

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

**August 10, 2010**

- Harry Montoya, Chair – District 1
- Virginia Vigil – District 2
- Michael Anaya – District 3
- Kathy Holian – District 4
- Liz Stefanics – District 5



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC MINUTES  
PAGES: 218

I Hereby Certify That This Instrument Was Filed for  
Record On The 15TH Day Of September, 2010 at 01:25:38 PM  
And Was Duly Recorded as Instrument # 1610703  
Of The Records Of Santa Fe County

Deputy \_\_\_\_\_  
Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM

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

REGULAR MEETING

August 10, 2010 at 2:00pm

*Please turn off Cellular Phones during the meeting.*

*Amended Agenda*

- I. Call To Order
- II. Roll Call
- III. Pledge Of Allegiance
- IV. State Pledge
- V. Invocation
- VI. Approval Of Agenda
  - Amendments**
  - Tabled Or Withdrawn Items**
- VII. Approval Of Consent Calendar
  - A. Consent Calendar Withdrawals
- VIII. Approval Of Minutes
  - A. Approval Of July 2, 2010 Special BCC Minutes
  - B. Approval Of July 13, 2010 BCC Minutes
- IX. Matters Of Public Concern –NON-ACTION ITEMS
- X. Matters From The Commission
  - A. **Discussion And Possible Consideration Of The Estancia Working Group Request For Time Extension For SLDP Public Hearing Process To Allow Additional Meetings In Southern Santa Fe County. (Commissioner Anaya)**
  - B. **Discussion And Re-Consideration Of Severance Pay For Former County Manager (Commissioner Montoya)**
- XI. Consent Calendar
  - A. Final Orders

1. CDRC Case # S 09-5211 Saddleback Ranch. Saddleback Ranch Estates LLC., (Gabriel Bethel), Applicant, Requests Approval Of A Summary Review (Type V) Residential Subdivision Consisting Of 24 Lots (Each 40- Acres In Size) On 960 Acres. The Project Is Located On County Road 41 Within Section 13, 23, 25, & 26 Of Township 14 North, Range 9 East And Sections 7, 8, 9, 16, 17, 18, 19, 20, 21, And 29 Township 14 North, Range 10 East, Near The Villages Of Galisteo And Lamy (Commission District 3). (Approved 5-0)(TABLED)

**B. Miscellaneous**

1. Request Approval For a Budget Increase To The Fire Administration Operating Budget Fund 244 To Budget \$200,000 Of The Town Of Edgewood JPA Revenue To Be Utilized For The Purchase Of A New Fire Engine To Benefit The Fire Response Capabilities In The Edgewood Fire District. (Community Services/Fire)
2. Request Approval To Budget \$268,000 Of The Edgewood Fire District Impact Fees To Be Utilized For The Purchase Of A New Fire Engine To Benefit The Fire Response Capabilities In The Edgewood Fire District. (Community Services/Fire)
3. Request Approval To Carry Forward Impact Fees Budgeted But Not Expended In The Previous Fiscal Year For The Agua Fria, Eldorado, And Hondo Fire District Impact Fee Fund (216) To Be Utilized On The Purchase Of A New Fire Engine For Each Of The Three Fire Districts For A Total Amount Of \$1,046,000. These Vehicle Purchases Are In Accordance With The Five Year Plan Which Has Previously Been Approved By The BCC And Will Benefit The Fire Response Capabilities In The Agua Fria, Eldorado And Hondo Fire Districts. (Community Services/Fire)
4. Request Approval For A Budget Increase To The Forestry Grant Fund (244) To Budget Two New Grant Awards In The Amounts Of \$19,822 For The Santa Fe County Hazardous Fuels Removal And WUI (Wildland Urban Interface) Risk Reduction Education/Outreach Project For A Total Accumulated Grant Award Amount Of \$39,792 That Is Funded Through The New Mexico Association Of Counties. (Community Services/Fire)
5. Request Approval For A Budget Increase To The FEMA AFG Grant Cost Center (244) To Budget A New Grant Award In The Amount Of \$217,820 To Be Utilized By The Santa Fe County Fire Department To Implement A New Firefighter Training Program, A Firefighter Health & Fitness Program And Station Equipment To Install Emergency Generators Or Exhaust Removal Systems In Four Fire Stations. (Community Services/Fire)
6. Request Approval For A Budget Increase To The La Tierra Station Project (216) Fund To Budget An Additional \$119,100 Out Of The

Agua Fria EZ Impact Fee Revenue That Will Cover The GRT, A 10% Contingency Fund, And The Temporary Housing For The Crew During The Station Remodel. (Community Services/Fire)

- 7. Request Approval For a Budget Increase To Bring Forward The Available Cash Of Previously Budgeted Impact Fees For The Agua Fria Fire District In The Amount Of \$33,171 Of Which \$20,000 Will Be Utilized Towards Landscaping The Agua Fria Station. (Community Services/Fire)
- 8. Request Approval To Lease A Mobile Home In The Amount Of \$18,355 For Temporary Housing For Two Firefighting Personnel 24 Hours A Day While The Remodel/Construction Is Being Done At The La Tierra Fire Station. (Community Services/Fire)
- 9. Request Authorization To Enter Into Amendment No. 5 To The Agreement With BI Inc. The Purpose Of The Contract Is To Provide Electronic Monitoring Services As Ordered By The Courts To Santa Fe County Residents As An Alternative To Incarceration. (Corrections Department)
- 10. Request Approval Of An Increase Of \$1.6 Million To The Current Capital Project Budget Of \$216.3 Million For The Buckman Direct Diversion Project, For A Total Budget Of \$217. 9 Million. This Increase Is Related To The County's Cost Share For The Final Design And Construction Of The Parallel Pipeline. (County Manager's/Finance)
- 11. **Approval Of Santa Fe County Services Agreement With Compass Group USA, Inc. (d/b/a Canteen Correctional Services) To Provide Food Services And Commissary Operations At The County Corrections Department.**

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

**A. Community Services Department**

- 1. Quarterly Satellite Office Report For The Period Of April 1, 2010 Through June 30, 2010.

**B. Growth Management Department**

- 1. Consideration Of Publication Of Title And General Summary For An Ordinance Amending Article III, Section 7, Community Service Facilities Of The Santa Fe County Land Development Code, Ordinance 1996-10 For The Purpose Of Clarifying Standards And Submittal Requirements.
- 2. Affordable Housing Update; Discussion Of A Potential Home Improvement Program And Discussion Of The 30% Affordable Housing Requirement.

**C. Public Works Department**

- 1. **Amendment No. 2 to Water Agreement Between Agua Fria Community Water Systems Association And Santa Fe County.**

**D. Matters From The County Manager**



**E. Matters From The County Attorney**

1. **Consideration Of Publication Of Title And General Summary For An Ordinance Amending Ordinance 2010-8 In Order To Exempt Projects Funded By Legislative Appropriations From Section 7, Construction Management**
2. **Consideration Of Authorization To Publish Title And General Summary Of An Ordinance Enacting A Santa Fe County Code Of Conduct And Repealing Ordinance No. 2004-3**
3. **Executive Session**
  - A. **Discussion of Pending of Threatened Litigation**
  - B. **Limited Personnel Issues**
  - C. **Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights**
  - D. **Collective Bargaining**

**XIII. Public Hearings**

**A. Growth Management**

1. **CDRC Case # Z 09-5520 New Mexico Boys & Girls Ranch Master Plan. The New Mexico Boys & Girls Ranch Foundation Inc., Applicant, Consensus Planning, Agent, Request Master Plan Zoning Approval As A Community Service Facility For A Consolidated Residential School Facility Consisting Of Student, Staff, Administration And Transitional Housing, A School And Administration Building, And Accessory Uses Totaling Approximately 115,200 Sq. Ft. On 964.34 Acres To Be Completed In 3 Phases. The Property Is Located On County Road 22, West Of State Road 344, North Of Cedar Grove, Within Sections 3 & 10, Township 11 North, Range 7 East (Commission District 3). Vicki Lucero, Case Manager.**
2. **CDRC Case # V 09-5270 Bryan Berg Variances. Bryan Berg And Kristin Carlson, Applicants, Request Approval Of Seven Variances Of The Uniform Fire Code And Urban Wildland Interface Requirements And Of Article VII, Section 3 (Terrain Management), Article V, Section 8.2 (Road Design), Article III, Section 2.3 (Site Planning Standards For Residential Use) Of The Land Development Code: 1) To Allow The Height Of A Residence To Exceed 18' Feet And To Allow The Overall Height (From Highest Parapet To Lowest Natural Or Finished Cut Grade) To Exceed 30 Feet; 2) To Allow The Slope Of The Driveway To Exceed 11%; 3) To Allow A Driveway To Be Less Than 14 Feet Wide (As Required By Fire Code); 4) To Allow A Turn Around That Does Not Meet Fire Code Requirements; 5) To Allow A Retaining Wall Greater Than 10 Feet In Height; 6) To Allow Disturbance Of Slopes Greater Than 30%; And 7) To Allow A Finished Floor Elevation To Exceed 5 Feet Above Natural Grade. The Property Is Located At 11 Mountain Top Road, Within The Overlook**

Subdivision, Within Section 16, Township 16 North, Range 10 East (Commission District 4). Vicki Lucero, Case Manager.

- 3. **CDRC Case # Z/DP 09-3132 PNM Caja Del Rio Substation.** PNM, (Jeanette Yardman), Applicant, Requests Master Plan Zoning/Preliminary And Final Development Plan Approval For The Construction Of The Caja Del Rio Substation On 2.4 Acres. The Substation Is Needed To Serve The City Of Santa Fe/Santa Fe County Buckman Direct Diversion Water Pumping And Treatment Facilities Along With Future Growth In The Area. The Project Will Consist Of The Substation, Installation Of Two Tap Structures Approximately 70' Feet In Height And Two Termination Structures Approximately 45' Feet In Height That Will Connect With PNM's Existing 115kV Transmission Line. The Property Is Located At 11 W. Caja Del Oro Grant Rd., Within Section 22, Township 17 North, Range 8 East, (Commission District 2). Wayne Dalton, Case Manager.
- 4. **CDRC Case # V 10-3032 Gerald Medina Variance.** Gerald Medina, Applicant, Requests A Variance Of Article III, Section 10 (Lot Size Requirements) Of The Land Development Code To Allow A Land Division Of 4.95 Acres Into Two Lots. The Property Is Located At 312C Rabbit Road, Within Section 10, Township 16 North, Range 9 East, (Commission District 4). Wayne Dalton, Case Manager.
- 5. **CDRC Case # S/ PDP 07-5101 Santa Fe Metro Center.** Paul Parker, Applicant, Jim Seibert, Agent, Request Approval Of Preliminary Plat To Allow Twelve Industrial/Warehouse Lots On Nineteen Acres And Preliminary Development Plan Approval For The Nineteen Acre Site. The Property Is Located On The East Frontage Road, Within Section 26, Township 16 North, Range 8 East, (Commission District 5). Jose E. Larranaga, Case Manager
- 6. **BCC Case # MIS 10-5350 Rio Santa Fe Business Park.** Pena Blanca Partnership Applicant, Jim Seibert Agent, Request Master Plat Authorization, On 31.44 Acres, To Allow For The Creation Of Twenty Seven Lots. The Property Is Located At 54 Colony Drive, North West Of N.M. 599, North Of Paseo De River, Within Section 10, Township 16 North, Range 8 East, (Commission District 2). Jose E. Larranaga, Case Manager

**XIV. Adjournment**

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

**August 10, 2010**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:10 a.m. by Chair Harry Montoya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

**Members Present:**

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

**Members Excused:**

[None]

**V. INVOCATION**

An invocation was given by Jessica Rodarte from the Sheriff's Department.

**VI. APPROVAL OF THE AGENDA**

**A. Amendments**

**B. Tabled or Withdrawn Items**

PENNY ELLIS-GREEN (Acting County Manager): Mr. Chair, we do have some changes to the agenda. Item X.A. has been added, a discussion and possible consideration of the Estancia Working Group request for time extension for the SLDP public hearing process to allow additional meetings in southern Santa Fe County.

Item X. B was added but has now been tabled. Item XI. A 1 is tabled. That is the findings of fact of CDRC Case #S 09-5211, Saddleback Ranch. Item XI. B. 11, on page 3 of

the agenda has been added but has now been tabled. Item XII. C. 1 under the Public Works Department has been moved to be put under the Public Works Department. It was previously on under the Growth Management Department.

And item XIII. A. 5 and 6 have been put to be put under the public hearings. Initially they were put under the Growth Management Department and were not under Public Hearings. And those are the changes.

CHAIRMAN MONTOYA: Okay. Any other changes or do we have a motion?  
Commissioner Vigil.

COMMISSIONER VIGIL: I just have learned that there was a request to move item XIII. A. 3, to item XIII. A. 1.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I would like to suggest that perhaps we move actually XIII. A. 4 to the beginning because it should go fairly quickly and it seems like making the applicant stay through all the long items would be an undue burden.

CHAIRMAN MONTOYA: And then go with PNM? Would that be okay?

COMMISSIONER VIGIL: I have no problem with that.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I would like to keep the Boys and Girls Ranch closer to the top. I don't mind it after the first one, Commissioner Holian, but to keep moving it down – we've got people coming from the southern part of Santa Fe County and I think they've already been here twice or three times. So I'd like to keep that towards the front if we could.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER VIGIL: Perhaps the way we should move forward on this is to have – we also have another variance, Commissioner Holian. It's item 2. So they would also be waiting.

COMMISSIONER HOLIAN: Which variance is that?

COMMISSIONER VIGIL: #V 09-5270. I'm not sure how quickly that will go. Perhaps we can look at the agenda and reserve the right to rearrange it around 5:00 when we identify the number of folks that are here and how much testimony we will be able to do, and leave it is for now. And then at 5:00 reserve the right to rearrange the presentations. Would that be all right with Legal? It would be. Okay. Then let's just leave it as is then we'll make that determination later.

COMMISSIONER ANAYA: Mr. Chair, move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Second by Commissioner Holian.

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



**VII. APPROVAL OF CONSENT CALENDAR**

**A. Consent Calendar Withdrawals**

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I'd like to pull items XI. B. 4 and XI. B. 9, please. And move for approval.

CHAIRMAN MONTOYA: XI. B. 4 is a forestry grant fund?

COMMISSIONER HOLIAN: That's correct.

CHAIRMAN MONTOYA: Okay, and the 9 is the amendment to the electronic monitoring services.

COMMISSIONER HOLIAN: That's correct.

CHAIRMAN MONTOYA: Any other removals?

COMMISSIONER VIGIL: I'll second.

CHAIRMAN MONTOYA: I have one item. XI. B. 10 that I wanted to discuss. So these three items will be removed from Consent. Is that okay, Commissioner Holian, in your motion?

COMMISSIONER HOLIAN: Yes.

COMMISSIONER VIGIL: And I believe Penny, you did table item 11?

CHAIRMAN MONTOYA: Yes.

COMMISSIONER VIGIL: Okay. With that I second the motion.

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

**XI. CONSENT CALENDAR**

**A. Final Orders**

1. CDRC Case # S 09-5211 Saddleback Ranch. Saddleback Ranch Estates LLC., (Gabriel Bethel), Applicant, Requests Approval of a Summary Review (Type V) Residential Subdivision Consisting of 24 Lots (Each 40 Acres in Size) on 960 Acres. The Project is Located on County Road 41 within Section 13, 23, 25, & 26 of Township 14 North, Range 9 East and Sections 7, 8, 9, 16, 17, 18, 19, 20, 21, and 29 Township 14 North, Range 10 East, Near the Villages of Galisteo and Lamy (Commission District 3). (Approved 5-0)(**TABLED**)

**B. Miscellaneous**

1. **Resolution No. 2010-128. A Resolution Requesting Approval for a Budget Increase to the Fire Administration Operating Budget Fund 244 to Budget \$200,000 of the Town of Edgewood JPA Revenue to Be Utilized for the Purchase of a New Fire Engine to Benefit the Fire Response Capabilities in the Edgewood Fire District. (Community Services/Fire)**

2. **Resolution No. 2010-129. A Resolution Requesting Approval to Budget \$268,000 of the Edgewood Fire District Impact Fees to Be Utilized for the Purchase of a New Fire Engine to Benefit the Fire Response Capabilities in the Edgewood Fire District. (Community Services/Fire)**
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5. **Resolution No. 2010-131. A Resolution Requesting Approval for a Budget Increase to the FEMA AFG Grant Cost Center (244) to Budget a New Grant Award in the Amount of \$217,820 to Be Utilized By the Santa Fe County Fire Department to Implement a New Firefighter Training Program, a Firefighter Health & Fitness Program and Station Equipment to Install Emergency Generators Or Exhaust Removal Systems in Four Fire Stations. (Community Services/Fire)**
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7. **Resolution No. 2010-133. A Resolution Requesting Approval for a Budget Increase to Bring Forward the Available Cash of Previously Budgeted Impact Fees for the Agua Fria Fire District in**

- the Amount of \$33,171 of Which \$20,000 Will Be Utilized Towards Landscaping the Agua Fria Station. (Community Services/Fire)**
8. **Request Approval to Lease a Mobile Home in the Amount of \$18,355 for Temporary Housing for Two Firefighting Personnel 24 Hours a Day While the Remodel/Construction is Being Done at the La Tierra Fire Station. (Community Services/Fire)**
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  11. Approval of Santa Fe County Services Agreement with Compass Group USA, Inc. (d/b/a Canteen Correctional Services) to Provide Food Services and Commissary Operations at the County Corrections Department **TABLED**

#### **VIII. APPROVAL OF MINUTES**

##### **A. Approval of July 2, 2010 Special BCC Minutes**

CHAIRMAN MONTOYA: This was a special meeting of the BCC.

COMMISSIONER ANAYA: So moved.

COMMISSIONER STEFANICS: Second.

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

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

##### **B. Approval of July 13, 2010 BCC Minutes**

COMMISSIONER HOLIAN: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Holian.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Second by Commissioner Stefanics. Any discussion?

2010/08/10 15:28:18

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

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

CHAIRMAN MONTOYA: If there's anyone that would like to address the Commission at this point regarding non-agenda items please come forward.

LYNNETTE GALLEGOS: Chairman Montoya, Commissioners, my name is Lynette Gallegos and I am here on behalf of the Employee Benefit Committee. We would like to invite you personally to the 2010 annual County picnic that will be held on Friday, August 13, from noon until 5:00 at the County fair building. Thank you.

CHAIRMAN MONTOYA: Thank you, Lynette. Appreciate the invitation. What time should we be there?

MS. GALLEGOS: At noon.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Lynette, thank you for bringing that to our attention. I actually was going to mention it under Matters from the Commission. It's really a well planned activity this year. There is going to be games. And you have to sign up for them, don't you?

MS. GALLEGOS: Yes. We have volleyball, horseshoes, tug o' war.

COMMISSIONER VIGIL: And how do employees sign up between now and then?

MS. GALLEGOS: They just contact one of their committee members.

COMMISSIONER VIGIL: Okay. And do they all know who that is? I know you do have some signs and you've got some things on our website and an email that's been extended, but is there one contact number.

MS. GALLEGOS: You can contact myself, Mark Rodriguez, Gaby Trujillo at Public Works.

COMMISSIONER VIGIL: Okay. Thank you.

CHAIRMAN MONTOYA: Thank you, Lynette.

MS. GALLEGOS: Thank you.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN MONTOYA: Okay, is there anyone else who would like to address the Commission at this point?



**X. MATTERS FROM THE COMMISSION**

**A. Discussion and Possible Consideration of the Estancia Working Group Request for Time Extension for SLDP Public Hearing Process to Allow Additional Meetings in Southern Santa Fe County. (Commissioner Anaya) [Exhibit 1: Memo from Commissioner Anaya]**

COMMISSIONER ANAYA: Thank you, Mr. Chair, members of the Commission. The Sustainable Land Development Plan as you know is moving forward but the southern part of Santa Fe County is asking that we kind of extend this so that we can continue working on the issues that the southern part of Santa Fe County has. And instead of me being up here talking about the issue there's some people in the audience from the southern part of Santa Fe County and I'd like to ask them to come forward if they'd like. We've got Hank Humme – Hank, come forward. We have John Michael Richardson who wants to speak. Ray Seegers, Gerry Powers and Martha Eden, and Councilor Rita Loy Simmons. So if you all would like to just come up here and state the reasons why you'd like us to extend that, the extension, we'd love to hear it. Thank you, Mr. Chair.

CHAIRMAN MONTROYA: Okay. And I would just ask that you not be redundant in your comments and remarks, we would appreciate that, because we do have some people that may want to speak in addition to what you all already prepared for us. So, thank you.

GERRY POWERS: Thank you, Mr. Chair. My name is Gerry Powers and I live in the southern part of the county. I'm also a member of the Southern County Landowners Association and I'm working on the Working Committee to make comments for the southern part of the county, the Estancia Valley, on the plan.

In your packet I think you'll find there's an editorial from the *Mountain View Telegraph*, which is our local newspaper down there, [Exhibit 2] And I'd like to quote a couple of excerpts from it. It kind of gives the basic tone of the feeling of people in the southern part of the county with regard to the plan. It says that the goals of the plan are commendable goals but difficult to put into an active ordinance without trouncing on private property rights. One of the proposals had been that any development in unincorporated Santa Fe County would have required a surface water source. That requirement was eliminated when it was brought to the attention of County officials that there are no streams, rivers or lakes in much of the county.

So I'm ready that excerpt just to kind of point out the huge differences in our area of the county than what was originally conceived for the plan, the areas for the plan. We get all of our water from underground sources. Our average housing, median price housing down there is \$140,000 per home where in Santa Fe County it's \$402,000. So many of these provisions in the plan would actually go contrary to and prevent us from developing our own district plan with objectives that really benefit and suit our area.

So the committee is working very hard on this. We've had great participation. We just need a little more time because of pointing out the differences, reading all of the many pages

of the plan and making sure that the provisions in the plan don't contradict what we need for our area. Thank you.

CHAIRMAN MONTOYA: Thank you, Gerry.

JOHN MICHAEL RICHARDSON: Chairman Montoya, thank you for letting me speak. This plan is very detailed as you well know. My name is John Michael Richardson. I live in Stanley. If you look at the detailed information that is entailed in this plan, specifically in the maps, which are great maps, but I'm a simple-minded man and there are a lot of the details, too many colors, too much information is confusing to me sometimes. But I looked at the population projections for the Estancia Growth Management Area for the next 20 years. It's 2,167 people. The dwelling units is 999 and the number of jobs would be 283. And if you look at these tables it is the very smallest amount of growth over the whole county. We've got the least amount of impact on the county as a whole, but our surface area is the greatest.

For my own edification I made a map that shows in four colors what the other map has [inaudible] If you look at the gray areas as the federal, tribal and state areas that are not going to be affected by this plan. You've got the blue that are the incorporated areas that also won't be affected by it. And then, for simplicity's sake, I took all of the areas that were communities and tracts that are 40 acres and less. It goes all the way down to a tenth of an acre, half of an acre, what not, and those are the yellow tracts. That's where all your development is, or your communities already exist, or you actually have community plans in place.

Now the rest of it, the green, is the area that is going to be affected by this plan. You've got the Galisteo area up here and south of Galisteo and Cerrillos you've got basically four ranches – the San Cristobal, the Cerro Pelon, Zorro and the Lone Mountain, with some smaller ranches. But those are the four larger. Then you get into the Estancia area, you've got the King Brothers, J-Mar Ranch, the Hagerman Ranch and a few other ranches that are the large ranches. But then you get down to ranches or tracts that are 40 acres up to I'd say 1500, 2,000 acres. And that's where we are. We are the traditional rural lifestyle. I know it's considered sprawl in the book but it's just a traditional ranching/farming lifestyle that we enjoy and we embrace, and that's why we moved out here.

We will have the least amount of impact on the whole county yet this plan will affect us the most, because if we are reduced to cluster developments and a lot of things that this plan has in place it will ruin a traditional ranching and farming lifestyle that we enjoy. Thank you.

CHAIRMAN MONTOYA: Thank you. Next, please.

RAY SEEGER: My name is Ray Seegers. I'm from the southern part of the county. I'm a businessman in the county. I own a real estate company in the county and a landowner in Stanley. And what I want to impress upon you is how hard we're working on this document. Gerry brought out the fact that there's some basic contradictions in the document that have to be addressed and I feel it's a poor document. And that is about water, of course. The first thing is that your plan calls for surface water to supply the county and the

County water system. And we're 100 percent underground water out there. Also, in our area, 95 percent of the water in the Estancia Basin Growth Management Area, which is the area we would like to call ourselves is used by farming. 95 percent. We don't have the same problems you have up here that are stated throughout the plan. And the plan is based on those water problems and some other elements.

So we find that our lifestyle, the way we live down there is totally sustainable. One of the things that was totally left out of this plan is we have the Estancia Valley water group, which was put together by the legislature to look at our water situation. They do an annual study. We know what our water situation is. Of course it's in the southern part of Santa Fe County and into Torrance County, that entire water basin, and it's critical to regard that water basin because that's what we're going to get our sustainable water from. That's where we get it from now.

So we can't live with all the paragraphs that force us to go ahead and use surface water. So we think we need to address that. What happens is it appears in those chapters as one form or another as one of the main principles in this plan. So we need a way, and we're attempting to develop ways to state our situation down there so that we can have the lifestyle we can sustain and do want and realistically look at our water. And that takes time.

What we've done, we've had some meetings but one of the meetings that we had, we got this document one day before the meeting. There were changes made from a previous document. We got the next one in one day. So it puts you in a bind trying to rush through this to start with. But we did. We stayed up all night and wrote a lot of comments. But now we've found the complexities are such – we have broken down this document into chapters and assigned it to subcommittees, and those subcommittees are working their tails off trying to address our problems. And we're trying to work with this document.

Now, one of the things that keeps coming out of it, and we'll be asking for this, is that in this document we definitely need our own district plan. For those reasons stated, the water situation which is misstated in here the lifestyle we care to have, and the big one – the other big one; those are big ones too – we have two traditional communities in our area that we shop at, that we circulate around. So the lifestyle we have and like and are shooting for and want to maintain, in this document they call it sprawl because they refer to everybody shopping in Santa Fe and moving 50 miles out. We're six, eight, ten miles out of our two traditional communities. One is Edgewood, which is incorporated. One is Moriarty. Nothing in here is planned around those and they just sit there on Interstate 40 and they're real and they're vibrant, and that's where we do our shopping; that's where we do everything.

So without those planning concepts included we are really treated poorly. You will destroy our lifestyle if we're held to everything in here. So we're making very specific comments on each chapter, which I think will work well with the plan, because we explain why. We have a rationale for everything. But we need more time to develop it. We have actually finished two chapters. By this coming Thursday we'll have three more finished. And we're doing it with the consent of everybody involved. We're getting consensus, and I think that's real important.

Anyway, I really would ask you – I don't beg but come close – to please consider giving us enough time. Because if you give us enough time you'll probably have a document that you can be proud of. If you don't give us enough time there are serious contradictions that we're trying to point out and we'd like to change those to the point where you don't have a contradictory document. Then it will be a document that works for all of us. By the way, we weren't in on the first long put-together on this because the document was put together before they came down and talked to us about the plan. And when we made our comments we left thinking, well, we've told our planners what we want. Those were not included. And that's when we got into have these plans to specifically go through it, and we're getting great participation, the broadest spectrum I've ever seen in Edgewood. I worked on the 1981 plan and everyone thereafter, and I've never seen better participation and more cohesiveness, but we need the extra time to do it right.

CHAIRMAN MONTOYA: Thank you, Mr. Seegers. Next, please.

MARTHA EDEN: Commissioners, my name is Martha Eden. I'm from the Edgewood area and I'm a landowner in Santa Fe County. First I wanted to say that Rhonda King, our legislator who is also a landowner in the southern Santa Fe County area strongly supports this request for an extension and she wished she could be here today but had a prior commitment and could not be. I urge you from my heart to read this thing from cover to cover before you vote on it if you haven't already. I really do mean that. We have, and there are places in it that simply are not reasonable and logical even for your part of the county, much less ours.

We live in Santa Fe County but we work and go to school in Torrance County and Bernalillo County. Our shopping centers are spread out all over the southern part of the county. We are the center of affordable housing in your county. The average price of a home in the Edgewood area is \$140,000 versus \$322,000 in Santa Fe City and \$286,000 in the county as a whole. So we do have do [inaudible] which is one of your primary goals which is providing affordable housing for the citizens of the county. As Ray said we have worked unbelievably hard. We've spend innumerable hours putting together some of what we think will help us preserve our traditional life style in the southern part of the county.

I don't see us ever being a bike to work area. Possibly in Edgewood. But in the other unincorporated parts of the county that probably is not going to be a reasonable or logical goal, which is obviously one of the goals of the plan. We're just asking very much for your consideration just to give us a little more time. Thank you.

CHAIRMAN MONTOYA: Thank you, Ms. Eden. Next, please.

HANK HUMME: Good afternoon. My name is Hank Humme, Stanley. Thank you for letting us talk. A few of the concerns that we have is that the Estancia Basin borders several counties and in order for us to have laws that might govern our portion it would be wise if all of the communities were involved and all had the same regulations. There's no point in doing whatever in one county and not doing it in the others.

In addition to some of the areas that they've covered, our area does not have transportation to Santa Fe; that just failed. The buses are stopped. We have concerns over the

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incentives that you're describing in the plan because in general those come back as higher taxes to the individuals. We have concern over Santa Fe financing and incentives on solar and wind. The subject came up that mortgage companies will not even finance homes that you're going to finance and pay for and have the folks pay for the whole package through taxes. They're considering that it's something that they're going to come in secondary on a mortgage basis. They will not do it.

The information on the utilities as you know down in the southern part of the county we're with CNMC. I called them and found out that in fact they will do a buy-back, but their buy-back on power is at three cents a kWh whereas we're paying over 13 cents a kWh. The payback on that is so astronomical there isn't a company around that I've worked for that would make that happen. Usually, three years as you know, is a payback period in general and seven years is if it's something very serious on a capital expense basis.

Then we also have concerns over the loss of rights and use of our own property. We're very concerned about that. I'll give you one bad example. I have 80 acres. It took four years of my crawling to get the taxes taken care of properly. When I do get there I get remarks about oh, we should have taxed you on all 40 acres because it doesn't matter if you're agricultural or not. When you see that type of effect from the people up here we get very concerned about it.

On the other side of it though, everyone at the meeting is trying to make sure that this plan works because we know it's extremely important for you that it work because you've spent a heck of a lot of money on it. We understand that and we're trying to put our piece in there so that it still works for you without us having to go further. There are contradictions between chapters on different categories. I personally read those and I know that they're in there. So we're trying to be helpful to you folks, make it work properly. Thank you.

CHAIRMAN MONTROYA: Thank you, Mr. Humme. Next, please.

RITA LOY SIMMONS: My name is Rita Loy Simmons. I'm from Edgewood and I'm surrounded by good people that have been working hard, but there are a whole lot more of us. I think we must have 25 or 30 people at the meetings every week trying to come up to speed. I think we all had a great deal of trust in our neighbors to the north and their view of the county, but they rather missed what goes on in our end of the county. We're not only the southern end of Santa Fe County we are the northern end of the Estancia Basin, a region almost as large as the County of Santa Fe. So we have two overlay zones that are very critical to us.

I wish more of our people could be here. I've been involved in long-range planning almost since I was a child, just because my parents drug me along to every meeting that they ever went to, whether it was in Stanley, Edgewood, Albuquerque or Santa Fe. One of the things that my father found very necessary after World War II when he was teaching returning veterans the latest farming and ranching welding techniques, where they were saying, but Tom, we don't have electricity, which was true. We ran our dairies on generators and we brought our milk to Brawns Hospital in Santa Fe.

My dad and Bill Simmons and Bill King got together and created a committee to

approach REA. From that my dad became the project manager for the whole of the Estancia Valley, the Central New Mexico Electric Cooperative. Then he tried irrigating in Moriarty after [inaudible], after the drought. And that was so expensive that he had to start financing his farming and ranching habits. That's 1952.

Now, both he and my mother had vision. They both anticipated people moving from the City of Albuquerque. That's our economic engine. Like it or not, we're hoping to have more of the economic engine move to our side of the motion. We're only 30 miles from downtown Albuquerque in Edgewood. It's a very easy commute there, where it's a long ways to Santa Fe.

Some of the things they told me when I was very young was that the city would come out and meet us, and it has. Going back to that drought, people began to lose their ability to make a living. They could not sustain farming and ranching and they sold. Most of the people in the southern part of the county, except for the larger ranchers, live on somebody's failed farm and ranch. People began to move out there and the county began to look at land use planning. My parents started a water system. It's called the Entramosa water system. It has over 3,000 homes on it, but not very many of them are in Santa Fe County; there should be a lot more.

I've been on the Bernalillo County Groundwater Protection Committee for five years and recharge was very important. The compacts were very important. I've gone to any number of the New Mexico Rural Water Users Association. Also the New Mexico Resource and Research institute and their meetings all over the state of New Mexico. So I think we've got a pretty good handle on what happens with water and land use planning in our end of the county. Our definition of sprawl just happens to be Rio Rancho or Tierra Contenta. I just came through that community a while ago and there's wonderful roundabouts and I wonder how the fire department gets over those.

But thank you. I sincerely hope you will give us a little more time to incorporate our plan into this and one more suggestion: It looks like you have a 40-year plan for conserving water in here. The Santa Fe County 40-year water plan looks to be in this document. You might want to consider making it a document of its own, just like our Estancia Basin Water Planning Committee, which I'm also on. Because the surface water issue is really – excuse the expression – Johnny-come-lately to Santa Fe County and the City of Santa Fe. The real attempts to get hold of surface water have begun after the Santa Fe County water utility authority sunset clause. Then they got very serious about the San Juan Basin, the San Juan Chama diversion and the Buckman Diversion.

So that's something else I'd like you to consider. Thank you so much, Mr. Chair, Commissioners.

CHAIRMAN MONTOYA: Thank you, Rita. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair, and I believe you all have the proposed timelines in front of you and I'd like to see if we could use those proposed timelines, Mr. Chair. Thank you.

CHAIRMAN MONTOYA: Commissioner Holian and then Commissioner

Stefanics.

COMMISSIONER HOLIAN: Mr. Chair, I believe that there are some other members of the audience who would like to speak to this subject.

CHAIRMAN MONTROYA: Okay. David.

DAVID GOLD: My name is David Gold and I'm here representing not just myself but other members of United Communities of Santa Fe County. As some of you are aware our members have been involved in this extensively for the last two years. So I and many others are aware of the complexities of the plan. We went through it in great detail in January when the County staff had hearings about this. The concern that our members have is we feel there are inadequacies in the current code and the only way that that can be dealt with is by having the plan completed so the code can be worked on.

Recently you had an issue with developments where it was felt that because of the limitations of the current code it would have to be supported even though there was concern that it didn't fit into a model that would be appropriate for the county in the future. Some of the things that are weak in the code right now are water, open space, impacts to neighbors, densities. There's a feeling among our members that what you're attempting to do is a very visionary and appropriate thing, that the County is trying to actually consider what will happen in the future. This is the first time – I've met some of these people and I'm afraid to even be standing here because I consider them friends and I'm going to have to ask for something that they don't want to hear. They're incredibly bright people and I'm really glad that they're involved with this at this point because I know from past experience when we were involved together like ten years ago that they bring some very good insights, especially involving individual property rights.

Another area where I know we have concurrence is the balance between the overall plan and effects on individual communities. Our members are also concerned about that area. A lot of the stuff – the real issues are going to take place when the code is written, and dealing with the code. That's where everything will be decided. The plan is the – there are places where it might be considered contradictory but there are issues that can't be resolved in a plan unless it becomes a code because that's where it has to be resolved. A plan will not be perfect, I don't think.

Overall – we just found out about this yesterday when this was added to the agenda but we are concerned about seeing any other extensions. We feel that at this point there is enough time. If the objective is to get everyone's input in prior to the CDRC, then they're correct; I don't think there is enough time. But if their objective is to make sure that there's ample time prior to the BCC study sessions then I think there is. And my understanding is that the way that this is being done at this point, is that the – in front of the CDRC that the document that is presented right now is basically the one that will be reviewed and then any comments will be forwarded to the BCC.

So that should give everyone enough time to get in their comments. Obviously, I hate to be up here and ask for this because I know how difficult it is. We waded through this also, and it's intense. It's not a simple thing, but like I say, where the rubber's going to hit the road

is in the code and we feel like we would like to see that going as soon as possible. In fact since I'm up here anyway talking about this what we would like to see is hearings begin on the code as soon as possible on what's written. There are certain portions of it that exist. Or not hearings but that public study sessions can exist or can start soon, because that will benefit everybody. People in Edgewood as well as the United Communities.

I really feel for these folks because we did this, and I did it personally. This whole thing about going through all these chapters and all this sort of stuff; it's intense. So I would really ask on behalf of United Communities that we continue with this process but we can start the code process and get it going quickly so that everybody can participate in a very meaningful way. Anyway, I appreciate the opportunity to speak. Thank you.

CHAIRMAN MONTOYA: Thank you, David. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you. Is there anybody else who would like to speak to this issue?

CHAIRMAN MONTOYA: Just briefly, please. We don't want to have a debate.

MS. SIMMONS: Thank you. I think it's rather – it makes sense to run in parallel, but I would like to inform Mr. Gold of our timeline because we're not asking for an awful lot more. Two years have been spent on it, we agree. But we're asking for another – August, September and into October. So that's not a whole lot more but it's critical for our end. Thank you.

CHAIRMAN MONTOYA: Okay. Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: I'll make my comments after Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair and thank you, Commissioner Anaya, for bringing this forward. On the attached letter to your memo it's asking for three to four more meetings. And I read that as being ready to go from the Estancia group in September some time. Now, my concern is getting the vote done. And the reason I'm interested in getting this vote done this fall is because of the code and because of the holidays coming up after that. And I would just ask us as Commissioners to consider identifying a vote on this, either September 28<sup>th</sup>, but no later than October 12<sup>th</sup>, which then would make everything wrap up. Right now, when was the CDRC going to have their next public meeting on this?

COMMISSIONER ANAYA: August 26<sup>th</sup>.

COMMISSIONER STEFANICS: August 26<sup>th</sup>.

COMMISSIONER ANAYA: And we're asking them to hear it on September 23<sup>rd</sup>.

COMMISSIONER STEFANICS: Okay, well one of my concerns, Mr. Chair and Penny, and I know you can't really do anything about this, but sometimes we don't even have a CDRC meeting. And if that would happen that's really going to throw a wrench into things. So I feel an urgency, Mr. Chair and Commissioners, to get this vote done this fall before the holidays. So I totally appreciate the request from the Estancia members and would



like to see what others recommend here. Thank you.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I too want to thank Commissioner Anaya for bringing it forward and I really want to thank the members of the Estancia Working Group for all the hard work that you're doing. It's really, really important to participate in the process. I've always believed that. However, I really don't see why your work can't go forward concurrently with the process as we've outlined it now. And I think that you would be able to at least make quite a few comments to the CDRC when they have their meeting at the end of August, and then we will not have our BCC working group until probably mid-September. And I think you've identified that you would be pretty much done by that time anyway.

The point is that our staff is not going to rewrite the draft. What they are going to do is to present the draft to us with all the comments. And there have been a lot of comments from other groups as well. And so I really think that you should do your work concurrently, make your comments to the BCC working group, and for us to have this process go forward with the schedule that we had outlined at our last meeting.

CHAIRMAN MONTOYA: Okay. Other comments?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I guess I know where Commissioners Stefanics and Holian stand so I'm going to be talking to Commissioners Montoya and Vigil. I would appreciate your support on this because you have constituents that are working as a group to try to come forward with the issues that they have described in the Sustainable Land Development Code, and I need your help so that we can help our community. And I'm surprised to hear that David Gold and the United Communities is basically leaving out some of the communities. And I don't appreciate that. But I would ask you all to support this so that they can continue with their meetings. There's a timeline. It's not asking for anything up in the air. They've got dates specified on where they're going to meet and it's basically moving it back one month.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Commissioner Anaya. I have to say that I don't really see the need for delaying this another 30 days, recognizing that you all are working really hard. I want to thank you for that work. But the substance of what needs to happen is what I'm concerned with. I think that you can accomplish what you want to accomplish within the timeline that we actually have provided here. No final action will be taken on this until we know all of the issues involved with it. If in fact you come before the CDRC and feel that your work is incomplete, they are only a recommending body. Then you can come before the Board of County Commissioners and if you feel your work is incomplete at that particular point in time action can be taken with that.

The true issue has been testified to and that is in fact that it's the code that's going to affect what happens in your community. I agree with you. You have a unique community. But

that argument is true for the northern part of the county. It's true for the – I have a unique district. I represent a diversified area. I represent Las Campanas and I represent a traditional historic village. How do you balance those issues with the Growth Management Plan? They're very different but they've been working towards that.

I think the concept of working towards a Sustainable Land Development Plan needs to happen, and when you come forth with any issues that through your hard work, and thank you for doing that, is brought to us. We even have a difficulty listening to and reasoning with what needs to happen in your community. I don't know that that cannot happen within the timeline we have now. The timeline has been extended many times already. Further extension of that I think places this land plan at risk. And I also think ancillary to moving forward, you can create your own unique plan that can be incorporated into the Sustainable Land Development Plan. And that's what a lot of communities have already done and that's the opportunity that you have at this point in time. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Thank you, Commissioner Vigil. And I will just echo I believe what has already been said and I think it's important that we continue to move this process forward and it's not going to mean that the work that you're doing and will continue to do will definitely be a part of what it is that is going to be the final product. So I agree. I think Commissioner Holian said it best when she said I think these two can still move concurrently. The work that you're doing and the work that we're doing in terms of moving the plan forward can still be done without leaving out anything in terms of the work that you all have begun and will continue to proceed with. Commissioner Holian, did you have –

COMMISSIONER HOLIAN: Well, do we need to make a motion?

COMMISSIONER ANAYA: Not if there's four against one. Mr. Chair, I want to thank the committee for working hard on this. I apologize for us not being able to extend it but I appreciate the work. I know you guys have been meeting regularly and I appreciate that. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Thank you, Commissioner Anaya.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: On this issue, I'm unclear on what our dates were, and I didn't think that I was suggesting anything really off, so could we clarify, Penny. What did we ask the direction to be in the past for this?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, in the past we had decided August 26<sup>th</sup> to the CDRC for a public hearing, and then a study session in September with the Board. We were looking at September 14<sup>th</sup>, which is a regular BCC date and having the study session in the morning. From this proposal it looks like their working group would meet for the last time the day before that. But that would be a study session and then several weeks later would be the final public hearing. So at the end of September or at the October BCC meeting, whatever the BCC chooses.

COMMISSIONER STEFANICS: So Mr. Chair and Commissioners, I believe that when we have the study session we also could have a public comment period for

individuals to let us know what parts they're still not ready with. So I just want to put that out as a suggestion for when the staff plans, and thank you for clarifying the dates.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Penny, I wonder if you could sort of poll the Commissioners about the study session, or staff could poll them. If it seems like it's going to be a four-hour session or something really long I think that would be kind of grueling to make it also part of the BCC meeting. So when we get closer maybe we could have some discussion about how we really want to organize this. And I also think it's a good idea to get public comment at that meeting, which would also of course lengthen it.

MS. ELLIS-GREEN: We can do that. Our proposal had been possibly to have a study session in the morning and then break for several hours and then have the BCC meeting in the afternoon, but we can certainly poll around other dates as well.

COMMISSIONER HOLIAN: Well, I'm in agreement with that if you schedule no land use cases that meeting.

CHAIRMAN MONTOYA: Right.

## **X. OTHER MATTERS FROM THE COMMISSION**

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I just want to say that we completed another successful Santa Fe County Fair and I thank all of you that attended. They showed a lot of animals and they had a lot of things there at the fair and I appreciate what the Fair Board did and what Pat Torres did over there. I got a call about some County roads and state roads on the adopt-a-road program or adopt-a-highway program, that the people that are adopting those roads are not keeping them clean. So I guess, Robert or somebody that can speak to this issue, I want to know a little bit more about the adopt-a-road program and what are your responsibilities when you are to adopt a road.

ROBERT MARTINEZ (Public Works Department): Mr. Chair, Commissioner Anaya, it is all voluntary. So even though people sign up to adopt a certain portion of a County road, and those are the only roads that we adopt are County roads. We do not allow residents to adopt state roads or private roads because we do not have jurisdiction over those. But it's completely voluntary.

COMMISSIONER ANAYA: So, do they pay for the sign or we pay for the sign or what happens?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, the sign comes out of the County traffic budget. We install the sign at our expense. Residents are provided signs and vests when they do a cleanup, and trash bags. After they clean up the roadside the County picks up the trash bags and takes them to the nearest transfer station.

COMMISSIONER ANAYA: So if I want to adopt a road I go to you and we fill out paperwork and you build a sign. You put this road is adopted by Mike Anaya for the

next two miles. Doesn't that mean that I should clean it?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, that is correct. It is basically an agreement between the County and that organization that says we will keep this roadside clean. It doesn't dictate how many times a year they're required to clean the roadside.

COMMISSIONER ANAYA: So we don't mandate them to clean the road. We just say, your name is up there so people are going to know who you are? I would think that if I wanted to adopt a road I would look after that road and keep it clean. So I guess what I'm saying is do we need to change things? If somebody wants to adopt a road that these are mandated? I drive down the road and I see adopt-a-road program but yet nobody's cleaning the road. They just want their name up there. Maybe. I don't know.

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, what happens quite frequently is people move from the areas and they don't notify us that they no longer want to participate in the program, or we get people that just lose interest. But what we can do is I will get with the adopt-a-road coordinator and ask her to look at all the roads that have been adopted and contact these organizations to see if they're still interested in maintaining these medians or roadsides. If not, maybe we can get other people that may be interested.

COMMISSIONER ANAYA: Yes. I just don't want to see the sign up saying that I'm going to clean the road, and then the road's not clean. Then we get the calls saying how come that road's not clean? Aren't they supposed to be taking care of it? See what I mean?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, yes.

COMMISSIONER ANAYA: Thank you. Mr. Chair, permits for the transfer station – I know that they get them through the Treasurer's? I know the Treasurer's have been getting abused badly for the recent increase. And I know that there's some people – an individual who mailed in his money and then he never received a permit. And so now, staff does not want to send another permit to the individual. So he's waiting for a permit; he can't get it. Santa Fe County cashed the check but the individual doesn't have his permit. Do we need to send him a new one, which would be the simplest, but apparently we can't do that. But we need to somehow solve that issue. And we need to start making it, I believe, a little easier for constituents in Santa Fe County to do business with Santa Fe County, somehow.

And I know that that was one of my goals as being Commissioner, and it seems to have gotten worse. So I must not have been doing my job. So if we could somehow, Penny, look into seeing if this guy could get this guy's permit. Jennifer has the information.

Commissioner Bobby Casados from Harding County was recently – I think two days ago or yesterday, actually, burned pretty badly, and I don't know if Commissioner you knew that. He was working on a vehicle and it blew up on him and now he's in Albuquerque and I think he has third degree burns. But my thoughts and prayers go out to him and his family. With that, Mr. Chair, thank you.

CHAIRMAN MONTOYA: Thank you, Commissioner Anaya. Commissioner Vigil.

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COMMISSIONER VIGIL: Thank you, Mr. Chair. Robert, are you still here? Robert, I just needed an update on South Meadows. Do we have a better time frame on when that's going to get underway? We've briefly spoken about it but I've been getting more inquiries.

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, South Meadows, the contractor's agreement expires now at the end of August. There are delays due to the bridge. So we're looking at probably around November or so for the bridge to be completed. Now the BDD line is complete that originally was intended to be hung on the bridge, but it was buried so that is operational at this point.

COMMISSIONER VIGIL: Okay. So the statement you made earlier, the contractor's contract terminates at the end of this month – do we need to start looking at extending that or what's the situation there?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, I believe there would have to be a contract to allow additional days to accommodate the delay in the bridge.

COMMISSIONER VIGIL: Okay. We're on top of that, I assume.

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, we are.

COMMISSIONER VIGIL: Okay. Thank you very much. With regard to the permits in the Solid Waste Division, I have been getting a lot of inquiries to changes that we've made. They haven't been really clear to some of our residents. One of the things that I need for us to post in the division of our IT, through IT actually on our webpage is letting the residents know that they can do the ten garbage bags per year because those people that have been getting permits that are less than what's required. I'm not sure what that is. Is it ten-per?

COMMISSIONER STEFANICS: Mr. Chair and Commissioner, I've been getting lots of emails about this. We did not pass a ten permit for residents. We passed a ten permits for commercial. We might want to reconsider that because there are some other issues that I was going to bring up on solid waste too. But we did not pass – we do have the individual tags but we eliminated the ten residential.

COMMISSIONER VIGIL: That might have been an oversight on our part. Is that your understanding, Robert?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, just to clarify, they still sell bag tags. Those are \$1 each and there is no limit to how many you can buy.

COMMISSIONER VIGIL: And the bag tags are an alternative for those that are complaining that the 25 punch is more than they can use. We need to educate people about the alternatives available.

MR. MARTINEZ: The information on the bag tags and punch cards was sent out in the mail.

COMMISSIONER VIGIL: There's no guarantee that information was read. We should see what we can do to educate the public as to the alternatives available.

COMMISSIONER HOLIAN: Mr. Chair, could I make a comment?"

CHAIRMAN MONTROYA: Commissioner Holian.

COMMISSIONER HOLIAN: We should also get the message out that

recycling is free, so you can use the bag tags for what you can't recycle and save money that way.

CHAIRMAN MONTOYA: How big are the bags? Thirteen gallons?

MR. MARTINEZ: Mr. Chair, I believe they are around 30 to 35 gallons. You can get them at the satellite offices or at the Treasurer's office.

COMMISSIONER VIGIL: Thank you, Robert.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Regarding the RTD, bids are being received for the building rehabilitation. There will be no meeting until October, so I won't have any updates at the September meeting. In terms of the transfer station permits, it's been brought to my attention that the ordinance states they can't be reissued. This is in order to avoid fraud and abuse. There's a possibility someone could purchase a permit and then pass it on to somebody else. I'm not saying that's what's happening in this case. I know funds are limited but we probably have to think of what we can do about this. We need suggestions. It might be possible to use some kind of swipe cards for when you go in. They would be easy to use at a transfer station, where you swipe when you go in and your card registers. And we would have it centralized. And then if somebody came in for a replacement we would know if they truly hadn't used their card or if all of them had been expended. But these are used on buses. They're used in several other entities. So it's not a this-year activity but maybe we need to look at how we can get to some kind of system.

The other issue is I've had many people contact me about the fees at the transfer station, and besides letting people know that our fees are still lower than our entire surrounding area, all the cities and the counties, if you bought a 24 permit and you used it for the entire year that comes out to \$5.25 a month. And I understand that we really do have some low income individuals in our county but several of the Commissioners did ask staff to work on some viable way for low income individuals and to set a threshold for us to accommodate low income individuals and I haven't heard a report back yet on that.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, we've met several times on that and we hope to bring it to the Board either at the end of the month or early next month.

COMMISSIONER STEFANICS: Well, I would really appreciate that, Mr. Chair and Penny, because all of us have low income individuals in our districts and we want to be able to watch out for their needs as well.

And lastly, I'd like to comment on several letters to the editor and editorials that have to do with the personnel matter. This County Commission did make a decision at the last meeting regarding our former County Manager. The public doesn't always understand or know everything that goes into a personnel decision. So I would just like to comment that there are many times that we do not discuss the details of what brings us to a decision, especially when it comes to personnel issues. Thank you very much.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, my first comment is for Robert also, although you don't have to get up if you don't want. I just want to thank



you very much. We've had a lot of rain this last month and District 4 in particular has had a lot of heavy rains, and that means that we've had a lot of road issues and I think that you and your crew have done a spectacular job in responding to all of those and I'd also like to thank Rick Castellano who organizes the e-Civical tickets. I know that a couple of weeks ago Tina put in 15 tickets in one day. It was just absolutely amazing, and of course I want to thank Tina as well for her hard work. I don't even see a lot of things, the comments that come in to me about roads, but I have gotten noting but good feedback from the people in the community and I want to especially thank you for all the Double Arrow Road work. I've gotten a lot of positive feedback about that. So thank you, Robert.

The other thing I wanted to comment on was I'm very pleased with the outcome of the Santa Fe Community College bond election, and I think that the successful outcome of that election was due to a lot of hard work and homework that was done by president Sheila Ortego as well as her staff. I think the reason that it came out positively was because she met with many, many different groups in the community to tell them what the true facts were and she countered a lot of the negative press that was out there and I think that there's a lot of lessons for us if we ever go forward in the future with a bond election.

I also am really pleased in particular, personally, because there are going to be a number of renewable energy projects at the Community College because of this bond funding and I think it's going to be really good for our community. It's going to be a good training ground for people for installing renewable energy and it will be good for the rest of the community to see how it works.

I also want to thank our County Clerk, Valerie Espinoza who isn't here but I also thank her and Vicki and all of her staff for putting on yet another successful election. And I want to thank our poll workers. I know that when I went to vote last Tuesday, the poll workers at my precinct were just like the Maytag repairman. They were pretty much the loneliest people in town, so I really appreciate their dedication. Thank you.

CHAIRMAN MONTROYA: Thank you, Commissioner Holian. I just have a couple of brief announcements. August 12<sup>th</sup> I was invited and invite people also to the Santa Clara feast day. That will be happening this Thursday, I believe, the 12<sup>th</sup>. And then on the 15<sup>th</sup> at the basilica they will be celebrating the 400-year anniversary at the Basilica of St. Francis so people will be there to celebrate that day. And then on the 18<sup>th</sup> we were invited to Realty New Mexico, a conference on the future and kind of the status of real estate in New Mexico. So that's going to be on August 18<sup>th</sup>.

And I just wanted to again thank the auditor for allowing his staff to come and provide training this afternoon and also this morning to our staff regarding conflict of interest issues, compliance issues and most importantly I think what came out of that training was we're making good progress in terms of what we're doing within Santa Fe County regarding transparency, but it's also obvious that we still have a little bit more work to do in terms of things that we need to set up internally in terms of processes, and one of those issues that I've asked staff to work on is the importance of people knowing about the Commission-Manager relationship in terms of the way this government is set up in New Mexico in terms of county

government. Because that's not something that you're going to learn about and read in the press or it's going to come out in the news or anything. So I think it's important that we begin to educate people in terms of exactly what the lines of communication are and how things should be done in terms of the governance of Commission-Manager governance structure. So hopefully we'll be coming out with something on that soon from staff, and that's all I have.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: On the point about the invitation from the Santa Fe Realtors, we get invited to many, many things, Penny, and I think they all just need to be noticed so that when there is a quorum – we've been invited to the event with Senator Bingaman the same morning, we've been invited to the Santa Fe Board of Realtors event the same morning, so we don't exactly know who's going where yet, and so you might just notice everything.

CHAIRMAN MONTOYA: Good idea.

COMMISSIONER VIGIL: Mr. Chair, on that subject. I know you need to coordinate that, for example with the Buckman Direct Diversion because they will be noticing it also. So I don't think we need to duplicate things there. That's in the cases where we have joint authorities.

**XI. B. 4. Resolution No. 2010-134. A Resolution Requesting Approval for a Budget Increase to the Forestry Grant Fund (244) to Budget Two New Grant Awards in the Amounts of \$19,822 for the Santa Fe County Hazardous Fuels Removal and WUI (Wildland Urban Interface) Risk Reduction Education/Outreach Project for a Total Accumulated Grant Award Amount of \$39,792 That is Funded Through the New Mexico Association of Counties. (Community Services/Fire)**

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all I would like to say congratulations to our Fire Department for winning the grants for the hazardous fuels removal and wildland-urban interface risk reduction fuel treatment program, as well as the wildland-urban interface risk reduction education and outreach program. Congratulations. I'm really pleased.

District 4 has a lot of wildland-urban interfaces for sure, so I just kind of wanted to know what kinds of activities these grants would fund.

STAN HOLDEN (Fire Chief): Mr. Chair, Commissioner Holian, specifically with this grant it's really a continuation of the project that we've been doing for the last couple of years, and in your district there's a lot of residential surveying that's going to be done and meetings with homeowners regarding the safety and establishing safety barriers around their home. So specifically, in your district it has to do with education.

Now, there is another grant that we were just notified that we were awarded from the collaborative forest restoration program that will expand that from an education component to a risk-reduction program. I'll let Captain Greg Gallegos who is the program head for the Fire Department address that program specifically and how it might impact your residents in your area.

COMMISSIONER HOLIAN: Thank you, Chief.

GREG GALLEGOS (Fire Department): Specifically, in your district, this new CFRP US Forest Services grant, there are two project areas, one in Arroyo Salado, which is off of Ojo de la Vaca, which is on State property, and that's for 20 acres worth of fuel reduction. That protects the community down, that one way in, one way out road in Arroyo Salado. The second project is for 35 acres worth of treatment on Apache Ridge Road, which is in the Apache Ridge Subdivision, and that's a continuation of a fire-wise prevention project that we had there. We went into that whole community and basically gave hazard assessments to every homeowner there, had a community meeting. And this is also on State land where we did basically a demonstration site for fuel reduction, a 10-acre demonstration site. So this 35 acres is on that same project site.

The fuel wood, working with the state will go to the homeowners and anybody else who's interested in the wood.

COMMISSIONER HOLIAN: Okay.

COMMISSIONER VIGIL: Do we have a motion?

COMMISSIONER HOLIAN: Oh, I move for approval.

COMMISSIONER STEFANICS: Second.

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

**XI. B. 9. Request Authorization to Enter Into Amendment No. 5 to the Agreement with BI Inc. the Purpose of the Contract is to Provide Electronic Monitoring Services as Ordered By the Courts to Santa Fe County Residents as an Alternative to Incarceration. (Corrections Department)**

COMMISSIONER HOLIAN: Thank you very much, Madam Chair. Is Annabelle Romero here, or someone who can answer a question on this?

COMMISSIONER VIGIL: Is it a financial question, maybe?

COMMISSIONER HOLIAN: Yes. I see Annabelle is here.

COMMISSIONER VIGIL: Annabelle, Commissioner Holian has a question on the agenda item for the electronic monitoring services.

COMMISSIONER HOLIAN: Thank you. My question is it wasn't totally clear from the memorandum, why the increase? Is it because you've extended the time for

this contract or is it more use of the EM equipment?

ANNABELLE ROMERO (Corrections Director): Madam Chair, Commissioner Holian, the problem was that the contract was set to expire August 22<sup>nd</sup> and we were going to piggy-back off of a state contract, but we now have to go through the RFP process, and because of that we're extending the contract by a few months.

COMMISSIONER HOLIAN: Okay. So the main thing is extension of time.

MS. ROMERO: Right.

COMMISSIONER HOLIAN: Okay. Thank you. Move for approval.

COMMISSIONER STEFANICS: Second.

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

**XI. B. 10. Request Approval of an Increase of \$1.6 Million to the Current Capital Project Budget of \$216.3 Million for the Buckman Direct Diversion Project, for a Total Budget of \$217. 9 Million. This Increase is Related to the County's Cost Share for the Final Design and Construction of the Parallel Pipeline (County Manager's/Finance)**

COMMISSIONER VIGIL: Teresa is here to answer any questions.

CHAIRMAN MONTOYA: I move for approval.

COMMISSIONER VIGIL: Second. You're not going to pose a question at all?

CHAIRMAN MONTOYA: Any discussion?

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

**XII. STAFF AND ELECTED OFFICIALS' ITEMS**

**A. Community Services Department**

**1. Quarterly Satellite Office Report for the Period of April 1, 2010 Through June 30, 2010 [Exhibit 3: Presentation]**

AGNES LOPEZ (Community Services): Mr. Chair, Commissioners, this is an update on our satellite program for the period of April through June 2010. Just as an overview, the satellite program has been operational for the past three years, opening in the spring and fall of 2007. We have three regional offices located in Pojoaque, Eldorado and Edgewood, and we've responded to over 1528 requests this quarter.

The satellite office answers general constituent questions including we register people to vote and provide other County Clerk information, provide assessment information and

forms, provide healthcare assistance and referral information, distribute County job descriptions and applications, provide packet material for land use permits and process landfill permits.

At the Edgewood satellite office, it's located 1960 Old US 66, Edgewood, New Mexico. The office will be relocated to the Edgewood Community Center in September. So beginning the 1<sup>st</sup> of September we will be moving to the Senior Center and we are going to notice that in a couple weeks, closer to the time that we're moving. The hours of operation are Tuesday, Wednesday and Thursday, 11 to 4, and we've had a total of 63 requests in this quarter.

At the Pojoaque satellite office, that's located at 5 West Gutierrez, Suite 9 of the Pojoaque Pueblo Plaza. The hours are Tuesday, Wednesday and Thursday, 12 noon to 5 pm, and we had a total of 565 requests during this period, which is a 34 percent increase from March of 2009, so a little more than a year ago.

At the Eldorado satellite office, that's located at 16 Avenida Torreon, Eldorado, New Mexico. The hours are Tuesday, Wednesday and Thursday, 12 noon to 5 pm, and we've had a total of 900 requests, which represents a 53 percent increase from March 2009. 736 health-related requests for service. They are located at the Eldorado Senior Center so they get quite a few requests from seniors there. So that's why you'll see the difference there.

The next page is just a total of requests, and it's separated by office, so the number – we keep track of the types of requests that we're getting and which office it pertains to. And the next three slides are just a breakout of those requests. If we go back to see the breakout, again I just wanted to point out in Eldorado, the 736 were again as a result of them being located in the senior center. In Pojoaque the Clerk had quite a few at 341, and in Edgewood, it's the Clerk and the permits that are the majority of the requests that we get. And I stand for questions.

CHAIRMAN MONTOYA: Questions for Agnes?

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: In the Clerk's Office, are they receiving inquiries with regard to voting or marriage licenses? What service do they provide mostly, I guess.

MS. LOPEZ: Mr. Chair, Commissioner Vigil, we get a lot of different requests. Some are to register to vote. Others are just questions about recording their documents. That's generally the questions that we get from the Clerk's Office.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. What are the plans for staffing? I think we've had some staffing changes.

MS. LOPEZ: That's correct, Mr. Chair, Commissioner Stefanics. As of September 1<sup>st</sup>, the current term employees will be let go and current staff will take care of the offices. Currently, CS staff is staffing the Edgewood office all three days. We've committed to staff six days out of the nine slots that are needed. We are working with the County

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Manager and the with other departments to see if we can get some volunteers to help us with those other three slots and maybe even the other six slots. We're looking at asking employees who may live down in the Edgewood area and would already be there so they wouldn't have to waste gas. So we're going to be working with the departments to see if we can get some help.

COMMISSIONER STEFANICS: Okay. Thank you. Penny, what is the long-term staff assignment for these satellite offices?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, it hasn't been finalized yet. I am working with Joseph to ensure that we have coverage for the hours that were stated for all three satellite offices.

COMMISSIONER STEFANICS: So I know that at one time we had considered utilizing our liaisons in those offices. Is that still being considered?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, that may be an option to have them staff one day a week.

COMMISSIONER STEFANICS: So you'll be reporting back to us on what is the setup?

MS. ELLIS-GREEN: We can report back as to who will take each shift. Yes.

COMMISSIONER STEFANICS: Thank you very much.

CHAIRMAN MONTOYA: Okay. Other questions? Thank you, Agnes. Thank you, Paul.

## **XII. B. Growth Management Department**

### **1. Consideration of Publication of Title and General Summary for an Ordinance Amending Article III, Section 7, Community Service Facilities of the Santa Fe County Land Development Code, Ordinance 1996-10 for the Purpose of Clarifying Standards and Submittal Requirements**

SHELLEY COBAU (Development Review): Thank you, Mr. Chair, members of the Commission. Staff requests BCC approval to publish title and general summary of an ordinance amending Article III, Section 7, Community Service Facilities, of the Santa Fe County Land Development Code, Ordinance 1996-10, for purposes of clarifying standards and submittal requirements. The amendment entails removal of the compiler's note at the end of subsection 7.2 and will clarify the requirements such facilities need for zoning in the form of a master plan application heard by the CDRC and this governing body. It will also require the subsequent submittal of a preliminary and final development plan pursuant to current practice. The compilers note references a superseded 1988 ordinance and outlines outdated submittal processes no longer utilized. It is unclear why this was not previously addressed through amendment.

The policy action taken by staff on community service facilities, which include police



and fire stations, elementary and secondary daycare centers, schools, community centers and churches, have historically required the use of the proposed code sections currently incorporated into the 1996 version of the Land Development Code. The compiler's note referenced ordinance does not include a reference to community service facilities but rather describes a process for various types of commercial projects used in 1988 which is no longer applicable.

It is important to note that submittal requirements are not changing from current and historic practices, but the code clarification in the middle of the obsolete compiler's note is important. Recent applications that have been processed using the master plan/development plan processes include the Santa Maria de la Paz Church, Bridging the World Animal Sanctuary, Mission Viejo School and Church, Children's Garden Montessori School, New Mexico Boys and Girls Ranch and the Seventh Day Adventist Church.

Please support staff's request for authorization to publish title and general summary of this amendment. Public comments and concerns, if any, will be addressed via the ordinance amendment public hearing process prior to adoption. Thank you, and I'll stand for questions.

CHAIRMAN MONTOYA: Questions for staff?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: This question is really for Rachel since Steve's out of the room. We had discussed some other changes to our code and we had determined that we should not make any changes until we did the whole package, and that anything that was in process really could not be affected by a new change. So why are we considering this?

RACHEL BROWN (Deputy County Attorney): Chair Montoya and Commissioners, this is not a change to the ordinance; this is a clarification of how the ordinance is being utilized at this time. So it doesn't change the process that has been in place since the ordinance was adopted and it would continue to be utilized in that way. It is simply a clarification.

COMMISSIONER STEFANICS: Well, Mr. Chair, I have a conundrum here. I think it's the same kind of issue that we dealt with earlier but I'll listen to my other colleagues here.

CHAIRMAN MONTOYA: Okay. Other questions? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Would this affect the Boys and Girls Ranch application in any way?

MS. COBAU: Mr. Chair, Commissioner Holian, the Boys and Girls Ranch has been taken forward through the process using the articles that are suggested in this amendment, Article III, Subsection 4.4 and Article V, Section 5.2. In other words, the Boys and Girls Ranch has been required to submit a master plan for approval by the consideration and recommendation by the CDRC and subsequent approval by the BCC prior to moving forward with a development plan. So it's been – it's really unclear in the code. Unfortunately,

the code references this old ordinance, which looks like it was done on a ditto machine using a typewriter, and the section of the code that the compiler's note references doesn't even mention community service facilities; it mentions various other commercial operations, but the compiler's note says for community service facilities, use this ordinance. Community service facilities aren't recognized in here. So because we're bringing something forward we want to make it crystal clear that we're not following a policy but we're really following a code that's in the book. So we feel it's really important to get this clarified now because of the contentious nature of submittals like the Boys and Girls Ranch. We want to make sure that we're not referring them back to something that was superceded in 1996 and was drafted in 1988.

COMMISSIONER HOLIAN: So, Shelley, even though the submittal for the Boys and Girls Ranch will be prior to whenever this ordinance passes, this is really just a clarification.

MS. COBAU: Yes. The Building and Development Services staff, when somebody comes in with a community services facility application utilizes a form. This form is what they use to go through and ascertain what people are required to submit. And that form doesn't consider that compiler's note. The compiler's note is written in like six point font and I think staff for the last 20 years has kind of just breezed over it. So I think it's really important. It refers you to a subsection, 4.5, which doesn't exist in the Land Development Code. It ends at 4.4. There's a 4.5 in this 1988 code but community service facilities are not mentioned in this subsection 4.5 of this 1988 code. So it is somewhat of a glitch in the code, and it's an easy fix, and it's a practice we've been following anyway. All along staff has been utilizing the articles of the code that are mentioned in the proposed clarification.

COMMISSIONER HOLIAN: Thank you, Shelley. Well, it seems to me that it's obvious to clarify it.

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTROYA: Motion by Commissioner Vigil, second by Commissioner Holian. Did you want to say something, Chris?

CHRIS GRAESER: Just briefly, Mr. Chair. Christopher Graeser, 3600 Cerrillos. I'm an attorney under oath. I represent the União do Vegetal that has had an application for a community service facility pending for over a year now, and we would just like the Commission and staff to consider two aspects as this goes through the process. The first is that we'd request that any amendments that occur now not affect pending cases that have already had an application filed, so that we're comfortable we can just go forward with the review we've been given. The second is at the time the current ordinance was drafted, the Federal Religious Land Use and Institutionalized Persons Act had not been passed. The County is now revising this language; we would like to ask the County to take into account RLUIPA and the fact that several aspects of this regarding compatibility can be seen to conflict with RLUIPA, which is superceding federal law.

So we do feel there are actually substantive components to this amendment and we

would like those taken into account as it moves through the process. Thank you.

COMMISSIONER VIGIL: So, Chris, are you opposed to us passing this or not?

MR. GRAESER: Mr. Chair, Commissioner Vigil, we're not opposed to any code cleanup. We have made the point repeatedly to staff throughout the last year that current code does not require a master plan and development plan process for our application. We have gone ahead and given staff everything they've asked for under objection and we maintain that objection. We don't think that under current code we would legally be required to do what we've done. That's said, we've done it because we prefer just to get approval. But to the extent that this is an attempt to change the rules in mid-game or in response to our application we would be oppose to it. We're not generally opposed to code improvement amendments though.

COMMISSIONER VIGIL: Okay. So you're not opposed to what we're going to take action on.

MR. GRAESER: Mr. Chair, Commissioner Vigil, so long as it addresses the two items I requested. One, an exemption for current applications, and two, taking RLUIPA into account we would not be opposed to it, no.

COMMISSIONER VIGIL: Shelley, do you want to respond to that?

MS. COBAU: Mr. Chair and thank you, Commissioner Vigil. The current applications are being processed, including the União do Vegetal application are being processed using the code amendments that are proposed in front of you. The sections of the code that we would be forced to utilize if this were not amended and haven't been used for the last 20 years include a site preparation of a preliminary site plan and a final site plan that are administratively approved. I think historically staff has not felt comfortable with the administrative approval of such large sites such as the Mission Viejo Church and School on Richards Avenue, the Children's Garden Montessori, and it would be if not amended and if the applicants were not in agreement, facilities such as the Boys and Girls Ranch would be reviewed and approved administratively, and wouldn't be brought forward through the public hearing process.

So historically, as I said, right or wrong, staff has required these applicants to follow the master plan development process for other commercial facilities throughout the county because we look at them much the same as a commercial facility. So we do feel it's very important to go through this ordinance amendment process. Certainly we're looking at the RLUIPA as part of the UDV review. We're not ignoring federal law at all.

COMMISSIONER VIGIL: Thank you. Thank you, Mr. Chair. I stand by my motion.

COMMISSIONER HOLIAN: I stand by my second.

CHAIRMAN MONTOYA: Okay. Any further discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: So Shelley, the Boys and Girls Ranch have

already put their application in. Is this going to pertain to them?

MS. COBAU: This won't affect them at all because they're already following the process that this ordinance suggests.

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

CHAIRMAN MONTOYA: Okay. Any other discussion?

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

**XII. B. 2. Affordable Housing Update; Discussion of a Potential Home Improvement Program and Discussion of the 30 Percent Affordable Housing Requirement**

DARLENE VIGIL (Affordable Housing Administrator): Mr. Chair, Commissioners, I'm here to discuss Santa Fe County pursuing additional ways to make home ownership more affordable and also promoting sustainable green techniques.

COMMISSIONER STEFANICS: Excuse me one second, Mr. Chair. I would like to just comment because Darlene wasn't there and Steve wasn't there, but at the last Housing Authority Board meeting I asked that in the next month, that we could take that hour, spend one half on the Housing Authority Board and one half on affordable housing, so that we could continue to have discussions about affordable housing projects. So I just wanted to put that out. Thank you very much.

MS. VIGIL: Yes, Mr. Chair, Commissioners, we are addressing that request. In continuation of this home improvement program, again, there are a multitude of rehabilitation upgrades for existing homes that can reduce the overall cost of homeownership. If electrical and water bills are reduced, more monthly income can go directly to the homeowner's pocket and we can impact the environment directly.

The home improvement program would address roof repair, roof replacement, new stucco, windows, doors and more efficient heating and cooling systems, electrical and plumbing repairs, water saving appliances and fixtures, and handicap modifications. The goal of the program would be to support and preserve the supply of affordable housing for low to moderate income residents in Santa Fe County's unincorporated areas. These funds may only be used for owner-occupied homes. The program would also be intended to further the partnerships and encourage innovations in affordable housing projects and support overall Santa Fe County's workforce.

I propose that the funding from Santa Fe County be awarded through an RFP process to leverage as much funding as possible. Funding may be approved as grants or low interest loans, depending on the financial capacity of the project. Loans from the fund may be charged an interest rate of at least three percent interest. Repayment terms are flexible and intended to support the affordability of the proposed projects. The applicants would be asked to propose repayment terms and rationale for proposed terms, or to make a case for using

funds as a grant. I stand for any questions on the home improvement program proposal.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you very much Darlene. So what are our next steps?

MS. VIGIL: Mr. Chair, Commissioner Holian, At this point in time I have been meeting with the not-for-profit organizations, in addition to having conversations with the New Mexico Mortgage Finance Authority in terms of funding sources. We would have to develop regulations as well as an RFP process. I'll be working with Maria Sanchez from our Procurement Division as well, in terms of creating the RFP. And of course, working through Legal.

COMMISSIONER HOLIAN: Okay. Thank you very much. Well, I would like to, if it's okay with the other Commissioners to provide direction for you to move forward on this. I think it's a great way to get money out into the community immediately, to people who need it, and also money out to people who are working in the community in the construction industry. So thank you very much.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I have a little different take on this. Our new County Manager who is coming in is an expert on affordable housing, having been the director of the MFA and while I am not objecting to anything here, I think this needs to be done in conjunction with our new County Manager.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I'm okay with that, because our new County Manager will be coming on fairly soon so I don't see any reason why we can't work on these details next month.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I think we're moving towards that direction. I think our new County Manager is going to be a valuable resource in this area, and the work you've put into it preliminarily will only be beneficial for the focus of this, which has been, I think, what we've been floundering in – not a focus. So thank you for bringing this forth.

MS. VIGIL: Mr. Chair, Commissioner Vigil, thank you. Also, at the last BCC there was direction to address the 30 percent affordable housing requirements. I have begun working collaboratively with the growth management team, and we've produced an outline in your packets today that just demonstrates the amount of detail and information and analysis necessary to address the Board's concerns. I would like to incorporate input from the Santa Fe Association of Realtors technical team, which meets at least monthly if not every other week. Local developers have an interest in this as well as the not-for-profit housing organizations. They would all like to have some kind of a collaborative effort to prepare a comprehensive analysis to make a well informed decision on this subject matter. The outline is provide for you today and I respectfully request any additions, edits or deletions to expedite

this process.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN MONTTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thanks. Again, Darlene, you're headed toward the right direction in creating a focus for this. I do think our Legal Department has to be an integral part of this as they've been engaged in the discussion of the legality of inclusionary zoning. I also again think that our incoming County Manager is going to be again, another incredibly valuable resource. This is an ambitious endeavor, we addressing the 30 percent affordable, with regard to being inclusive with our stakeholders in the community. I am definitely open to getting their input and I'm wondering if it would even be of value for us to create a short-term task force to create this, just to particularly address this. This may be something you may want to address with the County Manager. I'm not sure. It just seems like this is too ambitious an endeavor without bringing in all the stakeholders in the community. And I know Santa Fe Realtors Association, and I recognize their president is here. Donna Berg, executive director was here earlier, have been working really hard towards this. They do have some significant stakeholders in their technical team but I think in the interest of being inclusionary there does need to be more staff involved in this and there probably needs to be more state representation in this.

So I'm really open to that and I again recommend that this be an issue that's brought before the new County Manager and move forward on it.

MS. VIGIL: Mr. Chair, Commissioner Vigil. Thank you.

CHAIRMAN MONTTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Darlene, since you asked for inclusions in your outline here, one thing that I find an area of concern for Santa Fe County's affordable housing, item four, is retention of our affordable housing units.

MS. VIGIL: Thank you.

COMMISSIONER HOLIAN: Thank you, Darlene.

## **XII. C. Public Works Department**

### **1. Amendment No. 2 to Water Agreement Between Agua Fria Community Water Systems Association and Santa Fe County**

COMMISSIONER VIGIL: And Mr. Chair, we have members of the Agua Fria Water Association that intended to testify for that. Can I request the chair and my colleagues' patience with them in arriving here? I don't think they're here yet. Would it be all right for us to go on to the next item until they do?

CHAIRMAN MONTTOYA: Okay.



**XII. D. Matters From the County Manager**

MS. ELLIS-GREEN: Thank you, Mr. Chair, Commissioners. I have a couple of updates. The first one is regarding the Library Board. We had that on the agenda last time and we did pull it off so I could research this a little bit. The Public Library Board is an advisory board to the City of Santa Fe. It makes recommendations and consults with the head librarian and staff. It consists of seven members. Five are from the city and two residents from the county. Currently Jennifer is seeking an appointment for a second term and she is the board president at the moment. In addition, the second county member position is actually vacant, so as a transparency measure I'd like to get direction to be able to advertise this position and then bring both appointments back to the board.

CHAIRMAN MONTOYA: So one is a reappointment; the other's a new appointment.

MS. ELLIS-GREEN: That's correct.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I really thank Jennifer for her work on this advisory committee. I do that we have had – probably all of us have individuals in our district who ask to sit on boards so I think it would be a good idea for Penny to advertise for the vacancy and to see what comes forward. Penny, how would you propose – since there are five of us and you might get representatives from all of districts, how would you propose putting forward any names?

MS. ELLIS-GREEN: We would bring them forward with district they're located in with their résumé and would bring a list of names forward to the Commission. What the City is looking for is a recommendation from the BCC, so we can then take those names and have the City Council approve those.

COMMISSIONER STEFANICS: So these would be individuals from the unincorporated areas?

MS. ELLIS-GREEN: That is correct, yes.

COMMISSIONER STEFANICS: Thank you very much.

MS. ELLIS-GREEN: The second item I wanted to update the Board on is on the radio coverage and cell phones. That had been an issue at the last BCC meeting. We met several times to discuss our ability with our current radio system to cover field staff throughout the county. This was done because phones had been taken away. There'd been a concern as to whether or not the radios could be used. It seems clear that at the moment we cannot provide good countywide coverage with the current radios. The County is moving forward with a countywide emergency communication system and then our radio coverage will be much better.

It's probably likely to happen by next year so field staff will either have on-call phones to share, or have their phones returned until we have a better countywide communications with the radio.

And then the last item that I had was just an update from the earlier State Auditor Training that we had. We've already sent out an email countywide letter staff know that the Whistleblower notices are posted on Sharepoint and we'll post them throughout all of the buildings by tomorrow. And that's it.

CHAIRMAN MONTOYA: Okay. Any questions or comments for Penny?  
Okay. Penny, thank you. You're doing a great job. Appreciate it.

**XII. E. Matters From the County Attorney**

**1. Consideration of Publication of Title and General Summary for an Ordinance Amending Ordinance 2010-8 in Order to Exempt Projects Funded By Legislative Appropriations From Section 7, Construction Management**

MR. ROSS: Mr. Chair, we have a couple of ordinances up first, and I see the Agua Fria people so whenever you're ready to move back on that item we can do that. The first item is an ordinance that Rachel is going to take up. Several of you have requested some changes to the emergency ordinance we passed in June and she'll explain those issues.

MS. BROWN: Good afternoon, Mr. Chair, Commissioners. Before you is a proposed amendment to the ordinance you recently adopted, 2010-8, which made revisions to our procurement process. In the revisions one of the protections we put in place to avoid contractor abuse or in-house abuse to the procurement process was a requirement that major projects, \$250,000 and above, utilize the services of a construction manager. We discovered after implementing the ordinance that state funds could not be utilized to pay for construction management services, and so in order to address that for projects that are funded by state funds, there is in this proposed amendment an exception to the construction management requirement. And I'd be happy to stand for questions.

CHAIRMAN MONTOYA: Okay, questions? Commissioner Vigil.

COMMISSIONER VIGIL: I think when we enacted this we all were really focused on the need for the construction manager and I don't think any of us want to deviate from that. I think the problem that we've encountered is the fact that many of the dollars that are currently dedicated to some of these projects are at risk and many of these non-profits who have received these dollars from the state did not anticipate having to pay for a construction manager. There are some real practical reasons. Is there a way that this can come to us by creating an exemption or perhaps a grandfathering in to those projects that are currently in the pipeline that were at some phase or another of construction or design or build? And then having it impact all future projects?

Can the language be fashioned that way? Because I think that's probably the most reasonable way to approach this issue. Would you respond to that?

MS. BROWN: Mr. Chair, Commissioner Vigil, we can certainly revise the language to have it apply only to existing state appropriated projects.

COMMISSIONER VIGIL: And that would mean that the existing would be exempt from the construction manager that all future projects would not, correct?

MS. BROWN: It could certainly be drafted that way.

COMMISSIONER VIGIL: Mr. Chair, I would recommend that we move forward in that fashion. I don't know how my colleagues feel about that but it's seeming to me that there are particular projects that based on this requirement would have to be forestalled and as I said, lose state funding. Esperanza being one of them, I think. Mountain Center being another one. I'm not sure what other projects are impacted by this but I know those two for a fact. And I defer to my colleagues on that.

COMMISSIONER STEFANICS: Mr. Chair, on that.

CHAIRMAN MONTROYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I have a different perspective on this. I think we should delete Section 7, and the reason is we haven't really identified all the projects that would be affected. There are more than just the non-profits that would be affected. If you think about – it says County roads as well. So when you come down to it there needs to be oversight. There needs to be professional oversight. But we're going to have responsibility for that for some of the things that we do as well, and we're not going to have a separate fund for us to pay. I'm thinking of a tax assessment district for a road that we might impose upon a neighborhood. That would increase their taxes to have to pay for the project management or the construction fund.

So I think this needs to be rethought. It's not just the non-profits that are going to be affected. And I do want the oversight. I'm not objecting to the intent of Section 7, but right now I think we have other projects that could founder as well, financially.

COMMISSIONER VIGIL: I agree, we are impacted in our road projects. That's a very good point that Commissioner Stefanics makes. Is it possible to identify all those projects that would be grandfathered in on this or is that not possible?

MS. BROWN: Mr. Chair, Commissioner Vigil, the ordinance can be crafted to accomplish whatever the Commission decides it desires. If that's to remove this provision from application to projects that are currently underway or currently funded and in the process of moving through the contract process they can be drafted that way. These are just choices that need to be made about how far you want to the protections of this ordinance to go.

COMMISSIONER VIGIL: My concern is that, especially after having the presentation that we had this afternoon from the State Auditor's Department that this would definitely be one of the internal mechanisms that would allow us to have some oversight over all of our projects and I certainly think removing it totally puts us at risk of not having that oversight. My recommendation would be that if we look at this internally and do allow for everyone who is currently in the pipeline to be grandfathered in and create an alternative within the County. Perhaps it's through our hiring practices that we need to get more people who have construction management background involved in this or other manners of response.

I'm just afraid to lose something that is a remedy that we've been trying to create for such a long time. This remedy is necessary, it came to my attention through the non-profit organizations, but Commissioner Stefanics is right. It's also internal. We need to be able to create that internal remedy. My recommendation would be to grandfather – identify every project that is currently underway and grandfather them all in and from this point forward either create a remedy through hiring practices or through providing for this option through contracting or whatever's necessary.

Maybe another way to look at it is to remove it totally, and then bring it back. If you think that's a cleaner way I'm happy to consider that also. I just don't want to lose the opportunity.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTROYA: Commissioner Holian, and then Commissioner Stefanics.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, I'm okay with removing it entirely. My suggestion is is that we create a small task force within the County of members of our Community Services Division and our Road Department and so on and look at this issue and how we can do it in a sensible sort of way. I don't want to put a big burden on the County but I know of horror stories of various – some projects that have been done by outside contractors where they did not deliver what they said they were going to deliver and if we had had some oversight we would have known that they were not delivering. So I would just – I realize that this is a complex issue and it involves a lot of different departments in our County and it involves outside contractors as well, so I would just like to suggest that we look at this in more depth.

COMMISSIONER VIGIL: I'm in agreement with that. I think getting some more input on this would be fine. So this would be a clean way of doing this, just remove it, get some input, and see how we need to amend the ordinance in the future. If that's what you're suggesting.

CHAIRMAN MONTROYA: Commissioner Stefanics, Commissioner Anaya.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I think perhaps what we might consider doing, and I didn't draft anything, but we might consider taking that section and identifying major construction projects – or that the County will plan for independent oversight of construction projects over a certain amount. That does not identify who carries the financial burden, but to keep the intent there you might look at something like that. As I indicated, I have no objection to independent oversight; I truly want it. But I think there are projects that could come out of taxes, our road projects, bond issues, other things, that we need to identify where we're going to get operating funds for if there is not enabling language in the statutes or in the bond issues for this.

So perhaps that could be done. But I understand what you want to do immediately to alleviate the problem that's going forward. And so that's why I suggested deleting it until we come up with the language. But if we had language to bring back even later today, a new paragraph and consider it, that's fine with me too. So however we decide to do this.

COMMISSIONER VIGIL: I think we should move to delete it and then direct staff to create a task force. I think, Penny, you might be able to come forth with some recommendations on how that could be done. And I think that even as Commissioner Stefanics is suggesting something the task force could discuss, creating a limitation to that. So I'm in favor of deleting it totally. Right now, that would be my motion.

COMMISSIONER HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. We lost about \$8 million last year and I don't want this County to lose anymore money once we get it appropriated from the legislature, so I don't mind deleting this now and putting a task force together. I think that's a good idea, but let's try not to lose any more money. Thank you.

CHAIRMAN MONTOYA: We have a motion to delete. Second by Commissioner Holian. I'll just add that I believe that that would be, I think, the appropriate way to obtain something that's still preserve the need for some construction oversight, because I really believe we do need that whether it's a legislative appropriation or a County appropriation or a federal appropriation. I just think that we need that oversight and we need to look at the expertise because I think as was mentioned also when we're filling positions in terms of making sure that those positions have the appropriate background and experience that we need to fulfill this, because this is a huge responsibility, a huge responsibility and I agree with Commissioner Anaya and I don't want to see anymore funding lost in Santa Fe County because we are moving projects forward.

COMMISSIONER VIGIL: Mr. Chair, my motion stands.

COMMISSIONER HOLIAN: Second.

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

**XII. C. Public Works Department**

**1. Amendment No. 2 to Water Agreement Between Agua Fria Community Water Systems Association and Santa Fe County**

COMMISSIONER VIGIL: Thank you, Mr. Chair. I think Steve Ross has been working with the community on this and Public Works has also been working with them. Steve, can you just describe the amendment to this water service agreement for us?

MR. ROSS: Mr. Chair, Commissioner Vigil, I'd be happy to. In your packet is a copy of the water service agreement from 2006 with the water association. As you recall, when we entered into that water service agreement we had no way of actually delivering water to the association but it was considered appropriate and necessary at that point to document the fact that the County considered that at the time of the Buckman Direct Diversion becoming operational that there were some water rights that had been dedicated to the association historically and wanted to make it clear that when Buckman became operational that those rights would be dedicated to serving the association's needs.

The agreement was amended once to increase the amount of water provided and this would be the second amendment. Now, this amendment provides what was missing in the original agreement, which is the means to deliver the water to the association. What's proposed is in connection with the phase 3 road project in Agua Fria that's been ongoing and is about to go to contract right now. It's proposed that we include water infrastructure to hook into existing city infrastructure somewhere around Henry Lynch Road and Agua Fria and create a main line down Agua Fria Road with money that was dedicated to this project from Commissioner Vigil several years ago, and hook into the association's lines and other equipment so that water can be delivered starting next March.

That's the idea of this amendment. It's just to fill in the hole that was left by the gaps in the original agreement.

COMMISSIONER VIGIL: Okay. Questions? And I know members of the Agua Fria Water Association are here to answer any specific questions from the Commission.

COMMISSIONER STEFANICS: I would move for approval.

COMMISSIONER VIGIL: I have a motion.

COMMISSIONER ANAYA: Second.

COMMISSIONER VIGIL: And a second.

**The motion passed by unanimous [3-0] voice vote.** [Commissioners Holian and Montoya were not present for this action.]

**XII. E. 2. Consideration of Authorization to Publish Title and General Summary of an Ordinance Enacting a Santa Fe County Code of Conduct and Repealing Ordinance No. 2004-3**

MR. ROSS: Madam Chair, I think previously, at the administrative meeting in June I brought this draft ordinance to the body to take a look at and it's now on the agenda for formal title and general summary. This ordinance revamps the existing Santa Fe Code of Conduct that was first enacted in the nineties. I have a memo in the packet which details the more important changes that we propose from that – I think it's a 1996 ordinance, including things like broad declarations of our intent to establish ethical and open government, government that's free from personal and financial influences, and that all of us are expected to observe the highest standard of conduct in exercising our various authorities and responsibilities for our public good.

Then we also added a new concept to the ordinance which is that of a prohibited financial interest in matters that the County deals with under the proposed text that you'll find, I believe it's in Section 9, Financial Interests in County Government, if this ordinance is enacted, would be prohibited just like it is in the state of New Mexico through the Governmental Conduct Act. That section provides that no one can have a financial interest in a contract, work, or business in the County – no one is permitted to have a financial interest



which is defined in the definitions as an interest in the business or an interest in employment or something like that. So if a person has a contract with the County and that person is also an employee, that would be a prohibited financial interest, but also if a person had a prospective job offer or something like that that would be influenced by their position or responsibilities of the County, that would also be a prohibited financial interest.

It's a new concept that the State of New Mexico has had for some years, the state Governmental Conduct Act does not apply to counties. So this would essentially make that apply to the County.

We've revamped all the political sections of the ordinance and added in a new section with campaign contribution limits. We had a discussion during the last meeting where we discussed this about the amount of the campaign contribution limits and we canvassed the southwest and are proposing, at least for purposes of discussion a campaign contribution of \$2,300 which mirrors what the State of New Mexico and the federal government have. We could probably be more restrictive than either of those two entities. This is a good starting point for discussion.

We have a new section that requires disclosure through a financial interest form of various forms of conflict of interest and financial interest that employees and elected official might have. A new concept in this proposed ordinance is an independent appointed ethics board to administer this ordinance. The previous ordinance made the Board of County Commissioners essentially an ethics board and that had not only burdens on this board but had obvious inherent conflicts that would be eliminated by an independent board. The advantage to having an independent board is the independent board might also come up with more ideas to both administer this ordinance and for changes in this ordinance over time.

The proposed ordinance provides rules on *ex parte* communication which have only been unspoken – well, not unspoken, but unwritten with respect to land use cases and other administrative adjudicatory proceedings that we engage in here. We all try to follow the *ex parte* rules but this new provision of the ordinance would set them out in writing.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Where's the *ex parte* communication, Steve?

What page?

MR. ROSS: Let's see. That would be paragraph 27 on page 15. So I can go through any of these changes in detail, but I thought I would just go through a quick overview.

And finally, we have a section in here that protects employees once again from retaliation and workforce harassment. The procurement ordinance we were talking about in the last item also does that. Our employment handbook does that, so I think we've got that idea captured now in a number of different documents. So with that, I think I'll stand for questions and talk about whatever section you'd like me to talk about.

CHAIRMAN MONTOYA: Commissioner Anaya,

COMMISSIONER ANAYA: Mr. Chair, thank you. Regarding the *ex parte*

communication, that I don't agree with and I think that this Board should get a different opinion. I have already talked to another attorney and they don't agree with the *ex parte* communication. They think and I feel that to represent my constituents and my community it is important that I go out and listen to them. And what we're saying here – and correct me if I'm wrong, Steve – is that we can't do that at all. And how can I represent my constituents in a fair manner without going out and listening to their concerns? That's what they elected me to do and that's my two cents on the issue, but I think that if we went out and got a different opinion, which I already have which says that we can do that. And it went to a judge, and it went to court and the judge basically said – and he threw it out, he said that you're telling me that I can't talk to my Commissioner who I elected? So that's how I feel about that and I think that I don't agree with that at all. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Commissioner Stefanics, then  
Commissioner Vigil.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. On the *ex parte*, I think it is a very confusing issue and I've struggled with it ever since I came into office and at the New Mexico Association of Counties orientation for new Commissioners, Commissioner Holian and I attended together and hopefully our next new Commissioners will attend this upcoming December, I heard about this issue and I immediately said to Steve Kopelman and to Steve Ross, how could this be? How could this be? And they did not only – they didn't speak to each other; they happened to concur with their opinions and they did forward me a case that actually identified that. So I am happy to have this issue revisited, because I was very confused by it and I know that our constituents get mad at us – angry – we don't have mad constituents; we only have angry constituents. I know they get angry with us when we say we can't discuss this with you because it's coming before us for a decision and it's already in process. And they just think that we are being totally unresponsive to their comments and to their needs.

So I do crave further clarification and whether it's five attorneys and they all agree or they half and half disagree, I think we should probably bring it forward. But if we leave it in here as it is, it is what I learned at our new Commissioner orientation. So unless we have something else to tell me otherwise I would go with what opinions and cases I've already received.

My next item is a question. On Section 9, Prohibited Financial Interests in County Business. If a person – and this is a hypothetical. If I person is employed by an entity that might have some business with the County, but they're not the direct representative and they're on salary and they're not receiving any financial interest, would this in fact hurt them? So let's just say that I was the director of Open Hands still, and the County had some Community Development Block Grant money to give to a building to help frail, elderly people. Would that be a conflict? Or let's say I was the director of State Risk Management and State Risk Management provides the County employees their insurance. Would that be a conflict in terms of this section right here?

MR. ROSS: Mr. Chair, Commissioner Stefanics, there's a difference between

a conflict of interest, which is resolved through disclosure and through segregating the person in question from decision making authority and a financial interest in County business. The first example you set, if somebody is just an equity holder in a corporation or something, somebody who's an investor but not in the management group, that's not a financial interest. It's a financial interest but it's not a prohibited one, I don't think. But if the person were, let's say, the managing partner in a partnership that does business with the County, sells goods or services to the County then that's a problem.

We've all heard about the various presidents of the United States having to put their assets and business in trust while they're president. That's essentially the types of remedies that you have a financial interest that we'd have to work on.

COMMISSIONER STEFANICS: So what I would ask is whether or not we could stick a sentence in there that clarifies something to the effect that salaried employees of entities that don't receive profits or -- I don't know. Something to that effect. So we clarify that people who are working for the common good and who are not benefiting will not have their livelihood harmed and have the opportunity to serve in office if their workplace allows it. That's just a suggestion. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. With regard to the whistleblower and the section that talks about retaliation, would a whistleblower also be covered under this Section 26, Non-retaliation?

MR. ROSS: Mr. Chair, Commissioner Vigil, yes. They'd be covered under federal law, state law and this ordinance.

COMMISSIONER VIGIL: Right. So my question was, and you were there, Mr. Ross, if we needed to work on a specific whistleblower legislation or ordinance, it's seeming to me that this might be comprehensive enough to do that. So that my question is answered that was posed to the State Auditor. We probably don't need to if we take action on this.

MR. ROSS: And I think it's also a part of our employment handbook. So I think there's ample protections for employees now and they can feel safe reporting things to the State Auditor or to whomever they choose. They can feel safe that they should be free from retaliation. Or if they're not, they have legal remedies.

COMMISSIONER VIGIL: Thank you. And thank you, Penny, for posting that so quickly. I guess my next question with regard to this, and first of all, prefaced with a comment. I actually was at an Association of Counties training that talked about the *ex parte* and they are of the same position, at least they represented through their trainers that *ex parte* communication has to be done cautiously, or cannot be done, period, I guess is the better way to say that. When it comes to adjudicatory issues which include land use issues, which include possibly ordinances. So I was real clear, based on my training, that that *ex parte* could not occur. I was just not real clear why we were continuing to do it. And I think this might be able to be helpful.

I'm in total agreement that we do bring in others, experts, in the area to further clarify

this when we take action on it. I would also include the Association of Counties because they're seemingly putting forth a good faith effort in communicating to all elected officials the issue of *ex parte*. And being an attorney, I recognize the difficulty of that and what that could mean to an adjudication through the County and the reversal of a decision just based on that *ex parte* communication. So I think it does fall in the area of a legal response and a practice that we need to be very crystal clear about.

So if we're just taking action today on the title and general summary I think when we do look at the ordinance as a whole that perhaps we'd bring in the Association of Counties, would be one of my recommendations. And I understand Commissioner Anaya and Commissioner Stefanics to say they'd like further clarification. However that clarification can be done for them I'm in total agreement. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: And just on that point I'll just add that I agree with you, Commissioner Vigil. I believe that this is necessary. I think the point in adjudicatory, quasi-judicial – I think they explain it in the statute as quasi-judicial and that may clarify it. I think it's six of one, half a dozen of the other.

MR. ROSS: Mr. Chair, it's a quasi-judicial context in which you're dealing. You're adjudicating rights of parties, property rights in particular, and due process attaches to those rights and those are rights of the applicant as well as the opponents. So you have to have a process that protects the rights of the litigant, which is the applicant and all the opponents. So these types of rules apply to those proceedings which are also called administrative adjudicatory proceedings which is the nomenclature that was arrived at in the sixties during the blossoming of all the federal regulations when the Congress decided to delegate judicial functions to agencies as opposed to the courts. So all that nomenclature comes to us from federal jurisprudence of the sixties. These rules that we have in here actually came from another county, came modified a little bit for our own peculiarities, but these are very common in public regulatory commission rule sets and other administrative adjudicatory agencies in state agencies. They're relatively uncommon in local government.

CHAIRMAN MONTOYA: And I think the important part is these are the times that these are limited in terms of communication, so I don't know if there's any other way to clarify it or not.

MR. ROSS: I don't know either. The rules are difficult for people to understand because they seem inconsistent with the notion that your representatives are of particular geographical areas.

CHAIRMAN MONTOYA: Commissioner Vigil, on that point?

COMMISSIONER VIGIL: I actually, no, I wasn't done, Mr. Chair. I just wanted to comment that I'm particularly fond of the Ethics Committee. Now, say that Ethics Committee is in place, how does an ethics violation go to them? How do you foresee that?

MR. ROSS: Mr. Chair, Commissioner Vigil, it would go to them one of two ways. I envision that the Ethics Board would meet periodically, maybe quarterly or maybe more often. But an alleged violation can also go to the Ethics Board via a complaint.

COMMISSIONER VIGIL: Okay. And that can come from anyone in the county?

MR. ROSS: Yes.

COMMISSIONER VIGIL: And is this Ethics Board appointed by the Board of County Commissioners?

MR. ROSS: Yes.

COMMISSIONER VIGIL: And how many members? I don't recall.

MR. ROSS: Well, I was trying to be consistent with our committee work that Julie was doing last spring and I proposed it be five members, one of whom had to be a citizen member who's not affiliated with County government in any way.

COMMISSIONER VIGIL: Okay. I think I'm done, Mr. Chair. Thank you.

CHAIRMAN MONTROYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I too have felt a conflict between my quasi-judiciary role and my role in trying to represent my constituents. My question is for our County Attorney. If in the new Land Development Code we create a hearing officer to hear land use cases will that free us from that constraint?

MR. ROSS: Mr. Chair, Commissioner Holian, as a practical matter it will probably feel more free, but, no. In the final analysis, the hearing officer's order and recommendations will come to you for a decision. Now, you're not going to be having a hearing necessarily unless you decide you need additional testimony. Typically, at least at public regulation commissions where this type of a structure is the norm you don't take additional testimony you basically deliberate on the proposed order and the direction that you want the case to go. But no, it doesn't completely free you from those rules because you still have to be an unbiased decision maker in the final analysis, if rights of people and due process rights are implicated. But it will feel better, I'm sure because all the fact will have been then developed by the hearing officer.

COMMISSIONER HOLIAN: Okay. Thank you. I also have a question on Section 10.H. This has to do with conflicts of interest. There is wording in there about any elected official and others who have an application pending before the County, and that they shall disclose such interest by filing a conflict of interest form. Does a pending application include something like applying for a building permit?

MR. ROSS: Yes. What page are you on?

COMMISSIONER HOLIAN: Page 6.

MR. ROSS: And that's probably the rule now, by the way. It's not been written down anywhere before but that's probably the rule now that you would need to complete the conflict of interest form that everybody gets at the beginning of the year. It asks for things like that. Do you have any matter pending before the County that could be influenced by your role as Commissioner or your role as a supervisor, what have you.

COMMISSIONER HOLIAN: Should we file that form as soon as you put the application in?

MR. ROSS: Yes. You should file an amendment to that form.

COMMISSIONER HOLIAN: That's good to know. Thank you.

CHAIRMAN MONTTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Well, thank you, Mr. Chair. On that point that Commissioner Holian brought up, would that – I've been thinking about adding on a room to my house. I've been thinking about a lot split. I've been thinking about a lot of things. But I haven't filed any kind of applications. So let's say that I did file an application for something, would that require me to recuse myself from other decisions that were similar?

MR. ROSS: No. Just for the decision related to your –

COMMISSIONER STEFANICS: Activity. Okay. The general comment I wanted to make for summary for me, Mr. Chair, is that I commend you, Steve, for the additions to this. Besides the things that we still want to look into, I think it's a good statement to the public that we are looking at ourselves and we want to in fact do the right thing by our constituents for the public taxpayer and that we are not afraid to be scrutinized. And thank you very much.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I was a little confused on the last statement. Not the last last, second to the last. You said something about if you wanted to pull a permit to add on to your house, you're saying we can't do that?

COMMISSIONER STEFANICS: No, I was asking, Mr. Chair and Commissioner Anaya, if I put in an application and had to sign a conflict that I was doing that, would I have to keep away from making decisions about other things like that, other people adding or lot splits or whatever, and the answer was no.

COMMISSIONER ANAYA: But there was another question Commissioner Holian asked about permits, correct? And what was that again?

COMMISSIONER HOLIAN: The question was whether we need to file a conflict of interest form if we apply for a building permit, for example. And the answer was yes.

COMMISSIONER ANAYA: I filled out that conflict of interest. What does that have to do with getting a permit from the Count?

COMMISSIONER HOLIAN: Well, it says here under Section 10, item H that any elected official and appointed official for one who have an application pending before the County shall disclose such interest by filing a conflict of interest form. So it would be according to this new ordinance.

COMMISSIONER ANAYA: Okay, so if you were to get a building permit, you have to go back and fill that out?

CHAIRMAN MONTTOYA: Yes.

COMMISSIONER HOLIAN: I guess.

CHAIRMAN MONTTOYA: You have to refile your conflict of interest form.

COMMISSIONER ANAYA: And say you're going to build a house?

CHAIRMAN MONTTOYA: Adding that you have requested a permit. Yes.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: So I want to disclose right now, since I have an application for a building permit in front of the County, and I will fill out my form.

CHAIRMAN MONTOYA: Okay. We're going to make sure you do.

COMMISSIONER ANAYA: Mr. Chair, I'm still confused why you would have to do that. Can you explain that?

MR. ROSS: Mr. Chair, Commissioner Anaya, generally, this Board is the final authority on building permits. Any building permit that we issue could come to this Board. So if a member of this Board requests a building permit it's possible that you could end up, as the Board, deciding whether the building permit should be issued or not. It's unlikely, but the general principle of the conflict of interest ordinance, in fact the current ordinance requires this, is that if we think at some point that we might have to make a decision on something that we have a personal interest in we disclose it on the conflict of interest form so everybody knows there's that potential and we're making it clear and obvious and shedding sunshine on the whole thing that this has happened and it has the potential for coming to this body.

Now, other County employees don't have that issue because most County employees aren't even involved in the building permit process. But let's say a member of the Land Use Department was pulling a permit for a garage or something, they would also want to amend their conflict of interest form to point out to everybody that they have an interest that's potentially subject to their authority as a member of the Land Use Department. Of course the other side of that concept is that they should no longer participate in decisions related to that building permit. If you're the person in charge of building permits and you're asking for a building permit from the County obviously you need to turn that over to a coworker to process.

COMMISSIONER ANAYA: The way I look at it is if I were to get a building permit from Santa Fe County and I went through the process, unless I had to come before the Commission I would just abstain. That's how I look at it. I don't know about the other conflict of interest. Thank you.

CHAIRMAN MONTOYA: Okay. Any other discussion on this? What are the wishes of the Board?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Being that I'm seeing this for the first time I think I'd like to table it so that we can look at it more closely and bring it back to the Commission with some changes, because I know there was a lot of discussion up here. Move to table.

CHAIRMAN MONTOYA: Okay, we have a motion to table. Okay, motion dies for lack of a second.

COMMISSIONER STEFANICS: Mr. Chair.



CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I would move to publish title and general summary with the changes and additions that we have requested.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Okay, we have a motion by Commissioner Stefanics, second by Commissioner Holian.

**The motion passed by majority [4-1] voice vote with Commissioner Anaya casting the dissenting vote.**

CHAIRMAN MONTOYA: Steve, we have executive session now. It is 5:05. You said we were going to visit the agenda. We're getting ready to move into public hearings when we get back. Do we want to leave the agenda as is?

COMMISSIONER VIGIL: I think when we get back we're going to revisit it. We're probably going to be breaking now and when we get back we'll have a better sense of who is here to testify what. Can we wait on that, Mr. Chair, until after executive? I would suggest that.

CHAIRMAN MONTOYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Mr. Chair, I think that a lot of people have seen the agenda. They're probably planning their evening according to our agenda. I'd like to leave it like it is.

CHAIRMAN MONTOYA: Okay. So we'll revisit when we get back then. Steve, what are we going into executive for?

- XII. E. 3. Executive Session**
- a. Discussion of Pending or Threatened Litigation**
  - b. Limited Personnel Issues**
  - c. Discussion of the Purchase, Acquisition or Disposal of Water Rights**
  - d. Collective Bargaining**

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

CHAIRMAN MONTOYA: And I have a quick question on the collective bargaining, so if we could just add that. Okay, we have a –

COMMISSIONER VIGIL: I move we go into executive session for the purposes delineated by our attorney.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil, second by

Commissioner Holian.

**The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2, 8 and 5) to discuss the matters delineated above passed upon unanimous roll call vote with Commissioners Anaya, Holian, Stefanics, Vigil and Montoya all voting in the affirmative.**

CHAIRMAN MONTOYA: So we'll be about 6:15, Steve?

MR. ROSS: Yes. That's about right.

CHAIRMAN MONTOYA: 6:15 we'll be back from the public hearings.

[The Commission met in executive session from 5:07 to 6:30.]

CHAIRMAN MONTOYA: Could we have a motion please to come out of executive session?

COMMISSIONER VIGIL: So moved, where the only items we discussed were items delineated from the a through d, and the only people in attendance were all five Commissioners, our acting County Manager, Steve Ross and Rachel Brown.

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

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Second by Commissioner Stefanics.

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

### **XIII. PUBLIC HEARINGS**

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

##### **1. CDRC Case # Z 09-5520 New Mexico Boys & Girls Ranch**

**Master Plan.** The New Mexico Boys & Girls Ranch Foundation Inc., Applicant, Consensus Planning, Agent, Request Master Plan Zoning Approval as a Community Service Facility for a Consolidated Residential School Facility Consisting of Student, Staff, Administration and Transitional Housing, a School and Administration Building, and Accessory Uses Totaling Approximately 115,200 Square Feet on 964.34 Acres to Be Completed in 3 Phases. The Property is Located on County Road 22, West of State Road 344, North of Cedar Grove, within Sections 3 & 10, Township 11 North, Range 7 East (Commission District 3). Vicki Lucero, Case Manager [*Exhibit 4: Results of Meeting and Copies of Letters to Pueblos; Exhibit 5: Conditions proposed by Cedar Grove Community; Exhibit 6: Letters and Materials of Support; Exhibit 7: Statement in Opposition*]

CHAIRMAN MONTROYA: As discussed previously, are we going to go in the order that we have?

COMMISSIONER VIGIL: I think, Mr. Chair, and maybe this is a good time to ask for a show of hands from those people who are here on the Boys and Girls Ranch. And then a show of hands for the people who are here on the PNM substation. Okay, it seems like the Boys and Girls Ranch have the larger folks here so maybe we need to accommodate, and they're also here from a long distance, Mr. Chair.

VICKI LUCERO (Growth Management Department): On February 18, 2010 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of this request. On July 13, 2010 the BCC tabled this case with direction to the applicant to hold another meeting with the community and with the tribes to allow them to be involved in the master plan process and allow them to have input.

A meeting was held on August 4<sup>th</sup>. Staff has handed out some notes regarding that meeting as well as letters that were sent out to six representatives of the tribes and the applicant can further address the details of the meeting during their presentation.

Recommendation: The Ranches currently has a facility near Lamy that will be consolidated into the new facility. Staff believes that this demonstrates that there is a need to provide this type of service in Santa Fe County and children from the immediate area could utilize the Boys and Girls Ranch services if needed. The existing uses surrounding the property are residential. The Ranches has a residential component to it in addition to a school facility which are allowed anywhere in Santa Fe County. The applicant is no longer seeking any variances and conforms to all code regulations, therefore demonstrating that it is compatible with development permitted under the code. Staff's position is that this use is

necessary and its proposed location is compatible with the surrounding area.

This application is in compliance with Article V, Section 5.2, Master Plan Requirements of the County Land Development Code and all other requirements of the County code. Staff recommends master plan zoning approval subject to the following conditions. Mr. Chair, may I enter those conditions into the record?

[The conditions are as follows:]

1. All redlines comments must be addressed
2. A signage plan for the internal road network shall be submitted at preliminary development plan.
3. Engineered plan and profiles for the internal road network shall be submitted at preliminary development plan.
4. The Traffic Impact Analysis must be updated with each phase of the development and offsite improvements must be provided as required by the NMDOT.
5. All eligible archaeological sites must be preserved from development.
6. County Road 22 must be improved to County standards in accordance with Article V, Section 8.2 (Road Design Standards) of the County Code; otherwise a variance must be sought at preliminary development plan stage.

MS. LUCERO: Also, I just wanted to state for the record that staff has also handed out a packet that includes letters and petitions of support for the Ranches.

CHAIRMAN MONTOYA: Okay. Thank you. Questions for staff?  
Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Vicki, I know this is just the master plan coming in front of us now, when the preliminary development plan is finalized, will that come in front of the BCC?

MS. LUCERO: Mr. Chair, Commissioner Holian, the code does not require development plans to come before the Board. The CDRC has final authority over development plans.

COMMISSIONER HOLIAN: Could we make that a requirement?

MS. LUCERO: If that's the wishes of the Board then yes, absolutely, you can add that as a condition.

COMMISSIONER HOLIAN: Okay. Then I would like to know that at the preliminary development stage, will the archeological survey be complete at that point and signed off by SHPO?

MS. LUCERO: Mr. Chair, Commissioner Holian, they'll have to complete the archeological survey and it will be reviewed by SHPO. So at that point we'll have at least an idea of what SHPO's recommendation is as far as mitigation measures or avoidance altogether.

COMMISSIONER HOLIAN: Okay. And I just have another couple – I didn't notice in my packet – well, this is regarding the traffic impact study. There's information in

there about how much traffic there would be on I think it's Sandoval Road in phases 1, 2 and 3, but I didn't notice any information in my packet about how much traffic there is now on that road. Do you have that information?

MS. LUCERO: Mr. Chair, Commissioner Holian, you did receive a traffic study so that information should be included in the traffic study that we have in our files, so I can pull that information so that you can take a look at it.

COMMISSIONER HOLIAN: Great. I think – oh, yes. One final thing. I gather that the development would be hooked up to the Entranosa water system.

MS. LUCERO: That's correct.

COMMISSIONER HOLIAN: And that uses wells? The Entranosa water system is on groundwater, is what I'm asking.

MS. LUCERO: Mr. Chair, Commissioner Holian, I'm not certain of the details on the Entranosa system. I know that they did provide a letter stating that they are ready, willing and able to serve the development and the agreements will be worked out as the project goes on to the next state.

COMMISSIONER HOLIAN: Well, my question would be if you could do some research on whether they are using groundwater, and if so, how far away from the development are those wells. That's my final question. Thank you.

CHAIRMAN MONTOYA: Okay. Other questions for staff? If the applicant would come forward. We're going to ask that tonight only new information be given to us. We have quite a folder full of information from the past meetings that we already had and entered in for the record so we ask for new evidence, new information this evening from all parties.

[Duly sworn, testified as follows:]

KAREN MARCOTTE: Good evening, Mr. Chair, members of the Commission. I understand; we've been through a lot of information. I'm Karen Marcotte with Consensus Planning. We are representing the Ranches. Since the last meeting – I'll just go through events since the last meeting. You asked us to meet again with the neighbors. Ranches' representatives met with a small group of the neighbors without any consultants or facilitators present, which is what the neighbors requested. They wanted a small group meeting instead of a public meeting or a large community meeting, where they could sit down across the table one on one with the Ranches and talk frankly. They reportedly did have a frank discussion but they are not in agreement on whether the Ranches should build their residential school on their property, and I think you'll see that reflected in the meeting notes that Mike Kull turned in to you. He is here if you would like to ask him any further questions about that community meeting.

The Commission also asked us to follow up on the request for involvement from six tribal entities relative to archeology. The Ranches archeologist and Mike Kull from the Ranches have been working on this issue. Letters have been sent to each of the tribes and telephone calls have been made to all six of them. Assurance has been provided that the sites will be avoided and protected and the tribal representatives have been provided to tour the

property with an archeologist to look at the sites personally. They will also have continued input into the management plan. Both SHPO and the County require that the sites be kept in protective easements and away from development and that has agreed to. Archeological coordination will be ongoing and all studies, easements and commitments will be complete prior to site development per the state and County codes, and that requirement is prior to site development, not necessarily prior to zoning that that all be done.

The Ranches' archeologist is here if you have any questions about his conversations with the state or about the work he has done on the site, although some of those details about the archeological sites he is required by federal law to keep those confidential and not discuss them publicly, so there will be limited amounts of detailed information on each site that you can get in a public forum, although he would be happy to meet with you in a separate session to give you all the detail you would like on the archeology. He is here this evening and available for questions.

The Commission also asked us to show that we had some support for the project and not just opponents. We have followed up on that request and we have forwarded to you emails and letters of support that the Ranches have received. We have additional packets with some additional letters that have just come in that we can give you as well, additional support, and we have brought a number of supporters including students both past and present of the Ranches who are here on a school night on a very long drive to show you who we represent and that we do have support. At this time I would ask all the supporters of the Ranches' request to please stand so the Commission can see you. Thank you.

In closing, we believe we have more than met all of the County requirements and that has been reiterated in the staff report. We have more than met the neighborhood notification and discussion requirements. We have done every additional thing requested of us, even when it has not been required of other applicants asking for master plan zoning, and we will continue to respond with additional technical studies when we get into the next state of the process.

But before we can move forward and complete all those endgame studies the Ranches need to know that the County will allow them to use their land for their school program. And so we are needing a vote on the zoning. We respectfully request that you approve the master plan zoning for the New Mexico Boys and Girls Ranch community service facility, and representatives of the Ranches and the consultants are all here for questions. We also have a few new speakers on behalf of the Ranches that you have not heard from before or are reading in testimony from new entities that you have not heard before and would like to be allowed to let them speak as well.

CHAIRMAN MONTOYA: Okay. Any questions for the applicant? Okay. This is a public hearing. How many people are going to be wanting to testify? Okay. So again, I just want to reiterate that whatever information you present is new information, something that we haven't heard and isn't documented in our record here. So if you would please come forward and be sworn in. Then once you get ready to testify then at that point we just ask that you state your name for the record. You can even stay where you're at.

[Those testifying were placed under oath *en masse*.]

CHAIRMAN MONTTOYA: Whoever's ready to proceed please take the mike.

[Previously sworn, Rebecca Proctor testified as follows:]

REBECCA PROCTOR: This will be very rapid so we can make this quick.

I'm Rebecca Proctor, 21 Astor Way in Santa Fe, 87508. I'm speaking under oath tonight as a private citizen and just from the perspective of a professional archeologist. I'd just like to provide a couple of items of new input from you since the last time we heard discussion of the case. Given that you're going to be going into the master planning stage for this proposed development, speaking from the perspective of someone concerned about cultural heritage I'd like to put forth some potential conditions that could be added to the master planning phase of this whole thing.

Commissioner Holian has raised the issue of getting a complete archeological survey and getting all of the SHPO input and concurrence on that. I'd like to suggest, because master planning for a development of this size, this level of density and something that's fairly different from the typical rural development, that it would be extremely wise, because you've committed so much of your time and the philosophy of the County is to engage in consultation that will protect and enhance our cultural heritage, I believe that a couple of things should happen at that stage rather than later on.

First we want to make sure that all elements of the proposed development are going to be addressed in the master plan. That would include everything, not just physical footprints of structures, but also all infrastructure and septic facilities and everything. I think it's wise to engage in planning for those, given the sensitivity of this area archeologically, at that early phase.

Second, I'd like to suggest the full results of the cultural resource survey be presented at that master planning stage, that evaluation of significance of the site, and the potential effects to them be presented early, early in the whole process. So that would be the time to get the results of the arc survey under our belts and under consideration.

And third I'd like to say that since the County has been so true to its philosophy to engage with the tribes that it would also be highly sensible and required by our whole approach to this to evaluate all input from the tribes as the master plan is developed. Thank you.

CHAIRMAN MONTTOYA: Next please.

[Previously sworn, Vanessa Chavez-Gutierrez testified as follows:]

VANESSA CHAVEZ-GUTIERREZ: Good evening, Mr. Chair and fellow Commissioners. My name is Vanessa Chavez-Gutierrez and I do affirm that I am under oath. I stand before you today, Mr. Chair and fellow Commissioners and I'd just like to go ahead and read into the record a letter of support from the Torrance County Commission as a whole. It reads: Dear Commissioners; On behalf of the Torrance County Commission I would like to express our support of the proposed Boys and Girls Ranch in Cedar Grove. This project would benefit many disadvantaged boys and girls as well as boost the local economy by creating jobs and construction gross receipts tax for both southern Santa Fe and all of



Torrance County.

In this economically depressed area local officials must join forces to promote projects that are in the best interests of the residents and this project will most certainly have a positive impact. We applaud the efforts of Santa Fe County to consider this project and willingness to see it through fruition. We also appreciate consideration of our local economy and the job potential for this area. Should you encounter the need for additional support please don't hesitate to contact us. Thanks again for your consideration of this project. Respectfully, Jim Frost, Chairman, Paul Chavez, member, and myself, Vanessa Chavez-Gutierrez, member.

We certainly are in support of this. Torrance County has always stood behind the youth and sees that this is definitely something that would benefit youth, not only in Torrance County but in Santa Fe County. Torrance County does have a correctional facility in Estancia and we've encountered no problems with that so any opposition that you are facing I certainly would pray that you guys would consider the many generations of youth that would be benefiting from this type of program, and also the many people that would be employed from this. Thank you for your consideration.

CHAIRMAN MONTOYA: Thank you, Commissioner Chavez-Gutierrez.

Next, please.

[Previously sworn, Rita Loy Simmons testified as follows:]

RITA LOY SIMMONS: My name is Rita Loy Simmons. I'm here as a private individual. I do represent the Town of Edgewood as a Commissioner, but I'm not speaking for the Commission. I have 36 signatures on a petition that supports the Boys and Girls Ranch. We understand that the Ranches provides residential and educational programs for youth in middle and high school, and provides a safe, supportive environment where these children can acquire the skills and values to become competent, productive, happy, well adjusted adults. This organization has been helping disadvantaged children and teens since 1944 and the signatures to this – my signature is not on this. Coincidentally, the Mayor of Edgewood signed it. We fully support this project in southern Santa Fe County. Our Council has been silent as far as extraterritorial zoning simply because we chose to.

I would also bring your attention to a flyer that we get from the Boys and Girls Ranch, those of us who support it, and it's a question and answer with Brandon. And I'm going to be kind of brief. Brandon graduated from high school in 2007 with honors, completing successful seasons of football at Belen High School. A couple of quotes: How hard was it for you to adjust to life at the Ranches? At first it was very tough. Plus I had many people to live with. I had regular chores and was held accountable for every little thing I did, good, bad or otherwise. So compliments came with the criticism if there was some. He apparently played football as a defensive tackle. He's most proud of his grades but enjoys raising goats. He also got involved in kick-boxing, is now a junior studying mechanical engineering at UNM.

And it says, What advice do you have for other teens who are struggling and considering coming to the Ranches? I would say make more of an effort to listen to others. Don't be rebellious. I would also encourage them not to give up. In life there are people

always willing to help you. This very much parallels my own father. Once he was sent to Menaul School, which is a school in Albuquerque that had a farm and a dairy and they built furniture. From that he built the Entranosa water system, and then he turned it into a cooperative because it was bigger than a mere family. He thought that stewardship was what it was all about. He made certain that the area that the Ranches is planning to locate in, and the subdivision next door, Tierra Encantada, could be on that water system.

I would like to answer a couple of your questions, Commissioner Holian. One was how far from the Ranches – at least three miles to their southwest corner, but it would be more like 3 ½ to where they would be located. That's one wellfield. The other wellfield is over seven miles to the east-southeast of Cedar Grove. So it comes from a great distance it's passed all the hydrological tests. Also, Bernalillo County's. So there's probably 3,000 homes currently on the system. The hydrology studies are accepted by Bernalillo County and I don't know if you're familiar with Pacc or the area in between Paco and Cedar Grove and down quite a ways into Edgewood. So any question that you might have about the water system I'd be happy to help you with.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Ms. Simons. I have a question about whether there are any well monitoring activities going on now for the Entranosa water system and how it's affecting neighboring wells.

MS. SIMMONS: My mother was the first to put a water meter on her wells in that region. She also did testing down holes with cameras to see what they hydrology was. There's constant monitoring. It's on computer systems. It's all interconnected. So, yes, ma'am, it is, and those reports are given to the state on a regular basis.

COMMISSIONER HOLIAN: Thank you.

CHAIRMAN MONTOYA: Okay. Thank you, Ms. Simmons. Next please. How many more do we have? Seven. Okay.

[Previously sworn, Max Zuni testified as follows:]

MAX ZUNI: Good evening. My name is Max Zuni, First Lt. Governor from the Pueblo of Isleta, and I do abide by that oath. I'm here on behalf of the tribes. I know some of them stating the facts about the cultural sites and I've witnessed several developers on our native properties. We've had several developers within our reservation and within the city, and one thing I want to be sure the Commissioners are aware of are federal laws that we have to abide by, which is the NAGPRA law, and any kind of cultural sites that are found, preferably grave sites, that there are certain rituals that are being held. I know there are close to 70 sites on this property, and I just want to make sure that when developers go into these kinds of properties that they abide by certain federal laws.

As a tribal member and also as a governor from the Pueblo I am assigned to just what the creed says behind you, the protection of property, our religion, our language, and especially our history. And sometimes we forget that years and years ago there were no developers within the state of New Mexico or the United States and so we didn't have that issue. And now we are surrounded by a lot of communities and development is going around.

And I'm here not against the facility that is being built. I think that if a developer does it correctly that a facility like that is needed within the state of New Mexico and in the Albuquerque area. I would rather have this kind of facility than correctional facilities that are being built.

Again, I'm only here to make sure that laws are abided by, and there are federal laws and one is the NAGPRA law. And I want to thank you.

CHAIRMAN MONTROYA: Thank you, Lt. Governor. Next please.

[Previously sworn, Ben Barnes testified as follows:]

BEN BARNES: My name is Ben Barnes. I'm the contract archeologist for the Boys and Girls Ranch and I recognize I'm under oath. I just wanted to say a couple of things about the process that we're in the midst of. There's been a lot of talk about the SHPO review of the archeological survey report. It has been submitted to SHPO; it's in mid-review. We're in the process of addressing SHPO's comments. I want to thank the Lt. Governor for bringing up NAGPRA, the Native American Grave Protection and Repatriation Act, which also comes into play with a process, the tribal consultation process that because of the introduction of the letter at the last meeting it got kind of jump-started or monkey-wrenched as we like to say.

The next stage, after the completion of the survey report and the final acceptance by SHPO, the next stage is to develop a long-term mitigation and/or stewardship program for the sites, and the definition of the archeological easements, at which time any consideration of any tribal entity who has a concern about potential burials, everyone was to be contacted and brought into the process at that time. It's a little bit different situation because the Boys and Girls Ranch is from the beginning pledging to preserve and protect and completely avoid the 33 cultural resources identified on the property. There's talk more about the specific sites or anything like that would delve into, at this interim stage in the state process privileged information I can't really openly speak about in a public forum, if you're talking about specific sites.

If you have any questions about the actual process I'd be more than willing to go into great lengths about the process to ensure that state and federal laws are followed. It's how we do what we do. It's prescribed by state, county, federal and municipal law, how we do what we do, and we're following all of the rules, because that's how we do our job. So if there aren't any specific questions, I would thank the Commission very much.

CHAIRMAN MONTROYA: Okay. Any questions? Thank you. Next, please.

[Previously sworn, Ken Burton testified as follows:]

KEN BURTON: My name's Ken Burton, Lot 41, State Road 344, and I'm here to speak for the South Mountain neighborhood. As you've heard, on August 4<sup>th</sup> a representative group from the South Mountain Neighborhood Association met with Mr. Kull. The purpose was to attempt to open a dialogue that would help in decreasing the lack of trust that has existed between us, and the search for compromises that would help to meet everyone's needs. One major issue that became very clear in our discussion is that the trust issues that we have with the Ranches also exist for many of the Ranches' personnel relative to us. We were disappointed that Mr. Kull was the only representative for the Ranches to

attend our meeting, but perhaps that was actually for the best since we've had previous discussions with Mr. Kull and some initial groundbreaking had already been established.

In this meeting many issues were discussed. There have been many misunderstandings of things that have been said or occurred and some of these were discussed and clarified. It is clear we have a long way to go before trust can be established and issues can be heard and understood on both sides. Mr. Kull did agree to take some key issues back to the Ranches' board but he did not express much hope on acceptance of our desires. Given the current trust situation this is reasonable to expect. At this point we cannot say any compromises have been made.

This meeting with Mr. Kull occurred so close to today's meeting that many people in both groups have not had an opportunity to hear or accept any result from our discussion. More time is required for any positive results from that meeting to reach these people and gain acceptance. All present agreed that we need to meet again and continue this process to establish trust and understanding. One dilemma that we have is that our group is very concerned that if the master plan is approved and rezoning is granted the motivation will be lost to search for compromise on critical issues. Therefore we ask that you table your decision for another month so that we can continue the process of establishing communication that allows major issues to be understood and jointly addressed. Thank you.

CHAIRMAN MONTOYA: Thank you, Ken. Appreciate it. Next, please.

[Previously sworn, Nancy Burton testified as follows:]

NANCY BURTON: Hello, Commissioners. My name is Nancy Burton. I live at 1141 State Road 344, and I'm speaking on behalf of the South Mountain Neighborhood Association. I'm glad that there are so many people here from the Ranches because I'd like – I'm glad that they'll be able to hear that we really want to work with them to come up with solutions.

We came into this process late and have had a lot to learn on the way. Besides having to learn the County processes we've been building our own community. The Ranches has been working this issue for many years. They know themselves and they know their needs. As we've heard from Ms. Marcotte and the Ranches they've done community outreach efforts for years, talking to the Edgewood Town Council and other Edgewood residents. However, most of the Cedar Grove community didn't learn about the Ranches' plans until February or March of this year.

Effective communications are among the most important things for any of us to learn and so a wise person once said to sell to John Brown what John Brown buys I must see John Brown through John Brown's eyes. So instead of seeing their project through their own eyes and selling it to Edgewood it would have served the Ranches better to see the project through the Cedar Groves' eyes and selling to us what we would buy. Another way of saying this is to seek first to understand, then to be understood. And that's part of the message that Dr. Burton just said.

Both sides have been so busy selling our own points of view and not taking the time to first understand the other's point of view. So we've spent the last five months building

anger and distrust, instead of using the time to dialogue, communicate and build trust. The Ranches have shown an urgency to get this project approved. If only we'd get out of the way and let them get on their way, which brings me to the third lesson. Take the time it takes so it takes less time. Once our community frustration was recognized at the April BCC meeting you the Commissioners tried to make us stop and take the time to gain that understanding. Instead the May 6<sup>th</sup> facilitated meeting followed the directed form but not the intent of your direction and the frustration and distrust was fueled.

The applicant in this case bought agriculturally zoned land. They're applying for rezoning, which in itself says that a rezoning is not guaranteed, at least not without conditions. Based on the advice of the Land Use office and what you've told us in past BCC meetings that we need to state what we want, we've listed our conditions should you chose to approve the rezoning request and ask that you include them. Our conditions are I believe listed in Exhibit L in your packets, and I'll highlight some of those conditions, but first we want to add an additional condition for the record, and this additional condition is that if the rezone application is approved and the Ranches decide not to build then the zoning shall revert back to its original zone designation.

Now for the conditions. Number one, install a closed, redundant wastewater treatment system with potable water as discharge. Pave Sandoval Road, County Road 22. Complete a 100 percent archeological survey, which we've already talking about so I won't go on that further. The Ranches' development must have the look and feel of existing development in Cedar Grove. This means, based on the acreage of the proposed build area, about 100 acres, the sizes and distribution of buildings and number of inhabitants must be similar to that existing in the Cedar Grove area and limited to residential use. So that there are no surprises, the developer shall be required to create a project website open to the public to post all documentation submitted to the Land Use Department and all County departments regarding this project. This documentation shall be posted on this website concurrent with submissions. A complete, comprehensive baseline wildlife survey – they need to complete a comprehensive baseline wildlife survey and install wildlife-friendly fencing. Since water usage and wastewater are critical issues for us and Santa Fe County there shall be no swimming pool. If master plan and rezoning is approved then the Ranches would become residents of the Cedar Grove community. Therefore we expect that they would integrate themselves with us and care about our safety and well being as well as their own. Therefore we ask that they coordinate their activities with the community and engage in a community-wide fire evacuation plan. And the last condition I'll highlight here is that they establish a trail system for pedestrian and horseback traffic for public use, with formal access agreements and in coordination with the Santa Fe County Open Space program.

Now, what's the proper way to get these conditions in their potential rezone document? It seems that there might need to be discussion and clarification for them to be understood and acceptable. That will take more time. If the Ranches want to build in Cedar Grove then they need to take the time it takes to understand and communicate so it takes less time to achieve neighborhood agreement. The people of the South Mountain Neighborhood

Association have time and talent that could be used to serve the Ranches if a positive relationship is built. Are there any questions? I have a copy of our conditions with the additional condition that I'd like to submit for the record.

CHAIRMAN MONTOYA: Give it to Karen. Next, please.

[Previously sworn, Phil Anaya testified as follows:]

PHIL ANAYA: My name is Phil Anaya and I do know I'm under oath. Mr. Chair, Commissioners, my name is Phil Anaya and I know that I do not live in the Cedar Grove area but I do have a school building that it is in the area of Cedar Grove, and at one particular time we were talking about closing down schools when the budget was getting pretty rough for us, just as Santa Fe has just recently. And I can remember a time the residents of Cedar Grove coming and saying please don't shut down our school; we need it for our kids. We don't want to have to bus them all over the place. Well, I believe that the kids – and it's all about kids for the Boys and Girls Ranch – they need a place too and they need a voice, and that's what we're all here for, is to be a voice as adults for kids that can't vote. Unfortunately, if they could vote, some of us probably wouldn't be sitting where we are today.

As Alice King said when she started this many, many, many years ago, she would always say, and I knew her personally, she would always say everything you do just make sure that it's for the kids because they are our future. No matter what child it is, how that child is raised, how that child is grown up in a great neighborhood, a bad neighborhood, they all are just kids. They can be formed in many ways. I know this, being on the school board, I think it's 14 years now. Commissioner Montoya has been on the school board too. He understands when we made decisions those decisions are based on what is best for kids.

We would all love to see school buildings built everywhere for all different types of kids. This particular one, the Boys and Girls Ranch, serves a great purpose for some of the kids that can't go to private schools, to public schools and a lot of people always say they don't want them in our neighborhood. The Boys and Girls Ranch have turned out some very high model individuals. All they needed was a little bit of guidance. So it is a good thing for a facility of this magnitude, no matter where it's located. I'm just glad to see it being in the East Mountain because I'm from the East Mountain and I want to see all the revenues. Santa Fe County, that's part of our area. You all need the revenue just as much as we do. We'd like to see all the roads and everything else fixed. Well, you can't do it unless you have people there to fund it. So I'm basically up here just to say that I personally am here to support the Boys and Girls Ranch as a private individual, not as a school board member and not as the Moriarty-Edgewood School District. Had a had a chance to bring it up in front of the school board I would have and I would have asked for their permission to submit a letter, but I did not have this time. I thank you all for your time and I know it's hard work to sit up there and make these types of decisions. I don't envy you all of the time; sometimes I do.

As you can see, I came dressed for the occasion today because I do hear that it does get pretty heated in here so on that note I'm going to walk away.

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

[Previously sworn, Cathy McManus testified as follows:]

CATHY MCMANUS: Cathy McManus, 61 Living Water Road, Cedar Grove. I'm the one who pulled the straw on this. Commissioners, I have been asked to read an open statement to the Board of County Commissioners from the Cedar Grove community to make sure this statement goes on public record. This statement is specifically directed to Commissioner Anaya. Commissioner Anaya, it is our understanding that you cannot go on record as supporting or opposing any application in advance of a vote by the full BCC. You have clearly done this in both BCC public hearings and also in print. You have clearly violated the fairness doctrine which governs these proceedings which attorney Steve Ross is so clear in stating to us in writing. You have demonstrated by multiple public statements that you are incapable of rendering an impartial or fair decision regarding this application. You are not neutral.

Commissioner Anaya, the Cedar Grove community is demanding that you immediately recuse yourself from participating in and voting on the New Mexico Boys and Girls Ranch application before the Board and without delay. I'm done.

CHAIRMAN MONTOYA: Next, please.

[Previously sworn, Robert Anaya testified as follows:]

ROBERT ANAYA: My name is Robert Anaya. I live in Stanley, New Mexico, and fully understand that I'm under oath. Mr. Chair, members of the Commission, I'm honored and privileged to come before you in full support of the Ranches' application to continue to locate the school and facility in Santa Fe County. I'm going to speak from a little bit different perspective. From the 7<sup>th</sup> grade to the 12<sup>th</sup> grade I had the privilege and opportunity of being in school and riding the bus alongside the kids at the Girls Ranch facility in Lamy, New Mexico. I consider them very close friends, many of them, to this day. I enjoyed learning from them. I enjoyed learning with them, and I enjoyed working not only with them but being present and working around people that supported the Girls Ranch like Alice King, like Rhonda King, like Joe Anaya, my father, my mother, Maryann, and many other community members throughout the Lamy area, throughout the Galisteo area and the entire county, and not only the county but the state of New Mexico.

I'm proud that there's city councilors from Edgewood here, that there's the chairman of the school board here for the Moriarty School District, with the Mayor of Edgewood, and many others have stepped up to say they support this project moving forward. You had a wonderful fair and I want to congratulate Santa Fe County last week. One thing that was a downside at the County Fair was that for the first time in many years the girls from the Girls Ranch were not present because of the transition that they're going through, and they were missed by many, many people there. Those kids work really hard with their animals that show up and they're part of Santa Fe County. And I'd like to see them stay part of Santa Fe County.

I understand there are many challenges that you're going to be looking at. But I know you, Senator Stefanics, I'll say, as a senator you always supported kids. You, Commissioner Montoya, have always been an avid supporter of our youth. I've not worked with you,



Commissioner Holian, but I look forward to, but I know you, Virginia Vigil and have worked with you and have watched you support kids and children, not only as an elected official but as a staff period. I've also watched you, Commissioner Anaya, and I hope without a doubt as our representative that you not recuse yourself. You are an elected official to represent the interests of District 3 and I hope you do that. With that said, it's with the utmost respect, whatever the conditions are that are placed on this master plan if it's approved, I only ask that they're fair and equitable and similar to what other people are faced with as conditions when we approach the County Commission.

I know you have tough challenges and decisions to make but as a citizen of southern Santa Fe County, as a resident, and as a spokesman, not sent by her, but as a spokesman for Alice King who I know if she were here would be standing here front and center pleading with you to keep this Ranch and these Ranches here in Santa Fe County. Mr. Chair, members of the Commission, thank you for letter me address the Commission.

CHAIRMAN MONTOYA: Thank you, Robert. Next, please. Is this the last one or are there any others that I didn't catch. One more?

[Previously sworn, Nicky Cohen testified as follows:]

NICKY COHEN: My name is Nicky Cohen with New Mexico Boys and Girls Ranch and I live in Tijeras, New Mexico and I realize that I'm under oath. The president of our board was unable to be here tonight but he sent a letter and I would like to read that letter into the record.

Honorable members of the Santa Fe Board of County Commissioners, I am writing to express my strong and unwavering support of New Mexico Boys and Girls Ranches, Incorporated and their plans to build a new co-educational campus in Santa Fe County. As a former resident of the Ranches I have a long and continual relationship with the organization. I went to live at New Mexico Boys Ranch at its present location in rural Socorro County in 1963 as a 14-year old boy. At a critical time in my life the Ranches provided a home and needed structure for me and my four siblings. Only God knows what would have become of us had the Ranches not been there to provide a safety net.

I went on to earn an MBA from the University of New Mexico and founded a company that employed up to 50 professional employees in New Mexico and made the Incorporated 500 of America's fastest growing companies. After selling the company in 2006 I bought a ranch in Guadalupe County where I now have a cow-calf operation. Since 1946 the Ranches have been improving the lives of New Mexico's disadvantaged children.

The world has changed dramatically from the time I was at Boys Ranch in the 1960s. The rural life at the ranch was exactly what I needed then, but the needs of children and families are much different in the information age. The vision to build a co-educational campus in the East Mountains is a logical and necessary step to continue the missions to New Mexico families, now and into the future. This vision was shared by Bruce and Alice King whose support of the Ranches is well known. Governor and Mrs. King generously made it possible for the Ranches to acquire the land in Santa Fe County for this specific purpose. While continuing to provide the benefits for the rural experience the new campus will

provide the opportunities available only in an urban area. This is critically important to function successfully in today's society and economy.

The Ranches have met all of Santa Fe County's requirement in a professional manner and will be a tremendous asset to the East Mountain community. I regret that I cannot attend the August 10, 2010 meeting but I am available to speak with you personally. Sincerely, Michael A. Romero, chairman of New Mexico Boys and Girls Ranches. Thank you.

CHAIRMAN MONTOYA: Okay. Thank you. Next, please. Ma'am, I wanted to listen to someone who hasn't spoken before.

MS. BURTON: Okay. I would like the opportunity to speak also as a private person, not on behalf of the South Mountain –

[Previously sworn, Michael Kull testified as follows:]

MICHAEL KULL: My name is Michael Kull. I'm the president of the New Mexico Boys and Girls Ranches. I understand that I'm under oath. I actually live in Tijeras with her, so we're a pair. What I would like to do is give you a brief report. I know you have information in your packet and I don't want to be redundant, but I met with some people in Edgewood for 2 ½ hours last week and I would like to give you a brief report. These are good people. They're fine people. I don't want to undermine that in any way. However, our world views are totally opposite. The Ranches are a very open organization. We like people. We want people to come and see. We like parents and guardians of those kids to come out and see that their kids are being taken care of and properly cared for. We want people to see that we're feeding them and giving them healthcare and all the things that they need. So we're very open and we don't discourage anybody from coming. We encourage our donors to come. We encourage all those that would like to see what's going on to come and see it.

The organization that's opposing us, on the other hand, I think wants everything to be very limited. They don't want visitors. They don't want traffic. They're kind of suspicious of outsiders. They just want to keep everything very controlled and very limited. So that's what's creating this problem is the opposing views of what's best for the situation.

Also, if you read their list of things that they don't want, you'll notice that many of the things that are on that list are things that should be done by government agencies. In fact, I think that if we were to try to do some of them the government agencies that are responsible for doing them would be upset with us. I know that, for example, I have a good friend that's been involved in the State Game and Fish for a long time and if we tried to do a survey of wildlife I think they would take exception to that; they would say that's our job and we will do that.

And so also, they want us in some cases to provide things that government should provide. You have agencies of state government, County government and so forth that are responsible for these areas and again, we're going to be stepping on toes if we for example do a fire plan for the area. That's the State Fire Marshal's office and our County fire officials too.

So I just want to say that I'm not saying that – I think it accomplished a lot. I think it was a good meeting. I think they do too, but we're just so far apart. And I would just ask you

one thing. We can't afford this process much longer. I just would ask you to make a decision. And in closing, we brought a number of the young people that live at the Boys and Girls Ranch and I would just like for them to rise so everyone could see them. These are some of the finest young people in the state of New Mexico.

CHAIRMAN MONTOYA: Okay. Thank you. Next, please. Ma'am, again, could I ask you to wait until someone that has not spoken speaks, and I will call you when you can speak.

[Previously sworn, Joe Gross testified as follows:]

JOE GROSS: My name is Joe Gross. I live at 81 Living Water Road. I understand that I'm under oath. I think Mike hit the nail on the head why we're so far apart. I moved out to Edgewood because it's quiet. I've lived in a townhome. I've lived in a suburban neighborhood with chainlink fence and quarter-acre yards. Lived a couple different places in my life. I saved, worked real hard, sacrificed a lot, now I live out in the country. I appreciate it. Okay? These young children here who are benefiting from the Ranches, they're benefiting from the Ranches right now. The objection that we have is the size of the Ranches. They're looking to come into our rural neighborhood and expand and make a large community where a very quiet community exists, where people who spent their life savings and moved to a very quiet neighborhood that was zoned to continue to be a very quiet neighborhood. And that really is the objection.

And it's been pointed out it's a not in my backyard issue, but on the other hand, the reason they need to move out there is for financial reasons. The property came at the right answer. The water system is the right way for them. It's primarily financial reasons. They can get out here; it's easier for them to get volunteers and make labor costs easy. It's not in my backyard or a financial issue for them. It's kind of a tough decision. But the whole reason we live out in a rural community is we like the rural lifestyle. And basically that's what we're asking you to keep it. It's zoned that way. We expected it to stay that way and realistically the only reason that they seem to be changing it is that they got an opportunity to build their site in what shouldn't be where they have that opportunity, and so they're trying to get to change the rules so they can then set up their campus in our backyard. Thank you.

CHAIRMAN MONTOYA: Okay. Thank you. Next, please. Okay. Ma'am, I'll give you a minute to address us.

MS. BURTON: All right. Nancy Burton again. There's no doubt that the Ranches are helping the children. They have a facility in Socorro that's doing good work. When my husband and I bought our property, our land, and we were building our house, Bruce King, Sam King, Don King, they visited us every other week and they came to see how our building was coming on when we bought our land, and we came to clear the land of the cactus. They came by and they said we are so glad that you are leaving the land as it is. Bruce King told us how he loved the land of the mountains and that he wanted it to stay undeveloped.

I bring this up because we keep hearing that Bruce and Alice King wanted this. I have it on good authority that they never thought it would turn into what it has turned into. The

original agreement, the original probably a gentlemen's agreement when the Ranches bought that property, when they acquired that property, the understanding was that the Lamy facility, the Bernardo facility would stay open and a third facility similar to those would be built on the mountain. And that is what Bruce King and Alice King, that was their vision. And I just want to clarify that because we keep hearing this is what Bruce and Alice King wanted. Unfortunately they're not here; they can't say it.

CHAIRMAN MONTOYA: Thank you. Anyone else like to testify? Okay, closing comments from the applicant.

MS. MARCOTTE: Thank you, Chairman Montoya, members of the Commission, I really just have to quickly rebut what Ms. Burton said right at the end. I personally, personally, have gone through planning sessions and charettes with Alice King. She helped choose and design this campus, its layout, its format, its style. There were notes on the deed from Bruce King about the purpose of the land being for the school, so I just have to negate that last statement that was hypothesized into the record.

The other thing I just wanted to note was with regards to the proposed conditions that the neighbors have submitted, although they did not have the courtesy of providing us with a copy we did hear most of them and get most of them, and I have this to say about those conditions. We are meeting all of the County and state codes. We are exceeding the requirements imposed on other applicants. To follow new, arbitrary neighborhood conditions that are not adopted by the County, not in any County rules or plans, that have not been applied to any other applicants I would say would be arbitrary and capricious. Some of them are really over the top in terms of expectations and level of control from one private landowner onto another private landowner. The Ranches is not going onto the property of these people and telling them everything they can and can't do on their land above and beyond what the existing County and state regulations already say. So we are not in agreement with those neighborhood conditions. We do ask for your approval as Mr. Kull said. The Ranches is really getting to a point where they need to get a decision on whether or not they're going to be able to use this land for their intended purpose so we respectfully ask for the master plan zoning approval knowing full well that there are a lot of studies ahead of us and a lot of work ahead of us in the next state. Thank you.

CHAIRMAN MONTOYA: Okay. This public hearing is closed. Deliberation. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I have a question for staff. What would happen to the zoning if the Boys and Girls Ranch were to sell before there was any development that occurred?

MS. LUCERO: Mr. Chair, Commissioner Holian, the master plan would be good for a period of five years. So if they didn't come in with any subsequent development plan and proceed with any construction then the master plan would expire after five years and the zoning would revert back to residential-agricultural zoning.

COMMISSIONER HOLIAN: Okay. Thank you, Vicki.

CHAIRMAN MONTOYA: Okay. Commissioner Stefanics. Commissioner

Vigil. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I'd like to first of all thank everybody that showed up, especially the kids that attend the Boys and Girls Ranch. I'd like to thank Commissioner Vanessa Chavez from Torrance County for reading that letter into the record, and thank your fellow Commissioners for me. I'd also like to thank Councilor Rita Loy Simmons. It seems like Rita, you've been here for the whole year, every time we have a meeting you're here. I kind of like it. I'd also like to thank the school board member Phil Anaya for your comments, Commissioner-elect Robert Anaya for his comments, and all the comments in support of the project.

I think every time we delay a project it costs them money. I have been supportive of this project since the first time it came to the Commission. And when I'm supportive of a project my job is to try to convince my fellow Commissioners to support that project. That's my job. I can't be up here and not try to do that. And in the last couple meetings there was no constituents that came forward to talk in support of this project because they really didn't think they needed to. So Mr. Hall, thank you for gathering up the support and I hope that it helps. Thanks for bringing the students so they can see what we really have to go through in order to get a project done. It's not just the Boys and Girls Ranch, it's all phases of development. This is the process that we go through.

So thank you for bringing the kids. You know, Santa Fe County spends \$9 million a year at our County jail. \$9 million. This is not a jail, and I wish we could spend \$9 million on Boys and Girls Clubs throughout our county. Every county has the issue of dealing with incarceration of kids. They spend millions of dollars in New Mexico. Millions. And if we could send people to the Boys and Girls School instead of to the county jails, man, would you all save us a lot of money. I mean you would. I wish we could get rid of it but we can't. But we can send our kids to the Boys and Girls School so we don't have to spend all that money on our corrections.

Mr. Chair, I know that there was some other conditions that they wanted to put in and one that really stuck out – I didn't agree with a lot of them – but one that really stuck out was no swimming pools. These kids – I could see not a swimming pool for a house, maybe, but not a swimming pool for the kids? Come on.

Like I said, I've been supportive of this since the first time it came to the Commission and I'm trying to convince my Commissioners to approve this project to move forward. And every decision we make up here in the Commission you have people against things and for things and you're not going to make everybody happy. Never will you make everybody happy. So, Mr. Chair, from the testimony that I have heard and from the staff's recommendations – they're not here for any variances. They have followed the code. They are in compliance. Staff recommends approval. I move that we approve this project.

CHAIRMAN MONTROYA: With staff conditions?

COMMISSIONER ANAYA: With staff conditions.

CHAIRMAN MONTROYA: Okay. We have a motion by Commissioner Anaya. Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I would like to preface this by saying that I think that the Boys and Girls Ranch is a good organization. It helps young people. It helps them get out in nature, among other things. It helps them learn how to do real things and that gives kids confidence that they can't get any other way. Also I will say that this piece of land is a very special piece of land. I have two major concerns with this development. One is how this got started with the Boys and Girls Ranch working with the community. It all got started somehow on the wrong foot, I think. But I think it can be fixed.

I don't think that the Boys and Girls Ranch wants to be an isolated community. I don't think that they want to be behind concertina wire or anything like that. I think they want to be part of the community. And I think that it would be really good for the community themselves to be part of the Boys and Girls Ranch. It could be a beneficial thing for both parties.

A second thing that I am actually concerned about is the density of the development on this piece of land. Now, it may be 960 acres, but there's only about 100 or 150 acres where that is buildable, where it's level enough to build things on. In fact the puebloans who lived there also figured that out themselves, so the density of archeological sites is greatest in that area that is being built on. So I believe that this development has to proceed very carefully and very sensitively with regard to the land and to the archeological treasures that exist there already.

I was a little bit alarmed to see that the equestrian center is currently placed on top of a number of significant archeological sites and I hope that that will be fixed as this goes forward.

Now, I will second this but I would like to add some conditions to the staff conditions. At the master plan phase I would like to add the condition that there be an archeological assessment of all areas that might be disturbed, and this would include not only buildings and any other kinds of infrastructure like their wastewater treatment system, but also wherever there would be footpaths or horse trails or roads. And not only the foot trails themselves, but any area that might be impacted by erosion from those structures and trails. Because I think it's extremely important right from the beginning to design it so that those archeological sites are preserved, and I think that the Boys and Girls Ranch people have indicated that they have a willingness to do that.

Also, with the master plan phase I would like to see that there be a project website established in order to be able to post information about the development as it goes along so that people in the area, anybody who's interested can see what's happening. I think in the interests of openness that is a very good thing.

Now, nothing will be done at all until the developers go through the preliminary development plan and the final development plan phase. And I would like to add as a condition that the preliminary development plan come back before the BCC. That is not normally done but in this case, since it's a very sensitive project I would like to see that happen, and between the master plan phase and the preliminary development plan phase I would like to see the following condition, and I think this is very important for bringing the

Boys and Girls Ranch together with the community. And that is for the Boys and Girls Ranch to work with the community and with appropriate staff from the County, or possibly from the NMED or any other relevant organization, to come up with plans that they all can agree on with regard to 1) what to do about Sandoval Road, what to do about the wastewater treatment system, what to do about the buffer zones, the trail system – and there's where the Open Space and Trails from the County would come in, to come up with a fire evacuation plan. I know this is a one way in, one way out situation and I think it's important to come up with a fire evacuation plan that not only can the Ranches people be comfortable with but the residents because they're using that same road. Also a well monitoring plan, and we have a precedent for that because we asked for that in the case of the Galisteo Basin Preserve, and also to come up with a plan for special events – how often, how many people. What is the way that the community and the Ranches can agree on this?

Now, I know that it's possible that there may not be agreement but I think that both sides should be motivated to make this happen before the preliminary development stage because if it doesn't happen then the BCC will have to make various decisions on things that are not agreed to. I think one other final point that I wanted to make is that it's really important to evaluate and include all input from the tribes on the archeological sites. I mean they are sacred sites to many tribes in this area and we should respect that.

CHAIRMAN MONTOYA: So, Commissioner Holian, are those eight additional conditions?

COMMISSIONER HOLIAN: I guess so.

CHAIRMAN MONTOYA: Was anyone else keeping track? Karen?

COMMISSIONER VIGIL: Let me ask a question.

CHAIRMAN MONTOYA: And maybe Rebecca Proctor has to respond to this. I don't even know if she's still here. On the archeological survey, is there a distinction – or anyone else or perhaps the applicant can respond to this. Is there any distinction between the archeological assessments and the cultural resource survey? Does anybody have an answer to that?

MR. BARNES: At this stage of things they're really one and the same. We're conducting an archeological survey, identify the cultural resources and develop a report that describes it in detail. This is all done to satisfy the Santa Fe County Subdivision Ordinance and is administered by the state. It's a normal process. It's done all across the state all the time. It's how me and all of my colleagues make a living. And again, it gives me an opportunity to address what you had said. In terms of the archeology, the new conditions, that's already in process. We're already doing what you had said.

The equestrian center has been exed from its current location on any documentation that you have. Nothing they are planning to build will in any way directly impact the archeological sites, the cultural resources. The master plan is configured that way. The development plan will be configured that way where all the identified cultural resources will be placed in protective easements. And it's always been the intention of the Boys and Girls Ranch to enter into a productive association with all Native American groups and



associations who have an interest in anything happening in Santa Fe County after the next stage, after the stage you're talking about, the development stage, which by consultation we're one to two years away from any ground disturbance on this project. And there's a lot of work still with consultation with the state that has to be done with archeology in terms of finding the easements and we do have a range of archeological sites out there and there are a few pueblo period sites but the majority of sites are very, very old. They're significant for a different set of reasons than I think most people are usually thinking of. It's a different type of cultural process that's going on out there. It's really examples of the first human beings to use this landscape. And we do have preserved on that property these cultural resources, about 10,000 years of human history, all of which – you couldn't ask an archeologist for a better client and a better project, because one of their goals is to protect and preserve the archeology, because they're building a school. What better way to instill in the students an appreciation for the cultural history, natural history of the state of New Mexico and its region than to have right there on your property a 10,000-year record of human occupation and utilization of the landscape to be preserved and protected for as long as they own the land. So I hope I answered the specific concern.

What you had asked about in terms of additional rulings on the archeology is already being done.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: So what you're saying is you're already doing what a cultural resource survey would do.

MR. BARNES: We are in the midst of finishing and finalizing the cultural resources survey, yes. Following the state's guideline and it's already been submitted to the state, it's already been returned from the state, the normal process where they have things that they want to know more information about. We're now in the process of going back into the field to collect the additional information that they want. And they really can't wrap any of this up until there's a decision about the actual zoning issue, because if they end up having to sell the land it goes into a completely different category of how do we wrap this up?

COMMISSIONER VIGIL: Thank you. Thank you very much, Mr. Chair.  
That's all.

CHAIRMAN MONTOYA: Anything else? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you. Well, I'm glad to hear that the survey is being done and so you shouldn't mind having it as a condition. Karen?

MS. MARCOTTE: Thank you, Mr. Chair, Commissioners. That is not a problem with the condition. We're not concerned about that one. There is concern about that last condition that you put in, that prior to – that between this stage and prior to the next stage that we have to come back and have community agreement, we have to agree on all of those elements that you've listed, which would give the neighborhood veto power, basically, over what we're designing, and we have not been able to reach consensus on all of those items and the Ranches is very concerned on all of those items and the Ranches is very concerned about that conditions and may want to withdraw the application if that condition remains.

COMMISSIONER HOLIAN: Well, what I would like to add to that is that either party, if you feel, after a certain period of time that – I'm not saying that you have come forward with an agreement, but I'm saying that at preliminary plat stage you have to – both sides have to show that they've made a good effort to work with each other on agreements for those. I'm just really trying to encourage the community and the Boys and Girls Ranch to work together to develop a relationship, because it's really in both of your best interests to do so.

MS. MARCOTTE: Chairman Montoya, Commissioner Holian, I agree with that sentiment. I don't believe that is what you said. If you're just trying to encourage communication and working together, that's one thing. But if you're saying we have to come back and have agreement from the neighborhood on all of those elements that you listed in your motion, I don't think that's possible and I don't the Ranches is willing to proceed under that –

COMMISSIONER HOLIAN: Okay, I'll restate my condition, that you have meetings with the community and the appropriate staff about each of those subjects and you try to come to agreement before the preliminary development plan stage.

MS. MARCOTTE: And Chairman Montoya, Commissioner Holian, that would be meetings with County staff present?

COMMISSIONER HOLIAN: Yes. Appropriate County staff. For example, on the trail system plan, it seems appropriate to have County staff from the Open Space and Trails Department.

MS. MARCOTTE: We would also need to have state people present because access onto school site also falls under state regulations over how you operate a school and how much access there is to the school.

COMMISSIONER HOLIAN: That's fine. Whatever staff that you think is appropriate from whatever agency you think is appropriate. I would actually like to add one more condition and we actually have the precedent for this as well, that before the preliminary development plan stage that you contact an organization like Pathways to look at a wildlife management plan. I know that there are a lot of wild animals on that property and it may well be a wildlife corridor. So I would like to ask for your cooperation on that.

MS. MARCOTTE: Mr. Chair, Commissioner Holian, we'd be willing to participate in a wildlife study as I think we've said before. A wildlife corridor though does not begin and end on the Ranches property. A wildlife corridor would encompass a much larger area, and I think if you're asking should a wildlife study be done for the whole East Mountain area we would be willing to participate in that. If you're saying we should make such a study be done on behalf on the whole East Mountain area as a result of our one property going through a zoning request I would think that would be an unfair burden.

COMMISSIONER HOLIAN: No, this is just your property alone. And organizations like Pathways will help you with siting your buildings so that you do not disrupt their existing corridors through your property. They'll help you site your buildings and so on so that you do not needlessly disrupt the wildlife corridors.

MS. MARCOTTE: Commissioner Holian, Chairman Montoya, we certainly don't want to needlessly disrupt any wildlife corridor but we also want to recognize that we're being held to a different standard than our neighbors. They have not done this work yet they developed adjacent to us. Other applicants in the exact same area have developed without doing these studies so we're being asked, every time we come we get a higher hurdle, another moving goalpost that we're supposed to chase after. They're not in the County rules and regulations. We certainly want to try and please you and do what you feel is best for the property, but we want it to be, as I think Mr. Anaya said earlier when he testified about conditions, they need to be fair and equitable. They need to be what other property owners also do, so that we're not penalizing the Ranches who are only trying to do a good thing with their application.

COMMISSIONER HOLIAN: Ms. Marcotte, you have a fairly large property there and with regard to wildlife it is an important piece of property, and we actually do have a precedent now. We have been starting to ask large developments to do a wildlife management plan.

CHAIRMAN MONTOYA: Any other discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to ask Karen some questions. And I wrote down the list of conditions that Commissioner Holian brought up. The arc assessment, we're already taking care of that, correct?

MS. MARCOTTE: Yes.

COMMISSIONER ANAYA: Horse trails? Tell me about that. Path trails? Are you going to allow access across your property?

MS. MARCOTTE: Commissioner Montoya and Commissioner Anaya, The Ranches have talked to many equestrian groups and rider groups in the East Mountain area. They have talked about a ridership and certainly trail access along that eastern property line of the Ranches, which also has a County easement along it. So along that eastern edge. But there will have to be a fence between that easement area and the Ranches' property, and that's because of the state regulations about protecting children, that we can't allow potential predators or problem people onto the property with residential school children residing there. And so we can work out that issue, as I noted with Commissioner Holian, we could work that out with the state and with the County trails people so that there would be trail access along that easement site but not in an unregulated fashion across the whole site, because of the school governance regulations.

COMMISSIONER ANAYA: So okay with that condition.

MS. MARCOTTE: Yes.

COMMISSIONER ANAYA: The project website. Are you okay with that? Or tell me –

MS. MARCOTTE: Chairman Montoya, Commissioner Anaya, I guess the question there is other master plan zoning applicants required to set up a project website and

at whose cost and for what maintenance and what needs to be on there and under what conditions would we comply or not comply with what is posted. I think that one is a little tricky. The Ranches have a project – they have a website and so you could put updates on the website but having a specific project website in the way that Commissioner Holian described it sounded different than – just what they have on their regular website.

COMMISSIONER ANAYA: Okay, what about the preliminary development plan before the BCC?

MS. MARCOTTE: Chairman Montoya, Commissioner Anaya, it seems once again that we're being held to a higher standards than other people are in terms of having to come back to the BCC and not relying on the technical staff and the technical opinions from staff and CDRC, that we're going to have a political decision at the County Commission on it. I think we can certainly agree to do. The part of the condition that would concern me as I noted was that we had to work with the community and staff to get agreement on all those issues.

CHAIRMAN MONTOYA: That's a different condition. This one is specifically the preliminary development plan comes back to the BCC.

MS. MARCOTTE: Chairman Montoya, I guess if that's the will of the Commission we'll have to comply. I would say it's not something we would have expected or requested.

COMMISSIONER ANAYA: What about the road issue? Were you going to pave that?

MS. MARCOTTE: Chairman Montoya, Commissioner Anaya, I believe that's already required under your condition 6 under recommended staff conditions.

COMMISSIONER ANAYA: We can strike that one. Wastewater?

MS. MARCOTTE: That request was one of the things in the long list that Commissioner Holian listed of things that we should get agreement on. And the wastewater treatment plant is regulated by NMED. The County also has to approve it, but there's very stringent state standards on that. I would say typically the neighborhood is not involved in design of the wastewater treatment plant. It has to meet the state and County environmental regulations, not sort of the layperson's preference for what kind of wastewater treatment plant they may prefer. I think also their request from the neighborhood was to hold the wastewater treatment plant to a much higher standard than anyone in the East Mountain area provides. They wanted drinking water out of the wastewater treatment plant.

COMMISSIONER ANAYA: The well monitoring program?

MS. MARCOTTE: I think, Commissioner Anaya, that the well monitoring program will end up being a part of the work that's done through Entramosa. So I think that one can be complied with.

COMMISSIONER ANAYA: Special events?

MS. MARCOTTE: Chairman Montoya, Commissioner Anaya, this is one that is of concern because it is a school, first and foremost. I would challenge you to show me a school in New Mexico where the neighborhood gets to decide how many special events they

have, what hours they have, who is entitled to come. Schools do have special events. I think the reason the Ranches bought 1,000 acres of land for their campus is so they would have an adequate buffer around their school. So we would prefer not to have control by others on the school activities. I think the school manages itself pretty well and existing neighbors do not complain about the school.

COMMISSIONER ANAYA: And then, Mr. Chair, I hate to keep putting more conditions, and I understand where Commissioner Holian is coming from, but I hate to continue to put more conditions on applicants that are coming before us. It just makes it harder for them to do business in Santa Fe County and I know that staff is looking closely at this project and they're monitoring it. But for us to just come up here and start rattling off other hoops to jump through is not right. It's not right. The only thing I can agree with, Mr. Chair, with the conditions that Commissioner Holian, that you put forth, is for the preliminary development plan before the BCC. And that way we get to do it again. We get to hear the concerns. But to say you've got to go to community if you're going to have a special event or you're going to do open space, it's not said in our code and we can't be up here just saying do this, do this, do this. Every time you put a condition it costs them money. Money that could be used for those kids. So Mr. Chair, I disagree.

CHAIRMAN MONTOYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would like to say that I'm not putting on the condition that they have to get agreement with the community, that they have to a signed paper from the community saying that they sign off on this particular topic. I'm just saying that there is a lot of mistrust out there, and this is a way for the Ranches to work together with the community. It's going to be in the Ranches' best interest; it's going to be in the community's best interest to work together. I'm just saying that I would like to see meetings on these topics in an effort to come together with a resolution that they both can live with.

COMMISSIONER ANAYA: Mr. Chair, if they're not conditions then I would agree with Commissioner Holian. We want you to continue to work with the community but I don't want them to say they went to the community, the community said you can't have that special event, so we can't have a fundraiser over here because it bothers them on a Sunday. I don't want that. And that's not right.

CHAIRMAN MONTOYA: Okay. So Commissioner Anaya, you don't want any of the conditions that were proposed by Commissioner Holian?

COMMISSIONER ANAYA: I think that the County staff has put enough conditions on them to monitor them. They still have to come back to us. I don't agree with it.

CHAIRMAN MONTOYA: Okay. Do you still second?

COMMISSIONER HOLIAN: No, I don't.

COMMISSIONER VIGIL: Mr. Chair, before you withdraw, Commissioner Holian, let me see if I can create a middle ground here, because I'm actually seeing the polarization that's occurring that many of you have experienced. When it comes to a project website, you currently have a website. It would be very easy to have your IT people

incorporate a lot of the information that's going on with this project, have it be a link to what's happening. You don't have to create a new project website. I think what Commissioner Holian is actually doing right now is trying to promote transparency with regard to this project so that the neighborhood actually has a better understanding of what's happening and that communication can be a really good starting place for building relationships with that.

It's also, we've discussed a lot of these issues in the Commission, not only transparency but disclosure. So a lot of what I heard underlying a lot of the testimony from the neighborhood around there is that they really wanted more information and I know that there were attempts to do that and there still was a polarization of the prospective on this. But I think from this point forward there are things that can be done. And they can be done shortly, on the short term.

You've agreed to come to us before for a preliminary review. I think at that point in time maybe you could have Pathways give us a report with regard to anything that needs to occur with regard to wildlife in that area and Pathways we've had a huge experience with. I have to underscore that a preliminary development plan coming to the Commission in a development of this magnitude is really a good thing for this Commission to do. We've done it in large subdevelopments; we've done it in small subdevelopments. The preliminary development plan when there's so much remediation that may need to occur needs to come to the Board of County Commissioners.

I also think that the special events issue is probably something that could be middle-grounded here too. On your current website you probably do disclose a lot of the special events that are promoted by the Boys and Girls Ranch. That's another way that that can be done. Special events disclosure and transparency is a way of welcoming in and bringing in the neighborhood with regard to participation. Your organization exists with a lot of volunteerism. You need that. When it comes to special events, there could be a special event that will engage the community. There's no better way of doing that than to disclosure and transparency. So I think that's another way you can use your website.

I just don't think that we're intending for you to come forth and bring us a veto or a non-veto. I think what we're intending here is for you to come forth and let us know how you're building trust and how the neighborhood is building trust with this project. This is really a cause of both the neighborhood and the project development situation for lack of a better word. We want to see this succeed for everyone. And I don't think that that is anything to do with what Commissioner Holian was trying to do.

COMMISSIONER HOLIAN: I agree.

COMMISSIONER VIGIL: Okay, with those, those are the kinds of conditions – and I don't know. You can respond to what I'm saying. If there's a middle ground through your website through disclosure and transparency, you're frowning at me but are you still feeling like that's not possible? If you have an IT person who wants address that I'm happy to hear it.

HEATH COLLIN: My name is Heath Collin. I took the oath earlier and I acknowledge that. Yes, running a project this size on a website is not just like making one on the Internet. You can't have a Go Daddy and make a big project website. Getting documents from AutoCAD into a website, you're looking at a minimum of about a \$5,000 cost to put up that website. The other part of it is that we've just gone through the new accounting standards for acknowledging auditing and anything that puts us at risk, and our main asset is the children that we serve, we can't put a bunch of special events on line for that reason. Because anybody wants to hurt them knows where they're at and when. And we have stringent standards that we have to face on the accounting side to say that we never put our assets at risk and our children are our assets so we have to ensure them. And that's – we just can't go up and say, hey, please, Pedophiles Anonymous. Come see us. We can't do it. We have to be very guarded about the information because confidentiality – we brush up against HIPAA all the time on confidentiality.

What you're doing is legislating that we spend a bunch of money to appease people that are trying to become larger victims than the kids that we serve. And it's getting to the point, Mr. Anaya, thank you. It's getting to the point where we have jumped through every hoop but there's always an appearing hoop at the next point and it becomes cost after cost after cost. A website doesn't just happen. Just because you can buy one on Go Daddy for \$4.99 doesn't mean you can create a good one. We've spent money on our website. We spend money on our direct mail. [inaudible] we didn't produce that on a copier we bought from Office Max. We have to go through a production process and it's expensive. So creating a website to tell everyone where the kids are at isn't something we can do.

COMMISSIONER VIGIL: That makes sense to me. Understanding what the standards are. So perhaps that's not a good avenue. But you do need to engage the community at some level with regard to creating a benefit for the school. And maybe it's not through special events. With regards to posting and creating transparency on how the development is going, would it be difficult to at least narrate in your website where you're at, identifying the timeline for your archeological studies.

MR. COLLIN: We've narrated all of this. We get accused of not providing information or if we don't answer a question in exactly the way they want us to we're not providing an answer. You have documents. We've killed enough trees to fund this project just giving information to people about this thing. And we can keep doing it, but do you really want to go on a website and read 3,000 pages on what we're doing in the archeological study? No offense to them but you can get a little glossed over about five minutes in.

COMMISSIONER VIGIL: Let me just say I'm not trying to create a difficulty for you. I'm trying to have you promote transparency towards the community that surrounds you with regard to this, without hurting your project, without violating HIPAA or any confidentiality. It really is a burden that I think you need to find a resolution for.

MR. COLLIN: Who else has to carry that burden?

COMMISSIONER VIGIL: I actually think we just approved several subdevelopments that create – that we put conditions on similar to this.



MR. COLLIN: [inaudible] and we will look at the costs that they incurred to put those on line. It's very expensive to do it right.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. I've been thinking. I've been listening to everybody and when you buy a piece of property and you build a house and other people move in on your road that weren't there when you first moved there, it's in a micro-situation but it's difficult change. You were on that road alone. You might have been there for years alone, and then all of a sudden there's people around you. And although this is a big project the project is jumping through the hoops. And it's a big change so it's hard. Even with new neighbors moving in it's hard. But this is a big new neighbor and there is going to be a lot of time for the next steps to happen.

I'd like to go back a little bit because we as Commissioners have had some difficult projects in front of us where we did not require agreement from the community on the project. We've had some very recent big projects that are now sitting in court. So we have not required other projects this trust-building that we're requiring today. We haven't required the agreement. So I do understand that that is the goal that any sophisticated, intelligent group would want. That's the goal you want to get to, because you don't want to live in a community where other people are not going to smile at you and not wave at you as you go by them on the road. It's part of being a community.

So I would go back to – I would second Commissioner Anaya's motion as long as the applicant comes back with a preliminary plan before the BCC, and that's all.

COMMISSIONER VIGIL: Would you want the Pathways report to be part of that?

COMMISSIONER STEFANICS: I would imagine that all those suggestions would be appropriate. We have another chance to approve something or not when the preliminary plan comes back.

COMMISSIONER VIGIL: And that's what I'm hoping, those suggestions will come forth and I'm seeing a nod with a yes.

COMMISSIONER STEFANICS: But I'm not making it a requirement.

COMMISSIONER VIGIL: Well, no. But a condition of approval can be a part of a vote, and I would sort of state, Commissioner Stefanics, that my tenure here as been a little longer. Agreements, you're right, have not been required but conditions of approval have, and I think that's all that we're looking for here. So I think we're at a place where we can take a vote.

CHAIRMAN MONTOYA: I've got to say that the one area which I totally agreed with, Commissioner Holian, that needs to be for me a condition is that of the evaluation and inclusion of any tribal feedback that is required by state law. And I did state that at the last meeting and if that can't be a part of the conditions then I can't support this motion. I think Lt. Governor Zuni mentioned that there's 70 sites on this. I know Ben, you mentioned there's 33. A little discrepancy between the numbers, but however you get there

you all will get there. I'm not worried about that in terms of the process. I'm just saying that that needs to be part of the conditions which right now it's not.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd like to ask staff, is this on your conditions, number 5? What were you intending there?

MS. COBAU: Mr. Chair, Commissioner Stefanics, we want the eligible archeological sites, we want the development area outside those sites. The applicant has asserted that they're doing that, and it's my understanding that's required by state law anyway. SHPO will review – when we get development plans we will send them to the State Historic Preservation Office along with the archeological report for the review and approval of the experts at the State Historic Preservation Office. If they have conditions that they want to be enforced on where the development is occurring they'll send us a letter and we'll make sure that those conditions are enforced before we record the development plan.

COMMISSIONER STEFANICS: Thank you, Shelley. So, Mr. Chair, you're asking for something formal with the tribes?

CHAIRMAN MONTOYA: Correct.

COMMISSIONER STEFANICS: I have no problem with that. Is that okay, Commissioner Anaya?

COMMISSIONER ANAYA: I'm fine.

COMMISSIONER VIGIL: And I think that is required by state law.

CHAIRMAN MONTOYA: It is. So that would be condition number 7? Or 8?

COMMISSIONER ANAYA: Mr. Chair, I'd like to hear from –

MR. BARNES: Tribal consultation is part of the normal process that we do go through. It will occur. It's going to occur before the final development plan. It's scripted into all federal, County and state laws. In fact the state just changed. I have this from Michelle Ensey at HPD, who just got back from vacation yesterday.

CHAIRMAN MONTOYA: So if it's already a law you shouldn't be opposed to it then, right?

MR. BARNES: I'm not opposed to it. I'm saying it doesn't need to be a condition because it's already a condition.

CHAIRMAN MONTOYA: I would like it to be a condition.

MR. BARNES: It's going to happen already. Thank you.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER ANAYA: I don't have a problem with it.

CHAIRMAN MONTOYA: Okay. So that's the eighth condition. The seventh is that this will come back for review by the BCC in terms of the preliminary development plan. Is that okay. Any other discussion? Commissioner Holian.

COMMISSIONER HOLIAN: Would anybody agree to a condition for a plan to at least work with the community?

COMMISSIONER VIGIL: That's what the executive director responded. I think we've made every effort to try to legislate relationships there and the first thing I've learned is you don't legislate relationships.

MR. KULL: Part of the issue here is that we are a statewide organization. In fact we are a regional organization. Twenty-seven percent of the money we raise comes from outside the state of New Mexico. We send out \$100,000 worth of accountability mail every year. We're talking newsletters, partners' newsletters, website letters. We will work, and I told the group in Edgewood that I will meet with them every month if that would serve some purpose. The only thing that our board does not want to give up is the control of the project, and our board of directors is a very prestigious and influential board and they say that they're raising the money, they are being accountable, they pay for the insurance and they say they cannot advocate the liability to anybody else. And so that's the issue.

And so I'll work with Edgewood; I'll work with that area. We send out mail. We can put them on a mailing list. Communication – and I tried to explain this to you. They're great people but they're a very small group compared to – our kids come from all over the state and some of them come from out of state. Our donors are all over the country and there are thousands of them and I haven't even advised them of what's happened in this whole process. I'm going to have to start writing a series of articles that communicate to our donors because they're the ones that are paying for this.

And so there's an ongoing process of communication. I will just include all the people in the Edgewood area about it and I will extend – and I told them – I said I will come and meet with your organization any time you want and I will answer any questions you have. I will bring professionals if I can't answer them. I will get the information for you. Other than that I don't know how to address this.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: No further comments.

CHAIRMAN MONTOYA: Any other discussion? We have a motion by Commissioner Anaya with 8 conditions, a second by Commissioner Stefanics.

**The motion passed by majority [4-1] voice vote with Commissioner Holian casting the dissenting vote.**

[The Commission recessed for five minutes.]

- XIII. A. 2. **CDRC Case # V 09-5270 Bryan Berg Variances. Bryan Berg and Kristin Carlson, Applicants, Request Approval of Seven Variances of the Uniform Fire Code and Urban Wildland Interface Requirements and of Article VII, Section 3 (Terrain Management), Article V, Section 8.2 (Road Design), Article III, Section 2.3 (Site Planning Standards for Residential Use) of the Land Development Code: 1) to Allow the Height of a Residence to Exceed 18 Feet and to Allow the Overall Height (From Highest Parapet to Lowest Natural or Finished Cut Grade) to Exceed 30 Feet; 2) to Allow the Slope of the Driveway to Exceed 11 percent; 3) to Allow a Driveway to Be Less Than 14 Feet Wide (as Required By Fire Code); 4) to Allow a Turn Around That Does Not Meet Fire Code Requirements; 5) to Allow a Retaining Wall Greater Than 10 Feet in Height; 6) to Allow Disturbance of Slopes Greater Than 30 percent; and 7) to Allow a Finished Floor Elevation to Exceed 5 Feet Above Natural Grade. The Property is Located at 11 Mountain Top Road, within the Overlook Subdivision, within Section 16, Township 16 North, Range 10 East (Commission District 4) Vicki Lucero, Case Manager**

CHAIRMAN MONTOYA: Let's call this meeting back to order.

MS. LUCERO: Thank you, Mr. Chair. I just wanted to clarify that we've whittled this down to five variances instead of seven. The variance regarding the Uniform Fire Code and the emergency turnaround, the applicant has revised the plans for that emergency turnaround and it is now in compliance with code requirements, so a variance is not required on that. The other issue regarding the Wildland Interface Code, that mandates a 14-foot width for driveways to allow emergency access. The applicant was requesting a width of 12 feet along some portions of the driveway and the CDRC granted approval of the request as allowed under the Wildland Interface Code. Therefore, no additional action is required on that as well.

On June 17, 2010 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the requested variances. The existing property is an existing 6.06-acre legal lot within the Overlook Subdivision. The lot is currently vacant, however, there is an existing 816-foot driveway and a small building pad that was created by a previous owner. The applicant is proposing to construct a 4,441 square foot heated three-story residence with a building footprint of 2,463 square feet, which includes patio and portal as well a 330 square foot studio.

The property consists primarily of difficult terrain with some small areas of zero to 20 percent and 20 to 30 percent, but the majority of slopes on site exceed 30 percent.

Article VII, Section 3.4.1.c.1.c of the County Land Development Code states that natural slopes of 30 percent or greater are no-build areas and shall be set aside from use for

development. The proposed lot contains some scattered areas that are less than 30 percent slopes. The applicants are requesting a variance to allow disturbance of 30 percent slope in order to construct a parking area along the driveway. A portion of the house and studio, approximately 32 percent, will be constructed on 30 percent slopes or greater.

Article VII, Section 3.4.3.d of the Code states retaining walls shall not exceed ten feet in height. The applicant is proposing a 13'6" retaining wall. The applicant states that because of the limited buildable area on site there is not enough area for parking, therefore, in an effort to create parking and keep it and the retaining wall itself non-visible and to minimize the disturbance of 30 percent slopes, the applicants are requesting a variance of the height requirement.

Article V, Section 8.2, Appendix 5.A of the Code states that the maximum grade for a road/driveway accessing lot is 11 percent. There is an existing driveway that was created by a previous owner which is at 19 percent grade. The applicants are proposing to bring it down to a maximum grade of 12.69 percent. The applicants state that the grading that would be required to bring the existing driveway down to 11 percent would be out of character for the surrounding landscape and neighborhood and would increase the existing cuts and cause irreparable damage to the land. Also, the cost of such grading would render them unable to develop the parcel. Therefore, in the interest of keeping the proposed development affordable and appropriate to the site in question the applicants are requesting a variance to this requirement.

Article III, Section 2.3.6.b.1 of the Code states that the height of any dwelling or residential accessory structure located on land which has a natural slope of fifteen percent or greater shall not exceed eighteen feet and that the vertical distance between the highest point of a building and the lowest point of a building at natural grade or finished cut grade, whichever is lower, shall not exceed thirty feet. The applicants are proposing a maximum building height of 28'10" and an overall building height of 39'2." The applicants state that in an attempt to build a passive solar dwelling, utilize rainwater collection, disturb only those areas previously disturbed, and retain all significant trees a height variance is needed.

Article VII, Section 3.4.1.d.6 of the Code states that for a structure built on a natural slope of over twenty percent the finished floor elevation at any point shall not exceed five feet above the natural grade below that point. The applicant is proposing a maximum finished floor height of 14 feet above natural grade for portals and nine feet above natural grade for the residence. The applicants state that they are requesting a variance of this requirement in order to provide the smallest possible footprint and disturbance of terrain for a single-family residence, and maximum solar exposure for a passive solar design.

Article II, Section 3.1, Variances, of the County Code states, "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other non-self-inflicted conditions or that these conditions would result in inhibiting in achievement of the purposes of the Code, an applicant may file a written request for a variance."

Recommendation: The applicant is proposing a 4,441 square foot multi-level residence. The subject property is a legal lot of record. The lot is limited by steep terrain which makes it difficult to construct a residence and a driveway that meets County Code requirements. Land Use staff has conducted a site visit and reviewed the slope analysis and has determined that there is no other buildable area on the site. It is staff's position that the variances requested are unavoidable due to the rugged terrain and small buildable area on the property.

Based on the revised proposal for the emergency turn around, the County Fire Marshal's Office is supporting the variances requested for driveway standards including the emergency turn around.

The applicant is seeking a height variance that would allow for passive solar design. Staff conducted a site visit in which the applicant installed story poles to show the height of the proposed structure. Staff determined that the structure would not be visible from minor arterial roads. If the applicants were to reduce the height of the structure they would have to increase the footprint of the residence which would result in more disturbance of 30 percent slopes. Due to the difficult terrain on the property staff's position is that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant as stated in Article II, Section 3.1 of the Code. Therefore staff's recommendation and the decision of the CDRC was to recommend approval of all variances requested subject to the following conditions. Mr. Chair, may I enter those conditions into the record?

[The conditions are as follows:]

1. No grading or disturbance of ground beyond grading limits shown shall occur. Except for developable areas for building envelopes, roads, or driveways, disturbance of natural vegetation shall be prohibited. Cleared or graded areas, or cut and fill areas shall be re-vegetated to the approximate original density and type of vegetation existing prior to disturbance.
2. Per revised drawings the area at the end of the driveway nearest the proposed residence shall incorporate a modified hammerhead turnaround.
3. The maximum slope for the 14' wide driving surface shall not exceed 11 percent.
4. Guardrails must be placed along sections of the driveway that are less than 14 feet in width.

CHAIRMAN MONTOYA: Okay. Questions for staff?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: So let me be clear. What variances have been deleted?

MS. LUCERO: Mr. Chair, Commissioner Stefanics, if you are looking at the issue in the staff report it would be variance number 3, regarding the turnaround.

COMMISSIONER STEFANICS: Okay. Thank you. And everything is – the

Fire Marshal has determined everything is okay.

MS. LUCERO: That's correct. He's recommending –

COMMISSIONER STEFANICS: We have no further conditions except the four listed.

MS. LUCERO: That's correct.

COMMISSIONER STEFANICS: Thank you very much.

CHAIRMAN MONTOYA: Okay. Questions for staff? Okay, is the applicant here? Okay, Mr. Berg, are you in agreement with staff's report, recommendations and conditions?

[Duly sworn, Bryan Berg testified as follows:]

BRYAN BERG: I believe so.

CHAIRMAN MONTOYA: Okay. Is there anything else you'd like to add?

MR. BERG: First of all, I don't think I have any opposition here tonight. Of all the CDRC meetings we've had, including the site visit that they conducted, we've not had any opposition. My wife and I have taken a very pro-active stance on educating everyone in our homeowners association and our neighbors as to what we're doing and why, because when you read the signs that are up out on the road and you hear the laundry list that Vicki just read it sounds like we're building a nuclear power plant that's about five stories tall on top of eight retaining walls. But that's not what we're doing.

So I guess what I'd like to say is that we've been through many, many meetings with the CDRC. Finally, we did a site visit because they couldn't wrap their minds around this crazy proposal and the very next meeting after the CDRC did the site visit, and I might add the Fire Marshal was there and County Land Use staff and whatnot, they were able to vote unanimously to approve it because it's just one of those projects that unless you really see it with the drawings and explain things it's kind of hard to understand how this all works.

I guess the biggest concern at this point is the height of the structure and whatnot. We are trying to do passive solar on the north slope. We investigated the exposure of the sun before we bought it. We knew that we would probably have to ask for a variance on that and many other issues. And I guess our stance was that we felt that understanding the Code pretty well and its intentions that if we put forth what we were certain was the best possible design for the site that regardless of the number of variances that it would be proven and seen that it was the best thing to happen and that's what we did. It's taken us a long time and there's been a lot of work but I think you'll find we're kind of there.

I think that's kind of where we're at.

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

COMMISSIONER ANAYA: Is that your project?

MR. BERG: Yes.

COMMISSIONER ANAYA: I think you've spent a lot of time on it. I'd like to see it.

MR. BERG: Do you want me to bring it up there?



COMMISSIONER ANAYA: Yes. I'll pass it down.

CHAIRMAN MONTOYA: Okay. Any questions, Commissioner Anaya?

COMMISSIONER ANAYA: No questions, Mr. Chair, I just wanted to see it.

CHAIRMAN MONTOYA: Okay. Thank you, Mr. Berg. This is a public hearing. Anyone who would like to speak on this case if you'd please come forward. Okay, seeing no one, this public hearing is closed.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Move to approve with staff conditions and [inaudible]

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: I have a motion by Commissioner Vigil to approve with staff conditions and a second by Commissioner Holian. Any further discussion?

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

- XIII. A. 3. **CDRC Case # Z/DP 09-3132 PNM Caja del Rio Substation.** PNM, (Jeanette Yardman), Applicant, Requests Master Plan Zoning/Preliminary and Final Development Plan Approval for the Construction of the Caja del Rio Substation on 2.4 Acres. The Substation is Needed to Serve the City of Santa Fe/Santa Fe County Buckman Direct Diversion Water Pumping and Treatment Facilities Along with Future Growth in the Area. The Project Will Consist of the Substation, Installation of Two Tap Structures Approximately 70 Feet in Height and Two Termination Structures Approximately 45 Feet in Height That Will Connect with PNM's Existing 115kV Transmission Line. The Property is Located at 11 W. Caja del Oro Grant Rd., within Section 22, Township 17 North, Range 8 East (Commission District 2) Wayne Dalton, Case Manager [*Exhibit 8: Letter from Rick Carpenter; Exhibit 9: Letter from Norm Gaume; Exhibit 10: PNM Presentation; Exhibit 11: Photos from EIS*]

WAYNE DALTON (Land Use Department): Thank you, Mr. Chair. On May 27, 2010 the CDRC met and acted on this case. The decision of the CDRC was to recommend denial of the application in order for the applicant to revisit the original location of the substation for the Buckman Direct Diversion water pumping and treatment facility. And you can refer to the minutes attached as Exhibit A, and see page 63, and that is page e3 of Exhibit A to see the location.

The applicant has stated that relocation from the proposed site is not possible due to costs, delays associated with the EIS and other constraints. The project will consist of a new electric substation along County Road 62, approximately three miles north of New Mexico 599. Two termination tap poles will be installed adjacent to the substation within the existing transmission right-of-way. The poles are needed to tap both of the transmission lines and connect with the substation. The poles will be Corten steel and approximately 70 feet in height. The existing transmission structures are approximately 90 feet in height. Two H-frame line termination structures will be located inside the substation and will be galvanized steel, approximately 45 feet in height that will connect with PNM's existing 115kV transmission line.

Ordinance No. 2007-5 Subsection 2.3.9b(1) states electric utility lines that transmit electricity at a voltage greater than or equal to 46 kilovolts may be placed above ground unless public health and safety requires such lines to be placed underground. Subsection 2.3.9b(3) states above-ground electric utility lines that are placed on other development described in Ordinance No. 1998-5 Subsection 8.2 and 8.3.2 of the Land Development Code are not subject to height restrictions and shall be constructed at a minimum height necessary for the proposed structure to function properly for public health, safety and welfare, as demonstrated by the applicant.

For public safety, the project will be designed and constructed to meet all applicable requirements of the National Electric Safety Code, as required by the New Mexico Public Regulations Commission. The substation electrical equipment and control unit will be surrounded by a chain link enclosure approximately 138 feet by 138.8 feet in width and 8 feet in height topped with three stands of barbed wire. The color of the fencing will be earthtone.

Zoning: The applicant's request would change the zoning designation on the 2.4 acres from Municipal Recreation Complex lands to Other Development. Ordinance No. 1998-15, which amended Article III, Section 8.1, Other Development, specifies all uses otherwise not regulated by the Code are permitted to locate anywhere in the County provided a request for zoning approval is granted per Article III. Such uses specifically include but are not limited to utilities, parking facilities and cemeteries provided that development standards, criteria and submittal requirements set forth in Subsection 4.4 and 4.5 are met.

Project need: The Caja del Rio Substation is needed to provide electric service to the City of Santa Fe, Santa Fe County water treatment plant associated with the Buckman Direct Diversion project, and future growth in the area.

Land Ownership: The substation location is proposed to be located on a parcel of land 2.4 acres in size which is owned by the City of Santa Fe. PNM has an exclusive easement to locate the substation at this site. An easement is also in place for the two tap structures to be located adjacent to the proposed substation.

Existing development: The subject property is currently vacant. The proposed substation is located adjacent to an existing electric transmission corridor.

Adjacent Property: Archers de Santa Fe archery range is located directly northwest of the proposed substation site. Directly to the south is the Marty Sanchez Golf Course and the

Caja del Rio Landfill is located west of the substation site. Residential uses are located to the east and northeast of the site and undeveloped land exists to the west and east.

Water: No water usage is proposed.

Access and Parking: The property will receive access from West Caja del Oro Grant Road, which is County Road 62 and is an unpaved driving surface. The access drive will be 30 feet in width and will consist of a crushed basecourse driving surface. Parking is limited and will only be necessary for PNM personnel for maintenance of the facility. An access permit must be obtained from the Public Works Department by the applicant prior to development permit issuance. Staff has determined that this application complies with Article III, Section 9, Parking Requirements.

Fire Protection: Fire protection will be provided by the Agua Fria Fire Department. The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the application and recommends final approval of the application subject to applicable Santa Fe County Fire and life safety codes, ordinances and resolution. And you can refer to their memo attached as Exhibit C.

Signage: Proposed signage is minimal; one PNM substation identification sign and eight warning signs are to be located at the site. Staff has determined that this signage element of the application complies with Article VIII, Sign Regulations.

Terrain Management/Landscaping: The proposed site does not impact any major slopes and or arroyo or drainage ways. The property is presently covered with a mixture of native trees, shrubs, and grasses. The terrain slopes generally down from southeast to the northwest on a slope of approximately 2 percent. A 14,587 cubic foot retention pond is proposed to capture water runoff from the site. A portion of the upstream runoff will be intercepted and directed to the roadside swale. Runoff normally carried by the swale, will be conveyed beneath the driveway through 24" culvert. All disturbed areas will be re-vegetated with a seed mix compatible with the area to re-establish native vegetation and prevent soil loss. Staff has determined that terrain management element of this application complies with Article VII, Section 3, Terrain Management.

Lighting: No outdoor lighting is proposed.

Threatened and endangered species: A survey for federally listed threatened and endangered plant and animal species, federal, state and local listed species, as well as agency-sensitive species was conducted for the substation site. No threatened or endangered species were identified.

Recommendation: Staff has reviewed this application and has found the following facts to support this submittal: uses permitted under Ordinance No. 1998-15 which amended Article III, Section 8.1, Other Development, specifies all uses otherwise not regulated by the Code are permitted to locate anywhere in the County provided a request for zoning approval is granted per Article III. Such uses specifically include, but are not limited to parking facilities and cemeteries provided the development standards, criteria and submittal requirements set forth in Subsection 4.4 and 4.5 are met. And a development permit is also required.

This application is in compliance with Article V, Section 5, Master Plan Procedures, Article III, Section 4.4, Development Plan Procedures, of the Land Development Code. Staff recommends master plan zoning and preliminary development plan approval with final development plan to be approved administratively for the Caja del Rio Substation on 2.4 acres subject to the following condition. Mr. Chair, that condition is:

1. An alternate method of fencing material to enclose the substation shall be considered by PNM. Staff recommends 8-foot wall with concrete pilasters to be located at 16-foot minimum intervals.

CHAIRMAN MONTROYA: Okay. If the applicant would come forward please.

[Duly sworn, Jeanette Yardman testified as follows:]

JEANETTE YARDMAN: Good evening. My name is Jeanette Yardman. I am the regulatory and public coordinator for PNM. Tonight I will be presenting the substation for the BDD project at Caja del Rio within the existing utility corridor. I will be reviewing several items. Why the substation is needed now, information regarding the location and the schedule, information regarding the permits and approvals that have been acquired. I will go into detail about the substation site plan and I will also be addressing community concerns.

The project is the construction of a new substation. PNM is requesting master plan zoning and preliminary and final development plan approval for the substation to be located at the south side of County Road 62 at the Caja del Rio. The site is approximately one mile south of the newly built water treatment plant and is immediately adjacent to existing PNM electric transmission lines.

The Caja del Rio Substation is needed now to serve the new Buckman Direct Diversion water treatment plan in Santa Fe County and also to provide additional capacity to serve growth in the area. In your packages today you will see two memorandums. One from Rick Carpenter who is the project manager for the BDD who supports this project. *[Exhibit 8]* Also you will have a letter from Norm Gaume, who is the BDD consulting engineer which states why this project is necessary. *[Exhibit 9]*

I would like to go into some detail in regards to this utility corridor map that I hope that you can all see. I would like to point out several items on the map. First of all I would like to point out the blue and the red lines that I'm showing with my pointer. These lines are existing electric overhead transmission lines. The wire that is out there is placed on 90-foot poles. These lines have been in place since the 1950s. The yellow line that you see going pretty parallel with the transmission lines is a high-pressure transmission gas line. That line has also been in place since the 1950s. In addition, the items that you see that are marked in blue are all of the new facilities that have been put into place as part of the water treatment project.

What I'd like to point out is when this [inaudible] you can that this is obviously a utility corridor. What you'll notice is that the subdivisions and the homes that have been built have come into this area obviously after the 1950s. One of the items that I was surprised to hear at the open house that we had is that some people were not even aware that they were living in a utility corridor. They really had no clue and they were surprised to see that there

were so many utilities in this area and some even mentioned that they had never really even noticed the 90-foot poles that were out there.

The project location map is just to give you an idea of what you have in the area. So the little green dot on top shows the new water treatment plant and you've got of course Caja del Rio Road, and County Road 62. The yellow dot shows where we have the approved site to build this substation. We also have the municipal landfill on this site and the golf courses on the south side. So it's obviously an area where recreation and utilities mix.

The substation site is a 2.4-acre parcel that is owned by the BLM and is patented to the City of Santa Fe. In the fall of 2008 PNM acquired an easement from the City of Santa Fe.

In regards to the schedule: The water treatment plant will begin producing water on January 1, 2011. As you see, the Caja del Rio Substation is needed as soon as possible in order to deliver that power to the water treatment plant. Testing of the water treatment plant is now taking place. However, over time and in the very near future power requirements will increase.

I'd like to briefly go over the environmental impact study process, which has been a long, tedious process, which has taken place over a period of five years. The Buckman proposal was developed between 2001 and 2002. It took about five years to receive the Record of Decision on the Buckman Direct Project including the substation site, which is a component of part of this project.

In August of 2002, the scoping process sought public comment on this proposal for the environmental impact statement. Two public open houses were held that introduced and explained the project to interested people. The EIS was completed for the Buckman water direct diversion by the BLM and the electric substation was one of the project components that was analyzed in the environmental impact statement. The opportunity to comment on the EIS occurred in 2005. There were 13 comment letters submitted. Five of the 13 were from private citizens and no comments were received regarding the substation.

Finally, in 2007, the process ended with an approved environmental impact statement and with an approved site for this substation.

In regards to the history of the site development, obviously, as I just mentioned, the Caja del Rio site was an authorized site as part of the EIS. On February 28, 2007 the City Council approved the location of the new PNM substation to serve the water treatment plant and found the substation to be compatible with recreation. In the City's March 27, 2007 letter from Frank Archuleta, who is Community Facilities Manager to the BDD he stated that, I quote, "The use of the subject site is compatible with the recreational use of the MRC and will not adversely affect MRC operations."

In March of 2008, the BLM authorized the City to allow a third party use of their patented land with the MRC.

And finally, the City did grant PNM the easement for this site in the fall of 2008.

In regards to the substation site plan, as you can see on your screen you've got the existing PNM transmission line which is shown in blue. The yellow portion shows the access

drive, which will be 30 feet in width and will be covered with a basecourse and gravel. You then enter the substation site through two access gates and the area in the pink is what will be the enclosure of the substation equipment. This area is 138 by 138, and the two 70 to 75-foot poles that Wayne mentioned will be immediately underneath the existing 90-foot transmission lines, and the termination poles, which are the 40 to 45-foot poles will be in the vicinity of the southwest corner.

The disturbed areas will be re-seeded with native grasses and bushes and there will be no outside lighting or signage other than warning signs on the substation fence. And the good news is no new transmission is needed.

I did mention that we would be reviewing the community concerns. I will be going through the notification process that PNM has followed, the PNM construction process that we have also followed. I will touch on property values, visual impact and compatibility.

PNM had an initial meeting with Santa Fe County in August of 2009. At that time we were told that the substation would be administratively approved. However, later on, once the noticing and posting requirements were met it was decided that PNM would need to go through the full permitting process. The noticing and posting requirements that are part of the County Land Use Code states that the applicant is required to notice all property owners within a 100-foot radius of the property. This has been done. I know that the concerns were that some people didn't get notice, and it wasn't that we were ignoring them or that we didn't want to notice, it was that they were outside the 100-foot radius. However, as a gesture and a voluntary effort, to make sure that more residents were aware of the project, when we had an open house I personally hand-delivered notices to all the residents in the area because I thought that it was important that they know about the project and that they had the opportunity to come to the open house.

The City also went through a public involvement process and issued an easement to PNM. In addition the public had early input opportunity during the EIS scoping process and during the draft EIS process. So the notifications for this project have been going on for really a matter of years it really should have been no surprise that all of a sudden we were there to comply to all obligations to serve the BDD with their electric power.

The PNM construction process, basically, once PNM acquired the easement from the City we entered into a contract with the BDD, and that contract was signed in the fall of 2008. At that point we, in order to meet the BDD's accelerated schedule, made a parallel effort to begin working diligently to meet the deadlines and to do what we could do to get all of the components and everything in place while we went through the permitting process. Now, this includes the installation of distribution electric lines. Another one of the community concerns was that we went in and put in underground electric lines before we had permission. Per Santa Fe County Land Use Code, Article III, Section 8.3, a development permit shall not be required for, and provisions of the code shall not apply to utility easements, utility right-of-ways and construction of utility line extensions.

We acquired our permits through County Public Works. That is the process. We do that every day. We are not required to come before the BCC or the CDRC to put electric lines

in existing utility easements and County right-of-ways. We followed the process. Permits were approved and we proceeded in order, as I mentioned, to get these electric lines in prior to the substation so that we would be ready to turn the switch and we proceeded to put those lines in and they are now in place.

This whole time, PNM, as part of its obligations has kept to the critical path in preparation to meet the BDD schedule.

In regards to property values, PNM believes that property values will not be affected. As the studies and appraisals that have been conducted regarding the effects of transmission facilities on property values, effects have been found to be very small, if any. Somewhere around five to ten percent. If any effects have been noted in studies they tend to dissipate rapidly as distance increases from the electric facility, and typically disperse between two and five hundred feet. The closest house to the substation is between 700 and 800 feet.

What I'd like to do is show you some simulations, some viewpoints of the existing area, of what it looks like now and what the substation could look like once installed. Images of a three-dimensional visual model are rendered of the proposed facility into photographs of the site. Efforts are made to create a believable, photo-realistic image and to choose viewpoints that are most representative of visual changes to an existing scene by a proposed facility, like this one that you're seeing now. The picture was taken from the intersection of County Road 62 and Caja del Rio. The simulations also ensure technical accuracy, including scale, perspective, materials, lighting and engineering design.

Now PNM's ISS Department specializes in photosimulations. The method has been validated with high accuracies on numerous projects by comparing photographs of as-built facilities to their pre-construction simulation. So now we want to take a look at the viewpoint when the substation is placed there. It was determined that this original substation was representative of the conditions from this viewpoint. The photo was taken just off the edge of the payment at Caja del Rio for safety reasons. This was a concern about this viewpoint and simulation at the open house and at the CDRC. The simulation was redone and is shown on the next two slides.

Now this slide is basically showing how the existing viewpoint looks from the same intersection, but with our photographer standing on the pavement. And this photosimulation shows how the simulation could look once constructed from this viewpoint. Visual impacts were a concern from the community and PNM heard those loud and clear. Consequently, PNM immediately hired a landscape architect to design a landscape plan around the southeast area of the substation. The County at the time that the permit was submitted made a comment that there might be a concern for graffiti. The permit was submitted with a wall as the enclosure. However, there was like I said a concern from the County that graffiti could be an issue if we had a wall out there. Consequently, PNM has offered to install a fence to address this concern.

However, PNM will definitely consider staff's recommendation of installing a wall. It would be probably a 12-foot wall, but it would be a graffiti-resistant block wall with pilasters surrounding the equipment area. In addition, PNM can also install pinon and juniper trees



that would, like I said, go along the southeast corner and on the site of the substation annex this road within the drainage swale to further screen the substation.

So now let's take a look at those examples. Here we have a viewpoint, again, of existing conditions. Now this image was taken along Caja del Rio Road facing due west towards the substation site. Our next viewpoint shows the substation with a fence around it. The next simulation is a simulation showing the 12-foot wall. And finally, the next simulation shows the addition of pinon and juniper landscaping.

Compatibility with the use of this area was also brought up as an issue, and I'd like to make a point and reiterate some points that I have made. As you know, PNM facilities are located throughout Santa Fe County and are permitted in all zones. According to Santa Fe County Land Use Code, Article III, Section 8.1, all uses not otherwise regulated by the code are permitted anywhere in the county. Such uses specifically include but are not limited to utilities. It is not unusual for a substation to be near or in residential area or a recreational use area.

Again, the City Council approved this site in February of 2007 and found the substation to be compatible with recreation use. Also, this site is within a utility corridor and is a conforming land use.

In summary, PNM is requesting master plan zoning, preliminary and final development plan approval of the Caja del Rio Substation site. This is a permissive land use. The Caja del Rio site is the site before you today for a final decision and there is no approved alternative site. It is located in an existing utility corridor. PNM has followed all the processes and met all of the legal requirements. I have explained and summarized why the substation is needed now, the location and the schedule and how these processes were followed, and also the permits, how PNM has applied for all appropriate permits. This is the last permit. PNM has followed all legal requirements. PNM has followed Santa Fe land use requirements, and the City has deemed the substation a compatible use within the City Council. And finally, we have addressed the community concerns by offering visual mitigation measures.

Mr. Chair, members of the BCC, as you have heard this evening, many people within the city, the county, the federal government, the Bureau of Land Management have been involved in this very long and important process to successfully get power to the water treatment plant. Going all the way back to 2002 much time and effort has been dedicated to see the water treatment plant go into full service. Countless approvals have taken place which only proves how much this project is needed and wanted. Beginning with the City Council approval in February of 2007, the community facility manager's approval in March of 2007, the BLM's approval of this project in 2008, and finally, the City granting to PNM the easement to PNM in the fall of 2008.

PNM stands before you tonight. We're ready, we're willing, we're able to follow through with our commitments to our customers and to your customers. Your final approval of this project is the final step in providing the city and your county residents with clean drinking water. We are here to assist you with all your goals and obligations by providing

electrical facilities to the BDD and the county residents. We would like the documents in the Commissioners' packets to be part of the record and we also ask the Commission for the opportunity for rebuttal. And with that, we will stand for questions. Thank you for your time.

CHAIRMAN MONTOYA: Thank you. Questions for the applicant?  
Commissioner Vigil.

COMMISSIONER VIGIL: Thanks, Jeanette, for your presentation. Appreciate it. Just a question with regard to a question that came up for me as a result of your open house, and thank you for conducting all the outreach that you did. I actually heard from some of the residents there that there was a concern and I can't remember if it's RBI's are emitted, or anything of that nature through overhead lines. Could you address that?

MS. YARDMAN: What you're referring to are EMFs, and for everybody here tonight I brought my expert. I would like to refer your question to Blake Forbes who is our expert in EMFs and whom you may have met at the open house.

COMMISSIONER VIGIL: And I may or may not have. I just want to make sure that that issue gets addressed because that was a concern that was brought up at that time.

[Duly sworn, Blake Forbes testified as follows:]

BLAKE FORBES: Blake Forbes, and my address is Public Service Company of New Mexico, Alvarado Square, Albuquerque. Mr. Chair, Commissioner Vigil, so the question about magnetic fields in particular, whether or not they cause adverse human health effects, and this is an ongoing public health debate that's been 30 years worth of research, and to date, with all that behind us, it has not been established that exposure to 60-cycle magnetic fields have caused any adverse human health effects. Now, this is still an active area of research, so you don't know what you don't know, I suppose is part of that. But having said that, specifically related to our facility that's proposed for the Caja del Rio, we have existing transmission lines that have magnetic fields associated with them. Magnetic fields are caused from the flow of current. They're not a high voltage phenomenon, it's the flow of current. So magnetic fields are associated with power lines, with the use of appliances, with house wiring. If you're connected to the grid you have 60-cycle magnetic fields.

The issue, exposure to residences at a distance is such that there is no net change to residences 700 or more feet away from the substation. The magnetic fields that are there are mostly from house wiring and residential service. At a distance of 700 feet even the power lines, the high voltage lines that are there, the magnetic fields associated with them are a very small component of the exposure of individual residences.

COMMISSIONER VIGIL: Thank you. I just came from an Isotopes game the other night so RBIs are part of my – the next question is for Jeanette. Jeanette, there was a request to look at an alternative site. Did PNM look at that.

MS. YARDMAN: Mr. Chair, Commissioner Vigil, there are no EIS approved alternative sites. PNM is not in the position to look at an alternative site that has not been environmentally – has not had the environmental impact study done. There is no other

approved alternative site that has gone through that process.

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

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. On that point, we received some documents that indicated a different site had been identified or scoped out earlier and these documents were provided to all of us a while ago. So are you not familiar with those?

MS. YARDMAN: You're asking about another site that was studied?

COMMISSIONER STEFANICS: That's right.

MS. YARDMAN: The other site that you are referring to was a site right up against the water treatment plant. I wish I had the map because I think you could get a better description of this. But the site was looked at. In order to get power to that site at the water treatment plant PNM would have needed to create a new utility corridor. What does that mean? That means nine new 90-foot transmission poles and 3,000 feet of new overhead wire.

Because of this the BLM, in order to not create yet another utility corridor deemed that site – basically rejected that site and said we don't want a new utility corridor in our property. So consequently the site chosen was the site directly adjacent to existing transmission lines, which, as I mentioned in my presentation, will require no new poles and no new wire.

COMMISSIONER STEFANICS: And, Mr. Chair, you mentioned in your presentation that the City had approved – acquired easement for the authorized EIS site from the City of Santa Fe, and then there was some other comment made about that.

MS. YARDMAN: Mr. Chair, Commissioner Stefanics, would you like me to review my history of the site development permits?

COMMISSIONER STEFANICS: No. I'm just wondering, and I guess this is a question for staff, how the City and the County interfaces now with this approval process and why, in fact, is this not an administrative approval?

MR. DALTON: Mr. Chair, Commissioner Stefanics, it is not an administrative approval because it states in the code that these types of facilities need to have a master plan. So in that section of the code, other development, they have to comply with those other sections of the code which require master plan, which would be a zoning change on the property, and a development plan approved by the Board and the CDRC.

COMMISSIONER STEFANICS: Okay, then go back to the City issue. The City of Santa Fe granted the easement for the substation in 2008.

MR. DALTON: Correct. And if you look under Exhibit O there's a letter from different agencies in the City granting compatibility with the PNM substation on the recreational lands, but there also was a letter written to previous County Manager Roman Abeyta stating that even though the property is owned by the City it falls within County jurisdiction, therefore it needs to go through the County permitting process.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'm not sure my questions are really answered yet.

CHAIRMAN MONTOYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you for your presentation, Jeanette and how many new transmission line poles would be associated with this facility. Looking at the picture it looks like there's more than just two, but I can't tell.

MS. YARDMAN: As I mentioned in my site plan, there will be two 70 to 75-foot poles that will be placed directly underneath the existing transmission line. And those are at 90-foot. And then within the substation enclosure there will be two 40 to 45-foot poles, the termination poles on the other side. So the answer is four.

COMMISSIONER HOLIAN: And that's the total new poles, period, for this whole project.

MS. YARDMAN: Mr. Chair, Commissioner Holian, yes. That is correct.

COMMISSIONER HOLIAN: And is there any possibility of undergrounding that? Or does it have to be on poles?

MS. YARDMAN: I would like to refer that question to an engineer, who is Emily Dohleman who is the manager of our distribution services.

[Duly sworn, Emily Dohleman testified as follows:]

EMILY DOHLEMAN: I'm Emily Dohleman with PNM. My address is Alvarado Square, Albuquerque, New Mexico. It might be possible to underground that, but even with underground taps to the station, you would still need the two poles to take the existing overhead line down the pole over to the station. So you would not have any fewer poles.

COMMISSIONER HOLIAN: And what would that cost?

MS. DOHLEMAN: I don't know. Roughly, I'd say well over a million dollars.

COMMISSIONER HOLIAN: Thank you.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Did you say nine new poles would be needed, and 3,000 feet of wire?

MS. YARDMAN: That is correct. Nine new 90-foot transmission poles and approximately 3,000 feet of new overhead wire to be placed on those poles.

COMMISSIONER ANAYA: And how far would you go?

MS. YARDMAN: It would be approximately 3,000 feet to the rest of the water treatment plant or the existing utility overhead lines right now.

COMMISSIONER ANAYA: But you're going to need more wire than that.

MS. YARDMAN: Maybe.

COMMISSIONER ANAYA: What direction?

MS. YARDMAN: Mr. Chair, Commissioner Anaya, the existing overhead transmission lines are to the west of the water treatment plant, so the new lines and the new poles would run from the existing transmission lines east to the water treatment plant.

COMMISSIONER ANAYA: So is there people living there too?

MS. YARDMAN: You have residents from Las Campanas that are on the north side of the water treatment plant.

COMMISSIONER ANAYA: Thank you.

MS. YARDMAN: You're welcome.

CHAIRMAN MONTOYA: Just a couple of questions. When this whole process began, was this the only location that was being considered?

MS. YARDMAN: Mr. Chair, as I mentioned earlier, two locations were considered. The location at the water treatment plant was rejected as part of the environmental impact statement, and this location that I bring before you tonight off of Caja del Rio was the approved site.

CHAIRMAN MONTOYA: So there was an EIS that was done on the BDD site.

MS. YARDMAN: Correct.

CHAIRMAN MONTOYA: Okay. And why was that rejected? Why and when?

MS. YARDMAN: Mr. Chair, I'll have to look up the date but the site was rejected because the BLM chose not to create an additional utility corridor from the closest lines, which would be 3,000 feet away from the water treatment plant. I believe this took place in 2007.

CHAIRMAN MONTOYA: Okay. Because one of the memos we had in 2006 said that your engineers actually preferred the other site to the one that's being recommended now.

MS. YARDMAN: Mr. Chair, I understand that. However, the site was rejected by the Bureau of Land Management. So PNM was left with the only other alternative site, and that was an approved site and that's where we have been led to go.

CHAIRMAN MONTOYA: And BLM rejected it based on the EIS.

MS. YARDMAN: BLM rejected it based on the fact that they did not wish to create a new utility corridor on their land, knowing that this site, the Caja del Rio site would require no additional utility corridor. No new poles, no new wire.

CHAIRMAN MONTOYA: Okay. That's all I have for now. This is a public hearing. I would like to ask anyone who would like to testify would you please come forward. And actually, we can get everyone sworn in right away and I'll just make you sit up front.

[Those wishing to testify were placed under oath *en masse*.]

[Duly sworn, Kenneth Semon testified as follows:]

KENNETH SEMON: Mr. Chair, Commissioners, thank you for the privilege of appearing before you. My name is Kenneth Semon. I am the rector of the Church of the Holy Faith, just down the street on Palace, and also chairman of the interfaith community homeless shelter. I live at 6-A Via de Estrella, which is within a few hundred yards of the proposed building. I must say I have much more experience with the City Council than I do with the County, so I was very encouraged as I listened to you as you considered the proposal about the Ranches. In any case, I was very encouraged to hear of your concern for process. I think process is really central to why the CDRC recommended against this proposal and why so many of the neighbors – in fact my understanding is all the neighborhood. I don't know

anybody who supports this particular site. None of us are opposed to the idea that you need to have a substation and that it needs to be somewhere in the area, but this one site in particular seems particularly unfortunate. It seems – I know that PNM has argued that they have communicated with everybody and they indicated to you that they were required to communicate with everybody within 100 feet, and later in that presentation they indicated that there was no one within 700 feet, and I'm sure that they must have communicated with everyone within 100 feet, but there was nobody.

We did – the first communication we heard about was in March when we were very kindly delivered a letter, an invitation to the – I guess you would say open house. I thought it was a community meeting and in fact as I was walking here this evening from my parish I walked past the old hospital where there was an enormous sign announcing a public meeting to discuss what's going to happen there in terms of the hotel plans. And that's in extraordinary contrast to the way that this has been handled. I know there are people here who will speak who have lived in that area since the year 2000 and the first they knew about this was when one of us happened to spot a tiny little sign and went over to see what it said and that was the announcement that this substation was about to be placed there.

I think that in terms of process and in terms of communication with the neighbors PNM has done a very poor job. As many people pointed out, this is a high point on Caja del Rio. It's quite visible. It's visible from everywhere. We have not understood that the BLM had rejected the alternative site. We all saw that memo saying that they preferred the alternative site and it was never mentioned at the CDRC meeting that the BLM had turned that site down and in fact there was a representative from the BLM there. So I don't know when all of this happened. But it's pretty clear that that's been the process here. We have not been informed about anything except a fact accomplished. The meeting in March was to show us what was going to be done. There was a place for us to register comments and I don't image there were any positive comments. The idea that nobody has noticed that there are 90-foot poles out there astounds me because I'm not a very visual person but even I saw those poles when we bought our home three years ago, and asked our real estate agent to investigate what was going to happen around us, and we were assured that that whole area was recreation. He didn't say anything and didn't seem to know anything, nor does anybody else in the neighborhood know anything about the proposed substation until just recently.

It seems to me that PNM has not handled this very well. It seems to me – and I can only say that it seems and I could easily be wrong – but it appears to me that they have acted with a kind of arrogance of some big organization, which they are, exercising their will over the people and really County of Santa Fe. And so it appears to me as if you have a choice and your decision is either to in a sense give in to BLM, which his saying that this must happen and it must happen now. Yet they made no attempts earlier to communicate with us until it was a fait accompli or else how the decision is, I think – pardon me. I'm getting tired myself. You must be exhausted. But the decision is between whether you listen to PNM and serve their purposes or whether you serve the purposes and the concerns of the citizens of the county and really the beauty of the county.

It reminds me of not very long ago of the dispute we had when somebody put up an asphalt plant without asking anybody and we're most grateful to Commissioner Vigil and her help in having that dismantled before it began to operate. People seem to treat that area as an area where they can do anything they want and not have to talk to anybody who lives there and we very much appreciate your hearing on this and your concern about this. Again, I would raise the issue of the CDRC turned them down. I would think that as a body you would listen to your committees and take them very seriously, and I'm sure you will. So thank you very much, Mr. Chair and Commissioners.

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

[Previously sworn, Diego Sisneros testified as follows:]

DIEGO SISNEROS: Diego Sisneros. I realize I am under oath. I am one of the residents who lives off of Caja del Rio and I'm here to speak against the rezoning and the actual location of the proposed substation. First of all I just want to state that I do realize the need for the substation and I also realize that I as well as my neighbors do live in a utility corridor. A couple of things I just wanted to kind of clarify is yes, those power lines have been there a long time and they were there when I bought my property, but they were shorter poles and wood, and so obviously things have changed. They're much taller now.

And I won't deny that I received certified letters notifying me about what's going on as of late from PNM, but I don't recall any certified notifications from either the City or PNM in the past when they were talking about this as being a part of the Buckman Diversion. The other thing is I'm a little bit confused as to what is meant by BLM not wanting another utility corridor that we live in this utility corridor. We obviously knew that we live in this utility corridor. If it's a utility corridor why is a new – I don't understand that concept of BLM didn't want a new utility corridor. And then just I know some of you probably visited the area out there, most of the utilities are underground, aside from the big overhead power line, which there's one big power line across from my property and I realize the further you go west I think there's one or two more and they intersect somewhere over there need the existing water treatment facility that is being completed.

Another thing I'm not sure of is how you reach a 90-foot line with a 75-foot pole as stated earlier. That completes my concerns and my comments. Just if I could real quick, my neighbor, who is out of town – he's in Colorado – sent me an email. If I could just briefly read that real quick. "Unfortunately I am out of town the night of the meeting relative to PNM's plan to disrupt our beautiful views on the Jemez Mountains. If you have the opportunity please speak for me and point out that eight years ago, when I built my home I purposely raised the foundation four feet to enhance the breathtaking views. Our family would be highly disappointed if this PNM project site is approved, especially when they have other sites available." Bob Myering, which is also a resident of Camino de Rey Circle.

CHAIRMAN MONTOYA: Okay. Thank you, David. Next, please.

[Previously sworn, Randy Flores testified as follows:]

RANDY FLORES: Hello, Commission. I'm Randy Flores. I realize I'm under oath. I'm a resident of the area. I've been there since 2000, ten years. I live about 1,000 feet,



I'd say, more or less, from the proposed site so maybe that's why I'm still waiting from my letter. I've not heard anything from PNM or the County or the City. I've heard all of what I've heard through neighbors that are concerned like myself. I moved out there because of the beauty of the area and also the other homes. It's very tasteful. There's covenants in place. I see no difference in the quality of construction and the niceties of the area versus our neighbors out there in Las Campanas. We're not even acknowledged on the project website. The area I'm speaking about is about 12 homes that is not even in any of the subdivisions even listed on that website and I think the home that they're saying is 700 feet away, I think it's one of those subdivision. Anyway, there's a pocket of homes that's not even acknowledged on that website.

Like I said, the recreation facilities out there, I believe that was one of my big attractions and I look forward to using those with my children as they get older. This project – I understand from the correspondence I'm reading and I'm coming up to speed quickly on what's going on but it seems to me from what I read that there were options, even in the environmental impact statement. It discussed alternatives for the proposed plant or power upgrade site. And from what I've read from other correspondence recently in the paper is that it would cost PNM an additional \$1 million and up to 18 months delay in the project.

Looking at the BDD project website, this is a \$217 million estimated budget with an almost \$7 million contingency fund, and Rick Carpenter quoted a year ago last September that they were 54 percent done and 54 percent of the budget spent. So to me that sounds like a project that's moving along at a good pace. They're not overspending, so what's the contingency being used for? To me, I would like to PNM, if that contingency's put there in the budget, why can't they use that to reroute these power lines and move this site out of a recreation area.

So I guess another question that just popped in my head is their proposed site was approved in 2007, according to the presentation we just saw, by the City Council, that the site was applicable with the recreation facility. Well, if the whole area is a utility zone then why – like I said I don't understand why they have to approve something if the whole area is already – why did they build a golf course that was built after 1950. There was a lot of things put in there after 1950 that I guess everyone knew they were going to potentially be a utility zone.

I guess in closing I'd just like to urge PNM, who by the way, last week in *Business Week*, I just read announced they had a great second quarter profit. They're boosting their earnings potential for next year. I'd like to urge them to stand behind the words they use on their website that talk to environmental stewardship, sustainability and striving to balance economic gain with the environment and social impacts. So I think it's hard enough right now with the economy and dealing with home values dropping, it's a big hit to a lot of us owners out there. So I appreciate your time.

CHAIRMAN MONTOYA: Next, please.

[Previously sworn, Joe Wachter testified as follows:]

JOE WACHTER: My name is Joe Wachter. I live at 19 Avenida de Mercedes. It is one of the areas that is going to be pretty close to the proposed substation, and at the

beginning of her presentation Ms. Yardman indicated three reasons for locating the substation in the proposed location. One was cost. Second was avoid delays. And the third reason was other constraints. I don't know what the other constraints are so I cannot address those, but I would like to address the first two.

As for delays, I first heard about the proposed substation in February of this year and I received something in the mail saying that PNM had plans to put the substation in the proposed location. One of the things I noticed was that I started talking to my neighbors, the other neighbors who were going to be affected by this and what they thought about it. And what I noticed was they were all concerned. They started talking about it with their neighbors about it. When there was a party in the neighborhood, that was the primary subject of conversation. Email addresses were exchanged. Phone numbers were exchanged. People got into communication with Commissioner Vigil, I know and with Mr. Dalton to try to get more information out about this.

The point was, they immediately got into action. And they immediately started talking about it. So if there are delays that result from this proposal, this proposed location not being granted then they are certainly not on the part of the local residents. The local residents acted very quickly on this and they acted pretty strongly also. I have to say as a matter of personal opinion I think that one of the big problems was this issue did not come before this Commission until after the BDD was already put into place, after the pipeline was laid, after the infrastructure was put into place, after the roads were put, after the storage facility and the pumping station was completed, after the toilets were tested, after the light bulbs were put in. Only then does this come before you. It should have been done a long time ago.

I'm not blaming PNM for that. There may have been some sort of bureaucratic inertia but I think a lot of these problems could have been reduced if that had happened.

As for cost, I don't know what to say exactly about that. I think it's possible PNM certainly has a better estimate of what the additional cost would be but I have to believe that that was put into the planning. Presumably, into the contingency planning where there was \$7 million allocated for just such issues like this. So I don't know why somehow we're going to be seeing a lot of new costs that go along with this, with an alternate location than this one when that should have been part of the initial planning.

And then my primary appeal to you is I urge you not to take into consideration the reasons of schedule delays or added costs for your decision. And then finally as I might could I address some points that Ms. Yardman made because I frankly have some disagreements with them, if that's all right to go ahead. Okay.

She indicates that it's a small location, about 2.4 acres in a very open area. Yes, it is, but it's a very visible location. It's in the high ground; we'll be seeing it every day. And I'll have to say to you that I saw the pictures up there, the pictures are very professionally done. Everything looks right except the scale is wrong. When I drive into that area I see those power poles. They're tall. They're more than 70 feet tall. They're very big. They're very prominent. We knew that when we moved in there. But when you see them in the pictures they kind of look off in the distance. Maybe a half mile away or something like that. No,

they're very close. And when they put in this proposed power station or this electric substation, those are going to be very big too.

We indicated that EIS had an alternate location. Somehow we're hearing brand new information about it now, but I think that was probably a very good idea to consider that alternate location. She says nine new poles will have to be brought into place in order to support that. Why not underground lines just like now exist from the proposed location out to the BDD.

I want to compliment PNM for the open house. They did a nice job on that, a lot of information was presented there. So I'd like to compliment PNM for that. Property values she brought up. Ms. Yardman indicated that she believes the property values will not be affected and then she said, or the effect will be small, some five to ten percent. I ask her to consider what five to ten percent of some 70 homes that now exist in that area, how much that would be, and that's going to be a sizeable sum of money.

She indicated the landscape plan with a 12-foot fence or wall. That worried me a little bit. So those are the points that I wanted to say in asking the Council to reject this appeal. Thank you.

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

[Previously sworn, Caroline Semon testified as follows:]

CAROLINE SEMON: My name is Caroline Semon. I live at 6-A Via de Estrellas. Mr. Chair and Commissioners, we knew nothing of a substation proposed for the site across from our homes until January 2010. My husband and I did research of the area, along with John Corvo, a real estate agent, before we bought three years ago. We found nothing but zoned recreation area, land in that area where the proposed substation is to be. In my wildest imagination I would not have thought a substation would be built in a recreation area and just yards from homes and homes with children. We understand, or understood that the substation could be located to the original site west of and at the water treatment plant. And I know Ms. Yardman said something about Las Campanas homes being north of there. But there are no homes in the area west of and at the water treatment plant. Those Las Campanas homes have got to be several miles from that area.

In fact, in that area are already many water treatment plant buildings, the plants, many electrical wires and poles. There are all sorts of poles. I'm not sure what they're for if they're not a corridor. According to the records PNM studies showed that the water treatment plant site would be less expensive. I had down here why did PNM spend a million dollars before they applied for permits and I suppose Ms. Yardman has answered that. Why weren't the people notified, however, before the money was spent?

Also, why weren't the people notified in the area when this site was a mile from the water treatment plant? I'm not sure that if I'd been there in 2002 that I would have thought to go to the Buckman – the water treatment plant information thinking that there was going to be a substation a mile down the road. So if it was not in the paper or a sign or information given out I'm not sure I would have thought to seek that information out. So it's been eight months since we found out about this issue. I would think that a lot could have been done –

they said 18 months delay, however, we've had eight months here. PNM said publicly that they were trying to work with us. However, we were told that we could not speak to the Commissioners, anyone at Buckman, or PNM. We were also told that no one could discuss, no one of you, or no one could discuss anything about this with us. So I wonder how you would feel if this were to happen to you. We were also told not to send emails to you. We were told to send them to Mr. Dalton, so I'm hoping that you got our emails and that you saw those.

Commissioners, please help us. The people in our area do not want the substation just yards from our homes. The CDRC unanimously denied PNM the permit for the substation site. I respectfully ask that you uphold the CDRC's decision and deny the permit. Thank you very much.

CHAIRMAN MONTOYA: Could we have the next speaker please.

[Previously sworn, Michael Smith testified as follows:]

MICHAEL SMITH: My name is Michael Smith. I understand I'm under oath. I live at 34 Calle Hacienda in the La Vida Escondida Subdivision, which is one of the affected parcels that was shown up on the board here. I'm also an attorney representing the residents of that subdivision. What PNM has presented to you tonight is essentially that which was presented to the CDRC. The only change that's worth noting is that there's some new pictures. But otherwise, that which they present to you tonight is essentially what was presented back on May 27<sup>th</sup> of this year.

The CDRC considered all this. You have the minutes I understand. That was mentioned. And the CDRC by a vote of 4-0, with one abstention, rejected the application. PNM has not come here and submitted to you anything that should change the decision of the CDRC. I submit that PNM plays fast and loose with the facts with respect to this alternative site. The question was asked, did you look at an alternative site, and there was a lot of bobbing and weaving in response to that. As a matter of fact she never answered the question. She was forced to acknowledge that there was indeed an alternative site under consideration. I pointed out in an email I sent to you a while ago that indeed this alternative site was considered in the final environmental impact statement for the Buckman water diversion project dated September 2006, and this alternative site was indeed in that environmental statement recognized as an acceptable site for the substation.

So what excuse do you get from PNM as to why they're not looking at that alternative site? They say BLM has rejected it. Well, apparently BLM is running this whole proceeding here. We might as well just throw in the towel and do whatever BLM says. But I don't think that's appropriate. So that alternative site has been looked at. It has been approved from an environmental standpoint, and it was addressed by the CDRC at the meeting in May and what has PNM done in connection with that alternative site that the CDRC recommended that they look. What have they done in the last three months in connection with that? Zero. Nothing.

They come here and again try to bludgeon approval of their application. As Rick Carpenter said at the meeting on May 27<sup>th</sup>, money is the issue. We've heard that there might be a million dollar cost associated with utilizing this alternative site which is right next to the

water treatment plant. Rick Carpenter commented on that as well. He said that's one half of one percent of the total project cost. So while \$1 million may in the abstract sound like a substantial amount of money, in the big picture here it is a small amount of money. And as the gentleman just pointed out if you take a five percent reduction in fair market value in the 70 homes that are affected in the area, that will be more than a million dollar expense collectively to the homeowners. So the cost, as Rick Carpenter pointed out, money is the issue here. Money is really the issue.

PNM has already put in the transmission lines, they say with authority for the permits, but they already went ahead and put these transmission lines in for the project that they now seek your approval for. So they already incurred the expense because they arrogantly thought that the approval of their substation out at Caja del Rio would just be a routine, rubberstamp approval. Well, if they suffer an expense, which they undoubtedly have a means of passing onto customers anyway, they've incurred that expense because of their own arrogance. We should not be forced to live with their proposed substation site just because they chose to go ahead with that expense.

We've heard that the proposal would be nine new poles, 3,000 feet of new wire. That doesn't sound so bad for a project adjacent to the water treatment plant. Once again, these facts were explored by the CDRC at the May meeting and once again the CDRC said to PNM, why don't you consider that alternative site. The residents don't have an objection to that alternative site so why don't you take a look at it. What do they do? They say no. BLM rejected that site; therefore we're going to try to shove this site down your throat.

As I say, they play fast and loose. They try to suggest that one of the reasons the site next to the water treatment plant wouldn't be any good is because of the Las Campanas residents. As a matter of fact, in the rebuttal that was given at the hearing in May the attorney for PNM said, you know, wherever you put a substation people are always going to complain anyway, so what's the big deal? Well, there is a big deal here because there is an alternative site that's been approved and makes sense. It makes logical sense to put the substation next to the water treatment plant. It makes logical sense to put the substation next to the water treatment plant. It's logical, it's sensible, it's the thing that should be done.

Their main reason for trying to force this substation down your throat is because the electrical lines are already in. That's not reason enough. I suggest, Commissioners, that it takes courage and fortitude to reject PNM's application. The CDRC had that fortitude in doing so and it's also what should be done in this case. I don't think that PNM should be rewarded for its arrogance and its stubbornness to continue to come and force this substation project at the site that they want. I think that this Commission should reject the application. Thank you.

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

[Previously sworn, Larry Lujan testified as follows:]

LARRY LUJAN: My name is Larry Lujan and I am a resident of the Caja del Rio area. I actually come before you wearing two hats. I was the – as of January of this year – I was the recreation director for the Marty Sanchez and the MRC. And also as a resident of

the area. Just to speak real quickly, I first was hired by the Marty Sanchez in 1998 and was the administrative manager. My responsibilities were to oversee all the contracts and anything that came through the golf course, I would review those and then make recommendations to the director. In 2001 I actually became the director of the MRC. Just to recollect, I cannot remember ever having PNM bring anything forth to our committee or to the MRC board saying that they were going to put a substation there.

In 2007 there was a letter that came from Frank Archuleta, which was I guess the CIP director at that time, and he kind of basically gave a presentation and I think somebody from PNM was there, saying that they were going to put a substation. However, I think you might have in your packets the memo that came to us before the board. We did submit it for the last meeting, and in there the reason there wasn't such an uproar was because he said everything was going to be underground, all the wiring. So it didn't really affect the neighborhood, didn't affect the golf course, didn't affect all the beauty, which the golf course does pride itself. You can go out there. There's actually no houses built around it. You can see all the mountain ranges. All the tourists, all the visitors that come to the Marty Sanchez, they see that. But some of the signature holes, the number two and the number three will be affected.

That's kind of a big concern to us, so we're only 70 residents. However, we have anywhere from 40,000 to 45,000 people that actually play the course and there's been no proper notification to them. I think people that use that and provide [inaudible] to the city and the county should be notified. Again, I hope I'm making sense; I usually am asleep about this time. I commend you guys for being up there. I stand for any questions. Again, I feel that the site that they picked is like the peak of the whole area. If you're coming north, it's right on top of the ridge. If you're coming south it's right there. Why they don't just go across the street or sit with the neighborhood or sit with anybody else and try to negotiate an alternate site, is beyond me. I just don't understand that.

They're talking about cost, they keep spending money on architects and engineers and all this. If they had just spent that million dollars to relocate it we wouldn't even be here today. Again, thank you very much for your time.

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

[Previously sworn, Andrew Leyba testified as follows:]

ANDREW LEYBA: Good evening, Commissioners. My name's Andrew Leyba. I live on Camino de Rey Circle. I've been a resident off Caja del Rio Road now since the late nineties and I also have not received any notice whatsoever regarding the PNM substation. One of the reasons the CDRC turned down the substation was because of the health effects. We had a pathologist come in and give testimony. It's on the record from the minutes of the meeting. He cited cases where the electromagnetic field had negative effects on children and actually carcinogenic effects on them, and adults at the proximity that the substation is to our homes. It's very close. So that's in the record.

The original site, if I can paint a picture for you of the PNM substation, was below the Buckman Direct Diversion, the water plant. Now, the water plant sits low so you can't really see it from our homes. The original PNM site sits actually below that. Now, the reason it

works so well there is because there's about 30 metal poles down there already. Now, the BLM says they don't want to create another utility corridor or PNM is saying they don't, but that's what it is down there. It's this huge, massive utility corridor.

Now where we live it's just one set of power lines. That's it. But down below the Buckman Direct Diversion it's a giant -- there's poles everywhere. There must be 30, 40 metal poles down there. Now, Commissioner Anaya, you had asked about how many feet of cable PNM would have to run to relocate this site. Well, at the site they're trying to ramrod through right now, they have to run 5,000 feet. At the old site, at the originally approved site, there's some 3,000 feet of cable, which isn't very much more. So this site actually has more cable.

In the original cost analysis done by PNM, which is in the package, the original site behind the Buckman Direct Diversion was \$400,000 cheaper than this site. Now, during the testimony to the CDRC Sam DesGeorges from the BLM got up and gave testimony and said all that needed to happen for us to reconsider the original site would be to re-evaluate the EIS statement, which had been submitted, and that's also in the record. So I don't know what PNM is talking about tonight.

I have pictures that I'd like you to see, and these are the pictures they submitted on the EIS. This is really what this substation is going to look like. These are photos. Can I bring them up? *[Exhibit 11]*

CHAIRMAN MONTOYA: Sure.

MR. LEYBA: That's what they submitted in the EIS to BLM. So it's a lot different than what they show on the screen tonight. Basically, this is what it costs. I've read a lot of the correspondence in the master plan for the Buckman Direct Diversion. It really doesn't describe a new substation anywhere. What it says is the utilities are going to be underground and there's going to be 5,000 feet of them, and that's basically all it is, all it says. But one thing I did read that was very disturbing to me is in the correspondence from the City staff to each other and PNM. And what was happening in 09, there's letters in here, was PNM was just dragging their feet. It was obvious. I'll read just one paragraph out of this letter.

Little to no effort on work provided by PNM until late September. Various excuses by PNM. BDD contractor has tried repeatedly to coordinate with PNM. Okay. These guys, they're just dragging their feet, they drag it out, and then they try to ramrod it down us at the last minute, because they know everybody needs this water, and it's just not fair. PNM has turned into this giant utility monster on us and it's not fair to the members of the public who they serve and it's not fair to any of us, really. So I would appreciate it if you guys would really help us and deny, stand behind the CDRC decision and deny the application. That's really all I can say. So if you want to read the correspondence I'd be more than glad to bring it up there. Do you want to look at it? From City staff to PNM?

CHAIRMAN MONTOYA: Is that part of our packet?

MR. LEYBA: No, it's not. But it does show how they've delayed the project as long as they could.



CHAIRMAN MONTOYA: Okay. Why don't you bring it up.

MR. LEYBA: The last thing I want to mention is in your package there's a letter from Holloway and Tindell Appraisal Services, and I just want to read the last sentence. And this is in your package. The loss of value were the substation to be constructed would be permanent and incurable. This thing is really going to hurt us if you guys approve it, so please help us and deny it. Thank you very much, Commissioners. Appreciate it.

CHAIRMAN MONTOYA: Thank you, Andrew. Next please.

[Previously sworn, Rick Carpenter testified as follows:]

RICK CARPENTER: Good evening, Mr. Chair, members of the Board. My name is Rick Carpenter. I'm the project manager for the Buckman Direct Diversion project. I believe in your packet you have a memo that I wrote to the Buckman Direct Diversion Board and which was presented at the board meeting last week on this issue. In particular I was asked to explain in the memo the issues surrounding the alternatives for this substation site and what the implications might be if an alternative site was chosen. If I could I'd just like to summarize the salient points of that memo. I know it's getting really late.

There were two sites that were evaluated in the EIS. There was one site that was essentially rejected. That's the site that's nearest to the water treatment plant and BLM through the record of decision that was issued in 2007 selected the Caja del Rio site. Sam DesGeorges with BLM has stated at the CDRC meeting and also after the CDRC meeting to my staff that if this application is rejected then an entirely new application would need to be filed by PNM for the alternative site. That would take around 18 months if all went well and there would be significant costs associated with that.

PNM, and I think this is probably one of the most salient points in my memo, PNM has estimated that moving the site from the Caja del Rio site to closer to the water treatment plant site would result in about a million dollars in additional costs. The Buckman Direct Diversion project is about 94 percent complete as we stand today and as my staff has reported to the Buckman Direct Diversion Board in recent meetings, we have expended all of the contingency funds in the budget. There are no more contingency funds. So if the site is moved and the project incurs costs, funding for that would have to come from some other source than the currently approved Buckman Direct Diversion budget sources from the City and the County.

I think the real important part about the Caja del Rio substation site is that although the project is receiving power right now from another substation, the Buckman Substation, we've planned all along going back to early 2000 that we would need power from two different sources, a redundant power source. We made the decision early on in fact to save hundreds and hundreds of thousands of dollars by foregoing the purchase of emergency generators, instead opting for a redundant power supply from PNM, and that's the purpose of the Caja del Rio Substation. So if the Caja del Rio Substation isn't built or if it's delayed for some significant period of time the BDD project could go forward but it will go forward with only one source of power. And so if that Buckman Substation were to go out for any reason the Buckman water treatment plant would not be producing water for that period of time. it's



also worth noting that that Buckman Substation also feeds the Buckman Wellfield, so you wouldn't have water from the wellfield either. And Mr. Chair, I think with that I'll conclude and I'd be happy to answer questions.

CHAIRMAN MONTROYA: Okay. Any questions? Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Rick, I'm on Exhibit J of the packet. Do you have that?

MR. CARPENTER: I do not.

COMMISSIONER ANAYA: Okay. Could you get it? Or maybe you could follow along with me. I'll just tell you what I'm thinking. The Caja del Rio Substation site, you've got a little red dot there, right?

MR. CARPENTER: Yes, I see it.

COMMISSIONER ANAYA: You're with me? The reason you picked that site is because there's 2.5 acres that the City deeded to PNM to put it there.

MR. CARPENTER: That was part of the process and BLM's decision to approve that site. That's correct. They preferred to build a substation on land that the City owned, rather than to build a substation on land that they owned and then extend a new line, whatever it was, 3,000 feet across.

COMMISSIONER ANAYA: So that property right there is City-owned property that you deeded to PNM and BLM said to put it there?

MR. CARPENTER: That's correct.

COMMISSIONER ANAYA: Okay, so if you take that little red ball and you move it towards the BLM property, and you're into BLM property, where's the next spot, where's the second alternative spot that you were talking about. Is it in BLM property?

MR. CARPENTER: Yes. I would be in the yellow-colored BLM property, very close to the green dot that indicates the City-County water treatment plant.

COMMISSIONER ANAYA: Okay. So then you would just take a line straight across?

MR. CARPENTER: That's correct.

COMMISSIONER ANAYA: And how many poles would it take to go from there to the green?

MR. CARPENTER: I believe PNM has estimated nine new poles.

COMMISSIONER ANAYA: Nine new poles. Okay. That's the nine new poles that you were talking about. The nine new poles wouldn't come from the red dot where it's at right now?

MR. CARPENTER: That's correct, Commissioner. They would come from the new location over to the water treatment plant site.

COMMISSIONER ANAYA: Okay. So tell me, how are you going to get the power from the red dot to the green dot right now.

MR. CARPENTER: PNM has installed an underground cable.

COMMISSIONER ANAYA: So there's already an underground cable going from the red dot to the green dot.

MR. CARPENTER: That's correct.

COMMISSIONER ANAYA: And you installed that knowing – when did you get approved to do that?

MR. CARPENTER: Well, the BDD project – that's not our project. That's a PNM approval and I think Ms. Yardman addressed that in part of her presentation that they got County approval from the County Public Works Department.

COMMISSIONER ANAYA: So we've already gotten approval to go from the green dot to the red dot. Okay. And the additional nine poles would go – if you moved the red dot into the BLM property, and that would cost us more money, or would cost the BDD more money. And I hear \$9 million and then I heard \$1 million, and then I heard \$9. How much?

MR. CARPENTER: Mr. Chair, Commissioner Anaya, PNM has estimated that there would be about a million dollars of additional cost if we moved the red dot from where it's shown on the map to the BLM land that's closer to the water treatment plant.

COMMISSIONER ANAYA: And what happens to the ground that is in the ground that is ready to be used?

MR. CARPENTER: It would be a stranded asset.

COMMISSIONER ANAYA: And how much did that line cost?

MR. CARPENTER: I believe about a million dollars.

COMMISSIONER ANAYA: That was a million dollar line. And did the BDD approve that?

MR. CARPENTER: The BDD paid for that as part of its power service agreement with PNM.

COMMISSIONER ANAYA: So did the BDD board, City and County, approve that?

MR. CARPENTER: Yes.

COMMISSIONER ANAYA: Okay. And when did they put that line in?

MR. CARPENTER: Oh, it's been – early 2009, I'm told.

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

CHAIRMAN MONTOYA: Okay. Any other questions for Rick? Okay. Thank you, Rick.

MR. CARPENTER: Thank you.

CHAIRMAN MONTOYA: Next, please. Anyone else? Okay, this public hearing is closed.

MS. YARDMAN: Excuse me, Mr. Chair. I would like to use this time for a rebuttal.

CHAIRMAN MONTOYA: Sure. I was just going to get to that. Thanks.

MS. YARDMAN: I would like to clarify some points, because I feel like there are some major points missing here tonight. The first point that was made was that PNM was not following the process. Well, I would ask all of these neighbors here tonight, how many of you have been attending the Sustainable Land Development use meetings. Of course you don't know. It's on the website. It's in the newspaper. What is the Sustainable Development

use process? It is the County's opportunity to re-establish and rewrite the code. The Land Use Code, and the planning process. I have been attending these meetings.

What I'm hearing is that there is a lot of unhappy people here with the code. PNM has followed the code, the Santa Fe County code. It is written in Santa Fe County's code that PNM is required to notice residents within a 100-foot radius of the project. That has been done. The fact that people outside of that radius are not aware of that is not from the fault of PNM. We complied with the code. PNM posted a tiny sign? That sign was provided to PNM from Santa Fe County. Maybe that needs to be part of the new plan: bigger signs. The sign was posted at the property where we were told to post it. PNM, because I mentioned community concerns, did go out of their way to mail their notifications for the public neighborhood meeting. We were not even required to have a neighborhood meeting per the code. We did it anyway.

PNM is not trying to get around anything or anybody. We followed the code and I feel that if there is unhappiness with how the Santa Fe code is written there should be more involvement from these residents in the process that is taking place right now.

In regards to the issue of the new 70 to 75-foot poles. The existing transmission lines are 90 feet tall. In order to get down to the substation, PNM has to step down from 90-foot poles to 70-foot poles. That is the step-down. The wire will come down off of the existing transmission lines.

As I mentioned in my presentation, our ISS Department takes a lot of pride and works very hard to work on the mapping and their simulations. No alterations were made to those simulations. As a matter of fact when the community raised concerns that they had doubts about where the pictures were taken we took the time to go back out to prove and show everybody simulations that it's the same picture; that nothing has changed.

Now I do want to clarify in regards to property values, that yes, in some cases there is a five to ten percent drop in the value. However, again, anywhere beyond the 200 to 500 feet that dissipates and those effects do not exist.

So for clarification of the site at the water treatment plant, I would just like to point this out on the map. And maybe some answers to your questions, Commissioner Anaya. This is a water treatment plant, right here. This is the site that was approved through the EIS. Once that approval took place, and once PNM contracted with BDD, of course PNM is going to start the process of trying to get their customer service. We would do that with any one of you if you required service. Nowhere have we dug our feet. Now, this site right here, this red line and this blue line, those are the closest transmission lines to the water treatment plant, and you can see here that is the point where we are speaking about the 3,000 feet of new wire and the new nine poles. Let me please clarify. As soon as the BLM rejected that site, the EIS process was cut short. Consequently, the cultural studies and the biological studies were not completed. The completed studies were done on the approved site, which is the Caja del Rio site.

I'm not sure where the 5,000 feet came up with as far as overhead lines, but I believe they may have been referring to these lines here. They are underground lines. There is not 5,000 feet of overhead wire required to install the substation at this site. There is just the wire

to get from the 90-foot poles to the 70-foot poles. No new overhead wire is required to place a substation at this site, and I would like to clarify that. And Mr. Chair, members of the Commission, do you have any additional questions?

CHAIRMAN MONTOYA: Any questions for the applicant? No. Thank you.

MS. YARDMAN: Thank you.

CHAIRMAN MONTOYA: What are the wishes of the Board?

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Let me just sort of preface my comments and say I'd like a recommendation and my colleagues to consider going into executive session about this particular case. I in particular am caught between a rock and a hard place and part of the problem is just based upon the structure we have. I represent the County in the Buckman Direct Diversion Board and that board has a viable, significant, unrelentingly necessary project for our community. Yet I also represent the residents who are impacted by this. That puts me in a lose-lose situation, no matter which way I vote. But with regard to the issues, and some of them have been new that have been brought up tonight and with regard to the decision that has been recommended with CDRC, I'd like to ask Legal if it's possible for us to go into executive session to discuss this. It would just be a brief discussion, I think Mr. Chair.

Steve, may we be able to go into executive session on this?

MR. ROSS: Mr. Chair, Commissioner Vigil, yes, you can go into executive session to conduct deliberations in conjunction with administrative adjudicatory proceedings.

COMMISSIONER VIGIL: And with that Mr. Chair – do I need a motion?

MR. ROSS: Yes.

COMMISSIONER VIGIL: I move that we go into executive session on this.

COMMISSIONER HOLIAN: I second it.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil to go into executive session. Second by Commissioner Holian.

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

[The Commission met in closed session from 10:30 to 11:00.]

CHAIRMAN MONTOYA: Okay. Could I have a motion to come out of executive session?

COMMISSIONER HOLIAN: Mr. Chair, I move we come out of executive session where we discussed the adjudicatory deliberation.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: There's a motion by Commissioner Holian, second by Commissioner Stefanics.

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

CHAIRMAN MONTOYA: What are the wishes of the Board at this late hour.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thanks. I think based on the discussions we've had going into executive session and the testimony that we've had that the Commissioners would be probably more comfortable doing a site visit to be able to identify visually what some of the issues that are being brought up are. With that, Mr. Chair, I'd like to move that we table the decision on this until our next BCC meeting, and at that point in time, after a site visit is identified we do further deliberate and have a decision on this.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: There's a motion to table by Commissioner Vigil, second by Commissioner Holian.

**The motion to table passed by majority [4-1] voice vote with Commissioner Anaya casting the nay vote.**

CHAIRMAN MONTOYA: So we will hear this at our next land use meeting.

COMMISSIONER VIGIL: Any questions can be fielded by our staff.

**XIII. A. 4. CDRC Case # V 10-3032 Gerald Medina Variance. Gerald Medina, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 4.95 Acres Into Two Lots. The Property is Located at 312C Rabbit Road, within Section 10, Township 16 North, Range 9 East, (Commission District 4). Wayne Dalton, Case Manager [Exhibit 12: Easement Agreement]**

MR. DALTON: Thank you, Mr. Chair. On July 22, 2010, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of a variance to allow a land division of 4.9587 acres into two lots subject to conditions. Refer to the minutes attached as Exhibit G. There is currently a well and an accessory structure on the property. The property is located in the Basin Hydrologic Zone where lots can be administratively subdivided to a minimum of 2.5 acres with water restrictions as previously noted.

The proposed lot is 4.9587 acres. It is just below the code-required 5.0 acres needed to subdivide this lot administratively. In order to process this lot administratively an additional 1,799 square feet of property would be required. Mr. Chair, that comes out to about .2 acre, a little less than .2 acre.

Recommendation: The applicant does not meet the minimum lot size requirements established within the Land Development Code. However, staff feels this could be considered a minimal easing of the code due to the parcel being within 99.1 percent of the required size. Therefore staff recommends that the request for a variance be granted subject to the following conditions. And Mr. Chair, I want to just note that the handout Shelley just handed out to you guys pertains to condition number 4 and the applicant and his neighbor have agreed to an access easement. So that's a notarized letter from Mrs. Tapia, the applicant's neighbor, and also attached is a plat that shows the easement and also has a signature line for Mrs. Tapia. Thank you, Mr. Chair.

[The conditions are as follows:]

1. Water use shall be restricted to 0.25-acre feet per year per lot. A water meter shall be installed for both lots; this shall be noted on the plat. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office.
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
3. No further division of this property shall be permitted. This shall be noted on each plat.
4. Prior to issuance of a plat, the applicant must record a standard easement agreement with the County.

CHAIRMAN MONTOYA: Okay. Questions for staff? Okay. If the applicant would come forward and if you'd be sworn in and state your name.

[Duly sworn, Gerald Medina testified as follows:]

GERALD MEDINA: Gerald Medina, 7 Calle Cascabela, Santa Fe, New Mexico.

CHAIRMAN MONTOYA: Okay, Gerald, are you in agreement with staff recommendations?

MR. MEDINA: Yes, I am, sir.

CHAIRMAN MONTOYA: And the conditions as well?

MR. MEDINA: Yes.

CHAIRMAN MONTOYA: Okay. Was there anything else you'd like to add?

MR. MEDINA: No.

CHAIRMAN MONTOYA: Questions for the applicant? Okay. Thank you, Gerald. This is a public hearing. If anyone would like to talk on this case would you please come forward. Seeing none, this public hearing is closed.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move that we approve Case CDRC V 10-3032, Gerald Medina Variance, with staff conditions.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN MONTROYA: We have a motion by Commissioner Holian, second by Commissioner Stefanics. Any other discussion?

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

**XIII. A. 5. CDRC Case #S/ PDP 07-5101 Santa Fe Metro Center. Paul Parker, Applicant, Jim Seibert, Agent, Request Approval of Preliminary Plat to Allow Twelve Industrial/Warehouse Lots on Nineteen Acres and Preliminary Development Plan Approval for the Nineteen-Acre Site. The Property is Located on the East Frontage Road, within Section 26, Township 16 North, Range 8 East (Commission District 5) Jose E. Larrañaga, Case Manager**

JOSE LARRAÑAGA (Development Review): On June 17, 2010 the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of Case #S/PDP 07-5101 with staff conditions. On August 14, 2007, the Board of County Commissioners approved the vacation of a conservation easement to include 14.19 acres of developable land to the Santa Fe Metro Center, master plan zoning to allow for commercial and industrial uses, and master plat authorization to allow the Land Use Administrator to approve the lot layout of individual lots administratively.

The applicant requests preliminary plat approval for Tract 1 to create nine lots on 14.19 acres. The applicant also request preliminary plat approval for Tract 2, lot 14, to create three lots on 5.37 acres. Subsequent final plats will be submitted in compliance with all prior approvals and shall be reviewed administratively by the LUA.

Article V, Section 5.3.5a states, "Approval or conditional approval of a preliminary plat shall constitute approval of the proposed subdivision and layout submitted on the preliminary plat and shall be used as a guide to the preparation of the final plat.

Article II, Section 2.3.1, Administration Decisions, allows the LUA to approve or deny plat amendments of an existing plat.

The applicant also requests preliminary development plan approval for the 14.19-acre site to allow industrial warehouse use. Prior approval by the BCC vacated the 14.19-acre site as a conservation easement and allowed for zoning as commercial and industrial use. The applicant's request also includes allowing final development plan for the individual lots to be processed administratively.

Article V, Section 7.1.3.a, Development Plan Requirements, states: "A preliminary development plan may be only a phase or portion of the area covered by an approved master plan, so long as the preliminary development plan substantially conforms to the approved master plan"

The application was reviewed for the following: parking, signage, lighting, architecture, existing development, adjacent property, access, terrain management, water, liquid and solid waste, fire protection, landscaping and archeological.

Recommendation: Staff has reviewed this application and has found the following facts to support this submittal: The preliminary plat conforms to the approved master plan. The preliminary development plan substantially conforms to the approved master plan. The infrastructure for the Metro Center has been largely completed. The Santa Fe Metro Center is located in predominantly commercial development. The proposal for the preliminary plat and preliminary development plan meet the criteria set forth in the Land Development Code. The review comments from state agencies and Development Review Services has established findings that this application is in compliance with Article V, Section 5.3.5a, Preliminary Plat, and Article V, Section 7.1.3.a, Development Plan Requirements of the Land Development Code.

Staff recommends approval of preliminary plat on Tract 1 to create nine lots on 14.1 acres, and Tract 2, creating three lots on 5.37 acres. Staff also recommends approval of preliminary development plan for Tract 1 of the Santa Fe Metro Center to allow industrial warehouse use subject to the following conditions. Mr. Chair, may I enter those conditions into the record?

[The conditions are as follows:]

1. All staff redlines must be addressed, original redlines will be returned with final plans for preliminary plat and preliminary development plan.
2. New Mexico State Department of Transportation requires the development comply with the requirements of the "State Access Management Manual". Approved driveway permits will be required for the change of use of these access points before development activities commence.

MR. LARRAÑAGA: Thank you, Mr. Chair and I stand for any questions.

CHAIRMAN MONTOYA: Okay. Questions for Jose or staff? Okay. Seeing none, if the applicant would come forward and be sworn in.

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My address is 915 Mercer, Santa Fe. My name is Jim Siebert.

CHAIRMAN MONTOYA: Jim, are you in agreement with staff recommendation and conditions?

MR. SIEBERT: We are.

CHAIRMAN MONTOYA: Okay. Is there anything else we need to be aware of that's not in our packet.

MR. SIEBERT: No, just a little history. We've been planning this project since about 1988 and the majority of the infrastructure, both roads and utilities, are already in place. Thank you.

CHAIRMAN MONTOYA: Okay. Questions for the applicant? Okay. Thank you, Jim. This is a public hearing. If anyone would like to speak on this case, if you'd please come forward. Okay, seeing none, this public hearing is closed.

COMMISSIONER ANAYA: Mr. Chair.



CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval with conditions.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN MONTOYA: I have a motion by Commissioner Anaya for approval with conditions. Second by Commissioner Stefanics. Any other discussion?

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

- XIII. A. 6. BCC Case # MIS 10-5350 Rio Santa Fe Business Park. Peña Blanca Partnership Applicant, Jim Seibert Agent, Request Master Plat Authorization, on 31.44 Acres, to Allow for the Creation of 27 Lots. The Property is Located at 54 Colony Drive, North West of N.M. 599, North of Paseo de River, within Section 10, Township 16 North, Range 8 East (Commission District 2) Jose E. Larrañaga, Case Manager**

MR. LARRAÑAGA: Thank you, Mr. Chair. The applicant requests consideration of master plan authorization for a Rio Santa Fe Business Park on a 31.44-acre parcel. The master plan for commercial and industrial zoning for the property has been submitted to staff for review, which will be presented to the County Development Review Committee and the Board of County Commissioners within the next six months. The 31.44-acre parcel has been used as a mine site for excavation of sand and gravel which is located in a predominantly commercial developed area of the county. Highway 599 is located to the east and an existing sand gravel is located to the west. City, state and federal lands where commercial office buildings have been built are located to the north and La Farge Colony Materials as well as other commercial/industrial type uses front the property to the south.

The applicant requests approval of master plat authorization pursuant to Article V, Section 5.6. If the Board approves the petition it shall direct the development request be submitted to the County Development Review Committee. Approval of the master plat shall delegate authority to the Land Use Administrator to administratively approve a specific lot layout plan when it determines that due to the size, scale, or marketing requirements that approval of a plat with a specific lot layout is in the best interests of the County and developer. After such a delegation is made the County Development Review Committee and Board shall establish development standards applicable to the subdivision as authorized by the code and other applicable ordinances and laws, establish a maximum number of lots to be permitted and intensity of use and requirement improvements, and may then approve both the preliminary and final plat which will be known and designated as the master plat.

Recommendation: Staff has reviewed this application and has found the following facts to support this submittal. Authorization of the master plat shall delegate authority to the Land Use Administrator to approve plat amendments establishing new lots. The CDRC and

BCC shall establish development standards applicable to the subdivision as authorized by the code. The CDRC and BCC may approve both the preliminary and final plat which will be known and designated as the master plat. Staff has established findings that this application is in compliance with Article V, Section 5.6, Administrative Approval of Lot Layout. Staff recommends approval of the applicant's petition to obtain master plat authorization on the 31.44-acre parcel. Mr. Chair, I stand for any questions.

CHAIRMAN MONTOYA: Okay. Questions for staff? Okay, seeing none, if the applicant would come forward. You've already been sworn in.

MR. SIEBERT: Mr. Chair and Commissioners, my name is Jim Siebert. I'm previously sworn. The process is the same process we actually followed with the Santa Fe Metro Center, which you heard previously and it includes other business parks such as Colony Materials Business Park, the Santa Fe Reporter Business Park and the Thomas Business Park, all of which have followed identical procedures. What it allows staff to do is move lot lines around. The purpose of this is you can never anticipate in advance what the needs of the users would be, so it allows staff to move lot lines on an administrative basis and remove lot lines on an administrative basis. And I'll answer any questions you may have.

CHAIRMAN MONTOYA: Okay. Any questions for the applicant?  
Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, a question for the staff. If the lot lines are moved, is there a minimum site? Acreage?

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, right now I believe the lot layout is an acre or less than an acre. Again, that would be in the future where maybe the infrastructure or the access would increase and we would allow more density, even maybe with the new land use code once it's implemented the lots would be – in other words, if we would approve the final plat prior to the land development code the Land Use Administrator would be able to adjust those lot lines and reduce lots to accommodate the development.

COMMISSIONER STEFANICS: Thank you.

CHAIRMAN MONTOYA: Okay. Other questions? Okay, this is a public hearing. If anyone would like to speak on this case, please come forward. Seeing none, this public hearing is closed.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval with conditions.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN MONTOYA: We have a motion by Commissioner Anaya.  
There are no conditions, right?

COMMISSIONER ANAYA: Oh, there's not?

CHAIRMAN MONTOYA: No.

COMMISSIONER ANAYA: Okay. I was probably asleep.

CHAIRMAN MONTOYA: Sorry to wake you up. Okay. I have a motion by Commissioner Anaya for approval. A second by Commissioner Stefanics. Commissioner Vigil.

COMMISSIONER VIGIL: For staff. This is master plan approval, correct? Specifically?

MR. LARRAÑAGA: Mr. Chair, Commissioner Vigil, this is master plat authorization.

COMMISSIONER VIGIL: Okay. Tell me the difference between that and master plan.

MR. LARRAÑAGA: Master plat authorization will authorize the Land Use Administrator the authority to move or reduce lots in the future. We still have to go through the preliminary plat approval and final plat approval.

COMMISSIONER VIGIL: Does that come to the Board of County Commission?

MR. LARRAÑAGA: Yes.

COMMISSIONER VIGIL: Okay. Thank you.

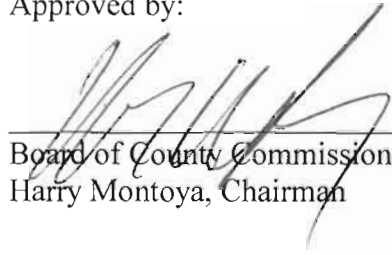
CHAIRMAN MONTOYA: Okay. Any other questions?

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

**XIV. ADJOURNMENT**


Chairman Montoya declared this meeting adjourned at 11:15 pm

Approved by:

  
\_\_\_\_\_  
Board of County Commissioners  
Harry Montoya, Chairman

ATTEST TO:

  
VALERIE ESPINOZA  
SANTA FE COUNTY CLERK

Respectfully submitted:  
  
Karen Farrell, Wordswork  
227 E. Palace Avenue  
Santa Fe, NM 87501



SFC CLERK RECORDED 09/15/2010



## Santa Fe County MEMORANDUM

August 9, 2010

To: Board of County Commissioners  
From: Commissioner Mike Anaya

**RE: X-A Discussion and possible consideration of the Estancia Working Group request for time extension for SLDP Public Hearing Process to allow additional meetings in southern Santa Fe County. (Anaya)**

Message:

At the July 13<sup>th</sup> BCC meeting, staff was given direction to meet with the Southern Santa Fe County residents to establish a working group to provide additional input and participation from Estancia Valley area residents and make recommendations to address their concerns regarding the SLDP. Direction was given to have the Plan go before CDRC in August and a study session for the Commission in September.

The Estancia Working Group has had two meetings and making progress. They are respectfully asking the Commission for 3-4 additional meetings (in addition to what is already scheduled).

Our current timeline:

August 12	Estancia Working Group meeting
August 16	Estancia Working Group meeting
August 26 <sup>th</sup>	CDRC Public Hearing
September	(date TBD) BCC Study Session

Proposed timeline:

August 12	Estancia Working Group meeting
August 16	Estancia Working Group meeting
August 26	Estancia Working Group meeting
September 2	Estancia Working Group meeting
September 9	Estancia Working Group meeting
September 13	Estancia Working Group meeting
September 23	CDRC Public Hearing
October 12	BCC Study Session

Estancia Growth Management Area  
Working Committee  
Stanley Community Center, NM

August 5, 2010

Santa Fe County  
102 Grant Ave  
Santa Fe, NM 87501-2061  
(505) 986-6200

Attn: Board of County Commissioners,  
Chairman Harry B. Montoya, Virginia Vigil, Mike Anaya, Kathy Holan, Liz Stefanics

RE: Estancia Growth Management Area Committee response to SLDP

Honorable Commissioners,

After convening the Estancia GMA Committee on July 29 and August 5, 2010, it has become evident that our charge to review each Chapter in the Sustainable Land Development Plan and create Estancia GMA statements and recommendations of change for same will require that our proposed deadline be extended.

As of August 5<sup>th</sup>, draft proposals have been written for Chapters 0, 1, 2.  
The balance of the chapters ~~Four~~ through Fourteen will require at least three to four more meetings. 3

For this reason, the EGMA Committee requests that an extension be granted in order to allow more time for the committee to meet. We appreciate your consideration in this matter.

EGMA working committee members:

<i>Rita Lee Simmons</i>	<i>Ad Hill</i>	<i>Tom Sowle</i>
<i>Charles C. McAllister</i>	<i>Debra Hill</i>	<i>Dale W. Lane</i>
<i>Mr. Milligan</i>	<i>Joe Russell</i>	<i>W. Richardson</i>
<i>Paul R. Knight</i>	<i>Marya Pasovic</i>	<i>Marion W. Richardson</i>
<i>Steve [unclear]</i>	<i>Ann Longmire</i>	
<i>Rebecca S. Young</i>	<i>Adra King</i>	
<i>Martha Allen</i>	<i>Jim K. [unclear]</i>	
<i>[unclear]</i>	<i>[unclear]</i>	
<i>Hank Hummel</i>	<i>Randy Soule</i>	

cc: CDRC Members:



Write us at Mountain View  
Telegraph, P.O. Box 2225,  
Moriarty, NM 87035-2225

# Opinion

## Editorials

### Plan Should Be Eyed Critically

Sustainability is the word of the moment and local governments are not waiting for the federal government to come up with greater restrictions on how we use our resources.

Santa Fe County has stepped into the fray with its proposed Sustainable Land Development Plan.

"Sustainable development maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people, natural systems and economies depend," the proposal reads.

A very commendable goal, but difficult to put into an active ordinance without trouncing on private property rights. One of the proposals had been that any development in unincorporated Santa Fe County would have required a surface water source.

That requirement was eliminated when it was brought to the attention of county officials that there are no streams, rivers or lakes in much of the county.

Much of the plan is laudable. Who among us doesn't want to protect our resources?

But, like in most development plans, there are vague statements that could result in startling consequences. Santa Fe County has a long history of imposing arcane rules on its southern residents — which even led to the creation of the town of Edgewood.

On the face of it, the plan seems workable, but southern Santa Fe County residents are well within their rights to question how this plan will be applied.

SFC CLERK RECORDED 09/15/2010



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# Santa Fe County Satellite Offices

April 2010 – June 2010 Quarterly Report





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# Satellite Office Program

- Satellite Program has been operational for the past 3 years opening in the Spring and Fall of 2007
- Offers 3 regional locations in Pojoaque, Eldorado and Edgewood
- Respond to over 1,528 requests quarterly.

# Satellite Office Program

- The staff answers general Constituent questions:
  - ❑ Register people to vote and provide other County Clerk information,
  - ❑ Provide assessment information and forms,
  - ❑ Provide healthcare assistance and referral information,
  - ❑ Distribute County job descriptions and applications,
  - ❑ Provide packet material for Land Use permits,
  - ❑ Process landfill permits.

---

# Edgewood Satellite Office

- Located at 1916 Old U.S. 66, Edgewood, NM
- Office will be relocated to the Edgewood Community Center in September of 2010
- Hours: Tuesday, Wednesday, Thursday 11 am – 4 pm
- Total of 63 requests

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# Pojoaque Satellite Office

- Located at 5 West Gutierrez, Suite 9 in the Pojoaque Pueblo Plaza
- Hours: Tuesday, Wednesday, Thursday 12 noon – 5 pm
- Total of 565 requests during the period which is a 34% increase from March of 2009.

# Eldorado Satellite Office

- Located at 16 Avenida Torreon, Eldorado, NM
- Hours: Tuesday, Wednesday, Thursday 12 noon – 5 pm
- Total of 900 requests which represents a 53% increase from March of 2009 (736 Health related requests for service).

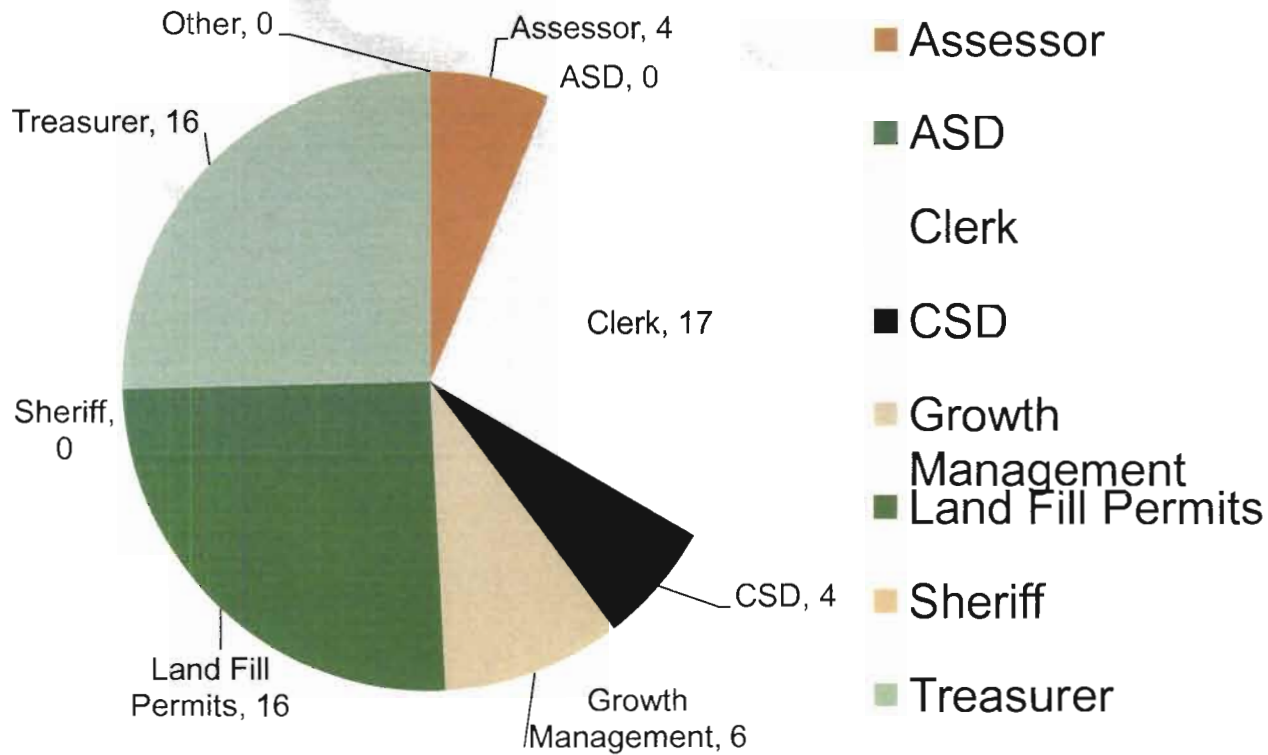
# Satellite Office Service Requests By Location

## SATELLITE OFFICE ACTIVITY LEVEL

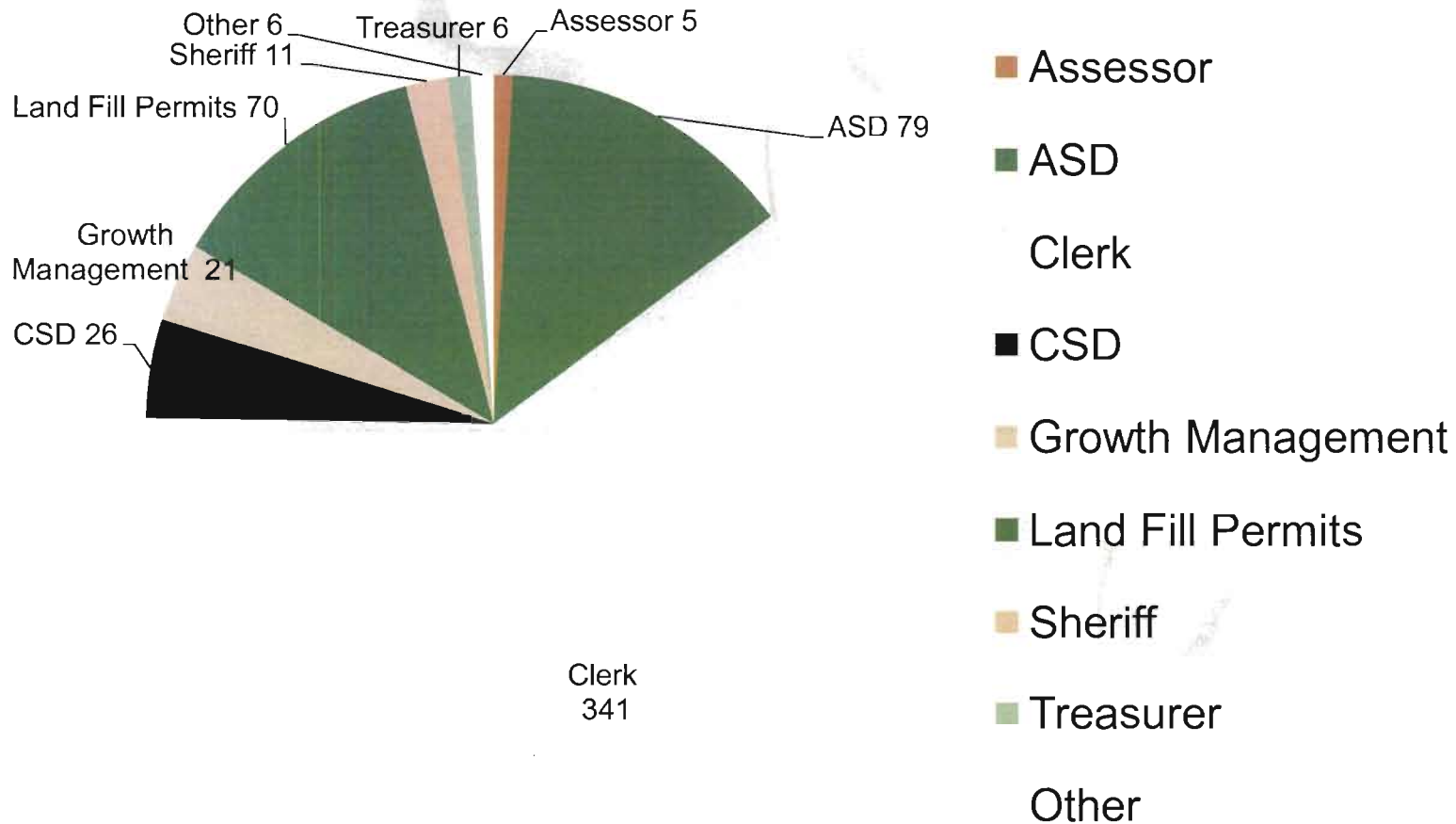
APRIL - JUNE 2010

Location	Assessor	ASD	Clerk	CSD	Grth Mgt.	LF Permits	Sheriff	Treasurer	other	Office Total
Edgewood	4	0	17	4	6	16	0	16	0	63
Eldorado	0	1	14	736	3	123	18	5	0	900
Pojoaque	<u>5</u>	<u>79</u>	<u>341</u>	<u>26</u>	<u>21</u>	<u>70</u>	<u>11</u>	<u>6</u>	<u>6</u>	<u>565</u>
<b>Dept. Total</b>	<b>9</b>	<b>80</b>	<b>372</b>	<b>766</b>	<b>30</b>	<b>209</b>	<b>29</b>	<b>27</b>	<b>6</b>	<b>1528</b>

# Satellite Office Service Requests Edgewood Office

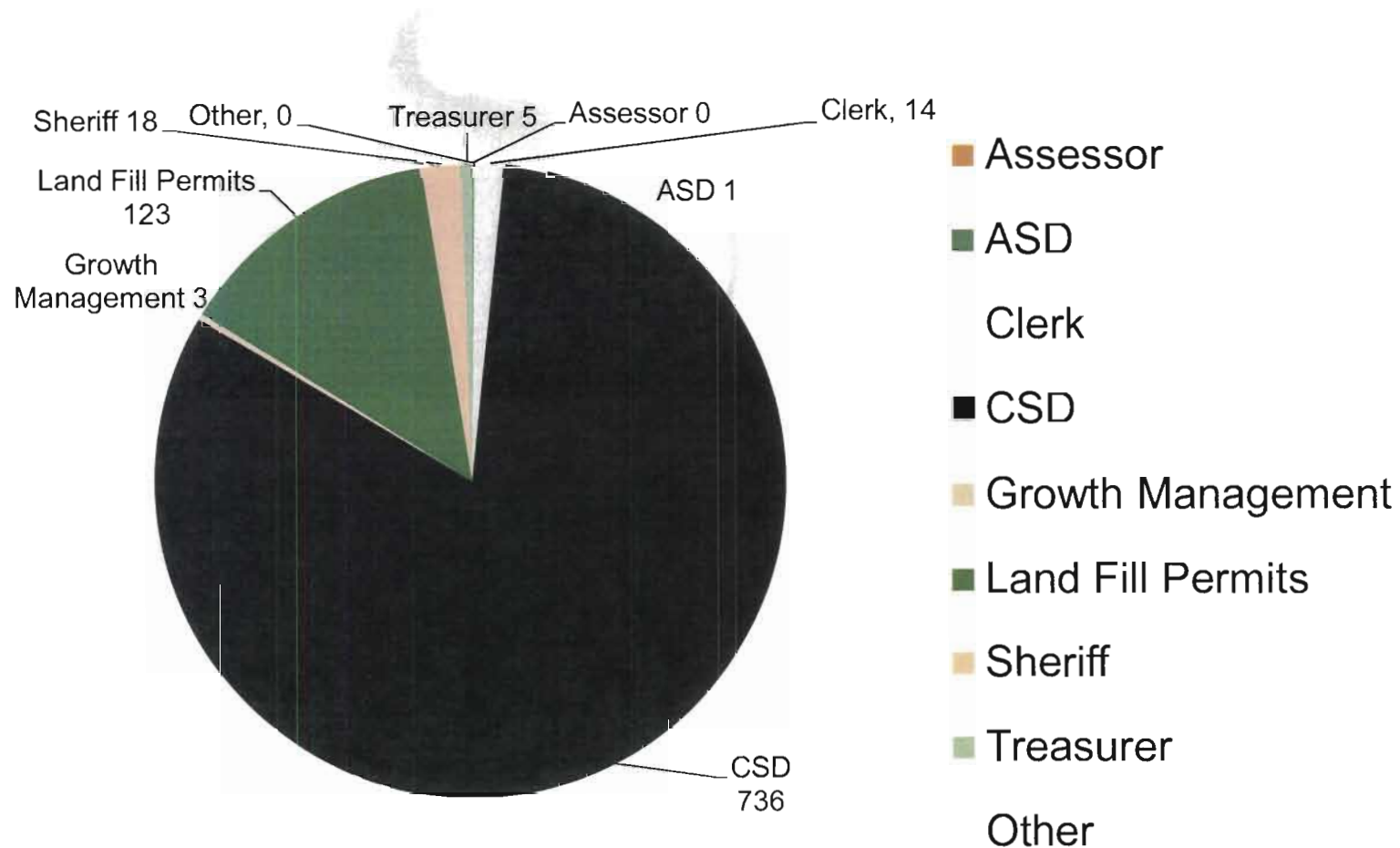


# Satellite Office Service Requests Pojoaque Office





# Satellite Office Service Requests Eldorado Office





EAST MOUNTAIN NEIGHBORHOOD OPPOSITION  
TO  
PROPOSED CONSTRUCTION PROJECT FOR  
NEW MEXICO BOYS AND GIRLS RANCHES, INC.  
August 4, 2010

Mike Kull, President of The Ranches met with five members of the group that is opposed to The Ranches proposed construction of the new campus near South Mountain, for two and a half hours, at the Edgewood Community Center.

The following is a highly condensed list of issues for The Ranches to consider:

- 1) They ask that the overall size of the project cut significantly. Various percentages were discussed. I told the group this is a decision only the Board of Directors could make.
- 2) They asked if we could move the school to a different location. They do not want a school located on the property. I assume this is tied to traffic and their not wanting any noise that the children's activities might create. Again this is a board decision that would require the purchase of additional land.
- 3) The group insisted it is not against the kids, but extremely concerned about the traffic the new facility would generate. They do not want any increase in activity levels from any source.
- 4) They expressed concern about the risk of wastewater disposal. They want more information about how we would dispense of the wastewater. I assured them that we would comply with all state regulations and standards. One person wanted me to promise that any water that was generated from wastewater must be potable.
- 5) They asked if we could develop more trust between The Ranches and their group. I told them I would be glad to meet with them on occasion but I felt they were trying to control things that they should not be

trying to control. I do not have the authority to make unilateral decisions that conflict with decisions of our Board of directors. I agreed to meet with them again in the future if the project goes forward.

- 6) They wanted to have control over almost everything associated with the project. I told them that State and County governments have procedures in place to oversee such things. They said they did not trust the government to do what they should.

I was careful to point out that I can't make unilateral decisions. That power lies solely with the Board of Directors. The group said they were extremely grateful for this meeting and it had answered some of their issues and concerns.



# The Ranches

Guiding Children, Uniting Families — Since 1944

New Mexico Boys and Girls Ranches  
Pueblo Youth Ranch  
Families for Children  
New Mexico Family Connection  
New Mexico Boys and Girls Ranch Foundation

## Ranches Officers

Mike Romero  
Chairman  
Suzanne Blair  
Vice Chairman  
William Radtke  
Secretary  
Bonny Wallace  
Treasurer  
Michael H. Kull  
President

## Directors

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Birmingham  
Dale Beckwith  
Dallas  
Erin Davis  
Moberly  
Dana  
Termy Robert  
Farmington  
Laurie Southerton  
Los Alamos  
Diane Wilson  
Denver, CO  
Linda Miles

## Foundation Officers

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Chairman  
Liz Mendez  
Secretary  
Bonny Wallace  
Treasurer

## Directors

John Smith  
Columbus  
Michael Hill  
Tulsa  
Thomas Wilson



August 9, 2010

Honorable Mark Mitchell  
Tribal Historic Preservation Officer  
Pueblo of Tesuque  
Route 42, Box 360-T  
Santa Fe, NM 87506

Dear Honorable Historic Preservation Officer Mitchell:

I am writing on behalf of the New Mexico Boys and Girls Ranches (The Ranches), concerning our request for Master Plan Zoning approval in Santa Fe County. We own 964 acres of land near Cedar Grove, and plan to build a residential school facility and a community service facility. We plan to cluster our campus buildings on approximately 100 acres of the property with the remainder preserved as undeveloped open space.

The Ranches commissioned a Cultural Resources survey of the property in accordance with Santa Fe County Code. Our original Master Plan was subsequently redesigned so that the identified cultural resources will be avoided by any development. We have further committed to placing the archaeological sites in protective easements. Additionally, Santa Fe County has stipulated that any development within the property must avoid the identified cultural properties. This is a condition placed on the Master Plan Zoning request, and a condition with which we are in compliance.

This is a very early stage in the application process, only requesting approval for the zoning aspects of the Master Plan. The next step, following zoning approval, is drafting and then submitting for review, preliminary development plans including specific locations for buildings and utility lines, as well as defining the archaeological easements. It was our understanding that consultation with interested tribal governments was to be initiated with the County and/or State at this next stage, particularly with respect to establishing a management plan for the cultural resources. It is and has been our intention to preserve and protect the archaeological sites within the property. It is also our intention to work with all interested tribal governments and entities to develop a long-term management plan. At this point we simply cannot move forward until the zoning issue is resolved.

Regardless of the stage of the process, the letter submitted to the July Santa Fe County Commission meeting by Rebecca Procter indicates a specific interest in the cultural resources identified within the property. I want to take this opportunity to assure you that we welcome your participation and input in the long-term management plan and stewardship of the archaeological sites. I also want to take this opportunity to invite you to tour and/or examine the property's cultural resources at your earliest convenience.

We look forward to your continuing input as we move forward with our project over time. Please feel free to contact me with any questions or concerns at 505-881-3363.

Sincerely,



Michael H. Kull  
President  
The Ranches, Inc.

New Mexico Boys and Girls Ranches, Inc.  
New Mexico Boys and Girls Ranch Foundation, Inc.  
6209 Hendrix NE, Albuquerque, NM 87110  
Phone: 505/881-3363 or 505/884-2552 or Fax 505/888-1595

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SFC CLERK RECORDED 09/15/2010

# The Ranches

Guiding Children. Uniting Families — Since 1944

New Mexico Boys and Girls Ranches  
Poppo Youth Ranch  
Families for Children  
New Mexico Family Connections  
New Mexico Boys and Girls Ranch Foundation

## Ranches Officers

Mike Romero  
Chairman  
Warren Blair  
Vice Chairman  
Wynona Ralliff  
Secretary  
Fotiny Wallace  
Treasurer  
Michael H. Kull  
President

## Directors

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Albuquerque  
Leo Mendosa  
Albuquerque  
Dr. John Robely  
Albuquerque  
Tommy Roberts  
Albuquerque  
Gene Samberson  
Albuquerque  
Diane Walsh  
Cortez, NM  
Linda Owen  
Albuquerque

## Foundation Officers

Warren Blair  
Chairman  
Leo Mendosa  
Secretary  
Fotiny Wallace  
Treasurer  
Directors  
Jon Garcia  
Albuquerque  
Wynona Ralliff  
Albuquerque  
Linda Owen  
Albuquerque

August 9, 2010

Honorable Ben Chivarria  
Cultural Resource Director  
Pueblo of Santa Clara  
P.O. Box 580  
Española, NM 87532

Dear Honorable Cultural Resource Director Chivarria:

I am writing on behalf of the New Mexico Boys and Girls Ranches (The Ranches), concerning our request for Master Plan Zoning approval in Santa Fe County. We own 964 acres of land near Cedar Grove, and plan to build a residential school facility and a community service facility. We plan to cluster our campus buildings on approximately 100 acres of the property with the remainder preserved as undeveloped open space.

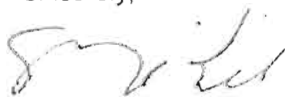
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Sincerely,



Michael H. Kull  
President  
The Ranches, Inc.

New Mexico Boys and Girls Ranches, Inc.  
New Mexico Boys and Girls Ranch Foundation, Inc.  
6209 Mendex NE, Albuquerque, NM 87110

Phone 505/881-3363 or 505/884-2552 or Fax 505/888-1595

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Equal Opportunity  
Affirmative Action

SFC CLERK RECORDED 09/15/2010



# The Ranches

Guiding Children, Uniting Families — Since 1944

New Mexico Boys and Girls Ranches  
 Pippin Youth Ranch  
 Families for Children  
 New Mexico Family Connection  
 New Mexico Boys and Girls Ranch Foundation

Ranches  
 Officers

Aiko Romero  
 Chairman  
 Warren Bair  
 Vice Chairman  
 Wynne Ruffin  
 Secretary  
 Emily Wallace  
 Treasurer  
 Michael H. Kull  
 President

Directors

Jon Barch  
 Albuquerque  
 Dr. Monica  
 Yeguda  
 Dr. Jacob Moberly  
 Clarks  
 Emily Roberts  
 Farmington  
 Greg Samberson  
 Lovington  
 Diane Wilson  
 Centennial, WY  
 Linda Yates  
 Aztec

Foundation  
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 President  
 Greg Samberson  
 Treasurer  
 Dr. Emily Wallace  
 Secretary

Directors

Jon Barch  
 Michael Kull  
 Wynne Ruffin  
 Emily Ruffin  
 Linda Yates

August 9, 2010

Honorable Anthony Moquino  
 Council Member  
 Ohkay Owingeh  
 P.O. Box 1099  
 San Juan Pueblo, NM 87566

Dear Honorable Council Member Moquino:


I am writing on behalf of the New Mexico Boys and Girls Ranches (The Ranches), concerning our request for Master Plan Zoning approval in Santa Fe County. We own 964 acres of land near Cedar Grove, and plan to build a residential school facility and a community service facility. We plan to cluster our campus buildings on approximately 100 acres of the property with the remainder preserved as undeveloped open space.

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Sincerely,  
  
 Michael H. Kull  
 President  
 The Ranches, Inc.

New Mexico Boys and Girls Ranches, Inc.  
 New Mexico Boys and Girls Ranch Foundation, Inc.  
 6209 Hendrix NE, Albuquerque, NM 87109  
 Phone: 505-881-3363 or 505-884-2552 or Fax: 505-888-1595



SFC CLERK RECORDED 09/15/2010

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# The Ranches

Guiding Children, Uniting Families — Since 1944

New Mexico Boys and Girls Ranches

Pippen Youth Ranch

Families for Children

New Mexico Family Connection

New Mexico Boys and Girls Ranch Foundation

## Ranches

### Officers

Milly Romero  
Chairman

Wendy Baur  
Vice Chairman

Wynona Baruffi  
Secretary

Boboy Wallace  
Treasurer

Michael H. Kull  
President

### Directors

Jan Garcia  
Elizabethton

Lee Mendonça  
Regina

Dr. Bruce Moberly  
Dallas

Timothy Roberts  
Denver

Carol Scott  
Lynchburg

Deane Watson  
Columbia, WY

Linda Hayes  
Orwell

### Foundation

#### Officers

Wendy Baur  
Chairman

Wynona Baruffi  
Secretary

Boboy Wallace  
Treasurer

### Directors

Jan Garcia  
Elizabethton

Wynona Baruffi  
Timothy Roberts

Deane Watson

August 9, 2010

Honorable Bryon P. Montoya  
2<sup>nd</sup> Lt. Governor, Cultural Resource Director  
Pueblo of San Ildefonso  
Route 5, Box 315-A  
Santa Fe, NM 87506

Dear Honorable 2<sup>nd</sup> Lt. Governor Montoya:

I am writing on behalf of the New Mexico Boys and Girls Ranches (The Ranches), concerning our request for Master Plan Zoning approval in Santa Fe County. We own 964 acres of land near Cedar Grove, and plan to build a residential school facility and a community service facility. We plan to cluster our campus buildings on approximately 100 acres of the property with the remainder preserved as undeveloped open space.

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6209 Hendrix NE, Albuquerque, NM 87130  
Phone 505/881-3363 or 505/884-2552 or Fax 505/888-1595

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Equal Housing Opportunity



# The Ranches

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New Mexico Boys and Girls Ranches

Pippin Youth Ranch

Families for Children

New Mexico Family Connection

New Mexico Boys and Girls Ranch Foundation

## Ranches

### Officers

Mike Romero  
Chairman

Yvonne Barr  
Vice Chairman

Wynona Bartel  
Secretary

Robby Wallace  
Treasurer

Michael H. Kull  
President

### Directors

Jim Borela  
Albuquerque

Leslie Mendoza  
Albuquerque

Dr. David Matthey  
Albuquerque

Tommy Roberts  
Farmington

Gene Sammons  
Albuquerque

Sharon Warren  
Columbus, NY

David Allen  
Albuquerque

### Foundation Officers

Michael H. Kull  
President

Michael H. Kull  
President

Michael H. Kull  
President

### Directors

Michael H. Kull  
President

Tommy Roberts  
Farmington

Michael H. Kull  
President

August 9, 2010

Honorable Myron Armijo  
Lt. Governor  
Pueblo of Santa Ana  
2 Dove Road  
Santa Ana Pueblo, NM 87004

Dear Honorable Lt. Governor Armijo:

I am writing on behalf of the New Mexico Boys and Girls Ranches (The Ranches), concerning our request for Master Plan Zoning approval in Santa Fe County. We own 964 acres of land near Cedar Grove, and plan to build a residential school facility and a community service facility. We plan to cluster our campus buildings on approximately 100 acres of the property with the remainder preserved as undeveloped open space.

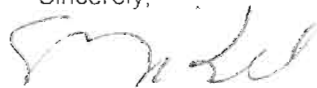
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Sincerely,



Michael H. Kull  
President  
The Ranches, Inc.

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SFC CLERK RECORDED 09/15/2010







# The Ranches

Guiding Children, Uniting Families — Since 1944

New Mexico Boys and Girls Ranches  
Pippin Youth Ranch  
Families for Children  
New Mexico Family Connection  
New Mexico Boys and Girls Ranch Foundation

Ranches  
Officers  
Dolly Burnett  
Chairman  
Walter Boyd  
Vice Chairman  
Virginia Balfanz  
Secretary  
Bobby Wallace  
Treasurer  
Michael H. Kull  
President

Directors  
Joyce Harris  
Albuquerque  
Deborah Hinkle  
Albuquerque  
Dr. Bruce Mohrley  
Clovis  
Terney Roberts  
Farmington  
Gene Sampersun  
Newington  
Celia Wilson  
Farmington, NY  
Linda Yarnall  
Albuquerque

Foundation  
Officers  
Walter Boyd  
Chairman  
Gene Sampersun  
Secretary  
Bobby Wallace  
Treasurer  
Directors  
Joyce Harris  
Albuquerque, NM  
Deborah Hinkle  
Albuquerque, NM  
Terney Roberts  
Farmington, NM  
Celia Wilson  
Farmington, NY  
Linda Yarnall  
Albuquerque, NM



August 9, 2010

Honorable Jimmy Calabaza  
Lt. Governor  
Pueblo of Kewa  
P.O. Box 99  
Santo Domingo Pueblo, NM 87052

Dear Honorable Lt. Governor Calabaza:

I am writing on behalf of the New Mexico Boys and Girls Ranches (The Ranches), concerning our request for Master Plan Zoning approval in Santa Fe County. We own 964 acres of land near Cedar Grove, and plan to build a residential school facility and a community service facility. We plan to cluster our campus buildings on approximately 100 acres of the property with the remainder preserved as undeveloped open space.

The Ranches commissioned a Cultural Resources survey of the property in accordance with Santa Fe County Code. Our original Master Plan was subsequently redesigned so that the identified cultural resources will be avoided by any development. We have further committed to placing the archaeological sites in protective easements. Additionally, Santa Fe County has stipulated that any development within the property must avoid the identified cultural properties. This is a condition placed on the Master Plan Zoning request, and a condition with which we are in compliance.

This is a very early stage in the application process, only requesting approval for the zoning aspects of the Master Plan. The next step, following zoning approval, is drafting and then submitting for review, preliminary development plans including specific locations for buildings and utility lines, as well as defining the archaeological easements. It was our understanding that consultation with interested tribal governments was to be initiated with the County and/or State at this next stage, particularly with respect to establishing a management plan for the cultural resources. It is and has been our intention to preserve and protect the archaeological sites within the property. It is also our intention to work with all interested tribal governments and entities to develop a long-term management plan. At this point we simply cannot move forward until the zoning issue is resolved.

Regardless of the stage of the process, the letter submitted to the July Santa Fe County Commission meeting by Rebecca Procter indicates a specific interest in the cultural resources identified within the property. I want to take this opportunity to assure you that we welcome your participation and input in the long-term management plan and stewardship of the archaeological sites. I also want to take this opportunity to invite you to tour and/or examine the property's cultural resources at your earliest convenience.

We look forward to your continuing input as we move forward with our project over time. Please feel free to contact me with any questions or concerns at 505-881-3363.

Sincerely,



Michael H. Kull  
President  
The Ranches, Inc.

New Mexico Boys and Girls Ranches, Inc.  
New Mexico Boys and Girls Ranch Foundation, Inc.  
6209 Hendrix NE, Albuquerque, NM 87110

Phone 505/881-3363 or 505/884-2552 or Fax 505/888-1595

Providing residential group care, education, foster care, adoption, counseling and family therapy services.

SFC CLERK RECORDED 09/15/2010



Conditions the Cedar Grove Community would like prior to any build for the New Mexico Boys & Girls Ranch in Cedar Grove

- Pave Sandoval Rd ( County Rd 22) prior to Phase 1 construction with adequate sides and culverts to take care of runoff
- Install a closed waste water treatment system with a backup system with potable water as discharge
- Complete a Comprehensive Baseline Wildlife Survey with appropriate consultations with wildlife professionals prior to recordation of plat
- Install 'wildlife friendly' fencing for all interior security fencing
- All conditions previously stated (CRDC in Feb. and BCC in April) need to be reinstated (Storm Water Pollution Plan and compliance with applicable review in comment #2 in recommendations were left out of the July 13th agenda)
- Complete a 100% Archaeological Reconnaissance Survey with full SHPO review and approval of the treatment/mitigation plan prior to recordation of plat
- The developer shall be required to create a project website, open to the public, to post all documentation submitted to the Land Use Dept. and all County departments regarding this project. The documentation should include the Master Plan, any changes made to the Master Plan, Preliminary Planning Phase documentation, final Planning Phase documentation, permitting requests, etc. This documentation shall be posted on this website concurrent with submissions.
- No swimming pool, pavilion, chapel
- Establish a trail system for pedestrian and horseback traffic for public use, with formal access agreements, and in coordination with SF County Open Space Program
- Coordinate a community-wide Fire Evacuation Plan between the Cedar Grove Community and 'The Ranches'
- 'The Ranch's' large fund raising/special events held at facility limited to once per year with no night time events
- Development shall be compatible with existing development in the area. This means, total square footage of building footprints no greater than 1000 sqft per acre, where acreage number is based on area of build only (not the whole 964 acres). No building shall be bigger than code requirements for residential zoning. Number of people living on site no greater than 100. Water usage and waste water discharge equivalent to 45 homes.
- Noise reduction measures, such as limiting times of outdoor group activities, shall be coordinated with community
- If the Ranches decide not to build then the zoning shall revert back to it's original zone designation.



August 10, 2010

To: Santa Fe County Commissioners  
Regarding: The Boys and Girls Ranches

Dear Commissioners,

I am very proud of Commissioner Anaya for speaking out in favor of the Ranches in Cedar Grove. I understand that must have been a very difficult thing for him to do, given the malevolent response. But it showed courage on his part and he is certainly on the right side of the issue. I can only hope you show the same in your decision!

I own a home in Cedar Grove on 20 acres, right under beautiful South Mountain. I certainly do not believe the Ranches will adversely affect me in any way! It has been very hard to hear the hateful, vicious attacks and outright lies from my fellow neighbors. They have tried to intimidate me and countless other neighbors to the point that most of them will not have anything to do with this issue. It is such ugliness that I have never encountered before.

I think the Ranches have done everything asked of them and more to get their project approved. Besides meeting all criteria for the development, they held numerous meetings in Edgewood to discuss, explain and answer concerns. I went to three of those meetings and was booed and hissed at (and more that I don't want to mention) for speaking out in favor of the Ranches.

People came armed with lots of misinformation and left with their same closed minds. They shouted and talked over the representatives and were downright hostile. It made me heartsick the way Mike Kull and his team were treated. They met every question and attach with the utmost patience and thorough explanation but to no avail. These are people who have dedicated their lives to making a difference in kids' lives who had the misfortune to be born into hard circumstance, and have so many incredible success stories! They were being attacked by folks who were acting with selfishness and shortsightedness, whose only concern was themselves. It was hard to watch. And it was the same at all three meetings I attended.

The opposition is now stating they are being misunderstood and they are only concerned about the size of the project, not the children. But I was asked to sign one of their initial petitions and it specifically stated the Ranches wanted to build a prison for young people! They may be back-pedaling to appear more reasonable but this is still the heart of their opposition.

SFC CLERK RECORDED 09/15/2010

I don't understand the world we live in today. People who are shouting the loudest and acting downright mean-spirited and disrespectful seem to be the ones who get the most attention. This certainly shouldn't be the behavior we want to encourage, even when the law is on the other side.

We should be embracing the Ranches with open arms as a community. They want to do so many things that are in line with our lifestyle here - equestrian and 4-H, teaching about the environment, ecological, being responsible neighbors and citizens, etc. This will bring so much enrichment to us, and be such a wonderful opportunity for folks to get involved with the kids. And as Commissioner Anya stated, will be good business. Edgewood has suffered from the economy as so many other places and many businesses have pulled out in the last couple years. The Ranches will certainly be a boon to Edgewood in that respect.

The Ranches own the land and should be able to develop it as they see fit within the scope of the law. If the Commission allows itself to be swayed by the big spin of lies and the large number of people they have been able to stir up by those lies, then I feel simply stated, the Commission is not doing their job!

It's hard to stand up for the truth and the law in the face of a mob mentality but I'm sure this will not be the first time you are called on to do so and certainly not the last.

Sincerely,  
Aleta Niggeler

15 Lower Mountain Road  
Cedar Grove, NM 87015  
505-286-4849



## Vicki Lucero

---

**From:** Karen Marcotte [marcotte@consensusplanning.com]  
**Sent:** Monday, August 09, 2010 3:27 PM  
**To:** Vicki Lucero  
**Cc:** 'Genieve Yorman'; eastmountainproperty@theranches.org  
**Subject:** FW: Proposed New Mexico Boys and Girls Ranches in Santa Fe County, New Mexico

Another letter of support

**From:** "Warren D. Baur" <wdbaur@comcast.net>  
**To:** mikek@theranches.org  
**Date:** 08/09/2010 02:43 PM  
**Subject:** Proposed New Mexico Boys and Girls Ranches in Santa Fe County,  
New Mexico

Mike

Unfortunately, I will be unable to attend the meeting of the Santa Fe County Commission on Tuesday, August 10, 2010 at 5:00 PM due to a previous commitment. However, I did want you and anyone else interested to know how very strongly I support this venture.

I have been involved on the board of the New Mexico Boys and Girls Ranches (Ranches), in various positions, for the last 14 years. I am currently serving as the Vice Chairman of the New Mexico Boys and Girls Ranches Board and Chairman of the New Mexico Boys and Girls Ranches Foundation Board. It has been a pleasure and an honor to serve on an organization whose whole purpose is to see that kids in difficult positions, most often due to circumstances they cannot control, are provided an opportunity to improve themselves rather than to continue in circumstances which provide them little or no chance in life. The results I have seen over my tenure have been remarkable to say the least.

As a child I traveled with my parents from Rochester, New York to a small town in Nebraska just about every summer during the first 18 years of my life to visit my grandparents. The town, David City, is about 60 miles west of Omaha and the route took us past a rather famous community started by Father Flanagan, called Boys Town. I remember the first time we stopped there on the way to David City. I was 8 years old.. I come from a middle income family and, as such, was rather protected from many problems that less fortunate kids had to face. I was struck with the overwhelming odds some of these kids faced and how this organization was able to help them in so many ways. I put my dollar or two in the donation box that year and every year up to my eighteenth year, as my sister and I insisted we stop and do so. My parents were equally willing. I bought a pennant that first year; it showed a young boy carrying a smaller child on his back and standing in a snow storm. The caption on the pennant simply states " He ain't heavy, Father. He's m' brother." I know that is the statement, because I am looking at that faded pennant as I write this email.

When the Ranches got the opportunity to purchase land in Santa Fe County on which to create a consolidated campus, I was moved to tears, not just by the generosity of the King brothers, but because I saw in it the chance to develop something that had been a hope all my life, or at least from the time I was that 8 year old standing in Boys Town. I am now distressed by the possibility that opportunity may be in jeopardy.

I am at a loss as to why there is such concern. I know that during this process, the Ranches have been extremely diligent in complying with the "letter of the law" in moving forward on

this project. Additionally, to my knowledge, there have been no incidents with the communities in the proximity of either the Boys Ranch in Belen, the Girls Ranch in Lamy, or the other facilities operated in the past or currently under the Ranches umbrella. I also stand witness to the many kids who have left the Ranches and have gone on to productive and successful lives which I know they would have been denied except for the intervention of the Ranches.

While I will not be present at the meeting on the 10th, I will be happy to set up a time to discuss concerns other people may have regarding this venture. The program is badly needed and I , for one, will do everything in my power to convince those who are skeptics of how well this program serves not only the kids, but the communities in which they are located by taking children that could become a drain on society, and turning them into productive citizens.

Warren D. Baur

## Vicki Lucero

---

From: Jennifer Jaramillo  
Sent: Monday, August 09, 2010 8:53 AM  
To: Vicki Lucero  
Subject: FW: Boys and Ranches support

*Jennifer Jaramillo*

Constituent Services Liaison  
Santa Fe County Manager's Office  
Office: 505-986-6293  
[santafecounty.org](http://santafecounty.org)

**From:** travelin-light Holden [mailto:travelin-light@msn.com]  
**Sent:** Monday, August 09, 2010 8:36 AM  
**To:** Mike Anaya  
**Subject:** Boys and Ranches support

Commissioner Anaya,

I wish to share with you my reasons for supporting the Boys and Girls Ranches project in Cedar Grove.

We live on Living Water Road and we own a lot in Tierra Encantada.

**The advantages to having the Boys and Girls Ranch at the proposed location in Cedar Grove are:**

\*Adjacent homeowners would have one point of contact to deal with any issues.

If the land was developed with houses, each homeowner would have to deal with his adjacent homeowner regarding issues such as; light pollution, barking dogs, flies, animal waste, etc.

\*The Ranches development will be set back from existing adjacent lots.

This will significantly reduce any noise or light pollution impact.

In most cases, existing adjacent lots are thousands of feet from the proposed Ranches buildout.

If the land was developed with houses, each existing adjacent lot would have a home within a few hundred feet.

\*The Ranches development would have a lesser impact on the surrounding flora and fauna than a development of homes as it's footprint is about 100 acres and setback from property lines.

**My recommendations:**

That the Ranches specify that construction vehicles use Sandoval Road vice Living Water and internal Tierra Encantada roads which are maintained by the the Tierra Encantada Homeowners Association.

That the County be diligent in maintaining Sandoval Road.

That the Dark Night Sky code requirements be specified in any construction documents, and be exceeded where appropriate.

That the Ranches allow and help develop a trail along it's Eastern property line and it's leased State Land 320 acres for Bicycle, Pedestrian and Equestrian (BPE) public use.

This trail could ultimately be a part of the Santa Fe County Trails and Open Space system.



**From:** Michael Romero [mailto:mike.romero@wildblue.net]  
**Sent:** Monday, August 09, 2010 1:01 PM  
**To:** marcotte@consensusplanning.com  
**Subject:** Fwd: Letter in Support of the Ranches Vision in the East Mountains

----- Forwarded message -----

From: **Michael Romero** <mike.romero@wildblue.net>  
Date: Mon, Aug 9, 2010 at 11:13 AM  
Subject: Letter in Support of the Ranches Vision in the East Mountains  
To: [castmountainproperty@theranches.org](mailto:castmountainproperty@theranches.org)

Honorable Members of the Santa Fe Board of County Commissioners:

I am writing to express my strong and unwavering support of New Mexico Boys' and Girls' Ranches, Inc. and their plans to build a new coeducational campus in Santa Fe County. As a former resident of the Ranches, I have a long and continual relationship with the organization. I went to live at New Mexico Boys' Ranch at its present location in rural Socorro County in 1963 as a fourteen year-old boy. At a critical time in my life, the Ranches provided a home and the needed structure for me and my four siblings. Only God knows what would have become of us had the Ranches not been there to provide a safety net. I went on to earn an MBA from the University of New Mexico and founded a company that employed up to 50 professional employees in New Mexico and made the Inc. 500 list of America's fastest growing companies. After selling the company in 2006, I bought a ranch in Guadalupe County where I currently have a cow-calf operation.

Since 1946 The Ranches have been improving the lives of New Mexico's disadvantaged children. The world has changed dramatically from the time I was at Boys' Ranch in the 1960s. The rural life on the ranch was exactly what was needed then, but the needs of children and families are much different in the information age. The vision to build a coeducational campus in the East Mountains is a logical and necessary step to continue the mission to New Mexico's families now and into the future. This vision was shared by Bruce and Alice King whose support of the Ranches is well-known. Governor and Mrs. King generously made it possible for the Ranches to acquire the land in Santa Fe County for this specific purpose. While continuing to provide the benefits of a rural experience, the new campus will provide the opportunities available only in an urban area. This is critically important to function successfully in today's society and economy.

The Ranches have met all Santa Fe County requirements in a professional manner and will be a tremendous asset to the East Mountain community. I regret that I cannot attend the August 9, 2010 meeting, but I am available to speak with you personally.

Sincerely,

Michael A. Romero, Chairman  
New Mexico Boys' and Girls' Ranches, Inc.

Support of Boys and Girls Ranch

I support the Boys and Girls Ranch located on CR 22, west of State Road 344, north of Cedar Grove. I understand that "The Ranches" provides residential and educational programs for youth in middle and high schools that provides a safe, supportive environment where these children can acquire the skills and values to become competent, productive, happy, well-adjusted adults. This organization has been helping disadvantaged children and teens since 1944 and I fully support this project in southern Santa Fe County.

Print Name	Signature	Address	Phone
Kathy D Hill	<i>[Signature]</i>	POB 712 87015	286-6177
Susan Hill	<i>[Signature]</i>	"	"
DANIEL D SOWLE	<i>[Signature]</i>	P.O. B. 102 STANLEY 87056	832-4339
Dr. Sam Pullin	<i>[Signature]</i>	45 Jacobs Rd	919-9009
Diana Lewis	<i>[Signature]</i>	73 Kings Fork Rd	321-6151
MAY SEAGER	<i>[Signature]</i>	P.O. Box 567 EDGEWOOD, NM 87015	264-7477
GAM KING	<i>[Signature]</i>	1201 BOX 2850 MORRIS 87016	220-9608
GAVIN LONGMIR	<i>[Signature]</i>	P.O. BOX 10 Stanley NM 87056	832-0259
Ann Jones	<i>[Signature]</i>	P.O. Box 2379 NM 87015	281-9145
Kim Gyle	<i>[Signature]</i>	52 Snowflake Trail NM 87015	281-8852
Peggy King	<i>[Signature]</i>	18 Snowflake Trail 87015	217-3626
Sherr Livingston	<i>[Signature]</i>	58 Snowflake Trail 87015	281-0881
DANITA WUNDER	<i>[Signature]</i>	56 Snowflake Trail 87015	281-3613
MARY BETHORN	<i>[Signature]</i>	33 Shunder's Mesa Rd 87015	281-8479
KAREN CLEMENTS	<i>[Signature]</i>	10 Wilson Loop 87015	9489044
Robert CREW	<i>[Signature]</i>	P.O. Box 361	575-7407585
JOSEPHINE BASSETT	<i>[Signature]</i>	P.O. Box 100 Edgewood NM 87015	281-3155
ARTHUR CRAVENS	<i>[Signature]</i>	P.O. Box 487 Edgewood NM	281-5713
KAMELA ROGERS	<i>[Signature]</i>	53 Bella Vista Edgewood	286-0234
THOMAS TAYLOR	<i>[Signature]</i>	8 VIA CONEJO, EDGEWOOD, NM	281-8032
MARY K TAYLOR	<i>[Signature]</i>	8 VIA CONEJO, EDGEWOOD, NM	281-8032
Kita Cravens	<i>[Signature]</i>	P.O. Box 487 Edgewood NM	281-5113
Steve Rogers	<i>[Signature]</i>	53 Bella Vista Edgewood	286-0234
Valerie DeHart	<i>[Signature]</i>	150 State Rd. 344 Edgewood NM	281-9111
James Valentine	<i>[Signature]</i>	16 CALLIE CT EDGEWOOD NM	922-5911

Support of Boys and Girls Ranch

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Print Name	Signature	Address	Phone
Josephine I. White	Josephine I. White	P.O. Box 111 #59 Walker Rd. Edgewood	N.M. 505 281-2428
Amanda Deerman	Amanda D.	5 San Pedro Ln Edgewood	281-4186
Ronald R. Bernier	Ronald R. Bernier	170 Wiemer Rd North, Stanley	281-0108
Mel and Sue West	Sue West	77 Ministry Rd (property in Edgewood)	281-3612
Robert Stearley	Robert Stearley	PO Box 415 Edgewood, NM	281-3755
Benita Stevens	Benita Stevens	04 Olson Ave Edgewood Nm	307-4810
LARRY D. WHITE	Larry D. White	45 LAS COLINAS Rd. Edgewood	281-0400
Cori Bellant	Cori Bellant	PO Box 2829 Edgewood	340-1799
Suzellen A. Nolan Holton	Suzellen A. Nolan Holton	5A Quarral's End Edgewood	281-4983
Robin Fesslee	Robin Fesslee	1716 Morris Road Edgewood	281-5717
		PO Box 246 Tijeras NM 87059	948-16903



# Helping The Ranches

*Bobby Wallace*  
*Executive Vice President*



## Leave a Lasting Legacy – Giving to The Ranches Has Never Been Easier

What would you like your lasting legacy to be?

As a testament to your beliefs and value system, naming The Ranches in your will or as a beneficiary of your trust is easy, and can be carried out in the same manner you may have already used to include your children, grandchildren or other family members.

Take a look at just a few of the ways people have provided lasting legacies in the form of gifts to The Ranches (some details have been changed to protect privacy).

- In her will, Ella designated 10 percent of her estate to New Mexico Boys and Girls Ranches to support our continuing work with troubled children. She specified that the money be used to create a permanent memorial fund in her and her late husband's names.
- Paul gave a \$15,000 life insurance policy to The Ranches to create an education endowment in his family's name. He simply notified his insurance company to change the beneficiary of his policy to New Mexico Boys and Girls Ranches, Inc.
- Alice had no children or surviving family members. Because she considered the youngsters at The Ranches to be her "adopted" grandchildren, she named New

Mexico Boys and Girls Ranches as the sole beneficiary of her estate.

- Jim and Anna created a joint life charitable gift annuity with The Ranches by using appreciated stocks totaling \$20,000. This arrangement allowed them to enjoy a guaranteed lifetime income and benefit The Ranches at the same time.

Are you interested in giving to The Ranches but are unsure of the best way to do so? Call me at *(800) 660-0289* and I'll connect you with resources that can help.



*Thank you for supporting our mission  
of helping New Mexico's kids.*

August 10, 2010

To: Santa Fe County Commissioners  
Regarding: The Boys and Girls Ranches

Dear Commissioners,

I am very proud of Commissioner Anaya for speaking out in favor of the Ranches in Cedar Grove. I understand that must have been a very difficult thing for him to do, given the malevolent response. But it showed courage on his part and he is certainly on the right side of the issue. I can only hope you show the same in your decision!

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People came armed with lots of misinformation and left with their same closed minds. They shouted and talked over the representatives and were downright hostile. It made me heartsick the way Mike Kull and his team were treated. They met every question and attach with the utmost patience and thorough explanation but to no avail. These are people who have dedicated their lives to making a difference in kids' lives who had the misfortune to be born into hard circumstance, and have so many incredible success stories! They were being attacked by folks who were acting with selfishness and shortsightedness, whose only concern was themselves. It was hard to watch. And it was the same at all three meetings I attended.

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I don't understand the world we live in today. People who are shouting the loudest and acting downright mean-spirited and disrespectful seem to be the ones who get the most attention. This certainly shouldn't be the behavior we want to encourage, even when the law is on the other side.

We should be embracing the Ranches with open arms as a community. They want to do so many things that are in line with our lifestyle here - equestrian and 4-H, teaching about the environment, ecological, being responsible neighbors and citizens, etc. This will bring so much enrichment to us, and be such a wonderful opportunity for folks to get involved with the kids. And as Commissioner Anya stated, will be good business. Edgewood has suffered from the economy as so many other places and many businesses have pulled out in the last couple years. The Ranches will certainly be a boon to Edgewood in that respect.

The Ranches own the land and should be able to develop it as they see fit within the scope of the law. If the Commission allows itself to be swayed by the big spin of lies and the large number of people they have been able to stir up by those lies, then I feel simply stated, the Commission is not doing their job!

It's hard to stand up for the truth and the law in the face of a mob mentality but I'm sure this will not be the first time you are called on to do so and certainly not the last.

Sincerely,  
Aleta Niggeler

15 Lower Mountain Road  
Cedar Grove, NM 87015  
505-286-4849

Master Plan Zoning for the NM Boys and Girls Ranches  
SUE

to:  
eastmountainproperty  
07/23/2010 10:16 PM  
Show Details

To: The Boys and Girls Ranches  
From: Mel and Sue West  
Ref: Support for the Boys and Girls Ranches  
Date: July 23, 2010

My husband and I own 5 acres in Cedar Grove which is on SR 344. We have lived in Edgewood for the past 19 years and feel that having the Boys and Girls Ranches would enhance our area. I have attended several of the meetings that you have had and appreciate all the effort that has gone into having some of these meetings locally and not just in Santa Fe. The meeting gave everyone the opportunity to talk and ask questions. After listening to all of the concerns I (and my husband) without any reservations fully support the Boys and Girls Ranches program and design as stated. And just for your information, when I attended the first meeting I had no opinion one way or the other---after listening to the concerns that first night I thought they were just self serving concerns---after listening to the answers to the concerns I became convinced that this is a good program especially with the values they will teach and this can only benefit our community.

Thank you.

Mel and Sue West

SEC CLERK RECORDED 09/15/2010



Eduardo Martinez  
to:  
eastmountainproperty  
07/21/2010 04:15 PM  
Show Details

To the Santa Fe County Commission:

I would like to take this opportunity to voice my support for the zoning change request on behalf of the Ranches facility in near the Cedar Grove community. I am a resident of nearby Edgewood and also a registered voter in Santa Fe County. I willingly concede that I do not live directly adjacent to the property owned by the Ranches, but I respect the opinions of those who do. Nonetheless, I believe there are many misperceptions (and even some misinformation) about the impacts of the possible zoning change, about the development itself, as well as about the organization itself.

In recent months, I have heard just about every possible excuse or rationale describing why the development should not be approved. Concerns cited by a number of community residents included issues related to drainage, wastewater treatment, roads and traffic, size of the facility, light pollution, water rights, fire protection, benefits to the tax rolls (or lack thereof), aesthetics, and even the youth who are expected to reside at the facility. Additionally, there are concerns about what happens if the zoning change is approved and the organization decides not to complete the build-out. Often the statistics specified under the Ranches 20-year master plan are used to highlight the negative conversation. Some community members even asserted that the Ranches attempted to operate under a veil of secrecy to avoid opposition from the community.

In my mind, the majority of those assertions are either ill-conceived or ill-informed. The organization, and its team of planners and designers have responded to almost every concern expressed by members of the community. The Ranches and their planning team have even gone as far as to modify their building design and layout of the development in order to respond to the desires (or objections) of a small, yet vocal, group of citizens. Had any of them taken the time to really look at the organization and how it operates, they might begin to understand that their concerns are without basis.

The Ranches will be a good steward of the land and its resources. They will be a good neighbor to the community, and a strong contributor to all the positive things that already exist in this community. If most would take a moment to get to know and understand the Ranches mission, the operations, and their way of doing business, then I believe much of the opposition voiced by residents would be rescinded. The only real contention that residents have centers on the "not-in-my-backyard" syndrome. Regardless, I do not share the concerns or opinions of those who have mobilized against this development.

Some members of the community indicated that they would prefer to see multiple residential subdivisions rather than the Ranches facility. I believe this would be a grave mistake - the Ranches staff and residents would do a far better job of maintaining the aesthetic look of the community. A look at some of the other developments nearby can provide evidence of how easy it is for one homeowner to ruin the look and feel of a residential community in the East Mountains.

**I stand wholeheartedly in support of this effort, this school, this community-oriented facility. I respectfully petition the Commission to support the Ranches effort and grant the zoning change request. I believe it's a good and right thing to do. I only hope that my neighbors in the community will find a way to see that as well.**

Sincerely,

***Eduardo X. Martinez (resident of Edgewood, NM)***  
Director of Infrastructure and Organizational Development  
New Mexico Forum for Youth in Community  
[www.nmforum.org](http://www.nmforum.org)  
[emartinez@nmforumforyouth.org](mailto:emartinez@nmforumforyouth.org)

SFC CLERK RECORDED 09/15/2010

Letter in Support of the Ranches Vision in the East Mountains

Michael Romero

to:

eastmountainproperty

08/09/2010 11:18 AM

Show Details

History: This message has been forwarded.

Honorable Members of the Santa Fe Board of County Commissioners:

I am writing to express my strong and unwavering support of New Mexico Boys' and Girls' Ranches, Inc. and their plans to build a new coeducational campus in Santa Fe County. As a former resident of the Ranches, I have a long and continual relationship with the organization. I went to live at New Mexico Boys' Ranch at its present location in rural Socorro County in 1963 as a fourteen year-old boy. At a critical time in my life, the Ranches provided a home and the needed structure for me and my four siblings. Only God knows what would have become of us had the Ranches not been there to provide a safety net. I went on to earn an MBA from the University of New Mexico and founded a company that employed up to 50 professional employees in New Mexico and made the Inc. 500 list of America's fastest growing companies. After selling the company in 2006, I bought a ranch in Guadalupe County where I currently have a cow-calf operation.

Since 1946 The Ranches have been improving the lives of New Mexico's disadvantaged children. The world has changed dramatically from the time I was at Boys' Ranch in the 1960s. The rural life on the ranch was exactly what was needed then, but the needs of children and families are much different in the information age. The vision to build a coeducational campus in the East Mountains is a logical and necessary step to continue the mission to New Mexico's families now and into the future. This vision was shared by Bruce and Alice King whose support of the Ranches is well-known. Governor and Mrs. King generously made it possible for the Ranches to acquire the land in Santa Fe County for this specific purpose. While continuing to provide the benefits of a rural experience, the new campus will provide the opportunities available only in an urban area. This is critically important to function successfully in today's society and economy.

The Ranches have met all Santa Fe County requirements in a professional manner and will be a tremendous asset to the East Mountain community. I regret that I cannot attend the August 9, 2010 meeting, but I am available to speak with you personally.

Sincerely,

Michael A. Romero, Chairman  
New Mexico Boys' and Girls' Ranches, Inc.

SFC CLERK RECORDED 09/15/2010



**FW: Proposed New Mexico Boys and Girls Ranches in Santa Fe County,  
New Mexico**

**Karen Marcotte** to: 'Vicki Lucero'

08/09/2010 03:31 PM

Cc: "'Genieve Yorman'", eastmountainproperty

---

Another letter of support

From: "Warren D. Baur" <wdbaur@comcast.net>  
To: mike@theranches.org  
Date: 08/09/2010 02:43 PM  
Subject: Proposed New Mexico Boys and Girls Ranches in Santa Fe  
County,  
New Mexico

Mike

Unfortunately, I will be unable to attend the meeting of the Santa Fe County Commission on Tuesday, August 10, 2010 at 5:00 PM due to a previous commitment. However, I did want you and anyone else interested to know how very strongly I support this venture.

I have been involved on the board of the New Mexico Boys and Girls Ranches (Ranches), in various positions, for the last 14 years. I am currently serving as the Vice Chairman of the New Mexico Boys and Girls Ranches Board and Chairman of the New Mexico Boys and Girls Ranches Foundation Board. It has been a pleasure and an honor to serve on an organization whose whole purpose is to see that kids in difficult positions, most often due to circumstances they cannot control, are provided an opportunity to improve themselves rather than to continue in circumstances which provide them little or no chance in life. The results I have seen over my tenure have been remarkable to say the least.

As a child I traveled with my parents from Rochester, New York to a small town in Nebraska just about every summer during the first 18 years of my life to visit my grandparents. The town, David City, is about 60 miles west of Omaha and the route took us past a rather famous community started by Father Flanagan, called Boys Town. I remember the first time we stopped there on the way to David City. I was 8 years old. I come from a middle

SFC CLERK RECORDED 09/15/2010

income family and, as such, was rather protected from many problems that less fortunate kids had to face. I was struck with the overwhelming odds some of these kids faced and how this organization was able to help them in so many ways. I put my dollar or two in the donation box that year and every year up to my eighteenth year, as my sister and I insisted we stop and do so. My parents were equally willing. I bought a pennant that first year; it showed a young boy carrying a smaller child on his back and standing in a snow storm. The caption on the pennant simply states " He ain't heavy, Father. He's m' brother." I know that is the statement, because I am looking at that faded pennant as I write this email.

When the Ranches got the opportunity to purchase land in Santa Fe County on which to create a consolidated campus, I was moved to tears, not just by the generosity of the King brothers, but because I saw in it the chance to develop something that had been a hope all my life, or at least from the time I was that 8 year old standing in Boys Town. I am now distressed by the possibility that opportunity may be in jeopardy. I am at a loss as to why there is such concern. I know that during this process, the Ranches have been extremely diligent in complying with the "letter of the law" in moving forward on this project. Additionally, to my knowledge, there have been no incidents with the communities in the proximity of either the Boys Ranch in Belen, the Girls Ranch in Lamy, or the other facilities operated in the past or currently under the Ranches umbrella. I also stand witness to the many kids who have left the Ranches and have gone on to productive and successful lives which I know they would have been denied except for the intervention of the Ranches.

While I will not be present at the meeting on the 10th, I will be happy to set up a time to discuss concerns other people may have regarding this venture. The program is badly needed and I , for one, will do everything in my power to convince those who are skeptics of how well this program serves not only the kids, but the communities in which they are located by taking children that could become a drain on society, and turning them into productive citizens.

Warren D. Baur

August 6, 2010

To: Commissioners  
Santa Fe County Commission  
Santa Fe, New Mexico

Fr: Diane and Gene Watson  
Centennial, Wyoming

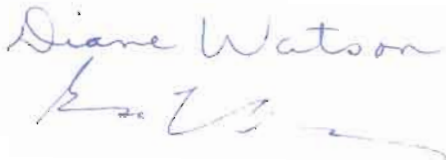
As former New Mexico residents and long-time supporters of The Ranches, we would like to urge you to support the new campus and the zoning change approval. After more than 60 years of caring for vulnerable and hurting children on campuses in Santa Fe and Belen, the organization has more than proved itself

- 1) effective in turning around the lives of at-risk young people,
- 2) careful in its stewardship of the land and
- 3) responsive to the needs and concerns of a large group of loyal donors.

We very much hope you'll give The Ranches the approval they need to care on with the increasingly critical work that they do.

Most sincerely,

Diane and Gene Watson



The image shows two handwritten signatures in blue ink. The first signature is 'Diane Watson' written in a cursive style. The second signature is 'Gene Watson', also in cursive, positioned below the first one.





**Support**

**Richard Franits** to: EastMountainProperty

08/09/2010 01:39 PM

Please respond to albdxf

---

Mr. Gary White I am writing this in adamant support of the proposed relocation of the Ranches to the East Mountains. My understanding is that only a small portion of the total acreage will be used ,with little impact to the surrounding area .The larger impact will be to provide important services to the youth of this state, in a healthy mountain setting. The Ranches supports youth that otherwise would have a less than optimal environment to grow up in ,is an asset in NM. In my work at the Juvenile Justice Center, we depend on programs such as yours to assist youth in their development to be positive and productive adults .The alternatives are drug infested neighborhoods and gang related lifestyles, and ultimately criminal activity/incarceration. I sincerely hope and advocate that the County Commission has the foresight to approve the Application . Richard D Franits M.A.

SFC CLERK RECORDED 09/15/2010



**Fw: Boys/Girls Ranch**

Linda Couch to: East Mountain

08/09/2010 02:52 PM

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I forwarded your email to the Kiwanis Club. I don't know if they wrote anything to the East Mountain Property address so I am forwarding their email.

Linda Couch  
NM Boys and Girls Ranch  
Operations Administrator  
505.864.7381 - office  
505.818.8930 - cell

----- Forwarded by Linda Couch/nmbgr/us on 08/09/2010 02:24 PM -----

From: bertabqusa <bertabqusa@aol.com>  
To: lindac@theranches.org  
Date: 08/08/2010 11:02 AM  
Subject: Boys/Girls Ranch

---

Our Kiwanis Club of Albuquerque has been associated with the Boy's/Girl's Ranch since 1944. We have funded and participated in projects to help the boys and girls at the Ranch. During this time we have enjoyed great cooperation and interest from the Ranch executives. They exhibit a great interest for the present and future life of their clients. We are presently in the planning stage of another project to benefit them. Our thanks to the Ranch for the opportunities to serve.

SFC CLERK RECORDED 09/15/2010

East mountain zoning variance

Sari Pie

to:

eastmountainproperty

08/09/2010 07:02 PM

Cc:

Mom

Show Details

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

Hello,

Over the past few months I have had the opportunity to learn of the unfortunate hassle The Ranches have endured while attempting to build a new school on their east mountain property. It saddens me to hear that some would overlook all the good The Ranches will do, and have already done, for any community they chose to operate in, and instead focus on the temporary inconvenience of building the property. The difference The Ranches and its employees have made in children's and their families lives is beyond contestation and has greatly improved each ones education, life opportunities, and strengthened the bonds within the families. I truly hope that once all is said and done everyone will understand the numerous ways the community will benefit from the care and devotion of each person at The Ranches. I will keep this issue in my prayers and trust that the right decision will be made.

Sincerely,

Sara Sollars



SFC CLERK RECORDED 09/15/2010

East Mountain Zoning Variance  
James Sollars  
to:  
eastmountainproperty  
08/09/2010 04:13 PM  
[Show Details](#)

Hello,

It has been brought to my attention that The Ranches have come across opposition attempting to obtain their zoning variance for proposed new property in the east mountains. I'm distressed to learn that some people in the community are more concerned with a little dust and noise for the building's construction, rather than the futures given to countless children and families in this area who will reap the benefits from the work and care The Ranches provide. I would not raise opposition to a new neighbor building their home on their own property because of a little dust. Likewise, The Ranches should not be denied the zoning variance needed to build the facility for the futures of the children and families who need it. After all is heard, and everyone has spoken their peace, it is my hope and prayer that everyone comes to agreement that the intentions of The Ranches are solely to help people in need, and not to upset anybody. I pray good judgement is observed, and The Ranches are granted the variance they seek. I look forward to the continuance of the great work The Ranches are renown for, and wish them the best in their newest endeavor in the east mountains.

Sincerely,

James L. Sollars  
[officersollars@gmail.com](mailto:officersollars@gmail.com)  
Cell: (505) 610 - 0712

"Wisdom is the reward you get for a lifetime of listening when you'd have preferred to talk."  
Doug Larson

SFC CLERK RECORDED 09/15/2010



## Support for the Ranches

acarri7688 to: EastMountainProperty

07/16/2010 01:37 PM

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I write in support of the Ranches. They were a great help when we were in need of help with our youngest daughter. She is now 23, working, and has a one year old son.

If I can help in any way, please do not hesitate to let me know.

Andy Carrillo  
Santa Fe, NM

SFC CLERK RECORDED 09/15/2010



I SUPPORT

happyjga to: EastMountainProperty

07/15/2010 11:35 PM

Dear Sirs,

I am Janet Austin, and I definitely support all and anything for the Boys and Girl's ranches of New Mexico. They are such an important part of helping these troubled teens to grow into whole and happy individuals. Please know that I am for any further expanding and all the success for the Ranches. I taught piano at the Girl's ranch in Lamy when the facility was there. It was a very rewarding time to me. I got to see how the facility worked and was so vital to the maturity and inner healing of those girls. I got to witness first-hand, the maturity and change in lives for these precious little individuals...

May this needed work continue, and continue to expand, and be blessed as there is such a need for our youth of today.

Sincerely,  
Janet Austin  
Stanley, New Mexico

--

"You never know when one act, or one word of encouragement can change a life forever." --Zig Ziglar

In support of zoning variance  
Jenipher Sollars  
to:  
eastmountainproperty  
08/07/2010 12:30 PM  
Show Details

Hello,

It has come to my attention that The Ranches are facing some opposition while trying to obtain a zoning variance for the proposed new property in the east mountains. I'm very disappointed that some people in our community are more concerned with a little dust in the air that with the well being of dozens of children and families in this area that potentially stand to benefit from the work you are doing. I just don't understand why there are so many people trying to stop you from building on what is already your own property. Everyone's opinion should be heard and I hope, after all is said and done, everyone will agree that The Ranches intend only to help people, not to upset anyone. And I hope and pray this variance is granted and I look forward to seeing what great work you will accomplish on your newest endeavor.

Sincerely,  
Jenipher A. Sollars  
[Jenipher.Sollars@gmail.com](mailto:Jenipher.Sollars@gmail.com)  
Cell: (505) 205-7805

"Wisdom is the reward you get for a lifetime of listening when you'd have preferred to talk."  
Doug Larson

SFC CLERK RECORDED 09/15/2010

Support the Ranches.  
Don & Wilma White  
to:  
EastMountainProperty  
08/08/2010 03:12 PM  
Cc:  
IHearU  
Show Details

The Ranches of New Mexico are doing a magnificent job with the youth of the state. They have a wonderful environment near Belen. They need the opportunity to open a new facility in Santa Fe county to be able to help many more young people.  
I want to support them in this effort, because they are helping to develop a larger group of today's youth who will become leaders of tomorrow.  
Donald White  
Rio Rancho, NM

SFC CLERK RECORDED 09/15/2010



Support for the New Mexico Boys & Girls Master Plan Zoning Request  
GWhite  
to:  
EastMountainProperty  
08/08/2010 04:10 PM  
Show Details

Commission Chairman Montoya  
Commissioner Vigil  
Commissioner Anaya  
Commissioner Holian  
Commissioner Stefanics

My plea is to the Santa Fe County Commission for immediate approval of the Master Plan Zoning Change Request submitted on behalf of The New Mexico Boys & Girls Ranches, Inc.

In early 2002, I became aware of the valuable role The New Mexico Boys and Girls Ranches plays in the lives of so many New Mexico children. As a counselor for young people and their families, I referred many young people to inquire about The Ranches as a possible place for helping their family. In 2008, I accepted a position with The New Mexico Boys & Girls Ranches, and I remain committed to the work we all share on behalf of so many young people. The Ranches has the chance to greatly expand the services they provide to the families of New Mexico and continue the fine heritage of care well into the future, with your approval of their request.

I have attended many of the Santa Fe County Commission meetings regarding the proposed zoning change, as well as many of the community meetings hosted by The Ranches. I watched and listened as representatives of The Ranches respectfully and thoroughly answered every single question put forth by a very small group of community members. These community members did not seem satisfied with any response and seemed to disregard the factual responses offered, electing to instead stay married to the fight. It appeared that no amount of extraordinary effort on the part of The Ranches will matter as this seems to be about wanting nothing in their neighborhood and regardless of the

SFC CLERK RECORDED 09/15/2010

proposal, these few area residents are committed to NO CHANGE.

My plea is that the members of The Santa Fe County Board of Commissioners examine the facts of the case and act as they were dutifully charged.

Respectfully,

Gary L. White, MA, LPCC

SFC CLERK RECORDED 09/15/2010



## Approval for the BGR Project

Larry Couch to: EastMountainProperty@theranches.org

08/09/2010 08:52 PM

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To Whom it may concern,

I have watched the Ranches develop over the last ten years and I'm impressed by the commitment they have to the young people of New Mexico. There is a desire to strive for excellence in all they do from the staff they hire to the program they offer the residents. The Ranch is not a place for delinquents but for young people who just need someone to believe in them, to give them hope that life can be better than what it has been for them so far. The Ranches is attempting to impact the lives and future of the youth of this state. Hoping, for at least some, to stop the pain of broken families and lives in this generation. The Ranches would be a positive addition to any community, as they have for over sixty six years in the Belen and Santa Fe areas.

Thank you for your time and attention.

Larry Couch

Sent from my iPad

SFC CLERK RECORDED 09/15/2010

To the east mountain community  
LindaC  
to:  
eastmountainproperty  
08/06/2010 05:48 PM  
Show Details

I have been associated with the Ranches for the past 10 years. I am pleased to support what they do for teens. The teens who live at the New Mexico Boys and Girls Ranch are often disappointed by the adults in their lives. Many of them have lost the needed support of a parent through divorce, separation, abandonment, addiction, abuse, sickness, or death. This loss has left a big hole in their life. Like most teens they are just looking for a little encouragement, direction and help for their future. Most of them have given up on their dreams. All of them are talented, gifted and wise beyond their years. The Ranches gives these kids a place to grow up, learn about themselves, make mistakes, try again, learn to succeed and feel good about themselves. I have seen kids go to the Ranches feeling as if they are nobody and nobody cares. I have watched those same kids leave the Ranches with self confidence and direction for their future. The dreams they had as children have often been restored and new dreams and goals set.

Sincerely,  
Linda Couch

SFC CLERK RECORDED 09/15/2010

August 10, 2010

Santa Fe County Commission  
102 Grant Ave.  
Santa Fe, NM 87501

RE: New Mexico Boys & Girls Ranch  
East Mountain Campus

To Whom It May Concern:

Our family has received word that you are considering the approval for the East Mountain Campus for The New Mexico Boys & Girls Ranches and we wanted to express our sincere support of the project. The New Mexico Boys & Girls Ranches has done numerous good things for families that we know in the New Mexico area and as a family with children who would consider help from The Ranches if it was needed, hearing about the possibility of the new Campus being rejected is disheartening to us. We believe that if the community could just give The Ranches a chance, they would see that it is such a good cause and a huge benefit to the community in itself. The children should come first and it's a shame when people judge causes like this before they know the full spectrum of what they're about.

We have seen good things come out of The Ranch on more than one occasion. Boys and girls actually graduate and get jobs instead of living on the streets and doing drugs. Runaways are a huge concern in this state and The Ranches, and instead of our lost children, here is a place that gives the children the attention they desire that they cannot get from anyone else and actually succeed in life. They get a chance to actually live without fighting and have hope.

Please give this project the chance it deserves. If the children don't have us, who do they have?

Thank you for your time.

Sincerely,  
Ben & Letitia Smith  
5521 Sabrosa Dr. NE  
Albuquerque, NM 87111

SFC CLERK RECORDED 09/15/2010

East Moutain Property  
Pam Montoya  
to:  
eastmountainproperty  
08/10/2010 09:16 AM  
Show Details

I am sending this email in support of New Mexico Boys & Girls Ranch constructing a new facility in the East Mountains. This program is a much needed and will be of great benefit not only to East Moutain residents, but our state as a whole. At a time when children from New Mexico Boys Ranch attended the Belen Schools, I had the opportunity of attending middle and high school with them. I have made life-long friends with some of the children that were my classmates and are now adults. A couple of examples are one joined the Army and made is a career, another is a successful business man with a family of his own and is also involved in ballooning and comes to Albuquerque when he is able to participate in the balloon fiesta, he lives out of state and another that began his own business. Later when I had children, they too had friends that resided at New Mexico Boys Ranch and are still in contact with some of the friends they made. In making your decision, please remember this is a valuable, much needed program.

Thank you,  
Pam Montoya

SFC CLERK RECORDED 09/15/2010

Thoughts on the new ranch  
Kyle Bridgman  
to:  
Eastmountainproperty  
08/10/2010 12:07 AM  
Show Details

My name is Kyle Bridgman, and I have been working for The Ranches for almost two years now. I've been mulling over in my mind how to state my feelings about the ranch, and my first response is somewhat selfish. I can say unequivocally that what I have learned while working for this organization has been more beneficial to me than all of the training and life experience I have gained in my previous 20 plus years of life. I have been challenged to deal with my greatest fears and longings to live a life that has some meaning and purpose, both of which I have found in my brief tenure here. Because of the dedication of those who oversee the day to day proceedings of the ranch as well as those who have a dream and vision for something far more, I have become a better person, father, husband, and childcare worker. I have worked for nationally renown organization that are not even close in comparison to their dedication to both employees and staff as that of The Ranches. While we are currently just a small organization just south of Belen, I have been honored to be a part and get a brief glimpse of an organization that can and will revolutionize the way that group home care is conducted throughout the United States. We are not some insignificant warehouse for the unwanted, unloved, and neglected, we are an oasis of hope for every young man and woman who enters our gates, longing for a life of meaning. I am not one to pen words that are grandiose and meaningless, I truly believe that we here at The Ranches are in the business of helping each young man and women discover the necessity of their existence. I clearly remember the day about a year and a half ago when I was given a glimpse of the Edgewood property and the vision that came with it. It was not simply a blueprint of cottages, a school, and sports fields, it was a dream to provide direction, guidance, accountability, and the chance at a better future for young men and women all over New Mexico and this country. I am but one man whose life has been drastically changed by this organization, so my words may not mean much, but sprinkled all across this nation are the precious lives of many many others who are taking this world by storm thanks to the dedication and commitment of this 65 year-old organization. Let their stories do the talking...

Kyle Bridgman  
Associate Administrator of Programs  
New Mexico Boys & Girls Ranches, Inc.

"Now, with God's help,  
I shall become myself."

SFC CLERK RECORDED 09/15/2010



The Ranches  
Kristy Bridgman  
to:  
Eastmountainproperty  
08/09/2010 09:46 PM  
Show Details

**The New Mexico Boys and Girls Ranch is very beneficial for teenagers for several reasons. To name a few; it provides them with the opportunity to excel in school at a rate that suites them best. Meaning they are able to speed up the process and graduate early and/or catch up and graduate on time if they had fallen behind. The Ranches also provides teenagers with the opportunities to achieve in areas they may not have even tried. For example, it allows them to sign up for college classes, receive their driver's license, obtain a job, and learn how to manage money through the Vo-Tech program here on the Ranch. The Ranches is a great place for teenagers and ultimately helps prepare them for life after high school, which is something I feel that the public school cannot adequately provide in four years.**

Sincerely,

**Kristy Bridgman**

SFC CLERK RECORDED 09/15/2010

**From a staff member**

ARA BSI to: Eastmountainproperty

08/09/2010 08:07 PM

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To whom it may concern,

I am proud to say that I have been working for the Ranches for the last three and half years. I was a resident advisor for two and half years at Girls Ranch and I am currently working as an associate resident advisor in which I love my job!

In the simplest form, this is how I explain what I do here. Let's say there is a tree that has some fruit on it, but it looks as though it could use some extra care to bare some more fruit than it already possesses. The tree needs to be in a place where it can get stronger and bare the fruit that it has within it. Our hope is that we will have poured into the tree and it will receive it and take it home. So, we take the tree out of its environment bring to some land that we can give it that extra care. It may take a little for the tree to adjust to the new environment but once it does it can be given what it needs to pull that fruit out. The residents we care for are like that tree. The residents possess the fruit. All we do as the team of staff is stand with the residents to help them find those tools, that fruit which they have within them.

The Edgewood property would allow us to stand with more residents in an atmosphere were they could seek out that fruit.

Thank you,

Christa Young

Associate Resident Advisor

New Mexico Boys & Girls Ranch

Ron & Christa Young

New Mexico Boys & Girls Ranch

ARA BSI

STC CLERK RECORDED 09/15/2010



Ann Mitchell to: Eastmountainproperty

08/10/2010 11:22 AM

To whom it my concern:

I am supporting The Ranches and there proposal for the East Mountain Property. I think that building this facility will benefit everyone including residents in the area. The Ranches is one of the best places in New Mexico for struggling children and I think that and I think their plan is a great idea. I do not feel it will hurt anyone in the area.

Thank you,

Ann Mitchell

SFC CLERK RECORDED 89-15-2818

The Ranches  
Denise Bingham  
to:  
EastMountainProperty  
08/01/2010 10:51 PM  
Show Details

"Many of the treatment programs and other interventions aimed at them (residential youth) get it backwards: they take a punitive approach and hope to lure children into good behavior by restoring love and safety only if the children first start acting "better". While such approaches may temporarily threaten children into doing what adults want, they can't provide the long-term, internal motivation that will ultimately help them control themselves better and become more loving towards others\*" The Ranches knows this! They know what doesn't work. And they know *what does work*. Their many years of experience and their willingness to truly be open to what is best have led to a program that is leading the country in expert residential care for youth. The residents in their care are given the opportunity to heal and find their own inner strength allowing many of them to become strong capable young adults. (\*The Boy who was raised as a Dog by Perry)

SFO CLERK RECORDED 09/15/2010

Boys and Girls Ranch  
Al Rodriguez  
to:  
eastmountainproperty  
08/06/2010 02:05 PM  
Show Details

I understand that the New Mexico Boys and Girls Ranch wants to build a new campus in the Eastern Mountains in the Edgewood area. I feel that it's a great idea. The Ranches have been around since the 1940's and have helped thousands of teenage children become strong members in society. Though there maybe concerns from residents who live in the area, I can assure you that no problems would exist during the time they are there. They run other ranches throughout the state and I have never heard of a time that the residents living there caused a problem in their nearby neighborhoods. The work that they do with the teenagers is exceptional and though not always a 100% success, they have great results with the majority of them. The children are always supervised on and off campus.

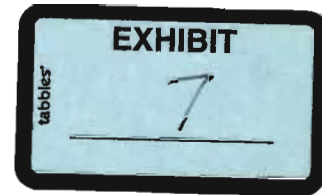
Please consider them into fulfilling their dream of having a new ranch built in your area. You will see what a proud company they are and the goals that they and the residents accomplish.

Thank you for giving me the time to hear my thoughts.

Sincerely,

Alfred Rodriguez

SFC CLERK RECORDED 09/15/2010



Commissioners,  
I have been asked to read an open statement to the Board of County Commissioners from the Cedar Grove Community.

This statement is specifically directed to Commissioner Anaya.

Commissioner Anaya, it is our understanding that you cannot go on record as supporting or opposing any application in advance of a vote by the full BCC. You have clearly done this in both BCC public hearings and print. You have clearly violated the "fairness doctrine" which governs these proceedings which Attorney Steve Ross was so clear in stating to us in writing. The Commission in a quasi-judicial case such as this one must act as a judge and conduct a fair and impartial hearing and remain neutral.

You have demonstrated by multiple public statements that you are incapable of rendering any impartial or fair decision regarding this application. You are not neutral.

**On April 13<sup>th</sup>**, at the BCC public hearings, among the many statements you made with regard to the NM Boys & Girls Ranch, you said and I quote, **"I always wanted to visit the Ranches and I want to help in all endeavors you go to. I would like to see this (application) go thru...."**

**On July 13<sup>th</sup>**. at the BCC public hearings, you stated and I quote "I too tend to agree with Commissioners that have spoken before me that we need to work together. **I am fully in support of the Ranches being there.**

You go on to state and I quote **"I feel strongly in support of this project and I don't want to hear the same things in a month".**

**On July 21<sup>st</sup>**, The Independent Newspaper published a front page story titled '**Anaya backs Cedar Grove school plan**'.

The lead paragraph stated and I quote '**The Commissioner who represents Southern Santa Fe County said in an interview last week that, in spite of the heated objections of some residents, he (Anaya) supports the efforts of the Ranches to build a school for up to 100 disadvantaged boys and girls on 1,000 acres in Cedar Grove.**'

The Independent goes on to quote you as stating that '**It's good business and makes sense. I do not want to lose this to another county.....**

Because you have taken a public position in advance of the vote, you should '**DO THE RIGHT THING**'

Commissioner Anaya, the Cedar Grove Community is demanding that you immediately recuse yourself from participating in and voting on the NM Boys & Girls ranch application, before the board and without delay.





Buckman Direct Diversion Project

*A joint regional project of the City of Santa Fe and Santa Fe County to build a reliable and sustainable water supply.*

## MEMORANDUM

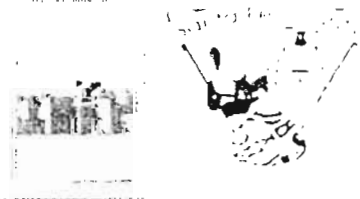
Date: August 3, 2010  
To: Buckman Direct Diversion Board  
From: Rick Carpenter, BDD Project Manager  
Subject: Update on the Proposed Caja Del Rio PNM Substation

### BACKGROUND

As the BDD Board is aware, PNM's land use approval application with the County of Santa Fe for constructing the PNM Caja Del Rio Substation at the EIS approved location adjacent to Caja Del Rio Road was denied in June 2010 by the County Development Review Commission. Recently, residents near the substation location have raised concerns. That application is now on appeal to the County Board of Commissioners. The application is now scheduled to be heard at the County Board of Commissioners meeting in early August 2010. This is a PNM application for land use approval from the County of Santa Fe for the Caja Del Rio Substation, a facility for which the BDD Board has funded 10% of total costs (the remaining costs to be recovered via current and future PNM customers).

The BDD Project (including the required PNM substation) was approved by the federal government pursuant to the environmental impact statement (EIS) Record of Decision (RoD), a process that began in 2002 and which culminated with the RoD in October of 2007. Substation alternative locations were sited and evaluated in the BDD EIS, like other utility components in the area, because of the ability to locate proposed facility components in the existing utility corridor. The substation site adjacent to Caja Del Rio Road was selected in the federal EIS RoD. An alternative site, near the location of the BDD water treatment plant, was studied in the federal EIS but rejected in the federal

SFC CLERK RECORDED 09/15/2010





## Buckman Direct Diversion Project

A joint regional project of the City of Santa Fe and Santa Fe County to build a reliable and sustainable water supply.

decision, because it would require development of currently undeveloped BLM land and a new permanent utility corridor across BLM land, including several new above ground transmission line poles. The BDD FEIS Record of Decision states that:

*The selected alternative for the water treatment plant power upgrade is (AGPIA), which allows for placement of the new substation near Caja del Rio Road on the City's Municipal Recreation Complex (MRC) land. A line from the substation would connect to an existing buried line that runs along Caja del Rio Road. Where the access road to the water treatment plant intersects Caja del Rio Road, a line buried in the access road would extend to the water treatment plant. This alternative avoids creating a new utility corridor.*

Moving the permanent substation site from the Caja Del Rio location to near the BDD Water Treatment Plant would have several implications:

- BLM officials have stated publicly that moving the site would require a completely new application and NEPA review. BLM would then make a discretionary decision regarding whether or not there is justification to consider a change to the Record of Decision. The time for this initial decision, the NEPA review, a possible outcome from the NEPA review to change the prior federal decision, and the appeal period is unknown but likely would not be less than 18 months, but BLM might decide that nothing material has changed that would alter the federal decision, and refuse any further consideration.
- PNM has estimated that moving the substation site would create a “stranded asset” in that all of the buried power distribution cables have been installed to serve the BDD Water Treatment Plant from two Caja Del Rio Substation feeder circuits. The BDD Project paid PNM for 100% of these costs.
- PNM has estimated that moving the substation location would result in increased costs of more than one million dollars. PNM would share in these increased costs but the cost share that would be the responsibility to the BDD Board is unknown at this time and could be up to several hundred thousand dollars. It is important to note that these potential increased costs are not currently in the BDD capital budget, and the contingency funds in the budget have been expended, so funding for these added costs would necessarily have to come from some other funding source within the City and County, respectively.
  - This funding issue would be exacerbated by the BDD Board's approval of the BS3 – BS4 Parallel Pipeline change order, for final design and construction, which is also on the August 2010 agenda for consideration (a change order for the preliminary design for

Buckman Direct Diversion Project

A joint regional project of the City of Santa Fe and Santa Fe County to build a reliable and sustainable water supply.

this pipeline was approved by the BDD Board in June 2010). Funding for this project is likewise not within the BDD Project capital budget and will need to come from some other source of City and County funds.

- In negotiating the BS3 – BS4 Parallel Pipeline project, Santa Fe County staff agreed to partner on another related project called the S-1 Pipeline. This pipeline is needed to help move BDD Project water through the transmission and distribution system to City and County customers. Funding for this project is likewise not within the BDD Project capital budget and will need to come from some other source of City and County funds
- Delays in the implementation of the Caja Del Rio Substation could put the reliability of BDD Project at risk because the purpose of the Caja Del Rio Substation is to provide a redundant power supply should the existing Buckman Substation, that is currently serving the project, go out-of-service for any reason. The Buckman Substation also serves the existing Buckman well field and so, presumably, if this substation were to go out-of-service, then not only would the region not have access to BDD Project water, but the region would also not have access to Buckman well field water.
- The future solar power facility does NOT provide any redundancy. It can operate only when normal PNM power is available, pursuant to NMPRC rules.
- A temporary option has been identified and deemed practical but has not been agreed to by PNM. The old Buckman substation or the PNM mobile substation could be temporarily installed under a PNM transmission line near the BDD water treatment plant with a 0.3 mile temporary overhead distribution line. BLM has indicated it could provide a three-year temporary right-of-way for this purpose. This interim option would thereby provide (on a temporary basis) the redundant power source that was to be provided by the new Caja Del Rio substation, until the permitting issues can be worked out through the County land use approval process. Opting for implementation of a temporary substation near the existing water treatment plant would temporarily solve the power redundancy issue. PNM's agreement would be required and is uncertain. Preliminary discussions with PNM have indicated their concerns regarding cost, schedule, permitting, and cost-share allocation between PNM and the BDD Board. The BDD team has already completed the required archeological and wildlife review by Santa Fe County

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## Buckman Direct Diversion Project

*A joint regional project of the City of Santa Fe and Santa Fe County to build a reliable and sustainable water supply.*

also would need to grant a variance for a temporary above-ground power line from the substation to the water treatment plant site, a total distance of 0.3 miles, on the grounds that this line would be temporary and is in an area where there are many existing above ground lines. The cost is uncertain but would probably be less than \$250,000.

See attached memo regarding temporary power.

It is anticipated at this time that the contents of this memo, in addition to being discussed at the August 05, 2010 BDD Board meeting, will also be presented by the BDD Project Manager at the County BCC meeting on August 10, 2010.

Attachments

SFC CLERK RECORDED 09/15/2010



**Norman Gaume, P.E.**

P. O. Box 3007 • Albuquerque, New Mexico 87190 • 505 690-7768 • gaume@newmexico.com

## MEMORANDUM

August 3, 2010

TO: Rick Carpenter

FROM: Norman Gaume

SUBJECT: Caja del Rio Substation Necessity and BLM Process to Consider a Different Location

## PROFESSIONAL OPINION REGARDING FUNCTIONAL REQUIREMENT FOR THE CAJA DEL RIO SUBSTATION

It is my professional opinion that Caja del Rio Substation is functionally necessary to provide power to the BDD Project and that its construction must be expeditiously completed.

The Buckman Regional Water Treatment Plant (BRWTP) was designed with a high reliability external electric power supply and internal distribution system. The design allows the water treatment plant to continue to operate following a major electrical equipment failure, including a failure of a PNM substation. This power supply system reliability is necessary for this essential public water supply infrastructure, especially because we eliminated very large and expensive emergency generators to save money.

Two substations provide direct power to the BRWTP. The new Caja del Rio Substation includes a dedicated feeder circuit, shared by no other PNM customer, as the primary power supply. The Buckman Substation was upgraded to provide back-up electrical power and currently is the only source of electrical power.

Similarly, the diversion, sand separation facility, and the three raw water pump stations receive power from the Buckman Substation. In the event the Buckman Substation fails, PNM indicates the BDD raw water pumping facilities can receive power from the Caja del Rio Substation.

## LOCATION OF CAJA DEL RIO SUBSTATION

If the County rejects the Record of Decision site for the Caja del Rio Substation, the BLM decision-maker who signed the ROD will consider alternate locations for the substation. BLM's evaluation of alternatives and decision will be through an Environmental Assessment. The Environmental Assessment will

be costly and time consuming, requiring perhaps \$1 million in costs that the BDD Project will be required to pay and about 18 to 24 months of elapsed time.

The BDD Project has paid PNM approximately \$1 million for all of the costs of distribution cables from the Caja del Rio substation site leased to PNM by the City of Santa Fe. The BDD Project would pay the costs of the distribution cables from any alternate approved substation site to the BRWTP. The cost would be approximately \$0.5 to \$1 million. Thus, the total additional cost of a County decision to reject the Caja del Rio substation site would be about \$2 million.

If the County rejects the Record of Decision site, the time delays inherent in selecting an alternative site that is on federal property prior to building the Caja del Rio substation are unacceptable. In that case, it is my professional recommendation that the BDD Board contract with PNM for service from a small temporary substation that would provide power only to the BRWTP in the interim. PNM and BDD Board engineers have determined that such a temporary substation is feasible. BLM has indicated it would probably approve a three-year right-of-way for this temporary substation and the 0.3-mile overhead distribution circuit from the substation to the Water Treatment Plant. The temporary substation and the overhead distribution line would be removed after the Caja del Rio Substation is finished.

#### QUALIFICATIONS

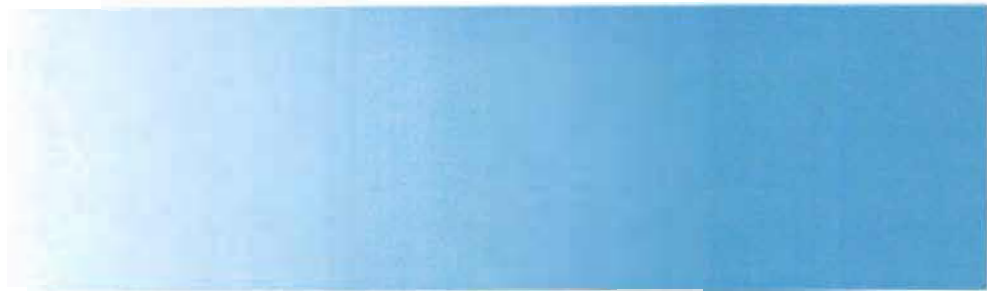
My qualifications to provide these professional opinions to the Buckman Direct Diversion Project Manager include my State of New Mexico professional engineering license, electrical and civil engineering degrees, 20 years of experience as a water utility engineer and manager, and my continuous technical involvement with the BDD Project since 2004, including involvement with the conceptual power supply requirements.

Please do not hesitate to ask if you have any questions.

c: Nancy Long



# Electric Substation for the Buckman Direct Diversion Project







# Substation Project

- **The Project is the construction of a new substation.**
- **PNM is requesting Master Plan Zoning / Preliminary and Final Development Plan approval for the substation to be located at the south side of County Road 62 west of Caja del Rio Road.**
- **The site is approximately 1 mile south of the newly constructed Water Treatment Plant and immediately adjacent to existing PNM electric transmission lines.**





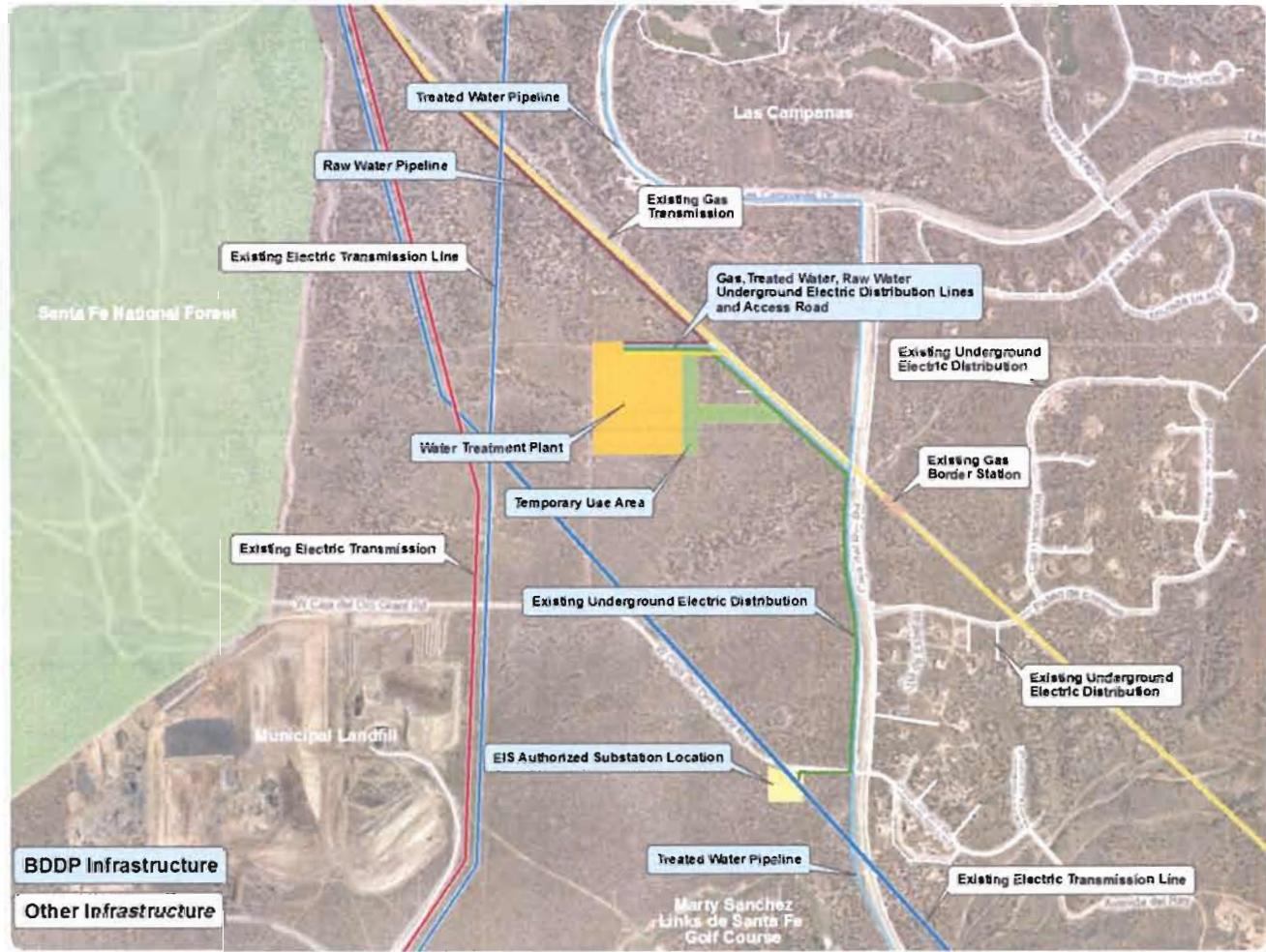
# Purpose & Need

**The Caja del Rio Substation is needed now:**

- **to serve the new Buckman Direct Diversion (BDD) Water Treatment Plant in Santa Fe County**
- **to provide additional capacity to serve growth in the area**



# Existing Utility Corridor







# Project Location



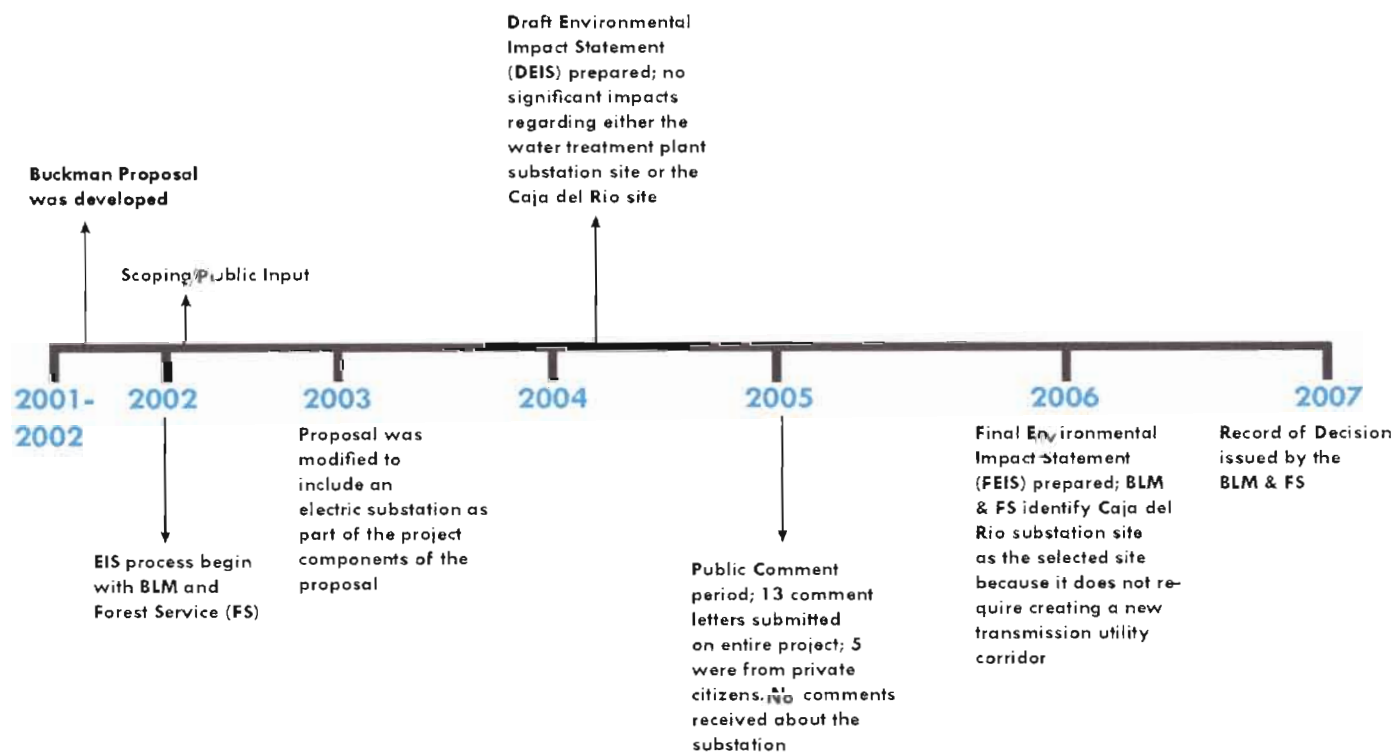


# Schedule

- **Water Treatment Plant will begin producing water on January 1, 2011.**
- **Caja del Rio Substation is needed as soon as possible.**
- **Testing of the Water Treatment Plant is starting now, and over time, power requirements will increase.**



# EIS Process 2002-2007





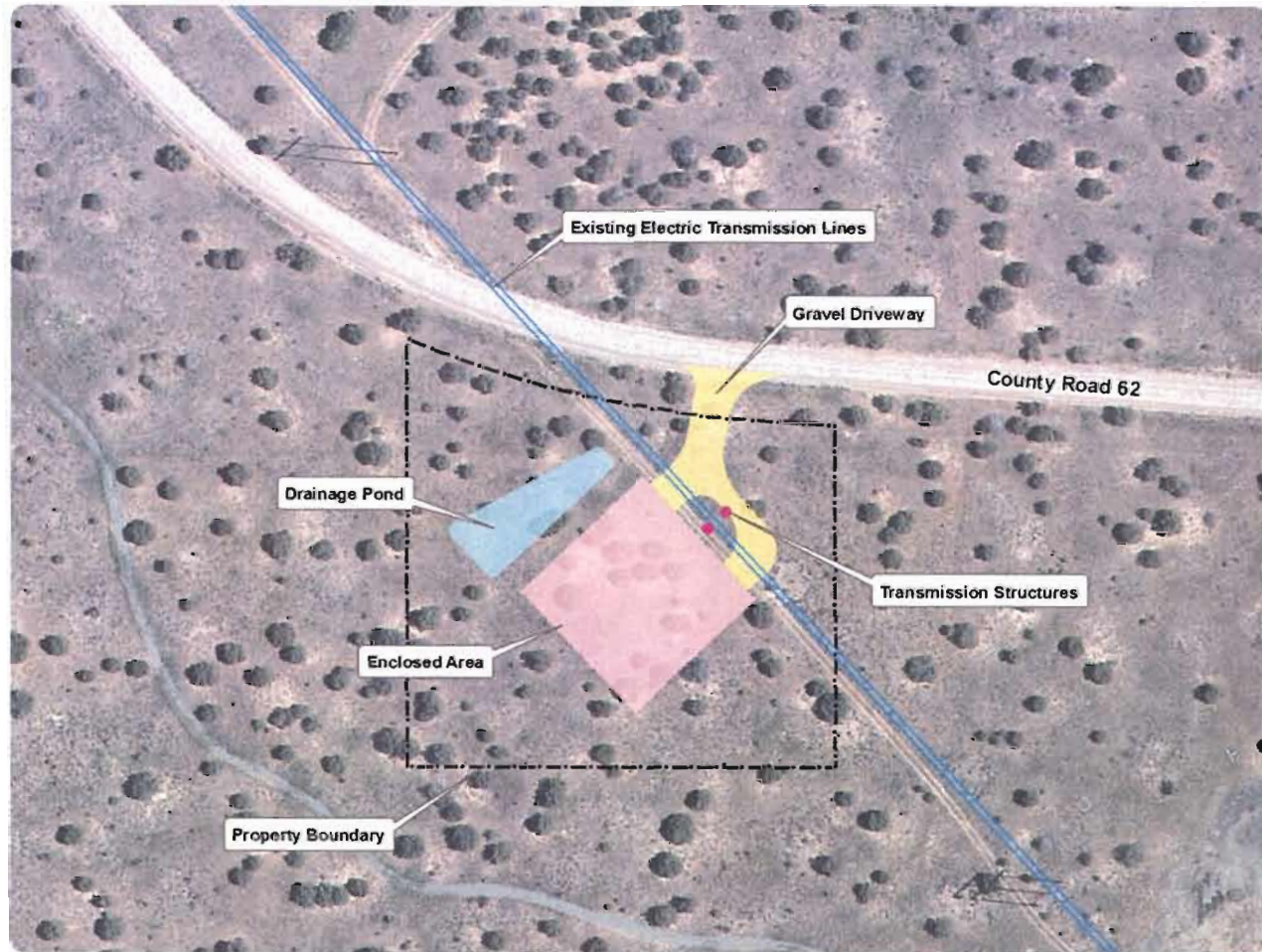


# History of Site Development

- The Caja del Rio Substation site is the EIS authorized site.
- On Feb. 28, 2007, the City Council approved the location of a new PNM substation to serve the Water Treatment Plant and found the substation to be compatible with recreation use.
- In the City's March 7, 2007 letter from Frank Archuleta, Community Facilities Manager, to the BDD, he states that, "...the use of the subject site is compatible with the recreational use of the MRC and will not adversely affect MRC operations."
- In March of 2008, the BLM authorized the City to allow a third party use on their patented land within the Municipal Recreation Complex.
- The City of Santa Fe granted the easement for the substation in 2008.



# Substation Site Plan







# Community Concerns

- **Notification Process**
- **PNM Construction Process**
- **Property Values**
- **Visual**
- **Compatibility**



## County Submittal Notification Requirements and Public Involvement

### Notification requirements met:

- Initial meeting with Santa Fe County, August 2009
- Noticing & Posting Requirements met (100' radius)
- Voluntary Open house held March 25, 2010 (hand-delivered letters outside 100' radius)
- Letters to residents regarding CDRC delays



# PNM Construction Process

- Acquired easement for the authorized EIS site from the City of Santa Fe.
- An electric service agreement was signed and entered into between PNM and BDD in Fall of 2008.
- Acquired permits from County Public Works.
- Due to accelerated schedule, parallel effort was made including the installation of distribution lines in early 2009.
- On critical path in preparation to meet BDD schedule.



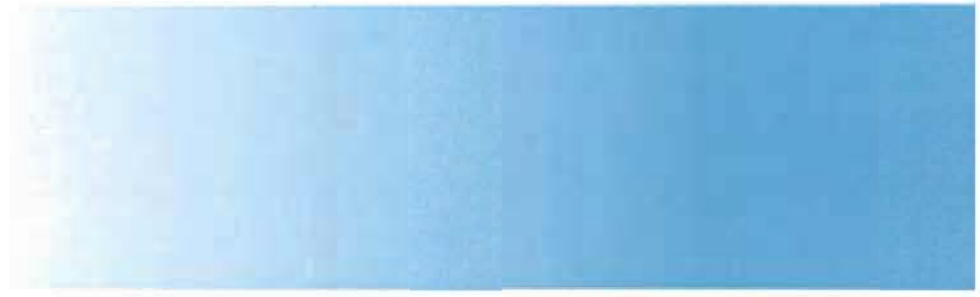


# Property Values

- **PNM believes that property values will not be affected.**
- **If any effects have been noted in studies, they tend to dissipate rapidly as distance from the electric facilities increase and typically disperse at around 200 – 500 feet. Any effects also tend to dissipate over time, as well and all but disappear in 5 years.**
- **The closest house is approximately 700 feet from the site.**



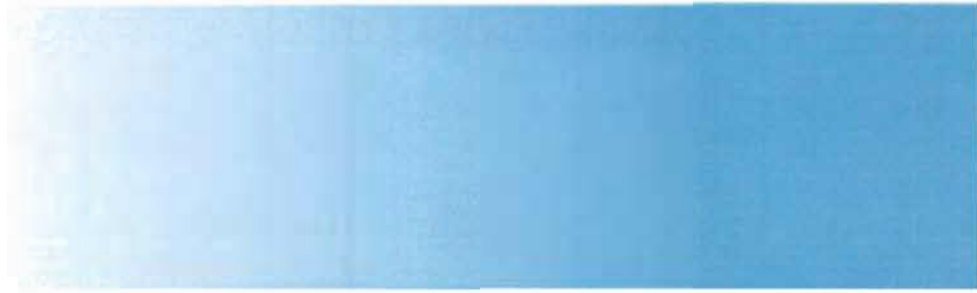
# Existing Conditions – Viewpoint 1







# Photo Simulation – Viewpoint 1







# Existing Conditions – Viewpoint 1 Revised



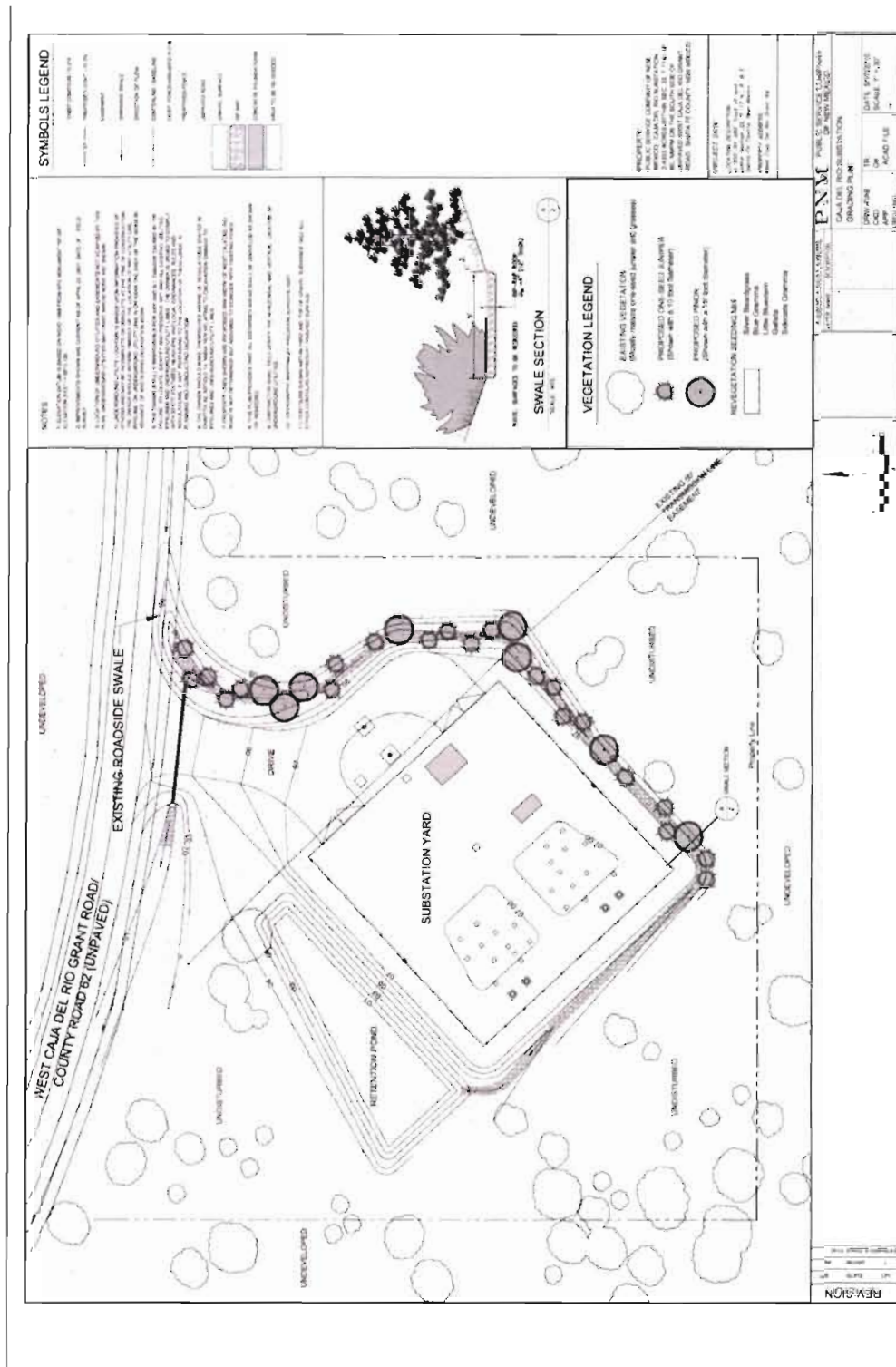


# Photo Simulation – Viewpoint 1 Revised





# Visual Mitigation

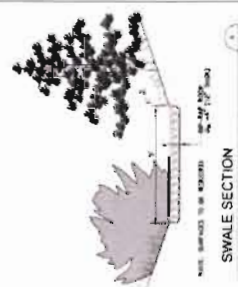


**SYMBOLS LEGEND**

- [Symbol] EXISTING PAVED ROAD
- [Symbol] UNDEVELOPED
- [Symbol] EXISTING ROADSIDE SWALE
- [Symbol] PROPOSED SWALE
- [Symbol] PROPERTY LINE
- [Symbol] UNDEVELOPED
- [Symbol] UNDEVELOPED
- [Symbol] UNDEVELOPED

**NOTES**

1. ALL VEGETATION SHALL BE PLANTED WITHIN THE SPECIFIED PLANTING AREAS.
2. ALL PLANTINGS SHALL BE IN ACCORDANCE WITH THE CITY OF DENVER TREE PLANTING SPECIFICATIONS (TPS).
3. ALL PLANTINGS SHALL BE IN ACCORDANCE WITH THE CITY OF DENVER TREE PLANTING SPECIFICATIONS (TPS).
4. ALL PLANTINGS SHALL BE IN ACCORDANCE WITH THE CITY OF DENVER TREE PLANTING SPECIFICATIONS (TPS).
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8. ALL PLANTINGS SHALL BE IN ACCORDANCE WITH THE CITY OF DENVER TREE PLANTING SPECIFICATIONS (TPS).



**VEGETATION LEGEND**

- [Symbol] EXISTING VEGETATION: Small trees (12" DBH) and Large trees (18" DBH)
- [Symbol] PROPOSED VEGETATION: Small trees (12" DBH) and Large trees (18" DBH)
- [Symbol] PROPOSED VEGETATION: Small trees (12" DBH) and Large trees (18" DBH)
- [Symbol] PROPOSED VEGETATION: Small trees (12" DBH) and Large trees (18" DBH)

<p><b>PROJECT INFO</b></p> <p>PROJECT NAME: [ ]</p> <p>CLIENT: [ ]</p> <p>DATE: [ ]</p> <p>SCALE: 1" = 20'</p>							
<p><b>REVISED</b></p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>		NO.	DATE	DESCRIPTION			
NO.	DATE	DESCRIPTION					
<p><b>DESIGNER</b></p> <p>NAME: [ ]</p> <p>PHONE: [ ]</p> <p>EMAIL: [ ]</p>							





## Existing Conditions – Viewpoint 2





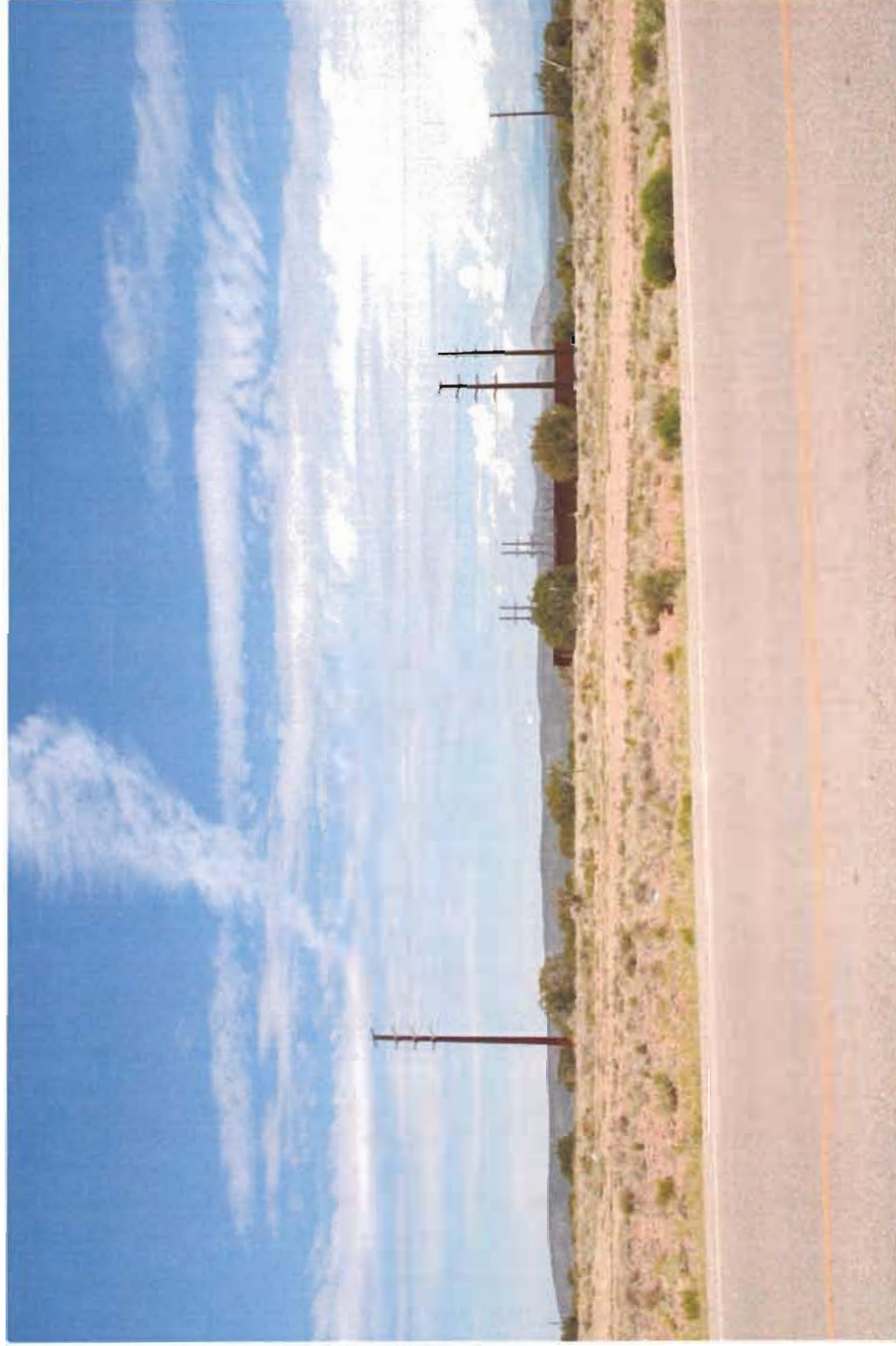
# Photo Simulation – Viewpoint 2 - Fence







# Photo Simulation – Viewpoint 2 – Wall







# Photo Simulation – Viewpoint 2 – Landscape





# Compatibility

- **PNM facilities are located throughout Santa Fe County and are permissive in all zones.**
- **It is not unusual for a substation to be near or in a residential area or a recreational use area.**
- **City Council approved the site on Feb. 28, 2007 and found the substation to be compatible with recreation use.**



# Request for BCC Approval

In summary, PNM is requesting Master Plan Zoning Preliminary & Final Development Plan approval of the Caja del Rio Substation site.

1. This is a permissive land use.
2. The Caja del Rio site is the site before you today for a final decision; there is no approved alternative site.
3. It is located in an existing utility corridor.
4. Followed the process and met all legal requirements.



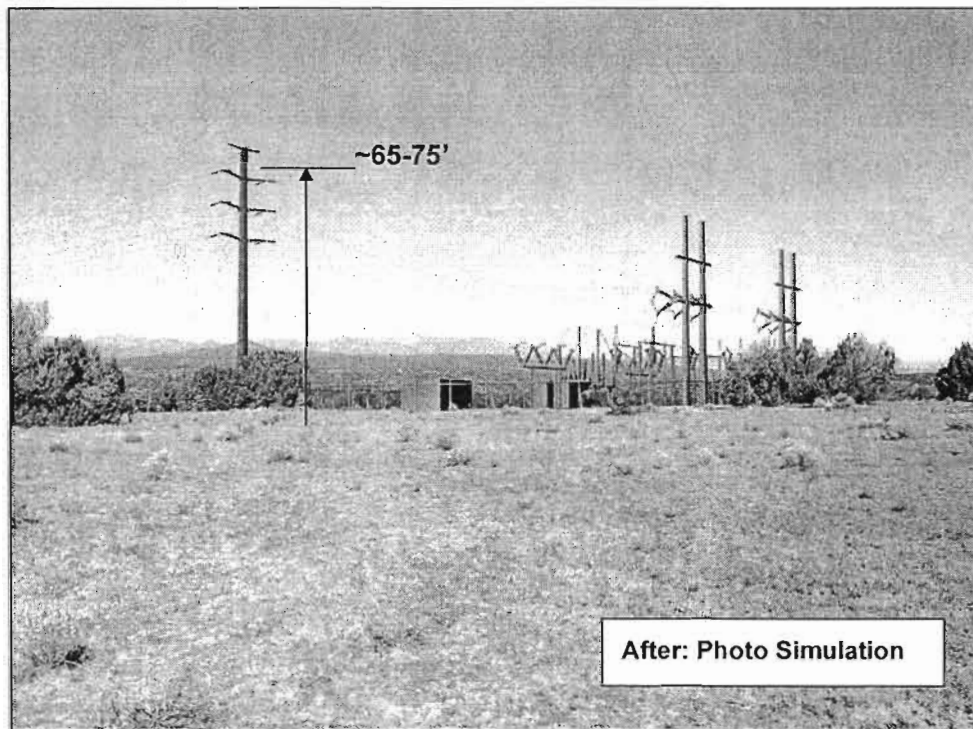
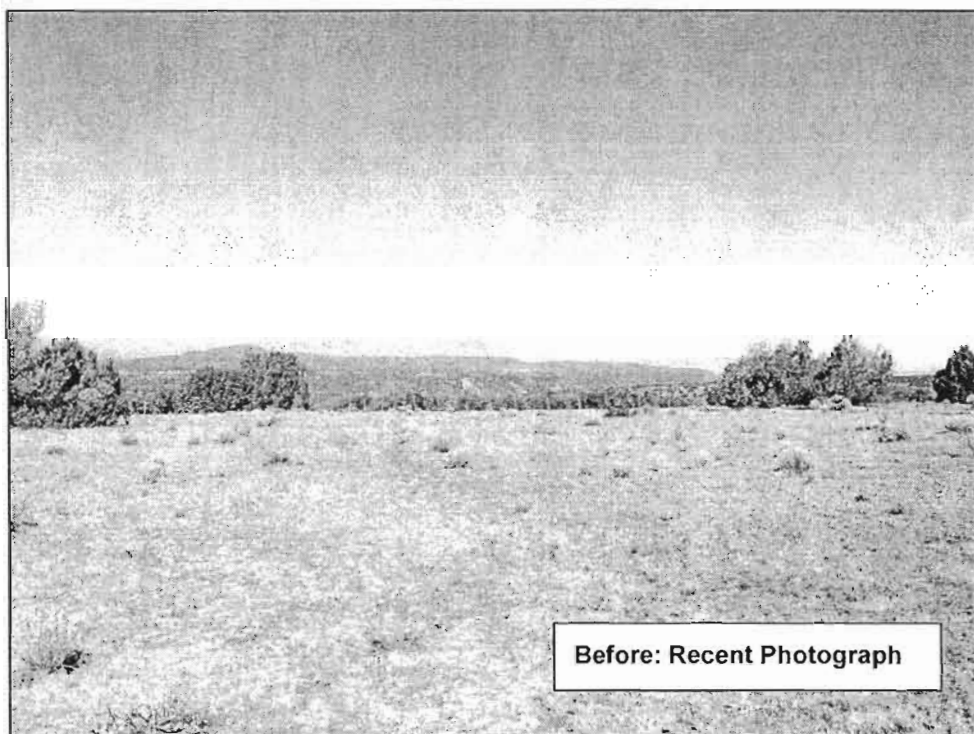


Figure 21. Photographic simulation of proposed substation and 115 kV above ground line at MRC WTP, looking northwest at Position 2 on Figure 19.

SFC CLERK RECORDED 09/15/2018

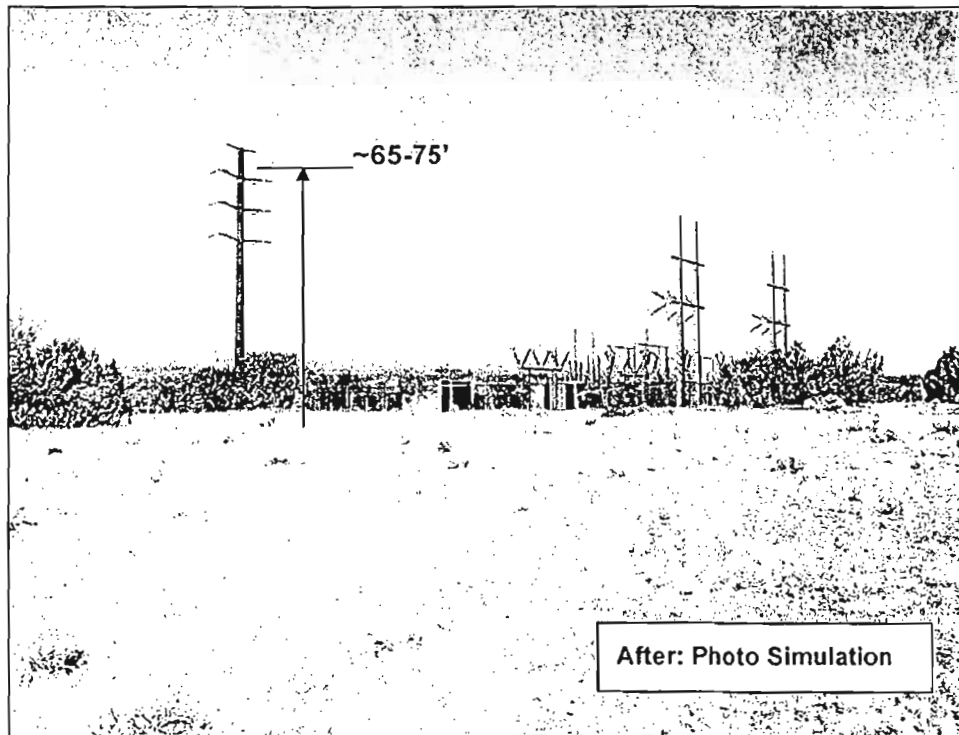
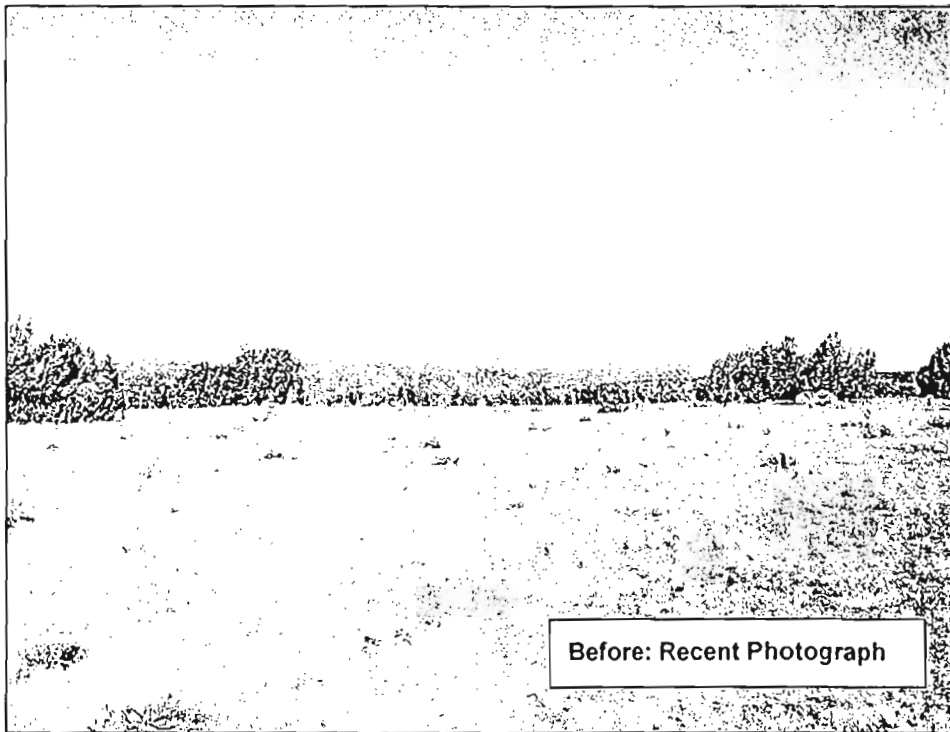


Figure 21. Photographic simulation of proposed substation and 115 kV above ground line at MRC WTP, looking northwest at Position 2 on Figure 19.



August 5, 2010

Attn: Wayne Dalton  
Santa Fe County

This letter is to inform you that an agreement has been made between Gloria Tapia, owner of Track 1, 312 Rabbit Road to grant Gerald Medina an additional 18' feet access easement along existing 16' feet access easement recorded in Book 430, Page 541-5. In exchange Mr. Medina has agreed to deed a 20' by 329 feet parcel of property (6,580 square feet) as per Plat along the northeast boundary of his property located at 312C Rabbit Road to Ms. Gloria Tapia. In addition a Road Maintenance Agreement needs to be agreed upon.

Sincerely,

Gloria Tapia, Owner

*Gloria Tapia*

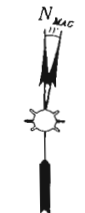
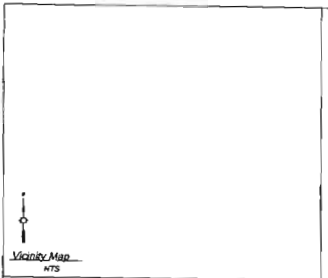
The undersigned Notary Public certifies that Gloria Tapia, personally known to be the same person whose name is subscribed to the foregoing document, appeared before me in person, and acknowledged the signature and delivery of this instrument as her free and voluntary act, for the uses and purpose therein set forth.

Notary Public Signature: Inene Patterson

Date: 8-5-10 Commission Expires: 9-24-10

SFC CLERK RECORDED 09/15/2010





- LEGEND**
- INDICATES 1/2" REBAR W/YELLOW PLASTIC CAP "M TRUJILLO 12130" SET THIS SURVEY
  - INDICATES POINTS FOUND AS NOTED
  - INDICATES CALCULATED POINT NOT SET
  - INDICATES UTILITY BOX
  - - - INDICATES WIRE FENCE
  - - - U INDICATES UTILITY POLE W/OVERHEAD UTILITY LINES

REFERENCE AND BASIS OF BEARINGS:  
BEARINGS BASED ON GPS OBSERVATIONS USING TRIMBLE S800 RECEIVERS, RTK MODE, WGS84 LOCAL

**SURVEYOR'S CERTIFICATE**  
I, MICHAEL V. TRUJILLO, N.M.P.S. No.12130, HEREBY CERTIFY THAT THIS PLAN AND THE SURVEY ON WHICH IT WAS BASED WAS MADE BY ME OR UNDER MY DIRECTION AND CONTROL, AND THAT THE DATA SHOWN HEREON ARE TRUE AND CORRECT. I FURTHER CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS.

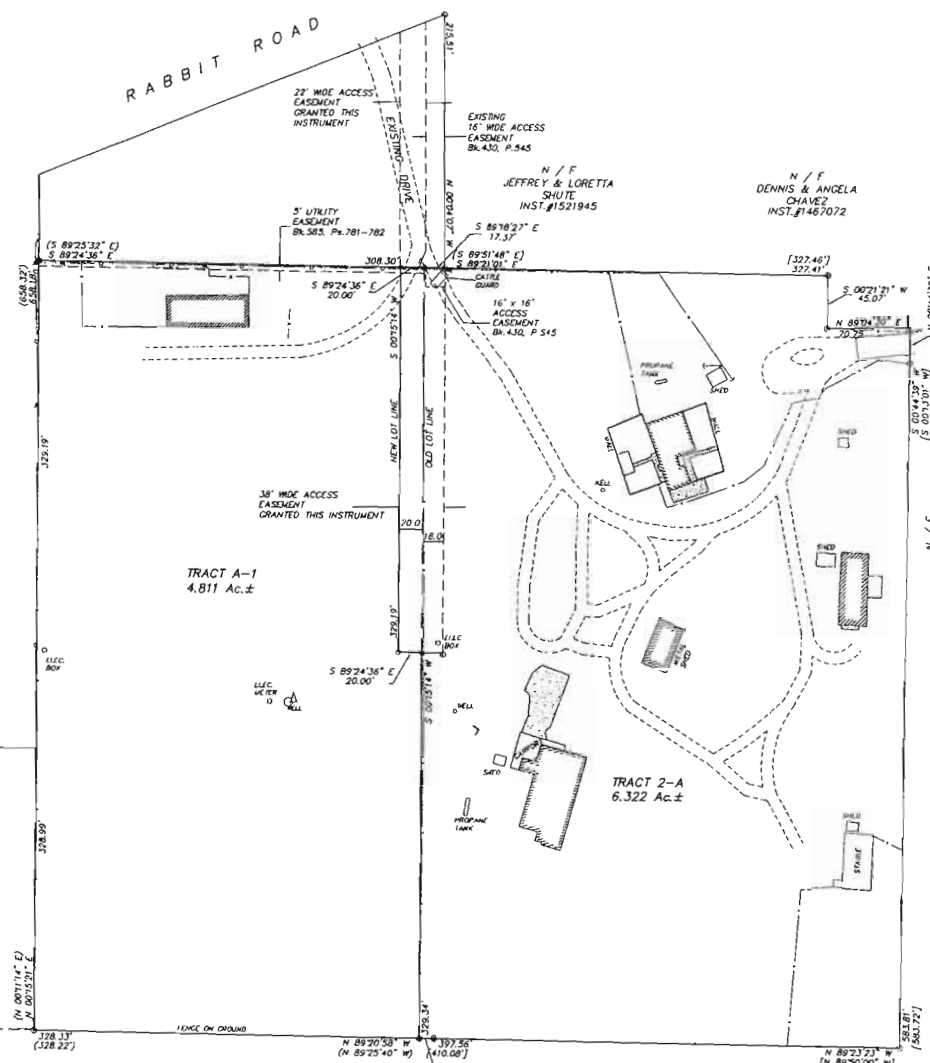
MICHAEL V. TRUJILLO, N.M.P.S. No.12130 DATE \_\_\_\_\_

N / F  
CHARLES SMITH  
BK.2229, P.966

TRACT A-1  
4.811 Ac.±

TRACT 2-A  
6.322 Ac.±

RABBIT ROAD



N / F  
RUDY & MARCELLA  
GONZALES  
BK.460, P.931

N / F  
EKKEHARO & MELANIE  
KOCH  
INST.#1448198

U.P.C. No. 1-052-095-145-036 TRACT A-1  
U.P.C. No. 1-052-095-182-038 TRACT 2-A

**DEDICATION / AFFIDAVIT**

KNOW ALL MEN BY THESE PRESENTS: THAT THE UNDERSIGNED OWNERS HAVE CAUSED TO BE REPLATED THE LANDS SHOWN HEREON, LYING AND BEING SITUATE WITHIN THE COUNTY OF SANTA FE, NEW MEXICO. ALL THAT APPEARS ON THIS PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS. THIS DIVISION LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF SANTA FE, NEW MEXICO.

XLR, LLC  
GERALD MEDINA  
GLORIA TAPIA  
STATE OF NEW MEXICO }  
COUNTY OF SANTA FE } SS

THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010, BY THE PERSON WHOSE NAME APPEARS ABOVE.

**SANTA FE COUNTY APPROVAL NOTES AND CONDITIONS**

COUNTY LAND USE ADMINISTRATOR \_\_\_\_\_ DATE \_\_\_\_\_  
COUNTY DEVELOPMENT PERMIT No. \_\_\_\_\_  
RURAL ADDRESSING \_\_\_\_\_ DATE \_\_\_\_\_

**MAINTENANCE OF PRIVATE ACCESS EASEMENTS, UTILITY EASEMENTS AND/OR PRIVATE ROADWAYS IS NOT THE RESPONSIBILITY OF SANTA FE COUNTY, UNLESS DEDICATED AND ACCEPTED FOR MAINTENANCE BY THE SANTA FE COUNTY PUBLIC WORKS DEPARTMENT AND THE BOARD OF COUNTY COMMISSIONERS.**  
THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT INCLUDING BUILDING PERMITS. ALL STANDARD COUNTY PERMITS AND FEES MUST BE IN PLACE PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITY OF ANY KIND. DEVELOPMENT PERMITS FOR BUILDING CONSTRUCTION WILL NOT BE ISSUED UNTIL REQUIRED IMPROVEMENTS FOR ROADS, FIRE PROTECTION, TERRAIN MANAGEMENT, AND DRAINAGE ARE COMPLETED AND APPROVED.  
ACCORDING TO FEMA FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL No. 53040C-05790 DATED JUNE 13, 2008 THIS PROPERTY LIES OUTSIDE THE LIMITS OF THE 100-YEAR FLOOD PLAIN IN ZONE X. THIS DESIGNATION DOES NOT GUARANTEE THAT THE PROPERTY WILL BE FREE FROM FLOODING OR FLOOD RELATED DAMAGES.  
BUILDABLE AREAS ARE DEPICTED HEREON. THE BUILDABLE AREAS INDICATED HAVE SLOPES OF LESS THAN 15%.  
THE TRACTS SHOWN HEREON LIE OUTSIDE OF THE URBAN WILDLAND INTERFACE ZONE AS DEFINED BY THE SANTA FE COUNTY FIRE DEPARTMENT. FIRE SPRINKLERS AND/OR FIRE STORAGE MAY BE REQUIRED.

N / F  
MARC MACALLISTER  
NO RECORDING INFORMATION

N / F  
RICK MACALLISTER  
BK.631, P.181966

COUNTY OF SANTA FE }  
STATE OF NEW MEXICO } SS  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND WAS DULY RECORDED IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OF THE RECORDS OF SANTA FE COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE  
VALEDIE ESPINOSA  
COUNTY CLERK, SANTA FE COUNTY, NM  
DEPUTY

ASSOCIATED SURVEYS		LOT LINE ADJUSTMENT FOR		SCALE
MICHAEL V. TRUJILLO N.M.P.S. No.12130		XLR, LLC TRACT A-1 & GLORIA TAPIA TRACT 2-A		1" = 50'
1120 CAMINO CONSURLO SANTA FE, NEW MEXICO 87507 PH. 424-1385		WITHIN THE S.E.1/4, S.W.1/4 SECTION 10, T.16N., R.9E., N.M.P.M. SANTA FE COUNTY, NEW MEXICO		DATE MAY 5, 2010
				DRAWN-BY
				CHECKED-BY
				M.V.L.
				PROJECT No.
				410-64 L-362