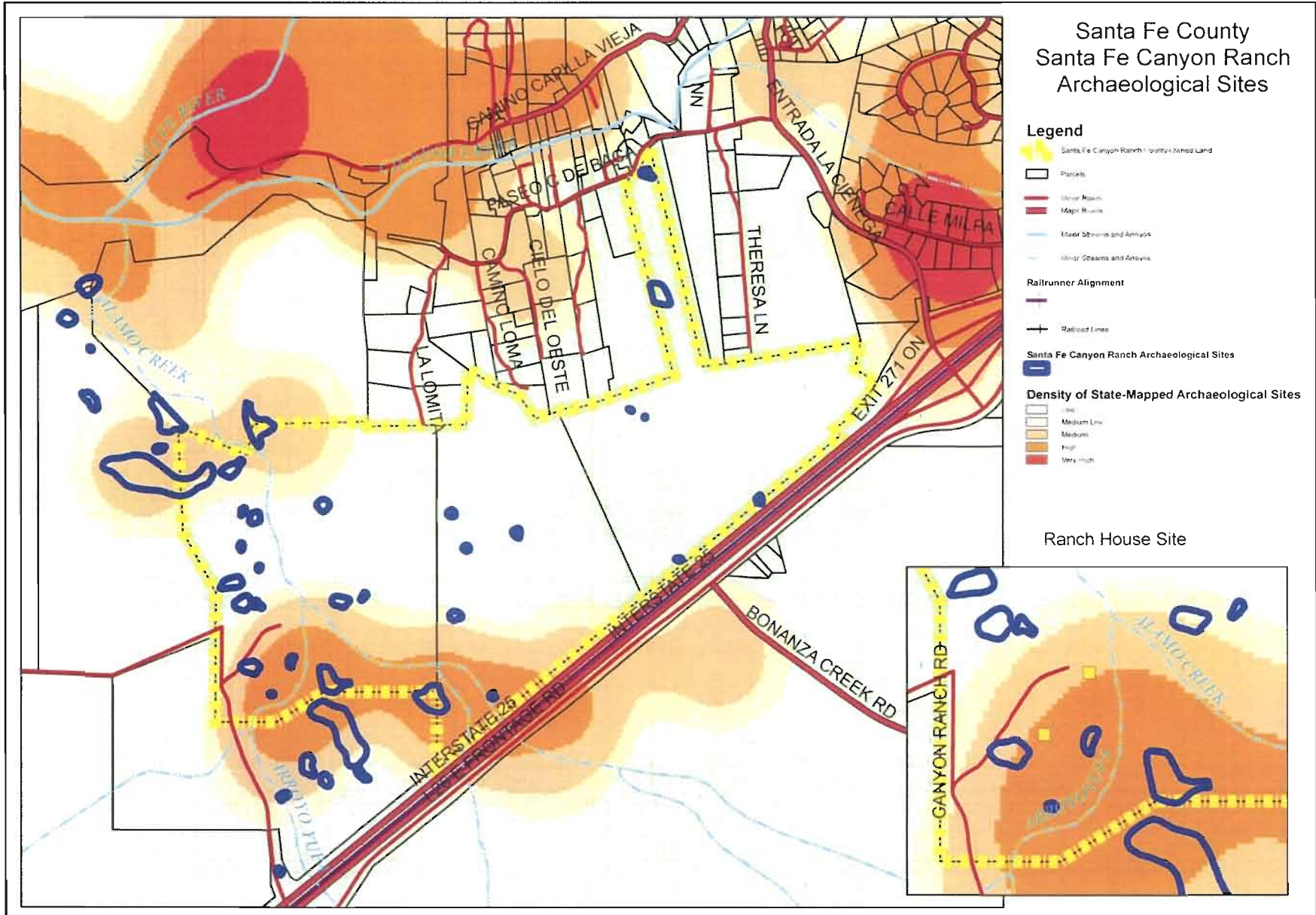


Santa Fe County Santa Fe Canyon Ranch Archaeological Sites

Legend

-  Santa Fe Canyon Ranch County-owned Land
-  Parcels
-  Minor Road
-  Major Road
-  Major Streams and Arroyos
-  Minor Streams and Arroyos
-  Ralrunner Alignment
-  Railroad Lines
-  Santa Fe Canyon Ranch Archaeological Sites
- Density of State-Mapped Archaeological Sites**
-  Low
-  Medium Low
-  Medium
-  High
-  Very High

Ranch House Site

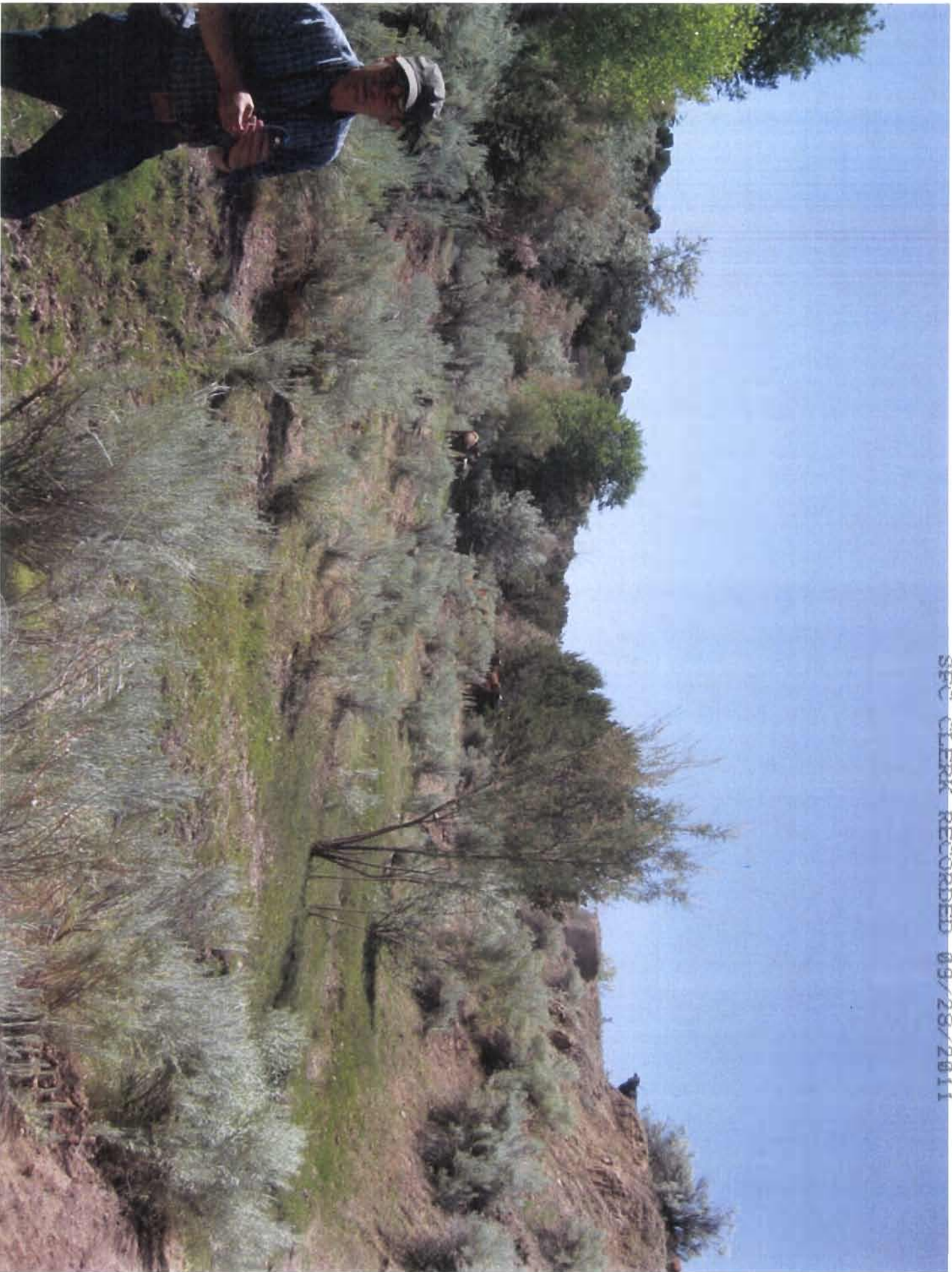


Santa Fe County
Growth Management
Department
Planning Division



Aug 10 2011
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SFC CLERK RECORDED 09/28/2011



SFC CLERK RECORDED 09/28/2011



SFO CLERK RECORDED 09/28/2011

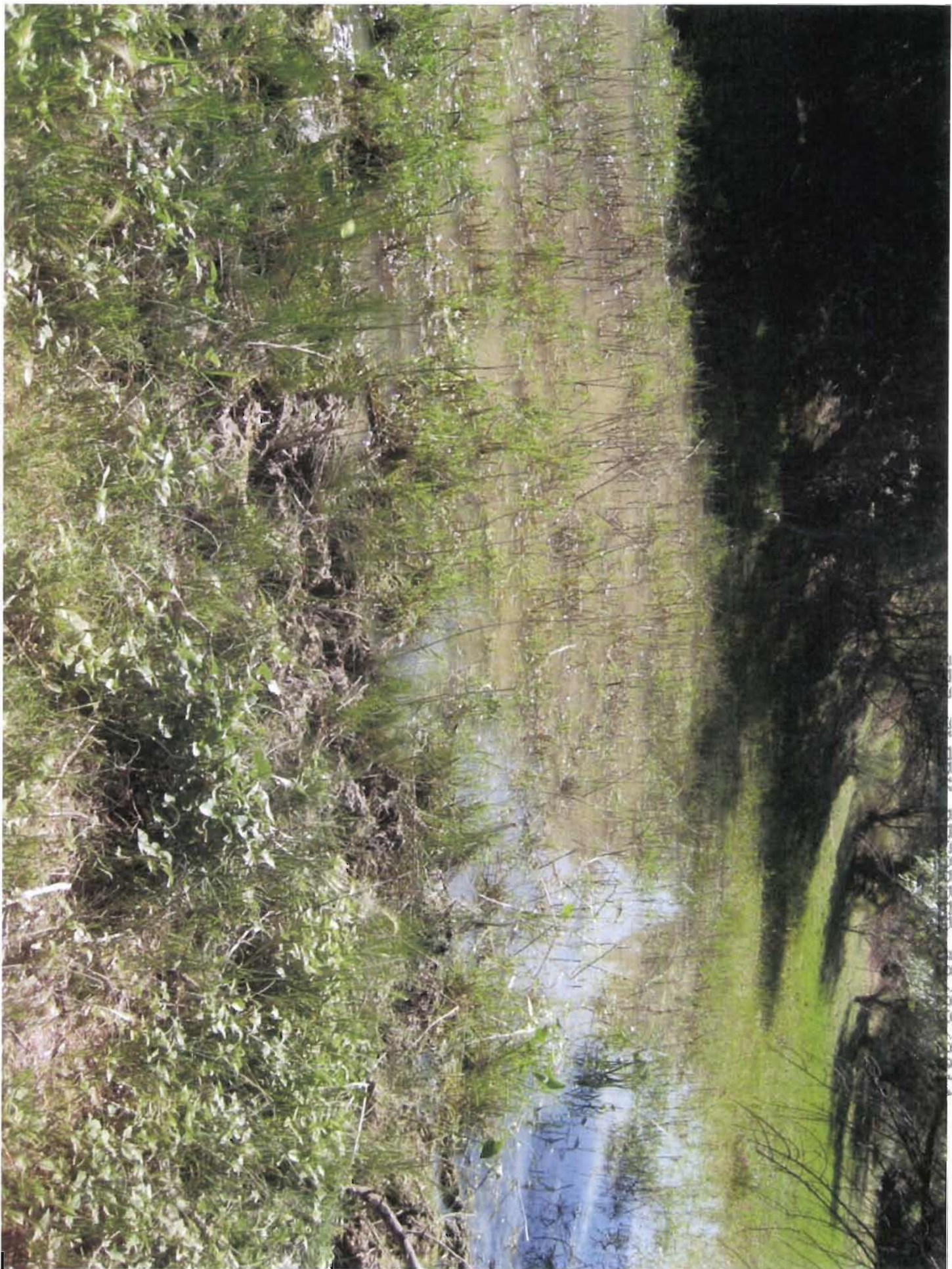


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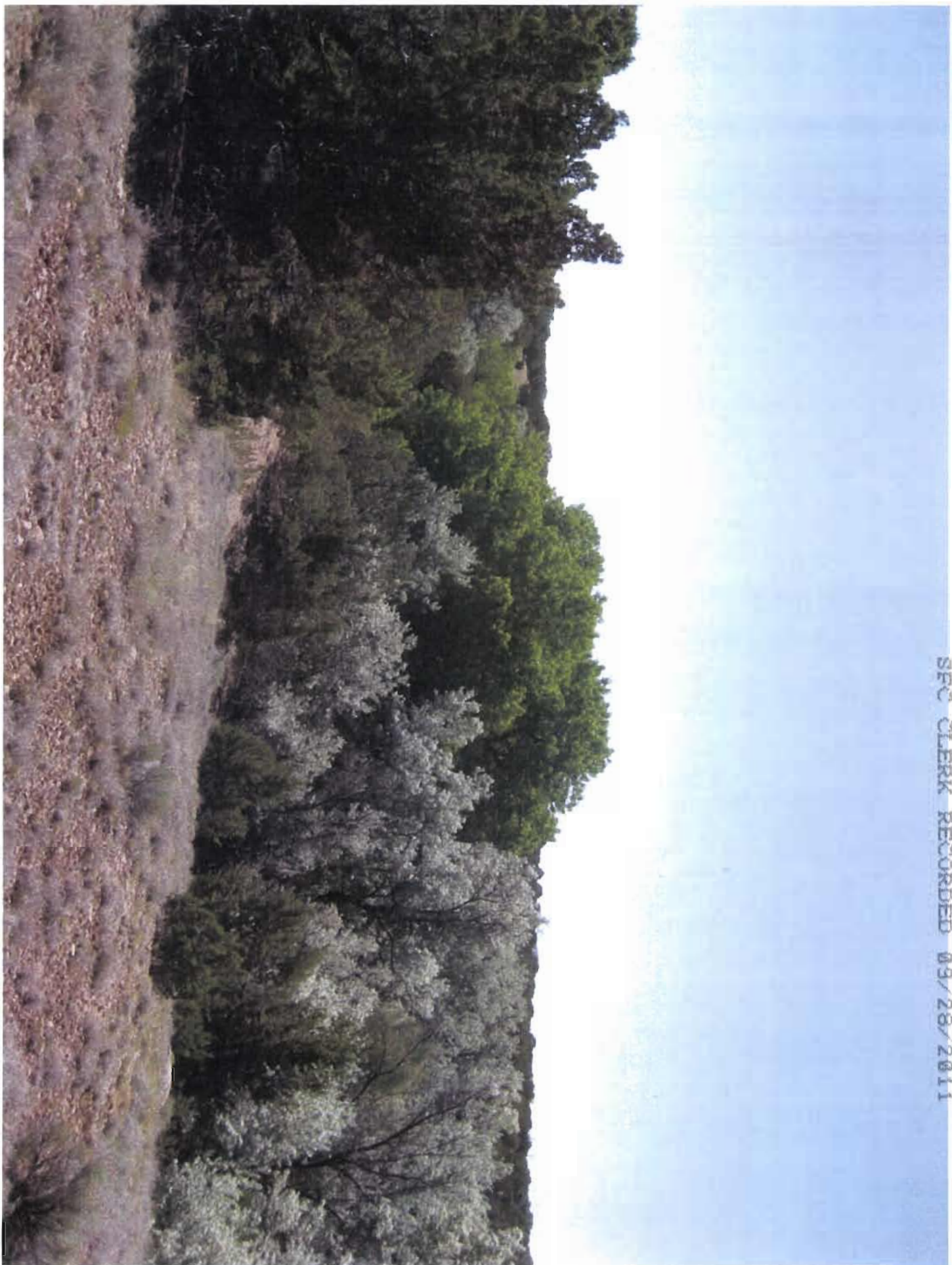


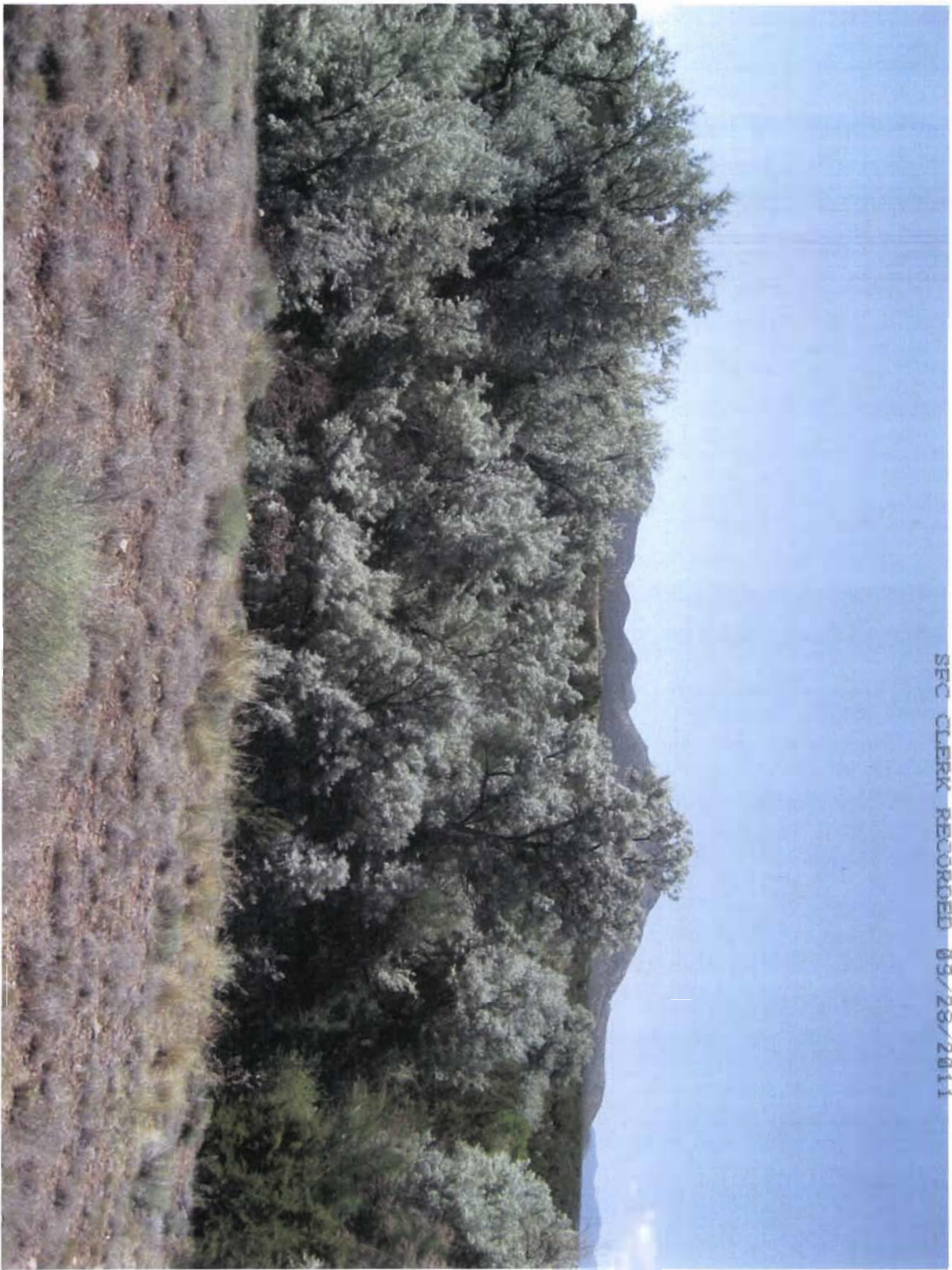
SFC CLERK RECORDED 03/28/2011





SFC CLERK RECORDED 09/28/2011





SEC CLERK RECORDED 09/28/2011

POTENTIAL SCENARIOS FALL INTO FIVE BASIC CATEGORIES:

- Community and Economic Development
- Preservation and conservation
- Sell Property
- Exchange Property
- Do nothing

DISCUSSION OF:

- RELATED CONSTRAINTS/REQUIREMENTS/RESOURCES
- HOW FOLLOW UP AND DECISION MAKING CAN BEST OCCUR.



La Cienega Valley Association
PO Box 23947
Santa Fe, New Mexico 87502
Preserving Our Rural Way of Life

August 22, 2011

Katherine Miller, Manager
Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87501

Re: La Bajada Ranch

Dear Ms. Miller,

Over the past five years the community of la Cienega/La Cieneguilla has worked with the owners of the la Bajada Ranch/Santa Fe Canyon Ranch properties to provide constructive input regarding their potential development. This past week, in the latest of these efforts, the LCVA worked with the La Cienega /La Cieneguilla Planning Committee (a County sponsored team) to conduct a community forum on the County's 470 acre La Bajada ranch site. The results of that forum are attached here, as well as the results from an earlier exercise involving the La Bajada ranch property when it was part of the proposed Santa Fe Canyon ranch development.

In both cases, these forums were widely advertised and well-noticed within the community, including mailers, community newsletters (delivered to over 1250 area addresses), and large public notices posted around the community. The meetings were well attended by a good cross representation of our community. The latest forum included the president of the La Cienega Studio Tour and the mayordomos of the Acequia de La Cienega and the El Guicu Ditch Association.

The goal of these forums was to elicit the broadest range of ideas about how the ranch property could be utilized. Participants discussed many topics specific to the area, including archeological and historical aspects, housing and commercial needs, ecological and conservation issues, economics and local employment, visual integrity (including the 'Entrance into Santa Fe' along I-25), and impacts on local roads, utilities, and our rural way of life. Over the four years covered by these meetings, we believe the community has shown remarkable consistency in supporting ideas that preserve our rural character while allowing viable, sustainable development to occur.

The La Cienega Valley Association remains committed to actively supporting Santa Fe County's efforts to recoup its investment in the property and believe the attached documents contain a number of worthwhile ideas for Santa Fe County to consider. The LCVA would like to assist in both the recruitment of appropriate services and businesses as well as being involved in reviewing formal proposals for the land's use. The LCVA wants to ensure that any proposed uses for La Bajada Ranch fit into our community and appreciates the value and importance of our agricultural traditions.

While not emphasized in our community work the LCVA supports appropriate commercial development but as we look to an uncertain future we want any proposed development to be energy neutral and water wise. The LCVA has consistently encouraged alternative energy production as a step toward rural self sufficiency and the La Bajada Ranch could become a key part of that effort. The LCVA has expressed an interest in protecting and preserving the ranch house and grounds and have offered our assistance in coordinating a community cleanup.

The LCVA would like to thank you and the County Commission for allowing our community the opportunity to participate in the process of planning for La Bajada. It is a responsibility we take very seriously.

Sincerely,

Carl E. Dickens, President
La Cienega Valley Association

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Gene Bostwick, chairman
La Cienega / La Cieneguilla Planning Committee