

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

September 9, 2008

Paul Campos, Chair – District 4
Virginia Vigil, Vice Chair – District 2
Michael Anaya – District 3
Harry Montoya – District 1
Jack Sullivan – District 5

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This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:00 p.m. by Chairman Paul Campos, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Paul Campos, Chair
Commissioner Virginia Vigil, Vice Chairman
Commissioner Jack Sullivan,
Commissioner Harry Montoya [3:05]
Commissioner Mike Anaya

Members Absent:

[None]

VI. APPROVAL OF THE AGENDA

A. Amendments

B. Tabled or Withdrawn Items

CHAIRMAN CAMPOS: Mr. Abeyta, we're on approval of the agenda. Any comments?

ROMAN ABEYTA (County Manager): Mr. Chair, the only changes that staff has, or one amendment is to X. Matters from the Commission, caption A, we need to add an additional zero so it's \$32,500,000 to the best bidder on the bonds. Mr. Chair, we would ask that item #3, the Santa Fe Canyon Ranch under XIV. Public Hearings, A. Growth Management Department, be the first item under Growth Management Department and heard by 5:00. The hearings start at 5:00.

CHAIRMAN CAMPOS: Okay. Anything else?

MR. ABEYTA: With that, Mr. Chair, we would like an hour of executive

session so if at all possible, if we could get into executive session by 4:00 then that would keep us on schedule to have that hearing at 5:00.

CHAIRMAN CAMPOS: Okay. I'd like to start at 3:00, go to closed at 4:00. At 5:00, be back to hear Santa Fe Canyon Ranch, and limit discussion on Santa Fe Canyon Ranch for about an hour and a half till about 6:30. Our goal would be to end the meeting by 8:00 or 8:30. Does that work for the Commissioners? Okay. Is there a motion to approve the agenda with the changes proposed by our County Manager?

COMMISSIONER ANAYA: So moved.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Discussion?

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

VII. APPROVAL OF CONSENT CALENDAR

A. **Consent Calendar Withdrawals**

CHAIRMAN CAMPOS: Anything that will be tabled or withdrawn from the Consent Calendar, which is item XII? Okay, nothing to be withdrawn.

XII. CONSENT CALENDAR

A. Budget Adjustments

1. **Resolution 2008-146. A Resolution Requesting an Increase to the General Fund (101) to Budget a Grant Awarded Through the New Mexico Department of Transportation to Provide Funding to Purchase Radar Systems to Enhance Traffic Safety Enforcement/\$8,431 (County Sheriff's Office)**
2. **Resolution 2008-147. A Resolution Requesting an Increase to the General Fund (101) to Budget a Memorandum of Understanding with the United States Marshals Service for Fugitive Apprehension Task Forces/\$10,000 (County Sheriff's Office)**

B. Miscellaneous

1. **Request Approval to Enter into Contract #28-0148-FS/RSM for \$345,083.00, Excluding Applicable New Mexico Gross Receipts Tax, with Construction Technology Specialists, Inc. for Renovations to the La Puebla Volunteer Fire Station (Community Services Department)**
2. **Request Authorization to Enter Into Contract # 28-0123-CORR/RM (\$200,349.00) with Rivercrest Construction, LLC, for the Construction/Renovation of a Bail Bond Window/Electronic**

**Monitoring for the Santa Fe County Adult Detention Facility
(Corrections Department)**

C. Findings of Fact

1. **CDRC CASE # MIS 08-5160 El Vadito de los Cerrillos El Vadito de los Cerrillos Water Association Requested Master Plan, Preliminary and Final Development Plan Approval for a Water Storage Tank 26' in Height within a 0.06 Acre Easement. The Applicant is also Requesting a Variance From Article III, Section 2.3.6b, for the Tank to Exceed the Maximum Permitted Height of 24'. The Project is Located at 51 Goldmine Road, within Section 19, Township 14 North, Range 8 East, (District 3) Approved 4-0**
2. **EZ CASE # DL 08-4140 Lerma Family Transfer Isaac Lerma Requested Plat Approval to Divide 4.73 Acres into Two Lots for the Purpose of a Family Transfer. The Lots Will Be Known as Lot 2-A (1.25 Acres More or Less) and Lot 2-B (3.48 Acres More or Less). The Property is Located at 19 Calle Suzanna, within the Pinon Hills Subdivision, Via County Road 70, within Section 25, Township 17 North, Range 8 East, (5 Mile EZ, District 2) Approved 4-1**

CHAIRMAN CAMPOS: We'll go to approval of the Consent Calendar.

COMMISSIONER ANAYA: So moved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER SULLIVAN: Second.

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

VIII. APPROVAL OF MINUTES

A. August 12, 2008

CHAIRMAN CAMPOS: Is there a motion to approve?

COMMISSIONER SULLIVAN: I have some corrections, Mr. Chair.

COMMISSIONER ANAYA: So moved with Commissioner Sullivan's corrections.

CHAIRMAN CAMPOS: Typographical corrections?

COMMISSIONER SULLIVAN: Correct. Second.

CHAIRMAN CAMPOS: There's a motion and a second.

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

IX. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS

CHAIRMAN CAMPOS: Members of the public can come forward at this point and briefly talk about any issue that is not on the agenda today. So anybody who would like to take advantage of this opportunity would you please stand up and sit in the front row. Please state your name and your address.

LESLIE BARNARD: Leslie Barnard, 25 Paseo del Valle, Cañoncito. I'm just going to read my statement. There was an article in the *New Mexican* the other day you may have read about omnibus Bill 3213 sponsored by Senator Bingaman to allow a land exchange between 160 acres of national forest land on the Glorieta Mesa and private land owned by Mr. Harold Zuschlag in Cañoncito to become part of the Pecos National Monument run by the National Park Service.

The National Park Service values it as part of the historic Glorieta Civil War battlefield. This land exchange includes the grant of an easement up the vertical cliff face of the Glorieta Mesa for a pipeline to carry water from existing wells at the bottom next to the Galisteo River. We object to this trade for the following reasons, and the pipeline: This transaction is buried in a huge federal appropriations bill which includes over 105 separate land management bills and by doing it this way it is circumventing all local protective zoning and water ordinances and any opportunity for the public to weigh in on the matter.

Mr. Zuschlag has worked with US Congress to have this legislation passed since 2000, and yet his neighbors were either never contacted or were misinformed by Mr. Zuschlag as to these plans, and the current legislation being proposed. The community in Cañoncito is concerned with the impact on their wells downstream as well as the defacement of a historic and beautiful landmark by running a pipeline and access up the rocky face of the mesa. Mr. Zuschlag is currently in violation of his water permits which he was granted under the condition that he present the State Engineer with a conservation plan, and that he meter and submit his water usage which he has not done for over a year, and is using more than twice the amount of water allocated to him. This in a time and area where water availability is of great concern is alarming to those of us in the area. And I understand it's a state concern that I felt it merited mentioning here.

The community on the mesa is concerned about displacement of current ranchers such as Richard Montoya here with us today, who are grazing cattle on this forage land as their fathers and grandfathers have for generations, and whose livelihoods are impacted by the loss of this grazing land with no compensation at a time when they're fighting to protect and maintain their cultural traditions in the face of abuse and vandalism by off-road vehicle users as well as by the threat of suburban sprawl.

They're also concerned about plans for the use of the land which Mr. Zuschlag wishes to subdivide and develop. We respectfully request that the County Commission send a letter of support for the local community of Glorieta Mesa, Cañoncito residents, and local grazing allotment holders to Senator Bingaman and ask him to strike this portion of the omnibus bill,

title 3, subtitle D, Section 333 until it can be reviewed by all parties. Thank you for your time and consideration.

CHAIRMAN CAMPOS: Commissioners, that would require a resolution. Is there any Commissioner who would like to present such a resolution for consideration by the Commission? Is that in your district?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: It's either my district or Commissioner Sullivan's district.

MS. BARNARD: I believe it's Commissioner Anaya's.

COMMISSIONER ANAYA: Where exactly is the land?

MS. BARNARD: It's in Cañoncito. It's between the Cañoncito exit and the Glorieta Battlefield Museum. It's just past, going from here down I-25, it's just off the Cañoncito exit.

COMMISSIONER ANAYA: I think I need to know a little more about it. This is the first time I've heard about it. And I don't know where the land is, or who's swapping what. Maybe what we could do is sit down and I can get more familiarized with it. That way I know what I'm talking about.

MS. BARNARD: Okay. Thank you.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Anybody else? Is there anybody else? Anybody's that's going to speak please come forward now. Come forward, state your name and your address please.

CECELIA ABEYTA: Thank you, Mr. Chair, members of the Commission. My name is Cecilia Abeyta and I represent the New Mexico Farm and Livestock Bureau. I'm here today to represent the Santa Fe County Farm Bureau. Our organization is a grassroots organization and it is composed of 30 county farm bureaus, thus totaling a membership of about 15,000 statewide. So I'm here to represent the Santa Fe County Farm Bureau and my membership for the county. My mailing address is 1835 San Felipe Circle and that's here in Santa Fe, 87505. Our headquarters is in Las Cruces.

But I'd like to thank Commissioner Anaya for taking time to meet with my membership on the issue that was just presented by Richard Stumpf and Leslie Barnard. So I just wanted to thank you for that and I'll be sitting in on those meetings as well. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Thank you very much. Okay. Matters of Public Concern is closed.

X. MATTERS FROM THE COMMISSION

A. Resolution 2008-148, Awarding the Santa Fe County, New Mexico General Obligation Bonds, Series 2008 in an Aggregate Principal Amount of \$32,500,000 to Morgan Stanley as the Best Bidder on the Bonds (Commissioner Campos)

CHAIRMAN CAMPOS: Mr. Abeyta.

MR. ABEYTA: Thank you, Mr. Chair. I'll turn it over to our financial advisors to make the presentation.

CHAIRMAN CAMPOS: Okay. Please state your name and your address.

PETER FRANKLIN (Bond Counsel): Peter Franklin, Modrell Sperling, 123 E. Marcy Street, Suite 201, Santa Fe. Hello, Commissioners, Mr. Chair, Let me hand out this award resolution. [*Exhibit 1*] This award resolution awards the last installment of the County's general obligation bonds that were authorized back in November 2004 for water, roads and basically fire stations. This installment is a \$32.5 million installment of GO bonds for water projects, and this will complete this voter authorization. And Kevin Powers, the County's financial advisor is here to tell you about the terms of the sale. The bonds were sold today and it was actually an amazingly good sale but I'm going to let him take the glory for that. But basically with this resolution you will be awarding the bonds to the best bidder, which was Morgan Stanley and that will complete the County's existing general obligation bond authorization.

KEVIN POWERS (Financial Advisor): Good afternoon. Kevin Powers, I'm with RBC Capital Markets. Our office is in Albuquerque, and I'm the financial advisor to the County and I have some very good news. We did sell the final installment of the 2004 general obligation bond authorization this morning at 11:00. If you turn to the second page of that handout [*Exhibit 2*] we have an overview of the bond issue. It was for \$32.5 million. The bonds will be paid off between the years of 2009 and 2027. That's an average life of about 9.8 years.

The bonds will carry ratings from Standard & Poors of AA+, and Moody's of Aa1. Those are the second highest ratings that you can possibly get. The highest rating is AAA. So they're very, very, very few AAA ratings in the country. There are very, very few Aa1 and AA+ ratings in the country. So this is a very good accomplishment for the County to be rated this highly, and it's one of the reasons why your bonds sold at such an attractive interest rate. There was no credit enhancement. There's no way to enhance the credit any better than that.

The net interest cost to the taxpayers of this bid is \$12,755,000. The bidder did bid a premium of \$58,500, so the County will get the \$32,500,000 plus the premium of \$58,500. The true interest cost to this bid is a 3.956, so we're borrowing money with an average life of almost ten years and a final maturity in excess of 20 years with an interest rate of less than four percent.

The next page is a listing of the bids that were received. We had seven bids received this morning and quite honestly, this was quite a competitive bidding situation. These were all sealed bids. We use a website to receive them and as of about 15 minutes to 11 we had one bid. And as of about 3 minutes to 11 we had two bids. And all of a sudden the other five came in

within about the last 30 seconds. So everybody was out there trying to jockey for position and trying to sweeten up their bid to the point where they would be successful. Morgan Stanley was the successful bidder at 3.95. The second best bid was Robert Baird at 3.97. Very close, very competitive. The remainder of the bids were in the very low four percent range, 4.02 to 4.05. Seven bids on an issue this size and this market today is a very – is an excellent result.

The next page is the resulting debt service on the bonds. If you turn to the following page there's an interest rate change, and I think there's been a lot of movement in interest rates lately, but if you look at the very right hand side of this chart both the 20-year GO bond index and the 10-year treasury index you can see have both declined in recent weeks and in recent days have declined considerably. The action of the federal government in taking over Fannie Mae and Freddie Mac over the weekend had a very settling effect on the markets and in fact helped to drive rates down early this week and you were the beneficiary of those lower interest rates.

The last couple of pages in the handout are Moody's rating criteria. As I said, the Aa1 from Moody's is the second highest rating they offer and the AA+ by S&P is the second highest rating possible from S&P. We've also provided for your information in this report a reprint of the ratings letters that Moody's and Standard & Poors submitted with their rating actions. For the most part it's very favorable to the County. I think the County should be pleased with the ratings and pleased with the results of the sale.

One other thing I should also add is that these bonds are in fact optionally redeemable or callable at the County's option in ten years from the date of issuance. So these are callable for the purpose of refinancing in the future if the County should decide to do so and the rates should actually drop below where they are today. With that I would stand for any questions you might have of a financial nature before turning it back over to Peter for the resolution.

CHAIRMAN CAMPOS: Questions?

COMMISSIONER ANAYA: So moved.

CHAIRMAN CAMPOS: We're going to have Mr. Franklin come forward.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Kevin, on the page that has the summary of the competitive bids, on the less premium, let's just take Hutchinson. Their less premium is \$406,000 and could you just explain in terms of the difference between that and the \$58,000?

MR. POWERS: Mr. Chair, Commissioner Montoya, when we put these bid packages together we try to allow for bidding parameters that are broad enough that allow for potential bidders to get creative. The more creative they can be that can sometimes allow for a lower interest cost bid. We allow bidders to bid premiums so that if they need to increase the interest rate, the coupon rate from the bonds, they can, but they can pay you money up front to basically buy down that interest. It's almost like points in a mortgage, but it's the other way around because in this case they're giving you the money. So instead of a borrower you giving them the money and then the interest rate being bought down, in this case the interest rate is higher and the points or the premium reduces the effective rate for the County. So it turns out

that Hutchinson Shockey, the third best bidder, had some buyers out there that they believed were interested more in higher cash flows from the tax-exempt interest rates and in turn they paid you that premium to reduce the effective cost to you. So everybody kind of got to the answer a little differently.

We did have a maximum premium allowable under the bid. We didn't want this number to be in the millions of dollars. We wanted to keep it down to a reasonable number, so we had a maximum in there. But it does allow them to structure their bid to the benefit of the County.

COMMISSIONER MONTOYA: Okay. Thank you.

MR. POWERS: Thank you.

CHAIRMAN CAMPOS: Mr. Franklin, we're ready to proceed. Any special instructions?

MR. FRANKLIN: Mr. Chair, members of the Commission, I would be happy to walk through this resolution with you in full detail but I think it's probably just as good to tell you it awards the bonds to Morgan Stanley as the best bidder. It lays out the maturities and interest rates. You'll see that on page 5. And basically, it's the standard type of bond award resolution that we've been doing for the last several years. The bonds are issued for the purpose of financing water projects in the county, and will not result in an increase to the tax rates of property owners. Other than that, I'd just be happy to answer questions.

CHAIRMAN CAMPOS: Okay. Any questions for Mr. Franklin. Is there a motion to adopt Resolution 2008-148 awarding the Santa Fe County, New Mexico GO bond Series 2008 in the aggregate principal amount of \$32,500,000 to the best bidder? Is there a motion?

COMMISSIONER ANAYA: So moved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER VIGIL: Second.

CHAIRMAN CAMPOS: Okay. Discussion?

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

X. B. A Proclamation Designating September as Recovery Month in Santa Fe County (Commissioner Montoya)

COMMISSIONER MONTOYA: Thank you, Mr. Chair. I just wanted to read this proclamation. September is considered Recovery Month so I just wanted to bring this forward for the Board's approval.

Whereas, Santa Fe County citizens are not immune to the ravages of alcohol and other substance abuse that afflict our state; and

Whereas, alcohol and substance abuse tear apart the basic fabric of daily life of the persons afflicted by it; and

Whereas, the families of those afflicted by alcohol and other substance abuse pay the

highest price for this destructive behavior; and

Whereas, it is in the best interest of all citizens of Santa Fe County to assist our residents who are afflicted with this disease; and

Whereas, Santa Fe County devotes large amounts of resources to help people recognize and recover from alcohol and other substance abuse through its CARE Connection, Sobering Center and contracts with recovery providers; and

Whereas, Santa Fe County encourages persons afflicted with alcohol and/or substance abuse to search out those resources that will help them recover;

Now, therefore, we the Board of Santa Fe County Commissioners hereby proclaim September 2008 as Recovery Month throughout Santa Fe County.

I move for approval, Mr. Chair.

COMMISSIONER VIGIL: Second.

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

CHAIRMAN CAMPOS: The proclamation is approved.

X. C. A Proclamation in Celebration of the Eighth Annual Family Day - A Day to Eat Dinner with Your Children on September 22, 2008 (Commissioner Montoya)

COMMISSIONER MONTOYA: Mr. Chair, this proclamation is in celebration of Family Day and I'd like to read this. This is going to be

Whereas, the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children; and

Whereas, surveys conducted by the National Center of Addiction and Substance Abuse, CASA, of Columbia University, have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs; and

Whereas, teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

Whereas, teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

Whereas, the correlation between family dinners and reduced risk for teen substance abuse is well documented; and

Whereas, parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; and

Whereas, family dinners have long constituted a substantial pillar of family life in America;

Now, therefore, we the Board of Santa Fe County Commissioners hereby proclaim

Monday – and this is Monday, September 22, 2008 Family Day, a day to eat dinner with your children throughout Santa Fe County.

And I move for approval, Mr. Chair.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

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

X. D. ADOBE Award Recognition to Frank Magourilos, as 2008 Addictions Educator of the Year (County Commission and County Manager)

MR. ABEYTA: Thank you, Mr. Chair. Frank is a senior certified prevention specialist for the Santa Fe County DWI program. He was recently recognized as the 2008 addictions educator of the year by the New Mexico Education Network at their 42nd annual conference in Silver City. This award recognizes not only his work in the county but his outstanding leadership on the New Mexico Credentialing Board for behavioral health professionals, New Mexico Prevention Network, Santa Fe Underage Drinking Prevention Alliance, New Mexico OSAP Training and Advisory Committee, and the New Mexico DWI Prevention Affiliate.

Frank consistently seeks opportunities in every situation and really lives his work. He is very passionate about his role in making a difference. Frank, we're proud of your accomplishments. You truly deserve to be recognized for your efforts. Your dedication and success benefits not only the Santa Fe County DWI program and our entire community, but often the entire state, as your work is often looked at as a model by the state and your peers. Congratulations, Frank, on an outstanding job.

COMMISSIONER MONTOYA: Mr. Chair, Frank, before you take off, I also, on behalf of the Board of County Commissioners want to recognize you. This certificate of recognition says, Santa Fe County recognizes Frank Magourilos as the 2008 Addictions Educator of the Year, as presented this 9th day of September, 2008.

X. E. Discussion and Possible Approval for an Expenditure of Community Funds in the Amount of \$5,000 for Recognition of H.O.S.T.S Program (Commissioner Sullivan)

COMMISSIONER SULLIVAN: Mr. Chair, Santa Fe County has assisted the H.O.S.T.S program in the past. H.O.S.T.S means Helping One Student to Succeed. It's a nationally recognized academic, structured mentoring program that pairs a student who needs help in either reading or math with a volunteer who wants to make a difference in that student's life. In Santa Fe County our H.O.S.T.S program is located at the Cesar Chavez Elementary

School. The funds are used to assist in purchasing instructional materials primarily books, which the children are able to take home, read with their parents and with their siblings to bring them up to, or in many cases exceeding their actual grade levels in elementary school.

And I would move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER MONTOYA: Second.

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

X. F. Discussion and Possible Approval for an Expenditure of Community Funds in the Amount of \$5,000 for Recognition of Community Band (Commissioner Sullivan)

COMMISSIONER SULLIVAN: Mr. Chair, this is also an endeavor that the Commission has assisted in the past. The Santa Fe Community Band provides free concerts throughout the year, including during Fiesta and Fourth of July and monthly concerts in the evening during the summer and a Christmas concert as well, and a historical concert. And it incurs of course expenses in doing that in terms of advertising and number of other ordinary expenses. I think this is a really great organization that deserves to be supported and I would move for approval.

COMMISSIONER ANAYA: Second.

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

XI. APPOINTMENTS AND REAPPOINTMENTS

A. Appointment of New Member to the County Development Review Committee (Growth Management Department)

SHELLEY COBAU (Building Development Services Manager): Good afternoon, Mr. Chair, members of the Commission. At the July 17, 2008 meeting of the CDRC Member Ernestine Hagman resigned and subsequently submitted a letter of resignation which is included in your packet as Exhibit A. Staff subsequently placed an advertisement in the local newspaper apprising the public of the vacancy on this development review committee and numerous résumés have been presented for consideration by interested individuals. Those résumés are included in Exhibit C. There are 14 applicants total that have applied for the position.

In the staff report it's included who is currently on the CDRC, along with their term expiration date in parenthesis. Article II, Section 1.2 of the Code gives the BCC the authority to appoint members of the CDRC. Section 1.2 states the Board appoint a County Development

Review Committee consisting of not less than seven members.

Staff recommends that the BCC review the attached résumés of the interested individuals and appoint a new CDRC member from one of the three applicants who resides within the city limits as set forth by Article II, Section 1.2.1 of the Code, which requires that one member of the CDRC reside within the city limits of Santa Fe. The selected applicant should be appointed for a two-year term ending on December 31, 2011. Thank you.

CHAIRMAN CAMPOS: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. I do believe this is district appointment, correct? For District 2?

MS. COBAU: The last round of appointments that were made weren't made by districts but I have included the Commission District that each of the current members of the CDRC reside. So you can see there's one member in Commission District 4, that's CDRC Member Holian whose term will be expiring on December 31st. Jim Salazar, Commission District 3, J.J. Gonzales, Commission District 3, both their terms will expire on December 31st of 2010. Don Dayton resides in Commission District 5, his term is up December 31st of this year. Charlie Gonzales is in Commission District 2. He was recently appointed. His term ends on December 31st of 2010, as does the term of Jon Paul Romero, who resides in Commission District 1.

COMMISSIONER VIGIL: Okay. I think, Mr. Chair, I'm going to propose that we move forward with the recommendation of Susan Martin, who is an attorney, which I think would add a lot of value to this committee. It's a critical appointment. She also is government liaison for Sierra Club, has the environmentalist sensitivity and background that I think might be needed for this committee, and I do believe that Ernestine Hagman was my appointment when she was placed on this committee so I'd like the opportunity to replace her with Susan Fry Martin.

CHAIRMAN CAMPOS: I'll second that. Any discussion? Any further nominations?

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

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Community Services Department

- 1. Second Public Hearing for Discussion and Adoption of the Santa Fe County's Infrastructure and Capital Improvement Plan (ICIP) for Fiscal Year 2010-2014 and Approval of Resolution 2008-149 (Community Services Department) [Exhibit 3: Staff Recommendations]**

PAUL OLAFSON (Community Projects Division): Mr. Chair, Commissioners, before you today we have a second hearing on the proposed ICIP list. There's a list of capital

projects to be submitted to the Department of Finance and Administration, which will then be included in the discussions during the legislature upcoming in 2009. We've just handed out to you an updated list. We almost emailed it to you last week. It reflects some five priorities on top as well as some additional projects that can be included for consideration in the ICIP.

As you know, the ICIP – the list is used for listing projects for potential funding. So this list is for 2010-2014. We have the five priorities. We're going to ask you to review the five priorities and make a recommendation of one through five. Those will also be submitted to DFA as the County's top five priorities. Additional projects will be also included and eligible for funding, but they will not be listed on this top five.

I'm going to ask Agnes Lopez to go through some of the projects that's she's helped compile.

AGNES LOPEZ (Community Services Deputy Director): Mr. Chair, Commissioners, in discussion with staff and the community of some of seven to nine meetings that we had, and some discussion with Commissioners we came up with the top five recommended. We also have others that could be considered but the top five are what we considered as project ready. They were projects that staff thought were ready to go, and they include the Agua Fria Phase III project, which includes improvements to water, sewer, and drainage. Road improvements in District 3 in the sum of \$1 million. The Vista Grande Library Addition which has already completed the A&E on the addition. The Media Park, which includes traffic improvements, broadband, water and wastewater. And the Cuatro Villas water system improvements and water service lines.

These are again just recommendations and we stand for discussion.

CHAIRMAN CAMPOS: Discussion? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Agnes, I notice from the recommendations that are in the packet for the top five projects, the only one that has changed – one of those of the top five was the Rancho Viejo transfer station in the amount of \$1.5 million and that's been replaced with the Cuatro Villas water system improvements. Could you elaborate on that?

MS. LOPEZ: Yes, Mr. Chair, Commissioner Sullivan. In discussion with staff, staff felt that being that the library addition is ready to go we've got A&E services complete for that project, and the transfer station has not been designed and there is no funding for that. We thought that this was a more project-ready project that we should go forward for funding.

COMMISSIONER SULLIVAN: Well, the library was on the list before and it's on the list now, the only difference is the Rancho Viejo transfer station has been replaced with the Cuatro Villas water system improvements. I don't think it has anything to do with the library.

MS. LOPEZ: No, Commissioner Sullivan, Cuatro Villas was a water/wastewater system that we thought was ready to go and needed some additional funding and thought that that would be a project that was ready to go.

COMMISSIONER SULLIVAN: What were the changes in your thinking between the time the packet was prepared and this handout that you handed out?

MS. LOPEZ: Commissioner Sullivan, it was mostly just trying to get a

water/wastewater project in there that was ready to go as well as road projects and facility projects.

COMMISSIONER MONTOYA: Mr. Chair, if I might add, I think noticeably absent in that top five initially was a project from District 1, which I certainly would advocate for and the Cuatro Villas was certainly one that's ready to go and I think spreads it out across in terms of project readiness and some sort of equality amongst the districts also.

CHAIRMAN CAMPOS: You're talking about the Pojoaque Valley regional water/wastewater system?

COMMISSIONER MONTOYA: No, the Cuatro Villas.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER MONTOYA: Which is now one of the top five recommendations, and previously, there were no District 1 recommendations in the top five.

CHAIRMAN CAMPOS: That's because District 1 usually gets all the top recommendations.

COMMISSIONER VIGIL: Not really.

CHAIRMAN CAMPOS: You're in and you're out, right?

COMMISSIONER SULLIVAN: It's because Commissioner Montoya has been so efficient in responding to his constituents' needs that there's nothing left to do in that district.

COMMISSIONER MONTOYA: That's why I didn't have any.

COMMISSIONER SULLIVAN: Right. Is Cuatro Villas -- does that already have an agreement with the County?

MS. LOPEZ: Commissioner Montoya, I'll defer to James Lujan.

JAMES LUJAN (Growth Management Director): Mr. Chair, Commissioner Sullivan, there's not an agreement in place yet. We're working that out with NMED. That money will go directly to NMED and then they're going to put it for the project with Cuatro Villas. We thought it was an easier instrument to send it to NMED.

COMMISSIONER SULLIVAN: Well, I know in each of these water projects, which I certainly support, we always have this issue of dealing with the anti-donation clause. How do we plan to do that here?

MR. LUJAN: I don't have that answer here with me right now.

COMMISSIONER SULLIVAN: Mr. Ross, have you got some ideas on that?

CHAIRMAN CAMPOS: Very briefly, because we've got to wrap this meeting up at about four p.m.

MR. ROSS: Mr. Chair, Commissioner, of course we use a standard agreement. We've sort of evolved a standard agreement and that, as you recall, is the one that was recently successful with the Chimayo Mutual Domestic. So we avoid the anti-donation clause by taking an ownership interest in the project, just like we did in Chimayo. So I would assume we would follow the same model with Cuatro Villas and any other water system.

COMMISSIONER SULLIVAN: Okay. And then the last question I had Mr. Chair, was then the Rancho Viejo transfer station got moved down to other viable projects.

There it's listed as a \$1 million project cost and in your packet material it's \$1.5 million, which would be the correct amount.

MS. LOPEZ: Commissioner Sullivan, attached – I believe we updated the ICIP plan and split the Jacona and the other one between two. They were \$1.5 million between two transfer stations. We have a million here because staff felt that by the time we had enough funding that the escalated cost might rise to a million. Right now, transfer stations, I think the latest one that we are undergoing is about \$750,000.

COMMISSIONER SULLIVAN: Okay. My question was in the packet it was \$1.5 million. So you feel that that would be more than you would need.

MS. LOPEZ: Yes. A million and a half is more for two transfer stations. So we'll adjust that.

COMMISSIONER SULLIVAN: That's all the questions I had.

CHAIRMAN CAMPOS: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, I think these are fair and equitable priorities and they represent projects from each district, all of who may be at different stages of readiness but can be finished if we get the funding for them. I move we adopt.

COMMISSIONER MONTOYA: Second.

MS. LOPEZ: Mr. Chair, could I just mention that we have added from the previous packet at our previous meeting, we've added the Avenida Vista Grande road improvements, Jacona transfer station, San Marcos transfer station, fire training facility on western region fire station, to the ICIP plan that you have in front of you, for the record. And Chimayo water.

CHAIRMAN CAMPOS: Do we need a public hearing, Mr. Ross? I don't think so.

MR. ROSS: It says on the agenda second public hearing. Perhaps one of the staff members – we need a public hearing on these plans, don't we.

CHAIRMAN CAMPOS: Okay, this is the second public hearing. Anybody in the public who would like to come forward and testify about this resolution? Okay, no one having come forward, there's a motion and a second to adopt.

MR. OLAFSON: Mr. Chair, Commissioners, part of the process is we also have to rank one through five. And we can simply go down the list, one, two, three, four, five, but we do need a numerical rank on these as you vote on them.

COMMISSIONER VIGIL: Mr. Chair, my motion would include the rank as is identified: Agua Fria, Santa Fe County District 3, Vista Grande, Media Park and Cuatro Villas and it is my believe that the ranking does not make that much a difference with regard to the funding. Once it's lobbied for at the legislature, it's just a requirement from DFA. So with that, my motion would include the ranking as is identified.

CHAIRMAN CAMPOS: Commissioner Montoya, is that fine with you?

COMMISSIONER MONTOYA: I'm sorry. Would you –

CHAIRMAN CAMPOS: The rankings. Apparently, we have to rank one through five, the projects.

COMMISSIONER MONTTOYA: They need them ranked? So you had them –
COMMISSIONER VIGIL: As presented.
COMMISSIONER MONTTOYA: As presented? That's fine, Mr. Chair.

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

COMMISSIONER ANAYA: Mr. Chair.
CHAIRMAN CAMPOS: Commissioner Anaya.
COMMISSIONER ANAYA: I'd just like to recognize Pablo Sedillo, who's in the audience here, with Bingaman's office.
CHAIRMAN CAMPOS: Mr. Sedillo, thank you for being here.

XIII. B. Growth Management Department

1. Consideration and Approval of Ordinance No. 2008-13, an Ordinance Approving a Santa Fe County Economic Development Project and Project Participation Agreement with MW Holdings LLC (Bicycle Technologies International Ltd.) (Final Public Hearing) [Exhibit 4: Revised Participation Agreement]

ROBERT GRIEGO (Senior Planner): Mr. Chair, Commissioners, Bicycle Technologies, International submitted a local economic development project application in accordance with the Local Economic Development Act. In accordance with the County's Economic Development Ordinance, 1996-7, and the Local Economic Development Act. The Board heard this project and approved Resolution 2008-94, approving this project on June 10th of this year.

The proposed ordinance will provide final approval of the project application and the project participation agreement. Staff has met with New Mexico Economic Development Department representatives and the state has committed to funding for this project. This ordinance is required by the state in order to allow funding to come through the County for this project. The County has completed the requirements for the ordinance, including a cost/benefit analysis as part of the economic development application. This project has indicated there will be approximately 40 jobs that will be created as a part of this proposal within five years. They also have indicated that their jobs will be above minimum wage jobs.

This project – the purpose of this ordinance will allow the funding from the state to be used for this project. If the ordinance is approved the County will need to enter into an agreement with the state for funding for the project. The Economic Development Ordinance also requires the County to enter into the project participation agreement, which I believe you have in front of you. That concludes our presentation. If there are questions with regard to the project participation agreement.

CHAIRMAN CAMPOS: Okay. Questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Ross, or whoever can answer it, the changes in this project participation agreement indicate language about, in addition to the other industrial revenue bond benefits that there may also be benefits to the project including property tax and/or gross receipts tax relief. Is that something new that was negotiated or is that something's that just a part of the Economic Development Act statute?

MR. ROSS: Mr. Chair, Commissioner Sullivan, that is part and parcel of the Industrial Revenue Bond Act. All those benefits are available under that act. So maybe this sentence isn't as clear as it could be. This Commission has authorized us to negotiate the terms of an industrial revenue bond with BTI when it enacted that inducement resolution. Those discussions are ongoing and being processed pursuant to our 1998 ordinance on that subject. It's not really a subject of this particular agreement but we put it in to provide context for the agreement so that people would know that there's an industrial revenue bond being considered and that the number of benefits that are part and parcel of an industrial revenue bond, including tax relief.

COMMISSIONER SULLIVAN: But it doesn't commit the Commission to that tax relief at this point.

MR. ROSS: Absolutely not. The terms of the industrial revenue bond are in your discretion.

COMMISSIONER SULLIVAN: All right. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions? Okay, this is a public hearing, anyone who would like to testify or comment about this particular ordinance adoption? Okay, no one having come forward the public hearing is closed. Is there a motion?

COMMISSIONER MONTOYA: So moved, for approval, Mr. Chair.

CHAIRMAN CAMPOS: Move to adopt Ordinance 21008-13.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: There's a second by Commissioner Sullivan. Further discussion?

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

XIII. B .2. Request for Approval of a Joint Powers Agreement Between the Board of County Commissioners and the La Cienega Mutual Domestic Water Consumers and Mutual Sewage Works Association Concerning Joint Efforts to Provide a County Water Delivery System to the La Cienega Mutual Domestic Water System, to Provide a Water Delivery System From the La Cienega Mutual Domestic Water System to the County La Cienega Solid Waste Transfer Site, and to Provide for Mutual Assistance to Upgrade the Operation of the County and the La Cienega Water Systems

DOUG SAYRE (Water/Wastewater Operations): Thank you, Mr. Chair, Commissioners. Before you, members of the Commission, is a JPA with the La Cienega Mutual Domestic, and I won't go through all that terminology. I know it's a rather long term, but it's the water association down in La Cienega. In the past, I'd say three to four months three times they've been out of water due to mechanical problems or system problems. The other time they had some quality problems. They have addressed that they would like to have a connection to the County system so that we can provide back-up supply to their system, which we have considered over the past, I think four to five years without doing.

The other thing is that the County needs to go ahead and extend a water line off of their system to the solid waste transfer site out at La Cienega, and that would help us provide one, fire protection, two, domestic service for the employee that is housed at that location, or employees who are housed at that location.

The third item in this JPA is that the La Cienega Mutual Domestic improved their water system down Los Pinos Road and they built a new eight-inch line from their tank, and they put stub-outs for fire hydrants over to the edge of the road, but they did not put fire hydrants in. And they're requesting that Santa Fe County go ahead and put the fire hydrants in, and that that would be the third part of this project.

The bottom line is we think this is a good way to look at I think supplemental water supply to this mutual domestic and provides, I think, a good relationship with those people of that area so that they do have adequate water, both quantity and quality for sustaining their use down in that area. Maybe I could take questions at this point concerning the JPA.

CHAIRMAN CAMPOS: Fiscal impact?

MR. SAYRE: Fiscal impact? I think I've indicated to you the fiscal impact to you in the back. I indicated about \$217,000 for this. It benefits both the County and both the La Cienega area. So it's kind of a dual mutual financial impact as far as I'm concerned, and as staff was concerned. By the way, all of this system will be owned and operated by Santa Fe County.

CHAIRMAN CAMPOS: Okay. Any questions from the Commission?

COMMISSIONER MONTOYA: So, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: The La Cienega Mutual Domestic is willing

to turn over their system to the County?

MR. SAYRE: Mr. Chair, Commissioner Montoya, no, they would not. All we're doing is providing bulk water to their system, and then they're going to provide bulk water to us back to the solid waste transfer station. They will own and operate their system as they do now. It's just like we're a wholesale provider to them and then they provide some water back to us for the solid waste transfer site at La Cienega. And we would operate and maintain the fire hydrants in the La Cienega area, which we do anyway in almost all areas at all times.

COMMISSIONER MONTOYA: Mr. Chair, Doug, then how does this address the situation that arose when they were having water problems?

MR. SAYRE: Mr. Chair, Commissioner Montoya, they have one well on the upper part of their system that provides water to the tank. When that well does not provide water up there then their system, that portion of their water system cannot supply sufficient water to their users. The place we're connecting will provide water in the upper part of their system so that it will supplement that part of their system, the upper part of La Cienega, as well as into their tank. The way we've got it designed is if their system drops in pressure below a certain point then we automatically feed water to them. It will take care of that specific problem that you're talking about.

COMMISSIONER MONTOYA: So are the two systems hooking up?

MR. SAYRE: Mr. Chair, Commissioner Montoya, yes. We're going to connect in in the vicinity where Las Lagunitas – our water system is in Las Lagunitas on Camino San Jose. We're within 550 feet of their system and we'll run a water line on down Camino San Jose and connect into their system, and provide a meter.

COMMISSIONER MONTOYA: So is there potential contamination of the water that we're supplying and the one from their system?

MR. LUJAN: Mr. Chair, Commissioner Montoya, what it is there will be a valve. We will only turn on this water when they need it, and you have a back-flow preventer so there's no way that it can contaminate our system. It will be a valve and when they need water we'll turn it on and there will be a meter, and it meters the water that we provide to their system and they'll pay us in bulk.

COMMISSIONER MONTOYA: Oh, all right. So this in essence ensures that they have a quality water supply.

MR. LUJAN: Correct. Quality water and fire protection. And what we need right now is at our transfer station we will tie into their water system because that's what's right next to our transfer station. We'll tie in a line from theirs to our transfer station. So we'll be buying water from them at times. It will be metered.

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

MR. LUJAN: That's part of our improvements to the transfer station.

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN CAMPOS: Okay, Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I want to thank staff for

bringing this forward. This is definitely needed to help out the La Cienega residents. Thank you. And I'll move for approval.

CHAIRMAN CAMPOS: Okay. Hold on one second. There's a question by Commissioner Vigil.

COMMISSIONER VIGIL: I just need to know who will own the water line that we're constructing. And do we require easements for it?

MR. SAYRE: Commissioner Vigil, we will own all of the water lines that we're putting in. We already have an easement in Camino San Jose. That's our road. We already have an easement in County Road 54, which goes to the transfer site. The other road, Los Pinos, we already own that road too, where the fire hydrants will be placed.

COMMISSIONER VIGIL: With easements and all?

MR. SAYRE: Mr. Chair, Commissioner Vigil, yes.

CHAIRMAN CAMPOS: Okay, Commissioner Anaya has a motion to approve.

COMMISSIONER MONTROYA: Second.

CHAIRMAN CAMPOS: There's a second. Is there discussion?

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

XIII. B. 3. Regional Economic Development Initiative (REDI) Implementation Strategy (Robert Griego/Monica Abeita REDI) [Exhibit 5: Presentation]

CHAIRMAN CAMPOS: Okay, the issue is this. It is 4:00. We're trying to wrap this up by 4:00. Mr. Abeyta, do we need to hear this today? Mr. Chair, I believe we do, but it should only take five minutes.

CHAIRMAN CAMPOS: Okay. Because we're running past our goal time. Okay. Please state your name and your position.

DUNCAN SILL (Planner): Mr. Chair, I'm here today to bring to you Monica Abeita with the Regional Development Corporation to give an update on the Northern New Mexico Regional Economic Development Initiative.

MONICA ABEITA: I'm Monica Abeita with the Regional Economic Development Corporation. I'd like to introduce Barbara Deaux, with the North Central New Mexico Economic Development District and Ed Burckle, executive director of the Regional Development Corporation. I'd like to introduce you to our strategy and invite you to attend the September 29th meeting along with the County Manager and staff who have been involved in this project. I think in the interests of time, the economic development assumptions we've been working on with this Regional Economic Development strategic plan is that we're really looking at economic based jobs that grow the economy. In other words, as or economy grows, we're focused on that rather than on local serving businesses

like restaurants and grocery stores and that type of thing that are in the local economy.

And the idea is those economic based jobs and that type of economic development will actually benefit the local businesses that sell locally, but we're doing our work more on that export base level. We're also looking at higher wage jobs.

As we went through this process we initially started talking about how we can work together on regional projects. And our basic assumption was that by seeking more funding for fewer, high priority projects we can complete projects earlier. There are several projects of a regional nature that we are working on currently, and every – the seven jurisdictions in the region are working on individually. If we pool our efforts, our lobbying efforts, and our efforts in terms of raising the funds, both from the legislature and other sources we can get these done more quickly.

So we talked initially about doing regional capital improvement planning, having a regional policy agenda, and getting together annually to have a state of the region conference where we report on the economy of the region, and where we also come to consensus on those capital projects and agenda. And we also talked about having ongoing education activities that would educate elected officials and the general public on economic development.

The next slide shows some of the regional projects that affect Santa Fe County that we have prioritized through the process we've gone through. We really feel like, as I will get to later, we've identified four target industry clusters. Three of those industry clusters depend very heavily on broadband. We feel that a regional broadband initiative is needed, and Santa Fe is kind of in the lead on that project with the work that you're doing on the media district. That's going to be one of our very high priority projects.

A regional workforce assessment, in order to give us good data about our labor force. The regional transit district is another one of our priorities, although it already has its own funding, hopefully, and it does have its own governance structure. And then we've looked at some other projects that are more location-specific. The STC, Santa Fe County regional water project, Buckman Direct Diversion, and some of your highway projects as well are on that longer list. What I want to say is we're trying to get this to a short list so we can get more money for some key priority projects. So we're going through that process right now.

The next slide basically talks about how we expanded from thinking about this just as a way to coordinate on regional projects. We started seeing that every jurisdiction in the region was basically doing their own thing in regard to business retention, expansion and attraction. And we felt that there were a lot of areas where we could capitalize on regional assets. For example, some of the jurisdictions have a lot of land assets. Some have technology assets, and if we can combine some of those we might be more successful. Also we can demonstrate a combined labor force. Some of the smaller communities in the region, like Espanola and Taos, for example, it's hard for them to do business attraction based on such a small labor force, whereas if we work together we would be more successful. And the idea is people really are commuting all over the region currently for work. So it's really not disingenuous to present it that way, and with the regional transit district we can continue that.

We talked about creating a regional, online database of labor force information incentives, real estate inventory, and doing regional marketing together.

Next slide please. This is kind of where we ended up. We had in May prioritized four industry clusters – renewable energy and green industry, technology, entertainment, and value-added agriculture. And we eventually came to the place where we are today, which is recommending that our implementation structure be focused around these four cluster. And the reason we're making that recommendation is because these are really a good fit with other target clusters, projects, in the region and in New Mexico and because there is good synergy among the four.

And if you go to the next slide – I'm not going to explain this in a lot of detail, but this tries to show the synergy between those four clusters, as well as some of the other clusters in the region that exist currently.

On the next slide, this is a diagram of essentially what we're proposing. We're proposing that we have a public-private partnership focused around the four industry clusters that includes regional economic development services as I've described, and coordination around regional projects. And the main benefits of this are strengthening the private sector. We know right now throughout the region we really do not have a strong private sector, and this is one of our goals. It would be a very targeted approach for regional projects and economic development services, and it would be based in market reality and strategic in nature. And one of the things we're proposing is that we start out by doing some cluster strategies for the region around those four clusters. Santa Fe has already thought about this and has already done a lot of this work for Santa Fe, but the rest of the region has not. So we don't want to just say, we're interested in renewable energy, we want to say this is where we need to do attraction for renewable energy. These are the businesses already working in that cluster that we can expand to a higher level, to the next level. We want to be more focused and targeted about the initiatives under all four.

On the next slide, how would we do something like this? There are other regions in the country that cooperate and coordinate for regional economic development, and typically, they form some sort of governing council. Up to this point the only folks on the governing body of this initiative have been the public sector, but we would recommend if we're going into a public-private partnership that private sector members would be included. Also there are contributions typically from the private sector and the public sector. In some cases these efforts are completely private sector driven, but we're really not in that position right now in this region. We may be five or ten years from now.

So what we're proposing is a membership structure similar to what other folks like Phoenix and San Diego have done, where people can buy in at a \$20,000 or above level, \$10,000 level, \$5,000 level, and for that they get a specific set of services. So that's basically what we're proposing. We would expect that private sector memberships would increase over time. Corporate sponsorships would increase over time. But initially we would have a large percentage funded by the public sector as we start this out.

We can consider other things like a flat fee or graduated fee based on population, but

those are some of the options that we have to consider. We would recommend hiring a regional coordinator to do this. Some of the work would be contracted out, and that we would have an annual work plan and metrics.

And if we go to the next slide, the REDI Council, the public and private sector, would oversee certain indicators to determine how the performance of the initiative and the performance of the regional coordinator would go. We would set specific job creation targets and have performance measures for individual projects under this initiative. And so every year the representatives on that council would be setting work plans and evaluating our progress.

The next slide basically shows our project schedule, and the following slide tells you about the meeting on September 29th. And I apologize that I did not go into the background detail, which is the first few slides. I did present it to the Commission at the last meeting I presented at, but if you need some details I'd be glad to go into that. And with that, we'd be glad to stand for any questions.

CHAIRMAN CAMPOS: Questions?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: How does this tie in with other economic development studies that have been done, say, by the lab, other entities? We've done some initial assessment internally in Santa Fe County. How does it all tie in? And then what's the role of the Regional Development Corporation in all this? It seems like they could be doing some of this?

MS. ABEITA: Mr. Chair, Commissioner Montoya, and this is part of the slides that I skipped at the beginning. This is an initiative that was funded by Los Alamos County with the increased gross receipts tax that it started receiving from the laboratory a few years ago. And it was in response to some of the local governments in the region saying that they would actually like to share in that prosperity and be a part of that, and as a result Los Alamos County was generous enough to say that they would fund some regional efforts. And they signed cooperative agreements with the City of Santa Fe, Santa Fe County, Town of Taos, Taos County, City of Espanola, Rio Arriba County, and they were a signator as well, to do this regional economic development strategic plan and several other regional efforts, and I believe the regional transit district is part of what they're funding with this money.

The way that it is different and the way that it incorporates the other plans in the region is that – and I should back up a second. The RDC was actually selected as the contractor for this project back in November 2007, and North Central is a major partner on this project. So we're the project team working through the RDC. Now, in December our contract will come to an end when this plan is completed, and part of the requirements of our plan are to put forth an implementation structure. How can we continue on a regional basis to work on economic development? And that's what we have before you today.

The stakeholders in this, all the local governments that I just mentioned, if you are in favor, if you like the presentation I just made, we could go forward with starting to form a

public-private partnership as we are recommending. The stakeholders may decide we just want to collaborate on regional projects, as was initially I think the idea behind this effort. So we've basically seen other and broader opportunities than were originally defined in the RFP, but the way that it is different from other initiatives is that first of all, it takes a regional look at what's going on throughout this region. In other words, it says what are the gaps that exist? Where are the overlaps? Where can we be stronger by working together regionally?

COMMISSIONER MONTOYA: Isn't that though the mission of the RDC? I used to be on that board and I don't know. Maybe it's changed since I've been off for about five years now.

CHAIRMAN CAMPOS: Harry, we've got to move on.

COMMISSIONER MONTOYA: Okay, Mr. Chair. I guess I'm just raising these as questions and concerns in terms of not duplicating and doing something all over again that's already been done.

ED BURCKLE: We're definitely not duplicating effort, Mr. Montoya. The Regional Development Corporation has for the past four years received no Department of Energy funds whatsoever. It used to be our role was a community reuse organization due to the downsizing at the laboratory in the mid- to late-nineties, and now we've kind of evolved over time and we're more project-oriented, but clearly our core mission area are the three counties of Santa Fe, Rio Arriba and Los Alamos to promote economic development and growth for that tri-county area.

And the RDC is also the contractor to Los Alamos National Laboratory for its economic development commitment of a million dollars a year. So we're really a clearing house or a fiscal agent for the laboratory's investment in the local tri-county areas. And we make sure that there's plenty of synergy between what we're doing with the REDI project for the four-county area, and what Los Alamos National Laboratories \$1 million a year economic development commitment is. So we're an integrator and we've got plenty of experience in ensuring that we try to do what's best for the entire region. So it's part of our core mission, if you will, this REDI project, but it is not duplicating anything that the RDC is presently working on.

COMMISSIONER MONTOYA: Or that has been done before.

MR. BURCKLE: The last time we took a real regional approach in a study was 1999. So –

COMMISSIONER MONTOYA: With the RDC?

MR. BURCKLE: With the RDC.

COMMISSIONER MONTOYA: Okay.

MR. BURCKLE: Correct.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. Thank you.

CHAIRMAN CAMPOS: Okay. Thank you very much. Appreciate it.

XIII. C. Matters From the County Manager

1. Update On Various Issues

None were presented.

CHAIRMAN CAMPOS: Should we go to items D. 2 and 3 before we go to executive session?

MR. ROSS: Mr. Chair, it's at your discretion. It might be a good idea.

CHAIRMAN CAMPOS: Let's do that.

XIII. D. Matters From the County Attorney

2. Approval of Ordinance No. 2008-14, an Ordinance Adopting the Santa Fe County Regional Transit Gross Receipts Tax

CHAIRMAN CAMPOS: Who's going to present?

MR. ROSS: Mr. Chair, I can do a brief presentation on this.

CHAIRMAN CAMPOS: Very, very brief.

MR. ROSS: This is a continuation of the discussion we've had in recent months about the North Central Regional Transit District. This is the ordinance that this body approved for publication last month. It imposes, subject to voter approval, a 1/8 of one percent gross receipts tax to benefit the North Central Regional Transportation District.

CHAIRMAN CAMPOS: Does it require a public hearing?

MR. ROSS: It does require a public hearing.

CHAIRMAN CAMPOS: Okay. Is that the entirety of your presentation?

MR. ROSS: Unless there's questions, yes.

CHAIRMAN CAMPOS: Questions for Mr. Ross? Okay, this is a public hearing. Anybody who would like to testify on this matter would please come forward at this point. Okay, no one having come forward the public hearing is closed. Is there any questions?

COMMISSIONER SULLIVAN: Discussion.

CHAIRMAN CAMPOS: Discussion.

COMMISSIONER SULLIVAN: Mr. Chair, we've talked about this transit tax a great deal and I would recommend that the Commission reject this tax imposition on Santa Fe County voters and continue its earlier effort to establish a more responsive City-County transit program. Should the Commission authorize the placement of this tax on the ballot I would recommend that voters take a pass on this initiative and reject it.

A gross receipts tax is a regressive tax and poor way to fund transit programs. It hurts most those who are least able to pay. Over \$90 million will be collected, all of which will be managed by the North Central Regional Transit District, which has demonstrated a serious lack of management skills on the one and only transit line in manages in Santa Fe County. Half of the tax collected will go to support the operation of the Rail Runner. The Rail Runner

is a state project which will benefit all New Mexicans and as such should be operated and maintained by the state, just as other transportation projects are. It should not be a burden on Santa Fe County taxpayers, or on the taxpayers of just four of our 33 counties.

Local gross receipts tax are needed for local county services. This tax sets an extremely bad precedent. The state has unilaterally authorized a major project and now wants to impose the operation and maintenance costs on Santa Fe and three other counties. In other words, we have to raise and care for the baby even though we weren't there at conception. The Governor and the Secretary of the New Mexico Department of Transportation told the public and the MPO – that's the Metropolitan Planning Organization – that the state would fund the operation of the Rail Runner. MPO approval was needed for the Rail Runner before the federal government would sign off on the project. The MPO approved the Rail Runner and its alignment, and the state and the Secretary then changed their tune.

This brings into question the validity of the MPO approval. The other half of the \$90 million in taxes that this would authorize also under control of the NCRTD, the regional transit district, will be split 86 percent to Santa Fe County and 14 percent to the transit district. Having the NCRTD administer any part of Santa Fe County's transit program raises several red flags. First of all, based on Department of Transportation information, the NCRTD's cost per rider per one-way trip for fiscal year 2007 was \$42.80, versus a statewide average of \$9.77. This ranks them 23rd out of the 24 rural transit providers in New Mexico. The entity that ranked 24 is actually not applicable because they did not begin service.

The NCRTD's administrative budget to operations budget ratio is 1.09. Now, what that means is they spend more than 100 percent of their operating costs on administrative costs. Also, the NCRTD has not implemented Santa Fe County's prioritized routes in the Community College District and the Route 14 area. They say there are no funds. What has happened to the approximately \$2 million in federal funds the NCRTD gets each year? Santa Fe County gets none of it. A justification given for the County remaining as a member of the NCRTD was that supposedly, this would bring us federal funds for transit services, but that hasn't happened, and we have been told that we must rely on our own funds and funds from Los Alamos County to operate Santa Fe County routes.

Notwithstanding the agreement reached with NCRTD, which by the way, only came about as a result of the County withdrawing from the district, future gross receipts taxes can, and I want to emphasize can, be imposed by the NCRTD without the County's approval. At the County Commission meeting of August 12, 2008, the NCRTD executive director told the Commission that this shouldn't be a problem because, and I quote, "Santa Fe County and the City of Santa Fe have the majority on the board. You guys already have the decision to say if you want to go for another increment in the tax or not." End of quote.

This is absolutely false. The City and County have a total of ten of 28 votes on the board. That is not a majority. The NCRTD does not have a voting structure that is proportionate to population. Without it they are not going to change and future gross receipts tax will be imposed without Santa Fe County's approval.

The NCRTD has fashioned itself as a rural transit district, not a regional transit

district despite its name. It is dedicated to funding low-volume, uneconomical rural routes and casino shuttles with a service plan that is not based on demand. This orientation does not meet the transit needs of Santa Fe County and City. Complaints on one of the NCRTD routes in Santa Fe County have been numerous and unresolved. Scheduling and advertising have been poor. This has been documented in testimony to the County Commission by the City's Transit Advisory Board. It has been a year and a half, since March of 2007, since the NCRTD has had a public meeting in Eldorado. They finally decided to hold one tonight.

It is clear that we don't need the NCRTD acting as a middleman to manage our transit program. The City-County transit program, by virtue of the involvement of our elected officials will be far more responsive to rider needs and issues.

Finally, will the taxpayers pass a transit tax with all of these red flags? Many property owners have been hit by sizable property tax increases this year due to reassessments by the County Assessor. It may be too big a tax bite for them to digest at this time. Our constituents rely on us to effectively manage their tax dollars. This is a poor investment of more than \$90 million and should not be recommended or supported. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Roll call please. You made a motion?

COMMISSIONER ANAYA: I seconded it the motion.

CHAIRMAN CAMPOS: And Commissioner Montoya seconded?

The motion to approve Ordinance 2008-14 passed by majority [3-2] roll call vote, with Commissioners Anaya, Montoya and Vigil voting in favor and Commissioners Campos and Sullivan voting against.

COMMISSIONER VIGIL: And I adamantly disagree with about 85 percent of Commissioner Sullivan's presentation.

XIII. D. 3. Approval of Ordinance No. 2008-15, an Ordinance Calling for the Santa Fe County Regional Transit Gross Receipts Tax Election

CHAIRMAN CAMPOS: Public hearing? No one having come forward, any discussion? Is there a motion?

COMMISSIONER MONTOYA: Move for approval?

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER VIGIL: Second.

The motion to approve Ordinance 2008-15 passed by majority [3-2] roll call vote, with Commissioners Anaya, Montoya and Vigil voting in favor and Commissioners Campos and Sullivan voting against.

- XIII. D. 1. **Executive Session**
 - a. **Discussion of Pending or Threatened Litigation**
 - b. **Limited Personnel Issues**
 - c. **Discussion of the Purchase, Acquisition or Disposal of Water Rights**

MR. ROSS: Mr. Chair, we need a closed executive session to discuss pending or threatened litigation, limited personnel issues, and discussion of the purchase, acquisition or disposal of water rights.

CHAIRMAN CAMPOS: Okay, is there a motion to go into executive session to discuss items a, b, and c only.

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER MONTOYA: Second.

The motion to go into closed session passed 4-1 roll call vote with Commissioner Montoya voting against.

CHAIRMAN CAMPOS: We'll be in executive session till about 5:00. We'll be back at public hearing.

[The Commission met in executive session from 4:25 to 5:30.]

CHAIRMAN CAMPOS: Is there a motion to come out of executive session?

COMMISSIONER VIGIL: So moved.

CHAIRMAN CAMPOS: Where we discussed only items A, B, and C?

COMMISSIONER VIGIL: That's my motion.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Discussion?

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

CHAIRMAN CAMPOS: We're out of executive session. The plan we approved earlier was to move to item XIV. A. 3, which is the Santa Fe Canyon Ranch.

XIV. PUBLIC HEARINGS

A. Growth Management Department

- 3. **LCDRC CASE # MP 06-5212 Santa Fe Canyon Ranch Rosanna Vasquez, Agent for Santa Fe Canyon Ranch, LLC (David Schutz, Jim Borrego). The Applicant is Requesting Master Plan Approval**

for a Residential Subdivision Consisting of 162 Lots With 174 Residential Units on 1,316 Acres to be Developed in the Three Phases, and a Request for Several Culs-de-Sac to Exceed 500 Feet in Length. The Property is Located off Entrada La Cienega Along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East And Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3) Joe Catanach, Case Manager [Exhibit 6: Supplementary Packet Materials]

CHAIRMAN CAMPOS: Who's going to take the lead for staff? Mr. Catanach, the plan today is probably not go past 7:00 on Santa Fe Canyon Ranch, and then try to wrap up the meeting between 8:00 and 8:30. Cases that are not heard by then will be rescheduled to the next agenda. Okay?

JOE CATANACH (Land Use Technical Director): I'll just give a brief summary of the summary.

CHAIRMAN CAMPOS: Let's do that.

MR. CATANACH: Mr. Chair, Commissioners, on March 5, 2008, the La Cienega Committee had a meeting and at that meeting the applicant requested – it was granted tabling regarding the issues of water supply, phasing, other relevant issues to be addressed. And then again on July 2, 2008, the La Cienega Committee continued the public hearing and the meeting concluded with a failed motion for a recommendation of approval with no subsequent action. And I would refer you to the July 2008 La Cienega Committee minutes which are in your packet, Exhibit K. This property is located at I-25/La Entrada interchange within La Cienega, La Cienega/La Cieneguilla traditional community and these proposed lots range from .30 acre to 214 acres. The majority of the proposed development is clustered in an area of about 400 acres. The remainder of the property, about 916 acres will consist of six large lots and those are the lots of about 140 to 214 acres in which this master plan is proposing three homesites within each of the large lots for a total of 18 residential units on the six large tracts, three units per large tract.

Phase I is 80 lots, Phase II is 76 lots and Phase III is the proposal for six lots with three residential units on each lot. Now at this time I'm going to go ahead and give a breakdown of the affordables. Phase I would consist of 57 market-rate lots and 23 affordable lots for a total of 80. Phase II would consist of 54 market lots and 22 affordable lots for a total of 76, and then, like I mentioned, the six large lots would have three residential units and there would not be any affordable housing integrated into that Phase III.

This proposal comes down to 45 total affordable units dispersed within the two phases and that comes out to about a 32 percent affordable market-rate of about 30 percent, based on 151.

Existing conditions: Like I mentioned, this property lies along Interstate 25 on the south and the north is sparse rural residential development. La Entrada La Cienega is on the

west and undeveloped pueblo land is on the east. There are three residential units presently existing on this property, and there is, as far as natural features, there is a natural wetland area that is existing on this property.

The City of Santa Fe Airport Manager has reviewed this and there would be a disclosure on the plat and the disclosure statement regarding noise impacts and that disclosure language is one of the conditions.

Water supply and availability: This property – the applicant proposed to construct a new community water system with water rights. Included in that would be about an 82,000-gallon water storage tank for domestic and fire protection, and that would be only for the purposes of Phase I. That water storage would have to be larger to support subsequent phases. The proposed water use for Phase I is 14.6 acre-feet per year. The total water budget for full build-out is 31.52 acre-feet per year with a reserve of .80 acre-feet per year for a total water budget of 32.32 acre-feet per year. The applicant's water budget estimates household use to be .18 acre-feet per year, and that includes the cushion for system lots.

The applicant has submitted supporting data to demonstrate their ability to meet this water restriction and certainly they are proposing strict water conservation measures having to do with prohibiting evaporative coolers, requiring front-loading washing machines, strict low-water use landscaping and requiring cisterns for the houses to collect roof drainage to water outdoors.

The applicant will submit a separate request to the BCC for water pursuant to the affordable housing ordinance to serve the affordable units. However, the applicant owns sufficient water rights to serve Phase I including the affordable units, so that's not part of this master plan request at this time, County water for the affordable housing.

I already gave a breakdown on the phasing and the market-rate lots and the affordable lots within each phase. I've mentioned that the total number of affordable units is 45, to be integrated within the first two phases of development.

There was a market analysis submitted, preliminary market analysis, and this analysis was conducted in early 2006 and this was based on conditions existing from the period of 2002-2005. The market analysis is obviously positive towards the development but it's indicating – it's not indicating the economic conditions that are existing now, so really that market analysis needs significant update; that's one of the conditions for if this master plan gets approved. They would have to have an updated market analysis as part of the Phase I development plan.

There was a traffic impact analysis submitted. The project proposes the main subdivision access will be from La Entrada La Cienega, secondary access will be from a frontage road extension to the Thompson overpass. It's an existing bridge that goes over I-25. So they would extend their internal road to connect with that bridge for secondary access. There will have to be some off-site improvements within state right-of-way and those off-site improvements would be submitted and reviewed at the time of Phase I development plan.

There's a request for several cul-de-sacs to achieve 500 feet in length. This is not a variance under the County Code. The BCC may consider this request if public safety factors

can be met. The length requested ranges from 850 to 1000 feet. And there is particularly one road that we do not want to end in a cul-de-sac. It would have been like a three-mile long road ending in a dead end with a cul-de-sac turn around so we have a condition that that road needs to be looped within the development, and not end in a dead-end.

Liquid waste disposal: The developer is proposing a wastewater treatment facility subject to a discharge permit from the State, and they would be – that proposal is obviously very much related to the proposal for return-flow credits, having to do with their water rights and being able to discharge treated wastewater in order to obtain a percentage of return flow credits to support the subsequent phases of Phases 2 and 3 of this master plan.

They have submitted a preliminary environmental assessment. This environmental assessment addresses various issues and recommends mitigation measures having to do with groundwater impact, surface water, soils, vegetation, wildlife, air, noise, archaeological, visual – those kinds of things. I think there has been an effort to notify various state and federal agencies and there's some letters in the packet where we did get a response from a state agency. I'm trying to think which one it was. Probably Forest Service and another state agency. They pretty much defer to the US Fish and Wildlife Service in which a letter was sent and the environmental report was sent to them; we have not gotten a response. Obviously, that's an effort to address any threatened or endangered animal or plant life on this property. There has not been a response regarding that, other than the state agencies, but not from the US Fish and Wildlife.

The master plan is proposing to address terrain management. There would be detention ponds to control post-construction runoff. There has been a slope analysis submitted and it does demonstrate that they have buildable area for building sites and roads in compliance with slope standards. No disturbance of slope over 30 percent.

This master plan is proposing about 400 acres of the site will be dedicated as open space and may be dedicated to the Trust for Public Lands as a conservation easement. Open space – and there is a letter in the packet regarding those discussions which nothing has been finalized but certainly this applicant is trying to address the sensitive nature of this property in trying to have it managed and maintained by a conservation group as opposed to the homeowners association. Open space will include a community park with playground and picnic facilities. Trails will be provided which loop through the subdivision. These trails will be open to the public.

Archaeological: There was an archaeological report done. There are a number of significant sites that will have to be preserved in non-disturbed archaeological easements.

Mr. Chair, school impact: There are letters in the packet from the Public School District and for the most part, it's an ongoing review process with them. The Public School District would like to make recommendations at the time of Phase I development plan. But there are several letters to show ongoing discussions and that the school district considers this to be an ongoing review for them as to what their recommendations would be regarding school impact.

Mr. Chair, as far as the staff recommendation, I've listed the criteria. The proposed

master plan shall be considered based on the following criteria and we're familiar with that criteria – conformance to growth management, La Cienega Plan, suitability to site to accommodate the proposed development, suitability of proposed uses and intensity of the development, impact to schools, adjacent land, viability of proposed phases of the project to function as completed development in the case the subsequent phases of the project are not approved or constructed in conformance to applicable law and County ordinances in effect at the time.

Mr. Chair, the proposed master plan is in accordance with applicant plans and ordinances for La Cienega and the County. Staff recommends master plan approval and approval for the lengths of the cul-de-sacs subject to the following conditions. And Mr. Chair, if I could enter those conditions.

CHAIRMAN CAMPOS: They're so entered.

[The conditions are as follows:]

1. A looped road shall be constructed in Phase III to eliminate the proposed dead-end cul-de-sac.
2. In the event the riparian restoration project will cause an increased depletion on the stream system the applicant shall acquire or retire water rights to satisfy this depletion.
3. The applicant shall demonstrate return-flow as required by the OSE prior to final approval of Phase II, or the applicant will acquire water rights to serve these phases.
4. Any increase in density will require a master plan amendment and platting approval by the BCC.
5. Compliance with comments and conditions presented by the following:
 - a. County Fire Marshal
 - b. County Utility
 - c. County Public Works
 - d. County Open Space and Trails
 - e. County Natural Resources Planning
 - f. County Transportation Planner
 - g. Santa Fe County Public Schools
 - h. Santa Fe County Affordable Housing
 - i. Santa Fe County Planning
 - j. State Historic Preservation Organization (SHPO)
 - k. State Department of Transportation (NMDOT)
 - l. New Mexico Environment Department (NMED)
 - m. Office of the State Engineer (OSE)
 - n. Soil and Water Conservation District
 - o. City of Santa Fe (Airport)
6. The preliminary plat and development plan submittal for Phase I shall include:
 - a. An updated Market Analysis and Fiscal Impact report to reflect current market and economic conditions along with the potential economic impact related to

- the completion of the Rail Runner Express.
- b. A public parking area (Trailhead) adjacent to the trail.
 - c. Proof of discharge permit submittal with NMED.
 - d. Geotechnical (soils) report.
7. The trail along the access road shall be constructed in Phase I. The park shall be platted in Phase I.
 8. The disclosure statement shall include the following: The buyer shall be advised that the subject property is located in proximity to a noise-impacted area of the Santa Fe Airport. These present and future noise impacts might be annoying to users of the land for its stated purpose and might interfere with the unrestricted use and enjoyment of the property in its intended use; these noise impacts might change over time by virtue of greater numbers of aircraft, louder aircraft, seasonal variations, and time of day variations; changes in airport and air traffic control operating procedures or in airport layout could result in increased noise impacts, the grantor's or user's own personal perceptions of the noise exposure could change, and his or her sensitivity to aircraft noise could increase.
 9. Master plan approval is valid for a period of five years from the date of approval by the Board of County Commissioners (BCC) per Article V, Section 5.2.7 of the Santa Fe County Land Use Code. As noted in Article V, Section 5.2.6, any substantial change in the approved Master Plan, including any increase in density, will require the approval of the La Cienega Development Review Committee (LCDRC) and the BCC.
 10. The approved master plan must be recorded in the County Clerk's Office as required by Article V, Section 5.2.5 of the Land Use Code.
 11. Provide lot for future fire sub-station as previously proposed by applicant and recommended by County Fire Dept.

CHAIRMAN CAMPOS: Are you ready for questions, Mr. Catanach?

MR. CATANACH: Yes.

CHAIRMAN CAMPOS: Any questions from the Commission?

Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a brief one. Joe – and I know there are a number of people that are here this evening that want to comment. In the middle of the third page is the staff report. You give the breakdown of Phase I and II averaging about 2.5 to 2.62 acres per lot. And then Phase III is only 50 acres per lot, covering 912 acres. And you say, or I guess the applicant says that the developer seeks to retain development rights on the Phase III lots for future subdividing when water becomes available, subject to approval of a master plan amendment by the BCC. And my question was this a complete master plan in your view? When we look at a master plan do we, or should we look at all of what may occur on the site, realizing of course that it can be amended any time. But this seems to be a large amount of acreage that has a very vague designation as to what may occur there.

MR. CATANACH: Commissioner Sullivan, I think that my review of that

would certainly be that this applicant should be asked what their future plans are in the event of any master plan amendment for expansion. I think it needs to come from the applicant. This applicant is making this proposal primarily based on infrastructure and water at this time. And that's probably why they're – and certainly marketing. I would think that this applicant does not really know if there's a market for these large ranch lots at this time or not. So I think there's a number of elements in place that really kind of make it unknown, but for the most part I believe it's actually based on water at this time.

COMMISSIONER SULLIVAN: Okay. Thank you.

COMMISSIONER VIGIL: With the chairman gone, I'm going to go ahead and ask a real quick question. Mr. Catanach, this one is just to help me clarify the reports that were given to us. I was concerned about the environmental impact and the lack of response by I guess the US Fish and Wildlife Service, and the environmental impact on staff's summary report says refer to Exhibit F, and I do and it appears that that is strictly about affordable housing. Could you guide me to the area that you're trying to reference with regard to the US Fish and Wildlife Service on the environmental impact report?

MR. CATANACH: I'm sorry, Commissioner Vigil, did I make a wrong reference to environmental impact report that says Exhibit F?

COMMISSIONER VIGIL: Well, unless there are two F's. In my copy I look at Exhibit F, as is referenced under environmental impact and that is about affordable housing. Is that the way your packet reads, or just mine?

MR. CATANACH: It says Exhibit F; that's incorrect. The environmental impact is part of the applicant's development report towards the end, so the applicant's development report is Exhibit B, and that's the beginning of it. So as you page through Exhibit B, which is the applicant's development report, towards the end you're going to come to their preliminary environmental assessment, which is towards the end of Exhibit B.

COMMISSIONER VIGIL: I'm fine with just that question for now, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions? Okay, is the applicant present? Please state your name and your position.

[Duly sworn, Orallynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: My name is Orallynn Guerrerortiz. I'm an engineer with Design Ingenuity.

CHAIRMAN CAMPOS: Before we begin, I'd like to know if Tina Boradiansky is present. Our meeting is short today because she asked for an accommodation and she said that she would be cross-examining folks that testified. I just want to know if she's present at the hearing today. Okay, it doesn't seem that she's present. Okay. Please proceed.

MS. GUERRERORTIZ: Okay. First I'd like to thank you and staff for allowing us to be here today. I am Orallynn Guerrerortiz with Design Ingenuity and with me today is three of the project owners, which is Jim Borrego, his brother, Rick Borrego, and David Schutz, and our counsel, Rosanna Vazquez. We've been working on this project since 2005 and we've been meeting with neighbors, preparing extensive studies, preparing and

revising plans, and we've scaled back the project significantly in response to requirements to not use imported water and to meet the desires of the neighborhood for providing more setbacks.

The land can be divided into three parcels, primarily. This area on the far west side has very thin soils over volcanic rock. The Santa Fe Canyon is here and actually it's got beautiful vistas off this canyon edge. And the middle of the project is the Alamo Creek Valley. Alamo Creek is a FEMA flood zone. It's the home of the Thompson Family's ranch home originally, and there is three homes down in this location. And then the far east side is more gentle, rolling, alluvial areas, covered with grasses and junipers.

There are two gravel mines on the property that were mined in the late fifties and early sixties for the construction of I-25. They sit in here and in this area over here. They cover about, or more than 50 acres. We intend to restore those gravel mines. There are currently nine legal lots of record. We're going to leave six legal lots of record alone, and those are the larger tracts where we're going to have the large ranchettes if you will. And the remaining three tracts will be used for Phases I and II. Road connections are Entrada La Cienega, which is up here, and the Thompson Overpass, which goes to the frontage road.

As we stated we're proposing 174 units on 1316 acre. Eighteen of those units will be located on the six large lots. The 156 will be clustered on the gently rolling terrain located on the eastern side. Forty-five will be meet the County requirements for affordability, and 128 units will be sold at market rate. Most of the lots are half an acre or larger in size, and there will be 175 acres of common open space in Phase I and II. The average lot density is one unit per 2.5 acres, which is pretty consistent with the neighborhood. In Upper La Cienega 2.5-acre lots dominate. In Lower La Cienega, many lots are less than an acre. In the Las Lagunitas Subdivision, which is to our east, which borders our property, has an average density of 2.5 acres per unit. Most of the development is between Alamos Creek and Entrada La Cienega. We have plans for a community water system fed by onsite wells. A water storage tank will be buried on a hill to provide water pressure. All wastewater will be collected and will be treated in an advanced reclamation facility which will discharge to Alamo Creek. Looped pathways will connect neighborhoods. There will be a park with a playground and a picnic facility. Lots of open space surrounds the project in natural arroyos.

The setback from I-25 is about 250 feet to 500 feet to the lots. The setback to Entrada La Cienega is 2100 feet, and the setback to a neighboring lot is a minimum of 150 feet. We set the lots back from I-25. Most of them fall behind a ridgeline, so we're trying to hide the homes and protect the natural gateway that we have.

You should also know that each home will have a defined building envelope and the remainder of the lots will be held as private open space.

We're planning a residential development that's frugal with water. Water softeners, evaporative coolers, and turf will be prohibited. Front-loading washing machines, recirculating hot water systems, xeriscape drip irrigation tied to cisterns of 1000 gallons for all homes over 2,000 square feet or more will be required. Water demand is expected to average .159 acre-feet per year, which is similar to the average County water customer's use

for the last three years. We actually are proposing a water budget of .18 to provide a buffer.

The larger lots will have a water budget of 0.54, a little more than a half an acre. Phase I is 80 lots with 23 affordable and 57 market. The ranch property has all the necessary water rights for Phase I. We have submitted a request for return-flow credits based on piping the discharge from our reclamation facility to Alamo Creek. That request is pending before the OSE.

The project site has a number of cul-de-sacs varying in length from less than 300 feet to the longest which is 1,000 feet. It should be noted that in response to the County's request for a loop road we have land for a loop road on this site so that's not a dead-end anymore, a dead loop.

We have reviewed the plan with Buster Patty and he's okay with our cul-de-sac lengths. Off-site road improvements include adding a right turn decel lane at this intersection along the frontage road for southbound traffic. A TIA which was prepared by Craig Watts found that there's an existing problem there that we're going to solve by adding a right turn decel lane. We'll also be adding a left turn lane going into the project and a right decel lane that goes onto the southbound ramp, onto I-25. The TIA prepared by Craig Watts concluded that all intersections in the present and the future will operate at a level of service A or B.

If we're allowed to proceed forward we expect that people will start to live in Santa Fe Canyon Ranch in 2011. A full build-out will likely take anywhere from 15 to 20 years. We have submitted all the studies required and followed all the Code requirements. Staff agrees we've met Code. We agree to all conditions. I'd like now to turn over the podium to Rosanna Vazquez to cover a few more details. Thank you.

CHAIRMAN CAMPOS: Thank you. Ms. Vazquez, please state your name and your address.

ROSANNA VAZQUEZ: Good evening. My name is Rosanna Vazquez, P.O. Box 2435, Santa Fe, New Mexico. Hi. My name's Rosanna and I'm representing Santa Fe Canyon Ranch. I want to address a couple of issues that have been raised by the community concerns that I'd like to address.

First of all, I think it's very difficult for the public and for all of us to come to a decision as to what a master plan is, and over the years, a master plan has gone from a very conceptual bubble design submittal to a very detailed, detailed study. We submit archaeological studies, we submit water budgets, we do analysis on the County utility water to determine that water budget. But I want to focus on the language in the subdivision regulations that apply to master plans, because it is a scope of the project to obtain concept approval without the necessity of expending large amounts of money. The idea is to plan. The master plan is a tool. It's a tool that the County has used to be able to plan infrastructure, plan for the future as to where development will be and where funds will need to be expended to protect such infrastructure.

What we've done with the idea of that master plan is we've looked at the Code, the La Cienega code, and the La Cienega plan, and what that Code and what that plan talk about is very similar. [Exhibit 7] The idea of a submittal that would plan a large area of land. So

we've come in with the full 1316 acres, and we've looked at it and put together a development that we believe meets the Code and staff agrees with us. You'll note that on the development there is – the majority of it is clustered in one area. And there's been a concern with regard to the clustering by the community for a number of reasons and I'd like to address them.

The reason that the lots were put in this area to begin with is two-fold. First of all, the La Cienega Code, and I've got some handouts for you, specifically says that if you are going to protect open space, protect riparian areas, create large tracts of open space, then you are allowed to cluster development. In clustering, you are allowed to transfer density from a different area of the property – let's just say this area here – into this area. What clustering does is it effectively allows for the use of a community water system, which is mandated in the La Cienega code for this size of development, which is what we are doing.

The language that I have given to you, I'd like to specifically read into the record because there is a concern that this development is sprawl, and there's a concern that this development is not the intent of the County Code. If you look at Ordinance – if you look at the plan under density transfers, and I believe it is this one that you've got before you, it states specifically, "When density transfers result in higher site density such development shall be clustered and sited in an organic manner to fit the land features."

So what have we done here? We've created a subdivision with some streets that sort of wind, which is the need for the approval on the long cul-de-sac. We've fit them into the rolling hills in this area, and we've fit them into the topography of the area. And what I want to do for you is a comparison, because these lots aren't one unit for 2.5 acre. They average that, but they are not 2.5-acre lots. But I'd like to show you what this land would look like if we divided it up into 2.5-acre parcels. *[Exhibit 8]* We have handouts for the public as well on this. This would be the same number of units on the same amount of property divided up in 2.5 acres.

Now you'll note it's a schematic. There are no roads that go through there. There is no public open space in these lots, and it would be virtually impossible to put together a community water system for lots that are each 2.5 acres. It would be very costly. I note this comparison for a couple reasons, Commissioners, and that is we could do this individually through small lots and not plan the entire portion. We would not be able to achieve the goals that are set out in the La Cienega plan and the La Cienega ordinance for clustered and preservation of open space.

There's been some concern from the community about the setback from the La Cienega border, and I want to go over a couple of issues with regard to that. The owners of this property have met with the community for the last three years. I can't tell you how many meetings there have been but they have been numerous. In those meetings there have been several requests by the community with regards to what it is that they'd like to see the development look like. One of the big issues that was raised was that they wanted this development to be pushed farther away from the property line right here. And when, in 2005 this development began it was 50 feet from the property line right here. And so what has been

agreed to by the owners behind me was to move that setback. And so it was moved to approximately 120 to 150 feet from the property line here. But I have two schematics for you because another thing that the property owners agreed to was create – put all of the large lots that you see here on the border so that there wouldn't be smaller lots adjacent to La Cienega. The smaller lots, as you'll see, are going to be internal. *[Exhibit 9]*

The requested that the affordable units, because they were on smaller lots, also be internal, and that's what we've done. In addition, we put together building envelopes. And the purpose of the building envelopes was two-fold. One, it was to be able to demonstrate the distance between where the house was actually going to be built to the lot line. And so you'll notice that on this exhibit, the distances from the building envelope to the property line varied from about 170 feet all the way to 315 feet to the property line.

The other reason why the building envelopes were put together, Commissioners, was because there was a concern by the community of protection of open space. So the area that is spotted here is all common open space. The area that is around the building area will be private open space. So virtually, from this building envelope over here will be completely open space. We've agreed to no perimeter fencing so that the land is continuous and the eye cannot see divisions between the homes in the area. And I show this to you because it is an attempt by these owners to try to work with the community on this very important issue. This was a very big issue and it was one of the requests that was made by the community to the developer.

I have here a list of issues that were raised by the community that Santa Fe Canyon Ranch agrees to. *[Exhibit 10]* I believe that you've got a handout because the language is a little small to read. So I'd like to read them into the record. I talked to you about the large lots closer to the existing community. The small lots are internal. We intend to preserve the canyon rim and waterways. The development – the ridge to the Santa Fe Canyon River is right here. It's very pristine and land and it's beautiful. The Alamo Creed and the Bonanza Creek run along this area here. The neighbors in La Cienega, rightly so, were concerned that there was going to be construction there where that area was going to be damaged. In response to that we clustered the development farther away from those areas and we are working with the Trust for Public Land, as Mr. Catanach stated, for protection of this area here and the canyon ridge. We are in negotiations with them now. I'm not sure what form that protection of that land is going to be, whether a conservation easement or an outright sale, but we are working very closely with them to make sure that this concern of protecting that area is taken care of.

As Oralynn stated, there is open space, hiking trails and biking trails that will be through the property that are open to the public. That was a request from La Cienega. There was a request for water catchment systems, which we've agreed to. Xeriscape landscaping and farming – we have allowed for water for each of the lots sufficient for some farming and some gardening as well. The site houses to preserve views. One of the other intentions that was done with these building envelopes was to be able to put them in a place that they were either hidden through rolling hills in this area, hidden by the landscape, and also integrated

into the homes that are located in the back area.

So these building envelopes, there's been a lot of study done at master plan level to put them in an area so that they would harmonize with the existing area. In addition, one of the things that the community was concerned about was being able to site them in a way that they could be used for – solar energy could be used for these homes, and the building envelopes achieve that as well.

They requested the preserving existing vegetation, which the open space corridors do. In Phase I and Phase II approximately 44 percent of the land is common open space. It doesn't include the private open space in each of the individual lots. We have maintained the one unit per 2.5 acres. There was a request to dedicate a fire or police station on the property. We have agreed to do that. It's too early at master plan level to make some more affirmative plans with regards to where that will be but we have made that offer and it has been conveyed to the County.

Advanced waste and treatment/purification you've been told about. No lot line fences. Protective covenants – we're at master plan stage. All we've done at this point, Commissioners, is put together an outline of the covenants that we will put together at preliminary. Single lane roads, we've planted medians. We've agreed to no two-story housing. No commercial development. No tract housing. No access to Paseo C de Baca. We did have an emergency access originally in the master plan that came off in this area over to Paseo C de Baca. There was a concern with regard to it because it would bring traffic into the La Cienega area and they didn't want additional traffic so we took that out of the master plan.

They wanted to maintain the natural skylight and not give any more street lighting. We've agreed to do that and the Code requires certain types of lighting which we will comply with. No medical center. No groceries. No high water consuming plants. No traffic lights. No private wells. No non-native plants. Horse trails, and protection of the wildlife sanctuary, which I've already gone into.

While there are issues that we differ on there is a list of those that demonstrate the intent and the good faith that the developers have taken in conversations with the community to try to reach some consensus.

I want to talk to you a little bit about water now. There's some confusion with regards to water, and I'd like to clarify that. The Ordinance 2005-02 is the ordinance that this Commission put into effect a few years ago to require that master plans at least show water for the first phase of development. Wet water. So what that means is that we had to prove we had water underground through a geo-hydro, but we also had to prove that we had the right to use that water. This development has the water for Phase I. It has a license agreement from the Office of the State Engineer allowing them to divert 29.1 acre-feet of diversionary water and 14.55 of consumptive use. That water, Commissioners, is currently being diverted, 29.1 acre-feet of water is currently being diverted for farming purposes on this property.

Phase I is completely in line with the master plan ordinance Phase II will require 13.68 acre-feet of water, and it is Phase II that we are working on the OSE application for the return-flow credit. If the OSE does not approve our return-flow credit then Phase II will not

go forward at preliminary development. Phase III will require 3.24 acre-feet of water, and that water is also pending application with the Office of the State Engineer. I want to make clear that in our master plan we set out that we had an additional approximately eight acre-feet of water. Santa Fe Canyon Ranch holds that water. There was some concern that La Capilla Ditch raised about that water. I want to make clear to you first of all that that water is not part of this master plan. That water will not be utilized for this master plan. That water was purchased for the sole intent of dealing with the OSE application and if there was a need for any offset purposes that water would be used for that purpose.

This development will bring 45 units of affordable housing. All of the units will be developed in Phases I and II.

I want to talk a little bit about some of the green features, Commissioners. It is master plan, so they aren't fully developed and we have some time to figure out what other green features we can add to this development. But I will tell you that we've made certain commitments. Those commitments are five star rating on all of the washers and dryer and all of the electronic equipment inside the home. We've agreed to locate the homes so they can use solar energy if the owners want to. We've got the return-flow credit application, which will bring water back into the creek. We've got the reclamation plant that will treat the water and turn it back into the creek. I want to make a point about the reclamation plant as well. I read in the paper a few weeks ago about the problems that La Cienega was having and the County insistence or offer to provide water for them because of potential contamination issues. We made an offer a while back that our reclamation plant could be used for connection by La Cienega residents to avoid any more potential problems like you saw a few weeks ago. The reclamation plant is oversized and that offer is available to hopefully deal with the nitrates issues in La Cienega.

Going back to the green features, which is very – I know, Commissioner Campos, is very important to you. The whole point of clustering really is a green feature. It's not a CID building requirement, but it is a green feature because it protects the open space and it allows for more economic use of the infrastructure.

I want to talk a little bit about Santo Domingo. Santo Domingo is our neighbor and they own the land right here in this area. Santo Domingo came to us with a couple of concerns which we've tried to address. Their concern was initially that the road that came down this eastern edge of the property was adjacent to their property line, and they were concerned that there was going to be people trespassing, people were going to be dumping trash over there, they were going to need to do more security out there to avoid some of these problems. What we've offered and what we've shown is that we've moved the road. It will meander through this area at a minimum of 75 feet away from the property line. Some of it, obviously, is much farther away. They made a request to us of 500 feet and this is what we've offered, a meandering road, minimum of 75 feet away from the property line.

The other concern that was raised by the Santo Domingo Pueblo was the cul-de-sac which we've taken out and made a looped road. They are concerned about the archaeological sites and protection of them and we wholeheartedly agree. We need to protect those

archaeological sites. There are 58 sites on the property that we will need to protect and we've agreed to abide by SHPO's standards on those archaeological sites.

The main issue that concerns Santo Domingo Pueblo was an access that the property owners purchased when they bought this land, and it was an access point over to the Waldo exit, approximately in this area here. This little triangle would go right here. And they have – there was some confusion and a lot of it was largely my fault. But I want to make clear on this record that this master plan is not using the Waldo easement for the connections on this development. As Oralynn stated the entrance will be through Camino Entrada. The Thompson overpass will serve as a secondary access. There is not in this master plan any intention of use of the easement through Santo Domingo Pueblo.

I'd like to save some time for questions, Commissioners, and rebuttal after the public hearing is closed. I stand for questions.

CHAIRMAN CAMPOS: Commissioners, any questions? Commissioner Montoya.

COMMISSIONER MONTOYA: Did I understand you – is the cul-de-sac still a request, the length of the cul-de-sac? Or is not that it's been rounded off or whatever, is it still an issue?

MS. VAZQUEZ: This was the longest cul-de-sac; that's gone. But these cul-de-sacs here, in order to fit these homes into the terrain and not make them a grid-like – these are them.

COMMISSIONER MONTOYA: So those are still –

MS. VAZQUEZ: Yes, they are.

COMMISSIONER MONTOYA: And then you're not using the Waldo Canyon exit. Do you have easement and access through that exit?

MS. VAZQUEZ: Mr. Chair, Commissioners, this easement, this Waldo easement was purchased in connection with the purchase of this property. That easement was researched and there is title insurance on that easement that was given when the property was purchased. But there is no intent to use that easement in this master plan.

COMMISSIONER MONTOYA: Would it impede any sort of emergency services by not having that as an access point?

MS. VAZQUEZ: Mr. Chair, Commissioners, it wouldn't. We've got the secondary access that's required, for fire, here off the Thompson overpass, and so it doesn't impede that.

COMMISSIONER MONTOYA: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions? Okay, this is a public hearing. How many people intend to testify tonight? Okay. We're going to hear about 45 minutes of testimony, so are there any group leaders that would like to testify that are selected by the community so that we could go forward in that way? If you're a spokesman for the community I'd like you to come forward at this time. The folks that are here to testify, are they going to testify for or against? All those that would be testifying against, please raise your hand. Okay. Let's swear in the spokespeople for the community.

[Duly sworn, Carl Dickens testified as follows:]

CARL DICKENS: Carl Dickens, 27347-B West Frontage Road.

CHAIRMAN CAMPOS: Mr. Dickens, how much time do you think you need?

MR. DICKENS: We have a series of representatives from the La Cienega Valley Association that have prepared responses and we would ask about 20 to 25 minutes for those six speakers to speak.

CHAIRMAN CAMPOS: Okay. Are they here right now and ready to go?

MR. DICKENS: Yes.

CHAIRMAN CAMPOS: Let's swear in the six person that will testify. There are six people I think you said.

MR. DICKENS: It'll be about eight of us then, eight or nine of us.

CHAIRMAN CAMPOS: Okay, Mr. Dickens, you're going to have to help me with the clock. You've got 25 minutes.

MR. DICKENS: Okay. I'll try and do this as quickly as possible. Thank you for allowing us to respond to the proposed development. As you review this application the LCVA, the La Cienega Valley Associations asks that you carefully consider the propriety of this proposed development for the area and for our community. You have the ability to make your decision based on the appropriateness of the development, an urban density subdivision in a rural, traditional, ranch, grazing area is not appropriate and there are other issues. I can assure you that the 50 or 60 people that spent five years writing our community plan never in their wildest dreams imagined that anyone would make this type of proposal for this ranch property. The LCVA presentation clearly demonstrates that this development is inappropriate for our area, that there are unresolved concerns about water impacts, housing densities, protection of historical and archaeological sites, riparian areas and wetland areas, inaccurate traffic data, and unaddressed noise, light and trash concerns.

Given the number of unresolved concerns, the LCVA respectfully requests that this master plan be denied or tabled until these issues are addressed and resolved. The LCVA has never denied the developers' right to develop their property but require that development be done within the context and intentions of the La Cienega/La Cieneguilla Community Plan and within the property's existing, established water rights. The Santa Fe Canyon Ranch development as proposed does not meet this standard.

At last night La Cienega Valley Association board meeting the board and every resident attending the meeting agreed that because of all the unresolved issues and problems that this master plan application is incomplete and should not be heard by the Commission. This is coupled with serious water issues that remain to be decided by the Office of the State Engineer and form the foundation of this proposal. And don't be fooled by the phases of the development; this is an illusion and a manipulation that gives the appearance that the developers have met the technical requirements of the development. It is a mirage.

As planned now, 90 percent of the development will be on 30 percent of the property. If the developers only have water for Phase I, 95 percent of the development will be on 15

percent of the property. Urban densities right over the hills from families who have lived in our rural community for over 300 years. The developers have repeatedly refused to limit the size of the development. They seek an open-ended master plan to freely develop as intensely as they can the remaining land and that is not acceptable. We must remember this property is located in the Homestead and Basin Fringe Hydrological Zones. Any reduction of the size of the development has not been the result of compromise and negotiation but rather as a result of Code restrictions.

The development plan tonight is little change from the application presented to the La Cienega/La Cieneguilla Development Review Committee in March, a meeting in which the developers admitted they were not prepared and tabled their own presentation. It is hard to see what is actually changed and on what basis the staff analysis has changed since that time. The LCVA finds it unacceptable that the staff report does not indicate the LCDRC voted against the development. Nobody that spent four hours at that meeting thought otherwise and that includes the developers.

You will hear a lot about affordable housing. Some weeks ago I was sitting at the community center looking out the window and wishing our community could find better ways to provide affordable housing. Too many of whom are forced to live in substandard affordable conditions. Down the road in San Jose there's a house being built on rich farmland and we worry about the loss of agricultural capacity.

And then I thought of the newly revised Acequia La Capilla, an acequia that has been dormant for a number of years that has selected a mayordomo, established a commission, written thoughtful bylaws that have been accepted by the Office of the State Engineer. They have it all except water. They have no water. And this is the eight acre-feet of water rights that the developers referred to that they are in some sort of negotiation to acquire that will be used to, I assume to be retired to meet some sort of water requirement.

You see over the years the proliferation of wells, both in the area and throughout Santa Fe County have caused the springs that feed the Acequia La Capilla to dry up. This isn't an isolated situation, and those who think that La Cienega and La Cieneguilla is abundant with water you should talk to the residents of La Bajada, La Cienega, and La Cieneguilla who have witnessed the drying up of their springs, or talk to Ray Romero, mayordomo of the Acequia La Cienega about what it's like to drill a well to provide water for his acequia. Or Jose Varela Lopez in La Cieneguilla who watches his family's traditional irrigation springs dry up every summer.

Now over the hill to the south and east the developers of the remaining 1300 acres of the La Bajada Ranch have chosen to place an urban density development on 400 acres at the north end of the property in a traditional grazing or dryland area while insisting the remaining 900 acres be left open to further development. And this area of proposed development is far, very far from the County's identified strategic growth area. That's something that really needs to be emphasized. Somehow it doesn't make sense.

To demonstrate the intensity of the development I offer this graphic illustration of what this development would represent to our community. And this is a document that was

put together by one of our residents who spent about ten hours or more gathering information. And as you see this, you will notice that the intensity – this is the proposed Santa Fe Canyon Ranch. This is the other area that has been brought down and we would love to have your County staff to check these statistics. We feel that these are very reliable. If you look at this area of proposed development it is more intense than any other part of our community with the exception of two or three trailer parks or trailer courts. So that is something that is of serious concern. So we are definitely seeing – it is definitely urban densities in a rural community.

The second graphic I want to show, this demonstrates how little the development has changed from when it was initially proposed as a 605-home proposed development until what it is now. [*Exhibit 12*] In our minds, little has changed from three years ago. And with the unwillingness of the developers to limit the number of homes in the development the LCVA sees little difference, or significant difference between now and what was proposed three years ago.

And to demonstrate the LCVA frustration with the developers we would like to reference a visioning information that was used tonight and it was used at the LCDRC meeting. This information is contained in your packet as part of the history that we've provided. That visioning information was something that the La Cienega Development Review Committee – no, the La Cienega Development Advisory Committee shared with the developers after their March meeting. That was a meeting that the La Cienega Development Advisory Committee requested, to sit down with the developers and talk about the proposed development.

During that meeting that visioning information was shared with the developers with the understanding that they would come back to that committee and talk about it. That was never done. In fact we followed it up and made a call to one of the developers to say we'd like to meet and talk about this information and we were told to wait until after the LCDRC meeting. We had no knowledge or understanding that they would use that information – we feel very inappropriately because number one, they never came back to talk to us about those issues that we raised, and it was a draft document that had not been reviewed by the La Cienega Valley Association board. It was really unfortunate they couldn't meet that simple agreement.

Now I want to tell you a story that has blown a new and fresh breeze through our community. This story involved the Gallegos Ranch, 300 acres of beautiful vistas and views, 30 acres of very fertile farmland that adjoins Santa Fe Canyon Ranch. It is a site where the La Cienega and Alamo Creeks join the Santa Fe River as it flows south through the fields of the Village of La Bajada. The Gallegos Ranch is a special place in an area that the LCVA has been most concerned about being developed. Some weeks ago I was asked by a representative of a land preservation organization to contact to Cohiba Group, owners of the ranch, to determine if there was any interest in selling that property. This is just one of many efforts the LCVA has made to preserve these magnificent properties.

I contacted Alonso Gallegos, a farmer-rancher from La Bajada who manages the

ranch. Mr. Gallegos told me that one partner had bought out the other partners and was the sole owners. Alonso suggested that the LCVA meet with the new owners. Last Thursday a small group of LCVA board members met with Alonso and Bob Cochran, the new sole owner of the ranch. As we sat down at that table in our community center, Mr. Cochran asked our small group what we wanted to see happen to the Gallegos Ranch. He asked us what we wanted. To say we were stunned would be an understatement of epic proportions. Mr. Cochran was asking what we envisioned for the ranch.

For the next two hours we proceeded to discuss a wide range of community initiatives and projects: agricultural revitalization, energy conservation and production, water and wastewater issues. It was obvious that Mr. Cochran had a real sense of who we are as a community and our plans for the future. As he left Mr. Cochran took our community plan, said he wanted to study it and would get back to us. This is an example of a large property owner willing to work with the community. Not just work with us but embrace our community vision, goals and objectives. I wish this were the case with the developers of Santa Fe Canyon Ranch. It isn't.

The developers of Santa Fe Canyon Ranch and their various consultants and professionals have looked at our community plan and worked at ways to get around it, and misinterpret it to their advantage. And we as a community have grown tired of defending our community plan and worrying about what the developers are going to do next. I don't know how many times I've heard residents say they are angry and tired of dealing with the developers who have no respect for our rural community, our community plan and who have been and remain unwilling to listen to our community concerns.

This is a hard decision. We understand that. But there are times when hard decisions need to be made. And this is a time when we as residents look to our leaders to make those decisions. It is our well researched and documented opinion that the Santa Fe Canyon Ranch, as proposed, is not appropriate for this rural area. The application is incomplete and there are serious, unresolved water issues. In Santa Fe County decisions about land and water management are the hard decisions but they have to be made and they have to be made by you. Our committee, our community and all the communities in Santa Fe County can no longer afford to allow developer-driven water systems and cannot afford to have land use planning that is not connected to water planning. Thank you.

CHAIRMAN CAMPOS: Mr. Dickens, that was about 12 minutes. Who is your next speaker?

MR. DICKENS: John Herbrand is the next speaker.

CHAIRMAN CAMPOS: Okay. Please state your name and your address please.

[Previously sworn, John Herbrand testified as follows:]

JOHN HERBRAND: My address is 37 Paseo C de Baca, and also, I'll be real quick. And I'm going to ask – obviously we're going to run over that time limit you gave us. I ask that you be reasonable in terms of granting the community additional time. A lot of people have spent time coming for this and that the applicants themselves reserved some time

and spent a good deal of time up here.

CHAIRMAN CAMPOS: I ask you to be direct. If this doesn't comply, in your opinion, with the ordinance, state specifically. It's better than rambling, better than trying to –

MR. HERBRAND: I'm going to try and be real quick. I've got a goal in being up here. I think I've sent you guys a good amount of material and didn't expect you to read it but I was trying to make a point with it. Quite frankly, I was here at the last scheduled meeting where your expert, who you've got drawing plans for future planning of the community was here and he laid out a number of issues and asked you for feedback. And he was really asking you for feedback on preliminary things that he was going to submit to you in a report, and I sent a letter with regard to that. I think the other thing that he was not only trying to get some feedback from you, but he was also feeling you out to see what your commitment was to standing behind a community plan. He was actually asking you for some feedback to him so that he could give you some things to draw a community plan that would be acceptable to everybody so we wouldn't have a good amount of these community fights. So with that, I want to make a couple of comments.

I sent you a number of historical notes with regard to the community. As I said they are fairly significant in terms of the amount of material. The reason I sent you that wasn't because I expected you to read all that material, to take it in, to believe in it, to want it. It was that within those documents there were comments by people and in the comments those people really related to some of the comments that you'll hear over time. And that's that there's an issue of affordable housing, there's a comment by one of the developers that people don't want these things in their backyard, making it seem like it's an isolated spot.

In those historical notes you have comments from Governor Richardson, Senator Domenici, Representative Udall, Senator Binyamin, the BLM, the Conservation Trust, the National Historic Trust for Historic Preservation, the New Mexico Historic Preservation Society, the Old Santa Fe Association, the Trust for Public Lands, all of whom have interest in this land, in this community as a traditional village. And I guess the point is if you walk in this building, on the opposite side of this building, the Planning Department from this County has documents on the wall about the importance of preservation in La Cienega, held with the University of New Mexico.

Those meetings that they had out there, they were funded by a guy by the name of J.D. Jackson, who lived in La Cienega. He left his fortune to the University of New Mexico, to the Santa Fe Community Foundation, to the school district. He was a cultural preservationist. He gave people money in the community. He put people through school. He thought this village was special. He's nationally accepted for those things.

And one of those documents that he wrote, *A Sense of Place, a Sense of Time*, was about the importance of preserving things that the community does. Not just about physical things that God left here, but things that man brought. If you're not going to preserve a traditional community within this county, within this distance of Santa Fe, where will you? And I think that's kind of what your expert was saying the other day that you need to set out some goals. The community has set them; they have a reasonable expectation. The

reasonable expectation that they had when they drew up this plan was not that people would be standing between this mural and those things saying What is rural? What is acceptable? Everybody had a pretty good understanding including the people that own this land that there was a limitation and the limitation was to be a traditional historic village. And with that I'm going to pass it on to somebody else.

CHAIRMAN CAMPOS: Next speaker.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Yes.

COMMISSIONER SULLIVAN: While he's coming up, can I just ask a quick question? And maybe Mr. Dickens might be the quickest one to answer it for me. Is he still – where did he go? This is just real quick. We've heard and I assume will hear a lot of comments about compliance with the community plan, the La Cienega Plan. Could you help me understand specifically what are the deviations in this proposal from the plan, from the written plan? And I understand the concept of rural community and those things, but I mean the precise – being an engineer – numerical type things. Is your next speaker going to do that?

MR. DICKENS: He's going to address that.

COMMISSIONER SULLIVAN: Okay. Thank you, Mr. Dickens.

[Previously sworn, Tom Dickson testified as follows:]

TOM DICKSON: My name is Tom Dickson. My address is 48-A Paseo C de Baca. I've been sworn. I'm a life-long resident of La Cienega and a second generation of my family to live there. I'm a commissioner on the El Guicu Ditch. I worked on our community plan from the beginning point, which was a committee of the La Cienega Valley Association that was given the task of studying the methods by which a community plan was designed. None of us knew much about that and County staff helped us to draft it. I followed through with that committee and we saw the plan for the La Cienega passed as ordinance.

It's about the Santa Fe Canyon Ranch's non-compliance, for lack of a better word, with our plan, that I will speak. Our vision of a real community causes us to recommend clustering of houses in order to preserve the agricultural uses on the small, one- to five-acre parcels that are traditionally used for farming and ranching in our village. Our ordinance was about clustering in order to preserve agricultural uses. It was never meant to address a development of the size that we're looking at here.

Ms. Vazquez showed you a comparison showing what Phase I would look like with 2.5 acres for each house. Her purpose, I believe, is to demonstrate how inefficient this would be in comparison to what is now the current cluster. The view that I take is that the flaw in each of the plans of Phase I speaks only to a small piece of the 1300 acres. Our community plan in its intention would address the entire 1300 as a whole, and the density for that would be determined by the water associated with the ranch, which I believe is the same as the County's view on that. Specifically, the division of those 1300 acres took place with the posting of public notice on the Thompson Bridge Overpass where nobody would ever see it. And while technically meeting the County Code of posting notice as well, as the County Code for subdividing by administrative approval, the methods that the Canyon Ranch used to

achieve this division of land did not bring the community into the process.

It's only an example of my experience as a community member that's led to distrust stemming from what feels like deception. I sit on a committee that's headed by County staff that addresses possible changes or amendments to our County plan and this work is done biannually. The County staff member had to look hard in the Code to find the regulations that were used by Santa Fe Canyon Ranch to avoid the communication via their posting of the subdivision and the size of those lots that were achieved to make the larger lots that they are now using to go forward with their plan.

The resulting plan shows us 90 percent of the density on 30 percent of the land area and in Section 6.5 of our 2002-9 ordinance the definition of clustering refers to fitting into the existing rural character instead of into an urban grid pattern. The County Code Article V, Section 5.2.4 states the viability of the proposed phases of the project must function as completed units, completed developments in the case that the subsequent phases of the project are not approved or constructed. And I would ask you, Commission members to look at the difference in the plans as they've gone forward. The Phase I that was before this current Phase I and II is essentially a line drawn down the middle of them, and I don't think much consideration has been given to this County Code issue that would ask that each of the phases stand alone if they needed to. That concludes what I had to say. Are there any questions? Thank you.

CHAIRMAN CAMPOS: Okay, who's next? Please state your name, address, and tell us if you've been sworn.

[Previously sworn, J.J. Gonzales testified as follows:]

J.J. GONZALES: I'm J.J. Gonzales, 54 Entrada La Cienega. Thank you, Mr. Chair, Commissioners. The first thing I want to do is, this matter came before the LCDRC in March and at that time they had like a 28-page negative review. They discussed it here for three hours. The thing is at that point they requested a tabling and from March until July they were able to correct some of those problems. And apparently in July the County saw fit that they would recommend approval. They had a meeting at the La Cienega Community Center and at that time there was a vote taken and the committee members voted to deny a motion for approval. There was a problem with that vote because there was not a subsequent motion made in order to deny. So as a result I came forward to the Board of County Commissioners without an approval.

I think that Mr. Trujillo wrote a letter and it was received today saying that he felt that this was a very important community issue and he felt that they should be given another chance to correct this vote. Apparently County staff has ignored that. They haven't answered Mr. Trujillo's question. But I think this is an important thing and something like that should not cloud this most significant development in our community. That was the first thing I wanted to talk about.

The other thing is as far as density. We wrote this plan, when they came down to transfer of densities we felt that in order to protect significant community assets that we would allow density transfers. And this was basically in the traditional community, this was

where a person had an agricultural field, an irrigated field or something, and in order to save that asset, that field, that agriculture they would be allowed to transfer density to one side of that field. It was never intended to deal with large tracts of land. This is the first thing that I think is very important that they take that out of context. Our community plan says in a traditional community, to protect community assets. And this is a very large piece of property. They have a lot of space in order to spread houses out. And it's also very important that the thing is that all their density is basically at one location.

They have Phase I, then they have Phase II. The thing is they claim that they use the basis of .18 acre-feet of water per household. The thing is that is what Rancho Viejo is able to do. The thing is Rancho Viejo is a community – they have high density. They probably have ten units per acre in Rancho Viejo. They reclaim a lot of their water and they have parks, so people don't have to use water in their houses because Rancho Viejo supplies them with many parks and many playgrounds. So there's no need for people really to have any outside use. The houses in Rancho Viejo, there's like five-foot clearance on either side of the houses. From the street to the sidewalk is probably five feet. So they have large houses on very small lots. They have condominiums there. They have townhouses there. They have very small lots. So I don't think that this is a good comparison – Rancho Viejo and Santa Fe Canyon Ranch.

A better comparison would be Las Lagunitas, where they have ¾-acre lots. They have one-acre lots. They have 2 ¼-acre lots and Las Lagunitas is on the County water system and the usage there is closer to .25 acre-feet. The covenants at Las Lagunitas allow residents to use .3 acre-feet of water. And the thing is that as far as their line loss, that is made up by Santa Fe County.

As far as the plan for Santa Fe Canyon, they have 14.55 acre-feet of water per year to use. That amount is taken up by the 80 homes. They have 80 homes times .18 is 14.4 acre-feet of water, so they don't have any provision for any of their other uses like line loss, fire protection, their agricultural, their landscaping. They don't have any provision for that so to be fair to everybody, they should be required to have .25 acre-feet per household. And that would limit their development to maybe 40 or 50 homes. That way they could have 20 percent line loss. They could have water for all their other uses and that way in the future those residents would not be up against somebody using too much water. And that would be probably in compliance with County regulations where everybody is allowed to use .25 acre-feet.

The other thing is that they have a license from the State Engineer. That license was the result of the people on that ranch, Thompson not using the water rights that they had for approximately ten years. They transferred water to that ranch. They never used it. They were up against a deadline with the State Engineer to prove beneficial use. As a result for one year they irrigated a nine-acre tract of land. As far as irrigating land in that area, that same parcel, it hasn't been done for a long, long time. But the State Engineer accepted the usage and it gave them a license.

But in that license, the last page of that license says that these water rights cannot be exercised to the detriment of other water rights in the community, and we're concerned about

their use of the water rights and how it impairs water in La Cienega. The other thing is that they have an application before the State Engineer to transfer water rights, the 14.55 acre-feet, in order to transfer them to subdivision uses, agricultural uses, livestock uses, commercial uses, industrial uses, domestic use. The thing is that application is pending before the State Engineer. There's a hearing at the end of the month, on the 23rd there's going to be hearing. It's going to determine the status of those water rights. Whether they're granted that water they're requesting. For that reason I don't think this application should be approved with all these questions.

The other thing is that they have a return-flow credit plan, and that return-flow credit plan is what they're counting to use for Phase II. If the return-flow credit is not granted then everything stops. They have to rely on the 14.55 acres in order to do their subdivision. And then as a result, all the development is going to be on a small parcel of land and the other 80 percent of the land will be open space or have smaller density. So the other problem we have is we don't feel that this development can stand on itself with only Phase I. They need to be able to do something in order to be able to get Phase II and Phase III. The way it is right now is that's not going to be determined until the State Engineer rules on that application. There's going to be a hearing at the end of the month.

So for those reasons I think I would ask the Commission to deny this or table this until the State Engineer makes a decision. Thank you.

CHAIRMAN CAMPOS: Next speaker.

[Previously sworn, Mary Dickson testified as follows:]

MARY DICKSON: Mary Dickson, at 48-A Paseo C de Baca in La Cienega, and yes, I have been sworn in. My husband and I are full-time farmers on the El Guicu Ditch and we are farming three acres that have been in my husband's family for fifty years. La Cienega is a rural, agricultural community that has water rights that date back to the early 1700s. Every year these springs that feed the acequias are producing less and less water and there's even one acequia drying up in the 1980s. And this is due to the surrounding development that has happened over the years. And with the Santa Fe Canyon Ranch added to that, right near us, it's just going to make these springs and acequias produce less and less.

The importance of being able to grow our own food and sell it locally is a really critical part of our future. It's not just us as farmers but us as people. And in order for us farmers to be able to make a living farming our land in La Cienega we need to protect this water. When the springs and the acequias have dried up so will the agriculture of our rural community of La Cienega. It's just farms everywhere too are going by the wayside and we don't want that to happen in La Cienega. Thank you.

[Previously sworn, Ray Romero testified as follows:]

RAY ROMERO: I'm Ray Romero. I reside at 73-A Camino Capilla Vieja, La Cienega. I'm the mayordomo of the acequia. I represent the acequia through the valley association, as a board member there. I won't take too much of your time. I have some handouts here if I may. [Exhibit 13] If you want to look at the last page, these are all readings from the USGS, what we take at La Cienega twice a year. At the last page you'll see in 1971

our water flow on the acequia was 1.7 cps, which amounts to 763 gallons a minute, and if you look the front page – there's other pages that you might want to look at but I don't want to take that much of your time. On the front page you'll see that we're down to 106 gallons a minute, that's at the headwaters of the spring, coming out. We take measurements right there.

So what I'm trying to tell you is that we can't afford to have those springs deplete any more than what they are right now. Even though the water flows downhill from where we're at it still is going to suck the water down from the springs. So what I'd like to say to you is we can't afford any more depletion on those springs. And for your information, you have the readings there and I'm not going to repeat anything else because I think these others guys have done a pretty good job. Thank you.

CHAIRMAN CAMPOS: Thank you, Mr. Romero.

[Previously sworn, Charlie C de Baca testified as follows:]

CHARLIE C DE BACA: I'm Charlie C de Baca, and I live on 7 Ya Cállate off of Paseo C de Baca. I'm a life-long resident of La Cienega. I want to thank the Commission, chairman and Mr. Anaya for letting us come and speak here. We've lived in that valley since the 1800s. I'm the mayordomo there of the El Guicu Ditch. I've been the mayordomo for the last 35 years. I grew up there. I roamed all that property, the Canyon Ranch, all over La Cienega as a kid. And I've seen it grow, and it continues to grow. I wish it wouldn't grow as fast as it, but I guess we can't fight development.

But our water is being depleted. We were instructed by previous Commissioners back in the nineties for the communities to get together and come with a community plan, put a community plan together so everybody would understand. And we did that. I was one of the first members in the La Cienega Valley Association and I worked on that community plan for five years. And in that plan, the owner at that time, Mr. Warren Thompson attended those meetings, and he agreed with the rest of the community as to what should happen to that property and how the community should move forward. It went on, it went on. Now it's about eight years later and here we are discussing that property.

According to Mr. Thompson he agreed the property should only have 99 houses on that property. Now the story is 600. Now, it's 300. Now, it's 76. We never get a good answer from the developers. That's all we want. We don't want nothing free from the County or anybody else. We just want our fair shake. We've been there a long time. The community has been there, and development is taking over all over.

What I don't understand, working in the community plan and the Commissioners, the County instructing the community to come up with a plan and we come up with it but then when we come here the plan isn't followed or loopholes or whatever. I just feel that there was a loss of time there to spend five years, meetings every week, to discuss, fight with our neighbors, fight with everybody else and we're still there. I think that the County has to follow up on itself. If you direct a community to write a plan and then it doesn't mean anything, I can't understand that. It's just said that we're losing our water and that. People run for office. People talk about it. Preserve our culture. Preserve our water. Preserve that. But when it comes down to agricultural and communities like that, it doesn't happen. Why, I

don't know. I mean if developers don't see what communities have gone through, agricultural communities like let's say the community of La Cienega, and that it's a lot of work. We've put a lot of effort into our agricultural fields to try to preserve water so we can have water to irrigate the next years or so. Our ditch has been in court since the seventies over our water.

We fought with the racetrack over our water and we're still fighting over that water. Finally, we got a developer that realized what the community was about and he worked with the community in his housing project, which was Las Lagunitas, and as far as I'm concerned, that is the only developer that I've seen in this community that discusses the community with the community members, that, and tries to work with them. That doesn't happen. That's what we'd like to see. I mean, Mr. Schutz over here and Mr. Borrego said that they met with the community and they have. They've met a bunch of times with the community. But nothing has changed. They say they've got their ideas here what we met about but nothing changed.

So I don't know. But here on this paper here that I just got, the water chart, it says here will not be built if OSE application is not approved. Why is the County going to approve the master plan if they don't have all their ducks in a row? The water is a big issue there, and it has to be addressed. Another thing, I understand master plan approval. I was a project manager for a developer in Rio Rancho, the Mariposa Development. Here you have a master plan, here they're coming with 1300 acres, how come the County doesn't say, well, what are you going to do with those 1300 acres? At first they said they were going to put two houses. Now they came back, now we're going to do it in phases, so what are they doing? They haven't explained that to the community.

Mr. J.J. Gonzalez brought a lot of issues about the water so I'm not going to reiterate what he said but I feel that this master plan should be tabled until we get a decision from the State Engineer's Office on what water is allocated and what is not. Like I said, I grew up in that valley and I never saw anybody plant on that property. Thank you.

CHAIRMAN CAMPOS: Thank you, Mr. C de Baca.

[Previously sworn, Anna Murphy testified as follows:]

ANNA MURPHY: Hi, Commissioners. My name is Anna Murphy. I live at 24 Camino Loma and I have been sworn in, and I'm aware that the time is running out so I will try to be brief. One quick response I want to make and I thank Charlie C de Baca for everything he said. I think when Warren Thompson said 99 homes he intended those 99 homes to be on 1300 acres, not to be clustered on the northern portion, closest to La Cienega. So that's just a quick clarification.

What I actually looked at was the traffic impact analysis report, prepared by Craig Watts, and I looked at it and I found some problems. In the design of the current master plan the primary access to the development is located at the intersection of the West Frontage Road and Entrada La Cienega. As you know, that places nearly all of the traffic generated by the development onto the existing La Cienega Road. In the master plan there is no design for creating on- and off-ramps at the Thompson overpass that was paid for by tax dollars. That is a viable overpass that could be used to relieve the traffic at that existing intersection that the developers to date have not explored.

In fact, instead of looking into that they offer a plan that includes constructing a frontage road extension to the Thompson Overpass over the westerly side of I-25. Now, tell me, who is going to drive to a bridge that doesn't get them on an interstate? It's a bad plan.

I know the developers will respond that the level of service of traffic at that intersection, Entrada La Cienega and the West Frontage Road, is not of concern and therefore they should not be required to pay an engineer to design on- and off-ramps to the Thompson Overpass. And I know I'm not an expert in the field. I know I'm a resident of La Cienega that has been interested in this project for the past three years, but I did look at the report that Craig Watts submitted. And his traffic impact analysis report was completed in April of 2007. His traffic volume counts were taken in March of 2007. My understanding looking through the report is that many of these counts were actually derived from count data taken in January and February of 2006.

As a resident who uses that intersection, if not daily then with a lot of frequency, the numbers in that report seemed unrealistic to me. But not only to be but to other residents, including former County Commissioner Linda Grill. And Linda Grill was told that their traffic volume counts were conducted on a Sunday morning to determine peak a.m. traffic flow. That doesn't seem very logical to me. So she decided she would perform her own count of traffic at that intersection with the help of another resident, Chris Raywood. They're up against a number of challenges for collecting accurate data. Number one, we have no overpass. As of May the La Cienega Overpass has been torn down for Rail Runner construction. Number two, at the time that we needed to verify numbers schools weren't in session and if school had been in session I know traffic volume would have been higher due to school buses and people in the morning taking their children to school.

However, those challenges aside, in the traffic impact analysis of March 2007, figure 4, page 15, the total number of vehicles at that intersection, the West Frontage Road and Entrada La Cienega was 203 in Craig Watts analysis. Linda and Chris, on Friday, August 8th between 5:30 a.m. and 9:00 a.m. counted 253. Okay, it sounds like a small difference, fifty cars. It's a 20, 25 percent increase, and that's without a bridge. That bridge would have brought over traffic from the east side to access Albuquerque. There would have been a higher number of traffic volume. So I believe the developers' data could be outdated or flawed for other reasons, and they should be required to perform an updated traffic impact analysis with new projected level of service figures. It might show that they need to use that Thompson Overpass in a way other than just a bridge to the other frontage road.

If that one small correction from what they presented – and I'm sorry I don't know your name – Oralynn Guerrerortiz presented that even at the 2021 build-out period, the traffic, the level of service, the LOS as they call it, would never exceed a B or a C. Herein, Craig Watts' traffic impact analysis report – I have a sheet. It is page 22 of that intersection, and it states that at build-out it will reach a level C. And that's using his numbers that appeared flawed.

At level C, many vehicles stop. The next steps beyond that become questionable at best in terms of traffic at a particular intersection. Level D and E are not what you wish for a

rural community.

The other thing, and it's connected to traffic, are some of the overlooked environmental impacts – light pollution, noise pollution and increased litter. I think as a resident I speak for many people who feel these haven't been fully addressed in the master plan and as Commissioner Vigil pointed out, we're still waiting for a response or asked the question early from the US Fish and Wildlife about protection of wildlife. I did hear that they have agreed to certain streetlights to prevent some of the light pollution but what covenants are in there to prevent residents from increasing light pollution.

There was an act that was passed, a bill that was passed in 1999 called the New Mexico Night Sky Protection Act. They declared the night sky one of the state's most endangered cultural resources. I think that further research should be done on the light pollution, not only generated by this urban density clustered development but also during the ten years plus or minus build-out period. I think noise will be of equal concern during the build-out period and I hear that in the staff summary there was a condition for some noise abatement. I think it hasn't been explored fully. And I'm concerned about garbage, considering that this will be a ten-year build-out period, 125 to 150 feet from people's homes.

For all these factors, I think it could be unbearable during that build-out period for existing residents if there aren't conditions placed on them, or if the master plan isn't amended. I don't want to take it on faith that the developers are going to hold themselves accountable. I think it's unacceptable as it stands in many ways that have been discussed tonight and I would respectfully asked that it be tabled until some of these major questions are addressed, and I thank you very much for your time.

[Previously sworn, John Paul Gonzales testified as follows:]

JOHN PAUL GONZALES: Mr. Chair, Commissioners, my name is John Paul Gonzales. I'm a resident of 54 Entrada La Cienega, which adjoins the property in question, and I am under oath. I can't say anything legal or technical that has already been said, nor can I make any better suggestion than what has already been made by the La Cienega Development Review Committee, who are neighbors of ours, trusted by you people, the Commission, to make the right decision. I feel their recommendation was proper in this case even if the technicalities do not permit you to use that information.

First and foremost, that decision was made to preserve the rural integrity of La Cienega and it should be evident from the community gathered behind me, and I thank them all for showing up, that there is a lot of question to this plan a great deal of divisiveness. I ask the Commission here why you would approve that animosity. We wonder every day where these seeds of resentment come from that exist within New Mexico and I believe they are sown at places like this where we cannot accurately address the concerns of both parties or all parties concerned.

I personally stand opposed to this development, not only because of this, but also because it holds in contempt the rural character of La Cienega. There's that word, rural. It's not a city, it's not a suburb, it's the country. It's a way. I'm not sure if I can accurately explain it, but it is indeed a way of life, and sticking a development of this magnitude and this size

into a community with this much resistance could only be disastrous. I feel the best the Commission seated here today can do at this point is to table this proposal until the serious and far-reaching disagreements can be addressed, lest another rift be made.

I also stand opposed to this based on the fact that the rural integrity would be compromised, to say nothing of the character of La Cienega. This development is not within the County's strategic growth area, therefore it should not be considered integral to the development of the progress of Santa Fe as a whole within the county. I urge you to please consider the spirit of our community plan before you make any decision. Thank you.

[Previously sworn, Linda C de Baca Grill testified as follows:]

LINDA C DE BACA GRILL: Good evening, Commissioners, Mr. Chair, fellow Commissioners, staff, developers, Mr. Borrego and Mr. Schutz. We're happy to see you again. I wish it was under different circumstances, but here we are again. I'm going to just go through a few things. You already heard a lot of this stuff. I want to let you know that we, the residents of La Cienega, and we are a valley, okay? We do support affordable housing. I am not here to tell you not to approve the development. The development is going to happen whether we want to or not. That's a fact.

My family, the C de Baca family. By the way, my name is Linda C de Baca Grill. I have been sworn in, Mr. Chair. I live on 54 Paseo C de Baca. My family has been there since the late 1700s and 1800s okay and have been using irrigation water since then. I'm a life-long resident of La Cienega. In fact my sister and I donated several acres to the University of New Mexico so it would be preserved on our property that we owned. I started the La Cienega Valley Association when I was on the County Commission because I felt that it was really important for us to have a say-so as a group when we came before the Commission. I have some questions on what the developers have stated here tonight. They talk about hiking, walking trails for the entire community. I would like to know if that also includes the valley of La Cienega. The other one is for fire and police emergency. I'm a member of the La Cienega volunteer fire department, and I want to know, is this something the developer is going to build, or is this something the County is going to build for the valley. Okay? Another thing that I want to ask them at this time, do the developers own the water rights from Acequia Capilla Ditch. I don't know whether they own it or whether they're during the process of purchasing it. Okay? And the return-flow credit is not going to help our valley in any way. So I've got a concern about that. Also, horse trails. We have a lot of horse people in La Cienega. Will we be allowed to use those horse trails? And another thing also that I want to address here, and I want to thank the developers for this part of it, and I also want to thank Commissioner Anaya who helped us out on this one. My brother and I were really concerned about the new Paseo C de Baca access. Okay? The road that was there to begin with was a ranch road that my dad owned on 255 acres of land. That road was never used for any purpose but for our ranch. But I appreciate that they decided to remove Paseo C de Baca from this plan.

I just also want to let you know that you have a petition, several petitions that were signed that were handed to you at the last council meeting. There was 275 petitions, and most of

those were signed by members of the valley, not members from out of Santa Fe. So I just want you to be aware of that. Okay? And I am aware that the State Engineer has not decided how many water rights they have. We'd like to see that happen before you Commissioners go on with this plan, so if you have to table this until we find that out we'd really appreciate that. That's one of our big concerns is the water. We have been in touch with State Engineer personnel and I have been informed that if they use their wells from the property it will have a big impact on our valley. If the County supplies the water, that's a different story. So that's another concern for us. So I hope that whatever you decide on tonight that it will be for the betterment of the valley, not to ruin our valley. It's a beautiful valley. If there's any questions, I'm willing to answer them.

CHAIRMAN CAMPOS: Questions? Thank you, Ms. Grill.

MS. GRILL: Thank you very much for listening to us. We really appreciate it. Thank you for the wonderful job you're doing for us. We appreciate that also. Thank you.

CHAIRMAN CAMPOS: Commissioners, it's getting a little bit late and I'd like to suggest that we limit our considerations to this case tonight, and that we allow all the other applicants to go home and to have their cases heard at the next BCC meeting. I don't want to go beyond 8:00, 8:15, but there still seems to be a lot of people who want to talk, and I'm sure the applicants are going to want to have a response. So it that okay?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: I want to know when the next – when it's going to be on the next meeting because I have a schedule in front of me that I'm going to be missing two meetings. And I don't want to miss this.

CHAIRMAN CAMPOS: We're talking about the other cases.

COMMISSIONER ANAYA: Oh, the other cases. Oh, okay.

CHAIRMAN CAMPOS: And seeing how far we can go tonight. Seeing if we can maybe finish, maybe not. We'll do our best. That's what I'm suggesting. Is there any objection to that? Okay. So then this is the only case we're going to hear tonight. Everybody else will be rescheduled to the next BCC meeting if that's possible, and we're going to take a ten-minute break at this time. Thank you very much. We'll be right back.

[The Commission recessed from 7:20 to 7:30.]

CHAIRMAN CAMPOS: How many more speakers to we have? There may be speakers for, there's going to be a lot going on and we've got to expedite. I'd like anybody who makes a comment to be very specific, precise and focused. No rambling. Keep to the issues, and try to avoid repetition. A lot of things have been stated. Who's the next speaker?

[Duly sworn, Marilyn Bane testified as follows:]

MARILYN BANE: My name is Marilyn Bane, 622 ½-B Canyon Road. Thank you very much. Chair Campos, members of the County Commission, my name is Marilyn Bane. I am president of the Old Santa Fe Association. I know that you know me from often our passionate stands in terms of advocating for historic preservation, particularly where it pertains to buildings. In this particular case this evening, I'm going to be advocating for

historic preservation of a way of life.

We find that this development is a bad development, it's a huge development, it's a development that should not be built. It will be a very bad commentary coming into the City of Santa Fe from La Bajada Hill. We know that La Bajada has been named one of the most endangered places in New Mexico by the New Mexico Heritage Preservation Alliance. Many of us in the historic community are very concerned about this and we ask you to please reject the plans for this development. Thank you very much.

WAYNE BLADH: Mr. Chair, my name is Wayne Bladh. I'm the attorney for the Santo Domingo Tribe. I have a written document for you. My business address is 1239 Paseo de Peralta in Santa Fe.

CHAIRMAN CAMPOS: You've given me a document, two copies? Is that right?

MR. BLADH: I should have given you four.

CHAIRMAN CAMPOS: Three copies. Have you provided this to our legal counsel?

MR. BLADH: Yes.

CHAIRMAN CAMPOS: You have? Okay.

MR. BLADH: I'll keep this very focused. What I want to address is an issue that the other speakers have not talked about and it's an issue of great concern to the Santo Domingo Tribe. And that is the protection of the archaeological sites that have been identified. The County's Code requires, in this particular district, which is of high archaeological significance, that there be a report that identifies the archaeological sites and recommendations on what will be done to preserve those sites. There was a report prepared by a Mr. Kludt that identified 53 or 54 sites, 47 of which were new. Nobody knew they existed until he went out and did that study. This is a very pristine area. His recommendations in his report are part of the record before the Commission.

His recommendations included what is essentially the destruction of 25 of 38 sites which he identified as significant. And when I say destruction that's what would be allowed when they call treatment of an archaeological site, as opposed to preserving it or avoiding it. That report was filed as part of the application, but also as part of the application in Sheet 3 of the master plan, there is a notation on Sheet 3 that identifies a condition on any building permits, which says that – again referring to those 38 significant archaeological sites that were identified by Mr. Kludt, that all of those sites would be subject to non-disturbance easements.

That is not what the archaeological report recommended, but it is certainly what the Santo Domingo Tribe thinks is the right approach. All 38 sites identified in the Kludt report as significant should be avoided in any construction that takes place, and should be subject to non-disturbance easements.

The next point though in terms of the record is that that archaeological report was submitted to the state Office of Cultural Affairs for comment, and the comments from that State department are also in the record. That report identified another set of sites that were

deemed to be significant. That report disagreed with the characterization that Mr. Kludt had applied to many of the sites, which Mr. Kludt thought were not significant. The Office of Cultural Affairs said that there were significant, or that the significance had not yet been definitively determined. The list of significant sites from the Office of Cultural Affairs does not match the list that Mr. Kludt put together. There's some overlap. There's some that are not on Kludt's list and there are others that are not on the Department of Cultural Affairs' list.

At this stage of this development, at the master plan stage, the tribe very much urges the Commission to be very clear in any approval that you may give to the master plan, either tonight or at some later date, on what is required for those archaeological sites. All of the sites that have been identified as significant, either by Mr. Kludt or by the Office of Cultural Affairs, or the sites that the Office of Cultural Affairs says there has not yet been a determination on significance, and that will require more study, all of those sites should be avoided in any construction. They should be subject to non-disturbance easements, and if there is a development plan submitted at a later stage of this proceeding the development plan should avoid all of those sites. They should be preserved and not destroyed.

It's an issue that's of great significance to the tribe, and it's also given great weight in the County's own Land Use Code. That's the main point I wanted to make unless there are any other questions.

CHAIRMAN CAMPOS: Questions? Thank you, Mr. Bladh.

MR. BLADH: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Okay, next. Name, address and let us know if you've been sworn.

[Previously sworn, Mitra Lujan testified as follows:]

MITRA LUJAN: Mitra Lujan. I live at 05 Los Gatos Lane in La Cienega. My concern is economics. I don't have to tell everybody how bad the economy is right now. And there were homes in Santa Fe that were put for auction, didn't sell. There's 200 and something homes there that haven't sold. There's a new development. What happens, what plan does this Canyon Ranch have if no one buys their houses? We know what happens to them. People trash them. Things get stolen and the economy is bad right now. We can't fool ourselves. We don't think that we're going to build houses and they're going to sell and we're going to have people living in them right away. So what plan is there for them? The houses that are built and don't get sold, if the community is there and becomes a ghost town. That's my question.

I'd also like to know if all the developments that Mr. Borrego has built have been sold. Thank you.

CHAIRMAN CAMPOS: Thank you very much. Next speaker. This will be the last speaker against and then we're going to shift to for. We've got to – it's already 15 till 8:00. We're running out of time.

[Previously sworn, Peter Cooke testified as follows:]

PETER COOKE: Peter Cooke, 69 Camino San Jose, La Cienega. This regards the Capilla Ditch. And I'd first like to thank Commissioner Mike Anaya and Virginia Vigil

for showing their interest in the Capilla Ditch and showing up there and looking at it. First of all, the Capilla Ditch has all its papers in order. It has its law, so it is a commenting agent. Because it is mentioned specifically in this master plan it is a commenting agent and it must be properly asked to comment. There's a protective law.

The second thing is that the 8.5 acres that is being claimed to be owned or going to be used in this master plan, the contract is in the hydrological report of the master plan, and the mayordomo of the Capilla Ditch has a meeting with the State Engineer. There's a problem with water stacking. There's a letter in the Capilla Ditch's folders from the State Engineer to the seller of these water rights. There's a problem of water stacking. There's a problem of these 8.5 acres.

The second thing is this. That in the water laws of the Capilla Ditch, because it's an ancient acequia, what was written in the water laws is that there is no instrument that can consider or entertain water being sold out of the Capilla Ditch. That's in the laws. So that the contract is not a warranty deed. It is a contract between the developers here and somebody who owns water rights in the Capilla Ditch. It must be warranty deeded by the State Engineer, and within this meeting, having looked at this contract of water, the State Engineer has told us that they will not warranty deed these 8.5 acres. So what you have in this document is an illegal statement, because the 8.5 acres cannot be mentioned or used. And that's all I have to say. Thank you very much.

CHAIRMAN CAMPOS: Thank you, sir. Okay, I understand there are some speakers that would like to speak in favor of this project. Who – would you raise your hands? I'm not talking about the applicants; the applicants are different. I'm talking about the public. Okay, members of the public stand up, sit up here in the front, we're going to swear you all in. Just be very brief and focused. Okay, there's three. Sir, are you going to speak?

[Duly sworn, Bob Martinez testified as follows:]

BOB MARTINEZ: My name is Bob Martinez. My address is 1324 Grandpa's Ranch, Santa Fe. I have three areas that I want to touch upon, and that is a father, a grandfather and a realtor. As a father I have three girls. Today they have to live in Albuquerque because there's not a place for them to live here. As a grandfather, I have four grandchildren and if you have grandchildren and you miss them and you want to go drive an hour to go see them, it's hard, and that's part of my life.

I am a realtor. I started in 1980. I got 28 years in the business. Fortunately, I can define that I've sold the largest mobile home park in La Cienega, for Mr. C de Baca. I'm also at the other end of the spectrum. I've sold ¾-acre lots for people that we keep on talking about that are historical people that have been here all their lives. I've seen the La Cienega develop out in the 28 years that I've been in real estate and I hear the intent. I hear the ruralness, but I can tell you that the amount of listings and the amount of people that are the original people that have had to develop their lots out to ¾-acre lots to sell them, and I've actually sold water rights in the La Cienega area, so I understand the end of the spectrum.

So as a realtor, when I first – or let me back up. As a human being, when I first moved into Santa Fe, Camino Carlos Rey was the end of Santa Fe, and rural living was Rodeo Road,

was Airport Road. Currently I live on West Alameda and we have been to meetings where a bridge is going to come across Siler Road and the ruralness of what we have – there's an acequia that's running in front of my property. I raise horses. I know what rural is. I know what irrigation is. But unfortunately, the thing that everybody keeps on defining is Santa Fe has evolved. In a lot of organizations that I can take you back to the 1700s, 1800s, 1900s, to today. And do you know what it is? One of the original people that talked about here that grew up in La Cienega, he says development is a reality. It is. What I would love to do is I'd love to find my daughters being able to afford to come back and move in. I'd love to see my children and grandchildren growing up in a community where because of the Governor and because of evolving growth, we can get to Albuquerque through the Rail Runner system, but with respect and responsibility. And I think that the developers have done more than their share to do what they've done, to try to amend and agree with and work with the community. And I thank you for your time.

[Previously sworn, Joe Ortiz testified as follows:]

JOE ORTIZ: Mr. Chair, members of the committee, my name is Joe Ortiz. I live at 99 San Marcos Loop, Santa Fe, New Mexico. I wanted to speak to the design of the overall master plan and planning as a whole. The question is that this plan proposes is exactly what the national building codes talk about when sustainability is involved and water and less roads. And I believe that it embraces the spirit of where we want to be. We spent a great deal of time with the south Community College District in clustering and planning for those things.

If you don't take the initiative to do these grand-scale, futuristic plans, then you get hodge-podge. And you get things going on like family transfers over here and traffic problems. By embracing it as a master plan, which it is, you're allowing the tools that you as a body and staff has to plan our futures. Not this generation, not this Board, but years and years from now. These homes aren't going to be sold in the next five years. It will go to two, three, four market cycles if we're real lucky, and the ups and downs and the ebb and flow. But what's really important that you need to understand from a marketing standpoint is that by creating this type of consistent, sustainable supply of housing product you stabilize our real estate market, and we're not going to run through these run-ups in the real estate so that we have these disparity gaps of affordability versus [inaudible] It levels the field and by adding supply to the marketplace you are doing exactly what you need to promote affordable housing. Not just the 45 homes that they're instructed to build, but the overall environment of the marketplace.

We take huge risks in the development business. And sometimes we're rewarded hugely and sometimes we take it in the teeth, and that's what's going on right now. For them to stay here and bring this proposal forward in a market condition that we currently have is admirable. I wouldn't have the stomach for that. I'd let it sit for another ten years and those 45 people wouldn't have homes and our market would continue to be unstable. It's quality projects like this and the other large projects that are there, they sound large but they come off in pieces. And they in fact react to the market better than small, individual projects,

because they can withstand the economic up and down that goes into our development business. And I applaud them for it and I ask for you to support them. Thank you.

CHAIRMAN CAMPOS: Next.

[Duly sworn, Wayne Sowell testified as follows:]

WAYNE SOWELL: Mr. Chair, County Commissioners, my name is Wayne Sowell. I live at 12 Calle Verado, Santa Fe. I'm the manager of engineering for Public Service Company of New Mexico. This gentleman took 90 percent of my speech. I'll just bring up one point. Commissioner Sullivan, about an hour ago asked a question. What part of this master plan does it not meet either La Cienega master plan or the County's master plan? Commissioner, you didn't get an answer and I think it's evident why you didn't get an answer because after three years this master plan, going through the iterations, going through the focus groups, over and over and over again, there is consensus and the definition of consensus is nobody gets 100 percent of what they want.

The reason you didn't get an answer is because this meets the spirit, the intent and the letter of the law. It also meets the intent that the County wants to reduce the number of septic tanks, the nitrate levels that La Cienega is experiencing. Through master planning you're going to reduce nitrate levels. You're going to reduce individual septic tanks. You're going to reduce the individual water wells, and I think that's the overall where we want to be in ten, twenty, thirty, forty years down the road in our county. The folks from La Cienega spoke very passionately. They spoke with love for their community which should be respected. At the same time we need to look at the bigger picture where we want our master planning for the County to be in the next 15 to 20, 30 years. Thanks very much.

[Previously sworn, Kurt Young testified as follows:]

KURT YOUNG: My name is Kurt Young and I have property adjoining the property that they're proposing to develop. What I'd like to say is I'm one of the owners of the adjacent ranch next to the property and I've been following this project with a lot of care for a lot of years and it's been subjected to a lot of administrative hurdles that the applicants have overcome and they've scaled down the project tremendously from its original vision to help appease some of the neighbors and I've think they've in earnest tried to work with just about everybody. I know they've gone and talked to everybody person to person and they've spent tens of thousands of dollars trying to perfect this development.

It's been held up to the highest standard and they've risen to that standard and what they're trying to do and what they're proposing I believe to be a very workable, sustainable development that has the ability to create open space and a clustered development. It creates a sustainable living community while allowing for a country lifestyle. The only problem of course is water and I certainly wish that they had a connection to the County and I think a lot of the folks here aren't opposed to building, just the water.

That being the case I think that the water they have is suitable for the project that they're proposing in the initial phases and I know the Borregos to be very upstanding citizens and good people and they've done their best to comply with just about everything that they've been asked to comply with. And I think that there's another phase to this project that

a lot of folks overlook and that is the ability to create some good affordable housing in the county for folks that need it, and that will allow for some of the folks that can't afford to live here to be able to stay here.

It will create jobs and it will perhaps put a development in that part of town, that part of the county that would look very good and attractive and increase the values of people's homes. And I think that in years to come, the decision that's made tonight is very important for a lot of people and a lot of reasons. But I stand behind these folks here making this development and I certainly hope that you all can do the same.

[Duly sworn, Javier Gonzales testified as follows:]

JAVIER GONZALES: Mr. Chair, members of the Commission, I'll be brief. My name is Javier Gonzales. I live at 1109 Don Gaspar Avenue. I wasn't really intending on speaking tonight. Two reasons. One Commissioner Sullivan, Commissioner Campos, just a couple of months left so I had to try and grab some time in front of you one last time. And two, while I don't have a financial interest in this subdivision I do have a profound respect and affection for the Borrego family who's done a great job in many of the other subdivisions they've done. I think that they'll do a great job here.

But I wanted to give you just, Mr. Chair, a couple of some historical background. I'll keep it very brief, because members of La Cienega spoke tonight and those are individuals who advised me during the eight years when I was on the Commission when I represented that area. When I came into office one of the biggest arguments that were going on in that community was the proposed development of Las Lagunitas. At the time the developer had proposed building an 18-hole golf course. There was going to be large homes that were going to be in the area and they were going to use ground wells to basically support that subdivision. And through a lot of our efforts we were able to work with the developer to get them to not use those wells and to use County water and to use that money to bring water lines into Las Lagunitas. And tonight we hear that many members of the community believe that that was the right thing and the right way to go.

When I came into office in 1995, in many respects it had already been too late in what we saw going on there in La Cienega. There was a lot of illegal subdivisions that were taking place. People were finding loopholes in how to use family transfers to create 2.5-acre lots and what we saw happen is what you see when you drive in: lots of sprawl taking place in that area and lots of straws going into the aquifers. At the time the Commission gave Ms. Guerrerortiz strict instructions when she was the development committee to put a stop to these illegal subdivisions that were taking place. To her credit, she was able to do it, and what it did is it forced more subdivisions to come in under the normal course of the County's Code.

The problem was, however, we didn't have the proper infrastructure to take place for those subdivisions, so they were coming in, continuing to propose individual wells. Mr. Romero and Mr. C de Baca were here continuously saying this is going to hurt our aquifers. They complied with the Code. It was difficult. But what we were able to do is we were able to make sure that on all these subdivisions that people agreed that if County water came

within a certain amount of their property that they would be required to hook up to the County water.

Well, here we are this far into the future, into today's present time and we still have the same members of the community coming before the Commission and saying these straws are going to affect our aquifers. They're going to hurt our aquifers. We're seeing this happen over and over. It seems to me, Mr. Chair, members of the Commission, it would be great if the County could in some way be able to see how to take imported water or County water up to this property and through that make an investment in infrastructure so that we can get all these subdivisions that were approved during the end of the nineties who agreed to hook up to County water to cap their wells and to hook up to water so that we can continue to see, or hopefully begin to see the refurbishment of those aquifers.

I don't think that anyone believes that denying the subdivision tonight is going to preserve the aquifers over there in La Cienega. It may help just a little bit. Who knows? But what they really – I think what I heard was they needed to cap a lot of wells there in La Cienega so that they wouldn't further see the diminishment of their water resources. To Mr. C de Baca's credit, one of the last things we worked on was that people along C de Baca Lane agreed to cap their wells. People within the community who weren't subject to this were going to cap their wells if the County brought County water into their area. I think the community has demonstrated over and over that they wanted to preserve their water. They got involved in the planning process. They helped develop it. One of the things that I watched during that planning process was Mr. Gonzales' family and Mr. Thompson's family, Mr. Gonzales and his family, what a great credit to an individual who as even through his heirs has instilled the importance of preserving their property.

Quite honestly, we never got that from Mr. Thompson so we were always watching to see what was going to happen with this large tract of land. And all we could do was hope that during the planning process that somehow that was going to be taken into account. So now you have from what I believe is basically a subdivision that complies with the County Code, which to me says it complies with the County plan that was adopted. It's complied with – one of the things that we also tried to do to protect the La Cienega area was not only in the area trying to bring in infrastructure and water, but to be able to preserve some of the corridors by adopting the Gateway Ordinance, which addressed design standards as you were coming into the Santa Fe area. And of course, least but not least we did pass the open space program.

So clearly there are ways and tools and benefits that this Commission has to be able to address some of the things that the people of La Cienega tonight have said, not only to you tonight, but they've been saying it for the last – since Commissioner Grill's time and before, the help that they need.

So my hope is that somehow we can renew the commitment that we had made to take infrastructure into that area, cap the wells, help them replenish some of the aquifers in the area. Tonight you have a family that's before you that I think has followed the process and hopefully this Commission will through its authority be able to represent to this application that if you follow the process you're going to be supported. Thank you, Mr. Chair. I

appreciate it.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: A question for Mr. Gonzales.

CHAIRMAN CAMPOS: The public hearing is now – do you want to continue the public hearing?

COMMISSIONER SULLIVAN: Just a question for Mr. Gonzalez.

Commissioner, given your long background with the run-up to this project, I'm wondering that if we don't have a Catch-22 here. Your testimony is that we should solve the water problem by providing County water to this project, and the applicant has requested that and the neighbors objected to that and the Commission turned down I believe twice the request to extend the service area of the County water system to encompass this property.

If County water were to be provided then there would not be an issue with the State Engineer of wells and impairment in the other properties, and the 900 acres that's remaining could be developed theoretically to the same density as we see here, as low as .3-acre lots. Now, that, I would think would certainly be against what the community wants in terms of rural character. So how would you – I'm a little concerned that you feel the answer is bringing water in. How would you address that concern of balancing those two issues?

MR. GONZALES: Mr. Chair, tonight you have a plan in front of you that I believe, from what I've been told by the developers, asks for 170 lots – 174 lots. You have the prerogative as the Commission. One thing that you have done really well is you've made sure that water does not drive what density is going to be. You've used it as a means to assure health and safety of communities and to preserve the water in the area. You've used your zoning powers to minimize the amount of density that's going to go forward. So very easily, tonight or into the future, if there is imported water taken in there the Commission, as they do in other areas, can clearly say this is going to be the maximum density, period. And the spirit of the La Cienega plan, and in fact what was in the plan was to preserve a rural way of life.

We've had several plans that were going on during that time period and what we learned consistently, part of a rural way of life, when you look at everywhere from Santa Cruz to La Cienega is that people lived along major roadways. Their homes were next to each other, and then they had their agriculture lands behind them. And one of the things that our planners told us continuously, that clustering is an important way to preserve open lands. I would think that in this particular one, the applicant has requested 174 lots, that seems to me that it's in your prerogative to keep them at that density or not. And that's the way you would be able to control it so it's just not let loose and unlimited water could come in and unlimited density could come in because clearly, that's not what this community wants. I don't think it's what this Commission wants.

It clearly wasn't my intent when I supported the community planning process out there. So I would encourage the Commission to use your zoning authority and your zoning powers to regulate and minimize how much density could go out there if in fact you took imported water. And I think that's a classic example in La Cieneguita. I'm not sure what the

minimum density is over there but they clearly could if they wanted to potentially come in and ask for smaller densities, ask for guesthouses to go in. Ask to have more lots created. But clearly the Commission would say no. It doesn't meet the spirit. It doesn't meet the intent. Even if you have the water, we're not going to allow for that kind of density. And I think the same could be said here.

COMMISSIONER SULLIVAN: Thank you. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: It seems to me we're ready to close the public hearing with the exception of the testimony of Tina Boradiansky who did file a lawsuit a couple of days ago against the County. I think the court ordered that she be allowed to submit some testimony. Is that right, Mr. Ross?

MR. ROSS: Mr. Chair, I think what the court intended was that we keep the record open in case she wants to supplement the record with comments that she might direct to this application.

CHAIRMAN CAMPOS: Okay. So to that extent the public hearing is still open. So at this point, it's 8:00. I think there have been a lot of questions raised by the community. I think we should – I would suggest maybe tabling this to the next meeting. Any discussion?

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER VIGIL: Is that what your understanding of the court order was? To allow for the tabling? Would that satisfy the request of the judge?

MR. ROSS: I'm just looking for that order. Hold on a second.

COMMISSIONER VIGIL: Okay, while he's looking for that, Mr. Chair, I just wanted to respond to Mr. Gonzales. Javier and the remainder of the La Cienega community who may or may not have been here earlier, that we did take action earlier this evening to provide 1300 feet of 8" water line north on County Road 54-B, so a lot of the vision that you addressed, Javier, it's taken a while; we're still working towards. So hopefully that will assist in the future for – this is for potable water delivery. Do you have a response?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: I would just to say we've got a few heavy hitters in the audience. We have our past Commissioner Linda Grill. We have our past Commissioner Javier Gonzales, and we have our former Mayor of Santa Fe, George Gonzales is here.

COMMISSIONER VIGIL: And also past Commissioner.

COMMISSIONER ANAYA: And also past.

COMMISSIONER VIGIL: Do you have an answer?

MR. ROSS: Mr. Chair, Commissioner Vigil, of course the purpose of this morning's hearing was to address the claim that the plaintiff's disability would preclude here from meaningfully participating in this hearing, and of course she's not here. So some of the things that were identified as remedies which, Mr. Chair, you and I have been discussing in

connection with that specific issue included limiting the time, the length of the hearing, which because she's not here we've continued to almost three hours, and we fully expected that the case would be continued, because she would participate and then at the next hearing it would have additional participation by her and it would be limited in scope, and particularly limited to the amount of time when we would have the hearing at night, which was the specific complaint.

So it's hard really to know how to view what the court said today because she's not here participating. But one of the things that the court observed was that we – you and I – had identified remedies for addressing her particular situation, including making a record of this hearing, which we do routinely, and providing that to her so that she could review it at her convenience in preparation for a subsequent hearing. That's number one.

Two, allowing her to make written submissions, which is what I was talking about a little bit earlier. And three, allowing her to submit questions through a representative acting on her behalf. She's not here so I'm not sure how that applies at this point. And four, reconvening the hearing at a later date to elicit further public comment and/or cross examination if the proceedings become unduly lengthy or burdensome.

So my suggestion would be to provide her the transcript of tonight's hearing and allow her to comment prior to you making any decision. So we make sure that what the court intended, given what she knew this morning, what you and I assumed would be the situation, can take place. Therefore schedule this for the next land use meeting for either – open the record at that point for additional comments on her part, or don't reopen the record if she provides nothing and just make a decision at that time.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: If we did that, and perhaps reopened the hearing on a limited basis, then I think it might be a good idea to allow the applicant a rebuttal time so that the hearing record is complete, and then that record can be made available and that record can be made available and then it's your discretion. She can be given an opportunity to further testify before we make a decision but we wouldn't necessarily have to open up the entire hearing all over again. It's just a thought. Would that work, Mr. Ross?

MR. ROSS: That makes sense, Commissioner Sullivan.

COMMISSIONER SULLIVAN: So I think – I know it's late but we've done later and probably we should, since we have everybody here we should complete the record and get the rebuttal and then I would support a tabling motion.

CHAIRMAN CAMPOS: Okay. Ms. Vazquez, rebuttal, how long do you think that would take?

MS. VAZQUEZ: Mr. Chair, I've got about five minutes. We've got a couple TIA answers that will take about two, and then we've got our hydrologist here to discuss some of the questions on the impact to the acequias. I'm thinking about 20 minutes.

CHAIRMAN CAMPOS: Okay. By 8:35, then let's wrap it up.

MS. VAZQUEZ: Quickly, I just want to say, Mr. Chair, Commissioners, there are a lot of people in the audience that are here who came to support this project and in the interests of time they decided not to get up to speak, but I would request that they be able to stand up and show their support by standing up on this project, if that would be okay with you.

CHAIRMAN CAMPOS: Sure. All those who came that are in favor of this project please stand up. [Thirteen people in the audience stood.]

MS. VAZQUEZ: Thank you, Mr. Chair. I want to clarify a couple points. First, I believe it was Mr. J.J. Gonzales who was talking about the water budget. I want to put into the record some of the facts with regard to the water budget. The homes that were analyzed for purposes of figuring out what the average water use was in the county was all of the homes that were on the County utility, which included Las Lagunitas. It included the northwest quadrant and it included the entire Community College District, not just Rancho Viejo.

The average water use on the entire County utility for 2005 was a .16 acre-feet. For 2006, a .174 acre-feet, and for 2007, the average use for water in the entire county on the system was a .157. Las Lagunitas in particular averaged a .18. He's correct that the restrictive covenant is a .25, but the average use in that area was a .18. Our water budget does include line loss. It does include water for outdoor irrigation as well, and that's taken into consideration with the number that we've got. And lastly, it has been reviewed by the County utility and the hydrologist and has been approved for those numbers.

I want to answer some of the questions raised by Ms. Grill. Yes, the trails are open to La Cienega community. They are public trails, and that was the reason why we clustered and put the open space together was for the protection of it and use by everybody. The land that we discussed was a dedication of land to the fire department. We had not discussed construction of that land. I will point out, however, that this development will bring impact fees, and those impact fees that are generated as a result of this subdivision have to be used in this fire district. So that money will be limited to this fire district.

With regards to the issues raised by the acequia, the La Capilla Acequia, the purchase agreement that was done by Santa Fe Canyon Ranch for those water rights was done in 2005. In 2005 there were no bylaws that were submitted that were signed that were in record at the Office of the State Engineer. And that was the reason why this purchase went forward. The bylaws that are being referred to – I believe it was Mr. Dickens, are bylaws that were recorded and signed in July of 2008, just a month and a half ago.

The OSE license: The OSE license is a right to use that water, and it is a recognition from the Office of the State Engineer that that water has been used. And there is 29.1 acre-feet that the OSE determined had been used and that was why the license was given to Santa Fe Canyon Ranch. That 29.1 acre-feet is currently being pumped. It's currently being used onsite, and it's a point that everyone keeps missing that it's not going to be used in the future; it's currently being used and the impacts of – whether or not there are any impacts are being

evaluated now and there are not significant impacts. I'm going to have Mr. Lazarus discuss those issues.

Lastly, Commission, Mr. Dickens said, Well, we have the vision for La Cienega. Our vision for La Cienega is rural character. The Code and the ordinance, Commissioners, does not limit density transfers for traditional communities. It does not limit – it does not define rural character the way La Cienega is now. It defines density transfers to be used for, and it says, quote, protecting community assets including but not limited to wetlands, open spaces, springs, watercourses, riparian areas, agricultural land, acequias. It includes traditional community centers, archaeological sites, historical and cultural sites. It includes everything. It was not limited to the traditional community. It was not limited by the vision that Mr. Dickens had. It applies to the entire planning area and this piece of property was located within the entire – it was in the planning area.

The vision of La Cienega, according to this plan, is density transfers, is protection of open space, is community water systems, is – and that is what defines maintaining the rural character. And this development, Commissioners, has been found to meet Code by County staff and we've done everything that we can to meet every intent of this plan, and we believe we meet Code. And with that, I will go ahead and allow Mr. Lazarus to get up and answer some questions with regard to the acequias, the impact on the acequias, and then we've got a couple points on the traffic impact analysis that were raised by Ms. Murphy.

COMMISSIONER VIGIL: Mr. Chair and Ms. Vazquez, I have a real quick question as I look forward towards seeing what this development will mean to the community, sort of visualizing what you're proposing here and I think one of the things that has come to mind that I know you and your clients have been before us. Initially for a water service delivery agreement and at the time when we took action on that what was really apparent to me was the density was humongous at that time. It seems to me that there's been some conservations and there's been some negotiations and we're at the place we are now.

But the issue of water is really critical to this community, and I know that we'll be hearing a little bit more about the acequia impact and the aquifer impact hopefully. But one of the things that I would like for you to discuss with your client and seriously consider is whether or not a condition of approval of hooking up to the County water utility system, if in fact this project does go forward would be a part of that, to include the current density proposal. It's seeming to me that what we're being advised to do tonight is to take in as much testimony as possible, allow Ms. Boradiansky to respond to the hearing as such and then take full action at a future date. I hope, Mr. Chair, that we do decide to do this at a future date when the entire Commission is here. So if that's the direction we're moving I would request that.

But if there's going to be limited testimony at our next hearing, I'd like to hear what might be proposed.

CHAIRMAN CAMPOS: We're trying to wrap this hearing up and they've got about 20 minutes, and let's try to do that.

COMMISSIONER VIGIL: Could I [inaudible]

MS. VAZQUEZ: Yes, you can. And just for purposes of clarification, Mr. Chair and Commissioner Vigil, there is a condition already on this development that we would tie into the County utility system if it came within – I believe it's 200 feet of the development already. And so that is a condition that is required of this master plan at this point.

I'm sorry. I've got one other point. With regards to the archaeological. Mr. Bladh was correct that the recommendation was to redesign if the development did affect archaeological studies. The date of the archaeological report was done prior to the submission of the master plan in 2005, and so we did redesign. And one of the purposes of the redesign, one of the purposes of course was to protect the archaeological sites. And so we have complied with the recommendations that were set forth in our archaeological report. That can be found on page 52 of the report.

[Duly sworn, Jay Lazarus testified as follows:]

JAY LAZARUS: Mr. Chair, Commission, my name's Jay Lazarus, Glorieta Geoscience, 1723 Second Street, Santa Fe, New Mexico. I'd like to address only those water-related issues that were addressed by the people protesting the project. I'll try and keep my comments brief and limit them to what's in the public record and not discuss our water rights case.

First of all, the geohydrology report that we prepared was approved by the County Hydrologist, which states there's sufficient water for Phase I, and that Phase II will be based on the return-flow credits granted by the State Engineer. So for the return flow credits that we're applying for bring us to a total diversion of approximately 32.33 acre-feet. If we don't achieve what the State Engineer wants us to with the return-flow credits, and let's say we only prove up 28 acre-feet, that's 4.3 acre feet that the developers won't get and that's approximately 20 less houses.

There were some comments earlier about the history of the water rights on the former Thompson Ranch. In the pre-hearing conference on the water rights, the State Engineer hearing officer specifically stated that there will not be any comments or any acknowledgement of any attempts to go behind the license or go after the license. The State Engineer is standing behind the license and will not be accepting any testimony challenging the license.

The third thing, and former Commissioner Javier Gonzales alluded to this, in one of the exhibits of the water rights hearing submitted by the Guicu Ditch, specifically states that spring flows into Cienega area are declining because of the proliferation of domestic wells along I-25 and the frontage road near the racetrack, and working themselves down towards Cienega and Guicu. The continued development there has been taking water directly from the recharge area above the springs and diminishing those springs and the Guicu Ditch put this in evidence in the water rights hearing.

Regarding the Acequia de la Cienega, both the groundwater models prepared by my company and by the State Engineer show zero impacts on the Acequia de la Cienega. I don't enjoy the State Engineer being so close or agreeing with us this often, but they're showing

that there are zero impacts on the Acequia de la Cienega, plus the Acequia de la Cienega has a supplemental well that even if there were impacts on there, the ditch could provide sufficient water to take care of their irrigation needs.

There were comments about depletions on the Guicu Ditch. The depletions that we're discussing on the Guicu Ditch with the State Engineer right now max out at .3 acre-foot. Okay? It's a very small amount of water. It's within the error of margin [sic] in groundwater models. These are very small depletions. Additionally, in deposition, members of the Guicu Ditch have testified that they have a supplemental well with the same priority date as their surface water and their source spring, and that supplemental well is capable of pumping more than 100 percent of the supply that the Guicu Ditch needs to supply all the water to their parciantes.

There were some comments by the gentleman from the Capilla Ditch. The Capilla Ditch is not a protestant, did not file a protest against this water rights transfer at the State Engineer, and once again, both the State Engineer model and our model show no impacts to the Acequia de la Capilla.

And lastly, I want to make this very clear and very direct. Even if this subdivision is not approved, Santa Fe Canyon Ranch has the license to divert 29.1 acre-feet, consume 14.55 acre-feet, and we're still going to be pumping that same amount of water. So whether it's going to be for subdivision purposes or for continued irrigation purposes, the consumptive use will remain at 14.55 acre-feet, and the only – the license allows us and recognizes our existing pumping impacts on the ditches in the area and the ranch will continue to pump that same amount of water under their license and there will be effectively no change in the depletions, other than maybe a couple tenths of an acre-foot between what we're pumping now and our new pumping configuration. And I'll be willing to take any questions.

CHAIRMAN CAMPOS: Questions? Thank you, Mr. Lazarus. Okay, you've got about five minutes, six minutes.

MS. GUERRERORTIZ: Less than that. On the TIA issues, again a TIA was prepared in accordance with the ITE, AASHTO and New Mexico DOT standards. Traffic counts are required to be done Tuesday, Wednesday or Thursdays. There is at full build-out a difference between no-build and build of four seconds at one intersection. That was there was a C. I did find it. It is buried in there, and that's the difference. It's four seconds if we don't build the project versus building it, four-second delay on one intersection and one direction. Thank you.

Oh, and one other thing. We have a letter in your packet I believe from the New Mexico DOT approving our traffic impact analysis.

CHAIRMAN CAMPOS: Ms. Guerrerortiz, does that complete your rebuttal presentation?

MS. GUERRERORTIZ: It does, except Rosanna is going to say one more statement.

MS. VAZQUEZ: I'm not going to say anything more, Mr. Chair. Thank you.

CHAIRMAN CAMPOS: Okay. This meeting, unless there's anything further

from the staff –

COMMISSIONER SULLIVAN: Move to table, Mr. Chair. What – Mr. Ross, would it be appropriate to table this to our administrative meeting at the end of the month? I'm thinking because of the request from this individual that they be able to provide testifying during the daylight hours as opposed to at night?

MR. ROSS: Mr. Chair, Commissioner Sullivan, we certainly could do that to accommodate her. That meeting is on the 30th of September.

COMMISSIONER SULLIVAN: Thirtieth.

MR. ROSS: At 10:00.

COMMISSIONER SULLIVAN: I guess that would depend if our recorder could get the minutes done at least a week or so in advance for that. So if that's appropriate I'd move to table to the meeting of September 30, 2008.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER VIGIL: Second.

The motion to table passed by 4-1 voice vote with Commissioner Montoya casting the nay vote.

COMMISSIONER MONTOYA: Mr. Chair, the reason being I am not going to be here on September 30th, nor will I be here for the next meeting in October either.

CHAIRMAN CAMPOS: Okay. Thank you very much.

XV. ADJOURNMENT

Chairman Campos declared this meeting adjourned at 8:30 p.m.

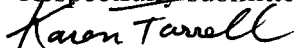
Approved by:

Board of County Commissioners
Paul Campos, Chairman

ATTEST TO:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:


Karen Farrell, Wordswork
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