

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

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**September 8, 2009**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:03 p.m. by Chair Mike Anaya, 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 Mike Anaya, Chair  
Commissioner Kathleen Holian  
Commissioner Liz Stefanics  
Commissioner Virginia Vigil

**Members Excused:**

Commissioner Harry Montoya\*

**V. INVOCATION**

An invocation was given by Cpl. William Pacheco.

**VI. APPROVAL OF THE AGENDA**

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- B. Tabled or Withdrawn Items**

ROMAN ABEYTA (County Manager): Thank you, Mr. Chair. We do have amendments. The first coming under X. Matters from the Commission. We added D, which is a proclamation recognizing September 2009 as National Wilderness Month.

Then continuing with the agenda, moving to page 3 under Staff and Elected Official Items, we would like to rearrange the order of the matters that are under the County Attorney.

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\* Commissioner Montoya participated telephonically from 4:25 to 4:35.

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We would like to have executive session be number 1, then approval of the water rights purchase agreement with San Cristobal Village number 2, and then the amendment to the water service agreement with San Cristobal Village to item number 3, all under Matters from the County Attorney.

Under Public Hearings, item E. 2, the Zia Credit Union, we would like to move that up, Mr. Chair, under Staff and Elected Official items to be item number 2 after the ordinance, which is authorizing the issuance of the \$13 million in bonds. And that is for the purpose of Commissioner Montoya calling in so he could be present for those two items. And when you're ready I will contact Commissioner Montoya and he will call in when we get to that point.

And finally, Mr. Chair, page 4 of the agenda, CDRC Case 08-5210, which is item number 5, Sandstones Pines Estates has been tabled. And the last item on the agenda, CDRC Case V 09-5110, Ortega Variance has been tabled. Those are the amendments from staff.

CHAIRMAN ANAYA: You said 5 and 7?

MR. ABEYTA: Five and seven, yes.

CHAIRMAN ANAYA: Is there any other changes from the Commission?

COMMISSIONER HOLIAN: I move for approval with amendments of the agenda.

CHAIRMAN ANAYA: There's a motion by Commissioner Holian.

COMMISSIONER STEFANICS: Second.

CHAIRMAN ANAYA: And second by Commissioner Stefanics on the agenda. Any further discussion?

**The motion passed by unanimous [4-0] voice vote.**

**VII. APPROVAL OF CONSENT CALENDAR**

**A. Consent Calendar Withdrawals**

CHAIRMAN ANAYA: Are there any from the Commission? Hearing none, is there approval of the Consent.

COMMISSIONER HOLIAN: I move for approval of the Consent Calendar.

CHAIRMAN ANAYA: Motion by Commissioner Holian.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Second by Commissioner Vigil. Any further discussion?

**The motion passed by unanimous [3-0] voice vote. [Commissioner Stefanics was not present for this action.]**

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**XII. CONSENT CALENDAR**

**A. Findings of Fact**

- 1. CDRC CASE #V 09-5090 Gerald and Carolyn Roibal, Applicants, requested a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development code to Allow a Land Division of 5.11 Acres Into Two Lots. The Property Is Located at 101B South Fork Road, Within Section 31, Township 15 North, Range 9 East, (Commission District 5) Approved 5-0**

**B. Community Funds**

- 1. Approval for an Expenditure of Community Funds in the Amount of \$2,000 for the Pojoaque Girls Soccer Team (Commissioner Montoya)**
- 2. For an Expenditure of Community Funds in the Amount of \$500 for the New Mexico Hispano Association (Commissioner Montoya)**
- 3. For an Expenditure of Community Funds in the Amount of \$5,000 for Girls, Inc. in Support of the Zona del Sol Programming (Commissioner Montoya)**
- 4. Approval to Allocate \$1,000 From District 4 Community Service Funds to Santa Fe Girls Inc. to Support the Zona del Sol Satellite Program (Commissioner Holian)**
- 5. Approval for and Expenditure of Community Funds in the Amount of 1,000 to Aspectos Culturales for Spanish Language Education Programming for Pojoaque Schools K-12 Spanish Program (Commissioner Montoya)**
- 6. Approval for an Expenditure of Community Funds in the Amount of \$2,500 to UPublic for Anti-Meth Film Challenge (Commissioner Montoya)**
- 7. Approval for an Expenditure of Community Funds in the Amount of \$1,200 to Pueblo of Pojoaque Wellness Center for Sponsorship of the Annual Buffalo Thunder Run Event in October (Commissioner Montoya)**

**C. Miscellaneous**

- 1. Approval of Lease Agreement Between the Pueblo of Pojoaque and the County of Santa Fe for a Solid Waste Transfer Station.**
- 2. Authorization to Enter Into a New Agreement #2010-0032-FD/JC, an Indefinite Quantity Price Agreement for Maintenance, Service & Repair to the LifePak 12 Defibrillators With Physio Control, Inc. (Formerly Known As Medtronic Medical Emergency Response Systems) for All SFC Fire Stations. This Will Be a Four (4) Year Price Agreement With an Escalation Clause for Price Fluctuation (Fire Department)**

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**VIII. APPROVAL OF MINUTES**

**A. July 28, 2009**

CHAIRMAN ANAYA: Is there a motion?

COMMISSIONER HOLIAN: Move for approval.

CHAIRMAN ANAYA: Motion by Commissioner Holian.

COMMISSIONER VIGIL: I'll second.

CHAIRMAN ANAYA: Second by Commissioner Vigil. Any further discussion?

**The motion passed by unanimous [3-0] voice vote.** [Commissioner Stefanics was not present for this action.]

**B. August 11, 2009**

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: Motion by Commissioner Vigil, second by Commissioner Holian. Any further discussion?

**The motion passed by unanimous [4-0] voice vote.**

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

CHAIRMAN ANAYA: Is there any matters of public concern? Where is your deputy?

MR. ABEYTA: Penny? I don't know where she's at. We can track her down.

CHAIRMAN ANAYA: Okay. Then we will move on. I was told that the Fiesta Council was going to be here.

MR. ABEYTA: Yes, Mr. Chair. They are coming. They're probably running late. But I think we'll know when they get here.

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**VIII. MATTERS FROM THE COMMISSION**

**A. Resolution 2009-160. A Joint Resolution by Santa Fe County and City of Santa Fe Recognizing Santa Fe's 400th Anniversary (Commissioner Vigil and Commissioner Montoya)**

COMMISSIONER VIGIL: Thank you, Mr. Chair. If the Commission will bear with me, this is such a significant opportunity for us to recognize and honor all the work and efforts that have been put into this event, and many of you participated in the opening ceremonies this weekend, and I thought they did a wonderful job. But the commemoration and the significance of this event is joined by our sister city in a joint resolution with the following:

Whereas, before 1598 the Pueblo People of the Rio Grande region of New Mexico had inhabited the area now officially known as La Villa Real de la Santa Fe de San Francisco de Asisi; and

Whereas, from the first arrival of New Mexico's Spanish colonists in August of 1598 the Pueblo People of the Rio Grande and adjoining regions of New Mexico provided support and sustenance to those colonists which allowed the colonists to preserve at San Gabriel del Junque, the first villa and capital of New Mexico located in the Pueblo lands of Okay Ohwingeh, as well as other small, outlying settlements; and

Whereas from the time of 1607 there existed a small settlement of Spanish colonists in that same area; and

Whereas, on March 30, 1609, the Viceroy of New Spain, Martin Lopez de Guana, upon the appointment of don Pedro de Peralta as governor and captain general of New Mexico ordered Governor Peralta to arrive before the end of 1609 and to establish a villa at the site of what is now Santa Fe; and

Whereas, the Pueblo People of New Mexico became part of the extended community of the Spanish colonists providing a pool for intermarriage and becoming a source both willingly and unwillingly of labor and economic support for the colonists; and

Whereas, the Spanish colonists and the Pueblo People engaged in a two-way exchange of knowledge and cultural folkways that would be mutually advantageous for both peoples; and

Whereas, 70 years following the establishment of the Villa of Santa Fe, the Pueblo People took up arms and forced the inhabitants of the Villa to retreat to El Paso in what was then southern New Mexico; and

Whereas, in 1625, Nuestra Senora del Rosario, later called La Conquistadora and Our Lady of Peace was brought to Santa Fe y don Diego de Vargas, and is the oldest religious icon venerated in the United States of America – I just want to personally add, Mr. Chair, that through my family's genealogy we are related to the captain don Diego Captain Montes y Vigil, who was don Diego's captain.

Whereas, in 1692, don Diego de Vargas resettled Santa Fe with the aid of Pueblo allies led by don Luis Zapata of Picuri, don Juan de Ye of Pecos, and others which following

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an initial peaceful return resulted in an armed conflict lasting through 1696; and

Whereas, following the repopulation of Santa Fe and reinstatement of Spanish government in New Mexico the Pueblo People found ways to protect their traditional ways while adapting to the Spanish form of government and continuing the process of mutual cultural interchange and support; and

Whereas, the following years, into the 20<sup>th</sup> century and despite intermittent disputes the colonists and their descendents, many of whom were and are tied by blood to the Pueblo People and other surrounding Native American tribes formed alliances and accommodated each other's cultures, allowing Santa Fe to flourish; and

Whereas, the peaceful acceptance of each other's cultures continues through United States conquest of New Mexico during the war with Mexico and contributed to the evolution of Santa Fe's cultural heritage; and

Whereas, during the period of 2008 to 2010 Santa Fe will proudly observe the 400 year anniversary of its settlement; and

Whereas, it is important that the commemoration provide a foundation for healing the past and opening the way for permanent reconciliation between the descendents of Santa Fe's Spanish colonists and the Pueblo Peoples; and

Now, therefore, be it resolved by the Board of County Commissioners of Santa Fe County and the governing body of the City of Santa Fe that in recognition of Santa Fe's 400<sup>th</sup> anniversary congratulations be expressed to the residents of Santa Fe and gratitude be expressed to the surrounding Pueblo communities for the commemoration of the 400 year establishment of Santa Fe as a Villa;

Be it further resolved that the Pueblo People and the citizens of Santa Fe be invited and encouraged to participate in ceremonies of reconciliation and mutual recognition in furtherance of the more than 400-year history of Santa Fe.

With that Mr. Chair, I move we adopt this resolution.

CHAIRMAN ANAYA: Motion to adopt by Commissioner Vigil.

COMMISSIONER HOLIAN: Second.

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

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would also like to say thank you to all the hard work that people have done to put together the 400<sup>th</sup> Anniversary commemoration. I went to the opening ceremonies on Sunday and they just did a beautiful job on that and we were really lucky that the rainstorm held off until the end I think.

But I also wanted to tell you a little story that I learned from our unofficial historian, Bill Baxter. He often gives little history talks to the COLTPAC people. He told about the fact that the settlers who ended up settling in Santa Fe initially considered La Cienega to settle in. But they encamped there and they noticed that the sun didn't really make its appearance until 10, 11, in the morning and so they figured that that would not be a very good place to grow crops and that sort of thing. But it is interesting to contemplate what it would be like had they actually settled La Cienega.

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I think another reason that they didn't settle La Cienega is it had an Indian Pueblo there and there was a law from the King of Spain that any Spanish settlers could not settle any closer than one league from an Indian Pueblo. And one league happens to be how long it takes a man to walk – how far a man can walk in one hour. So that was another reason, because it appears that there wasn't any existing Indian Pueblo on the site of Santa Fe in 1609.

So anyway, I thought that was kind of interesting and I would pass that along.  
CHAIRMAN ANAYA: Thank you, Commissioner.

**The motion passed by unanimous [4-0] voice vote.**

**X. B. A Proclamation Recognizing September 13th-19th As “Substance Dependence Recovery Week”(Commissioner Montoya)**

COMMISSIONER VIGIL: Mr. Chair, Commissioner Montoya has asked me to read this in his absence.

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

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

Whereas, the families of those afflicted by substance abuse pay a high price for this destructive behavior; and

Whereas, Santa Fe County believes that recovery from substance abuse is a priority for the community and is possible for all its citizens; and

Whereas, it is the intent of Santa Fe County to improve the quality of life for all its residents and with the knowledge that an individual's recovery from addiction to alcohol, prescription drugs, inhalants, cocaine, heroin, methamphetamines, crack, marijuana and other mind-altering substances positively impacts the family, friends and community; and

Whereas, Santa Fe County has the goal to support both the individual on their paths to recovery and those who assist with their treatment, and to educate the community about the benefits of treatment; and

Whereas, Santa Fe County firmly believes that all people with substance abuse dependencies should have access to treatment services.

Therefore, be it resolved that we the Board of Santa Fe County Commissioners hereby proclaim September 13<sup>th</sup> through 19<sup>th</sup> Substance Dependence Recovery Week throughout Santa Fe County.

CHAIRMAN ANAYA: Thank you, Commissioner Vigil. Is there a motion?

COMMISSIONER VIGIL: I move we approve.

CHAIRMAN ANAYA: Motion by Commissioner Vigil.

COMMISSIONER STEFANICS: I'll second.

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

**The motion passed by unanimous [4-0] voice vote.**

**X. D. A Proclamation Recognizing September 2009 As “National Wilderness Month” (Commissioner Holian)**

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I think that everybody is aware that we have historical treasures here, but we also have really incredible natural treasures here as well. And it turns out that September 3<sup>rd</sup> was the 45<sup>th</sup> anniversary of the Wilderness Act. President Obama has proclaimed September 2009 as Wilderness Month. And I think it’s sort of interesting to note that the Gila Wilderness in New Mexico was the very first wilderness area that was named as a wilderness area. So New Mexico is really on the forefront of that.

And I think it’s really important for us to note that the wilderness really is something to us people. It’s not just a walled-off area that is untouchable. It provides for us clean air, clean water. It provides recreation, hunting and fishing, as well as a habitat for wildlife. But I think that the most important thing is that it is an incredible gift to our future generations. So with that I would like to read the Santa Fe County proclamation to recognize September 2009 as National Wilderness Month.

Whereas, the Wilderness Act was signed into law on September 3, 1964 by President Lyndon Johnson; and

Whereas, this historic legislation has been used by citizens across the country to guarantee that future generations will be able to use and enjoy our natural wonders; and

Whereas, the first national treasure that gained immediate protection was New Mexico’s own Gila Wilderness; and

Whereas, currently, the National Wilderness Preservation System is 109 million acres strong; and

Whereas, the New Mexico Wilderness Alliance is working to protect over two million acres of wilderness and ensure that this protection is applied to other unique areas in our state; and

Whereas, protected wilderness in America provides clean air, clean water, recreational opportunities, habitat for wildlife, and spiritual well-being; and

Whereas the Senate passed a resolution commemorating the 45<sup>th</sup> anniversary of this groundbreaking measure; and

Whereas, President Barack Obama proclaimed September 2009 as National Wilderness Month.

And now therefore, be it resolved by the Board of Santa Fe County Commissioners by this proclamation recognizing September 2009 as National Wilderness Month.



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I move for approval.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN ANAYA: Motion by Commissioner Holian, second by Commissioner Stefanics. Any further discussion? I want to thank you for bringing that forward because I definitely use the wilderness.

**The motion passed by unanimous [4-0] voice vote.**

**X. C. Presentation By UPublic Regarding the Anti-Meth Film Challenge  
(Commissioner Montoya [Exhibit 1: Handout])**

CHAIRMAN ANAYA: Matt Gentry, are you here? All right, Matt.

MATT GENTRY: My name is Matt Gentry. I'm from UPublic Media. I'll get right to it because I know you're quick on time. But last year, real quickly, we partnered with the Attorney General's Office of New Mexico and Voices for Children to launch an anti-underage drinking prevention film challenge. That was a statewide initiative. We contacted well over 200 high schools throughout the state. Our response was about 50 percent. We had about 100 teams sign up for it. It was an overwhelming response.

It was very successful in our opinion and in the opinion of the participating sponsors. What we're doing this year is an anti-meth initiative. Same kind of thing except we want everyone to be able to play so we're doing an online film challenge, photo essay and a blog contest, and it's going to be given throughout the entire state, all the schools, specifically in Bernalillo County, Sandoval County and Dona Ana County and Bernalillo. What we're asking for is sponsorship monies to make this happen to be able to give the youth of New Mexico the tools they need for success and to basically tell their peers about staying out of meth.

We all know meth is a big problem here in New Mexico. I believe it's a lot bigger than any of us will maybe understand. You don't have to be a meth user to be in control of it, because meth affects family members, friends, work. So that's what we want to do is make an impact through the use of new media, which is texting, cell, internet in all the high schools. Utilizing the tools they already use tremendously and messaging to the youth.

CHAIRMAN ANAYA: So you need money.

MR. GENTRY: I need money. Yes, sir. It's a \$150,000 project. Last year we raised about \$90,000 between the Attorney General's Office in New Mexico and the Bernalillo County Commissioner's office, Deena Archuleta, and we are asking for \$25,000 specifically from Santa Fe County and the great thing about new media is we can cater, customize the marketing plan specifically for Santa Fe County or whatever county we're going to be in.

CHAIRMAN ANAYA: Okay.

MR. GENTRY: And we need money.

CHAIRMAN ANAYA: Are there any questions of Matt?

COMMISSIONER STEFANICS: Mr. Chair, I'm wondering, has our Health

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Policy and Planning Commission received this request or looked into this at all?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, I'm not sure, but we can check with them. But not to my knowledge.

COMMISSIONER STEFANICS: Mr. Chair, this definitely seems worthwhile, but we have also been receiving requests from other entities and we have actually diverted some of our requests to the Health Policy and Planning Commission not only for them to be educated and knowledgeable about the topic, but also to help prioritize all the financial requests that we get. So whereas I'm totally supportive of the project I'm not sure about the funding and I'd like to hear our HPPC's recommendations about that. And you may or may not be aware that we already have tightened our belt once for our budget for the County in 2009 and we're doing it again in FY10. So my question would be have you also approached all the local foundations?

MR. GENTRY: We've approached – on meth, no. On the underage drinking, yes. What specifically we were looking for is we understand that you have discretionary funds. That's what we were able to utilize last year. Deanna Archuleta gave \$20,000 from her office. The AG's office gave quite a bit more, and utilized their discretionary funds to match those sponsorship dollars.

COMMISSIONER STEFANICS: I see. So you're specifically here today requesting the use of some of our discretionary funds when we make those decisions.

MR. GENTRY: Yes. Because we really need to launch now while school's in session, the beginning of session, because we want the voting period to be during Christmas Break. What we did last year was we started a little bit late, late October, early November, and we had some hiccups throughout the process due to finals, Christmas break, that sort of thing. So we want to launch immediately. The stage has been set. We've already got the mechanics ready to roll but we just need the funding to be able to – the manpower to be able to send out to the schools and manage this thing. It's a huge project.

COMMISSIONER STEFANICS: Okay. I appreciate your request and your time coming and I know that many of us have received many requests for our community funding, so I appreciate learning about this project.

CHAIRMAN ANAYA: Okay. Any other comments?

COMMISSIONER VIGIL: I would just recommend the Health Policy and Planning Commission do hear about this because the composition of that group involves private entities and public entities, many of whom are involved in this kind of outreach. You have Presbyterian Services. You have St. Vincent's there. You have La Familia, you have a variety of health specialists who from Edgewood on down might be able to be of help to you.

And I just want to state that before the Fiesta people come in that my community funds have all gone to anti-graffiti so I won't be able to help. Thank you.

CHAIRMAN ANAYA: And we just approved you for \$2,500.

MR. GENTRY: Thank you very much.

CHAIRMAN ANAYA: Roman, I think you're right. They're here.

[A Mariachi performance and visit from the Fiesta Council followed.]

CHAIRMAN ANAYA: Mr. President.

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GABY MONTOYA: Good afternoon, Commissioners, Chairman Anaya. We're here to kind of get you in the mood for fiestas this year. I'd like to bring our don Diego de Vargas for 2009, Ernesto Francisco Tafoya. I was just on the telephone talking to somebody else with the same name.

ERNESTO TAFOYA: Thank you, Mr. Montoya. Good afternoon, everyone. Sorry for interrupting your proceedings here. We're glad you were able to temporarily suspend things so we could come in and make some noise. As Mr. Montoya said, we're here to encourage you to take part in our fiestas, to fire you up and get the people of Santa Fe interested and involved in participating in this year's fiesta. I've been telling everybody at the schools and everywhere we've been, it's the people of Santa Fe. It's your fiesta. It doesn't belong to the tourists. It doesn't belong to the cuadrilla and the fiesta royalty. It belongs to the people of Santa Fe, to all of you. So we encourage you to take part in this year's fiesta, each and every one of you. Be out there and support us.

I'm not sure if anyone in here knows the full title that don Diego de Vargas had. I've said it at every school we've been to and every office we've been to, so just so I don't lose touch with it I'll run by you guys one time. It's don Diego de Vargas Zapata Lujan Ponce de Leon, el Marques de la Nava de Barcinas. And the reason for the long title, the King of Spain gave this gentleman many, many honors and titles because he was successfully able to reclaim and resettle the City of Santa Fe in 1692. And don Diego promised that if he could do it peacefully, as he did, that there would be an annual celebration, a fiesta, in honor of that event and we've been doing it now for 297 years, the longest continuous celebration in the history of the United States. So we must be doing something right.

Before I introduce you to my staff I was handed a little note here, someone in this room is having a very, very special day today. It looks like it's somebody's birthday. Somebody with the initials V.E. Sound like anybody that you guys know? Valerie Espinoza. Happy Birthday.

The members of my staff, our flag bearer, costellante del estandarte, Chris Martinez; one of my captains, the others are in college or working and weren't able to be here, Edward Perea; the gentleman who portrays the cacique, the gobernador de Tesuque, Mr. Jeff Montoya; the gentleman who portrays the sargento mayor, the leader of don Diego's army, Mr. Joe Mier; one of my soldados, as I said the others are in college and not able to be here, Mr. Robert Quintana; the gentleman portraying the alcalde, Mr. Mike Mora; the gentleman portraying the regidor, the keeper of records, Mr. Adam King. He used to do for de Vargas what Ms. Espinoza does for the County; our tamborero, Mr. Joseph Jaffa Martinez; our clarin, our bugler, Mr. Chris Vicente Rey; and the gentleman portraying our padre, Mr. Gary Bartram.

For 2009, Reina de las Fiestas is Victoria Felicia Mora y Sanchez.

VICTORIA SANCHEZ: Good afternoon. On behalf of the royal court and myself, it is a pleasure to be here with all of this afternoon. We want to thank you for inviting us. We're sorry for intruding. We just got in. As Ernesto said, Fiesta is for you. Go out to Zozobra, go out to the parades, go out to the booths, to the masses, whatever you can attend, please go. And if you see us, make sure you scream for us.

At this time I will introduce you to the 2009 Royal Court. First, representing Tesuque

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Pueblo, Lynette Crystal Dominguez, Princesa Christina Elizabeth Chacon y Trujillo, Princesa Jacqueline Merlina Quintana y Chavez. I want to thank you again and I hope I see you all out there in the plaza starting on Saturday. We just want to get you all in the spirit and helping us do that today will be Mariachi Nuevos Unidos.

**X. OTHER MATTERS FROM THE COMMISSION**

COMMISSIONER STEFANICS: Thank you, Mr. Chair. The County Commissioners visit our jails so that we can in fact report to the Department of Justice what we have encountered and I really want to thank the staff from the Corrections Department who facilitated this visit today. We did have media with us and we had a tasty lunch. The lunch was the same exact lunch that the inmates were eating and I'm happy to say that we all found it tasty and nutritional.

The second thing is I would like to thank all of our County employees, union and non-union. Yesterday was Labor Day and I think that the work of people throughout the country and throughout our county should be recognized at least once if not many times throughout the year. Thank you, Mr. Chair. That's all.

CHAIRMAN ANAYA: Thank you, Commissioner. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all I would like to give an update on the renewable energy financing district program, and I would like to say a big thank you to Duncan Sill. He has really been hard-working and instrumental and pulling all the pieces of this together. First of all he has drafted a statement of work for an RFP and we think that the RFP should be out sometime this week, by September 14<sup>th</sup>. The RFP is asking for help with program development, administrative services and financing of the projects. It's not – it's possible that more than one entity could apply for the different parts of the RFP or perhaps we would just go with one entity. But we'll see what kind of response we get from that.

Duncan has also drafted qualifications for the installers and for the installations, and he is working on a cost/benefit analysis for the County. Now, ultimately, the cost for this program will be paid by administrative fees for the applicants to the program, but in the short term we are using some of the stimulus money that we got in. We got in \$50,000 for the startup costs of the program.

One other item is Duncan has written a FAQ – frequently asked questions, and that should appear on the County website in very short order, in the next couple of days. We are aiming, but not promising, to publish title and summary of the ordinance that will create the program for the September 29<sup>th</sup> meeting. We're also looking into how we can make a retro-active component work, that is people who have put in renewable energy installations after July 1<sup>st</sup> but it will come with a big, big disclaimer that if they don't meet the qualifications for the program that they will not be accepted.

One final thing on this is there will have to be a board for the financing district and it's not entirely clear now who will populate the board but at the next RPA meeting or maybe the

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one after, I will bring up this topic again and see if it makes sense for the RPA to populate the board with City and County Councilors and Commissioners to begin with or what might make the most sense. So I don't know if anybody has any questions on this. Duncan's here if there are any questions.

I have a couple more things. One other thing is I am going to be attending the rainwater harvesting conference next week. Laurie Treviso signed me up to give a talk on our rainwater harvesting ordinance. She should probably really be the one to give the talk because she more or less helped me write it, but for some reason rather they wanted elected officials to actually give the talks and be on the panel so I have been impressed into service.

And one final thing that I wanted to talk about is that I talked with the chief of the Hondo Volunteer Fire Department and he said that currently, at the end of La Barbaria Road there's a ranch and it has a pond on it. And the new owners of this ranch have offered and are working with the National Forest Service to deepen the pond so that it can be a site where helicopters fill up their buckets when they're doing fire fighting. Especially in the national forest – well, in our whole area in Santa Fe County. This is really a great thing because if you think about it there are no other areas where buckets can be filled. I think that they probably go out to Story Lake or something like that. So it's really a nice thing on the part of the owners to offer to help out our firefighting forces. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Where's it at?

COMMISSIONER HOLIAN: It's at the end of La Barbaria Road. There's a ranch out there, Barbaria Ranch. It's off of Old Santa Fe Trail.

CHAIRMAN ANAYA: That's where that barber pole is. Right at the end?

COMMISSIONER HOLIAN: Yes.

CHAIRMAN ANAYA: And he's got a pond there?

COMMISSIONER HOLIAN: He's got a small pond and they're going to really deepen it so that the buckets – they have to have at least – I think it's nine feet or something like that to reach the bucket down and scoop up the water. So that's going to be a really good thing for our whole community.

CHAIRMAN ANAYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. And I just want to thank Commissioner Holian for keep on keeping on on the district, the energy efficiency district. I'm actually very proud when people are asking me about it to tell them that Santa Fe County is probably the county who's the furthest ahead and who will probably create the model for the entire state on this. So I appreciate your leadership on that.

I also want to condense this letter that I received from DOT and Commissioner Stefanics, you may be familiar with this, being a member of RTD. I received it I think because I'm still chair on the website. That probably needs to be changed. Anyway, the New Mexico Department of Transportation is contacting municipal and County government leaders in northern New Mexico to determine local government support and funding of a feasibility study regarding extending the New Mexico Rail Runner Express commuter train service north from Santa Fe to Espanola and Taos. This effort has been prompted by interest in such a study

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expressed by members of the legislature. The estimated cost of the feasibility study is \$100,000. I assume that we'll be getting some additional information on this. What they're asking specifically to local governments is if we are able to raise these funds and provide them to DOT under the terms of a memorandum of agreement. They will issue requests for proposals for a consulting firm to conduct the feasibility study.

I'm going to go ahead and save this letter to give to you, Roman, but I wanted you all to know that that is a next step with regard to the Rail Runner. It hasn't come to the RPA or the MPO that I'm familiar with and I don't know if it came up at the RTD, Commissioner Stefanics, if it did you will be familiar with it.

COMMISSIONER STEFANICS: Thank you, Commissioner Vigil. It has not come up to the RTD. What has come up is that some entities have felt there was a promise made by DOT to do some connections from the Rail Runner stop at 599. And DOT is now saying they don't have funds to do that. So they are trying to shop that service out as well. So while I think extending the Rail Runner might be a great idea we have not taken care of any connections to new Rail Runner stops, and I think that has to be addressed first before we continue building the Rail Runner.

COMMISSIONER VIGIL: Okay. And I do believe that there's probably an expectation of a response to this so I'm going to go ahead and leave it with you, Roman. And that's it, Mr. Chair.

CHAIRMAN ANAYA: Thank you.

## **XI. APPOINTMENTS / REAPPOINTMENTS / RESIGNATIONS**

### **A. Appointment of Members to the Santa Fe County Valuation Protest Board**

MR. ABEYTA: Thank you, Mr. Chair. The Commission has been requested by the Assessor's Office to appoint two board members and two alternate board members to sit as the Santa Fe County Valuation Protest Board. At least one of the appointees is required to be a licensed real estate appraiser or licensed real estate broker, and we received four names which are in the packet. Mr. Chair, the first, Ginger Clark, who is a licensed real estate broker, Gil Tercero, James Ball and Phyllis Mazo.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, I'd like to propose that we appoint Ginger Clark and Gil Tercero to sit in and as the alternates, James Ball and Phyllis Mazel. That's my motion.

CHAIRMAN ANAYA: Do we need three or two?

MR. ABEYTA: Two, and two alternates.

CHAIRMAN ANAYA: So the first two are in, the second two are alternates.

COMMISSIONER VIGIL: Correct.

COMMISSIONER HOLIAN: Second.

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CHAIRMAN ANAYA: There's a motion by Commissioner Vigil, second by Commissioner Holian. Any further discussion?

**The motion passed by unanimous [4-0] voice vote.**

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: On this topic, if we need an alternate for the licensed appraiser or licensed real estate broker, then I might have a name of someone who could be an alternate. We approached him as a possibility, but since he has retired he's doing other work and he wasn't available full time. But if we need another alternate that would be an appraiser or real estate broker we do have a name in the wings for that later. Thank you.

CHAIRMAN ANAYA: Thank you.

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

#### **A. Growth Management Department**

- 1. Ordinance No. 2009-7, Authorizing the Issuance of the Santa Fe County, New Mexico Capital Outlay Gross Receipts Tax Revenue Bonds, Series 2009 in the Maximum Principal Amount of \$13,000,000 for the Purpose of Defraying the Costs of Purchasing Water Rights Within the County and Providing for the Exact Principal Amounts, Maturities, Prices, Redemption Features and Other Details to Be Determined in a Subsequent Resolution**

PETER FRANKLIN (Bond Counsel): Good afternoon, Mr. Chair, Commissioners. This ordinance is the bond ordinance that you adopted a resolution of intent for, I believe in July. This bond ordinance authorizes the issuance of up to \$13 million of capital outlay gross receipts tax revenue bonds for the purpose of purchasing water rights that the County will utilize in the future. The revenue stream that secures the bonds, that pays debt service on the bonds is 37.5 percent of the capital outlay gross receipts tax revenue, which is basically half of the revenue available – or the half of the revenue available for county-only water-related projects.

Following adoption of this ordinance, if that is the action of the Board, we'll come back with what's called a sale resolution at the next BCC meeting to approve the final terms of the bonds which will be sold that day. And I'd be happy to answer questions.

CHAIRMAN ANAYA: Any questions?

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Peter Franklin, could you give a synopsis of the lay viewer, taxpayer, with how this affects their pocketbooks?

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MR.FRANKLIN: Mr. Chair, Commissioners, this will not impose any new tax. The revenue that will pay debt service on the bonds has been in place since 2003. It is imposed on all residents, all purchases made within the county, both inside incorporated city limits and the unincorporated county area. But in order to stay with the allocation that the County Commission made when it put this tax before the voters, basically half the revenue is going to be used for joint City-County projects and half for projects which benefit citizens of the county – residents of the county but not the city. So because these water rights are really for County projects as opposed to joint City-County projects we're just taking – we're allocating the revenue in such a way that the portion allocated to county-only residents is going to pay debt service on these bonds.

COMMISSIONER VIGIL: Thank you.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Peter, I know that you have a whole different series of bonds with different maturities up to 20 years, so you have a mix of maturities I guess, in this one bond sale. Correct?

MR.FRANKLIN: That is correct, Commissioner, and that would be typical for most bond deals that the County does, from out to 20 or even 25 years.

COMMISSIONER HOLIAN: I was kind of curious. I know we have some bonds that are 30-year bonds, like the jail and so on. Is it typical now to only go up to 20 years?

MR.FRANKLIN: Mr. Chair, Commissioner Holian, the County's financial advisor, Kevin Powers is here and it might be good for him to speak to that. Typically, we – I think often we go further where the useful life of a project such as this project goes longer than 20 years or 25 years. I think in this case the structuring was done as a 20-year deal because it could be done at a low cost that way. But I'd like Kevin to probably speak to that.

KEVIN POWERS (Financial Advisor): Mr. Chair, Commissioners, the structure of this bond was set at 20 years. It could go as long as 30. The 20-year maturity does reduce the total amount of interest that the County pays on the bonds over time. It also pays down the debt quicker which means then that in 20 years you'll have the ability to issue bonds using that piece of the tax again, so it will allow you to do more projects over a long period of time. So you recycle your capacity a little quicker, to the extent you can keep your final maturity of the bond issue shorter.

COMMISSIONER HOLIAN: Okay. Thank you. And I just have to ask this question. What is a mandatory sinking fund redemption?

MR.FRANKLIN: Mr. Chair, Commissioners, a mandatory sinking fund redemption is where basically the County is collecting debt service for a bond. The bond is not maturing – you're basically reducing bonds over a period of time prior to the final redemption date for that bond. So, for example, there might be what's called the term bond, which will mature, say, in 2025. Or let's say 2015. And basically we are collecting debt service to pay that bond as we go. A certain amount has to be put aside to redeem chunks of that bond even though the bond itself will be outstanding until 2015.

And the reason these things exist, really, other than to make my life complicated, the



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reason they exist is because investors really don't want a small piece of this total bond size maturing each year. They want a single maturity, maturing at a certain time to fit in with their investment parameters. So we do what's called term up the bond so that there will be that big piece available. But we don't want to – we also in the debt service structure want to make sure we're amortizing that big piece as we go.

COMMISSIONER HOLIAN: Thank you. I think I got that.

CHAIRMAN ANAYA: Any other comments? Questions? Is there a motion?

COMMISSIONER HOLIAN: Move for approval.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN ANAYA: Motion by Commissioner Holian, second by Commissioner Stefanics.

**The motion passed by unanimous [4-0] roll call vote with Commissioners Holian, Stefanics, Vigil and Anaya all voting in the affirmative.**

CHAIRMAN ANAYA: Thank you, Kevin, Peter. Okay, we're just going to keep going until after 5:00 or what?

MR. ABEYTA: Mr. Chair, yes. We're trying to get Commissioner Montoya on the line because he wanted to be here for the Zia Credit Union vote. He wanted to be sure to vote for that. So we'll be working on that and when we get him on the line I'll let you know.

### **XIII. A. 2. Update and Discussion of Supplemental Well Program**

KAREN TORRES (County Hydrologist): Good afternoon. I do have a quick presentation. Do you want to see it? A power point?

COMMISSIONER STEFANICS: Yes. Mr. Chair, I think this is extremely important about the supplemental wells. I don't know that the public understands what we need to do as Commissioners, so I do want to make sure that we get this out publicly.

MS. TORRES: I'll have IT cue that up. Anyway, while they're doing that I just wanted to introduce myself. I'm Karen Torres. I work for the water and wastewater operations. I've been working on this for a couple of years now. The Commission may not know we do have several experts on staff to assist in this. We have Paul Saavedra, who is formerly from the State Engineer's Office in the Water Rights Division to be our water rights expert. We have Dr. Robler, who is formerly from the USGS, one of their head modelers, and we also have CH2MHill to work on engineering problems, integrating our well sites into our water system. So this isn't just me alone doing all of this. We have very highly qualified, very professional people working on this program. Also in collaboration with Planning Works too to help make this all look pretty and defensible.

So at any rate, in your staff report we sort of described a little bit about what's going on with our program, why there's been delays and why we are doing an analysis like this. We

decided to do what's called a sensitivity analysis and also a feasibility analysis, looking at not only areas we want to avoid but areas that make sense hooking into our utility. So we looked at ten different factors, and I'm going to go through them all sort of as a map base discussion.

For Factor One, we wanted to know what areas work good in our basin, where were the aquifer's good at. So when you look at these maps the dark orange areas are the most suitable areas. The lighter orange is moderate, and the sort of yellowish color is poor. And that will be throughout all of these maps.

So we looked at the geology on these and we tried to figure out the best aquifer was. We liked Tesuque and that's what we picked. We also looked at areas of known contamination and in this area we looked at a lot of different data. In this area that we're looking to serve the main contamination that we were concerned about was arsenic. This is naturally occurring. It comes from the basalts and the different volcanics in the area and we made a map – the light being low suitability and the dark orange being high suitability.

We also wanted to look at where are major water lines located at, and we wanted to locate close to our major water lines. So this is a small representation of that.

In line with serving from a utility, we're concerned about different pressure zones and as we discuss this more into the future we become very familiar with this concept. Basically, you have pressure zones that are more favorable, that you can serve more areas. When you're in a lower pressure zone and your service area is in a higher pressure zone you have to pump water uphill to serve them and that brings cost into the equation. So that's why we thought that was important to look at as far as feasibility in serving our utility. We had our high suitability in the high pressure zone.

We also wanted to avoid major drainages. Those are areas of potential contamination. This is where the stormwater runs off from our roads. This is where spills occur. So we wanted to have setbacks from major drainages. So we picked some distances, so these are areas we're trying to avoid. Light areas we avoid, the dark areas seem to be okay.

We also wanted to avoid springs. We didn't want to be too close to our springs to be sensitive to our neighbors down in La Cienega. So we set a half a mile setback from springs or greater being highly suitable. We are recommending public hearings so we can hear from the public if these offsets are appropriate or not.

We didn't want to be really close to a lot of known faults. Our new director, Marvin, had an experience with that, so it was his suggestion to put this in here and it was a good idea. So I picked a distance from a fault, and in my experience looking at a lot of information in this area, when you drill right on a fault you tend to have low production. You get a little bit away from the fault it seems to be okay. So that's why these distances are relatively small – 100 feet, 300 feet. But again, it's open for discussion.

Areas of aquifer decline. There is noted decline in our basin. This image was put together by Peggy Johnson from the Bureau of Mines and she felt that this area was in decline and so I copied that area and I put a half mile setback from there. So we didn't want to stick a well in this general area and exacerbate the known decline in this region.

We looked at the slope as well. Again, the light areas are low suitability, dark is high.

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Predominantly, where we're looking at serving it seems to be okay as far as slope. There are areas that do come up. Areas of topography where the Caja basalts are and the igneous intrusions are down south.

And then lastly – this one looks a little bit strange. This is distribution potential. And this is actually going to be changed a little bit by our contractor, CH2MHill. They're going to further refine this. I was in a time crunch and I put down what I thought was appropriate and they're going to get me straight on that. But they didn't feel I did a bad job so I didn't feel too bad about that.

So at any rate, basically there are areas in our utility that we can serve, if we can get the water into our infrastructure we can serve everyone on our utility. And there are certain areas that we can only serve part of our utility and other areas that maybe we can't serve too much at all. So we wanted to maximize, if we do put a well in or do utilize a well that we can serve all of our utility.

So those are our ten factors. So what I did was I, using those data sets I ranked them all. I just did a really simple one, two, three ranking, and then I added them all together and got this sort of confetti-looking final map on there. I overlaid some of our potential well sites on there. This was all done with every data set was weighed the same. I just utilized a very simple methodology of natural links to create the groups. So this is just our first run at this analysis.

So in our preliminary results we have quite a few of our well sites are in favorable areas. So that is a really quick summary.

CHAIRMAN ANAYA: So Karen, are you telling me where the green dots are, that's where you suggest a well should be?

MS. TORRES: Those are wells that we have on our pending groundwater application that we have identified. And there is an additional well on here, up to the north called the Las Campanas well. It's an additional site that we are looking at. We have actual County property up there at a fire station. So through this negotiations with Las Campanas that area has come more into the forefront. So we put a well on there as a potential site.

CHAIRMAN ANAYA: So those green dots are not wells.

MS. TORRES: They are wells.

CHAIRMAN ANAYA: All of them are wells.

MS. TORRES: Yes. They are either existing wells or proposed well sites.

CHAIRMAN ANAYA: Okay, which ones are existing?

MS. TORRES: It's easier to say the ones that are not existing. The ones that do not exist as wells are the ones at the Public Safety Complex, which is to the south down here, and then the Las Campanas is a proposed well site.

CHAIRMAN ANAYA: Those two?

MS. TORRES: Yes.

CHAIRMAN ANAYA: Those are not existing.

MS. TORRES: Those are not existing.

CHAIRMAN ANAYA: So are you telling me that you are in favor of pumping water out of the wells that are existing?

MS. TORRES: Well, I do think that using this broad analysis we can have areas of favorability and we will be able to then home in on this area. Because our service area is just so huge. It was a very interesting problem to try to solve. So anyway, what we'd like to do is there are some sites that are existing that look favorable, and there may be some other sites that we identify with this analysis that we want to look at. What we'd like to do is once we kind of narrow in on what is highly favorable, we want to see what nearby wells are located there. We want to make sure that we're not going to draw down anyone that's around there. Things like that. So it's a multi-step process.

CHAIRMAN ANAYA: Questions? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all, Karen, thank you very much for all the work that you've done on this. And I just love this map-based way of looking at the whole issue. It makes it so easy to visualize. I wanted to ask first of all, what is the pressure zone again? Or maybe I missed that.

MS. TORRES: Well, the pressure zone, basically there are areas that have a defined pressure zone and so basically when you tried to put water into these areas, if you're in a higher pressure zone or within that same zone you can serve it very easily. If you were in a lower pressure zone, something down below it, you have to actually pump uphill to get the water there. So the cost of these pumps are a little expensive. So we're trying to keep costs in mind as well, but I always do that. We're trying to pick pressure zones that can maximize our ability to serve without putting in extra pumps and extra cost.

COMMISSIONER HOLIAN: Okay. That makes sense. Also, I noticed that the Rancho Viejo well is in an area of high suitability overall. But looking at the other map that has the arsenic contours on it, it does look like it's near an area with arsenic, or kind of near it. Either in the arsenic area or –

MS. TORRES: It is not in the arsenic area and in fact when the well was tested, when it was drilled, the arsenic standard was much higher. So the test that was run actually was a little bit coarse. It was too coarse for the current standards. So they actually had it retested because they did a project out there, an injection project to do the Governor's Innovation Fund. So they did another full suite and I got a chance to review that, and now they are below the drinking water standard because of the more refined test. This is really common in water chemistry. You're only as good as your standard deviation.

COMMISSIONER HOLIAN: Okay. Thank you. And one final thing is we got a chart of suitability factors and Factor Two – now maybe I'm reading this wrong –

MS. TORRES: No, they're backwards.

COMMISSIONER HOLIAN: Okay.

MS. TORRES: They are backwards. It was correct on the power point though

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. And thank you for the presentation. Could we talk again a little bit about why further areas of the county were not looked at in this study?

MS. TORRES: Certainly. So this project, this is backup to the Buckman Direct

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Diversion. And we have designated service areas, and through our growth management process we're trying to concentrate where we provide these services. When you start looking further away at well sites, you look into putting in pipe and trying to bring it into the service area. So usually when you're trying to site something you want it to be close to where you're going to serve or where your infrastructure is. So that was one of the factors that drove and narrowed this scope. It was infrastructure, and then also when you looked at areas of favorable hydrogeology, you really want to get into where the Tesuque Formation is located at. And that's kind of in that center as well.

COMMISSIONER STEFANICS: Well, Mr. Chair, the reason I ask the question is really that there is probably a third of the population that pays attention and would not want to be in the plans for connecting to water. There's a third of the population who would want to be, and a third of the population who don't care. So as we're discussing this many people outside of the parameters that we're discussing today are going, we're not even being considered by the plans. And I think that people, our residents need to understand that doesn't mean forever and a day they would not be receiving some County water or that we might not in the future be planning to do some connections. Because some of our heavily populated areas – as I said, it's a mixed bag. There's going to be individuals who want to protect private wells and there are going to be individuals who are having well problems who are saying, when are the pipes and the lines going to come to us? So I think we need to be really clear about our discussion and why we're having this discussion in relation to the Buckman Direct Diversion.

MS. TORRES: Certainly. Certainly. And the way we're trying to organize this is when we do input water into our infrastructure, hopefully it's only for backup, like we plan in our conjunctive management plan, and how we plan on permitting this. It doesn't preclude where the lines can be placed in our system. We can still have expansion of those lines going south. Now it would of course take engineering studies and things like that to ensure that we have –

COMMISSIONER STEFANICS: James, you wanted to add?

JAMES LUJAN (Growth Management Director): Mr. Chair, Commissioners, as Roman and I had a discussion one day, this is simply for the BDD, this part of the discussion, as he put it one day. Because I asked the same question. He said, when the Rio Grande dries up or if there's no water, this is just back up wells for that, for the service area. And I think that's what Karen alluded to. But as we go on I think we will have a complete water system some day throughout the county in other areas from other locations.

COMMISSIONER STEFANICS: Okay. And I just wanted to clarify this for our discussion today and for the public who are going to be reading about this or seeing it that this is not to exclude a portion of our population, this is to take care of plans that are necessary for the BDD.

MR. LUJAN: That is correct. When we have people online from the BDD we will have somewhere to service them from if the Rio Grande dries up or if there's no water coming from there.

COMMISSIONER STEFANICS: Thank you. And, Mr. Chair, I think that

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whether it's going to happen in our County Commission time or a future County Commission, as populations continue to grow and our county we will need to be the stewards of water and to make some decisions about planning for those developments. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Thank you. Do we have Commissioner Montoya? Are you on line?

[Commissioner Montoya joined the meeting by telephone at 4:25.]

COMMISSIONER MONTOYA (telephonically): Yes, I am.

CHAIRMAN ANAYA: Okay. We're having an update on the supplemental wells program. Did you have any comments?

COMMISSIONER MONTOYA: No.

CHAIRMAN ANAYA: How's the weather in DC?

COMMISSIONER MONTOYA: Overcast and it looks like it's going to rain.

CHAIRMAN ANAYA: All right. Thanks for joining us. We're going to move on to your item. The Fire Department is just going to have to wait. Karen, are you done?

MS. TORRES: I was seeking direction for public meetings.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Definitely. It is so valuable for us to gain input from the public. So I definitely think that public outreach needs to be a necessary component and that after that public outreach is done a summary is drafted of the public's input and reports and recommendation and at that point in time perhaps we can come back to the Board of County Commissioners with that summary. With regard to how much public outreach, are you looking for that direction also?

MS. TORRES: Yes.

COMMISSIONER VIGIL: I actually think it might not be a bad idea to go out to the areas where these wells are located. There is a conglomerate of some wells in some areas so you might be able to clump a public meeting there and a public meeting maybe even in the way we've got our division of our sustainable growth management plan – the north, those kinds of things might not even be a bad idea. But I do think it would be really important to have that, because this is really new and better information to me and I'm not sure the public knows about it. So I would highly recommend you do that. And I would suggest a minimum of at least four public meetings to each sustainable growth management area. That's my recommendation, but I'm open to anything else, Mr. Chair.

CHAIRMAN ANAYA: Thank you, Commissioner Vigil. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I wonder if also maybe having a presentation on this to the CDRC and using that as a public forum would be a good idea.

MS. TORRES: Absolutely. That wouldn't be a problem. The service area is primarily in the El Centro growth management area. So do you want me to sort of divide the El Centro area?

COMMISSIONER STEFANICS: Mr. Chair, on this point.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: It's the Community College District as well. So you have the north and you have the El Centro and you have the Community College District. The district that's not really well represented here is Estancia Basin. So that goes back to my comments earlier is that we're not really dealing with the whole county yet. So whether or not we want to take a public hearing to an area that's not going to be affected, so that people say why am I left out? Versus the areas that are being affected. So I don't know. Commissioner Vigil, do you have a comment on that, since you had asked for the four areas?

COMMISSIONER VIGIL: I think that water impacts everyone and the decisions we make impact the entire county. And whether or not there's a well site located in the Galisteo or Estancia area, from this immediate vantage point it means to me that everyone in the county should be aware of what direction we're taking. This will be a benchmark for how we make decisions for future growth and water usage. And Estancia I think should be a part of that. So I think if you still divide the El Centro, the north, the El Centro, the south, into four areas you'd be bringing in Estancia. You may have a different presentation when you go to them, but I think that that direction would still work.

CHAIRMAN ANAYA: So what did you get out of that?

COMMISSIONER VIGIL: You're going to go have four meetings.

MS. TORRES: Four meetings, one in El Norte, one in El Centro, one in Galisteo and one in Estancia. Does that work?

COMMISSIONER HOLIAN: Well, CDRC –

MS. TORRES: And CDRC.

COMMISSIONER STEFANICS: Mr. Chair, I was saying the Community College District.

MS. TORRES: Have a special one for the Community College District.

COMMISSIONER STEFANICS: That is Rancho Viejo and Valle Vista area, where you have some well sites.

MS. TORRES: We'll do two in El Centro. Yes. We can do two in El Centro. Would that work? All right. I think I have it.

CHAIRMAN ANAYA: Thank you very much.

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- XIV. A. 2. CDRC CASE #V 09-5060 Zia Credit Union. (FOR VOTE ONLY)  
Zia Credit Union, Applicant, Jeffery White, Agent, request a Variance of Article III, Section 404.3a (Driveway Access), a Variance of Article III, Section 4.4.3c (Parking Lot Location) of the Santa Fe County Land Development Code Variance of Ordinance No. 2008-5 (Pojoaque Valley Traditional Community District), Section 12.5 (Density and Dimensional Standards). The Property is Designed as a Traditional Mixed-Use Sub-District under Ordinance No. 2008-5. The Property is Located at #1 Luz de Amado, within Section 17, Township 19 North, Range 9 East, (Commission District 1). Jose Larrañaga, Case Manager**

CHAIRMAN ANAYA: Jose Larrañaga. If we have any questions we'll call you up. I believe that the last vote – do you want to brief us, Steve?

MR. ROSS: Mr. Chair, last month after the public hearing was concluded the Board took a vote on this case and the vote was tied, but one member, I can't remember who, was not present. Commissioner Holian. Our rules of order require that in those circumstances that the matter be placed on the next land use agenda for a vote only. So there's no public hearing. We're just here to repeat the vote on this matter and see if we can achieve some sort of a resolution.

CHAIRMAN ANAYA: Okay. Is there a motion?

COMMISSIONER MONTOYA: Mr. Chair, I move for approval.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN ANAYA: Motion by Commissioner Montoya, second by Commissioner Stefanics. Any further discussion?

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

CHAIRMAN ANAYA: Commissioner Montoya, I think we already acted on the ordinance. Was there anything else you wanted to be a part of?

COMMISSIONER MONTOYA: I guess the only question I have is in terms of anything on the executive session, that I need to be a part of.

COMMISSIONER VIGIL: We can contact you, Commissioner Montoya.

COMMISSIONER MONTOYA: Okay. All right.

CHAIRMAN ANAYA: Yes, we'll call you when we go into exec.

COMMISSIONER MONTOYA: Okay. Because we're getting prepared for tomorrow for the congressional hearing. So I'll wait to hear from you.

CHAIRMAN ANAYA: All right. Take care.

COMMISSIONER MONTOYA: All right. Thank you.



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**XIII. B. Community Services Department**

**1. Ordinance No. 2009-8, an Ordinance Adopting a County Fire Protection Excise Tax**

STAN HOLDEN (Fire Chief): Mr. Chair, Commissioners, we stand before you based on previous discussion and direction of this Commission with a proposed ordinance for adoption as part of a public hearing and as such we need to have an opportunity for the public to comment on this ordinance prior to adoption. The adoption of the ordinance calls for the adoption of a County Fire Protection Excise Tax to be adopted in Santa Fe County, which is a quarter percent gross receipts tax, and those proceeds are to be used for capital costs, operating expenses and ambulance services that are provided by the County. It's restricted, a legislatively restricted tax and can only be utilized for those purposes. And I'd be happy to stand for any questions or answer any questions once you have any public comment.

CHAIRMAN ANAYA: Stan, this tax has been in place and it sunsetted? Or not?

CHIEF HOLDEN: Mr. Chair, yes. The tax has been in placed. It's been passed, to my recollection at least four times and renewed each time it needed to go back out for voter approval. The tax was allowed to sunset at the end of December 2008 and the Commission gave direction to the Fire Department to complete its five-year plan and with that five-year plan to produce a financial plan showing the justification and need for the renewal of this tax, which we did. The Commission took action at a previous Commission meeting to adopt that five year plan and as part of that they also gave direction to move forward with the renewal of the County Fire Protection Excise Tax.

CHAIRMAN ANAYA: Okay. Any questions? What's the pleasure?

CHIEF HOLDEN: Mr. Chair, we do have to have a public hearing.

CHAIRMAN ANAYA: Oh, public comment. Thank you, Chief. I'm just getting ahead of the game here. Is there anybody in the audience who would like to comment on this ordinance adopting the County Fire Protection Excise Tax? Is there anybody in the audience? How about anybody at home listening? Okay, is there a motion?

COMMISSIONER HOLIAN: Move for approval.

COMMISSIONER STEFANICS: Second.

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

**The motion passed by unanimous [4-0] roll call vote with Commissioner Holian, Stefanics, Vigil and Anaya all voting in the affirmative.**

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**XIII. B. 2. Resolution No. 2009-161. A Proclamation Calling for a Special Election to Be Held on November 17, 2009, Concerning Whether to Adopt a County Fire Protection Excise Tax in the Amount of One Quarter of One Percent**

CHIEF HOLDEN: Mr. Chair, this is a formality which is required. It gives direction to staff about how to proceed and also calls for the specific locations that the voters will use as polling precincts and is required as a part of the adoption of the ordinance to move forward with an actual vote.

CHAIRMAN ANAYA: And this only pertains to county folks, not municipalities?

CHIEF HOLDEN: Mr. Chair, that's correct. It is only imposed in the unincorporated areas of Santa Fe County.

CHAIRMAN ANAYA: Okay. Any questions of the Chief? Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, I just wanted to make it clear to the residents of the county that this tax has been consistently paid for and it is not a new per se tax, just because it was sunsetted and there was a gap in time before we're re-enacting it. There's only a temporary amount of time that the GRTs were affected. So the impact it will have on their pocket book in my mind is just a continuance of what they've been paying for how many years now? Is it a couple?

CHIEF HOLDEN: Mr. Chair, Commissioner Vigil, it's been over 15 years the statute has been in place.

COMMISSIONER VIGIL: I didn't realize it was that long. Okay. And I'm just wondering if there's a way to remedy this. The sunset clause, does that need to be enacted on by the legislature?

CHIEF HOLDEN: Mr. Chair, Commissioner Vigil, it was enacted and that portion has been redacted. Unfortunately, that legislative action was taken after we had renewed our tax the last time.

COMMISSIONER VIGIL: Okay. So from this point forward it is consistent. We don't sunset. We don't have to take action on this again.

CHIEF HOLDEN: Mr. Chair, Commissioner Vigil, that's correct. It would take an action of the Board to rescind the tax.

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

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. I think that as we have more people move into our county, as we have people expecting more services, that the fire and safety and health of people is always at the top of their minds. This tax is so important that the resolution to place this is very important, but again, I don't think that our residents really want to see anything decline. And as we move forward if we can help remind people that we are not

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doing anything new but wanting to preserve their safety for the future, that would be helpful. Thank you.

CHAIRMAN ANAYA: Is that a motion?

COMMISSIONER STEFANICS: Do we need a motion? That's a motion to approve the resolution.

COMMISSIONER HOLIAN: Second.

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

**The motion passed by unanimous [4-0] voice vote.**

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

**1. Update on Various Issues**

MR. ABEYTA: Thank you, Mr. Chair. I do want to inform the Board that we are scheduling a special BCC meeting for this Friday. There are a few items that we need to take care of that are time-sensitive. The first is the Santa Fe Studios. We will need to take action on that request that was tabled at the last meeting. Normally these items are tabled for 30 days but due to the deadline that we've been given with the State of New Mexico with not just the studio but other potential state appropriations we do need to take action on that request. Plus we have to certify our tax valuations. We got a letter from the Department of Finance and Administration. So we will have that item on the agenda on Friday which should only take about ten, fifteen minutes. It's a certification of this year's tax valuations.

And finally, Mr. Chair, we need to have a Board of Finance meeting. We haven't had one in quite some time and the Treasurer, unfortunately, is going to be out for the rest of the month of September. So I would like to take that opportunity to have a ten, fifteen-minute presentation for the Commission from the Treasurer. So if we can convene that day as the Board of Finance also.

CHAIRMAN ANAYA: What time?

MR. ABEYTA: 8:30 in the morning.

CHAIRMAN ANAYA: And it will last about 30 minutes?

MR. ABEYTA: It will last about 30 minutes.

CHAIRMAN ANAYA: How's that with the Commissioners?

COMMISSIONER STEFANICS: Mr. Chair, as long as it's early and I can move on down to Albuquerque in time for a meeting I'm happy to do that.

CHAIRMAN ANAYA: Do you want to do it earlier?

COMMISSIONER STEFANICS: No, thank you.

MR. ABEYTA: Okay. So that will be 8:30, Mr. Chair.

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**XIII. C. 2. New Judicial Courthouse**

MR. ABEYTA: As you know, you and I met with Secretary Curry last week, plus there's been new reports about the Environment Department participating and taking over the cleanup of the property outside of the courthouse, where we're planning to build the courthouse. So we are going to be meeting with the Environment Department over the next few weeks to try to work out the details of that cleanup, how that will work and we hope to make a presentation, a detailed presentation to the Commission on the 29<sup>th</sup>. At that meeting we will also be inviting the Environment Department to participate in that public hearing on the 29<sup>th</sup>.

CHAIRMAN ANAYA: I'm glad to see that Secretary Curry and our Governor stepped in to really help us out.

COMMISSIONER STEFANICS: Mr. Chair, on this point. I think that the public has expressed concern in the past about the County and the state working together. I think this should reassure those members of the public about this. I think that our taxpayers who are concerned about the costs should be happy that we have another source of funding to assist us with this so that we can move ahead with the project once it's done correctly. So I applaud the manager and the chair in moving ahead with this. Thank you.

CHAIRMAN ANAYA: Thank you.

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

**1. Executive Session**

**a. Discussion of Pending or Threatened Litigation**

**b. Limited Personnel Issues**

**c. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights**

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

CHAIRMAN ANAYA: Okay, a, b, and c. Is there a motion?

COMMISSIONER STEFANICS: I so move.

CHAIRMAN ANAYA: Motion by Commissioner Stefanics, second by Chairman Anaya.

**The motion passed by unanimous [4-0] roll call vote with Commissioners Holian, Stefanics, Vigil and Anaya all voting in the affirmative.**

CHAIRMAN ANAYA: How long do you think, Steve?

MR. ROSS: Mr. Chair, I think we can be back in an hour.

CHAIRMAN ANAYA: An hour. Okay, we'll be back at a quarter to six and if

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we could get Commissioner Montoya on the line, that way we can –

[The Commission met in executive session from 4:45 to 6:20.]

CHAIRMAN ANAYA: If we could have a motion to come out of executive session.

COMMISSIONER HOLIAN: Mr. Chair, I move that we come out of executive session where we discussed pending or threatened litigation, discussion of purchase, acquisition or disposal of real property or water rights.

CHAIRMAN ANAYA: Is there a second?

COMMISSIONER STEFANICS: Second.

CHAIRMAN ANAYA: Motion and a second. Any further discussion?

**The motion passed by unanimous [4-0] voice vote.**

**XIII. D. 3. Amendment to the Water Service Agreement with San Cristobal Village LLC**

MR. ROSS: Mr. Chair, as you recall, the San Cristobal project was around the County for many, many years. This is the project that utilizes the state lands south of Rancho Viejo. That project has failed recently and both of these two agreements pertain to that project. The first of them, the amendment #7 to the customer contract relates to the water service agreement that these individuals, Mr. McCarthy and San Cristobal had with the County for more than a decade. One of the purposes of the amendment is to fee the water service agreement from its restrictions to the San Cristobal property.

As you recall, the water service agreement was amended repeatedly in front of this body because the agreement specified it had to be used in that project and that progress needed to be made on that development consistently through time in order to keep the water service agreement in force. This amendment removes that limitation, permits that water service agreement to be used on any project. They haven't determined a project that the water service agreement could be applied to, but I believe they're looking. And it makes some other minor changes to the agreement to account for some of those issues. And it also, finally, removes the obligation to pay standby charges for five years to account or recognize the fact that these gentlemen have paid standby fees for more than a decade on a water service agreement that was not used.

So that is the amendment to the water service agreement. It's amendment #7.

CHAIRMAN ANAYA: Any questions? Any motions?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

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COMMISSIONER STEFANICS: I move approve of amendment #6 to the customer contract for commitment of water service by and between Santa Fe County and John McCarthy.

COMMISSIONER HOLIAN: Second.

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

**The motion passed by unanimous [4-0] voice vote.**

**XIII. D. 2. Approval of the Water Rights Purchase Agreement with San Cristobal Village LLC**

MR. ROSS: Mr. Chair, this is a similar issue. The water rights that San Cristobal Village, LLC owns were intended for the San Cristobal project. Now that that project is defunct, the LLC is willing and interested in selling the water rights to the County and we are very interested in obtaining them. There's 133 acre-feet of pre-1907 water rights that are located at a point of diversion at the – I believe it's at the Buckman well field and could be transferred very easily into the Buckman Direct Diversion to provide a water rights basis for the County utility.

CHAIRMAN ANAYA: Thank you, Steve. Comments? Questions? Motions?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval of the water rights purchase agreement with San Cristobal Village, LLC.

CHAIRMAN ANAYA: There's a motion by Commissioner Holian.

COMMISSIONER STEFANICS: I'll second.

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

**The motion passed by unanimous [4-0] voice vote.**

**XIV. PUBLIC HEARINGS**

**A. Community Services Department**

**1. Second Public Hearing for Discussion and Adoption of the Santa Fe County Infrastructure and Capital Improvement Plan (ICIP) for Fiscal Year 2011-2015 and Approval of Resolution (Community Services Department) [Exhibit 2:Project List]**

PAUL OLAFSON (Community Projects Division): Mr. Chair,

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Commissioners, what we're handing out right now, Joseph just handed out, is a list of projects for consideration for this year's capital infrastructure and capital improvements plan. This is a plan we submit annually to the Department of Finance and Administration and it provides a list of potential projects that might be funded through the state legislature. You'll see that this is organized alphabetically. On the third page at the bottom there, there's another box that lists potential projects for top five priority. Every year the DFA requests that we list five projects as a priority – 1, 2, 3, 4, 5, in ranking, and then submit the entire list along with the top five ranking to DFA.

I'm asking tonight for the Board to approve the overall list and also make that suggestion of top five projects.

CHAIRMAN ANAYA: Paul, you met with the Commissioners, correct?

MR. OLAFSON: Mr. Chair, that's correct.

CHAIRMAN ANAYA: What list did they give you? Did they give you different lists? Why don't you give them mine and we'll start from there.

MR. OLAFSON: I can go through it with the projects that had concurrence. We still would have to do the exercise of ranking them. But the RECC, which is the E-911 call center expansion, every Commissioner that I met with thought that was a worthy project. The media district was also mentioned. The housing was mentioned. Corrections also. All four Commissioners agreed with that one. The river project had one mention. The energy efficiency also had some mentions. The library had one and Pojoaque Community Center had one.

CHAIRMAN ANAYA: Okay, so you said RECC –

MR. OLAFSON: The RECC and Corrections all had strong support. The media district, housing and energy also had strong support.

CHAIRMAN ANAYA: Okay. Questions from the Commission.  
Commissioner Vigil.

COMMISSIONER VIGIL: I just want to clarify that it's really wonderful that we go through this full prioritization process, and it certainly helps in compliance with what is required of us through the Department of Finance and Administration. But in fact, it is rarely the ultimate guidance of documents for capital outlay. So my sense is, and having known that is that probably the best decision we can make to present to the legislature is to present projects that impact the county overall. Because I've been here when we've presented them projects that impact separate districts. And of course when you go to the legislature they are also concerned about affecting projects within their districts.

So I think if you got the most votes for the countywide projects I would propose that we move forward with those, because those do specifically affect everyone in the county. And I think that is the Corrections Facility, the RECC, the housing upgrades, the media district and the river trail or energy efficiency. I'm open to either one of those.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics, then Commissioner Holian.

COMMISSIONER STEFANICS: Mr. Chair, while I understand the intent of

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Commissioner Vigil I do think the media district improvements is not countywide. And when we look at some of the other projects that might be specifically only for an area the area can be rather extensive. For example, the Vista Grande Library actually serves an entire side of the county. So while some people might say it's one community it actually probably serves people in three districts in terms of the library. So I do think that we should be careful about this, because the media district is an area that I'm very interested in, but it's also a very specific area and not for the entire county.

Now, I'm wondering, and this is my question, when we present our top five are we allowed, and recognizing for the audience that we have to present this to a state agency, are we allowed to put in other priorities after the top five? Or are we singly allowed five?

MR. OLAFSON: Mr. Chair, Commissioner Stefanics, we are required to have five, and then there's approximately 135 projects on here. And traditionally, what we've done after the top five is then just putting them in an order not of ranking per se. Number 6 is higher than 130. We just have put them in that list because the ranking doesn't traditionally have that great of an impact, even the top five. But it's a mandate that we do the five. So the short answer is yes, we can ordinate a number six or seven or eight.

COMMISSIONER STEFANICS: Well, I would encourage our list to be a top five, and then include a couple others as six, seven and eight, as we do this.

COMMISSIONER VIGIL: And I'm fine with that. I just need to get something on the record. The Santa Fe Media District is not only a countywide project it is a statewide project. This media park, if developed at the level that we hope for it to develop, will produce films not only in Santa Fe but throughout the entire state. And unless we have some specific criteria that distinguishes what is county and what isn't I think we're really splitting a hair here. So my sense is and my experience is the Vista Grande Library is going to get funded; there's no doubt in my mind. It's strongly supported by representatives from that district and it is a project that we certainly can include there but it's not in my mind going to make a difference in terms of whether it will or will not get funded. They have been funded consistently throughout each one of their phases from phase one to whatever phase they're in now and I do believe, based on their track record and the success that they've had they will continue to receive that. And certainly Santa Fe County has always, inclusive of myself, supported that going forward. Bottom line, it really isn't going to matter how we prioritize these. It's going to matter to the district representative.

If this is what we have I'm happy to do five and then do three alternates, as you propose.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. On the media studios, we are actually already committed to \$2.63 million worth of improvements. Aren't those going to happen out of the County budget no matter what?

MR. OLAFSON: Mr. Chair, Commissioner Holian, I'm not intimately familiar with the arrangement between the Studios and the County, but my understanding is there is a commitment from the County to provide some infrastructure or capital



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improvements as part of the overall agreement.

COMMISSIONER HOLIAN: So in a way, whether we put it on the list or not it's also going to happen. I agree with Commissioner Vigil that it does in fact benefit our whole community, and in fact the whole state. So I just want to go on the record as saying that. I would also like to put in a vote for the Santa Fe River Trail because I really feel that that does also impact our whole community, and it also impacts it in a way of tourism, because if you have a nice river trail that is something that tourists can enjoy as well as everybody else. I think that even though it's in a specific district that it is a community-wide project as well.

CHAIRMAN ANAYA: Okay, so this is what I have and tell me if you agree. Santa Fe County Corrections facility is one. RECC facility expansion is two. Santa Fe public housing site upgrade is three. Santa Fe County media district improvement is four. Santa Fe County energy efficiency of County facilities is five. Vista Grande Library expansion is six. Santa Fe River Trail is seven.

COMMISSIONER VIGIL: I think Santa Fe River Trail probably has more support than the energy efficiency. I'm not sure.

COMMISSIONER HOLIAN: Actually, I would put the river trail a little bit higher because I think that we can get energy efficiency money from other sources.

COMMISSIONER VIGIL: Okay.

CHAIRMAN ANAYA: Okay, reverse five and seven.

COMMISSIONER VIGIL: And we need to include Pojoaque Valley.

CHAIRMAN ANAYA: And put that as eight. Is there a motion?

COMMISSIONER HOLIAN: I move for approval.

COMMISSIONER VIGIL: I second.

CHAIRMAN ANAYA: Motion by Commissioner Holian, second by Commissioner Vigil. Any further discussion?

**The motion passed by unanimous [4-0] voice vote.**

MR. OLAFSON: Mr. Chair, just to clarify. Number one is Corrections. Number two is RECC. Number three is public housing. Number four is media district. Number five is the river. Six is Vista Grande Library. Seven is the energy efficiency and eight is Pojoaque Valley Community Center. Thank you for your time.

CHAIRMAN ANAYA: Thank you, Paul.

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**XIV. B. 3. CDRC CASE # APP 08-5351 Sue Barnum Appeal. Sue Barnum, Appellant, is Appealing the County Development Review Committee's Decision to Approve a Request for a Second Driveway on 2.86 Acres. The Property is Located at 1339 Bishop's Lodge Road, Within Section 6, Township 17 North, Range 10 East (Commission District 1) John M. Salazar, Case Manager [Exhibit 3: Staff Memo; Exhibit 4: Appellant Material]**

JOHN MICHAEL SALAZAR (Review Specialist): Thank you, Mr. Chair. The applicant is appealing the decision of the CDRC stating that the new driveway is causing drainage issues to neighboring properties and also is a safety hazard for travelers on Bishop's Lodge Road since the spacing between access points is less than the Code required 200 feet on a 25 mile per hour road.

On June 30, 2008, the property owner, Ann Lanzante, was issued a notice of violation for a driveway that was constructed without approval from Santa Fe County. On July 14, 2008 the property owner applied for an after the fact development permit for the driveway. Staff reviewed the application and determined the application was not in conformance with Article III, Section 4.4.3a of the Land Development Code. Therefore the applicant's request for an after the fact development permit was denied.

On April 16, 2009 the property owner requested an appeal of the Land Use Administrator's decision to deny the after the fact development permit application. At its regular meeting of April 16, 2009 the County Development Review Committee overturned the Land Use Administrator's decision to deny an application for a second driveway.

Recommendation: Staff's position is that the original application is not in conformance with Article III, Section 4.4.3a, which again states spacing between points of ingress and egress shall be determined by the posted design speed and intended function of the road creating access to the development site. The posted speed limit on Bishop's Lodge Road is 25 miles per hour, therefore the spacing between the neighboring driveway and the illegally constructed driveway does not meet the required separation. If the decision of the BCC is to uphold the CDRC decision staff recommends the following conditions. There's four of them Mr. Chair, so I'll just read them. We want to add a fourth one actually.

1. The applicant shall obtain a development permit from the Growth Management Department for the second driveway.
2. The applicant shall comply with all fire and public works Department requirements and all terrain management guideline requirements.
3. The driveway shall be a minimum of 14 feet in width and shall not exceed 11 percent grade.
4. The applicant shall hire an engineer to see if there's any possible remediation to help with the drainage problems as a result of this driveway being graded in.

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CHAIRMAN ANAYA: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: On that point. Wouldn't it be required if they came to us for a development permit anyway, for a driveway that would have potential terrain problems with drainage?

MR. SALAZAR: That would be determined by staff and after being out there that's pretty much what we –

COMMISSIONER VIGIL: So if the applicant had come for the development review process for a permit all of this would have been remediated initially, because that's an evaluation done preliminarily by staff.

MR. SALAZAR: Yes.

COMMISSIONER VIGIL: Thank you, Mr. Chair. Just needed that clarified.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I think we have to back up a little bit because I'm confused. The staff denied the second driveway. The CDRC approved it, and now it's being appealed?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, basically, yes. They came in for a development permit after the fact. Our Code Enforcement was sent out there –

COMMISSIONER STEFANICS: The driveway had already been built.

MR. SALAZAR: Yes. It's an after the fact driveway.

COMMISSIONER STEFANICS: Okay. And then when they came in, Mr. Chair, then staff denied it, even though it had been built.

MR. SALAZAR: Yes.

COMMISSIONER STEFANICS: Then they appealed the denial and went to the CDRC.

MR. SALAZAR: Yes.

COMMISSIONER STEFANICS: And the CDRC approved the second driveway?

MR. SALAZAR: Yes. And now the neighbors are appealing the CDRC's decision to approve.

COMMISSIONER STEFANICS: Okay. And staff has surveyed the issue of drainage and determined that there is a problem.

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, it looks like there is a drainage problem out there but it can also be said for the entire Bishop's Lodge Road area. There's some problems out there. This site – it's a pretty steep property so when it rains it's going to cause some problems for neighboring properties. Right now there's no natural vegetation to help with the drainage.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'll wait and listen to everybody else.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. In looking at it does it look like the new driveway has created new erosion problems? I mean, from the pictures in

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our packet it certainly looks like there is erosion at the foot of the driveway.

MR. SALAZAR: Mr. Chair, Commissioner Holian, it's difficult to say since we really don't have any information or any pictures showing what the erosion of that road looked like before they cut in the new driveway.

COMMISSIONER HOLIAN: And another question I have is what would happen if we upheld the appeal? What would happen to the second driveway? How would it be decommissioned?

MR. SALAZAR: If your decision was to approve the applicant's appeal tonight and deny the second driveway staff would recommend that the following conditions be in place, that the second driveway be remediated as close to its original state as the property owner can do it and that it be revegetated as well.

COMMISSIONER HOLIAN: Okay. And what about the situation – would it be possible – this is just a hypothetical thing – that the second driveway be used, and the first driveway be commissioned?

MR. SALAZAR: That could be a decision made by the Commission if the Commission wanted to go in that route. Then you could have the property owner stop use on the first driveway and make the second driveway the primary driveway onto the property.

COMMISSIONER HOLIAN: Do you think that the first driveway or the second driveway is safer?

MR. SALAZAR: Mr. Chair, Commissioner Holian, they both present problems. The first driveway, if you want to go south, you need to do a three-point turn, and that's going to be the same with the second driveway if you want to go north on Bishop's Lodge Road. So the way it's cut in, it's going to present safety problems either way.

COMMISSIONER HOLIAN: Okay. Thank you.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Okay, so do I hear that there is a safety issue with having just one driveway?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, the original driveway is a legal non-conforming driveway, so it's been in use for quite a few years now, and that's why the property owner – yes, there's a safety issue there when you want to go north on Bishop's Lodge Road. That's the point the property owner made to the CDRC when they were before them. They have to do a three-point turn to head north on Bishop's Lodge Road.

COMMISSIONER STEFANICS: Okay, so Mr. Chair, just to reconfirm. The property owner put in the second driveway without going through the process.

MR. SALAZAR: Correct.

COMMISSIONER STEFANICS: Would our department actually have recommended a different manner in which the driveway could have been adjusted?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, since the property is so steep along Bishop's Lodge Road there, there's no way that second driveway could have been relocated to a different location.

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COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIRMAN ANAYA: So you're saying that if you would have come in for a permit you would have issued it?

MR. SALAZAR: We would have denied it.

CHAIRMAN ANAYA: Why?

MR. SALAZAR: We deal with the after the fact.

CHAIRMAN ANAYA: No, but if you would have come in before? Would you have given him a permit if he'd come in before he built the driveway.

MR. SALAZAR: Mr. Chair, we would have denied it.

CHAIRMAN ANAYA: We would have denied it?

MR. SALAZAR: Because it doesn't meet the 200-foot separation between driveways.

CHAIRMAN ANAYA: All right. Let me go to the applicant. Is the appellant here? Okay. Do you have something to add?

SUE BARNUM: My name is Barnum, like the circus. I'm Sue Barnum and I'm appealing the case on behalf of the Tesuque Meadows Homeowners Association, which is right across the street from the new driveway, and the neighbors in close proximity. They are all here and you have a list in front of you.

[Duly sworn, Sue Barnum testified as follows:]

MS. BARNUM: I also made you a little visual. These are all the people who are appealing, and this is the property that we're appealing about. I don't know if you want this. I'm also an active member of United Communities of Santa Fe County and have been working with the County in reviewing the draft strategic plan of the sustainable growth plan and associated code. So I've been studying the code and sort of how it works.

You have my original appeal letter in from of you. I think John gave you a copy today along with those photographs. I base my appeal on three things. First, my contention that the reasons on which the April 16<sup>th</sup> reversal of Wayne Dalton's original denial were neither viable nor acceptable according to the Tesuque Community Development Zoning Code, County Ordinance 2000-13, Section 3, which states that all development must occur in a manner that supports erosion control and natural resources conservation. Growth must be environmentally sensitive and balanced with the individual rights, collective community well being and the ecological system that surrounds us. That's from the Tesuque Community Zoning District.

In this case, the well being, needs and safety of the collective community was ignored and the convenience of the owner of the illegal driveway was given as sufficient reason to overturn the original denial of the after the fact permit. None of us in Tesuque has an easy ingress or egress for emergency vehicles. We just all have weird driveways. And that was the CDRC based their approval of the after the fact permit on.

In addition, the week after the April 16<sup>th</sup> hearing the owners of 1339 pulled a large travel trailer up to the top of the illegal driveway and parked it in such a way that the emergency vehicles couldn't use that space anyway, couldn't use that driveway. And that was

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what the appeal was granted for. And I might add, they've continued to use the illegal driveway ever since, even though the County told them not to.

We feel like it's a bad precedent to set, given not only the Tesuque Zoning District, which says development sites containing land with natural slopes of 15 percent or greater shall be mapped with contour lines in intervals of not more than five feet, signed and sealed by a registered land surveyor or professional engineer or other qualified professional. But also the County Code related to variances that says in no case shall any variance or modification be more than a minimum easing of the requirements. And this is a huge easing of requirements of this 200 feet. I will go on to explain that.

My second point is the ordinance mentioned above, the Tesuque Community Zoning District established a formal process to which the residents of Tesuque may fully participate in the planning and development review processes. But we're in a gap right now between the abolition of the Community Development Review organizations and the coming of the CPOs. We do not feel that the Tesuque residents are appropriately represented in the development review process at the present. The CDRC deals with communities all over the county and did not consider the great protest of neighbors. All these people wrote letters and pictures and all that, and they ignored that. And these are all the people who are affected by this driveway.

Thirdly, our primary concern is that of public safety. As stated in my original appeal letter, there is only 50 feet between the bottoms of the Lanzante illegal driveway and the neighbor who lives immediately north of them. There's 50 feet at the bottom, and there used to be an apron there where people could pull off and that's been demolished. People can't really pull off anymore because the driveways come together. It really comes down to a point. I think you might be able to see that in my photographs.

Vehicles driving down each driveway cannot see each other until they're almost at the bottom because the perpendicular surface curves right there, so one driveway comes down here and one comes down here, but there's a little bit of mountain in the middle. So that presents an opportunity for collision in and of itself. My photographs will show you that driving north on Bishop's Lodge Road one cannot see a vehicle driving north down the new Lanzante driveway until the vehicle is almost at the bottom, increasing again the probability of a collision.

CHAIRMAN ANAYA: Isn't that the way of all driveways on that road?

MS. BARNUM: No, not necessarily. Especially the speeds that are driven down the driveway. And there's another driveway right down the road that has two driveways but they engineered theirs very carefully and you can see the cars coming down the whole driveway, the whole way down, not just the last five feet, which is all you can see on this.

There's an additional safety issue. Scree or loose gravel driven down to Bishop's Lodge Road from the illegal driveway in rain accumulates on Bishop's Lodge Road causing drivers to either slide, brake suddenly, or move into the oncoming lanes of traffic to avoid skidding. I have photographs of that if you'd like to see that. All of those are very dangerous and we hear it and see it frequently. My photograph shows a gravel pile on a dry day, but it's much worse on a rainy day.

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Based on these reasons I ask that the April 16<sup>th</sup> hearing's decision to approve the after the fact permit be overturned and Wayne Dalton's original denial of the permit be upheld. We the public need to be assured that our safety will be protected by the codes.

CHAIRMAN ANAYA: Okay. Any questions of Sue? None? Okay. Is the applicant here, or the owner?

MS. BARNUM: There are some other people of the neighbors who want to speak to this.

ROSANNA VAZQUEZ: Mr. Chair, if you'd like the rest of the people to speak who are opposed to this I can speak after them.

CHAIRMAN ANAYA: Okay, that would be good. Who else would like to speak on this case? Okay, there's one. Sir, come forward.

[Duly sworn, Cameron Duncan testified as follows:]

CAMERON DUNCAN: Cameron Duncan, 1338 Bishop's Lodge Road. Mr. Chair, Commissioners, my property at 1338 Bishop's Lodge Road is immediately across the street from the Montoya Lanzante property, and we, my wife and I have two concerns with the non-compliant second driveway that was constructed by Mr. Montoya and Ms. Lanzante. The first concern is that it doesn't comply with the required spacing of 200 feet between entrances to a single property, having the new driveway meet the driveway of the adjoining neighbor where they enter Bishop's Lodge Road makes a dangerous intersection where an accident could easily occur. Allowing this exception to a well established County rule sets a precedent that will be difficult for the County Commissioners to administer.

Our second concern is that it worsens a serious problem of runoff from rain that floods across Bishop's Lodge Road and then down into the properties between the road and Little Tesuque Creek, including into our driveway. Disturbed soil from the earthmoving that was done during the construction of the new driveway continues to spread over Bishop's Lodge Road during rainstorms creating a hazard for drivers. We support the County staff's earlier denial of the Montoya-Lanzante request to permit their second driveway, and we also urge the County Commissioners to overturn the CDRC's subsequent but unexplained issuance of the permit. We support the County staff's proposed remedy to widen the entrance of their first driveway to allow cars to safely turn north. In fact the driveway to my property also meets Bishop's Lodge Road at a similar angle. In order to turn north we have to turn about a 330 degree turn, but our driveway has a slightly larger apron which makes it not impossible to do it. It is dangerous and I think it might be difficult for emergency vehicle to turn even into our driveway.

But I think it's important that you consider the precedent that would be set by this permit because if I came, for instance, to you and asked for a permit to establish a second driveway because my driveway is also a dangerous and non-conforming driveway, then would you make that exception as well? And what about all of our other neighbors who have similar problems?

We believe the illegal driveway should be removed and the area replanted to reduce runoff and erosion of the hillside. Thank you very much, Mr. Chair and Commissioners.

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CHAIRMAN ANAYA: Anybody else want to speak?

MR. DUNCAN: Excuse me. I was also asked by my immediate next-door neighbor who couldn't be at the hearing today to read a portion of the letter that she's submitted to the Land Use Administration. If you allow me I'll do that.

CHAIRMAN ANAYA: Go ahead.

MR. DUNCAN: This is a letter signed by Catherine Macken, who says that she's a homeowner at 1336 Bishop's Lodge Road, right next to my property and on the same side of the road a little south of the subject property.

I am unable to attend the hearing on September 8<sup>th</sup> due to essential business travel. I'm writing to express my concerns about the previous decision by the CDRC to allow the Lanzante-Montoya family to add a second driveway to their house at 1339 Bishop's Lodge Road. I will express my opinion on three points. Number one, the Lanzante-Montoya situation is not exceptional. Number two, the lack of a second driveway does not impose an undue hardship on the Lanzante-Montoya family. And number three, there are creative ways of improving access by the Lanzante-Montoya family to Bishop's Lodge Road that do not require a variance to the County code.

Number one, the Lanzante-Montoya situation is not exceptional. Other drives on this stretch of road have difficult access to Bishop's Lodge Road, mostly due to lack of visibility to the north. For example, the drive for 1355 Bishop's Lodge Road has almost no visibility to the north. Some drives on the west side of Bishop's Lodge Road also have poor access. For example, the drive from Oso Court and Tesuque Meadow are steeply inclined with poor visibility in both directions. The situation with 1355 offers an interesting lesson. Although the driveway has poor visibility, it has a gentle and reasonably wide apron on the edge of the road. I would guess that this makes access from 1355 relatively safe in contrast to the access from the south drive from 1339 which has a narrow apron.

Number two, the lack of a second driveway does not impose an undue hardship on the Lanzante-Montoya family. The Lanzante family was able to live in their house with the single south (legal) driveway for some number of years before forming the second, north, unpermitted driveway. Further, the Lanzante house is built on the site of an earlier house that was burned down. I understand that this earlier house was inhabited for many years. I know for certain that this earlier house had a single driveway.

And finally number three, there are creative ways of improving access by the Lanzante-Montoya family to Bishop's Lodge Road that do not require a variance to the County code.

I trust you will find a solution to this situation that does not require a variance, attains safety for residents and drivers on Bishop's Lodge Road, and preserves the character of the neighborhood. Yours Sincerely, Catherine A. Macken. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Okay, ma'am.

[Duly sworn, Sharon Krause testified as follows:]

SHARON VERONICA KRAUSE: My name is Sharon Veronica Krause. My address is 1345 Bishop's Lodge Road, Santa Fe, New Mexico, 87506. Thank you for hearing



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us this evening. I wish to put my entire support into all of the things that all of my neighbors have said and I do not really wish to take up very much more time tonight because between the varying letters they have pretty much said it all. So I thank them for doing so.

The original denial of this driveway by Mr. Wayne Dalton and Ms. Shelley Cobau of County Land Use was a correct observation, a correct denial, and it was supported by the law, and it was supported by good judgment. Mr. Dalton's letter of denial of this second driveway said that the solution would be to stop using the driveway, to reconfigure the second driveway to its original confirmation, and to revegetate with native plants and trees. This is what we wish to have happen and we note that there have been a number of irregularities that don't seem to be explained and we would like to make sure that if there is any further development on the Lanzante property that proper permits be obtained, that professional engineers, licensed contractors, and persons who have a proven ability to understand drainage problems be consulted before any other permit is considered in any way. Thank you very, very much. We hope that you will deny this driveway and put us back into good legal order. Thank you.

CHAIRMAN ANAYA: Thank you. Who else wants to speak? One more?

Okay.

COMMISSIONER VIGIL: Mr. Chair, can I ask a quick question? And this is for staff. Are most of the driveways in this area legal non-conforming?

MR. SALAZAR: Mr. Chair, Commissioner Vigil, most of them are. Some are illegal. That's what Wayne Dalton told me.

COMMISSIONER VIGIL: Thank you.

CHAIRMAN ANAYA: Okay, ma'am. You can come forward.

[Duly sworn, Freda Donica testified as follows:]

FREDA DONICA: My name is Freda Donica. I live in Cochiti Lake, New Mexico. I am a public elected official on Cochiti Lake. I'm the mayor pro tem. I'm here to support these people tonight because I have an interest in our laws being obeyed and the public being served. And so I would support and urge you to do the same. Thank you.

CHAIRMAN ANAYA: Thank you, Mayor. Okay, Rosanna.

MS. VAZQUEZ: Rosanna Vazquez, P.O. Box 2435, Santa Fe, New Mexico, 87504. Good evening. I represent Adam Montoya and Ann Lanzante and I'm sorry that Mr. Montoya could not be here tonight. I want to give you a little bit of history so that you understand how exactly this has evolved. Ms. Lanzante did begin cutting the driveway before she got a permit and she didn't realize she had to get a permit. She did speak to Ms. Krause beforehand and they had an understanding at that time. That was in July of 2008.

CHAIRMAN ANAYA: She spoke with who?

MS. VAZQUEZ: The neighbor, one of the neighbors who spoke here today. Ms. Lanzante spoke to her prior. The driveway was cut for safety reasons. They did get a ticket in July from the County Code Enforcement. They came in and made application. They were denied in August of 2008. So they made application right after they received the Code Enforcement violation. They were denied because of the safety issue, because of the spacing

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issues that's set out in the code.

I got involved in this case – this case has taken until now to be heard because of various problems with noticing and tablings until April. Right before we came to this hearing I asked Public Works to go out to the site. I asked the Fire Marshal to go out to the site, and I asked Wayne Dalton to go out to the site. The previous staff report that had been written – there had not been conducted a site visit. Wayne had not gone out to the site to view the property. The initial recommendation from Land Use was re-engineer the existing driveway. That was the condition. We went out there. The property didn't have access to re-engineer at all, and in fact I want to point you to Wayne Dalton's recommendation in the CDRC staff report dated April 16, 2009, and I will read it into the record.

Staff conducted a site inspection on Thursday, April 9, 2009. One, determined that the existing driveway cannot be reconfigured due to the topography of the property. If the existing driveway was to be reconfigured and designed by an engineer, the driveway would still not meet the 200-foot separation, or the 11 percent grade required by the code. That's the existing driveway right now. Okay. That's the one that was there before. Staff has also determined that there is a safety concern for access to the property from the existing driveway off Bishop's Lodge Road. This was Land Use's recommendation after they conducted a site visit. Because they took a look at it and they realized the existing driveway was dangerous.

In addition, Mr. Chair, the Fire Department went out and Public Works Department went out. They looked at the site and they recommended an alternate site. On each of those recommendations there was a requirement that terrain management be met. The guidelines for the code in terrain management be met. I want to make perfectly clear, after the Code Enforcement violation was given in July of 2008 no additional work was done on the property because they couldn't do any other work until a permit was obtained. They were not able to fix the terrain management issues until a permit was obtained. Every single condition of approval from Public Works, from the Fire Department and Land Use requires them to meet terrain management and they fully intend to comply with it.'

I want to read to you a little bit from the Traffic Manager, Johnny Baca from Public Works Department, because his recommendation is very clear with regard to safety issues on that road. "I did note that the alignment – and this is the existing driveway – 30 to 45 degree angle of his pre-existing driveway creates a sight visibility issue for Mr. Montoya as well as for the motorists traveling north and south on Bishop's Lodge Road. Any right-hand turn out of the property would require a three-point type turn in order to navigate in or out of this access. Bishop's Lodge Road is a narrow, two-lane road with an AADT of approximately 1,800 vehicles a day. Sight visibility is obstructed by vegetation to the north of this pre-existing driveway, where the 30-foot sight distance triangle is not obstructed at this unpermitted new location."

There are three recommendations before you, Commissioners, from the Fire Department for safety reasons, from Public Works for sight visibility, and also from Land Use saying that the pre-existing driveway, while it doesn't meet the 200-foot separation is not safe. Now, our code does not have legislative history unfortunately. Our code doesn't explain

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why it is it was written a certain way. But that 200-foot distance was taken from the highway manual and the whole purpose of it was for safety. The whole purpose was measuring speed and sight distance. Clearly, what Public Works is stating is that although it's 25 miles per hour on Bishop's Lodge Road you're getting 1,800 trips on that road. There's a safety issue there, and this driveway makes it safer.

I want to talk to you a little bit about the erosion issues because they have been raised quite a bit. In the appeal that was written there is an allegation that it is the illegal driveway that caused a lot of the drainage problems on Bishop's Lodge Road. I want to go back to some of my experience that I've had. When I started here at Santa Fe County, back in 1995 the first thing that I was asked to do was work on a settlement with Bishop's Lodge neighbors out there and Tesuque Village market because of the erosion problems on that road. One of the reasons is because lots that are on the north side where my client lives are very, very steep, steep sloped lots. Her driveway, her existing driveway right now that enters is 15 percent slope getting to a main driveway area. To get up to her house it's a 30 percent slope up there. She's managed to deal with terrain management but that whole area has terrain management issues.

This driveway, when meeting terrain management concerns is not going to add to any of the drainage problems that are already out there. Those exist, Commissioners. They exist because of the topography of the property. And I did, just to verify, speak to Public Works with regards to this, because there is an allegation that because of the illegal runoff that Public Works had to go in and put a berm and they were aware of it, and I did speak to Public Works about whether the berm was put in and they said – I spoke to James Lujan – that the berms were put in because the runoff comes all the way down Bishop's Lodge Road. And I'm sure there's some runoff, Commissioners, from this driveway. I'm sure there is. Because the terrain management hasn't been met. But you cannot blame the runoff that exists on Bishop's Lodge Road across from my client's property solely on this when it has existed since, to my knowledge since 1995 if not before.

I want to make clear for the record that we are willing to agree to all conditions of approval that have been placed on it, including the last condition that was just read into the record. And if I may just have a moment I'm just going to check my notes real quick.

With regards to the spacing issue, I also want to make clear, and I believe it was in Wayne Dalton's initial report of April 16, 2009, that the driveway right now does not meet either the 200-foot separation or the 11 percent grade requirement. One of the reasons why emergency – why the Fire Department did recommend approval of this was that they felt that with the additional driveway they would be able to get emergency vehicles up that driveway and all the way up to the top of the house. I stand for questions.

CHAIRMAN ANAYA: Rosanna, what was the fourth one that you talked about?

MS. VAZQUEZ: The fourth condition? It was just read into the record, Commissioner. Let me just grab it. I don't have it but it was the one that required us to meet with an engineer to deal with drainage and design of the driveway. I will note with regards to

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that condition, Commissioner, when Wayne Dalton was out there, when Johnny Baca was out there, and when Mr. Gilmore, the inspector from the Fire Department was out there, we looked to see whether we could put that driveway somewhere else along that road along their property. We looked to see whether it would be safer anywhere else. The slopes were too great. Where Mr. Montoya actually cut that driveway was the lowest slope to go down on that edge of the property. Because if you walk that property the slopes are over 15 percent grade.

CHAIRMAN ANAYA: Okay. Rosanna, I've got some pictures here from Sue. Is this picture here the driveway?

MS. VAZQUEZ: May I approach?

CHAIRMAN ANAYA: Yes.

MS. VAZQUEZ: May I take the –

CHAIRMAN ANAYA: Yes.

MS. VAZQUEZ: Commissioner, that is the driveway that has been cut and that's actually – yes, this is the driveway.

CHAIRMAN ANAYA: This is the driveway we're talking about?

MS. VAZQUEZ: This is the driveway that's been cut. Yes. And this meets – this could meet an 11 percent grade according to the Public Works Department.

CHAIRMAN ANAYA: And hold on. Is this the driveway that we're talking about? And Sue, you can come forward because I want you to verify this.

MS. VAZQUEZ: This is a little difficult to see because of the tree growing here, but where the arrow is pointing is the Krause driveway. It's the neighbors' driveway.

CHAIRMAN ANAYA: Oh, that's the neighbors' driveway.

MS. VAZQUEZ: Yes. And the driveway that we're talking about Commissioner, I think you can see it better on the other picture you showed me.

CHAIRMAN ANAYA: So this is not the driveway?

MS. BARNUM: That is Ms. Krause's driveway. The driveway we're speaking of comes down this way and you can't see a car coming until you're right –

CHAIRMAN ANAYA: That's the one we're talking about.

MS. BARNUM: That's the one we're talking about.

CHAIRMAN ANAYA: Just to clarify. Thank you.

MS. VAZQUEZ: But Commissioner, I think you've got the picture in that attachment. I think it's the third picture and I think I've got those pictures too, that show both driveways. And you brought another point to mind that I would like to touch upon. There was some discussion that there was not enough separation between the Krause driveway and the driveway that was cut. I think it's the third picture that you have that was attached to Ms. Barnum's appeal. I just received these right now, so I have not seen those. But I want you to know that we measured this. Johnny Baca when he was out there, we measured this area. There is about a 50-foot area here that's much wider than the area where the existing driveway is. In addition, from the edge of the road into the driveway, you're talking about 18 feet, this distance here. And in fact Ms. Krause used to have – this is my understanding from my client – that Ms. Krause used to have people park down here. And that was why Mr. Baca

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made the determination that the sight visibility was actually better here than it was at the existing driveway.

The problem with the existing driveway was she only owned to a certain portion of it and from there down to the road was no longer her property. She didn't have a space to actually expand the driveway there. And when you looked at it, without a site visit, when land use made the recommendation without a site visit, you couldn't tell. You couldn't tell that until you actually saw the property site, where it ended, and how there was no way to expand the existing driveway. And it wasn't until we took them out there again and showed them that they made that realization.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Ms. Vazquez, I'll ask you the same question I asked John, which was would Ms. Lanzante consider decommissioning the first driveway and only using the second driveway?

MS. VAZQUEZ: Mr. Chair, Commissioners, that was an issue that we did raise with the Fire Department. It was not recommended by the Fire Department because of the safety. The slope – this property is different than I believe it was Mr. Duncan who spoke, and a lot of the other properties because the driveway comes up – right now those existing driveways, the existing one is about a 15 percent grade. Then there's a flat area, and I can show you a little bit because I've got some aerial photos here. But from the flat area on up to the house you're looking at a slope of about 30 percent. So it's very difficult. She wanted to be able to get emergency access vehicles in and out of that property in case there was another fire. I believe Ms. Krause or Ms. Barnum did raise the issue. And the property is this one right here. See this area that's flat right here? Let me pass them out to everybody else.

The area that's flat right here is where the driveways end. The driveways end right here. See where the red line is? And then the other driveway went down to the left. This area is flat. From Bishop's Lodge Road to this area you're looking at about 15 percent on this side. A little less on the new driveway that's just been cut. But from this area on up to the house you're looking at a 30 percent or greater. There is no way that emergency vehicles could get up to that house at all.

CHAIRMAN ANAYA: Give them a copy of this.

MS. VAZQUEZ: Of course. And so it was recommended that we not – we could put a Knox lock on it for emergency vehicles. We could gate and my client would be comfortable with something like that.

CHAIRMAN ANAYA: Commissioner Holian, you have the floor.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Now, on the second driveway it can be engineered to be under 11 percent slope?

MS. VAZQUEZ: Mr. Chair, Commissioners, yes it can.

CHAIRMAN ANAYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: On that point, it's seeming that the letter submitted to you from the Fire Department recommended the driveway of course not to exceed the 11 percent grade, that it be a minimum of 14 inches for the for the driving surface and the

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driveway be constructed of approved all-weather driving surfaces. It needs to comply with all other articles by the Fire Department, and it would have to be approved by the Fire Marshal. So is that more likely to happen? And according to the response you gave Commissioner Holian, if you abandon the second driveway and work on the first driveway?

MS. VAZQUEZ: By the second driveway you mean the one that we're here for?

COMMISSIONER VIGIL: Yes.

MS. VAZQUEZ: The second driveway can't be engineered for that. That's the problem.

COMMISSIONER VIGIL: That's what I'm saying. The original – the other driveway can. The Fire Marshal is actually saying that that is what his recommendation is. And I'm assuming – I'm asking you to which driveway does this apply?

MS. VAZQUEZ: To the second driveway. Yes, it's to the second driveway.

COMMISSIONER VIGIL: So it's the second driveway that would provide for the 11 percent grade.

MS. VAZQUEZ: Yes. And the emergency access with the 14-foot driving surface.

COMMISSIONER VIGIL: And the second driveway is the one you are appealing.

MS. VAZQUEZ: We are not appealing. We received approval from the CDRC. Ms. Barnum us appealing.

COMMISSIONER VIGIL: That's right. That we are discussing tonight.

MS. VAZQUEZ: That's correct, Commissioner.

CHAIRMAN ANAYA: Okay. Thank you, Rosanna. Sue, did you want to comment? I'll give you one more chance.

MS. BARNUM: Mr. Chair, Commissioners, thank you for giving me another chance to respond. I've lived – I've owned this property at Tesuque Meadow for six years and we've never had any drainage problems. We've redone our road once just to add gravel. After the severe rains – and I have photographs. May I come forward and give you these?

CHAIRMAN ANAYA: Yes, you may. Did you want to comment when she's done? Okay.

MS. BARNUM: After the severe rains that my first appeal letter was written about we had to spent \$5,200 repairing our driveway. In front of Bishop's Lodge Road there were ruts this deep. This has never happened before this driveway was cut. In our driveway down to Tesuque Meadow there were ruts this deep; we could not drive over them. We spent \$5,200 remediating that driveway. We had to. I couldn't get to my property. So these erosion issues have not been ongoing all these years. For the six years I was here before this happened we had no problems like that. I mean, minimal problems. What you really would call normal problems. This is way beyond normal.

And the second thing I would like to say is that that large area that goes up 30 percent to the Lanzante house is completely graveled and there's no vegetation on it. And I

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understand that there's no drainage plan for that whole property. So if you decide to maintain the permit that's been granted we would ask that the whole property be re-engineered and planted so that water than now comes over the hill between the two driveways, down both driveways and over the hill, that the whole property needs to be re-engineered. Because our side of the road has just been washed out. There is neighbor after neighbor who could tell you how much money they've spend. I'm telling you how much money we had to spend.

So it's not just a matter of one driveway or another, there's this huge area the size of this room that is gravel and graded that has no vegetation on it. So water from the property comes down to there and then it races down the driveways and over the hill. I don't know what you do about that. But we do know that we didn't have drainage problems like this until that second driveway was cut.

The matter of a three-point turn, like Mr. Duncan said, lots of people have to deal with three point turns, and there's certainly a way to fortify a bank to widen an apron, rather than digging a whole separate driveway and causing all this. So if you decide to continue the granting of the permit to the Lanzante property we would ask that the whole property be re-engineered so that the drainage problems that have inundated our whole side of the road would be stopped. It's huge.

CHAIRMAN ANAYA: Thank you. Shelley, you had something to add

SHELLEY COBAU (Development Review Director): Yes, Mr. Chair, members of the Commission, I would just like to point out several – I'd like to make several points. During Ms. Vazquez' testimony she read some testimony from Mr. Dalton that was made during the CDRC meeting when he read the staff report. But she stopped short of reading Mr. Dalton's recommendation which said that staff recommends denial of the appeal based on Article III, Section 4.4.3a of the Land Development Code. What we have is we have a non-compliant driveway that doesn't meet driveway spacing issues on Bishop's Lodge Road. That's what we had. Then they went out and built another driveway. Now we have two driveways that don't meet spacing issues on Bishop's Lodge Road.

So we've compounded an already existing problem through the construction of another driveway. I just want to make it clear that our recommendation tonight is that the decision of the – that staff does not concur with the decision of the CDRC necessarily. We went to the CDRC with a recommendation for denial and the CDRC allowed the applicant's second driveway so Ms. Barnum is appealing that decision by the CDRC. So I just think it's important to note that we had one bad driveway and now we have two bad driveways.

CHAIRMAN ANAYA: What about the Fire Department? You say Land Use is out of that. The Fire Department and Public Works said it would be safer to have two driveways.

MS. COBAU: Yes. The Fire Department likes the fact that they can get an engine up in there without having to try to turn around. So they're supporting their ability to get an engine in there. If there's a trailer parked in the driveway they're not going to be able to do that. I don't think the Fire Department was a aware of that. I don't know if the allegation that there's a trailer parked there is true.



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CHAIRMAN ANAYA: Trailer park?

MS. COBAU: She said there was a mobile home or something parked up there, an RV, where you couldn't get access through there with an emergency vehicle anyway. One of the appellants testified to that tonight. I don't know if it was Ms. Barnum or one of the other appellants. But I think that it's just important that we had recommended denial of the second driveway. I just wanted to make that clear. Because during some of the testimony it sounded like we had – that that was not in fact what we had asserted at the CDRC hearing at a staff level.

CHAIRMAN ANAYA: Okay. I have a question for Rosanna. What was the intent of the second driveway?

MS. VAZQUEZ: Better safety, better access out of that area. That was the whole reason why. And that area that – what Shelley was speaking about, where the trailer was for a couple days because they were going to go camping, is actually a 50-foot area. And it was parked far enough back, and if you were to walk the area and if Shelley were to go out to that property and walk it, there is so much – there is approximately, probably from the trailer to the edge of the area, this much space. So emergency vehicles could get in and turn around.'

CHAIRMAN ANAYA: Okay.

MS. VAZQUEZ: If you can't see it in the picture that was submitted to you, Commissioner, but if you go out and view the property you'll notice that that area is huge.'

CHAIRMAN ANAYA: Okay. Any other questions or comments of staff?  
Hearing none, what's the pleasure of this Board?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: This is a difficult case; there's no question about it, because it's sort of a situation of safety versus erosion and other issues that have to do with the placement of the second driveway. But I guess I lean toward the side of approving this appeal, so I move for approval of the appeal on the basis of the recommendation of our Land Use Department.

CHAIRMAN ANAYA: Your motion is to –

COMMISSIONER HOLIAN: Approve.

CHAIRMAN ANAYA: Deny the driveway?

COMMISSIONER HOLIAN: Exactly.

CHAIRMAN ANAYA: Okay. Is there a second?

COMMISSIONER STEFANICS: Second.

CHAIRMAN ANAYA: There's a motion and a second. Any discussion? I'd like to say that I think that on the recommendations from the Fire and the Public Works that I think this is a safety issue and the second driveway would be needed. In terms of erosion, I think all of the driveways on the north side cause that erosion, not just that one driveway. So when you say staff recommendation, Commissioner, we have other staff recommendations too. So I think we should – I would support the second driveway. Any further discussion?

COMMISSIONER VIGIL: Which includes –



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CHAIRMAN ANAYA: I support having the second driveway.

COMMISSIONER STEFANICS: Mr. Chair, we're voting on Commissioner Holian's motion to uphold the staff's denial of the second driveway.

CHAIRMAN ANAYA: Right.

**The motion passed by majority [3-1] voice vote with Chairman Anaya casting the nay vote.**

[The Commission recessed for five minutes.]

- XIV. B. 4. CCD CASE # MIS 02-5052 Sonterra Master Plan Extension. Great Western Investors (Richard Montoya), Applicant, Scott Hoefft, Agent Request an Extension of a Previously Approved Master Plan for a Mixed-Use Development (Residential, Commercial, Community) in a Village Zone Consisting of 520 Residential Units and 29,117 Square Feet of Commercial Space On 245 Acres. The Property is Located Off Vista del Monte East of Valle Lindo Subdivision Within the Community College District, Within Section 30, Township 16 North, Range 9 East (Commission District 5) Vicki Lucero, Case Manager.**

VICKI LUCERO (Residential Development Specialist): On August 26, 2002, the BCC granted master plan approval for the referenced development. Refer to August 2002 BCC minutes in Exhibit C. On February 28, 2006 the BCC granted approval of a water service agreement for the use of Santa Fe County water system.

On April 10, 2007 the BCC granted a two-year time extension of the Sonterra Master Plan which expired on August 26, 2009. The applicant's agent submitted a request on August 6, 2009 for a second two-year time extension of the master plan, stating that due to current market conditions and limited demand for residential lots and homes at this time the owners of the property have had little opportunity to commence with the development of the project. If market conditions improve in the short term it is feasible that additional work on the project could commence in 2010 or 2011.

The County Land Development Code specifies that master plan approvals shall be considered valid for a period of five years from the date of approval by the BCC. Master plan approvals may be renewed and extended for additional two-year period by the BCC at the request of the developer. Progress in the planning or development of the project approved in the master plan shall constitute an automatic renewal of the master plan approval. Progress is defined as the approval of preliminary or final plats or development plans for any phase of the project.

Recommendation: Staff considers a master plan to be an integral part of the Community College District objective relevant to road connections and a district trail

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connection between the State Land Office, Rancho Viejo, and Turquoise Trail, and the master plan also includes a designated elementary school site and a five-acre community park. Staff recommends approval for a two-year extension until August 26, 2011, subject to the following conditions. Mr. Chair, may I enter those into the record?

[The conditions are as follows:]

1. Compliance with the conditions of the approved master plan.
2. Submit affordable housing plan in conformance with current requirements.
3. Compliance with review comments from the following:
  - a. County Opens Space, Parks & Trails Division
  - b. Santa Fe Public School District

CHAIRMAN ANAYA: Okay, any questions of Vicki? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I have a couple of questions. One is that how will the new Sustainable Land Development Code impact this plan?

JACK KOLKMEYER (Land Use Administrator): Mr. Chair, Commissioner Holian, the Community College District will still be designated as a primary growth area, so most of the principles that are now contained in the Community College District Plan and the principles in that ordinance will more than likely carry forward into the Sustainable Land Development Code. When you go back and you look at the principles there they're probably the most sustainable principles that we have in the county so far. And I think because we're viewing that as a primary growth area those principles will be adhered to.'

COMMISSIONER HOLIAN: Thank you, Jack. And I also have a question. I noticed in the minutes of some of the previous meetings on this project that an economic fiscal impact report was required and I don't know if one was every actually done, but I would assume that the conditions that existed when that economic fiscal impact report was written don't exist anymore. So the question is – well, maybe this is a question for staff. Are we in essence going to be writing a new economic fiscal impact report for the new Land Development Code that will sort of look at the cost/benefit of this subdivision?

MR. KOLKMEYER: Mr. Chair, Commissioner Holian, yes. In fact a lot of things have changed since again, the Community College District was created. IAIA has developed their campus with the media park still in proximity to there. So there are issues like road connections still that we need to look at, and also with the Community College District. Sonterra sits sort of between where the media park would go and the Community College District, so it becomes a really key piece in our economic proposals as part of the Sustainable Growth Plan. I'm not sure again how that would relate to the Code, necessarily, but the growth plan will take into account a real serious look at the growth areas and the economic development strategies for those areas.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIRMAN ANAYA: Any other questions? Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. And I'm not sure exactly how the

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original language was on this but they are dedicating some land for an elementary school and I'm wondering if it's that narrow, if that language could be broadened to include a public school because in that area now Rancho Viejo and Turquoise Trail are established elementary schools and it could very likely be that a mid-school or a high school might be needed in the area. So unless that doesn't need to be broadened or specified, whichever way you want to look at it and I guess maybe I'll defer to our Legal. The way this reads it's saying that some land will be dedicated to an elementary school. Would we have to be that specific?

MR. ROSS: Mr. Chair, Commissioner Vigil, certainly you could say just a school and broaden it in that manner so it's not quite as specific.

COMMISSIONER VIGIL: Would the applicant have a problem with that?

CHAIRMAN ANAYA: Are you done, Vicki? Okay, any more questions of Vicki? Hold on one second, Scott.

COMMISSIONER STEFANICS: No, my question is more for the applicant.

CHAIRMAN ANAYA: Okay.

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, P.O. Box 2482, Santa Fe, 87504. Addressing Commissioner Vigil's question and dovetailing on the Steve point, I don't have a problem with it but something tells me that the CCD District plan shows those circles on the map, and I think we were just simply following the intent of the plan. Jack, if you can correct me, are those dots that are shown that we simply follow, aren't they color-coded to where one is shown as elementary, middle school and high school? So we would certainly adopt it Commissioner, but I'm uncertain if we would have to make a change to the plan.

MR. KOLKMEYER: Mr. Chair, Commissioner, how's that colored on the CCD map? I don't know that off the top of my head. But it would probably still be solved by just designating it as a school site, which I believe we could probably – it is a school site. We had elementary and high school shown on there, but again, when we did that ten years ago it was difficult to say where any of those would have gone even though we did those, put those circles on the map with the school district planners at that time. But it's still difficult to say what might go where, so I wouldn't have a problem with just designating it as a school site.

CHAIRMAN ANAYA: Okay. Do you have a problem with that Scott?

MR. HOEFT: I certainly don't, Commissioner.

CHAIRMAN ANAYA: Okay. Do you have a presentation or do you want us to just ask questions?

MR. HOEFT: I'll stand for questions, Commissioner.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'd like to know if we move to reapprove if you are willing as a condition to abide by the new Growth Management Ordinance in case there are any variances.

MR. HOEFT: At a glance, Commissioner, I think I would not have a problem with it. I'd like to ask Shelley a question. I would think that I would be subject to them

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anyway, if I'm not mistaken, because I only have master plan approval on this. Is that correct?

MS. COBAU: Mr. Chair, members of the Commission, I think that that – I don't know if the vestment of projects has been determined yet. Maybe Steve can address that more than I can. I don't know what the vestment decisions will be with the Sustainable Land Development Code.

MR. ROSS: Mr. Chair, members of the Commission, those decisions have not been made and they're a long way from being made. Those are some of the last decisions that would be made when we enact the ordinance, deciding what it applied to, to properties that haven't fully vested. But if it's anything like what we just did with the EZ, with the new – what are we calling it? The SPPaZO ordinance in the extraterritorial zoning area a substantial number of properties were exempted from that enactment. So it's really hard to project.

MR. HOEFT: Commissioner, going back to your question, given I don't know, I've only seen chapters one through four, I would be a little concerned to agree to that condition at this stage, and I would go – I can't imagine that there would be anything there that would be really a problem, but I can't tell at this stage. I mean, again, I've only seen chapters one through four of this ordinance. I would go to Jack's point that he mentioned earlier that the CCD district, however, was an extremely intensive ordinance that we had to meet. I mean, right off the bat, 50 percent open space, high density, urban design, neo-traditional planning concepts. And so four different types of housing styles that we had to put into the plan.

So I would say that just at a glance that there's a sense of comfort that we are governed by the CCD district in this project.

COMMISSIONER STEFANICS: Well, I understand that the Community College District is high growth, but I think that a number of people in our county are now invested in whatever happens in the future conforming to the new ordinance. I haven't seen or heard anything that would be different that you're planning to do from the ordinance. And if we moved ahead today, not knowing that you would respect and abide by that new ordinance, I think there would be a lot of people who would be wanting to know why there was preferential treatment. And just because there was a master plan that approved prior and activity didn't happen, I don't think should change what people in our county are expecting in the future. Now, while I'm saying all of this, I don't think it's really going to affect you adversely. So I'm looking back to Jack and to Steve about this for their comments.

Mr. Chair, Steve and Jack, do we see anything in our growth management plan and our new ordinance that would change what the Community College is, has already put on paper?

MR. KOLKMEYER: Mr. Chair, Commissioner, no. And again I'll try to say it again. The new Sustainable Development Plan right now is recognizing that the Community College District is still our principal growth area. So in part that plan is taking that attitude because the principles for the development of the Community College District were very solid, and the projects that we have gotten are also some of the better projects that we've

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gotten in the county. So while we haven't translated yet from the Sustainable Development Plan to the Code for all the particulars, we think that the precedents and the foundation for good planning will be in the Sustainable Development Plan and it will parallel the good principals of planning that are in the Community College District. So again, I'm not trying to beat around the bush, but –

COMMISSIONER STEFANICS: Let me be a little more specific. Mr. Chair and Jack, do you see any changes to infrastructure expectations or water use or water expectations?

MR. KOLKMEYER: Mr. Chair, Commissioner, again, the answer is no because that was again one of the primary principles of the Community College District. That's where we would send our infrastructure and that's what we have done since that ordinance was created for ten years. So I would say the answer would be that still is the primary principle of the Community College District Plan and Ordinance.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: I'm just seeing an overriding issue and that is putting a condition of approval on an applicant when we actually don't know what is and what is not vested. And if we required you to comply and you were or were not vested what are the legal consequences of that. So I think my concern would be until we know what is actually vested, and I'm hearing our Legal Department that we don't yet; that has not been determined, that I'm not sure we can – if you aren't vested, no problema. If you are vested, there's a problem I think.

MR. HOEFT: Correct. I'm looking at vestature as we've always talked about it in the past. As Steve says, you have to have a recorded plat with dirt moving on the site and a recorded bond. We're obviously not from there but Steve mentioned earlier that some of these subdivisions may be grandfathered in to the ordinance. So at this stage you're correct, Commissioner. We just don't know at this stage. I may be subject to it anyways, depending on how that section is written. So this may be moot.

COMMISSIONER VIGIL: So I don't know. I'm open.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Well, my thought is though, when he were to come in for preliminary plat approval or final development plat approval that he would have to comply with the new Sustainable Land Development Code, but maybe you're right. Maybe they will write something into the Code that says that master plans are grandfathered in.

COMMISSIONER VIGIL: I hope not. I wouldn't advocate for it because I think master plan is still conceptual and unless we create a master plan that is close to a preliminary and a final it's still only conceptual so I don't think it would. So I actually think going to your point, these conditions of approval would probably be more likely to occur at preliminary or final. And being that that's where we're at I think that is the point in time where we could include that. So I agree with you, Commissioner Holian.

MR. HOEFT: It sounds as if you just helped Steve write that section.

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COMMISSIONER HOLIAN: I'd like to hear from our attorney now.

MR. ROSS: Mr. Chair, Commissioner Holian, those rules are up to you to set. The SPaZO example is the most recent example we have and we did not grandfather master plans in but we provided a process going forward where they could gain approval in either the city or the county, depending on where they're located, of what they had at the time. In other words, they didn't have to repeat master plan; they could go on to preliminary plat. But certainly you have the discretion, you being the Board of County Commissioners, to say all bets are off. No master plans will be respected and everything needs to start over. So there's a whole range of possibilities that could be selected and you'll be making that selection when we get in the final stages of this whole project. But that being said, Mr. Kolkmeier's right. We don't expect really any changes in this area, in the Community College District, substantial changes. It's the other areas that we're looking at that may see some more substantial changes.

COMMISSIONER HOLIAN: Thank you. Well, I guess I would just say to the other members of the Commission here that I would feel more comfortable with a fourth condition that require conformance of preliminary and final development plan with the new Sustainable Land Development Code. I don't know how you feel.

CHAIRMAN ANAYA: Do you have any comments, Scott?

MR. HOEFT: I'm a bit reluctant to agree to that condition. However, as I've stated, the ordinance isn't written yet. And so it would just be nice to be able to take a look at that ordinance just to see. At the same token, Mr. Kolkmeier's point is that this area isn't the target of that ordinance and so in all likelihood there is probably not going to be there – there's not going to be much in that ordinance that's going to target this site. It's a tough call, Commissioner, but I would concur with that condition.

CHAIRMAN ANAYA: Okay. Any other comments?

MR. HOEFT: That's all I have.

CHAIRMAN ANAYA: Any other questions? This is a public hearing. Is there anybody in the audience that would like to speak for or against this case? None? Okay. What's the pleasure of the Commission?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval of the extension with County – with staff conditions plus the fourth condition that I proposed which is conformance of preliminary and final development plan approval with the new Sustainable Land Development Code and the new Sustainable Growth Management Plan.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN ANAYA: There's a motion by Commissioner Holian, second by Commissioner Stefanics. Any further discussion?

**The motion passed by unanimous [4-0] voice vote.**

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- XIV. B. 6. **CDRC CASE # S 06-5031 the Village at Galisteo Basin Preserve Preliminary Plat/ Development Plan. Commonweal Conservancy, Inc., Applicant, Ted Harrison, Agent Request Preliminary Plat and Development Plan Approval for Phase I of the Village at Galisteo Basin Preserve Which Will Consist of 131 Single-Family Residential Lots, 3 Multi-Family Residential Lots for a Total of 149 Residential Units, and 5 Non-Residential Lots Within a 60-Acre Development Envelope Within an Overall 10,000+ Acre Area. The Request Also Includes the Following Variances of the County Land Development Code; 1) to Allow Driveway Locations to Be Closer Than 100 Feet From Intersections; 2) to Allow Slopes of Up to 5% Within 50 Feet of an Intersection Rather Than Required 3% or Less Within 100 Feet of an Intersection; 3) to Allow Driving Lanes for Minor Arterial Roads and Local Sub-Collector Roads to Be Reduced to a Width of Less Than 12 Feet; 4) to Reduce the Required R-O-W Width from 50 Feet to 32 Feet for Local Sub-Collector Roads and 25 Feet for Local Lane Roadways; 5) to Allow a Cul-De-Sac Length of 900 Feet; 6) to Allow Commercial and Residential Building Heights of Up to 30 Feet in Certain Areas (Commission District 3) Vicki Lucero, Case Manager**

MS. LUCERO: Thank you, Mr. Chair. On June 18, 2009, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of this request. On June 12, 2007, the BCC granted master plan zoning approval for a mixed-use development consisting of 965 residential units, 150,000 square feet of commercial, institutional, educational and recreational land uses, and open space, parks, and trails on 10,316 acres.

On March 10, 2009 the BCC granted preliminary non-binding approval of the proposed public improvement district for the Village at Galisteo Basin Preserve. The applicant is now requesting preliminary plat and development plan approval for phase 1 of the development which will consist of 131 single-family lots, and 18 multi-family units for a total of 149 residential units.

There are 45 affordable housing units proposed which is 30 percent of the total number of units in phase 1. Phase 1 will also consist of 15,000 square feet of commercial/civic space, 22,400 square feet of educational uses, five acres of memorial landscape for green burial, 2,394 square feet of parks and open space, and twenty miles of trails. Commercial, civic, educational and memorial landscape development will be submitted under a separate development plan.]

The property is located south of Eldorado on the west side of US 84/285. A small portion of the proposed site is with the US 84/285 Corridor District. That portion within the corridor will consist only of residential development which is a permitted use.



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Phase 1 of the development consists of two designated development intensity zones: village residential and neighborhood residential. The village residential zone is intended to accommodate a mixture of residential building types which would allow densities of 10 to 25 dwelling units per acre and will include private or public utilities and infrastructure as well as parks and open space. The neighborhood residential zone is intended to accommodate a range of more closely matched residential building types. Densities will range from five to 15 units per acre and will include private or public utilities and infrastructure as well as parks and open space.

This application was reviewed for roads and access, water, fire protection, liquid and solid waste, terrain management, landscaping, archeology, open space, and affordable housing.

Variances. The applicant is also requesting six variances of the County Land Development Code. The first is a variance of Article III, Section 4.4.3.8.5 which states that no driveway access may be located closer than 100 feet from an intersection. The applicant is requesting that driveways be allowed within the 100-foot threshold from an alley and/or intersection. The second is a variance of Article V, Section 8.2.7b which requires grades at the approach to intersections shall not exceed three percent for 100 linear feet. The applicant is requesting that the maximum slope be increased from three percent to five percent, and the approach length be decreased from 100 linear feet to 50 linear feet. The third is a variance of road width design standards. Article V, Section 8.2.1 requires 12-foot driving lanes and 6-foot shoulders for minor arterial roads, and 12-foot driving lanes for local sub-collector roads. The applicant is requesting approval to allow 11-foot driving lanes and 1 ½ foot shoulders on minor arterials, and to allow 10-foot driving lanes for local sub-collectors. The fourth is a variance of road right-of-way requirements. Article V, Section 8.2.1 states that local sub-collector roads and local lane roadways shall have a minimum right-of-way width of 50 feet. The applicant is requesting a variance to allow a right-of-way width of 32 feet for local sub-collector roads and 25 feet for local lane roadways. The fifth variance is a variance of Article V, Section 8.2.1d, which states that culs-de-sac shall not be longer than 500 feet. The applicant is requesting that a 900-foot cul-de-sac be allowed. The applicant states that the cul-de-sac design serves to lessen the cut and filled impact of the grading plan and diminishes storm runoffs that would otherwise be associated with the larger road network. The final variance is a variance of Article III, Section 4.4.4c which states that structures shall be limited to a maximum height of 24 feet in this location. The applicant is requesting to be allowed a maximum building height of 30 feet and states that the height variance would facilitate passive solar heating and daylighting and accommodate view corridors between buildings, and that the taller building allowance would support the compact design goals of the project.

Recommendation: The applicant is requesting a variance of allowable building heights and several variances having to do with road design standards. They are requesting to reduce right-of-way widths, reduce driving surface widths, increase road grades at the approach to intersections, reduce spacing between intersections, and to allow an exceptionally long dead-end road.

The County Land Development Code states the arrangement, character, extent, width,



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grade and location of all roads shall be considered in relation to convenience and safety, and to the proposed use of land to be served by such roads. Staff believes that this request does not meet the intent of the County Land Development Code. The proposed road designs are not appropriate in this location of the county. Article II, Section 3 states that the development review committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code, and upon adequate proof that compliance with the Code provisions at issue will result in an arbitrary and unreasonable taking of the property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to other health or safety.

Staff feels that the applicant has not provided justification for the granting of the variances which could actually pose traffic safety issues. Therefore staff recommends denial of the variances requested. The decision of the CDRC was to recommend approval of this request. If the BCC's decision is to approve this request staff recommends the following conditions be imposed. Mr. Chair, may I enter those conditions into the record?

[The conditions are as follows:]

1. All redlines must be addressed.
2. Compliance with applicable review comments from the following:
  - a. State Engineer
  - b. State Environment Dept
  - c. Soil & Water Conservation
  - d. State Department of Transportation
  - e. County Hydrologist/Water Resources Department
  - f. Development Review Director
  - g. County Fire Marshal (Site & Building Plans)
  - h. County Public Works
  - i. State Historic Preservation Division
  - j. County Technical Review
  - k. Open Space, Parks & Trails Division
  - l. Public School District
  - m. County Housing Division
  - n. County Planning Division
3. Development within the US 84/285 Highway Corridor shall comply with the district standards of the US 84/285 South Highway Corridor Ordinance (Ordinance No. 2005-08)
4. All archeological easements shall be shown on the plat. The State Historic Preservation Office shall approve all proposed mitigation measures prior to final plat recordation.
5. Base flood elevations for the Arroyo de Los Angeles and its tributaries shall be established prior to final plat approval.
6. All redline comments must be addressed.

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7. Road names and addresses must be approved by Rural Addressing prior to final plat recordation.
8. Final homeowners documents and disclosure statement are subject to approval by staff prior to final plat.
9. Water restrictive covenants shall be recorded with the final plat.
10. All utilities must be underground.
11. All lots are subject to the Santa Fe County Fire and Rescue Impact fees. This must be clearly noted on the final plat.
12. The applicant must submit an engineer's cost estimate and final guarantee for all required improvements (i.e., road construction, street and traffic signs, fire protection, etc.) prior to final plat recordation. A schedule of compliance projecting time period for completion of improvements must be included. Upon completion, the applicant must submit a certification by a registered professional engineer that improvements have been completed according to the approved development plan.
13. The following note must be put on the plat: *Permits for building construction will not be issued until required improvements for roads, drainage and fire protection have been completed as required by staff.*
14. An access permit will be required from NMDOT prior to final plat approval.
15. An approved discharge from the Environment Department shall be submitted prior to recording the plat.
16. Compliance with conditions of the master plan approval.

CHAIRMAN ANAYA: Vicki, did the CDRC – they went with all the – with what they're proposing? They agreed with everything?

MS. LUCERO: Mr. Chair, that's correct. They granted approval of all the variances and the request for preliminary plat.

CHAIRMAN ANAYA: Okay. Any questions of Vicki? Okay, hearing none, Ted.

[Duly sworn, Ted Harrison testified as follows:]

TED HARRISON: Mr. Chair, members of the Commission, I'm going to beg for your indulgence if you will for about 15 or 20 minutes as I walk through a presentation that just gives you a review of this project. Is that within the realm of acceptable? I'll do my best to move through it quickly.

CHAIRMAN ANAYA: I'll cut you off in twenty minutes.

MR. HARRISON: My name is Ted Harrison. I'm the president and founder of Commonweal Conservancy, a non-profit group located here in Santa Fe. For the past six years my colleagues and I have been engaged in a conservation-based community development project that we call the Village at the Galisteo Basin Preserve. As Vicki mentioned, as you have in your background materials, it's a property that includes over 13,000 acres, previously known as the Thornton Ranch, located about 13 miles south of Santa Fe, 2 ½ miles west of Lamy, about five miles north of the Village of Galisteo.

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As I mentioned, previously known as the Thornton Ranch. I was introduced to this property when I worked for the Trust for Public Land and I worked for the benefit of the County open space program. They were pursuing an acquisition of what was then called Petroglyph Hill. In an effort to try to conserve a much larger area than the 1500 acres would have allowed through the County open space program we undertook, initially under the flag of the Trust for Public Land and then subsequently the Commonweal Conservancy, an effort to explore the opportunity to integrate an environmentally responsible new community development effort that would then also ensure the majority of this 13,000 acres would be permanently protected.

As Vicki mentioned, in June of 2007 we were fortunate to win master plan approval from both the CDRC and the BCC. That master plan anticipated a new community being developed within a 300-acre development envelope that would include 675 market-rate homes with a mix of products – single-family detached, courtyard homes, lofts, condos, cottages and studios – as well as 290 affordable and workforce homes.

The civic and commercial program that was proposed and approved at the master plan included 100,000 square feet of educational facilities, 30,000 square feet of commercial facilities. It anticipated a café, a village market, a pub, offices and live/work, as well as 20,000 square feet of civic facilities – a new fire station, a post office, a chapel, a library.

After the acknowledgement celebration, you might say, of the master plan approval my colleagues and I took a step back, especially sort of seeing the clouds on the horizon of the impending recession. We were also facing an oil and gas threat to this geography. We had to ask ourselves very seriously whether after spending nearly a million dollars in our efforts thus far whether we could take on the political risks and financial risks to continue forward with the project. Why challenge also the very onerous rules and requirements of the 1996 Land Use Development Code, a code, which understandably is focused on a pattern of development which is primarily suburban and rural. Also, and perhaps even more important was a question of why push the market to try to accept a new model of mixed use, mixed income community development at the suburban fringe.

This graphic became the storytelling tool that we used in our conversation with the surrounding communities, and really has been guiding our efforts through most of the past six years. Granted, this is hydrological zoning, the map on the left, that shows how the property was threatened when we began our efforts with 12.5-acre and 40-acre rural subdivision. On the right is our proposal, one that anticipates concentrating the vast majority, not the only development, but the vast majority of the development, in the 300-acre envelope in the northeast corner of this 13,000-acre property.

Our goals in pursuing this development activity are to conserve the scenic, wildlife, cultural and recreational values of the Galisteo Basin. That is what drives us forward. In the same spirit we also want to pursue the development activity in a way that minimizes the typically destructive effects of any new development. It is an industry that is harsh and consuming by its nature. How can we do our development in a way that is at least minimizing the effects of road-building, water use, energy consumption. And then perhaps most poetically or romantically, sort of taking our lead from Aldo Leopold, how can we pursue a project that

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the folks that actually make this place their home, this community becoming their home, how can they develop a deep knowledge, a deep love of place and a sense of stewardship for this landscape, so that we can help promote what Aldo Leopold called a land ethic.

In pursuing our planning work, and you've seen this map from the master plan, we engaged we thought the best technologies of GIS environmental planning to ensure that the way the community was sited would respect viewsheds from the surrounding roads – US 285 and County Road 41 to the south, and minimize disturbance to soils, vegetation and wildlife. And also then leverage the fact that this is a property that includes some slope beyond three percent. In fact the slope conditions range from one percent to as much as 17 percent as you move up to the base of the Lamy Crest. As you can see from the dark areas on this map there's a ridgeline that comes wrapping around the north and then the western edge of the proposed village area. This is a remarkable and blessed relief from the spring winds that can affect this part of the county, and creates what we think is a unique opportunity to create a very habitable, wonderfully comfortable place to call home.

In the community design, both at the master plan level and now in the preliminary plat, we're trying to bring forward best practices of traditional neighborhood design and sustainable development. This is inherently a very compact development. That's why we're asking for the variances. It's not a suburban pattern where we're spreading out the development over a large bit of geography. We are very intentionally concentrating the development activity so as to ensure – and I think this fulfills the goals and purposes of the forthcoming Sustainable Growth Management and General Plan and Development Code, that we have a very pedestrian and bicycle friendly community, one in which the residential areas are in close proximity to one another, and one that you can move from your home to the commercial or civic areas to create ease and efficiency.

Similarly, a compact development form minimizes infrastructure runs. You don't have as much material going out to create this community with a compact development that runs 300 acres. It's a mile east and west and a half mile north and south in its form. A compact development also serves automobile speeds. That improves pedestrian safety, and this is a project that's about preserving people in the land, so to not spread out the development over the course of the full 13,000 acres that we either have under contract or have purchased seems a very sane and appropriate way to bring forward a new community. Also the compact development limits the site grading, stormwater runoff and vegetation loss.

An integrated development program, one in which neighborhoods are organized around parks, plazas and gardens – one of the complaints and criticisms of our current development pattern is that we create communities in which there's no there there. Rows and rows upon homes and garages for which there's really no place to gather as a neighborhood. The four neighborhoods that make up this preliminary plat, each of them is organized around a park or plaza, or multiple parks and plazas, as well as a larger central green, which will see its full realization in the second phase of the development plan.

So giving a place for people to gather, to exchange the stories of their day, we think is a critical physical planning strategy for ensuring that people have a sense of their neighborhood,

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their community, and one another's lives. A mixed-use development program is one that ensures that a mix of human needs are served in the place that you call home. So not exclusively a residential subdivision, but rather a community that serves the needs of shelter, recreation, education and commerce. And then a quality of the community that's inclusive, one that embraces a diverse collection of incomes, ages, housing types and lifestyles.

It's also in its plan, in its compact form, an opportunity that's unique in creating an opportunity for a community water system, for an integrated wastewater treatment and reuse system, so the treated effluent then comes back for outdoor irrigation, mirroring the work that Jack and his colleagues have done I think in the planning and design guidelines that are a part of the Community College District. A community-scale rainwater catchment off rooftops, but not just to gather in a thousand-gallon cistern along your lot but rather in a central reservoir. Surface water catchment is also an opportunity here in this project, and Sig Silber is available in the public comment period of our conversation to sort of speak to that in more detail.

District heating, district electricity, supported by renewables – solar and biomass technologies. This is a project that as we've engaged the community development side has lent itself now to a myriad of opportunities to sort of test and explore a range of technologies, planning strategies and community design values. And we see this as a critical part of ensuring our ambition, our vision and values of a small footprint, low impact community development.

The open space strategy for the project, we have 12,000 acres of publicly accessible open space that's proposed, rather than have it be a burden of the County or some other government entity we see an opportunity to actually engage the community as partners in the planning and management and restoration activities of that open space. Also, opportunities for community based agriculture. Already there's an orchard that's been developed that's part of one of the small neighborhoods that's already in place that was created through a boundary line adjustment, the southern crescent.

Organizing neighborhoods around parks, plazas and community gardens can also be extended to larger gardens in the area just to the periphery of the village core. Greenhouses, vegetables, ornamentals, this is a strategy for creating the plant material, if you will, as the landscape architects would call it, for homes and public spaces within the project. And then in the larger open space, an opportunity for an actively managed rotational grazing program working with the Quivera Coalition which has just received a grant to begin the planning work for that use of cattle – a mixed bag for many people, especially the environmental community, as a land restoration resource.

In terms of the larger scale, beyond the boundaries of this project, the vision that's been driving us is the opportunity to leverage the work that we've been pursuing to encourage or to put in place conservation on some of our neighbor properties, such as the State Land properties, which are both within and to the north of the Galisteo Basin Preserve.

In total, and this was a vision that Jack and I shared probably seven years ago, an opportunity to create over 29,000 acres of open space, hundreds of miles, a protected mile of corridors and thousands have preserved cultural sites.

In terms of regional infrastructure, Commissioner Stefanics, your comment in the last

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agenda item, we're paying close attention to the opportunity to leverage the existing Lamy-Santa Fe rail line that runs through the northeast corner of this property as a transportation resource. We think, unlike Eldorado, which is a difficult community to leverage that rail resource, a very compact, pedestrian oriented community can take very good advantage and create essentially a node for which that rail line can actually have a market and viability, whereas trying to serve the existing suburban neighborhoods is much more complex. So to the degree that our project can become a catalyst for that rail development, we see this as a very powerful opportunity for the community, for the county, at a regional scale.

The County water extensions – Steve Ross and I and the director, Doug Sayre, of the County water system have spoken very enthusiastically about the opportunity to extend the County water infrastructure down to this project, both to advance the County's regional water development goals and also to minimize the risk to the local aquifer.

A renewable energy infrastructure, we see that one of the uses of this larger open space is for the development of perhaps a fairly large-scale solar array that could power the vast majority, not only of this project's electrical needs, but of the sub-region's electrical needs.

New educational facilities, we're working and have committed 15 acres of the central area of the project to the development of Charter School 37's new facility, new campus. Ron Lord may be with us this evening. I'm not sure if he's actually been able to make it but he could speak to that more specifically.

Enhanced public safety facilities, the Fire Department is very interested in bringing one of their new facilities to this property in lieu of bringing it to Lamy, a much smaller population and a more difficult geography.

Seventy miles of regional trails we also see as part of the larger vision and regional infrastructure benefits.

As Vicki noted, the phase 1 preliminary plat was approved by the CDRC in June of this year. The plat involves a 60-acre development acre and a roughly 600-acre planning area. The physiographic physical conditions of the site are such, we think, an elegant, gorgeous little bowl that sits gracefully out of site from US 285, as the topography falls away as you move about a quarter mile west from US 285. Framed by the escarpment of the Lamy hill, and then within the village area the neighborhoods and landscape are punctuated by knobs and hills and small ridge.

The phase 1 preliminary plat anticipates 104 market-rate homes, again, a mix of products, 45 affordable homes. The civic and commercial program anticipates 22,000 square feet, the first phase of the high school development, and then 15,000 square feet of commercial and civic facilities, a mix of the café, village market, a sales center. On the civic facilities, a post office, the cemetery and the environmental center.

The neighborhood pattern in the 60-acre area is comprised of four district neighborhoods – 109 single-family detached, 22 single-family attached, and 18 multi-family homes. Just a quick walkthrough neighborhood by neighborhood.

The North Arroyo is the northernmost neighborhood of the four. It anticipates 35 market-rate homes, 11 affordable, diverse product mix, attached single-family, detached single family, multi-family, cottage and studio townhome. It's a hillside slope. It's the steep part of

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this property and it's an example of the steeper slopes that are a part of that 300-acre larger village envelope. It also has an arroyo edge condition that we need to pay good attention to.

Tres Cortes is a neighborhood comprised of three courts, community gardens and plazas, anticipating 42 market-rate homes, 20 affordable homes – again, a mix of products. It's very tightly clustered. It's the most urban neighborhood of the four. It's an arroyo-bounded neighborhood to the south with fairly gentle slope conditions. Admittedly, this is a bit of a cartoon illustration of a collection of courtyard homes that face, in this drawing, the main street as you're coming into the core of the village. What it's intended to illustrate is a paseo that moves between the blocks of homes here, as here on the left-hand side of the drawing that is a part of the community design to allow for permeability as you move along the street to be able to come into the back sides of these neighborhoods from the main streets. Also it's intended to help illustrate the fact that we're not, some would say slavishly committed to the pueblo style and the only architectural style that would be part of this community. The courtyard designs are such that they allow for two ten-foot travel lanes. The courtyards are intended to be distinguished by their paving treatment with landscaping, very possibly with some fountains and benches placed together as I mentioned earlier, on-street parking, and some acequia drainage structures.

The North Face Neighborhood is the southernmost neighborhood, a very small – the planners call it a knuckle. Five market-rate homes, eight affordable, fairly gently slope and arroyo condition. This is our architect's drawing that helps illustrate I think the zero lot line configuration that's part of an urban or traditional neighborhood design, where the homes are organized tightly to one another and then wrapping around this gathering place as a court. This three-D rendering gives you a sense of the topography of the surrounding slope as well as the topography of the buildings. And then from the higher aerial views looking into the organizing court.

CHAIRMAN ANAYA: How much further you got?

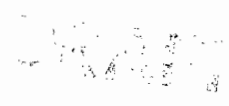
MR. HARRISON: I have about five more minutes. And we're just going to run through the variances.

Happy Valley is the most easterly neighborhood, a mix of market-rate and affordable. It's a moderate slope physiographic condition. Again, a central organizing feature of Happy Valley is a court and park and wetlands area that's intended to be the gathering space of Happy Valley. Looking at the topography in relationship to the lots we want to ensure that one home relative to the other, and this speaks to the height variance request, that the placement of homes on the lots allows for views out to the larger Galisteo Basin. So studying that very carefully to ensure that the homesites are places well to capture solar both for its energy, but also for light as well as for the views. In the village center the proposal is a café, a mercantile, a sales center, and also the facility for the first phase of school development.

As Vicki mentioned and as part of your materials, we've asked for six variances. These include the drive distance from intersections, travel lanes, cul-de-sac lengths, intersection slope grades, and then finally building heights.

In the Tres Cortes neighborhood there are at least two conditions where the driveways





are in closer proximity than the Code would typically allow – 70 feet and 40 feet in this intersection here. In the Happy Valley neighborhood there's a 70-foot distance only from the intersection and the driveway. As we move through these variance requests, again, just keep in mind in pursuing this project as a compact development, a new urbanist design, where the scale and distances is vastly different than the suburban and rural code would normally anticipate. It's inevitable that the driveways are going to be in closer proximity to the intersections. We see this both as an opportunity to facilitate pedestrian access, also slowing traffic flow. The more breaks in a block the slower people drive, the safer pedestrians are. From the Santa Fe Fire Department, in every case, each one of our variance requests won approval from the Fire Department as being without cause for concern or entirely acceptable.

Quickly moving through the travel lane widths, on the orienting map on the left gives you a sense of the road width, in this case the overall road track, 42 feet, and then there's an additional ten feet of pedestrian access along a low-water crossing on that arroyo that meets up with US 285. Moving further into the project the road is separate, an ingress and egress of two different roads, 11-foot travel lanes, four foot bike lanes, adjoining pedestrian paths. Drainage off to the side that actually mirrors standards of suburban and rural road conditions. As the roads come back together, merging to a small canyon that feeds into the village, the road comes back together. Again, 11-foot travel lanes, bike lanes, and then drainage off into the natural swales that adjoin the roads.

Moving further into the neighborhoods, again, 11-foot travel lanes, this condition with parking on one side. Again, moving now into the core, again 11-foot travel lanes, parking on one side, a ten-foot shared use path. Drainage swales off to both sides of the road. In the village core, the lanes move to 10-foot travel lanes, and then a buffer or drainage pattern that's only about a foot and a half off of each of the travel lanes.

Again, the core variance justification is in this compact development pattern the road widths need to be vastly tighter than the suburban or rural code would normally allow. We think this also is a way of minimizing stormwater runoff, slowing traffic flows. The Fire Department is completely comfortable with these road widths.

Cul-de-sac length, the 900 feet, I won't belabor this. The Fire Department is comfortable with this one road that extends for 900 feet over the 500-foot standard. With CDRC's approval we feel like the Fire Department's decision [inaudible] They seemed to be the ones with the greatest concern, but minimizing the amount of road surface across this landscape, again, we think we reduce the impact on vegetation and slope.

Intersection slope analysis is a critical part of our plan and the Development Code, the 1996 Development Code would have us taking a three percent slope into the intersection with 100-foot approach, and we asked our GIS folks and engineers to chart that out what the impact would be; it would be devastating. It would completely rip through the hillside in order to accommodate that intersection grade. As you can see in this next slide, we'd actually end up trying to accommodate the Development Code and it ends up putting the building pads below the arroyo to the left of this illustration. It also has a phenomenal impact in terms of cut and fill.

By contrast, a very minor change of three percent to five percent with a 50-foot



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approach has this sort of impact. A very minor, less than a foot and a half effect on the native topography. Everything stays above the arroyo and you actually maintain good view access from one home above the next. The impact of cut and fill is about one-sixth of what the Code would have involved. It's AASHTO compliant. It's in conformance with the Institute of Traffic Engineers. There's no risk to public safety according to the Fire Department and with their blessing, we think it also is very important to ensuring the passive solar heating and view values of the neighborhood.

A quick look at Santa Fe's grade and slopes found a multiplicity of slope conditions in excess of the three percent. We can walk through this in more detail if you'd like later, but the precedent we live with every day.

Finally, building height variance. The Code allows for a 24-foot high structure. We think that's very helpful to create public space and some protection and a micro-climate around those gathering spaces that are parks and plazas within the neighborhood, but the additional six feet in select locations we think creates the opportunity for some outdoor living space on these structures. It's also a way of making the buildings more affordable. Viewshed studies that we've done found that there is no visibility from a two-mile distance on a 30-foot structure. A four-mile distance, there would be some limited areas of the project within this first phase and subsequent phases that a 30-foot structure would be visible. However, there are relatively few points in which that would be the case. Primarily along County Road 41; it would not be visible at all on US 285.

Increased density that the height allows also improves the construction affordability, as we may be the only large-scale project, perhaps besides the Community College District that is still willing to accept the rules and guidelines of the affordable housing ordinance we think this is critical to our ability to advance the affordable housing program. Again, the Fire Department can easily serve a 30-foot structure, and there are relatively few if any viewshed impacts from this allowance in a few, select locations.

In closing, what we're trying to accomplish, what we're trying to bring forward is a new model of integrative development. We're trying to use the process of community making to advance a large-scale open space plan. We see this community making process as one that is inclusive, both in the people that make this their home, the businesses that are a part of this, the folks that are builders that are engaged in this project, as well as inclusive of the communities that are already in place in the Galisteo Basin. We hope that this is an example that can be drawn from, both from within Santa Fe and from around the American West, as a place that is inclusive and whole.

The variances are not secondary or ancillary to our request. They are fundamental. Without them, the project begins to unwind in terms of its whole design. For us to go back, recraft the community plan, frankly is financially impossible. We knew going forward and we made this clear to the CDRC that we threw our lot with what we thought was the best design we could bring forward, the best community plan in terms of its conservation values and community development values, knowing that we were going against the suburban and rural code requirements of the 1996 Development Code. We're putting our trust in your hands to see

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the merits in the larger scale of the conservation benefits and the community benefits, as the CDRC saw unanimously, to approve those variances, understanding that in the whole this project is something that we hope will set an excellent standard for new community development, again, in Santa Fe and we hope be a model for other communities around the American West. Thank you for your patience and tolerance in the longer presentation. I stand for your questions, and also I just want to ask, Mr. Chair, whether there might be value, even the later night and longer time to maybe change the flow a bit that the public testimony might come sooner than later, if that's okay.

CHAIRMAN ANAYA: Okay. Questions of Ted? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Ted, for your presentation. I think it's pretty clear that your development is a new vision for how development might be going in the future. But in any event, I just have sort of small question, which is on your five percent grades, what direction is that slope facing?

MR. HARRISON: It faces south. So in fact, that came up in one of the discussions with Public Works, that since they are facing south, the risk in a snow condition would be fairly quickly resolved.

COMMISSIONER HOLIAN: Thank you.

CHAIRMAN ANAYA: Any other questions? Commissioner Vigil.

COMMISSIONER VIGIL: I was interested to know why you didn't want the width of the roads that you're currently required to do and my fear is that this development may be going towards just real narrow roads for passageways. Could you clarify why that was requested?

MR. HARRISON: Certainly, Mr. Chair, Commissioner, the road widths are integral to the design in a traditional neighborhood plan, and they mirror the road widths that are part of the Community College District. So we have good precedent even within the county.

COMMISSIONER VIGIL: The roadways in Rancho Viejo?

MR. HARRISON: Yes.

COMMISSIONER VIGIL: Which are the same as Tierra Contenta and all the new developments that we've had.

MR. HARRISON: Anything that draws from the principles and practices of traditional neighborhood design is pushing towards narrower roads. So a 10-foot travel lane, which is the neighborhood width, is the tightest we go, otherwise we're at 11-foot, which is what the Fire Department considers quite acceptable. The 12-foot is in fact dangerous.

COMMISSIONER VIGIL: Thank you, Mr. Chair.

CHAIRMAN ANAYA: You're welcome. Commissioner Stefanics.

COMMISSIONER STEFANICS: I would like to hear from the public and I think I would have more questions.

CHAIRMAN ANAYA: Okay. Ted, what other developments are like this in the county?

MR. HARRISON: Well, we're drawing, we hope, from best practices in the county and from around the country. The Community College District may be the best example

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we have under construction right now, in terms of road width, in terms of total lots, open spaces, both wrapping around neighborhoods, and also park spaces within the neighborhood centers. So the Community College District is a model, although I think we have to acknowledge that that was a plan that was brought forward ten years ago. Each project around the country builds, I think on the experience, wisdom and successes of the next. We're hoping that we're drawing from the best practices around the country.

CHAIRMAN ANAYA: Shelley, from staff's point of view, what other developments?

MS. COBAU: Mr. Chair, members of the Commission, I would say Oshara, Aldea, are following the same principles where they have cluster development with commercial.

CHAIRMAN ANAYA: And with the commercial in those areas, how are they doing?

MS. COBAU: Well, we did some research. None of the commercial in Oshara is occupied, not according to their development today. Aldea, staff went out and did a field visit and probably 40 to 50 percent of the commercial out in Aldea is unoccupied.

CHAIRMAN ANAYA: And what about the roadways? Are they as narrow as what he's wanting?

MS. COBAU: I think the roadways in the Oshara development are quite similar to the ones that are proposed here. And we had – staff took some pictures. Vicki has pictures of the Oshara roadways that she can show you. I testified at CDRC and I'll repeat here tonight at the County Commission meeting, I don't know that these roadways stand the test of time for long-term maintenance. You have a letter in your packet from Public Works as an exhibit. The Public Works staff concurs. They don't like the proposed sections. They'd like to see the standard County sections adhered to in this case. That is on page NB 6-156 in your packet is the letter from our Public Works staff. They don't support any of the variance requests.

CHAIRMAN ANAYA: So you feel if we were to grant these that these roads would turn out like these?

MS. COBAU: I'm afraid so. Chairman Anaya, normally in areas in cities, in urban areas where you have compartmentalized development we have small lots. Development in these areas typically consists of a street section that's two percent [inaudible] crown with four to six inches of pavement, with curb and gutter, sidewalk, and a storm drain system to mitigate drainage. The way that some of this development is it's strip-paved, where you have areas where you have asphalt with no edges. Curb and gutter provides an edge. Water has a tendency to abrade surfaces and concrete is one surface that doesn't get abraded as quickly as dirt or asphalt. So if you're trying to run concentrated amounts of stormwater in a dirt section or in an asphalt section, it just doesn't hold up like a concrete curb and gutter does.

CHAIRMAN ANAYA: It will look like Tesuque?

MS. COBAU: Yes, or like the photographs that you have there where you have pavement that's been placed out in Oshara that's less than a year old where it's all feathered along the edges. Where they've tried to have their drainage as these guys have proposed, a foot

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and a half off the travel lane and it's just not enough room. It needs to be farther off, because it causes that feathering along the edge of the pavement, like those photographs indicate.

COMMISSIONER STEFANICS: On this point, Mr. Chair, we did just pass a resolution regarding bike easements or bike paths along the side. How do you intend to address that with these roads?

MR. HARRISON: Commissioner Stefanics, as you may have seen in one of the illustrations, we do have bike paths as you come into the village core. Those bike paths then move into a shared use path that's 10-foot in width as you come into the tighter more condensed area of the project. We see that given the road speeds are anticipated to be 25 miles per hour on the primary road, main street coming in, and then 10 miles per hour road speed as you're going through the neighborhoods. Given the breaks of intersections, the small block lengths and driveways we think that actually having a bicycle along those small lanes is very safe.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIRMAN ANAYA: And I was going to get to that and I'm glad you brought it up, but one of the things that concerns me, and we'll get to the public right after this comment is that I was kind of doing some math here and you say you're going to have 965 units, homes, and I figured maybe three people in each home, you're going to have close to about 3,000 people, and to me, this seems like it's strange to reduce the size of the road when we're going to try to be pedestrian and bicycle friendly and we're cramming everything in. I don't know. I don't know if you're just trying to save money or is this they style.

And the other thing I wanted to comment on is I've always been supportive of this but there's some things that I'm really looking at now. And it sounds like it's heaven the way you talk – the greenhouses, the orchards, the gardens, the park. I mean, it sounds beautiful. The elegant sculpted bowl, the Happy Valley. Anyway, I want to hear from the public. This is public concern. Is there anybody who could like –

MR. HARRISON: I'm sorry. Could I just quickly respond to. I think we need to just keep in mind that to point to a bad example, and I'm sorry to say that Oshara may be now a bad example, how these road widths and how they're construction was accomplished and how their maintenance is being pursued. But it is unfair and prejudging of our design and the opportunity as to how we will manage this neighborhood to say that absolutely – Oshara is not really the same. It is a certainty, but you're saying it's a risk. And I think our responsibility as we go through phase by phase is going to be to demonstrate that the road widths, travel lanes, bike paths, road construction, they're all meeting the expectations of the County.

We think that this model, the traditional neighborhood design, which is very different, I understand, than is the usual practice within Santa Fe County, is something that then pushes on the suburban and rural code. Because road widths are not just about reducing the cost, although that has to be done, because in order for us to be able to accommodate the affordable housing purposes, to be able to afford the conservation ambitions, things have to give, and I think that was one of the comments that came from the CDRC.

CHAIRMAN ANAYA: Okay, Ted. That's it. Tell me about Aldea. Is this like Aldea?

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MS. COBAU: Some of the street sections were utilized in the first phases of Aldea but they abandoned that section and went to a standard urbanized section with roll curb and they didn't do strip-paving out in Aldea. They used curb and gutter. Sidewalk.

CHAIRMAN ANAYA: Okay. This is a public hearing. Is there anybody in the audience that would like to speak for this case? Okay, you can make a line over here or just come sit in the front and I'd like to hear from you. And if we could, try not to repeat what the first guy says. Let's say something different.

COMMISSIONER VIGIL: Mr. Chair, can we also set a limit on the time?

CHAIRMAN ANAYA: Yes, we'll give you, since there are so many, a minute and a half.

[Duly sworn, Kim Shanahan testified as follows:]

KIM SHANAHAN: My name is Kim Shanahan. I currently reside at 51 Jurado Road in the Eldorado Subdivision. I'm also the executive officer of the Santa Fe Area Homebuilders Association. I met Ted about seven years ago when I was a contractor for a residential subdivision. I was somewhat skeptical like you are, Chairman Anaya, of the fact that Ted was moving from the non-profit world into the non-profit development of residential construction. Santa Fe is no place for beginners in development and over seven years, Ted is no longer a beginner.

I've been very impressed with what he's been able to develop in the last seven years and I believe this to be a project that does have viability. One might question whether or not the commercial will ever really take off, and it's a legitimate concern. One might also question the vehicle-miles that people will travel from to come into town. But the reality is that I would challenge Ted and also the Commission to think about the houses themselves. We didn't really hear a lot about the houses and how they'll be built, and the development and how it will be developed. We need to make sure that these homes are meeting certain standards in terms of their greenness, and the reason is because the impact of the homes themselves is going to have much more significance on carbon emissions than the actual vehicle-miles traveled. Homes produce much more carbon, typically, in their usage than automobiles do.

And I really do believe that this Commission should consider asking the developer to have within their covenants certain standards and programs that they will have these homes be built to, and it's not simply enough to develop the project, but the actual homes themselves. The City of Santa Fe has adopted a green building code. This subdivision and others that come before you, as a matter of their covenants could agree to adopt these same codes. You can't enforce them but you certainly can encourage their adoption so that when we think about growth we realize that these codes that we've adopted in the City shouldn't push things into the county necessarily but if they do go to the county they should also be as green as the things that we build in the city. Thank you, Commissioners.

CHAIRMAN ANAYA: I gave you two minutes, so we'll give everybody two minutes.

[Previously sworn, Joel Glanzberg testified as follows:]

JOEL GLANZBERG: Mr. Chair and Commissioners, my name is Joel

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Glanzberg. I live in Pojoaque, 55 Bouquet Lane. I work with development projects all over the country and a bit internationally. And the main thing that we work with with developers is to look at – to be green as was just talked about you have to look at things as a whole. To look at single pieces and aspects of anything is to miss the point. As Ted was trying to say it's all interwoven together and to separate the road widths or any of the variances out it second guesses the entire conception of the project. The question was asked where do we have examples of this? If you look at the entire older section of the City of Santa Fe that brings people from all over the world, they're entirely based around these principles. You have these narrow road widths, you have steep intersections, you have buildings very close together, you have some very tall sections, and they're all over the world.

And they're from a period of time that pre-dates the use of the automobile. And one of the things I've seen all over the world is people saying we need to stop planning around automobiles and plan for a post-automobile future. There was a project at the Museum of Science a couple years ago and I was talking to the board and talking about redesigning the entire museum and one of the board members stood up and said if we don't redesign this museum so that in five or ten years when the kids are coming in, and peak oil and global warming and all those things are becoming more and more obvious, they're going to scratch their heads and say, why didn't these guys think about this and design for this five, ten, fifteen, twenty-five years ago.

And I think that this project, although it has variances from a current code that was a code that developed around the suburban model and that we need to start to think forward and we need to start to have on-the-ground examples that are models of development over the next century. Thank you.

CHAIRMAN ANAYA: Thank you. Next.

[Previously sworn, Daniel Roloff testified as follows:]

DANIEL ROLOFF: My name is Daniel Roloff. I work for the Housing Trust. It's 1111 Agua Fria Street. Mr. Chair, Commissioners, thank you so much for hearing us tonight and we just came here today to say that we're fully in support of this project, especially from the angle of affordable housing. We really believe strongly in evolving suburban development and we think this is a really good example of a new way of approaching that.

We definitely support more affordable housing in the county. They've consulted with us all along on their plan and it's a strong plan but particularly we support the land trust component of this project which we think is a really important component of a sustainable affordable housing plan because it creates permanently affordable housing. And we've committed through this process to help them find good families to fill these homes who maybe don't want to live in Santa Fe. So we think this is a value added to the affordable housing program. Thank you.

CHAIRMAN ANAYA: Thank you. Under a minute.

[Previously sworn, Mark Sardella testified as follows:]

MARK SARDELLA: I'm good for 50 seconds. Maybe not. Mr. Chair, members of the Commission, my name is Mark Sardella. I live at 12 McGregor in Tesuque. I'm here to

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speak just on behalf of myself, just representing myself, but you should know I'm not a disinterested party. I also head up a non-profit called Local Energy which you're mostly familiar with, I think, and Local Energy did some of the early energy studies for Ted Harrison and the Commonweal Conservancy on this project.

That in itself I would like to commend Ted for, for calling me in so early. I can tell you that most of the time I get called in after the development's been laid out, after all the houses are an inappropriate density and inappropriate construction, and then asked if I can make it sustainable from an energy perspective. So it is a delight to get called in at the early part of the project, to be consulted on is this an appropriate way to get the maximum energy efficiency, to build the homes with the appropriate orientation and to try to get from an energy perspective the community to be as low impact as possible. So I really do commend the development for doing that.

And I do think this is an excellent opportunity, this project. I don't think if I hadn't done these studies I would be here speaking in favor of this. But I can tell you that they're the genuine article. They want to set a precedent for a groundbreaking example of energy self-reliance in that community. And it can be done. It's one of the few developments that it can be done in. When you look in Europe you often see these high development, multi-story facilities that are very easy to heat with a district heating system or with a district energy system. And it's discouraging to work in this country where it's very hard to make some of these developments energy efficient.

So I can't speak to the Land Use Code because – that's not my expertise but to the extent these variances are to allow this development to be compact and to be able to accept some of these really good energy efficient technologies like district heat and district electricity, I would certainly recommend approval of it. I really appreciate it.

CHAIRMAN ANAYA: Thank you, Mark.

[Previously sworn, Bob Krieger testified as follows:]

BOB KRIEGER: Hi. My name is Bob Krieger. I'm an architect and a custom homebuilder here in Santa Fe and my perspective on this presentation is that I live in Aldea. I live in one of the later phases with the hard curb and all that, but I drive through the earlier phases many times a day. My opinion after looking this project over two years at least, this is seriously informed work. Seriously deep design work. Relative to a lot of other projects that have been approved in this county, this excels beyond anything I've seen.

There is serious value creation in this for the future of Santa Fe County. Real estate value, long term, durable value, green value. It works in Aldea. I had misgivings going into it. I built a spec house – didn't sell. The music stopped. I'm living in it. The narrow roads are not an issue. That's a real honest appraisal. Narrow roads are just a non-issue. It works. I walk through it all day long. There's probably another hundred units to be built out into it. I haven't seen any of the issues that people are afraid of in a new urbanism setting arise, except for the urban core that just doesn't exist. That's a different issue entirely.

It's bike-friendly. Back paths, there's no bicycle paths in it, and it works. I bicycle in it every day. It's the only thing I do to stay sane. Oshara Village on the other hand is very poorly

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developed. I can't speak to the planning of it but the execution makes me shudder. This, what I see here, and I've studied these drawings over and over and over, because I intend to live there, I think. I think. If I can sell Aldea. It's highly informed. I think it works. And it's just personal opinion, my experience as an Aldea resident.

CHAIRMAN ANAYA: Thank you, Bob.

[Previously sworn, Terry Smith testified as follows:]

TERRY SMITH: Mr. Chair, Commissioners, my name is Terry Smith. I live in the county. I'm delighted to be represented by Commissioner Holian. I am, in the interests of full disclosure, a realtor who has great hopes of selling property in the Galisteo Basin Preserve. I am also, in the interests of full disclosure, the chairman of the board of the Santa Fe Conservation Trust. I undertook the responsibility of working with the trust because of a deep, abiding and long-standing interest in doing everything I can do to conserve the natural resource base in the area in which I live. We have a long-standing partnership with the Galisteo Basin Preserve and indeed by the end of this year we will already have placed under conservation easement the first 1200 acres of what will ultimately be 12,000 acres of conserved eased land. That means eased and held out of development in perpetuity, which lawyers tell me is a really long time.

I want to speak very quickly from a personal point of view. I lived and raised my child in a community very much like what is proposed here in Reston, Virginia. A community that was wild-eyed idea when in was started in the mid-1960s that required – that was based on the notion that the automobile was a secondary means of transportation, that the ability of people to relate to one another and participate in the community required ease of foot traffic, ease of biking, community trails, community gardens, community land, a very densely developed area in the center of the community and huge amounts of open space available to everyone.

That development was a joke when it started. It is now the model of planned communities in the United States. It is an incredibly successful community and it was the greatest place to raise children because they could, we all could be connected to one another in a very important way that speaks what all of us want in the communities we live in. So I urge you to take the risk of doing the things that make this project possible.

CHAIRMAN ANAYA: Thank you, Terry.

[Previously sworn, Eliza Harrison testified as follows:]

ELIZA HARRISON: Mr. Chair and members of the committee, my name is Eliza Harrison. I've come here tonight to speak for the youth members of this community. The Galisteo Basin Preserve is important to the community because it will provide a school, trails, parks, affordable housing, energy efficient buildings and much more. This project is also a new model for community building. I hope that you will consider your decision wisely because this project is building homes for the future generation. Thank you for considering my comments.

CHAIRMAN ANAYA: Wow, that's good comments. Quick, to the point. Thank you. Let's see if you can beat that. I doubt it.

[Previously sworn, Jan-Willem Jansens testified as follows:]

JAN-WILLEM JANSENS: Mr. Chair, Commissioners, my name is Jan-Willem



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Jansens, currently living at 770 West Manhattan, downtown Santa Fe, and also a property owner at the Commons here in Santa Fe at 2300 West Alameda. I mention that because I'm speaking out of experience in living in a dense community, either downtown Santa Fe currently or in a commons. I'm also a director of Earthworks Institute, although I'm representing myself here with my own opinions and background in multiple things related to ecological preservation, etc. and living in a community like is being presented by Galisteo Basin Preserve.

I would urge you to support and adopt this proposed project and all the variances that are proposed because I think they are crucial to the maintaining and eventually achieving the integrity of the landscape of the preservation of the 12,000 acres, the wildlife corridors, the wetlands, the viewsheds and everything as really planned as part of this preserve in which the development is one component to bring into units in the larger landscape. So many people came to Santa Fe or live in this county because they admire and find the wonders of this beautiful landscape and it's this unique approach to planning a community amidst – a natural community that achieves these things here in the Galisteo Watershed.

Regarding the variances that are being sought, the most important thing that I see in there is do no harm. The safety of humans in this landscape, in the designed environment that is being offered here is not being harmed in this ways. The landscape definitely is not being harmed by narrowing the roadways and following the designs. I did a quick calculation that per mile of roadway, we're saving .3 of an acre of land so that gradually you can what actually that does in terms of the footprint, of narrowing the footprint to a very designed environment. And then I think also the integration of the different functions in this built environment creates for people that the roadways are not just for cars and therefore cars go slower and with the less energy and imprint of the energy cars on the roadway you have actually less maintenance. And I've seen this both in the Netherlands where these things also work, and in other places like Australia where they have designed villages like this, also with narrow roadways. So it really doesn't have to be like that.

And the stewardship that comes from the community loving their place with actually also help in maintaining the place and making it a beautiful place. I'm convinced of that. Thank you.

CHAIRMAN ANAYA: Thank you, Jan.

[Previously sworn, Jim Jenkins testified as follows:]

JIM JENKINS: Mr. Chair, Commissioners, my name is Jim Jenkins. I live at 14 Camino Costadino in one of the 26 areas of the Eldorado community. I am not representing any constituency here tonight although I am a member of the board of the Santa Fe Conservation Trust which has a deeply abiding desire to help preserve the entire Galisteo Basin. I am here to speak from the experience of 20 years as a community planner and working in land preservation. I know that everyone wants to support some form of land preservation. Then comes the tickling problem, who pays for it?

In some places in this country the public pays for it through bond issues. Here we are dependent upon developers, homeowners, to preserve their own land and provide a resource. But there is a cost. It is not only the cost of the land itself but there is the cost of things like

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water conservation, wastewater recycling, affordable housing, environmental education and environmental impacts. This project, in my experience, from having done projects like it elsewhere and particularly in areas where there is much more inclement weather, weather that can affect some of the exact variances that are being asked for, those projects have worked out extremely well. And I believe this project sets for us a working conservation model, because at some point the big ranches, the large expanses of the Galisteo Basin, with or without an effective growth management plan and land use codes, the community is going to want to see a working conservation model, and I think this provides the best hard-thinking and far inclusive type of model that I have seen in the country. So I thank you very much and I hope you will support it. Thank you, Jim. How many more need to speak? Three? Four? Four more. Okay.

[Previously sworn, Richard Griscom testified as follows:]

RICHARD GRISCOM: Mr. Chair, members of the Commission. I'm Richard Griscom. I represent the Galisteo Planning Committee. In its June approval, June 207 approval of the master plan, five conditions were attached to that approval that was submitted by the Galisteo Planning Committee, all having to do with the question of water, protecting the Village of Galisteo's water supply. To implement those conditions, to meet with Commonweal and meet among ourselves to design the implementation of those conditions eight members of the village stepped forward to volunteer to serve on the committee to do that. Two of those are present today – Muriel Farriello, and Ted Hemming.

I would like to take the time to go through the five conditions very briefly. I can't do it in two minutes though.

CHAIRMAN ANAYA: Go ahead, Richard.

MR. GRISCOM: Okay. The first condition was that the County require that the hydrological assumptions used and the testing carried out to estimate water availability for the project be as conservative and thorough as possible. Jointly with Commonweal we arranged for Peggy Johnson from the Socorro School, actually the New Mexico Bureau of Geology and Mineral Resources, to prepare a report addressing the hydrological assumptions and the thoroughness of the testing, and her report was presented and she did conclude that the assumptions were conservative as we requested and that the testing was thorough.

The second condition that the Commission approved in June of 2007 attaching it to the approval of the master plan was that the total hydrological impact of the project be evaluated by examining the water and water rights requirements of all three phases of the project before final approval. We understand that the circumstances of this condition are in a state of flux, given that water may be available from the Buckman Diversion through the County system, and we'll monitor these elements closely. I think this is a condition that has not yet been fulfilled and it's really more a condition that the County has to address than the developer has to address. So I would submit that this is one of the pending matter that we have to keep an eye on.

The third condition was that Commonweal be required to show beyond a reasonable doubt that the Galisteo Basin Preserve will not cause an impairment of Galisteo's wells. Jointly with Commonweal we commissioned a hydrogeologist to do an independent report. Mr. Neal Branford concluded that the Galisteo Basin Preserve poses no threat to Galisteo's water.

The fourth condition was that Commonweal post a performance bond to guarantee that Galisteo's water be restored to its condition prior to the development if the water supply is impaired due to this development as established by a joint monitoring program. After some research we concluded that a performance bond was not going to be possible. We could not find anyone who was willing to issue such a bond. So we agreed jointly with Commonweal to develop a contract between Commonweal and the Village of Galisteo, specifically the Galisteo Water Association, the Ranchitos de Galisteo Water Association, and the Galisteo Community Association, that would take the place of the performance bond and through that contract attempt to guarantee that Commonweal's development would not impact negatively on Galisteo's water. That contract has been in the process of negotiation now for about a year and we're getting very, very close to a final agreement. There's only one clause that remains to be agreed upon. But we think it's a very good contract. It's one that calls for Commonweal to drill two monitoring wells that are in a straight line between the Village of Galisteo and the Galisteo Basin Preserve, and the contract stipulates that if the water levels in those monitoring wells fall below a certain level that that will trigger some actions to be required by Commonweal to restore or to make sure the Galisteo water is not harmed. The three options at that point would be a water delivery program, presumably by pipeline, perhaps from the County system or from Eldorado, another option would be a new well drilled by Commonweal on the Galisteo Basin Preserve, or some other provision of water from another utility. So anyway, we feel we would be protected by this contract that has almost finished being negotiated.

The fifth condition was in case the Galisteo Preserve ties in with the Eldorado District Water and Sewage System for its water supply, the Eldorado Lamy wells not be drawn upon for the project's water needs. The Lamy wells obviously are in the shallower alluvial aquifer of the Galisteo Creek that we draw upon in Galisteo for our water and we're very concerned that those wells not be used for this development, and this again is something we'll have to monitor closely.

In closing I do want to stress that this has been a village-wide effort. We've had broad input from a lot of people and will continue to get that input as we go along, and it's been a collaboration with Commonweal and we've worked closely to try to implement the conditions approved by the County. Thank you.

COMMISSIONER STEFANICS: Mr. Chair, I have a question for this witness. Did you, in your workgroup have any members of Lamy involved?

MR. GRISCOM: We did not. No. This was strictly Galisteo.

COMMISSIONER STEFANICS: Thank you.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Were they all from Galisteo? Did you have anyone from Cañoncito or any of the –

MR. GRISCOM: No, they were all from Galisteo, and the Ranchitos of Galisteo just outside Galisteo.

COMMISSIONER VIGIL: Thank you.

[Previously sworn, Sigmund Silber testified as follows:]

SIGMUND SILBER: Mr. Chair and members of the Commission, I'm happy to be here. My name is Sigmund Silber. I live at 22-B San Marcos Road East in Santa Fe. I'm speaking today more or less as a water activist, and I want to make the point that a compact development like this presents a lot of opportunities to implement innovative water conservation approaches. And we see in the project the wastewater treatment and we also see the rooftop capture and I'll mention on rooftop capture that both New Mexico and Santa Fe County have been leaders in that and that recently Tucson is trying to catch up with Santa Fe County in terms of regulation, and Utah and Colorado are trying to catch up with New Mexico.

There's also an opportunity for capture from the surface, not just from the rooftop. Now, rooftop capture is permitted by the State Engineer. Surface capture is currently not permitted by the State Engineer, although there may be an example in the county where surface capture was permitted in lieu of roof capture. I don't have the details on that but I believe there may have been a case of that. But this is an opportunity to try to get that type of approach permitted. I think there's a good opportunity because of the nature of the Galisteo Basin, and it's very important – I've made my own calculation and they're in a book that I've written and if you like I can give each of you a copy of my book tonight. Let me do that right now.

Based upon my calculations we have about a hundred million acre-feet of precipitation in New Mexico, about three million of that ends up in our water budget, which means we lose about 97 percent. That's a fairly simple calculation. I understand that Colorado commissioned a study to come up with a number for Colorado and they came up with 97 percent lost and I'm sure whoever did that got paid a lot more money than I did. But that's a fairly good number. Well, if you just captured a tenth of a percent of that 97 million, that's 100,000 acre-feet.

So there's a lot of opportunities in Santa Fe County for surface capture if we can talk the State Engineer into it and I have ideas and they're described in that book a little bit on how to do it. And I think it's particularly important in terms of things like community gardens where, where's the water going to come from for a community garden? Well, surface capture is a good place for that water to come from. This project has an orchard, has community gardens. There's a community garden movement going like wildfire across the country and in New Mexico and in Santa Fe County. I guess that's all I want to say. I think there's a lot of opportunity here to use this project as an experiment and demonstration site for conservation approaches which will benefit everyone in Santa Fe County.

CHAIRMAN ANAYA: Thank you.

[Previously sworn, William Baxter testified as follows:]

WILLIAM BAXTER: Mr. Chair, Commissioners, my name is William Baxter. I live at 32 South Fork Extended in Santa Fe in the area otherwise known as San Marcos. I've been involved in different related activities in the area for many years now. I did some time on COLTPAC. I've been a participant in the school that was going to be, and still is going to be involved in this. I'll make it very short and say that I strongly support this project. I've seen it from the beginning. I have great hopes for it. It is appropriate and right that the Commission be critical and examine all of the requests such as the waivers before you now. This is not, if you approve it, this is not the last time you will see Commonweal Conservancy nor Ted Harrison,

and you will have many opportunities to correct or adjust things that do not quite work as everyone expected.

In closing, one of my other activities in recent years was the San Marcos Planning Group, and I'm really looking forward to some village envy here. I think we're going to have something in the basin that those of us in San Marcos will have wanted. Thank you very much.

CHAIRMAN ANAYA: Thank you, Bill. What do we have? Two left?

[Previously sworn, Edward Fleming testified as follows:]

EDWARD FLEMING: This is way under two minutes. Good evening Chairman Anaya, Commissioners. Thank you for your time. My name is Edward Fleming. I'm a resident of Galisteo for going on 13 years, which I know in your case, sir, is a rank newcomer, but for a lot of us it's a considerable amount of time. I'm an architect and a sculptor, a long-time member of the Galisteo Water Board, and a member of the Galisteo committee that's been working with Commonweal on a water supply protection agreement that Richard so adequately explained.

I own several properties in Galisteo. I've raised my children there, and I intend to live out my life in that beautiful place. I have a deep and abiding interest in the well being of Galisteo. Make no mistake. I've also had the opportunity to work with Commonweal on several sculpture projects so I feel that I know this group well. Commonweal Conservancy has worked closely and openly with the Village of Galisteo for at least the last six years regarding the Galisteo Basin Preserve project in general, and for the last two years they have worked with us on the water agreement I just mentioned.

Our committee is very close to agreement with Commonweal; we're essentially finished. And this experience, although long and labored, has been very positive. Ted Harrison and Commonweal have consistently demonstrated transparency and willingness to be flexible and creative and especially patient in ways that far surpass any developer I've ever even heard about, let alone worked with. Commonweal has taken responsibility for the concerns of our village and most centrally our need to know that our water supply will not be threatened. For that I am deeply grateful.

After many years of careful study and reflection, and considering the inevitability of development, I believe that the Galisteo Basin Preserve project represents true hope for this area, the land itself and all of our families' future, and it should be a model for other development, not only in northern New Mexico but in many other areas of our country. So I strongly urge you to support this project and the good work that they're doing. Thank you very much for your time.

CHAIRMAN ANAYA: Thank you, Ted. I hardly recognized you. Have you been in the sun? Good to see you, Ted. Okay, we've got one more.

[Previously sworn, Cindy Lutz testified as follows:]

CINDY LUTZ: Good evening, Mr. Chair and Commissioners. My name is Cindy Lutz. I'm a resident of Galisteo, moved here in the year 2000 from Chicago. And I have to say as of today I'm a convert to the project. I am very impressed with everything that's been said today and the green people that are supporting it. I'm very encouraged by all that. A couple of things though. I am not in favor of the raising of the height limit. I think that's a little scary.

And traffic in the area is certainly something we need to be concerned about.

But the main reason, what I would like to ask you to consider is probably a request from all of the residents, the 250 of us, who live in a our very, very low density adobe, very low tech community of the Village of Galisteo. If you could call your development something other than a village. Thank you very much.

CHAIRMAN ANAYA: Okay, this public hearing is closed. Any questions, comments from the Commission? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. I'm a little concerned that persons from Lamy are not here, because some individuals have some spoken to me about some of their concerns and so I really – well, did you have any public comments?

UNIDENTIFIED LAMY RESIDENT [from the back of the Chambers]: I support this project [inaudible]

COMMISSIONER STEFANICS: Okay. The issues that were brought to me by Lamy residents are about ingress and egress. It is about the water. It is about changing the tenor of the neighborhood, while protecting the land. And so I'm a little concerned that – and this wasn't one individual. These were a variety of people and they have a strong neighborhood association or strong neighborhood group, so I'm not sure why they're not present unless they decided to just stay quiet about the whole thing.

I do think that the whole project is very farsighted. It's great. And I think that our or my concerns are my issues are more practical matters than the overall concept. I've seen the overall concept in play in other communities around the country and it's a great concept. It's also unique that it would be so far out in the county to be this concept. Usually, our Restons and our other areas are in a metropolis where they have some urban supports, and there aren't urban supports. There's not a bus line. There's not public transportation. It's not easy to get on your bike and ride to work from there, and so those are some things that are quite different from the traditional model from the old days.

I had some experience with that in teaching many years ago. But I think that the overall concept and plans could really inspire some other developments in our county. And so I'm very glad about that. I do have some concerns about some of the variances that have been requested. I do have some other concerns about the Lamy community but I'd like to hear what the rest of the Commissioners have to say. Thank you very much.

COMMISSIONER VIGIL: Mr. Chair, I have similar concerns to what Commissioner Stefanics expresses. I honestly, and the record shows, did not support this project when it came to us for master plan, and did so reluctantly because I know there's been so much work put into it as a model project and it does address a lot of sustainable issues. But the strongest sustainable issue is water, and if there's anything that we're stewards for it's water. I see the people that are here tonight. I recognize your advocacy. I empathize with it, but there are people who are missing.

And one of the groups that's missing that would be affected here is Cañoncito. I'm not even sure that Cañoncito knows that this development is proposed. How they're impacted I would like to know because we've worked very, very closely with that water association to

actually try to get them water from wells that they are trying to get delivered to their community and have for quite some time, and they are a community water system that's been struggling. They don't have the support that this project would have at the front end. They sort of developed their water delivery system as needed.

But this community is a focus for the New Mexico Legislature and for Santa Fe County. We've looked at alternatives to assist them in many ways in the last five years that I've known of and one of the ways has been to try to hook them up to the Eldorado water system. I don't also see a strong statement or a good cross section of information being brought to me from Eldorado residents. I know some of them were at the master plan hearing, but they're not here. Well, there's one, but there are many residents in Eldorado who I have heard from that don't share the views that we've heard tonight.

The concern I have is that the evaluations we have for the water delivery really just impact phase 1. It's seeming like everything that's being done is helping to clarify phase 1 for the development of this. I think we need more comprehensive information. This is a larger project than phase 1, and more important from a policy perspective I find it very difficult to support a project of this volume when in the last ten, perhaps even more years we have been living under a moratorium in that exact area, and now we're not – we're totally disregarding the fact there's a moratorium that we enacted, told us and perhaps there's conflicting hydrological studies here, that there is insufficient water in that area. And I really have the documentation to prove it, and the history.

So those kinds of policy issues, whether they're agreed to or not by members of the audience are really significant for the overall vision-making policy for the entire county. So I would like, if it's at all possible, for the Commission to consider not only studying the water situation more but perhaps continuing this case until we address some of the issues that the Galisteo folks brought forth in the five commitments that were made. I heard specifically the testimony that it's still undecided as to whether or not there's going to be sufficient water. And there was also testimony that there's some reliance on the Buckman Direct Diversion. Well, the Buckman Direct Diversion is a long ways coming to this particular area. And the Buckman Direct Diversion is intended to be a supplemental water system, not a main, principal, primary delivery system. So the water issue still concerns me, Mr. Chair.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, I'd say that the water issue does not really concern me because first of all, I feel like they have proved water for this particular phase of the project. I also feel that it's going to be a model of water collection in a lot of different ways, and I truly feel that the future for Santa Fe County in developing new water supplies is going to be water collection. That is going to be our new water supply, if any, that we have.

And so I feel that going forward with a project like this could help us explore that and to see how we could apply it to other subdivisions that come along. So I feel that that's an important thing.

Another thing is with regard to the caretaking and restoration of the land. I don't think



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people totally realize, because of what we've done to this state, we've pretty much denuded the grasslands, we've cut down the trees, we've created hard surfaces. Essentially all the water – well, I shouldn't say all, but a good bit of the water that falls on the state falls on a hard surface and evaporates. We don't even use it. In the old days, if you sort of picture what the land looked like it was a grassland. And all the water that fell on New Mexico percolated into the land and went down into the aquifer. That doesn't happen now.

And I feel that what they are trying to do out there in the Commonweal Conservancy on the land there is to restore it, to restore the grasslands so that the water does percolate back into the soil. And I think it might actually – that kind of land stewardship – might actually have a beneficial impact on the aquifers in that area. People might actually start seeing more water in their wells. This is a possibility. We have so destroyed the landscape that New Mexico was 200 years ago and what Ted Harrison is trying to do through the Commonweal Conservancy is to restore that landscape that was here and that was healthy and viable.

And so I truly think that this is a project that is worth going forward. It's looking at our future. The kinds of subdivisions that we have been approving for the last I don't know how many years – 50 years – they are not going to be what works in the future for us. And I think that it's worth us exploring how are we going to respond to these challenges that we are facing? How are we going to respond to global warming? How are we going to respond to the fact that we live in a completely artificial society where our food comes from hundreds of miles away?

This project is moving forward with looking at what our survival is going to be like in the future.

CHAIRMAN ANAYA: Thank you, Commissioner. I've always supported this development, and I think what I got sold on was the fact that you were going to concentrate the homes in one area and not spread it out through the whole Thornton Ranch. And I thought that was a good idea. It's a good idea. You have a lot of open space. And as it progresses I'm starting to hear from my constituents and I'm hearing more from my constituents about their concerns.

The concern that – and it didn't dawn on me – that there's going to be possibly 400 people that live there. The people that live in Lamy, the people that live in Galisteo, the people that commute from Stanley and Moriarty now are going to have to deal with not only the Eldorado folks, now we've got to deal with the people that are coming out of the Galisteo Basin Preserve.

And you don't think of it now but I remember in Eldorado when I rode the bus to school from Galisteo, there was one house in Eldorado. I remember picking up the children that lived in that house. And now look at it. There's two stoplights. We have to – we're dealing with it. So when it comes to variances on making the egress or whatever you call it, changing that, I look and I think, wait a minute. We're making them smaller? To me that doesn't make sense. Maybe we should be making them bigger because we're going to be dealing with even more people who are moving into the rural area and Stanley and Edgewood.

When I hear from staff about the other developments, Oshara, Aldea, Rancho Viejo, and I look at the commercial. Are those homes – are people living in those homes? Are they



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building homes in those communities? Just a simple yes or no. Are they developing them and they're moving into them?

MS. COBAU: Yes.

CHAIRMAN ANAYA: Okay. And when was the last market analysis done on this project?

MS. COBAU: Mr. Chair, members of the Commission, I believe it was done in 2004? 2005.

CHAIRMAN ANAYA: So that was when the economy was still doing well, and now we don't have the economy doing so well. So do we need another market analysis?

MS. COBAU: I think that could be left to the Commission. I think that would probably be a good idea.

CHAIRMAN ANAYA: So, I'm just not truly convinced at this time, being the fact that the Commissioners brought up other comments regarding the community of Lamy, Cañoncito, Eldorado, and then one comment that we spoke earlier about was the name. And it hit me today like a ton of bricks when I read it. The Village at Galisteo. You're completely taking that name from the Village of Galisteo and you're using it. I have a problem with it. And we talked about it, and I'm glad to see that that's not the name. We're going to try to do something different. Commissioner Vigil.

COMMISSIONER VIGIL: I'd like to propose a motion that we continue this case and what that means is we don't make a decision on it but some of the issues that have been brought forth be addressed. I'd like to see the developer work more closely with the concerns of the Galisteo Basin Preserve Group people. I'd like to see the developer work closely with more residents from Eldorado, the Eldorado Water and Sanitation Department, all of them, the Cañoncito Water Association. I'd like further data with regard to the water availability, not only for phase 1, but what the overall project requirement would be and how a hydrological report might be able to address that to its fullest extent.

Commissioner Holian, I agree that it's really a wonderful project; I don't want to diminish that at all. What you're doing and what you propose to do is absolutely wonderful. However, the County has been really, really strong about water catchment systems, about rainwater systems. A lot of what you're doing we already require for developments such as yours. We have. We've voted in them. There's been several developments that include all of that. You do bring some innovative components to this and I applaud you for that. And that makes it very enticing to move forward with you but we are at a time and place where I think we really need to step back from these kinds of developments that will have such a huge impact on our community, not only in a time of economic downturn but in a time of looking at a sustainable management growth plan and at a time when we're needing to constantly become stronger and stronger stewards of our water.

So with that, Mr. Chair, I would like to continue this case until all of those issues are addressed and when they are, I'm willing to listen to the proposal.

CHAIRMAN ANAYA: Did you include a market analysis?

COMMISSIONER VIGIL: I would be happy to include a market analysis.

CHAIRMAN ANAYA: Okay, so the motion –

COMMISSIONER VIGIL: The motion states that the case be reset at a time when all the issues that have been brought forth have been addressed, that the communities we've asked them to contact be contacted, and that any comprehensive need for water for this area be looked at and I'm really concerned that there's a reliance on the Buckman Direct Diversion and I'm also very concerned that there's going to be wells dug out here. So I'd really like further information and data, in terms of availability for this.

CHAIRMAN ANAYA: Okay. Is there a second? I'll second it. Any discussion?

COMMISSIONER STEFANICS: Yes, Mr. Chair. I have a question. If we ended up postponing this for further information I – and I don't know if this would be a friendly amendment to the maker of the motion, but I'd like to have it heard before the first of the year, which leaves October 13<sup>th</sup> and November 10<sup>th</sup>.

COMMISSIONER VIGIL: How about it being heard just the first of the year? The first Tuesday?

COMMISSIONER STEFANICS: Well, I think that – well, we don't meet until the second Tuesday of the month. What I'm concerned about now is a developer who is putting a great deal of investment into a project, needing up or down on some things. And if we give it a down on some variances or we give it a down then they need to revamp and go on with new plans. So the longer we hold out the longer we have the developer spending money on no decision. So that's the reason –

COMMISSIONER VIGIL: Your amendment is to have it before November, or at November's meeting?

COMMISSIONER STEFANICS: I'm hoping that would be a friendly amendment.

COMMISSIONER VIGIL: I'm fine with that if all of that work can be done before then. I would amend my motion to include that this hearing be held the second Tuesday of November.

COMMISSIONER STEFANICS: Is that a correct date? Steve, am I off on my dates?

MR. ROSS: Mr. Chair, Commissioner Stefanics, no, that's correct. We are having one meeting in November and it's the land use meeting, so it'd be the first –

COMMISSIONER STEFANICS: And no meetings in December?

MR. ROSS: There's no meetings in December.

COMMISSIONER STEFANICS: Okay.

COMMISSIONER HOLIAN: Do we have a list of all those things again?

CHAIRMAN ANAYA: Did you write them down, Vicki?

MS. LUCERO: Mr. Chair, I believe I do have them written down. Do you want me to go over them again?

CHAIRMAN ANAYA: Yes.

MS. LUCERO: To work with the Galisteo, Eldorado, Lamy, Eldorado Area Water and Sanitation District, and the Cañoncito neighborhood to provide more data for water



availability not just for phase 1 but for the entire development. To produce a new market analysis, and I think that was all I had.

CHAIRMAN ANAYA: That was it, right? And to be heard on November 11<sup>th</sup>. Okay. To give a little bit of guidance to them, did you agree with the variances?

COMMISSIONER VIGIL: I also think that some of these variances need further discussion. I'm sorry, my focus was on water tonight. I did ask the question of the width of the roads and that does concern me, particularly because in that area we are looking at – and we have enacted ordinances recently to be more favorable to bicycle trails, and I know that's part of your plan also. So I don't know how that's going to be reconciled. And the height variance, I'm not sure how necessary that is, what the justification is for it. I'd like to know why it's necessary but I don't know that tonight's the night to discuss all those. And maybe we can visit about that.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, I think it would be good at the next meeting to present more corroborating data as to why you were asking for these variances, as an educational process. I myself am supportive of having narrower roads and I know that when I lived out in the Jacona area we had a lot of speeding and actually someone from the County said, why don't you put a little berm there and narrow the road? And we did and then the speeding went away. And so there is a lot of information out there about the kinds of things that you are proposing, but just as an educational thing for the Commission I think it would be good to present more data.

CHAIRMAN ANAYA: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I have a question for our attorney. Since we will be hearing this again and making a decision, is my interpretation correct that we're not to have any contact with the developer and receiving any extra information until that meeting?

MR. ROSS: Mr. Chair, Commissioner Stefanics, that's correct. That would be *ex parte* communication. All communication should occur in this context and the context of a public hearing.

COMMISSIONER STEFANICS: The reason I'm asking that, Mr. Chair, is that if people have specific questions we cannot meet with Mr. Harrison. We probably need to communicate our questions to him to be answered at our next public meeting. And I just wanted to clarify that.

MR. ROSS: So the best way to get that information flow going is working through Vicki.

CHAIRMAN ANAYA: Yes. Through staff.

COMMISSIONER HOLIAN: Mr. Chair, I have a question on that point.

CHAIRMAN ANAYA: Go ahead.

COMMISSIONER HOLIAN: Does that mean that we're not supposed to have any communications with people who are commenting on the project in any way?

MR. ROSS: Yes. People for or against the project are all parties to this matter. So any communications to those persons should be in this context.

DRAFT

COMMISSIONER VIGIL: What if a constituent calls with regard to this and has a concern about it? Am I supposed to say I can't listen to you? This is *ex parte*. They're not a party to it but they have a concern.

MR. ROSS: Commissioner Vigil, we have these in all these cases and what we always do in these cases is work through the case planners, get the comments to the case planners. Otherwise the comments didn't even really happen. They don't become of record in this matter if they're not made to the case planner and recorded in a case file and made a part of these proceedings.

COMMISSIONER VIGIL: Right. But they become part of a communication in our representative capacity in trying to listen to the issues that our constituents bring up. That would be in a different capacity in my mind.

MR. ROSS: Well, there's no distinction made in the law. Due process requires a fair hearing and an impartial decision maker and you are the decision makers. So in these types of matters it's best to work through the case planners and have all these communications in this form so everyone hears them and everybody knows what –

COMMISSIONER VIGIL: I understand your advice, Mr. Ross. Thank you.

CHAIRMAN ANAYA: Okay, there's been a motion and there's been a second and discussion. Under discussion, I'd like to say Ted that I don't agree with the 30-foot. I'd like to keep it lower. I'm okay with the cul-de-sac. The right-of-way width I don't agree with you. I'd rather keep them the same. And the arterial roads, I don't – and the slope. I'm only agreeing to – and this is just for your information. The 900-foot. I'm okay with that. The rest I'm not.

MR. HARRISON: Is there an opportunity for me to respond to some of the questions and requests that was part of the earlier public hearing? Would that be all right? I can be brief.

CHAIRMAN ANAYA: Go ahead.

MR. HARRISON: First of all, I don't think it was the intention of Galisteo to slow down our process.

COMMISSIONER VIGIL: I don't either.

MR. HARRISON: I think they're actually acknowledging that our communication practice has been extremely high-tech, very active and very attentive. And I know, Commissioner Vigil, that you're not questioning the relationship with Galisteo. Just know that I have made active outreach to Eldorado and Lamy. Cañoncito has not been a part of the discussion. The water, and there's geohydro reasons, why it hasn't probably risen to the surface, their concerns.

The folks in Lamy did attend and spoke very eloquently to the values and opportunity of the project at the master plan. The folks, I don't know how many there were. Were there 15 people that spoke tonight? Have spent four hours here because they're passionate and committed to the vision and values of this project. I know you don't discount the time, energy, intelligence and experience that they bring, but I'm concern that in requesting additional meetings after what has been a six-year effort and we have been all about communication. And I understand that inevitably in a community of 130,000 people there will be folks that say this is

a bad idea. This is not the right place. These are particular design issues that aren't appropriate. We can't satisfy, certainly, everyone's needs and interests.

But I'm very proud tonight to the fact that everyone here, not a single voice of opposition was presented, exactly consistent with the experience we had at the master plan. Exactly consistent with what we had at the CDRC hearing. The CDRC members went out to the site, looked at the slopes, looked at the road widths that we were proposing. We have them spaced. And in that discussion and in that experience, they said, you know what? In the bigger scheme of things this is a remarkable project. This holds so much opportunity to inspire a different way of doing community development. We don't have a lot of time left. I have to just acknowledge that. And maybe if the intention is to end our work, it can be done fairly easily. We can say the plan doesn't work in terms of its road widths or the height requirements or what have you. It's too urban in a location that shouldn't have urban development.

In many ways I wish that when we went to master plan that that had been the communication, but instead at master plan we had a unanimous vote from the CDRC and we had a 4-1 vote at the BCC. Now, granted, every day we have new information. Market studies can be updated. It is a different time. But to say what we want now is a residential project as opposed to a mixed-use project, what we want now is more suburban development, we're not hearing that from our sustainability planners. In fact what I hear from Dr. Freilich and Bruce Peshoff is thank God for Commonweal. And it's not patting myself on the back. It's the vision, values, the intelligence – not my intelligence, but the intelligence of this whole community and all of the consultants that have advised this project have brought to it. They are in awe of what we have done, what we are willing to do.

Now, granted, you have your own responsibilities and your own perspectives and your own experience. And I respect that and honor it. But I would encourage you as we come back together, which it sounds like we're on the path to, that you'll consider the 15, 20 people who spoke tonight who may not be able to come to the next hearing. Their voices need to be remembered. And if I can bring folks from Lamy to offer their perspective again, I'll certainly make that effort. I hope they make that effort too.

We're, I think collectively, collectively trying hard to do a really great thing here. It may not be perfect but I think the voices and opinions you heard tonight were: this is pretty important. This is pretty inspiring. This is pretty wonderful. And I think we have the opportunity to bring it forward or to let it pass. Certainly, I hope, as we come back together in November that there will be the opportunity to bring it forward, that the information that we've provided staff with respect to water, Commissioner Vigil, will finally get some definitive resolve. We've asked the County Hydrologist to make a determination on the water that we've studied and we think we have demonstrated that we have the water we need, and we're not totally reliant on the Buckman Diversion, although we do see that as an opportunity both to help the County and to help this project.

CHAIRMAN ANAYA: Thank you, Ted.

MR. HARRISON: Thank you for the opportunity to respond.

CHAIRMAN ANAYA: There's a motion and a second. Any further discussion?

DRAFT

**The motion passed by majority 3-1 voice vote with Commissioner Holian casting the nay vote.**

**XIV. ADJOURNMENT**

Chairman Anaya declared this meeting adjourned at 9:55 p.m.

Approved by:

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Board of County Commissioners  
Mike Anaya, Chairman

ATTEST TO:

VALERIE ESPINOZA  
SANTA FE COUNTY CLERK

Respectfully submitted:

Karen Farrell, Wordswork  
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