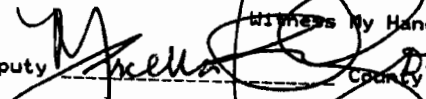


COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC MINUTES  
PAGES: 273

I Hereby Certify That This Instrument Was Filed for  
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Valerie Espinoza  
County Clerk, Santa Fe, NM

**SANTA FE COUNTY**

**BOARD OF COUNTY COMMISSIONERS**

**MEETING**

**March 9, 2010**

**Harry Montoya, Chair – District 1**

**Kathy Holian – District 4**

**Liz Stefanics – District 5**

**Virginia Vigil – District 2**

**Michael Anaya – District 3**

SFC CLERK RECORDED 04/15/2010

**Santa Fe Board of County Commissioners  
County Commission Chambers  
County Administration Building**

**REGULAR MEETING**

**March 9, 2010 at 2:00pm**

*Please turn off Cellular Phones during the meeting.*

***Amended Agenda***

- I. Call To Order**
- II. Roll Call**
- III. Pledge Of Allegiance**
- IV. State Pledge**
- V. Invocation**
- VI. Approval Of Agenda**
  - Amendments**
  - Tabled Or Withdrawn Items**
- VII. Approval Of Consent Calendar**
  - A. Consent Calendar Withdrawals**
- VIII. Approval Of Minutes**
  - A. Approval Of February 23, 2010 BCC Minutes**
- IX. Special Presentations**
  - A. To Honor The Santa Fe County Clerk's Staff For All Their Hard Work And Dedication. (Clerk Espinoza/Deputy Clerk Trujillo)**
  - B. New Mexico Wildlife Federation Rio Grande Corridor At Buckman Project Presented By Conservation Director Alan Hamilton Of The New Mexico Wildlife Federation (Commissioner Montoya)**
- X. Matters Of Public Concern -NON-ACTION ITEMS**
- XI. Matters From The Commission**
  - A. NCRTD Status Update (Commissioner Stefanics)**

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**XII. Consent Calendar**

**A. Community Funds**

- 1. Discussion And Possible Approval For An Expenditure Of Community Service Funds In The Amount Of \$500 In Support Of Rental Of Portables Facilities For Chimayo Pilgrimage.(Commissioner Montoya)**
- 2. Discussion And Possible Approval For An Expenditure Of Community Service Funds In The Amount Of \$350 For Commission Office Supplies And Cundiyo Community Center Opening(Commissioner Montoya)**

**B. Final Orders**

- 1. BCC Case # VAR/MIS 10-5020 Caja Del Rio Landfill Variance And Information Regarding The Gas Collection System. The Santa Fe Solid Waste Management Agency, Applicant, Requested A Variance Of Article III, Section 2.3.6B Of The Land Development Code To Place A Thirty Foot (30') Stack Structure Required As Part Of The Federally Mandated System For Methane Mitigation At The Caja Del Rio Landfill. The Subject Property Is Located At 149 Wildlife Way, Via County Road 62, Within Section 22 & 27, Township 17 North, Range 8 East, Santa Fe County, (Commission District 2). The Variance Was Approved 5-0, Jose E. Larranaga, Case Manager**

**C. Miscellaneous**

- 1. A Resolution Requesting Participation In Funding Through The 2009/2010 Local Government Road Fund Program, CAP Funding, Road Improvements On County Road 17(Martin Road), New Mexico Department Of Transportation**
- 2. A Resolution Requesting Participation In Funding Through The 2009/2010 Local Government Road Fund Program, SP Funding, Road Improvements On County Road 17(Martin Road), New Mexico Department Of Transportation**
- 3. A Resolution Requesting Participation In Funding Through The 2009/2010 Local Government Road Fund Program, SB Funding, Road Improvements On County Road 17(Martin Road), New Mexico Department Of Transportation**
- 4. Resolution No. 2010- A Resolution Establishing The Exact Principal Amounts, Maturity Dates, Rates Of Interest, Redemption Features, Prices And Other Details Of The Santa Fe County, New Mexico Capital Outlay Gross Receipts Tax Revenue Bonds, Series 2010A And Series 2010B**
- 5. Resolution No. 2010- Approval Of A Resolution Authorizing The County Manager To Execute All Documents Necessary To Purchase Real Property In Santa Fe County From The New Mexico Laborer's Trust Fund Or The New Mexico Laborer's Training And Apprenticeship Trust Fund.**

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6. Resolution No. 2010- A Resolution Authorizing Santa Fe County To Procure Construction Services Under Existing City Of Santa Fe Contract No. 09-0813, Awarded To Contractor Subsurface, Inc., For Water Meter Installation At The Camino De Jacobo Housing Site.

**XIII. Staff And Elected Officials' Items**

**A. Community Services**

1. Consideration Of Publication Of Title And General Summary Of An Ordinance Amending Ordinance No. 2009-14 To Increase The Amount Of The Grant Of All Or A Portion Of The Costs Of Acquisition, Development, Construction, Financing, Operating Or Owning Affordable Housing From \$10,000 To \$20,000.(Housing Department)

**B. Growth Management**

1. Ordinance No. 2010- A Ordinance Request Authorization To Publish Title And General Summary For An Ordinance To Amend Ordinance 2008-18, To Revise The Village Of Agua Fria Traditional Historic Community Boundary.(Growth Management)
2. Resolution No. 2010- A Resolution Authorizing Santa Fe County To Serve As A Sub-Recipient Of Federal Financial Assistance Through The Broadband Technology Opportunities Program (BTOP), National Telecommunications And Information Administration, US Department Of Commerce.
3. Status Update On Program Development In Support Of Santa Fe County Renewable Energy Financing District And Direction On Program Implementation Elements. (County Manager/Economic Development)

**C. Matters From The County Manager**

1. SLDP Update
2. Discussion And Direction Regarding County Committee Project

**D. Matters From The County Attorney**

1. Consideration And Approval Of The Water Rights Purchase Agreement By And Between Burro Alley Partners, LTD. And Santa Fe County (38.51 AFY/\$15,000 Acre Foot)
2. Executive Session
  - A. Discussion of Pending of Threatened Litigation
  - B. Limited Personnel Issues
  - C. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights
  - D. Collective Bargaining

**XIV. Public Hearings**

**A. Growth Management**

1. CDRC Case #S 08-5210 Sandstone Pine Estates. Anasazi MV JV LLC, Applicant, Melvin Varela, Agent, Request Preliminary And Final Plat And Development Plan Approval For A 12-Lot

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- Residential Subdivision On 42.99 Acres. The Property Is Located In Glorieta, North Of I-25, South Of State Road 50, Within Sections 1 and 2, Township 15 North, Range 11 East (Commission District 4). Vicki Lucero, Case Manager (TABLED)
2. **CDRC Case # S 09-5211 Saddleback Ranch.** Saddleback Ranch Estates LLC., (Gabriel Bethel), Applicant, Request Approval Of A Summary Review (Type V) Residential Subdivision Consisting Of 24 Lots (Each 40-Acres In Size) On 960 Acres. The Project Is Located On State Road 41 Within Section 13,23,25,&26 Of Township 14 North, Range 9 East And Section 7,8,9,16,17,18,19,20,21,and 29 Township 14 North, Range 10 East, Near The Villages Of Galisteo And Lamy (Commission District 3). Vikki Lucero, Case Manager
  3. **BCC Case # MIS 10-5080 Taste LLC. Restaurant License.** Taste LLC, Applicant, Request Approval Of A Restaurant Liquor License To Serve Beer And Wine With Meals. The Subject Property Is Located At La Tienda At Eldorado 7 Caliente Road, Within Section 16, Township 15 North, Range 10 East, Santa Fe County, (Commission District 5). Jose E. Larranaga, Case Manager
  4. **Reconsideration Of Decision On CDRC Case # VAR 09-5020 Karen Esquibel.** Reconsideration Of Decision On Karen Esquibel's, Applicant, Request For A Variance Of Article III, Section 10 (Lot Size Requirements) Of The Land Development Code To Allow A Land Division Of 1.00-Acres Into Two Lots. The Property Is Located At 9-A Rincon Escondido In La Puebla, Within Section 8, Township 20 North, Range 9 East (Commission District 1). (Request For Reconsideration Entered On The Record By Commissioner Vigil At The February 9, 2010 BCC Meeting). John M. Salazar, Case Manager
  5. **CDRC Case # VAR 09-5020 Karen Esquibel.** Karen Esquibel, Applicant, Requests A Variance Of Article III, Section 10 (Lot Size Requirements) Of The Land Development Code To Allow A Land Division Of 1.00-Acres Into Two Lots. The Property Is Located At 9-A Rincon Escondido In La Puebla, Within Section 8, Township 20 North, Range 9 East (Commission District 1). John M. Salazar, Case Manager

#### **XV. Adjournment**

The County of Santa Fe makes every practical effort to assure that its meetings and programs are accessible to people with disabilities. Individuals with disabilities should contact Santa Fe County at 986-6200 in advance to discuss any special needs (e.g., interpreters for the hearing impaired or readers for the sight impaired)

**SANTA FE COUNTY**  
**REGULAR MEETING**  
**BOARD OF COUNTY COMMISSIONERS**

**March 9, 2010**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:55 p.m. by Chair Harry Montoya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance and State Pledge, roll was called by Deputy County Clerk Vicki Trujillo and indicated the presence of a quorum as follows:

**Members Present:**

Commissioner, Harry Montoya, Chair  
Commissioner Virginia Vigil, Vice Chair  
Commissioner Kathleen Holian  
Commissioner Liz Stefanics  
Commissioner Mike Anaya

**Members absent:**

[None]

**V. INVOCATION**

An invocation was given by Marlene Garcia of the IT Department.

**VI. APPROVAL OF THE AGENDA**

- A. Amendments**
- B. Tabled or Withdrawn Items**

ROMAN ABEYTA (County Manager): Mr. Chair, we do have amendments to today's agenda, the first being on page 3 of the agenda under Staff and Elected Official Items, we added a D. Matters from the County Attorney, 1. Consideration and approval of the water rights purchase agreement by and between Burro Alley Partners, Ltd. and Santa Fe County, which would be 38.51 acre-feet per year and a rate of \$15,000 an acre-foot.

Under Public Hearings, item XIV. A. Growth Management, CDRC Case 08-5210,

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Sandstone Pine Estates, which is the first case on the agenda, has been tabled. And Mr. Chair, staff would request that you move CDRC Case SS 09-5211, Saddleback Ranch, to be the fifth and last case heard this evening, because I believe the third and fourth and fifth cases should probably be heard first as they won't take as much time as the Saddleback Ranch takes.

And those are staff's amendments.

CHAIRMAN MONTOYA: Okay. Any amendments from the Commission?

COMMISSIONER STEFANICS: I'll move approval of the agenda as amended.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Stefanics, second by Commissioner Holian. Discussion?

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

**VII. APPROVAL OF CONSENT CALENDAR**

**A. Consent Calendar Withdrawals**

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I stand ready to make a motion to approve the Consent Calendar but before we do I would just like to give staff direction, perhaps, legal, that item XII. B, the final order – is that final order in its draft form, once it's approved and signed could be delivered to the Solid Waste Management Authority executive director and the chairperson of that. Would that be all right, Steve?

STEVE ROSS (County Attorney): Yes.

MR. ABEYTA: Mr. Chair, before you approve the Consent Calendar we need to pull off Miscellaneous, item 4, which is a resolution establishing the exact principal amounts, maturity dates, rates of interest, redemption, features, for a bond series that we're selling today. So we need to move that. We can take that under Matters from the County Attorney.

COMMISSIONER VIGIL: Okay. Mr. Chair, unless anyone else would like to pull any other items I move to approve the Consent Calendar.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Okay. So no other withdrawals? So motion and second for the approval of the Consent Calendar.

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

**XII. CONSENT CALENDAR**

**A. Community Funds**

1. **Discussion and Possible Approval for an Expenditure of Community Service Funds in the Amount of \$500 in Support of Rental of Portables Facilities for Chimayo Pilgrimage (Commissioner Montoya)**
2. **Discussion And Possible Approval for an Expenditure of Community Service Funds in the Amount of \$350 for Commission Office Supplies and Cundiyo Community Center Opening (Commissioner Montoya)**

**B. Final Orders**

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**C. Miscellaneous**

1. **Resolution No. 2010-41. A Resolution Requesting Participation in Funding Through the 2009/2010 Local Government Road Fund Program, CAP Funding, Road Improvements on County Road 17 (Martin Road), New Mexico Department of Transportation**
2. **Resolution No. 2010-42. A Resolution Requesting Participation in Funding Through the 2009/2010 Local Government Road Fund Program, SP Funding, Road Improvements on County Road 17(Martin Road), New Mexico Department of Transportation**
3. **Resolution No. 2010-43. A Resolution Requesting Participation in Funding Through the 2009/2010 Local Government Road Fund Program, SB Funding, Road Improvements on County Road 17 (Martin Road), New Mexico Department of Transportation**
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5. **Resolution No. 2010-44. Approval of A Resolution Authorizing the County Manager to Execute All Documents Necessary to Purchase Real Property in Santa Fe County From the New Mexico Laborer's Trust Fund Or the New Mexico Laborer's Training and Apprenticeship Trust Fund.**
6. **Resolution No. 2010-45. A Resolution Authorizing Santa Fe County to Procure Construction Services Under Existing City of Santa Fe Contract No. 09-0813, Awarded to Contractor Subsurface, Inc., for Water Meter Installation At the Camino de Jacobo Housing Site**

**VIII. APPROVAL OF MINUTES**

**A. Approval of February 23, 2010 BCC Minutes**

CHAIRMAN MONTOYA: Are there any changes?

COMMISSIONER STEFANICS: Mr. Chair, I move for approval of the minutes.

CHAIRMAN MONTOYA: Motion by Commissioner Stefanics. I'll second.

**The motion passed by unanimous [4-0] voice vote.** [Commissioner Anaya was not present for this action.]

**IX. SPECIAL PRESENTATIONS**

CHAIRMAN MONTOYA: Next we have Special Presentations. We have a couple. One is to honor the Santa Fe County Clerk's staff for all their hard work and dedication, and this is by Clerk Espinoza and Deputy Clerk Trujillo.

VALERIE ESPINOZA (County Clerk): Mr. Chair, can you proceed with item B first till the staff gets here. We're such hard workers, they can't leave early.

**B. New Mexico Wildlife Federation Rio Grande Corridor At Buckman Project Presented By Conservation Director Alan Hamilton of the New Mexico Wildlife Federation (Commissioner Montoya)**

CHAIRMAN MONTOYA: So we'll move on to item IX. B. and I'll ask Alan Hamilton from the New Mexico Wildlife Federation, Rio Grande Corridor. He's going to talk about the Buckman project and the New Mexico Wildlife Federation. It's good to have you with two different titles, Alan. Thank you for being here.

ALAN HAMILTON: Mr. Chair, members of the Commission, thank you for allowing me to make this presentation. It's been a long time coming just to get to this project, to this process where I can introduce it to you and I'm excited to introduce this project. This project came about, it started in 2006 when Sherry Thompson, the executive director of the Thaw Charitable Trust and Eugene Thaw brought to my attention that the Buckman area, which is just an extraordinary area. The only river access in Santa Fe County wasn't being really looked at in terms of its potential for being protected, for the environment, for recreation and for education along with the Buckman Direct Diversion.

Had we gotten an early start on this project we would have been able to have woven this together with the BDD project and we would be further along than we are. Back in 2006 at the bidding of the McCune Foundation and the Thaw Charitable Trust we brought together a group of people. It's amazing how many people were involved, how many different stakeholders who were interested in this project. And we had one meeting and people were incredibly enthusiastic and at that point Kyle Harwood, who was then attorney for the City said he was excited about this project as well and would support it, but didn't want anything to interfere with the Buckman Direct Diversion. So he asked me to not move forward with any of these plans or recommendations until they receive their record of decision.

So we waited patiently for almost 2 ½ years. At that point we went ahead and developed – we contracted with SWCA Environmental Consultants and developed some planning recommendations. So part of that process was to do some public scoping. So what I've got here is a power point but I'm just going to use it more or less as a slide show and go through it very quickly because I just want to show some of the pictures and some of the maps of the project areas.

So this is the project area. I don't know if you can see this very well. It's in the packet you were given. It extends up to San Ildefonso land. It incorporates some BLM land along the river and forest service land including Diablo Canyon. It's all in Santa Fe County, and again, you can also see that this area is almost adjacent to Bandolier, and we all know the importance of Bandolier and what an extraordinary area that is. And yet the Buckman area is just across the river. It's under-utilized and underappreciated. It's one of the treasures of Santa Fe County.

This is an incredibly beautiful image from a satellite and it was given to me by my friend Paul Bower, who's the chair of the Geology Department at New Mexico Tech. This slide, you can see Cochiti down in the lower right hand corner and Buckman up in about the middle. The whole Caja del Rio area, which is going to be accessible from this Buckman area and which we hope to use to access trails into the Caja del Rio, he calls a geologic wonderland. And you can see from the satellite image that it truly is.

This is a picture of the Buckman area, the diversion's not there but this is looking down from Buckman Mesa, down to the south. This is from Cochiti, looking north towards Buckman. This is from White Rock, looking down towards the Buckman area, and again, I throw these in just to emphasize what an incredibly beautiful area this is. Here's right where the diversion is going right now. Looking down from the Caja del Rio towards the Jemez.

And looking down from White Rock over to Buckman Mesa. And here's Diablo Canyon, which is an incredibly beautiful place and used for a lot of filming and also rockclimbing.

This is down by the river in the Caja del Rio area. It's also just – the cultural value of this area is extraordinary, again, being adjacent to Bandolier. This is one of the first surveys in the area, dating to 1850, and the old Buckman township was there, so the history, it's very rich in history as well. And I wish I had a slide of Spanky Spangler, who jumped a semi-truck across the river at Buckman in 1960.

So one of the things we hope to do is restore the riparian areas along the river. Where we're at right now is we've applied for a couple different grant possibilities. One is CFRP grant and another river ecosystem restoration initiative grant through the state. When we finish the NEPA analysis we can start to do some of this restoration. The river otters have been sighted down at Buckman already. And the trails along the river are extraordinary. This is the old Chili Line that goes north up towards San Ildefonso. So with the public scoping that we have done so far just with these planning recommendations what we would like to do is just some very low impact restoration and containment of the area. There will be, as it stands now, two parking areas. One at Diablo Canyon and one further down towards where the pumping station is right now. And there'll be some toilets. There will be trash receptacles and you won't be able to drive your car just anywhere. There have been some ideas about having even a fee for days.

Here's the other project area that's down by the river. There would be facilities for horseback riders, corrals so they can use it. That is a staging area. There'd be a ramp for rafters to use. We hope to develop a trail along with the Governor's initiative to develop the Rio Grande trail, so there would be a trail all the way down to Cochiti. Diablo Canyon.

So here too are the phases that I wanted to show you. They're in your handouts. The phases that we hope to do in the restoration of the Bosque, the riparian areas. We've been working closely with the Buckman Direct Diversion. They have a mitigation requirement along with what they're doing. And we just hope to complement that in these different phases of the riparian restoration.

But again, the importance of this is that it's the only river access in Santa Fe County, and there's so few areas to access the river. And it's really our feeling that if we don't get people connected to the river that they're really not going to care about it. And it is a really difficult river to access.

The garbage out there, you've probably been out there and just seen how abused this area is. It's really heartbreaking. Pictures really can't capture it. But the amount of debris and glass and mattresses and garbage is just unbelievable. And we really look forward to just getting this area cleaned up and maintained to benefit all the citizens of Santa Fe County.

So I think I'll just leave it at that and just open it to any questions you might have at this point.

CHAIRMAN MONTOYA: Commissioner Stefanics and then Commissioner Holian.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Thank you very

much for the presentation. It seemed like in some of the pictures you have there's salt cedar on the edges. Are we doing anything to – as part of your plans to mitigate those, before they suck up all the water?

MR. HAMILTON: Commissioner Stefanics, yes. The riparian restoration would be removing all the invasive phreatophytes and replanting native species, willows and cottonwoods where the water table will allow. But there are two areas. The area closest to the river is the one that we're going to restore. The other area is where the river moves to the east. This is where the radionuclides were found. So this became an issue for us and was brought out when we were doing the public scoping. And we don't want to do anything to disturb the areas where those legacy contaminants have been found. So in those areas we're just going to cut and treat and maybe fence them off. But the areas that are really the most beautiful and beneficial riparian areas to wildlife are the ones closest to the river and they'll be restored. And all the non-native phreatophytes will be removed.

COMMISSIONER STEFANICS: Well, Mr. Chair, years ago I was involved in a project to eradicate some salt cedar down in Tarrant County, and the BLM at that time had some small grants for different areas of watersheds. So I don't know if they're still helping out with that, but you might just check into it.

MR. HAMILTON: Mr. Chair, Commissioner Stefanics, any help and ideas that you would have in terms of helping us get these different elements of this project funded would be welcome.

COMMISSIONER STEFANICS: Thank you.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, thank you, Alan, for a wonderful presentation. Those beautiful pictures reminded me of what a treasure this place is and I myself have ridden my horse out Diablo Canyon a number of times and so I know what an incredible place that is and I'm really happy that there's going to be real horse trailer parking there in the future. I'm very supportive of your riparian restoration of course, but I had a question on – you'd mentioned that you'd be applying this herbicide to the cut stumps of non-native vegetation. Is there any danger of that making its way out into the environment in other ways?

MR. HAMILTON: Mr. Chair, Commissioner Holian, that is something that would be very carefully debated when we start going through the NEPA process. I got an email from Rick Carpenter and Kyle Harwood that they were concerned about the herbicides that could be used, and there are alternatives. It's not a big area and so there are alternatives that wouldn't necessarily be harmful. I'm not sure that it would be, but it's something we'll look at very carefully. But the idea of using the herbicides is there is an area, and we've done additional testing and soil samples to make sure that we're confident where the old channel was when these legacy contaminants were coming down the river. And we don't want to do anything to disturb that soil. So we'll find some means of treating and getting rid of those phreatophytes that will not put anybody at risk.

COMMISSIONER HOLIAN: And also in there you mentioned that there was

some gamma radiation measurements done. Can you give me an idea of the magnitude of the problem?

MR. HAMILTON: Mr. Chair, Commissioner Holian, as you're probably aware with the Buckman Diversion there was a lot of concern and rightfully so, because there were some legacy contaminants, I think plutonium, that was found in some soil samples near where the diversion is going to be – a little bit upstream. And this has really brought to our attention the public scoping with Concerned Citizens for Nuclear Safety. And so one of the things we decided we needed to do before we went forward was to do some additional testing so we could be confident that we weren't putting anybody at risk by inviting them to come out and enjoy this beautiful area.

And we did additional soil samples in close to the river where photos show that the river was a sandbar in the sixties, seventies and up into the eighties. And the river channel went way around to the east. And it's in that channel and in that clay lens that those contaminants were found. So we have – the additional core samples we did showed that we can do the restoration in this riparian area without putting anyone in danger. And this other area where contaminants have been found, that's where we're going to be careful not to disturb the soil. And additionally we did a micro-R survey where the Environment Department went out and surveyed the soils in the area and found that there was no contamination above baseline levels.

So it's important, we think, to see this project as different from the drinking water project. We want to make sure that there's no danger in people going out and working in this area or in recreating in this area. And the additional studies we have done have given us that confidence. And they're available, if anyone would like I have extra copies of these planning recommendations to have that data in the appendices.

COMMISSIONER HOLIAN: Well, there's no area that needs to be blocked off or anything like that.

MR. HAMILTON: I don't think so. No. And yet, if we do more public scoping and there's still enough concern, then that's certainly a possibility and I wouldn't have any problem with that.

COMMISSIONER HOLIAN: Okay. Thank you. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Thank you. Any other questions. Okay; Alan, thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. And as chair of the Buckman Director Diversion or vice chair of it one of the things – and I really appreciate your separating the issues between the water and the riparian restoration. Let me ask just a couple of really quick questions. The Buckman Direct Diversion has actually toured onsite some of the riparian restoration areas. Have you partnered with Los Alamos National Labs for those riparian restoration areas that are adjacent to the water delivery system? Or is your project totally separate from theirs?

MR. HAMILTON: The Los Alamos National Labs are doing some restoration themselves in that area? Because I knew the Buckman Direct Diversion had some mitigation

requirements and my understanding is they were going to do most of that on San Ildefonso riparian areas across the river. But I wasn't aware of any mitigation or restoration that the labs were doing.

COMMISSIONER VIGIL: Okay. And actually, there are some sites where we've actually toured and there has been some riparian restoration. So I'm wondering how close in proximity these projects are. That might be something we could look into.

Also what the Buckman Direct Diversion has done now is they've appointed a peer review group that has had public hearings with regard to some of the issues that Concerned Citizens have been bringing forward. Has your organization participated either through presentation or observation in any of those peer review groups?

MR. HAMILTON: Mr. Chair, Commissioner Vigil, no, not to this point. We've been trying to not move too quickly but at this point we would like as much involvement as we can.

COMMISSIONER VIGIL: Okay. I love the project. I love the area. It would be good to really start creating a connection with how the Buckman Direct Diversion project is moving forward on this because this should be a very enhancing feature of that project. Thank you, Mr. Chair.

CHAIRMAN MONTROYA: Okay. And Alan, you're getting what you need from Santa Fe County in terms of participation?

MR. HAMILTON: Mr. Chair, at this point I just wanted to educate you on what's going on and I would encourage and gladly accept any participation from the County at this point. I think that most of the funding is something that we're going to be able to find, but any ideas that the County might have in helping us implement these different parts of this project would be helpful. A couple of areas where I can anticipate really needing some help from the County are when we get to a point of talking about security and maintenance of the area, and coming up with ideas about how we can do that, because the Forest Service has made it very clear that they don't have the resources to maintain the minimal infrastructure that we hope to provide. And so we need to put our heads together and figure out how we can do that to help the Forest Service out. But that's on down the line.

CHAIRMAN MONTROYA: Okay. Well, keep us posted and thank you very much. I appreciate your being here this afternoon.

MR. HAMILTON: Thank you very much.

**IX. A. To Honor the Santa Fe County Clerk's Staff for All Their Hard Work and Dedication (Clerk Espinoza/Deputy Clerk Trujillo)**

MS. ESPINOZA: Thank you, Mr. Chair. And I know it seems like I've been here again and again, but I think it's significant to do this and recognize your employees, so it gives me great honor to explain why I'm doing this, with a certificate of recognition. Each employee here brings their own individual style, character and a willingness to help. Each

staff member knows that the customer comes first, and that's what helps make our office such a big success. I also need to thank the public for acknowledging our staff. Letters of praise and thanks continue to flow through my hands and as the primary election approaches each and every one here, and those that are downstairs working, will once again pitch in and do what it takes to make the office continue to function and the election run without a hitch.

I have said in the past that we have the best Clerk's office in the state, and the best employees, and that's why it's imperative that I acknowledge and thank each and every one of these hard working employees, because like I've said in the past as well, we're busy year round. This is not seasonal. It's not just election time that we're working hard. They are committed to preserving our local government records and ensuring that the voters have access to an electoral process that is efficient, orderly and positive. Each employee goes beyond the call of duty to assist the public because we know in these hard times that time is money. So you know you can walk in the Clerk's office, go in, go out, get your business done, and they'll take care of you.

They are from diverse backgrounds that reflect our community, and they believe, as I do, that you earn the public's trust through creating and treating every citizen with respect and professionalism in a resourceful manner. So thank you for allowing me once again to honor my staff and illustrate my appreciation for their contribution to the Clerk's office. And we'll make it quick by giving out these certificates. Thank you.

Daniel Fresquez, Cordelia Montoya, Anthony Romero, Christine Fidel – I think Ms. Fidel's been up here just recently. Emiliano Mendoza, Geraldine Salazar – also helped prepare these certificates, thank you, Geraldine. Vicki Trujillo, Eric Baraza, Erica Romero, Esther Artino, Frank Jaramillo – some of them I guess are shy. She said she wasn't coming up front. Gary Gonzales, Georgia Gutierrez, Jonathon Valdez, Jonathon Valdez, Ken Vaughn, Phillip Salazar, Richard Varela, Teri Martinez, Theresa Atencio, Veronica Duran, and last but not least Patrick Ortiz, who's out in the field at the moment. Thank you again.

CHAIRMAN MONTOYA: Okay. Thank you.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I believe that our County Clerk must be feeding her staff cookies or cake every week to keep them happy and smiling coming to work, but truly we appreciate all the work that you do and thank you for serving the public the way you do.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I know it's hard to believe but occasionally I've gotten a few negative comments about the County, but never about the County Clerk's office. You guys do a terrific job. Thank you very much.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I always wonder how [inaudible] Someone I'd also like to recognize who's not here today is Denise. Denise who does an excellent job and she may be ill or something like that. We're really grateful to have her and I also know that you

have a couple of elections coming up. Good luck to you. I hope it runs as smooth as the others.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Sometimes we get all caught up in things that we're doing and we forget to acknowledge our staff and people that work hard for us and I want to thank you, Valerie for bringing them forward and acknowledging your staff. And I want to thank you for the fine job that you do in the Clerk's office. Keep up the good work. Thank you.

CHAIRMAN MONTOYA: Okay, and I think it's all been said, so thank you, thank you, thank you. Appreciate it. Good job. Now you can go back to work.

**X. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS**

CHAIRMAN MONTOYA: Now we're on Matters of Public Concern. These are items which if they're not on the agenda you can speak about. Is there anyone who'd care to address the Board at this time?

**XI. MATTERS FROM THE COMMISSION**

**A. NCRTD Status Update (Commissioner Stefanics)**

COMMISSIONER STEFANICS: Thank you, Mr. Chair, members of the Commission. First of all, I gave you a handout. [*Exhibit 1*] It's the minutes from the last tribal subcommittee of the NCRTD. And they had specifically requested a meeting with Santa Fe County that was postponed this past month. And basically, some of the routes, all of the routes are being funded by federal grants at this point in time. And some of the federal grants are being lost. So the question that the tribal subcommittee has, several of the items are listed there is whether or not the County gross receipts tax in Santa Fe County will pick up these routes.

What I'd like to point out to the Commission is that we have requests for other new routes and we have existing routes that the gross receipts tax is not paying for. We don't have enough money coming in. So I believe that this will be a sensitive issue that I wanted you to be aware of, and that we probably will need to discuss this at the Regional Planning Authority, which the majority of us sit on. But we are not realizing as much money as we need for all the routes that people are requesting, whether they are existing routes or new routes. We know that Highway 14 has requested routes. We know that the Department of Corrections, the National Guard has requested some connectors. The Santa Fe Community College, the IAIA has requested a connector from the Rail Runner and there are no funds.

So this is an example of where we have existing routes where we're either going to have to identify what we could contribute. The tribes will have to think about where they



would get money, or the routes would have to be discontinued. And these are people who are coming from Espanola, being picked up on tribal lands and being brought down into Santa Fe, or coming from Los Alamos County to tribal lands to pick people up to come down into Santa Fe.

So this is an issue that we can't resolve today, but it's on our agenda and we will have to be dealing with it.

COMMISSIONER VIGIL: On that subject, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil, on that question.

COMMISSIONER VIGIL: Commissioner Stefanics, thank you so much for the update and I appreciate you bringing us all the feedback you can with your representation on NCRTD. My question is are we at a place where we can get a crystallized view of what dollars are going to what routes, and how much GRTs we actually have, and how those are being distributed?

COMMISSIONER STEFANICS: Mr. Chair and Commissioner Vigil, we do receive monthly updates. The actual ridership of the routes and the RPA identified priority routes are what the gross receipts tax is funding along with assistance from the Los Alamos gross receipts tax. Los Alamos put in their gross receipts tax for four years. It does go through FY 11 and then will end. So our gross receipts tax and our routes are really being supplemented by Los Alamos gross receipts tax. When the lab went from being non-profit to profit they decided to assist all the counties surrounding them.

COMMISSIONER VIGIL: And that terminates?

COMMISSIONER STEFANICS: FY 11. So next year.

COMMISSIONER VIGIL: FY 11. So the creativity we need to deal with with regard to loss of funding through GRT might be to partner even more with the City of Santa Fe and the Santa Fe Trails routes. For example, that trails bus does go to the Community College. I don't know if it goes to IAIA. Is that a route that could be expanded to go to 599 and Highway 14. I want to make sure that we're actually utilizing what currently exists through transportation mode to the greater benefit on this, since we've gained that partnership with the City of Santa Fe. So I think that sort of option should be explored also.

COMMISSIONER STEFANICS: Well, Mr. Chair and Commissioner Vigil, I think this will need to be a point of discussion at the RPA meeting, since the City and the County have identified priority routes, what to do when funding is lost, for example, the tribes in Santa Fe County, some of them are losing their funds now, so what will happen to those routes? That's the immediate question, versus even future routes. So I wanted to bring that to the attention of the group. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Thank you, Commissioner Stefanics.

**X. OTHER MATTERS FROM THE COMMISSION**

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. A couple things, if I can

find them. Our sympathy goes out to the tragedy that happened on Friday evening with the two young ladies that had passed away, and our condolences goes out to their family and friends.

And then regarding the affordable housing, maybe we can get an estimate on the cleanup of the Galisteo property and the timeframe on the possible oil that's there. Maybe the salt. And that's all I had, Mr. Chair. Thank you.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. Having come from a regular and special session I want to first of all recognize Rudy Garcia. I don't know if he's in here. Rudy, are you in here? For all his hard work at the legislature. He's really Santa Fe County's face over there and does a very good job for us. So we appreciate it, Rudy.

I also want the Commission and staff to know that we don't know what the outcome of a lot of the action that was taken is going to be from the legislature. For example, the food tax, if that bill is signed by the Governor we will be impacted. I would just recommend, Roman, that we stay on top of those bills that do get signed, find out when they will go into effect, and identify how we are impacted in the County with that, because if we are, and it's a huge impact we need to start making decisions and incorporating that into our future budgeting sessions.

And with that, the question I have is there's been a couple of dates this has been tossed around with regard to our next budget study session. Do we have a definite date? Is that April 1<sup>st</sup>?

MR. ABEYTA: Mr. Chair, Commissioner Vigil, I believe it's March 31<sup>st</sup>, and if necessary, April 1<sup>st</sup> if we need more time.

COMMISSIONER VIGIL: Do we have a time?

MR. ABEYTA: I thought it was at 9:00 in the morning, but I'll verify that.

CHAIRMAN MONTOYA: So that's certain?

MR. ABEYTA: Yes, but I'll send you a reminder email, either this afternoon or in the morning. Because we did get all of you to agree to those dates and times.

COMMISSIONER VIGIL: Thank you, Mr. Chair. And just one other sort of announcement. I have been working with San Ysidro and the Agua Fria community learning more and more about the 175<sup>th</sup> anniversary and festivities that the community is planning in celebration of that community and that church's in particular existence in our community. Those festivities will take place around mid-March and I am sure as I learn more and more about them that they are going to express a lot of the traditions that were very much embedded in our community back in the 1500s, 1600s, 1700s, 1800s. As you know, the Camino Real actually has its path visible from there and it's delightful that the community is taking so much interest in working with San Ysidro Church and Father Frank Preto on this. I look forward to learning what those activities will be and keep everybody posted. They should be fun. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Is there going to be food?

COMMISSIONER VIGIL: Food and fun.

CHAIRMAN MONTOYA: I'll be there. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I too would like to express my condolences to the Peshlakai family. The lives of two young women were cut tragically short by yet another accident in our community that I believe involved drinking and driving. I think that this is a really poignant reminder to us that the work of the City-County Alcohol Task Force is not over. It will not be over for a long time. We need to remember that commitment and carry it forward into the future.

On another note, I would like to thank Roman Abeyta, our County Manager, and Kristine Mihelcic, our media relations and PI specialist. They are giving a presentation at the League of Women Voters luncheon tomorrow, and I believe that the topic is Is Santa Fe County government becoming more transparent? And I believe it is, but of course I'm going to be interested in hearing what they have to say. And I'm also going to be interested in hearing the feedback that we get from the people who attend the luncheon.

I would also like to give a big thank you to Jack and Robert and all of the Land Use staff for hosting and leading the Sustainable Land Development workshops. I've attended a few of those myself and the reason that I attended them was I was really interested in hearing what people's comments were and I've noticed that sometimes the comments are all over the map, and I just really want to commend Jack and Robert for being so skilled at finding common ground. And I think we do have a lot of common ground in our community. We have common values. There's a lot about this place we love and want to preserve, and I think that the Sustainable Land Development Plan will be that document that helps us find that common ground and care for our community.

I also wanted to thank the members of our community who are participating in these workshops. I know that it's a huge commitment of time and effort, and I think it shows how much they care about our community. So I want to say a big thank you to them too. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. First of all, all of the Commissioners received a copy of the County health ratings, the health ratings by county, and I had mentioned this at the last meeting. And I'd like to identify two areas that we're very low in and two areas that Santa Fe County is very good in in relation to the rest of the state. We are double – this is one of the negative ones – we are double in the number of liquor stores in Santa Fe County, as opposed to the entire state.

CHAIRMAN MONTOYA: Double?

COMMISSIONER STEFANICS: Double. Now, the state rating was .5 for what is the average, and we are at 1.1. In terms of income inequality, the state value is 46. We're at 49. So those are two areas that are negative. But on the positive side our obesity rate is lower and I know that all those Santa Fe County employees are involved in the Get Well program and the Get Fit program, but the New Mexico value is 25 percent. The Santa Fe value is 13 percent. So we have half the number of obese people in Santa Fe.

And another area that we exceed in from the state is our primary care providers here

rate much higher than around the rest of the state. So they really care about their patients. So I just wanted to let people know that a little bit.

The second thing is I just came back from the National Association of Counties meeting in DC. We did have visits with all of our congressional offices and did talk to them about some of our County requests.

And then I'd also like to send out a congratulations to our County Manager for publishing his new book. It was written up in the *County News* that NACo puts out, and if you haven't seen it you might want to look at it. It's geared towards employees and how employees should only stay in jobs that they really love. Thank you very much. That's all.

CHAIRMAN MONTOYA: Could I get a copy signed. To your favorite Commissioner. I just have one thing and that's just that we've been having the Aamodt meetings. Those have been going very well in terms of clarifying a lot of issues and a lot of misinformation. We continue to have people there that go to I think probably disturb the proceedings more than to try to learn about what's going on, which is real unfortunate, because there are people there that want to learn about what's actually happening and what the results are of the settlement once it's done. But I think again, regardless of what we do and how much we do it we will be criticized by a handful of individuals only, and I do want to stress a handful, because I think the majority of the people get that this is the best deal that we can get for the long-term sustainable water supply in the Pojoaque Valley. So I do invite people to attend those if they want to find out about it. We have all the meetings listed on the website. And we still have about five or six left to go.

### **XIII. STAFF AND ELECTED OFFICIALS' ITEMS**

#### **A. Community Services**

##### **1. Consideration of Publication of Title and General Summary of an Ordinance Amending Ordinance No. 2009-14 to Increase the Amount of the Grant of All or a Portion of the Costs of Acquisition, Development, Construction, Financing, Operating or Owning Affordable Housing from \$10,000 to \$20,000 (Housing Department)**

DARLENE VIGIL (Affordable Housing Administrator): Mr. Chair, Commissioners, the background for Santa Fe County Affordable Housing – Ordinance 2009-14 was approved on November 20, 2009 to allow Santa Fe County to provide or pay for a portion of costs of acquisition, development, construction, financing or operating associated with affordable housing initiatives. At that particular meeting we did have \$10,000 allocated for down payment assistance. The request has been submitted to allow for up to \$20,000 of down payment assistance. I stand for any questions.

CHAIRMAN MONTOYA: Questions? Commissioner Vigil.

COMMISSIONER VIGIL: Just a clarification, Darlene. This is up to \$20,000. So if somebody needs \$6,000 to complete their down payment then they would be one

candidate then the next candidate needed \$20,000, they would be lent. So it really is dependent upon the qualifications and need of the prospective applicant. Correct?

MS. VIGIL: Mr. Chair, Commissioner Vigil, absolutely.

COMMISSIONER VIGIL: Thank you very much.

CHAIRMAN MONTOYA: Any other questions?

COMMISSIONER STEFANICS: Mr. Chair, I would commend Commissioner Anaya for bringing this forward and I would move approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Stefanics, second by Commissioner Anaya.

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

**XIII. B. Growth Management**

**1. Ordinance No. 2010- A Ordinance Request Authorization to Publish Title And General Summary for an Ordinance to Amend Ordinance 2008-18, to Revise the Village of Agua Fria Traditional Historic Community Boundary (Growth Management)**

ROBERT GRIEGO (Planning Manager): This request before you today is to amend the boundary. The background for the THC, in 1995 property owners petitioned to the Board to become a traditional historic community for the Village of Agua Fria. The boundary was reduced in size in 1996, but it allowed a provision to allow property owners to request inclusion into the THC. Property owners have requested inclusion into the THC and the boundary has been amended four times since then.

Mary Stacy submitted a request for inclusion in the THC in 2006 which was approved by the Board. The existing traditional historic community boundary was established in 1998. The guardian for Mrs. Stacy's property requested that her property be removed from the THC boundary. They submitted a letter on behalf of the trust that owns the property and the request before you today is to remove that property from the traditional historic community.

Mr. James Noble may be here to answer questions.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Robert, originally was this property part of the original THC before there was the shrinking of boundaries, and then an expansion after we looked at annexation?

MR. GRIEGO: Yes, it was originally part of the THC.

COMMISSIONER VIGIL: And is there a historical significance to this property?

MR. GRIEGO: Ms. Stacy had a property which has a historical significance.

I'm not sure if this property in question today, which is only part of the Stacy property has a historical significance on it. So I'm not sure.

COMMISSIONER VIGIL: And you were the planner who was involved in the process when the Board of County Commissioners went out to the traditional historic community, or requested that we go out and look at expansion of those boundaries. Is that correct? I don't believe any other planner was assigned to that project. You were, were you not?

MR. GRIEGO: Yes, Commissioner.

COMMISSIONER VIGIL: And Robert, who is it that requested that they be a part of the traditional historic village? Was it just one person or two?

MR. GRIEGO: Several property owners requested. Mary Stacy was one of the property owners. There's a total number of property owners --

COMMISSIONER VIGIL: I'm just referring to this particular property. I do remember Mrs. Stacy and I also -- was Mr. Stacy involved? Is there a brother or --

MR. GRIEGO: No, there was just Mary Stacy was involved. I don't know if the other part of the trust -- there was another person's name on that who I believe is deceased.

COMMISSIONER VIGIL: Okay. Thank you very much. And it's my understanding that this request, appreciatively so has gone before the Agua Fria Traditional Historic Village Committee. Are you familiar with that?

MR. GRIEGO: Yes. Mr. Chair, Commissioner Vigil, yes.

COMMISSIONER VIGIL: And what has been the villagers' recommendation on this?

MR. GRIEGO: Mr. Chair, Commissioner Vigil, the villagers don't believe that the property should be taken out of the THC.

COMMISSIONER VIGIL: And do you recall why they didn't want it taken out?

MR. GRIEGO: I didn't attend the meeting, I've just gotten the feedback that there was overwhelming support for the THC to remain as it is now.

COMMISSIONER VIGIL: Okay. Thank you. Mr. Chair, I actually did participate in at least one of these meetings where I heard the comments that I have to validate. The traditional historic community of Agua Fria was the first traditional historic community that was created by state statute. That community mobilized to actually create the statute through the legislature to protect themselves. Basically, when you first look at the statute it's against annexation, because I believe if they are to be annexed they need a 51 percent referendum approval for that. They have gone through quite a history of expansion and shrinkage, expansion and shrinkage. And I think the most recent one was fully intended and staff was given direction to provide this opportunity for them because of annexation and knowing that annexation and some of the presumptive areas surrounded the traditional historic village, the opportunity for those participants who wanted to become a part of the traditional historic village was there.

There have been at least three opportunities that I know about that this governing authority has provided for that community to make its own decision. Well, actually the most previous one was more intended for that when it came to the issue of annexation. And one of the issues that has consistently come up is these boundaries have to be definitive; they have to be clear. They have to be delineated. Because if they're not then the precedent is set and set that the boundaries can be shrunken, just by coming to the Board of County Commission and requesting it, and that is not the intent nor the spirit of that traditional historic statute.

So Mr. Chair, I think it's futile for us to even consider publication of title and general summary for this. I would not be in favor of it. Thank you, Mr. Chair. Thank you, Robert.

CHAIRMAN MONTOYA: Is there a motion?

COMMISSIONER STEFANICS: I move to table.

CHAIRMAN MONTOYA: Motion by Commissioner Stefanics to table.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Second by Commissioner Anaya.

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

**XIII. B. 2. Resolution No. 2010-46. A Resolution Authorizing Santa Fe County to Serve as a Sub-Recipient of Federal Financial Assistance Through the Broadband Technology Opportunities Program (BTOP), National Telecommunications and Information Administration, US Department of Commerce**

DUNCAN SILL (Economic Development): Mr. Chair, Commissioners, I'm here to present the background of the resolution that's the subject of this item. As you might be well aware that in the last several years Santa Fe County has been an active participant in the region in trying to work with other jurisdictions to look at the potential of broadband infrastructure development. The American Recovery and Reinvestment Act, also known more commonly as the Stimulus Act, has been appropriating money and dollars into different regions of the country to try to promote these particular efforts.

Most recently, an announcement came out for the second round of the broadband technology opportunity program which is a program under the National Telecommunications and Information Administration, which is under the US Department of Commerce. A lot of agencies are involved in these particular efforts. And this second round appropriated approximately \$4.7 billion to the nation that would help promote the creation of broadband infrastructure. Santa Fe County is a part of the Regional Economic Development Initiative that involves seven – well, it includes the jurisdictions in the north-central region. And the North Central New Mexico Economic Development District has taken the lead as the agency that will be submitting this round of the application in which Santa Fe County, the northern part of it will be included as part of this application.

This resolution, basically, designates the County as a sub-recipient of that grant. If we are able to get this funding we will take ownership of that infrastructure. So with that said I'll stand for questions.

CHAIRMAN MONTOYA: Okay. Questions for Duncan? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Duncan, for taking the lead in the county on this broadband initiative. What are backhaul and middle mile services?

MR. SILL: Mr. Chair, Commissioner Holian, backhaul is basically the spine that allows the communication to be carried and delivered from this region to the rest of the world. So it's similar to a major highway that is constructed for transportation purposes. The middle mile is the essential fibering that permits the backhaul to take place. So the middle mile oftentimes is a defined geographic region, and in this case it goes up and down the corridor with the north-central geographic regions in mind. What that does is that it will allow connectivity for "last mile" beneficiaries. So without the middle mile it's very difficult to get the right type of bandwidth into the region that would support economic and community development that will be essential to this region.

So the analogy that I often use is that right now we lack that essential infrastructure to deliver telecommunication efforts. So what we're trying to do is to piecemeal that infrastructure development so that essential backbone can be deployed. The capacity that we have right now is similar to trying to deliver water with your garden hose and that's going to be insufficient and it will actually be detrimental to the region without the infrastructure in place.

COMMISSIONER HOLIAN: Okay. Thank you. And then I also wondered if you'd explain, so that people in our community understand, the way in which broadband would support a green grid in this community.

MR. SILL: Mr. Chair, Commissioner Holian, Commissioners, the way that a telecommunications infrastructure would enable the actualization of a green grid is that it will deliver a kind of real time response that carries renewable energy deliveries in generation and distribution into the particular strategic and tactical locations throughout a region that will maximize the efficient use of energy and the way that it's conserved and also being transmitted. It actually creates an automated system that in real time will be able to shut off or deliver emergency power to a particular location. In this case the green grid is different from a smart grid because the green grid utilizes renewable energy sources.

COMMISSIONER HOLIAN: Thank you, Duncan. I just want to point out that this is a good partnership with our renewable energy financing district program. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Duncan, so much, for taking the leadership on this. Without your assistance and cooperation – I know it's taken a lot of time and energy because this has been a northern New Mexico project. My specific question to



you is do we have an actual design and prioritization for placing that infrastructure in the northern New Mexico area? And how close are we to getting full service in Santa Fe County?

MR. SILL: Mr. Chair, Commissioner Vigil, the various districts throughout the region have completed assessments that enable us to put together a regional design for the infrastructure. This is equivalent to a conceptual engineering that we often see in water and transportation infrastructure improvements. We are able to take this into engineering is funded. Now, the middle mile component of this, which is the backbone of the regional infrastructure, once it's constructed then we can work in close partnerships and collaboration with last mile providers. Oftentimes these would include the incumbent service providers like Qwest. A lot of people here have services through CNSP, through Cybermesa, and companies like that. We'll be able to offer that benefit to these particular companies, which is an economic engine in itself.

COMMISSIONER VIGIL: Okay. And this just specifically asks for authorizing Santa Fe County to serve as a separate recipient. That means that the dollars have been allocated. Is that correct?

MR. SILL: Mr. Chair, Commissioner Vigil, the dollars have not been awarded to the region yet. We're in the process of submitting that application. The original application deadline was March 15<sup>th</sup>. The federal government gave an extension to that to the 26<sup>th</sup>. The region's partners are actually working really diligently to submit this application. So if we are able to get this funding Santa Fe County will serve as a sub-recipient of that grant.

COMMISSIONER VIGIL: Okay. And do we know, as that grant is written, how many dollars will be requested for Santa Fe County?

MR. SILL: Mr. Chair, Commissioner Vigil, the portion of the allocation dedicated to the County if awarded will be between about \$2 to \$3 million for that portion of the infrastructure. The total north-central infrastructure development is estimated to be about \$16 million right now. We're working on the final numbers of the budget preparation for the application purposes.

COMMISSIONER VIGIL: Thank you very much. I'm done. Commissioner Stefanics

COMMISSIONER STEFANICS: Thank you, Madam Chair. Duncan, as this goes forward, and thank you for your work on it. If this goes forward please remember that the outlying parts of the county, which are not included in that one area still need access to this. And all the small business owners who are out in rural parts of Santa Fe County would be so much more successful if this comes their way. So if there's a way and the project keeps moving to extend the service, please do. Thank you.

COMMISSIONER VIGIL: Thank you. Any other questions? Seeing none, what's the pleasure?

COMMISSIONER HOLIAN: I move for approval.

COMMISSIONER STEFANICS: Second.

COMMISSIONER VIGIL: Motion and second. I wonder if I could request the motion maker to also include in her motion to allow the County Manager to follow up with

any letters that are necessary or any supportive information that is necessary to pursue this grant.

COMMISSIONER HOLIAN: I'm agreeable to that.

COMMISSIONER VIGIL: Okay, and the seconder? Okay.

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

**XIII. B. 3. Status Update on Program Development in Support of Santa Fe County Renewable Energy Financing District and Direction on Program Implementation Elements (County Manager/Economic Development)**

COMMISSIONER VIGIL: Will you be presenting that, Mr. Sill?

MR. SILL: Madam Chair, Commissioners, yes, I will be. The Board of County Commissioners, back in October of 2009 adopted an ordinance to create the renewable energy financing district. Since that, and also prior to that we've been working diligently to develop the program content. As part of that process the County issued a request for proposals to seek the assistance of a highly qualified contractor to help us with the program implementation, development, administration, as well as assistance with financial services related to the district.

Since that time we have made a selection and awarded the contract to Renewable Funding, an entity that has had quite a bit of experience working with these districts throughout different parts of the country. They were instrumental in helping Berkeley, Boulder County and they're currently working with San Francisco doing similar initiatives as we are right now. And as part of the adoption of the previous ordinance and resolution our bond counsel, Peter Franklin and particularly Sam Gill with Modrell Sperling worked with us to create the defined elements that were pursuant to the state statute, Senate Bill 647 that was sponsored by Peter Wirth, where he identified certain restrictive qualifications under the statute that we adopted with the ordinance.

There are, as part of the program development, some elements that we still need to come back to you guys for directions as we proceed with the launch of the program. There are several things I'd like to bring to your attention today, so I want to very briefly identify these items and then have a brief, very brief power point presentation that outlines other discussion items and then I will stand for questions if that's something that's acceptable.

COMMISSIONER VIGIL: Proceed.

MR. SILL: So the first item that I need some direction from the Board of County Commissioners is the range of the minimum and the maximum loan size related to the renewable energy improvements. This item refers to residential property improvements. Staff recommends that the range should be between \$5,000 and \$50,000 for a particular property. That would actually enable most improvements related to renewable measures to

take place within this region. On a related note, staff would like the Commission to give direction on the commercial end of properties. Oftentimes there will be situations where renewable energy measures will require more than the \$50,000 cap on small residential property units. My suggestion is that we analyze these particular applications on a case-by-case, because they will vary quite definitely.

So also, as a point of reference, a lot of smaller commercial projects will fall within the residential category. So a small charter school coming with an application wanting to do a solar panel photovoltaic improvements will likely fall into the small residential category.

So those are the first two items that I need some direction on. Then the related issue with that is we want to put in some guidelines about when a project needs to be completed, and based on the history and working with folks in the region we estimate that it should not take more than 180 days to get a project completed. So that's the recommendation on the table from staff concerning that matter.

The next thing that we need direction on is the actual application fee that's associated with each application. It's necessary to have some of that cost covered up front as part of the application process. And we are recommending an application fee of \$275 for that purpose. In addition to that there will be costs associated with the program that will be capitalized as part of the improvement, but that will be determined based on our work with Renewable Funding as well as our bond counsel over the next several weeks. So that's not an item that we have a definitive answer to or the level of detail that's required for us to make a decision on at the moment.

The last thing that we want direction from the Board of County Commissioners is that we would like to be able to process the applications on a first-come first-served basis. Knowing that the demands for these particular improvements still have to be monitored over time that the situation where we get too many applications up front, we want to be able to process them in a timely manner. So the first-come first-served basis is probably the most accommodating method in doing so.

So these are the items I would like the Commission to give kind of a direction on, and then we can go onto the other discussion items and take questions.

COMMISSIONER VIGIL: Okay, questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thanks, Madam Chair and Duncan. I think that the amount – I was having a sidebar here with Commissioner Holian. We have to be consistent with the amount, so if we want to separate commercial from residential that's fine, but we couldn't approve \$5,000 for Commissioner Holian and \$25,000 for Commissioner Stefanics. So the range needs to be consistently treated. But then my question was whether or not, if we have a high limit if the producers will raise their cost because we have a high limit.

MR. SILL: Madam Chair, Commissioner Stefanics, the applications, because they'll come in on an individual basis we'll actually review the specific improvements that are associated and necessary for each one of the properties. So in regards to the first part of your question, that range, approving an improvement of \$5,000 versus \$25,000, that would be contingent on the type of property that's coming forward with the application. So on the

lower end a \$5,000 amount improvement will often be a very small-sized property that would probably only require one kilowatt of electricity generation from a solar panel. And that's probably all that property wants or requires. Now, whereas that property will in comparison consider also the same pool of applications coming in for, for example, the first month of the program launch, that a \$25,000 system on a 3,000 square foot home that requires 3.4 kilowatts of electricity generation from solar panels installation will be warranted.

We'll be able to actually assess that necessity and the requirements.

COMMISSIONER STEFANICS: Excuse me, Madam Chair, Duncan. Are you saying that you're going to be the person assessing it?

MR. SILL: No, no. Actually the program administrator has, which is Renewable Funding, has systems set up in place that are similar to what they do in other jurisdictions. They qualify these.

COMMISSIONER STEFANICS: Madam Chair, if I'm a producer and you come to me and say I'd like some solar panels put in to convert my house or to utilize as much of the sun as I can for heat, and they come up with a plan, are you indicating that somebody else can nix their plan?

MR. SILL: The actual qualifications through the permitting and the inspection will be reviewed as part of that qualification. So the measure itself, that's part of the quality control and assurance, so we're not just providing resources up there that would be given to a particular property owner or someone who just wants to put on something that may or may not be actually necessary. We're trying to allocate our resources in an equitable manner. So those are the things that the program administrator, Renewable Funding is working with right now, along with the industry –

COMMISSIONER STEFANICS: Well, Madam Chair, I think I would have a problem if I were in the private sector, and this is my livelihood, and I went around and I did assessments and then I set up a plan for a homeowner, to have a third party come in and say, you don't know what you're doing. And that's what I'm hearing you say a program administrator would be doing is saying we're not approving this plan, and if I'm a producer, this has been my business for five years, 25 years, whatever, and I've been doing this all over the county, we are going to be telling them that their plan isn't okay?

MR. SILL: Madam Chair, Commissioner Stefanics, there is a point where we have input. We will not normally go against the suggested plan of an installer, so long as the installer is someone who has experience. On that note I want to introduce Brian Cassett who is working with Renewable Funding. He also is the president of the Renewable Energy Industry Association and maybe he could – Brian, could you –

COMMISSIONER STEFANICS: Well, why he's coming up, Madam Chair, I remember that we talked about having a pre-approved list of vendors that would be used and that were certified by the state for energy projects. Because right now, the state has an energy credit and I'm just wondering how this ties into that?

MR. SILL: I'll answer, Madam Chair, Commissioner Stefanics, I'll answer that quickly and I'll defer to Brian to follow up with your other question. The qualifications

that were set as part of the eligibility and quality assurance and control is based on the state's qualification on their tax credit program. We've been working with the Energy and Minerals Department to try to adopt the same guidelines that are consistent on that industry level. And Brian is actually familiar with that process. So Brian, do you want to tell them about that?

BRIAN CASSETT: Madam Chair, I think what we're talking about – I'm Brian Cassett. I'm the program manager for Noble Funding in New Mexico. I also hold the title of the president of Renewable Energies Association, which is a group of about 37 renewable energy companies throughout New Mexico. What I think we're talking about is quality assurance and quality control and once the process that an individual is approved for a project and what type of input does the district and the administrators of the district have on which projects are included?

Now, we are primarily a financier. We're not out there giving expert opinions about what renewable energy projects should be built where and when. That really is a process that a property needs to go through with an installer. I think what you can do is you can encourage property owners to receive multiple bids. You make sure that the contractors know the parameters of the program. In other areas they've had mandatory workshops. You obviously make sure that they're properly licensed, and you do everything that you can do to make sure that the contractors who are participating in this program are qualified to do such work. And then you educate the property owners to make sure that they understand that this is a financing mechanism. The County is not – the district nor the administrator is not taking responsibility for the performance of this renewable energy asset that they are installing on their property. We are providing them with a way to spread out those costs over time.

Does that kind of answer your question as far as –

COMMISSIONER STEFANICS: Mr. Chair and Brian, let me ask you this. Because there is an industry is it possible that there could be some educational materials that says a house that is 500 square feet would cost between this amount and this amount to have something installed?

MR. CASSETT: Absolutely. And within our website the technology that we'll integrate that will serve not only to help the property owner go through the application process but it will also provide them information like that. Like these are what projects typically cost. These are what projects will typically save you should you choose to go this route. I think what you're touching on is the importance of getting property owners and participants information so that they can make informed decisions about which technology to integrate and what those costs should be.

COMMISSIONER STEFANICS: Well, Mr. Chair, I also was hearing earlier that we might squash some plans, so that's what concerned me. If somebody was going to go out and get private sector bids. So I hear you saying more than one bid. Will that be required, that more than one bid be acquired from a homeowner?

MR. CASSETT: We have not required that more than one bid is taken from a homeowner, but it is something that would be encouraged. And what I'm saying is that we don't look at projects and say, wow, this property would really benefit more from geothermal

and they're proposing a solar project. That's not what we do. What we do is we will get the financial position of the property. We will get assessed value. We make sure that they meet all the underwriting criteria so they'd be qualified for the financing, and then we allow them to procure renewable energy projects that fit within predetermined guidelines that everyone knows what they are. We're not examining project by project and making discriminations as to what we feel would match that project.

COMMISSIONER STEFANICS: Okay. Well, that clarifies, because I was hearing something a little more individual. So going now to the residential versus commercial, in other areas that you've worked in -- you've worked in other states doing this?

MR. CASSETT: No. Please understand, I'm from New Mexico. I started with Renewable Funding. I've been working on these renewable energy financing districts just as far as the political effort for the past year. I have been working with renewable energy integration for the past couple years. I just started with Renewable Funding about three months ago. So although I have access to all the information that they have and have been through obviously quite a training process with the company I have not been directly involved in other states' efforts.

COMMISSIONER STEFANICS: So, Mr. Chair, my question is, other states that are doing this -- just a couple states are doing this?

COMMISSIONER HOLIAN: In California in several places.

COMMISSIONER STEFANICS: But what has been their handling of residential versus commercial?

MR. CASSETT: Mr. Chair, Commissioner Stefanics, so the program that's going into place in San Francisco right now, they are following a similar approach where you have a residential/ small commercial with a range of values that are pre-approved. Here we're recommending \$5,000 to \$50,000. Five thousand on the low end because it's enough of a project cost that it could possibly benefit from financing without having the upfront administrative costs be too burdensome on the whole process. \$50,000 just because it's enough to get just about any technology done on an average-sized house and make a difference. Projects over that cost, especially larger commercial projects really should be evaluated, as Duncan had suggested, on a case-by-case basis. Often commercial mortgages are different. You get into cash flow dynamics which aren't necessarily as pertinent in the residential small commercial market.

The transaction is a bit more complex, and I think that's the reasoning for the segregation of small projects versus larger projects. And also the financing can work differently.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'll stop for other questions.

CHAIRMAN MONTROYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. Duncan, you're not looking for us to make a decision in this that's going to be set in blood. You're actually just looking for some guidelines right here and it's seeming that because you are we really need to provide staff for

you. This is such a new endeavor for all of us. Now, the \$5,000 to \$50,000 recommendation I'm perfectly fine with. The \$275 application fee sounds reasonable to me. The first-come first-served also makes sense. I'm not real clear what you need in terms of a timeline. My overriding question on these suggestions from staff is how do these compare with the successful programs in Berkeley and Boulder? These recommendations.

MR. SILL: Mr. Chair, Commissioner Vigil, I'll answer your first question concerning the 180-day project completion timeline. That is a timeframe that we want to suggest that from the onset of the application into the district to the completion of that installment being inspected and approved. That is sufficient time to get the improvements made. So that's a timeline that we don't want someone to indefinitely carry the project on for some time, for much longer than that and take away available resources for other applicants.

Now the successful range of other jurisdictions, based on similar elements, they're fairly consistent to what we're suggesting here. These are very similar components that you'll find in Berkeley and San Francisco currently. They're sort of what we were basing our consideration on.

COMMISSIONER VIGIL: And my sense is, because we're not actually going to be adopting a regulation based on the guidelines we're dealing with, at some point in time we will upon further discussion and guidance and understanding. So I have a particular question. Can the County be an applicant for this financing district? If we decided to convert our Public Works building or our jail to solar energy, do we qualify as a local government entity?

MR. SILL: Mr. Chair, Commissioner Vigil, I don't have a direct answer to that. I think Peter Franklin is here and he's familiar with the state statutes.

COMMISSIONER VIGIL: Is that anti-donation? We can't donate to ourselves?

MR. FRANKLIN: Mr. Chair, Commissioner Vigil, the County doesn't qualify for this type of financing, which requires that the County have taxable property, basically, where an applicant would have taxable property. But there are other federal programs, Clean Renewable Energy bonds and other things that are suitable for financing of renewable energy improvements to public buildings and we can provide information about that if you'd like. But not right now.

COMMISSIONER VIGIL: Thank you, Peter. Mr. Chair, it's seeming that sometimes when we gain information sometimes it just gleans more questions for us. And I think we do need to continue this process. But with regard to what staff is recommending I have no problem supporting the recommendations, knowing that at some point in time we may have to reconsider them and identify what may or may not be working with them, perhaps when we're ready to draft all the appropriate documents to move forward on this. And underlying that I can see where we're working with commercial properties that maybe \$50,000 might not be enough, if someone decides to go fully solar or whatever alternative. But I think when we are looking at these kinds of diagrams we really must be cognizant of the fact that there might be exceptions also.



CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Yes. Two quick questions. One is the payments that you perceive will be twice a year or now the ten payments that we have passed and allow the property taxes to be made in ten payments?

MR. SILL: Mr. Chair, Commissioner Stefanics, the current intent on the repayment is commensurate with the semi-annual property tax billing. We have not fully explored whether the option whether to have more than that payment schedule –

COMMISSIONER STEFANICS: But, Mr. Chair, we passed it. Duncan, we've already passed that the county taxpayers can do it in ten payments. So that's what I'm asking specifically about this program. So if I took ten payments how would you handle my payment here? Would you still do it in two increments during the year or would it be attached to my ten payments? That's just something to work out. The real question is, Mr. Chair, when would the regulations be ready for us to review before they go to the public? Because I know you've done a lot of work on it. The public is anxiously waiting, so when do you think they'll be ready for us to look at?

MR. SILL: Mr. Chair, Commissioner Stefanics, as we move along in the next few weeks we're looking at probably 30 to 45 days before we come back with that level of detail. So we anticipate that sometime in the first party of April we should have that information, based on the questions today.

COMMISSIONER STEFANICS: Okay, so if you had that information to us, Mr. Chair, early in April, then when do we think the program would actually start?

MR. SILL: Mr. Chair, Commissioner Stefanics, we're looking at probably – and obviously this is going to be contingent on resolving the bond purchase agreement issues, we're looking at late April or early May as sort of a targeted program launch date.

COMMISSIONER STEFANICS: Okay. Thank you.

CHAIRMAN MONTOYA: Okay. Thank you, Duncan

**XIII. C. Matters From the County Manager**

**1. SLDP Update**

MR. ABEYTA: Thank you, Mr. Chair. I'm going to ask Jack Kolkmeier and Robert Griego to come up and give us a brief update on the activities with the Sustainable Land Development Plan.

CHAIRMAN MONTOYA: Okay. If we could keep this to about five minutes.

JACK KOLKMEYER (Land Use Administrator): Thank you, Mr. Chair.

Good afternoon, Commissioners. And thank you, Commissioner Holian for your comments earlier in the afternoon about our workshops. They are indeed interesting. And when you set off to work on problem solving over the last year and a half it's those sessions that remind you again that not everybody views things the same way that you do, so it's really quite rewarding to be engaged in those discussions that we have.



We've had a lot of participants, anywhere from ten to twenty people per session and we're really learning a lot from them. We have a brief power point presentation. [Exhibit 2] I wanted to just briefly go over where we're at with the process and let you know what the next steps are and talk to you just real briefly about some of the major issues that we're dealing with as part of these sessions.

As you know we have been working on a revised draft of the Sustainable Land Development Plan. This is the one that you all have copies of right now. It was originally 1,200 pages, as you recall. We're down to 400 and still moving along so we're really confident that we'll be able to get to you in May a document that's going to be very concise and clear and very useful for all of us. I'm going to talk a little bit about the revised draft, the public review process, the issues that have been identified and the next steps that we're going to take.

The public review process started after the first meeting we did in February. The first was with the CDRC and we started these sessions on February 10<sup>th</sup>. We had an additional CDRC meeting just to let them know where we were and there was tremendously positive feedback from the public and the CDRC about the sessions that we were conducting. We'll be doing them all the way up through the 18<sup>th</sup> of March. In fact we're scheduled tomorrow to do a session on water and water management, wastewater that Attorney Steve Ross will be present at with us, so that will be a good one tomorrow. And then we'll finish up on the 17<sup>th</sup> and the 18<sup>th</sup>, and we have a couple of weeks to do some additional workshops with the group if we need to, particularly on community planning issues and land use concepts and the maps that will be in the document.

But also, as you recall, the reason for making these changes was that the community came to the CDRC and the Board and wanted to make sure the community plans were not being altered as part of this process. We removed those from the 1,200-page document. We are respecting all those plans as they were written, both the plans and the ordinances, but they wanted the plans to be more concise, that there be more public input in this process, and that the community planning participation process be streamlined, which we are working on. And that there be a better understanding of what sustainability means in relation to this document. Probably the most – I don't want to say heated – but energetic discussion that we've had so far has been on what does sustainability mean and how does it apply to the document and then furthermore to the Code and the other products that will come from all of this.

So the workshops, the way that they are set up and the way that we're conducting them right now is that each workshop is conducted to a particular chapter of the plan. We've had consistent public participation throughout. Members of the community have been there. The United Communities group has sent several participants. We also get experts who come to these meetings depending on what the subject might be, whether it's open space or agriculture. The Association of Realtors has been there. The League of Women Voters has also been present at every one of our sessions.

The issues that have been focused on so far, again as I stated already: sustainability. What that means, and the need to clarify that throughout the document. Also what principles

need to be consistent throughout the plan. That is the concepts. If you understand what the issues are, what sustainability means, what concepts are we applying to get us to actually do really constructive and positive problem solving. So we've been focusing on these workshops on discussing the key issues of the document, the keys to sustainability in the document, and the key directives. That is the goals, the policies and the strategies.

The subject of sustainability as I mentioned is very intriguing, to say the least, and we've decided to make the whole introduction to the document, the first chapter if you will, when we revise the document, to focus on sustainability. And because there are so many perspectives on this we're going to divide it into three areas that we're going to have sustainable principles and ideas and there will be sustainability concepts about the environment, about community, and about the economy.

The primary discussion points so far in the workshops have focused on community needs and values in relation to future planning and local economic development, where growth should be directed to throughout the county and how; how to protect the natural environment, the rural landscape, how to conserve water and other infrastructure resources, and how to provide appropriate governmental resources to actually implement the kind of plan that we're looking at. And the sustainability idea we've put into a diagrammatic form that again shows economy, community and environment as the three key areas that we want to come up with sustainability principles for.

The next steps will be workshop conclusions and recommendations, CDRC public hearings, BCC public hearings coming to you in May, and then the implementation tools of course. The next step in the evolution of all this will be the Sustainable Land Development Code, the capital improvements plan and the zoning map. And I think it's important for us all at the moment to understand that what we will get when we're finished with the workshops, we will continue to use this document that you have. We won't alter that document as a result of these workshops. We'll bring all the information that we get from these meetings. We will put together recommendations from staff that we feel are appropriate to move forward with, but we will also include information about things that there are differences of opinion about. And there will be some.

So what we will then do is take that to the CDRC. They will deliberate that. We will again deliberate what some of the differences of opinion will be, then we will redo the document and bring you a new draft of the document and that will be in May. So that's where we are right now. It's been very exciting and we think you're going to get a really good plan by May. You may be getting comments already from some of the people who have been attending these workshops that they still want more time. Of course they always want more time, but we're going to still to the schedule and press along here, so we'll try to have this back to you as soon as we can in May.

CHAIRMAN MONTROYA: Okay. Thank you, Jack.

COMMISSIONER STEFANICS: Mr. Chair, could I ask a question?

CHAIRMAN MONTROYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: So is it envisioned, Jack, that when the plan

comes back to us with the comments in May that we will be voting at that time, or we'll have it for a couple of meetings, or what's the intention?

MR. KOLKMEYER: Mr. Chair, Commissioner Stefanics, the intention will be to give you the most complete document that we can. But we recognize that still with things like community planning, we think we'll have most of that worked out. But there will probably be opinions and other points of view that we'll need to discuss and talk about collectively. But we think we'll have most everything worked out, and we hope that we could be able to do that in two public hearings. We think. By the time we explain it to you once, have the ability to have the public respond to that, we hope that we can do that in as few public hearings as possible. Because we hope to come to consensus. That's the idea.

COMMISSIONER STEFANICS: Thank you very much.

**XIII. C. Discussion And Direction Regarding County Committee Project [Exhibit 3: Support Material]**

MR. ABEYTA: When we last left the Commission with this discussion we had presented a conceptual plan where we would create two major commissions. One would be a Capital Improvements Infrastructure Commission with five members, the other would be a Community Services Planning Commission with five members. The existing committees that we have would become work groups of these two commissions. What we have discovered since then is that whether you call them commissions or work groups all we did was add two more committees, basically.

And so what we have done is, based on that, we have come up with two options that we would like the Commission to consider. The first option is Option A, in which we keep all the existing committees, but we reduce them all to five members only. It would be really simple; each Commissioner appoints a member and we continue to meet. Those committees would be COLTPAC, Fair Board, Road Advisory Committee, Arts, Culture and Entertainment Task Force, Advisory Council for Food Policy, Senior Services, DWI, Health Policy and Planning Commission, and MCH Planning Council. That would be Option A.

Option B would be that we have the two commissions, the Capital Improvements Infrastructure Commission and the Community Service Planning Commission. They would have five members each, and the existing committees would be eliminated, such as COLTPAC, Fair Board, Road Advisory Committee, Arts, Culture and Entertainment Task Force, the SWMA Focus Group, those functions would become the responsibility of the Capital Improvements Infrastructure Commission. DWI Planning Council, Health Policy and Planning Commission, and MCH would be consolidated into these five members, into this Community Services Planning Commission.

So what we're asking for is which option you want us to pursue, and then with that we would need to start bringing forward the appropriate ordinances or resolutions to implement one of the two options. And the other thing I would be asking for, Mr. Chair,

today, is authorization to be able to suspend meetings of these committees, the existing committees, for the next 60 to 90 days to allow us to start working on ordinances and resolutions to bring forward to the Commission. Because what's happening now is the committees are meeting still. They're not sure what direction we're going to move in. I'd rather just suspend them so that we could get this work done.

Before I did that though I would go to the committees and see here's the option the Board chose. This is what we're going to do, and we should have something completed in the next 60 to 90 days.

CHAIRMAN MONTOYA: So you'd like to suspend them as of today?

MR. ABEYTA: Yes.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: A couple of things. First of all, I agree with you. I think staff needs some time to work at but I don't think we should just arbitrarily decide today's the day they're no longer in existence. I think that what we need to do is go or send a representative to their next meeting and let them know some of the directions that are being considered. Ask them if there's anything that they currently have to report based on the work that they've done to the Commission. Perhaps bring that report back, or have a representative bring that report back to us. I think we will be curtailing our own sense of bringing and embracing the assistance of volunteers in our community if we just say you're cut off from this point forward. I think it should be transitional and I think I for one would like to learn, for example, what the Arts and Cultural Committee has been doing, some of the ideas they have. They've actually put some work into this so far. So I think if we can create a transitional time frame, if you need a month maybe to catch everybody's meetings and we can do that, that just seems like a better way. That would be my recommendation.

The other question I have is I'm not familiar with the Senior Citizens Advisory Board. Do we currently have one or is that something we're creating?

MR. ABEYTA: No, Mr. Chair, Commissioner Vigil, it's an existing board that we make an appointment to. So that would be – so that's why it's a separate box. It's a joint board with the City of Santa Fe.

COMMISSIONER VIGIL: I was just going to say, is that the joint one. So we really just have one representative, don't we?

MR. ABEYTA: And that's left alone, along with the Advisory Council on Food Policy.

COMMISSIONER VIGIL: Okay.

MR. ABEYTA: In both those options.

COMMISSIONER VIGIL: Okay. Those are my comments, Mr. Chair. Thank you.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair and Roman. In talking with Dona Ana County recently they went through this entire exercise as well. And speaking to the Mayor of the City of Santa Fe, they're going through the exercise. And a lot

of it has to do with budget. And we really appreciate all the work that our volunteers are doing, but it has become a little cumbersome. So streamlining is what we're really talking about in assisting the budget. My question is for Steve right now. Steve, what could we call -- like if we wanted to have some large -- the oversight groups, like on B. And we had these other groups, what could we designate them as without getting into statutory requirements?

MR. ROSS: Mr. Chair, Commissioner Stefanics I'm not completely sure I understand your question.

COMMISSIONER STEFANICS: The per diem. Statutory requirements.

MR. ROSS: Per diem. Right.

COMMISSIONER STEFANICS: What could we set up that would not require the County -- like if we wanted to have advisory groups, if we could have a ton of people really interested in a topic, like open space.

MR. ROSS: Right.

COMMISSIONER STEFANICS: But we don't have the budget to pay a ton of people to work on open space. What could we call it and still utilize those volunteers?

MR. ROSS: Well, it's not really what you call it it's the function that the people are serving, and I think under the Per Diem and Mileage Act, if you have a temporary committee, a committee just assigned to do fact-finding on a particular topic that's going to be ten meetings or five meetings or something like that, that you may not risk creating a non-salaried public official, which is what invokes the obligation to pay per diem in mileage. So I would think a short-term type committee you wouldn't have to address per diem and mileage, but for more of a permanent committee, like the Capital Improvements Infrastructure Commission that's proposed here, those folks would be entitled to per diem if they wanted it.

COMMISSIONER STEFANICS: Okay. So, Mr. Chair, Roman, is it true that our DWI Planning Council gets \$1.5 million a year?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, I'm not sure of the amount but that sounds close to it.

CHAIRMAN MONTOYA: That's about right.

COMMISSIONER STEFANICS: At the -- Mr. Chair, at the City-County Alcohol Task Force, one of the last recommendations was to create another board to do some oversight over alcohol activities between the City and the County. And I recently had a meeting with Cynthia Delgado to say we're at the point where we're looking at reducing, not creating more. And in fact we had this DWI Planning Council. So this is an example of where we're asking to set up another group that might already have a charter with an existing group. So I think all of this does need -- we need to be careful as we go through this.

I support Commissioner Vigil's recommendation that the County Manager or Assistant County Manager speak to all of these committees before they are disbanded or put on hold. It's a courtesy and I think that everybody is wanting to hear from the boss what's going on. But if we -- just at looking at these things today I do support Option A, and I don't know if we'll just be discussing it in the future or if we're going to take any action on this today. Thank you.

CHAIRMAN MONTTOYA: We're just going to discuss and you just gave your direction. So, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I know what some of these committees do but some of them I don't. And so if I could just have a paragraph or two on what the committees do, whether they have a finite lifetime. Like for example on this water focus group – is that the one that Karen Torres is dealing with now? Because I think that has a finite lifetime, right?

MR. ABEYTA: Yes.

COMMISSIONER HOLIAN: So I just sort of – and also if you have any suggestions on any of these where that functionality is being done already by some other committee, whether it's really necessary to keep it. Like for example, the DWI Planning Council. Are we duplicating effort now on that? Given the new City-County Commission. So before I actually make any decision, but just in general I would say that I do like Option A better than Option B at first glance.

CHAIRMAN MONTTOYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Roman, I kind of lost you when you started naming the boards. Did you mention the Estancia Basin Water Planning?

MR. ABEYTA: Yes. It's on there. And we'd leave it the way it is, keeping to existing appointees, which is what we have right now, because it's not an actual County board; we're members of it. So we would leave that alone.

COMMISSIONER ANAYA: I noticed that you didn't have the Corrections.

MR. ABEYTA: Right. We don't have a Corrections Advisory Committee and we don't want to create one until I know what option you're going to choose. Then I'll include that in either Option A or Option B.

COMMISSIONER ANAYA: So, right now, Mr. Chair we're talking about possibly letting these boards know that we're going to restructure.

MR. ABEYTA: Yes. They know that and it would be helpful if I could tell them what you guys are leaning towards. If it's keeping them all the same with just five members or this other one. Because then I just go back to them with a little more information than what they already have.

COMMISSIONER ANAYA: Some of them don't have five members.

MR. ABEYTA: Right. Some have 19, some have 23, some have seven.

COMMISSIONER ANAYA: Okay. I think we need to study it. But I'm okay with you going down to five members.

CHAIRMAN MONTTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Roman, and I think both options propose the five members so I think that is a fact that you could represent to them. I like features of both Option A and Option B. What I need to really help me define which direction I would advocate for is the information that you'll be getting to us from visiting with them. For example, if you meet with the Arts and Cultural Committee and they say, you know, we've been working on trying to get a grant because we'd like to propose – where are they and what

projects they're doing – those kinds of things are really critical for me and I think will help me create a structure for which option I would advocate for. I like, as I said, I like features of both of them. But I do think the five-member alternative is something that you can represent is something probably likely to happen.

MR. ABEYTA: Okay. Thank you.

CHAIRMAN MONTROYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would think that the one exception possibly to the five-member rule might be the Roads Advisory Committee. And the reason that I say that is the County is divided up into I think it's 14 different districts as far as the roads are concerned. And each of those members is responsible for driving around in their own district and determining which roads need repair. And so I'm worried that if you only have five members – this is a huge county and it would put too much of a burden on any single member to have to keep that many roads under surveillance.

MR. ABEYTA: Okay.

CHAIRMAN MONTROYA: And in terms of my opinion on this is that Option A would be my preference. I would suggest that we check state stature for the DWI Planning Council. I believe it's designated in the language of that statute who has to be on that, and I think it's more than five. And possibly the same thing with the Maternal Child Health Planning Council. I think B would be ideal, but then you're also talking about probably someone spending a lot of their life in meetings talking about all these issues, and they'd have to be pretty diverse in terms of COLTPAC, Road Advisory, knowing a lot of different issues. And I would also be in favor of you suspending, once you've met with them, suspending any further meetings. So I think we're pretty unanimous on that. Thank you, Roman.

MR. ABEYTA: And those are all my updates.

**XIII. D. Matters From the County Attorney**

**1. Consideration And Approval of the Water Rights Purchase Agreement by and Between Burro Alley Partners, LTD and Santa Fe County (38.51 AFY/\$15,000 Acre-Foot)**

MR. ROSS: Mr. Chair, members of the Commission, we've talked about this several times privately. This is the actual purchase agreement that documents what we've discussed. The proposal is we buy 38.51 acre-feet of water rights from this partnership at \$15,000 an acre-foot. It's written on a typical water rights purchase agreement form. It creates no obligation to the County to go forward with the agreement if the water rights are not transferred to the Buckman Direct Diversion or other point of diversion that we might designate. And with that, I'll stand for questions.

CHAIRMAN MONTROYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Ross, with the downturn in the economy

hasn't the sale of water gone down also?

MR. ROSS: Mr. Chair, Commissioner Vigil, yes, it has. We're buying water now at \$15,000 an acre-foot that we had bought just a year ago for \$21,000, \$22,000 an acre-foot.

COMMISSIONER VIGIL: And I guess we've talked about this and it probably was a maximum about – were negotiations able to produce a lower amount at all?

MR. ROSS: Mr. Chair, Commissioner Vigil, as you recall, we did negotiate and brought back the results of the negotiations to you I think twice. So this is a figure that you have approved.

COMMISSIONER VIGIL: And these are – I'm sorry, I didn't hear if you said it. Are these pre- 1907 –

MR. ROSS: These are pre-1907 water rights located near the community of Pena Blanca.

COMMISSIONER VIGIL: And do we have to go through any adjudications for actual possession?

MR. ROSS: Well, they have to be transferred to the County and then the point of diversion has to be transferred from the Pena Blanca area to the Buckman Direct Diversion. So yes, we do need to go through some process. Depending on whether there are protests to the transactions it could take between a few months to a couple years to finish it off.

COMMISSIONER VIGIL: Is there any anticipation of protests?

MR. ROSS: We haven't seen any protests coming from Pena Blanca. We've bought several blocks of Pena Blanca water rights and we haven't had any protests of those, or substantive protests.

COMMISSIONER VIGIL: Are these basin water rights? I'm not recalling.

MR. ROSS: No, these are Rio Grande, main-stem water rights.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Any other questions? Could I have a motion?

COMMISSIONER ANAYA: So moved.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Second by Commissioner Holian. Further discussion?

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



**XII. C. 4. Resolution No. 2010-47. A Resolution Establishing the Exact Principal Amounts, Maturity Dates, Rates of Interest, Redemption Features, Prices and Other Details of the Santa Fe County, New Mexico Capital Outlay Gross Receipts Tax Revenue Bonds, Series 2010A And Series 2010B [Exhibit4: Resolution Text]**

PETER FRANKLIN (Bond Counsel): Mr. Chair, Commissioners, I'm Peter Franklin with Modrell Sperling. We're the County's bond counsel, as you know, and before you are three items. The resolution that Chairman Montoya just referred to, approving the final terms of the Santa Fe County capital outlay gross receipts tax revenue bonds Series 2010A and Series 2010B. That resolution approves a bond purchase agreement and authorizes the chairman and the County Clerk to sign it this afternoon and to deliver the bond purchase agreement to the underwriters of the bonds, and lastly you have a form of official statement used to market the bonds to investors.

Let me just very briefly summarize the bond transaction itself and then Kevin Powers, the County's financial advisor can give you the details of the sale and the market conditions and all that stuff, the interesting stuff.

As you may recall we are issuing approximately \$31 million in capital outlay GRT bonds to basically wind up the County's contribution for the Buckman Direct Diversion project. The reason we have two series here, these are both secured by 37 ½ percent – actually 75 percent of the capital outlay gross receipts tax revenue generated in the entire county. We've divided these into two series because, as you may recall, half of that allocation is for projects in the unincorporated areas of the county and the other half is for joint City of Santa Fe-Santa Fe County projects. Since the Buckman project sort of falls into both categories both those halves of the capital outlay GRT are appropriate as a revenue source, but as you may also recall, late last fall we issued a series of bonds to acquire water rights for County water projects other than Buckman and we use the County-only allocation to secure those bonds. And so to keep everything straight and maintain our coverage requirements we've divided them into two series.

So basically, the resolution approves the sale of the bonds to the underwriting group, which is RW Baird, Wells Fargo Bank, and George K. Baum. The bonds were sold, they were marketed yesterday by signing these bond purchase agreements as the sale resolution calls for. You'll be authorizing the sale of the bonds to the underwriter. The average – I think the all-in interest rate on the bonds is about 3.79 percent for a 20-year deal, and that's basically it. The all-in rate is approximately 3.79 percent. Kevin's not telling me otherwise so I think that's right. And the bonds are callable in ten years, and I'm here for questions.

CHAIRMAN MONTOYA: Okay. Any questions for Peter, Mr. Franklin?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: The day that we were at – and all of us were

there, at the Board of Finance – they were talking about interest rates at the two percent level, 2.4, 2.7. Did you encounter any of those?

MR. FRANKLIN: Mr. Chair, Commissioner, I'm not sure what you are referring to. You may be referring to the State Treasurer's short-term interest rate that state money is invested in.

COMMISSIONER STEFANICS: Well, there were proposals that were being considered by the Board of Finance that day. Your colleague is nodding his head back there too, so –

KEVIN POWERS (Financial Advisor): Mr. Chair, members of the Commission, I think I can shed some light on some of those interest rates that you're – my name is Kevin Powers with RDC Capital Markets. If you would look at that handout that I passed out just a few minutes ago I think we can shed some light on some of those interest rates.

If you look on page 1 of the handout we have an overview of this transaction. The County would be selling \$31,400,000 in bonds in this transaction. The net proceeds that you actually realize for this project, and that's basically the County's final installments of the Buckman project would be about \$32,695,000. Some of these bonds are being sold at premiums, which actually explains why you can realize more proceeds than par amount of the bonds. These bonds will mature in the years 2011 through 2030. The average life of that issue, the average life results in a 12.3 average life, actually.

As Peter said, the bonds are callable in 2020, and that's a ten-year call feature. The bonds are rated by S&P and Moody's, both S&P and Moody's rate the bonds AA and AA2, which are the equivalent ratings in their two categories. You did not need any credit [inaudible] and as Peter said the only cost is 3.798 percent.

Just a little mention here about how this compares with previous bond sales by the County. In 2008 the County sold some gross receipts tax bonds for the County courthouse facility. Those were 25-year bonds. They were sold in 2008. They had an average life of about 16 years, so they were a little longer. The markets weren't quite as good then. The all-in rate that equates to that 3.79 on this deal, back then the all-in rate was 4.84. Now fast-forward to last year in 2009, Peter mentioned that he had a bond sale for some water rights payable from this same increment of gross receipts tax. The average life on that transaction was 11.5 years. It was a smaller transaction that was actually – we were able to take advantage of a tax law and sell those bonds for what is called bank-qualified, which is a little bit more attractive to certain types of buyers. Those bonds sold at an average rate of 3.48 percent, so just a little bit less than what you sold these bonds at. That BQ status, plus the shorter average life came into play there and resulted in that slightly lower interest cost.

The next page in the handout is kind of the process that we went through here to sell these bonds. There's a couple things I'd like to point out here. The bond markets have been very good. We've had a very strong rally in the bond market which has resulted in lower interest rates basically throughout the early part of this year. February was exceptionally good. We've gotten to a point now where interest rates are so low that there's some resistance

by bond buyers to actually buy bonds at these low rates because there's anticipation that longer-term interest rates are going to start to rise soon due to inflation. The underwriters actually encourage a little bit of that resistance as they were marketing these bonds and as of yesterday the \$31 million in bonds they had about \$14.4 million where they really couldn't find anybody to put orders in for them. That's about 45 percent of the issue. They were willing to basically step under the transaction, as we say in the industry and agree to underwrite the bonds and guarantee you an interest rate and worry about selling the bonds over a period of time.

I talked to the underwriter this morning about 11:30 and he said they still had \$5 million that they were still trying to work through. So eventually they'll get the bonds sold and investors will step in and buy the bonds but the bottom line is for the County's sake you know what the interest rate is, you've locked in yields, you've locked in the transaction.

If you look on page 4 of the handout I think this will kind of maybe talk about some of the interest rates. If you look at the chart on page 4, the second to the last column, the yield column, those are interest rates, those are the actual yield to the end purchaser of the bonds. And they vary from year to year. For instance, .43 percent is a one-year bond. If you go out to the five-year level it's 1.68 percent. You go out to ten years it is 3.17. So when you add all those up and you weight that and you do a present value calculation you come up with that 3.79 percent, and that 3.79 percent also includes all the costs that the County had to incur to sell the bonds – the ratings, underwriters' discount, legal fees, those sorts of things. So that's where that came from.

COMMISSIONER STEFANICS: Thank you very much, Mr. Chair.

MR. POWERS: So really, when you look at this, and we also have some comparables here, recent local government issues that have sold in the state and other states, I think you can see that the County's bonds sold competitively with those other bonds. The state did sell some bonds at public sale, I think they were severance tax bonds. They're shorter than your 20-year period so if you were hearing some average rates on those bond issues they may have been lower than yours because the overall length of those transactions were considerably shorter than your 20-year life on this.

COMMISSIONER STEFANICS: Thank you.

CHAIRMAN MONTOYA: Okay. Any other questions? If now, I'll take a motion.

COMMISSIONER HOLIAN: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Holian.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Second by Commissioner Stefanics. Any further discussion?

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

- XIII. D. 2. **Executive Session**  
a. **Discussion of Pending or Threatened Litigation**  
b. **Limited Personnel Issues**  
c. **Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights**  
d. **Collective Bargaining**

MR. ROSS: Mr. Chair, we need an executive session to discuss pending or threatened litigation, limited personnel issues, purchase, acquisition or disposal of real property and collective bargaining.

COMMISSIONER HOLIAN: Mr. Chair, I move we go into executive session where we will discuss pending or threatened litigation, limited personnel issues, purchase, acquisition or disposal of real property or water rights, and collective bargaining.

CHAIRMAN MONTOYA: We have a motion by Commissioner Holian.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Roll call please.

**The motion passed by unanimous [5-0] roll call vote with Commissioners Anaya, Holian, Stefanics, Vigil and Montoya all voting in the affirmative.**

CHAIRMAN MONTOYA: Okay. We'll be back at 6:15 and we'll resume the meeting with public hearings at that time.

[The Commission met in executive session from 5:10 to 6:45.]

CHAIRMAN MONTOYA: I call this meeting back to order. If I could have a motion to come out of executive session.

COMMISSIONER HOLIAN: Mr. Chair, I move that we come out of executive session where we discussed pending or threatened litigation, personnel issues, purchase, acquisition or disposal of real property, and collective bargaining.

CHAIRMAN MONTOYA: Okay, I have a motion.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Second by Commissioner Anaya.

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

**XIV. PUBLIC HEARINGS**

**A. Growth Management**

- 3. BCC Case # MIS 10-5080 Taste LLC Restaurant License. Taste LLC, Applicant, Requests Approval of a Restaurant Liquor License to Serve Beer and Wine with Meals. The Subject Property is Located at La Tienda At Eldorado 7 Caliente Road, within Section 16, Township 15 North, Range 10 East (Commission District 5) Jose E. Larrañaga, Case Manager**

CHAIRMAN MONTOYA: For those in the audience, we changed the agenda to move the other cases up before Saddleback Ranch. Saddleback Ranch will be the last case heard this evening. So we'll move on.

JOSE LARRAÑAGA (Review Specialist): La Tienda at Eldorado consists of 30,000 square feet of retail space, 7,000 square feet of office space, and 6,000 square feet of pub and restaurant space. The existing restaurant area in which Taste LLC is located is approximately 4,000 square feet within the former Brumby's location. Ordinance 2005-08 designates this site as a village mixed use which allows for beer and wine to be served in a restaurant as a permitted use. The zoning on this site allows for a restaurant to serve beer and wine with meals.

The applicant is requesting approval of a restaurant liquor license. Taste LLC will not have a bar; however, they intend to serve beer and wine with meals. The issuance of a restaurant liquor license will not increase the intensity of the restaurant as there is not any proposed expansion of the existing site.

The State Alcohol and Gaming Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. Legal notice of this request has been published in the newspaper. The Board of County Commissioners are required to conduct a public hearing on the request to grant a restaurant liquor license at this location.

Recommendation: Staff has reviewed this application and has found the following facts to support this submittal: The US 285 South Highway Corridor Zoning District designates this site as a village mixed use which allows for beer and wine to be served in a restaurant as a permitted use. The applicant's request complies with Ordinance 2005-08 and the Santa Fe County Land Development Code. Master plan zoning on this site allows for a restaurant to serve beer and wine with meals. The applicant has met the State of New Mexico requirements for noticing, distance from schools and churches. Therefore staff recommends approval of the applicant's request. Mr. Chair, I stand for any questions.

CHAIRMAN MONTOYA: Okay. Do we have any questions for staff? Okay, is the applicant here? Is there anything that you wanted to add to what we have in our packets?

[An unidentified man, presumably the applicant, said he did not.]

CHAIRMAN MONTOYA: Are there any questions for the applicant? Okay. This is a public hearing. If anyone would like to speak regarding this case, please come forward. Okay, seeing none, this hearing is closed.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: If there's no discussion or question I'll move for approval.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Stefanics, second by Commissioner Holian. Any discussion?

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

**XIV. 4. Reconsideration of Decision on CDRC Case # VAR 09-5020 Karen Esquibel. Reconsideration of Decision on Karen Esquibel's, Applicant, Request for a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow A Land Division of 1.00-Acres Into Two Lots. The Property is Located At 9-A Rincon Escondido in La Puebla, within Section 8, Township 20 North, Range 9 East (Commission District 1)(Request for Reconsideration Entered on the Record by Commissioner Vigil At the February 9, 2010 BCC Meeting) John M. Salazar, Case Manager**

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. I believe that the basis for the request for reconsideration was based on the substance of the hearings that we had that night on lot split divisions. It seemed like Ms. Esquibel needs to be equitably treated with regard to the issues that were brought up that evening. So I requested that this be brought forward and with that I move that we reconsider the decision on CDRC Case #VAR 09-5020.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: We have a motion by Commissioner Vigil, second by Commissioner Stefanics.

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

**XIV. A. 5. CDRC Case # VAR 09-5020 Karen Esquibel. Karen Esquibel, Applicant, Requests A Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 1.00-Acres Into Two Lots. The Property is Located At 9-A Rincon Escondido in La Puebla, within Section 8, Township 20 North, Range 9 East (Commission District 1) John M. Salazar, Case Manager**

COMMISSIONER VIGIL: Okay, and I believe John Salazar, Mr. Chair, was the planner involved in this and I think we have heard most of the case so I think I would just ask and direct you just to give us any updated information with regard to this.

JOHN MICHAEL SALAZAR (Review Specialist): Mr. Chair, Commissioner Vigil, the applicant spoke with Cuatro Villas Water Association. There's a letter there that she sent to me. [Exhibit 5] They stated that they can't serve her property for another two years at least. That was a question brought up at the last meeting.

COMMISSIONER VIGIL: Finally, are the units that are on there being served by –

MR. SALAZAR: By an onsite well, Commissioner, Mr. Chair. It's a shared well.

COMMISSIONER VIGIL: So what are the Esquibel's resolution to this?

MR. SALAZAR: Mr. Chair, Commissioner Vigil, staff has put a condition that we would restrict her water use and the applicant would have to draft a shared well agreement and record it in the County Clerk's office, along with the water restrictions. If the Commission wanted to add an additional condition that she hook up to this when it becomes available that would be at the Commission's discretion.

COMMISSIONER VIGIL: I think that was the intent of the discussion at the last meeting. So are these new conditions of approval that you're proposing?

MR. SALAZAR: These are the existing –

COMMISSIONER VIGIL: Okay, the only additional one would be to require the applicant to hook up to Cuatro Villas when available?

MR. SALAZAR: Correct.

COMMISSIONER VIGIL: With that, Mr. Chair, I move that we approve Ms. Esquibel's request for the lot split, that all conditions on the original requirement for this lot split be met. In addition to that, the conditions that we've stated on the record tonight, and I propose the additional condition that Ms. Esquibel and her family hook up to the Cuatro Villas system upon delivery, availability of that water.

CHAIRMAN MONTROYA: So we'll add that as a condition?

COMMISSIONER VIGIL: That is a condition, yes, Mr. Chair. That is a motion.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: We do need to have the public hearing.

COMMISSIONER VIGIL: Does this require a second public hearing? I'll withdraw my motion until after the public hearing, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Were there any other questions for staff? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. John Michael, what is the situation with the septic on that property?

MR. SALAZAR: Mr. Chair, Commissioner Holian, the applicant had come in for a mobile home replacement on that property and during that time she had to update her septic to meet the Environment Department standards on that lot. So she's updated her septic and it's correctly updated to Environment Department standards.

COMMISSIONER HOLIAN: They have two septic tanks and they're each on half an acre. I thought it was required that you had to have three-quarters of an acre per septic tank.

MR. SALAZAR: Mr. Chair, Commissioner Holian, that's correct. You do, to have that 100-foot separation between the well and the septic. Perhaps the applicant could better answer that as to what she did to update that septic system when she came in for the building permit.

COMMISSIONER HOLIAN: But it was approved?

MR. SALAZAR: It was approved that they met our requirements, so she received her permit.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIRMAN MONTOYA: Okay. Any other questions for staff? If not, if the applicant would come forward. Karen, is there anything you'd like to add?

KAREN ESQUIVEL: I think you've pretty much heard my case and I just wanted to let you know on the septic tanks I did work with Mike Bencomo and he approved three septic tanks. We had to do a certain system for my mom's property and one for the other, but I did get my permits for all three homes. And I plan to hook up to the water as soon as the community water is there. I spoke with Manuel Chavez on that. So I agree to comply.

CHAIRMAN MONTOYA: Okay. Any questions for the applicant? Seeing none, this is a public hearing. If anyone would like to speak on this case please come forward. And if you would please turn your cell phones off I would appreciate that as well. Thank you. Seeing none, this hearing is closed. What are the wishes of this Board?

COMMISSIONER VIGIL: Mr. Chair, I make my motion as was previously stated.

CHAIRMAN MONTOYA: Okay. I have a motion by Commissioner Vigil.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Second by Commissioner Holian. Any further discussion?

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



**XV. A. 11. CDRC CASE # S 09-5211 Saddleback Ranch. Saddleback Ranch Estates LLC, (Gabriel Bethel), Applicant, Requests Approval of a Summary Review (Type V) Residential Subdivision Consisting of 24 Lots (Each 40 Acres in Size) on 960 Acres. The Project is Located on State Road 41 within Section 13, 23, 25, & 26 of Township 14 North, Range 9 East and Sections 7, 8, 9, 16, 17, 18, 19, 20, 21, and 29 Township 14 North, Range 10 East, Near the Villages of Galisteo and Lamy (Commission District 3) Vicki Lucero, Case Manager**

VICKI LUCERO (Development Review Team Leader): Thank you, Mr. Chair. On January 12, 2010 the BCC tabled this case to allow the applicant to address concerns raised on the day of the public hearing by the County Hydrologist, County Open Space and Trails, and the State Department of Cultural Affairs, as well as to hold community meetings. The County Hydrologist requested that additional information be submitted by the applicants prior to final plat approval. Some of these requirements are not mandated by the Land Development Code, but the developer has agreed to address them. Those requirements are listed in the staff report and staff has included them as conditions of approval.

A revised memo from the County Open Space and Trails was submitted since the last BCC meeting, and that's attached in Exhibit D. The major concern is in regards to the archeological issues which have been evaluated by the Department of Cultural Affairs. The State Department of Cultural Affairs has issued a new review letter since the last BCC meeting as well, and that's also in Exhibit D.

The applicant has been working with the Archeological Conservancy, which is a national non-profit organization dedicated to the preservation and protection of archeological sites on private land, and proposes to dedicate an archeological easement on 800-plus acres of the proposed development. The Conservancy's board of directors voted to accept the easement on January 30, 2010, and there is documentation from the Archeological Conservancy in Exhibit H.

The applicant has held six community meetings since the last BCC meeting. Documentation regarding five of those meetings is attached in Exhibit G.

This application was reviewed for access and traffic impact, terrain management, water and liquid waste, solid waste, fire protection, landscaping, open space, archeology and signage.

Recommendation: The proposed subdivision complies with Article V, Section 5.5, Summary Review Procedures of the Land Development Code. Staff recommends final plat approval subject to the following conditions. Mr. Chair, may I enter those conditions into the record?

[The conditions are as follows:]

1. The final plat must be recorded with the County Clerk's office.

2. All redlines will be addressed, original redlines will be returned with final plans.
3. A condition will be recorded on the final plat that requires compliance with the water harvesting requirements of Ordinance 2003-6. A rainwater harvesting plan will be required from individual lot owner upon application for a building permit. This requirement must be included in the Subdivision Disclosure Statement and restrictive covenants, and noted on the final plat.
4. A condition will be recorded on the final plat that requires a liquid waste permit from the Environment Department for septic systems prior to issuance of building permits. This requirement must be included in the Subdivision Disclosure Statement and noted on the plat.
5. The applicant must record water restrictive covenants simultaneously with the plat imposing 0.25-acre feet per lot per year. Water meters must be installed to each lot at the time of development and meter readings must be submitted to the Land Use Administrator annually by January 31<sup>st</sup> of each year.
6. A location for a future cluster mailbox area to serve the Saddleback Ranch Subdivision and other areas must be provided. This pullout shall meet the minimum specifications for mailbox pullouts set forth by the NMDOT. The pullout driving surface shall be a minimum of 6" of aggregate base course, and adequate drainage must be provided. The detail of this location shall be submitted prior to plat recordation, and additional right-of-way if required shall be indicated on the final plat.
7. The applicant shall submit a financial guarantee, as required by Article V, Section 9.9 of the Code, in a sufficient amount to assure completion of all required improvements. The financial guarantee shall be based on a county approved engineering cost estimate for the completion of required improvements as approved by staff prior to final plat recordation. All improvements shall be installed and ready for acceptance within eighteen months of recordation.
8. The applicant will be required to provide a Landscaping Plan for revegetation of disturbed areas, prior to final plat recordation.
9. All utilities shall be underground. This shall be noted on the plat, covenants and disclosure statement.
10. The standard County water restrictions, final homeowner's documents, and disclosure statement must be recorded with the final plat.
11. A condition will be recorded on the final plat that states that a permit will be required for signage, and all signage must meet the requirements of the Code.
12. Driveways shall not exceed 11% grade.
13. A water quality test analysis as required in Article VII, Section 6.5.2 of the County Code that demonstrates that the water is of acceptable quality must be submitted prior to final plat recordation.
14. NMDOT access permits must be obtained by the applicants prior to recordation of the final plat.
15. Final Road Design and configuration will be reviewed administratively under Article

- V, Section 8.2 (Road Design Standards) of the County Land Development Code prior to plat recordation.
16. All roads must be designed as a loop road system. Cul-de-sacs (dead end roads) shall not exceed a maximum length of 500 feet as required by County Code.
  17. Location and exact dimensions of the existing pond must be identified on the plat prior to recordation. Verification that the pond is property permitted must be received prior to final plat recordation.
  18. The water distribution system must be clearly shown on the final plat. The location of each proposed domestic well must be shown.
  19. Roads shall meet the requirements set forth in the Code. Driveway, turnouts, and turnarounds shall be County-approved all-weather driving surface of minimum 6' compacted basecourse. Minimum gate and driveway width shall be 14' and an unobstructed vertical clearance of 13'6".
  20. Access gates must be by means of a key or key switch, keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System). Details and information are available through the Fire Prevention Office.
  21. A minimum 60,000-gallon of water storage and draft hydrant(s) shall be installed, tested, approved and operable prior to the start of any building construction. Plans and location for said system(s) shall be submitted prior to installation for approval by this office and shall meet all minimum requirements for the Santa Fe County Fire Department. Details and information are available through the Fire Prevention Office
  22. Automatic fire Protection Sprinkler systems may be required by the New Mexico Fire Code.
  23. If County water becomes available within ¼ mile of outer boundary of the subdivision all lots shall connect to the County System. Fire distributions mains may be utilized as water distribution lines.
  24. A condition will be recorded on the final plat that states that domestic wells that serve the development be drilled to 500 feet or more, produce at least 5 gallons per minute, and screened to the extent feasible given conditions that are encountered, to take advantage of the shallow alluvial aquifer the sandy units within the deeper shale aquifer.
  25. Water quality testing for the existing wells, performed by an EPA-certified laboratory and submitted to the County for review prior to final plat recordation. Amendments to the disclosure statement may be required concerning any adverse findings may be required as a result of the water quality analysis.

MS. LUCERO: Thank you. I just also wanted to add that we handed out some letters of opposition. [Exhibit 6]

CHAIRMAN MONTTOYA: Okay. Questions for staff? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I recognize that we have again a recommendation from the Land Use and then some conflicting staff comments. So Shelley, do you want to make any comments? I'm not asking anybody else. I'm just asking

Shelley.

MS. COBAU: Mr. Chair, Commissioner Stefanics, the Building and Development Services Department and a team of reviewers has reviewed this subdivision and found that it complies with the Code requirements for the summary review process.

COMMISSIONER STEFANICS: Thank you very much.

CHAIRMAN MONTOYA: Any questions for staff? Okay, seeing none, is the applicant here? Please come forward.

GABRIEL BETHEL: Mr. Chair, Commissioners, I have some literature I'd like to pass out if possible.

CHAIRMAN MONTOYA: Yes, and then if you'd be sworn in.

[Duly sworn, Gabriel Bethel testified as follows:]

GABRIEL BETHEL: Gabriel Bethel, 77 Saddleback Ranch, Galisteo, New Mexico, 87540. This is a quick review of what we're planning to do out there, so it's about 18 pages. It's just a power point presentation. [Exhibit 7]

And I thought it might be a good way to open a line of questioning, possibly.

CHAIRMAN MONTOYA: Okay. So you don't have anything else to add at this point?

MR. BETHEL: I do. Would you like me to speak at this point?

CHAIRMAN MONTOYA: Yes, if you would go ahead.

MR. BETHEL: Well, essentially, since the tabling in January we've made quite a bit of progress, a lot of which was just brought up by Vicki Lucero so I may be reiterating some of this. We have gotten our DOT permits, been approved for access. The State Engineer's Office has completed review of the geo-hydro report and given positive commentary as far as the water availability is concerned. The archeological survey was finally completed, even given all the snow storms that we had to deal with in between so we were very happy that we finally had a break in the weather to do that.

The HPD released a letter, as Vicki said, giving positive comments and requesting to be involved in any adjustments made by Santa Fe County staff related to relocation and/or mitigation of roads, building sites and utility easements where deemed necessary. We gladly accepted the oversight of this office as obviously the good advisory position for the staff. The Archeological Conservancy voted unanimously to take on the planned conservation easement, which will be composed of everything outside of the building envelopes and the access roads, essentially, and then the driveways into the building envelopes themselves.

The viewshed analysis was requested by the community, and even though this is not a requirement it's something we've always envisioned out there. Essentially what we would like to do is blend into the natural setting as much as possible. From the highway the land doesn't seem to have a lot of topography or roll but once you get down into the property it actually does have quite a bit. So during the archeological survey I personally went with the archeologist and we hand-picked the sites. What we did previous to that was completed a viewshed analysis and essentially it gave us kind of a general roadmap if you will. It showed the areas that would be least visible from the highway and least visible from the other homes. So as we got out onto the

property with the wave points that were generated by the computer, you come right up on the property then you look out maybe 100 yards away and then you'd see a much better site that was between a couple of hills or something of that nature that was better hidden than what the viewshed analysis was actually showing us.

So it's not an exact science in my opinion but it's a good roadmap and the technology we used is the cutting edge that's used right now, so it's the best we could do, essentially. But the siting has all been hand-picked, and after we picked all of the sites then the archeological survey ensued and I think we've come up with some very good siting for the homes. Because of the fact that we've all determined that the viewshed analysis is not an exact science, at the meeting on Friday with the community I agreed to put in basically PVC pipe at each building site at the heights of the homes to flag them in single story and second story heights, which would be I believe 16 and 24 feet to demonstrate as you're driving by on the highway, you can see the flags. So a lot of the community came out and looked at the building sites as well and sort of [inaudible]

I don't feel it's necessary to restrict all the homes out there to single story, especially given the expanse of land that these homes are going to be built on, but possibly the sites that would be closest to the highway may be restricted to single story, and that's something that's definitely open for discussion.

What else here? Do you have any questions?

CHAIRMAN MONTOYA: Okay. Questions for the applicant? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Mr. Bethel, can you describe what kind of archeological survey you have done heretofore, and who has actually done that survey?

MR. BETHEL: Yes, and he's here in the room, so I would almost prefer to allow him to speak on his own behalf. I can give you the general parameters of it, but I'm not an archeologist myself so it would be hard for me to speak with any kind of educated language on this. Essentially, what we've done is we've surveyed all of the proposed development areas, being the occupancy envelopes, which are three acres in size, and all of the access roads in the subdivision. Basically everything outside of that is going to be placed under a land conservation easement by the Archeological Conservancy and protected in its natural state, therefore there was no reason that we could see to survey the balance of that property, given the future plan for it and the fact that it will not be developed.

One of the sort of outstanding things would be the driveways and utility easements, which in my development history has always been sort of the responsibility of the lot buyer or the person who's building the home. When they go to pull their building permit they then have to apply for a driveway and they go through a survey and go through the various processes involved with that. In this case, given the fact that we're doing a land conservation easement over the property to complete that process we may actually go in and survey those easements ourselves. The idea is to put the utility easements from the road underneath the driveways so that they will be sort of unified. So you won't have a driveway and then a separate utility

easement coming in from another direction. They'll actually be underneath the driveway themselves.

That's a process that we're going to work with the Archeological Conservancy to complete and if need be that could be a condition of final plat recordation.

COMMISSIONER HOLIAN: And you developed a survey that proposed access roads as well?

MR. BETHEL: Yes. That was finally completed about two weeks ago.

COMMISSIONER HOLIAN: Okay. Thank you, Mr. Bethel. Thank you, Mr.

Chair.

CHAIRMAN MONTOYA: Other questions? Commissioner Anaya.

COMMISSIONER ANAYA: Tell me about the pathways.

MR. BETHEL: Actually Mitch from Pathways is here and he's going to be speaking tonight. They came out to visit the ranch, I'd say a little more than a week ago and spent the better part of the day discussing possibilities, mostly educating me on what it is that they do and how they do it and why they do it, so it was an enjoyable afternoon for me. We then went and took a look at a little bit of the ranch. We didn't really have time to get around but we looked at some of the fencing and we looked at some of the cattle tanks and so on and so forth. I think they had some wonderful ideas. We have opened our doors and invited them to come and do a biological survey on the property and try to map out what the wildlife corridors are throughout the property, as well as kind of allowing them to give us advice on the fences and sort of the cohabitation of domestic pets with wildlife and how to sort of harmonize everything, I guess.

But apparently this area represents a very important connectivity point for animals. It's thousands of years old from what I understand. So it will be learning process, obviously, for us, but we're very open to working with them and actually looking forward to it.

COMMISSIONER ANAYA: Are you proposing fences?

MR. BETHEL: Well, the only fences that will be allowed will be around the three-acre occupancy envelopes themselves, and along the driveways that lead into those. And in actuality in discussions that I had with Mitch just yesterday what we were initially kind of thinking would be to keep it sort of in league with the fence that's out there, which is just basic ranch fence at this point. If we were to find areas that fell into a pathway or corridor we would probably raise the bottom wire on the fence to allow for passage through there if there were fences that were getting in the way of that passage somehow. With the existing fences that are there now, and as far as the new fences go, because they're going to be around the actual occupancy envelopes what we discussed was possibly even a tighter fence that would keep pets and wildlife out, and given the fact that the homes are going to be so spread out between the property it leaves plenty of room for passage apparently and it keeps, I guess what I'm learning is dogs, for instance, if they're allowed to run free through a property like this they tend to deter passage of wildlife. So meanwhile, people go out and run with their dogs and stuff like that but they would be kept inside of the occupancy envelopes during the nighttime and not running free throughout the property, catching rabbits of whatever they'd be doing.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Gabriel, one of the things that came up at the last meeting when we had tabled it was to make sure you had enough community input, community meetings. Can you tell me a little bit about that process?

MR. BETHEL: Yes. Did you guys get in the packet the listing of all that, by any chance?

CHAIRMAN MONTOYA: Yes, but I'd like you to tell me about it.

MR. BETHEL: Well, I'm not good with dates, but I can tell you –

CHAIRMAN MONTOYA: Can you tell me about how many meetings you had?

MR. BETHEL: We had six all together.

CHAIRMAN MONTOYA: Since that time?

MR. BETHEL: Yes. We had six meetings all together, the last one being last Friday. And I think we've made some progress. Obviously, given the crowd of folks here there's still a lot of things that people are concerned about and I don't think everybody is seeing necessarily eye to eye or feels 100 percent comfortable with everything, but I don't know that that's possible. All I can say that is possible is that we can continue to meet and continue to work and continue to improve the process as much as possible. Whatever the outcome is tonight we plan to continue to work with the community and keep an open mind and take suggestions and as far as I'm concerned that's really all we can do.

We've addressed a lot of things, the usual, which would be water. Of course the archeology.

CHAIRMAN MONTOYA: Could you bring up the archeologist?

MR. BETHEL: Yes. Would you like him to talk?

CHAIRMAN MONTOYA: Yes.

MR. BETHEL: Okay. Paul. Thank you, Mr. Chair.

[Duly sworn, Hollis Paul Barnes testified as follows:]

HOLLIS PAUL BARNES: Hollis Paul Barnes, 522 San Clemente, Albuquerque, New Mexico, 87107.

CHAIRMAN MONTOYA: Okay, could you tell me a little bit about what you did in terms of archeological study?

MR. BARNES: Yes, sir. I have, with a team of archeologists, surveyed the entire area of potential effect for the proposed subdivision, including house pad locations, proposed and existing roads. Like Gabriel mentioned, we haven't surveyed the driveways or utility easements because they haven't been designed yet. But we've been working with the Historic Preservation Division on a regular basis to make sure that the process follows all codes and regulations archeological surveys are required.

CHAIRMAN MONTOYA: Okay.

MR. BARNES: We've had, obviously, there are a lot of wonderful resources out there. We plan to work again to avoid them and if it's necessary to mitigate any adverse effects that would be a part of this development.

CHAIRMAN MONTOYA: Okay. Could you tell me a little bit about yourself. What other sorts of studies like this have you done?

MR. BARNES: Sure. I'm a graduate of the University of New Mexico, have been here 16 years and have been active in cultural resource management and environmental consulting throughout that time and I've worked all over the state. I hold permits with the State of New Mexico, various federal agencies, BIA, US Forest Service, BLM, Navajo Nation. I've seen a lot of cultural resource across the state. I have a good idea about what needs to be done for a project like this and 100 percent, we've done it correctly. If there was any question about that, which some of my esteemed colleagues have perhaps brought up, it's for doing this the right way. And bringing the Archeological Conservancy in is huge. These are going to be protected. Gabe is going the full distance. We're going to make sure this is done the right way.

CHAIRMAN MONTOYA: Okay. Does anyone else have any questions?  
Commissioner Holian.

COMMISSIONER HOLIAN: This is for Mr. Bethel. Actually this has to do with your wells. I noticed that there are some existing wells that are relatively shallow, somewhere between 60 feet and 100 feet, and then any new wells that you are drilling will be 500 feet in depth. So I'm wondering is that to reach a different aquifer? How does that relate to the aquifer that the people in Galisteo are using?

MR. BETHEL: Mr. Chair, Commissioner Holian, I would almost like to bring up our water expert who's here tonight to discuss that, but my very basic understanding of it is that that's a correct assumption.

CHAIRMAN MONTOYA: Can we bring him up?

MR. BETHEL: Yes.

[Duly sworn, James Corbin testified as follows:]

JAMES CORBIN: James E. Corbin, 8 Descanso Road, Santa Fe. 87508.

CHAIRMAN MONTOYA: Mr. Corbin, if you'll answer Commissioner Holian's question.

MR. CORBIN: Sure. It is my belief that if you're basing your water supply on alluvial you're at the mercy of Mother Nature, totally, and the 50, 60, 100-foot wells, if you have a legitimate drought, which we have not had for some time, you're quite likely not to have water. So we have made the determination to drill wells at least 500 feet and maybe as much as 1000 feet, and be sure that we get into aquifers that are below the alluvium that is of concern to the folks behind me here, and they should be concerned. We don't plan to put any screens in the alluvium in the wells we drill. We plan to go past the alluvium and down into the other wells.

I had considerable success with the 50 or 60 wells that I sited and had drilled in the greater Eldorado area to include Apache Cañoncito, Lamy and Galisteo, going deeper and coming up with water. The water quality in the deeper water is poor. It's your basic New Mexico water quality and it will have to be treated more than likely, but anybody that's going to buy a 40-acre lot out there can probably afford that and will have to afford that. So the idea is to absolutely make as little impact as we possibly can on the alluvium. We aren't going to use our current alluvium wells to provide water for the project. We will use some of them to ensure, as



monitoring wells, to ensure we know what's going on in terms of water levels in the area, particularly water coming into the project area and water going out of the project area.

COMMISSIONER HOLIAN: Also, I noticed that there's a pond on the site. Can you tell me where the water for that pond comes from?

MR. CORBIN: Actually, I can't; I don't know. Water for your pond? Where does that come from? Okay. It's a pre-basin windmill. They've got 18 wells on the ranch. Every one of them are pre-basin wells, livestock wells and some of them are more recent wells, since the basin has basically been closed. They have State Engineer permits for at least 12 acre-feet of water today. I went back and looked at those permits. There's probably more than that there. We don't intend to use those per se although we may drill a supplemental well and move the location to another location and essentially dry up, if you will, the wells in the alluvium. What we suggest is an observation wells.

The intent is to be really sure that we – the first people to get hurt are the people who live on that project if there's a drought, if they're based on alluvium wells. We aren't going to let that happen.

COMMISSIONER HOLIAN: Thank you.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. Mr. Corbin, my question is to you. Based on your previous experience and studies and all, how do you respond to the Galisteo Mutual Domestic Water Consumers Association that this development has the potential to contaminate their small aquifer?

MR. CORBIN: The project is going to use advanced treatment septic systems that will be returning irrigation grade water to the aquifer, to the surface aquifer, essentially. The alluvium. That irrigation grade water probably will be better than the water they're currently getting, in some areas. Some of them probably not. It will really significantly clean up any problems associated with the effluent.

COMMISSIONER VIGIL: Okay. Thank you very much. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair, Jim. I've got the list of all the wells that are on the site and some of them have a well site under Emily Fisher, and then there's zero acre-feet of water. Why is that?

MR. CORBIN: That was a test well that they did and they didn't proceed to go to the State Engineer to get the water rights in that well. In some cases they've got like three wells as close as I am to you folks. It's essentially one well; it's ridiculous. I don't know why they did that but they did. Somebody did. We'll hardly use the existing wells.

COMMISSIONER ANAYA: You said there's about 18 wells.

MR. CORBIN: Yes, sir.

COMMISSIONER ANAYA: Do you have water rights, or are you going to use the water rights from these wells?

MR. CORBIN: Where we can we will – yes, they had enough water rights to cover the six acre-foot, in answer to that specific question. They also though have enough

permits and what you would do is drill a supplemental well or replacement well for an existing well, then either plug that well or turn it into some other kind of use, like I mentioned, observation or a test well. And your permitted right, if you will, then moves to the supplemental or replacement well.

COMMISSIONER ANAYA: So they plan on using shared wells? That's just a well for four properties?

MR. CORBIN: Right now, what we're looking at is a well per property, because you're talking 40-acre properties. There's quite a bit of dispersion between properties. Now, if we see an opportunity where we've got a really good well and it makes a lot of sense to put more properties on that well in a shared well context we certainly will. But I can't – I would be not telling you the truth if I told you for sure which well that's going to be or how we're going to put that together because we don't know until we drill. We've got a pretty good idea where the best well sites are out there but the proof of the pudding is drilling the well as you well know sir.

COMMISSIONER ANAYA: But it can be done?

MR. CORBIN: Yes, it can be. The other thing you can do, obviously you can put in-ground storage, if you have a very low-producing well. When we get away from the alluvium and you get under the alluvium you're in the Galisteo Formation which is a moderately poor aquifer and it has been moderately poor all the time. The two wells we have that Charlie Hagerman put in before he died, up in the northeastern corner of the property, pumped 12 to 15 gallons per minute, one of them does, and the other ones 20 to 25 but if you pump it a longer period of time it goes down to the 12 to 15.

COMMISSIONER ANAYA: So those new wells that you plan on drilling would only require one acre-foot per well.

MR. CORBIN: They would require, based on your criteria, a quarter acre-foot per well.

COMMISSIONER ANAYA: But you could use the one acre-foot –

MR. CORBIN: Yes, we could use the permitted one acre-foot for a quarter acre-foot for four lots on one well. Yes, we could. But until we start drilling wells and get a good look at what's coming out of the ground there I can't tell you for sure that I'm going to put four, five, six or two on a given well. We will obviously put as many as we can on a well if we look like we've got that kind of capability.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN MONTOYA: Okay. Any other questions for the applicant?

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: What is the closest water delivery system to this development?

MR. CORBIN: Probably Eldorado Utilities.

COMMISSIONER VIGIL: How far away is that?

MR. CORBIN: Their well is about a mile to the northeast and as I remember

from my days running the County water utility when I had a chance to buy that system – I wish I had, in retrospect, but I was told there was no water out in that part of the world back then, by the State Engineer Office, which has proven not to be true. In any event, the line from that well, and it was at one time producing 40 percent of the water for Eldorado. There's a lot of water that comes down that valley but you've got to hit to break the channels that come down. And that line goes up through Mr. Miller's more recent developments. But it's about a mile away.

COMMISSIONER VIGIL: Okay. Was there any attempt to look at alternatives to individual wells for this?

MR. CORBIN: Yes.

COMMISSIONER VIGIL: And what did that result in?

MR. CORBIN: Well, we took a look at creating our own little water utility. We're really too dispersed to do that with 40-acre lots and make it pay. It has to have more density and that didn't seem to be what the plan wanted. The next best thing then comes into the shared well concept that Commissioner Anaya was talking about, and if we can do that we will. That's going to be dependent on hitting the good spots in that deeper aquifer. And that takes a little bit of effort. The least draw-down effect on the area is by the spread-out quarter acre-foot wells. When you model the area, if you model production wells, you have a significant draw-down on the production well, and that draw-down reaches out quite a ways, and you're taking a real risk in an area that has yet to be proven at the deeper depths what the overall sustainability really will be. The proof of the pudding in doing it and then finding out. Kind of like the Buckman well field. They did as good a job as they could do when they designed that thing. They've dropped the pumps 200 to 300 feet since because it didn't work out the way they thought it was going to. And so you've got to be a little careful what we start off with here.

When I did the modeling associated with 40 quarter acre-foot wells spread out in those lots I got a lot less draw-down in the area to the southwest of me, toward Galisteo than I got from the production well. The production well we're going to put where we can get the most water, obviously. And that may be over closer to the Galisteo Creek, and that's not really what folks behind me want us to do and it's certainly not really what we want to do as good neighbors.

Would we look at that if we had the opportunity and something shows up? Sure. If we had the mother lode out there we'd probably want to come back and talk about maybe changing our concept a little bit.

COMMISSIONER VIGIL: So if we were to include a condition of approval that you hook up to a water delivery system upon its first availability, would that work?

CHAIRMAN MONTTOYA: Commissioner Holian, on that point.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I notice that there is a condition in the packet. Condition #23 which, if County water becomes available within a quarter mile of exterior boundary all lots shall connect to the system.

MR. CORBIN: That's correct.

CHAIRMAN MONTTOYA: So does that satisfy you, Commissioner Vigil?

COMMISSIONER VIGIL: I see it. I think they should be part of a larger

delivery system no matter what. It doesn't have to be Santa Fe County.

CHAIRMAN MONTROYA: Oh, so it doesn't necessarily have to be a County system as long as it's a water system?

COMMISSIONER VIGIL: The difficulty I'm having, Mr. Corbin and developers is the straws that we're putting in our aquifer with an unquantifiable knowledge of what we're actually doing there really highly concerns me, so that I really think that it's critical that upon the availability of any kind of water delivery system developments hook up and relieve the aquifer. And if we don't think in those terms we're not going to be able to take action in those terms, we're not going to be able to protect those aquifers. That's my concern, Mr. Chair.

MR. CORBIN: If I could make a comment to that, I wish you'd been around when I was running the County water utility. That would have helped me immeasurably.

My client doesn't have any problem at all with hooking up to a County water system, hooking up to another water system. If we get a super source of water. I'm going and talking to other folks about putting together some kind of a water system – I'm talking about Galisteo and some of the other people, if that occurs we'll certainly talk to folks, come back to you folks and see what we can do there. It makes perfectly good sense what you're talking about if we can do that. But we've got to be sure, we will very carefully supervise the placement of the wells. I have the same concern about the proliferation of straws in the ground that you have, and these folks that I'm working for do too. And we've got a third of all well permits in New Mexico in this little basin, the Santa Fe Basin, this area. That's incredible. Little short wells with no cap, no seal, no nothing. They're just asking for pollution into the aquifer.

So we're going to put the right kind of seals on these wells. We're going to do everything we can to be sure there's no opportunity for pollution from the surface.

COMMISSIONER VIGIL: In addition, who will be monitoring you for the quarter acre cap on water?

MR. CORBIN: Well, you have to put a meter on it.

COMMISSIONER VIGIL: The metering system, but who will be monitoring the metering system?

MR. CORBIN: At this point in time it looks like it might be me, although I'm not sure I'll be around then, but we will certainly designate somebody to do that from the development. And provide that to the County and the State Engineer like we're supposed to.

COMMISSIONER VIGIL: Is that part of a condition of approval, Shelley? Do you know the monitoring of the water meters and the reporting to the County on that?

MS. COBAU: As far as the conditions of approval, Commissioner Vigil? It's condition number 5.

COMMISSIONER VIGIL: And who monitors that?

MS. COBAU: We have a well meter database that the water resources specialist, Laurie Treviso maintains and collects well meter readings every year from the private wells that are recorded in the county. If she doesn't receive a meter reading she sends them a letter and requests that meter reading. And people are also now able to enter their readings on line.

COMMISSIONER VIGIL: How far are we – this is sort of aside from that – into a telemetry system? Are we still quite a ways from that?

MS. COBAU: From a telemetry system? Could you expand on that?

COMMISSIONER VIGIL: That is the kind of monitoring that you can drive by and see how much water use has been – it actually is a special design.

MS. COBAU: What that would take, Commissioner Vigil, would be the requirement in our Code. We have a type of water meter that we could send people out, like our Code enforcement officers, that they could remotely read it. Right now, the meters that people place on their wells require an actual reading. So it's just got a gauge with numbers, but there are communities that have remote reading meters that you have to drive within, I don't know, 50 feet or so, to be able to collect the reading and you can have a data collector. So we're a ways from that currently.

COMMISSIONER VIGIL: Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I have a question also about the graywater and blackwater systems. I don't understand why you're having separate systems. They have systems out there now which treat all the water in one house. Why are you separating them out?

MR. CORBIN: I think the simple answer is that that's what they had in the packet when they brought it forward. We're going to have to really look hard into systems that are out there. You have to look – as you well know from proven technologies that have got the bugs worked out – that play on words may be with a treatment system. But that really do work. There's a lot of claims, a few of them really do work. A lot of them, the first time somebody turns their head or doesn't pay attention to the system the system breaks down. So you've got to try to get as close to a human-proof system as you can, so that you get the kind of control in terms of the effluent that you need to have. That you want to have and that we want to have.

COMMISSIONER HOLIAN: So are you going to make that a requirement?

MR. CORBIN: Yes.

MR. BETHEL: My apologies, Mr. Chair. The systems that we have looked at. We've looked at four that we've currently found to be the best and most efficient, and they're low-emission systems with the best recharge, essentially, but they are unified. They do take care of gray and blackwater. They have grinder pumps basically for the blackwater. As it leaves the house itself it goes through a grinder pump into a tank and then it's taken and filtered after that.

COMMISSIONER HOLIAN: So which systems are you looking at?

MR. BETHEL: I couldn't tell you off hand. I don't know the actual names and brands of them from memory but I've got some research I'd be happy to send over tomorrow or something like that. That's a photograph of one.

COMMISSIONER HOLIAN: So that's a gray one.

MR. BETHEL: I don't know what that tells you exactly but that is one of the systems.

COMMISSIONER HOLIAN: That's for graywater.

CHAIRMAN MONTOYA: And you're asking –

COMMISSIONER HOLIAN: Is it like a sludge-buster? Does that ring a bell?

MR. BETHEL: A sludge-buster?

MR. CORBIN: Sludge-buster is one of the systems that's out there that obviously, you and I both know about. It's parent system, when the owners split is a fairly good system and I can't think of the name of it right now while I'm standing here. There's also some – there's about seven or eight really pretty decent systems out there. There's three or four that are used here in New Mexico that are approved by the New Mexico Environmental Department that they seem to give the highest ratings to, but we still have some work to do there to decide whether we're going to provide the system or whether we're going to let the homeowner decide from a designated suite of systems, which is probably the way we'd end up going, what they want to pick.

What we have to have is end result treatment. Just have to have that. And I believe that we're probably going to put meters on the effluent, because you get the end of this big argument of how much water you really use. A lot of times the County operates off the premise that 80 percent of what is pumped from a well goes back into the ground. There's some folks who say it's 90 percent. Well, one of the ways to find out is to put a meter on what goes in the house and put a meter on what could out of the effluent. We're going to do that.

COMMISSIONER HOLIAN: Well, with the effluent, will you have a holding tank so that you can pump it out and use it for landscaping?

MR. CORBIN: Yes. Yes, we're going to try and reuse as much as we possibly can. We've also got a cistern system that every house is going to have – major cistern system. Going back to where we were 100 years ago in terms of collecting precipitation. They should. I just came back from Afghanistan so I've got to hold onto this podium because one of those IUD's almost got me. But kind of a similar thing there; they use a lot of cisterns because they don't have water systems, even in the fairly large towns in some cases. We're starting to put some in.

COMMISSIONER HOLIAN: Thank you, Mr. Corbin. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Other questions for the applicant? Okay. Anything else that anyone wanted to add from the applicants? Do you agree with all of the conditions that are on here, Mr. Bethel?

MR. BETHEL: Yes. A lot of those were ours, we suggested.

CHAIRMAN MONTOYA: Oh, you did. Do you have 25 or 27?

COMMISSIONER HOLIAN: I have 25.

CHAIRMAN MONTOYA: Okay. So you are in agreement with all of the additions? Okay. So anything else?

COMMISSIONER VIGIL: I have 27 conditions but that's based on actually in the last meeting that this was proposed, so two of them, three of them were removed? Can I assume that, Shelley?

MS. COBAU: Commissioner Vigil, I know when we reviewed the memo there was a condition that was a duplicate condition regarding water distribution lines. I don't know if

that's why we have fewer conditions than we did in the last memo. I know we did find some duplicate conditions during the review process. We can check, Commissioner, and get back to you on that.

COMMISSIONER VIGIL: Okay. I just want to make sure that no condition was deleted that was originally discussed. And I would just ask the applicant, I think we should be able to hook up with the County water system if it becomes available within one quarter of boundary, but I also think that that should be open to other water delivery systems so that I would incorporate that into part of the condition of approval. Would you be in agreement with that?

MR. BETHEL: Mr. Chair, Commissioner Vigil, that would be acceptable to us.

CHAIRMAN MONTOYA: Any other comments on the conditions? Okay, thank you, Mr. Bethel. This is a public hearing now. We're going to open the hearing up. I'd like to know how many people are going to speak tonight. So I'm going to ask that you limit your comments to two minutes and that you keep your comments new and don't repeat anything that's been said I'll just ask that you allow someone else to speak. So I would like to hear new testimony when each one of you comes up. So we'll do that. So whoever wants to come first please come forward.

MR. BETHEL: Mr. Chair, Commissioners, I respectfully request to be able to respond after the public hearing, if that's all right?

CHAIRMAN MONTOYA: Okay.

COMMISSIONER VIGIL: And Mr. Chair, I would just request that those speakers identify themselves and their affiliation with this project, whether or not they live in the vicinity or who they represent with their statements.

CHAIRMAN MONTOYA: Okay.

[Those wishing to speak were placed under oath.]

MATTHEW MCQUEEN: Mr. Chair, members of the Commission, my name is Matthew McQueen. I live at 38 Avenida Vieja in the Village of Galisteo. I am under oath and I am here representing myself tonight. I do ask, however, for your indulgence regarding the comments, both my own comments and some of my neighbors. I would like to point out that this is our only opportunity to speak publicly. The way this project is coming forward we have had no prior opportunity and were you to decide to approve it we will have no subsequent opportunity. I have some comments about the illegal basis of this application and I know many of my neighbors have comments about more substantive issues. I will be as brief as I can but I do ask your indulgence on this comment.

This application – first of all let me say the application we're dealing with tonight is for the summary subdivision of 24 40-acre lots. This is not the lot line adjustment that was heard by the CDRC. It is listed on the agenda as a CDRC item. The CDRC has not heard this application. In the past couple months since this application first arose and appeared on the January agenda it's been table twice. In that time we've had opportunity to meet with the developer. I certainly do not have the same rosy assessment of these public meetings that Mr. Bethel submitted in this report. But we have tried to meet with the developer and tried to work out our differences.

Over the course of those meetings I think certain patterns have arisen and I'd like to touch very briefly on those patterns. The first is, it's my firm belief that this project must go through the traditional master plan process. The developer in one of his submissions suggested that this is what we have for a subdivision process, and that's not accurate. We ask for a master plan process, not this very rushed summary review process.

The second issue is that what we're dealing with here is a serial subdivision. The developer, it is very clear, intends to do one phase, and then another, and then another. As such, as a serial subdivision it's also a serial water impact issue, and archeological impact issue and visual impact. They say, oh, it's just six acre-feet. First of all, we don't believe that. Secondly, that's just the beginning. The proper remedy for that would be again, to go through the master plan process. The third common pattern is sort of a cart before the horse issue, and that is he's asking for approval here tonight, and he can do these studies or finish this phase and start it off in the future. And that's true for a lot of things. Earlier, he mentioned he was going to put up some story poles so we could assess for ourselves the visual impact. What good is it for us to see the story poles from the road if it's already been approved?

He has repeatedly asked us simply to trust him, that his interests, once he gets approved won't be focused on other issues and that he will stay engaged with the community. But again, the proper remedy for this is a master plan process where all these issues are brought forth first and then he gets approval. The cart before the horse issue has a second component that I'd also like to touch on briefly, and that is, it's a planning issue. I have with me – this is a book called *Saving the Land*. It was written by two New Mexicans, an architect from Albuquerque and a professor from New Mexico State. And it advocates a technique for saving land through limited development. And while I think this would property would be a perfect candidate for that technique, that's not why I bring up this book. What they advocate in this book is a process called sieve mapping, and it was borrowed from another author. And I don't know if you can see this but this is actually the Montessa Ranch near Magdalena in New Mexico. And what they did prior to developing this ranch is they went out and mapped the sensitive resources. They've got watersheds, archeological sites, elk habitat, scenic sites, wells. They even have on this particular ranch a wind issue, so they mapped the particularly windy sites.

Then what they do is they overlay all those maps on one map. And the portions of the ranch that aren't colored in a particular color, that sort of fall through the sieve, if you will, hence the name sieve mapping, that's where they put the houses. In this case the developer hired a surveyor, asked for 40-acre lots. The surveyor went out, gave him 40-acre lots, gave him building sites. And then the developer started thinking about some of these other issues, including the scenic impact, the archeological impact, the wildlife impact. And now he's trying to adjust everything after already laying them out. So again, the cart before the horse. What we would like him to do is study the property and then lay out the homesites, not vice versa.

The fourth common pattern is that this is a moving target. The information we have gotten has changed over time. I believe that it changes depending on who's involved in the conversation. It has trickled in and often at the last second. At a meeting last Friday with the developer, the developer told us that "there's a lot that's changed that's not even in the staff



report.”

CHAIRMAN MONTROYA: Matt, if I could ask you to summarize so we can allow others to speak. There's some of us that probably may need to move on.

MR. MCQUEEN: I will skip ahead and get to the legal issues that you need to be apprised of. May I pass out that map? [Exhibit 8] The staff recommends approval of this subdivision, saying they have met all the requirements of the Type V subdivision. I'm here to tell you this is not a Type V subdivision. There's too many reasons we know this is true. One is the developer has told us. Second is the County Code tells us. And the third is that state law tells us. The developer's application for 24 lots, as he repeatedly told us that he's intending to develop 44 lots, if not more. There's no guarantee that he'll limit it to 44. He has enough acreage to do 78 40-acre lots.

This part of the County file, which I believe the map was developed by the developer, there's four colors on this map – orange, green, blue and white. The orange is hard to read because it's a copy of a copy. It says 24-lot master plan subdivision. Well, we know that's not right. It's not a master plan subdivision; it's a summary review subdivision. The green is a 13-lot lot line adjustment. The blue is a seven-lot, 158-acre exemption. And by the way, this white portion over here, they [inaudible] What this map is, which he's been pretty open about, is four phases, totaling as many as 78 40-acre lots.

The subdivision code is not an a la carte menu. If you look at this map, what they're trying to do with each step is avoid the master plan process with a different exemption each time. They didn't know what to do with the one across the street so they left that out. The County Code confirms this. There is phasing in the County Code, absolutely, but phasing is part of the master plan process. A summary subdivision is not a phase. You can also note the definition of common commercial plan. The County Code defines common commercial plan as any plan or scheme of operation undertaken by a single subdivider or group of subdividers acting in concert to offer for sale or lease parcels of land where such land is either 1) contiguous to [inaudible] land or 2) known, designated or advertised as a common unit or common name. This is Saddleback Ranch Estates. It's not a 24-lot portion. This is the subdivision.

Under the County Code the Code Administrator is supposed to review the application to see if there's a common commercial plan. I do not know if this has occurred. What the common commercial plan is is essentially sort of a duck test. If it looks like a duck and walks like a duck and quacks like a duck, it's a duck. This is a way to get around developer tricks and phases and things like that, and call a subdivision a subdivision. It's also supported by state law. That's the third reason. According to New Mexico Attorney General's office because compliance with the Subdivision Law usually entails meeting higher performance standards and thus paying higher development costs a great deal of effort has been expended by subdividers and their attorneys in tailoring their contact so as not to be governed by the subdivision laws.

The Attorney General has a merger concept. In order to determine whether a subdivision substituted as a merger concept. A merger concept is what does the subdivider own at the subdivision, according to the Attorney General's advice. Once the land comes under the common ownership of a single owner or a subdivider, the parcels are considered to be merged

into one area for purposes of determining whether a subdivision has been created by subsequent divisions and has a common owner. Further, whether the land merges into common ownership is not dependent on whether the land – sorry. I misread that.

The Attorney General further relies on the common commercial plan concept. The definition of common commercial plan [inaudible] that the land owned by a subdivider will be considered as one area of land or merged into one parcels where the subdivider [inaudible] as part of the common commercial scheme. So again, the developer of all this – this is just the beginning – his submission in your packet is labeled phase 1. He says it repeatedly in communications with the County and the public. [inaudible]

The County Code addresses common promotional plan; state law addresses common promotional plan. This is clearly not a Type V subdivision. A Type V subdivision is 24 lots or less. This is more than that. This project cannot go forward through the summary project. It must go back and be addressed as a master plan process and through that process we are hopefully that many of the more substantive concerns we've heard tonight will be addressed. Thank you very much for your indulgence.

CHAIRMAN MONTROYA: Thank you. Next, please, if you could come forward, state your name address.

AMY LEWIS: I'm Amy Lewis, at 17 Plaza, Santa Fe, New Mexico, 87508, and I'm a hydrologist here, retained by the Galisteo Water Users Association to review the hydrology report and comment on it. And in looking at it I think they may be overoptimistic on the amount of water that's available, and part of the reason Mr. Corbin couldn't tell you where the wells would be is that it's hit or miss out there, as he stated, and I just went through the same calculations he did in his report, looking at other wells that were included in his report, and I show maybe at the most .14 acre-feet available per 40-acre lot, and maybe as low as .02. So he used one of the best wells and was overestimating the yield that you might get out of clay and shale. It's pretty bleak.

But the other piece is that the water quality is not well defined, and I know that Karen Torres, the County Hydrologist, requested that they sample the well, and a report came out February 22<sup>nd</sup> with water quality analysis and it looks very odd. Suddenly, the TDS is only 344 where previous samples were 1200, 1300 parts per million. I don't know if you know the standard is like 1,000 or 500, depending on it's for EPA or New Mexico Water Quality Control Commission. And it looked like maybe that sample was collected after the water softener. Water Quality says that you can treat it but remember that if you treat water it requires more water. So our units require twice or up to ten times as much water to produce one gallon of water. So you use 10 gallons to produce one gallon. Or two gallons to produce one gallon. It depends on the water quality that you have. That needs to be characterized.

And it looks like maybe he sampled the shallowest well that might be better quality. I asked him and he wasn't sure which well it came from. So if they're promoting drilling deep wells they need to sample that deep quality and report it properly. I know NMED right now is prosecuting a developer for not revealing that in Valencia County. They didn't reveal how bad the water quality was and the Attorney General and NMED are taking them to court. So

[inaudible] pretty serious issue. Thank you.

CHAIRMAN MONTOYA: Thank you. Next please.

RICHARD GRISCOM: My name is Richard Griscom. My address is 22 Via La Puente in Galisteo and I am under oath. I'm a resident of Galisteo for 39 years. I would like to present some anecdotal evidence about dropping well water levels, the drying up of springs and one example of poor water quality in the wells that exist between the proposed development on Saddleback Ranch and the Village of Galisteo.

Saddleback Ranch itself recently experienced a severe dropping in the water level in its wells, about, as I understand it between five and ten years ago. A lot of its wells went dry and it had to drill much deeper wells to compensate for that. The owner of the ranch just south of Saddleback has informed me that during the last two decades that he's been the owner there the springs in the Galisteo Creek have dried up on his property and the wells on his property have also had to be deepened because of dropping water levels.

Goose Downs has had a dropping of water levels in its wells. Haciendas Tranquilas has had water quality problems. Both of those are ranches between the proposed development and the Village of Galisteo. Now deceased hydrologist Charles Hagerman told me before his death that when he was a young man living in the Galisteo area there was constantly water running perennially at the intersection of US 285 and State Route 41, and in fact it ran all the way down to the Village of Galisteo. Now the water begins to run perennially just north of the Village. That's a change of about five miles.

When I myself was a commuter between Galisteo and Santa Fe in the 70s I could see every day north of the Village in the creek, running water. There's no more water there now. So it's been a very changing situation and I hope the Commissioners will take that into consideration when they make their decision.

The clear consensus among climate scientists is that our part of the world will experience much more severe drought conditions in the next few generations, and given that background it doesn't make sense for the County Commission to keep on approving development and subdivisions when we're dealing with such a fragile water supply.

The hydrology report submitted by the Saddleback developer is based upon field data collected six years ago. Much has changed in those six years. The Eldorado area subdivisions have grown immensely. There's a brand new subdivision just northwest of Lamy that's using additional water, and we had a major drought in those six years. So a lot has changed in those six years, and I submit it would have been better to have new field data developed before this report was submitted.

I note that the County staff hydrology report recommends that the wells to be drilled to supply the subdivision should be 500 feet deep at a minimum and that the wells should be screened. To take, this is from the report, "to take advantage of the shallow alluvial aquifer as well as the sandy units in the deeper shale aquifer." This means that the alluvial aquifer from which Galisteo develops its water will be tapped as well as the deeper aquifers, because the wells are going to be screened, because they're going to let shallow, alluvial aquifer water into the wells as well as the deep water. And I'm told by a staff member in the Hydrology

Department that they felt this was necessary because they weren't sure about the sufficient availability of the water at the deeper levels.

Well, that's well and good, but that's directly where the Village of Galisteo gets its water, from that shallow aquifer, and this means that even though these are deep wells, the shallow alluvium is also going to be tapped into.

CHAIRMAN MONTOYA: If you could summarize, please.

MR. GRISCOM: Yes, I certainly will. I have just two more points to make, Mr. Chair. I also note that the disclosure statement of the developer has declined to give the average well depth or the average well yield in his disclosure statement. These are important pieces of information for potential buyers, and in fact the average depth to water is required by state statute to be part of the disclosure statement. This is another example of what Matthew McQueen was talking about when he cited the examples of the developer putting the cart before the horse in asking for approval of this subdivision before doing all of its homework.

Finally, I want to mention the question of enforcement of conditions. It's all well and good to have these numerous conditions as a part of the approval and I support that, but I submit that it's crucial that the Commissioners themselves monitor the staff to make sure that the staff is adequately monitoring enforcement of the conditions. Thank you.

CHAIRMAN MONTOYA: Okay. Thank you. And do you live in Galisteo? Is that where you said you live?

MR. GRISCOM: Yes.

CHAIRMAN MONTOYA: Okay. Thank you.

MURIEL FARIELLO: My name is Muriel Fariello and I'm a resident of Galisteo. I'm on the Ranchitos de Galisteo Water Board and I'm also on the community association. In meeting with the developer regarding where the water for this development will come from he explained that they would be drilling deep wells and tonight they said between 500 and 1,000 feet down. Deep wells have created chaos across the country. Case in point, Lake Superior, the world's largest natural freshwater lake, in 2007, the Lake dropped to its lowest level in 80 years and the water has receded more than 50 meters from the shoreline due to the wells being drilled deeper than the surface of the lake. This is being drilled for development use and agricultural use.

Accessing ancient water from deep beneath the lake surface has created reverse flow syndrome, whereby top surface water is rushing into fill up the areas below the surface that are accessed by the deeper wells, thus draining the lake at an alarming rate. Rainwater, snow runoff, cannot replace the pumping of millions of gallons of water being drained every day. Other states being affected by overuse of water is Florida. We know about the subsidences there. They swallow up whole shopping malls, houses. Most alarming and closer to home is Lake Powell, the man-made backup for the western water supply which has lost 60 percent of its water. Sixty percent. The prediction by the EPA warns that if water continues unchecked 36 states will suffer water shortages within the next five years. Case in point, Arizona is currently importing most of its water. New Mexico has only a ten-year supply. These are facts.

A major June 2004 study by the National Academy of Sciences and the United States

Geological Survey found that the parched interior West is probably the driest it has been in 500 years. Some of this has been a result of drought; most of it has been created by an ununiform population using more water than rain and snow can provide to fill up the groundwater resources. Further, unchecked development and mismanagement of state water resources are the biggest problem. We urge you to make the Saddleback development go through the master plan process, provide water in a systematic way that will save water and not use it.

The other thing is they talked about reverse osmosis. A lot of times they use potassium in that; potassium cannot be used as surface water or graywater. It will contaminate the water supply in the Galisteo Basin. Thank you.

CHAIRMAN MONTOYA: Thank you. Next please.

SCOTT DIFFRIENT: My name is Scott Diffrient. I'm a 27-year resident of Galisteo, 23 of which I've been on the Community Water Association Board. About 25 years ago we spent some time in litigation with the Eldorado Water Association over a contentious well in the Lamy area. During some of our meetings Charles Hagerman came and addressed us, and he told a story of his work at the Galisteo Dam near Cochiti. When they dug this large hole and created the dam the aquifer was exposed and measured in its entirety at 90 acre-feet annual flow rate. I've never heard a story of an accurate measurement of an aquifer but here is one that we can look at. Ninety acre-feet, that was 50 years ago, a lot less development, a wetter climate, and that was the main tributary. Galisteo is a lateral tributary.

I think that should also be considered in these water allocations that are requested. Thank you.

CHAIRMAN MONTOYA: Thank you, Scott. Next please.

EDWARD FLEMING: My name is Edward Fleming. I'm a resident of Galisteo. My address is 5-C La Otra Vanda, Galisteo, 87540, and I'm a 13-year resident and member of the Galisteo Water Board. Mr. Chair, Commissioners, thank you. Can everyone see this board? My presentation is brief.

The current historic Village of Galisteo has approximately 75 homes with an average of about 2,000 square feet per home. Some are a lot smaller; some are bigger, but that's the average. The proposed Saddleback development, if you really look at what's going on is not 24 new homes; it's 44 new homes and given the 3,100 acres-plus it could be up to 78 homes. That's anywhere from a 60 percent to over a 100 percent increase of the current Galisteo density. That's a huge increase.

The Saddleback development is being promoted as multi-million dollar homes, and this is what I want to draw your attention to which is on this board, the proposed Saddleback development and water. The allowable building footprint the developer has told us is anywhere from 21,000 to 43,000 square feet. That's the building footprint, not the lot size, the building foot print, and up to two stories, or 24 feet above grade. So at the low end house sizes could be up to 42,000 square feet at two stories. That should outrageously huge but consider some of the samples we have in our county as well as other parts of the country.

And in addition to that, 2.5 acres of building envelope and landscaped area. This represents the construction costs at \$200 to \$500 a square foot of anywhere from \$8 million to

\$21 million per house. The Galisteo Village – again, 75 houses with an average of 2,000 square feet per house, works out to a total square footage of the Village of Galisteo at 150,000 square feet. The Saddleback development on the hand, at 44 houses, only 44, not up to 78, is almost two million square feet total. Think about this. This is over 12 times – over 12 times – the square footage of Galisteo. Imagine a dozen Galisteo Villages at our northern border. That's what we're talking about as the potential size. Plus, possible commercial use on that same site could create an even larger total square footage.

I'm saying all this to talk about water usage. A quarter acre-foot per year makes sense for an average Santa Fe County home. It does not make sense for mansions. The six acre-foot per year total that we've been told about or being presented by the Saddleback developers is simply not realistic. A realistic water usage projection for Saddleback development looks more like this: You take the quarter acre-foot per year by 12 Galisteos and that comes out to 231 acre-feet per year, or 38 times greater than what they're telling us it's going to be.

Another way of looking at this is taking 12 Galisteos and what we actually use, which is about 31 acre-feet per year. That comes up at 372 acre-feet at a dozen Galisteos, or 62 times what Saddleback is telling us they're going to use. I think we all know, too, that a quarter acre-foot is currently not enforceable in our area. We can have rules and regulations and penalties, we can have meters sophisticated enough to be read by the road or whatever. We don't have water police that's going to come in and say, I'm sorry. You can't use any more than a quarter acre-feet per year.

Somebody in the community said, you know, buildings of that size are going to use a quarter acre-foot a year just washing their floors. This is a disaster waiting to happen for Galisteo and Saddleback and downstream communities. We must have a rigorous hydrological study and report equal at least to the Shomaker report for the Commonweal Conservancy project. We need the necessary time to study and critique a realistic hydrological report. We need a study that goes way beyond available water for Saddleback and really starts looking realistically at the impact on our Village of Galisteo. And most importantly in my opinion, we need a water protection agreement at least equal to the Galisteo agreement that is currently in formation with Commonweal. And I know I'm redundant with other people but I have to say this project simply has to be held to a master plan standard and not at this other level.

And finally, just in conclusion, I believe that the current proposed Saddleback Ranch development is not just an exceptionally bad idea but it's also an assault on Galisteo and the collective intelligence of our county. Thank you for your time.

CHAIRMAN MONTTOYA: Okay. Thank you, Mr. Fleming. I could see the board but I couldn't read it, but that's okay. Okay, we've heard all the concerns about the water, the water study, etc. So please, we've heard that already. We've heard the request for the master plan, so I ask that you give us comments other than those two issues. Go ahead

RODNEY HALL: You don't want to hear anything more about water?

CHAIRMAN MONTTOYA: We know that it's a concern. I think that's what this presentation was all about, a lot of Mr. McQueen's, a lot of what the Water Association people have already said, so we've heard that. Unless the Commissioners feel they need to hear more

about the water concerns.

COMMISSIONER VIGIL: I don't. Mr. Chair, and we recognize that it's important to have your voice be heard. You're welcome to make a statement or two, but to go on and on on the same issue is wearing us down.

MR. HALL: Well, maybe I'll just quote ex-Governor Bruce King. I heard him say one time that even a horse and wagon will go somewhere without a driver.

CHAIRMAN MONTOYA: Okay. Were you sworn in?

MR. HALL: Yes.

CHAIRMAN MONTOYA: Did you state your name and address for the record?

MR. HALL: I'm Rodney Hall, resident of Galisteo, president of the Galisteo Water Association, a member of the County Water Focus Group, and I've been working on mediation with Eldorado concerning their Well 17 application protest.

CHAIRMAN MONTOYA: Thank you, Rodney. Next please.

STEVE TREMPER: I'm Steve Tremper, Cerro Pelon Ranch, Galisteo. I have a few prepared remarks but I would like to quickly challenge the Archeological Conservancy's endorsement of this project. I have personally had dealings over the years with the Conservancy and while their goals are certainly lofty they have self-interest and often have conflict of interest. When oil and gas exploration was an issue in the Galisteo Basin the director of the Conservancy told me they could not oppose potential oil and gas exploration because Shell Oil had just gifted them some lands down in Texas.

I think that they support this particular project because it gives them another opportunity to further their own agenda. I also personally have experience in the Galisteo Basin with deep water wells. Water quality is definitely an issue. We have one ranch on the well which is at 928 feet. It produces water that is not potable. It produces total dissolved solids of 14,000 parts per million. The water is black because the hydrogen sulfide content is so strong. Our neighbor, San Cristobal Ranch, has water quality issues as well. They have several wells they have had to abandon because their cattle cannot even tolerate or handle this water. And now I'll begin my presentation.

Last year, despite being in some of the toughest economic times we have gone through in this country, 11 million acres of open space were lost to development. That translates, literally, to 250 acres being lost every minute of every day. We are squandering our national treasure and I think that the Galisteo Basin is an important part of that treasure. We have two failed subdivisions along Highway 41 – Haciendas Tranquilas and Pine Canyon. We are now faced with the threat of another potential development at Saddleback Ranch.

I'm not here to argue whether Mr. Bethel has the legal right to develop Saddleback. Those determinations must be made by the County Attorney and staff. What I am here to say is that I think the Commissioners must look beyond the legal issue. They have the solemn obligation to judge the merits of this proposed project. The County must determine, I think, whether there is a quantifiable need for this kind of development and is it market-driven? The Commissioners must get satisfactory answers to hard questions, like how will this development benefit the residents of Lamy and Galisteo? Who are the partners that are involved in this



project? How do their résumés read? Do they have successful track records? Do their financial statements reflect the kind of staying power that this kind of project demands? Can they demonstrate a long-term commitment to this area and its residents?

Obviously, water is a critical issue, but additionally, how will this development affect other County services, like police and fire protection? Will these subdivision wells eventually be dedicated to the County and given to the County for maintenance? All of these questions and many more must be answered I think before the Commission grants approval for this subdivision. More importantly, I don't see how the Commissioners can possibly consider granting approval for this development when Mr. Bethel who is the face of this project has told the resident of the Galisteo that he and his partners face imminent foreclosure.

Changing focus, as a rancher I can say Mr. Bethel has shown little or no understanding of stewardship when it comes to the grazing of livestock and wildlife habitat. Nothing will affect wildlife more significantly here than years of ongoing construction at Saddleback. It will disrupt breeding and migration and will limit access to already severely stressed feed sources.

To the casual observer, Saddleback's stand of gramma grass may look healthy, but the prairie is not. When only gramma grass is present it is a serious indicator of poor range health caused by years of overgrazing. A full menu of cool and warm season grasses must be present for proper range health and sustainability. But Bethel's plan to pasture a large number of free-ranging horses and cattle will only further damage and in some cases destroy the basin's fragile and invaluable grasslands.

My arguments to this project could go on and on but I will stop here. I respectfully urge the Commissioners to not approve this development, but if you do, please at least require them to go through master plan approval. Thank you.

CHAIRMAN MONTROYA: Thank you. Next, please.

COMMISSIONER VIGIL: Mr. Chair, before we – because we've asked not to bring up the same issues, I want to just really sort of underscore and maybe ask Legal why master plan was not necessary in this case so that we can have that on the record, and perhaps even Land Use may have some follow-up information on that. Steve, why not master plan here?

MR. ROSS: For a Type V subdivision, it's entitled to summary review both under the Code and the Subdivision Act. So this is the process established with these kinds of subdivision. There's no other process.

COMMISSIONER VIGIL: So my understanding is, and maybe I'm incorrect about this. Clarify it for me, that development has to be able to develop with only 24 units. So the claim that there will be more than 24 units cannot occur. Is that not correct?

MR. ROSS: We have a plat, we have an application and a plat for 24 units.

COMMISSIONER VIGIL: Twenty-four units. And there cannot be any more?

MR. ROSS: There cannot be – there won't be any more approved in connection with this application. If there's a subsequent application –

COMMISSIONER VIGIL: Excuse me. I'm asking for a legal review from our attorney. Would you please restate your statement?

MR. ROSS: If there's a subsequent application for more lots in here it's your



option to upgrade it and treat it as a different type of subdivision, whatever. If the combination of the lots approved in connection with this application, together with the lots applied for in the second application put it in a different category, which it would, then you could treat it like as a Type II subdivision.

COMMISSIONER VIGIL: Okay. Shelley, do you have anything to add to my request for clarification as to why not master plan?

MS. COBAU: I think it's important, Mr. Chair and Commissioner Vigil, to realize what a master plan is. And the Code has a statement in here that I'd like to read into the record regarding master plans to eliminate some of the confusion surrounding the benefit or the lack of master plan submittal. And in Article V, Section 5.2.1.b, under Master Plan Procedures, it states, "A master plan is comprehensive in establishing the scope of a project. It is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for preliminary and final plat approval."

So in the case of a summary subdivision, a master plan would only serve to benefit the developer, who's gone through the costs associated with going beyond the master plan process in this case.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chair. Those statements needed to be on the record.

CHAIRMAN MONTOYA: Okay. Thank you, Commissioner Vigil.

KEVAN SAUNDERS: Kevan Saunders, Galisteo, New Mexico, Camino San Cristobal. I have been sworn in. I have copies for the Commissioners, if they would like it, just on my talking points. And due to the limited requirements of this review process the following are just a few concerns of mine, speaking as a Galisteo resident, native New Mexican and a realtor. I do realize this development cannot be stopped and I am only asking for a sensitive and sensible development process. I would hope that the development would have an architectural review committee in place and I feel very strongly that the building style be based on pueblo or territorial architecture. Two-story northern New Mexico houses be prohibited for the protection of the viewshed. In no case shall a building map exceed the appearance of a one-story, 16 feet. If a building is stepped down due to the terrain, then the height shall not exceed 24 feet from the lowest ground level to the highest point of the structure. No lawns, only native plant material to be permitted in the areas greater than 25 feet from the perimeter of the house. Native and drought tolerant plants are encouraged in all areas. No trees are to be planted that will exceed 35 feet in height at maturity. All disturbed areas are to be revegetated with a native seed mix of native trees and shrubs. All planted to match the same density of vegetation as the surrounding, untouched land. Exterior lights are to be used for safety and security and not for illumination of structures or landscaping. All lighting must be a shielded light source and be directed downward.

We want night sky protection and enforcement of this ordinance. No pools, either commercial or residential, no landing strips or landing pads. Instead of setting the maximum

square footage for the building footprint in total, again, as it speaks to water conservation. Outside enforcement – we need an outside enforcement mechanism to see that the covenants, conditions and restrictions are carried out. Example: Santa Fe Conservation Trust. I believe this development has a potential to put at risk the historic Galisteo Basin, its land, values, viewsheds, dark sky, water quality and availability, wildlife migration, and the quality of life for all the residents, those here and those to come. I ask that you, the Santa Fe County Commissioners take these points into consideration as you view this matter. Thank you.

CHAIRMAN MONTOYA: Thank you. Next. Please.

ROGER TAYLOR: Roger Taylor, Galisteo resident, 54 Camino los Angelitos. Also a member of the Ranchitos de Galisteo Water Board and Community Association. I'd like to address some of the concerns about the financial implications and the market feasibility of this project. We all know that the market has changed radically in the last couple of years. I know that talking to Mr. Bethel they did do a market study several years ago, but they haven't done one since and updated it. And they certainly haven't done a marketing plan. So I'd like to share with you some of the information about some similar, comparable properties, not only in Santa Fe County but also close to the proposed development, as to what actually is going on and what is affordable at these kinds of prices and size.

Mr. Bethel has said that basically in Saddleback the houses will be about 15,000 to 20,000 square feet, approximately \$5 million, and on 40-acre plots it will sell for \$500,000 to \$800,000 each. If I look at a developed community today, what is most comparable would be Las Campanas. We know that over the 20-year period, which is a very large time period for development, that they've had a great deal of difficulty. Twenty-five percent of their lots are still unsold, even though they're smaller lots, less expensive, and the homes are less expensive.

We know that since 05 197 developed properties have sold and those properties had been on the market for over 300 days on average each, with average price reductions of \$100,000 to \$150,000. We know that today there are 133 homes on the market in Las Campanas for sale at the \$1 million, plus or minus price tag. Average size 4,000 square feet, and they've been on the market for well over 250 days. Now, we're talking about an established communities, wonderful homes, very comparable to what Saddleback would market in terms of quality of construction, incredible viewsites, equestrian capability, etc., and yet there are these kinds of difficulties going on in an established community that's been there for 20 years.

If we want to start talking about lots, which is basically what the Saddleback Subdivision is offering, there are about 14,000 developable lots that are filed in Santa Fe County. I'm not going to go through all of those; don't worry. But I am going to look at, since 07 there have only been 31 lots filed in the 20 to 50-acre size. I'm talking about individual lots, not developments. Of those 31 lots that have been filed, of 20 to 50 acres, one has sold, and that was in July of 08. It was three months on the market and that was after a \$125,000 price reduction as part of the sale negotiation. Seven of those 31 are currently active. So I'm only talking about 3 ½ years, but only seven are active at the moment. Average days on the market are well over 600 days. We're talking about a couple of years now. Average price reduction on those properties has been well over \$100,000. Not sold.

The other 24 properties, 25 properties, have been withdrawn or have not been relisted after their time expired, and we're talking about a time on the market of well over a year. Let's narrow it down. Let's talk about Galisteo. Let's talk about 285 and 41, which is the junction of where Saddleback is looking to build. We have several subdivisions there. There's the Pine Canyon Ranch that went into subdivision, which is between Galisteo and Stanley. There are 11 lots there ranging in size there between 40 and 105 acres. They are comparable. Average price: \$600,000-plus. Very comparable.

Several years on the market the whole property was withdrawn. Not one property sold. Green Ranch, which is at the junction of 285 and 41, another subdivision, another ranch going subdivision. Fourteen lots. Fifteen to 40 acres each, \$250,000 to \$500,000, again comparable. Several years on the market, not one sold. The whole property taken off the market in August of 09. Finally, there's the West Basin Ridge project, which is now part of what was called the Galisteo Basin Preserve, which is on County Road 42 about three miles north of Galisteo Village. There are two lots there of 100 acres each, being marketed at approximately \$675,000. Both were taken off the market a year ago after 2 ½ years on the market.

Let's look at developed projects. Somebody's mentioned Haciendas Tranquilas Estates, which is on Route 41 directly between Saddleback and Galisteo. This is a 5,000 square foot house on 61 acres. It's about a \$2.5 million listing, and basically it was 760 days on the market and then was taken off the market in November of 07.

Now, we're talking about properties and lots that were listed, if you start to see the pattern, in the high part of the market when things were hot and people were buying. And then in the downsize of course much more difficulty was seen and it is withdrawn.

Somebody else mentioned Pine Ranch, which is also at 285 and 41. There are two homes there each, being marketed at just under \$4 million. One was on the market for three years before it was taken off the market a year ago, and one was on the market for two years before being taken off two years ago.

So finally, let's look at the potential. Basically what I'm trying to bring is a picture – what happens if there's financial failure? We know that recently Charter Bank was seized here in this community, and what's the impact? It's not just all those loans that people didn't pay that caused the bank to fail. It's also 600 loans that were called in by people who were paying their mortgages and now have to pay their mortgages in full because that bank failed. Los Alamos National Bank is now inquiring – and they're having some financial difficulties – they changed their loan process and basically they're treating it like commercial.

So if you go in for a mortgage application now they treated like a commercial approach, which means you have to put down 30 percent or more. This starts to give you some of the picture of the environment.

Saddleback is having financial issues. Mr. Bethel has admitted that there are issues. He has mentioned there were five pre-sold properties; all of those people have backed out and there are no commitments on those properties. And we understand that of the four LLP partners in this project one basically has backed out and the bank holding the loan has filed a deed in lieu of foreclosure. And you can go to the County records office and check that. It's filed and it's

there. So there are obviously some issues there with their ability to go ahead with financials.

We read and hear about financial implications all the time in the news for the last couple of years. You've seen what happens with all of these foreclosures of developments, etc. in California, in Michigan, in Arizona, Florida and other states. It has huge impact on municipalities and states. We don't want that to happen in our county. So I would suggest please, look at this very carefully. Make sure any bond issue or financial guarantee is sizable and consider how they should be checked and verified if they have the financial wherewithal to continue with this project. Thank you.

CHAIRMAN MONTROYA: Thank you, Rodney. Next, please.

REBECCA PROCTOR: I'm Dr. Rebecca Proctor. I reside at 21 Aster Way in Eldorado. I'm under oath and I'm speaking for myself. Thank you very much, Mr. Chair and Commissioners for allowing me to have input. I'll read parts of my statement to try to save time. [Exhibit 9] As a professional archeologist for 30 years I can say it is rare to see a cultural landscape of such unparalleled richness as we find in the Galisteo Basin. The physical integrity and heritage value of this landscape is threatened by precipitous and premature approval of a development application, one that will heavily affect natural and cultural resources. The Saddleback Ranch contains an extensive constellation of archeological sites. These sites are all related to one another as part of a larger prehistoric community. They represent multiple functions of the society that once existed there. Not understanding the total constellation would be like defining Santa Fe as only being the plaza, or only being Cerrillos Road, or only being the state capitol complex. You certainly wouldn't think of considering Santa Fe City as standing on its own without our Tesuque farmers, without our south county ranchers, without all of the workers who commute every day from Eldorado or Bernalillo.

Now, the recent information that we've received from the archeological consultant shows that parts of the proposed and existing infrastructure for Saddleback actually cut through several archeological sites, sites that have not yet been described by the existing highly cursory archeological report. And I'd like to insert here that the very first report I was able to review suggested that a single archeologist did 30 hours of work on the very preliminary part of this survey, 30 hours over a period of three days in mid-December. I'd like to know more about what methodology is being used now for the rest of the survey.

Professionally, I fully support the Historic Preservation Division's statement that this documentation is not adequate, and I'd like to clarify for the Commissioners that the most recent letter from HPD does not represent concurrence from that division. Okay? That letter says the survey is proceeding as we requested and we expect to be able to review the full report. I can speak on this point from some authority because I worked as a review for the Historic Preservation Division at onetime.

A full survey of the land is required to evaluate the sites well enough to plan the proposed archeological conservancy intelligently. Let me note that the information coming from the applicant currently is piecemeal and changes from day to day, making it impossible to understand the full impacts of the action to this highly sensitive cultural landscape.

The only responsible approach for our Commissioners is to require a complete, 100

percent survey of the land for cultural resources before any decision on the suitability of the application is made. Uninformed and premature decisions to "avoid" or fence off a few larger sites can cause additional degradation of cultural resources through gradual encroachment upon the less visible, smaller but equally essential elements of the cultural landscape.

Let me just interject here that we've heard some discussing about fencing earlier this evening and it's a very different thing to fence in people and domestic animals to allow wildlife to move through and to talk about fencing people out of archeological sites. So there's a divergence and some fuzziness in the planning there that would have to be addressed.

Now, I think that any premature action would divorce our community from the opportunity to understand its heritage which included in this area a diverse, complex and vibrant prehistoric site in the Galisteo Basin. Natural and cultural heritage in Santa Fe County have always had and continue to have the highest priority for our citizens. There is no room for shortcuts that would affect our community forever.

Let me just state that my three colleagues that follow me will be talking about different aspects of cultural resources, so if you would please allow them to speak I'd appreciate it. Thank you very much for your time.

CHAIRMAN MONTROYA: Thank you, and again, we look forward to hearing as long as we keep it on a new subject.

LINDA CORDELL: My name is Linda Cordell, Dr. Linda Cordell, 4354 Waking Sky Road, 87507, and I am speaking under oath. I'm a professional archeologist. I've been working in New Mexico for the past 40 years. I'm a senior scholar currently at the School for Advanced Research on Garcia Street and I am speaking for myself. I have spoken to you before. I am one of the individuals who has a professional has been advising the Bureau of Land Management on the Galisteo Basin Archeological Sites Protection Act. I've spoken to you about that and I've provided you with information about the act and the sites in the Galisteo Basin. *[Exhibit 10]*

I want to make two points and I'll make them quickly I hope. On September 24, 2008 I served as a tour leader to the Galisteo Basin for a group from the National Trust for Historic Preservation in Washington, DC. And I would just report that these individuals were overwhelmed by the unique legacy of history and archeology of the basin, a legacy that is your responsibility to preserve.

In visits to the basin with my colleagues, with Native Americans and with landowners, every time I have gone out there I have seen something new, something I did not expect to see, or something that was misplaced on a map. How can that be? We've been looking at this landscape for about 100 years. And it's because it has never been thoroughly surveyed. Every time there's a surprise. For this reason I concur completely with the recommendation of the Department of Cultural Affairs that a survey be done prior to authorizing development there. They're asking that this be done.

My belief is that the conservancy plan is not a plan and not a solution, basically for two reasons. They have not surveyed the area yet, and you are in a position of asking them to do that, and I think that would be a very reasonable thing to do. They don't have a plan; they can

make one. They have not done that yet. The access roads and the things that are excluded because they're part of driveways and utilities and also part of your house building are excluded from the conservancy and we already know, based on the survey that was done, that archeological sites were basically partially destroyed by the roads that went through there. So I urge that you follow the recommendations of the State Historic Preservation Office. Thank you.

CHAIRMAN MONTOYA: Thank you, Linda. Next, please. So we've heard about the archeological concerns, again, the master plan which has been addressed and the water concerns, so new subject, Mr. Cardenas.

FREDDIE CARDENAS: Mr. Chair, my name is Freddie Cardenas. My address is 897 Camino los Abuelos, Galisteo, 87540. I want to congratulate you for the work you did with Techtron and oil and gas. The ordinance that you passed to protect our environment was just – thank you. You protected us. That took a lot of courage. A lot of courage. Right now we're faced with another issue and I want to say that on behalf of the Galisteo Community Association, which I serve as the president, we oppose the Saddleback development. I know there are a lot of legal issues that you're faced with, and I know that there's a lot of precedents that have happened, but I ask that you please, please look to try to protect the Village of Galisteo and make sure that the development doesn't happen. Please help protect us. I have three children, little galisteños, right, Commissioner Anaya? And they're going to live there. They're going to live there. And hopefully there will be water.

I used to laugh because – and I know you're going to kill me, but I've got to say it – it used to be, remember, Commissioner Anaya, we used to take a wagon and [inaudible] buggies and we'd be going off – in the buggies. I've always said, say, if there's no water, we'll just go get it from the river. It isn't in the river no more. [inaudible] our water and our river have slowed and it's a big concern. But please preserve our future. I was wondering what we have in common. I'm an educator, right? I'm a lucky man, because I get to work with children, and I get to help shape their future, and you're the same because you are seeing to the future of our children. So please help us and take care of us and protect environment and the future of our children, because they're going to be Galisteo. Our children and our families have been in Galisteo a long time, Commissioner Anaya. So with that, thank you, sir. Good day.

CHAIRMAN MONTOYA: Thank you. Next, please. Please come up.

FRANK HERSH: That's a hard act to follow. Frank Hersh, resident for 19 years, and I'm the original Galisteo Planning Community, the UCSFC, United Community of Santa Fe County. Let's set the record straight. First of all, at the last meeting with Gabe Bethel I personally asked him, and I've got witnesses, how many meetings he held with the community. He said four. Perhaps that makes five. It's certainly not six and some of those were meetings you didn't wish to attend.

We asked, four years ago, when we started the Galisteo Planning Committee, to have Saddleback participate. They declined. You can see why now. They have not been cooperative in any way with helping Galisteo develop its plans. Now you have in front of you, [Exhibits 11, 12 & 13] and I see the chairman left, so maybe I'll hold my remarks –

COMMISSIONER VIGIL: No, I think you should proceed. We're all – we've

been here since 12:00 this afternoon and we all need individual breaks.

MR. HERSH: We have too.

COMMISSIONER VIGIL: Not all of you.

MR. HERSH: No, not since 12:00. You're right. Unfortunately, that's the problem with being an elected official. It's hard.

COMMISSIONER VIGIL: Please proceed with your presentation on the plan.

MR. HERSH: The SLDP which you authorized through an advisor, actually a consultant, a very highly effective, fine consultant that somebody here proposed, and you spent a lot of money on it, has basically put together a plan, part of which is in front of you, and the basic idea of this plan is to prevent sprawl. It's to keep open spaces as much as possible. It's to preserve the character of the community. And take a look at some of the things that I passed out and see if you feel this development meets it. I don't.

This development flies in the face of what you're trying to do in this community and that is to preserve open space, to cluster things the way Commonweal has, and I might add that Commonweal had 50 meetings with the community. These people have had four. Is that a way to go about developing? I don't think so. Why don't you hold this development's feet to the fire the same way you did Commonweal? Let's get a good development. And let me just – I won't read you any more. I've got more to say but two minutes are about up. I will just say that you were elected to protect the rights of the people. Look at the mural behind you and see if you feel that this is consistent with what your responsibility and job is, and that is to protect the people, the land and secondarily, to give responsible development a chance. This is not responsible development. This is piecemeal sprawl, or upper income sprawl, as I call it. Mr. Ross has indicated this is a subdivision V. We're going to have a subdivision V on top of a subdivision V, on top of a subdivision V, as they keep coming back for more and more. And you're going to regret that you started the process. Why not go back, as they say in Washington, to ground zero and start over.

COMMISSIONER VIGIL: Thank you very much. Next speaker, please. Please state your name and address and your affiliation with the project.

AMBER HASKELL: My name is Amber Haskell. I'm a resident in Galisteo. I'm also a real estate broker with the Santa Fe Association of Realtors. And I'm going to keep mine – I have a question about a previous comment – thank you, Commissioners, that you actually asked a question on, Commissioner Vigil, with the water report that was being given from Saddleback. So I have a question regarding that. But I'd also like to just acknowledge that it has been a tremendously long day for all of us. I've been with clients since 7:00 this morning. I chose to be here this evening. It's a challenge. It's wearing on all of us, and it's a challenge to sit in the audience and to see how it wears on you to listen to us. And I just want to share that with you, because as a constituent, it's hard to see. Because this is our one opportunity to speak with you, and as a constituent of Commissioner Anaya's district, I made a conscious decision to be here because this is so important to us, and we believe in your leadership in making sensible decisions for everyone involved.

And so with that said, as a real estate broker, development is part of my business. I sell

homes, I sell land. So I'm not here to obstruct Saddleback's ability to do what they should do reasonably for the area, but as a resident in the area, and with all the water talk, and with all the architectural impact, everything, I have to say that outweighs my business initiative by far. I go home to this community. That is what's important to me, okay? So my question, regarding the water report that was given earlier is I did not hear any factual data in that report. I heard that they don't know and that they won't know if you pull it up [inaudible] until they drill.

One thing I heard you say, Commissioner Vigil, is that you appeared from the audience to be open to the idea, as mentioned in a previous item that was covered with another community member on the lot split, that if there is a community system within a quarter acre, or within a quarter mile of the location of the development that they would hook up to it. I would ask that if any of you, besides Commissioner Anaya, have driven down Highway 41. We have the Amtrak rail running along Highway 41. There will never be, within a quarter mile, a community water system, from Eldorado, from the development that's happening over the Lamy crest. So I'm asking you that if you do choose to move forward with this that you rethink that language that's in there, that's been recommended. Because that will never, ever happen.

So of course they were happy to say, well, sure. We'll agree to that. Because it will never happen. That water resource will never be within a quarter mile of that development. So please, please, take your time. Comb through this. Really think about where it's physically located and the realities of the water resources, and please consider what has gone forward now with the Commonweal development over the Lamy crest and the impact that will have in addition to this. I'm all for a reasonable development. It's their land. They have certain lot split requirements. But please, please take into consideration our time and our energy of being here this evening.

COMMISSIONER VIGIL: Thank you, Amber. Next. Please state your name and address and your affiliation with the project.

JAN-WILLEM JANSENS: My name is Jan Willem Jansens. I live at 770 West Manhattan here in Santa Fe. I'm speaking on behalf of myself and I'm sworn. [inaudible] I've had about 12 years experience in working in the Galisteo Basin restoring the landscape and the functionality of the land and doing stewardship work. And I speak regarding wildlife conservation here tonight.

As I saw mentioned in mentioned in previous conversations here, the entire Galisteo Basin should be considered a big wildlife corridor and gradually more and more information about the wildlife richness and connectivity across spaces are getting onto the table, including in groups with the staff. So we're really talking about the Galisteo Basin as an important green infrastructure area. On the Saddleback Ranch, particularly, it is the stream corridor for big game, like bear, cougar, deer, and some smaller animals as well. The [inaudible] the pronghorn and other smaller animals. And then additional habitat for raptors and birds and other wildlife in general.

As I said, there is a growing body of information. Still a lot needs to be figured out and we would actually like the developer to help with that, because it is important for I think decision making to actually know what the impact on real wildlife will be, species and focal



species clusters for the entire area. We all know also that development typically through its noise, glare, roads fences and pets fragments a landscape. It breaks down basically their habitat and this is a specific location, a crucial location because it's along the Galisteo Creek and it is varied topography. It has some water. There is proper forage and in general habitat and connectivity across the landscape. The good homesites that Mr. Bethel mentioned are typically also good homesites for wildlife, offering cover.

So to give you a little bit of information about what the impact might be, a pronghorn will not come closer to any source of disturbance than 250 feet, or typically even farther away. That means that a home has a circle of at least 500 feet diameter around it where these animals will be shied away. If you then start looking at 24 homes, that may be up to 20,000 acres of a footprint, then you're looking at – I did a quick calculation – 50 acres of disturbed land where pronghorn won't go. If you then take two acres, two miles of roads – I don't know whether it's two miles, but for each mile of road, about 65 acres of roads and driveways cause 65 acres of pronghorn exclusion. So I'm not even including fences here. So we're looking at 900 acres, more than 150 acres that pronghorn can no longer go.

It is a pronghorn transition zone from the west to the east as long as they can cross fences and even that is a problem now with the highway fences.

So to make a long story short, I think this lack of information we have on wildlife and the growing knowledge that it is important, a detailed study is needed on the impacts of development on wildlife and that proposals are made in the development for mitigation of impacts on wildlife in this area, that buffer zones are developed along the Galisteo Creek and other important areas for wildlife, like connectivity zones through the volcanic ridge where they go from the San Cristobal to the northwestern meadows of Saddleback Ranch, so that these areas are not filled in with homes, these connectivity areas that may be blocked by these homes. We need to prevent that.

And then finally some form of clustering may need to be looked at, maybe four to six clusters of six to four homes that limits actually the impact on wildlife because then these overlapping areas of influence on wildlife begin to overlap each other and not add in the serial effects that your total acreage is actually limited in terms of the impact on the wildlife. And also with the advanced treatment systems that were mentioned that is now possible because the Office of the State Engineer and the County will have less problems with the septic tank density areas typically created through development. So I think clustering with this wastewater system that is proposed is possible.

Maybe there are other limitations but at least I think that's something to look at. And with that I come to the end of my remarks.

COMMISSIONER VIGIL: Thank you very much, sir. Appreciate it. Next.  
Name, address, affiliation with the project.

ROBERT POWERS: My name is Robert Powers. I'm an archeologist. My residence is 45 Ellis Ranch Road, Santa Fe, New Mexico, 87505. And I was prepared to give a statement about archeology in the proposed development area but I understand that you want to bring that discussion to a close so I would simply offer my statement for the record *[Exhibit 14]*

I would like to emphasize that the majority of my statement is directed towards establishing a number of conditions that would preserve the archeology of the Saddleback Ranch development, and that's our primary concern. There are some very significant archeological resources in the portions of the area that have been surveyed, so for us, we think additional surveys should be done to identify those other resources. And then should the project be approved the last page of my statement details a number of very specific conditions that will complement those already offered by the State Historic Preservation Office that would help ensure protection of the archeology over the future decades. Thank you very much.

COMMISSIONER VIGIL: Thank you very much, Mr. Powers. Next. And could I have a show of hands of who else would like to speak. Let me get a count. That's five. We've got five more people after you.

MITCH JOHNSON: My name is Mitch Johnson from Placitas, New Mexico. My address is 16 Camino Ojo de la Casa, 87043. And I'm with Pathways, Wildlife Corridors of New Mexico. I came here today just to simply offer up what it is we're interested in this area for. We're actually addressing the entire state in the corridors, wildlife corridors through the state. One thing I want to caution people on though is the use of wildlife corridor as a term. We have to think of it more in terms of permeability of landscape. It is more the way it has to be thought of. We like to use the term we want to keep the animals moving freely through the landscape.

I want to thank Jan. As usual he's well spoken and well versed in what he said. And he's really right about the region. And the reason we've come up to meet with Gabe, it was an opportunity for us to take a look at a proposed subdivision and then hopefully we could monitor that over time. And if this does get approved then maybe over a period of a few years we might be able to determine exactly what kind of impact low-density sprawl would have on wildlife.

I have to say from my point of view, I've looked at both cluster housing and low-density sprawl. I'm not so sure which is going to work. That's why we really want to study it. That's why we were really thankful to get a call from Gabe. It gave us an opportunity. I also have to say from our point of view we really do understand the position of the folks in the Galisteo Basin. Their concerns are real. We can't dispel any of that. And we're not here really to try to help you folks reach any decision. But what I do want to ask is that as Santa Fe County goes ahead, and there's going to be plenty of subdivisions proposed I'm sure, we would really like to ask if we could recommend that folks do work with Wildlife Corridors of New Mexico. Or any other group that's affiliated and doing some of the same work. That way hopefully we can keep the wildlands healthy. It's really incumbent on us now. We've done enough development and we've seen enough of this go on to the point now that our wildlands are really being tested. And so if we're going to go on, if we're going to use the wildlands it probably is time for us to begin to look at much less density and start to be a lot more responsible about what's left. That's why Wildlife Corridors is in this area. The Galisteo Basin is actually probably one of those under the most strain, let's put it that way, of probably any area of passage for animals. And that's partly due to a lot of the development that's happened already in Santa Fe that sort of pushed all the activity sort of eastward.

We're thinking about the movements coming out of the Sangre de Cristos, out of the Jemez Mountains and into the central mountains. In the long run we're going to be looking at connectivity of all the mountains in New Mexico but initially, this was the crucial area. This was the spot, and especially in the Galisteo Basin, through the Ortiz and to the Sandia Mountains, the spine of the continent effort, which is an effort that stretches all the way from Alaska, all the way down to the Yucatan, and identified as the hardest spot and probably the stopper to the effort. We found out otherwise since we started. And we've kept a window in the Sandia Mountains open at the north end. That's there for anything that needs it and if we don't have animals that can manage to pass through the landscape what we do as far as windows into, say, the Sandias, which they thought was an island already, won't do us any good.

We also have safe passages that address the whole problem of the isolated corridor, which has now got animals passing from the Sandias to the Manzanos and vice versa. So we do see it as something that's got to be done and it's got to be done right. I don't think, at least in our opinion, that we're going to have another chance at this. So that's why this area is really important to us and I do have to say that what Gabriel has presented to us as a plan, if 40 acres is the smallest homesite, and he also said he was going to jump to 160 in the more sensitive areas, that's interesting for us to study. But we can't sit here and say that it's an answer. Just like I can't sit here and say cluster housing is an answer. From what we can see as we studied this that we need more than one answer.

So it's possible that cluster housing and possibly low-density sprawl might be an answer in some places. So I think that's about all I've got to say.

COMMISSIONER VIGIL: Thank you, Mr. Johnson, appreciate it. Next.

BARBARA PFEIFFER: Hi, Commissioners. How are you this evening? I think you're all tired. But anyway, my name is Barbara Pfeiffer. I live at 85 McKee Road in Galisteo, resident of five years, but working very, very hard to become a part of the community. The most important thing -- I'm just going to read very shortly what I have because I think it's kind of important for all of us Galisteans. Santa Fe County hired a team of experts to create a growth management plan which would address the current issues facing the county, that is urban, rural agriculture or commercial development while keeping the environmental, archeological, hydrological, historic values and needs in perspective.

This plan is on the verge of being approved. With the future of Galisteo in mind members of the community worked with the community for three years on a 20-year plan. This plan, when approved will be part of the Growth Management Plan, when approved. As concerned citizens we also worked with Commonweal for two years to try to protect our fragile aquifer and water availability. But the developers of Saddleback are hoping to get approval without going before this potentially approved growth management organization I think reflects a counter to our hard work in trying to protect our homes and our future.

I hope you, the BCC, will consider seriously your obligation to your constituents and not approve this plan before they can come before this new growth management organization. I think it's really, really important. Every one of us has worked for years on trying to implement what is now happening and I really request your help. Thank you so much.

COMMISSIONER VIGIL: Thank you very much. Next.

LUCY LIPPARD: This is only two minutes. I'm Lucy Lippard, 14 Avenida Viejo in Galisteo, New Mexico, 87540. [Exhibit 15] I write about art, landscape and culture. My early history of the Galisteo Basin will be published by the Museum of New Mexico Press in June. I've lived in the Village for 17 years. A native New Mexican named Steve Gonzales once said, some people say where it is written? Our people say where is it lived? The Galisteo Basin is where an agrarian history has been lived for over 700 years. In 1782 the last of the Tano and southern Tewa fled down the Rio Galisteo. Soon Santa Fe families began to graze their animals in the area and in 1799 the first land grant on the pueblo lands was awarded. By 1814 the Galisteo grant was being requested by the founders of the current village south of the ancient pueblo.

These settlers who built on the safety of the hill and farmed below on the Rio Galisteo were Anayas, Chavezes, Sandovals and others whose descendents remain in the Village today. In the 19<sup>th</sup> and early 20<sup>th</sup> century the Ortiz y Pino sheep empire thrived in the area. So very little research has been undertaken yet on Spanish colonial and territorial history in the basin in the area around the Galisteo Pueblo, with its leading role in the Pueblo Revolt will really be crucial. As Dr. Cordell has said the history is everywhere awaiting discovery and would be threatened by development. For instance, the uninvestigated ruins of a late 19<sup>th</sup> century settlement called Colorado lies on the Saddleback property and no one has ever even looked at it. It's barely known, as is the small pueblo that the surveyor, the archeologist for the developer dates earlier than any other in the area.

Today, Galisteo is no longer the center of a working landscape but continues to define itself as a rural village, the center of a significant cultural and agricultural landscape. Development has encroached since the late 1970s as ranches have broken up, but the northern and southern visual gateways to the historic village remain relatively open and I understand that the gateways are protected in the SLDP in the coming plan. If Galisteo were to be swallowed up by the often vacant mansions scattered across the landscape the impact on the traditional village's cultural and community fabric would really be devastating. And a chunk of incredibly significant New Mexico history would vanish with it.

As plans are made to restore the historic Sala de San Jose and the Tienda Anaya, Galisteo's value to New Mexico tourism will also be revived. And the surrounding open spaces have provided sets for many films. To sacrifice all this for a collection of gigantic mansions that are totally incompatible with traditional Galisteo seems like a lesson in the perils of short-term thinking. Thank you.

CHAIRMAN MONTOYA: Thank you. Next please.

FRED MILDER: Fred Milder, 52 West Basin Ridge, Galisteo. If the Commissioners would just turn around for a moment and take a look at the beautify woodwork behind you you'll see a bunch of squares, little squares. That's not a bad example of developing in that case what would be 32 homes on four-acre development areas in 40-acre lots. So put a little box in each one of those and ask yourself if that's what we want the area around Galisteo to become. Galisteo is a village and it's also large, open areas that were used for many years as

just open area or for agrarian purposes. It's not a checkerboard like you see behind you.

CHAIRMAN MONTOYA: Next please. How many more do we have? If you could come up.

CHARLES SMITH: My name is Charles Smith, C. Smith & Company. I'm a contractor and a native New Mexican, born and raised in Santa Fe. I'm here to talk about for you guys to approve this, to think about approving with guidelines. This is an opportunity for all us contractors who are hurting right now for work, and it's a good opportunity to support all of the City of Santa Fe back in and bring more money back into Santa Fe, to the people. There's plenty of opportunity for all of us out there to go back to work. So take into consideration that because in order for [inaudible] to get that money flowing, [inaudible] including the county, all of us together, got to work together.

CHAIRMAN MONTOYA: Thank you, Charles. Next, please.

CYNTHIA LUTZ: Hi, Mr. Chair and Commissioners. My name is Cynthia Lutz, I'm at 52-A Las Tres. I'm an 11-year resident of Galisteo. I am actually here to read a letter from one of old family members into the record since she can't be here. Ms. Maria Ortiz y Pino, I'm just going to give you guys this. [Exhibit 16] I don't need to read it myself. Thank you.

CHAIRMAN MONTOYA: Thank you, Cynthia. Next, please.

WILLIAM MEE: William Mee, 2073 Camino Samuel Montoya, Agua Fria Village, and I'm here for the United Communities of Santa Fe County. We believe that an attack on any traditional community is an attack on all traditional communities.

I first walked on the ridge in 1968 and when I was up there, there's a pond up there that's maybe 3 by 3 and maybe two feet deep, and I saw a bobcat up there. And that was my first bobcat to see in the wild. It's really a special place. There's been a number of movies made in the Galisteo area and I think that changing the landscape to this type of a subdivision would really change the way the entire traditional community of Galisteo thinks and lives.

I know that Santa Fe County has a budget shortfall, and if we approve 78 houses at \$21 million each we add \$1.683 billion to the tax base. And maybe all of Santa Fe County's problems are over if we add this amount of money to the tax base. But I think there's some deeper things that just by changing the landscape with 78 homes you're also changing the peopescap of the Galisteo Basin, because you're going to have a culture of rich Anglos that live there half the time or less. They're going to shop on the Internet. They're going to shop through catalogues, and they're never really going to give anything back to this community.

We've seen so many of these subdivisions happen and still the poverty rate in Santa Fe County is still very bad, even though some of our residents are very, very rich. When you take 3100 acres of agriculturally valued land out of production and replace it with speculative raw land it's going to raise the overall tax rates of Galisteo and the Estancia Basin. The County Assessor uses four main valuation strategies and those are based on comparables, market values, the multiple listing service, which gives typical comparisons, or any combination of the above. But what happens is traditional communities don't sell. They keep their land in their families for generations. So there will be no comparables, market value, or multiple listing

service data. So the Assessor uses something called highest and best use strategy where every property potentially becomes a Saddleback Ranch of \$21 million as its highest and best use.

The Assessor is the first to say that this can't happen because there's a three percent cap by state law. But it's not a cap on vacant land, replatting, any improvements, lot line adjustments, family transfers, utility easements and trusts. Any filing in the County Clerk's office or for any building permit, he has the right to go out to that property and reassess. And he's always presumptively correct by state case law. So you can't really dispute once a valuation is made. Any agricultural property next to Saddleback Ranch is going to fall to the lure of being the next Saddleback. Residential properties will start falling like dominoes. Vacant land held by grandparents in Galisteo for family transfer and the next generation's affordable housing will go from the \$20,000 to \$30,000 an acre they're valued at now to the \$500,000 to \$800,000 that this Saddleback proposal is based on. People will not be able to hold onto their land and then it will become Santa Fe County's responsibility to find housing and social opportunities for all of these displaced people.

So we would really change the peoplescope if we just changed the landscape with these 78 homes. Our most famous example of this in Santa Fe County is Canyon Road. Thank you very much.

CHAIRMAN MONTTOYA: Thank you, William. Next, please.

DAVID BACON: I'm going to read every damn word of this to you guys so get ready. The only reason I brought this plan is that it goes into – and we've been working on it with Planning – it goes into a redefinition of how we're going about our business in Santa Fe County. And part of the discussion we've had is we're really paying the price as a society for not being able to say no. We've not been able to say no to coal, to oil, to all the things that have damaged our environment. And that has really robbed us of an essential aspect of what it is to be a society, to be a culture. In any market, in any situation, in any back and forth, you've got to be able to say no and yes.

This to me is an example of the community now stepping up to say no. And it's very important to listen to that voice. Developers will only say yes. They'll only read to you the yes statements and I think it's the communities that always come up with the noes, the real true noes. In this plan we're redefining so many things. We're redefining development. We're redefining ranching, like Steve talk talked about. We're redefining farming. We're redefining energy. We're redefining water. We're really doing a serious redefinition. And I think it really would serve us now if this development plan would just say no to it, because it's not in accord, like Commonweal was, and the work that Commonweal has done. It's simply not in accord with where we're going as a county.

And I think it's really important that we be able now, that you guys be able to simply say no to this plan. Thank you.

CHAIRMAN MONTTOYA: Thank you. Next, please.

DON DEVITO: Don Devito, 120 Placita de Oro, Santa Fe, 87501. I have some history on this land that you need to have into the official record. There's history here that I'd like to enter into the record. There's nothing undeveloped about this property. This property

was built out by Richard Fisher starting in the early 1990s that bought 2500 acres of essentially overgrazed sheep land. He then, over the next 15 years built a western ranch for his family, consisting of four homes, two guesthouses, stables and ranch centers over 15,000 square feet, seven miles of roads, over 20 miles of trails. He did it with impeccable design and quality of construction. And he heard about the testimony of the wells. There's 18 documented wells on the property. So when the ranch was put up to sale in 2005, and eventually sold in 2008 to SJI Development it was clear there were future development plans for a property that had already been heavily developed, without the kind of scrutiny and sensitivity that you're getting here now.

So I first got a look at the Saddleback Estates plan about 90 days ago that's before you, and I support it. I think it's good land use. I think it's a good continuation of what's there. You're getting more scrutiny, you're having more sensitivity going forward than you ever would from a private landholder like the Fishers who went and did all this development well below your radar, and if it falls back into private hands it will continue to be developed as well.

So I endorse this plan. I think it's good land use. I think with the conservation easements it's practical. It's conforming to the direction the County is going in putting more and more land into easement. Thank you.

CHAIRMAN MONTOYA: Thank you, Don. Next, please.

JERRY GALLEGOS: I'm Jerry Gallegos, #6 Camino de Pinon, and that's on the 285 Corridor near Galisteo, and I've been a lifelong resident of Santa Fe and live in the general vicinity of Galisteo. And I am in the construction business and over the course of my entire lifetime and career in the construction industry have had the opportunity to do large developments as well as this particular type of development, not only here in the local community but also nationwide. And I too support the project. I think any type of development, as long as it's regulated and also it's watched over with the care of all the interests of everybody involved I think it would be something that would be really good for the community, Santa Fe County, across the board. And I think it would also spur some economic development which I think right now, given the current climate we're in would probably be a good thing for Santa Fe County. That's all I have to say for right now.

CHAIRMAN MONTOYA: Okay. Thank you, Jerry. Next. Is there anyone else? Okay, you're the last one then we'll close our public hearing.

SUBY BOWDEN: Commissioners, my name is Suby Bowden, 333 Montezuma Avenue, Santa Fe, New Mexico. I'm here to speak to you tonight because 20 years ago I was hired by they Fisher-Landaus to plan as well as to provide architecture on the property. I've spent the last 20 years horseback riding, hiking and driving over this 3,129 acres. I know them very deeply. And so I'm going to speak to you tonight about two particular aspects of the property – my own personal experience that was not yet presented to you through the developer's perspective, as well as I have looked at the documents that have been submitted to you and I'm going to give you findings of fact that I found in your documents.

So I'll start first by the fact that I'm overwhelmingly fascinated by the fact that everyone here tonight has so thoroughly studied this and I believe the reason they have is because they've



been so deeply involved with Commonweal. And this group behind me has supported Commonweal 10 to 15 times the size of Saddleback, far more complicated, far more difficult. This is not a village that's against development. This is a village that's against poor development, poorly designed development. They are supporting you Sustainable Land Development Plan, which is calling for clustering of property, which is calling for protection of archeological sites. Most importantly, this property is the gateway, the defining open space, between Lamy and Galisteo. It is the protection of two traditional villages. And your Sustainable Land Development Plan calls for protection of gateways.

So what I'm hearing this group talking about is they're asking you to cluster. They're asking you to follow your Sustainable Land Development Plan, to connect to community waterways, rather than private wells, to protect archeological sites. And to protect pathways and animal corridors. They're asking you to follow your own future plan. And your future plan is right next door to you right now. It's not a long way away.

The second aspect I'd like to speak to is the Type V subdivision. Your documents in your packets prove this is not a Type V subdivision. The County Attorney stated that if in the future it is more than 24 lots you need to go to Type II. It's already more than 24 lots. If you look at your documents, the NMDOT form that the developer filled out has 33 lots. If you look at the paperwork that the developer has given you it has 44 lots. And if you look at the platted survey the developer has given you it has 60 lots already. Right now. This is not future. This is now that they've already given you in your paperwork.

In addition to this, in a meeting, I've met once with the developer and in that meeting when the platted survey with 60 lots was in front of me I asked what their intention was about these lot lines and they said they intended to keep them. So you already have paperwork proving this is not a Type V subdivision. Now, not in the future.

The next item is specifically the density that's being proposed on this property. Your paperwork again from the developer says there are 24 lots in one section – obviously 60 in another. The 24 lots of 5,000 square feet are 120,000 square feet of density. That's where they're getting their six acre-feet. Their one quarter acre-foot per year of water. But in fact, as John Devito said earlier, there are already existing buildings. There are already 66,000 square feet of existing buildings. And the developer is saying is he's only going to add another 55,000. This is not correct, because he gave me, yesterday, by GIS a visual impact study that shows 20,000 square foot footprints, not 5,000. 20,000 square foot footprints, on his 24 lots even though he really has 60 lots, and he's selling two stories. So the gentleman that spoke earlier about the water use was absolutely correct. They're showing 40,000 square foot of potential construction on each of the 24 lots, much less the total of 60 lots.

So when they said there were 38 to 60 times the water use of Galisteo Village, if that 40,000 square feet is allowed, as the developer gave me yesterday, then the guy is absolutely correct. He is absolutely correct, that there's 38 to 60 times the water use that's being proposed. It's just being sent to you in a serial fashion at the moment.

The next item is archeological. I personally have brought into archeologists onto this property. Your staff, even though they say they've surveyed the whole property and I'm not



saying they haven't –

CHAIRMAN MONTOYA: We're already heard the archeological –

MS. BOWDEN: I'll be giving you new data though. I am. Your staff has actually only seen 95 out of the 960 acres, much less the 3,129 acres, and I personally brought in archeologists to review a 32-room pueblo that's never even been shown on your property. There are other pueblo sites on this property that have not been shown to your County staff or to you.

In regards to the soils and the erosion by the horses, the concerns about the animal pathways, all of that is correct. On each of the buildings that are there today they had to over-excavate six feet down because of sand and shale on this property. It's not suitable soils for septic as is being proposed. It will require imported soils. The water table testing the previous landowners provided show that the dominant water table under all of this acreage is about 1800 feet down, not 500 to 1000. The reason they have so many wells out there that aren't being used is because they did shallow wells and they learned they had to go deeper.

And so finally – and I completely support the financial data you've been provided today but we all know that quite deeply, with Charter Bank having been seized and over 600 loans having been called in by Charter and the FDIC.

So my summary is the following. That I hear clearly from the community of the Village of Galisteo and I support them completely, that you should reject this subdivision as a Type V subdivision. And that you should send it back and require that it expose its true long-term goals. Oh, I forgot one more thing – very important. Their New Mexico Department of Transportation submittal is very important. The New Mexico Department of Transportation submittal that you have in your paperwork has three points you can check. Two of them are for residential use; one of them is for commercial use. This developer checked commercial only. Their future intentions on this property are for commercial use. I personally have talked to them about movie studios and future public stables on this property. It is not strictly a residential use in the future with their long-term goals and therefore again, serial subdivision.

So please reject this as a Type V. Send them back to expose their full intentions of this property. Follow the Sustainable Land Development Plan, and require that they do what all of our local developers are required to do, which is not to evade our subdivision laws but to follow Code compliance. Thank you very much.

COMMISSIONER VIGIL: Suby, could you restate who you represent in your testimony? I know that you have contracts with the City and the County for [inaudible] development use, but who –

MS. BOWDEN: I have never been contracted by this developer. Twenty years ago I was contracted by the Fisher-Landau family to assist and to plan and to –

COMMISSIONER VIGIL: Do you live in the area?

MS. BOWDEN: No, but my family does and I have property up at the top of Commonweal. But I live in Santa Fe, New Mexico as I first disclosed. So I'm simply speaking as someone who's very knowledgeable about this property.

COMMISSIONER VIGIL: Okay. Thank you. Thank you, Mr. Chair.

CHAIRMAN MONTTOYA: Any questions from the Board? Commissioner Anaya.

COMMISSIONER ANAYA: Were we going to give Gabe another opportunity for rebuttal?

CHAIRMAN MONTTOYA: Yes. You're right.

MR. BETHEL: Thank you. I'd like to respond to some of Suby's claims, Mr. Chair, Commissioners. First of all we've never had a plat made that had 60 lots on it that I'm aware of. And I don't know what information she's speaking of that was given to her yesterday by the developers since I haven't seen Suby in several weeks. As far as she mentioned to me during our meeting that she was instrumental in the design of the roads on the ranch and the homesites for the Fishers. Those were the very roads that we found that plow right through archeological sites today, that we're going to have to do mitigation on with the guidance of SHPO HPD.

The different plats that she's speaking of, I'd really like to see those. There's never, as I said, been a plat with 60 lots on it. Insofar as what our future plans are for the property, we have not applied for anything but 24 lots here. That is what we're concentrating on. If we apply for something else in the future I think we can cross that bridge when we get there, but we have complied with the Type V subdivision application and you can call it a serial subdivision, you can call it what you like. We haven't applied for anything up to this point.

So with that I believe that if we do in the future develop the land further we will have to go through the processes that are required at that time. That's nothing that we're doing right now. I've been very open with the community about our ideas about what to do with the land in the future but at this point they're just that. They're ideas.

And as far as some of the other notes that I've taken, as far as the river not flowing anymore that happens to be a salt cedar problem and we are probably one of the first landowners out there that are wanting to take a salt cedar initiative and clear the salt cedar out of there. We've looked into government programs to do so. We've looked into funding for it and it's something that we do plan to do in the future that will greatly increase the flow of the river out there. It certainly has nothing to do with the use of the few wells that are servicing our homes right now and it has nothing to do with our property as it stands. So we're not to blame for the lack of flow in the river.

I would also like to state that the Village of Galisteo has for the most part unmetered wells and has a half an acre-foot of water use per home. That is twice the amount that we are being allotted and it makes sense to me that they might start mitigating their own water use in their own village as a start if they're concerned about a lack of water in the area.

Also, when I checked the census there are certainly more homes in Galisteo than were mentioned, and as far as this claim of us having 40,000 square foot homes in Saddleback Ranch, I don't know a single person in the United States building a 40,000 square foot home right now. To me that's kind of a bombastic claim. We're looking at possibly having 5,000 to 10,000 square foot homes I would think. But I just can't even imagine someone having a 40,000 square foot home, especially in the market that we're in right now.

Someone keeps mentioning 78 lots. Again, I don't know where these claims are coming from. We're applying for 24 lots. When we initially started out here we had 39 recognizable patent parcels on the property and in my opinion we've made a concession to go down to 24 lots when we had legal lots of record out there. We did that for the purpose of moving forward instead of creating some sort of a legal situation and continue on with the fight. The community obviously is not comfortable with our efforts. That has been made very clear here tonight but I feel that we have also gone above and beyond to a degree to do what we can in this time period to accommodate and I feel that we are following through with everything we said we would do in as much time as we're able to do so.

We do plan to have an architectural committee. I actually met with the Green Builders Association today and we'd like to sign up with them. They're going to be helping us with our CC&Rs. We're looking into doing zero impact housing. As far as not having a marketing plan, we have an in-depth marketing plan. And yes, it's true we did lose a lot of pre-sales from the time that we closed this property but there is still interest, and we only have to sell five lots a year to sustain the property and I think that's a reasonable goal.

As far as 100 percent archeological survey, we are working with the Archeological Conservancy and I would like to give Tim Watson a chance to speak after I'm finished, as part of our rebuttal. We plan to do a 100 percent survey but you have to understand that this is 3,000 acres of land. We have surveyed the areas that will be impacted. Again, some of the roads that we have proposed do run into arky sites and we're going to work with staff to mitigate that. We're also going to work with SHPO HPD to mitigate that. We're also going to work with the Archeological Conservancy to mitigate that.

I have offered at every community meeting to work with the fellowship of people in the community and to allow them to advise us in this process. I made that offer again tonight in this very room. We're open-minded and willing to work with everyone and will continue to do so throughout this project. I've got no qualms with that. So with that, I would like to introduce Mr. Jim Walker. Thank you.

JAMES B. WALKER: Thank you. I'm James B. Walker, Southwest Regional Director for the Archeological Conservancy, 29 Sandia Heights Drive, Albuquerque, New Mexico. Our organization is actually responsible for preserving and protecting archeological sites on private land. We're a national organization based in Albuquerque. We have over 400 preserves in 41 states. Twenty-seven of those preserves are in New Mexico and six are in Santa Fe County. One of our best preserves is immediately adjacent to Saddleback Ranch and that's Galisteo Pueblo. It's about a 1,600-room pueblo, occupied from about the 1300s up until 1794 as a mission church.

So when I was approached by the Saddleback developer to accept an archeological easement on his property I was very interested, because I recognize that there was a significant satellite community that was directly associated with Galisteo that occupied the area that he's planning to develop. And when he suggested creating an 800+ acre archeological easement within a 960-acre development he really got my attention because this is certainly a very high level of preservation and so we've been working with them to try and get this underway. We

now have an easement in draft form, and I just wanted to explain that as part of our baseline study for the easement we will be conducting a complete archeological clearance survey of the 960 acres within the development. We'll be recording all of the sites with the Laboratory of Anthropology. We'll be coordinating those activities, not only with the archeological consultants but with the State Historic Preservation Office.

If you have any questions I'd be happy to answer them.

CHAIRMAN MONTOYA: Any questions for Mr. Walker? Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I've got a question that was brought up, and that was the depth of the water wells. And you said you were going to screen down to 65 feet so that the alluvium water is going to be able to go down to the –

MR. CORBIN: We're going to drill our wells a minimum of 500 feet, probably deeper than that. Our intent is to go after aquifers below the alluvium. The County recommendation or condition was that we put screens in the alluvium. I've indicated to the County staffer that put that in the recommendation that we didn't want to do that. The folks behind me don't want us to do that, and I don't see any reason for us to do that, frankly, from what we've got out there in the northeast corner of the property and the two wells that have been drilled there. One's 300 foot deep. It's screened down near the bottom. The other one is 600 foot deep. It's also screened down below. One's got 12 to 15 gallons a minute, the other has got probably 30 gallons a meeting.

Those two wells we've been using for the last six years to provide water on the property, to the houses, with one exception on the property.

COMMISSIONER ANAYA: So you're saying you're not going to screen them.

MR. CORBIN: We're going to screen near the bottom, not near the top. And we're going to seal the top area just because of two things. First, we don't want any contamination getting in, and two, we really don't want to use that water nor do we want to depend on that water. Because Mother Nature is going to come along here some day in a real drought, the kind that I'm familiar with in North Africa or the Sinai, and you're not going to have that alluvium water.

COMMISSIONER ANAYA: You're talking screening. Are you talking the same thing as perforation?

MR. CORBIN: Yes, sir.

COMMISSIONER ANAYA: Okay.

MR. CORBIN: The Lamy well takes water from lower levels, it can take up to 195,000 gallons a day.

COMMISSIONER ANAYA: You lost me. Say it again.

MR. CORBIN: The Eldorado well, near Lamy, can take up to and can pump up to 195,000 gallons a day. They haven't taken that much but they used to pump 40 percent, that's what Eldorado got from that well, and only in one instance, one year, did they run

themselves into a water problem and it was one of the years where we had what I call a dry year, where we didn't have a lot of precipitation. When I look at the water logs that have been retained and maintained on the ranch for the last ten years, and they have [inaudible] for the last ten years, we had one year – I think it was 2003, but I could be wrong. We didn't have much snowpack in the Sangre de Cristos, where the water levels in the alluvium wells went down 30 feet and the ranch, two of the dried up. I heard somebody indicate a whole bunch of them dried up too. Two on the periphery of the alluvium.

You'd have expected them to dry up. The other wells continued to have water. Some have been used for stock. The others are used for the houses at this point in time. Today, they've got the same depth to water that they've had almost every year in the last ten years. It runs between 30- and 50-foot depth to water, in terms of alluvium wells in the ranch.

COMMISSIONER ANAYA: Would you be willing to eliminate – maybe this is for Gabe. Would you be willing to eliminate the pond?

MR. BETHEL: Mr. Chair, Commissioner Anaya, the pond is .32 acre-feet - .32 acres rather. The pond has been grossly exaggerated. I actually have the plans here with me. The pond was looked at by the State Engineer who was called by the community to come and inspect it and during the inspection – if our foreman Walt Dorn was still here he could tell you himself, but they said that it was one of the most efficient ponds they have ever seen and that there was absolutely no problem with it. So if there is good cause to eliminate the pond I suppose we could consider that but I just don't see any reason to at this point. It's not causing any problems.

COMMISSIONER ANAYA: Okay.

MR. BETHEL: But we'd take it into consideration, sure. If, again, there was a good reason to.

COMMISSIONER ANAYA: Okay. Mr. Chair.

CHAIRMAN MONTROYA: Commissioner Anaya.

COMMISSIONER ANAYA: I would like to say a few words. This morning when I was driving in, I was here by eight but when I was going through Galisteo I didn't – when I dropped off the hill from Clark Hill I started kind of reminiscing about the Village of Galisteo and as I was driving to Santa Fe I looked to the left and I saw the Cerro Pelon Ranch. And I can remember when we used to hunt on that ranch. I hunted on that ranch for about 20 years. It was the Philip McKee Ranch and then it was the Cook Ranch, now it's the Ford Ranch. I'm talking about the changes that I've seen and lived through and been through.

And we're not allowed to hunt on that ranch anymore because there are new owners, and I respect that. And as a Commissioner, I've had a lot of complaints from you all who are sitting in the audience about the Tom Ford Ranch and about the orchards that are being put in and about destruction of the property up there and destruction of the land. And where they were going to get the water to water those orchards. And those were questions that had come to me and those were answered, apparently.

And as I drove into Galisteo I can remember the baseball fields that we played in, that now occupy homes. Mr. McQueen here built a house right on our baseball field. And I had

questions about why are we allowing him to build there and the type of home that he's building. And you just – that's his property. That's Tom Ford's property. It's not my doing to tell him what kind of home he needs to build or what he needs to do. It's not up to me to say, Tom Ford, you shouldn't put that orchard in. But these were the complaints that I've heard as your County Commissioner.

I heard from all of you about crowing roosters in the Village of Galisteo and how upsetting it was to hear them. I've seen vacant land be developed, including the homes that I have there. I've seen a lot of change. I've seen 49 lots go in, the Ranchitos de Galisteo, which most of you live there. There's 32 homes that are in the Ranchitos de Galisteo right now. That was once a place where I rode my horse and hunted rabbits. But it's changed. Can't do it anymore.

As I drove through Galisteo you have Nizhoni, Goose Downs, Vista Clara, Haciendas Tranquilas, Saddleback, and as I topped the hill at the Lamy Hill, I could see all the development from Eldorado. And did I want that? No, I didn't want it, but it happened. It's change and we're not used to change. And did it hurt? Yes, it hurts. It hurts. When the developer came and said he wanted to build or to create some lots, and they were going to do it by a lot line adjustment, he came to my office and he sat across from my desk and told me what he wanted to do, and I told him I wouldn't be for it. I would not be for it. I told him, you're going to exclude the Village of Galisteo. And I wouldn't accept a lot line adjustment and I told him, what you need to do is talk to the Village of Galisteo. And I believe the rest of the Commissioners didn't agree with the lot line adjustment, and our staff didn't agree with the lot line adjustment. And it was getting all blown out of proportion and I was getting calls from the community.

They invited me to a community meeting or to a community board meeting in Galisteo and I was happy to come. I was happy to go to that meeting and sit there with the community members and tell them that I disagreed with what the developer was trying to do. I'd already told him that; he knew that. And that I wanted to include, not exclude, include the Village of Galisteo on any decisions that would be made in that area. In any area.

And the Village of Galisteo said we just want them to follow the plans. We just want them to follow the County Code. And I assure them that that's what we would do. And I told the developer that he needed to have constant communication with the community of Galisteo and I believe they did. I believe that they followed what the County staff told them to do, above and beyond. To me, what I'm hearing, and I respect every one of your comments. I do. Because I do have concerns about the water, the view, but if you don't want development then why don't you just flat out tell them you don't want development and not say, we just want you to follow the Code?

They followed the Code but now you want them to do more. You want them to go back and do more. Is that right? I've tried to be a fair man when I was elected County Commissioners to treat all developers fair and treat the public fair. I've tried to do that. But you're saying they need to go back to the drawing board. There's a million things that I'd like them to go back and look at. There's a few. And it's tough, I'm telling you it's tough when

you're driving into Galisteo and you're going to see some homes to the left. It's tough. But we can't stop development.

I know you want to do development right, well, we do too. There's some issues that were brought up and I'd like the developer to go back again and try to work these out. Water is number one. We need to figure out the water. There were things brought up about lighting, revegetation, a landing pad. We need to assure the Galisteoans and the Commissioners that we're not going to impact the water in Galisteo. I'm concerned myself.

The height. The one that that was brought up about poles, you're going to put poles up to see where these houses are going to be and whether you're going to be able to see them from the road. To me it makes sense that we do that prior so that we have an idea of what that might look like. I heard cluster development, I don't want to tell you how to do your development, but you heard from a lot of people here today and hopefully you could incorporate some of those concerns into your development. And with that, I would like to motion to table this.

CHAIRMAN MONTOYA: Are there any other comments?

COMMISSIONER HOLIAN: Yes.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would like to thank you all for your comments. It's clear that you're here because you love the Galisteo Basin and I do too. Every time I drive over that hill I get tears in my eyes because it's really the most beautiful place in the world. I do concur that I think it would be a good thing for more work to be done with the community on this. I concur with all the comments of Commissioner Anaya. I would also like to add to that to continue with the archeological surveys. I think more could be done on that at this point. I also think that the wildlife corridor is an incredibly important issue, so I would really like to see not only an analysis but a real plan.

I do want to also make a comment to the people that we are making this decision under the current County Code. We do not have the Sustainable Land Development Plan approved yet. We do not have the Sustainable Land Development Code. Now, I'm really glad to see all of you here and how much you care, but I have noticed that at the meetings that we've had on the Sustainable Land Development Plan many people in the community have shown up, but not nearly as many of you as are here now. And I think that this is a beautiful example of why we need – why not only that we need this new plan and code, but why it is so incredibly important for you to be involved. Thank you.

CHAIRMAN MONTOYA: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I would like to thank everybody who came tonight to speak on whatever position you were talking about. And I have to give a lot of credit to Commissioner Anaya this evening and for any of the other natives to this area. This whole area has changed drastically. And for the people who were here before we moved here, and if you're one of me and you moved here, we helped to change it. And I think as Commissioner Anaya said, change isn't easy, but we need to respect each other and I respect all of you for coming. We have not stopped development in our

county. We are not a no-development county. But what we are trying to do is to approve developments in a thoughtful, caring manner.

So I think several issues were brought up this evening that need to still be looked at, but right now I think we all have to look at this a little bit differently. The change is here and we don't own the land. The people who were before us own the land. Thank you.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. I too appreciate the efforts and the time and many of the statements I heard tonight, I think if there's anything that really is overriding from my observational experience is there's really a lot of communication that needs to be more clarified and crystallized. And I think with that I would definitely support the opportunity for the Galisteo folks and the developer to meet, because some of the disparity and some of the basic facts that I heard are still there. So I think that process needs to continue. And I really appreciate the underscore that Commissioner Anaya and Commissioner Stefanics have said, because as a native Santa Fean I used to travel the area that you all live in when there was no development there. My grandfather was a miner in the area and my great grandfather herded sheep in the area.

So the ties to the community exist very strongly. I grew up on Canyon Road as was referenced and saw the transition happening. I lived there when there were strictly residential homes. So transition is very much a part, and change is very much a part of my experience. I think there's good and bad about what has happened, but I think if we keep the lines of communication open and I so appreciate those folks who came up here and said we want to do this right, because that is the position this Commission takes, that is the position staff takes, and that is the direction we need to go. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. I too would like thank both sides for being here. I would encourage people in the future though that when we are talking about what we're talking about – and I'm going to personalize this myself and I'm not going to say on behalf of the Commission, but when we get stuff about being small-minded, being irresponsible with cultural resources and being accused of being destroyers of history, that's not where I am coming from at all. And I do take offense to those references.

We come out of, I think, the perspective of trying to do what's right, and make sure that what we follow is in the guidelines and ordinances we do have. And probably more insulting is have you sold out? And are you part of backroom deals? That's just to me unacceptable, when we're trying to the kind of work that we're trying to do. I think the word respect that Commissioner Stefanics used is certainly a two-way street. I think we certainly would appreciate that as well. I know I would.

From the perspective of what we're doing with smart growth. If there is one thing that is constant in this world it is change. That is the one constant in this world that there is. And there's just no way getting around it. That is part of history. That has been part of our culture. Our culture has changes. So I just ask, and Gabe, I want you to also ponder this part in terms of are you going to be coming back for more in the future, other than what you're talking about now for the 24 units and maybe address that a little bit as well.



So with that, Commissioner Anaya, you had a motion.

COMMISSIONER VIGIL: I second the motion to table, Mr. Chair.

CHAIRMAN MONTOYA: Okay, we had a motion by Commissioner Anaya to table, second by Commissioner Vigil.

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

**XV. ADJOURNMENT**

Chairman Montoya declared this meeting adjourned at approximately 10:15 p.m.



*Valerie Espinoza*  
VALERIE ESPINOZA  
SANTA FE COUNTY CLERK

Approved by:

*[Signature]*  
Board of County Commissioners  
Harry Montoya, Chairman

Respectfully submitted:

*[Signature]*  
Karen Farrell, Wordswork  
227 E. Palace Avenue  
Santa Fe, NM 87501

SFC CLERK RECORDED 04/15/2010